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SENATE—*Wednesday, September 8, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, You know us as we really are. You know the inner person behind our highly polished exteriors; You know when we are tired and need Your strength; You know about our worries and anxieties and offer Your comfort; You understand our fears and frustrations and assure us of Your presence; You feel our hurts and infuse Your healing love. Flood our inner beings with Your peace so that we can live with confidence and courage.

You have told us that to whom much is given, much is required. Thank You that You have taught us also that of whom much is required, much shall be given. Lord, You require a great deal of the women and men of this Senate. Provide them with an extra measure of Your strength, wisdom, and judgment for the crucial work of this next session of the 106th Congress.

We thank You for all the people who make it possible for the Senate to function effectively. Especially, we thank You for the Senators' staffs and all those here in the Senate Chamber who work cheerfully and diligently for long hours to keep the legislative process moving smoothly. Help us to take no one for granted and express our gratitude to everyone.

Now we commit this day to You, for You are our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator BURNS is recognized.

Mr. BURNS. I thank the Chair.

I welcome our colleagues back from the August recess.

SCHEDULE

Mr. BURNS. Mr. President, today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate will stand in recess until 2:15 p.m. so that the weekly party conferences can meet. Following the conference meetings, the Senate will move to executive session for the consideration of two judicial nominees. Therefore, Senators can expect two consecutive votes at 2:15 today.

When the Senate returns to legislative session, it will resume consideration of the Interior appropriations bill. Amendments are expected to be offered, and therefore Senators can expect additional votes throughout today's session.

It is hoped that the Senate can complete the Interior appropriations bill on Thursday at a reasonable time. As a reminder, there will be no votes on Friday in observance of the Rosh Hashanah holiday. The majority leader looks forward to a productive legislative period as we complete the appropriations process, and he thanks all Senators in advance for their cooperation.

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, as in executive session, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to executive session to consider Calendar Nos. 173 and 175.

I further ask unanimous consent that following 5 minutes of debate equally divided in the usual form, the Senate then proceed immediately to two consecutive votes on the confirmation of the nominations with no intervening action or debate. I also ask unanimous consent that following the votes on the nominations, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. I also ask unanimous consent that it be in order to ask for the yeas and nays at this time on both nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Therefore, I now ask for the yeas and nays on Calendar Nos. 173 and 175.

The PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. I ask unanimous consent that the period of morning business be divided as follows: Senator DASCHLE or his designee in control of the first 30 minutes; Senator THOMAS in control of the second 30 minutes.

I further ask consent that immediately following the use or yielding back of those times, the Senate stand in recess until 2:15 today for the weekly policy luncheons.

I further ask unanimous consent that following the votes at 2:20, Senator FEINGOLD be recognized to speak in morning business for up to 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes, followed on our side by Senator BOXER and Senator DORGAN, 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

EAST TIMOR

Mr. WELLSTONE. Mr. President, while Senator FEINGOLD is in the Chamber, I wish to indicate my support for his effort—our effort—to make it crystal clear to the Government of Indonesia that the brutal murder of the men and women of East Timor has to stop, that we will hold the Government of Indonesia accountable, that we will

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

do everything we can to exert our leverage, including the question of whether there will be any financial assistance, and that the world community is watching. We want to communicate from the floor of the Senate our support to the people of East Timor.

CBS-VIACOM MERGER

Mr. WELLSTONE. Mr. President, before going to the main topic of my remarks, I wish to briefly speak about a story today in the papers that I just think Senators, Democrats and Republicans, must take note of. This is the report. Top executives of CBS and VIACOM will be huddling today with top officials of the Federal Communications Commission. CBS-VIACOM executives will be lobbying the FCC to approve their proposed merger and to relax FCC restrictions on media concentration.

Mr. President, I think that FCC Chairman Kennard has done an excellent job, but I do believe this private meeting would be improper and inappropriate. I think the meeting should be held in public. I think the public needs to know what is going on. I say this because I cannot think of anything more frightening in a representative democracy than to continue to see this consolidation of media, these media mergers, and this concentration of power over the flow of information.

I think this is a terribly important question. I think it goes to the heart of the functioning of our democracy. Our democracy depends upon citizen access to a wide and divergent range of views and information. We depend upon a free and independent media that will hold both private and public power accountable to people. This dramatic surge in media concentration makes this more difficult. It makes it more difficult for our media to perform these essential functions. I believe we are seeing a breathtaking, frightening concentration of power in the media over the flow of information, and I think it constitutes a direct threat to our democracy.

I hope this meeting and this debate will take place publicly and that there will be meaningful coverage by the major media in our country of this proposed merger of CBS and Viacom. The public needs to be engaged in this debate. This is a serious and important question. Media concentration is a real threat to our representative democracy.

(Mr. BURNS assumed the Chair.)

FAMILY FARMERS

Mr. WELLSTONE. Mr. President, I will take a brief period of time today, I say to my colleagues and to the Chair who cares deeply about this issue as well, I intend to take the time I need to give a report to the Senate and to the country about what is happening in agriculture. I say this to the Chair who I know cares deeply about this.

I have spent most all of August organizing with farmers. I have spent almost all my time in our agricultural and rural communities. I can tell my colleagues that we are now experiencing an economic convulsion, and on our present course we are going to lose a whole generation of farmers and producers. This is not just a battle or a struggle for a fair price for family farmers, it is a struggle for the survival of our rural communities.

I spent time in northwest Minnesota, in southeast Minnesota, in west central Minnesota, and then in southwest Minnesota, at one farm gathering after another. The good news is that many farmers turned out for our meetings, and that made me proud as a Senator. The bad news is that people are in such economic pain. The bad news is that people are in such desperate shape. The bad news is that people who have worked so hard and are asking for nothing more than a decent price so they can have a decent standard of living to give their children the care they know they need and deserve are not getting a decent price.

This Congress has to take action, and it has to take action this fall. We can get the emergency financial assistance out to people. Because of the way we are doing it, too much assistance will be going to some people who do not need it as much, and not enough will be going to many people who need it more. But it is a price crisis and we have to get the price up. We need to take the cap off the loan rate. We need to give the producer some leverage in the marketplace—with a farmer-owned reserve—and the ability to extend the payback period of the loan rate. We need to give our producers a fair shot. We need to get the prices up. Our farmers do not have cash-flow and they are going to be driven off the land.

I believe our country will deeply regret what is now happening in agriculture. It is a food scarcity issue. Who is going to farm the land? Are we going to have affordable food? Is it going to be food that is healthy and safe for our families? What about the environment? What about the whole idea of pattern of land ownership?

So much is at stake for America, but I do not think this crisis, of which the Presiding Officer is aware, is breaking through. No amount of self-reliance is going to help the farmers, given the prices they are getting for wheat, corn, and soybeans. Our livestock producers are faced with the most outrageous situation: they find themselves confronted with a few packers who control almost all of the market in terms of whom they can sell to.

Yesterday in Iowa we had an important hearing with Senator GRASSLEY and Senator HARKIN, and we had several hundred farmers there. I said that we should have a moratorium on all mergers and acquisitions and marketing agreements between agribusinesses with revenues over $50 million until the Congress reviews the antitrust laws. I am going to bring this moratorium to the floor, speaking about concentration of power.

Whatever happened to the Sherman Act and the Clayton Act and the work of Senator Kefauver? What does it mean when we have a few packers and they control almost all of the market? What does it mean, with our livestock producers facing extinction and IBP and ConAgra and a lot of these large outfits making record profits?

Mr. President, this is an injustice. I am telling Democrats and Republicans, we have to make it a priority and we have to push through legislation over the next 2 months that will make a difference. A lot of these farmers are going to be gone if we don't. I speak today to give a brief report, although I am going to start coming to the floor and talking at great length about the number of farmers we are losing.

Tracy Beckman, who directs the Farm Services Administration, has figures on all our counties, on what an emergency situation this is, on what a crisis situation this is, and on what we can do. We can take the cap off the loan rate. We can rewrite the farm bill. Freedom to Farm has become the "Freedom to Farm for No Money," the "Freedom to Fail." We have to change the farm bill. We have to take some antitrust action. We have to be on the side of family farmers and producers. We have to make sure they get a fair price. We have to have a fair trade policy and we need to do it now. Speeches are not enough.

Rural American farmers, when you come here next week, turn up the heat. When you meet with Senators and Representatives, turn up the heat. Ultimately, it is going to take rural America raising heck in order to turn this situation around.

This August, for me, was the most difficult during my time in the Senate. It was the most emotional 3 weeks I ever spent with people in my State. I say to the Senator from California, who is a good friend, what happens at these farm gatherings is that people will say to you: Thanks for caring, it makes me feel good. And you reach out to shake their hand, and they are crying, just crying because they are going to lose everything. Their farm has been in the family for generations. It is where they work, it is where they live, and they are going to lose it all. The implement dealers, the bankers, the educators, the hospital people, and the health care people all say: Our rural communities are going to be ghost towns.

This is needless suffering. This does not have to be. This is not Adam

Smith's invisible hand. It is not some law of gravity. The only inevitability about what is happening to family farmers is the inevitability of a stacked deck. If we change policies and give them leverage so they can get a decent price in the marketplace, if we take on some of these conglomerates and put free enterprise in the food industry, and if we move forward on trade policy, we can make a huge difference.

This is an issue that goes to the heart and soul of what America is about. America, if you are listening to what we are saying in the Senate, this is all about the country, this is about food scarcity, this is about getting food at a price you can afford. It is about who is going to own the land. This is about whether or not we are going to have a rural America. This is about whether we are going to have a few conglomerates muscle their way to the dinner table and exercise their power over all phases of the industry—over the producers, over the consumers, over the taxpayers—or whether we are committed to a family farm structure in agriculture.

I come from a State, Minnesota, where family farmers are really important. They are so important to my State, but they are important to our country. I hope and pray over the next 2 months we will take action in Congress that will make a positive difference and will change this policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before I begin my remarks, I ask unanimous consent that Senator FEINGOLD and Senator REED each be given 10 minutes at the conclusion of Senator DORGAN's time. Of course, if people from the other side want that courtesy, we will be happy to support that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, before Senator WELLSTONE leaves the floor, I thank him. I thought his comments were very poignant, and what he is addressing is some of the unfinished business of this body, things we have to take care of. Certainly one of them is the problems of the family farmer.

EAST TIMOR

Mrs. BOXER. Mr. President, I add my voice in praising Senator FEINGOLD for his leadership in the Foreign Relations Committee, on which I serve, on this whole issue of East Timor.

There are some things we can do very quickly in the Senate to send a message to Indonesia that we will not stand by and see this violation of human rights occur. We have some leverage. We have some agreements. We can make a difference.

THANKING THE CHAPLAIN

Mrs. BOXER. Mr. President, I thank the Chaplain today for his very inclusive prayer, calling to our attention the things we take for granted, the good people around here who work so hard and always do it in a way that makes us feel as though we are not asking them to work very hard, and we are asking them to work very hard. They are always pleasant. That includes the staff on both sides. I thank the Chaplain for that.

UNFINISHED BUSINESS

Mrs. BOXER. Mr. President, I rise today, first of all, to say it is good to be back in the Senate because I am very hopeful we can do something, in the remaining days and weeks we have, to make life better for the people we represent. I also have had some wonderful interaction with the people of my State. They have some very strong opinions on many of the issues facing us.

I think the message I got more than anything was, can't you get together on both sides of the aisle and address the issues that impact our daily lives? I certainly think that is an appropriate sentiment.

That is not to say that the Congress shouldn't be doing its oversight investigations, be it the Waco incident or what has occurred in Russia. I am not against any of that. I am for that. But we have to do everything around here. We have to do the oversight, but we also have to pay attention to business.

There is an article in today's Washington Post written by Elizabeth Drew, who wrote a book called "The Corruption of American Politics: What Went Wrong and Why." She has a very interesting article called "Try Governing for a Change." She says to Congress: Welcome back. We hope you had a nice vacation. We hope you will use the few weeks that remain to govern, rather than to position yourselves politically.

That is my message today. We have unfinished business. I will go through some specifics. I am not going to just stand up and talk in generalities. I want to be specific.

One of the first things we have to deal with is school safety. Our children are back at school. We have provisions in the juvenile justice bill that are now in conference that can make schools safer. We also have provisions in the commerce bill that will make schools safer. What are some of these?

The Gregg-Boxer amendment that is in the Commerce bill, which would provide $200 million for school safety activities, including security equipment, hiring more police officers, and violence prevention programs for our children, is a bipartisan provision. It passed overwhelmingly. It ought to move forward. We ought to have that help for our schools.

The gun control provisions in juvenile justice that are so very important and, might I add, are not radical—they are very moderate—I want to see us pass.

We closed the gun show loophole that allowed criminals to get guns at gun shows without going through background checks. We banned the importation of high-capacity ammunition clips which are used in semiautomatic assault weapons. We required child safety devices be sold with every handgun. We required the Federal Trade Commission and the Attorney General to study the extent to which the gun industry is marketing its products to our students, our children. We made it illegal to sell or give a semiautomatic weapon to anyone under the age of 18. That is an assault weapon.

These are very simple. They are very straightforward. We passed them in the Senate, and they are in conference. I have yet to see that conference committee meet. I certainly hope it will. I look forward to the opportunity for getting the people's business of protecting our children done. That is school safety.

We have a lot of other unfinished business. There are not that many things but they are all very important. We have the issue of saving Medicare—a very important part of the President's proposal, saving Medicare. We have to get down to it. We have to do it. We have the issue of paying down the debt. We have a huge debt. We have an opportunity with the surplus to pay it down and save all those interest payments on the debt that we continue to pay out every single day, $1 billion a day just to pay the interest payment on the debt that has accumulated since the 1980s. We ought to pay that down.

On the minimum wage, I was amazed to see a report in the Los Angeles Times about the condition of people who live in Los Angeles County. I know my friend, the Chaplain, is from that area. More than 20 percent of Los Angeles County residents live below the official poverty line. That is $16,450 a year for a family of four. This is reflective of a lot of people in our Nation. It is not just Los Angeles. When most people think of Los Angeles, they think of Hollywood. They think of millionaires. They have to understand what is happening to real people.

Twenty percent are living in poverty. One out of every three children in Los Angeles lives in poverty. If you go to Los Angeles and see little children, one out of three of them is living in poverty. That is up from one out of four in 1990.

You might say: Well, maybe it is just minority kids. No, it is a lot of children, across the board. It is 21 percent of Anglo children living in poverty; 21 percent of Asian American children are living in poverty in Los Angeles; 33 percent of African American children are living in poverty in Los Angeles; 43 percent of Latino children are living in poverty in Los Angeles; 12 percent of elderly people are living in poverty in Los Angeles, an increase from 9 percent in 1990; 2.7 million residents of Los Angeles County have no health insurance.

What I am saying is, when we talk about the minimum wage, this is real. Most of these people are working very hard. What is happening in our society today is people are working hard at the very bottom levels. I think the least we can do in this incredible economic climate that so many of us are benefiting from is to raise that minimum wage, save Medicare, help our seniors, pay down the debt, help the future, pass these safety provisions so our kids are safe in school, and pass a Patients' Bill of Rights. We have a watered down bill in the Senate but they are going to pass a good one in the House. Get them into conference and pass it, bring it out.

Finally, campaign finance reform is so important. Of all these issues I have mentioned, I am sad to say our majority leader has only put one on the agenda for his must-do list. That is campaign finance reform. I am glad it is there. It is there because there was a threat to shut down this place if it wasn't on there, but I am glad it is on the list. All of these other things are not there.

What is worse, when you look at the most important thing the Republican majority wants to do, it is going to hurt all these other things, because it is a huge tax cut of $800 billion that is going to help the people at the upper echelons and hurt everyone else. There won't be any money for Medicare. There won't be any money to save that program. There won't be any money to pay down the debt so we can be good to our grandchildren and their children. There won't be anything for education. There won't be anything for the environment.

I say to my friends, let's do what the people want us to do. Let us take care of business.

There was an extraordinary field poll done in California. I think it is very instructive, and it is amazing in the scope of what it said.

It said that more than 80 percent of the people of California agreed with the President's approach to the budget, which, as we know, is to take that surplus and use a third of it for tax cuts for the middle class, a third of it for Medicare, and a third of it for education, the environment, health research. Now, this means the majority of Republicans agree with the President on this point.

I think we have a golden opportunity to come together on issues that mean a lot to the people: school safety, a Patients' Bill of Rights, campaign finance reform, raising the minimum wage, saving Medicare, paying down the debt, targeted tax relief to the middle class, not to those at the very top who are doing very well.

And the reason I shared the survey with you on the poverty in Los Angeles is that while the economy is terrific and is going very well in California, the gap between the rich and the poor is growing mightily. Those of us who care about our fellow human beings cannot turn our backs on this, regardless of our party, because it is a recipe for problems in the future.

Mr. President, I thank you for your indulgence. I know my colleague, Senator DORGAN, has a lot to say on these and other matters. Again, I compliment my friends who are taking the lead on the East Timor situation. We have unfinished business to do. Let's get it done and do it across the party aisle and go home proud of our accomplishments.

I yield the floor.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the order of the Senate on July 22, the Senate having received H.R. 2670, the Senate will proceed to the bill, all after the enacting clause is stricken, the text of S. 1217 is inserted, H.R. 2670 is read the third time and passed, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL; Mrs. HUTCHISON of Texas, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. INOUYE, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. BYRD conferees on the part of the Senate.

(The text of S. 1217 is printed in the RECORD of July 27, 1999)

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, on October 6, 7, and 8, there will be a meeting in Vienna, Austria. It will be among countries that have ratified something called the Comprehensive Nuclear Test Ban Treaty. That treaty is embodied in this document I hold in my hand.

Now, what is the Comprehensive Nuclear Test Ban Treaty? It is a treaty negotiated by a number of countries around the world; 152 countries, in fact, have signed the treaty and 44 countries have ratified the treaty. It is a treaty designed to prohibit any further explosive testing of nuclear weapons anywhere in the world, at any time, under any condition.

This treaty ought to be an easy treaty for this country and this Senate to ratify. But we have not done so. At a time when India and Pakistan explode nuclear weapons literally under each other's chins—these are two countries that don't like each other—at a time when we have evidence of more proliferation of nuclear weapons into the hands of countries that want access to nuclear weapons with which to, in some cases, defend themselves, perhaps in other cases to terrorize the rest of the world, this country ought to be exhibiting leadership. It is our moral responsibility to provide leadership in the world on these issues. This country ought to provide leadership on the issue of the Comprehensive Nuclear Test Ban Treaty.

We have not ratified this treaty. At the meeting in Vienna, countries that have ratified it will participate in discussing the implementation of this treaty, and this country will not be an active participant. Great Britain, Belgium, Germany, Canada, Italy, Norway, Poland, and France will be but we will not. We are the largest nuclear superpower on Earth and we have not ratified this treaty.

What about nuclear weapons and nuclear war? I was in the presence of a nuclear weapon recently at a military installation. If you stand a foot or two away from a nuclear weapon and look at it, it is a relatively small canister-looking device that, upon explosion, will devastate portions of our Earth.

Going back nearly 40 years to an address by John F. Kennedy, he said something about nuclear weapons. In fact, he quoted Nikita Khrushchev:

> Since the beginning of history, war has been mankind's constant companion. It has been the rule, not the exception. Even a nation as young and as peace-loving as our own has fought through eight wars. A war today or tomorrow, if it led to nuclear war, would not be like any war in history. A full-scale nuclear exchange, lasting less than 60 minutes, with the weapons now in existence, could wipe out more than 300 million Americans, Europeans, and Russians, as well as untold numbers elsewhere. And the survivors, as Chairman Khrushchev warned the Communist Chinese, "the survivors would envy the dead." For they would inherit a world so devastated by explosions and poison and fire that today we cannot even conceive of its horrors.

This country and Russia have 30,000 nuclear weapons between them. Other countries want nuclear weapons, and they want them badly. To the extent that any other country cannot test nuclear weapons, no one will know whether they have a nuclear weapon that works. No one will have certainty that they have access to nuclear weaponry. That is why the Comprehensive Test Ban Treaty is so critical.

Now, where is it? Well, it is here in the Senate. It has been here 716 days, with not even 1 day of hearings. Not one. Virtually every other treaty sent to the Senate has been given a hearing and has been brought to the Senate floor and debated and voted upon. The issue of the proliferation of nuclear weapons and the stopping of explosive testing of nuclear weapons is not important enough to be brought to the Senate floor for a debate. It has been over 700 days. Not 1 day of hearings.

In October, this country, which ought to be the moral leader on this issue, will not be present as a ratified member at the implementing meetings for this treaty. Shame on us. We have a responsibility to do this. There are big issues and small issues in this Congress. This is a big issue and cannot be avoided.

Now, I am not here to cast aspersions on any Member of the Senate. But I waited here this morning to have the majority leader come to the floor—and he was not able to come to the floor—to describe the agenda this week. When he comes to the floor, I intend to come to the floor and ask him when he intends to bring this treaty to the floor. If he and others decide it will not come to the floor, I intend to plant myself on the floor like a potted plant and object. I intend to object to other routine business of the Senate until this country decides to accept the moral leadership that is its obligation and bring this treaty to the floor for a debate and a vote.

In a world as difficult as this world is, when countries such as India and Pakistan are detonating nuclear weapons, it is inexcusable, when so many other countries are trying to gain access to nuclear weapons for themselves, that this Senate, for over 2 years, has not been willing or able to allow a debate on a treaty as important as is this treaty. The banning of nuclear explosive testing all around the world at any time, anyplace, anywhere is critically important for our future, for our children, and for their children.

Now, my colleagues know—at least I hope some know—that I am fairly easy to work with. I enjoy the Senate. I enjoy working with my colleagues. I think some of the best men and women I have had the privilege of working with in my life are here on both sides of the aisle. I have great respect for this body. But this body, in some ways, is very frustrating as well because often one or two people can hold up something very important. In this circumstance, I must ask the majority leader—and I will today when given the opportunity when he is on the floor—when will we have the opportunity to debate this Comprehensive Test Ban Treaty.

That meeting in October should not proceed without this country providing a leadership role. The only way that can happen is for us to have ratified the treaty. China and Russia have not ratified the treaty; that is true. They are waiting on this country. India and Pakistan are now talking about detonating more nuclear weapons; that is true. They are asking others to implore one or the other to ratify this treaty. Both countries are waiting for this country's leadership. What kind of credibility does this country have to go to India and Pakistan and say to them, "You must ratify this treaty," and when they turn to us to say, "Have you?" we would say no? Somehow, the Senate could not, in 700 days, even hold 1 day of hearings on the Comprehensive Nuclear Test Ban Treaty.

We have to do better than that. I am sorry if I am going to cause some problems around here with the schedule. But frankly, as I said, there are big issues and there are small issues. This is a big issue. And I am flat tired of seeing small issues around this Chamber every day in every way, when the big issues are bottled up in some committee and the key is held by one or two people. Then we are told: If you do not like it, tough luck; you don't run this place. It is true, I don't run this place, but those who do should know this is going to be a tough place to run if you do not decide to bring this issue to the floor of the Senate and give us the opportunity to debate a Comprehensive Nuclear Test Ban Treaty. This will not be an easy road ahead for the Senate if you decide that this country shall not exercise the moral leadership that is our responsibility on these matters.

If I might with the remaining minute or so mention an editorial in the Washington Post from yesterday, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY A TEST BAN TREATY?

The proposed nuclear test ban treaty has been around so long—for 50 years—and has been so shrouded in political foliage that many people have forgotten just what it entails. The current debate about it centers on the Clinton administration's differences with the Russians on the one hand and with the Republicans on the other. But in fact the appeal of the treaty is a good deal simpler and more powerful than the debate indicates. This treaty would put an end to underground nuclear tests everywhere; tests above ground already are proscribed either by treaty or by political calculation. Its merits shine through.

Testing is the principal engine of nuclear proliferation. Without tests, a would-be nuclear power cannot be sure enough the thing would work to employ it as a reliable military and political instrument. Leaving open the testing option means leaving open the proliferation option—the very definition of instability. The United states, which enjoys immense global nuclear advantage, can only be the loser as additional countries go nuclear or extend their nuclear reach. The aspiring nuclear powers, whether they are anti-American rogue states or friendly-to-America parties to regional disputes, sow danger and uncertainty across a global landscape. No nation possibly can gain more than we do from universal acceptance of a test ban that helps close off others' options.

At the moment, the treaty is hung up in the Senate by Republicans desiring to use it as a hostage for a national missile defense of their particular design. This is curious. The obstructionists pride themselves in believing American power to be the core of American security. Why then do they support a test ban holdup that multiplies the mischief and menace of proliferators and directly erodes American power? The idea has spread that Americans must choose between a test ban treaty and a missile defense. The idea is false. These are two aspects of a single American security program, the one being a first resort to restrain others' nuclear ambitions and the other a last resort to limit the damage if all else fails. No reasonable person would want to cast one of these away, least of all over details of missile program design. Those in the Senate who are forcing an either-or choice owe it to the country to explain why we cannot employ them both.

The old bugaboo of verification has arisen in the current debate. There is no harm in conceding that verification of low-yield tests might not be 100 percent. But the reasonable measure of these things always has been whether the evasion would make a difference. The answer has to be that cheating so slight as to be undetectable by one or another American intelligence means would not make much difference at all.

The trump card of those who believe the United States should maintain a testing option is that computer calculations alone cannot provide the degree of certitude about the reliability of weapons in the American stockpile that would prudently allow us to forgo tests. This is a matter of continuing contention among the specialists. But what seems to us much less in contention is the proposition that, given American technological prowess, the risk of weapons rotting in the American stockpile has got to be a good deal less than the risk that other countries will test their way to nuclear status.

The core question of proliferation remains what will induce would-be proliferators to get off the nuclear track. Certainly a "mere" signature on a piece of paper would not stay the hand of a country driven by extreme nuclear fear or ambition. Two things, however, could make a difference. One is if the nuclear powers showed themselves ready to accept some increasing part of the discipline they are calling on non-nuclear others to accept, so that the treaty could not be dismissed as punitive and discriminatory. The other is that when you embrace the test ban and related restraints on chemical and biological weapons, you are joining a global order in which those who play by the agreed rules enjoy ever-widening benefits and privileges and those who do not are left out and behind.

President Clinton signed the test ban treaty, and achieving Senate ratification is one of his prime foreign policy goals. More important, ratification would make the world a safer place for the United States. Much still has to be worked out with the Republicans and the Russians, but that is detail work. The larger gain is now within American reach.

The editorial says the following:

The core question of proliferation remains what will induce would-be proliferators to get off the nuclear track. Certainly a "mere" signature on a piece of paper would not stay the hand of a country driven by extreme nuclear fear or ambition. Two things, however, could make a difference. One is if the nuclear powers showed themselves ready to accept some increasing part of the discipline they are calling on non-nuclear others to accept, so that the treaty could not be dismissed as punitive and discriminatory. The other is that when you embrace the test ban and related restraints on chemical and biological

> weapons, you are joining a global order in which those who play by the agreed rules enjoy ever-widening benefits and privileges and those who do not are left out and behind.

The point is that this country must demonstrate moral leadership on this issue and must do it now.

Seventy to eighty percent of the American people support the ratification of this treaty. Most American people understand that this issue is about who is going to have access to nuclear weapons in the future. And, incidentally, on the issue of nonproliferation of nuclear weapons, which is about as important an issue as there is for us, this is a baby step. If we can't take the baby step of ratifying this treaty, what on Earth will be the result of tougher, more difficult things we are called upon to do?

This isn't Republican or Democrat. It is a responsibility for all Members of the Senate to say it is outrageous that after 700 days, a treaty that has been signed and sent to the Senate has not been ratified or had one day of hearings. We have an obligation and a responsibility. We, in my judgment, have a right to expect this be brought to the floor for a debate and a vote.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming is recognized.

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I think we have 30 minutes assigned in morning business. I want to begin to talk about what I think is a very big issue; that is, the appropriations discussions that will take place on the Interior and related agencies which will start after morning business.

I would like to yield to my friend, the Senator from Arizona.

The PRESIDING OFFICER. We have time reserved for the Senator from Wisconsin. The Chair was alternating back and forth.

Mr. THOMAS. It was my understanding that we had an hour of time and half was ours and half of it was already used.

The PRESIDING OFFICER. They have time remaining. The Senate had a late start.

Mr. FEINGOLD. Mr. President, if I could be of help, it is my understanding they have 30 minutes and, subsequent to that, Senator REID and I will each have 10 minutes. That is my understanding of the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I thank the Senator from Wisconsin and I thank Senator THOMAS from Wyoming.

THE NUCLEAR TEST BAN TREATY

Mr. KYL. Mr. President, I just want to talk for a brief bit of time on the Interior appropriations bill and on some matters that are very important to people throughout this country, particularly in the West. But let me begin by making a comment about what the Senator from North Dakota has just said. In fact, he has said that he is going to threaten to bring the business of the Senate to a halt unless he gets his way, and what he wants to do is have a debate on the Comprehensive Test Ban Treaty.

There are a lot of important things facing this country. But to quote from the President of the United States, who very recently gave a talk about putting first things first, it seems to me that most of the American people would like to put first things first, and that would include matters such as the continuation of the running of the Government for the next year which would require us to pass appropriations bills to fund the various Departments of the Government, not the least of which is the Department of the Interior which is what we are going to be talking about next. There will be plenty of time to debate the Comprehensive Test Ban Treaty.

But in terms of the priority of this country, I think our colleagues need to understand that treaty can't even go into effect until 100 percent of the major countries of the world sign it. There are many countries that haven't signed it. It is going to be years before that treaty goes into effect. There is no rush for the United States to have to take up that treaty.

To be threatened with stopping all business of the Senate until it can debate the Comprehensive Test Ban Treaty, I hope my colleague will reconsider his position on that. We talk about what I consider to be first things first, and that would be to finish our business here, which is, first of all, to get the appropriations bills passed and sent to the President for his consideration.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Mr. KYL. Mr. President, one of the appropriations bills we have yet to act upon is the Interior appropriations bill, as Senator THOMAS pointed out. He comes from the State of Wyoming. I come from the State of Arizona. Practically every State west of the Mississippi is significantly impacted by this bill because, as I am sure you are well aware, Mr. President, coming from the State of Montana, more than a third of this Nation's lands are owned by the Federal Government. Most of those are in the western United States. Many of those lands are under the jurisdiction of the Department of the Interior.

This is an extraordinarily important bill for the people of our States. I just want to discuss one aspect of it that is very important for my State of Arizona and other States in the western United States.

We have a very difficult condition in our national forests now. They have been probably—I think it is not too strong a term—"mismanaged" over the years. It has been a combination of things. It has been the combination of the Forest Service, the Department of Agriculture, the Department of the Interior, the grazing on public lands, the way that fire suppression has taken off, and some other things which have resulted in the condition where, instead of healthy forests of large trees that have great environmental value and value to the other flora and fauna in the forest and which present a relatively safe situation in terms of forest fires, we now have a situation in the West where our forests are literally becoming overgrown.

They are becoming so thick and dense with small-growth trees that:

(A) They are very fire prone.

(B) They are not resistant at all to disease and to insects.

(C) They are not environmentally pleasing at all.

(D) None of the trees grow up to be very large because they are all competing for the moisture and the nutrients in the soil.

The net result is a situation that is very different from that which pertained at the turn of the century when we had very healthy forests of very large trees that were spaced quite a distance apart, with meadows in between, with a lot of good grass that livestock and wild animals could graze on, and which were not prone to forest fire because the fire would work along the ground when it occurred. It would reduce the fuel load on the ground, but it would never get to be the kind of crown fire we have just seen on television that has been experienced in several States in the West, not the least of which is in California.

You get the crown fires when you have a lot of brush on the ground. You have these small, dense trees and many come under the boughs of the great big trees. The fire starts on the ground and goes right up to the crown of the other trees. We have all seen from those television pictures the explosive power of the fires. It is a horrendous situation. It threatens life and limb as well as the destruction of the forest and all that is within it.

We have to find a way to better manage our forests. We have been for some time urging the Department of Agriculture and the Department of the Interior to work on a management program which essentially involves the thinning of these small-diameter trees, leaving the large-diameter trees—leaving the old growth but thinning out the small-diameter trees, and then doing controlled burns to get rid of the fuel load, and after that letting nature take its course.

We have found from experimentation—primarily through Northern Arizona University, Dr. Walley Covington, and others who have done the research and demonstration projects we have funded—that the trees become more healthy. The pitch content of the trees increases significantly. So they are less susceptible to bark beetles and other kinds of insect damage. The grasses grow up underneath the trees as they didn't do before. The protein content of the grasses is significantly higher. So it is much better grazing for the forest animals. In every respect, from an environmental point of view, it is a better situation than that which pertains today.

This takes money because you have to pay to go in and do the thinning. Each one of these projects requires a substantial amount of money.

So far, the research has been done on small plots of land. But according to the General Accounting Office, we have about 25 to 30 years maximum to treat all of our forests or we are going to be into a contagion situation with very little hope of saving these forests. In fact, we have about 39 million acres of national forest lands in the interior West that are at high risk of catastrophic fire, and only this brief period of maybe 25 years to effectively manage these forests.

There are two major impediments to solving the problem. One is agency inertia. It has taken a long time to get the agencies up and running. Secretary Babbitt has been supportive of this concept. There are extremists in the environmental community who want to prevent any management of the forest. Many fine environmental groups are supportive of participation in this program, but there are extremists who file lawsuits to try to prevent any management.

I have asked Forest Service Chief Dombeck to support a dramatic increase in forest restoration. In fact, the Forest Service plans to implement three to four large-scale projects of 100,000 to 300,000-acre size during fiscal year 2000. The fiscal year 2000 budget for the Forest Service called for reducing fuels on only 1.3 million acres, down from 1.5 million planned for 1999.

The GAO estimates a very substantial increase in funding will be necessary, probably up to $725 million annually, in order to adequately address this problem. I strongly support increased restoration funding for this fuels reduction program, including the Forest Service new line-item request for the forest ecosystem restoration improvement fund. This will be used to support forest restoration projects where current funding is not available or feasible, particularly in a situation where the materials are available to be cut have no commercial value.

I plan to continue my efforts to support this. I know the Senator from Wyoming is strongly supportive of managing our national forests—both the forests under the jurisdiction of the Department of Agriculture and the Department of Interior—in a very sensible fashion. We are just now starting this. It has taken a few years to get consent on the right way to do this. We have a lot more funding to provide. We need much more agency support for this forest restoration if we are going to save the national forests of this great country.

I think this is very important not only for the people in the West but throughout the country. I think it deserves our attention and our priority.

I appreciate the opportunity for discussion this morning, and I thank the Senator from Wyoming for reserving time to talk about these important issues.

Mr. THOMAS. Mr. President, I take this time to talk about the uniqueness of the public lands of the West. It is very clear there are great differences among the States in terms of land management, the kinds of land ownership that exist, and the delivery of health care.

Wyoming is a large State. I think we are the eighth largest State in the United States yet the smallest in population. We have small towns. There are twice as many people in Fairfax County as there are in the State of Wyoming. The point I make is "one size fits all" in many areas of operation does not work effectively in delivering services. I think that is especially true when we start talking about the management of resources and the management of lands.

This chart shows the Federal land holdings by State. The color brown represents almost all New England States with less than 1 percent of their total land surface held by the Federal Government. Blue represents States with 1 percent to 5 percent, including much of the South and the Midwest. Five to 10 percent are the purple-colored States. In the West, the yellow-colored States have up to 65 percent of the State's surface belonging to the Federal Government. It is a unique proposition. Furthermore, there are States in green that go beyond that. This map shows almost 83 percent of Nevada—actually I think it is probably 87 percent of Nevada's surface—belonging to the Federal Government. The same is true in Alaska.

There is a great deal of difference in how we do this. The lands belong to everyone. The economy of the States depends on Federal decisions that are made, including the jobs for everyone who lives there. Local county governments take care of all services transpiring on Federal lands.

Let me show you an enlarged map of Wyoming. This map gives you an idea of the amount of land in Wyoming belonging to the Federal Government or public lands. This is an Indian reservation. Purple represents national parks. We are very proud of them. The green represents U.S. forest reserves. The interspersed yellow represents land managed by the Bureau of Land Management. Where the railroads went through in the early years are checkerboard lands, with every other section being owned by the Federal Government. There are control and access problems for all of these areas.

We depend highly upon the dollars made available through the Interior appropriations. We have had much involvement with the decisions made by the land management agencies in these areas, whether it be BLM or others. I want to emphasize how important it is to talk about some of these important issues.

For example, these lands are basic lands. BLM lands were largely residual that remained after the Homestead Act expired. They generally are lands in the plains of our State. The homesteaders came in along the rivers and creeks, taking the most productive lands. The other lands remain managed by the BLM. To remain an agricultural unit it is always necessary to have the productive lands and the other lands for grazing. We use them for multiple use.

Everyone in Wyoming wants to use the lands for wildlife, for the preservation of wildlife, hunting, hiking. Indeed, they can be used together. It is sometimes difficult to find agreement. Multiple use, whether for mineral production or not—all the lands yield minerals; mostly oil, trona, soda ash or coal; Wyoming is the largest producer of coal in the country which most people don't realize—is income for the State and the Federal Government with their royalties.

We have currently and in this bill we will talk about funding for the Fish and Wildlife Service which manages the Endangered Species Act. This is a very difficult area. Everyone wants to preserve critters, animals, and plants that are endangered. At the same time, there are some questions when we have an animal in some danger. First, the grizzly bears or wolves; now we have the Preble's Meadow jumping mouse listed as endangered. It becomes almost a threat to the private land owners who are restricted from using their lands as they desire because of the potential threat of endangerment.

These are the issues we deal with. We deal with PILT payments, payments in lieu of taxes. Fifty percent of the State belongs to the Federal Government. There are no taxes as in private lands. In this bill, there is funding for PILT payments. We will have an amendment to raise it.

The counties provide hospital service, the counties provide policing, the counties provide all the services to these lands but have received no revenue as the case would be if they had been private lands. These are the things with which we deal.

Much of this supports grazing. Ranchers in Wyoming have permits. They pay so much per animal unit for grazing. We have a problem now because the Forest Service or the BLM has not done a NEPA study for permit renewal. Unfortunately, they have not been able to complete the NEPA studies. Now we are faced with the question: Does the grazing lease expire because there has not been a study?

There will be an amendment that says you can go ahead and extend the grazing lease and let the BLM go ahead and make the study; it doesn't preclude the study. The study will still be made, but it allows the grazing to continue because it is no fault of the grazer the study has not been made.

The Senator from Arizona talked about forests and forest management. Obviously, in many cases there is some kind of harvesting of mature timber. If it is not harvested and managed in the way you take it out, then it burns.

I just came back from spending several days in Yellowstone Park where we had a gigantic fire in the late eighties. It is discouraging to see how long it takes to reforest an area of that kind.

We are dealing again in this bill with financing what is called the clean water action plan which has to do with nonpoint source water controls. One hundred eleven ideas, put forth by EPA to do some things like that, frankly, are going to be extremely difficult and will have much to do with the utilization and multiple use of these lands because you have to have the water to do that.

We talk about droughts in the East. Frankly, this kind of area does not get as much rainfall in a normal year as we did in a drought. This is 14 inches per year. The water, the runoff, and the irrigation are a very real part of it.

We are going to move into this area this afternoon. I am very pleased with what has been done. The Senator from Washington has put together a bill which I think has great merit. We are trying to do some things that will make it more workable in terms of oil royalties, grazing fees, and some of the other things that do become controversial.

I urge people to take a look at the situation, even though they do not live here, and try to understand why some of these things need to be handled a little bit differently because of the situation we have in the West.

I thank the Chair for the opportunity to talk about this bill. I believe we have used our time, or very close to it. I yield back the time if we have not.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD and Mr. REED pertaining to the introduction of S. 1568 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 1:19 p.m. recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now go into executive session to consider Executive Calendar orders numbered 173 and 175.

The nominations will be stated.

THE JUDICIARY

The legislative clerk read the nominations of Adalberto Jose Jordan, of Florida, to be United States District Judge for the Southern District of Florida, and Marsha J. Pechman, of Washington, to be United States District Judge for the Western District of Washington.

The Senate proceeded to consider the nominations.

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes of debate equally divided.

Who seeks time?

The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I would like to express my enthusiastic support for the nomination of Judge Marsha J. Pechman to serve on the United States District Court for the Western District of Washington.

Ms. Pechman was chosen by a selection committee jointly appointed by my colleague, Senator MURRAY, and myself, and was jointly recommended by the two Senators from the State of Washington to President Clinton. The President has therefore engaged fully in the normal advice and consent process for choosing Federal judges for this vitally important lifetime position.

Judge Pechman has significant judicial experience. She has served as a superior court judge in King County, Washington, for a period of 11 years, handling a wide range of cases, taking an active role in improving the administration of justice, and instructing and teaching other judges and lawyers. Before becoming a judge, Marsha Pechman worked as a deputy prosecuting attorney in King County and was later made a partner in a significant, major law firm in the city of Seattle.

I ask my colleagues to join with my colleague from the State of Washington and myself in approving a first-rate nomination on the part of the President, Judge Marsha Pechman, to serve as United States District Court Judge for the Western District of Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Republican leadership for allowing the Senate to consider and confirm two more outstanding judicial nominations today. Marsha Pechman and Adalberto Jose Jordan had confirmation hearings on July 13. They were favorably reported by the Judiciary Committee long before the August recess.

I regret that they were not confirmed at that time along with the other 11 judicial nominees on the Senate calendar who are still awaiting Senate action. With these confirmations today—and I predict they will be confirmed—the Senate will finally have confirmed more than a dozen judges this year. By comparison, last year at this time the Senate had confirmed 39 judges, not just 13; by this time in 1994, the Senate had confirmed 58 judges, not just 13.

In the past I have challenged the Senate to try to keep up with Sammy Sosa's home run pace. He has 58 home runs so far this year. We are behind not just his home run pace but the home run pace set by National League pitchers.

The Senate has ready for action the nominations of Marsha Berzon to the Ninth Circuit, Justice Ronnie White to the District Court in Missouri, and many other qualified nominees.

The current nomination delayed the longest is that of Judge Richard Paez. He has been held up for over 3½ years, yet can anybody on this floor state with confidence that if he were allowed to have a rollcall vote, he would not be confirmed. The Judiciary Committee twice reported the nomination favorably. If we were honest and decent enough in the Senate to allow this man to come to a vote after 3½ years, he would be confirmed. It is a scandal, a shame on the Senate that we do not confirm this nominee.

His treatment recalls the criticism the Chief Justice of the United States, William Rehnquist, has made of the Senate. He pointed out that after a period for review nominations should be voted up or voted down. He pointed out that too many nominations were being held up too long. The nomination of Judge Richard Paez is currently Exhibit A.

We are not doing our job. We are not being responsible. We are being dishonest, condescending, and arrogant toward the judiciary. It deserves better and the American people deserve better.

We have less than 8 weeks in which the Senate is scheduled to be in session the remainder of the year. We have our work cut out for us if we are to consider the 49 judicial nominations pending at the start of this week and others who are being nominated over the next few weeks.

In spite of our efforts last year in the aftermath of strong criticism from the Chief Justice of the United States, the vacancies facing the Federal judiciary are, again, approximately 70 and the vacancies gap is not being closed. We have more Federal judicial vacancies extending longer and affecting more people. Judicial vacancies now stands at over 8 percent of the Federal judiciary. If one considers the additional judges recommended by the Judicial Conference, the vacancies rate would be over 15 percent.

Nominees deserve to be treated with dignity and dispatch—not delayed for two and three years. We are seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges. Nominees practicing law see their work put on hold while they await the outcome of their nominations. Their families cannot plan.

The President spoke about the vacancies crisis again last month. Certainly no President has consulted more closely with Senators of the other party on judicial nominations. The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed without justification for too long. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility.

The PRESIDING OFFICER. If all time is yielded back, the Senate will now proceed to vote. The question is, Will the Senate advise and consent to the nomination of Adalberto Jose Jordan, of Florida, to be a United States District Judge for the Southern District of Florida? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yes."

Mr. REID. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) are absent because of attending a funeral.

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 262 Ex.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Smith (NH)

NOT VOTING—6

Hatch
McCain
Mikulski
Murkowski
Sarbanes
Voinovich

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table.

The Senate will now proceed to vote on Executive Calendar No. 175. The question is, Will the Senate advise and consent to the nomination of Marsha J. Pechman to be United States District Judge for the Western District of Washington? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yes."

Mr. REID. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) are absent because of attending a funeral.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Smith (NH)

NOT VOTING—6

Hatch
McCain
Mikulski
Murkowski
Sarbanes
Voinovich

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. FEINGOLD, is recognized to speak for up to 30 minutes as in morning business.

THE SENATE WILDERNESS AND PUBLIC LANDS CAUCUS

Mr. FEINGOLD. Mr. President, I rise to commemorate the 35th anniversary of the Wilderness Act of 1964, which was signed into law on September 3, 1964 by President Lyndon B. Johnson, and to announce the formation of a Senate Wilderness and Public Lands Caucus. The Wilderness Act became law seven years after the first wilderness bill was introduced by Senator Hubert H. Humphrey of Minnesota. The final bill, sponsored by Senator Clinton Anderson of New Mexico, passed the Senate by a vote of 73–12 on April 9, 1963, and passed the House of Representatives by a vote of 373–1 on July 30, 1964. The Wilderness Act of 1964 established a National Wilderness Preservation System "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

The law reserves to Congress the authority to designate wilderness areas, and directs the federal land management agencies to review the lands under their responsibility for their wilderness potential.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. Now, after passage of 102 pieces of legislation the wilderness system is comprised of over 104 million acres in 625 wilderness areas, across 44 States, and administered by four federal agencies: the Forest Service in the U.S. Department of Agriculture, and the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service in the Department of the Interior.

As we in this body know well, the passage and enactment of legislation of this type is a remarkable accomplishment. It requires steady, bipartisan commitment, institutional support, and direct leadership. The United States Senate was instrumental in shaping this very important law, and this anniversary gives us the opportunity to recognize this role. I am honored today to be joined on the floor by one of the three Senators remaining in this body who have the distinguished honor of having voted for this legislation, the Senior Senator from West Virginia (Mr. BYRD). I look forward to his remarks at the conclusion of my own. The Senior Senator from Massachusetts (Mr. KENNEDY) and the Senior Senator from Hawaii (Mr. INOUYE), who also voted for this legislation, have asked that their remarks regarding this anniversary be included in the RECORD. Their remarks will also appear in the RECORD together with my remarks on the Wilderness Act anniversary.

In addition, I understand that the Ranking Member of the Energy Committee (Mr. BINGAMAN) has a statement on the anniversary.

Under the Wilderness Act, wilderness is defined as "an area of undeveloped federal land retaining its primeval character and influence which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." The concept of the creation of a national wilderness system marked an innovation in the American conservation movement—wilderness would be a place where our "management strategy" would be to leave lands essentially undeveloped.

Congress lavished more time and effort on the wilderness bill than almost any other measure in conservation history. The original bill established 9.1 million acres of federally protected wilderness in national forests. From June 1957 until May 1964 there were nine separate hearings on the proposal, collecting over six thousand pages of testimony. The bill itself was modified and rewritten sixty-six different times. Twenty different Senators made statements on the legislation. Much of the delay in reaching a final version stemmed from the conflicts between the scope of the bill's restrictions on mining, grazing, oil and other extractive activities on designated wilderness areas and the need for the law to be flexible in the light of pre-existing activities. The bill's supporters argued that the measure gave legal sanction to the areas already being managed by the Forest Service as primitive areas. More importantly, they successfully argued that Congressional action was necessary because the wilderness that exists is its own finite resource.

More than a century of development had brought greatly changed conditions to both public and private lands throughout the country. "If the year were 1857 instead of 1957," one supporter of the bill wrote in the Living Wilderness, the Wilderness Society's newsletter, "I'd say definitely no [to a wilderness bill]. But given the almost total dominance of developed civilization, I am compelled to work for saving the remnants of undeveloped land." I think those remarks apply just as well to the state of our federal lands today, more than thirty-five years later.

My interest in this law stems from the fact that Wisconsin has produced great wilderness thinkers and leaders in the wilderness movement such as Aldo Leopold, Sigurd Olsen, John Muir and former Senator Gaylord Nelson. Senator Nelson was a co-sponsor of the Wilderness Act of 1964, along with former Wisconsin Senator William Proxmire. I am proud to now hold the Senate seat that Senator Nelson held with distinction from 1963 to 1981. As a Senator from Wisconsin, I have a special depth of feeling about this issue.

The testimony at Congressional hearings and the treatment of the bill in the press of the day reveals Wisconsin's crucial role in the long and continuing American debate about our wild places, and the development of the Wilderness Act. The names and ideas of John Muir, Sigurd Olson, and Aldo Leopold, especially Leopold, appear time and time again in the legislative history.

Senator Clinton Anderson of New Mexico, chairman of what was then called the Committee on Interior and Insular Affairs, stated that his support of the wilderness system was the direct result of discussions he had held almost forty years before with Leopold, who was then in the Southwest with the Forest Service. It was Leopold who advocated, while with the Forest Service, the creation of a primitive area in the Gila National Forest in New Mexico in 1923. The Gila Primitive Area formally became part of the wilderness system when the Wilderness Act became law. In a statement in favor of the Wilderness Act in the New York Times, then Secretary of the Interior Stewart Udall discussed ecology and what he called "a land ethic" and referred to Leopold as the instigator of the modern wilderness movement. At a Senate hearing in 1961, David Brower of the Sierra Club went so far as to allege that "no man who reads Leopold with an open mind will ever again, with a clear conscience, be able to step up and testify against the wilderness bill."

For others, the ideas of Olson and Muir provided a justification for the wilderness system, particularly that the country's strength depends upon blending contact with the primitive into a civilized existence because the frontier played such a central role in the our history.

Passage of the Wilderness Act of 1964 has not terminated the American debate over the meaning, value and need to protect wild country. As I mentioned, the wilderness system has dramatically expanded under both Republican and Democratic leadership. The number of wildernesses established and acres designated by each Congress has varied greatly from year to year. There have been only nine individual years since passage of the Wilderness Act when no wildernesses were designated, and 1965 to 1967 was the only period of three consecutive years in which no wilderness legislation was passed by Congress. In 1984, during the Reagan Administration, 175 wildernesses were established, more than double any other year's addition. Despite the record number of new wildernesses in 1984, the largest number of wilderness acres was designated in 1980 with passage of the Alaska National Interest Lands Conservation Act, which added over 56 million acres to the National Wilderness Preservation System. Combined with other wilderness laws passed that year, nearly 61 million acres of wilderness were designated in 1980, more than 6 times the number of acres passed in any other year.

Significant additions to the system continued up until 1994, when Congress passed the California Desert Protection Act. Despite this accomplishment, Congress has gotten out of the habit of passing wilderness bills which protect our remaining wilderness-quality federal lands. In the 105th Congress, the Senate's actions were much more modest—we added about 160 acres to the Eagles Nest Wilderness in Colorado.

However, Congress has much bolder bills before it, with bipartisan support, such as the bills to designate 9.1 million acres in Utah and the coastal plain of the Arctic National Wildlife Refuge as wilderness. In addition, President Clinton proposed a new omnibus National Parks wilderness bill in his State of the Union. We need to address these measures, and to revitalize the tradition of statewide and state delegation led wilderness bills.

In order to get the Senate in a position to act on wilderness issues, I hope to raise awareness of the importance of wilderness in the Senate. I have been working to organize a Wilderness and Public Lands Caucus that will help the Senate to renew its bipartisan commitment to the active protection of wilderness and public lands. Today I am delighted to announce that Senator MCCAIN, Senator DURBIN, Senator FEINSTEIN, Senator MURRAY, and Senator BAYH will be joining me in this effort. I encourage any member of the

Senate interested in learning about and working on these issues to join our caucus, and I am grateful to these members who are willing to lend their time and leadership.

I feel it is time to promote and re-develop expertise on these issues in the Senate. In the early days of the Wilderness Act many Senators had expertise on these issues, and ad hoc coalitions formed to pass large bills with provisions for a number of states. However, now that the Senate has lost its zeal for the continuing work of identifying and designating wilderness areas this expertise has dwindled. Without a new dedication to re-building this expertise, wilderness and public lands issues will remain increasingly divisive, despite a resurgent public interest in our wilderness and an increased public desire for Congress to extend additional protection to federal lands of wilderness quality.

I intend for the caucus to meet as necessary during each Senate session in pursuit of several objectives:

To assist members in defending existing wilderness areas, and other federal land resources already protected in the public trust, from activities that have the potential to significantly affect the qualities for which they were designated.

To support and provide advice to members seeking opportunities to designate new wilderness areas.

To provide members with a bipartisan forum in which to discuss wilderness and other public land protection and management issues and learn from others' expertise.

To educate members about the Wilderness Act and other federal land management statutes, and to improve understanding of the appropriate uses of various federal land management designations and the federal financial and management requirements needed to implement them.

Mr. President, many would agree that more must be done to protect our wild places. One of the things that needs to be done, particularly on the cusp of the Millennium, is to examine and improve the ability of this body to understand and grapple with these issues in the public interest. This is a great institution, with a strong conservation history, which has produced the Wilderness Act, one of the gems of conservation law. I am actively committing to working on wilderness issues because I believe it to be in the Wisconsin tradition, and, as a Senator, I am trying to use the tools I have been given by the people of Wisconsin to build the leadership needed to defend these places.

In conclusion, I would like to remind colleagues of the words of Aldo Leopold in his 1949 book, A Sand County Almanac. He said, "The outstanding scientific discovery of the Twentieth Century is not the television, or radio, but rather the complexity of the land organism. Only those who know the most about it can appreciate how little is known about it." We still have much to learn, but this anniversary of the Wilderness Act reminds us how far we have come and how powerful a collegial commitment to public lands can be in the Senate.

I am very pleased and honored to be able to yield the remainder of my time to one of the three Senators who is here to vote for this legislation, the senior Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I thank the Senator from Wisconsin, Senator FEINGOLD, for bringing us together today to celebrate the passage of the Wilderness Act of 1964. Too often, the pressing events of the day prevent us from remembering so many important pieces of legislation. I am happy that we are able to take a moment to recognize a historic piece of legislation.

Let me begin with a look backward over the well-traveled road of history. It is only fitting that we turn our faces backward so that we might be better informed and prepared to deal with future events. On a whole range of important issues, the Senate has always been blessed with Senators who were able to rise above political parties, and consider first and foremost the national interest. There are many worthy examples throughout the Senate's history.

My friend and former colleague, Senator Mike Mansfield, and other distinguished Members of the Senate understood this point well. Political polarization, a simple zero-sum strategy by one party to achieve a short-lived victory which demonizing the other party, is not now, and has never been, a good thing for the Senate. I know that Americans have always loved a good debate. I believe that this is one of the lessons that we can take from the passage of the Wilderness Act of 1964. Members on both sides of the issue focused on the more substantive and stimulating policy challenges rather than allowing pure politics and imagery to enter into the fray.

The debate on the Wilderness Act of 1964 serves as a great example of the Senate's charge in taking a leadership role and working over the long term to pass historic pieces of legislation. I believe the bill's chief sponsor, Senator Clinton Anderson from New Mexico, understood this point well when he said, upon consideration of the conference report, on August 20, 1964:

> What we have done we have done not only to meet the urgency of the moment, but for the future. In no area has this Congress more decisively served the future well-being of the Nation that in passing legislation to conserve natural resources and to provide the means by which our people could enjoy them. One of the brightest stars in the constellation of conservation measures is the wilderness bill * * *. The path of the wilderness legislation through Congress has sometimes been as rugged as the forests and mountains embraced by the wilderness system.

The Senate understood there was a need to protect America's unique places, and Members worked to craft a proposal over a number of years that could achieve that end. Senator George McGovern, another key supporter of the Wilderness Act, observed:

> I think each of us has been enriched at one time or another through our experiences with natural undisturbed areas of the country * * * its comparatively uncluttered open spaces, its lakes and woods, have special appreciation for the purpose of the wilderness preservation system. As the population of our country grows and as our city areas become more contested, it is all the more imperative that we look to the preservation of great primitive outdoor areas where people can go for recreational and inspirational experience.

The U.S. population has since grown by more than 70 percent since the Wilderness Act of 1964 was enacted. In addition to land preservation, the act has encouraged the discovery of America's history, promoted recreation, provided for its diverse wildlife and ecosystems, and satisfied people's urge for solace and a return to wild places. The definition of wilderness according to the act is "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." Initially endowed with 9.1 million acres of public lands, the wilderness system today encompasses more than 104 million acres in forty-four States.

My home state of West Virginia remains wild and wonderful because of Congress' actions. Covered from end to end by the ancient Appalachian Mountains, West Virginia remains, to me, one of the most beautiful one of the most unique of all places and I have seen lot of places throughout the world in my time. It is the most southern of the northern States and the most northern of the Southern states; the most eastern of the Western States and the most western of the eastern States; where the east says good morning to the west, and where Yankee Doodle and Dixie kiss each other good night. The luscious mountains gently roll across that land, providing an elegant sense of mystery to the landscape. The wilderness of my State has given West Virginians a freedom to explore. This freedom has been secured and protected so that future generations—like my baby granddaughter, her children, and her children's children—will be able to say Montani Semper Liberi, Mountaineers are always free!

Four wilderness areas have been designated in West Virginia since the 1964 act. Each area captures and preserves uniquely a beautiful aspect of a State that has, I believe, more than its fair share of native loveliness. God must have been in a spendthrift mood when he made West Virginia!

In the Otter Creek Wilderness Area, consisting of 20,000 acres so designated in 1975, you can follow the same twisting trails that early settlers to the area wove through the dense forest. Amid the stands of towering White Oaks, dark hickory, and ghostly poplar trees, you may discover stunted groves of apple trees, remnants of an early settler's orchard. Maybe Johnny Appleseed came that way.

Also designated in 1975, the Dolly Sods Wilderness Area preserves 10,000 acres of Canada that somehow migrated south and chose to settle in West Virginia. Heath thickets, bogs, and low-growing evergreens combine to establish a wide open feeling akin to more northerly climes such as those of Minnesota. Offering scenic vistas, Dolly Sods is a famed spot in which to enjoy hiking, camping, fishing, and nature watching.

The Cranberry Wilderness Area proves the regenerative power of nature. Its 35,864 acres were logged in the early part of this century, with the valuable timber shipped by steam locomotives to a mill in Richwood. It also suffered severe wildfires which raged over much of the area. In order to restore it to its natural condition, the Forest Service purchased the land in 1934—the year I graduated from high school. Now grown into a mature forest, the Cranberry Wilderness Area received its official designation in 1983.

Consisting of more than 12,000 acres, Laurel Fork Wilderness Area was once a profitable source of lumber at the beginning of the century. Laurel Fork has since been preserved and is a source of the Cheat River. Designated in 1983, Laurel Fork Wilderness has a wide blend of wildlife and foliage special to Appalachia. Among the Birch, Beech, and Maple trees which grow in the area, live the native species of West Virginia such as white-tail deer, wild turkey, bobcat, and even black bear.

I might note that perhaps one of the most majestic of wildlife species protected by these wilderness areas throughout the U.S. is the bald eagle. Symbolizing America's freedom and strength, the bald eagle, in fact, has been recently removed from the endangered species list, and will continue to soar for future generations of Americans.

The Wilderness Act of 1964 enabled West Virginians to preserve the natural beauty of their State for themselves and for the nation * * * now and forever. I believe that Senator Anderson summarized it best when he said:

> Deep down inside of most Americans is a love of the out-of-doors. * * * It is an effort to protect and preserve, unspoiled, just a little bit of the vast wilderness which stretched ocean to ocean on this continent less than 300 years ago, so that this love of the great, unspoiled, out-of-doors which is a part of us can be gratified.

I would like to take a moment to recognize a number of former colleagues who took a leadership role in passing the Wilderness Act of 1964. Many of them were fairly close friends of mine. There was Senator Anderson, whose name I have spoken earlier, Thomas Kuchel, Hubert Humphrey, Henry Jackson, Frank Church, Frank Lausche, Paul Douglas, Harrison Williams, Jennings Randolph—my former colleague from West Virginia—Joseph Clark, William Proxmire, Maurine Neuberger, Lee Metcalf, George McGovern, David Nelson—they took a leadership role in guiding this piece of legislation through the Senate. The Senate has considered many thousands of pieces of legislation on a myriad of topics over the last several years. I am proud to stand here today and say that this piece of legislation, the Wilderness Act of 1964, stands as a great example of what this body can accomplish when it sets its collective mind to it. These were the sponsors of the Wilderness Act in the 88th Congress.

In closing, I want to welcome my colleagues back from the prairies and the plains, the mountains and the hollows and the hills, the broad valleys. We have much work to do in these coming weeks and we can learn much from the Wilderness Act of 1964 and the dedication and commitment of those Senators who worked to fulfill their vision by enacting that great piece of legislation, their vision of a future continent which would be preserved for the men and women who would come after them.

Far too often these days, we get caught up in the partisan wranglings of tax cuts, educational needs, national security demands, Social Security changes, health care reform, and much, much more—all of which subjects are extremely important. The public has become concerned about what it is that we actually do in this Chamber. In reflecting upon the Wilderness Act of 1964, I find a great example of what this body can achieve when it puts its whole mind and its whole spirit into it. Again I thank my colleague for his kindness in inviting me to participate here this afternoon in recalling our footsteps down the long hall of memories.

In closing, I am reminded of the words of one of America's foremost conservationists and outdoorsman, John Muir—

> Oh, these vast, calm, measureless mountain days, inciting at once to work and rest! Days in whose light everything seems equally divine, opening a thousand windows to show us God. Nevermore, however weary, should one faint by the way who gains the blessing of one mountain day: whatever his fate, long life, short life, stormy or calm, he is rich forever. . . . I only went out for a walk, and finally concluded to stay out till sundown, for going out, I found, was going in. One touch of nature . . . makes all the world kin.

I yield the floor.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues in commemorating this impressive anniversary of the Wilderness Act of 1964. Thirty-five years ago, Congress passed this benchmark legislation, which has opened the door for extensive new protections of wilderness areas throughout the nation.

In 1924, the U.S. Forest Service named the Gila National Forest in New Mexico as the first wilderness area. As years passed, it became increasingly clear that a more comprehensive strategy of protection for these priceless areas was needed. Between 1957 and 1964, nine congressional hearings were held, resulting in sixty-six rewrites of the original bill. This enormous amount of attention can be credited to the strong grassroots support for preserving these magnificent resources. As a result, Congress passed the Wilderness Act. It was signed into law by President Lyndon Johnson on September 3, 1964, and established over nine million acres of wilderness areas throughout the country.

The act defined wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." Although sharply restricting human activities in these areas, the Act also paid tribute to a piece of our national identity. To Americans, the wilderness is a place to rediscover what it means to be American. As Supreme Court Justice William O. Douglas once noted, "Roadless areas are one pledge of freedom." From the time of the first settlers, the nation's wilderness areas have been symbols of freedom and human ingenuity that characterize the American dream.

In his classic work, *Wilderness and the American Mind*, Roderick Nash observed the close relationship between our citizens and such areas, stating "Take away wilderness and you take away the opportunity to be American." The Wilderness Act has protected these priceless undeveloped areas, and it has preserved these magnificent resources for our time and for all time.

Since this law was enacted, Congress has created over six hundred wilderness areas, totaling more than one hundred million acres in states across our nation. These are areas that cannot be developed or destroyed, but will retain the original splendor of their natural beauty.

It was a special privilege for me to support the Wilderness Act in 1964, as one of the most far-reaching actions by Congress to preserve our environmental heritage. All of us take pride in the many beautiful areas designated under the Act.

Finally, I commend all those who have done so much to uphold the great tradition of the Wilderness Act, by working in the agencies that are committed to protecting the nation's wilderness. As the act itself so eloquently states, they continue to "secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

Mr. INOUYE. Mr President, it is a pleasure to have this opportunity to speak on the 35th anniversary of the Wilderness Act of 1964 and on the establishment of the National Wilderness Preservation System.

When the Wilderness Act was being debated on the Senate floor in 1963, I was a freshman Senator. Following Hawaii's admission to the union in 1959, I served one partial and one full term in the House of Representatives and then was elected to the Senate in 1962. So, in early April of 1963, I was a 39-year-old freshman Senator in the first year of my first term in the Senate.

The Wilderness Act, however, was not new to the Senate when it came to the floor in April 1963. The first wilderness proposal was introduced late in the 84th Congress in 1956. Following extensive hearings, testimony, debate and revisions, a wilderness bill was passed by a wide margin in the Senate on September 6, 1961. However, it was not until my freshman year in the Senate that we passed a wilderness bill that ultimately went on to become law the next year in 1964.

Just prior to the vote in the Senate on April 9, 1963, one of the floor managers of the bill, the Honorable Frank Church of Idaho, said, "the Senate is about to vote on the question of the passage of a bill which, if enacted into law, will be regarded as one of the great landmarks in the history of conservation." You can imagine the effect of such far reaching and nationally significant discourse on a young man from a new state in the middle of the Pacific.

I have been around for a while. Yesterday was my 75th birthday. But I am not so jaded as to have lost sight of the important principles upon which the Wilderness Act was founded.

The bill was ultimately signed into law on September 3, 1964. To me, it seems like just yesterday, but a lot has happened since then. The Wilderness system was originally endowed with 9.1 million acres of national forest lands. In 35 years, that has grown to more than 104 million acres managed by four federal land management agencies.

Hawaii, obviously a very small State, has just 142,370 acres of federally designated wilderness area. This is about 1/10 of 1% of the total designated wilderness area in the country. However, let me tell you about Hawaii's wilderness and other natural areas.

Hawaii is the only State with bona fide tropical rain forest. Although over half of Hawaii's original native rain forest has been lost or replaced by introduced species, planted landscapes, or development, a great deal remains. Perhaps 3/4 of a million acres of rain forest is left in Hawaii.

Rain forest is just the start, however. There are actually about 150 distinct ecosystem types in Hawaii. These ecosystems are so distinctive that the Hawaiian Islands constitute a unique global bio-region. These ecosystems range from 14,000-foot snowy alpine deserts, to subterranean lava tube systems with eyeless creatures, to windswept coastal dunes.

All told, perhaps half of the 150 ecosystem types in Hawaii are considered in trouble, imperilled by human-related changes in the landscape. Most of the loss has occurred along the coasts and in the lowlands, where the majority of human habitation exists today.

Hawaii is also considered to be the extinction capital of the United States. About 90% of Hawaii's native plants and animals occur nowhere else in the world, and nearly 1000 different kinds of Hawaiian plants and animals are threatened by extinction. Approximately 75% of the recorded extinctions in the United States are from Hawaii. Also, about 40% of the birds and 30% of the plants presently on the U.S. endangered species list are native to Hawaii.

One of Hawaii's federal wilderness areas is the 19,270-acre Haleakala Wilderness Area on the Island of Maui, which was designated in 1976. This area is part of the 28,655-acre Haleakala National Park. During the August recess, I participated in the dedication of 1,500 acres of pristine tropical habitat, which was added to Haleakala National Park thanks to the support of my Congressional colleagues who approved funds last year for its acquisition. So, Haleakala continues to grow.

The major feature of this park is the dormant, though not extinct, Mount Haleakala and its volcanic crater within. Stretching from an elevation of 10,000 feet to the sea, the park also includes unrivaled native forest and stream habitat, and abundant Native Hawaiian historical and cultural features.

The other Federal wilderness area is the 123,100-acre Hawaii Volcanoes Wilderness Area, which is part of the larger 230,000-acre Hawaii Volcanoes National Park on the Big Island of Hawaii. This park, established in 1916, displays the results of 70 million years of volcanism and rises from sea level to the summit of the earth's most massive volcano, Mauna Loa at 13,677 feet.

Within the park is the world's most active volcano, Kilauea, which offers scientists insights into the birth of our planet and visitors views of dramatic volcanic landscapes. Molten lava from the Puù Òò vent, on the flank of Kilauea volcano, flows seven miles through a lava tube to the coast where it enters the ocean, causing the sea to actually boil. Volume of flow averages about 400,000 cubic meters per day continuously adding new land to the island. 1999 is 16th year of this ongoing eruption of Kilauea.

More than just these designated federal wilderness areas, Hawaii has a total of 270,000 acres in the national park system; 35,000 acres in federal fish and wildlife refuges; and 109,000 acres in state natural area reserves. Added to this are other areas managed privately for conservation purposes, including approximately 25,000 acres managed by The Nature Conservancy of Hawaii.

Wilderness is defined in the law as areas "where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." With all of the unique and imperilled species and habitat in Hawaii, I certainly understand the value of protecting our wild and natural areas, whatever the definition might be.

The message that I would like to leave with my colleagues as we think about the 35th anniversary of the Wilderness Act is that we all wish to be environmentalists. We often differ on the details of environmentalism; sometimes greatly. Some of the most impassioned discussions in this body have to do with environmental issues. Some of us do not receive the highest score from the League of Conservation Voters. However, I do not think any of my colleagues would say that environmental conservation is a frivolous pursuit. It is merely a question of degree.

So where does that leave us? I know we will continue to debate so-called anti-environmental riders, the future of the Endangered Species Act, and maybe even reforms to the 35-year-old Wilderness Act. But let us not close our minds to our perceived adversaries, nor lose sight of what I believe we all agree upon.

Our natural environment is a finite resource that needs to be protected and nurtured for generations to come. There are no simple solutions, but with this common goal in mind, we will make progress.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent I be permitted to speak up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EAST TIMOR

Mr. HARKIN. Mr. President, I thank Senator GORTON for permitting me at this time to speak as in morning business before they get on with the important business of the Interior appropriations bill. I want to take this time because I was unable to be here earlier when Senator FEINGOLD, Senator REED, I think, and Senator BOXER spoke on the issue of East Timor. I want to take a few minutes to share with my colleagues what I saw during my recent trip to East Timor with a delegation that included Senator REED of Rhode Island and Congressman McGOVERN of Massachusetts. We were in East Timor on August 20 and 21, just a little over 2 weeks ago. The purpose of our trip was to assess the conditions in East Timor leading up to the August 30 referendum.

It was a trip that in some ways was uplifting but at the end—I could smell it in the air—I had a foreboding of things to come. On the first day we traveled to the capital of East Timor, Dili and spent the night there. The next day, under the auspices of the United Nations, we took a helicopter to Maliana, and then from Maliana to Suai before returning to Jakarta. What was so uplifting about it was to see so many people willing to risk their lives to be able to vote; people whose homes were burned down, their lives threatened, families threatened, and yet they were going to vote.

When the vote was taken, over 98 percent of those registered came out to vote. Mr. President, 78 percent of the people of East Timor voted for independence and not to stay with Indonesia, a clear-cut victory for independence and, I can say from firsthand meetings with U.N. and U.S. officials as well as with people on the ground in East Timor, that had it not been for the open assaults by the militias and intimidation and threats, that 78 percent probably would have been about 90 percent for independence.

When I left East Timor, Senator REED and Congressman McGOVERN and I all called on the United Nations to send a peacekeeping force immediately to East Timor, either on the day of the vote or the day after the vote. We all had a sense of what might come if there was not a stable force on the ground to prevent the violence from happening in the first place.

Upon returning to Jakarta, we met an hour and a half with President Habibie of Indonesia, and I will have more to say about that in a minute. We conveyed to him our concerns with the security situation in East Timor. He assured us time and time again in the hour-and-a-half meeting that Indonesia would maintain order in East Timor. I was there with Congressman McGOVERN and with U.S. Ambassador Roy. President Habibie assured us the Indonesian Army would maintain peace, harmony and law and order after the vote was taken.

My fears of what would happen have been confirmed in the most horrific manner. As we have all witnessed on CNN and in the newspapers over the past several days, the militias have gone on a killing rampage acting on the orders and with the assistance of the Indonesian military and the Indonesian police forces.

I must tell my colleagues, when we were in Maliana, for example, a couple days before we were there, the militias had put on street demonstrations right in front of the U.N. compound armed to the teeth with guns. Amongst these militias were the Indonesian military and the Indonesian police in clear violation of the agreement they had signed with Portugal and the United Nations on May 5, 1999. Every U.N. observer with whom I spoke, every single one without exception, said the militias were backed by and armed by the Indonesian military and that the military and the civilian police were supporting the militias openly.

Now that these militias have gone on a rampage, one must ask, where is the Indonesian military and where is the Indonesian police? The Indonesian military had 10,000 to 15,000 military people there. They could have stopped it. They either chose not to or they are actively supporting this murderous rampage. Either is unacceptable.

They are attacking unarmed civilians. They are rounding up refugees, putting them in trucks, and trucking them to unknown destinations. They are tearing families apart. Just as we saw in Kosovo, the same thing is happening in East Timor. Husbands are separated from wives, parents separated from their children and carted off in trucks into the back country, and no one knows what is happening to them. The same thing is happening as happened in Kosovo.

When we were in East Timor, we spent an evening with Bishop Belo, the Catholic bishop of East Timor. I will point out a bit of history.

East Timor for the last I think it was 400-some years was under Portuguese domination. About 200 years ago, Portugal formally annexed East Timor. It was a colony of Portugal up to 1975 when Portugal left. Indonesia brutally invaded East Timor in 1975 and annexed it the next year. The United Nations has never recognized Indonesia's annexation of East Timor.

Through the years since then, the East Timorese have suffered mightily. Over 200,000 East Timorese, it is estimated, were brutally slaughtered by the Indonesian military over these years. But they persisted. They persisted in wanting their independence. In 1991, sadly, East Timor got worldwide attention when Indonesian troops opened fire on mourners who were at a funeral for an independence supporter in Dili. It was a big funeral. There were 200 men, women, and children slaughtered by the Indonesian military in 1991.

Through all of this, Bishop Belo, East Timorese by birth and upbringing, ordained a Catholic priest in Portugal, came back to East Timor, elevated by Pope John Paul II to be a bishop.

Two years ago on June 18, Bishop Belo was in Washington and said a mass of peace and reconciliation at St. Peter's Church. A number of us were there that morning. That was the first time I had the occasion to meet Bishop Belo.

Of course, the year before that, in 1996, Bishop Belo and Jose Ramos Horta jointly won the Nobel Peace Prize for their peaceful resistance through the years to the Indonesian takeover of East Timor. A year after that, Bishop Belo was here and said mass at St. Peter's, as I said, and we were there.

It was for me a very touching moment, to spend an evening in Bishop Belo's home in Dili with Senator REED and Congressman McGOVERN, to have dinner in his home and talk with him about what was happening in East Timor and to hear him pour out his heart about how many people had died and the suffering of the East Timorese people and his hopes and his prayers. We held hands around the table and he led us in a prayer that, regardless of what the outcome of the vote would be, East Timorese would not kill each other and that the Indonesian military would quietly leave.

I am saddened to say that 3 days ago the militias entered the compound of Bishop Belo and burned his house down, the very house in which we had dinner not more than two weeks ago. He was able to escape and is now in Australia.

We sat in Bishop Belo's dining room and saw all the mementos he had. He had a picture of himself shaking hands and being greeted by President Clinton, a bust of President Kennedy that was given to him by Representative PATRICK KENNEDY who visited there a few years ago, a signed picture from President Bush who had met with him, and, of course, his Nobel Peace Prize. Now that house has been reduced to ashes.

There were several thousand East Timorese in his compound being protected by the church. Eyewitnesses saw the militias killing people and some were being put on trucks—this is where the families were separated—and taken out into the countryside.

On Monday, I spoke with Jose Ramos Horta, his corecipient of the Nobel Peace Prize. He said in the 500-year history of East Timor, the church has never been attacked. There have been wars and there has been fighting, but the church has never been attacked. He even said that when the Japanese took over East Timor during World War II they never attacked the church.

As bad as that is, I have an even sadder story to tell.

We went to the community of Suai, which is in the southwestern part of East Timor, because we had heard there were about 1,500 people who had taken up refuge in a church compound. This was now 9 days before the vote. We wanted to go there and see for ourselves. So Senator REED, Congressman McGOVERN, and I went there.

Truly, there were 1,500 people in this compound.

The buhpati, as he is called, the mayor, the person who runs the city, had cut off the water. It was very hot, and he had cut off the water to these people. Who were these people? These were people who had been driven from their homes because the militias feared that they were going to vote for independence. Men, women, children, families, all gathered in this churchyard, had their water cut off.

Then the U.N. tried to get through a truckload of food. They wouldn't even let the food get through. The two priests who were protecting these people were Father Hilario and Father Francisco. This is a picture I had taken with them at the church compound. Father Hilario and Father Francisco, two of the nicest individuals you ever want to meet, both Catholic priests, only doing their job protecting people. They weren't speaking out for independence or anything like that. They were simply doing their job as the parish priests.

I learned this morning that yesterday the militias entered their house, took these two priests out and killed them, 2 weeks after we saw them. Unarmed, they were. Militias took them out and brutally killed them. That is what is happening in East Timor today.

We have a responsibility that goes back 23 years. When Indonesia first invaded East Timor in 1975, the United States took the position that we supported Indonesia. I was at that time a Member of the House of Representatives and, with other Members of the House, introduced a resolution condemning Indonesia for their brutal invasion of East Timor at that time. In the years that followed, hundreds of thousands, almost 200,000 East Timorese lost their lives to the brutality of the Indonesian military. Through it all, they maintained their cohesion. They maintained their peaceful resistance. On August 30, 98 percent of the registered voters came out to vote in the face of machetes and bullets and threats. Despite being driven from their homes and having their homes burned down; they voted 78 percent for independence.

If we stand for anything, we should stand for the right of self-determination and independence when people exercise their right to vote. That is what we stand for as Americans. That is our philosophical foundation.

It was a free and fair vote, even though the militias were intimidating people.

I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. It seems to me that for the bastion of democracy, those of us in this country who believe so deeply in the right of the secret ballot, the right of people to be able to vote for their futures, to see this happen and for us to stand back and do nothing is shameful. We ought to be on the front lines of asking the United Nations to go in there with a peacekeeping force now.

I had asked the United Nations and the Clinton administration to put pressure on the U.N. to send a peacekeeping force to East Timor on the day of the vote or the day after the vote. If we had done that, we wouldn't have had these killings that have gone on. We could have had a little bit of preventive action. But, no, we didn't do it. We said we had to wait until the Indonesians asked us to come in. It is clear that the Government of Indonesia is not going to keep law and order there. It is clear from every eyewitness account we have that the Indonesian military is behind the militias and their brutal attacks on innocent civilians. So now it is incumbent upon the world community to answer the call to go to East Timor to restore peace and stability.

I will shortly be introducing a resolution to that effect that basically congratulates the East Timorese on their vote, condemns the violence, and calls upon our U.N. Ambassador to seek the United Nations Security Council's immediate authorization to deploy an international force to East Timor to restore peace and stability.

Already Australia, New Zealand, Bangladesh, Thailand, Pakistan, Malaysia, and the Philippines have all said they will contribute forces. Today, we learned that China has basically said they are open minded on this issue. Well, now is the time for the United States to take some leadership.

I call upon President Clinton to be forceful in calling upon the United Nations to send an international force immediately to East Timor, and we should contribute to this force. We should not shirk our responsibilities in this matter either.

To do nothing now would be to fly in the face of everything for which this great country stands for. We were one of those actively encouraging the Indonesians, the Portuguese, the United Nations, and the East Timorese to reach this agreement to allow this vote. We supplied funding and observers for the vote. The Carter Center was actively involved in East Timor, ensuring it would be a free and fair vote and counting the ballots. If we now walk away, if we now say, well, we can't do anything unless Indonesia invites us in to a place that they annexed with brutal force 23 years ago then we are less of an America than we have been in the past.

I am deeply saddened by the death of these two priests. I didn't know them well, but I spent some time with them, spoke with them, asked them about what they were doing, asked them about the conditions in their parishes. They were gentle souls just doing their job as shepherds of their flocks, yet taken out and brutally murdered.

Lastly, I understand that by tomorrow, the United Nations will remove the 212 people they have there now. I am again asking the President to call upon Kofi Annan, Secretary General of the United Nations, to not pull out our U.N. people who are there. If we do, we will have no eyes and no ears; we will have no presence at all in East Timor, and the killing rampages we have witnessed over the last several days will only mushroom.

I hope the U.N. will keep its people there. I hope the United States will put every ounce of our leadership behind the United Nations to send an international force there within the next 48 hours. If we do, we can save thousands of lives. And we can restore peace and stability. We can tell the rest of the world that when you have a free and fair and open election under U.N. auspices, we are not going to let thugs and murderers take it away from you. That is the kind of America I think we ought to be.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Washington.

Mr. GORTON. Mr. President, what is the business before the Senate?

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative assistant read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, debate on the Interior appropriations bill took place on two separate occasions before the August recess. Two significant amendments have already been voted upon. We now have a unanimous consent agreement for listing all of the amendments that are in order, and they are 66 in number.

A substantial share, perhaps 20 or more of those amendments, will either be accepted or will be a part of one omnibus managers' amendment at the end of this debate. I suspect several others will not actually be brought up for discussion in the Senate, but it seems apparent to this Senator, as manager of the bill, that as many as a dozen may require some amount of debate and very likely a vote.

Up to four of those amendments are amendments that were included as a part of the bill as it was reported by the Subcommittee on Interior appropriations and by the full Appropriations Committee, which fell under the revised rule XVI. One of those is an amendment originally drafted by the Senator from Missouri. He will bring it up at this point.

I have asked the Democratic manager, Senator BYRD, to get me a list of amendments that Members of his party wish to bring up. He is in the process of doing that at the moment. But this is an announcement that we are now open and ready for business. It may be that we will, from time to time, set amendments aside so we can hear debate on others. The majority leader may decide to stack votes on some of these amendments. But this is a very short week. We are starting this at 4 o'clock on Wednesday afternoon. We have all day and into the evening tomorrow for these debates. The majority leader has announced, due to the Jewish holiday, that there will be no votes on Friday. I hope we will have made substantial progress on the bill by the end of tomorrow's session of the Senate. That is possible, of course, only if Members on both sides—both Republicans and Democrats—are willing to bring their amendments to the floor.

The one other amendment I have discussed seriously at this point is one by the Senator from Wyoming, Mr. ENZI, and the Senator from Florida, Mr. GRAHAM, on gambling. That amendment is ready to be accepted. Now I see two Members on the floor. If the Senator from Florida—who was told he could go first—would like to bring his amendment up now and submit the rest of the various statements on it, I understand the amendment will be accepted in relatively short order. Is my understanding correct?

Mr. GRAHAM. That is my understanding, and we are prepared to proceed with our amendment.

Mr. GORTON. Then I yield the floor and suggest the Senator from Florida seek to be recognized.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Kasey Gillette of our staff have floor privileges for the duration of the consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1577

(Purpose: To prohibit the Secretary of the Interior from implementing class III gaming procedures without State approval)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. ENZI, Mr. BRYAN, Mr. REID, Mr. VOINOVICH, Mr. GRAMS, Mr. LUGAR, Mr. SESSIONS, and Mr. BAYH, proposes an amendment numbered 1577.

At the appropriate place, insert the following:

SEC. . PROHIBITION ON CLASS III GAMING PROCEDURES.

No funds made available under this Act may be expended to implement the final rule published on April 12, 1999, at 64 Fed. Reg. 17535.

Mr. GRAHAM. Mr. President, this amendment, which has been cosponsored by Senators ENZI, BRYAN, REID, VOINOVICH, GRAMS of Minnesota, LUGAR, SESSIONS, and BAYH, has been before the Senate on several previous occasions. It essentially goes to the issue of what will be the process to determine whether on Indian properties there shall be allowed class III gambling. Class III gambling is the type of gambling that occurs in Las Vegas and Atlantic City. It is what we would characterize as casino gambling. Currently, for that gambling to occur, there has to be a compact entered into between the representatives of the Indian tribe and the Governor of the State in which the proposed casino would be located. This is all part of the Indian Gaming Act passed by the Congress in the past.

The Secretary of the Interior, earlier this year, on April 12, issued a regulation that essentially said if he determined the States were not negotiating on these compacts in good faith, then he could remove that power from the States, and the Secretary of the Interior would decide whether there should be class III gambling under the aegis of Indian tribes.

I personally think that is a very bad idea. It disrupts the basic principle of federalism, the responsibility which this Congress has placed with the States and the tribes to reach an agreement.

In my own State of Florida, we have a prohibition in our constitution against casino gambling. Three times since 1978 there have been attempts to amend the constitution and change that provision, and each time they have been overwhelmingly defeated. This would have the effect of overturning three constitutional expressions of opinion by the people of Florida, and similar expressions of opinion by citizens of other States, to have the Secretary of the Department of the Interior insert his or her will as to casino gambling within that State.

At this time, unless there is further debate, I will yield my time. We will not necessarily ask for a rollcall vote on this matter if it can, as in the past, be resolved by a voice vote.

I thank the Chair.

Mr. ENZI. Mr. President, I rise in support of the amendment introduced by the Senator from Florida, Mr. GRAHAM. This amendment has one very simple purpose: To ensure that the rights of Congress and all fifty states are not trampled on by an unelected cabinet official.

This amendment is very straightforward: it prohibits Secretary Babbitt from expending any funds from this act to implement the final regulations he published on April 12 of this year. The regulations at issue would allow Secretary Babbitt to circumvent the rights of individual states by approving casino-style gambling on Indian Tribal lands. This amendment would prohibit this power grab.

Mr. President, this is the fifth time in two years that I have been involved in amendments of this nature. I myself have offered four previous amendments to stop this power grab by the Secretary of the Interior, and four times this Senate has approved these amendments by voice votes. I think this body has spoken with a clear voice that it does not believe an unelected cabinet official should bypass Congress and all fifty states in a decision as great as whether or not casino gambling should allowed within the state borders.

Mr. President, recently I was invited to testify before the Indian Affairs committee on a bill Senator CAMPBELL has introduced to amend the statute that governs gambling on Indian Tribal lands, the Indian Gaming Regulatory Act. While I do not agree with all the changes Senator CAMPBELL has proposed to IGRA, I applaud the Chairman for taking the initiative to attempt to make changes the proper way—by proposing a bill, holding hearings, receiving public input from all the stakeholders, and moving the legislation through both houses of Congress. I have a few ideas on how I believe the bill could be improved, and I welcome the invitation of Senator CAMPBELL to offer some suggestions to his bill.

In contrast to this legislative process—the proper way to make changes to substantive law—Secretary Babbitt wants to make changes by administrative fiat. His regulations are a slap in the face to the governments of all fifty states, to Congress, and to all the Indian Tribes that have negotiated Tribal-State compacts with the States in which they are located. The Secretary's rules effectively punish those tribes which have played by the rules. The Secretary's action will open the floodgates to an approval process based more on political influence than on proper negotiations between the states and the tribes. Who will be the winners under Secretary Babbitt's new regime? Will it be the Tribes that donate enough money to the right political party? In contrast to the Secretary's rules, the Graham-Enzi amendment would ensure that an unelected Secretary of the Interior won't singlehandedly change current law. This amendment will ensure that any change to IGRA is done the right way—legislatively.

I have already had occasion on this floor to remark on the painful irony of the timing of Secretary Babbitt's power grab. In March of last year, Attorney General Janet Reno requested an independent counsel to investigate Secretary Babbitt's involvement in denying a tribal-state gambling license to an Indian Tribe in Wisconsin. Although we will have to wait for Independent Counsel Carol Elder Bruce to complete her investigation before any final conclusions can be drawn, it is evident that serious questions have been raised about Secretary Babbitt's judgment and objectivity in approving Indian gambling compacts. We should not turn over sole discretion of casino gambling on Indian Tribal lands to an individual who has shown such carelessness in administering his trust responsibilities to all the Indian Tribes within his jurisdiction.

The very fact that Attorney General Reno believed there was specific and credible evidence to warrant an investigation should be sufficient to make this Congress hesitant to allow Secretary Babbitt to grant himself new trust powers that are designed to bypass the states in the area of Tribal-State gambling compacts. Moreover, this investigation should have taught us an important lesson: we in Congress should not allow Secretary Babbitt, or any other Secretary of the Interior, to usurp the rightful role of Congress and the states in addressing the difficult question of casino gambling on Indian Tribal lands.

Mr. President, the Secretary has not given any indication in the 16 months since the independent counsel was appointed that he should be trusted with new, self-appointed trust responsibilities over Indian Tribes. On February 22nd of this year, United States District Judge Royce Lamberth issued a contempt citation against Secretary Bruce Babbitt and Assistant Secretary of the Interior for Indian Affairs, Kevin Gover, for disobeying the Court's orders in a trial in which the Interior Department and the Bureau of Indian Affairs were sued for mismanagement of American Indian trust funds.

In his contempt citation, Judge Lamberth stated, and I quote,

> The court is deeply disappointed that any litigant would fail to obey orders for production of documents, and then conceal and cover up that disobedience with outright false statements that the court then relied upon. But when that litigant is the federal government, the misconduct is even more troubling. I have never seen more egregious misconduct by the federal government.

This conduct has raised such concern that both the Chairman of the Senate Indian Affairs Committee and the Chairman of Senate the Energy and Natural Resources Committee have held hearings and proposed legislation to call Secretary Babbitt to task for his mismanagement of these funds and his disregard for the rulings of a federal court. The Secretary's continued violation of his trust obligations to Indian Tribes should serve as a wake-up call to all of us in the Senate. This is not the time to allow the Secretary to delegate to himself new, unauthorized, powers.

I want to point out that this amendment does not affect any existing Tribal-State compacts. The amendment does not, in any way, prevent states and Tribes from entering into compacts where both parties are willing to agree on class III gambling on Tribal lands within a State's borders. This amendment does ensure that all stakeholders must be involved in the process—Congress, the Tribes, the States, and the Administration.

Mr. President, a few short years ago, the big casinos thought Wyoming would be a good place to gamble. The casinos gambled on it. They spent a lot of money. The even got an initiative on the ballot. They spent a lot more money trying to get the initiative passed. I became the spokesman for the opposition. When we first got our meager organization together, the polls showed over 60 percent of the people were in favor of gambling. When the election was held casino gambling lost by over 62 percent—and it lost in every single county of our state. The 40 point swing in public opinion happened as people came to understand the issue and implications of casino gambling in Wyoming. That's a pretty solid message. We don't want casino gambling in Wyoming. The people who vote in my state have debated it and made their choice. Any federal bureaucracy that tries to force casino gambling on us will only inject animosity.

Why did we have that decisive of a vote? We used a couple of our neighboring states to review the effects of their limited casino gambling. We found that a few people make an awful lot of money at the expense of everyone else. When casino gambling comes into a state, communities are changed forever. And everyone agrees there are costs to the state. There are material costs, with a need for new law enforcement and public services. Worse yet, there are social costs. And, not only is gambling addictive to some folks, but once it is instituted, the revenues can be addictive too. But I'm not here to debate the pros and cons of gambling. I am just trying to maintain the status quo so we can develop a legislative solution, rather than have a bureaucratic mandate.

Mr. President, the rationale behind this amendment is simple. Society as a whole bears the burden of the effects of gambling. A state's law enforcement, social services, communities, and families are seriously impacted by the expansion of casino gambling on Indian Tribal lands. Therefore, a state's popularly elected representatives should have a say in the decision about whether or not to allow casino gambling on Indian lands. This decision should not be made unilaterally by an unelected cabinet official. Passing the Graham-Enzi amendment will keep all the interested parties at the bargaining table. By keeping all the parties at the table, the Indian Affairs Committee will have the time it needs to hear all the sides and work on legislation to fix any problems that exist in the current system. I urge my colleagues to stand up for the constitutional role of Congress—and for the rights of all fifty states—by supporting this amendment.

I thank the chair and yield the floor.

Mr. GORTON. Mr. President, I understand that the Senator from Hawaii, Mr. INOUYE, may wish the opportunity to speak, and perhaps more likely will wish the opportunity to put a statement in the RECORD. I don't believe that affects the proposition that the amendment will be accepted by voice vote. But I ask that we not take that voice vote at this time, until we are apprised of the desires of the Senator from Hawaii.

Under the circumstances, the Senator from Missouri being here, I ask unanimous consent that he be recognized and that we set this amendment aside to deal with another.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

AMENDMENT NO. 1621

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. LOTT, proposes an amendment numbered 1621.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, line 10, add the following before the period "*:Provided*, That within the funds available, $250,000 shall be used to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri: *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in

Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of enactment of this Act): *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714)''

Mr. BOND. Mr. President, this amendment, as the manager has already stated, deals with a matter that was approved in the committee and was taken out by a procedural move. The amendment requires a study of mining in the Mark Twain National Forest in south-central and southeast Missouri. It requires that it be conducted to address the scientific gaps identified by scientists in the Departments of the Interior, Agriculture, and others.

While the relevant information is collected, the amendment delays any prospecting or withdrawal decisions for the fiscal year.

This amendment is a commonsense amendment. It is a modern amendment. It enables the full-blown process to go forward before any decisions are made.

This amendment does not permit mining. It does not permit exploration. It does not amend, weaken, or touch environmental standards.

It prohibits exploration and withdrawal. It requires a scientific study of the scientific gaps identified by the agencies. It maintains the NEPA requirement for full-blown environmental impact statements which any withdrawal by the Secretary would preclude.

This amendment preserves, as I said, the requirement of the full-blown NEPA process. And a full-blown impact statement will ultimately dictate whether any mining should or should not take place if an application is made, if there are deposits of lead discovered.

By the time any mining could take place, Senator THURMOND might be the only Senator remaining in this Chamber.

The amendment does not give miners their way who want clearance for prospecting now.

It does not give the zero-growth opponents their way. Contrary to precedent and current law, they want no economic activity on these public lands which are multiple-use lands in the State of Missouri.

Anyone who understands this issue understands that bulldozers are not ready to roll, nor should they be. They don't even know yet what lead might be available. There are too many unanswered questions to make a final decision. Regrettably, some on the extreme want to preclude an opportunity to answer those questions.

The fundamental question that this amendment addresses is whether someday, if we were to find lead in those areas, additional lead could be mined safely in the State of Missouri. That is a critical question and that is one that should be answered by the scientists.

We are not here to legislate a decision and it should not be hijacked by administrative decree.

Some suggest that we know enough already to make what would be a permanent decision for the 1,800 miners who are under the gun for the 10 counties in south Missouri that depend upon this mining. They say we know enough already to prevent any further mining in an area which has 90 percent of the domestic lead deposits. So we would export lead production overseas.

This past month I met with the bipartisan county commissioners, Democrats and Republicans, who are elected by and responsible to the people in the counties they serve. They make up the Scenic Rivers Watershed Partnership. They are closest to the issue. They have the most at stake. They are the ones who represent the recreational interests. They are the ones who represent the timber interests. They represent the forest interests. They represent the interests of schools and roads which depend upon the royalties that come from mining. And they support this amendment. They said we must have a full-blown study.

There is a technical team that has been set up.

A multiagency technical team was established in 1988. It has the USDA Forest Service, the National Park Service, EPA, U.S. Geological Survey Water Resources Division and the Geologic Division, the Mineral Resources Division, the Mapping Division, the Missouri Department of Natural Resources, and the Department of Conservation. It has the private companies involved; it has the University of Missouri, Rolla; and it has the U.S. Fish and Wildlife Service.

What do these scientists and engineers who have begun the study say?

First, they say:

> The technical team believes that there is insufficient scientific information available to determine the potential environmental impact of lead mining in the Mark Twain National Forest area. This is a consensus opinion that the technical team has held from the beginning through the present. Due to the lack of scientific information available to assess the potential impacts of lead mining, the technical team proposed that a comprehensive study be conducted.

That is contained in a letter to me dated July 30, 1999, from Charles G. Groat, Director of the U.S. Geological Survey, the Office of the Director, the U.S. Department of the Interior in Reston, VA.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
U.S. GEOLOGICAL SURVEY,
Reston, Virginia, July 30, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: This is in response to your letter of July 20, 1999, to Mr. Jim Barks, related to mining in the Mark Twain National Forest (MTNF) area. In your letter, you ask that we provide a brief and clear assessment as to the quality of information that was compiled by the interagency technical team charged with building a ''relevant database to assess mining impacts and base future decisions.'' You ask that we, ''specifically address the question as to the adequacy and relevance of information currently available to provide a solid scientific foundation for any decision to justify either withdrawal or mining in the region.''

In 1988, an interagency technical team was assembled to guide the identification, collection, and dissemination of scientific information needed to assess the potential environmental impact of lead mining in the MTNF area. Since 1989, the team has been chaired by Bob Willis of the Forest Service. The U.S. Geological Survey (USGS) has actively participated on the team from the beginning, with Mr. James H. Barks, USGS Missouri State Representative, serving as our representative.

The technical team believes that there is insufficient scientific information available to determine the potential environmental impact of lead mining in the MTNF area. This is a consensus opinion that the technical team has held from the beginning through the present. Due to the lack of scientific information available to assess the potential impacts of lead mining, the technical team proposed that a comprehensive study be conducted.

In January 1998 at the request of the technical team, the USGS prepared a proposal for a multi-component scientific study to address the primary questions about the potential environmental impacts of lead mining in the MTNF area. Mr. Barks provided a copy of the proposed study to Brian Klippenstein of your staff at his request on July 9, 1999. Neither a requirement for full environmental review to support a Secretarial decision nor a source of funding has been established. For these reasons the proposed study has not been initiated.

Please let us know if we can provide additional information or assistance.

Sincerely,

CHARLES G. GROAT,
Director.

Mr. BOND. Mr. President, there is further backup and supportive information that I can provide. But, in summary, my amendment provides the money for the research that the technical team says it needs, and it preserves the current rigorous environmental process which will take years to complete. If lead is discovered, if it is economically viable, and if the company decides to develop a mining plan and apply for mineral production, then the whole process will have to start.

To vote for this amendment is to vote to let the scientists get what they say is necessary to make an informed decision, and it is a consensus of all of those agencies I outlined that they don't have the information. I think it is also a strong consensus of all the agencies that we must protect the environmental resources of the region.

As one who has floated and fished on the streams in the Mark Twain National Forest, I can tell you that it is a real gem. I flew over much of the area and I visited on foot much of the area in the last month. I can tell you that it is a beautiful wilderness. But it is a multiple-use area. It is used for recreation; it is used for timber; it is used for mining. We flew over some 160 exploratory drilling sites. But you don't see them because they grow back. As a matter of fact, I had my picture taken in one of the exploratory sites.

There is an exploratory site 2 years after the exploration stopped. It is growing back. In another few years you won't even be able to tell it is there.

That is why the scientists said that exploratory drilling has no impact. So it is not even an issue. It has no environmental impact. That is not a problem.

There are those who do not live in the area who say that no economic use can be made. But I believe that for the good of the country, for the good of the area, to satisfy our needs, to provide the work for 1,800 miners in the area, to provide the support for the schools, for the communities, for the roads and infrastructure in the area, we must follow the long established, rigorous evaluation process designed to allow environmentally acceptable activities and prohibit those that would be adverse to the environment.

If you listen to the scientists, as we have, you know that it takes more information than is currently available to make that determination. These questions deserve to be answered before we mine, or before we slam the door in the face of the regions' residents and force our country to become exclusively reliant on foreign sources of this vital mineral.

I urge my colleagues to support this measure. It is a commonsense amendment.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1577

Mr. CAMPBELL. Mr. President, I was off the floor. What is the pending business? Are we going back to the Graham amendment now?

The PRESIDING OFFICER. We are now on Senator BOND's amendment. We left the Graham amendment.

Mr. CAMPBELL. I ask unanimous consent to return to the Graham amendment so that I may speak in opposition to it for a minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. CAMPBELL. Thank you, Mr. President.

I don't think anyone has more disagreement with Secretary Babbitt than I do as chairman of the Indian Affairs Committee. Certainly Indian trust funds have been an issue on which we have been at odds for literally months with the Secretary. In addition to that, as a member of the Energy Committee, I have had my disagreements with him on grazing, water, and many other things, too. But there are at least four reasons to oppose this amendment.

I hope my friend, the Senator from Florida, will consider withdrawing it.

First, after the Supreme Court decided in Seminole v. Florida that Indian tribes cannot sue States for unwillingness to negotiate Indian gaming agreements, it created a terrific problem, as many Members know. We have spent a considerable amount of time in our committee, with me as the chairman of that Committee on Indian Affairs, looking for ways that States and tribes can come to some consensus.

We have a pending bill, S. 985. We have worked on it very hard. We want the legislative process to proceed. The Indian Gaming Regulatory Act requires tribes to have compacts before they can operate class III gaming. Right now, unfortunately, the States hold all the cards since the court decided the States do not have to negotiate in good faith.

The Secretary of the Interior is now in Federal court over his ability to issue the kind of procedures that this amendment seeks to stop. As the Senator from Florida probably knows, these procedures can only be put into effect if they are published in the Federal Register. The States of Alabama and Florida have sued the Secretary of the Interior if this case moves ahead in the courts. It is in the interest of all parties, States and tribes, for the United States to allow the courts to decide once and for all if the Secretary has this authority.

I point out, the House has already rejected a similar amendment. I have a letter dated August 2 from the Secretary of the Interior. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, August 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: As you know, a floor amendment has been submitted for intended action on the FY 2000 Interior appropriations bill which would preclude the Department from expending any funds to implement the Indian gaming regulation published in the Federal Register on April 12, 1999. The question of our authority to promulgate that regulation is in litigation in the Northern District of Florida in a case brought by the States of Florida and Alabama. I urge you to oppose the amendments in recognition of the fact that the matter is now in the courts, and we have agreed to refrain from implementing the regulation in any specific case until the federal district court has an opportunity to rule on the merits of the legal issues. We believe that this matter is best dealt with by the courts and we are eager for a judicial resolution.

The regulation will have narrow application. It applies, by its terms, only (1) when an Indian Tribe and a State have failed to reach voluntary agreement on a tribal-state gaming compact; and (2) when a State successfully asserts its Eleventh Amendment immunity from a tribal lawsuit and thus avoids the mediation process expressly provided in the Indian Gaming Regulatory Act. The regulation will be implemented on a case-by-case basis, controlled by the facts and law applicable to each situation. As noted above, we are already in litigation in federal court in Florida over the lawfulness of the regulation.

In a letter dated May 11, 1999, I explained our concern that we do not think a legal challenge to the regulation is "ripe" for adjudication until the Department had actually issued "procedures" under it. Since that time, we have sought to dismiss a legal challenge on ripeness grounds. We intend to go forward with processing tribal applications under our regulation and to issue "procedures" if they are warranted. It is important to note that any such "procedures" become affective only when published in the Federal Register. As noted above, we have agreed to refrain from publishing any procedures until the federal district court has an opportunity to rule on the merits of the legal issues.

The House of Representatives rejected an amendment that would have precluded implementation of the rule and I hope that the full Senate will do the same. As you know, in the past, I have recommended that the President veto legislation containing similar provisions.

Thank you for your assistance on this important matter.

Sincerely,

BRUCE BABBITT.

Mr. CAMPBELL. In that letter, the Secretary indicates the final rule will not be implemented and no tribal agreements will be authorized until the courts decide the real issue of whether he has authority to issue these procedures. That may take several years.

I ask the legislative process proceed and we not short circuit it with this amendment. I ask the Senator from Florida to withdraw that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise today in support of the amendment offered by the distinguished Senators from Florida and Wyoming, Mr. GRAHAM and Mr. ENZI. This is an amendment that prevents the Interior Department from implementing new regulations that seriously threaten the rights of States to regulate gaming activities within their borders.

This amendment reinstates the prohibition on the Secretary of the Interior, which expired on March 31, from approving casino gaming on Indian land in the absence of a tribal-State compact. A similar provision was adopted unanimously by the Senate as part of the fiscal year 1998 Interior appropriations bill as well as the fiscal year 1999 omnibus appropriations bill.

As many of my colleagues are aware, the Indian Gaming Regulatory Act enacted in 1988 divides Indian gaming into three categories. The amendment offered for consideration on the Senate floor today addresses the conduct of class III gaming; that is, casino gaming, slot machines, video poker, and other casino-type games.

Under IGRA, the Congress very clearly intended to authorize Indian tribes to enjoy and to participate in gaming activities within their respective States to the same extent as a matter of public policy that the State confers gaming opportunities generally to the State.

There are two clear extremes. In one case, we have the States of Utah and Hawaii. Those are the only two of the 50 States that I am aware of that permit no form of Indian gaming. It is very clear that because those two States as a matter of public policy confer no gaming opportunities upon its citizenry, Indian tribes in Utah and Hawaii have no ability to conduct gaming activities within the class III description, the so-called casino-type games.

Equally clear at the other end of the spectrum is my home State of Nevada. Nevada has embraced casino gaming since 1931. It is equally clear in Nevada law that the Indian tribes in my own State are entitled to a full range of casino gaming. Indeed, compacts have been introduced to accomplish that purpose.

Under IGRA, the class III gaming activity is lawful on Indian lands only if three conditions are made:

No. 1, there is an authorized ordinance adopted by the governing body of a tribe and approved by the Chairman of the National Gaming Indian Commission;

No. 2, located in a State that permits such gaming for any purpose by any person, organization, or entity—I want to return to that because that is the key here—located in a State that permits such gaming for any purpose by any person, organization, or entity.

No. 3, are conducted in conformance with a tribal-State compact.

As I know the distinguished occupant of the Chair fully understands, the implementation of IGRA requires that compact be negotiated and entered into between the Governor of the State and the tribe within that State that is seeking to conduct class III activity. When IGRA was enacted in 1988, Congress was careful to create a balance between State and tribal interests. One of the fundamental precepts of IGRA is that States and tribes must negotiate agreements or compacts that delineate the scope of permissible gaming activities available to the tribes. Again, the intent of IGRA is clear and I support its concept. Very simply stated: To the extent that a State authorizes certain gaming activity as a matter of public policy within the boundaries of that State, Indian tribes located within that State should have the same opportunity. There is no fundamental disagreement about that.

However, a situation has arisen in a number of States in which Indian tribes have tried to force Governors to negotiate extended gaming activities that are not authorized or permitted by law within that State; for example, a State that may authorize only a lottery might be pressed by a tribe to permit slot machines—clearly something that IGRA did not contemplate. It is in that area that we have had some very serious disagreements.

The new Interior Department regulations destroy the compromise that is reflected in IGRA. It is in my view a blatant attempt by the Secretary to rewrite the law without congressional approval. The rule that has been promulgated allows the Secretary to prescribe "procedures" which the Interior Department characterizes as a legal substitute for a tribal-State compact, in the event a State asserts an 11th amendment sovereign immunity defense to a suit brought by a tribe claiming a State has not negotiated in good faith.

The effect of this rule for all intents and purposes nullifies the State's constitutionally guaranteed sovereign immunity by allowing the Secretary of the Interior to become a substitute Federal court that can hear the dispute brought by the tribe against the State. Ironically, the new rule permits a tribe to sue based on any stalemate brought about by its own unreasonable demands on the State, such as insisting on gaming activities that violate that State's law.

I support this amendment because I believe, as do the Governors and the States Attorney General, that the Secretary does not possess the legal authority he has sought to grant to himself under this rule, and that statutory modifications to IGRA are necessary in order to resolve a State's sovereign immunity claim.

In a letter to the majority leader and the Democratic leader, the Nation's Governors stated they strongly believe that no statute or court decision provides the Secretary of the U.S. Department of Interior with the authority to intervene in disputes over compacts between Indian tribes and States about casino gambling on Indian lands. In light of this strongly held view, the States of Florida and Alabama have already filed suit against the Secretary to declare the new rule ultra vires.

The most troubling aspect of the new rule is that the Secretary of the Interior grants himself the sole authority to provide for casino gaming on Indian lands in the absence of the tribal-State compact.

As a former Governor, I appreciate the States' concern with the inherent conflict of interest of the Secretary in resolving a major public policy issue between a State and Indian tribe while also maintaining his overall trust responsibility to the tribe.

I ask my colleagues to consider the Secretary of the Interior would in effect be the arbiter where a dispute arose between the tribe and the Governor in which the tribe was asserting a claim to have more gaming activity than is lawfully permitted in the State. The Secretary of the Interior, who holds a trust responsibility to the tribe, would in effect be making the determination in that State as to what kind of gaming activity would be permitted. I cannot imagine something that is a more flagrant violation of a State's sovereignty and its ability, as a matter of public policy, to circumscribe the type of gaming activity permitted. The States have asserted a wide variety of these. Some States, as I indicated earlier, provide for no gaming activity at all. Others provide for a full range of casino gaming, as does my own State. Other States permit lotteries. Still others authorize certain types of card games. Others permit a variation of horse or dogtrack racing, both on- and off-track.

So a State faces the real possibility, under this rule, if it is not invalidated—and I believe legally it has no force and effect, but we want to make sure this amendment prohibits the attempt of the Secretary to implement it—in effect, the Secretary of the Interior would have the ability to set public policy among the respective States as to what type of gaming activities could occur on Indian reservations within those States. We are talking now about class III casino gaming. Even though a State Governor and the legislature and the people of that State may have determined, as a matter of public policy, that they want a very limited form of gaming—a lottery or racetrack betting at the track as opposed to off-track—the Secretary would have the ability, when a tribe asserted more than the State's law permitted, to, in effect, resolve that. I cannot think of anything that is more violative of a fundamental States rights issue in terms of its sovereignty and its ability as a matter of public policy to make that determination.

I agree with many of my colleagues that statutory changes to IGRA are in order, in light of recent court decisions. I am hopeful that Congress will see fit to reassert its lawmaking authority in this area by reexamining IGRA, rather than sitting on the sidelines while the Secretary of the Interior performs that task.

But, in the meantime, it is imperative that the Congress prohibit the Secretary from approving class III gaming procedures without State approval. For that reason, I urge my colleagues to support the carefully crafted amendment by my colleague from Florida, Senator GRAHAM, and Senator ENZI from Wyoming—an amendment to preserve the role for States in the conduct of gaming on Indian lands.

It is fair, it is balanced, and it is reasonable. It is consistent with the overall intent of IGRA, which was adopted in 1988 by the Congress, to permit class III gaming activities when the three conditions which I have enumerated are met, ultimately with a compact negotiated by the Governor and the tribe within that State. In the absence of such an agreement, the Secretary of the Interior must not be allowed to determine that State's public policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is still the opinion of the managers that this amendment is likely to be accepted by voice vote. We still haven't directly heard from the Senator from Hawaii, however, who may be nearby. I hope when he finishes we can cast such a vote.

We have heard, on the other hand, the senior Senator from Illinois wishes to speak against the Lott amendment proposed for him by Senator BOND and will ask for a vote on that. So we will await his presence and his speech on that subject before there is any attempt to bring that amendment to a vote. But for all other Members with the other 64 amendments, now that we have started to deal with two of them, we would certainly appreciate their coming to the floor and showing a willingness to debate. The Democratic manager, Senator BYRD, and I are certainly going to be happy to grant unanimous consent to move off of one amendment and onto another, I am sure, to keep the debate going with the hope of making progress on the bill.

With that, however, I yield the floor.

Mr. BYRD. Mr. President, I join with my distinguished colleague, the manager of the bill, in urging Senators to come to the floor and debate these amendments. It is my understanding, as it is his, that the distinguished Senator from Illinois, Mr. DURBIN, wishes to speak against the amendment by the distinguished Senator from Missouri, Mr. BOND, and he will certainly have that opportunity.

I trust the offices of Senators—I am sure they are watching and listening—will pass on to the respective Senators this urgent message that we are trying to state here, that we are here, we are here to discuss amendments, debate them, agree to them, vote them down, vote them up, amend them further, or whatever. But Senators need to come to the floor and make their wishes known so that this valuable time will not be lost. So I urge our Senators to act accordingly.

Now I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, with the greatest respect for my friend from Florida, I rise in opposition to the amendments he proposes to the Interior appropriations bill.

As similar amendments have done in prior years, this amendment seeks to prevent Indian tribal governments from engaging in activities that have been authorized by the U.S. Congress and sanctioned by the Supreme Court of the United States.

My colleagues know well that there has been a serious impasse in the operation of federal law, the Indian Gaming Regulatory Act—IGRA—since 1996.

In that year, the Supreme Court concluded that the means by which tribal governments could have recourse to the Federal courts if a State refused to negotiate for a tribal-State compact violated the states' eleventh amendment immunity to suit.

Thus, while there are presently over 128 tribal-State compacts as many as 24 States, in those States where tribal-State compact negotiations had not been brought to fruition by 1996, the Court's ruling gave those States a trump card in the negotiations.

Those States—and there are only a few—now had a means of avoiding compliance with the Federal law altogether. They could refuse to negotiate any further, or refuse to negotiate at all, with the knowledge that tribal governments had no remedy at law and no recourse to the Federal courts.

We have tried to address this matter through legislation, and indeed, the chairman of the Indian Affairs Committee, Senator BEN NIGHTHORSE CAMPBELL, currently has a bill pending in the Senate which specifically addresses this matter and establishes a process for resolving this impasse.

In the interim, the Secretary of the Interior has stepped into the breach—first by soliciting public comment on his authority to promulgate regulations for an alternative process if tribal-State compact negotiations should fail, and then by following the administrative procedures to assure that everyone with an interest had an opportunity to participate in the rulemaking process.

That was the open and public and well above-board process that was followed, and it seems to me only fair that if a State refuses to negotiate with a tribal government,—that there be some other means by which an indian government can secure its right under Federal law to conduct gaming activities.

Mr. President, if there were a proponent of this amendment that could tell us what equitable alternative they would propose for those tribal governments that will be directly affected by this amendment, I would give that alternative my earnest consideration.

But all that I see going on here is an effort to assure that the windfall enjoyed by those States that had not entered into compacts by 1996, never have to do so.

I suggest that if what we are about here is to render the Indian Gaming Regulatory Act a nullity, then let's be direct and forthright about it.

Let's repeal the Federal law.

Let's have the Supreme Court's ruling in Cabazon be the order of the day and of every day to come.

I, for one, will not be party to this obvious effort on the part of some States to evade the mandates of the Federal law.

There is nothing constructive being advanced today. There is no effort to assure some balance in the positions of the respective sovereigns, tribal and State governments, and as such, I must strongly and respectfully oppose the adoption of this amendment.

I thank the Chair. I yield the floor.

At the request of Mr. GORTON, the following statement was ordered printed in the RECORD:

Mr. SESSIONS. Mr. President, I rise today to join with my distinguished colleagues, Senator ENZI and Senator GRAHAM, in offering this important amendment to the fiscal year 2000 Interior appropriations legislation. This is an amendment that should be supported by anyone who is concerned about the issue of gambling, and who also believes that the Federal Government often goes too far in exerting its will on the individual States. I think that the amendment we offer today, which will prohibit taxpayers money from being expended to implement the final rule published on April 12, 1999 at 64 Federal Register 17535, is an important amendment because if it passes it will prohibit the Secretary of the Interior from unilaterally approving the expansion of casino gambling on Tribal land throughout this country, including States, like Alabama, in which a Class III gambling compact has not previously been negotiated.

Allow me to briefly share some of my thoughts on the importance of this amendment. As Attorney General of Alabama, I cosigned a letter with 25 other Attorneys General that was sent to the Secretary of the Interior in regards to his promulgation of the rule we seek to block today. Every Attorney General who signed that letter shared the opinion that the Secretary of the Interior did not have the legal authority to take action to promulgate regulations which gave him the authority to allow casino gambling in this manner. In fact, I previously warned the Secretary that if he attempted to implement this rule, he would immediately be sued by States throughout this country in direct challenge to these regulations, resulting in a terrible waste of resources on both the State and Federal level. Unfortunately, my prediction has come true, as the States of Florida and Alabama have filed suit to block the implementation of this rule.

This is an important issue for my State, which has a federally recognized tribe and which has not entered into a tribal-State gambling compact. Alabama's citizens have repeatedly rejected attempts to allow casino gambling to occur within our State. However, under the rules that the Secretary of the Interior has promulgated, he has given himself the authority to unilaterally decide whether tribes within the State will be allowed to open casinos, regardless of the opinion of the State itself, despite his obvious conflict of interest, and even in the absence of any bad faith on the part of the States. I fail to see how the Secretary of the Interior can cede himself the authority to make this determination for the people of Alabama. Allow me to quote two points from the legal analysis prepared by the States of Florida and Alabama which highlight these issues:

The States of Florida and Alabama point out in their lawsuit that "under IGRA, an Indian tribe is entitled to nothing other than the expectation that a State will negotiate in good faith. If an impasse is reached in good faith under the statute, the Tribe has no alternative but to go back to the negotiating table and work out a deal. The rules significantly change this by removing any necessity for a finding that a State has failed to negotiate in good faith. The trigger in the rule would allow secretarial procedures in the case where no compact is reached within 180 days and the State imposes its Eleventh Amendment immunity."

Additionally the States' challenge points out the problems associated with the Secretary of Interior's conflict of interest. In their argument the States point out that "the rules at issue here arrogate to the Secretary the power to decide factual and legal disputes between States and Indian Tribes related to those rights. Pursuant to 25 USC Section 2 and Section 9, the Secretary of the Interior stands in a trust relationship to the Indian tribes of this nation. The rules set up the Secretary, who is the Tribes' trustee and therefore has an irreconcilable conflict of interest as the judge of these disputes. Therefore, the rules, on their face, deny the States due process and are invalid."

Both of these points help to illustrate just how badly flawed the regulation proposed by the Secretary of the Interior is, and help underscore why Congress should be vigilant in ensuring it cannot be utilized.

Why is this issue so important to my State? Because in giving himself the ability to decide whether to allow tribal Class III gambling in a State, the Secretary of Interior has given himself the ability to impose great social and economic burdens on local communities throughout Alabama. Let me share with you a letter that the mayor of Wetumpka, Jo Glenn, whose community is home to property owned by a tribe, wrote me in reference to the undue burdens her town would face if the Secretary were to step in and authorize casino gambling. Mayor Glenn writes:

> Our infrastructure and police and fire departments could not cope with the burdens this type of activity would bring. The demand for greater social services that comes to areas around gambling facilities could not be adequately funded. Please once again convey to Secretary Babbitt our city's strong and adamant opposition to the establishment of an Indian Gambling facility here.

Mayor Glenn's concerns have been seconded by other communities. Let me share with you an editorial that appeared in the Montgomery Advertiser in regards to regulations being discussed today. The Advertiser wrote:

> Direct Federal negotiations with tribes without State involvement would be an unjustifiably heavy handed imposition of authority on Alabama. The decision whether to allow gambling here is too significant a decision economically, politically, socially to be made in the absence of extensive State involvement. A casino in Wetumpka—not to mention the others that would undoubtedly follow in other parts of the State—has implications far too great to allow the critical decisions to be reached in Washington. Alabama has to have a hand in this high stakes game.

Mr. President, the States of Alabama and Florida were correct to challenge this regulatory proposal, and the writers of the above quoted letter and editorial were correct when they voiced their objections to it. We should not allow the Secretary of the Interior to promulgate rules giving himself the authority to impose drastic economic, political and social costs on our local communities, and we should take steps now to ensure that he is unable to do so. I urge my colleagues' support for the Graham-Enzi amendment.

Mr. GRAHAM. Mr. President, on April 12, 1999, Thomas Jefferson must have turned over in his grave. That Monday, the Secretary of the Interior promulgated a regulation which had the potential to unilaterally strip the duly elected Governors of America of their decision-making authority on the issue of casino gambling.

That day, the Secretary published regulations that would circumvent the State-tribal compact negotiation process by allowing tribes to apply directly to the Department of Interior for the approval of Class III gaming. If the Secretary determines that the State and tribe have not been able to reach an agreement, he, alone, can grant the tribes the authority to engage in Class III gaming.

Class III gaming is the sort of gambling you might find in Atlantic City or Las Vegas—blackjack, slot machines, craps, roulette.

It's an old story, Mr. President: Washington knows best. But in an era when we have correctly determined that political decisions are best made at the State and local level, this complete abrogation of States' rights is particularly outrageous. Today, Senator ENZI and I are taking steps to reverse the Interior Department's power grab. Our amendment to the Interior Appropriations bill would preserve the fundamental right of every State to decide whether or not it wants Class III Indian gaming within its borders. It would block these efforts to unilaterally approve tribal casino-style gambling applications by prohibiting the use of Department of Interior funds for the implementation of the Secretary's final rule.

The final rule publication on April 12 is fraught with long-term consequences. If we allow the long-standing tribal-State negotiation process to be bypassed, we will undermine a dialogue which has promoted greater understanding between both parties in the negotiation of gaming compacts.

This amendment does not limit the ability of tribes to obtain Class III casino-style gambling provided that tribes and States enter into valid compacts pursuant to existing law.

But even more importantly, Department of Interior's action calls into question the basic right of States to make decisions that are in the best interest of their residents. In the State of Florida, our Constitution prohibits this sort of gambling, and in 1978, 1986, and 1994, Floridians overwhelmingly rejected casino gambling in three separate statewide referendums. State and local law enforcement officials are equally vehement in their opposition.

Mr. President, our amendment has the support of the National Governors Association, National Association of Attorneys General, National League of Cities, and the National Conference of State Legislatures.

Four times in the past three years, an amendment similar to this one has been offered in the Senate, and all four times it has been accepted. Should it fail this time, the Interior Department will have unfettered power to grant Class III gaming compacts over State objections, even in State where casino gambling is against State law, including in States like Florida, where casino gambling is prohibited by the State constitution.

This amendment neither affects existing tribal-State compacts nor amends the Indian Gaming Regulatory Act. It does protect States' rights and ensures that elected State leaders—not unelected Federal officials—have the right to negotiate gaming compacts based on public sentiment.

I hope that my colleagues will join Senator ENZI, our cosponsors, and myself in supporting this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as far as I know, that concludes debate on the Graham-Enzi amendment. As far as I know, Members are willing to accept a voice vote on the amendment. So unless someone else rises, I suggest the President put the question.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1577.

The amendment (No. 1577) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1603

(Purpose: To prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000)

Mrs. HUTCHISON. Mr. President, I call up amendment No. 1603.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON), for herself, Mr. DOMENICI, Mr. LOTT, Mr. NICKLES, Mr. BREAUX, Mr. MURKOWSKI, Ms. LANDRIEU, and Mr. SHELBY, proposes an amendment numbered 1603.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 . VALUATION OF CRUDE OIL FOR ROYALTY PURPOSES.

None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes (including a rulemaking derived from proposed rules published at 62 Fed. Reg. 3742 (January 24, 1997), 62 Fed. Reg. 36030 (July 3, 1997), and 63 Fed. Reg. 6113 (1998)) until September 30, 2000.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator SHELBY be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I offer this amendment on my behalf, and in addition to Senator SHELBY, Senators DOMENICI, LOTT, NICKLES, BREAUX, MURKOWSKI, and LANDRIEU.

This amendment will continue an existing provision that will prevent the Interior Department's Minerals Management Service, MMS, from implementing an overreaching and unwise new oil royalty valuation system. This moratorium was adopted by the Senate Appropriations Committee and continues the same restrictions that have been passed by the Senate and the House and signed by the President three times previously.

I add that it has been bipartisan, and the initial moratorium and its subsequent extensions have been supported by Senators on both sides of the aisle, and the same is true on the House side. This will be the fourth time that Congress will have to act to stop this action by the Minerals Management Service. I regret that, and I wish there did not have to be a first time. But this moratorium is absolutely necessary in order to stop the MMS from overriding its regulatory authority by imposing a backdoor tax on the production of oil from Federal leases.

We have heard about judges legislating from the bench. This is, I think, legislating from the cubicle. This new rule violates both the language and the intent of Federal law governing the assessment and collection of Federal royalties from oil and gas drawn from Federal lands in the Outer Continental Shelf.

Everyone agrees the existing rules are too complex and burdensome, and Congress and the industry groups had welcomed a revision of the rules. But the proposed rule 3 years ago which MMS announced without prior notice to Congress could impose even more costly regulations on oil producers and effectively enact a royalty rate hike or tax increase which the agency simply does not have the authority to do. While the larger oil companies might be able to absorb these costs, hundreds of small independent producers probably will not. This new rule hits them at a time when they are still reeling from the historically low oil prices we have seen lately.

Anyone who has any kind of oil production in their States knows that hundreds of thousands of oil-related jobs in our country have gone out of existence in the last 6 months. We all know that oil prices went down to $10 a barrel. We have not seen that in this country for 40 years. We know that small independent producers had to go out of business, thus throwing hundreds of thousands of people off the payroll.

In addition, there are two recent developments that justify more than ever before the extension of the moratorium. First, the MMS itself says it needs more time to review its rule; second, a serious ethical and legal question has recently been raised about the rulemaking process.

Earlier this year, the Minerals Management Service did reopen the comment period for their rule for 30 days. During that period of time, they received extensive comments dealing with the many facets of this issue, and they have not yet finished reviewing and considering those comments.

Because they have held workshops and various oil industry representatives and others interested in this issue have been able to meet together, it is going to take time for the agency to digest the input they have. I hope there is a window in which the Minerals Management Service will be able to sit down and come up with something that is fair and will not put more of our oil industry jobs off the books and into foreign countries.

Remember, today we import more than 50 percent of the oil needs of our country. We are certainly not doing anything to help our own oil industry keep oil jobs in America, and it is a security risk to any country that cannot produce 50 percent of its energy needs.

I think everything we can do to keep this industry strong is a security issue for our country, and it is certainly a jobs issue.

Unfortunately, extending the moratorium through the next fiscal year is the only way we are going to be able to get this agency to produce a workable rule that stays within the bounds of the law. That is what we are trying to do.

In fact, I want our oil industry to pay its fair share of royalties to the people of our country. Our taxpayers deserve that. That is exactly what we are trying to do with the MMS. But the MMS has been very heavy handed, and they act as if businesses going out of existence is preferable to having a fair royalty rate in which the industry would pay its fair share and we would keep jobs in America.

Several of my colleagues and I strongly urged MMS to sit down with Members of Congress and industry representatives to discuss these issues. It did so last year. Some progress was made, and I thought we were coming toward a compromise. Unfortunately, the Department of the Interior brought the progress to an abrupt halt. The only way we will be able to sit down with the agency is if there is a moratorium until there is a satisfactory resolution of this issue by the MMS and the Members of Congress who are interested in keeping oil jobs in America.

In addition, I and other Members of Congress only recently became aware of a situation that, frankly, calls the entire rulemaking process into serious question. This spring it was revealed that a self-proclaimed government watchdog group called Project on Government Oversight, or POGO, gave $350,000 each to two Federal officials: One at the Department of the Interior and the other at the Department of Energy, apparently in connection with their work on the royalty valuation issue.

This matter is presently under criminal investigation at the Department of Justice, and it is the subject of an investigation by the Department of the Interior's inspector general. Until these investigations are complete, the prudent course would be for the Interior Department to take a voluntary action to suspend its plan to finalize the new royalty valuation rule. Unfortunately, the Department has indicated it is not willing to do this. I can't imagine an agency that has admitted or at least acknowledged that one of its employees in this rulemaking process took $350,000 as part of a payment in a lawsuit from this government watchdog organization, and the agency is not even willing to say we should call a moratorium on this whole process until we get to the bottom of this. That is why, when things such as this happen, people don't trust their Government.

I can't imagine the Interior Department not volunteering to take this action and sit down with us and make sure that this rulemaking process has integrity.

The Interior Department's proposed rule defies the law and the intent of Congress. This disregard for the law is what is at the heart of our objection to the proposed new rule, not the $11 million the Congressional Budget Office estimates the proposed rule will generate in new income for the agency.

Federal law requires for purposes of royalty payments the value of oil drawn from Federal land is to be assessed at the wellhead; that is, when the oil is drawn from the ground. The MMS, however, continues to try to assess the value of the oil away from the wellhead, after the oil has been transported, processed, and marketed, each of which must occur before the oil can be sold. In effect, the MMS is trying to get a free ride on these costs rather than allowing companies to deduct them from the price they ultimately receive for the oil. So you are asking people to pay a tax on their cost of doing business. That does not make economic sense. It certainly doesn't pass the fairness question.

There isn't any question that the existing system of computing Federal oil royalties is overly complex. No one disputes that. Under the current system, oil producers are often unclear as to what their royalty payments are supposed to be, and even the MMS is often at a loss as to what they are owed. But rather than propose a simpler method of ascertaining royalty payments, the MMS has proposed an even more complex and protracted litigation over just what the new rule requires.

While the proposed rule could bring in increased Federal revenues, the increased payments could also be eaten up by the need to hire an army of new Federal auditors to ensure compliance with the complex new system. Furthermore, if companies decide not to go forward with their drilling because they can't make any kind of profit, there will be no revenue to the schoolchildren in our country because there will be no oil royalty extracted from those companies. So the new rule is going to be a regulatory thicket that really is not going to help the situation, which is the problem of a too complex regulation today.

Let me also emphasize this amendment has nothing to do with the entirely separate issue of whether or not any particular oil company has paid the royalties it owes under the existing system.

I have heard a lot of rhetoric on this issue. I have heard my colleagues talk about the lawsuits and the settlements and companies that haven't paid their fair share. If any oil company has not paid its fair share under the existing regulation, I want it to be prosecuted. I want it to have to pay. That is not an issue in this regulation. The only issue before us today is what is going to be the oil royalty valuation process and is Congress going to have the right to raise taxes or is an unelected bureaucrat who is not accountable going to have that right.

Federal land and the mineral resources within that land belong to us all. Proper royalties must be paid for the right to extract those resources. Since 1953, those payments have totaled over $58 billion. That is what we have collected in oil royalties. But enforcement of the law and writing the law are two separate things. The MMS seems to have forgotten that it is the responsibility of Congress, not the government bureaucrats, to determine what the royalty is. That is why we must continue this moratorium until Congress says this is the right approach.

The new rule imposes upon Federal lease producers a duty to market their oil without allowing the cost to be deducted. Oil does not sell itself. There are overhead costs associated with listing the oil for sale, locating buyers, facilitating the sale, and then ensuring that the oil is delivered to that buyer. Federal law and existing regulations only require that the lessee place the oil in marketable condition; that is, that the oil is ready to be sold by removing water and other impurities from it. But lessees are allowed, under current law, to deduct the costs associated with transporting and marketing the oil.

The new rule, as contained in the MMS' own explanation, states that the producers must market the oil for the mutual benefit of the lessee and the lessor. This, then, would mean producers would no longer be allowed to deduct these costs in order to arrive at true wellhead value, as called for by Federal law. There is no other way to slice it. This constitutes a backdoor royalty rate hike; in effect, a tax increase on Federal lands producers.

Secondly, the MMS rule would not allow for the proper deduction of transportation costs. Oil producers typically have to bear the cost of transporting the oil to the buyer, either by pipeline or truck. Presently, those costs are determined by using a methodology recognized by the Federal Energy Regulatory Commission, which has regulatory authority over interstate oil pipelines. So the new MMS rule would actually reject the Federal Government's own cost guidelines and impose a new, untested system for determining transportation costs.

So it comes down to a simple decision: Do we want unelected bureaucrats enacting policy with regard to our Federal lands, or do we want Congress to establish these policies? There have been other bills introduced that would deal with this issue. I hope we can come to an agreement. But I don't think we can forget what has happened to the oil industry over the last 2 years. In fact, this is coming at a time when oil and gas production in our country is at an all-time low. In March of this year, we saw oil prices in parts of our country going down to even $7 or $8 a barrel.

While the price of oil has since begun to come back up—and today stands at about $20 a barrel—the impacts of a year and a half price crash are reverberating throughout the United States. Since the price of oil first fell in late 1997, over 200,000 oil and gas wells have been shut down. Most of these, of course, were the low-yield marginal or "stripper" wells that will never again be opened because it is not economically feasible to do it.

In March of this year, crude oil production in the lower 48 States fell to 4.8 million barrels per day, the lowest level in 50 years. The number of oil rigs in service in the United States fell to just over 100 for the last week in July, the lowest number in service since records have ever been kept.

During this time, foreign oil imports rose steadily and now account for 57 percent of consumption, well above the 36 percent import level we saw during the 1974 oil embargo that nearly shut down the American economy.

The oil crisis has also had a devastating impact on American jobs. Since November 1997, we have lost over 67,000 jobs just in the exploration and production sectors of this industry, which represents 20 percent of the total number of jobs in this field. In January 1999 alone, 11,500 oil and gas jobs were lost. If one looks back to 1981, the numbers are even more alarming: Over half a million good-paying American jobs have been lost in the oil and gas industry.

There are those who would say this is going to hurt our schoolchildren, that they are not going to get the revenues from our public lands. This is very important in my home State. There are dozens of school districts that rely heavily on oil production; property taxes fall with the price of oil. Statewide school districts will collect an estimated $154 million less in revenues this year than last. That is $154 million worth of teachers' salaries, books, computers, you name it. That is what we are talking about in Texas when we talk about the impact of oil on education.

So if we are going to hit the oil business again, what is it going to do to the schoolchildren of our country? Is it going to take another $154 million hit in my State? Do you know that they had to let teachers off in midyear in many counties in Texas because they didn't have the money because of oil companies going out of business and having no income whatsoever? So when my colleagues say the schoolchildren are going to lose $60 million, perhaps, in California alone, I point my colleagues' attention to the fact that we have lost $154 million this year in Texas, and we are cutting teachers off in midyear and shutting down schools because our oil industry is on its knees.

During 1998, while the average yield for stocks in the Dow Jones Industrial Average was a positive 18 percent, the yield for oil and gas stocks was a negative 36 percent. So what does that do to the elderly investor, or the person who is investing in mutual funds? What does that do to an industry that is very important for the retirement security of millions of our citizens?

For companies inclined toward exploration and production, earnings and stock values have fared even worse. The yield on independent refiner stocks, down 40 percent. The yield on exploration and production stocks, down 63 percent. The yield on drilling stock, down 64 percent. These stock values reflect huge losses by oil companies over the past year and a half. Corporate earnings of the 17 major U.S. petroleum companies fell 41 percent between the first quarter of 1998 and the first quarter of 1999. Fourth quarter losses for 1998 and the first quarter of 1999 were some of the largest witnessed in industry history. Some companies have lost over $1 billion during each of these quarters.

So we are not just talking about the loss of revenue to our schoolchildren. We are not just talking about the stability of the retirement pension plans of millions of Americans. We are talking about flat bad policy. We are talking about cutting off an industry that is essential to our security, essential to the retirement security of individuals in this country, essential to job security for thousands of workers; and we are talking about blithely saying let the bureaucrats who aren't accountable increase the taxes without congressional responsibility.

Congress didn't say that last year, they didn't say it the year before, and they didn't say it the year before that. They said: No, you will be accountable because we do care about the schoolchildren of this country, we do care about the people living on retirement incomes in this country, and we do care about those who have mutual funds that include oil industry stocks; we want them to be stable, we want them to pay their fair share, and we believe their fair share includes not paying taxes on their expenses. It is economics 101.

So I am asking my colleagues, for the fourth straight time, to come forward and vote to keep this moratorium so Congress can exercise its full responsibility, so that we will not put people out of business because the margins are so low and because they have been hit so hard over the last year and a half.

We are joined by many groups who care about the economic viability of our country: Frontiers of Freedom, the National Taxpayers Union, Americans for Tax Reform, Citizens Against Government Waste, Citizens for a Sound Economy, the Alliance for America, People for the USA, Sixty-Plus, the Blue Ribbon Coalition, the American Land Rights Association, the Competitive Enterprise Institute, the National Center for Public Policy Research, Rio Grande Valley Partnership.

The moratorium that I am proposing to extend will force the Department to take the time to craft a rule that works and accurately reflects the will of Congress—a rule that will be fair to the schoolchildren of our country, a rule that will be fair to the taxpayers of our country, a rule that will make the oil industry pay its fair share, but a rule that will not make the oil industry pay an increased tax on their expenses. That is unheard of in economics in our country, nor good business sense. It is confiscatory taxation, and we will not stand for our retirees having their investments obliterated by taxes that are unfair. The buck stops here. It does not stop on the bureaucrat's desk; it stops here, because we are responsible for keeping the jobs in this country. We are responsible for fair taxation policy. We are responsible for the schoolchildren of our country. And the way to keep these companies paying their fair share, creating the jobs, and creating safe retirement systems for the people of our country is to keep the moratorium on and force the Department of the Interior to do the will of Congress, which is what it is supposed to do. If we don't stand up for our responsibility, who will? Who will stand up for Congress' responsibility if the Senate doesn't?

I urge the adoption of the amendment which has been adopted three times before, and which I hope will be adopted again, so that we will keep the oil jobs in our country, so that we will keep the retirement security of the mutual funds that depend on oil companies being stable, so that we will keep the schoolchildren of our country having the ability to get revenue that is fair, and to make the oil industry pay its fair share. That is what this amendment does.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know there are Senators who are waiting to speak on other measures. I am only going to speak for 2 minutes.

I congratulate Senator HUTCHISON on the argument she offered today. She indicated that the last three times we have done this, I have either been the sponsor and she the cosponsor, or vice versa.

I am here today to again indicate that whoever follows us and talks about the fact that we ought to stick big oil, or we ought to make sure there are no longer any slick deals, as I see some of these comments that are going to be made here on the floor, let me suggest that if you are taxing anything in the United States and you are doing it wrongly or unfairly or without justification under the law, then it doesn't matter whether somebody is going to lose money if in fact Congress says you have to stop doing that.

That is what we have here. We are going to have Senators argue that there are certain oil companies that are not going to have to pay. There have been settlements where they have paid. But the truth of the matter is, the intention of this law is, if you are going to change it materially, Congress is supposed to be involved.

We have tried to get involved. In fact, for 6 months we have mutually attended hearings with the MMS and the oil producers and talked about what was wrong with these regulations and rules. Everybody on both sides was saying, let's fix them; let's modify them; let's change them. Frankly, I think the oil people who were at those meetings who have talked with us and have gone to hearings in the Energy Committee are more than willing to listen to realistic, reasonable changes.

But essentially what has happened is, the MMS decided to change the rule which historically based royalties on prices at the wellhead. They decided they would go downstream from that wellhead, and they invented a new concept called "duty to market." They decided that they are going to decide what expenses are allowed in moving that gas downstream to where the marketing occurs. They are deciding what the values are at that point. And we could go through a litany of situations where the oil industry believes the decisions are not fair, not market oriented, or not consistent with business practices. Frankly, I think some—because it is oil, or big oil—think it just doesn't matter, stick them.

Frankly, as I indicated before, we want to stand here and say: Why don't you get serious about fixing those regulations? And we will get off your back.

That is what is going to happen. Until they do it realistically and we get some word that they have been fair and reasonable in the way they are setting these royalty costs and prices that yield dollars in taxes to the oil industry, until we find out there are some changes made, we are going to be here on the floor saying this is a new add-on tax to an industry that maybe 15 years ago we could talk about as if what you taxed them didn't matter. But we know that we have a falling production market in the United States. It is more and more difficult to produce these products. It is more and more expensive and cheaper overseas. Some of us don't want to see the American industry taxed any more than is absolutely reasonable and fair.

These regulations are not right. They are not fair; they are not based on marketplace concepts, or we wouldn't be here.

I know some are going to want to debate this for a very long time. Maybe we will even have to ask for the debate to be closed. But we are not going to give up very easily.

We ask Senators who pay close attention. It is not a matter of what we could get out of this industry or what somebody alleges they would have paid in the settlement. It is a question of whether the new rules and regulations are right and consistent with fair market concepts or not. As you figure the royalty, are you inventing costs and prices and disallowing deductions and the like that have no relationship to reality? We think that is what these are.

We would be happy to come back again and debate. I will be glad to be here. But for now I yield the floor. I thank Senator HUTCHISON.

Mrs. HUTCHISON. Mr. President, if I may say so, I appreciate that this is the Hutchison-Domenici amendment. Sometimes it is Domenici-Hutchison because we both have worked so hard on this issue over the last 3 years. I appreciate the leadership of my colleague from New Mexico who feels the loss of oil jobs just as my State of Texas does. It is a team effort.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBB. Thank you, Mr. President.

AMENDMENT NO. 1583

(Purpose: To strike Section 329 from a bill making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2000)

Mr. ROBB. Mr. President, I call up an amendment that has been filed at the desk on behalf of myself and Senators BINGAMAN, BOXER, CLELAND, CHAFEE, and TORRICELLI.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. CLELAND, Mr. CHAFEE, and Mr. TORRICELLI, proposes an amendment numbered 1583.

Beginning on page 116, strike line 8 and all that follows through line 21.

Mr. ROBB. Mr. President, I did not ask that the reading of the amendment be dispensed with because it was so short and to the point.

The amendment simply strikes section 329 from the Interior appropriations bill we are now considering. Section 329 is a rider that is intended to overturn recent decisions handed down by the Eleventh Circuit Court of Appeals and the Federal District Court in Washington State dealing with national forests.

These courts were asked to examine the activities of the Forest Service and BLM to determine whether, in allowing certain timber sales from public lands, they complied with their own regulations and resource management plans that were developed under the National Forest Management Act. The courts found that they did not comply and disallowed the sales until they did.

The forest plans guide the Federal decision-making, so that one activity in the national forests such as logging does not occur in detriment to other uses. These plans apply only to national forest land—Federal land—not private land. This is land held in trust for all people and all uses, and the Forest Service and BLM are charged with ensuring that decisions involving these public treasures are made wisely.

We in Congress continually insist that Federal regulators operate using good science. But there is no good science without good data.

Section 329, which my amendment would strike, would relieve the Forest Service from the obligation to develop any new data. And we cannot have good decisions without good science and good data.

After decades of managing our forests primarily for the production of logs, we are now managing forests for a variety of uses. But we cannot do that without baseline data on threatened and endangered species.

We are changing the way we manage forests and the way we look at forest uses. Preserving habitat and providing recreation also have become increasingly important.

These changes are not easy. Proponents of this section, that my amendment would strike, fear that the requirements that we make sound decisions based on sound science and good data will lead to less logging. This is simply not true. Managing forests for their various uses, which include harvesting timber, requires an understanding of the entire system, including the plants, animals, even the pests that sometimes inhibit or damage growth.

To improve forest management, in December of 1997 the Chief of the Forest Service appointed an independent committee of scientists to advise him on ways to bring better science into forest planning. The panel's findings strongly recommended the use of scientific evidence in managing forests. The panel repeatedly advised that monitoring is critical to sustaining forest health.

In the cases that section 329 seeks to overturn, the courts simply require the Federal Government to undertake the monitoring that their own forest plans and rules require. Supporters of section 329 argue that the courts in these two cases have deviated from rulings by other courts where challenged timber sales were allowed to proceed. In other cases—and here is the important difference—the courts had enough data to rule in favor of the Forest Service. There was evidence to show that while the data gathered may not have been exhaustive, at least it was adequate.

In the most recent cases that section 329 seeks to overturn, the courts, after noting deference to the Forest Service, recognized the job simply had not been done adequately or at all. The courts didn't rule that each and every species had to be monitored. They simply said to the Federal Government: You have to follow your own rules. You have to gather the data in which a sound decision can be based.

For example, the Eleventh Circuit decision delayed seven timber sales in the southern Appalachian forest in Georgia until the Forest Service completed an evaluation of the impact the sales would have on the forest environment.

The purpose of the information gathering is to ensure that the Forest Service makes an informed decision before it allows the removal of expanses of timber that could be crucial to survival of endangered or threatened species or that could affect overall forest health.

In a similar action, a Federal judge in Washington State has delayed over 25 timber sales until the Forest Service completes the survey work required by the Northwest Forest Plan.

In the case involving the southern Appalachian forest, the Forest Service failed to develop the required baseline data on a number of species in both the endangered and the threatened category and in a category known as "indicator" species. For example, the Forest Service had no population inventory information at all for 32 of 37 species in one category. The court of appeals ruled that in proffering the tracts of timber for sale, the Forest Service failed to comply with its own regulations. The court didn't just determine that the data was inadequate; the court determined that the data was nonexistent.

Under most forest plans, the Forest Service develops lists of indicator species to provide a basis for monitoring. These lists have species such as deer, bear, bass, and trout. These species are representative of all the other species in the forest. The list is short and it is designed to be easy to monitor.

In the Eleventh Circuit case, the Forest Service developed such a list but then failed to gather any information on most of the species on the list. In the Northwest, the court found that the Forest Service sidestepped similar requirements of the forest plan.

The Northwest Forest Plan is the legal and scientific framework that allows timber sales to go forward in the old growth forests of the Northwest. As our colleagues will recall, lawsuits in the early 1990s brought logging in that region to a complete halt. The Northwest Forest Plan, which was the result of lengthy and often painful negotiations, allowed timber sales to go forward, provided that there was an adequate basis to make an informed decision. The agreement provides the best hope of sustained yield and multiple use. This latest ruling by the Western District Court of Washington is a reminder that the agreement is the operating plan for the forests, and that guidance memorandum cannot exempt the Forest Service from its duty. This ruling will delay timber sales but only until the Forest Service completes the work laid out in the plan.

Of the 80 surveys in question, all but 13 have protocols developed that will allow survey work to move forward. These decisions are not a result of overstepping by the courts. They are a result of the courts examining the rules the Forest Service laid out for itself and merely requiring the Forest Service to operate by the rules it adopted.

Let me quote from the Eleventh Circuit decision:

> While the Forest Service's interpretation of its Forest Plan should receive great deference from reviewing courts, courts must overturn agency actions which do not scrupulously follow the regulations and procedures promulgated by the agency itself.

I suggest to our colleagues who support section 329 that we should not as a result of one court decision turn our backs on the necessity of developing good information on plant and animal populations in our national forests. This data is the basis of the good science we keep talking about. It will add to our knowledge. In fact, most forest districts already have a substantial amount of data and continue to develop more. The majority of sales are moving forward under the existing rules and plans. It would be a mistake to let delays in a few timber sales negate all of the important work that is now being done. Section 329 effectively stops data gathering for the coming fiscal year.

In addition, section 329 establishes a new standard to be applied by the Forest Service and the Bureau of Land Management for determining when to approve timber sales. However, according to the agencies that are required to implement the change, rather than speed timber sales up, it would slow them down. To understand the effect of this change, we ought to hear from those who will be responsible for implementing the change.

In a statement issued jointly by the Secretaries of Agriculture and Interior they say:

> [I]f this rider were adopted, tens of thousands of individual management activities and planning efforts would be subject to a new legal standard.
>
> This would have the unintended effect of increasing project costs and increasing delays in order to conduct time-consuming reviews of administrative records to document compliance with the new standard.
>
> Increased litigation and delay could also be expected as plaintiffs seek to define the new standard in court.
>
> In an effort to free up a limited number of timber sales in Georgia and the Pacific Northwest, the Senate would unnecessarily override the Federal Court ruling, agency regulations, and resource management plans requiring the Forest Service and Bureau of Land Management to obtain and use current and appropriate information for wildlife and other resources before conducting planning and management activities.
>
> Moreover, the bill language applies not just to timber sales decisions and required surveys in the forests of the Southeast and Pacific Northwest, but to all activities for which authorization is required on all lands managed by the Bureau of Land Management and the Forest Service.
>
> As such, it could result in far-reaching, unintended negative consequences.

In short, the Secretaries who would be required to implement the new standard write that:

> Section 329 is unnecessary, confusing, difficult to interpret, and wasteful.
>
> If enacted, it will likely result in costly delays, conflicts, and lawsuits with no clear benefit to the public or the health of public lands.

The Forest Service, which is charged with implementing the court's ruling, is acting. In the southern Appalachian forests, they are modifying the forest plan and have developed guidance to help meet the court's directives. In the Northwest, they are completing a supplemental environmental impact statement that will respond to the court's concerns.

Incidentally, the SEIS was in process before the court ruled because the Forest Service had already recognized that the plan needed adjusting, and the plan has mechanisms in it to accommodate change.

The Forest Service does not believe this rider is necessary in order to approve timber sales. In fact, they believe it will interfere with timber sales.

I want to emphasize an additional problem with section 329. It does not just apply to timber sales. Again, according to the Secretaries of Agriculture and the Interior:

> The provision which applies for one year would apply to all of the nearly 450 million acres of land managed by the two agencies and would apply to all management activities undertaken by the bureaus, not just timber sales.

We should not be putting a rider on an appropriations bill to lower the standard for government agencies in the hope that it might pass unnoticed. One of the reasons people get cynical about their government is that it does not always do what it says it will do. In this case, we would lower the bar for agencies that do not want the bar lowered. The Forest Service believes that it can do the job right. We would do a disservice to this body and to the people who expect us to protect our national treasure by not demanding that Federal agencies make informed decisions with adequate data.

What section 329 proposes to do is lower the standard the first time that agency fails to meet it. I believe this is the wrong approach. I believe we should strike section 329 from this appropriations bill and that the Federal Government should comply with the laws we have passed and the rules it has established and the plans it has adopted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1603

Mrs. BOXER. Mr. President, I thank the Senator from Virginia for his very important comments. I rise in very strong opposition to the Hutchison amendment that was laid aside and about which, as I understand it, probably we will have to vote on a cloture motion. I await the word of the chairman on that.

I want to tell my colleagues that this is a very serious matter. I hope they will listen very carefully as to why the arguments against the Hutchison amendment are so important. I am going to say some very strong things on the floor. But everything I say will be backed up by fact, backed up by quotes, backed up by court cases, backed up by recent history on oil royalty payments.

What the Hutchison amendment will do for the fourth time is to stop American taxpayers from receiving the amount of oil royalties they are owed by the oil companies. Let me repeat that. The Hutchison amendment will stop the American taxpayers from receiving the fair share of oil royalties that they deserve. If it does pass, and I hope it does not, it will sanction that. It will say to the oil companies: It's OK, you continue, big oil companies, underpaying your oil royalties. We know they have a plan to underpay. We know that. We have heard it from people who have blown the whistle on the oil companies.

If we go with the Hutchison amendment, our fingerprints are on this defrauding of the taxpayers. This is very serious business. I ask my colleagues to pay attention, because when this issue was last before us, we did not have a whistleblower who worked for the oil companies in court, saying that the oil companies, in essence, defrauded the taxpayers and they planned to do so. We have that information. I will lay it before the Senate.

What is an oil royalty payment? Right here you see what a royalty payment is. The oil companies sign an agreement with the Federal Government that when they drill on Federal lands in any State of the Union, be it onshore or offshore, they must pay a fair percentage, 12.5 percent, of the value of that oil over to the Federal Government. It is like paying rent. It is not a tax; it is a royalty payment.

If you do not own the place in which you live, you pay rent. Imagine if you decided on a daily basis what that rent ought to be. No, no, no—you would go to jail or you would be evicted because you have signed a contract to pay a certain amount of rent. The oil companies have signed a contract to pay a certain amount of rent based on the oil they extract from Federal lands. Here it is. It "shall never be less than the fair market value of the production." Keep that in mind, "fair market value of the production." They have to base their royalty payment on the fair market value of the oil.

Senator DOMENICI was on the floor and he said beware of colleagues who start talking about Congress' slick deal with the oil companies. He said beware.

I am not saying it; USA Today said it. USA Today said it is "time to clean up Big Oil's slick deal with Congress." They say, in their view, "industry's effort to avoid paying full fees hurts taxpayers [and] others."

Here is what USA Today says on the subject in this article. They knew the Hutchison amendment was coming and this is what they said.

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 percent to 10 percent discount off the marketplace. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

They go on to say the fact that "big oil has contributed more than $35 million to national political committees and congressional candidates." They say that is "a modest investment in protecting the royalty-pricing arrangement which has enabled the industry to pocket an extra $2 billion."

This is a very bad situation. If you vote for the Hutchison amendment, you are aligning yourselves with a planned effort to defraud taxpayers. I do not know how many of my friends want to go home and face their constituents and make that argument. This is what USA Today continues saying:

> That's millions of dollars missing in action from the battle to reduce the Federal deficit and from accounts for land and water conservation, historic preservation, and several Native American tribes. In addition, public schools in 24 States have been shortchanged: States use their share of Federal royalties for education funding.

They conclude by saying:

> . . . the taxpayers have been getting the unfair end of this deal for far too long.

We have a chance to stand up for the consumer, for the taxpayers, against cheaters, against people who would knowingly defraud taxpayers, if we do not support the Hutchison amendment, if we oppose it.

We heard the Senator from Texas say: Oh, my God, things are terrible for oil. We are suffering in the oil industry.

What she does not tell you is something very important: 95 percent of the oil companies are not affected by the rule the Interior Department wants to put into place which will fix this problem. The Hutchison amendment stops them in their tracks and prohibits them from fixing this perpetual underpayment of royalties. That is what the Hutchison amendment does.

She says big oil and oil across the board is hurting. Ninety-five percent of the oil companies are not affected. They are decent. They are paying their fair share of royalties. It is the 5 percent that are doing this slick thing that are, instead of paying their royalty based on a market price, they are paying it based on a posted price which they post. They decide what the price is, and we know they are cheating us. How do we know that? That is a tough thing for a Senator to say, but I want to prove it to you.

First of all, we know this for sure: Seven States have already won battles in court against oil companies. The seven States have said that the oil companies are underpaying their royalty payments to the Federal Government and the States' share of those royalty payments, therefore, are lower. The oil companies have settled with these States.

If they were doing the right thing, do you think they would be settling for $5 billion so far? I doubt it. If they were so innocent, do you think they would be shelling out—"shelling" is a good word—$5 billion to seven States? By the way, the Federal Government is suing as well. We do not want to have to keep these battles in court. The Interior Department wants to fix these problems so nobody will have to sue anymore. There will be a fair payment. So one reason we know they are cheating us is they are settling these cases all over the country.

There is another reason we know. This one is very direct and this one is new. I urge my colleagues at their peril to pay attention to this matter, please:

> A retired Atlantic Richfield employee has admitted in court that while he was Secretary of ARCO's crude pricing committee, the major's posted prices were far below fair market value.

He goes on to say—Anderson is his name:

> He admitted he was not being fully truthful 5 years ago when he testified in a deposition that ARCO's posted prices represented fair market value. He said: "I was an ARCO employee. Some of the issues being discussed were still being litigated. My plan was to get to retirement. We had seen numerous occasions, the nail that stood up getting beat down." Said Anderson, "The senior executives of ARCO had the judgment that they would take the money, accrue for the day of judgment, and that's what we did."

Here is a retired former employee of one of the oil companies that has been ripping off the taxpayers admitting it in a court of law—he could go to jail if he lies—swearing on a Bible, an oil company man, that they sat around and agreed to understate the value so they could get away with it and wait for the day of judgment. Talk about a smoking gun, here it is. This is new information, and yet Senator HUTCHISON is asking you to stand with those people, one of whom admitted they actually had a plan to defraud the taxpayers.

This is a very serious issue. It is not politics. It involves a plan to understate the market price. It is wrong.

Mr. DURBIN. Will the Senator from California yield for a question?

Mrs. BOXER. I will be happy to yield.

Mr. DURBIN. I want to ask my colleague, the Senator from California, if she will clarify several things so those following the debate understand the parameters of this issue. In every instance here are we talking about private oil companies drilling for oil on public lands?

Mrs. BOXER. That is correct, I say to my friend. These are private oil companies that have signed an agreement with the Federal Government to pay the royalty payment based on the fair market value when they drill on land that is owned by the people of the United States of America.

Mr. DURBIN. I further ask the Senator from California, it has been my experience in Illinois that coal mining companies and oil exploration companies will go out and buy private land, at least an easement or right to drill on private land, and pay compensation to the landowner for that purpose. But in this situation, we are dealing with land owned by the people of America——

Mrs. BOXER. Correct.

Mr. DURBIN. That these companies are using to make a profit; is that correct?

Mrs. BOXER. That is absolutely correct.

Mr. DURBIN. And their payment to the taxpayers for the use of our land, the land owned by the taxpayers across America, is this royalty; is it not?

Mrs. BOXER. That is correct.

Mr. DURBIN. Can the Senator from California explain the impact, then, of the Hutchison amendment, how this will affect the royalty that is paid by the oil companies that want to drill for oil and make a profit from that oil off land owned by taxpayers?

Mrs. BOXER. What the Hutchison amendment does is it puts off for the fourth time any move by the Interior Department to fix the problem we are facing with this underpayment of the royalties that are due the taxpayers.

The Interior Department has held a series of 17 meetings across the country. They have met with the oil companies, they have met with Members of Congress, they have done everything, and they are ready to finalize a rule. Every time they are ready to promulgate a rule to fix this problem, up comes one of the Senators from the oil States who says: Oh, wait, wait, wait, it is too complicated; it isn't a good idea.

It isn't a good idea from the oil companies' perspective because as we just heard this one whistleblower say, they want to put off the day of judgment and use this float to make more and more money. But my friend is right in his questions.

Mr. DURBIN. I say to the Senator from California, let's consider two possibilities. If the royalty is based on the price of oil, there is a possibility that the royalty payments might go down if it is recalculated; there is a possibility that it might stay the same, or it might go up.

But I take it from this amendment that the oil companies that are pushing this amendment are so certain that their payments to the Federal Government are going to go up that they want to stop the Federal Government from recalculating the royalties.

The net impact of this, and the Senator from California can correct me, is that the oil companies are being protected from paying their fair share of rent or royalties for using public lands, and the taxpayers, because of this amendment, are the losers. We are the ones who do not get the royalties back from those who want to drill all the oil out of land that we own and not pay the taxpayers of this country for the right to do so.

Mrs. BOXER. I say to my friend, I can put it in specific dollars. Already the Hutchison amendment, since she first offered it and our colleagues backed her on it, has lost taxpayers $88 million, and if she succeeds in this, although Senator HUTCHISON has pared it back to a year, another delay of a year, it is another $66 million. That is a lot of millions of dollars. Taxpayers already have lost $88 million, and they are about to lose another $66 million unless we can stop this. The Interior Department is with us 100 percent.

Mr. DURBIN. If the Hutchison amendment prevails and is not defeated——

Mrs. HUTCHISON. Mr. President, I wonder if the Senator will yield on that point because I think there has been an error in the amount that we are talking about.

Mr. DURBIN. If I can say to my colleague, the Senator from Texas, I was only asking a question of the Senator from California who I believe has the floor.

Mrs. BOXER. And I will address this——

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. I have a letter that backs up those numbers which I will put in the RECORD. I will continue to yield for a question.

Mr. DURBIN. The point I am getting to is, if the Hutchison amendment is adopted, then basically we are giving a discount to these oil companies from the amount they owe taxpayers for drilling oil out of public lands and selling it at a profit; is that the net impact of this amendment?

Mrs. BOXER. That is correct.

Mr. DURBIN. I know we are in an era of surpluses where we are trying to figure out ways to give away money, but I ask the Senator from California why would we decide to give money to oil companies at this point? Why adopt an amendment that would give them additional profits for drilling oil on lands owned by the taxpayers, the people of America?

Mrs. BOXER. Mr. President, I think this is a special interest rider. I have to say that, with all due respect. By the way, it doesn't give money to all the oil companies. It only gives it to the top 5 percent, the ones that are vertically integrated. Ninety-five percent of the oil companies are not affected, and they are paying the fair market value. They are paying the royalty based on the fair market value.

I ask unanimous consent, before yielding to the Senator for more questions, to have printed in the RECORD a letter from the Secretary of the Interior, which was based on the original Hutchison amendment, which addresses the question of the dollars lost. It is very clear what will be lost. In her additional amendment of 21 months, they calculate it at $120 million, and we are just paring it back to the 1-year number. We also have a letter from the Office of Management and Budget which clearly states that the rider, as it is before us now, will cost taxpayers about $60 million.

I ask unanimous consent to have those two documents printed in the RECORD when I complete my remarks.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I object. I do want the Senator to be able to enter her documents in the RECORD, but I want to also have entered in the RECORD that the Congressional Budget Office has estimated it would be $11 million. That would be the cost to the taxpayers; that is, if the oil companies continue to drill. So she may——

Mrs. BOXER. Mr. President, may we have regular order.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I don't ever remember having one Senator object to another Senator putting a document in the RECORD. I am kind of shocked at that.

I ask, again, unanimous consent to have printed in the RECORD the two Federal agencies versus the one that back us up on our documentation. I ask unanimous consent that I be allowed to have those printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I will not object, as long as the RECORD also shows the CBO has said $11 million and that assumes people are not going to go out of business.

Mrs. BOXER. Mr. President, I have no objection to the Senator entering into the RECORD anything she wants, but I can say very clearly that we know what this is costing.

The Senator herself admits it is $11 million taken out of taxpayer pockets. We believe it is $66 million.

I continue to yield to my friend.

Mr. DURBIN. Mr. President, it is my understanding that these payments, these royalties come through the Federal Government and back to many of the States. Is my understanding correct?

Mrs. BOXER. Absolutely. In other words, if there is oil being drilled in Texas, it is on Federal lands, but the Federal lands are within Texas. Texas gets 50 percent of the royalty payment. I know in California, it is 50 percent if it is onshore and about 25 percent if it is offshore. In many of the States, including California, these funds go directly into the classroom and to the schools.

Mr. DURBIN. So in some of the States, for example, Texas and California, if the Hutchison amendment passes, there will be fewer dollars from these royalty payments coming back to the States of the two Senators engaged in this debate.

Mrs. BOXER. That is correct, and into the classrooms.

Mr. DURBIN. I ask the Senator, it is my understanding from her previous statement that many of the States have sued the oil companies saying: You didn't pay enough. You owed us more in royalties. You underpaid the amount you were required to pay for drilling for oil on federally owned public lands for profit.

Mrs. BOXER. My friend is correct. To be very specific, I will tell the Senator, the oil companies that are being so defended here have agreed in court to pay up not $1 billion, not $2 billion, but $5 billion to these States; in essence, agreeing that they undervalued. Alaska got $3.7 billion, for example; California, $345 million. By the way, private owners are also complaining, and they have resolved some of the disputes for $194 million.

Mr. DURBIN. I ask the Senator from California, as a followup question, so I understand it completely, these private oil companies go on to public lands, drill for oil which they sell for a profit. They are charged a royalty based on the price of the oil. The impact of this amendment by the Senator from Texas would be to say to the Department of the Interior: You cannot recalculate the royalty to raise it. So we are protecting these oil companies from an increase in what they are going to pay taxpayers for drilling on public land, which means more money in their pocket. The losers are not only Federal taxpayers but States such as Texas and California and their taxpayers who lose the benefits of the money that might come back to them from these royalties?

Mrs. BOXER. My colleague is right. But it is even worse than that because a royalty payment is a contract. The oil companies have signed a contract. It says very clearly "fair market value." It is not that the Interior Department wants to increase the percent, for example, that is paid; they just want to make sure the contract is carried out.

It says: The value of production for purposes of computing royalty on production from this lease "shall never be less than the fair market value of the production." So all they are trying to do is correct a serious problem. And we know, because I can show my colleague another chart on posted prices versus the market prices of ARCO, I will show him what has happened. Right now the oil companies, these 5 percent of them that are cheating us, they base their royalty payment on what they call posted prices. They create the price. If we could show this to the Senator, look at the difference between the market price and the posted price. This is one oil company, but I could show my friend, every single one of these oil companies, by some kind of magic action, they have the same spread. And if you heard what the ARCO executive said, the former executive, they did this on purpose. They made the posted prices below the market price.

Mr. DURBIN. I only have three questions, and I will stop.

Mrs. BOXER. I appreciate my colleague asking as many questions as he wants.

Mr. DURBIN. The Senator made reference to a Wall Street Journal article where a former official from ARCO said—was this under oath or was it just a public statement in terms of their efforts to try to reduce the royalty payments to the Federal Government for this private company to drill oil on public land and make a profit?

Mrs. BOXER. The article that I quoted is Platt's Oilgram News—an oil industry newsletter. In fact, my colleague is right, they talk about a court case in which a retired Atlantic Richfield employee admitted in court——

Mr. DURBIN. Under oath.

Mrs. BOXER. Under oath, penalty of perjury, that while he was secretary of ARCO's crude pricing committee, the major's posted prices were far below the market value.

Mr. DURBIN. So this gentleman, no longer employed, conceded the point which you have been making during the course of this debate, that these oil companies are really cheating the Federal Government, the taxpayers of this country, because they are using our public lands and not paying a fair royalty payment for the oil they are extracting and selling at a profit.

Mrs. BOXER. That is absolutely right. They are basing their royalty payment on a price that is not reflective of the fair market value. It is a price they made up. It is as if one day you woke up and let's say you paid rent, which my friend probably does here in Washington, DC, and you just decided one day that the fair market value of the rent was lower than your lease.

Mr. DURBIN. My landlord wouldn't allow that.

Mrs. BOXER. He would not allow that. He would probably evict you. Yet what do we have here in this Senate. We have Senators standing up condoning this kind of behavior.

Mr. DURBIN. I ask the Senator from California, in my home State of Illinois, there are many small oil producers that are going through very difficult times. Some of them may not survive. There has been an argument made that we have to give this break, in the Hutchison amendment, to these oil companies to help these small producers and help the oil industry.

If I vote against the Hutchison amendment and go home to Illinois and face these small oil companies that are trying to survive in difficult times, will they be saying to me: You have just cut off the flow of money to us? What companies are affected by this Hutchison amendment?

Mrs. BOXER. First, let me say there are 777 companies that are not impacted at all by this Interior rule, but there are 44 companies that are impacted. Let me say to my colleague, I voted to help the small oil companies. I was proud to support the Domenici amendment. We took it up recently when we helped the steel companies. If we want to help the oil companies because they are having tough times, I will be right there. If there are reasons to help smaller companies, I am right there. And I have always been right there.

But it seems to me we can't stand on the floor of the Senate and help the largest oil companies—most of these are the largest; not all, but most—5 percent of the oil companies that are out-and-out cheating the taxpayers. We know it because it has been testified to in a court of law, and we know it because they have been settling these cases all over the country. My friend should feel very comfortable when he opposes the Hutchison amendment case that he is impacting only 5 percent.

(Mr. SMITH of Oregon assumed the Chair.)

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. Is the Senator aware of the fact that the Los Angeles Times, on July 20 of this year, in analyzing this debate, concluded by saying, "not since the Teapot Dome scandal of the 1920s has the stench of oil money reeked as strongly in Washington as it is in this case"?

I ask the Senator from California, isn't it odd that on an appropriations bill we are considering a string of riders that are of such import and controversy, putting them on a spending bill instead of having a hearing so the oil companies could come in and try to defend, if they would like to, so the Department of the Interior can come in and basically explain why they think taxpayers across America are ripped off by this amendment? It seems to me to be an odd state of affairs that we have seven, eight, or nine different riders on this bill which really go to important, substantive issues that have not been addressed by this Congress during the course of this year. Does the Senator agree with me that this is an exceptional procedural issue to be taking up on a spending bill?

Mrs. BOXER. Well, I think it is not appropriate. I hope the Senator from Texas will not proceed with this. She knows if she does—and we are very open about this—we are going to be on our feet a long time. So we are going to have a cloture vote to see where this all comes out. I want to say this to my friend and then I will yield to my friend from Idaho.

Mr. CRAIG. I just have a question on procedure, not on the substance, if the Senator would not mind yielding.

Mrs. BOXER. I do mind yielding at this point. I don't want to lose my train of thought.

My friend is so right in his understanding of what this means. This is an example of legislating on an appropriations bill. This Hutchison amendment was put into the committee and stripped out because of the way it was put into the committee. It was stripped out. It has been defined and technically changed, and now it is being offered. But it is still the same thing. You know, you can put a dress on a hippopotamus and it still looks like a hippopotamus. That is what this is. This is a very ugly amendment.

I want to mention one thing in answering the question. I was very pleased that my friend read the Los Angeles Times editorial. It is a newspaper that now has Republican ownership. I think that is very important. I want to read a couple of other statements from it. I see my friend from Wisconsin is here. Is he going to ask me a question as well?

Mr. FEINGOLD. Yes.

Mrs. BOXER. This Los Angeles Times article says, "The Great American Oil Ripoff."

It says:

> America's big oil companies have been ripping off Federal and State governments for decades by underpaying royalties for oil drilled on public lands. The Interior Department tried to stop the practice with new rules, but Congress has succeeded in blocking their implementation, and will again if the Senate bill calling for a moratorium on the new rules proposed by Senators Hutchison and Domenici comes up before the Senate.

It has and here we are.

> The large integrated oil companies, not the small independent producers, have been cheating the State and Federal Treasuries by computing their royalties on the so-called "posted rights" rather than the fair market price.

That is what we are talking about, computing royalties on posted rights, rather than fair market price.

> It could be as much as $4 or $5 a barrel lower. The Interior Department estimates this practice costs the taxpayers up to $66 million a year.

Senator HUTCHISON says it is $11 million, and that is a lot; but we think it is $66 million, and so does the OMB.

> Two years ago, Interior drew up rules that would stop the underpayment but Congress has blocked implementation.

They go on to explain:

> The bottom line is, Congress should not buckle to the pressure of the oil companies, and the Hutchison amendment should be defeated.

Mr. CRAIG. If the Senator will yield briefly, I will leave the Senators to debate this. We have the Robb amendment on the floor. Several of us came to debate that, expecting it would be stacked for a vote in the morning. Obviously, you are going to continue this debate into tomorrow. I wonder what your plan is for the evening because it is predicated upon a unanimous consent agreement that we want to craft. If you plan to debate late into the evening, we will not stay.

Mrs. BOXER. No, we don't.

Mr. CRAIG. There are four Senators, including the Presiding Officer, who came to the floor because the Senator from Virginia was on the floor with his amendment. We hoped to debate that within the next 35 to 40 minutes if the Senator will consider yielding the floor.

Mrs. BOXER. I don't have any intention of talking more than 40 minutes. I will be yielding for a question. I thought the Senator came because he was drawn into this debate.

Mr. CRAIG. No. I just say I think it is a rather baseless debate, with a lot of politics.

Mrs. BOXER. I was trying to——

Mr. CRAIG. I will stay out of the substance.

Mrs. BOXER. I was trying to use a little bit of humor.

Mr. CRAIG. I am more interested in the timing for this evening, on behalf of five Senators.

Mrs. BOXER. I told my friend the time. I don't intend to go over 40 minutes.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. I will be glad to yield for a question.

Mr. DURBIN. Not only do I not think this is baseless, I want to touch all the bases so the Senator from Idaho can understand why we think this is worthy of debate on the floor of the Senate.

I ask the Senator from California this: We had a big debate about welfare reform and welfare "Cadillacs." We are talking about welfare "tankers" here—$11 million—or $66 million going to these major oil companies. I say to the Senator from California, how many times have we done this? How many times have we postponed this decision by the Department of the Interior to give to the taxpayers of this country the fair share they are entitled to for these oil companies to use our lands—the lands of people who live in Illinois, California, Idaho, and Texas—to drill oil. How many times has the industry come in and, with an amendment similar to the one before us, tried to stop this recalculation?

Mrs. BOXER. This is the fourth time this amendment has come before the body. I have to say to my friend, I don't think it has ever gotten the attention it needs. To come in and say it is a baseless debate, when we are talking about as much as $66 million on top of the $88 million we have already lost from the three other times this amendment came before us, is unbelievable to me. It is unbelievable that we close our eyes to this kind of purposeful rip off, and to call it a baseless debate, I find that amazing.

Mr. DURBIN. If the Senator from California will further yield, is not the fact that these States have come forward in court and sued the oil companies successfully evidence of the fact that the oil companies have been underpaying the Federal taxpayers, as well as the State taxpayers, and this amendment will continue that?

Mrs. BOXER. That is absolutely correct. Let me reiterate what I said. In cases all across this country, there have been settlements in seven different States, and $5 billion has been collected from the oil companies in these settlements. Now, if the oil companies had such clean hands and they were paying their fair amount of royalties, I assure my friend they would not part with $5 billion—I didn't say million, I said $5 billion. I don't even know what $5 billion looks like in a room. All I can say to my friend is, it is more than we spend on Head Start in a year.

Mr. FEINGOLD. Will the Senator from California yield for a question?

Mrs. BOXER. Yes.

Mr. FEINGOLD. I ask the Senator from California this because I share her strong opposition to this amendment, which would allow oil companies to continue to underpay the U.S. Government in royalties for drilling on public lands. It is my understanding this rider was modified by the managers' amendment. But, as originally drafted, the rider blocks the implementation of new Interior rules to stop these underpayments, just as their implementation was blocked in the last Congress; is that correct?

Mrs. BOXER. Yes. This is the fourth time that this Interior Department "fix" to ensure fair royalty payments has been stopped in its tracks, unless we defeat the Hutchison amendment.

Mr. FEINGOLD. I know the Senator from California is obviously concerned about big windfalls for the oil companies. The Interior Department estimates that underpayments by the oil companies cost the taxpayers up to $66 million a year. I am wondering if she is aware of some of the largest oil companies that benefit from it.

Mrs. BOXER. I would be very pleased if the Senator could put that into the RECORD because I haven't done that.

Mr. FEINGOLD. They are not small mom-and-pop, independent producers. They are companies like Exxon, Chevron, BP Oil, Atlantic Richfield, and Amoco. I ask the Senator if she is aware of some of the campaign contributions that entities such as this put forward in order to achieve this end.

Mrs. BOXER. I am very glad the Senator put out some of the names of the big oil companies that would be impacted by this Interior rule that Senator HUTCHISON is trying to get. Fully 95 percent of the oil companies are not impacted. Only 5 percent are impacted. The 95 percent of the others are paying their fair share of royalty payments. That is something to be happy about. They are good corporate citizens paying their fair share of royalty payments based on fair market value just as they signed in their lease agreements with the United States of America. But it is the 5 percent of most of the large ones that are getting away with it.

I say to my friend that he is a champion of campaign finance reform. I am so proud to be associated with him on that issue.

I can only say to my friend that this issue was mentioned in the USA Today editorial, dated Wednesday, August 26, 1998, that big oil has contributed more than $35 million to national political committees and congressional candidates. They make the point. These are their words, not my words. They say that is a modest investment for protecting royalty pricing arrangements which enables the industry to pocket an extra $2 billion.

My friend is on a certain track. I think it is important.

Mr. FEINGOLD. I am grateful for the Senator's tremendous leadership on this.

She may be aware that from time to time I do something that I call "calling of the bankroll"—interest in companies that contribute large sums of money in terms of campaign contributions.

I am wondering if the Senator is aware that during the 1997–1998 election cycle oil companies gave the following in political donations to the parties and to Federal candidates:

Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money.

Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money.

I wonder if the Senator is aware that Atlantic-Richfield gave more than $525,000 in soft money and $150,000 in PAC money.

BP Oil and Amoco, two oil companies which merged into the newly formed petroleum giant, BP Amoco, gave a combined total of $480,000 in soft money, and nearly $295,000 in PAC money.

This is just some of the information we have. I don't know if the Senator was aware of these figures.

Mrs. BOXER. I say to my friend that I was not aware of those specific figures. It is very rare that I feel that if Congress goes along with something it is really part of an ugly situation. I feel that way here. I feel that we have enough information now to take a stand with the Interior Department, with the consumers, and with over 70 groups that stand with us against the Hutchison amendment.

I hope my friend will listen to some of these groups because my colleague, my friend from Texas, listed groups that were with her. I think it is important that we compare these groups, who they stand for, and who they speak for. They are with us on our side trying to stop this oil company rip off, stop the Hutchison amendment: American Association of Educational Services Agencies, American Association of School Administrators, the American Lands Alliance, the Americans Ocean Campaign, the Better Government Association, Common Cause, Consumer Project on Technology, Council of State School Officers, Friends of Earth, Funds for Constitutional Government, Government Accountability Project, Green Peace, the Mineral Policy Standard, National Environmental Trust, National Parks and Conservation Association, the National Rural Education Association, the National Resources Defense Fund, the Navajo Nation, Ozone Action, Public Citizens, Congress Watch, Public Employees for Environmental Responsibility, Safe Energy Communication Council, the Surface Employees International Union, and the Taxpayers for Common Sense.

They are with us on this.

The United Electrical-Radio Machine Workers of America.

These are just some of the groups that are opposed to the Hutchison amendment, for one basic reason: They believe the big oil companies, the 5 percent of them, are cheating the taxpayers.

These are all public interest groups.

Mr. FEINGOLD. I finally ask the Senator to make the comparison between the list that she just read. By and large these are very important groups that represent the average people of this country. There is no way four of them could get together and give $2.9 million as these four corporations I just described did. Obviously these four corporations want this rider to be a part of the Interior appropriations bill. It is the powerful political donors. They may well get their way despite the credibility of groups and interests that the Senator just indicated.

I, again, very much thank the Senator from California for her leadership on this.

I rise today to share my concern about the number and content of legislative riders to address environmental matters contained in the FY 2000 Interior Appropriations Bill. I hope that all provisions which adversely effect the implementation of environmental law, or change federal environmental policy, will be removed from this legislation when it returns to the floor.

I believe that the Senate should not include provisions in spending bills that weaken environmental laws or prevent potentially environmentally beneficial regulations from being promulgated by the federal agencies that enforce federal environmental law.

I want to note, before I describe my concerns in detail, that this is not the first time that I have expressed concerns regarding legislative riders in appropriations legislation that would have a negative impact on our nation's environment.

For more than two decades, we have seen a remarkable bipartisan consensus to protect the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires the Senate to express its strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated or enforced by the federal agencies that carry out federal law.

The people of Wisconsin have caught on to what's happening here. They continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being made without the benefit of an up or down vote.

Wisconsinites have a very strong belief that Congress has a responsibility to discuss and publicly debate matters effecting the environment. We should be on record with regard to our position on this matter of open government and environmental stewardship.

I have particular concerns regarding several riders contained in this bill. I will site three examples of provisions of concern to me. I am concerned that we failed to strip the rider on the mining millsite issue. This is the second rider of this type we have considered. In Section 3006 of Public Law 106–31, the 1999 Emergency Supplemental Appropriations Act, Congress exempted the Crown Jewel project in Washington State from the Solicitor's Opinion. This rider, in contrast to the previous rider, applies to all mines on public lands.

I am also concerned that we have chosen to again include a grazing policy rider as well. It requires the Bureau of Land Management to renew expiring grazing permits under the same terms and conditions contained in the old permit. This automatic renewal will remain in effect until such time as the Bureau complies with "all applicable laws." There is no schedule imposed on the Agency, therefore necessary environmental improvements to the grazing program could be postponed indefinitely. This rider affects millions of acres of public rangelands that support endangered species, wildlife, recreation, and cultural resources. The rider's impact goes far beyond the language contained in the FY 1999 appropriations bill, in which Congress allowed a short-term extension of grazing permits which expired during the current fiscal year. As written, this section undercuts the application of environmental law, derails administrative appeals, and hampers application of the conservation-oriented grazing Guidelines.

I also want to voice my opposition to the amendment that would allow oil companies to continue to underpay the U.S. government in royalties for drilling on public lands. I understand that this rider was modified by the manager's amendment, but as originally drafted the rider blocks the implementation of new Interior Department rules to stop these underpayments, just as their implementation was blocked in the last Congress.

This is a huge windfall for the oil companies—and as it is with so many special interest provisions that find their way into our legislation, to the wealthy donors go the spoils, while the taxpayers get the shaft. The Interior Department estimates that these underpayments by the oil companies cost the taxpayers up to $66 million a year. And the oil companies that enjoy this cut-rate drilling are not small independent producers. On the contrary, the oil companies that benefit are among the largest in the world. Names like Exxon, Chevron, BP Amoco and Atlantic Richfield.

I'd like to take a moment to Call the Bankroll on these companies, something I do from time to time in this chamber to remind my colleagues and the public about the role money plays in our legislative debates and decisions here in this chamber.

During the 1997–1998 election cycle, oil companies gave the following in political donations to the parties and to federal candidates:

Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money;

Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money;

Atlantic Richfield gave more than $525,000 in soft money and $150,000 in PAC money;

BP Oil and Amoco, two oil companies which have merged into the newly formed petroleum giant BP Amoco, gave a combined total of more than $480,000 in soft money and nearly 295,000 in PAC money.

That's more than $2.9 million just from those four corporations in the span of only two years, Mr. President. They want this rider to be part of the Interior Appropriations bill, and as powerful political donors they are likely to get their way.

I'd like to discuss one final rider, which undoubtedly deserves its own Calling of the Bankroll. Though I understand that this rider has now been modified by the substitute amendment, the underlying bill initially prohibited the use of funds to study, develop, or implement procedures or policies to establish energy efficiency, energy use, or energy acquisition rules. Unchanged, this language would have blocked federal programs which cut federal agencies' energy expenditures, save taxpayer funds, and contribute to reductions in pollution.

In conclusion, I think that delay of mining law enforcement is indefensible, as are the other changes we are making in environmental policy without full and fair debate. I hope my colleagues will join me in demanding that this bill be cleaned up in Conference.

Mrs. BOXER. I thank my friend and commend my friend from Illinois. I think their questions and their caring are very important to this debate. We have to take a stand on the floor of the Senate once in a while for average people—people who are faceless in this institution. They think it is dominated by the special interests. My friend from Wisconsin who works so hard every day to get the special interest money out of this Senate has made a very important point—that the very companies that are going to benefit from the Hutchison amendment have given huge contributions to Federal candidates and to Federal committees.

If you put that together, as my friend points out, with the retired ARCO employee testimony under oath that he lied 5 years ago—he admitted he was not truthful when he testified in the deposition that ARCO-posted prices represented fair market value. He goes on to honestly say he was afraid he would lose his retirement. He was afraid he would be fired. You put together the contributions from big oil with the testimony of this former ARCO employee, who sat in the room when the decision was made to stop taxpayers from getting their fair share—when you put that together with the recent settlements by many States with the oil companies, the oil companies saying to the States: Take your lawsuit out of here. We will pay you billions of dollars to go away. We will not go to court to try to make the case that oil royalty payments are fair. You put all of that together, and it adds up to a bad situation.

I would be so proud of this Senate if we stood together on behalf of the people and on behalf of the consumers against the bad actors in the oil industry, who according to this employee, said we will put off judgment day. We will go take our chances.

> The senior executives of ARCO had the judgment that they would take the money, accrue for the day judgment, and that's what we did.

That is what he said.

He said this:

> I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to the process during the suggestions stage.

I know colleagues are here on other matters. I just felt it was very important to lay out the case against the Hutchison amendment. I will lay it out again and again and again if I have to. I hope I don't have to. I really could. I hope we can vote against cloture and hopefully rid this bill of this special interest rider that helps the 5 percent of the oil companies that are bad actors.

The 95 percent who are paying their fair share are doing fine; they will not be impacted by the Interior Department. It is just that 5 percent.

This is an important debate. It is not a baseless debate. It is debate on behalf of the hard-working taxpayers. It is a debate on behalf of everyone who pays rent or a mortgage payment every month. Imagine one day waking up and saying to the bank: Guess what. I don't like my mortgage payment. I'm paying less because it is no longer the fair market value as the day I signed up.

I think the bank would say: Renegotiating the interest rate is fine; but if you don't pay your fair share, we are taking you to court and we will repossess your house.

We cannot allow the top 5 percent of oil companies to act in an irresponsible fashion. I hope my colleagues will join with me, Senator DURBIN, Senator FEINGOLD, Senator WELLSTONE, Senator MURRAY, and many other Senators who feel very strongly about this and vote down the Hutchison amendment.

I ask unanimous consent the pertinent letters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 24, 1999.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Interior and Related Agencies Appropriation Bill, FY 2000, as reported by the Senate Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated. These views are necessarily preliminary because they are based on incomplete information, since the Administration has not had the opportunity to review the draft bill and report language.

The allocation of discretionary resources available to the Senate under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved, and the President has signed into law, nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals as the FY 2000 appropriations process moves forward. In addition, we urge the Committee to reduce unrequested funding for programs and projects in this bill.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocations. However, it is our understanding that the Committee bill makes major reductions to critical requests for the President's Lands Legacy Initiative and for key tribal programs. We also understand that the bill may include a number of environmental provisions that would be objectionable to the Administration—and would likely not be approved by Congress, if considered on their own. We strongly urge the Committee to keep the bill free of extraneous provisions and to address the following issues:

Lands Legacy Initiative/Land and Water Conservation Fund (LWCF). The Administration strongly opposes the Subcommittee's decision not to fund major portions of the President's Lands Legacy Initiative. Overall, only $265 million (33 percent) of the $797 million requested in this bill for the Initiative would be funded. The bill would provide no funding for State conservation grants and planning assistance, and only a portion (11 percent) of the requested increase for the Cooperative Endangered Species Conservation Fund. It would also make significant cuts in State and Private Forestry grants. Federal land acquisition funding would be cut by more than half from the Lands Legacy request, from $413 million to $198 million. It would be short-sighted to gut this important environmental initiative, given the growing bipartisan recognition of the need for the federal government, the states and the private sector to protect open spaces and preserve America's great places.

Land Management Operations. The Administration commends the action of the Subcommittee to address the operational and maintenance needs of land management agencies in Interior and USDA. The Administration is concerned, however, with cuts in key conservation programs. For example, the bill would reduce requests for the Fish and Wildlife Service's endangered species program by $13 million (12 percent) and the Forest Service forest research program by $48 million (25 percent). Increased funding for key programs within the Forest Service operating program, such as wildlife and fisheries habitat and rangeland management, could be offset with reductions in unrequested and excessive funding for timber sale preparation and management.

Environmental and Other Objectionable Riders. The Administration strongly objects to objectionable environmental and other riders. Such riders rarely receive the level of congressional and public review required of authorization language, and they often override existing environmental and natural resource protections, tribal sovereignty, or impose unjustified micro-management restrictions on agency activities. We urge the Committee to oppose such provisions. For example, the Administration would strongly oppose an amendment that may be offered that would prohibit implementation of the oil valuation rule. Such a prohibition would cost the American taxpayer about $60 million in FY2000.

Millennium Initiative to Save America's Treasures. The Administration strongly objects to the lack of funding for this $30 million Presidential initiative to commemorate the Millennium by preserving the Nation's historic sites and cultural artifacts that are America's treasures.

National Endowment for the Arts/National Endowment for the Humanities. The Administration strongly objects to the proposed funding levels for the National Endowment for the Arts and National Endowment for the Humanities. The Subcommittee's proposed $51 million (34 percent) reduction from the request would preclude NEA from moving forward with its Challenge America initiative which emphasizes arts education and access to under-served communities across America. The $38 million (25 percent) reduction from the request would preclude NEH from expanding its summer seminar series to provide professional development opportunities to our nation's teachers as well as broadening the outreach of its humanities programs. The Administration urges the Committee to approve funding for the Endowments at the requested levels.

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THE SECRETARY OF THE INTERIOR,
Washington, DC, June 30, 1999.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express my grave concern over the Interior and Related Agencies Appropriations Bill for FY 2000 reported by the Committee on Appropriations Bill for FY 2000 reported by the Committee on Appropriations. If the bill were presented to the President as it was reported from the Committee, I would recommend that the President veto the bill.

The bill contains a number of objectionable legislative provisions, three of which I'd like to highlight. The amendment on mill sites adopted by the Committee permanently extends the Mining Law's existing near-giveaway of Federal lands to include as much acreage as a mining company thinks it can use for mountains of mine waste and spoil. The amendment further tilts the Mining Law against the interests of the taxpayer and the environment, ignoring the need for comprehensive reform.

The extension of the moratorium on issuance of new rules on oil valuation will delay these rules for an additional 21 months. Revision of the way royalties are collected is urgently needed to assure the taxpayer a fair return. Extension of the moratorium cuts off the dialogue on how best to do this and will needlessly cost the taxpayers about $120 million in lost royalty payments.

It is also my understanding that the Committee adopted an amendment that could limit the implementation of the President's June 3 Energy Efficiency Executive Order to reduce Federal energy costs. Restricting the agencies' ability to improve energy efficiency in our buildings will prevent the Federal Government from saving taxpayer dollars, cutting dependence on foreign oil, protecting the environment through improved air quality and lower greenhouse gas emissions, and expanding markets for renewable energy technologies.

Although I appreciate your efforts in reworking the discretionary spending allocations in order to increase the spending limits for the Interior bill in the face of the limitations placed on you under the Budget Resolution, the funding amount proposed by the Senate denies funding to protect America's open spaces and great places for the future through the President's Lands Legacy initiative, as well as critical requests for land management, trust reform, other Indian programs, and science.

Overall, the reductions to the budget request seriously impair the Department's ability to be a responsible steward of the Nation's natural and cultural resources and to uphold our trust responsibilities to Indians. The 2000 budget sets a course for the new millennium providing resources that are needed to accommodate increasing demand and use of our public lands and resources. In this decade, visits to parks, refuges and public lands have increased up to 31 percent; the number of students in BIA schools has increased 33 percent; and the BIA service population is up by 26 percent.

In this regard, the Committee proposal does not provide sufficient increases to fully operate our National Parks, restore healthy public lands, rebuild wildlife and fisheries resources, clean up streams in support of the Clean Water Action Plan through Abandoned Mine Land grants, or improve the safety of schools and communities for Indians. At the funding level provided, we will be unable to meet the needs expressed by Congress for better stewardship of public lands and facilities, resolution of the Indian trust issue, and improved schools and quality of life in Indian Country. Further, the Committee eliminated funding for the Save America's Treasures program that preserves priority historic preservation projects of national scope and significance.

I urge you to reconsider the contents of the Interior bill and work with the Administration and me towards a more balanced approach. I look forward to working with you to address these concerns.

Sincerely,

BRUCE BABBITT.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe the matter before the Senate now is the amendment of Senator ROBB, and I ask consent of the Senator from California that her presentation, including all of her questions and answers, be included in the CONGRESSIONAL RECORD immediately after the speeches of Senators HUTCHISON and DOMENICI so that the debate on that subject be continuous, and that other speeches during the course of the evening be consolidated in the RECORD on the Hutchison amendment.

Mrs. BOXER. I thank my friend for his excellent idea. We should keep this debate seamless.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Second, I have a unanimous consent agreement under which there will be two votes on the Bond amendment and a vote on the Robb amendment tomorrow morning that apparently have been cleared.

Before I present that, I say we will be in session long enough this evening for anyone who wishes to do so to speak on the Bond amendment. I believe the Senator from Illinois wishes to speak. The Senator from Missouri (Mr. BOND) may return for that subject. Senator HUTCHISON wishes to speak again on her amendment. There may be other speeches on that. There are three or four people here to speak on the Robb amendment. I want all of the speeches on each of these subjects to be consolidated into one point in the RECORD.

This unanimous consent agreement is not going to limit anyone's right to talk on any of these subjects this evening as long as they wish.

Mrs. BOXER. If the Senator will yield for a question, what is my friend's plan of action on the Hutchison amendment?

Mr. GORTON. I believe a cloture motion on the Hutchison amendment will be filed tomorrow to ripen sometime early next week. There will be lots of time for a discussion of that amendment before any vote on cloture takes place.

I hope during most of tomorrow, however, we will deal with other amendments that can be completed and dispensed with. By the time we get to a vote on the cloture, we are pretty close to the end of debate on this bill. I don't know if that is true or not. We will have dealt today in whole or in part with 4 of the 66 amendments that are reserved for the Interior appropriations bill. I trust some will go faster than many of those today.

I will state the unanimous consent agreement. Then I intend to speak briefly on the Robb amendment. I believe the Presiding Officer and Senator CRAIG will also speak on that.

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. I ask unanimous consent that immediately following the vote scheduled at 9:30 a.m. on Thursday, notwithstanding rule XXII, the Senate resume consideration of the Interior appropriations bill and there be 2 minutes equally divided prior to a vote in relation to the Bond amendment No. 1621; following that vote, there will be 2 minutes equally divided on the pending Robb amendment No. 1583. I ask unanimous consent no amendments be in order prior to these votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. In light of this agreement, I am able to announce for the majority leader that there will be no further votes today but that there will be three votes at 9:30 tomorrow morning and immediately thereafter.

I will speak to the Robb amendment.

Mr. DURBIN. Will the Senator from Washington be kind enough to yield for a unanimous consent request so we can make a record of the sequence of speakers?

I have been here for a while but other Senators have, too. I want to speak to the Bond amendment and I certainly yield to the chair of the subcommittee for his comments on the Robb amendment.

Is it appropriate to ask unanimous consent that after the Senator from Washington completes his remarks, I be given no more than 10 minutes to respond to the Robb amendment?

Mr. GORTON. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1583

Mr. GORTON. Mr. President, with respect to the Robb amendment which would strike section 329 of the bill before the Senate, perhaps the best way to begin my remarks on it is to read that relatively short section.

It reads as follows:

> For fiscal year 2000, the Secretary of Agriculture with respect to lands within the National Forest Service and the Secretary of the Interior with respect to lands under the jurisdiction of the Bureau of Land Management, shall use the best available scientific and commercial data in amending or revising resource management plans for offering sales, issuing leases, or otherwise authorizing or undertaking management activities on lands under their respective jurisdictions provided that the Secretaries may at their discretion determine whether any information concerning wildlife resources shall be collected prior to approving any such plan, sale, lease, or other activity and, if so, the type of collection procedures for such information.

It seems to me there are fundamentally three subjects involved in section 329. The first is, of course, that it applies only to fiscal year 2000, the year covered by this appropriations bill. The second subject is that the two Secretaries managing these national lands shall use the best available scientific and commercial data in dealing with the plans they have for those lands. I can't imagine that there is any objection on the part of the proponents of this current amendment to that language. The third subject says that the Secretaries may, at their discretion, determine whether any additional information concerning wildlife resources shall be collected prior to approving these plans.

In other words, section 329 doesn't require these Secretaries to do anything. It simply grants them the discretion to act in a reasonable fashion.

A number of court decisions, pursuant both to the National Forest Management Act and perhaps even more significantly to forest plans already prepared by this Clinton administration and under the supervision of these Secretaries, have stated essentially that before any contract is entered with a private organization for the harvest of timber in national forests or on Bureau of Land Management lands, an extraordinarily expensive wildlife census must be taken, a census at least as detailed as the census of the people of the United States to be taken next year—on reflection, a census much more elaborate than the census of the people of the United States next year, as we are going to be asked to spend about $4 billion to count every person in the United States.

The cost of carrying out the activities required by our courts on our national forests, if we go forward, would be somewhere between $5 billion and perhaps $9 billion. These are matters that deal simply with endangered species. We already have injunctions and orders for the Federal Government with respect to protecting endangered species and not allowing them to be harmed by any of these commercial activities. These are, in effect, censuses of everything that exists in the forest, vertebrate and invertebrate, plant and animal species — the entire works. There are, of course, other decisions on the other side of this issue. Section 329 attempts to deal reasonably with these requirements.

The very groups that brought these actions, various environmental groups, have made two arguments over the course of the last 10 or 12 years that perhaps predominate over the balance of their arguments. The first is that we should stop engaging in timber sales in which the Federal Government—either the Forest Service or the Bureau of Land Management—lose money; that below-cost timber sales are not a wise investment of the resources of the United States of America. At the same time, of course, they advocate positions, and have succeeded in front of some courts with those positions, the net result of which will be that there can never be a timber sale that is not below cost. The cost of any one of these surveys on any public lands will exceed the value of the timber located on the land. That, of course, in turn, is in pursuit of the second goal of many of these environmental organizations, specifically including the Sierra Club, and that goal is that there should be no harvest, no harvest under any circumstances, on any of our public lands of any of our timber resources. That is a formal position of many of the environmental organizations including those that have been plaintiffs in this litigation.

The net result of these decisions is the success of that latter policy. The United States of America is not going to spend $9 billion, or $5 billion, engaging in these particular surveys. It is not a provident expenditure of our money. There is no money in this appropriations bill for such elaborate courses of action under any set of circumstances.

As a former head of the Forest Service under President Clinton, Jack Ward Thomas said: This whole idea is designed to make this survey and management system unworkable. Scientists are not looking for these creatures in the first place. The Clinton forest plan, which has reduced by about 80 percent harvests on the public lands—in the Pacific Northwest, in any event, it already set aside 84 percent of our national forests essentially as wildlife refuges. The other 16 percent has been considered by this administration for a harvest in the Pacific Northwest of about 1 billion board feet a year. This was the President's forest plan, his promise in his campaign in 1992 to the people of the Northwest, somewhere between one-fifth and one-sixth of what was the historic harvest.

The President has not been able to keep that promise, even using his administration's present forest policies. He has not reached that particular goal. The harvest under these decisions will be zero because the cost of preparing the sales will simply be too great.

This is not a policy—the policy of the present enjoined forms of wildlife surveys—that comes from an administration that has been hell-bent for leather to harvest trees in the forests either in the Pacific Northwest or in the Southeast, the location of the 11th Circuit, by any stretch of the imagination. Nor is this discretion being given to officials in the Department of Agriculture and the Department of the Interior who are bound and determined to cut the last tree. This, I want to repeat, is a 1-year provision—that is to say it will apply only through most of the rest of the Clinton administration—granting discretion to the Secretary of the Interior, Mr. Babbitt, and the Secretary of Agriculture, to use their present relatively reasonable systems of determining whether or not some small portions of the 16 percent of the national forests not set aside for wildlife purposes can be the subject of timber harvesting contracts. It does not require the administration to follow exactly the procedures it has been following with the Northwest forest plan and its plans for other forests at all. It simply says if in their discretion they think they have done enough, they can go ahead and meet their own very modest goals of at least providing a modest harvest of our timber in our national forests. That is all. It is neither more nor less than that. It is not a mandate. It is authority to very green, very pro-environmentalist Departments of Agriculture and Interior to engage in activities of this nature.

It is very clear the goal of these lawsuits and the goal of the organizations that have brought these lawsuits is not to get these surveys done. The goal is to see to it that the cost of entering into preparing for any contract for the harvest of timber is so high that none of them will be worth doing. But the effects of those lawsuits, and therefore the effects of this amendment, do not apply only to timber harvesting contracts by any stretch of the imagination. They will apply to any new or different use of any portion of our national forests and of our BLM lands. They will apply equally to the building of campsites or the improvement of campsites or other recreational uses of the forest system itself. As a consequence, the effect of these present lawsuits is to make de facto wilderness areas out of all of our national forest areas and to prohibit any improvement for human recreation, other than that allowed of wilderness areas itself, as well as of any timber harvest. It is an extraordinary set of policies that are essentially advocated by the Robb amendment, a set of policies based on the proposition from some national environmental organizations that there should be no productive use, no economically productive use, of our national forest system whatsoever.

The section 329, which really should not have been contested at all, is simply to grant this Clinton administration, for 1 year, the right to go ahead with the extremely environmentally sensitive forest plans that it has structured during the course of the last 6 years, not only in the Northwest part of the United States but in the Southeast part of the United States and Texas and in every other place, either BLM lands or Forest Service lands, and allows them to go ahead. If the President does not want them to go ahead, if the policies are those advocated by these organizations in these lawsuits, nothing in this section 329 prohibits them from adopting those policies. But what it does require is that it will require the President to say: Whatever I told the people of the Northwest, whatever I told the people of other parts of the country about a balance, about the proposition that there were certainly some of our national forests that were appropriate for productive use, for the provision of jobs and for the provision of timber resources of the United States, I now have changed my mind. We are not going to do it at all.

If he wants that as a policy, it is not barred by section 329. But he will not be able to hide behind a court decision and say he is trying to do something and trying to abide by a court decision that is impossible, that sets conditions that are impossible economically to meet. We are not going to spend the amount of money necessary to conduct these surveys. The surveys are not needed. They are not worth it. We either choose to deal reasonably with these issues and allow this President and this administration to conduct the modest harvests that they have thought were appropriate, or we are saying we are not going to have any harvest at all, and in all probability we aren't going to have any new recreational activities on our national forests as well.

Simply stated, that is the issue: Do we trust this administration not to go overboard in the nature of harvesting, do we believe this administration to be environmentally oriented or not?

Most of us, and I think I speak for the Presiding Officer as well as myself, do not think these forest plans are appropriately balanced as they are, but they do provide for some economically productive use of our forests, a productive use that is totally barred under these certain court decisions, whether they are correct or not correct, and which we allow the administration to politely and courteously either abide by or say no, we have a better and more balanced way of doing it.

I think it is overwhelmingly appropriate to reject this amendment, to trust this administration not to go overboard in timber harvests by any stretch of the imagination, and to allow it to keep the promises it has made for a period of more than 6 years to the people of timber-dependent communities all over the United States of America.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

AMENDMENT NO. 1621

Mr. DURBIN. I thank the Chair for recognition. I misspoke earlier. I wish to speak to the Bond amendment, not the Robb amendment.

The Bond amendment is another one of these legislative riders on spending bills. It is an attempt to change environmental policy with an amendment to the appropriations bill for the Department of the Interior. The reason it is being done this way, of course, is it avoids any committee hearing, any opportunity for any witnesses or public input.

There are seven, eight, or nine different environmental riders that have been attached to this spending bill. The administration has indicated that unless they are removed, there is a strong likelihood that an otherwise good bill will be vetoed by the President because riders, such as the one I am about to address, go way too far.

One might wonder why I am addressing the issue of a national forest in Missouri since I represent the State of Illinois. I am from downstate Illinois. I was born in East St. Louis, and the Ozarks are an important recreational area for everyone who lives in the region. It is not only a regional treasure but a national treasure which has been recognized by a designation as a national forest.

Last year, the attorney general of Missouri, Jay Nixon, joined environmental groups in petitioning the Secretary of the Interior asking him under his authority, under the Federal Land Policy and Management Act, to remove from access to mining 400,000 acres in the Mark Twain National Forest.

Those of us who live in that region know this is an especially popular area of the Ozarks. The watersheds of the Current, Jacks Fork, and Eleven Point Rivers are in this region. Many of my friends and family go to the Ozarks for canoeing. They love it because of its pristine beauty, and they believe the attorney general, Jay Nixon, was correct when he petitioned the Secretary of the Interior to preserve this area and to stop it from being used for lead mining.

This is Federal public land that a private company, a lead mining company, wants to come in and mine for profit. The Interior Department has the authority to say no, it is important environmentally and we should not allow this kind of commercial use. That is what they would do were it not for the amendment being offered by the Senator from Missouri.

The Senator from Missouri, Mr. BOND, wants to remove the authority of the Department of the Interior to protect the Mark Twain National Forest from lead mining. Is this a popular concept? It probably is with some companies. Not only the attorney general of Missouri but the Governor of Missouri has written protesting this action being taken by this Bond amendment.

Governor Mel Carnahan from Jefferson City, MO, has written and said:

> I believe you will agree the watersheds of the Current, Jacks Fork and Eleven Point rivers are among the most beautiful and pristine areas of Missouri. These crystal clear streams are great recreational assets which should be protected for future generations to enjoy.

He goes on to say:

> The environmental risk of lead mining and potential for toxic contamination of these pristine waterways are well understood. The Interior Secretary's authority to protect sensitive public lands should be preserved.

He says to my colleague from Missouri:

> I respectfully request you withdraw your amendment.

But that amendment has not been withdrawn. It will be voted on tomorrow.

I can say further there are groups across Missouri that oppose this invasion of a pristine area, a watershed of the Mark Twain National Forest, for the purpose of lead mining. The St. Louis Post Dispatch, the largest newspaper in the State, has editorialized against this and has said, frankly, that this is an effort to allow this company to come in and mine an area which is of critical importance to the people of Missouri.

The Kansas City Star, an equally influential paper, has come to the same conclusion that the Bond amendment is a mistake, a mistake which threatens the watersheds of the crystal clear streams of the Current, Jacks Fork, and Eleven Point Rivers.

For those who believe this lead mining operation is somehow antiseptic and will not leave a legacy, I say they are wrong, and the scientific studies have proven that. We know what is going to happen if we allow these companies to come in and mine lead in this beautiful area. We know the potential for contaminating the streams. We know the potential for leaving behind the waste from their mining operations.

Some might argue that it is worth it because it creates jobs, and yet study after study reaches the opposite conclusion.

This is primarily a tourist area, a recreational area recognized all around the Midwest. To defile it with lead mining to create a handful of jobs for mining purposes is to jeopardize the attraction of this area for literally thousands of people in the Midwest and across the Nation. That is why it is such a serious mistake. I daresay if this amendment had been offered on an ordinary bill, there would have been a long line of people to come in and testify, not only environmentalists who oppose the Bond amendment, but certainly those who are in authority in the State of Missouri, Governor Mel Carnahan, Attorney General Jay Nixon, as well as many other groups of ordinary citizens who believe this is a national treasure that should not be defiled so one company can make a profit.

On the spending bill for the Department of the Interior, this is another one of the environmental riders designed to benefit a private interest at the expense of American taxpayers who own this public land, at the expense of families who enjoy this recreational area, at the expense of people who look forward to a weekend on the Current River because of its beauty.

Frankly, this is a big mistake, and I hope the Senator from Missouri will have second thoughts before he calls it up for a vote tomorrow morning. I hope he will listen carefully to the leaders in the State, as well as the environmental groups, who are standing up for one of the most precious resources in Missouri.

I hope he will join them in saying the Mark Twain National Forest and the watershed of these great rivers are worth protecting, worth preserving, and should not be allowed to be invaded by a lead mining company that wants to come in and mine on Federal public lands at the expense of this great national resource.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I rise in opposition to the motion to strike Section 329 of the Interior appropriations bill. This section is necessary to counter an extremely adverse ruling by the Eleventh Circuit Court of Appeals, which has just been described by my colleagues, as well as a preliminary injunction recently handed down by Judge Dwyer in the U.S. District Court.

The case before Judge Dwyer involves the implementation of the Clinton-Gore Northwest Forest Plan, which was unveiled in 1993. At the time, President Clinton said that it "provides an innovative approach for forest management to protect the environment and to produce a predictable and sustainable level of timber sales."

The real travesty here is that the supporters of Section 329 are trying to fulfill the commitments made by this Administration in 1993, and we are now doing so over the objection of the Administration.

The Northwest Forest Plan was supposed to be the Clinton Administration's historic compromise between timber harvesting and the environment. For National Forests covered by the Plan, timber harvests were reduced by 80 percent. Apparently, that wasn't enough for those who want no timber harvests, because they are again challenging implementation of the Plan in Court.

While Judge Dwyer issued a preliminary injunction against the sales directly challenged in the case, the effect of his August 2, 1999, ruling is much broader.

The Forest Service and the Bureau of Land Management have made a decision not to award any previously-auctioned sales until the lawsuit is resolved. Further, the agencies do not plan to offer any additional sales until their supplemental EIS on survey and manage is completed and approved.

While the Forest Service claims this will be completed by February of 2000, history tells us that this EIS will be appealed and litigated. In fact, the Forest Service hasn't produced a regionwide EIS for the Northwest for 10 years that hasn't been litigated.

The current or planned sales affected by Judge Dwyer's ruling contain about 500 million board feet of timber. Since there will be no future sales until the EIS is completed, the total volume affected could be 3 times that high.

Further, because many of these sales have already been awarded, if they are enjoined and operations are delayed, or if the government is forced to cancel these sales, the government will be potentially liable for hundreds of millions of dollars in damages.

Because so little volume has been sold to date, and is therefore available to purchasers, the injunction of this volume will lead to immediate mill closures, increasing the government's liability for damages.

The issue in this case involves the Administration's implementation of one part of the Clinton-Gore Forest Plan, concerning surveys for 77 rare species of fungi, lichens, mosses, snails, and slugs, and for a small mammal called the red-tree vole. Six years into the 10-year plan, the agencies still do not know how to conduct surveys for 32 of the rare species.

None of these species is threatened or endangered. Although these surveys are only one piece of the Plan, the consequences of the case are potentially enormous.

The real fallacy of the survey and manage requirement is that we are only going to survey on those lands where ground-disturbing activities—such as recreational improvements and timber sales—are planned. In the National Forests covered by the President's Plan, this amounts to about 12 percent of the total forest base that is still available for multiple use.

This is not going to tell us about the overall health of these species, since we aren't going to be looking for these species in the remaining 88 percent of the land base.

Unfortunately, it could also apply to needed forest restoration activities such as prescribed burns and reforestation on other selected parts of the forests, thereby delaying these activities and increasing their costs.

It is unfortunate that the Clinton-Gore Administration ever included this provision in the Northwest Forest Plan.

But having done so, it is a travesty that the Administration's failure to effectively implement the plan has resulted in another injunction that will further erode our timber communities.

With respect to the Eleventh Circuit Court of Appeals ruling, it requires surveys for all ground-disturbing activities.

This means not only timber sales, but recreation improvements and forest management activities. Some preliminary cost estimates put the nationwide implementation of the Eleventh Circuit court ruling at $9 billion. It is a Trojan horse rolled in by candidate Clinton to destroy an industry.

Therefore, we should make the public policy decision that we will allow forest managers to use the best available commercial data in amending or revising resource management plans, as Section 329 stipulates.

This is the standard for data under the Endangered Species Act.

The language in Section 329 does not preclude the Secretaries of the Interior and Agriculture from gathering additional data.

It simply gives the Secretaries more discretion to meet land management objectives in a timely manner.

Section 329 is designed to give the Clinton administration officials exactly the flexibility in land management that they argued for in court.

I am deeply saddened that in the face of the economic crisis about to be visited on my constituents, the President isn't 100 percent behind retaining this language.

This isn't an agonizing choice for me at all. If I have to choose here between surveying for red tree voles or keeping hundreds of Oregonians employed in family-wage jobs, I will vote for families.

I know that there are those who don't think the language in Section 329 is the best language possible.

I will commit to work with my colleagues and the Administration to see if we can improve this language. But I will strongly oppose efforts to strike it.

I urge anyone who has a National Forest in their State to support retention of Section 329.

If the Eleventh Circuit Court ruling is ever applied nationwide, we will have tied the hands of professional land managers with an expensive, time-consuming and ineffective requirement.

I believe my colleague from Virginia has the best of motives, but I only wish he could go with me to rural Oregon and see the human consequences of what he proposes.

I began my political career in 1992 running for a rural seat in the Oregon State Senate. It was the same election year that now-President Bill Clinton sought the Presidency. I watched as an opponent of his campaign with admiration for the skill with which he came to my State and reached out to those in the rural communities and made some very dramatic promises, some promises which he said would protect the environment and ensure a sustainable harvest of timber.

He carried my State. He carried your State, Mr. President, with these same promises because a lot of people wanted to believe in him.

I have noted with great interest that recently the President —and I applaud him for this—has gone to rural Appalachia. I don't know whether he went to parts of the State of the Senator from Virginia. I know he went to West Virginia, and he decried poverty levels that are lamentable and awful. But there are parts of my State as a result of his forest policies which are in worse shape than those he visited in Appalachia.

I rise today with a lot of emotion in my heart because I think the truth has not been told and promises have not been carried out.

I have recently come from a town hall meeting in Roseburg, OR, where people are finally looking at oblivion because their jobs are directly dependent upon the sales that have now been enjoined by Judge Dwyer in the district court of the Ninth Circuit.

I hope I can reach the heart of every one of my colleagues because this stuff matters in human terms. I wish they would have a more honest approach and say: We don't want any more harvest of timber; let's shut it all down. At least that would be honest. This isn't.

I wish they could see the kids, in John Day, OR, who go to school 4 days a week because they can't afford to open the school for 5. I want my colleagues to understand what they are voting for. If you distill this down, this is about pitting a survey of fungus, snails, and slugs against children and families who need streets and schools.

Now, lest you think the last pine tree in Oregon is about to go down, I am sorry to disabuse you. You can't stop timber from growing in my State. We went to the CRP area not far from where I live. There are wheat fields that formerly were in wheat that were left to go to nature, and there are Ponderosa trees going up everywhere. They are 12 feet high now.

I know what the New York Times says. I know what the Washington Post says. But like some of my colleagues, they have never been to my State. They have never looked into the eyes of the schoolchildren who, frankly, don't have an adequate education because the Federal Government made promises to them and their county officials and their school officials that are being denied to them in a very dishonest and disingenuous way.

I am angry. It is not right. It is not right to go win an election and then supposedly put up a program that is to provide for the environment, to provide a sustainable yield, and then through subterfuge make sure it doesn't happen, when you have a year to go in your term, when you are decrying poverty elsewhere in this country, but you are creating it in my backyard.

I don't think the Senator from Virginia would offer this motion to strike if he could go with me to Roseburg, OR. It has been a long time, has been a lot of heartache, a lot of pain, but it is getting old. It is almost over. Here you and I are defending the President's plan, trying to help him live up to his promises. I want the American people to know that the Clinton-Gore forest plan, at the beginning at least, was honest enough to say: The traditional harvest you have had, we are going to cut it by 80 percent, by 80 percent. The reality is, it is not even 10 percent of what is delivered, and now what we are seeing is there is going to be nothing delivered.

That isn't right. A sustainable yield of 20 percent is all that was promised, and yet even that apparently is another mirage.

Well, I know the President wishes we didn't have to do a rider, but it is the only tool left because we are running out of time. Your proposal is for a year to allow the Federal courts to allow these sales to go forward. Without the Clinton-Gore forest plan, these sales would be fine; these meet the Endangered Species Act, but somehow in the creation of this plan, they have put in a survey system that isn't economical. It isn't going to happen. It isn't even necessary. It is a fraud. It is a way to undermine their own promises.

Well, history tells us this is not going to happen now. I regret to tell the people of rural Oregon that the Clinton forest plan is a failure to them.

Another irony. I heard my colleague from Virginia say he read a letter from the Forest Service about their newfound position on this issue. Why didn't they argue that in court? If it was an argument to be made a month ago, why isn't it still a good argument. They have reversed course. Why? Is it only about politics? I think people are sick of that. I think people are ready to be told the truth, and they thought they had been told the truth by the President, at least when it came to his forest plan. I regret to tell them that apparently they have not been.

What is at stake? In Judge Dwyer's ruling, about 500 million board feet of timber. By the way, to my colleagues on the other side, if you think by killing the forest industry in this country you are somehow saving the environment, you are the best friend the Canadians and the New Zealanders have ever had because the U.S. demand and use of timber is not going down. It is going up. We have just exported those jobs. So we pat ourselves on the back that we somehow have taken care of our forests, even though it is growing at record rates and subject to catastrophic fire. Even though we pat ourselves on the back, we are pillaging our neighbors' land.

I am simply saying, the promise of the President to have a sustainable harvest and a good environment are possible, but it isn't possible with this. We are trying to help the President make it possible.

I am saying what is being asked for by the courts now, as required by the Clinton-Gore forest plan, is a survey for 77 rare species of fungi, lichens, mosses, snails, slugs, and for a small mammal called the red tree vole. Well, the agencies don't know how to conduct these things. They don't even know some of these species. The amount of land that is at issue is 12 percent of 100 percent of the land, so 88 percent of the land is not going to be surveyed, only the area where they are digging around. No one contends that any of these things are endangered at all. What is endangered is rural people, creating a new Appalachia with chronic poverty. We are doing it in my State while he decries it in his State. That isn't right, not when they have been promised something better.

I conclude my remarks by pleading with my colleagues not to put in an artificial requirement that we will not fund, which is not necessary and which can be adequately provided for, by the way you described it, by giving to the Secretaries of the Interior and Agriculture the power to do what they already do under the Endangered Species Act, by giving them that power and allowing these things to go forward and keeping some promises. Why don't we keep some promises around here?

I want my colleagues to know this is about a survey versus families. It is about snails and slugs versus streets and schools. I ask you to oppose the motion to strike this amendment. What is being done here is wrong. It has human consequences, and we in this Senate ought to be bigger than that.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I listened with interest to the impassioned plea of my friend from Oregon. Last week, we sold a lumber mill in Montana. Darby Lumber went down because they could not get logs. Mills are hauling logs in from Canada, 500 miles, and it is like my friend from Oregon said—we are decimating our neighbors' lands because we have not had the nerve to be honest with the American people.

To give you an idea, up in the northwestern part of Montana, we are growing about 120 million board feet of lumber a year. The Forest Service makes plans to harvest about 19 million board feet. The truth is, America, we will be lucky if we harvest 6 million board feet.

Opposition to section 329 flatly contradicts previous positions taken by the environmental community and this administration on the best methods for protecting wildlife. Section 329 would restore to the administration the authority to plan and account for wildlife protection by surveying habitat—a method employed for over two decades and that has been approved by seven Federal courts, including three circuit courts of appeal. The recent Eleventh Circuit decision contradicted this consensus judicial opinion and would require the agency to provide protection to wildlife by counting—not once but twice—the number of members of each of 20 to 40 management indicator and sensitive species before undertaking any ground-disturbing activities in our national forests—be it timber harvesting, be it watershed restoration, be it trail building, be it maintenance, or be it for the prevention of fire. I guess this is one reason you can't run a pretty good ranch or a pretty good farm that depends on renewable resources by a committee, for the difference of opinion on how we should do things. If left to that, we would never get in a crop. America would never have a substantial, sustaining supply of food.

The emphasis the Forest Service has placed on habitat availability instead of counting the members of individual species is exactly the policy advocated by the environmental community. I wonder, at this time when they change the policy, what is the motive here? What is the motive? Is it us against them? I don't think so. I don't know of anybody who stands in this body to decimate the environment. But I wonder, of all the fires that are burning in the West today, if a little management on fuel buildup could not have prevented some of those. But somebody thought a mouse was too important that we can't disturb the land, and it burns.

Virtually every environmental organization has insisted the law be reformed to address habitat protection and away from narrow species-by-species focus. Indeed, the provision in the Endangered Species Act that the environmentalists most frequently quote in both the Senate and the House, and in Federal courtrooms across the country, is the first phrase in the statement of purpose in section 2(b):

> The purposes of this Act are to provide a means whereby ecosystems upon which endangered species and threatened species depend may be preserved.

Now, we can argue on philosophy, but I think we are arguing on politics, and what is at stake is families. Also, what is at stake is the forest itself. I invite the Senator from Virginia to go with me this weekend. I will take him up in the Yak, where we have infestation of the pine beetle, dying trees, and a forest that would just shock him. It would absolutely shock him to his shoes. He would be devastated, looking at that forest. Yet the environmental community has made up its mind that we are not going to harvest; we are going to let it burn. I don't think that is why the Senator from Virginia wore the uniform as long as he did, to protect that kind of mismanagement of the country he so loves, or even the people he so loves.

The administration has been even more adamant in insisting on a habitat approach to wildlife protection. That is what they told us when they first came to office. It has championed two land management concepts—ecosystem management and biological diversity protection—that rely entirely on methodologies which concentrate on habitat rather than individual species. Certainly, ecosystem management is a fancy way of saying habitat management. I don't have very many of those fancy words; I have to write them down.

But it is funny what you can see from horseback. Sometimes you can see over tall mountains and tall buildings and over very high-minded ideas that don't work. They have never worked; they never will work. So, too, when biological diversity is considered, conservation biologists insist on treating habitat as the source of wildlife and plant diversity and resist focusing on individual species. They have always done that.

We have embraced that philosophy and that approach. That means we can do something about managing our land in the highest standard of environmental protection and still harvest the crop with which the God above has so blessed this country.

Finally, the capstone of this administration's wildlife policy is the habitat conservation planning and incidental take, permitting it is conducting with private landowners helping them provide habitat for endangered species.

How can a man stand here and even talk about endangered species when you have only one crop that you get paid once a year for and you see wolves killing right out of your own pasture not 300 feet away from where you live? And there is not a thing you can do about it.

Does anyone want to go out and face that man and tell him and his family, well, we have some folks that like to hear that yipping and howling? After they get done with their kill, they will go across the creek, which is only about 400 yards, and they will lay there and they will rest until they get hungry again. That is almost unbelievable to me.

That is what we are talking about here. We are talking about something that doesn't work. We are talking about people who are very smart and very intelligent but have little or no wisdom—higher than thee, elitist—who prevent men and women who were born of the soil, born of the land, worked the land, and will die and go back to the land. I guess one could say we are all just circling the brink because that is where we are going to go. Maybe you never know how that is going to turn out.

Despite the solid momentum away from attention to single species and toward consideration of habitats, we now see the very advocates of this approach criticizing it in their attacks on section 329. I wonder how they will feel when they are successful in stripping 329 from the bill only to discover that the U.S. Forest Service—one of the first agencies to adopt a habitat approach to wildlife protection—must now abandon it to follow the expensive—in fact, it is too expensive. We know that the money will never be appropriated. So it will not be done. It is an outdated process of counting individual members of one species after another, like I said, not once but twice. I am just asking that we have an attack of common sense—just common sense, everyday common sense that the rest of America uses every day just to subsist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor to visit with my colleague from Virginia who has offered an amendment to strike section 329 of the Interior appropriations bill. I am pleased that he is on the floor. I am extremely pleased that he listened with great attention to the Senator from Oregon and the Senator from Montana, and that he will listen to this Senator from Idaho whose State is 63 percent owned by the Federal Government and whose policy as to how those lands are managed is determined on the floor of the Senate by this Senator, the Senator from Virginia, and others.

I listened to the Senator this afternoon as he offered his amendment to strike section 329. I must tell you that I listened with a degree of frustration, certainly in no disrespect to the Senator, but to what I sensed was a lack of understanding of what has brought us to this issue and why the Appropriations Committee found it necessary at this moment in time to speak out and to clarify public policy that the Senator from Virginia is trying to undo.

The Senator from Montana, the Senator from Oregon, myself, and others from large public land and forest States have grown tremendously frustrated not by just this administration but by public policy that puts all of us at odds. That arguably does not provide the kind of environmental protection many of us would like and that would allow the balance between environmental protection and under that important umbrella the effective use or utilization of our resources like timber.

So we had a judge in the Eleventh Circuit who probably really has never been West, nor does he understand the West, make a ruling on a ground-disturbing activity of the Forest Service on its lands and say that you haven't studied thoroughly enough how that activity contributes to the demise of a plant, a fungus, a slug, a snail, or an exotic animal. This judge went against decades of science, and even nine court decisions that had largely said the Forest Service was doing an adequate job in its overview of the endangered species responsibility under the Endangered Species Act through an environmental impact study.

The Senator from Oregon was talking about the judge's decision in the Eleventh Circuit being picked up by the judge in the Ninth Circuit, and without any real consideration, just arbitrarily spreading across the pages of his decision: Well, if it is good enough in the Eleventh Circuit, it is good enough in the Ninth.

Ironically, in the Ninth Circuit, what the Senator from Oregon was talking about was the most comprehensive, above the level of science that has been practiced, reviewed, and mandated under the President's own forest plan. There was a comprehensive effort between the Forest Service and U.S. Fish and Wildlife Service and National Marine Fisheries that all aspects of the disturbance would be studied before these timber sales or other activities would go on.

As a result of that, I think it is tremendously important for the Senator from Virginia to understand—I serve on the Appropriations Committee—we did not attempt to do anything extraordinary. We just tried to say in public policy that what the judge in the Eleventh Circuit had done, what the judge in the Ninth Circuit was doing, and what a judge in Texas has already picked up on is really outside science.

A committee of scientists empowered by this Secretary of Agriculture, Dan Glickman, just this last year reported back to the Department of Agriculture and to the U.S. Forest Service that the science they were using that the judge in the Eleventh Circuit knocked down was the right science—that you use indicator species, that you didn't need to get out on the ground and count every plant, or animal, or microorganism.

It was unnecessary to do this to determine the kind of impact that a "Ground disturbing activity" would have on the ground. But it was very important for the state of the science involved to use the indicator species concept that had been used and upheld in nine different court decisions as the right approach.

I guess what I am saying to the Senator from Virginia tonight is how long do we fight? How long do we see this kind of conflict that stops all kinds of activity before the Senator from Virginia is willing to stand up with the Senator from Idaho and do what is our responsibility, and that is crafting sound public policy that disallows the courts and the judges from being the public land managers of our States.

Yet the Senator from Virginia tonight says: I want the judge to decide.

But he didn't really quite say it that way, and it would be unfair. What he is saying is, let the process continue to go forward.

I am extremely disappointed that the chief of the Forest Service is not in the gallery tonight saying to the Senator from Virginia: You shouldn't be doing this.

What the Senator from Washington, Mr. GORTON, put in this legislation allows the Forest Service to continue to do what the courts and a team of scientists said is the right thing to do: That is, when you are doing these surveys use the appropriate science, the indicator species, in making the determination as to how to mitigate for a surface-disturbing activity. However, the chief of the Forest Service isn't here tonight nor was he willing to stand up and speak out loudly.

What this administration I think is saying, and I trust that it has to be as reasonably disturbing to the Senator from Virginia as it is to this Senator from Idaho, is continue to work through the court process. We think we can work this out.

Ironically enough, their working it out means they have already lost 3 lawsuits, they have already lost 3 times. They are still saying: Trust us, we know how to work it out.

Even the forest plan that the President himself staked his public land reputation on is in the tank out in Oregon, Washington and northern California. Thousands of people will be out of work this winter because this President wouldn't stand up and ask his chief of the Forest Service to fight for what he originally said he thought was right.

He says: Let us work through the court process.

How long will it take? We don't know. A year, until after the next election? Possibly.

What is most important for the Senator from Virginia to understand is that what is in 329 is not outside the law. Let me read the language:

> The Bureau of Land Management and U.S. Forest Service shall use the best available science and commercial data in amending

> and revising resource management plans for and offering sales, issue leases or otherwise authorizing or undertaking management activities on, land under their respective jurisdiction.

Where does the language come from? Not out of the mind of the Senator from Washington who is the chairman of the Interior appropriations subcommittee. It comes out of endangered species law. It comes out of the act itself. It is the operative language that drives the Endangered Species Act. It is not new language. It is not new law.

Then we go on to say,

> Provided that the Secretaries may at their discretion determine whether any additional information concerning wildlife resources shall be collected prior to approving any such plan, sales, lease or activities.

Full discretion to the secretary, to the managing agency. Not new law. Empowering them to do the right thing with their scientists and their expertise. That is what we are doing. We are empowering Bill Clinton. We are empowering Mike Dombeck, the chief of the Forest Service. Yet they are saying, just work this out through the courts. What if they lose the fourth time and it is a year from now and nobody is in the mills and nobody is working and thousands of people are out of work in Oregon, Washington and northern California?

Or should we talk for just a few moments about the activities on the George Washington and the Jefferson National Forests in the home State of the Senator from Virginia? Not much timbering in his home State, but there is a lot of "people" activity, a lot of trails, a lot of management and road building. Flood control in the Cascade National Recreation Area, a contract involved with repair and construction of four bridges and relocation of portions of the trail and stone structures and retaining walls. All of it is surface-disturbing activity; all of it because someone didn't like it, a lawsuit is filed, and a judge stops it because the Forest Service doesn't know how to do these kind of things.

No, not at all. Because the Forest Service didn't examine whether repairing an old trail wall disturbs a lichen or a moss on the wall of stone that was originally put there by man himself. That doesn't make much sense, does it? But that is exactly what striking section 329 will do.

I wish the Senator could stand up and say let's abide by science, let's not play this out in the courts anymore. Let's empower the chief of the Forest Service and the assistant secretary of agriculture and the President himself. I don't find myself on the floor of the United States very often defending this President. I don't think he has had good public land policy. But in one area where he really tried, now he himself will not even defend his effort. His chief of the Forest Service is trying to avoid the pressure by environmental groups who see this exactly the way the Senator from Oregon spoke to it this evening: A way to turn the forest off.

They will not only stop logging, they will turn your forests off. They will attack any surface-disturbing activity, even if it is a trail, a trail head, or a campground that may facilitate the very citizens of the State of Virginia who enjoy their public lands and their two national forests.

As the Senator from Virginia knows, in the mid-1970s we passed the National Forest Management Act. That was to direct the most comprehensive review of every forest in the United States. From that was to come a management plan and a way to execute that plan. The Senator from Virginia knows as do I that he and I and the taxpayers spent nearly a quarter of a billion dollars developing those plans. It was the most comprehensive land-planning exercise in the history of the world. We developed computer models. We looked at every aspect, every watershed, all of the character and the nature of this public land. It was right that we did so. Our forests now operate under those plans. Every activity was viewed through a grid that determines whether they are endangering a species of any kind. That is what I spoke to a few moments ago. However, that whole effort cost a quarter of a billion dollars, or near that.

What the amendment of the Senator would do, and if the courts were to win—not the policy makers that we were elected to be, but a judge, an appointed judge who does not know one thing about the forests in Oregon or Idaho because he is reviewing an activity in a forest in the State of Georgia, he is saying get out there on your hands and knees with as many scientists as you can muster and count and look at every little tidbit.

The Senator from Oregon went through that litany of mosses, snails and critters tonight. It is estimated, just estimated, that to do that kind of an evaluation on an acre-by-acre basis across the landscape of the public forests of our country would cost 5, 8, or $9 billion dollars. The Senator from Virginia knows, as do I, we will not appropriate that money. That kind of money doesn't exist and that kind of money should never be spent on this kind of activity. The scientists who are good scientists—not judges, and not environmentalists who want to see the world shut down—are saying that the standards and the tests and the indicator species and the work that is being done today is thorough, adequate and responsible. Yet the amendment of the Senator denies that because that is the exact language that was put in this section of the appropriations bill.

Why is it important we do it now? We heard from the Senator from Oregon. I have been to John Day and I have been to Roseburg. Those are mill towns. Those are little communities with millions of acres of public timber land around them. The people who live there make their livelihood from logging. It has changed some because logging has diminished dramatically in those areas.

But what the action of the Senator from Virginia is doing, if he is successful, is it turns off those timber sales, nearly 500 million board feet of timber that would keep those mills operating through the winter and into the spring. Because no longer do we operate on a 3-year pipeline, they call it, where you have timber adequate in the pipeline for a 3-year period. That ended with the Clinton administration. Now we are on nearly a timber sale by timber sale basis.

Yet, remember the reduction in timber sales that the Senator from Oregon talked about? We are not talking about cutting anywhere near previous levels. We have an 80 percent lower cut in 8 years. And even that which this President said was adequate, right, responsible and environmentally sound, a judge now arbitrarily has taken away. So that is why we are on the floor this evening. This is one of the most time sensitive amendments, directly relating to jobs and people's well-being, that is in this legislation.

Let me close by one other analysis. I was in one of my communities, Grangeville, Idaho County, Idaho, a big county right in the heart of my State, with 70-plus percent, 80 percent public lands. In one of those communities they started their school year with no hot lunch program. Why? Because a huge portion of their budget came from timber sales, the Twenty-Five Percent Fund. The Senator may be familiar with it. For every tree that is cut, the counties and the schools got 25 percent of the stumpage fee. We are not cutting trees in that area anymore, even though there are millions of acres of trees there. As a result, the school had to decide whether to have an athletic program or hot lunch program for the kids. They are struggling, taking donations from the community to have hot lunches. I don't know whether that's happening anywhere in Virginia, taking donations to have a hot lunch program to feed kids. But the Senator's amendment has an impact on that kind of caring event.

I wanted to personalize this because I don't think, when the amendment to strike came to the floor, there was an understanding of the immediacy of the impact of this kind of decision. It was just some neat environmental vote that we would have because that is what a lot of the environmental community wants. This is a test vote of some kind.

It is not a test vote on anything other than a political idea. It does not bear out consistently good policy because we have good policy in this area.

We have scientists from around the world saying we do it better than anyplace else. Yet a judge simply said no, you don't. You don't do it the way I think it should be done, and therefore I want you to do it differently.

That is the crux of the debate. There are all kinds of opinions around it. But I must say, to an administration that has three times lost this battle in court, for them to step up now and say, trust us, let's work it out, without an alternative plan, with the idea we will work it out and get to the point and they lose another lawsuit and we are 12 months down the road and the people in Roseburg or John Day are not back to work?

It is not impacting my State at this moment. But here is what happens in my State. It is like a West Virginia-Virginia relationship. If they are not cutting trees in Oregon, even under the President's plan, and these mills are deprived of trees and people are out of work, that mill operator comes into Idaho looking for timber sales. He bids up the price well beyond where it ought to be, takes a timber sale out of Idaho, puts those logs on a truck and heads them west over the Cascades into Oregon just to keep his people working.

So my mill in Orofino, or a place like that, is with less timber at a time when we are hardly cutting any timber. And we have simply pitted one against another. That is not good policy either. But ultimately that is what can happen and that is what will happen in my State, even though this judge's decision at this moment does not impact us.

But failing Congress' ability to establish and clarify this policy issue, some group will file a lawsuit and argue on the premise of the judge from the eleventh and the judge from the ninth circuit, that those kinds of effective studies were not done on a given disturbing activity in my State. Then it will apply further into my State.

Those are the issues. I hope our colleagues are listening tonight. I understand we will debate this tomorrow some, but we will vote on it.

To reiterate, I oppose the amendment by Senator ROBB that would remove Section 329 of the Interior Appropriations bill. This effort is misguided and I strongly urge my colleagues to understand the need for this Section if our national forests are going to continue to function. The Section simply clarifies that despite recent circuit and district court decisions, the Secretaries of Agriculture and Interior maintain the discretion to implement current regulations as they have been doing for nearly 2 decades.

During the past two decades, nine separate court decisions have backed the way the Forest Service has been conducting their surveying populations by inventorying habitat and analyzing existing population data.

On February 18, 1999, the Eleventh Circuit Court of Appeals determined that the Forest Service must conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans and on all "ground disturbing activity"—not just timber sales. Never before has such an extensive, and frankly impossible, standard been set by the courts.

Another ruling on August 2, 1999, in Federal District Court in Seattle, on a similar case, jeopardizes the President's Northwest Forest Plan, and has already begun to stop most if not all ground disturbing activity in the Northwest.

These rulings result in paralysis by analysis. It would require the Forest Service to examine every square inch of the project area and count every animal and plant—even every insect—before it approved any activity.

The cost to carry out such extensive studies—studies which have never been required before—could be approximately 9 billion dollars. How do we do this? Because the Forest Service does contract for population inventorying on occasion. A population trend survey requires two studies. If we extrapolate from the $8,000 cost of one plant inventory, we reach $38.1 million for the 864,000 acres within the Chattahoochee National Forest where this decision originated. If applied to the 188-million acre national forest system, the cost reaches $8.3 billion.

We appropriate roughly $70 million for forest inventory and monitoring. Are we prepared to shift the $9 billion necessary for this new standard? If not, this recent interpretation forces the Forest Service to shut down until the Agency can apply the new standard.

The purpose of Section 329 is not to change the court decisions or set a new, lower standard. It is simply to clarify that the existing regulation gives the discretion to the Forest Service and the BLM when determining what kind of surveys are needed when management activities are being considered.

Some of my colleagues would argue that this is an issue for the authorizing committees to deal with. I agree. This is an issue that absolutely should be dealt with by those committees. They need to determine whether the agencies have been correctly interpreting their regulation for the past 17 years. They need to determine whether it is sufficient to inventory habitat, rely on existing population, consult with state and federal agencies and conduct population inventories only for specific reasons.

But I argue that the appropriations process should not be made to bear the burden while the authorizing committees study the question. All section 329 does is to preserve, for the next year, the status quo as it existed on April 8, 1999. Otherwise, our already limited resources will be further overwhelmed if we are required to fund this new standard.

I urge you to oppose this amendment and support sensible management.

We are appropriating roughly $70 million for forest inventory monitoring this year. There is only $70 million in the Federal budget. Yet it is now estimated that this will literally cost us billions of dollars if the Senator from Virginia and the Senator from Idaho cannot stand up and look some of our radical friends in the eye and say: That is not good policy. You are not the policymaker and your lawsuits and your judges are not either. We are. We were elected to craft policy. The Senator from Virginia and I are responsible only if we take that kind of leadership position.

That is the kind of leadership position that Senator GORTON took in the appropriations bill. He did not go outside the law and he did not go outside practice. He mandated and requested the Forest Service of the United States act responsibly, under the Endangered Species Act, and gave them the guidelines to do so. That is what section 329 does.

That is leadership. Falling back into the arms of the judge and simply seeking the will of the courts is not. I hope my colleagues would join with me tomorrow and oppose a motion to strike.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, first let me address my colleague and friend from Idaho, who is one of the four Senators who have spoken against this amendment on the floor and tell him first of all I appreciate the sincerity of his remarks and the concern he shows, and his colleagues have shown, for those who face economic hardship because of any decision that might be impacted by the Federal Government. I would have to say in particular, with respect to the distinguished Senator from Oregon talking about some of the people in communities which he has visited, the same phenomena has occurred to all of us at one time or another. All of us truly feel the intense pain that those families suffer. In many cases that suffering comes to them because of activities that have been taken in terms of Federal trade policy, sometimes because of innovation in various manufacturing techniques, modernization of equipment—lots of reasons that long and established communities are adversely affected. Any of us who do not relate to that and have a sense of compassion—we may disagree on a particular item at a particular time, about what is the best way to approach a particular challenge that we face, but I don't think any of us lack compassion for those families or want to be in a position where we are doing anything that hurts more than helps. In this particular instance, I would have to say one of the comments made by my friend from Oregon was "let science decide." That is really what is at issue here.

We see the issue differently. But in this particular case, science has determined at this point, and the board of scientists the distinguished Senator referred to has suggested, that there are means of establishing the health of the forest that will require indicator species measurement. None of the decisions require counting all species, every single species. In fact, the only species I am aware of that is measured in terms of every single member of the species is the Condor count. That is a truly endangered species. I know of no other. There may be.

In any event, we are talking about doing something. The reason these cases were decided the way they were and other cases were decided differently is because the rules that had been established, the plan that had been established by the Forest Service, and that they had agreed to follow, wasn't followed.

The Northwest forest plan came about in very large part because of the timber wars, the very difficult situation that every Member of the Northwest delegation of this body remembers.

As a result of the compromise that was entered into, opened up some logging—I recognize the 80-percent factor the Senator from Idaho and others have used—at least some logging was conducted and the gridlock that had existed prior to that time did not continue. They have been operating under this provision, the Northwest Forest Plan since that time.

I have heard repeated references to costs that are clearly beyond anything anyone associated with the Forest Service, BLM, the Interior Department, or the Agriculture Department would consider possible, or can even understand frankly, because we have claims of $5 billion to $9 billion, and no one in the administration is talking about anything that would cost anything in that range.

The essence of the court decisions were on a very limited scope. The court said, if you tell us that this is the plan you want to put into effect, that you agree to put into effect, then the least you ought to do is try to follow that plan.

The problem in the Eleventh Circuit, if my memory serves me correctly, was with 32 of the 37 species, absolutely nothing was done. The court is in the position of saying, we will give great deference to the Forest Service, to other administrative agencies, to regulators, to anyone else who is involved, but you cannot simply do nothing and expect us to simply say it is OK not to pay attention to your own rules and regulations.

That is what both of the cases are about, and that is what distinguishes the cases which trouble the Senators from the Northwest from the other cases.

In the other cases, the judge was able to rule in such a way that the logging could continue, whatever land disturbing operations could continue. We are not talking about a situation where every single species, some of which none of us could identify if we were given a chart of all the species involved because they are so rare, had to be counted. That is what indicator species are for, to simply be able to track in some limited way some species as an indication of how all the species are faring under various changes that might affect those particular forests or those particular areas. That is really all we are saying.

In this particular case, the Forest Service, BLM, the Interior Department, the Department of Agriculture, and the heads of those agencies have said that section 329 is likely to cost a great deal more money, is not likely to do exactly what they purport to address but have exactly the opposite effect.

In this particular case, the Agriculture Department, the Interior Department, the BLM, and the Forest Service make it very clear that what is proposed is more likely to be counterproductive, but that is beside the point. They are acknowledging that a standard has been recognized by the Eleventh Circuit case and that they did not meet that standard. They believe they should be held to the standard, and that is what they are prepared to do. That is what adaptive management practice is all about. This is not the kind of absolute foreclosure that my friends on the other side have represented it as.

Plans are underway right now to address the challenges that were put to the management agencies by both decisions. I submit the concern for the Ninth Circuit case is considerably greater on the part of my friends from the northwestern part of the United States than the Eleventh Circuit.

Nonetheless, the decisions simply said to the Federal agency involved: If you say these are the rules that you are going to follow and you agree these are the rules that should be followed, and the scientific community has said this is the way we can make the rational assessments and achieve the kind of balance that we are looking for, then you ought to do that.

I share the frustration. There is always an enormous frustration factor when you are dealing with a situation that seems to be beyond the control of those who are most affected by it. I am particularly sensitive to the State of Idaho where so much of the land is owned by the Federal Government, owned by the people of the United States, and that makes this forum for decisionmaking so much more important, in many cases, than it is for other States where the percentage of our total land, the percentage of our total economic activity is less affected by decisions that are made right in this particular Chamber.

The bottom line again is simply if the agency agrees to a particular course of action, if the action is rational, and reflects the fact we are not using the forest just as a place where logging can be carried out, but where recreational and other environmental elements are valued, then that one activity must be balanced against the others.

In this particular case, a rational approach has been devised. It is flexible. It is being addressed at this particular moment. An additional environmental impact statement is in the process of preparation.

The only real change that will come about from where the law is now, the only real change is whether or not the public ought to have an opportunity to participate and comment on the process. That is the only real change that would be brought about by this particular rider, other than attempting to legislate on an appropriations bill, thus bypassing the administration, regardless of what party is in power, and bypassing the legislative process, bypassing the authorizing committee to which these arguments could be addressed.

I am not at all insensitive to the concerns that have been raised by my colleagues who represent this particular area. Indeed, I want to work with them and the Forest Service, the BLM, the Interior Department, and the Agriculture Department to see if we cannot find ways to address the specific problems that those communities, particularly those that have no other opportunity for economic activity, are faced with at this particular time.

The way to do it is not to put an environmental rider on an Interior appropriations bill which bypasses the Federal administrative process, bypasses the legislative process, and simply attempts to write into law something that has not been approved by either section and which is, indeed, actively opposed by representatives for both.

Mr. President, I see no one else who I believe wishes to address this particular matter. We will have an opportunity to provide closing arguments tomorrow before this is taken up.

I do not believe we have asked for the yeas and nays. I request the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ENZI. Mr. President, I rise in opposition to this amendment and to express my concerns regarding the increased bureaucratic burden it would place on the backs of America's rural communities. This amendment would require the Forest Service to conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans, and in every area of each national forest that would be disturbed by a timber sale or any other management activity. Such a requirement would put a virtual freeze on all Forest Service activities and would serve as a death knell for rural economies.

For more than fifteen years, the Federal Government has been at war over how to manage our Western lands. The result has been 15 years of gridlock that not only locks up public lands and threatens the health of our national forests, but it also locks up rural economies which have suffered from dramatic economic disruption.

Economies in rural communities are not like economies in more urban settings. Rural economies cannot make the kind of rapid adjustments that are available to more populated areas. When a timber company of about 50 people goes out of business in rural America, even though its number of employees may seem small under urban standards, those fifty employees can make up 20 to 30 percent or more of the local work force.

Just as important, however, is the impact that this kind of amendment will have on the future of forest health. The biggest threat facing America's forests today is the overriding threat of destruction by catastrophic wildfire. This threat is particularly strong in the West where our nation receives very little annual rainfall.

Without a proactive forest health program that thins out the ever increasing vegetation from our forest floors, we are only setting ourselves up for disaster.

Haven't we learned anything from the debate over the Wilson Bridge? When local communities decided to improve the Wilson Bridge along the infamous Washington Beltway they learned near the end of their process that they had to go back and complete a full blown EIS. Because of this regulatory requirement, the Wilson Bridge now will not be built for another two or three years. In the meantime, traffic will continue to back up and it will take longer and longer to navigate around our nation's capitol. This kind of regulatory gridlock never used to happen on the East Coast, but it has been a common occurrence in the West. I can guarantee you, however, that these kinds of regulatory activities will continue until we receive regulatory relief and learn that increased regulation does not necessarily mean we are protecting the environment.

If we are seriously going to protect our environment, we need less regulation and more proactive programs particularly on our national forests. The worst thing we could do, then, is add to the gridlock and adopt this kind of amendment.

Mr. CLELAND. Mr. President, I rise today to voice my support for and cosponsorship of Senator ROBB'S amendment to remove the Section 329 rider from the Interior Appropriations bill. This rider would undermine sound science in wildlife management in my state and across the nation. It would suspend U.S. Forest Service and Bureau of Land Management requirements to research and monitor certain wildlife populations, integral requirements that the agencies themselves adopted as early as 1982. I strongly support this amendment and believe that we should remove this rider.

Section 329 attempts to overturn a recent court case, Sierra Club versus Martin, issued by the 11th Circuit, which confirmed the agencies' duties to monitor certain wildlife species in order to make credible and well-informed management decisions. The 11th District Court unanimously ruled that the Forest Service was not properly performing its responsibilities to inventory "rare" species in the Chattahoochee and Oconee National Forests as mandated by its own Forest Management Plan. The court's decision does not expand monitoring requirements, but merely ruled that the absolute failure to collect any data or implement any monitoring of indicator and sensitive species was not legal.

Monitoring the health of "indicator" and "sensitive" species is both sound science and good wildlife management. Indicator species act as proxies for other wildlife in the forest. That is why monitoring of indicator species was included in the 1982 implementing regulations of the National Forest Management Act and is included as an integral part of forest management plans adopted by the agencies. If we ignore what is happening to these "indicators," we are ignoring the impacts on the whole forest. Collecting new and important data is the only way to ensure that our land mangers are using the most up-to-date and accurate scientific information. By limiting decisions to "available" science as this rider would dictate, Section 329 turns a blind eye to the information we need to make the best possible management decisions.

I understand that some argue the best "available" definition is the same rigid standard set forth by the Endangered Species Act. While true, this is a complete misrepresentation of the law's intent. The intent of best "available" information for Endangered Species is to encourage swift listings of animals so that we avoid risking the extinction of such animals. Associating this definition with determining the status of animals in a National Forest section scheduled for timber harvesting runs completely contrary to the intent of the Endangered Species Act version which is to protect species. Applying this definition when making forest management decisions risks the habitat and future of both "sensitive" and "endangered" species by not having accurate and current data upon which to make these decisions. Each forest manager will be without guidance and our national lands will be managed according to the whims of individuals rather than the interests of the public.

In my own state of Georgia, National Forests provide a refuge for black bear, migratory songbirds, native brook trout, and an incredible diversity of aquatic species. Some of these species are already listed under the federal Endangered Species Act. Many more may be listed in the future if we ignore the warning signs. The smart, economical approach is to monitor and conserve "sensitive" species before they reach a crisis state and are listed on the endangered species list. By avoiding such listings, we have the maximum amount of flexibility and the costs of conservation are low. Unfortunately, Section 329 discourages land managers from doing just that.

I understand that, in reaction to the court decision, the regional forester for the Chattahoochee and Oconee National Forests is amending its forest management plan and this rider completely short circuits that process. Amending the Forest Management Plan is the proper method for handling these kinds of issues. It allows for Public Comment and Participation and also allows for Sound Science to be utilized and reviewed. The Forest Service has stated that this rider, "Overrides a Federal Court Ruling, agency regulations, and resource management plans that require the Forest Service and Bureau of Land Management to obtain and use current and appropriate information for wildlife and other resources before conducting planning and management activities." Note the language that resource management plans require the agencies to obtain and use current and appropriate information. It does not say, see what data you can scrounge up and use that.

Considering the Senate's recent debate on Rule 16, it is clear that this rider is attempting to legislate on an Appropriations bill. I believe that contentious authorizing language such as this should have the benefit of a full review by the authorizing Committee which has jurisdiction over these matters. These important decisions should not be done through an environmental rider on an appropriations bill.

In closing, it is clear that the Forest Service's own National Forest Management Act regulations require monitoring of certain, but not all, resident wildlife to ensure that land managers are using the most up-to-date and accurate scientific information in their decisions. Now, I understand that every single species of plant and animal cannot and should not be documented in these inventories. However, I believe that in order to protect species from becoming threatened and endangered, the Forest Service must employ effective measuring techniques which will provide accurate estimates. These estimates are critical to making sound management decision. I believe that this rider short circuits both the Senate's ability to provide proper oversight and the Forest Service's process for amending forest management plans.

I urge my colleagues to remove this rider and vote in favor of this amendment. I thank my colleagues and yield the floor.

Mr. ROBB. Mr. President, seeing my friend from Texas on the floor, knowing that she has plans to address another of the pending amendments, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. I do intend to address the issue of my amendment, but first I ask unanimous consent that privileges of the floor be granted to William Eby during the pendency of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1603

Mrs. HUTCHISON. Mr. President, as was unanimously consented to earlier in the evening, Senator GORTON requested that all of the arguments on the Hutchison amendment be put together. So I ask unanimous consent that my remarks be put following the Boxer remarks on the Hutchison amendment, which I think is the next in line, in order to keep them in the same area so that they will follow along.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I do want to address some of the issues and some of the facts that were misstated by the Senator from California because I think it is very important that the RECORD be set straight. I attempted to correct the Senator from California while she was speaking, but she preferred to continue to speak, so I want the RECORD to be very clear on some of these important facts.

First, the Senator from California and the Senator from Illinois made much of the testimony of a former executive from Arco who had testified, they said, under oath that oil companies had in fact misstated and actually tried to hide the value of the oil and not pay their fair share in oil royalties to the State of California and the City of Long Beach.

In fact, I am very pleased that they brought that up because the case has actually been settled just in the last couple weeks. In fact, the Senators from California and Illinois mentioned that several oil companies had settled because they, for whatever reason, did not want to go forward with the costly litigation. But Exxon decided not to settle, and the Arco employee did testify in the Exxon case, under oath, that the oil companies were misstating the value of the royalties they owed to the State and to the City of Long Beach.

This case went to a jury, a jury in California of 12 citizens. The jury found that the Arco employee was not credible. The jury of his peers determined that the Exxon Corporation had not cheated the taxpayers of California or the City of Long Beach, and they threw out that suit from Long Beach and the State of California. Exxon showed that it had not undervalued its oil. This was a suit for $750 million.

So the Arco executive who testified under oath was in fact discredited in the court, and the jury found that the Arco executive was not persuasive. I say that because so much was made of it, as if the case had gone the other way. But 12 citizens in California got together and the jury verdict was in favor of Exxon.

But having said that, I have said from the very beginning that the lawsuits are not an issue. If any oil company did not value correctly under the present law or regulations, they ought to pay. So it has never been an issue. You would think, from the rhetoric of the Senator from the State of California, that this amendment had something to do with companies not paying their fair share under the present law. Nothing could be further from the truth.

In fact, what we are talking about is changing the valuation of oil royalties. We are talking about unelected Department of Interior employees, who have no accountability, usurping the rights of Congress to set tax policy in this country and affect oil jobs to a huge extent.

The fact of the matter is, what we are trying to do with the amendment, with the Hutchison-Domenici amendment, is we are saying we want it to be fair, we want to continue the moratorium until the Department of the Interior has a fair valuation that accedes to the wishes of Congress, because Congress makes the laws. That is the prerogative of Congress. That is the responsibility of Congress. And it is further the responsibility of Congress to stand up when they delegate authority to a Federal agency to make a rule and that Federal agency does not do what Congress intended for it to do.

Only Congress can step forward and say: No, we did not intend to raise oil royalty rates the way you intend to do it, so we are going to put a moratorium on your rule until you do an oil royalty rate that is simpler, fairer, will be right for the citizens of our country and right for the oil industry that is very important to this country. So that is what we are talking about today.

I did not like the tone of the rhetoric that "oil is bad," that "big oil is worse," that "everything about oil companies is bad." I thought I was back in the 1960s when it seemed that "business was bad." Well, business is people. Business is jobs. Business is people.

My heavens, why wouldn't we want business to be successful in America so that we have jobs in America? Sometimes when I hear people talking about the "big bad oil companies," I think: Do you want more foreign oil, more foreign jobs, rather than American jobs and American revenue?

I think we have a choice here. Those "big bad oil companies" are the basis of the California teacher retirement system pension plan. They are a very important part of the stability of retirement for California teachers, and Texas teachers, for that matter, and probably Illinois teachers as well, because the big oil companies have been a stable source of dividends for maybe 100 years.

I don't know when the big oil companies first started, but they have been good citizens for our country. They are the basis of pension plans and retired people's security all over our country, and they do create thousands of good jobs.

So I do not think we have to beat up on oil companies. They are part of our economy and they are part of the security of our country. And, oh, by the way, since 1953 they have paid more than $58 billion for the right to drill on the people's land—$58 billion in oil royalty payments.

If they did not pay their fair share, I want them to pay their fair share. So talking about settlements and lawsuits is not really an issue, even though a jury of their peers in California did find that Exxon had not cheated in any way.

That isn't the issue. The issue is, we want them to pay. In order for them to pay a fair share, they need to be able to know exactly what they owe, and that is why we hope the MMS will simplify the regulation. In fact, the MMS refuses to even abide by its own previous rulings. So an oil company that is trying to do the right thing goes to a previous ruling on how oil is valued in a particular place, in a particular way, and the MMS says: No, we are not going to be bound by what we did in another case.

That walks away from the value of precedent that is the hallmark of our judicial system and the regulatory system in our country. In most instances, the IRS most certainly abides by its previous rulings. They give opinion letters that people can rely on so they can pay their fair share of taxes. Courts set precedents with rulings every day so people will know what the law is and what they must do to comply. Not the MMS. They have one opinion here and one opinion there. Congress asked them to make it simpler, and they have gone far beyond what Congress intended. It is our responsibility to make sure they do what is right for the taxpayers of America. That is what the Hutchison-Domenici amendment will assure they do.

This is not an industry that has had an easy time in the last year and a half. In fact, oil prices have been lower than ever in the history of our country, adjusted for inflation, $7, $8 a barrel, a lot of that because of the glut of imported oil on the market. We have lost half a million jobs in the oil industry in the last 10 years. We are importing 57 percent of the oil in our country. If we have bad oil royalty principles, it also affects natural gas, which is the most important substitute fuel in many of our coal burning areas. Natural gas is much cleaner, better for the environment than coal. So when you start tampering in a negative way with the oil royalty rates, you also are going to affect the price and availability of natural gas, because natural gas, of course, is a byproduct of drilling for oil. If you discourage our American companies and our American people from being able to get our own oil resources, you are also cutting back on our supply of natural gas. That could be dangerous to our economy and dangerous to the people who live in our country who depend on natural gas to heat their homes.

I think it is important we put this in perspective. It is important we look at what we are talking about. Senator BOXER said the new rule would only affect 5 percent of the oil companies, and it would be just the big oil companies. She said she supports small oil companies. Well, I hope she will, because if she will, she will support the Hutchison-Domenici amendment because it is the Hutchison-Domenici amendment that will keep our small producers in business after the devastating effects of low oil prices from the last year.

In fact, every single oil company is affected. There are 2,400 producers with Federal leases. Only 70 of them are not classified by the SBA as small businesses. All 2,400 are opposed to this new rule that will require them basically to pay taxes on their costs. The small oil companies that the Senator said she would support are very opposed to her position. They are for the Hutchison-Domenici amendment because they don't want a new rule that would second-guess sales of oil at the wellhead and make fuzzy exactly when the oil should be valued. They don't want a new duty to market and incur the costs of marketing and selling the product and bear the cost without any allowance. They are very concerned about this.

If Senator BOXER believes that the small oil companies are against the Hutchison amendment, I hope she will talk to them. They will assure her that this is going to put one more chink in their ability to create jobs and continue to drill oil and natural gas in our country, rather than choosing to go overseas where it is much cheaper to do it and where you don't have to pay as much as we pay in America.

I hope very much that she will reconsider, knowing that all of the small companies are affected by this new ruling.

I will read from some of the letters of people and groups that are supporting the Hutchison-Domenici amendment.

People for the USA writes:

> Dear Senator HUTCHISON: We support your fight to simplify the current royalty calculation system. On behalf of 30,000 grassroots members of People for the USA, I want to thank you for your diligent efforts to bring common sense to royalty calculations on Federal oil and gas leases. Energy Secretary Bill Richardson has suggested that domestic oil field workers look to opportunities overseas. Senator, an administration that talks about kicking American resource producers out of the country has a badly skewed set of priorities.

That is signed by Jeffrey Harris, Executive Director.

The National Black Chamber of Commerce writes:

> Dear Senator HUTCHISON: The efforts of MMS are, indeed, ludicrous. Collectively the national economy is booming and the chief subject matter is "tax reduction," not "royalty increase," which is a cute term for tax increase. What adds salt to the wound is the fact that despite a booming economy from a national perspective, the oil industry has not been so fortunate and is on hard times. We need to come up with vehicles that will stimulate this vital part of our economic bloodstream, not further the damage.

That is signed by Harry Alford, President and CEO, National Black Chamber of Commerce.

Citizens for a Sound Economy:

> The 1999 Omnibus Appropriations Act included moratorium language concerning a final crude oil valuation rule, with the expectation that the Department of Interior and industry would enter into meaningful negotiations in order to resolve their differences. Unfortunately, more time is still needed for government and industry to reach a mutually beneficial compromise.

It is signed by Paul Beckner, President.

Citizens Against Government Waste:

> Passage of this provision in the Interior Appropriations bill will provide the time necessary for the MMS and the industry to reach a fair and workable agreement on the rule benefiting both sides.

It is signed by Council Nedd II, Director, Government Affairs, Citizens Against Government Waste.

Frontiers of Freedom:

> In a misleading letter dated July 21, 1999, detractors of the Hutchison-Domenici amendment allege it will cost taxpayers, school children, Native Americans and the environment. That is not so. It is time to set the record straight. This amendment does not alter the status quo at all. This amendment says to Secretary Babbitt, spend no money to finalize a crude oil valuation rule until the Congress agrees with your proposed methodology for defining value for royalty purposes.

That is signed by Grover Norquist, President, Americans for Tax Reform; George Landrith, Executive Director for Frontiers of Freedom; Patrick Burns, Director of Environmental Policy, Citizens for a Sound Economy; Fred Smith, President Competitive Enterprise Institute; Al Cors, Jr., Vice President for Government Affairs, National Taxpayers Union; Jim Martin, President, 60 Plus; David Ridenour, National Center for Public Policy Research; Adena Cook, Blue Ribbon Coalition; Bruce Vincent, Alliance for America; Chuck Cushman, American Land Rights Association; and Malcolm Wallop, Chairman of Frontiers of Freedom.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FRONTIERS OF FREEDOM,
Arlington, VA, July 30, 1999.

Re Supporting the Hutchison-Domenici Amendment (a Moratorium on the Proposed Oil Valuation Rule which Prevents Unauthorized Taxation and Lawmaking by the Department of Interior).

Hon. KAY BAILEY HUTCHISON,
United States Senate, Washington, DC 20510

DEAR SENATOR HUTCHISON: We are writing to express our support for the Hutchison-Domenici amendment to the FY 2000 Appropriations bill. The Hutchison-Domenici amendment prevents the Department of the Interior from rewriting laws and assessing additional taxes without the consent of the Congress. This role properly rests with the legislative branch, not with unelected bureaucrats.

In a misleading letter dated July 21, 1999, detractors of the Hutchison-Domenici amendment allege it will cost taxpayers, schoolchildren, native Americans, and the environment." That is not so! It's time to set the record straight—this amendment does not alter the status quo at all. This amendment says to Secretary Babbitt: Spend no money to finalize a crude oil valuation rule until the Congress agrees with your proposed methodology for defining value for royalty purposes.

We contend that a mineral lease is a contract, whether issued by the United States or any other lessor, as such, its terms may not be unilaterally changed just because a government bureaucrat thinks more money can be squeezed from the lesser by redefining the manner in which the value of production is established. What royalty amount is due is determined by the contracts and statues, and nothing else. For seventy-nine years the federal government has lived according to a law that established that the government receives value at the well—not downstream after incremental value is added. The bureaucrats at the Interior Department are in effect imposing a value added tax through the backdoor.

Bureaucrats are saying that value should be measured in downstream markets hundreds of miles from one's lease, or based upon prices set in futures trading on the New York Mercantile Exchange, both of which routinely attribute higher value than exists at the "wellhead." If bureaucrats had it their way, they would assess a tax all the way to the gasoline, ignoring the costs associated with bringing oil to that pump. If Congress intended this, they would have said so in the law.

This is nothing short of a backdoor tax via an unlawful, inequitable rulemaking which Secretary Babbitt says is necessary because of "changing oil markets." But, we think his real result and that of his supporters such as Senator Boxer, is to cripple the domestic petroleum industry, and drive them to foreign shores and advance their goal of reducing fossil fuel consumption. This is why they falsely claim that green eyeshade accounts somehow are impacting the environment.

The outcry on behalf of schoolchildren is particularly hypocritical. Senator Boxer and Rep. George Miller are responsible for a mineral leasing law amendment in the 1993 Omnibus Budget Reconciliation Act which reduces education revenues to the State of California by over $1 million per year—far more than the Department's oil valuation rule would add to California's treasury (approximately $150,000 per year as scored by the Congressional Budget Office). So really, who is harming schoolchildren's education budgets? The oil industry provides millions and millions of royalty dollars each year for the U.S. Treasury and for State's coffers.

The "cheating" which Sen. Boxer and others allege is unproven. Reference to settlements by oil companies as proof of fraud is improper. When President Clinton settled the Paula Jones lawsuit his attorney admonished Senator Boxer and her fellow jurors to take no legal inference from that payment. We agree. As such, oil company settlements cannot be given precedential value. Who can fight the government forever when the royalty dollars they have paid in are used to fund enormous litigation budgets?

Lastly, two employees of the federal government who were integral to the "futures market pricing" philosophy espoused in the Department's rulemaking have been caught accepting $350,000 checks from a private group with a stake in the outcome of False Claims Act litigation against oil companies. Ironically, the money to pay-off these two individuals for their "heroic" actions while working as federal employees came from a settlement by one oil company. The *Project on Governments Oversight* (POGO) last fall received well over one million dollars as a plaintiff in the suit. Shortly thereafter POGO quietly "thanked" these public servants for making this bounty possible. The Public Integrity Section of the Department of Justice has an ongoing investigation. We find it unconscionable the Administration seeks to put the valuation rule into place without getting to the bottom of this bribe first. The L.A. Times recently drew a parallel with the Teapot Dome scandal of the 1920's, but who is Albert Fall in this modern day scandal?

The Department's rule amounts to unfair taxation without the representation which Members of Congress bring by passing laws. If Congress chooses to change the mineral leasing laws to prospectively modify the terms of a lease, so be it. It should do so in the proper authorizing process with opportunity for the public to be heard. A federal judge has recently ruled the EPA has unconstitutionally encroached upon the legislature's lawmaking authority when promulgating air quality rules. We are convinced the Secretary of the Interior, in a similar manner, is far exceeding his authority unilaterally by assessing a value added tax.

Let Congress define the law on mineral royalties. We elected Members to do this job, we didn't elect Bruce Babbitt and a band of self-serving bureaucrats. Support the Hutchison-Domenici amendment.

Sincerely,

George C. Landrith, Executive Director, Frontiers of Freedom.

Patrick Burns, Director of Environmental Policy, Citizens for a Sound Economy.

Fred L. Smith, Jr., President, Competitive Enterprise Institute.

Al Cors, Jr., Vice President for Government Affairs, National Taxpayers Union.

Jim Martin, President, 60 Plus.

Grover G. Norquist, President, Americans for Tax Reform.

Chuck Cushman, Executive Director, American Land Rights Association.

Bruce Vincent, President, Alliance for America.

Adena Cook, Public Lands Director, Blue Ribbon Coalition.

David Ridenour, Vice President, National Center for Public Policy Research.

RIO GRANDE VALLEY PARTNERSHIP,
INTERNATIONAL CHAMBER OF COMMERCE,
Weslaco, TX, July 23, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the Board of Directors of the Rio Grande Valley Partnership, I want to thank you once again for your leadership to prevent the Minerals Management Service on the U.S. Department of Interior from finalizing its new oil royalty regulations.

Until Congress is assured that they will be fair, the new regulations must work for government and for producers, and not result in litigation, as the proposed regulations would. Uncertainty and litigation just add delays and costs to producers large and small, and to the federal government, and that can make domestic oil and gas production from federal lands less competitive, adversely affective jobs in Texas and other producing areas and reducing royalty revenues to the federal government.

Please continue your lead in the fight to stop the Minerals Management Service from making new rules final until they solve the host of problems pointed out by oil producers, large and small.

Sincerely,

BILL SUMMERS,
President/CEO.

PEOPLE FOR THE USA,
Pueblo, CO, July 27, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 30,000 grassroots members of People for the USA, I would once again like to thank you for your diligent efforts to bring common sense to royalty calculations and payments on federal oil and gas leases.

In their efforts to balance environmental protection with economic growth through grassroots actions, our members (not just those in Texas) always notice and appreciate strong, common sense leadership such as you have shown.

We support your fight to simplify the current royalty calculation system. It is already a burden on a struggling domestic oil and gas industry, and the Minerals Management Service proposal simply adds insult to injury. Royalty calculation is not, as Interior Communications Director Michael Gauldin remarked, "an issue to demagogue for another year." With 52,000 jobs lost in just the last year?

Worse, Energy Secretary Bill Richardson has suggested that domestic oilfield workers look to opportunity overseas. Senator, an Administration that talks about kicking American resource producers out of the country has a badly skewed set of priorities.

We appreciate what you are doing to straighten them out, and will back you up at the grass roots any way we can.

Again, on behalf of thousands of hardworking American resource producers, thank you. If you have any specific suggestions as to how we can assist you, feel free to contact me any time.

Respectfully,

JEFFREY P. HARRIS,
Executive Director.

NATIONAL BLACK CHAMBER OF COMMERCE
August 5, 1999.

Re: MMS Royalties

Hon. KAY BAILEY HUTCHISON,
Senator, State of Texas, Rm. 284, Senate Russell Office Building Washington, DC.

DEAR SENATOR HUTCHISON: The National Black Chamber of Commerce has been quite proud of the leadership you have shown on the issue of oil royalties and the attempt of the Minerals Management Service's, Department of Interior, to levy eventual increases on the oil industry.

The efforts of MMS are, indeed, ludicrous. Collectively, the national economy is booming and the chief subject matter is "tax reduction" not "royalty increase", which is a cute term for tax increase. What adds "salt to the wound" is the fact that despite a booming economy from a national perspective, the oil industry has not been so fortunate and is on hard times. We need to come up with vehicles that will stimulate this vital part of our economic bloodstream, not further the damage.

We support your plan to re-offer a one-year extension of the moratorium on the new rule proposed by MMS. We will also support any efforts you may have to prohibit the new rule. Good luck in giving it "the good fight".

Sincerely,

HARRY C. ALFORD,
President & CEO.

CITIZENS FOR A SOUND ECONOMY
Washington, DC, July 27, 1999.

DEAR SENATOR HUTCHISON: The 250,000 grassroots members of Citizens for a Sound Economy (CSE) ask you to oppose any attempts in the Senate to strike the provision in the Interior Appropriation bill that delays implementation of a final crude oil valuation rule.

The current royalty system is needlessly complex and results in time-consuming disagreements and expensive litigation. The Minerals Management Service's (MMS) new oil valuation proposal is, however, deeply flawed and would have the ultimate effect of raising taxes on consumers.

The 1999 Omnibus Appropriations Act included moratorium language concerning a final crude oil valuation rule with the expectation that the Department of the Interior

(DOI) and industry would enter into meaningful negotiations in order to resolve their differences. Unfortunately, more time is still needed for government and industry is required to reach a mutually beneficial compromise.

CSE recognizes this need and opposes any attempt to halt the moratorium, or curtail efforts to bring about a simpler, more workable rule.

Thank you for your attention and efforts, and for your continuing leadership in this important matter.

Sincerely,

PAUL BECKNER,
President.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, September 10, 1998.

Hon. KAY BAILEY HUTCHISON,
United States Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 600,000 members of Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service (MMS) proposed new oil valuation rules that would eventually raise taxes on producers. The rulemaking effort has involved several revisions to the original proposal, but remains ambiguous, unworkable, and would create even greater uncertainty and unnecessary litigation.

Passage of this provision in the Interior Appropriations Bill will provide the time necessary for the MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides. The taxpayers have a vested interest in this issue, because the rule proposed by the MMS would lead to an unnecessary administrative burden for both the government and the private industry as auditors, accountants, and lawyers attempt to resolve innumerable disputes over the correct amounts due.

Please take this opportunity to prevent the current proposed rule, which benefits no one, from being implemented. We urge you to oppose any amendment to strike the provision for delay of final valuation rule in the Interior Appropriations Bill as it reaches the floor for debate in the full Senate this week.

We wish to thank you for your efforts in this matter. Your continued commitment and integrity in the promotion of efficiency and accountability in the federal government is sincerely appreciated. If I can be of further assistance, please do not hesitate to contact me.

Regards,

COUNCIL NEDD II,
Director, Government Affairs & Grassroots.

Mrs. HUTCHISON. Mr. President, I have heard the Senator from California throwing around numbers such as this has cost the taxpayers of America $88 million already, or $60 million already. And I pointed this out to her. I ask unanimous consent that the Congressional Budget Office estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 2000 INTERIOR AND RELATED AGENCIES—S. 1292, AS REPORTED, PROPOSED FLOOR AMENDMENTS

[Budget account—in millions]

No.	Pending		Proposed		Difference	
	BA	O	BA	O	BA	O
1603—Hutchinson Oil valuation	....	....	11	11	11	11

Mrs. HUTCHISON. Mr. President, this shows there would be a proposed difference in income of $11 million. In addition to putting that in the RECORD, I want to say that we have offset that $11 million. I have to say I think it is ludicrous that you would say we think that in the future you won't get $11 million and, therefore, we need to make up that proposed lost revenue for a tax that has not even been put in place. Nevertheless, that was the ruling we were given, so we did offset with $11 million. But it is ridiculous to say that you have to offset the tax that hasn't been put in place because you don't know what businesses are going to pull up stakes and say: It is too expensive to drill with this kind of royalty rate. We are going to go overseas and we are going to take our jobs with us.

So I am not sure that it would be $11 million, or anything at all. My hunch is that we are going to lose jobs and we are going to lose income, and the schoolchildren of this country are going to suffer because the oil business has not yet recovered from the crisis.

Mr. President, on that note, I have to also say that I think it is very important that when we are talking about a proposed rule that hasn't been put in place and we are already saying how much will be missed, clearly, there is no concept of how business can work and make a profit and continue to create jobs. So I am concerned that if we raise this royalty valuation, which is a tax on the oil industry, at a time when many of them are on their knees anyway, we are not going to have income of $11 million, or $60 million, or anything else. In fact, I think we are going to go into negative income, which is exactly what has happened in Texas in the last year and a half, where schools have had to shut their doors and close down and consolidate classrooms because they could not make their budget because of the oil income not coming in. We lost $150 million just in the last year in oil royalty revenue in Texas alone. So this is not the time to raise rates.

Let's talk about the kind of taxes. We are talking about fairness. In fact, we are talking about what we tax. Today, the oil is valued as it comes out of the ground, after it has been cleaned up and is ready to be sold. You take out the contaminants and it is clean and that is where it is valued. But what the Government and MMS are proposing to do is say, no, we want you to go out and get a buyer for the oil and incur the cost of buying; and then we want you to put it in a pipeline and take it to where it is going to be picked up by the buyer, and we are going to value it there. That is taxing the cost. That just doesn't make sense. That is like saying to McDonald's, whatever you spend in advertising, we are going to tax you that amount. We are going to tax you on your advertising for McDonald's hamburgers.

Mr. President, that concept will not fly. It doesn't happen in any other industry. Whenever would the Government expect taxes on expenses? It just doesn't make sense. But sometimes I think people I hear arguing on the Senate floor have never been in business. If you have never been in business and have never met a payroll, then you don't really understand how hard it is to make a profit and create new jobs and do right by your employees. I have been in business. I have met a payroll. I know how hard it is, especially in a small business. And when the prices are $7 or $8 a barrel and the costs are $14 a barrel, you can't stay in business very long. And if you can't stay in business very long, there are a lot of people and families who don't have jobs; and if you have to lay off people who are working at the well, then you also have to lay off people in the oil fields service industry and the oil supply industry because you aren't going to need the supplies if you are not drilling. And if it is too expensive to drill in America, you are going to go somewhere else, and you are going to create jobs in a foreign country.

Mr. President, I guess the last thing I will say in refuting the arguments I heard from the Senator from Illinois and the Senator from California is that it always seems the tack is to say, well, they don't really care about this issue; they are supporting big oil because big oil has contributed to their campaigns. I don't go around looking at whether trial lawyers give to other Senators and, therefore, they don't vote for tort reform. I don't accuse people of not representing the interests of their States. Of course, I have oil workers in my State. I hope I am supported by people who work in my State and live in my State. But I would not do anything that would hurt the people of my State. The idea that that is connected to campaign contributions I just think is cynical, and I don't think it adds integrity to the debate.

You gauge that against a most incredible statement when you accuse people who want to keep jobs in America, who want fair pricing, fair taxing, and fair payment of taxes—you accuse people of having some kind of other motive, and then you pick up a magazine called Inside Energy and the Department of Interior communications director says on November 2 of 1998, regarding the Hutchison-Domenici amendment that would require them to have a fair valuation:

> We are sticking to the position we have taken. It gives us an issue to demagog for another year.

Mr. President, I think we have heard a lot of demagoguery on this issue. I have heard the most outrageous debate and arguments that I have heard on just about any subject on this issue, trying to make it seem as if oil companies that are being sued are somehow connected to whether or not we have a fair royalty valuation, trying to mesh those issues. That just does not make sense. It does not add to the debate. But to have the kind of demagoguery that we have heard on the floor and then to have the Department of the Interior admit that what they want is an issue to demagog, I have to say I think the Los Angeles Times editorial proves they did get a demagoguery editorial. I think some of the network television bought into it. I think there has been some very unfair coverage because we are talking about Congress standing up for its right to tax. If Congress doesn't stand up, who will? Who is accountable at the Department of the Interior? It is a matter of fairness.

I am not going to walk away from that responsibility. I know what I am doing is right because I know we can have fair taxes of royalty. We are talking about an industry that paid $58 billion in the last 40 years in royalty rates. They have given a lot back to this country. They have given jobs. They have paid royalty rates. I want them to pay fair royalty rates. I would never stand up and say they shouldn't, or if they haven't that they shouldn't be fined. I think they should. But we are talking about people. We are talking about jobs. We are talking about the American economy. We are talking about retirement plans that depend on stable oil companies and the oil industry.

I think fair taxation is the responsibility of Congress. That is what the Hutchison-Domenici amendment will assure—fair taxation intended by Congress.

We will have some more debate on this. I certainly hope in the end my colleagues will not be susceptible to rank demagoguery—to rhetoric that is harsh and not in any way fair. It may be fun to ask questions back and forth on the Senate floor indicating that people's motives are not the right motives or are not pure, but that doesn't add to the debate. It is our responsibility to make policy. We are going to do it.

• Mr. McCAIN. Mr. President, the Interior Appropriations bill funds critical programs that are vital to the protection of our nation's land and natural resources and supports federal programs for Native Americans, as well as several energy and agriculture programs.

I commend the managers of this bill for their efforts to keep spending in this bill within budget limitations as required by the Balanced Budget Act of 1997. Unfortunately, I can still find in this bill and the committee report approximately $216 million in low-priority, unauthorized or unrequested spending that has not been considered in the normal merit-based review process.

In the usual fashion of appropriations bills and reports, little explanation is provided as to the merit or national priority of various projects receiving earmarks. We are left to imagine the reasons that certain projects, such the Bruneau Hot Springs Snail Conservation Committee or goose-related crop depredation projects in Washington and Oregon, are deserving of a $500,000 earmark each.

I am sure these projects are significant to the communities that would benefit from these directed funds. But we are unfairly singling out projects of parochial interest, rather than evaluating other more equally deserving projects that could be more significant to the proteotion of our land, forest or energy resources nationwide.

Not only do we undermine the value of our legislative process by this type of arbitrary spending, we betray the confidence of the American people who rely on our fair and equitable judgement to fund those projects of greatest need and priority. Instead, we reward their faith by choosing to provide $1 million of taxpayer funds to rehabilitate a bathhouse at Hot Springs National Park in Arkansas. I question the necessity of fixing up a public bathhouse when federal school facilities for Indian children are in a deplorable state of disrepair and ill maintenance.

In a similar fashion, $1 million is earmarked to support the Olympic Tree Program being developed by the Salt Lake Olympic committee. While our country takes great pride in hosting the international Olympics events, I find it difficult to fathom why we would expect the American people to accept the expenditure of a million dollars for this purely aesthetic purpose.

This bill also continues a disturbing trend of including legislative riders that, if enacted, will make substantive changes to current law and regulations. By using the appropriations process as a policy hammer, we are circumventing a fair and deliberative legislative review of the need for such changes. We also shortchange the interested public by eliminating their opportunity for input and participation.

I have heard from many interested parties who decry the inclusion of riders that will extend grazing permits without completion of due environmental analyses and a provision that overturns an administrative legal opinion regarding the amount of land that can be used for mining claims. I know that these are important issues in my state of Arizona, yet I am precluded from fully representing the interests of my constituents when legislative riders such as these are attached to an appropriations measure that must be passed within a very short timeframe with little to no opportunity to make changes.

Just yesterday, the Senate voted to restore Rule XVI which makes floor amendments of a policy nature out of order on an appropriations bill. I supported restoration of this Rule. Ironically, this Rule only applies to floor amendments. I believe very strongly that it should be applied to committee actions where a small minority of the Senate can act to include legislative riders on an appropriations bill without even consulting the relevant authorizing committees. I believe the Rule should be expanded to cover committee actions.

Mr. President, ensuring the protection of our nation's resources and meeting federal trust obligations to Native Americans are among our most important duties. With this type of shameful waste of taxpayer dollars and inappropriate legislative mandates on an appropriations measure, we are betraying our responsibility to spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans, rather than the special interests of a few.

Unfortunately, due to its length, this list of $216 million of earmarks and objectionable provisions in S. 1292, and its accompanying Senate report, cannot be printed in the RECORD. However, the list will be available on my Senate webpage.•

EAST TIMOR

Mrs. HUTCHISON. Mr. President, before I leave, I want to take a moment to also talk about one other issue. That is the issue of what is happening in Indonesia.

All of us have seen atrocities and read of atrocities in many parts of the world—most recently in Indonesia where we have seen the people of East Timor vote for independence, and they were told by the Government of Indonesia that vote would be respected. Now we see bands of militia-type people that, it is said, could be connected with the Indonesian Government going in and committing terrible acts. This is a terrible thing. It is horrible. We hate to see it.

I think there are many things that can be done.

First and foremost, we must call on Indonesia to do what they said they would do and respect the right of the people of East Timor in their independence.

I also think we should be supportive of those who are volunteering to go over there if necessary. This is where I think we can show some leadership from the United States. I would call on the President to do that. That is not to all of a sudden start talking about sending American troops into East Timor.

I think by beginning to start bandying that around, all of a sudden you are going to start seeing people depend on American troops. I don't think we have to start talking about American troops in East Timor. I think it would be harmful if we did that because of the vast commitment we have in the Balkans right now as well as the DMZ in Korea, as well as in Japan, as well as in Europe, and other places in the world.

No one would ever walk away from the responsibility that America must shoulder as a superpower. But Australia has stepped up to the line to try to help bring an end to the chaos that I hope is temporarily erupting in East Timor. I think we should help them do that by offering logistical support but letting people volunteer.

This is a time when we can look at the areas of the world that have regional conflicts, and we can let the sophisticated countries that have quality military operations be the main part of a force in those areas.

In fact, it appears that Australia, New Zealand, and many others are volunteering to take this policekeeping mission. I think it would be wise for us to let them do that. Let them take that responsibility and offer our logistical help if they need it. But don't start bandying about the possibility of U.S. troops going in on the ground when our troops are stretched so thin—when we have had the worst recruiting year and the worst retention year since the early 1970s because our troops are in mission fatigue. They are not able to stay in top training because they are stretched so thin.

I hope the President will take this opportunity to set a U.S. policy and to work with our allies to have a division of responsibility that is fair.

If we do that, then America will be able to do what only it can uniquely do, and that is the air power that we have shown that we have in the last 6 months. Let us keep our role to responding where only we are able to keep the peace—in the Middle East, in Korea, in Japan, and in parts of Europe. Let's work with our allies for a fair responsibility sharing that will set a precedent so that we will all have the staying power to provide the critical needs in regions as they occur.

I hope President Clinton will take this opportunity to be a leader and to represent the United States and our national security issues and our national security stability. If he will do that, I think you will begin to see a foreign policy that will evolve with all of our allies sharing and keeping all of us strong by not overburdening any one of us to the detriment of all.

Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, so far, we have had one meeting of a conference to resolve differences in the Senate and House passed juvenile justice bills. I commented at that conference meeting, on August 5, 1999, about how unfortunate it was that the leadership in the Congress delayed action on the conference all summer. In fact, the conference met less than 24 hours before the Congress adjourned for its long August recess.

Unfortunately, we did not conclude our work but left this conference and important work on the juvenile justice legislation to languish for the last five weeks of the summer.

Due to the delays in convening this conference and then its abrupt adjournment before completing its work, we knew before our August recess that the programs to enhance school safety and protect our children and families called for in this legislation would not be in place before school began.

The fact that American children are starting school without Congress finishing its work on this legislation is wrong.

We had to overcome technical obstacles and threatened filibusters to begin the juvenile justice conference. It is no secret that there are those in both bodies who would prefer no action and no conference to moving forward on the issues of juvenile violence and crime. Now that we have convened this conference, we should waste no more time to get down to business and finish our work promptly.

We have seen the kind of swift conference action the Congress is capable of doing with the Y2K law that provides special legal protections to businesses. That Y2K bill was passed by the Senate almost a month after the HATCH-LEAHY juvenile justice bill, on June 16th, but was sent to conference, worked out, and sent to the President's desk within two short weeks. That bill is already law. The example set by the Y2K legislation shows that if we have the will, there is a way to get legislation done and done quickly.

Those of us serving on the conference and many who are not on the conference have worked on versions of this legislation for several years now. We spent two weeks on the Senate floor in May considering almost 50 amendments to S. 254, the Senate juvenile justice bill, and making many improvements to the underlying bill. We worked hard in the Senate for a strong bipartisan juvenile justice bill, and we should take this opportunity to cut through our remaining partisan differences to make a difference in the lives of our children and families.

I appreciate that one of the most contentious issues in this conference is guns, even though sensible gun control proposals are just a small part of the comprehensive legislation we are considering. The question that the majority in Congress must answer is what are they willing to do to protect children from gun violence?

A report released two months ago on juvenile violence by the Justice Department concludes that, "data . . . indicate that guns play a major role in juvenile violence." We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others.

Law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting or for sport, but about criminals and unsupervised children. An editorial that appeared today in the Rutland Daily Herald summed up the dilemma in this juvenile justice conference for the majority:

> Republicans in Congress have tried to follow the line of the National Rifle Association. It will be interesting to see if they can hold that line when the Nation's crime fighters let them know that fighting crime also means fighting guns.

Every parent, teacher and student in this country was concerned this summer about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children. This an unacceptable and intolerable situation.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals. I hope we get to work soon and finish what we started in the juvenile justice conference. We are already tardy.

DR. PAUL VAN de WATER

Mr. DOMENICI. Mr. President, I would like to take a moment to talk about someone who has provided invaluable assistance to me and the Budget Committees over the years—Dr. Paul Van de Water, the Assistant Director for Budget Analysis of the Congressional Budget Office. Dr. Van de Water is leaving the Congressional Budget Office this week, after 18 years of distinguished service to the Congress, the budget process, and the American public. He will become the Senior Advisor to the Deputy Commissioner for Policy at the Social Security Administration.

Paul Van de Water came to CBO in 1981, the same year I assumed Chairmanship of the Senate Budget Committee. For years he headed the Projections Unit—doing the bread and butter work involved with producing Congressional budgets. Without CBO, I could not have done my job, and Paul contributed mightily to almost every CBO analysis we needed. He has served over and above the call of duty, spending nights and weekends working on our two Budget Committees' requests. I am sure he will never forget the two weeks spent at Andrews Air Force Base during the 1990 Budget Summit. We will not soon forget his sharp analytical skills, his appreciation of Congressional demands, and the institutional consistency he has provided CBO over the last 18 years. Dr. Van de Water has truly been an exceptional public servant.

I know I am speaking for all Members who have ever served on the Budget Committees of the House and Senate, and all our staff, when I express our gratitude to Paul for his contributions to this Congressional budget process. I join everyone in congratulating him on his service to the country and wishing him luck in his future work at the Social Security Administration.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 7, 1999, the Federal debt stood at $5,654,526,718,244.87 (Five trillion, six hundred fifty-four billion, five hundred twenty-six million, seven hundred eighteen thousand, two hundred forty-four dollars and eighty-seven cents).

Five years ago, September 7, 1994, the Federal debt stood at $4,683,504,000,000 (Four trillion, six hundred eighty-three billion, five hundred four million).

Ten years ago, September 7, 1989, the Federal debt stood at $2,861,363,000,000 (Two trillion, eight hundred sixty-one billion, three hundred sixty-three million).

Fifteen years ago, September 7, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,082,260,718,244.87 (Four trillion, eighty-two billion, two hundred sixty million, seven hundred eighteen thousand, two hundred forty-four dollars and eighty-seven cents) during the past 15 years.

ROBERT RUBIN

Mr. DODD. Mr. President, I rise today to pay tribute to Secretary of the Treasury Robert Rubin. Sworn in on January 10, 1995, as the 70th Secretary of the Treasury, Bob Rubin resigned earlier this month.

Prior to serving in the administration, Secretary Rubin spent 26 years at Goldman, Sachs, & Co., starting as an associate and leaving as co-chairman and co-senior partner. We have had few Secretaries of the Treasury who have brought such knowledge and expertise to the job.

His tenure as Secretary was marked by a steady, even-handed approach to economic policy in this country. He served in a critical time in our Nation's history. On his watch, the United States has dramatically increased its role as a leader in the global marketplace. The past 4 years have been marked by turbulent economic times, and with his leadership we have weathered numerous international financial storms, including the Asian financial crisis, the Mexico peso devaluation, and the ongoing economic turmoil of the former Soviet Union.

Under Secretary Rubin's leadership, we have maintained fiscal discipline. In 1992, the budget deficit was $290 billion, the largest dollar deficit on record. Last year, the budget surplus was nearly $70 billion, the largest dollar surplus on record.

Under Secretary Rubin, we have had a robust economy with strong job creation, inflation virtually nonexistent, and unemployment at its lowest rate in 29 years. His economic accomplishments are staggering.

Over the past 4 years, 18.4 million new jobs have been created. Also, the unemployment rate was 4.3 percent in April 1999, which is the lowest in 29 years. At the time of Secretary Rubin's start in 1992, unemployment was at 7.5 percent. In fact, the unemployment rate has been below 5 percent for 22 months in a row—the lowest sustained unemployment rate in 29 years.

After adjusting for inflation, wages have increased almost 2.7 percent in 1998—that is the fastest real wage growth in more than two decades and the third year in a row—the longest sustained growth since the early 1970s.

Inflation is the lowest since the 1950s. In fact, inflation was at 1.4 percent for the beginning of 1999.

I think the greatest tribute to Secretary Rubin has been the reaction of the financial markets to his departure. Our financial markets have responded with continued stable growth. Investors, both domestic and abroad, understand that the only way that Bob Rubin would consent to leave his post is if he felt that the U.S. economy was healthy and heading in the right direction.

While I am saddened with Secretary Rubin's departure, I can think of no better replacement to fill the top post at Treasury than Larry Summers. I believe that it is critical that there be a smooth transition from one Treasury Secretary to another. Secretary Summers' leadership will provide a seamless transition and continuity to ensure stability in our financial markets.

Secretary Summers' extensive academic expertise and tenure as Deputy Treasury Secretary make him an invaluable addition to the Cabinet. I am confident of his leadership ability and a strong believer that he will make an excellent Secretary of the Treasury.

Bob Rubin has represented the best in public service, and our nation truly owes him a debt of gratitude. His tireless leadership helped put our fiscal house in order, but—just as important—helped forge a strong and vibrant economy that has created jobs and economic opportunity for millions of Americans. With his impressive financial expertise and background, he uniquely understood that government and business could work together so that everyone could benefit from economic expansion. And though he fought to make our nation a leader in the global marketplace—Bob Rubin ultimately understood the most important street in our nation was not just Wall Street, but Main Street.

America is better off today because of Bob Rubin.

I would like to thank him for his service to our nation and wish him all the best in his next endeavor. I would also like to congratulate Secretary Summers on his new position. I am confident of his success and I look forward to continuing to work with him.

THE 40TH ANNIVERSARY OF HAWAII'S STATEHOOD

Mr. INOUYE. Mr. President, on August 21, 1999, the State of Hawaii celebrated its 40th anniversary as the 50th State of this great Nation.

Statehood for Hawaii was not a sudden or impulsive idea. During the debate on statehood for Hawaii in the House of Representatives in March 1959, there were no fewer than 88 bills pending that would have, if enacted, admitted Hawaii as a State. The people of Hawaii, through our territorial legislature, had petitioned the Congress for statehood on 17 different occasions.

Back in the fifties, times were very different. In those days, the concept of statehood for a group of tiny islands in the middle of the Pacific Ocean seemed far-fetched to many. However, the admission of Alaska removed the doubts of those who felt the United States should be one contiguous land mass.

After nearly 40 years of Congressional debates, investigations, hearings, and visitations, we achieved what so many of us in the Territory of Hawaii deeply desired. The State of Hawaii has come a long way since 1959 and I am very proud of the achievements of the people of Hawaii. I believe Hawaii has proven to be a credit to our Nation. I would like to take this opportunity to give my colleagues some insight into the tremendous changes that have taken place in the 50th State over the past 40 years.

Hawaii has the reputation of being the "Health State," and that reputation is well deserved. We lead the Nation in providing access to health care with more than 96 percent of the Hawaii population having health insurance. Hawaii leads the Nation with the lowest number of deaths from breast cancer, and ranks second in the Nation for the lowest number of deaths due to all cancers, heart disease, and diabetes.

Our territory of 600,000 American citizens in 1959 has more than doubled in 40 years. No territory, with the exception of Oklahoma, ever possessed a population as large as Hawaii's at the time it sought statehood in the Union. Consider these facts. In 1959, Hawaii contributed into the U.S. Treasury $166 million in taxes, putting Hawaii ahead of 10 States in taxpayer contributions. The per capita income of Hawaii was $1,821, ranking it 25th amongst the States, and the total income was more than in eight States. Current per capita income is more than 14 times that original amount, ranking Hawaii 15th amongst the States. Further, last year the people of Hawaii contributed $2.7 billion to Federal coffers in the form of taxes.

In 1959, sugar was king; 974,000 tons of sugar were produced in Hawaii. Though sugar is no longer king in Hawaii, agricultural has and continues to be a significant contributor to the state's economy providing nearly $3 billion in sales and more than 40,000 jobs. Sugar remains an important crop and pineapple production has been stable for many years. Additionally, diversified agriculture, including flowers, fruits, vegetables, macadamia nuts, coffee, and livestock, is a very bright spot in our State's economy. It is one of the few economic sectors experiencing growth. In 1987, diversified crops surpassed sugar in farm fate value in Hawaii and never looked back. After its pristine beaches and warm tropical waters, Hawaii's attraction lies in its green space. Without agricultural production, much of this lush green environment, many come to expect of Hawaii, would be lost.

With sugar's downsizing, Hawaii is taking advantage of an opportunity that has been available in the islands in 150 years, that is, agricultural land is available in large quantities. The State is now taking an unobstructed look at agriculture in its broadest sense. Beyond traditional products, Hawaii and its year-round growing capability is ripe for development of high value products like herbal dietary supplements, cosmetics, ethical drugs, specialized fruits and vegetables, and natural industrial products. There is also potential for agriculture as a service industry in the areas of bioremediation of contaminants, carbon sequestering forest production, seed testing and propagation for use worldwide, and development of innovative pest management strategies.

The State of Hawaii has become a world class player in the science and technology arena. Manua Kea, on the Island of Hawaii, is known internationally as the best site for optical, infrared, and millimeter/submillimeter astronomy. It is the chosen site for all four of the new generation of 8- or 10-meter class telescopes now under construction in the Northern Hemisphere. The observatories include: the Gemini project, the Keck Observatory, Canada-France-Hawaii, the Joint Astronomy Center, Subaru, Smithsonian, and the California Institute of Technology. Eight nations are represented atop Manua Kea with the United States' presence most prominent.

The Maui Research and Technology Park is fast earning a reputation as one of the world's most sophisticated high technology centers. MRTP is home to the Maui High Performance Computing Center, the newest of 12 national supercomputing resource centers.

The University of Hawaii's successful cloning of three generations of mice from adult cells stunned the international scientific community and has brought significant prestige and attention to the University and the State.

Forty years ago, when the Members of Congress debated the suitability of Hawaii as a state, questions were raised about our Americanism. During World War II, the loyalty and patriotism of Americans of Japanese ancestry living in Hawaii were called into question. When we finally received the call to duty in early 1943, 1,500 Hawaii volunteers were sought by the U.S. Army. In less than a week, 15,000 had volunteered, and Hawaii was not yet a State.

We continue our strong commitment to military service. Hawaii is home to all the services, and we continue to demonstrate our support for our nation's military as a member of our Hawaii community. We are home to the USS *Missouri* and the USS *Arizona* memorials which symbolize the beginning and end of World War II, and pay tribute to the many brave men and women who have their lives for our nation. Hawaii has been bestowed with this high honor of stewardship that we will proudly uphold.

Tripler Army Medical Center is a leader in medical care, medical education, and research. It has also earned national recognition for its work in telehealth technology applications, most appropriately called AKAMAI which in Hawaiian means "brilliant or smart." The state-of-the-art Spark M. Matsunaga Veterans Medical Center will open in early 2000 at Tripler, and the two agencies have worked collaboratively to integrate services and information systems, providing both active duty personnel and veterans with the best medical care available anywhere. We are also very proud of the Center of Excellence in Disaster Management and Humanitarian Assistance, a military-civilian partnership that facilitates joint disaster response operations through research, education, and information management.

It is clear that none of the concerns expressed in those years preceding statehood have become reality. Hawaii did not fall to communism. Hawaii's distance has not diminished the strength of the United States, but in fact has enhanced its military and economic power into the Asia-Pacific region. Further, Hawaii remains one of the greatest examples of a multiethnic society living in relative peace.

I have had the privilege of serving the people of Hawaii in the U.S. Congress since statehood. Over these years, the people of Hawaii have proven their unfailing loyalty and devotion to America's ideals. Hawaii's achievements are a testament to our desire to continually share the best of who we are and what we have to offer our fellow Americans.

So, as we celebrate 40 years of statehood, Hawaii looks toward the new millennium with pride, dignity and the hope for an even brighter future.

EXPLANATION OF ABSENCE

Mr. DODD. Mr. President, on Friday, July 16, 1999, I was necessarily absent during Senate action on rollcall vote No. 211, a motion to invoke cloture on Amendment No. 297, a Lott amendment in the nature of a substitute to S. 557, an original bill to provide guidance for the designation of emergencies as a part of the budget process.

Had I been present for the vote, I would have voted against cloture.

RENOMINATION OF CHAIRMAN LINDA J. MORGAN TO THE SURFACE TRANSPORTATION BOARD

Mr. HOLLINGS. Mr. President, I rise today to applaud the renomination by the President of Linda J. Morgan to another term with the Surface Transportation Board, and his express intention to re-designate her as Chairman. Linda Morgan, who was with us on the Commerce Committee for several years, has been Chairman of the Board and its predecessor, the Interstate Commerce Commission, since 1995. Many times before, I have publicly praised the outstanding job she has done in steering the Board and the transportation sector through some very rough seas. Her intellect, knowledge, competence and experience continue to be indispensable to the resolution of the many issues that confront this key segment of the economy. And she has exhibited the kind of integrity, fairness, spirit, and work ethic that are essential to the proper exercise of the Board's important adjudicative functions.

With this reappointment, the Senate has the opportunity to approve a first-rate leader and public servant—one of the best and brightest. I know that I will have the cooperation of all of my colleagues on the Commerce Committee and in the full Senate in expeditiously moving this outstanding nomination through to confirmation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT—AUGUST 11, 1999

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1999, the Secretary of the Senate, on August 11, 1999, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 211. An act to designate the Federal building and United States courthouse located at 920 West Riverdale Avenue in Spokane, Washington as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza".

H.R. 1219. An act to amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small business, and for other purposes.

H.R. 1664. An act providing authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2565. An act to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

S. 606. An act for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

Under the authority of the order of the Senate of January 7, 1999, the enrolled bills were signed, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT—AUGUST 12, 1999

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 7, 1999, the Secretary of the Senate, on August 12, 1999, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 507. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Under the authority of the order of the Senate of January 7, 1999, the enrolled bill was signed, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2670. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2724. An act to make technical corrections of the Water Resources Development Act of 1999.

The messages also announced that the House insists upon its amendments to the bill (S. 1467) to extend the funding levels for aviation programs for 60 days, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. EWING, Mr. HORN, Mr. QUINN, Mr. EHLERS, Mr. BASS, Mr. PEASE, Mr. SWEENEY, Mr. OBERSTAR, Mr. RAHALL, Mr. LIPINSKI, Mr. DEFAZIO, Mr. COSTELLO, Ms. DANNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL.

From the Committee on the Budget, for consideration of titles IX and X of the House amendment, and modifications committed to conference: Mr. CHAMBLISS, Mr. SHAYS, and Mr. SPRATT.

From the Committee on Ways and Means, for consideration of title XI of the House amendment, and modifications committed to conference: Mr. NUSSLE, Mr. HULSHOF, and Mr. RANGEL.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2724. An act to make technical corrections to the Water Resources Development Act of 1999; to the Committee on Environment and Public Works.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on August 11, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 606. An act for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

The Secretary of the Senate reported that on August 12, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 507. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4595. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation relative to the Bureau's dam safety program; to the Committee on Energy and Natural Resources.

EC-4596. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to educational assistance, technical assistance, and research services to nonagricultural cooperatives of rural residents; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4597. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation relative to the Refugee and Entrant Assistance Program; to the Committee on the Judiciary.

EC-4598. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Motor Vehicle Content Labeling Calculation" (RIN2127-AH33), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4599. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Termination of Dial-Up Service Contract Filing System" (FMC Docket No. 99-12), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4600. A communication from the Associate Bureau Chief, Wireless Telecommunication Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Second Report and Order—Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (FCC 99-96, CC Docket No. 94-102), received July 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4601. A communication from the Deputy Chief, Industry Analysis Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review—Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms" (FCC 99-175, CC Docket No. 98-171), received July 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4602. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands", received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4603. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands", received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4604. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 1 to the Atlantic Salmon Fishery Management Plan" (RIN0648-AM13), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4605. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Application and Transfer Process for the License Limitation Program for the Groundfish and Crab Fisheries Off Alaska" (RIN0648-AK69), received August 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4606. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b) of the Commission's Rules, Table of Allotments, Television Broadcast Stations and Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Buffalo, New York)" (MM Docket No. 98-175), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4607. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Castle Dale, Huntington, Hurricane, Mona, Monticello and Wellington, Utah; Groveland and Lovelady, Texas; Midland, Maryland" (MM Docket Nos. 99-124, 125, 126, 128, 129, 130, 132, 135 and 138), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4608. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b) , Table of Allotments, FM Broadcast Stations; Narrowsburg, NY, Allen, NE, Overton, NV, Wells, NV, and Caliente, NV" (MM Docket Nos. 99-43, 99-82, 99-85, 99-88, 99-89), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4609. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; DeRidder, Louisiana" (MM Docket No. 99-209; RM-9406), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4610. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fisheries; Fishery Management Plan (FMP), Plan Amendment, and Consolidation of Regulations, Technical Amendment" (RIN0648-AJ67) (I.D.052699A), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4611. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Framework Adjustment 30 and Correct Framework Adjustment 27 to the Northeast Multispecies Fishery" (RIN0648-AM65), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4612. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; St. Johns River, Jacksonville, Florida (CGD07-99-023)" (RIN2115-AA98) (1999-0004), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4613. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Tennessee River, TN (CGD08-99-047)" (RIN2115-AE47) (1999-0034), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4614. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sacramento River, California Department of Transportation Highway Bridge at Mile 90.1 at Knights Landing, Between Sutter and Yolo Counties (CGD11-99-012)" (RIN2115-AE47) (1999-0035), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4615. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; National Youth Conference Air Show Ohio River Mile 602.0-605.0; Louisville, KY(CGD08-99-046)" (RIN2115-AE46) (1999-0031), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4616. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Aurora APR Powerboat Races Ohio River Mile 496.5-498.5; Aurora, IN (CGD08-99-048)" (RIN2115-AE46) (1999-0030), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4617. A communication from the Associate Chief, International Bureau, Telecom Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of 1998 Biennial Review—Review of Accounts Settlement in the Maritime Mobile and Maritime Mobile-Satellite Services and Withdrawal of the Commission as an Accounting Authority in the Maritime Mobile-Satellite Radion Services" (IB Docket No. 98-96, FCC 99-150), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4618. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Procedures for State Highway Safety Programs" (RIN2127-AH53), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4619. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "State Incentives to

Prevent Operation of Motor Vehicles by Intoxicated Persons" (RIN2127–AH39), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4620. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (143); Amdt. No. 417" (RIN2120–AA63) (1999–0003), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4621. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rotorcraft Load Combination Safety Requirements" (RIN2120–AG59), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4622. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Name Change of Guam Island Agana NAS, GU Class D Airspace Area; Docket No. 99–AWP–9 (8–2/8–5)" (RIN2120–AA66) (1999–0246), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4623. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (9); Amdt. No. 1941 (7–30/7–29)" (RIN2120–AA65) (1999–0039), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4624. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1942 (7–30/7–29)" (RIN2120–AA65) (1999–0038), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4625. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (28); Amdt. No. 1943 (7–30/7–29)" (RIN2120–AA65) (1999–0037), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4626. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Taylor, AZ; Correction ; Docket No. 97–AWP–2 (7–29/7–29)" (RIN2120–AA66) (1999–0244), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4627. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction of Class D Airspace; Bullhead City, AZ; Direct Final Rule; Request for Comments; Docket No. 99–AWP–8 (7–28/7–29)" (RIN2120–AA66) (1999–0245), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4628. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Industrie Model A300–600, Series; Docket No. 98–NM–62 (7–28/7–29)" (RIN2120–AA64) (1999–0284), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4629. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, Series Airplanes; Request for Comments; Docket No. 98–NM–155 (7–27/7–29)" (RIN2120–AA64) (1999–0287), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4630. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney T9D Series Turbofan Engines; Request for Comments; Recission; Docket No. 98–ANE–21 (7–30/7–29)" (RIN2120–AA64) (1999–0285), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4631. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–215–1A10 and CL–215–6B11 Series Airplanes; Docket No. 98–NM–37 (8–2/8–5)" (RIN2120–AA64) (1999–0292), received August 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4632. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model BAC 1–11200 and 400 Series Airplanes; Docket No. 98–NM–47 (8–2/8–5)" (RIN2120–AA64) (1999–0291), received August 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4633. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 23, 24, 25, 28, 29, 31, 55, and 60 Series Airplanes; Docket No. 98–NM–372 (8–2/8–5)" (RIN2120–AA64) (1999–0290), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4634. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB 2000 Series Airplanes; Docket No. 97–NM–151 (8–3/8–5)" (RIN2120–AA64) (1999–0289), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4635. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc. Model PA–46–350P Airplanes; Docket No. 99–CE–01 (8–4/8–5)" (RIN2120–AA64) (1999–0288), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4636. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report relative to the Commission's auction expenditure package; to the Committee on Commerce, Science, and Transportation.

EC–4637. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report entitled "Fourth Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services" for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–4638. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–4639. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with the United Kingdom; to the Committee on Foreign Relations.

EC–4640. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with the United Kingdom; to the Committee on Foreign Relations.

EC–4641. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with Finland; to the Committee on Foreign Relations.

EC–4642. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles and defense services under a contract in the amount of $50,000,000 or more with Australia, Canada, Denmark, Germany, Greece, The Netherlands, Norway, Spain, and Turkey; to the Committee on Foreign Relations.

EC–4643. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles and defense services under a contract in the amount of $50,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–4644. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles or defense services under a contract in the amount of $50,000,000 or more with France; to the Committee on Foreign Relations.

EC–4645. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles or defense services under a contract in the amount of $50,000,000 or more with Greece; to the Committee on Foreign Relations.

EC–4646. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles and defense services under a contract in the amount of $50,000,000 or more with Greece; to the Committee on Foreign Relations.

EC–4647. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing and Technical Assistance Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with the Netherlands; to the Committee on Foreign Relations.

EC–4648. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

EC–4649. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

EC–4650. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of the State of Alaska Under the Federal Meat Inspection Act and the Poultry Products Inspection Act", received August 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4651. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fee Increase for Inspection Services" (RIN0583–AC54), received August 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4652. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, Toxins, and Analogous Products and Patent Term Restoration; Nonsubstantive Technical Changes" (Docket No. 97–117–1), received August 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4653. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate Ammonium; Pesticide Tolerances for Emergency Exemptions" (FRL #6092–8), received August 6, 1999; to the Committee on Environment and Public Works.

EC–4654. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act Relating to the Federal Test Procedures for Emissions From Motor Vehicles; Technical Amendment" (FRL #6409–2), received August 5, 1999; to the Committee on Environment and Public Works.

EC–4655. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of the Implementation Plans; Minnesota" (FRL #6414–9), received August 6, 1999; to the Committee on Environment and Public Works.

EC–4656. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, the annual report of the Office of the Police Corps and Law Enforcement Education for fiscal year 1998; to the Committee on the Judiciary.

EC–4657. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adding Portugal, Singapore and Uruguay to the List of Countries Authorized to Participate in the Visa Waiver Pilot Program" (RIN1115–AF99) (INS No. 20002–99), received August 9, 1999; to the Committee on the Judiciary.

EC–4658. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4659. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Taxpayer Identification Numbers and Commercial and Government Entity Codes" (DFARS Case 98–D027), received August 5, 1999; to the Committee on Armed Services.

EC–4660. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison of switchboard operations in the Air Mobility Command; to the Committee on Armed Services.

EC–4661. A communication from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "UNITA (Angola) Sanctions Regulations: Implementation of Executive Orders 13069 and 13098" (31 CFR Part 590), received August 6, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-4662. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 64 FR 41315; 07/30/99", received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4663. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 64 FR 41317; 07/30/99", received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4664. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 41306; 07/30/99" (Doc. # FEMA–7292), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4665. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting" (DFARS Case 97–D308), received August 5, 1999; to the Committee on Armed Services.

EC-4666. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Group Flood Insurance Policy; 64 FR 41305; 07/30/99" (RIN3067–AC35), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4667. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 41312; 07/30/99", received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4668. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 41309; 07/30/99", (Doc. #FEMA–7293), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4669. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Insurance Coverage and Rates; 64 FR 41825; 08/02/99" (RIN3067–AD00), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4670. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to the Customs Regulations" (R.P. 98–13), received August 5, 1999; to the Committee on Finance.

EC–4671. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Detention of Merchandise" (RIN1515–AB75), received August 5, 1999; to the Committee on Finance.

EC–4672. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examples of Corrections to Employee Plans" (Rev. Proc. 99–31), received August 5, 1999; to the Committee on Finance.

EC–4673. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8832: Exception from Supplemental Annuity Tax on Railroad Employers" (RIN1545–AT56), received August 5, 1999; to the Committee on Finance.

EC–4674. A communication from the Chair, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Rethinking Medicare's Payment Policies for Graduate Medical Education and Teaching Hospitals"; to the Committee on Finance.

EC–4675. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4676. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to hydrocarbon fuels used by the DoD; to the Committee on Armed Services.

EC–4677. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to military technician programs in the Reserve components of the Army and the Air Force; to the Committee on Armed Services.

EC–4678. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to printing and duplicating services procured in-house or from external sources during fiscal year 1998; to the Committee on Armed Services.

EC–4679. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "CHAMPUS; Revisions to the Eligibility Requirements" (RIN0720–AA51), received August 18, 1999; to the Committee on Armed Services.

EC–4680. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "CHAMPUS; Prosthetic Devices" (RIN0720–AA49), received August 18, 1999; to the Committee on Armed Services.

EC–4681. A communication from the Director Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Oral Attestation of Security Responsibilities" (DFARS Case 99–D006), received August 18, 1999; to the Committee on Armed Services.

EC–4682. A communication from the Director Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Fiscal Year 2000 Contract Action Reporting Requirements" (DFARS Case 99–D011/98–D017), received August 12, 1999; to the Committee on Armed Services.

EC–4683. A communication from the Director, Administrative Office of United States Courts, transmitting, pursuant to law, the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ended September 30, 1997; to the Committee on Governmental Affairs.

EC–4684. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled. transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received August 10, 1999; to the Committee on Governmental Affairs.

EC–4685. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to an addition to the Procurement List, received August 18, 1999; to the Committee on Governmental Affairs.

EC–4686. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Voting Rights Program" (RIN3206–AI77), received August 10, 1999; to the Committee on Governmental Affairs.

EC–4687. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Examination of the Practice of Placing Pretrial Defendants in District Halfway Houses and the Resulting Problem of Persistent Escapes"; to the Committee on Governmental Affairs.

EC–4688. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a request from the Government of Egypt to permit the use of Foreign Military Financing for the sale and limited coproduction of military hardware; to the Committee on Foreign Relations.

EC–4689. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4690. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Cost of Incarceration Fee" (RIN1120–AA75), received August 10, 1999; to the Committee on the Judiciary.

EC–4691. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, the audit report for calendar year 1998; to the Committee on the Judiciary.

EC–4692. A communication from the Deputy Executive Secretary, Health Care Financing Administration, transmitting, pursuant to law, the report of a rule entitled "Revision of the Procedures for Requesting Exceptions to Cost Limits for Skilled Nursing Facilities and Elimination of Classifications (HCFA–1883–F)" (RIN0938–AH73), received August 10, 1999; to the Committee on Finance.

EC–4693. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 99–36, Determination of Interest Rates—October 1999" (Revenue Ruling 99–36), received August 18, 1999; to the Committee on Finance.

EC–4694. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99–42, Elimination of Magnetic Tape Program for Federal Tax Deposits" (Notice 99–42), received August 12, 1999; to the Committee on Finance.

EC–4695. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99–41, Updated List of Designated Private Delivery Services Under Section 7502" (Notice 99–41), received August 12, 1999; to the Committee on Finance.

EC–4696. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99–34, Depreciation System, Comments Requested" (OGI–113072–99), received August 12, 1999; to the Committee on Finance.

EC–4697. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement of Rule to be Included in Final Regulations under Section 897(c) of the Code" (Notice 99–43), received August 18, 1999; to the Committee on Finance.

EC–4698. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consolidated Returns-Consolidated Overall Foreign Losses and Separate Limitation Losses" (RIN1545–AW08) (T.D. 8833), received August 18, 1999; to the Committee on Finance.

EC–4699. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Specifications for Filing 1999 Forms 1098, 1099, 5498, and W–2G, Magnetically or Electronically" (Revenue Procedure 99–29), received August 12, 1999; to the Committee on Finance.

EC–4700. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Furnishing Identifying Number of Income Tax Return Preparer" (RIN1545–AX27), received August 12, 1999; to the Committee on Finance.

EC–4701. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Inbound Grantor Trusts With Foreign Grantors" (RIN1545–AU90) (TD8831), received August 9, 1999; to the Committee on Finance.

EC–4702. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Distributions to Foreign Persons Under Section 367(e) and 367(e)(2)" (RIN1545–AU22) (TD8834), received August 9, 1999; to the Committee on Finance.

EC–4703. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the Helium Privatization Act of 1996; to the Committee on Energy and Natural Resources.

EC–4704. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Use of Facility Contractor Employees for Services to DOE in the Washington, D.C. Area" (DOE N 350.5), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4705. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (SPATS #TX–041–FOR), received August 9, 1999; to the Committee on Energy and Natural Resources.

EC–4706. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS #IN–129–FOR), received August 9, 1999; to the Committee on Energy and Natural Resources.

EC–4707. A communication from the Director, Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reconsideration of Denied Claims" (RIN2900–AJ03), received August 18, 1999: to the Committee on Veteran's Affairs.

EC–4708. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Food and Nutrition Program for fiscal years 1996 and 1997; to the Committee on Health, Education, Labor, and Pensions.

EC–4709. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Breast and Cervical Cancer Early Detection Program for fiscal year 1996; to the Committee on Health, Education, Labor, and Pensions.

EC–4710. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 1999"; to the Committee on Health, Education, Labor, and Pensions.

EC–4711. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (98F–0014), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4712. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Petroleum Wax" (96F–0415), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4713. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucralose" (99F–0001), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4714. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucralose Acetate Isobutyrate; Correction" (91F–0228), received August 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4715. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received August 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4716. A communication from the Assistant Secretary for Employment Standards, Employment Standards Administration, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 5333(b) Guidelines to Carry Out New Programs Authorized by the Transportation Equity Act for the 21st Century (TEA–21)" (RIN1215–AB25), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4717. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the purchase upon issuance of securities issued by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–4718. A communication from the President of the United States, transmitting, pursuant to law, a 6-month periodic report relative to the national emergency caused by the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4719. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, a combined annual report for the Federal Housing Finance Board and the low-income housing and community development activities of the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

EC–4720. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance; 64 FR 42852; 08/06/99" (Docket No. FEMA–7718), received August 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4721. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR 701.21; Loan Interest Rates" (RIN3133–AC25), received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4722. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 707; Truth in Savings", received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4723. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 701; Organization and Operation of Federal Credit Unions Charitable Contributions", received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4724. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 701.30; Safe Deposit Box Service" (RIN3133–AC19), received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4725. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 708a; Conversion of Insured Credit Unions to Mutual Savings Banks", received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4726. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Environment and Public Works.

EC–4727. A communication from the Director, Office of Congressional Affairs, Office of Enforcement, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "General Statement of Policy and Procedures for NRC Enforcement Actions, NUREG–1600 Rev. 1", received August 12, 1999; to the Committee on Environment and Public Works.

EC–4728. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators (HMIWIs); State of Missouri" (FRL #6421–6), received August 12, 1999; to the Committee on Environment and Public Works.

EC–4729. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Large Municipal Waste Combustors (MWCs)" (FRL #6426–1), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4730. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans (SIP); Interim Final Determination that Louisiana Continues to Correct the Deficiencies of its Enhanced Inspection and Maintenance (I/M) SIP Revision" (FRL #6422–3), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4731. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina" (FRL #6426–8), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4732. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6427–2), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4733. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Texas: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL #6424–1), received August 12, 1999; to the Committee on Environment and Public Works.

EC–4734. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland: Control of VOC Emissions from Reinforced Plastics Manufacturing" (FRL #6419–1), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4735. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions for Six California Air Pollution Control Districts" (FRL #6420–4), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4736. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Bay Area Air Quality Management District, Kern County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, South Coast Air Quality Management District" (FRL #6420-34), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4737. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: South Coast Air Quality Management District; Ventura County Air Pollution Control District; Mojave Desert Air Quality Management District" (FRL #6419-9), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4738. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: North Dakota; Control of emissions From Existing Hospital/Medical/Infectious Waste Incinerators; Correction" (FRL #6421-9), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4739. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; General Conformity" (FRL #6416-2), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4740. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Approval of National Low Emission Vehicle Program" (FRL #6417-5), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4741. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District" (FRL #6409-4), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4742. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin" (FRL #6414-7), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4743. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning" (FRL #6419-5), received August 10, 1999; to the Committee on Environment and Public Works.

EC-4744. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Extension of Tolerance for Emergency Exemptions" (FRL #6096-3), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4745. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carfentrazone-ethyl; Extension of Tolerances for Emergency Exemption" (FRL #6097-8), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4746. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Demedipham; Extension of Tolerances for Emergency Exemption" (FRL #6096-7), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4747. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyridate; Pesticide Tolerances for Emergency Exemptions" (FRL #6094-7), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4748. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Reestablishment of Tolerances for Emergency (FRL #6098-1), received August 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4749. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown In California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages" (FV99-989-4 FR), received August 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4750. A communication from the Chief, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Technical Assistance" (RIN0578-AA22), received August 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4751. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents (USCG-1997-2799)" (RIN2115-AF49) (1999-0001), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4752. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Year 2000 (Y2K) Requirements for Vessels and Marine Facilities; Enforcement Date Change (USCG-1998-4819)" (RIN2115-AF85) (1999-0002), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4753. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Update of Standards from American Society for Testing and Materials (ASTM)(USCG-1999-5151)" (RIN2115-AF80), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4754. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; The Clinton Bluefish Festival Fireworks Display, Clinton Harbor, Clinton, CT (CGD-01-99-118)" (RIN2115-AF97) (1999-0049), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4755. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Columbia River, St. Helens, OR to Port of Benton, WA (CGD-13-99-033)" (RIN2115-AF97) (1999-0050), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4756. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of New York/New Jersey Annual Marine Events (CGD-13-99-135)" (RIN2115-AF97) (1999-0051), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4757. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Rising Sun Regatta Ohio River Mile 505.0-507.0, Rising Sun, IN (CGD-08-99-049)" (RIN2115-AE46) (1999-0032), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4758. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Shrewsbury River, NJ(CGD-01-99-010)" (RIN2115-AE47) (1999-0036), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4759. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Technical Corrections and Denial of Petitions for Reconsideration" (RIN2137–AD15) (1999–0002), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4760. A communication from the Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Oxidizers and Compressed Oxygen Aboard Aircraft" (RIN2137–AC92), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4761. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Annville, KY; Liberty, PA; Clarendon, PA; and Ridgeley, WV) (MM Docket Nos. 99–51; 99–52; 99–53; and 99–54), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4762. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Manson, IA; Rudd, IA; Pleasantville, IA; Dunkerton, IA; and Manville, WY) (MM Docket Nos. 99–91; 99–92; 99–93; 99–95; and 99–97), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4763. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Corrigan, TX and Lufkin, TX) (MM Docket Nos. 98–135), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4764. A communication from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Climate and Global Change Program" (RIN0648–ZA65), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4765. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule to Adjust the Gulf of Maine Cod Landing Limit" (RIN0648–AM87), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4766. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure for Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4767. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4768. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States in the Western Pacific; West Coast Salmon Fisheries; Commercial Closure from Fort Ross to Point Reyes, CA; Inseason Adjustment from Cape Flattery to Leadbetter Point, WA", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4769. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska: Pacific Ocean Perch in the Central Regulatory Area", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4770. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska: Pacific Ocean Perch in the Central Regulatory Area", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4771. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska: Northern Rockfish in the Central Regulatory Area", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4772. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska: Northern Rockfish in the Central Regulatory Area", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4773. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska: Deep-Water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4774. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska: Deep-Water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska", received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4775. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska to Retention of Sablefish With Trawl Gear", received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4776. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska to Directed Fishing for Pacific Ocean Perch", received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4777. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Western Regulatory Area of the Gulf of Alaska to Retention of Other Rockfish", received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4778. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the implementation of the TRICARE program; to the Committee on Armed Services.

EC–4779. A communication from the Under Secretary of the Navy, transmitting, pursuant to law, a report relative to the decision to study certain functions performed by military and civilian personnel for possible performance by private contractors; to the Committee on Armed Services.

EC–4780. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4781. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Panama Canal Act of 1979; to the Committee on Armed Services.

EC–4782. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Iraq's weapons of mass destruction programs; to the Committee on Foreign Relations.

EC–4783. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4784. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations" (RIN3209–AA00 & 3209–AA13), received August 24, 1999; to the Committee on Governmental Affairs.

EC–4785. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received August 20, 1999; to the Committee on Governmental Affairs.

EC–4786. A communication from the Chairman and the President, The John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the 1998 annual report; to the Committee on Rules and Administration.

EC–4787. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Boyd Gaming Commission v. Commissioner, Announcement 99–77" (Announcement 99–77), received August 19, 1999; to the Committee on Finance.

EC–4788. A communication from the Chief, Regulations Unit, Internal Revenue Service,

Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "September 1999 Applicable Federal Rates" (Revenue Ruling 99–37), received August 19, 1999; to the Committee on Finance.

EC–4789. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement 99–89, Correction of Rev. Rul. 99–23" (Ann. 99–89), received August 19, 1999; to the Committee on Finance.

EC–4790. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "1999 National Pool" (Rev. Proc. 99–23), received August 24, 1999; to the Committee on Finance.

EC–4791. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99–39), received August 24, 1999; to the Committee on Finance.

EC–4792. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the level of coverage and expenditures for religious nonmedical health care institutions for fiscal year 1997; to the Committee on Finance.

EC–4793. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Transition to Quieter Airplanes"; to the Committee on Commerce, Science, and Transportation.

EC–4794. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Telecommunications Development Fund; to the Committee on Commerce, Science, and Transportation.

EC–4795. A communication from the President of The United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC–4796. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, a report relative to the Equal Credit Opportunities Act for calendar years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4797. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Availability of Unpublished Information" (RIN3069–AA81), received August 20, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4798. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–4799. A communication from the Assistant General Counsel For Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Tenant Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Notice of Change in Effective Date" (RIN2577–AB91) (FR–4428–N–02), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4800. A communication from the Assistant General Counsel For Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Compliance Procedures for Affirmative Fair Housing Marketing; Nomenclature Change" (RIN2529–AA87) (FR–4514–F–01), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4801. A communication from the Assistant General Counsel For Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation; Miscellaneous Revisions" (RIN2525–AA24) (FR–4115–I–01), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4802. A communication from the Assistant General Counsel, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations: Direct Grant Programs", received August 24, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4803. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 64 FR 44421; 08/16/99" (Docket No. FEMA–7719), received August 20, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4804. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Rule 17j–1 under the Investment Company Act of 1940; Personal Investment Activities of Investment Company Personnel" (RIN3235–AG27), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4805. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Performance Improvement 1999: Evaluation Activities of the U.S. Department of Health and Human Services" for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–4806. A communication from the Chairman, National Committee on Vital and Health Statistics, transmitting, pursuant to law, a report relative to the implementation of the administrative simplification provisions of the "Health Insurance Portability and Accountability Act"; to the Committee on Health, Education, Labor, and Pensions.

EC–4807. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (98F–0571), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4808. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (98F–0570), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4809. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Over-the-Counter Drug Products Containing Colloidal Silver Ingredients of Silver Salts" (96N–0144), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4810. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "General and Plastic Surgery Devices, Effective Date of Requirement for Premarket Approval of the Silicone Inflatable Breast Prosthesis" (RIN0910–A217), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4811. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Removal of 30 CFR Parts 26 and 29; Removal of 30 CFR Part 75, Subpart S and Revision of Subpart I" (RIN1219–AA98), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4812. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Safety Standard for Preshift Examinations in Underground Coal Mines" (RIN1219–AB10), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4813. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Calibration and Maintenance Procedures for Wet-Test Meters and Coal Mine Respirable Dust Samplers" (RIN1219–AA98), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4814. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiation-Generating Devices Guide" (DOE G 441.1–5), received August 20, 1999; to the Committee on Energy and Natural Resources.

EC–4815. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Evaluation and Control of Radiation Dose to the Embryo/Fetus Guide" (DOE G 441.1–6), received August 20, 1999; to the Committee on Energy and Natural Resources.

EC–4816. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Work Authorization System" (DOE O 412.1), received August 20, 1999; to the Committee on Energy and Natural Resources.

EC–4817. A communication from the Acting Assistant Secretary of the Interior, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled "Location, Recording, and Maintenance of Mining Claims" (RIN1004–AD31), received August 19, 1999; to the Committee on Energy and Natural Resources.

EC–4818. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Removal of Quarantined Area" (Docket #98–083–5), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4819. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Gypsy Moth Host Materials from Canada" (Docket #98–110–1), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4820. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Electronic Freedom of Information Act" (Docket #99–034–F), received August 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4821. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products" (RIN0583–AB82), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4822. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments" (LS–99–03), received August 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4823. A communication from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agriculture Acquisition Regulation; Part 413 Reorganization; Simplified Acquisition Procedures" (RIN0599–AA04), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4824. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Remove the American Peregrine Falcon from the Federal Lists of Endangered and Threatened Wildlife; and to Remove the Similarity of Appearance Provision for Free-Flying Peregrines in the Conterminous United States" (RIN1018–AF04), received August 20, 1999; to the Committee on Environment and Public Works.

EC–4825. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Tungsten-iron and Tungsten-polymer Shots, and Temporary Approval of Tungsten-matrix and Tin Shots as Nontoxic for Hunting Waterfowl and Coots" (RIN1018–AF65), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4826. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018–AF24), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4827. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Early Season" (RIN1018–AF24), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4828. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Season and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands" (RIN1018–AF24), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4829. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "10 CFR Part 76, Certification Renewal and Amendment Processes" (RIN3150–AF85), received August 19, 1999; to the Committee on Environment and Public Works.

EC–4830. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision" (FRL #6410–7), received August 19, 1999; to the Committee on Environment and Public Works.

EC–4831. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of State Hazardous Waste Management Program" (FRL #6423–8), received August 20, 1999; to the Committee on Environment and Public Works.

EC–4832. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services, under a contract, in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4833. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services, under a contract, in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–4834. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services, under a contract, in the amount of $50,000,000 or more to France; to the Committee on Foreign Relations.

EC–4835. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for defense articles and services in the amount of $50,000,000 or more with Turkey; to the Committee on Foreign Relations.

EC–4836. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with the United Kingdom and France; to the Committee on Foreign Relations.

EC–4837. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with Canada; to the Committee on Foreign Relations.

EC–4838. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with Italy and Spain; to the Committee on Foreign Relations.

EC–4839. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–4840. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

EC–4841. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with France; to the Committee on Foreign Relations.

EC–4842. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Belgium and the Netherlands; to the Committee on Foreign Relations.

EC–4843. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC–4844. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement with Japan; to the Committee on Foreign Relations.

EC–4845. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Haiti and the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1999; to the Committee on Foreign Relations.

EC–4846. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Transport Category Rotorcraft Performance; Final Rule; Request for Comments (8–19/8–16)" (RIN2120–AG86), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4847. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Harmonization of Critical Parts Rotorcraft Regulations (8–2/8–23)" (RIN2120–AG60), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4848. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Recorder Requirements for Airbus Airplanes (8–24/8–23)" (RIN2120–AG88), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4849. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Normal Category Rotorcraft Maximum Weight and Passenger Seat Limitation (8–18/8–16)" (RIN2120–AF33), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4850. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airspace and Flight Operations Requirements for Kodak Albuquerque International Balloon Fiesta; Albuquerque, NM (8–17/16)" (RIN2120–AG79), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4851. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (18); Amdt. No. 1945 (8–13/8–16)" (RIN2120–AA65) (1999–0041), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4852. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Emporia, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–24 (8–16/8–16)" (RIN2120–AA66) (1999–0266), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4853. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rolly/Vichy, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–26 (8–16/8–16)" (RIN2120–AA66) (1999–0265), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4854. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lyons, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–38 (8–16/8–16)" (RIN2120–AA66) (1999–0263), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4855. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ava, MO; Direct Final Rule; Request for Comments; Docket No. 99–ACE–37 (8–16/8–16)" (RIN2120–AA66) (1999–0264), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4856. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Frederick Municipal Airport, MD; Docket No. 99–AEA–04 (8–18/8–19)" (RIN2120–AA66) (1999–0270), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4857. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Roosevelt Roads NS (Ofstie Field), PR; Docket No. 99–ASO–(8–13/8–16)" (RIN2120–AA66) (1999–0267), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4858. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ossining, NY; Docket No. 99–AEA–06 (8–13/8–16)" (RIN2120–AA66) (1999–0269), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4859. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Hood, Elmendorf AFB, and Merrill Field, AK; Docket No. 99–AAL–6 (8–13/8–16)" (RIN2120–AA66) (1999–0268), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4860. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 Series; Docket No. 93–NM–125 (8–18/8–19)" (RIN2120–AA64) (1999–0305), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4861. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schweizer Aircraft Corporation Model 269A, 269A–1, 269B, 269C, 269C–1, and 269D Helicopters; Request for Comments; Docket No. 98–SW–31 (8–18/8–19)" (RIN2120–AA64) (1999–0304), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4862. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empressa Brasileira de Aeronautica, S.A. Model EMB–120 Series Airplanes; Docket No. 98–NM–233 (8–18/8–19)" (RIN2120–AA64) (1999–0306), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4863. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, Ltd., Model Asta SPX Series Airplanes; Request for Comments; Docket No. 99–NM–204 (8–18/8–19)" (RIN2120–AA64) (1999–0307), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4864. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft, Ltd. Models PC–12 and PC–12/45 Airplanes; Docket No. 99–CE–20 (8–13/8–16)" (RIN2120–AA64) (1999–0303), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4865. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes; Docket No. 98–NM–275 (8–13/8–16)" (RIN2120–AA64) (1999–03023), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4866. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Adapting Military Sex Crime Investigations to Changing Times"; to the Committee on Armed Services.

EC–4867. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, a report relative to Y2K compliance and the TRICARE Management Activity; to the Committee on Armed Services.

EC–4868. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the annual report on the effectiveness and costs of the civilian voluntary separation incentive pay program for fiscal year 1998; to the Committee on Armed Services.

EC–4869. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Short Form Research Contract Clauses" (DFARS Case 99–D014), received August 26, 1999; to the Committee on Armed Services.

EC–4870. A communication from the Secretary of Defense and the Secretary of Energy, transmitting jointly, pursuant to law, a report entitled "Tritium Production Technology Options"; to the Committee on Armed Services.

EC–4871. A communication from the Acting Regulations Officer, Office of Process and Innovation Management, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Determination of Disability, Endocrine System and Related Criteria" (RIN0960–AE65), received August 26, 1999; to the Committee on Finance.

EC–4872. A communication from the Chief, Regulations Unit, Internal Revenue Service,

Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Capital Gains, Installment Sales, Unrecaptured Section 1250 Gain" (RIN1545–AW85), received August 26, 1999; to the Committee on Finance.

EC–4873. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: All Industries—Research Tax Credit—Qualified Research" (UIL–41.51–11), received August 26, 1999; to the Committee on Finance.

EC–4874. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: All Industries—Research Tax Credit—Internal Use Software" (UIL–41.51–10), received August 26, 1999; to the Committee on Finance.

EC–4875. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99–31, BLS–LIFO Department Store Indexes—July 1999" (Rev. Rul. 99–31), received August 26, 1999; to the Committee on Finance.

EC–4876. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repeal of Section 415(e)" (Notice 99–44), received August 18, 1999; to the Committee on Finance.

EC–4877. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8380 Establishment of a Balanced Measurement System" (RIN1545–AW80), received August 30, 1999; to the Committee on Finance.

EC–4878. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Nondiscrimination Rules for Certain Government Plans" (Notice 99–40), received August 30, 1999; to the Committee on Finance.

EC–4879. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received August 30, 1999; to the Committee on Governmental Affairs.

EC–4880. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Absence and Leave: Use of Restored Leave" (RIN3206–AI71), received August 25, 1999; to the Committee on Governmental Affairs.

EC–4881. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Role of Delegated Examining Units: Hiring New Employees in a Decentralized Civil Service"; to the Committee on Governmental Affairs.

EC–4882. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Manufactured Housing Thermal Requirements" (RIN0575–AC11), received August 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4883. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Liquidation and Sale of Commercial Loans", received August 25, 1999; to the Committee on Small Business.

EC–4884. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorfenapyr; Re-Establishment of Tolerances for Emergency" (FRL #6095–8), received August 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4885. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cymoxanil; Extension of Tolerances for Emergency Exemptions" (FRL #6094–4), received August 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4886. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole; Pesticide Tolerances for Emergency Exemptions" (FRL #6094–3), received August 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4887. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, Toxins, and Analogous Products; Update of Incorporation by Reference for Rabies Vaccine" (Docket No. 97–103–2), received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4888. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Soybean Promotion and Research Program: Procedures to Request a Referendum, LS–98–001", received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4889. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate", (Docket No. FV99–906–2–FR), received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4890. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Partial Exemption from the Handling Regulation for Producer Field-Packed Tomatoes", (Docket No. FV98–966–2–IFR), received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4891. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Increased Allowances for the Educational Assistance Test Program" (RIN2900–AJ40), received August 26, 1999; to the Committee on Veterans' Affairs.

EC–4892. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Delegations of Authority; Tort Claims" (RIN2900–AJ31), received August 25, 1999; to the Committee on Veterans' Affairs.

EC–4893. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Review 1998"; to the Committee on Energy and Natural Resources.

EC–4894. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Safety of Accelerator Facilities" (DOE O 420.2), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4895. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Nuclear Explosive and Weapon Surety Program" (AL 452.1A), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4896. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Occupational Radiation Protection Record-Keeping and Reporting Guide" (DOE G 441.1–11), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4897. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "State Energy Program" (RIN1904–AB01), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4898. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Posting and Labeling for Radiological Control Guide" (DOE G 441.1–10), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4899. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiation Safety Training Guide" (DOE G 441.1–12), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4900. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Air Monitoring Guide" (DOE G 441.1–8), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4901. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Unclassified Cyber Security Program" (DOE N 205.1), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4902. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "External Dosimetry Program Guide" (DOE G 441.1–4), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4903. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Internal Dosimetry Program Guide" (DOE G 441.1–3), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4904. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Chittenden County Circumferential Highway project in Vermont; to the Committee on Environment and Public Works.

EC–4905. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the Stafford Act assistance for Texas under Presidential emergency declaration FEMA–3127–EM; to the Committee on Environment and Public Works.

EC–4906. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Redesign of Public Assistance Project Administration; 64 FR 41827; 08/02/99" (RIN3067–AC89), received August 5, 1999; to the Committee on Environment and Public Works.

EC–4907. A communication from the Associate Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Driver Disqualification Provisions" (RIN2125–AE28), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4908. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Status for Lake Erie Water Snakes (Nerodia sipedon insularum) on the Offshore Islands of Western Lake Erie" (RIN1018–AC09), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4909. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards" (FRL #6426–5), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4910. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision, South Coast Air Quality Management District, Ventura County Air Pollution Control District" (FRL #6425–5), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4911. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Contracting by Negotiation" (FRL #6428–3), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4912. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans, Massachusetts: Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Nitrogen Oxide Requirements at Municipal Waste Combustors" (FRL #6425–45), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4913. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision, South Coast Air Quality Management District" (FRL #6423–1), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4914. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California" (FRL #6427–4), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4915. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indiana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6430–4), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4916. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6428–6), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4917. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program" (FRL #6422–1), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4918. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Enhanced Inspection and Maintenance Program" (FRL #6428–8), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4919. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementations: Ohio Designation of Areas for Air Quality Planning Purposes; Ohio" (FRL #6425–1), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4920. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Alaska" (FRL #6412–7), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4921. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Correcting Amendments" (FRL #6431–8), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4922. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Regulations" (FRL #6421–8), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4923. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California-Owens Valley Nonattainment Area; PM–10" (FRL #6430–7), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4924. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Massachusetts; Plan for Controlling MWC Emissions from Existing MWC Plants"; to the Committee on Environment and Public Works.

EC–4925. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Services Block Grant Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC–4926. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Teacher Quality Enhancement Grants Program" (RIN1840–AC67), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4927. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Projects with Industry (Technical Amendments)" (34 CFR Part 379), received August 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4928. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind" (CFDA No. 84.160), received August 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4929. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings" (99F–0487), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4930. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (98F–1034), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4931. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (96F–0176), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4932. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in the Feed and Drinking Water of Animals; Menadione Nicotinamide Bisulfite" (98F–0195), received August 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4933. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in the Feed and Drinking Water of Animals; Menadione Nicotinamide Bisulfite" (98F–0283), received August 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4934. A communication from the Solicitor General, transmitting, a report relative to the Supreme Court decision in "Greater New Orleans Broadcasting Association v. United States"; to the Committee on the Judiciary.

EC–4935. A communication from the Deputy Assistant Attorney General, Office of Policy Development, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties Inflation Adjustment" (RIN1105–AA48), received August 30, 1999; to the Committee on the Judiciary.

EC–4936. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks", received August 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4937. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Bank Secrecy Act Regulations-Definitions Relating to, and Registration of, Money Services Businesses" (RIN1506–AA09), received August 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4938. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Letters of Credit, Suretyship and Guaranty" (RIN1550–AB21), received August 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4939. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the extension of the national emergency declared in Executive Order 12924 relating to the expiration of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4940. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Editorial Clarification and Revisions to the Export Administration Regulations" (RIN0694–AB81), received August 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4941. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports and Reexports of Commercial Charges and Devices Containing Energetic Materials" (RIN0694–AB98), received August 30, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4942. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Kingdom of Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC–4943. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–4944. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Smith Center, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–32 (8–9/8–12)" (RIN2120–AA66) (1999–0259), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4945. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Jefferson, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–31 (8–9/8–12)" (RIN2120–AA66) (1999–0258), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4946. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hebron, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–27 (8–9/8–12)" (RIN2120–AA66) (1999–0261), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4947. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Wayne, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–29 (8–9/8–12)" (RIN2120–AA66) (1999–0262), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4948. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Clarinda, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–17 (8–9/8–12)" (RIN2120–AA66) (1999–0253), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4949. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rock Rapids, IA; Direct Final Rule; Delay of Effective Date; Docket No. 99–ACE–15 (8–11/8–12)" (RIN2120–AA66) (1999–0254), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4950. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Babylon, NY; Docket No. 99–AEA–05 (8–4/8–12)" (RIN2120–AA66) (1999–0257), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4951. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Thedford, NE; Docket No. 99–ACE–23 (8–10/8–12)" (RIN2120–AA66) (1999–0256), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4952. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification to Class D and Class E Airspace; Terre Haute, IN; Docket No. 99–AGL–35 (8–27/–30)" (RIN2120–AA66) (1999–0283), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4953. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification to Class E Airspace; Kingman, AZ; Docket No. 97–AWP–12 (8–10/8–12)" (RIN2120–AA66) (1999–0255), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4954. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification to Class E Airspace; Escanaba, MI; Docket No. 97–AGL–34 (8–27/8–30)" (RIN2120–AA66) (1999–0282), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4955. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Class B Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area; Docket No. 95–AWA–4 (8–5/8–9)" (RIN2120–AA66) (1999–0249), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4956. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace Lafayette, Aretz Airport, IN; Docket No. 99–AGL–36 (8–27/8–30)" (RIN2120–AA66) (1999–0281), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4957. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Altus, OK; Direct Final Rule; Request for Comments; Docket No. 99–ASW–16 (8–5/8–9)" (RIN2120–AA66) (1999–0251), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4958. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Antlers, OK; Direct Final Rule; Request for Comments; Docket No. 99–ASW–17 (8–5/8–9)" (RIN2120–AA66) (1999–0250), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4959. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Galveston, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–09 (8–5/8–9)" (RIN2120–AA66) (1999–0248), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4960. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Shreveport, LA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–10 (8–5/8–9)" (RIN2120–AA66) (1999–0247), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4961. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Legal Description of the Class E Airspace; Cincinnati, OH; Docket No. 99–AGL–32 (8–27/8–30)" (RIN2120–AA66) (1999–0280), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4962. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 1944 (8–13/8–16)" (RIN2120–AA65) (1999–0040), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4963. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airport Name Changes and Revision of Legal Description of Class D, Class E2, and Class E4 Airspace Areas; Barbers Point, HI; Docket No. 99–AWP–11 (8–12/8–12)" (RIN2120–AA66) (1999–0252), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4964. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airways, MO; Direct Final Rule; Request for Comments; Docket No. 99–ACE–14 (8–9/8–12)" (RIN2120–AA66) (1999–0260), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4965. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727–600, –700, and –800 Series Airplanes; Request for Comments; Docket No. 99–NM–188 (8–9/8–12)" (RIN2120–AA64) (1999–0295), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4966. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes; Request for Comments; Docket No. 99–NM–180 (8–9/8–12)" (RIN2120–AA64) (1999–0296), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4967. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes; Request for Comments; Docket No. 99–NM–61 (8–9/8–12)" (RIN2120–AA64) (1999–0294), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4968. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model Beech 1900D Airplanes; Docket No. 98–CE–123 (8–9/8–12)" (RIN2120–AA64) (1999–0298), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4969. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 Series Airplanes; Docket No. 99–NM–16 (8–/8–12)" (RIN2120–AA64) (1999–0299), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4970. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopters Textron Model 230 Helicopters; Request for Comments; Docket No. 98–SW–52 (8–9/8–12)" (RIN2120–AA64) (1999–0297), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4971. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopters Textron Model 204B, 205A and 205A–1 Helicopters; Docket No. 98–SW–73 (8–12/8–12)" (RIN2120–AA64) (1999–0300), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4972. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc. (MDHI) Model MD–900 Helicopters; Docket No. 98–SW–42 (8–6/8–9)" (RIN2120–AA64) (1999–0293), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4973. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A310, and A300–600 Series Airplanes; Request for Comments: Docket No. 99–NM–189 (8–9/8–12)" (RIN2120–AA64) (1999–0301), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4974. A communication from the Supervisory Attorney/Advisor, Common Carrier Bureau, Accounting Safeguards Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review-Review of Cost Accounting and Cost Allocation Requirements" (CC Docket No. 98–81) (FCC 99–106), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4975. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "RF Lighting Devices-Biennial Regulatory Review (ET Docket 98–42)" (ET Docket No. 98–42) (FCC 99–135), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4976. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions; Modification of Class E Airspace: La Crosse, WI; Docket No. 99–AGL–29 (8–25/8–26)" (RIN2120–AA66) (1999–0272), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4977. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions: Modification of Class E Airspace: Mankato, MN; Docket No. 99–AGL–30 (8–26/8–25)" (RIN2120–AA66) (1999–0271), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4978. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions; Modification of Class E Airspace: Eau Claire, WI; Docket No.

99-AGL-28 (8-25/8-26)” (RIN2120-AA66) (1999-0273), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4979. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airspace Actions; Modification of Class E Airspace: Minneapolis, MN; Docket No. 99-AGL-33 (8-26/8-25)” (RIN2120-AA66) (1999-0275), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4980. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airspace Actions; Modification of Class E Airspace: Sheridan, IN; Docket No. 99-AGL-31 (8-26/8-25)” (RIN2120-AA66) (1999-0276), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4981. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airspace Actions; Amendment of Class E Airspace: Fort Rucker, AL; Docket No. 99-ASO-11 (8-26/8-24)” (RIN2120-AA66) (1999-0279), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4982. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airspace Actions; Establishment of Class E Airspace: Tupelo, MS; Docket No. 9-ASO-10 (8-26/8-24)” (RIN2120-AA66) (1999-0277), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4983. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airspace Actions; Removal of Class E Airspace: Arlington, TN; Docket No. 99-ASO-16 (8-26/8-24)” (RIN2120-AA66) (1999-0278), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4984. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737-700 and 800 Series Airplanes; Docket No. 99-NM-179 (8-25/8-26)” (RIN2120-AA64) (1999-0316), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4985. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes; Docket No. 99-NM-06 (8-20/8-23)” (RIN2120-AA64) (1999-0311), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4986. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Air Bus Model A319, A320, and A321 Series Airplanes; Docket No. 99-NM-29 (8-223/8-26)” (RIN2120-AA64) (1999-0318), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4987. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; British Aerospace Model B Ae 146 and Model Avro 146-RJ Series Airplanes; Docket No. 97-NM-129 (8-23/8-26)” (RIN2120-AA64) (1999-0317), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4988. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Lockheed Model L-1011 Series Airplanes; Docket No. 98-NM-315 (8-20/8-23)” (RIN2120-AA64) (1999-0315), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4989. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier Model DHC-8 Series Airplanes; Docket No. 99-NM-55 (8-20/8-23)” (RIN2120-AA64) (1999-0312), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4990. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus, Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes; Docket No. 99-CE-10 (8-20/8-23)” (RIN2120-AA64) (1999-0308), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4991. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada, Model 206L, L-1, L-3, and L-4 Helicopters; Docket No. 99-SW-30-AD (8-20/8-23)” (RIN2120-AA64) (1999-0310), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4992. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; MD Helicopters; Model 600N Helicopters; Docket No. 99-SW-16 (8-20/8-23)” (RIN2120-AA64) (1999-0313), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4993. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Allison Engine Company, Inc. AE2100A and AE2100C Series Turboprop Engines; Docket No. 99-NE-14 (8-20/8-23)” (RIN2120-AA64) (1999-0309), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4994. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney PW4000A Series Turbofan Engines; Docket No. 99-NE-22 (8-20/8-23)” (RIN2120-AA64) (1999-0314), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4995. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4996. A communication from the Senior Civilian Official, Command, Control, Communications, and Intelligence, Department of Defense, transmitting, pursuant to law, a report entitled “Plan for Development of an Enhanced Global Positioning System (GPS)”, dated July, 1999; to the Committee on Armed Services.

EC-4997. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the transportation of Chemical Agent Identification Sets (CAIS) from Guam to Johnston Atoll; to the Committee on Armed Services.

EC-4998. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Formula” (Rev. Rul. 99-33), received August 24, 1999; to the Committee on Finance.

EC-4999. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Market Segment Specialization Program Audit Techniques Guide-Placer Mining Industry”, received August 24, 1999; to the Committee on Finance.

EC-5000. A communication from the Chief, Regulations Branch, U.S. Customs service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Accreditation of Commercial Testing Laboratories; Approval of Commercial Gaugers” (RIN1515-AB60), received August 30, 1999; to the Committee on Finance.

EC-5001. A communication from the Chief, Regulations Branch, U.S. Customs service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Textiles and Textile Products; Denial of Entry” (RIN1515-AC49), received August 31, 1999; to the Committee on Finance.

EC-5002. A communication from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, transmitting, pursuant to law, the report of a rule entitled “Trademark Law Treaty Implementation Act Changes” (RIN0651-AB00), received August 31, 1999; to the Committee on the Judiciary.

EC-5003. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions” (FRL #6431-2), received August 31, 1999; to the Committee on Environment and Public Works.

EC-5004. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems” (FRL #6433-1), received August 31, 1999; to the Committee on Environment and Public Works.

EC-5005. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants: Final Endangered Status for 10 Plant Taxa from Maui Nui, Hawaii” (RIN1018-AE22), received August 31, 1999; to the Committee on Environment and Public Works.

EC-5006. A communication from the Assistant General Counsel for Regulations, Office of Post Secondary Education, Department of

Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations-William D. Ford Federal Direct Loan (Direct Loan) Program" (RIN1840–AC68), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5007. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substantial Evidence of Effectiveness of New Animal Drugs" (RIN 0910–AB08), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5008. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids and Sanitizers" (91F–0399), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5009. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (96F–0145), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5010. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (96F–0871), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5011. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings" (STB Ex Parte No. 527 (Sub-No. 2)), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5012. A communication from the Deputy Assistant Administrator, National Ocean Service, Estuarine Reserves Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Register Notice/FY00 National Estuarine Research Reserve Graduate Research Fellowship" (RIN0648–ZA66), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5013. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chelsea Street Bridge Fender System Repair, Chelsea River, MA (CGD01–99–141)" (RIN2115–AA97) (1999–0052), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5014. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Salvage of Sunken Fishing Vessel CAPE FEAR, Buzzards Bay, MA (CGD01–99–145)" (RIN2115–AA97) (1999–0054), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5015. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Decker Wedding Fireworks, Western Long Island Sound, Rye, NY (CGD01–99–149)" (RIN2115–AA97) (1999–0053), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5016. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Staten Island Fireworks, Lower New York Bay and Raritan Bay (CGD01–99–094)" (RIN2115–AA97) (1999–0055), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5017. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hutchinson River, NY (CGD01–99–153)" (RIN2115–AE47) (1999–0039), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5018. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Danvers River, MA (CGD01–99–148)" (RIN2115–AE47) (1999–0037), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5019. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Long Island Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY (CGD01–99–080)" (RIN2115–AE47) (1999–0038), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5020. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Patapsco River, Baltimore, MD (CGD05–99–071)" (RIN2115–AE47) (1999–0034), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5021. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Mears Point Marina and Red Eyes Dock Bar Fireworks Display, Chester River, Kent Narrows, MD (CGD05–99–0701)" (RIN2115–AE467) (1999–00334), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5022. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Measurement System Exemption from Gross Tonnage (USCG–1999–5118)" (RIN2115–AF76), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5023. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Child Restraint Systems; Child Restraint Anchorage Systems; Response to Petitions for Reconsideration; Docket No. NHTSA–99–6160" (RIN2127–AH65), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5024. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Functional Equivalence of Headlight Concealment with European Regulations" (RIN2127–AH18), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5025. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "State Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons; Correction of Effective Date Under the Congressional Review Act" (RIN2127–AH39), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5026. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Location of Rollover Warning Labels; Response to Petitions for Reconsideration" (RIN2127–AH68), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5027. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Qualification of Pipeline Personnel" (RIN2137–AB38), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5028. A communication from the Associate Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Rear Impact Guards and Rear Impact Protection" (RIN2125–AE15), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5029. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Catch Reporting; Determination of State Jurisdiction" (RIN0648–AM81), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5030. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna 1999 Quota and Effort Control Specifications" (RIN0648–AM17), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5031. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Catch Specifications for the Gulf and Atlantic Groups of King and Spanish

Mackerel" (RIN0648-AL80), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5032. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Regulatory Adjustment to Suspend Deadline for Atlantic Tunas Permit Category Changes for 1999 only" (RIN0648-AM69), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5033. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Regulatory Adjustment to Establish a Deadline for Atlantic Tunas Permit Category Changes of June 11 for 1999 only" (RIN0648-AM69), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5034. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Modification of a Closure for Pacific Ocean Perch in the West Yukatat District of the Gulf of Alaska", received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5035. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure for Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska", received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5036. A communication from the Chief Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Bycatch Mortality Allowance in the Bering Sea and Aleutian Islands Management Area", received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5037. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for King Mackerel in the Exclusive Economic Zone in the Western Zone of the Gulf of Mexico", received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5038. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Modification of a Closure (Opens Directed Fishing for Pacific Cod for Inshore Processing in the Central Regulatory Area of the Gulf of Alaska)", received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5039. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Hook-and-Line Gear for Groundfish Except for Sablefish or Demersal Shelf Rockfish in the Gulf of Alaska", received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5040. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commercial Quota Adjustment for 1999 for the Summer State Flounder Quotas", received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5041. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea", received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5042. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Broadcast Television Local Ownership Rules (MM Docket No. 91-221, 87-8)" (RIN3060-AF82) (FCC 99-209), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5043. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Broadcast Television National Ownership Rules (MM Docket NO. 96-222, 87-8)" (RIN3060-AF82) (FCC 99-208), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5044. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Attribution of Broadcast Interests (MM Docket No. 94-150, 92-150, 87-154)" (RIN3060-AF82) (FCC 99-207), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5045. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations; Cedar Key, FL" (MM Docket No. 99-72), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5046. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations; St. Anne and Beaverville, IL" (MM Docket No. 98-64), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5047. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations; Clifton, IL; Lennox, SD; and Sibley, IA" (MM Docket Nos. 98-213; 98-215; and 98-219), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5048. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Memorandum Opinion and Order—Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses; Reexamination of the Policy Statement on Comparative Broadcast Hearings; Proposals to Reform the Commission's Comparative . . . (MM Docket No. 98-234; GC Docket No. 92-52 and Gen. Docket No. 90-264, FCC 99-201)", received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5049. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Communications Assistance for Law Enforcement Act (Report and Order)" (CC Doc. 97-213, FCC 99-11), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5050. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Communications Assistance for Law Enforcement Act (Order on Reconsideration)" (CC Doc. 97-213, FCC 99-184), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5051. A communication from the President of the United States, transmitting, pursuant to Section 2006 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31), a report relative to Operation Allied Force; to the Committee on Foreign Relations.

EC-5052. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to those persons operating directly or indirectly in the United States or any of its territories and possessions that are Communist Chinese military companies; to the Select Committee on Intelligence.

EC-5053. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Electronic Publication of DFARS" (DFARS Case 98-D024), received August 26, 1999; to the Committee on Armed Services.

EC-5054. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Improved Accounting for Defense Contract Services" (DFARS Case 98-D312), received August 26, 1999; to the Committee on Armed Services.

EC-5055. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report of the Bureau of Justice for fiscal year 1999, to the Committee on Governmental Affairs.

EC-5056. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-132, "Closing of Public Alleys in Square 455, S.O. 98-194, Act of 1999"; to the Committee on Governmental Affairs.

EC-5057. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-124, "Moratorium on the Issuance of New Retailer's License Class B Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-5058. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-123, "Condominium Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–5059. A communication from the Director, Office of Personnel Management, transmitting a draft of proposed legislation relative to voluntary separation incentives for Federal agencies; to the Committee on Governmental Affairs.

EC–5060. A communication from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation entitled "Disability and Health Assistance for Immigrants Act of 1999"; to the Committee on Finance.

EC–5061. A communication from the Administrator, Small Business Administration, transmitting a draft of proposed legislation entitled "The U.S. Small Business Administration's 21st Century Workforce Act of 1999"; to the Committee on Small Business.

EC–5062. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation DD; Truth in Savings" (Docket No. R–1003), received September 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5063. A communication from the Acting Deputy General Counsel, Department of the Treasury, transmitting a draft of proposed legislation entitled "U.S. Mint Performance Based Organization Program Act of 1999"; to the Committee on Banking, Housing, and Urban Affairs.

EC–5064. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation relative to medical expenses incurred by the U.S. Park Police and for other purposes; to the Committee on Energy and Natural Resources.

EC–5065. A communication from the Assistant Secretary, Employment Standards Administration, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Industries in American Samoa; Wage Order", received September 3, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5066. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Sector Equal Employment Opportunity" (RIN3046–AA66), received September 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5067. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation entitled "Elderly Nutrition Benefits Act of 1999"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5068. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances" (FRL #6380–7), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5069. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Horses from Morocco; Change in Disease Status" (Docket No. 98–055–2), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5070. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate" (Docket No. FV99–924–1 FR), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5071. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the New England and Other Marketing Areas; Order Amending the Orders" (DA–97–12), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5072. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interim Rule: Flood Compensation Program" (RIN0560–AF57), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5073. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interim Rule: Small Hog Operation Payment Program" (RIN0560–AF70), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5074. A communication from the Director, Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Agreement with the State of Ohio", received September 2, 1999; to the Committee on Environment and Public Works.

EC–5075. A communication from the Director, Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Changes to Requirements for Environmental Review of Nuclear Power Plant Operating Licenses (10 CFR Part 51)" (150–AG05), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5076. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Maryland; Control of Emissions from Existing Municipal Solid Waste Landfills" (FRL #6433–7), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5077. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee; Approval of Revisions to the Tennessee State Implementation Plan" (FRL #6433–4), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5078. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Amended Certification of Compliance and Determination that the States of Vermont and West Virginia Meet Federal Falconry Standards" (RIN1018–AE65), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5079. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to activities of the Commercial Space Transportation Program for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–5080. A communication from the Assistant Bureau Chief, Management, International Bureau-Telecom, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of International Settlement Rates" (IB Docket No. 96–261) (FCC 99–124), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5081. A communication from the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Removal, Revision, and Redesignation of Miscellaneous Regulations" (STB—) to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–309. A resolution adopted by the Senate of the Legislature of the State of California relative to Social Security; to the Committee on Finance.

SENATE RESOLUTION NO. 15

Whereas, For 60 years social security has provided a stable platform of retirement, disability, and survivor annuity benefits to protect working Americans and their dependents; and

Whereas, The American and world economies continue to encounter periods of high uncertainty and volatility that make it as important as ever to preserve a basic and continuous safety net of protections guaranteed by our society's largest repository of risk, the federal government; and

Whereas, Social security affords protections to rich and poor alike. No citizen, no matter how well off today, can say that tomorrow's adversities will not create future dependency; and

Whereas, Average life expectancies are increasing greatly and people are commonly living into their 80's and 90's, making it more important than ever that each of us be fully protected by defined retirement benefits; and

Whereas, Medical scientists are daily discovering more creative ways to preserve the lives of the profoundly disabled, thus making it more important than ever that each of us be protected against the risks of our own dependency, against the risk of becoming a burden to relatives, and against the risk of succumbing to a disability unrelated to the duration of life; and

Whereas, The lives of wage earners and their spouses are seldom coterminous. One spouse often outlives the other by decades, making it crucial to preserve a secure base of protection for family members dependent on a wage earner who may die or become disabled; and

Whereas, The children of working Americans require protection against the untimely death or disability of their wage-earning parents, contingencies that are too often uncovered by working Americans and their employers; and

Whereas, The costs of administering social security are less than 1 percent of the benefits delivered; and

Whereas, The single purpose of social security is to provide a strong, simple, and efficient form of basic insurance against the adversities of old age, disability, and dependency; and

Whereas, Social security was founded on the sanctity of work and the preservation of family integrity in the face of death or disability; and

Whereas, Social security, in current form, reinforces family cohesiveness and enhances the value of work in our society; and

Whereas, Congress currently has proposals to shift a portion of social security contributions from insurance to personal investment accounts for each wage earner; and

Whereas, Social security, our largest and most fundamental insurance system, should not be splintered into individualized stock accounts. Social security cannot fulfill its protective function if it must also create and manage millions of small risk-bearing investments out of a stream of contributions intended as insurance. Private accounts cannot be substituted for social security without eroding basic protections for working families. For these protections to be strong, they must be insulated from economic uncertainty and be backed by the entity best capable of spreading risk, the American government; and

Whereas, The diversion of contributions to private investment accounts would dramatically increase financial shortfalls to the social security trust fund and require major reductions in the defined benefits upon which millions of Americans depend. To administer 150,000,000 separate investment accounts would create an ever proliferating bureaucracy. The resulting expense and the cost of converting each account to an annuity upon retirement would consume much of the profit, or exacerbate the loss, realized by each participant; and

Whereas, It is an entirely different question whether part of the social security trust fund should be diversified into investments other than government bonds. For the fund to invest collectively in a broad selection of equities and private bonds may well increase returns over time and thus enhance the capacity of the fund to meet its obligations to pay benefits as presently defined. The central management for those investments would be a minor expense compared to the staggering cost of overseeing millions of splintered accounts. Central investment also preserves the spreading of risk across the entire spectrum of social security participants. Individualized accounts, by contrast, would create an array of winners and losers, thus converting part of our retirement system into a national lottery. Those who become disabled, those who must retire early, and dependents with the earliest and greatest need would receive the least in return. The system would be perversely contrary to basic principles of insurance and risk distribution; and

Whereas, Diverting social security contributions to private accounts is redundant to existing programs. Through amendments to the Internal Revenue Code of 1986, Congress has created a full menu of provisions by which working Americans and their employers may contribute by choice to tax-sheltered accounts that are open to the opportunities and exposed fully to the risks of our speculative and vigorous investment markets. One-half of American families are already covered by these recently created systems; now, therefore be it

Resolved by the Senate of the State of California, That the federal government is respectfully requested to take appropriate steps to encourage workers and their employers to save or invest for retirement to supplement the basic benefits of the Social Security Program, but not as a substitute for the core protections that are vital to American working families; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM–310. A concurrent resolution adopted by the Legislature of the State of California relative to Domestic Violence Awareness Month; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, Home should be a place of warmth, unconditional love, tranquility, and security; however, for many Americans, home is tainted with violence and fear; and

Whereas, Domestic violence is much more than the occasional family dispute; and

Whereas, According to the United States Department of Health and Human Services, domestic violence is the single largest cause of injury to American women, affecting 6,000,000 women of all racial, cultural, and economic backgrounds; and

Whereas, According to data published by the California Department of Justice in 1996, 624 incidents of domestic violence were reported, on average, every day in California. According to the American Psychological Association, nearly one in three adult women are physically assaulted by a partner during adulthood; and

Whereas, According to the United States Department of Labor, 1,000,000 people are assaulted and injured every year as a result of workplace violence, 1,000 people are killed every year due to workplace violence, and 30 percent of battered women lose their jobs due to harassment at work by abusive husbands or boyfriends; and

Whereas, More than one-half of the number of women in need of shelter from an abusive environment may be turned away from a shelter due to lack of space; and

Whereas, Women are not the only targets of domestic violence; young children, elderly persons, and men are also victims in their own homes; and

Whereas, Emotional scars are often permanent; and

Whereas, A coalition of organizations has emerged to confront this crisis directly. Law enforcement agencies, domestic violence hotlines, battered women and children's shelters, health care providers, churches, and the volunteers that serve those entities are helping the effort to end domestic violence; and

Whereas, It is important to recognize the compassion and dedication of the individuals involved in that effort, applaud their commitment, and increase public understanding of this significant problem; and

Whereas, The first Day of Unity was celebrated in October 1981 and was sponsored by the National Coalition Against Domestic Violence for the purpose of uniting battered women's advocates across the nation in an effort to end domestic violence; and

Whereas, That one day has grown into a month of activities at all levels of government, aimed at creating awareness about the problem and presenting solutions; and

Whereas, The first Domestic Violence Awareness Month was proclaimed in October 1987; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby proclaims the month of October 1999, as Domestic Violence Awareness Month; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, the Governor of the State of California, the Director of the United States Department of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.

POM–311. A joint resolution adopted by the Legislature of the State of California relative to Medicare; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 1

Whereas, Many health maintenance organizations (HMOs) have thrown the Medicare system into a state of turmoil by withdrawing coverage of Medicare enrollees at the end of 1998; and

Whereas, Thousands of HMO patients in California are now in a state of panic and confusion regarding their future ability to access health care services, including pharmacy benefits, at a reasonable cost; and

Whereas, In California, 39 percent of Medicare enrollees, or approximately 1.5 million patients, are served by HMOs, more than double the national average; and

Whereas, In recent years, HMOs have aggressively and successfully recruited the elderly into their Medicare health plans with promises to provide more benefits than standard fee-for-service Medicare coverage, including allowances for prescription drugs, hearing aids, and eyeglasses; and

Whereas, Each year HMOs participating in the Medicare managed care program are required to notify the federal Health Care Financing Administration (HCFA) whether they will renew their contracts for the following year; and

Whereas, This year, numerous HMOs have notified HCFA that they will not renew their contracts for next year, or will reduce the areas that they currently serve, with these withdrawals and service area reductions adversely affecting more than 400,000 beneficiaries across the nation, and over 40,000 Medicare patients in California; and

Whereas, The Inspector General of the United States Department of Health and Human Services has discovered that HMOs have been receiving more than $1 billion annually in overpayments from the Medicare Trust Fund, because HMOs are inflating administration costs dedicated to marketing, executive salaries and fringe benefits, legal fees, and other overhead costs; and

Whereas, The Inspector general has recommended that these funds be recovered from HMOs and dedicated to providing Medicare beneficiaries with added health benefits, including prescription drugs; and

Whereas, Many Medicare patients not served by HMOs purchase Medicare supplement insurance, also known as Medigap coverage, which fills in the gaps in Medicare coverage and offers patients the most flexibility in choosing doctors and hospitals, and premiums for Medigap insurance have increased, on average, 35 percent since 1994; and

Whereas, Under the federal Balanced Budget Act of 1997, seniors enrolled in a Medicare HMO that terminates its services are eligible to purchase specified Medigap insurance coverage, regardless of their health status, but the last day to take advantage of this guaranteed access is March 4, 1999; and

Whereas, Disabled individuals who qualify for Medicare, but are younger than 65 years of age, are not guaranteed access to Medigap coverage under a federal interpretation of federal law, and will need special assistance to secure health care services after they are abandoned by their HMOs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the Federal Government to take immediate and appropriate steps to ensure that persons abandoned by Medicare HMOs have access to other HMO or Medigap policies that cover prescription drugs and to establish stopgap measures to ensure that HMOs do not further restrict coverage areas or benefits until the larger issue of the Medicare HMO payment mechanism is further examined or refined; and be in further

Resolved, That the Legislature respectfully memorializes the Federal Government to rescind its determination that disabled persons under 65 years of age enrolled in HMOs do not have the same guaranteed rights to Medigap policies as all other Medicare enrollees; and be it further

Resolved, That the Legislature respectfully memorializes the President of the United States to issue an Executive order directing his administration to work closely and coordinate with California and other states to guide and assist Medicare enrollees who are abandoned by their HMOs to find new Medicare coverage, either in the form of another HMO that serves the abandoned region, or through Medigap coverage, until appropriate federal legislation is enacted to address permanently these types of dislocations that adversely affect Medicare patients; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the majority leader of the Senate, each Senator and Representative from California in the Congress of the United States, and Secretary of Health and Human Services, and the Administrator of the Health Care Financing Administration.

POM-312. A joint resolution adopted by the Legislature of the State or California relative to the U.S. Coast Guard Training Facility (TRACEN) Petaluma; to the Committee on Commerce, Science, and Transportation.

SENTE JOINT RESOLUTION NO. 3

Whereas, The United States Coast Guard is presently assessing its training structure for cost-effectiveness and is considering consolidating or closing one or two of its five training centers including the United States Coast Guard Training Center (TRACEN) Petaluma in the rural community of Two Rock, California; and

Whereas, TRACEN Petaluma is the only Coast Guard training facility on the west coast, while the Coast Guard maintains four other training centers on the eastern seaboard; and

Whereas, In the case of a prolonged national emergency, a Coast Guard training facility on the west coast has both logistic and strategic value to the service's two-ocean mission and to national security; and

Whereas, The mild California coastal climate makes it possible for TRACEN Petaluma to conduct outdoor exercises year round; and

Whereas, The Coast Guard has invested more than $50 million in TRACEN Petaluma since its inception, including $29 million to construct a state-of-the-art electronics and telecommunications training facility; and

Whereas, The rural community of Two Rock is dependent on TRACEN Petaluma for the continued existence of its neighborhood school and for fire and emergency services; and

Whereas, TRACEN Petaluma contributes $24.9 million annually to the North Bay economy in an areas that has been severely impacted by military base closures; and

Whereas, The closings of veterans hospitals in California have increased the dependence of retired military on the health services available at the TRACEN Petaluma medical facility; and

Whereas, TRACEN Petaluma also houses essential non-Coast Guard training activities for police, fire, and emergency personnel and rangers employed by local, state, and federal agencies operating throughout the region; and

Whereas, These entities have no other place to continue their training activities in the near future; and

Whereas, TRACEN Petaluma has a tradition of excellence recognized by the Coast Guard, a well-earned reputation for community involvement, and a legacy of environmental stewardship;

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature believes the continued operation of the United States Coast Guard Training Center (TRACEN) Petaluma is beneficial to the critical public safety and national security mission of the United States Coast Guard, and to the people and economy of California; and be it further

Resolved, That the Legislature respectfully memorializes the President and the Congress of the United States, and the United States Coast Guard to continue the operation of the United States Coast Guard Training Facility (TRACEN) Petaluma through increased utilization of its facilities and more efficient use of the Coast Guard's east coast facilities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and each Senator and Representative from California in the Congress of the United States, and to the United States Coast Guard.

POM-313. A joint resolution adopted by the Legislature of the State of California relative to human rights; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 4

Whereas, The legacy of war in Afghanistan has had a devastating impact on the civilian population; and

Whereas, The warring factions in Afghanistan have routinely violated the rights of women and girls; and

Whereas, There has been a marked increase in human rights violations against women and girls since the Taliban militia seized the City of Kabul in September 1996; and

Whereas, Afghan women are now forbidden to work outside of the home. Prior to the Taliban takeover, women worked outside of the home in various professions; and

Whereas, Seventy percent of school teachers, 50 percent of civilian government workers, and 40 percent of doctors in Kabul were women; and

Whereas, Afghan girls and women are prohibited from attending schools and universities. Before the takeover, 50 percent of the students in Afghanistan were women; and

Whereas, Afghan women are forbidden from appearing outside the home unless accompanied by a close male relative; and

Whereas, Access to health care has been denied to the majority of Afghan women and girls. This is a result of prohibiting male doctors from examining women, prohibiting women doctors from practicing, and limiting the health facilities available to women; and

Whereas, Afghan women are required to be covered from head to toe in a shroud, with only a narrow mesh opening through which to see, when they leave their homes. Likewise, they are not allowed to wear shoes that make any noise when they walk; and

Whereas, Homes and other buildings in which Afghan women or girls might be present must have their windows painted so no female can be seen from outside; and

Whereas, Afghan women have been whipped, beaten, shot at, and, a times, killed for not adhering to these restrictions; and

Whereas, The Secretary of State of the United States, the United Nations, and the Physicians for Human Rights have reported that the Taliban's targeting of women and girls for discrimination and abuse has created a health and humanitarian disaster; and

Whereas, The International Red Cross and the United Nations estimate that more than 500,000 people in the City of Kabul, approximately two-thirds of the residents of that city, depend on international aid to survive; and

Whereas, Afghanistan recognizes international human rights conventions such as the Covenant on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the International Covenant on Economic, Social, and Cultural Rights, all of which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender; and

Whereas, Denying women and girls the right to education, employment, access to adequate health care, and direct access to humanitarian aid runs counter to international human rights conventions; and

Whereas, Peace and security in Afghanistan can only be realized with the full restoration for all human rights and fundamental freedom, the voluntary repatriation of refugees to their homeland in safety and dignity, and the reconstruction of Afghanistan; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President of the United States and Congress to take the necessary action to ensure the rights of women and girls in Afghanistan are not systematically violated, and urges a peaceful resolution to the situation in Afghanistan that restores the human rights of Afghan women and girls; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of State of the United States, to the President of the United States, and to the Secretary General of the United Nations.

POM-314. A joint resolution adopted by the Legislature of the State of California relative to the main San Gabriel groundwater basin; to the Committee on Appropriations.

SENATE JOINT RESOLUTION NO. 8

Whereas, The Main San Gabriel Groundwater Basin is the principal source of drinking water for approximately 1.4 million people who live in southern California; and

Whereas, The economy of the San Gabriel Valley is dependent upon the availability of a safe, reliable source of water for the residents and businesses in the region; and

Whereas, The groundwater supply in the Main San Gabriel Groundwater Basin is contaminated by both volatile organic compounds and inorganic chemicals, including perchlorate, that can be dangerous to human health, and

Whereas, The presence of perchlorate contamination is directly associated with the production of solid rocket fuels and explosives related to the defense and national security of the United States of America; and

Whereas, The contaminated groundwater in the Main San Gabriel Groundwater Basin is now spreading toward Los Angeles County's Central Groundwater Basin; and

Whereas, The spreading of contaminated groundwater into the massive Central Groundwater Basin will adversely affect the drinking water of over half of Los Angeles County; and

Whereas, The health and economy of the entire southern California region may be devastated by the continued presence and possible spreading of contaminated groundwater; and

Whereas, Perchlorate contamination of drinking water is a serious health-related problem in other areas of the United States outside southern California; and

Whereas, The application of treatment technology in the Main San Gabriel Groundwater Basin may be used as a model for areas in the United States with similar contamination problems; and

Whereas, All stakeholders affected by the contaminated groundwater have joined together to support a comprehensive plan to treat the contaminated groundwater and reclaim the Main San Gabriel Groundwater Basin for the storage of a safe, reliable drinking water source; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President, to the Speaker of the House of Representatives, the majority leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM-315. A joint resolution adopted by the Legislature of the State of California relative to an Orange County commissary; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 9

Whereas, The federal military base realignment and closure (BRAC) process will lead to the closing of the United States Marine Corps Air Station (MCAS) at El Toro, California, in June 1999, and the impending closure of its commissary in September 2000; and

Whereas, Over 1,000 active duty military personnel from all services will remain in the vicinity of MCAS at El Toro after the base closes; and

Whereas, Over 120,000 military retirees reside in the Orange County vicinity of MCAS at El Toro and are active customers of the commissary located there; and

Whereas, The active duty military personnel, members of the National Guard and reserves, and military retirees presently entitled to commissary privileges at MCAS at El Toro will suffer from a decreased quality of life and increased financial burdens if the commissary is closed; and

Whereas, The closure of the commissary will eliminate over 100 jobs; and

Whereas, The closest alternative commissaries are: March Air Force Base, Riverside, approximately 90 miles round-trip from El Toro; Camp Pendleton, United States Marine Corps, Oceanside, approximately 110 miles round-trip from El Toro; and Los Angeles Air Force Base, El Segundo, approximately 80 miles round-trip from El Toro; and

Whereas, These alternative locations pose a substantial hardship by requiring travel from one to two hours to use these facilities; and

Whereas, Four other bases in the State of California, March Air Force Base, Fort Ord, the Presidio of San Francisco, and McClellan Air Force Base, have been closed, but their exchange and commissary facilities have remained open; and

Whereas, United States Senators, Barbara Boxer and Dianne Feinstein; United States Representatives, Christopher Cox, Gary Miller, Ed Royce, and Loretta Sanchez; State Senators, Joe Dunn, Ross Johnson, John Lewis, and Bill Morrow; Assembly Members, Dick Ackerman, Pat Bates, Scott Baugh, Marilyn Brewer, Bill Campbell, Lou Correa, and Ken Maddox; and the Orange County Board of Supervisors, as the Local Redevelopment Authority (LRA), whose members are Cynthia Coad, James Silva, Charles Smith, Todd Spitzer, and Thomas Wilson, all support the continued operation of the commissary after base closure and have so petitioned the United States Secretary of Defense; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and Congress of the United States, the Secretary of Defense, the Chairpersons of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Marine Commandant to take immediate action to authorize the continued operation of a commissary in Orange County after the closure of the United States Marine Corps Air Station at El Toro; and be it further.

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, each Senator and Representative from California in the Congress of the United States, the Secretary of Defense, the Chairperson of the Joint Chiefs of Staff, the Chief of Naval Operations, the Marine Commandant, and the Commissary Operating Board.

POM-316. A joint resolution adopted by the Legislature of the State of California relative to the Older Americans Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 10

Whereas, the federal Older Americans Act of 1965 (42 U.S.C. Sec. 3001 et seq.) expired in October 1995, although funding for its programs has been authorized since that date on an annual basis; and

Whereas, The congressional appropriations staff continue to stress the tight spending caps on discretionary programs imposed by the Balanced Budget Act of 1997 (Public Law 105–33); and

Whereas, A substantial number of seniors living in the State of California will be at risk if there are significant reductions in allocated funds for Older Americans Act programs; and

Whereas, Further delay in the reauthorization of the federal Older Americans Act of 1965 will erode the capacity of the act's various structures to deliver services to meet the needs of older Americans; and

Whereas, The federal Older Americans Act of 1965 should immediately be reauthorized to preserve the aging network's role in home- and community-based services, maintain the advocacy and consumer directed focus on the act, and give area agencies on aging increased flexibility in planning and delivering services to vulnerable older Americans; and

Whereas, the federal Older Americans Act of 1965 should be funded in the same manner in which the act has been funded for the past 33 years; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation that would reauthorize the federal Older Americans Act of 1965 without further delay; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-317. A joint resolution adopted by the Legislature of the State of California relative to housing; to the Committee on Banking, Housing, and Urban Affairs.

SENATE JOINT RESOLUTION NO. 12

Whereas, There are 240,000 people in California residing in federally assisted project-based Section 8 housing units. Forty-four percent of Section 8 residents are elderly, and the median income of Section 8 residents is $9,300. Without Section 8 and comparable assistance, many of these households will become homeless; and

Whereas, The Department of Housing and Urban Development (HUD) has typically provided all capital and operating subsidies for public housing. In 1974 Congress created the new housing production program known as the Section 8 New Construction and Substantial Rehabilitation Program, under which HUD typically provided a 20-year commitment for rental subsidies that assured owners a specified level of rental income; and

Whereas, Property owners may convert their properties to market-based housing when their Section 8 contracts expire with HUD. Dramatic rent increases occurring in a number of housing markets in this state have already inspired many property owners to opt out of Section 8 subsidies, thus eliminating vast resources for low-income housing and potentially increasing levels of homelessness throughout the state. In California, owners of approximately 10,500 formerly affordable HUD units have converted to market rate use in the past two years; and

Whereas, Every county in California has buildings with project-based Section 8 units, and will be severely affected by the loss of affordable units. The largest concentrations are in Los Angeles County, the San Francisco Bay Area, San Diego, and Sacramento; and

Whereas, Recent federal housing policy and budget decisions have led to uncertainty over the current federally assisted housing inventory in California. Those decisions will place increasing demands on the financial and administrative resources of the state to maintain that housing inventory; and

Whereas, The federal fiscal year 1999 budget provides insufficient funding to preserve most of the below market housing stock; and

Whereas, The federal fiscal year 2000 budget will need $1.3 billion in additional budget authority to fund all contract extensions on current Section 8 projects. HUD's initiative to provide $100 million to increase contract rents at below market properties was rejected by the Office of Management and Budget; now, therefore; be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States and the Department of Housing and Urban Development to establish policies and funding priorities that will ensure the preservation of the inventory of federally assisted housing in California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Department of Housing and Urban Development.

POM-318. A joint resolution adopted by the Legislature of the State of California relative to former military base property; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 13

Whereas, The President of the United States and the Secretary of Defense have announced that they will ask Congress for the authority to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development; and

Whereas, These no-cost economic development conveyances would minimize time-consuming property appraisals and negotiations, thereby speeding property transfers and reuse of these properties, and reducing the Department of Defense's costs to maintain and operate excess property; and

Whereas, The Department of Defense is organizing a base-reuse "Red Team" to develop plans to implement the new economic development conveyances, with an emphasis on a rapid and smooth transition of property to productive reuse; and

Whereas, Proposed federal legislation would forgive lease payments for communities that have already entered into agreements with the Department of Defense, including communities in California; and

Whereas, This proposed legislation would benefit the State of California, which suffered disproportionately, compared to other states, by base closures in 1988, 1991, 1993, and 1995; and

Whereas, California shouldered 60 percent of the net cuts in military personnel as a result of those base closures, despite the fact that the state had just 15 percent of military personnel before the cuts began; and

Whereas, California suffered the closure or realignment of 29 bases, losing more than 186,000 jobs and almost $9.6 billion in economic activity; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes Congress and the President of the United States to enact legislation to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development, and to forgive lease payments for communities that have already entered into agreements with the Department of Defense; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

POM-319. A joint resolution adopted by the Legislature of the State of California relative to Filipino veterans' benefits; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION NO. 6

Whereas, The Philippine Islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War and remained a possession of the United States until 1946; and

Whereas, In 1934, Congress passed Public Law 73–127, the Philippine Independence Act, that set a 10-year timetable for the eventual independence of the Philippines and in the interim established a Commonwealth of the Philippines with certain powers over its internal affairs; and

Whereas, The granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1942 to 1945; and

Whereas, During the interval between 1934 and the final independence in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

Whereas, President Roosevelt invoked this authority by Executive order of July 26, 1941, bringing the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

Whereas, Two hundred thousand Filipino soldiers, driven by a sense of honor and dignity, battled under United States Command after 1941 to preserve our liberty; and

Whereas, Filipino gallantly served at Bataan and Corregidor, giving their toil, blood, and lives so as to provide the United States valuable time to rearm materiel and men to launch the counteroffensive in the Pacific war; and

Whereas, There are four groups of Filipino nationals who are entitled to all or some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.

(2) Regular Philippine Scouts, called "Old Scouts," who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945.

(3) Special Philippine Scouts, called "New Scouts," who enlisted in the United States Armed Forces between October 6, 1945, and June 30, 1947, primarily to perform occupation duty in the Pacific following World War II.

(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Army; and

Whereas, The first two groups, Filipinos who served in the regular components of the United States Army and Old Scouts, are considered United States veterans and are generally entitled to the full range of United States veterans' benefits; and

Whereas, The other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain benefits, and some of these benefits are paid at lower than full rates. United States veterans' medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

Whereas, The Old Scouts were created in 1901 pursuant to the act of February 2, 1901, that authorized the President of the United States "to enlist natives [of the Philippines] . . . for service in the Army, to be organized as scouts . . . or as troops or companies, as authorized by this Act, for the regular Army"; and

Whereas, Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a combat-ready force to defend the Philippine Islands against foreign invasion; and

Whereas, During the war, they participated in the defense and retaking of the islands from Japanese occupation. The eligibility of Old Scouts for benefits based on military service in the United States Armed Forces, including veterans' benefits, has long been established; and

Whereas, The United States Department of Veterans Affairs operates a comprehensive program of veterans' benefits in the Republic of the Philippines, including the operation of a United States Department of Veterans Affairs office in Manila; and

Whereas, The United States Department of Veterans Affairs does not operate a program of this type in any other country; and

Whereas, The program in the Philippines evolved because the Philippines were a United States possession during the period 1898–1946, and many Filipinos have served in the United States Armed Forces, and because the preindependence Commonwealth Army of the Philippines was called into the service of the United States Armed Forces during World War II (1941–1945); and

Whereas, Our nation, however, has failed to meet the promise made to those Filipino soldiers who fought as American soldiers during World War II; and

Whereas, Many Filipino veterans have been discriminated against by the classification of their service as not being service rendered in the United States Armed Forces for purposes of benefits from the United States Department of Veterans Affairs; and

Whereas, All other nationals, even foreigners, who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos who actually were American nationals at that time were and are still denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

Whereas, On October 20, 1996, President Clinton issued a proclamation honoring the nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside Allied Forces for four long years to defend and reclaim the Philippine Islands, and thousands more who joined the United States Armed Forces after the war; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take action necessary to honor our country's moral obligation to provide Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans' benefits to Filipino veterans of the United States Armed Forces; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–320. A joint resolution adopted by the Legislature of the State of California relative to the safe return of prisoners of war captured by Yugoslav armed forces in Macedonia; to the Committee on Foreign Relations.

Senate Joint Resolution No. 11

Whereas, California stands behind our armed forces whenever soldiers are in harm's way in the name of freedom and liberty; and

Whereas, Many valiant Californians join the United States Armed Forces to uphold freedom and liberty throughout the world; and

Whereas, One such brave individual, Staff Sergeant Andrew A. Ramirez, exemplifies the best qualities of California's commitment to freedom and liberty; and

Whereas, Staff Sergeant Andrew A. Ramirez was taken prisoner by Yugoslav Armed Forces while he, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales were on a peace mission in Macedonia; and

Whereas, Staff Sergeant Andrew A. Ramirez originates from East Los Angeles in the 24th Senate District; and

Whereas, Staff Sergeant Andrew A. Ramirez joined the United States Army in July 1992 and is a cavalry scout in B Troop of the Fourth Cavalry of the First Infantry Division who was stationed in Schweinfurt, Germany, prior to deployment in Macedonia; and

Whereas, Communities in California and especially East Los Angeles anxiously await the safe release of Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales captured by the Yugoslav Armed Forces; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California commend Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales for courageously executing their duties as members of the United States Armed Forces; and be it further

Resolved, That the Legislature respectfully urges the President of the United States and the United States Congress to do all that is within their power to secure and expedite the safe return of Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales captured by the Yugoslav Armed Forces in Macedonia; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–321. A joint resolution adopted by the Legislature of the State of Colorado relative to the Federal Unified Gift and Estate Tax; to the Committee on Finance.

Senate Joint Memorial 99–004

Whereas, The Federal Unified Gift and Estate Tax, or "Death Tax", generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance and in fact has been shown to decrease federal revenues from what they might otherwise have been; and

Whereas, This federal Death Tax has been identified as destructive to job opportunity and expansion, especially to minority entrepreneurs and family farmers; and

Whereas, This federal Death Tax causes severe hardship to growing family businesses and family farming operations, often to the point of partial or complete forced liquidation; and

Whereas, Critical state and local leadership assets are unnecessarily destroyed and forever lost to the future detriment of their communities through relocation or liquidation; and

Whereas, Local and state schools, churches, and numerous charitable organizations would greatly benefit from the increased employment and continued family business leadership that would result from the repeal of the federal Death Tax; now, therefore,

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to immediately repeal the Federal Unified Gift and Estate Tax.

Be It Further Resolved, That copies of this Joint Memorial be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Colorado congressional delegation.

POM–322. A concurrent resolution adopted by the Legislature of the State of Texas relative to McGregor Range, Fort Bliss, TX; to the Committee on Energy and Natural Resources.

House Concurrent Resolution No. 133

Whereas, Future military threats to the United States and its allies may come from technologically advanced rogue states that for the first time are armed with long-range missiles capable of delivering nuclear, chemical, or biological weapons to an increasingly wider range of countries; and

Whereas, The U.S. military strategy requires flexible and strong armed forces that are well-trained, well-equipped, and ready to defend our nation's interests against these devastating weapons of mass destruction; and

Whereas, Previous rounds of military base closures combined with the realignment of the Department of the Army force structure has established Fort Bliss as the Army's Air Defense Artillery Center of Excellence, thus making McGregor Range, which is a part of Fort Bliss, the nation's principal training facility for air defense systems; and

Wheares, McGregor Range is inextricably linked to the advanced missile defense testing network that includes Fort Bliss and the White Sands Missile Range, providing, verifying, and maintaining the highest level of missile defense testing for the Patriot, Avenger, Stinger, and other advanced missile defense systems; and

Whereas, The McGregor Range comprises more than half of the Fort Bliss installation land area, and the range and its restricted airspace in conjunction with the White Sands Missile Range, is crucial to the development and testing of the Army Tactical Missile System and the Theater High Altitude Area Defense System; and

Whereas, The high quality and unique training capabilities of the McGregor Range allow the verification of our military readiness in air-to-ground combat, including the Army's only opportunity to test the Patriot missile in live fire, tactical scenarios, as well as execute the "Roving Sands" joint training exercises held annually at Fort Bliss; and

Whereas, The Military Lands Withdrawal Act of 1986 requires that the withdrawal from public use of all military land governed by the Army, including McGregor Range, must be terminated on November 6, 2001, unless such withdrawal is renewed by an Act of Congress: now, therefore be it

Resolved, That the 76th Legislature of the State of Texas hereby support the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from public use of the McGregor Range land beyond 2001, and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–323. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Texas Gulf Coast; to the Committee on Energy and Natural Resources.

House Concurrent Resolution

Whereas, One of Texas' richest and most diverse areas is that of the Gulf Coast; the Coastal Bend abounds with treasures for all, and every year thousands of visitors flock to its beaches and wetlands to enjoy the sun, fish the waters, appreciate its unique scenery and wildlife, and bolster their spirits simply by being near such awe-inspiring beauty; and

Whereas, In addition to $7 billion per year generated by coastal tourism, the area is also home to half of the nation's petrochemical industry and over a quarter of its petroleum refining capacity; and

Whereas, Coastal tourism, the petrochemical and petroleum industries, a robust commercial and recreational fishing trade, and significant agricultural production make this region a vital economic and natural resource for both the state and the nation; and

Whereas, Like other coastal states located near offshore drilling activities, Texas provides workers, equipment, and ports of entry for oil and natural gas mined offshore; while these states derive numerous benefits from the offshore drilling industry, they also face great risks, such as coastline degradation and spill disasters, as well as the loss of nonrenewable natural resources; and

Whereas, Although state and local authorities have worked diligently to conserve and protect coastal resources, securing the funds needed to maintain air and water quality and to ensure the existence of healthy wetlands and beaches and protection of wildlife is a constant challenge; and

Whereas, The federal Land and Water Conservation fund was established by Congress in 1964 and has been one of the most successful and far-reaching pieces of conservation and recreation legislation, using as its funding source the revenues from oil and gas activity on the Outer Continental Shelf; and

Whereas, The game and nongame wildlife resources of this state are a vital natural resource and provide enjoyment and other benefits for current and future generations; and

Whereas, The federal government has received more than $120 billion in offshore drilling revenue during the past 43 years, only five percent of which has been allotted to the states; it is fair and just that Texas and other coastal states should receive a dedicated share of the revenue they help generate; and

Whereas, Several bills are currently before the United States Congress that would allocate a portion of federal offshore drilling royalties to coastal states and local communities for wildlife protection, conservation, and coastal impact projects; and

Whereas, States and local communities know best how to allocate resources to address their needs, and block grants will provide the best means for distributing funds; and

Whereas, These funds would help support the recipients' efforts to renew and maintain their beaches, wetlands, urban waterfronts, parks, public harbors and fishing piers, and other elements of coastal infrastructure that are vital to the quality of life and economic and environmental well-being of these states and local communities; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to pass legislation embodying these principles; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–324. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Kerrville Veterans Administration Medical Center; to the Committee on Veteran's Affairs.

HOUSE CONCURRENT RESOLUTION NO. 112

Whereas, the Kerrville Veterans Administration Medical Center, which consistently ranks high among Texas-based veterans' hospitals, is a "veteran-friendly" facility offering the very best of medical care and an outstanding corps of affiliated physicians, nurses, and support personnel; and

Whereas, it is a valuable regional resource and a comfort to the many thousands of military retirees who have settled in the Texas Hill Country both for the allure of those environs and the close proximity in their older age to the expertise of highly qualified health practitioners; and

Whereas, the Kerrville institution has a long and successful history; begun in 1919, it opened its doors two years later after fundraising by the American Legion and appropriations from the 37th Legislature; the federal government bought the facility from the state in 1926, eventually to incorporate it within the Veterans Affairs Medical Center System; and

Whereas, over the last 10 years, the U.S. Department of Veterans Affairs has spent almost $20 million upgrading the center, installing the most modern equipment and enhancing its ability to treat and attend our veterans in a manner reciprocating their service in behalf of this nation; and

Whereas, absent a policy reversal, the center will be phased out for extended hospital care by May 1999, and will keep intensive care patients for only 24 hours before transferring them to another Department of Veterans Affairs medical center in San Antonio or, if that is full, to private hospitals in the Bexar County area; and

Whereas, given the investment in and improvements to the center in the past decade, these diminutions of service seem both a waste of money and federal resources and a creation of geographic inconvenience for veterans in Kerr County and surrounding communities;

Whereas, the continued vitality of the Kerrville Veterans Administration Medical Center as a first-class hospital is an issue of importance not only to the people of Kerrville and the Hill Country region but also to Texas generally because of its strategic role in meeting the health needs of the citizens of this state; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully request the Congress of the United States to ensure the future of the Kerrville Veterans Administration Medical Center by providing that it be fully funded, staffed, and utilized, and by restoring and promoting the health rights and benefits of the Texas veterans who are its prospective patrons; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–325. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Social Security Trust Fund; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 249

Whereas, by 2032, the federal Social Security Trust Fund will likely be unable to meet its obligations, and comprehensive reform is necessary to ensure its viability both for present and future beneficiaries; and

Whereas, legislation on the subject is anticipated in the 106th Congress, and with the Federal Government searching for avenues to restore solvency to the failing fund, attention has turned to the option of mandated coverage for newly hired employees of previously noncovered state and local governments; and

Whereas, such governments were initially excluded from Social Security participation when the system was established in 1935, as it was considered unconstitutional for the Federal Government to tax counterpart governments at the state and local levels; and

Whereas, consequently, Texas state and local governments established independent retirement plans to meet the needs of their employees, and local government participation in Social Security remains optional, although state employees are now covered by both Social Security and state retirement plans; and

Whereas, mandating coverage on newly hired employees of previously noncovered governments, according to the Social Security Advisory Council, would extend the solvency of the Social Security Trust Fund by a mere two years; and

Whereas, such mandated coverage would result in a tax increase of 6.2 percent each for local government employees and local government employers, for a combined tax increase of 12.4 percent; and

Whereas, there currently are over 562,000 noncovered public employees in Texas, including public school teachers and administrators, public safety officers, and large numbers of city, county, and special district employees; and

Whereas, estimates prepared by the Texas Association of Public Employees Retirement Systems project a cost of at least $6.87 billion to Texas local government employers, particularly school districts, and newly hired workers over the first 10 years of implementation; and

Whereas, city and county governments, in order to pay the new federal tax, might have no choice but to reduce services such as law enforcement, fire protection, libraries, public health, programs for senior citizens and the disabled, parks and recreation, and refuse collection and recycling; and

Whereas, school districts would experience a new source of pressure toward increasing property taxes, and local government retirement plans generally might need to be reduced due to the cost imposed by mandatory Social Security coverage; and

Whereas, the proposed new tax is a shift of a federal burden to local communities to solve a federal problem that our state and local governments had no hand in creating, and under which there would be no benefit paid to Texas workers for more than a generation; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby memorialize the Congress of the United States and urge the President of the United States in the strongest possible terms to refrain from the inclusion of mandatory Social Security coverage for presently noncovered state and local government employees in any Social Security reform legislation; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–326. A concurrent resolution adopted by the Legislature of the State of Texas relative to veteran's benefits; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 141

Whereas, military veterans who have served their country honorably and who were promised and earned health care and compensation and pension benefits from the federal government through the Department of Veterans Affairs are now in need of these benefits due to advancing age; and

Whereas, the proposed budget for the Department of Veterans Affairs Veterans Health Administration has for the fourth consecutive year proposed a straight-line budget for veterans health care that falls short of the needed funds to counter soaring medical care inflation and other costs associated with the aging veterans population; and

Whereas, the proposed budget calls for the elimination of nearly 8,000 full-time employees from veterans health care, which further threatens veterans health care service by placing a greater strain on patient services and further endangers the quality of care for the sick and disabled veterans of this nation; and

Whereas, the processing of claims for service-connected compensation and pension benefits by the Department of Veterans Affairs Veterans Benefits Administration has also suffered from inadequate budgets resulting in backlogs in claims processing ranging in the hundreds of thousands; and

Whereas, the substantial backlog of service-connected compensation and pension claims by the Veterans Benefits Administration has been a serious and persistent problem resulting in extended waits for veterans and their families to receive decisions concerning application for needed benefits; and

Whereas, it is necessary to enact legislation to provide funding necessary to properly deliver earned health care and compensation and pension benefits to the aging veterans population of our nation; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to maintain its commitment to the veterans of America and their families by providing sufficient funding to the Department of Veterans Affairs to address the above concerns; and, be it further

Resolved, that the Texas secretary of state forward official copies of this resolution to the president of the United States, the president of the senate and speaker of the house of representatives of the United States Congress, and all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–327. A resolution adopted by the Town Board of the Town of North Hempstead, New York relative to the proposed "Mandatory Gun Show Background Check Act"; to the Committee on the Judiciary.

POM–328. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Community Reinvestment Act; to the Committee on Banking, Housing, and Urban Affairs.

POM–329. A resolution adopted by the International Association of Official Human Rights Agencies relative to the Federal Fair Housing Act; to the Committee on Appropriations.

POM–330. A resolution adopted by the National Conference of Insurance Legislators relative to multiple employer welfare arrangements and association health plans; to the Committee on Health, Education, Labor, and Pensions.

POM–331. A resolution adopted by the National Conference of Lieutenant Governors relative to the Visa Waiver Pilot Program; to the Committee on the Judiciary.

POM–332. A resolution adopted by the Pan Macedonian Association, Inc. relative to the "Macedonia" name issue; to the Committee on Foreign Relations.

POM–333. A resolution adopted by the Pan Macedonian Association, Inc. relative to developments in the Balkans; to the Committee on Foreign Relations.

POM–334. A petition from a citizen of the State of Minnesota relative to the human rights of Eritreans in Ethiopia; to the committee on Foreign Relations.

POM–335. A resolution adopted by the Council of the City of Naples, Florida relative to the Kosovo situation; to the Committee on Foreign Relations.

POM–336. A resolution adopted by the Pacific Fishery Management Council relative to the recovery of wild Snake River salmon and steelhead; to the Committee on Environment and Public works.

POM–337. A joint resolution adopted by the Legislature of the State of California relative to federal transportation funds; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, the allocation of federal transportation funds was reformed under the federal Transportation Equity Act for the 21st Century (P.L. 105–178), commonly known as TEA–21, in a manner that greatly increases the share of federal transportation dollars that states are eligible to receive; and

Whereas, the recent surge in the federal transportation fund, spurred by unexpected gas tax and car sales tax revenues, would mean that states would receive an additional eight hundred fifty-eight million dollars ($858,000,000) above and beyond the amount of funds that was expected under last year's agreement; and

Whereas, California's share of that transportation fund surplus would be one hundred twenty-one million dollars ($121,000,000) in additional funds under the TEA–21 formulas, which funds could be used for much needed transportation projects; and

Whereas, the United States Department of Transportation has proposed diverting the eight hundred fifty-eight million dollar surplus to federal programs; and

Whereas, State and local governments are best qualified to evaluate the specific transportation needs of their state local area; and

Whereas, the additional federal transportation funds could be used for projects such as road construction, reduction of traffic congestion, and air quality improvements; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature urges the Congress and the President of the United States to use the framework established under the Transportation Equity Act for the 21st Century when allocating federal transportation funds to California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–338. A joint resolution adopted by the Legislature of the State of California relative to women in sports; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 20

Whereas, when the California Interscholastic Federation (CIF) was formed in 1914, girls' physical education did not include interscholastic sports teams; and

Whereas, in 1964, the CIF Federated Council adopted a set of bylaws for girls' interscholastic sports that stated that schools and school districts may organize girls' sports teams; and

Whereas, by the 1967–68 school year, almost half of California's secondary schools conducted CIF girls' interscholastic athletic program of some degree; and

Whereas, in 1972, the United States Congress enacted Title IX of the Education Amendments of 1972; and

Whereas, title IX of the Education Amendments of 1972 (hereafter Title IX) states, in part, as follows: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . ."; and

Whereas, prior to the enactment of Title IX, many schools refused to admit girls and women to, or imposed strict limits on their participation in, a wide range of sports; and

Whereas, since the enactment of Title IX, the participation and interest of girls and women in sports has soared. Only 300,000 girls participated in California high school sports prior to Title IX; today the number is in excess of 2.37 million; and

Whereas, title IX governs overall equity of opportunity in athletics, including areas such as equipment and supplies, travel, support services, and scholarships; and

Whereas, scholarship opportunities are an important way that educational institutions meet the needs and interests of student athletics; and

Resolved, That the CIF and California high schools and colleges are to be commended for the progress made already, and to encourage further efforts by all to meet the challenge of equality in sports and the greatest fulfillment of the hopes and dreams of girls and women in our school; and be it further

Resolved, That programs and projects that emphasize girls' and women's confidence building through fitness and physical challenges in sports and outdoor adventure, such as the Women's Sports Foundation, Girl Teams Adventure Training, Okinawan Karate, and the 50's Plus Fitness Association, be commended for their positive impact in carrying forward the fitness message for girls and women; and be it further

Resolved, That parents, families, businesses, women athletes who serve as positive role models, and all others who have contributed to girls' and women's leadership and team player skills through sports and fitness activities are to be commended; and be it further

Resolved, That the Legislature of the State of California, on June 23, 1999, commemorates the 27th Anniversary of Title IX, commends the movement toward increased equality and fair treatment of female athletes, and praises the goals of greater opportunities in sports for girls and young women in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

POM–339. A joint resolution adopted by the Legislature of the State of California relative to poisonous and noxious weeds; to the Committee on Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 4

Whereas, poisonous and noxious weeds are spreading throughout the State of California due to the use of straw for soil-erosion control and road construction by California agencies, such as the Department of Transportation (CALTRANS), the Department of Fish and Game, and the Department of Forestry and Fire Protection, by federal agencies, such as the United States Forest Service and the United States Bureau of Land Management, and by other federal, state, and county agencies; and

Whereas, the grazing capacity of animals, wildlife habitat, and native plant species is being destroyed through the use of straw for these purposes; and

Whereas, it is in the best interest of the state for these agencies to use materials that are not detrimental to our wildlife, domestic animals, and plant species; and

Whereas, California-grown rice straw is produced in an aquatic environment and cannot coexist with the yellow star thistle and other terrestrial noxious weeds of concern; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, Jointly, That the Legislature of the State of California respectfully memorializes all government agencies, particularly the United States Forest Service, the United States Bureau of Land Management, CALTRANS, the Department of Fish and Game, and the Department of Forestry and Fire Protection, to abstain from using nonnative plant material and encourage the use of weed-free straw or California-grown rice straw in any of their programs within California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, each Senator and Representative from California in the Congress of the United States, the United States Forest Service, and the United States Bureau of Land Management, and to the Director of Transportation, the Director of Fish and Game, and the Director of Forestry and Fire Protection.

POM-340. A joint resolution adopted by the Legislature of the State of California relative to cold storms in California; to the Committee on Environment and Public Works.

Whereas, the cold storms and consequent frost damage that occurred in this state during December 1998 have affected virtually every geographic area of the state; and

Whereas, small businesses and farming entities have suffered actual physical damage and significant economic losses; and

Whereas, the residents of this state have suffered substantial losses as a result of the cold storms and frost damage and have financial and practical needs equal to or greater than other areas that have been declared as federal natural disaster areas; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the legislature of the State of California hereby respectfully memorializes the President of the United States to declare the affected portions of California as a federal natural disaster areas as a result of the cold storms and consequent frost damage that occurred in December 1998; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of August 5, 1999, the following reports of committees were submitted on August 27, 1999:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 457: A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes (Rept. No. 106–143).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 28: A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes (Rept. No. 106–144).

S. 400: A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes (Rept. No. 106–145).

By Mr. BOND, from the Committee on Small Business, with amendments:

S. 1346: A bill to ensure the independence and nonpartisan operation of the office of Advocacy of the Small Business Administration (Rept. No. 106–146).

By Mr. BOND, from the Committee on Small Business:

Special Report entitled "Summary of Legislative and Oversight Activities During the 105th Congress" (Rept. No. 106–147).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment:

S. 299. A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes (Rept. No. 106–148).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 401. A bill to provide for business development and trade promotion for native Americans, and for other purposes (Rept. No. 106–149).

S. 613. A bill to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes (Rept. No. 106–150).

S. 614. A bill to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands (Rept. No. 106–151).

S. 406. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations (Rept. No. 106–152).

By Mr. BOND, from the Committee on Small Business, with amendments:

S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes (Rept. No. 106–153).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 1566. A bill to direct the Administrator of General Services to convey certain land to the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

S. 1567. A bill to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C.B. King United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. WELLSTONE, Mrs. BOXER, Mr. KOHL, Mr. KERRY, Mr. KENNEDY, and Mr. TORRICELLI):

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1569. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 1570. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the medicaid and State Children's Health Insurance programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LOTT (for himself and Mr. COVERDELL):,

S.J. Res. 33. A joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 179. A resolution designating October 15, 1999, as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. Con. Res. 55. A concurrent resolution establishing objectives for the next round of multilateral trade negotiations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 1566. A bill to direct the Administrator of General Services to convey certain land to the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

THE ST. SIMONS LIGHTHOUSE PRESERVATION ACT

Mr. COVERDELL. Mr. President, I rise today to introduce legislation that guarantees the future of a great historic treasure in my state. For nearly

200 years, the lighthouse at St. Simons Island, Georgia, stood as a sentinel at the head of St. Simons Sound and guided ships safely through dangerous waters and into the port of nearby Brunswick. Although it is no longer used for this purpose, the lighthouse remains an integral part of the St. Simons Island community and is part of the rich heritage of this region. Unfortunately, events could soon take place which could do irrevocable harm to this site.

In 1961, the United States Postal Service (USPS) leased part of the lighthouse property and built a small post office for the community, which is no longer used by the USPS. The lease was signed between the USPS and a private citizen, who owned the property at the time. This agreement, which expires in 2011, gives the USPS seven options to purchase the land outright at a significant discount, with the next purchase option being in 2001.

Since the lease was signed, many things have changed. In 1984, the title to the lighthouse property was transferred to the Coastal Georgia Historical Society, an organization dedicated to preserving the lighthouse and Georgia's coastal heritage. While the CGHS holds the title, the lease with the USPS remains in effect.

It is very easy to see why many in the St. Simons community have grave concerns about the USPS exercising its right-to-buy option. The USPS has expressed its intent to exercise this option and immediately sell the land to a commercial developer for a huge profit. Many area residents do not appreciate the idea of placing a highrise hotel or a fast food restaurant next to the historic symbol of their community.

The bill I am introducing today seeks to rectify this situation by preserving the St. Simons Lighthouse without interfering with the profit maximization requirements placed on the USPS. The St. Simons Lighthouse Preservation Act states that the General Services Administration will locate a sufficient federal property of equal value to the leased property at St. Simons and deed it to the USPS. In exchange, the USPS will terminate its lease.

Passage of the St. Simons Lighthouse Preservation Act will ensure that future generations will be able to enjoy the Lighthouse and its environs. I encourage my colleagues to work with me to ensure quick passage of this important legislation.

By Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. WELLSTONE, Mrs. BOXER, Mr. KOHL, Mr. KERRY, Mr. KENNEDY, and Mr. TORRICELLI):

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes; to the Committee on Foreign Relations.

SUSPENSION OF ASSISTANCE TO THE GOVERNMENT OF INDONESIA

Mr. FEINGOLD. Mr. President, I rise today, along with a number of my colleagues, to introduce a bill in response to the ongoing violence in East Timor.

I am outraged at what is going on in East Timor today. The Indonesian government clearly has not lived up to its commitment to maintain security following the recent referendum. In fact it is openly supporting the militia violence against the majority of East Timorese, who have made clear their desire for an independent East Timor. If the Indonesian government cannot, or will not, maintain peace, I believe an international peacekeeping mission is the best option. The United States and the rest of the international community must exercise any and all leverage it has with the Indonesians to allow for this contingency. In addition, the United States provides a great deal of economic and military assistance to Indonesia. If the Indonesian government does not take steps to stop the violence occurring in East Timor, we should suspend these benefits.

For that reason, I am today introducing a bill which cuts off all military and most economic assistance to the government of Indonesia until the President determines and certifies to the Congress that a safe and secure environment exists in East Timor which will allow the East Timorese who have fled the militia-led violence to return to their homes, allow the United Nations Assistance Mission to East Timor, UNAMET, to resume its mandate, and allow the results of the August 30, 1999, referendum on East Timor's political status to be fully implemented.

At long last, on August 30, the people of East Timor went to the polls to express their will about the future of their homeland, choosing between a future as an autonomous part of Indonesia, or as an independent nation. The approximately 99 percent voter turnout in the face of intimidation from the pro-Jakarta militias is a credit to the dedication and courage of the East Timorese people to determine once and for all their own political status.

Ironically, the day of the ballot was relatively free of violence. But that was the calm before the storm. After the polls closed, the militias began a rampage throughout the territory that continues today. At least for UNAMET workers have been killed and at least six other are missing. Thousands of East Timorese have fled their homes, which are being looted and burned at will by the militias.

According to some estimates, in the past week alone, several hundred people have been killed, and more than 30,000 have been forced to flee their homes. Television news reports have shown desperate East Timorese citizens scaling the razor-sharp barbed wire fence surrounding the UNAMET mission in order to escape the automatic weapons of the advancing militias. There have been reports of beheadings. Nobel Laureate Bishop Carlos Belo and about six thousand East Timorese who sought refuge in his home in Dili were forced to flee when his home was burned to the ground. Bishop Belo, who has endured years of intimidation and countless threats on his life, has since fled to Australia. The United Nations is evacuating many of its workers and international observers.

The result of the ballot, which was announced on September 4, was overwhelming—78.5 percent of East Timorese voted for independence. This crushing defeat for the pro-Jakarta militias and their supporters sparked even more violence.

Unfortunately, this is just the latest in a wave of violence that has plagued East Timor for almost a quarter of a century. At this point, I would like to recount some of East Timor's history—the events that have brought the people of that territory to the horrific violence that is being unleashed upon them as I speak these words.

The East Timorese people have a long history of foreign domination. The Portuguese ruled there for four centuries. In 1975, less than a year after the Portuguese colonial rulers left East Timor, the Indonesian army occupied East Timor, and it remains there today. For 24 years, the people of East Timor have been subjugated by the Indonesian government and harassed by the Indonesian military.

The November 1991 massacre of nonviolent demonstrators in the East Timorese capital of Dili is but one example of Indonesia's repressive occupation of East Timor. Despite the harsh rule of the Suharto regime—or maybe in spite of it—the people of East Timor held on to their hope for self-determination. This dream is personified by people such as Nobel Peace Prize winners Jose Ramos Horta and Bishop Carlos Belo, who have worked tirelessly, and at great personal risk, for the liberation of the people of East Timor.

Following Suharto's resignation in 1998, it appeared that some positive changes were on the horizon for the people of East Timor. This comes after January 27, 1999, President B.J. Habibie announced that the government of Indonesia was finally willing to learn—and respect—the wishes of the people in that territory. On May 5, 1999, the governments of Indonesia and Portugal signed an agreement to hold a United Nations-supervised "consultation" on the future of East Timor.

Before the ink was even dry on this agreement, proJakarta militia groups—better described as lawless thugs—began a campaign of terror and intimidation against the East Timorese people aimed at quashing the independence movement. And these thugs operated freely while the Indonesian military looked the other way, and in some cases, helped them.

In the weeks leading up to the historic referendum, the militias targeted supporters of East Timorese independence, and members of the UNAMET who were in the territory preparing for the vote.

And now, the implementation of the results of this ballot, an effort which has already been paid for by the blood of more than 200,000 East Timorese who have been killed since 1975, is being delayed by more violence from criminals who cannot accept the defeat they received at the polls.

Despite his promise to respect the wishes of the East Timorese people, President Habibie has done little to stop the violence. Yesterday, he imposed martial law in East Timor, but this announcement has not ended the militia rampage, and the Indonesian military has done nothing to halt the violence. I am concerned that martial law will only embolden the militias.

The bill which I am introducing today calls on the Indonesian government to foster an environment in which the result of the August 30 referendum can be fully implemented. And if the Indonesian government does not take steps to that end, all U.S. military and most economic assistance to Indonesia will be cut off. Period.

For too long, the Congress has allowed military and economic assistance to be awarded to the government of Indonesia, with few conditions, despite its miserable human rights record and its deplorable treatment of the people of East Timor. It is high time that the Indonesian government learns that the U.S. will not tolerate the violent suppression of the legitimate democratic aspiration of the people of East Timor.

Earlier this week, President Habibie asked the Indonesian people to remain calm in the face of the referendum results. It is past time for him to direct the Indonesian army to stop the militias and to discipline those army personnel who are in collusion with the militias in their rampage through East Timor.

It is imperative that President Habibie and his government understand that the United States Congress will not sit idly by while bands of thugs continue to loot and burn East Timor, kill innocent civilians, and drive people from their homes.

President Habibie said earlier this year that he would respect the wishes of the people of East Timor. His government also promised the World Bank that it would live up to its commitments to the United Nations. It is time he shows that these statements were more than just political rhetoric. He must stop the violence, and he must allow international peacekeepers to enter East Timor without the threat of attack from militias or members of the Indonesian army.

I hope the Senate will act on this important legislation at the earliest possible date. We must not allow the Indonesian government to continue to receive U.S. military and economic assistance so long as it is condoning the terror in East Timor.

So, Mr. President, I send a bill to the desk. Because of the urgency of the situation in East Timor, I ask that it be considered as soon as possible.

Mr. President, I am delighted that the next speaker will be a person who has devoted an incredible energy to this issue; in fact, who recently had the willingness and courage to go to East Timor, Senator REED of Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the legislation introduced by my colleague, Senator FEINGOLD of Wisconsin. I do so because of the gravity of the situation and also because of the fact that just 2 weeks ago I had the opportunity to travel, along with Senator HARKIN of Iowa and Congressman McGovern of Massachusetts, to East Timor.

We visited the town of Dili, the capital. Then we went into the countryside. We saw the bravery and courage of people who are willing, quite literally, to risk their lives to vote to determine their own future. We went to a town called Suai, which was a small village in the western part of East Timor. There we found 2,000 displaced persons huddled in the shadow of a half built Catholic church being protected from roving bands of militia, basically armed thugs, supported, encouraged, and, at times, directed by the Indonesian military authority. They were there not only for protection but also because they wanted to vote. They knew if they went back into the countryside, they might lose their chance to physically be present to vote.

As I stood before those thousands of poor people who have been denied water and food by the authorities, who literally were being starved away from their right to vote, I told them that the vote is more powerful than the army. They believed that. A few days later, with great courage, they went to the polls, and, in overwhelming numbers, they voted overwhelmingly for independence.

That vote now is being undermined systematically and deliberately by the military authority within Indonesia. Regretfully, we have just learned that the priest, Father Hilario, who was providing sanctuary in Swai, has been reported to have been killed by those violent militia bands.

This is an issue that should trouble every person of conscience throughout the world. It should particularly trouble the United States, because for many years we have maintained a relationship with the Government of Indonesia in an attempt to provide the kind of support that would allow them to evolve into a democratic country that would fulfill its promises.

The Government of Indonesia has pretensions of being a great power, but a great power keeps its word. The Government of Indonesia has not kept its word. It promised the United Nations that it would provide security and protection for the election. It promised it would respect the results of the election. It promised it would protect the lives and the property of the people of East Timor, and it has failed utterly and miserably in doing that.

The military of Indonesia has pretensions of being a professional military force, but a professional military force always follows legitimate orders of its civilian and military commanders. This army is failing miserably in doing that.

There is only one choice. They must either restore order, stability, and safety in East Timor, allow people to live freely and safely, respect the results of the election, or cooperate with the introduction of international peacekeepers.

At the heart of the bill Senator FEINGOLD, myself, and Senator LEAHY are introducing is a very clear message to the government and the military of Indonesia: Unless you restore order immediately or allow international peacekeepers to enter East Timor, we will cut off all multilateral assistance. We will cut off all bilateral assistance. We will cut off all military cooperation. Essentially, the future relationship of Indonesia with the world community depends fundamentally on whether or not they will respect their own agreement to provide safety and security for the people of East Timor and respect the results of this election.

I hope they do. If there is cooperation, if a United Nations peacekeeping force can enter that country, it is fortunate that our allies, the Australians and other countries, are ready, willing, and able at this moment to send personnel forward in this peacekeeping force. We should be able to assist this force with some of the unique capacities and capabilities we have: intelligence capabilities, satellite observation, air lifts, sea lift. I don't think it is necessary to commit our forces on the ground, but we should be part of this effort to secure the peace and stability and reaffirm the validity of this election.

While we were in East Timor, we had occasion to visit with Bishop Belo, the Nobel prize winner. We had supper with him, very humble fare from a very humble and saintly person. His house has already been destroyed by roving mobs. East Timorese who took sanctuary there have been scattered and slaughtered. Mercifully, Bishop Belo has been able to escape to Australia.

These scenes of carnage and mayhem and madness are convulsing East Timor. It is the responsibility of the Government of Indonesia to stop the violence or to allow international forces to enter at the soonest possible time to stop this violence. As I indicated initially, this referendum was not foisted upon the Government of Indonesia. It was agreed to by the Government of Indonesia. They made solemn pledges to the United Nations to respect the results of the vote, to conduct the vote fairly without intimidation. Now they must live up to their word or allow the United Nations and the world community to see that this vote is respected.

A final image I have of our time in East Timor is going to a polling place. This was days before the election. We were talking to these very brave international volunteers from many nations who have risked their lives, literally, to be in these small towns to take the registration. There was a young man who had come to make sure his name was on the rolls so he could vote. We spoke with him. We asked him if he was afraid.

He said: Yes, very much so, but I will vote. My friends will vote. We want to determine the future of our country. We want to determine the future of our families and our communities.

They did that. We have to respect that courage and that faith in democracy and the power of the vote. We have to, internationally and individually as a nation, prove that the vote is more powerful than the army.

I am pleased and proud to join my colleagues in this resolution. I urge its speedy consideration and passage.

I yield the floor.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator **FEINGOLD** on this legislation to prohibit assistance to the Government of Indonesia until that nation permits the peaceful implementation of the results of the August 30 referendum, in which the people of East Timor overwhelmingly voted in favor of independence from Indonesia. This bill sends a clear and strong message to the Government of Indonesia that the United States will hold it responsible for the fate of the East Timorese people.

Tragically, we are now faced with a crisis of alarming proportions as a result of the Indonesian government's failure to disarm the militias and to guarantee the security of the East Timorese people. The militias, together with Indonesian military and security personnel, are committing gross violations of human rights. Hundreds of East Timorese have been killed and tens of thousands have been forced to flee their homes, seeking refuge in West Timor. Hundreds have sought asylum in the UN compound in the East Timorese capital of Dili. Bishop Belo's home was burned and he was forced to seek asylum in Australia. UN personnel have been attacked and two were killed. Journalists have been threatened and forced to leave East Timor. The militias and the Indonesian military and security personnel perpetrating this violence must be stopped.

All of us are deeply concerned over the violence and the likelihood of further bloodshed in the coming days. The Indonesian Government must take responsibility for the actions of its military and security personnel. If the Government of Indonesia cannot or will not stop the violence, it must permit the international community to do so. I strongly support the call for an international peacekeeping force, authorized by the United Nations Security Council, to intervene to restore security in East Timor and to implement the results of the referendum.

By stopping all U.S. assistance to Indonesia, this legislation will encourage the Indonesian government to meet its international commitments and to ensure that its military and security forces abide by international law. The United States and the international community must use their economic leverage to encourage the Indonesian government to stop the violence in East Timor and permit a peaceful transition to independence. As long as this crisis continues, international financial institutions must not permit additional resources to flow to the Indonesian government—resources which could be used by military and security forces to continue the violence. In particular, the International Monetary Fund should not approve the disbursement of the remaining $2 billion of an already-approved $12 billion loan.

The Indonesian government must know that these sanctions will remain in effect until it ensures the safety of the East Timorese people, permits the United Nations Assistance Mission in East Timor to implement the transition to independence, and ensures that its armed forces abide by the principles of international law.

The people of East Timor need our help. Despite grave threats, they demonstrated great courage and great faith in the democratic process by going to the polls and voting overwhelmingly in favor of independence. The Government of Indonesia has an obligation to respect that verdict and see that it is implemented peacefully. The international community should do all it can to stop the violence and facilitate the peaceful transition to independence.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1569. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 1999

• Mr. KERRY. Mr. President, I rise to introduce the Taunton River Wild and Scenic River Study Act of 1999. The bill directs the Secretary of the Interior to study the Taunton River in Massachusetts for potential addition to the National Wild and Scenic Rivers Systems. The Taunton River is ecologically and historically significant, and this legislation is supported by local officials and residents. Senator **KENNEDY** is joining this bill as an original cosponsor.•

By Mr. LUGAR:

S. 1570. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the medicaid and State Children's Health Insurance programs; to the Committee on Agriculture, Nutrition, and Forestry.

S-CHIP IMPROVEMENT ACT OF 1999

Mr. LUGAR. Mr. President, I rise today to introduce the Access to Children's Health Insurance Program Act. Joining me in this effort is my colleague from Indiana in the other body, Representative **JULIA CARSON**.

Congress created the S-CHIP program in the Balanced Budget Act of 1997 as a new federal-state partnership to expand health insurance coverage for low-income children not eligible for Medicaid. Under S-CHIP states may cover children in families up to 200 percent of the federal poverty level or, in states with Medicaid income levels for children already at or above 200 percent of poverty, within 50 percent over the state's current Medicaid income eligibility limit. Congress provided over $4 billion annually to match state expenditures for this program.

Implementation of the S-CHIP program has been slow. States have faced both normal start-up problems as well as other obstacles to identifying and enrolling eligible children. There are an estimated 11 million children who are uninsured with 7.5 million who could be eligible for the S-CHIP program. Congress envisioned that 5 million children would receive services under S-CHIP. As of July 1999, according to the Kaiser Family Foundation, only 1.3 million children were enrolled on S-CHIP, less than half the projected enrollment in 1999.

The federal child nutrition programs of school lunch, child care feeding and WIC are important sources of information on potentially eligible children as well as a contact point with their parents. Typically these programs collect income information that can be used to identify eligible children, and even enroll children into federal health insurance programs. However there are limits on the disclosure of school lunch data. While state and local health programs and other means-tested nutrition programs may receive this data, Medicaid and S-CHIP may not.

Our bill will expand disclosure, subject to privacy provisions, to the state health agency running Medicaid and S-CHIP. As an added protection, both the State and local education authority must agree to this new disclosure.

The bill will also expand on a demonstration basis the use of WIC administrative funds. With the new authority, WIC clinics will be able to take a more active role in the identification and enrollment of children onto the S-CHIP and Medicaid programs. However, since funding for WIC is discretionary and funds for required program activities are tight, the number of sites will be limited. The General Accounting Office will be required to determine the added cost of the program.

Finally the bill will fund demonstration grants to states. The demonstration projects will integrate nutrition program grantees (schools, child care centers and WIC clinics) and other social service programs with the federal health care programs for low income children. States will form comprehensive informational and enrollment projects to be eligible for the funding.

Mr. President, this bill removes bureaucratic barriers so that more poor children may receive the health care they need. It does this by allowing one government entity to share information it possesses with another government entity responsible for health care. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SCHIP Improvement Act of 1999".

SEC. 2. LIMITED WAIVER OF CONFIDENTIALITY REQUIREMENT.

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is amended—

(1) in subclause (II), by striking "and" at the end;

(2) in subclause (III), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(IV) a person directly connected with the administration of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or a State child health plan under title XXI of that Act (42 U.S.C. 1397aa et seq.) for the purpose of identifying children eligible for benefits under, and enrolling children in, any such plan, except that this subclause shall apply with respect to the agency from which the information would be obtained only if the State and the agency so elect.".

SEC. 3. DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following:

"(q) DEMONSTRATION PROJECT RELATING TO USE OF WIC FUNDS FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration project in not more than 40 local agencies in not fewer than 2 States under which costs of nutrition services and administration (as defined in subsection (b)(4)) shall include the costs of identification of children eligible for benefits under, and enrollment of children in—

"(A) a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(B) a State child health plan under title XXI of that Act (42 U.S.C. 1397aa et seq.).

"(2) REPORT ON EVALUATION OF COSTS.—Not later than 18 months after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report evaluating the costs associated with implementation of the demonstration project, including an evaluation of the Federal and State costs per child enrolled in a State plan described in paragraph (1).

"(3) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates September 30, 2003.".

(b) TECHNICAL AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786)—

(1) in subsection (b)(4), by striking "(4)" and all that follows through "means" and inserting "(4) 'Costs of nutrition services and administration' or 'nutrition services and administration' means"; and

(2) in subsection (h)(1)(A), by striking "costs incurred by State and local agencies for nutrition services and administration" and inserting "costs of nutrition services and administration incurred by State and local agencies".

SEC. 3. GRANTS FOR IDENTIFICATION AND ENROLLMENT EFFORTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(p) GRANTS FOR IDENTIFICATION AND ENROLLMENT EFFORTS.—

"(1) IN GENERAL.—The Secretary shall make grants to States to carry out State plans to involve eligible entities described in paragraph (2) in the identification of children eligible for benefits under, and enrollment of children in—

"(A) a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(B) a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

"(2) ELIGIBLE ENTITIES.—An eligible entity referred to in paragraph (1) is—

"(A) a school or school food authority participating in the school lunch program under this Act;

"(B) an institution participating in the child and adult care food program under section 17;

"(C) a local agency participating in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(D) any other nongovernmental social service provider.

"(3) USE OF FUNDS FOR WIC DEMONSTRATION PROJECT.—The authorized uses of grant funds under this subsection shall include carrying out the demonstration project under section 17(q) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(q)).

"(4) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $6,000,000 for each of fiscal years 2000 through 2003. The Secretary shall be entitled to receive the funds and shall accept the funds, without further Act of appropriation.".

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 121, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability, and for other purposes.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 249

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 391

At the request of Mr. KERREY, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Colorado (Mr. CAMPBELL), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 391, A bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 406

At the request of Mr. MURKOWSKI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 406, a bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BURNS), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 486

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 486, supra.

S. 512

At the request of Mr. GORTON, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 552

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 552, a bill to provide for budgetary reform by requiring a balanced Federal budget and the repayment of the national debt.

S. 726

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 726, a bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 800

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 800, a bill to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 880

At the request of Mr. KERRY, his name was withdrawn as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 954

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 954, a bill to amend title 18, United States Code, to protect citizens' rights under the Second Amendment to obtain firearms for legal use, and for other purposes.

S. 956

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 980

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 980, a bill to promote access to health care services in rural areas.

S. 1003

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1003, a bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1044

At the request of Mr. KENNEDY, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maine (Ms. SNOWE), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1053

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1075

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1075, a bill to promote research to identify and evaluate the health effects of silicone breast implants, and to insure that women and their doctors receive accurate information about such implants.

S. 1076

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 1076, a bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1220

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 1220, a bill to provide additional funding to combat methamphetamine production and abuse, and for other purposes.

S. 1235

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1244

At the request of Mr. THOMPSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1244, a bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 1255

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1255, a bill to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1263

At the request of Mr. JEFFORDS, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from North Carolina (Mr. HELMS), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1268

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1268, a bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1310

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1317

At the request of Mr. AKAKA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1317, a bill to reauthorize the Welfare-To-Work program to provide additional resources and flexibility to improve the administration of the program.

S. 1332

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1332, a bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

S. 1358

At the request of Mr. JEFFORDS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1358, a bill to amend title XVIII of the Social Security Act to provide more equitable payments to home health agencies under the medicare program.

S. 1400

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1400, a bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

S. 1420

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1420, a bill to establish a fund for the restoration and protection of ocean and coastal resources, to amend and reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

S. 1454

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1459

At the request of Mr. MACK, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1468

At the request of Mr. LOTT, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1468, a bill to authorize the minting and issuance of Capitol Visitor Center Commemorative coins, and for other purposes.

S. 1473

At the request of Mr. ROBB, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms.

COLLINS) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1538

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1538, a bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of broadcast transmission and telecommunications facilities, and for other purposes.

S. 1550

At the request of Mr. WELLSTONE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1550, a bill to extend certain Medicare community nursing organization demonstration projects.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of Senate Joint Resolution 26, a joint resolution expressing the sense of Congress with respect to the courtmartial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. DEWINE), the Senator from North Dakota (Mr. CONRAD), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. CONRAD), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

AMENDMENT NO. 1493

At the request of Mr. BENNETT the names of the Senator from Connecticut (Mr. DODD) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 1493 intended to be proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1577

At the request of Mr. BAYH his name was added as a cosponsor of amendment No. 1577 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. GRAHAM the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 1577 proposed to H.R. 2466, supra.

AMENDMENT NO. 1600

At the request of Mr. MURKOWSKI the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of Amendment No. 1600 intended to be proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. MURKOWSKI the name of the Senator from South Dakota (Mr. JOHNSON) was withdrawn as a cosponsor of amendment No. 1600 intended to be proposed to H.R. 2466, supra.

AMENDMENT NO. 1603

At the request of Mrs. HUTCHISON the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 1603 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. GRAMM his name was added as a cosponsor of amendment No. 1603 proposed to H.R. 2466, supra.

SENATE CONCURRENT RESOLUTION 55—ESTABLISHING OBJECTIVES FOR THE NEXT ROUND OF MULTILATERAL TRADE NEGOTIATIONS

Mr. BAUCUS submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 55

Whereas obtaining open, equitable, and reciprocal market access will benefit both the United States and its trading partners;

Whereas eliminating or reducing trade barriers and trade distorting practices will enhance export opportunities for American industry, agricultural products, and services;

Whereas strengthening international disciplines on restrictive or trade-distorting import and export practices will improve the global commercial environment;

Whereas preserving existing rules that prohibit unfair trade practices is a necessary adjunct to promoting commerce;

Whereas expanding trade will foster economic growth required for full employment in the United States and the global economy;

Whereas growth in international trade has immediate and significant consequences for sound natural resource use and environmental protection, and for the practice of sustainable development;

Whereas the World Trade Organization is the single most important mechanism by which global commerce is regulated; and

Whereas the United States will host the World Trade Organization Ministerial Meeting in Seattle in November 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that the executive branch of the Government should pursue the objectives described in this concurrent resolution in any negotiations undertaken with respect to the next round of multilateral trade negotiations at the World Trade Organization Ministerial Meeting in Seattle, Washington.

SEC. 2. AGRICULTURE.

The negotiating objectives of the United States with respect to agriculture should be the following:

(1) To eliminate all current and prohibit all future price subsidies and export taxes.

(2) To negotiate stronger disciplines on state-owned trading enterprises, including cross-subsidization, reserved market share, and price undercutting.

(3) With respect to tariffs, to pursue zero-for-zero or harmonization agreements for products where current tariff levels are so disparate that proportional reductions would yield an unbalanced result.

(4) To target peak tariffs for reduction on a specific timetable.

(5) To eliminate all tariffs that are less than 5 percent.

(6) To negotiate an agreement that binds all tariffs at zero wherever possible.

(7) To phase out all tariff rate quotas.

(8) To eliminate all market-distorting domestic subsidies.

(9) To eliminate technology-based discrimination of agricultural commodities.

(10) To negotiate agriculture and nonagriculture issues as a single undertaking, with full implementation of any early agreement contingent on an acceptable final package.

(11) To reach agreements to eliminate unilateral agricultural sanctions as a tool of foreign policy.

SEC. 3. SERVICES.

The negotiating objectives of the United States with respect to services should be the following:

(1) To achieve binding commitments on market access and national treatment.

(2) To achieve broad participation from all World Trade Organization members in the negotiation of any agreement.

(3) To proceed on a "negative list" basis so that all services will be covered unless specifically listed.

(4) To prevent discrimination based on the mode of delivery, including electronic delivery.

(5) To negotiate disciplines on transparency and responsiveness of domestic regulations of services.

SEC. 4. INDUSTRIAL MARKET ACCESS.

The negotiating objectives of the United States with respect to industrial market access should be the following:

(1) To pursue zero-for-zero or harmonization agreements for products where current tariff levels are so disparate that proportional reductions would yield an unbalanced result.

(2) To target peak tariffs for reduction on a specific timetable.

(3) To eliminate all tariffs that are less than 5 percent.

(4) To negotiate agreements that bind tariffs at zero wherever possible.

(5) To achieve broad participation in all harmonization efforts.

(6) To expand the Information Technology Agreement product coverage and participation.

(7) To make duty-free treatment of electronic transmissions permanent.

(8) To negotiate short timetables for accelerated tariff elimination in sectors identified in prior international trade meetings, particularly in environmental goods.

SEC. 5. OTHER TRADE-RELATED ISSUES.

The negotiating objectives of the United States with respect to other trade-related issues should be the following:

(1) To achieve broad participation in Mutual Recognition Agreements (MRA's) on product standards, conformity assessment, and certification procedures.

(2) To expand the scope of the Government Procurement Agreement and make it part of the World Trade Organization undertaking.

(3) To strengthen protection of intellectual property, including patents, trademarks, trade secrets, and industrial layout.

(4) To complete the harmonization of rules of origin.

(5) To strengthen prohibitions against mandatory technology transfer under the Trade-Related Investment Measures Agreement.

(6) To broaden agreements on customs-related issues to facilitate the rapid movement of goods.

(7) To make permanent and binding the moratorium on tariffs on electronic transmissions.

(8) To establish a consensus that electronic commerce is neither exclusively a good nor exclusively a service, and develop rules for transparency, notification, and review of domestic regulations.

(9) To reach a global agreement on liberal treatment of digital products in a technologically neutral manner.

(10) To negotiate an agreement for determining when multilateral environmental agreements are consistent with the principles of the World Trade Organization.

(11) To undertake early review of potential environmental impacts of all global agreements with a view toward mitigating any adverse effects.

(12) To reach agreement that goods and services produced by forced, prison, or child labor are not protected by international trade rules.

(13) To establish a mechanism for joint research and between the World Trade Organization and the International Labor Organization (ILO).

(14) To institute explicit procedures for inclusion of core labor standards in the country reports of the World Trade Organization Trade Policy Review Mechanism.

SEC. 6. WORLD TRADE ORGANIZATION INSTITUTIONAL ISSUES.

The negotiating objectives of the United States with respect to World Trade Organization institutional issues should be the following:

(1) To reach agreement not to implement any new trade restrictive measures during the 3-year negotiating period beginning with the Seattle Ministerial Meeting.

(2) To broaden membership in the World Trade Organization by accelerating accessions.

(3) To shorten the timeframes of dispute resolution.

(4) To increase transparency, citizen access, and responsiveness to submissions from nongovernmental organizations.

(5) To strengthen disciplines governing the coverage and implementation of free trade agreements.

(6) To reach an agreement to cooperate with the International Monetary Fund, the International Bank for Reconstruction and Development, United Nations organizations, and international economic institutions in trade-related policy matters.

SEC. 7. ISSUES NOT OPEN TO NEGOTIATION.

In all negotiations, the United States Trade Representative should ensure that the negotiations do not weaken existing agreements or create opportunities for the imposition of new barriers in the following areas:

(1) Dumping and antidumping.

(2) Competition policy.

(3) Investment.

(4) Textiles and apparel.

SEC. 8. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. BAUCUS. Mr. President, I send a concurrent resolution establishing U.S. goals for the next round of global negotiations in the World Trade Organization to the desk.

In 1994, seven hard years of talks culminated the Uruguay Round Agreement creating the WTO. The United States can point with pride to the results of American leadership on trade. Among the agreement's notable results were beginning new countries into the rule-based trade regime; establishing an institution for ongoing trade talks and dispute resolution; and addressing some key issues for the first time.

The 1994 WTO agreement left unfinished business in two of these key issues: agriculture and services. WTO members committed to return to the table in January 2000 to address barriers in these sectors, the so-called "built-in agenda." It will be a major challenge. Trade-distorting domestic agricultural programs are politically sensitive, especially in the European Union, the world's biggest offender in this area. In services, efforts to open up trade run into difficult questions of domestic regulation and investment.

Over the past several months, Mr. President, WTO members have submitted proposals for dealing with agriculture, services, and many other issues in a new global round of negotiations, to be launched in Seattle this November when the United States hosts the third WTO Ministerial Meeting. I have read some of these proposals, including the proposals submitted by the Administration, and I have compared them two what I hear from various groups around the country.

I have concluded that the U.S. proposals are timid and lack specificity. I am very concerned about this. We can't build a strong global economy without a strong set of trade rules. We can't address emerging issues such as biotechnology and electronic commerce, areas where the United States has a commanding lead, unless we supply a concrete vision of the future. We won't reach our goals unless we can state our goals clearly. We need a clear set of goals for this round of trade talks. The American people expect us to show leadership in this area. Our trading partners expect America to show leadership, too.

We in the Congress have a constitutional responsibility in this regard. The resolution I am submitting today fulfills our obligation by giving the Executive Branch specific goals for the upcoming round of negotiations.

Mr. President, I would like to summarize briefly the main points of this resolution. It deals not only with agriculture and services, but also with manufactured products, institutional concerns, and a variety of other trade-related issues.

AGRICULTURE

America's farmers compete very effectively when world markets are not distorted by government intervention. Eliminating these distortions is not only good for the farm community, it will benefit U.S. consumers and our trading partners. It will stimulate demand for agricultural output, demand which American farmers are prepared to satisfy. My resolution instructs the Administration to seek elimination of export subsidies, and trade-distorting domestic subsidies, to seek substantial tariff reductions, and for the first time to impose discipline on State Trading Enterprises.

SERVICES

Services comprise almost three quarters of American output. We are a net exporter of services, so increased trade in services will have a positive effect on our current account balance. My resolution instructs the Administration to reach a global agreement that trade in services is *free and open* unless otherwise specified. The current system is that trade in services is *closed* unless otherwise specified. Starting from this principal of openness, the Administration should seek board participation in an agreement on services trade.,

INDUSTRIAL GOODS

To establish a negotiating dynamic broad enough to allow for trade-offs, it is vital that the WTO talks include manufactured products. In this regard, there has been some confusion as to the U.S. strategy. The work begun in APEC to cut tarffs in nine sectors has moved into the WTO. The agriculture community feared that an early agreement to cut tariffs on manufactured products would rob the overall negotiation of the required breadth of issues. My resolution makes clear that this negotiation should be viewed as a single undertaking to be completed in three years. This does not mean that we can have no results on tariffs at the Senate WTO Ministerial. But completing accelerated tariff elimination should be contingent on successfully concluding the entire package, including agriculture and services.

INSTITUTIONAL ISSUES

We now have almost five years of experience with the operation of the Uruguay Round agreement and the WTO. That experience has uncovered some areas for improvement. Chief among these is the need for greater transparency in WTO operations. In the state of Montana, we have a strong tradition of open government which serves us well. The WTO is a governmental body. The citizens of the nations which compose the WTO have a right to know what it is doing. We also need to speed up the WTO system for resolving trade disputes.

ISSUES NOT FOR NEGOTIATING

There are several issues which the Administration should not include in the overall negotiation. In some cases, including them would most likely weaken the results we obtained in the Uruguay Round. In other case, I do not believe that a global negotiation would benefit the United States. Issues such as textiles and apparel, antidumping rules, competition policy, and investment should not be part of the next round of negotiations.

OTHER TRADE ISSUES: ENVIRONMENT AND LABOR

Finally, Mr. President, my resolution lists a number of specific trade issues which the Administration should address in the next round of trade negotiations. These include questions such as government procurement and electronic commerce. Let me mention two particular matters which are especially important: the environment and labor.

My resolution instructs the Administration to make specific progress in both of these areas. On the environment, it requires an environmental assessment of any new global trade agreement, and a WTO consensus on determining when multilateral environmental agreements are consistent with international trade rules. It also requires tariff reductions on environmental products in order to increase the flow of environmental technology.

As to labor, my resolution requires the Administration to correct a deficiency which has existed in trade law since the United States signed the GATT in 1947: it does not allow countries to treat products made with forced labor or child labor differently. We should all have the right to prohibit such goods from entering our countries. It also calls for joint research between the WTO and the International Labor Organization, and for a regular examination of how WTO members are living up to their 1996 commitment on core labor standards. Rhetoric is not a substitute for action.

GOAL: IMPROVE QUALITY OF LIFE

Let me close, Mr. President, with a word about why this is important to all of us. Since the end of World War Two, we have come a long way in shaping the world economy. When the GATT was signed in 1947, the world was engaged in a bitter debate over fundamental values. The central question was whether national economies should be organized by market forces and open societies or by central government planners. Which is better: democracy or communism? The world now knows the answer to this question with absolutely no ambiguity. Today, anyone who thinks that central planning wins over market forces need only compare Seoul to Pyongyang.

In the past decade, the former Soviet bloc national have struggled to turn from central planning to market forces and citizen participation. Developing countries abandoned bankrupt nations like "import substitution" in favor of market-based solutions. OECD countries deregulated and dismantled trade barriers. New technology, especially information technology, provided the means to take advantage of newly opened markets. Goods and capital move with amazing speed.

Open markets make the global economy more efficient. But there's a distinction between efficiency and equity. Open markets do not make prosperity more fair. Many citizens believe it is not fair enough. They see widening income gaps, job insecurity, environmental damage, a less certain future.

The next round of global trade talks can't make opening markets an end in itself. We no longer have to convince the world that our economic system is more efficient. The task now is to show that our system also improves the quality of their lives. We need to show that our system delivers benefits to them. It has to make them better off. If we fail to do that, we will face a world polarized by poverty as it was once polarized by cold war ideology.

SENATE RESOLUTION 179—DESIGNATING OCTOBER 15, 1999, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 179

Whereas according to the American Cancer Society, in 1999, 175,000 women will be diagnosed with breast cancer and 43,300 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by more than 30 percent; and

Whereas the 5-year survival rate for localized breast cancer is currently 97 percent: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 15, 1999, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 15, 1999, as "National Mammography Day". I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving it.

Each year, as I prepare to submit this resolution, I look at the latest information from the American Cancer Society about breast cancer. This year, the news is depressingly familiar: in 1999, an estimated 175,000 women will be diagnosed with breast cancer and an estimated 43,300 women will die of this disease.

In the midst of these gloomy numbers, however, one statistic stands out like a beacon of hope: the 5-year survival rate for women with localized breast cancer is a whopping 97%. Moreover, we already know one sure-fire method for detecting breast cancer when it is at this early, highly curable stage: periodic mammograms for all women over age 40. Periodic mammography can detect a breast cancer almost 2 years earlier than it would have been detected by breast self-examination. The importance of periodic mammography for women's health is recognized by health plans and health insurers, and virtually all of them cover its cost. Low-income women who do not have health insurance can get free mammograms through a breast cancer screening program sponsored by the Centers for Disease Control and Prevention.

Given all this, that modern mammography is highly effective in discovering breast cancer at a very early stage, rarely causes any discomfort, and generally cost nothing, why aren't all women over 40 getting this valuable test every year? One answer is that we are human, and we all forget things, especially as we get older. Even if we remember that we need a mammogram, we often have so many things going on in our lives that we just keep putting the mammogram off for that "less busy" day that never comes. Consequently, we need a "National Mammography Day" to remind us that we need to make sure all the women in our lives don't overlook this crucial preventive service.

How should we use "National Mammography Day" to achieve our goal of fighting breast cancer through early diagnosis? This year, National Mammography Day falls on Friday, October 15, right in the middle of National Breast Cancer Awareness month. On that day, let's make sure that each women we know picks a specific date on which to get a mammogram each year. I well understand how easy it is to forget do something that comes around only once per year, but for each of us there are certainly some dates that we don't forget: a child's birthday, an anniversary, perhaps even the day our taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring this resolution to designate October 15, 1999, as National Mammography Day.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

LOTT AMENDMENT NO. 1621

Mr. BOND (for Mr. LOTT) proposed an amendment to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 62, line 10, add the following before the period ": *Provided*, That within the funds available, $250,000 shall be used to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri: *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of enactment of this Act); *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714)"

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1999

ROCKEFELLER (AND SPECTER) AMENDMENT NO. 1622

Mr. BROWNBACK (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill (S. 1076) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; as follows:

On page 66, strike lines 9 through 19 and insert the following:

SEC. 101. CONTINUUM OF CARE FOR VETERANS.

(a) INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting "noninstitutional extended care services," after "preventive health services,"; and

(2) by adding at the end the following new paragraphs:

"(10) The term 'noninstitutional extended care services' includes—

"(A) home-based primary care;

"(B) adult day health care;

"(C) respite care;

"(D) palliative and end-of-life care; and

"(E) home health aide visits.

"(11) The term 'respite care' means hospital care, nursing home care, or residence-based care which—

"(A) is of limited duration;

"(B) is furnished in a Department facility or in the residence of an individual on an intermittent basis to an individual who is suffering from a chronic illness and who resides primarily at that residence; and

"(C) is furnished for the purpose of helping the individual to continue residing primarily at that residence.".

(b) CONFORMING AMENDMENTS TO TITLE 38.—(1)(A) Section 1720 is amended by striking subsection (f).

(B) The section heading of such section is amended by striking "; **adult day health care**".

(2) Section 1720B is repealed.

(3) Chapter 17 is further amended by redesignating sections 1720C, 1720D, and 1720E as sections 1720B, 1720C, and 1720D, respectively.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 17 is amended—

(1) in the item relating to section 1720, by striking "; adult day health care"; and

(2) by striking the items relating to sections 1720B, 1720C, 1720D, and 1720E and inserting the following:

"1720B. Noninstitutional alternatives to nursing home care.
"1720C. Counseling and treatment for sexual trauma.
"1720D. Nasopharyngeal radium irradiation.".

(d) ADDITIONAL CONFORMING AMENDMENT.—Section 101(g)(2) of the Veterans Health Programs Extension Act of 1994 (Public Law 103-452; 108 Stat. 4785; 38 U.S.C. 1720D note) is amended by striking "section 1720D" both places it appears and inserting "section 1720C".

SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM CARE OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out three pilot programs for the purpose of determining the feasibility and practicability of a variety of methods of meeting the long-term care needs of eligible veterans. The pilot programs shall be carried out in accordance with the provisions of this section.

(b) LOCATIONS OF PILOT PROGRAMS.—(1) Each pilot program under this section shall be carried out in two designated health care regions of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(2) In selecting designated health care regions of the Department for purposes of a particular pilot program, the Secretary shall, to the maximum extent practicable, select designated health care regions containing a medical center or medical centers whose current circumstances and activities most closely mirror the circumstances and activities proposed to be achieved under such pilot program.

(3) The Secretary may not carry out more than one pilot program in any given designated health care region of the Department.

(c) SCOPE OF SERVICES UNDER PILOT PROGRAMS.—(1) The services provided under the pilot programs under this section shall include a comprehensive array of health care services and other services that meet the long-term care needs of veterans, including—

(A) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(B) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care.

(2) As part of the provision of services under the pilot programs, the Secretary shall also provide appropriate case management services.

(3) In providing services under the pilot programs, the Secretary shall emphasize the provision of preventive care services, including screening and education.

(4) The Secretary may provide health care services or other services under the pilot programs only if the Secretary is otherwise authorized to provide such services by law.

(d) DIRECT PROVISION OF SERVICES.—Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans directly through facilities and personnel of the Department of Veterans Affairs.

(e) PROVISION OF SERVICES THROUGH COOPERATIVE ARRANGEMENTS.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through a combination (as determined by the Secretary) of—

(A) services provided under cooperative arrangements with appropriate public and private non-Governmental entities, including community service organizations; and

(B) services provided through facilities and personnel of the Department.

(2) The consideration provided by the Secretary for services provided by entities under cooperative arrangements under paragraph (1)(A) shall be limited to the provision by the Secretary of appropriate in-kind services to such entities.

(f) PROVISION OF SERVICES BY NON-DEPARTMENT ENTITIES.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through arrangements with appropriate non-Department entities under which arrangements the Secretary acts solely as the case manager for the provision of such services.

(2) Payment for services provided to veterans under the pilot programs under this subsection shall be made by the Department to the extent that payment for such services. is not otherwise provided by another government or non-government entity.

(g) DATA COLLECTION.—As part of the pilot programs under this section, the Secretary shall collect data regarding—

(1) the cost-effectiveness of such programs and of other activities of the Department for purposes of meeting the long-term care needs of eligible veterans, including any cost advantages under such programs and activities when compared with the Medicare program, Medicaid program, or other Federal program serving similar populations;

(2) the quality of the services provided under such programs and activities;

(3) the satisfaction of participating veterans, non-Department, and non-Government entities with such programs and activities; and

(4) the effect of such programs and activities on the ability of veterans to carry out basic activities of daily living over the course of such veterans' participation in such programs and activities.

(h) REPORT.—(1) Not later than six months after the completion of the pilot programs under subsection (i), the Secretary shall submit to Congress a report on the health services and other services furnished by the Department to meet the long-term care needs of eligible veterans.

(2) The report under paragraph (1) shall—

(A) describe the comprehensive array of health services and other services furnished by the Department under law to meet the long-term care needs of eligible veterans, including—

(i) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(ii) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care;

(B) describe the case management services furnished as part of the services described in subparagraph (A) and assess the role of such case management services in ensuring that eligible veterans receive services to meet their long-term care needs; and

(C) in describing services under subparagraphs (A) and (B), emphasize the role of preventive services in the furnishing of such services.

(i) DURATION OF PROGRAMS.—(1) The Secretary shall commence carrying out the pilot programs required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot programs shall cease on the date that is three years after the date of the commencement of the pilot programs under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term "eligible veteran" means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) LONG-TERM CARE NEEDS.—The term "long-term care needs" means the need by an individual for any of the following services:

(A) Hospital care.

(B) Medical services.

(C) Nursing home care.

(D) Case management and other social services.

(E) Home and community based services.

SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the purpose of determining the feasibility and practicability of providing assisted living services to eligible veterans. The pilot program shall be carried out in accordance with this section.

(b) LOCATION.—The pilot program under this section shall be carried out at a designated health care region of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(c) SCOPE OF SERVICES.—(1) Subject to paragraph (2), the Secretary shall provide assisted living services under the pilot program to eligible veterans.

(2) Assisted living services may not be provided under the pilot program to a veteran eligible for care under section 1710(a)(3) of title 38, United States Code, unless such veteran agrees to pay the United States an amount equal to the amount determined in accordance with the provisions of section 1710(f) of such title.

(3) Assisted living services may also be provided under the pilot program to the spouse of an eligible veteran if—

(A) such services are provided coincidentally with the provision of identical services to the veteran under the pilot program; and

(B) such spouse agrees to pay the United States an amount equal to the cost, as determined by the Secretary, of the provision of such services.

(d) REPORTS.—(1) The Secretary shall annually submit to Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program under this section. The report shall include a detailed description of the activities under the pilot program during the one-year period ending on the date of the report and such other matters as the Secretary considers appropriate.

(2)(A) In addition to the reports required by paragraph (1), not later than 90 days before concluding the pilot program under this section, the Secretary shall submit to the committees referred to in that paragraph a final report on the pilot program.

(B) The report on the pilot program under this paragraph shall include the following:

(i) An assessment of the feasibility and practicability of providing assisted living services for veterans and their spouses.

(ii) A financial assessment of the pilot program, including a management analysis, cost-benefit analysis, Department cash-flow analysis, and strategic outlook assessment.

(iii) Recommendations, if any, regarding an extension of the pilot program, including recommendations regarding the desirability of authorizing or requiring the Secretary to seek reimbursement for the costs of the Secretary in providing assisted living services in order to reduce demand for higher-cost nursing home care under the pilot program.

(iv) Any other information or recommendations that the Secretary considers appropriate regarding the pilot program.

(e) DURATION.—(1) The Secretary shall commence carrying out the pilot program required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program under paragraph (1).

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term "eligible veteran" means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) ASSISTED LIVING SERVICES.—The term "assisted living services" means services which provide personal care, activities, health-related care, supervision, and other assistance on a 24-hour basis within a residential or similar setting which—

(A) maximizes flexibility in the provision of such care, activities, supervision, and assistance;

(B) maximizes the autonomy, privacy, and independence of an individual; and

(C) encourages family and community involvement with the individual.

On page 85, between lines 4 and 5, insert the following:

(4) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $12,400,000.

On page 85, line 9, strike "$213,100,000" and insert "$225,500,000".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Slotting: Fair to Small Business & Consumers?" The hearing will be held on Tuesday, September 14, 1999, beginning at 9:30 a.m. in room 608 Dirksen Senate Office Building.

For further information, please contact either Paul Cooksey or Paul Conlon at 224-5175.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce that a subcommittee hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation.

The hearing will take place Tuesday, September 14, 1999, at approximately 10:30 a.m. (or immediately following the 9:30 Full Committee hearing) in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1051, a bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact

Jo Meuse or Brian Malnak at (202) 224–6730.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 15, 1999, at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Sylvia Baca to be Assistant Secretary of the Interior for Land and Minerals Management, David Hayes to be Deputy Secretary of the Interior, and Ivan Itkin to be Director of the Department of Energy's Office of Civilian Radioactive Waste Management.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "Day Trading: An Overview." This Subcommittee hearing will focus on the practices and operations of the securities day trading industry.

The hearing will take place on Thursday, September 16, 1999, at 9:30 a.m., in Room 628 of the Dirksen Senate Office Building. For further information, please contact Lee Blalack of the Subcommittee staff at 224–3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 16, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the Administration's Northwest Forest Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 30, 1999 at 2:30 p.m. in room SD–366 of the Dirsken Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1457, Forest Resources for the Environment and the Economy Act.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate Foreign Relations Committee be authorized to meet during the session of the Senate on September 8, 1999 at 2:00 p.m. to hold a closed full committee briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JOHN W. SMART, NATIONAL COMMANDER IN CHIEF OF VFW

• Mr. GREGG. Mr. President, I ask my fellow senators to join me in offering congratulations to John W. Smart of Nashua, New Hampshire, who is to be installed this month as National Commander-in-Chief of the Veterans of Foreign Wars of the United States in this the 100th Anniversary of the organization's founding.

John Smart's election to this position is only the latest in a long and distinguished career in service to our country and to his fellow veterans. Mr. Smart served in the United States Army from October 1970 to April 1973, in Vietnam, where he was assigned to the 176th Assault Helicopter Company (American Division) at Chu Lai. His meritorious service was recognized with the Republic of Vietnam Campaign Medal, a Vietnam Service Medal with four stars and a Presidential Unit Citation.

While serving in Vietnam, he joined VFW Post #2181 in Exeter, New Hampshire. Following his return from military service in 1973, he moved quickly through the VFW Department of New Hampshire chairs and earned recognition as an All-American Department Commander during the 1981–82 year. In 1983 he served as Chairman of the National Youth Activities Committee and from 1991–1993 as Chairman of the National Buddy Poppy Committee. In 1995 he was appointed to the position of National Chief of Staff.

Mr. Smart served his community of Nashua as a firefighter, retiring after 21 years. He has served as VFW New Hampshire Department Adjutant/Quartermaster since 1985. He is a Life Member of VFW Post #483 in Nashua and in addition to his service to the VFW he holds membership in the Military Order of the Cooties, American Legion, Elks, Retired Firefighters Association and the US Army Association. He has served as Chairman of the Board of Managers of the New Hampshire Veterans Home since 1987 and has served as a New Hampshire State Representative.

John Smart is the first member of the Department of New Hampshire Veterans of Foreign Wars to be elected to the office of National Commander-in-Chief. I can think of no New Hampshire citizen more dedicated to his country and to the cause of assisting his fellow veterans. His wife, Mary, his two children, John R. and Cheryl, and his five grandchildren have reason for great pride in this husband, father and grandfather who has so ably contributed his time and efforts toward the service of others. I have been honored to work with John Smart over my years here in the Senate, while serving as Governor in New Hampshire and earlier in the House of Representatives. I commend him to the Senate and know you will join me in extending to him and his family our congratulations, our thanks for his past accomplishments and continuing service and our best wishes during his year of service as the Veterans of Foreign Wars of the United States Commander-in-Chief.•

TRIBUTE TO BILL MULLEN, 1999 GRAND MARSHAL OF THE LABOR DAY MARCH

• Mr. TORRICELLI. Mr. President, I rise today in recognition of Mr. Bill Mullen, who has been chosen as the 1999 Grand Marshal of the Essex-West Hudson Labor Council AFL–CIO Labor Day March and Observance. The Labor Council is proud to honor Bill for his lifetime dedication to working families in the New Jersey Labor Movement, and especially Ironworkers Local 11. It is a pleasure for me to be able to honor his accomplishments.

Bill Mullen served in the United States Army during 1967 and 1968, and was stationed in Korea. He was later discharged with the rank of Sergeant. Returning to New Jersey, Bill completed his apprenticeship, and worked as an Ironworker, Shop Steward, Journeyman, Foreman, and Superintendent for various construction companies throughout the state.

For over thirty years Bill has been an active member in the labor movement. In 1981, Bill was elected by his fellow colleagues to be the Vice President of Ironworkers Local 11, and later became President in 1989. He has also served as Trustee of the Ironworkers of Northern New Jersey District Council Pension Fund and an active member of the New Jersey Alliance for Action. Currently, he serves as President of the Essex County Building and Construction Trades Council, an organization with 17 affiliates that represents over 12,000 craftmembers throughout Essex County, New Jersey. Bill is a committed worker, colleague, and leader who exemplifies the best of New Jersey Labor Leaders.

It gives me great pleasure to recognize a leader of great stature in New Jersey's labor community. Through these years, fighting for the cause of working men and women, Bill has been known to stand on principle, loyalty, and hard work. It is with pride that I honor Bill on his selection as Grand Marshal.●

TRIBUTE TO YORK COUNTY, PENNSYLVANIA

● Mr. SANTORUM. Mr. President, this year marks the 250th anniversary of York County, Pennsylvania. Today, I rise to recognize the establishment and storied history of this county which contributed greatly to the founding of our Nation.

Established in 1749, York had formerly been a part of neighboring Lancaster County. The citizens of York had petitioned for their own county so that they could establish a courthouse in closer proximity to their jail. With the granting of the petition, York became the first county in Pennsylvania west of the Susquehanna River and the fifth county in Pennsylvania overall. Since that time, the county has developed rich and dynamic civic, social, political and economic institutions, including both durable agricultural and industrial bases, and serves as a model for communities across the Commonwealth and the Nation.

Mr. President, from September 1777 through June 1778, York served as the capital of our Nation. As British General Howe's army occupied Philadelphia, our early government, the Continental Congress, was first moved to Lancaster, Pennsylvania. After one day, the Continental Congress sought to place further distance between it and the British, so it crossed the Susquehanna river at Wrights' Ferry and resumed session in the Colonial Courthouse in Center Square, York.

Mr. President, it was during the time that the York hosted our nation's government that the Marquis de Lafayette made the famous "toast that saved the nation." With this toast, Lafayette proclaimed his continued support for, and espoused the attributes of, General Washington at a time when certain factions were calling for the General to be replaced. This toast has been credited as saving George Washington's position as our first Commander in Chief. It was also during the time that the Continental Congress convened in York that it adopted the Articles of Confederation. This important document was the precursor to the Constitution and marked the first use of the term "United States of America."

Mr. President, the people of York County are proud of their history and their traditions. I am proud to join York in this celebration and ask my colleagues to join me in congratulating York on its 250th anniversary.●

A TRIBUTE TO BOB FERRELL

● Mr. ROCKEFELLER. Mr. President, I would like to take this opportunity to recognize a great patriot from my wonderful State of West Virginia, Mr. Robert "Bob" Ferrell. Bob retired from the U.S. Air Force with more than 21 years of active duty service. He bravely served his country during the Vietnam conflict on the C–130 Spectre Gunship as a gunner and instructor gunner. Over the course of many years of service, the Air Force honored Bob with numerous prestigious awards, including the coveted Distinguished Flying Cross.

After completing his tour in Vietnam, Bob returned to his lifelong home of Logan County, and began the hard work of a coal miner to support his family. Bob was an exemplary citizen and participated in many community activities. He was a lifetime member of the American Legion and the Veterans of Foreign Wars. After, retiring from the mines in the mid 1980's, Bob traveled all over our State seeking the opportunity to speak to our school children about the importance of service to our country and to our state.

A devoted husband and father, Bob raised four wonderful and productive children, two boys and two girls. The example he set for his sons resulted in both of them following in his footsteps and enlisting in the armed forces. The eldest, Mike, is serving in the 101st Airborne division of Fort Campbell, KY, and Steve is a full-time member of the West Virginia Army National Guard. His daughters also are respected members of their communities. The oldest, LaRue, is a chiropractor, and her younger sister, Anitra, is a loving mother and housewife.

Bob passed away in May of this year, and was buried, so appropriately, on the day which commemorates the lives of all those who sacrificed so much for our nation, Memorial Day. Mr. President, as you know, I am the ranking member of the Senate Committee on Veterans' Affairs, and I take great pride in recognizing this wonderful and patriotic man from my state of West Virginia. Bob was one of more than 200,000 veterans from my home State, and represents the millions of Americans who served our country with pride and distinction. One of the best ways we can honor Bob's memory is to work diligently to ensure that the promises made by our government to all veterans are kept.

I would like to close by saying—thank you, Bob. Your outstanding attitude and unselfish lifestyle are an inspiration to the people of our State. You attained the goal all men strive for, in that, you left the world a better place for all of us.●

COLCHESTER LIONS CLUB

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Colchester Lions Club of Colchester, CT. On October 30, they will be celebrating their 50th anniversary of service to the Colchester community.

The Colchester Lions Club was established on August 2, 1949, and through the support of area residents, they have reached out to assist many members of the community. The Lions Club has lent its support to such worthwhile local causes as the D.A.R.E. Program for schools, academic scholarships for local students, and area food banks, and senior centers. They also have reached far beyond the Town of Colchester by raising funds for organizations such as the Fidelco Guide Dog Foundation and Lions Clubs International.

As the Colchester Lions Club has grown over the years, their numerous good works have touched many lives and demonstrated the true value of volunteerism. The people of Connecticut thank the Colchester Lions Club and all its members for their service, dedication, and contribution to our State.●

IN RECOGNITION OF THE NORTH CATHOLIC GIRLS BASKETBALL TEAM

● Mr. SANTORUM. Mr. President, I rise today to recognize the North Catholic Girls Basketball team for their 25 years of outstanding accomplishments.

Over the past 25 years, the team has earned a record of 671 wins and 100 losses. Coach Don Barth, the team's coach during their first 23 years, took the team to the WPIAL championship game 21 times. Last year, the team again went to the championship game under their current coach, Molly Larkin Rothman.

Among the team's other accomplishments, they have won the state championships seven times, the conference championship 25 times, and they hold the record for the longest winning streak with 56 wins between 1987 and 1989.

Mr. President, I ask my colleagues to join with me in congratulating the North Catholic Girls Basketball team on their outstanding accomplishments over the past 25 years. They have provided an excellent example for youth in Pennsylvania and throughout the country.●

DEATH OF CLIF LEAR

• Mr. BINGAMAN. Mr. President, several weeks ago Cibola County in New Mexico lost one of its leading citizens when Clif Lear of Grants died of cancer.

A businessman, he took public service very seriously and served over the years as a city councilman and as the city manager. His contributions to economic development in an area hit hard when the mines closed made a huge difference to the people of Cibola County, as he worked tirelessly to attract new initiatives and new projects.

His wife and three daughters have the sympathy and appreciation of us all who are grateful for Clif's life and the effort he made to make his corner of New Mexico better.•

SENATE WILDERNESS AND PUBLIC LANDS CAUCUS

• Mr. MCCAIN. Mr. President, I proudly join my colleagues as a founding member of this newly created Senate Wilderness and Public Lands Caucus. I congratulate my friend, Senator FEINGOLD, for his bold spirit and commitment to the active protection of our public lands. I accepted Senator FEINGOLD's invitation to participate in this new Caucus because we share a responsibility to protect the natural resources that sustain our world and grace the quality of our lives.

On this day, we commemorate the success of the 1964 Wilderness Act with a renewed commitment to responsible preservation. More than 35 years since the Act's passage, Americans can more readily cherish and enjoy pristine lands in their natural state, unencumbered by growth and development. An important goal of this new Caucus is the desire to improve our process for making important land management decisions impacting our public lands.

Developing consensus policy for public lands protection is of particular necessity and importance for western states. In Arizona, more than 80 percent of lands are held in public ownership, with 4.5 million acres designated as wilderness. Arizonans enjoy wilderness in such places as the Superstition Mountains, Cabeza Prieta, Baboquivari Peak and the Red Rock Secret Mountain.

Many more difficult land management decisions will require our thoughtful consideration. For example, the state of Arizona has grappled for more than ten years over the question of wilderness suitability for the state's largest national park, the Grand Canyon National Park. Arizonans are still engaged in deliberations of this important decision, as well as determining appropriate land management decisions for other areas in our state.

Each of us is well aware that public land management is divisive and, if not carefully developed, can usually result in unfair games of give-and-take between land-users and conservationists. A fine balance between competing users has proved to be possible, and it is this balance toward which we must strive. I am joining with my colleagues in this Caucus because I believe that any decisions we make in the Congress for public land policy should heed the spirit of bipartisanship, promote the ethics of stewardship and multiple use, and protect individual rights. In general, we must ensure that all viewpoints on land-use issues are given fair opportunity to be heard.

We should find our inspiration in the example of a hero of mine, and a statesman of the highest virtue, Mo Udall, whose grace and wisdom should inspire every American. Mo once taught a freshman Congressman from the other side of the aisle a valuable lesson. He reached across party lines to enlist me in the effort to tackle environmental problems in our home state.

Mo's faith in the pursuit of cooperation and consensus enabled us to enact landmark legislation placing 3.5 million acres of pristine Arizona lands into the Wilderness Preservation System. Contrary to the predictions of naysayers and competing political interests, Mo Udall brought the Arizona congressional delegation together with broad support from the public. This was no simple task, but it worked, and Mo Udall demonstrated to his colleagues and constituents a successful formula for bringing together people of good faith and different perspectives to achieve a common purpose.

This new Caucus gives us an opportunity to uphold our commitment to responsible preservation while protecting the rights of all Americans for public use of lands. I encourage our colleagues, of all minds on this issue, to join in the Caucus so that our recommendations and discussions can be fully representative of all interested parties.•

• Mr. BAYH. Mr. President, I rise today to express my great pride in becoming a founding member of the newly-formed Senate Wilderness and Public Lands Caucus. The protection of public lands is critical to the preservation of our national heritage, the protection of our environmental health and the endurance of the American tradition of respect for natural resources.

In September of 1964, the Wilderness Protection Act was passed. It was a landmark in public land protection, establishing that some lands managed by the federal government should be preserved as wilderness for the benefit of all Americans. My father was among the Senators who worked to pass that legislation.

Today, wilderness areas are under even greater pressure from increasing development and expansion. As Governor of Indiana, I worked to protect state lands by establishing the Indiana Heritage Trust, which preserved sensitive areas with the proceeds from sales of environmental license plates. That initiative resulted in the protection of more than 5000 acres of threatened lands.

I am proud to join my colleagues in the Senate in starting the Wilderness and Public Lands Caucus and carrying forward the tradition of stewardship of federal lands reflected in the Wilderness Act of 1964. I would like to thank Senator FEINGOLD in particular for his leadership and dedication to this issue.

We have the obligation and the opportunity to protect the natural heritage that belongs to all Americans. The Wilderness and Public Lands Caucus will be an important asset in pursuing that goal by providing support and education regarding federal land management and wilderness areas.•

PROVIDING ASSISTANCE FOR POISON PREVENTION AND FUNDING OF REGIONAL POISON CENTERS—S. 632

On August 5, 1999, the Senate passed S. 632, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poison Control Center Enhancement and Awareness Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 2,000,000 poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings happen in the home. 53 percent of poisoning victims are children younger than 6 years of age.

(2) Poison control centers are a valuable national resource that provide life-saving and cost-effective public health services. For every dollar spent on poison control centers, $7 in medical costs are saved. The average cost of a poisoning exposure call is $32, while the average cost if other parts of the medical system are involved is $932. Over the last 2 decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. Within just the last year, 2 poison control centers have been forced to close because of funding problems. A third poison control center is scheduled to close in April 1999. Currently, there are 73 such centers.

(3) Stabilizing the funding structure and increasing accessibility to poison control centers will increase the number of United States residents who have access to a certified poison control center, and reduce the inappropriate use of emergency medical services and other more costly health care services.

SEC. 3. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. ESTABLISHMENT OF A NATIONAL TOLL-FREE NUMBER.

(a) IN GENERAL.—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

(b) Rule of Construction.—Nothing in this section shall be construed as prohibiting the establishment or continued operation of any privately funded nationwide toll-free phone number used to provide advice and other assistance for poisonings or accidental exposures.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004. Funds appropriated under this subsection shall not be used to fund any toll-free phone number described in subsection (b).

SEC. 5. ESTABLISHMENT OF NATIONWIDE MEDIA CAMPAIGN.

(a) In General.—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 4.

(b) Contract With Entity.—The Secretary may carry out subsection (a) by entering into contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $600,000 for each of the fiscal years 2000 through 2004.

SEC. 6. ESTABLISHMENT OF A GRANT PROGRAM.

(a) Regional Poison Control Centers.—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

(b) Other Improvements.—The Secretary shall also use amounts received under this section to—

(1) develop standard education programs;

(2) develop standard patient management protocols for commonly encountered toxic exposures;

(3) improve and expand the poison control data collection systems;

(4) improve national toxic exposure surveillance; and

(5) expand the physician/medical toxicologist supervision of poison control centers.

(c) Certification.—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if—

(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) Waiver of Certification Requirements.—

(1) In general.—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a noncertified poison control center or a newly established center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) Renewal.—The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) Supplement Not Supplant.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

(f) Maintenance of Effort.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) Matching Requirement.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 2000 through 2004.

E-911 ACT OF 1999

On August 5, 1999, the Senate passed S. 800, as follows:

S. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Communications and Public Safety Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end communications infrastructure among members of the public, emergency safety, fire service and law enforcement officials, emergency dispatch providers, transportation officials, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems and the designation of 9–1–1 as the number to call in emergencies throughout the Nation;

(3) emerging technologies can be a critical component of the end-to-end communications infrastructure connecting the public with emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities, to reduce emergency response times and provide appropriate care;

(4) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

(5) emergency care systems, particularly in rural areas of the Nation, will improve with the enabling of prompt notification of emergency services when motor vehicle crashes occur; and

(6) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public; emergency medical service providers and emergency dispatch providers; public safety, fire service and law enforcement officials; transportation officials, and hospital emergency and trauma care facilities.

(b) Purpose.—The purpose of this Act is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.

SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.

(a) Establishment of Universal Emergency Telephone Number.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

"(3) Universal emergency telephone number.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 9–1–1 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. The designation shall apply to both wireline and wireless telephone service. In making the designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 9–1–1 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.".

(b) Support.—The Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9–1–1 service. In encouraging and supporting that deployment, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch providers, transportation officials, special 9–1–1 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses). The Commission shall encourage each State to develop and implement coordinated statewide deployment plans, through an entity designated by the governor, and to include representatives of the foregoing organizations and entities in development and implementation of such plans. Nothing in this subsection shall be construed to authorize or require the Commission to impose obligations or costs on any person.

SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.

(a) PROVIDER PARITY.—A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise) applicable in such State, including in connection with an act or omission involving the release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services.

(b) USER PARITY.—A person using wireless 9–1–1 service shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9–1–1 service that is not wireless.

(c) PSAP PARITY.—In matters related to wireless 9–1–1 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to 9–1–1 communications that are not wireless.

(d) BASIS FOR ENACTMENT.—This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the Fourteenth Amendment to the Constitution and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon and "and"; and

(C) by adding at the end the following:

"(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

"(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services;

"(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

"(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.".

(2) by redesignating subsection (f) as subsection (h) and by inserting the following after subsection (e):

"(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

"(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)), other than in accordance with subsection (d)(4); or

"(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system.

"(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (i)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.";

(3) by inserting "location," after "destination," in subsection (h)(1)(A) (as redesignated by paragraph (2)); and

(4) by adding at the end of subsection (h) (as redesignated), the following:

"(4) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

"(5) EMERGENCY SERVICES.—The term 'emergency services' means 9–1–1 emergency services and emergency notification services.

"(6) EMERGENCY NOTIFICATION SERVICES.—The term 'emergency notification services' means services that notify the public of an emergency.

"(7) EMERGENCY SUPPORT SERVICES.—The term 'emergency support services' means information or data base management services used in support of emergency services.".

SEC. 6. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(2) STATE.—The term "State" means any of the several States, the District of Columbia, or any territory or possession of the United States.

(3) PUBLIC SAFETY ANSWERING POINT; PSAP.—The term "public safety answering point" or "PSAP" means a facility that has been designated to receive 9–1–1 calls and route them to emergency service personnel.

(4) WIRELESS CARRIER.—The term "wireless carrier" means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9–1–1 service.

(5) ENHANCED WIRELESS 9–1–1 SERVICE.—The term "enhanced wireless 9–1–1 service" means any enhanced 9–1–1 service so designated by the Federal Communications Commission in the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 9–1–1 Emergency Calling Systems" (CC Docket No. 94–102; RM–8143), or any successor proceeding.

(6) WIRELESS 9–1–1 SERVICE.—The term "wireless 9–1–1 service" means any 9–1–1 service provided by a wireless carrier, including enhanced wireless 9–1–1 service.

(7) EMERGENCY DISPATCH PROVIDERS.—The term "emergency dispatch providers" shall include governmental and nongovernmental providers of emergency dispatch services.

CENTENNIAL OF FLIGHT COMMEMORATION ACT OF 1999

On August 5, 1999, the Senate passed S. 1072, as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTENNIAL OF FLIGHT COMMISSION.

The Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.) is amended—

(1) in section 4—

(A) in subsection (a)—

(i) in paragraphs (1) and (2) by striking "or his designee";

(ii) in paragraph (3) by striking ", or his designee" and inserting "to represent the interests of the Foundation"; and in paragraph (3) strike the word "chairman" and insert the word "president";

(iii) in paragraph (4) by striking ", or his designee" and inserting "to represent the interests of the 2003 Committee";

(iv) in paragraph (5) by inserting before the period "and shall represent the interests of such aeronautical entities"; and

(v) in paragraph (6) by striking ", or his designee";

(B) by striking subsection (f);

(C) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(D) by inserting after subsection (a) the following:

"(b) ALTERNATES.—Each member described under subsection (a) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.";

(2) in section 5—

(A) in subsection (a)—

(i) by inserting "provide recommendations and advice to the President, Congress, and Federal agencies on the most effective ways to" after "The Commission shall";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(B) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) INTERNATIONAL ACTIVITIES.—The Commission may—

"(1) advise the United States with regard to gaining support for and facilitating international recognition of the importance of aviation history in general and the centennial of powered flight in particular; and

"(2) attend international meetings regarding such activities as advisors to official United States representatives or to gain or provide information for or about the activities of the Commission."; and

(C) by adding at the end the following:

"(d) ADDITIONAL DUTIES.—The Commission may—

"(1)(A) assemble, write, and edit a calendar of events in the United States (and significant events in the world) dealing with the commemoration of the centennial of flight or the history of aviation;

"(B) actively solicit event information; and

"(C) disseminate the calendar by printing and distributing hard and electronic copies and making the calendar available on a web page on the Internet;

"(2) maintain a web page on the Internet for the public that includes activities related to the centennial of flight celebration and the history of aviation;

"(3) write and produce press releases about the centennial of flight celebration and the history of aviation;

"(4) solicit and respond to media inquiries and conduct media interviews on the centennial of flight celebration and the history of aviation;

"(5) initiate contact with individuals and organizations that have an interest in aviation to encourage such individuals and organizations to conduct their own activities in celebration of the centennial of flight;

"(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

"(7) sponsor meetings of Federal agencies, State and local governments, and private individuals and organizations for the purpose of coordinating their activities in celebration of the centennial of flight; and

"(8) encourage organizations to publish works related to the history of aviation.";

(3) in section 6(a)—

(A) in paragraph (2)—

(i) by striking the first sentence; and

(ii) in the second sentence—

(I) by striking "the Federal" and inserting "a Federal"; and

(II) by striking "the information" and inserting "information"; and

(B) in paragraph (3) by striking "section 4(c)(2)" and inserting "section 4(d)(2)";

(4) in section 6(c)(1) by striking "the Commission may" and inserting "the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or an employee of the respective administration as designated by either Administrator) may, on behalf of the Commission,";

(5) in section 7—

(A) in subsection (a) in the first sentence—

(i) by striking "There" and inserting "Subject to subsection (h), there"; and

(ii) by inserting before the period "or represented on the Advisory Board under section 12(b)(1) (A) through (E)";

(B) in subsection (b) by striking "The Commission" and inserting "Subject to subsection (h), the Commission";

(C) by striking subsection (g);

(D) by redesignating subsection (h) as subsection (g); and

(E) by adding at the end the following:

"(h) LIMITATION.—Each member of the Commission described under section 4(a) (3), (4), and (5) may not make personnel decisions, including hiring, termination, and setting terms and conditions of employment.";

(6) in section 9—

(A) in subsection (a)—

(i) by striking "The Commission may" and inserting "After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may"; and

(ii) by striking "its duties or that it" and inserting "the duties under this Act or that the Administrator of the National Aeronautics and Space Administration";

(B) in subsection (b)—

(i) in the first sentence by striking "The Commission shall have" and inserting "After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may exercise"; and

(ii) in the second sentence by striking "that the Commission lawfully adopts" and inserting "adopted under subsection (a)"; and

(C) by amending subsection (d) to read as follows:

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds from licensing royalties received under this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

"(2) EXCESS FUNDS.—The Commission shall transfer any portion of funds in excess of funds necessary to carry out the duties described under paragraph (1), to the National Aeronautics and Space Administration to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.";

(7) in section 10—

(A) in subsection (a)—

(i) in the first sentence, by striking "activities of the Commission" and inserting "actions taken by the Commission in fulfillment of the Commission's duties under this Act";

(ii) in paragraph (3), by adding "and" after the semicolon;

(iii) in paragraph (4), by striking the semicolon and "and" and inserting a period; and

(iv) by striking paragraph (5); and

(B) in subsection (b)(1) by striking "activities" and inserting "recommendations";

(8) in section 12—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraphs (A), (C), (D), and (E), by striking ", or the designee of the Secretary";

(II) in subparagraph (B), by striking ", or the designee of the Librarian"; and

(III) in subparagraph (F)—

(aa) in clause (i) by striking "government" and inserting "governmental entity"; and

(bb) by amending clause (ii) to read as follows:

"(ii) shall be selected among individuals who—

"(I) have earned an advanced degree related to aerospace history or science, or have actively and primarily worked in an aerospace related field during the 5-year period before appointment by the President; and

"(II) specifically represent 1 or more of the persons or groups enumerated under section 5(a)(1)."; and

(ii) by adding at the end the following:

"(2) ALTERNATES.—Each member described under paragraph (1) (A) through (E) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting."; and

(B) in subsection (h) by striking "section 4(e)" and inserting "section 4(d)"; and

(9) in section 13—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

On August 5, 1999, the Senate passed S. 1255, as follows:

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Anticybersquatting Consumer Protection Act.".

(b) REFERENCES TO THE TRADEMARK ACT OF 1946.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) The registration, trafficking in, or use of a domain name that is identical or confusingly similar to a trademark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trademark or service mark of another that is famous at the time of the registration of the domain name, without regard to the goods or services of the parties, with the bad-faith intent to profit from the goodwill of another's mark (commonly referred to as "cyberpiracy" and "cybersquatting")—

(A) results in consumer fraud and public confusion as to the true source or sponsorship of goods and services;

(B) impairs electronic commerce, which is important to interstate commerce and the United States economy;

(C) deprives legitimate trademark owners of substantial revenues and consumer goodwill; and

(D) places unreasonable, intolerable, and overwhelming burdens on trademark owners in protecting their valuable trademarks.

(2) Amendments to the Trademark Act of 1946 would clarify the rights of a trademark owner to provide for adequate remedies and to deter cyberpiracy and cybersquatting.

SEC. 3. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

"(d)(1)(A) A person shall be liable in a civil action by the owner of a trademark or service mark if, without regard to the goods or services of the parties, that person—

"(i) has a bad faith intent to profit from that trademark or service mark; and

"(ii) registers, traffics in, or uses a domain name that—

"(I) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to such mark; or

"(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.

"(B) In determining whether there is a bad-faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

"(i) the trademark or other intellectual property rights of the person, if any, in the domain name;

"(ii) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

"(iii) the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

"(iv) the person's legitimate noncommercial or fair use of the mark in a site accessible under the domain name;

"(v) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

"(vi) the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for substantial consideration without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services;

"(vii) the person's intentional provision of material and misleading false contact information when applying for the registration of the domain name; and

"(viii) the person's registration or acquisition of multiple domain names which are identical or confusingly similar to trademarks or service marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous trademarks or service marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of such persons.

"(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

"(D) A use of a domain name described under subparagraph (A) shall be limited to a use of the domain name by the domain name registrant or the domain name registrant's authorized licensee.

"(2)(A) The owner of a mark may file an in rem civil action against a domain name if—

"(i) the domain name violates any right of the registrant of a mark registered in the Patent and Trademark Office, or section 43 (a) or (c); and

"(ii) the court finds that the owner has demonstrated due diligence and was not able to find a person who would have been a defendant in a civil action under paragraph (1).

"(B) The remedies of an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.".

(b) Additional Civil Action and Remedy.—The civil action established under section 43(d)(1) of the Trademark Act of 1946 (as added by this section) and any remedy available under such action shall be in addition to any other civil action or remedy otherwise applicable.

SEC. 4. DAMAGES AND REMEDIES.

(a) Remedies In Cases of Domain Name Piracy.—

(1) Injunctions.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking "section 43(a)" and inserting "section 43 (a), (c), or (d)".

(2) Damages.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting ", (c), or (d)" after "section 43 (a)".

(b) Statutory Damages.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

"(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The court shall remit statutory damages in any case in which an infringer believed and had reasonable grounds to believe that use of the domain name by the infringer was a fair or otherwise lawful use.".

SEC. 5. LIMITATION ON LIABILITY.

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking "under section 43(a)" and inserting "under section 43 (a) or (d)"; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D)(i) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary relief to any person for such action, regardless of whether the domain name is finally determined to infringe or dilute the mark.

"(ii) An action referred to under clause (i) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

"(I) in compliance with a court order under section 43(d); or

"(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another's mark registered on the Principal Register of the United States Patent and Trademark Office.

"(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for damages under this section for the registration or maintenance of a domain name for another absent a showing of bad faith intent to profit from such registration or maintenance of the domain name.

"(iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any person that a domain name is identical to, confusingly similar to, or dilutive of a mark registered on the Principal Register of the United States Patent and Trademark Office, such person shall be liable for any damages, including costs and attorney's fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.

"(v) A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.".

SEC. 6. DEFINITIONS.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the undesignated paragraph defining the term "counterfeit" the following:

"The term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).

"The term 'domain name' means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.".

SEC. 7. SAVINGS CLAUSE.

Nothing in this Act shall affect any defense available to a defendant under the Trademark Act of 1946 (including any defense under section 43(c)(4) of such Act or relating to fair use) or a person's right of free speech or expression under the first amendment of the United States Constitution.

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstances is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 9. EFFECTIVE DATE.

This Act shall apply to all domain names registered before, on, or after the date of enactment of this Act, except that statutory damages under section 35(d) of the Trademark Act of 1946 (15 U.S.C. 1117), as added by section 4 of this Act, shall not be available with respect to the registration, trafficking, or use of a domain name that occurs before the date of enactment of this Act.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBER AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM MAR. 27, TO JUNE 3, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Forrign currency	U.S. dollar equivalent or U.S. currency
Senator J. Robert Kerrey:									
France	Franc	2,774	462.00		1,119.56	320	53.30		1,634.86
Debra A. Reed:									
France	Franc	716	119.00		3,123.93				3,242.93
Senator Patrick J. Leahy:									
Ireland	Pound	584.38	788.00		1.082.35				1,870.35
Senator Patrick J. Leahy:									
Northern Ireland	Dollar		254.00						254.00
John P. Dowd:									
Ireland	Pound	584.38	788.00		1,082.35				1,870.35
Northern Ireland	Dollar		254.00						254.00
Frederick S. Kenney II:									
Ireland	Pound	1,012.84	1,379.00		1,612.40				2991.40
Total			4,044.00		8,020.59		53.30		12,117.89

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, July 1, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
France	Franc	31.60	505.00					31.60	505.00
Senator Richard C. Shelby:									
France	Franc	31.60	505.00					31.60	505.00
Senator Ben Nighthorse Campbell:									
France	Franc	31.60	505.00					31.60	505.00
Steve Cortese:									
France	Franc	31.60	505.00					31.60	505.00
Gary Reese:									
France	Franc	31.60	505.00					31.60	505.00
John Young:									
France	Franc	31.60	505.00					31.60	505.00
Wally Burnett:									
France	Franc	31.60	505.00					31.60	505.00
Tammy Perrin:									
France	Franc	31.60	505.00					31.60	505.00
Senator Daniel K. Inouye:									
Japan	Yen	115,130	940.99					115,130	940.99
Charlie Houy:									
Japan	Yen	110,942	906.76					110,942	906.76
Total			5,887.75						5,887.75

TED STEVENS,
Chairman, Committee on Appropriations, July 20, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles S. Abell:									
Honduras	Lempira	423.00	30.00						30.00
Honduras	Dollar		356.00						356.00
Honduras	Dollar				1,328.40				1,328.40
Senator John Warner:									
United States	Dollar				4,150.88				4,150.88
United Kingdom	Pound		730.00						730.00
Belgium	Franc		479.00						479.00
Italy	Lira		325.00						325.00
Senator Tim Hutchinson:									
United States	Dollar				4,897.50				4,897.50
Italy	Lira	966,786	538.00						538.00
Belgium	Franc	8,674	232.00						232.00
United Kingdom	Pound	196.10	315.00						315.00
Todd B. Deatherage:									
United States	Dollar				4,897.50				4,897.50
Italy	Lira	966,786	538.00						538.00
Belgium	Franc	8,674	232.00						232.00
United Kingdom	Pound	196.10	315.00						315.00
Gary M. Hall:									
Israel	Dollar		10.00						10.00
Bahrain	Dollar		298.25						298.25
Patrick F. McCartan:									
Israel	Dollar		10.00						10.00
Bahrain	Dollar		387.25						387.25
Senator Olympia J. Snowe:									
Israel	Dollar		10.00						10.00
Bahrain	Dollar		284.25						284.25
Senator Jeff Sessions:									
Germany	Dollar		494.00						494.00
Czech Republic	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Dollar		342.00						342.00
Senator Pat Roberts:									
France	Franc	31.60	505.00						505.00
Senator James M. Inhofe:									
United States	Dollar				4,930.67				4,930.67
Germany	Dollar		101.50						101.50
Northern Ireland	Dollar		274.00						274.00
Germany	Dollar		185.00						185.00
Albania	Dollar		170.00						170.00
United Kingdom	Dollar		670.00						670.00
France	Franc	31.60	505.00						505.00
Total			10,100.25						30,305.20

JOHN WARNER,
Chairman, Committee on Armed Services, June 30, 1999.

ADDENDUM TO 1ST QUARTER OF 1999.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES COMMITTEE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1999.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
Cuba	Dollar		311.93						311.93
Neil D. Campbell:									
Cuba	Dollar		715.00						715.00
Total			1,026.93						1,026.93

JOHN WARNER,
Chairman, Committee on Armed Services, June 30, 1999

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00
France	Dollar		342.00						342.00
Senator Wayne Allard:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00
France	Dollar		342.00						342.00
Senator Mike Enzi:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00
France	Dollar		342.00						342.00
Ms. Ruth Cymber:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00
Turkey	Dollar		483.00						483.00
Italy	Dollar		539.00						539.00
France	Dollar		342.00						342.00
Senator Evan Bayh:									
Portugal	Dollar		837.00		4,084.00				4,921.00
Mr. Robert O'Quinn:									
England	Dollar		1,460.00						1,460.00
Philippines	Dollar		744.00						744.00
Total	Dollar		12,981.00		4,084.00				17,065.00

PHIL GRAMM,
Chairman, Committee on Banking, Housing, and Urban Affairs, July 30, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randall Popelka:									
Switzerland	Franc	2,150.14	1,427.43					2,150.14	1,427.43

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				923.46				923.46
Total			1,427.43		923.46				2,350.89

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, July 23, 1999.

ADDENDUM TO 1ST QUARTER OF 1999.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham:									
Honduras	Dollar		264.00						264.00
Nicaragua	Dollar		75.00						75.00
Robert Filippone:									
Honduras	Dollar		264.00						264.00
Nicaragua	Dollar		75.00						75.00
Gary Shiffman:									
Honduras	Dollar		264.00						264.00
Nicaragua	Dollar		75.00						75.00
Faryar Shirzad:									
Honduras	Dollar		191.06						191.06
Nicaragua	Dollar		6.00						6.00
Daniel Bob:									
Peru	Dollar		1,224.00		825.40				2,049.40
China	Dollar		738.98		469.00				1,207.98
Robert Six:									
Taiwan	Dollar		954.82						954.82
Japan	Dollar		2,066.91						2,066.91
China	Dollar		806.77						806.77
United States	Dollar				4,892.06				4,892.06
United States	Dollar				8,172.00				8,172.00
Senator John Rockefeller:									
United States	Dollar				15,531.00				15,531.00
Taiwan	Dollar		1,201.50						1,201.50
Japan	Dollar		624.00						624.00
Total			8,831.04		29,889.46				38,720.50

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, July 28, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ian Brzezinski:									
Poland	Dollar		1,177.62						1,177.62
United States	Dollar				1,664.26				1664.26
Total			1,177.62		1,664.26				2,841.88

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, July 28, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
United States	Dollar				2,742.53				2,742,53
Senator Sam Brownback:									
Kenya	Dollar		1,470.00						1,470.00
United States	Dollar				6,961.15				6,961.15
Senator Christopher Dodd:									
Belgium	Dollar		100.00						100.00
United States	Dollar				5,975.97				5,975.97
United States	Dollar				3,029.00				3,029.00
Senator Chuck Hagel:									
United States	Dollar				4,971.37				4,971.37
Senator John Kerry:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		121.00						121.00
Vietnam	Dollar		556.00						556.00
United Kingdom	Dollar		280.00						280.00
United States	Dollar				11,006.92				11,006.92
Frank Jannuzi:									
Taiwan	Dollar		955.50						955.50

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				3,277.55				3,277.55
Michael Miller:									
South Africa	Dollar		1,003.10						1,003.10
United States	Dollar				5,600.99				5,600.99
Janice O'Connell:									
Belgium	Dollar		150.00						150.00
France	Dollar		332.00						332.00
United States	Dollar				5,397.79				5,397.79
Nancy Stetson:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		130.00						130.00
Vietnam	Dollar		393.00						393.00
United Kingdom	Dollar		281.00						281.00
United States	Dollar				6,959.40				6,959.40
Michael Westphal:									
South Africa	Dollar		914.78						914.78
United States	Dollar				5,600.99				5,600.99
Total			7,446.38		61,523.66				68,970.04

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 27, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Fred Thompson:									
United States	Dollar				7,310.13				7,310.13
Italy	Lira		646.00						646.00
Germany	Deutschmark		420.00						420.00
Curtis Silvers:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Christopher Ford:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Senator Susan Collins:									
United States	Dollar				812.81				812.81
Northern Ireland	Pound	50.62	81.00						81.00
Ireland	Pound	172.17	229.00						229.00
England	Pound	171.31	273.00						273.00
Senator Thad Cochran:									
Scotland	Pound		273.00						273.00
Belgium	Franc		269.00						269.00
Dennis Ward:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Dennis McDowell:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Michael Loesch:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Mitchel Kugler:									
United States	Dollar				4,882.76				4,882.76
United Kingdom	Pound		2,540.00		197.00				2,737.00
Total			8,552.00		24,006.96				32,558.96

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, June 30, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United states	Dollar				1,924.69				1,924.69
Rosemary Gutierrez:									
United states	Dollar				1,924.69				1,924.69
Total					3,849.38				3,849.38

JIM JEFFORDS,
Chairman, Committee on Health, Education, Labor, and Pensions, July 19, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Cuba	Dollar		216.00						216.00
David Urban:									
Cuba	Dollar		187.59		20.00		117.41		325.00
Charles Robbins:									
Cuba	Dollar		247.50		2.90		48.00		298.40
Anthony Cunningham:									
Cuba	Dollar		292.56		15.00		17.44		325.00
Total			943.65		37.90		182.85		1,164.40

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, July 6, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			730.00		4,668.50				5,398.50
Senator J. Robert Kerrey			730.00		4,750.50				5,480.50
Nicholas Rostow			453.00						453.00
Senator Bob Graham			20.50						20.50
Alfred Cumming			134.50						134.50
Bob Fillipone			135.50						135.50
Senator Richard G. Lugar			1,966.00		4,247.77				6,213.77
Kenneth Myers			2,140.00		4,247.77				6,387.77
Total			6,309.50		17,914.54				24,224.04

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, July 15, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM MAY 14 TO MAY 17, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kay Bailey Hutchison:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		129.00						129.00
Senator Frank Lautenberg:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
Senator Tom Harkin:									
Bulgaria	Dollar		233.50						233.50
Belgium	Dollar		152.00						152.00
Senator Rod Grams:									
Bulgaria	Dollar		40.60						40.60
Belgium	Dollar		146.00						146.00
Senator Gordon Smith:									
Bulgaria	Dollar		233.50						233.50
Belgium	Dollar		133.00						133.00
Senator George Voinovich:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
James W. Ziglar:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
Frederic Baron:									
Bulgaria	Dollar		191.50						191.50
Belgium	Dollar		122.00						122.00
Dave Davis:									
Bulgaria	Dollar		187.50						187.50
Belgium	Dollar		165.00						165.00
Larry DiRita:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		191.00						191.00
Beth Stewart:									
Bulgaria	Dollar		204.50						204.50
Belgium	Dollar		122.00						122.00
Sally Walsh:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
Delegation expenses:[1]									
Hungary							435.61		435.61
Bulgaria							380.61		380.61
Albania							1,090.94		1,090.94
Macedonia							430.61		430.61
Belgium							522.17		522.17
Total			3,768.10				2,859.94		6,628.04

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader, July 1, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM APR. 16 TO APR. 18, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Belgium	Franc		242.00						242.00
Senator Carl Levin:									
Belgium	Franc		242.00						242.00
Senator Don Nickles:									
Belgium	Franc		242.00						242.00
Senator Chuck Robb:									
Belgium	Franc		242.00						242.00
United States	Dollar				2,882.53				2,882.53
Senator Fred Thompson:									
Belgium	Franc		242.00						242.00
Senator Pat Roberts:									
Belgium	Franc		242.00						242.00
Senator Richard Durbin:									
Belgium	Franc		242.00						242.00
Senator Joe Biden:									
Belgium	Franc		242.00						242.00
Senator Max Baucus:									
Belgium	Franc		242.00						242.00
Mr. Steven Cortese:									
Belgium	Franc		242.00						242.00
Ms. Robin Cleveland:									
Belgium	Franc		242.00						242.00
Richard DeBobes:									
Belgium	Franc		196.00						196.00
Jim Jatras:									
Belgium	Franc		242.00						242.00
Terry Sauvain:									
Belgium	Franc		242.00						242.00
Total			3,342.00		2,882.53				6,224.53

TRENT LOTT, Majority Leader,
TIM DASCHLE, Democratic Leader, July 14, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM APRIL 4, TO APRIL 11, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Senator Harry Reid:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Senator Byron Dorgan:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Senator Ben Nighthorse Campbell:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Sheila Murphy:									
Brazil	Real	877.92	496.00					877.92	496.00
Argentina	Dollar		744.00						744.00
Chile	Peso	180,206	377.00					180,206	377.00
Eric Washburn:									
Brazil	Real	1,154.04	652.00					1,154.04	652.00
Argentina	Dollar		744.00						744.00
Chile	Peso	193,112	404.00					193,112	404.00
Sally Walsh:									
Brazil	Real	1,088.55	615.00					1,088.55	615.00
Argentina	Dollar		744.00						744.00
Chile	Peso	239,956	502.00					239,956	502.00
Delegation expenses:[1]									
Brazil							4,501.31		4,501.31
Argentina							5,146.59		5,146.59
Chile							3,928.23		3,928.23
Total			13,930.00				13,576.13		27,506.13

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22. of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, June 25, 1999.

MEASURE READ FOR THE FIRST TIME—S.J. RES. 33

Mr. BROWNBACK. Madam President, I understand that S.J. Res. 33, introduced earlier by Senator LOTT, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution for the first time.

The bill clerk read as follows:

> A joint resolution (S.J. Res. 33) deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

Mr. BROWNBACK. Madam President, I now ask for its second reading, and I object on behalf of the Democrats in the Senate.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

EXECUTIVE SESSION

NOMINATION OF CARLOS MURGUIA, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS

Mr. BROWNBACK. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: No. 176, the nomination of Judge Carlos Murguia to be U.S. district judge for the district of Kansas.

I take this opportunity to inform my fellow Members a little bit about Judge Murguia. I went to school with Judge Murguia. I am delighted to see him join the bench in Kansas. I want to speak today for a few minutes and tell my colleagues about Judge Murguia, whose nomination to the Federal Judiciary I understand will be agreed to before the close of business today.

The Federal Judiciary is a truly high honor and responsibility. Those nominated to serve must be men and women of the highest professional and personal qualifications. I am privileged and pleased today to commend to the Senate Judge Carlos Murguia of Kansas City, KS. A native of Kansas City, Carlos Murguia is part of a remarkable family. Every one of his four siblings have earned a law degree from the University of Kansas. One sister works as deputy director of legislative affairs at the White House. Another sister is an assistant U.S. attorney in Arizona.

Judge Murguia has served as a Wyandotte County District judge since September of 1990. He is a graduate of the University of Kansas School of Journalism and a graduate of my alma mater, the University of Kansas School of Law.

Judge Murguia took an unusual career path upon graduating from that institution of legal scholarship that has turned out so many outstanding attorneys. He chose to use his newly minted legal skills to help others in a generally lower-income area of Kansas city. He chose to help others in this area who ordinarily would not have access to legal representation in situations others often take for granted.

Judge Murguia took his first step into the Judiciary while still in private practice, serving first as a part-time small claims judge for the Wyandotte County district court. Later in 1990, Kansas Republican Governor Mike Hayden appointed Mr. Murguia Wyandotte County District Judge, filling the reminder of a term of a judge who died in office. He was elected to his own 4-year terms in both 1992 and 1996. Judge Murguia served Wyandotte County with distinction in this office for 10 years.

Madam President, I am confident that Judge Murguia will bring to the Federal bench the skills and knowledge of an outstanding jurist of personal integrity and with the dedication of a man who took his law degree to help his fellow citizens.

On a personal note, when you see the demeanor of Judge Murguia and you are around his presence, you recognize and see the beauty of this person, the beauty of his soul, the beauty of the smile that goes on his face when he sees justice being done for others. And that smile mourns when he sees anyone treated unjustly. He lives in his heart for justice. I think he is probably one of the best embodiments of that frequently cited passage in Micah that reads, "what does the Lord require of you but to do justice and to love mercy and to walk humbly with thy God".

Judge Murguia fulfills that passage in Micah. For all these reasons, I am especially pleased to wholeheartedly commend to the Senate Judge Carlos Murguia nomination to the Federal district court.

Madam President, in that vein, I further ask unanimous consent that this nomination of Judge Murguia be confirmed, the motion to consider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Carlos Murguia, of Kansas, to be United States District Judge for the District of Kansas.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 106-6 AND 106-7

Mr. BROWNBACK. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 8, 1999, by the President of the United States: International Convention for the Expression of Terrorist Bombings (Treaty Document No. 106-6); and Treaty with Dominican Republic for Return of Stolen or Embezzled Vehicles, with Annexes, (Treaty Document No. 106-7).

I further ask that the treaties be considered as having been read the first time, they be referred with accompanying papers to the Committee on Foreign Relations, and the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

In recent years, we have witnessed an unprecedented and intolerable increase in acts of terrorism involving bombings in public places in various parts of the world. The United States initiated the negotiation of this convention in the aftermath of the June 1996 bombing attack on U.S. military personnel in Dhahran, Saudi Arabia, in which 17 U.S. Air Force personnel were killed as the result of a truck bombing. That attack followed other terrorist attacks including poison gas attacks in Tokyo's subways; bombing attacks by HAMAS in Tel Aviv and Jerusalem; and a bombing attack by the IRA in Manchester, England. Last year's terrorist attacks upon United States embassies in Nairobi and Dar es Salaam are recent examples of such bombings, and no country or region is exempt from the human tragedy and immense costs that result from such criminal acts. Although the penal codes of most states contain provisions proscribing these kinds of attacks, this Convention provides, for the first time, an international framework for cooperation among states directed toward prevention of such incidents and ensuing punishment of offenders, wherever found.

In essence, the Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits an offense as defined in Article 2, attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of an offense by a group of persons acting with a common purpose. A State Party is subject to these obligations without regard to the place where the alleged act covered by Article 2 took place.

Article 2 of the Convention declares that any person commits an offense within the meaning of the Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility, with the intent (a) to cause death or serious bodily injury or (b) cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss. States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 2.

The recommended legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is a vitally important new element in the campaign against the scourge of international terrorism. I hope that all states will become Parties to this Convention, and that it will be applied universally. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understandings and reservation that are described in the accompanying State Department report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 8, 1999.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, with Annexes, signed at Santo Domingo on April 30, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicles treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles that have been stolen or embezzled and taken to the Dominican Republic.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 8, 1999.*

TO INCREASE LEAVE TIME FOR FEDERAL EMPLOYEE ORGAN DONORS

Mr. BROWNBACK. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 264, H.R. 457.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 457) to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. I ask unanimous consent that the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 457) was considered read the third time and passed.

VETERANS BENEFITS ACT OF 1999

Mr. BROWNBACK. I ask that the Senate proceed to the consideration of Calendar No. 230, S. 1076.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1076) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 101. Adult day health care.
Sec. 102. In-home respite care services.

Subtitle B—Management of Medical Facilities and Property

Sec. 111. Enhanced-use lease authority.
Sec. 112. Designation of hospital bed replacement building at Department of Veterans Affairs medical center in Reno, Nevada, after Jack Streeter.

Subtitle C—Homeless Veterans

Sec. 121. Extension of program of housing assistance for homeless veterans.
Sec. 122. Homeless veterans comprehensive service programs.
Sec. 123. Authorizations of appropriations for homeless veterans' reintegration projects.
Sec. 124. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

Sec. 131. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.
Sec. 132. Improvement of specialized mental health services for veterans.
Sec. 133. Treatment and services for drug or alcohol dependency.
Sec. 134. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
Sec. 135. Extension of certain Persian Gulf War authorities.
Sec. 136. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.
Sec. 137. Reimbursement of medical expenses of veterans located in Alaska.
Sec. 138. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 141. Authorization of major medical facility projects.

TITLE II—BENEFITS MATTERS

Sec. 201. Payment rate of certain burial benefits for certain Filipino veterans.
Sec. 202. Extension of authority to maintain a regional office in the Republic of the Philippines.
Sec. 203. Extension of Advisory Committee on Minority Veterans.
Sec. 204. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
Sec. 205. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 206. Clarification of veterans employment opportunities.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

Sec. 301. Short title.
Sec. 302. Persons eligible for burial in Arlington National Cemetery.
Sec. 303. Persons eligible for placement in the columbarium in Arlington National Cemetery.

Subtitle B—World War II Memorial

Sec. 311. Short title.
Sec. 312. Fund raising by American Battle Monuments Commission for World War II Memorial.
Sec. 313. General authority of American Battle Monuments Commission to solicit and receive contributions.
Sec. 314. Intellectual property and related items.

TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 401. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.
Sec. 402. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.
Sec. 403. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.
Sec. 404. Definition.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 101. ADULT DAY HEALTH CARE.

Section 1720(f)(1)(A)(i) is amended by striking "subsections (a) through (d) of this section" and inserting "subsections (b) through (d) of this section".

SEC. 102. IN-HOME RESPITE CARE SERVICES.

Section 1720B(b) is amended—

(1) in the matter preceding paragraph (1), by striking "or nursing home care" and inserting ", nursing home care, or home-based care"; and

(2) in paragraph (2), by inserting "or in the home of a veteran" after "in a Department facility".

Subtitle B—Management of Medical Facilities and Property

SEC. 111. ENHANCED-USE LEASE AUTHORITY.

(a) Maximum Term of Leases.—Section 8162(b)(2) is amended by striking "may not exceed—" and all that follows through the end and inserting "may not exceed 55 years.".

(b) Availability of Funds for Certain Activities Relating to Leases.—Section 8162(b)(4) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) in the first sentence, by striking "only"; and

(B) by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

"(B) Any payment by the Secretary in contribution to capital activities on property that has been leased under this subchapter may be made from amounts appropriated to the Department for construction, minor projects.".

(c) Extension of Authority.—Section 8169 is amended by striking "December 31, 2001" and inserting "December 31, 2011".

(d) Training and Outreach Regarding Authority.—The Secretary of Veterans Affairs shall take appropriate actions to provide training and outreach to personnel at Department of Veterans Affairs medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(e) Independent Analysis of Opportunities for Use of Authority.—(1) The Secretary shall take appropriate actions to secure from an appropriate entity independent of the Department of Veterans Affairs an analysis of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) The analysis under paragraph (1) shall include—

(A) a survey of the facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of the survey under paragraph (2)(A) the entity determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of the survey the entity determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.

(f) Authority for Enhanced-Use Lease of Property Under Business Plan.—(1) The Secretary may enter into an enhanced-use lease of any property identified as presenting an opportunity for such lease under the analysis under subsection (e) if such lease is consistent with the business plan under paragraph (4) of that subsection.

(2) The provisions of subchapter V of chapter 81 of title 38, United States Code, shall apply with respect to any lease under paragraph (1).

SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN RENO, NEVADA, AFTER JACK STREETER.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

Subtitle C—Homeless Veterans

SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking "December 31, 1999" and inserting "December 31, 2001".

SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) Purposes of Grants.—Paragraph (1) of section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting ", and expanding existing programs for furnishing," after "new programs to furnish".

(b) Extension of Authority to Make Grants.—Paragraph (2) of that section is amended by striking "September 30, 1999" and inserting "September 30, 2001".

(c) Authorization of Appropriations.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting "and $50,000,000 for each of fiscal years 2000 and 2001" after "for fiscal years 1993 through 1997".

SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

"(H) $10,000,000 for fiscal year 2000.

"(I) $10,000,000 for fiscal year 2001.".

SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) Report.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) Outcome Measures.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) Definitions.—Section 1701 is amended—

(1) in paragraph (6)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title."; and

(2) by adding at the end the following new paragraph:

"(10) The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

"(B) serious impairment to bodily functions; or

"(C) serious dysfunction of any bodily organ or part.".

(b) Contract Care.—Section 1703(a)(3) is amended by striking "medical emergencies" and all that follows through "health of a veteran" and inserting "an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is".

(c) Reimbursement of Expenses for Emergency Care.—Section 1728(a)(2) is amended—

(1) by striking "or" before "(D)"; and

(2) by inserting before the semicolon at the end the following: ", or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title".

(d) Payment Priority.—Section 1705 is amended by adding at the end the following new subsection:

"(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.".

(e) Effective Date.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

SEC. 132. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH SERVICES FOR VETERANS.

(a) In General.—(1) Subchapter II of chapter 17 is amended by inserting after section 1712B the following new section:

"§ 1712C. Specialized mental health services

"(a) The Secretary shall carry out programs for purposes of enhancing the provision of specialized mental health services to veterans.

"(b) The programs carried out by the Secretary under subsection (a) shall include the following:

"(1) Programs relating to the treatment of Post Traumatic Stress Disorder (PTSD), including programs for—

"(A) the establishment and operation of additional outpatient and residential treatment facilities for Post Traumatic Stress Disorder in

areas that are underserved by existing programs relating to Post Traumatic Stress Disorder, as determined by qualified mental health personnel of the Department who oversee such programs;

"(B) the provision of services in response to the specific needs of veterans with Post Traumatic Stress Disorder and related disorders, including short-term or long-term care services that combine residential treatment of Post Traumatic Stress Disorder;

"(C) the provision of Post Traumatic Stress Disorder or dedicated case management services on an outpatient basis; and

"(D) the enhancement of staffing of existing programs relating to Post Traumatic Stress Disorder which have exceeded the projected workloads for such programs.

"(2) Programs relating to substance use disorders, including programs for—

"(A) the establishment and operation of additional Department-based or community-based residential treatment facilities;

"(B) the expansion of the provision of opioid treatment services, including the establishment and operation of additional programs for the provision of opioid treatment services; and

"(C) the reestablishment or enhancement of substance use disorder services at facilities at which such services have been eliminated or curtailed, with an emphasis on the reestablishment or enhancement of services at facilities where demand for such services is high or which serve large geographic areas.

"(c)(1) The Secretary shall provide for the allocation of funds for the programs carried out under this section in a centralized manner.

"(2) The allocation of funds for such programs shall—

"(A) be based upon an assessment of the need for funds conducted by qualified mental health personnel of the Department who oversee such programs; and

"(B) emphasize, to the maximum extent practicable, the availability of funds for the programs described in paragraphs (1) and (2) of subsection (b).".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1712B the following new item:

"1712C. Specialized mental health services.".

(b) Report.—(1) Not later than March 1 of each of 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to Congress a report on the programs carried out by the Secretary under section 1712C of title 38, United States Code (as added by subsection (a)).

(2) The report shall, for the period beginning on the date of the enactment of this Act and ending on the date of the report—

(A) describe the programs carried out under such section 1712C;

(B) set forth the number of veterans provided services under such programs; and

(C) set forth the amounts expended for purposes of carrying out such programs.

SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "may not be transferred" and inserting "may be transferred"; and

(B) by striking "unless such transfer is during the last thirty days of such member's enlistment or tour of duty"; and

(2) in the first sentence of paragraph (2), by striking "during the last thirty days of such person's enlistment period or tour of duty".

SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking "(1)";

(2) by striking "each designated health care region" and inserting "each Department health care facility";

(3) by striking "each region" and inserting "each facility";

(4) by striking "such region" both places it appears and inserting "such facility"; and

(4) by striking paragraph (2).

SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) Three-Year Extension of Newsletter on Medical Care.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) Three-Year Extension of Program for Evaluation of Health of Spouses and Children.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking "December 31, 1999" and inserting "December 31, 2002".

SEC. 136. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) Requirement.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) Report Elements.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.

(a) Preservation of Current Reimbursement Rates.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

(b) Report.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

SEC. 138. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF UNDER SECRETARY FOR HEALTH AND UNDER SECRETARY FOR BENEFITS.

(a) Under Secretary for Health.—Section 305 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) Under Secretary for Benefits.—Section 306 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) Applicability.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to individuals appointed as Under Secretary for Health and Under Secretary for Benefits, respectively, on or after that date.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 141. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) In General.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed $13,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $213,100,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;".

TITLE II—BENEFITS MATTERS

SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking "Payments" and inserting "Subject to subsection (c), payments"; and

(2) by adding at the end the following:

"(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

"(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of the Veterans Benefits Act of 1999 if the individual, on the individual's date of death—

"(A) is a citizen of the United States;

"(B) is residing in the United States; and

"(C) either—

"(i) is receiving compensation under chapter 11 of this title; or

"(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.".

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.

(a) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking "that either—" in the matter preceding paragraph (1) and inserting "rated totally disabling if—"; and

(2) by adding at the end the following new paragraph:

"(3) the veteran was a former prisoner of war who died after September 30, 1999, and whose disability was continuously rated totally disabling for a period of one year immediately preceding death.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1)—

(A) by inserting "the disability" after "(1)"; and

(B) by striking "or" after "death;"; and

(2) in paragraph (2)—

(A) by striking "if so rated for a lesser period, was so rated continuously" and inserting "the disability was continuously rated totally disabling"; and

(B) by striking the period at the end and inserting "; or".

SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182), to which such amendments relate.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999".

SEC. 302. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

"§2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

"(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

"(A) Medal of Honor.

"(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

"(C) Distinguished Service Medal.

"(D) Silver Star.

"(E) Purple Heart.

"(5) Any former prisoner of war who dies on or after November 30, 1993.

"(6) The President or any former President.

"(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

"(A) Vice President.

"(B) Member of Congress.

"(C) Chief Justice or Associate Justice of the Supreme Court.

"(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

"(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

"(8) Any individual whose eligibility is authorized in accordance with subsection (b).

"(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) In the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

"(2) In the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

"(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

"(4)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

"(B) Each report under subparagraph (A) shall—

"(i) identify the individual authorized for burial; and

"(ii) provide a justification for the authorization for burial.

"(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall publish in the Federal Register a notice of the authorization as soon as practicable after the authorization.

"(B) Each notice under subparagraph (A) shall—

"(i) identify the individual authorized for burial; and

"(ii) provide a justification for the authorization for burial.

"(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1)(A) Except as provided in subparagraph (B), the spouse, surviving spouse, minor child, and, at the discretion of the Superintendent,

unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

"(B) In a case under subparagraph (A) in which the same gravesite may not be used due to insufficient space, a person otherwise eligible under that subparagraph may be interred in a gravesite adjoining the gravesite of the person listed in subsection (a) if space in such adjoining gravesite had been reserved for the burial of such person otherwise eligible under that subparagraph before January 1962.

"(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

"(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

"(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

"(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

"(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

"(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

"(d) Spouses.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

"(e) Disabled Adult Unmarried Children.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

"(f) Family Members of Persons Buried in a Group Gravesite.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

"(g) Exclusive Authority for Burial in Arlington National Cemetery.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

"(h) Application for Burial.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

"(i) Register of Buried Individuals.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

"(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(j) Definitions.—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.".

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial.".

(b) Publication of Updated Pamphlet.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) Technical Amendments.—Section 2402(7) is amended—

(1) by inserting "(or but for age would have been entitled)" after "was entitled";

(2) by striking "chapter 67" and inserting "chapter 1223"; and

(3) by striking "or would have been entitled to" and all that follows and inserting a period.

(d) Effective Date.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—(1) Chapter 24 is amended by adding after section 2412, as added by section 302(a)(1) of this Act, the following new section:

"§2413. Arlington National Cemetery: persons eligible for placement in columbarium

"(a) Eligibility.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

"(b) Spouse.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.".

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 302(a)(2) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium.".

(b) Effective Date.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

Subtitle B—World War II Memorial

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "World War II Memorial Completion Act".

SEC. 312. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) Codification of Existing Authority; Expansion of Authority.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

"§2113. World War II memorial in the District of Columbia

"(a) Definitions.—In this section:

"(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

"(2) The term 'Commission' means the American Battle Monuments Commission.

"(3) The term 'memorial fund' means the fund created by subsection (c).

"(b) Solicitation and Acceptance of Contributions.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

"(c) Creation of Memorial Fund.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

"(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

"(B) Obligations obtained under paragraph (3).

"(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

"(D) Amounts borrowed using the authority provided under subsection (e).

"(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

"(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

"(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

"(d) Use of Memorial Fund.—The memorial fund shall be available to the Commission for—

"(1) the expenses of establishing the World War II memorial, including the maintenance *and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));*

"(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

"(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

"(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

"(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

"(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

"(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

"(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

"(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

"(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

"(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

"(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

"(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

"(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103–32 (107 Stat. 90) shall not expire until December 31, 2005.".

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

"2113. World War II memorial in the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 313. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

"(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

"(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

"(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

"(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.".

SEC. 314. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

"(l) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

"(A) adopt, use, register, and license trademarks, service marks, and other marks;

"(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

"(C) obtain, use, and license patents; and

"(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

"(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

"(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

"(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

"(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.".

TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 401. TEMPORARY SERVICE OF CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS UPON EXPIRATION OF THEIR TERMS OR RETIREMENT.

(a) AUTHORITY FOR TEMPORARY SERVICE.—(1) Notwithstanding subsection (c) of section 7253 of title 38, United States Code, and subject to the provisions of this section, a judge of the Court whose term on the Court expires in 2004 or 2005 and completes such term, or who retires from the Court under section 7296(b)(1) of such title, may continue to serve on the Court after the expiration of the judge's term or retirement, as the case may be, without reappointment for service on the Court under such section 7253.

(2) A judge may continue to serve on the Court under paragraph (1) only if the judge submits to the chief judge of the Court written notice of an election to so serve 30 days before the earlier of—

(A) the expiration of the judge's term on the Court as described in that paragraph; or

(B) the date on which the judge meets the age and service requirements for eligibility for retirement set forth in section 7296(b)(1) of such title.

(3) The total number of judges serving on the Court at any one time, including the judges serving under this section, may not exceed 7.

(b) PERIOD OF TEMPORARY SERVICE.—(1) The service of a judge on the Court under this section may continue until the earlier of—

(A) the date that is 30 days after the date on which the chief judge of the Court submits to the President and Congress a written certification based on the projected caseload of the Court that the work of the Court can be performed in a timely and efficient manner by judges of the Court under this section who are senior on the Court to the judge electing to continue to provide temporary service under this section or without judges under this section; or

(B) the date on which the person appointed to the position on the Court occupied by the judge under this section is qualified for the position.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

(c) TEMPORARY SERVICE IN OTHER POSITIONS.—(1) If on the date that the person appointed to the position on the Court occupied by a judge under this section is qualified another position on the Court is vacant, the judge may serve in such other position under this section.

(2) If two or more judges seek to serve in a position on the Court in accordance with paragraph (1), the judge senior in service on the Court shall serve in the position under that paragraph.

(d) COMPENSATION.—(1) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this section an amount as follows:

(A) In the case of a person eligible to receive retired pay under subchapter V of chapter 72 of title 38, United States Code, or a retirement annuity under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable, an amount equal to one-half of the amount of the current salary payable to a judge of the Court under chapter 72 of title 38, United States Code, having a status on the Court equivalent to the highest status on the Court attained by the person.

(B) In the case of a person not eligible to receive such retired pay or such retirement annuity, an amount equal to the amount of current salary payable to a judge of the Court under such chapter 72 having a status on the Court equivalent to the highest status on the Court attained by the person.

(2) Amounts paid under this subsection to a person described in paragraph (1)(A)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(3) Amounts paid under this subsection to a person described in paragraph (1)(B) shall be treated as pay for purposes of deductions or contributions for or on behalf of the person to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(4) Amounts paid under this subsection shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(e) CREDITABLE SERVICE.—(1) The service as a judge of the Court under this section of a person who makes an election provided for under subsection (d)(2)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title.

(2) The service as a judge of the Court under this section of a person paid salary under subsection (d)(1)(B) shall constitute creditable service of the person toward retirement under subchapter V of chapter 72 of title 38, United States Code, or subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable.

(f) ELIGIBILITY FOR ADDITIONAL SERVICE.—The service of a person as a judge of the Court under this section shall not affect the eligibility of the person for appointment to an additional term or terms on the Court, whether in the position occupied by the person under this section or in another position on the Court.

(g) TREATMENT OF PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the party membership of a judge serving on the Court under this section shall not be taken into account.

SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) MODIFIED TERMS.—Notwithstanding section 7253(c) of title 38, United States Code, the term of any judge of the Court who is appointed to a position on the Court that becomes vacant in 2004 shall be 13 years.

(b) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of a judge appointed as described in subsection (a)—

(A) the age and service requirements in the table in paragraph (2) shall apply to the judge instead of the age and service requirements in the table in subsection (b)(1) of that section that would otherwise apply to the judge; and

(B) the minimum years of service applied to the judge for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	***And the years of service as a judge are at least***
65	*13*
66	*13*
67	*13*
68	*12*
69	*11*
70	*10*

SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TEMPORARY AUTHORITY.—A voluntary separation incentive payment may be paid in accordance with this section to any judge of the Court described in subsection (c).

(b) AMOUNT OF INCENTIVE PAYMENT.—The amount of a voluntary separation incentive payment paid to a judge under this section shall be $25,000.

(c) COVERED JUDGES.—A voluntary separation incentive payment may be paid under this section to any judge of the Court who—

(1) meets the age and service requirements for retirement set forth in section 7296(b)(1) of title 38, United States Code, as of the date on which the judge retires from the Court;

(2) submits a notice of an intent to retire in accordance with subsection (d); and

(3) retires from the Court under that section not later than 30 days after the date on which the judge meets such age and service requirements.

(d) NOTICE OF INTENT TO RETIRE.—(1) A judge of the Court seeking payment of a voluntary separation incentive payment under this section shall submit to the President and Congress a timely notice of an intent to retire from the Court, together with a request for payment of the voluntary separation incentive payment.

(2) A notice shall be timely submitted under paragraph (1) only if submitted—

(A) not later than one year before the date of retirement of the judge concerned from the Court; or

(B) in the case of a judge whose retirement from the Court will occur less than one year after the date of the enactment of this Act, not later than 30 days after the date of the enactment of this Act.

(e) DATE OF PAYMENT.—A voluntary separation incentive payment may be paid to a judge of the Court under this section only upon the retirement of the judge from the Court.

(f) TREATMENT OF PAYMENT.—A voluntary separation incentive payment paid to a judge under this section shall not be treated as pay for purposes of contributions for or on behalf of the judge to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code.

(g) ELIGIBILITY FOR TEMPORARY SERVICE ON COURT.—A judge seeking payment of a voluntary separation incentive payment under this section may serve on the Court under section 401 if eligible for such service under that section.

(h) SOURCE OF PAYMENTS.—Amounts for voluntary separation incentive payments under this section shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(i) EXPIRATION OF AUTHORITY.—A voluntary separation incentive payment may not be paid under this section to a judge who retires from the Court after December 31, 2002.

SEC. 404. DEFINITION.

In this title, the term "Court" means the United States Court of Appeals for Veterans Claims.

Amend the title so as to read: "A bill To amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.".

AMENDMENT NO. 1622

(Purpose: To improve the provisions relating to long-term health care for veterans and for other purposes)

Mr. BROWNBACK. Senators ROCKEFELLER and SPECTER have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. ROCKEFELLER and Mr. SPECTER, proposes an amendment numbered 1622.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. Madam President, as chairman of the Senate Committee on Veterans' Affair, I am pleased to report to the Senate on the features of S. 1076, the "Veterans Benefits Act of 1999," as amended. This is a very important bill, and I direct the Senate's attention to some of its more salient features.

As is explained in detail in the Committee Report which accompanies this legislation, S. 1076 would improve and enhance the ability of the Department of Veterans Affairs (VA) to address a variety of the needs of the Nation's veterans. It would enhance VA's ability to provide long term care services to aging veterans, and housing, training and other services to homeless veterans. It would extend VA programs to provide outreach and medical monitoring services to Persian Gulf War veterans and their families. It would improve and expand VA's authority to enter into "enhanced use leases"—leases which permit VA to more effectively manage its large and costly infrastructure—and it would authorize needed construction projects. Further, S. 1076 would improve benefits provided to institutionalized veterans, to the survivors of former prisoners of war, and to certain Filipino veterans. Finally, it would clarify and codify standards governing burial in Arlington National Cemetery and provide statutory authority needed to permit the timely construction in Washington of a World War II Memorial.

One matter that has not yet been resolved prior to the reporting of this bill—how proposed pilot programs to provide long term care and assisted living services to veterans ought to be structured—merits explanation now. The Ranking Minority Member of the Committee, Senator Rockefeller, and I have now resolved that matter and our agreement is reflected in an amendment to the bill that we offer jointly today. As amended, S. 1076 would instruct VA to initiate pilot programs to provide veterans long term care and assisted living services.

The long term care pilot programs mandated by this legislation would require that VA—without interrupting current services—provide and report on long term care services offered in separate VA "designated health care regions" (Veterans Integrated Service Networks or "VISNs" under VA's current organizational structure) using three models: an "in house" model; a community-based cooperative model; and a model representing a hybrid of the VA-staffed and community-based approaches. We hope to demonstrate that VA can offer the Nation a meaningful methodology for managing comprehensive care to an aging clientele, and identify the model or models by which such care can be provided most cost-effectively.

The second pilot program mandated by this legislation would direct VA to develop an appropriate model for furnishing assisted living services to veterans, as recommended by the Federal Advisory Committee on Long Term Care. This pilot program would empower VA to provide services to aged and disabled veterans in their homes or in other residential settings to assist them with their activities of daily living—and to assist them in avoiding or deferring more costly hospital or nursing home care. The Ranking Member and I hope to thrust VA into the forefront of this growing and challenging field of health care and foster the development of new and cost-effective solutions to challenges which all aging Americans face.

I urge the immediate passage of this bill as amended. And I thank the Senate for its attention to the needs of the Nation's veterans.

Mr. ROCKEFELLER. Madam President, as ranking member of the Senate Committee on Veterans' Affairs, I am pleased to support this comprehensive bill, which would make valuable changes to a wide range of veterans' benefits and services.

The bill we consider today, S. 1076, the Veterans Benefits Act of 1999, addresses many initiatives—from ensuring that the surviving spouses of ex-POW's will be provided for compensated to furnishing job training to homeless veterans. I will mention here only a few of the issues which are of particular interest to me.

The first is long-term care for veterans.

S. 1076, as amended, represents a comprehensive effort to address the long-term care needs of our veterans. Title I includes provisions based on the "Veterans' Long-Term Care Enhancement Act of 1999," which I introduced earlier in the session. In my view, we must take a first step to reach out to veterans who presently need long-term care services, or will in the future. I am glad that we have done so.

At the outset, I want to say that my wish would be for VA to provide long-term care to all veterans who need and want it. While the provisions now included in S. 1076 are only one step toward determining what VA should be doing to meet the needs of veterans for long-term care, I believe that it is an important step in that regard.

There is no doubt that demand for long-term care—for veterans and non-veterans alike—is increasing. In the Department of Veterans Affairs (VA), however, we face an even more pressing demand.

I am proud of VA's work in responding to current demand for long-term care services. VA has developed geriatric evaluation teams, home-based primary care, and adult day health care—all cost-effective ways to assess and care for veterans. But to quote from the Report of the Federal Advisory Committee on the Future of VA Long-Term Care, despite VA's high quality and long tradition, "VA long-term care is marginalized and unevenly funded."

There are three key elements to Subtitle A of Title I. The first includes provisions which clarify that long-term care is not only nursing home care, and that existing differences in law between eligibility for institutional long-term care and other types of care offered by VA do not affect VA's ability to furnish a full array of noninstitutional long-term care services.

Specifically, the provision would add "noninstitutional extended care services" to the definition of "medical services," thereby removing any doubt about VA's authority to furnish such services to veterans enrolled in VA care. The term would be defined to include the following: home-based primary care; adult day health care; respite care; palliative and end-of-life care; and homemaker or home health care aide visits. Veterans would have unfettered access to these needed and cost-effective long-term care services.

Second, S. 1076, as amended, would add clear authority for VA to furnish assisted living services, including to the spouses of veterans. VA already furnishes a form of assisted living services through its domiciliary care program, but the provisions in the bill would provide express authority to furnish this modality of care to older veterans within the confines of a demonstration project at a Veterans Integrated Service Network.

The Report of the Federal Advisory Committee on the Future of VA Long-Term Care specifically notes that while many state programs are moving in the direction of assisted living—to cut costs and to provide the most appropriate level of care—VA cannot do so. The results of the demonstration project will provide VA and Congress with a rational basis from which to proceed to authorize assisted living for all veterans.

Third, VA would be mandated to carry out a series of pilot programs, over a period of 3 years, which would be designed to gauge the best way for VA to meet veterans' long-term care needs—either directly, through cooperative arrangements with community providers, or by purchasing services from non-VA providers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. Some experts even believe that VA's expertise is gradually eroding.

For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities. Those who would benefit by further action to develop and capitalize on VA's long-term care expertise include older veterans, primarily our honored World War II veterans; those health organizations, including academic medicine and research entities, with which VA is now connected; and finally, the rest of the U.S. health care system, and ultimately all Americans who will need some form of long-term care services.

Each element of the pilot program would establish and carry out a comprehensive long-term care program, with a full array of services, ranging from inpatient long-term care—in intermediate care beds, nursing homes, and domiciliary care facilities—to comprehensive noninstitutional services, which include hospital-based home care, adult day health care, respite care, and other community-base interventions.

In each element of the pilot programs, VA would also be mandated to furnish case management services to ensure that veterans participating in the pilot programs receive the optimal treatment and placement for services. Preventive health care services, such as screening and patient education, and a particular focus on end-of-life care are also emphasized. In my view, VA must have ready access to all of these services.

Finally, a key purpose of the pilot program would be to test and evaluate various approaches to meeting the long-term care needs of eligible veterans, both to develop approaches that could be expanded across VA, as well as to demonstrate to others outside of VA the effectiveness and impact of various approaches to long-term care. To this end, the pilot program within S. 1076 would include specific data collection on matters such as cost effectiveness, quality of health care services provided, enrollee and health care provider satisfaction, and the ability of participants to carry out basic activities of daily living.

I look forward to working with the chairman and the members of the Committee on Veterans' Affairs in the House of Representatives to advance the cause of long-term care in VA. And I thank Senator SPECTER for his willingness to undertake these advancements in veterans' long-term care programs.

Another major issue of great interest to me which S. 1076 addresses are specialized mental health services for veterans.

Last year, I directed my staff on the Committee on Veterans' Affairs to undertake a study of the services the Department of Veterans Affairs offers to veterans with special needs. Earlier this summer, I released the report my Committee staff wrote based on their 8-month oversight investigation, which sought to determine if VA is complying with a Congressional mandate to maintain capacity in five of the specialized programs: Prosthetics and Sensory Aids Services, Blind Rehabilitation, Spinal Cord Injury (SCI), Post-Traumatic Stress Disorders (PTSD), and Substance Use Disorders.

In summary, my staff determined that field personnel have just barely been able to maintain the level of services in the Prosthetics, Blind Rehabilitation, and SCI programs, but that the PTSD and substance use disorder programs are not being maintained in accordance with the mandates in law. Because of staff and funding reductions, and the resulting increases in workloads and excessive waiting times, the latter two programs are failing to sustain services at the needed levels.

This is particularly troubling because from its inception, the Department of Veterans Affairs' health care system has developed widely recognized expertise in providing services to meet the special needs of veterans with spinal cord injuries, amputations, blindness, and post-traumatic stress disorder.

With specific regard to PTSD, VA has been moving to reduce inpatient treatment of PTSD, while expanding its use of outpatient programs. VA's decision has been fueled in part by studies of the cost effectiveness of various treatment approaches. The potential to stretch limited VA dollars to be able to treat more veterans is appealing. However, VA needs to be cautious before subscribing to the idea that outpatient care is as good as inpatient care for all veterans with PTSD. For some of the more seriously affected veterans—who have not succeeded in shorter inpatient or outpatient programs, are homeless or unemployed, or have dual diagnoses—longer inpatient or bed-based care may be a necessity.

Substance use disorders also present complex treatment problems and have taken perhaps the hardest hit of all the specialized programs. It is not surprising that treatment has shifted from an emphasis on inpatient to outpatient care. Some substance use disorder programs have terminated inpatient treatment completely, except for veterans requiring short detoxifications in extreme situations. while some medical centers have closed inpatient substance use disorder beds, they have worked to provide alternative, sheltered living arrangements. Unfortunately, not all facilities have made these efforts. Many have moved directly to the closure of inpatient units without first developing these other alternatives.

Section 132 of S. 1076, as amended, mandates that the Secretary of Veterans Affairs carry out programs to enhance the provision of specialized mental health services to veterans. The "Veterans Benefits Act of 1999" specifically targets services for those afflicted with PTSD and substance use disorders. The legislation before us also requires that funding will be available, in a centralized manner, to fund proposals from the Veterans Integrated Service Networks and the individual facilities to provide specialized mental health services. Qualified mental health personnel at the VA who oversee these programs shall conduct an assessment of need for the funds.

I must stress that these provisions are not aimed at rebuilding the traditional inpatient infrastructure. Instead, the focus is on expanding outpatient and residential treatment facilities, developing better case management, and generally improving the availability of services.

In my view, VA's mental health treatment programs, in general, have been eroded to the point that veterans in some areas of the country are suffering needlessly. That is why I am so pleased that S. 1076 includes provisions to prompt VA to begin to rebuild some of what has been lost.

The third major issue of particular concern to me which S. 1076 addresses is emergency care for veterans. I am very pleased that it includes provisions drawn directly from the "Veterans' Access to Emergency Care Act of 1999," which would authorize VA to cover emergency care at non-VA facilities for those veterans who have enrolled with VA for their health care. I thank my colleague, Senator DASCHLE, for his leadership on this issue.

While VA provides a very generous standard benefits package for all veterans who are enrolled with the VA for their health care, enrolled veterans do not have comprehensive emergency care. This is a serious gap in coverage for veterans, as large and unexpected emergency medical care bills can present a significant financial burden. That is why I offered this proposal at a Committee meeting. I am gratified that my colleagues on the Committee chose to support it.

Coverage of emergency care services for all veterans is supported by the consortium of veterans services organizations that authored the Independent Budget for Fiscal Year 2000—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The concept is also included in the Administration's FY 2000 budget request for VA and the Consumer Bill of Rights, which President Clinton has directed every federal agency engaged in managing or delivering health care to adopt.

To quote from the Consumer Bill of rights:

> Consumers have the right to access emergency health care services when and where the need arises. Health plans should provide payment when a consumer presents to an emergency department with acute symptoms of sufficient severity—including severe pain—such that a "prudent layperson" could reasonably expect the absence of medical attention to result in placing their health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

S. 1076 adopts this "prudent layperson" standard, which is intended to protect both the veteran and the VA.

I look forward to working with my colleagues on the House Committees on Veterans' Affairs to make this proposal a reality. Through their service to our country, our veterans have earned comprehensive, high quality health care, and that must include emergency care, as well.

The final issue contained in S. 1076 to which I wish to draw attention is a provision to improve VA's enhanced use lease authority, because I believe it is a critical component of VA's management strategy for its property. Many terrific projects that better serve veterans and assist the VA have been developed under this authority. I believe it is vital for VA to develop more enhanced use lease projects to leverage its assets, before it begins to dispose of irreplaceable property. I thank Senator Specter for accepting these provisions.

Since VA received enhanced use authority, it has been used to lease land to companies that build nursing homes where VA can place veterans at discounted rates, resulting in savings of millions of dollars. Another use has been to provide transitional housing for homeless veterans. Other projects have created reliable child care and adult day care facilities for VA employees' families, so that they can care for veterans without having to worry about the health and safety of their loved ones. In other locations, VA regional offices are moving onto VA medical center campuses, resulting in more convenient access for veterans and better cooperation between the Veterans Benefits Administration and the Veterans Health Administration.

Section 111 of S. 1076 would remove many of the current barriers preventing VA from having an even more successful enhanced use lease program. It would allow VA to enter into leases of up to 55-year terms, rather than the current 20 and 35 years, while eliminating the distinction in lease terms that exists between leases involving new construction or substantial renovation, and those involving current structures. Section 111 would also authorize VA to use appropriated funds from its minor construction account for contributions to capital activities in order to secure the best lease terms possible.

Current authority for VA to enter into enhanced use leases is set to expire on December 31, 2001. Projects that are currently in development face the possibility of negotiations not being completed prior to the expiration date. Therefore, S. 1076 extends VA's authority by a sufficient length of time—until December 31, 2011—so as not to chill negotiations in the near future.

I am very interested in seeing VA engage in more of these projects, so I am pleased to see that S. 1076 would require the Secretary to provide training and outreach regarding enhanced use leasing to personnel at VA medical centers. The bill also requires the Secretary to contract for an independent assessment of opportunities for enhanced use leases. This assessment would include a survey of suitable facilities, a determination of the feasibility of projects at those facilities, and an analysis of the resources required to enter into a lease. I hope that more training—which until now has been sporadic and primarily on a by-request basis—and a more systematic and centralized approach would assist the VA in maximizing its enhanced use lease opportunities.

In conclusion, I believe that S. 1076 represents a real step forward in providing veterans with the type of care that they require, and in giving VA the legislative tools to carry out that care—be it emergency care, long-term care, or specialized mental health treatment. When Congress passed VA health care eligibility reform in 1996, we told veterans that VA would be their comprehensive health care provider; but since its enactment, we have found significant limitations and barriers to providing the types of care veterans need. S. 1076 tears down many of those barriers.

I urge my colleagues in the House to carefully examine these critical provisions and to work with Senator SPECTER and me to implement them. America's veterans deserve nothing less.

Mr. CLELAND. Mr. President, I am very pleased to endorse S. 1076, the Veterans' Benefit Act of 1999. I want to thank the distinguished Chairman and Ranking Member of the Senate Committee on Veterans' Affairs for all their hard work to maintain and enhance veterans' benefits and for including the much needed construction renovation at the Atlanta VA Medical Center. Senators SPECTOR and ROCKEFELLER have provided excellent leadership during these challenging times of matching current budget levels with the provision of promised benefits.

The Atlanta VA Medical Center renovation will be critical to providing care for all of our veterans, men and women, in the new millennium. S. 1076 proposes other needed benefits in the areas of service-connected disability compensation, health and education, medical facility construction and burial entitlements.

Again, I salute the work of Senate Veterans' Committee and I am pleased to support S. 1076.

Mr. BROWNBACK. I ask unanimous consent that the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1622) was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 1076), as amended, was considered read the third time, and passed, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 101. Continuum of care for veterans.
Sec. 102. Pilot programs relating to long-term care of veterans.
Sec. 103. Pilot program relating to assisted living services.

Subtitle B—Management of Medical Facilities and Property

Sec. 111. Enhanced-use lease authority.
Sec. 112. Designation of hospital bed replacement building at Department of Veterans Affairs medical center in Reno, Nevada, after Jack Streeter.

Subtitle C—Homeless Veterans

Sec. 121. Extension of program of housing assistance for homeless veterans.
Sec. 122. Homeless veterans comprehensive service programs.
Sec. 123. Authorizations of appropriations for homeless veterans' reintegration projects.
Sec. 124. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

Sec. 131. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.
Sec. 132. Improvement of specialized mental health services for veterans.
Sec. 133. Treatment and services for drug or alcohol dependency.
Sec. 134. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
Sec. 135. Extension of certain Persian Gulf War authorities.
Sec. 136. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.
Sec. 137. Reimbursement of medical expenses of veterans located in Alaska.
Sec. 138. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 141. Authorization of major medical facility projects.

TITLE II—BENEFITS MATTERS

Sec. 201. Payment rate of certain burial benefits for certain Filipino veterans.
Sec. 202. Extension of authority to maintain a regional office in the Republic of the Philippines.
Sec. 203. Extension of Advisory Committee on Minority Veterans.
Sec. 204. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
Sec. 205. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 206. Clarification of veterans employment opportunities.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

Sec. 301. Short title.

Sec. 302. Persons eligible for burial in Arlington National Cemetery.
Sec. 303. Persons eligible for placement in the columbarium in Arlington National Cemetery.
Subtitle B—World War II Memorial
Sec. 311. Short title.
Sec. 312. Fund raising by American Battle Monuments Commission for World War II Memorial.
Sec. 313. General authority of American Battle Monuments Commission to solicit and receive contributions.
Sec. 314. Intellectual property and related items.
TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
Sec. 401. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.
Sec. 402. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.
Sec. 403. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.
Sec. 404. Definition.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 101. CONTINUUM OF CARE FOR VETERANS.

(a) Inclusion of Noninstitutional Extended Care Services in Definition of Medical Services.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting "noninstitutional extended care services," after "preventive health services,"; and

(2) by adding at the end the following new paragraphs:

"(10) The term 'noninstitutional extended care services' includes—

"(A) home-based primary care;

"(B) adult day health care;

"(C) respite care;

"(D) palliative and end-of-life care; and

"(E) home health aide visits.

"(11) The term 'respite care' means hospital care, nursing home care, or residence-based care which—

"(A) is of limited duration;

"(B) is furnished in a Department facility or in the residence of an individual on an intermittent basis to an individual who is suffering from a chronic illness and who resides primarily at that residence; and

"(C) is furnished for the purpose of helping the individual to continue residing primarily at that residence.".

(b) Conforming Amendments to Title 38.—(1)(A) Section 1720 is amended by striking subsection (f).

(B) The section heading of such section is amended by striking "; **adult day health care**".

(2) Section 1720B is repealed.

(3) Chapter 17 is further amended by redesignating sections 1720C, 1720D, and 1720E as sections 1720B, 1720C, and 1720D, respectively.

(c) Clerical Amendments.—The table of sections for chapter 17 is amended—

(1) in the item relating to section 1720, by striking "; adult day health care"; and

(2) by striking the items relating to sections 1720B, 1720C, 1720D, and 1720E and inserting the following:

"1720B. Noninstitutional alternatives to nursing home care.
"1720C. Counseling and treatment for sexual trauma.
"1720D. Nasopharyngeal radium irradiation.".

(d) Additional Conforming Amendment.—Section 101(g)(2) of the Veterans Health Programs Extension Act of 1994 (Public Law 103–452; 108 Stat. 4785; 38 U.S.C. 1720D note) is amended by striking "section 1720D" both places it appears and inserting "section 1720C".

SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM CARE OF VETERANS.

(a) In General.—The Secretary of Veterans Affairs shall carry out three pilot programs for the purpose of determining the feasibility and practicability of a variety of methods of meeting the long-term care needs of eligible veterans. The pilot programs shall be carried out in accordance with the provisions of this section.

(b) Locations of Pilot Programs.—(1) Each pilot program under this section shall be carried out in two designated health care regions of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(2) In selecting designated health care regions of the Department for purposes of a particular pilot program, the Secretary shall, to the maximum extent practicable, select designated health care regions containing a medical center or medical centers whose current circumstances and activities most closely mirror the circumstances and activities proposed to be achieved under such pilot program.

(3) The Secretary may not carry out more than one pilot program in any given designated health care region of the Department.

(c) Scope of Services Under Pilot Programs.—(1) The services provided under the pilot programs under this section shall include a comprehensive array of health care services and other services that meet the long-term care needs of veterans, including—

(A) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(B) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care.

(2) As part of the provision of services under the pilot programs, the Secretary shall also provide appropriate case management services.

(3) In providing services under the pilot programs, the Secretary shall emphasize the provision of preventive care services, including screening and education.

(4) The Secretary may provide health care services or other services under the pilot programs only if the Secretary is otherwise authorized to provide such services by law.

(d) Direct Provision of Services.—Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans directly through facilities and personnel of the Department of Veterans Affairs.

(e) Provision of Services Through Cooperative Arrangements.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through a combination (as determined by the Secretary) of—

(A) services provided under cooperative arrangements with appropriate public and private non-Governmental entities, including community service organizations; and

(B) services provided through facilities and personnel of the Department.

(2) The consideration provided by the Secretary for services provided by entities under cooperative arrangements under paragraph (1)(A) shall be limited to the provision by the Secretary of appropriate in-kind services to such entities.

(f) Provision of Services by Non-Department Entities.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through arrangements with appropriate non-Department entities under which arrangements the Secretary acts solely as the case manager for the provision of such services.

(2) Payment for services provided to veterans under the pilot programs under this subsection shall be made by the Department to the extent that payment for such services is not otherwise provided by another government or non-government entity.

(g) Data Collection.—As part of the pilot programs under this section, the Secretary shall collect data regarding—

(1) the cost-effectiveness of such programs and of other activities of the Department for purposes of meeting the long-term care needs of eligible veterans, including any cost advantages under such programs and activities when compared with the Medicare program, Medicaid program, or other Federal program serving similar populations;

(2) the quality of the services provided under such programs and activities;

(3) the satisfaction of participating veterans, non-Department, and non-Government entities with such programs and activities; and

(4) the effect of such programs and activities on the ability of veterans to carry out basic activities of daily living over the course of such veterans' participation in such programs and activities.

(h) Report.—(1) Not later than six months after the completion of the pilot programs under subsection (i), the Secretary shall submit to Congress a report on the health services and other services furnished by the Department to meet the long-term care needs of eligible veterans.

(2) The report under paragraph (1) shall—

(A) describe the comprehensive array of health services and other services furnished by the Department under law to meet the long-term care needs of eligible veterans, including—

(i) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(ii) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care;

(B) describe the case management services furnished as part of the services described in subparagraph (A) and assess the role of such case management services in ensuring that eligible veterans receive services to meet their long-term care needs; and

(C) in describing services under subparagraphs (A) and (B), emphasize the role of preventive services in the furnishing of such services.

(i) Duration of Programs.—(1) The Secretary shall commence carrying out the pilot programs required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot programs shall cease on the date that is three years after the date of the commencement of the pilot programs under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term "eligible veteran" means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) LONG-TERM CARE NEEDS.—The term "long-term care needs" means the need by an individual for any of the following services:

(A) Hospital care.

(B) Medical services.

(C) Nursing home care.

(D) Case management and other social services.

(E) Home and community based services.

SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the purpose of determining the feasibility and practicability of providing assisted living services to eligible veterans. The pilot program shall be carried out in accordance with this section.

(b) LOCATION.—The pilot program under this section shall be carried out at a designated health care region of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(c) SCOPE OF SERVICES.—(1) Subject to paragraph (2), the Secretary shall provide assisted living services under the pilot program to eligible veterans.

(2) Assisted living services may not be provided under the pilot program to a veteran eligible for care under section 1710(a)(3) of title 38, United States Code, unless such veteran agrees to pay the United States an amount equal to the amount determined in accordance with the provisions of section 1710(f) of such title.

(3) Assisted living services may also be provided under the pilot program to the spouse of an eligible veteran if—

(A) such services are provided coincidentally with the provision of identical services to the veteran under the pilot program; and

(B) such spouse agrees to pay the United States an amount equal to the cost, as determined by the Secretary, of the provision of such services.

(d) REPORTS.—(1) The Secretary shall annually submit to Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program under this section. The report shall include a detailed description of the activities under the pilot program during the one-year period ending on the date of the report and such other matters as the Secretary considers appropriate.

(2)(A) In addition to the reports required by paragraph (1), not later than 90 days before concluding the pilot program under this section, the Secretary shall submit to the committees referred to in that paragraph a final report on the pilot program.

(B) The report on the pilot program under this paragraph shall include the following:

(i) An assessment of the feasibility and practicability of providing assisted living services for veterans and their spouses.

(ii) A financial assessment of the pilot program, including a management analysis, cost-benefit analysis, Department cash-flow analysis, and strategic outlook assessment.

(iii) Recommendations, if any, regarding an extension of the pilot program, including recommendations regarding the desirability of authorizing or requiring the Secretary to seek reimbursement for the costs of the Secretary in providing assisted living services in order to reduce demand for higher-cost nursing home care under the pilot program.

(iv) Any other information or recommendations that the Secretary considers appropriate regarding the pilot program.

(e) DURATION.—(1) The Secretary shall commence carrying out the pilot program required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program under paragraph (1).

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term "eligible veteran" means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) ASSISTED LIVING SERVICES.—The term "assisted living services" means services which provide personal care, activities, health-related care, supervision, and other assistance on a 24-hour basis within a residential or similar setting which—

(A) maximizes flexibility in the provision of such care, activities, supervision, and assistance;

(B) maximizes the autonomy, privacy, and independence of an individual; and

(C) encourages family and community involvement with the individual.

Subtitle B—Management of Medical Facilities and Property

SEC. 111. ENHANCED-USE LEASE AUTHORITY.

(a) MAXIMUM TERM OF LEASES.—Section 8162(b)(2) is amended by striking "may not exceed—" and all that follows through the end and inserting "may not exceed 55 years.".

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES RELATING TO LEASES.—Section 8162(b)(4) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) in the first sentence, by striking "only"; and

(B) by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

"(B) Any payment by the Secretary in contribution to capital activities on property that has been leased under this subchapter may be made from amounts appropriated to the Department for construction, minor projects.".

(c) EXTENSION OF AUTHORITY.—Section 8169 is amended by striking "December 31, 2001" and inserting "December 31, 2011".

(d) TRAINING AND OUTREACH REGARDING AUTHORITY.—The Secretary of Veterans Affairs shall take appropriate actions to provide training and outreach to personnel at Department of Veterans Affairs medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(e) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY.—(1) The Secretary shall take appropriate actions to secure from an appropriate entity independent of the Department of Veterans Affairs an analysis of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) The analysis under paragraph (1) shall include—

(A) a survey of the facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of the survey under paragraph (2)(A) the entity determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of the survey the entity determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.

(f) AUTHORITY FOR ENHANCED-USE LEASE OF PROPERTY UNDER BUSINESS PLAN.—(1) The Secretary may enter into an enhanced-use lease of any property identified as presenting an opportunity for such lease under the analysis under subsection (e) if such lease is consistent with the business plan under paragraph (4) of that subsection.

(2) The provisions of subchapter V of chapter 81 of title 38, United States Code, shall apply with respect to any lease under paragraph (1).

SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN RENO, NEVADA, AFTER JACK STREETER.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

Subtitle C—Homeless Veterans

SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking "December 31, 1999" and inserting "December 31, 2001".

SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Paragraph (1) of section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38

U.S.C. 7721 note) is amended by inserting ", and expanding existing programs for furnishing," after "new programs to furnish".

(b) EXTENSION OF AUTHORITY TO MAKE GRANTS.—Paragraph (2) of that section is amended by striking "September 30, 1999" and inserting "September 30, 2001".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting "and $50,000,000 for each of fiscal years 2000 and 2001" after "for fiscal years 1993 through 1997".

SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

"(H) $10,000,000 for fiscal year 2000.

"(I) $10,000,000 for fiscal year 2001.".

SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) OUTCOME MEASURES.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) DEFINITIONS.—Section 1701 is amended—

(1) in paragraph (6)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title."; and

(2) by adding at the end the following new paragraph:

"(10) The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

"(B) serious impairment to bodily functions; or

"(C) serious dysfunction of any bodily organ or part.".

(b) CONTRACT CARE.—Section 1703(a)(3) is amended by striking "medical emergencies" and all that follows through "health of a veteran" and inserting "an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is".

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) is amended—

(1) by striking "or" before "(D)"; and

(2) by inserting before the semicolon at the end the following: ", or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title".

(d) PAYMENT PRIORITY.—Section 1705 is amended by adding at the end the following new subsection:

"(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

SEC. 132. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH SERVICES FOR VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 is amended by inserting after section 1712B the following new section:

"§ 1712C. Specialized mental health services

"(a) The Secretary shall carry out programs for purposes of enhancing the provision of specialized mental health services to veterans.

"(b) The programs carried out by the Secretary under subsection (a) shall include the following:

"(1) Programs relating to the treatment of Post Traumatic Stress Disorder (PTSD), including programs for—

"(A) the establishment and operation of additional outpatient and residential treatment facilities for Post Traumatic Stress Disorder in areas that are underserved by existing programs relating to Post Traumatic Stress Disorder, as determined by qualified mental health personnel of the Department who oversee such programs;

"(B) the provision of services in response to the specific needs of veterans with Post Traumatic Stress Disorder and related disorders, including short-term or long-term care services that combine residential treatment of Post Traumatic Stress Disorder;

"(C) the provision of Post Traumatic Stress Disorder or dedicated case management services on an outpatient basis; and

"(D) the enhancement of staffing of existing programs relating to Post Traumatic Stress Disorder which have exceeded the projected workloads for such programs.

"(2) Programs relating to substance use disorders, including programs for—

"(A) the establishment and operation of additional Department-based or community-based residential treatment facilities;

"(B) the expansion of the provision of opioid treatment services, including the establishment and operation of additional programs for the provision of opioid treatment services; and

"(C) the reestablishment or enhancement of substance use disorder services at facilities at which such services have been eliminated or curtailed, with an emphasis on the reestablishment or enhancement of services at facilities where demand for such services is high or which serve large geographic areas.

"(c)(1) The Secretary shall provide for the allocation of funds for the programs carried out under this section in a centralized manner.

"(2) The allocation of funds for such programs shall—

"(A) be based upon an assessment of the need for funds conducted by qualified mental health personnel of the Department who oversee such programs; and

"(B) emphasize, to the maximum extent practicable, the availability of funds for the programs described in paragraphs (1) and (2) of subsection (b).".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1712B the following new item:

"1712C. Specialized mental health services.".

(b) REPORT.—(1) Not later than March 1 of each of 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to Congress a report on the programs carried out by the Secretary under section 1712C of title 38, United States Code (as added by subsection (a)).

(2) The report shall, for the period beginning on the date of the enactment of this Act and ending on the date of the report—

(A) describe the programs carried out under such section 1712C;

(B) set forth the number of veterans provided services under such programs; and

(C) set forth the amounts expended for purposes of carrying out such programs.

SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "may not be transferred" and inserting "may be transferred"; and

(B) by striking "unless such transfer is during the last thirty days of such member's enlistment or tour of duty"; and

(2) in the first sentence of paragraph (2), by striking "during the last thirty days of such person's enlistment period or tour of duty".

SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking "(1)";

(2) by striking "each designated health care region" and inserting "each Department health care facility";

(3) by striking "each region" and inserting "each facility";

(4) by striking "such region" both places it appears and inserting "such facility"; and

(5) by striking paragraph (2).

SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103-446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103-446; 38 U.S.C. 1117 note) is amended by striking "December 31, 1999" and inserting "December 31, 2002".

SEC. 136. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.

(a) PRESERVATION OF CURRENT REIMBURSEMENT RATES.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

SEC. 138. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF UNDER SECRETARY FOR HEALTH AND UNDER SECRETARY FOR BENEFITS.

(a) UNDER SECRETARY FOR HEALTH.—Section 305 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—Section 306 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to individuals appointed as Under Secretary for Health and Under Secretary for Benefits, respectively, on or after that date.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 141. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed $13,000,000.

(4) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $12,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $225,500,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;".

TITLE II—BENEFITS MATTERS

SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking "Payments" and inserting "Subject to subsection (c), payments"; and

(2) by adding at the end the following:

"(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

"(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of the Veterans Benefits Act of 1999 if the individual, on the individual's date of death—

"(A) is a citizen of the United States;

"(B) is residing in the United States; and

"(C) either—

"(i) is receiving compensation under chapter 11 of this title; or

"(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.".

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.

(a) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking "that either—" in the matter preceding paragraph (1) and inserting "rated totally disabling if—"; and

(2) by adding at the end the following new paragraph:

"(3) the veteran was a former prisoner of war who died after September 30, 1999, and whose disability was continuously rated totally disabling for a period of one year immediately preceding death.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1)—

(A) by inserting "the disability" after "(1)"; and

(B) by striking "or" after "death;"; and

(2) in paragraph (2)—

(A) by striking "if so rated for a lesser period, was so rated continuously" and inserting "the disability was continuously rated totally disabling"; and

(B) by striking the period at the end and inserting "; or".

SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182), to which such amendments relate.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999".

SEC. 302. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

"§2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

"(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

"(A) Medal of Honor.

"(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

"(C) Distinguished Service Medal.

"(D) Silver Star.

"(E) Purple Heart.

"(5) Any former prisoner of war who dies on or after November 30, 1993.

"(6) The President or any former President.

"(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

"(A) Vice President.

"(B) Member of Congress.

"(C) Chief Justice or Associate Justice of the Supreme Court.

"(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

"(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

"(8) Any individual whose eligibility is authorized in accordance with subsection (b).

"(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) In the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

"(2) In the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

"(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

"(4)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

"(B) Each report under subparagraph (A) shall—

"(i) identify the individual authorized for burial; and

"(ii) provide a justification for the authorization for burial.

"(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall publish in the Federal Register a notice of the authorization as soon as practicable after the authorization.

"(B) Each notice under subparagraph (A) shall—

"(i) identify the individual authorized for burial; and

"(ii) provide a justification for the authorization for burial.

"(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1)(A) Except as provided in subparagraph (B), the spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

"(B) In a case under subparagraph (A) in which the same gravesite may not be used due to insufficient space, a person otherwise eligible under that subparagraph may be interred in a gravesite adjoining the gravesite of the person listed in subsection (a) if space in such adjoining gravesite had been reserved for the burial of such person otherwise eligible under that subparagraph before January 1962.

"(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

"(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

"(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

"(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

"(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

"(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

"(d) SPOUSES.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

"(e) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

"(f) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

"(g) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

"(h) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

"(i) Register of Buried Individuals.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

"(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(j) Definitions.—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.".

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial.".

(b) Publication of Updated Pamphlet.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) Technical Amendments.—Section 2402(7) is amended—

(1) by inserting "(or but for age would have been entitled)" after "was entitled";

(2) by striking "chapter 67" and inserting "chapter 1223"; and

(3) by striking "or would have been entitled to" and all that follows and inserting a period.

(d) Effective Date.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—(1) Chapter 24 is amended by adding after section 2412, as added by section 302(a)(1) of this Act, the following new section:

"§2413. Arlington National Cemetery: persons eligible for placement in columbarium

"(a) Eligibility.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

"(b) Spouse.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.".

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 302(a)(2) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium.".

(b) Effective Date.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

Subtitle B—World War II Memorial

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "World War II Memorial Completion Act".

SEC. 312. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) Codification of Existing Authority; Expansion of Authority.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

"§2113. World War II memorial in the District of Columbia

"(a) Definitions.—In this section:

"(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

"(2) The term 'Commission' means the American Battle Monuments Commission.

"(3) The term 'memorial fund' means the fund created by subsection (c).

"(b) Solicitation and Acceptance of Contributions.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

"(c) Creation of Memorial Fund.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

"(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

"(B) Obligations obtained under paragraph (3).

"(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

"(D) Amounts borrowed using the authority provided under subsection (e).

"(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

"(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

"(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

"(d) Use of Memorial Fund.—The memorial fund shall be available to the Commission for—

"(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

"(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

"(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

"(e) Special Borrowing Authority.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

"(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

"(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

"(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

"(f) Treatment of Borrowing Authority.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative

Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

"(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

"(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

"(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

"(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

"(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

"(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103–32 (107 Stat. 90) shall not expire until December 31, 2005.".

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

"2113. World War II memorial in the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 313. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

"(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

"(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

"(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

"(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.".

SEC. 314. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

"(l) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

"(A) adopt, use, register, and license trademarks, service marks, and other marks;

"(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

"(C) obtain, use, and license patents; and

"(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

"(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

"(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

"(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

"(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.".

TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 401. TEMPORARY SERVICE OF CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS UPON EXPIRATION OF THEIR TERMS OR RETIREMENT.

(a) AUTHORITY FOR TEMPORARY SERVICE.—(1) Notwithstanding subsection (c) of section 7253 of title 38, United States Code, and subject to the provisions of this section, a judge of the Court whose term on the Court expires in 2004 or 2005 and completes such term, or who retires from the Court under section 7296(b)(1) of such title, may continue to serve on the Court after the expiration of the judge's term or retirement, as the case may be, without reappointment for service on the Court under such section 7253.

(2) A judge may continue to serve on the Court under paragraph (1) only if the judge submits to the chief judge of the Court written notice of an election to so serve 30 days before the earlier of—

(A) the expiration of the judge's term on the Court as described in that paragraph; or

(B) the date on which the judge meets the age and service requirements for eligibility for retirement set forth in section 7296(b)(1) of such title.

(3) The total number of judges serving on the Court at any one time, including the judges serving under this section, may not exceed 7.

(b) PERIOD OF TEMPORARY SERVICE.—(1) The service of a judge on the Court under this section may continue until the earlier of—

(A) the date that is 30 days after the date on which the chief judge of the Court submits to the President and Congress a written certification based on the projected caseload of the Court that the work of the Court can be performed in a timely and efficient manner by judges of the Court under this section who are senior on the Court to the judge electing to continue to provide temporary service under this section or without judges under this section; or

(B) the date on which the person appointed to the position on the Court occupied by the judge under this section is qualified for the position.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

(c) TEMPORARY SERVICE IN OTHER POSITIONS.—(1) If on the date that the person appointed to the position on the Court occupied by a judge under this section is qualified another position on the Court is vacant, the judge may serve in such other position under this section.

(2) If two or more judges seek to serve in a position on the Court in accordance with paragraph (1), the judge senior in service on the Court shall serve in the position under that paragraph.

(d) COMPENSATION.—(1) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this section an amount as follows:

(A) In the case of a person eligible to receive retired pay under subchapter V of chapter 72 of title 38, United States Code, or a retirement annuity under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable, an amount equal to one-half of the amount of the current salary payable to a judge of the Court under chapter 72 of title 38, United States Code, having a status on the Court equivalent to the highest status on the Court attained by the person.

(B) In the case of a person not eligible to receive such retired pay or such retirement annuity, an amount equal to the amount of current salary payable to a judge of the Court under such chapter 72 having a status on the Court equivalent to the highest status on the Court attained by the person.

(2) Amounts paid under this subsection to a person described in paragraph (1)(A)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(3) Amounts paid under this subsection to a person described in paragraph (1)(B) shall be treated as pay for purposes of deductions or contributions for or on behalf of the person to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(4) Amounts paid under this subsection shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(e) CREDITABLE SERVICE.—(1) The service as a judge of the Court under this section of a person who makes an election provided for under subsection (d)(2)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title.

(2) The service as a judge of the Court under this section of a person paid salary under subsection (d)(1)(B) shall constitute creditable service of the person toward retirement under subchapter V of chapter 72 of title 38, United States Code, or subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable.

(f) ELIGIBILITY FOR ADDITIONAL SERVICE.—The service of a person as a judge of the Court under this section shall not affect the eligibility of the person for appointment to an additional term or terms on the Court, whether in the position occupied by the person under this section or in another position on the Court.

(g) TREATMENT OF PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the party membership of a judge serving on the Court under this section shall not be taken into account.

SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) MODIFIED TERMS.—Notwithstanding section 7253(c) of title 38, United States Code, the term of any judge of the Court who is appointed to a position on the Court that becomes vacant in 2004 shall be 13 years.

(b) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of a judge appointed as described in subsection (a)—

(A) the age and service requirements in the table in paragraph (2) shall apply to the judge instead of the age and service requirements in the table in subsection (b)(1) of that section that would otherwise apply to the judge; and

(B) the minimum years of service applied to the judge for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	And the years of service as a judge are at least
65	13
66	13
67	13
68	12
69	11
70	10

SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TEMPORARY AUTHORITY.—A voluntary separation incentive payment may be paid in accordance with this section to any judge of the Court described in subsection (c).

(b) AMOUNT OF INCENTIVE PAYMENT.—The amount of a voluntary separation incentive payment paid to a judge under this section shall be $25,000.

(c) COVERED JUDGES.—A voluntary separation incentive payment may be paid under this section to any judge of the Court who—

(1) meets the age and service requirements for retirement set forth in section 7296(b)(1) of title 38, United States Code, as of the date on which the judge retires from the Court;

(2) submits a notice of an intent to retire in accordance with subsection (d); and

(3) retires from the Court under that section not later than 30 days after the date on which the judge meets such age and service requirements.

(d) NOTICE OF INTENT TO RETIRE.—(1) A judge of the Court seeking payment of a voluntary separation incentive payment under this section shall submit to the President and Congress a timely notice of an intent to retire from the Court, together with a request for payment of the voluntary separation incentive payment.

(2) A notice shall be timely submitted under paragraph (1) only if submitted—

(A) not later than one year before the date of retirement of the judge concerned from the Court; or

(B) in the case of a judge whose retirement from the Court will occur less than one year after the date of the enactment of this Act, not later than 30 days after the date of the enactment of this Act.

(e) DATE OF PAYMENT.—A voluntary separation incentive payment may be paid to a judge of the Court under this section only upon the retirement of the judge from the Court.

(f) TREATMENT OF PAYMENT.—A voluntary separation incentive payment paid to a judge under this section shall not be treated as pay for purposes of contributions for or on behalf of the judge to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code.

(g) ELIGIBILITY FOR TEMPORARY SERVICE ON COURT.—A judge seeking payment of a voluntary separation incentive payment under this section may serve on the Court under section 401 if eligible for such service under that section.

(h) SOURCE OF PAYMENTS.—Amounts for voluntary separation incentive payments under this section shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(i) EXPIRATION OF AUTHORITY.—A voluntary separation incentive payment may not be paid under this section to a judge who retires from the Court after December 31, 2002.

SEC. 404. DEFINITION.

In this title, the term "Court" means the United States Court of Appeals for Veterans Claims.

The title was amended so as to read: "A bill To amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.".

ORDER FOR STAR PRINT—S. 1547

Mr. BROWNBACK. Madam President, I ask unanimous consent that S. 1547 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, SEPTEMBER 9, 1999

Mr. BROWNBACK. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Thursday, September 9. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately begin three consecutive votes as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will convene at 9:30 a.m. and begin a series of three stacked votes. The first vote is on cloture on the motion to proceed to the Transportation appropriations bill. That will be followed by a vote on or in relation to the Bond amendment, No. 1621, and, third, the Robb amendment, No. 1583. Following the votes, the Senate will resume consideration of the pending Hutchison amendment regarding oil royalties. Further amendments and votes are expected throughout tomorrow's session of the Senate, with the anticipation of completing action on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:37 p.m., adjourned until Thursday, September 9, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 1999:

DEPARTMENT OF THE TREASURY

JAY JOHNSON, OF WISCONSIN, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, VICE PHILIP N. DIEHL, TERM EXPIRED.

AFRICAN DEVELOPMENT BANK

WILLENE A. JOHNSON, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE ALICE MARIE DEAR, TERM EXPIRED.

DEPARTMENT OF STATE

JOSEPH W. PRUEHER, OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DEPARTMENT OF JUSTICE

MARK REID TUCKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE WILLIAM I. BERRYHILL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. THOMAS A. SCHWARTZ, 0711.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

GEORGE CARNER, OF CALIFORNIA
WILLIAM S. RHODES, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ELENA BRINEMAN, OF VIRGINIA
LISA CHILES, OF THE DISTRICT OF COLUMBIA
DIRK W. DIJKERMAN, OF NEW YORK
LEWIS W. LUCKE, OF TEXAS
WALTER E. NORTH, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES R. BONNELL, OF VIRGINIA
DAVID E. ECKERSON, OF WASHINGTON
WILLIAM A. JEFFERS, OF FLORIDA
RODNEY W. JOHNSON, OF VIRGINIA
DEBRA D. MCFARLAND, OF FLORIDA
B. EILENE OLDWINE, OF NEW YORK
MARY CATHERINE OTT, OF MARYLAND
MICHAEL CROOKS TROTT, OF VIRGINIA
STEVEN G. WISECARVER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHNNIE CARSON, OF ILLINOIS
RYAN CLARK CROCKER, OF WASHINGTON
MARC I. GROSSMAN, OF VIRGINIA
DONNA JEAN HRINAK, OF PENNSYLVANIA
A. ELIZABETH JONES, OF MARYLAND
B. LYNN PASCOE, OF MISSOURI

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MICHAEL R. ARIETTI, OF CONNECTICUT
JOHN R. BACA, OF TEXAS
ROBYN M. BISHOP, OF FLORIDA
WILLIAM J. BRENCICK, OF MISSOURI
STEVEN ROBERT BUCKLER, OF NEW HAMPSHIRE
R. NICHOLAS BURNS, OF VIRGINIA
SHAUN M. BYRNES, OF CALIFORNIA
JAMES C. CASON, OF FLORIDA
RICHARD A. CHRISTENSON, OF WISCONSIN
JOHN R. DAWSON, OF NEW YORK
ALAN W. EASTHAM, JR., OF ARKANSAS
ERIC S. EDELMAN, OF VIRGINIA
M. MICHAEL EINIK, OF VIRGINIA
W. DOUGLAS FRANK, OF MARYLAND
DANIEL FRIED, OF THE DISTRICT OF COLUMBIA
MICHAEL F. GALLAGHER, OF PENNSYLVANIA
MAURA HARTY, OF FLORIDA
KEVIN F. HERBERT, OF NEW YORK
CHRISTOPHER ROBERT HILL, OF RHODE ISLAND
DAVID T. HOPPER, OF VIRGINIA
FRANKLIN HUDDLE, JR., OF CALIFORNIA
VICKI J. HUDDLESTON, OF MARYLAND
MARIE T. HUHTALA, OF CALIFORNIA
DAVID TIMOTHY JOHNSON, OF TEXAS
WAYNE E. JULIAN, OF TEXAS
SCOTT MARK KENNEDY, OF CALIFORNIA
JIMMY J. KOLKER, OF SOUTH DAKOTA
GEORGE C. LANNON, OF TEXAS
JOSEPH ROBERT MANZANARES, OF COLORADO
THOMAS H. MARTIN, OF CALIFORNIA
NANCY M. MASON, OF THE DISTRICT OF COLUMBIA
BARBRO A. OWENS-KIRKPATRICK, OF CALIFORNIA
GARY DEAN PENNER, OF NEBRASKA
STEVEN KARL PIFER, OF CALIFORNIA
MICHAEL CHRISTIAN POLT, OF TENNESSEE
WILLIAM PINCKNEY POPE, OF VIRGINIA
NANCY J. POWELL, OF IOWA
TIMOTHY E. RODDY, OF VIRGINIA
VLADIMIR PETER SAMBAIEW, OF TEXAS
STEPHEN A. SCHLAIKJER, OF FLORIDA
DEBORAH RUTH SCHWARTZ, OF MARYLAND
CATHERINE MUNNELL SMITH, OF CONNECTICUT
ROBERT J. SMOLIK, OF CALIFORNIA
TERRY R. SNELL, OF WASHINGTON
JAMES VANDERHOFF, OF TEXAS
LINDA E. WATT, OF VIRGINIA
GRETCHEN GERWE WELCH, OF CALIFORNIA
WALLACE RAY WILLIAMS, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BERNARD ALTER, OF COLORADO
DIANNEMCINTYRE ANDRUCH, OF ARIZONA
KAY L. ANSKE, OF TEXAS
KATHLEEN THERESE AUSTIN, OF THE DISTRICT OF COLUMBIA
PERRY EDWIN BALL, OF GEORGIA
MARCIA S. BERNICAT, OF NEW JERSEY
JANET L. BOGUE, OF WASHINGTON
TERRY ALAN BREESE, OF CALIFORNIA
JUDSON L. BRUNS III, OF COLORADO
DONALD CAMP, OF MARYLAND
ROBERT F. CEKUTA, OF NEW YORK
HARLAN K. COHEN, OF CONNECTICUT
FREDERICK BISHOP COOK, OF FLORIDA
BOHDAN DMYTREWYCZ, OF VIRGINIA
EDWARD K. H. DONG, OF CALIFORNIA
STEPHEN ANTHONY EDSON, OF KANSAS
JAMES A. FORBES, OF NEVADA
JAMES JOHN FOSTER, OF THE DISTRICT OF COLUMBIA
DEBORAH E. GRAZE, OF VIRGINIA
ROSEMARY ELLEN HANSEN, OF VIRGINIA
JOHN J. HARTLEY II, OF SOUTH CAROLINA
JOSEPH HILLIARD, JR., OF WASHINGTON
JOSEPH HUGGINS, OF THE DISTRICT OF COLUMBIA
MIRIAM KAHAL HUGHES, OF FLORIDA
MARK HANSLEY JACKSON, OF FLORIDA
JAMES ROBERT KEITH, OF FLORIDA
GEORGE ALBERT KROL, OF NEW JERSEY
HELEN R. MEAGHER LALIME, OF FLORIDA
ROBERT G. LOFTIS, OF COLORADO
STEPHEN GEORGE MCFARLAND, OF TEXAS
JAMES D. MCGEE, OF INDIANA
WILLIAM J. MCGLYNN, JR., OF VIRGINIA
P. MICHAEL MCKINLEY, OF CONNECTICUT
JOHN L. MORAN, OF NEW YORK
JOSEPH ADAMO MUSSOMELI, OF TEXAS
DAVID DANIEL NELSON, OF SOUTH DAKOTA
WANDA LETITIA NESBITT, OF PENNSYLVANIA
STEPHEN VANCE NOBLE, OF VERMONT
VICTORIA NULAND, OF CONNECTICUT
MAURICE S. PARKER, OF CALIFORNIA
HOWARD T. PERLOW, OF VIRGINIA
JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA
LOUIS M. POSSANZA, OF VIRGINIA
CHARLES AARON RAY, OF TEXAS
JOHN ALEXANDER RITCHIE, OF VIRGINIA
CAROL ANN RODLEY, OF MAINE
EARLE ST. AUBIN SCARLETT, OF CALIFORNIA
JACK DAVID SEGAL, OF CALIFORNIA
THOMAS ALFRED SHANNON, JR., OF FLORIDA
PAMELA JO H. SLUTZ, OF TEXAS
DAVID CARTER STEWART, OF TEXAS
HOWARD STOFFER, OF NEW YORK
ELEANOR BLY SUTTER, OF NEW YORK
BRUCE EDWIN THOMAS, OF CALIFORNIA
THOMAS JOSEPH TIERNAN, OF ILLINOIS
CRAIG STUART TYMESON, OF FLORIDA
CAROL VAN VOORST, OF VIRGINIA
PHILIP R. WALL, OF WASHINGTON
DONALD EUGENE WELLS, OF ILLINOIS
GEORGE MCDONALD WHITE, OF INDIANA
JAMES G. WILLIARD, OF FLORIDA
JAMES HOWARD YELLIN, OF PENNSYLVANIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

M. AUDREY ANDERSON, OF OREGON
TONY R. BELL, OF TEXAS
JACK A. BLAIR, JR., OF VIRGINIA
GERALD L. DE SALVO, OF FLORIDA
MARTIN T. DONNELLY, OF VIRGINIA
JOHN F. DURBIN, OF OHIO
BARBARA L. KOCH, OF NEW YORK
JAMES A. MCWHIRTER, OF FLORIDA
GRETCHEN A. MCCOY, OF NEBRASKA
RONALD L. MILLER, OF MICHIGAN
RALPH W. MOORE, OF FLORIDA
JOE D. MORTON, OF MARYLAND
JOHN C. MURPHY, OF VIRGINIA
ALAN M. NATHANSON, OF VIRGINIA
SUSAN H. SWART, OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

RUEBEN MICHAEL RAFFERTY, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

RICHARD R. CRAIG, OF CONNECTICUT

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SANFORD N. OWENS, OF WASHINGTON
GREGORY S. TAEVS, OF CALIFORNIA

DEPARTMENT OF STATE

JANET L. HENNEKE, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JUNE 28, 1996:

DONALD LEROY MOORE, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

VICTORIA ANNE LIEBER ALVARADO, OF CALIFORNIA
INDRAN J. AMIRTHANAYAGAM, OF NEW YORK
DANIEL BAZAN, OF TEXAS
WILLIAM DAVID BENT, OF MASSACHUSETTS
DAVID C. BROOKS, OF CONNECTICUT
ROBIN D. DIALLO, OF CALIFORNIA
PATRICIA L. FIETZ, OF NEW YORK
NICHOLAS JOSEPH GIACOBBE, JR., OF VIRGINIA
ANTHONY R. GIOVANNIELLO, OF CALIFORNIA
KATHARINA P. GOLLNER-SWEET, OF VIRGINIA
PATRICIA H.H. GUY, OF FLORIDA
ALAN RAND HOLST, OF TEXAS
VICTOR J. HUSER, OF TEXAS
FARNAZ KHADEM, OF CALIFORNIA
ARTHUR H. MARQUARDT, OF MICHIGAN
VONDA GAY NICHOLS, OF TEXAS
CHRISTOPHER GREGORY PALMER, OF VIRGINIA
GREGORY C. PATRICK, OF CALIFORNIA
DAVID MATTHEW PURL, OF CALIFORNIA
MARK M. SCHLACHTER, OF NEBRASKA
ANN G. SORAGHAN, OF VIRGINIA
DONN-ALLAN GERARD TITUS, OF FLORIDA
STEWARD D. TUTTLE, JR., OF CALIFORNIA
SUSAN M. WALSH, OF ALABAMA
WILLIAM J. WEISSMAN, OF CALIFORNIA
ROBERT A. ZIMMERMAN, OF NEW JERSEY

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JESSAMYN FAY ALLEN, OF TEXAS
JOSHUA C. ARCHIBALD, OF CALIFORNIA
DAVID ASHLEY BAGWELL, JR., OF ALABAMA
KIMBERLEY S. BARR, OF TEXAS
JOHN P. BARRY, JR., OF NEW YORK
MICHAEL C. BARRY, OF VIRGINIA
GREGORY W. BAYER, OF CONNECTICUT
MITCHELL PETER BENEDICT, OF VIRGINIA
NICHOLAS RICHARD BERLINER, OF CONNECTICUT
AUDU MARK E. BESMER, OF CONNECTICUT
DAVID B. BINGHAM, OF THE DISTRICT OF COLUMBIA
RICHARD LEE BUANGAN, OF CALIFORNIA
AMY CHRISTINE CARLON, OF TEXAS
AMY A. CARNIE, OF NEW HAMPSHIRE
LEE FRANCIS CISSNA, OF MARYLAND
DAVID L. CITRON, OF VIRGINIA
JOHN DAVID COCKRELL, OF OHIO
THOMAS MCKINNEY COLEMAN II, OF MISSISSIPPI
ARTHUR F. COLETTA, OF MARYLAND
ROBERT ALLYN COLLINS, OF TEXAS
CARLOS REX CRIGGER, OF VIRGINIA
JASON R. CUBAS, OF FLORIDA
AIMEE CUTRONA, OF CALIFORNIA
CHARLES W. DAVIS, JR., OF TEXAS
ROBERT ANDREW DICKSON III, OF VIRGINIA
MATTHEW S. DOLBOW, OF CONNECTICUT
J. BRIAN DUGGAN, OF TEXAS
DEBRA L. DYMERSKY, OF VIRGINIA
DANIEL W. EBERT, OF VIRGINIA
MARK DARYL ERICKSON, OF NEW HAMPSHIRE
JOHN LEE ESPINOZA, OF TEXAS
JAMES DOUGLAS FELLOWS, OF MARYLAND
AARON D. FISHMAN, OF THE DISTRICT OF COLUMBIA

THOMAS R. FLADLAND, OF SOUTH DAKOTA
ANDREW L. FLASHBERG, OF CALIFORNIA
ALAN GUNNAR FREY, OF VIRGINIA
LYNNE BRETT GADKOWSKI, OF NEW HAMPSHIRE
DOUGLAS B. GALLOWAY, OF MARYLAND
GREGORY NELSON GARDNER, OF CALIFORNIA
GREGORY LAWRENCE GARLAND, OF FLORIDA
BRIAN JOSEPH GEORGE, OF COLORADO
ROBERT W. GERBER, OF NORTH CAROLINA
ETHAN GLICK, OF MARYLAND
ANN M. GOUGH, OF MASSACHUSETTS
SIMON R. HANKINSON, OF FLORIDA
KEITH LEE HEFFERN, OF VIRGINIA
MAURA F. HENNESSY-SHAW, OF THE DISTRICT OF COLUMBIA
J. DENVER HERREN, OF OKLAHOMA
CHING-HSIU SHERRY HONG, OF FLORIDA
WILLIAM DENNIS HOWARD, OF CALIFORNIA
BRIAN D. JENSEN, OF CALIFORNIA
NATHANIEL GRAHAM JENSEN, OF NEW HAMPSHIRE
WILLIAM B. JOHNSON, OF FLORIDA
JANICE L. JORDAN, OF VIRGINIA
EMIRA C. KASEM, OF VIRGINIA
ROBERT EARL KEMP, OF KENTUCKY
CLIFFORD T. KNIGHT, OF VIRGINIA
JONATHAN KORACH, OF VIRGINIA
WILLIAM HENRY LAITINEN, OF THE DISTRICT OF COLUMBIA
DAVID MICHAEL LAMONTAGNE, OF NORTH CAROLINA
MICHAEL E. LATHAM, OF VIRGINIA
MICHAEL JOHN LAYNE, OF VIRGINIA
VAL J. LETELLIER, OF CALIFORNIA
TIMOTHY J. LUNARDI, OF PENNSYLVANIA
JOSEPH A. MARR, OF ILLINOIS
AMY MARIE MASON, OF MAINE
SARAH MICHELLE MATHAI, OF CONNECTICUT
LAURA ANN MCCALLUM, OF TEXAS
TERRY WILLIAM MCCONNAUGHEY, OF MARYLAND
MIKAEL C. MCCOWAN, OF NEW YORK
DANIEL F. MCCULLOUGH, OF OHIO
ANDREW EUGENE MCDAVID, JR., OF COLORADO
KIMBERLY A. MCDONALD, OF VIRGINIA
JOHN ROSS MCGUIRE, OF VIRGINIA
KEVIN L. MCNEIL, OF TENNESSEE
JONATHAN R. MENNUTI, OF TEXAS
TODD H. MILLICK, OF MARYLAND
JOAQUIN F. MONSERRATE, OF PUERTO RICO
GREGORY R. C. MORRISON, OF THE DISTRICT OF COLUMBIA
AMANDA CELESTE MORROW, OF TEXAS
MARK MOTLEY, OF NEW YORK
HERRO K. MUSTAFA, OF VIRGINIA
JOHN H. NAEHER, OF VIRGINIA
CONSTANTINOS C. NICOLAIDIS, OF WASHINGTON
GLENN CARLYLE NYE III, OF VIRGINIA
NEIL M. O'CONNOR, OF MASSACHUSETTS
HUGUES OGIER, OF HAWAII
MORGAN ANDREW PARKER, OF MISSOURI
LIZA PETRUSH, OF THE DISTRICT OF COLUMBIA
ROBERT B. PICKELL, OF VIRGINIA
JENNIFER RASAMIMANANA, OF CALIFORNIA
CARL C. RISCH, OF PENNSYLVANIA
KAREN E. ROBBLEE, OF NEW YORK
ROBERT C. RUEHLE, OF NEW YORK
LINDA A. ROUSE, OF VIRGINIA
MEREDITH L. SAGER, OF VIRGINIA
SUZANNE R. SENE, OF VIRGINIA
KIER MAY SEXTON, OF VIRGINIA
EUGENIA MARIA SIDEREAS, OF ILLINOIS
CHARAZED SIOUD, OF MARYLAND
L. REECE SMYTH, JR., OF TEXAS
MICHAEL J. SOLBERG, OF ARKANSAS
MICHELLE A. SOLINSKY, OF WASHINGTON
SHAYNA STEINGER SINGH, OF IOWA
FOSTER STOLTE, OF MARYLAND
TODD R. STONE, OF COLORADO
SIMS THOMAS, OF OREGON
DU D. TRAN, OF THE DISTRICT OF COLUMBIA
ANDREW JASON TREGO, OF KANSAS
VALDA MAIJA VIKMANIS, OF MINNESOTA
CAROL J. VOLK, OF NEW YORK
AMY HART VRAMPAS, OF FLORIDA
PATRICIA M. WAGNER, OF TEXAS
PAUL SHANE WATZLAVICK, OF TEXAS
JONATHAN K. WEBSTER, OF THE DISTRICT OF COLUMBIA
JONATHAN CRAIG WEYER, OF NEW JERSEY
TODD M. WILCOX, OF FLORIDA
COOPER J. WIMMER, OF PENNSYLVANIA
AMY ELAINE WISGERHOF, OF CALIFORNIA
KAMI A. WITMER, OF PENNSYLVANIA
JENNIFER FOREST YANG, OF CALIFORNIA
HUGO YON, OF CALIFORNIA
FENWICK W. YU, OF MARYLAND
ZAID ABDULLAH ZAID, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

STEPHEN R. KELLY, OF NEW HAMPSHIRE

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 8, 1999:

THE JUDICIARY

ADALBERTO JOSE JORDAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

MARSHA J. PECHMAN, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

CARLOS MURGUIA, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS.

HOUSE OF REPRESENTATIVES—*Wednesday, September 8, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Your word, O God, calls us to do the works of justice and righteousness and we pray that the good words that we say with our lips may be believed in our hearts and may all that we believe in our hearts become the good works of our daily lives.

With all the competing interests that crowd our days, help us not lose sight of the goal of justice for every person; with all the voices that command our attention, let us hear Your still small voice calling us to alleviate the pain of the distressed, to feed the hungry, to give freedom to the oppressed and to honor and respect those whose circumstances are different than ours.

Bless us, O gracious God, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of Nebraska led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 9, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 9, 1999 at 5:02 p.m.

That the Senate agreed to conference report H.R. 1905.

With best wishes, I am
Sincerely,
MARTHA C. MORRISON,
Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 9, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 1999 at 10:44 a.m.

That the Senate passed without amendment H.R. 211; that the Senate passed without amendment H.R. 1219; that the Senate passed without amendment H.R. 2565.

With best wishes, I am
Sincerely,
MARTHA C. MORRISON,
Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, he signed the following enrolled bill on Thursday, August 5, 1999:

S. 606, for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes;

And the following enrolled bill on Friday, August 6, 1999:

H.R. 1664, providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes;

And Speaker pro tempore WOLF signed the following enrolled bills on Tuesday, August 10, 1999:

H.R. 211, to designate the federal building and United States Courthouse located at 920 West Riverdale Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse," and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza";

H.R. 1219, to amend the Miller Act, relating to payment protections for persons providing labor and materials for federal construction projects;

H.R. 1568, to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes;

H.R. 1905, making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes;

H.R. 2565, to clarify the quorum requirement for the board of directors of the Export-Import Bank of the United States;

S. 507, to provide for the consideration and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

S. 1543, to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information;

S. 1546, to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that act, and for other purposes.

APPOINTMENT OF MEMBER TO MIGRATORY BIRD COMMISSION

The SPEAKER. Pursuant to Section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) and the order of the House of Thursday, August 5, 1999, and upon the recommendation of the minority leader, the Speaker on Wednesday, August 11, 1999, appointed the following Member of the House to the Migratory Bird Commission:

Mr. DINGELL, Michigan.

APPOINTMENT AS MEMBER TO INTERNATIONAL FINANCIAL INSTITUTION ADVISORY COMMISSION

The SPEAKER. Pursuant to 22 U.S.C 262r and the order of the House of Thursday, August 5, 1999, the Speaker on Wednesday, August 11, 1999, appointed the following individual on the part of the House to the International Financial Institution Advisory Commission to fill the existing vacancy thereon:

Mr. Lee Hoskins, Nevada.

COMMUNICATION FROM STAFF MEMBER OF THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER laid before the House the following communication from Jack Katz, Office of Payroll of the Office of the Chief Administrative Officer:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 24, 1999.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I received a subpoena for documents issued by the United States District Court for the Northern District of Florida.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

JACK KATZ,
Office of Payroll.

EARTHQUAKES AND NUCLEAR WASTE REPOSITORIES, NOT A GOOD MIX

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the two major earthquakes that hit Nevada on the morning of August 1 are further examples of why nuclear waste repositories should not, should not, be built at Yucca Mountain, Nevada.

Nevada officials that oversee the DOE operations at Yucca Mountain stated, and I quote, "In our minds, it sort of speaks to the fact that DOE, or anyone else, cannot really predict with any confidence what is going to happen in the future," end quote.

The large earthquakes, registering between 5.6 and 5.2 in magnitude, occurred a relatively short distance from Yucca Mountain.

Mr. Speaker, there are 32 separate earthquake faults in the area and scientists have concluded that Yucca Mountain is capable of a magnitude 8.5 earthquake and poses too many risks and variables for adequate seismic design.

Clearly, common sense tells us one does not store nuclear waste in an area that ranks third in the country for seismic activity, an area that had more than 630 earthquakes in the last 20 years.

A recent editorial summed it up well when it stated, quote, "Anyone who believes that it is safe to dump nuclear waste into that type of environment needs a brain scan," end quote.

Mr. Speaker, I yield back the balance of any time I may have, and the brains of the DOE that may be left to scan.

THE AMERICAN PEOPLE WANT AND DESERVE A FAIR AND RESPONSIBLE TAX CUT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute.)

Mr. KNOLLENBERG. Madam Speaker, the American people want and deserve fair and responsible tax relief for all taxpaying citizens. This balanced plan sets aside 75 cents of every dollar from the $3.3 trillion surplus to the important task of strengthening Social Security, reforming Medicare and paying down the national debt.

Our tax relief proposal also rebuilds our military and pays for other vital programs. Despite the demagoguery, the Republican tax relief bill does not, I repeat, it does not cut existing programs to pay for itself. The fact is that 25 cents of each overpaid surplus tax dollar is returned back to the American people. It is their money, and they very much deserve to be refunded for a part of the surplus over the course of the next 10 years.

This is very important, too. I remind my colleagues that none of this tax relief will be realized if first the surplus does not materialize. With taxes at an all time high, with the Government in the black, I urge the administration to embrace this responsible approach and rethink their veto strategy on behalf of the American taxpayers. It is not too late for this administration to do the right thing.

THE BARBAROUS OPPRESSION OF THE PEOPLE OF EAST TIMOR IS INTOLERABLE

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Madam Speaker, the government of Indonesia should be made to understand the terrible consequences it will pay if it continues the barbarous oppression of the people of East Timor. It is simply intolerable for the world to stand by and allow people to be slaughtered wantonly because they express their democratic right to claim their independence.

I have spent a great deal of my time as a Member here on matters involving the International Monetary Fund and the World Bank. I want to serve notice now, I know I speak for many of my colleagues who have similarly worked on those issues, that if the IMF and the World Bank do not immediately tell the Indonesian government that all aid will be suspended until order and peace are restored to East Timor, then they will have grave difficulty when they come here again for financial assistance. We will not be party to the funding of slaughter.

To those who say we must withhold, let us look at Serbia and Kosovo. The moral case for an international force intervening in East Timor is as great as the moral case was in Kosovo, and the legal case is greater. We ignored Serbia's claim of sovereignty over Kosovo and gave in to the moral imperative to save people.

In Indonesia, the government in power held a referendum. Overwhelmingly, in the face of great intimidation, the brave people of East Timor voted for independence. That gives us an even stronger right to send a multinational force in there, so the Indonesian government must cease. The international funding agencies must cut off aid if they do not; and, if there is the need, an international force must go in, lest we show the world that we consider human rights to be a matter for Europeans only.

The people of East Timor have a strong moral claim on our assistance.

THE APPROPRIATION FOR THE SELECTIVE SERVICE SYSTEM SHOULD NOT BE REINSTATED

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Madam Speaker, later today we will be dealing with the VA HUD bill; and I want to compliment the Committee on Appropriations for deleting the $24.5 million for the selective service system. There will be an attempt to put that money back into the bill. I think that is a serious mistake.

The military has not asked for the selective service to continue. We do not need it. It is a serious abuse of civil liberties of all 18- and 19-year-old to continue this registration. The registration is totally unnecessary. This $24.5 million could be better spent on veterans' affairs or some other worthy cause, but to put the money back in is a serious mistake.

I would like to remind my conservative colleagues that Ronald Reagan had a very strong position on the draft and selective service. He agreed that it was a totalitarian notion to conscript young people and strongly spoke out against the draft whenever he had the opportunity.

I also would like to remind my conservative colleagues that if somebody came to the House floor and asked that we register all the guns of America, there would be a hue and cry about why this would be unconstitutional and unfair, and yet they are quite willing to register their 18- and 19-year-olds. I do not understand why there is less respect given for 18- and 19-year-olds than they give for their own guns.

I strongly urge that we not fund the selective service system today.

WACO, THE FBI LIED AND THE ATTORNEY GENERAL OF THE UNITED STATES LIED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, in 1993, 86 civilians were killed in Waco, Texas. Twenty-four of them were innocent children. Most of them burned to death. Until this day, no one knows the truth about Waco, and the reason is quite clear. The FBI lied and the Attorney General of the United States lied. They lied and they covered it up. And after all of these lies, no one, nobody, has been held accountable for the massacre at Waco.

□ 1015

Beam me up, Mr. Speaker; an America that turns its back on Waco is an America that turns its back on freedom and justice. An independent investigation is absolutely warranted to solve this cover-up and get to the truth.

I yield back all the lies at the Justice Department.

REGARDING FY 2000 VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, I rise today to celebrate the 25th anniversary of the community development block grant program. This program has put local development decision in the hands of those who know best, those who live and work in the community. This long-term commitment to responsible flexibility has paid off leveraging $2.31 for every Federal dollar spent. Unfortunately, Republicans have chosen to commemorate 25 years of job creation and increased affordable housing by stripping the block grant program of $250 million in the Fiscal Year 2000 VA HUD appropriations bill.

In Lorain, Ohio, a community struggling with loss of industry and experiencing rents as much as 50 percent of income these cuts instantly translate into a loss of jobs, jobs that would have been created next year through mutually beneficial community improvement and construction projects. It defies common sense to deny people in Lorain, Ohio and across the country the chance to support their families and improve their communities just so Republicans can afford to give more tax breaks to the rich.

I encourage my colleagues to vote against this legislation.

THE CRISIS IN EAST TIMOR

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Madam Speaker, a tragedy has occurred and is occurring at the hands of Indonesia. The people of East Timor are people that have been subjected to the colonial yoke for over 325 years finally lifted their destiny up from the ashes of oppression and voted for the very first time in history to become an independent Nation. But all of this has been tarnished by the reprehensible inaction by the administering government of Indonesia. Jakarta has missed a golden opportunity to prove the world wrong, that the multi-cultural fabric of Indonesian society could peacefully withstand a sovereignty movement in one of her incorporated colonies. Sadly, the skeptics were right. Pro-Indonesia militias have been on a bloody rampage since the voting results were announced, and what has Jakarta done? Nothing. Thus it appears that the Indonesian authorities want to punish the East Timorese for exercising their inalienable right to self-determination despite promising to provide law and order regardless of the outcome.

The time has come, Madam Speaker, to defend liberty. Our government must condemn the violence in East Timor and the Indonesian government for allowing it to happen. The United States must insist that a multinational peacekeeping force be granted entry to East Timor to restore order, peace and hope. Liberty, the principle of self-determination must not be allowed to be casualties at the hands of Indonesian forces.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 22 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 12 o'clock and 30 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1175. An act to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

H.R. 1833. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 199. An act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

S. 275. An act for the relief of Suchada Kwong.

S. 452. An act for the relief of Belinda McGregor.

S. 620. An act to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 800. An act to promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 1072. An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

S. 1255. An act to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

S. Con. Res. 48. Concurrent resolution relating to the Asia-Pacific Economic Cooperation Forum.

GENERAL LEAVE

Mr. WALSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 275 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2684.

□ 1245

POINT OF ORDER

Mr. OBEY. Madam Speaker, I make a point of order against the consideration of the bill.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman will state his point of order.

Mr. OBEY. Madam Speaker, I make a point of order that the bill provides new discretionary budget authority in an amount which would exceed the applicable allocation made pursuant to section 302(b) of the Congressional Budget Act, and therefore violates section 302(f) of the Congressional Budget Act.

The most recent subcommittee allocations filed under section 302(b), as contained in House Report 106–288, allocate a total $68.633 billion in new discretionary budget authority to the Subcommittee on VA, HUD, and Independent Agencies. According to the scoring table from the Congressional Budget Office, the bill appropriates $71.632 billion in discretionary budget authority. Therefore, and as the CBO scoring table indicates, the bill exceeds its section 302(b) allocation by $2.999 billion. A point of order, therefore, should lie against its consideration under section 302(f) of the Budget Act.

The reason that the bill is scored as exceeding its allocation is that the Committee on Appropriations is apparently counting as an offset a $3 billion reduction in the borrowing authority of the TVA. This is authority for TVA to borrow from the public and has nothing to do with appropriations or amounts in this bill. Neither CBO nor OMB regard this so-called offset as producing any budget authority savings whatsoever. Therefore, the bill exceeds its allocation.

I should also note a second consequence. Because OMB does not recognize the $3 billion supposed offset, if this bill were enacted in its present form, it would trigger an automatic across-the-board sequestration of appropriations under the Budget Enforcement Act, in the amount of $3 billion. That would roughly be about a billion and a half dollars sequestration that would be required in the Defense budget and about a billion and a half dollars that would be required to be sequestered on the domestic side of the appropriations ledger.

Now, I recognize that the chairman of the Committee on Budget could produce a letter which, in essence, urges the Congress to ignore this financial fact, but the fact is that, if it chooses to do that, there will, in fact, be a sequestration under this bill. Because if we take a look at the OMB Sequestration Update Report to the President and Congress for Fiscal Year 2000, we will see that, on page 11, it states: "Current OMB estimates of House action to date, unless offset, indicate that a sequester of $3.7 billion in budget authority and $2.9 billion in outlays would be triggered."

The major amounts in question are related to this bill. If we take a look at the table sent down by the CBO on their budget analysis, on page 18, we will see that they report the same results.

So, therefore, I would suggest that this bill, for reasons that I have cited, should not be before the House. I would certainly say that, even if the Committee on Budget chairman produces a letter which claims that this bill is not $3 billion over its authorized allocation, the fact is that, according to the people who are charged by law with actually measuring the bill, it is; and, therefore, it will result in the automatic reduction in the other programs that are not in this bill that I have just cited.

The SPEAKER pro tempore. Is there any other Member who wishes to be heard on the point of order?

Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Madam Speaker, I have no desire to delay this bill, and so I guess what I would say is that I think I have demonstrated, by raising the point of order, that this bill, in fact, is not in compliance. If the House wishes to proceed and vote for a bill which is going to result in the kind of massive sequestration that I have just indicated, then so be it. That would be the House's choice.

So I guess I am in a position where, in order to contribute to the ability of the House's ability to do its business, I will withdraw the point of order, but I would caution every Member who intends to vote for this bill that, if they do so, they will in fact be imposing just such a sequestration on both the Defense budget and on the domestic programs.

With that, Madam Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from Nebraska (Mr. BARRETT) to assume the chair temporarily.

□ 1250

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2684) making appropriations for the Department of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, with Mr. BARRETT of Nebraska (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to bring before the full House today H.R. 2684, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000.

As most Members are aware, we originally expected to bring this bill to the floor before the August recess. However, the circumstance of the death of the Honorable Robert Mollohan made doing so impossible, and I wanted to begin today by expressing my deepest sympathy to the gentleman from West Virginia (Mr. MOLLOHAN), my friend and colleague, and his family on the death of his father.

As my colleagues all know, the senior Mr. Mollohan served so ably in representing West Virginia in this House for 18 years, for the 2 terms during the early 1950s and then for 7 consecutive terms from 1969 to 1983. I hope and trust that the recess period has offered a time for reflection and healing for my good friend and his family.

Prior to proceeding, Mr. Chairman, in discussing the bill before us, I would also like to offer my sincere recognition and thanks to the staff on both sides of the aisle for their hard work and assistance. As I have stated on numerous occasions on this floor, we, the Members of the House, are very fortunate to have dedicated staff willing to spend countless hours preparing these bills. The public is well served by all of our employees.

My personal thanks to Frank Cushing, Valerie Baldwin, Tim Peterson, Dena Baron, and Angela Snell on the majority side, and to Del Davis and Lee Alman for the minority. I would also offer a special thanks to Ron Anderson and John Simmons and Art Jutton of my personal staff for all their assistance throughout this very difficult process.

Moving now to H.R. 2684, I firmly believe that this is a good and fair bill. It is funded with less money overall than was provided last year in 1999. Indeed, to meet our commitment to stay within the spending levels anticipated by the 1997 Budget Agreement, we have trimmed $1.2 billion from the 1999 actual enacted level, $2.3 billion below the fiscal year 1999 CBO freeze level, and $3.4 billion from the President's budget request.

Perhaps more important, Mr. Chairman, we have made these reductions at the same time we have provided an increase of $1.7 billion, the level provided in the Fiscal Year 2000 Budget resolution, for VA medical care. This is the largest increase ever in veterans medical health care. It also, I might add, fully funds all expiring contracts for HUD's section 8 housing program.

Moreover, although nearly every other program in this bill was funded at or below the 1999 level, we made a great effort to assure that reductions were taken judiciously to assure that only the fat, and not the meat, was cut from each program. This is not to suggest that many decisions were not difficult or painful. Several programs at NASA, for example, and the Neighborhood Reinvestment Corporation, the National Science Foundation, and at HUD, to name just a few, are excellent programs which, if we had more resources, deserve a greater level of support.

Unfortunately, putting this bill together and expecting passage is a tremendous balancing act, and we do not get there by playing favorites with a small set of programs at the expense of others. We do not get there merely by taking payroll money from one agency or department and giving it to another. We do not get there by assuming that certain programs are in the domain of one political party at the expense of the other party. For every vote one may pick up with this type of exercise one is likely to lose the same number.

It was, therefore, very important for us to craft a the bill that first took care of the so-called special needs, specifically VA medical care and expiring section 8 contracts, and then look fairly at every other program and project with an eye to trim but not to slash.

Mr. Chairman, I firmly believe we have accomplished that goal of objective fairness; and, as a result, this bill should be fully supported.

In the interest of brevity, I will not run through the funding levels of every program in this very detailed bill. However, given the regard that Members have for this bill, I believe it is important to highlight just a few of the major program levels.

Veterans compensation and pension benefits are fully funded. Veterans medical care is funded at $19 billion, an increase of $1.7 billion above the President's request and the 1999 level. I would repeat, this is the largest single-year increase ever in VA medical health.

Veterans medical and prosthetic research is provided $326 million, a $10 million increase over the budget request. All other VA programs, except for new construction, are funded either at or above the 1999 level.

HUD section 8 expiring contracts are fully funded at $10.5 billion. Funds are sufficient to maintain the subsidy for every single current participant in the program. So if my colleagues hear later on that this is going to put people out of their homes, do not believe it. This program is fully funded.

HUD's Public Housing Operating Fund, Native American Housing Block Grants, Housing for People with AIDS, and Housing for Special Populations accounts are all funded at the 1999 levels.

While all other HUD programs have been slightly reduced, great care was taken to make sure that they remain viable. In other words, they were trimmed, but not gutted.

EPA received a reduction from the 1999 level but is actually an increase over the President's request. I would repeat, this is an increase over the President's request for the EPA budget. I think that is an important statement of our party's concern for the environment. It is important to note that this was done to restore funding for State and local waste water and drinking water problems which had been slashed dramatically by the President.

EPA's research programs have been funded slightly above the budget request while the agency's operating programs received a very modest $2 million increase above 1999 level. All other EPA programs are more than adequately funded.

Federal Emergency Management Agency operating funds have been fully funded, including $20 million for the pre-disaster mitigation program.

FEMA's disaster relief program has been provided the annual appropriated level of $300 million as requested by the President; however, forward funding for expected disasters has not been included. These funds are subject to emergency provisions of the Budget Act; and, while they have not been provided at this time, I suspect that enough natural disasters will occur in the coming months so as to necessitate our appropriating some additional disaster relief funds at some point during fiscal year 2000 as we seem to have done every year in the recent past.

For NASA, both Space Station and Shuttle programs have been adequately funded. The committee's approach to funding other NASA programs included an attempt to determine which new or planned programs could be delayed without doing harm to core programs. While some programs are canceled or deferred, most of the proposed reductions are in program areas where growth has been significant over the past 2 years.

In the aggregate, the National Science Foundation has been reduced 1 percent below the 1999 level. However, it is important to note that NSF research has actually been increased by $8.5 million over the 1999 level.

□ 1300

The only significant reduction within NSF occurs in the Major Research Equipment account, a $33.5 million reduction from the 1999 level, and reflects reductions, closings or completions of projects as requested by the President. Because of programmatic concerns as well as a lack of resources, this bill does not include funds requested by the President to at this time construct a new terra-scale computing facility. It was felt within our legislative community and the scientific community that that could not be accomplished this year.

Mr. Chairman, I have stated many times throughout this process that this is not a perfect bill. Indeed, had we had more money, I would have done some things differently. If this were not a product of bipartisan concern, I most certainly would do things differently. Nevertheless, this bill has been put together with the resources available to us in the spirit of the budget agreement most all of us agreed to, as well as in the spirit of bipartisan cooperation and understanding.

It is not perfect, but it is a good bill which deserves bipartisan support. So that we can take this House bill to conference and hopefully work for an even better legislative product, I urge every Member to support its final passage.

Mr. Chairman, I include for the RECORD the budget tables representing the mandatory and discretionary spending provided in H.R. 2643.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2684)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	21,857,058	21,568,364	21,568,364	-288,694	....
Readjustment benefits	1,175,000	1,469,000	1,469,000	+294,000	....
Veterans insurance and indemnities	46,450	28,670	28,670	-17,780	....
Veterans housing benefit program fund program account (indefinite)	300,266	282,342	282,342	-17,924	....
(Limitation on direct loans)	(300)	(300)	(300)	....	....
Administrative expenses	159,121	156,958	156,958	-2,163	....
Education loan fund program account	1	1	1	....	....
(Limitation on direct loans)	(3)	(3)	(3)	....	....
Administrative expenses	206	214	214	+8	....
Vocational rehabilitation loans program account	55	57	57	+2	....
(Limitation on direct loans)	(2,401)	(2,531)	(2,531)	(+130)	....
Administrative expenses	400	415	415	+15	....
Native American Veteran Housing Loan Program Account	515	520	520	+5	....
Total, Veterans Benefits Administration	23,539,072	23,506,541	23,506,541	-32,531	....
Veterans Health Administration					
Medical care	16,528,000	16,671,000	18,371,000	+1,843,000	+1,700,000
Delayed equipment obligation	778,000	635,000	635,000	-143,000	....
Total	17,306,000	17,306,000	19,006,000	+1,700,000	+1,700,000
(Transfer to general operating expenses)	(-27,420)	....	....	(+27,420)	....
Medical care cost recovery collections:					
Offsetting receipts	-583,000	-606,000	-606,000	-25,000	....
Appropriations (indefinite)	583,000	606,000	606,000	+25,000	....
Total available	(17,889,000)	(17,914,000)	(19,614,000)	(+1,725,000)	(+1,700,000)
Medical and prosthetic research	316,000	316,000	326,000	+10,000	+10,000
Medical administration and miscellaneous operating expenses	63,000	61,200	61,200	-1,800	....
General Post Fund, National Homes:					
Loan program account (by transfer)	(7)	(7)	(7)	....	....
(Limitation on direct loans)	(70)	(70)	(70)	....	....
Administrative expenses (by transfer)	(54)	(54)	(54)	....	....
General post fund (transfer out)	(-61)	(-61)	(-61)	....	....
Total, Veterans Health Administration	17,685,000	17,683,200	19,393,200	+1,708,200	+1,710,000
Departmental Administration					
General operating expenses	855,661	912,353	886,000	+30,339	-26,353
Offsetting receipts	(38,960)	(36,754)	(36,754)	(-2,206)	....
Total, Program Level	(894,621)	(949,107)	(922,754)	(+28,133)	(-26,353)
(Transfer from medical care)	(27,420)	....	....	(-27,420)	....
(Transfer from national cemetery)	(90)	....	....	(-90)	....
(Transfer from inspector general)	(30)	....	....	(-30)	....
National Cemetery Administration	92,006	97,000	97,000	+4,994	....
(Transfer to general operating expenses)	(-90)	....	....	(+90)	....
Office of Inspector General	36,000	43,200	38,500	+2,500	-4,700
(Transfer to general operating expenses)	(-30)	....	....	(+30)	....
Construction, major projects	142,300	60,140	34,700	-107,600	-25,440
Construction, minor projects	175,000	175,000	102,300	-72,700	-72,700
Grants for construction of State extended care facilities	90,000	40,000	80,000	-10,000	+40,000
Grants for the construction of State veterans cemeteries	10,000	11,000	11,000	+1,000	....
Capital asset fund	....	10,000	....	....	-10,000
Total, Departmental Administration	1,400,967	1,348,693	1,249,500	-151,467	-99,193
Total, title I, Department of Veterans Affairs	42,625,039	42,538,434	44,149,241	+1,524,202	+1,610,807
(By transfer)	(61)	(61)	(61)	....	....
(Limitation on direct loans)	(2,774)	(2,904)	(2,904)	(+130)	....
Consisting of:					
Mandatory	(23,378,774)	(23,348,376)	(23,348,376)	(-30,398)	....
Discretionary	(19,246,265)	(19,190,058)	(20,800,865)	(+1,554,600)	(+1,610,807)
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund	8,326,542	11,522,095	10,540,135	+2,213,593	-981,960
(By transfer)	....	(183,000)	(183,000)	(+183,000)	....
Housing set-asides:					
Expiring section 8 contracts	(9,600,000)	(10,640,135)	(10,540,135)	(+940,135)	(-100,000)
Section 8 relocation assistance	(433,542)	(156,000)	....	(-433,542)	(-156,000)
Regional opportunity counseling	(10,000)	(20,000)	....	(-10,000)	(-20,000)
Welfare to work housing vouchers	(283,000)	(144,400)	....	(-283,000)	(-144,400)
Contract administration	....	(209,000)	....	....	(-209,000)
Incremental vouchers	....	(346,560)	....	....	(-346,560)
Administrative fee change	....	(6,000)	....	....	(-6,000)
Section 8 rescission	(-2,000,000)	....	....	(+2,000,000)	....
Subtotal	(8,326,542)	(11,522,095)	(10,540,135)	(+2,213,593)	(-981,960)

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2684)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Public housing capital fund	3,000,000	2,555,000	2,555,000	-445,000	
Public housing operating fund	2,818,000	3,003,000	2,818,000		-185,000
Subtotal	5,818,000	5,558,000	5,373,000	-445,000	-185,000
Drug elimination grants for low-income housing	310,000	310,000	290,000	-20,000	-20,000
Revitalization of severely distressed public housing (HOPE VI)	625,000	625,000	575,000	-50,000	-50,000
Indian housing block grant	620,000	620,000	620,000		
Indian housing loan guarantee fund program account	6,000	6,000	6,000		
(Limitation on guaranteed loans)	(68,881)	(71,956)	(71,956)	(+3,075)	
Total, Public and Indian Housing	15,705,542	18,641,095	17,404,135	+1,698,593	-1,236,960
Community Planning and Development					
Rural housing and economic development	25,000	20,000		-25,000	-20,000
Housing opportunities for persons with AIDS	215,000	240,000	215,000		-25,000
Additional provisions - Division A, P.L. 105-277	10,000			-10,000	
Community development block grants	4,750,000	4,775,000	4,500,200	-249,800	-274,800
Emergency funding	20,000			-20,000	
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(1,261,000)	(1,261,000)	(1,087,000)	(-174,000)	(-174,000)
Credit subsidy	29,000	29,000	25,000	-4,000	-4,000
Administrative expenses	1,000	1,000	1,000		
Brownfields redevelopment	25,000	50,000	20,000	-5,000	-30,000
Regional connections		50,000			-50,000
Regional empowerment zone initiative		50,000			-50,000
Empowerment Zones and Enterprise Communities Additional provisions - Division A, P.L. 105-277	45,000			-45,000	
America's private investment companies:					
(Limitation on guaranteed loans)		(1,000,000)			(-1,000,000)
Credit subsidy		37,000			-37,000
Redevelopment of abandoned buildings initiative		50,000			-50,000
HOME investment partnerships program	1,600,000	1,610,000	1,580,000	-20,000	-30,000
Homeless assistance grants	975,000	1,020,000	970,000	-5,000	-50,000
Homeless assistance demonstration project		5,000			-5,000
Total, Community planning and development	7,695,000	7,937,000	7,311,200	-383,800	-625,800
Housing Programs					
Housing for special populations	854,000	854,000	854,000		
Housing for the elderly	(660,000)	(660,000)	(660,000)		
Housing for the disabled	(194,000)	(194,000)	(194,000)		
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(140,000,000)	(120,000,000)	(140,000,000)		(+20,000,000)
(Limitation on direct loans)	(100,000)	(50,000)	(50,000)	(-50,000)	
Administrative expenses	328,888	331,000	328,888		-2,112
Offsetting receipts	-529,000			+529,000	
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(18,100,000)	(18,100,000)	(18,100,000)		
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)		
Administrative expenses	211,455	64,000	64,000	-147,455	
Administrative expenses (unobligated balances)		(147,000)	(147,000)	(+147,000)	
Negative subsidy	-125,000	-75,000	-75,000	+50,000	
Subsidy	81,000			-81,000	
Subsidy (unobligated balances)		(153,000)	(153,000)	(+153,000)	
Total, Federal Housing Administration	-32,657	320,000	317,888	+350,545	-2,112
Government National Mortgage Association					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)		
Administrative expenses	9,383	15,383	9,383		-6,000
Offsetting receipts	-370,000	-422,000	-422,000	-52,000	
Policy Development and Research					
Research and technology	47,500	50,000	42,500	-5,000	-7,500
Fair Housing and Equal Opportunity					
Fair housing activities	40,000	47,000	37,500	-2,500	-9,500
Office of Lead Hazard Control					
Lead hazard reduction	80,000	80,000	70,000	-10,000	-10,000
Management and Administration					
Salaries and expenses	456,843	502,000	456,843		-45,157
(By transfer, limitation on FHA corporate funds)	(518,000)	(518,000)	(518,000)		
(By transfer, GNMA)	(9,383)	(9,383)	(9,383)		
(By transfer, Community Planning & Development)	(1,000)	(1,000)	(1,000)		
(By transfer, Title VI)	(200)	(150)	(150)	(-50)	
(By transfer, Indian Housing)	(400)	(200)	(200)	(-200)	
Total, Salaries and expenses	(985,826)	(1,030,733)	(985,576)	(-250)	(-45,157)
Y2K conversion (emergency funding)	12,200			-12,200	
Office of Inspector General	49,567	38,000	40,000	-9,567	+2,000
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)		
(By transfer from Drug Elimination Grants)	(10,000)	(10,000)	(10,000)		
Total, Office of Inspector General	(81,910)	(70,343)	(72,343)	(-9,567)	(+2,000)

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2684)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Federal Housing Enterprise Oversight	16,000	19,493	19,493	+3,493	
Offsetting receipts	-16,000	-19,493	-19,493	-3,493	
Administrative Provisions					
Single Family Property Disposition	-400,000			+400,000	
Calculation of downpayment	15,000			-15,000	
FHA increase in loan amounts	-83,000			+83,000	
GSE user fee		-10,000			+10,000
Annual contribution (transfer out)		(-79,000)	(-79,000)	(-79,000)	
Annual contributions (transfer out)		(-104,000)	(-104,000)	(-104,000)	
Sec. 212 Rescission			-74,400	-74,400	-74,400
Sec. 213 National Cities in Schools			5,000	+5,000	+5,000
Sec. 214 Moving to Work			5,000	+5,000	+5,000
Total, administrative provisions	-468,000	-10,000	-64,400	+403,600	-54,400
Total, title II, Department of Housing and Urban Development	24,079,378	28,052,478	26,057,049	+1,977,671	-1,995,429
Appropriations	(24,047,178)	(28,052,478)	(26,131,449)	(+2,084,271)	(-1,921,029)
Rescission			(-74,400)	(-74,400)	(-74,400)
Emergency appropriations	(32,200)			(-32,200)	
(Limitation on guaranteed loans)	(359,361,000)	(340,361,000)	(359,187,000)	(-174,000)	(+18,826,000)
(Limitation on corporate funds)	(561,326)	(561,076)	(561,076)	(-250)	
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	26,431	26,467	28,467	+2,036	+2,000
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	6,500	7,500	9,000	+2,500	+1,500
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	80,000	110,000	70,000	-10,000	-40,000
Microenterprise technical assistance		15,000			-15,000
Additional provisions - Division A, P.L. 105-277	15,000			-15,000	
Total	95,000	125,000	70,000	-25,000	-55,000
Consumer Product Safety Commission					
Salaries and expenses	47,000	50,500	47,000		-3,500
Corporation for National and Community Service					
National and community service programs operating expenses	425,500	545,500		-425,500	-545,500
Additional provisions - Division A, P.L. 105-277	10,000			-10,000	
Office of Inspector General	3,000	3,000	3,000		
Total	438,500	548,500	3,000	-435,500	-545,500
United States Court of Appeals for Veterans Claims					
Salaries and expenses	10,195	11,450	11,450	+1,255	
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	11,666	12,473	12,473	+807	
Environmental Protection Agency					
Science and Technology	650,000	642,483	645,000	-5,000	+2,517
Transfer from Hazardous Substance Superfund	40,000	37,271	35,000	-5,000	-2,271
Additional provisions - Division A, P.L. 105-277	10,000			-10,000	
Subtotal, Science and Technology	700,000	679,754	680,000	-20,000	+246
Environmental Programs and Management	1,848,000	2,046,993	1,850,000	+2,000	-196,993
Transfer to STAG (P.L. 106-31)	-1,300			+1,300	
Subtotal, EPM	1,846,700	2,046,993	1,850,000	+3,300	-196,993
Office of Inspector General	31,154	29,409	30,000	-1,154	+591
Transfer from Hazardous Substance Superfund	12,237	10,753	11,000	-1,237	+247
Subtotal, OIG	43,391	40,162	41,000	-2,391	+838
Buildings and facilities	56,948	62,630	62,600	+5,652	-30
Hazardous Substance Superfund	1,400,000	1,500,000	1,450,000	+50,000	-50,000
Delay of obligation	100,000			-100,000	
Transfer to Office of Inspector General	-12,237	-10,753	-11,000	+1,237	-247
Transfer to Science and Technology	-40,000	-37,271	-35,000	+5,000	+2,271
Subtotal, Hazardous Substance Superfund	1,447,763	1,451,976	1,404,000	-43,763	-47,976
Leaking Underground Storage Tank Program	72,500	71,556	60,000	-12,500	-11,556
Oil spill response	15,000	15,618	15,000		-618

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2684)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
State and Tribal Assistance Grants	2,506,750	1,953,000	2,315,000	-191,750	+362,000
Categorical grants	880,000	884,957	884,957	+4,957	
Additional provisions - Division A, P.L. 105-277	20,000			-20,000	
Transfer from EMP (P.L. 106-31)	1,300			-1,300	
Subtotal, STAG	3,408,050	2,837,957	3,199,957	-208,093	+362,000
Total, EPA	7,590,352	7,206,646	7,312,557	-277,795	+105,911
Executive Office of the President					
Office of Science and Technology Policy	5,026	5,201	5,108	+82	-93
Council on Environmental Quality and Office of Environmental Quality	2,675	3,020	2,827	+152	-193
Total	7,701	8,221	7,935	+234	-286
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(34,666)	(33,666)	(33,666)	(-1,000)	
Federal Emergency Management Agency					
Disaster relief	307,745	300,000	300,000	-7,745	
(Transfer out)		(-3,000)	(-3,000)	(-3,000)	
Emergency funding	2,036,000	2,480,425		-2,036,000	-2,480,425
Pre-disaster mitigation		30,000			-30,000
(Transfer out)		(-3,000)			(+3,000)
Disaster assistance direct loan program account:					
State share loan	1,355	1,295	1,295	-60	
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)		
Administrative expenses	440	420	420	-20	
Salaries and expenses	171,138	189,720	177,720	+6,582	-12,000
Y2K conversion (emergency funding)	3,641			-3,641	
Office of Inspector General	5,400	8,015	6,515	+1,115	-1,500
Emergency management planning and assistance	240,824	250,850	280,787	+39,963	+29,937
(By transfer)		(6,000)	(3,000)	(+3,000)	(-3,000)
Y2K conversion (emergency funding)	3,711			-3,711	
Radiological emergency preparedness fund	12,849			-12,849	
Collection of fees	-12,849			+12,849	
New language		-1,000	-1,000	-1,000	
Emergency food and shelter program	100,000	125,000	110,000	+10,000	-15,000
Flood map modernization fund		5,000	5,000	+5,000	
National insurance development fund		(3,730)	(3,730)	(+3,730)	
National Flood Insurance Fund (limitation on administrative expenses):					
Salaries and expenses	(22,685)	(24,131)	(24,333)	(+1,648)	(+202)
Flood mitigation	(78,464)	(78,912)	(78,710)	(+246)	(-202)
(Transfer out)		(-20,000)	(-20,000)	(-20,000)	
National flood mitigation fund		12,000			-12,000
(By transfer)		(20,000)	(20,000)	(+20,000)	
Total, Federal Emergency Management Agency	2,870,254	3,401,725	880,737	-1,989,517	-2,520,988
Appropriations	(826,902)	(921,300)	(880,737)	(+53,835)	(-40,563)
Emergency funding	(2,043,352)	(2,480,425)		(-2,043,352)	(-2,480,425)
General Services Administration					
Consumer Information Center Fund	2,619	2,622	2,622	+3	
National Aeronautics and Space Administration					
Human space flight	5,480,000	5,638,000	5,388,000	-92,000	-250,000
Science, aeronautics and technology	5,653,900	5,424,700	4,975,700	-678,200	-449,000
Mission support	2,511,100	2,494,900	2,269,300	-241,800	-225,600
Office of Inspector General	20,000	20,800	20,800	+800	
Total, NASA	13,665,000	13,578,400	12,653,800	-1,011,200	-924,600
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(600,000)	(600,000)		(-600,000)	(-600,000)
(Limitation on administrative expenses, corporate funds)	(176)	(257)	(257)	(+81)	
Revolving loan program	2,000		1,000	-1,000	+1,000
National Science Foundation					
Research and related activities	2,770,000	3,004,000	2,778,500	+8,500	-225,500
Major research equipment	90,000	85,000	56,500	-33,500	-28,500
Education and human resources	662,000	678,000	660,000	-2,000	-18,000
Salaries and expenses	144,000	149,000	146,500	+2,500	-2,500
Office of Inspector General	5,200	5,450	5,325	+125	-125
Total, NSF	3,671,200	3,921,450	3,646,825	-24,375	-274,625
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	90,000	90,000	80,000	-10,000	-10,000
Selective Service System					
Salaries and expenses	24,176	25,250	7,000	-17,176	-18,250
Y2K conversion (emergency funding)	250			-250	
Total	24,426	25,250	7,000	-17,426	-18,250

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2684)—Continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title III, Independent agencies	28,558,844	29,016,204	24,773,866	-3,784,978	-4,242,338
Appropriations	(26,515,242)	(26,535,779)	(24,773,866)	(-1,741,376)	(-1,761,913)
Emergency funding	(2,043,602)	(2,480,425)		(-2,043,602)	(-2,480,425)
(Limitation on administrative expenses)	(101,149)	(103,043)	(103,043)	(+1,894)	
(Limitation on direct loans)	(625,000)	(625,000)	(25,000)	(-600,000)	(-600,000)
(Limitation on corporate funds)	(176)	(257)	(257)	(+81)	
TITLE IV - GENERAL PROVISIONS					
Tennessee Valley Authority Borrowing Authority			-3,000,000	-3,000,000	-3,000,000
Grand total	95,263,261	99,607,116	91,980,156	-3,283,105	-7,626,960
Current year, FY 2000	(95,263,261)	(99,607,116)	(91,980,156)	(-3,283,105)	(-7,626,960)
Appropriations	(93,187,459)	(97,126,691)	(92,128,956)	(-1,058,503)	(-4,997,735)
Rescission			(-74,400)	(-74,400)	(-74,400)
Emergency funding	(2,075,802)	(2,480,425)		(-2,075,802)	(-2,480,425)
(By transfer)	(34,727)	(236,727)	(236,727)	(+202,000)	
(Transfer out)	(-61)	(-203,061)	(-203,061)	(-203,000)	
(Limitation on administrative expenses)	(101,149)	(103,043)	(103,043)	(+1,894)	
(Limitation on direct loans)	(846,655)	(799,860)	(199,860)	(-646,795)	(-600,000)
(Limitation on guaranteed loans)	(359,361,000)	(340,361,000)	(359,187,000)	(-174,000)	(+18,826,000)
(Limitation on corporate funds)	(561,502)	(561,333)	(561,333)	(-169)	
Total amounts in this bill	95,263,261	99,607,116	91,980,156	-3,283,105	-7,626,960
Scorekeeping adjustments	-3,145,802	-6,294,000	-2,090,000	+1,055,802	+4,204,000
Total mandatory and discretionary	92,117,459	93,313,116	89,890,156	-2,227,303	-3,422,960
Mandatory	22,312,774	21,258,376	21,258,376	-1,054,398	
Discretionary	69,804,685	72,054,740	68,631,780	-1,172,905	-3,422,960

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Before I begin, Mr. Chairman, I want to express my sincere gratitude to the Speaker and to both the majority and minority leadership for their consideration of my personal circumstances regarding the passing of my father immediately preceding the August recess. It was a courtesy which I and my family certainly appreciated. Dad was honored to serve his constituency in the U.S. House of Representatives, and it is gestures like this that explain why he was so honored and why I too am honored to serve in this body.

I would also like to extend thanks to the gentleman from New York (Mr. WALSH) for his comments today, which were certainly appreciated, and for his graciously supporting my request to postpone consideration of this bill.

Mr. Chairman, this is the first year for both the gentleman from New York (Mr. WALSH) and myself in our respective roles as chairman and ranking member of the Subcommittee on VA, HUD and Independent Agencies bill, and I have been impressed by the chairman's capability and by the cooperation which he and his very able staff have extended to the minority. I am pleased to have been a part of that process, even as I remain concerned, Mr. Chairman, about the result that we have achieved to this point.

The bill before us has enough serious shortcomings that it is now under a veto threat from the President. However, I know the chairman shares many of my concerns and is committed to addressing these concerns as the bill moves forward, and I look forward to working with him in that regard.

Unfortunately, the bill provides inadequate funding levels in most major areas. Let me make clear, however, that I do not attribute these shortcomings to the chairman of the subcommittee. Regrettably, he was faced with a situation not of his own making. He has tried to do the best he could with the hand that he was dealt.

The basic problem is that the majority leadership instructed the Subcommittee on VA, HUD and Independent Agencies to produce a bill that cuts total spending below this year's level. As a result, the bill now before us provides an increase in veterans medical care but cuts most other agencies and programs, by small amounts in some cases and by large amounts in others.

Overall, including last year's emergency funding, the bill's total for fiscal year 2000 is about $3 billion below fiscal year 1999; $1 billion for emergency funding is excluded. And note that these figures represent reductions in actual dollar amounts, before any adjustment for inflation or otherwise. In terms of purchasing power, the cuts are even larger. How or why these limits were decided, I do not know. But I do know the damage that would be caused if this bill is not substantially changed as the process moves forward.

Let me begin with NASA, because that agency is slated for some of the largest cuts. Overall, the bill reduces the budget for NASA by $1 billion below current year spending. In short, these cuts seriously jeopardize our Nation's leadership in exploration and development of space.

The bill makes an 11 percent cut in space science, the area that funds the planetary probes and space-based astronomical observatories that have generated so much interest and excitement over the past several years. It makes a 20 percent reduction in earth sciences. And in both areas the cuts are heavily targeted to planning for future missions and to development of the next generation of technology, which is fundamentally important to basic research.

Over the past 5 years, NASA's budget has already been reduced by almost $1 billion. Simply put, the NASA budget should not be reduced any further. Our space programs advance human knowledge, foster development with wide-ranging uses, generate public interest in science, especially among our young people, and help us better understand what is happening here on Earth with our weather, our climate, and our environment. These cuts are not what our constituencies want, nor are they in the national interest.

The second major area of concern about this bill is housing. I am pleased the chairman was able to provide for the renewal of all expiring section 8 housing contracts. However, HUD fares relatively poorly in many other areas and needs additional funding in the section 8 area. We have worsening shortages of affordable housing in many parts of the country as the economic boom drives up rents beyond the reach of low-wage workers. HUD reports that more than 5 million very low-income families are spending more than half of their income for rent but are, at the same time, receiving no federal housing assistance whatsoever. The cuts in this bill would make that problem worse.

Public housing would be particularly hard hit: under the bill, basic funding for local housing authorities is cut $515 million below the fiscal 1999 level. Public housing exists throughout the country in small and medium-sized cities as well as large ones. It provides homes for more than 3 million people, more than 1 million of whom are age 62 or older.

The cuts in this bill will mean reduced staff, more deferred maintenance and a growing backlog of capital needs. They threaten to make the good housing worse while hampering efforts to fix the bad.

Another problem is the lack of any funding for incremental housing assistance vouchers. Last year, the VA-HUD bill funded 50,000 new housing vouchers, targeted specifically to helping families make the transition from welfare to work. The number of new vouchers funded by this bill is zero.

I have similar concerns about the large and small cuts in a wide range of other HUD housing programs; CDBG, homeless assistance grants, housing for people with AIDS, brownfields redevelopment, and lead paint hazard abatement, to name a few examples. I think it is unfortunate the bill rejects every one of the administration's proposals to spur development in areas left behind in the economic boom.

Turning to veterans, Mr. Chairman, I am pleased that the committee found a way to provide a $1.7 billion increase for veterans medical care. Although that amount falls short of the $3 billion increase that veterans' groups say is needed to keep up with the needs of war veterans, $1.7 billion is a substantial improvement. However, medical care is not the only area of concern at the VA.

The bill reduces the construction accounts by more than 50 percent below fiscal year 1999. Failing to update and maintain aging hospitals and other veterans facilities will only lead to more problems later.

Moving on to EPA, Mr. Chairman, I am pleased the committee provided a $106 million increase above the administration's request. Unfortunately, that still leaves the agency $278 million below this year's level. Specific programs that will suffer as a result of this cut include the Clean Water Action Plan and the program of pesticide reregistration mandated by the Food Quality Protection Act.

Finally, Mr. Chairman, I should mention the bill's complete elimination of the Americorps program. This was not a choice that our subcommittee made, but rather one that was imposed at a later stage. Fundamentally, AmeriCorps gives young people an opportunity to do community service in exchange for a very modest stipend and help in financing their future education, which is just the sort of thing we want our young people to be doing. Can we really no longer afford the $400 or $500 million needed to continue this worthwhile effort?

I might better understand all of the cuts made by this bill if we were in a time of fiscal crisis, Mr. Chairman. But we are not. Rather, we are in a period of unprecedented prosperity. The federal budget deficit has declined steadily every year since 1992, and last year it turned into a surplus for the first time in 3 decades. Every projection shows that surplus continuing to grow. Yet we are told by the majority leadership that we do not even have enough money to continue many programs in the VA-HUD bill at the current year's level. I find that incredible. If we cannot adequately meet the needs of veterans' programs, affordable housing, and scientific research during these prosperous times, then when can we?

Even more discouraging is the fact that the majority's budget plans call for this situation not only to continue year after year, but to actually get steadily worse. And here, of course, I am not referring to the majority on this committee but rather to the majority leadership of the House. The leadership's budget resolution calls for total appropriations for domestic programs in fiscal year 2001 to be less than those in fiscal year 2000. By fiscal year 2004, the resolution calls for domestic appropriations to have fallen by more than 20 percent in inflation-adjusted terms. Make no mistake about it, that is what pays for the nearly $800 billion tax cut that was passed by the Congress last month.

The vision for the future presented by that budget plan is that every year we do a little less; that every year our public housing gets a little more dilapidated; that every year we fund a little less basic science research; that every year the standard of medical care for our veterans goes down a bit; that every year the backlog of sewage treatment and safe drinking water needs gets a little bigger. And in the view of the majority's budget plan, all this is acceptable because it allows a huge tax cut bill to be enacted.

This steady decline in public services is not my vision for the future, nor do I think it is our constituents' vision for the future or, indeed, the vision of many of my colleagues in this Chamber. However, that is the path that this Congress appears to be headed down. And if this bill is not fixed before it is presented to the White House, we will have taken another big step down that path of decline.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I yield 5½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in support of the VA-HUD appropriations bill.

I want to commend the chairman, the gentleman from New York (Mr. WALSH), and the ranking member, the gentleman from Virginia (Mr. MOLLOHAN), for all their hard work on this bill. The chairman and his very able staff were faced with a Herculean task of making this bill work while staying within the caps adopted by the 1997 budget agreement. And in the end, I think they found a good balance.

While I am supportive of our work together on behalf of science, space exploration, the environment, and other programs, I specifically want to discuss two provisions in today's bill. The first is veterans medical care. Last October I signed a letter to the President, along with 70 Members of the House and Senate on a bipartisan basis, asking the President to provide an extra $1.7 billion in his fiscal year 2000 budget submission for veterans medical care.

□ 1315

It appears that our plea fell on deaf ears. While the President sent his budget to Capitol Hill in February, it flatlined spending for veterans' medical care. In plain English, his budget did not provide even one extra dollar over last year's amount for veterans' medical care. So again it was left to Congress to provide the critical additional funding for veterans' medical care.

This is not a partisan issue. Both Republicans and Democrats have worked together to provide money above and beyond the President's budget request for the past 4 years, and this year is no exception.

However, the bottom line is that the President's flatlined request shows how some in his administration are out of touch with the need of our veterans.

And it did not help and has not helped that the VA's leadership has been missing in action during this process. Our April public hearing on the VA's budget was an unqualified disappointment with Secretary West and Dr. Kizer, proving how out of touch they are with their inability to answer even the most basic questions before our committee and before the cameras.

Fortunately, with strong bipartisan support, this year's budget passed by the House called for an extra $1.7 billion for veterans' medical care. Veterans service organizations are right to demand, at a bare minimum, Congress provide a $1.7 billion increase. They are also rightly owed a VA that actually advocates for veterans and puts veterans' health care needs and services above so-called managed care goals, which put dollar savings before patient protections.

That is why I am pleased that the gentleman from New York (Mr. WALSH) agreed to my request and others to provide this extra funding for a total of $19 billion for veterans' medical care. For countless veterans, many older, sicker, some nearly 100 percent dependent on the VA system for care, this additional money will be increased access to service and improve quality of care.

Unfortunately, this will not be true for all veterans. Despite this increase, veterans in the northeast and in my State of New Jersey will not see one extra dime for veterans' medical care. To provide our Veterans Integrated Service Network 3 with the same amount of funding as fiscal year 1999, Congress would have to provide a $2.4 billion amount above and beyond the President's request. However, our increase is an important improvement and reflects the amount set forth in this year's budget resolution.

I suspect we may see some finger-pointing and hear blame today from all sides. But the bottom line is that this Congress, in a bipartisan way, provided the extra money, real dollars, $1.7 billion, that did not come from surplus or assumed revenues. And for this reason alone, I urge my colleagues to support the bill.

Second, this bill contains important funding for essential housing for the elderly and individuals with disabilities of all ages. As a result of my amendment and others which were offered during the subcommittee consideration of the bill, H.R. 2684 includes an additional $10 million each for two important programs. Next year we will provide $660 million for Section 202 housing for the elderly and $194 million for Section 811 housing for individuals with disabilities.

Finally, this bill continues a set-aside program that this committee started 3 years ago to meet the housing needs for people with disabilities. Our committee included $25 million for tenant-based rental assistance to ensure decent, safe, and affordable housing in communities with low-income individuals with disabilities. Further, it includes language directing the Secretary of HUD to use his waiver authority to allow nonprofit organizations to apply directly for these funds instead of going through public housing authorities.

It is my belief that that change will provide better access for housing for more individuals with disabilities. HUD has largely been deficient in meeting the needs of individuals with disabilities seeking affordable housing but was very quick to take credit for all these funds last year even though the administration's budget request did not request one dime for the program.

I am pleased that Congress took the lead again to provide the funding and it should receive the credit, as well. Again, I commend the chairman and the ranking member for their work and support of this bill and appropriation.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. Obey), the distinguished ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this bill is an absolutely wonderful bill unless my colleagues think that the Congress ought to spend our time responding to the legitimate needs of the American people. If they do, then it turns out to be a bit of a turkey.

I do not blame the chairman of the subcommittee for that fact. He is a good man, and he is doing the best that he can under a ridiculous budget situation. But let me tell my colleagues what is wrong with this bill and why I intend to vote against it.

First of all, the bill is $2 billion below the request and $1 billion below last year for housing. It is $1 billion below last year for science at NASA. It is $275 million below the request of the National Science Foundation.

The administration's budget for veterans was totally inadequate. Everybody knows that. I do not know of any Member of the Congress who supports it. This bill itself is $1.3 billion below what the veterans groups regard as necessary to fund veterans' health care. The rule under which this bill is being considered denied us the opportunity to add $750 million to take care of at least half of that shortfall by delaying for 1 year the capital gains giveaway that was in the recent tax bill that just passed. That alone is reason enough to vote against this bill.

The bill also zeros out funds for Americorps, which is a high Presidential priority. As I indicated when I made my point of order, in spite of all of that, this bill is $3 billion out of whack in its accounting because it has a "let's pretend" cut in TVA that does not save a dime. It then uses that "let's pretend" cut to fund $3 billion worth of money for other programs. But in fact, since neither the Congressional Budget Office or the Office of Management and Budget recognizes it as a real cut, this bill will trigger a sequestration and an across-the-board cut of all domestic programs of $1.5 billion; and we will trigger a defense cut of about $1.5 billion, as well.

On the issue of housing, I would simply like to make this observation. This bill accelerates the already rapid separation of this country into two separate societies. A report issued this past weekend by the Center for Budget Priorities indicated that the lower two-fifths of this country in terms of income are actually losing economic ground, while the top one-fifth are enjoying unprecedented prosperity.

Overall, the personal incomes of Americans have increased by about 20 percent over the past 22 years. But that increase has been distributed in a very even manner. Incomes at the top have doubled, while incomes for the 50 million households at the bottom have fallen.

This is taking place at the same time that housing costs have been rising and the number of rental units that were affordable to low-income families has been shrinking at a dramatic pace.

The Department of Housing and Urban Development estimates that the number of rental units available to very low-income families dropped by $900,000 just between 1993 and 1995, and the number of very low-income families who must spend more than 50 percent of their income on rent has jumped from 3.2 million in 1978 to over 5 million people today.

In other words, low-wage families are getting squeezed twice. First because their wages are not keeping pace, and secondly because housing costs are chewing up more and more of their meager paychecks. And neither party, in my view, is doing enough to deal with that problem. This bill makes the situation markedly worse. It cuts about $1 billion below last year's level from federal housing programs at about $2 billion below the request at a time when construction and rehabilitation costs are rising much faster than other costs in the economy.

Anybody who believes that this continued bifurcation of America can produce the kind of stable and peaceful and productive society that we all profess to want is simply not seeing things clearly.

I would also point out that Business Week carried a very interesting article which states in part: "We have demonstrated that scientific research has created the New Economy, but now we are concerned that we are being trampled on as a reward for creating the economy that made the surplus possible."

Those were the words of a scientist in describing the need to continue to invest in science programs that have been at the root of our ability to continue to expand this economy. Politicians brag a lot about what we have done to keep the economy going, but mostly what keeps the economy going is the right investment decisions both by the private sector and by the Government. And we are falling far short in meeting those obligations in science.

Allan Bromley, former science advisor to President Bush, says, "Congress has lost sight of the critical role science plays in expanding the economy." I would very much agree with that.

So I would simply say there are a lot of good reasons to vote against this bill. We ought to be able to do better by veterans. We ought to be able to do better by housing. We ought to be able to do better by the basic science budget. And until they do, this Member is going to vote "no."

Mr. WALSH. Mr. Chairman, could you tell us how much time we have remaining?

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman from New York (Mr. WALSH) has 14½ minutes remaining. The gentleman from West Virginia (Mr. MOLLOHAN) has 13 minutes remaining.

Mr. WALSH. Mr. Chairman, I yield myself 1 minute to just respond to a couple of points that have been made.

There is no question that we are below last year's funding level in this bill, and that is in keeping with the budget agreement. But let me just say a couple of things. If we take out of the HUD budget the $4 billion budget gimmick that the President used, and by "gimmick" I mean it was a $4 billion appropriation in the HUD budget and the President specifically said in his request that this money not be spent until the year 2001. That money is not available in this budget year that we are discussing here today. If you take that budget gimmick of $4 billion and throw it away, we are billions above the President's request for housing.

Number two, on VA medical, as I said, this is the largest increase ever in VA medical. We have letters from the veterans service organizations supporting our level of funding. And at the same time, this really underlines the dismal, dismal request that the President made and the lack of understanding for veterans' health needs in this country.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I thank the chairman for yielding me this time. I rise in full support of this bill.

Mr. Chairman, I also want to thank the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, who has done, I think, an outstanding job in working with the chairman.

I also want to extend a salute to the senior member of the staff, Frank Cushing, and all the staff who have contributed to bringing this bill about. Without their long hours, dedication and hard work, none of this would have been possible.

This appropriations bill is unique in that it covers an array of diverse agencies ranging from the Veterans Administration to the EPA. It is not an easy task to bring this wide range of interest together into a single bill. However, the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) have forged a relationship which I think makes this all possible.

H.R. 2684 is a good bill. Is it a perfect bill? No. Is it a fair bill? Absolutely, yes.

I would echo the words of my chairman that we are still early in the legislative process for dealing with this legislation. There will be plenty of opportunities for Members to offer their suggestions and amendments before the President finally puts his signature on it. I would implore my colleagues not to let perfection be the enemy of good.

The FY 2000 VA–HUD bill is a bill produced under very difficult circumstances. Those have been outlined. And it is within the budget caps. It responsibly provides the full $1.7 billion increase, the amount called for in the budget resolution for veterans' medical health care, and fully funds Section 8 housing.

It also provides $325 million above, that is above, the President's request for the Clean Water State Revolving Fund.

□ 1330

The gentleman from New York (Mr. WALSH) should be saluted for crafting this piece of legislation under very difficult circumstances, and I know he has worked in good faith with the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), to forge this bill that the House now has before it.

Mr. Chairman, this is a fair bill and there will be time to strengthen it and further it as the process moves along.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. HOYER), a distinguished member of the Committee on Appropriations.

Mr. HOYER. Mr. Chairman, I thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding me this time.

Mr. Chairman, like so many who have risen before me, I understand that the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) and the committee are constrained by the dollars which have been allocated to their subcommittee for expenditure.

Having said that, that was the initial error. This bill ought not to be supported. because it is in the context, as the gentleman from Wisconsin (Mr. OBEY) pointed out, of being constrained by what the gentleman from New York (Mr. WALSH) and others have said is the 1997 Act. Yes, we voted on that act; but the fact is when we voted on that act we thought last year and this year would be in deficit. We thought we would not have balanced the budget by this time, consistent with OMB and CBO hypothesis at that time.

The context is different, and we ought not to do what we are doing, in my particular case, to NASA, basic science research.

I rise in strong opposition to H.R. 2684. Over the past 7 years, NASA has restructured, reduced personnel without layoffs and reduced its costs over those 7 years by $35 billion. This is not an agency that did not give at the office and at home. I know the gentleman from New York (Mr. WALSH) knows that.

I am extraordinarily concerned. The agency has kept America at the forefront of science research. This bill severely cuts NASA by a billion dollars and undermines our role, in my opinion, as the world leader in science and technology.

In fact, according to administrator Dan Golden, two centers, if this budget were carried into place and followed, would have to be closed. The reduction of the research program will eliminate an estimated 600 grants to universities, NASA centers, and other agencies in every State, not just mine.

Bill Brody, the President of Johns Hopkins University, wrote to me expressing his concern about the NASA cuts. In his letter he states that 75 percent of Hopkins' applied physics laboratory space department is funded through sources cut by this bill, basic, top flight, world-class research.

I know the chairman does not want to cut that, but his bill does that.

Brody estimates that within the next year, Hopkins' ability to maintain core engineering capabilities will be crippled for years to come, and the bill threatens the loss of ongoing research and analysis.

According to the National Business Coalition for Federal Research, who also contacted me, and I quote, "Republican cuts to scientific research under this bill are a recipe for failure."

I agree. NASA funding made tracking the 1997 El Nino weather pattern easier and possible because of the satellite that followed its movement across the Pacific ocean. Clearly, our Nation's quality of life benefits from NASA's commitment to earth science research.

In my district, space science research programs are carried out by Goddard. Because my time is short, I will not be able to fully explain the consequences to Goddard, but let me say that this bill funds certain science and says to NASA Goddard, information can be collected through the Earth observation system but it then cuts the funding for the dissemination of that information on the Internet and throughout the country so that universities and scientific organizations can utilize the information we are collecting. That makes no sense.

I would say to my colleagues, we ought to reject this bill. We ought to send it back to committee, not because the gentleman from New York (Mr. WALSH) or the gentleman from West Virginia (Mr. MOLLOHAN) have done anything wrong, but the constraints and the parameters that they were given were inappropriate, wrong, constrained, I would say, and add that as the gentleman from Wisconsin (Mr. OBEY) did, by a $792 billion tax cut proposal. If we have $792 billion, surely we have the money, surely we have the money, to fund, as my friend from New Jersey says, veterans adequately and surely basic science adequately.

I urge my colleagues to reject this bill.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for yielding me this time.

Mr. Chairman, I would like to compliment the committee, as well as the chairman of the subcommittee, for deleting the $24.5 million for the selective service system. That was a good move. To me it was a heroic step in the direction of more liberty for the individual.

There is no place in a free society to have a program of conscription and drafting of young people to fight unconstitutional wars. It saves $24 million, and I urge my colleagues not to support the funding for the selective service.

Ronald Reagan was a strong opponent of the draft. He spoke out against it. We do not need it. It is wasted money. It is absolutely unnecessary. The Department of Defense has spoken out clearly that it is not necessary for national security reasons to have a selective service system, and yet we continually spend $24.5 million annually for this program. So I urge all Members, all my colleagues, to oppose putting this money back in for the Selective Service System.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. A month has passed since it has been delivered to the floor with some last-minute emergency modifications to fund various popular programs, but as time passes, all the defects and shortcomings of the bill, in spite of the efforts of the subcommittee to try to rationalize its actions, serious problems are very apparent in this bill.

I would just point out the serious shortfall in terms of funding for housing, based on obviously cooked numbers apparently from the committees and from the Committee on the Budget, and arguable numbers from the administration, some of which I agree and disagree with within this bill. There is $945M nearly 1 billion dollars less than in 1999 for housing. It is like the House is participating in a continued sham in terms of the Budget Act. The fact of the matter is that the public is rejecting the policy path that has been laid out by the Congress but the majority insists on getting up and passing bills that seriously underfund programs and seriously underfund housing.

This is almost a billion dollars less than what was actually funded last year based on trying to use standardized numbers, several billion dollars less than the administration has requested. I would say looking at what the need is that the serious problems of the past have now turned into a crisis with regards to housing. We cannot continue to use housing as the honey pot to take money out and spread it around to programs that have more popular support.

In my community, in Minnesota, we have about a 1 percent vacancy rate. In fact, vouchers that are often provided as an answer very often do not work and will not work. So even though all the facts change, all the circumstances change, the Congress acts as if in 1999, is still on a 1997 budget rationale.

Funds are being split off for various purposes here, for an $800B in tax breaks for Pentagon spending, for other matters, and yet we do not respond to the various and the deep needs of the low income people in our communities and their housing crisis. The homeless funds are cut, lead paint abatement funding cut, community development, housing funds, those of the least powerful in our society are shortchanged. I urge my colleagues to reject this bill. I hope we could get to work and be in reality rather than remain in a state of denial. Regard the needs of people for shelter in safe sanitary housing.

Once again, the GOP leadership is relying upon gimmicks to hide their fiscal year 2000 appropriations process train wreck. By turning their backs on funding needs for important people programs and failing to invest in important social, housing, and community development programs, the Republicans have all but ensured a major confrontation this fall with congressional Democrats and the administration. The rush to provide tax cuts for special interests and the wealthy have clouded the need to address social program funding realities.

Unfortunately, the VA–HUD appropriation bill started out on a sour note with the Republican budget blueprint earlier this year. Adding salt to the wounds, the GOP majority appropriators chose to lay out unrealistic Labor-HHS-Education 302(b) allocations in order to spare from reductions popular defense spending, military pork projects, and NASA programs. All of these increases are provided at the extreme cost of housing and development programs and environmental protection. Such irresponsible GOP policies will put in place a convoluted process of shifting money into popular programs to attract votes and comply with the spending caps at the expense of the powerless in our society.

Sadly, this VA–HUD bill continues to force HUD to draw the short straw for housing and community development programs and that will impact real people through the loss of jobs and affordable housing. There are few improvements to mention, though I am pleased that there is finally some commitment to restore $10 million in funding to the FEMA Emergency Food and Shelter Program, a program that I have worked with Chairman WALSH in the past to increase funding.

However, the bill we will vote upon this week continues the theme of the past few years: making housing a principal wellspring for spending increases elsewhere and tax cuts for special interests and the wealthy. HUD estimates that in Minnesota we will lose over $23 million, jeopardizing 1,600 jobs and almost 2,400 units of housing for low-income families if this bill were enacted. The cuts in HOPWA, Housing for Persons with AIDS, and McKinney Homeless Assistance funds would result in 138 homeless and persons with AIDS not being served.

The St. Paul Public Housing Authority, one of the Nation's best, accurately explains the consequence: further cuts in public housing funds will jeopardize our safe, affordable, and quality public housing because cuts in operating subsidies will slow responses to repairs, cut key staff who screen applicants, and generally impair their ability to apply for and comply with Federal programs. The lack of commitment and cuts that this VA–HUD bill would deliver will result in fewer resident services and will mean less ability to deter criminal activity and other community concerns.

Unfortunately, the VA–HUD appropriations bill cuts close to a billion dollars in funds from HUD's budget last year and is some $3 billion below the administration's request. Despite trying to hide the cuts by spreading the pain around, it is clear that housing and community development will suffer under this bill—an atrophy by design. This atrophy has also hit successful programs like the Neighborhood Reinvestment Corporation which faces a $10 million cut in this bill. Further, while the overall VA–HUD bill has lost some of the emergency spending gimmicks, the GOP majority appropriators have chosen instead to gouge ever deeper in the Labor-HHS-Education funds in order to spare the popular Veterans and NASA programs.

Predictably, housing and community programs have been left with cuts to the Community Development Block Grant (CDBG), and even the McKinney Homeless Assistance programs, housing for persons with AIDS, public housing, and the list goes on. No new housing assistance despite the commitments to authorize 100,000 new vouchers made in the 1999 budget authorization. This is a warped policy especially at a time when millions of people are on waiting lists for housing are on the streets, and according to a Department of Housing study deems 5.3 million families have worst case housing needs. This situation is frankly dire. The circumstances and facts change. The Federal budget is in better shape, but low-income housing needs have exploded. Yet the funding response ignores the facts.

The real need of our communities which should be addressed by this bill is in preserving our federally assisted housing from the "opt-out" or prepayment phenomenon by matching State programs to keep buildings affordable, or marking up market rents so landlords stay with our successful programs. But how will we be able to move forward for the future with preservation efforts when this bill does not squarely address the real housing needs of this country with what we have now? We are already sliding backward and the passage of the VA–HUD bill this week is like throwing a drowning person an anvil. This is not acceptable policy for housing our people or creating the economic opportunities that will help them move forward in tandem with their communities and neighborhoods. This appropriation process and budget blueprint is wholly inadequate. If we are going to cut spending it must be based on equal sharing of the burden, not loading all the cuts on the backs of low-income Americans and the programs which serve them. Certainly this policy path and bill should be rejected.

To add insult to injury, this spending measure makes no effort to reconcile the loss of hundreds of millions of dollars of rescinded section 8 moneys that have been usurped for emergency spending this year and the last. This year, for example, we lost $350 million in section 8 that is made up, if at all, on the backs of other critical housing programs like the CDBG block grant which serves low- and moderate-income folks in cities across the country.

While the committee may claim inadequate appropriation authority under the budget, the fact is that there are 215 earmarks spending money on special interest projects. The conclusion of this bill is to deny funding for housing and other needs but to buy off votes to pass it with projects and earmarked funds.

I am concerned regarding the cut in funding for the Community Development Financial Institutions (CDFI) Fund. As the sponsor of the bill to maintain and improve the CDFI Fund which has been reported by the Banking Committee, I think it would be more appropriate to keep the funding for the program at $95 million, instead of what the committee provided through this bill, a reduction of $25 million. This underfunding is even more serious if we are to be able to have the running room to adequately fund the PRIME program that the Banking Committee has also reported out.

The PRIME Act, which stands for the Program for Investment in Microentrepreneurs, is a modest, but important piece of legislation that will provide training and technical assistance to help low-income entrepreneurs around the country to gain access to the knowledge and implementation strategies that will ensure the success of their own business ideas. We have had two successful hearings on this legislation and have moved it out of the committee. Both PRIME and CDFI leverage resources and talent in local communities and as such, Congress should be supporting them to the highest extent possible.

While this measure increases important veterans health care by a modest $1.5 billion more than last year, the GOP adopted a flawed rule before the recess that will prevent Democrats from offering amendments to further increase veterans health care. However, this bill still falls short to the desperately needed funding levels. After years of inadequate funding levels for the VA, we must work to push for full funding for our VA hospitals and nurses who are overworked and underpaid. This so-called increase in veterans health care would be offset from other existing VA programs; major VA construction would be cut by 76 percent. By simply shifting and shuffling existing priorities to meet other needs does not constitute an increase. Moreover, in a desperate plea to win votes, the GOP leadership has laced this bill with hundreds of pork-barrel projects for a range of activities requested by individual lawmakers. Such policy is clearly a rancid effort in order to win passage of a highly flawed bill.

Year after year, the Republicans have unsuccessfully attacked the President's Americorps program. Predictably, this legislation completely eliminates the Americorps program. Currently, over 20,000 Americorps members serve full or part time. In exchange for service, members receive education awards. The Americorps program allows and encourages people to strengthen our communities by providing needed human resources to schools, churches, community groups, and nonprofit organizations, while at the same time investing in their own education; both aspects are extremely important in ensuring a positive future for our nation. Despite the fact that the President adamantly supports this program and in fact has called upon Congress to allow even more of our young people to participate in Americorps this year, the Republican leadership has once again insisted on senseless, cyclical cuts to this beneficial program.

I am also disturbed by the lack of initiative taken by the majority to support several key programs administered by the Environmental Protection Agency (EPA) and critical to the health of the people and their land in this legislation. Today, global warming is becoming an ever increasing and prevalent threat. I don't think I need to point any further than outside the doors of the Capitol where this summer we are experiencing an unseasonably hot, humid, rain free, and pollution rich summer that forced many children to stay inside due to upper respiratory problems. Despite the faint glimmer of the sun through a gray haze on our doorstep, some Members continue to fight against the implementation of initiatives designed to curb global warming. why? Because these initiatives are a thinly veiled guise being instituted by the EPA in an attempt to secretly implement the Kyoto Protocol. Air quality programs are not the only programs seriously underfunded in this legislation. Research programs, both in-house and grant based, are flat lined from last years appropriation, thus stifling important research and possible technological breakthroughs, and leaving many worthy research projects in the dark. Superfund, a program designed to fix this Nation's most environmentally polluted and disastrous areas, has been reduced $50 million. Despite these egregious examples of the misappropriation of Federal dollars to the EPA, the solution is simple—eliminate over 100 of the special interest projects that cost this legislation $352 million and apply that money to programs that benefit all of America.

Overall, this bill is a failure. While the House has now passed the trillion dollar tax cut for those who are well off, this GOP measure will siphon off much needed funds from important housing programs for the less fortunate; shifts around dollars from VA construction projects to fund critical health care needs, thus creating an illusionary increase; boost NASA spending at the expense of our environment; kills the Americorps programs; and is washed down with hundreds of pet projects. The unavoidable conclusion is that this measure is bad policy.

I urge a strong "no" vote.

Mr. WALSH. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, the gentleman from New York (Mr. WALSH) has had a difficult job operating under a balanced budget just like every other chairman. It is difficult to gauge where one is going to reduce spending for veterans or space programs, science programs and others, and I understand that; but I think it is even more difficult, if we do nothing, for our children and our grandchildren.

Day after day, people on both sides of the aisle will stand up and say, well, I supported the balanced budget, but yet many of those same people will stand here in the well and say in every one of the 13 appropriations bills, they want more spending, want more spending, want more spending, which will drive us to the 40 years of irresponsible spending when the Democrats controlled this House. We do not want to return to that.

I would love to increase more spending on veterans. They have been denied health care, and they have been promised that for years. We cannot do that under a balanced budget. And the space programs, I believe that our mission and our future is in space, but it is more important for us to maintain that balanced budget, to take a look at our priorities, and I think the gentleman from New York (Mr. WALSH), with one exception, has done a good job at that.

I would say to the gentleman from Texas (Mr. PAUL), who spoke a minute ago, the chairman of the Joint Chiefs of Staff and the Secretary of Defense strongly support the selective service system, but it is in our children's best interest to support not only this bill for the tough decisions that the gentleman from New York (Mr. WALSH) made but for the future and the balanced budget and living within those constraints.

Mr. MOLLOHAN. Mr. Chairman, I yield 2¼ minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I congratulate the previous speaker on the intellectual honesty of his statement when he noted that many who voted for the 1997 Balanced Budget Act will now be standing up here on both sides disclaiming any responsibility for its consequences.

It is, in fact, inconsistent to maintain those caps but then go home and tell people how much you love community development, block grants and want to do more, and want to be for more of this or more of that.

To some extent, what we are dealing with here is a matter of intellectual honesty. I believe the intellectually honest thing to do is to admit a mistake. I think what we have here is a little infallible envy.

Virtually every Member understands in his heart of hearts or her heart of hearts that the 1997 Balanced Budget Act was based on inaccurate information. I must say I thought it was wrong at the time.

As I get older, I learn that one of the few pleasures that improves with age is saying I told you so. I knew it was dumb then. Some of my colleagues may be later converts to it, but look at the consequences. As I told the gentleman from New York (Mr. WALSH), I had a little sympathy for him describing this bill. As he explained it, he did a good job as he did, given what he was given to work with. He and the gentleman from West Virginia (Mr. MOLLOHAN) did their best, but I thought of that story then of I felt sorry because I had no shoes and then I met a man who had no feet.

If one feels sorry for the gentleman from New York (Mr. WALSH), wait until the gentleman from Illinois (Mr. PORTER) comes in with his bill. Not only does he have no feet, they cut him off about three ribs short of his shoulders.

This House is in a situation where we are providing far too little money for fundamental social purposes that hold this country together, and we are making a grave error.

Alan Greenspan in April said he regretted the fact that the international free trade consensus that used to exist in America has fallen apart, and he said I understand some people are getting hurt. We should not, he said, allow our inability to help these people to drive us away from support for internationalism, but it is not an inability.

It is not an inability that this bill shows. It is an unwillingness. This very rich country does not have to cut community development block grants and cut housing and put more of a burden on people. We are making a terribly grave social error. As capitalism flourishes and the rich get richer and the stock market approaches levels that make Mr. Greenspan nervous, we come in with a bill that takes away from the poorest of the poor, the neediest and the working poor.

Let us send this bill back and do the job right.

Mr. OBEY. Mr. Chairman, I demand that the gentleman's words be taken down and engraved upon the door, because they are absolutely correct.

□ 1345

Mr. WALSH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman certainly has the right to say I told you so, but that does not mean that he is right. This agreement caused us to make difficult choices, and we are trying to do that today.

But I would remind the committee and the Members that if they take the President's budget gimmick of $4.2 billion out of his request, this bill allocates $2 billion more than the President actually allowed or requested be spent on the housing programs for those exact same poor that the gentleman just mentioned.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Chairman, I thank the gentleman for yielding the precious 1 minute. I use that minute to make the point that this bill by its reduction and acceptance of reductions from the administration for the National Aeronautics and Space Administration is doing a great disservice to this Nation. NASA is an agency and an institution within the United States which has made immeasurable contributions to the betterment of our society. We have gone forward with a space program which I applaud; but in the process, the administration, year after year, has submitted budgets proposed for NASA which are pitifully inadequate and have starved all the other programs and agencies within NASA to an extent that it is shameful.

In aviation alone $400 million has been deducted or reduced from the appropriations for that phase of NASA science and activities. No airplane in the world flies today without the benefit of the research done by NASA on aeronautics. It is virtually a crime. And we must fix it to see that these programs are restored; and we ought to do it at the earliest opportunity.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to thank my friend from West Virginia for the time.

I just want to encourage my 2 colleagues, the gentleman from New York (Mr. WALSH) who is a strong supporter of the AmeriCorps program, and I know the gentleman from West Virginia (Mr. MOLLOHAN) is a strong supporter, to make sure that while this program is completely eliminated, not a penny for AmeriCorps in this bill on the House floor, that we restore this money in conference with the Senate.

We have a crisis in our schools with teacher shortages and with school safety. The AmeriCorps program currently mentors and tutors 2.6 million schoolchildren, and they help 564,000 at-risk children in after-school programs.

Now we can either approach this by appropriating more money in education bills that the gentleman from Illinois (Mr. PORTER) does not have for these problems or we can continue a program that is working with these AmeriCorps volunteers at places like the University of Notre Dame and help our schools do a better job and help our neighborhood schools with at-risk after-school programs.

So I would like to encourage the gentleman from New York (Mr. WALSH) who has been a very strong supporter of this program to continue to work with us in conference.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1¾ minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the ranking member for the time.

Mr. Chairman, I am going to vote against this bill because it seriously underfunds our commitment to our veterans.

The gentleman from my hometown of San Diego, California (Mr. CUNNINGHAM) said we ought to fund our Nation's veterans, but we cannot. We cannot because of this agreement we made a couple years ago.

The subcommittee saw that as a problem and asked the full committee for an emergency designation for which it could receive an extra $3 billion for our veterans. They were overruled. I think the chairman was right. It is an emergency situation to fund our veterans. We are not keeping our commitment that we made to them.

This must be classified as an emergency today. Providing veterans health care is emergency. The VA health system is drastically underfunded and in danger of actual collapse. The national cemeteries that we should pride ourselves on are also facing disaster. We are releasing our veterans from the hospitals with Alzheimer's disease. We have serious illnesses that were contracted either in Vietnam or the Persian Gulf that are not getting adequate treatment.

Mr. Chairman, this is an emergency.

Now when we say we ought to put more money in the budget, my friends on the majority side say well the President underfunded the veterans in his proposal. Yes, he did. I agree with that; underfunded by $3 billion. But remember this is not the President's budget. This is a congressional budget. It is our responsibility, and we underfund veterans by at least a billion and a half.

Mr. Chairman, the veterans organizations of this Nation, all of them, combine to come up with what they thought was a reasonable amount to keep our VA health system going. They said $3.2 billion additional. This budget underfunds that by a billion and a half. We need that money, and it is an emergency. Let us put more money in for our veterans, Mr. Chairman.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the points that the gentleman from California (Mr. FILNER) made, and I understand his commitment is very strong to America's veterans, as are all Members. Just to set the record straight, we provided the President's request level for veterans cemeteries. That is a $5 million increase over the 1999 enacted level. So we actually did increase the budget for veterans cemeteries.

As regards the request for emergency designation, we did do that, but we requested the $1.7 billion increase that was authorized by the committee, and that is consistent with what the veterans authorizing committee suggested and the budget document requested, and we were not given emergency designation. What we were given was an actual $1.7 billion in real dollars to increase the veterans health care budget.

So I think it shows a substantial commitment on the part of the subcommittee and the full Committee on Appropriations, and we will take on that mantle of being veterans advocates; if the Executive Branch will not, we will do that.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, this bill is flawed from the sky above to the earth below. Here on terra firma the bill would hurt the poor, the elderly and the disabled by cutting their housing assistance and the sky above, our space program, and its innovation, its ability to create new jobs is being destroyed. Glenn Research Center in my district, which is one of the finest centers in this country, is under attack in this bill.

America is in effect eating its technological seed corn by destroying the ability of the space program to create new jobs with cuts like this, and at the same time America turns its back on the poor while the rich are getting richer, the poor are indeed getting poorer. It is time to take this bill away from fat city and send it back to committee.

Mr. MOLLOHAN. Mr. Chairman, I yield all the remaining time to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

The CHAIRMAN pro tempore. The gentlewoman from Illinois is recognized for 1¼ minutes.

Ms. SCHAKOWSKY. Mr. Chairman, I have to tell my colleagues I found this budget very hard to explain to people back home. While we are all here patting ourselves on the back for this string of unprecedented economic prosperity, it seems all too easy to overlook the communities that are not reaping the benefits. The unemployment rate in some of these communities is as high as 20 percent, Mr. Chairman, and more than 5 million families in our country are only a paycheck away from losing their homes.

In light of these problems that our families and our seniors are facing, we should use our prosperity to increase HUD's capacity to create jobs, to build homes; but instead we are cutting the HUD budget. The effects of these cuts on the lives of families and seniors and the homeless would be devastating. In my district alone, we would loose $4.5 billion; and hundreds of low-income families could be left out in the cold. In the city of Chicago where the Chicago housing authority is just beginning to turn the corner on a persistent housing crisis, we are going to be setting the CHA back.

We have a responsibility here, a responsibility to expand and not to cut vital housing and economic development programs. We need to take drastic steps, not to cut, but to develop a successful and comprehensive affordable housing and economic development policy. This should be a national priority, and at a time when we have a $14 billion federal budget surplus; if not now, when?

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, briefly in closing I would like to thank the distinguished Chair for conducting this portion of the general debate and my colleagues for, I think, a very intelligent, thoughtful debate.

Mr. FRANK of Massachusetts. Mr. Chairman, earlier today at a press conference Secretary of Housing and Urban Development Andrew Cuomo made a very forceful and important statement about this particular bill. I thought the Secretary's statement was a very important contribution to the debate, so I am including the statement issued by Secretary Cuomo earlier today at the press conference for the RECORD, and would request that it be placed at the end of the general debate on the bill that was debated today.

The statement referred to follows:

STATEMENT OF SECRETARY CUOMO

Good afternoon. First I would like to thank Congressman Gephardt not just for his kind words of support today but for the support he has shown for HUD over these many years. I think the great turnout you see here today of Congress people from across the country reflects that leadership—and we need that leadership now.

Congressman Gephardt, I want to thank you very much for everything you have done for all of us. We heard a lot of talk about the $800 billion tax cut and how it is bad economic policy and it is risky and it is reckless—and I think it is undeniable. It gets worse when you look at who would get the tax cut and how it is fueled—obviously to the richest of the rich. You make $500,000 you get a $32,000 tax cut; if you make $18,000 you get $22—period. It makes the $800 billion tax cut more repugnant. When you then also consider the cuts to the essential programs that they would do simultaneously without tax cuts, the situations become unbearable and it becomes frankly, in my opinion, repugnant in its clarity.

The programs that would be cut would hurt the poor, the working American families and the middle class American families right across the board. HUD is just a good example of it. A $1.6 billion cut which would cut virtually every program in the Department from soup to nuts, virtually every program—there are one or two programs that would not be cut. To give you a couple of examples: at a time when this nation has the highest need for affordable housing in its history, 5.3 million families need affordable housing: waiting lists for affordable housing all across the country are years long and are getting longer. Under their budget, the number of new units that would be produced next year goes to zero—zero—highest need in history, waiting lists are getting longer across the country—they would produce exactly zero units.

Our main economic development programs, when we are trying to get people from welfare to work, when we are trying to do something about income inequality, when we are trying to do something about urban areas that are struggling to catch up—they would cut the economic development program 90%. At a time when the nation is trying to come together as a community and President Clinton is talking about one America, at a time when we are moving towards a majority minority nation—they would cut the funds to fight racial discrimination. They would cut the funds to combat lead paint removal. Lead paint removal is removing the lead paint from older homes so children don't get poisoned. They would cut those funds. They would then cut the programs as the Congressman mentioned that literally go to house the homeless and house people with AIDS—about 16,000 fewer people would receive that assistance. The cuts will be felt by every city and every county across the states, not just one part of the country, one area, one location: it is not just urban American or suburban or rural, it is all across the country, coast to coast. Places like Boston will lose $15 million, the city of Atlanta will lose $9.5 million, Dallas $8.8 million. Every city, every country. We recently did a report which we have here today called "Losing Ground" which details the cuts Congressional District by Congressional District.

This budget will pull the rungs out of the ladder of opportunity and cut the safety net. We should expect more people to fall into poverty, more people to be unemployed, more homeless and expect their conditions in those situations to be worse. And as the Congressman pointed out, this country is doing very, very well, and President Clinton is very proud of the economic progress. But there is also no doubt that there are many hard working American families who have not yet shared in that economic progress. And what the HUD budget is all about is bringing them along, bringing all Americans up to share in that opportunity. Now is not the time to cut the rungs on the ladder of opportunity, now is the time we should be doing the exact opposite.

I thank Congressman Gephardt once again for his leadership and all the members who are here today for their stand on this proposal.

Mr. LARSON. Mr. Chairman, the VA–HUD Appropriations bill, H.R. 2684, that we are considering today has many shortcomings that prevent me from voting for it in its present form.

The major agency that takes the largest cuts in the bill is NASA. Total appropriations for FY 2000 under the bill are $1 billion, or 7% less than the FY 1999 level. These cuts, I believe, would jeopardize the future of our space research programs, including programs directed at solving problems here on Earth, that are pushing forward the frontiers of knowledge about our universe.

These cuts to NASA's budget are being made despite recent legislation passed by the House, which I supported, that authorized higher levels of spending than those being proposed by Congress.

The VA–HUD Appropriations bill also fails to fund any incremental housing vouchers and would impose a 5% cut in the critical Community Development Block Grant program. According to HUD, the overall cuts would result in an estimated 156,000 fewer housing units for low-income families, at a time when their housing needs are at all-time high. As a result of these cuts persons with AIDS and 16,000 homeless families would not receive vital housing and related services. In addition, 97,000 jobs would not be generated in communities that need them. If passed by the full Congress, I believe these cuts would have a devastating impact on families and communities nationwide.

In addition, the AmeriCorps program is cut $435 million from the FY 1999 level, in effect, terminating the program.

AmeriCorps, the domestic Peace Corps, engages more than 40,000 Americans in intensive, results-driven service each year. AmeriCorps members are tackling critical problems like illiteracy, crime and poverty. They have taught, tutored or mentored more than 2.6 million children, served 564,000 at-risk youth in after-school programs, operated 40,500 safety patrols, rehabilitated 25,179 homes, aided more than 2.4 million homeless individuals, and immunized 419,000 people.

In Connecticut, more than 1,200 residents have served their communities through AmeriCorps.

Mr. Chairman, we all know that AmeriCorps helps solve critical problems in an effective way. It creates $1.66 worth benefits for each $1.00 spent. And for every full-time AmeriCorps member, 12 regular and occasional unpaid volunteers are recruited and mobilized. AmeriCorps is, indeed, effectively preparing young people for the future and strengthening local communities.

As a result of program cuts, however, a great number of important projects that foster involvement and learning in technology by children and adults, will go unfunded. One of these is Project FIRST (Fostering Instructional Reform through Service and Technology Initiatives), whose role it is to increase access to technology and its educational benefits in the nation's least-served schools. Another way AmeriCorps is involved with technology is through TechCorps, a national non-profit organization that is driven and staffed primarily with technologically proficient volunteers. However, if funding is not restored, TechCorps will not receive AmeriCorps/VISTA volunteers to bring this program to underserved, low-income communities.

I believe these programs are important, because even though American technology is propelling the nation's economy to unprecedented heights, growing concern remains for those who are not benefitting from this prosperity. For those left behind by the advancing technology, the divide growing between the "haves" and "have-nots" is increasing at an alarming rate, as demonstrated by the Department of Commerce in its July, 1999 report, "Falling through the Net."

These AmeriCorps programs bring technology to underserved populations and address weaknesses in our economy, such as unequal access to technology, teacher training, and evaluation.

However, I do not believe AmeriCorps is essential just because it can help close the "digital divide." It is essential because it exposes young people to the ideal of serving their community and their nation. Colin Powell has succinctly captured this idea of community service by stating, "For some of our young people, preserving our democratic way of life means shouldering a rifle or climbing into a cockpit or weighting anchor and setting out to sea. For others, it means helping a child to read or helping that child to secure needed vaccinations or it means building a park or helping bring peace to a troubled neighborhood or helping communities recover from natural disasters or reclaiming the environment."

Harris Wofford, former United States Senator and now head of the Corporation for National Service, echoes Powell's thoughts, "Our country needs more . . . patriotism. AmeriCorps encourages and inspires this patriotism on the home front."

Finally, a quote by Vaclav Havel, I believe, explains the need to have an AmeriCorps, "This dormant good will in people needs to be stirred. People need to hear that it makes sense to behave decently or to help others, to place common interest above their own, to respect the elementary rules of human coexistence. Good will longs to be recognized and cultivated."

This, I believe, is the essential value of national service, and by extension, of AmeriCorps. Serving is as important and rewarding as being served.

Mr. Chairman, I believe the cuts in this bill would move America in the wrong direction. Despite unprecedented economic prosperity, there are significant unmet needs in our nation's communities and in our science and research programs. We should not cut programs that meet vital housing, economic development, and research needs. I will strongly oppose this bill because it fails to meet our responsibilities to war veterans, to provide relief and recovery after natural disasters, to provide service to the community, to protect the environment, to help to meet housing needs, and to undertake essential research that will greatly benefit the American public.

We can do better, Mr. Chairman.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong opposition to HR 2684, the VA/HUD Appropriations bill for fiscal year 2000, because of the substantial and devastating cuts that the bill makes in funding for the Department of Housing and Urban Development. At a time when our nation is experiencing record budget surpluses, it is unconscionable that this body would cut funding that goes to some of the most neediest of our constituents.

The bill before us today could likely result in 40,000 Americans, including many of my constituents in the Virgin Islands, being forced out of their current HUD funded housing and onto the street due to the draconian cuts in the Section 8 program.

And as if these cuts weren't bad enough, the bill cuts the funds for repairing and maintaining public housing properties by a half a billion dollars and underfunds operating subsidies by $400 million on top of the $400 million shortfall in the current fiscal year. As a result of these cuts, over 105,000 affordable housing units will not be modernized and properly maintained meaning that in districts like my own which are prone to natural disasters those units would be in even more jeopardy.

My colleagues, while our poorest families, the elderly and the disabled are the ones who will be most directly harmed by the cuts in this bill, ultimately all of us will all be affected and will pay the price of increased homelessness and dilapidated buildings.

For the Virgin Islands these cuts will be particularly hard felt because the local government is currently wrestling with a current fiscal year deficit of $100 million dollars and an accumulated deficit of one billion dollars. If the $250 million from the CDBG program isn't restored, the affect that it will have on hundreds of my constituents who benefit from the several worthy local programs which CDBG funds would be tragic.

I ask you, my friends in the majority: is it right that you would propose to spend almost all of the $800 billion non-Social Security surpluses on a politically motivated tax bill while at the same time refusing to fund the President's request for 100,000 incremental Section 8 vouchers when a record number of Americans face a lack of affordable housing?

I urge my colleagues to join the Association of Local Housing Finance Agencies, the National Community Development Association, the National Rural Housing Coalition, the National Association of Counties, the National Association of Housing Partnerships, the National League of Cities and the US Conference of Mayors in opposing this VA/HUD Appropriations bill because of what it will mean to the neediest among us.

Mr. SANDLIN. Mr. Chairman, it is our duty to fulfill our promises to our nation's veterans, the men and women who have put themselves in harm's way in service to their country. It is our duty to care for our veterans, and if we pass this legislation, we will fail miserably.

We are faced today with a bill that fails to deliver to our veterans the funding they so desperately need. If we pass this bill, we will only be perpetuating the failure of the President's severely lacking budget. Even though this bill would provide $1.7 billion more than the President's request, it is still not nearly enough. Two wrongs do not make a right, and if we pass this legislation our veterans will be wronged yet again, by Congress as well as the Administration.

The Republican leadership would have you believe that the Independent Budget submitted by the veterans themselves is bloated and overstates the funding needs for veterans programs. I reject this assertion completely and am horrified that the Republicans are alleging double-counting and padding of budget estimates by respected veterans' groups such as the Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Paralyzed Veterans of America.

As if these allegations were not enough, the Republican leadership is now touting this anemic bill as a cause for celebration and criticizing veterans for "complaining" when they fail to celebrate over a bill that is lacking over one billion in critically needed funds. The Republicans have resorted to these tactics against veterans who fought to preserve the prosperity of this country—the prosperity in which veterans will not share if this bill is passed. These accusations are a slap in the face to our veterans and add insult to injury.

As a strong supporter of our nation's veterans, I am forced today to vote against this bill due to its severe lack of funding for veterans' programs. Veterans groups agree that this bill falls short by at least $1.1 billion. In light of projected budget surpluses and an irresponsible trillion dollar tax cut, it is especially disappointing to see the men and women who have served this country overlooked by those who would rather squander the surplus recklessly than use it to secure the future of critical programs such as veterans benefits and Social Security and reduction of our growing national debt.

Our veterans are aging, and their medical needs are growing as a result. This bill, however, does not address those needs. The number of VA medical facilities has decreased almost 35% in the last ten years, but this bill fails to address the growing demand for VA services as a result of the increasing number of veterans over the age of 65. According to the Congressional Research Service, 36% of all veterans are over the age of 65, and that number is expected to increase exponentially over the next eight years. An aging veterans population will undoubtedly put a strain on our nation's Veterans Health Services. At the current pace of construction, we will not have the necessary facilities to meet veterans' extended care needs.

Faced with this reality, I am unable to vote for a bill that will short-change veterans by over a billion dollars while Republicans insist on robbing Social Security and sacrificing veterans' healthcare, in favor of squandering the surplus on fiscally irresponsible tax cuts.

Mr. FARR of California. Mr. Chairman, this bill is a travesty. The funding to provide services for our Veterans and to assist with housing for low-income families is wholely inadequate. At this time, I wish to address another area where this bill is unacceptable, the lack of funding for the Corporation for National Service (CNS) and its newest program, AmeriCorps.

All funding for the CNS was eliminated in Committee to shift money to other appropriations bills and to support a tax bill the American people know is a scam.

The CNS administers an impressive list of programs that provide assistance to people throughout the nation. From elementary school kids and seniors who are paired together through the Foster Grandparents program, to college and high school students involved in Learn and Serve America gaining college credit and benefiting from dedicated tutors, America is better off for the work Americans are doing through CNS programs.

AmeriCorps members are providing an invaluable service to communities around the country. In my district AmeriCorps members have worked with the Boys and Girls Club, Big Brothers and Sisters, and the Food Bank of Monterey. Currently they are serving at the Santa Cruz Community Credit Union and the Foundation of California State University, Monterey Bay.

In Santa Cruz, 24 men and women served as AmeriCorps members with the Homeless Garden Project. Not only did participants gain agricultural skills and farming experience, they worked with six Santa Cruz school gardens and mentored at-risk youth through involvement in garden activities.

AmeriCorps volunteers have been integral to the recovery from the many natural disasters faced by Americans in the past few years. AmeriCorps participants spend countless hours assisting FEMA and the American Red Cross with disaster relief. Participants have helped emergency efforts such as the Northwest Flood in January of 1997, California

Floods of 1998, Southern California Fires of 1996, and the list goes on. AmeriCorps has been responsible for the sheltering of families, working at mobile food units, watching for floods, conducting traffic, and numerous other vitally important task for victims of natural disasters.

As expressed at the President's Summit on America's Future in Philadelphia, we need to encourage all Americans to volunteer. Each AmeriCorps member leverages approximately twelve to fourteen new volunteers. When you have a program where Americans are volunteering to assist others in need, it would be fostered and encouraged.

AmeriCorps members are making a difference in our communities and their presence will be sorely missed if this funding is cut. I encourage my colleagues to oppose this bill and insist on restoring funding for AmeriCorps and the Corporation for National Service.

Mr. HALL of Ohio. Mr. Chairman, I rise in opposition of H.R. 2684. While I support an increase in funding for our country's veterans, I feel that this bill unfairly cuts programs that affect low-income individuals. It slashes the total budget by $1.6 billion for the Department of Housing and Urban Development through cuts in nearly every program. At a time of historic prosperity and economic success, I think this is a serious mistake.

One of the major cuts is out of the Community Development Block Grant (CDBG). This wonderful program provides funding for every community in the country. Community Action Agencies depend on this funding as the backbone of programs for the poor in urban, suburban and rural communities. This money simply passes through HUD to states, counties and cities to use on community priorities. In Montgomery County, Ohio, CDBG provides an invaluable resource in addressing community needs, such as affordable housing and economic development. The U.S. Conference of Mayors has stated that CDBG funds benefit almost every single household at or below 80% of the national median income level. Millions of low- and middle-income Americans would be hurt by this cut.

This bill would also reduce funding for affordable housing. Secretary Cuomo's remarkable effort to create a "continuum of care" would be savaged by this bill. If we do not provide money for Section 8 vouchers, public housing, and Housing for Persons With AIDS, and even cut money for Habitat for Humanity, we handcuff ourselves into simply focusing on emergencies. We have too many people who are homeless already. Without these programs funded at adequate levels, we will become part of the problem instead of part of the solution.

I am thankful for all of the work that HUD does. Secretary Cuomo is to be commended for his efforts to eradicate poverty and expand the American dream of homeownership to all Americans, not just the wealthy. I was just with Mrs. Tipper Gore and the Dayton Metropolitan Housing Authority in announcing an $18.3 million HOPE VI grant for a troubled community in my district.

This is exactly what we should be doing during this time of unprecedented economic growth. We would be shortsighted indeed to neglect those who most need our assistance. This bill would cost my district almost $2 million and the State of Ohio over $73 million.

In addition to slashing the HUD budget and thereby adversely affecting the poor, it completely defunds AmeriCorps. The thousands of volunteers in the AmeriCorps program are one of the best tools we have in fighting against poverty and assisting community-based organizations all around this country. The University of Dayton's SWEAT program and the Congressional Hunger Center's Beyond Food programs are terrific examples of AmeriCorps successes. Their members serve those in need day in and day out. I have had the opportunity to meet and serve with some of these wonderful servants who will undoubtedly become the future leaders that this country so desperately needs. We cannot cut funding for AmeriCorps and not hurt our communities.

I therefore oppose this bill and ask my colleagues to restore full funding fur HUD and AmeriCorps.

Ms. BALDWIN. Mr. Chairman, I rise today to applaud the VA–HUD Appropriations Committee in its efforts to provide proper funding levels for our nation's Veterans.

H.R. 2684, the VA–HUD—Independent Agencies Appropriation for Fiscal Year 2000, places the concerns of veterans at the front of the line. The promises our country has made to those who put themselves in harm's way for our nation are promises that must be kept. This legislation takes a good step forward in fulfilling those promises. This bill provides a total of $44.1 billion for VA programs and benefits, an increase of $1.5 billion over last year's bill.

The monies secured in this legislation will go to programs that are becoming increasingly essential to our aging veterans. Our World War II and Korean War era veterans are more reliant than ever on the medical services provided for by the VA for service connected disabilities. This legislation appropriates a total of $19 billion for medical care and treatment, an increase of $1.7 billion in funds with an additional $608 million to be collected from the Medical Care Collections Fund, totaling $19.6 billion. The funding increased in this legislation is a sign of this Congress' commitment to keep its word.

Mr. Chairman, while we must honor our promises to veterans, we must also keep those promises we have made to all Americans. This legislation may keep its word to veterans but it breaks it promise to many more Americans: education, science, housing and environmental protection programs are being stripped of the funds necessary to assure domestic security.

This legislation fails to meet the request for housing programs by $982 million and severely limits the ability of HUD to provide assistance to homeless families. This legislation reduces Community Development Block Grants by 6% and cuts "Brownfields" clean up by 20%. These are programs that are necessary for the health and welfare of our communities. This bill also eliminates Americorps, reduces funding for the National Science Foundation and cuts the NASA funding level by 7%.

Mr. Chairman, while I am encouraged by the renewed commitment this bill makes to our nation's former servicemen and women, I cannot vote for a bill which breaks our commitment to so many others.

Mr. SMITH of Texas. Mr. Chairman, I strongly support H.R. 2684.

Last February I hosted a town meeting in Kerrville, Texas, to discuss the President's VA budget and the future of the Kerrville VA Medical Center. Over 1,400 veterans attended and voiced their concerns about the President's proposed budget cuts that would reduce services at the Kerrville VA.

At that time, the President had submitted a proposed VA budget that was woefully inadequate. It was an insult to those that have served our nation.

But thanks to the leadership of the Appropriations Committee members and the millions of veterans around the country, this bill contains the largest veterans' medical care increase ever.

In the face of a seriously under-funded Administration budget for veterans' health care, this bill sends a clear message: Veterans will continue to receive the high quality, accessible health care they were promised.

Mr. Chairman, this budget keeps the promises that we made to our veterans.

I urge passage of H.R. 2684.

Mr. EVANS. Mr. Chairman, I rise to oppose this bill for a number of reasons, but primarily because it breaks our promise of health care to our nation's veterans.

Many of us have worked hard to make improved funding for health care for veterans a hallmark of this Congress. I want to think the Members of both sides of the aisle for their efforts in this regard. We began this budget process with a funding proposal from the Administration that was inadequate. I believe the Administration's willingness to reconsider their initial proposal and add a billion dollars was responsible for leveraging the significant additional funds for veterans' health care this Congress is now discussing. I commend the Administration, and particularly, Vice President GORE for his leadership in the Administration's decision to increase its request for veterans medical care by $1 billion for fiscal year 2000.

That said, I am going to reject this proposal for VA–HUD appropriations. It goes further in meeting some of the challenges faced by the VA health care system, but it does not go far enough.

Although the add-on of $700 million the Republicans are now supporting sounds substantial, it still fails to meet the needs we have heard from VA officials both on and off-the-record. Unfortunately the Republican majority of the Committee on Rules failed to protect under the rule to consider the Edwards-Evans-Stabenow amendment to the measure before us which Republicans passed on a party-line vote. The Edwards-Evans-Stabenow amendment would have more than doubled the additional funds the appropriators added for the veterans' health care system. I regret that our efforts to delay a cut in the capital gains tax for one year will mean that veterans may not receive the VA health care that they need and the level of service that they deserve.

Many VA leaders would confess that these funds would have offered welcome relief to a system now overwhelmed by veterans' new and growing demand for health care. Additional funds would have meant VA would be able to expand access to veterans who have not previously been able to use VA because of their distance from the medical centers. It would have better ensured VA could eliminate serious problems with waiting times that confront veterans in primary care clinics (including the new community-based outpatient clinics), orthopedic clinics, ophthalmology and audiology. It would have helped veterans obtain prosthetics, including such necessities as wheelchairs, oxygen tanks, hearing aids, and eyeglasses on a more timely basis. Additional funds would help Va face the emerging public health crisis of Hepatitis C by adding funds to overextended pharmaceutical budgets. It would have assisted VA in restoring some of the significant reductions that it has made in mental health services or help facilities meet the overwhelming need from long-term care aging WW II veterans are now facing.

I also oppose this bill because it fails our nation's low-income families by reducing their access to affordable housing. The strong economy has boosted the cost of housing, placing this basic need further from the reach of struggling families and the elderly. Yet, the bill contains no new funding for new Section 8 housing vouchers. It also cuts funding for the construction and rehabilitation of public housing as well as cut assistance for the most needy, the homeless. This is unacceptable.

In my home state of Illinois there are 67,182 project-based Section 8 apartments of which 41,437 have expiring contracts within the next five years. The cuts in this bill would cost my district alone $2 Million in housing funds and cause 130 fewer affordable units to be built. Stable housing is fundamental to allowing those with low incomes to improve their economic well-being. I oppose this bill because it doesn't do enough to provide working poor families, the elderly and the homeless with the housing assistance they so desperately need.

Clearly this legislation lets down our veterans and some of the most needy in our society. I urge my colleagues to reject this legislation.

Ms. DEGETTE. Mr. Chairman, one of the biggest mistakes we can make during times of great prosperity is to turn our backs on those who have been left out of the economic mainstream. Our great country is experiencing an economic boom the likes of which we haven't seen in a generation. But it would be a grave mistake to forget that too many people have not been included in this financial good fortune. It is times like this when it becomes more important than ever to help those who are most in need. The legislation before us would make huge cuts to the Housing and Urban Development budget, which would drastically affect much needed housing, job creation and economic development programs that play a vital role serving distressed communities.

In Colorado, passage of this bill would result in a loss of more than $16 million HUD dollars at a time when affordable housing is becoming increasingly out of reach for more and more people. In my district alone, approximately $5 million would be lost, depriving my constituents of almost 300 jobs. This loss of funds would deny hundreds of low-income families affordable housing, and would take away housing assistance for over 75 families and/or individuals who are homeless or have AIDS. These cuts are not something that people in my district can afford, nor can individuals or families in cities and counties across the country. A booming economy and demand for homes has made the affordable housing market extremely tight in my district, throughout the State of Colorado and across the country. Even in the midst of great prosperity, worst-case housing situations are nearing an all-time high.

It should come as no surprise to any of us that even with today's economy there are pockets of deep poverty throughout this country where people are suffering as much as they ever have. This is not time to abandon them. Cutting Section 8 vouchers, funding for Community Development Block Grants, the HOME Investment Partnerships program and HOPE VI grants is absolutely the wrong direction to be going in right now. These cuts will harm our most vulnerable populations and we need to use our vote today to prevent this from happening.

Mr. SENSENBRENNER. Mr. Chairman, I rise today to discuss H.R. 2684, the Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act of 1999. This bill contains funding for the science programs of the National Science Foundation (NSF), National Aeronautics and Space Administration (NASA) and the Environmental Protection Agency (EPA).

Last year, the Science Committee passed the National Science Foundation Authorization Act of 1999, now Public Law 105–207. This was a multi-year authorization for NSF and provided funding and programmatic direction for NSF for fiscal years 1998 through 2000.

H.R. 2684 provides $3.6 billion in funding for NSF for FY 2000. This is below both the level authorized in Public Law 105–207, and the level enacted for FY 1999. NSF is our Nation's premier federal basic research agency, and I believe its funding should be increasing, not decreasing. I look forward to working with my colleagues on the Appropriations Committee during conference to correct this funding shortfall.

One priority within NSF is basic information technology (IT) research as outlined in H.R. 2086, the Networking and Information Technology Research and Development Act (NITRD). NITRD is a long-term authorization for basic IT research introduced by a bipartisan coalition of members from the Committee on Science.

Fundamental IT research has played an essential role in fueling the information revolution and creating new industries and millions of new, high-paying jobs. Maintaining the Nation's global leadership in IT will require keeping open the pipeline of new ideas, technologies, and innovations that flow from basic research. Although the private sector provides most IT research funding, it tends to focus on short-term, applied work. The federal govemment, therefore, has a critical role to play in supporting the long-term, basic research the private sector requires but is ill-suited to pursue.

H.R. 2684 appropriates $35 million of new money specifically for NITRD. I appreciate the Appropriations Committee's initial support for what promises to be an important long-term research effort.

As for the space program, I want to first thank the gentleman from New York, Mr. WALSH, and the gentleman from Florida, Mr. YOUNG, for addressing some of the Science Committee's concerns during consideration of the bill at full Committee. The restoration of $400 million in the full Appropriations Committee to space science was a good first step. We've come a long way since the President's FY 1997 budget request, which presented the space community with the prospects of a 25% cut. That progress should not blind us to the importance of ensuring a healthy budget for space science. I look forward to working with the appropriators over the coming months to try and restore the remaining shortfalls.

The International Space Station also demands our attention. We need to reverse the bill's proposed $100 million reduction to this vital program. While I share the appropriators' frustration with the Administration's management of this program, this cut could prove penny-wise and pound-foolish.

Following continuous pressure from the Science Committee, the President has now decided to seek funding for a U.S.-built independent propulsion module. Cuts to the Space Station threaten this independent propulsion capability and could lengthen our dependence on the Russians, creating even bigger budget problems in the future.

We also need to reverse the cuts to the Shuttle program. Over the last five years, NASA and the United Space Alliance have done an excellent job of making the Shuttle lean and mean, but you can only go so far. Cutting the Shuttle budget further may affect safety. So, I want to express my willingness to continue working with the appropriators now and in the coming months to ensure that the Shuttle, Space Station and Space Science are fully funded.

Earlier this year, the House passed H.R. 1654, the NASA Authorization Act of 1999. That bill made low-cost access to space a higher priority by increasing funding for advanced space transportation. The Cox Committee reaffirmed that reliable, low-cost access to space was vital to U.S. national security, scientific, and commercial interests. I would hope that the final appropriations bill will be able to address this long-term need.

I would also like to note the EPA budget in H.R. 2684. The appropriators have provided EPA with $7.3 billion in FY 2000. This is $105 million over the President's request. EPA's Science and Technology account is funded at $645 million, an increase of $2.5 million over the President's request.

Finally, I want to take a moment to remember the former distinguished Chairman of the Committee on Science, Representative George Brown. George was a colleague and a friend and he recognized how critical science and technology were to the future of this country. While George and I differed on a number of policy issues, he always had the best interest of science in his heart. Let us honor his memory by working to ensure that science in America continues to move forward into the 21st Century.

Mr. MCGOVERN. Mr. Chairman, I rise today in opposition to the FY 2000 VA/HUD appropriations bill. While I support the increases for veterans' medical care, this bill does more harm than good and should be defeated. This bill cuts vital programs like Housing Opportunities for People with AIDS, community development block grants, and brownfields cleanup and development. Section 8 housing receives only a minor increase and does not include funding for *any* new vouchers. My district alone will lose 475 housing units for low-income families, as well as 276 jobs. On top of these cuts, this bill steals $3.5 billion from the Labor-HHS appropriations bill. Mr. Chairman, we are playing with fire here. If this bill passes, the good that will come from the increase to veterans' medical care will be drowned out by the number of people who lose their housing because this Congress decided not to fund these critical programs. I urge a no vote on final passage of this bill.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has now expired for general debate.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 106–292. That amendment may be offered only by a Member designated in the report, shall be considered read, may amend portions of the bill not yet read for amendment, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. FILNER) be allowed to offer an amendment identified as Filner No. 1 which is at the desk at any point during the reading of the bill for amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,568,364,000, to remain available until expended: *Provided*, That not to exceed $17,932,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

Mr. EVANS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of us have worked hard to improve funding for veterans health care, the hallmark in this Congress.

□ 1400

I want to thank Members on both sides of the aisle for their efforts in this regard. We began the budget process with a funding proposal from the administration that was totally inadequate. The $700 million add-on that the Republicans are now supporting sounds substantial, but it fails to meet the needs expressed by VA officials, both on and off the record.

For this reason, I am going to reject this proposal for VA-HUD appropriations. It goes farther in meeting some of the challenges faced by the VA healthcare system, but not far enough.

Unfortunately, the Republican majority on the Committee on Rules failed to protect the Edwards-Evans-Stabenow amendment under the rule. The Edwards amendment would have more than doubled the additional funds the appropriators added to the VA healthcare system. Many VA leaders have agreed that these funds would have offered welcome relief to an overwhelmed VA hospital system facing growing pains. These additional funds would have expanded access to veterans not previously able to use VA hospital care.

The VA could have eliminated serious problems with waiting times that confront veterans in primary care clinics and other clinics. It would have helped veterans obtain much needed medical supplies, such as wheelchairs, oxygen tanks, hearing aids and eyeglasses, on a more timely basis. Additional funds would help VA face the emerging public health crisis of hepatitis C by adding funds to overextended pharmaceutical budgets. It would have assisted VA to restore some of the significant reductions that have been made in mental health services as well. It would have helped facilities meet the overwhelming need for long-term healthcare that our aging World War II veterans are now facing.

Mr. Chairman, I urge my colleagues to join me in support of our Nation's veterans by opposing this measure.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). It is now in order to consider the amendment printed in the report of the Committee on Rules.

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106–292 offered by Mr. CUNNINGHAM:

Under the heading "HOME INVESTMENT PARTNERSHIPS PROGRAM", insert after the first dollar amount the following: "(reduced by $1,000,000)".

Under the heading "CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD—SALARIES AND EXPENSES", insert after the dollar amount the following: "(reduced by $1,500,000)".

Under the heading "ENVIRONMENTAL PROTECTION AGENCY—SCIENCE AND TECHNOLOGY", insert after the second dollar amount the following: "(reduced by $5,000,000)".

Under the heading "EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE", insert after both dollar amounts the following: "(reduced by $5,000,000)".

Under the heading "EMERGENCY FOOD AND SHELTER PROGRAM", insert after the dollar amount the following: "(reduced by $5,000,000)".

Strike the item relating to the "SELECTIVE SERVICE SYSTEM" and insert the following:

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses, $24,500,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with induction of any person into the Armed Forces of the United States.

The CHAIRMAN pro tempore. Pursuant to House Resolution 275, the gentleman from California (Mr. CUNNINGHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I would like to thank the gentleman from New York (Chairman WALSH). The gentleman has had a difficult time finding different offsets for different programs. Although we operate under a balanced budget and we feel for our children and grandchildren, it is best in the long run to go through this process.

The amendment that I have restores the funding for the Selective Service program. We have done so with the support of the committee staff in going through what those offsets are. Each program is minimally impacted to the point that it does not affect their operation.

I would like to thank both sides of the aisle for the bipartisan support. The Secretary of Defense, Secretary Cohen, the Chairman of the Joint Chiefs of staff, and all the service chiefs, along with all veterans groups, support this amendment to restore the Selective Service System.

It is time-proven. Since World War I, we have had a strange dichotomy that our men and women fight our wars, and then we scale down. Then we have had to gear up, with dissipating effect.

Active duty and reserves make up the primary source of our Nation's military. Selective Service is a third tier to prepare our sources and our military to gear up in time of national emergency. The words "Selective Service," for example, if we have a nuclear, chemical or biological attack similar to those that they have had in Japan and other countries, which, in my opinion is imminent, then the President can designate those healthcare workers, and that list would be used for those specifics.

With that, I rise in support of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member in opposition to the amendment?

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 10 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment, not because I so much disagree with him as to the merits of the Selective Service system, but because I have great concerns about the programs that will be cut to achieve this increase. The Selective Service has the responsibility of ensuring the peacetime registration of young men to provide insurance that the armed forces manpower needs will be met should a crisis occur. Just as importantly, the Selective Service agency also preserves the capability of conducting a draft of doctors or nurses or medical technicians should their expertise be required in a war with mass casualties, or in any action with mass casualties.

All that being said, Mr. Chairman, I must oppose the gentleman's amendment due to its offsets. First, what may seem to be a small and innocuous $5 million cut to FEMA's emergency management planning and assistance account will require reductions in response and recovery, emergency preparedness, fire prevention and important technology development.

Likewise, my friend from California proposes to take $5 million from the emergency food and shelter program. The emergency food and shelter program, Mr. Chairman, is already severely strained, and such a cut would result in the following needs going unmet:

Just over 1 million fewer meals would be served at soup kitchens across this country with that cut; there would be 168,000 fewer bed nights at shelters and 23,000 fewer bed nights through short-term vouchers at hotels; and over 7,000 evictions would not be prevented if the gentleman's amendment were adopted and these offsets imposed.

Mr. Chairman, these are very real consequences that will be felt by very real people who happen to be in the greatest need in our country.

That is not the whole story. This amendment would take $1.5 million from the Chemical Safety and Hazard Investigation Board. This agency received its first year of funding just a few years ago and is already overburdened. In fact, I received a letter in late March from the Chairman of the Chemical Safety Board stating that the board does not have the resources to undertake further investigations this year. The 16 percent cut envisioned by the gentleman's amendment would ensure that this agency will not be able to meet the demands that it faces to fulfill its mission.

Finally, Mr. Chairman, this amendment will take $5 million from EPA's science and technology account. Many of my colleagues know of my own personal differences with EPA on many policy issues, but never on the need for sound science. At a time when there is a debate on global climate change, arguably one of the biggest scientific challenges ever faced by this agency, we need sound science now more than ever.

While I recognize the importance of the Selective Service system and do hope that we can restore funding in conference or as this process moves forward, I cannot support doing so here with these offsets. Therefore, I would ask my colleagues to oppose the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we thought very carefully when we went through the list on potential offsets and tried to minimize. For example, the FEMA funding of $5 million, the most it has ever been funded is $10 million each year. This year it still leaves $105 million, still an increase, but reduces it $5 million. It is still more than the actual request.

The $1.5 million from the chemical safety board, the board was funded at $9 million. OMB only requested $7.5. So this falls at level funding. The $5 million for EPA science and technology leaves $640 million left in that particular account. We feel that the deficit or lack of national security overrides the small offsets that we have in this particular bill.

I would also say to the gentleman, this gentleman is not hard on any one of these cuts. In conference I would be happy to work with the gentleman in the reduction in different areas. To me the reduction areas are not as important as saving Selective Service.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WALSH), the chairman of the subcommittee.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the amendment proposed by my good friend and colleague, the gentleman from California (Mr. CUNNINGHAM).

Mr. Chairman, in the discussion about Selective Service, a good deal has been said about the fact that military enlistment is dropping and, therefore, the need for Selective Service is greater. But the fact is in the economy we currently have in a country where there is relatively low unemployment and high paying job opportunities, young men do not want to go in the military service because of the low pay and low standard of living that has been associated with the military in the recent past. That is something that Selective Service does not address, but it is something that the Congress is addressing and should address in terms of making sure the members of the military are well paid for the dangerous job that they do.

This is a matter of funds. We have a very difficult allocation, and we are talking about providing, or, if we honor the gentleman's request here, we would have to come up with $25 million basically for a mothballed program that is not delivering at the current time any services to us. At a time when we have such difficult budget constraints, it does not make sense to mothball a program that we can deal with in the eventuality that there is the need to find people to serve our country.

The Congress spent months debating whether or not to go into Kosovo, and there would have been more than adequate time to go out and find the additional men, and we have not discussed women in the sense of Selective Service, but go out certainly to find men and women to provide service in defense of the country in a situation like that or any other.

So I think this is the time in our history when we should use these funds to take care of the needs of the people of the country and stop paying to mothball this program.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. PAUL).

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I appreciate very much this opportunity to address this amendment. I rise in strong opposition to this amendment. I compliment the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), for deleting these funds, in this bill.

This to me is a heroic step in the right direction. We have an agency of Government spending more than $24 million a year accomplishing nothing. We live in an age when we do not need a draft. We live in an age of technology that makes the draft obsolete. Not only is it unnecessarily militarily to have a draft, it is budgetarily not wise to spend this type of money.

More importantly, I rise in strong objection on moral principles that the draft is wrong. In most of our history we did not have a draft. The gentleman from California early on pointed out that essentially since World War I we have had a draft, and that is true. Since in this century we have seen a diminished respect for personal liberty with the growth of the state we have seen much more willingness to accept the idea that young men belong to the state.

That is what the registration is all about. I have a young grandson that had to register not too long ago, and he came to me and said, You know, "they sent me a notice that I better go register. Why do I have to register, if they already know where I am and how old I am?" That is the case. The purpose of registration is nothing more than putting an emphasis on the fact that the state owns all 18-year-olds.

The unfortunate part about a draft is that too often draftees are used in wars that are not legitimate. This is so often the case. If this country faced an attack, we should have volunteers. We should all volunteer. But, unfortunately, the generation of politicians who declare the wars too often never serve. Some of them have not even served in the past. But they are willing to start wars that are not legitimate, and yet they depend on the draft. They depend on the draft for the men to go out and fight and die.

The one really strong reason we should all reject the idea of the draft is it is so unfair.

□ 1415

Let us say an argument is made that it is necessary. I happen to believe it is never necessary to violate somebody's liberty, but let us say there is a sincere belief that it is necessary to impose a draft.

There is no such thing as a fair draft. This is why the sixties were in such turmoil in this country, because the elite frequently evaded the draft. If they are smart enough to get a deferment, they got off. Who suffers from the draft? The poor and the less educated, the inner city teenagers. They end up getting the draft, and they do not get the deferments. They cannot avoid it.

It is very important that we consider not only this vote on fiscal reasons and where we are taking the money. Quite frankly, I would much rather see this money stay in the programs where, as a fiscal conservative, I would not have otherwise voted for those funds nay. But any funding of that sort is so much better on principle than voting to perpetuate a system that has no purpose other than to conscript.

Conscription is not part of the American dream. It is not part of the American philosophy. It is not part of liberty. It is a totalitarian notion. Congress has the authority to raise an army, but it does not have the constitutional authority to enslave a certain group to bear the brunt of the fighting. A society that cherishes liberty will easily find its volunteer defenders if it is attacked. A free society that cannot find those willing to defend itself without coercion cannot survive, and probably does not deserve to.

A free society that depends on the vicious totalitarian principle of conscription is, by its very nature, no longer free.

We gradually lost our love for individual liberty throughout the 20th century as the people and the Congresses capitulated to the notion of the military draft. The vote on the Selective Service System funding will determine whether or not we are willing to take a very welcome, positive step in the direction of more liberty by rejecting the appropriations for the Selective Service System.

There is no other vote that a Member of Congress can cast that defines one's belief and understanding regarding the principle of personal liberty than a vote supporting or rejecting the draft. This vote gives us a rare opportunity to reverse the trend toward bigger and more oppressive government.

Yes, preserving liberty is worth fighting and even dying for, but conscription is incompatible with that goal. We cannot make men free by first enslaving them and forcing them to sacrifice their lives and liberty for the policies conceived by misdirected politicians and international warmongers.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman from California (Mr. CUNNINGHAM) is recognized for 7 minutes.

Mr. CUNNINGHAM. Mr. Chairman, again I thank the gentleman from New York (Chairman WALSH). I know what a difficult time he has had. We happen to disagree on this issue; not only myself, but take a look at the supporters we have on this particular amendment.

The chairman of the Joint Chiefs disagreed with the last speaker. The Secretary of Defense disagrees strongly with the last speaker, as does the gentleman from South Carolina (Mr. SPENCE), chairman of the defense authorization committee, and the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations. The gentleman from Pennsylvania (Mr. MURTHA), ranking member on the Subcommittee on Defense, opposes it.

The gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, opposes, which is very difficult, opposes his subcommittee chairman on this particular issue; not the bill, but on this particular issue.

Also, the gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel; the gentleman from Virginia (Mr. MORAN), the gentleman from Texas (Mr. ORTIZ), and the gentlewoman from Florida (Mrs. MEEK) opposes, and I could go right on down the line with the bipartisan support.

This is a controversial issue. This is the first time this has been debated. My colleague, the gentleman from Texas (Mr. PAUL) has a full right to believe like he does. The independent view, however, is not the view, and the gentleman votes 99 percent against everything on the House floor. I expected no less. I would almost let him speak more because I think he makes our case.

This is a time-proven event. If we have a chemical or biological weapons attack on the United States, with the selective service the President designates those health care workers, and then the Selective Service System would go in and select those people that are necessary to protect American citizens. Any delay in that would be foolhardy and would be very, very dangerous. The GAO said if we cut this program it would take up to an entire year to establish a system.

I would tell my friend, the gentleman from Texas (Mr. PAUL), I hope we never have to go to a subscription program. I hope that that emergency and the conflict against the United States never happens to that point. I do not think it will. It could in the future. If that is necessary, then we have to provide that backup. Think of the consequences if we do not. Millions of people, American citizens, their lives would be lost.

This is a better insurance policy than we can have in almost any bill that we vote on. It is very important. It is the third tier to our active duty and our reservists.

Peace and freedom is elusive. It is very fragile. In the history of the United States, in the history of the world, there has been conflict. Is there any Member here in this body that says that we will not be in another conflict in the next year? And with the threats out there that we have, we dare not not support this particular amendment.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman has called attention to my voting record. I would say that if I could show the gentleman that I voted 100 percent for the Constitution, would the gentleman still complain about my voting record being 90 percent, 99 percent in opposition? Being for liberty is not a negative position.

Mr. CUNNINGHAM. Mr. Chairman, I reclaim the balance of my time. I said the gentleman has the right to do so very much. I respect that. I just happen to disagree with the gentleman on this particular amendment. Mr. Chairman, to seek compliance in this, we are trying to let the potential registrars know what their requirement is so they do not break the law.

President Carter in 1980 asked Congress if we would allow women to register. The Supreme Court found that Congress could restrict that because at that time we did not have women in combat.

This issue has been debated five times, Mr. Chairman. Each time we have restored the Selective Service. We will restore it today, I am sure. I would also tell my colleagues who are opposed to this that in conference we will be happy to work off the different dollars in funding out of the different areas.

I am not hard and fast on any of the offsets. The more important factor to us is the reselection and readministration of the Selective Service System.

Mr. UDALL of New Mexico. Mr. Chairman, as a former local draft board member, I rise in strong support of the amendment offered by my colleague from California. The most important decision Congress and the President can make is to send our young men and women to war. An all-volunteer military sometimes makes it easier for the President to use the military forces liberally. The draft and Selective Service ensure that we should only go to war when it is of vital concern to our national security.

At a time when our military services are failing to meet recruiting and retention goals, it is foolhardy and risky to eliminate the Selective Service System—a proven means of providing personnel to the Armed Forces during times of emergency. The men and women of our all-volunteer armed forces have performed superbly since its inception. The all-volunteer force is a strong force, but it is also a fragile force. It relies on recruiting and retaining quality people. Our armed forces have been reduced to the point where the military struggles to meet all the commitments we place on it. It should be noted that during the recent air war in Kosovo, the Air Force announced a "stop loss" policy, which suspended normal separations and retirements for men and women in critical career fields. Thankfully we did not have a ground war in Kosovo or another crisis of similar proportion at the same time. But if we did, I am sure that the Army and Marine Corps would likely have been forced to institute their own "stop loss" policies resulting in the possibility of sending soldiers and Marines with expired enlistment contracts into harms way.

The all-volunteer force has not been tested during a conflict with mass casualties. Would young men and women continue to volunteer in the numbers required for the armed forces if the war in Kosovo produced significant casualties? What if the peacekeeping force suffers significant casualties? Hopefully they will continue to volunteer, but the Selective Service System is our nation's insurance policy for our national defense.

Some people may say that the Selective Service System is obsolete and may not provide the type of individuals required for our hi-tech armed forces. But the Selective Service System provides a means to draft people with critical skills—such as doctors, nurses and other health care personnel, and in the future individuals such as computer technicians may be needed by our military to combat cyber-warfare.

Providing for a strong national defense is one of Congress' most important responsibilities. The Selective Service System is part of our national defense strategy and I strongly urge all my colleagues to vote "yes" on the Cunningham amendment.

Mr. BUYER. Mr. Chairman, I rise in full support of this amendment and urge my colleagues to support its passage.

In the post Cold War environment, the Selective Service System represents a "national security insurance policy" in a very volatile and unpredictable world community. Right now, American service personnel are deployed in numerous contingency operations around the globe. North Korea, Iraq and the Balkans still exist as potential flash points that could very easily erupt in the near future. Each would require a sizable force structure.

Simply put, the United States is militarily involved in three potential major theaters of war, despite having a force structure that is supposed to fight and win two near simultaneous major regional conflicts. This is truly alarming given the future uncertainty of military manpower as a result of the service's recruiting and retention problems. The Selective Service System is the primary source of leads for military recruiters when prospecting for candidates to join the all-volunteer force.

Equally important, registration represents one of the few remaining obligations our nation requires of its young men. In the nation's changing cultural environment that places more emphasis on receiving benefits, than on service to one's country, elimination of this program will further erode the consciousness of the populace about military service and its obligation to defend our country.

Finally, let me remind this chamber of its Constitutional obligation. Article 1, Section 8 of the Constitution states "that Congress shall have the power to . . . raise and support Armies, . . . to provide and maintain a Navy, . . . and to provide for organizing, arming and disciplining the Militia." I believe the Selective Service System is the foundation of this obligation.

Mr. Chairman, I urge my colleagues to remember their Constitutional obligation and vote to pass this amendment in order to adequately fund the Selective Service System.

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the Cunningham-Spence amendment which will strike the language included in this bill to terminate the Selective Service System. Despite popular convention that the Selective Service System is an anachronistic vestige of days long gone, the fact remains that our nation requires an insurance policy in case of a national crisis. The Selective Service would provide manpower to the military by conducting a draft using a list of young men's names gathered through the Selective Service registration process. This process has stood the test of time and has proved its worth in times of emergency. And while the Selective Service System has been portrayed by some as an anachronistic vestige of a bygone era, the fact remains that it is a necessary component for the defense of our nation. Admittedly, the professionalization of the military has in some cases obviated the need to have a national registration system. However, should there ever be another global calamity such as the kind that occurred twice in this century, with the Selective Service System, our government would have the ready infrastructure in place to provide the necessary personnel resources to defend liberty. This safety net is provided at minimal cost to the taxpayer and is well worth the investment. I urge all my colleagues to vote for the Cunningham/Spence Amendment and restore the President's recommendation to fund the Selective Service System.

Mr. VITTER. Mr. Chairman, today, I reluctantly rise in opposition to the Cunningham-Spence-Buyer-Moran-Ortiz amendment to the Veterans/Housing and Urban Development Appropriations bill for FY 00, H.R. 2684. While I believe the world remains a dangerous place and consider the selective service essential to ensuring the United States Armed Forces possesses adequate manpower for national emergencies, I cannot support legislation which cuts vital hurricane funding protection and environmental research for South Louisiana.

By striking $5 million from the FEMA Management and Planning account, the Louisiana coast will be unable to implement a buoy system to monitor hurricanes as they approach our coasts. Furthermore, the FEMA Management and Planning account includes funding to develop a New Orleans hurricane evacuation plan for a Category 3 or greater storm. Surely, providing $1 million to take steps toward implementing an evacuation plan for New Orleans is a small price to pay both in terms of lives and money.

In addition to the hurricane funding cuts, Congressman CUNNINGHAM's amendment would threaten to cut $1 million in funding from the University of New Orleans Urban Waste Management Center's budget. The UNO Urban Waste Management Center not only identifies the economic impact and benefits associated with various recycling programs, but it also provides additional educational institutions and national government agencies important waste management assistance.

In a $92 billion appropriations bill, it is unfortunate that we have not learned our lesson from previous hurricane tragedies and targeted superfluous spending to continue the selective service, instead of vital protection for the citizens of South Louisiana.

Mr. CUNNINGHAM. Mr. Chairman, I ask for a yes vote on the amendment, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) will be postponed.

The Clerk will read.

The Clerk read as follows:

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,469,000,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title I, in the item relating to "VETERANS BENEFITS ADMINISTRATION—READJUSTMENT BENEFITS", insert at the end the following:

In addition, for "Readjustment Benefits", $881,000,000 for enhanced educational assistance under the Montgomery GI Bill: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. FILNER. Mr. Chairman, I thank the chairman for his courtesy in making a unanimous consent request earlier in the day for another amendment which I will offer later, under our rules.

Mr. Chairman, I will be offering a series of amendments to increase funding under Title I for the Veterans Administration. I do this because I believe this budget is drastically underfunded.

From my personal relationships with the chairman, the gentleman from New York (Mr. WALSH), the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), I know these gentlemen are strongly in support of our veterans throughout the Nation.

They were given certain rules under which they had to operate. They, as the chairman points out, many times added a significant amount of money to the baseline budget. They wish they could add more. I wish I could add more. I have a series of amendments to make that wish come true.

Mr. Chairman, we all know that the veterans of this Nation got together early in our budget process and put together what they called an independent budget, a budget that called for about $3 billion more than the baseline for this year. That was a budget created by veterans for veterans. It was a very responsible, professional job.

The Democrats on the Committee on Veterans Affairs tried to offer that budget in our authorizing committee as instructions to the Committee on the Budget. We were not allowed by the majority in this Congress, the majority in that committee, to offer that amendment. They made the case that $3 billion must be added to this budget.

The chairman said that this budget offers the greatest increase in history to the veterans budget. That may be true, but that increase, number one, follows years and years of a real decline in our budget for veterans, so it follows probably the greatest decrease ever in the history of our veterans budget, and even their increase of $1.5 billion or so is only half of what responsible veterans organizations think is the minimum to keep our system going.

Even with this largest increase, as the chairman states, it presupposes, as I think the gentleman knows, and as stated in the Republican budget resolution that was passed by this Congress, that that $1.7 billion increase this year presupposes decreases over the next 10 years adding up to almost $3 billion.

If he is right in saying this is the largest increase in history, this is 1 year, and we will have larger decreases over the next decade. So my amendments, Mr. Chairman, are intended to redress this balance.

I took the idea for this amendment, that is, to declare this situation an emergency and therefore not requiring an offset, I took this idea from the subcommittee that has their report before us. They brought to their full committee a report that said we must declare the veterans programs an emergency and ask for about $3 billion.

I think they were right. I think their full committee was wrong in overruling that. My amendment declares the situation an emergency and asks for an addition of various amounts, according to the amendment I have before us.

Veterans in my district in San Diego and across the country cannot understand what my colleague, the gentleman from San Diego, said earlier, that we should be meeting our needs of our veterans but we cannot because we have this Balanced Budget Act of 1997. We should not allow something that Congress passed to prevent us from doing the right thing now, when the situation has changed.

They see a surplus of, depending on how we look at it, $1 trillion, $3 trillion. They say, why can we not have the $3 billion necessary to increase our health care and our benefit situation?

□ 1430

So, Mr. Chairman, this amendment under consideration at the present time asks for $881 million to enhance the Montgomery G.I. bill. This program was named after one of our most legendary Members who retired a couple of years ago, Sonny Montgomery, from Mississippi. He suggested this program. It is time that we made it clear that the modern member of the Armed Services needs an increased benefit if he is going to take advantage of this benefit.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The CHAIRMAN pro tempore. Does the gentleman from California (Mr. FILNER) want to reply to the point of order?

Mr. FILNER. If I may reply just briefly, Mr. Chairman.

Mr. Chairman, I assume that legislating in the appropriations bill refers to making this an emergency designation. I would just point out to the gentleman from California (Chairman WALSH) that is exactly what he would have asked the Committee on Rules to support had his subcommittee prevailed in those considerations for emergency designation.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The Chair finds that a proposal to designate an appropriation as "emergency spending" within the meaning of the budget-enforcement laws is fundamentally legislative in character. It does not merely make the appropriation. It also characterizes the appropriation otherwise made. The resulting emergency designation alters the application of existing law with respect to that appropriation. Thus, the proposal is one to change existing law.

On these premises, the Chair holds that the amendment offered by the gentleman from California, by including a proposal to designate an appropriation as "emergency spending" within the meaning of the budget-enforcement laws constitutes legislation in violation of clause 2(b) of rule XXI.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $28,670,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2000, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $156,958,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $214,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $57,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,531,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $415,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $520,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5).

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROEMER:

In the matter relating to "VETERANS HEALTH ADMINISTRATION; MEDICAL CARE", after the second dollar amount, insert "(increased by $350,000,000)".

In the matter relating to "PUBLIC AND INDIAN HOUSING; REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)", after the first dollar amount, insert "(increased by $50,000,000)".

In the matter relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; HUMAN SPACE FLIGHT", after the dollar amount, insert "(reduced by $2,080,000,000)".

In the matter relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SCIENCE, AERONAUTICS AND TECHNOLOGY", after the dollar amount, insert "(increased by $675,000,000)".

Mr. ROEMER. Mr. Chairman, I offer this amendment with the gentleman from South Carolina (Mr. SANFORD) which will obviously do two things. One, this amendment will eliminate the funding for the over budget and ineffective Space Station. Secondly, more justly, more effectively, more compassionately, and more fairly allocate that $2 billion that we are going to spend on the Space Station this year to some programs that vitally need the funding, including almost $1 billion for debt reduction, $350 million for our veterans health care, and $50 million for distressed public housing for the poorest of the poor in America, where their budget was cut by $50 million in this bill.

The Space Station, which continues to be billions and billions of dollars over the $8 billion initial funding figure, now the projections for the total cost will be well over $100 billion. It does not seem to matter how many delays and cancellations and inefficiencies are in the Space Station.

But when we come to the poorest of the poor, when we come to the severely distressed, housing needs, we cut them by $50 million. So this amendment would restore some balance and some fairness to that.

Why are we trying to cut the Space Station? The preeminent scientist in the mid-1800s Louis Pasteur said, and I will paraphrase him, I am getting closer and closer to the mystery, and the veils are becoming thinner and thinner and thinner. Well, the veils that have really camouflaged the Space Station over the last decade are now becoming very apparent.

What is the status of NASA, let alone a Space Station that was supposed to cost $8 billion and now is well over $100 billion for the American taxpayer? Well, the status of NASA today is that, in about 1989, the Space Station took about 4 percent of the NASA budget. In 1999, Space Station will take almost one-fifth of every dollar that we appropriate for NASA. One-fifth of every dollar is going to be eaten up by the Space Station when there are so many other important programs within NASA that are doing magnificent work, whether it be Mars or Jupiter, whether it be follow-ups to our Cassinis and Rovers.

These programs are legitimate science and helpful science, and we have a Space Station that continues to massively vacuum up every available dollar.

The gentleman from Maryland (Mr. HOYER) said that this $1 billion cut to NASA will probably result in the closing of two NASA space centers. The entire shuttle fleet today in September is grounded. We cannot put a shuttle up today. We are cutting shuttle safety. We are cutting back on science and aeronautics efforts within the NASA budget.

It seems to me, Mr. Chairman, that we have to save the Space Station from consuming the NASA budget, and kill the Space Station, and put the money back into these other important programs as well as put $1 billion toward debt reduction.

Now, I also am very concerned about the severely distressed housing for the poorest of the poor in America. We allocated $625 million last year. This year, that allocation is $575 million, a $50 million cut.

Now, one travels as a citizen or a Member of Congress to Chicago, in the South side, and one sees some of the 40-year-old housing that we put people in in America that are drug infested and rat infested that we are going to continue to ask people to live in those kinds of severely distressed public housing for another year and another year and another year; but we have unlimited funds for a Space Station for 7 astronauts to be housed in when tens of thousands of Americans have to put up with housing that is unsafe, that is unsanitary, that should not be fit for children to have to live in, that some children risk having nose and ears bitten by rats. We should not be at this situation in America going into this new century.

So this Roemer-Sanford amendment would shut down the Space Station on its own merits or lack of them and restore $350 million to veterans health, $50 million to severely distressed public housing, and $1 billion for debt reduction.

I encourage support for this bipartisan amendment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word and speak in opposition to the amendment.

Mr. Chairman, I rise in very strong opposition to this amendment. It is a tradition here in the House of Representatives to take up the Roemer amendment every year in the VA, HUD bill. I began debating the gentleman from Indiana (Mr. ROEMER) and his supporters, his dwindling number of supporters for his amendment, back in 1995 when I first got elected, both in the full Committee on Science, in the Subcommittee on Space and Aeronautics, on the floor of the House.

I commend the gentleman from Indiana (Mr. ROEMER) for his persistence in clinging to the idea that America should not be creating a permanent human presence in space and taking the next step that we should be taking in the process of human exploration of the universe.

But, clearly, the will of the House has been consistently in opposition to this. Indeed, in many ways, I am very pleased he is offering the amendment again, because each year we get more and more votes against the amendment. There is a reason for that, Mr. Chairman.

The reason is, number one, NASA is one agency that has been doing more with less. It is one of the few agencies in the entire Federal Government that has actually been responding to the demands of the Congress, and that is to reform and become more efficient. There is probably no better program than the Space Station program.

Many people like to point out the so-called cost overruns in the Space Station program. The vast majority of those cost overruns are being generated by some of the problems that the gentleman alluded to, the problems with the Russians. But here are some things we need to consider about the Space Station. Number one, most of it has been paid for already in terms of construction.

We are now at a point where we are ready to launch most of the elements. We are waiting for a Russian element; and when that element is on orbit, we will be in the process of constructing it, and then permanently putting a crew up there.

I think one of the most important aspects of this is that it has excited school children all over the country. When I talk to teachers anywhere I go, they all say the same thing to me, that the thing that they find motivates their kids more than anything else to study math and science, which is so critical to the future of our Nation, is when they use examples from space.

Let me talk about one other issue. We all know the incredible scientific breakthroughs that accrue to the entire human race from our human space exploration program. Everybody is familiar with some products like velcro, for example, something we see everywhere, a spin-off from NASA.

Before I came to the U.S. Congress, I worked as a medical doctor. I am a physician. I can tell my colleagues that I used to see the impact of NASA in prolonging lives, in improving lives, the new prosthetic devices using materials that are direct spin-offs of our space program, in imaging technologies, in MRI and CAT scanning, in materials that are used for pacemakers and cardiac catheterization.

Indeed, there are entire books published by NASA called spin-offs that are just filled with page after page of our investment in science and technology through our NASA investment.

So here we are today. We have got Space Station elements stacked up and ready to go at Kennedy Space Center. We have got the Japanese ready to deliver their element. The Europeans are ready to deliver their section. The Canadians have already delivered theirs. This is the greatest scientific and engineering undertaking in human history. Much of it has already been expended.

I say to my colleagues to vote "no" on this amendment, and let us proceed with the program, and let us make sure that we have a future. This country was founded by pioneers. The pioneering spirit dwells in the hearts of all Americans. The place where that pioneering spirit is fulfilled is within NASA and the work that the men and women of the National Aeronautics and Space Administration are doing on a daily basis.

So I encourage all of my colleagues to vote "no" on the Roemer-Sanford amendment and continue our effort to explore the universe.

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Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, again my friend, the gentleman from Indiana, joined by the gentleman from South Carolina, has proposed to terminate the International Space Station. Mr. Chairman, I rise in opposition to that amendment. In years past this has been an ideological battle: Do we or do we not want to have a permanent human presence in Earth's orbit? Time and again this body has answered that question with a clear and increasingly resounding "yes." Let me quickly run through recent votes on virtually identical amendments. Reviewing these votes will, I believe, demonstrate the support which the International Space Station does enjoy in this House.

On April 29, 1992, the gentleman offered an amendment to delete authorization for Space Station. That amendment was defeated 254 to 159. On June 23, 1993, the gentleman offered an amendment to terminate Space Station on the NASA authorization, the only close vote we have had on it, but that amendment was defeated 216 to 215. On May 30, 1996, the gentleman offered an amendment to the authorization bill to terminate Space Station and that was defeated 286 to 127. Again, on April 24, 1997, an amendment was offered to terminate the station and that was defeated 305 to 112. On July 29, 1998, an amendment to the appropriations bill was offered to strike funding. That was defeated 323 to 109. And, finally, on May 19, 1999, just this spring, the gentleman offered an amendment to delete the station from the authorization bill, and that was defeated by a rather resounding vote of 337 to 92.

My colleagues, this trend is very clear. Support is growing for Space Station in this body, not subsiding. The time has passed when we should even be considering termination of Space Station. We have had this debate on authorization and appropriations bills in years past, and each time proponents of the Space Station have prevailed. At some point there must be some finality to the decision to proceed. Mr. Chairman, I think that time has come.

We have already spent more than $22 billion on Space Station, and that investment is beginning to bear fruit. Further, we are not the only country who has invested great sums of money into the Space Station. In addition to Russia, our international partners include Canada, Japan, Italy, France, and a number of other European countries. We must not suddenly pull the plug on the Space Station and leave our investments and those of our partners to go down the drain.

All that aside, Mr. Chairman, this is no longer simply an ideological debate. As of December 6, 1998, when a team of American astronauts and Russian cosmonauts connected the Russian Zarya module with the American Unity craft, we have a functional Space Station in Earth's orbit. What is more, the long awaited launch of the Russian Service Module will take place late this fall. Once it has docked with the existing structure, the International Space Station will finally be ready for a human crew. Once that happens, the Space Station will begin to fulfill its mission. As a scientific and as a technological platform, it represents the next logical step in our efforts to explore space by providing the necessary experience with building and operating large space-based structures and with measuring the effects on humans of long-term space travel.

The Space Station will also provide a platform for important scientific research, particularly medical and materials science research that require a microgravity environment. And like any other major undertaking at the cutting edge of technology, Mr. Chairman, the Space Station has had and will continue to have important spin-off benefits in terms of new products, new technologies, and new industrial processes.

Mr. Chairman, it is time to end this debate once and for all, and I urge my colleagues to vote against this amendment and subsequent amendments to the Space Station.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank my good friend from West Virginia for yielding to me and note his recollection of my tenacity but my losing record of Space Station.

Mr. MOLLOHAN. Reclaiming my time, Mr. Chairman, I would note that I admire the gentleman's tenacity.

Mr. ROEMER. If the gentleman will continue to yield, I want to note for the gentleman, as he mentioned in his remarks, that we have spent about $22 billion on the Space Station, and I think that is absolutely accurate, as my friend always is, but that the General Accounting Office has estimated that the total cost of putting a space station in space will be over $100 billion. So we still have $80 billion to go.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

I first of all want to commend the gentleman from Florida (Mr. WELDON) because if I lived in the area around Cape Canaveral, Titusville, Florida, I would want the gentleman as my representative; but I do not, and so I find myself with the gentleman from Indiana (Mr. ROEMER) on this amendment, reluctantly, because the gentleman has consistently been a tireless advocate for NASA and associated programs.

I rise in support of this amendment, though, because I think it makes common sense, first of all simply from the standpoint of the budget caps. The budget caps have become a bad word here in Washington, but in essence they are the rails along the highway that set the course in terms of what we are willing to spend out of people's pockets, our folks back home. We may well go over those rails, we may break the budget caps; but if we are serious about the budget caps, we have to find a couple of areas wherein we say we actually want to limit the growth of Government in this, that, or some other program; and this is an amendment that actually does that.

And, again, if we are going to stay true to those budget caps, doing that is incredibly important. And that is why, for instance, Citizens Against Government Waste have come out in support of this amendment, the National Taxpayers Union has come out in support of this amendment, and Taxpayers for Common Sense has come out in support of this amendment, because it helps us maintain some kind of fiscal discipline in this House.

The second reason I think this amendment makes sense is that there is a giant check floating around Washington, D.C. and on the top of that check are marked the words "insufficient funds." And the person that that check is to be made payable to are the veterans of America. Because what I consistently hear from folks back home is that they fought in World War II, they had some friends killed in World War II, they either lost a limb or was shot, or maybe they were not even hurt at all but the promise made to them by the Federal Government was that when they grew a little older, when it came to retirement age, they would be taken care of. It turns out there are insufficient funds in that account.

So this amendment does something about that. It moves $350 million out of this funding, which is truly out in space, to something very much in need here on Earth. And that is why this amendment is supported by the American Legion, it is supported by American Veterans, it is supported by Paralyzed Veterans of America, and it is supported by Vietnam Veterans of America, because it addresses this critical need to which right now there is a check marked insufficient funds.

Thirdly, I support this amendment, going back to this theme of gravity, because we are looking, as the gentleman from Indiana (Mr. ROEMER) correctly pointed out earlier, we are looking at a program that basically started to the tune of around $8 billion or so and it has now grown to $100 billion. We are not talking about the elimination of NASA; we are not talking about the elimination of space programs. What we are talking about is one specific program. Because it is crowding out a lot of other priorities.

Going back to the point that the gentleman from Indiana raised earlier, if we were $200 short toward fixing our car, let us say the fixup would supposedly cost $1,000, but the $800 would not fix the car, would we spend the other $800? Or if we were going to make an investment and it was going to cost $2,000, but the total investment would be $10,000, would we spend the other $8,000 if it was a bad investment? I think the answer is clearly no. And that is where we are on this, I think.

Because this is what this amendment does: it moves $675 million of funding to things like, for instance, the Pathfinder, where for $250 million we can get to Mars; for $75 million on the Clementine we can get to the Moon. It goes to some fairly effective space programs. In fact, it restores 62 percent of the cut that was in that particular account in NASA, and it moves to some things that we can actually do something about, I think some much higher priority items.

Fourthly, I would just mention the issue of certainty. This has been touched on by several other folks. But anytime we have in the course of a critical path, whether it is in commerce or whether it is in business, a partner that is uncertain, is that the kind of investment we would make? At minimum we would put the brakes on and say let us look at this thing closely. I think that is where we should be with the Space Station.

Finally, this is about priorities. There are a limited number of dollars in Washington. And while inspiring schoolchildren is nice, if we really want to motivate them, we should put dollars into the classroom. That is how we really motivate students. This is about priorities and, therefore, I urge its adoption.

Mr. EVANS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roemer-Sanford amendment which would provide a $350 million increase for health care for our Nation's veterans. This will bring the total funding increase for VA health care to $2.05 billion. This amount is almost exactly what was proposed in the additional and dissenting views offered to the Committee on the Budget by Democratic members of the Committee on Veterans Affairs.

I want to thank my colleagues, the gentleman from Indiana (Mr. ROEMER) and the gentleman from South Carolina (Mr. SANFORD), for inviting me to work with them on this important amendment. The amendment will allow the VA to make important enhancements in veterans' health care. It will provide funding to reimburse emergency care for veterans. This will ensure veterans are not reduced to second-class citizenry as other Americans benefit from a patients' bill of rights.

It will allow critically needed funding to shore up long-term care and mental health programs, and it will assure adequate funds to provide screening and treatment for veterans who have the hepatitis C virus.

Veterans who served during the Vietnam era are at a greater risk for having hepatitis C virus than any other Americans; yet I have had to request VA's Inspector General to investigate allegations that, because of underfunding, the VA has to ration the screening and care it provides to our Nation's heroes with this disease.

I understand that this debate is about our priorities. I have encouraged and been encouraged by the efforts I have seen from Members on both sides of the aisle. It is high time we make our veterans a high national priority. A vote for the Roemer-Sanford amendment will allow us to do so. I urge my colleagues to join me in supporting it.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding to me, and I just want to make two brief points.

The gentleman from South Carolina who spoke in support of this amendment mentioned the $100 billion price tag on the Space Station. I just want to again reiterate for my colleagues a point I have made previously in this debate, and that is that that $100 billion includes the construction cost of the Space Station, all of the shuttle mission costs, and all of the research that is going on there.

The gentleman's earlier assertion is akin, I would say, to someone who was going to purchase a house for $75,000 to say that they were actually spending around $300,000 because that is what it would cost for the cable bills and the electric bills and for the purchaser's food and clothing over the next 30 years. The actual construction cost on the Space Station is about $24 billion. I agree that is a lot of money, but it is money that has already been spent. We are ready to roll.

And for the sake of abbreviating the debate here, we have had this debate for many, many years, I will conclude and again encourage all my colleagues to vote "no" on the Roemer-Sanford amendment.

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Mr. CUNNINGHAM. Mr. Chairman, I would say to my friends, the issue of whether we want to end up in space or not is a valid issue. But we are ready to go with this system. The gentleman talks about cost, but this Space Station has been redesigned and redesigned and redesigned each time because of cuts in funding that has increased the funding. It is just like if we want to buy a system and we have to redesign it, then we have to almost double the cost. This would also kill the entire program.

I, unlike my colleagues, believe that the spin-offs are going to be very important. Whether we are looking at the world and the temperature controls or the different environmental concerns that we have on Earth, I think we are going to look at those from space; and there has been good evidence to do that.

In space, we can look at a cell from four different angles. On Earth, we can only do it in one dimension. The scientists at NIH and other areas have said that this kind of research is going to lead to the cure of AIDS and those different things in which they cannot even look at the cell division.

So I would rise in opposition to my friend. And though his goals are noteworthy in the areas that he wants to increase, I think for us to turn our heads away from a program that is ready to go with all the other nations that are involved not only sends a poor message to the leadership of this country but to what we will be able to achieve in space itself.

Mr. WALSH. Mr. Chairman, I rise to strike the requisite number of words and speak in opposition to the amendment.

Mr. Chairman, the committee and the subcommittee recommendation already cuts NASA funding more than any other program within this bill, with the exception of AmeriCorps and Selective Service.

The committee, while severe in the minds of some, still allows NASA to operate its core programs. This amendment would make it next to impossible for NASA operations to be conducted and it may jeopardize other programs within NASA.

The proposal to delete $2 billion of the funding for the International Space Station would effectively cause us to waste an investment of over $20 billion already expended in the program at a time when we are so close to making real progress on assembly and utilization of the on-orbit facilities.

The figure of $100 billion has been mentioned a couple of times. But, in fact, the General Accounting Office, as recently as August of 1999 suggested the total shuttle costs, including assembly, development, and all the science and research that have gone into this and the operation. GAO's estimate is $53 billion, not $100 billion. And so, almost all the major components of this station have been manufactured.

I recently visited Kennedy Space Center and witnessed as they had all of these different parts and pieces brought together, parts that were assembled all over the world, Italy, Russia, U.S., Canada, and so forth, testing them out; and now the really exciting aspect of this project begins, the aspect of this project that young people all over the country are focusing on at space camp and in schools and colleges around the country where they are glued to what is about to happen as we start sending these parts and pieces up into space, assemble them within the telescopic eye of everyone on Earth. Everyone has an opportunity to participate and be excited in this program.

And so the corner has been turned. It has been difficult and expensive to get to this point, but now we begin the assembly. But we have arrived at this point and it would be tragic if we are not to go forward and see the process through to its successful conclusion. A tremendous investment has been made and we should not waste it.

Much has been said about keeping commitments, especially keeping commitments to veterans. We have done that, Mr. Chairman. We have, as I said, increased the veterans medical health care budget by an amount of $1.7 billion, the largest increase in the history of veterans medical health care; and we are proud of that commitment that the subcommittee bill has made. But we need to keep our other commitments, too, within this bill. Given the budgetary constraints that we have had, it has been difficult, but we have accomplished that. We need to keep the commitments made to our partners here.

I urge that the Committee of the Whole reject this amendment.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong and unchanged opposition to the Roemer amendment.

I am a little bit uneasy about the things that I have to say, and I am trying to think of something nice to say about the gentleman from Indiana (Mr. ROEMER) that I have not said before on all the other occasions that we have voted this amendment down.

A good American? You bet. Bad amendment? Absolutely. Great Member of Congress? No question about it. Bad amendment? It is a cinch it is a bad amendment. Fine personal friend? I do not have any better. As a matter of fact, we probably voted together on every other item that comes before this Congress but this one amendment.

He is a wonderful guy, just wrong on this amendment. I thought it was a bad amendment back when he first brought it up. I still think it is bad. This amendment, I think everybody knows, would cancel the Space Station just when we are really getting ready to reap the rewards of the investment we already made in this program, a huge investment we made.

The first two pieces of the Station are already in place. Much of the rest of the Station is hardware that is stacked out there somewhere around Cape Kennedy that is ready to be put in place, much of it already purchased. It would be a colossal waste of money to stop the Space Station at this late date just as we are starting to assemble it. At the same time, crippling the Space Station would really cripple our ability to conduct the important biomedical and research plan for the Space Station. And that is one of the reasons I am still in Congress, to see the biomedical thrust in space.

All of us have a reason for this. My reason is personal because I have had cancer in my family. I have had them wasting away in the cancer ward. I know the benefit of a biomedical thrust in space. We have it up there now. We have to keep it up there.

I think the U.S. and the taxpayers of this country are ready for a breakthrough from space. I say to the gentleman who has the amendment, we are ready for something other than giant expenditures of money. I agree with him on that. We are ready for something other than ticker tape parades. We are ready for a break-through from space, like a cure for cancer, diabetes, or any of the other dreaded diseases.

I think that certainly includes research that can help the veterans that are wasting away in VA hospitals with the dreaded diseases that we cannot cure today with the technology that we have.

My colleagues all know that I am a supporter of the veterans and I am a supporter of fiscal responsibility. However, this amendment does nothing to help either cause. It should be defeated. I urge the Members to oppose the amendment.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the words of those NASA supporters here today; and I rise, too, in opposition to the Roemer amendment, which he is offering for the second time this year.

I have been here since the gentleman from Indiana (Mr. ROEMER) came here when we came into Congress together, and I have gone through this drill with him since 1992. And here we are again.

I would say some good things about him, but the gentleman from Texas (Mr. HALL) has already said those good things about him. The gentleman from Indiana (Mr. ROEMER) and I are occasionally on the same side of the same issue but never never over this issue of NASA.

I want to say to the chairman of the subcommittee, I am new to the subcommittee, as of course the chairman knows, and I have gone to the subcommittee because I looked forward to working with the chairman, looked forward to working with my ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) here. I appreciate both their words today here in support of NASA. Of course, I am troubled by the overall NASA mark in this bill and hope that this is just the beginning of what we will have to go through and that we will eventually correct funding for NASA in general. Because I think, in general, a $1 billion cut is an unacceptable cut.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I hate to take any of the valuable time of the Member because I know he has been waiting, but I would like to suggest that I look forward to working with him as we go through this process to try to find a way to meet the needs of a very important department in our Federal Government, and that is NASA.

I associate myself with the remarks of the gentleman regarding the funding of NASA, and I urge him to work with us as we go along.

Mr. CRAMER. Mr. Chairman, reclaiming my time, I appreciate that attitude and the attitude of the staff, as well. I know that this is a very difficult position for the chairman to be in, especially as our bill proceeds through this process late in the game. It has been very tough for us to come up with a passable bill. But I thank the gentleman for those remarks.

To the gentleman from West Virginia (Mr. MOLLOHAN) as well, we have been through this battle over the Space Station, over efforts to fund NASA at an appropriate level that would allow science and the Space Station to do the things that we know they can do, and I appreciate his work here today, as well.

I would say to the gentleman from Indiana (Mr. ROEMER) that he is wrong again. It is about time that he directs his attention to issues other than killing the Space Station. Let us look for other ways that we can work together other than having to come to the floor like this and go through what I now consider a very unnecessary drill here.

As my colleague knows, the prime contractor is 84 percent through with building the Space Station. I think it has already been said in this debate, if not in this debate, in the debate earlier this year, that by the end of this year half a million pounds will be in space. It is too late for us to turn our back on the Space Station program.

We are fooling ourselves to think that if we end the Space Station we will help all of NASA. That is simply not true. If we pull the heart out of NASA through killing the Space Station program, then we will be pulling the heart out of the science program.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I too want to join in saying nice things about my colleague as well.

My good friend from Alabama (Mr. CRAMER) and I have served on the Committee on Science for many years and had fought to restore money into the aeronautics account and worked on the Doppler radar systems together for our respective districts.

This is just a difference of opinion. We have a bill before us that has great leadership in the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN). But we have a billion-dollar shortfall on the NASA budget the we have no money for AmeriCorps. We have $50 million less for severely distressed public housing for the poorest of the poor.

I do not support tax increases, as my colleague does not. We voted together against tax increases. So the only way that we can try to in some kind of fair and principled way resolve our differences is for me to go after a program that has not worked very well, in my humble opinion, and put money into debt reduction, put money back into severely distressed housing, and put money back into veterans organizations.

Mr. CRAMER. Mr. Chairman, reclaiming my time, because I do not have that much time to spare, I, of course, disagree with my colleague from Indiana. This is the wrong time to pull a further rug out from under NASA; and my colleagues are fooling themselves if they think by killing the Space Station they are helping other parts of this very difficult appropriations bill.

We have got our work cut out for us. I might agree with my colleagues that funding should be restored to other programs within this bill, but killing the Space Station is certainly not the way to do it and this is certainly not the time to do it. I hope the Members coming back here after this long and enjoyable August break are not fooled by this annual battle that my colleague takes us through.

Oppose the Roemer amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly want to follow up with some kind words of my good friend, the gentleman from Indiana (Mr. ROEMER), who shared so many hours on the Committee on Science. And I thought for a moment he might be born again, but I realize his commitment. And it gives me the opportunity to explain to the American people why this is a misdirected and wrong-headed approach to budget cuts or concerns about overspending because that is not what we are having in NASA.

Let me also thank the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New York (Mr. WALSH) for their kind remarks in opposing this amendment and their leadership.

Although joining my colleague, the gentleman from Alabama (Mr. CRAMER), I take great issue in the billion-dollar cut that we face in NASA overall in this bill, the VA-HUD bill, and think we need to fix it and hope that my colleagues will join me tomorrow in fixing it.

But I say to the gentleman from Indiana (Mr. ROEMER), this particular amendment is again wrong, juxtaposed against the billion-dollar cut. I, too, am a supporter of AmeriCorps. I am a supporter of veterans health care. In fact, I have made a commitment and talked to my veterans in my community to indicate to them that I would always stand with them for the kind of funding that they need that pays the right amount of respect for what veterans have done for America.

But at the same time, we are being foolhardy in cutting NASA, an agency that has cut itself. NASA has been one of the leanest and I would like not to say meanest but one of the most fiscally responsible agencies that the United States has had. And here we are attempting to cut NASA on top of the $924 million, almost a billion dollars, that is being cut.

What does that mean? I used a metaphor just a few minutes ago. To build or rebuild the San Francisco bridge, for many of us who have admired this bridge, get it halfway over the water and simply say, stop.

We realize that the Russian MIR is on its way to retirement. There is 77,000 tons in space now. The Space Station is potentially utilized to do research in space that covers aeronautical research or aviation safety. It covers, as well, research in HIV-AIDS, high blood pressure, heart condition, and cancer.

We still have not reached the point of determining the questions to those dreadful diseases or symptoms. At the same time we are talking about cutting NASA.

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In addition, we are talking about people who have invested their lives to do research for America so that we can advance and make life better for Americans all over this Nation.

We are a world power, and we stand strong as a leader in space and yet when we ask our partners, Italy and France and others, to be fiscally responsible and keep their commitment, look what we are doing today, cutting NASA again and then cutting it with a $924 billion cut.

In light of the docking that we have seen this summer, and Frank Culbersome of NASA said that the docking that went on with the Space Shuttle Discovery was a historic moment and yet today we cut NASA. Just a few years ago, some of my colleagues in Congress, before I came, thought it was important to cut the super collider. Many of my colleagues may not remember that, but right now most of that research is going on overseas and some of us think we have missed the boat.

We have been talking over the years about math and science prowess with our students and so NASA has been working with our educational systems, our school systems, our primary and secondary schools, to ensure that our children are excited about and competitive in math and science; and yet the dollars that I know my friend and colleague will be cutting will be cutting those very programs to make us competitive in the world and international markets. This is wrong headed and that is why I hope tomorrow to find the goodwill of my colleagues in restoring the $924 million that they will join me in recognizing that, though the gentleman from Indiana (Mr. ROEMER) is consistent that his cuts, added to the $1 billion cut or almost $1 billion cut, is completely hypocritical in light of the $792 billion tax cut that the American people are not asking for, but yet my Republican colleagues persist in wanting to give.

I would think that the American people want to see us fund veterans health care; and I would like my colleagues to support me in that, as well in housing, and to ensure that we remain competitive with the NASA leadership, provide our young people with training in science and math, be on the cutting edge of technology, provide us with safe travel and air travel, and ensure that the space shuttle and the space station stay on schedule and that we do not throw good money after bad and ruin the leadership role that the United States has had in space research and exploration.

Mr. Chairman, I rise to voice my concern because in its present form the VA–HUD appropriation bill will surely and deservedly be vetoed. The path that this bill presents is a steady decline in services. Despite the current economic strength of our nation, this Congress is ready to approve a budget that cannot even spend the same amount as last year on housing assistance for low income elderly or families with children, or basic research funded by NASA and the NSF, or on community service by our youth, or financial support for building businesses in impoverished urban and rural communities. During this time of prosperity we cannot afford these programs but we can afford an $800 billion tax cut.

I am proud of the Johnson Space Center and its many accomplishments, and I am a staunch supporter of NASA and its various programs. NASA has had a stunningly brilliant 40 years, and I see no reason why it could not have another 40 successful years.

There is no doubt, the spirit of NASA captures America's most treasured and valuable virtues—curiosity of the unknown, ingenuity beyond measure, and undaunted resolve in the face of adversity. That spirit is born out of the character of the NASA family, which is made up of agency employees and their loved ones, along with the business and residential communities of Houston.

This year, the Appropriations Committee has recommended funding for NASA that is over $924 million short of the NASA request. This situation is untenable. We cannot underfund this important agency.

In particular, the Committee's recommendation falls $250 million short of NASA's request for its Human Space Flight department. This greatly concerns me because this budget item provides for human space flight activities, including the development of the international space station and the operation of the space shuttle.

I firmly believe that a viable, cost-effective International Space Station has been devised. We already have many of the space station's components in orbit. Already the space station is 77-feet long and weighs over 77,000 pounds. We have tangible results from the money we have spent on this program.

Just this past summer, we had a historic docking of the space shuttle Discovery with the International Space Station. The entire world rejoiced as Mission Commander Kent Rominger guided the Discovery as the shuttle connected with our international outpost for the first time. The shuttle crew attached a crane and transferred over two tons of supplies to the space station.

Frank Culbertson, NASA's deputy program manager for space station operations noted, "The history of this moment shouldn't be lost on us. [This docking] was a very significant event."

Culbertson's words should not be lost on us mere months after he uttered them. History has been made, yet, we seek to withdraw funding for the two vital components, the space station and the space shuttle, that made this moment possible. We cannot lose sight of the big picture. With another 45 space missions necessary to complete the space station, it would be a grave error of judgment to impede on the progress of this significant step toward further space exploration.

Given NASA's recognition of a need for increased funding for shuttle safety upgrades, it is NASA's assessment that the impact of a $150 million cut in shuttle funding would be a reduction in shuttle flight rate, specifically impacting ISS assembly. Slowing the progress of the ISS assembly would defer full research capabilities and would result in cost increases.

Both the International Space Station and the space shuttle have a long, glorious history of international relations. We can recall the images of our space shuttle docking with the Russian Mir space station. Our nations have made such a connection nine times in recent years. This connection transcended scientific discovery: it signified the true end of the Cold War and represented an important step toward international harmony.

The International Space Station, designed and built by 16 nations from across the globe, also represents a great international endeavor. Astronauts have already delivered the American-made Unity chamber and have connected it to the Russian-built Zarya control module. Countless people from various countries have spent their time and efforts on the space station.

To under-fund this project is to turn our backs on our international neighbors. Space exploration and scientific discovery is universal, and it is imperative that we continue to move forward.

I plan to offer three amendments that would add $15.5 million to the Human Space Flight section of the NASA budget because it is imperative that we provide adequate funding for the Human Space Flight's programs. Offsets for this funding would come from the American Battle Monuments Commission, the Chemical Safety and Hazard Investigation Board, and Emergency Management Planning and Assistance.

These amendments do not come close to repairing the damage done by the Appropriations Committee, but they will provide much needed assistance, and they will show NASA, America, and our international neighbors that we do care about space exploration and our glorious history that we continue to create.

I also denounce the cuts made by the Appropriations Committee to NASA's science, aeronautics, and technology. This bill cuts funding for this program $678 million below the 1999 level.

By cutting this portion of the NASA budget, we will be unable to develop new methodologies, better observing instruments, and improved techniques for translating raw data into useful end products. It also cancels our "Pathfinder" generation of earth probes.

Reducing funding for NASA's science, aeronautics, and technology hinders the work of our space sciences, our earth sciences, our academic programs, and many other vitally important programs. By under-funding this item by $449 million, the Appropriations Committee will severely impede upon the progress of these NASA projects.

Some of the largest cuts in the bill come in the Department of Housing and Urban Development. Reductions in HUD programs below the prior year's level are spread throughout the bill. Of the 24 on going accounts within the HUD title, the bill increases spending for one, freezes 9 at the 1999 level, and cuts the remaining 14 below 1999. Some of the cuts are small, others are substantial. A recent study on housing needs found more than 5.3 million very low income families with worst case needs who were receiving no federal housing assistance at all.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and, for that matter, I rise in opposition to the bill as it is currently drafted. First, with respect to the amendment, in a press conference that a number of us just held where we talked about the bill, the underlying bill itself and how it funds NASA, one of my colleagues talked about how this bill was like eating the seed corn.

Well, this amendment, unfortunately, while well intentioned by the gentleman from Indiana (Mr. ROEMER) is a little bit like cutting your crops down before they are harvested. We have already put the seed in the ground. We have already fertilized the ground. We have already raised the crops and we are about to harvest those crops; and instead of doing so, we are just going to burn the field; and we are going to burn our entire investment in this program where we have already had some yield, but before we get the full potential of the crop or of the product, and I think that would be a terrible mistake.

If the gentleman believes, and I totally disagree with this, but if the gentleman believes that the funding is a waste of taxpayer dollars, what a terrible waste of taxpayer dollars it would be to destroy the project right now and get nothing in return for it.

I think that would be a very big mistake, and I would hope that our colleagues would once again reject this amendment.

Now, with respect to the underlying bill, I think the fact that we are cutting about a billion dollars out of NASA or proposing to cut about a billion dollars out of NASA, cutting about a quarter of a billion dollars from the National Science Foundation is really wrong headed, and I know that the chairman of the subcommittee and the ranking member and the chairman of the committee who is on the floor tried to do the best they can with what they have, but this bill and perhaps the coming Labor HHS bill, if that ever gets to the floor in a singular form, is a product of a failure on the part of the Congress to adhere to the agreement that we made in the 1997 Budget Act.

I sat on the Committee on the Budget in 1997 when we wrote that; and the fact is over the last couple of years, through abusive use of emergency spending, through a highway bill that was incredibly bloated, and through actions taken this year, we have blown through the caps in discretionary spending at the front end and now we are taking it out on the back end, and I do not think there is anybody in the Congress who truly believes at the end of the day that we are going to abide by that.

In the meantime, all we are doing is making these illusory cuts and saying that we are going to make these cuts which really send the country backwards. I think it would be a mistake. We ought to be making an investment in the future rather than consuming today, but the way this bill is written we would be consuming our seed corn and not investing for the future.

I would hope that my colleagues would reject the Roemer amendment and would reject the underlying bill as it is currently drafted, if it cannot be corrected during the amendment process.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment to terminate the International Space Station.

We go through this exercise every year and the outcome is a foregone conclusion. When Mr. ROEMER offered a similar amendment to the authorization bill this spring, he could not even muster 100 votes. We beat back this amendment by the biggest margin in the Space Station's history. We will do so again. But, there are a few points we should make clear before doing so.

First, the gentleman has challenged Congress to set priorities. The fact is, we have. Scientific research aboard the Space Station is—and has been—our top priority for the civil space program. Congress has made that clear on a bipartisan basis for years.

Second, there is hardware in orbit. Right now, the first and second elements are assembled in space and circling the Earth. Terminating now would send the program to a fiery ending as those elements burn up upon re-entering Earth's atmosphere. That's not the right beginning to the next millennium.

Third, we have already spent the bulk of the Space Station's development funding. We've passed the roughest financial hurdles and invested some $20 billion getting the hardware on the ground ready for launch. You can see that hardware at the Kennedy Space Center right now. It belongs in orbit, not in a museum.

Finally, there are 16 other countries counting on us to finish the Space Station. They have committed billions to this project because we made a pledge to them. That's a pledge we should not break. While it is true that Russia has let the partnership down and that the Administration's decision to put Russia in the critical path has cost the taxpayers more money, two wrongs don't make a right.

Mr. Chairman, I ask all my colleagues to do what is right for our country and vote down the Roemer amendment again.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

$19,006,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $635,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2000, and shall remain available until September 30, 2001.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS:

In the paragraph in title I for the Department of Veterans Affairs, Veterans Health Administration, Medical Care, account—

(1) after the second dollar amount, insert "(increased by $730,000,000)"; and

(2) strike the period at the end and insert a colon and the following:

Provided further, That any reduction in the rate of tax on net capital gain of individuals or corporations under the Internal Revenue Code of 1986 enacted during 1999 shall not apply to a taxable year beginning before January 1, 2001.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. EDWARDS. Mr. Chairman, let me first thank the gentleman from New York (Mr. WALSH), and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, for the plus-up that they are responsible for on a bipartisan basis in the Committee on Appropriations for VA health care. Because of these two gentlemen, veterans will get care that they otherwise would not have received. I, among others, appreciate that effort.

But my amendment is very straightforward. It tries to more adequately fund VA health care. It says that Congress should delay for one year the capital gains tax cut recently passed in this House and take that $730 million and add it for additional spending for VA health care so that we can at least try to maintain present levels of services for our Nation's veterans.

What this amendment says, in effect, is a Congress that can afford to offer Bill Gates a multimillion dollar if not a billion dollar tax cut ought to be able to afford to fully and adequately fund veterans health care.

Let us look at where we are today, even with the $1.7 billion plus-up that the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) have been responsible for pushing. Let me quote Andrew Kistler, national commander of disabled American veterans. "While we greatly appreciate the $1.7 billion increase over the administration's budget request contained in the VA appropriations bill, it does not go far enough to provide for the health care needs of a sicker, older veterans population."

Let me read from the American Legion a letter dated August 4 of this year from Steve Robertson, director of the National Legislative Coalition. He says: "The VA currently has an extremely long list of veterans seeking various types of long-term care. The VA's budgetary constraints limit its ability to effectively and efficiently meet their needs. Currently, waiting times for appointments in the VA system are staggering. We are not talking days or weeks but months. If a veteran needs a specialist, the wait is even longer."

He goes on to say: "The American Legion supports this amendment and any waiver that may be in order for the amendment to proceed to the floor."

Mr. Chairman, virtually every major veterans organization in this country has come out in support of this amendment which failed by only one vote in committee, and I would urge its passage on this floor.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Illinois, who has been a great leader and fighter on behalf of veterans, the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Texas (Mr. EDWARDS) to add $730 million for veterans medical care in fiscal year 2000. This amendment, which the Republican members of the Committee on Rules failed to protect under the rule, assures America's veterans of the health care they need and at the level they deserve.

To offset the costs of additional funding for veterans health care, the Edwards amendment would delay implementing for one year a proposed cut in the capital gains tax, a fraction of the nearly $800 billion tax cut being proposed and passed by this House.

The Edwards amendment is about our national priorities, providing additional resources for our veterans medical care, for delaying a tax cut for the wealthiest Americans for 1 year. For me, the choice is very simple. I strongly support the Edwards amendment for the same reasons I voted against the rule on this bill. The Congress needs to provide a higher priority to veterans medical care than tax breaks for the wealthiest Americans. Congress must take the initiative to fund VA and allow it to rebuild its most excellent programs, those that serve the veterans who were injured on the battleground, those that have borne the battle. The Edwards amendment will allow VA to do this.

I urge my colleagues to join me in supporting the measure that supports America's veterans. I appreciate the leadership of the gentleman from Texas (Mr. EDWARDS) on this issue.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Texas (Mr. EDWARDS) for offering this amendment. It shows clearly that this Congress is playing off the needs of the veterans against the politics of tax cuts for those who least need them. That has been made very clear.

Now, we do not have any misunderstanding about what is going to happen to the gentleman's amendment. It is going to be ruled out of order on a technicality and the veterans all over this Nation should know that this Congress on a technicality will not pass additional funds for veterans health care.

Mr. EVANS. Mr. Chairman, I rise today in support of the amendment offered by CHET EDWARDS to add $730 million for veterans' medical care in fiscal year 2000. This amendment, which the Republican members of the Committee on Rules failed to make in order under the rule assures America's veterans of the health care they need delivered at a level of service they deserve.

To offset the cost of providing the additional funds for veterans' health care, the Edwards amendment would have delayed implementation of a proposed cut in the capital gains tax for one year, a fraction of nearly $800 billion tax cut passed by this House. I ask members of this body, can't Americans wealthy enough to benefit from this tax cut afford this small sacrifice to assure our veterans won't have to deal with delays and barriers in their access to high-quality health care? The Edwards amendment is about our national priorities. Providing additional resources for our veterans medical care programs or delaying a tax break for the wealthiest Americans for one year. For me this choice is simple. I am strongly supporting the Edwards amendment for the same reasons I voted against the rule on this bill. This Congress needs to provide a higher priority to veterans medical care than tax breaks for the wealthiest Americans.

Earlier this year, the Committee on Veterans Affairs considered fiscal year 2000 funding for VA health care. Unfortunately, I was denied the opportunity to offer an amendment providing more funding than proposed by our Chairman. The Edwards amendment will provide approximately the same increase in discretionary funding for VA next fiscal year, $2.4 billion, as I had earlier sought to provide. There remains a critical need for this significant increase in funding.

Our veterans know this. Their service organizations have steadfastly supported efforts to add funds to the VA health care budget. The American Legion, Disabled American Veterans, and Paralyzed Veterans of America sent letters to the Rules Committee in support of the Edwards amendment being made in order. A coalition of veterans' groups had earlier supported the increased funding level I planned to propose to the VA Committee.

The last few years in VA health care system have been pivotal ones. VA has reformed its delivery system, bringing its acute care system into line with modern health care practice. But clinicians and patients alike have begun to cite waiting times and other problems with access to care that have been affected by this sea of change. I, and other Democratic Members met with members of the Administration to discuss this vital need. These meetings ultimately contributed to Democrats' success in securing a revised plan offered by Vice President GORE to add a billion dollars to the Presdient's FY 2000 proposal for VA health care and construction. I believe the President's revised budget proposal was critical to bringing awareness of the emerging crisis confronting the veterans' health care to Congress and I thank them for their willingness to hear the concerns of Members and take appropriate action.

There is still a case to be made for increasing the VA health care budget. Unfortunately just prior to the August District Work Period, this House voted for a rule that failed to protect the Edwards amendment being in order. This party-line vote is "déjà vu all over again" in helping us to help America's veterans. I remain incredulous that this Congress would knowingly choose a brief delay in the capital gains tax cut over adding funding that will better assure high-quality veterans' programs and I certainly understand why Republicans have thus far taken steps to avoid this debate.

VA needs this money. Members are aware that VA's progress in implementing some positive and necessary changes has come at a price. Shifting health care practice styles are eroding some of the VA's best programs—its long-term care programs, it rehabilitative and extended care for seriously disabled veterans, and its mental health care treatment for veterans with Post-Traumatic Stress Disorder or substance abuse issues. We are now at a point where we must restore certain programs to their past distinction. Congress must take the initiative to fund VA and allow it to re-build its most excellent programs—those that serve the veterans who were injured physically or psychically on the battleground—those that have borne the battle. The Edwards amendment will allow VA to do this. I urge my colleagues to join me in supporting a measure that supports America's veterans. Vote for the Edwards amendment.

[In billions of dollars]

	Medical care appropriation	VA discretionary programs
President's original request	17.3	19.8
VA Committee Democrats	19.3	22.1
VA Committee	19	21.5
Budget Committee	19	19
President's revised request	....	20.8
Appropriations Committee	19	21.5
Edwards-Stabenow-Evans amendment	19.7	22.2

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I would like to yield time to the gentleman for the purpose of discussion. My understanding was that the gentleman was going to withdraw this amendment. Is that correct?

Mr. EDWARDS. No, I did not make that representation to anyone.

Mr. WALSH. Mr. Chairman, my understanding was that he would withdraw this amendment. Since that is my understanding, I will insist on the point of order.

Mr. Chairman, I make a point of order against the amendment because it proposes to change the existing law and constitutes legislation in an appropriations bill.

Mr. Chairman, I might add that this is not a real choice. This is anything but a real choice. First of all, this money is not available. I would suspect that the gentleman who proposes the amendment would oppose the tax increase in the first instance and would not vote for it. So to take funds that are out there somewhere in the ether and offer them for veterans health care is pretty disingenuous to the veterans.

What we have offered is real money. We have offered to provide $1.7 billion to the veterans to increase the medical care that we have promised them. This is keeping the commitment that we made. The President decided not to keep that commitment and the Congress, I believe, has stood up and offered to make the veterans medical administration whole.

So I would insist, Mr. Chairman, that the point of order be taken against this. This is truly, in my view, authorizing on an appropriations bill.

Mr. EDWARDS. Mr. Chairman, may I be recognized on the point of order?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. EDWARDS) is recognized on the point of order.

Mr. EDWARDS. First of all, let me again say the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) did as well as they could for veterans health care funding given the constraints of the budget that have been built in by the tax bill.

□ 1530

I do not understand, frankly, the point that this would not be real money. If it is not real money, then it should not have been part of the tax bill that was passed and has been talked about greatly by my Republican colleagues over the last 30 days. If it is real money, which I assume it was when they voted for this in the tax cut bill, then it should be real money, just as real for veterans health care as it could be for tax cuts.

The CHAIRMAN pro tempore. The gentleman from New York.

Mr. WALSH. My point, Mr. Chairman, is, and I do not mean to argue, but my point is that this is not real money until the President signs that tax cut into law, and I think he would agree that the President has made his position fairly clear on that.

The CHAIRMAN pro tempore. The gentleman from Texas.

Mr. EDWARDS. Right, but I guess the point I would like to make is that if the Republican leadership felt $730 million was available for a tax cut, capital gains tax cut for 1 year for some of the wealthiest families in America then I would say I would argue that money is available, should be made available, to veterans.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. I do have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EDWARDS. It is about the question, Mr. Chairman, one of the questions that has been raised: Is this legislating on an appropriation bill? I think in the committee discussion it came up, the point that perhaps there were some tax provisions in an appropriation bill.

My parliamentary inquiry, Mr. Chairman, is that on October 21 of last year, less than 1 year ago today, public law 105–277 was signed into law. This was the omnibus appropriations bill, and could I inquire to the Chair how was it that that appropriation bill allowed 6 different provisions dealing with research and other tax provisions, the research credit, the work opportunity tax credit, the welfare to work tax credit, contributions of stock to private foundations that tax credit, subpart F exemption for active finance and income tax credit, and finally the disclosure of returned information on the income contingent student loans. All of those provisions were legislating in effect and dealt with the issue of taxes, and my question is:

What rules of this House allow the House to pass less than 1 year ago an appropriation bill that funded, as my colleagues know I think it was $37 million for King Cove, Alaska, a community of 800 people, and yet today the House might not be allowed to offer this tax provision which pays for the veterans health care increase on a similar appropriation bill.

The CHAIRMAN. The matter before the House is the point of order raised by the gentleman from New York (Mr. WALSH), and the Chair will not comment on waivers that may have been granted for prior proceedings in the House on other measures.

Does the gentleman from West Virginia (Mr. MOLLOHAN) wish to be heard on the point of order?

Mr. MOLLOHAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman may proceed.

Mr. MOLLOHAN. Mr. Chairman, I just rise to commend the gentleman for offering this amendment. I wish it were in order, and I wish the Chair would rule it in order because it joins better than any other amendment or joins better than any other amendment I have heard the issue that is before us in the Congress and the Nation at large, and that is, as my colleagues know, how are we going to deal with this surplus; tax cuts, or are we going to fund veterans, homeless, education, health care? I commend the gentleman for successfully doing that, I am afraid the amendment is not going to be in order, but I think this issue that it raises is very important and is the issue as we move forward policy in the next year.

Mr. EDWARDS. If I could just finish very, very briefly, I guess my point, Mr. Chairman, if this is ruled out of order is that I want to make it clear that this House had the right to, through its Committee on Rules, to write a rule that would have made this amendment in order that was supported by virtually every major veterans organization in America, and a very similar thing was done on issues I thought were far less important less than a year ago on a very similar appropriations bill.

The CHAIRMAN. The amendment offered by the gentleman from Texas (Mr. EDWARDS) constitutes legislation on an appropriations bill in violation of clause 2(c) of rule XXI. Since the gentleman from Texas has argued the tax nature of the amendment. The amendment also constitutes a tax measure in violation of clause 5(a) of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $3,000,000 to provide a presumption of service-connection for veterans who were exposed to Hepatitis C risk factors during military service and now have Hepatitis C: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. FILNER. Again, Mr. Chairman, I thank the gentleman for courtesy, for discussions of these issues.

Mr. Chairman, this is another in a series of amendments that I am offering this evening to show that the veterans health budget and the Veterans Administration budget in general is greatly underfunded.

We have a chance in this Congress to fund adequately what veterans need. We know what that figure is. All the veterans organizations of this Nation came together to recommend to us what they call the independent budget, a budget that recommended $3 billion more than the baseline we have been dealing with.

The President's budget that was submitted to this Congress was inadequate. It was $3 billion under what this recommendation was as it kept a straight-line budget. The budget, as recommended by this committee, does put in an additional 1.7 billion but that is only 50 percent of what all the veterans organizations say they need, and I might point out, Mr. Chairman, that that 1.7 billion increase presupposes about a $3 billion decrease for veterans programs over the next 10 years.

So what we see here is the biggest cut in veterans funding over a long period of time.

Now we have argued on this side of the aisle for additional funding that would do some things for our Nation's veterans that just will not be able to be handled if this budget goes through. We will not be able to have care for veterans who are involved in radiation risk activities and subsequently develop cancer. We will not have funding to increase long-term care programs for our aging veterans. We will not have funding to restore the VA psychiatric wards and an increase in mental illness research education. We will not have funding to keep Alzheimer's veterans in hospitals. We will not be able to treat the Persian Gulf war veterans who have come down, tens of thousands of them, with an unexplained illness; and, Mr. Chairman, we will not have the money as this amendment will try to correct to fund new health care initiatives for veterans suffering from hepatitis C-related illness.

Now this is a new situation, Mr. Chairman, and is why I have designated this funding as emergency. Hepatitis C is a disease which was only recently identified by reliable laboratory tests. So in the past, there has been no way to diagnose it at the time when veterans became infected. This infection may not have produced any symptoms or mild ones similar to a flu at the time of service to our country. The virus hides latent in the body for many years and may not show up for 20 or 40 more years after the initial infection.

Veterans at a particular risk for the disease include those who received blood or blood products prior to 1992 and veterans who worked in health care occupations are exposed to blood in combat situations. Veterans who were infected many years ago are now showing symptoms of the disease, and too often this disease, Mr. Chairman, is fatal. A fatal disease, hepatitis C, is now known to infect hundreds if not thousands of our veterans, and we do not put the money in for this program.

Mr. Chairman, my amendment would say that we have an emergency medical situation, that we should fund $3 million to provide funding for service- and presumed service-connection for veterans who are exposed to hepatitis C and make sure that we treat our veterans with the respect and commitment that we should.

Mr. Chairman, I know this amendment has been challenged by point of order. I assume that that challenge will be upheld by the Chair. At some point in the evening I will, as the Chairman knows, challenge the Chairman's interpretation of these points of order, but I am hoping that this Congress will not on a technicality, because we know we legislate on appropriation items all through the course of this process, will not on a technicality refuse the refunding for veterans who have hepatitis C and face death unless we come to their aid.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I must insist on the point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. And if I might add, Mr. Chairman? The gentleman who offers the amendment is a good and respected member of the Committee on Veterans' Affairs. I would humbly submit that this is where these items should be discussed. These are authorizing issues. What he is proposing, this and several others to follow, are legislative riders.

Now we all hear the horror stories about legislative riders. These are not necessarily horror stories, but legislative riders do not belong on appropriation bills. Do they happen? Of course they happen in the course of events. But the Committee on Veterans' Affairs is a very activist committee. Members from all over the country really need to sit down and hash these things out and then come to the Committee on Appropriations and tell us what the committee wants us to do, and they have not done that in this case. An individual Member can have a pet project; they can have a pet policy. Basically the process is for the committee to come to a conclusion, establish priorities, set an agenda, and then bring it to us to help to get the funding, and that is the proper course of events here, Mr. Chairman.

So, Mr. Chairman, I would insist on the point of order.

The CHAIRMAN. Does the gentleman from California (Mr. FILNER) wish to be heard on the point of order?

Mr. FILNER. In response to my good friend from New York, Mr. Chairman, the advice that he gave me is good advice. In fact, the Democrats on the Committee on Veterans Affairs tried to offer a budget which included these items. Not only did we not fail on that vote, we were not permitted a vote by the chairman of that committee, and as the budget rules point out, unless the budget that is accepted by the Committee on the Budget includes these items, the authorizing committee cannot later add them.

So the gentleman's advice is good. I wish the chairman of the authorizing committee had allowed us to have a vote on these issues so, we could include them in the budget, and now I am asking for an emergency designation to make sure that we keep our commitment to our Nation's veterans.

The CHAIRMAN. As stated by the Chair earlier today, a proposal designating an appropriation as emergency spending within the meaning of budget enforcement laws constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $4,600,000 to provide pay parity for dentists with physicians employed by the Veterans Health Administration: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. FILNER. Mr. Chairman, out of respect for the courtesy offered by the Chair I will be very brief and point out that the $4.6 million included in this amendment goes to establish parity for the dentists who are employed by the VA, parity with physicians. I embody this amendment in legislation which I called: "put your money where your mouth is." That is that we ought to be funding dentistry where we have an enormous recruitment and retention problem parity with physicians. Over the past 5 years, in fact, VA has experienced a decline of dentists from 830 to 677, and the turnover rate in the last 2 years has been over 11 percent. Young and mid-career dentists are leaving the VA in increasing numbers, and there are fewer higher qualified applicants available to fill these positions.

We must, I think, establish parity and make sure that dentists in the VA system are given the same pay respect that physicians are.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI, and if I could just briefly explain the opposition?

We really are not opposed to this. Unless there is authorization, specific authorization that would preclude this from happening, the Secretary of the Veterans Administration should be able to do this, and I do not know specifically whether or not there is authorization that is specific to this expenditure, but it would seem to me that if this was a priority for the Veterans Administration and the Committee on Veterans' Affairs, it should happen. But this is the wrong place to do it, Mr. Chairman, and I respectfully request that the point of order be upheld.

□ 1545

The CHAIRMAN pro tempore (Mr. PEASE). As stated by the Chair earlier today, a proposal designating an appropriation as "emergency spending" within the meaning of the budget enforcement laws, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $35,200,000 for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946 and to increase service-connected disability compensation from the peso rate to the full dollar amount for Filipino World War II veterans living in the United States: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

Mr. FILNER. Mr. Chairman, I thank my colleagues for their patience in dealing with these amendments.

Mr. Chairman, once again we have a situation which is an emergency dealing with veterans of World War II who are in their late seventies and early eighties and do not have long to live if we are going to recognize their service in World War II.

I would preempt the advice from my distinguished friend from New York who said this should be authorized by our committee. Again, the chairman of the committee would not allow this particular amendment to come before our committee, so the process breaks down in a circular sort of argument. When you advise me to get authorization, the authorizing committee says we will not take it up, so we have to come here to the floor.

We have a situation, Mr. Chairman, where there are approximately 75,000 living veterans of World War II, who happen to be two-thirds of them Filipino in nationality, one-third Filipino in ethnic origin but U.S. citizens. These veterans of World War II fought as brave soldiers and helped us win the war in the Pacific. After being drafted by President Roosevelt, they fought side by side with us in the battles of Corregidor and Bataan, and many marched to their death in the famous Bataan death march.

We rewarded this service to the United States as a Congress in 1946 by taking away all of the veterans benefits that had been promised and due them. For 52 years now, 53 years, this really dishonorable and immoral action by an earlier Congress has clouded our relationships with the Philippines and has made sure that we have a body of people who are rightfully claiming that their grievance be redressed. My amendment would go partway toward restoring benefits to these heroic veterans of World War II.

Whereas veterans are entitled to, under conditions that are given by law, certain pensions and certain medical care, this amendment gives medical care to those Filipino soldiers who fought alongside Americans. It would make available monies for care in this country and a small portion for our VA clinic in Manila, which serves U.S. citizens there.

What we are saying in this amendment is that the honor and bravery of veterans of World War II be recognized finally by the Congress, 53 years after they were taken away.

I would ask again this body to say let us recognize the bravery of our allies in

World War II, our Filipinos who we drafted, and provide with them the eligibility for benefits, healthcare benefits, that are given to U.S. soldiers of the same war.

Mr. BALLENGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to get something off my chest. I just want to take a few minutes to air my opinion about our VA medical system.

My older brother died in a veterans hospital 100 miles from his home. When a veteran is diagnosed with a terminal condition and is near death, why can that veteran not be allowed to spend his remaining days in a local hospital near his family and friends who will come and visit him?

I would also like to criticize the treatment many of our veterans receive in VA hospitals and the expenditure of tax dollars on new VA construction, when many existing VA hospitals are underutilized with many beds empty.

In Catawba County, North Carolina, when I was a county commissioner, we built a state-of-the-art 250-bed hospital for less than $8 million, complete with an oncology unit and outpatient unit. Now the VA is constructing an outpatient clinic in the mountains of North Carolina for an estimated $25 million. It is an expansion to an existing 300-bed VA hospital that is less than 50 percent occupied. Why should those tax dollars not be used to better utilize the existing underused space and transfer the remaining funds to provide the needed doctors, nurses, and medicine? Does anyone examine how VA capital expenditures are being made and whether they are needed or not?

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman wish to be heard on the point of order?

Mr. WALSH. Just to explain, Mr. Chairman, I make the point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN pro tempore. As stated by the Chair earlier today, a proposal designating an appropriation as "emergency spending" within the meaning of the budget enforcement laws, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

In addition, in conformance with Public Law 105-33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, $326,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $61,200,000 plus reimbursements, to remain available until September 31, 2001: *Provided*, That project technical and consulting services offered by the Facilities Management Service Delivery Office, including technical consulting services, project management, real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2000.

GENERAL POST FUND, NATIONAL HOMES

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000.

In addition, for administrative expenses to carry out the direct loan programs, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $886,000,000 to remain available until September 30, 2001: *Provided*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES", insert at the end the following:

In addition, for "General Operating Expenses", $6,250,000 to provide an additional 250 employees to reduce backlog and waiting time for adjudication of claims: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

Mr. FILNER. Mr. Chairman, again, this is one of a series of amendments that shows specifically where we are underfunding the VA budget for the fiscal year 2000. I think any of us who have talked to veterans during the recent recess period, town hall meetings and tours of VA facilities, have constantly heard the complaint that our veterans are prevented from knowing about the adjudication of their claims for month after month after month after month after month. Six, 8, 12 months go by, maybe even 1 or 2 years, and if a process has to be appealed, it can go even longer.

The independent budget of the veterans organizations of this country proposed that an additional 250 positions dedicated to reduce the backlog and waiting time for the adjudication of these claims was absolutely necessary.

Mr. Chairman, we have an emergency situation amongst our veterans. These are the folks who fought for us, who have given us our freedom, given us our liberty, and we make them wait 1 year, 2 years, even longer, to find out whether their claims for disability or other such legal situations will be in fact granted to them. I think this is an emergency situation which would allow us to put in the $6.25 million that we need for this situation.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I insist on the point of order.

Mr. Chairman, we have within this bill added funds to hire employees to take care of this backlog. We did it last year, we are doing it this year, and I would submit to my colleague that if the Secretary of the Veterans Administration wants to do this, they can do this. To my knowledge, there is no specific authorization that prevents the Veterans Administration from hiring additional people with existing funds and from moving them around within the department, reassigning them to different tasks.

This is purely within their discretion. You do not need an act of Congress to do that. What you need is a secretary who sees things the same way that this Member does, eyeball to eyeball, and let him make that decision. But this is not an action that should be undertaken by the Committee on Appropriations. This is an action that should be taken by the Secretary of Veterans Affairs.

Mr. FILNER. Mr. Chairman, speaking to the point of order, I understand the arguments of the gentleman. The department is authorized to move people around. It is authorized to put people in different positions. But the fact of the matter is, there are not sufficient funds that would allow them to put money into one area without taking it from another area. If you drop the backlog of one, you hurt healthcare somewhere else, so we are robbing Peter to pay Paul in this issue.

We need more money. I know the gentleman agrees with me that we need more money. If only we could get through these technicalities, we could provide the money. Our veterans do not understand with a $1 trillion surplus why we do not have $6 million to put in to improve the backlog.

Mr. WALSH. Mr. Chairman, just briefly, we have added within this budget, we have plussed up an additional $30 million for general operating expenses. Clearly what the gentleman is requesting is only one-fifth of that amount. So those funds are available at the Secretary's discretion to hire these people.

Let us not forget that we have added an additional $1.7 billion to this part of the budget, the largest increase ever. I hope that they can spend it all next year, but I have my doubts that they can spend all this money next year.

Mr. FILNER. Mr. Chairman, I would say to the gentleman, who knows full well that the needs of the VA are far in excess of the money we granted to them, they have had to prepare for layoffs; have had to prepare possibly for closure of hospitals. There is not sufficient money within the budget to treat all of the different areas that we want to do. You can play off any one I bring up and say, Oh, we have the money to do that, but you do not have enough money do all the things that veterans need in this budget.

I would just say again to the Chair, who, again, maybe rightfully says this is the biggest increase in history, it presupposes the biggest decrease in history over the next 10 years and is based on, under the Congress, of which his party is a majority, the biggest decrease over the last 8 years or so in real spending in the VA.

□ 1600

The CHAIRMAN pro tempore (Mr. PEASE). The Chair is considering debate on the point of order at this moment. Does the gentleman from New York (Mr. WALSH) wish to be heard on the point of order and insist on his point of order?

Mr. WALSH. Mr. Chairman, I insist on the point of order.

The CHAIRMAN pro tempore. As stated by the Chair earlier today, a proposal designating an appropriation as "emergency spending" within the meaning of the budget-enforcement laws constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $97,000.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. FILNER:

In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—NATIONAL CEMETERY ADMINISTRATION", insert at the end the following:

In addition, for "National Cemetery Administration", $9,500,000 to reduce the repair backlog at national veterans cemeteries: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. WALSH) reserves a point of order on the amendment.

Mr. FILNER. Again, Mr. Chairman, this is one of a series of amendments to show how we are underfunding our veterans in this Nation. This one specifically asks for $9.5 million to reduce the repair backlog at veterans national cemeteries.

I know the chairman will say that the Department is authorized to do that, that we have plussed up the money, that we have put in the biggest money in the history of our Congress. The fact remains, Mr. Chairman, that while that could be said about any one item that I bring up today, the sum total of all the items that are in this budget that was prepared by our veterans organization, the independent budget, we simply cannot fund all of those with the present funding. We need another $1.5 billion or so to do that.

While any individual item I may bring up can be handled within the appropriation, all of the needs our veterans have cannot be.

Over the years the national cemetery system has struggled to maintain the appearance of our 115 national cemeteries, but budget shortfalls in the past have forced the system to address only the highest priority projects. As a result, preventative maintenance and infrastructure repairs have been neglected. Broken sprinkler systems, for example, which result in parched and dead grass and sunken graves which have not been reinforced contribute to an appearance of neglect in many cemeteries. This is not a way to treat the memory of our veterans. Some cemeteries have not had the funds to repair badly cracked walkways, and they are actually hazardous to the many older people visiting the grave of a loved one. Backhoes and other important equipment stand idle because funding is not available for repairs.

Families must postpone funerals, they must postpone funerals, Mr. Chairman, because the equipment required cannot even be used. National cemeteries are hallowed ground. They must be properly maintained if they are to look like the national shrines that all Americans consider they should be.

Mr. Chairman, my amendment is to plus up funds specifically to maintain our cemeteries. I know this amendment will be challenged on a point of order and will be sustained. I would hope that the veterans of this country would understand that on technicalities this Congress is being prevented from funding urgent needs for our Nation's veterans.

Mr. REYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find it a bit ironic. I have been trying to get to the floor today to speak to a number of issues, a number of concerns that deal with veterans. I want to first of all, Mr. Chairman, thank the gentleman from California for coming out to my district last week to attend a veterans town hall meeting.

At this town hall meeting we discussed a number of issues, a number of concerns that were raised that were raised by our veteran population. There are a number of things that we deal with in this House that are vitally important. I cannot think of a single thing that is more important than the issue of benefits that were promised to our veterans and benefits on which we have not kept our word.

That message came across loud and clear last week. That message is coming across loud and clear this afternoon in this House. There is a tremendous, deep sense of frustration by our veteran community that they have been betrayed by their government.

This issue here, whether we are talking about the amount of funding proposed, the amount of funding that was approved, the amount of funding that theoretically is or is not, this in the eyes and minds of our veterans is irrelevant. It is irrelevant because they have a deep sense of frustration when they go to the VA hospital, to the VA clinic, to the military hospital. They are asked to wait 4 to 6 months for an appointment.

It is irrelevant because this afternoon, as I was sitting in a hearing dealing with diabetes, diabetes that affects our veteran population as well as the rest of the population in this country, veterans are frustrated because they cannot get the kind of medical attention they need and that they must have.

It seems to me that as we talk and talk about issues dealing with the Veterans Administration about who proposes a budget here, who counters with an equal amount of money there, the bottom line keeps coming back, we are not doing the job for veteran communities. We must do better. We have to do better. Our veterans deserve better.

Let me tell the Members, the veterans understand, by virtue of the frustration that they expressed last week in a town hall meeting in El Paso, they understand that we are not doing the job for them, that we are not coming through on the promises that were made.

The last thing I would like to say, Mr. Chairman, in closing, is that as we deal with the Veterans Administration budget, I hope that we have a sense of obligation to our veterans community. I hope that we can stand alongside our veterans, and I hope that finally we realize that we owe them, in a time of great prosperity in this country, we owe them that funding that the veterans service organizations have identified and they have proposed.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I want to just thank the gentleman for his comments, but also to thank the gentleman for holding a series of meetings across his district in El Paso. I was able to attend a town hall meeting with him. Representatives of the 60,000 veterans that he has in his district were there.

I would just say to the chairman, and I am sure he is aware of this, the veterans that I represent in San Diego, the veterans that the gentleman represents in El Paso, and I am sure that the gentleman represents in Syracuse, all of them are frustrated. They do not understand how we can have this surplus and talk about these tax cuts, yet they walk into the VA and they are told that this specialist does not exist, or they have to wait 8 months for that appointment, or they cannot get honors at this funeral, or their family member has to be released even though they have Alzheimer's, and on and on and on.

I would just say that this frustration is going to break out and come back at all of us unless we can find a way to adequately fund these programs.

Mr. REYES. Mr. Chairman, I thank the gentleman for his comments.

Let me just in closing, Mr. Chairman, say that I have a deep sense of frustration when in our own committee we are unable to bring forth and even get a vote on the budget that was proposed by the veterans service organizations. Frustration is going round and round, but the buck stops here. The buck stops here in the people's House.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I insist on the point of order against the amendment because it proposes to change existing law, and constitutes legislation on an appropriation bill.

If I may go on and explain, again, this is another legislative rider that, unless specifically denied during existing law and authorization, the Secretary can implement these expenditures.

We have increased in this bill the Veterans Cemetery Administration by $5 billion, equal to the President's request. I would remind my colleagues again that the President requested a freeze in veterans' medical health care. He requested a freeze. In other words, he saw no reason to increase the budget for veterans' medical health.

Everyone we have heard on the floor today has said that we need more money for veterans' medical coverage. Everyone agrees, except for the President. The President does not think the veterans should get those additional funds, although recently, approximately a month ago, we did receive a letter from the White House suggesting that yes, now they, too, agree that Congress was right by increasing the funding, the appropriation for veterans' health. We have put an additional $1.7 billion into this bill to provide for those needs.

Mr. Chairman, in the discussion, as I have mentioned and as my colleague, the gentleman from California, has also mentioned, the largest increase ever in veterans' medical care has been put in, but it is not on the heels of, as my colleague suggested, the largest decrease in the history of veterans' medical care.

In fact, there has been no decrease. I have the budget figures before me. In 1996, which was the first budget that my party as the majority party was responsible for, was $15.7 billion for the Veterans Health Administration. In fiscal year 1997, it was $16.3. In fiscal year 1998, it was $17 billion. In fiscal year 1999, it was $17.3 billion. We are proposing for fiscal year 2000 a $19 billion budget.

Those are consistent increases, so there has been no dramatic cut in veterans' health care. Has it gone up rapidly enough? No, it has not. But we are trying to resolve that situation this year by providing the largest increase in the history of veterans' health. So the facts belie the argument. The facts are that this is a substantial increase, and this is the authorized level from the Veterans Affairs committee. It is the authorized level under the budget document.

So I insist on the point of order, Mr. Chairman, and await the Chair's ruling.

Mr. FILNER. I would speak to the point of order, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from California (Mr. FILNER) may speak to the point of order.

Mr. FILNER. Mr. Chairman, I would speak to the point of order as the gentleman from New York spoke to the point of order. The real needs, the real dollars of the VA have decreased over the last 5 years because of the aging population and because of the increase of needs of our population.

I will repeat to the gentleman that the $1.7 billion plus-up presupposes the biggest decrease in history over the next 10 years, as there will be declines from that $19 billion over the next 10 years in the budget.

The CHAIRMAN pro tempore. As stated by the Chair earlier today, a proposal designating an appropriation as "emergency spending" within the meaning of budget-enforcement laws constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $38,500,000.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—OFFICE OF INSPECTOR GENERAL", insert at the end the following:

In addition, for "Office of Inspector General", $838,430 to provide an additional 10 employees for the Office of Inspector General Hotline: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. WALSH) reserves a point of order.

Mr. FILNER. Mr. Chairman, I thank the chairman of the subcommittee and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for allowing me to make the points that this process allows us to do. I sincerely believe that all of us want to do better by our veterans, that we want to see to it that our commitment is kept. I know the gentleman from New York (Mr. WALSH) believes that personally, and would like to see that happen institutionally.

We are governed, unfortunately, by certain agreements in the past. I believe those commitments were made in error and that we should in effect look at the reality at the present time.

Again, this is just one last example of where we might improve our services, less than $1 million to the office of Inspector General to provide for the hotline that they have. Thousands of veterans, tens of thousands of veterans, use this hotline. It is vastly understaffed. Most of the comments received and the situations described have to be referred rather than followed up by the Office of Inspector General.

I would hope that this Congress could fund additional monies to make sure that the frustration of our veterans that we have heard from both sides of the aisle be met, and that we fund this item.

Once again, I do thank the chairman and the ranking member for their courtesies and indulgence. This will be the last amendment, up until the point provided for by the unanimous consent agreement that the gentleman will have to rise and make the point of order on, Mr. Chairman.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I insist on my point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill.

On this specific amendment, Mr. Chairman, the gentleman is asking that the Committee on Appropriations and the Congress of the United States direct the Secretary to spend $838,000 in a specific way.

□ 1615

This is a $44 billion bill. Now my colleagues can imagine if we directed the Secretary to spend every parcel of $500 to $500,000 how long this process might take. The fact is, hopefully, ideally, the Secretary has a better idea on how to spend that than Congress does.

So this is another legislative rider. And I would suggest that this is micromanaging the Veterans Affairs Department. We have given them an additional $1.7 billion this year for health care. It is the largest increase in history for the Veterans Administration, I remind my colleagues once again.

I also remind my colleagues that we have letters of support from the Veterans of Foreign Wars who support this level of funding, as we do from the American Legion who signed on to this level of funding who said it was more than adequate, and that it will provide the medical care that the veterans of our country need and are owed.

So for that reason, I insist on my point of order.

The CHAIRMAN pro tempore. As stated by the Chair earlier today, a proposal designating an appropriation as emergency spending within the meaning of budget-enforcement laws constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $34,700,000, to remain available until expended: *Provided*, That except for advance planning of projects including market-based assessments of health care needs which may or may not lead to capital investments funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2000, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2000; and (2) by the awarding of a construction contract by September 30, 2001: *Provided further*, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $102,300,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $80,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $11,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2000 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1999.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2000 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2000, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2000, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2000, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Beginning in fiscal year 2000 and thereafter, funds available in any Department of Veterans Affairs appropriation or fund for salaries and expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided by such office at rates which will recover actual costs. Payments may be made in advance for services to be furnished based on estimated costs. Amounts received shall be credited to the "General operating expenses" account for use by the office that provided the service: *Provided*, That the amounts listed in the House Report accompanying this Act for each office and administration reimbursing the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for service rendered shall not be exceeded.

SEC. 109. The Secretary of Veterans Affairs may carry out a major medical facility project to renovate and construct facilities at the Olin E. Teague Department of Veterans Affairs Medical Center, Temple, Texas, for a joint venture Cardiovascular Institute, in an amount not to exceed $11,500,000. In order to carry out that project, the amount of $11,500,000 appropriated for fiscal year 1998 and programmed for the renovation of Building 9 at the Waco, Texas, Department of Veterans Affairs Medical Center is hereby made available for that project.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act), or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $10,540,135,000 and all amounts that are recaptured in this account, and recaptured under the appropriation for "Annual contributions for assisted housing", to remain available until expended: *Provided*, That from the amounts provided, the Secretary of Housing and Urban Development shall use amounts, as needed, for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) as described in the Administrative Provisions of this title, for enhanced vouchers (including amendments and renewals) as provided in paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997, and for enhanced vouchers (including amendments and renewals) as provided under or pursuant to the "Preserving Existing Housing Investment" heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997: *Provided further*, That in the case of enhanced vouchers provided under this heading, if the income of the family receiving assistance declines to a significant extent, the percentage of income paid by the family for rent shall not exceed the greater of 30 percent or the percentage of income paid at the time of mortgage prepayment: *Provided further*, That amounts available under this heading may be made available for section 8 rental assistance under the United States Housing Act of 1937 (1) to relocate residents of properties: (A) that are owned by the Secretary and being disposed of, or (B) that are discontinuing section 8 project-based assistance; (2) for relocation and replacement housing for units that are demolished or disposed of: (A) from the public housing inventory (in addition to amounts that may be available for such purposes under this and other headings), or (B) pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, for the fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (3) for the conversion of section 23 projects to assistance under section 8 of the United States Housing Act of 1937; (4) for funds to carry out the family unification program; and (5) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecuting agency: *Provided further*, That of the total amount available under this heading, $25,000,000 may be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the United States Housing Act of 1937, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992, or the restriction of occupancy to elderly families, or the restrictions on occupancy to elderly families in accordance with section 658 of such Act: *Provided further*, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: *Provided further*, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further*, That all balances for the section 8 rental assistance, section 8 counseling, new construction sub-rehabilitation, relocation/replacement/demolition, section 23 conversions, rental and disaster vouchers, loan management set-aside, section 514 technical assistance, and programs previously funded within the "Annual Contributions" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: *Provided further*, That all balances previously recaptured in the "Section 8 Reserve Preservation" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: *Provided further*, That the unexpended amounts previously appropriated for special purpose grants within the "Annual Contributions for Assisted Housing" account shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further*, That of the amounts previously appropriated for property disposition within the "Annual Contributions for Assisted Housing" account, up to $79,000,000 shall be transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further*, That of the unexpended amounts previously appropriated for carrying out the Low-Income Housing Preservation and Resident Homeownership Act of 1990 and the Emergency Low-Income Housing Preservation Act of 1987, other than amounts made available for rental assistance, within the "Annual Contributions for Assisted Housing" and "Preserving Existing Housing Investments" accounts, shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 17, line 13, after the first dollar amount insert the following: "(increased by $200,000,000)".

Page 22, line 9, after the first dollar amount insert the following: "(increased by $105,000,000)".

Page 79, line 5, after the first dollar amount insert the following: "(reduced by $305,000,000)".

Mr. NADLER. Mr. Chairman, this amendment would add $200 million to provide section 8 vouchers for 32,000 additional families and would further provide an additional $105 million for the Public Housing Operating Fund to help our public housing authorities to maintain the safe, decent housing that is in such short supply.

The underlying bill reneges on our national commitment to provide decent, affordable housing to those families who cannot afford market rents and specifically fails to fulfill the promise that this Congress made to poor families in the Quality Housing and Work Responsibility Act of 1988. In that act, we authorized 100,000 new section 8 vouchers for fiscal year 2000. But the bill provides no funding for any of these authorized vouchers.

In addition, the bill provides no increase above last year's funding level, denying the administration's $185 million requested increase for public housing authorities to make necessary repairs that are desperately needed in public housing in this country. Families in need will suffer under this bill for lack of these funds.

The need for housing assistance remains staggering. Over 5 million low-income families pay more than 50 percent of their incomes for rent or live in severely substandard housing. The Federal Government does not do enough to assist these families whose needs are desperate.

Franklin Delano Roosevelt spoke eloquently in 1944 of the fact, and I quote, "True individual freedom cannot exist without economic security and independence. Necessitous men are not free men." FDR was right. Every family deserves a decent home, or perhaps we no longer believe this to be true.

President Roosevelt's commitment to provide decent, safe, affordable housing to those who could not afford the rents in the private market through no fault of their own continued through both Republican and Democratic administrations. Richard Nixon, Ronald Reagan, George Bush all to some degree continued that commitment.

Two years ago, the majority in this Congress decided to break that commitment. For the first time since the program began, no money at all was provided for new section 8 vouchers.

I challenge anyone to argue that tenant-based section 8 vouchers and public housing do not achieve their goals. Over a million families receive section 8 vouchers. Section 8 allows families to enter the private housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities.

Thanks to section 8, families can afford decent, safe housing, nothing extravagant, and frankly sometimes not very nice at all, but much better than without the section 8.

Millions of Americans reside in public housing. Public housing should not be synonymous with dilapidated housing. This amendment will allow 32,000 additional families to afford safe, decent housing through additional section 8 vouchers. It is not asking for much. I only ask that today we commit to meet less than 1 percent of the need for affordable housing in our Nation.

Second, the $105 million this amendment would provide for housing maintenance will not fix all the physical problems in public housing units, but it is at least a start. This amendment would fund less than a third of the authorized 100,000 new section 8 vouchers, but that, too, is a start.

Mr. Chairman, it is shameful that so many Americans must continue to live in dilapidated and unsafe housing while the country is in the midst of prolonged economic prosperity.

The money for this amendment would be found by reducing the Space Station allocation. But, nonetheless, the Space Station would still receive in this fiscal year over $2 billion. If history is to look back on this Congress as a decent Congress, we must provide for adequately housing our people.

Let us continue the legacy of FDR and of this great Nation. I urge a "yes" vote on this amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment just shows the difficulty of this bill. Certainly the items that the gentleman from New York (Mr. NADLER) is correct that adequate funds are necessary for section 8 housing and public housing operating funds. But I would remind him that this bill provides almost $1 billion more for section 8 housing vouchers than last year. Let me repeat, we have fully funded section 8 housing renewals for the year 2000.

Would he like more? Sure. Would I like more? Sure. But the fact is we had to cut NASA by $1 billion to fully fund section 8 vouchers. Mr. NADLER proposes a further dramatic reduction in NASA, specifically in the Space Station. We have just rejected an amendment that would basically eliminate the Space Station program.

This $300 million deduction will do a great deal of damage to a program that is already substantially reduced. NASA has sustained the largest cut in this entire bill outside of AmeriCorps and Selective Service.

Therefore, I urge my colleagues to oppose this amendment. Tough choices were made when we put together this bill. But the subcommittee and the full committee weighed all of the items within the bill EPA, NASA, HUD, VA, National Science Foundation, Federal Emergency Management Agency—and we are spread thin. To take $300 million out of NASA when it has already been cut by $1 billion is a deep and cruel cut that I am not sure that they could handle.

We have done our level best to provide funds for public housing. We have done our level best to fully fund the section 8 program. For that reason, Mr. Chairman, I would urge my colleagues to reject the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with the gentleman from New York (Mr. WALSH), the subcommittee chairman, that he was given an impossible job, and he did well at the impossible job. But there is a problem. When one is given an impossible job, no matter how well one does, one comes up with an impossible product.

The gentleman from New York is a very diligent and able and conscientious Member, but he is not a magician. What we have is a budget which substantially underfunds housing needs.

I want to be clear. We had a press conference before, and someone said, "well, are you not getting into the situation where you are defining as cuts a failure to go up by as much." No. In this bill, we are talking, as people have acknowledged, about real cuts.

A couple of areas that we are talking about now, we are talking about whether or not we are going to meet a need. Absent this amendment, which authorizes new vouchers, there will be no addition to the number of subsidized housing units available to people in that category. There are no new vouchers.

We know that housing needs will grow. Similarly, we have long lamented public housing. Remember, the bad conditions in public housing are not on the whole the fault of the people who live there. They are the fault of we, the society, that did not build adequately.

We came up with a formula that is needed to run public housing well, and we shortchanged it. This is an amendment about 3, 4, 5 and 6 year olds and whether or not their housing will have adequate maintenance, adequate operations.

I have not liked the Space Station. But even if one does, can one justify morally spending money so a dozen people live in space, and the price of that is hundreds of thousands of people live in squalor? That is what my colleagues are talking about. The Space Station for a few versus a mean and dangerous and unhealthy existence for thousands and thousands of children. It simply is not morally acceptable.

I said before I am going to engage in one of the favorite practices of this body, I am going to quote myself. We had a press conference, and I said, "I am going to acknowledge that I feel overshadowed." We do not like to admit that. We do not like to be overshadowed, but we do not like to admit it.

I will admit that when I had my heart bypass operation over a month ago, I very much appreciate the colleagues on both sides of the aisle who were generous and thoughtful, and they paid a lot of attention to me. But now I have been left behind. I got a heart bypass operation from a couple of doctors. This bill gives a heart bypass operation to America. I pale into insignificance. What is 5 of my arteries compared to tens of thousands of 5 year-olds who are going to live in squalor? What does this mean when we say no new vouchers? We do not care how badly one is housed today.

Let me say to people who talk about in their districts to those in need, "Oh, I am sorry for you, dear. Yeah, I will try to get you some housing. Oh, I am sorry for you." Well, this is the honesty test. Because if this amendment goes down, what my colleagues are saying to people is there will be no new housing. There will be no improvement from public housing. There will be a deterioration.

We have imposed on people in public housing a work requirement. We have tried to change the mix of income.

□ 1630

But how are we going to carry out the policy of changing the mix of income if these places are badly run? We have an acknowledgment that more money is needed to run public housing than this bill provides, and we are sending it to the space station.

Maybe the amendment should have been different. Maybe the gentleman from New York should have sent some public housing tenants into the space program. Maybe we ought to say that instead of living in squalor in some of these places, we will create a kind of public housing unit in the sky. Maybe that is what we should be looking at. HUD housing in the sky would probably do better than public housing on the ground. Because that is where we are. We could not have pie in the sky. Maybe we can get I. M. Pei to be the public architect of public housing and we will have Pei in the sky instead of pie in the sky.

It is distressing. It is sad. And I understand the tough choices the gentleman was presented with. It is not his fault. It is the problem with this budget, and it is why I think we ought to send the whole budget back and redo it so that we do not condemn the poorest of the poor to this.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank my friend and colleague from Florida for yielding to me. The point I wanted to have the opportunity to make is if we look at the budget request of the President, there was enough funding in the bill on paper to increase these programs. But if we look at the bill closely, we can see there is a $4.2 billion advance appropriation in there that some would refer to as a gimmick because it looks like the President has increased HUD's budget when in reality the $4.2 billion is not available to be spent until the year 2001. So if those funds are not available in the year 2000, then without that gimmick the President would have had to show reductions in those same programs. We did it honestly. We presented what we felt was a real budget with real money for real people and real programs.

If we are to compare apples with apples and throw out the $4.2 billion budget gimmick, we have put more money into housing than the President did.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from Florida (Mr. WELDON) have an additional minute so that I might respond and it would not come out of his time.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me, because I know how important the space station is to him and to his district.

I would say to my friend from New York if he heard somebody mention the President during my speech he must have been listening to the radio. I would agree with him. The President's budget is inadequate. I hold no grief for the President's budget. I think the President has made a grave error. All I am saying is the gentleman has made bad worse.

I do not care whose gimmick was what gimmick. I do not want to go to a bunch of 5-year-old children and tell them the reason they are living in squalor is not so much the 1997 budget did not give us enough money and we gave it to the space station, it is the President's gimmick. I do not care about either one of those. I am talking about inadequacy. And the failure of the President to adequately do the job is no justification for our failure also to adequately do the job.

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I rise in strong opposition to the amendment primarily for the source of the gentleman's offset. I understand the passions that some people may feel on the issue of public housing, though I would just assert at this time in the debate that the reasons for poverty extend far beyond a lack of sufficient funding from the Federal Government.

The offset that this gentleman used is coming out of the space station program, which I am very familiar with. All the space station elements are being checked out at Kennedy Space Center. Most of them have been built. The foreign elements are arriving. They are ready to go up on the shuttle. And the budget for the space station is extremely tight. There is not elasticity that we can just come in and make this kind of cut and they will continue to march on. What will happen, if this goes through, is we will slow down the progress on this thing and we will end up adding to more cost overruns for the space station.

Let me just finally add that this bill already has almost a billion dollar cut in NASA, and about $250 million of it comes out of mission support. What is mission support? Well, it funds the salaries of all the people that are working to support programs like this, space station. So we have very, very serious problems with the bill as it is in the NASA account, and to come along at this point and take another offset out of space station I have to very, very strongly oppose.

I think the gentleman from New York has done a very generous job in trying to do his best with HUD, and he should be commended for that, not criticized for that. If anything, he should be criticized for underfunding NASA and not for underfunding HUD.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. NADLER. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I will be very brief. No one claims that public housing or Section 8 solves poverty. What Section 8 does, which is what we are talking about here, is to enable people, working people for the most part who are making minimum wage and who cannot afford decent housing in the open market, to afford decent housing. And that is a very elementary and human thing to do, and it is an obligation of ours to do.

The other part of this amendment is to provide a little more money to enable the public housing authorities to stop the existing public housing from falling apart for lack of maintenance. And that too is at least as important as the space station.

Ms. PELOSI. Mr. Chairman, I thank the gentleman from New York (Mr. NADLER) for his leadership in bringing this very important amendment to the floor. I am very disappointed, and I joined my colleagues earlier in stating that disappointment, at the funding that is in the VA-HUD bill this year, because of the cuts in affordable housing.

The amendment of the gentleman from New York, which funds $305 million for 50,000 new incremental Section 8 housing vouchers is an important one. Affordable housing is scarce and getting scarcer. As one who represents a very high-cost area, in terms of housing, this amendment is essential. The amendment will provide 50,000 individuals and families with affordable, safe and decent housing.

The maker of the amendment very eloquently laid out the justification for the funding in his amendment, and I would like to join him in that. A previous supporter of the amendment spoke, the gentleman from Massachusetts (Mr. FRANK), said he was going to quote himself. And since he took that point of personal privilege, I am going to quote my mother. When my mother was First Lady of Baltimore in the 1950s, her project was affordable housing for working poor families. And she used to say then, and I recall it very well, how can we teach children about love and respect and dignity if we do not even provide them with a decent place to live? It was true then, and it is even truer now in this time of unprecedented economic prosperity for our country.

With the stock market going past 11,000, with unemployment at record lows, with inflation practically nonexistent, it has been demonstrated that a rising tide does not lift all ships. When we have people who work full time making the minimum wage who cannot afford a decent place to live for their families, then it is important for us to have adequate funding for the Section 8 voucher.

Our budget, Mr. Chairman, as we have said over and over again, our federal budget should be a statement of our national values, and we have to make some important choices as we consider spending. We have to be fiscally responsible. We all agree to that. But we also have to get back to basics. What is more basic than a decent place to live for America's families? Especially those who toil at a wage which I wish would be higher, but it is not, and it creates a need for some public intervention in the form of the Section 8 voucher.

So I believe it is a statement of the values of the American people to prevent homelessness. I think it is a statement of values of the American people that America's children have a decent place to live. I think dignity and respect are important values for the American people and that funding in our Federal budget should reflect that priority that the American people give it. And that dignity is that which comes when a family can have a decent place to live; where children at school can say I am going home now. And home does not mean a homeless shelter or something worse. Home means home, and in many cases homes that would be provided by the Section 8 vouchers.

So I thank and commend personally, politically, civically, officially, and in every way the gentleman for his important amendment and urge my colleagues to support the Nadler amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have absolutely no disagreement with the gentleman's objective of adding funds for incremental Section 8 housing assistance vouchers in fiscal year 2000. Quite the contrary. I support this objective and will do all I can to bring it about by the time this bill becomes law.

These vouchers are badly needed. HUD's latest housing needs report tells us that there are more than 5 million very low income families paying more than half their income for rent or living in seriously substandard housing and yet receiving no federal housing assistance. Last year's VA-HUD bill provided funds for 50,000 additional housing vouchers to help make a small dent in this backlog of needs. I think it is unfortunate the bill now before us is unable to provide any funds for new vouchers.

I also support the gentleman's effort to add funds to public housing operating subsidies. I think that there is widespread agreement that additional funding is needed to allow this housing to be maintained in decent conditions. However, I part company with the gentleman and his good intentions when he proposes to cut the appropriation for the space station.

We have already had a lengthy debate about the space station in connection with the Roemer amendment, and I will not repeat all my arguments again now. Let me simply say the station is an important part of a program that will offer valuable scientific and technological benefits. Perhaps even more to the point, Congress has repeatedly voted to proceed with this project; and, if the voice vote we heard today is any indication, is still doing so.

The space station is now coming to fruition, with the first two components on orbit in the next awaiting launch. We should stand by our earlier decisions and let the program proceed, rather than jeopardizing investments already made by the United States and its international partners. The $305 million cut proposed by the gentleman certainly would hamper progress on the space station. It would disrupt the current assembly schedule, raise costs in the long run, of course, and delay the point at which the station is permanently occupied and scientific experiments begin.

But more fundamentally, Mr. Chairman, I reject the notion that we have to choose between science and housing. I think we can and must do an adequate job on both fronts, and on many others as well. The reason that housing is underfunded in this bill is not because the NASA budget is crowding it out. Rather, this bill cuts the NASA budget by $1 billion below the prior year's level. The NASA budget. It is cut by $1 billion in this bill below last year. A cut roughly comparable in dollar terms and larger in percentage terms than the cut in the HUD's budget, as bad as the cut is in the HUD budget. So we must oppose any further cuts to NASA even if done in order to restore some cuts in housing, just as I would oppose any further cuts in housing to restore cuts in NASA.

The proper solution here is not cutting one underfunded program to take care of another, but seeking to ensure that this bill has enough funding available to address needs in all the programs it covers. An unrealistic budget resolution that was passed by a majority of this House, promoted and pushed by the majority leadership, pits advocates for good programs against each other. The budget extremists win when their victims start competing against one another. The real solution here is to openly acknowledge that we need to raise these budget caps, as we have acknowledged de facto by robbing other subcommittees to pump up the funding in the ones that are being brought to the floor so that the subcommittee, particularly Labor-HHS that is left behind, is woefully underfunded.

□ 1645

That is an implicit, de facto acknowledgment that we have raised the caps. The way to solve this problem is to acknowledge it publicly and get about doing it and getting adequate funding in these programs and not to proceed to assume surpluses that do not exist with large tax cuts, as this House passed a month or so ago.

We cannot pit tax cuts against domestic discretionary programs that are woefully underfunded and at the same time allow the budget extremists to allow these programs, these domestic discretionary programs that so desperately need funding that prove themselves that have widespread support, as we hear on the floor, to start trying to cannibalize each other. That is a process that I regret.

Mr. Chairman, I regretfully oppose the amendment but look forward to working with the gentleman to try to get additional funding in this bill so that we can fund adequately the program that he is fighting for so hard and so effectively.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to Mr. NADLER'S amendment.

It's an overused colloquialism, but this amendment is penny-wise and pound-foolish. If you don't like the Space Station and want to set our human spaceflight program back decades, vote to kill the Space Station. the Roemer/Sanford amendment is intellectually honest in making this choice. Sadly, the amendment before us now offers a false choice. It creates the illusion of savings by reducing a program budget, but the amendment will only increase our costs in the future when NASA has to work overtime to make up for near-term budget shortfalls.

Last year, the Committee on Science received testimony from the Chairman of the Cost Assessment and Validation Task Force, which NASA created at the request of Congress. The Chairman of the Task Force, Jay Chabrow, testified that Space Station costs had grown because the Administration underfunded the program. The gentleman from New York's amendment would worsen that problem by cutting $305 million from the space station account. Such a cut promises to increase Station costs in the future.

Mr. Chairman, we all know that the sooner we fix a problem the cheaper it is to fix. The only way to fix problems now and prevent them from growing in the future is to provide NASA with enough resources to do the job we're asking it to do. If you support the Space Station, and the vote margins of the last few years make it clear you do, then you should reject this amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

The Clerk will read.

The Clerk read as follows:

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,555,000,000, to remain available until expended: *Provided*, That of the total amount, up to $50,000,000 shall be for carrying out activities under section 9(d) of such Act, and for lease adjustments to section 23 projects, including up to $1,000,000 for related travel: *Provided further*, That all balances for debt service for Public and Indian Housing and Public and Indian Housing Grants previously funded within the "Annual contributions for assisted housing" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida:

Page 21, line 20, after the dollar amount, insert the following: "(reduced by $445,000,000)".

Page 79, line 5, after the dollar amount, insert the following: "(increased by $92,000,000)".

Page 79, line 19, after the dollar amount, insert the following: "(increased by $112,000,000)".

Page 80, line 14, after the dollar amount, insert the following: "(increased by $241,000,000)".

Mr. WELDON of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from Florida (Mr. WELDON).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, my amendment would shift $445 million from the Department of Housing and Urban Development Capital Fund Account to NASA which is funded at a woefully inadequate level in this bill.

Mr. Chairman, my amendment would simply result in bringing the budget for HUD's Capital Fund Account to a level equal to the budget request submitted by the Clinton administration over the past 2 years.

While the funding level of HUD's Capital Fund in the bill before us is equal to the administration's request, it is important to note that last year's Congress provided $445 million more than the request of the administration for this account.

My amendment shifts this $445 million to partially restore NASA's budget. Specifically, my amendment would shift $92 million to human space flight to fully restore this account in the fiscal 1999 level.

My amendment would also fully restore NASA's Mission Support Account to last year's level by increasing the amount in the bill for this account by $241 million.

Finally, my amendment would add $112 million to the Science, Aeronautics, and Technology Account and partially restore this to last year's level.

Mr. Chairman, I am committed to fully restoring NASA's budget; and I look forward to continuing to work with the chairman of the subcommittee in restoring NASA's funding.

Now, I understand the concern of the gentleman from New York (Mr. WALSH), the chairman of the subcommittee, about my amendment; and, for that reason, I understand his point of order and I will withdraw my amendment. But I am looking forward to engaging the gentleman from New York in a colloquy later and working with him in the process of restoring the NASA fund.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have been listening very attentively to the debate today. I want to congratulate the subcommittee, under the leadership of my good friend and colleague the gentleman from New York (Mr. WALSH), for the way that they have been able to balance the priorities within tight budget caps. It is not easy. We all know that. But I will tell my colleagues this, the Walsh product is something that all of us can be proud of.

We have just spent a couple of hours discussing veterans assistance. I am a concerned veteran myself so, obviously, I am very interested in this debate. I want to point out that a large portion of the bill's funding, $44.1 billion, supports the Department of Veterans Affairs' efforts to provide funding for important health, housing, education, and compensatory benefits to military veterans and their dependents.

This is $1.5 billion more than the current fiscal year and $1.6 billion more than the President's request. I think that is very good, and the gentleman from New York (Chairman WALSH) is to be congratulated.

I also am particularly pleased that this bill provides almost $106 million more than the President requested for the Environmental Protection Agency. Much of the increase over the request is devoted to the State revolving funds, and we all know how important they are to all of our governors and all of our communities. They are overseen by the House Subcommittee on Water Resources and Environment, which I am privileged to chair.

The EPA itself has estimated that about $200 billion, that is "billion" with a "b," will be needed over the next 20 years to ensure that our local sewage systems are doing an adequate job of keeping sewage and other pollutants out of our Nation's waters. The Association of Metropolitan Sewage Agencies estimates that need at more than $300 billion.

Yet the President's budget actually cut the funding for these programs which States and localities depend upon to protect the environment and public health.

Now, I am not suggesting that the President is for pollution and is not sympathetic to veterans. That is nonsense. Of course the President is concerned about veterans, and of course he is concerned about the environment.

What I am saying and very emphatically and providing evidence to prove the case is that the Walsh committee examined the President's budget request and in these 2 areas, providing for veterans assistance and providing for the Environmental Protection Agency, did a better job and, therefore, they are to be commended.

So I am proud to support this product. I know how tough it is. I know that in many areas we want more money and we wish that we can wave the magic wand and create those extra dollars instantly. We would do more. But I think we are doing a very good job, and I think the leadership of the gentleman from New York (Chairman WALSH) is to be commended and acknowledged.

Mr. Chairman, I am also pleased that this bill provides almost $106 million more than the President requested for the Environmental Protection Agency (EPA). Much of the increase over the request is devoted to the State Revolving Funds, which are overseen by the House Subcommittee on Water Resources and Environment, which I chair.

The EPA itself has estimated that about $200 billion will be needed over the next 20 years to ensure that our local sewage systems are doing an adequate job of keeping sewage and other pollutants out of our nation's waters, and the Association of Metropolitan Sewerage Agencies (AMSA) estimates the need at more than $300 billion. Yet the President's budget actually cut the funding for these programs, which states and localities depend upon to protect the environment and public health. This bill restores funding for the revolving funds and begins to make a downpayment on our future needs.

I congratulate the Chairman on putting money where it is most needed. This bill uses its limited allocation wisely. I urge its support.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my constituents and I have been anxiously awaiting the VA-HUD appropriations to be presented to the entire House. We have been watching and have received some of the preliminary reports in the latest bill with dread.

Just in my district alone, one of the highest housing cost areas in the country, we lose over $12 million and hundreds and hundreds of jobs. We are appalled with the proposed cuts, all of the proposed cuts.

However, I want to focus very quickly now on what the bill does to our housing programs. As a member of the Subcommittee on Housing and Community Opportunities of the Committee on Banking and Financial Services, I am acutely aware of the enormous housing needs of this country and of my constituents and of the efforts made by our economy to respond to our national housing crisis.

Housing costs in the San Francisco-Oakland Bay Area are particularly alarming. Housing costs are reaching astronomical heights and are becoming increasingly impossible for moderate wage earners to meet. The working poor and disabled are in greater jeopardy than ever.

In this best of all economic times for some and the worst of times for many, why are the Republicans cutting the bare necessities for keeping the poorest of our working people working and those who absolutely cannot survive without help, why are we cutting their bare bones of housing and the economic opportunities to reach some level of self-sufficiency?

Those who wave the flag of family values yet gut the basic safety net of families should really be exposed. These cuts do not create family stability. They create family dislocation and upheaval. I do not understand the level of meanness in this highest legislative body of the most powerful nation on Earth. These cuts are hypocritical and go against the very core of our creed of liberty and justice for all.

We kick people off of welfare and tell them to be independent, yet we destroy the basic support system that they need for self-sufficiency. What do we suppose will be the outcome?

A New York Times report from this weekend quoted a study. It showed and demonstrated that in the last 2 years the poorest 20 percent of these families lost an average of $577 a year, with incomes falling over $8,000. They had left welfare but had not made up the lost benefits with wages.

The situation was worse for the poorest 10 percent, who lost an average of $814 a year. A clear majority of Americans also do not want tax cuts if it means ignoring our public school system, if it means ignoring reducing crime, protecting Social Security, Medicare, and about protecting our environment.

I ask our colleagues to vote against this VA-HUD appropriations bill that provides no new housing support and which seriously underestimates the cost of housing renewal efforts in our country. I ask my colleagues to vote against this bill, which undercuts by $450 million the maintenance of present public housing stock.

I ask my colleagues to vote against this bill which deletes and reduces homeless programs and funds by over $45 million. I ask my colleagues to vote against this bill because it cuts the Fair Housing program to reduce discrimination by $2.5 million and homeownership partner programs by $20 million.

Racism is alive and well in America. We need to increase, not reduce, our efforts to eliminate discrimination from the face of this country.

I remember the promises of a bipartisan approach earlier this session with the election of the new Speaker. But this is not a bipartisan bill. This is a bill that is meant to be confrontational and to move us to an ever-increasing crisis point.

These proposed cuts are certain to create more homelessness and more hopelessness, which leads to despair. This is wrong. This is immoral in a land of plenty. There are too many unacceptable items in this bill, and I ask my colleagues to reject it.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the subcommittee chairman, my good friend from New York (Mr. WALSH), in a colloquy regarding the NASA provisions in the bill before us.

I acknowledge and respect the fact that my friend from New York was given a very difficult budget allocation. Being fiscally responsible, by definition, is not an easy proposition. Millions of Americans know that they do that every year with their family budget.

Nonetheless, as we attempt to prioritize each title and agency within each bill, we need to take a step back and look at what we have wrought. I remain very concerned about the adverse impact this bill would have on NASA and its ability to lead the world in space exploration and technology development.

The Human Space Fleet account is funded at $92 million below last year's level. Mission Support is at $241,800,000 below last year's level. And the Science, Aeronautics and Technology account is $678,200,000 below last year's level.

These are far-reaching reductions that would have significant impact on the NASA team and the science it does for a long time to come.

I am sure the chairman would conclude, as do I, that NASA's work should be a priority with this Nation because of the huge benefit and payoff we as Americans receive from such an investment. At the core of that investment is man's interaction with space, our need for revelation and new discovery. Human involvement in space is a mere 40 years old, not even a generation. We cannot extinguish this noble quest in a manner that might be questioned by others after us.

While the usual debate over NASA funding includes much technical and scientific discussion, I must stress that NASA has a value that goes beyond the temporal. NASA has a unique ability to inspire our children. Every time I talk with a teacher about space, they always stress to me how much of a motivator space exploration is to their children. I think this is an outstanding tribute of what a value science is to our Nation.

Would the chairman of the subcommittee agree with me that NASA has been and will continue to be a significant national priority and that NASA will continue to be a priority with him and with this Congress, and would he also agree that minimizing NASA's budget reductions as much as possible during conference will be a priority with him?

I would urge and ask the subcommittee chairman to do all that he can between now and conference to address this budget shortfall.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding to me for the purpose of this colloquy. I appreciate very much the many discussions that we have had regarding NASA over the past several months. I understand the serious concerns of the gentleman about the level of funding.

Having visited the constituency of the gentleman in Florida and visited the Kennedy Space Center and met with the leadership there, I was deeply impressed by the scope and breadth of knowledge that he has in the NASA area. So I very much respect his point of view on this.

☐ 1700

I certainly understand the concerns, and I can assure the gentleman that I will work with him and other leaders in our Nation's space program to see that the NASA budget is further accommodated in conference.

NASA is very important to this Nation, and I appreciate the leadership that the gentleman has shown in addressing our Nation's space issues. I appreciate the gentleman's commitment to continuing to work with me between now and the beginning of the fiscal year on October 1 to improve the budget picture of NASA.

Mr. WELDON of Florida. I appreciate the gentleman's commitment and I look forward to working with him on this matter of critical importance to our Nation and my constituency at Kennedy Space Center.

Mr. WALSH. I also would like to take this opportunity to thank the gentleman and his colleague, the gentleman from Florida (Mr. MCCOLLUM), for their leadership with the East-Central Florida veterans inpatient pilot program. When I visited Brevard County earlier this year, I was briefed on the successes of the pilot program and the possibility it holds for improving veterans health care in other parts of the country.

The committee looks forward to the continued success of the program and a report from the Veterans Administration about the aspects and benefits of the East-Central Florida patient pilot program.

Mr. WELDON of Florida. I thank the gentleman for his comments and his support for this pilot program. I have received very positive feedback from veterans, my constituents who have been served under this program, and I look forward to the continued delivery of services in this way, and I thank the subcommittee chairman.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,818,000,000, to remain available until expended.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which up to $4,500,000 shall be for grants, technical assistance, contracts and other assistance, training, and program assessment and execution for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training); $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development; and $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: *Provided*, That for purposes of environmental review pursuant to the National Environmental Policy Act of 1969, a grant under this heading or under prior appropriations Acts for use for the purposes under this heading shall be treated as assistance under title I of the United States Housing Act of 1937 and shall be subject to the regulations issued by the Secretary to implement section 26 of such Act: *Provided further*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $620,000,000, to remain available until expended, of which $6,000,000 shall be used to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to $100,000 for related travel: *Provided*, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $215,000,000, to remain available until expended: *Provided*, That the Secretary may use up to .5 percent of the funds under this heading for technical assistance.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 26, line 6, after the first dollar amount insert the following: "(increased by $10,000,000)".

Page 82, line 23, after the first dollar amount insert the following: "(reduced by $10,000,000)".

Mr. NADLER. Mr. Chairman, before I begin, I would like to thank my colleague, the gentleman from Connecticut (Mr. SHAYS), and my colleague, the gentleman from New York (Mr. CROWLEY), for joining me in offering this amendment.

Mr. Chairman, this amendment would restore $10 million to the housing opportunities for persons with

AIDS, or HOPWA program. This does not represent new funding but seeks merely to maintain last year's funding level. The HOPWA program, which enjoys wide bipartisan support, is the only federal housing program that provides cities and States with the resources to address specifically the housing crisis facing people with AIDS.

Currently, HOPWA is helping nearly 75,000 people in over 41,000 housing units. These people live in over 100 communities across 37 States, plus the District of Columbia and Puerto Rico.

Mr. Chairman, individuals with AIDS are living longer and more productive lives. According to a new report, AIDS deaths have fallen dramatically in recent years from roughly 50,000 4 years ago to 17,000 last year. We owe these encouraging statistics to new and effective drug therapies. We have made great strides in the treatment but most of these therapies require a stable living environment. They usually involve a strict regime built around regular meals and a regular schedule. Medication must be refrigerated and often must be taken on a rigid time stable. HOPWA provides a stable housing situation in which individuals can get the treatment they need and can have the regularity in their lives and their schedules that they need. To deny this to people living with AIDS would be an unacceptable cruelty.

As the success of HOPWA grows, so too does the need for funding. Nine new communities joined HOPWA in 1999. At least five more are expected to do so in 2000. Add to these figures the 40,000 new AIDS cases each year and available funding will be spread even thinner. As I said, funding for this program ought to be increased but at the very least it should not be cut below existing levels.

As for the offset, this amendment would cut $10 million from the $246 million appropriation for the National Science Foundation's Polar and Antarctic Research Fund, a very small reduction. I should note that there are 12 other agencies that also support antarctic research so we would not be greatly hindering this research.

With this amendment, we would do minimal damage to long-term research goals while significantly improving the lives of individuals with AIDS who desperately need our help now. I urge the adoption of this amendment.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise to support the amendment of the gentleman from New York (Mr. NADLER) and the gentleman from New York (Mr. CROWLEY) and am happy to be a part of it. This very modest $10 million increase is vital. It will allow thousands of people living with HIV/AIDS to live longer and healthier lives. It is crucial that the Federal Government continue to address the AIDS epidemic by investing in this program, and I sincerely believe cutting the funds to HOPWA would be a mistake.

Between one-third and half of all people living with HIV/AIDS are currently homeless or in imminent danger of becoming so. Sixty percent of all people living with AIDS will face a housing crisis at some point in their lives. While there is reason for hope with new AIDS treatment and research, the battle against HIV/AIDS is far from over. The World Health Organization announced in May that AIDS is now the world's most deadly infectious disease.

The good news is people living with AIDS are living longer and more productive lives, but this means care-giving services are needed now more than ever. Given the 57,000 new cases of AIDS in the period between March of 1997 and March of 1998, the already long waiting lists in the new jurisdictions competing for these much needed funds, it's essential that we add this $10 million.

Daily costs for persons with AIDS in acute care facilities are $1,085, while the daily cost to HOPWA community housing ranges from only $40 to $100. Providing services in acute care facilities equals more than 10 times the cost of providing housing and services in residential settings. It is a mistake to do that. We should provide this $10 million for HOPWA. It's cost-effective and it's compassionate.

Again, I thank my colleagues for offering this amendment.

Mr. NADLER. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for his support. I simply want to add again that the funding in the offset is $246 million plus 12 other agencies doing Antarctic research. This is taking $10 million from that for keeping the existing level of funding for HOPWA in the face of the greatly increased need. With more and more communities coming into the program, and seeking funds from the Federal Government, I would hope we can have bipartisan support, thorough bipartisan support, for voting for the amendment as we do for the sponsorship of the amendment.

Mr. WALSH. Mr. Chairman, I rise in reluctant opposition to the amendment.

Obviously this is a well-intended amendment to provide resources to a population that is sorely in need of those resources. It is a very popular program in the Congress. I think most Members support it. The difficulty once again is striking a balance, and what we did when we drew up this appropriation bill was we provided the same level of funding that we provided in 1999, basically level funding. We did not want to cut it, and we did not cut it.

What happened was in the omnibus bill that concluded after the appropriations bill passed the House, the conference put in an additional $10 million, which brought it from $215 million up to $225 million. We appropriated the same level as last year, $215 million and the Crowley-Nadler amendment would put that $10 million back in, which would make it back even with the omnibus level.

The difficulty is where do they find the money? And they went all the way to Antarctica to find it. It seems like a good place to go to find money for Americans who are in need, but it does do harm to our scientific work in Antarctica.

We have reduced funding for the National Science Foundation by over $200 million. That is the last thing that I wanted to do in this bill but, again, the balance that we had to strike was very, very fragile, very, very difficult. We literally are borrowing from Peter to pay Paul here.

What does this do to Antarctica? The National Science Foundation's Antarctic program is this Nation's way of exercising a peaceful, scientifically productive and critically important year-round influential presence on this continent.

As in every other part of the world, there are political considerations. There are territorial claims to this land that if the United States does not play its important role as honest broker, we could conceivably have some political difficulty there in that remotest of all parts of the world.

We have also made commitments to our foreign partners in continuing this research, and the work that is being done there is very important to our overall earth science effort. Lord knows we have affected our Earth science in the NASA budget also.

So I would again reluctantly oppose this amendment. I understand the goodwill of all involved, but it really does do damage to our scientific effort. And by level funding HOPWA from the 1999 level and providing level funding in disabled housing, I think we have done the best that we can.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a great deal of respect for my colleague, the gentleman from New York (Mr. WALSH), but I rise today in support of the Nadler-Crowley-Shays amendment to increase funding for the housing opportunities for persons with AIDS by $10 million, to restore the program to its fiscal year 1999 level.

While seemingly small, this increase is vital to HOPWA programs and will greatly help the individuals and families who suffer from AIDS by providing them with desperately needed housing.

The housing provided by HOPWA allows people to improve the quality of their lives and access life-extending care.

In 1998, the Center for Disease Control reported that 665,000 were living with AIDS and the AIDS virus; and

CDC estimates that between 650,000 and 900,000 Americans live with the HIV virus. In New York and in my district particularly the AIDS crisis is particularly acute. In 1998, there were approximately 130,000 reported AIDS cases in the State of New York.

Once diagnosed, individuals with the HIV virus must take on an aggressive treatment regime that requires strict timetables and strict diets. Over the past 3 years, CDC has reported a steep decline in AIDS. A decrease in deaths and the longer life spans of individuals with AIDS is a positive step resulting from nonstop research and advances in medications. Research and funding needs to be continued to effectively combat this deadly disease.

Now that we have had the breakthroughs in the treatment of HIV and delaying the onset of full-blown AIDS, we must concentrate more of our efforts on preservation, treatments and assistance programs. With the longer life span comes the need for more assistance, both in medical care and in housing.

Lifesaving drugs are costly, forcing many people to decide between essential medicines and other necessities, such as food and housing.

No person should have to choose between extending their life or keeping a roof over their head, and the fact is without adequate housing and nutrition it is extremely difficult for individuals to benefit from these new treatments.

Sadly, we here in Congress are now considering cutting funds from a program that actually saves lives. HOPWA programs provide rental assistance, mortgage assistance, utility payment assistance, information on low income housing opportunities and technical support and assistance with planning and operating community residences. These important services assist individuals and families financially, not forcing them to choose between housing and medicine.

Currently, HOPWA benefits 75,000 people and 41,000 housing units. HOPWA is the only federal housing program addressing the housing crisis facing people with AIDS.

Another problem is that many people with AIDS can no longer afford their homes and must look for new living accommodations. Oftentimes they face discrimination because of their illness. This was brought to my attention by an organization within my district, Steinway House, who run a Scattered Site Housing Program which locates dwellings in Queens for homeless persons with AIDS and their families. It is currently the largest program of this type in the country.

Steinway House and other similar programs benefit from HOPWA, and I find it unconscionable to decrease their funds.

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Individuals with AIDS are living longer than ever and while we have made progress in awareness of how the virus is transmitted, recent studies show that rates of infection are decreasing at a slower rate than in years past. To remove funds from a program with increasing participation is wrong, and to take funds away from patients whose lives literally depend on it is irresponsible.

To allow for this increase, my colleagues and I have proposed a $10 million offset from the National Science Foundation's Polar and Antarctic Research Program. I want to make it perfectly clear that I am not opposed to science research and understand the value it can have on our lives and the future of all human kind. However, the Polar and Antarctic Research Program is coordinated by the NSF but has 12 other federal agencies also contributing funds and participating. In sum, I believe that $10 million is a small sum to transfer to prevent individuals with AIDS and their families from ending up on the street.

We ought to be farsighted in looking at problems in our global atmosphere and scientific research, but we must not be shortsighted, that we harm the citizens of this country in our efforts. I am not saying that NSF's programs are not worthwhile, but we need to have compassion for those people who struggle to live each day with AIDS. They need our assistance, and we cannot leave them out in the cold.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Cutting research funding for the National Science Foundation on top of cuts already proposed in this appropriation I think is shortsighted no matter how noble the cause.

The amendment would cut $10 million from the NSF, not from the Antarctic money in the NSF, but from the general fund of the NSF. It is an agency already facing a $25 million budget reduction. To continue the cuts further would jeopardize our commitment to scientific discovery and innovation, a commitment that has been crucial to maintaining and increasing our current prosperity and quality of life. As Chairman of the Subcommittee on Basic Research of the Committee on Science, I have been able to learn firsthand of the benefits and the commitment to research that this country needs to make. I would like to share some examples with my colleagues.

Working with NSF, a particular grant, researchers at Rice University have developed a new process for creating ultra porous ceramic materials. These materials could make membranes with pores measuring 1 to 2 nanometers, one one billionth of a meter, small enough to help medical researchers filter viruses or help chemical workers with new techniques to clean up hazardous waste. NSF funded researchers at Washington University in St. Louis have created nano-sized synthetic particles that could some day be the carriers of drugs or genes to help fight the battle against many diseases including cancer.

So again, taking the money from NSF I think is not justified in this case. NSF funded-researchers at Yale University are using powerful computers to develop drugs that bind more strongly to target proteins making them more effective at lower dosages and reducing unwanted side effects. These drugs show promise in preventing transplanted organs from being rejected, keeping HIV infections in check, even stimulating nerve regrowth in spinal cord injuries.

Researchers at my alma mater, Michigan State University, funded, in part, by NSF have identified a gene that helps control a plant's tolerance to cold weather. Using this knowledge, farmers, of course, can accomplish the growing of crops in many areas that we cannot grow crops today. Since the defense against cold is similar to the defense against drought, the potential is real in helping to feed a starving world in the years ahead.

These are just a few examples of the types of projects that could be jeopardized by these cuts, so I ask the authors of this amendment to please consider other areas that they might argue that these funds are reasonable to transfer into the projects that they suggest. While I sympathize with the plight of those suffering from AIDS and admire my colleagues for their efforts to help, I believe this amendment is not the right solution. In fact, cutting funding at NSF will in the long run only hurt the very people we are trying to help.

I hope my colleagues will join me in opposing this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Nadler-Shays-Crowley amendment, and I commend the gentlemen for their leadership in bringing it to the floor in a strong bipartisan way. This is a very important amendment, Mr. Chairman, because what this bill does is cut by $10 million the funds available for the HOPWA program. That means that 6,500 people who now receive this funding who are housed under the HOPWA program will be put out on the street. This is a cut. It is not additional money that we would like to see in the bill. That does not seem to have a market with the Republican leadership but merely attempts to maintain the funding from last year.

I rise in support of this amendment and commend the makers of it with some pride of authorship of the underlying authorization bill, the HOPWA bill that was passed in the Congress years ago. The cosponsors were the gentleman from Washington (Mr. McDERMOTT) and Congressman SCHUMER of New York as well as the gentlewoman from California (Ms. PELOSI),—me—of San Francisco. All three of us saw the need in our communities for this special program. We worked with the religious community which was ministering to the needs of the poor, homeless, and especially people with AIDS and came up with this legislation, and what it does, HOPWA funds assists low-income persons living with HIV/AIDS and their families by providing rental assistance, utility payments to prevent homelessness, assistance in short-term facilities. These funds also help construct, rehabilitate, acquire, and operate housing and provide supportive services. Those supportive services are a very important part of it. Evidence shows that the capacity of HOPWA programs to deliver services is growing and should not be undermined. The housing provided by HOPWA dollars provides the quality of lives, improves the quality of lives and the access to life-extending care.

What is important to note about the HOPWA funds, Mr. Chairman, is that they are a good investment. Because of the HOPWA program, we save $47,000 per year in reducing unnecessary hospitalization and use of emergency health care per person, $47,000 per person per year. So in cutting this funding we are increasing the cost to the taxpayer.

Now we all care about, and as an appropriator myself, I know we are all responsible for our own bills, but we also have a responsibility to the taxpayer in general and in cutting in our own bill it is foolish to think that there is any saving to the taxpayer when this would increase, per person, $47,000 per year times 6,500 people who would be literally put out on the street, and this all takes place within the context of a bill, a VA-HUD bill, with despite the excellent efforts of the distinguished chairman from New York whom we all respect and the distinguished ranking member whom we hold in high esteem, despite their best efforts this bill has problems, and they translate into putting people on the street.

I said before that our budget should be a statement of our national values. I ask my colleagues is it a statement of their national values to give a tax break to the wealthiest Americans while putting those most vulnerable people with AIDS and HIV out on the street where stress contributes to their condition instead of saving money by reducing dependency on emergency rooms and hospital care and keeping people at home, also including families of people with HIV/AIDS.

So again I commend the makers of the amendment, the gentleman from New York (Mr. NADLER), the gentleman from Connecticut (Mr. SHAYS), and the gentleman from New York (Mr. CROWLEY) for their leadership and urge our colleagues to support this important amendment, and I hope that the distinguished leadership of the subcommittee will find a way to have this money, at least this $10 million, at the end of the appropriations day for us.

Mr. SHAYS. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I did not want to use the yielded time to compliment my colleague from New York since it was a bit shorter, but I sincerely have tremendous respect for what he is trying to do, and I know that he has respect for what we are trying to do. This is a modest amendment. We are talking about $10 million. We are not talking about $100 million, we are not talking about a billion.

HOPWA is housing opportunities for persons with AIDS, and when we provide that opportunity, we are spending $40 to $100 a day. But let us take the high end. It's not usually up to $100 a day; it's less than that. But if people living with HIV/AIDS are not in the kind of housing environment provided by HOPWA, they are receiving acute care at over $1,000 a day. So even taking the high end of the HOPWA cost—at $100 a day—we are talking of spending a total of $36,000 per year as opposed to $365,000 per year in acute care facilities. We really believe this is an amendment that has tremendous benefit because it will save a great deal of money as well as provide the kind of compassion that all of us want to provide.

I have particular interest in standing up because my predecessor Stewart McKinney died of AIDS, and his wife, Lucie McKinney, did not walk away. She decided she would devote the rest of her life to helping people living with HIV/AIDS have housing opportunities, and she has given me endless opportunity to see this challenge through her eyes. When her husband died, she went around the country to see how people with HIV/AIDS were living, and it was not a pretty sight, and it continues to not be a pretty sight. So Lucie McKinney, a real hero of mine, who was not a public person has become a public person, and she has made a tremendous difference in the lives of so many.

So I think when we stand up in support of HOPWA, we are standing up with the sense that at the least, at the least we should not go back from where we were in funding levels. In this budget year, Mr. Chairman, we are spending $225 million, and this budget will be $215 million, so we are asking that this Chamber restore this crucial $10 million.

Mr. Chairman, with that I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to make two brief points.

One, we are not talking about level funding. It may be level with the House vote last year, but the omnibus bill this House voted for and the President signed provided $10 million more than this bill would do this year. So we are being asked to decrease funding by $10 million from the current level. Cities and States will get less than last year, and that makes no provision for the increasing, not level, number of people with AIDS who need this help and for the additional communities supplying to the program every year.

The second point is, of course, we must continue our Antarctic research, but this bill does not reduce this program. The bill increases this program for Antarctic research by $1 million. The amendment would reduce the recommended appropriation by $10 million or $9 million less than last year, a reduction from last year of 3.6 percent, and do not forget there are 12 other Federal pots of money for antarctic research.

The choice before the House therefore is this. Should we reduce the funding for housing for people with AIDS by $10 million from last year, or should we reduce by $9 million from last year, 3.6 percent, one of the 13 Federal Antarctic research programs? That is the choice. I hope the choice is obvious.

Mr. Chairman, I have an amendment at the desk.

Before I begin, I would like to thank my colleague from Connecticut, Mr. SHAYS, and my colleague from New York, Mr. CROWLEY, for joining me in offering this amendment.

Mr. Chairman, this amendment restores $10 million to the Housing Opportunities for Persons With AIDS, or HOPWA, program. This does not represent new funding, but seeks merely to maintain the FY 99 funding level.

The HOPWA program, which enjoys wide bipartisan support, is the only federal housing program that provides cities and states with the resources to address specifically the housing crisis facing people living with AIDS. Among the services that HOPWA delivers are rental assistance, mortgage assistance, help with utility payments, information on low-income housing opportunities, as well as technical support and assistance in acquiring, constructing, rehabilitating, and operating community residences.

It is a locally controlled program that provides maximum flexibility to states and communities to design and implement the strategies that best respond to local housing needs. Its administrative costs are capped by law to ensure that the maximum amount of funding goes directly to the people who need it. Currently, HOPWA is helping nearly 75,000 people in over 41,000 housing units. These people live in over 100 communities across 37 states, plus the District of Columbia and Puerto Rico. This is a well-run, far-reaching, and successful program.

Mr. Chairman, individuals with AIDS are living longer and more productive lives. According to a new report, AIDS deaths have fallen dramatically in recent years, from roughly 50,000 in 1995 to 17,000 in 1998. We owe these encouraging statistics to new and effective drug therapies. We have made great strides in the treatment of HIV/AIDS, but most of these therapies require a stable living environment. They usually involve a strict regimen built around regular meals and a regular schedule. Often, medication must be refrigerated and taken on a rigid time schedule. HOPWA provides a stable housing situation in which individuals can get the treatment they need. To deny this to people living with AIDS, would be an unacceptable cruelty.

Inadequate housing is not only a barrier to treatment, it puts people with HIV/AIDS at risk of premature death from exposure to other diseases, poor nutrition, and stress. The majority of AIDS patients are at or below 20 percent of the median income and at any given time, one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of losing their housing. HOPWA answers this need, successfully providing suitable, reasonably priced housing for thousands of Americans fighting AIDS.

As the success of HOPWA grows, so too does the need for funding. Nine new communities joined HOPWA in 1999 and at least five more are expected to join in the year 2000. Add to these figures the 40,000 new AIDS cases report each year and available funding will be spread even thinner. As I said, funding for this program ought to be increased, but at the very least, it should not be cut below existing levels.

As for the offset, this amendment would cut $10 million from the $246 million appropriation for the National Science Foundation's Polar and Antarctic Research Fund—a small reduction. I should note that there are 12 other agencies that support Antarctic research, so we would not be greatly hindering this research. I am a great supporter of scientific research, and it is not easy for me to suggest scaling back any work in this area. However, under our budget rules, there must be an offset, and it comes down to a matter of priorities. With this amendment, we would do minimal damage to long-term research goals, while significantly improving the lives of individuals who need our help now. I urge the adoption of this amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Staff tells me that it comes out of the NSF research that has already been cut $25 million. It does not come out of the Antarctic money.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from New York.

Mr. NADLER. Yes, but the NSF research at $246 million allocated for this, earmarked for this program, so it comes from this earmark and from nowhere else, and therefore the figures that I just gave, which is that this earmark out of that total appropriation is an earmark of $1 million greater than last year; what we are proposing here is to reduce that by $10 million, a reduction of $9 million from last year, 3.6 percent of one of the 13 Federal Antarctic programs in order to provide level funding from last year for people, for housing for people with AIDS so we do not throw people out on the street, and I think the choice should be clear, and I thank the gentleman again for yielding.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Nadler-Shays-Crowley amendment, but I am going to direct my comments on the housing provisions of this bill that I strongly propose. Let me be clear about what is at stake and what message is being sent to this Nation's working poor.

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What is at stake is dignity and fairness to this Nation's millions of Americans who live in public housing. It is outrageous that at a time when this economy is posing record gains, we are now experiencing the greatest income disparity between the wealthiest Americans and the poorest Americans.

By cutting half a billion dollars in public housing capital that should go to repairing our Nation's crumbling public housing stock, the Republican majority is telling this Nation's poor that everyone but them should benefit from the current economic boon.

Is it too much to ask that we give our sick and poor a little compassion? I guess that the "compassionate conservatism" that so many Republican presidential candidates talk about has not made it to this body, because there is no compassion in forcing 600,000 Americans to go without a bed. In New York State alone, that is almost 8,000 families with children who must sleep in the streets, and then you try to lecture us on family values?

Worst of all, HUD recently reported that there are 5.3 million households who are in need of affordable housing. Despite this alarming information, this bill fails to fund any Section 8 vouchers for families in need.

I urge all my colleagues to support the Nadler amendment, but even if we adopt the Nadler amendment, it is still not enough to fix this flawed legislation, and I suggest we go back to the drawing board and bring forward a proposal that ensures that all Americans benefit from this Nation's prosperity.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nadler-Crowley-Shays amendment.

Mr. Chairman, I guess this could be called many things, Sophie's Choice, a rock and a hard place, and many others.

First of all, I certainly want to acknowledge the hard work, as I have indicated before, of the ranking member and chairman of this subcommittee. These are always difficult choices. I stand here in a difficult position, some would say. I am a member of the Committee on Science and have always supported the National Science Foundation on the good work they do. But that is why I come to support this particular amendment, because I am making a choice, and I think this bill in its response to housing for Americans has made some bad choices. One of them has to do with the great need that we have for HOPWA funding.

In particular, I think it is important to note we have made some enormous scientific advances as it relates to the treatment of HIV-AIDS. I am gratified for those constituents that I represent, that they now have a better chance of living. As they have a better chance of living, Mr. Chairman, difficulties arise. Where do they live? What kind of support systems do they have? Can they live a normal life and have a place to live and a job and still have the kind of medical care they need?

In most instances, without HOPWA dollars, homes for people living with AIDS, that is not the case. First of all, even in spite of ourselves, today people living with AIDS and their families are discriminated against. People find out that they are living there or that there is housing coming in their area or that they might be living next door to someone with HIV-AIDS, and, tragically enough, there is a rejection syndrome.

So the HOPWA funds provide in many instances not only rental assistance and mortgage assistance, help with utility payments, information on low income housing opportunities, but provides technical support and assistance in designing, acquiring, constructing, rehabilitating, and operating community residences. I know of some in my community, and they give a certain peace of mind to those suffering from AIDS. HOPWA benefits some 75,000 people in 41,000 housing units in 100 communities, and this $10 million is a mere figure that would add to the peace and comfort of those individuals that are suffering from a deadly disease.

Frankly, I think we have made some bad choices on housing with respect to this appropriations bill, because the $1.6 billion in cuts we are talking about in housing takes $220 million from the community development block grant monies. Those are monies that my City of Houston and the other cities have used effectively and efficiently and used promisingly. They are flexible dollars. They give cities, mayors and county commissioners and others, the independence to do what is right for their community.

In addition, we are cutting $20 million from the home program, affordable housing. It was noted a couple of months ago that the City of Houston has one of the fewest numbers of units of affordable housing. I am delighted that Mayor Lee P. Brown is committed to cutting down the numbers of those waiting for affordable housing and increasing the percentage of affordable housing in the City of Houston in the 21st Century to 50,000 units.

Mr. Chairman, we cannot do it with these kinds of cuts. Right now in my own district I have 21,000 people waiting for public housing and 8,000 people waiting for Section 8 certificates. Now we are looking at a housing bill that cuts all of that. What do we say to these hard working people who simply want to go to work every day? They pay their taxes, and yet we cannot provide them with a decent place to live?

I think the Nadler-Crowley-Shays amendment adds to the other concern we would have, and those are those individuals most often discriminated against who live with AIDS. I think it is time for us to make the right Sophie's Choice, if you will, and make some of the sacrifices that all of us are asked to do; and although we support different projects and have different commitments, like I do as a member of the Committee on Science, we have to make the hard choices, and I am going to err on the side, positively, I know, on those living with AIDS and on those needing affordable housing. Let us do something to fix the $1.6 billion cut for HUD, but as well I would like to support this amendment and provide additional resources for people living with and struggling to survive with HIV-AIDS.

Mrs. NAPOLITANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly want to thank my colleagues from New York and Connecticut for proposing this amendment to restore the funding for this very important program, the housing opportunities for people with AIDS, to its 1999 level of $225 million. I hope that all my colleagues will help and support this Nadler-Crowley-Shays amendment, which will shift $10 million from the National Science Foundation's $3.7 billion to HOPWA, where it is so sorely needed.

To me it is a matter of people versus science. I do not like it, but it is my only choice. HOPWA is a program where every single dollar counts. 75,000 people across the Nation currently depend on HOPWA for their housing. This program provides essential assistance with rental and mortgage payments, utility bills, obtaining information about affordable housing opportunities, and also provides technical support for the community residences for people with AIDS.

Any cut in HOPWA funding will kick, literally kick sick people onto our streets. We have enough of those people already in our streets. We do not need additional ill people.

Survival with AIDS requires taking expensive medication and following a very special diet. When someone is already faced with a daunting challenge of coping with AIDS, the last thing they need is to worry about their housing. That is one of the stresses they face, and that is one of the things we can help with. If we cannot provide people with AIDS with stable housing, many of them will surely die prematurely, because it is almost impossible to provide AIDS patients with the health services they require if they lack a stable place to live.

Let us not turn our backs on our fellow Americans who are afflicted with AIDS. Let us not throw them out on the streets like used rugs. We must vote "yes" on the Nadler-Crowley-Shays amendment.

I ask my colleagues, please, please, support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlemen from New York, Mr. NADLER, and Mr. CROWLEY. This amendment would cut $10 million dollars from the National Science Foundation's (NSF) polar research and Antarctic logistics programs, which are part of the Research and Related Activities account. The Science Committee and this House have affirmed the importance of an active U.S. presence in Antarctica. Stable funding for these programs is necessary because of the long lead time required for polar operations. If this amendment passes, funding will have to be shifted from other NSF basic research programs to support polar operations already in the pipeline.

Mr. Chairman, we can all sympathize with the plight for those who have contracted AIDS, but I do not think that it is in the best interests of AIDS patients to cut funding for basic science programs that may one day provide a cure for this and other debilitating diseases. The types of basic research NSF funds in the biological and other sciences is a vitally important part of a balanced federal research portfolio.

The basic research being conducted through NSF adds to our store of knowledge in valuable, and often unpredictable, ways. We cannot foresee where the next AIDS breakthrough will come, but I think it is safe to say that basic research funded by NSF will be shown to have contributed greatly in the effort.

I do not believe it is their intention, but the amendment offered by the gentlemen from New York potentially could prolong the time needed to develop an effective treatment for this insidious disease, harming the people it is intended to help. NSF-funded research is an important weapon in the battle against AIDS and other serious diseases. If this House really wants to help AIDS patients, it will vote a resounding "no" on this amendment.

Ms. WOOLSEY. Mr. Chairman, I strongly support the Nadler-Crowley amendment and oppose any measure that would reduce HOPWA funding from last years level. When is this Congress going to come to its senses and start thinking about individuals and families living with AIDS?

Today, due to the success of effective drugs, the number of people and families living with AIDS has tremendously increased—so too have their needs.

The good news is that new medications are proving effective to combat this deadly virus. On the other hand, the bad news is that people living with AIDS are homeless and moving from shelter to shelter.

To conquer the most tragic epidemic of our generation, we must provide the 240,000 people infected by AIDS in our communities with the basic necessities, particularly shelter. The reality is, as this epidemic grows, so does the need for housing.

If we neglect the housing needs of those living with AIDS, our children and grandchildren will bear the brunt of our folly.

Mr. Chairman, I urge my colleagues to support the Nadler-Crowley amendment and restore necessary funding to HOPWA. We all know someone suffering from this dreadful disease. We must demonstrate basic human compassion and provide them with a decent place to live.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

The Clerk will read.

The Clerk read as follows:

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), $4,500,200,000, to remain available until September 30, 2002: *Provided*, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $3,000,000 shall be available as a grant to the National American Indian Housing Council, and $30,000,000 shall be for grants pursuant to section 107 of the Act: *Provided further*, That $15,000,000 shall be for grants pursuant to the Self Help Housing Opportunity program: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department. *Provided further*, That all balances for the Economic Development Initiative grants program, the John Heinz Neighborhood Development program, grants to Self Help Housing Opportunity program, and the Moving to Work

Demonstration program previously funded within the "Annual contributions for assisted housing" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

Of the amount made available under this heading, $15,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing," for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $3,000,000 of the funding to be used in rural areas, including tribal areas, and $3,750,000 for Habitat for Humanity International.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $45,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, and not less than $10,000,000 for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing.

Of the amount made available under this heading, notwithstanding any other provision of law, $42,500,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading. Of the amount provided under this paragraph, not less than $2,500,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $20,000,000 shall be available for the Economic Development Initiative (EDI) to finance a variety of efforts.

Of the amount made available under this heading, $20,000,000 shall be available for neighborhood initiatives.

For the cost of guaranteed loans, $25,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,087,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $20,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,580,000,000, to remain available until expended: *Provided*, That up to $5,000,000 of these funds shall be available for the development and operation of integrated community development management information systems: *Provided further*, That up to $7,500,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: *Provided further*, That all Housing Counseling program balances previously appropriated in the "Housing counseling assistance" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $970,000,000, to remain available until expended: *Provided*, That up to 1 percent of the funds appropriated under this heading may be used for technical assistance and systems support: *Provided further*, That all balances previously appropriated in the "Emergency Shelter Grants," "Supportive Housing," "Supplemental Assistance for Facilities to Assist the Homeless," "Shelter Plus Care," "Section 8 Moderate Rehabilitation Single Room Occupancy," and "Innovative Homeless Initiatives Demonstration" accounts shall be transferred to and merged with this account, to be available for any authorized purpose under this heading.

Housing Programs

HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $854,000,000, to remain available until expended; of which $660,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), of the Housing Act of 1959, and for supportive services associated with the housing; and of which $194,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: *Provided further*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: *Provided further*, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 1999, and any collections made during fiscal year 2000, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

Federal Housing Administration

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2000, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $140,000,000,000.

During fiscal year 2000, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $328,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for "Salaries and expenses"; and of which not to exceed $4,022,000 shall be transferred to the appropriation for the "Office of Inspector General".

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended) $153,000,000, including not to exceed $153,000,000 from unobligated balances previously appropriated under this heading, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $18,100,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000 (including not to exceed $147,000,000 from unobligated balances previously appropriated under this heading), of which $193,134,000, shall be transferred to the appropriation for "Salaries and expenses" and of which $18,321,000 shall be transferred to the appropriation for the "Office of Inspector General".

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2000, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000, to be derived from the GNMA-guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for departmental "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $42,500,000, to remain available until September 30, 2001.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $37,500,000, to remain available until September 30, 2001, of which $18,750,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $70,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $7,500,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: *Provided*, That all balances for the Lead Hazard Reduction Programs previously funded in the "Annual contributions for assisted housing" and "Community development block grants" accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $985,576,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the appropriation for "Community development block grants" $150,000 shall be provided by transfer from the "Title VI Indian Federal Guarantees Program" account, and $200,000 shall be provided by transfer from the appropriation for "Indian housing loan guarantee fund program account". Of the amount provided in this paragraph, $2,000,000 shall be for a Millenial Housing Commission.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $72,343,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for "Drug elimination grants for low-income housing": *Provided*, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $1,000 for official reception and representation expenses, $19,493,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided*, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2000 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

ENHANCED DISPOSITION AUTHORITY

SEC. 203. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking "fiscal years 1997, 1998, and 1999" and inserting "fiscal years 1997, 1998, 1999, and 2000".

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 204. Section 207 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, is amended by striking wherever it occurs "fiscal year 1999" and inserting in lieu thereof "fiscal years 1999 and 2000".

FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 205. Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (b)(5) by striking "during fiscal year 1999", and inserting "in each of fiscal years 1999 and 2000", and

(2) in the first sentence of subsection (c)(4) by striking "during fiscal year 1999" and inserting "in each of fiscal years 1999 and 2000".

REPROGRAMMING

SEC. 206. Of the amounts made available under the 6th undesignated paragraph under the heading "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT BLOCK GRANTS" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2477) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (Report 105–769, 105th Congress, 2d Session)) to the City of Redlands, California, for the redevelopment initiatives near the historic Fox Theater shall, notwithstanding such provisions, be made available to such City for the following purposes:

(1) $700,000 shall be for renovation of the City of Redlands Fire Station No. 1;

(2) $200,000 shall be for renovation of the Mission Gables House at the Redlands Bowl historic outdoor amphitheater; and

(3) $100,000 shall be for the preservation of historic Hillside Cemetery.

INCOME ELIGIBILITY ADJUSTMENTS FOR UNUSUALLY HIGH OR LOW FAMILY INCOMES

SEC. 207. Section 16 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(2)(A), by inserting before the period the following:

"; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes"; and

(2) in subsection (c)(3), by inserting before the period the following:

"; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes".

MILLENIAL HOUSING COMMISSION

SEC. 208. (a) ESTABLISHMENT.—There is hereby established a commission to be known as the Millenial Housing Commission (in this section referred to as the "Commission".

(b) STUDY.—The duty of the Commission shall be to conduct a study that examines, analyzes, and explores—

(1) the importance of housing, particularly affordable housing which includes housing for the elderly, to the infrastructure of the United States;

(2) the various possible methods for increasing the role of the private sector in providing affordable housing in the United States, including the effectiveness and efficiency of such methods; and

(3) whether the existing programs of the Department of Housing and Urban Development work in conjunction with one another to provide better housing opportunities for families, neighborhoods, and communities, and how such programs can be improved with respect to such purpose.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 22 members, appointed not later than January 1, 2000, as follows:

(A) 2 co-chairpersons appointed by—

(i) 1 co-chairperson appointed by a committee consisting of the chairmen of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate, and the chairman of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the chairman of the Subcommittee on Housing and Transportation of the Senate; and

(ii) 1 co-chairperson appointed by a committee consisting of the ranking minority members of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate, and the ranking minority member of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the ranking minority member of the Subcommittee on Housing and Transportation of the Senate.

(B) 10 members appointed by the Chairman and Ranking Minority Member of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(C) 10 members appointed by the Chairman and Ranking Minority Member of the Committee on Appropriations of the Senate and the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—Appointees should have proven expertise in directing, assemblying, or applying capital resources from a variety of sources to the successful development of affordable housing or the revitalization of communities, including economic and job development.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION OF PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(8) MEETINGS.—The Commission shall meet at the call of the Chairpersons.

(d) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(2) STAFF.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(7) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(f) REPORT.—The Commission shall submit to the Committees on Appropriations and Banking and Financial Services of the House of Representatives and the Committees on Appropriations and Banking, Housing, and Urban Affairs of the Senate a final report not later than March 1, 2002. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the study conducted under subsection (b), together with its recommendations for legislation, administrative actions, and any other actions the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate on June 30, 2002. Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Commission.

FHA TECHNICAL CORRECTION

SEC. 209. Section 203(b)(2)(A)(ii) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)(ii)) is amended by adding before "48 percent" the following: "the greater of the dollar amount limitation in effect under this section for the area on the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 1999 or".

REUSE OF CERTAIN BUDGET AUTHORITY

SEC. 210. Section 8(z) of the United States Housing Act of 1937 is amended—

(1) in paragraph (1)—

(A) by inserting after "on account of" the following: "expiration or"; and

(B) by striking the parenthetical phrase; and

(2) by striking paragraph (3).

ENHANCED VOUCHERS

SEC. 211. (a) ENHANCED VOUCHERS UPON CONTRACT EXPIRATION.—In the case of contracts for project-based assistance under section 8 that are not renewed, the following provisions shall apply:

(1) IN GENERAL.—To the extent that amounts for assistance under this section are provided in advance in appropriations Acts, after the date of the expiration or termination of the contract for project-based assistance for a covered project, the Secretary shall make enhanced voucher assistance under this section available on behalf of each family in an assisted dwelling unit whose rent, as a result of a rent increase occurring after the date of such expiration or termination, exceeds 30 percent of adjusted income.

(2) ENHANCED ASSISTANCE.—Enhanced voucher assistance under this section shall be voucher assistance under section 8(o) of the United States Housing Act of 1937, except that under such enhanced voucher assistance—

(A) if the assisted family elects to remain in the covered project in which the family was residing on the date of the expiration of such contract and the rent for any year for such unit exceeds the normally applicable payment standard established by the public housing agency pursuant to section 8(o), the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit: *Provided*, That the rent is reasonable in comparison to the rent charged for comparable dwelling units in the private, unassisted local market; and

(B) if the assisted family elects to move from such covered project, subparagraph (A) shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with section 8(o).

(3) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(A) ASSISTED DWELLING UNIT.—The term "assisted dwelling unit" means a dwelling unit that—

(i) is in a covered project; and

(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

(B) COVERED PROJECT.—The term "covered project" means any housing that—

(i) consists of more than 4 dwelling units;

(ii) is covered in whole or in part by a contract for project-based assistance under—

(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983);

(II) the property disposition program under section 8(b) of the United States Housing Act of 1937;

(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991);

(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937;

(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975);

(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965; or

(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965;

(iii) is covered by a contract which under its own terms expires on or after October 1, 2000, but before October 1, 2004;

(iv) is not housing for which residents are eligible for enhanced voucher assistance as provided under the heading "Preserving Existing Housing Investment" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884), pursuant to such provision or any other subsequently enacted provision of law; and

(v) is not housing for which residents are eligible for enhanced voucher assistance as provided in paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997.

(b) EFFECT OF RENTAL INCREASES ON OTHER ENHANCED VOUCHERS.—To the extent that amounts are provided in advance in appropriations Acts for enhanced vouchers (including amendments and renewals) pursuant to the authority under the heading "Preserving existing housing investment" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884), each family receiving such enhanced voucher assistance after the date of prepayment or voluntary termination which continues to reside in the housing occupied on the date of prepayment or voluntary termination and the rent of which, absent enhanced voucher assistance, would exceed the greater of 30 percent of adjusted income or the rent paid by the family on such date, may continue to receive such enhanced voucher assistance indefinitely, subject to other requirements of that authority, as amended: *Provided*, That rent resulting from rent increases occurring later than one year after the date of prepayment or voluntary termination may be used to increase the applicable payment standard: *Provided further*, That the rent for the dwelling unit is reasonable in comparison to the rent charged for comparable dwelling units in the private, unassisted local market.

RESCISSIONS

SEC. 212. Of the balances remaining from funds appropriated to the Department of Housing and Urban Development in Public Law 105–65 and prior appropriations Acts, $74,400,000 is rescinded: *Provided*, That the amount rescinded shall be comprised of—

(1) $30,552,000 of the amounts that were appropriated for the modernization of public housing unit; under the heading "Annual contributions for assisted housing", including an amount equal to the amount transferred from such account to, and merged with amounts under the heading "Public housing capital fund";

(2) $3,048,000 of the amounts from which no disbursements have been made within five successive fiscal years beginning after September 30, 1993, that were appropriated under the heading "Annual contributions for assisted housing", including an amount equal to the amount transferred from such account to the account under the heading "Housing certificate fund";

(3) $22,975,000 of amounts appropriated for homeownership assistance under section 235(r) of the National Housing Act, including $6,875,000 appropriated in Public Law 103–327 (approved September 28, 1994, 104 Stat. 2305) for such purposes;

(4) $11,400,000 of the amounts appropriated for the Homeownership and Opportunity for People Everywhere programs (HOPE programs), as authorized by the Cranston-Gonzalez National Affordable Housing Act; and

(5) $6,400,000 of the balances remaining in the account under the heading "Nonprofit Sponsor Assistance Account".

GRANT FOR NATIONAL CITIES IN SCHOOLS

SEC. 213. For a grant to the National Cities in Schools Community Development program under section 930 of the Housing and Community Development Act of 1992, $5,000,000.

MOVING TO WORK DEMONSTRATION

SEC. 214. For the Moving to Work Demonstration program as set forth in Public Law 104–204 (110 Stat. 2888), $5,000,000.

REPEALER

SEC. 215. Section 218 of Public Law 104–204 is repealed.

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Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,467,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 and to establish and carry out a microenterprise technical assistance and capacity building grant program, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $70,000,000, to remain available until September 30, 2001, of which up to $7,860,000 may be used for administrative expenses, up to $16,500,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,140,000: *Provided further*, That not more than $30,000,000 of the funds made available under this heading may be used to carry out section 114 of the Community Development Banking and Financial Institutions Act of 1994: *Provided further*, That costs associated with the training program under section 109 and the technical assistance program under section 108 shall not be considered to be administrative expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $47,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

Of the funds appropriated under this heading in Public Law 105–276, the Corporation for National and Community Service shall use such amounts of such funds as may be necessary to carry out the orderly termination of the programs, activities, and initiatives under the National Community Service Act of 1990 (Public Law 103–82) and the Corporation: *Provided*, That such sums shall be utilized to resolve all responsibilities and obligations in connection with said Corporation.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not intend to offer an amendment and will not take the whole 5 minutes, but I just want to express a tremendous reservation I have about the lack of funding for the Corporation for National and Community Service and particularly the AmeriCorps program.

The bottom line is this program has done extraordinary things to help our country in so many different community services. It provides a stipend to countless numbers of young people and older people who choose to serve our country in a program which allows the States to design two-thirds of the programs; in fact, even more than that. Approximately one-third is a nationally-funded program, and two-thirds are State-designed.

Young people and older people provide services in health care, in housing, in education, in public safety. They receive a basic minimum wage, plus an education stipend of $4,750 for each year served.

Mr. Chairman, this is a program that Republicans should love and not try to eliminate, because it simply encourages people to serve in our communities and receive an educational grant for some of that service. Mr. Chairman, in many cases it is helping those individuals that have the greatest need for this type of financial support.

I weep mentally that my party has not recognized the value of a program of national service in our country. It was something we used to advocate before there was a President Clinton and before it became his program. It was a program we used to think made sense because it was not a hand-out. Young people worked for a minimum wage. They provided service to so many different individuals and organizations and then receive a stipend to educate themselves and improve their lives.

Mr. Chairman, I hope and pray if this bill ultimately gets my support before it is then sent to the Senate that in conference the funding for the Corporation for National Service will be restored. I am certain I will vote against any legislation in final passage that does not provide for this very sensible program.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Connecticut for yielding to me.

Apparently the fact that the gentleman is from Connecticut, I am from Texas, States that are very far apart, each can stand up and acknowledge the good work we have seen from those young people in AmeriCorps.

The pleasure of being home is hearing from our constituents and hearing about all the exciting things that are happening. In the course of being home in Houston I was able to see some of the kinds of projects AmeriCorps is involved in and some of the appreciation and compliments coming from our school district, saying, we did not have a preschool teacher or aide, but we have one now because the AmeriCorps young person is involved.

With all the shortages in the teaching profession, shortages of teachers, AmeriCorps is most helpful in our educational system. Those young people are close to our children's age. They are understanding. They are committed to their own education. They are good role models.

So I would hope, too, that whatever happens on this bill, that we see the value of AmeriCorps, and we be able to support an increase of funding of that particular part of this legislation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Connecticut, my good friend, for yielding to me.

I will be very brief. No one is more aware of the fact that in order for this bill to gain the President's signature, the President's favorite program within this bill will have to be funded at some level. I would be happy to communicate with the gentleman from Connecticut as we go down the road on this program that we both see some value to.

Mr. SHAYS. I thank the gentleman.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $3,000,000.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $11,450,000, of which $910,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $12,473,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $645,000,000, which shall remain available until September 30, 2001: *Provided*, That the obligated balance of sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

AMENDMENT OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGAN:

Page 63, line 5, insert "(reduced by $7,000,000)" after the dollar amount.

Page 64, line 4, insert "(reduced by $58,000,000)" after the dollar amount.

Page 66, line 11, insert "(reduced by $1,000,000)" after the dollar amount.

Page 66, line 20, insert "(reduced by $15,000,000)" after the dollar amount.

Page 66, line 24, insert "(reduced by $15,000,000)" after the dollar amount.

Page 68, line 3, insert "(reduced by $1,000,000)" after the dollar amount.

Page 68, line 16, insert "(reduced by $31,000,000)" after the dollar amount.

Page 79, line 19, insert "(increased by $105,000,000)" after the dollar amount.

Mr. ROGAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGAN. Mr. Chairman, today the House is poised to cut more than $1 billion from NASA's space science budget. Sixty percent of these funds go directly to NASA's Jet Propulsion Laboratory. This cut is a step backward for our Nation, which to date has led the world in pioneering the exploration of space.

This is wrong and I urge my colleagues to join my friend, the gentleman from Virginia, and me to reverse this trend by voting for the Rogan-Bateman amendment. The Rogan-Bateman amendment will restore $105 million to NASA's aeronautics, science and technology programs. These funds will go for investments that are science fact and not science fiction.

These programs are not only important to local economies around the country, they are the root of a new economy for our Nation where high-tech programs from years past become the commercial products of today.

In just the last decade, technologies developed by NASA, JPL, and their affiliated programs have yielded products and services that have dramatically changed our way of life. For instance, it was these scientific experts that produced laser technology that now gives surgeons the ability to perform less invasive laser angioplasty surgery, which is helping thousands of Americans conquer heart disease.

Also, NASA-JPL technology has provided engineers with powerful telecommunications components, making it easier for us to complete wireless telephone calls. In addition, JPL experts produced the infrared technology that led to the development of the inner ear thermometers we now use on a daily basis for our children.

These are just a few examples, and they are just the tip of the iceberg. Our investment in NASA and JPL high-tech development has made all of this possible. The proposed cuts will deeply hurt our national scientific advantages in the future. A large portion of the proposed cuts to NASA are sent to research institutions, and these institutions, colleges large and small, provide the training ground for tomorrow's experts. Those who today wish to turn their backs on science are the heirs of those who scoffed at Columbus because they were sure that the Earth was flat.

The Congress must look to tomorrow. Supporting NASA and JPL is an investment in our children's future. I urge my colleagues to vote for the Rogan-Bateman amendment and join us in battling for full funding for JPL and other crucial NASA space science programs.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I fully understand the concerns of my colleagues from California and Virginia. We have had, as the chairman has heard himself, a number of discussions about the reduction of $1 billion in NASA funding.

This is a major reduction, there is no question about it. However, at the committee level we had a $1.4 billion reduction in NASA and were able to restore $400 million, taking it from the AmeriCorps program and putting it into NASA. Those decisions are very difficult to make.

We are being asked to make another difficult decision today, take these funds away from EPA and give them to NASA. I have stated in the discussion that as we go down the road in this process, I will work with all Members to try to find a way, including with the administration and the Senate, to try to find a way to provide those needed funds for NASA to provide the research and development and the technology products they have worked on for so many years and that have provided so many benefits to humanity.

□ 1800

However, to take these funds out of an EPA budget, especially from this area, which ultimately are categorical grants, these funds would normally go to the States for clean water projects, for sewer projects, for environmental clean up projects in all 50 States.

Now, as all colleagues know, many of our communities, our hometown communities, are under court order or under Federal mandate by EPA to clean up their water, to clean up their air, and to take care of the Superfund sites that are around the Nation. These funds would come out of that pool of available funds. I think it is a bad decision to take EPA funds, provide them to NASA when there may be some opportunity down the road to support the needs of the NASA program.

So I would strongly urge my colleagues to resist the temptation to take the money from NASA and take the money from EPA and provide it to NASA because these funds are sorely needed for our environmental projects right here on Earth.

Mr. BATEMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Rogan-Bateman amendment because I think it is critical to the Nation's future. There is no question that we have to make difficult choices. I am in no way unsympathetic to the difficult choices the subcommittee and the full Committee on Appropriations have had to make. I think they have made choices that were not in the Nation's interest and which they would prefer not to have made. But we do have to make choices.

One choice that I find not too difficult is to take from the EPA budget 1.55 percent of what is appropriated under the bill, leaving them with 99.9 percent of the full entire Presidential request for EPA, and transfer it to the NASA science, aeronautics, and technology accounts which have been desparately hit through an era where we have moved from a NASA budget that started at the end of the Bush administration at something like $14.55 billion and which, under the committee version of the bill, will have shrunk to $12.65 billion. Much of that has been taken out of the NASA aeronautics budget which has declined by $400 million in the past 2 years.

Today we are faced with a situation where aeronautical research in the United States is being starved to death, and we cannot permit it to continue. Our military aircraft are the best of the world because of the research performed by NASA. The Air Force F–15, F–16, B–2, F–22, C–17 and C–130 J would not be as effective as they are today except for the research at NASA. The same can be said of the Navy and Marine Corps' F–14, F/A–18, the AV–8, and the EA–6B.

If the NASA budget is allowed to decline further, the Nation will lose a decisive edge in military might. It will lose its edge in commercial aviation. It will lose its edge in the export of the largest producer toward a balance of payments in our favor in the country next to, if not including, agriculture.

These are things we should not permit to happen, and the way to prevent doing it is to support the Rogan-Bateman amendment allowing EPA to get 99.9 percent of its budget request while NASA is not reduced by the 1 billion or more dollars that this would contemplate. I ask my colleagues' support for the Rogan-Bateman amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment. Let me first say that I recognize the good intentions of the gentleman from Virginia (Mr. BATEMAN). I would agree with him that NASA science, aeronautics and technology account is seriously underfunded and will need a major influx of resources between now and the time it is sent to the White House.

As I have said previously, I believe we should be increasing NASA's budget, not determining where it should be cut. Nevertheless, I must oppose the gentleman's amendment for the same reasons that I am opposing most of the NASA and NSF related amendments.

First, this kind of amendment, if passed, could give the false impression that this part of the NASA budget is now fixed. Mr. Chairman, nothing could be further from the truth. The science, aeronautics, and technology allocation in this bill is $678 million below the current year appropriation. This amendment is something of a drop in the bucket.

Secondly, Mr. Chairman, I must oppose this amendment due to the nature of the offsets which the gentleman has identified. Even without this amendment, the reductions to EPA already recommended by the Committee on Appropriations will reduce by $194 million the agency's operating programs which are the backbone of its environmental protection efforts, result in 246 fewer communities receiving grants under the Clean Air Partnership Fund to help them determine the best ways to clean their air and improve the health of their citizens, and lead to 25 fewer communities receiving funds to ensure safe and pure water.

If those cuts that are already in the bill that I just enumerated are not enough, the gentleman's amendment would require an additional $100 million reduction to EPA programs.

The proposed amendment, if adopted, would lead to further reductions in Superfund to $15 million, which would mean the completion of fewer Superfund toxic waste sites.

It would result in a further reduction to the clean water efforts, meaning that the 180 million Americans who visit the coast every year may experience more beach closures from sewage spills and pollution runoff.

Twenty-eight million Americans whose jobs are supported by coastal waters could be impacted by increased fish contamination and low dissolved oxygen levels. A further reduction to air programs, which would mean that additional tons of air toxics will adversely affect the health of our most vulnerable populations.

The gentleman's amendment would mean a further reduction to environmental enforcement meaning that fewer inspections and investigations would be conducted.

The gentleman's amendment would result in cuts in funding for the agency's 9 compliance assistance centers, jeopardizing the support that thousands of facilities now receive.

Finally, Mr. Chairman, a reduction to the agency's important work would be affected if the gentleman's amendment were adopted, important work on pesticides safety, when that would mean that the agency could not complete the work Congress instructed it to do in the recent Food Safety Act. Hundreds of pesticide tolerances would not be reassessed. Foods with unacceptable levels of pesticide would go undetected and potentially put thousands of Americans at risk for cancer and birth defects.

Mr. Chairman, for these reasons, I would oppose the gentleman's amendment and would ask that my colleagues join me in defeating it.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. BATEMAN), from the home of Thomas Jefferson and William and Mary, which he attended.

Mr. BATEMAN. Mr. Chairman, I appreciate very much the gentleman yielding to me. Thomas Jefferson did, indeed, reside in my district when he attended the college of William and Mary.

Mr. Chairman, I rise to point out that, under the terms of the Rogan-Bateman amendment, the Environmental Protection Agency accounts are not being ravaged or savaged. They are 99.9 percent of what the President requested for the Environmental Protection Agency.

It does not come from any one single EPA account. The amendment is structured to take 1.1 percent from an account, 3.1 from an account that is a $1,815,000,000 account. This is not egregious to EPA.

But believe me, to say that one of the defects of my amendment is that it is only a drop in the bucket of what NASA needs I think is turning sound argument upside down. I think it certainly behooves us to at least do that much and do it now when there is a clear way to do it, making a rational public policy choice.

I urge my colleagues to make that choice by supporting the Rogan-Bateman amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from California (Mr. ROGAN) where Thomas Jefferson did not go to college.

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding to me. I can assure him Thomas Jefferson wishes he had gone to California, particularly UC Berkeley, my alma mater.

Mr. Chairman, I just wanted to follow up on the comments from the gentleman from Virginia (Mr. BATEMAN) and respectfully respond to the gentleman from West Virginia (Mr. MOLLOHAN).

The largest cut to EPA is a 3 percent cut that the gentleman from Virginia (Mr. BATEMAN) just identified, and I want to read just briefly the type of things that we are seeking this minor reduction in: travel expenses, including uniforms or allowances thereof; hire of passenger motor vehicles; higher maintenance and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than subscribers.

Mr. Chairman, this is hardly the gloom and doom scenario that has been outlined. This is a minor cut to a less than national security related program; and in exchange, we can fund science. I think clearly that our priorities ought to be in that regard rather than to library memberships and associations for EPA bureaucrats.

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from Florida (Mr. WELDON), our famous doctor.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I believe there are some powerful arguments on both sides of this issue. I recognize that the subcommittee chairman has a significant challenge. I rise in support of the amendment. This is a tough decision, I will agree to that.

EPA does a lot of important work. But I remember reading a quote from John Kennedy once where he said one of the things that amazed him about the Presidency was that the decisions that percolated up to his level were all the tough decisions.

This is a tough decision. But I think the gentleman's offsets are reasonable. I encourage all of my colleagues to vote for the amendment of the gentleman from California (Mr. ROGAN).

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Rogan-Bateman amendment and in opposition to the severe cuts in the NASA budget. The bill before us today has a cut of $1 billion to NASA, an agency which has already seen its budget decline year after year for the past 4 years.

I am especially concerned about the impact these cuts will have on future funding of aeronautics research and development programs. This research and development is crucial to preserve our Nation's long-standing lead in the aviation market, to maintain continued advancements in aviation safety, and to continue to provide our military aircraft with technological advantages.

We already know that aeronautics R&D funding will be $150 million less in 1999 and further cuts will be made in research in the fiscal year 2000 budget if this $1 billion cut to NASA is sustained.

Previous cuts have already resulted in loss of valuable research. For example, one program has already been suspended. That successful program had already started significantly reducing noise of airplane engines. That program has been terminated before it can complete all it needed to do, and that is at a time when we are spending millions of dollars to insulate homes around Chicago's O'Hare's airport because of noise. It makes more sense to continue noise reduction research so houses around all airports could benefit.

If the budget cuts remain, other valuable research will also be in jeopardy. We know, for example, Mr. Chairman, that investments in aeronautics research pays off. The aviation industry is the number one positive contributor to the United States balance of trade, now even surpassing agriculture with a net contribution to our economy of more than $41 billion in 1998. This economic advantage is directly attributable to our past investments and research.

Every aircraft worldwide uses NASA-developed research. Principles developed from this research have contributed to overall aircraft safety and efficiency, including things like wing design, noise abatement, structural integrity, and fuel efficiency.

It is important to remember that research was conducted over 5, 10, or even 20 years before the improvements were actually put on an airplane. So we are talking about long-term, sustained basic research that is necessary.

Mr. Chairman, it is also important to note that continued and increased investments in aeronautic research are crucial for advancements in aviation safety and improvements in airport capacity.

We know that air traffic is expected to triple in the next decade. New concepts, design, and technologies have to evolve if costs are to be contained and safety and efficiency of aircraft are to be improved.

Finally, Mr. Chairman, we also know that funding for aeronautics research is important to the national defense. This research is critical to maintain our military aircraft technological advantage. So any cuts in aeronautics research will raise troubling national security issues.

□ 1815

We simply cannot afford to go down the short-sighted road of funding cuts to NASA. Our aeronautic balance of trade, our future airline safety, our military superiority all depend on investments to NASA research. For those reasons, I support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Rogan amendment to increase funding by $105 million for National Aeronautics and Space Administration's (NASA) Science, Aeronautics, and Technology account. The appropriators made a good faith effort to restore cuts to the Space Science budget during the bill's consideration by the full committee, but they did not go far enough. More needs to be done, now and in conference.

Space Science has been the bright spot in NASA's research program. The space science community recognized the coming budget crunch years ago and enthusiastically embraced the "faster, cheaper, better" philosophy by doing business in a new way. The scientists and engineers who lead our space exploration efforts took on new technical challenges, applied more creative management techniques, and dramatically increased their productivity. This community is squeezing increased scientific and technical productivity out of every nickel. Who can forget Mars Pathfinder, which deposited a rover on the surface of Mars for one-fifth of the cost of previous Mars missions? In just the last few years, the space science community has cut the cost of spacecraft development by over 60 percent, reduced development time by 25 percent, and increased flight rate by 300 percent.

Mr. Chairman, space science is an example of good government and good science. It's also the kind of good government that we need to encourage by showing NASA's other enterprises and the rest of the federal bureaucracy that success is rewarded, not punished. As passed by Committee, the appropriations bill sends the wrong signal and makes the wrong kinds of cuts. The amendment corrects that oversight by transferring funds from a poorly-performing agency to a well-run scientific enterprise. It's an amendment we should all embrace.

Mr. DREIER. Mr. Chairman, I rise in support of the Rogan amendment to restore funding for NASA's aeronautics, science and technology accounts. While I compliment the Members of the Appropriations Committee for their determination to make the tough choices needed to ensure that the projected budget surplus becomes reality, I believe that H.R. 2684 underfunds NASA's important work. The Rogan amendment will help ensure that NASA has the resources it needs to complete its scientifically-rewarding unmanned research on-time and under-budget.

H.R. 2684 provides for a reduction in NASA's budget of $925 million from the administration request. It is worth noting that this represents an increase of $400 million from the funding level initially approved by the VA–HUD subcommittee, and I thank Mr. WALSH and the members of the Committee for restoring these funds. Nevertheless, reducing NASA's budget by nearly $1 billion will threaten NASA's ability to move forward on a number of important projects. It would reduce the number of Space Shuttle missions that NASA can conduct in a given year, cancel comet exploration missions such as Deep Impact, and delay probes of Pluto and the Sun, as well as the international space station.

NASA's budget has been reduced in each year since 1992 and NASA has done an admirable job in showing other federal departments how to do more with less. The Jet Propulsion Laboratory, for example, completed the memorable Mars Sojourner/Pathfinder mission for less than it costs to produce some Hollywood blockbusters. However, the reduction proposed in H.R. 2684 could do real damage to NASA's long-term mission. Given our great interest in developing a better understanding of the Solar System and the universe, I believe Congress must ensure NASA an appropriate level of funding. Furthermore, besides the benefits we derive from learning more about the universe, the space program has helped to produce myriad commercial spinoffs that benefit the lives of average Americans every day—from compact computers to CD players to the global positioning system.

Mr. Chairman, while I differ with Members of the Appropriations Committee on some of their spending priorities, I want to compliment them for their commitment to spending restraint. When Congress agreed two years ago to limit future growth in federal spending, we knew that it would require fiscal discipline, but it was necessary to bring us the first balanced federal budget in a generation. Now, while Congress is making the tough choices, the President is pretending that we can increase spending on everything and still have a balanced budget. Through their willingness to support spending bills that are sometimes unpopular, Members of Congress are protecting Social Security and reducing the debt burden that we leave for the next generation.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BATEMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from California (Mr. ROGAN) will be postponed.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,850,000,000, which shall remain available until September 30, 2001: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: *Provided further*, That of the funds provided in this appropriation, $6,000,000 shall be made available to the states under the section 103 grants program for developing regional haze programs under title I, part C of the Clean Air Act, as amended: *Provided further*, That notwithstanding 7 U.S.C. 136r and 15 U.S.C. 2609, beginning in fiscal year 2000 and thereafter, grants awarded under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and section 10 of the Toxic Substances Control Act, as amended, shall be available for research, development, monitoring, public education, training, demonstrations, and studies.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $30,000,000, to remain available until September 30, 2001: *Provided*, That the sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $62,600,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,450,000,000, to remain available until expended, consisting of $725,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $725,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That $11,000,000 of the funds appropriated under this heading shall be transferred to the "Office of inspector general" appropriation to remain available until September 30, 2001: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, $70,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: *Provided further*, That $35,000,000 of the funds appropriated under this heading shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2001: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $60,000,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,199,957,000, to remain available until expended, of which $1,175,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, and $775,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $36,500,000 for a clean air partnership fund demonstration program under section 103 of the Clean Air Act to support programs to achieve early, integrated reductions in emissions of air pollutants, including local revolving funds and other mechanisms for leveraging non-Federal resources; $50,000,000 for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $15,000,000 for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $263,500,000 for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the report accompanying this Act (H.R. 2684); and $884,957,000 for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: *Provided*, That, notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2000 and prior years where such amounts represent costs of administering or capitalizing the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration or for capitalization of the fund: *Provided further*, That beginning in fiscal year 2000 and thereafter, notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian Tribes pursuant to section 319(h) and 518(e) of that Act: *Provided further*, That notwithstanding any other provision of law, all claims for principal and interest registered through grant dispute AA–91–A34 or any other such dispute hereafter filed by the Environmental Protection Agency relative to water pollution control center and sewer system improvement grants numbers C–390996–01, C–390996–2, and C–390996–3 made in 1976 and 1977 are hereby resolved in favor of the grantee.

The Environmental Protection Agency and the New York State Department of Environmental Conservation are authorized to award, from construction grant reallotments to the State of New York of previously appropriated funds, supplemental grant assistance to Nassau County, New York, for additional odor control at the Bay Park and Cedar Creek wastewater treatment plants, notwithstanding initiation of construction or prior State Revolving Fund funding. Nassau County may elect to accept a combined lump-sum of $15,000,000, paid in advance of construction, in lieu of a 75 percent entitlement, to minimize grant and project administration.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,108,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,827,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Mr. BATEMAN. Parliamentary inquiry, Mr. Chairman. Have we reached page 70?

The CHAIRMAN pro tempore. We have passed page 70 in the reading, and the Clerk currently has read through page 72, line 16.

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent to raise a point of order against a provision on page 70, line 15 through page 70, line 22?

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. WALSH. Reserving the right to object, Mr. Chairman.

POINT OF ORDER

Mr. BATEMAN. Mr. Chairman, on behalf of the chairman of the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, I raise an objection that the provision that I referred to, regarding nonpoint source grant funding for Indian tribes, is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House. I have been asked to object on behalf of the chairman of the Subcommittee on Water Resources and Environment.

The CHAIRMAN pro tempore. The gentleman from New York has reserved a right to object. Does the gentleman from New York wish to be heard?

Mr. WALSH. I do, Mr. Chairman. It is our understanding that this legislation was protected under the rule and thereby in order, and I would await the Chair's ruling.

Mr. Chairman, in further discussion with staff, it is my understanding that this is not protected under the rule.

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. WALSH. Mr. Chairman, for that reason I withdraw my reservation of objection.

The CHAIRMAN pro tempore. The gentleman withdraws his reservation of objection.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from Virginia insist on his point of order?

Mr. BATEMAN. Yes, on behalf of the chairman of the Subcommittee on Water Resources and Environment, who has now appeared.

The CHAIRMAN pro tempore. The gentleman from Virginia makes a point of order against the proviso beginning on line 15, page 70 through "Act:" on line 22. The proviso waives the Federal Water Pollution Control Act. Waiving provisions of existing law constitutes legislation on an appropriations bill. Accordingly, the point of order is sustained and the proviso is stricken.

The Clerk will read.

The Clerk read as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $3,000,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $420,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $177,720,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,515,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $280,787,000: *Provided*, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131 (b) and (c) and 42 U.S.C. 5196 (e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants: *Provided further*, That beginning in fiscal year 2000 and each fiscal year thereafter, and notwithstanding any other provision of law, the Director of FEMA is authorized to provide assistance from funds appropriated under this heading, subject to terms and conditions as the Director of FEMA shall establish, to any State for multi-hazard preparedness and mitigation through consolidated emergency management performance grants.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 75, line 5, insert "(reduced by $12,000,000)" after the dollar amount.

Page 75, line 5, insert "(reduced by $10,000,000)" after the dollar amount.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my colleagues have heard me acknowledge to both the ranking member and the chairman on what is becoming some very difficult decisions.

Mr. Chairman, I have lived with NASA and the commitment that NASA has given to the American people to be fiscally responsible for some 4 years now as a Member of Congress and a member of the House Committee on Science. At the beginning of my tenure in Congress, one of the things that NASA was charged with was to be efficient, effective, and to downscale some of its operations. In doing so, Dan Goldin, almost at the start of my first term, had to cut various jobs in all of the centers, whether it was in Florida, or whether it was in Alabama or the Johnson Space Center.

Particularly in the State of Texas, let me say, Mr. Chairman, that the Johnson Space Center has a special place in our heart. It was there, of course, that many of the heroes of the space movement had their launch or had the cooperation and collaboration with those at Johnson. We are well aware of the famous words, "Houston we have a problem." But one thing about Houston and the Johnson Space Center, they solve the problems.

So, Mr. Chairman, I am asking my colleagues to join me in moving $10 million to the Human Space Flight program, the program that saw Commander Eileen Collins be the first woman to command one of our shuttles; the program, Mr. Chairman, that saw John Glenn test the ultimate strength of human beings and test the aging process by being the oldest person to go into space.

Mr. Chairman, this is a terrible plight that we find ourselves in, but this program, the Human Space Flight program, deals in a variety of needs that we have. What it deals with is the ability to conduct and support human space flight research and development activities, including research, development operations, services, maintenance, construction of facilities, including repair; rehabilitation, and modification of real and personal property. It has to do with spacecraft control and communication activities. These dollars wil help us stay on track with the Human Space Flight program.

On the other hand, I am not cutting the disaster aid that goes to our respective communities. I am not cutting the dollars that would help us in flood control. I am not cutting the dollars that would help us after terrible tornadoes or hurricanes. None of that is being cut. But, Mr. Chairman, there are certain predisaster mitigation grants, which I think with the increase in the ability of local governments to focus on their own needs, this is an area where they can help us, which is helping their communities be focused on mitigating potential disasters. None of these dollars I am speaking of in any way would interfere with any of the needs our communities would have, such as the tragedy of Hurricane Dennis on the Carolinas.

So I would ask my colleagues to recognize that the Johnson Space Center in Houston covers some 15,000 people. We have a number of contract employees. Dan Goldin has downsized to the extent that he has privatized. He predicts a 3-week furlough for NASA employees with these ultimate cuts. I would say if we keep these kind of cuts, Mr. Chairman, that we will be going down a slippery path, one from which we cannot return.

Earlier today on the floor of the House I said that the cuts in NASA and the cuts in the Human Space Flight program are similar to building or rebuilding the San Francisco Bridge. Imagine midway over the waters in California we simply stopped building it. Or maybe we should say the Brooklyn Bridge. We always use the phrase "Can I sell you the Brooklyn Bridge?" Imagine in the middle of rebuilding it, we just immediately stopped. What would happen to America and, as well, to those communities? They would simply drop off.

Cutting the Human Space Flight program, one of the marks of space exploration, one of the responses to President Kennedy's challenges to America that we too could go into space, is a tragedy. I would hope my colleagues would join me in this very sensible and reasonable amendment that would add $10 million to the Human Space Flight program.

Mr. Chairman. I rise to offer this amendment that would add $10 million to NASA's Human Space Flight program.

This cut to the Human Space Flight program untenable. Jobs are at stake. As a Representative for the City of Houston, I cannot stand by and watch my Houstonians lose their jobs because of these cuts. the Johnson Space Center in Houston provides work for over 15,000 people. The workforce consists of approximately 3,000 NASA Federal civil service employees. In addition to these employees are over 12,000 contractor employees. These employees represent both big and small businesses, and their very livelihoods are at stake—especially those in small business.

Dan Goldin, head of NASA, has already anticipated the devastating effects of the NASA cuts. He predicts a 3 week furlough for all NASA employees. This would create program interruptions and would result in greater costs. Ladies and gentleman, we are falling, if not tumbling, down a slippery slope. This bill would reduce jobs for engineers and would increase NASA's costs, a result that will only result in more layoffs as costs exceed NASA's fiscal abilities.

By providing money for human space flight, we ensure that NASA will continue to fund its projects such as ISS and the space shuttle, and in doing so, NASA will continue to require our American workers.

We are at a dangerous crossroads. This bill gives our engineers and our science academics a vote of no confidence. It tells them that we will not reward Americans who spend their lifetimes studying and researching on behalf of space exploration. I urge my colleagues to join me in my effort to stop the bleeding.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word, and I would like to comment on the NASA portion of this bill, and specifically about an amendment this was discussed a few minutes ago.

Let me say that I appreciate the predicament my friend, the gentleman from New York (Mr. WALSH), is in. In February, President Clinton submitted another in a string of budgets that cuts NASA. And even that small cut that we are talking about depended on billions of dollars of phony taxes and other gimmicks that the President knew would never become part of the law, thus putting the gentleman from New York (Mr. WALSH) in a very bad situation. And while they pretend to honor the spending caps from the 1997 budget agreement, the administration ends up bashing the gentleman from New York (Mr. WALSH) for cutting NASA while the administration itself is being irresponsible in the way they propose their budget.

Let us remember this. Three years ago the President submitted a NASA budget that predicted a billion dollars less for fiscal year 2000 than the amount for NASA contained in this fiscal year 2000 appropriation bill. So I do not think that President Clinton has much of a position to attack the gentleman from New York on the effort he has made in trying to make some sense out of this appropriation bill.

The total funding level for NASA in this bill should be higher. I believe it should be higher. Unfortunately, it is not. I am sure the gentleman from New York would like it to be higher if it could be. In May, the House passed a 3-year NASA authorization bill which gave NASA a slight increase for 2000. In that context, I support many of the priorities for NASA within this bill.

I note that funding for space transportation technology was actually increased, and one of the few areas in NASA to receive an increase, I might add. I am happy that the chairman was able to add back $400 million for NASA's excellent space science programs in full committee. I appreciate the plus-up for space solar power, for example, which is an important research area. And I strongly agree with the committee's report language on space station commercialization, which supports the Committee on Science's long-standing attempts to push NASA in this direction.

While I am sure the gentleman from New York and his colleagues will work hard to improve NASA's funding in conference, I will have to support the efforts of the gentleman from California (Mr. ROGAN) and the gentleman from Virginia (Mr. BATEMAN) to restore funding for research and technology as far as the space science and aeronautics part of this budget.

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The amendment offered by the gentleman from Virginia (Mr. BATEMAN) and the gentleman from California (Mr. ROGAN) restores funding for the scientific analysis of data that we have gotten back from programs like Mars Pathfinder and Lunar Prospector. I think that is very admirable.

Where do they get this money from that they are trying to restore this? They get it from the bloated budget, what I consider to be a bloated budget, of the Environmental Protection Agency by eliminating that or by reducing it by just over 1 percent. And I think that is a very reasonable, reasonable change, and what they are trying to do for space science and aeronautics is a very positive step.

Speaking as former chairman of the authorizing subcommittee that oversees EPA, I know that under this administration EPA has become somewhat of a rogue agency. For example, EPA has published regulations based on phony science and helped negotiate the Kyoto Protocol even after the Senate unanimously advised the administration not to do so. So I would think taking one percent from the EPA and putting it into space, science, and aeronautics, as the gentleman from Virginia (Mr. BATEMAN) and the gentleman from California (Mr. ROGAN) are suggesting, is a very reasonable thing to do, and I strongly support that amendment.

While understanding that the gentleman from New York (Chairman WALSH) has to oppose this amendment in order to defend his bill, I do congratulate the chairman for the good job that he has done. I also know that we would not be in this predicament if it would not have been for the fact that the President of the United States has acted irresponsibly in developing this part of the budget.

Mr. WALSH. Mr. Chairman, I move to strike the last word and rise in opposition to the Jackson-Lee amendment.

I will be brief, Mr. Chairman. There is another dilemma presented by another amendment, and the dilemma is that what the gentlewoman from Texas has asked us to do is take funds from the Federal Emergency Management

Agency, the agency that is responsible for responding to emergencies all over the country, hurricanes, tornadoes, earthquakes, floods, droughts, and so forth, and put that money into human space flight. It is a difficult choice because we have, as has been noted, reduced NASA fairly dramatically. But I would urge my colleagues not to support the amendment.

This is the number one priority of Director Witt of the Federal Emergency Management Agency. His number one priority is to provide pre-disaster mitigation so that we can begin to reduce the cost of disasters as they occur around the country. This is money up front to try to bring down the cost of disaster relief in the long-run and it is a priority of this subcommittee also, and I would urge my colleagues to reject this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know the chairman and I are going to continue to work on this issue and I know that the chairman has heard us, and he may hear me again, talk about the devastation of the $1 billion cut to NASA and Sophie's choices.

I would certainly like to inquire of the chair the opportunity to work together on this issue and to help resolve the point of somewhat of a crisis of dealing with the important research that NASA does and particularly space exploration and particularly the International Space Station as we move this legislation along.

Mr. WALSH. Mr. Chairman, reclaiming my time, I absolutely pledge to work with the gentlewoman. We have had this discussion a number of times with a number of Members who are deeply concerned about NASA. We know there is not enough money in there right now with NASA. We are not complete with this process.

As we go forward, my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), and I have talked about this. We would like to see what we can do to resolve some of these issues, and I would be happy to work with my colleague on that.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois (Mr. GUTIERREZ) be permitted to offer an amendment which is at the desk.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUTIERREZ:

Page 29, line 26, after the first dollar amount insert the following: "(increased by $5,000,000)".

Page 79, line 5, after the first dollar amount insert the following: "(reduced by $5,000,000)".

Page 30, line 11, after the first dollar amount, insert the following: ("increased by $20,000,000)".

Page 79, line 19, after the first dollar amount, insert the following: "(reduced by $20,000,000)".

Page 31, line 9, after the first dollar amount, insert the following: "(increased by $5,000,000)".

Page 80, line 14, after the first dollar amount, insert the following: "(reduced by $5,000,000)".

Mr. GUTIERREZ (during the reading). Mr. Chairman, I ask that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GUTIERREZ. Mr. Chairman, this amendment restores Brownfields appropriations to the current $25 million level by transferring $5 million from NASA's Human Space Flight account into HUD's Brownfields Redevelopment account.

In fiscal year 2000, the very least we should do is maintain this year's spending levels for programs that generate jobs and help neighborhoods in other important ways. Instead, H.R. 2684 gouges appropriations, including over half a billion dollars for public housing funds in order to meet Congress's self-imposed budget caps and to fund an enormous tax cut.

My amendment seeks to reprioritize our budget by putting people first. In other words, we should cut the least from programs that directly help people.

This initiative is one that will deliver the kinds of jobs and development needed desperately by these distressed towns and urban neighborhoods; and it is called the Brownfields Redevelopment, a small, modest, cost-effective program that should not be made smaller.

Brownfields' goal is to return contaminated sites to productive, employment-generating uses. The program emphasizes job creation for lower income people and economically distressed neighborhoods. Nearly 450 sites across our country qualify as Brownfields sites.

In my own congressional district, a contaminated parcel that used to be the former Hammond Refrigerated Warehouse site at 4555 South Racine. When re-habbed, this currently vacant parcel will return to commercial use with a new 190,000 square foot industrial building and 200 new jobs for low- and moderate-income Chicago residents and adds handsomely to the tax base.

The amendment also restores HOME Investments Partnership funding to its fiscal year 1999 level by transferring $20 million from NASA's Science, Aeronautics, and Technology Account to HUD's HOME account. I am offering this amendment for one clear reason. There is a serious shortage of affordable housing in the United States.

Currently, rents are increasing faster than wages almost everywhere and nowhere in the country can a household with one full-time minimum wage earner afford basic housing costs.

As a result, a record 5.3 million low-income households are spending more than half their incomes on rent, leaving precious little money for food, clothing, day care, insurance, transportation, education, and all of the other costs associated with raising a family. Funds must come from some source to help cities and towns expand housing for low- and moderate-income working class families. Why? Because it is the right thing to do for our constituents who earn too little and pay too much for rent, often falling into homelessness.

The HOME Investment Partnership program is one of the few Federal initiatives for encouraging the development of affordable housing. It is a success story.

Since 1990, HOME has financed some 350,000 units of housing for low- and moderate-income families. Every American hurts when families cannot find safe, decent, warm, affordable housing in communities where they work.

Again I ask we prioritize families first.

The amendment also restores Homeless Assistance Grants to the FY 1999 level by transferring $5 million. Homeless Assistance Grants provide shelter and services to people without homes.

This $5 million amendment may seem small considering the VA-HUD appropriation bill deals with almost $90 billion dollars. And a $5 million cut to HUD's Homeless Assistance program from FY 1999 levels may seem small. After all, H.R. 2684 slashes funding to important public housing programs by more than half a billion dollars as it reduces community development block grants by 250.

However, the Homeless Assistance cuts, as well as those to Brownfields and HOME, are significant. Our priorities are wrong when we retreat from a commitment to helping the most vulnerable people in our country when there are 750 people who are homeless in America on any given night. During a year, as many as 2 million people experience homelessness for a short period of time.

If we reduce Homeless Assistance Grants, we reduce our compassion and our intelligence. When we refuse adequate Federal assistance to individuals and families on the street, we increase the potential for emergency room visits, crime, deaths, and the stunting of homeless children's educational and emotional development.

Our Nation is richer than ever before. Shame on us if we cut assistance to people living on streets and sidewalks during a period of historic Dow Jones Industrial Average record-breaking corporate profits, an increasing tax revenue.

I ask all my colleagues to support this amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the amendment of the gentleman and the sentiments in the amendment. These are issues that are of concern to all of us who represent urban areas, Brownfield sites, homeless grants.

What this amendment does is it restores funding to the 1999 level of funding for these programs. These are very difficult programs to reduce funding in.

What we tried to do when we made these decisions was to reduce across the board as much as we could different programs. We did not want to gut these programs because we felt they were good programs, so we made slight reductions in order to get to the budget number that we were allocated.

By taking money out of NASA and putting it into these programs, we further got an agency that has suffered huge cuts. And what that translates to is the Gutierrez amendment would restore $25, $30 million to these programs, but what he would do is take them from the three areas of NASA where they have already suffered $900 million in cuts. So, basically, it adds insult to injury to the NASA budget.

I would urge my colleagues to oppose this amendment because NASA cannot take any more reductions and these programs, while important, are funded at a much higher percentage of what they were funded compared to the NASA program. So I would urge my colleagues to oppose this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Gutierrez amendment to increase HUD Brownfields Redevelopment activities, to increase HUD's HOME program, and to increase funding for HUD's Homeless Assistance Grants.

Many of our inner-city communities throughout the country are replete with industrial wasteland in need of reclamation and redevelopment. There is tremendous need for homeless assistance, need to increase affordable housing for low- and moderate-income families.

Each and every day, thousands of citizens throughout the country go out looking for affordable housing only to be told that there is none available.

Mr. GUTIERREZ. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I would like to thank my colleague from Illinois, and from Chicago specifically, for yielding.

I guess I understand the arguments made by the chairman of the committee. I would just like to say that as the House considers this amendment that, as we continue space exploration, I would like to simply suggest to America tonight that we look at our own homes, we look at our own neighborhoods, we look at our own Nation, we look at our own planet Earth.

I want people to understand what Brownfields means. It means contaminated, polluted areas, over hundreds of thousands of them that have already been sighted across our Nation. It seems ironic to me that we are going to continue to spend money.

The chairman is absolutely correct when he suggests that the NASA program has been cut by $9 million but HUD has been cut by a billion dollars.

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So in the parlance of congressional discourse, they may seem equal. So I guess then the question is, what are our priorities? Are we going to take care of our own contaminated neighborhoods and sites across our own Nation, as we venture into space, and lose our own planet Earth, which I think we quickly need to reclaim first before we ever pretend to claim outerspace.

Secondly, I would just like everybody to think for a moment. It seems interesting that I know that the astronauts as they look back on Earth, they cannot see the 750,000 people that are homeless at that given night in our country, but I assure my colleagues that it is a cold and a mean and a very desperate situation that 750,000 people and up to 2 million in any year see.

So as they look out into the stars, I wish we would give them some hope also, so as we explore space we take care of our own.

Third, let us not create homelessness by inaction of this Congress. The home program works and it forms those wonderful partnerships between the public and private sector and, as I said, created over 350,000 units of housing since 1990. It is a success story. Let us continue on those success stories.

Mr. Chairman, last, I would just like to add, let us remember that we are dealing within the confines of this budget. We really do not need to. We have hundreds of billions of dollars in our surplus. I think we can find $30 million to reduce homelessness, to clean up contaminated waste sites across our Nation and to make sure that families who are out there in the cold can come in and feel the warmth and the humanity which this Congress can give them by allowing this modest increase of $30 million.

Mr. DAVIS of Illinois. Mr. Chairman, reclaiming my time, I too agree with the chairman that space exploration is important, but so is it important that people in our communities have affordable places to live, to work, to grow and develop so that they too can help explore space.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Gutierrez amendment. The measure will nickel and dime NASA to death.

This amendment cuts $5 million out of NASA's Human Spaceflight programs to fund the Housing and Urban Development (HUD) Brownfields Redevelopment program. In addition, Mr. GUTIERREZ cuts $20 million out of Science, Aeronautics and Technology and $5 million out of Mission Support to fund other HUD programs.

When taken together, these amendments would cut NASA's budget by $30 million. These amendments take money out of our investments in science and technology, which will benefit future generations, and put that money into current consumption. In short, the amendments are akin to eating our seed corn.

The bill already underfunds NASA. These amendments will worsen NASA's ends-means mismatch since they do not reduce any of NASA's programmatic responsibilities.

Mr. Chairman, the country's elected officials can't keep asking the space program to do more with less. That makes no sense. I urge my colleagues to oppose the Gutierrez amendments.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) will be postponed.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $1,100,000,000: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. FILNER. Mr. Chairman, we have been talking all afternoon on this bill, and I think we have all agreed that veterans programs are vastly underfunded. Everybody would like to try to find a way to change that. I am offering a way to do that.

In my amendment, an additional $1.1 billion is added to veterans health care by declaring an emergency with regard to the health care of our veterans.

This figure was not arrived at arbitrarily. All of our Nation's veterans got together during this budget process and came up with a budget, a responsible budget and a professional budget, what they called an independent budget, which said what would be needed at the absolute minimum to keep our commitment to our Nation's veterans after almost 5 years of straightline budgeting, which resulted basically in a real cut in services; what would be needed to keep our commitment to our veterans.

They decided that about a $3 billion increase would be necessary, and they pointed out the programs and the areas that would be funded with that $3 billion.

The committee plussed-up that account by $1.7 billion. I would like to add the $1.1 billion that these veterans requested.

We have a true emergency here, Mr. Chairman. Keeping the promise we made to our veterans is an emergency. Providing health care is an emergency. The VA health care is drastically underfunded and in danger of collapse, and we must change that.

What are we going to get for that $1.1 billion that we do not get now? We get care for veterans who are involved in radiation risk activities and subsequently develop cancer. We get funding for new health care initiatives for veterans suffering from hepatitis C-related illnesses.

These are often fatal, Mr. Chairman. Earlier in the debate I said something to the effect that thousands of our veterans had hepatitis C. I made a mistake. The figure is closer to 2 million of our veterans, Mr. Chairman, and we have no provision for funding to help those veterans.

This billion would go to increase programs for long-term care for our aging veterans. They would restore beds in psychiatric wards and increase mental illness research education. They would allow veterans to stay in hospitals if they have Alzheimer's and would help our Persian Gulf War illness veterans who are suffering today.

Now when I offered these amendments earlier in the day, I was told by my good friend, the chairman of the committee, that well, we plussed it up from the President's request.

Yes, we will stipulate the President made an inadequate request. He underfunded by $3 billion, but this is our budget now, Mr. Chairman. Mr. Chairman, this is a congressional budget. Let us do the right thing.

When I brought this up earlier, it was said that we had the biggest increase in this bill ever for veterans health care. That may be so in the short run but that comes on top of 5 years of real cuts, real dollar cuts, and presupposes, Mr. Chairman, a $3 billion deficit over the next 10 years, which this is building on.

Finally, the chairman says, well, this is legislating in an appropriations bill.

Well, we legislate all the time in an appropriations bill. Let us legislate for our veterans. Let us put in this $1.1 billion, and I hope that my colleagues will allow us to take this emergency action today.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I insist on a point of order against the amendment, if I could explain further.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. WALSH) may state his point of order.

Mr. WALSH. Mr. Chairman, we have had this debate, the gentleman from California (Mr. FILNER) and I, for the better part of the afternoon.

The issue here is the offset that he provides under the rule, and he is asking for an emergency declaration. We considered that process and ultimately rejected it.

What we did was we found real dollars within the budget to allocate for veterans health, and what we did was provide a $1.7 billion increase over the President's request.

As the gentleman has stipulated to and agreed to, and I think it is a unanimous agreement now, the President's request for veterans medical health was not only inadequate, it was embarrassing. They later came back and they suggested that, yes, they thought that the $1.7 billion level was the right level and supported it. We received a letter from the Vice President on that.

We also received letters from the American Legion and from the Veterans of Foreign Wars who agreed that $1.7 billion was the right amount to fund veterans health care.

I looked back at the budgets of the last 5 years, including this budget. We have gone from $15.7 billion in the 1996 enacted level to $19 billion this year. That is a $3.5 billion increase in funding for veterans. So we have striven mightily, in spite of the lack of support there seems to be in the executive branch for the veterans medical care budget.

The Congress, both parties, have supported plussing up this budget, and we made hard choices, as we have heard in the debate today. NASA was cut a billion dollars. There are programs in HUD operating subsidies, modernization funds in public housing where we had to go to help to fund the veterans health care. People want more money for Section 8 vouchers, but the choices were difficult.

We cannot appropriate these funds because they are not available to us, Mr. Chairman. For that reason, I would restate and insist on the point of order against the amendment because it proposes to change existing law, constitutes legislation in an appropriations bill; therefore, violates clause 2, rule XXI and because it violates section 306 of the Budget Act that deals with matters in the jurisdiction of the Committee on the Budget.

The CHAIRMAN pro tempore. Does the gentleman from California (Mr. FILNER) seek to be heard on the point of order?

Mr. FILNER. Mr. Chairman, speaking on the point of order, Mr. Chairman, I say to my friend, the gentleman from New York (Mr. WALSH), I want to legislate on this appropriations bill. We were not allowed to do any legislation in our authorizing committee. The Chair just refused to allow motions from the minority side.

The gentleman says we have real dollars for our $1.7 billion. I am asking for real dollars here. We have it in our command. It is being given to people, special interests, in the utility industry. It is being given to special interests for multinational corporations. It is being given to those who make $200,000 or more a year. Why not give a billion to the veterans who made our country as great as it is?

So we have the real dollars, Mr. Chairman, and we should legislate on this appropriations bill, and I hope the Chair would find in our favor.

The CHAIRMAN pro tempore. The Chair finds that a proposal to designate an appropriation as "emergency spending" within the meaning of the budget-enforcement laws is fundamentally legislative in character. It does not merely make the appropriation. Instead, it characterizes the appropriation otherwise made. The resulting emergency designation alters the application of existing law with respect to that appropriation. Thus, the proposal is one to change existing law. On these premises and based on previous rulings of the Chair earlier today, the Chair holds that the amendment offered by the gentleman from California, by including a proposal to designate an appropriation as "emergency spending" within the meaning of the budget-enforcement laws, constitutes legislation in violation of clause 2(b) of rule XXI 1.

The Chair also finds that a proposal to designate an appropriation as "emergency spending" within the meaning of the budget-enforcement laws is a matter within the jurisdiction of the Committee on the Budget under clause 1(e) of rule X.

On that premise the Chair holds that the amendment offered by the gentleman from California, because it relates to such a matter on a bill that was not referred to that committee, also violates section 306 of the Congressional Budget Act of 1974.

The point of order is sustained on each of the grounds stated. The amendment is not in order.

Mr. FILNER. Mr. Chairman, with deep personal respect, on behalf of our Nation's veterans, I appeal the ruling of the Chair.

The CHAIRMAN pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Committee.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FILNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 15-minute vote. Immediately following this vote, the Chair announces that proceedings will resume on the amendments postponed earlier today, and those votes will be reduced to not less than 5 minutes each.

The vote was taken by electronic device, and there were—yeas 219, nays 198, not voting 16, as follows:

[Roll No. 390]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frost
Gejdenson
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—16

Berry
Buyer
Danner
Davis (FL)
Jefferson
Lantos
McCarthy (MO)
McHugh
McIntosh
Pryce (OH)
Rangel
Sandlin
Scarborough
Sununu
Towns
Young (AK)

□ 1911

Mr. STARK, Mr. CONDIT and Ms. McKINNEY changed their vote from "aye" to "no."

Messrs. MICA, SMITH of Texas, ARCHER, SCHAFFER, BACHUS and FOLEY and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Stated against:

Ms. McCARTHY of Missouri. Mr. Chairman, during rollcall vote No. 390, sustaining the Chair's point of order of Filner Amendment, I was unavoidably detained due to mechanical delays with U.S. Air flight No. 348. Had I been present, I would have voted "no."

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. PEASE). Pursuant to House Resolution 275, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment printed in the Committee on Rules report offered by the gentleman from California (Mr. CUNNINGHAM); the amendment offered by the gentleman from Indiana (Mr. ROEMER); the amendment offered by the gentleman from New York (Mr. NADLER); the amendment offered by the gentleman from California (Mr. ROGAN); and the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The Chair will reduce to 5 minutes the time for each electronic vote in this series.

AMENDMENT OFFERED BY MR. CUNNINGHAM

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 232, not voting 14, as follows:

[Roll No. 391]

AYES—187

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barr
Bartlett
Bass
Bateman
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Bonilla
Bono
Boswell
Boyd
Bryant
Burr
Burton
Callahan
Calvert
Canady
Cannon
Castle
Chambliss
Chenoweth
Clement
Coburn
Collins
Combest
Cooksey
Cramer
Cunningham
Davis (FL)
Deal
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Edwards
Emerson
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Hall (TX)
Hansen
Hastings (WA)
Hayes
Herger
Hilleary
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kanjorski
King (NY)
Kingston
Klink
Kolbe
Kuykendall
LaHood
Latham
Lazio
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
McCarthy (NY)
McCollum
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Norwood
Ortiz
Oxley
Packard
Pascrell
Pastor
Pickering
Pickett
Pombo
Porter
Quinn
Radanovich
Rahall
Regula
Reyes
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanford
Saxton
Scarborough
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thurman
Traficant
Turner
Udall (CO)
Walden
Watkins
Weldon (PA)
Whitfield
Wicker
Wolf
Young (FL)

NOES—232

Ackerman
Allen
Baird
Baker
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bentsen
Bereuter
Biggert
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clayton
Clyburn
Coble
Condit
Conyers
Cook
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Gejdenson
Gekas
Gephardt
Gilman
Gonzalez
Goodlatte
Goodling
Green (TX)
Gutknecht
Hall (OH)
Hastings (FL)
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Horn
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kucinich
LaFalce
Lampson
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Nadler
Napolitano
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ose
Owens
Pallone
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Pomeroy
Portman
Price (NC)
Ramstad
Reynolds
Rivers
Roemer
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Shuster
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thune
Tiahrt
Tierney
Toomey
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOT VOTING—14

Berry
Buyer
Hyde
Jefferson
Lantos
McHugh
McIntosh
Pryce (OH)
Rangel
Sandlin
Sununu
Towns
Weller
Young (AK)

□ 1919

Mr. WISE changed his vote from "aye" to "no."

Mr. ARCHER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore (Mr. PEASE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 298, not voting 14, as follows:

[Roll No. 392]

AYES—121

Baldwin
Barrett (WI)
Bass
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Brady (PA)
Brown (OH)
Camp
Carson
Chabot
Coble
Coburn
Costello
Coyne
Cubin
Danner
DeFazio
Delahunt
DeLauro
DeMint
Dickey
Duncan
Emerson
Evans
Fattah
Filner
Fossella
Frank (MA)
Franks (NJ)
Ganske
Gilchrest
Goode
Goodlatte
Goodling
Green (WI)
Gutierrez
Hayes
Hefley
Herger
Hilleary
Hoekstra
Holden
Holt
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Klink
Kolbe
Latham
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Maloney (NY)
Manzullo
McCarthy (NY)
McInnis
Menendez
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (KS)
Myrick
Nadler
Nussle
Oberstar
Obey
Pallone
Pascrell
Paul
Payne
Pelosi
Petri
Phelps
Pomeroy
Porter
Portman
Rahall
Ramstad
Rivers
Roemer
Roukema
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sanford
Schaffer
Serrano
Shays
Shuster
Smith (MI)
Stark
Strickland
Tancredo
Thune
Tiahrt
Tierney
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Wamp
Watkins
Waxman
Weller
Whitfield
Woolsey

NOES—298

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson

Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kasich
Kennedy
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald

Miller, Gary
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Price (NC)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus

Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Toomey
Traficant
Turner
Udall (CO)
Vitter
Walden
Walsh
Waters
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—14

Ackerman
Berry
Buyer
Jefferson
Lantos

Martinez
McHugh
McIntosh
Pryce (OH)
Rangel

Sandlin
Sununu
Towns
Young (AK)

□ 1927

Mr. TIAHRT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 267, not voting 12, as follows:

[Roll No. 393]

AYES—154

Abercrombie
Ackerman
Allen
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Berkley
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Carson
Clayton
Conyers
Costello
Coyne
Crowley
Cubin
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dingell
Dixon
Duncan
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Ganske
Gejdenson
Gilman
Gonzalez
Gutierrez

Hall (OH)
Hilleary
Hoeffel
Holt
Hooley
Jackson (IL)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kolbe
LaFalce
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Myrick
Nadler
Napolitano
Nussle

Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Rahall
Ramstad
Rivers
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Shays
Shows
Slaughter
Stabenow
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Traficant
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wilson
Woolsey
Wu

NOES—267

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Callahan

Calvert
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Dickey
Dicks
Doggett
Dooley
Doolittle

Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood

Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kasich
King (NY)
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Mascara

Matsui
McCollum
McCrery
McGovern
McInnis
McIntyre
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Scott

Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Udall (CO)
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—12

Berry
Buyer
Jefferson
Lantos

McHugh
McIntosh
Pryce (OH)
Rangel

Sandlin
Sununu
Towns
Young (AK)

□ 1936

Ms. WATERS changed her vote from "no" to "aye."

Mr. BEREUTER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

The CHAIRMAN pro tempore (Mr. PEASE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 207, not voting 14, as follows:

[Roll No. 394]

AYES—212

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehner
Bonior
Borski
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Conyers
Costello
Coyne
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Doyle
Dunn
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Hooley
Horn
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Pomeroy
Porter
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sawyer
Scarborough
Schakowsky
Scott
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Stabenow
Stark
Strickland
Stupak
Sweeney
Talent
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Wu
Wynn

NOES—207

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Bryant
Burr
Burton
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Deal
DeLay
DeMint
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Etheridge
Everett
Ewing
Fletcher
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kingston
Knollenberg
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Olver
Oxley
Packard
Paul
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Price (NC)
Radanovich
Rahall
Regula
Reynolds
Riley
Rogers
Rohrabacher
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Toomey
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—14

Berry
Buyer
Jefferson
Lantos
McHugh
McIntosh
Pryce (OH)
Rangel
Sandlin
Serrano
Sununu
Towns
Woolsey
Young (AK)

☐ 1944

Messrs. EDWARDS, HASTINGS of Florida, UDALL of Colorado, MORAN of Virginia, and DAVIS of Florida changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROGAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 235, not voting 13, as follows:

[Roll No. 395]

AYES—185

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Bereuter
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burton
Callahan
Calvert
Canady
Cannon
Capps
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dixon
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fowler
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kingston
Kolbe
Kuykendall
LaHood
Lampson
Largent
LaTourette
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McInnis
McIntyre
McKeon
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Nethercutt
Ney
Norwood
Ortiz
Oxley
Packard
Paul
Peterson (PA)
Pickering
Pickett
Pombo
Porter
Radanovich
Reyes
Riley
Rivers
Rogan
Rohrabacher
Royce
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Toomey
Turner
Udall (CO)
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf

NOES—235

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Camp
Campbell
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah

Filner
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Green (WI)
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Larson
Latham
Lazio

Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pitts
Pomeroy
Portman

Price (NC)
Quinn
Rahall
Ramstad
Regula
Reynolds
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—13

Berry
Boucher
Buyer
Jefferson
Lantos

McHugh
McIntosh
Pryce (OH)
Rangel
Sandlin

Sununu
Towns
Young (AK)

□ 1952

Mr. BERMAN and Mr. DICKS changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GUTIERREZ

The CHAIRMAN pro tempore (Mr. PEASE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 269, not voting 12, as follows:

[Roll No. 396]

AYES—152

Ackerman
Allen
Baldacci
Baldwin
Barrett (WI)
Becerra
Bereuter
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Burr
Camp
Carson
Castle
Chabot
Clyburn
Conyers
Costello
Coyne
Crowley
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dixon
Doyle
Ehrlich
Engel
Eshoo
Evans
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Ganske
Gejdenson
Gephardt
Gillmor
Gonzalez
Gutierrez
Hall (OH)
Hinchey
Hoeffel
Hoekstra

Holt
Hooley
Jackson (IL)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
LaHood
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Nussle
Oberstar
Obey

Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pomeroy
Porter
Quinn
Ramstad
Regula
Reynolds
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Serrano
Shays
Shows
Smith (MI)
Smith (NJ)
Stark
Strickland
Stupak
Thompson (CA)
Thune
Tierney
Traficant
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weller
Weygand
Wilson
Woolsey

NOES—269

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)

Bryant
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Chambliss
Chenoweth
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint

Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte

Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
Lampson
Largent
LaTourette
Lewis (CA)
Lewis (KY)

Linder
Lofgren
Lucas (OK)
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntyre
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (VA)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Paul
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Price (NC)
Radanovich
Rahall
Reyes
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaffer

Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Turner
Udall (CO)
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wise
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—12

Berry
Buyer
Jefferson
Lantos

McHugh
McIntosh
Pryce (OH)
Rangel

Sandlin
Sununu
Towns
Young (AK)

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Mr. RODRIGUEZ changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1621

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor from H.R. 1621.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE VIOLENCE IN EAST TIMOR MUST STOP NOW

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, I was in East Timor at the end of August. I met with the government and military officials, with U.N. monitors, religious and community leaders. I traveled to the countryside. When I left East Timor, I called for the immediate formation of a U.N. peacekeeping force because everyone feared violent retaliation after the vote.

Now their worst fears have been realized. I had dinner in the home of Bishop Belo. Now his home has been burned to the ground. I have talked to people in Dili and Jakarta. Their eyewitness reports make your blood run cold.

This is not anarchy. This is not civil war. This is the deliberate, planned slaughter of a people.

The United States and the international community must help restore order and security by immediately deploying an international peacekeeping force.

The United States should suspend all aid to Indonesia, including multilateral aid, until the violence is ended and the people's safety is guaranteed.

Seventy-eight percent of the people of East Timor voted for independence. Their courage and commitment to freedom should not be rewarded with death. The time to act is now.

Mr. Speaker, at this time I would enter additional material into the Record.

Statement of U.S. Representative Jim McGovern on the Current Violence in East Timor, September 7, 1999

U.S. Representative Jim McGovern (D–MA) called upon the Clinton Administration today to suspend all U.S. assistance to the Government of Indonesia until such time as the violence in East Timor has ceased and the safety and security of the East Timorese people can be guaranteed. Rep. McGovern has also pressed the White House to support the immediate deployment to East Timor of a multinational peacekeeping force to help restore law and order. The following is Rep. McGovern's statement:

"I recently traveled to East Timor as part of a congressional delegation that included Sen. Tom Harkin (D–IA) and Jack Reed (R–RI) to assess the conditions leading to the August 30 referendum. Based on our interviews with officials in East Timor and Jakarta, and what we had witnessed on the ground in East Timor, I called for a United Nations Peacekeeping force to be deployed in East Timor during this difficult transition period. Throughout East Timor the people we talked with were deeply concerned about violent retaliation following the vote. Their fears have now been confirmed in the most horrific way.

"Over the past several days, I have been in discussions with many of the people I met with in East Timor, some of whom have recently been evacuated off the island. They describe burning and looting in Dili; attacks against unarmed civilians, including women and children; attacks against U.N. workers and the International Committee of the Red Cross; the rounding up of people who have taken refuge with the Catholic Church and transporting them to unknown destinations. The fate of these people is unknown, and the worst is feared. In most instances, eyewitnesses report the collaboration or direct assistance of the Indonesian police and military in these actions.

"I urge the United States to support Australia and other nations calling for the immediate deployment of a multinational peacekeeping force to restore order to East Timor and an end to the violence. The Government of Indonesia has clearly been unable or unwilling to provide security to the East Timorese people and should agree to the immediate deployment of such an international force to assist Indonesia in meeting its responsibilities and international commitments under the May 5 Agreement it signed with the United Nations and the Government of Portugal.

"I further urge the Administration to suspend all U.S. bilateral assistance to the Government of Indonesia until such time as the United Nations certifies that order has been restored and safety to the East Timorese people guaranteed. Time and again, the Government of Indonesia has pledged to guarantee security of the East Timorese people. Time and again, the U.S. has stated that there will be severe consequences should the Indonesian Government fail to live up to its commitments. They have failed to do so. It is time for the U.S. and other countries to begin demonstrating what those consequences are: a loss of all international economic, military and development support. I ask the U.S. to take the lead in urging other nations to suspend their assistance to Jakarta and for the international financial institutions to freeze all loan disbursements on current projects in Indonesia.

"Over 78 percent of people of East Timor voted for independence. Their courage and faith in democracy and the international community should not be rewarded with death and destruction. Every hour is costing lives in East Timor. The international community and the United States must act now.

Observations and Recommendations: August 19–24, 1999 Fact-Finding Trip to East Timor, U.S. Representative James P. McGovern

Having just returned from a fact-finding mission to East Timor (August 19–24) with Senators Tom Harkin (D–IA) and Jack Reed (D–RI), I would make the following observations:

(1) The May 5th Agreement on East Timor—signed by the Governments of Indonesia and Portugal and the United Nations Secretary General—puts forth the framework for elections in East Timor that would decide whether East Timor would remain a part of Indonesia (technically the vote is on supporting or rejecting autonomy).

The United Nations Mission on East Timor (UNAMET) has been established to implement the agreement and the Indonesian Government is responsible for ensuring the ballot can take place in a peaceful and stable environment.

(2) UNAMET has done an excellent job in creating a process that will allow this plebescite to occur. Despite a smear campaign being launched against them by pro-integration forces, UNAMET has been objective and fair—and has established a process that is credible.

UNAMET has already postponed the vote twice—from August 8 to August 21 to August 30. It appears unlikely that it will be postponed again.

In the face of political intimidation and violence—mostly by pro-integration forces—UNAMET nonetheless, registered over 450,000 voters. People defied the intimidation and registered in higher than expected numbers (over 100,000 more than what the U.N. considered an "acceptable" level).

(3) From discussions on the ground in East Timor with a variety of parties, it seems unlikely that there will occur a truly free and fair plebiscite. However, UNAMET's efforts could very well lead to a vote that truly reflects the will of the people in East Timor.

Armed militias continue to operate with impunity. We visited the town of Maliana on Saturday—only to learn that the town is regularly swarming with armed militias. The U.N. offices were recently attacked. In fact, a rock that was hurled through a window is still lodged in a wall in one of the offices. A number of local people have been killed, some are reported missing and many are routinely threatened with death if the election should result in a pro-independence vote.

We met with the local police chief who, while assuring us he will do his best to maintain security for the vote, conceded that he could give no instances where individuals associated with militias had been arrested—despite the fact that militia activity is strictly illegal.

It is also clear that the militias are a product of the Indonesian military—and not of any community-based. organization. They exist to do the army's bidding—plain and simple. If the military authorities wanted militia activity to cease, it would.

The police force, which has been technically charged with maintaining security and has been given all the appropriate support UNAMET, has been unwilling or unable to control militia violence. By all accounts, police security simply stand by and watch in the face of militia violence—and refuse to go against the military. What is particularly alarming is that this same police force is charged with maintaining security in the post-plebiscite period.

A visit by our delegation to Suai on Saturday revealed many of the same problems as in Maliana. Armed militias, political intimidation and threats of violence are all commonplace. In Suai, a potentially explosive situation has arisen where over 2000 internally displaced persons (IDP's) are seeking temporary sanctuary on the property of a local church. It is clear that most of the IDP's are pro-independence and are waiting in order to vote on August 30. Local authorities in Suai had shut off the water supply to the church and have also refused to allow food products to be brought to displaced people by the UNHCR. Our delegation appealed to local authorities to allow water and food to be brought to these people—and we were told that would happen. Water was restored, according to U.N. reports, later the next day.

(4) On Saturday, Senator Harkin and I met with Indonesian President B.J. Habibie. We

expressed our gratitude for his public statements in support of a free and fair vote in East Timor—but reported that our recent visit demonstrated to us that conditions there were still very disturbing. We urged that he take a more aggressive role in demanding Indonesian military compliance with the spirit of the May 5th agreement. We suggested a number of military officers who should be replaced based on their inappropriate behavior. He asked us to follow-up with a memo—which Senator Harkin agreed to do before leaving Jakarta.

RECOMMENDATIONS

(1) The United States and the world community should continue to strongly—and without equivocation—support UNAMET. This is especially important to do now because prointegration forces are smearing UNAMET in order to justify ignoring the voting results if the decision is pro-independence.

(2) The United States should urge the U.N. and the Indonesian government to allow a U.N. peacekeeping force into East Timor immediately. It is clear that the Indonesian police and military are not creating a secure environment, which could be particularly dangerous in the aftermath of a pro-independence vote. A number of U.N. and human rights observers continue to worry about retaliation in the aftermath of the election. Based on what I've observed, the local police will not or cannot stand up to military-backed militias.

(3) The United States and the world community must continue to make clear that Indonesia's failure to live up to the May 5th agreement and provide security to the people of East Timor before, during and especially after the vote will result in strong consequences—both economically and diplomatically. The Indonesian Government can show good faith now by disarming the militias and arresting anyone with an unauthorized weapon.

The U.S. Congressional delegation met with:

U.S. Ambassador to Indonesia J. Stapleton Roy and embassy staff.

Xanana Gusmao, opposition leader.

Major General Zacky Anwar—Indonesia Armed Forces (TNI) in East Timor.

Deputy Governor Sudharto of Dili, East Timor.

Party Leaders of the National Council of the Timorese Resistance (CNRT, the coalition of pro-independence forces).

United Nations Assistance Mission in East Timor team members (UNAMET)—including Ian Martin, Special Representative for the Secretary General for the East Timor Popular Consultation.

Roman Catholic Bishop of Dili, East Timor, Carlos Felipe Zimenes Belo.

Mateu Maiz, Mayor of Dili and spokespeople of the United Front for East Timor Autonomy (FPDK), the coalition of pro-integration forces).

Site visits to the western towns of Maliana and Suai in East Timor.

Indonesian President B.J. Habibie.

CARTER CENTER REPORT NO. 8 ON EAST TIMOR

CARTER CENTER STAFF EVACUATES EAST TIMOR; CENTER JOINS CALL FOR INTERNATIONAL INTERVENTION IF INDONESIAN GOVERNMENT FAILS TO ACT

The Carter Center has been forced by militia attacks in East Timor to evacuate its remaining three international staff members from the territory. Their reports from Jakarta of the events they witnessed just prior to leaving the East Timor capital of Dili conclusively show complicity of Indonesian forces, both police and military, with the armed gangs terrorizing and displacing the local East Timorese populace. This includes militias' efforts to drive international observers, journalists, and U.N. staff out of East Timor.

This violent situation is not chaotic, but rather appears to follow a plan, since Indonesian forces openly tolerate or even support assaults and killing of unarmed civilians by the militias. The Indonesian government has repeatedly pledged to take steps to stop the violence and has sufficient forces in East Timor to do so, but no action to stop the rampaging militias is evident in Dili or elsewhere in East Timor. At the very least, insubordination of military forces in the territory to higher command officials is occurring. Immediate changes in command and public issuance of orders to the military to use force to stop the militias are required.

If the U.N. ambassadorial delegation determines that the Indonesian government is not prepared to reverse this situation immediately, every step should be taken to get President B.J. Habibie to agree to the introduction of armed international peacekeeping forces.

Carter Center observers, now stationed in Jakarta, have confirmed the following incidents through direct observation or reliable reports from eyewitnesses in East Timor:

Since the vote results were announced on Saturday, armed pro-integration militia members have erected roadblocks throughout Dili and control the streets of the capital at all hours of the day. Militia members are: terrorizing and murdering unarmed civilians; intimidating, threatening, and attacking international personnel; burning houses; and displacing large numbers of people. Carter Center observers have on numerous occasions witnessed militia members perpetrating acts of violence in full view of heavily-armed police and military personnel who either stand by and watch or actively assist the militias.

On Monday afternoon, Sept. 6, in Dili, reports were received that thousands of internally displaced persons were being taken from their places of refuge in Dili by police and loaded on trucks headed for West Timor.

Over the weekend, militia members attacked and burned the offices of the International Committee of the Red Cross, the residence of Nobel Peace Prize laureate Bishop Carlos Belo, and other places of refuge, forcing thousands of internally displaced people sheltered in those places to flee.

Carter Center observers contacted officials at one Catholic mission in Dili that was sheltering several thousand internally displaced persons. They said armed militia had removed all young men from the compound on Monday evening. Their current whereabouts and condition is unknown.

Carter Center observers were attacked by militia at the port of Dili as they attempted to evacuate the Carter Center's local East Timorese staff on Sunday. After being pursued through the city by armed militia and by Indonesian police, the Center's international observers were evacuated to Jakarta with the help of the Australian consulate and the U.S. Embassy. Carter Center local staff are still scattered in Dili and unaccounted for.

International press and observers were forced at gunpoint by Indonesian police to evacuate their hotels and residences on Sunday and Monday and driven to the airport. A small number of international journalists refused to leave and some are now taking refuge at UNAMET headquarters.

There has been almost constant automatic weapon fire around and over UNAMET headquarters since Saturday evening. On Sunday night several thousand internally displaced persons sheltered in a school adjacent to UNAMET headquarters were forced to flee into the U.N. compound after automatic weapons with tracer bullets were fired over their heads. An estimated 2,000 people have now taken refuge in the U.N. compound.

UNAMET has been forced to evacuate all eight of their regional offices and on Monday evacuated a large number of international staff from UNAMET headquarters in Dili. U.N. vehicles carrying evacuees to the airport on Monday were fired upon.

COMMEMORATION FOR THE HOUSTON COMETS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, back to back to back. The Houston Comets are phenomenal women, and I am here this morning to congratulate them for their terrific victory against the New York Liberty. But more importantly, Mr. Speaker, I am here to congratulate outstanding sports players and women who played last Sunday at the arena in Houston before a sold-out crowd, and yes, this team has had its trials and tribulations, its ups and downs, but they took the bottom of their spirit, and they brought it to the top, and their perseverance and their strength, and they dedicated their game to Kim Perrot, the spiritual leader of their team who flew with the angels and looked down and said, "you've got to win this for Kim."

And so this crowd has shown us along with the Houston Comets what it means to be strong in one's soul and to win a game because they really won it and they deserve it. All the little girls of Houston and the Nation can now look up to this phenomenal team and these phenomenal women.

To Cynthia Cooper and Sheryl Swoopes, to Tammy Jackson, to Janeth Arcain, Cynthia Cooper, Sonja Henning, Tammy Jackson, Monica Lamb, Mila Nikolich, Jennifer Rizzotti, Sheryl Swoopes again, Tina Thompson again, Polina Tzekova, Amaya Valdermoro, and Kara Wolters and to the MVP and the dynamic public relations leader, Sarah Joseph, and, of course, to Van Chancellor, the coach who is the coach of the WNBA, and the owner, Les Alexander; they are a champion, they are phenomenal women, and we say to our spiritual leader who flies with the angels, Kim Perrot, "We'll never forget you."

Congratualtions to Houston and congratulations to the WNBA.

Back to back to back.

I am pleased to address the House to congratulate the Houston Comets on their third

Women's National Basketball Association title. On Sunday, the Comets beat the New York Liberty 59–47 in front of a sell-out crowd at the Compaq Center in Houston.

It was a great day for Houston, a great day for women's basketball and women's sports, and it was a great day for the Comets, a team that has overcome tragedy to make history.

The Houston Comets have now won three consecutive championship games. This is the second time that the team has faced the New York Liberty and won. And for the third consecutive season, Cynthia Cooper has been named the Most Valuable Player for the WNBA Finals.

Sunday was indeed a great day for Houston because it brought the city together. The game on Sunday was played before a sell-out crowd of 16,285 fans. It brought the best out in a team and a city that suffered the loss of Kim Perrot, the point guard who passed away one week before the play-offs.

Kim Perrot was crucial to the Comets in their two previous championship games. Unfortunately, she was diagnosed with lung cancer earlier this year, and passed away in mid-August.

Although she was not physically present, her spirit was indeed there as the team rallied to victory. The crowds chanted "Three for Kim, three for Kim," until the final buzzer, and several fans wore her jersey, number 10 in her memory.

The excitement over the Comets' win follows behind the triumphant win by the U.S. Women's Soccer Team earlier this summer. Both of these wins have ushered in a new era of respect for women's sports.

Women's sporting events have proven to be just as exciting as men's sports. We have seen an increase in sports participation by girls in school and we will soon see more women's sports in prime time. Young girls now have role models in athletics like Cynthia Cooper, Sheryl Swoopes and Tammy Jackson.

Just as we paid homage to Title IX earlier this year, I would like to again mention how important that legislation has been to women's professional sports today. The accomplishments of the Women's National Basketball League serve to remind us that only 27 years ago, there was no Title IX and women were still second class citizens. We have come a long way from the days when only men were expected to excel in sports.

In athletics, we will continue to see more opportunities for women in intercollegiate and professional sports. Institutions must ensure that there is adequate athletic financial assistance, accommodation of athletic interests and abilities of women, and that the opportunities and treatments afforded to sports participants must be equivalent. All of this is critical to ensure a solid future for women's professional sports.

The Houston Comets have now followed in the footsteps of some of the more prominent NBA teams in winning three titles in a row. The Comets are now a part of the pantheon that includes the former Minneapolis Lakers, the Boston Celtics, and the Chicago Bulls.

I salute the Houston Comets team—Janeth Arcain, Cynthia Cooper, Sonja Henning, Tammy Jackson, Monica Lamb, Mila Nikolich, Jennifer Rizzotti, Sheryl Swoopes, Tina Thompson, Polina Tzekova, Amaya Valdermoro, and Kara Wolters for giving our children s-heroes to look up to. I also salute their coach, Van Chancellor, their owner, Les Alexander and the people of Houston for giving us another reason to celebrate women in sports.

USTR PREPARING TO GIVE CHINA MEMBERSHIP IN WTO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, as incredible as it sounds, the bureaucrats from the United States Trade Representative's Office are once again preparing to give their comrades in the People's Republic of China membership in the World Trade Organization. We saw the same thing happen last April when the Chinese autocrat Zhu Rongji was here in Washington.

The USTR was feverishly working to further open our wallets to the world's largest nonmarket country; a nation that is ruled by corrupt tyrants with absolutely no respect for the rule of law or the basic human and political freedoms of its people; a nation that buys less of our goods than Belgium, one that steals our nuclear secrets, a country that proliferates weapons of mass destruction, and has the audacity to threaten the people of Taiwan for wanting the very same political freedom that lets us debate these issues in this chamber.

□ 2015

I have said it before, and I will say it again. Wei Jingshang, a man who spent nearly decades in Chinese prisons for having the nerve to fight for democracy, told me that it is American business executives and their political connections that serve as the vanguard of the communist revolution of the Chinese in the United States.

As I speak, our Trade ambassador is being advised at the APEC summit in New Zealand by an individual who just 2 weeks ago was a lobbyist for Boeing, while his predecessor is now a lobbyist for a satellite manufacturer with extensive dealings in the People's Republic of China.

Think about that the next time you read or hear about a textile worker in Georgia or an assembly line worker in Detroit or Cleveland who loses her job to a flood of Chinese goods, products that are made by workers that can be arrested, tortured, even executed for trying to organize a trade union. Think about their lives and the lives of their families and the well-being of their communities because the USTR is not going to hire these workers, Microsoft is not going to employ them as computer engineers, Wall Street is not going to take care of these laid off workers by allowing them to share the wealth either.

And while we are left wondering how to help our workers and their families recover from the latest flood of prison labor imports or how we get the People's Liberation Army to back down from its threats against Taiwan, maybe we should take a closer look at how exactly our proposed World Trade Organization deal with China will affect American business and American workers.

Just last week, the International Trade Commission released a report detailing the benefits a China WTO deal would have on our economy, a report based on the false promises that Zhu made during his Washington visit last April. False promises because time and time again the communist Chinese Government has not lived up in China to a single pledge to open its market to foreign competition.

Every memorandum of understanding, every bilateral trade pact that our USTR, our Trade representative, has negotiated with the Chinese and touted as proof that China is changing has been completely ignored by the central planners in Beijing. Yet the American people, including those of us here in Congress, are not even allowed to read the Trade Commission report which was paid for by our tax dollars.

These are not nuclear weapons codes. These are not blueprints for a new generation of microprocessors. These are not top secret materials. This is merely a government report on how a World Trade Organization deal for China will affect the U.S. economy.

Yet the bureaucrats at USTR are deliberately withholding information from the American people and from this Congress. The only thing we have been able to read is a tiny summary that ominously warns that even under the best circumstances, meaning for the first time ever China actually lives up to its promises to reform, if in fact that would happen, even then, under the best circumstances, a WTO deal would barely increase our exports and would continue to swell the record setting trade deficits that we seem to find each month in dealing with China.

Think about that because the ugly truth in this report which we are not allowed to read because it is damaging to the agenda of the Republican leadership in Congress, to the President and the administration, and to leaders in corporate America because it is damaging to them, it is admitting that the People's Republic of China into the WTO is the ultimate remedy for our burgeoning trade deficit with the world's worst abuser of human rights.

Mr. Speaker, this is absurd. The American people should demand that the report be released and we should once and for all be allowed to finally democratize our trade policies. For too long our voters, the men and women who send us here, have been shut out of this arena and they deserve to know exactly what our trade bureaucrats and their corporate allies have in store.

Mr. Speaker, say no to WTO accession for the communist government and the People's Republic of China.

STEENS MOUNTAIN

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, last weekend I had the great fortune of visiting with the ranchers and individual citizens who live on and around Steens Mountain in Harney County.

I traveled many miles over a majestic loop road that takes in the magnificent views of the vistas overlooking the Kiger Gorge and the Alvord Desert and the Little Blitzen Gorge. I also flew over these breathtaking areas and actually got on a horse and rode to the ridgetops of the Roaring Springs Ranch to look at the Steens Mountains.

Many individuals who live on and around the mountain accompanied me as we looked at the management and multiple uses occurring on Steens Mountain. These farmers, ranchers, guides and others are the ones whose livelihoods would be significantly affected by actions of those who are thousands of miles away, those who perhaps have never seen the Steens or set foot on its soil.

Let me tell my colleagues like Steve Hammond, who is the latest generation in his family to ranch and raise his family on the Steens or Fred Otley, who works early mornings and late nights on his family's ranch taking care of the cattle while handling the politics of the mountain, all the while seeking new and improved range management techniques or Dan Nichols, a rancher and county commissioner who is involved in the tourist industry through his family's bed and breakfast and an excellent one I must say, while still trying to manage the affairs of the county; Stacey Davies, a young ranch manager who with his wife Elaine is raising their 6 boys on one of the largest ranches in Oregon and who is incorporating some research and science and active management principles that are an important part of the ecology of the mountain; John and Cindy Witzel, a young couple who know the mountain as well as part of their packing and guiding business.

These are but a few of the many people with whom I spoke and met as I traveled around Steens Mountain this weekend. All of them know the mountain intimately, and each has a unique story to tell.

The underlying reason for my visit to the Steens is that the Secretary of the Interior threatens to unilaterally put down some designation before he leaves office if the Congress does not do so before that time.

Well, after visiting the mountain, I found myself asking from what or from whom are we trying to protect the Steens? Do we truly need a new designation? What will the effects of a designation be? Will the Steens be better off if they are declared a national monument that will thereby draw thousands if not tens of thousands of tourists to this very pristine and remote area of southeastern Oregon? How many more roads and restrooms and paving and guardrails and everything else would we need for the mountain to accommodate such an influx of tourists?

I wonder if the visitor to Yosemite National Park would find it a better experience today than it was prior to the influx of probably hundreds of thousands of tourists.

Steens Mountain is a patchwork of private and Federal lands. The management of the mountain depends on cooperative partnerships between those private landowners and the Federal land managers. The success of this partnership lies in the ability of the private landowners to work with their Federal neighbors and for their Federal neighbors to be good neighbors.

There are many excellent management techniques being practiced on the mountain today from proscribed burns to stream restoration work and monitoring. The health of the mountain is in an upward trend with private land owners playing an active and an important role in promoting sound stewardship on the mountain.

Before someone blindly places a Federal designation on the Steens Mountain for the sake of a designation, we need to carefully ask does the mountain need additional protections. From what I saw, I am not convinced it does.

However, if it is determined that greater protections are warranted, let us take the time to carefully consider the needs of both the mountain and those whose livelihoods defend on it for ranching, for recreation, and for tourism. Let us not spoil Steens Mountain.

The successful management of the Steens, with or without some form of national designation, depends upon the close cooperation of the private landowners and those in the community who live on and around the mountain. Now is not the time for the Federal Government to shove some designation down their throats.

CONGRATULATIONS TO VIRGINIA F. SAUNDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, in the ranks of federal workers are many exceptional people. I want to draw the House's attention to the latest achievement, and lifetime of service, of one federal employee who lives in my congressional district: Ms. Virginia F. Saunders, of Beltsville, Maryland.

Ms. Saunders, a dedicated Government Printing Office employee for over fifty years, was recently presented the James Bennett Childs Award by the American Library Association's Government Documents Round Table. This prestigious honor, reserved for persons making extraordinary contributions in the field of government documents librarianship, was awarded to Ms. Saunders in June at the ALA's annual convention in New Orleans. She received the Childs Award in recognition of her work in the compilation and publication of the U.S. Congressional Serial Set, which since 1817 has collected all numbered Senate and House documents into an authoritative, permanent record of the U.S. Congress.

Ms. Saunders has served with distinction at the GPO since 1946, when Harry Truman was President. For the last 30 years, she has been the individual primarily responsible for the Serial Set, a publication of incalculable value to library collections, historians, researchers, and students everywhere.

In the words of historian Dee Brown, the U.S. Congressional Serial Set "contains almost everything about the American experience . . . our wars, our peacetime works, our explorations and inventions . . . If we lost everything in print, except our documents, we would still have a splendid record and a memory of our past experience." As the GPO's 1994 Report of the Serial Set Study Group pointed out, researchers and librarians agree that the Serial Set is "without peer in representative democracies throughout the western world as a documentary compendium."

Throughout her career, Virginia Saunders has worked tirelessly to improve the Serial Set, and has generously shared her knowledge with document librarians across the country. In 1998, she delivered an overview of the Serial Set's history at the 7th Annual Federal Depository Library Conference. In addition, she has served as a panelist at the ALA's annual conference.

This latest award is not Saunders' first recognition for her exemplary service. In 1989, her timely, common-sense suggestion that duplicative House and Senate reports stemming from the Iran-Contra investigation be assigned serial numbers as required, but not bound, saved the government more than $600,000, and earned her commendations from the Public Printer and President George Bush.

Her nomination for the Childs Award summarized her work with the Serial Set as follows: "Ms. Saunders has not only meticulously maintained a set of records of vital importance to the Nation, but has worked with information professionals and Government officials to improve it, to lower costs, and to enhance its accessibility to librarians, researchers, and the public."

Mr. Speaker, let's join in offering our heartfelt congratulations to Virginia Saunders for her latest achievement, and our sincere thanks for her lifetime of service and a job well done.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the Congressional Record revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–245 to reflect $351,000,000 in additional new budget authority and $0 in additional outlays for international arrearages. In addition, revisions to the allocation for the House Committee on Appropriations should reflect $4,476,000,000 in additional budget authority and $4,118,000,000 in additional outlays for emergency spending. This will increase the allocation to the House Committee on Appropriations to $543,123,000,000 in budget authority and $582,465,000,000 in outlays for fiscal year 2000.

As reported by the House Committee on Appropriations, H.R. 2670, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies Appropriations Bill for fiscal year 2000, includes $351,000,000 in budget authority and $0 in outlays for international arrearages. The bill also includes $4,476,000,000 in new budget authority and $4,118,000,000 in outlays for emergency spending.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation.

LIFTING OF ECONOMIC SANCTIONS AGAINST INDIA AND PAKISTAN SHOULD NOT BE VEHICLE FOR LIFTING BAN ON MILITARY TRANSFERS TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in the next few weeks, the House-Senate conference on the fiscal year 2000 Defense Appropriations bill will address, among other issues, a provision that would suspend for 5 years certain sanctions against India and Pakistan. The sanctions were imposed pursuant to the Glenn amendment to the Arms Export Control Act more than a year ago after the two South Asian nations conducted nuclear tests.

In the other body, the Senate, the amendment to limit the sanctions offered by Senator BROWNBACK of Kansas was approved 3 months ago. The House version of the Defense Appropriations bill does not address the issue leaving this issue to be resolved in conference.

Mr. Speaker, while I generally support the provision to suspend the sanctions against the two South Asian nations, there is one other critical provision in the Senate language that would, in my opinion, be a grave mistake. The Senate bill includes language to repeal the Pressler amendment, which bans U.S. military assistance to Pakistan. I will be sending a letter to the conferees this week urging them to drop the Pressler amendment repeal and to just stick to suspending the Glenn amendment sanctions that were imposed last year, and I urge my colleagues to do the same.

I believe we must retain the Pressler amendment, which was adopted in the 1980s and was invoked by President Bush in response to Pakistan's nuclear proliferation activities. And nothing has changed to justify repeal of Pressler.

Earlier this year, we were again reminded of why the Pressler amendment should remain in effect. Pakistan provoked a serious crisis in Kashmir by supporting the incursion of militants into territory on India's side of the Line of Control in Kashmir in the spring. Given that the two countries have become nuclear powers, the conflict in Kashmir grabbed the world's attention.

Fortunately, India responded in a restrained and responsible way, using measured and appropriate force to protect its territory without precipitating a wider war. And our State Department, in its public statements, clearly recognized which of the two countries was fomenting instability, and that is Pakistan, and which was behaving responsibly, and that was India.

Besides playing a direct role in arming and training the militants, there were strong indications that the Pakistani Army regulars were actually among the infiltrators. As Pakistan-supported aggression in Kashmir backfired militarily, Pakistan tried to salvage some kind of diplomatic or political windfall out of its Kashmir debacle by trying to drag the U.S. into the role of mediator, an offer that our country has wisely refused.

Mr. Speaker, it is clear that Pakistan is the country that promoted instability in the recent conflict as they have so often done in the past. Pakistan's involvement in supporting the militants who continually infiltrate India's territory is an example of how Pakistan promotes regional instability and commits or supports aggression against its neighbors. India, on the other hand, is not involved in these kinds of hostile, destabilizing activities against its neighbors.

Pakistan, Mr. Speaker, has also been repeatedly implicated, along with China, Iran, and North Korea, in the proliferation of nuclear weapons and missile technology. India's nuclear program, on the other hand, is an indigenous program and India has not been involved with sharing this technology with unstable regimes. And I think that is an extremely important distinction.

Mr. Speaker, I just want to stress that our priorities should be to do what we can. The best way we could do that is to limit the sanctions imposed under the Glenn amendment, to restore the growing economic relationship between the United States and India. But we should lift those sanctions in the case of the Glenn amendment without the ill-advised lifting of the Pressler amendment prohibition on military transfers for Pakistan.

The historic free-market economic reforms that India initiated at the beginning of this decade have created vast opportunity for American participation in India's economic future. The sanctions under the Glenn amendment restrict our ability to participate in this emerging market. And that is why the Glenn amendment is a good thing and there is bipartisan support for lifting it for the 5 years, but it has to be done without the ill-advised lift of the Pressler amendment and the prohibition on military transfers for Pakistan that are in the Pressler amendment.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A MOTION TO SUSPEND THE RULES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–309) on the resolution (H. Res. 281) providing for consideration of a motion to suspend the rules, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2587, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–310) on the resolution (H. Res. 282) waiving points of order against the conference report to accompany the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said district for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 417, BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–311) on the resolution (H. Res. 283) providing for consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, which was referred to the House Calendar and ordered to be printed.

A TRIBUTE TO AMORY UNDERHILL

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentleman from Florida (Mr. SHAW) is recognized for 5 minutes.

Mr. SHAW. Mr. Speaker, today I rise to pay tribute to my dear friend Amory Underhill who passed away last night at the age of 89 in DeLand, Florida. Amory was highly respected and honored for his lifetime accomplishments and service.

Amory served as lieutenant commander in the United States Navy. After his military service, Amory came to Washington, D.C. where he became special attorney at the United States Department of Justice. Amory also served as first assistant in the antitrust division and Deputy Attorney General's office and was appointed as assistant Attorney General by President Truman.

Amory was proud to have attended every presidential inaugural from President Roosevelt through President Clinton and privileged to have a personal relationship with each one of these presidents.

Throughout all of Amory's achievements, he remained a dedicated Floridian through his service and generosity to his native State. Amory served as trustee emeritus of my alma mater, Stetson University in DeLand, Florida, and Saint Leo College in Saint Leo, Florida. He served as chairman emeritus of the Board of Overseers of Stetson University College of Law in St. Petersburg, Florida, and as chairman and president of the Bert Fish Foundation in DeLand, Florida.

Amory was actively involved in the Florida House here in Washington, D.C., serving as treasurer and as a member of the founding board with the late Governor Lawton Chiles and his wife, Rhea. From the time he first came to Washington, through the rest of his life, he was a fixture at every Florida State society function, acting as friend and mentor to generations of Floridians in Washington, including the Florida Congressional Delegation.

Mr. Speaker, I am honored and grateful to have had the opportunity to have known Amory Underhill. Amory was a highly respected man in Florida. While I am saddened by his passage, his extensive contributions to Florida, this Nation, and the fond memories that I have will live on forever.

THE WACO TRAGEDY, WILL THE TRUTH EVER BE KNOWN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to briefly discuss the Waco tragedy that has been so much in the news over the past few days.

Before coming to Congress, I spent 7½ years as a criminal court judge trying felony criminal cases. I tried the attempted murder of James Earl Ray, several death penalties cases, and many high profile cases of all types. I believe in the death penalty as it is now used, meaning on our most horrible cases, and I believe in very long sentences for violent, hardened criminals. I am very strongly anticrime; but I must say tonight that I think this Waco tragedy was one of the most tragic episodes in our Nation's history and one of the most despicable things the Federal Government has ever done.

Eighty-six people, including 24 children, were put to death simply for attempting to be left alone, so they could practice what I and most other people felt were kooky religious beliefs. But in a free country, people are supposed to have the right to have kooky, weird or unusual beliefs as long as they are not hurting anyone else.

The Waco victims were killed apparently because federal law enforcement officials were bound and determined to conduct a raid that would make the national news. This was not about law enforcement; this was about publicity.

Now, after 6 years, we discover, as many people suspected all along, that the FBI has been lying about this sordid affair. We heard a few days ago that contrary to previous Justice Department statements, incendiary devices were placed by the Government into the Branch Davidians' home.

Today, we are told even more incendiary devices were put in there, something called military star flares, highly flammable. The federal law enforcement people bombarded this home for many weeks, hour after hour, minute after minute, with extremely loud noises, extremely bright lights throughout the night. Then they moved in the tanks.

Hundreds of officers, thousands and thousands of highly paid man-hours, hundred of millions of taxpayer dollars wasted in a massive overkill of people who were of no threat to anyone.

Then the Government attempted to do a false public relations campaign about child abuse, of which there was no proof, and illegal weapons, also not proved.

What makes all of this even worse is that the kooky leader, David Koresh, was frequently out of the Davidians' home alone and could have easily been arrested on many occasions if the ATF and others were not primarily interested in publicity in the first place.

Eighty-six people killed, 24 children dead, in what many people now say was a raid done in an attempt to justify increased appropriations.

Five or 6 years ago, Forbes Magazine had a lengthy cover story about the Justice Department. The story said that we had quadrupled the Justice Department funding since 1980 and that prosecutors and federal law enforcement people were falling all over themselves trying to find cases to prosecute.

The article said they were resorting to going after honest business people who had unintentionally violated laws they did not even know were in existence, shades of the IRS.

Several months ago, Newsweek Magazine had a cover story which said on its cover, "The IRS, Lawless, Abusive, Out of Control."

Well, the same thing could be said today of the Justice Department under Attorney General Reno and our federal law enforcement agencies. Today, our law enforcement dollar is out of whack. The highest paid law enforcement people are federal bureaucrats who sit here in Washington and never see a real criminal unless they are mugged on the way to their cars after work.

The lowest paid law officers are the local police and sheriffs deputies, the people who are fighting the real crime, the street crime, the violent crime that people want fought.

The tragedy at Waco, the deaths of the children, the lies about it since it happened, are all the outgrowth of a Federal Government that has grown too big for its own good, and certainly too powerful and too arrogant for the good of the people for whom these Government officials are supposed to be working.

While I am discussing this, I should also mention the cold-blooded killing by the FBI of 13-year-old Sammy Weaver and his mother at Ruby Ridge, Idaho.

This small boy was cowardly shot in the back and his mother was shot as she held her small baby in the doorway of her house.

And no one is ever held accountable for all of these deaths and all of these lies, because today we do not have a Government of, by and for the people but instead have one that is of, by and for the bureaucrats, the unelected elite of this Nation.

The only thing these people really care about is their money. What we should do, but will not, is to drastically cut the money for these agencies and give it instead to local law enforcement agencies or back to the hard-working citizens we took it from in the first place.

It certainly, Mr. Speaker, will not satisfy anyone to have a whitewash investigation by establishment types handpicked by the Justice Department and approved by our very biased national media.

VA-HUD INDEPENDENT AGENCIES APPROPRIATIONS FOR FY 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, the VA-HUD bill that we are considering today is unacceptable. At a time of unprecedented economic prosperity, the question is: Why is it that we are cutting the supply of affordable housing instead of increasing the supply of affordable housing?

The cuts proposed by the Republicans will be devastating to our Nation's most vulnerable citizens. The majority proposes to cut $1.6 billion below last year's levels. The VA-HUD bill does not include any of President Clinton's requests for new housing and economic development assistance, such as 100,000 new Section 8 vouchers, APIC, which is America's Private Investment Companies, and other initiatives.

In the City of Chicago, these cuts would deprive 2,530 people of jobs; 1,915 people of affordable housing; and deny assistance to 397 homeless families and persons with AIDS. It is estimated that the City of Chicago will lose $33,975,000 as a result of the VA-HUD cuts.

My constituents are asking, what is going on here in Washington? Well, I will tell what is going on here.

The proponents of this huge tax cut are looking for ways to pay for their plan for their wealthiest supporters. Unfortunately, they chose to do this on the backs of the poor, our most vulnerable citizens. I urge my Republican colleagues to fully fund VA-HUD. We must expand, not cut, the programs that meet vital housing and economic development needs of our most vulnerable citizens.

TAX RELIEF, IT IS GOOD FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to address tonight the Republican budget and the tax relief package which Americans certainly deserve and is long overdue to them and particularly in respect to the rhetorical terrorism that we seem to hear from the White House.

I guess it is the fall. Everybody is back on the football field. The kids are back in school and the White House hot air machine is in full force spreading the lies which they seem to be so good about. Now here we have a budget which is a three-point budget, Mr. Speaker; and basically what it does, as a triangle, the apex of the triangle does one thing, protects Social Security and Medicare, setting aside $1.9 trillion for Social Security and Medicare protection. Unlike the President's proposal that he made in January of this year, standing right in front of where the Speaker is, saying let us put aside 62 percent of the Social Security surplus, the Republican plan puts aside 100 percent.

Now, even if someone is a liberal over at the White House, they know that 100 percent is more than 62 percent, and this is good for your grandmother and my grandmother.

So we have the first point, Social Security and Medicare is protected, $1.9 trillion under the Republican plan.

The second corner of the triangle is to pay down the debt, $2.2 trillion to pay down the debt. This budget allows us to look one's grandmother in the eye and say we are taking care of them and also look our children in the eye and say we are taking care of their future.

Now we had a $5 trillion debt. I would love to see us pay all of that off but, Mr. Speaker, unfortunately the votes are not there. The political will is not there. I would love to see the money go to debt reduction, but the math in terms of getting 200 votes in the House, 51 in the Senate and the signature of the White House is just not there. So we do have some debt reduction.

Now, after we have paid that portion of the debt down in installments, it triggers tax relief, not only afterwards. So we have the $2.2 trillion in debt relief. Then we get $792 billion in tax relief. The way I look at that, Mr. Speaker, if someone goes to Wal-Mart and they buy a $7 hammer, and they give the cashier $10 they expect their change. They do not expect the cashier to load their cart up with more goods and services.

Yet that is what the liberals over at the White House want to do. They say the American people do not deserve their change back for their hard-earned pay, and I think that they do.

This change, this tax relief, is in the form of capital gains tax relief, 20 to 18 percent; if someone is in the lower income bracket, 10 to 7 percent. Income tax relief across the board, 2.9 percent for upper income, 7 percent for lower income. Death tax relief so that if a person dies they can pass their small business or family farm on to their children so that they too can carry on the family enterprise; and then marriage tax relief.

It is ridiculous, Mr. Speaker, that we live in a society that says, if people get married they are going to pay more in taxes than if they are just living together, and yet we out of the other side of our mouth are talking about what a great institution marriage is. These are common sense, across-the-board, middle-class tax reductions, one thing the Democrats have trouble understanding.

They say, yes, but the rich are going to get money out of the tax relief.

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Well, as my colleagues know. Hello? Who pays taxes? If you pay taxes, you are going to get tax relief; I am sorry, there is no way around it. But that seems to be the concept wasted over there at the White House.

So, Mr. Speaker, this is a budget that takes care of Social Security and Medicare first, debt relief second, and after that and only after that, tax relief for the hard-working middle-class Americans. It is a good budget.

The President says he wants a budget that takes care of Social Security, Medicare, and debt relief. This is the budget for him to sign. I wish that he would sign it because do my colleagues know what, Mr. Speaker? We do not really have to be here. If the President would go ahead and say: You know what, this is a common sense budget; and I agree with my Democrat comrade and friend, Senator Bob KERREY, the liberal senator who said this is reasonable, and I am going to support it. And if he could, we would go home, and we would not be passing a whole bunch of other new laws and regulations that are crippling American industry, American education, and school systems and hurting middle-class Americans.

And that would be the greatest part. We could all go home, and I do not think there is anybody outside of Washington, D.C., who would regret Congress adjourning early.

So, Mr. Speaker, with that let me just say I urge the President to get off the rhetoric, I urge the President to get into reality, and I urge him to sign this bill. But if he does not, at least sit down in good faith, and let us try to work out something because the American taxpayers deserve it.

CHUMP CHANGE

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the gentleman who preceded me in the well said it very well. He said he talked about American people getting change back, and that, in fact, is what the Republican tax bill would provide for the vast majority of Americans. He then went on to say:

Hello? Should not the wealthy people get back more? They pay more.

But guess what? They have already gotten their tax cuts.

A study that was just published yesterday and is coming to the attention of the Congress and the American people shows that because of the tax cuts back in the 1970s and the 1980s the wealthiest 1 percent of the American people have already realized an average tax cut of $40,000 a year from their 1977 tax rate, $40,000 a year. That is more than two-thirds of the American people earn for an entire year let alone pay in taxes, and he is saying: Of course those people should get more tax relief.

Why should they get more tax relief? Their average tax bill is already greatly reduced from the tax bill that was assessed against those same incomes in this country 20 years ago.

But in order to provide that tax relief, guess what? Programs that most American families value whether it is the Veterans Administration which we are debating today on the floor of the House, today and again tomorrow, which, yes, they have made it whole in terms of last year's budget, but guess what? There is not enough money there to cover the aging World War II vets and the care they need and my generation, the Vietnam vets. There is not enough money in that budget. But that money will not be appropriated.

They are actually cutting housing. Is America well housed? Does the average young family who wants to have an opportunity to get into what is record-priced housing in the western United States, in my district and elsewhere? Are they getting a little bit of help from the government that they could use to get into that first house? Are other families over housed or well housed in the middle third or so of the incomes in this country? Those programs are being cut.

Medicare is being cut. The home health program is a disgrace; the cuts that were put into place 2 years ago, which I voted against, but a majority here and, sadly, a large number of Democrats voted for and the President signed is still going to be dramatically underfunded, and home health care benefits will not be extended to millions of seniors who need them in order to give a tax cut to the wealthiest 1 percent of the American people who have already gotten a very generous tax cut over the last 20 years.

Mr. Speaker, the result of all this is that we are seeing an unprecedented concentration of wealth in that 1 percent. More than 40 percent of the wealth in this country, levels not seen since the great depression are owned by 1 percent of the people, and the response of the gentleman from Georgia is: Hello? They should get their taxes cut more so they can accumulate an even bigger portion of the pie while middle-income families have both parents working and still cannot afford to send their kids to college without the kid incurring a huge mountain of debt, while seniors are not able to pay for their prescription drugs and cannot get the home health care they need, while our veterans go unserved. All those things will be reduced so that those people, hello, that top 1 percent who are suffering horribly, and, you know, they are paying only 20 percent less taxes than they paid 20 years ago in this country who are accumulating unprecedented amounts of wealth so they can see yet another tax cut.

This is change, chump change for average American workers. For the vast majority of people in this country the Republican tax bill delivers, as the gentleman said, change, chump change, 116 bucks a year for two-thirds of the American workers on average, many of them getting nothing, but $116 on average per year for people earning less than $34,000 a year. But yet, if you earn over $350,000 a year, you will get a $31,800 tax cut, more than most of those other families earn altogether.

Do those people, are they suffering? Are they struggling to make ends meet on $350,000 a year? Do they really need that tax cut? Do we have to reduce those programs in order to deliver that tax cut? Do we need such an unfair tax cut? If you want to have a tax cut that is fair, let us reduce the burden of the FICA tax, the Social Security tax. You could do that. You could actually do that and still safeguard Social Security. That would provide tax relief to 96 percent of wage-earning Americans in a bill I have proposed.

But guess what? It does not help out those people in the top 1 percent, those earning over $350,000 a year who are paying almost 80 percent of the level of taxes that they paid 20 years ago. They need more tax relief. That is the bottom line in the Republican bill. It is delivering to the people who fund their campaigns, it is delivering to the people who run the corporations that fund their campaigns, and it is delivering, as the gentleman said, chump change to average Americans.

Mr. Speaker, we need to reject the Republican tax bill, I am certain the President will veto it, and let us get back to reality here in Washington, get back to our work, fund the veterans programs, fund the housing programs, set up fair priorities and give tax relief to average families who could use a tax break because they are not even keeping up with inflation.

CURIOUS, COARSE, CALLOUS POLITICAL CALCULATIONS AT THE OTHER END OF PENNSYLVANIA AVENUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I think the preceding two speeches offer a classic contrast where we come as a free people to debate ideas because my friend from Oregon who precedes me is caught up in the politics of envy. Mr. Speaker, I would suggest that as Americans, Republicans and Democrats, liberals and conservatives, we would do well to set aside the politics of envy and embrace the policies of opportunity.

Mr. Speaker, as all of my colleagues had the opportunity on recess to spend time with their families, I also spent a good bit of time with my constituents in the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania, and in 13 town halls held across the width and breadth of the Sixth District I found that constituents were consistently rejecting the politics of envy for the policies of opportunity as enunciated by our common-sense majority in the Congress as we pledged during this 106th Congress, number one, to save and secure Social Security and Medicare not only for today's seniors, but for tomorrow's, as we also move to save and strengthen and rebuild our national defenses and our national security, as we work to improve education by empowering leaders at the local level, locally elected school boards; but, more importantly, teachers in the classroom and parents in the home because we know that teachers in the classroom and parents at home can deal far better with the educational challenges of their youngsters than any Washington, D.C. bureaucrats.

And finally what my good friend from Georgia mentioned, tax relief and tax fairness for all Americans. My friend from Oregon had one glaring omission in his diatribe against letting the American people hold onto more of their hard-earned money. He failed to cite the fact that the top 5 percent income earners in this country pay well over 60 percent of the taxes taken in by the Federal Government.

But be that as it may, tax relief for everyone is encapsulated and included in death penalty relief, easing the penalty of the death tax on the American people, reducing the marriage tax penalty, reducing capital gains taxes so that you are not punished for succeeding or investing wisely and offering to small business 100 percent deductibility for health care insurance instantly if the President will sign the bill even as we lock away over $2 trillion to save Social Security and Medicare and pay down the national debt.

These are the opportunities that confront us, and, Mr. Speaker, I would be remiss if I did not mention one other topic that has come to the fore in town hall meetings and has been part of our electronic town hall in talk radio and in discussions on television, and that is the unbelievable actions of our Chief Executive to grant clemency to Puerto Rican terrorists. I am sure, Mr. Speaker, that Osama Bin Ladin and others who embrace terrorism are watching with great interest.

The power to pardon, to grant clemency is given to our Chief Executive by the Constitution. How curious that our President, having issued clemency only three times, would grant it in blanket fashion to over a dozen Puerto Rican terrorists who waged a campaign of terror for well over a decade if they would only promise to renounce violence.

Mr. Speaker, when will it end; the pilfering of 900 FBI files of political opponents, the curious and tragic actions at Waco, putting the Lincoln bedroom up for sale to the highest bidder in terms of political donations, and, Mr.

Speaker, on the subject of campaign financing, donations from front companies for Communist China?

Mr. Speaker, it is shocking, and as the people of the Sixth District of Arizona told me last week, Alice may have said curiouser and curiouser when she stepped through the looking glass, but, Mr. Speaker, as we look to the other end of Pennsylvania Avenue for curious, coarse, callous political calculation and decisions that actually are not in the best interests of the American people and their children, all we can say, Mr. Speaker, is: Shame. If only those who bear the responsibility were capable of feeling the shame they ought at this hour in this moment.

PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I welcome back all my colleagues from across the country, both sides of the aisle.

Congress has a lot of work to do in the last couple months of this year. Part of that work that many of us would like to see completed, at least in the House, and get to conference would be to pass a bill here in the House on patient protection legislation.

Now it is now September, Mr. Speaker, and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) had told us that in June that we would see a patient protection bill on the floor before the August recess. In fact, he personally told me that it is his, quote, intent to have managed care reform legislation on the floor in July before our August recess.

Unfortunately, Mr. Speaker, it did not happen, so we went off to our August recesses, talked to our constituents, and the managed care industry continued their $100 million advertising campaign against this legislation.

Now there are only 435 Members of this House, Mr. Speaker. If you divide that into a hundred million, that is an awful lot of money that a special interest group is using to try to defeat a common-sense piece of legislation. But the August recess gave them their chance to go on TV, go on the radio, initiate phone calls into offices, and do my colleagues know what? I welcome that.

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Because it identified a number of people in my office, for instance, who are interested in healthcare, and when we had a chance to explain to them the bill, the bipartisan bill, H.R. 2723, the Bipartisan Consensus Patient Protection Bill of 1999, overwhelmingly the people who were stimulated to phone in to my office by the opponents to this legislation said, You know what? That does not sound like it is such a bad piece of legislation. In fact, we have a neighbor or a family member who has had problems with their HMO, and we think you ought to do something about it.

Well, as I said, the managed care industry initiated this big advertising blitz over the August recess. What did they accomplish? I think the polling will show that two-thirds of the American people continue to want to see managed care patient protection legislation passed. Overwhelmingly, people think doctors ought to be able to tell their patients all of their treatment options.

Overwhelmingly, the American public think that they ought to be able to go to an emergency room if they are truly having an emergency. If they are, for instance, having crushing chest pain and they have seen that the American Heart Association says that could be a heart attack, you better get right to that emergency room, they think we ought to pass legislation that would say if you have that common layperson's definition of an emergency, your HMO should have to pay the bill, even if afterwards it turns out you did not have something quite as serious as a heart attack, because if you delay getting to the emergency room, you may end up dead before you get to the emergency room.

Well, over the last month, since the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), myself and others introduced the bipartisan Consensus Patient Protection Act of 1999, we have had a number of organizations from across the country sign on endorsements for this piece of legislation. In fact, Mr. Speaker, I would like to introduce a list of 156 endorsing organizations for H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999.

Let me just read through some of these letters of endorsement. I think they make good points. Now, I am not reading these in any particular order. I am not going to have time in this 1-hour special order to read every letter of endorsement, but I think that many of them deserve being shared with my colleagues.

The first one I have is the American Nursing Association endorses the bipartisan managed care bill. The American Nursing Association represents 2.6 million registered nurses throughout its 53 constituent organizations. This is what it had to say about the bipartisan managed care reform bill:

"The American Nurses Association is pleased to endorse this bill and encouraged by the cooperation and compromises made to achieve real reform, real progress on managed care reform," said ANA President Beverly Malone.

"It is heartening to see Congress working together to solve problems. This is how Congress should be working. Given the nursing profession's preeminent role in patient advocacy, the American Nursing Association is particularly heartened by the steps proposed to protect registered nurses and other healthcare professionals from retaliation from HMOs when they, the nurses, advocate for their patients' health and safety. As the Nation's foremost patient advocates, nurses need to be able to speak up about inappropriate or inadequate care that would harm their patients. Nurses at the bedside know exactly what happens when care is denied, comes too late or is so inadequate that it leads to inexcusable suffering, which is why we need to maintain strong whistleblower protection language in this bill. Nurses want to see strong comprehensive patient protection legislation enacted this year."

Mr. Speaker, shortly before the August recess this House overwhelmingly voted to protect federal employees who blow the whistle on contractors or others who are breaking the law. There is a well-known case that has been reported in the press about a Department of Defense employee who blew the whistle and was punished by her superiors for it, and this House, Republicans and Democrats, overwhelmingly voted to support the whistleblower protections that my own Senator from Iowa, Senator GRASSLEY, has been a strong proponent of.

I would ask my colleagues, look, if we think a strong whistleblower protection is good enough for federal employees, do we not also think it is important that nurses who are on the front lines, who see the effects of HMOs decisions, that they are able to speak their minds freely without fear that they could lose their jobs? Well, that is the American Nursing Association endorsement.

Here I have the endorsement by the American Medical Association: "The 300,000 physician student members of the American Medical Association strongly urge the House of Representatives to pass meaningful patient protection legislation." The AMA endorses H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999, introduced by the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL).

Then the AMA goes through why they think this is a good bill. It has a strong external appeal section. All patients should be guaranteed access to an external appeals process whenever a denial of benefits involves medical judgment or concerns medical necessity. But we have a situation, Mr. Speaker, where, because of past federal law, people who receive their insurance through their employers do not have that protection. If you purchase your insurance as an individual, you are under State insurance commissioner protection. But if you receive your insurance through your employer, Congress 25 years ago passed a bill that basically say said that health plan can give a definition of whatever they want to medical necessity.

Now, let me explain what that means. Before coming to Congress I was a reconstructive surgeon. I took care of children with cleft lips and palates, a hole in the lip and a hole in the roof of the mouth. The prevailing standard of care for treatment of that is surgical correction so that the child can learn to speak, so that food does not come out of his nose.

There are health plans, HMOs, that define medical necessity as the cheapest, least expensive care, quote-unquote. So what would that mean to a child with a cleft palate? It would mean that that health plan could say, Hey, we are not going to give you surgery to fix that defect that you are born with; we are just going to give you a piece of plastic to shove up into that hole. Will that little boy or girl be able to speak correctly? No. But it does not matter, because under federal law the health plan can determine medical necessity.

We need to change that. That change is in the bill that the AMA is endorsing.

The AMA talks about accountability of health plans. If they are making medical decisions, they ought to be responsible for those: point of service, emergency services, prohibiting gag clauses that will keep physicians from being able to tell a patient all of their treatment options.

Let us say that I have just examined a patient, a woman, with a lump in her breast, and she belongs to an HMO, and that HMO has a gag clause that says before you tell a patient her treatment options, you have to first get an okay from us.

So I listen to this patient's story, I examine her, and then I have to say, Excuse me, go out to the phone, get an HMO on the line and say, This patient has three treatment options, one of which may be more expensive than the other. Is it all right to tell her about them? That is absurd. It is ridiculous. But do you know what? Those types of practices have happened. Those types of contracts exist, or at least have existed until we started to shine the light of the disaffected upon those practices. We need to make sure that I can tell that patient her treatment options, whether her plan covers it or not. She deserves to know all of her treatment options.

Those are important reasons why, for instance, the American Medical Association has given its endorsement to the bipartisan Consensus Managed Care Improvement Act.

How about the American Osteopathic Association? The American Osteopathic Association represents the Nation's 43,000 osteopathic physicians. Eugene Oliveri, Dr. Oliveri says, "As president, I am pleased to let you know that the AOA endorses the Bipartisan Consensus Managed Care Improvement Act of 1999. Why? Because physicians are allowed to determine medical necessity. Health plans are accountable for their actions, a fair and independent appeals process is available and the protections apply to all Americans. Employers and patients," this letter says, "are tired of not receiving the care they are promised, they pay for and they deserve, and H.R. 2723 will help bring quality back into health care."

Here I have another letter of endorsement. This is from the American Dental Association:

"On behalf of the 144,000 members of the American Dental Association, we wish to endorse H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999. This is the first truly bipartisan comprehensive patient protection bill in the 106th Congress." This was a letter to Congressman NORWOOD.

"By joining forces with Representative Dingell, you have breathed new life into the movement to establish a few basic rules to protect all privately insured Americans from unfair and unreasonable delays and denials of care."

The letter goes on: "We recognize that powerful groups that oppose managed care reform will continue spending millions of dollars in their relentless efforts to scare the public and badger lawmakers who attempt to improve the health care system. However, we will do all we can to make sure that our members know of your courageous efforts on behalf of them and our patients. Patient protection is a genuine grassroots issue that cuts across geographic, economic and political boundaries, and we believe that only bipartisan action will achieve the goal that you want."

Here I have a news release from the American Academy of Family Physicians: "Today the 88,000 member American Academy of Family Physicians announces its support for H.R. 2723."

I have here a letter of endorsement from the American College of Physicians, the American Society of Internal Medicine: "The American College of Physicians, ASIM, is the largest medical specialty society in the country, representing 115,000 physicians who specialize in internal medicine and medical students. The American College of Physicians believes that any effective patient protection legislation must apply to all Americans, not just those in employer plans, require that physicians rather than health plans make determinations regarding medical necessity, provide enrollees with a timely access to a review process that is independent, offer all enrollees in managed care plans a point of service that enables them to obtain care from physicians outside the network and hold all health plans accountable."

Mr. Speaker, I have a letter of endorsement from the American Academy of Pediatrics: "On behalf of the 55,000 general pediatrician-pediatric medical specialists and pediatric surgical specialists, I am writing to express our strong support of H.R. 2723. We are especially pleased that your legislation recognizes the unique needs of children and addresses them appropriately. Children are not little adults. Their care should be provided by physicians who are appropriately educated in unique physical and developmental issues surrounding the care of infants. You clearly recognize this, and have included access to appropriate pediatric specialists, and we are endorsing your bill."

□ 2115

I have here an endorsement from the American College of Surgeons: "We are pleased to note that H.R. 2723 requires health plans to allow patients to have timely access to specialty care and to go outside the network for specialty care at no additional costs if an appropriate specialist is not available in the plan."

This is important. A lot of health plans have incomplete physician panels. If the patient ends up with a complicated procedure, they need assurances their plan will cover them.

This letter of endorsement from the American College of Surgeons goes on: "If health plans continue to make medical determinations, then they should be held liable to at least the same degree as the treating physician. We are pleased to note that H.R. 2723 would allow patients to hold health plans liable when the plans' decisions cause personal injury or death. Additionally, the College agrees that it is reasonable to prohibit enrollees from suing their health plan for punitive damages if the health plan abides by the decision of the independent external review entity."

Let me expand on this, Mr. Speaker. What we are saying in this bill is that if there is a dispute on an item of coverage, let us say a patient's physician recommends a type of treatment, the HMO says no, then the patient would be able to appeal that decision in his plan. If the plan still says no, then the patient could take that appeal to an external independent peer panel of physicians and say, I really think that common standards of practice show that I should get this treatment.

Under our bill, that independent panel could make that determination. If they say, yes, we agree with you, and the health plan follows that recommendation, then the health plan is free of any punitive damages liability. That is a fair, commonsense compromise on this issue.

Furthermore, in our bill we have a provision that says, you know, if an employer simply contracts with an HMO, the HMO makes the decision, the employer has had nothing to do with the decision, then the employer cannot be held liable, either. The responsibility lies with the entity that makes a decision that could result in a negligent harm to a patient.

What kind of problems are we talking about? Let me give one example. A few years ago a young mother was taking care of her infant son, 6-month-old infant son, in the middle of the night. The family lived south of Atlanta, Georgia.

Little Jimmy Adams had a temperature of 105 degrees. Mom looked at this baby and knew that baby Jimmy was pretty sick, so she gets on the phone. She does what she is supposed to. She is in an HMO. She phones a 1–800 number. She gets some voice from thousands of miles away and explains the situation.

The reviewer, the HMO bureaucrat, says, all right, I will let you take Jim. I will authorize an emergency room visit for little Jimmy, but only at this hospital. If you go to any other hospitals, then you are going to pay the bill.

It so happens that the hospital that was authorized was 70-some miles away. It is 3:30 in the morning. Mom and dad wrap up little Jimmy. They get into the car. They start to drive this long distance to the emergency room, even though Jimmy is looking really sick. But his mom and dad are not health professionals. On their way to Hospital X they pass three other hospital emergency rooms, but they are not authorized to stop there. They know that they would get stuck with the bill.

They do not know exactly how sick Jimmy is, so they drive on. Before they get to the designated hospital, little Jimmy has a cardiac arrest and stops breathing. Imagine, dad driving frantically, mom trying to keep baby Jimmy alive. They swing finally into the emergency room. Mom jumps out with baby in her arms, saying, help me, help me. A nurse comes out and starts mouth-to-mouth resuscitation. They put in the IVs. They give the medicines. Somehow or other they get little Jimmy back and he lives. But because of the medical decision that that HMO made, saying no, you cannot go to the nearest emergency room, Jimmy is really sick, you have to go 70 miles away, and he has this arrest because of that decision, well, little Jimmy is alive, but because of that arrest he ends up with gangrene in both hands and both feet, and both hands and both feet have to be implemented.

So I phoned Jimmy's mother recently to find out how he is doing. He is learning how to put on his leg prostheses. He has to have a lot of help to get on his bilateral hooks. He will never play basketball. I would tell the Speaker of the House that he will never wrestle. When he grows up and gets married, he will never be able to caress the cheek of the woman that he loves with his hand.

Do Members know what that HMO is liable for under Federal law? Nothing, nothing, other than the cost of the amputations. Is that fair? Is that justice? I will tell the Members what, these victims of managed care, that the managed care companies just call anecdotes, if you prick their finger, if they have a finger, they bleed. They are our neighbors, or they may be our own families. I could tell hundreds of stories like this.

That is why these organizations say a primary part of this legislation should involve responsibility for an HMO that makes medical decisions.

Here I have a letter of endorsement from the American College of Obstetricians and Gynecologists: "The American College of Obstetricians and Gynecologists is pleased to offer its support for the bipartisan consensus Managed Care Reform Act of 1999. This legislation would guarantee direct access to OB-GYN care for women enrolled under managed care," pretty important.

Here is a letter of endorsement from the American Psychological Association. "The American Psychological Association expresses our strong support for H.R. 27. Broad bipartisan support for this legislation represents a major breakthrough on behalf of patients' rights. An analysis of the bill shows that the insurance and managed care industry could generate income of $280 million for every 1 percent of claims that are delayed over 1 year."

That is the provision that is in the other body. Our provision in this bill makes for timely appeals. We appreciate the endorsement of the American Psychological Association.

The American Occupational Therapy Association endorses this bill. "Over the August recess we have notified our members, asking them to talk to their legislators. Please let us know if we can assist you in your efforts to have comprehensive managed care legislation addressed on the House floor."

The American Public Health Association, which represents more than 50,000 public health professionals, endorses the bipartisan bill because the bill would "improve access to emergency services, allow more people to enter clinical trials," something the HMO industry has run away from, "provide patients with a fair appeals process for denied claims, lift barriers to specialists, and hold plans responsible."

"We understand," this letter says, "that some within the managed care industry oppose any government regulation. But this issue is a very important one for consumers, health care providers, and the public health community. H.R. 2723 is a significant and welcome step towards achieving new patient protections for managed care patients."

Here I have an endorsement by the American Association for Marriage and Family Therapy: "On behalf of the 46,000 marriage and family therapists throughout the United States, we want to applaud Congressman Norwood and Representative Dingell for their effort to provide Americans with comprehensive patient protections. Provisions of significance to our organization include an independent review process for determination of medical necessity, the ability of people with special health care needs and chronic conditions to continue to access their doctors, such as a person who had a rheumatoid arthritis being able to continue to see their rheumatoid arthritis doctor."

We have an endorsement from the American Counseling Association: "H.R. 2723 provides a wide array of consumer protections, including key components for mental health providers and their clients."

I have an endorsement from the American Academy of Ophthalmology. I am so proud of the provider groups who have given endorsements for this bill, because this bill is a patient protection bill. It is not a provider bill. There are issues that separate some of these groups. Not all of these groups see eye to eye on health care policy.

Here is an example. We have an endorsement by the American Academy of Ophthalmology and an endorsement by the Opticians Association. Sometimes these groups have policy disagreements, but on this issue they are in 100 percent agreement that patients need protection, basic protection, commonsense protection, from HMO abuses.

The opticians say, "This bill gives basic, commonsense protections to millions of Americans, and it is certainly refreshing to see the bipartisan way it was approached."

I have a letter of endorsement from the American Podiatric Medical Association, foot doctors, foot specialists. I have the same endorsement from the orthopedic surgeons.

I have an endorsement here from the Association for Oral and Maxillofacial Surgeons. We have an endorsement from the National Organization of Doctors Who Care. They say, "We strongly support H.R. 2723 because it ensures fairness and accountability in our health care delivery system lacking in the bill that passed the Senate," and other legislation that has gone before, and they are referring to a bill that passed this House of Representatives in the last Congress.

They go on and say in their letter, and I think this is important, "We are not against managed care. It does have a place. However, we are strongly against managed care plans not towing the line; i.e., not wanting to be held accountable for their medical decisions which adversely affect patient care."

I have here an endorsement from Physicians for Reproduced Choice in Health Care. This organization is especially pleased that H.R. 2723 would ensure that medical judgments are based solely by health care providers. This is particularly important in that women should have direct access to women specialists."

We have the National Patient Advocate Foundation endorsing this bill. They go on and say in this endorsement, "Please note our strong endorsement of the bipartisan consensus Managed Care Improvement Act of 1997, our endorsement for each of the cosponsors of this legislation, and for each member of our United States House of Representatives who has contributed to this debate and to this resulting legislation in the last 3 years."

They say, "As one whose companion organization, the Patient Advocate Foundation, served over 6,000 patients last year who confronted insurance denials, of which more than 50 percent involved employer plans, our cases reflect an urgent need for a timely resolution and remedy for ERISA enrollees."

Then we have an endorsement from the Patient Access Coalition. This includes a lot of groups. I cannot name all 128 of the groups under this umbrella organization, but I want to just go through some of them, because this organization encompasses a lot of patient advocacy groups, groups that work for patients, for instance, that have multiple sclerosis or arthritis.

Some of these organizations are the Digestive Disease National Coalition, the Epilepsy Foundation. Remember, these organizations which I am reading are endorsing organizations for H.R. 2723.

There is the Guillain-Barre Foundation, the Huntington's Disease Society of America, the Infectious Disease Society of America, the Lupus Foundation, the National Committee to Preserve Social Security and Medicare, the National Hemophilia Foundation, the National Multiple Sclerosis Society, the National Psoriasis Foundation, the Paget Foundation for Paget's Disease, the Pain Care Coalition, the Patient Advocates for Skin Disease Research, Scoliosis Research Society, the Society for Excellence in Eye Care, United Ostomy Association. The American Heart Association is an endorsing organization. The American Liver Association is, the American Lung Association. These are all organizations that have endorsed the bipartisan Managed Care Reform Act.

Continuing, there is the Amputee Coalition of America, the Arthritis Foundation, the Asthma and Allergy Foundation, the Cooley's Anemia Foundation, the Crohn's and Colitis Foundation, the American Diabetes Association.

□ 2130

These are just a few of the 128 organizations in this one umbrella organization that has endorsed the Bipartisan Consensus Managed Care Reform Bill.

Why are these patient advocacy groups endorsing this bill? One of the main things that they are interested in, the American Cancer Society, the American Heart Association, the American Lung Association, the American Liver Association is because there is a provision in this bill that says, if a patient is getting standard treatment, and it is not working, the patient is out of luck, that that patient should be able to qualify for an experimental study; that the HMO would not incur the cost of the special treatment in that study, but that the HMO should be liable for standard care.

I am going to give my colleagues a personal example. Over the August recess, my father was in the hospital for 3 weeks with congestive heart failure. He had to receive intravenous medication in order to keep his heart pumping strong enough so that his kidneys would work. He could not get out of the hospital. Well, an HMO could have said, "Well, his time is up. We are not going to authorize any payments for any treatment related to a clinical trial."

Fortunately, my dad is not in an HMO like most Americans are, so he was able to qualify for an experimental study in which a special type of cardiac pace maker was inserted into both sides of his heart which, when it was turned on, gave his heart enough boost so that, within about 24 hours, he made a remarkable recovery; and he is now out of the hospital, and he is walking in the malls.

A lot of HMOs would say, "Well, that is experimental treatment. We are not going to even cover the cost of the hospital room." But our bill says that, if a patient has no other options, then the HMO has to pick up routine costs, not the costs of the device or the medicine, but the ancillary things like the cost of the hospitalization or the cost of the blood work. That is fair and reasonable. But HMOs, they look at the bottom line.

I had a pediatrician once who worked just outside of Washington come into my office. She is now working in the National Institutes of Health. She had managed a pediatric intensive care unit.

I said, "Why did you decide to go back into academic medicine?" She said, "I just could not put up with the HMO bureaucracies anymore. Let me give you an example. A few years ago, we had a little boy come into our intensive care unit. He had drowned. He was still alive, but he was a victim of drowning. We had him on the ventilator. We had the IVs running. We were giving him special medication. And the doctors and the parents and the family were standing around the bed praying for signs of life. He had only been in the hospital like 4 hours, and the phone rings in the ICU, and it is some bureaucrat in an HMO saying, 'Well, how is this little boy doing?' 'Well, he is on the ventilator. Chances, you know, are he is not going to do too good.' Well, the answer came over the telephone, 'If he is on the ventilator and his prognosis is poor, why do you not just send him home on a ventilator?' "

Now think about that for a minute. One is a mom and dad, and one's little boy is drowned. He is now in the hospital. He has been there a few hours. People are fighting to save his life, and an HMO bureaucrat is saying, well, his prognosis is not good just send him home. Our bill would prevent that type of abuse.

Here we have another letter of endorsement from the Paralysis Society of America. They represent 20,000 people with spinal cord injury and disease. This letter says, "Particular attention is given to those portions of the legislation covering freedom of choice, specialists, and clinical trials." Very important issue for them.

Here I have a letter of endorsement from the American Cancer Society, and it is a good letter. I would like to read all of it for my colleagues, but I do not have the time. "On behalf of the American Cancer Society and its 2 million volunteers, 2 million volunteers, I commend you for sponsoring H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999. More than 140 million insured Americans are in some kind of managed care. This includes many of the approximately 1.23 million people diagnosed with cancer each year. In addition, the National Cancer Institute estimates that 8 million Americans today have a history of cancer. Your legislation adequately addresses our concerns in a way that will help individuals affected or potentially affected by cancer be assured access to the care that they need." That is their endorsement.

Here I have an endorsement from the National Association of Mental Illness. "On behalf of the 208,000 members and 1,200 affiliates for the National Alliance of the Mentally Ill, I am writing to express our support for your legislation, the Bipartisan Consensus Managed Care Improvement Act." "This protection," this letter says, "is critically important for people with serious brain disorders such as schizophrenia and manic-depressive illness who depend on newer medications as their best hope for recovery."

Here I have a letter of endorsement from the American Federation of

Teachers. This is from Charlotte Fraas, Director of Federal Legislation. "I am writing on behalf of over 1 million members of the American Federation of Teachers to urge you to support H.R. 2723, the Bipartisan Consensus Managed Care Empowerment Act of 1999. The AFT is proud to represent over 53,000 health care professionals who know such protections for patient advocacy are essential for quality health care."

I have a letter of endorsement from the Service Employees International Union. "On behalf of the 1.3 million members of Service Employees International Union, I am writing in support of the Bipartisan Consensus Managed Care Improvement Act of 1999, H.R. 2723.

"As a union representing over 600,000 frontline health care workers, we know how important it is to protect health care workers who speak out against patient care deficiencies. Employers should be prohibited from firing or retaliating against such workers if we are going to encourage health professionals to report patient care problems."

I mean, do my colleagues want their nurse or their health care professional gagged? This bill will help prevent that.

Here I have a letter of endorsement from the American Federation of State, County and Municipal Employees, AFSCME. "On behalf of the 1.3 million members" we thank you for your leadership on the Bipartisan Consensus Managed Care Improvement Act. They are endorsing this bill.

I have a letter here of endorsement from the Center from Patient Advocacy. "Since our founding in 1995, the Center for Patient Advocacy has been a leading supporter of strong enforceable managed care reform legislation. Every day we work with patients across the country who have experienced problems with managed care. We know firsthand the barriers to care that patients face, including limits on access to and coverage for specialty care, emergency room care, arbitrary medical decisions based on cost rather than a patient's specific medical need and the lack of a timely independent and fair appeals process. Most alarming, however, is that managed care plans, not patients and their doctors, continue to make medical decisions without being held accountable for their decisions that harm patients."

I have here a letter of endorsement from the Friends Committee on National Legislation. This is a Quaker lobby in the public interest. This letter from Florence Kimball says, "I am writing on behalf of the Friends Committee on National Legislation to express our strong support for the Bipartisan Consensus Managed Care Improvement Act of 1999.

"The Friends Committee on National Legislation supports a health care system whose primary goal is improving health in the population. In recent years, managed care has taken over as a dominant health care delivery system. Managed care organizations are under strong pressure to keep costs down. They operate on a for-profit basis. We are sensitive to the economic issues in health care, but we believe that reform and regulation are necessary in order to ensure that managed care organizations hold the interests of patients as their prime focus." I would add to that not, necessarily the bottom line.

I have here a letter of endorsement from the United Church of Christ. This is a letter to the gentleman from Georgia (Mr. NORWOOD). "I am writing to thank you for your leadership in sponsoring the Bipartisan Consensus Managed Care Improvement Act of 1999.

"The United Church of Christ, Office for Church in Society, endorses the bill as written." This is important, and I appreciate Dr. Pat Conover's letter here from the United Church of Christ. He says that, "In the event that the bill is weakened, or if 'poison pill' amendments are added, such as Medical Savings Accounts, it is likely that we would then oppose the bill."

This speaks to the fact that we need to pass a clean patient protection bill, not something that has untried ideas such as Healthmarts or association health plan extensions of Federal law that would enable more people to escape quality oversight by their State insurance commissioners.

I think that we could add, for instance, a provision to this bill that would improve the tax status for purchasing one's insurance. I think we could get bipartisan support for that. But if we start adding a lot of extraneous items, then I think we weaken the bill.

I have here a letter of endorsement from Network. This is a National Catholic Social Justice lobby. It is a letter to the gentleman from Georgia (Mr. NORWOOD). "A National Catholic Social Justice Lobby supports the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723). Having participated in the lobbying for patient protections over the past 2 years, Network applauds your efforts and those of Representative Dingell" and myself "and the cadre of Republican physicians in facing down the serious opposition from the House GOP leadership. You have stood firm against this and other daunting forces mobilized against you. We commend you for your efforts."

Network affirms the Catholic social teaching and the UN Declaration of Human Rights that health care is a basic right. We support H.R. 2723, and we wish you luck.

I have here a letter of endorsement from the National Partnership for Women and Families. This is from the letter: "For women and families, few issues resonate as profoundly and pervasively as the need for quality health care. Survey after survey shows Americans' growing dissatisfaction with the current health care system. Many feel the system is in crisis. We need common-sense patient protections to restore consumer confidence and tip the balance back in favor of patients and the health care providers they rely on."

That is an endorsement by the National Partnership, and I want to build on that statement. None of us who are sponsoring this organization want to see the demise of HMOs. Some HMOs are providing good care for their families. I think people ought to have a choice. It may be that an HMO is a good choice for that family. But because of this past Federal law that was past 25 years ago, really for pensions but then expanded into health plans, we have a situation where the regulatory oversight was taken away from the States, and nothing was put in its place at the Federal level. This has enabled a few bad actors to do some truly horrible things to their patients like the decision that cost little Jimmy Adams his hands and his feet, for instance.

So I think that, actually, contrary to what the HMO lobby says about this legislation, I see this legislation as improving patients' choices. People will feel more comfortable with a managed care company knowing that there are some guidelines that apply to it and that that managed care company cannot just arbitrarily deny them the kind of care that they deserve.

I have here a letter of endorsement from the National Association of School Psychologists. "The National Association of School Psychologists is an organization that represents 21,500 psychologists. If H.R. 2327 is passed, this provision will have an important positive impact on health care provided to adults with severe mental health illness, children with serious emotional disturbances, and other people with significant mental disorders who are increasingly being served in managed care settings."

Here is a letter of endorsement from the organization Alliance for Children and Families. The Alliance and International Nonprofit Association representing child and family serving organizations supports this important legislation. Alliance members serve more than 5 million individual each year in more than 2,000 communities. We support your bill because it includes needed patient protections, strong reforms in managed care, and due process protections.

□ 2145

I have here a letter of endorsement from an organization called Patients Who Care. This letter says: "We support the Bipartisan Consensus Managed

Care Improvement Act of 1999. We strongly feel it ensures fairness and accountability. These qualities have been lacking in what the House and Senate have passed in previous legislation."

I have here a letter of endorsement from Families USA, the Voice for Health Care Consumers: "Dear Congressman Norwood: Congratulations on the introduction of the Bipartisan Consensus Managed Care Improvement Act. We are well aware of the efforts you and others have made to make this bill a reality. As you know, the American public is losing faith in our health care delivery system. Managed care companies that began with a promise of providing high quality care at an affordable price are not always delivering on that promise. Unfortunately, this has resulted in consumers being worried that they will not get the care they need even though they are covered with health insurance."

And I would add to this letter that everyone here, either through deductions in their salary or just out-of-pocket, is paying a lot of money to those HMOs. Now, that is fine as long as we and our family members stay healthy. But what happens if we become sick? We may have an experience like Helen Hunt did in the movie "As Good As It Gets", where she describes to a physician the abysmal care an HMO has given to her son with asthma. I cannot repeat on the floor the words she used, but those who have seen the movie can remember that line very well because it got a standing ovation from most of the audience.

I have here a letter from the National Black Women's Health Project: "We are strong supporters of your legislation. It offers significant protections for all Americans. Of great import is the improvement of patient access to medical treatment and therapies, including clinical trials, and this is highly significant for women of color."

I have here an endorsement of our bill from the American Association of University Women. They say in this letter: "H.R. 2723 is particularly important to women because it ensures that women have direct access to OB–GYN services. It ensures that pregnant women can continue to see the same health care provider throughout their pregnancy if their provider leaves the plan. It ensures access to specialists when appropriate, specialists outside a network's plan. It ensures access to clinical trials for new treatment options that may save women's lives."

I have here a letter of endorsement from the National Breast Cancer Coalition: "On behalf of the National Breast Cancer Coalition and the 2.6 million women living with breast cancer, I am writing to thank you for your leadership in offering H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999." This was sent to the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL). "The National Breast Cancer Coalition is a grass roots advocacy organization made up of more than 500 member organizations and 60,000 individual members dedicated to the eradication of breast cancer through advocacy and action. One of our top concerns has been access to clinical trials, and your bill has that in it."

I have here a letter of endorsement from the American Lung Association: "Health consumers deserve quality health insurance. Far too often we hear of cases where health insurers have obstructed or denied insured patients the care they need. Your legislation will help end many of the abuses."

Well, Mr. Speaker, I have gone through just some of the letters of endorsement that I have received and others have received in endorsing H.R. 2723, the bipartisan patient protection legislation. But the hour is getting late. We have another speaker who has come to do a special order, so I will just close with this comment to my colleagues on both sides of the aisle.

It is now September. The Speaker of the House, the gentleman from Illinois (Mr. HASTERT), indicated back in July that we would see a full and fair debate on this floor in July. It did not happen. We have had our August recess. The Speaker has said now that he expects we will see a full managed care debate on this floor in September. Those are the words of the Speaker of the House. I think we should hold the Speaker to his promise.

This is an important issue. There are lots of patients out there at this very moment that may not be getting the type of treatment that they need to save their lives because we have not passed this legislation. Mr. Speaker, I call on my colleagues on both sides of the aisle to support a bipartisan bill that can be signed into law; that can go a long ways towards correcting the abuses we hear about from our constituents.

Mr. Speaker, I include for the RECORD the letters and other documents I referred to earlier.

GROUPS ENDORSING H.R. 2723, THE BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT OF 1999

1. Alexandria Graham Bell Association for The Deaf, Inc.
2. Allergy and Asthma Network-Mothers of Asthmatics, Inc.
3. Alliance for Children & Families
4. American Academy of Allergy and Immunology
5. American Academy of Child & Adolescent Psychiatry
6. American Academy of Facial Plastic and Reconstructive Surgery
7. American Academy of Family Physicians
8. American Academy of Neurology
9. American Academy of Ophthalmology
10. American Academy of Otolaryngology-Head and Neck Surgery
11. American Academy of Pain Medicine
12. American Academy of Pediatrics
13. American Academy of Physical Medicine & Rehabilitation
14. American Association for Hand Surgery
15. American Association for Holistic Health
16. American Association for Marriage and Family Therapy
17. American Association for the Study of Headache
18. American Association of Clinical Endocrinologists
19. American Association of Clinical Urologists
20. American Association of Hip and Knee Surgeons
21. American Association of Neurological Surgeons
22. American Association of Oral and Maxillofacial Surgeons
23. American Association of Orthopaedic Foot and Ankle Surgeons
24. American Association of Orthopaedic Surgeons
25. American Association of Private Practice Psychiatrists
26. American Association of University Women
27. American Cancer Society
28. American College of Allergy and Immunology
29. American College of Cardiology
30. American College of Foot and Ankle Surgeons
31. American College of Gastroenterology
32. American College of Nuclear Physicians
33. American College of Obstetricians and Gynecologists
34. American College of Osteopathic Surgeons
35. American College of Physicians-American Society of Internal Medicine
36. American College of Radiation Oncology
37. American College of Radiology
38. American College of Rheumatology
39. American College of Surgeons
40. American Counseling Association
41. American Dental Association
42. American Diabetes Association
43. American EEG Society
44. American Federation of Teachers
45. American Federation State, County, and Municipal Employees
46. American Gastroentrological Association
47. American Heart Association
48. American Liver Foundation
49. American Lung Association
50. American Medical Association
51. American Medical Rehabilitation Providers Association
52. American Nurses Association
53. American Occupational Therapy Association
54. American Orthopaedic Society for Sports Medicine
55. American Osteopathic Academy of Orthopedics
56. American Osteopathic Association
57. American Osteopathic Surgeons
58. American Pain Society
59. American Physical Therapy Association
60. American Podiatric Medical Association
61. American Psychiatric Association
62. American Psychological Association
63. American Public Health Association
64. American Society for Dermatologic Surgery
65. American Society for Gastrointestinal Endoscopy
66. American Society for Surgery of the Hand

67. American Society for Therapeutic Radiology and Oncology
68. American Society of Anesthesiology
69. American Society of Cataract and Refractive Surgery
70. American Society of Dermatology
71. American Society of Dermatophathology
72. American Society of Echocardiography
73. American Society of Foot and Ankle Surgery
74. American Society of General Surgeons
75. American Society of Hand Therapists
76. American Society of Hemotology
77. American Society of Nephrology
78. American Society of Nuclear Cardiology
79. American Society of Pediatric Nephrology
80. American Society of Plastic and Reconstructive Surgeons, Inc.
81. American Society of Transplant Surgeons
82. American Society of Transplantation
83. American Thoracic Society
84. American Urological Association
85. Amputee Coalition of America
86. Arthritis Foundation
87. Arthroscopy Association of North America
88. Association of American Cancer Institutes
89. Association of Freestanding Radiation Oncology Centers
90. Association of Subspecialty Professors
91. Asthma & Allergy Foundation of America
92. California Access to Specialty Care Coalition
93. California Congress of Dermatological Societies
94. Center for Patient Advocacy
95. Congress of Neurological Surgeons
96. Cooley's Anemia Foundation
97. Crohn's and Colitis Foundation of America
98. Diagenetics
99. Digestive Disease National Coalition
100. Endocrine Society
101. Epilepsy Foundation of America
102. Eye Bank Association of America
103. Families USA
104. Federated Ambulatory Surgery Association
105. Friends Committee on National Legislation
106. Gullain-Barre Syndrome Foundation
107. Huntington's Disease Society of America
108. Infectious Disease Society of America
109. Lupus Foundation of America, Inc.
110. National Alliance for the Mentally Ill
111. National Association for the Advancement of Orthotics and Prosthetics
112. National Association of Medical Directors of Respiratory Care
113. National Association of School Psychologists
114. National Black Women's Health Project
115. National Breast Cancer Coalition
116. National Catholic Social Justice Lobby
117. National Committee to Preserve Social Security and Medicare
118. National Foundation for Ectodermal Dysplasias
119. National Hemophilia Foundation
120. National Multiple Sclerosis Society
121. National Organization of Physicians Who Care
122. National Partnership for Women & Families
123. National Patient Advocate Foundation
124. National Psoriasis Foundation
125. National Rehabilitation Hospital
126. North American Society of Pacing and Electrophysiology
127. Opticians Association of America
128. Oregon Dermatology Society
129. Orthopaedic Trauma Association
130. Outpatient Ophthalmic Surgery Society
131. Paget Foundation for Paget's Disease of Bone and Related Disorders
132. Pain Care Coalition
133. Paralysis Society of America
134. Patient Access Coalition (represents 129 of the groups on this list)
135. Patient Advocates for Skin Disease Research
136. Patients Who Care
137. Pediatric Orthopaedic Society of North America
138. Pediatrix Medical Group: Neonatology and Pediatric Intensive Care Specialist
139. Physicians for Reproductive Choice and Health
140. Physicians Who Care
141. Pituitary Tumor Network
142. Renal Physicians Association
143. Scoliosis Research Society
144. Service Employees International Union
145. Sjogren's Syndrome Foundation Inc.
146. Society for Cardiac Angiography and Interventions
147. Society for Excellence in Eyecare
148. Society for Vascular Surgery
149. Society of Cardiovascular & Interventional Radiology
150. Society of Critical Care Medicine
151. Society of Gynecologic Oncologists
152. Society of Nuclear Medicine
153. Society of Thoracic Surgeons
154. TMJ Associations, Ltd.
155. United Church of Christ
156. United Ostomy Association

Membership List of the Patient Access Coalition

Allergy and Asthma Network—Mothers of Asthmatics, Inc.

The Alexandria Graham Bell Association for the Deaf, Inc.

American Academy of Allergy and Immunology

American Academy of Child & Adolescent Psychiatry

American Academy of Dermatology

American Academy of Facial Plastic and Reconstructive Surgery

American Academy of Neurology

American Academy of Ophthalmology

American Academy of Orthopaedic Surgeons

American Academy of Otolaryngology—Head and Neck Surgery

American Academy of Pain Medicine

American Academy of Physical Medicine & Rehabilitation

American Association for Hand Surgery

American Association for Holistic Health

American Association for the Study of Headache

American Association of Clinical Endocrinologists

American Association of Clinical Urologists

American Association of Hip and Knee Surgeons

American Association of Neurological Surgeons

American Association of Oral and Maxilofacial Surgeons

American Association of Orthopaedic Foot and Ankle Surgeons

American Association of Private Practice Psychiatrists

American College of Allergy and Immunology

American College of Cardiology

American College of Foot and Ankle Surgeons

American College of Gastroenterology

American College of Nuclear Physicians

American College of Osteopathic Surgeons

American College of Radiation Oncology

American College of Radiology

American College of Rheumatology

American Dental Association

American Diabetes Association

American EEG Society

American Gastroentrological Association

American Heart Association

American Liver Foundation

American Lung Association

American Medical Rehabilitation Providers Association

American Orthopaedic Society for Sports Medicine

American Osteopathic Academy of Orthopedics

American Osteopathic Surgeons

American Pain Society

American Physical Therapy Association

American Podiatric Medical Association

American Psychiatric Association

American Psychological Association

American Sleep Disorders Association

American Society for Dermatologic Surgery

The American Society of Dermatophathology

American Society for Gastrointestinal Endoscopy

American Society for Surgery of the Hand

American Society for Therapeutic Radiology and Oncology

American Society of Anesthesiology

American Society of Cataract and Refractive Surgery

American Society of Clinical Pathologists

American Society of Colon Rectal Surgery

American Society of Dermatology

American Society of Echocardiography

American Society of Foot and Ankle Surgery

American Society of General Surgeons

American Society of Hand Therapists

American Society of Hemotology

American Society of Nephrology

American Society of Pediatric Nephrology

American Society of Plastic and Reconstructive Surgeons, Inc.

American Society of Transplantation

American Society of Transplant Surgeons

American Thoracic Society

American Urological Association

Amputee Coalition of America

Arthritis Foundation

Arthroscopy Association of North America

Association of American Cancer Institutes

Association of Freestanding Radiation Oncology Centers

Association of Subspecialty Professors

Asthma & Allergy Foundation of America

California Access to Specialty Care Coalition

California Congress of Dermatological Societies

College of American Pathologists

Congress of Neurological Surgeons

Cooley's Anemia Foundation

Crohn's and Colitis Foundation of America

Cystic Fibrosis Foundation

Diagenetics

Digestive Disease National Coalition

The Endocrine Society

Epilepsy Foundation of America

Eye Bank Association of America

Federated Ambulatory Surgery Association

Gullain-Barre Syndrome Foundation

Huntington's Disease Society of America

Infectious Disease Society of America

Joint Council of Allergy, Asthma and Immunology

Lupus Foundation of America, Inc.

National Association for the Advancement of Orthotics and Prosthetics

National Association of Epilepsy Centers

National Association of Medical Directors of Respiratory Care

National Committee to Preserve Social Security and Medicare

National Foundation for Ectodermal Dysplasias

National Hemophilia Foundation

National Multiple Sclerosis Society

National Organization of Physicians Who Care

National Osteoporosis Foundation

National Psoriasis Foundation

National Rehabilitation Hospital

National Right to Life Committee

North American Society of Pacing and Electrophysiology

Oregon Dermatology Society

Orthopaedic Trauma Association

Outpatient Ophthalmic Surgery Society

The Paget Foundation for Paget's Disease of Bone and Related Disorders

Pain Care Coalition

Patient Advocates for Skin Disease Research

Pediatric Orthopaedic Society of North America

Pediatrix Medical Group: Neonatology and Pediatric Intensive Care Specialist

Pituitary Tumor Network

Renal Physicians Association

Scoliosis Research Society

Sjogren's Syndrome Foundation Inc.

The Society for Cardiac Angiography and Interventions

Society for Excellence in Eyecare

Society for Vascular Surgery

Society of Cardiovascular & Interventional Radiology

Society of Critical Care Medicine

Society of Gynecologic Oncologists

Society of Nuclear Medicine

Society of Surgical Oncology

Society of Thoracic Surgeons

The TMJ Associations, Ltd.

United Ostomy Association

ANA Endorses Bipartisan Managed Care Bill

ANA ENCOURAGES CONGRESS TO CONTINUE WORKING TOGETHER & PASS BIPARTISAN BILL

WASHINGTON, DC.—The American Nurses Association (ANA) today applauded the introduction of a bipartisan consensus bill that would reform managed care. The bill, H.R. 2723, "The Bipartisan Consensus Patient Protection Bill of 1999," was introduced on August 8, 1999, by Rep. Charlie Norwood (R–GA). Rep. John Dingell (D–MI) is the lead co-sponsor.

"The American Nurses Association is pleased to endorse this bill and encouraged by the cooperation and compromises made to achieve real progress on managed care reform," said ANA President Beverly L. Malone, PhD, RN, FAAN. "It is heartening to see Congress working together to solve problems—this is how Congress should be working."

ANA has been a strong supporter of managed care reform legislation and believes every individual should have access to health care services along the full continuum of care and be an empowered partner in making health care decisions. Given the nursing profession's preeminent role in patient advocacy, ANA is particularly heartened by the steps proposed to protect registered nurses (RNs) and other health care professionals from retaliation when they advocate for their patients' health and safety.

"As the nation's foremost patient advocates, RNs need to be able to speak up about inappropriate or inadequate care that would harm their patients," said Malone. "Nurses at the bedside know exactly what happens when care is denied, comes too late or is so inadequate that it leads to inexcusable suffering, which is why we need to maintain strong whistleblower protection language in this bill. Nurses want to see strong, comprehensive patient protection legislation enacted this year."

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, August 30, 1999.

Hon. CHARLIE NORWOOD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NORWOOD: The 300,000 physician and student members of the American Medical Association (AMA) strongly urge the House of Representatives to begin debate on and pass meaningful patient protection legislation.

The AMA has endorsed H.R. 2723, the "Bipartisan Consensus Managed Care Improvement Act of 1999," introduced by Representatives Charles Norwood and John Dingell, which would guarantee meaningful protections to all patients and enjoys broad bipartisan support. The AMA also continues to work with Representatives Tom Coburn and John Shadegg, who are in the process of drafting patient protection legislation. Whichever bill becomes the vehicle for reform, it must include the following key provisions, embodied in H.R. 2723, that ensure genuine patient protections.

External Appeals

All patients must be guaranteed access to an external appeals process whenever a denial of benefits involves medical judgment or concerns medical necessity. All patients deserve access to an independent external review entity if they have been improperly denied a covered medical benefit. External reviewers must also be independent from the health plan or issuer. For the external appeals system to work in a fair and unbiased manner, external reviewers must not have a conflict of interest with the plan or issuer. In addition, treatment decisions or recommendations made by physicians must be reviewed only by actively practicing physicians (MDs/DOs) of the same or similar specialty. External reviewers must be properly qualified to ensure a meaningful external review process.

External reviews must be conducted on a timely basis, not to exceed specified time periods, with shorter periods applicable under exigent circumstances. Plans and issuers cannot be permitted to intentionally delay an appeals process—or "slow-walk" enrollees who are seeking benefits to which they are entitled. The external reviewers' decisions must also be binding on the plans and issuers. Unless external review entities' decisions are binding, any right to an external review would be worthless for the patient.

Medical Necessity

Truly independent external reviewers must decide "medical necessity" according to generally accepted standards of medical practice. External appeal entities, when making "medical necessity" determinations, should not be bound by arbitrary health plan definitions. In addition, "medical necessity" determinations and other decisions involving medical judgment must be made by physicians (MDs/DOs) who are independent from the plans and issuers.

Accountability

All patients, even those covered by ERISA plans, should have the right to seek legal recourse against managed care plans when the plan's negligent medical decisions result in death or injury. Health plans must be held accountable for their decisions. Employers who do not make medical treatment decisions should not be held liable.

Point Of Service

All patients must have the opportunity to choose, at their own expense, an option that allows them to seek care from outside the network of health care professionals chosen by their employers. If an employer selects a small, closed-panel HMO for its employees, the employees should be able to obtain medical treatment from a physician outside the panel and bear any additional costs.

Emergency Services

A "prudent layperson standard" must be the basis for determining when emergency medical services are appropriate and require coverage by a plan. Establishing this as a standard is not only fair, but essential for protecting patients. For instance, a patient who is suffering severe chest pain and honestly believes he or she is having a heart attack should be able to go to the nearest emergency room and be covered for treatment received.

Prohibition On Gag Clauses

Health plans and insurance issuers must be prohibited from including gag clauses within their contracts with physicians. Gag clauses seek to prevent physicians from discussing with their patients plan or treatment options or disclosing financial incentives that may affect the patient's treatment. These clauses strike at the heart of the patient-physician relationship and can create real conflicts between patients and their physicians.

Information Disclosure

Group health plans and health insurance issuers must be required to provide enrollees with important and basic information about their medical coverage. Plans and issuers should identify the benefits offered—including covered benefits, benefit limits, coverage exclusions, prior authorization rules, appeals procedures, and other basic information. Patients deserve to know exactly what they are paying for.

In conclusion, the AMA appreciates the bipartisan efforts by House members to introduce legislation that would promote fairness in managed care. We urge you to support legislation containing these essential protections for all patients and to request prompt floor action on managed care reform legislation in September.

Respectfully,

E. RATCLIFFE ANDERSON, Jr., MD.

AMERICAN ACADEMY OF
FAMILY PHYSICIANS,
Kansas City, MO, Sept. 7, 1999.

Health Care Steps Taken

PATIENT CARE REMAINS PRIORITY

WASHINGTON, D.C.—The 88,000-member American Academy of Family Physicians (AAFP) today announced its support for two major managed care reform bills that are likely to be considered by the U.S. House of Representatives this fall: H.R. 2723, The Bipartisan Consensus Managed Care Improvement Act of 1999, introduced by Representatives Charles Norwood (R–GA) and John D.

Dingell (D–MI); and for Health Care Quality and Choice Act of 1999, to be introduced by Representatives Tom Coburn (R–OK) and John Shadegg (R–AZ) when Congress reconvenes in September.

"Both bills go a long way to address the patient protections that are needed in today's health care system," said Lanny R. Copeland, M.D., president of the AAFP. "We are very appreciative of the work of the authors of these two bills and of their willingness to listen to our concerns."

Both bills contain provisions that will allow patients to get the best healthcare and physicians to provide it:

All plans: Patient protections apply to all health plans, not just ERISA plans.

Gag clauses: Both bills would prohibit contract provisions between physicians and health plans that restrict or prevent medical communication between physicians and their patients.

Patient advocacy: Both bills contain some protections for physicians who advocate on behalf of a patient within a health plan or before an external review panel.

External review: Both bills would establish external review mechanisms independent of health plans.

Medical necessity: Such external review processes would not be bound by the health plans' definition of medical necessity.

Liability: Both bills permit patients to sue in state court.

Women's health care: The Coburn/Shadegg legislation would include family physicians among those designated as qualified women's health providers. H.R. 2723 would not preclude patients from going to family physicians for their women's health needs.

Children's health care: The Coburn/Shadegg legislation includes family physicians among those designated as qualified primary care physicians for children H.R. 2723 would not preclude patients from going to family physicians for their children's health needs.

"These legislators are being responsive to patients and to the public good," said Copeland. "We urge the House of Representatives to expeditiously pass legislation reflecting these principles."

PATIENT ACCESS COALITION,
Bethesda, MD, August 16, 1999.

Hon. GREG GANSKE,
U.S. House of Representatives, Washington, DC.

DEAR REP. GANSKE: On behalf of the 130 patient advocacy and provider organizations that comprise the Patient Access Coalition, we deeply appreciate and acknowledge your demonstrated commitment to moving strong and meaningful patient protection legislation to the House floor for consideration this year. Your support of this issue has unquestionably sparked a new level of dedication and enthusiasm amongst your colleagues for making patient protections a top legislative priority when the House reconvenes in September.

Because the health of millions of Americans is dependent upon the care provided by managed care plans, the issue of patient protections is one of national importance and urgency. It is clear that the only way to achieve passage of strong patient protection legislation this year is with the bipartisan support of Congress, and we are pleased that you are working toward that end.

The Patient Access Coalition has been working tirelessly for the past six years, in a bipartisan manner, to guarantee basic federal protections for all patients who are enrolled in managed health care plans. We believe there is now a very strong consensus in the country and in Congress to do so, and our commitment to reach that goal remains stronger than ever.

We look forward to working with you and other members of Congress to ensure that meaningful patient protection legislation is enacted into law this year.

Sincerely,

NANCEY MCCANN,
Co-Chair.
CAMILLE S. SOROSIAK,
Co-Chair.

NETWORK, A NATIONAL CATHOLIC
SOCIAL JUSTICE LOBBY,
Washington, DC.

Hon. CHARLES NORWOOD,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: NETWORK, A National Catholic Social Justice Lobby supports the Bipartisan Consensus Managed Care Improvement Act of 1999 (HR 2723). Having participated in the lobbying for patient protections over the past two years, NETWORK applauds your efforts and those of Reps. Dingell (D–MI), Ganske (R–IA), and the cadre of Republican physicians in facing down the serious opposition from the House GOP Leadership. You have stood firm against this and the other daunting forces mobilized against you. We also commend those who bolstered your efforts.

NETWORK will lobby in support of HR 2723, hoping that the bill will be strengthened in the process. Our membership nationally has already been alerted. But we wish to stress, Representative Norwood, that NETWORK believes that the long journey toward HR 2723, and hopefully its passge, further underscores the need for a national dialogue on health care.

The prolonged debate which began with the President's Commission on Patients' Protections, the subsequent introduction of patients' protection legislation and the militancy and funding of those who championed opposition to strong protections are proof positive of the dangers we face as a nation in the commercialization of health care.

When HMO's/insurance companies and pharmaceuticals begin to shift priorities from the rights of the patient to the success of the stockholder, we have entered a dangerous zone in human rights. The situation calls for a national ethical moral debate on what constitutes an authentic health care system.

NETWORK affirms the tenet of Catholic social teaching and the U.N. Declaration of Human Rights that health care is a basic human right and that the government has an obligation to protect that right out of responsibility for the common good. Consequently, we have supported past initiatives to protect that right through legislation which would provide for all citizens access to affordable quality health care.

That those initiatives have failed is a travesty of justice, leaving us the only industrialized nation in the world without a guarantee of health care for all its citizens.

Sadly, at this point, the nation's non-system is hopelessly fragmented while the number of uninsured grows daily. As the need for patients' protections indicates, even those privately insured under a variety and complexity of health care plans—the details of which often elude them—are not guaranteed necessary, timely and quality health care.

Therefore, as we support HR 2723, we urge you to use the lessons of these two years as a launching pad toward universal access to quality, affordable health care. Universal access to affordable quality health care will be for NETWORK and many of our allies a critical election issue.

Sincerely,

KATHY THORTON, RSM,
National Coordinator.
CATHERINE PINKERTON,
CSJ,
NETWORK Lobbyist.

NATIONAL PATIENT
ADVOCATE FOUNDATION,
Newport News, VA, August 19, 1999.

Hon. CHARLES NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of our patient and health care constituents, I write to commend your leadership in bringing a Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723) to the United States House of Representatives. Many members of the House of Representatives have sought to support reform that would improve patient access to care and patient autonomy in decision making with their physicians during their medical experience while assuring patients access to independent, external review and offering plan accountability for decisions made. Each member who has contributed to this debate has achieved success in the form of the Bipartisan Consensus Managed Care Improvement Act of 1999.

The Bipartisan Consensus Managed Care Improvement Act of 1999 reflects an understanding that insurance should not dictate or control health care of Americans rather it should facilitate and finance health care for Americans. Our organization strongly endorses H.R. 2723 citing specifically the following advantages:

The Bill is one of bipartisan consensus and it does reflect the health care matters that have long been debated on both sides of the aisle with resulting legislation that serves patients and medical providers fairly and equitably while supporting our managed care industry through the development of a clearly defined set of critiera that health plans must meet to conform to the federal law as defined in H.R. 2723.

The Bill affords protections to all people with employment-based insurance (including state and local government workers) and people who buy their insurance on their own which we feel affords an equitable opportunity for regulation and enforcement of industry standards for the majority of insured Americans.

The Bill establishes a uniform standard of accountability for health plans who make coverage decisions which is consistent with the level of accountability that exists for every business and industry that provides service to Americans and that becomes legally accountable for poor business practices or judgements that cause harm to our citizens. With 79 percent of our citizens in an ERISA plan that currently offers few venues of remedy for those citizens whose benefits are denied, the Bipartisan Consensus Managed Care Improvement Act of 1999 does offer improved remedy and uniform regulations. As one whose companion organization, the Patient Advocate Foundation served over 6,000 patients last year who confronted insurance denials of which more than 50 percent involved ERISA plans, our cases reflect an urgent need for timely resolution and remedy for ERISA enrollees. This Bill improves the system of clarifying responsibilities, systems of appeal and opportunity for timely remedy. Patients confronting life threatening conditions must have timely, external, independent review and closure to their cases.

The Bill assures that medical judgements are being made by medical experts and their patients.

It is our position that the provisions of this legislation that assure patient access to Clinical Trials, access to prescription drug not on the HMO's predetermined formulary when the treating physican deems the medication as needed for optimum benefit of patient care and the provision that doctors and nurses will not confront retaliation when they report quality problems all combine to assure higher standards of quality care for patients that will enhance disease survival and extend life.

Please note our strong endorsement of the Bipartisan Consensus Managed Care Improvement Act of 1999, our endorsement for each of the co-sponsors of this legislation and for each member of our United States House of Representatives who has contributed to this debate and to this resulting legislaiton over the course of the last three years. It was our recent pleasure to honor both you and Congressman Dingell with our National Health Care Humanitarian Award July 22, 1999 in Washington. Certainly the leadership that you both exhibit in the development, sponsorship and negotiation of this bill as you seek to position it on the floor of the House for debate is consistent with our evalution of each of you as recipients of our award. Thank you for your noble leadership in addressing the matters embodied in this Managed Care Improvement Act. We encourage House Speaker Dennis Hastert to place this Bill on the floor of the House for debate and to allow your peers in the House of Representatives to vote their conscience in support of H.R. 273.

Respectfully submitted:

NANEY DAVENPORT-ENNIS,
Founding Executive Director.

AMERICAN COLLEGE OF SURGEONS,
Washington, DC, August 31, 1999.

Hon. CHARLIE NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the 62,000 Fellows of the American College of Surgeons, I am pleased to offer the College's endorsement of Bipartisan Consensus Managed Care Improvement Act of 1999, H.R. 2723. This legislation encompasses all of the provisions that the College believes are critical to ensuring that all privately insured patients have access to the most appropriate medical care. This legislation stands in stark contrast to the inadequate managed care reform legislation that the Senate passed in July.

The College believes that all patients should have timely access to appropriate specialty care. Patients should not be forced by their health plan to endure unnecessary delays in accessing specialty care nor should they be forced to receive care from a specialist who does not have the appropriate training and experience to treat their condition. We are pleased to note that H.R. 2723 requires health plans to allow patients to have timely access to specialty care and to go out-of-network for specialty care at no additional cost if an appropriate specialist is not available within the plan.

Once a patient is able to see an appropriate specialist, health plans are frequently restricting the patient's care by unilaterally determining the most appropriate medical treatment. This determination often is contrary to the advice of the patient's treating physician. It is also often formulated on the basis of cost rather than the patient's best interest. H.R. 2723 would protect patients by requiring health plans to offer their enrollees an opportunity for independent external review of their case. The external reviewer would then produce a binding determination. The College further commends you for including a requirement that the independent external entity determine the appropriate treatment by considering the recommendations of the treating physician along with other reasonable evidence and to do so without being bound to the health plan's definition of medical necessity.

Another issue of deep concern to our Fellows is that surgeons and other physicians being forced to bear all of the liability involved in providing health care services when health plans are often restricting the services they can provide and the setting in which the care can be provided. If health plans continue to make medical determinations, then they should be held liable to at least the same degree as the treating physician. We are pleased to note that H.R. 2723 would allow patients to hold health plans liable when the plan's decisions cause personal injury or death. Additionally, the College agrees that it is reasonable to prohibit enrollees from suing their health plan for punitive damages if the health plan abides by the decision of the independent external review entity.

All of these provisions, along with the numerous other provisions included in H.R. 2723, address critical patient needs in our nation's changing health care system. Once again, the College is pleased to offer its support for the Bipartisan Managed Care Improvement Act of 1999 and we look forward to working with you, the Republican and Democratic leadership, and, in fact, all the Members of the House of Representatives to ensure that comprehensive managed care reform legislation is enacted this year.

Sincerely,

GEORGE F. SHELDON, MD, FACS,
President.

OFFICE FOR CHURCH IN SOCIETY
UNITED CHURCH OF CHRIST,
WASHINGTON, DC, AUGUST 10, 1999.

Hon. CHARLIE NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: I am writing to thank you for your leadership in sponsoring the Bipartisan Consensus Managed Care Improvement Act of 1999.

The United Church of Christ, Office for Church in Society, endorses the bill as written.

In the event that the bill is weakened, or if "poison pill" amendments are added, such as Medical Savings Accounts it is likely that we would then oppose the bill.

Thanks again for your effort to help protect patients from inappropriate denial of care and to make sure that the services promised in managed care contracts will be fully available from competent health professionals.

Sincerely,

REV. DR. PAT CONOVER,
Policy Advocate.

AMERICAN COLLEGE OF PHYSICIANS,
AMERICAN SOCIETY OF INTERNAL
MEDICINE,
Washington, DC, August 12, 1999.

Hon. CHARLES NORWOOD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: The American College of Physicians-American Society of Internal Medicine (ACP–ASIM) is the largest medical specialty society in the country, representing 115,000 physicians who specialize in internal medicine and medical students. ACP–ASIM is in a unique position to evaluate patient protection legislation as our members represent the full range of internal medicine practitioners. We believe that any patient protection legislation must be comprehensive and provide patients with the necessary basic rights and protections they need.

ACP–ASIM believes that any effective patient protection legislation must:

Apply to all insured Americans, not just those in ERISA plans.

Require that physicians, rather than health plans, make determinations regarding the medical necessity and appropriateness of treatments. ACP–ASIM supports language that defines medical necessity in terms of generally accepted principles of professional medical practice, as supported by evidence on the effectiveness of different treatments when available.

Provide enrollees with timely access to a review process with an opportunity for independent review by an independent physician when a service is denied.

Offer all enrollees in managed care plans a point-of-service option that will enable them to obtain care from physicians outside the health plan's network of participating health professionals, and

Hold all health plans, including those exempt from state regulation under ERISA, accountable in a court of law for medical decisions that result in death or injury to a patient.

In addition to these protections, we also believe that it is important to address the need to ensure access to affordable health insurance coverage for all Americans. Patient protections are meaningless if patients lack health insurance coverage. ACP–ASIM calls on the Congress to guarantee the most basic right of all Americans—the right to insurance coverage—by crafting legislative solutions that will reduce, with a goal of eventually eliminating, the growing numbers of uninsured citizens.

As the U.S. House of Representatives considers this legislation, ACP–ASIM encourages the continuation of a bipartisan approach. We thank you for sponsoring the Bipartisan Consensus Managed Care Improvement Act, H.R. 2723, containing the key elements needed for effective patient protection and demonstrating the bipartisan support for such legislation in the House. ACP–ASIM looks forward to the consideration of a comprehensive bill on the floor of the House in September that will be fully capable of providing Americans in managed care and other health plans with needed protections. We stand ready to assist in this effort.

Sincerely,

ALAN R. NELSON, MD, FACP,
Associate Executive Vice President.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, August 9, 1999.

Hon. CHARLIE NORWOOD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NORWOOD: On behalf of the 55,000 general pediatrician, pediatric medical subspecialist, and pediatric surgical specialist members of the American Academy of Pediatrics, I am writing to express our strong support of your recently introduced legislation, the Bipartisan Consensus Managed Care Improvement Act of 1999 (HR 2723). We look forward to working with you and other members of Congress to ensure that strong patient protection legislation becomes law this year.

We are especially pleased that your legislation recognizes the unique need of children and addresses them appropriately. Children are not little adults. Their care should be provided by physicians who are appropriately educated in the unique physical and developmental issues surrounding the care of infants, children, adolescents and young adults. You clearly recognize this and have included access to appropriate pediatric specialists, as well as other important protections for children, as key provisions of your legislation.

Thank you for your efforts and we look forward to working with you to enact strong patient protection legislation. Please do not hesitate to contact me or Graham Henson of our Washington office if we can be of assistance.

Sincerely,

JOEL J. ALPERT, MD, FAAP,
President.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, August 10, 1999.

Hon. CHARLIE NORWOOD,
House of Representatives,
Washington, DC.

DEAR DR. NORWOOD: On behalf of the 159,000 members and affiliates of the American Psychological Association (APA), I am writing to express our strong support for the bipartisan Consensus Managed Care Improvement Act (H.R. 2723), which you have introduced with Representative John D. Dingell.

Broad bipartisan support for this new legislation represents a major breakthrough on behalf of patients' rights. You bill covers all persons with private insurance and includes much needed patient protections, strong reforms of the managed care industry and due process protections for providers. APA is especially grateful that you have continued to champion our top legislative priority, removing the ERISA shield from health plan legal accountability. As in your previous bills that APA has endorsed since 1996, H.R. 2723 permits persons who have been injured by decisions of health plans that delay or deny care to hold them legally accountable. We believe that removal of this special exemption will be a strong incentive for health plans to deliver clinically necessary care, obviating the need for lawsuits.

Improvements to an appeals process without legal accountability clearly would not be sufficient. A new analysis of the Senate-passed bill, S. 1344, shows that the insurance and managed care industry could generate interest income of $280 million for every one percent of claims that are delayed for the full 377 days permitted. This PricewatershouseCoopers analysis helps refocus the debate on the need for incentives to ensure that correct decisions are made by health plans to begin with and that health plans do not abuse an appeals process.

H.R. 2723 also includes the requirements that those in closed panel health plans be offered a point of service plan at the time of enrollment, enabling care outside of a network. The bill reflects a procompetitive provision banning health plans from excluding a class of providers based solely on licensure. Medical necessity decisions would be made by clinical peers in a fair and independent appeals process, moving the system away from some of its worst abuses.

APA appreciates your continued leadership on these vital issues and will continue to work with you to win enactment of comprehensive managed care quality legislation.

Sincerely,

RUSS NEWMAN, Ph.D., J.D.

SERVICE EMPLOYEES INTERNATIONAL UNION,
Washington, DC, August 19, 1999.

Hon. CHARLIE NORWOOD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the 1.3 million members of the Service Employees International Union, I am writing in support of the Bipartisan Consensus Managed Care Improvement Act of 1999, H.R. 2723.

We are very pleased that a truly comprehensive bipartisan patient protection bill has been introduced. This is a bill that addresses the concerns that many working families have about the failure of managed care plans to ensure access to quality health care and puts medical decisions in the hands of medical experts not insurance company bureaucrats. Unlike the Senate bill, H.R. 2723 would:

Cover all Americans who have private insurance's.

Provide true access to emergency services, specialists, continuity of care, and clinical trials

Provide for an internal and an independent external appeals process that ensures a timely process for consumers for whom health care is denied or withheld

Hold health plans accountable for treatment decisions that result in injury or death.

Additionally, H.R. 2723 includes a vitally important patient advocacy/whistleblower provision. As a union representing over 600,000 frontline health care workers, we know how important it is to protect health care workers who speak out against patient care deficiencies. Employers must be prohibited from firing or retaliating against such workers if we are going to encourage health professionals to report patient care problems.

We commend you and your leadership in putting forward a bill that provides real patient protections. SEIU looks forward to working with you to pass H.R. 2723.

Sincerely,

ANDREW L. STERN,
International President.

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS
Washington, DC, August 11, 1999.

Hon. CHARLES NORWOOD,
Longworth House Office Building,
5Washington, DC.

DEAR CONGRESSMAN NORWOOD, The American College of Obstetricians and Gynecologists (ACOG) is pleased to offer its support for the Bipartisan Consensus Managed Care Improvement Act of 1999. This legislation would guarantee direct access to ob-gyn care for women enrolled in managed care.

Women need the assurance that they can receive care for their women's health needs from their ob-gyns without the added time, expense, and inconvenience of first having to get permission from their primary care physicians. Your legislation would ensure this fundamental patient protection to all women in managed care plans.

Today, many managed care plans require women—even pregnant women—to get permission slips from their primary care physicians before they can see their ob-gyns. Sixty percent of ob-gyns in managed care plans report that their gynecologic patients are either limited or barred from seeing their ob-gyns without first getting permission from another physician. An astounding 28% report that their pregnant patients must first receive another physician's permission before seeing their ob-gyns. To make matters worse, nearly 75% of ob-gyns report that their patients have to return to their primary care physicians for permission before their ob-gyn can provide necessary follow-up care.

Direct access to ob-gyns for all covered obstetric and gynecological follow-up care, as under your plan, will help to ensure quality health for women, including pregnant women and their infants. Thank you for your leadership and commitment to these vital goals. We look forward to working closely with you as this legislation moves toward enactment.

Sincerely,

RALPH W. HALE, M.D.,
Executive Vice President.

CENTER FOR PATIENT ADVOCACY,
McLean, VA, August 9, 1999.

Hon. CHARLIE NORWOOD,
Longworth House Office Bldg.,
Washington, DC.

DEAR CONGRESSMAN NORWOOD: The Center for Patient Advocacy is pleased to support the "Bipartisan Consensus Managed Care Improvement Act of 1999."

Since our founding in 1995, the Center for Patient Advocacy has been a leading supporter of strong, enforceable comprehensive managed care reform legislation. Every day the Center works with patients across the country who have experienced problems with managed care. We know first-hand the barriers to care that patients face, including limits on access to and coverage for speciality care and emergency room care, arbitrary medical decisions based on cost rather than a patient's specific medical needs, and the lack of a timely, independent and fair external appeals process to name a few. Most alarming, however, is that managed care plans—not patients and their doctors—continue to make medical decisions without being held legally accountable for their decisions that harm patients.

The Bipartisan Consensus Managed Care Improvement Act is a common-sense approach that addresses these problems. In this era where the pressure to reduce costs often comes at the expense of the patient, it is not only appropriate, but imperative that Congress act and pass legislation to protect patients from managed care abuses.

We commend your continued leadership in the managed care reform debate and your tireless efforts to secure a strong, enforceable and bipartisan solution to the problems patients across the country are facing. As we have continued to emphasize, patients are not calling on Congress to pass a Republican or Democrat bill. They are calling on Congress to pass bipartisan legislation that will truly provide them with needed protections and empower patients and their physicians with the decisions affecting their health care. And we believe that the Bipartisan Consensus Managed Care Improvement Act will do just that.

Sincerely,

TERRE MCFILLEN-HALL,
Executive Director.

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, August 27, 1999.

Hon. CHARLES NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN NORWOOD: The American Osteopathic Association (AOA) represents the nation's 43,500 osteopathic physicians. As President, I am pleased to let you know that the AOA endorses your bill, the "Bipartisan Consensus Managed Care Improvement Act of 1999" (H.R. 2723).

The AOA advocates, on behalf of patients, for Congress to enact strong, meaningful, and comprehensive protections. After six years of debate and delay, we believe that H.R. 2723 is the bipartisan legislation that will ensure the AOA's long sought principles. These include: physicians allowed to determine medical necessity; health plans held accountable for their actions; a fair and independent appeals process available to patients, and protections which apply to all Americans.

Over the last two decades, managed care has become less interested in delivering quality healthcare to patients. Instead, the focus seems entirely on the bottom line. It is time to bring the focus back to our patients and away from HMO profits. Employers and patients are tired of not receiving the care they are promised, pay for and deserve. H.R. 2723 will help bring the quality back into healthcare and allow osteopathic physicians to care for our patients in accordance with the high principles guiding our profession.

Again, thank you for your leadership on this critical issue. We are encouraged by the broad bipartisan support your legislation has received. The AOA pledges to work with you and all Members of Congress to ensure swift enactment of H.R. 2723. Please feel free to contact Michael Mayers, AOA Assistant Director of Congressional Affairs, in our Washington office with any further comments or questions.

Sincerely,

EUGENE A. OLIVERI, D.O.,
President.

AMERICAN DENTAL ASSOCIATION,
Washington, DC, August 13, 1999.

Hon. CHARLIE NORWOOD,
1707 Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the 144,000 members of the American Dental Association, we wish to endorse H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999. This is the first truly bipartisan, comprehensive patient protection bill in the 106th Congress. By joining forces with Representative Dingell, you have breathed new life into the movement to establish a few basic rules to protect all insured Americans from unfair and unreasonable delays and denials of care.

We recognize that the powerful groups that oppose managed care reform will continue spending millions of dollars in their relentless efforts to scare the public and badger lawmakers who attempt to improve the health care system. However, we will do all we can to make sure that all of our members know of your courageous efforts on behalf of them and their patients.

Patient protection is a genuine grassroots issue that cuts across geographic, economic and political boundaries. We believe that only bipartisan action will solve the problems in the health care system, and your bill represents a major, positive step in the right direction.

Sincerely,

S. TIMOTHY ROSE, D.D.S., M.S.,
President.
JOHN S. ZAPP, D.D.S.,
Executive Director.

PHYSICIANS FOR REPRODUCTIVE
CHOICE AND HEALTH,
New York, NY, August 30, 1999.

Hon. CHARLES NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: Physicians for Reproductive Choice and Health (PRCH) is pleased to support the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723). We applaud your leadership, as well as that of Representative Dingell and the additional supporters of the legislation. The mission of PRCH is to enable concerned physicians to take a more active and visible role in support of universal reproductive health. We represent more than 3,000 physicians and non-physician supporters from around the country. PRCH is committed to ensuring that all people have the knowledge, access to quality services, and freedom of choice to make their own reproductive health decisions, and we believe this legislation is an important step toward that goal.

The American health care system is changing rapidly. PRCH believes it is vital that those changes do not come at the expense of quality care for patients. The Bipartisan Consensus Managed Care Improvement Act includes many important patient protections. As a physician membership organization, PRCH is especially pleased that H.R. 2723 would ensure that medical judgments are rendered solely by health care providers, who are in the best position to guard the interests of their patients. Other particularly important provisions would assure that women have direct access to ob-gyn care from their choice of participating health care providers; protect health care professionals who report quality problems from retaliation by insurance plans and others; and prohibit health care plans from financially rewarding health care professionals for limiting a patient's care.

We commend your leadership in the struggle to ensure that patients' rights are established in federal law.

Sincerely,

JODI MAGEE,
Executive Director.
SEYMOUR L. ROMNEY, M.D.,
Chair.

AMERICAN CANCER SOCIETY,
August 27, 1999.

Hon. CHARLIE NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN NORWOOD: On behalf of the American Cancer Society and its 2 million volunteers, I commend you for sponsoring H.R. 2723, the "Bipartisan Consensus Managed Care Improvement Act of 1999," legislation that meets the needs of cancer patients. As the largest voluntary health organization dedicated to improving cancer care, we urge support of such legislation that would help ensure patients, especially those affected by cancer, access to quality and appropriate medical care. Specifically, we are pleased that the provisions in your legislation will benefit all 161 million Americans in private health insurance and employer-sponsored plans and that your legislation provides patients with direct access to clinical trials.

More than 140 million insured Americans are in some kind of managed care plan and this includes many of the approximately 1.23 million people diagnosed with cancer each year. In addition, the National Cancer Institute estimates that 8 million Americans alive today have a history of cancer. While managed care has greatly improved access to needed prevention, early detection, and cancer treatment, we are concerned about some of the gaps that remain in getting quality care to the patient.

Your legislation adequately addresses some of our concerns in a way that will help ensure that individuals affected or potentially affected by cancer will be assured improved access to quality care. H.R. 2723 grants patients with life threatening diseases access to specialists, including an out-of-network specialist if one is not available within their health plan; ensures continuity of care if an employer switches to a plan that does not include their physician who is providing on-going treatment or if a treating physician is no longer with the health plan; and permits for a specialist to serve as the primary care physician for a patient who is undergoing treatment for a serious or life-threatening illness.

Most importantly, your bill includes a clinical trials provision strongly supported by the American Cancer Society. H.R. 2723 recognizes that coverage of the routine patient care costs for patients enrolled in any phase of high-quality, peer-reviewed clinical trials affords people with cancer and other serious or life threatening disease the opportunity to seek the best and most appropriate care while helping to advance scientific knowledge. This access is integral to possibly extending life, reducing morbidity, and increasing medical knowledge. As you may know, in many cases, coverage for routine patient services for patients who wish to participate in a clinical trial are often denied, thereby creating a major barrier for patients who would like, or need, access to these treatments. For these patients, the clinical trial offers a critical opportunity to receive state of the art cancer treatment—therapies that may be their best and most appropriate treatment option and their only chance at survival and an improved quality of life. In addition, without sufficient enrollment in clinical trials, we as a nation lose an opportunity to collect data about the safety and efficacy of a new therapy or technology that could potentially benefit future generations of patients and save the health care system money. We firmly believe it is essential that cancer patients have access to these oftentimes lifesaving therapies that can reduce suffering and prolong life and are very supportive of the provision in H.R. 2723.

The Society commends you for sponsoring this legislation that provides access to clinical trials for all patients with serious and life threatening diseases. Due to the nature of research, life-saving treatments for one disease are often found in clinical trials of a drug aimed at treating another disease. Recently, clinical trials of Rezulin, a diabetes drug, showed that the drug may slow rapid cell growth in some cancers. Similarly, research has shown that the cancer drug, endostatin, may help heart disease. By providing broad access to clinical trials, your legislation will help advance the state of research for many diseases by allowing for the cross-pollination of research—cancer patients will benefit from clinical trials in AIDS, diabetes, etc., and vice versa.

While we are very pleased with your leadership on this issue, we are concerned that H.R. 2723 will not help patients who want to enroll in privately sponsored pharmaceutical trials—the type that is most frequently provided through the Food and Drug Administration. We would greatly appreciate your consideration of increasing access to these types of clinical trials for managed care patients.

The diagnosis of cancer is devastating—not only must patients confront an array of medical decisions, they must deal with financial and emotional burdens as well. We thank you for sponsoring legislation ensuring that cancer patients, irrespective of type of health insurance, will face fewer financial worries as they consider their treatment options. Please call Megan Gordon, Legislative

Representative, for any additional information you or your staff may need.

Sincerely,

KERRIE WILSON,
National Vice President, Policy Advocacy.

AMERICAN ACADEMY OF
OPHTHALMOLOGY,
Washington, DC, August 30, 1999.

Hon. CHARLES NORWOOD,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: The American Academy of Ophthalmology (AAO) would like to thank you for your introduction of H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999. Your bill contains the core patient protections the AAO supports and believes should be a part of all managed care plans.

AAO is the world's largest educational and scientific organization of eye physicians and surgeons (Eye M.D.s), representing over 26,000 members, dedicated to the treatment and diagnosis of disorders of the eye.

AAO supports H.R. 2723 on the basis that it would guarantee the following six protections to the millions of Americans enrolled in managed care plans:

1. An out-of-network (point-of-service) option at the time of enrollment;
2. Timely access to specialty care;
3. A fair and expedited independent appeals process;
4. A consumer information checklist;
5. A ban on financial incentives that result in the withholding of care or a denial of a referral; and
6. A ban on "gag clauses" which prohibit a provider from giving patients certain information, including treatment options.

We look forward to working with you to ensure passage of a strong, comprehensive and meaningful patient protections bill this Congress. Again, thank you for introducing your bill and for championing this issue in the House of Representatives.

Sincerely,

WILLIAM L. RICH, III, MD,
Secretary for Federal Affairs.

FRIENDS COMMITTEE ON
NATIONAL LEGISLATION,
Washington, DC, August 26, 1999.

Re Managed Care Improvement Act.

Representative CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: I am writing on behalf of the Friends Committee on National Legislation (FCNL, a Quaker lobby in the public interest) to express our strong support for the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723).

FCNL supports a health care system whose primary goal is maintaining and improving the health of the population. In recent years, managed care has taken over as the dominant health care delivery system. The shift to managed care has reflected the belief, particularly within the business community, that managed care does a substantially better job of controlling health care costs than does traditional fee-for-service insurance. Thus, managed care organizations are under strong pressure to keep costs down. In addition, many managed care organizations operate on a for-profit basis which exerts pressures to reduce outlays. These changes in the structure of health care insurance have created an environment in which patients' interests can (and sometimes do) take a back seat. While we are sensitive to the economic issues in health care, we also believe that reform and regulation are necessary in order to ensure that managed care organizations hold the interests of patients as a prime focus.

Following are some of the provisions of H.R. 2723 that are of particular importance to FCNL.

Scope of coverage: We support extending managed care protections to all 161 million people in the U.S. with private insurance. This would complement the protection already afforded to those in Medicaid and Medicare managed care.

Access to care: We strongly favor efforts to reduce and eliminate bureaucratic obstacles that some patients have faced as they seek access to physicians and needed health care services. For example, we support access to closest emergency room, without prior authorization and without higher costs; guaranteed access to needed health care specialists, outside the network, if needed; access to pediatric specialists; the right of women to directly access ob/gyn care and services; and access to quality clinical trials for those with no other effective option.

Protection of Doctor/Patient Relationship: We oppose limitations placed on physicians by HMOs or insurance companies that reduce their ability to treat or communicate with patients. For example, we believe that legislation should prohibit gag clauses that restrict the freedom of health care providers to discuss all treatment options with patients; limit financial incentives to withhold care; ensure continuity of care so that patients in the middle of long-term treatment plans do not suffer an abrupt transition of care if their physician or other provider is dropped from the plan; and assure that health care professionals who report deficiencies in the quality of health care services will not experience retaliation by the plan.

Accountability: We support the right of patients to timely appeals of health plan decisions and to be able to hold health plans accountable for decisions. Examples of such rights include access to internal and independent external appeals processes that are fair, unbiased, and timely; and a mechanism that holds health plans legally accountable when their decisions harm patients.

FCNL applauds your efforts and the efforts of your colleagues to pass legislation that would provide these and other related protections to patients in managed care plans.

Sincerely,

FLORENCE C. KIMBALL,
Legislative Education Secretary.

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, August 20, 1999.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: I am writing on behalf of the over one million members of the AFT to urge your support for bipartisan patients rights legislation, H.R. 2723, the Bipartisan Consensus Managed Care Empowerment Act of 1999. Hopefully, when Congress returns from its August recess, the House of Representatives will have the opportunity to vote on this important bill.

This bipartisan measure, introduced by Representatives Charles Norwood (R–GA) and John Dingell (D–MI), is compromise patients' rights legislation that retains essential features of the Patients Bill of Rights, H.R. 358, that AFT has also supported.

The bipartisan bill (H.R. 2723), which applies to all 161 million Americans with health insurance coverage, has these essential features;

Ensures access to emergency care without prior authorization, following a "prudent lay person" standard;

Authorizes direct access to OB/GYNs and pediatricians to be primary care physicians;

Provides access to pediatric specialties;

Provides for continuity of care when there is a change of plan or change in the provider network;

Provides for an independent external appeals process;

Authorizes patients to sue health plans in state courts, but disallows punitive damages if a plan complies with an independent external appeals decision;

Provides that doctors and nurses can report quality problems without fear of retaliation from Health Maintenance Organizations (HMOs), insurance companies and hospitals.

AFT is particularly pleased that H.R. 2723 contains protection against retaliation for health care workers acting as patient advocates. The AFT is proud to represent over 53,000 health care professionals who know such protections for patient advocacy are an essential component of quality health care.

H.R. 2723 offers the House a very real opportunity to enact legislation on a bipartisan basis that will improve the quality of managed care. The American Federation of Teachers urges you to co-sponsor and support this vital legislation.

Sincerely,

CHARLOTTE J. FRAAS,
Director of Federal Legislation,
Office of Government Relations.

AFSCME, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL–CIO,
Washington, DC, August 18, 1999.

Honorable CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to thank you for your leadership in introducing the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723). This compromise legislation provides meaningful reform of managed care with significant and enforceable protections for consumers.

In particular, we are pleased that the bill extends patient protections to all of those who are covered by managed care plans rather than just limited segments of the insured population. Importantly, the bill holds all, rather than just some, plans accountable for treatment denials which result in the injury or death of patients. But the liability shield now enjoyed by self-funded plans is removed in a balanced way, providing that there will be no punitive damages where the plan has followed the recommendation of an external review panel. Further, the bill makes clear that employees cannot be sued unless they intervene in treatment decisions.

Of particular interest to AFSCME members who work in health care, H.R. 2723 includes important protections for physicians and nurses who raise concerns or warnings about the care of patients. Although limited, these protections will allow health care professionals to speak, without fear of reprisal, to appropriate public regulatory agencies, appropriate private accrediting bodies, plan administrators or their employers. The provision protecting patient advocacy will help accomplish the bill's overall goal of improving the quality of care for patients.

In sum, H.R. 2723 would accomplish reform in a meaningful, yet balanced way. We thank you for co-sponsoring this important legislation.

Sincerely,

GERALD W. MCENTEE,
International President.

AMERICAN THORACIC SOCIETY
AND THE AMERICAN LUNG ASSOCIATION,
Washington, DC, August 24, 1999.

Hon. CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the American Lung Association and its medical section, the American Thoracic Society, I want to congratulate you for introducing the Bi-Partisan Patient Protection legislation (H.R. 2723). The ALA/ATS strongly support this important legislation.

American consumers deserve quality health insurance. Far too often we hear of cases where health insurers have either obstructed or completely denied insured patients access to the care they need. Insurers, by design or default, are preventing patients from getting the care they need.

Your legislation will help end many of the abuses in our nation's health insurance system. Your legislation will give all of our nation's insured individuals access to specialists, a swift appeals process and legal recourse for denied care, and will ensure physicians—not insurers—determine medical necessity. These important patient protections are needed to restore confidence to our nation's health care system.

The American Lung Association and the American Thoracic Society are ready to work with you and other Members of Congress to quickly enact this important legislation. Again, thank you for your leadership on this important issue.

Sincerely,

FRAN DUMELLE,
Deputy, Managing Director.

NATIONAL BREAST CANCER COALITION,
Washington, DC, August 24, 1999.

Representative JOHN DINGELL,
Representative CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES: On behalf of the National Breast Cancer Coalition (NBCC) and the 2.6 million women living with breast cancer, I am writing to thank you for your leadership in offering H.R. 2723, The Bipartisan Consensus Managed Care Improvement Act of 1999. Passage of this legislation would ensure that patients in private health plans have access to legitimate patient protections.

The National Breast Cancer Coalition is a grassroots advocacy organization made up of more than 500 member organizations and 60,000 individual members dedicated to the eradication of breast cancer through advocacy and action. We have long been committed to working with Members of Congress to enact meaningful healthcare reform. While many versions of "patient protection" legislation have been discussed in the past, we appreciate your leadership on introducing strong and comprehensive bipartisan legislation that brings us one step closer to achieving our goal.

One of NBCC's top concerns is breast cancer patients' access to clinical trials. Women with breast cancer often seek participation in clinical research studies as their best treatment option. It is unconscionable that their health plans would deny payment for even routine patient care cost like physician and hospital charges merely because patients are receiving treatment in the context of a clinical trial versus standard therapy. H.R. 2723, which would require health plans to cover routine patient care costs for cancer patients enrolled in approved clinical trials, is a critical step in including greater participation in clinical trials.

We also want to thank you for including access to specialty care in the Bipartisan Consensus legislation. This provision is extremely important to ensure that individuals in private health plans have access to the specialty care they need—an essential component of a meaningful patients' bill of rights. We are pleased that this legislation would allow breast cancer patients to go straight to their oncologists should that be medically appropriate.

Finally, NBCC appreciates your recognition that a right without strong enforcement is no right at all. By holding plans accountable when their decisions to withhold or limit care injures patients, H.R. 2723 ensures that insurers are subject to the same rules and legal penalties for injuries as any other industry. Strong enforcement is absolutely essential to any meaningful managed care reform, and we are pleased that the Bipartisan Consensus bill incorporates this provision.

Thank you again for your outstanding leadership. We look forward to working with you to get H.R. 2723, The Bipartisan Consensus Managed Care Improvement Act, enacted into law this year. Please do not hesitate to call me or NBCC's Government Relations Manager, Jenifer Katz if you have any questions.

Sincerely,

FRAN VISCO,
President.

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, DC, August 24, 1999.

PROTECT WOMEN'S HEALTH IN MANAGED CARE REFORM

DEAR REPRESENTATIVE: On behalf of the 150,000 members of the American Association of University Women (AAUW), I urge you to support the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723), introduced by Reps. Charlie Norwood (R-GA) and John Dingell (D-MI), when the House considers managed care reform legislation. AAUW believes that H.R. 2723 will ensure accountability of managed care plans and a health care delivery system that fully meets the needs of women and families.

AAUW believes that only H.R. 2723 will significantly improve managed health care for all consumers, and especially for women. H.R. 2723 covers all 148 million privately insured Americans and addresses a broad range of issues that will provide quality, timely, and appropriate health care to all consumers; ensure patients' rights; and meet the needs of women and their families. H.R. 2723 guarantees that patients can have a health plan's decision to deny care reviewed by an independent medical expert, and holds managed care plans accountable when their decisions to withhold or limit care cause injury or death. H.R. 2723 is particularly important to women because it: Ensures that women have direct access to ob-gyn services from the participating health care professional of their choice; Ensures that pregnant women can continue to see the same health care provider throughout pregnancy if their provider leaves the plan or their employer changes plans; Ensures access to specialists, including, when appropriate, specialists outside a plan's network; and Ensures access to clinical trials for new treatment options and that may save people's lives.

Once again, I urge you to support H.R. 2723 to ensure accountability of managed care plans and a health care delivery system that fully meets the needs of women and families. If you have any questions, please call Nancy Zirkin, Director of Government Relations, at 202/785-7720, or Lisa Levine, Government Relations Manager, at 202/785-7730.

Sincerely,

SANDY BERNARD, *President.*

NATIONAL BLACK WOMEN'S
HEALTH PROJECT,
Washington, DC, August 24, 1999.

Hon. CHARLES NORWOOD,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NORWOOD: The National Black Women's Health Project (NBWHP) is writing in support of the Bipartisan Consensus Managed Care Improvement Act (H.R. 2723). NBWHP is the only national organization solely dedicated to improving the health and well-being of America's 17.8 million Black women through wellness programs and services, information, and advocacy. We have been and continue to be a strong supporter of managed care reform. The proposed legislation offers significant protections for all Americans, and the specific implications for women and women of color are vitally important. Of great importance is the inclusion of patient access to medical treatments and therapies including clinical trials. This is highly significant as women of color are often under-represented in clinical trials. In addition, the inclusion of access to all prescription drugs is crucial as women would have assured access to coverage for contraceptives.

There is an urgent need for consumer protections in the health care and insurance system, and we feel that this legislation is a progressive action in this regard. We appreciate any opportunities to work with you. If you have any further questions, please feel free to telephone our office. Shelia Clark, our Public Policy Associate, is our contact person. We look forward to the passage of this legislation.

Sincerely,

JULIA SCOTT,
President and CEO.

NATIONAL ALLIANCE FOR
THE MENTALLY ILL,
Arlington, VA, August 24, 1999.

Hon. JOHN DINGELL,
Hon. CHARLES NORWOOD,
U.S. House of Representatives.
Washington, DC

DEAR REPRESENTATIVES DINGELL AND NORWOOD: On behalf of the 208,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express our support for your legislation, the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723). As the nation's largest organization representing people with severe mental illnesses and their families, NAMI believes that federal standards are necessary to ensure that access to the most advanced treatment is not compromised in the name of cost savings. We support your efforts as an important step forward in protecting the interests of consumers and their families in the health care system.

In particular, NAMI is especially pleased that your legislation will address critical issues that are of great concern to people with severe mental illnesses and their families including use of restrictive prescription drug formularies and meaningful external appeals. NAMI is grateful that your legislation will protect the ability of patients and their doctors to go beyond a health plan's limited drug formulary when it is necessary to find the most effective medication. this protection is critically important for people with serious brain disorders such as schizophrenia and manic-depressive illness who depend on newer medications as their best hope for recovery.

NAMI also strongly supports your proposal for external grievance procedures that would require that decisions of independent review panels be legally binding upon health plans and prevent health plans from being able to select the independent third-party review panel. Patients and their families should be able to take their claim of an unfair denial of treatment coverage to an unbiased process for an adjudication of their rights.

NAMI also supports key provisions in H.R. 2723 regarding access to medical specialists. Health plans should be required to provide access to covered specialty care within a plan's network and allow consumers unobstructed access to a specialist, such as a psychiatrist, over a longer period, without repeated and unnecessary pre-authorizations from their plan. Finally, NAMI would like to thank you for including in your bill strong protections for consumer access to medical treatment costs associated with clinical trials. For many people with severe mental illnesses, clinical trials on new medications are the best hope for successful treatment. Health plans should not be allowed to deny patients access to these trials by refusing to pay for routine medical care.

NAMI is grateful for your efforts on behalf of people with severe mental illnesses and their families. Your bipartisan approach to this difficult issue is an important step forward in placing the interests of consumers and families ahead of politics. NAMI looks forward to working with you to ensure passage of meaningful managed care consumer protection legislation in the 106th Congress.

Sincerely,

LAURIE FLYNN,
Executive Director.

FAMILIES USA FOUNDATION,
Washington, DC, August 11, 1999.

Hon. CHARLIE NORWOOD,
Longwood HOB, Washington, DC.

DEAR CONGRESSMAN NORWOOD: Congratulations on the introduction of the "Bipartisan Consensus Managed Care Improvement Act of 1999," H.R. 2723. We are well aware of the efforts you and others made to make this bill a reality.

As you know, the American public is losing faith in our health care delivery system. Managed care companies that began with the promise of providing high quality care at an affordable price are not always delivering on that promise. Unfortunately, this has resulted in consumers being worried that they will not get the care they need even though they are covered with health insurance. Your bill is a reasonable compromise proposal that can bring back balance to our health care system.

We look forward to working with you to make the "Bipartisan Consensus" bill the law of the land.

Sincerely,

RONALD F. POLLACK,
Executive Director.

NATIONAL ORGANIZATION OF
PHYSICIANS WHO CARE,
San Antonio, TX, August 24, 1999.

Hon. CHARLIE NORWOOD,
Longworth HOB, Washington DC.

DEAR CONGRESSMAN NORWOOD: I am president of Physicians Who Care, Inc. ("PWC"). It is a not-for-profit organization which is devoted to protecting the doctor-patient relationship and ensuring quality health care. Formed in 1985 in San Antonio, Texas the organization has approximately 4,000 members, most of them doctors in private practice. PWC believes the responsibility for medical care belongs first and foremost to physicians and patients. We affirm the right of the physician, as the provider of care, to diagnose, prescribe, test and treat patients without undue outside interference. We affirm the right of the patient, as the person most affected by care, to choose his or her own physician and help determine the type of treatment received.

On behalf of PWC and its board of directors, I am writing to you now. As you know, one of the major issues facing our country today is our health care delivery system—quality, access, delivery, accountability and fairness. We are apprised that this issue will come before the House of Representatives next month after Congress reconvenes from its summer recess.

We have reviewed H.R. 2723, the bill introduced into the House by Representatives Norwood and Dingell. It is known as the "Bipartisan Consensus Managed Care Improvement Act of 1999". We strongly support it as it insures fairness and accountability in our health care delivery system that has been lacking in what the Senate has passed and other legislation that has gone before (H.R. 2723). We ask that you vote in favor of it.

Now is the opportunity to vote on legislation that will support the ability of patients to receive proper care from their providers and provide providers with measures of confidence and comfort not known by them since managed care and managed care plans were foisted upon patients and physicians.

We are particularly impressed by the wording in H.R. 2723 relating to external appeals, the ability of patients to sue their health plans and managed care organizations like HMOs (just like they can physicians, hospitals and others who make medical decisions in patient care), excluding employers from liability unless they are involved in the same medical decision-making that presently exposes physicians, hospitals, nurses and the like.

Moreover, we are mindful that opponents of this type legislation raise costs as an issue or that employers will not be able to provide health insurance to their employees if the ERISA preemption is lifted or even that lifting this preemptive effect will cause more lawsuits. To these points, we respectfully and firmly disagree! Opponents are using emotion and "scare tactics" to avoid fact and the ability of all patients to receive proper and quality health care.

We are not against managed care; it does have a place. However, we are strongly against managed care plans not "toeing the line", i.e. not wanting to be held accountable for their medical decisions that adversely affect patient care (all over the country managed care plans are failing, 200 in California alone).

Now may be the last time that you have to provide effective relief to patients and their providers alike. If you do not, our court system may do it for you (as recent decisions in the last few years seem to strongly indicate.)

Please vote what is right, fair and just for all patients; we sincerely ask that you support H.R. 2723.

Thank you.

Sincerely,

RONALD BRONOW, M.D.,
President.

PATIENTS WHO CARE,
San Antonio, TX, August 24, 1999.

Hon. CHARLIE NORWOOD,
Longworth HOB, Washington, DC.

DEAR CONGRESSMAN NORWOOD: I am president of Patients Who Care (PtWC). It is a non-profit 501(c)3 organization of approximately 20,000 members and is dedicated to promoting through education an understanding of issues affecting access by patients to the highest quality health care possible. We believe in preserving quality medical care, affordability of care and care reimbursement plans, and preserving the doctor/patient relationship. We also feel it is the right of patients to choose their own physician and determine the type of treatment received. Finally, we try to help patients understand their rights in the health care decision-making process.

On behalf of PtWC and its board of directors, I am writing to you now. As you know, one of the major issues facing our country today is our health care delivery system—quality, access, delivery, accountability and fairness. We are apprised that this issue will come before the House of Representatives next month after Congress reconvenes from its summer recess.

We have received H.R. 2723, the bill introduced in the House of Representatives Norwood and Dingell. It is known as the "Bipartisan Consensus Managed Care Improvement Act of 1999". We strongly support it as we feel it insures fairness and accountability in our health care delivery system. These qualities have been lacking in what the House and Senate have passed in previous health care legislation. We ask that you vote in favor of H.R. 2723, and do all you can to help this bill move quickly to passage.

Now is the opportunity to vote on legislation which will support the ability of patients to receive proper care from their providers. It will also give providers a greater measure of confidence and comfort in treating their patients since managed care and the managed care plans were foisted upon patients and physicians many years ago.

We are particularly impressed by the wording in H.R. 2723 relating to external appeals, the ability of patients to sue their health plans and managed care organizations like HMOs (just like they can physicians, hospitals and others who make medical decisions in patient care), excluding employers from liability unless they are involved in the same medical decision-making that presently exposes physicians, hospitals, nurses and the life. We are also mindful that opponents of this type legislation raise "costs" as the issue, saying 'employers will not be able to provide health insurance to their employees if the ERISA preemption is lifted or even that lifting this preemptive effect will cause more lawsuits'. We feel this is a lesser concern than decisions that adversely affect patient care (all over the country managed care plans are failing—200 in California alone).

Now may be the last time you have to provide effective relief to patients and their providers. If you do not, our court system may do it for you (as recent decisions in the last few years seem to strongly indicate.)

Please vote what is right, fair and just for all patients; we sincerely ask that you support H.R. 2723.

Thank you.

Sincerely,

STEVEN C. JOHNSON, CLU, RHU,
President.

P.S. It is also our understanding that most "individual" health care plans, not currently under ERISA, will not be affected by this legislation, or be required to conform to H.R. 2723. please be vigilant of this issue which our members have raised.

ALLIANCE FOR CHILDREN AND FAMILIES,
August 24, 1999.

Hon. CHARLES NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: We at the Alliance for Children and Families are writing to express our support for the Bipartisan Consensus Managed Care Improvement Act (H.R. 2723), which you have introduced with Representative Dingell. The Alliance, an international nonprofit association representing over 350 child- and family-serving organizations, supports this important legislation to protect patients' rights. Alliance members serve more than 5 million individuals each year in more than 2,000 communities.

Broad bipartisan support for this new legislation represents a major breakthrough on behalf of patients' rights. This bill provides essential protections for all consumers in the private health insurance marketplace. H.R. 2723 ensures that medical decisions will be in the hands of medical experts. It permits people to hold their managed care plans accountable when plan decisions to withhold or limit care result in injury or death. We believe that holding health plans accountable will be a strong incentive for them to deliver clinically necessary care, minimizing the need for lawsuits.

We support your bill because it includes much needed patient protections, strong reforms of the managed care industry and due process protections for providers. It ensures that patients have access to a fair and independent external review for cases in which care is denied. H.R. 2723 also ensures that patients have access to specialists, including, when appropriate, specialists outside a plan's network.

Thank you for your leadership in protecting patients' rights through the Bipartisan Consensus Managed Care Improvement Act of 1999.

Yours sincerely,

CARMEN DELGADO VOTAW,
Senior Vice President, Public Policy.

PARALYSIS SOCIETY OF AMERICA,
August 23, 1999.

Hon. CHARLIE NORWOOD,
U.S. House of Representatives, Longworth Building, Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the Paralysis Society of America (PSA), I am writing to voice support for H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999.

We are pleased to see that the consensus bill combines the patient protections found in the major managed care reform bills introduced in the House this year, including H.R. 216, the Quality Care Act, and H.R. 358, the Patients' Bill of Rights. We also note the importance of H.R. 2723 as a bipartisan bill. Legislators who support this bipartisan bill recognize the importance of a health care system that balances the cost of service delivery without sacrificing individual patient needs.

PSA's membership of more than 19,800 people consists of individuals with spinal cord injury or disease, their family members and caregivers, health care professionals, and others with an interest in the disciplines of spinal cord medicine and paralysis. As you can imagine, the outcome of patient protection legislation speaks directly to the vested interest in our membership.

Particular attention is given to those portions of the legislation covering freedom of choice, specialists, and external appeals, clinical trials and privacy. Also of interest to our membership are the sections covering continued care, freedom of communication, clinical trials reform, incentives to deny care, and privacy:

PSA members want the right to freely choose and/or change their doctor and hospital;

PSA members want the right to see a specialist if they and their doctor determine the need is paramount to managing the complex health care needs of people with spinal cord dysfunction;

PSA members want the right to a second and third opinion following denial of coverage by a health plan, at no cost to the patient;

PSA members should not be forced to change doctors and hospitals while in the midst of a course of treatment for a health care problem;

Doctors must be able to talk freely with patients without fearing repercussions from health plans. Every doctor should be free to discuss anything relative to a patient's health with the patient, even if the information may be negative towards the health plan. Health plans must not be permitted to use tactics that discriminate against doctors for cooperation in patient advocacy, such as threats of firing, disciplinary action and by providing incentives to deny care;

PSA members should be able to participate in clinical trials that may maximize their independence and quality of life without undue interference from their health plan; and

PSA members are concerned about their right to privacy. No medical information on a patient should be released without the patient's approval.

The right to quality health care and patient protection is of primary importance to the members of the Paralysis Society of America. PSA offers its support, and will gladly assist you in any way we can to ensure that H.R. 2723 is enacted into law.

Sincerely,

NANCY STARNES,
Director.

NATIOANAL ASSOCIATION OF
SCHOOL PSYCHOLOGISTS,
Bethesda, MD, August 24, 1999.

Hon. CHARLIE NORWOOD,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the National Association of School Psychologists, (NASP) I am writing to express our strong endorsement of H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999.

NASP is an organization that represents 21,500 school psychologists and related professionals throughout the world. NASP works to actively promote educationally and psychologically healthy environments for all children and youth. We work together with national coalitions to increase support and funding for primary prevention services and mental health programs that deter youth from delinquent activity, assist them with improved learning and provide them with experiences and role models to become successful in life. In health care, our goal is to increase access and affordability of health and mental health services for which coverage is often extremely limited or denied.

Developing a balanced compromise on the most controversial of managed care reform provisions, the Bipartisan Bill would provide essential protections for consumers in the private health insurance marketplace. The Bipartisan Consensus Bill maintains a strong utilization review process to require the oversight of trained personnel, assures fair appeals, guarantees access to emergency and urgent care services and holds health plans accountable for their decisions. Furthermore, this bill requires the development of quality criteria along with performance and clinical outcome measures for at-risk individuals and people with chronic and severe illness. If H.R. 2723 is passed, this provision will have an important positive impact on the health care provided to adults with severe mental health illnesses, children with serious emotional disturbances and other people with significant mental disorders who are increasingly being served in managed care settings.

Our efforts to improve mental health service delivery must include the elimination of insurance discrimination against people with mental disorders and the serious problems associated with the delivery of mental health care by HMOs. It is time to move beyond the impasse in this effort. The Bipartisan Bill creates a new "Patients' Bill of rights" which should pass the House with minimal dissension. Thank you for your commitment to reaching a workable compromise to finally provide consumers with the opportunity to appeal instances of discrimination or denial of care.

Sincerely,

SUSAN GORIN, CAE,
Executive Director.

AMERICAN ASSOCIATION OF ORAL,
AND MAXILLOFACIAL SURGEONS,
Rosemont, IL, August 26, 1999

Hon. CHARLIE NORWOOD,
U.S. House of Representatives, Washington, DC

DEAR REPRESENTATIVE NORWOOD: On behalf of the American Association of Oral and maxillofacial surgeons (AAOMS), which represents the nation's approximately 6,000 oral and maxillofacial surgeons, I thank you for supporting provider nondiscrimination language as stated in Section 133(a) of the bipartisan "Consensus on Managed Care Improvement Act of 1999".

We fell that this bill has the strongest chance of being enacted, as it is a bi-partisan effort and is endorsed by President Clinton. AAOMS lends its strong support for the Consensus on Managed Care Improvement Act of 1999, and hopes that it is enacted into law.

Oral and maxillofacial surgeons in your district and across the nation believe that provider nondiscrimination is a key component of managed care reform. It is the top legislative priority of the AAOMS.

Thank you again for all your help in making sure that provider nondiscrimination language was included in this important piece of legislation.

Sincerely,

DAVID A. BUSSARD, DDS, MS,
President.

AMERICAN PODIATRIC
MEDICAL ASSOCIATION, INC.,
Bethesda, MD, August 31, 1999

Hon. CHARLIE NORWOOD,
U.S. House of Representatives, Washington, DC.

DEAR MR. NORWOOD: With regard to HR 2723, the Bipartisan Consensus Managed Care

Improvement Act of 1999, I am pleased to announce our unqualified support of the proposal. Embodying every principle the association has embraced as essential for meaningful managed care reform, we are convinced its enactment is in the best interest of all Americans.

The strong bipartisan support your measure has heretofore generated is compelling evidence that, given a fair hearing by the full House, a comprehensive patient oriented reform package can prevail. To this end we offer our understanding and enthusiastic support.

Best regards!

Sincerely Yours,
RONALD S. LEPOW, DPM,
President.

OPTICIANS ASSOCIATION OF AMERICA,
Fairfax, VA, August 24, 1999.
Hon. CHARLIE NORWOOD,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the Board of Directors and the members of the Opticians Association of America, I am writing to thank you for sponsoring H.R. 2723, the bipartisan managed care improvement bill.

This bill would give basic, common-sense protections to millions of Americans in managed care plans, and it is certainly refreshing to see the bipartisan way in which it was approached!

In addition, we are pleased to see that the bill contains a point-of-service option and anti-discrimination language which guarantee consumers the widest possible choice of providers.

We look forward to continued collaboration in the interest of America's health care consumers.

Sincerely,
JACQUELINE E. FAIRBARNS,
Assistant Executive Director for Government Relations.

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, August 27, 1999.
Hon. CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NORWOOD: The American Osteopathic Association (AOA) represents the nation's 43,500 osteopathic physicians. As President, I am pleased to let you know that the AOA endorses your bill, the "Bipartisan Consensus Managed Care Improvement Act of 1999" (H.R. 2723).

The AOA advocates, on behalf of patients, for Congress to enact strong, meaningful, and comprehensive protections. After six years of debate and delay, we believe that H.R. 2723 is the bipartisan legislation that will ensure the AOA's long sought principles. These include: physicians allowed to determine medical necessity; health plans held accountable for their actions; a fair and independent appeals process available to patients, and protections which apply to all Americans.

Over the last two decades, managed care has become less interested in delivering quality healthcare to patients. Instead, the focus seems entirely on the bottom line. It is time to bring the focus back to our patients and away from HMO profits. Employers and patients are tired of not receiving the care they are promised, pay for, and deserve. H.R. 2723 will help bring the quality back into healthcare and allow osteopathic physicians to care for our patients in accordance with the high principles guiding our profession.

Again, thank you for your leadership on this critical issue. We are encouraged by the broad bipartisan support your legislation has received. The AOA pledges to work with you and all Members of Congress to ensure swift enactment of H.R. 2723. Please feel free to contact Michael Mayers, AOA Assistant Director of Congressional Affairs, in our Washington office at 202-414-0148 with any further comments or questions.

Sincerely,
EUGENE A. OLIVERI, D.O.,
President, American Osteopathic Association.

AMERICAN COUNSELING ASSOCIATION,
Alexandria, VA, August 27, 1999.
Hon. CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: I am writing on behalf of the more than 51,000 members of the American Counseling Association to express our strong support for your legislation H.R. 2723, the Bipartisan Consensus Managed Care Improvement Act of 1999. This bipartisan patient protection legislation will afford health care consumers the essential protections necessary to ensure the delivery of quality health care services.

H.R. 2723 provides a wide array of consumer protections including several key components for mental health providers and their clients, such as putting medical decisions in the hands of medical experts, not the insurance company bureaucrats; the ability to hold health plans liable when their decisions to withhold or deny care result in injury or death; adequate access to specialists; a continuity of care clause, and a provision to prohibit nondiscrimination against providers based on their type of license. In addition these protections would apply to all privately insured individuals, unlike other managed care legislation considered in Congress.

Representatives Norwood, we thank you for your continued advocacy on behalf of health care consumers. This legislation will make a difference to the millions of Americans with private health insurance. Please let us know if we can be of any assistance in your work.

Sincerely,
DONNA FORD, MS, NCC,
President, American Counseling Association.

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC, August 10, 1999.
Hon. CHARLES NORWOOD,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the American Public Health Association, which represents more than 50,000 public health professionals around the country, I am writing to express our support for your new bi-partisan managed care reform bill, H.R. 2723.

This bill will provide patients with real, enforceable assurances that they will receive the care they need and have purchased from managed care companies. If passed by Congress, this bill will: improve access to emergency services; allow more people to enter clinical trials; provide patients with a fair appeals process for denied claims; lift barriers to specialists; and hold plans responsible for the medical decisions they make.

Furthermore, the bill's broad bi-partisan cosponsorship—and announced support from President Clinton—makes it Congress' best chance to complete action on this important issue this year.

We understand that some within the managed care industry oppose any government regulation, but this issue is a very important one for consumers, health care providers, and the public health community. Your steadfast commitment to reform and your strong leadership throughout this debate are commendable. H.R. 2723 is a significant and welcome step toward achieving new protections for managed care patients. We look forward to continuing work with you toward achievement of that mutual goal.

Sincerely,
RICHARD A. LEVINSON, MD, DPA,
Associate Executive Director,
Programs and Policy.

NATIONAL PARTNERSHIP
FOR WOMEN & FAMILIES,
Washington, DC, August 13, 1999.
Hon. CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: The National Partnership is pleased to endorse the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723). This is strong, bipartisan patient protection legislation, and thanks to your hard work, we believe it can—and will—pass the House of Representatives.

For women and families, few issues resonate as profoundly and pervasively as the need for quality health care. Survey after survey reveals Americans' growing dissatisfaction with the current health care system, and many feel the system is in crisis. We need common-sense patient protections that will restore consumer confidence and tip the balance back in favor of patients and the health care providers they rely on.

There are many features of this bill that are especially important. First and foremost, this bill ensures that medical judgments will be in the hands of medical experts, not insurance bureaucrats looking at the bottom line. This bill:

Ensures that patients have recourse to a genuinely independent external review when care is denied.

Allows patients to hold their managed care plan accountable when plan decisions to withhold or limit care result in injury or death.

Ensures that women have direct access to ob-gyn services from the participating health care professional of their choice.

Ensures that doctors and nurses can report quality problems without retaliation from HMOs, insurance companies, and hospitals.

Ensures access to specialists, including, when appropriate, specialists outside a plan's network.

Ensures access to clinical trials that may save people's lives.

The House of Representatives faces an historic opportunity to provide patients the protections they need. We look forward to working with you to ensure passage of this important legislation.

Sincerely,
JUDITH L. LICHTMAN,
President.
DEBRA L. NESS,
Executive Vice President.
JOANNE L. HUSTEAD,
Director of Legal and Public Policy.

THE AMERICAN OCCUAPATIONAL
THERAPY ASSOCIATION, INC.
Bethesda, MD, September 1, 1999.
Hon. CHARLES NORWOOD,
U.S. House of Representatives,
Washington, DC

DEAR REPRESENTATIVE NORWOOD: On behalf of the 60,000 members of the American Occupational Therapy Association, Inc. (AOTA), I would like to express our endorsement for the Bipartisan Consensus Managed Care Improvement Act of 1999, H.R. 2723. We appreciate your leadership, along with Representative John Dingell, in continuing to puruse strong managed care legislation with real patient protections through bipartisan efforts.

H.R. 2723 contains many critical patient protections that the members of AOTA believe are necessary to ensure patients receive the care that they need. Federal legislation should: guarantee patients' access to all medically necessary specialty care using appropriate utilization review standards; protect patients' right to choose a health care plan allowing out-of-network care; prohibit the restriction of importance medical communications and require information disclosure standards; prohibit discriminatory practices against health care professionals; require timely, independent due process procedures; and hold health plans accountable for their medical decisions.

H.R. 2723 is considerably more comprehensive than legislation passed by he Senate in July. It is important that these protections are available to all Americans enrolled in private health care plans.

Over the August recess we have notified our members, asking them to talk to their legislators. Please let us know how we can continue to assist you in your efforts to have comprehensive managed care legislation addressed on the House floor.

Again, we thank you for your leadership and hard work on this issue. We look forward to continuing to work with you to pursue passage of comprehensive managed care legislation.

Sincerely,

KATHRYN M. PONTZER,
Senior Legislative Counsel,
Federal Affairs Department.

AMERICAN ASSOCIATION FOR
MARRIAGE AND FAMILY THERAPY,
Washington, DC, August 23, 1999.

Hon. CHARLES NORWOOD,
House of Representatives,
Washington, DC

RE: Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2823)

DEAR DR. NORWOOD: The American Association for Marriage and Family Therapy is writing to express our strong support for the Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723). On behalf of the 46,000 marriage and family therapists throughout the United States, we want to applaud you and Rep. Dingell for your effort to provide Americans with comprehensive patient protections.

Your bill offers several safeguards that are integral to our members, as well as the public at large. One provision, the prohibition on discrimination against providers, has particular significance. It expands consumer access to qualified practitioners who are regulated by the states. Without this protection, insurers and plans can continue to discriminate against many licensed health care professionals. Additionally, the provision will foster competition among providers and expand the pool of trained practitioners.

The ability to access speciality care is also a positive component of this legislation. Patients with ongoing healthcare conditions will greatly benefit from the opportunity to access specialists who are trained in the treatment of their special conditions. Moreover, removing the requirement of a primary care referral will reduce costs and delays that burden health care delivery.

Other provisions of significance to our organization include: an independent review process for determination of medical necessity decisions; the ability of people with special health care needs and chronic conditions to continue to access their health care professionals after employers change plans; the ability to hold managed care plans accountable for decisions to deny care; and guaranteed access to emergency care services.

These protections are a superb example of how Members from both sides of the aisle can work together to improve the quality of medical care for all employees. Your leadership in this effort is truly outstanding and appreciated. If there is any role our organization can play in passage of this legislation, please contact our Government Affairs Manager, David Bergman, at (202) 467–5015. Its time to ensure that all American are provided with the security of a comprehensive health care system.

Sincerely,

MICHAEL BOWERS,
Executive Director, American Association for Marriage and Family Therapy.

AMERICAN PUBLIC PLACES EDUCATION AS A TOP PRIORITY

The SPEAKER pro tempore (Mr. TERRY). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have just returned from recess and we are about to enter the closing chapters of the first session of the 106th Congress. The end of the first session will only take us halfway. We can continue, and there are probably some things that will continue, but we have a full plate here.

There is a great deal of speculation about exactly what is going to happen with the appropriations bills and the fiscal plan which now is made more exciting by the fact that there is a surplus. After we lock the box and keep the Social Security funds in place, we still have a projection of a 10-year period of a trillion dollar surplus, and that has led to some radical proposals by the Republicans with respect to tax cuts, and that has certainly charged the atmosphere.

I am interested in continuing the dialogue on education. I think that we are in danger of making a great blunder if we do not use this great window of opportunity to do something dramatic to improve education in America. There is a need for a greater commitment from the Federal Government which now only is responsible for about 8 percent of the total expenditure on education. We need more federal support for education.

There are a lot of things that have to happen to improve education in America, but one of the things that has to happen is that we must have more federal support. The Federal Government is where the money is. The Federal Government's money is not made here in Washington; it all came from the local level, so it belongs to the people out there in the States and in the localities. This is no reason why we cannot resolve to use funds from the Federal Government to help solve and resolve some of the overwhelming problems that we are facing in education.

We can still win the war for education support. The status of legislation here at this point does not preclude some major development taking place either before we end this session, or certainly before we end the 106th Congress in the fall of the year 2000.

Let us take a look at where we are at this point. As far as education funding is concerned, we are in bad shape. A number of appropriations bills have been stalled, and we have only passed two; but the education appropriations bill, the Labor-HHS appropriation is further behind than any of the other appropriations in the process. It has not even gotten out of the subcommittee yet. The appropriations bill for education, it seems, is being used as a scapegoat; and it will be the last one out there, and it will have the greatest amount of reductions.

I am not on the Committee on Appropriations, but the rumors are that for the overall Labor, Health and Human Services and Education appropriations, the cut may range as high as 35 or 40 percent. And certainly education is in danger of a 15 to 20 percent cut if we follow the present process whereby there are budget caps. But they are not following budget caps on some appropriations bills. They are leaving the last ones to take most of the burden of the cuts. So education is in deep trouble at this moment in history. But I think we can still win the war.

What I want to talk about tonight is how the American public and public opinion, the common sense of the voters, still is a determining factor here. We need to hear that and know that. All of the polls still continue to show that the American people place education as one of the top priorities, either priority number one or priority number two, in terms of federal assistance, or the use of federal resources to help solve problems. They expect us to do something. They are concerned. And their common sense is correct. Their common sense is on target. But what they need to know is that there are a set of rules being followed and a set of maneuvers underway that will lead to inevitable cuts in education if those rules are followed.

The President is right when he says that not only do we face cuts in this present year, in the present appropriation, but in the bigger scenario that the Republicans have staked out, if they go ahead with a gigantic tax cut of $790 some billion dollars over a 10-year period, then the mechanics of that tax cut dictate that there must be increasing cuts, escalating cuts in education. It would be the greatest blunder this Nation has made since it was first established if we were to fall into that pattern where a tax cut and the momentum of a tax cut makes it absolutely necessary that there must be cuts in the resources that the Federal Government allocates for education.

The Republicans have made it clear that they do not care about education at all. They ejected the portion of their tax bill that could have covered a few of the problems with education construction. We should not have, in my opinion, a great deal of authority invested in the Committee on Ways and Means to deal with education, but it so happens that that was the only vehicle that the administration felt they could utilize. So in the Ways and Means bill, through the Tax Code, the only initiative that is on the table to help with school construction in Washington, is H.R. 1660, the bill sponsored by the gentleman from New York (Mr. RANGEL), and a bill which incidentally is backed by the overwhelming majority of the members of the Democratic caucus and by some Republicans.

H.R. 1660 is in the process of a discharge petition. And I understand that more than 190 Members have already signed the discharge petition for H.R. 1660, and it is projected that we are going to get above 218 to sign that discharge petition for this school construction bill via the Tax Code. That is a process by which the Federal Government will pay the interest on money borrowed by the States and the localities for school construction.

It is a good beginning. It moves from zero to proposing that the Federal Government authorize the borrowing of up to $25 billion over a 5-year period and the Federal Government would be responsible, through tax credits, for paying the interest on the money borrowed, which is expected to come to about $3.7 or $4 billion. Close to $4 billion of federal commitment would be involved in that kind of approach.

□ 2200

Now, that is the approach that is the pragmatic thing in the present playing field. The President and administration do not see any other way to move forward and start a process of involving the Federal Government in school construction. And if we have to accept the present playing field, the budget caps and the restrictions on the budget process that were there before we found we had a surplus, then that is a good move.

I certainly am a cosponsor of H.R. 1660, one of the persons who signed the discharge petition. I think we should go full speed ahead and try to make the discharge process add up to a discussion on the floor of H.R. 1660. That is what is acceptable now on the present playing field.

Beyond the present playing field, though, we have a new scenario. I mean, in addition to the consideration of this year's appropriation and maybe next year's appropriation, we have the majority of Republicans projecting 10 years' worth of expenditures due to the fact that they have estimated that the budget surplus will continue and over a 10-year period, even after we subtract the portion of the surplus that relates directly to Social Security, we will have close to $1 trillion in surplus over a 10-year period.

They are projecting that they should go ahead and plan to use that money primarily for a tax cut, more than $790 billion over a 10-year period. If we go into that kind of scenario where we are talking about 10 years and we are talking about an umbrella of a trillion dollars, then I think that we need another additional proposal on school construction. And that proposal is the proposal that I have set forth in H.R. 1820. That deals with $110 billion.

I am going to revise H.R. 1820 soon and take out the 5-year provision which is in there now. It is $110 billion over a 5-year period. And in order to make it harmonize and fit the scenario that the Republicans have set forth, I will make it a 10-year bill, $110 billion over a 10-year period and have it be the direct appropriations, of course, in accordance with a number of school-aged children in each State.

Each State would be allotted money based on the number of school-aged children. The money could be used for construction of new facilities, for repair of existing facilities, for wiring to allow for technology in the schools, for construction related to security, and for the elimination of health threatening conditions and elimination of unsafe conditions.

So it would be a bill with great flexibility allowing each State to take the appropriation that it receives on the basis of the number of school-aged children and apply them in the areas of greatest need for their infrastructure problems.

I think probably every State and certainly probably every school district also has some problems with infrastructure that would be helped by such a bill.

As I said before, this is a scenario for the larger playing field, the 10-year, trillion-dollar surplus playing field. So H.R. 1660 we will support and should support if that is going to be the name of the game. If it is going to be within the confines of the present budget making and appropriation setting process, yes. But if we are going to move to the 10-year scenario and we are going to have $794 billion on the table for a tax cut, then we need on that same table to have $110 billion for school construction.

Or even if we are going to have $300 billion, which some say may be the compromise, $300 billion, $400 billion for a tax cut, we still need a substantial comparable approach and a comparable amount for school construction. And I will talk in a few minutes about, among all the education reform items, why school construction is definitely the most important.

Public opinion has made it quite clear that they do want us to address the education problem with more than lip service and rhetoric, they want more than sound bytes on television, they do want some resources to be applied to the problems.

We have had in the last month or so several reports on new public opinion polls relating to education. And it is consistent, in fact, it is increasingly the public outcry, the public demand for the action on the part of Government with respect to education.

Recent polls show that people are willing to spend money, the majority of people are willing to pay more taxes if necessary to get some movement on the establishment of an education program that is suitable for the 21st century, an education proposal, an education system that fits with the coming cybercivilization that we have with great demands for people who have intellectual capabilities and are well-trained. And the only way we get them is through the process of education.

In addition to these public opinion polls that have been cited recently, there have been several other related developments or reports related to education which I think are very significant. The New York Times had an article on "The Digital Brain Drain" on Thursday of last week, September 2. The New York Times article reads "The Digital Brain Drain."

There are so many computers and so much interest in computers now at the college level and the high school level that there is little interest in the hard sciences. We have criticism now of computers becoming more dominant as far as students are concerned with respect to their choices as to what they want to do in life or what they want to study, if they do not have to study chemistry and they do not want to bother with chemistry and they do not want to bother with physics.

This article by Claudia H. Dorsch in the New York Times laments the fact that the interest in hard sciences is waning, definitely declining, decreasing.

One man, Jim Ivy, it starts fears that his son Jonathan, a freshman business major at Pennsylvania State University, will graduate from college without ever having taken a chemistry course.

Mottville High School, a New Jersey school, did not require chemistry and his advisors at Penn State says he can skip it there, too.

On and on they go to talk about how young people are choosing to focus on computer and computer science being where it is at and biotechnology and physics and a number of other areas are suffering already and are likely to suffer more.

We have more foreign students in graduate schools. The number of people who are studying sciences in graduate school has declined, the number of Americans has declined to the point where the number of graduate level students who are foreign is greater than the number who are American in our graduate schools science programs.

Now, my answer to this is that what this is saying is that, in our increasingly complex society, where more and more demands for people with intellectual capabilities, whether it is science, law, medicine, whatever it may be, the pool is too small.

What we are really confronting here is the fact that the number of young people who are graduating from high school and going to college is so small that we have to take a scarcity approach and pit one profession against the other, one field of study against the other.

If the pool was larger, if we were keeping pace, then an education system that was preparing an adequate number of students to go into college more and more because we are going into a cybercivilization where scientific competence and learning are required to a much greater degree than ever before, let us recognize it and put the emphasis in our resource allocation on education to get more youngsters into the pool.

Now, to get more youngsters into the pool who are going to go to college and study science, computers, or English or math, we need people right across the whole spectrum. So we need people in social sciences so that they can help keep our society on course.

Science will not save us. We have just seen that one of the superpowers, the two great superpowers of the world, the Soviet Union, very proficient in science. They almost beat us to the moon. They certainly beat us into outer space. They have right now, as they had before, the capability of delivering nuclear warheads anywhere in the world with their vast rocket power.

The scientists and the engineering capability of the Soviet Union was astounding. But the whole nation collapsed. Why did it collapse with such brilliant scientists and systems that were able over a short period of time relatively to produce a very sophisticated technical and scientific society? It collapsed because something was missing.

So we do not want to have educated people, the people who are our leaders who come out of the colleges, who are only proficient at sciences, whether it is computer science or chemistry or physics. They must also, right across the board, we must have a supply of people who are competent and able to lead us politically and socially.

So the pool needs to be enlarged. We need to maximize the number of youngsters who flow up from elementary school to high school, from high school into college, and from college into grad school and life-long learning, in the case of most of us, for the future.

In order to do this, we have to begin at the lowest level. President Clinton's proposal for more teachers to the classroom in order to decrease the ratio of pupils to teachers and have fewer pupils in a classroom for teachers at the lowest levels will mean that the youngsters will be more likely to learn to read. Because whatever we do in chemistry or physics or computer science, however we may change the classroom in terms of the addition of new technology, it all begins with reading.

If kids cannot read, then they will not be able to survive, they will not be able to benefit from all of the additional education accouterments that we add. They must know how to add. They must know how to do the basic math. They must get the basics at a very early age. And we cannot touch the system at the top or doctor the system at the top and hope to get the kind of results that we need. We need to have the entire system in motion.

So we need to improve education in every way. And the President's proposal for more teachers to the classroom, $1.2 billion, is on target. We need much more than that, however. Because in order to get smaller classrooms, we need more than the addition of teachers, we need the addition of some more classrooms. We condition teach a first grade class with one teacher at one side of the room and another teacher at another side of the room. It will not work at lower levels.

It may work at higher levels you can have two classes in one room. I recall when I went to school at Shelby County schools, a very poor area, certainly the segregated schools for African-Americans were quite squeezed and the 7th and 8th grades were in the same room, 7th grade on one side and 8th grade on the other. And we made do.

If we had been younger levels, I do not think we would have ever been able to have order on one side while there was complete order on the other side and have been able to move in some kind of constructive way with a room full of young children. I do not think it is possible.

We need more classrooms if we are going to have smaller sizes. We need classrooms that do not send a message to children. We cannot take the kids into the hall, as I have seen in a number of schools, where they have got them at the end of a hall because there is no place to put them.

In some cases they are in closets that have been enlarged, storage rooms that have been enlarged. And people have said that it is not happening, but there have been some converted restrooms. Boys and girls restrooms have been converted and used as classrooms in some schools. It is that bad.

School is about to start in New York City, and there will be more crises in terms of finding a place to have these youngsters sit. Finding a place to sit now is more complicated by the fact that we have a new policy which everybody from one end of the Nation to the other has applauded, "no more social promotion."

I do not subscribe to slogans like that, but that slogan has caught on and everybody seems to believe it is true and it is positive. "No more social promotion" means we have a lot of youngsters sitting in schools and would have gone on to another school from elementary school to junior high school, but with "no more social promotion" they are sitting there in seats that already are scarce. And we are going to have more of a problem because we do not have a construction program to go with it.

I contend that if we really want to improve education, at the heart of improving education is a school modernization construction program. That is the role that the Federal Government can play best because that is where we need the most resources. That is where localities are stretched out and cannot meet those demands.

Let us face it, even in the parts of the country where construction has the lowest cost, it still costs quite a bit to build our schools. And certainly in the areas that are poorest they have deteriorating schools because they have not had the funds to keep them going in many cases and, therefore, there is some help needed from the Federal Government.

□ 2215

Even in areas like New York City and New York State which have surpluses, it ought to apply those surpluses more to school construction and we ought to put pressure on having the State and the city apply part of their surpluses to school modernization and construction and the people of the State and the people of the city ought to wake up and demand that.

The Federal Government still needs to help. They can never meet the demand with the amount of surplus, even if they applied the entire surplus to school construction and modernization.

So we need to send a message to all the people in the education family, to the children, the teachers, the administrators, that we really care about education because we are going to deal with the problem that they cannot deal with and that is give them a safe, healthy, conducive place to study.

This is just one of the developments that I wanted to note. The digital brain drain where we are talking about how horrible it is that computer science now competes with physics and chemistry and how our scientific endeavors, research capacity is going to suffer greatly because so many people are being taken out of the hard sciences, natural sciences, to go into computer science, I think this is a very sad.

There is a very good article that brings to our attention a major problem but the problem here is not that computer science is mean and computer science is conducting raids on the other scientists, the drama, that kind of nonsense we do not need. What we need to understand is that we need a larger pool of people from which all of the sciences and the nonsciences draw their students. We need more students in college. We need more students who pass the SAT tests. We need more students who are able to take us into this new cyber civilization.

Another article appeared in the New York Times, the same day. Calculators throw teachers a new curve, Thursday, September 2. This article talks about students reprogramming powerful math aids to play games and maybe get a leg up on the SAT.

Well, computers are being utilized in the most advanced classes via calculators and doing all kinds of things not just with the usual basic calculations but with equations and drawing graphs and all kinds of utilizations of the calculator to advance the students' education to solve problems, and many schools are now allowing these calculators to be used during the tests, and I think some plans are being made for the national tests to also allow calculators to be used.

The thing that struck me about the article, it is a long article and a very positive article about how young people are able to master these computers and come up with such original and creative ideas, but what caught my attention most was an inset article by Jennifer Lee, which talks about some schools cannot afford hardware and training. And the fact that the digital gap between those who are rich enough to be able to have the kind of school technology that is most up-to-date and most relevant because it can connect up with the Internet, it can do all the things that the most up-to-date computers and technology can do, these schools cannot even afford the calculators. It points out that some parents are now complaining about the fact that calculators are being used in the classroom; their youngsters cannot afford them and they are placed at a disadvantage.

A number of government and foundation grants are now available to help schools purchase calculators, and other forms of technology, but hardware in the poorest schools may be only a part of the problem because they find that they do not have the teachers and the software that can utilize the hardware that other schools have available. So it is again another aspect of the digital divide between the poorest schools and the more well to do schools with respect to being able to afford the modern instruments that can improve their education and enable them to pass the necessary requirements to move on to college and to qualify for all of these many professions that need new scientists and new information technology workers.

It is important to note that in a speech that President Clinton made at Olney, Maryland, yesterday, he pointed out the fact that he had visited one school and that they told him that the school could not utilize the computers and the technology that they had because when they hooked it all up it started blowing fuses. The wiring for the school was inadequate and could not accept the modern technology. We are back to the major problem of infrastructure, the great need for construction, school construction, and the need for the Federal Government to be involved in carrying school construction forward.

What are our chances? Why do I say that we can still win the war for education support; we can still win the war to get a significant appropriation for school construction? I think that even if we had some decision-making in this session of Congress, this first half of the 106th Congress, there is time, if we wake up and understand the power that is out there among the parents and the students, the public opinion is there. On education, we have only the example of politicians and elected officials ignoring the polls. It is an amazing phenomena how we see the polls saying that education is important and we ignore the fact that they keep asking for something more significant than we are giving. Everybody proposes some nickel and dime education program but the public keeps demanding something that is really going to deal with the problem in a more basic way.

There are people who say that no major decisions are going to be made about the trillion dollar, 10-year surplus in this session, that we are not going to be able to deal with it; there is too little time; it is going to be carried over to the next session.

That gives us more time. I think time is on our side.

There are other people who say that we may have some kind of unusual coming together of the White House and the Republican leadership and the Congress and we have a deal made this year. I hope not. I fear any kind of rapid deal, because that tends to leave out public opinion. If public opinion is allowed to operate long enough, if the common sense of the people out there is allowed to stay in play, we are going to win this war for education support. We are going to win this war to get meaningful appropriations for education.

We may have a giant omnibus, continuing resolution. The continuing resolution will mean that basic decisions about new programs such as a multibillion dollar tax cut will not be made. It will be carried over to next year. Let it be carried over, and remember that time is on our side. The force is with us. We have truth. We have logic. We have reason. We have so much on our side.

It is amazing how blind our leadership is not to understand that school construction is a place where the Federal Government can make the greatest contribution for the improvement of education.

So it will be carried over until next year, election year 2000. Next year is an election year. That will be the battle ground. That will be the place where the long-term fiscal plan, the 10-year allocation of $1 trillion will be decided. We will have time to catch our breath.

The Republican proposals have kind of overwhelmed us. They proposed a $794 billion tax cut. The Democrats have not countered that with any proposal of substance. We know that our leadership wants a diversified package which will include allocations for Medicare, for education, for a few other programs, but we do not know exactly how much. We do not know whether they are going to be willing to change the formula or change the approach with respect to school construction and place a substantial, adequate amount, on the table for school construction over the next 10 years.

We may not see the leadership move unless the public pressures the leadership to come to its senses. Not to use this opportunity to finance school construction on a meaningful basis would constitute one of the most devastating blunders in the history of the Nation. It would be a great blunder for us not to use the opportunity now, while we have a surplus, to strike a blow against our deteriorating infrastructure and a blow in favor of building up that physical infrastructure and sending a message to the school boards and the teachers and the administrators that we care; we care enough to take off their back the problem of the physical infrastructure. Now they should take care of the other problems.

Yes, the Federal Government can help with research. They can help with curriculum standardization. They can help with experimentation and the dissemination of information about what works and what does not work. There are a thousand ways the Federal Government can help, but the way it can help most is to foot the bill for a large part of the school construction necessary; give the facility, give the infrastructure, take away that burden from local and State governments totally. They should not have the total burden, but local governments and State governments certainly need to contribute more to school construction and the pressure should be on the national basis and part of the participation of the Federal Government can help to stimulate that.

The window of fiscal opportunity is open now. We have a projection of $1 trillion now. If we go ahead and allow that window to close, if we allow a huge Republican tax cut to take place and the $1 trillion to go primarily toward the tax cut, there is nothing left for us in order to deal with the need for education funding and for construction.

Education is not just another nondefense expenditure. I think we need expenditures in several areas: Child care programs, social programs, but education is a key because it is investment. It is an investment in the future for the coming generation. Education is going to help us solve the problem of Social Security. The major problem that Social Security faces is that the number of people who will be drawing down their Social Security payments is going to be greater than the number of people working to put payments into the Social Security fund. If we do not get a labor pool out there that is going to fill the jobs that are going to be available, or if we have to fill the jobs with foreigners or we have to contract out and send the work overseas, we do not get the benefit in our Social Security fund for that. Our economy does not get enriched by the salaries that are paid to workers who are in another country. So education is not just another nondefense expenditure.

Investment in the future of coming generations is best taken care of via the education route. We cannot allow ourselves to blunder into a situation where we do not provide out of this pool of a trillion dollars a substantial amount of money for education.

School construction crystallizes the Federal commitment. It crystallizes the commitment of elected officials for education. It crystallizes the national commitment. If we do something on school construction which is meaningful we can stimulate and accelerate all of the other school improvement efforts out there. Without modernization and construction, we are facing an abandonment of the public school system.

A lot of the people who are against a meaningful school construction program are really scheming to have the public school system scuttled. If we do not build, if there are no buildings, we are sending a message that we are abandoning the process. Why should teachers, why should educators, principals, why should even students believe us when we say that education is important if we are going to allow buildings to fall down around them?

There are people that advocate vouchers, which is an extreme approach to education reform. I am not going to be so blind as to say vouchers are not a good idea for experimentation. Maybe they can tell us something significant, but I think the vouchers ought to be funded out of private sources. We have enough foundations, enough corporations, who favor vouchers to fund a voucher system.

The capacity of private schools in this country right now is very limited. The number of youngsters who are going to private schools using vouchers is so limited until certainly there is enough money in the foundation and corporation world to fund it and let us see how it works via funding from the private sector instead of using public school funds to fund vouchers.

To say we are going to experiment with the improvement of education while having vouchers and pull the money out of the public school system and definitely dooming the public school system to continued mediocrity or a struggle to make ends meet, then we are not improving education in an overall way. Part of the experiment requires that we try to make the traditional system work, if possible, so we have something to compare with. What is learned through a voucher program may be utilized in the public school system.

□ 2230

Certainly we must realize via common sense and simple logic that most of the 53 million children in America who go to school are going to have to go to public schools for a long time. No matter what kind of legislation Congress passes or the State legislatures pass, there is not a capacity out there to replace the public schools. We are going to have to have public schools for another generation at least, no matter what we do.

So improvement of public schools is a necessary part of any serious, sincere reform effort. We must build in 2000, build schools and we will set up a whole chain reaction.

I think that we ought to be positive about it and assume that we are going to build in 2000. I have a hard hat here which is part of a campaign that we are kicking off at the Congressional Black Caucus weekend next week to wake up the African American community to the fact that we must play a key role. It is a Congressional Black Caucus weekend. The African American community must provide a leadership role in stimulating efforts to gain more resources from the Government for school construction.

There are people who have given up, and there are some public opinion polls, and the Republican majority has certainly brought those to our attention, which say that black parents, African American parents in the big cities in large numbers opt to use vouchers or charter schools. They want to abandon the public school system. They talk about more than 50 percent.

So the people who are being used to tear down the public school system certainly ought to be alerted to the fact that there are clear alternatives.

I know what is happening. Most of us who are in leadership positions know that African American parents have been disappointed by reforms; they are disappointed by no movement in their schools. Certainly those who are brightest and those who are most concerned about their children become very restless, and they do not believe that there is a real effort to improve public schools, and they have given up. They will take any alternative, charter schools or vouchers. They do not make a distinction, just any alternative to the public school system.

Now if we say we are going to not abandon the public school system, and a lot of those problems related to reading, related to counseling and a number of other very difficult problems that for years we have been struggling with, we are going to give you the opportunity, let the educators and the administrators have the opportunity and the resources, because if we are devoting federal funds to school construction and the physical infrastructure, then there are funds available for other programs and other approaches to the local education agency and the local schools.

So we ought to build. As my colleagues know, I think that we cannot emphasize it too much. Every elected official, every leader in the African American community ought to identify with the need for school construction, school modernization. We ought to understand that the chain reaction of hope can only be set off if we send a clear message that we are going to do something different in a big way.

You know, there is a time when brick and mortar are considerations, are the most important considerations in rallying people. What you do in terms of concrete and bricks send a bigger message and a better message and a more inspiring message than anything else you can do. If you are willing to build, then that is a commitment.

Time is on our side. I think we can still win. As I said before, reason is on our side, logic is on our side. When political expediency continues to be blinded to the obvious, then common sense out there among the voters and among the people that have to point the way.

We probably have a school facility problem in every district. There is at least one school in every congressional district. So we ought to be able to get the message through to the Members, but it will not happen automatically. You have to be willing to devote time and energy and communicate.

We are communicating in one way, through the polls and the focus groups. We have let the Members of Congress know, let the White House know; everybody knows that people want more resources devoted to education. What we have not been able to understand is that the only significant things that can be done, there are some significant things that can only be done by the Federal Government, and the Federal Government needs to accept its role in a very important and expensive proposition such as school construction.

We should not think that it is impossible to do this. We are at a point now where we have a proposal on the table by the administration. President Clinton has been called the education president for good reasons. Nobody else in Washington has provided over such a long period of time a comprehensive program for the improvement of education. Whatever the criticism one may have of it, at least there is a comprehensive program and not just an attempt to raid the education coffers in order to give money to the local level under some slogan, a block grant slogan or dollars to the classroom slogan, but no real program based on research, evidence. We have evidence that smaller classrooms make a big difference. We have research to support that, so the thrust of the administration's program is to get more money to school districts to hire more teachers in the early grades.

There are other programs, afterschool centers. There has been a lot of attention paid by this administration; they paid a lot of attention to the fact that you need new technology. They led the movement. The President himself and the Vice President led the movement to wire schools with volunteers when nothing else was working. The E-rate is a result of this administration standing fast and insisting that the telecommunications law be followed and interpreted in the most generous way possible. So we have the E-rate.

There are a number of things that this administration has done that we can applaud, but it has not gone far enough, and the playing field has changed. If you are now dealing with a trillion dollar surplus over a 10-year period, then let us have a program for that 10-year scenario. Let us have a school construction program for that 10-year scenario.

As my colleagues know, there have been times when it seemed that we could not win and things were impossible, and folks have said, as my colleagues know, it is just reckless for you to stand on the floor and ask for $100 billion dollars, $110 billion over a 10-year period. It is impossible. Well, there were days when we faced other impossibilities. In the early days of the 104th Congress, shortly after the Republican majority took control in the days of the Contract with America there were proposals to abolish the Department of Education. We had two former Republican Secretaries of Education come to the House and testify before committees calling for the abolishment of the Department of Education. That was a major item on the agenda of the Contract with America, to get rid of the Department of Education.

That same Congress in those years proposed that we cut education drastically. We cut in 1995 a proposal on the table called for almost a $4 billion cut in education programs including Head Start, including Title I. Those are days where things seemed almost doomed in terms of federal, the federal commitment and federal aid to education.

But we kept fighting. We fought a good battle in school lunches where school lunches were also cut.

There are some people who are worried about protocol, and they say my hat is against the rules; is that what you are saying? Well, I will hold it here; is that all right? We have some arcane rules, and we worry about the wrong things. But the important point was made. We need to understand that school construction has to be pursued relentlessly, and while they worry about where you wear the hat here, any kind of hat, even a demonstration hat on the floor, while they worry about that, let us worry about the real problems out there, and remember that in the darkest days of the 104th Congress when they proposed to cut school lunches, Head Start, et cetera, we kept fighting, we kept fighting.

As my colleagues know, as a matter of levity let me just remind you of some of the things that we did to get our message across. We had to sometimes be a little humorous with it. On April 4, 1995, I recall an item I put in the CONGRESSIONAL RECORD which included a poem about school lunches. It was very serious, and we were very upset about the fact that they were proposing to cut school lunches. You might have forgotten, so let me just read from the item that I entered into the RECORD in 1995 on April 4.

Mr. Speaker, a final word has not yet been said about the Republican swindle of the children who receive free lunches in the schools across our Nation. But the final, most authoritative figures have been established by the Congressional Budget Office. The very conservative but thorough Congressional Budget Office has estimated that the Republicans will capture slightly more than $2 billion from their block granted school lunch program. This will be $2 billion more to go into the tax cut for the rich.

See, the present concern about tax cuts for the rich is not the only attempt to give big tax cuts to the rich. We had one before.

This is a scenario filled with horror. It conjures up the image of a poster, that poster that was famous during the war where the finger of Uncle Sam was pointed out at you, and it said: I need you. That kind of image is now being conveyed to the children of America. They are saying: this Nation needs your lunch.

And I put together a small rap poem that goes as follows:

This Nation, the Nation, needs your lunch.
Kids of America, there is a fiscal crunch.
This great Nation now needs your lunch.
To set the budget right,
Go hungry for one night.
Don't eat what we can save.
Be brave.
Patriots stand out above the bunch,
Proudly surrender lunch.
Kids of America, nutrition is not for you.
Sacrifice for the rich few.
Be a soldier and play dead.
The F-22 might rescue you.
The seawolf sub might bring some hot grub;
Now hear this: There is a fiscal crunch.
This Nation needs your lunch.
Pledge allegiance to the flag,
Mobilize your own brown bag.
The enemy deficit must be defeated.
Nutrition suicide squads are desperately needed.
Kids of America, there is a fiscal crunch.
This great Nation now needs your lunch.

Mr. Speaker, it is ridiculous for the Republican majority to call for cutting school lunches. Let it happen, and we overcame that. We woke up the American public. It did not happen automatically that we moved from 1995 proposals by Republican majority for a $4 billion tax cut, education cut, to a 1996 position in the closing days of the same Congress where they proposed a $4 billion increase.

The difference was public opinion, common sense. The people of America stood up to the nonsense and said education is important, do not abolish the Department of Education, do not cut school lunches, do not cut Head Start. If you come out here and try to run on that kind of platform, you are doomed to defeat.

The focus groups and the public opinion polls told the Republicans they were off course, and they did an about face that was 360 degrees. Instead of a $4 billion cut, we got a $4 billion increase, the largest increase in education funding in the last few decades, since the Great Society entered the whole area of elementary and secondary education.

So we have difficult roadblocks placed in front of us in the past, and we have overcome it. The enemies of education have been forced to retreat in other cases. The E-rate last year, just a few months ago we were fighting the battle of the E-rate. What is the E-rate all about? The E-rate was a promise made by the corporations and telecommunications leaders to help education in exchange for some amazing concessions in the Telecommunications Act of 1996. After they had gotten all these concessions and all the deregulation they wanted, they begin to renege on the agreement; and when the FCC proposed to provide discounted funding to schools and libraries, and that is what Congress had asked them to do, discounted funding, they got opposition from a wide number of corporations and some Members of the

House and Members of the Senate, and I came to this floor at that time and made an appeal to the schoolchildren of America.

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I happened to be speaking early in the evening on that day, so I made a special appeal to children, and between the school children and their parents and all the ordinary citizens who might not have children but have common sense out there, this thing has been turned around.

On Sunday, August 15, in a New York Times there was a report which reads as follows: "Phone fee for school Internet service seems to be too popular to overturn. Phone fee for school Internet service seems to be too popular to overturn."

Certain corporations were opposing the E-Rate. A simple matter. The FCC passed the regulations which required that money be paid into a fund. It is a universal fund that already exists for other purposes, so they expanded that fund to include money that would go into libraries and schools to pay a part of their costs for telecommunications. Up to 90 percent of the cost would be paid in the poorer schools, but all schools would get about 20 percent. Even the most wealthy schools would get a 20 percent discount.

This would help them to continue on an ongoing basis to pay the costs of having technology in their schools. The on-line services, the telecommunications services would be partially paid out of this fund.

The FCC proposed $2.4 billion. There was such a hue and cry here in Congress and by the corporations who took them to court, and all the muscle was brought into play behind the scenes. Forget about the American people and school kids who would benefit from this.

So much muscle was brought into play that the FCC backed down. They cut the $2.4 billion in half. It became $1.2 billion. They moved for their first funding at 50 percent of the amount that they had originally decided.

Well, we appealed to the ordinary people and the children of America to counterattack; and, as a result, this report now says that nobody in high places now is willing to fight the battle against the E-Rate. We raised it back now to $2.25 billion, up from the $1.7 it had been cut down to.

I know, because I went with members of the Congressional Black Caucus to the hearing where the final vote was taken to raise it back to the amount of $2.25 billion. That hearing was a great event, where we restored the promise that had been made to the schools and libraries of America.

Now they are saying nobody is waging war in any significant way. There are still some court suits being brought. I don't know where MCI is now on this whole matter, but MCI was one of the huge corporations that brought a suit, and I will include for the RECORD this article.

[From The New York Times National, Aug. 15, 1999]

PHONE FEE FOR SCHOOL INTERNET SERVICE SEEMS TO BE TOO POPULAR TO OVERTURN

(By David E. Rosenbaum)

WASHINGTON, Aug. 14—Two years ago, when the Government imposed a new fee on long-distance telephone companies to raise money for Internet connections at schools and libraries, the reaction from some quarters was ferocious.

Republican politicians, assuming that people would be outraged by the extra charges showing up on their phone bills, called it the "Gore tax" because Vice President Al Gore had championed the program.

Conservative academics accused the Clinton Administration of distorting the marketplace, quietly expanding the Federal role in education and creating a new, expensive entitlement program.

The long-distance carriers were quick to put new line items on phone bills identifying the extra charges they were passing along to customers, and they screamed that costs would skyrocket.

But the program, officially called the E-rate, has proved to be so popular that even the harshest critics now agree that further complaints are futile.

What happened was that pork barrel trumped political, ideological and commercial concerns.

In the new school year, 80,000 schools and libraries across the country will have new or improved high-speed Internet access because of the program, and a total of more than one million individual classrooms, in every state and presumably every Congressional district, will be wired.

While a tight lid has been imposed on almost all other Government programs, spending for the E-rate, which appears nowhere in the Federal budget, has been increased by one-third to $2.25 billion in the coming school year. That makes it one of the Federal Government's largest education programs—much larger, for example, than the $1.5 billion the Government is allocating this year to vocational and adult education.

"Once you have large sums of money pouring into every school district in the country, it's impossible to turn off the spigot," said a lobbyist who has worked against the program.

Another opponent of the program, Adam Thierer, a communications policy specialist at the Heritage Foundation, agreed there was no turning back. "Pork barrel has won out, no doubt about it," he said.

"This technology has such appeal," Mr. Thierer added. "If you're against this, you're viewed as being against children. The political dynamic at play here is very powerful."

In his State of the Union Message in 1996, President Clinton set the goal of connecting every classroom and library to the Internet by the turn of the century. Now, because of the E-rate, it appears as if that goal will essentially be met, and the President often speaks of the success.

At a political fund-raiser a week ago in Little Rock, Ark., with Vice President Gore at his side, Mr. Clinton declared: "Al Gore led the fight to make sure that the Federal Government required all the schools in this country to have affordable rates so that every classroom in the poorest schools in America can be hooked up to the Internet. He did that, and he deserves credit for it."

Administration officials seize every opportunity to point out the local benefits. In a speech in Houston last month, William E. Kennard, the chairman of the Federal Communications Commission, said, "This week we were able to send nearly $12 million to schools and libraries right here in Texas."

Everyone agrees that schools and libraries should have access to modern technology. Mr. Thierer, for example, said he would not want his children to go to a school that was not connected to the Internet.

The controversy has been over whether the way to accomplish the goal is through the back door. The Federal Communications Commission, not Congress, decides how much money should be spent under the E-rate program and who should receive it. And rather than raise the money through general taxes, it all comes from the fee on long-distance telephone service.

"I do not doubt that there is a benefit to wiring our classrooms and libraries today," said Senator Kay Bailey Hutchison, Republican of Texas. "But to require captive consumers to pay the full cost does not pass the fairness test."

From the Administration's perspective, the problem is that the Republican Congress would never have approved money directly for Internet connections.

The E-rate program grew out of the sweeping 1996 legislation that rewrote the nation's 62-year-old communications law. The measure, a product of countless compromises and tradeoffs, instituted a new era of competition in telephone and data services.

One section of the legislation requires telephone companies (and providers of cellular phone and pager services) to pay a fee to the Federal Communications Commission so that all Americans can have access to affordable telephone service and so that schools, libraries and rural hospitals and clinics can receive discounts on telephone service and Internet access.

The size of the fee and the exact nature of the services it would cover were left up to the commission to determine.

Ever since telephones became a central part of American life early in this century, some telephone users have subsidized others. Businesses have subsidized residential users. Urban customers have subsidized those in rural areas. The affluent have paid more so that poor people could afford telephones.

The theory has been that everyone benefits from universal access to telephones, just as everyone benefits from a national highway system and mail service that reaches everywhere in the country.

Reed E. Hundt, who was Mr. Gore's prep-school classmate and the F.C.C. chairman from 1994 to 1997, saw the communications law as the path toward the Administration's goal of wiring classrooms and libraries. Under the policy that he developed and that has been followed by his successor, Mr. Kennard, long-distance companies pay a fee of slightly less than 1 percent of their revenue into a universal service fund.

Two-thirds of the money raised by the fee is spent on telephone service for rural communities and poor people. The other third, $2.25 billion a year, is earmarked for the E-rate program. This covers 20 percent to 90 percent of the cost of wiring and paying the monthly bills from Internet service providers. The poorer the schools' students or the libraries' neighborhood, the higher the percentage of the cost that is covered.

The companies pass along the cost of the fee to their customers. AT&T, for instance, charges residential accounts 99 cents a month. MCI World-com charges customers 7.2 percent of their long-distance bill. Sprint charges 6.3 percent. One-third of this fee pays for the E-rate.

The cost of the E-rate program to most consumers is 30 to 40 cents a month—about the cost of a postage stamp, Mr. Kennard frequently says.

The program had a rocky start. Faced with criticism in Congress and a report of poor management by Government auditors, Mr. Kennard cut back the financing last year to $1.7 billion from the original $2.25 billion.

But across the country, from the biggest cities to the most remote communities the response from schools and libraries has been enthusiastic. Complaints from long-distance customers who are footing the bill have dwindled.

Joseph Salvati, coordinator of the E-rate program for New York City public schools, said 7 to 12 classrooms in every school in the city would be wired for high-speed Internet service when school opens for the new year. The city received about $70 million for the program through last June and expects another $70 million in the new school year, Mr. Salvati said

Elva Scott, the volunteer librarian in Eagle, Alaska, an isolated community with 500 residents near the border with the Yukon Territory, said her library's grant allowed her to offer residents 30 minutes of free time on the Internet every month and more time at a charge of $3 for every 30 minutes.

"Before this," Ms. Scott said, "we were really out of the loop."

Republican opponents clearly misjudged the public's willingness to pay a small amount of money to accomplish what is seen as an important social goal. Encouraged by the political support and a new management structure, Mr. Kennard returned in May to the $2.25 billion annual level.

His position was bolstered last month when the United States Court of Appeals for the Fifth Circuit rejected a challenge to the program on the ground that the fee imposed by the F.C.C. was an unconstitutional tax.

But in Washington, even the strongest supporters of universal access to the Internet still worry about whether the communications commission should be running a major education program rather than Congress or the Department of Education or the education authorities in the states and cities.

"It's a wonderful program," said Patricia Aufderheide, a professor of communications at American University here and the author of a book on the 1996 telecommunications law. "But it's certainly making education policy in a backward way."

Mr. Speaker, I think people ought to know that the phone fee for school Internet service seems to be too popular to overturn.

Mr. Speaker, I will also enter into the RECORD another entry that I made on July 17, 1998, in the CONGRESSIONAL RECORD already. I think it is time to look at it again. It is called "The Massacre of the E-Rate Continues." At that time I thought some humor would help wake children up to what was really going on. It is called "The E-Rate KILLER."

MCI
Wants E-Rate to die
Children cry
Big shots lie
Pigs kidnap the sky
MCI
Wants E-Rate to die
Deadbeat dinosaur
Monster Corporate Idiots
MCI
Never shy
Greedy grinch
Stealing all the pie
MCI
With justice no civil tie
MCI
Filthy sty
In the star spangled eye
MCI
Wants E-Rate to die
MCI
Makes children cry.

THE MASSACRE OF THE E-RATE CONTINUES

Mr. OWENS. Mr. Speaker, the massacre of the infant E-Rate continues. Certain greedy corporations have chose to persecute and betray the children of America by denying them vital access to education technology in their schools and libraries. After the Telecommunications Act of 1996 enriched these giant corporations by removing certain regulations and allowing an unprecedented increase in their profits, MCI and others have chose to renege on the deal. The telecommunications corporations gave their word that they would support an earmarking of a portion of the Universal Access Fund just for Schools and libraries. Now corporations and misguided political leaders have forced the Federal Communications Commission to cut the original funding goal by fifty per cent. On behalf of the 30,000 schools and libraries that applied for funding, and all of the children of America we demand that full funding for the E-Rate be restored immediately. The children of America have a message for corporations like MCI:

THE E-RATE KILLER

MCI
Wants E-Rate to die
Children cry
Big shots lie
Pigs kidnap the sky
MCI
Wants E-Rate to die
Deadbeat dinosaur
Monster Corporate Idiots
MCI
Never shy
Greedy grinch
Stealing all the pie
MCI
With justice no civil tie
MCI
Filthy sty
In the star spangled eye
MCI
Wants E-Rate to die
MCI
Makes children cry.

I think we ought to be reminded that that kind of appeal was necessary to bring common sense back to the policymakers who were rallying against MCI, as well as the big corporate powers.

So we can win some of these battles. My point is we can win. Let us remember these battles that we have won. There was a point where they wanted to cut the Public Broadcasting funds. I think we came and talked about Big Bird and Sesame Street, and they backed down on that. We have won battles. We have forced retreats.

In this situation it may not be a situation of forcing a retreat or winning a battle. It is a matter of getting it on the table, construction for schools, school construction, school modernization, funds to facilitate greater school security, funds to eliminate unhealthy and unsafe conditions. If that gets on the table when the discussion takes place about the $1 trillion surplus, then we will have won the battle.

I propose $110 billion over a 10-year period to keep pace with and be comparable to the Republican tax cut proposal, but if you get less, we still have won the battle. But let us go forward and understand that we cannot give up. The force is with us; the education president is with us. This education president can be persuaded, as he has in the past, he can be persuaded to expand his horizons, and we hope we can help persuade him to expand the school construction proposal.

The working families and unions are with us. I have here, the hard hats are with us, so we want the hard hats and all the forces combined to fight harder and understand this is a battle we can win, this is a war we can win. The force is with us. Education is an investment that America needs. It will be a great blunder not to have all possible effort to improve education taking place.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. ARMEY) for today on account of family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SCOTT, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, September 9.

Mr. NETHERCUTT, for 5 minutes, September 9.

Mr. SHAW, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 9.

Mr. KASICH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, September 9.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 199. An act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko; to the Committee on the Judiciary.

S. 452. An act for the relief of Belinda McGregor; to the Committee on the Judiciary.

S. 620. An act to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes; to the Committee on the Judiciary.

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Commerce.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

On August 5, 1999:

H.R. 1664. An act providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mr. WOLF):

On August 10, 1999:

H.R. 211. An act to designate the Federal building and United States courthouse located at 920 West Riverdale Avenue in Spokane, Washington as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza".

H.R. 1219. An act to amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2565. An act to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

On August 6, 1999:

S. 606. An act for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

The SPEAKER pro tempore (Mr. WOLF) announced his signature to enrolled bills of the Senate of the following titles:

On August 10, 1999:

S. 507. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles.

On August 5, 1999:

H.R. 2465. Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

On August 11, 1999:

H.R. 1568. To provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

H.R. 1219. To amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

H.R. 2565. To clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

H.R. 211. To designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza".

On August 12, 1999:

H.R. 1664. Providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, September 9, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3861. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly: Removal of Quarantined Area [Docket No. 98–083–5] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3862. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages [Docket No. FV99–989–4 FR] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3863. A letter from the Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Partial Exemption From the Handling Regulation for Producer Field-Packed Tomatoes [Docket No. FV98–966–2 IFR] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3864. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit Grown In Lower Rio Grande Valley in Texas; Increased Assessment Rate [Docket No. FV99–906–2 FR] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3865. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Soybean Promotion and Research Program: Procedures to Request a Referendum [No. LS–98–001] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3866. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Viruses, Serums, Toxins, and Analogous Products; Update of Incorporation by Reference for Rabies Vaccine [Docket No. 97–103–2] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3867. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Extension of Tolerances for Emergency Exemptions [OPP–300899; FRL–6093–3] (RIN: 2070–AB78) received July 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3868. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glufosinate Ammonium; Pesticide Tolerances for Emergency Exemptions [OPP–300900; FRL–6092–8] (RIN: 2070–AB78) received August 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3869. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Re-establishment of Tolerances for Emergency Exemptions [OPP-300909; FRL–6098–1] (RIN: 2070–AB78) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3870. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Insurance Coverage and Rates (RIN: 3067–AD00) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3871. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7292] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3872. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3873. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Group Flood Insurance Policy (RIN: 3067–AC35) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3874. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3875. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3876. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7718] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3877. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3878. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucralose [Docket No. 99F–0001] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3879. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 98F–0014] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3880. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN44–02–7269a; FRL–6414–9] received August 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3881. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Management Program Revisions [FRL–6424–1] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3882. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/ Medical/ Infectious Waste Incinerators (HMIWIs); State of Missouri [MO 080–1080a; FRL–6421–6] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3883. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Incorporation by Reference of State Hazardous Waste Management Program [FRL–6423–8] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3884. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Clifton, Illinois) [MM Docket No 98–213 RM–9352] (Lennox, South Dakota) [MM Docket No 98–215 RM–9370] (Sibley, Iowa) [MM Docket No 98–219 RM–9390] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3885. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lufkin and Corrigan, Texas) [MM Docket No. 98–135 RM–9300 RM–9383] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3886. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Annville, Kentucky) [MM Docket No. 99–51 RM–9454] (Liberty, Pennsylvania) [MM Docket No. 99–52 RM–9455] (Clarendon, Pennsylvania) [MM Docket No. 99–53 RM–9456] (Ridgeley, West Virginia) [MM Docket No. 99–54 RM–9457] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3887. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No 98F–0824] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3888. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—General Statement of Policy and Procedures for NRC Enforcement Actions [NUREG–1600, Rev.1] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3889. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—MIGRATORY BIRD HUNTING; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Early Season (RIN: 1018–AF24) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3890. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018–AF24) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3891. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 080999I] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3892. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 080999J] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3893. A letter from the Acting Assistant Secretary, Fish and Wildlife Service, transmitting the Service's final rule—Migratory Bird Hunting; Final Framework for Early-Season Migratory Bird Hunting Regulations (RIN: 1018–AF24) received August 24. 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3894. A letter from the Acting Director, Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 981231333–8333–01; I.D. 072699C] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3895. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 990304062–9060–01; I.D. 080399C] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3896. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area [Docket No 990304062–9062–01; I.D. 080399B] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3897. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area [Docket No. 990304062–9062–01; I.D. 080399A] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3898. A letter from the Deputy Assistant, Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine (GOM) Cod Landing Limit Adjustment [Docket No. 990727204–9204–01; I.D. 072299A] (RIN: 0648–AM87) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3899. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 080999B] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3900. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 080999A] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3901. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area [Docket No. 990304062–9062–01; I.D. 080399B] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3902. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 990304062–9060–01; I.D. 080399C] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3903. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area [Docket No. 990304062–9062–01; I.D. 080399A] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3904. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 081399A] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3905. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District [Docket No. 990304062–9062–01; I.D. 081299A] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3906. A letter from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications [Docket No. 990506120–9220–02; I.D. 032499E] (RIN: 0648–AL80) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3907. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 99–NM–17–AD; Amendment 39–11242; AD 99–16–07] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3908. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model Beech 1900D Airplanes [Docket No. 98–CE–123–AD; Amendment 39–11247; AD 99–16–12] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3909. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 230 Helicopters [Docket No. 98–SW–52–AD; Amendment 39–11244; AD 99–16–09] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3910. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 99–NM–180–AD; Amendment 39–11243; AD 99–16–08] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3911. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, -700, and -800 Series Airplanes [Docket No. 99–NM–188–AD; Amendment 39–11246; AD 99–16–11] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3912. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 99–NM–61–AD; Amendment 39–11245; AD 99–16–10] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3913. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wayne, NE [Airspace Docket No. 99–ACE–29] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3914. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hebron, NE [Airspace Docket No. 99–ACE–27] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3915. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of VOR Federal Airways, MO [Airspace Docket No. 99–ACE–14] (RIN: 2120–AA66) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; SMITH Center, KS [Airspace Docket No. 99–ACE–32] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Jefferson, IA [Airspace Docket No. 99–ACE–31] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Babylon, NY [Airspace Docket No. 99–AEA–05] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Thedford, NE; Correction [Airspace Docket No. 99–ACE–23] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Kingman, AZ [Airspace Docket No. 97–AWP–21] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to

Class E Airspace; Rock Rapids, IA [Airspace Docket No. 99–ACE–15] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Clarinda, IA [Airspace Docket No. 99–ACE–17] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airport Name Change and Revision of Legal Description of Class D, Class E2 and Class E4 Airspace Areas; Barbers Point NAS, HI [Airspace Docket No. 99–AWP–11] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Orlando Class B Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area, Sanford, FL [Airspace Docket No. 95–AWA–4] (RIN: 2120–AA66) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Galveston, TX [Airspace Docket No. 99–ASW–09] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Antlers, OK [Airspace Docket No. 99–ASW–17] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Altus, OK [Airspace Docket No 99–ASW–16] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: The Clinton Bluefish Festival Fireworks Display, Clinton Harbor Clinton, CT [CGD01–99–118] (RIN: 2115–AA97) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes [Docket No 99–NM–189–AD, Amendment 39–11249, AD 99–16–14] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, and 205A–1 Helicopters [Docket No. 98–SW–73–AD; Amendment 39–11252; AD 99–17–03] (RIN: 2120–AA64) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Rising Sun Regatta Ohio River Mile 505.0–507.0, Rising Sun, IN [CGD08–99–049] (RIN: 2115–AE46) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Standards; Transport Category Rotorcraft Performance [Docket No. 24802; Amendment No. 29–44] (RIN: 2120–AG86) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Harmonization of Critical Parts Rotorcraft Regulations [Docket No. 29311; Amdt. Nos. 27–38 & 29–45] (RIN: 2120–AG60) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Digital Flight Data Recorder Requirements for Airbus Airplanes [Docket No. FAA–1999–6140; Amendment Nos. 121–271 & 125–32] (RIN: 2120–AG88) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes [Docket No. 98–NM–315–AD; Amendment 39–11261; AD 99–17–13] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation, Columbia River St. Helens, Oregon, to Port of Benton, Washington [CGD13–99–033] (RIN: 2115–AA97) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Shrewsbury River, NJ [CGD01–99–010] (RIN: 2115–AE47) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Shreveport, LA [Airspace Docket No. 99–ASW–10] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29683; Amdt. No. 1944] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01–99–080] (RIN: 2115–AE47) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Port of New York/New Jersey Annual Marine Events [CGD01–99–135] (RIN: 2115–AA97) received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3942. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29684; Amendment No. 1945] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3943. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 98–NM–275–AD; Amendment 39–11251; AD 99–17–02] (RIN: 2120–AA64) received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3944. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 99–CE–20–AD; Amendment 39–11250; AD 99–17–01] (RIN: 2120–AA64) received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lyons, KS [Airspace Docket No. 99–ACE–38] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ava, MO [Airspace Docket No. 99–ACE–37] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rolla/Vichy, MO [Airspace Docket No. 99–ACE–26] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Emporia, KS [Airspace Docket No. 99–ACE–24] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Roosevelt Roads NS (Ofstie Field), PR [Airspace Docket No. 99–ASO–9] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Lake Hood, Elmendorf AFB, and Merill Field, AK Revision of Class E Airspace; Elmendorf AFB and Merrill Field, AK [Airspace Docket No. 99–AAL–6] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace: Ossining, NY [Airspace Docket No. 99–AEA–06] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Salvage of Sunken Fishing Vessel CAPE FEAR, Buzzards Bay, MA [CGD01 99–145] (RIN: 2115–AA97) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Decker Wedding Fireworks, Western Long Island Sound, Rye, New York [CGD01–99–149] (RIN: 2115–AA97) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Mears Point Marina and Red Eyes Dock Bar Fireworks Display, Chester River, Kent Narrows, Maryland [CGD 05–99–070] (RIN: 2115–AE46) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patapsco River, Baltimore, Maryland [CGD 05–99–071] (RIN: 2115–AE46) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Danvers River, MA [CGD01–99–148] (RIN: 2115–AE47) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Departmentof Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. (MDHI) Model MD–900 Helicopters [Docket No. 98–SW–42–AD; Amendment 39–11248; AD 99–16–13] (RIN: 2120–AA64) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Director, Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—Reconsideration of Denied Claims (RIN: 2900–AJ03) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3959. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900–AJ40) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3960. A letter from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting the Department's final rule—Furnishing Identifying Number of Income Tax Return Preparer [TD 8835] (RIN: 1545–AX27) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3961. A letter from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting the Department's final rule—Treatment of Distributions to Foreign Persons Under Sections 367(e)(1) and 367(e)(2) [TD 8834] (RIN: 1545–AU22 and 1545–AX80) received August 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3962. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Repeal of Section 415(e) [Notice 99–44]—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3963. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–39] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3964. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of fringe benefits [Rev. Rul. 99–33] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3965. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Announcement of Rule to be included in Final Registration under section 897(e) of the Code—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3966. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 99–33] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3967. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rates—October 1999 [Rev. Rul. 99–36] received August 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3968. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Specifications for Filing 1999 Forms 1098, 1099, 5498, and W–2G, Magnetically or Electronically [Rev. Proc. 99–29] received August 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3969. A letter from the Head, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Inbound Grantor Trusts with Foreign Grantors [TD8831] (RIN: 1545–AU90) received August 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3970. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Elimination of Magnetic Tape Program for Federal Tax Deposits [Notice 99–42] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3971. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treasury Depreciation Study: Request for Public Comment [Notice 99–34] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3972. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Designated Private Delivery Services [Notice 99–41] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3973. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Boyd Gaming Corporation v. Commissioner—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 462. A bill to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income (Rept. 106–302). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. House Joint Resolution 54. Resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact (Rept. 106–303). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. House Joint Resolution 62. Resolution to grant the consent of Congress to the boundary change between Georgia and South Carolina (Rept. 106–304). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2506. A bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research: with an amendment (Rept. 106–305).

Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1619. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; with an amendment (Rept. 106–306). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes; with an amendment (Rept. 106–307). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1231. A bill to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; with an amendment (Rept. 106–308). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 281. Resolution providing for consideration of a motion to suspend the rules (Rept. 106–309). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 282. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–310). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 283. Resolution providing for consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes (Rept. 106–311). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. CARSON:

H.R. 2807. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the Medicaid and State Children's Health Insurance programs; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Mrs. LOWEY, Mr. WAXMAN, Mr. STARK, Mrs. THURMAN, Mr. HASTINGS of Florida, Ms. NORTON, Ms. SCHAKOWSKY, and Mr. LANTOS):

H.R. 2808. A bill to amend title 18, United States Code, to eliminate the prohibitions on the transmission of abortion related matters, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 2809. A bill to impose an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. CHABOT, and Mr. VISCLOSKY):

H.R. 2810. A bill to facilitate the exchange by law enforcement agencies of DNA identification information relating to violent offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE:

H.R. 2811. A bill to implement certain recommendations of the National Gambling Commission by prohibiting the placement of automated teller machines or any device by which an extension of credit or an electronic fund transfer may be initiated by a consumer in the immediate area in a gambling establishment where gambling or wagering takes place; to the Committee on Banking and Financial Services.

By Mr. MCGOVERN (for himself, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. FROST, Mr. FATTAH, Mr. MARTINEZ, Ms. LEE, and Ms. MILLENDER-MCDONALD):

H.R. 2812. A bill to provide for a community development venture capital program; to the Committee on Small Business.

By Ms. NORTON (for herself and Mr. WYNN):

H.R. 2813. A bill to assist local governments in conducting gun buyback programs; to the Committee on the Judiciary.

By Mr. POMBO (for himself, Mr. CONDIT, Mr. DOOLITTLE, Mrs. CHENOWETH, and Mr. HERGER):

H.R. 2814. A bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations; to the Committee on Government Reform.

By Mr. ROGAN:

H.R. 2815. A bill to present a congressional gold medal to astronauts Neil A. Armstrong, Buzz Aldrin and Michael Collins, the crew of Apollo 11; to the Committee on Banking and Financial Services.

By Mr. SALMON (for himself, Mr. BARRETT of Wisconsin, and Mr. GILMAN):

H.R. 2816. A bill to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes; to the Committee on the Judiciary.

By Mr. TOWNS (for himself, Mr. UPTON, Mr. MCDERMOTT, Mr. LOBIONDO, Mr. WAXMAN, Mrs. JOHNSON of Connecticut, Mr. BROWN of Ohio, Mr. BILBRAY, Mr. WYNN, Mr. FOLEY, Mrs. CAPPS, Mr. BOEHNER, Mr. LEWIS of Georgia, Mr. LEACH, Mr. PALLONE, Mrs. MORELLA, Mr. KLINK, Mrs. LOWEY, Mr. GILLMOR, Mr. ABERCROMBIE, Mr. HINCHEY, Ms. CARSON, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Ms. KILPATRICK, Mr. CLYBURN, Ms. LOFGREN, Mr. THOMPSON of Mississippi, Mr. MORAN of Virginia, Mr. BALDACCI, Mr. WISE, Mrs. CLAYTON, Mr. THOMPSON of California, and Ms. RIVERS):

H.R. 2817. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services, to provide for more equitable reimbursement rates for certified nurse-midwife services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2818. A bill to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself, Mr. BOEHLERT, and Mr. MINGE):

H.R. 2819. A bill to create an initiative for research and development into the utilization of biomass for fuel and industrial products; to the Committee on Science, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. DREIER, Mr. HYDE, Mr. BLILEY, Mr. ARCHER, Mr. SAXTON, Mr. GILMAN, Mr. BONILLA, Mr. ROYCE, Mr. BARTLETT of Maryland, Mr. HAYWORTH, Mr. SMITH of New Jersey, Mr. BALLENGER, Mr. DELAY, Mr. STUMP, Mr. WATTS of Oklahoma, Mr. PICKERING, Mr. SESSIONS, Mr. TRAFICANT, Mrs. KELLY, Mr. COX, Mr. TANCREDO, Mr. UPTON, Mr. ISTOOK, Mr. CHAMBLISS, Mr. ROGAN, Mr. PACKARD, Mrs. ROUKEMA, Mr. BUYER, Mr. HOSTETTLER, Mr. VITTER, Mr. GREEN of Wisconsin, Mr. ROHRABACHER, Mr. WALDEN of Oregon, Mr. SWEENEY, Mr. KNOLLENBERG, Mr. WICKER, Mr. FRANKS of New Jersey, Mr. WELLER, Mr. EWING, Mr. LARGENT, Mr. REYNOLDS, Mr. COBURN, and Mr. SHADEGG):

H. Con. Res. 180. Concurrent resolution expressing the sense of Congress that the President should not have granted clemency to terrorists; to the Committee on the Judiciary.

By Mr. BRYANT:

H. Con. Res. 181. Concurrent resolution expressing the sense of the Congress with respect to war crimes against United States military personnel and their families, and in particular to the war crimes committed in El Salvador against United States Army pilots David H. Pickett and Earnest Dawson, Jr.; to the Committee on International Relations.

By Mr. DAVIS of Virginia (for himself, Mr. DREIER, Mr. GOODLATTE, Ms. DUNN, Mr. MORAN of Virginia, Mr. DOOLEY of California, Ms. ESHOO, and Mr. SMITH of Washington):

H. Con. Res. 182. Concurrent resolution outlining a vision to shape congressional information technology policy into the next century to promote and preserve the successes, leadership, and uniqueness of the United States information technology sector; to the Committee on Commerce.

By Mr. CUNNINGHAM (for himself, Mr. PACKARD, Mr. HUNTER, and Mr. BILBRAY):

H. Res. 284. A resolution expressing the sense of the House of Representatives on baseball player Tony Gwynn's 3,000th career base hit; to the Committee on Government Reform.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. SANDLIN.

H.R. 82: Mr. COLLINS and Mr. STEARNS.

H.R. 135: Ms. KAPTUR.

H.R. 170: Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. LUCAS of Kentucky.

H.R. 175: Mr. BERRY and Mr. MICA.

H.R. 205: Mr. DICKS.

H.R. 220: Mr. HILLEARY and Mr. KINGSTON.

H.R. 271: Mr. BAIRD.

H.R. 325: Mr. MALONEY of Connecticut.

H.R. 354: Mrs. MORELLA, Mr. FORD, Mr. PORTMAN, Ms. NORTON, Mr. MINGE, Mr. SHERMAN, and Mr. HYDE.

H.R. 357: Mr. LARSON.

H.R. 371: Mr. HOEKSTRA and Mr. SHAYS.

H.R. 382: Ms. CARSON, Mr. COSTELLO, Mr. MCGOVERN, and Mr. FROST.

H.R. 405: Mr. GREENWOOD, Mr. LANTOS, Mr. RODRIGUEZ, Mr. HILLIARD, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mr. COBLE, Mr. FILNER, Mr. ISAKSON, and Mr. STEARNS.

H.R. 406: Mr. RODRIGUEZ.

H.R. 488: Mr. BLAGOJEVICH.

H.R. 489: Mr. LUCAS of Kentucky.

H.R. 491: Mr. OWENS.

H.R. 505: Mr. ROMERO-BARCELO.

H.R. 531: Mr. HOEKSTRA, Mr. WISE, and Mr. KUCINICH.

H.R. 534: Mr. COOK, Mr. BONILLA, Mr. PHELPS, Mr. SISISKY, Mr. RAHALL, Mr. SANDLIN, Mr. WEYGAND, Mr. THORNBERRY, Mr. LAMPSON, Mr. MORAN of Kansas, Mr. HANSEN, Mr. GREEN of Texas, and Mr. MORAN of Virginia.

H.R. 555: Ms. WATERS.

H.R. 566: Mr. WEINER, Mr. CLEMENT, Mr. GORDON, and Mr. MASCARA.

H.R. 595: Mr. GONZALEZ, Ms. CARSON, and Mr. BOUCHER.

H.R. 623: Mr. BARTLETT of Maryland.

H.R. 634: Mr. OWENS.

H.R. 637: Mr. GREENWOOD, Mr. GEJDENSON, and Mr. UPTON.

H.R. 639: Mr. LUCAS of Kentucky and Mr. TALENT.

H.R. 655: Mrs. MALONEY of New York, Mr. WEXLER, Mrs. THURMAN, Ms. PELOSI, Mr. KENNEDY of Rhode Island, Mr. SANDLIN, and Mr. WEINER.

H.R. 664: Mr. PASTOR, Mrs. MEEK of Florida, and Mr. OWENS.

H.R. 714: Mr. LARSON and Mr. FILNER.

H.R. 716: Mr. SMITH of Texas.

H.R. 721: Mr. BLUMENAUER, Mr. SPENCE, Mr. WU, Mr. KING, Mr. CAPUANO, Mr. THOMPSON of California, Mr. CONDIT, Mr. BAIRD, and Mr. GRAHAM.

H.R. 750: Mr. COYNE, Mr. GEJDENSON, Mr. FRANK of Massachusetts, Mr. PAUL, Mr. BERMAN, Mr. ORTIZ, Mr. MARTINEZ, Mr. MCGOVERN, Mr. CLAY, Mr. BLAGOJEVICH, Ms. MCKINNEY, Ms. SANCHEZ, Mr. GILCHREST, and Mrs. JONES of Ohio.

H.R. 765: Mrs. EMERSON, Mr. BENTSEN, Mr. OBERSTAR, Mr. JENKINS, and Mr. POMEROY.

H.R. 776: Mr. HASTINGS of Florida and Mr. WEXLER.

H.R. 798: Ms. VELAZQUEZ, Mr. WISE, and Mrs. MCCARTHY of New York.

H.R. 809: Mr. DEAL of Georgia, Mr. CALVERT, Ms. PELOSI, and Mr. GUTIERREZ.

H.R. 827: Mr. WEXLER, Mr. COYNE, and Mr. LANTOS.

H.R. 828: Mr. HOEFFEL.

H.R. 832: Mr. JACKSON of Illinois.

H.R. 854: Mr. SANDLIN.

H.R. 860: Mr. HOLT and Ms. PELOSI.

H.R. 886: Mr. OWENS.

H.R. 904: Mr. DUNCAN and Mr. NETHERCUTT.

H.R. 914: Mr. MARTINEZ and Mr. SANDLIN.

H.R. 920: Mr. MEEHAN, Ms. NORTON, Mrs. CHRISTENSEN, and Mr. CLAY.

H.R. 941: Mr. BERRY.

H.R. 959: Mr. SANDLIN and Mr. CLEMENT.

H.R. 976: Mrs. LOWEY.

H.R. 984: Mr. SHIMKUS and Mr. WEINER.

H.R. 997: Mr. LIPINSKI and Mr. GORDON.

H.R. 1071: Mr. GORDON.

H.R. 1083: Mr. RYAN of Wisconsin.

H.R. 1095: Mr. SAWYER, Mr. SHIMKUS, Mr. OLVER, Mr. KENNEDY of Rhode Island, Mr. TOWNS, Mr. BLAGOJEVICH, Mr. CROWLEY, Mr. LATOURETTE, and Mr. EHLERS.

H.R. 1102: Mr. LANTOS, Mr. WEYGAND, Mr. SANDLIN, Mr. MCDERMOTT, and Mr. SMITH of Washington.

H.R. 1103: Mr. BLAGOJEVICH.

H.R. 1111: Mr. MINGE, Mr. SPRATT, Mr. SANDLIN, Mr. COLLINS, Mr. LAZIO, Mr. GEJDENSON, and Mrs. FOWLER.

H.R. 1115: Mr. BLUNT, Ms. CARSON, Mr. PASTOR, Mr. JEFFERSON, and Mr. MCNULTY.

H.R. 1168: Mr. RUSH, Mr. ROGAN, Mr. SISISKY, Mr. COOK, Ms. KAPTUR, and Mr. UDALL of New Mexico.

H.R. 1176: Mr. SHAYS and Mrs. JOHNSON of Connecticut.

H.R. 1187: Mr. LEWIS of Kentucky, Mr. FORD, Mr. CANNON, and Mr. SWEENEY.

H.R. 1190: Mr. CAMP and Ms. HOOLEY of Oregon.

H.R. 1193: Mr. COYNE, Mr. OWENS, Mr. LANTOS, Mr. HOEFFEL, Mr. BOEHLERT, Mr. LUCAS of Kentucky, and Mr. GILMAN.

H.R. 1221: Mr. BOEHLERT, Mr. GREENWOOD, Mr. HASTINGS of Florida, Mr. SNYDER, Mr. HINCHEY, Mr. HANSEN, Mr. HINOJOSA, Mr. MOORE, Mr. UDALL of Colorado, and Ms. LOFGREN.

H.R. 1228: Mr. COYNE, Mr. GEJDENSON, Mr. SANDLIN, Mr. PASTOR, and Mr. REYES.

H.R. 1229: Mr. CRAMER.

H.R. 1244: Mr. OSE, Mr. PACKARD, and Mr. NEY.

H.R. 1260: Mr. DIAZ-BALART.

H.R. 1271: Mr. PASTOR, Mrs. LOWEY, Mr. GUTIERREZ, Mr. KILDEE, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, and Mr. TOWNS.

H.R. 1287: Mr. NUSSLE.

H.R. 1304: Mr. RODRIGUEZ, Mrs. MALONEY of New York, Mr. WYNN, and Mr. LUCAS of Kentucky.

H.R. 1313: Mr. WU, Mr. SANDLIN, Ms. LEE, and Ms. BALDWIN.

H.R. 1325: Ms. SLAUGHTER, Mr. BRYANT, and Mr. SAM JOHNSON of Texas.

H.R. 1344: Mr. HALL of Texas, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. PICKERING, and Mr. SANDLIN.

H.R. 1356: Mr. ENGLISH, Mrs. CUBIN, and Mr. FOLEY.

H.R. 1358: Mr. LUCAS of Kentucky and Mr. CALVERT.

H.R. 1387: Mr. QUINN.

H.R. 1388: Mrs. FOWLER, Mr. BOUCHER, Mr. KILDEE, and Mr. CUMMINGS.

H.R. 1413: Mr. SCARBOROUGH.

H.R. 1445: Mr. LAHOOD, Mrs. TAUSCHER, Mr. BROWN of Ohio, Mr. SESSIONS, Mr. COOK, and Mrs. LOWEY.

H.R. 1450: Mr. FILNER.

H.R. 1456: Mrs. MCCARTHY of New York and Mr. SABO.

H.R. 1457: Mr. PICKETT.

H.R. 1476: Mr. RAHALL.

H.R. 1483: Mr. PITTS, Mr. DOOLEY of California, Mr. HOEFFEL, and Mr. MEEHAN.

H.R. 1485: Mr. HASTINGS of Florida, Mr. BECERRA, Mr. GEORGE MILLER of California, Mr. STARK, and Mr. EDWARDS.

H.R. 1495: Mr. OWENS.

H.R. 1504: Mr. HOEKSTRA, Mr. PRICE of North Carolina, Mr. BOUCHER, Mr. RAHALL, and Mr. METCALF.

H.R. 1511: Mr. VITTER and Mr. SANDLIN.

H.R. 1518: Ms. CARSON, Mr. SANDERS, and Mr. SISISKY.

H.R. 1523: Mr. SHOWS.

H.R. 1524: Mr. ROGERS.

H.R. 1532: Mr. GONZALEZ, Mr. BARRETT of Wisconsin, and Mr. COOK.

H.R. 1579: Mr. WEXLER, Mr. CLYBURN, Mr. LANTOS, Mr. GALLEGLY, Mr. SNYDER, Mrs. MORELLA, Mr. CANNON, and Mr. CAMPBELL.

H.R. 1592: Mr. PEASE, Mr. EWING, Mr. VITTER, Mr. TOOMEY, Mr. WAMP, Mr. METCALF, Mr. CANNON, and Mr. WELDON of Florida.

H.R. 1598: Mrs. ROUKEMA, Mr. SMITH of Washington, Mr. COOK, and Mr. SESSIONS.

H.R. 1619: Ms. DELAURO.

H.R. 1621: Mr. UDALL of Colorado, Mr. ACKERMAN, Mr. GEJDENSON, Mr. CUMMINGS, Mr. COSTELLO, Mr. DEFAZIO, Ms. NORTON, Mr. FILNER, Mr. OBERSTAR, and Mr. VENTO.

H.R. 1625: Mr. MORAN of Virginia, Mr. JACKSON of Illinois, Mr. OWENS, Mr. MEEHAN, Mr. ALLEN, Ms. ROYBAL-ALLARD, Mr. STRICKLAND, Mr. MARKEY, Mrs. MINK of Hawaii, Mr. BENTSEN, Mr. ABERCROMBIE, Mr. HOLT, Mr. FATTAH, Ms. LEE, Mr. CARDIN, Ms. VELAZQUEZ, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. RANGEL, Mr. GREENWOOD, and Ms. ESHOO.

H.R. 1640: Ms. KAPTUR, Ms. MILLENDER-MCDONALD, and Mr. CAPUANO.

H.R. 1660: Mr. CLYBURN, Ms. MCCARTHY of Missouri, Mr. WATT of North Carolina, Mr. THOMPSON of Mississippi, Mr. DEFAZIO, Mr. MCINTYRE, Mr. OBERSTAR, Mr. PICKETT, Mr. SISISKY, Mr. SKELTON, Mr. KANJORSKI, Mr. KLECZKA, and Mr. BENTSEN.

H.R. 1663: Mr. SANFORD.

H.R. 1736: Mr. SNYDER, Mrs. LOWEY, and Mr. SANDLIN.

H.R. 1747: Mr. RADANOVICH and Mr. ISAKSON.

H.R. 1760: Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. DEFAZIO, Mr. WELDON of Pennsylvania, Mr. FRANKS of New Jersey, and Mr. SHIMKUS.

H.R. 1777: Mr. SHOWS.

H.R. 1785: Mr. SMITH of New Jersey, Mr. BLAGOJEVICH, and Ms. RIVERS.

H.R. 1796: Mr. OWENS.

H.R. 1798: Mr. SANDLIN and Mr. NORWOOD.

H.R. 1812: Mr. GEORGE MILLER of California and Mr. CAMPBELL.

H.R. 1820: Mr. STARK.

H.R. 1824: Mr. SHAYS.

H.R. 1838: Mr. VITTER.

H.R. 1839: Mr. COYNE.

H.R. 1850: Mr. HOLT.

H.R. 1862: Mr. PASCRELL and Mr. UDALL of Colorado.

H.R. 1870: Mr. COYNE.

H.R. 1871: Mr. COSTELLO and Mr. LAFALCE.

H.R. 1883: Mr. NUSSLE, Mr. GILCHREST, Mr. BOYD, Mr. HASTINGS of Florida, Mr. BECERRA, Mr. STENHOLM, Mr. RAMSTAD, Mr. OSE, Mr. YOUNG of Alaska, Mr. CLEMENT, and Ms. KAPTUR.

H.R. 1887: Mr. LANTOS, Mr. CHABOT, Mr. WEXLER, Mr. GILMAN, and Mr. GOODLATTE.

H.R. 1899: Mr. MOORE, Ms. DEGETTE, Mr. SHOWS, Mr. MARTINEZ, Mr. LEACH, Mr. COYNE, Mr. BROWN of Ohio, Mr. TOWNS, Mr. HALL of Ohio, Mr. JACKSON of Illinois, Ms. LOFGREN, Mr. SANDERS, Ms. RIVERS, Mr. SISISKY, Mr. ALLEN, Ms. BALDWIN, Mr. FOLEY and Mr. KIND.

H.R. 1910: Mr. FARR of California, Mr. SANDLIN, and Mr. HINCHEY.

H.R. 1929: Mr. GEORGE MILLER of California.

H.R. 1933: Mr. STEARNS AND Ms. PRYCE of Ohio.

H.R. 1935: Mr. DEFAZIO.

H.R. 1957: Mr. HILLIARD and Mr. BARRETT of Wisconsin.

H.R. 1967: Mr. WEINER, Ms. ROS-LEHTINEN, and Mr. WATT of North Carolina.

H.R. 1977: Mr. BEOHLERT and Mr. BLAGOJEVICH.

H.R. 1990: Mr. CUMMINGS, Mr. WYNN, Mr. COSTELLO, Ms. JACKSON-LEE of Texas, and Mr. MCINTOSH.

H.R. 1998: Mrs. CAPPS and Mr. HOYER.

H.R. 1999: Mr. QUINN, Mr. SHOWS, Mr. MEEKS of New York, Mr. TOWNS, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Mr. GUTKNECHT, Mr. FORBES, Mr. COSTELLO, and Mr. WEINER.

H.R. 2021: Mr. PASTOR, Mr. GONZALEZ, Mr. LANTOS, and Mr. SANDLIN.

H.R. 2030: Mr. SENSENBRENNER, Ms. DUNN, and Mr. SPRATT.

H.R. 2102: Mr. COSTELLO, Mr. SANDLIN, and Mr. KENNEDY of Rhode Island.

H.R. 2120: Mr. OWENS, Mr. MENENDEZ, Mr. VENTO, Mr. JEFFERSON, Ms. SANCHEZ, and Mr. KUYKENDALL.

H.R. 2121: Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. BARCIA, Mr. FILNER, Mr. BECERRA, Mr. JACKSON of Illinois, Mr. COOK, Ms. NORTON, Mr. PASTOR, and Mr. CLAY.

H.R. 2130: Ms. MCCARTHY of Missouri, Mr. UNDERWOOD, Mr. PRICE of North Carolina, and Mrs. MALONEY of New York.

H.R. 2175: Mr. HINCHEY and Mr. SANDLIN.

H.R. 2202: Mr. SHAYS.

H.R. 2227: Mr. LANTOS.

H.R. 2228: Mr. SANDLIN and Mr. DOOLEY of California.

H.R. 2236: Mr. FROST.

H.R. 2240: Mr. GEKAS.

H.R. 2244: Mr. CAMPBELL.

H.R. 2245: Mr. SHOWS and Mr. HERGER.

H.R. 2247: Mr. PITTS, Mr. DOOLITTLE, and Mr. NUSSLE.

H.R. 2258: Mr. MARKEY.

H.R. 2260: Mr. GREEN of Wisconsin and Mr. BATEMAN.

H.R. 2262: Mr. PAUL.

H.R. 2263: Mr. PAUL.

H.R. 2264: Mr. PAUL.

H.R. 2268: Mr. BAKER.

H.R. 2282: Mr. SANDLIN.

H.R. 2308: Mr. CLEMENT and Mr. SANDLIN.

H.R. 2337: Mr. DOOLITTLE and Mr. ENGLISH.

H.R. 2356: Mr. GREENWOOD.

H.R. 2357: Mr. BARRETT of Wisconsin, Mr. WATT of North Carolina, and Mr. SANDLIN.

H.R. 2372: Mr. ENGLISH, Mr. SENSENBRENNER, Mr. CALLAHAN, Mr. KASICH, Mr. PICKETT, Mr. WELDON of Florida, Ms. ROS-LEHTINEN, Mr. HILL of Montana, Mr. GRAHAM, Mr. CAMP, Mr. MCINTOSH, Mr. SPENCE, Mr. DOOLITTLE, Mr. SIMPSON, Mr. PACKARD, Mr. NORWOOD, Mr. GORDON, Mr. SCHAFFER, and Mr. CANNON.

H.R. 2436: Mr. WATTS of Oklahoma, Mr. WAMP, Mr. DUNCAN, Mr. HOEKSTRA, Mr. LUCAS of Kentucky, Mr. GARY MILLER of California, Mr. MCINTOSH, Mr. CHABOT, and Mr. STENHOLM.

H.R. 2491: Mr. HASTINGS of Florida, Mr. CONYERS, Ms. SCHAKOWSKY, and Mr. LAZIO.

H.R. 2498: Mr. HALL of Texas, Mr. MARTINEZ, Mr. LANTOS, Mr. CASTLE, Mr. MCDERMOTT, and Mr. CAPUANO.

H.R. 2512: Mr. WATT of North Carolina and Mr. FATTAH.

H.R. 2525: Mr. BARCIA and Mr. CAMPBELL.

H.R. 2534: Mr. UNDERWOOD, Mr. OWENS, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Ms. KILPATRICK, and Mr. GORDON.

H.R. 2555: Mrs. MINK of Hawaii.

H.R. 2569: Mr. KUCINICH.

H.R. 2586: Mr. LANTOS and Mr. KENNEDY of Rhode Island.

H.R. 2592: Mr. HALL of Texas.

H.R. 2596: Mr. SPENCE, Mr. STUMP, Mr. BLILEY, Mr. ARMEY, Mr. COX, Mr. SESSIONS, Mr. CHAMBLISS, Mr. HANSEN, Mr. SCARBOROUGH, Mr. COOKSEY, Mr. PITTS, Mr. MCINTOSH, Mr. THORNBERRY, Mr. ROHRABACHER, Mr. HAYES, Mr. ROGAN, Mr. UNDERWOOD, Mrs. BONO, Mr. GRAHAM, Mr. SOUDER, Mr. BACHUS, Mr. LEWIS of Kentucky, Mr. HASTINGS of Washington, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. BAKER, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Mrs. CHENOWETH, Mr. HOEKSTRA, Mr. HILLEARY, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. TANCREDO, Mr. DEMINT, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. SAM JOHNSON of Texas, Mr. DICKEY, Mr. TAUZIN, Mr. RYUN of Kansas, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. MCCRERY, Mr. GILCHREST, Mr. TALENT, Mr. PORTMAN, Mr. KUYKENDALL, Mr. GIBBONS, Mrs. MYRICK, Mr. MCKEON, Mr. LUCAS of Oklahoma, and Mr. POMBO.

H.R. 2634: Mr. NORWOOD.

H.R. 2651: Mr. HALL of Texas, Mr. EVERETT, Mr. WAMP, Mr. MCINTOSH, Mr. GOSS, and Mr. BAKER.

H.R. 2662: Ms. KILPATRICK, Ms. ESHOO, and Mr. LANTOS.

H.R. 2691: Mr. SANDERS.

H.R. 2700: Ms. SCHAKOWSKY, Mr. BARRETT of Wisconsin, Mr. BROWN of Ohio, Mr. OWENS, and Mr. KUCINICH.

H.R. 2708: Mr. GILCHREST, Mr. LIPINSKI, Mr. ROGAN, and Mr. KUYKENDALL.

H.R. 2709: Mr. EWING, Mr. BLUNT, Mr. MCINTOSH, and Mrs. CHENOWETH.

H.R. 2716: Mr. HALL of Texas.

H.R. 2719: Mr. TURNER.

H.R. 2722: Mrs. MINK of Hawaii.

H.R. 2734: Mr. CAPUANO.

H.R. 2743: Mr. DICKEY, Mr. NUSSLE, and Mr. HUTCHINSON.

H.R. 2765: Mr. CLYBURN, Mr. HILLIARD, Mr. GUTIERREZ, and Mr. DIXON.

H.R. 2788: Ms. MCCARTHY of Missouri.

H.J. Res. 55: Mrs. BIGGERT, Mr. UDALL of New Mexico, and Mr. GOODLATTE.

H. Con. Res. 21: Mr. SHAYS.

H. Con. Res. 89: Mr. GREEN of Texas, Mr. UNDERWOOD, and Mr. PICKETT.

H. Con. Res. 97: Mr. UNDERWOOD, Mr. SABO, Mr. VENTO, Mrs. MALONEY of New York, Mr. WAXMAN, Mr. BAIRD, and Ms. LEE.

H. Con. Res. 111: Mr. BLAGOJEVICH and Mr. WATT of North Carolina.

H. Con. Res. 119: Ms. DANNER and Mr. HOLDEN.

H. Con. Res. 134: Mr. GONZALEZ, Mrs. CAPPS, and Mr. THOMPSON of California.

H. Con. Res. 139: Mr. GARY MILLER of California, Ms. SCHAKOWSKY, Mrs. FOWLER, Mr. TANNER, Mr. WOLF, Mr. SPENCE, Mr. COSTELLO, Mr. CANNON, Mr. BOEHLERT, and Mr. BOUCHER.

H. Con. Res. 146: Mr. MCGOVERN.

H. Res. 41: Mr. HILLEARY.

H. Res. 238: Mr. MORAN of Virginia.

H. Res. 265: Mr. DINGELL, Mr. WAXMAN, and Mr. FRANK of Massachusetts.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1621: Mr. TANCREDO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2684

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 3: In the paragraph in title I for the Department of Veterans Affairs, Veterans Health Administration, Medical Care, account—

(1) after the second dollar amount, insert "(increased by $730,000,000)"; and

(2) strike the period at the end and insert a colon and the following:

Provided further, That any reduction in the rate of tax on net capital gain of individuals or corporations under the Internal Revenue Code of 1986 enacted during 1999 shall not apply to a taxable year beginning before January 1, 2001.

H.R. 2684

OFFERED BY: MR. EHLERS

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . The amounts otherwise provided in this Act are revised by increasing the amount provided for "National Science Foundation—Research and Related Activities", increasing the amount provided for "National Science Foundation—Major Research Equipment", increasing the amount provided for "National Science Foundation—Education and Human Resources", and reducing each amount provided in this Act (other than for the National Science Foundation) that is not required to be provided by a provision of law, by $156,524,000, $33,500,000, $40,000,000, and 0.354 percent, respectively.

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 5: In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $1,100,000,000: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 6: In title I, in the item relating to "VETERANS BENEFITS ADMINISTRATION—READJUSTMENT BENEFITS", insert at the end the following:

In addition, for "Readjustment Benefits", $881,000,000 for enhanced educational assistance under the Montgomery GI Bill: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 7: In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $3,000,000 to provide a presumption of service-connection for veterans who were exposed to Hepatitis C risk factors during military service and now have Hepatitis C: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 8: In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—NATIONAL CEMETERY ADMINISTRATION", insert at the end the following:

In addition, for "National Cemetery Administration", $9,500,000 to reduce the repair backlog at national veterans cemeteries: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 9: In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES", insert at the end the following:

In addition, for "General Operating Expenses", $6,250,000 to provide an additional 250 employees to reduce backlog and waiting time for adjudication of claims: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 10: In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—OFFICE OF INSPECTOR GENERAL", insert at the end the following:

In addition, for "Office of Inspector General", $838,430 to provide an additional 10 employees for the Office of Inspector General Hotline: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 11: In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $4,600,000 to provide pay parity for dentists with physicians employed by the Veterans Health Administration: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. FILNER

AMENDMENT NO. 12: In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", insert at the end the following:

In addition, for "Medical Care", $35,200,000 for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946 and to increase service-connected disability compensation from the peso rate to the full dollar amount for Filipino World War II veterans living in the United States: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 2684

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 13: Page 29, line 26, after the first dollar amount insert the following: "(increased by $5,000,000)".

Page 79, line 5, after the first dollar amount insert the following: "(reduced by $5,000,000)".

H.R. 2684

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 14: Page 30, line 11, after the first dollar amount, insert the following: "(increased by $20,000,000)".

Page 79, line 19, after the first dollar amount, insert the following: "(reduced by $20,000,000)".

H.R. 2684

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 15: Page 31, line 9, after the first dollar amount, insert the following: "(increased by $5,000,000)".

Page 80, line 14, after the first dollar amount, insert the following: "(reduced by $5,000,000)".

H.R. 2684

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 16: Page 75, line 5, insert "(reduced by $12,000,000)" after the dollar amount.

Page 79, line 5, insert "(increased by $10,000,000)" after the dollar amount.

H.R. 2684

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 17: Page 79, line 5, insert "(increased by $250,000,000)" after the dollar amount.

Page 79, line 19, insert "(increased by $449,000,000)" after the dollar amount.

Page 80, line 14, insert "(increased by $225,600,000)" after the dollar amount.

H.R. 2684

OFFERED BY: MR. NADLER

AMENDMENT NO. 18: Page 26, line 6, after the first dollar amount insert the following: "(increased by $10,000,000)".

Page 82, line 23, after the first dollar amount insert the following: "(reduced by $10,000,000)".

EXTENSIONS OF REMARKS

INTRODUCTION OF THE COMPUTER CRIME ENFORCEMENT ACT OF 1999

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. SALMON. Mr. Speaker, I rise to introduce the Computer Crime Enforcement Act of 1999. The bill provides $25 million in grants (from the Department of Justice) to local law enforcement officials to combat computer crime. Specifically, the grants will be used to: Teach State and city law enforcement agents how to investigate hi-tech crimes; purchase the necessary equipment to assist in the investigation of computer crime; and train prosecutors to conduct investigations and forensic analysis of evidence in prosecutions of computer crime.

As you know, many businesses, educational institutions, banks, hospitals, and other information-intensive entities have fallen prey to hi-tech criminals who illegally break into computer systems and steal sensitive information. And too often, local law enforcement agents have not had the necessary equipment or training to protect the public from hi-tech thieves.

Computer Crime is on the rise. And companies are requiring more Federal assistance. According to a recent report released by the FBI and the Computer Security Institute, 32 percent of companies surveyed required help from law enforcement agencies—up 17 percent from the prior year. And, according to a recent report by San Francisco's Computer Security Institute, nearly a third of U.S. companies, financial institutions, government agencies, and universities say their computer systems were penetrated by outsiders last year. More than half of the organizations said their computer systems were subject to unauthorized access by insiders, and 57 percent said the Internet was a "frequent point of" by hackers, up 37.5 percent from 3 years ago.

We can no longer afford to be mystified by those who commit these hi-tech crimes. The small network that once was the electronic home to a few scientists has become an electronic labyrinth where hundreds of millions of people regularly pay taxes, trade stock bank, buy goods, and send intensely personal information. When criminal gain access to this sensitive information, the consequences can be devastating.

Computer criminals know no boundaries. And they are becoming sophisticated to the point that most companies aren't even aware that they are under attack. therefore, it is imperative that Congress address the needs of local police officers who are fighting this new wave of crime on the front lines. I urge my colleagues to cosponsor my bill.

IN HONOR OF WINNIE LEE BROWN MARTIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUCINICH. Mr. Speaker, today I rise to honor the memory of Mrs. Winnie Lee Brown Martin of Garfield Heights, Ohio for her years of devotion and service to her community.

Mrs. Martin devoted her time selflessly and wholeheartedly, balacing between the community, a family, and her job. She was a diligent worker and worked at the Joseph Feiss and Company's clothing factor for more than twenty-eight years, but never let it subtract from her life at home. Her sense of family values lead to a warm, loving home for her two sons, Elroy Martin, Jr. and Laddree Lee Martin, and to her late husband, Elroy Martin, Sr. who sadly passed away eleven years ago.

She skillfully represented her community and was a dynamic local political leader. The list of her achievements is seemingly endless. She served as president of the Garfield Heights Women's Civic Club, precinct committeewoman, and was on the executive board of the Garfield Heights Democratic Club. The Cuyahoga County Board of Elections further deputized her to assist them in the voting process. She also contributed so much to the community life, serving on the Council of Ministries of Schaffer United Methodist Church and later, as an active member of St. Paul United Methodist Church. She even organized the community's popular High Steppers drill team. These activities did not go unrecognized: in 1983 she was awarded the Phillips-Van Heusen Corporation Award for outstanding community service and in 1985 she was awarded the Henry S. Trubiano Award for service in the Democratic Club.

Mrs. Martin's legacy lives on in her sons, grandchildren, and great-grandchildren. Her dedication and her warm personality will be remembered with affection for many years to come. My dear colleagues, please join me in honoring the memory of this remarkable woman. She will be greatly missed.

TRIBUTE TO THE WELLNESS COMMUNITY, SOUTH BAY CITIES

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize a very special organization in my district, the Wellness Community, South Bay Cities. For the last 12 years, this group has provided much needed emotional support and educational resources for South Bay cancer patients.

The mission of Wellness Community, South Bay Cities is to help people with cancer fight for their recovery by providing psychological and emotional support services at no cost whatsoever to people with cancer and their loved ones.

They are the ones who provide the support so vital to one's recovery. The Wellness Center, South Bay Cities' programs are designed to address the loss of control, hopelessness and social isolation that cancer patients and their families often experience. Each year, they help thousands of patients and families who are battling this illness, providing assistance during the difficult times.

I commend the staff and volunteers for providing such outstanding care. The South Bay is grateful for your services.

A TRIBUTE TO DR. PHRA E. KERCHEVAL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Dr. Phra E. Kercheval, an outstanding citizen of the United States and a lifelong resident of the State of West Virginia, who celebrated his 101st birthday on May 21, 1999.

Dr. Kercheval was born on May 21, 1898 in Horton, Randolph County, WV, to George H. and Ella Kercheval. He graduated from Tunnelton High School-Preston County in 1914, from Potomac State College with a Pre-Dental degree in 1916, and from Baltimore College of Dental Surgery-University of Maryland in 1921. He was a member of Sigma Nu, Theta Nu Epsilon, and Psi-Omega Alpha Chapter.

Dr. Kercheval is a veteran of World War I, being a member of the U.S. Army Medical Corps, serial number 512556, and received an Honorable Discharge in 1918. Dr. Kercheval established his dental practice in Tunnelton and Kingwood, WV in 1921 and practiced for 52 years, until 1973. He founded and established the Kercheval Memorial Clinic with the cooperation of Dr. John Lehman in July, 1939. He was instrumental in establishing the current Preston Memorial Hospital in Kingwood, WV in 1952.

Dr. Kercheval is a member of the American Legion and has held the position of Post Commander on five occasions, is Past Commander of the State of West Virginia 1944–1945, was on the National Executive Committee 1947–1958, served on the National Rehabilitation Committee, and was one of the organizers of the Mountaineer Boy's State. He met with Senate and House leaders in regard to veterans' benefits during his activity with the National Rehabilitation Committee.

Dr. Kercheval is also a member of the American Dental Association, the West Virginia Dental Association, and the Monongahela Dental Association, the IOOF, and is a 32nd degree Mason and Shriner.

Dr. Kercheval resides with his wife of 59 years in Kingwood, WV and enjoys visits with his daughter, Barbara Kercheval, his son Phra E. Kercheval, Jr., as well as from his three grandchildren and five great-grandchildren.

Mr. Speaker, it is indeed a privilege to pay tribute to such an outstanding citizen as Dr. Phra E. Kercheval, who has been an inspiration to so many other Americans, and I am happy to have the opportunity to wish him many more happy years of fruitful life in his beloved state of West Virginia.

THE CITY OF SACRAMENTO CELEBRATES THEIR 150TH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. MATSUI. Mr. Speaker, it is my personal honor and privilege to rise today and pay tribute to my State's Capitol, my Congressional district which I have served for the past 20 years, and my home; the City of Sacramento on their 150th anniversary.

In January of 1848, James Marshal reached into the American River near Sacramento and retrieved a small nugget of gold. This discovery gave birth to California's gold rush and provided a prosperous foundation for Sacramento to thrive.

At the confluence of the Sacramento and American Rivers, the City of Sacramento grew quickly, cradled by the fertile land of the Central Valley. On August 1, 1849, Sacramento's City Council convened for the first time and began drafting the City Charter. On March 18, 1850, the City of Sacramento became the first incorporated city in the State of California.

Since that time, Sacramento has developed a national and international reputation for progress and innovation. From its early days as the terminus for the Pony Express and the Transcontinental Railroad, to its current seat of government for the nation's most populous state, Sacramento has embraced its destiny in defining the ever-changing face of California.

Today, instead of Sacramento's riches coming from the surrounding hills of gold, our riches come from the great wealth of people, culture and diversity. As the 7th largest city in California, and the 38th largest city in the Nation, we owe our prosperity to the men and women who have sacrificed and dedicated their lives to the social and economic strength of our City.

Spanish explorer Gabriel Moraga bestowed upon our City the name Sacramento, meaning holy covenant with God. As the City of Sacramento begins its 150th anniversary, I encourage the people of Sacramento to make a personal covenant with each other, to honor our history, respect our diversity, and challenge us all to ensure a prosperous future.

This evening, the City of Sacramento will begin a yearlong celebration of its 150th anniversary at a special City Council meeting at City Hall. As a former member of the City Council, I would like to personally congratulate the Mayor and the City Council for achieving such an honorable milestone.

Mr. Speaker, I ask my colleagues to join me in congratulating the City of Sacramento on their 150th anniversary. Sacramento's golden history is reflected often throughout the City and is a constant reminder of the wealth of opportunity, which continues to grace the people of Sacramento.

IN HONOR OF THE VERY REVEREND FATHER MIKHAIL EDWARD MIKHAIL, D. MIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Very Reverend Father Mikhail E. Mikhail, D. Min who celebrates the Silver Jubilee of the Priestly Ordination for 25 years of service at the Saint Mark Coptic Orthodox Church of Cleveland.

The Very Rev. Fr. Mikhail E. Mikhail began his service to God at a young age as a student of several Coptic Orthodox Church leaders in Cairo, Egypt. He excelled in his studies and was fortunate to enter the Coptic Orthodox Theological Seminary in Caro which he came under the patronage of his most influential mentor, H. H. Pope Shenouda III, who was the H.G. Shenouda, Bishop of the Christian Education and Dean of the Seminary.

In 1972, the Very Rev. Fr. Mikhail, then Deacon Mounier, graduated from the Seminary and was assigned to serve at St. Mary Coptic Orthodox Church in Masarra Shoubra in Cairo. Shortly after, he became the first consecrated deacon to serve in the United States at the St. Mary & St. Antonius in Queens, New York. Only a year later, in 1974, he was called back to Cairo and on May 11, 1974 Deacon Mounir married Seham Samuel. On August 23, 1974 Deacon Mounier was ordained the Priest Mikhail Edward Mikhail by H. H. Pope Shenouda III at St. Marks Cathedral.

In 1975, Fr. Mikhail and his wife arrived in Cleveland to begin his new ministry as the first resident pastor of the St. Mark Coptic Orthodox Church. Here he served a community which was about fifty families large as well as other Coptic communities in Columbus, Dayton and Cincinnati in Ohio; and Pittsburgh Pennsylvania and Minneapolis-St. Paul, Minnesota.

Fr. Mikhail took the lead in the building of a new church in Cleveland in the traditional Coptic style which officially opened in 1988. The Very Rev. Fr. Mikhail has dedicated his life in the past 25 years to the spiritual growth and enhancement of the Coptic community in Cleveland. As a result of his guidance there has been a revived interest in true Coptic Orthodox religious practices that have brought people closer to God. As a father, a teacher, and friend, the Very Rev. Fr. Mikhail has been a blessing to the Coptic community both in Cleveland and abroad.

My Fellow colleagues, join me in honoring the Very Rev. Fr. Mikhail, a man who has dedicated his life to God, freedom and the well-being of all people.

HONORING STEPHEN JOSEPH MASTO, SANTA BARBARA CITY FIREFIGHTER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. CAPPS. Mr. Speaker, I rise today with a heavy heart to honor the service and pay tribute to Santa Barbara City Firefighter, Stephen Joseph Masto who died in late August while helping battle a wildlife in Los Padres National Forest.

At the young age of 28, Stephen had already devoted his career to public safety. Before serving in the Santa Barbara City Fire Department, he served as an apprentice firefighter in the Brea fire Department in Orange County, as a reserve officer at fire departments in Upland in San Bernardino County, and Los Alamitos in Los Angeles County, and as a volunteer disaster worker in Long Beach, CA. Clearly, Stephen was committed to serving the common good.

In remembering Stephen, we can never repay him for his dedication, hard work, or ultimate sacrifice. Rather, we must honor him by being especially mindful of the brave men and women firefighters he left behind to carry on the selfless work of protecting the lives and safety of their neighbors in times of need. Like Stephen, these are true heroes in every sense of the word.

I know that I speak for the entire community when I extend my most heartfelt condolences to his family and loved ones who will miss Stephen terribly. We only hope that their warm memories of this heroic man will sustain them in this moment of grief.

PROVIDING FOR CONSIDERATION OF H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. STABENOW. Mr. Speaker, I rise this evening to oppose the rule for H.R. 2684, a bill making appropriations for the VA–HUD and Independent Agencies for Fiscal Year 2000, which does not allow a vote on the Edwards/Stabenow/Evans amendment.

Mr. Speaker, this amendment would have added $730 million to Veterans Health Care. The VA estimates that the adoption of our amendment would have allowed an additional 140,000 veterans to receive the health care they need. Instead, this budget continues the under funding of critical medical care for those who have served our country in the armed services.

Today, there are 20,000 fewer VA medical staff then there were just 5 years ago. What does this mean for our veterans? Due to these staffing shortages, a veteran in Tennessee with multiple sclerosis was forced to wait 4 months to be seen by a doctor. Others have been forced to travel over 300 miles just to receive x-rays. And there are more examples of the problems facing the Veterans Health Care System. In my own state of Michigan, a disabled Korean veteran experiencing fainting spells and no appetite was not able to receive treatment at either a VA inpatient or outpatient facility. In less than a week this man collapsed and was pronounced dead of septic shock and pneumonia. These were qualified facilities that did not have the staff to help this man.

Mr. Speaker, I would like to share with you a letter that I received in my office that I feel accurately explains the situation our veterans are facing today. Julianna Smith, the wife of Vietnam veteran John Smith of Milan, MI, told me she continued to have problems getting adequate medical care for her husband who is disabled and requires 24 hour care. She was very upset about the effects that further cuts to the VA medical system would have on her and her husband. She wrote,

> My husband fought a war overseas, and was then shunned and spit upon by fellow Americans once he returned stateside. He paid his taxes to the government just like everyone else, and he gave part of his life to that same government that now wants nothing to do with him.

Mr. Speaker, our veterans deserve better. They kept their promises to us. It's time for our country to keep our promises to them. I urge my colleagues to vote no on this rule, and provide the health care our nation's heros deserve.

TRIBUTE TO JAMES C. LESTER

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor James C. Lester, a pioneer in the health care industry in my district. For the last 32 years, Jim Lester has dedicated himself to providing quality care to the residents of the South Bay. For 27 of those years Jim has been closely associated with the Little Company of Mary Hospital organization.

Jim joined the Little Company of Mary Hospital in 1967. Now, as Jim Lester retires as president and CEO of the Little Company of Mary Health Services, he leaves a first class integrated health care delivery system. What was once a stand-alone facility is now three hospitals, three skilled nursing facilities, three diagnostic centers, four walk-in urgent care centers, a large regional home care service, a chemical dependency recovery center, multiple physician sites, a mobile pediatric care van and three fundraising foundations. It was Jim who had the vision and initiative to make the Little Company of Mary Health Services the organization that it is today.

Because of Jim Lester, the Little Company of Mary Health Services is poised to enter the 21st century as a leading member of the health care industry. I commend Jim Lester for his loyalty and dedication to providing such outstanding health care to the residents of the greater South Bay. We are grateful for his contributions to the community.

IN HONOR OF MARGARET W. WONG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor an exceptional woman, Ms. Margaret W. Wong. Today, Ms. Margaret W. Wong is the recipient of the Belle Sherwin Democracy in Action Award.

The Belle Sherwin Democracy in Action Award is awarded annually by the league of Women Voters of Cleveland, Ohio. Ms. Margaret W. Wong reflects and upholds the goals of the league through her dedication to serving others and furthering the quality of our Cleveland community. She is a civic leader and committed to helping immigrants and those in need through her work in immigration and naturalization law.

Ms. Margaret W. Wong is an admirable member of our community. I ask you to join me in acknowledging her accomplishments and honoring her for receiving the Belle Sherwin Democracy in Action Award.

TRIBUTE TO JOHN FOLLIT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to one of the Second Congressional District of Massachusetts' outstanding and dedicated citizens, Mr. John Follit. John is being honored today by his fellow citizens at the Italian American Veterans Post No. 64 of East Longmeadow, MA. It is an honor for me to join in this recognition of someone who has contributed a great deal to our community.

John Follit has served the East Longmeadow community through his work with the Office of Children and his advocacy for children in the State. He has been active in politics by serving as chairman of East Longmeadow's Democratic Town Committee, and he has helped many political candidates by planning campaign strategies in local, state, and national campaigns. John has also been a union steward and has been a champion of democratic principles in whatever he does.

Beyond his work in the community, John has put so much energy into his family life. He is a loving husband to his wife, Laurie, and a great father to his three children. John and his family have demonstrated their generosity in many ways, including bringing a foster child into their care. John Follit is a leading citizen and is dedicated in everything he does.

My best wishes go out to John Follit and his family as, together, they now face the many related challenges to his health. My thoughts and prayers are with them all. John Follit has done so much for so many that it is a privilege to honor and pay tribute to him on this special day.

A TRIBUTE TO TERRENCE STARR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. GEORGE MILLER of California Mr. Speaker, I rise today to recognize and pay tribute to an outstanding public servant, Mr. Terrence Starr, on the occasion of his retirement as Chief Probation Officer with the Contra Costa County Probation Department.

Mr. Starr began his probation career in San Diego County where he worked for 29 years in various capacities, including superintendent of juvenile hall and superintendent of various camp facilities. He served as Chief Probation Officer of Shasta County from 1990 to 1995, and assumed the position of Chief Probation Officer of Contra Costa County in November of 1995.

Terry Starr's tenure in Contra Costa County has been brief, but incredibly effective. Over the past four years he has successfully led the effort to secure funding for a badly needed new juvenile hall facility which is expected to be completed in 2003. He expanded the Orin Allen Youth Rehabilitation Facility, the local county-run boys' camp, by 26 beds, and was instrumental in opening the Summit Center.

The 25 bed Summit Center, which is an innovative example of successful interagency coordination and cooperation, is staffed and run by the country's probation, mental health and education departments, and offers treatment and assistance to young male offenders who are struggling with serious emotional difficulties. Mr. Starr has most recently developed a 20 bed specialized treatment facility and program for girls, which is comparable to the Summit Center for boys. The Chris Adams Girls' Center is slated to open in December 1999. Mr. Starr has been instrumental in securing numerous grants from both the state and federal government to place probation officers in high schools through out Contra Costa County and to provide much needed treatment services for girls.

The leadership abilities Mr. Starr possesses are extraordinary. They have been demonstrated by his successful term as President of the California Probation, Parole, and Correctional Association and his appointment by Governor Pete Wilson to serve for several years on the Board of Corrections, representing the Chief Probation Officers of California.

Terry Starr is a hardworking, highly principled individual who is a committed and effective advocate for children. Indeed, he has devoted his life to helping those most in need and has made an immeasurable difference in the lives of so many children and their families. He is well-liked and respected by his staff, friends, and colleagues and will be sorely missed by all.

It is with great pleasure, albeit with a measure of regret, that I congratulate Terry Starr upon his retirement. I wish him a long, happy, and healthy retirement enjoying the animals and outdoors he so loves.

PROVIDING FOR CONSIDERATION OF H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. CAPUANO. Mr. Speaker, I rise in strong opposition to the Rule for the VA–HUD and Independent Agencies Appropriations bill. This bill makes significant cuts in critical housing initiatives and will have a devastating effect on basic scientific research in this country.

This legislation is a string of broken promises—promises to provide for those who need a place to live, promises to invest in research and development, and promises to provide quality health care for our veterans. The bill reported by the Appropriations Committee cuts funding for housing programs, cuts funding for basic research and NASA, and does not provide adequate funding for Veterans' health care.

Last year, Congress authorized 100,000 new Section 8 rental vouchers to help families with worst-case housing needs, people who pay more than half their income in rent every month. This bill provides no new funding for this voucher program, denying 100,000 Americans affordable housing opportunities.

The bill cuts $250 million in funding from the Community Development Block Grant program. Cities and towns across America will be unable to use these funds to create new jobs, invest in new housing opportunities, and revitalize neighborhoods. In addition, the Committee cut $20 million from the HOME investment partnership program, $10 million of which is targeted at providing counseling services to first-time homebuyers.

The Committee also cuts funding for the most vulnerable Americans—the homeless. It is estimated that more than 600,000 people are living in shelters and on the streets of this country. Many are families, children, veterans, and victims of domestic violence. Despite the overwhelming need for more shelter beds and supportive services for the homeless, this bill cuts additional funding from the Homeless Assistance grant program.

Mr. Speaker, taking care of Veterans who bravely served our country should be one of Congress's top priorities. After reviewing this legislation, it is quite clear that Republicans do not believe this to be true. While this bill provides an addition $1.7 billion for Veterans Medical Health Care, it falls far short of the $3 billion increase necessary to ensure our nation's veterans with adequate healthcare. Without this additional funding, Veteran Health Care centers across the country will be forced to make even greater cuts in existing programs and will be prohibited from implementing additional programs.

NASA and NSF have also taken a huge hit in this bill. By cutting $1 billion from the NASA program and $275 million from NSF, the science community has been dealt a serious blow. It is tragic that a country which prides itself on being number one in space exploration and the technological advances will suffer the devastating effects of these short-sighted cuts for years, and possibly decades to come.

The $1 billion decrease to the NASA budget is the largest cut since the end of the Apollo program! Several programs have been severely reduced or zeroed out, which virtually guarantees their termination. This bill cancels funding for the Space Infrared Telescope Facility, and decreases funding for the Explorer program, Discovery program, and Mars missions support funding for research and technology for space science. At the same time, there are $122 million in non-requested earmarks within the bill. Existence of these earmarks worsens the impact of reductions to higher priority programs.

By limiting funds, NASA will be forced to make drastic administrative cuts in ten of its centers and will be forced to close at least two centers. No doubt this will translate into several employees being laid off. By decreasing NASA funds, we will ensure the delay in development of the Crew Return Vehicle (CRV) which will subsequently setback the timetable when crew can board the ISS.

Mr. Speaker, to make a long story short, this is a bad bill. It's bad for science; it's bad for Veterans; it's bad for working class families; it's bad for middle class families; and it's bad for seniors. I strongly urge my colleagues to defeat the rule and oppose this bill in its current form.

CONFERENCE REPORT ON H.R. 2488, TAXPAYER REFUND AND RELIEF ACT OF 1999

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. KOLBE. Mr. Speaker, I rise with pride to support the conference report on H.R. 2488, which provides a sizable tax cut for the American taxpayers. I am proud to give taxpayers back their money the federal government doesn't need. That's right; the federal government doesn't need it. Surplus means the amount in excess of what we spend. And the federal government has and will have all it needs plus enough to reform Social Security and Medicare and start paying down the debt, and still leave a small amount to return to the folks who are sending their hard-earned dollars to Washington, DC.

Within hours of the announcement of the conference agreement, my office began receiving letters from groups opposing this tax cut. And what are they saying? Don't give the money back; spend more money on my program.

The Minority Leader suggests that the amount we're giving back is too much; that we have to save the surplus so we have money available for entitlement reform.

Didn't he hear that we're using $3 to save Social Security and Medicare, to fund programs and to pay down the debt, for each $1 we are giving back to the taxpayers?

President Clinton says he'll talk about giving a tax cut after we provide for Medicare, debt reduction and federal spending.

Didn't he hear? This bill gives $3 of the surplus to Social Security, Medicare, government programs, and debt reduction for every $1 of the surplus that it leaves with the taxpayer. Makes one worry about what he has in mind for federal spending. Is he thinking about more and bigger government programs?

Mr. Speaker, American taxpayers have been paying and paying and paying. The typical American family pays more in taxes than on food, clothing and shelter combined. Our tax burden from all government is the highest since we were financing a world war in the 40s. In fact, without this tax relief bill, the average American household will pay $5,307 more in taxes over the next 10 years than the government needs to operate.

We have a good economy; unemployment is at record lows. We don't need more government. We do need to scrutinize programs and divert dollars from ineffective and wasteful programs to areas that need additional funding. But we don't need to increase the size of government.

Individuals have the right to choose how to spend their money. They can choose to tutor their kids, or replace a furnace or air conditioner, or help an elderly parent, or support a favorite charity, or even save it for their own retirement. They shouldn't have it taken from their paycheck before they even see it so that government can use it to fund yet another program.

One administration official called these taxpayers selfish.

I call the groups who want to spend more of the taxpayers' money selfish.

I urge my colleagues to vote for this bill. Let's return a small share of the surplus to the taxpayers. It belongs to them.

THE NATIONWIDE GUN BUYBACK ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Ms. NORTON. Mr. Speaker, today I introduce the Nationwide Gun Buyback Act of 1999 (NGBA), providing federal funds to local jurisdictions to engage in gun buyback programs like the successful program conducted by the District of Columbia last month. Under the bill, funds would be distributed through the Justice Department after evaluation of proposals, and added weight would be given to jurisdictions with the greatest incidence of gun violence. The NGBA would require that a jurisdiction certify that it is capable of destroying the guns within 30 days, that it can conduct the program safely, and that an amnesty appropriate for the jurisdiction will be offered. Not only individuals, but groups such as gangs could take advantage of the buyback provisions to encourage street gangs to disarm themselves.

This bill is necessary because, despite the extraordinary demonstrated success of the gun buyback program in the District, local jurisdictions have no readily available funds for similar programs. The District was forced to find money on an ad hoc basis and ran out of funds despite many residents who still desired to turn in guns. Initially, the District conducted a pilot program using funds from the Department of Housing and Urban Development. Confronted with long lines of residents, the Police Department then took the program citywide, using drug asset forfeiture funds. Even so, after using $290,000, the city ran out of funds, but not of guns that could have been collected. The guns were a "good buy" but hard-pressed jurisdictions, especially big cities, should not have to rob Peter to pay Paul when it comes to public safety. The federal government can play a unique and noncontroversial role in reducing gun violence by providing the small amount authorized by my bill, $50 million, to encourage buybacks efforts where they can be helpful.

The District's gun buyback leadership needs to be taken nationwide because the nation's capital has successfully demonstrated a faster and easier way to get guns where criminals cannot use them and children and adults cannot misuse them. Gun buyback efforts are not new, but the recent, dramatic impact of the District's program has special bi-partisan and natural appeal today because the program is voluntary and requires no change in local laws. My bill has the added feature of skirting the present stalemate in the Congress, where we have yet to pass a gun safety bill. A gun buyback bill is certainly no substitute for gun safety legislation, but my bill is based on demonstrated and successful experience in a number of cities that have achieved voluntary compliance by citizens with local laws.

Families, and especially mothers, have feared guns in their homes, but have not known how to get rid of them. In most jurisdictions, a grandmother petrified that there is a gun in the house cannot turn it in without subjecting herself or her grandson to prosecution. This dangerous unintended result of gun safety legislation is reason enough for gun buyback efforts.

Like tax amnesty, gun amnesty temporarily puts a premium on the ultimate goal. When the goal is taxes, the government puts a premium on getting the amount owned. When the goal is guns, the premium is on getting deadly weapons off the streets and out of people's homes.

The Columbine teen massacre, the Jewish Community Center shootings, and the Chicago area ethnic killings have come together with the urban gun violence that has plagued cities for years. The result is an American consensus for multiple approaches to fight the gun culture. The extraordinary success of the buyback programs in the District and around the country has shown that these programs should now be made readily available to jurisdictions that desire to use them.

In a market economy, efforts to buy back trouble have special appeal. We may disagree on the various approach as to gun violence, but Democrats and Republicans alike can agree to this sensible approach.

I urge my colleagues to support this vital legislation.

IN HONOR OF MAYOR STANLEY J. TRUPO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mayor Stanley J. Trupo of Berea, Ohio, who recently announced his retirement after 12 years of dedicated public service.

Mayor Trupo inherited a city without a strategic vision—and an office without furniture. Elected in 1987, the new mayor entered his office in city hall to find it empty, save a broken desk chair. Stan immediately went about restoring order to Berea's house. The Mayor's first step was to develop the city economically. The Mayor's efforts translated into Berea's being the site of the Cleveland Browns' headquarters. Under Stan's leadership, Berea became not only a city in which to live, but a city in which to work. His promotion of the city's industrial corridor has brought over 4,000 jobs to Berea.

While the city's business sector has expanded, Berea has remained a community of families. Berea is a city that takes care of its children. Berea public schools form one of the most respected systems in my state. Mayor Trupo's youth diversion program provides guidance to at-risk kids. Trupo projects like the Berea Recreation Center well represent the city's rich community life. The Cuyahoga County Fairgrounds host the county's huge annual fair. Berea Summer Theater entertains crowds at Baldwin Wallace College. With the return of the Browns, parents and children will once again line practice fields, watching their gridiron heroes preparing for the coming season. It is Mayor Trupo's success in moderating Berea's economic development as a city on the move and his hard work to maintain longstanding community traditions that has led to Berea's being named as a White House Millennium City.

Mayor Trupo's work does not end at Berea's borderline. Stan has also served as a trustee on the board of Regional Transit Authority. Stan's time on the board has been marked by an expansion period during which Cleveland-area residents have enjoyed a better level of service than ever before. A White House appointment added a seat on board of the Federal Home and Loan Bank of Cincinnati to Mayor Trupo's long list of responsibilities. The tireless Mayor Trupo served in each capacity with characteristic resolve.

I wish to thank Mayor Trupo for his outstanding service and ask my fellow colleagues to join me in wishing Mayor Trupo all the best as he moves on to new endeavors.

DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1999

Mr. BALDACCI. Mr. Speaker, today I voted to extend Normal Trading Relations to the People's Republic of China for another year. I cast this vote reluctantly after much consideration.

Our Nation's relationship with China is one of the most critical issues facing us in the post-cold-war era. This relationship impacts three critical areas: Human rights for the Chinese people; our national security interests in the Asian-Pacific region; and the jobs of working Americans.

As a nation, we have continued to reaffirm a policy of engagement with China in the hope that continued economic ties will span the political and cultural differences that divide us. In pursuing this policy, we have seen some progress in areas of freedom of speech and worship, but clearly not enough. China has also played a role in trying to diffuse tensions between the United States and North Korea. However, lately it appears our investment in this policy is yielding ever diminishing returns.

China continues to violate numerous bilateral trade agreements, imprisons citizens for their political views and religious affiliations, uses prison labor in manufacturing and performs forced abortions. A startling new development is China's espionage effort to steal our nuclear weapons secrets, its aggressive posture toward Taiwan, and its transfer of missile technology to rougue nations around the globe.

I decided to give our Nation's current policy one last chance to achieve the goal we all share: encouraging China to become a responsible member of the world community. However, I want to be clear that my patience is wearing thin with the actions of the Chinese regime. I hereby give notice that I will not vote for NTR again unless I see a fundamental shift in China's trade, proliferation, and human rights policies.

I believe that our country's policy of engagement has been the right one. And again, I feel that there are signs that progress has been made. However, we cannot wait forever while China continues to take one step forward followed by two steps back. We must constantly re-evaluate whether our NTR policy is indeed providing a catalyst for change, or whether it is merely providing cover for a bully. Unless clear improvements are seen, I will no longer be able to look favorably on most-favored-nation status for China.

A TRIBUTE TO TONY GYWNN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce a resolution to congratulate and commend my constituent from Poway, California: Tony Gwynn of the San Diego Padres, for his achievements on and off the field.

Mr. Speaker, on August 6, 1999, Tony Gwynn hit the 3,000th base hit of his career. As many baseball fans know, this was not an easy accomplishment. In the history of Major League Baseball, only 22 other ball-players have hit 3,000 or more base hits. This achievement places Tony Gwynn in the pantheon of baseball legends including: Roberto Clemente, Lou Brock, and Hank Aaron.

In 18 seasons, all with the San Diego Padres, Tony Gwynn has been the master of putting the ball into play. In the Padres' 1998 National League Championship season, Tony had almost as many home runs as strikeouts, and struck out looking only three times. His hands are lightning-quick and he's able to wait until the last millisecond before connecting with the ball wherever it is pitched. He goes after the first good pitch he sees and almost always hits it, so he rarely walks. And Tony is renowned for his ability to hit balls through the left side of the infield.

Tony has batted over .300 in 17 of those seasons and in the strike-shortened season of 1994, batted an amazing .394. His career batting average is an astounding .338.

Furthermore, off the baseball diamond, Tony has been a tremendous asset to the San Diego community. Tony, along with his wife Alicia, have given their time and effort in philanthropic efforts. He doesn't like to talk about his community efforts, but the Gwynn's are involved in more than two dozen organizations—San Diego Police Athletic Leagues, Sickle Cell Anemia Foundation, Padres Scholars, the Casa de Amparo, Neighborhood House, the Jackie Robinson Family YMCA to name a few—that benefit from his time, attention and money.

In 1998, Tony led all Padres players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacin, Mexico, in March 1998. In addition, Tony was named the Individual of the Year at the 1998 Equal Opportunity Awards Dinner. He also was the 1995 Branch Rickey Award winner, and 1998 Padres Nominee for Major League Baseball's Roberto Clemente Man of the Year Award.

These days kids, children often must pay to get a professional athletes' autograph, picture, or signed memorabilia. Tony Gwynn has no part of this. Tony stays late at events to sign autographs; he's nice to young people; he's nice to everybody. I hope my colleagues will join me in honoring this tremendous individual for his multitude of accomplishments.

Also, I want to thank my former staff members, Jeannette Shields and Chris Hayes for their work in drafting this resolution.

HELP FOR THE UNINSURED: THE LESSONS FROM NEW JERSEY: WHY H.R. 2185 SHOULD BE ENACTED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. STARK. Mr. Speaker, the July/August 1999 issue of Health Affairs contained an interesting article entitled, "Hidden Assets: Health Insurance Reform in New Jersey," by Harvard professor, Katherine Swartz, and Brandeis professor, Deborah Garnick.

The information in the article strongly supports passage of H.R. 2185—a bill which gives people a refundable tax credit to buy individual health insurance through a community-rated, guaranteed-issue insurance pool.

The article describes how, because of the collapse of the major individual insurer in New Jersey in 1993, the State came up with an Individual Health Coverage Program (IHCP). The key reforms of the IHCP are described below. The article concludes with the observation that the reforms themselves have not done much to help reduce the number of uninsured, because the cost of insurance is still too high for the working poor who constitute the bulk of the uninsured. But, says the article, if the New Jersey reforms were accompanied by a refundable tax credit system, it could make a major difference.

What they are describing, Mr. Speaker, is H.R. 2185.

OVERVIEW OF THE REFORMS

The IHCP reforms forced changes in five areas. (1) To broaden the size of the potential market, insurers are sharply limited in their ability to choose whom they will insure. The regulations, require guaranteed issue and renewal of policies, portability of coverage across carriers, and limited to preexisting condition exclusions. (2) To encourage indemnity insurance companies and managed care organizations (hereafter collectively referred to as carriers) to enter the market, all carriers selling health insurance in New Jersey must either offer policies in the individual market or share in the losses of carriers that do sell policies and incur losses. (3) To give consumers more leverage in the market, carriers in the market may only sell up to six types of policies with standardized benefit packages, a standardization that facilitates comparisons by consumers.

(4) To extend access to higher-risk persons, the state required carriers to use pure community rating in setting premiums for the standardized policies; age-rating bands or variations in premiums based on where a person resides in the state are not permitted. In setting premiums, carriers also are required to meet a minimum loss ratio, so that at least 75 percent of premiums are used for provision of services. However, carriers do not have to seek approval from a state agency for any changes in premiums that they might want to implement, which we discuss in more detail below. (5) To implement the IHCP and monitor industry compliance with the regulations, the authorizing legislation called for oversight by a board, which runs the program independently of the New Jersey Department of Banking and Insurance. Four of the nine board members are representatives of carriers and elected by the companies.

New Jersey's reforms are remarkable, particularly today, when states are assumed to have little power to bargain with corporations. In recent years mutual fund firms, automobile factories, professional baseball teams, and many other corporations have extracted large government concessions by threatening to move elsewhere. Yet New Jersey imposed major regulations and risk sharing on health insurers, with major carriers taking a leadership role in the process.

Additional efforts are needed to increase coverage. Even a well-functioning individual health insurance market has limits on what it can accomplish. The IHCP did not dramatically raise the number of New Jersey residents with individual coverage. Surely one reason more people have not purchased policies is that the premiums are not affordable for those with low incomes. The various congressional proposals to provide tax deductions or credits might induce some people to purchase individual policies who otherwise would not, but for people with low incomes, other efforts, will be needed. The federal Earned Income Tax Credit offers a model of how the federal government could issue a tax credit that provides money during the year for the purchase of insurance. Such an "earned insurance tax credit" also would help to bring in younger workers, who typically earn low salaries, and thereby increase the proportion of healthy persons in each carrier's individual plans.

Similarly, if the tax code were revised and incentives for employer-sponsored coverage were replaced by tax credits for individuals purchasing insurance, large numbers of people would enter the individual markets. The result would be a sharp increase in the proportion of healthy persons in the individual markets. Either of these tax-induced increases in the proportion of healthy persons with individual coverage would lower the expected expenditures per insured person. Competition among carriers in this expanded market then would increase, keeping premiums close to costs.

New Jersey's IHCP is a model for other states wishing to increase access to health insurance via market-oriented solutions that do not involve increased government financial obligations. States have assets they can trade upon to force competition in an expanded individual insurance market—a factor that should be of greater importance in states' strategies for increasing access to health insurance.

IN HONOR OF SAINT EDWARD HIGH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUCINICH. Mr. Speaker, I rise to honor the faculty, staff, and students, past and present, of Saint Edward High School as they celebrate the fiftieth anniversary of the school's founding.

The story of Saint Edward High School is one of community. Three Brothers of the Holy Cross opened the new school in 1949 with a mission of providing outstanding Catholic education to the young men of Cleveland's West Side. The Brothers of the Holy Cross recognize community as an invaluable resource to the individual, one from which valuable lessons of self and God are drawn. The school that they built would reflect this awareness of the human family's interconnectedness.

The story of Saint Edward High School is one of tradition. The schools's tradition is one of excellence based in common values arrived at through honest contemplation. Saint Edward men confront the same questions that every human being with an honest thirst for justice and peace must confront. That they arrive at similar conclusions lends only more credence to the school's core of beliefs. The values have stood the test of time and so has Saint Edward High School. Saint Edward men are not committed to doing justice because that is their reputation. Saint Edward men are committed to doing justice because, by virtue of an honest, open, and on-going investigation into how life is to be lived, the way of love seems the only rational approach.

The story of Saint Edward High School is one of family. Saint Edward students tend to beget Saint Edward students, generation after generation of families growing up amongst the same faculty, the same staff—a growing community that never forgets what it is, what it was, and the values that have allowed for its progress. It comes as little surprise, then, that a listing of the school's achievements sounds so much like what proud parents might say of their children—the school possessing a selfless enthusiasm for its student's achievements. Indeed, Saint Edward High School has much reason to be enthusiastic. St. Edward men's excellence in the classroom transfers on to the playing field. The St. Edward Wrestling, Basketball, and Baseball teams delivered Ohio High School State Championships in 1998. Whether it be debate or band, Latin or chess, St. Edward students consistently prove to be the best amongst their peers.

My fellow colleagues, I ask you to join me in wishing the best to the community of St. Edward High School as it celebrates the school's first fifty years in existence.

TRIBUTE TO MAYOR EDWARD QUAGLIA

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Mayor Edward Quaglia of Herrin, Illinois. Mayor Quaglia served the people and city of Herrin faithfully for more than 20 years; seven of those years as an alderman on the City Council, and for 15 years as mayor. This year, on May 31, Mayor Quaglia retired as Mayor due to health concerns. In honor of his retirement, the City of Herrin, the City Council of Herrin, Mayor Victor Ritter, and City Clerk Marlene Simpson have proclaimed July 18, 1999 as "Mayor Edward Quaglia Day."

Mr. Speaker, Mayor Quaglia will be long remembered by the good people of the City of Herrin, southern Illinois, and the entire State for his determined dedication to making Herrin a better place to live and to raise a family. Mayor Quaglia will not only be remembered for his numerous achievements including improving the city's infrastructure, and his hard work on development and construction of the Civic Center, the Annual Mayor's Communitywide Thanksgiving Dinner, the High School Sport's Complex, and planning the city's premier annual event, Herrinfesta Italiana, but most importantly for his compassionate and straightforward leadership style. He always gave all he had for a good cause and put the welfare of the citizens and City of Herrin first. When speaking of Mayor Quaglia, it is impossible not to mention his family, which is so important to him. His wife, JoAnne, has always stood by his side and been the light of his life. He has five loving children and four beautiful grandchildren.

I know that Mayor Quaglia will be sorely missed by all of Herrin in his retirement. But it is a retirement well earned, and one that I am sure that Edward Quaglia and his family and friends will enjoy with him to the fullest. Mr. Speaker, I encourage all my fellow Members to share in my wish to extend Mayor Quaglia a long, healthy, and happy retirement along with God's Speed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2670) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. BOUCHER. Mr. Chairman, the Federal Communications Commission has an accounting requirement that is no longer needed for any purpose, which costs companies subject to the requirement at least $270 million annually. That money could and should be used not for the compilation of useless accounting statements, but for the promotion of universal service and other consumer benefits, such as lower prices, better services, an investment in advanced technologies and investment in out-of-region facilities with which to offer competitive telecommunications services.

The old accounting requirement was for the purpose of giving the Commission the information it needed for oversight of the rate-of-return regulation that was employed for all companies prior to 1991.

But in 1991, the large companies became subject to price caps and were no longer subject to rate-of-return regulation. The accounting requirement as to these price-cap companies no longer has any purpose, and the Tauzin-Dingell amendment would assure that it no longer applies.

The monies spent on these needless accounting reports can then be put to more productive purposes. I strongly urge the approval of the Tauzin-Dingell amendment.

TRIBUTE TO MANUEL (MANNY) MÉNDEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Manuel (Manny) Méndez, an outstanding individual who has devoted his life to his family and to serving the community. Mr. Méndez who left Phipps Community Development Corporation on Wednesday, August 4, 1999 after 10 brilliant years his post as executive director/chief executor officer.

Mr. Méndez is a community builder to creating and sustaining enduring communities. He is the principal administrator of the Phipps Community Development Corporation which is an affiliate corporation of Phipps Houses, New York's oldest and largest nonprofit developer/owner of housing for low and moderate income families. Founded in 1905 Phipps Houses provides secure and well-designed housing for the working poor and other needy families.

Mr. Speaker, Mr. Méndez's primary focus is on the management, design, implementation and community development of seven residential communities throughout New York City, providing homes to 14,000 individuals. The communities are West Farms and Crotona Park West in the South Bronx, Bellevue South in Manhattan and Sunnyside in Queens.

Manny believes that shelter is not enough. Hence, Phipps CDC—a Human Services/Educational/Employment Training Corporation—is committed to the development of the human spirit. Through a variety of program offerings in the fields of education, human services, employment readiness and community development, the Corporation under his leadership has assisted thousands of families. In early 1992 Mr. Méndez initiated efforts to provide Phipps residents and community members with regular and preventive medical care necessary for long term health and well being. Additionally this effort would help in ending the need for community members to use hospital emergency rooms as their primary care physicians in two South Bronx neighborhoods. In June of 1993, in a joint effort with the Bronx Lebanon Hospital Center, the first family-based practice clinic was opened in Crotona Park West. In 1994, in concert with Montefiore Hospital, a second family-based practice was opened in West Farms.

Mr. Speaker, the contributions and accomplishments of Mr. Méndez in the field of human services, social policy and community development have been widely cited in the New York Times, New York Magazine, the Amsterdam News, the Washington Post as well as many other publications.

Before joining Phipps, Mr. Méndez held several senior executive level positions at the New York City Human Resources Administration, among them as Deputy Commissioner from 1988 to 1990. Mr. Méndez was responsible for the shelter of 12,000 homeless men and women, 4,000 prospective service for adults cases and 168 senior citizen centers. In 1995 he was appointed to a four-year term as commissioner of the New York City Equal Employment Practices Commission. He had served as special advisor to President Carter on the Atlanta Project and to the United States Catholic Conference of Bishops in Washington, D.C. and was an assistant professor at the Fordham University Graduate School of Social Services. He is a sponsor of the One Hundred Black Men's Youth Leadership Program and former president of the Puerto Rican Family Institute, a National Mental Health Organization. Mr. Méndez is presently a trustee and serves on the Executive Committee as assistant treasurer of Bronx Lebanon Hospital, a board member of the Association of Hispanic Arts, chairman of the New York City Human Resources Administration Advisory Board and a trustee of the Primary Care Development Corporation.

Mr. Méndez is a graduate of City College of New York and the Fordham University Graduate School of Social Services. He is a native of the Bronx, he and his wife, Joan, presently reside in the upper Westside of Manhattan.

Mr. Speaker, I ask my colleagues to join me in wishing best of luck to Mr. Manuel (Manny) A. Méndez in his new endeavors.

TRIBUTE TO COLONEL WILLIAM F. HINES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. McINNIS. Mr. Speaker, Colonel Bill Hines is an outstanding example of the role models who lead Civil Air Patrol Wings. He has devoted a lifetime to quality aviation professionalism and service to his nation, particularly through Civil Air Patrol.

In 1952, Colonel Hines joined the Civil Air Patrol as a cadet in San Antonio, Texas. Two years later he completed his flight training. He was only 17 years old but he had already chosen his course in life. His family moved to Ohio and he received both his private and commercial pilot licenses. He earned his instrument rating and flight instructor rating while attending classes at Ohio State University. He taught flying at the University for two years. He then moved onto Purdue University where he continued in flight instruction. He also earned several degrees while at Purdue.

After working for the Indiana Aeronautics Commission and as an Emergency Services officer for the Indian Wing of the Civil air Patrol he began a career as a commercial pilot. He worked with Frontier Airlines from 1964 until the company shut down in 1986. While with Frontier, he served as Central Air Safety Chairman for fifteen years. In 1986 he moved to Continental Airlines. Colonel Hines flew with the Continental for eleven years until his retirement in 1997. He continues to teach ground school and safety courses for Continental.

He finally settled down into the Colorado Wing of the Civil air Patrol where he has concentrated on flight operations and aircrew evaluation and standardization. He also served several years as the Vice Commander and has, for the last four years, served as Wing Commander for the entire State of Colorado. Colonel Hines is in charge of the search and rescue division of CAP for Colorado. He has actively participated in many difficult searches. Colonel Hines was essential for providing the leadership in the search for the Air Force A–10 which crashed near Eagle, Colorado. He led the massive effort, which involved many days and missions. Colonel Hines was instrumental in the planning and execution of the safe high-altitude mission in marginal weather conditions.

Through his selfless volunteer leadership, Colonel Hines has distinguished himself as a great man. He has also brought distinction to the Colorado Wing, the Rocky Mountain Region, the Civil Air Patrol, and through all of these organizations, the United States of America.

IN RECOGNITION OF JERSEY CITY'S ECUADORIAN FLAG RAISING CEREMONY COMMEMORATING ECUADOR'S INDEPENDENCE AND OF THIS YEAR'S HONOREES, INCLUDING MR. NAPOLEON BARRAGAN, MR. HECTOR DELGADO, AND MR. ANGELO DEL MONACO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the honorees of this year's Ecuadorian Flag Raising Ceremony to commemorate Ecuador's independence celebration for their tremendous contributions to the State of New Jersey.

On August 10, 1999, the Ecuadorian Flag Raising Ceremony will observe Ecuador's independence by honoring an array of civic leaders and community activists from Jersey City, New Jersey. The Ceremony creates a forum which highlights efforts in promoting not only Ecuadorian cultural pride but also for the important and difficult task of providing role models for our children and young people.

This year's honorees are:

ECUADOREANS FOR JERSEY CITY: George Barreto, Washington Davida, Sergio Mendez, Denis Tapia, Rosa Tapia, Lourdes Porras, Santiago Cavagnaro, Blanca Barzola, Frank Molina, Armando Molina, and Sara Velazquez.

ECUADORIAN CIVIC ORGANIZATIONS: La Casa de la Cultura Ecuatoriana, Comite Civico Ecuatoriano, Sociedad Tungurahuense de New Jersey, A.S.O.P.R.E.X., and Cultuarte.

ECUADORIAN NEWSPAPERS: Ecuador News, Campana News, El Expreso, and Latinos.

In addition, special tributes and presentations are set to be awarded to Mr. Napoleon Barragan, founder of 1–800–MAT–TRES, Mr. Hector Delgado, founder and proprietor of Delgado Travel, and Mr. Angelo del Monaco, the five-time world record holding Ecuadorian cyclist, for their outstanding achievements and unquestionable leadership.

I ask my colleagues to join me in congratulating all of the recipients honored by the Ecuadorian Flag Raising Ceremony for all of their accomplishments. Their tremendous contributions have truly strengthened the City of Jersey City, and, I wish them all continued luck and success in community service.

ANTI-GAY BIGOTRY AGAINST ARIZONA STATE REPRESENTATIVE STEVE MAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. LANTOS. Mr. Speaker, at a time when the leaders of this country should rise up and speak out in favor of the family and commitment, it is a disgrace to our common sense that our nation and in particular our Department of Defense, continues to persecute gay Americans who espouse these values.

Though millions of law-abiding, tax-paying gay Americans honor the tradition of family by honoring their unions to each other, they consistently see their efforts rewarded by a rhetoric that is seemingly aligned with their commitment to these values and yet is used as a tool to alienate them from this society and deny them their most basic rights.

Recently, Arizona State Representative Steve May added a heroic voice to those calling for full civil rights for gay Americans by refusing to accept the bigotry and prejudice inherent in the movement to strip away domestic partner benefits for gay couples. During debate in the Arizona State House of Representatives on legislation barring Arizona counties from offering domestic partner benefits, Mr. May bravely spoke out against the legislation and told his fellow legislators that he was gay and that he would not tolerate discrimination against gay families.

Representative May is a member of the Army Reserve and a former active duty soldier. After acknowledging in the debate that he loves and shares his life with another man, the Army has initiated an effort to remove him from the military.

Mr. Speaker, what hypocrisy! At a time when our nation's military is being forced to lower its standards in order to maintain force levels, we are expelling from the military highly talented and experienced individuals who want to serve our nation.

Mr. Speaker, the New York Times last Sunday (September 5, 1999) published an Editorial Observer column by Brent Staples which eloquently places the experience of Steve May in a suitable context and appropriately denounces the injustice of attacks on gay women and men in this country. I urge my colleagues to read this excellent piece and to join me in ending the injustice of protecting some families while harming others.

Mr. Speaker, I submit the column by Brent Staples commending Steve May and his stance on domestic partner benefits in The New York Times to be placed in the RECORD.

[From the New York Times, Sept. 5, 1999]

WHY SAME-SEX MARRIAGE IS THE CRUCIAL ISSUE

(By Brent Staples)

The civil rights movement had made spectacular gains in the courts—including Brown v. Board of Education—before Rosa Parks galvanized public opinion in a way that lawsuits had not. Ms. Parks became an emblematic figure when she was arrested in Montgomery, Ala., for refusing to sit in the "colored only" section of a bus. The sight of this dignified woman being denied the simplest courtesy because she was black crystallized the dehumanizing nature of segregation and rallied people against it.

Racism began to wane as white Americans were introduced to members of the black minority whom they could identify as "just like us." A similar introduction is underway for gay Americans, but the realization that they are "just like us" has yet to sink in. When it finally does, the important transitional figures will include State Representative Steve May, a 27-year-old Republican from Arizona.

Mr. May is a solid conservative who supports issues like vouchers and charter schools. He was raised a Mormon and recalls himself as the kid who "had to go out and bring in the wayward souls." He is also a former active-duty soldier and an Army reservist, whose record shows that he could have moved up swiftly and been given a command.

But Mr. May is about to be hounded out of the Reserve for publicly admitting he loves and shares his life with another man. This acknowledgment came last winter during a heated exchange in the Arizona Legislature over a bill that would have barred counties from offering domestic-partner benefits, stripping them from gay couples who currently enjoy them.

Mr. May could have sat quietly, protecting his career. Instead he exposed the provision as bigoted and told the Arizona House: "It is an attack on my family, an attack on my freedom. . . . My gay tax dollars are the same as your straight tax dollars. If you are not going to treat me fairly, stop taking my tax dollars. . . . I'm not asking for the right to marry, but I'd like to ask this Legislature to leave my family alone."

When Rosa Parks declined to yield her seat on that bus, she was telling Alabama that she was not just a colored person, but a human being who deserved the respect and protection of the law. Mr. May's words in the Arizona House were similarly clarifying. Fearful of a backlash, gay politicians rarely mention their mates in public—and shy away from speaking of them in terms that might disturb even constituents who know that they are gay. But by framing his argument in the context of "the family," Mr. may disarmed his bigoted colleagues and took the debate on same-sex unions exactly where it needed to go.

When Mr. May's comments became public, the Army Reserve began an investigation that legal experts say will certainly end in discharge. Lieutenant May will then become a casualty of "don't ask, don't tell," which ended more than 1,100 military careers in 1998, on the grounds that homosexuals who reveal the fact are no longer fit to serve.

This is a staggering loss at a time when the armed services are canvassing strip malls and lowering entrance requirements to find personnel. By the time this policy is abandoned, thousands of talented Americans will have been lost to a purge that will come to be recognized as contrary to the public good and morally wrong.

Republicans began the 1990's refusing campaign contributions from gay organizations and demonizing homosexuals for political gain. But in the race for 2000, the most prominent candidates are accepting the money and say that they would hire gay workers as long as they refrained from pressing "a gay agenda"—a code phrase for keeping quiet about issues of same-sex intimacy, up to and including marriage. The trouble with this approach is that legitimacy for same-sex unions is the heart of the matter. By denying that legitimacy, we declare gay love less valid than heterosexual love and gay people less human. We cut them off from the rituals of family and marriage that bind us together as a culture.

The legislator who wished to revoke benefits from same-sex partners in Arizona viewed those partnerships as culturally alien and morally illegitimate. The military establishment may force Mr. May out of the service—despite an exemplary record—because his family consists of two men who are indistinguishable from their neighbors, except that they sleep together.

This persecution finds a parallel in statutes that made it illegal for blacks and whites to get married up until 1967, when the Supreme Court declared the laws unconstitutional. The laws were based on the primitive belief that blacks and whites were set apart on the tree of life by God Himself. Interracial couples were initially seen as a threat to the social order and to the institution of marriage. Over time, the culture began to discard the filter of race, viewing the couples as "just like the rest of us." The same process will probably work out for same-sex couples—but only after an extended battle. When the matter is settled, historians will look back at people like Steve May, who declined to go quietly to the back of the American bus.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 9, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 13

10 a.m.
Joint Economic Committee
To hold hearings on certain tax cut provisions and budget surplus issues.
SD–124

SEPTEMBER 14

Time to be announced
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on S.1051, to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively. (Subcommittee hearing will immediately follow the 9:30 full committee hearing).
SD–366

9:30 a.m.
Energy and Natural Resources
To hold hearings on S.1052, to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD–366

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed fiscal year 2000 youth violence intiative.
SD–192

Armed Services
To hold hearings on issues concerning the sinking of the USS Indianapolis.
SH–216

10 a.m.
Judiciary
To hold hearings on issues relating to hate on the internet.
SD–226

Health, Education, Labor, and Pensions
To hold hearings on issues relating to educational readiness.
SD–430

2 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

2:30 p.m.
Aging
To hold hearings on the benefits of exercise for the elderly.
SH–216

SEPTEMBER 15

10 a.m.
Energy and Natural Resources
To hold hearings on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior; the nomination of Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior; and the nomination of Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.
SD–366

Governmental Affairs
To hold hearings on the nomination of Sally Katzen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.
SD–628

Judiciary
To hold hearings to examine certain clemency issues for members of the Armed Forces of National Liberation.
SD–226

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

Judiciary
Immigration Subcommittee
To hold hearings on Immigration and Naturalization Service reform issues.
SD–226

SEPTEMBER 16

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on the practices and operations of the securities day trading industry.
SD–628

10 a.m.

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine issues relating to children's health.
SD–430

2 p.m.

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on the Administration's Northwest Forest Plan.
SD–366

SEPTEMBER 21

9 a.m.

United States Senate Caucus on International Narcotics Control
To hold hearings on counterinsurgency vs. counter-narcotics issues in regards to Colombia.
SH–216

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

SEPTEMBER 30

2:30 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S.1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.
SD–366

SENATE—*Thursday, September 9, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, to know You is to love You; to love You is to serve You; and to serve You is life's ultimate joy. Thank You for the privilege of serving You while serving our Nation. May Your joy be expressed in all that we say and do. Replace our grimness with Your grace; our stress with Your strength; our fears with Your love. Instead of carrying our burdens, Lord, may we allow You to carry us. May we think Your thoughts for what is best for our Nation and carry out Your will in all our decisions.

Bless the Senators today. May they be open to receive Your power and to listen both to You and to each other. Make them party to Your Spirit rather than to a party spirit. Unite them in commitment to You and patriotism for our Nation.

This is going to be a great day because we will experience Your greatness; We will be strong in Your strength; We will be hopeful thinkers because of our hope in You. This is the day that You have made; We will rejoice and be glad in You! Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, the Senate is about to begin a series of three stacked votes. The first vote is on a cloture motion to proceed to the Transportation appropriations bill, followed by a vote on or in relation to the Bond amendment No. 1621, and the third vote on or in relation to the Robb amendment No. 1583.

Following these votes, the Senate will resume consideration of the pending Hutchison amendment regarding oil royalties. Further amendments and votes are expected throughout the day, with the anticipation of completing action on this bill.

As previously announced, there will be no votes on Friday in observance of the Rosh Hashanah holiday.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—S.J. RES. 33

Mr. GRASSLEY. I understand there is a resolution at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 33) deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

Mr. GRASSLEY. Mr. President, I object to further proceedings on this resolution.

The PRESIDING OFFICER. The bill goes to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the Transportation appropriations bill:
>
> Trent Lott, Pete V. Domenici, Paul Coverdell, Thad Cochran, Pat Roberts, Jesse Helms, Judd Gregg, George Voinovich, Ted Stevens, Slade Gorton, William V. Roth, Jr., Bob Smith of New Hampshire, Craig Thomas, Michael Crapo, James Inhofe, and Frank Murkowski.

VOTE

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2084, the Transportation appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—49

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Conrad
Crapo
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

McCain
Murkowski

The PRESIDING OFFICER (Mr. FRIST). On this vote, the yeas are 49 and nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2466, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

Bond (for Lott) amendment No. 1621, to provide funds to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri.

Hutchison amendment No. 1603, to prohibit the use of funds for the purpose of issuing a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Robb amendment No. 1583, to strike section 329, provisions that would overturn recent decisions handed down by the 11th circuit corporation and federal district court in Washington State dealing with national forests.

AMENDMENT NO. 1621

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on or in relation to amendment No. 1621.

The Senator from Missouri.

Mr. BOND. Mr. President, this amendment requires a study of mining in the Mark Twain Forest to address the scientific gaps identified specifically by the Director of the U.S. Geological Survey on behalf of the Forest Service, EPA, and others. While the information is collected, it delays any prospecting or withdrawal decisions for the fiscal year.

It does not permit mining, prospecting or weaken environmental standards. It preserves the long-term requirements of a full NEPA process, which will ultimately dictate whether additional mining will occur.

The opponents seem to have an argument not with me but with the administration scientists who have concluded that there is insufficient information. The bipartisan county commissioners of the eight counties in the area are unanimous and adamant in their support. I met with the representatives of the 1,800 miners whose continued livelihood in this poor area depends on the opportunity to continue to mine. They want a hearing held in Mark Twain country.

I ask unanimous consent that the two additional letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, MARK TWAIN NATIONAL FOREST,
Rolla, MO, July 27, 1999.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Thank you for the opportunity to respond to the situation concerning the collection of data to assess the potential impacts of lead mining on the Doniphan and Eleven Point Ranger Districts of the Mark Twain National Forest. These two districts were acquired in the Fristoe Purchase Unit in the 1930's, so there is some documentation that refers to the area as the Fristoe Unit. A Multi-agency Technical Team was established in 1988 to identify and collect the information necessary to evaluate the impacts of mining upon this area of the Forest. The Forest Service has chaired this Team since it began and since 1989 the Forest staff officer for Technical Services, Bob Willis, has been Chair. The original charter for the Team is enclosed.

A great deal of information has been collected, but there is much that remains to be gathered if a decision for mineral production is ever proposed. At this time, there are no proposals for exploration or leasing in this area of the Forest. The information that has been gathered is all that is identified in Phase I of the plan and is a portion of the information that may be required. The remaining information identified will be collected only if a proposal to mine is made. A proposal to withdraw the area from mineral entry would require collection of similar information.

Members of the Multi-agency Technical Team as well as a summary of the information the Team has collected is enclosed.

We anticipate the Technical Team will identify additional site specific information if a proposal to mine or a proposal to withdraw the area from mineral entry is made. This information will only be a portion of the information necessary to make a National Environmental Policy Act decision, and a multi-disciplinary team will take the Technical Team data as well as cultural, economic, social, biological, and additional ecological information to analyze the impacts of mining. Funding for the Technical Team information collection has been limited, and only a small portion of the data identified as needed for a mining decision has been collected. The remaining information will be extremely expensive to collect and has been waiting on a proposal to mine to initiate collection. The technical data needed to analyze the impacts of mineral development in this portion of the Forest is complex and the technical Team has done a good job identifying the technical data needs of the decision and collecting the first place of information. Additional effort by the Team will be needed on any mineral entry or withdrawal proposal.

Thank you for your interest regarding this issue and the Mark Twain National Forest. If you have additional questions, please contact me.

Sincerely,

RANDY MOORE,
Forest Supervisor.

MULTI-AGENCY TECHNICAL TEAM MEMBERS

USDA Forest Service—Mark Twain National Forest.

Bureau of Land Management.

National Park Service—Ozark National Scenic Riverways.

Environmental Protection Agency.

U.S. Geological Survey—Water Resources Division.

U.S. Geological Survey—Geologic Division.

U.S. Geological Survey—Mineral Resource Program.

U.S. Geological Survey—Mapping Division.

Missouri Department of Natural Resources.

Missouri Department of Conservation.

U.S. Geological Survey—Columbia Environmental Research Center.

Ozark Underground Laboratory.

Doe Run Company.

Cominco.

University of Missouri—Rolla.

U.S. Fish and Wildlife Service.

U.S. DEPARTMENT OF THE INTERIOR,
U.S. GEOLOGICAL SURVEY,
Reston, VA, July 30, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: This is in response to your letter of July 20, 1999, to Mr. Jim Barks, related to mining in the Mark Twain National Forest (MTNF) area. In your letter, you ask that we provide a brief and clear assessment as to the quality of information that was compiled by the interagency technical team charged with building a "relevant database to assess mining impacts and base future decisions." You ask that we, "specifically address the question as to the adequacy and relevance of information currently available to provide a solid scientific foundation for any decision to justify either withdrawal or mining in the region."

In 1988, an interagency technical team was assembled to guide the identification, collection, and dissemination of scientific information needed to assess the potential environmental impact of lead mining in the MTNF area. Since 1989, the team has been chaired by Bob Willis of the Forest Service. The U.S. Geological Survey (USGS) has actively participated on the team from the beginning, with Mr. James H. Barks, USGS Missouri State Representative, serving as our representative.

The technical team believes that there is insufficient scientific information available to determine the potential environmental impact of lead mining in the MTNF area. This is a consensus opinion that the technical team has held from the beginning through the present. Due to the lack of scientific information available to assess the potential impacts of lead mining, the technical team proposed that a comprehensive study be conducted.

In January 1998 at the request of the technical team, the USGS prepared a proposal for a multi-component scientific study to address the primary questions about the potential environmental impacts of lead mining in the MTNF area. Mr. Barks provided a copy of the proposed study to Brian Klippenstein of your staff at his request on July 9, 1999. Neither a requirement for full environmental review to support a Secretarial decision nor a source of funding has been established. For these reasons the proposed study has not been initiated.

Please let us know if we can provide additional information or assistance.

Sincerely,

CHARLES G. GROAT,
Director.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I urge colleagues to oppose the Bond amendment. This sets the stage for lead mining in the Mark Twain National Forest, one of the most beautiful recreational areas in the Midwest. This is opposed by the Governor of Missouri, the attorney general of Missouri, every major newspaper in the State, a score of different groups of citizens living in the area, as well as environmental groups.

To open this area to lead mining is to run the risk of making an industrial wasteland out of one of the most beautiful recreation areas in Missouri. It is an area shared by those of us who live in Illinois and in many other States. At the current time, the Department of the Interior has the authority to review this. What the Senator from Missouri is attempting to do is to circumvent that process. That should not happen. Please, preserve this land owned by the taxpayers of America, which should not be exploited for lead mining purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCain) and the Senator from Alaska (Mr. Murkowski) are necessarily absent.

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

McCain
Murkowski

The amendment (No. 1621) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1583

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on or in relation to the pending Robb amendment No. 1583.

The Senator from Virginia.

Mr. ROBB. Mr. President, this amendment would strike section 329, the legislative rider which attempts to bypass the administrative and legislative process. Section 329 would overturn recent Federal court decisions which merely required the Forest Service to collect the data the law requires for making forest management decisions like cutting timber. It would apply to all activities that are affecting wildlife on all 450 million acres of public lands in the United States. The Secretaries of Agriculture and the Interior said:

> It is unnecessary, confusing, difficult to interpret, and wasteful. If enacted, it will likely result in additional and costly delays, conflicts, and lawsuits, with no clear benefit to the public or the health of public lands.

It is opposed by the Forest Service. It is opposed by BLM. The Forest Service can comply and is complying with the court rulings. They are gathering the information now.

Last night, my colleagues complained that the New York Times and the Washington Post did not understand the Northwest. Here is what the Seattle Times has to say about the decisions, in an editorial opposing section 329 with the headline, "No More Outlaw Logging."

> It falls to the Forest Service to balance scientific and commercial interests . . . keeping the Forest Service honest and forcing it to commit resources to make the plan work.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Washington.

Mr. GORTON. Mr. President, the effect of the Robb amendment would be to terminate all harvests on all public lands in the United States and much recreational activity that requires any kind of improvement. It requires between $5 billion and $9 billion worth of wildlife surveys beyond endangered species, surveys that are unnecessary and so expensive that it will not be wise to go ahead with any of them.

The amendment does not require the Forest Service or the Secretary of the Interior to do anything. It simply authorizes them to conduct their business in the future as they have conducted it in the past. If they do not want to, if they want to go after these surveys, they still can. Section 329 is entirely discretionary and is entirely within the power of the administration to interpret as it wills.

Mr. LOTT. Mr. President, I express my full support for Senator Gorton's section 329. It is the right thing to do because, without it there would be a new $8 billion mandate on the Forest Service.

This provision is needed because it affirms a position taken by three circuit courts and nine Federal courts. Senator Gorton's effort is necessary because it will ensure that the Forest Service and the Nation have a uniform public policy.

The opponents of section 329 want to ignore the position taken by three circuit courts and nine Federal courts because they got the decision they liked from the 11th Circuit Court.

There is a certain irony here. Here is an instance where environmentalists do not want a one-size-fits-all national policy.

Senator Gorton's provision helps the Forest Service. It properly eliminates very expensive and completely unnecessary work by the Forest Service.

Senator Gorton would allow the Forest Service to rely on sampling data regarding available habitats for the species.

Opponents want the Forest Service to count the actual populations of the species—not just once, but several times to determine population trends. In each case, the three circuit courts and nine Federal courts did not buy this argument.

Currently, the Forest Service has followed the Federal court decisions. It has correctly contained to inventory wildlife by habitat availability for almost two decades.

Now, the Senate is being asked to ignore 20 years of experience plus decisions from three circuit courts and nine Federal courts.

Mr. President, I do not want to ignore the experts at the Forest Service.

The Senate is also faced with a decision that will significantly increase the cost of operating the timbers sales program in the Fòrest Service. Eight billion dollars is real money and spending the taxpayer's hard earned money unwisely is criminal.

Let me put the Senator Robb mandated spending into a context. Eight billion dollars is 2½ times the entire annual budget of the whole Forest Service.

Mr. President, it is clear the 11th Circuit Court has "overreached" and Senator Robb's mandated spending is unjustified.

The current wildlife data requirements can be applied nationwide without threatening species habitats. But timber sales, an authorized and core mission of the Forest Service, would be placed in jeopardy.

In Mississippi, timber sales are the lifeblood of many counties. It funds children's education in some of Mississippi's and the Nation's poorest counties.

Congress must ensure that Forest Service timber sales continue in a timely fashion.

I urge my colleagues to vote against the efforts of Senator Robb. His amendment would, quite frankly, destroy the fiscal viability of two counties in Mississippi. Wayne County and Perry County are currently listed by Federal Governments as two of the poorest in the Nation. They depend on Federal timber sales—remember, this is a legal and primary mission of the Forest Service.

Mr. President, Senator Gorton's section 329 is the right provision on the right appropriation bill.

Mrs. MURRAY. Mr. President, we all want to solve the problems concerning implementation of the Northwest Forest Plan and the so-called "survey and manage" requirements. I have long supported and continue to support the plan and believe it should work as written. Unfortunately, section 329 undermines the important protection and scientific credibility of the forest plan and does not solve the current problems. That's why today I supported the Robb/Cleland amendment to strike section 329 from the fiscal year 2000 Interior appropriations bill.

Recently, a Federal court injunction halted dozens of timber sales in Washington, Oregon, and California. The injunction is not the fault of the timber industry, the environmental community, or the Northwest Forest Plan. The blame rests squarely on the forest Service and the Bureau of Land Management (BLM). They have failed to undertake the survey and manage requirements of the forest Plan despite having five years in which to do so. The Forest Service and BLM may believe they were meeting the requirements of the forest Plan, but clearly they did not. Unfortunately, the Forest Service and BLM's failure is harming innocent communities and, potentially, species.

The Northwest Forest Plan came out of a time of discorded in the Pacific Northwest. In 1992, our timber industry was shut down by the spotted owl. The Forest Plan was designed to provide industry with a greater assurance regarding timber harvest levels, while also protecting the forests and the species they support.

The Northwest Forest Plan's survey and manage provision was developed by scientists to help land mangers reduce the potential 9mpact of timber harvests and other activities on a wide variety of currently unlisted species, ranging from fungi, to mollusks, to tree voles. The result should have been a management program for the Pacific Northwest national forest that provided for stable timber harvest levels and protection against another spotted own crisis. That hasn't happened.

However, we cannot abandon the Northwest Forest Plan. We especially cannot abandon it without putting in place other ways to protect our forests species and provide a sustainable flow of timber.

Section 329, is not a solution to the failure of federal agencies to meet their survey and manage requirements. The solution lies in the forest Service and BLM getting their acts together and doing what they are required to do. If some of the survey and manage requirements are flawed or unnecessary, we need the Federal agencies and the scientific community to tell us. We can then all work to find a balanced solution. I commit to working with the industry, agencies, environmentalists, and my colleagues to find a way to make the Northwest Forest Plan work.

Mr. COVERDELL. Mr. President, I rise today in opposition to the amendment offered by the Senator from Virginia, Mr. ROBB, that will move to strike a section of the Interior appropriations bill that is not only important to the future of the management of our national forests, but critical to the taxpayers of this country.

Section 329 of the fiscal year 2000 Interior appropriations bill is a necessary clarification to the National Forest Management Act provision that requires the Forest Service to include wildlife diversity in its management of the national forests. A recent decision by the 11th Circuit Court determined that the Forest Service must conduct comprehensive wildlife population surveys in every area of each national forest that would be disturbed by a timber sale or any other management activity in order to authorize that activity.

This may seem like a simple requirement. However, in order to understand this amendment, you need to understand what types of surveys are currently being done and how expensive it would be to comply with the new recent decision. It is also important to know that this decision overturns 17 years of agency practice and is contrary to decisions in 3 other courts of appeal.

From 1982 until 1999, the Forest Service has consistently interpreted its rules implementing the wildlife diversity by inventorying habitat and analyzing existing population data when determining the effect of planning decisions on wildlife populations. During this same 17 year period, the United States Court of Appeals for the Fourth, Eighth, and Ninth Circuits have upheld the Forest Service's interpretation of its own rule, not to mention several lower courts.

Then this year the Eleventh Circuit overruled a lower court decision concerning one national forest in Georgia and found that the Forest Service, despite two decades of agency interpretation and performance and judicial opinions, must count every member of every species on the ground. This decision sets a standard never seen before in the management of our national forests. The cost estimate to carry out such a laborious task could be as high as $9 billion. That is almost three times the entire National Forest Service budget. This inventory standard is unachievable and sets a paralysis on the management of our national forests.

In my home State of Georgia, this decision threatens small saw mills that purchase their lumber from public lands as well as fisheries and wildlife projects, recreation, land exchanges and new facility construction such as trails and campgrounds. Section 329 will reapply the standard that the Forest Service has been using for the past 17 years, and allow for a balance between protection of wildlife and protection of public lands.

I strongly urge my colleagues to look beyond the rhetoric on this amendment and see that section 329 does not interfere with the judicial process, nor does it reverse current policy of the Forest Service or the Bureau of Land Management. It simply allows agencies to use the best information that is available to them to protect our national forests. I urge you to support sensible management and vote "no" on the amendment to strike the language of section 329.

Mr. HUTCHINSON. Mr. President, I rise today in opposition to Senator ROBB's amendment to strike section 329 from the Interior appropriations bill. This effort is misguided and I urge my colleagues to understand the need for this Section if our National Forests are going to continue to function.

The ability of my home State's national forests to provide timber and other important resources is critical to the survival of many communities. I know the supervisors of both the Ozark-St. Francis and Ouachita National Forests in Arkansas. They are dedicated to preserving the forests' survival and natural beauty, while providing a healthy source of timber. The timber purchase program in Arkansas is one of the few in the country that consistently makes a profit. Not only does Arkansas' timber industry benefit, but so do school children who receive a portion of the earnings from the timber sales.

Section 329 simply clarifies that despite a recent circuit court decision, the Secretaries of Agriculture and Interior should maintain the discretion to implement current regulations as they have been doing for nearly 20 years. Specifically, on February 18, 1999, the 11th Circuit Court of Appeals ruled that the Forest Service must conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans on all "ground disturbing activity." Never before has such an extensive and impossible standard been set by the courts. In the end, this ruling results in paralysis by analysis.

It would require the Forest Service to examine every square inch of a project area and count the animals and plant life before it approved any "ground disturbing activity." The cost to carry out such extensive studies—studies which have never been required before—could be as much as $9 billion nationwide. How do we know this? Because the Forest Service does contract for population inventorying on occasion.

If one were to extrapolate from the $8,000 cost of one plant inventory, they will reach $38.1 million for the 864,000 acres within the Chattahoochee National Forest where the 11th Circuit Court decision originated. When applied to Arkansas, one could deduce that this action could cost my state's industry roughly $78 million. If applied to the 188-million acre national forest system, the cost reaches $8.3 billion. During the past two decades, nine separate court decisions have backed the way the Forest Service has been conducting their surveying populations by inventorying habitat and analyzing existing population data.

We appropriate roughly $70 million for forest inventory and monitoring. Are we prepared to shift the $9 billion necessary for this new standard? If not, this recent interpretation forces the Forest Service to shut down until they can apply the new standard.

The purpose of section 329 is not to change the court decision or set a new lower standard. It is simply to clarify that the existing regulation gives the discretion to the Forest Service and the BLM when determining what kind of surveys are needed when management activities are being considered.

Some of my colleagues would argue that this is an issue for the authorizing committees to deal with. I agree. This is an issue that absolutely should be dealt with by those committees. They need to determine whether the agencies have been correctly interpreting their regulation for the past 17 years. They need to determine whether it is sufficient to inventory habitat, rely on existing populations, consult with state and Federal agencies and conduct population inventories only for specific reasons. But I argue that the appropriations process should not be made to bear the burden while the authorizing committees study the question.

All section 329 seeks to do is preserve the status quo, as the already limited resources of our home States' National Forests would be further stretched if they are required to fund this new standard. I urge my colleagues to oppose this amendment and support sensible management.

The PRESIDING OFFICER. The question is on agreeing to amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROTH (when his name was called). Mr. President, on this vote, Senator MURKOWSKI is absent but would have voted "nay." If I were allowed to vote, I would vote "yea." I therefore withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Warner
Wellstone
Wyden

NAYS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich

PRESENT AND GIVING A LIVE PAIR—1

Roth, for

NOT VOTING—2

McCain
Murkowski

The amendment (No. 1583) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, what is the pending business?

AMENDMENT NO. 1603

The PRESIDING OFFICER. The pending amendment is the Hutchison amendment No. 1603.

UNANIMOUS CONSENT REQUEST

Mr. NICKLES. Mr. President, I see both the sponsor of the amendment and also a couple of opponents of the amendment.

I ask unanimous consent that we have an up-or-down vote on the Hutchison amendment no later than 12 o'clock today.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I ask unanimous consent that we have a vote on the Hutchison amendment no later than 5 p.m. today.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, for the information of my colleagues, I would like to have a vote on the Hutchison amendment. I think the Senator from Texas has a good amendment. The Senator from New Mexico, Mr. DOMENICI, has worked on this amendment. It is unfortunate that it is needed.

I am chairman of the Energy Regulation Subcommittee, and we had a hearing on this issue. The issue was whether or not MMS could change policy on royalties, or does that take an act of Congress. Does MMS have the power to increase taxes or the power to increase royalties? They have the power to collect royalties; that has been the law. Do they have the power to change it?

I tell my colleague from California, if she is not going to give us a vote on the amendment, then I am going to move to table the amendment momentarily. I am going to make a couple more comments. If she wishes to have a couple of minutes on this, I will agree to that. I listened to the debate last night for a while. I wasn't able to get in here to join the debate. I will make a couple of comments momentarily. If the Senator from California wishes to speak before I move to table, I will agree to that.

Mrs. BOXER. Mr. President, may I ask the Senator from Oklahoma a question?

The PRESIDING OFFICER. The Senator may.

Mrs. BOXER. Mr. President, I say to my friend, it is very generous to offer me a little time before he moves to table. My friend and I have spoken. We are very open about our disagreement on this amendment and whether it is the right or the wrong thing. That will come out in our debate. We have a couple of people who wanted to talk and weren't able to get over here last night. Senator WELLSTONE has been waiting. We would be very happy to agree to quite a limited time, a few minutes, if that would be possible, before my friend makes his motion to table.

Perhaps we can have a unanimous consent agreement that includes sufficient time, not exceeding 10 or 15 minutes total, before he moves to table. And, by the way, we are all going to vote not to table. I don't exactly know why we are going to do this. We think this deserves more discussion.

Mr. NICKLES. Mr. President, I ask unanimous consent that we have 20 minutes of debate on the motion to table, equally divided between the Senator from Texas and the Senator from California.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the Senator from Oklahoma for being generous. We know that under the rules he can move to table immediately, and we would not be able to have time for debate. I want to tell my friends from Illinois and Minnesota that I intend to yield to them under this unanimous consent request.

Let me set the stage, before I do that, by encapsulating in a very few minutes why I think the Hutchison amendment is not a good idea, why I think it is dangerous for the Senate to put its imprimatur on the Hutchison amendment, and why I think it is wrong for the taxpayers to continue to be cheated out of millions and millions of dollars.

Mr. President, if rushing through this center door here in this beautiful Senate Chamber we saw someone with a bag full of cash that he or she had stolen, we would call the police. Yet what is going on today on behalf of 5 percent of the oil companies is out and out thievery. Those are strong words, but they are backed up.

Listen to the words of USA Today. They say:

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 to 10 percent discount off the marketplace. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

They say:

> It is time for Congress to clean up this mess.

Yet the amendment we have before us continues this mess. We have already lost, because of these amendments in the past, $88 million from this Treasury. This amendment will continue that loss—another $66 million.

It is wrong. How do we know it is wrong? First of all, a royalty payment is not a tax. May I say that again. A royalty payment is not a tax. The Senator from Texas calls it a tax. It is not a tax. It is an agreement that is freely signed by the oil companies. It says they will pay royalty payments when they drill on Federal lands belonging to the people of the United States of America, and that payment will be based on the fair market value of the production. As a matter of fact, it is even stronger language:

> It shall never be less than the fair market value of the production.

Yet 5 percent of the oil companies that are vertically integrated are continuing to underpay. How do we know this? We know this because there is proof of this.

We know this because already the oil companies have settled with seven different States for $5 billion. In other words, rather than face the trial, they settled for $5 billion—I don't think any of us could imagine how much that is—because they didn't want to face the truth. They settled because they admitted it in essence, although technically they didn't. But by settling, the basic message is, we were wrong. How else do we know there is cheating going on?

How about the retired ARCO employee who said that the company underpaid oil royalties. Where do you think this ran? It didn't run in some liberal publication. It ran in Platt's Oilgram News. It is big news. It is big news—since the last time this rider went into effect.

Here he is, a retired Atlantic Richfield employee, admitting in court that while he was secretary of ARCO's crude price committee, the posted prices were far below market value. He basically says that he admitted he was not being truthful 5 years ago when he testified in a deposition that ARCO posted prices representing fair market value. What did he say while he was an ARCO employee? Some of the issues being discussed were still being litigated. He says: My plan was to get to retirement.

So you have a former employee from ARCO who raises his hand on the Bible and tells the truth about the scam that is going on. What does the amendment do? It continues the very scam that he has rebuked.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 20 seconds.

Mrs. BOXER. I yield 3 minutes to the good Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I think the Hutchison amendment is one of the most outrageous provisions to be offered to the Interior appropriations bill and shouldn't be included in this legislation. This amendment would restrict the Interior Department from doing its job, which is to make sure that these oil companies pay full royalties for the oil they are drilling on Federal and Indian lands.

I thank the Senator from California, who is willing to stand up to oil companies. There are many Senators who will not do so. The Senator from California has the courage to do it.

I don't know why it is that all of a sudden we appear to have such sympathy for people who appear to be cheating the public. I know that when it comes to finding out what is happening to poor women and children, we do not seem to have a lot of interest in figuring out what is going on in their lives. I know that when we try to raise the minimum wage, my colleagues on the other side of the aisle want to block that. But in through the door walks the CEO of one of these large, integrated oil companies that has been underpaying its royalties—oil companies that have been heavy campaign contributors—and all of sudden we have sympathy to spare. We have sympathy coming out the wazoo. We feel their pain. All of a sudden, it is: "At your service; we can do it for you, Senator. How can we serve you better?"

This is a vote about whether or not we have an open, accountable political process. These companies should pay their fair share, and when they try to get away with basically not being honest and paying what they owe the public, they call on their friends in the Congress. The Republican-led Congress answers their call without a moment's hesitation with an amendment to this bill. Congress comes to the rescue and rewards them for chronically underpaying the royalties which they owe to people in this country.

That is what this is all about.

I think this amendment is a sweetheart deal. It lets the oil companies off the hook. Frankly, I don't believe we should let them do that—not if we represent the people in this country.

I thank the Senator for her amendment. I will vote against tabling the amendment because I want to have a lot of debate and discussion. Because the more the people in this country know what is at stake on the floor of the Senate and understand what is going on, the better the chance we have of a significant victory.

Mrs. BOXER. Mr. President, will the Senator yield the remaining time?

How much time more time does the Senator have?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mrs. BOXER. I want to ask the Senator if he was aware that the Hutchison amendment had been included in the bill, and whether when it came out of the Appropriations Committee it was stripped out because it was deemed legislating on appropriations. Now it is back before us in a little bit of a changed technical fashion. But doesn't the Senator agree with me that the Senator from Texas is legislating on an appropriations bill?

This is a matter that is very serious. It is not about appropriations. As a matter of fact, it is stealing appropriations. It is stealing money from the people. It results in money being lost from the Interior bill.

Mr. WELLSTONE. I don't have time. But I agree.

Mrs. BOXER. Mr. President, I reclaim any time and give an additional 30 seconds to the Senator.

If he will continue to yield, doesn't he believe that this kind of a rider doesn't belong on this bill?

Mr. WELLSTONE. I don't think the rider belongs on this bill. I don't think the rider belongs on any bill. I think these oil companies should pay the royalty. I think the public is cheated when they don't. I don't think, because they are big contributors and heavy hitters, that they should be taken off the hook. I don't believe it should be included in any bill, especially this bill.

Mrs. BOXER. I thank my friend. I leave the remaining time to the Senator from Illinois.

Before I do, I wanted to call to my colleagues' attention a Los Angeles Times editorial, "The Great American Oil Ripoff." "America's big oil companies have been ripping off Federal and State Governments for decades by underpaying royalties for oil drilled on public lands."

It goes on. It says that Congress should not buckle to the pressure of the oil lobby, and that the Hutchison bill should be defeated.

Let me say I don't think you need a degree in economics; I don't think you need a degree in political science to know cheating when you see it. We know cheating when we see it. We know these companies are settling for billions because they do not want to face the courts. Yet this Senate, if it votes for the Hutchison amendment—I feel so strongly about it—is putting its approval on organized cheating. How do we know that it is organized? Because we have had former ARCO executives and others admit that it was, in fact, planned and organized.

I yield the remaining time to Senator DURBIN.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. Twenty seconds.

Mrs. BOXER. I am sorry.

Mr. DURBIN. Mr. President, let me say in conclusion that this is one of the legislative riders that calls into question the basic issue. Who owns the public lands of America? Will they be a playground for the companies that want to come in and use our lands to make a profit, or will these companies pay their fair share for using public lands?

The Senator from California is resisting Senator HUTCHISON's amendment. She wants these companies to pay their fair share in royalties.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wonder if the Senator from Texas would give me time. I know the Senator from Louisiana wants a couple of minutes.

Mrs. HUTCHISON. Mr. President, I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. BREAUX. Mr. President, I thank the Senator for yielding.

When I heard some of the arguments by my colleagues about cheating, stealing, and lying, I thought I was listening to a country and western song at one point. The question is not about cheating, stealing, and lying. It is not about whether you have sympathy for the oil companies coming out the wazoo. I checked my wazoo, and I don't have any sympathy for the oil companies coming out of it. But I do think I have sympathy for what is fair and what is right.

The Federal Government owns the oil, and it allows companies to explore and produce it. The companies give back in return one-sixth or one-eighth of the royalties to the Federal Government—to the taxpayers of the United States—in payment for the right to do this type of production.

The only question is, What is the value of oil? The companies don't set that. We do. Congress does. The only issue is, How do you determine the legitimate value of the oil?

We have a formula that has been in place for years. The Federal Government, through minerals management, said we will try to make it simple. We are not going to try to raise any additional money and keep it revenue-neutral. We want to have a simpler way of doing it.

The issue now boils down to the regulations. They are very complicated. It is not an easy process. How do you determine the price of oil that is produced in the middle of the Gulf of Mexico? If you sold it at the well 200 miles offshore, it would be easy to determine what the price is. But it is not sold in the middle of the Gulf of Mexico. It is transported hundreds and hundreds of miles onshore where it is refined and then ultimately sold.

The question is, What is the legitimate production price? Who pays for the transportation from the middle of the gulf? It is the Federal Government's oil. Do the companies pay for the transportation, or does the Federal Government pay for the transportation?

The question is, What is the legitimate production in determining what the price is?

Could I have 30 seconds to conclude?

What the Senator from Texas has done is say: Look, pull over. There is a huge disagreement. It is very difficult and very complicated. Nobody is stealing, cheating, or lying. But we need a little bit more time to try to bring both sides together to come up with a realistic way of determining fair market value.

I think our amendment is a good one and should be supported.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate so much the explanation of the Senator from Louisiana because he is getting to the real point.

This chart shows what the MMS is proposing to do under the new rule. As the Senator from Louisiana said, the mandate to MMS was to simplify the rule so the Federal Government and the taxpayers of America get a fair share of the oil royalties. This is what they have come up with.

I believe if we can have a 1-year moratorium that MMS, which has a new leader, will come forward with a reasonable plan. It is not going to tax costs. No other industry has a tax on their transportation costs and their marketing costs. It is going to be a fair return. That is what we are after.

I want to make one other point before I yield to the Senator from New Mexico.

We keep hearing about this former ARCO employee and all of the oil companies settling. But the Senator from California fails to mention that 2 weeks ago, there was a verdict by a jury in California saying that Exxon did not cheat the taxpayers of California. That is the oil company that didn't settle because it didn't believe it had cheated. The former ARCO employee who has been referred to by the Senator from California testified in the case and was found uncredible.

So I think it is very important that be in the debate.

I yield 2 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I thank the distinguished Senator from Texas. I think the Senate has an opportunity today to decide whether we are going to give in to a group of Federal bureaucrats who have decided it is going to be their way or no way. That is actually the issue. All we are trying to determine through the activities of an established regulatory body is what the fair market value of the oil is on which the U.S. taxpayers are entitled to receive a royalty.

The MMS has decided to change the way we have done it in the past and in the process, in the opinion of this Senator and many others, has made it no longer fair. It is not actually levying a royalty on the value of the oil. They have decided to have new starting points. They are not allowing certain things to be deducted that are actual business expenses. In a nutshell, they are establishing a price upon which the royalty is predicated which is not the result of the marketplace and ordinary business practices but some concoction that they have come up with which will cost more money to an American industry that clearly should not be paying new taxes today.

This is a new tax because you change the way you regulate it and the way you determine value and you thus increase the taxes. If it is not the right way, then it is an increase in taxes. I do not believe they should be doing this. I think we should be doing this. I believe they ought to establish a process and submit it to us and ask, Do you want to change the rules on this or not?

Essentially, I listened attentively to the Senator from Louisiana. He hit it right on the head. And the distinguished Senator from Oklahoma in his brief remarks was right there. There has not been a better fighter than KAY HUTCHISON. She has been right again. We have been right together on this, and we have convinced the Senate heretofore, but we cannot convince the MMS to be fair, and that is what the issue is all about.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I yield the remainder of my time to the distinguished assistant majority leader and thank him very much for his leadership on this issue. Senator DOMENICI, Senator NICKLES, and I have been fighting this fight and I could not think of two people who better understand the issue.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 3½ minutes remaining.

Mr. NICKLES. Mr. President, I compliment my colleague from Texas for her statement of yesterday and today, and also for the chart. I hope my colleagues will look at the chart because that is what MMS is proposing and it is not workable. People who work in this field all the time have come before our committee, a committee of Congress, and said this proposal is not workable. They told that to myself, they told that to the Senator from New Mexico, Mr. BINGAMAN, as well as Senator DOMENICI, also from New Mexico. They said it is not workable.

I have two or three problems. I am going to touch on them briefly.

One, I have a problem with the Senator from California saying she doesn't like the amendment so she is going to filibuster the amendment. I earlier said: Let's vote on the amendment an hour from now, or 5 hours from now.

No, no, we are not going to have a vote on the amendment; she's going to filibuster the amendment.

If we are going to filibuster every amendment coming along on an appropriations bill, we are never going to get it done. If we do this, we are never going to be able to get finished.

People can talk all they want about a do-nothing Congress, but if we have members of one party or the other, or individual Members, who say: I don't like that provision in the transportation bill so I am going to filibuster the transportation bill—we have already seen that happen today—or I don't like this provision so we are going to filibuster it so we are not going to get an Interior bill unless I get my way, or get a supermajority—to say we need to have 60 votes to pass any amendment, I think that is a mistake. So we should get away from that.

Let me touch on the subject of this amendment. We passed in 1996 a bill, the Federal Royalty Fairness and Simplification Act, of which I was one of the principal sponsors, in a bipartisan way to simplify royalty collection. We did that. It passed overwhelmingly. The President signed it. It was a good bill.

The chart Senator HUTCHISON shows, the proposed MMS regs, is just the opposite of royalty simplification and fairness. If we follow the MMS proposal, what we have is an invitation for litigation. You have litigation nightmares already going on. The Senator from Texas already mentioned the testimony of the ARCO employee. His testimony was not persuasive. The issue of royalty under payments went before a jury of twelve in California in a case that had been ongoing for 14 years, and guess what? The jury decided in favor of the oil companies. They decided that the oil company was right. This company litigated the issue of underpayments for 14 years.

A lot of companies decided it was not worth the expense. It was not worth the bad press. It was not worth these editorials that really do not know what they are talking about, that know nothing about oil valuation and the complexity of it. So maybe they do settle. That does not mean they are guilty, that they are stealing. That is like somebody who says, wait a minute, the IRS audited your taxes and you owe some more money. Does that mean you are stealing?

There are some things wrong with the current royalty valuation program. We had two government employees who were involved in these developing the new MMS regulations and all of a sudden they got paid $350,000 each by an outside group who supports the proposed regulations. That is pretty corrupt. That is like having an IRS agent say: I audited your return and as a result we found out you owed more money. I want half of it. That is what happened in this case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak on the majority leader's time for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. That investigation is pending. Supposedly, the Justice Department is reviewing that case.

I urge all of our colleagues, to think about that. There are two federal employees involved in developing these MMS regulations who were paid $350,000 by a group with a financial interest in the final rule. I find that to be corrupt. I find that to be unethical. I find that to be outlandish. It needs to be stopped.

So I compliment, again, my colleague from Texas for this amendment. We need to make sure that Congress raises taxes if Congress is going to. If there is going to be a tax increase, if there is going to be a royalty increase, it should happen by an act of Congress. It should not happen by an act of unelected bureaucrats changing the rules without appropriate legislative authority and opening up a litigation nightmare.

Mr. President, I move to table.

Mrs. HUTCHISON. Will the Senator withhold for a unanimous consent request to add Senators BROWNBACK and THOMAS as cosponsors of the Hutchison-Domenici amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise in support of Senator HUTCHISON's amendment to continue the moratorium on the Minerals Management Service (MMS) oil royalty valuation rule. I am concerned that the MMS proposed rules for determining federal royalty payments will increase compliance costs for small, independent oil producers. These producers have just begun to recover from some of the lowest oil prices in 30 years, which cost the oil and gas industry more than 67,000 American jobs and saw the closure of more than 200,000 oil and gas wells. A hike in the royalty rates will make a bad situation worse and could cause more domestic oil production to be replaced by foreign imports.

It is up to Congress and not federal agencies to establish public policy. The MMS clearly exceeded its authority by proposing to raise royalty rates without congressional authorization. No congressional committee or affected industry groups were notified before the final version of the rule was announced. The MMS has also tried to get around the congressional moratorium by changing federal lease forms and taking other measures that are similar to the prohibited rule. These reckless actions have led me to believe that this is an agency out of control.

I am also very concerned about the appearance of a *quid pro quo* with respect to payments that were made by the Project on Government Oversight (POGO) to officials at the Departments of Interior and Energy who were involved with the royalty rate valuation issue. I agree with Senator HUTCHISON that the Interior Department should not proceed with this rule until this matter has been resolved by the Justice Department.

I do believe that the current royalty rate valuations are fundamentally flawed and should be changed. But the regulations proposed by the MMS would increase the amount of royalties to be paid by assessing royalties on downstream values without full consideration of costs. In a period of low oil prices, the government should be considering royalty rate reductions, not an increase.

It is the responsibility of Congress to make policy decisions affecting royalty rates and the responsibility of the MMS to implement those policies. We, the United States Senate, have been elected by our constituents in order to make these difficult decisions and should not have our authority preempted by federal bureaucrats. I urge my colleagues to support the Hutchison royalty rate moratorium amendment and I yield the floor.

Mr. BINGAMAN. Mr. President, I am supporting Senator HUTCHISON's amendment to extend the moratorium on the oil valuation rule of the Department of the Interior. I do this with some reluctance because like most of my colleagues from oil producing States, I believe strongly that this issue must be settled. Yet, after careful consideration, I cannot honestly conclude that the rule as currently proposed will achieve that.

I have worked hard with officials from the Department of the Interior and others to try to find the right approach to resolving the disputes involved in this rulemaking. I am very aware of the hard work and good faith efforts of many in the environmental and public interest community, within the States, and within the industry, to address the controversial issues raised by this rule. I believe there has been progress. However, we are not there yet.

The way oil from Federal leases is valued for purposes of calculating royalty payments is complex to say the least. Nonetheless, it is also very important; it is important to those producing the Federal oil, it is important to the American taxpayers, and it is important to the States who receive up to half of the proceeds from Federal leases within their state boundaries.

My State of New Mexico is the second largest producer of onshore Federal oil and gas. In 1998, there were almost twelve thousand Federal oil and gas leases within New Mexico, covering over seven million acres of land. The majority of these leases are operated by small independent producers whose livelihood is greatly impacted by the manner in which Federal payments are calculated.

In 1998, the State of New Mexico received almost $168 million as its share of the revenues from Federal mineral leases within the State. My State uses these payments to help fund its public education system.

Given these circumstances, it is obvious to me that the method of valuing these Federal royalty payments is of deep concern to New Mexico, from a number of different angles. It is important to get it right. It is pointless to create rules that are unworkable, or unfair, or that will be mired in costly and nonproductive litigation. I owe it to the honest producers in my State, as well as to my State Treasury, to try to ensure that a final rulemaking on this subject will achieve the desired end of fairness to all, and creation of a clear set of standards that will not be plagued by endless controversy.

For this reason I am supporting an additional moratorium. I do not believe the rulemaking as it is currently proposed will work. The Department of the Interior has indicated that its latest round of comments has resulted in information which it has found helpful, and which could result in changes that would satisfy the concerns of industry and others, while ensuring that the United States receives fair market value for its oil resources. The Department has suggested that with this new information, it may be able to work out ways to resolve the issues that to date have proven so intractable.

I believe imposition of this moratorium will allow the Department the additional time it needs to re-propose this rule, and get to the elusive, but necessary resolution of this issue.

In comments I submitted to this rule, I recommended a number of areas for change, based on my conversations with New Mexico producers, and with other interested groups. These include ensuring that independent producers and others who engage in arms-length sales of their oil pay royalties only on the actual amount they receive; creating reasonable deductions for transportation costs; and resolving the treatment of marketing costs. I continue to urge the Department to consider these recommendations as it addresses the final rule.

Mr. NICKLES. Mr. President, so we will have all Senators on record voting either for or against the Hutchison amendment, I move to table the Hutchison amendment. I urge my colleagues to vote no on the motion to table.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1603. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 2, nays 96, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—2

Byrd
Gregg

NAYS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

McCain
Murkowski

The motion was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the present order of business, of course, is a continuing debate on the Hutchison amendment. There will be a cloture motion filed on that amendment that will ripen either Monday or Tuesday; I am not certain which. The Senator from California has justifiably, in defending her position, asked for assurances that there will not be a cloture motion filed on the whole bill, which could theoretically deprive her of her right to continue debate until some conclusion with respect to the Hutchison amendment.

I assure her that will not take place. Her amendment will be disposed of one way or another—either by the adoption of cloture and the eventual vote on the amendment, or by a failure of cloture and its withdrawal before any cloture motion will be filed on the bill as a whole. In fact, I can say I don't see any reason or need that we should have to file cloture on the bill as a whole. We are making good progress on it. There are other amendments we can discuss and vote on today, and perhaps even on Monday, so it may very well be that the disposition of her amendment is the last significant matter.

In any event, I assure her that her rights will be protected, and that, of course, is a necessary precondition to my asking unanimous consent to set the Hutchison amendment aside and go on to other amendments. The Senator from New Jersey, Mr. TORRICELLI, has such an amendment. So I hope with that assurance, it is sufficient that we can go forward on another subject.

Mrs. BOXER. Will the Senator yield to me?

Mr. GORTON. I will.

Mrs. BOXER. Mr. President, I thank the chairman of the committee for being so gracious in preserving my rights. My friend from Texas and I feel equally strongly on the point, just on different sides. I think each of us wants to have justice done on the amendment. So I want to reiterate what my friend stated so we all agree that this is the procedure. There will be a cloture motion filed on the Hutchison amendment.

Mr. GORTON. That is correct.

Mrs. BOXER. A vote will be held Monday or Tuesday, or perhaps later, at whatever date it ripens. Then, in any case, there will not be a cloture vote on the entire bill until the cloture vote on the Hutchison amendment is held.

Mr. GORTON. The Senator from California is correct.

Mrs. BOXER. I thank the Senator very much. With that, I do not object to laying the amendment aside.

Mr. GORTON. Mr. President, I ask unanimous consent that the Hutchison amendment be laid aside and the Senator from New Jersey be recognized to propose an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1571

(Purpose: To prohibit the use of funds made available by this Act to authorize, permit, administer, or promote the use of any jawed leghold, trap, or neck snare in any unit of the National Wildlife Refuge System)

Mr. TORRICELLI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mrs. BOXER, Mr. SCHUMER, Mr. DURBIN, Mr. REID, Mr. MOYNIHAN, and Mr. DODD, proposes an amendment numbered 1571.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 . USE OF TRAPS AND SNARES IN NATIONAL WILDLIFE REFUGES.

None of the funds made available in this Act may be used to authorize, permit, administer, or promote the use of any jawed leghold trap or neck snare in any unit of the National Wildlife Refuge System, except for the purpose of research, subsistence, conservation, or facilities protection.

Mr. GORTON. Will the Senator from New Jersey yield?

Mr. TORRICELLI. Yes.

Mr. GORTON. I have been informed that members of his party are in a policy meeting and would like to defer any vote on this amendment to a time certain—2 o'clock. Am I correct in that?

Mr. TORRICELLI. If, indeed, it is required to have a rollcall vote, that would be OK. I have some expectation that it might not be required.

Mr. GORTON. It seems to me to be appropriate to say, for Members, that there won't be another rollcall vote prior to 2 o'clock, and we hope by that time we will have completed debate on the Torricelli amendment and deal with it either by rollcall or voice vote at the necessary time.

Mr. TORRICELLI. I thank the Senator. Mr. President, trapping has been part of the American economic and cultural life before there was a United States, whether for recreational purposes or subsistence——

Mrs. BOXER. Will the Senator yield? I don't want to interrupt, but this is so crucial, and I am with him on it.

Mr. TORRICELLI. Yes.

Mrs. BOXER. I wanted to correct myself and make sure the Senator from Washington would allow me this chance and not on Senator TORRICELLI's time. I wanted to say that I agree with the Senator that there would not be a cloture vote on the bill until the Hutchison amendment was resolved. Those were his words. I didn't say it exactly in that way in my agreement.

Mr. GORTON. I thought she did. In any event, that is the agreement.

Mrs. BOXER. In remembering my words, I am in agreement with my friend. I have no objection.

Mr. TORRICELLI. Mr. President, the amendment before the Senate deals with the issue of trapping on Federal wildlife refuge lands. It recognizes the reality that trapping has been part of the economic and cultural life of the United States for generations and, indeed, an important part of the economic life of many communities. But as anything else in life, there is a right and a wrong way to have trappings on these Federal lands.

Overwhelmingly, trappers on Federal lands are using relatively humane methods of trappings that ensure the death of the animal so that there is no suffering. But in a small minority of these instances there are particularly egregious types of traps that continue to be used on Federal lands though many States have banned them for years. Most egregious of all are steel-jaw leg-hold traps and neck snares. These traps almost assure the suffering of an animal. The legislation before the Senate would ban these two specific types of traps and no others—traps used in a small minority of the trapping industry and no others, and not for all purposes.

Trapping for research is not included in this amendment. All scientific research can continue with any traps.

Subsistence: Many Native American tribes that live off these traps—live off the game they collect—should not be impacted and are not impacted.

Facilities protection, or conservation: For any of those purposes, trappers are free to use whatever type of traps they would like. But for recreational purposes or other subsistence purposes, we would ban these two specific types of traps.

I know some Senators have raised the question of whether or not banning any traps would cause a problem for the Government itself in maintaining stocks, endangered species, or other legitimate purposes of the Government itself.

It is important to note that Secretary Babbitt was asked to address this question, and he wrote:

> The amendment would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997.

Specifically, therefore, Secretary Babbitt had given testimony that banning these traps would not contradict the lawful purposes of the U.S. Government.

It should also be noted that it is not a new issue for the States. It is not a new issue for the Congress. The House of Representatives on July 14 was confronted with the identical issue on whether or not these two specific traps should be banned for these narrow purposes. By a vote of 259 to 166, with 89 Members of the Republican majority, it overwhelmingly passed this same prohibition.

The question arises: Why have the States, why has the House of Representatives, and why have so many of our colleagues expressed concern and support on this floor about a ban on these two specific forms of traps?

A leg-hold trap is simply designed to trap an animal by its leg with the force of this steel jaw and hold the animal until the trapper returns. There are several problems with this very old, very tested, but very cruel technology. The trapper may not return for days, or a week, in which case the animal starves to death, becomes dehydrated, and suffers over a period of days and days and days.

Second, the extraordinary power of this trap is nearly certain to cause a laceration, or to break the leg of the animal. The animal suffers. As is the case with 80 or 90 percent of these traps, the trap catches the wrong animal. It is not the animal the trapper wants. It is some other animal. If it were a live cage, as overwhelmingly trappers use, the trappers would then release to the wild the animal that was unwanted. But in 80 or 90 percent of the cases the trapper has an animal that he didn't even want. The leg is now broken, or the animal is bleeding to death. It cannot be released to the wild. And an unwanted species is destroyed for no purpose when another technology—a live-bait trap, which most trappers use—would have avoided the whole problem.

Even crueler, what is often happening is, these animals caught in the leg-hold trap for days and the trapper does not return are chewing off their own legs—destroying themselves to get free. The reality is that it is destroying unwanted species, with extraordinary suffering, with animals maiming themselves, and for absolutely no reason.

This legislation, I repeat, does not deal with scientific reasons, subsistence reasons for Native American tribes, or other scientific purposes. It is only for recreation. It is only for a minority of trappers. It is only for these two kinds of traps, and it only deals with wildlife refuges.

What kind of wildlife refuges are the United States maintaining if we are to allow these particularly egregious and cruel types of traps? These are refuges.

They are set up for the safety and maintenance of an animal species. It allows trapping and harvesting of species, but not with this one particularly cruel kind of trap. That is the purpose of the amendment.

Only 1 out of every 10 species actually gets caught in these traps. It is the intended species—1 in 10.

I brought before you a protected species of bird caught in a leg-hold trap. No one was trying to trap an eagle. No one wanted to do so. It was unlawful. There is no purpose in doing so. But the trap doesn't discriminate. When the trapper arrives, what is he to do? The leg of this bird is broken. You can do nothing but kill this animal, though it was no one's intention.

This has been endorsed by the American Veterinary Medical Association, the American Animal Hospital Association, hunting groups, and sportsmen. The States of California, Arizona, Colorado, and Massachusetts have already passed statewide ballot initiatives banning these specific traps. Florida, New Jersey, and Rhode Island have legislative or administrative bans. Eighty-eight nations—virtually the entire industrialized world—developed nations, all have banned these traps. We, and we alone, use them. And we are not only using them, we are using them in wildlife refuges that we have had set up for 100 years to protect these animals. How could anyone rise in defense of this trap?

Mr. President, I ask that the Senate join the House of Representatives and the various States and impose this narrow prohibition on these two specific traps for these narrow recreational purposes and on these Federal lands. It is a modest request for what is an egregious problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose this amendment. I think it sets a bad precedent because I think it is bad politics.

I just came back from my State, as most of us did, and talked to my agricultural producers. We have a predator problem in Montana.

Let me tell you about a conversation I had with a good friend in Glasgow, MT. They are sheep producers. They run from the Fort Peck Reservoir south towards Circle, MT. That is McCone Valley and Roosevelt County. They have trapped and killed 90 coyotes on their ranch, and they are still run over with them.

This lies along the CMR Wildlife Refuge in Montana along the Missouri River. Those sheep are smart enough to stay in that refuge. The only time we can get them is when they come out. They lose about 300 lambs a day. I don't know how many people can sustain that much loss.

But this particular trap is sort of needed, whether it be in the use of predator control, whether it be used on the refuge, or on BLM or private land.

I said yesterday that on one of the amendments one of these days this body is going to be hit by a large bolt of common sense. Then I don't know what is going to happen. We will not know how to deal with things here.

But I will tell you that the U.S. Fish and Wildlife Service opposes this amendment. They are the ones who manage the refuge systems.

The International Association of Fish and Wildlife Agencies that represents the 50 fish and wildlife agencies and conservation groups—which includes the Izaak Walton League of America—all oppose this amendment. They oppose it for the simple reason that we get a little loose with definitions.

I think the point is that nobody likes to see the suffering and catching the wrong animal in the wrong trap. I would question the 80 to 90 percent wrong animal figure. I would question that because no trapper I know, whether they did it as a sportsman for recreation, whether they did it to prevent predation on livestock, or whether they did it for a living, worth his salt, who knows how to trap, has figures similar to this. There is none that I know. And we have quite a few of them in my State.

So I ask we oppose and defeat this amendment. It is taking away some of those tools that do not meet the definition. We say, if States OK it for recreation, then define recreation. We know it has a habit of spilling over into areas where, if we cannot use these traps to prevent predation, then we are again put at the mercy of predators, of which we have many.

Businesses cannot sustain those losses. Maybe no one cares whether businesses sustain themselves or not. Let's face it; they have human faces, too, in this situation. So I rise in opposition to this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am pleased to join the Senator from Montana. I want the Senate to know this amendment would seriously harm a vital sector of the rural Alaskan economy. It would injure greatly those who follow the Alaskan way of life.

We are very much involved with this amendment. What it seeks to do is end trapping in the Federal wildlife refuges. There are some exceptions in the Senator's amendment for research, conservation, facilities protection, and subsistence.

Let me point out this chart I have. There are 77 million acres of wildlife refuge in our State; 85 percent of all the wildlife refuge in the country is in Alaska.

The amendment seeks to absolutely discard the concepts of sound game management principles. As the Senator from Montana stated, the U.S. Fish and Wildlife Service, the International Association of Fish and Wildlife Agencies, which represent State fish and game managers throughout the country, have opposed the amendment because it limits the ability to manage wildlife populations scientifically. The Fish and Wildlife Service wrote me a letter on July 20 explaining the Service's opposition to the House amendment in detail. This is a very serious thing. I am disturbed when my colleague talks about recreational trapping.

The Fish and Wildlife Service recognizes that the core of its mission is wildlife management. In its letter to me, the Fish and Wildlife Service stated that:

> . . . a prohibition of specific animal restraint devices is not in the best interest of sound wildlife management.

The Department of Fish and Game of my State of Alaska also stated this amendment hinders the ability of wildlife managers to do their job. It said:

> We have consistently supported trapping as an important tool in managing the national wildlife refuge system.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA, DEPARTMENT OF
FISH AND GAME, , DIVISION OF
WILDLIFE CONSERVATION,
Juneau, AK, July 22, 1999.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I am writing to express my concern over house approved language amending the FY2000 Interior Appropriation Bill (HR2466) that restricts the use of leghold traps and neck snares on National Wildlife Refuges. I understand similar language may be introduced soon on the senate floor. If that language is introduced, I encourage you to vote no and to remove the house passed language in conference committee.

Commercial, recreational, subsistence, and nuisance animal trapping have never been classified in regulation as separate uses because pelts are acquired, traded, or sold and enter commerce through all of these uses. Therefore, it is meaningless to separate commercial and recreational activities from other types of trapping for purposes of managing the refuge system.

Trapping on National Wildlife Refuges in Alaska is important to our department because the activity helps us track furbearer populations in areas not often frequented by members of the public, especially during winter when weather can have severe impacts on animal populations. We have consistently supported trapping as an important tool in managing the National Wildlife Refuge system and the Wildlife Refuge Improvement Act of 1996 recognizes the importance of that tool.

Eighty-five percent of all lands in the National Wildlife Refuge system are in Alaska. The opportunity to trap and snare furbearers on these lands is essential to our rural culture and the lifestyle of families living in remote villages. Many people in these areas have seasonal incomes, and trapping plays a critical role in supplementing that income with cash obtained from a local resource when jobs are nonexistent. If trapping and snaring are prohibited on these refuges, the impact would be disastrous economically, as well as culturally, to the people of Alaska.

Thank you for your support.

Sincerely,

WAYNE REGELIN,
Director.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, July 20, 1999.

Hon. TED STEVENS
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the House of Representatives recently adopted an amendment by Congressman Sam Farr to the Interior Appropriations Bill (H.R. 2466) concerning trapping on National Wildlife Refuges. We anticipate that this issue may arise during Senate consideration.

The U.S. Fish and Wildlife Service opposes this amendment. We believe national legislation directing a prohibition of specific animal restraint devices is not in the best interest of sound wildlife management. The enclosed statement explains our opposition to this amendment.

We would be happy to respond to any questions or provide any further information that may be helpful as you consider this matter.

Identical letters have been sent to the Honorable Robert C. Byrd, Ranking Minority Member, Subcommittee on Interior and Related Agencies, Committee on Appropriations, United States Senate; the Honorable Slade Gorton, Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, United States Senate; the Honorable John Breaux, United States Senate; the Honorable John H. Chafee, Chairman, Committee on Environment and Public Works, United States Senate; the Honorable Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources, United States Senate; the Honorable Jeff Bingaman, Ranking Minority Member, Committee on Energy and Natural Resources, United States Senate; the Honorable Max Baucus, Ranking Minority Member, Committee on Environment and Public Works, United States Senate.

Sincerely,

JOHN ROGERS,
Director.

Mr. STEVENS. Mr. President, these agencies agree wildlife managers rely upon commercial trappers to control invasive and nuisance species, as well as normal predators. In Alaska, Federal and State wildlife managers rely on these trappers to control predators in order to maintain healthy moose and caribou herds, for instance. Moose and caribou are major subsistence species, and a ban on this trapping would harm subsistence hunters by creating more competition for subsistence resources.

Another example is the Aleutian-Canada goose. This species was listed under the Endangered Species Act after foxes were introduced on the Aleutian Islands. At first, the refuge managers tried to poison the foxes until EPA banned the poison. Then they hired local trappers to save the goose, and trappers have successfully controlled the fox population, restoring the Aleutian-Canada goose.

Our Alaska Department of Fish and Game relies upon data from trappers to track remote populations, where the agency cannot afford to have biologists, through this area that is one-fifth the size of the United States. I know proponents of the amendment argue that more humane methods are available. But the trouble is the methods cost 10 times as much and will not work, and we do not have the people to pursue those methods. A $2 snare trap works much better than a $30 conibear trap that freezes in the snow. A trapper can vary the size, location, tension, bait, scent, screening, and seasonal timing of a trap to target specific animals.

These unfortunate concepts that have been mentioned by the Senator of the birds that have been trapped—no one seeks that. I do not believe that is a normal result of trapping, particularly in our very wild country.

The amendment purports to contain a subsistence exemption. I want to explain that a little bit to the Senate. In 1980, the Congress specifically allowed those who reside in the area of wildlife refuges in Alaska to use refuge lands for subsistence hunting. Most of the trappers in our States are, in fact, subsistence hunters.

Many Native Alaskans trap for subsistence and they generate cash income from the pelts they take. This permits trapping only for subsistence, but not for the commercial side of that operation. These people are not in trapping for recreation. They are trapping not only for the food they obtain but also for the cash they derive from the trapping activities. That cash is one of the main sources of income for people who live in the rural area of Alaska.

In 1980, Congress passed the Alaska National Interest Lands Conservation Act, which added 53 million acres, in one act of Congress, to the wildlife refuge system, the National Wildlife System, on lands within our State. Among the new Federal lands added by that act were the Innoko, Kanuti, and Koyukuk; almost 9 million acres of land, the size of New Hampshire and Connecticut together. Congress specifically recognized the furbearer resources of those refuges when it passed that act which we call ANILCA.

This amendment will essentially repeal the Alaska National Interest Land Conservation Act concept of permitting trapping by prohibiting the harvesting of resources in a way that currently is recognized by law. In Alaska, licensed trappers earn about $7 million annually, mostly from marten, lynx, and beaver. It may not sound like a lot of money to Members of Congress, but within these refuges in our State lies the most poor census district in the country; that is, the Wade Hampton District in the Yukon Delta Refuge. That stretches over 22 million acres. It's the largest refuge in the United States and the largest of the 16 refuges in Alaska. It is, I would say to my friend from New Jersey, four times the size of New Jersey.

The refuge contains 42 Native Alaska villages and tens of thousands of people, mostly Natives. Like many others in Alaska, most of these people rely on subsistence lifestyle, which includes commercial trapping, as I have said.

I have received letters from a number of villages on or near refuges, including Ruby, Mountain Village, and Quinhagak. They point out to me that trapping keeps predators in check so the other game animals on which they rely will flourish. They also point out how the only nongovernment jobs available in the winter are trapping jobs and they would rather trap and sell the fur than sit idle and collect welfare checks. As a matter of fact, we in Congress have mandated they do just that; they go to work.

When we passed the welfare reform we required these people to go to work. Now this amendment would outlaw the only jobs that are available for these people in this very remote area of Alaska.

The amendment also makes a value judgment about the way these Alaskans have lived for generations. This bothers me greatly. For decades, in many cases centuries, our Alaskan Native people have lived off the land. They have been joined by a great many non-Alaskan people, by the way. The Federal law guarantees both non-Natives as well as Natives the right to a subsistence lifestyle, and to trap within these areas if they reside in the area of the refuge. When others tell Alaskan hunters, trappers, and fishermen how to manage our resources, they are literally telling them how to live their lives.

We have a great deal of respect and admiration for our wildlife, probably more than any I know. This includes trappers who, incidentally, have a very strict code of ethics. I want to have that printed in the RECORD. I am not sure many people realize these trappers have come together and put up, even before this issue arose, an ethics code.

That code encourages trappers to act humanely, to concentrate on areas with overabundant population, and to share information that they obtained with the wildlife managers. In other words, each one of them is a volunteer on a wildlife refuge to assist in the scientific management of the areas that are set aside in our State.

I ask unanimous consent that the code of ethics be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CODE OF ETHICS—A TRAPPER'S RESPONSIBILITY

1. Respect the other trapper's "grounds"—particularly brushed, maintained traplines with a history of use.
2. Check traps regularly.
3. Promote trapping methods that will reduce the possibility of catching nontarget animals.
4. Obtain landowners' permission before trapping on private property.
5. Know and use proper releasing and killing methods.
6. Develop set location methods to prevent losses.
7. Trap in the most humane way possible.
8. Dispose of animal carcasses properly.
9. Concentrate trapping in areas where animals are overabundant for the supporting habitat.
10. Promptly report the presence of diseased animals to wildlife authorities.
11. Assist landowners who are having problems with predators and other furbearers that have become a nuisance.
12. Support and help train new trappers in trapping ethics, methods and means, conservation, fur handling, and marketing.
13. Obey all trapping regulations, and support strict enforcement by reporting violations.
14. Support and promote sound furbearer management.

The Code of Ethics is reprinted from the Alaska Trappers Manual. The manual was created in a joint effort by the Alaska Trappers Association and the Alaska Department of Fish and Game.

Mr. STEVENS. Mr. President, I urge my colleagues in the Senate to respect the needs of these wildlife managers and the traditional lifestyle of our Western States, as well as to respect the basic concepts of the Alaska lifestyle.

Let me add just a few statistics before I close.

Our State has 365 million acres. As I said, we are one-fifth the size of all the lands of the United States. These 16 wildlife refuges have 77 million acres. They are more than 20 percent of Alaska. More than one-fifth of our State, which is one-fifth of the Nation, has been set aside in refuge land.

Congress specifically recognized the need for this type of harvesting of resources in the 1980 act. We believe the impact of this amendment, if adopted, would deny our Alaskan people the protection that was assured by Congress at the time this vast acreage was set aside as wildlife refuge areas.

I want to quote from a book written by a friend, John McPhee. Some people may recognize John. He wrote a book, called "Coming Into The Country," about Alaska. It was a book that received acclaim from all sides of issues pertaining to Alaska, those who agree with us as well as Alaskans who basically agree with John McPhee and his outlook.

He told a story of one woman in Alaska, and he said this:

> Ginny looks through Alaska Magazine, where her attention is arrested by letters from the Lower 48. "There was a time when man was justified in taking wildlife," she reads aloud, "for then man's survival was at stake, but that time is long gone. . . ." She slaps the magazine down on the table. "They don't understand," she says. . . ."These people who write these letters are not even rational. They say we're out to kill everything. People in the Lower 48 do not understand Alaska. . . . They wonder how Alaskans get their mail, and what they do in the winter. They can't believe anything can grow here. They're amazed we can't buy any land. They think Indians are Eskimos. They know nothing about Alaska and yet they've been manipulating us for years. We thought Statehood would put an end to that. They don't understand trapping. They don't understand the harvesting of animals."

That is the type of comment I get when I go home. People in Alaska constantly tell me: Those people you work with in the Congress just don't understand us. They have asked me to stand up and try to explain to the Senate what the Alaska lifestyle is.

That is hard for a lawyer, a person who has been here 30 years now, to continue to try to convince succeeding generations, those who have come after me, that Alaska is still that way. For the most part, Alaska is natural wilderness, and dispersed throughout that wilderness are some 700,000 people. The bulk of the people out of the cities live the Alaska lifestyle. They hunt for their food. They trap to obtain furs as well as food, but the furs give them a cash flow of income. That is supplemented by our own Alaska system of what we call a permanent fund dividend. Without the income they obtain from hunting, these people would not be able to survive.

In this area, hunting is done by trapping. If you take away the traps, they will go back to shooting them. This bill does not ban guns. What it would do is go back to the day before traps were recognized as a scientific management concept, and animals will be shot. For every time there is a miss, it is much worse than one being caught and having a leg broken in a trap because that animal is wandering off forever.

The wildlife managers have told us, if you are going to harvest these animals, the best way to do it is with these traps following the code of ethics that has been adopted by the trappers themselves, with the approval, by the way, of the wildlife managers.

I can tell you without any question that I have urged every Member of the Senate by a personal letter to vote no on this amendment. This is not the way to change the concept of scientific management of the lands that we have set aside as wildlife refuges. It is not the way to change basically the Alaska lifestyle. Eighty-five percent or more of its impact is in our State. We would be devastated if this concept is adopted. I urge this amendment be defeated.

I serve notice that I will ask for a rollcall vote on this amendment. When the time is appropriate, I will make that request.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment offered by Senator TORRICELLI. I listened carefully to the statement of my colleague from the State of Alaska. Having visited his State several times, I acknowledge they have an extraordinary situation that is unlike perhaps any other State across this Nation. I hope he will take into consideration what Senator TORRICELLI's amendment seeks to do is to really limit the use of this trap on national wildlife refuges.

I am not sure exactly how one would define a refuge, but in my way of thinking, it is akin to a shelter. It is something that has really been designed by law to provide a special kind of protection that might not otherwise be available to wildlife. That is why Senator TORRICELLI's amendment, I believe, is so appropriate because it is limited to the wildlife refuge and, secondly, it makes exceptions.

I understand what Senator STEVENS has said, that the subsistence exception would not cover commercial trapping on wildlife refuges, but I say to the Senator from Alaska, I think perhaps other forms of trapping should be used rather than this form.

I know the Senator from New Jersey is going to take the floor again and make a part of the RECORD a letter which was received after the letter quoted by the Senator from Alaska. I have a copy of it, and I will read from it. It is a letter from the Secretary of the Department of the Interior, Bruce Babbitt. It is written to the House sponsor of this legislation. It is very brief, and I will read it into the RECORD:

> Dear Mr. Farr:
>
> I am responding to your letter requesting the Department's position on your amendment relating to the use of certain kinds of traps on national wildlife refuges. The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior. After careful consideration, I can advise you that your amendment—

The Farr amendment—

> and the Torricelli amendment, which is identical, would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997. Accordingly, the Department does not take a position on your amendment.

I say to those who are following this debate, the earlier reference to a letter of July 20 was superseded by a letter on July 23 from the Secretary of the Department of the Interior who said they will not take a position on the amendment and the Torricelli and Farr amendment do not in any way impact their ability to manage wildlife refuges.

I also remind those following the debate of Senator TORRICELLI's statement that some 88 nations across the world have already banned this form of trap. Many people are critical of Senators from New Jersey and Illinois who try to make comment on the way people live in the West. My friend from Montana, Senator BURNS, occasionally calls me aside when I offer these amendments related to Montana and the West and speaks of his Midwestern friends who do not quite understand the lifestyle of the West. I will concede, by classic definition, I am from a sodbuster State. I may not understand all the things that are part of the lifestyle of the West, but I call the attention of those who are considering this amendment to statements made in the press in Western States about these steel-jawed leghold traps.

Arizona, the Arizona Republic, February 7, 1993:

> Outlawing the barbaric, needlessly cruel steel trap—a device that tortures animals to death—should no longer be a matter of serious dispute.

The Arizona Tribune, 1994:

> No need for extremists to exaggerate what happens to an animal when a trap's steel jaws slam shut on it. It's more than inhumane; it's heinous.

Colorado, October 15, 1996, the Boulder Daily Camera:

> The trapper hides the equivalent of a land mine in wildlife habitat and "harvests" whatever has the rotten luck to step in it.

From the Californian, October 8, 1998:

> Laying a trap that statistically is more likely to maim or kill an animal other than the one being hunted is wasteful, inhumane, and cruel.

The Tucson Citizen 1993, Arizona:

> Steel-jaw traps are cruel devices that subject animals—sometimes family pets—to mutilation or slow and painful death. And they pose a threat to people who use public lands for recreation. . . . Steel-jaw traps have no place in a civilized world, particularly on public lands.

Those were statements not from some bleeding heart eastern journals but from newspapers from the West—Arizona, Colorado, California—areas where I think they have even more familiarity with this than some Members of the Senate might themselves.

I have a couple photographs to demonstrate how these traps are used. You can see from this photograph that the cat has had the misfortune of coming across a steel trap and its paw has been trapped inside. From what we have been told, it might be a day or two or maybe even more before the person who set this trap comes to decide what to do with the animal that is included. I don't know if this was the target animal this trapper was looking for. My guess is that this animal will be in pain and suffering until that trapper shows up on the scene to either release it or kill it.

Here is another photograph. It appears to be a fox trapped as well. There is evidence that many of the animals that are caught in these traps, in pain, in desperation chew off their own limbs to try to escape. Of course, as they hobble around the wilderness, they may not last long either.

These are basically and fundamentally inhumane. For us to allow them in wildlife refuges, I think, is a serious mistake. The amendment by the Senator from New Jersey is a reasonable one. It allows exceptions for research, subsistence, which the Senator from Alaska has alluded to, conservation, and facility protection.

When the Senator from Montana, Mr. BURNS, told the story of those in Montana who were trying to protect their flocks of sheep from coyotes that came out of the wildlife refuge, as I understand the amendment of the Senator from New Jersey, there would be no prohibition against their setting these traps on their own property to protect their flock from these predatory animals. The Torricelli amendment alludes only to putting these traps in wildlife refuges. I think, frankly, that is a line that should be drawn and one that I support.

As I have said, Secretary Bruce Babbitt has written to the Senate indicating the Torricelli amendment would have no adverse impact on the management of the Fish and Wildlife Service on refuges. The House has approved this amendment overwhelmingly on a bipartisan basis. Eighty-eight nations and a number of States have made it clear that this barbaric device has no place in wildlife management.

I urge support for the Torricelli amendment and yield the floor.

Mrs. BOXER. Mr. President, I am pleased to cosponsor the amendment offered by Senator TORRICELLI to the Interior Appropriations Act concerning leghold traps. This is a sensible and narrowly tailored amendment that will address the misuse of tax dollars to promote cruel, commercial trapping programs on the National Wildlife Refuge System.

This amendment will prohibit the use of taxpayer funds to administer or promote the use of steel-jawed leghold traps or neck snares for commerce in fur or recreation on National Wildlife Refuges. Our amendment would not limit the ability of the U.S. Fish and Wildlife Service to manage our National Wildlife Refuges.

I am proud to say that my State of California banned the use of steel-jawed leghold traps last year when voters overwhelmingly approved a ballot initiative related to trapping. Californians recognized not only that these traps are inhumane, but also non-selective. In other words, these traps often result in the death of many animals that are not the targets of the traps.

In its 1998 Environmental Document on trapping, the California Department of Fish and Game cited several state studies showing a high number of non-target species being caught. In Colusa County, 26 target muskrats and 19 non-target animals; in Tehema County, seven target coyotes and 85 non-target animals; in San Diego County, 42 target bobcats and 91 non-target species.

Mr. President, these numbers are astonishing, and they demonstrate to us beyond a shadow of a doubt that these traps are abhorrent devices. Whether they are hunting dogs, family pets, bald eagles, deer, or other animals, there are countless untold victims of these traps. They have rightly been likened to "land mines" for wildlife, catching any animal that triggers them.

It is shocking that these traps are allowed in our country at all, especially given that 88 nations throughout the world bar their use. But it is even more horrifying to think that American tax dollars go to administer trapping programs on our nation's wildlife refuges.

I looked up the word "refuge" in the American College Dictionary. It defines refuge as (1) "a place of shelter, protection, or safety,", or (2) "anything to which one has recourse for aid, relief or escape."

It is plainly contradictory to allow the commercial killing of wildlife on places called wildlife refuges. It is worse to allow the use of barbaric traps on refuges. And it is shocking to Americans to have their hard-earned dollars finance this hoax. The Torricelli amendment goes very far to be reasonable and accommodating.

It does not bar trapping on refuges. It does not even bar steel traps or neck snares on refuges, since the amendment specifically allows these traps to be used for research, conservation, subsistence trapping, or facilities protection. It simply bars these devices for commerce or recreation.

This amendment should be adopted overwhelmingly. It makes sense. The policy of allowing the financing of such programs is contradictory and wrongheaded. It should be no surprise that fully 83 percent of Americans oppose using steel traps on refuges. Just last month, the House passed an identical amendment by an overwhelming margin. The Department of the Interior has no problem with this amendment. I urge my colleagues to join me in supporting the Torricelli amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, it is basic in this institution, indeed in our Union, that each of us, as representatives of some States, have respect for the economy, the culture, and the traditions of other States.

Indeed, this should not, and cannot, be a debate between Illinois and New Jersey against Montana and Alaska. Disproportionately, this would impact the great State of Alaska and several other Western States. Because of the gracious invitation of the Senator from Alaska, I have visited his State. I have been to Montana many times. I have enormous respect for their traditions and their cultures. It is because of that fact that this amendment was so carefully designed.

Senator BURNS has appropriately talked about the problem of ranchers and farmers who lose livestock and need to protect their own properties. The Senator from Montana need not be concerned. The management of species protection of those lands is exempt from this amendment. Private lands are exempt from this amendment.

There is no greater advocate of native peoples than Senator STEVENS. He appropriately has talked about the need for subsistence of people who live off the land. And while he has talked about the need to sell some of those species, to the extent that he is concerned about the need of people to trap for their own subsistence, he need not be concerned. That is exempt from this amendment.

Maintenance of species, dealing with predatory animals, research are all exempt from this amendment. Private lands are all exempt from this amendment.

We are talking about wildlife refuges set up by this Congress to protect species from two specific traps. The question was raised by the Senator from Montana whether or not it was accurate that 80 percent of the species caught in these traps are not the intended species. The life of the animal lost is wasted because these specific traps cannot distinguish between the fox or the mink or the coyote, whatever it is that is being hunted, and another animal. Indeed, 80 percent, upon further research, is not accurate. In 1989, a study by Tomsa and Forbes from the Fourth Eastern Wildlife Damage Control proceedings found that 11 nonintended animals were maimed or killed for every 1 that was being sought, 11 to 1.

Mr. STEVENS. Will the Senator yield?

Mr. TORRICELLI. I am happy to yield.

Mr. STEVENS. I have placed in the RECORD the statement prepared by the Fish and Wildlife Service and a letter they sent to me on July 20. In there is a statement about which I want to ask the Senator, my good friend from New Jersey, a question. It says: As background, during the period 1992 to 1996, a total of 281 refuges conducted one or more trapping programs, a total of 487 programs. Eighty-five percent of the mammal trapping programs on refuges were conducted for wildlife and facilities management reasons—85 percent. The remaining 15 percent occurred primarily to provide recreational, commercial, subsistence opportunities to the public, as portrayed by the following table.

The Senator's amendment exempts all of the 85 percent. It affects only those who are not government, those who live on the land.

I ask the Senator, what about the 85 percent of the trapping programs using the same traps that will continue to be conducted by Federal and State managers? They have the same effect as the Senator complains of concerning those that are private. Why should the Senator allow any trapping if he believes as he does? The Federal managers, State managers are not prohibited from conducting 85 percent of the trapping in the wildlife refuges. This only prohibits those of the people who live there, who reside there. Why would the Senator pick out those who earn money from trapping and say they cause more damage than the 85 percent of the trapping by Federal and State agencies?

Mr. TORRICELLI. Reclaiming my time, the Senator from Alaska cites an interesting point, but it is one that has been done to accommodate people concerned about trapping. Senator BURNS has noted the problem of maintaining stocks, of protecting ranchers. We have kept the power on these lands to use these traps by government or private citizens or scientists or universities or trappers or anybody else, if it is to manage the stocks, if it is to deal with predatory animals or research.

What is interesting about Senator STEVENS' points is, to identify the extent of what this amendment does in order to minimize the impact on ranchers, on the economy, on hunting, we are taking what in essence, by the Senator's own statement, is only 15 percent of all the activity with these traps, recognizing these traps only represent 10 or 15 percent of all trapping activity. We are dealing with 10 percent of 10 percent of trapping activity and then only on Federal wildlife lands.

Now, if the Senator from Alaska wants to offer an amendment to ban these traps on all lands and by everybody and for all purposes, I can assure the Senator from Alaska, he will have my vote. I have narrowly constructed this because I do not want to impact native peoples who are on subsistence. I do not want to interfere with predatory animals. I do not want to interfere with the management of these lands by the Government. My main purpose is to try to prohibit this for recreational purposes, only with these two traps, or other purposes where it is not necessary to protect ranchers or other legitimate objectives.

I yield to the Senator from Alaska.

Mr. STEVENS. The Senator has used the statistics for all trapping on Federal wildlife refuges in order to try to eliminate those who use them for income, those who use them to pursue a lifestyle. I say to my friend, does he think that is fair?

The wildlife managers use these traps. The statistics the Senator has cover all the programs on all of the wildlife refuges mainly, 85 percent, conducted by managers. But the Senator presumes that the damage is done by the 15 percent. Does the Senator think it is fair to say: Let's stop these people from using these traps because they harm the animals that they trap? What about the 85 percent? They catch birds. They catch foxes that eat their legs off. They catch other animals other than the targeted species. But in terms of fairness, the Senator's amendment prohibits those who live by trapping.

Trapping is a management tool. I defend the 85 percent. I don't oppose it. It is a management tool.

I wonder if the Senator knows that trapping of species such as red fox and racoons has saved the Hawaiian coot and duck and goose. They have saved some of the indigenous species that live in these refuges from the predators they trap.

The predators they trap have a value. Those skins are sold for cash. I just ask the Senator, in fairness now, why should we say those people who use traps for a living do all this damage? It is not fair, in my opinion.

Mr. TORRICELLI. First, let me repeat my offer. If the Senator would like, for the sake of fairness, to abandon this, not only by the managers of the land and recreational, but also commercial people, I would be the first to vote for his amendment. This has been narrowly construed only for commercial purposes as an accommodation to the Senator from Alaska.

Now, I believe that, as you know, overwhelmingly, trappers are not using these two traps. Overwhelmingly, they are using alternate kinds of technology that are not inhumane, are recognized internationally, and by most other States.

If, indeed, by further banning these, we can encourage others to use these traps, I would be the first to do it. It is simply my belief that people who are in this for cash business, they are trapping for furs, getting cash for their furs, we have a right to ask them to spend the extra money to get different traps that either kill the animal outright or catch it alive and unhurt so it can be released and the wrong species are not caught. I think we can put that extra burden on a person who is trapping for cash dollars to buy the different trap. The subsistence people, who are eating the game they are trapping, are exempt from this, as the Senator knows—particularly native peoples who may not be able to afford to do so, or it is in their tradition to do so. They are exempt.

So we are dealing with a minority of a minority, only on wildlife refuge lands. I think that is fair; it is narrowly construed, and mostly to accommodate the Senator from Alaska. The Senator was probably unaware of this or he would not have put the earlier statement in the RECORD, but after the letters the Senator submitted for the RECORD, Secretary Babbitt wrote to me as he did to Congressman FARR, making clear that "The letter dated July

20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior."

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, July 26, 1999.

Hon. ROBERT G. TORRICELLI,
U.S. Senate,
Washington, DC.

DEAR SENATOR TORRICELLI: I am responding to your request for the Department's position on your amendment relating to the use of certain kinds of traps on National Wildlife Refuges. The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior.

After careful consideration, I can advise you that your amendment would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997. Accordingly, the Department does not take a position on your amendment.

Sincerely,
BRUCE BABBITT.

Mr. STEVENS. I have the highest regard for the Secretary of the Interior as a Secretary of the Interior. I don't accept him, however, as a wildlife manager. I have put in the RECORD a letter from the Director of the Fish and Wildlife Service, a professional who has put over 30 years of his life into the management of wildlife refuges, and he stands by his position. The letter that I have read to you was written after the Secretary of the Interior made his statement as a political figure, and the wildlife managers stand by their position. They stand by their position that these traps are the best scientific way to manage wildlife on Federal refuges.

I really believe the Senator misinterprets my position. I want to make sure we understand each other. I support the use of these traps for wildlife management purposes, and I support the use of them for those who want to trap for income. But I say to my friend, in terms of the two types of traps that he would ban, those are traps that have been specifically approved by the wildlife managers. They are now opposed on a political level; I admit that. But what does the Senate want to do in terms of wildlife refuges? Manage for political purposes, or manage the system as the scientifically trained managers tell us is the best way to manage them?

We defend the fish and wildlife managers and the safe fish and game commissioners. I say to my good friend, I accept the fact that he is defending the political judgment of my good friend, the Secretary of the Interior. I disagree with that, and I hope the Senate does also.

Mr. TORRICELLI. As the Senator knows, I have respect for him for his extraordinary advocacy in all interests of Alaska. We simply have a difference of judgment on what is a relatively narrow matter. You have pointed out that one-fifth of Alaska is in a Federal wildlife refuge. That means in four-fifths of Alaska you can use any trap you want, any way you want, for any purpose you want. But on those lands set up as refuges—20 percent of your State—in those few lands where, by political judgment, this institution in previous years decided it wanted wildlife to have a refuge, it is basic to the concept of a refuge that we try to use, at least for the killing of animals, a technology that is understood and accepted to be relatively humane in those lands and only for these narrow purposes.

For all the concerns that you legitimately bring and Senator BURNS brings about the destruction of livestock, or culture, people who live on subsistence, they are free to do what they want, even in the refuge. If we cannot make this narrow exception here, with a letter from the Secretary of the Interior making clear the position of his Department, something endorsed by the House of Representatives, by my party and 89 members of your party, by every other industrialized nation in the world, and we alone are doing this, all I am asking—and it is overwhelmingly in the United States—if you want to use a leghold trap, though it is inhumane and rejected by the rest of the world and most of the Nation, you are free to do so under my amendment. For all these purposes, I ask that, in those few narrow lands, these two specific traps be banned for these few narrow purposes. That is our fundamental disagreement. But that is our only disagreement on that narrow point. I wanted to clarify that.

Mr. STEVENS. If the Senator will yield, I say to my friend, I have this map again to show to the Senate. Isn't it interesting that, however, the Senator's amendment affects 52 native villages in that one area, the Yukon Delta Refuge. The Senator says I can use the other four-fifths of the land of the United States. These people have no access at all. They are the lowest income people in the United States. The effect of the Senator's amendment would limit them, even under subsistence, to obtaining no more than $10,000.

I don't know if he understands that, but Federal law already limits subsistence use when it is totally for subsistence, without a commercial protection, to $10,000, in terms of barter concepts. But these people can't go to these lands that are in yellow. Those are the other lands that are not affected. The lands affected are the lands in which they live.

Congress, in 1980, gave them the right to continue their lifestyle in order that they might continue to live. They live on fish and game resources, and they sell both to obtain cash income, very limited amounts, on an individual basis. The total, altogether, is $7 million. But the total out there is something like 70,000 people. When you look at it, you are saying, oh, yes, you can use traps, just go to downtown Anchorage now and get one of those newfangled traps, the ones that the environmental people say are safe and humane, but you can't use the one that the scientific managers say are the most effective, not only to carry out the business of obtaining their food and their cash income, but to pursue our own objectives of limiting predators so we can protect other wildlife.

I have a whole list of wildlife that have been protected by these people who are subsistence hunters, who catch or trap these animals and sell the furs, but they do protect the migratory birds that come into this vast area. The areas were not set aside to protect the animals being snared. They were set aside to protect migratory waterfowl. These are not wildlife refuges to protect the red fox, or anything else. They are for migratory waterfowl. You are telling them that they cannot use these traps. As our volunteer agents, by the way, they are doing the job that it would take a thousand paid officials to do.

They are trapping the predators and selling their skins.

Mr. TORRICELLI. So our colleagues are clear on this narrow difference that we represent, two things have been said that deserve further attention.

One, if the trapping is to deal with a predator—and indeed this is part of the management of the refuge—my amendment does not affect them. They can trap.

Mr. STEVENS. Does the Senator want a permit every time they do it and have the managers say this is for management purposes only?

Mr. TORRICELLI. Allow me to finish.

If it is a predator and it is for management of the species, they are free to use any trap they want.

Second, it was appropriately pointed out if they are in the business of getting furs, they are in that cash business. My amendment would impact them. However, if they are using these traps for subsistence for their own consumption, as the Senator knows, they are also exempt from my amendment.

There is a great deal of debate on this floor for a great number of people who have no relationship to my amendment.

We are dealing with two traps, one kind of land, narrowly defined, with six exemptions. We are dealing with a fraction of a fraction of the hunting that is going on, which will still leave the United States as the only developed nation in the world that is allowing the traps to be overwhelmingly used. If we cannot take the narrow stand for the wildlife refuge, my guess is we can take no stand at all.

I yield the floor and I thank the Senator from Alaska for what has been an enlightening discussion.

Mr. STEVENS. Mr. President, I heard this morning a brilliant statement by the Senator from Hawaii to our Alaska Federation of Natives forum being conducted now.

One of the things he stated I want to repeat to the Senator from New Jersey: Subsistence is not about eating. The Senator's amendment presumes subsistence means going out and obtaining food.

Subsistence is a way of life. Subsistence is the ability to hunt, fish, trade, or barter what they get for cash in order to live. It is more than just obtaining an animal. The Senator's amendment says one can continue to trap for subsistence and I believe he means for food. He says once they sell the pelt, they are into commercial activities.

Our State fish and wildlife service recognizes that trapping for subsistence is a legitimate activity. As a matter of fact, the exception in the Federal law is for subsistence hunters. They can trap in pursuing their subsistence lifestyle.

To think they could not then sell those animals, sell the pelts, or to put them in a position where they could only do so for wildlife management purposes—which is the effect of the Senator's amendment—offends us. The people who rely on a subsistence lifestyle hunt, fish, and trap. They consume some of the fish, they consume the animals, and they sell or use the remainder of what they catch—both mammals and fish—for their native arts and crafts.

They also carry out the purposes of wildlife management because they are, in fact, trapping the predators that would destroy the migratory waterfowl—the foxes that eat the eggs, the other predators that eat the birds. The area was set aside to protect the migratory waterfowl.

The Senator is saying they cannot use traps on these wildlife refuges that were set aside to protect migratory waterfowl because these traps catch some birds. The predators they catch considerably outnumber the impact of the traps on migratory waterfowl. The Senator says they can do it if it is for wildlife management purposes. There is no agent setting traps because these people are setting traps. In effect, they carry out the purposes of the management scheme by trapping the way the managers tell them to trap. They are using the traps that have been approved by the Federal and State system.

Along comes this amendment. It makes the judgment that two of those traps are inhumane and should not be used by these people. It doesn't ban the fish and wildlife managers from using them. It doesn't ban anyone from using them. It bans the 15 percent of the people who use these traps. I don't intend to support banning anyone from using them as long as the fish and wildlife managers say this is scientifically the best way to deal with both the predator control and the objective of obtaining resources for maintaining the subsistence lifestyle of these people.

These 52 native villages, I think the Senator knows, can only be reached by air in the wintertime. For the most part they are on rivers. During the summertime, visitors can travel to the villages but during the winter trapping period, the only way to get to and from there is by air. Diesel costs $3 to $5 a gallon. And now the Senator would say they can't sell those pelts? They can still catch the animals and eat them but they can't sell them?

Those people are out there trapping simply for plain trapping purposes. That is their cash income. They are from one of the larger villages, but they have a trapline. They have a permit. They are supervised by somebody. They get approval of where they will set the traps. They get approval of the type of traps they will use. That is what the wildlife management system brought to them. They live with that. They made up the code of ethics as required by the Federal managers; they live by that. Why should the Congress of the United States tell them they cannot carry out a lifestyle that the scientific manager says is the correct way to manage those resources?

I think those who live in the East have the luxury of saying do something else. Go to the store and get another trap. That is not the case. Most of the traps are very old. They are maintained by our people. Many of them were made by them. The idea of saying they can continue trapping but go down to the store—there is not a Sears, Roebuck store nearby. You can't get the needed traps by mail order.

If you use these new traps, you can continue trapping, but you can't use the ones you have been using.

It is amazing; the Senator's amendment hits about 95 percent of the traps that are in use today on the wildlife refuges. Does the Senator know that?

I say to my friend, I could not oppose this more, not only on the basis of being the Senator from Alaska but on the basis of scientific management. As much respect as I have for the Secretary of the Interior—I was assistant to the Secretary of the Interior and the solicitor general counsel to the Interior Department in the Eisenhower administration, but in my day we relied upon scientific managers and did not reverse them for political purposes. That, I think, is what the Senator is defending, which I oppose.

Mr. TORRICELLI. Mr. President, I believe we have defined the issue appropriately and at length. That ultimately is where we now differ. The technology of trapping has clearly moved. Eighty-five percent of those who are trapping in the country are not using these traps. The largest States in the Nation have now banned these traps, as have other nations.

What remain are those few on Federal wildlife refuge lands who continue to use these two traps identified as inhumane who would admittedly, as Senator STEVENS suggested, for purposes where they are in the cash business of killing the animal and getting the fur, have to change to use other traps. If they are eating the food, they can use the same trap. If it is against predators, they can use the same trap. If they are in management for wildlife species, they can use the same trap. If they are going to sell the fur and they are in the business of making money by doing so, they are going to have to move to a more humane trap. That is as narrow as I know how to write this.

That is the issue. That is our difference. I commend it to the Senate.

I yield the floor.

Mr. STEVENS. Mr. President, I serve notice to the Senate that as the hour of 2 o'clock approaches, I will make a motion to table. I am informed that other Senators wish to make statements. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, as we work to pass Interior appropriations, of course, because this is a piece of legislation that is key to so many important areas of our States, whether they be east or west, it is also an opportunity to attempt to change what is standard law or practice or belief in many of our States. The Torricelli amendment on trapping is just that kind of amendment.

My guess is there are few Senators on the floor who have actually ever trapped. I grew up on a very rural ranch in southwestern Idaho, and at age 6 I began to run a trapline and I used legholding traps to catch coyote and bobcats. That was done largely for the purpose of raising money, but it was also to protect our domestic livestock herds in the springtime when our cows began to calve and would find themselves, oftentimes, having their baby calves harassed and killed by coyotes.

I was taught how to trap, but I was also taught an important lesson in trapping. I will not dispute in any way what the Senator from New Jersey might try to suggest is an inhumane approach, but I will suggest it can be used in a right and responsible way.

The thing I was taught by my father and by an elderly gentleman who lived on our ranch who taught me how to trap was that you check your trapline daily, so if an animal is caught, it will not suffer. Of course that is exactly what I did, and that is exactly what good trappers do throughout the West.

The reason I was allowed to do that and the reason trappers around the country are allowed today to trap when and where necessary under the appropriate circumstances is that responsibility always rested with State governments—State fish and game departments and State agencies. And because I believe, as most Senators do, that State agencies are much closer to the people and can more quickly respond to the needs of a State or a given locale, that that is where that authority to determine policy ought to be—not with a Senator from New Jersey who would not understand Idaho or any other Western State where the abundance of wildlife sometimes is such that it needs to be managed. He would not understand the State of Idaho or Montana or Wyoming or Alaska works very closely with their fish and game department to make sure laws and regulations fit the need and the desire of the area under concern.

Historically, this Government, our Government, the Federal Government, has said it is the responsibility of States to govern and manage wildlife populations. They have said it for the very reason I have just given, because a Congress and a Senate cannot really be in tune with what is necessary in Juneau, or out from Juneau in Alaska, or out from Jackson Hole in Wyoming, or out from Midvale in Idaho. They don't really understand the circumstance if there is an infestation or large buildup of coyote, a killing of domestic livestock herds, and a reason to moderate and manage that wildlife population. That is why we have allowed trapping and why States have consistently allowed it. We have constantly erred on the humane side, of being responsible in the management of our wildlife, as we should.

We have the responsibility of good stewardship. That is my job, that is every citizen's job, to be a good steward of their public land resources. But it is not our job here to try to fine tune and micromanage because some interest group comes to us and suggests this is a good and right political thing to do, because it will sell well in suburbia New York. It has no impact in New York. It has no impact whatsoever in that State. But what might sell well and be a good, warm, touchy-feely, "I care" kind of vote in New York causes all sorts of problems in a rural Western State such as mine.

That is why, again, we have tried to take the emotions out of these issues and say there are categories of responsibility on which we ought to err and on which we ought not. This is an amendment that really should not be debated on this floor. We have a U.S. Fish and Wildlife Service. They make every effort to be responsible in the effective management of our wildlife. And they, while they have broad authority, work directly with State fish and game departments. Historically, they have always had a right and proper relationship, erring on the side of the State and on the side of the area or local fish and game management experts when making the kinds of decisions that I believe arbitrarily the Senator is attempting to make with his amendment.

That is why it is interesting that after this amendment passed the House, the U.S. Fish and Wildlife Service wrote a letter to all of us saying they would not support the House amendment. It was only when the politics caught up with it that Bruce Babbitt, our Secretary of the Interior, came out and said that is not the position of the administration. The reason it has not become the position of the administration is because of a set of environmental groups that came forward and said this is our national cause and we need to make it a national cause, totally ignoring what is good policy or what is a reasonable relationship between a State government and a State agency and the Federal Government and a Federal agency.

Interestingly enough, even with the position of the Secretary of the Interior, the U.S. Fish and Wildlife Service has not changed its position. It still believes the Torricelli amendment is the wrong amendment, and the right thing to do is what they have done historically with State fish and game agencies.

What do I hear from my citizens? They want the right to trap. They accept the responsibility and they accept the regulations that the State fish and game agency would put upon them. But an outright ban is not the way to manage this, and I hope those of my colleagues who focus on this issue will cut away from the idea that this is an easy, free vote that somehow demonstrates their humaneness toward a population of wildlife.

What they ought to err on the side of is allowing their State fish and game agencies to make those determinations and allow the State agencies and the Federal U.S. Fish and Wildlife Service that kind of a relationship. I hope they will err on the side of good government instead of warm, feely, and touchy politics because that is all this is. It is a feel-good vote that ends up being pretty bad government in the end.

Sometimes, I suggest to my colleagues, it takes a little bit of strength and a little bit of backbone to stand up and say, no, this is the wrong thing to do and then be willing to go home and explain it, if you erred on the side of the State capital and the fish and game agency of that State in making the decision and you trust your State legislators because they are the closest to the people, to make sure fish and game regulations and fish and game management in their State is done in a fair and humane way. I believe it is today, and I believe it will continue to work well that way when we allow our national U.S. Fish and Wildlife Service to work closely with our State agencies, erring on the side of primacy, or primary responsibility, at the State and local level. It has worked well in the past. It will work well in the future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I move to table the Torricelli amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I believe there was an understanding that this vote would not start before 2 p.m. I ask unanimous consent that the vote start at 2 p.m. and the quorum call end automatically at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I applaud my friend, Mr. TORRICELLI, for bringing up this important amendment today.

This amendment is very simple. It prohibits the expenditure of funds to administer or promote the use of steel-jawed leghold traps or neck snares on any unit of the National Wildlife Refuge System except for research subsistence, conservation, or facilities protection.

This is a no-brainer. These traps are inhumane. They are designed to slam closed. The result is lacerations, broken bones, joint dislocations, and gangrene.

Additional injuries result as the animal struggles to free himself, sometimes chewing off a leg or breaking teeth from chewing at the metal trap.

An animal may be in a trap for several days before a trapper checks it.

The American Veterinary Medical Association, the American Animal Hospital Association, and the World Veterinary Organization have all declared leghold traps to be inhumane.

Our National Wildlife Refuges are the only category of federal land set aside for the protection and benefit of wildlife. It is inconceivable to me that, as a matter of federal policy, we allow recreational and commercial killing of wildlife on refuges with inhumane traps.

This is not even a close call. These traps are so inhumane and indiscriminate that they have been banned altogether in 88 countries. Additionally, they have been banned in four of our United States: California, Arizona, Colorado, and Massachusetts. Other states impose restrictions on them.

Let me be clear about one critical point: This amendment does NOT bar trapping on National Wildlife Refuges. Other traps, such as foot snares, conibears, and box and cage traps can be used for any purpose consistent with applicable laws and regulations on Refuges.

This amendment does not even forbid the use of steel traps or neck snares outright, although I think that would be a good idea. It just bans these two processes on National Wildlife Refuges.

As I mentioned at the outset, research, subsistence, conservation, and facilities protection uses are still allowed under this amendment.

In this day and age, there is no need to resort to inhumane methods of trapping, particularly not on those portions of our federal land that are set aside specifically for the protection and benefit of wildlife. I encourage all of my colleagues to support the Torricelli amendment.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the question is on agreeing to the motion to table amendment No. 1571.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Edwards
Enzi
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kohl
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
Mack
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—32

Akaka
Biden
Boxer
Bryan
Byrd
Cleland
Dodd
Durbin
Feinstein
Fitzgerald
Graham
Harkin
Kennedy
Kerry
Lautenberg
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith (NH)
Smith (OR)
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—4

Chafee
McCain
Moynihan
Murkowski

The motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I note the presence of the senior Senator from Illinois, who has an amendment related to grazing. My inclination is, since he is here and ready to go, he should go next.

I think it is important to inform our Members that we hope to accomplish more business during the course of the day. The particular large piece of business that we are closest to, an agreement on a collection of several amendments that do not relate to amounts of money in the bill, we hope shortly to have unanimous consent for. We are also working, of course, on a managers' amendment. Many of the amendments that have been reserved are likely to be the subject of a managers' amendment. I have discussed this matter with a number of individual Members.

I say to the Senator from Illinois, whether we will be able to get to a vote on his amendment this afternoon I am not certain. I hope we will. He has cooperated in this connection. I would like to see a couple of more votes this afternoon, but I am not sure we will. But let's begin the debate and we will see what its dynamics are and determine how far we can go.

Mr. DURBIN. Will the Senator from Washington yield?

Mr. GORTON. Certainly.

Mr. DURBIN. I am prepared to agree to a time agreement allowing 40 minutes on this amendment and a vote to follow.

Mr. GORTON. Unfortunately, I am not able to agree to even that yet. The opponents to his amendment will control that. While I will be voting with the opponents, I will not lead the debate on this. So I think we should work on a unanimous consent agreement during the course of the debate.

Mr. DURBIN. Let the RECORD show that I tried.

Mr. GORTON. It will so show.

AMENDMENT NO. 1591

(Purpose: To require the Bureau of Land Management to establish a schedule for completion of processing of expiring grazing permits and leases)

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside the pending business and to move to my amendment at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1591.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, strike lines 16 through 24 and insert the following:

"SEC. 117. PROCESSING OF GRAZING PERMITS AND LEASES.

"(a) SCHEDULE.—"

::(1) IN GENERAL.—The Bureau of Land Management shall establish and adhere to a schedule for completion of processing of all grazing permits and leases that have expired in fiscal year 1999 or which expire in fiscal years 2000 and 2001.

"(2) REQUIREMENTS.—The schedule shall provide for the completion of processing of the grazing permits and leases in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) not later than September 30, 2001.

"(b) REQUIRED RENEWAL.—Each grazing permit or lease described in subsection(a)(1) shall be deemed to be renewed until the earlier of—

"(1) September 20, 2001; or

"(2) the date on which the Bureau completes processing of the grazing permit or lease in compliance with all applicable laws.

"(c) TERMS AND CONDITIONS OF RENEWALS.—

"(1) BEFORE COMPLETION OF PROCESSING.—Renewal of a grazing permit or lease under subsection (b)(1) shall be on the same terms and conditions as provided in the expiring grazing permit or lease.

"(2) UPON COMPETITION OF PROCESSING.—Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

"(A) modify the terms and conditions of the grazing permit or lease; and

"(B) reissue the grazing permit or lease for a term not to exceed 10 years.

"(d) CONSIDERATION OF PERMIT OR LEASE TRANSFERS.—(1) During fiscal years 2000 and 2001, an application to transfer a grazing permit or lease to an otherwise, qualified applicant shall be approved on the same terms and conditions as provided in the permit or lease being transferred, for a duration no longer than the permit or lease being transferred, unless processing under all applicable laws has been completed.

"(2) Upon completion of processing, the Bureau may—

"(A) modify the terms and conditions of the grazing permit or lease; and

"(B) reissue the grazing permit or lease for a term not to exceed 10 years.

"(d) EFFECT ON OTHER AUTHORITY.—Except as specifically provided in this section, nothing in this section affects the authority of the Bureau to modify or terminate any grazing permit or lease."

Mr. DURBIN. Mr. President, this is an amendment which addresses the question of grazing on public land. If you followed the debate on the Department of Interior appropriations bill over the last few days, and the weeks when we were in session before our August recess, you would see that we have an issue primarily between the Republican side of the aisle and the Democratic side of the aisle, a question of stewardship of public land. In virtually every amendment offered from the Democratic side there has been an attempt to make certain that the public lands are protected, that the value of the public lands are protected, and that America's taxpayers, who in fact own these public lands, are not shortchanged by those who would come in and use them.

Consistently on the other side the position has been, if someone wants to take the land of America, the land belonging to all Americans, our public land, and use it for grazing, drilling, mining, or logging, that there should be few or any restrictions and, second, that they should not pay an extraordinary amount of money for the privilege of taking profit off our public land.

This has been a clash of philosophy that has been visited on every single amendment in one form or another. It is a clear difference of opinion, primarily between the Republican side of the aisle and the Democratic side of the aisle.

There are those of us on the Democratic side who understand that these public lands, first and foremost, are a legacy that we inherited from previous generations and must leave in good shape for future generations. First and foremost, that is our obligation.

Second, if the lands are to be used for a practical purpose such as deriving income from logging or mining or grazing or drilling, the taxpayers of this Nation are entitled to fair compensation from those who would use the lands for commercial purposes.

We have had a lot of arguments about various aspects. This particular amendment goes to the question of grazing. The Bureau of Land Management, BLM, is an agency within the Department of the Interior which is entrusted with an extraordinary responsibility—to administer literally millions of acres of our Nation's valuable and diverse public lands located primarily in 12 Western States, including Alaska.

The BLM has an extraordinary responsibility when it comes to land management. It manages more Federal land than any other Federal agency. This agency, BLM, oversees 40 percent of our Nation's Federal lands, roughly 264 million acres of surface land.

But acres do not really tell the story. Our Nation's public lands contain a wealth of natural, cultural, historic, and economic resources that literally belong to every American. The natural and ecological diversity of BLM-managed public lands is perhaps the greatest of any Federal agency. The BLM manages grasslands, forest lands, islands, wild rivers, high mountains, Arctic tundra, desert landscapes, and virtually the spectrum of land primarily in the western part of the United States. As a result of this diversity of habitat, many thousands of wildlife and fish species occupy these lands. These fish and wildlife species represent a wealth of recreational, natural, and economic opportunities for local communities, States, and the Nation's hunters, sportsmen, and families. So the responsibility of the BLM is not only to watch this land but to make certain that they preserve the resources given to them in the lands.

Grazing is the most extensive use of BLM lands in the lower 48. Of the roughly 179 million acres of BLM public lands outside of Alaska, grazing is allowed on almost 164 million acres, and millions of these acres also contain valuable and sensitive fish, wildlife, archeological, recreation, and wilderness values.

At the present time, BLM authorizes, through the issuance of grazing permits, approximately 17,000 livestock operators to graze on these 164 million acres of public lands. These permits and the public land grazing they allow are important to thousands of western livestock operators who literally make their living by grazing their cattle on the public lands. Many of these operators use the permits they receive from the BLM to secure bank loans that provide important financial resources for their operations.

The BLM typically issues grazing permits for a 10-year period of time. Many of the current grazing permits were issued in the late 1980s and now are starting to expire in large numbers during a 2- or 3-year period. These permits, numbering in the thousands, present the BLM with an unusually large and burdensome short-term renewal workload.

The BLM reports that they face a workload of renewing some 5,300 grazing permits which will expire in fiscal year 1999. While the BLM will be able to handle the majority of these renewals during this fiscal year, it is anticipated that 1,000 of these expiring permits will have to be held over until the next fiscal year. In addition, the number of permits due to expire in that fiscal year is greater than average. As a result, the BLM will have a fiscal year 2000 workload of approximately 3,000 permit reviews.

I raise this point because we are trying to balance, with this amendment, two or three things: First, to make sure that those who make their livelihood by grazing livestock on public lands have an opportunity to renew their permits to secure the bank loans to continue their operations in a responsible way. That is reasonable. This amendment that is offered is consistent with that, and I think it will achieve that end.

On the other side of the ledger, and equally important from a public policy viewpoint, we believe that this Federal agency, the BLM, has a responsibility to look at the permits and view the land that is being used, the public land being used by private people, to make certain it is being adequately protected, protecting America's natural resource, the millions of acres of public land that we as a nation own. How does the BLM do that?

When they reissue these permits for grazing, they take a look at the land to determine what has been the impact of the grazing: Is there too much grazing in one particular area? Are there things that need to be changed in terms of the terms and condition of the grazing to protect America's natural assets, these public lands?

Superimpose over this balance this workload I have just described. BLM now has more permits to renew than is usually the case, and there is some uncertainty among those who are asking for permits as to whether BLM can do their job in an expeditious fashion. It is my understanding that last year we extended permits by a year. We decided because of the workload that we wanted the permit holders to know they could continue to have their permits even if they had not been individually reviewed by the BLM.

My amendment says that the extension will be for 2 years or, if the BLM is able to do the review, sooner, which gives assurance to the landholder that they will have the permit and they can go to the banker and say: We have at least 2 years on this, perhaps longer.

At the same time, it says to the BLM: Don't shirk your responsibility; you are supposed to review these permits, guard America's natural assets, and make sure the public land is not exploited.

The purpose of my amendment is to strike this balance to give to the permit holders the additional 2 years and to say to the BLM: Still do your job, protect these assets, make the environmental reviews that are necessary, and open it for public hearing as required.

The on-the-ground, permit level decisionmaking that should legally accompany BLM's permit renewal process is fundamentally important to the ecologically sound, multiple-use management of our Nation's public lands. The BLM must conduct what is known as National Environment Policy Act compliance—shorthand, in Federal jargon, NEPA, National Environmental Policy

Act—and land use plan performance reviews before reauthorizing the permits.

To meet the review requirements of NEPA and other existing Federal laws and regulations and to meet the diverse demands of the American public, the BLM uses interdisciplinary teams composed of agency professionals in wildlife, range, wild horse and burro, cultural, recreation, wilderness, and other areas. The BLM also solicits public comment and relevant information from the wide array of the public interested in range management, including hunters, fishermen, and others who enjoy our public lands.

The simple fact is this: On most public land grazing allotments, all the important decisions that determine the condition of public rangeland resources are contained in the terms and conditions of the grazing permits and in the annual decision about the amount, timing, and location of livestock grazing.

These decisions determine whether streams and riparian areas will flourish or be degraded, whether the wildlife habitat will be maintained, protected, or destroyed. Public involvement in this process is essential for balanced public land management. Without the application of NEPA and related laws, the American public literally has no voice in public rangeland management.

The unusually large number of permits that need to be renewed have created a dual dilemma for the Bureau and for its many public constituents. Western livestock operators who currently hold these expiring permits are worried that delays in the Bureau's processing time may cause them to lose their permits or otherwise threaten their ability to use them to secure loans and make a living.

Conservationists meanwhile believe the Bureau ought to perform responsibly the environmental stewardship and analysis aspects of its grazing management and permit renewal activities.

It is not the ranchers' fault that such a large number of permits are expiring at once. If anyone were to blame, it would be BLM, the agency, which should have recognized this and addressed the problem sooner.

I am not certain whether we provided the resources, incidentally, so they could do that, but certainly it should have been called to the attention of Congress.

BLM has a duty to all public land users, ranchers, conservationists, and others to provide orderly and balanced management of our public land resources.

It is entirely understandable to me, being from the State of Illinois, that ranchers are concerned about the issues of security and predictability. My farmers face the same thing. Likewise, we require the BLM to wisely manage and protect our public lands for all Americans. In the face of these concerns, a balance must be struck. The good news, I submit, is that these two concerns can be handled in a mutually inclusive fashion.

The substitute language I am offering addresses the ranchers' needs for the Bureau to process grazing permits in a timely fashion and in a manner by which ranching operations and financial operations will not be needlessly disrupted.

I want to hold BLM's feet to the fire, make them do their job right. I want them to solve the backlog of expiring permits. I want them to deal in a fair and forthright way with ranchers. And I want them to apply our Nation's environmental laws so that public rangelands are protected for all to use and enjoy.

As I seek to protect ranchers from operational uncertainty due to bureaucratic delays, I also want to address the concerns raised by conservationists that the Bureau's equally necessary environmental analysis and resource protection duties move forward.

The current language in the bill, if I am not mistaken, was inserted by Senator DOMENICI of New Mexico. This language, unfortunately, provides an unnecessarily controversial, open-ended, and uncertain response to this problem. Clearly, the language in the bill, which I seek to change, is pitting conservationists against ranchers, and that is needless.

Ironically, I am concerned the language in the bill at this time, as drafted, will actually undercut both the ranchers and the conservationists. The actual permit renewal and environmental protection problem at hand is tightly defined and should be remedied with a tightly defined and effective solution.

Nevertheless, section 117 in the bill, as drafted, would apply to permits that have or will expire in "this or any fiscal year"—any fiscal year.

Consider that for a moment—not just those that would expire during the term of this appropriations bill, but any fiscal year. Given the tightly defined 2- to 3-year nature of the current issue, this section provides an open-ended timeframe that is excessive and unnecessary. Instead of responding to the current real and specific crisis, section 117 in the bill virtually writes a new policy for permits that expire in this or any fiscal year.

I think that goes way beyond what we need to accomplish in this legislation. Section 117 provides a loosely drafted, open-ended delay of application of NEPA, the environmental law, and many other laws.

Given the facts of the issue at hand and the importance of maintaining adequate environmental protections and reviews for public land management decisions, section 117 is far too sweeping in its effect. As written in the current law, section 117 would actually provide the Bureau of Land Management with an incentive to delay the application of NEPA and other laws.

Because the Senator from New Mexico does not put a time certain as to when these permits will end, putting pressure on BLM to do its job, I am afraid we are going to have literally no review, and that is not in the best long-term interest of protecting America's public lands, which is the second half of this equation that we have to balance if we are going to be fair both to ranchers and to conservationists and Americans at large.

Section 117 also undercuts meaningful opportunities for public involvement in the range management process. Because it requires the BLM to reissue permits under their current terms and conditions for an indefinite period of time, it effectively eliminates effective public input. As a result of these and other problems, the existing section 117 is adamantly opposed by a wide array of groups that include the National Wildlife Federation, Defenders of Wildlife, Natural Resources Defense Council, and the Wilderness Society.

If enacted as written, section 117 could well cause the Bureau to maintain expiring grazing permits in sort of a bureaucratic limbo indefinitely. Ranchers might find themselves holding a permit of uncertain tenure instead of ultimately receiving the clearly defined permit that would be required under my amendment. Section 117, therefore, could well create a situation that would actually harm the economic certainty of ranching operations in the West.

We need to find a workable solution. We must not give the BLM the ability to delay its important permit renewal activities indefinitely. Congress must act to place the Bureau on a schedule to accomplish its work in a timely fashion to renew the permits. We need not—we must not—create a system that sacrifices either legitimate rancher concerns or environmental protection. We have to hold the BLM's feet to the fire. We must treat public land ranchers fairly, and we must protect the environment. We do not need to sacrifice one for the other, and I fear the existing language of section 117 does just that.

My intent is to ensure that the Bureau will be able to bring the current permit renewal situation under control by the end of fiscal year 2001, 2 years from now.

Additionally, I propose we extend the tenure permits which have expired in fiscal year 1999, or will expire in fiscal year 2000 or 2001, until the end of fiscal year 2001 or until the necessary environmental analysis under NEPA and other laws is completed, whichever comes first. This says to a rancher, you know with certainty if the Durbin amendment is adopted that your permit will be extended at least to the end of fiscal year 2001, and if in the interim BLM has done its job, it could be extended longer. That gives them something to go to the bank with, that they can, in fact, secure loans and continue their ranching operations. This amendment provides the ranching community and financial institutions certainty that these permits will not lapse during reprocessing. This amendment will provide continued assurance to the American public that their lands are being protected. It provides a real solution, not a controversial stopgap approach.

I based my proposal on the permit language that Congress adopted as part of the Interior appropriations law for fiscal year 1999, as well as current House and Senate versions of this bill. My language closely resembles a solution that Congress passed as part of the 1995 rescissions bill to address a similar permit renewal problem faced by the Forest Service. In the rescissions bill, Congress placed the Forest Service on a fixed-year schedule to bring their grazing permits into compliance with NEPA. I urge my colleagues to join me in supporting this balanced approach to the management and protection of our Nation's public lands.

I understand the backlog and the workload faced by the BLM. As I said, it is extraordinary in its scope. I also understand the challenges that face the ranchers and those who depend on these permits for their livelihood. I think we have struck a balance, a balance which should give some assurance on the one hand to the ranchers about the future of their permits, and give assurance to the public and conservationists that these natural resources are being protected.

I have two illustrations of why this is a particularly important issue. These photos were taken on BLM land and give a good indication of what can happen with proper land management and what happens when it doesn't occur. Notice on the left-hand side this overgrazed riparian area, Road Canyon in southeast Utah. There is hardly anything left, sand and gravel.

On the other side is Grand Gulch, where it has been properly managed. There is a good stand of grass. This is important for many reasons. If we are going to protect these lands and make certain that we have grazing opportunities for years and years to come, we have to manage them. My farmers in the Midwest have to manage their lands every year, decide what to plant, where to plant, what to apply to make certain the land will be ready after this crop for another crop. Basically, the Bureau of Land Management has that responsibility when it comes to our public lands.

They allow these ranchers to come and graze but under terms and conditions so they can say to the American people: Next year, 10 years from now, we will have protected your assets, your resources, for your use as well as the use of future ranchers. Overgrazing has severely degraded riparian areas in Comb Wash. As a result of many years of overgrazing, much of the natural streambank vegetation has been stripped away, leaving either bare soil or undesirable plants such as snakeweed and tumbleweed that invade overgrazed areas. Because of the overgrazing, severe stream channel erosion has occurred, and water tables have dropped.

Annual grazing permits issued by BLM allow this degradation to occur. If they keep renewing the permits on an annual basis instead of stepping back from time to time and looking at the impact, you can see that, frankly, we are going to have bad results. The language in the bill, which I amend, section 117, would continue this degradation indefinitely. Once we have run these resources down to bare rock, what good is it to the ranchers? Literally, they have to be certain they have a resource to turn to in decades to come so they have some assurance of their own livelihood. It is in their best interest to protect this resource as well with reasonable permits.

When you take a look at this healthy riparian area, as illustrated in the other photo, Grand Gulch, you can see the difference. This area had, again, been arrested from grazing for 20 years. In Grand Gulch, there was a healthy streamside ecosystem. The stream channels are stable, protected from erosion by vegetation. Sound grazing management decisions by BLM would allow more riparian areas across the West to return to healthier conditions.

This has been a controversial area and is a clear illustration of why we need to have the annual review by BLM consistent with NEPA standards.

The second photo shows a similar story. The ecological condition of the Santa Maria River in western Arizona has improved dramatically as a result of permit management practices under the National Environmental Policy Act. It is important to note the BLM continues to allow grazing in this area. However, it has changed the timing of this grazing. BLM is not at war with the ranchers but trying to make sure that it manages the Nation's resources on these public lands in a responsible fashion.

As a result of environmental reviews, the grazing permits on the Santa Maria River now contain terms and conditions requiring livestock to be kept out of the riparian areas during the spring and summer growing seasons.

The Santa Maria River is a rarity: a free-flowing river in the midst of a vast, hot, low-elevation desert. The riparian corridor provides essential habitat for dozens of species of wildlife, including 15 species that are listed by Federal or State agencies as threatened, endangered, or other special status. The riparian area of the Santa Maria and its ability to support wildlife were severely degraded by many years of uncontrolled, unmanaged livestock grazing in the river corridor. The vegetation was stripped away. The water was polluted. Streambanks were trampled. Miles of riparian area were nearly as barren as the surrounding desert.

For decades, the BLM issued and renewed grazing permits to ranchers along the Santa Maria River with no terms and conditions to protect riparian areas. Even though the BLM developed a land use plan that required the river to be arrested from livestock grazing, the requirement was never incorporated in grazing permits.

It illustrates the point to be made: The existing language in the bill, which I seek to amend, extends indefinitely these grazing permits under the terms and conditions currently existing. If there is a need to step in and to protect an area such as this from being degraded and destroyed for future generations, the language of the bill does not provide for it. My amendment does. It says the permits will be extended to 2 years; if there is an intervening environmental review, even longer but under terms and conditions consistent with good environment and public input.

In the late 1980s, a portion of the Santa Maria River received an unplanned reprieve from grazing because the rancher holding the permit went bankrupt and had to sell his cattle. The result of 3 years of rest from grazing can be seen in this second photograph. It is night and day between this dry river bed and this creek, which we can see, this riparian area, which has good growth and a stand of grass.

The riparian vegetation has returned. The streambanks are starting to rebuild. The water is cleaner, as are other portions of the river. In the early 1990s, the bankrupt rancher sold out to a new rancher who wanted to restock the river corridor with cattle. The BLM proposed to transfer the grazing permit to the new rancher with no NEPA analysis, no public review. The transferred permit would have had the same terms and conditions as the old permit: year-round grazing in the riparian area with no measure to protect or restore riparian vegetation and wildlife habitat.

A number of individuals and organizations challenged the BLM decision to renew the permit without a NEPA review. As a result, grazing permits on the Santa Maria contained terms and conditions requiring that livestock be kept out of this area during spring and summer growing seasons.

If section 117 is enacted as written in the law, such permit level management changes will be much more difficult to achieve.

I see other Members wishing to speak to this amendment. I can certainly return to this debate after they have had their opportunity, but I do believe it is in the best interest of those who value these public lands as a natural resource of assets for America and those who see them as a livelihood to come together and reach a commonsense agreement.

The existing language in the bill, which I would amend, gives the ranchers the upper hand. It says: Your permit is renewed indefinitely. We may never return to the question of whether or not your grazing rights should be changed to protect this particular creek bed from becoming part of the desert. That is not in the best interest of the rancher involved, nor in the best interest of the people of the United States who literally own this land. It is another question, another environmental rider which addresses the basic philosophy I mentioned at the beginning of this debate.

There was an unusual breakdown in point of view between the Republican side of the aisle and the Democratic side of the aisle. It is hard for me, as I study history, to believe that the party of Theodore Roosevelt, which, frankly, initiated the creation of such things as the Yosemite National Park and our National Park System, would now take such a different point of view when it comes to guarding the value of these resources. It would seem to me to be bipartisan, nonpartisan, for us to agree that if these public lands are to be used, they should be used safely, responsibly, and in a way so that future generations could have that benefit.

But time and again, these environmental riders that come to us, whether they are for logging, drilling, mining, whatever it happens to be, have come to us with the suggestion that the public interest should be secondary to the private exploitation of the land. I think that is wrong. I think the balance should be struck. It is not only in the best interest of this country, it is in the best interest of everyone living in the western part of the United States. The amendment I have offered has been supported by virtually every major environmental group: The Wilderness Society, National Wildlife Federation, Natural Resources Defense Council, Trout Unlimited, Friends of the Earth, American Land Alliance, and others.

I sincerely hope my friends from the West, the Senator from New Mexico, and the Senators from Idaho and Wyoming, will look carefully at this amendment and realize that it is a positive one; it is not negative in nature. It is an attempt to resolve this in a fair and balanced way.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think we have three people who want to speak on our side. I think the Senator from Wyoming would like to speak first. I will follow with a few minutes and then Senator CRAIG will follow, and we will be finished.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Senator from New Mexico for giving leadership on this issue. We have worked together for a very long time in this area. I guess I am a little surprised and, frankly, a little offended that it would be said that people on this side of the aisle are not as careful or do not care as much about public lands as someone else.

I brought out this map I used yesterday. You can see where the Federal land holdings are in this country. Out in the West, nearly half of the land in most of our States belongs to the Federal Government, and we have taken care of it for years. I think the Senator's State of Illinois has about 2 percent. Here he is telling us how to manage public lands. I find that very difficult.

We are very intent on being the stewards of public lands. I want to tell you a little bit about open space. There has been more and more interest in open space as people move out. We have discovered that the best way to keep it is to provide an opportunity for ranchers to continue to operate. That is how you keep open space. We are trying to do that now. We want fair compensation. This has nothing to do with compensation. Let me start by reading the language that we think works. This is what is in the bill:

> Grazing permits and leases which expire or are transferred, in this or any fiscal year, shall be renewed under the same terms and conditions as contained in the expiring permit or lease until such time as the Secretary completes the process of renewing permits and leases in compliance with all applicable laws.

That is what it says, "all applicable laws," which includes the responsibility of the BLM to do this.

> Nothing in this language shall be deemed to affect the Secretary's statutory authority or the rights of the permittee or lessee.

That is the language—the language that we have studied for several years. We have been through this temporary thing the Senator from Illinois brought forth before, and we are back at it again. We think we have found an answer that would be more long term.

Let me cover a few of the things. This year, 5,364 grazing permits are up for renewal; only 2,159 have been renewed. So here we are, almost at the end of September, with people who have leases that, if not studied, will be taken off the land at the end of the month. Section 117 of S. 1292 addresses this problem by allowing the BLM more time to complete the renewal process without causing unwarranted hardship on the rancher or farmer who utilizes the public lands to make a living. Keep in mind, this is not some random thing people do. When the West was settled, we settled in and the homesteads were taken up along the water, the better lands, and these other lands were basically left there. They are simply residual lands that are managed by the BLM. They are very much attached, however, to the water and the other lands to make a ranching economic unit. So it is more than that.

Section 117 allows for the renewal of grazing permits under the same terms and conditions of expiring permits pending completion of the renewal process. BLM has to do this, and in the meantime this farmer or rancher is not penalized for something that wasn't his fault.

Permits renewed under this provision are not exempt from compliance with existing environmental laws. Permits will be issued under existing environmentally compliant land use plans. That is the way that is.

Section 117 allows for a thorough environmental review by the BLM, industry, and the public instead of an abbreviated, cursory environmental analysis, which will probably happen if the Senator has his way. The BLM cannot and will not ignore its environmental obligations due to the threat of litigation, of course.

We talked a little bit about the finances of it. One of the interesting things, of course, is that most farmers and ranchers depend on credit. Let me read you something that comes from the Farm Credit Association:

> It is no secret that providing loans for farmers and ranchers is a risky business. The security offered by section 117 in allowing a full 10-year permit will relieve some of the risks. However, the Senator from Illinois intends to make the practice even more risky by shortening the duration of permits to 1 or 2 years.

That is the Farm Credit Association talking about the opportunity to have an effective beef production operation.

There is another factor that is underlying all of these things, the Administrative Procedures Act. That allows for these things to continue if the permittee simply sends in a request and does that prior to the time of the exploration. That has been recently dealt with in the court and proved to be an effective tool. The language in this amendment, if it passes, would probably negate that. I think that would be a real problem.

So there are a lot of things involved. It sounds kind of simple. You know, we are just going to do it for 2 years and we will get this all resolved. That isn't the way it works, my friends. We have been through this before. We continue to come up each year, and we have found, through the help and leadership of the Senator from New Mexico, a long-term solution that will not change the obligation for environmental protection, will not change the obligation of the BLM, and it, in fact, will take away some of the risk from the farmer or rancher, which has nothing to do with the fact that this has been elongated.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I think Senator DURBIN, who serves on the Budget Committee, which I happen to chair, knows that on many matters I hold him in high esteem. As a matter of fact, I believe he is smiling a very gentle smile there as he sits back in his chair, and I guess he is going to listen now for a few minutes. I hope so. He would not disavow what I have just said. But he is wrong on this one. He is wrong in many ways.

First, he would have done a wonderful job if he had left out the partisan speech at the end about this side of the aisle not being as concerned as our forefathers about the environment. Second, he showed some pictures of leases where one of the leaseholds had been abused and in some way tied that to the Domenici language or to his amendment. To do that is totally without an understanding of the ongoing authority of the BLM and the Forest Service, the twin agencies who are out there on our property.

I say to the good Senator, the BLM does not find malfeasance on the part of ranchers only when they renew the lease every 10 years. As a matter of fact, they have total authority to enter upon the premise, inspect, and periodically recommend changes in the use that the rancher should make. They don't wait around until a drought year or until the 10-year permit has expired to go in and change the usage of the lessee.

You cannot use what we are trying to do to prevent a wholesale diminution of ranching properties in our States, and state that there are abuses out there that need to be fixed; let me suggest they are being fixed. Animal numbers are being changed all the time. As a matter of fact, 2 years ago they were changed regularly in my State, regularly in Arizona, and regularly in Wyoming because we were in a drought period. Federal managers would say this coming year you can't do as much because the foliage isn't so good. You wore it down pretty good last year. So we are going to cut you by 50 head or 100 head.

Ongoing management remains the prerogative of the management agency—in this case the Bureau of Land Management.

Having said that, let me also say I have been around a little while—sometimes longer than I want to admit. But the Senate ought to know that no administration before this one—Democrat or Republican—has subjected the leases of cattlemen and women and businesses to a total review under NEPA for the simple issuance of permits. The Forest Service did on a few selective ones. This administration comes along with thousands and thousands of leases out there and decides that before they are going to issue a renewal, they are going to subject it to an environmental assessment and, if necessary, a full-blown impact statement. Some of us told them that is crazy. We lost. Do you know the result? The result is this debate on this floor of the Senate because BLM can't conceivably do their work on time.

As a matter of fact, in the State of Wyoming only 15 percent of the subject leases—these leases are to families who live on the ranches and borrow money on their houses and their ranch together—only 15 percent have gone through compliance by the BLM. The BLM hasn't done its work.

Look, before we leave a wide-open opportunity to cancel these leases because the environmental assessment is not done, we have to give some latitude to these people who are subject annually to review in terms of their ranch management. We have to provide them with some flexibility and assurance from the standpoint of knowing what they own and what the bankers are going to say about the loans they have on the ranch. There is nothing new about having a loan on a ranch in Wyoming or New Mexico. You put it on the entire ranch, including the fee ownership, and the ranch house. The entire unit—it is called—is collateral for the loan.

It is a coincidence that a member of an esteemed banking institution is sitting in the Chair and happens to be from the same State as the Senator who is opposed to my approach. But I ask hypothetically, do you think a banker who had been expecting to renew a loan because there was going to be a new 10-year permit issued—it is about a year away—and the rancher comes up, and says: Hey, banker, friend, are you going to give us a loan again?

And the banker says: What does the BLM say about your permit?

The poor rancher says: Well, they have their own rule, and it says if you do not have an impact statement you can't get the permit.

But they haven't done the required work on this permit.

And the poor rancher says: Won't you lend me the money anyway?

But the banker says: No, of course not.

What Senator DOMENICI tried to do was to say it isn't a ranchers' problem that the BLM undertook such a mammoth job of environmental assessments and sometimes full-blown statements on every single lease out there in the West. BLM and the Forest Service began the process, so we can say both of the public lands management twins do this. It is not the ranchers' fault. They didn't hold up these environmental assessments.

I said to the ranching community: What would be a fair way to make sure you are not harmed by the inaction of the Bureau of Land Management?

They said: Let them extend our lease as they would have done 5 years ago, and as they would have done if they had completed their work. But let them continue with their assessment work, and when they get it done and say there are some changes that have to be made, give them the authority to make the changes that the assessment calls for.

That is essentially where we are. I understand we are in a battle in the West. We are in a battle where ranchers are looked upon by some environmental groups with very low esteem. In fact, some of the groups even say there shouldn't be any cattle grazing on public lands. They say this without any evidence it is harmful. If managed properly, grazing is not harmful. It is salutary. It is healthy. It is good for the forest lands and for Bureau of Land Management lands.

We are not talking here about rich farmers and ranchers; even though there may be some in corporate ownership.

I have five letters from New Mexicans. I want everybody to listen to the last names of these people. They live in northern New Mexico with anywhere from 100 head to 350 head. Their names are Gerald Chacon, a Hispanic American whose family has lived there for generations.

He says in this letter, "Please don't take away our security." It isn't "take away our ranch." They are saying "our security." "The bank won't lend us the money." He alludes to the fact that if it is only a 2-year opportunity to get a loan, he is not going to have a very good chance.

That is the solution of the Senator from Illinois to this problem.

From Palemon Martinez, also from northern New Mexico, a letter that just plain pleads with me to make sure their leases are not held in abeyance because the Bureau of Land Management did not do their work.

Again, I repeat for those worried about proper management, BLM has entry all year long, and management opportunities all year long. They do not need to wait around for permit renewal to say to my friend, Palemon Martinez, that he has to change his way of doing business because he is grazing too heavily or he is affecting the stream.

Alonso Gallegos from Pena Blanca, NM—the same kind of letter. Jake Vigil, and Dennis Braden, general manager for a family. They are all the same—frightened to death of what is going to happen to the security in their allotment if we don't say it is the BLM's fault for not having done the assessments.

This fellow, Jake Vigil, had nothing whatsoever to do with it. He is wide open to review. They come out there and do their assessment. He makes his comments. But they do not get it done.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: I am pleased to have the opportunity to express the serious concerns we have should the Bureau of Land Management not complete its required environmental assessments of each grazing permit.

I sincerely hope your colleagues in the senate recognize the economic and personal hardships that ranch families will face in our county.

I represent 3 families who share as an association, a BLM allotment made up mostly of BLM lands. Our contact (permit) with the US government allows for 348 head of cattle to graze from May 1 to November 1 of each year. Our winter grazing is located 70 miles away at a lower elevation with winter access. We have no alternate pasture available to us should we be removed in mid season. The permittees will be forced to suffer for something, we did not have any control over or participation in. We would be faced to sell, at depressed prices the 348 cow-calf pairs we own. Two families have loans on operating expenses and cattle to service. Markets are at the least, 140 miles from the ranch. Trucking expenses shrink on the weights of cattle and depressed prices would bankrupt us. We also have large sums of our own money currently being spent on a livestock and wildlife watering pipeline system for each pasture. Our water system and other rangeland improvements would be lost without our ability to pay for it from calf sales this fall.

Our schools and county governments rely heavily on our private property and livestock taxes to operate on. Our county, already one of the poorest in this nation depends heavily on income generated from public land resources like grazing, timber and recreation. The multiplying affect of this action to our local economies would be staggering. I am hopeful that common sense will prevail and you will be able to do what is right for our families and the land. Removing one from the other has in the past proven disastrous for our communities and for the environment.

I would invite any members of the senate to visit our homes, communities, and the public lands we care for. We are constantly troubled by one decision after the other that we are forced to face without a voice or process for our involvement. I hope all of you can help us to stay on these lands as we have for over two hundred years.

Thank you for your continued representation and help in this serious matter. Please help us to tell our story.

Sincerely,

GERALD L. CHACON,
Representing the Chacon Family and the Esperanza Grazing Association.

NORTHERN NEW MEXICO
STOCKMAN'S ASSOCIATION,
Ranchos de Taos, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: The Northern New Mexico Stockman's Association supports the language you have proposed to the FY 2000 Interior Appropriations Bill. Grazing activities on public lands should not be disrupted or interrupted. Small ranchers in Northern New Mexico cannot afford additional hardships. We stand in opposition to Senator Durbin's amendments.

We appreciate your assistance.

Thank you,

PALEMON A. MARTINEZ,
Secretary-Treasurer.

Pena Blanca, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR DOMENICI: As a permittee with the Bureau of Land Management (BLM), my family and I are in trouble. The language you successfully attached to the Interior Appropriations Bill would be a lifesaver.

My ten-year permit is up for renewal this year. Under new BLM policy, the agency says that National Environmental Policy Act (NEPA) analysis must be completed prior to my renewal. This means that this work must be done by September 30, 1999.

My permit is for 98 head, year-round. I have had it more than half a century. It was inherited from my father, who inherited it from his father. Our family grazed this land before there was a BLM. This permit makes up 50 percent of the income for my family, which includes my wife and three children, ranging in age from 13 to 16.

I was unaware that the BLM was working on my allotment until the middle of June 1999, when I received a letter giving me seven days to comment on an "Analysis, Interpretation & Evaluation" (AIE). I did not even receive the letter until the comment period had expired. Then in mid-July, I received an environmental assessment (EA) with a 15-day comment period.

Given that the EA does not meet the requirements of NEPA, it is highly likely that there will be problems with its completion. With just over 60 days to complete this process, I am in serious jeopardy. If the NEPA is not completed, what will I do with my cattle? How will I feed my family?

As you can see, the language allowing more time for the completion of the analysis is imperative to me and my family as well as hundreds of other New Mexicans in a similar position.

Thank you in advance for what you have done on this issue thus far. However, without passage of the amendment on the Senate Floor, I will lose half of my income, not to mention my heritage.

Sincerely,

ALONSO GALLEGOS.

El Rito, NM, July 28, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Washington, DC.
RE: BLM Permit Extension

DEAR SENATOR DOMENICI: I am the 4th Generation Rancher in Northern New Mexico and hope to pass it on to my sons in the future.

I urge you to keep fighting for our BLM Permit/Extension renewal. Without this permit it would be detrimental to our ranching business,since this is my only source of income.

Thank you for your support and efforts.

JAKE M. VIGIL.

EL SUEÑO DE CORAZON RANCH,
Abiquiu, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR DOMENICI: As a permittee with the Bureau of Land Management (BLM), our ranch is in trouble. The language you successfully attached to the Interior Appropriations Bill would be a lifesaver.

Our ten-year permit is up for renewal this year. Under new BLM policy, the agency says that National Environmental Policy Act (NEPA) analysis must be completed prior to renewal. This means that this work must be done by September 30, 1999.

Our permit is for 153 head of cattle for 7 months. We have had it more than 20 years. This permit is an integral part of our ranching operation.

We have been urging our BLM office to start this process for over a year.

With just over 60 days to complete this process, we are in serious jeopardy. If the NEPA is not complete, what will we do with our cattle?

As you can see, the language allowing more time for the completion of the analysis is imperative to us as well as other New Mexico ranchers in a similar position.

Thank you in advance for what you have done on this issue thus far. However, without passage of the amendment on the Senate floor, we will lose half of our income, not to mention our heritage.

Sincerely,

DENNIS BRADEN,
General Manager.

FARM CREDIT,
Albuquerque, NM.

Members of the Senate,
Washington, DC.

DEAR SENATOR: I am requesting your attention to a very serious issue before the Senate. My concern encompasses the renewal of grazing permits for a ten-year term and how my financing organization deals with those permits. Within Section 117 of the Interior Appropriations bill you will find language providing for ten-year grazing permits.

This year, over 5,000 BLM grazing permits for public lands are expiring. In New Mexico alone over 700 permits are expiring. Farm Credit Services of New Mexico currently holds loans for over 1,400 ranching and farming families totaling over $360 million. By providing these loans to the ranching and farming families in New Mexico, we therefore also support the communities in which they reside.

It is no secret that providing loans to farms and ranches is a risky business. The security offered by Section 117 in allowing the full ten-year permit will relive some of the risk. However, Senator Durbin intends to make the practice even more risky by shortening the duration of permits to one or two years. Though Senator Durbin may be well-intentioned, he is placing a lot of unnecessary and unwarranted pressure on families already suffering through a depressed agriculture economy.

Financial lenders, including myself, may not be as willing to provide the level of support as we have in the past if the grazing permit is only for a short period or if it is uncertain whether the permit will be renewed. As a lender, I do not look forward to foreclosing on a farm or ranch. We try to do everything we can before taking such a drastic measure. Nonetheless, providing loans becomes more difficult when matters out of our control such as Senator Durbin's Amendment enter the process.

I strongly urge you to resist any amendment to the existing language in Section 117. The language as it stands is very vital to the economic well being of many farming and ranching families in New Mexico and other western states. thank you for your consideration of my request.

Sincerely,

EDDIE RATLIFF,
President.

Mr. DOMENICI. The history of noncompliance by the Bureau of Land Management in getting this work done in New Mexico is miserable. In our State, we are a little ahead of Wyoming. We have 26 percent that have had their environmental assessments done. The rest aren't going to have it done before their permits expire and are exactly subject to what I have been telling the Senate on the floor.

My friend from Illinois says: Keep the pressure on the BLM. Don't take the pressure off by saying you can issue the permit. But I say you continue your assessment work, and when you have finished and find that you want to make some changes to the permit, if you must, then do it, and you have the automatic right to do it.

We are not on the floor of the Senate trying to risk the security of hundreds and hundreds of ranchers—including these people—for the purpose of keeping the heat on the Bureau of Land Management, which ought to get their own work done. As a matter of fact, there are many people who think the assessments and impact statements are very expensive, that in many cases they don't even fix the problems.

We have a NEPA law that is a couple of decades or more old. We attempt to apply it to every kind of environmental issue around. The cases it applies to with the least efficacy are ranchlands because they are small "events." We had in mind big governmental actions before we applied the NEPA laws to land.

I am not interested in putting at risk the ranchers in my State so we can keep the pressure on the Bureau of Land Management. Senator GORTON can keep the pressure on in his bill. He gives them the money. He can tell them: Do your work. That is all the pressure they need.

Frankly, this is an easy one. Sometimes it is awful hard for people who don't have public lands to understand our plight. This is easy. The only thing difficult is a whole group of organizations that don't think the rancher cares about anything. They are saying: Don't give them help with what DOMENICI wants, give them something less.

Keep the heat on; and a wonderful, nice Senator from Illinois who doesn't have any public land making their pitch for them. He is a good pitch maker. He made a good speech today. It just happens to be it is not right. It is not right.

I will have printed in the RECORD a letter of very recent origin from the president of the Farm Credit Services of New Mexico. I think the Senator from Wyoming alluded to it.

Anyone who questions whether or not the ranchers are more at risk under this 2-year extension rather than giving them their permit and letting the Bureau of Land Management do their work, this is the proof of the pudding. I was giving a hypothetical. This is the banker. This is the Farm Credit Bureau. They go out and place these loans. They say it is very hard on this 2-year proposal to get the financing for the farmers and their families in my State, Idaho, Wyoming, Colorado, and the rest.

My last observation, and I am not at all sure the senior Senator from Illinois intended this, I view the amendment as making a significant change in FLMPA, Federal Land Management bill that underlies this debate. In Arabic No. 2, his amendment says:

> Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—
>
> . . . (B) reissue the grazing permit or lease for a term not to exceed 10 years.

I think the substantive law of the land says "shall," not "may." I am not sure he wants to have "shall" or "may" in there. It shouldn't be "may." If you have done your work and the land is OK, the law is they shall issue the permit. We surely should not change that on the floor while we are trying to get the Bureau of Land Management to do their job—which they are not doing—on time. Frankly, I think they bit off more than they can chew. That is the reason. This is a big undertaking.

What we ought to have is an economic impact statement on this huge job of environmental assessments. What have we gotten out of it that is environmentally enhancing? I am not sure it would be very much. I am not asking for that today. I am merely speculating based on what I happen to feel and know.

Having said that, I want the Senate to know I have used far more time on this issue than I should. The combined time we all spent is probably more than we should have used. Some people are very pleased we are spending all of this time so they can be doing something else. But I guarantee, this is very important. These five letters from the New Mexicans that I read are multiplied across Western America hundreds and hundreds of times over.

We talk on the floor about problems people have. Many times they are less significant and less important than the problem we are addressing today. We don't need to punish a few thousand Americans living out in rural Wyoming, New Mexico, Arizona, et cetera, who are already having it very tough because of the market in cattle and the droughts that have been recurring. We don't need them worrying about what the Federal Government will do to them, when they have done nothing wrong themselves.

We don't need them worrying about their banker, who will tell them: When you know you have the permit, we will lend you the money. Isn't that what they will say? They will not say: You are a nice fellow and I loaned your grandpa and your great grandpa money on this ranch. They will say: Where is the permit? They will say: The Durbin amendment passed and we only have it for up to 2 years because we had to give the government more time to do an impact statement, which they should have already done.

I don't think we need that. If Members had the opportunity to read these five or six letters, they would get the tone. The tone is one of real fear. If we don't fix this, technically, they wouldn't have to issue any of these permits because the impact statement isn't completed—because of the government's delay—and they could say: Here are the rules; unless it is done, we will not issue permits.

I understand my friend from Idaho wants to speak.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. GORTON. Mr. President, would the Senator from Idaho yield for a moment?

Mr. CRAIG. I am happy to yield to the Senator.

Mr. GORTON. Mr. President and the Senator from Illinois, I have been informed that my comanager, the distinguished senior Senator from West Virginia, will not be available until approximately 4 o'clock. There will be a motion to table, and I strongly suspect the Senator from Illinois will desire some time to reply. The motion to table should be made not earlier than 3:45, which means there is another 20 minutes for debate. For the information of other Senators, at least, we will be likely to vote on a motion to table the Durbin amendment at or some time shortly after 3:45.

Mr. DOMENICI. Mr. President, could the chairman of the subcommittee put the last statement in the form of a unanimous consent request?

Mr. GORTON. I need to know how much time the Senators from Idaho and Illinois wish to speak in order to do that.

Mr. CRAIG. I certainly need no more than 10 minutes.

Mr. DURBIN. Ten minutes.

Mr. GORTON. I ask unanimous consent that a vote on or in relation to this amendment take place at 3:50 this afternoon, with the time between now and 3:50 equally divided between the Senator from Idaho and the Senator from Illinois.

Mr. DURBIN. If the Senator will yield, in his unanimous consent request there will be no second-degree amendments.

Mr. GORTON. And there will be no second-degree amendments.

Mr. DOMENICI. Reserving the right to object, I wonder if we could add it be in order to make the motion to table and ask for the yeas and nays at this time.

Mr. GORTON. Mr. President, I make that request.

Mr. DOMENICI. I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. I yield such time to myself as I may consume under the unanimous consent agreement.

I sat through most of the debate on this very important amendment that the senior Senator from Illinois has proposed. If I could speak to the senior Senator from Illinois for just a moment, there is a very real difference but a similar responsibility between the Senator from Idaho and the Senator from Illinois.

When I went home during the August recess, I held meetings with the agricultural community. The Senator from Illinois has a good many farmers, but there was a different kind of person in my meetings than could possibly have been in any meeting he would have. That was a public land rancher. Because the Senator from Illinois knows he doesn't have ranchers and grazers on the public lands of the State of Illinois. But the Senators from Idaho and New Mexico and the Senator from Iowa do—thousands of them. Their livelihood depends on access to the public lands and a perpetuation and a continuation of that access, to keep their ranching operations alive. The Senator from Illinois understands that. He has already expressed that as it relates to financing and banking.

What is important here—and I wish to express something that probably no one coming from a public land State would miss—is that there is a very different word, a single word in his amendment that does not exist in law today and should not be put in law. That is the word "may."

It has been the public policy of this country that, under certain conditions and in the right areas, grazing is a responsible use of our public lands and that we shall allow grazing as a right in responsible use of our public lands if the following conditions are met—the conditions of the National Environmental Policy Act and the conditions that are established by the regional advisory groups that were appointed by this Secretary of the Interior. That is the law that establishes the permanency and the relationship that the Senator from Illinois said he speaks to, but in fact he does not.

Having said all of that, the law of this public land is the National Environmental Policy Act, and from that the rules and regulations by which ranchers graze that public land are established. We have said as a Congress, and as a part of public policy, that with the renewal of those permits there should be an analysis of the condition of the rangeland that the permit is tied to. The Senator from Illinois understands that. That is within the law. But, because of costs, because of personnel, because of the time involved, not all of these permits have been able to be analyzed and therefore gain their impact statement in time for that renewal.

Is that a fault of the rancher? It is not. Is that a fault of BLM and the Federal Government? It is. Last year we extended for 1 year the right of renewal while the studies went on. But we also understand—and what Senator DOMENICI's addition to the Interior bill clearly states—after the analysis is done and the terms and conditions of the permit are established, that permit will be allowed and shall exist under those conditions to be met—not "may be" but "shall be." That is very important.

If the Senator from Illinois were truly dedicated to the continuation of grazing on public lands under these environmental conditions, then the word "may" would not be there because that is the word the financial community looks toward to see whether they ought to lend money to this rancher to continue his or her ranching operation. They could not continue that ranching operation without access to the public grazing lands. The map the Senator from Wyoming displayed is the very simple reason why.

Idaho's No. 1 agricultural commodity is cattle—not potatoes but cattle in total dollar volume sold. Mr. President, 80 percent of that amount, 80 percent of the cattle in Idaho, have to graze on public lands at some time during the year for them to exist in our State. Throwing that in jeopardy is like suggesting to the Senator from Illinois we are going to wipe Caterpillar out of Peoria or we are going to throw it in such jeopardy that the banks won't continue to finance it. But that will not happen to Caterpillar in Peoria because they are not dictated to by the Government and they are not operating under governmental regulations, except safety and all of that, but their very livelihood does not exist on a "may" or "shall" piece of language in a Federal bill.

That is what is important here. We want the environmental analysis done. We want the public lands to retain a high quality of environmental values.

The Senator from Illinois held up some pictures, one from Utah and one from Arizona. The reason he did not show Illinois is that the issue he is talking about doesn't exist in his State, so you will have to go elsewhere to find a problem, if a problem exists, if you want to debate this bill. Those problems do exist on public lands but much less than they ever have. I am extremely proud of the laws we have changed to improve the rangeland conditions in my State and in large, western public land grazing States in this Nation. We should not be throwing extraordinary roadblocks in the way. We ought to be facilitating the BLM in this area.

The BLM will not take a position. But when the Director of BLM was in my office several months ago, prior to his confirmation, he said: If you keep the general language in the bill that you had last time, we can support it. That is because they need that flexibility to go ahead to do their analysis in a right and proper way. That is what is important.

So when the Senator from Illinois says that none of these rules can apply, this locks in a standard and the BLM cannot come back and make the changes, I must say, in all due respect to my colleague from Illinois, that is not correct. The BLM does govern these lands. The BLM can make these changes. And the BLM has the right under the law to do it, even if the permit is issued. The BLM has the right to amend the permit if there is major environmental degradation going on.

So what the Senator said, and I quote him, "they could not achieve"—that was in the beginning of his statement, and at the end of his statement he said, "it would be very difficult for the BLM to achieve changes in the environmental standards allowed under the permit." The truth is, the BLM can change these standards. They can rewrite the permits if there are major grazing changes.

Another factor the Senator from Illinois would, I am sure, appreciate knowing is, when ranches are brought and sold, while I do not like what the BLM is doing at this moment, they are actually stepping in midway now and saying change some of the regulations. And right now, under this administration's regulations, anyone from the outside can step in and say: We don't like the character of the regulations because the regulations have failed to address certain needs of the land that are not consistent with the grazing permit.

Those are the realities with which we are dealing. That is why the Senator from New Mexico thought it was extremely important to offer some degree of certainty to the process. That is exactly what BLM needs because they have not done their work well. They have a huge backlog. In fiscal year 1999 there were 5,360 grazing permits and leases expiring, and, according to the

BLM's latest statistics, only 2,159 of these expiring leases—permits or leases—have been analyzed and renewed. So they have a giant task before them. We encourage them to do so. We finance them so they can.

Because I am proud of the western legacy of public land grazing, I want it done right. I want it done to assure riparian quality. I do not want our cattlemen run off the public land, the people's land, where the Congress has consistently said it is a right and proper use to graze these grasslands. It is a way to return revenue to our Government while at the same time ensuring quality wildlife habitat, water quality, and all those natural things the Senator from Illinois talks about.

Oh, yes, the Senator from Illinois has a right to talk on this issue. Absolutely he does, because these are public lands. But I have tried to discuss today the sensitivity I hope he understands is important, where these lands become a major factor in the economy of my State—not the economy of his State—where it is critically important that we maintain a high quality of grasslands to assure a high quality not only for the environment but for the very users of that environment, in this case the public land grazing in the West.

So I hope my colleagues will join me and the Senator from New Mexico and other western legislators in tabling this amendment.

We are not saying don't do the study. We are saying do it and do it right, do it properly, and make the amendments and make the changes where necessary, protect the riparian zones, make sure that all of that happens as it should. But do not put a black cloud over a third-generation ranching family who must have a relationship with that land to exist and to ensure their financing on an annualized basis.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Illinois has 11 minutes. The Senator from Idaho has 9 seconds. He will have to speak quickly.

Mr. DURBIN. I thank the Chair.

Mr. President, I know the Senator from Idaho can use those 9 seconds very effectively, as we have seen in the past.

I readily acknowledge to my colleagues from the Western States that their knowledge of the subject is greater than mine. They live in these areas. They deal with these problems on a regular basis. I have tried to make it clear with this amendment that I am not seeking to end this part of the western economy, the use of public lands for grazing purposes. I am not one of those.

Someone in the course of the debate said there are some environmental organizations so radical that they would stop grazing on public lands. That is not my position. I do not know if it is a position of any of the groups that have endorsed this amendment.

What I am trying to do is find a consistent way of protecting the privilege given to private people to use public lands for grazing while still protecting the value of those public lands.

There are several things that have been said during the debate which just baffle me. I want to at least express myself on those and invite my colleagues during the course of my comments to perhaps ask a question or make a comment if they care to.

The first is the argument that unless a rancher can go to a bank and say to the bank, I have the right to graze on this land for at least 3 years or more, that rancher cannot secure a loan for his operation. We have heard this repeatedly. My amendment would extend these permits for 2 years.

Critics of the amendment have stood up and said that is not enough; no rancher can secure the money for his ranching operation with only 2 years of certainty. Yet, isn't it odd, as we listen to the debate, that those on the other side have conceded that many of these ranchers are dealing with 10-year permits which do expire. So these ranchers have faced this time and again. There has always been the second to the last year and the last year of the permit when they had to finance their operations. This is nothing new. What we are saying is give them 2 years with certainty.

We have also heard it said that the Bureau of Land Management could step in under extraordinary circumstances and amend the terms and conditions of the permits. One of the suggestions was to reduce the number of animal units or cattle that could be grazing on a certain piece of land because of environmental concerns. I hear in that suggestion that the terms and conditions of these permits can also be changed unilaterally during the course of the permit and that these ranchers continue to do business, continue to secure loans.

Those who argue on the other side against my amendment, saying we need drop-dead certainty of 3 years or more or we cannot do business, really, I think, have in the course of their own debate put a mockery on the table when it comes to that argument. We know these permits expire, and we know they expire in short order, 1 or 2 years to go, and these ranchers stay in business, as they should.

I also suggest someone has said: We are not about the business of putting pressure on the BLM to do their job. I disagree. I believe it is our responsibility as Senators entrusted with these assets of the Nation, these public lands, to say to the Bureau of Land Management: You have a job to do here as well, not just to give a permit to a rancher but to make certain that permit is consistent with protecting public lands, and if you do not do that, we are going to be on your case, we are going to put the pressure on you.

Let me step back for a second and tell my colleagues what I think the real concern is. I think there are many who hope the BLM will not do their job. They would just as soon renew the permits, the terms and conditions, indefinitely and not take into consideration these environmental concerns. That may be their point of view; it is not one I share.

What I try to achieve by this amendment in a 2-year extension is to say to the BLM: Get your job done, too; protect the ranchers for 2 years, but get your job done, too, to make sure that permit is consistent with the environmental laws of the land. I do not think that is wrong.

Let me also add, the Senator from New Mexico has read letters into the RECORD of ranchers of humble means who write to his office concerned about their future. I have farmers in similar circumstances. I know that type of plaintive letter. I receive them in my office, and I have sympathy for men and women working hard for a living who ask those of us in Washington: Don't make anything more difficult; try to help us if you can.

Remember last year when we addressed this problem what our solution was? A 1-year extension. The Durbin amendment is a 2-year extension. I do not think this is hard-hearted or heartless on my part. In fact, it is an effort to offer twice as much in terms of certainty as was offered by this Congress last year. So say to the BLM at the same time, do your job and renew these permits in the right way.

For those who argue that I just do not understand it, I am not sympathetic, I do not have sufficient compassion for the situation, I suggest that last year a 1-year extension was considered sensible, reasonable, and compassionate. Now a 2-year extension is not. I do not follow that logic, that reasoning on the other side.

The final point I will make is this: My concern is that in this debate the environmental issue is an afterthought, it is secondary. There are many who are determined to renew permits for ranchers to continue to use public lands and care not when or if BLM meets its responsibility. I do not agree with that point of view. I think both sides have to be taken into consideration. There has to be a balance, as offered by this amendment.

For those who argue the existing language which Senator DOMENICI put in the bill preserves this environmental protection, I tell them that virtually every major environmental group in

America endorses the Durbin amendment because they understand that it puts in place a mechanism which not only gives the ranchers a new permit and extends for 2 years those that are expiring but says to the BLM: Do your job, too; you have a responsibility of stewardship as well.

That is why the environmental groups support this amendment. That is why those who vote to table this amendment are basically saying: We believe the needs and requirements of the ranchers are paramount to the needs and requirements of the American people in the future of their public lands. I disagree with that, and I hope those on both sides of the aisle will take a close look at it when it comes up for this vote.

I conclude by saying this amendment strikes a balance which is reasonable, which acknowledges that private individuals and their families and businesses can continue to use public land for grazing and can do it for 2 years if their permit is expiring but says at the same time to the BLM: Do your job; make certain that you supervise those lands in a way that we can say to future generations, those lands will be intact long after we have come and gone so the American people will realize we met our obligation of stewardship of their natural assets.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I have 9 seconds left, and I yield back all 9 seconds. I believe that will bring us to the vote, if the Senator from Illinois yields back his time.

Mr. ENZI. Mr. President, with more than 5,000 Federal grazing permits scheduled to expire in FY 1999, the Bureau of Land Management, BLM, is hard pressed to meet its September 30 deadline before hundreds of American ranchers are forced to shut down business and move off the land. This could result in local economies suffering dramatically for the BLM's inability to keep up with bureaucratic regulations.

The Senate Interior Appropriations Subcommittee has included language in this bill that would allow the BLM to complete its permit renewal process without forcing ranchers out of business.

It is important to note, that, in spite of misconceptions put forward by the other side:

1. The BLM must still comply with all Federal environmental laws and the BLM must still complete all of its environmental reviews. The cost of delays, however, will be borne by the agency and not by individual ranchers who have no control over the completion of the environmental reviews.

2. The current language does not dictate any new terms or conditions. After the BLM completes its final reviews the BLM still has the authority to update the terms and conditions of all permits.

3. The BLM still holds the authority to terminate grazing permits for unauthorized use or noncompliance.

The goals of environmental protection and economic stability are not mutually exclusive. Please help keep western livestock producers on the land while protecting the financial future of family ranches and Western economies.

I strongly urge my colleagues to support the existing language in Section 117 of the bill, and oppose this and any amendment that may adversely impact the delicate balance of sound livestock production, and the sustainability of western landscapes for wildlife habitat and other recreational opportunities.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 25 seconds.

Mr. DURBIN. I will use 25 seconds of it only to clarify one point that has been raised; that is, whether or not I used the word "may" in contravention to existing law. We object. And the language we have in the bill is consistent with the language which was passed last year by those who wanted a 1-year extension. It is consistent with the language in the House as well. So we have not changed any of the language in the bill in that regard.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent I have 2 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I say to the Senator, I am reading off a type-written amendment. If you say it is "shall," I withdraw that part.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1591. The yeas and nays have been previously ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Nickles
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—37

Akaka
Bayh
Biden
Bingaman
Boxer
Bryan
Cleland
Collins
Durbin
Edwards
Feingold
Graham
Gregg
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—5

Chafee
McCain
Moynihan
Murkowski
Roberts

The motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. THOMAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, as manager I believe that is all of the business on the Interior appropriations bill that can be completed during today's session of the Senate. We are very close on two omnibus amendments, but we still have in addition to the debate on the Hutchison amendment and a cloture vote on that amendment on Monday several other—perhaps three or four—amendments that will eventually require rollcall votes.

I regret that we haven't been able to go further today or to complete action on any of them. On the other hand, I think during the last literally 24 hours of the clock we have accomplished a great deal in connection with this bill. I hope that can be completed by the end of this Tuesday.

The PRESIDING OFFICER. The Senator from Vermont.

CONTINUING JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, today, the Department of Justice is releasing a report on the success of the National Instant Criminal Background Check System in keeping guns out of the hands of criminals. In its first seven months of operation, national background checks have stopped 100,000 felons, fugitives and other prohibited persons from getting guns from licensed firearms dealers.

Unfortunately, it doesn't extend to all of the people who sell guns.

There is a major gun show loophole. Congress has been unwilling to close that because of the opposition of the gun lobby, even though, incidentally, we passed a measure that did close that loophole several months ago in the Hatch-Leahy juvenile justice bill. Even though we closed it, we have yet to move forward on the juvenile justice conference report. It had been hoped and I think the American people hoped that we would complete the juvenile justice bill prior to school opening.

I am hoping that we can complete it prior to Christmas vacation for schools, at the rate we have been going.

I talked to a lot of gun dealers at home who say they have to obey the law, they have to fill out the forms, they have to report whether somebody tries to buy a gun illegally, and they ask why they have to compete with those who can take their station wagon to a weekend flea market and sell guns out of the back of it.

This report is more concrete evidence that Congress should extend background checks to the sales of all firearms.

I want to commend the nation's mayors and police chiefs for coming to Washington today to demand action on the juvenile justice conference.

I hope the leadership in the Senate and the House will listen to what they said. I hope the majority will hear the call of our country's local officials and law enforcement officers to act now to pass a strong and effective juvenile justice conference report.

I am one of the conferees on the juvenile justice bill. I am ready to work with Republicans and Democrats to pass a strong and effective juvenile justice conference report. I suspect most Americans, Republicans or Democrats, would like to see that. So far we have only had one meeting to resolve our differences. Even though we passed the Hatch-Leahy bill months ago, we have had only one conference meeting. In fact, that one meeting was 24 hours before we recessed for the August recess, almost guaranteeing there would be no more meetings.

We haven't concluded our work. The fact is school started without Congress finishing its work, and I think that is wrong. We have overcome technical obstacles, we have overcome threatened filibusters, but now we find that everybody talks about how we should improve the juvenile justice system and everybody decries the easy availability of guns, but nobody wants to do anything about it.

We spent 2 weeks, as I said, on the floor in May. We considered almost 50 amendments to the Senate juvenile justice bill. We made many improvements on the bill. We passed it by a huge bipartisan majority. Now I am beginning to wonder whether we were able to pass it because there was a private agreement that the bill would go nowhere.

We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others. Law enforcement officers in this country need our help.

I am concerned that we are going to lose the opportunity for a well-balanced juvenile justice bill—one that has strong support from the police, from the juvenile justice authorities, from those in the prevention community at all levels. We are going to lose this opportunity because one lobby is afraid there might be something in there they disagree with.

I come from a State that has virtually no gun laws. I also come from a State that because of its nature that has extremely little crime. But I am asked by Vermonters every day when I am home, they say: Why has this bill been delayed? Aren't you willing to stand up to a powerful lobby? My answer so far has been, no; the Congress has not.

Due to the delays in convening this conference and then its abrupt adjournment before completing its work, we knew before our August recess that the programs to enhance school safety and protect our children and families called for in this legislation would not be in place before school began.

The fact that American children are starting school without Congress finishing its work on this legislation is wrong.

We had to overcome technical obstacles and threatened filibusters to begin the juvenile justice conference. It is no secret that there are those in both bodies who would prefer no action and no conference to moving forward on the issues of juvenile violence and crime. Now that we have convened this conference, we should waste no more time to get down to business and finish our work promptly.

Those of us serving on the conference and many who are not on the conference have worked on versions of this legislation for several years now. We spent two weeks on the Senate floor in May considering almost 50 amendments to S. 254, the Senate juvenile justice bill, and making many improvements to the underlying bill. We worked hard in the Senate for a strong bipartisan juvenile justice bill, and we should take this opportunity to cut through our remaining partisan differences to make a difference in the lives of our children and families.

I appreciate that one of the most contentious issues in this conference is guns, even though sensible gun control proposals are just a small part of the comprehensive legislation we are considering. The question that the majority in Congress must answer is what are they willing to do to protect children from gun violence?

A report released two months ago on juvenile violence by the Justice Department concludes that, "data . . . indicate that guns play a major role in juvenile violence." We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others.

Law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting or for sport, but about criminals and unsupervised children.

An editorial that appeared yesterday in the Rutland Daily Herald summed up the dilemma in this juvenile justice conference for the majority:

"Republicans in Congress have tried to follow the line of the National Rifle Association. It will be interesting to see if they can hold that line when the Nation's crime fighters let them know that fighting crime also means fighting guns."

Every parent, teacher and student in this country was concerned this summer about school violence over the last two years and worried about when the next shooting may occur.

They only hope it does not happen at their school or involve their children. This is an unacceptable and intolerable situation.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

I hope we get to work soon and finish what we started in the juvenile justice conference. We are already tardy.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S.J. RES. 33

Mr. LOTT. Mr. President, in view of the urgent nature of the subject involved, since the subject will be dealt with on Friday of this week, tomorrow, I thought we needed to proceed to have some debate and hopefully even a vote with regard to the matter of the pardon of the Puerto Rican terrorists.

So I ask unanimous consent the Senate proceed to S.J. Res. 33, a joint resolution deploring the actions of President Clinton with respect to clemency for FALN terrorists, and there be 2 hours for debate to be equally divided between the two leaders. I further ask consent that no amendments be in order to the resolution and that following the use or yielding back of the debate time, the joint resolution be read a third time and the Senate proceed to a vote on passage with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, let me say this resolution was introduced last night. It was only put on the calendar today. To my knowledge, very few, if any, people have had the opportunity to read the resolution, much less give much consideration to it. So I ask unanimous consent the majority leader's consent request be modified to conform with the regular order of the Senate and provide for amendments and no limit on debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I think the Senator's point is well taken, that this has come up quickly. But there is a reason for that. This whole issue came out during the August recess period when Senators were back in their respective States. I think everybody was stunned, and shocked and somewhat in disbelief that these 12 or so terrorists—I believe it was 16 total—were going to be offered this clemency and this pardon.

We just returned to the Senate for business on Wednesday of this week. There was no earlier opportunity to introduce this resolution, and I understand clemency takes effect tomorrow, on Friday. That is why it has been handled in this way.

Having said that, I inquire of Senator DASCHLE, with those amendments, any amendment that would be offered, would they be relevant to this subject, to the question of the clemency of these terrorists, or would it be his request that any amendment would be in order affecting any subject?

Mr. DASCHLE. If I can respond to the distinguished majority leader, first, let me say that nothing, as I understand it, in this resolution—again, I have only had a cursory opportunity to look at it—would do anything with regard to the President's actions. The President is going to be able to act with or without this resolution. So the timing of the resolution has no real bearing on the President's decision.

We can adopt or reject the amendment and the resolution at any time. That is, I think, what the majority leader's intent would be, to put the Senate on record with regard to the action, not prevent the President from doing so because this resolution does not prevent him; it simply comments on what they view to be the advisability of the resolution.

But in answer to the question of the majority leader, let me say, we would want to at least give our colleagues the right to offer amendments. I am not in a position at this moment to come to agreement with regard to what the amendments might or might not be. I simply am asking that in the context of legislation and the Senate rules the regular order be followed. The regular order is that Senators can offer amendments. It does not say the regular order requires germaneness or relevancy. The regular order is Senators have a right to offer amendments.

I simply ask in my unanimous consent request that the regular order under Senate rules be allowed in this case as one would expect they would be followed traditionally.

Mr. LOTT. Mr. President, first of all, I say to Senator DASCHLE, the Democratic leader, and other Senators on both sides of the aisle, since I believe there apparently will be objection, and there will probably be a vote on this at some point, we will be glad to work on both sides.

I know there is a feeling of outrage in the country and on both sides of the political aisle about this happening. We are going to express ourselves either before or after the clemency actually takes place. I extend that invitation to work with us to see if we can develop language that can have the type of broad support that I believe there is in this country on the whole against this action. In view of the request, I have to object to that addition to the unanimous consent request.

The PRESIDING OFFICER. The Chair notes that the unanimous consent request by the minority leader is not in order. We first must dispose of the unanimous consent request of the majority leader before we can entertain an additional unanimous consent request.

Mr. LOTT. I believe under that circumstance then it goes back to the question of whether or not there is objection to my original request.

Mr. DASCHLE. Mr. President, as I understand it, the majority leader objects to my modification.

Mr. LOTT. Right.

Mr. DASCHLE. As a result of that, I object to the proposal as presented.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. LOTT. Mr. President, in light of the objection, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, this joint resolution will be eligible for Senate consideration on Friday. I will ask consent to proceed to the joint resolution on Friday, and if an objection is heard, I will move to proceed and file a cloture motion, and that cloture vote will occur at 5 p.m. on Monday. I urge my colleagues to join us in trying to work out language that can be acceptable to Senators on both sides who feel strongly about this.

Also, I notify Senators there will be no further recorded votes today or this week, but there will be stacked votes, probably three or four, at 5 o'clock on Monday next. I have notified Senator DASCHLE of that intent. I ask Senators to be sure to be here. We will not have recorded votes tomorrow. We will probably do some business, but it will not involve votes. The next votes will occur at 5 p.m. on Monday, and all Senators will be expected to be present and accounted for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CONDEMNING GRANTING OF CLEMENCY TO CONVICTED TERRORISTS

Mr. GRAMM. Mr. President, I begin by thanking the majority leader for offering the resolution condemning the President's action in granting this clemency to convicted terrorists. What I want to do is begin by reminding people about the activities conducted by the organization to which these 16 terrorists belong. I then will remind people that we are about to see history repeat itself because a President has pardoned and given clemency to Puerto Rican nationalist terrorists before. Then I will make some basic observations about how outrageous I believe the President's action is.

First, I remind my colleagues that on November 1, 1950, two terrorists who were, or at least claimed to be, promoting independence for Puerto Rico attempted to shoot and kill President Truman. One of the gunmen was killed and the other was sentenced to death but President Truman subsequently commuted the sentence to life imprisonment. On March 1, 1954, three such terrorists opened fire from the gallery of the United States' House of Representatives—in fact, there is a bullet hole in the ceiling of the gallery of the House of Representatives to this day and to this day, a bullet hole remains in the desk of the Republican leader on the House floor. Several Congressmen were wounded in the attack, one of them quite seriously. This was in 1954.

In 1979, then-President Jimmy Carter pardoned the three Puerto Rican terrorists who were involved in the House of Representatives attack and the terrorist who attempted to take the life of President Truman.

The point I want to make, and I think if you will listen to this pattern of activity you will see that we are in grave danger of history repeating itself. Several terrorists tried to kill the President; others actually shot and wounded Members of Congress; Jimmy Carter becomes President and pardons them, and I believe you will see when I go through the list of terrorist acts committed by those terrorists who are now being given clemency by President Clinton that there was a surge in such terrorist activity after the Carter pardons, when it appeared to became clear that you could actually attempt to murder the President, shoot Members of Congress, commit terrorist acts, and be pardoned by the President of the United States. In short, history is about to repeat itself.

We use clinical terms in talking about these people. But I want to go back and give first a review of history and then I want to talk about four of their acts. Then I will talk about three of their victims. I will make my point and get out of the way and let other people have an opportunity to speak.

Let me review the following facts. On Wednesday, August 11, President Clinton offered clemency to 16 terrorists who were members of the notorious FALN, Armed Forces of National Liberation, terrorist group in exchange for the simple act of agreeing not to use violence to promote their political agenda. I wonder if one looked at every felon, every murderer, every terrorist, every drug dealer in every prison in America and asked them, Would you be willing to say you won't do it again if we let you out, my guess is there would be no one left in any prison anywhere in America. That is the President's standard.

The New York Times reported on August 27 that the FBI, the Bureau of Prisons, and the U.S. attorneys in Illinois and Connecticut, flatly opposed President Clinton's offer of clemency to these terrorists.

Newsweek reported this week that some of the 16 terrorists offered clemency were captured on tape by the Bureau of Prisons discussing a return to violence upon release from prison.

The FALN carried out 130 bombings of key political and military locations throughout the United States. The number of such attacks, and their frequency, has never been rivaled by any terrorist group in the history of the United States.

The 16 terrorists who were offered clemency are serving prison sentences ranging from 15 to 105 years.

Most of the 16 terrorists were charged with seditious conspiracy and weapons possession connected to 28 bombings that occurred in northern Illinois in the late 1970s.

Despite the President's generous deal, and demonstrating a clear lack of remorse for their reign of terror and destruction, 13 of the 16 terrorists have called the President's offer of clemency "intolerable."

On Wednesday, September 8, 12 of the jailed Puerto Rican terrorists accepted President Clinton's offer of clemency.

That is a recounting of the recent events.

Let me talk about four of the crimes that were committed because, again, it is easy to talk about this act of clemency and pardon by the President, and sometimes it is hard to remember what happened.

In January of 1975, members of this terrorist group bombed a historical site in lower Manhattan and killed 4 people and injured 53 people.

In August of 1977, they bombed the Mobil Oil Corporation building on East 42nd Street in Manhattan and killed a 26-year-old young man.

On New Year's Eve in 1982, their terrorist acts accelerated; they bombed the New York City Police Headquarters, the Manhattan office of the FBI, the Metropolitan Correctional Center, and other locations, seriously injuring several New York City police officers, including Detective Richard Pastorella.

Let me tell you about him.

Detective Pastorella was blinded in both eyes. He lost all five fingers on his right hand. He is deaf in his right ear and lost 70 percent of his hearing in his left ear. He required 13 major operations on his face alone. He had 20 titanium screws used to hold his facial bones together.

Let me give you a quote from him: "You wake up with nightmares at night, cold sweats. It never leaves. It never goes away."

The second police detective who was wounded in this terrorist attack on New Year's Eve in 1982 was Anthony Senft. He underwent five operations in 1983 alone. He is blind in his right eye. He has diminished hearing in both ears. His nose, eyeball sockets, and hip have been reconstructed.

Police Officer Rocco Pascarella had his left leg amputated below the knee. He is deaf in his left ear. He lost 20 percent of his hearing in his right ear. He is legally blind in his left eye.

Let me make two other points of fact, and then I will say what I have to say.

Carmen Valentin, one of the 16 terrorists offered clemency, called the judge a terrorist when she was being sentenced and said that only the chains around her waist and wrists prevented her from doing what she would like to do; and that is, kill the judge.

Ricardo Jiminez shouted to the judge, when he was sentenced to prison, "We're going to fight . . . revolutionary justice will take care of you and everybody else!"

The worst wave of terrorist attacks in the history of America were committed by the group to which the 16 people whom the President is in the process of pardoning and letting out of jail, belong and all he asked is that they say they won't do it again.

Joe Lockhart, the White House Press Secretary, on September 8, 1999, when he was talking about the Osama bin Laden terrorist case, said: "You know, I think that our efforts to bring terrorists to justice are one of the highest priorities of the president's national security agenda."

I ask my colleagues, if bringing terrorists to justice, if deterring terrorism is one of the President's top priorities, what is he doing pardoning 16 terrorists who killed Americans on our own soil?

When we are facing, as our greatest national security crisis in the world, terrorist acts, when we are threatened with terrorism in our homes and in our cities and in our businesses, in our capital, in the Capitol Building, in our embassies, when we are trying to deter terrorist acts, what is the President of the United States doing pardoning people who have committed such acts?

I think I know what he is doing. I think he is playing New York politics. We have offered a resolution condemning this action by the President.

I wonder, if the First Lady were a Senator, if she would cosponsor this resolution. I wonder if our Vice President, who is running for President, supports the President's policy. I wonder if he would support this resolution.

But I say I think it is an absolute outrage, at the very moment when we face terrorist attacks and threats to our embassies all over the world, when we face the very real threat of terrorism in the heartland of America, at the very moment when our No. 1 national security problem in the world is terrorism, we have the President of the United States pardoning terrorists who are reported to have no remorse about the acts they have taken, and at least some evidence is available that they have said they will commit these acts again if they are freed.

As I have said earlier, I do not know what kind of standard it is, saying you are sorry and you won't do it again. By that standard, we would release every criminal in every prison in America.

But I believe Congress should go on record. Let me also say that if we could overturn the President's decision, I would be in favor of doing it. The President has the right to pardon under the Constitution. We have no powers, as far as I am aware, to overturn that decision. But if we could, I would offer an amendment to do it.

Let me say to the minority leader, it is true that this resolution was just introduced last night. But there is hardly anything startling in this resolution. Basically, this resolution says that we deplore what the President has done. You either deplore it or you do not deplore it. So I think we can engage in these parliamentary gimmicks for a while, but I think eventually people are going to understand.

I say, as one Member of the Senate, we are going to vote on this resolution or we are going to vote on a cloture motion related to it. We are going to have Senators on record. I think people have a right to know whether you think it is a good idea for the President of the United States to be pardoning terrorists who have killed Americans. I think this is a very serious matter.

It is a very serious matter, not because it has to do with New York politics, not because we have gotten into this absurd charade where the President clearly undertakes this action to respond to a political constituency in New York only to see it backfire—the First Lady is opposed to it unless they say they are sorry and they won't do it again—I think that is, to a large extent, beside the point. The real point is, at a time when the greatest threat we face to national security is terrorism, what are we doing pardoning terrorists?

I conclude by asking my colleagues, do we never learn anything? When we had terrorists promoting with violence and attempted murder exactly the same cause of the terrorists that the President is pardoning today, when we had terrorists with the same goal shoot Members of Congress in 1954 and try to kill President Truman in 1950, and when we see Jimmy Carter as President in 1979, pardon those terrorists. What happened in the 1970s and 1980s? New members of the terrorist group committed acts of violence in the same name to promote the same objective. We have a process. If people in Puerto Rico want to be an independent nation, let them choose to do it. But let's not use violence to promote an objective. I think civilization breaks down when we allow that to happen.

We saw terrorist acts in 1950 and 1954. Jimmy Carter came into office, pardoned the terrorists in 1979, and you have heard me describe some of the terrorist acts that took place in the early 1980s, and now we are about to repeat, in my opinion, the same sad history. I think this is a bad idea. I think it is wrong. I am opposed to it. I think it is outrageous. I think the President ought to be ashamed of it. I think the American people need to hold him accountable. I think the American people have a right to know who finds the President's act deplorable.

I do. I want people to know it. I think our colleagues ought to be on record, and they will be as a result of this resolution.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I join with the Senators from Georgia and Texas and the majority leader, TRENT LOTT, in expressing my very deep concern about what I consider to be one of the greatest miscarriages of justice I have seen in our country.

When the President of the United States chose to pardon these 16 terrorists, he did an act which I can only conclude is based on political reasons and not on merit, and in doing so, he has damaged the credibility of the Department of Justice, a Department of this Government I dearly love, at which I spent 15 years and have some real appreciation for and have some understanding about how it works. Equal justice under law is a cornerstone of our Government. It is on our Supreme Court building right across the street, chiseled into the marble of that building, "Equal Justice Under Law."

Before we go into the details of this matter, I suggest that there are a million or more Americans in jail at this very moment. As a Federal prosecutor, part of the Department of Justice, and U.S. attorney, I had the responsibility to preside over cases in which young men and women involved, maybe for the first time, with large amounts of cocaine and marijuana received very severe sentences for their offenses—15 years, 20 years, life without parole for people as young as 25 years of age. I have seen that in Federal court under the laws this Congress has passed for serious drug offenses.

Now, there are other criminal offenses in this country, and every one of those individuals has some excuse for what they did. They have some basis to claim they didn't mean it or they have changed or they have turned over a new leaf.

In 1893, the President of the United States issued a document, an Executive order, that transferred the investigatory power over clemency and pardons to the Department of Justice, a logical step. The country was growing and he had no ability to investigate these cases. So an office in the Department of Justice exists, known as the pardon attorney, and it is the responsibility of that office to investigate these matters.

Let me read to you from the current Department of Justice manual. They call it the United States Attorney's Manual. It says this when it talks about the pardon attorney:

> The pardon attorney, under the direction of the associate Attorney General, receives and reviews all petitions for executive clemency—which is what we have here—
>
> which includes pardon after completion of the sentence, the commutation of sentence, remission of fine and reprieve, initiates necessary investigation, and prepares the Department's recommendation to the President.

Now, fundamentally, that is a logical requirement. The Constitution flatly gives unreviewable power to the President to pardon anyone for an offense against the United States as he so chooses. They have set up this procedure to make sure we have some sort of order and consistency, but the President ultimately has the power. I understand he has only done a few commutations —maybe as few as four—in recent years. At any rate, that is an unreviewable power. To the extent to which he does it, we don't legally have the power to stop it in this body. We might as well accept that.

But when the President of the United States takes a power given to him by the Constitution and he abuses it and he denigrates the orderly procedures of justice, when he elevates terrorists over other people who may well deserve pardons much more, or having their sentence cut much more, he has abused his power and abused his office, and it is the duty and responsibility of this Congress to do the only thing we can, and that is to adopt a resolution that speaks clearly that we don't accept it, don't agree with it, and we deplore it. So I salute the Senator from Georgia for preparing that resolution and presenting it and bringing it forward this day.

There are thousands of people in Federal prisons today—thousands of them, tens of thousands, hundreds of thousands—who are more deserving of a commutation of their sentence, or a pardon, than these defendants in this case. There is no doubt about it.

I am quite confident, and I would be shocked if the pardon attorney who is required to do an evaluation of this approved and recommended that the President make these clemency actions. I just would be amazed if that happened. If they did, that pardon attorney needs to come before the Congress for hearings in this body and explain why they chose to have these terrorists' sentences cut and not someone else. If the person did recommend that, I don't see how they are fit to remain in office. I don't see how they can look in the eyes of the mothers and fathers, as I have, of people in prison who are asking for a break on their sentences, and you tell them no, no, no, no, no—and then you give a break to these people. It is a fundamental question of justice that is so deep that a lot of people don't understand it. But we must exercise the pardon and clemency powers in this country effectively, fairly, and judiciously. The President has not done that in this case.

I wanted to share with the Members of this body a letter to the Wall Street Journal from just a couple of days ago, written by Deborah A. Devaney, former assistant U.S. attorney. I once was an assistant U.S. attorney. I supervised some of the finest assistant U.S. attorneys this country has ever produced for

12 years as U.S. attorney. I want to read what she said about this case. It chills my spine. This is clearly what this is about. Make no mistake about it, when Deborah Devaney and her cohorts were prosecuting these terrorists, you better believe when they came home at night and talked to their families about it, they talked about their own personal safety because these were terrorists, murderers, who suggested they would kill the judge if they had a chance to do so. This was a courageous prosecution, and this person deserves to be heard on this subject. This is what she said:

> As one of the FALN prosecutors, I know too much. I know the chilling evidence that convicted the petitioners—the violence and vehemence with which they conspired to wage war on all of us.

I am quoting her exact words:

> I know, too, the commitment and sacrifice it took the FBI and the U.S. Attorney's Office to convict these terrorists in three separate prosecutions.
>
> In the first prosecution, some of the petitioners were captured in the back of a van loaded with weapons to be used to commit armed robberies to fund the FALN operations.

Now, we have a President who is always talking about some new gun law to apply to some innocent American citizen. Here we have people with a van full of weapons designed to conduct armed robberies to get money to create bombs to kill American citizens, and he cuts their sentences.

> In the second prosecution, three of the petitioners were caught on videotape in safehouses—

That is where they thought they had a safe house—

> making bombs that they planned to plant at military installations.

So they had a house set aside to make bombs to blow up a military installation, and the FBI penetrated it, apparently, and videotaped it. Now, I will tell you, there are a lot of people in the Federal penitentiary today who deserve clemency a lot more than these, but only four others have gotten it since this President has been in office, apparently. She goes on to note:

> Through determination and luck, the FBI was able to obtain search warrants allowing them to surreptitiously disarm those bombs at night.

They went in the place and disarmed the bombs as part of the undercover effort.

> In the third prosecution, the imprisoned leader of the FALN, (whose sentence President Clinton has drastically reduced) led a conspiracy of cooperating radical groups to obtain C-4 explosives to be used to free him from Leavenworth Penitentiary —

He was already in jail and they were going to free him—

> and to wage war on the American people. Most of the petitioners were convicted of seditious conspiracy, a prosecution reserved for the most serious conspiracies, that of opposing by force the authority of the United States.
>
> Yet the President has seen fit to reward these conspirators simply because they were unsuccessful in their murderous attempts.

Well, he said, "I pardon them because nobody was hurt." Now you know why nobody was hurt by this bunch. It was because they were caught in the act before they completed their crime. They were caught with a van load of guns to commit robberies, apparently, before they were able to commit the robberies.

They penetrated the bombmaking enterprise and caught them before they could make the bombs. Morally they are as responsible as if they had been able to carry out their intentions. There is no basis to suggest they deserve a lesser punishment or should be relieved of the just sentence that was imposed on them by a Federal judge and had it affirmed by the courts of appeals in full appellate review.

It goes on to note that when the news of the clemency petition broke, the White House spun the tale that Mr. Clinton was freeing only those who harmed no one. A few dedicated agents are the only people who stood in their way.

That is what Ms. Devaney says. Only a few dedicated agents were there, or they would have harmed someone at the risk of their very lives, I submit to you. The conspirators, she says, made every effort to murder and to maim. It is no small irony that they should be freed under the guise of humanitarianism.

Then she goes on.

Since the granting of the clemency petition, we have been subjected to the spectacle of convicted terrorists objecting to the conditions precedent to their release.

Isn't that a spectacle? Isn't she correct about that? He has given them a pardon—letting them out of jail. And now they are not happy because he asked them not to do violence in the future. That is too much of a burden on them, they say.

That is really an embarrassment to this Nation. This Nation is a great nation. The Presidency of the United States is an august office of power and prestige, and the President needs to exercise that power carefully. The world will be laughing at us over this. The world is laughing at this.

We ought not to be. We ought to be outraged.

Contrast those protestations, she says, with a poignant message of the Connors whose lives were forever diminished by the political murder of their father. There is little anyone can say to give solace, but I would like the Connor family to know that there were those who cared about the victims and fought for them, Ms. Devaney—and those FBI agents—being one of them who fought for them and who believed these crimes were the precursors to heightened domestic terrorism, and who tried very hard to protect the American people.

In fact, I will add that this series of prosecutions and tough sentences that were imposed by a courageous Federal judge broke the back of these terrorist acts. We have a safer country today because of it and because of the courage of the people who brought these cases successfully.

Then she finished. All of America ought to hear this. This is her last line.

> I would like the Connor family to know that the American justice system did not fail them. The President did.

This is a real serious issue. Justice in this country is extremely important. Out of all the people who are in jail today—all over America in Federal jails, many of them convicted and serving long sentences, some of them might deserve a sentence to be cut every now and then. For some of them maybe their offenses were not so serious that a pardon after some period of time in private life living a good life would be justified.

I have supported, in 15 years as a Federal prosecutor, two or three pardons for people who I believe justified it. These were pardons after they had served their time—not letting them out of jail before their time was over—after they had led a good life for a number of years, and only after I thought, after fully evaluating their case, that the offenses were not so serious that a pardon would be improper. Many of those offenses may have been technical offenses, paperwork offenses, or things that were less serious.

But to take a terrorist, a person with a truckload of guns, C-4 explosives, and plans to blow up military bases, and give them a pardon over everybody else in the prison system in America—that doesn't make sense to me. There is something afoot here.

I think it is important that the First Lady rejected this after the storm blew up. I think we need to know where the Vice President stands on this and what his views are on this. The President has apparently acted. I hope it is not too late for him to change his mind. But if it has been done, it has been done. It is his power. He can do it. And we can't do anything about it.

Let me show you what the Department of Justice U.S. Attorneys Manual, section 1-2.108 under the Office of the Pardon Attorney rubric notes about how you determine who deserves clemency.

With respect to commutation of sentence—that is what we are talking about here—appropriate grounds for considering clemency include disparity of sentence. Have they received a lot more sentence than somebody else of the same offense? A terminal illness—we don't have that here—and meritorious service on the part of the petitioner in some fashion.

Pardons after completion of the sentence usually are granted on the demonstration of good conduct for a significant period of time after release from confinement.

The seriousness of the offense, it goes on to say, are factors that should be considered in whether to grant clemency.

I think we have a number of things that we need to know about. I hope the Senator from Georgia will be having some hearings about it. We need to know. What did the Attorney General do? Did she recommend for or against this?

Frankly, I cannot imagine the Attorney General recommending these pardons. I am going to be shocked if she recommended it.

We need to know whether the pardon attorney recommended them or not. He has a duty in this case. Did they even bypass him?

You will notice one other thing that is most unusual about how this process was conducted. Here it is in the Code of Federal Regulations—referring to the same subject—petitions and recommendations: Executive clemency, says the Attorney General, shall review each petition and all pertinent information developed through the investigation.

It says "shall review each petition."

Is there a petition in this case? From what we have seen in the papers, there was not. These people never even asked for a pardon. They never even petitioned for a pardon to set forth why they are entitled to one.

According to the U.S. attorney's manual, the petition initiates a background investigation to see if it is worthwhile to go forward.

That, again, is an extraordinary event—the President pardoning 16 convicted terrorists sentenced to a very long time in prison who have not even petitioned for it.

I can't imagine that. That is beyond my comprehension. It is a threat and a diminishment to the rule of law in this country. It is an embarrassment to the justice system of our country.

I hope we will continue to look into it. We will find out what basis there was for it. We know the FBI opposed this clemency. We know the Federal Bureau of Prisons opposed it. Indeed, the Federal Bureau of Prisons, it is reported, have audio records indicating that some of these 16 have vowed to resume violent activities—recordings made while they were still in prison. And he has pardoned these people?

That is beyond my comprehension.

Mr. President, I hope that we will proceed with it carefully. It is not a matter that is insignificant. If this is what we call politicizing justice in America, it is sad, and we need to know if that is true. We need to stand up as a nation and as a Senate, reject it, and say we will not condone politics when it comes to justice; we will not do so; we will protect the lives of Americans; we will validate the personal risk this young prosecutor and those FBI agents expended in order to apprehend these criminals and the risk and damage and suffering of the victims throughout the procedure. I hope we can do that, get to the bottom of it, and that the truth will come out.

To pardon somebody is so serious, if I were the pardon attorney of the United States and I recommended against these pardons, and then the President of the United States pardoned them, I don't believe I could continue to serve in that administration. I believe I would submit my resignation.

Every year there are thousands of requests for pardon and clemency. A lot of them are so much more deserving of this. And the President comes along, for some unknown reason to me as pardon attorney, and grants these pardons to terrorists, and I am supposed to forget that and continue to deny every day young men and women who have served sentences who are so much more deserving of a pardon. What kind of justice system is that? What kind of right and wrong is that?

I say to the pardon attorney who is presidentially appointed and confirmed by this Congress: We want to know your position on this. This goes for the Attorney General. We want to know what the Attorney General's recommendation was on this before it got to the President.

As someone who loves justice and the legal system of America, as someone who cares about its faithful execution and the laws being fairly and objectively enforced, equal justice under law, I believe we have to talk about this. We cannot let this slide.

I congratulate the Senator from Georgia. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I commend both the Senator from Alabama and the Senator from Texas who preceded him on their remarks regarding this subject.

I am particularly taken with the personal experience the Senator from Alabama brings to this as a former prosecutor. He raises a point in conjunction with the exchange that occurred between the majority and minority leader about the timeliness of this. The minority leader suggested we can't really affect the President's decision—that is correct—and therefore we are under no mandate to speak hurriedly—wrong.

The Senator from Alabama talked about the duty and the honor of the law enforcement officials who put their lives on the line to stop this terrorist activity. He alluded to victims, two sons who lost their father in the tavern in New York.

The Senator from Alabama is making the case that there must be a voice in our Government that says to these people and the world that this divergence from policy about how the United States handles terrorism is not universally accepted here. In fact, there is massive objection. It is setting the record straight. Because of the speed with which the President has proceeded with this, a speed must occur that responds to it. There is no terrorist in the world, no law enforcement official, no living victim who does not understand what U.S. policy is with regard to terrorism, even if there is confusion in the White House.

The U.S. State Department has a report entitled "Patterns of Global Terrorism in 1998" which is exceedingly pertinent to this discussion. Before I read from this paragraph, terrorism is now a component of strategic warfare. It is not a passing fad as we might have thought in the 1980s. It is a permanent tool of forces throughout the world that would destabilize large free societies such as the United States. It is here. It will become even more perfected. Therefore, this issue requires massive attention of our Government.

The introduction to this chapter reads:

> The cowardly and deadly bombings of the U.S. Embassies in Kenya and Tanzania in August of 1998 [just a year ago] were powerful reminders that the threat of international terrorism still confronts the world.

This is our State Department telling all Americans that this issue is dynamic, it is large, and we had better be paying attention.

It goes on to list the number of casualties and wounded. It says:

> It is essential that all law-abiding nations [the rule of law to the Senator from Alabama] redouble their efforts to contain this global threat and save lives.

That is a correct statement coming from our State Department in this administration.

It says:

> The United States is engaged in a long-term effort against international terrorism. [These are international terrorists we are talking about.] To protect lives and to hold terrorists accountable we will use the full range of tools at our disposal, including diplomacy backed by the use of force when necessary as well as law enforcement and economic measures.

In other words, no stone unturned in terms of recognizing the threat of terrorism to the United States and to the free world and our resolve to contain it.

Obviously, this clemency is a contradiction with policy. It is incongruous. It is illogical.

Let me go on to the summary of the policy:

> The United States has developed a counterterrorism policy that has served us well over the years [Republican and Democrat administrations] and was advanced aggressively during 1998.
>
> First, make no concessions to terrorists and strike no deals.

I repeat the one sentence: "Make no concessions to terrorists and strike no deals."

> Second, bring terrorists to justice for their crimes.

Now, a tortured editorial in the New York Times endeavors to give some credence to this action, although they say it is a bit difficult. The President has been totally silent. He has not defended his actions. He hasn't given reasons for them. He is just quiet, so it makes it a little complicated here.

They say in closing:

> At a time when the United States must be vigilant against terrorism [that is certainly true] all over the world, the administration cannot afford mixed signals about its tolerance of violence. At the same time, justice demands the sentence fit the crime as proved in a court of law. The long sentences of the men in this case resulted at least in part from their declining even to contest the charges. They accepted the case presented against them and even threatened the life of the judge presiding over the case.

I have to say that if you commute, pardon, the sentences of 16 convicted terrorists who did not dispute the facts, who had arms in their vans, who were planning these bombings, who created 130 bombings in the United States, 70 wounded—we have heard certain personal descriptions about it: 6 dead and, by the grace of God and these law enforcement officers, not more—how clear a case must we have?

I repeat our policy, the United States policy:

> First, make no concessions to terrorists and strike no deals.

Not only was there clemency offered here but the standards of it were made known: If you will just promise not to associate with that kind of crowd anymore and tell us you are going to be OK and you won't do this anymore, we are going to let you out. What an absurd condition, relating to people who have been convicted for international terrorism.

My point here is that the New York Times editorial is hopelessly lost because there is no way to achieve anything other than a mixed signal. If the policy is "make no concessions to terrorists and strike no deals," and the President makes a deal with 16 terrorists and says you can get out because you didn't throw the bomb, what kind of message is that? Does that mean bin Laden is some lesser problem to the United States because he did not personally throw the bomb in Kenya and Tanzania? Is he, therefore, less of a threat to the United States just because he planned it, less than the person who threw it? Would anybody in their right mind believe that?

So we do have a mixed signal. And, therefore, we need these resolutions to be adopted by the people's branch of Government that says to these terrorists wherever they are, whatever their plans, our policy is: Make no concessions and strike no deals, and if you are arrested and caught by these law enforcement officers, you are going to face the harshest form of justice. It is the only way we will be able to stabilize the threat of terrorism in the United States.

I am going to conclude by just noting that the House resolution on this subject, H. Con. Res. 180, has just been agreed to. There were 311 Members of the House who voted "aye," 41 voted "no." But here is the shocker: 72 only voted "present." That is pretty remarkable.

I have always said the best barometer of where the American people are is the House. It is a great barometer. This says the American people do not accept this incongruity in our pursuit to throttle terrorism. The message that has been sent by the President is a wrong message, and the responsibility of the people's branch is to get the message straight and fast.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, one of the key things in any pardon is that the individual is presumed to be guilty of the offenses, and when they review a pardon or a clemency it normally does not even deal with the question of guilt or innocence. It is assumed since the jury has convicted them and the case has been affirmed—and I don't think there is any doubt about these defendants. They have never even denied their involvement in these offenses. But I would like to point out that before you have clemency for individuals, they really should renounce, clearly and unequivocally, the acts which they have done.

You would think that would mean some of these prisoners would say that violence in these circumstances was terribly wrong, I wish I hadn't done it, I am sorry for the lives, I apologize for the destruction and devastation it has caused. But that is not the case.

I am reading here from the Washington Post, a newspaper here in Washington known for its pro-Clinton leanings. This is what Michael Kelly has written about this very subject, about whether or not they have renounced their wrongdoing. He says:

> . . . none of the 16 prisoners has ever admitted to complicity in any fatal bombings or expressed specific remorse for those bombings. No one has ever apologized to the families of those murdered. The statement signed by the 12 who have accepted commutation does renounce the use of violence, but it expresses no contrition or responsibility for past actions.
>
> And these selected statements distributed by the White House did not fully and honestly represent the views of the 16. Not included, for instance, was a 1998 [just last year] statement by one of the FALN leaders, Oscar Lopez Rivera, in which Rivera rejected the whole idea of contrition.

I am quoting here Michael Kelly in the Washington Post:

> I cannot undo what's done. The whole idea of contrition, atonement, I have a problem with that.

So I will just say that is a sad event we are now proposing, to offer clemency to persons with that type of mentality. I believe this has been a colossal error, a great stain on the integrity and consistency of the Department of Justice pardon and commutation procedures. It cannot be explained to any rational person. It represents an aberrational, unfair, and unjust act that I can only conclude was driven by some forces, probably political, outside the realm of justice. It is a terrible thing.

I agree with the Senator from Georgia, it is important that at least this branch of Government, the Senate and the House, speak out clearly and deplore it.

I thank the Senate for its time and attention and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

RUSSIAN STATEMENTS REGARDING THE ANTI-BALLISTIC MISSILE TREATY

Mr. COCHRAN. Mr. President, the National Missile Defense Act makes it the policy of the United States to deploy a limited national missile defense system as soon as the technology to do so is ready. This act was passed by large margins in both Houses. Because the Anti-Ballistic Missile or ABM Treaty prohibits such a system, that treaty must be modified.

That point was made in the debate on the National Missile Defense Act in the Senate, and it is the reason why administration officials have engaged the Russian Government in discussions on modifying the treaty. These discussions began last month in Moscow, and I am pleased that staff members of the Senate's National Security Working Group were able to attend and be briefed on the progress of those talks. Deputy Secretary of State Strobe Talbott is in Moscow for further negotiations on this and other important issues.

But I am very disturbed by reported comments of Russian officials on this subject. Today, for example, it was reported that Mr. Roman Popkovich, Chairman of the Defense Committee of the Russian Parliament, said that if the United States builds a missile defense system, Russia may respond by "developing an entirely new kind of offensive weapon." Mr. Popkovich was also quoted in this story as saying, "No anti-missile defense will be able to stop our new missiles."

His are not the first such comments we have heard about modifying the ABM Treaty. The lead Russian negotiator, Grigory Berdennikov, said the mere raising of the issue meant "the arms race could now leap to outer space." Gen. Leonid Ivashov, head of International Cooperation in the Russian Ministry of Defense, said that modifying the treaty "would be to destroy the entire process of nuclear arms control."

I don't know the motivations for such statements, but I believe they deserve a response. There should be no misunderstanding of our Nation's intentions with respect to national missile defense. We face a real and growing threat of ballistic missile attack from rogue states or outlaw nations. That threat is advancing, often in unanticipated ways. The U.S. Government has a duty to protect its citizens from this threat.

It is our policy, which is now set in law, to deploy a system to defend against limited attack by ballistic missiles as soon as technologically possible. The system we intend to deploy in no way threatens the strategic retaliatory force of Russia. The ABM Treaty, an agreement between two nuclear superpowers engaged in an arms build-up in 1972, prohibits such a system and must be modernized. I am sure Russian officials know all of this. They have been briefed repeatedly on the U.S. assessment of the threat. They have been briefed repeatedly on U.S. plans for national missile defense and know as well as we do that the system we contemplate is not directed at Russia and poses no threat to its forces.

So the statements of Mr. Popkovich and the other Russian officials essentially threatening an arms race if the U.S. does what it must do to protect its citizens are very disappointing. They sound like something from the past, an echo of the cold war that is over.

The United States has embarked in good faith in discussions about the need to modernize the ABM Treaty. We negotiated in good faith with Russia when it demanded changes to the Conventional Forces in Europe Treaty in order to enable Russia to adapt to changed circumstances. It would be unfortunate if the United States were put in the position of choosing between defending its citizens and adhering to an outdated agreement because we have already determined that we will defend ourselves.

I am confident the Senate will not accept an arrangement in which the U.S. continues to be vulnerable to new threats because of a 27-year-old agreement that is so clearly out of date. What is needed now is for the rhetoric to be cooled, for threats about arms races and new missiles to be set aside, and let serious and fruitful discussions proceed. It is in not only our interest for that to happen but Russia's as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 8, 1999, the Federal debt stood at $5,656,209,987,935.17 (Five trillion, six hundred fifty-six billion, two hundred nine million, nine hundred eighty-seven thousand, nine hundred thirty-five dollars and seventeen cents).

One year ago, September 8, 1998, the Federal debt stood at $5,548,700,000,000 (Five trillion, five hundred forty-eight billion, seven hundred million).

Five years ago, September 8, 1994, the Federal debt stood at $4,679,340,000,000 (Four trillion, six hundred seventy-nine billion, three hundred forty million).

Ten years ago, September 8, 1989, the Federal debt stood at $2,855,859,000,000 (Two trillion, eight hundred fifty-five billion, eight hundred fifty-nine million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,800,350,987,935.17 (Two trillion, eight hundred billion, three hundred fifty million, nine hundred eighty-seven thousand, nine hundred thirty-five dollars and seventeen cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 33. Joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5082. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closes Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area for Pollock Allocated to the Inshore Component," received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-341. A resolution adopted by the Board of Tipler Township, Florence County, Wisconsin relative to the Nicolet National Forest; to the Committee on Energy and Natural Resources.

POM-342. A resolution adopted by the House of the Northern Marianas Commonwealth Legislature relative to the Kyoto Protocol; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 11-176

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC); and

Whereas, a protocol to implement the goals of the FCCC was negotiated in December 1997 in Kyoto, Japan (the Kyoto Protocol), which, when ratified, will require the United States to reduce emissions of greenhouse gases by seven percent below 1990 levels by the year 2012; and

Whereas, the world's leading climate scientists have warned that rising concentrations of carbon dioxide and other "greenhouse gases" in the atmosphere threaten to increase average global temperatures at unprecedented rates; and

Whereas, climatic alternations will have a dramatic, if not catastrophic, effects on human health and well-being, severe weather event, agricultural productivity, and other resource industries; and

Whereas, a National Academy of Sciences study concludes that the United States can reduce energy consumption by twenty percent or more, thereby reducing greenhouse gas emissions at a net economic benefit to the country; and

Whereas, increased United States energy efficiency and technological development will improve United States competitiveness in world trade; and

Whereas, past greenhouse emissions have already committed the world to a future rise in global temperatures, thereby making immediate action imperative to protect the health, welfare and security of the American people: Now, therefore, be it

Resolved, by the House of Representatives, Eleventh Northern Marianas Commonwealth Legislature, That the Senate of the United States be urged to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change and that the United States Congress be urged to take the lead in lowering greenhouse gas emissions; and be it further

Resolved, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies of this resolution signed by the Speaker of the House of Representatives be forwarded by the clerk to the President of the United States Senate, the CNMI Governor, Chair, CNMI 902 Consultation Team, and to the CNMI Washington Representative.

POM–343. A concurrent resolution adopted by the Legislature of the State of Texas relative to the McGregor Range at Fort Bliss, Texas; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 38

Whereas, Future military threats to the United States and its allies may come from technologically advanced rogue states that for the first time are armed with long-range missiles capable of delivering nuclear, chemical, or biological weapons to an increasingly wider range of countries; and

Whereas, The U.S. military strategy requires flexible and strong armed forces that are well-trained, well-equipped, and ready to defend our nation's interests against these devastating weapons of mass destruction; and

Whereas, Previous rounds of military base closures combined with the realignment of the Department of the Army force structure have established Fort Bliss as the Army's Air Defense Artillery Center of Excellence, thus making McGregor Range, which is a part of Fort Bliss, the nation's principal training facility for air defense systems; and

Whereas, McGregor Range is inextricably linked to the advanced missile defense testing network that includes Fort Bliss and the White Sands Missile Range, providing, verifying, and maintaining the highest level of missile defense testing for the Patriot, Avenger, Stinger, and other advanced missile defense systems; and

Whereas, The McGregor Range comprises more than half of the Fort Bliss installation land area, and the range and its restricted airspace in conjunction with the White Sands Missile Range, is crucial to the development and testing of the Army Tactical Missile System and the Theater High Altitude Area Defense System; and

Whereas, The high quality and unique training capabilities of the McGregor Range allow the verification of our military readiness in air-to-ground combat, including the Army's only opportunity to test the Patriot missile in live fire, tactical scenarios, as well as execute the "Roving Sands" joint training exercises held annually at Fort Bliss; and

Whereas, The Military Lands Withdrawal Act of 1986 requires that the withdrawal from public use of all military land governed by the Army, including McGregor Range, must be terminated on November 6, 2001, unless such withdrawal is renewed by an Act of Congress: Now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby support the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from public use of the McGregor Range land beyond 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–344. A concurrent resolution adopted by the Legislature of the State of Texas relative to benefits for military retirees; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, Military retirees who have served honorably for 20 or more years constitute a significant part of the aging population in the United States; and

Whereas, These retirees were encouraged to make the United States Armed Forces a career, in part by the promise of lifetime health care for themselves and their families; and

Whereas, Prior to the age of 65, these retirees are provided health services by the United States Department of Defense's TRICARE Prime program, but those retirees who reach the age of 65 lose a significant portion of the promised health care due to Medicare eligibility; and

Whereas, Many of these retirees are also unable to access military treatment facilities for health care and life maintenance medications because they live in areas where there are no military treatment facilities or where these facilities have downsized so significantly that available space for care has become nonexistent; and

Whereas, The loss of access to health care services provided by the military has resulted in the government breaking its promise of lifetime health care; and

Whereas, Without continued affordable health care, including pharmaceuticals, these retirees have limited access to quality health care and significantly less care than other retired federal civilians have under the Federal Employees Health Benefits Program; and

Whereas, It is necessary to enact legislation that would restore health care benefits equitable with those of other retired federal workers; and

Whereas, Several proposals to meet this requirement are currently under consideration before the United States Congress and the federal Department of Defense and Department of Health and Human Services; of these proposals, the federal government has already begun to establish demonstration projects around the country to be conducted over the next three years, which would allow Medicare to reimburse the Department of Defense for the costs of providing military retirees and their dependents health care; this project would allow a limited number of Medicare-eligible beneficiaries to enroll in the Department of Defense's TRICARE Prime program and receive all of their health care under that program: Now, therefore, be it

Resolved, That the 76 Legislature of the State of Texas hereby memorialize the Congress of the United States to maintain its commitment to America's military retirees by providing lifetime health care for military retirees over the age of 65; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those uniformed services beneficiaries who are eligible for Medicare, on the same basis and conditions that apply to retired federal civilian employees; and to enact any other appropriate legislation that would address the above concerns; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, the president of the Senate and Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States.

POM–345. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Medicaid disproportionate share hospital program; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 75

Whereas, The Lower Rio Grande Valley is an area of Texas vital to the economic success and well-being of the state; and

Whereas, The area faces a variety of challenges, one of which is a significant demand for indigent health care; this need is complicated by transportation issues and other difficulties affecting patient access to health care services; and

Whereas, The State of Texas operates the South Texas Hospital in the city of Harlingen, and this institution provides critically needed health care services to indigent patients in the Lower Rio Grande Valley; and

Whereas, State funds used to provide indigent health care services at the South Texas Hospital have been used to obtain matching federal funds through the Medicaid disproportionate share hospital program and their use has increased the resources available to provide health care services to indigent patients throughout Texas; and

Whereas, The South Texas Hospital's physical facilities are in need of major renovation, and there are other hospitals in the Lower Rio Grande Valley that can provide inpatient services needed by the indigent population of the region; and

Whereas, The mission of the South Texas Hospital and the public good will best be served by contracting with public and private hospitals in the Lower Rio Grande Valley so that they may provide inpatient services to the indigent population; and

Whereas, If the state intends to continue its commitment to provide needed health services to the people of the Lower Rio Grande Valley, then the Texas Legislature must encourage the federal government to continue matching state funds used to provide eligible inpatient services and to participate in innovative approaches that maximize local, state, and federal resources to address the pressing need for indigent health services in Texas: Now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to qualify the contributions made by the State of Texas for eligible inpatient hospital services provided by contract in the Lower Rio Grande Valley for federal matching funds under the Medicaid disproportionate share hospital program; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-346. A concurrent resolution adopted by the Legislature of the State of Texas relative to customs facilities at Texas-Mexico border crossing areas; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 2

Whereas, Bottlenecks at customs inspection lanes have contributed to traffic congestion at Texas-Mexico border crossing areas, slowing the flow of commerce and detracting from the economic potential of the North American Free Trade Agreement (NAFTA); and

Whereas, Smuggling of drugs inside truck parts and cargo containers compounds the problem, necessitating lengthy vehicle searches that put federal customs officials in a crossfire between their mandate to speed the movement of goods and their mandate to reduce the flow of illegal substances; and

Whereas, At the state level, the Texas comptroller of public accounts has released a report titled "Bordering the Future," recommending among other items that U.S. customs inspection facilities at major international border crossings stay open around the clock; and

Whereas, At the federal level, the U.S. General Accounting Office is conducting a similar study of border commerce and NAFTA issues, and the U.S. Customs Service is working with a private trade entity to review and analyze the relationship between its inspector numbers and its inspection workload; and

Whereas, Efficiency in the flow of NAFTA commerce requires two federal customs-related funding commitments: (1) improved infrastructure, including additional customs inspection lanes; and (2) a concurrent expansion in customs personnel and customs operating hours; and

Whereas, Section 1119 of the federal Transportation Act for the 21st Century (TEA-21), creating the Coordinated Border Infrastructure Program, serves as a funding source for border area infrastructure improvements and regulatory enhancements; and

Whereas, Domestic profits and income increase in tandem with exports and imports, generating federal revenue, some portion of which deserves channeling into the customs activity that supports increased international trade; and

Whereas, Texas legislators and businesses, being close to the situation geographically, are acutely aware of the fixes and upgrades that require attention if NAFTA prosperity is truly to live up to the expectations of this state and nation: Now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to provide funding for infrastructure improvements, more customs inspection lanes and customs officials, and 24-hour customs operations at border crossings between Texas and Mexico; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-347. A joint resolution adopted by the Legislature of the State of California relative to persons with disabilities; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, In California and elsewhere, throughout a prolonged period of economic well-being and record low unemployment rates, recent national and California studies both have unaccepted findings that only one-third of adults with disabilities nationally and in California hold part-time or full-time jobs; and

Whereas, In these same studies, 75 percent of those not working stated they wanted to work; and

Whereas, The lack of access to private health insurance or the lack of continuing access to Medi-Cal or Medicare is the main obstacle individuals with significant disabilities face when working or returning to work; and

Whereas, The Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) work incentive rules have the potential to be effective but are underutilized, overly complex, and inconsistently administered. Social Security work incentives are used by only a small fraction of those eligible and often result in benefit by only a small fraction of those eligible and often result in benefit overpayments that must be repaid by the payee; and

Whereas, People with disabilities who are SSDI beneficiaries and SSI recipients have limited choice in employment services; and

Whereas, On January 28, 1999, Senator James M. Jeffords, Senator Edward M. Kennedy, Senator William V. Roth, Jr., and Senator Daniel Patrick Moynihan, introduced Senate Bill 331, cited as the "Work Incentives Improvement Act of 1999," to expand the availability of health care coverage for working individuals with disabilities, establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide these individuals with meaningful opportunities to work, and for other purposes; and

Whereas, On March 18, 1999, Representative Rick A. Lazio, Representative Michael Bilirakis, Representative Nancy L. Johnson, Representative Henry A. Waxman, Representative Tom Bliley, Jr., Representative Bob Matsui, Representative Fortney (Pete) Stark, Representative Brian Bilbray, Representative Steve Horn, of California and other states, introduced House Resolution 1180, cited as the "Work Incentives Improvement Act of 1999," a measure similar to that introduced in the Senate; and

Whereas, The federal act, as introduced, would provide states with the option and incentive grants to set up programs to extend medicaid coverage to certain classes of SSDI and SSI beneficiaries who work, provide more choice of employment services, and establish a $2 for $1 earned income offset demonstration project for SSDI beneficiaries; and

Whereas, The federal act, as introduced, contains strong work incentive and planning provisions for individuals with disabilities who work or want to work, and provisions for community work incentive planners to help individuals understand and use federal and state work incentive programs, Social Security specialists in work incentives at field offices to disseminate accurate information, protection and advocacy assistance when an individual's situation is negatively impacted as a result of work, and an advisory panel to counsel the Commissioner of Social Security and other federal agencies on employment and work incentive programs; and

Whereas, The interconnected provisions of the federal act work in concert to remove work barriers for people with disabilities; and

Whereas, California with disabilities want to live and work side by side with others in their communities and this goal can begin to happen with passage of this historic national legislation; and

Whereas, It is the California Legislature's strongest belief that people have the responsibility and right to meaningful employment opportunities: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature affirms its endorsement of the federal "Work Incentives Improvement Act of 1999," and urges the United States Congress to pass this act at once in order to meet the urgent demands of people with disabilities who work or want to work across the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority Leader, the Speaker of the House of Representatives, the Chirpersons of the Senate Committees on Appropriations, Budget, and Finance, and to the Chairpersons of the House Committees on Appropriations, Budget, Commerce, and Ways and Means, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 974. A bill to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes (Rept. No. 106–154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself and Mr. AKAKA):

S. 1571. A bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans; to the Committee on Veterans Affairs.

By Mr. ROTH (for himself, Mr. DODD, Mr. BIDEN, and Mr. INOUYE):

S. 1572. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. LEAHY, and Mr. JEFFORDS):

S. 1573. A bill to provide a reliable source of funding for State, local, and Federal efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. Res. 180. A resolution reauthorizing the John Heinz Senate Fellowship Program; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself and Mr. AKAKA):

S. 1571. A bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans; to the Committee on Veterans' Affairs.

PERMANENT ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR VETERANS

• Mr. JEFFORDS. Mr. President, I would like to draw my colleagues' attention to legislation Senator AKAKA and I are introducing today. Entitled "Permanent Eligibility of Members of the Selected Reserve for Veterans Home Loans," this important legislation does not change existing law, but rather makes permanent a critical benefit for the National Guard and Reserve personnel.

Under current law, selected Reservists and National Guard personnel who complete six years of service are eligible for guaranteed home loans. This is a significant benefit that has been enjoyed by active duty personnel for many years and has proven to be very effective. In 1992, there was broad bipartisan support in both the House and the Senate for extending this benefit to the hard working men and women of the Reserves on a trial basis until 1999. Last year the program was extended to the year 2003. However, as we near that date, no potential recruit may participate in the program because it expires before they are able to complete six years of service. Therefore, we introduce this bill in an effort to make this benefit permanent.

Our Reserves and National Guard are being called upon more and more today. They are a crucial asset to our Nation's military, but the Reserves are not exempt from problems such as low recruiting that currently face our military. This legislation will give the Reserve Component an added recruitment incentive to offer potential service members.

Mr. President, more and more of our service members are taking the giant step of buying a home. Since the start of the VA Home Loan Program in 1992 through 1996, 33,224 loans have been guaranteed by the VA. Only 93 of those have been foreclosed upon; an incredibly low rate of .37 percent; The foreclosure rate for loans made to other veterans was .97 percent (two and a half times more). In 1996 alone, over $1.1 billion was given out in home loans under this program. This legislation is good not only for our veterans and Reserves, but it is good for our economy as well. I hope there will be support from both sides on this issue.•

• Mr. AKAKA. Mr. President, I am pleased to join Senator JEFFORDS in introducing a bill that would permanently authorize the Department of Veterans Affairs Home Loan Guaranty Program for members of the Selected Reserve.

As the proud author of the original legislation enacted in 1992 to extend eligibility for the VA Home Loan Guaranty Program to National Guard and Reserve members, I am pleased with the results of the program. Tens of thousands of dedicated reservists who served for at least six years, and continue to serve or have received an honorable discharge, have been able to fulfill the dream of home ownership through this program. The participation of Guard and Reserve members not only benefits these service members, but also stabilizes the financial viability of the program since this group has had a lower default rate than most other program participants.

In anticipation of the October 1999 expiration of the eligibility of reservists for VA-guaranteed home loans, I introduced legislation last year to permanently authorize the VA Home Loan Guaranty Program for members of the Selected Reserve. With bipartisan support in the House and Senate, a revised version of my legislation was enacted into law. While I am pleased that the eligibility of reservists for veterans housing loans was extended September 2003, I believe that permanent authority should be provided to members of the Selected Reserve.

Since the end of the cold war, we have reassessed the role, size, and structure of our Armed Forces. Recognizing the changes in our national military strategy prompted by a new global environment and appreciating the need to address our nation's budget deficit, we have significantly downsized our active duty military forces. As a result, the National Guard and Reserve have played a more prominent role in the Total Force. Reservists are being increasingly called upon to protect and promote our national security interests in regions throughout the world. Most recently, reservists have been serving alongside active duty forces in the Balkans to support NATO air operations over Kosovo. By making permanent the eligibility of members of the Selected Reserve for the VA Home Loan Guaranty Program, we would specifically recognize their vital service to our country and ensure that veterans housing loans will continue to be available to them beyond the near future.

The VA guaranty program is also an important component of a benefits package which makes Guard and Reserve service more attractive to qualified individuals. This is of particular importance during a time when the civilian sector is competing for the same pool of limited applicants, as well as when our military needs are becoming increasingly technical, demanding only the most intelligent, motivated, and competent individuals. Currently, the VA Home Loan Guaranty Program cannot be used as a recruitment tool since the authority expires in four years and reservists are required to serve for at least six years before they qualify for VA-guaranteed loans. A permanent authorization will assist the National Guard and Reserve with their recruitment efforts by allowing veterans housing loans to be offered as an incentive.

Thank you, Mr. President. I urge my colleagues to support this measure which would recognize the vital contributions of National Guard and Reserve members to our country, as well as ensure that veterans housing loans will continue to be available in the future.•

By Mr. LIEBERMAN (for himself, Mr. CHAFFEE, Mr. LEAHY, and Mr. JEFFORDS):

S. 1573. A bill to provide a reliable source of funding for State, local, and Federal efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces; to the Committee on Energy and Natural Resources.

NATURAL RESOURCES REINVESTMENT ACT

• Mr. LIEBERMAN. Mr. President, I rise to offer introductory remarks on the Natural Resources Reinvestment Act, a bill that I am introducing today with my colleagues Mr. CHAFEE, Mr. LEAHY, and Mr. JEFFORDS. Before we adjourned for the summer recess, Congress spent many weeks preoccupied with weighty fiscal matters like how to divvy up a hypothetical budget surplus, whether to grant tax cuts with money that may or may not exist, or whether to do the responsible thing and pay off the national debt with any surplus that might actually materialize. Make no mistake, these are important issues, but they are not the only issues that should cause us concern. Recent visits with citizens in Connecticut reinforced my conviction that one of the most critical, but commonly overlooked, issues facing our nation today is the conservation debt that we have amassed in recent years.

This conservation debt is difficult to define because it cannot be measured in dollars and cents. It is not dependent on interest rates or stock market gyrations. It is not a debt that can be paid off by signing a check when eventually we realize that we have shortchanged our children's environmental inheritance.

This conservation debt grows as urban sprawl spreads across prime farmland and degrades wetlands. It is a debt that multiples every time a community misses a chance to acquire the watershed lands that help to purify their drinking water. It is a debt that grows irreversibly every time another endangered species is driven down the one-way road to extinction. It is a debt that increases each time an untended urban park is ceded to drug-peddlers through neglect and inattention. It is a debt that builds every time a structure representing our cultural heritage is demolished rather than renovated. It is a debt that we can no longer afford to ignore.

Unfortunately, too little has been said or done recently in Washington to define the steps we—as a nation—should take to pay off the conservation debt and ensure that our children and grandchildren inherit a planet that is healthy, productive, and blessed with abundant, clean, green open space.

Because I am committed to preserving a rich environmental legacy for our children, today I join with Mr. CHAFEE, from Rhode Island, the esteemed Chairman of the Environment and Public Works Committee on which I serve, and Mr. LEAHY and Mr. JEFFORDS from Vermont to introduce the Natural Resources Reinvestment Act of 1999.

The principle behind our bill is simple: as we deplete federally-owned, nonrenewable natural resources such as oil and gas, we should reinvest the proceeds to establish a reliable source of funding for State, local, and federal efforts to conserve land and water, provide recreational opportunities, preserve historic resources, protect fish and wildlife, and preserve open space. The Natural Resources Reinvestment Act honors this principle by re-establishing America's long-standing commitment to protecting land, fish and wildlife, and our cultural heritage and by re-doubling Federal commitments that help states and localities protect the open space and recreational opportunities that Americans cherish so deeply.

Notwithstanding our current conservation debt, America has made many wise conservation investments over the years. Therefore, the Natural Resources Reinvestment Act is not spun entirely from whole cloth, but also improves upon those things we have done well. For example, the Land and Water Conservation Fund, which has served as the primary Federal source of funds for the acquisition of recreational lands since 1965, has been a tremendous success by any measure. It has helped protect more than seven million acres of open space and contributed to the development of 37,000 parks and recreation areas across the country. Everglades and Saguaro National Parks, the Appalachian Trail, the Martin Luther King, Jr., National Historic Site, and Niagara Falls are few examples of treasured places across the country that have been created or protected with help from the Land and Water Conservation Fund.

Because the Outer Continental Shelf petroleum royalty system is already in collecting billions of dollars every year, rather than introducing new taxes, this bill would simply ensure that taxes historically raised for conservation purposes actually result in conservation activity. Despite the notable successes and broad bipartisan support and authorization for $900 million dollars, Congress has failed to appropriate sufficient money for Land and Water Conservation Fund. More than $11 billion dollars of authorized conservation funding has been funneled back into the general treasury since the Fund was established. Again, this bill requires no new taxes——it simply ensures that existing revenues are spent on the conservation priorities that communities across the country have identified.

The stateside portion of the Land and Water Conservation Fund—the money that is supposed to help states and local communities direct their own conservation and recreation goals—has gone completely unfunded since 1995. This is particularly troubling for me because Connecticut has the smallest percentage of federally-owned land of any state in the union.

The Natural Resources Reinvestment Act ensures that the Land and Water Conservation Fund will receive full authorized funding every year. The bill also builds on the success of the Fund, by authorizing a new program for State Lands of National or Regional Interest to help protect areas of unique ecological, recreational, aesthetic, or regional value that would not be eligible for traditional Land and Water Conservation Fund support. We also provide full funding for other successful programs with an existing claim on Outer Continental Shelf revenues, including the Historic Preservation Fund, and the Urban Park and Recreation Recovery program. Every year our bill will reinvest $250 million dollars of Outer Continental Shelf petroleum revenues in State fish and wildlife conservation efforts, with special emphasis on projects that protect nongame and threatened or endangered species.

The Natural Resources Reinvestment Act also creates a $900 million Environmental Stewardship Fund to be distributed to States for the purposes of conserving, protecting, and restoring their natural resources beyond what is required by current law. The Environmental Stewardship Fund is designed so that States have the flexibility to devise innovative solutions to their individual conservation challenges. This commitment to helping, but not dictating how, communities achieve their conservation goals is exceptionally important.

Over the last year, the State of Connecticut has acquired 3,725 acres of open space worth more that $15 million dollars in 24 different municipalities. These open space purchases represent important steps toward the state goal of setting aside 21% of Connecticut land as open space. However, that goal is still more than 345,000 acres away from being reality. Each state has unique conservation and recreation priorities and the NRRA ensures that they will have flexible federal assistance they need to put their plans into practice. Because the NRRA would support diverse ideas and approaches to conserving and protecting the nation's natural and cultural resources, each state will also benefit from the innovation and lessons learned by other states from coast to coast.

Finally, the Natural Resources Reinvestment Act clarifies and improves existing laws to leverage opportunities to protect farmland and watersheds, and mitigate the extent to which transportation projects encroach on open and green space. While these improvements are made in federal laws, they affect local decisions. For example, the NRRA amends the 1996 Farm Bill so that state and local conservation organizations can help acquire easements designed to maintain productive farmland as productive farms. This provision of the NRRA gives communities a powerful tool to help make sure that family farms are not squeezed out of American communities as cities and towns grow and prosper in the 21st century.

By amending the Federal Water Pollution Control Act so that up to 10% of the State Revolving Loan Fund can be used for matching grants to purchase land that protects watersheds, the NRRA recognizes that flexibility is critical for cost-effective delivery of clean and healthy drinking water to American homes and businesses. This provision of the NRRA recognizes that protecting watersheds—the Earth's natural water filtration and purification systems—by preserving open space can be an important and relatively inexpensive component of municipal water supply strategies.

America's world-class network of roads and highways represents the foundation of our national commerce. It also embodies many families' tickets to staying in touch with friends and relatives across the country and their passports for exploring the beauty and history of our nation. The NRRA amends the Transportation Equity Act for the 21st century so that highway development funds can be used to purchase open space and green corridors that will help mitigate the effects of transportation-related growth and development.

The Natural Resources Reinvestment Act represents a strong, renewed federal commitment to protecting our natural and historical resources nationwide at local, state, and regional levels. It demonstrates our dedication to ensuring that revenues from oil and gas leasing on federal lands are reinvested in our heritage for current and future generations alike. Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 1573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Natural Resources Reinvestment Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Stewardship Council.

TITLE I—OPEN SPACE AND HISTORIC PRESERVATION

Sec. 101. Findings and purposes.

Subtitle A—Land and Water Conservation Fund

Sec. 111. Secure funding for the Land and Water Conservation Fund.
Sec. 112. Financial assistance to States.

Subtitle B—Urban Park and Recreation Recovery

Sec. 121. Urban park and recreation recovery.

Subtitle C—Historic Preservation

Sec. 131. Historic Preservation Fund.

Subtitle D—State Land and Water of National or Regional Interest

Sec. 141. State land and water of national or regional interest.

Subtitle E—Payments for Federal Ownership

Sec. 151. Authorization of appropriations for payments for entitlement land and the Refuge Revenue Sharing Fund.

TITLE II—STATE CONSERVATION ASSISTANCE

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Definitions.
Sec. 204. Environmental Stewardship Fund.
Sec. 205. Apportionment of Fund receipts to States.
Sec. 206. Use of funds by States.
Sec. 207. State plans.
Sec. 208. Effect on leasing and development.

TITLE III—FISH AND WILDLIFE CONSERVATION

Sec. 301. Findings and purposes.
Sec. 302. Definitions.
Sec. 303. Conservation programs.
Sec. 304. Fish and Wildlife Conservation Fund.
Sec. 305. Apportionment of Fund receipts to States.
Sec. 306. Technical amendments.

TITLE IV—NEW OPEN SPACE INITIATIVES

Subtitle A—Watersheds

Sec. 401. Findings and purpose.
Sec. 402. Land acquisition and restoration program.

Subtitle B—Transportation

Sec. 411. Findings and purpose.
Sec. 412. Surface transportation program.
Sec. 413. Federal-aid system.

Subtitle C—Farmland

Sec. 421. Farmland protection.

SEC. 2. DEFINITIONS.

In this Act:

(1) LEASED TRACT.—The term "leased tract" means a tract—

(A) leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources; and

(B) comprising a unit consisting of a block, a portion of a block, or a combination of blocks or portions of blocks, as specified in the lease, and as depicted on an outer Continental Shelf Official Protraction Diagram.

(2) OUTER CONTINENTAL SHELF.—The term "outer Continental Shelf" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term "qualified outer Continental Shelf revenues" means—

(i) all sums received by the United States from each leased tract or portion of a leased tract located in the western or central Gulf of Mexico; less

(ii) such sums as may be credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) and amounts needed for adjustments and refunds as overpayments for rents, royalties, or other purposes.

(B) INCLUSIONS.—The term "qualified outer Continental Shelf revenues" includes royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases granted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for a leased tract or portion of a leased tract described in subparagraph (A)(i).

(4) REVENUES.—The term "revenues" means all sums received by the United States as rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases granted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STEWARDSHIP COUNCIL.—The term "Stewardship Council" means the interagency council established by section 3.

SEC. 3. STEWARDSHIP COUNCIL.

(a) ESTABLISHMENT.—There is established an interagency council to be known as the "Land and Water Resource Stewardship Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Stewardship Council shall be composed of the following members or their designees:

(A) The Administrator of the Environmental Protection Agency.

(B) The Secretary of the Interior.

(C) The Administrator of the National Oceanic and Atmospheric Administration.

(D) The Secretary of Agriculture.

(E) 2 Members of the Senate—

(i) to be appointed by the President of the Senate; and

(ii) to serve in a nonvoting capacity.

(F) 2 Members of the House of Representatives—

(i) to be appointed by the Speaker of the House of Representatives; and

(ii) to serve in a nonvoting capacity.

(2) CHAIRPERSON.—The members of the Stewardship Council shall elect a Chairperson not less often than once every 2 years.

(c) DUTIES.—

(1) IN GENERAL.—The Stewardship Council shall be responsible for reviewing and selecting applications for grants for State land and water of national or regional interest under section 14 of the Land and Water Conservation Fund Act of 1965 (as added by section 141 of this Act), reviewing and approving the State plans required under section 207, and coordinating technical assistance at the request of any State, Indian tribe, or Territory.

(2) CONSULTATION.—In making decisions and reviewing State plans, the Stewardship Council shall consult with and seek recommendations from other appropriate Federal agencies.

(d) FREQUENCY OF MEETINGS.—The President shall—

(1) convene the first meeting of the Stewardship Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate, but not less often than quarterly, to ensure that this Act is fully carried out.

(e) PROCEDURES.—

(1) QUORUM.—Three members of the Stewardship Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Stewardship Council shall establish procedures for voting and the conduct of meetings by the Stewardship Council.

TITLE I—OPEN SPACE AND HISTORIC PRESERVATION

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Congress enacted the land and water conservation fund in 1964 and the Historic Preservation Fund in 1976, and provided that revenues from activities in the outer Continental Shelf would fund each program;

(2) however, since 1964, of $21,000,000,000 authorized for the land and water conservation fund, only $9,000,000,000 has been appropriated, and since 1977, of $2,776,000,000 authorized for the Historic Preservation Fund, only $845,000,000 has been appropriated;

(3) prior to dedicating outer Continental Shelf revenues for new programs to benefit the Nation, Congress should dedicate outer Continental Shelf revenues to the original purposes for which those funds were intended;

(4) since the establishment of the land and water conservation fund, the fund has been responsible for the preservation of nearly 7,000,000 acres of park land, refuges, and open spaces, and the development of more than 37,000 State and local parks and recreation projects;

(5) since the establishment of the Historic Preservation Fund, the fund has been responsible for identifying more than 1,000,000 historic sites throughout the United States and certifying 1,145 local governments as partners in preserving historic sites;

(6) as the loss of open space and the phenomenon of sprawl in rural, suburban, and urban areas of the Nation continues to increase, it is increasingly important to conserve natural, historic, and cultural resources of the Nation;

(7) the land and water conservation fund and the Historic Preservation Fund serve valuable purposes to address the needs of the Nation today as they did when they were enacted, and they are vital programs to assist State and local governments in their efforts to address those needs;

(8) the land and water conservation fund should be augmented to provide a new program to encourage State, local, and private partnerships for conservation of non-Federal land of national and regional significance that will fulfill national conservation priorities while allowing the land to remain under State and local control; and

(9) the purposes of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.) and payments in lieu of taxes are consonant with those of the land and water conservation fund and the Historic Preservation Fund, and complement those programs.

(b) PURPOSES.—The purposes of this title are—

(1) to provide a secure source of funding for Federal land acquisition to meet State, local, and urban conservation and recreation needs through the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) and the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.); and

(2) to recognize and to preserve the historic places of the United States through the National Historic Preservation Act (16 U.S.C. 470 et seq.).

Subtitle A—Land and Water Conservation Fund

SEC. 111. SECURE FUNDING FOR THE LAND AND WATER CONSERVATION FUND.

Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6) is amended—

(1) by striking "SEC. 3. APPROPRIATIONS.—Moneys" and inserting the following:

"SEC. 3. APPROPRIATIONS.

"(a) IN GENERAL.—Except as provided in subsection (b), moneys"; and

(2) by adding at the end the following:

"(b) SPECIAL APPROPRIATION.—

"(1) IN GENERAL.—For each of fiscal years 1999 through 2015, from qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999) covered into the fund in the preceding fiscal year, there is appropriated the lesser of—

"(A) $900,000,000; or

"(B) the amount that is equal to 34 percent of the amount of qualified outer Continental Shelf revenues covered into the fund during the preceding fiscal year;

to remain available until expended.

"(2) PURPOSES.—

"(A) IN GENERAL.—Notwithstanding section 5, for each of fiscal years 1999 through 2015, funds appropriated by paragraph (1) shall be available for the purposes specified in this paragraph.

"(B) ADMINISTRATIVE EXPENSES.—

"(i) IN GENERAL.—Of the amount made available for a fiscal year by paragraph (1), the Secretary of the Interior may deduct not more than 2 percent for payment of administrative expenses incurred in carrying out this subsection.

"(ii) PERIOD OF AVAILABILITY.—A deduction by the Secretary under clause (i) for a fiscal year shall be available for obligation by the Secretary until September 30 of the following fiscal year.

"(iii) DISTRIBUTION OF UNOBLIGATED FUNDS.—Not later than 60 days after the end of a fiscal year, the Secretary shall distribute under subparagraphs (C) and (D) any unobligated amount of a deduction under clause (i) for which the period of availability under clause (ii) terminated on September 30 of the fiscal year.

"(C) FEDERAL PURPOSES.—Of the amount made available for a fiscal year by paragraph (1) remaining after the deduction under subparagraph (B)(i), 50 percent shall be available for Federal purposes under section 7.

"(D) STATE PURPOSES.—

"(i) IN GENERAL.—Of the amount made available for a fiscal year by paragraph (1) remaining after the deduction under subparagraph (B)(i), 50 percent shall be available for providing financial assistance to States under section 6 and for any other State purpose authorized under this Act.

"(ii) DISTRIBUTION.—Amounts made available by clause (i) shall be distributed among States in accordance with section 6.

"(iii) LOCAL GOVERNMENT SHARE.—Not less than 50 percent of the amount provided to a State for each fiscal year under this subparagraph shall be provided by the State to local governments to provide natural areas, open space, park land, or recreational areas.

"(3) ANNUAL BUDGET SUBMISSIONS.—

"(A) IN GENERAL.—In the annual budget submission of the President for the fiscal year concerned, the President shall specify the specific purposes for which the funds made available under paragraph (2)(C) are to be used by the Secretary of the Interior and the Secretary of Agriculture.

"(B) USE BY SECRETARIES.—Funds made available for a fiscal year under paragraph (2)(C) shall be used by the Secretary concerned for the purposes specified by the President in the annual budget submission of the President for the fiscal year unless Congress, in the general appropriation Acts for the Department of the Interior or the Department of Agriculture for the fiscal year, specifies that any part of the funds is to be used by the Secretary concerned for another purpose.

"(4) PRIORITY LISTS.—

"(A) IN GENERAL.—For the purposes of assisting the President in preparing an annual budget submission under paragraph (3), the Secretary of the Interior and the Secretary of Agriculture shall prepare Federal priority lists for the expenditure of funds made available under paragraph (2)(C).

"(B) CONSULTATION.—The priority lists shall be prepared in consultation with the head of the affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of the bureau or agency.

"(C) FACTORS.—In preparing the priority lists, the Secretaries shall consider—

"(i) the potential adverse impacts that might result if a land acquisition is not undertaken;

"(ii) the availability of a land appraisal and other information necessary to complete the acquisition in a timely manner; and

"(iii) such other factors as the Secretaries consider appropriate.".

SEC. 112. FINANCIAL ASSISTANCE TO STATES.

(a) ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8) is amended by striking subsection (b) and inserting the following:

"(b) DISTRIBUTION AMONG STATES.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall distribute sums made available from the fund for State purposes among the States in accordance with this subsection. The determination of the distribution by the Secretary shall be final.

"(2) FORMULA.—For each fiscal year, the Secretary shall distribute the sums made available from the fund for State purposes as follows:

"(A) 30 percent shall be distributed equally among the States.

"(B) 70 percent shall be distributed among the States based on the ratio that—

"(i) the population of each State; bears to

"(ii) the total population of all States.

"(3) MAXIMUM ALLOCATION.—For each fiscal year, the total allocation to any 1 State under paragraph (2) shall not exceed 10 percent of the total amount allocated to all States under this subsection for the fiscal year.

"(4) TREATMENT OF DISTRICT OF COLUMBIA, TERRITORIES, AND INDIAN TRIBES.—

"(A) ALLOCATION.—For the purpose of paragraph (2)(A)—

"(i) the District of Columbia shall be treated as 1 State;

"(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

"(I) shall be treated collectively as 1 State; and

"(II) shall each be allocated an equal share of the amount distributed under subclause (I); and

"(iii) Indian tribes, and Alaska Native villages and Regional or Village Corporations (as defined or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.))—

"(I) shall be treated collectively as 1 State; and

"(II) shall be allocated the amount distributed under subclause (I) in a manner determined by the Secretary of the Interior.

"(B) OTHER PURPOSES.—Each of the areas referred to in subparagraph (A), and each Indian tribe, shall be treated as a State for all other purposes of this Act.

"(5) AVAILABILITY OF ALLOCATIONS.—

"(A) IN GENERAL.—For each fiscal year—

"(i) the Secretary shall notify each State of the allocation to the State under this subsection; and

"(ii) the allocation shall be available to the State, after the date of notification to the State, for planning, acquisition, or development projects in accordance with this Act.

"(B) PERIOD OF AVAILABILITY.—Any amount of an allocation to a State that is not paid or obligated by the Secretary during the period consisting of the fiscal year in which notification is provided under subparagraph (A) and the 2 fiscal years thereafter shall be redistributed by the Secretary in accordance with this subsection, without regard to paragraph (3).".

(b) STATE PLAN.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8) is amended by striking subsection (d) and inserting the following:

"(d) STATE PLAN.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—To be eligible for financial assistance for acquisition or development projects under this Act, a State, in consultation with local subdivisions, nonprofit and private organizations, and interested citizens, shall prepare and submit to the Secretary a State plan that meets the requirements of this paragraph.

"(B) SUITABLE PLAN.—To meet the requirement for a plan under subparagraph (A), a State may use, in accordance with criteria developed by the Secretary, a comprehensive statewide outdoor recreation plan, a State recreation plan, or a State action agenda, if—

"(i) in the judgment of the Secretary, the plan or agenda encompasses and furthers the purposes of this Act; and

"(ii) the Governor of the State certifies that the plan or agenda was developed (and revised, if applicable) with ample opportunity for public participation.

"(C) CRITERIA FOR PUBLIC PARTICIPATION.—In consultation with appropriate persons and entities, the Secretary shall develop criteria for public participation which shall constitute the basis for certification by the Governor under subparagraph (B)(ii).

"(D) REQUIRED ELEMENTS.—A State plan under subparagraph (A) shall contain—

"(i) the name of the State agency that has the authority to represent and act for the State in dealing with the Secretary for the purposes of this Act;

"(ii) an evaluation of the demand for and supply of outdoor conservation, recreation, and open space resources in the State;

"(iii) a program for the implementation of the plan; and

"(iv) such other information as the Secretary determines to be necessary.

"(E) CONSIDERATION OF OTHER RESOURCES, PROGRAMS, AND PLANS.—A State plan under subparagraph (A) shall—

"(i) take into account relevant Federal resources and programs; and

"(ii) be coordinated to the maximum extent practicable with other State, regional, and local plans.

"(2) FINANCIAL ASSISTANCE FOR PREPARATION OR MAINTENANCE OF STATE PLAN.—The Secretary may provide financial assistance to a State for—

"(A) the development of a State plan under paragraph (1) if the State does not have a State plan; or

"(B) the maintenance of a State plan.".

(c) PROJECTS FOR LAND AND WATER ACQUISITION.—Section 6(e)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(e)(1)) is amended in the first paragraph by striking ", but not including incidental costs relating to acquisition".

(d) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USES.—Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)) is amended by striking paragraph (3) and inserting the following:

"(3) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USES.—

"(A) IN GENERAL.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses.

"(B) APPROVAL OF CONVERSION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall approve the conversion of property under this paragraph only if the State demonstrates that no prudent or feasible alternative exists to the conversion of the property.

"(ii) EXCEPTIONS.—Clause (i) does not apply to a property that—

"(I) is no longer viable for use for an outdoor conservation or recreation facility because of a change in demographic conditions; or

"(II) must be abandoned because of environmental contamination that endangers public health or safety.

"(C) SUBSTITUTION OF OTHER CONSERVATION OR RECREATION PROPERTY.—

"(i) IN GENERAL.—Subject to clause (ii), any conversion of property under this paragraph shall satisfy any conditions that the Secretary determines to be necessary to ensure the substitution of other conservation or recreation property of at least equal market value and reasonably equivalent usefulness and location, in a manner consistent with the State plan required under subsection (d).

"(ii) WETLAND.—Wetland and interests in wetland that are identified in a State plan and proposed to be acquired as suitable replacement property within the State and that are otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness to the property proposed for conversion.".

(e) CONFORMING AMENDMENTS.—

(1) Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(e)) is amended—

(A) in the matter preceding paragraph (1), by striking "State comprehensive plan" and inserting "State plan"; and

(B) in paragraph (1), by striking ", or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan".

(2) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended in the last proviso of the first paragraph by striking "existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)" and inserting "State plan required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(3) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470b(a)(2)) is amended by striking "comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)" and inserting "State plan required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(4) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended in the first sentence—

(A) by striking "comprehensive statewide outdoor recreation plans" and inserting "State plans"; and

(B) by inserting "of 1965 (16 U.S.C. 460*l*–4 et seq.)" after "Fund Act".

(5) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended by striking "(relating to the development of Statewide Comprehensive Outdoor Recreation Plans)" and inserting "(16 U.S.C. 460*l*–8) (relating to the development of State plans)".

(6) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a)—

(i) by striking "comprehensive statewide outdoor recreation plans" and inserting "State plans"; and

(ii) by striking "(78 Stat. 897)" and inserting "(16 U.S.C. 460*l*–4 et seq.)"; and

(B) in subsection (b)(2)(B), by striking "(relating to the development of statewide comprehensive outdoor recreation plans)" and inserting "(16 U.S.C. 460*l*–8) (relating to the development of State plans)".

(7) Section 206(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B), by striking "statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)" and inserting "State plan required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)"; and

(B) in paragraph (2)(D)(ii), by striking "statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)" and inserting "State plan that is required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

(8) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking "statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended" and inserting "State plans required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)".

Subtitle B—Urban Park and Recreation Recovery

SEC. 121. URBAN PARK AND RECREATION RECOVERY.

(a) AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.—Section 1003 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2502) is amended in the first sentence by striking areas, facilities," and inserting "areas and facilities, development of new recreation areas and facilities (including acquisition of land for such development),".

(b) DEFINITIONS.—Section 1004 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended—

(1) in subsection (j)—

(A) by striking "Governor;" and inserting "Governor, the District of Columbia,"; and

(B) by striking "and" at the end of the subsection;

(2) in subsection (k), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(l) 'acquisition grants' means matching capital grants to general purpose local governments and special purpose local governments to cover the direct and incidental costs of purchasing new park land to be permanently dedicated and made accessible for public conservation and recreation; and

"(m) 'development grants' means matching capital grants to general purpose local governments and special purpose local governments to cover the costs of developing and constructing existing or new neighborhood recreation sites, including indoor and outdoor recreation facilities, support facilities, and landscaping, but excluding routine maintenance and upkeep activities.".

(c) FEDERAL ASSISTANCE GRANTS.—Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking subsection (a) and inserting the following:

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—Eligibility of general purpose local governments to compete for assistance under this title shall be based on need, as determined by the Secretary.

"(2) ELIGIBLE GOVERNMENTS.—General purpose local governments that are eligible to compete for assistance under this title include—

"(A) a political subdivision included in a consolidated metropolitan statistical area, primary metropolitan statistical area, or metropolitan statistical area, as those terms are used in the most recent census;

"(B) any other city or town within an area referred to in subparagraph (A) with a total population of 50,000 individuals or more in the 1970 or any subsequent census; and

"(C) any other political subdivision, county, parish, or township with a total population of 250,000 individuals or more in the 1970 or any subsequent census.".

(d) REHABILITATION AND INNOVATION GRANTS.—Section 1006(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2505(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "rehabilitation and innovative grants directly" and inserting "rehabilitation grants, innovation grants, development grants, or acquisition grants";

(2) in paragraph (1)—

(A) by striking "rehabilitation and innovation grants" and inserting "rehabilitation grants, innovation grants, development grants, and acquisition grants"; and

(B) by striking "authorities: *Provided*," and all that follows through "eligible applicant" and inserting “authorities, except that the grantee of a grant under this section shall provide assurances to the Secretary that the grantee will maintain public conservation and recreation opportunities at assisted areas and facilities owned or managed by the grantee in accordance with section 1010”; and

(3) in paragraph (2)—

(A) in the first sentence, by striking “rehabilitation or innovative projects” and inserting “projects eligible for rehabilitation grants, innovation grants, development grants, or acquisition grants”; and

(B) in the second sentence, by striking “, except” and all that follows and inserting “and on a reimbursable basis.”.

(e) Recovery Action Programs.—Section 1007(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—

(1) in the first sentence, by inserting “development,” after “commitments to ongoing planning,”; and

(2) in paragraph (2), by inserting “development and” after “adequate planning for”.

(f) State Action Incentives.—Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2507) is amended—

(1) by inserting “(a) In General.—” before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1)) and inserting the following:

“(b) Coordination With Land and Water Conservation Fund Activities.—

“(1) Preparation of programs and plans.—The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by section 1007 with development of State plans required under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), including by allowing flexibility in preparation of recovery action programs so that the programs may be used to meet State and local requirements for receipt by local governments of—

“(A) funds provided as grants from the land and water conservation fund; or

“(B) State grants for similar purposes or for other conservation or recreation purposes.

“(2) Consideration of findings, priorities, strategies, and schedules.—The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of urban local governments in the development and revision of State plans in accordance with the public participation and coordination requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(d)).”.

(g) Conversion of Recreation Property.—The Urban Park and Recreation Recovery Act of 1978 is amended by striking section 1010 (16 U.S.C. 2509) and inserting the following:

“SEC. 1010. CONVERSION OF RECREATION PROPERTY.

“(a) In General.—No property acquired, improved, or developed under this title shall, without the approval of the Secretary, be converted to other than public recreation uses.

“(b) Approval of Conversion.—

“(1) In general.—Except as provided in paragraph (2), the Secretary shall approve the conversion of property under this section only if the grantee demonstrates that no prudent or feasible alternative exists to the conversion of the property.

“(2) Exceptions.—Paragraph (1) does not apply to a property that—

“(A) is no longer a viable recreation facility due to a change in demographic conditions; or

“(B) must be abandoned because of environmental contamination that endangers public health or safety.

“(c) Substitution of Other Conservation or Recreation Property.—Any conversion of property under this section shall satisfy any conditions that the Secretary determines to be necessary to ensure the substitution of other conservation or recreation property of at least equal market value and reasonably equivalent usefulness and location, in a manner consistent with the 5-year action program for park and recreation recovery required under section 1007(a).”.

(h) Funding.—Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2512) is amended—

(1) by striking the section heading and all that follows through “There are hereby” and inserting the following:

“SEC. 1013. FUNDING.

“(a) Authorization of Appropriations.—There are”; and

(2) by adding at the end the following:

“(c) Special Appropriation.—For each of fiscal years 1999 through 2015, from revenues due and payable to the United States as qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), there is appropriated, for the purpose of making grants to local governments under this Act, the lesser of—

“(1) $100,000,000; or

“(2) the amount that is equal to 4 percent of those revenues;

to remain available until expended.

(i) Limitation on Use of Funds.—Section 1014 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2513) is repealed.

Subtitle C—Historic Preservation

SEC. 131. HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by striking “Sec. 108. To” and inserting the following:

“SEC. 108. HISTORIC PRESERVATION FUND.

“(a) Establishment.—To”;

(2) in subsection (a) (as designated by paragraph (1)), by striking “There shall be covered into such fund” and all that follows through “(43 U.S.C. 338),” and inserting “There shall be deposited in the fund for each fiscal year after fiscal year 1999, from revenues due and payable to the United States as qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), the lesser of $150,000,000 or the amount that is equal to 5 percent of those revenues.”;

(3) by striking the third sentence of subsection (a) (as so designated by paragraph (1)) and all that follows through the end of the subsection and inserting “Such moneys shall be used only to carry out this Act.”; and

(4) by adding at the end the following:

“(b) Availability.—Of amounts in the fund, up to $150,000,000 shall be available fiscal year 2000 and each fiscal year thereafter, for obligation or expenditure without further Act of appropriation to carry out this Act, and shall remain available until expended.

“(c) Investment.—The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited in the fund.”.

Subtitle D—State Land and Water of National or Regional Interest

SEC. 141. STATE LAND AND WATER OF NATIONAL OR REGIONAL INTEREST.

Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) is amended by adding at the end the following:

“SEC. 14. STATE LAND AND WATER OF NATIONAL OR REGIONAL INTEREST.

“(a) Definitions.—In this section:

“(1) Account.—The term ‘account’ means the special account for conservation of State land and water of national or regional interest established under subsection (b).

“(2) Council.—The term ‘Council’ means the Stewardship Council established by section 3 of the Natural Resources Reinvestment Act of 1999.

“(3) State land and water of national or regional interest.—The term ‘State land and water of national or regional interest’ means land or water located in a State that is—

“(A) determined by the State to be of clear national or regional significance based on the ecological, aesthetic, recreational, and cultural value of the land or water; and

“(B) not owned by the Federal Government (including any unit of the National Park System, National Forest System, National Wildlife Refuge System, or National Wilderness System).

“(b) State Land and Water of National or Regional Interest Account.—

“(1) In general.—There is established in the fund a special account to provide grants to States for the conservation of State land and water of national or regional interest.

“(2) Allocation.—Notwithstanding section 5, there shall be credited annually to the account, from qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), the lesser of $200,000,000 or the amount that is equal to 7 percent of those revenues.

“(c) Grants to States.—

“(1) In general.—A State may submit an application (including a detailed description of each proposed conservation project) to the Secretary for a grant to fund the conservation of State land and water of national or regional interest.

“(2) Forwarding of applications.—On receipt of an application for a grant described in paragraph (1), the Secretary shall forward the application to the Council.

“(3) Selection of grant recipients.—

“(A) In general.—Not later than 90 days after receipt from the Secretary of an application described in paragraph (1), the Council shall—

“(i) review the application;

“(ii) decide whether to recommend that a grant to fund the conservation of State land and water of national or regional interest be awarded to the State making the application; and

“(iii) notify the State of the decision of the Council.

“(B) Selection factors.—In deciding whether to recommend the award of a grant under subparagraph (A), the Council shall—

“(i) consider, on a competitive basis as compared with other applications received, the extent to which a proposed conservation project described in a grant application would conserve ecological, aesthetic, recreational, and cultural values of the State land and water of national or regional interest; and "(ii) give preference to—

"(I) proposed conservation projects that are aimed at protecting ecosystems; and

"(II) proposed conservation projects that are developed in collaboration with private persons or other States.

"(4) MATCHING REQUIREMENTS.—A grant awarded to a State under this subsection shall cover—

"(A) not more than 70 percent of the costs of a conservation project undertaken by the State, in the case of full fee acquisition by the State of State land and water of national or regional interest; and

"(B) not more than 50 percent of the costs of a conservation project undertaken by the State, in the case of acquisition of State land and water of national or regional interest by the State that is less than fee acquisition, such as acquisition of a conservation easement.

"(5) REPORT.—At least 90 days before awarding a grant to a State under this section, the Council shall submit a report describing the proposed grant to—

"(A) the Subcommittee on Interior of the Committee on Appropriations of the Senate; and

"(B) the Subcommittee on Interior of the Committee on Appropriations of the House of Representatives.".

Subtitle E—Payments for Federal Ownership

SEC. 151. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS FOR ENTITLEMENT LAND AND THE REFUGE REVENUE SHARING FUND.

(a) ENTITLEMENT LAND.—There is authorized to be appropriated for payments to units of general local government under chapter 69 of title 31, United States Code, for entitlement land acquired after the date of enactment of this Act, $50,000,000.

(b) REFUGE REVENUE SHARING FUND.—There is authorized to be appropriated for payments required under the Act of June 15, 1935 (16 U.S.C. 715s), for refuge land acquired after the date of enactment of this Act, $25,000,000.

TITLE II—STATE CONSERVATION ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "State Conservation Assistance Grants Act of 1999".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the outer Continental Shelf contains oil, gas, and other nonrenewable resources owned by the public that are developed by the Federal Government and generate significant revenues for the United States;

(2) historically, the development of those mineral resources has been accompanied by adverse environmental impacts on the States adjacent to the outer Continental Shelf in which development has occurred;

(3) consistent with the commitment to devote revenues from offshore oil and gas leases to resource protection through the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.), a portion of revenues derived from the development of mineral resources of the outer Continental Shelf should be reinvested in the United States through conservation of environmental and other public resources, including open and green spaces, habitat for fish and wildlife, wetland, historic sites, parks and other outdoor recreation areas, clean air, and clean water;

(4) the need to reinvest in the public resources described in paragraph (3) has increased significantly, because the United States has experienced unprecedented prosperity, growth, and development that have intensified stress on the natural environment;

(5) in recent years, numerous State and local governments, as well as citizens throughout the United States, have initiated efforts to conserve, protect, and restore those resources; and

(6) the priority for carrying out measures to protect and conserve the public resources described in paragraph (3) should be determined—

(A) at the State and local levels, by individuals who have the greatest interest in enhancing the quality of life in their communities; and

(B) in cooperation with the Federal Government, which has an interest in protecting the resources of the United States.

(b) PURPOSE.—The purpose of this title is to establish a program to provide a reliable source of Federal funding for States to carry out activities to conserve, protect, and restore the natural resources of the United States, including water and air quality, fish and wildlife habitat, marine, estuarine, and coastal ecosystems, wetland, farmland, forest land, and parks and other places of outdoor recreation.

SEC. 203. DEFINITIONS.

In this title:

(1) COASTLINE.—The term "coastline" has meaning given the term "coast line" in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(2) DISTANCE.—The term "distance" means minimum great circle distance, measured in statute miles.

(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means a State, a municipality (including a subdivision of a State or municipality), or an interstate agency.

(4) ESTIMATED POPULATION.—The term "estimated population" means the population determined by the Secretary of Commerce on the basis of the most recent decennial census for which information is available.

(5) FUND.—The term "Fund" means the Environmental Stewardship Fund established by section 204.

(6) GOVERNOR.—The term "Governor" means the chief executive officer of a State.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(8) POPULATION DENSITY.—The term "population density", with respect to a State, means the quotient obtained by dividing the estimated population of the State by the geographic area of the State.

(9) STATE.—The term "State" means—

(A) any of the 50 States, the Territories, and the District of Columbia; and

(B)(i) when used in a political sense, the tribal government of an Indian tribe; and

(ii) when used in a geographic sense, the land under the jurisdiction of the tribal government of an Indian tribe.

(10) TERRITORY.—The term "Territory" means Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 204. ENVIRONMENTAL STEWARDSHIP FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Environmental Stewardship Fund', to be used in carrying out this title, consisting of—

(1) such amounts as are deposited in the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (c).

(b) TRANSFERS TO FUND.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each fiscal year, there shall be deposited in the Fund from qualified outer Continental Shelf revenues the lesser of $900,000,000 or the amount that is equal to 34 percent of the amount of those revenues.

(c) EXPENDITURES FROM FUND.—On request by the Stewardship Council, and without further Act of appropriation, the Secretary of the Treasury shall transfer from the Fund to the Stewardship Council such amounts as the Stewardship Council determines are necessary to carry out this title.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 205. APPORTIONMENT OF FUND RECEIPTS TO STATES.

(a) ADMINISTRATIVE EXPENSES.—For each fiscal year, without further Act of appropriation, the Stewardship Council may use, for payment of administrative expenses incurred in carrying out this title, not more than 2 percent of the sums deposited in the Fund for the preceding fiscal year.

(b) AVAILABLE AMOUNT.—For each fiscal year, without further Act of appropriation, the Secretary of the Treasury shall distribute in accordance with this section an amount equal to the sum of—

(1) the amount of the sums deposited in the Fund for the preceding fiscal year remaining after the use authorized under subsection (a); and

(2) the interest earned on investment of those sums under section 204(d) for the preceding fiscal year.

(c) APPORTIONMENT.—

(1) APPORTIONMENT TO HISTORICALLY OIL AND GAS PRODUCTIVE COASTAL STATES.—

(A) IN GENERAL.—For each fiscal year, the Stewardship Council shall apportion from the amount available under subsection (b) the amount specified in subparagraph (B) for the fiscal year to coastal States any portion of the coastline of which is located within a distance of 200 miles of the geographic center of a leased tract that was leased at any time during the period of 1953 through 1997, and produced oil or gas during that period, based on the ratio that—

(i) the revenues received during that period from the leased tracts the geographic centers of which are located within a distance of 200 miles of any portion of the coastline of the coastal State; bears to

(ii) the total of the revenues described in clause (i) with respect to all such coastal States.

(B) AMOUNTS.—The amount specified in this subparagraph is—

(i) for fiscal year 2000, $100,000,000;

(ii) for fiscal year 2001, $80,000,000;

(iii) for fiscal year 2002, $60,000,000;

(iv) for fiscal year 2003, $40,000,000;

(v) for fiscal year 2004, $20,000,000; and

(vi) for fiscal year 2005 and each fiscal year thereafter, $10,000,000.

(2) APPORTIONMENT TO INDIAN TRIBES, DISTRICT OF COLUMBIA, AND TERRITORIES.—

(A) APPORTIONMENT TO INDIAN TRIBES.—For each fiscal year, 0.5 percent of the portion of the amount available under subsection (b) remaining after the apportionments under paragraph (1) shall be apportioned to the Indian tribes collectively, to be distributed by the Secretary.

(B) APPORTIONMENT TO THE DISTRICT OF COLUMBIA AND TERRITORIES.—For each fiscal year, 0.5 percent of the portion of the amount available under subsection (b) remaining after the apportionments under paragraph (1) shall be apportioned to the District of Columbia and the Territories collectively, to be distributed in equal amounts among the District of Columbia and each of the Territories.

(3) APPORTIONMENT TO OTHER STATES.—

(A) IN GENERAL.—For each fiscal year, the portion of the amount available under subsection (b) remaining after the apportionments under paragraphs (1) and (2) shall be apportioned to the States not receiving an apportionment under paragraph (2) as follows:

(i) 25 percent in the ratio that the miles of coastline in each such State bears to the total miles of coastline in all such States.

(ii) 25 percent in the ratio that the geographic area of each such State bears to the total geographic area of all such States.

(iii) 35 percent in the ratio that the estimated population of each such State bears to the total estimated population of all such States.

(iv) 15 percent in the ratio that the population density of each such State bears to the sum of the population densities of all such States.

(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this paragraph shall be adjusted proportionately so that no State receiving an apportionment under subparagraph (A) is apportioned a sum that is—

(i) less than 0.5 percent of the portion of the amount available under subsection (b) remaining after the apportionments under paragraph (1) for the fiscal year; or

(ii) more than 5 percent of that amount.

(d) PERIOD FOR OBLIGATION OF APPORTIONMENTS.—If the Secretary of the Treasury determines that any portion of an apportionment to a State has not been obligated by the State during the fiscal year for which the apportionment is made or during the 2 fiscal years thereafter, the Secretary of the Treasury shall—

(1) reduce, by the amount of the unobligated portion of the State's apportionment, the apportionment to the State for the succeeding fiscal year; and

(2) apportion to the States during that fiscal year, in accordance with subsection (c), the amount of the unobligated portion.

SEC. 206. USE OF FUNDS BY STATES.

(a) HISTORICALLY OIL AND GAS PRODUCTIVE COASTAL STATES.—Each State described in section 205(c)(1)(A) shall use—

(1) not more than 27 percent of the apportionment to the State under section 205(c)(2)—

(A) to mitigate the adverse environmental impacts resulting from the siting, construction, expansion, or operation of outer Continental Shelf facilities beyond the mitigation required under other law;

(B) to pay administrative costs incurred by the State or a political subdivision of the State in approving, disapproving, or permitting outer Continental Shelf development and production activities under applicable law, including the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(C) to repurchase leases for outer Continental Shelf development and production; and

(2) the balance of the apportionment to the State under section 205 to fund activities described in subsection (c).

(b) OTHER STATES.—

(1) IN GENERAL.—Amounts apportioned under section 205 to a State other than a State subject to subsection (a) shall be used to make grants to eligible applicants to pay the Federal share of the cost of carrying out eligible activities described in subsection (c).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an eligible activity shall be determined by the Governor, but shall not exceed 70 percent.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—An eligible activity described in this subsection is any activity—

(A) the implementation of which would improve air and water quality, result in the acquisition of open space or a park, preserve a historic site, conserve habitat for fish and wildlife, redevelop a brownfield, or otherwise further the purposes of this title in a manner that exceeds the requirements of any Federal law in effect as of the date of enactment of this Act;

(B) that has been approved by the Governor, subject to public notice and opportunity for comment; and

(C) that is identified in the current State plan that has been approved by the Stewardship Council.

(2) TYPES OF ELIGIBLE ACTIVITIES.—Specific eligible activities include the following:

(A) CLEAN WATER.—With respect to clean water, an eligible activity may be—

(i) implementation of a project identified in a national estuary program comprehensive management plan under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) or an approved coastal zone management plan;

(ii) State participation in monitoring and exposure assessment related to estrogenic substances; or

(iii) development and support of a watershed management council.

(B) CLEAN AIR.—With respect to clean air, an eligible activity may be—

(i) exceeding attainment levels prescribed under the Clean Air Act (42 U.S.C. 7401 et seq.); or

(ii) implementation of State energy conservation efforts carried out after the date of enactment of this Act.

(C) FARMLAND AND OPEN SPACE PROTECTION.—With respect to farmland and open space protection, an eligible activity may be—

(i) provision of technical assistance for small and rural communities in the development of open space preservation and conservation plans;

(ii) purchase of farmland conservation easements; or

(iii) redevelopment of brownfields for the purpose of public recreation.

(D) MARINE RESOURCES.—With respect to marine resources, an eligible activity may be—

(i) protection of essential fish habitat; or

(ii) acquisition of sensitive coastal areas, including coastal barriers, wetland, and buffer areas and coral reef renovation.

(E) WILDLIFE CONSERVATION.—With respect to wildlife conservation, an eligible activity may be—

(i) implementation of recovery plans to conserve endangered or threatened species;

(ii) landowner incentives for the conservation of endangered or threatened species; or

(iii) conservation of nonlisted species, including sensitive and declining species.

(d) COMPLIANCE WITH APPLICABLE LAWS.—All activities funded with an apportionment to a State under section 205 shall comply with all applicable Federal, State, and local laws (including regulations).

(e) LIMITATIONS ON USE OF FUNDS.—A State shall not use an apportionment to the State under section 205—

(1) to carry out an activity in satisfaction of liability for natural resource damages under Federal or State law; or

(2) to carry out an activity otherwise required by law.

SEC. 207. STATE PLANS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, as a condition of receipt of apportionments under this title, the Governor of each State eligible to receive an apportionment under section 205 shall—

(1) develop and submit to the Stewardship Council a State plan for the use of the apportionments, including—

(A) identification of high-priority environmental concerns of the State; and

(B) consideration of relevant Federal and State resources;

(2) obtain and maintain the approval of the Stewardship Council of the State plan; and

(3) to the maximum extent practicable, coordinate the actions under the State plan with ongoing conservation planning efforts in the State.

(b) REVISIONS.—The Governor shall revise and resubmit the plan for approval, as necessary, but not less often than once every 2 years.

(c) CRITERIA FOR APPROVAL.—The Stewardship Council shall approve a State plan submitted under subsection (a), or a revision of a State plan submitted under subsection (b), if the State plan or revision—

(1) provides for use of apportionments to the State in accordance with this title; and

(2) addresses high-priority conservation issues, or projects that are identified in a State comprehensive conservation plan.

(d) REVOCATION OF APPROVAL.—The Stewardship Council may revoke approval of a State plan if the Stewardship Council determines that—

(1) the State is not using apportionments to the State in accordance with this title; or

(2) the Governor of the State fails to revise the plan as required under subsection (b).

(e) PUBLIC PARTICIPATION.—The plan, and each revision of the plan, shall be developed after public notice and an opportunity for public participation.

(f) CERTIFICATION BY THE GOVERNOR.—The Governor shall certify to the Stewardship Council that the plan, and each revision of the plan, was developed with an opportunity for public participation and in accordance with all applicable State laws.

(g) Reporting of Expenditures.—The plan shall contain a description of activities funded with amounts appropriated under this title for the preceding 2 years.

SEC. 208. EFFECT ON LEASING AND DEVELOPMENT.

Nothing in this title—

(1) affects any moratorium on leasing of outer Continental Shelf leases for drilling; or

(2) constitutes an incentive to encourage the development of outer Continental Shelf resources where those resources are not being developed as of the date of enactment of this Act.

TITLE III—FISH AND WILDLIFE CONSERVATION

SEC. 301. FINDINGS AND PURPOSES.

The Fish and Wildlife Conservation Act of 1980 is amended by striking section 2 (16 U.S.C. 2901) and inserting the following:

“SEC. 2. FINDINGS AND PURPOSES.

“(a) Findings.—Congress finds that—

“(1) fish and wildlife are of ecological, educational, esthetic, cultural, recreational, economic, and scientific value to the United States;

“(2) healthy populations of species of fish and wildlife should be achieved and maintained for the benefit of present and future generations of Americans;

“(3) management and conservation of fish and wildlife require adequate funding for State programs and coordination with Federal, local, and tribal governments, private landowners, and interested organizations within each State;

“(4) coordination and comprehensive planning of conservation efforts and funding sources under existing programs, such as the Federal aid in wildlife program and the Federal aid in sport fish restoration program, are being carried out by many States and should be encouraged;

“(5) increasing coordination and comprehensive planning of State conservation efforts and funding sources would provide significant benefits to the conservation and management of species; and

“(6) conservation efforts and funding should emphasize species that are not hunted, fished, or trapped, as nongame programs receive less than $100,000,000 annually among all 50 States, compared with an estimated $1,000,000,000 annually for game-focused programs.

“(b) Purposes.—The purposes of this Act are—

“(1) to provide assistance to the States for the conservation of fish and wildlife, especially nongame fish and wildlife; and

“(2) to encourage implementation and coordination of comprehensive fish and wildlife conservation programs.”.

SEC. 302. DEFINITIONS.

Section 3 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2902) is amended—

(1) by striking “As used in this Act—” and inserting “In this Act:”;

(2) in paragraphs (1), (2), and (4), by striking “plan” each place it appears and inserting “program”;

(3) in paragraph (8), by striking “the Trust Territory of the Pacific Islands,”;

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (9), and (10), respectively;

(5) by inserting after paragraph (5) the following:

“(6) Leased tract.—The term ‘leased tract’ means a tract—

“(A) leased under section 8 of the outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources; and

“(B) comprising a unit consisting of a block, a portion of a block, or a combination of blocks or portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.”; and

(6) by inserting after paragraph (7) (as redesignated by paragraph (4)) the following:

“(8) Qualified outer continental shelf revenues.—

“(A) In general.—The term ‘qualified outer Continental Shelf revenues’ means—

“(i) all sums received by the United States from each leased tract or portion of a leased tract located in the western or central Gulf of Mexico; less

“(ii) such sums as may be credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) and amounts needed for adjustments and refunds as overpayments for rents, royalties, or other purposes.

“(B) Inclusions.—The term ‘qualified outer Continental Shelf revenues’ includes royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases granted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for a leased tract or portion of a leased tract described in subparagraph (A)(i).”.

SEC. 303. CONSERVATION PROGRAMS.

(a) In General.—The Fish and Wildlife Conservation Act of 1980 is amended by striking section 4 (16 U.S.C. 2903) and inserting the following:

“SEC. 4. CONSERVATION PROGRAMS.

“(a) In General.—Not later than 5 years after the date of receipt by a State of an initial apportionment under section 7, the State shall develop and begin implementation of a conservation program for species of fish and wildlife in the State that emphasizes fish and wildlife species that are not hunted, trapped, or fished (including associated habitats of those species) and is based on best available and appropriate scientific information and data.

“(b) Required Elements.—A conservation program under subsection (a) shall include—

“(1) information on the distribution and abundance of species (including species having a low population and declining species, as determined to be appropriate by the designated State agency) that are indicative of the diversity and health of wildlife of the State;

“(2) identification of the extent and condition of wildlife habitats and community types essential to the conservation of species;

“(3) identification of problems that may adversely affect species and habitats;

“(4) priority research and surveys to identify factors that may assist in restoration and more effective conservation of species and habitats;

“(5) determinations of actions that should be taken to conserve the species and habitats, and establishment of priorities for implementing any recommended actions;

“(6) periodic monitoring of species and habitats, including—

“(A) assessment of the effectiveness of the conservation actions determined under paragraph (5); and

“(B) development of recommendations for implementing conservation actions to appropriately respond to new information or changing conditions;

“(7) review of the State conservation program, and, if appropriate, revision of the conservation program at least once every 10 years; and

“(8) coordination, to the maximum extent feasible, by the designated State agency, during the development, implementation, review, and revision of the conservation program, with Federal, State, and local agencies and Indian tribes that—

“(A) manage significant areas of land or water within the State; or

“(B) administer programs that significantly affect the conservation of species or habitats.”.

(b) Approval by the Secretary of Conservation Programs.—The Fish and Wildlife Conservation Act of 1980 is amended by striking section 5 (16 U.S.C. 2903) and inserting the following:

“SEC. 5. APPROVAL BY THE SECRETARY OF CONSERVATION PROGRAMS.

“(a) In General.—

“(1) Approval.—The Secretary shall approve a conservation program if the conservation program meets the requirements of section 4, is substantial in character and design, and has been made available for public comment.

“(2) Individual conservation actions.—

“(A) In general.—In the absence of an approved conservation program, the Secretary may approve conservation actions that are intended to conserve primarily species of fish and wildlife that are not hunted, trapped, or fished and the habitats of those species.

“(B) Criteria for approval.—Under subparagraph (A), the Secretary may approve a conservation action for a species of fish or wildlife if—

“(i) the proposal for the conservation action—

“(I) includes an estimate of the population and distribution of the species and a description of the significant habitat of the species;

“(II) provides for regular monitoring of the effectiveness of the conservation action; and

“(III) is substantial in character and design;

“(ii) the conservation action is a high priority action in conserving the species; and

“(iii) the State is making reasonable efforts to develop or revise a conservation program that complies with this Act.

“(3) Effect of approval.—

“(A) In general.—Subject to subparagraph (B), the development, implementation, and revision of conservation programs approved under paragraph (1) and the development and implementation of conservation actions approved under paragraph (2) shall be eligible for funding using funds apportioned to the States under section 7.

“(B) Limitation on use of funds.—Of the funds apportioned to a State under section 7 for a fiscal year, a pro rata portion of the amount required under section 6(b) to be used for the conservation of endangered or threatened species shall be used by the State for that purpose.

“(b) Consolidation of Planning Efforts.—

“(1) Wildlife planning efforts.—With respect to conservation of wildlife, the State may include the information required to be included in a conservation program under section 4 in the plan developed by the State under the Act entitled ‘An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes’, approved September 2, 1937 (16

U.S.C. 669 et seq.), in which case the Secretary shall approve the conservation program for the purposes of, and in accordance with, this Act and that Act.

"(2) FISH PLANNING EFFORTS.—With respect to conservation of fish, the State may include the information required to be included in a conservation program under section 4 in the plan developed by the State under the Act entitled 'An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes', approved August 9, 1950 (16 U.S.C. 777 et seq.), in which case the Secretary shall approve the conservation program for the purposes of, and in accordance with, this Act and that Act.".

SEC. 304. FISH AND WILDLIFE CONSERVATION FUND.

The Fish and Wildlife Conservation Act of 1980 is amended by striking section 6 (10 U.S.C. 2905) and inserting the following:

"SEC. 6. FISH AND WILDLIFE CONSERVATION FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'Fish and Wildlife Conservation Fund' (referred to in this section as the 'Fund'), consisting of—

"(1) such amounts as are appropriated to the Fund under subsection (b); and

"(2) any interest earned on investment of amounts in the Fund under subsection (d).

"(b) TRANSFERS TO FUND.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each fiscal year, there are appropriated to the Fund, from revenues due and payable to the United States as qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), the lesser of—

"(1) $250,000,000, of which $75,000,000 shall be used for conservation of endangered or threatened species under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); or

"(2) the amount that is equal to 10 percent of those revenues, of which an amount equal to 3 percent of those revenues shall be used for conservation of endangered or threatened species under that section.

"(c) EXPENDITURES FROM FUND.—

"(1) IN GENERAL.—Upon request by the Secretary and without further Act of appropriation, for fiscal year 2000 and each fiscal year thereafter, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide funding for administrative expenses and apportionments under section 7.

"(2) USE OF FUNDS BY STATES.—

"(A) IN GENERAL.—Funds apportioned to a State under section 7 shall be used to carry out activities eligible for funding under section 5.

"(B) MAINTENANCE OF EFFORT.—Funds made available to States from the Fund shall supplement, but not supplant, funds made available to the States from—

"(i) the Federal aid to wildlife restoration fund established by section 3 of the Act entitled 'An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes', approved September 2, 1937 (16 U.S.C. 669b); and

"(ii) the Sport Fish Restoration Account established by section 9504 of the Internal Revenue Code of 1986.

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

"(A) on original issue at the issue price; or

"(B) by purchase of outstanding obligations at the market price.

"(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(e) TRANSFERS OF AMOUNTS.—

"(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.".

SEC. 305. APPORTIONMENT OF FUND RECEIPTS TO STATES.

The Fish and Wildlife Conservation Act of 1980 is amended by striking section 7 (16 U.S.C. 2906) and inserting the following:

"SEC. 7. APPORTIONMENT OF FUND RECEIPTS TO STATES.

"(a) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred in carrying out this Act, not more than 6 percent of the total amount of the Fish and Wildlife Conservation Fund established by section 6 available for apportionment for the fiscal year.

"(2) PERIOD OF AVAILABILITY.—A deduction by the Secretary under paragraph (1) for a fiscal year shall be available for obligation by the Secretary until September 30 of the following fiscal year.

"(3) APPORTIONMENT OF UNOBLIGATED FUNDS.—Not later than 60 days after the end of a fiscal year, the Secretary shall apportion under subsections (b) and (c) any unobligated amount of a deduction for which the period of availability under paragraph (2) terminated on September 30 of the fiscal year.

"(b) APPORTIONMENT TO DISTRICT OF COLUMBIA AND TERRITORIES.—For each fiscal year, after making the deduction under subsection (a), the Secretary shall make the following apportionments from the amount of the Fish and Wildlife Conservation Fund remaining available for apportionment:

"(1) To each of the District of Columbia and the Commonwealth of Puerto Rico, a sum equal to not more than ½ of 1 percent of that remaining amount.

"(2) To each of Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, a sum equal to not more than ⅙ of 1 percent of that remaining amount.

"(c) APPORTIONMENT TO OTHER STATES.—

"(1) IN GENERAL.—Subject to paragraph (2), for each fiscal year, after making the deduction under subsection (a) and the apportionment under subsection (b), the Secretary shall apportion the amount of the Fish and Wildlife Conservation Fund remaining available for apportionment among the States not receiving an apportionment under subsection (b) in the following manner:

"(A) ⅓ based on the ratio that the geographic area of each such State bears to the total geographic area of all such States.

"(B) ⅔ based on the ratio that the population of each such State bears to the total population of all such States.

"(2) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this subsection shall be adjusted proportionately so that no State receiving an apportionment under paragraph (1) is apportioned a sum that is—

"(A) less than 1 percent of the amount available for apportionment under this subsection for the fiscal year; or

"(B) more than 5 percent of that amount.

"(d) PERIOD OF AVAILABILITY OF APPORTIONMENTS.—

"(1) IN GENERAL.—An apportionment to a State under subsection (b) or (c) for a fiscal year shall be available for obligation by the State until the end of the fourth succeeding fiscal year.

"(2) REAPPORTIONMENT OF UNOBLIGATED FUNDS.—Any amount apportioned to a State under subsection (b) or (c) for which the period of availability under paragraph (1) terminated at the end of a fiscal year shall be reapportioned to the States in accordance with subsections (b) and (c) during the following fiscal year.

"(e) COST SHARING.—Not more than 70 percent of the cost of any activity funded under this Act may be funded using amounts apportioned to a State under this section.".

SEC. 306. TECHNICAL AMENDMENTS.

(a) Section 9 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2908) is amended by striking "conservation plans" and inserting "conservation programs".

(b) Section 13(b) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2912) is amended in the second sentence by striking "Committee on Merchant Marine and Fisheries" and inserting "Committee on Resources".

(c) The Fish and Wildlife Conservation Act of 1980 is amended—

(1) by striking sections 8, 11, and 12 (16 U.S.C. 2907, 2910, 2911); and

(2) by redesignating sections 9, 10, and 13 (16 U.S.C. 2908, 2909, 2912) as sections 8, 9, and 10, respectively.

(d) Section 3(5) of the North American Wetlands Conservation Act (16 U.S.C. 4402(5)) is amended by striking "under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901–2912)" and inserting "in section 3 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2902)".

(e) Section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413) is amended in the first sentence by striking "section 13(a)(5) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2912(a))" and inserting "section 10(a)(5) of the Fish and Wildlife Conservation Act of 1980".

TITLE IV—NEW OPEN SPACE INITIATIVES

Subtitle A—Watersheds

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) properly managed watersheds can protect and enhance surface water quality by—

(A) processing nutrients;

(B) trapping sediments; and

(C) providing settings where runoff contaminants can be chemically and biologically neutralized before the contaminants enter surface and ground water;

(2) properly managed watersheds can reduce erosion of stream banks and surrounding land by—

(A) reducing the volume and velocity of peak runoff flows; and

(B) helping to protect sensitive stream bank and stream bed areas often critical to the protection of the biological integrity of surface and ground waters; and

(3) the purchase of easements in, or fee title to, critical land from willing sellers can be a useful tool in ensuring the implementation of an effective program for enhancing and protecting the quality of surface and ground waters.

(b) PURPOSE.—The purpose of this title is to encourage the acquisition or restoration of contiguous watersheds and wetland by providing funding for the acquisition or restoration of wetland, adjacent land, or buffer strips under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 402. LAND ACQUISITION AND RESTORATION PROGRAM.

(a) FUNDING.—Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.) is amended by adding at the end the following:

"SEC. 321. SAVE OUR WATERSHEDS PROGRAM.

"(a) CONSIDERATION OF ACQUISITION.—Each plan prepared by the appropriate State, local, or other non-Federal entity under section 118, 314, 319(g), or 320 shall—

"(1) evaluate the effectiveness of the acquisition or restoration of land or interests in land as a means of meeting the goals of the plan; and

"(2) include programs to encourage State, local, private, or other non-Federal funding of acquisitions or restorations if acquisition or restoration of land or interests in land is found by the entity to be an effective tool for plans prepared under this Act.

"(b) FUNDING.

"(1) SRF FUNDING.—

"(A) IN GENERAL.—A State may use funds from the water pollution control revolving fund of the State established under title VI for the acquisition or restoration of land in accordance with a plan developed under section 118, 314, 319(g), or 320.

"(B) SRF FUNDING LIMITATION.—Not more than 10 percent of the funds awarded to a State under title VI may be used for the acquisition or restoration of land in accordance with this section.

"(2) PREFERENCES FOR FUNDING.—In considering requests for funding of a plan for the acquisition or restoration of land or interests in land under this section, the Administrator shall provide a preference to requests with respect to which Federal funds will be matched by—

"(A) the State;

"(B) the entity responsible for developing and implementing the plan; or

"(C) other non-Federal entities.

"(c) POSSESSION OF LAND.—

"(1) IN GENERAL.—All land or interests in land acquired or restored under this section shall be held by an entity chosen by the Governor or a designee.

"(2) FEDERAL POSSESSION PROHIBITED.—An officer or employee of the Environmental Protection Agency or any other Federal agency shall not hold any land or interests in land acquired or restored under this section.

"(d) USE OF LAND.—

"(1) IN GENERAL.—Land acquired or restored under this section using Federal funds shall be made available for public recreational purposes to the maximum extent practicable considering the environmental sensitivity and suitability of the land.

"(2) INCOMPATIBLE PURPOSE EXCEPTION.—Land acquired or restored under this section shall not be made available for public recreational purposes if public recreational activities would be incompatible with the purposes for which the land was acquired or restored.".

(b) CONFORMING AMENDMENTS.—

(1) Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended—

(A) in paragraph (2), by striking "and" at the end; and

(B) by inserting before the period at the end the following: ", and (4) for acquiring or restoring land under section 321".

(2) Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) is amended in the first sentence—

(A) in paragraph (2), by striking "and" at the end; and

(B) by inserting before the period at the end the following: ", and (4) for acquiring or restoring land under section 321".

Subtitle B—Transportation

SEC. 411. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) historically, transportation projects have contributed to suburban sprawl, loss of open space, and degradation of the local environment; and

(2) comprehensive transportation planning should incorporate environmental mitigation and preservation of open space to the extent locally desired and practicable.

(b) PURPOSE.—The purpose of this subtitle is to incorporate efforts to mitigate transportation-related growth and development in surface transportation and highway projects.

SEC. 412. SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

"(12) Acquisition of open space and conservation easements to mitigate transportation-related growth and development.".

SEC. 413. FEDERAL-AID SYSTEM.

Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

"(Q) Acquisition of open space and conservation easements to mitigate transportation-related growth and development.".

Subtitle C—Farmland

SEC. 421. FARMLAND PROTECTION.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104–127) is amended—

(1) by redesignating subsection (c) as subsection (h); and

(2) by striking subsections (a) and (b) and inserting the following:

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) any agency of any State or local government, or federally recognized Indian tribe; and

"(2) any organization that—

"(A) is organized for, and at all times since its formation has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986; and

"(B)(i) is an organization described in section 501(c)(3) of the Code that is exempt from taxation under section 501(a) of the Code;

"(ii) is described in section 509(a)(2) of the Code; or

"(iii) is described in section 509(a)(3) of the Code and is controlled by an organization described in section 509(a)(2) of the Code.

"(b) AUTHORITY.—The Secretary of Agriculture shall establish and carry out a farmland protection program under which the Secretary shall provide grants to eligible entities to provide the Federal share of the cost of purchasing conservation easements or other interests in land with prime, unique, or other productive soil for the purpose of protecting topsoil by limiting nonagricultural uses of the land.

"(c) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement or other interest described in subsection (b) shall be not more than 50 percent.

"(d) TITLE; ENFORCEMENT.—Title to a conservation easement or other interest described in subsection (b) may be held, and the conservation requirements of the easement or interest enforced, by any eligible entity.

"(e) STATE CERTIFICATION.—The attorney general of the State in which land is located shall take such actions as are necessary to ensure that a conservation easement or other interest under this section is in a form that is sufficient to achieve the conservation purpose of the farmland protection program established under this section, the law of the State, and the terms and conditions of any grant made by the Secretary under this section.

"(f) CONSERVATION PLAN.—Any land for which a conservation easement or other interest is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in any easement.

"(g) TECHNICAL ASSISTANCE.—The Secretary may use not more than 10 percent of the amount that is made available for a fiscal year under subsection (h) to provide technical assistance to carry out this section.".•

• Mr. CHAFEE. Mr. President, I am very pleased to join with my colleague, Senator LIEBERMAN, as well as Senators LEAHY and JEFFORDS, in introducing a bill to strengthen the environmental infrastructure of our nation, and to lay the foundation for conservation efforts for the new century.

This bill—the Natural Resource Reinvestment Act of 1999 (NRRA)—will also help shape the debate now taking place in Congress on spending revenues from the oil and gas activities in the Outer Continental Shelf. Rarely are we confronted with choices that will profoundly influence the natural legacy of this nation. The current debate over OCS revenues presents us with such a choice.

Let me first applaud the tremendous work already undertaken by my colleagues who have introduced legislation on this subject, particularly Senators LANDRIEU, FEINSTEIN, BOXER and GRAHAM, as well as Senators MURKOWSKI and BINGAMAN, who oversee these bills in the Energy and Natural Resources Committee. At the same time, there is room for additional voices on this subject.

I would like to identify four basic principles that are embodied in our legislation, and that I believe should govern Congress' deliberations on spending OCS revenues. These principles hearken back to those espoused by Congress when it created the Land and Water Conservation Fund and the Historic

Preservation Fund, the only two programs that by law are funded from OCS receipts.

First, OCS revenues should be reinvested in the nation's public resources—our environmental, natural, cultural and historic resources. Second, reinvestment in public resources should be meaningful and lasting—the capital assets of our nation. Third, revenues must be distributed in an equitable manner across the nation. Fourth, the funding must be permanent.

The NRRA allocates $2.5 billion in OCS receipts to three major areas: $1.35 billion to land and water and historic preservation (title I); $900 million to states for matching conservation grants (title II); and $250 million for state fish and wildlife conservation (title III). In the event that total OCS receipts falls short of $2.5 billion, each program will receive a pro-rated, percent share of the funds.

The funds generally must be spent for conservation and environmental improvement activities, in keeping with the vision that revenues from development of non-renewable resources should be returned to the conservation of other natural resources. The funds are distributed to all 50 states in an equitable manner, derived from receipts from past, present and future OCS activities, but based on a formula and derived from qualified revenues that do not encourage additional OCS activity.

The NRRA recognizes that the existing programs created by Congress, to be funded with revenues from OCS activities, should receive their full share before new programs funded by those revenues are created. Title I of the NRRA fulfills the promise that Congress made 35 years ago when it created the LWCF. The LWCF is authorized to receive $900 million annually from OCS revenues, but receives only a fraction of this amount in appropriations. One of the greatest conservation laws ever enacted, it provides money for Federal land and water acquisitions, and matches state dollars for local parks, beaches, gardens and other open spaces.

The NRRA would fully fund the LWCF automatically, without further Congressional action. I attempted such an effort in 1988 with the American Heritage Trust Act, and nothing would please me more than to see this effort fulfilled before I leave the Senate.

Created in 1976, the Historic Preservation Fund is also funded with OCS revenues, but of $150 million authorized annually, it receives roughly $45 million—30 percent. The Fund is responsible for registering more than one million historic sites across the nation, and with additional funding, restoration work can be carried out. The bill would fully fund it at $150 million.

In addition, the bill provides full funding, $100 million, for the Urban Parks and Recreation Renewal Program, which supports parks and open spaces in large urban areas. Funds are also authorized for the Payment in Lieu of Taxes Program and the Refuge Revenue Sharing Program, which provide annual payments to local governments to compensate for the removal of newly acquired public lands from the property tax base.

The NRRA seeks to improve and expand the LWCF in order to revitalize it, modernize it and bring it into the new century. Since the creation of the LWCF, the conservation needs of the country have evolved in ways that require greater flexibility and creativity than the traditional methods authorized in the original law.

The NRRA establishes a new program to increase the LWCF by $200 million to support state efforts to conserve land and water of regional or national significance. The program would provide Federal funding for state and private partnerships, in order to meet nationally important land protection priorities in a way that ensures state or local control of lands and waters. This program would help conserve some of the nation's most treasured areas, such as the Great Lakes, the Everglades, the Mississippi Delta, the Northern Forest of New England, the midwestern prairie lands, and the southwestern desert.

Let me cite one example of why we need this new program. With over five million acres of woodland on the auction block in Maine this past year, The Nature Conservancy negotiated an extraordinary deal that would protect 185,000 acres around the Upper St. John River, which is the largest, least developed river system east of the Mississippi River. The Nature Conservancy has already raised over $10 million in private funds for this project, and hopes to receive some of a $50 million bond which will be on the Maine ballot in the fall. The Federal government should be a partner as well. However, many folks in Maine do not want additional Federal acquisitions, so the traditional Federal LWCF program is not a possibility. Yet Maine's annual stateside LWCF allocation would be too small to handle such an expensive project. A new program could leverage the private and State dollars without requiring Federal ownership.

Recognizing that priorities for protecting and conserving resources should be determined at the state and local levels, in cooperation with the Federal government and the use of Federal dollars, the bill creates a new grants program for state activities to promote conservation and improvement of environmental quality.

Specifically, $900 million is apportioned among all 50 states, based on a formula using the following criteria: population, length of coastline, geographic area, and population density. This formula is based on the premise that all states share in the benefits of development of OCS resources. It also recognizes the many factors that put pressure on the nation's resources. Because the formula is not tied to OCS oil and gas production, it does not create incentives for further activity. Lastly, with a ceiling of 5 percent, and a floor of 0.5 percent, the formula ensures that no state receives a disproportionate amount.

The funds can be used for clean air, clean water, cleanup of brownfields, conservation of fish and wildlife habitat, and preservation of open space and farmland. Projects must exceed standards required under existing law, be approved by the Governor after public notice and comment, and must be included in the state plan approved by a Stewardship Council comprised of Federal agency and Congressional representatives.

Federal funding for projects must also be matched with at least 30 percent by non-Federal dollars. This matching requirement is extremely important in that it provides leverage for Federal dollars, and that it encourages states to use the money wisely.

There are special provisions for states that have historically borne the activities in the OCS. Specifically, $300 million over five years, and $10 million annually thereafter, is provided for these states in addition to the amounts they receive under the formula. The funds may be used for OCS mitigation activities, as well as the activities enumerated above.

The NRRA establishes a separate title for the conservation of fish and wildlife, to receive $250 million in OCS revenues, of which $75 million is to be spent on conservation of endangered or threatened species.

Although the States are the principle stewards of our nation's fish and wildlife, their efforts to perform this role are chronically under-funded. It is high time that the Federal government assist them. And it is high time that we protect our nation's fish and wildlife before they become threatened or endangered, rather than wait until the costs and controversies are so great. At the same time, we must get a steady flow of funds for endangered and threatened species to help their recovery.

The key to species conservation is, of course, protection of the habitat. Habitat protection, in turn, requires comprehensive planning and collaboration to determine which habitat is important. Many State fish and wildlife agencies already engage in comprehensive planning, and work closely with neighboring States and the Federal government. The tremendous work conducted in the Mississippi Alluvial Valley through the Partners in Flight program exemplifies what States can do when they have adequate funding.

Indeed, the States have recently completed comprehensive plans for all migratory birds, and plans are underway for amphibians and reptiles.

The NRRA amends the 1980 Fish and Wildlife Conservation Act to encourage implementation and coordination of comprehensive fish and wildlife conservation programs. The bill also places an emphasis on species that are not hunted, fished or trapped. This emphasis seeks to rectify the current imbalance in which non-game programs among all 50 states receive less than $100 million annually, while game-focused programs receive more than $1 billion annually. Less than 10 percent of state fish and wildlife funding is targeted at the conservation of 86 percent of fish and wildlife species.

Three new programs are created in the bill. To promote watershed protection, the NRRA amends Title III of the Federal Water Pollution Control Act to allow up to 10 percent of the State Revolving Loan Fund to be spent as 50 percent matching grants for open space acquisition to protect watersheds and water quality. To address transportation-related development, the NRRA amends current law to allow surface transportation and highway funding to be used for the purchase of open space and green corridors that mitigate transportation-related growth and development. Lastly, to promote the protection of farmland, the NRRA amends the Federal Agriculture Improvement and Reform Act of 1996 to allow State and local conservation organizations to participate in the purchase of conservation easements for farmland protection.

Almost 90 years ago, Teddy Roosevelt said that "of all the questions which can come before this nation, short of actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land a better land for our descendants than it is for us." When a rugged coastline is marred by condos, or farmland is replaced by a strip mall, or a breathtaking vista is pocked with smokestacks, we lose something very valuable, most likely for good. Our bill ensures that the tools are available to leave this land in better condition for our descendants, and remains true to the vision of Teddy Roosevelt.

I urge my colleagues to cosponsor this worthwhile legislation.●

● Mr. JEFFORDS. Mr. President, I rise today as an original cosponsor of the Natural Resources Reinvestment Act of 1999 (NRRA) and thank Senator LIEBERMAN for his leadership on this issue. The purpose of this bill is to reinvest revenues from oil and gas production on outer continental shelf lands to establish a reliable source of funding for State, local and Federal efforts to conserve land and water, provide recreational opportunities, preserve historic resources, protect fish and wildlife, and preserve open and green spaces.

This Congress, the subject of permanent funding for the Land and Water Conservation Fund (LWCF) has received significant attention. The Land and Water Conservation Fund, a special account created in 1964, is the primary vehicle for funding land conservation efforts in the United States and is used for acquisitions and maintenance for our national parks, forests, and wildlife refuges. Four federal agencies—the Park Service, Bureau of Land Management, Fish and Wildlife Service, and Forest Service—receive these funds. In addition, the Park Service has administered a matching grants program to assist states (and localities) in acquiring and developing recreation sites and facilities. The fund accumulates money from diverted revenues from off-shore oil leases.

Unfortunately, the main fund has not recently been fully funded and the state grant program has not received any funding since 1995. The promise of this worthy program has never been fully realized and many opportunities to conserve precious lands and to work with our state and local partners have been lost. People across the country are realizing that they cannot afford to lose more opportunities to protect the lands they consider important to their quality of life.

Many of us think of large tracks of land, like the Green Mountain National Forest in my home state of Vermont, when we think about federal conservation programs. When we think about the Land and Water Conservation Fund, however, we should also envision soccer fields, swing-sets, picnic areas, town beaches and wildlife preserves across the country. The LWCF has made it possible to protect some of the most valuable wildlife habitat in the United States, and also for small communities to afford public recreation facilities that would otherwise not be possible, bringing the benefits of outdoor recreation close to where we live and work.

In addition to the LWCF, the NRRA establishes permanent funding for Urban Parks and Recreation Recovery, the Historic Preservation Fund, and creates several new open space initiatives. The bill also establishes an Environmental Stewardship Fund for states to conserve, protect, and restore their natural resources beyond what is required by current law. The Fund is designed so that states have the flexibility to create their own plans that address their particular needs, while including citizens through a comment process.

The Natural Resources Reinvestment Act demonstrates a commitment to conserving and protecting our national natural and historical resources. I urge my colleagues to support this bill that would secure the funding of our conservation and open space programs for the future.●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 121, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability, and for other purposes.

S. 146

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 146, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 171

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 391

At the request of Mr. KERREY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island (Mr. REED), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 717

At the request of Ms. MIKULSKI, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 778

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 778, a bill for the relief of Blanca Echeverri.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 894

At the request of Mr. CLELAND, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from West Virginia (Mr. BYRD), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 926

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 1131

At the request of Mr. EDWARDS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1327

At the request of Mr. CHAFEE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1382

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to make grants to carry out certain activities toward promoting adoption counseling, and for other purposes.

S. 1446

At the request of Mr. LOTT, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1448

At the request of Mr. HUTCHINSON, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1449

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1449, a bill to amend title XVIII of the Social Security Act to increase the payment amount for renal dialysis services furnished under the medicare program.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Ohio (Mr. DEWINE), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1485

At the request of Mr. NICKLES, the name of the Senator from New Jersey

(Mr. TORRICELLI) was added as a cosponsor of S. 1485, a bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

S. 1528

At the request of Mr. LOTT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that act for certain recycling transactions.

S. 1568

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1568, a bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

SENATE JOINT RESOLUTION 33

At the request of Mr. BROWNBACK, his name was added as a cosponsor of Senate Joint Resolution 33, a joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

At the request of Mr. HAGEL, his name was added as a cosponsor of Senate Joint Resolution 33, supra.

SENATE RESOLUTION 163

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 163, a resolution to establish a special committee of the Senate to study the causes of firearms violence in America.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENT NO. 1603

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of amendment No. 1603 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE RESOLUTION 180—REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SPECTER (for himself and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 180

Resolved,

SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking sections 2 through 6 and inserting the following:

"SEC. 2. FINDINGS.

"The Senate makes the following findings:

"(1) Senator John Heinz believed that Congress has a special responsibility to serve as a guardian for those persons who cannot protect themselves.

"(2) Senator Heinz dedicated much of his career in Congress to improving the lives of senior citizens.

"(3) It is especially appropriate to honor the memory of Senator Heinz through the creation of a Senate fellowship program to encourage the identification and training of new leadership in aging policy and to bring experts with firsthand experience of aging issues to the assistance of Congress in order to advance the development of public policy in issues that affect senior citizens.

"SEC. 3. FELLOWSHIP PROGRAM.

"(a) IN GENERAL.—In order to encourage the identification and training of new leadership in issues affecting senior citizens and to advance the development of public policy with respect to such issues, there is established a John Heinz Senate Fellowship Program.

"(b) SENATE FELLOWSHIPS.—The Heinz Family Foundation, in consultation with the Secretary of the Senate, is authorized to select Senate fellowship participants.

"(c) SELECTION PROCESS.—The Heinz Family Foundation shall—

"(1) publicize the availability of the fellowship program;

"(2) develop and administer an application process for Senate fellowships;

"(3) conduct a screening of applicants for the fellowship program; and

"(4) select participants without regard to race, color, religion, sex, national origin, age, or disability.

"SEC. 4. COMPENSATION; NUMBER OF FELLOWSHIPS; PLACEMENT.

"(a) COMPENSATION.—The Secretary of the Senate is authorized, from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under this resolution for a period determined by the Secretary.

"(b) NUMBER OF FELLOWSHIPS.—No more than 2 fellowship participants shall be so employed. Any individual appointed pursuant to this resolution shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate.

"(c) PLACEMENT.—The Secretary of the Senate, after consultation with the Majority Leader and Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' areas of expertise.

"SEC. 5. FUNDS.

"The funds necessary to compensate eligible participants under this resolution for fiscal year 1999 shall be paid from the contingent fund of the Senate. Such funds shall not exceed, for fiscal year 1999, $71,000. There are authorized to be appropriated $71,000 for each of the fiscal years 2000 through 2004 to carry out the provisions of this resolution.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 9, 1999, at 9:30 a.m. in open session, to consider the nomination of General Henry H. Shelton, USA for reappointment to the grade of General and for reappointment as chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 9, 1999, at 2:15 p.m. on two committee nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Foreign Relations Committee be authorized to meet during the session of the Senate on 9, September, 1999 at 2 p.m. to hold a joint subcommittee hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Thursday, September 9, 1999 beginning at 10 a.m. in room 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. GORTON. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 28, 1999 at 10 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

I WILL PLEDGE WEEK

• Mr. ALLARD. Mr. President, I rise today to recognize a program in Colorado aimed at stopping youth violence. In the wake of the shootings at Columbine in Littleton, students and parents throughout northern Colorado in Fort Collins, Greeley, Windsor and my home town of Loveland organized the week of August 29 through September 4 as "I will pledge week." The program was sponsored by the Fort Collins Coloradoan, Clear Channel—the parent company of radio stations KPAW, KCOL, KIIX, and KGLL, and school districts throughout northern Colorado.

The "pledge" is a symbolic gesture meant to heighten everyone's awareness of the problem of youth violence. It stresses personal responsibility, tolerance and empowers each student to be part of the solution. I have proudly endorsed "the pledge" because I believe it will make a difference. I would like to now share with my colleagues "the pledge."

THE PLEDGE

To end violence . . . "I will pledge to be a part of the solution.

I will eliminate taunting from my behavior.

I will encourage others to do the same.

I will do my part to make my community a safe place by being more sensitive to others.

I will set the example of a caring individual.

I will eliminate profanity toward others from my language.

I will not let my words or actions hurt others . . .

And if others won't become part of the solution, I will."

Last week, literally thousands of students across northern Colorado took this pledge. They committed themselves to be part of the solution to ending youth violence. It is an example I encourage others to follow.●

REMOVAL ON INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-8

Mr. SESSIONS. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on September 9, 1999, by the President of the United States:

Convention (No. 176) Concerning Safety and Health in Mines (Treaty Document No. 106-8).

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification of the Convention (No. 176) Concerning Safety and Health in Mines, adopted by the International Labor Conference at its 82nd Session in Geneva on June 22, 1995, I transmit herewith a certified copy of that Convention.

The report of the Department of State, with a letter from the Secretary of Labor, concerning the Convention is enclosed.

As explained more fully in the enclosed letter from the Secretary of Labor, current United States law and practice fully satisfies the requirements of Convention No. 176. Ratification of this Convention, therefore, would not require the United States to alter in any way its law or practice in this field.

Ratification of additional ILO conventions will enhance the ability of the United States to take other governments to task for failing to comply with the ILO instruments they have ratified. I recommend that the Senate give its advice and consent to the ratification of ILO Convention No. 176.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 9, 1999.*

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 265, S. 28.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Four Corners Interpretive Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners are Arizona, Colorado, New Mexico, and Utah;

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a memorandum of understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992, through agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, Federal, tribal, and private interests;

(10) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction of a Four Corners Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking areas, and water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) to assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) to highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CENTER.—The term "Center" means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means the State of Arizona, Colorado, New Mexico, or Utah, or any consortium of 2 or more of those States.

(3) FOUR CORNERS HERITAGE COUNCIL.—The term "Four Corners Heritage Council" means the nonprofit coalition of Federal, State, tribal, and private entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(4) FOUR CORNERS MONUMENT.—The term "Four Corners Monument" means the physical monument where the boundaries of the States of Arizona, Colorado, New Mexico, and Utah meet.

(5) FOUR CORNERS MONUMENT TRIBAL PARK.—The term "Four Corners Monument Tribal Park" means lands within the legally defined boundaries of the Four Corners Monument Tribal Park.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. FOUR CORNERS INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and commemoration of the Four Corners Monument, to be known as the "Four Corners Interpretive Center".

(b) LAND DESIGNATED AND MADE AVAILABLE.—Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundaries of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(c) CONCURRENCE.—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) COMPONENTS OF CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) GRANT.—

(1) IN GENERAL.—The Secretary is authorized to award a grant to an eligible entity for the construction of the Center in an amount not to exceed 50 percent of the cost of construction of the Center.

(2) ASSURANCES.—To be eligible for the grant, the eligible entity that is selected to receive the grant shall provide assurances that—

(A) the non-Federal share of the costs of construction is paid from non-Federal sources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(B) the aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than $2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind.

(3) FUNDS FROM PRIVATE SOURCES.—A State may use funds from private sources to meet the requirements of paragraph (2)(B).

(4) FUNDS OF STATE OF ARIZONA.—The State of Arizona may apply $45,000 authorized by the State of Arizona during fiscal year 1998 for planning and $250,000 that is held in reserve by the State for construction toward the Arizona share.

(b) GRANT REQUIREMENTS.—In order to receive a grant under this Act, the eligible entity selected to receive the grant shall—

(1) submit to the Secretary a proposal that—

(A) meets all applicable—

(i) laws, including building codes and regulations; and

(ii) requirements under the memorandum of understanding described in paragraph (2); and

(B) provides such information and assurances as the Secretary may require; and

(2) enter into a memorandum of understanding with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural, and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of the Center collections and educational programming;

(F) a plan for design of exhibits including, but not limited to, the selection of collections to be exhibited, and the providing of security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Department of the Interior to carry out this Act—

(1) $2,000,000 for fiscal year 2000; and

(2) $50,000 for each of fiscal years 2001 through 2005 for maintenance and operation of the Center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(b) CARRYOVER.—Funds made available under subsection (a)(1) that are unexpended at the end of the fiscal year for which those funds are appropriated, may be used by the Secretary through fiscal year 2002 for the purposes for which those funds are made available.

(c) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a grant proposal meeting the requirements of this Act is submitted, but no later than September 30, 2001.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expend donations of funds, and use property or services donated, from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 28), as amended, was read the third time and passed.

ORDERS FOR FRIDAY, SEPTEMBER 10, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Friday, September 10. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin morning business time with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN, or his designee, 9:30 to 10:30; Senator COVERDELL, 10:30 to 11:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene at 9:30 a.m. and will be in a period of morning business throughout the day. As for next week, it is the intention of the majority leader to complete action on the Interior appropriations bill early next week and to begin consideration of the bankruptcy reform bill as well as any available appropriations bills. As previously announced by the leader, the next series of rollcall votes will occur on Monday, September 13, at 5 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Friday, September 10, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1999:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LINDA LEE AAKER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE JOHN R. SEARLE, TERM EXPIRED.

EDWARD L. AYERS, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE PAUL A. CANTOR, TERM EXPIRED.

PEDRO G. CASTILLO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE BRUCE COLE, TERM EXPIRED.

PEGGY WHITMAN PRENSHAW, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE HENRY H. HIGUERA, TERM EXPIRED.

THEODORE WILLIAM STRIGGLES, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE THOMAS CLEVELAND HOLT, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

CAPT. RALPH D. UTLEY, 9691.

To be rear admiral

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10 UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (LH) CARLTON D. MOORE, 0938.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

CAPT. MARY P. O'DONNELL, 3535.

To be rear admiral

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

C. MILLER CROUCH, OF CONNECTICUT
HARRIET LEE ELAM, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR:

ANNE M. CHERMAK, OF VIRGINIA
MARILY E. HULBERT, OF FLORIDA
WILLIAM M. MORGAN, OF CALIFORNIA
JOE B. JOHNSON, OF TEXAS
MARCELLE M. WAHBA, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DONALD M. BISHOP, OF VIRGINIA
WILLIAM G. CROWELL, OF WASHINGTON
THOMAS F.X. HARAN, JR., OF MASSACHUSETTS
CYNTHIA FARRELL JOHNSON, OF MARYLAND
PHILLIP T. PARKERSON, OF FLORIDA
DUDLEY O'NEAL SIMS, OF FLORIDA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARK C. LUNDI, OF MARYLAND
GARY B. PERGL, OF CALIFORNIA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERE ADMINISTRATION.

To be captain

DONALD A. DREVES
DAVID H. PETERSON
GARY A. VAN DEN BERG
DALE E. BRETSCHNEIDER
DAVID J. TENNESEN
TED I. LILLESTOLEN
ROGER L. PARSONS
JOHN T. MOAKLEY
JOHN D. WILDER
MARK P. KOEHN
NICHOLAS E. PERUGINI
DEAN L. SMEHIL

To be commander

PETER J. CELONE
RUSSELL E. BRAINARD
SUSAN D. MCKAY
STEVEN R. BARNUM
JON E. RIX
PAUL D. MOEN
JAMES R. MORRIS
JOANNE F. FLANDERS

To be lieutenant commander

JAMES R. MEIGS
DAVID O. NEANDER
THOMAS E. STRONG
RICHARD A. FLETCHER
MICHAEL S. DEVANY
SCOTT S. STOLZ
ANDREA M. HRUSOVSKY
DOUGLAS R. SCHLEIGER
JULIA N. NEANDER

To be lieutenant

JEFFREY C. HAGAN
JOHN K. LONGENECKER
DEBORA R. BARR
MICHAEL L. HOPKINS
JULIE V. HELMERS
ERIC W. BERKOWITZ
JON D. SWALLOW
WILLIAM T. COBB III
JOSEPH A. PICA
KEITH W. ROBERTS
JONATHAN G. WENDLAND
PHILIP G. HALL
WILLIAM R. ODELL
BRIAN W. PARKER
JOHN T. CASKEY
TODD A. HAUPT
CECILE R. DANIELS
RUSSELL C. JONES
ALEXANDRA R. VON SAUNDER
LAWRENCE T. KREPP
JAMES M. CROCKER
GEORGE J. KONOVAL
CARL E. NEWMAN
SHEPARD M. SMITH
TODD A. BRIDGEMAN
NATHAN L. HILL
ROBERT A. KAMPHAUS
ERIC W. ORT
EDWARD J. VAN DEN AMEELE
MARK A. WETZLER

To be lieutenant (junior grade)

GREGORY G. GLOVER
SCOTT M. SIROIS
PAULENE O. ROBERTS

To be ensign

SARAH L. SCHERER
ARTHUR J. STARK
DAVID J. ZEZULA
ANGIE J. VENTURATO
MICHAEL F. ELLIS
GRETCHEN A. IMAHORI
ELIZABETH I. JONES
GEORGE M. MILLER
KEVIN J. SLOVER
NANCY L. ASH
BRADLEY H. FRITZLER
DANIEL K. KARLSON
MARC S. MOSER
JASON A. APPLER
HOLLY A. DEHART
FRANK K. DREFLAK
BRIAN A. GOODWIN
JENNIFER J. HICKEY
ANGELIKA G. MESSER
KRISTIE J. TWINING
KEVIN V. WERNER

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL JAMES III, 8248.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. THOMAS J. FISCUS, 5444.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JERRY D. WILLOUGHBY, 7719.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HAROLD A. CROSS, 6940.
BRIG. GEN. PAUL J. SULLIVAN, 5946.

To be brigadier general

COL. DWAYNE A. ALONS, 6536.
COL. RICHARD W. ASH, 2052.
COL. GEORGE J. CANNELOS, 9758.
COL. JAMES E. CUNNINGHAM, 6429.
COL. MYRON N. DOBASHI, 8614.
COL. JUAN A. GARCIA, 8468.
COL. JOHN J. HARTNETT, 7206.
COL. STEVEN R. MCCAMY, 8048.
COL. ROGER C. NAFZIGER, 2043.
COL. GEORGE B. PATRICK, III, 8518.
COL. MARTHA T. RAINVILLE, 6388.
COL. SAMUEL M. SHIVER, 9331.
COL. ROBERT W. SULLIVAN, 8075.
COL. GARY H. WILFONG, 8548.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PETER J. GRAVETT, 1602.
BRIG. GEN. WALTER J. PUDLOWSKI, JR., 9303.
BRIG. GEN. FREDERIC J. RAYMOND, 7461.

To be brigadier general

COL. LEWIS E. BROWN, 6735.
COL. DAN M. COLGLAZIER, 2443.
COL. JAMES A. COZINE, 4268.
COL. DAVID C. GODWIN, 9388.
COL. CARL N. GRANT, 3245.
COL. HERMAN G. KIRVEN, JR., 2827.
COL. ROBERTO MARRERO-CORLETTO, 1485.
COL. WILLIAM J. MARSHALL, III, 0946.
COL. TERRILL MOFFETT, 6766.
COL. HAROLD J. NEVIN, JR., 6639.
COL. JEFFREY L. PIERSON, 9148.
COL. RONALD S. STOKES, 9217.
COL. GREGORY J. VADNAIS, 4304.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH W. DYER, JR., 0881.

HOUSE OF REPRESENTATIVES—*Thursday, September 9, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We pray, Almighty God, that our minds and hearts would be open to the gifts of the spirit so that our daily experiences are not only the necessary duties that must be done, but that we would see more clearly the blessings of the spirit. Grant us new insight so we behold the gifts of wonder and beauty in Your creation and the marvelous gifts of love and grace and peace. Give us, we pray, a new vision of the meaning of justice that deals with the needs of every person and helps bring us all together in respect and dignity. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. DOGGETT) come forward and lead the House in the Pledge of Allegiance.

Mr. DOGGETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 457. An act to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2670. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2670) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. INOUYE, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title in which concurrence of the House is requested:

S. 1076. An act to amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 1-minutes on each side.

THE BUREAUCRATIC DAYDREAMERS AT THE INTERNATIONAL MONETARY FUND ARE AT IT AGAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the bureaucratic daydreamers at the International Monetary Fund are at it again. They are exploring the far reaches of reality and resorting to voodoo economics.

My home State of Nevada is the largest gold producing State in the Nation. This vital industry helps put food on the table, buy homes, send kids to colleges for thousands of Nevada families. The trouble has been on the horizon for the past several months as the IMF has been scheming to dump part of their gold reserve on to the open market in an effort to hide its debt losses.

Their latest debt forgiveness scheme is nothing more than smoke and mirrors and voodoo economics.

The gold scheme sale will lead to a disrupted and flooded commodity market which translates into a plummeting economy for many countries. The reality in Nevada is still the same. It will cause more mines in North America to begin closing at an even more alarming pace and thousands of America's hardest working men and women will be out of work, unable to feed their families; all because of the IMF.

Congress has the power to stop this ill-conceived IMF scheme and I urge my colleagues to oppose the voodoo economics of this taxpayer giveaway.

A WHOLE NEW POLICY ON TERRORISM IN AMERICA: IF TERRORISTS APOLOGIZE, THEY ARE SET FREE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, 12 terrorists from Puerto Rico who are responsible for 130 bombings in America, killing 6 Americans and wounding many more have been pardoned by the President. Now, if that is not enough to get away with murder, check this out: to get the pardon, the terrorists had to promise to give up violence. Unbelievable, Madam Speaker.

A whole new policy on terrorism in America. If terrorists apologize, they are set free. Beam me up, Madam Speaker.

An America that pardons terrorists is an America that invites more terrorism. I yield back the pain and suffering of their victims and their families.

DEMOCRATS DO NOT TRUST AMERICANS TO SPEND THEIR OWN MONEY THE RIGHT WAY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, many Democrats have stated that tax cuts would be risky. Well, of course they would. They believe the average Americans, to quote the President, might not spend it right.

Is this not the perfect expression of a liberal mindset? They really do believe that money that people earn does not really belong to them. They do not trust people to spend it right, whatever that means. After all, we all know that Washington knows best. It seems clear to me that Democrats do not quite agree with the proposition that rich or poor the money people earn belongs to them, not the Government.

In fact, liberals imply that any time the Government cuts taxes, it is doing

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

everyone a favor, as if giving someone something. It is not giving anyone anything. It is merely taking less from what is already yours.

So every time we hear a Democrat call a Republican tax relief package risky, just remember why they are doing so.

COULD IT BE THE REAL REASON REPUBLICANS ARE DROPPING THE TAX BILL IS THE AMERICAN PEOPLE HAVE ALREADY VETOED IT?

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, surely one of the most bizarre announcements of this do-little Congress was the declaration yesterday by the Republican leadership that there will be no tax bill this year, because there simply will not be enough time to consider the matter after the President vetoes the Republican tax giveaway. This is the same Republican leadership, of course, that has delayed now over a month in sending the tax bill to the President so that it can be vetoed, as they knew he would do all along.

Could it be that the real reason that they are dropping the tax bill is that the American people have already vetoed it?

They have vetoed the idea of borrowing from a still rising national debt to give more to those who have a PAC and a lobbyist here in Washington for the hundreds of billions of dollars of special interest tax provisions in this measure. They have vetoed the idea of taking from Social Security and Medicare to give a tax break to those at the top when most Americans will get pennies out of this tax proposal.

I believe the American people have vetoed this bad idea, and perhaps that is the real reason that even the Republican leadership, that has done so little this year, is giving up on the tax cut.

PARDON FOR TERRORISTS

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Madam Speaker, I could not believe my eyes when I read the newspaper this morning that President Clinton had given clemency to 12 imprisoned members of the Puerto Rican terrorist organization, the FALN.

U.S. policy to terrorists has always been very consistent; it has always been very clear. We must make no concessions to terrorists. That has been the policy, not to pardon terrorists.

We should be sending a strong message that terrorism would not be tolerated. As my friend, the gentleman from Ohio (Mr. TRAFICANT), has pointed out, the FALN was responsible for 130 bombings in the United States that killed six people, at least; injured scores of other Americans; three police officers were maimed for life; two were blinded; one lost a leg while trying to diffuse one of the bombs that the FALN planted in 1982.

What does the President have to say to these victims and their families? What does Vice President GORE have to say about releasing these law breakers? All 12 terrorists given clemency were convicted on charges of seditious conspiracy and possession of weapons and possession of explosives. They belong in prison.

THE KIDNAPPINGS, KILLINGS AND FORCED EVACUATIONS IN EAST TIMOR ABSOLUTELY SHOULD NOT BE HAPPENING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I too am deeply disturbed by the horrifying human rights violations currently taking place in Indonesia in East Timor. The kidnappings, the killings, the forced evacuations absolutely should not be happening. The horrific beheadings, with severed human heads being paraded around on sticks, is barbaric.

The government of Indonesia imposed martial law on the country to control the violence that erupted after the East Timorese voted for independence. Unfortunately, reliable reports suggest that Indonesian military officials are actually involved in orchestrating the unrest and violence that is occurring right now.

Madam Speaker, I call on President Habibie and the other Indonesian officials to accept the results of the referendum, get control of their military and bring an immediate end to the horrifying bloodshed and violence that is terrorizing the people.

RESPONSIBLE TAX CUTS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, only in this Congress, with a small Republican majority, would we experience the following: cuts in housing funds, cuts in science and space funds, cuts in education funds, no planning to safeguard Medicare for the future growth, almost $6 billion in national debt that is owed from the last 50 years, and the major issue we are talking about for the next few weeks is whether we want a tax cut.

Let us be clear about the debate. I would like to have a tax cut, too, just like most Americans, but the biggest concern we have is making sure Social Security is there, Medicare is there, and that we also pay down the national debt.

We cannot ignore those issues and only talk about a tax cut. The Republican plan for tax cuts is financially irresponsible. It only passed the House by a few votes and now they are going to use it for the next month to talk about how bad the President is. Let us put that aside and get on about our business of legislating.

During the August recess, I talked to hundreds of constituents in my district in Houston, like people did all over the country, and they talked about the need to safeguard Social Security, Medicare, and pay down that debt.

ORGAN DONATION IS AS SIMPLE AS FILLING OUT A DONOR CARD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, we know that life is short, and the 60,000 patients who are currently on a waiting list to get organs know just how precious time is.

Sadly enough, only 20,000 people this year will receive organ transplants, and today nine people will lose their lives because a match was not found.

As the waiting list for organs continues to grow, so does the need for organ procurement. Organ donation is as simple as filling out a donor card and by just one person's donation as many as 50 people may benefit through transplantation.

It is important that we as Members of Congress raise awareness on the importance of organ and tissue donations to increase donors across our districts and throughout our land. There is no greater gift than the gift of life. We must encourage this giving and work to leave a lasting legacy to prevent the needless and tragic deaths of thousands of Americans each year.

VOTE NO ON THE D.C. CONFERENCE REPORT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker, in one of the great ironies of this session, I am forced to ask for a no vote on the D.C. conference report that will come before us later today. My appropriation is actually a local budget with the old federal payment now abolished. Though the budget comes balanced, replete with tax cuts and a surplus, it has proved needlessly contentious here, dragging Members into local matters that most want to avoid as somebody else's business about which Members necessarily know little.

The new Mayor, revitalized City Council and I cannot live with backdoor approaches to weakened self-government. Take it straight from D.C. itself. We all ask for a no vote on the D.C. conference report.

□ 1015

WE MUST PROVIDE REAL, MEANINGFUL, AND REASONABLE TAX RELIEF FOR THE AMERICAN PEOPLE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, Republicans in the House of Representatives are keeping their word to the American people. As a member of the Committee on Appropriations, I am very proud of the work that the committee has done and led by the gentleman from Florida who has crafted bills that will keep the agreement and maintain the budget caps that we promised back in 1997.

On the other side, the flip side, the President's budget proposal busts the budget spending by some 42 billion over our agreed upon limit. How does he get away with that my colleagues ask? By using gimmicks, by assuming new taxes on the American people knowing full well that the Republican Congress would never agree to those tax hikes.

Now we understand that a supplemental spending plan is coming our way from the White House. This emergency spending would add up to 12 billion more.

Madam Speaker, this illustrates our point about why we must provide meaningful tax relief to the American people. If we do not give the American people back their money, it is sure to be spent by the big government crowd here in Washington, D.C. That would be a huge disservice to the people who pay our bills, the American taxpayer.

STAND UP AND SAY SOMETHING ABOUT THE MASSACRES GOING ON IN EAST TIMOR

(Mr. CAPUANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAPUANO. Madam Speaker, 200,000 refugees, 3,000 people per hour leaving their homes and their country. Martial law imposed, paramilitary people roaming the countryside. Sound familiar? Four and a half months ago we did this in Kosovo. I thought the problem then was that this House did not have anything to say about it until we already had troops on the ground. I think we need to stand up now and say something about the massacres that are going on in East Timor.

One way or the other I happen to think that we need to do something. I think America stands for democracy; I think we need to stand up. That is why today's resolution being filed already has 20 cosponsors. It was only drafted yesterday in bipartisan support, and I ask every Member to look at that resolution and to join us to have this Congress stand up before, before we commit troops either ourselves or the United Nations or SEATO or someone else.

Stand up and be counted. Do our job.

LIBERALS HATE THE IDEA OF ALLOWING AMERICANS TO KEEP MORE OF THEIR OWN MONEY

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Madam Speaker, the Washington Post editorial page has editorialized yet again against the Republican tax cut proposals. Hardly a week goes by without the Washington Post and other liberal publications warning against the idea of letting Americans keep more of their hard-earned money. To me that is a pretty good indication that it is exactly what we need to do.

Of course, the same crowd that called Ronald Reagan's tax cuts dangerous, foolish, and irresponsible are now singing the same tune today. They are the same people who just 2 years ago said that it was impossible to cut taxes and balance the budget at the same time. And, of course, they are the same crowd that could not praise President Clinton enough for raising taxes by a record amount.

See, Madam Speaker, some people really do not believe that people can spend their own money better than Washington can, and they really hate the idea that people should be able to keep more of the fruits of their hard-earned labor and reap the benefits of saving and sacrificing and realizing their dreams, and of course they are against tax cuts.

GOP TAX CUT SELLS CHILDREN SHORT

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, over the August recess, the message from America was clear:

We do not want the GOP tax break.

What is realized, the GOP plan provides little tax relief for middle-and lower-income Americans, the ones who need it the most. It does nothing to continue our efforts to reduce the Federal debt. It does nothing to strengthen Social Security or Medicare, and it does nothing, it does nothing to help the dire conditions of our schools, the infrastructure of our schools in the United States. Republicans offer only a small arbitrage provision in the recently passed tax bill as their aid for our beleaguered school system. This initiative would provide minimal tax benefits to school districts. These benefits can actually delay school construction for more than 2 years.

We can fix our highways; we can rebuild our bridges. Why do we sit by and do nothing for the infrastructure that houses our Nation's greatest asset, our children? There are many chilling accounts of near fatal accidents at schools in New York, and I fear the day that conditions at our schools deteriorate to the point where accidents are simply unavoidable.

I know that providing tax relief to our schools for construction assistance is not only the right thing to do as a Congressman, but the right thing to do as a new parent and as an American.

THE REPUBLICAN PLAN IS FOR ALL AMERICANS, NOT JUST THE RICH

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, Congressional Budget Office projects approximately $3 trillion in budget surpluses over the next 10 years. The Republican plan would take $2 trillion of that money and put it in the Social Security and Medicare lockbox. That means that $2 trillion goes towards retirement security for those two important programs. It also reduces the debt by $2 trillion. The remaining $1 trillion would be returned to the taxpayers, all taxpayers.

Now my liberal friends in the House here keep saying it is tax cuts for the rich, tax cuts for the rich. It is just not true. It is for all Americans.

The details? For example: The marriage penalty.

Right now, a married couple in this country pays higher taxes than a couple who is living together and not married. That is just not right. So it phases out the marriage penalty.

It also eliminates over time the death tax or the inheritance tax. Right now the Federal Government can take up to 55 percent of what a person has earned during the course of their life when they die. It means the family farm gets sold, small businesses get sold, people lose their jobs.

So let us save those important programs and cut taxes.

AS THE CHAMPION OF DEMOCRACY, OUR VOICE SHOULD BE THE LOUDEST FOR PROTECTING THE PEOPLE OF EAST TIMOR

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Madam Speaker, on August 30 the world watched as the people of East Timor exercised their right to self-determination for the first time with nearly full participation of eligible voters; and by a staggering margin, the East Timorese chose independence from Indonesia over autonomy within it. This courage has been rewarded with the destruction of East Timor, the displacement of its people, the inaction of the Indonesian government. Since the election, hundreds have died; and nearly one-quarter of the East Timorese have been forced to flee their homes. Indonesian officials have done nothing to stop the violence and to protect the U.N. personnel there.

For the people of East Timor time is running out. We must do our part to stop the horror; we must pledge logistical support to an armed peacekeeping force to restore order in East Timor. Until order is restored, all bilateral nonhumanitarian assistance to Indonesia should be suspended; and we should use our leverage in international financial institutions to cut off multilateral assistance. We should advocate in the U.N. Security Council punitive measures against Indonesia if Habibie fails to cooperate.

As the champion of democracy, our voice should be the loudest.

CLEMENCY FOR PUERTO RICAN TERRORISTS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, my colleague from New York who preceded me in the well accurately points out yet another problem in the world, and while this House in a bipartisan basis will work its will in short order to deal with this crisis, it reminds us that we bear the bitter fruits of confusion, naivete, or worse on the part of this administration in dealing with foreign policy.

Madam Speaker, the best example and the latest example is the confusing dilemma in which our Commander in Chief has placed the American people because he apparently has chosen to reward terrorists. It is sad to note the President of the United States has granted clemency to about one dozen Puerto Rican terrorists who advocated the armed overthrow of the United States Government.

Madam Speaker, the President says that he will take the terrorists at their word.

Madam Speaker, as we have learned, when we cannot trust our highest elected officials and take them at their word, how can we possibly take the word of terrorists?

YOU DO THE CRIME, YOU DO THE TIME

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Madam Speaker, I agree. When the President is right, I stand with him; but I also have to speak out when I believe he is wrong.

Now I oppose the President's act of granting clemency to terrorists. The acts that these people were convicted of are not necessarily all that they would have been involved in. Often a U.S. Attorney in order to get a conviction will bring those cases that are most evident, where the evidence is best, even though there were other cases that could have been brought.

The only authority of the law is when wrongdoers know that the penalty will be fully carried out. This becomes doubly important in the act of terrorism because it is also essential to remove those people as quickly as possible from the scene so they cannot carry out other groups and so we send a message internationally.

Madam Speaker, these people were part of a group that brought death and destruction. They maimed police officers. They should serve the entire term.

There is an old saying: "You do the crime, you do the time," and that applies to this situation especially.

WE MUST RESPOND TO THE CRISIS IN EAST TIMOR

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Madam Speaker, as we gather here today in Congress it is nighttime in East Timor. Thousands of refugees are fleeing the country.

East Timor is a country of 800,000 people, and nearly a third of them have had to flee since the election the other day. At that time, the people of East Timor voted overwhelmingly for independence; but instead violence rules in East Timor. And the world has not spoken out adequately, appropriately, sufficiently in any way to respond.

In the course of 500 years of domination of other countries' cultures including the Japanese occupation of 50 years, never in that time were the religious institutions attacked. But in the last few days, the home of Bishop Belo was bombed, was set afire. This place was a refuge, a sanctuary for people who came for shelter from the violence and has been set afire by the militia and the military.

Madam Speaker, how much more will have to happen there before we will act to cut off the funds from the IMF? Support the Capuano resolution that will come to the floor today.

GOOD NEWS FROM THE TASK FORCE ON SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, I think I have exciting news, regarding what we have accomplished in our Social Security Task Force. Our bipartisan Task Force has been working on Social Security and the possibility of a bipartisan agreement to move a solution ahead. Last year, I was asked to head up a task force on Social Security with Democrats and Republicans. That was officially started early this year as a task force of the Committee on the Budget. Republicans and Democrats, when we started the discussion were inclined to have little agreement.

The good news is we have come up with 18 findings that the Republicans and Democrats have agreed on. Next week we will have a complete report of this task force effort. I am excited. Let us keep it in our minds. Let us not be nullified by the fact that we have a surplus and somehow that surplus is going to somehow fix Social Security. It does not.

THE REPUBLICAN PLAN IS OUT OF STEP WITH AMERICAN VALUES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, American working families today want to use the budget surplus in a responsible way that protects, strengthens Medicare and Social Security, that pays down the debt. The Republican plan is out of step with American values. It does nothing to extend Social Security by a single day. It dedicates not one penny to Medicare. It would force deep cuts in education, crime fighting, and national defense.

But let me tell my colleagues there is a quote from one of my Republican colleagues that sums up their views about working families, and I quote: The American people are not too enthusiastic about a tax-cut package because most of them are not paying taxes, and the top 1 percent of America earns 70 percent of all income and pays 32 percent of all taxes. The bottom 50 percent of America's income earners only pay collectively 4.8 percent of the taxes, so it is not surprising that they are not going to benefit.

□ 1030

They do not want a tax cut. Not paying taxes? Not paying taxes? You talk to working families in this country today and find out whether or not they are paying taxes. They want and need targeted tax breaks. They also need to have Social Security and Medicare extended on their behalf.

PROVIDING FOR CONSIDERATION OF A MOTION TO SUSPEND THE RULES

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 281

Resolved, That it shall be in order at any time on Thursday, September 9, 1999, or on Friday September 10, 1999, for the Speaker to entertain a motion that the House suspend the rules and adopt the concurrent resolution (H. Con. Res. 180) expressing the sense of Congress that the President should not have granted clemency to terrorists.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 281 provides for the consideration of House Resolution 180, a concurrent resolution expressing the sense of Congress that the President should not have granted clemency to convicted terrorists of the Armed Forces of the National Liberation, the FALN.

Last night the Committee on Rules held an emergency meeting to provide for suspension days on Thursday, September 9, and Friday, September 10, in order that the Congress be allowed to quickly respond to recent presidential action.

Mr. Speaker, this is a very short legislative week. Members of Congress just returned from meeting with their constituents during their August work period and honoring our Nation's workforce on Labor Day. In addition, Congress cannot extend the legislative week in respect to Rosh Hashanah. Therefore, the resolution will be considered under the suspension of the rules in order to accommodate the measure in this very short legislative week. Furthermore, the suspension process is normally used to consider such bipartisan measures.

The rule provides that it shall be in order at any time on Thursday, September 9, 1999, or Friday, September 10, 1999, for the Speaker to entertain a motion that the House suspend the rules and adopt a concurrent resolution, House Concurrent Resolution 180, expressing the sense of Congress that the President should not have granted clemency to these terrorists.

Mr. Speaker, on April 14, 1986, the United States military forces bombed the headquarters and terrorist facilities of Libyan strongman Mu'ammar Qadhafi. The strikes were ordered in retaliation for a cowardly act of terrorism that left two dead, including Sergeant Kenneth Ford, and 230 wounded, including 50 American military personnel.

In announcing the air strikes, President Ronald Reagan said, "Those who remember history understand better than most that there is no security, no safety, in the appeasement of evil. It must be the core of Western policy that there be no sanctuary for terror."

Yet we are here today because sanctuary has been offered to convicted terrorists. And make no mistake about that. The 16 Members of the FALN, duly tried and convicted, have not been imprisoned because of their political beliefs. They have been jailed because their reign of terror left six dead and dozens more permanently maimed, including members of our law enforcement community.

FALN has claimed responsibility for 130 bombings of civilian, political and military sites; and according to the Federal Bureau of Prisons, they are prepared to strike again.

Why, then, would President Clinton offer them clemency? Why should they be released from prison?

Not one of these terrorists contested the evidence against them. None showed remorse. In fact, in the years since their conviction for numerous felonies, including conspiracy, not a single one asked for clemency.

Much has been written and said about President Clinton's reasons for making this offer of clemency. I will leave those discussions to the pundits and to the commentators. But I will say this: this action is more than misguided, it is more than wrong, it is a very real threat to the safety and security of the American people.

Of course, their release is not without conditions. They needed to renounce violence. After almost a month, with the clock ticking, they finally agreed. Isn't something very, very wrong, when someone needs to be coerced and cajoled to renounce violence?

Mr. Speaker, not a single act of terrorism has been attributed to the FALN since these individuals were jailed. Why then should the power of the presidency be used to give them the freedom to renew their reign of fear and terror?

This House, this Congress and this Nation have been engaged in a great debate over how to best ensure the safety and security of our homes, our neighborhoods and our schools. During the course of that debate, President Clinton himself said that our responsibility is "not only to give our thoughts and prayers to the victims and their families, but to intensify our resolve to make America a safer place."

Mr. Speaker, we can make America a safer place, and we can start by keeping criminals off our streets and terrorists behind bars.

I urge the adoption of this rule and its underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, my dear friend the gentleman from New York (Mr. REYNOLDS) for yielding me the customary half hour.

Mr. Speaker, normally suspension bills can be brought up only on Mondays and Tuesdays, but this rule will add two more days, Thursday and Friday, and it will add those days for one reason, for one resolution, a resolution that my Republican colleagues are in a great, great hurry to pass.

They are in such a great hurry to pass this resolution, Mr. Speaker, that they are creating this special process just to bring this bill to the floor. So while we are rushing the resolution of the gentleman from New York (Mr. FOSSELLA) to the floor on a fast track, Mr. Speaker, I would like to propose adding some other bills to that same fast track, bills addressing issues that are much higher on the American people's agenda.

I think we should rush a patients' bill of rights to the floor to make sure doctors and patients make medical decisions and not insurance companies and CPAs.

I think we should rush a gun safety bill to the floor to get guns off our streets and get those guns out of our schools.

I think we should rush to the floor a bill protecting Social Security and protecting Medicare, which is scheduled to fall apart starting the year 2015.

Mr. Speaker, the American people are crying out for HMO reform, gun safety legislation, and Medicare reform. I say let us add those bills to the agenda.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, this is a defining moment for the United States of America as far as I am concerned. The question before us today is going to be what type of signal do we send to terrorists contemplating acts of terrorism against this Nation?

This was the President's spokesperson yesterday, Mr. Lockhart, saying, "You know, I think our efforts to bring terrorists to justice are one of the highest priorities of the President's national security agenda."

Several weeks ago this White House offered clemency to 16 known terrorists, individuals who were part of a group known as the FALN that engaged in a reign of terror across this country, but primarily from New York to Chicago, a group that claims responsibility for 130 bombings, a group that killed innocent people and maimed innocent people during the seventies and eighties, and, if they were not caught, who knows how many more innocent people would have died?

Now, there are those who have advocated for the release of these terrorists for years. That does not make it right. Let us put a human face on what this group claims responsibility for.

A man by the name of Frank Connor, who in 1975 was having lunch in downtown Manhattan in Fraunces Tavern. Just because he was having lunch, an FALN bomb went off and killed him. His sons, Joseph Connor and Thomas Connor, were 9 and 11 years old at the time. Joseph Connor was celebrating his ninth birthday that day. His father never made it home. His wife was made a widow.

Or Diana Berger, whose husband was having lunch that very same day in Fraunces Tavern, who was 6 months pregnant with their first child. Her husband never made it home.

Or fast forward several years later to December 31, 1982, New Year's Eve in downtown New York once again, when an FALN bomb exploded, leaving Officer Rocco Pascarella without a leg. And when two of his colleagues, Officers Richard Pastorella and Anthony Semft responded to that bomb threat, they were called to another scene, another FALN bomb. And when Richard Pastorella was 18 inches from that bomb, it detonated.

Today, Officer Pastorella is blind in both eyes. He has no fingers on his right hand. He has 20 screws in his head to keep his face together. He has undergone 13 operations. His partner, Anthony Semft, is blind in one eye. He has had reconstructive surgery. He is partially deaf. And those are just some of the victims of this FALN organization.

Now we are about to set these people free, who call themselves freedom fighters? Now we are about to set these people free.

This group, they are not a bunch of Boy Scouts and Girl Scouts. They are a terrible, terrible group. These people had no regard for human life. They participated in this network that would rob and steal, that would videotape making bombs.

What were they going to do with those bombs? They were going to be used against innocent people. And the President has offered clemency to these individuals. Two of them have renounced it because they believe what they did was justified, that they are political prisoners. Well, tell that to the Berger family, tell this to the Pastorellas, tell that to the Pascarellas, tell that to every innocent person across this Nation who feels the best and most important priority we can do as public officials is to protect them.

In Oklahoma City several years ago, Terry Nichols was nowhere near the bomb scene, but he was sentenced to life. Can you imagine the outrage of the American people if in 10 or 15 years the then President offers clemency to Terry Nichols because he was nowhere near the bomb scene?

We have called upon the President to rescind that offer of clemency. I am afraid it may be too late.

□ 1045

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to thank our colleague, the gentleman from New York (Mr. FOSSELLA) for introducing this resolution that he has brought before us today. I also thank the leadership for bringing this matter to the House floor with appropriate alacrity.

It is important to remember that the FALN targeted police officers with their violence. One of my constituents that the gentleman from New York (Mr. FOSSELLA) referred to, a former New York City police officer, Rocco Pascarella, lost his leg in an FALN attack in New York City on December 31, 1982. He lost the sight in one of his eyes.

By targeting police officers who were sworn to serve and protect our citizens, the FALN has targeted all of us. As I join with the gentleman from New York (Mr. FOSSELLA) with what I expect to be an overwhelming majority of our colleagues calling on the President to withdraw his offer of clemency, I am also gratified that the Committee on Government Reform, on which I serve, has subpoenaed documents from the administration related to this unprecedented clemency offer.

We look forward to further proceedings in that direction. I urge my colleagues to fully support this resolution, Mr. Speaker.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, I rise in support of the rule and of the resolution, and I want to commend my good friend, the gentleman from Staten Island, New York (Mr. FOSSELLA), for his work on this very important issue.

Mr. Speaker, this is really about the respect for law in this country, and whether folks who have decided to use terrorist activities and criminal behavior against innocent individuals should pay a price as dictated by the law, or whether we are going to turn our backs on law enforcement and the rule of law in this country.

What would happen if the President, whoever he may be in a few years, would grant clemency to the World Trade Center bombers, or the Oklahoma City terrorists? Or to my liberal friends, how about the folks who have bombed abortion clinics? Would they be a good subject for having clemency granted? I do not think so.

Basically what we have here is an issue of common sense and the rule of law. One hundred and thirty FALN bomb attacks on civilian and military targets, six people dead, dozens wounded.

I was based, Mr. Speaker, in New York City in the early seventies, right before these terrorist attacks took place, when I was stationed there with the FBI. I have had some discussions with some of my friends who had served in New York, and still some of them currently serve in New York, as well as with the FBI headquarters.

I can tell the Members without exception that those gentlemen who are sworn to uphold the law and in fact arrested these criminals are adamantly opposed to this action by the President. I would ask that the House pass this by a substantial margin and send a strong message to the White House that the rule of law must be protected.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, just for the purposes of debate, let me remind folks what we are talking about here. The power of clemency is an awesome power that is granted to the President under Article II, Section 2, Clause 1 of the Constitution, that says, "The President shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

The party in power gives the President unlimited authority to grant full and committee pardons, conditional pardons, clemency, such as commuting sentences, reversing conditions, or nullifying conditions of release.

This President has exercised this awesome power only three times since he has been President. President Bush, to my understanding, did it three times. There have been more than 3,000 applications for clemency, and Lord knows how many other people sitting in prison would want this power of clemency granted to them, as well.

Of the three who have been released or granted clemency in the last 7 years, one was subsequently convicted and sent back to prison. So this is not something that is done every day.

Now, all at once, 16 terrorists are being offered this power of clemency. Most of the 16 terrorists were charged with seditious conspiracy and weapons possession connected to 28 bombings that occurred, as I say, in northern Illinois in the late 1970s. There are those who are going to come forward today and say they had nothing to do with the bombings. Again, let us reinforce what this is all about. These people were part of a network of individuals who terrorized. They were a terrorist organization. They proudly proclaimed themselves to be part of a terrorist organization.

Ask any American with common sense. Ask any law enforcement agency. They will tell us that it takes more than one person to plant the bomb. It takes more than one person to detonate a bomb. It takes people who steal money to buy explosives and weapons. It takes others to do the planning and activities. To coin a phrase, it takes a village to pull off these operations.

Do we want to set these people free? I think not. If we do, and it seems it is likely, the American people are losers. The victims of these tragedies are losers. The terrorists are the winners.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I am not even going to try to make an argument against some of the things I have heard here today, because I realize that one of the most difficult things to do here today or this week or this year or any time is to sound like we are speaking on behalf of terrorism. We are not.

As has been stated over and over again, this is an issue of national reconciliation. The fact is that as Puerto Rico faces 101 years of a relationship with the United States, a relationship which started with an invasion in 1898, and has reached the point where Puerto Rico is still not an independent Nation, nor is it a State of the Union, that we will always have these kinds of discussions.

Some people will demonstrate to change that status question. Some people will lobby to change that status question. Some people in the past chose to be part of organizations that chose other methods.

Let me briefly just state the fact that these particular people that we are talking about were not charged with nor were they convicted of any acts of violence. That is a fact. When the President offered the clemency, he and the White House and the government understood that.

What I would like to do today for a couple of minutes is make a plea with the American people, a plea to try for a second, for one moment in our lives, to look beyond the issue as we see it, the issue of violence, the issue of anti-American sentiment, if that is the case.

I do not mind if Members disagree with us, if they are angry about it. That is fine. But I would like American teachers, I would like American parents, to try to teach our children and to ask ourselves, how did we get to this point? Where is Puerto Rico?

What is the relationship between Puerto Rico and the United States? Are Puerto Ricans American citizens? Yes. Why are they American citizens on the island and not allowed to vote for the President? Why did they serve in all our wars and do not have a voting representative in Congress? What is the relationship?

If we understand that relationship, if we understand that for 101 years Puerto Rico has been a colony in an unequal relationship with the United States, then we will understand that discussions like this one and many others related to this one, nonviolent, very political, in a lobbying form, will continue to take place.

So I would like to take a second to remind us that at the center of this problem is the relationship between the United States and Puerto Rico. At the center of the solution is the status question. If Puerto Rico either becomes the 51st State of the Union or an independent Nation, and only Congress has the right to do that, then this problem will not continue to exist in this fashion, or exist at all.

It is also interesting to note that some of the people who today support this resolution were here in 1979 when President Jimmy Carter gave clemency. President Carter in 1979, with the support of people who support this resolution today, gave unconditional clemency to Puerto Ricans who were in prison for attacking the House of Representatives. They came to the gallery and attacked the House of Representatives, and did not deny it. That group also attempted the assassination of President Truman, and they did not deny it. Those individuals supported that clemency at that time without conditions.

It is also interesting to note that those individuals went back to Puerto Rico and today publicly state, years later, publicly state that the only way to solve the status issue is by lobbying Congress and using the political process to make the change. They saw a different way of doing things, and so will everyone else, I believe.

I would like us also to try to understand something; to take a second, and this is not a plea, I am not complaining about my condition, but to understand what the gentlewoman from New York (Ms. Velaquez), the gentleman from Chicago (Mr. GUTIERREZ), and I go through on a daily basis.

I was born in Puerto Rico and raised in New York. I am a member of the United States Congress. I love my country. I served in the military. I would give my life to protect this country. But I also have great love for the place where I was born. I see that place as my mother. I see this place as my father.

For a long time I have seen my father mistreat my mother. We have to bring that to a conclusion. I know some people will think that is awfully dramatic, but please understand, for a long time I have seen my father mistreating my mother. My mother is Puerto Rico. For 101 years she has been saying, either take me in or let me go. Either take me in or let me go.

I have chosen Congress to make that argument. Some have chosen other ways. But also keep something in mind that history sometimes sees organizations in a different way. Nelson Mandela was seen by his government for 27 years as a terrorist. We saw him as somewhat of a terrorist, and now the world sees him as a hero.

The Irish in Ireland, as part of the peace process, have suggested that so-called terrorists or people who used violence on either side of the issue should be released from prison as part of the peace process. So what is wrong in suggesting that as part of our peace process with the longest colony in the history of the world, 400 years under Spain and 100 years under the United States, the longest serving colony in the world, that as part of a reconciliation to reach a new relationship with that country, that we allow 11 people who are in prison and who were never convicted of a violent act to come home and to integrate themselves back into the society?

Members can disagree with me, and I know I cannot win this argument. But for God's sake, just try to understand what this issue is all about. Try to understand what I go through. Try to understand what other people go through. Maybe we can solve this problem.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the former Governor.

Mr. ROMERO-BARCELO. Mr. Speaker, I would like to address this issue from a little different perspective, because in the first place, I believe, like the supporters of this resolution have stated, that the persons involved, the prisoners, are terrorists. They have tried to impose their political aspirations by force, by terror, and by violence on the people of Puerto Rico, an option that is rejected and has been rejected by over 95 percent of the people of Puerto Rico for the past 40 or 50 years.

The people of Puerto Rico have consistently voted against independence. These people seek to impose independence on the people of Puerto Rico.

□ 1100

One of the avowed purposes of the Armed Forces of National Liberation is precisely to obtain independence for Puerto Rico by means of violence and other acts. The group Armed Forces of National Liberation were involved in over 100 terrorist acts throughout the United States, particularly in the Chicago area and the New York area and some of them in Puerto Rico, which resulted in the deaths of innocent parties.

In New York in the Fraunces Tavern, four people died and 55 people were injured. In Puerto Rico, a policeman was ambushed and killed. Another group attacked a Navy bus with people who were not armed, and the attackers were armed with submachine guns. They killed two persons and seriously injured nine others.

These are terrorists. People specifically involved have not been convicted for any act of murder or act of violence against another person, because those were not crimes at the times they were convicted. They were tried by 1983.

The Antiterrorist Act was not passed until 1990. There were no acts of murder or violence upon a person that resulted in maiming or incapacitating, disabilitating a person were not Federal crimes until 1990. So these persons could not have been indicted by the Federal Government for those reasons.

However, they were part of the organization. They have never denied having been part of the organization that, not only had over 100 bombing incidents, some of which bombs were deactivated, others exploded, and the assaults upon banks and stealing money in Connecticut, the Wells Fargo armed robbery. They confiscated about $7 million. They went over to Cuba. That money has never been recovered, and that money has most probably been used for other terrorist activities.

From the beginning, the President was presented with three options. One, on conditional release, as requested by people supporting the prisoners, or a denial of the conditional release, or a conditional release as he has decided.

I think that what the President has decided is not only the correct thing, it is a human thing. It is a human thing. It is a right thing to have been done. Because the conditions are that, in order for the clemency to take effect, each one of them have to sign a statement that they are asking for clemency, that they are renouncing violence as a means of obtaining their political purposes, and they will be subject to parole conditions; in other words, they will not be able to meet with each other, to talk with each other, to conspire again. They will be subject to other parole conditions. That is sufficient for protection for this society.

Why are people incarcerated? Why are people in prison? They are in prison for several reasons. First of all, one of them is to punish them for the crime they have committed. The other purpose is to protect society from the criminal elements. The third purpose is to rehabilitate them, give them an opportunity to be rehabilitated.

By giving them clemency under special conditions where they have renounced violence and allow them to reintegrate themselves in society under controlled conditions, then we can see if they really mean to have renounced violence for their purposes and we can see that they can be reintegrated back into society.

That is why I think the President's position is a responsible one, it is one that we should support. I do not think we should be criticizing the President when, through the process, nobody opposed it. I was one of the few persons that raised my voice against a conditional release. I raised my voice to the President. I raised my voice to the Attorney General. I raised my voice in public. I argued it in public.

Very few other people did that. All of the other people were supporting an unconditional release without any regard to the peace and security of their fellow Puerto Ricans.

I must repeat, these are people who are Puerto Ricans. Some of them were not born in Puerto Rico. Some of them are Puerto Rican becase their parents were Puerto Ricans. They lived, most of them, in Chicago or the New York area.

From there, we are trying to impose their will on the people of Puerto Rico who have overwhelming by over 95 percent of the votes rejected independence. So we feel that the action, although it has been severely criticized, is the correct action, and the action should be supported.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELAZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong opposition to this resolution. Mr. Speaker, we have old, unfinished business before this body. We are here to debate a resolution that has not gone through the committee process and ran through the Committee on Rules in the night.

This resolution is factually incorrect, is a mirror of how this Congress and the United States Government has dealt with the political status of Puerto Rico. But that will be debated, and that discussion will take place during general debate.

Why is it that the majority does not want a true discussion on this issue? Because the majority does not want to understand this issue. This is not about terrorism, and we will discuss the true intent of this resolution during general debate.

It has to do a lot with what is going on in New York politics. We are having a Senatorial race in New York. That is the true answer of this question of this resolution that we are debating today.

But the truth is that these individuals, these distinct political prisoners, have been prisoners not once, but twice.

I rise in strong opposition of this, and we will present to my colleagues a historical perspective of the whole issue of the political question of Puerto Rico. We have had time, over 100 years of keeping a colony. That is a violation. That is a violation of the civil rights of the people of Puerto Rico.

It is ironic, it is shameful for this body that does not recognize the right of the Puerto Rican people to self-determination. My colleagues will bring back to me the fact that last year we were debating the legislation of the gentleman from Alaska (Mr. YOUNG), a legislation that again tried to impose a political decision upon the people of Puerto Rico.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I will tell my colleagues, I rise in strong support of this concurrent resolution. Congress absolutely must speak out definitively on this subject.

It is incomprehensible to me that the administration would actually offer to release these convicted felons associated with the FALN members, and nobody denies these are terrorists. They have now, I am told, accepted the clemency proposal and have, in return, promised to denounce violence. Does anyone believe that?

Since when do we take the word of terrorists who have been asserting yet again that they will become terrorists and they will carry through? In any case, the terrorists did not renounce until 3 weeks after the offer and only after, and it has been discussed here earlier, that this has become a partisan political issue. I do not think it is, but the administration has made it a partisan political issue. As far as the terrorists are concerned, they only renounced terrorism after it became a political issue in the Senate campaign in New York.

I am really shocked by this whole thing. I do not know why in the world anyone would think that the Congress should not speak out on this subject. Terrorists who commit murder or sponsor other murderers should expect to spend the rest of their lives behind bars.

This clemency offer sends the entirely wrong message around the world, around the world, not only here. It totally distorts the law. It invites and incites terrorists, not only in the U.S., but in other parts of the world. Fundamentally, it violates the rule of law and order in a democratic society.

I ask my colleagues to please support strongly this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise in opposition to this resolution. I think that the resolution is just not founded on facts. I believe I have good knowledge of why the President of the United States offered clemency.

The President of the United States had not offered clemency because a group of politicians got together one day and decided to go down there and ask him for clemency for these 15 Puerto Rican political prisoners. He did so because he believes in peace and a reconciliation, and he believes that the rule of law is based upon justice and to look and to examine the facts in an impartial manner.

I believe the President of the United States acted correctly when he listened to the petition and responded to that petition.

Now, people would like to think, and of course the discourse has been much about who did what for whom and why. Well, let me come here to try to explain why I believe the President acted and acted correctly. The President looked at this issue and said, there are 10 Nobel Peace Prize winners who have petitioned me, the President of the United States, for this release.

Among those 10 Nobel Peace Prize winners was Desmond Tutu; Coretta Scott King, the widow of Reverend Martin Luther King. Among those 10 Nobel Peace Prize winners was a former President of the United States, Jimmy Carter. That is a lot of different people coming together and saying to the President of the United States,

> In the spirit of peace and reconciliation, and as you view Puerto Rico's relationship with the United States, we ask you to initiate a new dialogue, a dialogue based upon peace. And you cannot have peace without justice.

They said to the President of the United States, let them go and allow them to return home.

Now, the question of violence, which is an issue which continues to get debate here, let us make it clear, and I would like to just read from the New York Daily News, an article written by Juan Gonzalez, and it says,

> In a statement the prisoners issued in early 1997 when they acknowledged with a sense of self-criticism that the FALN's war of independence had produced innocent victims on all sides and pledged, if released, to participate in the democratic process.

That is about peace and reconciliation.

I would like the American people to understand one other thing, that we also have to have the convictions of our own morals. We have gone out to Ireland, and we have set a course and help set a course for peace there. We have gone to the Middle East, and we have gone to set a course for peace in the Middle East.

We have gone throughout the world to bring about peace. In that peace process, we must close the past and close those chapters and begin a new chapter. So based upon a process of reconciliation, of bringing people together, we had hoped that the President would take action.

I want to make absolutely clear to everybody here that the 11 that have accepted the President's conditions, none of them, none of them were ever charged and/or convicted of any charge which caused the death or human hurt upon any individual. None of them. None of them. That is clearly the record. That clearly is the record.

Now, my heart goes out, as I know all of our hearts go out, to all innocent victims of violence. We want to end the vicious cycle of violence, and the President of the United States has taken a courageous step. I would hope that, and I am not going to ask for this to be entered into the RECORD, but we could read a Requiem en Cerro Maravilla, a Requiem en Cerro Maravilla, which will indicate to all that violence has two faces in this nature, that there has been violence from both sides.

The gentleman from New York (Mr. SERRANO) and the gentlewoman from New York (Ms. VELAZQUEZ) and I and 10 Noble Peace Prize winners, including the Arch Bishop of San Juan and the Cardinal of New York, is asking everybody to come together in peace and reconciliation. Forgive us our trespasses as we forgive those who have tresspassed against us and bring peace to all.

□ 1115

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to respond to the gentlewoman from New York who said this is about New York politics. Well, I am not from New York; I am from Arkansas. And generally people from Arkansas do not dabble in New York politics. I believe that this happens to be about issues of law enforcement, about issues of safety, and about issues of justice. And as a former federal prosecutor, I look at it from that context.

I am concerned about the President and his anticipated action in this regard. Clearly, the President has the constitutional authority to grant clemency, but I believe it is the responsibility of this Congress to express itself on this issue. In this case there are 16 individuals who have been given a conditional grant of clemency. These individuals are principals and leaders of the Armed Forces of National Liberation, or the FALN. They have launched a terror campaign; 130 bombings, killing six people.

Clearly, as has been pointed out, these individuals were not prosecuted specifically for those acts, but they went through the criminal justice system; and they received a certain number of years, of which they have not completed their service yet. So in this case the individuals went through the criminal justice system; and the system worked through the jury, through the judge, and now through the prison system.

I think there are a number of problems granting clemency in this case. First of all, clemency is rarely granted; three out of 3,000 requests. It is a rarely used remedy. In this case clemency is argued as an act of compassion and mercy, and that is an appropriate use of clemency when it does not undermine legitimate law enforcement functions, when it does not undermine our fight against terrorism, when it does not undermine those people who have trusted the system to achieve justice. And I believe clemency in this case would undermine those lofty objectives.

And then, thirdly, I believe that a problem with this clemency is that there is not sufficient expression of remorse, contrition, and sorrow. Now, certainly people may say, well, they have indicated they will not engage in violence in the future. Well, I think that everyone would agree that they would make that promise, but there is no guarantee that that promise will be effective tomorrow, the next day, or 10 years from now. So I would ask support for this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the rule; I support the resolution. Twelve terrorists from Puerto Rico involved in 130 bombings in America, six Americans were killed, dozens more wounded, families fractured, and we are sort of setting a whole new policy on terrorism in America with this clemency act. It is very simple to understand: if an individual is a terrorist and they bomb and kill in America, if they promise never to do it again, to cross their hearts or swear on their mothers they are never going to do it again, apologize for their terrorist bombings and killings, that they will be pardoned. Beam me up.

I do not care what country they are from, what nationality they are. If they are a terrorist and they kill Americans, by God, they will get the wrath of Uncle Sam and not a damned pardon. And that is what we should be saying today in the Congress of the United States.

Now, I am not going to cast any aspersions on the whys of this action and question the President's judgment. All I will say is I disagree with that judgment. I think it is wrong. I think it is dangerous. An America that pardons terrorists who bomb and kill and murder our people is an America that invites more terrorists and invites more terrorism. Period.

I support the rule, I support the resolution and, by God, I hope we never get another clemency decision like this again.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I rise in strong support of the rule and of this resolution. This bill's message is fundamentally simple: political violence is unacceptable in a democracy. There must be no compromise with terrorists.

My colleagues, the eyes of the world are on us today. An assortment of jackals and thugs are watching. Osama bin Laden, watching from his home in the mountains of Afghanistan; Terry Nichols and Ted Kaczynski from their cells in federal prisons, all of these people are watching. They are waiting to see if America has the strength of its convictions. They are waiting to see if the President will succeed in raising the white flag in the war against terrorism. My colleagues it is up to us to disappoint this coalition of evil. It is up to us to uphold our commitment to the rule of law and justice.

This is not a partisan issue, and this is not an issue about race. Good people from all ethnic groups in this country denounce violence and support strongly law and order in this country. This is about our commitment to democratic principles in the face of terror. Senator MOYNIHAN spoke up eloquently when he joined our cause and made it clear that this offer of clemency is wrong. The First Lady has acknowledged that political gain cannot justify such a serious abandonment of law enforcement principles.

My colleagues, let us not forget that another set of eyes are watching us as well. These are the victims of terror, the jurisdiction who are with us, the survivors who lost their loved ones, and the victims who are watching us from above. Let us not tell them that we are abandoning them now because of political expediency. Our decision today should be open and shut. Please join me in reaffirming the American leadership in the war against terror. Please join me in reaffirming our commitment to justice. Let us slam the door that the President has opened for terrorists. Please join me in standing up to terrorism and supporting this rule and this resolution.

Mr. MOAKLEY. Mr. Speaker, would you be kind enough to inform my dear friend, the gentleman from New York (Mr. REYNOLDS), and myself of the remaining time.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Massachusetts (Mr. MOAKLEY) has 8½ minutes, and the gentleman from New York (Mr. REYNOLDS) has 9½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I rise as one of the 435 Members of the House of Representatives who oppose terrorism. I will vote for this motion even as I make clear that none of us condones acts of violence committed against the people of the United States.

But, Mr. Speaker, none of us should condone the transparent political charade being put on by the Republican leadership here today. The Republican leadership refuses to allow this House to pass a bipartisan HMO reform bill. Doctors and patients support it, Democrats, and as many as 20 rank-and-file Republicans have supported it. But the insurance companies and big HMOs do not want it, so the Republicans cannot find time to let us pass a real patients' bill of rights. Neither can the Republican leadership find the time to allow the House to raise the minimum wage for working families. They cannot even find the time to send to the President the centerpiece of the Republican agenda, the huge tax plan that would risk Medicare and prevent us from paying down the debt.

But the Republican leadership is turning procedural handstands to make time for this vote today. Why? For the same reasons this Republican Congress does almost everything it does. First, because Republicans think this vote will provide them with the raw material for 30-second attack ads next year. And, secondly, because the Republicans are solely concerned with providing red meat for the right wing that remains obsessed with the President.

Mr. Speaker, the American people know that the House of Representatives opposes this terrorism, but the American people are also beginning to see that this Republican Congress will do everything it can to protect its special interest supporters and prevent Democrats from addressing America's real priorities.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I hold no brief for terrorism. I hold no brief for the actions of the FALN. I do not think arguments about the status of Puerto Rico, whether it is a colony or not, are relevant to this discussion. Whether Puerto Rico is a colony or not does not justify people to engage in armed revolt. All of that is irrelevant.

What is relevant, and what I want to talk about for a moment, is the rule of law. The rule of law says an individual should be sentenced by the court for the crimes they are convicted of. The rule of law says that people convicted of the same crimes, more or less, should be sentenced to more or less the same sentences. The rule of law says that before the Congress passes resolutions commenting on a particular criminal case it should know the facts and should hold hearings first and then have the resolution, not the other way around.

This resolution, frankly, is an outrage. It borders on a bill of attainder. Technically it is not, but it borders on it. This bill makes many questionable statements of fact: "Whereas the Federal Bureau of Prisons reportedly based its decision in part on the existence of audio recordings indicating that some of the 16 have vowed to resume their violent activities upon release from prison." Well, are those audio recordings in existence or not? Certainly makes a difference. Reportedly? We do not know. Let us have a hearing and find out first before we do this.

"Whereas the release of terrorists is an affront to the rule of law." These people were not condemned as terrorists. They were condemned for the crimes of seditious conspiracy and weapons possession. I am told that the normal sentence for those crimes is about 10 years. They were sentenced to 90 years.

The contention is made that they were sentenced to lengths of time far in excess of what people normally convicted of these crimes are sentenced to. Remember, they were not convicted of bombing anybody, planning to bomb anybody, murdering anybody. If they did it, they got away with it because that could not be proved. Maybe somebody else did it. They have to be judged and sentenced and treated on the basis of what they were convicted of. That is the rule of law.

If the President believed that the interest of justice called for clemency because they had been sentenced far in excess of the normal sentence for their crimes for which they were convicted, that is his privilege as President to make that decision. It is all our privileges to agree or disagree and to criticize him severely as individuals. Congress, to my knowledge, has never passed a resolution condemning the exercise of the pardon or commutation power of a president. Congress did not pass a resolution condemning President Ford for pardoning President Nixon for any crimes he may have committed. Congress did not pass a resolution condemning President Bush for pardoning Secretary of Defense Weinberger 12 days before he was to go on trial for multiple felony indictments.

It is wrong for Congress to intrude itself in an individual case. Congress was right not to get into that. Many people were very critical of those presidents, and maybe they were right to be critical. And maybe people are right to be very critical of President Clinton for this. But it is wrong for Congress to pass a resolution on an individual criminal case, and on the exercise by the President of his clemency or pardoning power. And it is certainly wrong to do so before we have the facts and before we have the hearings.

This resolution, for instance, says, "Whereas the State Department in 1998 reiterated two long-term tenants," I assume that should be tenets, not landlord-tenants, "of counterterrorism policy that the United States will make no concessions to terrorists and strike no deals; and bring terrorists to justice for their crimes," as well. What that means is that we do not make concessions in negotiations with terrorists before we catch them and try them and punish them. It does not mean that we do not commute a sentence 20 years later.

These people have served 16, 18 years in jail. If people are normally sentenced to 10 or 15 years for the crimes these people were convicted of, that is what they should serve. It is not being soft on anybody. On terrorists? These people were not convicted of terrorism. We should adhere to the elementary rule of law that individuals should be convicted and should serve the time that the sentencing commission guidelines and the law says is appropriate for the crime an individual is convicted of.

The President says these people were sentenced way beyond what people convicted of their crimes normally are. If he is right, if that is correct, then he was justified in his clemency. If he is not correct, then he was not. We do not have the facts, and we should adhere to the rule of law and not pass a resolution intruding into the criminal justice process, as Congress has never done before in the history of this country.

□ 1130

We should not set such a precedent. Let us individually criticize the President if we think it justified. But Congress should not overstep its bounds. And if it were going to, it should have the hearings and get all the facts first, not act on the basis of political gamesmanship.

Let me say one other thing. The motivation for this: Twenty minutes of debate on each side, no amendments, no hearings, no committee action. Why is this being rushed? For political reasons, to embarrass the President and the First Lady, who is considering running for the Senate in New York.

It demeans the Congress to act on this political basis. I do not think this had anything to do with the campaign, and I do not even want to talk about that. But the fact is that is why action is being rushed. That is why we are doing this resolution before we do hearings and find out what really happened, find out what the facts really are, come in and say what does the statute say, what are the sentencing guidelines, what are other people convicted for these similar crimes sentenced to, what are the normal lengths of time served, what are the circumstances, why did the President recommend this? And then we can make an intelligent judgment, not in haste.

We did not hear about this resolution until yesterday. No committee action. No committee consideration. No hearings. No facts. Just jumped to conclusions.

We heard a lot on this floor last year and in the Committee on the Judiciary about the rule of law. This makes a mockery of it.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me again try to shift the focus back to what this is all about. It is sending a clear and convincing signal to terrorists around the world or right here on American soil that there is no place for terrorism in an American democracy to protect the innocent and the law abiding because too many people have died already.

There are those who have brought up that this is an issue of Puerto Rican political status. Well, for those who do not know, the people of Puerto Rico have had an opportunity to express themselves through plebiscites.

In the most recent plebiscite, the people of Puerto Rico have had three options: to maintain the commonwealth status, to seek statehood, or to seek independence for a free and independent Puerto Rico.

Less than three percent of the people of Puerto Rico chose independence. And that is exactly what the FALN espouses and continues to espouse and those who support release of the FALN prisoners seek to espouse.

So in a democracy, what we do is we vote; and if we do not get our way, we move on and we live under the rules of law. We do not go out and bomb innocent people.

To draw an analogy, Staten Island voted to secede several years ago from New York City. The people of Staten Island, 65 percent overwhelmingly, to secede New York City. Well, through some maneuverings, we were unable to do that. Does that mean we go out and bomb Fraunces Tavern in downtown Manhattan or bomb the Federal building or bomb Police Plaza? No. We move on.

The U.S. Attorneys Office, the woman who prosecuted these individuals in Illinois, was quoted recently in a letter to the editor in the Wall Street Journal. She wrote strongly opposing the clemency petition. She recently said that in the first prosecution, some of these petitioners were caught in the back of a van stocked with weapons to be used to commit armed robberies to fund the FALN operations.

In a second prosecution, three of the terrorists were caught on videotape in safe-houses making bombs that they were planning to plant in military installations.

This is not violent behavior? This is not terrorism?

In this House there are bullet holes, evidence of FALN activities. Those people convicted were released. The FALN prisoners were released and granted clemency. After they were released, the FALN continued on a barrage of terrorism, 139 bombs.

What type of signal do we send releasing those prisoners and then be forced to watch innocent people die by the same group or part of the same group of FALN? Have we not gotten the message? Have we not learned?

Let us talk about some of the people we are talking about here. In 1981, Ricardo Jiminez, who was released, had the following exchange with the judge in his sentencing proceeding: "If it could be a death penalty, I'd impose the death penalty without any hesitation," the judge told Jiminez, who replied, "You can give me the death penalty. You can kill me."

Carmen Valentine, who accepted the President's offer of clemency, threatened the same judge: "You are lucky that we cannot take you right now." She then proceeded to call the judge a terrorist and said that only the chains around her waist and wrists prevented her from doing what she would like to do, to kill him. That is in the UPI, 1981.

Alicia Rodriguez, Luis Rosa and Carlos Torres say they have nothing to be sorry for and have no intentions of an armed revolution. That was in 1995, 4 years ago.

Luis Rosa, in response to why the FALN bombed a suburban shopping mall, retail stores, banks, and the headquarters of a large U.S. corporation, where anybody's children could be, where anybody's parents could be, where anybody's grandparents could be, this was his exchange: "They all had interests in Puerto Rico. We were attacking them in their pocketbooks. Capitalists understand it more when they feel it in their pocketbooks. We were retaliating for their dealings on the island and, hopefully, getting them to leave the island."

Remember the words, "we were attacking." This was a group. This was a disgrace.

Support this rule. Support this resolution. Let us not tolerate terrorists here on our soil.

Mr. SHERMAN. Mr. Speaker, I opposed the rule considered today as House Resolution 281. The clemency for 16 members of the FALN is a serious matter and deserves serious debate. If Congress acts in such matters by passing a resolution, that resolution should be as carefully drawn as possible—and it certainly should reflect the views and input of Members of this House.

However, under House Resolution 281, we are to consider the sense of Congress resolution offered by Mr. FOSSELLA under a truncated procedure designed for non-controversial matters. Under House Resolution 281 we are to consider Mr. FOSSELLA's proposal without the possibility of offering amendments. Clearly this is an important and controversial matter and the House should consider it under procedures that allow Members of the House to propose amendments.

Second, it appears that House Resolution 281 allowed the House to bypass the committee process. A committee hearing and markup should have been held prior to the consideration of Mr. FOSSELLA's resolution, so that the measure presented to the House would have reflected the deliberative process. Such a markup or hearing could have been held yesterday. That might have required suspending the committee rules; of course, we are being asked to suspend the rules of the House today.

In sum, House Resolution 281 provided for an inadequate procedure to deal with this important issue. We should expect better of the House leadership, and the country certainly expects better of us.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I urge my colleagues to support this fair rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 172, not voting 8, as follows:

[Roll No. 397]

YEAS—253

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—8

Berry
McIntosh
Pryce (OH)
Rangel
Rogan
Sununu
Towns
Young (AK)

□ 1158

Messrs. EVANS, EDWARDS and COSTELLO changed their vote from "yea" to "nay."

Mr. PHELPS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT FROM THE COMMITTEE ON RULES ON AMENDMENT PROCESS FOR H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. REYNOLDS. Mr. Speaker, a "dear colleague" letter will be delivered to each Member's office today notifying them of the plan by the Committee on Rules to meet the week of September 13 to grant a rule which may limit the amendment process on H.R. 1402, Consolidation of Milk Marketing Orders.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 3:00 p.m. on Tuesday, September 14, to the Committee on Rules in Room H-312 in the Capitol. Amendments should be drafted to the text of the bill as reported by the Committee on Agriculture.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

□ 1200

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1621

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1621.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXPRESSING THE SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD NOT HAVE GRANTED CLEMENCY TO TERRORISTS

Mr. PEASE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 180) expressing the sense of Congress that the President should not have granted clemency to terrorists, as amended.

The Clerk read as follows:

H. CON. RES. 180

Whereas the Armed Forces of National Liberation (the FALN) is a militant terrorist organization that claims responsibility for the bombings of approximately 130 civilian, political, and military sites throughout the United States;

Whereas its reign of terror resulted in 6 deaths and the permanent maiming of dozens of others, including law enforcement officials;

Whereas 16 members of the FALN were tried for numerous felonies against the United States, including seditious conspiracy;

Whereas at their trials, none of the 16 defendants contested any of the evidence presented by the United States;

Whereas at their trials, none expressed remorse for their actions;

Whereas all were subsequently convicted and sentenced to prison for terms up to 90 years;

Whereas not a single act of terrorism has been attributed to the FALN since the imprisonment of the 16 terrorists;

Whereas no petitions for clemency were made by these terrorists, but other persons, in an irregular procedure, sought such clemency for them;

Whereas on August 11, 1999, President William Jefferson Clinton offered clemency to these 16 terrorists, all of whom have served less than 20 years in prison;

Whereas the Federal Bureau of Investigation, the Federal Bureau of Prisons, and 2 United States Attorneys all reportedly advised the President not to grant leniency to the 16 terrorists;

Whereas the Federal Bureau of Prisons reportedly based its decision in part on the existence of audio recordings indicating that some of the 16 have vowed to resume their violent activities upon release from prison;

Whereas the State Department in 1998 reiterated two longstanding tenets of counterterrorism policy that the United States will: “(1) make no concessions to terrorists and strike no deals; and “(2) bring terrorists to justice for their crimes”;

Whereas the President's offer of clemency to the FALN terrorists violates longstanding tenets of United States counterterrorism policy;

Whereas the President's decision sends an unmistakable message to terrorists that the United States does not punish terrorists in a severe manner, making terrorism more likely; and

Whereas the release of terrorists is an affront to the rule of law, the victims and their families, and every American who believes that violent acts must be punished to the fullest extent of the law: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that making concessions to terrorists is deplorable and that President Clinton should not have offered or granted clemency to the FALN terrorists.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H. Con. Res. 180, the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PEASE. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. FOSSELLA), and I ask unanimous consent that he be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this House is about to vote on a resolution that I believe will simply allow Members in this House to send a clear and convincing signal to terrorists around this Nation, around this world contemplating acts of terrorism, that the United States has a zero tolerance policy towards terrorists.

The background for this is the group known as the FALN, a terrorist organization that wreaked havoc across this country in the 1970s and 1980s, and claimed responsibility for 130 bombings, killing innocent people, maiming innocent people across this country from New York to Chicago. Too many families were left without fathers. Too many families were left without husbands. Too many communities were left without, innocent people who died as a result of FALN activities.

Mr. Speaker, those people are rightfully convicted and sentenced to prison, and now the White House wants to release some of these people back into society. This is the absolutely wrong signal we could be sending to the American people, absolutely wrong to terrorists contemplating acts of violence. And in the goodness of the Members here, can we at least vindicate the memory of the Berger family, of Officers Richard Pascarella who lost his eye, or Rocco Pastorella who lost a leg as a result of FALN activities?

We should be sending a convincing signal that there is no place in American society for all of this. That is why the FBI, the Bureau of Prisons, the U.S. Attorneys Office in Connecticut and Illinois that prosecuted these criminals recommended against clemency, and it has also been stated by someone that the supporters of this clemency included John Cardinal O'Connor from New York. In the New York Post, the top aid to John Cardinal O'Connor said yesterday the Archbishop of New York never backed clemency for FALN terrorists despite White House claims that he did. So just to correct the RECORD, I know some who are under the misimpression that he did.

Mr. Speaker, I encourage every Member of this body to understand who we are talking about. We are talking about people who believe themselves to be freedom fighters; but at the root of it, they believe that we can replace the rule of law if they do not get their way and bomb buildings, bomb restaurants, bomb office buildings in order to achieve their goals, and as a result we have experienced what that means. Innocent people loose their lives.

Think about Oklahoma City bombing, think about the World Trade Center bombing, think about 10 or 15 years if we were to let Terry Nichols free because he was nowhere near the bomb scene. I think the American people would be outraged, and well they should.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong opposition to what is clearly a politically motivated and totally senseless resolution.

We are a Nation of laws, and if any matter is abundantly clear by our Constitution, it is that the President has the sole and unitary power to grant clemency. Is there any Member that does not understand that? Every President has the sole and unitary power to grant clemency.

For the first time in American history, the House of Representatives, under our present leadership, has determined that we should have a vote to determine whether clemency should be granted or whether the President is doing the same or doing the right thing from their point of view. Now the reason that he has the power to grant clemency is that it is that the President is uniquely positioned to consider the law and the facts that apply in each request for clemency.

Despite this long and uninterrupted history of congressional nonintervention through both Democratic and Republican Presidents, today the Republican Congress tells us that we have an emergency on our hands, an emergency. This matter has not even gone through the Committee on the Judiciary. It arrives here on the Floor after a lot of talk over the media over the weekend. We have an emergency on our hands that requires that we stop all of our legislative business so that we can express our opinion on a clemency that he has already granted.

Mr. Speaker, the majority is forcing us to vote on this phony emergency at the same time that our Nation faces serious economic and social issues which should be requiring our immediate attention. Thirteen children killed each day in this country by handguns, and yet the majority does nothing about gun safety; millions of Americans face serious health care insurance problems, and yet we do nothing about the Patients' Bill of Rights; billions of dollars of special interest money corrupting our political system, and yet the majority continues to ignore campaign finance reform.

The real reason that we are voting on this emergency resolution today is because the majority is looking to score some cheap political points. How sad. They were so eager to begin pointing the political finger that they skipped the normal hearings and markup as well as the floor process that this measure would require or that any measure would require that comes before the floor for disposition.

Now of course, if anyone would bother to look at the actual record, they would see that the clemency was justified and appropriate.

First off, the clemency is not absolute. It is conditional, and it is so conditional that it is really a parole. This is parole for life. The President attached several important serious conditions to the grant of clemency, any violations of which would immediately result in the revocation of the commutation. One condition was that the offenders had to renounce the use and advocacy of violence. Some inmates do not receive clemency because they declined to sign the pledge to renounce violence. Another condition restricted the grantees' freedom of travel and association. The grantees, even those related to one another, can no longer associate with each other.

Finally, the inmates received excessive sentences and have served terms far longer than comparable offenders. The individuals in question have served some 20 years in prison for nonviolent offenses. Although they possessed weapons, no one was harmed. Ultimately no person, no single person, was harmed. So this is far longer than average for most violent offenses. The reason they received such harsh sentences was because they received consecutive sentences for various offenses even though almost all defendants who were prosecuted for multiple crimes received concurrent sentences.

So the resolution before us today is a tawdry one, a sham one, an embarrassing one, an insult to our Constitution and the Puerto Rican people who care so deeply about the clemency issue.

Can we not move forward?

Please vote no on this concurrent resolution before us.

Mr. Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume, and the purpose of this resolution in part was because the offer of clemency was given just several weeks ago and it was rejected by the prisoner because it appeared that they did not want to agree to the terms and the conditions, and we thought we could at least bring enough public pressure upon the White House to change the mind and rescind the offer.

That is why for those who think it is a partisan thing they have Senator MOYNIHAN, Bill Bradley, Hillary Clinton, all of whom oppose this clemency as well.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I rise in strong support of this resolution because the seriousness of terrorism is a challenge to our national security, and I urge its strong support.

Mr. Speaker, I thank my friend from New York for yielding and I rise in support of this resolution. As most Americans were, I was deeply disturbed to learn that President Clinton would consider granting clemency to 16 members of the FALN terrorism group who were tried and convicted of participating in acts of terror. In an effort to make sense of an otherwise inexplicable decision by the President to offer freedom to these criminals, some have claimed that the President was somehow influenced by political considerations affecting the election aspirations of Mrs. Clinton. But even she has spoken out against the clemency offer. Combating terrorism is one of the highest priorities in protecting our Nation's security—and that means standing firm in our absolute intolerance of acts of terror. We must not send mixed signals to those who wish to wage war by wreaking havoc, triggering chaos and generating terror. Our message—from the President on down—is supposed to be clear and unmistakable: Promote or participate in terrorism and we will find you, punish you and make sure that no leniency is offered to you. With this act of irresponsibility, President Clinton has created a dangerous crack in our wall of resolve—he has broadcast to would-be miscreants and their political promoters that for every rule we can find an exception. We can expect from this a domino effect—as every activist group with an agenda will rachet up the political pressure in hopes of finding favor with this seemingly easily-influenced President. What will be next? Is the President planning to grant clemency to Johnathan Pollard, the convicted spy accused of betraying some of this Nation's most important secrets and causing tangible damage to our Nation's security? Those who are lobbying for that outcome have no doubt been cheered by the President's action in the FALN case. There is nothing wrong with political agitation for a cause—this is a free country after all. But when the President of the United States signals that it may be open season for special interests to get their way—even against the best judgments of the senior presidential advisors with expertise on the subject—then there is trouble ahead. The Congress has to speak out with one voice that we reject this type of ad-hoc policy, informed by political or other considerations in violation of our national security interests.

Mr. FOSSELLA. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I will not take much time, but there has been some disturbing things that have come to my attention in the past couple of days that I think the Members ought to be aware of.

One is that we sent subpoenas to the White House asking the President to give us the rationale for this pardoning exercise he has been involved in with these terrorists; and the second, we sent a subpoena to the Bureau of Prisons asking them for any information or transcripts of telephone calls that may have been made by these convicted terrorists to others that may have indicated that they were still involved or wanted to be involved or were advocating additional terrorist activities.

I was informed that some people at the Justice Department have contacted us and said that the President and the Justice Department may claim executive privilege, and all I want to do is protest that because I think if they claim executive privilege, the American people will be kept in the dark about why these terrorists were pardoned. The President needs to make clear to the American people the reasons why these people were pardoned, number one; and, number two, we need to know if they were making telephone calls from the prisons advocating additional act of terrorism. If they were, they should not be on the streets under any circumstances.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

□ 1215

Mr. LAFALCE. Mr. Speaker, this is a sad day in the history of the House of Representatives. This resolution will pass. This resolution will pass overwhelmingly, but it should not be before us today.

When I initially heard the question posed a few weeks or so ago, should terrorists, should convicted terrorists be pardoned, I thought, what is the President doing? But, you know something? We are not talking about convicted terrorists. Not one individual has been convicted of terrorism. Not one individual was indicted for terrorism. So strike the word from our language.

You are saying anybody who we find guilty of terrorism by association with a group. They were convicted of weapons possession; they were convicted of seditious conspiracy. What is seditious conspiracy? That is a desire to have independence for Puerto Rico from the United States.

Might they have been involved in something worse? Might they have been involved in terrorism? It may be, but they were not indicted for it, and they were not convicted of it. So it is inappropriate for us to be talking about that today.

Look at this resolution. The resolution reads, "Whereas, President William Jefferson Clinton offered clemency to these 16 terrorists."

He did not. He offered it to 14, not 16. The resolution is factually incorrect.

"Whereas, the FBI reportedly based its decision." "Reportedly." That means you do not know. You are reading a newspaper and saying, well, they report it, so it must be true.

And what is it that they reportedly based their decision upon? The existence of audio recordings indicating that some of the 16 have vowed to resume their violent activities. What is "some"? Is it one, or is it two, or is it 15, or is it 16 of the 16?

I would urge at least an abstention on this. There is no way that we should rush to judgment on this.

Mr. FOSSELLA. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I do think it is unfortunate that this debate has become what the definition of terrorism is.

Mr. Speaker, I rise in strong opposition to giving clemency to terrorists. This Nation cannot afford to give the world the impression that we are weak, but that is exactly what pardoning terrorists does. The act of pardoning criminals gives the impression that justice has already been done, but that is not the case.

An old adage says that justice is truth in action. Well, the truth of the matter here is that justice is being perverted. The President does have the sole power to grant clemency, but this House has the responsibility of expressing itself on the actions of the President. Clemency should not simply be given at the irresponsible whim of one leader. It should rest on the perception of justice held by the people.

Terrorism is an attack on the everyday sense of security of a people. Terrorists strike randomly and violently to break the will of governments and their citizens.

Now, dealing harshly with terrorists sends the message that a nation is not willing to suffer attacks on its actual safety or its sense of security. If for no other reason, government exists to protect the people. Pardoning terrorists abandons the real necessity to deter others from these tactics. After all, what kind of message is sent by pardoning those who use violence against Americans to make political points?

Though no one should be surprised by this action by this President, in fact, this clemency for terrorists should go down as a metaphor for Clinton policy, which has been an ongoing comedy of capitulations.

Let us just look at his litany of failure in foreign policy:

North Korea continues to flaunt international law by speeding ahead with their nuclear program, with no consequences whatsoever.

Afghanistan and Sudan were bombed at the blink of an eye without any success at curtailing the terrorist bin Laden.

Iraq is periodically bombed, without getting any closer to the supposed objective of removing Saddam Hussein from power.

Russia, with its massive nuclear capability, is coming apart at the seams and selling weapons technology to scrape by, and we do nothing.

China is walking all over us, pure and simple.

Mr. Speaker, coddling terrorists shows the world that America is weak, but this simply reinforces the impression already constructed on 6 years of a foreign policy embarrassment.

So, Mr. Speaker, clemency for those who attack America's sense of security is a mistake, and I urge an "aye" vote on this resolution.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, we are debating today a concurrent resolution that states that it is the sense of Congress that "the President should not have granted clemency to terrorists." The resolution uses the word "terrorist" 10 or 15 sometimes.

I have heard the word terrorist used incalculable times during this debate, and I am sure I will continue to hear it throughout the rest of this morning. So I would like to talk about that word and its connection to these people who have been offered clemency, in a way that is a little more accurate, a little more honest, and perhaps a little less driven by politics.

They were convicted of crimes. Specifically they were convicted of weapons possession, car theft and robbery. These are not acts of terrorism. These individuals are not terrorists.

They are also convicted of seditious conspiracy, a political charge, a charge entirely unrelated to violence, a charge virtually never used in America in the second half of the 20th Century.

For these crimes, "crimes," that is an absolutely essential point, crimes in which not one person was seriously injured, crimes which did not cause one person to be killed, not one, they were sentenced to 90 years in prison. Ninety years.

In the late 1980s when they were sentenced, the length of their sentences for these nonviolent crimes was consistently longer than most criminals received for unspeakable acts of violence, more than for assault, for rape or for murder.

Now, we have heard supporters of this resolution talk about very serious acts of violence that were associated with the FALN, of which these people were associated with. These were terrible acts, they were wrong, and I am not here to defend them. As a Puerto Rican and an American, I express my deepest condolences to the victims and their families. Violence such as those acts should not be tolerated. But these were not the acts where these individuals were convicted. This is the plain and simple truth of the situation. That does not excuse what they did, and they have served very long sentences for what they were convicted of.

But for what they were convicted of, and that is the only fair standard in any democracy, they have served long enough. And that is why 10, 10 Nobel Peace prize winners support their release. That is why Coretta Scott King and former President Jimmy Carter and Archbishop Desmond Tutu support their release. That is why an unprecedented international coalition of human rights organizations, of religious, labor and business leaders support their release. That is why the United Council of Churches of Christ, why the United Methodist Church, why the Baptist Peace Fellowship, why the Episcopal Church of Puerto Rico, why the Presbyterians of Puerto Rico, why the Catholic Archbishop of San Juan, support their release.

These are reasonable people I just mentioned, concerned organizations that speak for hundreds of thousands of Americans. They have examined the facts, they have studied the evidence, and they have concluded that these people have served a long enough time for their crimes and they are no longer a danger to our society.

A strong supporter of independence for Puerto Rico, it is with a heavy heart that I think about violence that was associated with this movement long ago, and it is with a heavy heart that I think about the people that were hurt at the time, and it is with a heavy heart that I think about all of the anger and pain that is associated with it. And I hope with a sense of hopeful necessity and fairness and forgiveness that we can all come together and look for peace and reconciliation among the people of Puerto Rico and among the people of this great Nation, as we have done in Ireland and as we have done in the Middle East.

Let us be a leader here at home for peace and reconciliation.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for those who have a problem with the word "terrorism" or "terrorist," terrorism is defined as the use of violence and threats to intimidate or coerce, especially for political purposes.

I would suggest anybody who has a problem with that language to read all of the public documents to demonstrate exactly what these people are.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, is this debate really about what the definition of terrorism is?

Mr. Speaker, terrorism has become a headline issue all too often. When President Clinton bombed strategic targets in Afghanistan and Sudan last year, he attempted to send a strong message to terrorists that terrorists must pay for their crimes. But on August 11 of this year, President Clinton sent a very different message to terrorists here at home by offering clemency to 16 terrorists.

Much has been said of the political motives of the clemency offer, but this is not the issue. This is an issue of terrorism and victims' rights. What about the countless victims who have been maimed and killed by the FALN bombs and guns?

Yesterday I met with Diana Berger, a constituent from Cherry Hill, New Jersey, who lost her husband in 1975 to these FALN terrorists. What about their rights?

Mr. Speaker, I urge everyone to vote in support of this very important resolution.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. LaFALCE.)

Mr. LaFALCE. Mr. Speaker, every person who has thus far spoken on behalf of this resolution has not only used the word "terrorist," but has called these individuals terrorists and has conveyed the impression that these individuals were convicted of terrorism.

That is 100 percent wrong. They were never convicted, they were never accused, they were never indicted. It is weapons possession, or robbery, or car theft, but it is not terrorism. You may not use that word with respect to individuals if they have not been convicted or accused of it.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the people were not convicted of terrorism, because there was no federal statute dealing with terrorism when they were convicted.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA.)

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I totally associate myself with the statements made by our colleague from Staten Island (Mr. FOSSELLA), but I must say, this is incomprehensible that we are nitpicking over whether or not these members, these people, were not only convicted felons, but openly associated with the FALN. They have publically committed themselves to terrorism. There is no question about that.

However, I want to spend the rest of my time and associate my remarks on this resolution in the name of Joseph and Thomas Connor, who lost their father in an FALN bombing, or, I am sorry, terrorist attack, in New York some years ago.

As they noted in their outspoken opposition to clemency in a Wall Street Journal editorial page article from the Connor brothers, "Not a day passes without our feeling the void left in our lives."

In the name of the Connor brothers and the others who have suffered at the hands of terrorists, we must pass this resolution.

Mr. Speaker, I rise to support the concurrent resolution expressing the sense of the House that the President should not have granted clemency to terrorists. Congress must speak out definitively.

Given the nature and scope of the crimes committed by the FALN, I find it incomprehensible that the Administration would make any offer to release any convicted felons associated with this group. The FALN has a history of violence against innocent civilians and there are indications that members of the group may be contemplating a return to terrorism. To release convicted members of this group in this context would be highly irresponsible.

The FALN members who have accepted clemency have promised to renounce violence in return. Since when do we take the word of terrorists? Terrorists who took 3 weeks after the offer and only after it became a political issue in the Clinton Senate campaign. I, for one, do not take convicted terrorists at their word. The President should not be risking lives on a promise that can be broken so easily. This is a mistake of overwhelming magnitude.

In my Congressional District, this matter is of more than academic interest. On January 24, 1975, the FALN bombed the Fraunces Tavern in New York City, killing four innocent individuals and injuring 53 others. One of those killed was Frank Connor, a Wall Street banker from Fair Lawn, New Jersey.

Mr. Connor was an American success story. The only son of an elevator operator and cleaning lady, he was born and raised in a working class neighborhood, went to a public college and worked his way up from the ground floor to a successful career in business. Mr. Connor was a husband and father. In fact, he was looking forward to a joint birthday party that evening for the ninth and eleventh birthdays of his sons, Joseph and Thomas. He obviously never made it home for that party and those young boys never saw their father alive again.

Today, Joseph and Thomas Connor are Wall Street bankers like their father and have been among the leading opponents of this misguided offer of clemency. I quote from an op-ed article Joseph and Thomas wrote for the Wall Street Journal: "Not a day passes without our feeling the void left in our lives."

In the named of the Connor brothers and others who have suffered at the hands of terrorists we must pass this resolution.

None of the 16 FALN members who have been offered clemency are alleged to have been involved in Mr. Connor's brutal murder. Nonetheless, they were core members of a group that used terror as an instrument of action. The FALN has not engaged in bombings since these terrorists were incarcerated.

Terrorists who commit murder or sponsor murder should expect to spend the rest of their lives behind bars. This clemency offer totally distorts the law; invites terrorists to U.S. action; and violates the fundamentals of a law and order democratic society.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Ms. VELAZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong opposition to this resolution. You are talking here about violence and terrorism. What about terrorism when you keep Puerto Rico as a colony for over 100 years? For over 100 years all branches of the Federal Government have claimed plenarial or absolute power over Puerto Rico and its people.

□ 1230

How hypocritical it is of us, how embarrassing, that the greatest democracy in the world turns a blind eye to our own condition.

We seek to export democracy to all parts of the world, from Ireland to Kosovo. We celebrate where it takes hold, in South Africa and so much of Eastern Europe. But what about our own backyard? We do not have the integrity to look ourselves in the mirror and ask the difficult question. We do not have the courage to get our own house in order.

Today it is not about whether clemency should be granted, and many of us know it. This is a political issue and many of us know it. The only reason for this resolution is to embarrass the President and the First Lady. All Members need to do is to look at our history.

Allow me to provide some historical perspective which will hit closer to home. In 1979, Members of Congress on both sides of the aisle approved of President Carter's decision to commute the sentence of four Puerto Rican nationalists. Can anyone in this Chamber explain to me what is the difference between the release of four nationalists in 1979 and the release today of these 11 prisoners, political prisoners?

Do Members know what the difference is? It is that in 1979 we were not facing a senatorial race in New York. That is the difference. Not only that, but Members from both sides of the aisle congratulated President Carter for that humanitarian gesture.

The Republican leader at the time, Representative John Rhodes of Arizona, said the following on this very floor on September 7, 1979. I quote: "Mr. Speaker, the action of the President in releasing the prisoners meets my approval. I do think that enough time has elapsed." Those were the words of the Republican leader. In addition, other Republican Members of Congress, Members who are still in this body, expressed similar statements.

Mr. Speaker, I include for the RECORD the comments made by one of the cosponsors of this resolution, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Puerto Rico for his statement and for his support of this initiative. I join in commending the President for undertaking this humanitarian gesture.

In like manner, I hope that President Fidel Castro will honor the promises he made to our congressional delegation which visited with him in January of this year, at which time he stated that when the United States undertakes a humanitarian gesture releasing

Puerto Rican prisoners, that he would entertain a reciprocal humanitarian gesture and release the American prisoners presently being held in the Cuban jails, some of whom have been imprisoned for as long as 15 years.

I thank the gentleman for yielding.

Mr. FOSSELLA. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from beautiful upstate New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I just want to make one brief point. As a New Yorker who, like many Americans, is outraged at the actions taken here, and really quite confounded by my colleagues on the other side for their statements, what people are outraged about, what my constituents care about, is what appears to be the total disregard for the depth of the issues involved here, the rashness with which the President acted for what appears to be purely political purposes.

Members talk about people raising this issue for a political practice. It was the President who practiced it. We are outraged by it. It threatens the security of all of us.

Mr. Speaker, I, like so many Americans, am outraged that the President has risked undermining the security of the people, in order to score political points with New York's Latin community. There is no way to excuse the release of eleven convicted terrorists. None, whatsoever.

This nation has the most effective system of criminal justice system in the world, because, as a people, we insist on holding criminals accountable for their actions. The American people understand this, they have seen through the ruse that the President has tried to pull on them.

As a former campaign director on many high profile, high stakes elections, and as a candidate myself, I understand the passion involved in wanting to win. But, I also know there are some lines that you just don't cross. The latest action by the President to offer clemency to these terrorists clearly crosses this line.

Mr. Speaker, I want to applaud the leaders of New York's Latin community, especially our colleague from New York, Mr. SERRANO, for putting politics aside and sticking to their beliefs. They could have sat in quiet support of their political ally, the First Lady, but they didn't and I commend them for their honesty.

The political campaign process is intended to strengthen our system of government. But, what the Clinton-Gore campaign machine has done, undermines our judicial system. When the President, the chief enforcer of our laws, weakens this structure by releasing convicted criminals for cheap, political purposes, there is a serious problem. It denigrates American Democracy.

Support the Fosella Resolution!

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO), a former member of the Committee on the Judiciary.

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think the President did the right thing. As I said before during the rule debate, he did it, or he wanted to do it, actually, right before we had that horrible situation with the impeachment situation. He wanted to do it then as part of the observance, if you will, of the 100th anniversary of the invasion of Puerto Rico by the United States. He wanted to do it as a first step towards a national reconciliation, a national reconciliation which we support in other parts of the world but we do not support here.

We may not like to hear it, but the fact is that Puerto Rico is a colony of the United States. The fact is that since 1898, the American government has held Puerto Rico as a possession. As long as Puerto Rico remains a colony of the United States, we will have demonstrations, we will have lobbying, we will have plebiscites, we will have discussions.

I can almost assure that we will not have these kinds of discussions anymore because the people who came to Congress once and used violence here who were pardoned in 1979, with the support of Members who are still in this Chamber today, those people have renounced all forms of violence and now admit that the way to bring about the change in the political status in Puerto Rico is through the democratic process.

There is no democratic process in Puerto Rico. The 4 million American citizens who live in Puerto Rico do not have the right as an independent Nation to set their tone in the world and find their place, and they cannot vote for the Commander in Chief who has sent them to every war in the past. The people in Puerto Rico cannot send a Member here who has a vote, as I do from New York, to be able to argue these points.

We have to understand that what the President did he did at the request of Cardinal O'Conner from New York, notwithstanding what our local newspaper says. We have, and I tell the gentleman from New York this in case he brings it up, we have the letter from the Cardinal that says that he wants these people out of prison. He did it after people throughout the world said, for national reconciliation, do this. He did it after Members of Congress went to see him. I spent the last 6 years, a lot of hours, working on this issue.

I am not celebrating anything. How can we celebrate when people get out after 20 years in prison? Not one of them, as has been said on this floor, not one were accused or convicted of any violent acts.

So while Members condemn this action, in which I support the President, while Members use the word "terrorism," which scares the American people, and should, why not look also at the larger picture? Is it not about time that we resolve the issue of the status of an island that we invaded in 1898, that we took from Spain; incidentally, an island Spain invaded in 1493?

In closing, very shortly, as I said before, take some time to think about what we go through, we who are Americans and love this country and were born in Puerto Rico; we who serve in Congress and want to solve this problem soon. Think about that. Members might want to take some new action.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, the name of the Cardinal O'Conner has been invoked. Of course, we wish him well. He is convalescing. But his statement from Mr. Joe Swilling is that he has not taken a position on this. "I don't expect that he will." For those who have a problem, I guess it comes down to do you believe the Cardinal or do you believe the President. It is ultimately up to the Members here to decide.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, 45 years ago this year a bullet was fired into this Chamber. It does not matter who fired the bullet, who bought the bullet, who drove the getaway car. They were all involved in terrorism.

The debate today is about terrorism. I have heard a word used, "Phony emergency." They are about to be released. That is why it is an emergency. I hear it has been called a political resolution. Then we are joined by such politicians as Hillary Clinton, Senator Moynahan, and Bill Bradley.

Then we also hear we should be working on social issues in this Chamber. The same people who are using a political club of gun control are willing to release people that use bombs and guns and weapons in destroying families' lives.

Mr. Speaker, we can stop the release of these people, but if we do not, I urge those who have willingly said they should be released then to invite those terrorists to their districts and allow them to live in their districts. But I do not want them in mine.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). The Chair will remind all Members to refrain from characterizing the positions of individual Senators on the pending legislation.

Mr. FOSSELLA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from New York for yielding time to me.

Mr. Speaker, I have listened with great interest to the tortured reasoning that has been brought forward in this Chamber, trying to muddy the waters.

Let us make it very simple, Mr. Speaker. This has nothing to do with politics or parsing words. This has everything to do with what is just and what is right.

My colleague, the gentleman from New York, spoke of what went on in this Chamber 20 years ago. Let us take that as an object lesson. Clemency and leniency was granted. It did not deter the FALN, that continued a decade-long campaign of terror resulting in bombing, resulting in deaths. I was not in this Chamber, I protested at that time as a private citizen.

But we have this simple question. It is one, Mr. Speaker, we should put to the President of the United States: Are we willing to take as the policy of the government of the United States forgiveness for acts of terror on the flimsy promise that people utter the statement, they will never do it again? We cannot trust the word from the top. We should not trust the words of terrorists.

Mr. FOSSELLA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, the President is the chief law enforcement officer of the United States. In that capacity he has the power to pardon convicted criminals. I know this from firsthand experience because I worked in the White House counsel's office which, for the President, performs the function of screening pardon applications.

Usually this pardon power is used to wipe the slate clean for convicted criminals after they have served their time and paid their debt to society. President Clinton, for example, has used the pardon power in this way 108 times, but he has only let people out of jail three times before, this despite the fact that thousands of people nationwide ask the President to be freed from the sentences that they have been asked to serve after conviction for serious crimes.

How did the President pluck these terrorist cases from the thousands that have asked him to be released from prison? It is because of Hillary Clinton's Senate campaign in New York. Now she says she opposes the release of these prisoners from jail. Now that she has changed her mind, Hillary Clinton is right. Vote with Hillary Clinton. Vote yes on this resolution.

Mr. FOSSELLA. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding time to me.

The gentlewoman from New York said a little bit ago, asked the question, what is the difference between the grant of clemency today and what happened in 1979?

Let me tell the Members the difference. In 1979 we had not experienced two of our embassies being blown up by terrorists. In 1979 we had not experienced the World Trade Center being bombed. In 1979 we had not experienced the Murragh Federal building being bombed. That is the difference.

Today there is no greater threat to the United States of America. There is no army, no foreign army that is a greater threat to the United States than terrorism. That is the threat today, foreign terrorists and domestic terrorists.

That is why this decision, whether it was made for political reasons or personal conscience, I do not care. It does not matter to me what it was. We have talked about what may have motivated the President. It is not significant. It is not relevant.

The fact is that he is making this decision at the worst possible time. It is our responsibility in this House to voice a concern about the fact that terrorism does threaten the United States, today more than ever before.

I have heard words like the resolution is a sham and it is embarrassing. The only thing that is a sham and is embarrassing here is opposition to this resolution, because we are in fact in the most severe situation we have ever faced with regard to terrorism. So therefore to suggest that these people are not terrorists because that is not what they were convicted for, to suggest that we should not be using the word "terrorism" here to describe these people, is something like suggesting that we should not use the word "murderer or thief" to describe Al Capone simply because he was convicted of tax evasion, when we all knew that he was responsible for and guilty of many other crimes. So "terrorism" is the right word, and we should support this resolution.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. BECERRA), a former member of the Committee on the Judiciary.

Mr. BECERRA. I thank the gentleman for yielding time to me, Mr. Speaker.

Let us make it clear, violence cannot be tolerated in this country. We must prosecute vigorously anyone who commits violence, including terrorism. We must punish them vigorously as well.

□ 1245

But in this case, we are talking about crimes where the people convicted were not convicted of terrorism. They are not terrorists. They were, in fact, not even convicted of crimes of violence. They have served more time in jail than anyone in this country probably sitting in jail today has served for crimes of similar character, nonviolent crimes.

So what is the issue here? It is guilt by association. Those who vote for this resolution at the end really should be convicted of guilt by association, because what they are doing is they are saying, because they are using the label terrorism for people who are not convicted terrorists, they are trying to make all of us here believe that, if we vote no, we are soft on terrorism.

Timothy McVeigh was convicted. Terry Nichols was convicted. Should we now say that every one of the individuals that they associated with even if they should happen to have racist views should now serve time equal to the time of Timothy McVeigh and Nichols? Of course not. We do not convict people here by guilt from association. But that is what this does.

Today 13 children will die, most of those as a result of someone who has a firearm. Today there are 42 million Americans who do not have insurance and have to run through the risks of life and work without any type of protection in case they get injured or hurt.

This resolution is politically motivated. It will make for a very tough vote for Members. But at the end of the day, let us keep in sight what is really before us. These folks are being granted clemency, not because they are terrorists, but because they have served more time than other individuals in this country will have for the same type of crime.

This vote today has nothing to do with that. It has everything to do with sending out a message, playing on people's fears about violence and terrorism and hopefully being able to use this next year in a political campaign commercial to say someone was soft on crime. Shame on us for doing that. Shame on us for doing guilt by association.

It is time for us to do something like giving people insurance, giving people protection from gun violence. Let us get to work and get through with this.

Mr. FOSSELLA. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in strong support of the resolution offered by the gentleman from New York (Mr. FOSSELLA).

Though we are a Nation that believes strongly in an individual's right to freedom of expression, we must condemn in the most forceful manner those individuals who work to extend their political expression into violent behavior.

It is well-known now that some have found it proper to offer clemency to such individuals, despite the best recommendations of the FBI, the Bureau of Prisons, and several U.S. Attorneys.

This uncommon and ill-advised gesture of leniency has baffled many of us. It has appalled many of my colleagues in the New York delegation, and it has apparently confused some of those who aspire to be included in the New York delegation.

The offer of clemency represents a failure to acknowledge the primacy of public safety over politics, and I urge Members of this House to support this resolution condemning it.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Michigan (Mr. CONYERS) has 1 minute remaining.

Mr. CONYERS. Mr. Speaker, I yield the balance of the time to the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) to conclude our debate on this.

Mr. ROMERO-BARCELO. Mr. Speaker, I am very concerned about the people of Puerto Rico in this debate, because it would appear that the people of Puerto Rico would support violence, and they do not. On the contrary, Puerto Ricans love democracy and reject violence as a way of imposing their political ideas.

I have stated publicly that these persons, these prisoners are terrorists. They belong to an organization, the Armed Forces of National Liberation, that was involved in terrorist acts, and they committed acts of terrorism. They conspired to commit, and they supported them, they applauded them, and they financed them.

But a long time has elapsed since they have been in prison. A lot of pressure was put upon the President to release these people unconditionally. I was the lonely voice in Congress that raised the opposition to the unconditional release at that time.

I indicated to the President they should not be released unconditionally; and the conditions that they have imposed upon these people are reasonable conditions that will be imposed on any other criminal.

Their conditions: First of all, they have to ask for clemency. Second, they have to renounce violence for achievement of their political means, political aspirations. Third, they will be subject to all the conditions of parolees, so that they will be under supervision by the parole system. I oppose this resolution because the President has acted reasonably with conscience and also in a humane order.

Mr. FOSSELLA. Mr. Speaker, may I inquire about the time?

The SPEAKER pro tempore. The gentleman from New York (Mr. FOSSELLA) has 3 minutes remaining.

Mr. FOSSELLA. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, let us remind everybody why we are here. We are here again to send a signal to anybody contemplating terrorism on American soil that we will not tolerate it because we regard the value of innocent human life. When our society begins to devalue innocent human life, we begin to head in the wrong direction.

We just heard the distinguished gentleman from Puerto Rico who admits that these people are terrorists. I hope that puts to rest those who still believe that these people are not terrorists.

The FBI, the Bureau of Prisons, the U.S. Attorneys office who found these people making bombs oppose clemency. Anybody with an ounce of common sense will tell us that it takes a network of individuals to perpetrate these crimes against humanity, that kill innocent people, that maim innocent people.

Let us put a face on it. Diana Berger is at home right now. She was 6 months pregnant when her husband was killed. Joseph and Thomas Conner grew up without a father.

These are the people we want to release, Carmen Valentine who accepted the President's offer of clemency, threatened the judge who sentenced her, "You are lucky that we cannot take you right now." She then proceeded to call the judge a terrorist and then said only the chains around her waist and wrists prevented her from doing what she would like to do, to kill him.

Is that the people we want back in society? People who have demonstrated no remorse, have offered no apologies, no contrition for the fact that innocent people have gone?

They consider these people who lost fathers, who lost family members casualties of war. God forbid it is anybody here. God forbid it is anybody at home right now.

Anthony Semft who was blinded when he responded to a bomb, we were asking Anthony, "Why are you so upset?" He said, "I did not think I had a voice. Nobody was speaking for me when the President offered clemency to these people." We are his voice. Now we can send and use that voice for the good of the people, the good of the innocent law-abiding people of this country, or we can take a stand and say, do you know what? We can set these terrorists free.

It is up to the Members of this House. Do we speak for Diana Berger? Do we speak for Officer Richard Pastorella who will never see again? Do we speak for Anthony Semft who believes that he does not have a voice? Or do we say that, do you know what, if you renounce violence, and by the way, some of the people who have offered clemency have not renounced violence or agreed to the terms and conditions, do we want somebody set free who will not even do those things?

Let us remember the power of clemency that we are talking about here exercised three times in 7 years which more than 3,000 people have requested and God knows how many others who want to be set free. If my colleagues are willing, if they are willing to say that anybody in prison who renounces violence should be set free, then come down here and say it. But if we want to speak for the law-abiding citizens, we should keep these people behind bars where they belong.

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully the following editorial from the September 8, 1999, edition of the Daily Nebraskan, entitled "Policy Problems—Clemency Move Looks Like Hypocrisy."

> Once again, President Clinton did not think his actions through.
>
> In mid-August, Clinton offered clemency to 16 members of a Puerto Rican nationalist group called FALN, which is a Spanish acronym for Armed Forces of National Liberation.
>
> Law enforcement officials blame FALN for a least 130 bombings in the United States and Puerto Rico between 1974 and 1983.
>
> As part of the clemency offer, Clinton gave the 11 men and give women until Friday to renounce political violence and pledge to disassociate with FALN.
>
> The separatists have already served between 14 and 19 years for crimes such as bomb-making and conspiring to commit armed robbery.
>
> When criticized, the White House was quick to point out that the clemency offer was extended to only those "not associated with the more violent acts that led to injuries.
>
> With this offer, Clinton has made an abrupt about-face from the terrorism policy the espoused following the embassy bombings in Kenya and Tanzania last year.
>
> Following those incidents, the United States bombed terrorist training headquarters and launched a manhunt for alleged mastermind Osama bin Laden while Clinton vowed that we would not bow to terrorists.
>
> Now we are going to pardon the terrorists simply because they hail from a U.S. territory?
>
> That is wrong.
>
> Even President Clinton's wife now thinks so.
>
> Speculation abounds that the president offered clemency to this group to help his wife's chances in next year's New York Senate race.
>
> Initially, Hillary Clinton supported clemency, but with a move out of her husband's play book she reversed her position last weekend.
>
> Regardless of the motives, this is simply a bad idea.
>
> The United States should not condone terrorism in any form.
>
> Clemency only reinforces terrorists' actions, and any pledge to renounce violence on their part would hardly be worth the paper it was printed on.

The SPEAKER pro tempore. All time for debate has expired.

The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 180, as amended.

The question was taken.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 311, nays 41, answered "present" 72, not voting 10, as follows:

[Roll No. 398]

YEAS—311

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (FL)

NAYS—41

Abercrombie
Baldwin
Becerra
Brady (PA)
Carson
Clay
Clyburn
Conyers
Davis (IL)
Dingell
Engel
Fattah
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Lee
McKinney
Meek (FL)
Meeks (NY)
Menendez
Mink
Napolitano
Olver
Owens
Payne
Rodriguez
Roybal-Allard
Rush
Schakowsky
Scott
Serrano
Thompson (MS)
Velazquez
Waters
Wynn

ANSWERED "PRESENT"—72

Ackerman
Berman
Bishop
Blumenauer
Bonior
Borski
Brown (FL)
Brown (OH)
Capuano
Clayton
Coyne
Crowley
DeFazio
DeGette
Delahunt
Deutsch
Dixon
Eshoo
Farr
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Hooley
Hoyer
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
LaFalce
Lantos
Lewis (GA)
Lofgren
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
Meehan
Millender-McDonald
Miller, George
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Peterson (MN)
Rahall
Reyes
Rivers
Sabo
Sanchez
Sanders
Sawyer
Slaughter
Snyder
Stabenow
Stark
Tauscher
Tierney
Udall (CO)
Vento
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—10

Berry
Hinojosa
Jefferson
Pelosi
Pryce (OH)
Rangel
Rogan
Sununu
Towns
Young (AK)

□ 1314

Mr. SIMPSON and Mr. CUMMINGS changed their vote from "nay" to "yea."

Messrs. DIXON, ORTIZ and WEINER changed their vote from "nay" to "present."

Mr. FORD changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. PELOSI. Mr. Speaker, on the last vote, H. Con. Res. 180, I was detained in traffic while returning to the Capitol. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 398, I was unavoidable detained by heavy traffic. Had I been present, I would have voted "Present."

□ 1315

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material of H.R. 2684.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 275 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2684.

□ 1316

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 1999, the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) had been disposed of and the bill was open for amendment from page 74, line 17, through page 75, line 18.

Are there further amendments to this portion of the bill?

Mr. SMITH of Michigan. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent that we be allowed to return to page 64 for consideration of this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WALSH. Mr. Chairman, I object. The amendment of the gentleman is out of order. That portion of the bill has already been completed, and by regular order he would not be allowed to reenter the bill.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will read.

The Clerk read as follows:

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2000, as authorized by Public Law 105–276, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2000, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $110,000,000: *Provided*, That total administrative costs shall not exceed three and one-half percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $5,000,000, and such additional sums as may be provided by State or local governments or other political subdivisions for cost shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL INSURANCE DEVELOPMENT FUND

Notwithstanding the provisions of 12 U.S.C. 1735d(b) and 12 U.S.C. 1749bbb–13(b)(6), any indebtedness of the Director of the Federal Emergency Management Agency resulting from the Director borrowing sums under such sections before the date of enactment of this Act to carry out title XII of the National Housing Act shall be canceled, and the Director shall not be obligated to repay such sums or any interest thereon, and no further interest shall accrue on such sums.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $24,333,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $78,710,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2001. In fiscal year 2000, no funds in excess of: (1) $47,000,000 for operating expenses; (2) $456,427,000 for agents' commissions and taxes; and (3) $50,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2000, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2001, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,622,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2000 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,388,000,000, to remain available until September 30, 2001.

AMENDMENT NO. 1 OFFERED BY MR. LATOURETTE

Mr. LaTOURETTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LaTOURETTE:

In the matter relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; HUMAN SPACE FLIGHT", after the dollar amount, insert "(reduced by $67,986,000)".

In the matter relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SCIENCE, AERONAUTICS AND TECHNOLOGY", after the dollar amount, insert "(increased by $67,986,000)".

Mr. LaTOURETTE. Mr. Chairman; I am offering this amendment with my good friend, the gentleman from Ohio (Mr. KUCINICH) from the west side of Cleveland, and also I think we will hear from the gentlewoman from Ohio (Mrs. JONES of Ohio) of Cleveland.

I want to commend the gentleman from New York (Chairman WALSH) the VA–HUD subcommittee chairman, also the work of two great Ohioans on that committee, the gentleman from Ohio (Mr. HOBSON) and the gentleman from Ohio (Mr. REGULA) for their hard work on this bill.

I understand and support the fiscally responsible attitude underlying the committee's recommendation, but I believe that the specific cuts disregard the public enthusiasm for NASA funding.

Much like the amendments offered yesterday by my colleague the gentleman from California (Mr. ROGAN), the purpose of this amendment is to restore funding to the NASA administration relating to science, aeronautics, and space administration.

This amendment, however, differs from the one that we voted on yesterday in that it recognizes the difficult tasks that our appropriators face working within current budget restraints and constraints and honors the overall funding level that they have provided NASA in the bill.

Our amendment's increase and offset are both provided for within NASA's funding, reflecting the importance of fully funding the aeronautics administration without affecting the money appropriators have directed to other agencies, including Veterans.

The work that is done, specifically in Northeastern Ohio at NASA Glenn Research Center, is important not only to the people of Northeastern Ohio but to the entire country as the world leader in the highly competitive aviation market.

NASA Glenn has been and is an international leader in avionics and jet engine research since 1941. The Glenn Research Center also has expertise in advanced space propulsion and space power systems including the electrical power solar rays for the International Space Station, combustion research, aircraft engine noise and emissions reduction, chemical and electric rocket propulsion, and advanced turbojet aircraft engines.

The Glenn Research Center has received 74 R&D 100 Awards, more than all other NASA centers combined. This proposed increase of $67,986,000 will help maintain core competency programs in aeronautics. Many NASA research programs have impacted and will impact the lives of all individual citizens.

For example, innovations in the ultra efficient engine technology seek to develop quieter airplanes in anticipation of increased airport congestion in many of our major cities in the United States.

A critical mass of talented people, Mr. Chairman, and scientific resources will be irrevocably damaged in Ohio and elsewhere if the downward swing for funding levels in aerospace programs continues.

The partnerships which emerged between industry and NASA have enabled American products to dominate leading-edge technologies. But funding for aeronautical research has received sharp decreases by almost 50 percent in the last decade.

Continued slashing of funding jeopardizes the development of vital technologies to thrust America forward in the world aviation market.

Mr. Chairman, at the conclusion of my remarks, and I think I will be joined on the floor by my colleagues from Ohio, I see the gentleman from Ohio (Mr. KUCINICH) will be here in a minute to take time on this his own behalf, I will be asking unanimous consent, if the subcommittee chairman is kind enough to yield me time, to withdraw this amendment and not have a vote on it.

I do want to emphasize, however, that the gentleman from Texas (Mr. DELAY), the majority whip, in published remarks has indicated that he intends when this matter moves forward to conference with the other body to fight hard to make sure that the funding levels of NASA are restored.

I want to thank the gentleman from New York (Chairman WALSH) for his patience. I know he has a lot to do on this bill. I fully appreciate the challenge that he and other members of the Committee on Appropriations are faced with as they try to do their work while honoring our commitment to fiscal responsibility.

I daresay that he and his colleagues on the committee have jobs quite unlike those of appropriators of years past. But I believe strongly in the need to fully fund NASA's Science, Aeronautics and Space Administration, as I know the gentleman from Ohio (Mr. KUCINICH) does.

As the amendments offered yesterday indicate, if my colleagues look at the amendment offered by the gentleman from California (Mr. ROGAN), 185 Members of this House joined the gentleman from California (Mr. ROGAN) with the need to increase funding for this level of program. His offsets came from the EPA environmental programs.

Again, we do not move money from account to account, but we would like this amendment to serve as a bookmark; and I urge the subcommittee chair, which I know he knows the importance of this funding to not only Northeastern Ohio but to the entire area.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to first of all thank the gentleman from Ohio (Mr. LATOURETTE) for his work and his support on the concerns which we have for the NASA Glenn Research Center in the Greater Cleveland area.

I want to say that people in that community certainly know that we have a bipartisan coalition working together on behalf of that Center.

The budget in the bill for NASA currently before the House represents about a $1 billion cut, or cut of 10 percent from current funding. The LaTourette amendment would effectively restore $68 million for important programs for NASA's science, aeronautics, and technology. This increased funding would benefit NASA research centers, projects, and American jobs.

NASA Administrator, Dan Goldin, has said that if the 10-percent cut in this legislation becomes a reality, then one or more NASA centers could be closed and significant layoffs in the existing workforce would be likely.

What a terrible loss to American business and consumers that these cuts closed centers like NASA Glenn Research. NASA Glenn is one of the most important sources of technological innovations and advancement.

For example, NASA Glenn has produced the de-icing system used on every small commercial aircraft, thus enhancing passenger safety. NASA Glenn has developed the coating for scratch resistant eyeglasses used by millions of people who wear glasses. NASA Glenn developed artificial hip joints. NASA Glenn developed fire-resistant fabrics. And NASA Glenn is now developing aircraft engines that use less fuel, release fewer pollutants, and generate less noise.

Clearly, American consumers stand to benefit from continued NASA Glenn research and activity. So does American business.

For instance, NASA Glenn has helped a Cleveland electronic manufacturer demonstrate the capabilities of its antenna enabling it to win a contract with a German automobile manufacturer. NASA Glenn helped an American vacuum manufacturer improve its products by reducing noise associated with its fans by using sophisticated computer software that was developed for jet engines.

NASA Glenn helps the American satellite industry with developing cutting-edge communications electronics. NASA Glenn helps the aerospace industry with improved jet engines. And NASA Glenn has advanced important microgravity experiments.

The gentleman from Ohio (Mr. LATOURETTE) and I support increasing funding for NASA science, research, and technology that could be used for activities at various research centers nationwide, including NASA Glenn, where more than 2,000 employees work for a better present and a better future.

The funding for NASA's science, research, and technology promises to yield innovation and major advancements that will make possible a high-technology economy for a long-term future. We must focus on our long-term priorities. These priorities must include the future of American workers with advanced training who deserve high-paying jobs. They must include the future of the American economy.

Let us demonstrate our commitment to the advancement of science and technology. Let us demonstrate our commitment to American workers nationwide. Let us demonstrate our commitment to American consumers and businesses and an expanding economy. And let us demonstrate our commitment and appreciation of NASA.

I also want to thank the scientists the engineers and the support personnel at NASA Glenn for the work that they do, because they are truly serving our country and it is only right that their representatives stand in defense of their work and in appreciation of the work that they do every day for this country and for NASA Glenn.

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Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the fact that both gentlemen from Ohio (Mr. KUCINICH) and (Mr. LATOURETTE) have offered this amendment. I understand their concerns. As we discussed yesterday, there were many very difficult decisions to be made, but I must reluctantly oppose the amendment.

I would like to support the additional funding for science, aeronautics and technology; but I cannot do so at the expense of the space station or the shuttle. We all recognize the important work that is done at the Glenn Research Center, and I pledge to do all that I can when we get to the conference on this bill to restore funding to ensure the center can continue its work.

The problems with funding for the Glenn Research Center should not be solved by creating other problems elsewhere for NASA. A reduction of this magnitude to either the shuttle program or the station program would cause significant problems. If the funding reduction were taken against the shuttle program, safety and reliability upgrades would have to be deferred. If the funding reduction were taken against the space station, NASA would have to defer development of the crew return vehicle or any one of the numerous other efforts under way to ensure timely completion of the station.

There are no easy choices in this bill, but I do pledge to work with the gentlemen from Ohio to address these concerns with regard to the Glenn Research Center, but I must oppose the amendment because it creates more problems than it solves.

Mr. LATOURETTE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, I thank the distinguished chairman, the gentleman from New York (Mr. WALSH), for yielding. I also appreciate very much his remarks; and as I indicated during my 5 minutes, the majority whip has also indicated his support, and I am sure that everybody on our side and the other side recognizes the difficulty that the chairman was placed under, and we accept the pledge that we are going to figure our way out of this in conference.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Ohio?

Mr. KUCINICH. Mr. Chairman, reserving the right to object, I want to thank the gentleman from Ohio (Mr. LATOURETTE) and the chairman for their concern over this, and we really need support on this and we are going to do everything we can. I want the people to know we are going to do everything we can to try to resolve this.

Mr. WALSH. Mr. Chairman, if the gentleman will yield under his reservation, both gentlemen should know this is a major concern to the subcommittee also.

Mr. KUCINICH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise at this time to engage in a colloquy with the chairman, the gentleman from New York (Mr. WALSH), and also the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. Chairman, at the full Committee on Appropriations markup, I spoke on the issue of NOx, although I did not offer an amendment on the subject. I addressed what I felt was an apparent inequity created by two separate and conflicting actions that occurred last May. One was EPA issuing a final rule implementing a consent decree under section 126 of the Clean Air Act that is triggered in essence by EPA not approving the NOx SIP Call provisions of 22 States and the District of Columbia by November 30, 1999. The other was by the United States Court of Appeals for the D.C. Circuit in issuing an order staying the requirement imposed in EPA's 1998 NOx SIP Call for these jurisdictions to submit the SIP revisions just mentioned for EPA approval.

Caught in the middle of these two events are electric utilities and industrial sources who fear that now the trigger will be sprung next November 30, even though the States are no longer required to make those SIP revisions because of the stay, and even though EPA will have nothing before it to approve or disapprove.

Prior to this, EPA maintained a close link between the NOx SIP Call and the section 126 rule, as evidenced by the consent decree.

My proposal was to apply a parallel stay. It would have simply prevented EPA from implementing the NOx regulations through the back-door until the litigation is complete.

I believe such a stay is needed, because even though EPA said only a few months ago that the principles of State discretion embodied in the Clean Air Act require that States first address any interstate ozone transport problems through State implementation plans submitted in response to the NOx SIP Call rule, I understand that EPA is now suggesting it may reverse its interpretation of this act, forcing businesses to comply with EPA's federal emission controls under section 126 without regard to NOx SIP Call rule and State input.

This proposed reversal is creating confusion for the businesses and States. Under EPA's proposed new position, businesses could incur substantial costs in meeting the EPA-imposed section 126 emission controls before allowing the States to use their discretion in the SIP process to address air quality problems, less stringent controls or through controls on other facilities altogether.

Indeed, the fact that these businesses almost certainly will have sunk significant costs into compliance with the EPA-imposed controls before States are required to submit their emission control plans in response to the NOx SIP Call rule would result in impermissible pressure on their States to forfeit their discretion and instead simply conform their State Implementation Plans or SIPs to EPA section 126 controls.

While I think such an amendment is needed, I recognize the concerns of my good friends and agree not to offer it. Nevertheless, I believe that if EPA proceeds on its present course, we will have an untenable situation that EPA could avoid if it has a mind to do so.

In summary, the two independent actions in May, EPA's issuance of a final rule implementing the consent decree and number two the court stay of the NOx rule, need to be addressed.

Therefore, I ask my distinguished colleagues if they would agree with me that EPA should find a reasonable way to avoid triggering the 126 process while the courts deliberate.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Michigan (Mr. KNOLLENBERG), my friend, for yielding.

Mr. Chairman, I very much appreciate the gentleman bringing this to the House's attention, the apparent dilemma created by these two events both occurred in May. I recognize, of course, the concern for my State, New York, that this matter be resolved swiftly and real remedies be adopted. I would encourage and expect the EPA to, over the next several months, find a way that is fair to all sides and recognize that the States should be the one to control the air pollution problems and not have them addressed by the sources therein without State input through the SIP process.

I, therefore, will work with the gentleman to see that EPA is fully responsive to these legitimate problems.

Mr. KNOLLENBERG. Mr. Chairman, I thank the chairman for his comments.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman from Michigan (Mr. KNOLLENBERG) for yielding.

Mr. Chairman, as my friend, the gentleman from Michigan (Mr. KNOLLENBERG) knows, I share his concerns on this matter. I would agree that EPA's apparent decoupling of the section 126 petitions from the NOx SIP Call is causing major confusion to industry and State regulators alike, particularly in my State of West Virginia. I join him in his strong encouragement that EPA work with all parties involved in this situation to find a fair resolution, and I look forward to working with him and the chairman and EPA and the industries in this regard.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the distinguished subcommittee chairman, the gentleman from New York (Mr. WALSH), in a colloquy.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would be happy to join in that colloquy with the gentlewoman from Ohio (Ms. KAPTUR), a distinguished member of the Committee on Appropriations.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for his cooperation on this matter.

Mr. Chairman, in the bill, we have granted some additional funding to the National Credit Union Administration for its revolving loan fund for low income credit unions, and I thank the chairman for his leadership and consideration.

The purpose of the revolving loan fund is to make low interest loans to credit unions that serve primarily low income populations, and the earnings from the fund are used for technical assistance grants to low income credit unions so we really can help people become bankable.

Mr. WALSH. The gentlewoman is correct.

Ms. KAPTUR. I would like to emphasize then that when such technical assistance is made available to credit unions, the National Credit Union Administration should make every effort to ensure that such assistance is provided in a manner that is sensitive to the particular needs of the given credit union and considers the technical sophistication and background of the credit union's board and management.

Specifically, the National Credit Union Administration should recognize the unique circumstances of community development credit unions as opposed to all other credit unions and assure that specific technical staff is designated and trained to provide appropriate assistance to community development credit unions which primarily serve low income communities which are a unique subset of all credit unions.

Mr. WALSH. The gentlewoman's suggestion is an excellent one, and it is clearly consistent with the intent of the subcommittee's action today.

Ms. KAPTUR. In addition to formal technical assistance funded by the interest earned on community development revolving loan fund loans, occasionally the National Credit Union Administration examiners will assist a small or a troubled credit union with some aspect of operations as part of the regular examination process.

I also want to urge the National Credit Union Administration, when providing such assistance, to ensure that staff take special care to act in ways that respect and honor the dedication of a credit union's board and managers.

Mr. WALSH. Once again, the gentlewoman from Ohio makes an excellent point, and I would urge the NCUA to heed her advice.

Ms. KAPTUR. I want to thank again the chairman for all of his work on this bill, which is not an easy bill to move through this Chamber with all the respective departments and agencies, and for his special consideration on this particular subset of credit unions, largely serving communities where all other financial institutions have moved out.

Mr. WALSH. I thank the gentlewoman for her comments and for her dedication to the committee and to this issue of credit unions, where she has been a leader.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the chairman of the Subcommittee on VA, HUD and Independent Agencies concerning the current level of funding for veterans medical care on H.R. 2684.

Mr. Chairman, I am most thankful for the good work of the Members of the House Committee on Appropriations for bringing to the floor a bill with a $1.7 billion increase in spending for veterans medical care. This is the largest increase ever and would not have been possible without the hard work of the chairman of the Subcommittee on VA, HUD and Independent Agencies chairman, my good friend, the gentleman from New York (Mr. WALSH).

Unfortunately, despite this increase, lower New York and northern New Jersey could receive $40 million less than last year. According to the VISN 3 director, our network faces an estimated $125 million deficit due to inflation, VA's funding methodology and an increased demand for services, especially hepatitis C treatment.

The staff in VISN 3 have worked hard to identify cost savings and efficiencies, reduced its workforce and streamlined operations to work within the funding levels dictated by VA's methodology. Now, after squeezing every available dollar from the system, the VISN 3 director tells us we are at the point where veteran medical care, quality and access is at risk if he is forced to make any additional cuts in fiscal year 2000.

Mr. Chairman, I would like to get assurances that the Subcommittee on VA, HUD and Independent Agencies chairman will examine the distribution of funds to ensure that all regions of the country have the resources to provide quality health care for all of our Nation's veterans.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentlewoman for bringing these important points to the committee's attention today, and I also would like to congratulate her and thank her for the leadership that she has provided on veterans issues. Veterans issues are constantly before her attention, and she makes very solid arguments in defense of and in support of veterans health.

I, too, as a member of the New York delegation am well aware of the problems in VISN 3. Under this funding level, we have opportunities to address those issues.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman from New York (Mrs. KELLY) for yielding.

Mr. Chairman, I rise today to join my colleague, the gentlewoman from New York (Mrs. KELLY), in entering into a colloquy with the Subcommittee on VA, HUD and Independent Agencies chairman, the gentleman from New York (Mr. WALSH), concerning the current level of funding for veterans health care in H.R. 2684; and I want to commend the chairman and the other Members of the House Committee on Appropriations for their significant efforts to secure an additional $1.7 billion over the President's request for veterans medical care.

Regrettably, this historic increase in funding will do nothing to help meet the needs of our veterans in lower New York and northern New Jersey. The implementation of the Veterans Equity Resource Allocation system, known as VERA, some 3 years ago has led to over $120 million being taken away from the operating budget of our area, VISN 3.

To date, the VISN director and his staff have worked hard to trim the fat in their budget while assuring our offices they would notify us when further cuts would negatively impact care.

VISN 3 has now reached that point. Since 1997, the VA hospitals in my district at Castle Point and Montrose have had their budgets cut by $7.3 million. Since 1995, these hospitals have lost some 549 employees, a decrease of some 25 percent, the equivalent of an entire hospital.

At the same time, medical inflation has raised pharmacy costs for the VISN by 16 percent. The gentlewoman from New York (Mrs. KELLY) has noted the financial shortfall facing VISN 3. This shortfall will have a very real impact, a severe impact, on the quality of care being delivered to a veterans population that is older, less mobile, and in more need of specialized care than its counterparts in other VISNs.

Accordingly, I respectfully request the subcommittee chairman, the gentleman from New York (Mr. WALSH), to carefully review the distribution of medical care funds to ensure that the veterans of VISN 3 are not going to be denied the quality of care that their service to their Nation has earned for them.

Mr. WALSH. I thank my colleague from New York for his dedication to this issue, as he has provided leadership on this issue and so many others.

I assure him I will keep a close watch on the funding challenges for VISN 3.

Mr. LAZIO. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I want to thank the gentlewoman from New York (Mrs. KELLY) for yielding.

Mr. Chairman, I want to begin by complimenting the chairman of the Subcommittee on VA, HUD and Independent Agencies for his outstanding work on housing and a number of different issues that we work closely on. As the chairman knows, we have and I have had a particular concern about the overall level of funding for veterans programs, and veterans health programs in particular, throughout this appropriations process.

As submitted by the President, the funding level for this account in the President's budget would have resulted in dramatic reductions.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. KELLY) has expired.

(By unanimous consent, Mrs. KELLY was allowed to proceed for 2 additional minutes.)

Mr. LAZIO. The President's budget, as we all know, would have resulted in dramatic reductions in health care services for many parts of the country.

I have met with constituents in many different areas of New York State who rely on this for their primary health care. I have heard the struggles that they have had in times of declining resources.

I appreciate, perhaps as much as anybody in this House, the leadership that the chairman has shown in crafting the bill that now contains the largest increase in veterans medical care in 20 years.

I am concerned, however, to learn that the veterans in my district may not share in this historic increase. Of the $1.7 billion increase, veterans in my region may receive as little as $6 million over FY 1999.

The North Port Medical Center, which supports veterans from my district and throughout Long Island, may still have a shortfall of millions of dollars. This shortfall would be the third consecutive year for reductions to this VISN, compounding the health care concerns of my constituents who have already experienced it with an increasing demand on services like treatment for hepatitis C and long-term health care.

Mr. Chairman, I believe this bill was intended to provide sufficient funding for all regions of the country to avoid cuts in services to veterans. I would like to get the assurances of the Subcommittee on VA, HUD and Independent Agencies chairman, my distinguished friend, that in the face of this historic increase in funding all VISNs will have sufficient resources to provide quality health care, and in particular the North Port facility in Long Island.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from New York.

Mr. WALSH. I thank the gentleman for his comments regarding our efforts on the bills in general, and I would like to commend him for the leadership that he has provided and the dedication he has shown to veterans and his congressional district and all over New York State.

I appreciate the efforts of all of my colleagues in New York and northern New Jersey in increasing the amount of funding available for veterans health care, and will continue to work with the gentleman and our colleagues in the Senate and the administration to ensure VISN 3 will have the resources to ensure that the level of services and care for veterans in New York and New Jersey are not reduced as a result of this bill, including distribution of reserve funds.

Mrs. KELLY. Mr. Chairman, we all appreciate the committee's efforts on that and look forward to continuing our work, Mr. Chairman. We would like to have the chairman's assurances that he will continue in the future to work with us on this allocation.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. KELLY) has expired.

(On request of Mr. WALSH, and by unanimous consent, Mrs. KELLY was allowed to proceed for 1 additional minute.)

Mr. WALSH. Mr. Chairman, I stand ready to work with all Members to assure that each VISN receives sufficient funding.

Mrs. KELLY. I want to thank the chairman, the gentleman from New York (Mr. WALSH), and the committee for their continued efforts on behalf of our veterans and look forward to working with them to ensure the proper medical care for all veterans in the Nation. We thank the gentleman so much for his hard work.

Ms. McCARTHY of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the gentleman from New York (Mr. WALSH), the chairman of the subcommittee, in a colloquy.

Mr. WALSH. I would be happy to join the gentlewoman in a colloquy.

Ms. McCARTHY of Missouri. Mr. Chairman, I thank the gentlemen from New York (Mr. WALSH) for his leadership efforts on this most important effort.

As we have been made aware, I have some concerns about the bill. First and foremost among those concerns is the omission of the funding for the new surgical suite and post-anesthesia care unit in the Kansas City Veterans Affairs Medical Center in my district.

This medical center serves a growing population of almost 200,000 veterans in the Kansas City area, as well as referrals from 15 other medical centers from the four-state region. Those veterans are currently being served by an underfunded and undersized and deteriorating 50-year-old surgical facility, where corridors are used to store equipment; operating rooms are used for preoperative care; and backlogs extend as long as 24 weeks.

In these appalling conditions, veterans are wheeled down crowded corridors from surgical room to holding areas to post-operative care in plain view of their loving families. Veterans are waiting between 2 and 6 months for critical medical procedures ranging from hip replacement to neurosurgery.

In my letter to the chairman dated August 30, I explained that the new 31,000 square foot medical facility will eliminate these flaws by imposing both the quality and the access to medical attention. The project will reduce operating room turnover time from 45 minutes to 15 minutes, thus allowing 325 more cases to be performed each year.

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The addition of holding rooms will also reduce scheduling backlogs, thus enabling 200 additional procedures per year.

This facility was listed by the Department of Veterans Affairs as the single most important construction project in the entire country. To disregard that judgment contradicts their unique expertise and effectively shuts our eyes and ears to the health care needs of this country's proud veterans. I think I can speak for the entire region when I say we must provide quality medical care for our veterans, and more than that, we must be guided by our veterans as we do so.

Every Member of this Chamber is painfully aware of funding limitations, but I would request of them that every effort be made in the conference committee to restore funding to this vitally important provision.

Mr. WALSH. Mr. Chairman, I thank the gentlewoman for her comments and for her concern and her advocacy for this important project. We faced some extremely difficult decisions when working with our allocation. We agree that the surgical suite project at Kansas City Veterans Affairs Medical Center is a meritorious project worthy of funding. Unfortunately, money was tight. We chose two projects that already had prior year funding to complete them.

As we move to conference, I assure my colleague from Missouri (Ms. McCARTHY) that we will make every effort to fund this important project.

Ms. McCARTHY of Missouri. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for his leadership.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 79, line 5, insert "(increased by $250,000,000)" after the dollar amount.

Page 79, line 19, insert "(increased by $449,000,000)" after the dollar amount.

Page 80, line 14, insert "(increased by $225,600,000)" after the dollar amount.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer this amendment along with my colleagues, the gentleman from Tennessee (Mr. GORDON), the gentleman from Texas (Mr. GREEN) and the gentleman from Texas (Mr. LAMPSON).

After yesterday's debate on the floor of the House specifically relating to the funding of NASA, a number of amendments that have been offered by my colleagues, both Republicans and Democrats, to add more dollars to the massive funding and most of whom or all of which failed, I offer this amendment, Mr. Chairman, to in fact restore the full funding to 924,600,000, the amount of moneys, almost a billion dollars, that was cut from NASA. This is with the understanding and appreciation of the leadership of the chairman, the gentleman from New York (Mr. WALSH), and the kind words that they have already said to me along with the gentleman from West Virginia (Mr. MOLLOHAN) on their viewpoints about NASA and the efforts along with some of the other concerns colleagues have expressed as we move toward conference. But I thought that the reduction of almost a billion dollars was so devastating that it was simply important to make the record for the American people that this basically halts, if my colleagues will, the American space program of which I believe over the years we have gleaned and garnered the commitment, the support, and the appreciation of the American people.

If I take, for example, the Johnson Space Center in Houston which provides work for over 15,000 people, a work force consisting of 3,000 NASA Federal service employees and 12,000 contractor employees, NASA predicted the effects of the cuts on the Johnson Space Center, and that picture is not pleasant. NASA predicts that an estimated 100 contractors would have to be laid off, contractors composed of many employees and workers. Clinic operations, would be reduced. Public affairs, community outreach would be drastically reduced. Also NASA would likely institute a 21-day furlough to offset the effects of the cuts.

I just recently met with and visited with some of those who are members of the Machinists Union, individuals who work and saw the nuts and bolts of what is going on at NASA Johnson. They would be drastically impacted. The hundred million dollar reduction in the International Space Station would be attributed to the space center and would cause reductions in the crew return vehicle program. This would result in a 1- to 2-year production slip and would require America to completely rely upon Russia for crew returns.

This is not only a Johnson Space Center issue. NASA Goddard Space Flight Center would maybe cut over 2,500 jobs. Such layoffs would affect both Maryland and Virginia. The hundred million dollar reduction in NASA's research and development would result in an immediate reduction in the work force of 1,100 employees for FY 2001. This would also require a hiring freeze, and NASA would not be able to maintain the necessary skills to implement future NASA missions.

Mr. Chairman, we have seen some of the exciting efforts that NASA has engaged in over the past months. The journey of John Glenn that tested and did research on the aging process, the leadership of Eileen Collins who commanded one of the recent shuttles, the docking of the Discovery with Russian Mir, and we also realized that Russian Mir is to be retired and the International Space Station is to be the leader of research in space that will deal with strokes, and high blood pressure, diabetes, HIV/AIDS.

This $924 million cut, almost a billion dollars, warrants this extreme measure that I am offering today which is to restore those funds. It calls upon this Congress and this House and this subcommittee to waive the point of order and to allow us to proceed and restore NASA to where it was. This is not a request for additional funds. This is not a request to in any way put NASA above some of the other concerns of Members. It is a request to, if my colleagues will, keep our commitment to NASA where we indicated there would be even funding for the last 5 years of the 13 approximately point 5 billion dollars.

What we are saying is that this cut of almost a billion dollars literally stops NASA in its tracks. It literally says, "If you're building a bridge, you have stopped the building of that bridge, and you've caused everyone traveling on that bridge to fall off into the deep waters." I would ask my colleagues to realize as well that NASA has been one of the leanest, and I will not say meanest, agencies who has offered to cut itself willingly. In fact, it has cut itself $35 billion, and that has resulted in $35 billion in savings.

As I close, Mr. Chairman, let me simply ask that we have an opportunity to vote on this amendment and restore full funding to NASA for this budget year.

Mr. Chairman, I rise to offer an amendment with my colleagues, Representatives BART GORDON, GENE GREEN and NICK LAMPSON to satisfy the NASA appropriations request, raising the Appropriations Committee's recommendation by $924,600,000.

I have not offered any offsets because this bill is so flawed, we cannot provide offsets without impinging upon other vitally important budget items. It is my hope that my colleagues will realize that it is necessary to waive any point of order so we can fund this very significant agency. We must remain united against this poorly drafted bill.

Recently, the movie "October Sky" captured our imaginations. This movie, based upon the autobiographical book written by Homer Hickam, tells the tale of a young boy who dreams of building rockets. Hickam grew up in a blue-collar town in West Virginia, yet, he believed in his abilities. He believed that he could build rockets that would torch the sky. And ladies and gentlemen, he succeeded. His rockets won him national acclaim, and he eventually became a NASA engineer.

This bill would take such a dream and crush it beneath the weight of political posturing. This bill would tell our children, "Forget about space. You will never reach it."

And our children's dreams are not the only casualties. Jobs are at stake. As a Representative for the City of Houston, I cannot stand by and watch my Houstonians lose their jobs because of these cuts. The Johnson Space Center in Houston provides work for over 15,000 people. The workforce consists of approximately 3,000 NASA Federal civil service employees. In addition to these employees are over 12,000 contractor employees.

NASA has predicted the effects of the cuts on the Johnson Space Center, and the picture is not pleasant. NASA predicts that an estimated 100 contractors would have to be laid off, contractors composed of many employees and workers; clinic operations would be reduced; and public affairs, particularly community outreach, would be drastically reduced. Also, NASA would likely institute a 21 day furlough to offset the effects of the cuts, and this furlough will place many families in dire straits. Also, the Johnson Space Center would have to eliminate its employee Safety and Total Health program.

The entire $100 million reduction in the International Space Station would be attributed to the space center and would cause reductions in the Crew Return Vehicle program. This would result in a 1 to 2 year production slip and would require America to completely rely upon Russia for crew returns. This is a humiliating situation! We pride ourselves in being the world leader in space exploration, yet, what does it tell our international neighbors when we do not even have enough funding to bring our astronauts home?

The cuts would not only affect Houston; they would affect the rest of the country. NASA's Goddard Space Flight Center would need to cut over 2,500 jobs. Such layoffs would affect both Maryland and Virginia.

The $100 million reduction in NASA's research and development would result in an immediate reduction in the workforce of 1,100 employees for FY 2001. This would also require a hiring freeze, and NASA would not be able to maintain the necessary skills to implement future NASA missions.

Negative effects will also occur across our Nation. Clearly, States such as Texas, Florida, and Alabama will see substantial cuts to the workforce, but given today's widespread interstate commerce, it is easy to imagine that these cuts to the NASA program will hit home throughout America. And NASA warns that the country may not see the total effects of this devastation to our country's future scientists and engineers for many years.

NASA contractors and employees represent both big and small businesses, and their very livelihoods are at stake—especially those in small business. They can ill afford the flood of layoffs that would certainly result from this bill.

Dan Goldin, head of NASA, has already anticipated the devastating effects of the NASA cuts. He predicts a 3 week furlough for all NASA employees. This would create program interruptions and would result in greater costs. Ladies and gentlemen, we are falling, if not tumbling, down a slippery slope. This bill would reduce jobs for engineers and would increase NASA's costs, a result that will only result in more layoffs as costs exceed NASA's fiscal abilities.

We are at a dangerous crossroads. This bill gives our engineers and our science academics a vote of no confidence. It tells them that we will not reward Americans who spend their lifetimes studying and researching on behalf of space exploration. I urge my colleagues to join me in my effort to stop the bleeding.

Over the past six years, NASA has led the Federal Government in streamlining the Agency's budget and institution, resulting in approximately $35 billion in budget savings relative to earlier outyear estimates. During the same period, NASA reinvented itself, reducing personnel by almost ⅓, while continuing to increase productivity. The massive cuts recommended by the Committee would destroy the balance in the civil space program that has been achieved between science and human space flight in recent years.

In particular, the Committee's recommendation falls $250 million short of NASA's request for its Human Space Flight department. This greatly concerns me because this budget item provides for human space flight activities, including the development of the international space station and the operation of the space shuttle.

I firmly believe that a viable, cost-effective International Space Station has been devised. We already have many of the space station's components in orbit. Already the space station is 77-feet long and weighs over 77,000 pounds. We have tangible results from the money we have spent on this program.

Just this past summer, we had a historic docking of the space shuttle Discovery with the International Space Station. The entire world rejoiced as Mission Commander Kent Rominger guided the Discovery as the shuttle connected with our international outpost for the first time. The shuttle crew attached a crane and transferred over two tons of supplies to the space station.

History has been made, yet, we seek to withdraw funding for the two vital components, the space station and the space shuttle, that made this moment possible. We cannot lose sight of the big picture. With another 45 space missions necessary to complete the space station, it would be a grave error of judgment to impede on the progress of this significant step toward further space exploration.

Given NASA's recognition of a need for increased funding for Shuttle safety upgrades, it is NASA's assessment that the impact of a $150 million cut in shuttle funding would be a reduction in shuttle flight rate, specifically impacting ISS assembly. Slowing the progress of the ISS assembly would defer full research capabilities and would result in cost increases.

Both the International Space Station and the space shuttle have a long, glorious history of international relations. We can recall the images of our space shuttle docking with the Russian Mir space station. Our nations have made such a connection nine times in recent years. This connection transcended scientific discovery: it signified the true end of the Cold War and represented an important step toward international harmony.

The International Space Station, designed and built by 16 nations from across the globe, also represents a great international endeavor. Astronauts have already delivered the American-made Unity chamber and have connected it to the Russian-built Zarya control module. Countless people from various countries have spent their time and efforts on the space station.

To under-fund this project is to turn our backs on our international neighbors. Space exploration and scientific discovery is universal, and it is imperative that we continue to move forward.

I also denounce the cuts made by the Appropriations Committee to NASA's science, aeronautics, and technology. This bill cuts funding for this program $678 million below the 1999 level.

By cutting this portion of the NASA budget, we will be unable to develop new methodologies, better observing instruments, and improved techniques for translating raw data into useful end products. It also cancels our "Pathfinder" generation of earth probes.

Reducing funding for NASA's science, aeronautics, and technology hinders the work of our space sciences, our earth sciences, our academic programs, and many other vitally important programs. By under-funding this item by $449 million, the Appropriations Committee will severely impede upon the progress of these NASA projects.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, I continue to reserve a point of order.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate my colleague from Houston, Texas (Ms. JACKSON-LEE) bringing her amendment. Service on the Committee on Science, I think points out the need for this.

I have a district in Houston. It does not come close to the Johnson Space Center, but I also know the benefits that we all receive, even if we do not represent that particular area from both NASA and the science investment that NASA is doing and also the International Space Station. I appreciate the Committee on Appropriations adding the 400 additional million for NASA, however it still falls about a billion dollars short of what NASA needs to be an effective agency and to continue to be literally the world leader in preeminent space program. U.S. space program is the envy of the world, and I know a lot of Members get to visit with other countries, and oftentimes that will be sometimes the first issue they will talk about is the space program. The continued success of programs like the Mars Lander or the Hubble Telescope should not be halted because of shortsighted funds.

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We are just beginning to understand this great huge universe that we have, and missions to search for water on the moon or to find life on Mars is what is keeping our Nation's technology and academic advancements going.

For the past few years I have had the opportunity, though, to have astronauts visit in the schools in my district. They will come in to our middle schools and talk about what they do and their job to encourage students to continue efforts or have an interest in math and science.

So we are not just talking about dollars and cents when we are talking about the NASA budget. We are talking about the impact of having an astronaut or a contractor who works with NASA come to our schools and make our students realize how important it is to have math and science. Maybe we would have more math and science majors than lawyers, Mr. Chairman. Since I am a lawyer and was not good in math and science, maybe I needed an astronaut when I was in the seventh or eighth grade to convince me of that.

The proposed cuts would eliminate a host of technology and research programs, and particularly at the Johnson Space Center in Houston in their research in astro materials such as extraterrestrial water that was trapped in crystals from outer space that just recently landed in West Texas, a meteor.

The proposed cuts would scuttle any progress on the Mars exploration. Even though the Mars exploration is being done literally on the cheap right now, this would make it even worse.

Space exploration is important and plays a critical role in our Nation's future, and I would hope that we would be able to, if not in this amendment today, then through the conference committee, restore the funding to NASA, because they have adopted a pretty good lean machine the last 3 or 4 years under Dan Goldin, and I think we ought to continue that success.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the gentleman for his support in joining me in offering this amendment. One of the things I think Americans understand is when you tighten your belt yourself, and you just mentioned NASA has done that. But what we lose as well, and I know it impacts the gentleman's district, is an enormous number of jobs.

I do not know if the gentleman wants to further comment on that, but we already know there will be furloughs. We know that working men and women, people who are just blue collar workers, will lose their jobs, as well as our scientists and researchers.

Mr. GREEN of Texas. Mr. Chairman, reclaiming my time, my colleague is correct, although Mr. Chairman, I have to be honest, when somebody in my district that is a blue collar worker gets a job at Johnson Space Center, they move to the district of the gentleman from Texas (Mr. LAMPSON) or the district of the gentleman from Texas (Mr. DELAY) or the district of the gentleman from Texas (Mr. BENTSEN). They do not stay typically in my district in the inner-city. But it is important to those blue collar workers. That is why, Mr. Chairman, I hope when we do go to conference committee, that that funding will be restored.

POINT OF ORDER

The CHAIRMAN pro tempore (Mr. LATOURETTE). Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, I do insist on my point of order.

Mr. Speaker, I make the point of order against the amendment because it violates the rules of the House since it calls for an en bloc consideration of two different paragraphs of the bill. Precedents of the House are clear on this matter. Amendments to a paragraph or section are not in order until such paragraph or section has been read.

The CHAIRMAN pro tempore. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. I would appreciate it very much, Mr. Chairman.

Mr. Chairman, can I inquire whether or not I can yield to the distinguished gentleman from Texas (Mr. HALL) on the point of order, or can he be heard on the point of order, the ranking member?

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. HALL) be heard.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The point of order is reserved.

Mr. HALL of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief. I just want to point out the great need and the devastation that will occur if this is not carried. I want to point out some of the background.

Back in the early nineties there was a great effort made at the time when we had projected continued deficits that we would have cutbacks, and they called on all of the committees to cut back anywhere from 5 to 10 to 15 percent.

Well, space particularly and the NASA program, it is hard to cut back when you do not really know the effect of what you are doing. So with the help of the then ranking minority Member, the gentleman from Wisconsin (Mr. SENSENBRENNER), I as chairman of the Subcommittee on Space and Aeronautics called in Mr. Goldin and told him what our problem was.

We said, You can cut it with a surgeon's knife or we will cut the budget with a baseball bat, and it makes more sense to do it by someone like you, because when we cut the budget, we are always frightful we are going to cause loss of life or cut it in some life-threatening area.

Well, the thing I want to report to you is in the early nineties the projected spending for NASA was some $18 billion, and the reorganization and streamlining that took place at that time reduced it some 30 percent. So we have already taken hard licks in the NASA budget, hard licks in the space program, and really and truly by keeping the faith now we really do suffer from the cut that is proposed at this time.

I urge a reconsideration of this. I totally support the gentlewoman from Houston and those from other parts that support NASA. I do not doubt that you on that side support NASA and want the best for the program. I just urge you to reconsider and to give us some help somewhere along the line, whether it is at the level of the House and Senate conference committee or wherever it might be, to reconsider this.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from New York (Mr. WALSH) insist on his point of order for the reasons stated?

Mr. WALSH. Mr. Chairman, I do insist on the point of order. I would offer to the gentleman and gentlewoman that spoke the comments I made throughout the debate on this bill, that we understand your concerns. We have those same concerns. The difficult choices made while producing this bill caused us to make these rather difficult cuts.

As I have said, I will continue to work with all who have an interest in supporting this terribly important program, that as we work through the process and get to conference, we will try to fill those gaps as we go down the road.

Mr. HALL of Texas. Mr. Chairman, I thank the gentleman for that. I would like to point out that today the real dollar funding has gone down from the $14.4 billion to the $13.6 billion. At a time when they are projecting a $1 trillion savings in the next 10 years, this is no time to cut down our opportunity to really move ahead in the field of science.

The CHAIRMAN pro tempore. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleagues who have come to the floor. I said yesterday that this is a hard question of choices, and I realize I asked originally for the point of order to be waived.

At this time, Mr. Chairman, with the representation of the chairman and the good work of the ranking member, I would simply ask at this time, Mr. Chairman, that the amendment be withdrawn and that I would offer to work with the chairman of the subcommittee and the ranking member of the full committee, the chairman of the full committee and the ranking member of the subcommittee on this very vital issue, not only to Texas, this is not a selfish position, but to the Nation. I wanted to call this America's space program, and I hope we will get NASA back to full funding soon, to save American jobs and to save America's space program.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,975,700,000, to remain available until September 30, 2001.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,269,300,000, to remain available until September 30, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $20,800,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2002.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

NASA shall develop a revised appropriation account structure for submission in the fiscal year 2001 budget request consisting of the "Human Space Flight" account; the "Science, Aeronautics, and Technology" account; and the "Office of Inspector General" account. The accounts shall each include the planned full costs (direct and indirect costs) of NASA's related activities and allow NASA to shift civil service salaries, benefits and support among accounts, as required, for the safe, timely, and successful accomplishment of NASA missions.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, administrative expenses of the Central Liquidity Facility shall not exceed $257,000: *Provided*, That $1,000,000, together with amounts of principal and interest on loans repaid, to be available until expended, is available for loans to community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft, award-related travel, $2,778,500,000, of which not to exceed $245,600,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2001: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including award-related travel, $56,500,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, award-related travel, and rental of conference rooms in the District of Columbia, $660,000,000, to remain available until September 30, 2001: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $146,500,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 2000 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $5,325,000, to remain available until September 30, 2001.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $80,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

To carry out the orderly termination of the programs and activities authorized by 5 U.S.C. 4101–4118, $7,000,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2000 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill, title IV, sections 401 through 419, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2000 may be used for implementing comprehensive conservation and management plans.

Ms. NORTON. Mr. Chairman, I move to strike the last word for the purposes of engaging in a colloquy with the gentleman from New York (Chairman WALSH).

Mr. Chairman, I had intended to introduce an amendment, but have elected not to do so because the gentleman from New York (Chairman WALSH) has agreed to engage in a colloquy with me, and I appreciate his willingness to do so.

My amendment would have sought to extend for an additional year a provision that was included in the FY 1998 VA–HUD appropriation that states that the Federal share of grants awarded under title II of the Federal Water Pollution Control Act for publicly owned treatment works in the District of Columbia shall be 80 percent.

Currently the matching formula for water treatment projects in the District of Columbia is 80–20 because of a measure included 2 years ago by the VA–HUD chairman, at the time the gentleman from California (Mr. LEWIS). I have spoken directly with the gentleman from Pennsylvania (Mr. SHUSTER), the Chairman of the Committee on Transportation and Infrastructure, and he has indicated his support.

The gentleman from Pennsylvania (Chairman SHUSTER) has already indicated his willingness to work with me in devising permanent language that could be included in a clean water funding bill that the committee intends to consider shortly. I also have the support of the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for extending the provision.

The 80–20 match has been indispensable to the District of Columbia Water and Sewer Authority in helping it to undertake necessary capital improvements. I intend to work with the gentleman from Pennsylvania (Chairman SHUSTER) to obtain passage of legislation to make this change permanent. In the meantime, however, the provision that was passed 2 years ago is set to expire on December 30, 1999. Therefore, I must seek an additional 1-year extension so that important projects that WASA will be undertaking next year will not be jeopardized because of lack of funding.

I would ask the gentleman from New York (Chairman WALSH), I understand that you would like additional time to consider my request for a 1-year extension and that you would be amenable to working with me to have language included in the VA–HUD conference report. Is that the gentleman's understanding?

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, yes, that is my understanding. I recognize the importance of this provision to the District of Columbia, and I look very much forward to working with the gentlewoman in that regard.

Ms. NORTON. Mr. Chairman, reclaiming my time, I thank the gentleman for his kind consideration.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 93, line 6: strike the period and insert the following:

", subject to enactment of legislation authorizing funds for such purpose."

Mr. BOEHLERT. Mr. Chairman, the amendment to section 420 on page 93 regards the usage of federal funds for comprehensive conservation and management plans for our national estuaries. That is a proper role for the Federal Government. All of us recognize that.

The Clean Water Act allows EPA national estuary program grants to be used for developing plans, not for implementing them. Section 420 would allow these grants to be used for implementation for FY 2000.

Section 420 constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI. However, we have talked with the chairman and ranking member and advised them that the Committee on Transportation and Infrastructure is currently considering legislation to reauthorize the national estuary program. We are determined to do so, and we are moving with dispatch.

The proposed amendment would allow national estuary grants to be used for implementing plans, subject to passage of national estuary program reauthorization legislation.

I would urge its adoption. I would ask my colleagues to keep in mind that the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, are both supportive, and I would ask that they affirm that support at this time.

□ 1415

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the chairman of the subcommittee for the excellent work that the gentleman from New York (Mr. BOEHLERT) has done in my State and across the Nation in protecting our air, water, and land. He has provided great leadership, in the tradition of the great Theodore Roosevelt also from New York State.

We see this as a friendly amendment, and I can say from our side that we are prepared to accept it.

Mr. BOEHLERT. I thank the chairman for those good words.

I would ask the gentleman from West Virginia (Mr. MOLLOHAN) also if that is his understanding.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, it is indeed.

Mr. BOEHLERT. Mr. Chairman, I move the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that sections 421 through 423 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of sections 421 through 423 is as follows:

SEC. 421. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4(a)) is amended by striking "30,000,000,000" and inserting in lieu thereof "27,000,000,000".

SEC. 423. None of the funds made available in this Act may be used to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless—

(1) the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to use in the assessment; and

(2) the draft assessment has been published in the Federal Register for a 60 day public comment period.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations.

I rise today to discuss with the chairman of the subcommittee the need for a veterans outpatient clinic in the Seventh District of Georgia.

Mr. Chairman, currently there are 9 outpatient clinics located throughout Georgia. The Seventh District has one of the largest veterans population of any congressional district in the State. However, it does not have an outpatient clinic.

In the State of Georgia there are more than 667,000 veterans, and the Seventh District is home to many of those. Many of the constituents in my congressional district are veterans who must drive long distances to receive treatment. In 1998, many thousands of veterans from the Seventh District had to go to the VA hospital facility on the east side of Atlanta to receive medical treatment. For those veterans in the western-most portion of the Seventh District, that trip takes a complete day, beginning early in the morning.

Establishing an outpatient clinic in the Seventh Congressional District would provide a very important service to our veterans, and would relieve pressure from the other clinics and the veterans hospital in Atlanta. It would be extremely cost effective.

Over the last year I have been in contact with the chairman about the importance of this issue, and I am pleased the committee will look into this issue in the House-Senate conference.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from New York.

Mr. WALSH. I thank the gentleman from Georgia for bringing this issue to the attention of the Committee, Mr. Chairman.

Mr. Chairman, I understand there is a need for a veterans' outpatient clinic in the 7th District of Georgia. I would like to assure the gentleman that I will work with him on this issue toward the establishment of a clinic in that county of Georgia as we move towards conference.

Mr. BARR of Georgia. Mr. Chairman, I appreciate the commitment of the chairman.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I have heard stories like the gentleman's all over the country, I say to the gentleman from Georgia (Mr. BARR), about the needs of various districts and our veterans. They are real. I am glad that the gentleman is fighting for them.

We had a series of amendments yesterday that would have put the money in that would have allowed us to take care of that. The illogic of the position that is being argued by folks on the gentleman's side is that we have these needs but we are not going to put the money in to meet them.

So I sympathize with the gentleman and I voted to get the gentleman the money to have that outpatient clinic, but nobody on the gentleman's side voted for the amendments that would have allowed that. So I do hot understand how the gentleman can ask the chairman to take care of his needs and then not vote for the positions that would give the money to do that.

Mr. BARR of Georgia. Mr. Chairman, reclaiming my time, I would like to express my appreciation for the support of the gentleman from California.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan:

At the end of the bill before line 4, page 94, insert the following:

SEC. . Not withstanding any other provision of this Act, the amount appropriated for Environmental Programs and Management for the Environmental Protection Agency is reduced by $2,500,000 and the amount appropriated for Emergency Management Planning and Assistance for the Federal Emergency Management Agency is increased by $2,500,000.

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, the budget resolution, the authorization bill, H.R. 1550, and the FEMA director, James Lee Witt, all suggested that a $5 million appropriation to the Fire Administration be authorized in order to implement certain changes in the Fire Administration.

I would like to suggest to my colleagues that this is a compromise. The appropriators took out the $5 million. This amendment suggests that we move ahead with $2.5 million to implement these changes in the Fire Administration. The director of FEMA, James Lee Witt, has said at least with the $2.5 million they can move ahead and start making some changes necessary to help the first responders in this country.

We have 34,000 fire departments in this country. We have had very little support from the Federal Government. It has been suggested that, after all, it is already in this appropriation bill. There is a 20 percent increase in funding. The 20 percent is an increase from last year's $25 million to this year's $31 million, but they took out the $5 million for this special project.

Compare this authorization with what we have given law enforcement; for example, $1 billion for bulletproof vests in 1 year. What are we doing for our first responders? We make these first responders, 80 percent of whom are volunteers, do without any kind of support. We are now challenged in every community, in every township, in every hamlet, in every village of continuing to encourage these volunteers to perform the kinds of public service that they have been performing. Let us make some changes, and let us start giving these men and women a little support from Washington, D.C.

Since its creation in 1974, the Fire Administration has had a notable impact on communities across the country. Between 1986 and 1995, for example, fire deaths decreased 30 percent and the adjusted dollar losses associated with the fires decreased by 13 percent. Much of this decrease can be traced to research sponsored by the United States Fire Administration.

Earlier I had mentioned $1 billion to law enforcement for deaths. Last year we had about 200 deaths of law enforcement officers performing their duties. Last year we had 100 deaths of first responders, firemen trying to do their duty, and again, 80 percent of those individuals are volunteers, with little or no support.

We are talking about $2.5 billion. The $5 million was taken out. We are now talking about $2.5 million, at least starting down this road to help these first responders.

Losses from fire, I would call to the Members' attention, remain unacceptably high. During the period 1986 to 1995 period, an average of 2.1 million fires have been reported annually, and fires cost an average of 5,000 civilian deaths, 25,000 injuries, and $9.6 billion in losses each year.

Moreover, the United States has one of the highest fire death rates in the industrialized world, 15.6 deaths per million in population, higher than Australia, Japan, western Europe.

Mr. Chairman, we can and we must do better. I think this is a very modest request to move ahead with what needs to happen in the U.S. Fire Administration for them to do a better job servicing the 34,000 fire departments in our communities and the 1.2 million first responders that are trying to help their communities in protecting the environment, protecting from loss of life, protecting from loss of property.

A recent report by the blue ribbon panel made up of representatives of the fire service community spoke of a broken covenant between the Federal fire programs and the people and institutions they were created to serve. They listed 34 recommendations to improve the United States Fire Administration. At the top of the list was additional funding. This is a serious and earnest effort on the part of these stakeholders to bring about a positive change for the Fire Administration.

Mr. Chairman, the budget, the attorneys team Bill H.R. 155, and FEMA Director James Lee Wolf all suggested a $5 million appropriation to implement certain changes. Since its creation in 1974, the Fire Administration has had a notable impact on communities cross the country. Between 1986 and 1995, for example, fire deaths decreased 30 percent, and the adjusted dollar loss associated with fire decreased 13 percent. Much of this decrease can be traced to research sponsored by USFA that led to affordable smoke detectors.

Nevertheless, losses from fire remain unacceptably high. Over the same 1986 to 1995 period, an average of 2.1 million fires were reported annually, and fires caused an average of 5,100 civilians deaths, 25,000 injuries, and $9.6 billion in losses each year. Moreover, the United States has one of the highest fire death rates in the industrialized world—15.6 deaths per million in population—higher than in Australia, Japan, and most of Western Europe.

Mr. Chairman, we can and must do better, both for our citizens and for the firefighters who regularly put their lives on the line—80 percent of whom serve as volunteers. in an age where the word "hero" has been debased, firefighters still command the respect and thanks of the communities they serve, and rightly so. About 100 lose their lives every year in duty-related incidents.

However, a recent report by the Blue Ribbon Panel, made up of representatives of the fire-services community, spoke of a "broken covenant between the federal fire programs and the people and institutions they were created to serve." They listed 34 recommendations to improve the United States Fire Administration. At the top of their list was additional funding. This is a serious and earnest effort on the part of these stakeholders to bring about positive change—to increase funding for the USFA while at the same time hold it accountable for its own performance.

The authorization that we passed overwhelmingly in this House provided this funding.

It also required the USFA to prepare a five-year plan on how the funding will be spent. It channeled new funding into the National Fire Academy for counterterrorism training for first responders and called for a review of National Fire Academy courses to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere.

This amendment restores the $2.5 million out of the $5 million requested necessary to achieve these goals.

It makes funding available to USFA through the FEMA "Emergency Management Planning and Assistance" account. It offsets this spending through a decrease in funding for the environmental protection Agency's "Environmental Programs and Management" account—a $1.8 billion account filled with earmarked programs not requested by the EPA. As Chairman of the Basic Research Subcommittee, it's important to me that we spend money on projects that meet the standards of competition and peer-review.

A sum of less than 2⁄10 of one percent from this account is reasonable to help this country's first responders.

Mr. Chairman, by funding the United States Fire Administration, this amendment has the potential of saving countless numbers of lives, significantly reducing physical injuries and decreasing the dollar amount of damages caused by fire and other forms of disasters. I would personally like to thank everyone from the fire service who has offered their support to me throughout this budget process. But more importantly, I would like to thank all 1.2 million first responders for their dedication and commitment to duty, and offer my best wishes for their continued success and safety.

I ask for your support on this amendment.

Mr. WALSH. Mr. Chairman, I rise in reluctant opposition to the gentleman's amendment.

Mr. Chairman, this surely is a worthy program. There is broad support certainly for fire prevention training. That is why the Committee on Appropriations increased the budget of FEMA's fire prevention training by 20 percent.

We have discussed and debated this bill for about 10 hours now, and we have seen clearly throughout the debate the difficult choices that we had. There is no other area, clearly, of this budget that has had a 20 percent increase. So it is a priority for the committee.

Mr. Chairman, the budget last year was about $25 million. This year it would be $31.4 million, under this budget, an increase of $6 million, $6 million that could have been used in any number of other programs that any number of other amendments would have affected.

FEMA had proposed an increase of over 45 percent for this budget item, but the committee could not support such an increase. The efforts of FEMA to overhaul and improve the United States Fire Administration are to be commended, but we should not smother the program with funding which may be not used effectively. How many times have we seen the Federal Government throw money at a problem, only to create more problems?

This would be a substantial increase for any budget. We need to give the agency time to implement the recommendations of the blue ribbon panel on the U.S. Fire Administration. While FEMA requested more money than this bill provides, the committee feels that slowing down the pace of implementation will be best for the program in the long run.

We remain committed to working with FEMA to implement changes in the Fire Administration, but we do not feel a funding increase of 45 percent in one year is merited.

Mr. Chairman, I would urge my colleagues to vote "no" on this amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding to me.

Just to point out the percentages again, we had $25 million last year. The request was for $36 million. That was a 40 percent increase. We ended up with $5 million less than that. It seems that using percentages does not really reflect the contribution of the Federal Government to what is a very huge, serious contribution; again, 34,000 fire departments, over 1.2 million first responders, 80 percent of whom are volunteers, and to implement the blue ribbon committee we need that money.

Mr. WALSH. Reclaiming my time, the percentages do show a scale of increase in this budget. No matter how we cut it, a 20 percent increase in any budget is very substantial. It would be difficult, quite frankly, to manage.

Mr. MOLLOHAN. Mr. Chairman, I rise in reluctant opposition to the gentleman's amendment. In this amendment, my friend, the gentleman from Michigan, proposes to give the resources needed for the U.S. Fire Administration to implement changes called for in a recent Blue Ribbon Panel report.

The panel focused on the need to improve management activities, to appoint a Chief Operating Officer, and to establish a stronger mission statement.

Mr. Chairman, FEMA director James Lee Witt and the Fire Administrator, Carrye Brown, both support the changes recommended by the panel. Indeed, these changes are already being implemented.

Let me emphasize my very strong support for the activities of the Fire Administration. I know the gentleman from New York (Chairman WALSH) shares my desire to provide the resources needed to implement the panel's report, and I look forward to working with him to do so as this process moves forward.

However, the gentleman from Michigan (Mr. SMITH) has characterized this offset as coming from EPA's administrative account. What has not been made clear is that this account also happens to contain almost all of EPA's programmatic funding.

The cut could mean reductions in air and water protection, compliance assistance activities, pesticide registration, educational activities. As I said, this is EPA's programmatic account, and it will cut deeply, because EPA's funding is marginal in these activities. Those marginal cuts, while they may seem small, loom large when they get down to the programmatic level.

EPA is already underfunded in these areas, and this cut could impact it adversely. Therefore, I must oppose the amendment. At the same time, I want to restate my support for FEMA, for the Fire Administration, and for our country's first responders, and to working with the gentleman as this process moves forward to try to get adequate funding in this very important program.

I commend the gentleman for his efforts here, and reluctantly oppose his amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Michigan.

□ 1430

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding to me just a second just, again, to make clear that, from that account, it is a $1.8 billion account, out of that $1.8 billion, roughly one-tenth of 1 percent we are asking be transferred to an area that can tremendously help environmental needs. So it is a very small portion of that $1.8 billion.

Mr. MOLLOHAN. Mr. Chairman, it is indeed, and I acknowledge that. The point is that the gentleman is operating at the margins of accounts that are underfunded already, so it has dramatic impacts, not only programmatic, but also employment impacts at this point.

All of these accounts are underfunded in this whole bill. That is the principal purpose of opposing most of these amendments. We are operating on the margins. We need additional allocation. We need additional headroom in the caps. We need to do something with the budget resolution. These amendments are cutting accounts that cannot afford to be cut because they are already underfunded.

While it is an attractive argument to point out that the gentleman's amendment only cuts a small percentage across the board in these accounts, and that is true, it has dramatic effects because these accounts are already at the margins and unacceptably underfunded.

So, again, I hope that we get money in this bill as we move forward. I would certainly join the Chairman in working with the gentleman in ensuring that there are additional funds in this very worthy undertaking.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from Michigan (Mr. SMITH) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: At the end of the bill (before the short title), insert the following new section:

RURAL VETERANS HEALTH CARE SERVICES

SEC. . The House supports efforts to implement improvements in health care services for veterans in rural areas.

Mr. SANDERS. Mr. Chairman, this amendment expresses the Congress' support of efforts to improve rural health care delivery for our veterans, and I believe it is absolutely noncontroversial.

It is imperative that the special needs of veterans living in rural areas are recognized and that the particular problems associated with delivery of VA health care in rural areas often in face of shrinking resources are addressed.

I would like to thank the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, for what I understand is their support of this amendment.

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman from Vermont for his constructive amendment. We believe, just as he does, that rural health care services for veterans are extremely important and consider this a friendly amendment, and we are willing to accept it on our side.

Mr. SANDERS. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. MOLLOHAN) who is also sympathetic to this, as I understand.

Mr. MOLLOHAN. Mr. Chairman, I am very sympathetic, being from a rural area.

Mr. SANDERS. Mr. Chairman, the problems facing veterans all over this country and especially in rural areas are very serious, and I think this amendment is helpful.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ——. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

Mr. HINCHEY. Mr. Chairman, in offering this amendment, I mean to infer no criticism of the gentleman from New York (Mr. WALSH), the chairman of the subcommittee who has put this bill together under some very, very difficult circumstances and I think in many ways has done an excellent job, particularly in providing additional funds for veterans.

However, there is criticism to be offered in the way that the Veterans Administration is implementing a reallocation of existing resources. It is arguable that the resources are totally inadequate and will continue to be so after the large infusion of funds which are contained in this bill should the bill become law.

Nevertheless, VERA, in its allocation of these funds, is doing a grave disservice to certain veterans in certain parts of the country. In the initial phase of the implementation of this reallocation of resources, the veterans who are being injured the most initially are those who reside in the northeastern portion of the country. Those injuries are now spreading to other parts of the country and are being experienced by veterans in the midwest and elsewhere.

So we are calling upon the Veterans Administration in this amendment to cease and desist in the reallocation of these resources until such time as it can be adequately discerned what damages are being done and how best to use the resources that are available for veterans health care.

The VA is currently operating on the basis of a simple computer model, and that computer model does not adequately take into consideration the needs of veterans, the special circumstances that they may have, the environment in which the health care services are being delivered, and a host of other variables.

The consequence of that is that veterans in health care settings in a growing number of areas across the country are not getting the quality of care that they deserve and which the Congress wants them to have and which every American wants them to have.

Now it may be that veterans in some parts of the country have not been injured by this reallocation formula yet, but we have experienced a growing number of veterans being injured as a result of this reallocation formula over the last several years.

The initial negative impacts began to show up in the New York metropolitan area in 1996. Since then, they have spread through New England and down the East Coast and across Pennsylvania and into the Ohio region in the midwest. So if my colleagues have not yet begun to experience with their veterans the negative impacts of VERA, they need not wait too much longer, because those negative impacts will begin to express themselves almost invariably as a result of this formula, which is a blind formula totally without concern or care for the quality of health care that is being delivered in many parts of the country as a result.

So it is no less than prudent for us to intercede, to step in, and to say that this formula should not go further until we have a better and clearer understanding of its full impacts, and that we can develop a formula for allocation which will be in keeping with the needs of veterans and ensure that they get the quality of care that they deserve.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to rise today along with the gentleman from New York (Mr. HINCHEY), who has just spoken, to offer this amendment to suspend the Department of Veterans Affairs VERA formula.

We are joined by the gentleman from New Jersey (Mr. SMITH), the gentleman from New Jersey (Mr. FRANKS), the gentleman from New York (Mr. GILMAN), the gentleman from New Hampshire (Mr. BASS), the gentleman from New York (Mr. QUINN), the gentlewoman from New York (Mrs. KELLY), and the gentlewoman from New Jersey (Mrs. ROUKEMA) in offering this amendment today.

This amendment is about fairness, about treating all veterans equally regardless of where they live. After all, these veterans, all veterans served our country together, not from any particular region or particular State.

When VERA was implemented in April of 1997, without, I believe, adequate public discussion and education among veterans throughout the country, it began shifting funds away from some areas of the country such as the Northeast to other regions like the South and West. The VA claimed it was moving the money to where the veterans are. In the process, the VA left many of our veterans behind.

Why should a veteran in one part of the country receive better services than a veteran in a different part of the country simply because of where they chose to live?

VERA is destructive public policy. The program redirects money from areas where existing elderly populations, with increasing needs for care, to areas with developing veterans population that have similar needs. In the end, this program has done nothing more than pit veterans in one region of the country against veterans in other parts of the country.

Let me tell my colleagues what VERA has meant for veterans in my congressional district. VERA has meant that security stations in the psychiatric ward in Lyons VA Medical Center are often empty or undermanned. VERA has meant fewer doctors and nurses working more overtime to care for patients at Lyons and East Orange Medical Centers. VERA has led to the closure of the Lyons emergency room and the severe cutback in services in pharmaceutical help.

For the past 2 years, my area, VISN 3 in New York and New Jersey, has taken the biggest cuts under VERA. But New Jersey has the second oldest veterans population in the Nation after Florida. The veterans in my State are often older, sicker, and poorer than veterans that live elsewhere in the country.

I know this from having visited these veterans time and time again at these hospitals. The Lyons VA Hospital treats over 250 aging vets in its nursing home, many of whom are confined to wheelchairs. Further, every bed in the Alzheimer's unit is filled. I have visited these patients and can say that each one of these men deserve a great deal of care and rightly so.

Finally, Lyons has several inpatient units for treating posttraumatic stress disorder and other serious mental illnesses. This care is far more complex and far more expensive than outpatient treatment sought by many veterans in other parts of the country.

But it is not just my area, VISN 3, that is treated unfairly under VERA. Last year, under the formula, seven Integrated Service Networks, or VISNs, lost money. Parts of Massachusetts, New York State, New Jersey, New York, Illinois, Michigan, Wisconsin, Colorado, Montana, Utah, Wyoming, parts of California and Nevada.

Even with a record $1.7 billion increase for veterans medical care in this appropriations bill under discussion today, some VISNs, and the veterans who live there, will receive no additional funding while other regions will receive large funding increases.

During our subcommittee's hearing in April, I asked Secretary West how much VISN 3 would receive if Congress increased the President's budget request by $1.5 billion. He could not answer me then. But in a written response, the VA admitted that for VISN 3 to break even in fiscal year 2000, we would have to increase the President's level by $2.4 billion.

Further, according to the VA's own numbers, VISN 3 will lose $40 million in fiscal year 2000 even with the $1.7 billion increase. As a result of VERA, VISN 13, which includes Minnesota, North Dakota and South Dakota will lose over $8 million. While veterans in these States will be denied services and face restricted access to care, veterans in other parts of the country will benefit from the increased allocation, up to $129 million.

Our amendment to suspend the implementation of VERA is on target because it will give Congress the time to evaluate the program's consequences on the quality of health care for all veterans. It is our duty and responsibility to fully explore the impact of VERA on veterans medical care and to ascertain the fairness of the formula and what distribution of funds under VERA actually means for patient care.

VERA is not the answer to the VA's funding problems. As I stated earlier, all VERA has done since it was implemented has been to create regional battles for diminishing funds.

Mr. McNULTY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment for the reasons that have been outlined by my other colleagues, especially the gentleman from New York (Mr. HINCHEY).

I come from Albany, New York, home of the Samuel S. Stratton VA Medical Center. I have seen the adverse impacts of this program in my community: Fewer services to veterans, fewer jobs for health care workers at that particular facility.

But let me just address the more global concern that I have. Have we lost all of our priorities around here? Do we not realize that we would not have the privilege of going around bragging about how we live in the freest and most open democracy on the face of the earth had it not been for the men and women who wore the uniform of the United States military through the years. Have we forgotten that?

My brother died in the service. He did not have a chance to come back and take advantage of benefits to veterans. He came back in a casket. But think about all the others who put their lives on the line, came back disabled, and need help, especially in their later years.

□ 1445

Think of all those who just served and took the chance that they might lose their life so that they could defend what we stand for here in the United States; yes, the freest and most open democracy on the face of the earth; the beacon of freedom for people all around the world.

I will never forget as long as I live being in Armenia on their independence day. I traveled throughout the northern part of that country, and I watched people stand in line for hours to get in for that privilege to vote for the first time ever. And then when they finished voting, they would not even go home. They had these little banquets at every polling place celebrating what happened. But what was most uplifting about it all was to be with them the next day in the streets of Yerevan as they celebrated and danced and shouted and sang "Long live free and independent Armenia." And then they said, "The example of what we want to be like is the United States of America." That is what they said. And on that particular day I was never more proud to be an American.

We should be proud to be Americans today and be proud of the people who went before us and put their lives on the line so that we could be enjoying all the blessings that we enjoy today. And we are failing in that regard. I ask my colleagues to think about that as they contemplate this amendment and support our veterans by supporting the Hinchey amendment.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened to the last Speaker make his points about serving our veterans. I think defeat of the Hinchey amendment serves our veterans as intended by the Congress and by those who are subject to movement in this country. The veterans populations that are moving out of the northeast and going elsewhere, to the south and the west, would be disserved by this amendment. So I rise in opposition to the Hinchey amendment. This would block continued implementation of the VERA system, a change that would cripple the VA.

An identical amendment was offered last year. It failed in this House by a vote of 146 to 285. The House has spoken on this issue previously, and it has been against the position taken by the author of this amendment and those who support it.

On April 1, 1997, Mr. Chairman, the VA began to implement the VERA system, which allocates health care resources according to the numbers of veterans in each of the 22 regional VISNs, the Veterans Integrated Service Networks. The Hinchey amendment would jeopardize health care in the majority of VA networks by blocking continued implementation of this system. Before VERA, funds were allocated according to the historical usage of VA facilities adjusted annually for inflation. When veterans migrated to the west and the south, funding continued to be concentrated in the northeast.

The VERA system directly matches workloads with annual allocations, taking into account numbers of basic and special care veterans, national price and wage differences, and education and equipment differences. More efficient networks have more funds available for local initiatives and less efficient networks have an incentive to improve. Some regions do see a substantial change in their health care allocations under VERA, but all VA network administrators agree this reform is crucial to the sustainability of VA programs.

Last August, the General Accounting Office reviewed the VERA system in response to congressional direction in last year's VA bill. Overall, VISN 3 and VISN 4, and the VA nationally, have increased the numbers of veterans served. Increased the numbers of veterans served. As measured by patient satisfaction, access to care also has improved, according to surveys. The report notes that the two VISNs, 3 and 4, increased veterans access to care despite reductions in the buying power of their allocations by increasing the efficiency of their health care delivery system. That is the issue here. That is how the system is intended to work.

The GAO also concluded that greater oversight of the system is required. And that is good also. But the goals of VERA, to reduce inequities and allow the VA to serve more veterans, are being met.

This amendment proposes to prohibit funding for the VERA allocation model, creating a significant question about what model the VA would use instead. Presumably the authors of the amendment would support a return to the allocations of 1996. Compared to fiscal year 1999, allocations of such an adjustment would mean 17 of the 22 VISNs would lose money. Some areas would be particularly devastated by such a reallocation. The Pacific Northwest, my district, my region, would be cut by 16 percent; the Southeast by 14 to 16 percent; the Southwest would be cut 17 percent.

To restore funding to these 5 VISNs at fiscal year 1996 levels, all other 17 VISNs would take an approximate hit totaling $220 million. If VA was forced to recompute allocations according to the old model, the cuts would be even more severe. The two VA medical centers I represent would see their budgets cut by more than $9 million this year if we restored the old formula. What does that do to my veterans? I respect the comments about other veterans, but this hurts veterans no matter what. Such a bigger hit would cripple the vast majority of VISNs across the country.

I believe we should encourage the VA to continue moving forward with this successful initiative. We should oppose the Hinchey amendment. And if my colleagues are from any of these other States, Southwest, South or West, they should oppose this. Because it is essentially saying go back to the old system and perpetuate inefficiency in some of these veterans areas.

So where the veterans are going, the veterans are receiving money for their health care, and that is appropriate. If there are fewer veterans in the Northeast and more veterans in the South and the West, the South and the West ought to get more allocation to help the veterans' health care needs of those regions.

I have the greatest respect for the authors of this amendment and those who have spoken in favor of it, but freezing the existing system or changing it dramatically, as I think this amendment would, is a disservice to veterans nationally. It may argue in favor of the veterans in that region, but it hurts the veterans nationally. I urge my colleagues to oppose this amendment as the House has done in the past.

Mr. FRANKS of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. BASS. Mr. Chairman, will the gentleman yield?

Mr. FRANKS of New Jersey. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, I rise in strong support of the Hinchey-Frelinghuysen amendment.

Mr. Chairman, before I begin, let me say that I don't doubt the sincerity of any Member's commitment to our veterans. The increase in veterans health care and service funding that this appropriation provides is truly historic. I commend Chairman WALSH and the members of the subcommittee on their work and dedication to the budget resolution's priorities.

Earlier this year, each Member should have received the 1999 VERA allocations book. It states on page 9 that "A major premise of VERA is that networks receiving relatively fewer funds will adjust by becoming more efficient—not by reducing services or numbers of veterans served."

If you consider that many of the networks in the Northeast and the Midwest are already among the most efficient providers of veterans care in the country, then you can clearly see the problem with this premise. For these networks, there is no way to adjust without reducing services or numbers of veterans served.

The facts are clear. The quantity and quality of the health care services in the Northeast and Midwest have declined. These veterans deserve better.

VERA was supposed to improve care, not harm it. VERA was supposed to tailor the allocations to each of the 22 networks based on the region's labor costs, veteran population, patient classification, facility condition, and other factors. Instead, it has led to a veteran against veteran, region against region competition. It has to stop.

Since fiscal year 1996, VISN 1, the network for all of New England, has faced an 8 percent reduction in resource allocations. During the same time, Congress has increased the total allocation by over 5 percent.

Congress and the VA should work together to find a better method of providing this critical care and determining resource allocations. I urge support for this amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, reclaiming my time, I rise today as a cosponsor of the Frelinghuysen-Hinchey amendment.

The Veterans Equitable Resource Allocation is anything but what its name implies. VERA is indeed not equitable. In fact, it has had a disastrous impact on veterans health care in New Jersey. VERA was intended to direct the VA health resources to the areas of the highest veterans population. However, the VERA equation fails to calculate the level of care required by the patients.

VISN 3, of which my district is a part, has the second oldest veteran population in the United States. Clearly, these veterans have a greater need for medical care and pay the highest health care costs of all veterans, yet they will suffer from across-the-board cuts to their programs. Even with a $1.7 billion increase over the President's budget, VISN 3 will lose $40 million. Meanwhile, VISN 8, in Florida, which has legitimate needs, will receive an increase of $129 million. Mr. Chairman, that does not sound like equity to me.

Not only is the level of support provided to New Jersey veterans unfair, it is jeopardizing their health condition. Lyons as well as East Orange Hospital Centers have closed their pharmacies. There have been round after round of RIFs in both New York and New Jersey veteran hospitals. VERA has been a failure when measured against the health care needs of our veterans.

I urge my colleagues to support the Frelinghuysen-Hinchey amendment. Send the Veterans Administration back to the drawing board on this proposal. America's veterans deserve no less.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of this amendment offered by my good friend, the gentleman from New York (Mr. HINCHEY) and the gentleman from New Jersey (Mr. FRELINGHUYSEN), to support the reconsideration of VERA. This issue of VERA concerns many lives in the State of Maine as it pertains to veterans in particular but their families throughout the State also. I ask today that the House recognize the adverse effects of the VERA and how it appears to be having an adverse effect on many of my constituents and the constituents of many others in this body.

The Togas VA facility in Maine serves almost all Maine veterans and has felt the impact of stringent funding levels, which is referred to as region VISN 1. There have been more veterans seeking health services from VA Togas since VERA has been instituted, not fewer. But because of VERA, the resources are continuing to squeeze the VA's health care services. There has not been any study in regards to the rural impact of VERA and what it has done not just to Maine but other parts of rural America and its impact on veterans and veterans' health care.

Maine veterans expressed a significant level of anxiety about the present and future level of care at the Togas facility. And when we have asked our veterans to sacrifice, and to make the ultimate sacrifice by possibly laying down their lives down in defense of our country with the guarantee of health care for themselves, and then to be put into a situation where we are continuing, over a gradual period of time, of taking away those resources and not giving the veterans the health care protection that we had promised them when they had made their commitment to serve their country, I think gets at one of the underpinnings and foundation that has made America strong. We have to reinforce that and make sure we maintain our commitment to veterans.

My district is overwhelmingly rural, with many veterans finding that they cannot receive certain services in Maine. And asking a veteran to travel across the strait is enough of a burden, but many veterans are forced to travel to Boston, the hub of a network serving New England States for health care services. Mr. Chairman, in my State there is 22 million acres of land, over 3,500 miles of a rock-bound coast. In some parts of Maine there is more wildlife than life. And in that State, where it takes 5 to 7 hours to cover from one end to the other, asking veterans to then travel further downstate, enduring many long hours of travel, being away from their family and friends for support, I think is unconscionable. And I am very concerned that this VERA system may exacerbate this situation and it may not be helping the veterans, as we have seen in our experiences in Maine and throughout the country, as evidenced by the speakers here on both sides of the aisle in support of this amendment.

Mr. Chairman, I would ask the House to support this amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment being offered by my colleagues, the gentleman from New York (Mr. HINCHEY) and the gentleman from New Jersey (Mr. FRELINGHUYSEN), to prohibit any funds from being used to implement the Veterans Equity Resource Allocation system known as VERA.

VERA was created to correct a perceived inequity in the manner in which veterans' health care dollars were being distributed across our Nation. While a noble effort, VERA was fundamentally flawed in that it did not look at the type of care being delivered to veterans in given regions. Furthermore, it also failed to consider the effect of regional costs of providing health care in its calculations.

Under VERA, the watchword was efficiency; deliver the most care at the least cost. That sounds wonderful if the subject under discussion is outpatient care. But by forcing a one-size-fits-all solution to the problem, VERA has unfairly penalized those VISNs that provide vital services, such as substance abuse treatment, services for homeless veterans, mental health services, and spinal cord injury treatments. Under VERA, these services are all deemed too expensive and inefficient.

VERA was also implemented at a time when the VA's budget was essentially flatlined. Thus, VISN directors were not provided additional funds to offset the cost of annual pay raises for their VA staff as well as annual medical inflation costs.

□ 1500

This was not a problem for those directors of VISNs that received money under VERA. However, for those directors in VISNs like our VISN 3 in New York, that were losing money under VERA, this was a double hit that crowded out additional funds needed for other vital services.

Mr. Chairman, it is commendable that the subcommittee was able to find an additional $1.7 billion for our veterans' medical care. Yet, thanks to VERA, none of that money will find its way to the Northeast where it is vitally needed. Instead, it is going to be spent in those VISNs that have already seen increases in funding due to VERA.

Mr. Chairman, this is wrong and it is inequitable. The veterans of the Northeast, who are older, sicker, and less mobile than their counterparts in the Sunbelt, should not be unfairly penalized for where they choose to live.

This amendment starts to correct this problem by terminating VERA, a well-intentioned but poorly executed system that blatantly discriminates against those veterans who reside in the Northeast.

Accordingly, Mr. Chairman, I urge our colleagues to support the Hinchey-Frelinghuysen amendment to bring adequate health care to our veterans.

Mr. STEARNS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say, I rise in opposition to the amendment. Frankly, what would happen here is we are turning back the clock. They would be distributing funds where veterans are not located. The whole idea was to actually have the funds go where the veterans are located.

In Public Law 104-204, it was mandated that the VA medical care funds should be equitably distributed throughout the country to ensure that veterans have similar access to care regardless of the region where they live.

Responding to that directive, the VA developed the Veterans Equitable Resource Allocation system, which we call "VERA." In essence, this simply calls for distributing funds fairly based upon geographics, based upon the number of patients which VA medical centers in that region have treated.

The VERA system recognizes that there is a variability within the VA health care system. It makes simple adjustments for variations in labor costs. So the opponents to this say it has not made these variable adjustments for labor costs, it is already in VERA. It is also for research and education. So all the factors are already in here.

When I hear my colleague from New York say the people in the North are less mobile than the people down South, now, that is not true. The people down South have the same problems as the people up North. The fact is that there are more of them.

This amendment from my good friend would bar VA from distributing fiscal year 2000 funds under a system designed to achieve equity and reward efficiency. The amendment does not answer the key question, and this is a key question: What would he replace with VERA?

Presumably, its proponents want VA to reinstitute a truly inequitable system. So what they are asking for by supporting the Hinchey amendment is an inequitable system, not based upon geographics where all the veterans are going. They are ignoring population changes.

There is not one person that is for the Hinchey amendment that cannot tell me there has not been a population redistribution to the South. Patient utilization and hospital efficiency.

So this simply takes into effect all the factors of labor cost and research and education and basically puts the funds where geographically they should be located.

If this amendment passed, we are talking about chaos in the system. Its proponents aim to bail out the one network which would have less funding in fiscal year 2000 than fiscal year 1999. To cure that problem, their amendment would create problems for veterans in virtually every region of this country.

So, my colleagues, it is important to appreciate that, under VERA, VA has maintained a reserve fund, a reserve fund to alleviate special financial problems which individual networks encounter. No one has talked about this reserve fund.

So I say to the gentleman from New York (Mr. HINCHEY) he can go to get that reserve fund and get some of the funds there to help the individual hospital. So I encourage him and others to pursue a remedy for this network, if needed, through the reserve fund. Go to the reserve fund that was set up under VERA to handle the problems that my colleague and people from New York and New Jersey are talking about.

Do not unravel a system that is working, a system that is working for the veterans of this country, and the funds are now going where the veterans are going and it is geographically distributed.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding.

First of all, I want to answer the question of my colleague. What we would replace it with is an equitable system, something that is fair and reasonable.

The problem is that we have in VERA a system that is inequitable and unfair. It is not that I do not want to recognize the fact that the population of veterans in Florida is growing. Of course we do. And we want all of those veterans to be taken care of.

I elicit the sympathy of my colleague for the veterans in New York and New Jersey and Pennsylvania and Rhode Island and Maine and Ohio. I appreciate the sympathy of my colleague for the veterans in Florida. Share that sympathy with other veterans in other parts of the country.

Mr. STEARNS. Mr. Chairman, reclaiming my time, the point is the geographic location, that the veterans are coming to the South more than the North. The funds have been distributed on that basis, as well as labor cost, research, and education; and we have set up a reserve fund.

My question to my colleague, which he can answer on his own time, is why does he not go to the reserve fund and try to get his money for these individual problems rather than creating chaos by eliminating a system that a blue ribbon commission has looked at. This is a far-reaching analysis to come up with this redistribution of the funds for the veterans in the geographic locations that need them.

The basic problem is, which we both agree, is that we need more funding for the veterans, and on that I can agree with my colleague.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support for the Hinchey amendment.

Under the Veterans Equitable Resource Allocation plan, I have witnessed the effects of a $226-million cut to the lower New York area veterans network.

After careful study of VERA, I have come to the conclusion that it is flawed. These flaws permeate VERA's methodology, its implementation, and the VA's oversight of this new spending plan.

It is unfortunate that the VERA plan imposed upon our VA facilities is not one that provides proper funding to VA facilities but one to steal from Peter to pay Paul or to take from some VA facilities to give to others.

The gentleman was referring to the reserve fund. In fact, in the Northeast, in VISN 3, that fund has had to be made available to the New York State area for the last 2 years because we keep running out of money in New York.

Before us today we have the VA-HUD Appropriations bill that contains the largest ever increase in medical care funding, $1.7 billion. And for this we have an excellent committee to thank.

Unfortunately, under the VERA program, even with this increase in size, the New York-New Jersey area will not see one dime of additional funding. In fact, according to the director of our VA network, we will in effect take a cut of $124 million.

This $124 million includes the mandated $40.6 million VERA cut, the rising cost of medical inflation that runs at 2 percent a year in our area, and the new mandate for hepatitis C coverage.

Let me speak to that point for a moment. I work here every day to provide new essential services to our veterans, such as the hepatitis C coverage, and to give many men and women who work in our VA hospitals a reasonable cost-of-living increase. But if we are going to do this, we must provide the funding necessary. Without any funds to cover these costs, the only option is to cut other services or reduce the quality of care provided.

It is wrong for us to pass new mandates on our VA hospitals without providing them the funding necessary to properly implement them. Please join me in returning common sense to VA funding methodology and vote for this amendment.

While VERA is supposed to promote more efficient and effective delivery of care, I am seeing the exact opposite occur at our veterans hospitals in my area. The staff is wonderfully caring and committed, but the VA is not supporting them, lowering their morale and making their jobs all the harder.

I beseech my colleagues on both sides of the aisle to support the Hinchey amendment and make the necessary investment into veterans hospitals in order to keep our promise of our care for our veterans. The veterans of this Nation gave their best for us. Now we need to do our best for them.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Hinchey amendment.

Mr. Chairman, VERA, as it is called, corrects historic geographic imbalances in funding for VA health care services and ensures equitable access to care for all veterans.

Long ago, Mr. Chairman, our Nation made a commitment to care for the brave men and women who fought the battles to keep America free. These are our Nation's veterans. Please take note when I say, "our Nation's veterans." They are not Florida's veterans or Arizona's veterans or New York's veterans. They are our veterans, and we as a Nation have a collective responsibility to honor the commitment we make to them.

When they volunteered to fight for America's freedom, no one asked these veterans what part of the country they came from. It simply did not matter. Unfortunately, when they came home, veterans found out that where they live matters a great deal. Until the passage of VERA, a veteran's ability to access the VA health care system literally depended upon where he or she happened to live.

Since coming to Congress, and I am sure this is true for most of us, I have heard of veterans that were denied care at Florida VA medical facilities. In many instances, these veterans had been receiving care at their local VA medical center. However, once they moved to Florida, the VA was forced to turn them away because the facilities in our State simply did not have the resources to meet the high demand for care.

This lack of adequate resources is further compounded in the winter months when Florida veterans are literally crowded out of the system by individuals who travel south to enjoy our warm weather.

It is hard for my veterans to understand how they could lose their VA health care simply by moving to another part of the country or because a veteran from a different State is using our VA facilities.

Congress enacted VERA for a very simple reason, equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care. Since VERA's implementation, the Florida Veterans' Integrated Service Network, VISN, has treated approximately 44,410 more veterans. The Florida network estimates that it will treat a total of 285,000 veterans by the end of fiscal year 1999.

The Florida network has also opened 12 new community based outpatient clinics since VERA's implementation. It plans to open additional clinics in the near future. None of this could have happened without VERA. We have to ask ourselves, what happens if VERA is not implemented?

The failure to move forward with an improved and fair funding allocation system would mean that the VA would miss a unique opportunity to revitalize its way of doing business. The negative impact would be felt most by veterans who would not be treated in areas that are currently underfunded. Failure to implement VERA will waste taxpayers' dollars because a rush to the funding practices of the past will mean that some VA facilities will receive more money per veteran than others to provide essentially the same care.

The author of this amendment argues that veterans of New York are not being treated equitably. The VERA system already takes regional differences into account by making adjustments for labor costs, differences in patient mix, and differing levels of support for research and education.

With the $1.7 billion increase in VA health care included in H.R. 2684, VA facilities in the metropolitan New York area will receive an average of $5,336 per veteran patient. This means that these facilities will receive an average payment for each patient that is 16.11 percent higher than the national average.

On the other hand, the Florida VISN will receive $4,481 per patient, an average payment which is 2.49 percent below the national average. How is this inequitable to New York's veterans?

If the Hinchey amendment passes, continued funding imbalances will result in unequal access to VA health care for veterans in different parts of the country.

I urge my colleagues to vote against the Hinchey amendment.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Florida (Mr. BILIRAKIS).

The only inequity that the people from New York will suffer would be, if this amendment passes, when they move down to Florida, then they will see what the inequity is.

The mathematics is very clear. I hope my colleagues will listen to the gentleman from Florida. This is just a question of fairness, of basic fairness, and it is a question I think that all of us should ask for ourselves. Are the veterans who live in the Sunbelt entitled to less than those who stayed in the more populated areas that have not grown?

□ 1515

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to offer a modest proposal. We have obviously a very controversial amendment here. We have spent about half an hour discussing it so far. This has taken at least as much time as any amendment, and I understand there are very deep and passionate interests on the part of all Members.

What I would like to suggest, in the interest of time and expediency, we have the opportunity to finish this bill fairly soon. As a matter of fact, when this debate is concluded, there will be a vote on the amendment of the gentleman from Michigan (Mr. SMITH) and on, I presume, the Hinchey amendment. Then we would come back after that and conclude the debate on the remaining amendments.

Mr. Chairman, I ask unanimous consent that the Members who are interested in discussing this limit their time to 3 minutes as opposed to the 5-minute rule.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. McCOLLUM. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my colleagues on the floor can see, this is a very important issue in Florida. I think the entire Florida delegation is down here to speak on this issue. I might say that I think the reason we feel so passionately about it is because many of us were on the other end of this issue not but 5 years ago, 4 years ago, where our veterans were coming into our offices telling us that they could not get into the VA hospital; they could not get the health care that had been promised to them. So by the very nature, this has risen to be such a huge issue.

Now, on top of that, since the VERA has been implemented, I have to say people come in and say for the first time they are actually not having to wait for as long as they have.

Secondly, I would also like to point out that we have done what I think has been a masterful job in Florida in using even the amount of small resources that we have gotten, in the fact that we are not building huge VA hospitals anymore. What we are doing is we are doing outpatient clinics. We are actually going into these communities. We are actually having these veterans be served right in their own back yards, not 100 miles away, not 200 miles away, which in some cases is the way they did it. It was very cumbersome and very difficult.

With these additional dollars and, quite frankly, we could still use some more if we wanted to get into this, that we, in fact, believe that we have done a very good job with the smaller number of resources that we do have.

This whole VERA was really done on the fact because there were scarce resources, and the fact that over the years that every facility was getting just the same amount every day, or every year through the budget, they would get a 2 percent increase, a 3 percent increase, and there was nothing, nothing, to talk about the population changes that were happening in this country.

In fact, what we have noticed and what has been increasingly in Florida is the veterans population. So VERA basically just did a very simple allocation and said, if we can imagine this, that we ought to take health care for our veterans and follow where the patients are. That is all we are doing, is following where the patients have come.

So hopefully we are getting this point across to our constituencies here in Washington, and let my colleagues know that those veterans who have come from their States and have moved into our State are now finally being taken care of.

We appreciate what the Congress has done in the past. Please let us not turn this clock back. Please let us not have the situation where we have to go to those veterans that we all cherish and know what they gave up for us to go back and tell them that the system is not going to work again, that we are going to rearrange these numbers again and not based on the right reasons but all on the wrong reasons.

So with that, I would hope that we defeat this amendment.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent that in the interest of time, to ensure that every speaker has the opportunity for a full 5 minutes of debate on their part and at the same time being concerned about the amount of time this amendment is taking, if we could not agree on a time certain to end debate.

Mr. Chairman, I ask unanimous consent, just looking around, I would think the Members I see on the floor who I think are interested in this debate that we would end all debate by 10 minutes until 4:00, or some such time that we might agree on.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. McCOLLUM. Mr. Chairman, reserving the right to object, maybe that is the best way to do it. If we could make that 4:00, I think there are about six of us here at this point in time, that would work about right. That would be 30 minutes, if that is agreeable.

Mr. MOLLOHAN. Mr. Chairman, I think that would give everybody on the floor an opportunity to speak. If there would be no objection to that, I would agree to 4:00.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia that debate on the Hinchey amendment conclude at 4:00?

There was no objection.

The CHAIRMAN. The Chair will continue to recognize Members under the 5-minute rule.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to be here today to speak out on this important subject. There has been an ongoing lack of agreement between certain regions of the country on veterans and equitable funding. This particular problem has been cleared up by Congress. We all know what the problems were before the McCain and Graham bill that came up with this equitable formula, and I say it is equitable because the model is composed or computed in such a way that the VA's funding methodology is no longer based on traditional patterns. It is based on an assessment of what is done there. It is based on certain facets, and it is tailored to the price index that reflects the unique characteristics of these particular areas. So these veterans' networks, each of them has a separate and distinct characteristic and that is the background of the VERA funding model.

The implementation of VERA, as we all know, took place in 1997. Halfway through the fiscal year, everything was done to allocate resources in an equitable manner. The networks were funded at approximately one half of the 1996 level, plus a 2.75 percent increase. For fiscal year 1998, 13 VISNs received increases over funding levels for fiscal year 1997. Nine networks received less funding.

As with the previous year, a 5 percent limitation cap was imposed on the amount that any VISN, that any network, could be reduced below 1997 levels. So regardless of what we are hearing today, Mr. Chairman, not any of the VISNs have been hurt that tremendously so that we should not stick to our VERA formula.

I am calling for a defeat of this amendment because the medical care appropriated budget which comes to this subcommittee for 1999 provides a modest increase over fiscal year 1998 to $220 million, or 1.3 percent. For the 1999 fiscal allocations, the maximum amount, maximum that any VISN network was reduced below 1998, was, again, just 5 percent. The VA has emphasized that these networks receiving relatively fewer fundings will adjust, and they will adjust because the money is going where the veterans are. Wherever the veterans go, according to the VERA formula, that is where the money goes.

The older veterans come to Florida; not only Florida. That is one of the States they go, but I am here to say that we have a good formula. We do not need to change it because of traditional patterns. It is not the fault of Florida that the older veterans and the sicker veterans come to Florida.

We are here today to say that the basic care of veterans is being taken care of adequately by the VERA formula. So is the complex care. So is the geographic price adjustment. There is a differential here that makes this adjustment fair to the Northeast as well as the South, and it is based on labor costs that is paid by the VA facilities, as they compare to the VA national average.

These figures are not just pulled out of the sky, Mr. Chairman. There is that differential that is based upon labor costs.

Also, they make allocation adjustments for labor that is based on the most recent data that the VA can put together. So in 1999, it even looks better for VERA in terms of adjusting the formula.

This VERA formula is fair. It is equitable. It is based on substantive data. It is not based on historical funding patterns as to who received the money 15 to 20 years ago. It is not based on politics. Congress initiated this formula, and I would like to say to my colleagues, please defeat the Hinchey amendment for fairness for all the veterans of this country.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the Hinchey-Frelinghuysen amendment. I am very proud to be one of the cosponsors of it, which simply calls for a 1-year moratorium on the VA's implementation of the Veterans Equitable Resource Allocation formula, and as Members know by now, hearing it so often, VERA. The moratorium will give Congress and the administration the time needed to make adjustments in the VERA formula that was instituted in 1997 so that veterans in certain geographical areas and age groups are no longer shortchanged by this funding mechanism. Quite simply, we simply need to put E, the big E, equity, back into VERA. Regrettably VERA paints veterans services with a broad brush leaving very little, if any, room for significant examination waiting costs associated with health care. VERA is a mathematical formula that essentially calculates how much a VA network will receive based on the raw number of veterans and whether their health care needs are basic or complex. The formula fails, utterly fails, to take into account the age and perhaps most importantly the specific type of illnesses faced by the various veterans populations.

For example, in New Jersey, our veterans are the second oldest group of veterans in the Nation, if we quantify it by State. As we all know, with age comes a plethora of health care problems, many of them more costly to treat. In our network alone 52 percent of veterans are over the age of 65 compared to 44 percent on the average, and I heard even earlier that many of these people, and they do, many of our veterans do move south and end up living in Florida. They happen to be the healthier ones, those who have the means as well as the health to go down to Florida, often by driving, and to have either a second home there or to actually up stakes and move there.

The sicker ones and the poorer people, the more indigent, stay in New Jersey and New York and they seek to use the services of the VA. They are the ones who cannot move. So it is not just age. It is also their costs, their situation. We have an explosion of things like cancer in our State. Those folks are not moving to Florida. They are seeking to get their health care right at their Veterans Administration, and now they are finding the VA has to do more with less.

Mr. Chairman, it is a 1-year moratorium we are asking for. This has only been in place since 1997. It is not working.

□ 1530

I happen to be the vice chairman of the Committee on Veterans Affairs. We have looked at this. I have sat with, for hours, with VA officials both in-State as well as down here, and I am totally dissatisfied with their answers, and I think I find it regrettable that some of my friends from Florida are standing up and saying it is okay down here. We are losing, and poor, indigent and very sickly veterans are the ones that are the net losers. We are not going to stand by and allow it, and I hope that the gentleman from New York (Mr. HINCHEY) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) amendment gets passed.

Mr. Chairman, it is a matter of equitable and fairness, and again we are asking for a 1-year moratorium so we can fix it.

Mr. Chairman, I urge support for the amendment.

Mr. Chairman, our amendment today calls for a one year moratorium on the VA's implementation of the Veterans Equitable Resource Allocation Formula—VERA as it is known for short. The moratorium will give Congress and the Administration the time needed to make adjustments in the VERA formula that was instituted in 1997 so that veterans in certain geographical areas and age groups are no longer shortchanged by this funding mechanism. Quite simply, we need to put the "e"—equity—back into VERA.

Regrettably, VERA paints veterans services with a broad brush leaving very little—if any—room for significant extenuating costs associated with health care. VERA is a mathematical formula that essentially calculates how much a VA network will receive based on the raw number of veterans and whether their health care needs are basic or complex. The formula fails to take into account the age and perhaps most importantly, the specific types of illnesses faced by the various veterans populations. For instance, in New Jersey, our veterans are the second oldest group of veterans in the nation if you quantify by state. As we all know, with age comes new health care problems, many of them more costly. In the New Jersey part of our network alone, 58% of veterans are over the age of 65. Compare this with a nationwide average of 44%. However, the VERA formula makes no allowance for this disproportionate representation of aging veterans. A veteran's decision to stay in New Jersey or the Northeast for that matter, should not mean that their VA health care network is forced to do more with less. Veterans should not be forced to wait for weeks on end to see a primary care doctor or specialist as has been the case with increasing frequency in my state as a result of VERA.

Similarly, VERA fails to specifically weigh the type of medical treatment required in the varying networks.

For instance, the VA has mandated treatment of veterans with Hepatitis C. In New Jersey alone, the VA is treating 12 to 15 veterans per month who have tested positive for Hepatitis C, with a treatment cost of $15,000 per patient. Failing to take into account that we have a high rate of Hepatitis C in our network as well as a high rate of AIDS cases, VERA punishes New Jersey and the larger network that we are in, for treating all veterans, not just those who use the VA for an annual physical or for prescription drugs, but those with serious, ongoing chronic illnesses.

Our veterans served our country in her time of need; we should not forget them now simply because where they chose to spend their "Golden Years" does not nicely mesh with the VA's own bureaucratic formula. While VERA is well intentioned, the fact of the matter is that it pits veterans against each other merely on the basis of their geography.

In the 4th Congressional district of New Jersey, which I have the privilege to represent, veterans have felt the effects of VERA first hand. Faced with budget cuts due to the VERA formula, the network administrators who oversee Central and Northern New Jersey first responded with a knee jerk solution: elimination of the specialty services at the VA's clinic in Brick, New Jersey.

Needless to say, this decision immediately mobilized the veterans of Ocean and Monmouth Counties, who joined me in fighting these cuts. These specialty services, whether they be rheumatology or podiatry, free our veterans from being forced to spend valuable hours traveling great distances to see a specialist for the care they desperately need. Through my continued efforts to get the VA to "think outside the box," we have managed to restore specialty services to the Brick Clinic. This is a battle however that we should not have had to wage. Our veterans deserve their health care. It should be reasonably accessible, period. They should not be held hostage to VERA as they are now.

There is simply no question that the VERA formula brought on the Brick Clinic's ongoing financial challenges. Furthermore, we are faced with at least a $36 million cut in our VA network in the upcoming fiscal year, so it is hard to see how threats to specialty services will not resume over the next several months. I ask my colleagues: where is the equity in a cut to Central and Northern New Jersey's network when our veteran population is aging rapidly and will need more, not less, specialty services?

I urge my colleagues to join me in supporting this important amendment.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to voice my strong support for the Hinchey-Frelinghuysen amendment, and I urge my colleagues to do the same. The amendment is simple. It suspends the VERA program. What we need to do is to go back to the drawing board and come up with a program that is fair to all veterans.

If what the gentleman from New Jersey (Mr. SMITH) has just enunciated can be documented, this is an embarrassing situation, Mr. Chairman, for the veterans and those of us who think we are helping to provide for those veterans in the State. VERA has selective memory and selective facts when they determined where the dollars are going to help our veterans. How horrible that the veterans find themselves in what we are calling here and defining as a sectional war. It almost reminds me of the debate on transportation that was in this hall, these halls. I remember that distinctly. Many of our veterans are not even registered. Most veterans do not even know what their benefits are.

Mr. Chairman, that is indeed an embarrassing situation.

So while the age of vets is different in the State of New Jersey and while the type of illness is different in the State of New Jersey, in the tri-State area I might add, what we need to do is take a look at this program very, very carefully. Congress will provide $1.7 billion more for veterans medical care, yet for many veterans services they will be cut and medical providers will be reduced because many parts of the Northeast and Midwest will loose.

To those veterans who cannot move to Florida, I could not believe what I heard before to be very frank with my colleagues. With all due respect, the veterans equitable resource allocation program which re-directs money from one region of the country to another region of the country to pay for veterans who live in other parts of the country to me needs to be totally examined. God, if our veterans do not deserve better, who do?

The fact is that the VERA system is not equitable to all veterans. The amendment sends the message that VERA is not working, and it is not. The VA should develop a truly equitable plan.

Members of the military put themselves at great risk to protect American interests around the world. In return for this service the Federal Government made a commitment to both active duty and retired military personnel to provide certain benefits regardless of age, regardless of where they lived. Our veterans helped shape the prosperity our Nation currently enjoys. It is our duty to ensure that commitments made to those who serve are kept.

The VERA system is simply not working. I urge my colleagues to support this important amendment because it brings equity to all veterans and not just the select.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Let me just first rise in opposition to the well-intended amendment by the gentleman from New York (Mr. HINCHEY) and my colleagues from New Jersey and others who definitely are on the side of the veteran; we realize that. Let me also suggest to my colleagues that Florida is not the bastion of wealth that is being assumed in this amendment, that somehow only the poor remain in their respective home States and only the wealthy move to Florida. We have veterans of every economic level. I urge my colleagues to come to my district and see the veterans firsthand. They are moving though in record numbers to the Sunbelt; there is no question about it. Every census, we get additional Members of Congress; every census, we get a different ratio of distribution of the formulas because people are moving in record numbers. And there is no difference with veterans.

So I want to strongly urge we continue the formula currently established in law, that we look at ways to satisfy the concerns the gentleman from New Jersey (Mr. SMITH) and others have raised, the gentleman from New Jersey (Mr. FRELINGHUYSEN), because they are genuine. They want to care for the people who served this country, and all of us together today should not be about debating States particularly, but how do we make certain that each and every budget and fiscal appropriation first looks at the veterans who served this country, dedicated their lives and now have merely asked to be treated in a dignified manner that they deserve?

So again I want to urge my colleagues to carefully consider this, oppose the gentleman from New York (Mr. HINCHEY), and let us continue to debate the critical needs of veterans.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, there has been a lot of discussion about the veterans population in Florida. As the gentleman well knows, that about 61 percent of those who are treated are service connected. It is a very, very high number. And, in fact, I think we are second maybe only to Maine in the entire country in regard to that. So there has been some misunderstanding here today.

Our funding under VERA has increased since 1997 by 14 percent in Florida, but the workload has increased by 30 percent. In fiscal year 1995, VISN–8, which is the area that serves Florida, the VA office treated 225,000 veterans in fiscal 1999, will treat about 295,000, and it will go up to 300,000 in fiscal year 2000. I think that it is very clear that we need VERA to work.

Now maybe some technical problems with it, but this amendment should be defeated. It is wrong, and I know how hard the chairman has worked on trying to increase the VA budget in this bill, and it is modestly there, not as far as the gentleman from Florida and I would like, but it is there to some extent. I am disappointed though that the NASA budget has been cut so severely, and it makes this bill extremely difficult for me to support because NASA is extremely important to Florida and the Nation as well. And I find it is not his fault, not the chairman's fault, not even the subcommittee's fault. But I find it very difficult that the way the appropriations language is set out in these committee structures, we cannot trade off with other areas where the gentleman and I would think we ought to have savings rather than taking it out of NASA which absolutely is critical for the future of this Nation.

I also believe that we have a very serious matter in all respects with everything under this legislation, but above all we must keep VERA the way it is. The Hinchey amendment, while well meaning, is absolutely destructive, trying to let the moneys flow where the veterans go, and they are flowing to our State. Mr. Chairman, we are the only State with an increasing veterans population, we are now the second largest in the Nation. And we are going to get even larger in the coming years, and if we do not have the formula that is currently in law, there is no way that the veterans populations that are moving to the State of Florida in increasing numbers can be possibly served, are not even going to be served adequately as it is. We are well behind in every other respect.

So I very much appreciate the gentleman from Florida for having yielded, Mr. Chairman, and I strongly oppose this amendment

Mr. FOLEY. Reclaiming my time, I want to reiterate we have had a substantial caseload increase in the veterans facility in my district, but I also wanted to single out the gentlewoman from New York (Mrs. KELLY) who has also been a strong strident advocate for veterans in her district, and while we disagree on the policy here, I do respect her standing up for veterans.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this amendment and want to commend the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from New York (Mr. HINCHEY) for what they have done here today in presenting this opportunity. And I have got to tell my colleagues this is not about discriminating by adopting this amendment. We are not proposing to discriminate against anyone, we are doing quite the opposite. We are proposing that we create a formula, have a period of time here to create a formula that is fair to every veteran in every State of the Union. That is what this amendment is about.

Mr. Chairman, I am shocked and appalled that we are, under VERA, presently discriminating against those veterans who served their country nobly and discriminating against them based on which State they live in. We have got to end this travesty, and we have got to do it today with this amendment.

Now my colleagues have heard some of the numbers here, but speaking again for New York and New Jersey, but also for 22 other States that are dramatically cut. Do my colleagues hear that? It is not normally New York and New Jersey. There are 22 other States dramatically cut under this VERA formula. But in terms of New York and New Jersey, we have the biggest cut. We are reduced $40 million.

Not only did we not gain a penny out of the $1.7 billion, but we were cut $40 million. Okay?

Now how does that get evaluated? How fair is that? How equitable can it possibly be? New Jersey has one of the oldest veterans populations, and if not the highest, one of the highest of the special needs veterans. I do not understand how anybody can support this kind of discrimination for our region of the country.

Now we have a lot of other things that we could say here, but let me in the interests of time draw another conclusion here.

The bottom line is that VERA is unacceptable, we must use this time period to correct it, and this amendment permits that correction. And might I say, and I do not know that anyone has referenced this, but I will include this in my statement in the RECORD as an insert here, that even the GAO congressionally mandated study of August 1998 indicated in at least three areas, if not more, that there were oversights in funding to Northeast veterans, and they have indicated areas where VERA did not allocate resources necessarily properly, and I want that to be included here.

So let me say as firmly as possible we cannot discriminate against these wonderful men and women who have served their country. We have got to correct that inequity and correct that discrimination, and we can do it here today with the Frelinghuysen-Hinchey amendment.

Mr. Chairman, I rise today in strong support of this bipartisan amendment. This amendment will stop implementation of VERA, the VA's allocation formula, and sent it back to the drawing board so the VA can create a funding formula that is fair to every veteran in every state.

VERA IS UNFAIR

VERA unfairly pits veteran against veteran for the desperately needed health care services depending on which state they live in. I am appalled that we are discriminating against vets who served their country. Under VERA, seven different Veterans Integrated Service Networks (VISNs) encompassing 22 states, including New Jersey and New York, lost money because of VERA in FY 1999.

Let me give you an example of how unfair VERA truly is. In this year's bill, we will increase spending on veterans' health care by $1.7 billion. This is a goal that many of my colleagues and I have worked on for years. Our veterans desperately need the added funding.

But let's examine what happens when the $1.7 billion is distributed according to VERA. Veterans from New Jersey and New York will not see a single penny of the $1.7 billion. In fact they will have their funding reduced by $40 million!

How is this fair? How is this equitable? New Jersey has one of the oldest veterans' populations and the highest number of special needs veterans. The funding reduction caused by VERA is taking a tragic toll on the veterans of New Jersey and the Northeast.

HEALTH SERVICES IN NEW JERSEY ARE BEING REDUCED

To save money, the VA has cut back on numerous services for veterans and instituted various managed care procedures that have the impact of destroying the quality of care the veterans receive. For instance, the VA has reduced the amount of treatment offered to those who suffer from Post Traumatic Stress Disorder (PTSD) and reduced the number of medical personnel at various health centers.

As a result of these cuts, there has been erosion of confidence between veterans and the VA. I can not describe the anger and pain I see in the faces of veterans in my district because of the reduction in health services. This erosion threatens to destroy the solemn commitment that this nation made to its veterans when they were called to duty.

We can not allow the VA to use VERA to save money by destroying the health care of veterans in New Jersey. We can not allow the VA to use VERA to use managed care to reduce quality. And we can not allow the VA to use VERA to close veterans' hospitals just because they are within sixty miles of each other.

CONCLUSION

The bottom line is: VERA is unacceptable and must change to a fairer more equitable system. This amendment permits this correction.

Although the GAO study to study VERA found that overall access to veterans' health care has improved they did find some glaring conclusions that need to be examined. The study cites:

Although VA has made progress in improving the equity of resource allocations nationwide among the networks, it has done little to ensure that the networks fulfill the Veterans Equitable Resource Allocation (VERA) system's promise as they allocate resources to their facilities;

Although GAO prepared an overall assessment of access to care, difficulties in working with the data cast doubt on whether VA can perform timely and effective oversight;

Without such information, it is difficult for them to say conclusively whether VA has improved veterans' equity of access to care and whether veterans have not been adversely affected by the many changes under way to reduce costs and improve productivity;

Because of these oversights funding to northeast veterans is being cut.

Let me state as firmly as possible: There can be no compromise when it comes to veterans' health care. The promise made to veterans must be kept. We must do everything in our power to ensure that veterans receive the best health care possible.

Defending the Constitution of the United States on foreign soil is the greatest duty the nation can ask of its citizens. Our veterans answered the call to duty and performed it to the highest standard. We must keep our pomise to our veterans regardless if they live in Florida, Texas, Maine or New Jersey. I believe a veteran is a veteran, period. The VA must have the same view. I strongly urge you to support this important amendment.

Mr. Chairman, I insert the following:

Without the $1.7 billion increase, the following VISNs would lose money in FY00:

22 States lose significantly:

VISN 1 (New England)—$28 million;

VISN 3 (New Jersey/New York)—$40 million;

VISN 7 (Georgia, Alabama, South Carolina)—$18 million;

VISN 11 (Michigan, Illinois, Indiana)—$17 million;

VISN 12 (Illinois, Michigan, Wisconsin)—$16 million;

VISN 13 (Minnesota, North Dakota, South Dakota)—$21 million;

VISN 14 (Nebraska, Iowa)—$13 million;

VISN 15 (Missouri, Illinois, Kansas)—$21 million;

VISN 22 (California, Nevada)—$33 million.

Source: VA.

Mr. QUINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment today, and I want to thank my colleagues for the work they have done on this. I also wanted to begin by thanking the gentleman from New York (Mr. WALSH), the chairman of the subcommittee, for the tremendous job under difficult circumstances that he has done with the overall bill.

I am a member of the Committee on Veterans' Affairs, Mr. Chairman, and a Member who has a VA Medical Center in his district in Buffalo, New York, and also a Member who has together with other northeastern Members here sat down and talked with the Secretary of the VA some 2 or 3 months ago. The simple fact is that veterans are suffering, and while the VERA proposal was put together to provide more equitable funding for our veterans and their health care around the country, the opposite has occurred. It clearly has not done what it set out to do.

Mr. Chairman, I think all of us in this chamber are more pro veteran than anybody else, and this should not become a question of regionalism, it should not become a question of geographics; it should be a fairness question, and my colleagues, the gentleman from New York (Mr. HINCHEY), the gentleman from New Jersey (Mr. FRELINGHUYSEN), the gentlewoman from New York (Mrs. KELLY) and others who offered the amendment are talking about fairness. It is a fairness question. We are not trying to pit geographic regions against each other.

This strikes at the heart of fairness, and I rise in support of it. I believe we need to cake care of all of our country's veterans, and this is the way to do it, and we will support the amendment, and I ask my colleagues to do the same.

Mr. Chairman, I rise in strong support of the amendment.

As a member of the Veterans' Affairs Committee and as a member who has a VA medical center in his district I have seen first hand the effects that this VERA model has had on veterans in the Northeast.

Mr. Chairman, the simple fact is, our veterans are suffering.

Due to this VERA plan VA hospitals are unable to provide quality healthcare to our veterans because the funds are not there for them to provide the care.

I have witnessed first hand the effects of this VERA plan.

Veterans in my district have expressed to me how they are denied appointments and have to wait in long lines before a doctor at the VA will see them.

These VA medical centers are understaffed, and underfunded, again, a direct result of the VERA system.

VERA was established to provide more equitable funding for veterans healthcare around the country.

It clearly has not done that.

Mr. Chairman, our veterans in the Northeast need help—the VERA system as it exists today is unfair.

I am not against veterans in the sunbelt or the Southwest.

I am pro-veteran, I would hope that my colleagues who are from those areas just mentioned would see the need for a fairer VERA system.

We need to take care of all of our country's veterans.

They deserve it.

Mr. BEREUTER. Mr. Chairman, this member rises today in strong support of the Hinchey/Frelinghuysen amendment which would prohibit funds in the bill from being used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation (VERA) system.

From the time the Administration announced this new system, this Member has voiced his strong opposition to VERA and has supported funding levels of the VA Health Administration above the amount the President recommended. The new VERA system has had a very negative impact on Nebraska and other sparsely populated areas of the country. The VERA plan provides the Department of Veterans Affairs (VA) medical care funding to regions across the country and employs an allocation formula that ties funding for each of the 22 geographic regions to the numbers of veterans they actually serve. While the VERA formula produced a very modest one percent increase in funding for this fiscal year, last year the VERA formula produced a 5 percent decrease, which resulted in $13.5 million less funding distributed to VA programs in my state of Nebraska, resulting in the fact that Nebraska is still receiving significantly less veterans funding than it did only two years ago.

All members of Congress should agree, Mr. Chairman, that the VA must provide adequate facilities for veterans all across the country regardless of whether they live in sparsely populated areas with resultant low usage numbers for VA hospitals. The funding distribution unfairly reallocates the VA's health care budget based on a per capita veterans usage of facilities. Because of this formula, we have already been faced with the closure of a major VA medical facility in my district. While it is true that the number of veterans now eligible to be served at the Lincoln VA Hospital and other VA facilities in the state have decreased over the past years, we still have an obligation to provide care to these people who served our country during our greatest times of need. There must be at least a basic level of acceptable national infrastructure of facilities, medical personnel, and services for meeting the very real medical needs faced by our veterans wherever they live. The decrease in quality and accessibility of medical care for veterans who live in sparsely populated areas is completely unacceptable. There must be a threshold funding level for VA medical services in each state and region before any per-capita funding formula is applied.

In closing Mr. Chairman, this Member urges his colleagues to support the Hinchey/Frelinghuysen amendment.

Mr. BOYD. Mr. Chairman, I rise today to state my opposition to the Hinchey amendment because of the impact it would have on veterans across the country and in my home state of Florida. The Hinchey amendment would prohibit the Veterans Equitable Resource Allocation (VERA) that was implemented in 1997 from taking effect in fiscal year 2000.

The intent of VERA was to guarantee that veterans who have similar economic status and eligibility receive the same medical services regardless of where they live. Prior to VERA, veterans health care was based on historic use patterns even though growing numbers of veterans are leaving the Northeast and moving to warmer parts of the country. This movement has resulted in a dramatic increase in the number of veterans moving to Florida and seeking medical care there. This rising volume of patients was overwhelming veterans medical facilities in the district I represent and without VERA hundreds of veterans who sought care in my district would have been turned away without receiving it.

Many of my colleagues oppose VERA because they believe it does not provide a fair distribution of veterans medical care. However, the General Accounting Office (GAO) has already studied this issue extensively. In a study released in 1998 the GAO determined, "VERA has improved the equity of resource allocation to networks because, compared with the system it replaced, it provides more comparable levels of resources to each network for each high-priority veteran served."

Unfortunately, many of my colleagues are attacking a byproduct of the problem facing our veterans instead of focusing on the problem itself. The heart of the problem facing our nation's veterans is not VERA, it is the lack of funding provided by the Republican budget. VERA is a fair and equitable way to distribute funding for veterans medical care but there simply is not enough money to meet the growing need.

Over the next ten years the Republican budget declines sharply from the fiscal year 2000 level while veterans health care costs will increase over 20 percent. These two facts are irreconcilable and if the veteran's budget is not adjusted fights like this will only intensify unless we all realize the Republican budget is simply inadequate. In closing, I urge my colleagues to reject the Hinchey amendment and address the real problem facing our nation's veterans, the inadequate funding allocation provided by the Republican budget.

Mr. PAYNE. Mr. Chairman, I rise in strong support of the amendment offered by Representative HINCHEY and my colleague from New Jersey, Representative FRELINGHUYSEN.

The so-called Veterans Equitable Resource Allocation (VERA) is anything but equitable. In fact, it is having a devastating effect on our New Jersey veterans. The men and women who loyally answered the call to military service in our nation now feel forgotten. The dramatic reduction in funding as a result of the VERA program has resulted in eliminated services, reduced personnel and long waits for medical attention.

Many of our states' veterans are older; in fact, New Jersey's 750,000 veterans are the second oldest in the nation. Medical needs are much greater for the aging veterans population. Many require nursing home care or special attention for age-related conditions.

Mr. Chairman, the veterans of my state of New Jersey supported our nation when we needed them. Let's not turn our backs on them at a time in their lives when they need our support. I urge my colleagues to vote in favor of the Hinchey-Frelinghuysen amendment.

Mr. ALLEN. Mr. Chairman, I rise in support of the Frelinghuysen/Hinchey amendment to prohibit the VA from expending funds to implement the Veterans Equitable Resource Allocation (VERA) formula for distribution of health care funds in fiscal year 2000.

Last year, during debate on the VA–HUD appropriations bill, I spoke on the negative impact of VERA on the VA's ability to meet the needs of veterans in the Northeast. Since then, the situation has gotten worse, not better for the 150,000 veterans in Maine. Veterans in my state depend on the Togus VA hospital in Augusta for their health care. Togus is located in VISN 1. Last year, the VISN 1 budget shrunk by more than three percent. Despite this bill's $1.7 billion increase in the fiscal year 2000 VA health care budget, VISN 1 would only receive a $9 million increase. Such an increase would still be $15 million less than fiscal year 1998 funding. Moreover, Togus had a $5.5 million shortfall in fiscal year 1999.

These cuts have forced Togus to reduce staff, causing severe strains on quality and timeliness of care. A reduced budget means longer wait times and more veterans who must travel further for care out of the region.

Mr. Chairman, we have severely disabled veterans who must drive hours to Togus. They are forced to wait long periods of time for care because doctors' appointments are backlogged. Veterans are suffering and the staff is upset because they cannot provide the quality of care they have in the past.

The VERA formula needs to be reexamined. The cost of rural health care delivery is higher than in more populated and urban areas, and yet that is not considered in the current funding formula.

Mr. Chairman, this Congress' fixation on the huge tax cut for the wealthy is endangering funding for veterans programs, for housing and for other domestic programs. We must get our priorities straight, and keep the promise to the veterans in this country. Support the Frelinghuysen/Hinchey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the debate that has been going on for the last 2 days on VA HUD appropriations bill has been an interesting and engaging one, and I could not allow this debate to be ended without making some observations about what has taken place here.

Mr. Chairman, at a time when the economy is doing well and many people are benefiting from the well-performing economy, there is still many people who are left behind, and they need and deserve the support of their government. Too many farmers and seniors wait for years to receive HUD rental assistance because they have nowhere else to turn.

In the city of Los Angeles, over 160,000 persons are on the waiting lists for section 8 housing. The elderly, veterans, persons with disabilities, and the working poor make up the group on the section 8 waiting list. Unless we provide additional resources to fund section 8 and elderly housing, this number will continue to grow.

Two disturbing practices are becoming common place among those without affordable housing. One is referred to as must-share units. In a must-share unit several families share one housing unit. It is not uncommon to walk into one of these units and see three families living in a three bedroom home each with a padlock on the door to their bedroom and sharing kitchen and bathroom facilities.

Second are illegal garage conversions. Here people run a water line and possibly some electricity into a garage and moves in a family. Tens of thousands of these make-shift homes are cropping up all over California. It should be noted that persons living in must-share units, as well as illegal garage conversions are the working poor, people who go to work every day and are doing things that the government asks of American citizens.

This bill negatively affects the most vulnerable American citizens. Of the 12.5 million very low-income rented households living in severely substandard housing are paying more than one half of their income for rent 1.5 million are elderly, and 4.5 million are children. The number of adults with disabilities living in such circumstances is between 1.1 and 1.4 million.

In the face of record need for affordable housing for our seniors, children, veterans and the working poor, Congress is set to worsen an already difficult predicament. This VA-HUD bill cuts $515 million in public housing programs alone, 250 million from the community development block grants, 10 million from the housing opportunities for people with AIDS program, 3.5 million from grants to historically black colleges and universities, and 1.9 million from the economic development initiatives.

☐ 1545

As a result of these cuts, my home State of California will receive $151 million less than the amount requested by HUD. Specifically, the 35th District of California that I represent will receive $4.6 million less than the amount requested by HUD.

There is no fat to trim from the Department of Housing and Urban Development's budget. Every penny is needed.

Mr. Chairman, I would ask for a "no" vote on this appropriations bill. I ask for a "no" vote because it is absolutely shameful and unconscionable that we would be putting at risk the most vulnerable of our society, at a time when this economy is functioning so well.

We have a need for housing out there and help for people who simply will be on the streets without our assistance. It is unconscionable that we would have the waiting list for Section 8 that we have.

I want to tell you, even though it may be California, that space, with people living in garages, some without running water, it is your area next. We have growth in this population. Of course, we are in the Sun Belt and we may have more growth than some other areas, but you will witness it too. If you but go around your districts, even those districts that are high-income districts, you have low-income areas in your districts. Many of you have poor areas that you do not even recognize in your districts. Even if you do not see it in your districts, you are still stepping over the homeless on some of the major thoroughfares in America.

I ask for a "no" vote on this bill. It is the wrong thing for us to do.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 275, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Michigan (Mr. SMITH) and the amendment offered by the gentleman from New York (Mr. HINCHEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 69, noes 354, not voting 10, as follows:

[Roll No. 399]

AYES—69

Armey
Barcia
Barr
Bartlett
Bonilla
Brady (TX)
Burton
Coble
Crane
Danner
DeMint
Dingell
Duncan
Emerson
English
Everett
Fowler
Gekas
Gibbons
Goode
Goodlatte
Goodling
Hayes
Hayworth
Hefley
Herger
Hilleary
Holden
Hostettler
Hoyer
Hunter
Jenkins
Johnson, Sam
Kingston
Larson
Latham
Lucas (OK)
Martinez
McCarthy (NY)
McIntosh
Mica
Ney
Nussle
Oberstar
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Rohrabacher
Ryun (KS)
Sabo
Salmon
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Smith (MI)
Sweeney
Tancredo
Thornberry
Tiahrt
Walden
Weldon (PA)

NOES—354

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach

Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Berry
Cooksey
Crowley
Hutchinson
Pryce (OH)
Rangel
Rogan
Sununu
Towns
Young (AK)

□ 1609

Mr. MCHUGH, Ms. BERKLEY, and Mr. SCARBOROUGH changed their vote from "aye" to "no."

Messrs. COBLE, ROHRABACHER, ARMEY, BURTON of Indiana, SHERWOOD, and HOYER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 275, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. HINCHEY

The Chairman. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 266, not voting 9, as follows:

[Roll No. 400]

AYES—158

Ackerman
Allen
Andrews
Bachus
Baldacci
Barcia
Barrett (NE)
Barton
Bass
Bereuter
Berman
Biggert
Blagojevich
Boehlert
Bonior
Borski
Boswell
Brady (PA)
Camp
Capuano
Castle
Chabot
Conyers
Costello
Coyne
Crane
Davis (IL)
Delahunt
DeLauro
Doyle
Ehlers
Engel
English
Evans
Ewing
Fattah
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gilman
Goodling
Graham
Green (WI)
Greenwood
Gutierrez
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Houghton
Hulshof
Jackson (IL)
Johnson (CT)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Menendez
Moakley
Mollohan
Murtha
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Peterson (PA)
Petri
Phelps
Pitts
Pombo
Porter
Quinn
Ramstad
Reynolds
Riley
Rivers
Roemer
Rothman
Roukema
Rush
Ryan (WI)
Sanders
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Shays
Sherwood
Shimkus
Shuster
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Spence
Stabenow
Stupak
Sweeney
Terry
Tierney
Toomey
Traficant
Upton
Velazquez
Visclosky
Walsh
Waters
Waxman
Weiner
Weldon (PA)
Weller
Weygand

NOES—266

Abercrombie
Aderholt
Archer
Armey
Baird
Baker
Baldwin
Ballenger
Barr
Barrett (WI)
Bartlett
Bateman
Becerra
Bentsen
Berkley
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Farr
Filner
Fletcher
Foley
Ford
Fowler
Frost
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
Lampson
Lantos
Largent
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
McCarthy (MO)
McCollum
McCrery
McDermott
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Pickering
Pickett
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Regula
Reyes
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherman
Shows
Simpson
Sisisky
Skeen
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Turner
Udall (CO)
Udall (NM)
Vento
Vitter
Walden
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—9

Berry
Cooksey
Crowley
Pryce (OH)
Rangel
Rogan
Sununu
Towns
Young (AK)

□ 1620

Mr. CUMMINGS, Mr. DOOLITTLE, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Mr. VISCLOSKY and Mr. NEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Chairman, due to circumstances beyond my control, I was unable to be present for rollcall votes 390 through 400.

If I had been present, I would have voted "yes" on rollcall No. 390, "yes" on rollcall no. 391, "No" on rollcall No. 392, "yes" on rollcall No. 393, "yes" on rollcall No. 394, "yes" on rollcall No. 395, "no" on rollcall No. 396, "yes" on rollcall No. 397, "yes" on rollcall No. 398, "yes" on rollcall No. 399, and "no" on rollcall No. 400.

AMENDMENT OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Wisconsin:

At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds appropriated by this Act may be used to terminate inpatient services at the Iron Mountain Department of Veterans Affairs Medical Center, Iron Mountain, Michigan or to close that facility.

Mr. GREEN of Wisconsin. Mr. Chairman, I intend to withdraw this amendment after entering into a brief colloquy with the gentleman from New York (Mr. WALSH), the chairman of the subcommittee, regarding the Iron Mountain VA Medical Center in Iron Mountain, Michigan.

I have drafted this amendment because I am greatly concerned that the VA considered and is considering closing and reducing this facility and service to the point where veterans will not be able to receive the care they need or so richly deserve.

There are currently 72,000 veterans in northern Wisconsin and the upper peninsula of Michigan who are eligible for care at this facility. This facility provides important and unique services to the veterans throughout this region.

Earlier this year, the VA announced efforts to develop a, quote, conceptualized plan to reengineer health services in VISN 12. There has been talk that part of this reengineering strategy would involve the reduction in the number of acute care beds in Iron Mountain from 17 to 8, and taking those 8 remaining beds and using them merely for stabilization, where patients would be stabilized and then transferred via ambulance to Milwaukee.

As one might imagine, the veterans in this region are worried and with good reason. Currently, nearly 14,000 veterans are enrolled in the Iron Mountain facility. This represents a 20 percent increase over last year. In 1998, there were a total of 1,066 admissions, 1,066 admissions for only 17 beds. It is obvious that these beds are badly needed and overutilized.

Unfortunately, if veterans are not treated at Iron Mountain, they will be forced to make an ambulance ride of over 200 miles to receive acute care in Milwaukee. It has been estimated that 770 veterans a year would have to make that ambulance trip at a cost of nearly $2,000 per ride to receive care. We are asking the sickest, those who are in the greatest need, to travel hundreds of miles to receive care, and that their family members make a similar trip.

Mr. Chairman, I ask the gentleman from New York (Chairman WALSH) what can be done to ensure that VISN 12 will continue to maintain their inpatient services at the Iron Mountain VA Medical Center in the future?

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman from Wisconsin for his continued concern and efforts on behalf of the veterans in his district and the State of Wisconsin and bringing this important issue before the committee's attention.

In H.R. 2684, we provided a $1.7 billion increase for veterans medical care, the largest increase in history. With this increase, the VA will be able to continue to provide services to his veterans and ours.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the chairman and the committee for their hard work this year to ensure that the VA will continue to provide quality health care to the veterans in my district and all across America.

I also ask the chairman for his help in working against efforts in the future to reduce health services at the Iron Mountain facility.

Mr. WALSH. Mr. Chairman, I thank the gentleman again for his comments, and we look forward to working with him on this important issue.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I want to thank the gentleman from New York (Mr. WALSH) and others for their interest in the Iron Mountain VA Medical Center and thanks to the gentleman from Wisconsin (Mr. GREEN) for his efforts on this behalf here.

This facility is in my district. In Michigan, my congressional district has more veterans than anyone else. The Iron Mountain Medical Center is the second largest acute care facility in the patient service area covering an area of 25,000 square miles. So veterans from the upper peninsula, northern Wisconsin, and other geographic areas depend on a full range of services at the Iron Mountain VA Medical Center.

Now, earlier this year, as was pointed out, the gentleman from Wisconsin (Mr. OBEY), Senator FEINGOLD, Senator KOHL, myself, and others will have joined in because they are going to cut the last acute care beds in this area.

We have spoken with VA officials, and they have told us that the beds will not be cut. It is interesting to note that this bill does not call for any cuts in beds or services. Despite the last amendment, we in rural areas are concerned about proposed cuts. It seems like, as soon as the VA faces a crunch, they always look to the rural areas, and we are the ones to get hit first.

So a primary concern for veterans and their families, as has been pointed out, is the geographic remoteness of the area and the vast distances that are required to travel for care. For instance, if Iron Mountain was closed, the next closest VA facility is in Milwaukee, Wisconsin. Some of my veterans would have to travel 500 miles one way just to get services from the VA. So not only is it an unnecessary hardship, but potential serious danger to their health as they are trying to move back and forth.

I am pleased to note, and the way I understand it, the Veterans Millennium Health Care Act, H.R. 2116, contains provisions which may actually be favorable to rural facilities such as Iron Mountain, because H.R. 2116 would require the Veterans Administration to maintain the current level of service while at the same time encouraging long-term reform.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. GREEN) has expired.

(On request of Mr. STUPAK, and by unanimous consent, Mr. GREEN was allowed to proceed for 2 additional minutes.)

Mr. STUPAK. Mr. Chairman, if the gentleman from Wisconsin will continue to yield, H.R. 2116 would encourage long-term reform, improve access through facility realignment, eligibility reform, and enhance revenues.

It is vitally important that the Iron Mountain VA Medical Center remain strong, and any reduction in service would be fairly detrimental to those who have served our country for so long.

Again, I appreciate the interest of the gentleman from West Virginia (Mr. MOLLOHAN), the gentleman from Wisconsin (Mr. GREEN), and the gentleman from Wisconsin (Mr. OBEY) and all the rest who worked together.

We look forward to continue to work with him to ensure our Nation's veterans receive the health care they earn and deserve and to ensure there is no reduction in services at the Iron Mountain VA center.

Mr. GREEN of Wisconsin. Mr. Chairman, I would just thank the Chair and thank the chairman of the subcommittee once again for his hard work, not just his pledge of support to work with me with respect to the VA medical facility, but on this bill, the largest increase in history for veterans health care.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply like to reiterate to the gentleman what the gentleman from Michigan (Mr. STUPAK) has indicated; that when we first discovered the possibility of the reduction of the beds for that facility that Senator KOHL and Senator FEINGOLD and Senator LEVIN, the gentleman from Michigan (Mr. STUPAK) and I sent a letter to the VA noting the illogical nature of closing the remote hospital beds while we had such an overlap in some of our largest urban areas.

I talked personally with the leadership of the VA; and after that conversation, they made it quite clear to me that they had no intention of closing any of those beds in that facility. Certainly this budget has no provision for closing those beds.

I appreciate very much the willingness of the VA to reconsider what, to me, was an ill-advised approach. I do think Members of Congress have to be careful because it is very difficult for us to be logically consistent if we are voting for budgets which appear to demand overall reductions and then if we object when specific reductions are then made in either our own areas or in our own favorite programs.

□ 1630

But in this instance I am very happy that we received the response that we have from the VA.

Mr. Chairman, I withdraw my reservation of objection.

Mr. FILNER. Mr. Chairman, reserving the right to object, I want to pick up on the comments of the gentleman from Wisconsin (Mr. OBEY).

I agree with the gentleman from Wisconsin (Mr. GREEN) with regard to the case that the gentleman has made for Iron Mountain, and certainly the gentleman from Michigan (Mr. STUPAK) and the gentleman from Wisconsin (Mr. OBEY) have made strong cases as members of the gentleman's delegation. But as the gentleman from Wisconsin (Mr. OBEY) said, it is more than illogical. It could border on hypocrisy I could say, that the folks on this side of the aisle get up and argue for their medical centers and their clinics to stay open, for their services to go unimpeded, and then, when the chance is offered, as it was yesterday on at least eight occasions, for Members to vote to allow the funding of the VA, which is vastly underfunded, when my colleague had the chance to vote on that, the gentleman from Wisconsin (Mr. GREEN) voted no.

So to come here and argue for a VA center in a particular district, to come up and argue for that, but to vote no on additional funding for the VA and then go back home and say how much you fought for your VA, borders a little bit, I will say on the illogical to keep the same frame of reference of the gentleman from Wisconsin (Mr. OBEY).

The gentlewoman from New York (Mrs. KELLY), in earlier debate I think, said very eloquently if we move funds to do what different individuals want to do with their particular VA hospitals means that we will cut quality here, that we will cut services there, because we do not have enough money in the VA budget. We are underfunded in VA health care by at least $1.5 billion in spite of the plus-up that the subcommittee gave.

So unless the gentleman is willing on his side of the aisle to join us in raising the budget to the $3 billion that the veterans of this Nation came up with, then I think that the other side has some soul searching to do with these kinds of amendments.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding to me, and I would ask him if he was aware that this bill increases veterans' medical care by $1.7 billion?

Mr. FILNER. Reclaiming my time under my reservation, Mr. Chairman, I would respond to the chairman that I am very aware, and I would ask in return, is the gentleman aware that the independent budget of 300 veterans' organizations around this country said that the minimum, the absolute minimum, to keep our VA health system going and not to have closures like the gentleman wants to protest about in his district, like I would not want in my own district, that that budget asks for $3.2 billion for veterans' health care? So the gentleman gave one-half of what was needed. And we are going to have these issues all through the next year based on the budget.

I agree with the chairman when he called the budget the President's budget plus 1.7. I think it might be called the Walsh budget minus 1.5. That is, it is higher than the President's; but it is lower than what it should be. And the gentleman's Members are going to come up every day in the coming session and say please do not close my hospital.

Mr. WALSH. Mr. Chairman, will the gentleman continue to yield?

Mr. FILNER. I yield to the gentleman from New York.

Mr. WALSH. In the event that we do provide this 1.7 increase in this bill, is the gentleman prepared to support that $1.7 billion increase? Because if he does not he is then, in effect, supporting the President's level of level funding.

Mr. FILNER. No, I am supporting the independent budget of 3.2. I am going to vote against the bill on the floor because it is insufficient. And everybody in this House ought to vote against it so we do not have the problems that the gentleman from Wisconsin (Mr. GREEN) raises, and that the gentlewoman from New York (Mrs. KELLY) is about to raise, and that we had raised earlier by the gentleman from Georgia (Mr. BARR). We are going to have colloquies from 435 districts about closing VA facilities unless we pass a reasonable bill.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

At the end of the bill (before the short title), insert the following new section:

SEC. ——. None of the funds provided by this Act may be used to close any Department of Veterans Affairs medical center.

Mrs. KELLY. Mr. Chairman, I rise today to offer a very simple amendment. This amendment would prohibit the VA from closing any VA hospitals during fiscal year 2000.

We are in the midst of a great deal of change in the way the VA provides medical care to our veterans. The health care being provided by VA medical centers is moving from an inpatient-based hospital system to more of an outpatient-based clinical system. The VA is reacting to the same forces that are changing our private health care. There is a great deal of uncertainty for our veterans. I am constantly hearing from veterans expressing their concerns over the potential closing of hospitals.

To these concerns of our veterans Secretary West has responded. In numerous speeches before veterans service organizations this year, and in meetings with the New York congressional delegation, Secretary West has made a pledge to keep all VA hospitals open throughout the year 2000. With this in mind, it is prudent to assist the Secretary in his efforts and put a temporary hold on the closing of any VA hospitals until October 2000.

In recent weeks, the GAO came out with a report citing their findings of underused, inefficient VA hospitals wasting our VA dollars. It seems to me that the wise course would be to allow the VA to review and examine the facilities in question before any long-term decisions are made. The VA has assets and it has needs. We must take advantage of those assets, namely the existing infrastructure, and use them to help address the growing needs of our aging veteran population's needs.

The GAO has noted that these hospitals are antiquated and do not measure up to current standards. That is no fault of the hospitals; it is the result of a lack in proper funding for infrastructure and improvements. Congress has already passed initiatives that can assist the VA in realizing the potential of these underused facilities through the Enhanced Use Lease Authority. While this authority is in need of improvement, it is the right idea and we must ensure that any closure of hospitals maximizes the use of this authority.

One way this could be used is to lease the space to provide, for example, much-needed long-term geriatric care to our veterans. They represent the fastest growing need for our veteran population. Over the next 21 years, the veteran population over 85 years of age is expected to increase 333 percent. This demonstrates an imperative situation. Let us not close down one of the greatest assets of the VA system, namely, its infrastructure. Let us make it work for our veterans.

I ask my colleagues on both sides of the aisle to carefully consider these issues and support this amendment.

Mr. FILNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the arguments the gentlewoman just made were extremely good. I support the gentlewoman's amendment. And I need to be nice to her, since she represents my daughter up in Bedford, New York. So I thank her for her representation. But, once again, I cannot fail to point out that the logic of the budget that the majority party is pushing and that the gentlewoman voted for and refused to amend is pushing toward exactly the situation that she wants to prevent.

I am with the gentlewoman. I think we should do exactly what the gentlewoman said. And she has laid out a rational, objective policy for the VA to follow. Unfortunately, we are putting them in the position, by underfunding them, that they are going to have to take positions that none of us will like when it comes to health care. And as the gentlewoman said earlier in regard to the debate on another matter, if they do not do this, they are going to cut quality or cut services. Something has got to give if they do not have enough money, and assuming they are using the money efficiently and assuming they are using the money to the best degree. And we all have to question that, and the gentlewoman's amendment asks for that.

But I will tell my colleague that, again, I find it highly illogical, bordering on hypocrisy, that the majority party puts forward these amendments to stop the closure of Iron Mountain, to put a clinic in the district of the gentleman from Georgia (Mr. BARR), to stop the closing of VA hospitals anywhere; and yet when they are given the opportunity to vote additional funds, not to break the budget, not to be doing something irresponsible, but to put in what the veterans of this Nation have said is absolutely essential to keep the quality of our VA system going, they vote no. And then my colleagues are on TV and they are back home saying that they are fighting for their veterans. Yet on all the procedural motions, not to mention the substantive motions, that will allow the majority to really back up what they are saying with the money to cover it, they vote no.

So I am going to continue to point out this illogic. I am going to continue to point out that the dynamics of my colleague's own budget undercuts what she is trying to do. If the gentlewoman's amendment passes, which I hope it does, then, as she said earlier in her comments, they are going to give way somewhere else. So the gentlewoman's constituents are going to face a lack of quality of services or a lack of some specialist or other service. And until the majority party votes to increase this funding, we are going to have the positions that the gentlewoman is arguing for.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentlewoman from New York.

Mrs. KELLY. Mr. Chairman, I hear what my colleague is saying; however, I think it is very important that we focus on a couple of things that I think are of importance.

One is that the President's budget asked for only $200 million, whereas this bill puts in $1.7 billion. It is the largest increase that we have ever had.

Mr. FILNER. Reclaiming my time, Mr. Chairman, we have heard that. We stipulated yesterday and for the last 2 months that the President's budget was irresponsible and not good policy. We are not passing here the President's budget. Throw that out. My colleagues cannot keep answering my criticisms and the country's criticisms that they do better than the President. The President did lousy. This is our budget and this budget is lousy.

This budget underfunds VA health care by $1.5 billion, and until we correct that, the amendments that the gentlewoman is offering is going to be of little help.

Mr. WALSH. Mr. Chairman, I rise in opposition to my colleague's amendment.

Mr. Chairman, I thank my colleague from New York, who has put in so much time and energy into her staunch defense of veterans medical care for her district and for the rest of the State of New York. I think she has done it in a responsible way, unlike some others, who have talked about advocacy for the veterans and then offered funds that were not available; offered budgetary gimmicks to present the image that there are funds available for veterans health care that are not actually there.

There has been a lot of discussion today about the independent budget. If this budget was so good, why did the American Legion, the largest veterans service organization in America, not support it? They did not. But they did support this budget.

The independent budget was presented by veterans advocacy groups at the beginning of the budget process as a marker. Blue sky, best possible scenario, this is what we would like. How many people, how many organizations have not done that in a discussion or in a negotiation? They ask for the sky, and they get what they need. And that is exactly what this budget provides; what the Veterans Administration needs to provide quality health care in America for our veterans.

Who am I talking about when I say that the veterans organizations support this bill? The American Legion supports this bill. The Veterans of Foreign Wars supports this level of funding. Noncommissioned Officers Association, Retired Enlisted Men's and Women's Association, the Military Coalition, the Military Order of the Purple Heart. Who would know better the importance of medical care for veterans than the Military Order of the Purple Heart? They endorse this bill. Jewish War Veterans, Gold Star Wives. Who would know better than a Gold Star wife or a Gold Star mother of the importance of veterans medical care than these women? They support this bill.

It is easy to wave a budget that was a negotiating position that was created months ago before the rubber met the road in terms of this budgetary process.

□ 1645

Fleet Reserve Association, Reserve Officers Association, National Military and Veterans Alliance, Retired Officers Association, Air Force Sergeants Association, Catholic War Veterans, National Association for Uniformed Services, Korean War Veterans Association.

Who are the experts? Who are the veterans? Who speaks for the veterans? I think the veterans.

Let them speak for themselves. And they have. Yes, the independent budget was presented as a negotiating piece. But if my colleagues ask these organizations what is the right number, they are going to tell them and they have told us $1.7 billion is the right number.

The gentlewoman from New York (Mrs. KELLY) has produced a document that shows how each and every VISN around the country is affected positively by this bill. We have to proffer support for this level of funding. Those who would not vote for this bill do not get off scot free. There is a price, and the price is they go home and they say to their veterans, I could not support that bill. And they say, Why? We needed that money. We needed that $1.7 billion.

And they are going to hold our feet to the fire if we do not support that level of funding. They know what is real and what is not real more than most others do, and that $3-billion figure is not real. The $1.7 billion is real money for real people for real programs and real health care.

Getting back to the initial amendment, I reluctantly cannot support the amendment. I respectfully ask the gentlewoman to withdraw it. I know the VA in her district faces some difficult challenges. It does all over in the Northeast and the West, the Midwest, We heard that today. But I think we can address those issues outside of this amendment.

I promise to work with her and other Members representing VISN 3. We are going to make sure our staff is engaged with the leadership in VISN 3 to try to resolve these issues regarding her concerns.

So I would complete my comments by asking the gentlewoman to withdraw the amendment if she could.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kelly amendment and in opposition to the proposed VA-HUD budget. I do so for a number of reasons.

First of all, I have some serious concerns about the proposed benefits for veterans, especially in the area of health care and housing. Almost every 3 or 4 months there is a discussion, there is a rumor, there is a report that one of the Veterans' Administration hospitals in my district is going to close. This raises the level of uncertainty among veterans in terms of whether or not they are going to be able to get the care that they so rightly deserve.

Neither do I believe that now is the time to decrease funding for space, environmental protection, FEMA, or the National Science Foundation.

However, Mr. Chairman, I take this time also to express strong opposition to the proposed cuts in the budget for HUD. This bill proposes to cut $945 million less for HUD housing than was available in fiscal year 1999. This bill provides for $982 million less than requested.

No funding is provided for new vouchers to provide assistance to additional families. It cuts public housing modernization by 15 percent, drug elimination grants by 6 percent, Hope VI, and generally distressed housing revitalization by 8 percent, housing opportunities for people with AIDS by 4 percent, community development block grant monies by 6 percent, community development block grant loan guarantees by 14 percent, Brownfields cleanup and development 20 percent less, lead-based paint abatement 13 percent less, fair housing activities 2 percent less, and the HOME program 1 percent less.

Under this bill, Chicago, Illinois, the center of the Midwest, will lose $6,982,000; 527 jobs; 442 fewer housing units for low-income families; 77 fewer housing units for people with AIDS; 1,000 vouchers for Section 8; 33,000 fewer home buyers. It takes away support services for 43,000 homeless people. Thirty thousand homeless people will have no emergency beds, and 6,500 people with AIDS will be without services. And 212,500 people overall will not have any aid which they could get without these cuts.

There is indeed a rental housing crisis in America, and this bill falls $1.6 billion short of U.S. needs. And without these greatly needed 100,000 Section 8 vouchers, matters will become significantly worse.

So, Mr. Chairman, you see, this bill, while well-meaning, while thorough efforts have been made to analyze it, while serious attention has been given to it, the real fact of the matter is that it undercuts the very basic needs and services of those constituents that it was designed to help.

So I would urge that we go back ultimately to the drawing board. It does not provide veterans with the care that they need. It does not provide the level of assurance that veterans need to have.

So again, I reiterate my support for the Kelly amendment and urge its passage.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am happy to yield to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I would like to engage in a short dialogue with the chairman of the committee if I may.

Mr. Chairman, my concern is closing of the hospitals because I see the hospitals as being a piece of the assets that the VA actually owns. I look at an aging veterans population that is strongly in need of support in terms of assisted living and skilled nursing and that type of care; and I am concerned that if we step down these assets, which are currently full care, acute care hospitals, that we are closing a possibility, closing a doorway for those elderly veterans.

I would like to ask the chairman of the committee if he would help me and work with me through addressing these assets that we have in trying to use them in a better way. I think it is very important that the enhanced use lease authority be addressed in this manner and used in this manner.

I think that I could perhaps comfortably withdraw this amendment if I can get that kind of a pledge from the committee.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would pledge to the gentlewoman that we would make it a priority to work with her to make sure that the facts and figures on services and properties and everything within each individual VISN were provided for review to make sure that these assets are being dealt with and used wisely and in a proper way and, as I said earlier, providing staff to help to resolve some of the issues in VISN 3. I pledge that support to the gentlewoman.

Mrs. KELLY. Mr. Chairman, if the gentleman would yield further, I ask that there be an ability for those of us who are not on the Committee on Veterans' Affairs and for Congress as a whole to have an opportunity to see more clearly, with more transparency, some of the ways that the VA is using money within each individual VISN.

At present, I am not able to get those figures, and that also inhibits my ability to ascertain how carefully the money that is being allocated is being used by the regional visions.

Mr. WALSH. Mr. Chairman, if the gentleman would yield further, let me be brief because I know the gentleman is waiting to reclaim his time and it is precious.

We have requested that report as soon as it may be available to us. We will share it with the gentlewoman and work through those issues with her.

Mrs. KELLY. Mr. Chairman, if the gentleman would yield further, if all options could be explored, that would include the enhanced use authority, then I would be willing to ask unanimous consent to withdraw my amendment.

Mr. WELDON of Florida. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) has 1 minute remaining.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman from Florida (Mr. WELDON) be given an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WELDON of Florida. Mr. Chairman, I simply rise at this point to speak directly to the issue of what we are doing in this veterans budget under the leadership of the subcommittee chairman. We are increasing veterans health care spending by $1.7 billion. That represents an increase of almost 10 percent.

One of the concerns that I actually have with this very generous increase is I do not know if the VA will be able to spend all this money efficiently. I would not be surprised if they have some of the money left over. That is a huge increase for the agency to absorb.

By giving them these additional funds, there will not be any hospitals closed. If anything, what will happen is the badly underserved areas like the district that I represent, the whole State of Florida, and what the gentleman from California is saying is that, no, a 20-percent increase is necessary and anything short of a 20-percent increase is underfunding.

Frankly, I believe that position is ridiculous and the chairman of the subcommittee has clearly spelled out that the veterans organizations are behind this. I think this is a very clear statement that the Republican Party, the Republicans in Congress, support our veterans and we are giving a very, very generous increase in this budget to veterans affairs. And to hold out a pie-in-the-sky number of, no, $3 billion and anything short of that is underfunding I believe is ludicrous.

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

Mr. FILNER. Mr. Chairman, reserving the right to object, let me first say to the gentleman from Florida and the distinguished chairman of the subcommittee, the $3 billion figure is not my figure. It comes from a process that was initiated and sustained by the major veterans organizations in this Nation. They came up with a professional budget that was designed to accommodate the basic needs of the health care system, needs that had been left unmet for the last 5 years.

When the gentleman from Florida says that he doubts that they would be able to use the funds, I would refer him to the Alzheimer's patients who are being released from hospitals because there are not the funds to keep them. I will refer the gentleman to hepatitis C victims, almost 2 million of them, who are suffering from a potentially fatal disease with no money to meet their health care needs. I would refer the gentleman to the Persian Gulf War illness victims who cannot get either their treatment or the explanation for their illness in any respectful fashion because there are no funds to do that.

Every veteran in this Nation will tell us that there are needs that can be met, and I suspect that the veterans organizations think that the $1.7 billion that the chairman should be commended for achieving, and I do not understate that achievement, I say to the chairman, given the numbers they have to work with. And please take my criticism as of the process and not of my colleague, because I think he and the gentleman from West Virginia (Mr. MOLLOHAN) did an incredibly good job in plussing that up.

But I would argue that it is still insufficient given the needs and given the aging population and given the new areas that we have discovered that need to be dealt with.

I would remind the gentleman from Florida (Mr. WELDON) and the gentlewoman from New York (Mrs. KELLY) and the gentleman from New York (Mr. WALSH), who is the chairman of the subcommittee, this $1.7 billion plus-up which comes out of the Republican budget resolution rests on a downminus, if I can use that word, over the next 10 years. That is, the VA budget will start decreasing based on their numbers and for the biggest decrease in our history.

□ 1700

So we have not sufficiently funded this budget, and I would say to the gentleman from New York (Mr. WALSH), I suspect that if he gave those organizations a vote between this budget and my budget, mine would win. We would have letters supporting that.

So once again, I say to the veterans of this Nation, this Congress is poised to pass a bill that does not meet the health care needs, does not meet the commitment and benefits that we have promised; and we should vote it down and say to the veterans, we can do better.

Mr. Chairman, I withdraw my reservation of objection to the unanimous consent request.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. KLECZKA

Mr. KLECZKA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KLECZKA:
>
> At the end of the bill, insert after the last section (preceding the short title) the following new section:
>
> SEC. . None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency to promulgate final national primary drinking water standards for Radium 226 and 228 under the Safe Drinking Water Act.

Mr. KLECZKA. Mr. Chairman, as the reading of the amendment indicates, this amendment would prevent the EPA from using fiscal year 2000 funds to promulgate a final rule regarding radium in drinking water.

The EPA, I am told, intends to issue a rule later in the year 2000 using a five pico curies per liter standard, the smallest amount measurable.

This issue has been addressed by Congress before. In 1996, Congress required EPA to delay a proposed standard for radon and radium until the National Research Council prepared a risk assessment on both substances.

At that point, I should add, the level talked about by or discussed by the EPA was a 20 pico curies level in drinking water.

The EPA finally did complete the study on radon but failed to study radium. The EPA cites the study on airborne radon as evidence that exceeding the level of radium in water beyond five pico curies per liter may result in adverse health effects.

The EPA is moving ahead on radium even though the study's authors are careful to note in the findings that, and I quote, "Whether these considerations also hold for other carcinogens such as X-rays was not an issue that was addressed by this committee."

This rule will affect over 600 communities nationwide. A water utility in my district and the district of the gentleman from Wisconsin (Mr. SENSENBRENNER) estimates that it would cost rate payers about $40 million to build a treatment facility that will enable them to comply with EPA's mandates.

What we ask through adoption of this amendment is for the EPA to gather the scientific data on the health effects of radium in our water and to determine at what level the standard should be set.

This can be done by conducting two studies: a bone cancer risk study, which is a population-based study that will assess the association of radium in drinking water with the occurrence of bone cancer; and a second study, a cellular biomarker study which will answer the question of whether drinking water exceeding the five pico curies per liter level will cause harmful effects in the blood cells of water drinkers.

I urge support for this amendment, which will prohibit the EPA from formulating a rule about the effects of drinking water containing low levels of radium before our water utilities spend millions on what could be a nonexistent problem.

Congress asked for a risk assessment before. Evidently we must insist on this study again.

Mr. Chairman, I urge support of this amendment.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment, obviously, is a fairly important development in this bill and it takes the form of what most people would refer to as a rider, legislative rider. The consequences of the amendment are not clear, intended or unintended consequences. There just does not seem to be enough information available right now, at least for this Member, to make a determination as to whether or not this is a good idea or a bad idea, whether it helps or hurts the bill.

I know some other Members have expressed some concerns about this; not any clear opposition to it but just concerns about what this will eventuate for EPA and for our communities.

The gentleman from Wisconsin (Mr. KLECZKA) has shown some real sincere concern for his communities. I have been addressed by some of my communities about the fact that some of these regulations the EPA lays on the communities are expensive; it puts a huge burden on them and I understand those concerns.

What I would ask, and I would be happy to yield time to the gentleman for debate purposes, to ask if he would consider withdrawing this amendment with the thought that as we go into conference there might be a way to address this issue in a less restrictive way, possibly some report language, something to that effect.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me say I very much understand what motivates my colleague, the gentleman from Wisconsin (Mr. KLECZKA), to offer this amendment.

I have not the foggiest idea whether the standard being proposed or even contemplated by the agency is the correct one. My problem is that I have stood many times on this floor and resisted congressional efforts to, on the basis of a very short debate, reach what, in essence, is a scientific conclusion to prohibit an agency charged with protecting public health from taking whatever action they think is necessary to protect the public health.

It seems to me the best way to approach things is to try to work together and go to the agency and to insist informally that they produce hard evidence that what they are doing makes sense.

My concern with the gentleman's amendment goes to simply one word: prohibit. I do not know enough to either prohibit or to encourage what they are doing, and I would urge that the gentleman follow the advice of the gentleman from New York (Mr. WALSH). I think that is the most constructive way to try to work together to get the right answer. None of us want to see municipalities or anybody else have to incur expenses that are not necessary. Even though in this instance it is my own State, I don't feel comfortable in, in essence, making a legislative judgment about a scientific matter until we ourselves know what we are talking about.

At this point, the gentleman from Milwaukee, Wisconsin (Mr. KLECZKA) may be comfortable in assessing what the agency is doing, but I know this Member is not.

Mr. KLECZKA. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Chairman, I thank the chairman, the gentleman from New York (Mr. WALSH), for yielding.

Mr. Chairman, I agree with both the chairman of the subcommittee and my colleague, the gentleman from Wisconsin (Mr. OBEY). I do not know what the correct level of radium in the water should be.

However, I should point out to the Members that at one point the EPA was saying that level should be 20 pico Curies, which is a measurement of radio activity in water. Now they are coming by to the various communities saying that level should be five.

Well, Congress some years ago in 1996 asked them for a study and to give us some hard evidence. The gentleman from Wisconsin (Mr. OBEY) says we should have some hard evidence so we can make that decision. I agree totally with that statement. We already asked for that and the EPA has not been forthcoming. Yes, they did the study on radon and they linked the radium standard to a radon study, which is totally inappropriate.

So I agree with the chairman that hopefully we can work on some report language. I was told just a few hours ago that now the EPA was not going to issue this regulation, this rule, in fiscal year 2000 anyway.

My information coming to the debate on this was it was going to be later in the year 2000; and later in 2000, in my book, could be August, could be September, could be before the fiscal year. So if, in fact, it is true that this rule is not going to come down before the year 2001, I think the amendment can be withdrawn.

The CHAIRMAN. The time of the gentleman from New York (Mr. WALSH) has expired.

(By unanimous consent, Mr. WALSH was allowed to proceed for 2 additional minutes.)

Mr. KLECZKA. Mr. Chairman, if in fact the rule is not going to be promulgated until the year 2001, clearly that would give the EPA an opportunity to provide for a study, one of the two studies that I think I cited or any other study so they can come before Congress and say now the level should be five, 7½, 10, or whatever it ends up being and we will abide by that, but we do not have that before us.

So hopefully between now and the conference committee on this bill we can at least ask, gently ask, the EPA would they please do the study that the Congress asked for in 1996, so the other communities involved can finally make a judgment.

Mr. Chairman, with the understanding that we are going to work together on some type of language, I would withdraw the amendment.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. KLECZKA) for his wisdom and for his willingness to work with us on this issue. I think it is the proper approach; and we will work together on it, and I appreciate it.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Kleczka-Sensenbrenner amendment. This amendment would prohibit the EPA from using funds to promulgate a final rule on drinking water standards for radium that is not based on sound science. In 1991, the EPA proposed a standard for radium in drinking water of 20 pico curries per liter (pCi/L). However, the EPA now intends to mandate a far more stringent level of 5 pCi/L. This apparently arbitrary restriction was recommended before proper scientific evidence to support it was gathered.

To defend this restriction, the EPA cites a study on airborne radon by the National Research Council as supporting evidence that radium in drinking water beyond 5 pCi/L may have negative health effects despite the fact that the authors of this study state that their work did not consider the effects of carcinogens other than radon, including radium. Promoting regulations that are not based on sound science is becoming a pattern at the EPA. The Agency has mandated that parts of the country use reformulated gasoline, including gasoline with the additive MTBE. MTBE pollutes ground and surface water supplies rendering it unusable for drinking water. Recently, a National Research Council report found that oxygenates, including MTBE do little to clean up our air. An EPA Blue Ribbon Panel found that MTBE is seriously damaging our nation's water. Judging by these reports, the EPA has done serious damage to our water, while doing very little for our air. That's bad science.

The EPA has often supported the need to regulate before the science is complete, arguing that the risk of doing nothing is too great even when the cost of their proposals is incredibly high. In the global climate change debate, the EPA supports proposals based on shaky science would cause gasoline prices to rise by 50 cents a gallon and household energy costs to rise $900 to $1,000 a year according to the Wharton Econometric Forecasting Association.

Similarly, if promulgated, the EPA's revised radium rule would be incredibly costly. A water utility in both my District and Congressman KLECZKA's District estimates that it would cost $70 million to build and operate a facility to comply with the 5 pCi/L restriction. The cost for the new facility would be passed on to utility consumers. This water utility estimates that its rates may need to be raised to four times their current level. The cost-hike will hurt businesses and families alike. Average homeowners may see their water utility costs rise $200 to $800 per year.

This is not a problem isolated to Wisconsin. In fact, 25 states have water utilities that are above the 5 pCi/L level. The costs that this rule would impose on my district would be duplicated many-fold across the country.

The EPA should closely study the direct human health implications of radium in drinking water before imposing such a costly regulation. This amendment will provide time for the EPA to conduct these necessary tests. I urge my colleagues to support it.

Mr. KLECZKA. Mr. Chairman, I ask unanimous consent to withdraw the amendment, knowing full well I will be back next year.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MCKEON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman in a colloquy if he would do so.

I appreciate the opportunity to work with the chairman as part of the negotiations on this bill in order to obtain a one-time emergency funding designation for an important project in my district. The Los Angeles County sanitation districts urgently need funds to replace a sewer line beneath the Santa Clara River in my district.

Following the El Nino storms in the winter of 1998, the Federal Emergency Management Agency declared Los Angeles County a disaster area. While the sewer lines have not yet leaked, storm-related erosion in the river bed did cause significant damage to the lines. Further erosions may very well cause the rupture of the lines releasing up to 8 million gallons of raw sewage per day into the Santa Clara River and eventually the Pacific Ocean.

To permanently solve this problem, the sanitation districts have proposed a sound, one-time engineering solution that involves moving the pipelines deeper underground. This proposal is the best solution, both from an engineering standpoint and from an environmental standpoint as well.

Unfortunately, both FEMA and the U.S. Fish and Wildlife Service disagree on the manner to solve this problem, leaving it up to Congress to fill the void and protect both the residents and the environment of Los Angeles and Ventura Counties.

I appreciate the work of the chairman to date on this legislation and look forward to working with him to obtain a solution to this issue as the legislation moves along in the legislative process.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. McKEON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman from California (Mr. McKEON) for his comments and his cooperation in this project. I know of his deep concern for the safety and well being of his constituents. We recognize the importance of this project and the need to obtain funding to resolve it before winter storms further damage the sewer line. I look forward to working with the gentleman to see if indeed we can find a solution as this legislation proceeds. I pledge my cooperation with him.

AMENDMENT OFFERED BY MR. WEYGAND

Mr. WEYGAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEYGAND:

At the end of the bill (before the short title), insert the following new section:

SEC. . It is the sense of congress that, along with health care, housing, education, and other benefits, the presence of an honor guard at a veteran's funeral is a benefit that a veteran has earned, and, therefore, the executive branch should provide funeral honor details for the funerals of veterans when requested, in accordance with law.

Mr. WEYGAND. Mr. Chairman, I will be very brief. I have discussed this with the subcommittee chairman and with the ranking member as well. As we all know, we have been discussing very important benefits to veterans last night and today, benefits with regard to education, particularly with regard to health care; but perhaps one of the most critical and important benefits to veterans is that that is given to their family and the honor that they give to those veterans at the time of their burial.

We all in this chamber have heard many different stories about the lack of an honor guard at a veteran's funeral when requested. We have heard stories about sometimes they do not show up. Other times we have heard stories where they are actually leaving before the funeral party actually comes to the burial site.

I think it is a disaster and a catastrophe that veterans, after having served and provided us with great service for many, many years, that unfortunately we do not sometimes provide the necessary honor guard at their burial. So I ask that we include this sense of Congress at the end of the bill. The ranking member and the subcommittee chairman have talked to me about it, and we have crafted language.

I want to, first of all, thank the ranking member's staff for helping us with the language, and also I want to thank the chairman who has agreed to this amendment, I believe, with regard to this language. I also want to thank my colleague, the gentleman from New York (Mr. CROWLEY), who could not be here tonight who is also a cosponsor of this amendment.

□ 1715

This amendment is something that many of the families and veterans are looking for because indeed at their final hour we should not forget them, we should not ever forget the service that they have provided to all of us, and I hope that this will be passed.

Mr. WALSH. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. WEYGAND).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. EHLERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amounts otherwise provided in this Act are revised by increasing the amount provided for "National Science Foundation—Research and Related Activities", increasing the amount provided for "National Science Foundation—Major Research Equipment", increasing the amount provided for "National Science Foundation—Education and Human Resources", and reducing each amount provided in this Act (other than for the National Science Foundation) that is not required to be provided by a provision of law, by $156,524,000, $33,500,000, $40,000,000, and 0.354 percent, respectively.

Mr. EHLERS. Mr. Chairman, the purpose of this amendment is to increase the appropriations for the National Science Foundation. I must begin by commending the subcommittee chairman in dealing with a very difficult budget and commend him for the good work he has done on it. I was opposed to the allocation given to this subcommittee. I felt at the time it was granted that it was far too small, and we would end up with the type of difficulties we have encountered here. It is my hope that during the rest of the appropriations process this allocation will be increased.

What I wish to point out here, and it is extremely important, is the importance of scientific research to the future economic growth of this Nation as well as furthering basic knowledge of our universe and all that it contains. Furthermore, I want to discuss the importance of science and math education in this Nation.

Let me point out some of the problems. I have here a graph which shows that United States funding has been decreasing compared to some other countries. The national nondefense R&D as a percentage of gross domestic product is now lower in this Nation than it is in Japan and Germany, and the rate at which Japan is increasing is greater than our rate. The main difficulty of this is that, as is currently estimated, over half of the economic development of this Nation comes from developments resulting from research in science and technology, and if we do not do this research in science and technology, we are ruining the seed corn for our future economic growth; we are also doing a great disservice to our children and grandchildren by doing that.

Let me give a few examples. The Internet is, of course, one obvious result which rose out of basic research in math, computer science, electronics and physics over the past several decades. Everyone today knows how valuable the Internet is and how it is contributing to economic growth.

Another example is magnetic resonance imaging, which has its roots back in the 1950s when I was a graduate student in physics at the University of California. Today we cannot imagine dealing with many difficult health problems without an MRI machine.

Also consider lasers, again a development based on research done 40 years ago, resulting in a multi, multi-billion dollar industry developed from a small amount of research funding. In summary, we must continue our research efforts if we are going to maintain our economic growth and continue to be a world leader.

Furthermore, the funding for major research equipment has been cut in this budget, and that is very unfortunate because this funding provides the tools with which scientists make discoveries.

Now on to math and science education: that is a sad tale. A few years ago, we completed the third international mathematics science study and found that the United States is near the bottom of all the developed countries in the ability of its high-school graduates to understand and use math and science. Near the bottom! And yet we maintain that we are the leader of the world in science and technology. Our potential for the future is hurt very badly by not having an adequate math and science education system. Once again, the National Science Foundation plays a major role in improving our education, and we have to provide them funds for that.

My amendment does not seek extravagant funding, it simply brings the NSF budget up to the level which has been recommended by the Committee on Science in the authorization bill that it has passed. That is certainly reasonable. However, the appropriation bill before us actually reduces the amount of money going to the National Science Foundation, the first time in decades that the National Science Foundation budget will be reduced. My amendment will bring it up to an appropriate level, and I would very much like to see this amendment adopted.

At the same time, as I have indicated, I recognize the difficulty the chairman of the subcommittee has had in reaching appropriate funding levels for the National Science Foundation. Therefore I do not plan to pursue this amendment at this point, but I would like to engage the chairman in a very brief interchange. My intent is to withdraw this amendment, but I would certainly appreciate it if the chairman would first recognize the worthy direction this amendment outlines.

I know that he would like to increase the funding of the National Science Foundation, and I hope that he can give us assurances that, as we go through the appropriations process, not only in the House but also in the Senate, the conference committee and negotiating with the White House, he will consider this request. I would very much appreciate an expression of support on the part of the subcommittee chairman that he will seek to meet the goals I have outlined in my amendment.

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, there is no question that this subcommittee considers National Science Foundation a high priority. Everyone has recognized the difficulties within this bill. One of the difficult decisions we made was to reduce NSF by just 1 percent below the 1999 level. Now that is a cut; there is no question. But no other account in this bill except for VA medical care was treated as well as NSF. In fact, research at NSF was actually increased by $8.5 million relative to 1999.

Now I know that does not comfort the gentleman because he is one of the leaders in the Congress in terms of scientific research. He has been a spokesman and a stalwart for research. This subcommittee understands the plight that we placed NSF in, and I assure the gentleman that this is a priority, that if there is any way as we go through the process that we can provide some additional funds for NSF we will, and we will call upon him to help us to make that happen and to provide us some direction as to where those fund should go.

I cannot make any ironclad assurances other than that he will have our cooperation in the event that that occurs.

Mr. EHLERS. Reclaiming my time, Mr. Chairman, I do appreciate the assurances of the subcommittee chairman. I do want to comment on one factor he alluded to.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. EHLERS) has expired.

(By unanimous consent, Mr. EHLERS was allowed to proceed for 1 additional minute.)

Mr. EHLERS. Mr. Chairman, I just wanted to comment to the gentleman from New York (Mr. WALSH) that the $8.5 million increase he indicated is in the research and related activities line item, and that increase was wiped out by the Nadler amendment which was adopted yesterday. So we are now down to zero increase there; and, in fact, the overall NSF budget, because of the decreases in major research equipment and education and human resources funding, is reduced a net 1 percent in this appropriation bill at this point. I do thank him for his assurances that he will seek to correct this as we go through the process, and I pledge to help him.

Mr. Chairman, on that note, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Michigan (Mr. EHLERS) is withdrawn.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:

Page 94, after line 3, insert the following new section:

SEC. 424. The amounts otherwise provided by this Act are revised by increasing the amount made available for "DEPARTMENT OF VETERANS AFFAIRS—Departmental Administration—Grants for Construction of State Extended Care Facilities", by reducing the amount made available for "INDEPENDENT AGENCIES—Chemical Safety and Hazard Investigation Board—Salaries and Expenses", and by reducing the amount made available for "INDEPENDENT AGENCIES—Environmental Protection Agency—Office of Inspector General", by $7,000,000, $2,000,000, and $5,000,000, respectively.

Mr. TANCREDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Chairman, first of all let me say that it is a tribute to the work of this committee and to the subcommittee and its chairman that it has been very difficult to find the necessary offsets to do what we hope to do in this amendment, and that is to increase the amount for State extended-care facilities program by $7 million. We are, however, proposing to do that, and we do recognize the commitment of the committee, and I want to once again say that it was a very difficult task.

I am not here asking for more money. I recognize fully well that the total bill is a very rich bill considering what he had available to him and considering what we had available to us and what the committee had available to work with. It is our hope to convince both the committee and the other Members of the Congress, of the House of Representatives, that we need to shift the priorities to a certain extent, to a very small extent, totaling again as I said only $7 million into the State extended-care facilities program. These are the nursing homes that we build across the country, and these are facilities that, by the way, are built with State matching funds, so it is a bigger bang for the buck that we get for this.

The President's budget suggested only a $40 million appropriations level. The committee quite appropriately increased that dramatically. In fact, increased it a hundred percent, increased it to $80 million. That is still $10 million below last year's level, and therefore we are concerned. We are concerned because 36 percent of all veterans who are over the age of 65, and that number is expected to increase exponentially over the next 8 years. We are concerned that there are 25.2 million veterans as of July 1, 1998 of whom 19.3 million have served during at least one period defined as, quote, war time, concerned that in 2010 over half of the veterans population will be over the age of 62.

An increasing in age of most veterans means additional demands for medical services for eligible veterans as aging brings on chronic conditions needing more frequent care and lengthier convalescence. A third of all the veterans will undoubtedly put a strain on our Nation's veterans health services. At the current pace of construction, we will not have the necessary facilities to meet veterans extended care needs.

This is a cost share program, as I mentioned, with the State, so money that goes into this account is multiplied by the State's commitment to build and run the facility. Last year, as I mentioned, the House and Senate approved $90 million for the State extended facilities construction program, so this is the present bill. It anticipates a $10 million reduction below that.

In truth, even if our amendment is successful in restoring at least $7 million of the funding approaching last year's level, it still may be not enough to meet the actual need for construction. Unfortunately, we still remain $15 million short of the funding that the State associations of veterans nursing homes say they need to meet construction deadlines.

This amendment will be offset by minor reductions in the funding for various accounts, the EPA facilities management, chemical safety investigations, work salaries, and expenses.

I recognize that in every single, and believe, I want to reiterate the fact that we looked very carefully for places where we could go to offset this. It was very difficult because this is a tight budget, and I fully understand that and commend the committee and the staff for their work. It is nonetheless our hope that we can encourage our colleagues to join in this small way in this very minor adjustment change a priority here that we think is extremely important.

Mr. WALSH. Mr. Chairman, I rise in reluctant opposition to the gentleman's amendment, and I know he has given this a great deal of his attention, it is a high priority for him and his constituency, and, in fact, as I understand it, it is a high priority for the Nation. This is a well thought of project, and this account that he has referred to, grants for construction State extended-care facilities, is a very important account. These are funds that are dear, that everyone across the country is covetous of, and what we have provided is $80 million. That is twice the President's request. President requested 40 million; we put in 80 million. The gentleman is absolutely correct; it is 10 million below last year, but it is a substantial increase over what the President requested.

As I understand it, it is conceivable, given the allocation, that the project that he has supported could conceivably be funded in this allocation. There is no guarantees obviously, but what I would say, cannot support taking these funds out because we would be reducing the EPA Inspector General's office by 17 percent. It is important that we keep an eye on that bureaucracy, and that is the Inspector General's job.

But what I would be happy to do as we go through the process and into the conferences is try to find a way to help the gentleman meet his goal without increasing his funding and thereby cutting funding in the other area of the bill. So, I again reluctantly oppose the gentleman's amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, we have had a lot of worthy causes advanced here by Members today, Members wanting to increase funding in different accounts, recognizing that in most of those instances the committee wanted to raise the money in those accounts, but not being able to do so because of our skinny allocation.

The gentleman from Colorado's amendment is another worthy amendment. State veterans homes are extremely important, and as he points out, the veterans population is aging, and so they will become increasingly important.

So I want to first acknowledge the worthiness of the gentleman's amendment and its purpose.

Let me first say that the committee recognized the importance of this program and increased the funding above the request; I believe doubled it. I think the gentleman indicated that, from $40 to $80 million.

□ 1730

That is not enough. It is not last year's funding. Perhaps as the process goes forward, this will be one of those accounts as we get more money that we can plus up.

But I must say, however worthy the cause is, the offsets are the worst I have seen today, proposing to offset, and the gentleman has reduced his offsets to two now. Offsetting the Chemical Safety and Hazard Investigation Board by $2 million is a huge cut. It is a 22 percent cut to the Chemical Safety and Hazard Investigation Board's budget.

I had a letter last March from the chairman of this board, this investigation board, which investigates chemical accidents around the country, suggesting that under its current spending levels, that it probably would not be able to continue investigations through the end of the fiscal year. This board, as we need more money for State veterans homes, the Chemical Safety and Hazard Investigation Board needs even more money to do its job.

Cutting it 22 percent would be the absolutely wrong thing to do. This is an extremely important mission that the board fulfills. It is having difficulty fulfilling it under its current spending rate, and cutting it would be just disastrous and prevent it from being able to carry out its mission. We do not want to do that, and I am sure the gentleman from Colorado does not want to do that.

The second offset the gentleman proposes is equally difficult. It is an offset to EPA's Inspector General account, a $5 million cut, which is a 12 percent cut to the Inspector General's account.

Now, the Inspector General's office is the office that is responsible for investigating waste, fraud and abuse, which I am sure the gentleman is very much against in agencies. I am sure the gentleman wants inspector generals out there investigating the agencies to ensure that we do not have waste, fraud and abuse, and to ensure, which is the other mission of the Inspector General, that the laws and regulations that EPA is supposed to carry forward are carried forward properly. This is a 12 percent cut to the Inspector General's office. The Inspector General cannot stand a 12 percent cut in their budget.

In summary, Mr. Chairman, while I support the objective of the gentleman's amendment, the offsets are really difficult and, in and of themselves, make the amendment unacceptable. I would encourage my colleagues to vote against it.

Mr. WELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment, and I also rise in support of this appropriations legislation.

I want to particularly salute the gentleman from New York (Mr. WALSH) for his leadership in putting together a good bill. It is always tough when you want more money for important programs, and veterans clearly are a priority for this Congress.

I also want to salute the gentleman from New York (Mr. WALSH) for his efforts to provide what will be historically the largest increase in veterans health care funding ever in the history of this country, $1.7 billion in additional funding for veterans health care. I want to salute the chairman for those efforts.

I also want to note why this amendment is so important. I ask my colleagues as you look at this amendment to think about your own States. If your States have veterans homes, if they want to expand, if they need improvements, if they need to comply with the Americans with Disabilities Act, this program is pretty important.

Earlier this year the administration, the Clinton-Gore administration, slashed the funding for State nursing home grants. In fact, they slashed the program by more than half, from $90 million in current funding to $40 million for the coming year. That was wrong. That was bad policy. That is why I appreciate the efforts of the subcommittee to work to restore those funds. But we need to do more.

Last year the funding was $80 million. This year it is $90 million. This amendment would increase the funding by $7 million, would bring it close to the current level of funding.

We note that the current grant program gives States millions in funds to help them expand and build new nursing homes for our veterans. It also helps our States meet compliance with the Americans with Disabilities Act, with renovations to existing homes, as well as expansion in homes. My own State of Illinois is owed over $5 million in back payments because of the inability to provide the full amount that is necessary.

This is important also to note that there were over 88 applications currently pending, totaling $348 million. With this funding, we will provide $87 million. There is also $240 million in requests for new construction.

Clearly there is tremendous need out there, particularly as the World War II and Korea era veterans reach the age where they require greater health care, many needing nursing home care, this is so important.

I would also like to point out that State veterans homes are pretty good bang for the buck. They provide quality service for our veterans, but also a savings to taxpayers. VA nursing home care or nursing care is about $255 a day for a veteran, but the State homes on average provide services for about $40 per day. Clearly it is a bargain, quality health care at veterans homes for our veterans.

I would also note that the Committee on Veterans' Affairs, the authorizing committee, along with the State home directors, recommended that we should provide $100 million this year. This helps work towards that goal.

What it means to my home State of Illinois, of course, Illinois is a major State with a lot of veterans. Illinois is in need of expansion of veterans homes. The LaSalle veterans home has a year and a half waiting list. If you think about it, if you have a family member who needs to go into a veterans home, 18 months is a long time to wait to be able to obtain a bed in that nursing home. So clearly funds are needed.

I would also point out not only is Illinois owed $5 million in back payments, but the Manteno veterans home, which happens to be in my district, is still owed back payments for ADA compliance.

There is a need out there. This amendment is a good amendment. It helps restore the funding to the current levels. It is badly needed.

Again, I want to commend the gentleman from New York (Mr. WALSH) for his efforts and particularly for the historic increase of $1.7 billion in additional new funding for veterans health care. I salute you, Mr. Chairman, for those efforts.

Let us support our veterans. I ask all the Members of this House to take a close look at this amendment. Let us make sure the funds are there to ensure our veterans who need nursing home care have it at the State level. This is an important grant program.

I urge an aye vote. Let us support our veterans. Let us reject the Clinton administration's horrible cuts. Let us restore these funds and help veterans who need nursing home care. Please vote aye. This legislation deserves a bipartisan show of support and an aye vote.

Mr. HILLEARY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first off I would like to commend the chairman for his hard work and the staff. Obviously you all crafted a great bill here. I must rise today in support of this amendment to increase the funding for the veterans state-extended care facilities. These facilities in my opinion are imperative to the mission of providing quality health care to those who dutifully served our country.

These veterans homes are the largest provider of long-term nursing care to our veterans. They enable the Veterans Administration to ensure quality nursing care to veterans that cannot receive proper treatment through any other means. Many of the men and women who served our country are bedridden due to service-related injuries. It is these veterans that the state-extended care facilities will serve.

Not only are these homes, nursing care units and hospitals necessary for proper care, they are also cost effective. If a veteran is forced to go to a private nursing home, the VA will reimburse that home on average $124 per diem. Contrast that with the approximately $44 per diem reimbursement to the State veterans homes for the same care. I think you will agree that for this reason alone we should vigorously support these facilities.

Even with the Tancredo-Weller amendment enacted, we will fall far short of the funding commitment we have made to the States. The Federal Government has agreed to fund 65 percent of the construction costs for the state-extended care facilities. At this time, many States have already appropriated their share of the construction costs.

Aside from the current $104 million backlog of work due to previous years of underfunding, the Federal Government could be responsible for up to $204 million in additional construction money, if all pending applications are approved. In other words, even with this amendment, we still owe various States across the Nation up to $218 million.

By the rapidly approaching year 2000, there are expected to be approximately 9.3 million veterans over the age of 65. World War II veterans continue to require extensive health care that we are proud and obligated to provide. This country and the VA must be adequately prepared through proper funding to handle the challenge of ensuring the best possible care for the men and women who bravely served this Nation.

This is a similar amendment to the one that I offered last year on this appropriations bill, and it was difficult, I know, for the gentleman from Colorado (Mr. TANCREDO) to find the offset, but I commend his efforts for the veterans in his district and across the country. I ask that we strongly support his amendment on the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 275, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to request that the distinguished subcommittee chairman, the gentleman from New York (Mr. WALSH), allow me a few moments that I may engage him in a friendly colloquy regarding this legislation.

Mr. Chairman, I would say to the gentleman from New York (Mr. Walsh), for the record, I have been in contact with your staff regarding funding for a wastewater treatment plant in Placer County, which is within my district. Due to an oversight, this project was unfortunately not included in the VA-HUD bill that is now before us.

I would ask that the chairman, as we move forward in consideration of this bill, work to ensure that $1 million in funding be provided for the Placer County wastewater treatment project.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for his comments. I appreciate the continued interest in this important project in his district in Placer County. I assure the gentleman that we will work very closely with the gentleman to address this funding matter in our conference negotiations.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I thank the chairman.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask my distinguished colleague, the ranking member from West Virginia (Mr. MOLLOHAN), to join me in a colloquy.

Mr. Chairman, it has come to my attention that HUD recently issued a notice of funding availability, NOFA, for the Resident Opportunities and Self-sufficiency program. This program contains a component for service coordinator grants.

For those of you not familiar with service coordinators, they help elderly and disabled residents in public housing get the unique services they require. The program is cost effective and the residents of public housing love the program, as do the housing authorities.

Because of its success, Congress has agreed in the last funding cycle to provide sufficient funds to renew all existing service coordinator programs. Unfortunately, the recent NOFA contains several troubling provisions that seem to defy congressional intent and jeopardize the ability of many public housing authorities to obtain renewal of their service coordinator funding.

Specifically, one provision provides public housing authorities to have to spend 75 percent of their award by August, even though the PHAs only received notice of the grant in April. As a practical matter, it is impossible for any PHA to expend 75 percent of their funds by the first of August, but under the NOFA they must have done so in order to qualify for renewal spending for next year.

Another provision of the NOFA states that the funds will be provided on a first-come-first-served-basis. This provision implies that there are insufficient funds to pay for renewals. Congress has been assured repeatedly by HUD that funds are sufficient to pay for renewal. Therefore, the provision is unnecessary.

After being apprised of congressional concerns, HUD has agreed to make changes to the NOFA. In fact, HUD has assured me that an amended NOFA will be published in the Federal Register in the near future.

I appreciate the alacrity with which HUD has acted on this matter and want to assure public housing residents that this program will be fully funded this year and next.

I know the gentleman from West Virginia (Mr. MOLLOHAN) shares my opinion that service coordinators are vitally important and would turn to him for a comment on this issue.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from New York.

Mr. MOLLOHAN. Mr. Chairman, I would first like to commend the chairman for his efforts on the service coordinator issue. I second the gentleman's comments.

Our subcommittee has heard over and over about just how valuable the service coordinator committee program can be for elderly and disabled residents of public housing.

The subcommittee intended that funds appropriated in the fiscal 1999 year for the resident opportunity and self-sufficiency program be used, among other purposes, to renew all expiring service coordinator grants. I share the chairman's concern about provisions of the recent notice of funds availability that could jeopardize those renewals.

☐ 1745

I am pleased that HUD has agreed to revise the notice in order to make sure that congressional intent is carried out.

I look forward to working with the chairman and other members of the subcommittee to ensure that adequate funding continues to be provided to allow renewal of these service coordinator grants in future years.

Mr. WALSH. Mr. Chairman, I thank the gentleman for his comments and his cooperation and help on this matter and so many others as we proceeded through this bill.

Mr. STUMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, veterans across the country will appreciate the efforts of this subcommittee, under the able leadership of the gentleman from New York, for including an historic $1.7 billion increase for VA health care, over and above the Administration's flat line budget request.

This is the largest increase for VA health care, and should be supported by all Members.

The increase the bill addresses that needs that were identified in the President's budget but not funded including $1.2 billion for personnel costs, so that no VA employees will have to be laid off for lack of system-wide funding; $200 million for services to veterans with hepatitis C; $100 million for the first-year cost of providing emergency care for uninsured veterans, and $150 million for long-term health care services for aging veterans.

The chairman read the list of those veterans service organizations that are supporting this bill. I will not repeat that. I would like to take this time, though, to thank the chairman for the very difficult and tremendous job he has done in crafting this legislation, as well as the gentleman from West Virginia.

We should support this unprecedented level of funding in this bill for veterans' health care and commit to working together for next year to make sure that our veterans are given the quality of health care that they earn and deserve.

I urge my colleagues to support the bill.

Mr. Chairman, the Administration's budget request was criticized on a bipartisan basis.

We should be addressing the shortcomings of that budget on the same bipartisan basis.

The $1.7 billion increase in the bill for VA health care will fulfill our Nation's commitment to veterans.

This level of funding is supported by the:

Veterans of Foreign Wars.

Non Commissioned Officers Association.

Retired Enlisted Association.

The Military Coalition (a consortium of uniformed services organizations representing more than 5 million members) including:

Millitary Order of the Purple Heart.

Jewish War Veterans.

Gold Star Wives.

Marine Corps League.

National Guard Association.

Fleet Reserve Association.

Reserve Officers Association.

National Military and Veterans Alliance (with 20 military and veterans member organizations) including:

Retired Officers Association.

Air Force Sergeants Association.

Catholic War Veterans.

National Association for Uniformed Services.

Korean War Veterans Association.

Unfortunately, some Members are trying to increase funding beyond what is needed this year, and in the process they are dragging some of the veterans' organizations into a very partisan political game of one-upsmanship.

We should not be playing politics with the benefits that are provided by a grateful nation to veterans.

We should support the unprecedented level of funding in this bill for veterans' health care and commit to working together to make sure that next year's budget also provides the funding necessary to give veterans the quality of health care services they have earned and deserve.

I urge my colleagues to vote for the bill.

$1.7 BILLION VA MEDICAL SPENDING HIKE—OCCASION FOR CELEBRATION

Nearly a year ago, a bipartisan group of Congressmen and Senators urged the President to hike VA medical care spending for fiscal year 2000 by 10 percent, up an additional $1.7 billion.

The President proposed instead that Congress freeze VA medical spending. The Congressional Budget Resolution subsequently adopted the recommendations of the House and Senate Veterans' Affairs Committees that VA medical care spending should be increased by a record $1.7 billion.

With Congress now set to vote on a Republican proposal to increase VA medical spending by $1.7 billion to an unprecedented $19 billion, some are calling for a still higher figure.

How much funding does the VA need?

What is the foundation for claims that VA administrators "need" more than $19 billion to care for veterans?

How much could VA responsibly spend?

These are among the questions underlying a budget debate this year. Those calling for higher funding cite the recommendation of an "independent" budget developed by four veterans' organizations, the Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Paralyzed Veterans of America.

Although several veterans organizations fully support and applaud the proposed $1.7 billion increase, the "Independent Budget" called for adding $3 billion.

In past years, the "Independent Budget" has called for multi-billion dollar increases in VA medical care spending.

While Congress has often appropriated more than Presidents have proposed for veterans' medical care, it has never adopted increases of the magnitude proposed by the "Independent Budget".

This year, however, with widespread agreement that the cuts required under the President's budget would have devastating results for veterans, it became clear that a spending increase above $1 billion would be needed.

Ironically, advocates who have been totally ineffectual in seeking major funding increases in the past are now unwilling to recognize that a 10 percent, $1.7 billion, funding increase is reason to celebrate, not complain.

In calling late last year for a nearly $3 billion increase in veterans' medical spending, however, the Independent Budget has escaped the close scrutiny given the Administration's budget.

But, just as the President's budget for VA medical spending is totally inadequate, the "independent" budget's is bloated.

Among its flaws, the Independent Budget: overstates by $430 million (based on Congressional Budget Office estimates) the cost in FY 2000 of providing emergency care for veterans; overstates by up to $450 million (based on estimates developed by the House Veterans' Affairs Committee and recently supported by VA experts) the cost of testing and treating veterans for Hepatitis C, a disease affecting VA patients at higher rates than the general population; and "double-counts", or spends twice (as a matter of "principle" rather than demonstrated need), projected medical care spending of $555 million in collections from veterans' health insurers.

Adjusting the $3 billion Independent Budget recommendations to eliminate what amounts to cost-padding yields essentially the same funding increase adopted in both the Congressional Budget Resolution and the pending House VA-HUD appropriations bill, an additional $1.7 billion.

Ironically, as some are calling for still higher spending, editorial writers are questioning the need for any increased VA medical spending, given a GAO report suggesting that VA is wasting an estimated $1 million daily operating unneeded hospital buildings.

The House Veterans' Affairs Committee just last month approved legislation to encourage VA to mount an "asset realignment process", as GAO recommends, to achieve needed mission changes.

GAO itself acknowledges that instituting such changes will take time.

Veterans' health care funding should not be shortchanged in the meantime.

The proposed $1.7 billion increase (to a total medical care budget of $19 billion) is both justified and unprecedented in scope.

It would: allow VA to open new outpatient clinics and treat record numbers of veterans, an estimated 3.6 million (200,000 more than in 1998); remove the threat of layoffs facing at least 8,500 VA health care workers and enable VA to lift hiring freezes on critical job vacancies at many facilities; permit expansion of long-term care services for aging veterans; provide funding for emergency care for veterans who lack any health care coverage; and fund the increased cost of testing and treatment of veterans at risk for Hepatitis C.

Given the projected impact of this record funding level, how does one account for the rhetoric still voiced in support of higher spending?

Some veterans' groups have apparently taken the position that if $1.7 billion in additional funding is good, then still more would be better.

In addition, some Members—ignoring the tradition of bipartisanship which has produced generous benefit programs for America's veterans—have seen the opportunity for partisan advantage in this budget debate.

Rather than helping ensure a record level of funding for veterans' needs, they are politicizing the issue through "bid-raising" and unfairly dragging veterans' organizations into a partisan dilemma.

House appropriators have worked hard to give veterans a record funding increase that meets in full the recommendations of the House Veterans' Affairs Committee.

It's time, though, that we match our earlier bipartisan criticism of the Administration's budget with bipartisan support for this unprecedented increase in veterans' health care spending.

Congress should adopt the $1.7 billion increase needed to reinvigorate the VA health care system.

Members should also commit to working together to make sure that the Administration's next budget provides the funding necessary to give veterans the quality health care they expect and deserve.

The CHAIRMAN. Are there further amendments to the bill?

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to conclude by suggesting that there are no further amendments. There is no further business before the body on this bill, other than the final amendment and the final passage vote.

I would like to take this opportunity to thank the chairman for the way the Chair has conducted the debate today, and to all the staff who have worked so hard and put in all the hours to help us to get to this point, and to all the Members who participated in the debate.

This is the tip of the iceberg, what we see here today. With all the work that has gone into this on the part of our constituents and our staffs and the Members, I think it is a good product. I am proud of the fact that we have gotten this far.

I thank especially my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member. I have learned a great deal from him through this process, not the least of which is about friendship, honor, and respect. I treasure that relationship and I thank him for his support along the way.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I very much appreciate the kind comments of the chairman. I want to compliment him on the way he has handled this bill from the very beginning of the year. He has done an excellent job, as I said at the beginning of my remarks. He is particularly capable and very responsive to the legitimate concerns of the minority. That certainly has been appreciated.

I also want to join the chairman in expressing appreciation both to the majority and minority staffs, and certainly my permanent staff for the hard work they have done on this bill, without which it would be extremely difficult or actually impossible to move this legislation forward. Again, I appreciate the chairman's considerations.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 366, noes 54, not voting 13, as follows:

[Roll No. 401]

AYES—366

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson. Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kolbe
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty

Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOES—54

Ballenger
Berman
Bilbray
Boehlert
Borski
Campbell
Clay
Clayton
Conyers
Cox
Davis (IL)
Delahunt
Dixon
Dooley
Ehlers
Frank (MA)
Frelinghuysen
Hastings (FL)
Hilliard
Hobson
Jackson (IL)
Johnson, E. B.
Kilpatrick
Knollenberg
Kucinich
Kuykendall
LaFalce
Lee
Lewis (CA)
Markey
McKinney
Meek (FL)
Millender-McDonald
Miller, George
Mollohan
Morella
Olver
Ose
Owens
Packard
Rush
Sabo
Schakowsky
Scott
Sherman
Stark
Stump
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Young (FL)

NOT VOTING—13

Bonior
Cooksey
Crowley
Houghton
Jones (OH)
Latham
Pryce (OH)
Rangel
Rogan
Sununu
Towns
Weldon (PA)
Young (AK)

□ 1811

Messrs. COX, DELAHUNT and SHERMAN and Ms. McKINNEY changed their vote from "aye" to "no".

Messrs. HILL of Indiana, PETERSON of Pennsylvania, GARY MILLER of California, and NADLER and Ms. BROWN of Florida changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. JONES of Ohio. Mr. Chairman, on rollcall No. 401, had I been present, I would have vote "yes."

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000".

Ms. BALDWIN. Mr. Chairman, I rise today in opposition to H.R. 2684, the fiscal year 2000 VA-HUD-Independent agencies appropriations bill.

American's students and America's Members of Congress just returned from summer vacation refreshed and renewed and ready to hit the books. Unfortunately in the first week back in class, the House is ready to earn its first grade of F.

If we look at the details of the VA–HUD report card, we can see how bad this bill is.

This bill gets an F for housing programs. It cuts community development block grants (CDBG) by $250 million. These funds are critical in addressing local housing priorities. I'm usually skeptical of block grants, but here is one that has worked wonders to empower local communities to address critical housing needs. We need more CDBG funds, not less.

The bill also fails to provide sufficient funds for section 8 vouchers. Although funding increases slightly, there is a desperate need for new vouchers to provide more Americans with the help they need to house their families.

Not only will new families fail to get additional help in paying for housing, homeless families will see $970 million less in homeless assistance grants.

The bill gets an F for science funding. It cuts National Aeronautic and Space Administration (NASA) funding by over $1 billion. Since the space shuttle and International Space Station take up the majority of funding, these cuts fall disproportionally on science, aeronautics and technology. The bill also cuts $24 million in National Science Foundation (NSF) funding, and fails to include the administration's proposed increase of $245 million. These cuts to basic science research are shortsighted and ill-advised. Our nation's investment in basic research and technology has driven our economic development. This will be even more true in the future, unless we continue to cut these funds, as this bill does. The NSF and NASA have been incredibly valuable and successful and need more support, not less.

This bill gets an F for environmental protection. It cuts the Environmental Protection Agency (EPA) by $278 million from fiscal year 1999. It cuts environmental research by $15 million. It cuts clean water and air funding, so critical for protecting our nation's resources for future generations, by $208 million. We know that once a natural resource is destroyed, it is expensive, or impossible, to recover. We must invest today, for a clean environment tomorrow. It is just that simple.

The bill gets an F for community service. It eliminates funding for the AmeriCorps program which encourages young people to become involved in their communities. AmeriCorps has been incredibly successful in providing financial assistance to allow young people to engage in community service all over our nation. More than 100,000 AmeriCorps volunteers have helped to address crime, poverty, and illiteracy. AmeriCorps members have taught, tutored or mentored 2.6 million children, rehabilitated 25,000 homes, immunized 419,000 people, and helped 2.4 million homeless people. This is a program that works.

The bill gets a C− for veterans benefits. This is the only passing grade since keeping our commitment to our veterans was prioritized in this bill. The $1.5 billion increase over last year's appropriations is a good step forward in fulfilling our promises to our veterans. But it is not enough. Our veterans are worried and frustrated, and they have every right to be. The VA health care system desperately needs more funding to provide adequate medical care to our nation's veterans, who have earned it. For too long this Congress has failed to adequately fund veteran's program and benefits, and now the situation is a crisis. Congress must do better for our veterans.

Final grade: F. This bill is a failure. If University of Wisconsin students earned this type of report card, they'd have to retake the test. And that's exactly what the Congress is going to have to do, if this bill passes.

We can do better, and we must do better. This bill falls far short of the needs of our great nation. To shortchange our citizens while we increase defense spending is not the way a great nation ought to behave. I look forward to a day later this year when I can vote for a VA–HUD appropriations bill that can earn a passing grade, or maybe even an A. Today, I must give it the grade it deserves and vote "no."

Mr. McCOLLUM. Mr. Chairman, I rise today to voice my opposition to the fiscal year 2000 VA/HUD appropriations act. While I congratulate the committee and subcommittee chairmen on their efforts to add some funding for veterans medical care, and in particular, language to continue a demonstration project in east central Florida which allows the VA to contract with local hospitals to provide inpatient care to veterans, I simply cannot support a bill that does not provide adequate increased funding for our nation's veterans, decimates the NASA program, and terminates the Selective Service Agency.

I was pleased to see the Hinchey amendment, which would have prohibited the VA from using funds to implement or administer the Veterans Equitable Resource Allocation (VERA) system, was defeated. VERA is intended to provide for and equitable distribution of funds for medical care. As a representative from a state that has seen a tremendous increase in the number of veterans seeking care, I can attest to the need for a system that has the dollars follow the veterans. Although the bill would increase funding for veterans, there will be a continued significant shortfall in funding for VA health care and many services are still in danger. According to the Independent Budget presented by AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States, this increase is $1.3 billion less than what is needed to adequately address the health-care needs of our nation's veterans. We cannot penalize our veterans for the sacrifices they have made by denying them adequate health care. I am committed to working for increased veterans funding, and ensuring that they have the health care they deserve.

NASA has worked very hard to increase efficiency and downsize their programs, while receiving reductions in their budget. Over the past 6 years, they have saved approximately $35 billion relative to earlier outyear estimates, while at the same time increasing productivity. However, the Committee's actions this year cuts $1 billion from fiscal year 1999 levels. This will result in a loss of critical capabilities that are essential to the United States' leadership in space. To quote NASA Administrator Dan Goldin, "the reductions would severely damage the technology base built over the last five years; NASA's ability to further reduce costs and increase scientific productivity would end. It could also result in the closure of NASA Centers, and the elimination, through forced separations, of unique and critical technical skills uniquely possessed by NASA."

Mr. Chairman, we're not talking about a program that can continue to safely operate after sustaining this type of cut. I've heard from my constituents of the long hours and extra efforts that NASA employees have contributed to keep our space program operating safely. We cannot expect this dedication if we do not give them the funds that they need. For example, the reduction to Mission Support will wipe out NASA plans to correct critical facility safety deficiencies. This is simply unacceptable.

The space program has a tremendous impact on the State of Florida. In the my district alone, NASA has granted awards estimated at over $6 million over the past year. These contracts have gone to local businesses, the University of Central Florida and Valencia Community College. These partnerships have not only provided students with valuable experience, they have provided growth opportunities for small businesses. If we enact this bill, the cuts to NASA will reverberate throughout the community.

Additionally, the termination of the Selective Service Agency is shortsighted and could risk our national security. I voted for the Cunningham amendment to restore funding for this program, which unfortunately failed. This year, every military service except for the Marine Corps, is faced with recruiting and retention problems. And it does not appear as though this problem will end. Should we be faced with a crisis that would require a return to the draft, it would take more than a year to reconstitute the Selective Service System. This is entirely too much time in the event of a crisis. I cannot support the termination of this important system.

Mr. Chairman, again, I appreciate the efforts by the committee to provide an increase for VA medical care and would like to support this bill. But given the tremendous reductions and inadequate funding levels, I simply cannot vote for this bill. I will work hard to see these deficiencies are corrected in conference.

Mr. SHOWS. Mr. Chairman, the House of Representatives is scheduled to vote on the fiscal year 2000 VA–HUD spending bill. Included in this bill is funding for veterans, housing, NASA, and the EPA. While there is an increase in funding for veterans healthcare, I am disappointed that the funding amount is short of the $3 billion requested in the Independent Budget, which was developed by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States.

As a member on the House Committee on Veterans' Affairs, I have sat through testimony about the President's budget, I have sat through testimony about the state of the VA healthcare system, and I have heard about VA's plans to lay off employees. Needless to say, this has not been an encouraging year with regard to veterans healthcare. In my district alone, there are over 55,000 veterans. If funding is not available, my veterans will suffer the consequences. And now, at the end of the fiscal year, I am faced with a choice of voting for a $1.7 billion increase in funding or voting against funding in the hopes that $3 billion will be added. The smaller figure is insufficient, but a step in the right direction. I intend to vote for this bill, but I am disappointed that we are not able to amend this bill so that I could vote for adequate funding for veterans.

Our veterans have served our country well. They don't deserve to go through the annual budget process with the uncertainty that exists. The veterans groups that comprise the Independent Budget are not far off the mark when they state in the introduction of the Independent Budget for fiscal year 2000:

> Veterans' programs, once secure expressions of a Nation's gratitude, are now only line items on the debit side of the government's ledger—items routinely targeted for cutting in the name of fiscal restraint.

We have to stop cheating our veterans.

I will encourage the President to submit a better budget next year. And as I did this year, I will work with my colleagues on the committee to increase funding for veterans healthcare to the amount requested in the Independent Budget.

Mr. MOORE. Mr. Chairman, providing for veterans and their families is one of my highest priorities in Congress. The men and women who served in the armed services deserve the gratitude of the entire Nation. But rather than fulfilling our obligations to veterans and ensuring the continuation of benefits and the improvement of veterans' health care, we are letting veterans down. H.R. 2684 fails our veterans. This bill provides $1.5 billion more than fiscal year 1999 funding, and $1.6 billion more than requested by the president—but this is not enough.

The Independent Budget, published by Paralyzed Veterans of Americans, Veterans of Foreign Wars, Disabled American Veterans and AMVETS, demands a budget increase of $3 billion for fiscal year 2000. This is the necessary amount to provide the health care and other services that veterans deserve.

I have met with many Kansas veterans and heard accounts of substandard health care and loss of benefits. Not only are we eliminating treatment, we are rationing the health care we do provide. Veterans have shared their frustration with the state of veterans' health care, describing accounts of VA hospitals delaying and denying services.

These men and women sacrificed for our country. They were willing to give their lives to protect the principles of our Nation. But instead of honoring and providing for our veterans, we are denying them the services they desperately need. I cannot support this appropriations legislation as it does not fulfill our obligation to our veterans. We cannot let veterans down in their time of need. We must address the alarming state of the VA health care system. We must improve the quality of veterans' health care. We must guarantee the continuation of services. We must not fail our veterans.

In addition, this bill critically underfunds vital HUD programs, including the HOME program and Community Development Block Grant (CDBG) program, which has helped state and local governments revitalize neighborhoods, expand affordable housing and economic opportunities, and improve community facilities and services for twenty-five years.

I am proud to represent Kansas City, Kansas, a community that is a leader in developing useful and visionary ideas in the use of CDBG grants to rehabilitate existing housing stock and build new housing. I recently spoke to the mayor of Kansas City, Carol Marinovich, who told me that CDBG and HOME grants are the backbone of improvement efforts in Kansas City, from Peregrine Falcon Development that is building 68 single family homes in former vacant lots to Argentine Recreation Center that was built with a $1 million CDBG grant, providing a center of community to this mixed-income, minority neighborhood. These vital programs, like Section 8 housing assistance, public housing capital assistance, drug elimination grants, homeless programs, fair housing activities, Brownfields cleanup, and housing for persons with AIDS represent a commitment to our communities that this bill does not recognize.

This appropriation cuts the National Science Foundation (NSF) by $274 million, which would undermine the Nation's investment in discovery and education, specifically in the institutions of higher learning in eastern Kansas, which has fueled unprecedented economic growth for the past decade. The funding cut from the NASA science programs jeopardizes U.S. leadership in space and has the potential to decrease research in our colleges as well as close NASA Centers.

My final concern with this bill is its failure to meet Environmental Protection Agency (EPA) funding levels of 1999, which could lead to excess emissions of as much as 12,000 tons of ozone depleting substances. This would result in a depleted ozone layer and increased cases of skin cancers and cataracts.

For these reasons, I am voting against final passage of H.R. 2684.

Ms. KILPATRICK. Mr. Chairman, I rise today in opposition to H.R. 2684, the fiscal year 2000 VA/HUD and independent agencies appropriations bill. In July of this year, the House Appropriations Committee completed a "mark-up" of the VA/HUD bill rendering deep cuts in funding for veterans, housing and NASA. The overall cuts in these programs will hurt our nation's ability to provide safe, affordable housing, economic opportunities, and health care for veterans. These cuts will also devastate NASA and the Nation's preeminence in space science and exploration. Because of these unacceptable cuts, I voted against this bill in the Appropriations Committee and I will continue to vote against this bill.

If this bill passes, the $1.6 billion in HUD cuts alone will have a devastating impact on families and communities nationwide. Overall, the HUD cuts represent: an estimated 156,000 fewer housing units for low-income families in America at a time when worst case housing needs are at an all-time high; 16,000 homeless families and persons with AIDS who will not receive vital housing and related services; and 97,000 jobs that will not be generated in communities that need them.

The potential impact of the HUD budget cuts on the 15th Congressional District of Michigan, which I represent, are dismal and economic development activity under the Community Development Block Grant (CDBG) program will be cut by $250 million from the level enacted in 1999, and $5 million will be cut from the job-generating Brownfields Economic Development Initiative. This means that approximately 97,000 jobs that could be created by these programs will not be. These cuts will impact the creation of approximately 191 jobs in my district. Mr. Speaker there are several communities that still struggle in the slow lane of the Nation's strong economy. The 15th Congressional District of Michigan cannot afford to lose one potential job, nor can it afford to lose the $1,385,000 total it will lose if this bill passes.

Despite a booming economy, the number of families with worst case housing needs (defined as paying over 50 percent of their income on rent) remains at an all-time high of 12.5 million people, including 4.5 million children, 1.5 million elderly, and 3.5 million persons in families on welfare. The cuts in this bill will result in a total of over 128,000 families being denied housing vouchers. 88 of the families being denied housing vouchers as a result of this bill are from my district. We should be expanding rather than cutting the supply of affordable housing for all Americans. If we do not take care of our nation's most vulnerable citizens during economic plenty, when will we open doors for all Americans?

Although the bill increases funding for veterans health care by $1.7 billion, the funding is short of the approximately $3 billion, advocated by most of the major veterans organizations, that is needed to keep pace with the health care needs of veterans. Representative LANE EVANS, ranking Democratic member of the House Veterans' Affairs Committee, has indicated that he is also in opposition to this bill because of this funding shortfall.

The bill slashes funding for key NASA science programs. It cuts the request for the National Science Foundation (NSF) by $274 million which will eliminate funding for almost 14,000 researchers and science and mathematics educators. The reduction alone will undermine the Nation's investment in discovery and education which has fueled unprecedented economic growth for the past decade.

The bill cuts the Environmental Protection Agency's (EPA's) Operating Program and will result in personnel reductions that will hamper efforts to protect public health and the environment, and prevent the EPA from undertaking initiatives designed to improve the quality of the Nation's air, water, and food supply. The bill also cuts $50 million each from the request for the Superfund program and for the Drinking Water State Revolving Fund Program.

Mr. Chairman, I believe these budget cuts will move America in exactly the wrong direction. In this era of unprecedented economic prosperity we should be expanding, not cutting programs that meet our vital needs of housing, economic opportunity, health care for veterans, and our preeminence in space science and exploration.

For these reasons, I vote "no" on the VA–HUD appropriations bill.

Mr. LAFALCE. Mr. Chairman, I rise in opposition to the VA–HUD Appropriations bill.

First, I would like to acknowledge the hard work and dedication of Subcommittee Chairman WALSH and Ranking Member MOLLOHAN. They have done the best job they could with an inadequate funding allocation.

Yet, as a result of these funding limits, the bill is bad for housing. It reflects a combination of opportunities missed and promises unkept.

There are 5.3 million families—over 12 million Americans—with worst case housing needs. This includes some 1.5 million elderly and 4.5 million children. Last year, as part of this same VA–HUD bill, Congress authorized 100,000 new affordable housing vouchers for fiscal year 2000, to address this need. Yet, today's bill does not fund a single new voucher.

On any given night, there are almost three quarters of a million homeless Americans. Yet, this bill actually cuts funding for homeless prevention programs—leaving us some $150 million below the funding level of five years ago.

Last year, we enacted historic legislation to reform public housing. Yet, today's bill undercuts that reform effort, by cutting public housing capital repair funds by $500 million, and leaving housing agencies hundreds of millions of dollars short of even covering operating costs.

Overall, virtually every housing program has been cut in this bill—including housing counseling, fair housing enforcement, the HOME program, rural housing, lead paint reduction, and others.

Finally, this bill is inadequate when it comes to economic development. At a time of general economic prosperity, we should be acting to ensure that all communities and all Americans have the opportunity to participate in that prosperity.

Yet, instead of approving the Administration's APIC initiative to leverage billions of dollars in investments in distressed communities, this bill cuts CDBG by $250 million, and also cuts funding for brownfields redevelopment, empowerment zones, and enterprise communities.

We should reject this bill unless funding is restored for these critical programs.

Mr. BLILEY. Mr. Chairman: I rise to thank my colleague from New York, Mr. WALSH, for including language in his committee report on this legislation recommending that EPA investigate and promote opportunities for the reuse of industrial packages. I hope that during the conference on the VA, HUD bill, Chairman WALSH will see fit to earmark some modest amount of money for this program, for which there is ample authority under existing law. I am placing in the RECORD my letter to the chairman of the subcommittee in further support of this request.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 8, 1999.

Hon. JAMES T. WALSH,
Chairman, Subcommittee on VA, HUD, and Independent Agencies, Washington, DC.

DEAR JIM: Thank you for including report language in the committee report accompanying H.R. 2684, the FY 2000 appropriations bill for VA, HUD and Independent Agencies, that directs the Environmental Protection Agency (EPA) to investigate and promote opportunities for the reuse of industrial packages in order to increase waste reduction and energy efficiency.

Although I appreciate the fiscal constraints that your subcommittee is under, I hope that in conference on this bill you could add report language providing for a lien item set-aside directing EPA to provide "$1,000,000 to increase waste reduction and energy efficiency through the expanded reuse of industrial packages." As Chairman of the Commerce Committee, I recognize the environmental benefits to be derived from reusing industrial packages.

Thank you for your support on this issue and your consideration of this specific request. Please contact me with any questions or have your staff call Jim Barnette at 225–2927.

Sincerely,

TOM BLILEY,
Chairman.

Mr. MARKEY. Mr. Chairman, I rise today in opposition to H.R. 2684, the VA–HUD, and independent agencies fiscal year 2000 appropriations bill. I do so because the bill would drastically cut our efforts to provide the best care to our nation's veterans and the best protection for our environment. But I would like to focus today on the devastation this bill would cause in public housing and urban development programs in our country, and in my congressional district.

We are in the midst of an unprecedented economic boom in our country which is largely the result of the fiscal discipline exerted in Congress when the 1990 and 1993 budget deals were passed. That discipline has produced an era where we now have surplus projections for the next decade and beyond. In this time of unparalleled growth and opportunity, we have a special duty to protect those vulnerable citizens who depend on the federal government for housing assistance.

Worst case housing needs are at an all time high of 5.3 million households today. In my district, a number of owners are considering opting out of the Section 8 program to cash in on the hot real estate market in eastern Massachusetts. Hundreds of seniors living in the communities that I represent are frightened because they have received notices that their landlords are contemplating the termination of their contracts with the Department of Housing and Urban Development (HUD). Without the money to make fair and reasonable offers to these owners, and to increase the number of elderly assistance housing vouchers, HUD is unable—though not unwilling—to protect these seniors in my district and throughout the country.

In the face of these challenges, what does the Republican majority propose to do for these seniors: nothing. Instead, the majority has proposed a HUD budget that falls $1.6 billion short of last year's level. The bill will not fund a single Administration request for new housing and economic development assistance, which includes the funding of 100,000 new Section 8 vouchers. And the cuts will have a very deep and negative impact in my district—this bill will cut nearly $4 million, 250 fewer jobs, and 440 fewer housing units for low-income families.

At the same time, the cuts will cripple the ability of HUD to assist worthy community development projects in cities and towns in every district. In my district, HUD is an active participant in the redevelopment efforts of the cities of Everett, Malden, and Medford—three older, industrial cities that have joined forces to transform themselves from industrial-age communities to information-age communities with the creation of a telecommunications research and development technology park called TelCom City. HUD recently announced a grant and loan guarantee package for the TeleCom City project to assist these 3 cities to reclaim some of the land at the site that is considered "brownfields." This type of assistance is playing a critical role in the revitalization of these communities.

Mr. Chairman, these cuts are too deep. The Republican leadership should be ashamed to be proposing to dole out huge tax breaks to the wealthy financed on the backs of the most vulnerable citizens in our country—those who depend on housing assistance to keep a roof over their heads, and those living in cities and towns that need a helping hand to achieve their redevelopment goals. I urge a no vote on this bill.

Mr. HAYES. Mr. Chairman, I want to pose the same question to my colleagues in the House that I asked a group of veterans in Hoke County, North Carolina.

Name this Country: 1,500,000 active service personnel, 10 standing Army divisions, 20 Air Force and Navy air wings, 2000 combat aircraft, 232 strategic bombers, 13 strategic missile submarines, 232 missiles, 500 ICBMs with 1950 warheads, 4 aircraft carriers, and 121 associated combat ships and submarines.

The audience of VFW veterans, many of them retired military service men and women, had difficulty guessing what country I was talking about. I heard a number of responses—North Korea, Russia, Iraq, and finally someone guessed correctly—the United States.

That is where this nation stands in terms of military strength. That is where we are since 1992 when a liberal president took over our military. The systematic degradation of our armed forces is a disgrace to the men and women who have fought for our country, to our fallen comrades, and to our veterans who stand witness to the dismantling of the military and the VA services they were promised when they entered the military.

I have received letters, phone calls and personal visits, recounting horror stories of the services that veterans get from VA hospitals and medical clinics. Veterans' Administration officials report that an average wait for patients who need to see a specialist is almost 4 months—120 days! They hope to see this waiting period reduced to what they claim an acceptable level—30 days.

I don't know about you, but when I am in pain—I want to do something about it now—not in 30 days and certainly not in 120 days. Our system is in need of drastic improvements. That is a fact. But cutting funding to the VA and its health care services while the veterans population grows is hurting the men and women who have served our country. You cannot continue to add users of VA services without increasing providers of the health care service. It's simple mathematics.

I commend my colleagues on the Appropriations Committee for producing legislation under the tightest of budgetary constraints that demonstrates this Congress' commitment to our nation's veterans. Specifically, I applaud the efforts of committee members to ensure that this bill provides $1.6 billion in additional funding over the insufficient amount requested in the President's budget.

I urge my colleagues to support our veterans by supporting this bill. I am committed to working with other members of Congress to continue to improve upon the services the Veterans' Administration provide in North Carolina and around the country.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise to express my strongest opposition to H.R. 2684, the VA–HUD and Independent Agencies Appropriations bill. As we approach the final stretch of the appropriations process, I would like to be able to support this legislation, which is one of our largest domestic funding bills. Regretfully, I cannot.

In spite of the hard work of my colleagues, Chairman JAMES WALSH and Ranking Member ALAN MOLLOHAN, who did their best under difficult budgetary constraints, this bill makes unacceptable cuts to essential housing, science, space, environmental, and veteran programs.

For example, this bill funds the Department of Housing and Urban Development at $26.1 billion—nearly $2 billion below the administration's request. This translates into cuts in all of HUD's major programs including the Community Development Block Grant program, HOME program, public housing capital assistance, drug elimination grants, homeless programs, fair housing activities, Brownfields cleanup and development, lead-based paint abatement and housing for persons with AIDS.

The residents of L.A. County, where housing demand is more than three times higher than the rest of the nation and rents are at record levels, will be devastated. I have received dozens of letters from service and housing providers in Los Angeles decrying these proposed cuts. They state over and over again that these cuts will severely undermine their ability to serve our homeless veterans and working families.

For example, Los Angeles County's average apartment rent is a startling $982 a month, 19% higher than the national average. This June, Southern California's median home price hit an all-time high of $204,000. These trends are troubling for a number of reasons:

Rising rents means our working families will be forced to double or triple-up, leading to severe overcrowding. In fact, the LA Housing Department estimates that 25% of poor renters already live in overcrowded conditions, many of them having 7 or more people sharing a two-bedroom apartment.

Rising rents also means that many families will be forced to seek cheaper housing inland, leading to longer commutes, more freeway congestion, and more smog.

Rising rents is also bad for business, as it makes it more difficult for growing companies to attract workers, making them less competitive and forcing them to leave the area.

Furthermore, this bill makes unacceptable cuts to the National Aeronautics and Space Administration, better known as NASA. The bill butchers NASA's budget by a whopping $1 billion—a 7% cut from last year's level. Programs facing the Republican scalpel include basic research in astronomy, earth science and space science. NASA Administrator Dan Goldin has stated that these cuts will decimate key elements of the nation's space program, requiring the largest restructuring since the end of the Apollo program.

This bill's cuts to NASA will effectively decimate the nation's future space science program, making substantial reductions in the Explorer programs, the Discovery program and Supporting Research and Technology, all mainstays of university research. Upcoming missions managed by scientists at the University of California campuses will also be impacted, including the Mars Polar Lander mission at UCLA, Extreme Ultraviolet Explorer Observatory at UC Berkeley, and the Triana Satellite at UC San Diego.

The bill also reduces the National Science Foundation's budget by $24 million from last year's level and $275 million less than requested by the Administration. NSF supports basic research that's fundamentally important to all aspects of our lives, from basic biological research to information technology. At a time when we are grappling with the need to improve our schoolchildren's math and science skills, this cut will deprive thousands of teachers the training they need in these very fields.

Basic research is also vital to maintaining this nation's preeminence in science and space exploration into the next century. Our California universities in particular are extremely concerned about the impact of these reductions on university-based research. California receives over 10% of all National Science Foundation's research grants and these cuts will limit the number of grants to promising new researchers to dangerously low levels.

To add insult to injury, Republicans at the last minute restored $400 million to NASA's budget, but at the expense of the AmeriCorps national service program. This cut to AmeriCorps' budget essentially terminates the highly successful domestic Peace Corps. AmeriCorps members—tackling critical problems like illiteracy, crime and poverty—have served nearly 33 million people in more than 4,000 communities. Promoting the American ideals of community involvement, national service and civic participation, AmeriCorps members have taught, tutored or mentored more than 2.6 million children, served 564,000 at-risk youth in after-school programs, operated 40,500 safety patrols, rehabilitated 25,000 homes, aided more than 2.4 million homeless individuals and immunized 419,000 people. Cutting this highly successful program is unacceptable.

Lastly, this bill underfunds medical care for our deserving veterans. Veterans are telling us that this bill is still $1.3 billion below what the Veterans' Administration needs just to maintain current services. While the Appropriations

Committee added $700 million to the VA account, they rejected an attempt to restore even more funding. My colleague from Texas, Representative CHET EDWARDS, offered an amendment to increase veterans health care spending by an additional $730 million. Mindful of the need to be fiscally responsible, Mr. EDWARDS proposed to pay for this increase by delaying the proposed cut in the capital gains tax, which is one the prized goodies included in Republican leadership's tax bill. This amendment failed on a party line vote, reaffirming that Republicans prefer to hand out benefits to the rich than provide health care benefits for veterans.

I have no choice but to oppose this draconian bill and I urge my colleagues to do the same.

Mr. RODRIGUEZ. Mr. Chairman, I rise today to express my appreciation of the Department of Veterans Affairs' (VA) leadership in fighting the rising hepatitis C (HCV) epidemic among veterans. It is my view that the VA, Congress, community health leaders, and veterans' service organizations must do even more to ensure that veterans have access to the testing and treatment they deserve.

Today, nearly four million Americans have HCV. But the infection rate among veterans is as much as six times higher than in the general population according to the American Liver Foundation. Recent testing efforts within the VA indicate that nationally 8–10 percent of veterans are HCV positive and in some urban areas it is double that rate.

Alarming as these numbers are, the situation in the Hispanic community is especially serious. In our community, the infection rate approaches six percent among those in their late forties and early fifties and I am concerned that among Hispanic veterans the rate could be even higher. I am particularly concerned that we are seeing the beginning of what will be a steadily increasing number of Vietnam era veterans who test positive for this disease. Nearly one million Hispanic Americans are veterans of military service, several hundred thousand of whom served during the Vietnam era.

Unfortunately, HCV is a silent killer. The disease progresses slowly without symptoms in a majority of patients for two decades or more. Patients with chronic NCV have significantly lower health-related quality of life than healthy individuals. But let there be no mistake about the serious nature of this disease. Untreated, HCV leads to liver failure, cancer, and death. It is now the leading cause of liver transplantation—a procedure that costs upwards of $250,000 if an organ is even available for the patient.

I would like to have seen more funds directed toward veterans' healthcare and I strongly urge the VA to take all necessary steps to ensure that at the local level, every veteran who needs testing and treatment for HCV is able to get it. I applaud the efforts of veterans service organizations and local community health leaders to inform the at-risk members of our communities about the dangers of HCV. I look forward to working with each of these groups in the effort to halt the spread of this epidemic.

Mr. UDALL of Colorado. Mr. Chairman, I rise to register my deep concern about funding levels in this bill.

Our colleagues have already spoken about how deficiencies in funding for Housing and Urban Development programs would have a devastating impact on families and communities nationwide. Overall, the cuts represent an estimated 156,000 fewer housing units for low-income families in America at a time when worst-case housing needs are at an all-time high. Colorado's HUD funds would be cut by $16.56 million, and my district in Colorado would see cuts in HUD programs of $2.58 million from this year's levels. There are still so many Americans who aren't benefiting from our country's unprecedented national prosperity. As Secretary Cuomo has said, "Now is the time to invest in a brighter future for people and places left behind."

Some of my colleagues are seeking to boost the budgets of housing and veterans programs by taking funds from NASA, NSF, and other worthwhile science programs. I don't think this is the answer.

In fact, there is no point in trying to shift funds around when the real problem is a severely underfunded bill. The right way to fix this bill is to start over. There is simply no fat to cut from this bill, especially where NASA is concerned.

The cuts made to NASA's budget in the fiscal year 2000 VA–HUD Appropriations bill represent the largest cut to the agency since the end of the Apollo program. Not everything was cut—academic programs, for instance, were increased 6 percent over fiscal year 1999 levels. In particular, the budget for the Space Grant program, which works through the Colorado Space Grant Consortium in my district, was increased to FY99 levels, enabling 15 colleges and universities and thousands of K–12 students throughout Colorado to continue to work together on the Citizen Explorer Satellite.

Overall, however, the bill cuts NASA's funding by $1 billion from this year's levels. Space science programs—which fund the planetary missions, space-based observatories and other spacecraft, as well as research grants to universities and other institutions—have been cut $163 million from this year's levels. These cuts endanger current and future NASA projects like Chandra, which recently sent images of exploding stars and black holes back to earth. Chandra's science instruments and the camera that took these photos are housed in a science instrument module built by Ball Aerospace, based in Boulder, CO.

This bill would also cut NASA funding to space and earth science programs at the University of Colorado. Important NASA-funded programs at CU's Laboratory for Atmospheric and Space Physics, the Center for Astrodynamics Research, and the Center for the Study of Earth from Space, among others, would all see deep cuts under this bill.

This bill also cuts funding for the National Science Foundation by $24 million below fiscal year 1999 levels. As the only agency with the responsibility of supporting research and education in all science and engineering disciplines, NSF funds many important programs. NSF funding represents 67 percent of the overall budget of the world-renowned National Center for Atmospheric Research, based in Boulder. At flat funding for fiscal year 2000, NCAR will receive, in real dollars, an approximate 4-percent cut.

Over the last few weeks, I have received hundreds of letters and calls from Coloradans in my district expressing concern, shock, even outrage over the cuts to science programs in the VA–HUD bill.

Many of these calls and letters are from students, researchers, and employees who would see their work directly affected by cuts in NASA's budget. But many of the letters I have received are from citizens who have no direct interest in NASA's programs. To me, their voices are significant because they point to the fact that science and space are concerns to us all. They understand the importance of continuing our investment in science, technology, research, and learning.

NASA tells us that "it is entirely foreseeable that this budget will cut off opportunities for the engineers, technologists, and earth and space scientists of the future, losing a generation of researchers who would have taken space exploration and development of cutting-edge technologies into the next millennium." I think that about sums it up. We're living in a time of prosperity that has been brought on by technological advances, yet we're not willing to fund the very programs that represent the backbone of this growth and that will continue to fuel it.

Mr. Chairman, the answer isn't to rearrange funding within this bill to suit our various priorities. The answer is to go back to the drawing board and come up with a bill that makes sense. As it stands, this bill isn't up to the task, and I cannot support it.

Mr. COSTELLO. Mr. Chairman, I rise today in strong opposition to H.R. 2684, the VA–HUD–independent agencies appropriations for fiscal year 2000.

The Republican leadership's fiscal year VA–HUD appropriation fails miserably to protect our nation's veterans. The Republican leadership should be ashamed to offer a bill which slashes funding for the men and women who fought for our freedom. This Republican-led Congress has flat-lined veterans funding for the last four years. As our veterans continue to age, they face more medical emergencies. Unless funding for veterans' health care is significantly increased, services will be cut and essential health care will be denied. If we pass this bill, the message we send to our veterans is that the sacrifices they made for our country are meaningless. Give our nation's veterans what they deserve.

Mr. Chairman, in these times of economic prosperity, our nation has a responsibility to provide adequate assistance to our most vulnerable citizens. This legislation should also be opposed for the devastating cuts that it makes to programs that protect the interests of senior, persons with disabilities, children and the poor. In my district alone over $4,612,000 dollars will be lost as a result of cuts to HUD. This will result in the elimination of a least 215 jobs as well as 401 housing units for low-income families.

If we are to remain committed to the principles of welfare reform and economic development, we must recognize that massive cuts to transitional housing and the elimination of jobs works directly against these higher goals. If we are to consider ourselves advocates for our nation's children, we must know that a $10 million cut to the Lead Hazard Control Grant program puts children's health directly at risk. If we are to confront the needs of persons with AIDS, we must realize that their successful medical treatment requires stable housing. It has often been said that you can tell a lot about a country by how they treat their most vulnerable citizens. I ask, what does this legislation say about the Unite States:?

In addition, it is a travesty that this bill eliminates funding for the AmeriCorps program. This initiative has been a tremendous success in my district. Lower-income children have been given opportunities to work with mentors that they would not have had without this program. These children have been given a chance to learn from an early age how important a quality education is, and to learn lifelong learning skills that will help them become productive members of our society and afford to go to college.

Lastly, NASA and the National Science Foundation have made great strides over the years, and I am disappointed that important science initiatives have been drastically cut. I am concerned that a cut this large will destroy any chance of us becoming the world leader in space and technology endeavors.

I strongly urge my colleagues to oppose the VA–HUD appropriation bill for fiscal year 2000.

Mr. BLUMENAUER. Mr. Chairman, my colleagues Mr. WALSH and Mr. MOLLOHAN and those on the Appropriations Subcommittee have been given an impossible job given the BBA of 1997.

Had the entire budget process been more honest, we would not have the situation that we are in, today. Had the budget process been more honest, Congress probably could have passed this bill before the August district work period.

Instead we are here pitting the NASA scientists against the veterans, against the children who participate in AmeriCorp against the segment in our society who needs help with affordable housing so they are not on the streets homeless. All of these programs are worthy of our support and all contribute to help make our communities more livable.

Some would say that this process helps us set our priorities, others would say that this just shows who is more politically organized.

In reality it is probably a slight demonstration of both, but since this is a political arena it favors the politically organized. Is it any wonder that the federal government spends 14 times more on space exploration than in oceanic research? NASA's proposed budget is $13.85 billion while the two agencies that do oceanic research NOS and NIPHS' budget combined is only $930 million.

I believe Congress should tone down the political nature of budgeting and be in the business of making communities more livable. A livable community is one that is safe, economically secure and one that plans and helps to meet the needs of those less fortunate.

An undeniable part of a livable community is affordable housing. The federal government is key to helping people who cannot otherwise be housed and to assist families in transition from dependent to self-reliant.

At a time when the American economy is booming and the government for the first time in decades is not operating in the red, it makes no sense to cut money from public housing, when for this segment of our community, affordable housing becomes harder to find. But under the present political budget process, the money has to be cut.

In my district, the Housing Authority of Portland operates 2,800 units of public housing in 32 apartments and over 200 single-family sites.

Who are the people that live in our public housing? They are the poor, the elderly and younger people with various disabilities. They are the people who have families who are working hard to learn skills to work at jobs that pay more than minimum wage.

They are precisely the people we want to help even if they are the people who are not politically organized.

They are not the people who will be helped next year by the over three-quarter trillion dollar tax breaks even though many have a very heavy tax burden because so much of their income goes to payroll taxes and sales taxes.

They are the people who will be hurt this year by this bill, because the bill falls short, because the Congress in 1997 got pulled away from the real priorities of the American people.

The non-capital costs of operating those public housing units in Portland last year was paid for with $5.5 million in tenant rents. Yes, tenant rents. This did not cover the costs of the units, an additional $5.1 million was paid by the federal government to help with the operating costs.

There are U.S. citizens across this country who need this type of support. This type of hand up. Without it, there will be 156,000 fewer housing units for low-income families.

It means our homeless population will probably increase by 16,000 people and people with AIDS won't get the help they need to get off the street. It means 97,000 jobs won't be generated for people coming off welfare.

If this bill passes with the present cuts in HUD of $1.6 billion below last year's level, people in Portland will be faced with a 15 percent reduction in operating subsidy this year.

That means Portland could face a loss of $4,670,000. We could lose 529 low income housing units for families.

Livable communities promote safe neighborhoods, economic security, and where there is a good partnership with private institutions and government at all levels to leave the community and the environment better than they found it.

Let's be honest with the American people. Lets not chop away at it each year leaving our elderly, disabled and young struggling families to fend for themselves. Let's not pit our veterans against our seniors or scientists.

An honest budget process will make our jobs easier. Housing shouldn't be a political issue. I think most folks agree that there will always be some people in our society that we will always have to help, and we know we should. For many others help now means the American Dream is achievable tomorrow. All segments of our community deserve our attention and help. This process needs to be changed to promote not just an honest discussion but a more fair and equitable budget.

Mr. KUYKENDALL. Mr. Chairman, I rise today in strong support of our country's space program. NASA's contributions to the science community are immeasurable, yet its funding is being cut nearly $1 billion for FY 2000.

I am troubled by this cut in NASA's funding. For decades, the United States has been the preeminent leader in space exploration. We were the first to put a man on the moon; we have had a successful space shuttle program; we possess superb satellite technology; and we are about to lead the world in building an international space station. How can the United States continue to be the world leader in space without the proper funding?

The United States has made great strides in scientific research and development as a direct result from NASA programs. We have learned a great deal from our space endeavors, but there is still so much to be discovered.

Our space program has enabled us to view spectacular cosmic events at the far reaches of the universe. We have been able to witness the birth of stars, observe black holes, and map distant galaxies. The United States has also been able to make great strides in medical research through experiments conducted in space. Future experiments that NASA conducts in space might yield information leading to a cure for cancer or heart disease. The possibilities are endless, as long as NASA is fully funded.

NASA has also made important contributions to the United States armed forces with state-of-the-art technology allowing the U.S. to maintain military superiority over the world.

It is regrettable to see NASA's funding scaled back so drastically. The research that NASA conducts is invaluable to both earth and space sciences and its benefits are far reaching. It is imperative that NASA receives the necessary funding to continue making progress in scientific research and development, space exploration, and universal observation.

Mr..CLEMENT. Mr. Chairman, I rise today in strong opposition to this VA–HUD appropriations bill.

Mr. Chairman, veterans hospital facilities around the country are faced with mounting budget shortfalls. Hospitals are being consolidated around the country, including Tennessee, due to a lack of sufficient funds. An insufficient budget means the same inadequate funding for health care, more reductions in full-time employees, and new initiatives without new funding to pay for them. Veterans are growing older and sicker each year. We are approaching a medical emergency. Unless the veteran health care system receives the kinds of increases in funding it needs, critical services will be cut, health care denied, facilities closed and dedicated employees out of work.

Mr. Chairman, quite simply, this pattern has to end. This situation is outrageous. Our veterans have served their country in the noblest of manners. It is now our obligation and duty to take care of them. And in order to do this, we simply need sufficient funding.

I spoke on this floor five months ago about the dire situation our veterans are facing. Despite my best efforts in both the Budget Committee and on this floor, our veterans were left without the increases in funding they so desperately need. In the meantime, this House has found the time to pass a fiscally irresponsible $792 billion tax cut that disproportionately benefits the wealthiest members of our society. This ridiculous tax cut depletes the resources available to our veterans who have already given so much to their country. This is quite simply about priorities: does this House want to improve health care for our nation's veterans or do we want to provide disproportionate tax cuts to the wealthy?

Although H.R. 2684 increases veterans funding, it only goes part way. A broad coalition of veterans groups have called for larger increases, particularly for veterans' health care. An amendment offered by Mr. EDWARDS and ruled out of order by the Rules Committee would have restored some of this critically needed funding. I strongly believe that serving our veterans, who have already made sacrifices to serve our country, should be a top priority in this House. It deeply saddens me that it appears others in this body put a higher priority on giving the wealthiest of our country a break on their capital gains taxes.

It is my hope that my colleagues on both sides of the aisle will join me in opposing this bill. Regardless of which side of the aisle you are on, it is simply wrong to deny our veterans the funding they so desperately need. I hope that we can all agree on the need to provide increased funding for our veterans. I urge my colleagues to vote against this bill and support efforts to increase veterans funding.

Mr. DINGELL. Mr. Chairman, what are our priorities if we cannot repay those to whom we owe so greatly?

Earlier this summer, against the wishes of the American people, the majority party in this House passed a trillion-dollar tax bill. It helped the rich, big business, and an array of special interests. It promised economic prosperity and a balanced budget. It promised to return budget surpluses that exist only on paper.

I voted against the tax plan for a number of reasons. It was and is my belief that before Congress passes massive tax cuts that benefit the vast majority of Americans in a very minor way, that we first save Social Security, Medicare, and other invaluable programs. We also pay down our national debt. Those should be our priorities and primary duties.

There is one additional duty we should have performed before we passed a massive tax cut. It is a duty to which we are honor bound. That duty, Mr. Chairman, is to provide quality health care to the 26 million living Americans who, at times of great peril to the Nation, risked their lives selflessly for out country. We must provide our veterans with the benefits they were promised and deserve.

Mr. Chairman, we must decide what kind of medical care delivery system best suits our nation's veterans. We must either provided the necessary funds—all of them—to provide quality health care services under our current system, or we must make a radical change to a new system that guarantees that our veterans have access to quality health care. I am willing to support either option so long as our veterans find it acceptable and receive deserved high-quality health care.

What I cannot support maintaining the unsatisfactory status quo or something worse. As a veteran and a Member proud to serve our veterans, I will not support perpetuating a mediocre veterans' health care system. That, Mr. Chairman, is precisely what this bill does. Once again, the President requested a funding level incapable of providing quality service. Once again, the Republican Congress has produced a budget and an appropriations bill that fails to meet the VA's and our veterans' needs.

Mr. Chairman, I listen again and again to veterans in Michigan's 16th District complain about the poor service at VA clinics, excessive waiting lines at hospitals, crumbling facilities, insufficient numbers of qualified medical personnel, and an inability to provide prosthetics, wheelchairs, oxygen tanks, hearing aids, eyeglasses, and other needs. The VA' ability to provide long-term care is still not solved. Funding requests filed a decade or more ago, like in Allen Park, Michigan, go unfulfilled. The VA will again be asked to further streamline bureaucracy, improve efficiency, and get a bigger bang for the buck. But inadequate funds will be made available.

Mr. Chairman, you know who loses if we pass this bill today and maintain the status quo. It is the veterans and the country they served.

Veterans, veterans' service organizations, and Members of Congress from both parties have continually insisted that if the VA is to maintain its current level of medical services, an additional $3.2 billion would be needed in FY 2000. The bill before us provides less than half that needed amount. It puts a shin plaster on a cancer. At a time when our veterans' long-term care needs are greatest, it slashes funding to state extended care facilities, the one type of long-term care venture that has been of moderate success. It also fails to provide any funding for tobacco-related illnesses.

I also would like to note my displeasure at the party-line decision made by the Rules Committee. The action of the Rules Committee and the rule itself are a great disservice to our veterans. They prevent the House from having an honest debate on the Edwards-Evans-Stabenow amendment, which would have provided an additional $730 million veterans' medical care. To offset the cost of this meaningful piece of legislation, the Edwards amendment would have delayed the implementation of the proposed Republican cut in the capital tax by one year.

Mr. Chairman, I cannot support this bill, and I am ashamed that again this year Congress will fail in its task of providing quality medical care to our veterans. We all owe our veterans a debt of gratitude. It is time to pay our debt.

Mr. HOBSON. Mr. Chairman, I rise today in support of the fiscal year 2000 VA, HUD, and independent agencies appropriations bill. This bill before us is a good bill which takes care of our nation's veterans, addresses critical housing needs, protects the environment, and invests in science and technology research. At the same time, this bill demonstrates to the American people that Congress has kept its commitment to balance the federal budget. Many tough decisions were made to ensure that the government lives within its means and Congress keeps its promise to the American people.

However, Mr. Chairman, despite these tough decisions, we have provided our veterans with a $1.7 billion increase. This means veterans will receive the medical care they deserve through medical centers and facilities like community based outpatient clinics. Countless veterans in my district have spoken to me about how much they appreciate having a clinic in their community rather than having to drive two or more hours for outpatient care. I'm proud to say that Congress, not the President, is making sure more community clinics are opened for veterans across the country.

Mr. Chairman, this bill also meets the crucial housing needs of low income, senior, and disabled populations. Section 8 and section 202 programs have been fully funded. Additionally, this bill protects the environment by increasing money for state and local environmental programs. This money will not stay in Washington but will be distributed to important state revolving funds for the protection of our natural resources.

Also, I want to express my support for critical funding of research and technology programs. NASA is paving the way for aeronautics and space technology into the next century. Congress must continue to support this research in a fiscally responsible manner.

Finally, I would like to commend Chairman WALSH and Ranking Member MOLLOHAN for their leadership. They have done a fine job producing a responsible and fair bill and I urge my colleagues to support it.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H.R. 2684, the Veterans (VA), Housing and Urban Development (HUD) and Independent Agencies appropriations bill for fiscal year 2000. First, this Member would like to thank the distinguished Chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee (Mr. WALSH), the distinguished Ranking Minority Member (Mr. MOLLOHAN) and all members of the subcommittee for the important but difficult work they did under the tight budget caps imposed in 1997.

Once again, this subcommittee undoubtedly has struggled to complete the tough task of allocating limited resources among many deserving programs. As a member of the House Banking Committee, the committee with jurisdiction over Federal housing programs, this Member is very interested in how funds are appropriated in this area. Although there are numerous deserving programs included in this funding bill, this Member would like to emphasize five points.

First, this Member, in particular, would like to comment favorably upon the treatment of some housing programs. Section 8, section 184, section 202, and section 811 programs probably were funded as adequately as we can under the budgetary restraints. In particular, this Member commends the $6 million appropriation for the section 184 program, the American Indian Housing Loan Guarantee Program, which he authored. This seems to be a program with excellent potential which, this Member notes without appropriate modesty in recognizing the support received from many colleagues, is for the first time providing private mortgage fund resources for Indians on reservations through a Federal Government guarantee program for those Indian families who have in the past been otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

Second, this Member applauds the subcommittee for reducing the duplicative efforts of the Federal Government in rural housing and economic development. After a funding level of $32 million in fiscal year 1999 for rural housing and economic development efforts in HUD, the subcommittee appropriated no money in fiscal year 2000 for HUD's rural housing efforts. However, unfortunately, a set-aside of $10 million is still allocated from CDBG for rural housing and economic development.

As a long-term advocate of rural housing during my tenure in the House, this Member nevertheless believes that we need to be careful of duplication and waste of financial resources in the efforts of the Federal Government's programs for rural housing and economic development. The United States Department of Agriculture, through their Rural Development offices, has housing and development staff located throughout each state. We do not need to hire new HUD "community builders" to duplicate their work as suggested by the administration.

Third, however, this Member would like to emphasize his concerns about the Community Development Block Grant (CDBG) provisions in this Act. The CDBG Program is proposed to be cut from a funding level of $4.750 billion in fiscal year 1999 to $4.5 billion for fiscal year 2000, a reduction of $250 million. This Member would like to certainly support the restoration of funds for CDBG to the fiscal year 1999 level in the conference committee. The CDBG program not only is valuable to the larger entitlement cities, it gives assistance to those communities under 50,000 through state administering agencies. It is a government program with minimal overhead and bureaucracy.

Moreover, the CDBG program has provided invaluable dollars to cities and rural communities for such things as affordable housing, public infrastructure, and economic development. Specifically in Nebraska, CDBG dollars have recently been used in rural counties to meet their recent hurry-up demand for the development of important comprehensive plans and zoning ordinances as a result of concerns over the placement of mega-sized hog production factories.

With regard to CDBG, this Member is pleased to commend the subcommittee on reducing the overall set-asides by $266.5 million as compared to last year. This Member has testified at the subcommittee level that the expenditure of the maximum amount of CDBG funds should be left to the allocation of the state and eligible entitlement governments as compared to selected set-aside programs.

Fourth, this Member would also express his opposition to the elimination of the funding for the AmeriCorps Program, as contemplated by this appropriations bill. The funding for the AmeriCorps Program should be restored in the conference committee.

Lastly, this Member is aware of HUD's concerns with the reduced level of this subcommittee's appropriation. However, it is important to note that overall Congress is providing more than $26 billion for housing and community development across the country, an increase of $2 billion from the fiscal year 1999 mark. Moreover, 18 new HUD program initiatives deserve a thorough review by the authorizing committees before they are launched. According to the General Accounting Office, HUD has requested more than $700 million for these ambiguously defined, and in some cases-questionable, new initiatives. This Member definitely believes we place an emphasis on funding proven current programs instead of understanding a wide variety of new initiatives, many of which lend themselves to the use of discretion for political rewards.

Because of the necessity to fund important housing and community development programs and despite the reservations expressed, this Member would encourage his colleagues to support H.R. 2684, the VA, HUD, and independent agencies appropriations bill.

Mr. CRAMER. Mr. Chairman, I want to thank the chairman, the ranking member, and their staffs for all the hard work that they put into crafting this bill under what were very difficult circumstances. As a new member of the subcommittee, I appreciated the collegial and bipartisan manner in which the chairman managed the committee.

However, I think we all recognize that the initial allocations given to our subcommittee were wholly unrealistic. Because of this unreasonable allocation, the subcommittee has had to make deep cuts in several programs that if signed into law, would prove devastating. In particular, the bill we are debating today cuts NASA funding by $1 billion, thereby endangering our nation's research and technological edge. It cuts vital HUD programs by $1.6 billion below last year's levels. In addition, the bill does not include any of the administration's request for new housing and economic development assistance such as APIC (America's Private Investment Companies) that could substantially improve the quality of life in many of our communities.

For these and other reasons, Mr. Chairman, I must reluctantly oppose final passage of this bill.

Mr. Chairman, I appreciate the efforts by the subcommittee to address some of these funding shortfalls by raising our initial allocation during the full committee markup of the bill. I am especially pleased that the full committee increased funding to NASA by $400 million. However, much more needs to be done. While the increase of $400 million to NASA is an improvement to the previous $1.4 billion cut, the total funding for NASA remains intolerably low. In addition, given the fact that this increase comes at the expense of the AmeriCorps program, it is a certainty that the President will veto the bill.

Mr. Chairman, it's sad that little more than one month after the 30th Anniversary of the Apollo 11 Moon landing, we are debating such massive cuts to NASA.

Neil Armstrong's first step may have been one giant leap for mankind, but the step that we are about to take would be one giant leap backwards for America. NASA technology has been an engine for economic growth in America—creating jobs, building entirely new industries, and improving our standard of living.

This Nation's previous investment in NASA yielded a research and technology capability without peer.

NASA's research helps solve society's most difficult problems. Through the ground-breaking research of our NASA scientists, we have improved the health of an aging public, helped our military ensure our national security, and protected our environment without damaging our industries.

Mr. Chairman, let's talk about the harmful effects of the bill as it relates to NASAO Dan Goldin, the NASA Administrator, says these reductions will decimate key elements of the Nation's space program.

Mr. Goldin said that these cuts would force the closure of one of three NASA Centers, resulting in significant layoffs. These cuts will be felt by the families of the men and women who will lose their jobs as a result of this bill.

This kind of budget might even reduce the flight safety of future shuttle missions, and the loss of morale will cause NASA to lose some of its most talented people.

Mr. Chairman, NASA has come too far and worked too hard for us to allow this to happen. Since 1994, NASA has made more budgetary sacrifices than almost any other Federal agency. At the same time, NASA has increased its productivity and efficiency; delivering on Dan Goldin's promise of "faster, stronger, cheaper." These proposed cuts are not the way that Congress should reward the success of the American patriots at NASA who work everyday in the Nation's interest. America looks to us to build on the progress that has been made, not to destroy the very foundation upon which it rests. NASA is an American treasure—unique in the history of the world—and we must fight to sustain it for our future.

In a period of unprecedented prosperity, we should be looking for ways to deepen our investments in scientific research, bringing new and substantial economic development to many of our nation's struggling communities, as well as providing adequate resources for our nation's veterans who have so patriotically served our country. Instead, this bill moves our nation in exactly the wrong direction by making deep cuts in many vital programs.

Therefore, Mr. Chairman, I regrettably must oppose the bill that is before us today and urge my colleagues to do the same. I look forward to working with the chairman and the ranking member to improve this bill as this process moves forward.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 275, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. In its present form, Mr. Speaker, I certainly am.

☐ 1815

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 2684 to the Committee on Appropriations with instructions to report the bill back to the House promptly in a form that ensures compliance with the section 302(b) allocation using Congressional Budget Office scorekeeping conventions to avoid sequestration of billions of dollars in discretionary spending in vital federal programs including the national defense, the National Institutes of Health, veterans medical care, and education and environmental programs, among many others.

Mr. OBEY. Mr. Speaker, this bill pretends to spend $19 billion on veterans health care, $3.6 billion on National Science Foundation, $17.4 billion on housing, and $7.3 billion on environmental protection. But to make this bill eligible for consideration on the House floor it contains a phony $3 billion cut in the Tennessee Valley Authority that the congressional Budget Office and OMB both agree saves not one dime.

That means that, in the end, unless $3 billion in real savings are found, the law requires every item in this and every other appropriation bill to be sequestered; or, in plain language, to be cut by $3 billion. That would mean defense would be cut by $1.5 billion, veterans would be cut below the amount in the bill, and science would be cut further below the amount in the bill.

This motion simply tells the committee to find a real $3 billion offset rather than the phony TVA offset which is now contained in the bill. Unless the committee produces a real offset, we will cause real reductions in veterans health care, in health and education programs in the budget, in environment, in defense, in science and virtually every other function of the government.

Mr. Speaker, so far this year we have seen several bills which use CBO scoring, then we see one other bill which simply uses what is called directed scoring. In other words they order the scorekeeper to tell us how much money the bill will be estimated to spend, which hides almost $10 billion. And we see other bills that pretend they meet the budget requirements by labeling items as emergency expenditures. This one is the most dangerous of them all because it actually will produce sequestration, or cuts in other programs, including the programs in this bill, of almost $3 billion.

The way to avoid those unnecessary actions is to support this recommittal motion.

The SPEAKER pro tempore. Is the gentleman from New York (Mr. WALSH) opposed to the motion?

Mr. WALSH. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, I will be brief. The Committee on the Budget has supported our 302(b) allocation and the provisions in the bill which kept us within that allocation. We do not believe, nor is there anything that would lead us to think, that there will be any sequestration of funds.

Mr. Speaker, this is a good bill. There is no good reason to recommit it to the committee. The committee has worked its will. The House is prepared to vote. This bill contains the largest-ever increase in veterans medical care. It has the support of the American Legion, the Veterans of Foreign Wars and the Military Order of the Purple Heart.

Mr. Speaker, this bill strikes a delicate balance that keeps us within our allocation and it keeps us on track to produce a surplus that will benefit our country, helping us to save Social Security and Medicare, to reduce our debt, and to provide all American taxpayers with a well-deserved tax cut.

The SPEAKER pro tempore. Without objection the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 215, not voting 12, as follows:

[Roll No. 402]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall

LaHood
Largent
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—12

Cooksey
Crowley
Houghton
Latham
Linder
Pryce (OH)
Rangel
Rogan
Sununu
Towns
Weldon (PA)
Young (AK)

□ 1838

Mr. KINGSTON and Mr. COX changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 12, as follows:

[Roll No. 403]

YEAS—235

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—187

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moore
Morella
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Sherman
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—12

Cooksey
Crowley
Houghton
Latham
Miller, George
Pryce (OH)
Rangel
Rogan
Sununu
Towns
Weldon (PA)
Young (AK)

□ 1855

Mr. MCINNIS and Mr. SHADEGG changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PORTUGUESE ASSEMBLY PASSES RESOLUTION DEALING WITH RECENT EVENTS IN EAST TIMOR

(Mr. POMBO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include therein extraneous material.)

Mr. POMBO. Mr. Speaker, I rise today to introduce into the RECORD a resolution that was recently introduced and passed unanimously by the Portuguese assembly dealing with the recent events in East Timor, and I would like to briefly state one part of that resolution.

It is impossible for the international community and particularly for the U.N. to allow the steadily worsening situation to continue for one more day without jeopardizing their own credibility.

Mr. Speaker, I think we have all heard about what is going on in East Timor right now, and it is time for the U.S. Congress for the United States to act.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from California (Mr. POMBO) for yielding.

He and I were privileged to meet today with an all-party parliamentary delegation from Portugal. The people of Portugal ought to be commended for taking such a strong moral lead in trying to prevent the continued mass slaughter of innocent people in East Timor, and I wish our Government and other governments would follow that strong moral lead. So I am delighted to join with the gentleman in introducing this unanimous strong resolution, and I hope that this is something that is going to lead the way for our own Government and other governments.

One point ought to be clear. People say we cannot intervene in another country's affairs, but the world has never recognized Indonesia's grab of East Timor. We have more legal right internationally to intervene in East Timor than ever existed in Kosovo, because the nations of the world, the United Nations and others, never recognized Indonesia's grab of East Timor. So it is time for the world resolutely to act, and I appreciate the initiative of the gentleman from California (Mr. POMBO), and I am glad to join with him in introducing this very well-done resolution.

RESOLUTION OF THE ASSEMBLEIA DA REPÚBLICA ON THE SITUATION IN EAST TIMOR

Whereas the people of East Timor accepted in good faith the tripartite (UN, Portugal, and Indonesia) project of consultation of the people of the territory via a referendum ensuring self-determination of the territory's future;

The voting process was carried out with remarkable civility and represented a rate of participation of approximately 100 percent of the registered voters;

Approximately 80 percent of the voters expressed their clear and unequivocal desire for independence; the voters' freedom and the honesty of the voting process were recognized by the Secretary-General of the UN and by the President of Indonesia;

The Indonesian authorities demanded that maintenance of order during the following the referendum would be solely their responsibility;

The Indonesian authorities, having at their disposal significant military and police forces both inside and outside the territory, were capable of ensuring maintenance of order if they had the political will to do so;

Indonesia, to the surprise and indignation of the international community, provided arms to civilian militias which, following the referendum, launched an operation of terror and death in East Timor; and sent to the territory additional military and police elements which not only did nothing to stop the atrocities but also abetted and took part in them;

With the passing of time the situation has deteriorated dramatically, as evidenced by the attacks on and destruction of both the home of the Bishop of Dili who had departed the territory in fear for his life and the compounds of the International Red Cross and the UN itself;

The Indonesian military and police forces are deliberately creating an information gap by expelling journalists and television news personnel with the clear objective of returning to domination of the territory and enabling themselves to launch a second genocide which is indeed already underway;

It is solely the opposition of the Indonesian authorities to entry into East Timor of a multinational peacekeeping force for maintaining order and respect for human rights—a force ready to go in immediately—that has allowed the chaos raging in the territory to continue;

It is impossible for the international community, and particularly for the UN, to allow this steadily worsening situation to continue for one more day without jeopardizing their own credibility and their capacity to prevent the massacre of a heroic and defenseless people being cruelly punished for the simple fact of having exercised their right to self-determination and their desire for independence; and

It is clearly evident that the Indonesian authorities are unable or unwilling to guarantee peace and order in East Timor by the means available to them, and that, on the contrary, their military and civilian forces are sowing the seeds of terror and conflict;

The Comissão Permanente of the Assembleia da República, at their meeting of September 7, 1999, after having heard the Primeiro Ministro and the Ministro dos Negócios Estrangeiros, has unanimously approved the following

RESOLUTION

In concert with the Presidente da República and the Government, the Assembleia da República is resolved.

1. To intensify political and diplomatic efforts toward making the international community, and in particular the UN and its Security Council, aware of the necessity for the immediate organization, under the aegis of the Secretary-General of the UN, of a multinational peacekeeping force whose purpose will be to put an end to the atrocities occurring in East Timor, to guarantee the peace, and to uphold the rights of the Timorese with respect to their freely-expressed wishes; and toward effecting the immediate dispatch of such a force to East Timor, with the consent of the Indonesian Government to the extent possible;

2. To approve any future decision of the Portuguese Government to authorize inclusion of a Portuguese military contingent in the aforementioned peacekeeping force;

3. To send immediately to the United States a delegation from the Assembleia da República, to include a representative of each party holding seats in the Assembleia, for the purpose of making the President of the UN Security Council, the US Congress, and world public opinion, aware of the clearly inevitable and urgent requirement for organization and deployment of the aforementioned peacekeeping force;

4. To appeal to the conscience of the world that a second genocide of the heroic and martyred people of East Timor be resisted by every means possible, since with their death all confidence in the liberating force of human rights and in the international bodies entrusted with safeguarding security and peace in the world would die also;

5. To condemn in the strongest terms possible the behavior of Indonesian Government, which has refused to fully comply with the New York Accord to which it has subscribed, and which in recent days, in a totally unacceptable manner, has neglected its responsibility to guarantee the security of the Timorese and respect for their will as legitimately expressed in the referendum of August 30;

6. To appeal forcefully to the Secretary-General and the Security Council of the UN, to the Indonesian authorities, and to those elements of Indonesian society who sincerely support aspirations for democracy and peace, reminding them that this critical moment for East Timor represents for them the essence of their historic responsibilities;

7. To applaud the release of Xanana Gusmão, historic leader of the people of East Timor, whose voice, finally free, will undoubtedly strengthen both the efforts underway to ensure peace in the territory and the independence of its people, and his own commitment to reconciliation.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 2587, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that it be in order to consider the conference report on bill, H.R. 2587, that all points of order against the conference report and against its consideration be waived, and that H. Res. 282 be laid upon the table.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2587, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON H.R. 2587, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK. Mr. Speaker, I call up the conference report on the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

□ 1900

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 5, 1999 at page H7384.)

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume, and all time I may yield, of course, will be for the purpose of debate only.

Mr. Speaker, I am pleased to present this conference agreement on H.R. 2587, the conference report on the appropriations for the District of Columbia.

In summary, Mr. Speaker, the conference agreement endorses the budget and tax cuts which were approved previously by the mayor and council of the District of Columbia. This helps the District's efforts to reorganize, to cut their costs, to reduce their overhead, to reduce the size of the peril of the District of Columbia government.

In conference we retained the initiatives that were in the House bill such as major Federal funding for the largest ever crackdown on the link between crimes and drugs in the District of Columbia, going after, with drug testing and treatment, the 30,000 people in D.C. that are on probation or parole and that are a major source of further offenses. This is to make D.C. streets and neighborhoods far safer.

The conference agreement includes incentives to move children from foster care to adoption in safe, loving, and permanent homes.

It includes Federal funding for pediatric health initiatives for high-risk children in medically underserved parts of the District.

This retains the new program of $17 million to assist students in the District of Columbia to go to college because they do not have a system of State institutions of higher education. This is to provide tuition assistance to kids in D.C. to be able to go to college.

It has language in the House bill strengthening the popular charter school movement in the conference report also.

The conference agreement has the Federal funding to clean up pollution in the Anacostia River and to complete design work and requirements to alleviate the traffic, stress and congestion with the 14th Street Bridge across the Potomac River between D.C. and northern Virginia.

In total, Mr. Speaker, the conference agreement totals $429 million in Federal funds. That is 24 million below the House bill, 18 million above the Senate bill, $255 million less than last year's appropriation because of nonrecurring items that are not in this year's bill.

In District funds, the conference agreement provides 6.8 billion of which 5.4 billion is operating funds; 1.4 is capital outlay.

We also have language requested regarding payment of back attorney fees for indigent attorneys or attorneys representing indigents, we ratify the bold effort made by the City Council and the mayor in reducing taxes, and, Mr. Speaker, we have been careful, of course, regarding what some people refer to as social riders.

There is nothing new, there is nothing new beyond what the House, the Senate and the President of the United States agreed upon last year.

Now, Mr. Speaker, I have appreciated the opportunity to work in a bipartisan basis. This bill passed the House before with 333 votes, a very bipartisan showing with a large number of Democrats as well as Republicans. However, Mr. Speaker, I am told that many of my colleagues on the other side of the aisle even though this is for all intents and purposes the same bill, the same piece of legislation, I am told that many of my Democratic colleagues sadly intend to oppose the bill, not because of something new, not because of something different, not because of something beyond what the President and the House and the Senate have previously agreed to regarding the District. Unfortunately it appears to be over a drug-related issue, that there is an effort by many activists and extremists to push an agenda to permit the legalization of marijuana in the District of Columbia.

Mr. Speaker, a vote was held many months ago on an initiative referendum to establish such a law in D.C. Congress, the President, and the Senate and the House have acted before to make sure that D.C. does not enact drug laws that contravene the laws of the United States of America. However under the guise of saying that D.C. should have local control or home rule, unfortunately many of my colleagues are saying that this bill should be opposed because it does not permit the District of Columbia to legalize a drug that is illegal under federal law such as marijuana.

It is sad, it is extremely sad to see an extremist position being taken by people to oppose this bill that does so much to help bring the District of Columbia back from the sad shape in which we saw it in recent years.

Mr. Speaker, I find it unfortunate, and I hope that I am mistaken and that people will not oppose this bill because it requires the District of Columbia to stay in tune with the laws of the United States of America regarding drugs. Also, Mr. Speaker, I think it is necessary to remind people article 1, section 8 of the Constitution of the United States of America says that legislative authority regarding the District of Columbia resides in the Congress of the United States. Some things are delegated to city government, but this Congress retains responsibility for the legislation within the District of Columbia.

So, Mr. Speaker, when it comes to so-called social riders, there is in the bill a continued prohibition on having taxpayers' money used to finance a lawsuit whereby the District is asking to have a vote in the Congress of the United States in the House and in the Senate. It is the identical language that was signed into law by the President last year, and, in fact, frankly there is no need for public financing of such a lawsuit because it is already being fully financed privately and handled on behalf of the District by one of the leading law firms in the country.

There is also people that say, oh, they are upset because the bill continues what the House and the Senate and the President agreed upon a year ago, to say that drug addicts will not be given free needles with taxpayers' money. There is already a private program that does that, Mr. Speaker. There is no need for taxpayers' money. I would hate to think that anyone would take an extremist position of opposing a bill that has anti-drug efforts, pro-education efforts, pro-law and order efforts, tax cuts and the budget that the District adopted, that they want to oppose all these things just because they want to use taxpayers' money for drug addicts to get free needles.

Mr. Speaker, this is a responsible piece of legislation. We have worked closely with Members across the aisle, with the mayor, with the City Council. I very much appreciate the efforts of the members of the committee and subcommittee and staff on this, and I present this conference report to the House as something totally consistent with what had broad support, bipartisan support in the House just a few short weeks ago, and I would certainly hope that nobody will use some excuse to try to promote an extremist agenda in opposing this bill.

I hope I am mistaken, but I fear that it will occur. I ask people to support this conference report.

Mr. Speaker, I am pleased to present to the House today the conference agreement on H.R. 2587, the District of Columbia Appropriations Act for fiscal year 2000. The conferees met in early August and resolved the matters in disagreement between the House and Senate bills and filed the conference report on August 5th, a little more than a month ago.

In summary, Mr. Speaker, the conference agreement endorses the budget and tax cuts approved by the District's mayor and council and helps the District's efforts to reorganize, cut costs and reduce overhead. We were able to retain in conference the initiatives that were in the House bill, such as Federal funding for the largest-ever effort to crack down on the link between drugs and crime, so that DC's streets and neighborhoods will be far safer. The conference agreement includes incentives to move children from foster care to adoption in a safe, loving, and permanent home, and $2.5 million in Federal funds to complete a community pediatric health initiative for high risk children in medically underserved areas of the District. We also retained the $17 million in Federal funds for tuition assistance to compensate for the difference between in-state and out-of-state tuition so that DC high school graduates will have the same opportunities that exist for students in the 50 States who attend State-supported institutions of higher education. In addition, language in the House bill strengthening the popular charter school movement in the District has been retained. The conference agreement also includes Federal funding to clean up pollution in the Anacostia River and to complete all design and other requirements for the construction of expanded lane capacity for the 14th Street Bridge across the Potomac River.

The conference agreement totals $429 million in Federal funds, which is $24 million below the House bill, $18 million above the Senate bill, and $255 million below last year's bill. The reduction of $255 million below last year's bill is due to several non-recurring items funded last year. The total conference amount of $429 million is $24 million below our 302(b) allocations in budget authority and outlays. In District funds, the conference agreement provides $6.8 billion of which $5.4 billion is in operating funds and $1.4 billion is for capital outlays. The $5.4 billion for operating expenses is $7 million below the House level, $29 million above the Senate bill, and $284 million above last year; however, included in this $284 million increase is a "rainy day" reserve fund of $150 million.

The conferees have included language under Defender Services that will allow the use of $1.2 million to pay attorneys for their services to indigents in FY 1999. The DC Courts underestimated the amount required and as a result the attorneys will no longer be paid for their FY 1999 services after tomorrow and there is some question as to the appointment of counsel for the remainder of fiscal 1999. This language will allow the appointments and payments to continue without disruption.

Title II of the conference agreement commends the District for reducing taxes and ratifies the city's action in that regard. One of the initiatives taken by local officials in agreeing to a consensus budget for fiscal year 2000 is to reduce income and property taxes by $300 million over the next 5 years, including $59 million in fiscal 2000.

I will include a table showing the amounts recommended in the conference agreement compared with last year's enacted amount, the budget request, and the House and Senate recommendations. I will also include the fiscal year 2000 Financial Plan which is the starting point for the Independent auditor's comparison with actual year-end results as required by section 143 of this bill.

Mr. Speaker, regarding social riders, the conference agreement includes language from the House bill that prohibits the use of both local and Federal funds for abortions except to save the life of the mothers or in cases of rape or incest. Another provision prohibits the use of both local and Federal funds to implement the District's "domestic partners act". The conference agreement also includes language prohibiting the use of Federal funds for any needle exchange program or to legalize or reduce penalties associated with the possession, use, or distribution of marijuana and other controlled substances. The provision adopted by the House requiring the registration of sex offenders in the District of Columbia is also included in the conference agreement. This language was requested by the City Council after the budget was submitted.

Mr. Speaker, I want to emphasize that the bipartisan bill that passed the House six weeks ago with 333 votes—the largest support in 10 years for a DC appropriations bill—included the exact same riders that are in this conference agreement. We need to make it very clear that each of these riders was included in last year's bill—a bill the President signed. There is nothing new in any of the provisions with the exception of the marijuana language which will allow the counting of the initiative ballots. Language in last year's bill did not allow that.

There are not any new social riders to this bill—only those that had previously been approved by the Congress and signed into law by the President. And that's exactly what I have done.

Now during the House debate on this bill, I told the Delegate from the District of Columbia that I would work in the conference to soften the restriction on the use of funds for the voting rights suit. I did that. But I am only one member and I was unable to convince my colleague on the subcommittee, let alone the Senate, to change the language. My point is I did what I said I would do.

Mr. Speaker, I believe we should move ahead and adopt this conference report so that the District government can get about its business of governing and improving the delivery of services to its residents and visitors.

In closing, I want to thank all of our Members for their hard work and their contributions to this bill. The gentleman from Virginia, Mr. MORAN, is the ranking Member and we work very well together. I especially want to thank our full Committee chairman, the gentleman from Florida, Mr. YOUNG, for his support and for his sage advice and counsel. The staff has also done an outstanding job: John Albaugh, Steve Monteiro and Micah Swafford of my staff; and from the Committee staff, Migo Miconi, Mike Fischetti and Mary Porter. They really do a great job. Mary Porter has been doing this for 37 years—hard to imagine. I also want to thank the minority staff—Tom Forhan and Tim Aiken.

This is a good, responsible conference report and I urge its adoption.

H.R. 2587 - DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
FEDERAL FUNDS						
District of Columbia Resident Tuition Support			17,000	17,000	17,000	+17,000
Incentives for Adoption of Foster Children			8,500		5,000	+5,000
Citizens Complaint Review Board			1,200		500	+500
Federal Payment for Human Services			250		250	+250
Metrorail improvements and expansion	25,000					-25,000
Federal payment for management reform	25,000					-25,000
Federal payment for Boys Town U.S.A	7,100					-7,100
Nation's Capital Infrastructure Fund	18,778					-18,778
Environmental Study and Related Activities at Lorton Correctional Complex	7,000					-7,000
Federal payment to the District of Columbia corrections trustee operations	184,800	176,000	183,000	176,000	176,000	-8,800
Federal payment to the District of Columbia Courts	128,000	137,440	100,714	136,440	99,714	-28,286
Defender Services in D.C. Courts			33,336		33,336	+33,336
Federal payment to the Court Services and Offender Supervision Agency of the District of Columbia	59,400	80,300	105,500	80,300	93,800	+34,400
Federal payment for Metropolitan Police Department	1,200			1,000	1,000	-200
Federal payment for Fire Department	3,240					-3,240
Federal payment for Georgetown Waterfront	1,000					-1,000
Federal payment to Historical Society for City Museum	2,000					-2,000
Federal payment for a National Museum of American Music and Downtown Revitalization	700					-700
United States Park Police	8,500					-8,500
Federal payment for waterfront improvements	3,000					-3,000
Federal payment for mentoring services	200					-200
Federal payment for hotline services	50					-50
Federal payment for public charter schools	15,622					-15,622
Medicare Coordinated Care Demonstration Project	3,000					-3,000
Federal payment for Children's National Medical Center	1,000		3,500		2,500	+1,500
National Revitalization Financing:						
Economic Development	25,000					-25,000
Special Education	30,000					-30,000
Year 2000 Information Technology	20,000					-20,000
Infrastructure and Economic Development	50,000					-50,000
Y2K conversion emergency funding (courts)	2,249					-2,249
Y2K conversion (emergency funding)	61,800					-61,800
Total, Federal funds to the District of Columbia	683,639	393,740	453,000	410,740	429,100	-254,539
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(164,144)	(174,667)	(162,356)	(162,356)	(167,356)	(+3,212)
Economic development and regulation	(159,039)	(190,335)	(190,335)	(190,335)	(190,335)	(+31,296)
Public safety and justice	(755,786)	(778,670)	(785,670)	(778,470)	(778,770)	(+22,984)
Public education system	(788,956)	(850,411)	(867,411)	(867,411)	(867,411)	(+78,455)
Human support services	(1,514,751)	(1,525,996)	(1,526,361)	(1,526,111)	(1,526,361)	(+11,610)
Public works	(266,912)	(271,395)	(271,395)	(271,395)	(271,395)	(+4,483)
Receivership Programs	(318,979)	(337,077)	(345,577)	(337,077)	(342,077)	(+23,098)
Workforce Investments		(8,500)	(8,500)	(8,500)	(8,500)	(+8,500)
Buyouts and Management Reforms			(20,000)		(18,000)	(+18,000)
Reserve		(150,000)	(150,000)	(150,000)	(150,000)	(+150,000)
District of Columbia Financial Responsibility and Management Assistance Authority	(7,840)	(3,140)	(3,140)	(3,140)	(3,140)	(-4,700)
Financing and other		(384,948)				
Washington Convention Center Transfer Payment	(5,400)					(-5,400)
Repayment of Loans and Interest	(382,170)		(328,417)	(328,417)	(328,417)	(-53,753)
Repayment of General Fund Recovery Debt	(38,453)		(38,286)	(38,286)	(38,286)	(-167)
Payment of Interest on Short-Term Borrowing	(11,000)		(9,000)	(9,000)	(9,000)	(-2,000)
Certificates of Participation	(7,926)		(7,950)	(7,950)	(7,950)	(+24)
Human development	(6,674)					(-6,674)
Optical and Dental Insurance payments			(1,295)	(1,295)	(1,295)	(+1,295)
Productivity Bank			(20,000)	(20,000)	(18,000)	(+18,000)
Productivity Savings			(-20,000)	(-20,000)	(-18,000)	(-18,000)
Procurement and Management Savings	(-10,000)	(-21,457)	(-21,457)	(-21,457)	(-21,457)	(-11,457)
Total, operating expenses, general fund	(4,418,030)	(4,653,682)	(4,694,236)	(4,658,266)	(4,686,836)	(+268,806)
Enterprise Funds						
Water and Sewer Authority and the Washington Aqueduct	(273,314)	(279,608)	(279,608)	(279,608)	(279,608)	(+6,294)
Lottery and Charitable Games Control Board	(225,200)	(234,400)	(234,400)	(234,400)	(234,400)	(+9,200)
Office of Cable Television	(2,108)					(-2,108)
Public Service Commission	(5,026)					(-5,026)
Office of People's Counsel	(2,501)					(-2,501)
Office of Insurance and Securities Regulation	(7,001)					(-7,001)
Office of Banking and Financial Institutions	(640)					(-640)
Sports and Entertainment Commission	(8,751)	(10,846)	(10,846)	(10,846)	(10,846)	(+2,095)
Public Benefit Corporation	(66,764)	(89,008)	(89,008)	(89,008)	(89,008)	(+22,244)
D.C. Retirement Board	(16,202)	(9,892)	(9,892)	(9,892)	(9,892)	(-6,310)

H.R. 2587 - DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Correctional Industries Fund	(3,332)	(1,810)	(1,810)	(1,810)	(1,810)	(-1,522)
Washington Convention Center	(48,139)	(50,226)	(50,226)	(50,226)	(50,226)	(+2,087)
Total, Enterprise Funds	(660,978)	(675,790)	(675,790)	(675,790)	(675,790)	(+14,812)
Total, operating expenses	(5,079,008)	(5,329,472)	(5,370,026)	(5,334,076)	(5,362,626)	(+283,618)
Capital Outlay						
General fund	(1,711,161)	(1,218,638)	(1,218,638)	(1,218,638)	(1,218,638)	(-492,523)
Water and Sewer Fund		(197,169)	(197,169)	(197,169)	(197,169)	(+197,169)
Total, Capital Outlay	1,711,161	1,415,807	1,415,807	1,415,807	1,415,807	-295,354
Total, District of Columbia funds	(6,790,169)	(6,745,279)	(6,785,833)	(6,749,883)	(6,778,433)	(-11,736)
Total:						
Federal Funds to the District of Columbia	683,639	393,740	453,000	410,740	429,100	-254,539
District of Columbia funds	(6,790,169)	(6,745,279)	(6,785,833)	(6,749,883)	(6,778,433)	(-11,736)

GFFIN
8/4/99

Fiscal Year 2000 Financial Plans
(In thousands of dollars)

	Local funds	Grants and other revenue	Gross funds
Revenue:			
Local sources, current authority:			
Property taxes	693,700	0	693,700
Sales taxes	620,000	0	620,000
Income taxes	1,185,100		1,185,100
Other taxes	348,500	0	348,500
Licenses, permits	48,498	0	48,498
Fines, forfeitures	56,771	0	56,771
Service charges	34,173	0	34,173
Miscellaneous	93,558	318,574	412,132
Tax Parity Act	(58,950)	0	(58,950)
Subtotal, local revenues	3,021,350	318,574	3,339,924
Federal sources:			
Federal payment	23,750	0	23,750
Grants	0	1,231,408	1,231,408
Subtotal, Federal sources	23,750	1,231,408	1,255,158
Other financing sources:			
Transfer Interest Income from Control Board	0	23,000	23,000
Lottery transfer	69,000	0	69,000
Subtotal, other financing sources	69,000	23,000	92,000
Total, general fund revenues	3,114,100	1,572,982	4,687,082
Expenditures:			
Current operating:			
Governmental Direction and Support	137,134	30,222	167,356
Economic Development and Regulation	52,911	137,424	190,335
Public Safety and Justice	565,511	213,259	778,770
Public Education System	681,356	113,708	795,064
Human Support Services	590,938	890,988	1,481,926
Public Works	258,341	13,054	271,395
Receiverships	217,606	124,471	342,077
Financial Authority	3,140	0	3,140
Nonunion pay increase	8,500	0	8,500
Buyouts and Other Management Reforms	0	18,000	18,000
Optical and Dental Benefits	1,295	0	1,295
Reserve	150,000	0	150,000
Productivity Bank	20,000	0	20,000
Productivity Savings	(20,000)	0	(20,000)
Management Reform and Productivity Savings	(7,000)	0	(7,000)
General Supply Schedule Savings	(14,457)	0	(14,457)
Subtotal, current operating	2,645,275	1,541,126	4,186,401

	Local funds	Grants and other revenue	Gross funds
Other financing uses:			
Debt service			0
Principal and interest	383,653	0	383,653
Other financing uses:			0
D.C. General	44,435	0	44,435
University of the District of Columbia	40,491	31,856	72,347
Subtotal, other financing uses	468,579	31,856	500,435
Total, general fund expenditures	3,113,854	1,572,982	4,686,836
Surplus/(Deficit)	246	0	246
Enterprise fund data:			
Enterprise fund revenues:			
Water and Sewer Authority	0	236,075	236,075
Washington Aqueduct	0	43,533	43,533
D.C. Lottery and Charitable Games Board	0	234,400	234,400
Sports and Entertainment Commission	0	10,846	10,846
Public Benefit Corporation	0	89,008	89,008
D.C. Retirement Board	0	9,892	9,892
Correctional Industries	0	1,810	1,810
Washington Convention Center Authority	0	50,226	50,226
Total, enterprise fund revenue	0	675,790	675,790
Enterprise fund expenditures:			0
Water and Sewer Authority	0	236,075	236,075
Washington Aqueduct	0	43,533	43,533
D.C. Lottery and Charitable Games Board	0	234,400	234,400
Sports and Entertainment Commission	0	10,846	10,846
Public Benefit Corporation	0	89,008	89,008
D.C. Retirement Board	0	9,892	9,892
Correctional Industries	0	1,810	
Washington Convention Center Authority	0	50,226	50,226
Total, enterprise expenditures	0	675,790	675,790
Total, revenues versus expenditures	0	0	0
Total, operating revenues	3,114,100	2,248,772	5,362,872
Total, operating expenditures	3,113,854	2,248,772	5,362,626
Revenue versus expenditures	246	0	246

D.C. APPROPRIATIONS ACTS

General Provisions

Following is a list of when a general provision first appeared in an appropriations act (using the general provisions in the FY 2000 Appropriations Act conference report as the base year and going back to FY 1973)

Section	Page	Conference Report—H.R. 2587 (Report 106–299)	First year	No. of years
101	13	All contracts are a matter of public record	1981	19
102	13	All vouchers covering expenditures shall be audited before payment	1973	27
103	13	Appropriations are the maximum amounts	1973	27
104	13	Allowances for privately owned vehicles for official duties set by the Mayor	1973	27
105	13	Travel expenses concerned with official business to be approved by the Mayor	1973	27
106	13	Refunds and judgment payments to be made by District government promptly	1973	27
107	13	Public assistance payments to be made without reference to the D.C. Public Assistance Act	1973	27
108	13	No appropriation available for obligation beyond current fiscal year	1973	27
109	14	No funds for partisan political activities	1973	27
110	14	No funds available to pay any employee whose name, grade and salary history is not available for inspection	1979	21
111	14	Funds are available for making payments authorized by the Revenue Recovery Act	1979	21
112	14	No funds shall be used to support or defeat legislation pending before Congress	1979	21
113	14	Mayor to develop an annual capital borrowing plan	1982	18
114	14	Council approval needed for capital project borrowings	1982	18
115	14	No capital project money is to be used for operating expenses	1982	18
116	14	Reprogramming restrictions	1983	17
117	15	No funds for personal cook, chauffeur or other servants	1973	27
118	15	No funds to purchase vehicles with less than 22 miles per gallon rating	1982	18
119	15	Compensation of City Administrator and Board of Directors of Redevelopment Land Agency set at level 15 of District Schedule	1983	17
120	15	Provisions of Merit Personnel Act of 1978 shall apply to D.C. employees	1983	17
121	15	Mayor to submit to Congress revised revenue estimates at end of first quarter	1986	14
122	15	No sole source contracts may be renewed or extended without competitive bids	1988	12
123	16	Balanced Budget Act definitions clarified	1988	12
124	16	Sequestration order from U.S. Treasury to be paid within 15 days after receipt of request	1989	11
125	16	Acceptance and use of gifts subject to certain restrictions	1992	8
126	16	No Federal funds to be used for expenses of Congressional offices under DC Statehood Constitutional Convention Initiatives	1991	9
127	16	University of DC (UDC) to prepare quarterly financial reports	1996	4
128	17	Funds for new hardware and software are also available for purchase of new financial management system (FMS)	1998	2
129	17	Cap on attorney fees for actions brought against the D.C. government under the Individuals with Disabilities Education Act (IDEA)	1999	1
130	18	No funds available for abortions except where the life of the mother would be endangered or in cases of rape or incest	1980	20
131	18	No funds available to implement Health Care Benefits Expansion Act of 1992 for cohabiting couples	1993	7
132	18	DC Public Schools (DCPS) to prepare quarterly financial reports	1995	5
133	18	DCPS and UDC to prepare annual Full Time Equivalent positions reports	1996	4
134	19	DCPS and UDC to prepare revised budgets within 30 days of enactment of appropriations bill to align budget with anticipated expenditures	1996	4
135	19	Boards of DC schools and library to approved budgets prior to submission in Mayor's annual budget	1996	4
136	19	Ceiling placed on total operating expenses	1996	4
137	21	Receivership budgets to be included in Mayor's annual budget submission without revision by Council or Mayor	1998	2
138	21	DCPS employees classified in a certain manner	1996	4
139	22	Restrictions on use of official vehicles	1998	2
140	22	Sources of payment for detailees is from requesting entity's budget	1998	2
141	22	Special need students of the DCPS are to be evaluated or assessed within 120 days of referral	1999	1
142	23	No funds available to DC entities unless they comply with Buy America Act	1995	5
143	23	No funds available for the annual audit of DC financial statements unless conducted or contracted by the IG	1999	1
144	23	No funds available for reorganization plans unless plans approved by the DC Financial Authority	1993	7
145	24	Evaluation of DCPS employees a non-negotiable item for collective bargaining purposes	1996	4
146	24	No funds available for a petition to require Congress to provide voting representation for DC	1999	1
147	24	No funds available to transfer inmates classified above the medium security level as defined by the Federal Bureau of Prisons transferred to Youngstown, Ohio.	1999	1
148	24	Beginning with FY 2000, the District government is to include in its annual budget submission a $150 million reserve to be expended according to criteria established by the Chief Financial Officer (CFO) and approved by the Mayor, Council and DC Financial Authority.	1999	1
149	25	Within 30 days of enactment of the appropriations act the CFO shall submit to Congress a revised budget of the approved appropriations	1999	1
150	25	No funds are available for the distribution of sterile needles or syringes for hypodermic injection of any illegal drug	1999	1
151	25	No funds available for rental payments under a lease unless certain conditions are met		
152	25	No funds available for new leases and real property purchases unless certain conditions are met		
153	26	Amend Student Loan Marketing Association Reorganization Act of 1966 to set aside $5 million for a credit enhancement fund for public charter schools		
154	26	Within 90 days of enactment of the appropriations act, the city government shall implement a process to dispose of excess school real property		
155	26	Extend date for charter schools authorization		
156	26	Sibling preference to be given to charter school applicants		
157	27	Authority to transfer $18 million from the DC Financial Authority for severance payments to individuals separated from DC employment during FY 2000		
158	27	Authority to transfer $5,000,000 from the DC dedicated highway trust fund for design work to expand the land capacity on the 14th street bridge		
159	27	Mayor to carry out through the Army Corps of Engineers an Anacostia River environmental cleanup program		
160	27	Prohibits payment of administrative costs from the Crime Victims Compensation Fund		
161	28	No funds available to pay salary of any chief financial officer who has not filed a certification that the officer understands the duties and responsibilities of the officer as a result of the approved appropriations act.		
162	28	Specify potential adjustments in next years' budgets to meet mgmt reforms savings		
163	28	Describe "misc." budget categories in the annual budget submission		
164	29	Authorizes the Army Corps of Engineers to contract with the City to improve the SW Waterfront		
165	29	Sense of Congress that DC should not impose certain restrictions on an industrial revenue bond for a project of the American Red Cross		
166	29	Permits Court Services and Offender Supervision Agency to carry out sex offender registration program		
167	30	No funds available to enact or carry out any program to legalize or reduce penalties associated with possession, use, or distribution of any schedule I substance—modified—no ballot count allowed last year.	1999	1
168	30	Authority to transfer $5,000,000 from DC Financial Authority for commercial revitalization empowerment zones		
169	31	Directs Secretary of the Interior to implement a notice of decision concerning the issuance of right-of-way permits to locate a wireless communications antenna on Federal property in DC.		
170	31	Sense of Congress that in considering the FY 2001 DC budget, Congress will take into consideration progress or lack thereof concerning certain items		
171	32	Prior to using Federal Medicaid payments to Disproportionate Share Hospitals (DSH), the Mayor should consider recommendations of the Health Care Development Commission.		
172	32	GAO to conduct a study of DC Justice System to identify components most in need of additional resources		

WASHINGTON, DC, *September 9, 1999*.

Re District of Columbia appropriations bill.

Hon. JAMES MORAN,
Rayburn HOB., Washington, DC.

DEAR MR. MORAN: I have enjoyed the opportunity to work cooperatively on the Appropriations Subcommittee for the District of Columbia, to help our nation's capital rebound from its years of troubles. That is why I was so surprised and disappointed this morning to read the letters that you sent last night to all Members of Congress.

In your letters, you take a highly extremist position that all our efforts to improve our nation's capital should be thrown away, so that you can promote a pro-drug agenda.

I fear your position would bring D.C. back to the worst of the Marion Barry days, when the loose attitude toward illegal drugs made the city the butt of late-night talk-show jokes.

Yet your letters state that all the good work we have done on this bill is unimportant, that instead only four issues matter:

1. You want to spend taxpayers' money to finance the lawsuit challenging the U.S. Constitution's denial of statehood status (votes in Congress) for D.C., even though this questionable suit is already filed and being handled free by a leading law firm.

2. You want to spend taxpayers' money to give free needles to drug addicts, to inject themselves with illegal drugs.

3. You want the District to provide "domestic partner" benefits to unmarried live-in lovers of public employees.

4. You want to permit the District to legalize marijuana, despite federal laws to the contrary.

Your position is even stranger to understand, because the first three of these four simply repeat provisions already signed into law by the President. (The "domestic partner" restriction has been signed into law multiple times). Evidently, it must be the fourth item that is most important to you.

You attempt to couch this issue in terms of "home rule," as though every city in the country were able to adopt laws contrary to those of the nation and of the states. Where do you draw the line? If you say it's OK for D.C. to legalize marijuana, then what's next? Legalizing cocaine? Or heroin? Or perhaps rape and murder? Under your rationale, it would be fine with you if the District of Columbia did any of these. You would argue for their right to do so, and ignore the victims. You would say it's a "home rule" issue, even in the nation's capital.

The issue is not whether you choose to be pro-marijuana, or pro-needle exchange. The issue is whether you take an extremist stance—disregarding all the good contained in this legislation because these other issues are so much more important to you.

I'm amazed that you also make these pro-drug stances more important than the 14th Street Bridge project in the bill, which tries to improve the traffic snarls between Washington, D.C., and your congressional district in northern Virginia.

Let me remind you about some of the good and solid things we have worked together and that this bill does, but which you now seek to block:

—Making it far easier for the District to keep making its government smaller, more efficient and more responsive,

—Strengthening and funding charter schools,

—Creating college opportunities for D.C.'s kids, with millions in new scholarship funds for them, including extra help for those who attend school in Virginia,

—Launching America's strongest effort to break the link between crime and drugs, (including drug-testing and treatment for all offenders on probation or parole),

—Funding aggressive adoption efforts to find new homes for abandoned kids,

—Cleaning-up the Anacostia River, and

—Lowering taxes in the District, as approved by the mayor and council.

The bill also honors and approves the budget approved by D.C.'s mayor and council. We respected this key aspect of "home rule".

I'd like to remind you that the bill's language, requiring that D.C. not legalize drugs which are illegal under federal law, was approved by the entire House of Representatives without objection on a voice vote, and while you were on the House floor. If you wanted to kill the bill because you want to let D.C. legalize marijuana, then was the time to do so—in public and on C–SPAN, not with private letters to House Members such as you have now sent quietly.

And you never even attempted a vote on the "domestic partners" issue, you know the House has rejected your position many, many times.

This bill has hundreds of millions of dollars of federal money for Washington, D.C. It is not too much to expect some commonsense provisions to accompany the money.

Further, the other three items mentioned in your letters—no public money for the lawsuit or for a needle exchange program or for "domestic partners" benefits—were both contained in the bill last year. The identical language was then approved by the House and by the Senate and signed into law by the President.

Finally, none of the items you now question were changed during the House-Senate conference. These provisions are identical with the bill passed by the House, and for which you voted. I am perplexed by why you now choose an extremist position rather than the solid position you took when you voted for the bill just a few weeks ago.

I regret that your actions, by sending your letters to all House Members, might complicate our future efforts to work within the subcommittee. However, I do not intend to let this happen. I pledge nevertheless to continue working with you in good faith on all issues. We may disagree on various things, but that's no reason to abandon the good we can do together.

Very Truly Yours,

ERNEST J. ISTOOK, Jr.,
Member of Congress.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) will control the 30 minutes, and the gentleman from Virginia is recognized.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I was out talking with the Mayor of the District of Columbia on the phone when this bill came up. I appreciate the Chair's clarifying that I will be managing this bill.

As my colleagues know, it is sad and unfortunate that we find ourselves in this position because the D.C. appropriations bill really ought to be one that we could reach consensus on, send to the White House, get signed, and get out of the way and deal with the other bills. It should almost be done in a perfunctory fashion because, as the gentleman from Oklahoma (Mr. ISTOOK) remembers, and I know he voted for the legislation, in 1997 we voted for the D.C. Revitalization Act, and what that said was that we are no longer going to do things in the way that had traditionally been done with regard to the District of Columbia. We are going to give them as much home rule as our Constitution allows. What we are going to do is to take the functions that other States perform, and the Federal Government is going to perform them, and the local functions, the functions that our cities perform, we are going to fund those with the same kind of grants and contracts that the cities in our legislative districts receive.

So D.C. is going to be treated the same way that any of our own local jurisdictions would be treated.

Mr. Speaker, the problem is that D.C. has not been treated the way that we would have treated our own constituents. That is why we oppose this bill.

The gentleman from Oklahoma (Mr. ISTOOK) has done a terrific job. I hope he listens to this although he is talking with the very distinguished ranking member of the full committee. But I want him to know that I appreciate what he has done as an appropriations chairman. As an appropriations bill, this is a good bill. It deserves support. The problem is not with the appropriations. The problem is with the authorizing legislation that has been attached to an appropriation bill. That is the extremist legislation.

Mr. Speaker, who is the extremist here? We are appropriators. We do not have any business getting into needle exchanges, and into abortion, and into same-sex marriages, and into medical medicinal use of marijuana. All that kind of stuff, that is not our job. We appropriate money, and if we had stuck to appropriations, everything would have sailed through. But we did not. We came out of the House with a bill that had a number of riders although there had been some compromise, and there was an agreement we would do what we could to compromise with the Senate.

Well, we go into the conference committee. We find out there have been pre-conference meetings that the Democrats did not even know about, never mind participate in. So we walk in, and it is a done deal. Virtually no room for maneuver, virtually no room for any kind of negotiation or compromise, and boy did we take the most reasonable position imaginable.

Let me suggest to my colleagues some of the most reasonable things that one could imagine that we suggested that were rejected. The gentleman from Ohio (Mr. BROWN) had a proposal that I think was wrong for last year. He prohibited D.C. from even counting the ballots on whether the referendum as to whether there should be medicinal use of marijuana. This year he prohibited the use of drugs that included marijuana, made it a criminal penalty. So in conference we suggested, well, let us at least clarify some very important points.

I offered an amendment that said first of all that the prosecutors will still be able to plea bargain agreements. If somebody is caught with marijuana, and they know that there is a major distributor out there, and they could get some information on the major distributor instead of somebody that is using marijuana for some kind of recreational use but had no prior record or whatever, let us not stick them with a mandatory criminal penalty.

☐ 1915

Let us let the prosecutors perform their job as they would with any other criminal penalty. Make sure they are allowed to plea bargain.

Secondly, let us make sure that we are not unintentionally prohibiting the legal use of other drugs, such as Marinol, which apparently is a derivative of marijuana but is regularly prescribed as a painkiller. We do not want to make legal drugs illegal. So what could be more reasonable? We offered that. I just assumed that it would be accepted. Rejected. Not even any discussion.

We suggested, in terms of the use of needles, this free needle exchange. We have an enormous problem in the District of Columbia. There is an article in the Washington Post today that shows that the number of children infected by their mothers because of dirty needles, that the number of children infected with the HIV–AIDS virus has gone up

70 percent between 1988 and 1997. D.C. has a worse problem than any other jurisdiction in the country.

So we suggested, let us have the language say you cannot use federal or local funds for the needle exchange program, but let us at least let a private nonprofit organization function. Let us just put that language in, to make sure that Whitman-Walker can carry out its own program. We should not have any business in restricting a private nonprofit from doing what private funds enable it to do. Rejected. Not accepted.

So it went on like that. The Senate thought it was a deal to accept the social riders that they did not have; and in return, they cut the money that the House had. What kind of a compromise is that? It was a lose-lose, when it should have been a win-win situation.

So the major reason why we oppose this goes back to the golden rule: do unto others as you would have them do unto you. In this case it applies to our own local jurisdictions.

Mr. Speaker, we would not impose the kinds of restrictions on any of our local jurisdictions that are imposed on the District of Columbia.

Let me give you an example. Sixty-seven State and local government health care plans allow health care coverage for domestic partners. Ninety college and university health care plans, 70 Fortune 500 company health care plans and at least 450 other private company not-for-profit and union health care plans have that kind of coverage.

I have never seen a Member of this Congress stand up and ask that those organizations in their district not be able to have that coverage. We are not talking about federal funds.

Likewise, I have never seen any Member of Congress that has a congressional district in California, Oregon, Nevada, Alaska, Arizona or Washington State offer an amendment to block the implementation of a ballot initiative on the medical use of marijuana.

It was approved in California. Where are the Members coming up and saying, despite what the voters of my jurisdiction did, I want to prevent them from carrying out the results of that referendum? We have not done it to ourselves. On none of these things have we done it to the people in our own constituency, yet we would do it to the District of Columbia. That is why we oppose the bill.

Mr. Speaker, I will reserve the balance of my time, because we want to hear from the one democratically elected delegate from the District of Columbia who truly is elected to represent her constituency, and get her point of view.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from Virginia and others try to couch this issue as though it were home rule or local control, as though every city in the country were able to divorce itself from the rest of the country and adopt laws contrary to the laws of the Nation and the laws of the States.

Where do you draw the line? If you say it is okay for D.C. to legalize marijuana, as the gentleman from Virginia argues, then what is next? Do you say it is okay for them to legalize heroin, to legalize cocaine, to legalize murder, rape, arson? Where do you draw the line?

Under the rationale of the gentleman from Virginia, it would be fine if the District of Columbia legalized anything whatsoever, disregarding the laws of the country, disregarding the Constitution that makes this Congress responsible for the laws of the District of Columbia. If you legalize marijuana, what is next? Cocaine? Heroin? Where do you draw the line?

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the District of Columbia appropriations conference report. We all hope some day the District of Columbia will be a crown jewel in our republic form of government, a place we are all proud of, a place that we will bring our families with pride in our hearts and a place that is safe and clean, where the citizens greet each other with a smile. I believe this conference report takes us a long step in that direction.

First of all, this conference report does have a lot of pro-home rule provisions. The District of Columbia Council approved a budget. The Mayor approved the very same budget. This conference report continues along that same line and supports the District of Columbia's budget. I think that is self-rule where it counts, in the budget area, in the finances.

Now, there have been problems. There have been problems with the District of Columbia following the guidelines that this body has laid forth. District of Columbia employees have taken automobiles outside the District of Columbia, against the guidelines. The District of Columbia has paid for abortions with tax dollars, against the guidelines. But, to the credit of this Mayor and the City Council, they have made long strides in overcoming the areas where they have fallen short, and I think that is why there is such strong support for their budget.

But the opposition seems to be in very radical areas. Number one, the opposition says that we want to finance challenging the U.S. Constitution, something that has been around since almost when George Washington was a corporal. It is already going forward. It is going forward pro bono, or free, and we ought to let that proceed, without taxpayer dollars.

If there was a provision to allow the people of the District of Columbia to become part of Maryland so that they could vote in congressional districts in Maryland, I would be glad to help support that. We have seen part of the District of Columbia being yielded back to Virginia, and the gentleman from Virginia (Mr. MORAN) represents part of that area as I recall. So perhaps we could move the balance of the District of Columbia into Maryland's congressional districts.

But that is not the issue here. They want to go for statehood, and that is something that has been around for the endurance of our Constitution.

They also want to take taxpayer dollars and buy needles to give illegal drug users the opportunity to shoot up illegal drugs in their veins.

Now, there have been a lot of areas that have had similar programs. Baltimore has had a program for 7 years. They found out this summer that 9 out of 10 injection drug users are infected with a blood-borne virus, 9 out of 10 who are in the program. Now, if 9 out of 10 are getting a virus, a blood-borne virus, and they are in the needle exchange program, I would consider that failure. How do you define failure, if that is not failure? Yet that is the very thing that you want to fund, and that is the very reason you want to oppose this piece of legislation, so we can take tax dollars and use them for a needles program.

I want to encourage all of my colleagues to support this conference report.

Mr. MORAN of Virginia. Mr. Speaker, I just want to clarify some things that I know my friend, the gentleman from Kansas (Mr. TIAHRT), inadvertently must have left out, because I think it is relevant to inform the Members that every single scientific and medical study has affirmed that needle exchange programs in fact do work with the highest-risk population in our urban areas. Baltimore's works particularly well, and that is why they continue it as one of the few programs that has worked effectively, because it brings people into the system where they can get into substance abuse prevention programs, reduction programs, and it enables them to be monitored so that you can limit the spread of AIDS.

The National Institutes of Health, the American Medical Association, the Centers for Disease Control, we can go right down the line. Every prestigious organization that you would think would have an opinion has done a study, and they have all come to the conclusion that needle exchange programs do not increase the use of the illegal drugs, and they do reduce the transmission of the HIV-AIDS virus.

But the other thing that inadvertently might have been omitted, or I guess actually it was misstated, but I think I know the gentleman from Oklahoma (Mr. ISTOOK) or the gentleman from Kansas (Mr. TIAHRT) would want me to clarify, because we are not talking about the use of taxpayer funds. That is what was referred to. The amendment in conference would have precluded the use of federal or local public funds. It only allowed private money, not taxpayer money, for the needle exchange program.

Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Congress has forced me and D.C. elected officials to the outrageous position of opposing our own appropriation. No local budget has any business here, but the least D.C. residents are entitled to is respect. Once their elected officials have submitted a frugal balanced budget, D.C. went even further. The local budget has tax cuts that the majority likes and a surplus, signalling that the city has pulled itself out of fiscal crisis.

I ask for a no vote, not because of attachments. The District has long lived with attachments, and I would not ask for a no vote because of attachments alone. The opposition of the District is based on new and unprecedented inroads into self-government for the first time in 25 years of home rule.

First, the bill takes funds slated for urgent District priorities and redirects those funds. In addition, not only have attachments grown more numerous, now they are prepackaged in the bill before it even goes to subcommittee. Further, whatever the District wins, fair and square, along the way, does not matter. The Committee on Rules simply reverses the vote and reinstates defeated amendments. We lose even when we win.

Yet the District now has a new management-oriented Mayor with a proven track record of fiscal prudence and a revitalized City Council. If anyone has been reasonable during this process, I believe I am that Member.

The bill has gotten this far not because it is fair to the District. It would never have gotten to conference except that I stretched to be fair to the Committee on Appropriations that had worked hard on a bill that had some features I supported.

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Even yesterday I asked the Committee on Rules to send the bill back as I considered new approaches that might satisfy all concerns. I believe, and Members who know me know I believe, in negotiation over confrontation.

Many Members did not want to vote for an appropriation that had attachments they opposed. Many more simply did not want to be dragged into controversial local issues. Nevertheless, I counseled a yes vote because of promises made and of prospects for improvement. The bill passed only because many Members voted for it as a courtesy to me.

Out of the same courtesy and out of respect for the people I represent, I now ask Members to oppose the conference report before us. The bill has grown worse in conference as the Senate simply piled on with unrelated additions, and the House made no improvements and kept no promises.

The District should not be asked to grovel to get its own money. I stand here to put Members on notice that I will never grovel before this House to get the money to which we are entitled, our own money. Nor should the District be asked to live with automatic attachments and redirected local spending. If we do not send this bill back to conference, it will be vetoed.

Mr. Speaker, the new city, the new District of Columbia that on its own might, with its own sacrifices, has risen from the ashes, deserves better. District of Columbia residents deserve much better.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would have to note, in response to the gentlewoman from the District of Columbia (Ms. NORTON), and it has been a good opportunity to work together, but if we saw, as was presented, if the Members of her party, the Democrat members, the 160 or so who voted for the bill before, switch their votes today because the gentlewoman from the District of Columbia asks them to, then I would have to wonder who is in charge of the votes of those Members. Is it the people who elected them, or have they locked up their votes and handed them to another person, in the person of the gentlewoman from the District of Columbia?

I would certainly hope that constituents would not find that their Members of Congress changed their votes just because the gentlewoman from the District of Columbia (Ms. NORTON) was unhappy.

I would have to say that the things of which they complain, and we have put in the RECORD a chart, these are nothing new. These are what has been part of this bill for years. We have not added anything new. The only thing new is in their extremism to get the District of Columbia to be legalizing drugs, to go back to the days when it was the butt of late night talk show jokes about the then mayor of the District and drug use.

If they want the scenario of the Nation's Capital legalizing drugs, as they have said in their letters sent to other Members of this Congress, then the American people need to know that that is the agenda and that is why the Democrats in this body are opposing this bill, because it is their desire to legalize marijuana, which this bill does not permit our Nation's Capital to do.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, let me start by saying I cannot think of another Member whose opinion on this I respect more than the delegate, the gentlewoman from the District of Columbia (Ms. NORTON). She has worked very hard and been a great partner in helping to bring the Capitol city back, and ably represents that city.

My friend, the gentleman from Virginia (Mr. MORAN), we have worked very hard on these issues together. As part of the Washington metropolitan region, I think he deeply cares and is concerned about the District.

We come to a different conclusion about this bill. There are good things in this bill, as has been outlined by my friend, the gentleman from Oklahoma, and there are things in this bill that are in it that I do not like, as have been outlined by my friends on the other side.

But at the end of the day, if I vote to reject this bill, I am basically voting for a no for $17 million additional dollars for the D.C. College Access Act. This is a first-time opportunity for children in the District of Columbia graduating from high school to pay State university costs, to attend State universities in other places in the country, similar to the right that the people in my State get to go to the University of Virginia or George Mason or the University of Maryland and pay in-State tuition, something affordable to them when otherwise they would have to pay out-of-State tuition. That is unreachable for many able students in the District of Columbia. So Members vote to reject that if they vote this down.

They vote to reject more dollars for charter schools, which have gone a long way. Over 2,000 students have signed up for charter schools in the District of Columbia, and a long waiting list to get back in, people who want the opportunities for education this alternative offers within the public school system.

We would be rejecting a $5 million study of the 14th Street bridge that can add an additional lane there at the interchanges where the Parkway feeds into that. If Members vote no, they are voting to reject that and sending it back and taking our chances.

We are rejecting a $5 million Federal appropriation for the cleanup of the Anacostia River. This is critical for the city and for its economic redevelopment and comeback.

Most of all we are rejecting, Congress, acceptance of the D.C. consensus budget, something put together by the Control Board, the mayor and the council, working in harmony. That is what the crux of the whole control board legislation was, to get everybody working and singing from the same page.

There are some provisions in this bill that I find obnoxious, that I did not support. One is not allowing the city to sue over its statehood right, a suit I think they will probably lose, but I think they ought to have that right, since we do not give them the right to vote on the House floor, something I think the city deserves.

That was in the bill last year. I do not think by itself that that means we should reject all of these other items in the appropriation bill. This is not new, unprecedented inroads. This in fact was in the bill last year.

The needle exchange program is something I think reasonable people can disagree about. We waiver back and forth when we hear the arguments. But this was in the legislation last year and we supported it, and the President signed it. This is not a new, unprecedented inroad.

Cellular telephone towers at Rock Creek Park, this obnoxious movement into home rule was put on by the Democratic leader in the other body. Members may find that an obnoxious provision, but that was something put on by the Democratic leader in the other body. That is a first-time unprecedented inroad, but I do think by itself is not grounds for rejecting this legislation.

The domestic partners legislation and the prohibitions on the funding for abortion have been in this legislation for years and years and years. This body has on a consistent basis, although many of us do not like some of these provisions, has voted for that because we did not think it overcame the positive things that have come out of these appropriation bills.

Mr. Speaker, I, like my colleagues on this, am not happy with every provision of this bill. I stood in the well of the House and spoke against some of these provisions when they came up for amendment on the House floor. But there is much good in this bill.

The fact that the consensus budget has been agreed to without the kind of tampering we have seen in this body in the past, the fact that the college access program is funded for the first year and we can get that off the ground, a $5 million study for the 14th Street bridge, cleanup for the Anacostia River, money for charter schools, money for drug abuse, these items I think make this legislation worthwhile to support.

On those grounds I am going to support this legislation, and urge my colleagues to support the conference report.

Mr. MORAN of Virginia. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to talk about extremism. I ask my friend, the gentleman from Oklahoma, to perhaps listen as we talk about extremism.

Mr. Speaker, I want to talk to my friend, the distinguished gentleman from Virginia (Mr. DAVIS), with whom I agree so much of the time. I say to him, the good news is that if we reject this conference report, I do not think we will ultimately lose any of the good things of which the gentleman spoke. If we do, it will be a mean-spirited action, indeed, because I presume they are included, because the gentleman's side of the aisle as well as my side of the aisle think those things are positive. We agree on them.

I do not rise because I want to legalize drugs. No matter how many times the chairman tries to articulate my reason for taking my action, it will not make it so, Mr. Speaker.

Nor will I oppose this bill because the gentlewoman from the District of Columbia (Ms. NORTON) tells me to, although I will tell my friend, the gentleman from Oklahoma (Mr. ISTOOK), I believe that the gentlewoman from the District of Columbia (Ms. NORTON) is due great deference on this issue, because in this democracy she has been elected by Americans, American citizens, almost 600,000 of them, as we have seen, to represent their views. Those views represented by the gentlewoman from the District of Columbia (Ms. NORTON) are due deference, in my opinion.

But I will oppose this bill for what I believe to be one of the most extreme, tyrannical, dictatorial provisions that I have ever seen in a bill on this floor. It is a shameful provision in this bill. For the American Congress to take the position that an American citizen cannot seek redress in the courts of this land through its corporate structure I say is un-American. It is contrary to the principles that the people's houses ought to represent.

I am shocked that it was not dropped in conference. The fact of the matter, the chairman has said, oh, it was in last year's bill, so those who hear that statement will say, oh, well, it must have been, and it was. But last year's bill was included in a bill that appropriated $400-plus billion. It was incorporated in a bill that we had to pass at the last minute because of the failure of the Committee on Appropriations to pass its appropriations bills seriatum, so we did them all in one package, so the President was left with really no alternative.

So in this bill we incorporate a provision, and Mr. Speaker, it is not made better because it was included last year. It is made worse that we would repeat this error, this egregious denial of democracy, where we say to the citizens of the District of Columbia, you cannot go to court and say that the way you are being treated is unconstitutional.

That is the basis of our government. Why? Because it says to every individual, no matter how small, whether they are 99 and 9 tenths percent not agreed to by the rest of us, that they have the inherent right as a citizen of this country to go to the courts and seek redress of their grievances.

Mr. Speaker, this provision of the bill is offensive to democracy, offensive to our Constitution, offensive to the basic rights of individuals to redress their grievances in the only way the Constitution sets forth ultimately for the minority. The majority can redress its grievances by voting in this body. The majority can always redress its grievances. But the genius of our system is that we provide a procedure where even the minority can redress its grievances. That is addressing the court.

This bill ought to be rejected for the inclusion of that provision alone.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think some people could have been thoroughly confused by what we just heard from the gentleman from Maryland.

This bill does not stop anybody from going to court. The gentleman knows better than what he has said. They have already filed that lawsuit. It is already in court. It is already pending before the judge for a decision. This bill did not stop anybody from going to court, it just said they cannot use taxpayers' money to finance the lawsuit.

They have one of the best legal firms in the country, Covington & Burling, handling that lawsuit that the gentleman claims people are stopped from bringing. They are already in court. It is already happening. The bill just says we do not use taxpayers' money to pay for that lawsuit.

To pretend that somehow this has denied people access to the courts would be just plain hogwash.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

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Mr. CUNNINGHAM. Mr. Speaker, for the first time in history and in the last Congress, we had over 20,000 children in the D.C. school system request to go to summer school, not because they had to, but because they wanted to.

We are trying to turn the entire education system around in D.C. to where most of the children that graduate are functionally illiterate and those who do not graduate drop out. The system has totally gone bankrupt.

Education, public works, the city, a mayor sniffing cocaine and putting the rest of it up his nose, the system to where we had school board members that were hired because of their political affiliations to Marion Barry. The mayor today is a bright light and has tried to work with this Congress and I think has done very well.

Charter schools. The education system. We did not cut public education. We actually increase education dollars and the charter schools. Thanks to the gentleman from Virginia (Mr. DAVIS), for the first time in this bill, children in D.C. can go to other universities of other States and not have to pay that tuition.

I mean, that is fantastic, those kinds of changes that have been made in this.

The Anacostia River. How many have ever been up to Bladensburg? Look at the mud flats, the toxic wastes that are up there. For years, it has piled up. The Anacostia River has more parts per fecal than any river in the United States of America. Why? Because every time it rains, the sewage from D.C. system flows into that valley, and all of that fecal material goes into that river.

It is so bad, there is so much bacteria that it soaked up all the oxygen in the Anacostia, and that is why the fish died, bacteria taking up oxygen.

The Navy has agreed to dig out those areas with toxics and the PCB. We have established a $25,000 fine for dumping. I took a little boat up there. One cannot even get one's boat up there for the beer cans and the dump and the trash.

These are good things. It is a health hazard. It is an economic hazard. And we are changing those kinds of things.

Mary Williams has worked with us to revitalize that waterfront. Go down there. There are empty lots down there full of beer bottles and trash because the D.C. system wanted a year-by-year lease. They get money under the table. Well, we will give one a lease but one has got to give a little bit of money back to me. That liberal system failed.

We are putting in 30-year leases so that there will be businesses established down there. We want to take that whole waterfront and turn it into a San Francisco waterfront where we have got businesses that are creating dollars instead of the neglect that D.C. has given it.

The gentlewoman from the District of Columbia (Ms. NORTON) says, "We did it on our own." I do not believe that. The system was so far out of line that the control board had to be established. For 40 years, the Democrats did nothing. The neglect for D.C. Look at the education system. Look at the crime. Look at the streets. Look at everything.

We took the majority. We established a control board. We are coming in. We are changing the school systems. We are cleaning up the Anacostia River. We are cleaning up the waterfront. They want to oppose it because they want to give drug addicts needles, or they want to legalize marijuana.

I disagree with my friend from Virginia (Mr. MORAN) that every study has not been conclusive. Take a look at Sweden and other areas. I ask for a "yes" vote on this bill.

Mr. MORAN. Mr. Speaker, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON) to respond to the statement of the gentleman from Oklahoma (Chairman ISTOOK).

Ms. NORTON. Mr. Speaker, to clarify on the court suit, the measure in the bill keeps our corporation counsel, the one lawyer with expertise in District affairs, from even looking at the papers that had, in fact, been drawn by the private law firm, on his own time. When our corporation counsel did so on his own time, after getting permission of a court, a Member of this body wrote him and asked him to submit all of his leave records. If that is not extreme, the word needs a new definition.

Mr. MORAN. Mr. Speaker, I would yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the gentleman from Oklahoma says that the District of Columbia should not be able to use taxpayers' dollars to petition for the right to be represented in this body. What he forgot to tell us is that it is their money. Each of us represents half a million people, and we cast a vote on their behalf in this chamber. This bill says that the city cannot even use its own money to pursue the right in court to have their own voting representative.

Now, one may disagree with their right to have that idea, but to say that the City cannot use its own resources and has to depend on private fund raising in order to achieve a public right is, to me, the ultimate act of antidemocratic arrogance.

These are Americans we are talking about. These are taxpayers we are talking about. Yet, we say that they have to go hand in hand to raise private money in order to achieve their own public rights. That is outrageous to be heard in any democratic institution. If big brother is going to tell the City what their own ordinances can contain, then at least that City ought to have a voting right in this body, and they ought to be able to use their own resources in order to try to achieve that end.

If he disagrees with the idea that they ought to have a voting right in this body, so be it. But they have a right to use their own money the way their own local taxpayers want it to be used, not the way the gentleman from Oklahoma thinks is correct. That is the ultimate big brother arrogance.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlemen from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each have 7 minutes remaining.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume. I would suggest that my friend across the aisle who has such harsh words for this provision ought to be addressing those harsh words to the President of the United States who signed into law the identical provision word for word, comma for comma of which they now complain.

That is the only reason why it remains in this bill because it was approved last year by the House and Senate even before it was an omnibus bill and then signed into law by the President of the United States. Thus, that being the position that these bodies and the White House have taken before, it remains the position.

We had a vote in the body. The Senate was not willing to change on this provision, and it remains as it has been. But it does not cost anybody their rights to pursue their desire to have a vote in this Congress. The lawsuit is in court. It is pending. They have one of the top-notch law firms in the country representing them at no cost to the taxpayers.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time.

I wanted to touch base real quickly on this lawsuit a little bit, Mr. Speaker, because what the lawsuit is about is Washington, D.C.'s right to become a State, and that is something that this Congress has voted on, and the votes fell short. So now Washington, D.C. is trying to take a court route for their right, and I do support their right to go to court.

But I want to remind everybody today we voted to reduce funding for something that is also very important to our counties and municipalities around the country, and that is the CDBG, the Community Development Block Grant program. Let us say, if some counties out there did not like the amount that we voted on, should they be suing us, and should we give them money to sue us for that?

This matter that is pending in court has been debated on this floor in the House. It has been voted on by this floor of the House, and it was voted down. I am sorry that folks in Washington, D.C. want to take this to court. They do not like this legislative process. But that is why we have a legislative process. There are winners, and there are losers in it.

On the issue of home rule, Washington, D.C. as a city grew up around the Capitol of the Nation. This was a swamp. There was the City of Georgetown, but there was not Washington, D.C. until the United States Capitol came here. Because of that, there has always been a relationship between the government and Washington in terms of who is going to run what.

I believe there was not home rule for a while, and then there was home rule up until something like 1871, and then it was lost because one of the mayors 100 years ago was spending too much money on roads, and Congress took the right of home rule away. Then I think in, what, in the 1970s, it came again.

Then in 1994, there were debates about taking home rule away. Because of the leadership of the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Virginia (Mr. MORAN) and many others who said, wait, that is too harsh on this city. Let us keep home rule in place, and let us work through this control board. A lot of things, because of their position taken by these folks and their leadership, prevailed.

The university, the law school, and the hospital, all of which 2 to 3 years ago were on the chopping block to be cut, but because of the autonomy of Washington, D.C., they were able to retain that.

There is a relationship between the Congress and Washington, D.C. It is not always a happy marriage, but it is there. They will probably not have complete home rule for many years to come. But in the meantime, I, as a Member of Congress, cannot vote to legalize marijuana in Washington, D.C. I cannot give them that option, because what about the other cities who want to do that or some of the other proposals like needles to drug addicts? If Washington, D.C. wants that, is it not fair to give that option to all other cities across the Nation? We as a Congress have voted not to do that.

Now, there are a lot of good, positive things in this bill, despite the fact that we disagree on much.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume to respond.

The gentleman, for one thing said with regard to the needle exchange programs that we should provide such authority to all the jurisdictions. Every jurisdiction in the country has the authority to determine whether or not they want a needle exchange program. A great many of them, I think it is 113 cities, have chosen to do so.

All we are saying is the District of Columbia, under a democratic, small "d," form of government ought to be able to make that decision on their own. Our language which said no Federal funds and no local public funds should at least have been accepted so one can use private funds.

But with regard to the voting rights act, let me suggest to the gentleman from Wisconsin (Mr. OBEY), who is my friend, the gentleman who consistently underscores the fact that the White House signed a bill that included this language, we have a written correspondence from the Executive Office of the President making clear that the administration opposes language included in both bills which would prohibit the use of Federal or District funds to provide assistance for petition drives or civil actions that seek to require voting representation in Congress for the District of Columbia.

That was an omnibus bill. There were hundreds of provisions, thousands of them, actually, if one has gone into all the different tax provisions and so on. Politics is the art of compromise. We had to keep the government going, and there was some compromise sought. But that legislation expired at the end of this fiscal year.

So the administration feels I know very strongly that that legislation should not be renewed and would be one criteria for vetoing this bill.

Again, as the gentlewoman from the District of Columbia (Ms. NORTON) says, there are some things that do require some resources from the District of Columbia, such as the D.C. Corporation Counsel being able to review the legal briefs to make sure there is no problem with the litigation that the private law firm is bringing forward. I am not talking about much money. Pennies. One has to know it is nothing that would even show up in an appropriations bill.

But to be so extreme as to prohibit D.C. Corporation Counsel from reviewing that legal brief just does not seem fair or appropriate and does seem to the extreme.

Now, I was looking for the gentleman from Maryland (Mr. CUMMINGS). The gentleman from Maryland (Mr. CUMMINGS) represents the City of Baltimore, and, Mr. Speaker, he feels very strongly, having seen the very positive impact of the needle exchange program in Baltimore with regard to the serious drug problem that they are experiencing, that this is a proven program that should be renewed.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Baltimore, Maryland (Mr. CUMMINGS).

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Mr. CUMMINGS. Mr. Speaker, first of all, I want to address this whole issue of the courts. As a lawyer of 21 years, I am very concerned about this. It is interesting to listen to this argument as basically a new Member and listen to the other side talk about how the law firm is doing its thing and working hard for the District. And I certainly applaud that, but the thing that they fail to say is that this is something that has been basically rammed down their throats.

It is nice for that law firm to be doing this, but when we hear the words of the gentlewoman from the District of Columbia (Ms. NORTON), which really shocks the conscience when she talks about the fact that the corporation counsel on his own time has to then go back and report to a Member of Congress, I do not think any Member of this body would stand for that kind of thing in their district.

There is a portion of the Bible that says a very simple, simple thing; and I think that we ought to think about it more in this body, and as a new Member I say it to my colleagues: "Do unto others as you would have them do unto you." As I said before a little earlier, I do not think any Member of this body would stand for the people in their districts not being represented and not having the funds and not being able to use their funds to do the things that they want to do.

On the issue of needle exchange, I want to make it clear. I started not to speak, because I did not want this bill and this effort to be viewed as a needle exchange effort. It is not about that. But the needle exchange portion is very important because it is about saving lives.

I hope that none of my colleagues on the other side, and those people who may be against needle exchange, ever have the opportunity to attend the funeral of someone whose body is all shriveled up. I hope they never have a loved one who is lying in bed in pain, and in so much pain they do not even know they are in pain. I hope they never experience that, but I have seen it in Baltimore.

I do not have to go to Sweden; I can go 45 miles away from here and see a program that works and works very effectively. The people of the District of Columbia are simply saying we want to do this; we want to use our funds to do this, and they are asking us to yield and give them that opportunity.

So when we err, and we always worry about erring on the side of what is right or erring on the side of what is wrong; but if we err, let us err on the side of life and not death. Let us err on the side of those programs that do work. As I said, we do not have to go to Sweden; we can go 45 miles away and see something that works. I see it every day. I see it working. I see crime reduced. I see the number of AIDS cases reduced. I see the number of people on drugs reduced. And I see that in my district.

Mr. ISTOOK. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. LaHOOD). The gentleman from Oklahoma (Mr. ISTOOK) has 3 minutes remaining, and the gentleman from Virginia (Mr. MORAN) has 1 minute remaining.

Mr. ISTOOK. Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. ADERHOLT), a member of the subcommittee.

Mr. ADERHOLT. Mr. Speaker, I simply wanted to rise this evening in support of the conference report. The subcommittee has worked very diligently under its chairman's leadership to put this bill together.

Opponents of this bill claim that this is a question about home rule. The Constitution, in Article 1, Section 8, gives Congress the ultimate responsibility for decisions affecting the District. The subcommittee has upheld the Constitution and found ways to work positively with the D.C. government.

The subcommittee approved intact the same budget that the D.C. Council and the Mayor approved. Also, this bill ratifies $59 million in tax relief that the D.C. Council and Mayor approved as well.

Almost all of the so-called riders are incidental to what Congress passed and the President signed last year. These measures provide common sense policies that all Members should support. For example, why should we allow the District of Columbia to spend funds to legalize marijuana when such efforts contradict current law?

But aside from these measures, this bill has many other positive aspects. There are funds to provide better education for children by strengthening public charter schools. There are funds to provide high school graduates with millions of dollars for new scholarship opportunities and more choices when deciding which college to choose.

This is a bill that will continue, in my opinion, to improve our Nation's Capital. I urge support of the conference report.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself the balance of my time.

I think we have made our point. Number one, this is a good appropriations bill. If the Members wanted to change the national law with regard to the medicinal use of marijuana, with regard to needle exchanges, with regard to a host of other issues, there are dozens of social riders in this thing, we should go to the Committee on the Judiciary, the chairman of the Committee on the Judiciary is here, and let him take them up. Let it go through the authorization process, not the appropriations process.

We have agreed that there will not be federal funds used for any of these controversial measures. No federal funds. We are not arguing that. We are just saying treat D.C. like we treat the jurisdictions in our own congressional districts. That is all we are asking. And if we were to do that, we would all vote for this appropriations bill because it is a good appropriations bill. It has tax cuts, it has a surplus, and it does the right thing.

We should do the right thing for the District. Vote against this. Let us get a real appropriations bill.

Mr. ISTOOK. Mr. Speaker, I yield myself the balance of my time.

It is pretty simple for most people to weigh the good against the bad. We have a bill that has a balanced budget, reducing the size of D.C. government, streamlining it, helping it be more efficient and effective. There is scholarship money for kids to go to college. Charter schools are strengthened so they are not trapped in dead-end schools. It has the Nation's best new program to fight the link between crime and drugs. We have in this bill opportunity; we have cleanup of the Anacostia River. We have all of these good, strong, solid things.

What is on the other side of the scales? Well, it does not let the District of Columbia legalize marijuana, and it does not let them use public money for a lawsuit that is already filed and being paid by private individuals. Therefore, they say, that outweighs everything else in this bill. How extreme. How extreme.

And for people to say they will reverse their support, 160 Democrats going to reverse their support because they have surrendered their vote to an extreme position, following the gentlewoman from the District of Columbia; that they have surrendered their vote. What will their constituents think? That outweighs all the good in this bill. To legalize drugs? No. Vote for the conference report.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the District of Columbia, but in opposition to this Appropriations conference report. Our Capital City and its residents deserve to enjoy the benefits of the democratic process without interference from the Congress. This conference report is full of provisions that adversely affect the government of the city.

The right of self-governance is something that all of us take for granted. We take for granted that our respective districts, whether they are large metropolitan cities like Houston, or small rural towns, depend on the democratic process. In every place, except for the District of Columbia, the decisions made by the locally elected government are respected.

Even when these local officials make decisions that we might not agree with, there is no congressional action taken to overturn them. This is because local government is subject to a democratic process that provides an internal system of checks and balances. If the people do not like the decision of their officials, then the people vote those officials out of office.

This same process occurs here in Congress. We are also subject to the will of the people. However, we live and work here in the District of Columbia, and we insist that the principle of democracy we hold so dear does not apply. How hypocritical!

This Congress should be ashamed of this conference report. Once again, we intend to force the will of our special interests against this city. Proposals that we would not dare entertain in our own districts, we impose on the District.

We require the District government to jump through various hoops so that the elected mayor can receive his powers to govern. We humiliate the elected City Council by overseeing every piece of legislation they consider. We continue to treat the city and its residents as if they do not exist.

However, this year D.C. has proven that its government works and that its elected officials can handle the day-to-day management of the city. With a new mayor and city council, this city is on its way to financial recovery. The city has even submitted a sound budget with a surplus.

Congress should reward that progress by staying out of the internal affairs of the District government. Their citizens pay their taxes, vote and work just as hard as our constituents at home and we should not infringe upon their rights as American citizens.

The conference report includes provisions that restrict certain uses of District government funds. It includes the provision that prohibits federal and District funds from being spent on needle exchange programs.

The needle exchange program could help the District combat the spread of AIDS through contaminated needles, but this Congress has decided that D.C. residents cannot benefit from this sort of program. This Congress determined this program was too controversial for the D.C. government to spend its own funds.

Although this report does allow the city to count the ballots from the referendum on the legalization of marijuana, the city cannot spend any of its funds to reduce penalties or for legalization. If another state had a similar ballot referendum, this Congress would not prevent the results from being known, nor would we interfere with the implementation of such.

It continues to prohibit the use of District funds for abortion, although no such prohibition exists for other states. It also prohibits the use of funds for extending rights to domestic partners. Again, this would not be heard of for any State.

Since the federal payment to D.C. was eliminated in 1997, the Congress has no interest in how funds are spent in the city. Unfortunately, the appropriation process in the District is being held hostage to the interests of a few who would seek to continue the "big brother" watch over the city.

Although we are approaching the 21st century, the beginning of a new millennium, in Washington, DC, it is more like 1984—like the book written by George Orwell. Watch out D.C., "Big Brother" is watching your every move!

Please support the notion of local governance that we fight so ardently for in our own jurisdictions. Let's give a strong vote of confidence to the new mayor and city council in the District by voting against this conference report.

The citizens of the District of Columbia are not second-class citizens. They are just as important as my constituents in Houston are and as any of your constituents. Do not continue to send the message to the District residents that we do not care about democracy in this city. Vote against this bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 206, not voting 20, as follows:

[Roll No. 404]

YEAS—208

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—206

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goodlatte
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Ackerman
Cooksey
Crowley
Diaz-Balart
Houghton
Latham
Lipinski
Miller, George
Moakley
Murtha
Oxley
Pryce (OH)
Rangel
Rogan
Roukema
Stark
Sununu
Towns
Weldon (PA)
Young (AK)

□ 2032

Mr. SHOWS changed his vote from "yea" to "nay."

Mr. HERGER and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WE MUST ACT ON EAST TIMOR NOW

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. McGOVERN. Mr. Speaker, this morning I woke up to read in the paper a high-level administration official comparing our choices in East Timor to whether he asked his daughter to clean up her room.

I find this comment offensive, offensive to the people of East Timor who are paying with their lives for trusting the international community; paying with their lives by having 78 percent of the people vote for independence; offensive to the four priests I met on August 20 in Suai, East Timor, who are now rumored to be murdered; offensive from a representative of the United States which for the past quarter century has trained, armed and equipped the Indonesian police and military, who in turn organized and armed the militias now rampaging throughout East Timor.

Rather than talking about their kid's room, the Clinton administration should be announcing a cutoff of U.S. aid to Indonesia until the violence in East Timor stops and the people can return to their homes safely.

I am proud to join with my colleague, the gentleman from Rhode Island (Mr. KENNEDY), in introducing legislation to oppose an immediate suspension of all U.S. assistance to the government of Indonesia. I urge all my colleagues to join us and send a message to the administration, as well as to Indonesia, that we will not stand by while East Timor burns.

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, September 8, 1999.

WILLIAM S. COHEN,
Secretary of Defense, Department of Defense,
The Pentagon, Washington, DC.

DEAR SECRETARY COHEN: I read today a summary of your position on the East Timor crisis in USA Today, which emphasized your absolute rejection of U.S. troops participating in any peacekeeping force. While I can understand your legitimate concerns regarding U.S. commitments already in place around the world, as well as for the safety of our troops, I was disappointed and dismayed that nothing was put forward about what the Pentagon might be willing to support to stop the slaughter in East Timor. Hopefully, this was the fault of the reporter and does not accurately reflect your complete views on East Timor.

Laying aside for the moment the participation of U.S. troops at some time as part of a multinational peacekeeping force in East Timor, I would hope that you would agree the U.S. could and should provide financial support to such an operation, as well as warships (similar to what Britain has already put in motion), helicopters, medical personnel, and other transport, logistical and communications support. A forceful public pledge of such support might provide the signal other nations in the region are looking for to move forward with their own commitments to such a peacekeeping mission.

The United States has been a strong and vocal supporter of the U.N-brokered plebiscite that took place on August 30, where over 78% of the East Timorese voted for independence. What credibility will the United States and the international community have if the reward for embracing democracy is death and destruction? Is it not indeed in the U.S. interest to help in stopping the current slaughter in East Timor?

Over the past quarter century, the Department of Defense spent considerable time and funds in training, equipping, and arming the Indonesian military and police, who in turn, organized and armed the militias currently rampaging in East Timor. Just as U.S. policy now supports the democratization of Indonesia and the referendum process in East

Timor, so now should the Pentagon help to protect the vulnerable East Timorese people who embraced that process.

Time is of the essence. As you are well aware from your briefings, every hour, let alone every day, increases the death toll and forcible displacement of the people of East Timor. I look forward to seeing more concrete, constructive and affirmative statements from you and the Pentagon on how to stop the killing and resolve the crisis in East Timor.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.

[From the Los Angeles Times, Sept. 9, 1999]

ONLY INTERVENTION CAN STOP THE VIOLENCE

EAST TIMOR: THE JAKARTA GOVERNMENT, UNABLE TO CONTROL ITS RENEGADE ARMY, HAS LOST LEGITIMACY

Jose Ramos-Horta shared the Nobel Peace Prize in 1996 with Roman Catholic Bishop Carlos Ximenes Belo, whose home was burned to the ground Tuesday by militias roaming Dili, the capital of East Timor. Ramos-Horta spoke with Global Viewpoint editor Nathan Gardels on Wednesday.

Question: Why is the violence taking place now, after the independence vote? Who is committing it?

Answer: The killing is a well-designed strategy prepared for a long time by the Indonesian Army intelligence and special forces. They have their own agenda, and it is very simple: They are not prepared to relinquish East Timor, regardless of the vote in favor of independence and regardless of the commitment by Indonesian President B.J. Habibie.

The so-called "militias" are a fiction. Most of these militia members are not East Timorese opposing autonomy but are Indonesians recruited from West Timor. Among the militias are special forces and Indonesian police in plain clothes. And it is not even these militias that are carrying out the main violence. They don't have the firepower to destroy buildings. And where on Earth would these local militias get the means to ship tens of thousands of people out of East Timor? The Indonesian army, like the Serbian army in Kosovo, arranged for this mass deportation of our people. They have provided the ships to take the people away.

Q: What is the objective of their campaign?

A: To overturn the vote. As far as the army is concerned, the vote is history. They know if they don't accept it, there is no one who will enforce it. Again, let me stress: The war is not being waged by the 20% of the East Timorese who voted for autonomy over independence. We had meetings with all their leaders and they were prepared to accept the vote and join us in a power-sharing arrangement. It is the Indonesian Army that is waging this war.

Q: The martial law that has been declared, then, will consolidate the military control of East Timor, not stem violence?

A: Absolutely. Martial law only strengthens the power of the military. Neither President Habibie nor the defense minister have the power to stop the army. In the context of a democratic country, the Indonesian Army is a renegade army. Along with the special forces, they are a law unto themselves in East Timor.

Q: What, then, is the solution?

A: The only solution is international intervention. If the United Nations Security Council does not fulfill its obligations and call for armed intervention, then countries that have a conscience and resources—Australia, New Zealand, Canada and the Europeans—should do it.

Q: Even if the government in Jakarta does not invite them in?

A: A government that cannot honor its international obligations because it cannot control its renegade army does not exist from the standpoint of international law. The army has hijacked the legitimacy of Indonesian sovereignty. It is a false issue to argue that intervention by the outside world requires the approval of Jakarta.

Q: Are you hopeful about a U.N. Security Council resolution?

A: No, I am not. Some Security Council members insist on an invitation from Jakarta.

Now that U.N. personnel have left East Timor, the violence will escalate. East Timor will be betrayed once more and left alone at the mercy of the Indonesian Army. Thousands and thousands will die in the next few days.

I also cannot say I am hopeful that the Australians and others might take action on their own. I can only pray for a divine inspiration that will summon those with decency to go in and fight for justice, to save the people of East Timor.

[From Human Rights Watch, Sept. 6, 1999]

EAST TIMOR: THE WORLD MUST ACT OR BE COMPLICIT IN THE KILLING

(New York—September 5, 1999)—Human Rights Watch today charged that Western governments were not doing all they could to stop the violence spreading across East Timor in the wake of the vote in favor of independence there last week.

"Indonesia seems bent on leaving East Timor the same bloody way it went in," said Sidney Jones, Asia director of Human Rights Watch. "Western governments will be complicit in the killing if they fail to use any and every means possible to force the Indonesian government to either stop the militia violence or allow international peacekeepers in." Jones dismissed as "nonsense" the suggestion that the militias—created, supported, and armed by the Indonesian army—were beyond Jakarta's control or that they were acting at the behest of "rogue" elements of the armed forces. "The only evidence one needs of Jakarta's involvement is that some 15,000 army and police are in East Timor doing absolutely nothing to stop the terror, arrest the perpetrators, or protect the victims."

"This shows every sign of being planned and coordinated beforehand;" she said. "The Indonesian army may be trying to teach a lesson not only to the East Timorese but to the people of Aceh and Irian Jaya. The lesson is: if you seek separation from Indonesia, even if support for separation is overwhelming, we will destroy you, and no outside power will come to your aid." She said it was absurd to explain the violence simply in terms of the pro-Indonesia militias being poor losers.

The increasing invective over the last week in the Indonesian press and on the part of Jakarta-based politicians against the United Nations, Australia, and the U.S. was serving to discredit those most visibly involved in the referendum process.

Human Rights Watch said Indonesia's major donors and trading partners, including the U.S., Australia, Japan, and the European Union should agree on coordinated and targeted sanctions, including suspension of direct budgetary support and other forms of non-humanitarian aid. That aid would be resumed if and when the violence was brought under control. Since it appeared that the Indonesian army had no intention of bringing the militias to heel, Human Rights Watch said, the leverage should be used to persuade President Habibie to accept an emergency international peacekeeping force.

Military training and transfers of equipment—such as U.S. $5 million in aircraft parts pending from the U.S.—should also be halted. At the Asia Pacific Economic Cooperation (APEC) summit convening in New Zealand later this week the crisis in East Timor, and coordinating sanctions should be a top priority.

The main arguments against a peacekeeping force thus far have been that Indonesia would never agree (and without Indonesia's agreement, the Security Council would never approve), and that it would take too long to deploy. Australia, New Zealand, Portugal, and the United Kingdom have been reported at various times to be considering such a force that some have termed a "Coalition of the Willing," the bulk of whose forces would almost certainly have to come from Australia. If Indonesia gave a green light, a rapid deployment would probably be possible. But as of Sunday afternoon New York time, there was no evidence that the Indonesian government had changed its stance of rejecting international peacekeepers.

In the meantime, East Timorese are being attacked in the schools and church compounds where they have sought refuge, most international journalists have left, and by Sunday evening Dili time, the militias were in control of most of the territory.

"The international community paid for this referendum to happen," said Jones. "It sent more than 1,000 expatriate staff to Dili as part of the United Nations Mission in East Timor and hired more than 4,000 local staff, all of whom are in serious danger of militia attack because of their UNAMET association. Its failure to even try to use maximum leverage has turned these people into sitting ducks for militia gunfire."

[From Human Rights Watch, Sept. 7, 1999]

EAST TIMOR: MARTIAL LAW WILL MAKE THINGS WORSE

NEW YORK, September 7, 1999.—Human Rights Watch said today that President Habibie's declaration of martial law in East Timor, apparently at the urging of Indonesian armed forces commander General Wiranto, could make a terrible situation worse. It urged Indonesia's donors to continue to press Habibie to invite an international peacekeeping force to East Timor. The text of the September 6 decree had not been made public as of Tuesday morning, Jakarta time, but was expected to include authorization for the army to shoot on sight and make arrests without warrants. As many as 6,000 new army troops were expected to be sent to East Timor as a result. Indonesian officials gave no indication of how long martial law would last.

"The army says the violence is out of control, but in fact, the army's behind it," said Sidney Jones, Asia director of Human Rights Watch. "It says pro-autonomy groups are clashing with pro-independence groups, but this is not a two-sided conflict. It's a one-sided, well-organized, premeditated rampage, led by fully armed militias and backed by local troops."

Jones said the militias were systematically attacking refugees, journalists, and people associated with the United Nations Mission in East Timor (UNAMET). "The army organized and armed these militias in the first place," she said. "Since senior officers at any time could have arrested soldiers and militia leaders involved in murderous attacks but did not, why on earth should anyone believe that martial law and more troops will solve the problem?" Jones said the existing troops in East Timor did not need the extraordinary powers that martial law confers. "They just need the political will to act," she said.

Human Rights Watch said it was concerned that with almost all international journalists out of East Timor and most foreigners evacuated save for some 100 UNAMET staff holed up in the UN compound in Dili, the army could now use martial law as a cover for furthering the work of the militias. "One test will be whether members of the Aitarak militia, responsible for some of the worst violence over the last three days, will be arrested and charged," Jones said. The international community has been urging Indonesia to either stop the violence or invite international forces in to do so.

A five-person delegation from the U.N. Security Council left for Jakarta Monday evening New York time with a mandate to insist that Indonesia take steps in the next forty-eight hours to curb the violence. The martial law decree appears to be Indonesia's response to growing international pressure to act. In interviews with Jakarta newspapers, General Wiranto continues to insist that Indonesia is fully capable of resolving the problem without international assistance and maintains that no international forces will be permitted in East Timor until November, when Indonesia's highest legislative body, the People's Consultative Assembly, ratifies the results of the referendum held last August 30. In that ballot, almost 80 percent of East Timorese voted to reject an offer of autonomy and separate from Indonesia.

URGENT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, our colleague, the gentleman from Ohio (Mr. HALL), nominated Bishop Belo for the Nobel peace prize; and shortly thereafter, I visited East Timor about 2 years ago. I want to read a fax that I just received in my office about East Timor. The man said this is a deliberate, carefully planned operation. The militia are not out of control. They are, in fact, firmly under the control of the Indonesian military. East Timor is an Asian Kosovo. Asian Kosovo; and then he goes on to say that a gentle 80-year-old nun who helped work for Bishop Belo has been shot. Bishop Belo's home has been burned down. Bishop Belo has fled the country. And he ends by saying the neck of a 3-year-old child was wrung while his family watched.

This administration has to speak out and deal with this issue, and they have to speak out and deal with this issue before the end of the day.

URGENT

September 9, 1999.

Congressman FRANK WOLF,
241 Cannon HOB, Washington, DC.

DEAR CONGRESSMAN WOLF: I'm aware of your interest in the people of East Timor and am contacting you because I believe you may not have heard of the massacre at Suai. Details of this event follow later in this message.

The East Timorese desperately need outside help and the support of democratic nations, in particular the USA. No less than 78.5% of East Timorese voted for independence from Indonesia. Since then, Indonesia has subjected them to a terrible revenge. Militia and Indonesian military have been burning, shooting and looting their way through East Timor for days.

The latest estimate (given tonight by the Australian Defense Minister) is that 200,000 East Timorese have been forcibly evacuated to West Timor and elsewhere in the Indonesian archipelago. There is a systematic programme of destruction and genocide taking place—designed to wipe out the East Timorese elite and raze the infrastructure of East Timor to the ground.

This is a deliberate and carefully planned operation—the militia are not 'out of control', they are in fact firmly under control of the Indonesian military. East Timor is an Asian Kosovo: Indonesian-backed militia and Indonesian police and military are causing terror in East Timor even as you read this message. A gentle 80-year-old nun who helped care for Bishop Belo has been shot, Bishop Belo has fled the country, and there are numerous accounts of children and young men being hacked to death. The neck of a three-year-old child was wrung while his family watched.

I'm writing to you as an Australian citizen who is outraged at these events and who cannot believe that the world, and the US in particular, will do nothing to stop this holocaust. There is a desperate, urgent need for immediate outside help for the Timorese, a gentle Christian people, who believed that the world would stand by them.

Australia has committed 4,500 troops for a peacekeeping force but has so far failed to get any support from the US. There is a great sense of sadness, anger and frustration here about this. And I must tell you that there is great disappointment at the lack of US interest.

Australia has always stood by the side of the United States whenever the US has asked for support—in Korea, Vietnam and the Gulf War. This is the first time in more than 50 years that we have asked for US help and we are getting nowhere. Our troops are on standby in Darwin and by coincidence there is a substantial number of US troops and several US warships also in Northern Australia. My guess is that a significant show of force and commitment by the US would turn the tide.

Please, Congressman, so what you can to help. Ask your colleagues and President Clinton to take a stand for democracy and against the evil, malevolent forces at work in East Timor today.

Yours sincerely,

IAN EVANS.

The following information is from the web site of the Australian Broadcasting Corporation and was telecast on ABC–TV tonight (7:00 pm AEST, 9/9/99)

UN CONFIRMS MASSACRE AT SUAI

The United Nations has confirmed a massacre in which approximately 100 supporters of independence were shot or hacked to death by rampaging pro-Jakarta militia members earlier this week.

The victims were among more than 2,000 terrified people who had taken refuge from the militia for some weeks in a church in the western town of Suai. Three priests are believed to have been among those killed during the militia attack on Tuesday. The East Timorese head of the Catholic aid agency Caritas, Father Francisco Barreto, is also believed to have been killed.

In other reports, six nuns from the Canossian order were reportedly killed in the city of Baucau, 115 kilometers east of Dili.

A spokeswoman for Caritas in Australia said priests have been identified as supporting independence because pro-independence supporters had begun seeking shelter in church buildings in the past months.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2788.

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York (Mrs. MCCARTHY) be removed as a co-sponsor of H.R. 2788. She was inadvertently added as a cosponsor of this legislation.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the distinguished majority leader for the purposes of inquiring about the schedule for the rest of the week and next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, I am pleased to announce that we have completed legislative business for the week. The House will therefore not be in session tomorrow.

The House will next meet on Monday, September 13, at 12:30 p.m. for morning hour and at 2:00 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, we do not expect recorded votes until 6:00 p.m.

On Tuesday, September 14, and the balance of next week, the House will take up the following measures, all of which will be subject to rules: H.R. 417, the Bipartisan Campaign Reform Act; H.R. 1551, the Civil Aviation Research and Development Authorization Act; H.R. 1655, the Department of Energy Research, Development, and Demonstration Authorization Act; H.R. 2490, the Treasury and Postal Service Appropriations Conference Report; S. 1059, the National Defense Authorization Conference Report; and H.R. 1402, a bill regarding Federal Milk Marketing Orders.

Mr. Speaker, on Friday, September 17, no votes are expected after 2:00 p.m.

I wish all of my colleagues safe travel back to their districts, and I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, I have just a couple of questions for the gentleman from Texas (Mr. ARMEY).

Can the gentleman tell us the day in which campaign finance will be brought to the floor?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, the campaign finance reform will be considered on Tuesday, and I might add we expect that to be a fairly lengthy debate and we would expect Members or advise Members to expect a late evening on Tuesday.

Mr. BONIOR. Does the gentleman expect a late evening other than Tuesday next week?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. We can tell the gentleman we will conclude business by 6:00 or so on Wednesday evening. The Hispanic Caucus has a very important dinner, and the schedule will accommodate to that dinner.

We expect that Thursday evening might possibly run a little late, but we certainly would hold to our 2:00 departure time on Friday.

Mr. BONIOR. I thank my colleague.

Finally, let me just ask my colleague that in August, before the recess, about 18 colleagues on the gentleman's side of the aisle signed a letter to the leadership asking that the minimum wage bill be brought up this fall before we adjourn for the year, and I am just wondering if the gentleman, who I know has a real fondness for the minimum wage bill, would enlighten us on when and if that will happen.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I appreciate the gentleman yielding.

Yes, we are aware of this interest on the part of the Members on both sides of the aisle. We have key Members of the House working on that. I can only say to the gentleman he might expect something later in the year, but I have nothing more definite to say on that.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding, and have a good weekend.

ADJOURNMENT TO MONDAY, SEPTEMBER 13, 1999

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CHINA SHOULD NO LONGER RELY ON TECHNICAL BARRIERS TO BLOCK AMERICAN PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, 5 months ago, the American agriculture sector celebrated the signing of groundbreaking market access agreements with China. In April 1999, Chinese Premier Zhou Rongji signed three bilateral agreements with the United States designed to open agricultural markets. These agreements concluded decades of discussions on sanitary and phytosyntax trade barriers which had locked American farmers out of Chinese markets.

Upon signature, China agreed to immediately begin implementing these agreements, permitting access to China's vast markets.

The larger issue of Chinese WTO accession was not resolved in April, but the side agreements were considered a significant victory for American farmers.

China has long relied on technical barriers to block American products. For more than 20 years, wheat from the Pacific Northwest has been banned because of unfounded concerns about TCK smut, a wheat fungus. The rest of the world recognizes that TCK poses no threat to human health and does not affect the quality of the product, yet China has maintained its ban for all of these years.

Meat producers have largely been shut out of the market because China has only allowed imports from five approved U.S. plants and all citrus growers have been locked out because of concerns about Mediterranean fruit flies in certain regions.

In signing the three agreements, China agreed to accept USDA certification for meat safety for U.S. exports of pork, beef and poultry; eliminate the current comprehensive ban on citrus fruits and eliminate restrictions on the import of Pacific Northwest wheat. All future SPS disputes will be settled scientifically.

The potential consequences of the agreement were tremendous and touched most agriculture districts in the United States. But unfortunately, the disagreements remain only a distant unrealized potential. Three weeks ago, a member of my staff traveled to China to discuss implementation of these agreements. The Director General of American Affairs within the Ministry of Foreign Trade and Economic Corporation indicated that China did not intend, did not intend, to implement the agreements until discussions were concluded on WTO accession.

Such a decision would be in direct contravention of the April agreement, which held that implementation would begin immediately. Agricultural producers should not be held hostage to WTO negotiations, and I expect China to uphold its bilateral commitments.

We as a Congress, we as a country, we as people who care about our agricultural sector, should expect China to uphold its bilateral commitments. This should serve as a test case if Congress discusses permanent normal trade relations with China later this year as a part of a WTO agreement. If China delays action on agricultural agreements that have previously been signed, it raises serious questions about the sincerity of other commitments to implement market access agreements.

The April draft WTO agreement would have resolved a wide range of other outstanding market access issues: trading rights, distribution, quotas, reliance on state trading companies and export subsidies. The U.S. Trade Representative did a great job in moving China toward a tariff based system, with extremely low tariff rates, but if China is unwilling to act on the Sanitary Phytosanitary Agreement, it seems likely that we may see continued reluctance on other aspects of any WTO agreement.

So I am sending a letter to President Zemin and President Clinton urging immediate implementation of the bilateral agricultural agreements, and I urge any Member of this body who represents producers of wheat, pork, poultry, beef or citrus, to join in the signing of this letter. With low prices already hurting our farm leaders across the country, we should not stand by and let them continue to be locked out of one of the largest markets in the world.

China should implement the side agreements; and it should do so immediately, and I would just say to my colleagues, this is an indication, I think, of disrespect for the agricultural sector in our country, which needs exports. We are fighting desperately to get our products into other countries; and now that we have reached this agreement, it seems to me that China should follow through on what they previously agreed to in April of this year.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I want to thank the distinguished gentleman from Washington (Mr. NETHERCUTT) for his message, for watching this issue so closely. It is important to the agricultural sector; and I think, as the gentleman points out, it is a real test of whether we can depend upon the People's Republic of China to implement their promises on trade. So I thank the gentleman for his diligence on this issue.

Mr. NETHERCUTT. I thank the gentleman from Nebraska (Mr. BEREUTER) for his comments and his commitment to agriculture and his interest and his expertise in trade issues.

CHINESE ESPIONAGE AT OUR NATION'S WEAPONS LABORATORIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, prior to the district work period, I came to the floor to discuss an issue on the minds of many Americans as well as myself, the issue of Chinese espionage at our Nation's weapons laboratories. Over the last month, I spent time with the constituents of the third district of North Carolina, which I am proud to represent, and they gave me further confirmation that the American people are outraged over the loss of our sensitive national security information. But what my constituents expressed even greater concern with, as I am sure many across this country have, is the potential for continued loss of our sensitive nuclear technology.

□ 2045

In response to their concerns, I gave my word that I would do everything as a Member of Congress to ensure the accountability of those who have jeopardized the security of our Nation and protect our security information for the future, and, Mr. Speaker, I mean it too.

In July, I had the opportunity to meet with the former director of Safeguard and Security for the Department of Energy, Colonel Ed McCallum. The Office of Safeguards and Security governs protection of the Department of Energy's national security assets including nuclear weapons, nuclear material, highly classified information and personal clearance. It also investigates security incidents involving the loss of nuclear materials and the unauthorized disclosure of classified information.

Colonel McCallum served as director of the office for 9 years under former Energy Secretary Hazel O'Leary and then under current Secretary Bill Richardson. I first heard Colonel McCallum reveal his side of the nuclear spy scandal on the O'Reilly Factor on the Fox News Channel. Colonel McCallum was telling of how he and members of his staff made continued efforts, Mr. Speaker, to approach both O'Leary and Richardson to alert them to the lax security at our weapons labs and the need to take measures to prevent possible theft.

Mr. Speaker, Colonel McCallum reported that time after time he hit roadblocks in trying to bring this issue to the attention of both Secretaries. Neither O'Leary or Richardson took interest in his findings, and neither worked to tighten security. It is little surprise then to find out that security secrets were easily targeted by the Communist Chinese.

To prevent similar situations in the future my colleague, the gentleman from Pennsylvania (Mr. WELDON), and myself had called for a hearing to have Colonel McCallum and members of his staff brief the House Committee on Armed Services on the instances in which U.S. security was compromised. I am confident the information the colonel and his staff can provide will be critical in assisting Congress in its efforts to eliminate leakage of sensitive military secrets in the future.

Mr. Speaker, despite what the administration is willing to bet, the American people care about the loss of nuclear technology. In fact, after I had the opportunity to appear on the O'Reilly Factor to state my commitment to pursue this issue I have received a number of supportive letters from men and women across the country. One soldier in the Army wrote, and I quote:

> I cannot figure out why there is so much apathy among the American people regarding this very serious threat to the security of our country.

I further quote:

> There are a lot of people like myself who recognize the gravity of this situation and wish to see those responsible held fully accountable for their actions. I do not care how well the economy is doing. It won't mean a thing if China or one of its allies decides to launch a missile strike against this country.

That is from a member that served in the United States Army.

Mr. Speaker, a couple wrote another letter I want to share with you. It reads, and I quote:

> This is a tragic road America is heading down. We are both grateful to you and others who are working with you to bring light, order, and some justice to what we see as a complete incompetence, lack of integrity, and dishonesty shown by this administration.

Mr. Speaker, I have a stack of letters just like these I have read to you tonight. The message is clear. The American people want you and I to stand up to this administration.

We are a Congress. As a Congress, we must demand that those responsible are held accountable for compromising our national security, and we must work to prevent future leaks.

Mr. Speaker, I have offered my commitment and urge my colleagues and this Congress to join me in working to protect the security of every American citizen because America is special, and we must do everything we can to protect our national security of this Nation.

THE TRUTH ABOUT THE REPUBLICAN TAX PLAN

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to join my colleagues to urge this House to engage in a serious and honest debate on modest tax relief for the American people. Unfortunately, the Republican Tax Plan is nothing more than a thinly-veiled fundraising gimmick.

The Republican Tax Plan reminds me of the Shakespearean play, Hamlet. Hamlet's stepfather Claudius secretly kills Hamlet's father. Claudius later marries Hamlet's mother. Claudius attempts to get away with murder and don the ill-fitting cloak of kindness to young Hamlet. The Republican Tax Plan attempts to kill the spirit of the American people who cry out for sensible tax relief. But just as the Ghost the slain King sought to be heard, so does the spirit of the American people. We Democrats seek to honor this spirit.

The Republicans know that their risky tax plan has virtually no chance of passing. The President will certainly veto the Republican's $800 billion risky tax scheme. If the Republican leadership has enough votes to override a veto why have they stalled for 35 days and counting to send their risky tax scheme to the President's desk?

The Republican leadership put on a road show this summer to sell their 1980's-style voodoo economics to the American people. But the American people realized that as we say in Texas, "That dog don't hunt." The GOP's risky tax plan would spend virtually all of the projected non-Social Security surpluses, would cause $31.8 billion in cuts to Medicare within 5 years, and would cut $56 billion out of crop insurance, education programs, child support enforcement programs, veterans education and readjustment.

Even Majority Leader DICK ARMEY admitted that the Republican tax plan is not an issue that resonates with voters. After a dismal showing with the American voters, Mr. ARMEY had this to say about the Republican's tax plan on CNN Inside Politics, August 18, 1999, "It is not an issue of the heart with the American people today. They want a tax cut, but they don't feel a need for one."

This is exactly right. The American people want some form of tax relief, but not an extreme risky scheme as proposed by the Republican leadership. Instead of saving the American people money, the Republican plan squanders the surplus on a fiscally irresponsible $3 trillion tax cut that would risk America's economic growth and explode the deficit.

The Democrats are prepared to work with the Republicans on a sensible alternative, but the Republican leadership refuses to put the best interest of the American people first. Why, you may ask? Chief GOP fundraiser, Representative TOM DAVIS responded thusly to the prospect of moderating the Republican's risky tax scheme in order to come closer to the Democrats plan for targeted tax relief as opposed to massive cuts:

"We (Republicans) think cutting a deal is not worth it. The issue has been a big money-raiser for us." (Washington Times, 9/6/99)

Instead, of partisan politics, the Republicans should work with the Democrats in a bipartisan way. We need to pursue a sound fiscal policy by using the surplus to pay down the national debt. We also need to continue on the path of debt reduction that will keep our interest rates low, sustain the current economic expansion, and allow the private sector to create good, high paying jobs.

Where the Republican leadership seems content to pander to their wealthy, special interest contributors, the Democrats seek to target our tax cuts to middle-class families. We need to help America's families to save some of their earnings for retirement and for their children's future and to make it easier for them to address the long-term care needs of their elderly parents. We urge our Republican colleagues to reject their leadership's risky tax scheme and opt for more pragmatic legislative tax relief.

Next week, the House will finally be permitted to debate the Shays-Meehan Bipartisan Campaign Finance Bill. The GOP will attempt to kill this bill through poison-pill amendments, but the Democrats will continue the fight for meaningful reform.

Rather than enacting irresponsible tax cuts that have no chance of being enacted into law, the Republicans should join the Democrats in enacting legislation that matters—legislation that will strengthen Medicare and provide prescription drug coverage, establish a comprehensive Patients Bill of Rights, help to keep our schools safe by enacting sensible gun-safety measures, and improve our education system through school construction and the reduction of class size.

THE POLITICAL FUTURES OF INDONESIA AND EAST TIMOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises tonight to comment on the crisis in East Timor and its broader implications for the political future of Indonesia. This issue was a topic of a hearing of the Committee on International Relations' Subcommittee on Asia and the Pacific which this Member chairs today. It was held jointly with the subcommittee's Senate counterpart committee, and Indonesia and East Timor will undoubtedly be a major topic at the APEC summit President Clinton will be attending this weekend.

In the wake of the historic vote in East Timor, both Indonesia and East Timor face a future filled with portent. For Indonesia, the referendum comes at a time of very sensitive political maneuvering and a fragile economic recovery.

When the subcommittee last held hearings on Indonesia on May 12, we were anxiously awaiting the June 7 national election results. Despite some violence, a very slow vote count and a limited amount of election irregularities that election was nonetheless judged by the international community to be a success. It buoyed optimism about Indonesia's ability to overcome its profound political and economic crises. However, that June election also created new complexities. No one party achieved a majority, and, in fact, the opposition, PDIP led by Megawati Sukarnoputri won a plurality of the vote. Therefore, for the first time in modern Indonesian history political coalitions will be needed to form in order to elect a new president, form a new government, carry out further economic and political reforms, address the subject of rescinding the 1976 law which integrated East Timor into Indonesia as its 27th province and address separatist sentiments in other parts of Indonesia like the province of Aceh in northern Sumatra. Indeed this is a new experience for these relatively immature political forces in a democratic Indonesia. How they carry out these responsibilities will determine the legitimacy of the new Indonesian government as viewed by the eyes of the Indonesian public and by the international community.

Of course, the most obvious and immediate task is the crisis in East Timor. After years of Indonesian intransigence, President Habibie took bold steps towards resolving this longstanding problem. In January, he seemingly brushed aside the reservations of the military and others in the Indonesian society and surprised the world by offering the people of East Timor an opportunity to determine their own future through the ballot box. Many of us were encouraged by this bold and positive development. There was perhaps a general sense of guarded optimism prompted by the assurances of President Habibie and Armed Forces Chief General Wiranto that Jakarta would maintain order and create an environment conducive for a fair and safe election, but that proved not to be a realistic assessment. Despite increasing violence and intimidation by Indonesian militarily supported militia in the recent Timorese elections, a record 98.6 percent of registered voters turned out to vote with 78 percent of them choosing independence.

The will of the East Timorese people is clear and overwhelming. It is evident by the truly horrific events in East Timor over the past week that the Indonesian government and particularly the Indonesian military has been deliberately unwilling or perhaps in some cases unable to uphold their responsibilities to provide peace and security.

It must be emphasized that this is Indonesia's responsibility. Indonesia demanded this responsibility from the United Nations, and the international community entrusted it to Indonesia. It is reported the United Nations Secretary General Kofi Annan has made very strong representations to the Indonesian government about their obligations and the negative consequences Jakarta could face from the international community for jeopardizing the integrity and the subsequent implementation of the expressed citizens' desires of this U.N.-sponsored election. The United Nations General Assembly should do the same.

Mr. Speaker, I will report more on these events after the weekend and after we complete work on a resolution that we intend to offer on a bipartisan basis early next week.

AMERICAN PEOPLE ARE RENTING THEIR CURRENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I would like to talk briefly about money. Everybody is interested in money. My wife asked me: If you know so much about money, how come we do not have very much? But I would like to talk about money this evening.

Did you know that we pay rent on our money; the cash we use, we pay rent on it? It costs the American people $100 per person per year to rent our cash; that is, the paper money, from the Federal Reserve.

Now, the Federal Reserve gets the money, it just does not spend that money or keep it. They return it to the Federal Treasury. That means that the American people are paying a tax on our money in circulation for the privilege of using Federal Reserve notes. In reality, this money is paid to the Fed by the Treasury to pay the interest on the U.S. bonds that back our money.

This is a foolish system when the U.S. Treasury could issue our currency directly without debt and without interest as they issue our coins. Most people do not know that our coins are minted by the Treasury, essentially spent into circulation, and the U.S. Treasury makes a neat profit on them. But when we issue cash, we go further into debt. When the U.S. Government issues paper cash, they go further into debt because bonds are created to back the cash, and thus the debt increases.

With a currency we go into debt, but it makes a profit when coins are placed in circulation. This is truly a system that defies logic, and we should issue our coins or issue our cash as we issue our coins.

Here is a simple way to accomplish that; this is not complex, this is not rocket science. Congress only needs to pass legislation requiring the Treasury to print and issue U.S. Treasury currency in the same amount, in the same denominations, of the present Federal Reserve notes. No change in the money supply. The Treasury would issue these U.S. notes through the banks and at the same time withdrawing a like amount of Federal Reserve notes.

As these Federal Reserve notes are collected by the U.S. Treasury, they must be returned to the Federal Reserve and essentially to redeem the over $400 billion of U.S. interest bearing U.S. Treasury bonds now held by the Fed. So the Fed holds the bonds. We can take the U.S. currency and exchange it for those bonds. Over a couple of years we will have U.S. currency circulating instead of Federal Reserve notes, and the U.S. debt would be reduced by over $400 billion.

That sounds too simple. Well, it is simple. This is not rocket science. There is no appreciable down side, and I expect to discuss this issue a lot in the future just because somebody needs to take a look at how our money was issued and allow us to avoid paying that $27 billion a year interest just to rent our currency from the Federal Reserve.

HMO REFORM UPPERMOST ON MINDS OF AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, the issue of HMO reform has become one of the most important issues on the minds of Americans today, and I can certainly tell you that from the forums and the people that I met and talked to during the August break that we recently held with the House of Representatives. I had a number of forums in my district that were specifically about HMO reform where we talked about the Patients' Bill of Rights and what some of us are trying to do in the House of Representatives to reform HMOs and to end some of the abuses. And I found overwhelmingly that at my general forums or my forums that were specific to HMO reform that people felt that the need to address the abuses of HMOs and managed care was the number one issue on the minds of my constituents. And we know that polling around the country amongst Democrats, Republicans, and Independents shows that that is certainly the case as well.

There have been also I should mention a number of front page articles in the leading newspapers, the New York Times, the Washington Post on the fevered pitch, if you will, that the debate over managed care reform has assumed on Capitol Hill, and it is also assumed I would say a clear and identifiable framework.

The debate is now one between supporters of managed care reform on the one hand, mostly Democrats, and some Republicans and the Republican leadership on the other hand. The Republican leadership which with the insurance industry are fighting tooth and nail to undermine the various managed care reform proposals that have been introduced either by Democrats, by Republicans or on a bipartisan basis.

The issue of HMO reform has reached the dimensions it has because patients are being abused within managed care organizations. It is just common sense. Many people come up to me because they have had problems with HMOs where they felt that common sense would dictate that they should be able to go to an emergency room or they should be able to have particular treatment or stay in the hospital a few extra days, and they are told that they cannot.

Patients today lack basic elementary protections from abuse, and these abuses are occurring because insurance companies and not doctors are dictating which patients can get what services under what circumstances. Within managed care organizations, HMOs, the judgment of doctors is increasingly taking a back seat to the judgment of the insurance companies. Medical necessity is being shunned aside by the desire of bureaucrats to make an extra buck, and people are literally dying because they are not getting the medical attention they need; and ironically enough, they are in theory paying for it in their premiums.

□ 2100

I cannot emphasize enough, Mr. Speaker, how many times during the break, during the August recess, that people came into my district office complaining about abuses related to HMOs and managed care.

Now, because of the importance of this issue, there are a number of legislative proposals that have been introduced to give patients the protections they deserve. I have been on the floor many times talking about the Democrat Caucus' Health Care Task Force, which I cochair; and together with the gentleman from Michigan [Mr. DINGELL] and most Democratic Members here in the House, we have introduced legislation which would provide patients with a comprehensive set of protections from managed care abuses. This is the Patients' Bill of Rights, as it is called. It is not an attempt to destroy managed care, it is an attempt to basically improve it and to make it better.

I cannot emphasize that enough. During the forums I had during the break, I had actually people from an insurance company who sold insurance policies for managed care, and I suggested to them over and over again and explained to them that those of us who want reform are not against managed care. Managed care is here to stay. We know that it saves money; we know there are positive values to it. But on the other hand, the abuses have to be corrected.

Now, I wanted to say that what happened just before the August break in that first week of August when we were last in session was very significant. At that time and a few weeks prior to that the Republican leadership was saying they were willing to bring some kind of managed care reform to the floor and let us vote on it, up or down. However, they ultimately decided not to allow that, not to do that.

Because of that, there were Republican Members, and I will mention the two leaders, the gentleman from Georgia [Mr. NORWOOD] and the gentleman from Iowa [Mr. GANSKE], both Republicans, both health care professionals, who decided they were going to join together. Because they could not get a vote on the floor on managed care reform from the Republican leadership, they would join together and bring some of the Republican colleagues over to help most of the Democrats who had sponsored and put forward the Patients' Bill of Rights.

So just before the break, it was announced there would be a new bipartisan bill sponsored by these Members, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Georgia [Mr. NORWOOD], the gentleman from Michigan [Mr. DINGELL] being our Democrat and ranking member on the Committee on Commerce, and the gentleman from Georgia [Mr. NORWOOD] and the gentleman from Iowa [Mr. GANSKE], also Republican members of the Committee on Commerce; and we would put together a new bipartisan Patients' Bill of Rights, which is very similar really to the Democratic bill that came out of our Democratic Health Care Task Force and that we as Democrats have been talking about for the last year or more, and we now have 20 Republicans who have agreed to cosponsor this new bipartisan Patients' Bill of Rights.

That was a major achievement. There are now a majority of Members of this House on both sides of the aisle that are willing to say that they want the Patients' Bill of Rights brought to the floor and are willing to cosponsor the bill.

Unfortunately, nothing has really changed in terms of the Republican leadership. The Patients' Bill of Rights, this new bipartisan one, does not enjoy the support of the Republican leadership. In fact, if we are to believe, if you will, what we read in the newspaper, it is not just the Patients' Bill of Rights that the Republican leadership opposes. They appear to be opposed to the larger notion of managed care reform. They are simply not willing to cross the insurance industry in order to give patients better protections and doctors greater power over medical choices.

I would like to point out that the GOP leadership's opposition to the new bipartisan Patients' Bill of Rights is not exclusive to the House. In the Senate, Senator NICKLES recently lambasted the American Medical Association for supporting the Patients' Bill of Rights. During the break the American Medical Association, I should mention, came out in support, unconditional support, of this new bipartisan Patients' Bill of Rights. Yet Senator NICKLES said he was shocked that they would do it, and he suggested that the AMA's support of the Patients' Bill of Rights would jeopardize their relationship with the Republican Party.

I have to point out that it is not just the AMA, it is not just the AMA representing doctors, it is almost every health care professional organization that has now come out in support of the Patients' Bill of Rights. We have over 100 patients, medical health care and consumer groups that have announced their support for the bill, and I think the problem with the GOP leadership, the Republican leadership, is that rather than hear the voices of the vast majority of their constituents and the overwhelming voices of the medical and the health care professionals and the consumer groups that say they support the Patients' Bill of Rights, instead the Republican leadership just looks to the special interests, the HMOs and insurance companies, and only hears their voices to decide what they as Republican leadership should do.

Basically what we have, now that we have come back into session, and we will be in session for most of the fall, is essentially a scene or a showdown, if you will, between the supporters of the Patients' Bill of Rights, bipartisan, and the Republican leadership. With very few legislative days left in the 106th Congress, those who support patient protection believe it is increasingly important that everyone come together and send a strong message to the GOP leadership about getting the Patients' Bill of Rights to the floor for a vote.

I would bet any money that if the Republican leadership brought the new bipartisan Patients' Bill of Rights to the floor of this House, it would pass overwhelmingly, so that is why they are not doing it, because they are afraid that would in fact happen.

But there is widespread agreement in Congress for ensuring with this bill that medical decisions are being made by doctors based on medical need and not by company bureaucrats whose primary concern is profit margin. I believe that if we continue to agitate on a bipartisan basis now to bring this bill to the floor, we will eventually have success.

Now I wanted to point out, if I could this evening, what the Republican leadership did during the break in concert with the HMOs or the insurance companies, with these special interests, to try to kill the Patients' Bill of Rights and those who might be interested in supporting it, again, both Democrats and Republicans.

I am just reading, if I could, or making mention of an article that was in Congress Daily, which is a publication that circulates on Capitol Hill. This was an article that was in the Congress Daily during the break, Thursday, August 19.

It says: "Insurers business target Norwood Dingell supporters." They are again making reference to the bipartisan bill. "Health insurers, health plan and business groups today unveiled the advertising campaign they will target at States and House districts where members have cosponsored or are leaning towards supporting managed care reform. Health Insurance Association of America President Charles Chip Kahn said cosponsors of the bipartisan managed care bill authored by Representative Charles Norwood, Republican of Georgia, and Commerce ranking member John Dingell, Democrat of Michigan, will rue the day," this is a quote, "will rue the day they decide to endorse it. During the next two weeks, the HIAA will spend $250,000 airing 60-second radio ads that will run in Buffalo, Elmira and New York City, New York, Miami and West Palm Beach, Florida, Chattanooga and Knoxville, Tennessee, Philadelphia and Casper, Wyoming, where GOP Representative Barbara Cubin is a cosponsor of the Norwood-Dingell plan. Including HIAA's advertising campaign over the next two weeks, Kahn said, health plans and business groups opposing managed care bills will spend more than $1 million working towards a cacophony of criticism of the bills. The health benefits coalition, a group of employer-based organizations opposing the managed care bills, is ramping up its spending for the last two weeks of the break, said an official with one of the groups. The coalition will launch television and heavy radio ads and heavy grassroots pressure against about 35 Republicans who either have signed or might sign on to the Norwood-Dingell plan. The ads are pretty tough and they are intended to provoke a backlash, the official said. We are going after members who are soft but gettable."

Basically what they are doing is spending their time during the break, spending money, trying to persuade, particularly Republicans in this case, not to cosponsor the now bipartisan Patients' Bill of Rights.

It is not just this group, the HMOs. "The American Association of Health Plans will launch a TV ad campaign aimed at 60 House Members, said spokesman John Murray. The ads will target Norwood-Dingell cosponsors as well as House Members still on the fence. Murray said, we are going to spend whatever it takes."

How do you like that? This is the problem that we face, the money that the special interests want to spend, and they are working with the Republican leadership, even against Republican Members who feel that they want to cosponsor the Patients' Bill of Rights and are supporters of what is good for the average American. "The business roundtable also will launch radio ads during the remainder of the August recess," their spokesman said.

Well, just to give you an example, it is not just during the recess. It continues this week in Congress Daily, which, again, is a publication that every Member of the House gets on a regular basis. Every day this week there has been a full page ad which was just sort of a white sheet, and in the middle of it there is this warning, like the kind of warning you would get on a cigarette package, that says, "Warning: The Dingell-Norwood Patients' Bill of Rights could be hazardous to your health care."

It does not really explain why. There is some fine print at the end that tries to explain why, which does not really make any sense. But this advertising campaign continues, and I have no doubt that it will continue throughout the fall and way beyond to try to target and dissuade not only Democrats, but, even more importantly, now Republicans, who want to sign on to the bipartisan Patients' Bill of Rights.

I mentioned before though and I will mention again that supporters, both Democrats and Republicans, of the Patients' Bill of Rights can take solace in the fact that the average citizen, as well as all the health care professional organizations, pretty much now are solidly behind our HMO reform.

Another thing that came out within the last month that I thought was particularly interesting was a survey that showed just how much managed care frustrates physicians and how physicians and health care professionals in general feel that they cannot really properly take care of their patients because of the abuses of managed care.

This was also in Congress Daily, and it says, talking about this new survey, that nearly 90 percent of physicians say health plans have denied their patients recommended care during the last two years, and in some cases those denials occur as often as every week.

The survey was released by the Kaiser Family Foundation and the Harvard School of Public Health. Kaiser Foundation President Drew Altman expressed surprise about the pervasiveness of problems reported between providers and insurers. "Some tension is to be expected," Altman said, "but the degree of conflict reflected in this survey suggests we are in a new world, and it is hard to argue it is good for the health care system."

According to the survey, the most common denials were for prescription drugs. Sixty-one percent of physicians said they had a patient experience a denial weekly or monthly with regard to prescription drugs. Denial of diagnostic tests, 42 percent of patients have been denied a test weekly or monthly. Forty-two percent of the patients said that they had had some kind of denial, weekly or monthly; hospitals stays, 31 percent weekly or monthly; referrals to specialists, 29 percent weekly or monthly. This is the physicians relating what happened to their patients.

Depending on the problem, between one-third and two-thirds of physicians said a denial resulted in a somewhat or very serious decline in patients' health. So, again, we are talking about what is happening in the real world. We are talking about the abuses and the problems that people have on a regular basis.

The physicians, according to that survey, see these problems, see what is happening to their patients, and feel it is having a really negative impact on the quality and delivery of health care that people receive in this country.

□ 2115

Now, before I conclude tonight, I wanted to spend some time talking briefly about our new bipartisan approach, our new Patients' Bill of Rights, which, as I said, is supported by almost every Democrat and at least about 20 Republicans at this point, but continues to be opposed by the Republican leadership. That is why we have not been able to get it to the floor.

If I could just explain some of the commonsense proposals that are part of this new bipartisan Patients' Bill of Rights, I have a summary that basically divides it into access to care, information about care, protecting the relationship between the physician and ourselves as patients, and the basic accountability.

I will start with the issue of access to care, because I think for most people that is the biggest problem, the denial of different kinds of treatments or hospital stays or equipment that they experience.

Most important, we try to address the problem with emergency services. Individuals should be assured that if they have an emergency, those services will be covered by the plan, that they do not have to call before they can go to an emergency room if they feel that they do not have the time to do that because their health is at risk; that they do not have to go to a particular emergency room rather than the one that is closest to them because they feel that they do not have time to go to the one that is further away.

The bipartisan bill says that individuals must have access to emergency care without prior authorization in any situation that a prudent layperson would regard as an emergency. So if you as the average person think that when you have chest pains that you should be able to go to the local emergency room, the HMO cannot say you have to go further away or you need prior authorization.

Let me talk about specialty care. Patients with special conditions must have access to providers who have the requisite expertise to treat their problem. Today in this day and age people increasingly have to go to specialists for particular problems. Increasingly what we find is that patients in HMOs have a problem getting referral to a specialist, or there is not a specialist within the HMO network who can take care of their problem.

This bipartisan bill, our bipartisan bill, allows for referrals for patients to go out of the plan's network, doctors who are not in the network, for specialty care at no extra cost if there is no appropriate provider available in the network for covered services.

Chronic care referrals. For individuals who are seriously ill or require continued care by specialists, plans under our bipartisan Patients' Bill of Rights, plans must have a process for selecting a specialist as a gatekeeper for their condition to access necessary specialty care without impediments.

In other words, if you have a chronic condition, this specialist you can go to on a regular basis, he becomes almost your primary care provider so you do not have to constantly go back to the primary care provider to continue to be able to see the specialist.

Our bipartisan bill provides direct access to OB-GYN care and services. With regard to children, the bill ensures that the special needs of children are met, including access to pediatric specialists and the ability for children to have a pediatrician as their primary care provider.

Again, continuity of care. I have found a lot of people during the break and who continue to complain to me about how if their doctor is dropped by the network, that all of a sudden they are not with the physician that they have used for a long time. Under our bipartisan bill, patients are protected against disruptions in care because we set up guidelines for the continuation of treatment in circumstances where the doctor is no longer part of the network, for example.

There are special protections for pregnancy, terminal illness, and individuals on a waiting list for surgery.

Let me also talk about the drug formularies. One of the biggest issues with regard to HMOs is that HMOs oftentimes provide for prescription drugs, which is an important part of why people sign up for an HMO, in many cases. What we are saying with our bill, with our bipartisan bill, is that prescription medication should not be one-size-fits-all. If a plan uses a drug formulary, beneficiaries must be able to access medications that are not on the formulary when the prescribing physician says that that is necessary.

Again, what we are doing is leaving this decision up to the physician because he or she is in the best position to know what is best for the patient.

Choice of plans. People want to, in certain circumstances, to be able to go outside the network and choose a physician who is not part of the HMO network. Choice is a major component of the bipartisan bill. It says that individuals can elect a point of service option when their health insurance plan does not offer access to non-network providers.

What that means is that in the beginning if you are working and your employer provides health care, the employer has to allow you to elect a point of service option, where you can go outside the doctors in the network. But you have to make that decision initially when you sign up for your health care plan, for your HMO, and you also have to pay the extra cost of going outside the network.

So again, we are not destroying the basic idea of managed care, which is that it is a closed panel network of physicians and health care providers, but we are saying this for people who want to in the beginning, they can choose the point of service option.

Those are the access issues that are primarily addressed by our bipartisan Patients' Bill of Rights, but I would like to now talk about the information issue, briefly, because many people are concerned that they do not really know what they are getting into when they sign up for an HMO.

What we say is that we require managed care plans to provide important information, and that is information that allows them to understand their health plan's policies, procedures, benefits, and other requirements.

I would like now to go into the issue of grievances and appeals, because one or really the hallmark, if you will, of the Patients' Bill of Rights and the whole effort towards Medicare reform is to make sure that the decision about what type of care you are going to get, the decision about what is medically necessary for you as a patient, is based not on what the health insurance company wants and what the health insurance plans want to cover, but rather is based on what your physician, the health care professional, thinks that you should be provided with.

So what we are basically saying, and the thread that sort of runs through the whole Patients' Bill of Rights, is that the issue of medical necessity should be decided by the physician and the patient, not by the insurance company, and that if there has been a denial of care, then that decision to appeal that denial of care and overturn it, if necessary, should be made by an independent group not appointed and not under the control of the HMO, and that ultimately you should be able to go to court if you are not satisfied, as well.

What we have in our new bipartisan bill is it basically lays out criteria for a good utilization review program, physician participation in the development of raw criteria, administration by appropriately qualified professionals, and timely decisions within 14 days for ordinary care up to 28 days if the plan requests additional information, and the ability to appeal these decisions.

So we want the health care professionals to be involved in making the decision of what kind of care you get and that there is a timely appeal if you have been denied that care by the insurance company.

There are really two processes in terms of the grievances and appeals. One is internal and one is external. Patients should be able to appeal plan decisions to deny, delay, or otherwise overrule doctor-prescribed care and have those concerns addressed in a timely manner. So we require an appeals system that is expedient, particularly in situations that threaten the life or health of the patient.

Other than the internal appeal, though, there also should be the opportunity for external review if the health care plan ultimately says no, we are not going to allow you this care. What we say is that the health care plan has to pay the cost of the external review, and that the decision by the external reviewer is binding on the health care plan.

If a plan refuses to comply with the external reviewer's determination, the patient may go to Federal court to enforce the decision. I will get a little more into that a little later, about if you are denied through the regular administrative process, that you can go to court.

Let me just talk a little bit, though, before I get to that ultimate issue of accountability, talk a little bit about how we try to protect the physician-patient relationship.

One of the things that is most shocking to my constituents is when they come in and tell me that their physician is not allowed to tell them about a particular type of medical care or treatment that the physician thinks that they should be receiving.

We call it basically the gag rule; in other words, the HMO tells the physician that he or she cannot tell the patient about a procedure that they will not cover. So if the plan will not cover a particular procedure, equipment, operation, then the physician is basically forbidden from talking about it to the patient.

That is ridiculous. Consumers should have the right to know about their treatment options. What we say in our bill is that we prohibit plans from gagging doctors and from retaliating against physicians who advocate on behalf of their patients. It basically protects the physicians in these situations from retribution. It also prevents plans from providing inappropriate incentives to physicians to limit medically necessary services so that physicians do not have a financial incentive, which they often do now with HMOs, to not recommend certain services.

With regard to physician selection, which physicians are in a plan, the insurers cannot discriminate on the basis of a license in selection of a physician. In other words, they cannot discriminate based on license, location, or patient base.

The HMOs can basically decide which doctors are going to be in the network, but if the doctor meets objective standards with regard to licensure, then they cannot say that his particular license is not acceptable. They also cannot discriminate because of the location of the physician or the patient base of the physician.

With regard to payment of claims under our bill, health plans should operate efficiently and pay providers in a timely manner. The bill would require that claims be paid in accordance with Medicare guidelines for prompt payment, because what we have found is a lot of the HMOs do not pay the physicians. They delay payment in order to save money, or to save the interest rate.

We also have a provision for paperwork simplification in order to minimize the confusion and complicated paperwork that providers physicians face. This bill would require that the HMO industry develop a standard form for physicians to use in submitting a claim.

The last thing I wanted to mention this evening is this whole issue of accountability. The main thing that the bipartisan Patients' Bill of Rights does is to provide accountability if you have been denied care. I talked about the internal and external review, that it has to be done by a group that is not beholden to the HMO.

But I think that beyond that, there has to be the ability to go to court and sue for damages if all else has failed. I think many people realize, although a lot of my constituents still do not realize it, that under existing Federal law called ERISA, the Employee Retirement Income Security Act, State laws are basically preempted. So, therefore, if you are in an ERISA plan, which is basically a plan where your employer is self-insured, any kind of self-insured plan, which millions and millions of Americans particularly in large companies fall under these types of self-insured plans, because that is what larger employers tend to do, they fall under ERISA and Federal preemption, which means that the HMO cannot be sued.

That makes no sense. The HMOs, as we discussed this evening, are basically making medical decisions. If they make a decision about what kind of care you can receive or how long you can stay in a hospital, for example, and they make the wrong decision, then they should be held accountable. You should be able to sue them.

Our bipartisan bill would remove the ERISA preemption and allow patients to hold health plans accountable according to State laws, so if the State law allows it you would be able to sue and you are not preempted by the Federal law.

The one thing that we did do, and this was I think important and makes sense, is that the new bipartisan bill says that if a plan, if a health insurance, if an HMO complies with an external reviewer's decision, they cannot be held liable for punitive damages. So if when you go to an administrative review the decision is to deny you care and then you appeal and you go to court, the court decides that the independent review was wrong, you cannot receive punitive damages, because in that case the HMO did in fact act in good faith and go to the external review process.

□ 2130

The other thing I wanted to mention because I know that part of the criticism, if you will, that the insurance companies are making in their advertisement about the Patients' Bill of Rights, they say that employers can be sued, and that because employers can be sued, then a lot of employers will simply not cover their employees; and the number of people who have health insurance will decline because of the Patients' Bill of Rights.

Well, I want to explain and emphatically state that the Patients' Bill of Rights, the bipartisan Patients' Bill of Rights, which I have been discussing tonight, does not in any way create liability for the employer.

In the bill, we have a provision that protects employers from liability when they were not involved in the treatment decision. It explicitly states that discretionary authority does not include a decision about what benefits to include in the plan, a decision not to address a case while an external appeal is pending, or a decision to provide an extra contractual benefit.

What that essentially translates to mean is that there is nothing in our bill that would in any way extend the liability of the employer and allow them to be sued because of the denial of care other than whatever the existing law is right now.

I wanted to mention one more thing before I close, and that is what we constantly get from the Republican leadership in opposing the Patients' Bill of Rights, the bipartisan Patients' Bill of Rights, and what we constantly get from the insurance companies and the HMOs in their attacks and their ads and their multimillion dollar campaign against the Patients' Bill of Rights, I think could be basically summed up in what the Health Insurance Association of America put in sort of the fine print in this ad that was in Congress Daily that I mentioned before.

It says that "the Patients' Bill of Rights currently being considered will cause us a lot of unpleasant side effects, more red tape and more regulations that the patients can expect, and patients will end up paying the bill. Health care costs would increase."

They basically stress the fact that what we will see with this Patients' Bill of Rights is a huge increase of costs and that that will make it more difficult for both individual as well as employers to provide health insurance. Nothing can be further from the truth.

The reality is probably best summed up by making reference to the State of Texas. About 2 years ago, the State of Texas passed a law that has been in effect, I should say, for about 2 years, which is very similar to the bipartisan Patients' Bill of Rights that I have been advocating tonight.

As a result of that Texas law which allowed people to bring suit, the number of lawsuits that have actually been brought within the last month, over that 2-year period, only two lawsuits have been brought because of the change in the Texas law that provides patient protections.

In addition to that, it was estimated that the premiums have gone up about 30 cents a month during the 2-year period that the Texas patient protections have been in effect. That 30-cent increase could have occurred because of inflation or whatever, but the bottom line is it is insignificant. Any consumer, any constituent of mine would gladly pay an extra 30 cents a month to have the kind of protections that are in place here.

I think that in their advertising campaign the HMOs said that health care costs could increase as much as $200 per family, forcing small employers to drop their health insurance all together. The Texas experience shows very emphatically that that is simply not true. There really is not any significant added cost, because what the Patients' Bill of Rights does is to provide for prevention.

Now that the HMOs cannot allow the kind of abuses now that they are threatened with the right to sue and the external review, they take the proper precautions; and lawsuits don't occur, and costs really do not go up significantly.

So I am going to end this evening, Mr. Speaker, but I wanted to point out that the new session has begun. The fall session has begun. Those of us who advocate the Patients' Bill of Rights are going to be out there on a daily basis saying that we want the Republican leadership to bring this bill to the floor.

We have a majority of Members of the House that now support us. Most of the Democrats. At least 20 Republicans. I think the number of Republicans are going to continue to rise, because they realize, Members of this House realize in a bipartisan basis that this kind of reform is needed.

I am just calling again on the Republican leadership and will continue to call on them to allow this bill to come to the floor. If it does, we will pass it overwhelmingly, and we will finally see protections within the context of HMOs that Americans are crying out for.

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TRIBUTE TO THE HEROES OF THE GRAND JUNCTION SHOOTING

The SPEAKER pro tempore (Mr. TERRY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, as many of you know, my district is in the State of Colorado. I represent the Third Congressional District of the State of Colorado, which is essentially the mountains of Colorado. My home is Grand Junction, Colorado.

Over the weekend, my home in Grand Junction Colorado got a very, very special gift, a gift of heroes. Over the weekend, we had two of our citizens who lost their lives in an unfortunate failed attempt to save another person's life.

These two individuals, Hobert Franklin, Jr. and David Gilcrease, both were individuals of normal working people. Nothing really set them out from the crowd until that moment of the call for courage. At that moment, both of these individuals stepped forward at the expense of their lives to try and save this other life.

The incident was a very violent incident. It was a domestic dispute. It took place in a grocery store in Grand Junction, in fact, the grocery store that my wife shops in, a grocery store that a lot of my neighbors shop in.

A man went in and grabbed a woman by her hair, dragged her out of the store, he had a gun in his hand, took her into the parking lot. When Hobert Franklin saw that happening, he ran out of the store to go to her aid.

Now, what we need to keep in mind with both of these individuals is that they had a very clear choice to make. There were lots of directions they could run. There were lots of directions that they could go away from the assailant. But Hobert decided not to do that. Hobert ran at the assailant to help the victim, and the assailant shot him dead.

David in the meantime saw what happened to Hobert. So he then knew that this guy was going to kill somebody. He just did kill somebody, in fact. He had an opportunity as well to go a different direction. Nobody could criticize the people that went different directions. This was a very terrifying incident.

But at that special moment, David decided that he had to intercede and stop this event from occurring. He ran towards the fellow, the assailant. The assailant raised the weapon at him. David puts his hands up. The assailant put his hand down. David backed off. He went back around the van.

I have got tell my colleagues about David. Do my colleagues know how much David weighed? David weighed 90 pounds. Ninety pounds. Think about it. Ninety pounds.

He came back around the van, and he tackled the assailant. Now, he is a tough guy, David, but he was not that tough. He was not that strong to take the assailant and knock him out of commission, so to speak. So the assailant knocked David off his back, and he turned around, and he killed David in cold blood.

Now, what is special about these two people is that David who was a father, by the way, of two young boys, terrific young children, and his wife Kim, his last words from David, as witnessed by the people who were trying to save his life was, "Yes, Jesus is my savior."

He was a small man, but as they said at his service yesterday, he was a giant when it comes to heart and to will. This small-framed man, and I am quoting from Bob Carter who read a poem in David's memory, "This small-framed man was the biggest man my heart has been blessed with knowing."

David was a wonderful guy. He blessed Grand Junction with his gift of heroism this last weekend.

Hobert, they talk about he is 50 years old. They said his half a century of life really boiled down to one defining moment; that is what his nephew told people at the service on Wednesday. "No matter what he did, he will be remembered most for what he did in the last few moments of his life," Travis Coley told the gathering at the service.

Coley is in the seminary or just graduated from the seminary. Hobert was his uncle, and this is the first funeral service that Pastor Coley was to give.

Franklin had two sons, John and T.J. I got to meet both John and T.J. My colleagues would be very proud of these young men. They are very proud of their father because they knew, at that last defining moment, their father made a decision, a decision to try and save somebody else's life even though it probably meant imminent death for him.

Franklin is also survived by his wife Judy, his father and his brother and his sister. Franklin, too, blessed Grand Junction with that gift of heroism.

So as we go about in our every day lives, I just ask, because throughout our country we have a lot of good people out there, we have a lot of people of strong character, we have a lot of people that are the core of what makes this country great, and these are two of those individuals, and tonight in front of all of my colleagues and in front of all of the people of the United States of America, this country pays its due respect.

ISSUES FACING AMERICA

Mr. MCINNIS. Mr. Speaker, I have a number of different topics that I would like to cover this evening. I think probably one of them that is at the heart of a lot of debate that has been taking place here regards taxes. The gentleman from South Dakota (Mr. THUNE) is here to comment on that.

I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Colorado for yielding to me.

Mr. Speaker, I would say that I think probably that the character of a lot of the people in his Congressional District is much like that of those that I represent in the State of South Dakota. Understanding that his district is very much like mine, very rural, and the gentlemen that he described this evening I think probably my colleagues would find them walking down the main streets in many places across South Dakota as well. It is a great privilege and honor to represent people with that kind of character.

I presume that, during the course of the August break, the gentleman from Colorado, like I did, had the opportunity to travel across his district. I had the opportunity to visit, on one particular trip, 36 counties across my State culminating with almost a week at the South Dakota State fair.

During the course of those travels, I heard about a lot of topics, one of which, of course, in my State is agriculture which is in desperate straits. I hope that this institution will, the Congress, come together on a solution for that problem to address many of the concerns, many of the very serious problems structurally that are occurring in agriculture today.

I hope that before the session is out that we will pass disaster relief assistance, and market loss assistance, that we will pass mandatory price reporting, Federal legislation to that effect, that we will pass crop insurance reform, which is desperately needed to make sure that producers have the risk management tools that will allow them to succeed in the current market place, and other issues that I think will come up, one of which is market concentration.

One of the things that I heard repeatedly in my travels across South Dakota is this increasing concentration in the agricultural industry. We are seeing it, whether it is grain buyers, whether it is livestock packers, whether it is soybean crushers, flour mills, you name it, there are fewer and fewer buyers of raw agricultural products in this country. It is having a profound and very serious effect on producers across South Dakota and I think across this entire country, and it is an issue which needs the attention of the United States Congress.

The other thing that I heard, like a lot of people, I think, traveling across this country and traveling across my State and others who traveled in their districts, was this surplus and talking about how do we deal with what is this $3 trillion plus projected surplus. I am sure the gentleman from Colorado (Mr. MCINNIS) has heard a lot of about that as well. As I was traveling across South Dakota, it was an issue that came up frequently. We had an opportunity to talk about how do we do it.

First of all, I think a lot of people are very skeptical that there is a surplus in the first place. Frankly, they ought to be.

□ 2145

I think that myself. I have a hard time dealing with trillions of dollars, billions of dollars, even millions of dollars. So we have to break it down into terms I think that all of us can understand.

But the reality is that for a lot of reasons we are projecting over the course of the next 10 years about $3.1 trillion in surpluses. And everybody says, well, what caused that. I think it was a lot of things. I think it was the fact that, before I arrived on the scene, think the Republican Congress passed welfare reform; that there are 3.3 million more Americans working today and paying taxes; the fact that we were able to enact tax relief legislation in 1997, which I think has increased government revenues and lowering the capital gains rate. People took realizations, paid taxes on those realizations and increased government revenues.

I also think that control over federal spending has something to do with it. Since we assumed power here in the Congress, we have gotten tighter control over federal spending. And I think that fiscal responsibility has helped generate some of the surpluses. And, obviously, monetary management at the Federal Reserve. But in the end it is the hard work of the American people that has generated these surpluses. And so when we have this debate about how to best use these surpluses, we have to remember that it is their money we are talking about.

Again, trying to break this down into denominations that people can understand, $3 trillion is a lot. But if we broke it down into, say $4, and there has been a lot of discussion about how to do this, but what our plan does, and frankly this has been misrepresented and confused, and the other side has tried I think in many respects to mislead people about what this is all about, but, frankly, if the surplus was $4, we are taking $3 out of the $4 and setting it aside for Social Security and Medicare and to pay down the federal debt.

One of the things I heard in South Dakota over and over again is why do we not just pay down the federal debt. I think that is an admirable quality and one, I think, that speaks well of the people of South Dakota that they are interested in fiscal responsibility and making good on their debts. The reality is that $3 out of the $4, if we think of the surplus as being $4, 3 of the 4 goes to Social Security, Medicare and to pay down the federal debt. What we are talking about in terms of the tax bill is this last dollar. And the reality is, whether we like it or not, I do not believe that this last dollar is going to get used to pay down the federal debt.

Now, in a perfect world, that would be great. But we all know we do not live in a perfect world. We live in Washington, D.C., which is anything but a perfect world. Now, if this was done in South Dakota, we might be able to do this. But the reality is, whether it is Republicans or Democrats, this is a Washington problem. Politicians spend money. The only question on this final dollar, and if we think of this as being the payroll tax, that FICA tax, Social Security and Medicare, that is $3, and the last dollar is the income tax surplus. When those income tax surpluses start rolling in here to Washington, there are going to be a lot of designs on how to spend it.

What we have said as a matter of policy is that we believe the American people can spend this last dollar better than can Washington, D.C. So we went ahead and designed a tax package which I think strikes at the very heart and the very soul of what makes America tick. Everybody says, well, this is tax cuts for the rich. Well, in South Dakota we have a lot of farmers and ranchers and small business people.

And when I ask them if they like the death tax, they say no. The death tax punishes people for saving for their kids and grandkids. We ought to get rid of it. Not only that, it is an inefficient tax. Sixty-five cents out of every dollar that is collected on the death tax goes to the cost of collecting the tax. It is an inefficient tax.

When I ask constituents whether they like the marriage penalty; do they like the fact that we penalize people and that they pay higher taxes for the privilege of being married, they say, no, we do not like that. That is a policy change that this bills makes. It is long overdue. We ought not penalize people in this country for being married. We ought to encourage that.

When I ask if they think we should tax capital gains on inflation, well, no, they do not think that sounds like a very good idea. Well, we make a change and index inflation in this bill so that it is not subject to a capital gains tax.

I have also asked if farmers, ranchers, and small business people ought to be able to deduct health insurance premiums. And that too, again, I think strikes at the very heart of those who are contributing to this society, helping generate this surplus and, frankly, in many cases, at least in my State, are very hard pressed. Farmers, ranchers, and small business people are trying to make ends meet in what is a very, very difficult agricultural economy.

These are policy changes which I think are very positive and they are long overdue. They are things that the American people could benefit from. And the alternative, as I said, is that this dollar gets spent in Washington. That is just reality. And I think we have to say honestly to the American people that all this talk and propaganda coming out of the White House and this administration about, boy, if they cut taxes it is going to cut farmers, it is going to cut veterans, it is going to cut water projects, it is going to cut education, I do not know where that comes from, because we are talking about surplus dollars.

We all agreed in 1997 to a balanced budget agreement which spends at a certain rate through the year 2002, and we assume beyond that, for the balance of this agreement, certain inflationary increases in spending. How they can argue that somehow this is going to rob or cut all these programs is beyond me. We are talking about surplus dollars. And I think the American people need to understand clearly what this argument is about. It is about the fact that we are using $3 out of $4, if we can put this in small terms again, $3 out of $4 to preserve and protect Social Security and Medicare and to pay down the federal debt.

And the debate we are having in America today is about whether Washington spends this last buck or whether the American family spends it on things that they need; whether it is education, college education for their children, whether it is on mortgage payments, whether it is on school supplies or Christmas presents, whatever. We believe as a matter of principle and as a matter of policy that the American people are in a better position to make that decision about their futures and how best to use this last dollar.

I think it is important in the course of this debate and discussion that we debunk a lot of the myths that are being propagated by the other side. There is a lot of propaganda, a lot of rhetoric and demagoguery, as there always is in scare tactics that are used, because, again, the reality is in Washington, if we take this away from the politicians, it is money they cannot spend. And that is why they are trying so desperately to hang on to it. We believe, again as a matter of principle, as a matter of policy and practice, that this dollar is better spent by the American people, by the American family.

So I thank the gentleman from Colorado for yielding this evening to me. I think we probably concur because I believe his district is very much like mine; that those he represents are very much like those I represent. They are hard working people. They understand that this, the dollars they pay the Federal Government, is their money. We understand it is their money. We want them to keep more of it. That is what this debate is about. And I hope as it continues that we are able to convince the American people. And as they understand more clearly what we are talking about, I believe there will be a huge groundswell of support for what we are trying to accomplish here, which is to give them more power.

I believe when the American people have more in their pocket, they have the power. When Washington has the money, Washington has the power. We want the American people to, have more power and more control over their future.

So I appreciate very much the gentleman from Colorado yielding some of his time this evening. I know he would like to talk some more about this issue and I would certainly yield back to him.

Mr. McINNIS. Mr. Speaker, I thank the gentleman, and I want to add to the gentleman's comments.

That dollar that the administration says ought to stay in Washington, D.C. does one simple thing, it grows the size of the Government. There has never been a time in the history of politics, because of the human demands upon the politicians, that a pool of money can be left sitting in the Capital of a State or in Washington, D.C. and think that the politicians are going to keep their hands off that and use that for some future reduction of the federal debt. It is not going to happen.

I think what else is important to my colleague, as he mentioned, is that there are some myths out there that need to be debunked. The Republicans said, look, we can take care of Social Security, we can take care of Medicare, and we need to do something with education, we need to do something with the military, we have to increase our spending with regard to the military, and we need to reduce the federal debt. We think that we can do all five of those things and still take that dollar, which is a small part of the $4 that the gentleman had there, take that dollar and give it back to the taxpayers.

Now, our proposal to do that alarmed the administration. The President decided he could not let the Republicans get credit for giving back the people their money that came from them. He had to come up with a proposal. And he did come up with a proposal. And when it was scored by the Congressional Budget Office, it actually resulted in a tax increase. If we want to look at a bill that really reduces the debt, look at the history of the two parties and which party is carrying the bill that is really going to reduce that debt. We had 40 years of Democratic control in the United States Congress. Forty years the Democrats were in control. In that period of time I think they had one 2-year period where they had a balance.

What is the history of this? The Republicans' bill, and I am not trying to be partisan here, but we need to draw the lines where the lines have been drawn in these chambers, the Republican bill does more to reduce the federal debt than any other bill out there, period. Now, take a look historically. We have had the Democrats in control and ran deficits for 38 out of the 40 years. The Republicans took control just 5 years ago, and since then they brought up the balanced budget amendment. It was a Republican bill. Welfare reform; it was a Republican bill.

Now, how many of the Democrats, even the most liberal Democrats in this country, are complaining about the tax cut we gave 2 years ago? As the gentleman from the Dakotas knows, 2 years ago we went out to homeowners, homeowners regardless of their income, all they had to do was own a home, in the gentleman's district or in my district or in Mississippi or Massachusetts or in Florida or in Texas. We went out to the homeowners in this country, and we used the same argument and we got the same kind of disagreement from the Democrat leadership. Not all Democrats, because there are a lot of conservative Democrats who understand where this money comes from. But the Democrat leadership and the administration fought us on this homeowner deal.

What did we do with the homeowners? We went to every homeowner in this country and told them that from this point on when they sell their home, and if they sell their home for a profit, not net equity but actually net profit, they get to take that, up to $250,000 per person, $500,000 per couple, they get to take that money, tax free, regardless of their age, and put it in their pockets.

So those Americans out there who have heard some of this bunk about Republicans and their tax plans, they should not forget that when they sell that home that they live in right now, thanks to the Republican leadership, they are going to get, with some rare exceptions, for instance, if an individual is very, very wealthy and they sell it for more than $500,000 profit, otherwise anybody that sells it for a dollar profit up to $500,000 profit per couple puts that money in their pocket. And it is money they will spend in their community. They will donate some to the church, they will go out and buy a new car, maybe buy another house. That money recirculates in the communities, not back here in the Washington, DC community.

So I appreciate and invite the gentleman to continue participating if he wishes, but I think the gentleman's example is right on point. I am glad he showed that dollar bill, because that dollar bill is right now in Washington, DC. What the gentleman has proposed and our colleagues have proposed is taking that dollar bill and putting it back in the local community. Because we think a dollar bill in Glenwood Springs, Colorado, or in the Dakotas, up there somewhere in the Dakotas, or in Miami, Florida, or in Los Angeles or in Seattle, Washington, or Salt Lake City, we think putting that dollar back into the local community is going to have a much more efficient use, be much more productive, be much more helpful for capital, much more helpful for the communities and the nonprofits and the schools than taking that dollar and keeping it right here in these House Chambers and sending it out to the Federal agencies. That is what the gentleman is saying and the gentleman is right, and I yield back to the gentleman.

Mr. THUNE. Well, I thank the gentleman for continuing to yield. As I have tried to present this, I have asked the people of South Dakota one basic question, and that is this question: Do you think that the Federal Government in Washington is too small? Do you think that the Federal Government in Washington is too small?

Now, if the answer is yes to that question, obviously that person is going to like the President's plan to grow the size of government by spending the surplus. But I would suspect that most people, in fact when I ask this question across my State, I do not see any hands get raised. I am guessing if the gentleman asks that question in his district in Colorado he would get the same response. Most people in this country understand the Federal Government is big enough.

In fact, we believe, and I think most people believe, that we ought to continue this process that we have begun of shifting power out of Washington and back to those communities that the gentleman talked about, back to school districts, back to families, back to individuals so they can do more for their communities. We need for Washington to do less and the American people to do more.

Again, it does come back, and I want to say this so the American people do not miss this as we have this debate, what we are talking about, if we were to take that surplus and put it into small terms that people understand, $3 goes to Social Security, to Medicare, and to pay down the Federal debt, and $1, we think, basically 25 percent of the surplus, goes back to the American people. It is their money. And it is a ludicrous notion to think that if this money comes to Washington it is not going to get spent.

Mr. McINNIS. And reclaiming my time once again, that $1 that the gentleman held up, we hear from the Democratic leadership, through the propaganda going across this country, that that dollar is going to be used to reduce the Federal debt. What the gentleman said, and he is absolutely correct, if we leave that $1 here in Washington, DC, it will not go for reducing the national debt; it will go for new programs and for new spending.

When we leave money around here, the new spending is a temptation. I am sure the gentleman knows this, at least as it applies to me, when I have people come into my office asking for new spending, these usually are not bad programs. They usually sound great.

□ 2200

But the question is, can we afford them? So the temptation to spend those dollars will fall on Republicans and Democrats back here. It is a strong temptation. We have a lot of our constituents out there who, if that dollar stays here, they say the dollar is going to stay in Washington, let us spend it for this program or let us spend it for that program. We all know that if we leave that dollar here it will grow the size of the Government.

What the Republicans are pushing for, and we are having a tough time getting our message across because it is very easy to spend it in 15 seconds, what the gentleman from the Dakotas and myself are trying to explain in 30 minutes, but the fact is if we leave that dollar in your pocket, in your community, it would work much better.

The only way that theory would not work is if when keeping that dollar in your community, in your pocket, you went out and buried it in the ground, literally put it in the ground other than it is either going to a bank, which will loan it back out to the community, it is going to be spent for goods and services, which circulate in the community.

Do my colleagues know what they should do? Sometimes some of these companies have to pay taxes. They should pay their employees in $2 bills, we still have a $2 bill out there, pay in $2 bills and see how often and how many places those $2 bills show up in your community and how many weeks those $2 bills are showing up in stores and all kinds of different places in your community versus coming back here to Washington.

I hope the gentleman stays. I want to point out a couple of other things on taxes we have just gotten from the Tax Foundation, and the Tax Foundation has a lot of credibility back here. It is a nonpartisan organization. We have just received in 1999 what Americans per capita will spend on things such as food, clothing, and shelter.

I want to show my colleagues some very stunning numbers. I will write them here very quickly for you.

On food in 1999, $2,693. That is what the average per capita expenditure in the United States will be for food. For clothes, that will be $1,404. So for food per capita, we are going to spend $2,693. For clothes, we are going to spend $1,404. And for shelter, we will spend $5,833.

Now, if we add that up, assuming my math is right, that is $9,930 per capita. So food is $2,693. Clothes are $1,404. And shelter is $5,833. That is what you spend for those priority items in your family.

Guess what you will pay for taxes? $10,298. In other words, the per capita expenditure per family in this country you will pay more for taxes than you do for your food, your clothes, and your shelter combined. Again, let me repeat that. We will all pay more in taxes than we will pay for our food, our clothes, and our shelter.

Now, we will also, another interesting thing, when you look at these numbers put out by the tax group, on Federal taxes alone, we will spend more than any other major budget item.

I want to put some examples out here. For housing, we will spend the $5,833; for health care, $3,829; for food, $2,693; for transportation, $2,568; for recreation, $1,922; for clothing, $1,404. For Federal taxes alone, just for Federal taxes, here is what we spend for Federal taxes: $7,000.

So think about your budget, think about what you are spending in your family budget. These are roughly the figures that you will come up with: Housing $5,833. You spend more in taxes than you do in housing for your family. Health care for your family, you will spend about $3,829. This is per capita. You will spend a little over twice that for taxes, not quite twice, $7,026. For food to feed the family, per capita, $2,693 compared to what you are going to have to pay in taxes, $7,026. For recreation, $1,922 compared to the $7,000 you are going to pay in taxes. For clothing, $1,404 to clothe your family per capita, and you are going to spend over $7,000 in taxes.

My point is this: There has been a lot of rhetoric lately about if we do not provide some kind of tax relief for the American people then we hear from the Democratic party leadership that the Federal debt will only increase and they all of a sudden, the Democrat leadership, after 40 years of running deficits in this country, now, some of my colleagues do not like to hear partisanship and I am not trying to be partisan, but the fact is the Republicans did not run this House for 40 years, they have run it for 5 years; and we have had surpluses on almost all of those years.

We have had welfare reform. We had the tax cut I spoke about earlier. But the reality, what people do not want you to hear is that, guess what, when we reduce your taxes, when we allow you to keep those dollars in your pockets, guess what happens? The economy improves.

Take a look at any major tax relief or tax reduction in this century or in the century before it but since income tax came in this century, take a look at any one of them. Immediately after a tax reduction, the economy improved. When those dollars, again, unless you bury your dollars in the ground and you never see them again or you hide them and do not circulate them in your community, then in any other circumstance that will, one, keep down the size of government and, two, bring up the health of the economy.

Now, we have got a pretty good economy. Not everybody. My good friend from the Dakotas talks about the agriculture and the suffering, and they are suffering out in the farm belt. But there are a lot of people who are enjoying the healthiest, many of them, they will ever experience in their entire life. So they do not worry so much about taxes. Well, you pay a little tax here, you pay a little tax here.

Let me tell you what is happening while some of you are asleep. The governments, whether it is a local government, whether it is a local district, whether it is a State government, or whether it is the Federal Government, is sneaking into your house while you are asleep and those taxes are going up.

Most of the increase that you have seen in your taxes, the total tax package, has occurred since 1981. Most of that increase, 45 percent, 45 percent of the taxes that you pay are as a result of tax increases since 1981. All we are saying here is let us not fall asleep while the tax man sneaks in behind us.

Now, are taxes necessary? Of course they are necessary. We have certain responsibilities that belong to the Federal Government, a strong military. I think we have a fundamental obligation for good education in this country. We do have some health care obligations. We have transportation obligations for the interstate highways, interstate commerce. We have a justice system that has to be maintained.

So there are some fundamental obligations that the Federal Government must maintain. There are certainly obligations that the State government must maintain. We agree with those. Our local districts, our school districts have a very heavy burden in providing what we want and that is quality education. Those dollars have to go in.

But it does not mean we should overpay and it does not mean when we pay our tax we should not ask our elected officials, am I paying too much? Am I getting a fair shake for my dollar? Am I getting efficient use out of that dollar? Is that dollar more productive in Washington, D.C., or is it more productive in my home State of Santa Clara, California, or Salt Lake City, Utah, or Kansas City, Kansas, or Carbondale, Colorado? Is this where those dollars are most efficient?

So, my colleagues, I am just trying to say to my colleagues here as this rhetoric goes on about the tax cut and how it is going to add to the Federal debt, take a look at the details. Read the fine print.

When you read the fine print, you are going to find out, frankly, really there are two choices. One, continue to grow the Government or, two, give back a portion of the surplus, not all of the surplus, but give back a portion of the surplus to the people who earned it.

Tax dollars are taxed to spend. That is the only reason we get taxed. It is the only reason our constituents out there get taxed. The only reason you are being taxed is so that some governmental body can spend that money. And as we said earlier, some of those expenses are justified. Some of them are necessary. But if you tend to allow accountability to become lax or the old saying that "when the cat is away, the mice will play," if you do not keep the cat in the barn, the mice pretty soon get out of control.

What we are saying here is let us exercise prudent financial management and let us tell our clients, the constituents, the taxpayers, you overpaid for this product. You deserve a little of it back. We still want to give you a fine product. You deserve it from the Government. But at this point you have overpaid a little, not a lot. The tax decrease we are talking about does not do a lot but it still keeps a few of those dollars in your pocket.

I have had a recent opportunity about 3 years ago, and this is exciting regardless of what party you are in regardless of your bent toward partisan politics, I have got something that I hope all of my colleagues take a very careful look at. It has been a tremendously successful program in my district, and I would like to explain it to my colleagues. It is called the S.E.E.D.S. program.

I actually started that program in the Third Congressional District of Colorado with the help of a lot of people Susan Smith, the City of Pueblo, County of Pueblo, several school districts, Pueblo Community College, Roger Gomez, a number of different people.

We all got together; and we found out that under the Federal regulations, you can ask Federal agencies for their excess computer equipment. In other words, we have, for example, the Department of Energy who has been very cooperative with us. They have excess computer equipment. Some of this equipment is almost brand new.

Now, this is not state-of-the-art computer equipment. But most schools in our country do not have state-of-the-art computer equipment. In fact, in my district there were a number of schools that did not have really any computer equipment.

So what we did on our drive to cut down Government waste is we went to these different agencies and we said we would like you to ship those computers to a warehouse, which, by the way, was donated to our cause in Pueblo, Colorado, send them to our warehouse. We got students from Pueblo Community College to come in and help us put part A of the computer with part B, so on and so forth.

We got citizens to help us haul away the trash. We got citizens to help come down and do the mechanical work. We got citizens to volunteer and come down and help us match up the computers with schools that needed these computers. And before you know it, our program was off and running.

What were the results of our program? In our program in Colorado now, we are up to 200 sets of computers a week that we give to local schools, not just public schools, private schools, home schoolers, senior citizens. It is an exciting project. It provides a need for education which we think is very important.

Nobody disagrees that education is not important. And it takes away budget waste, Government waste, wasteful spending, which I think most of us would agree is not necessary. We take that waste, and we convert it to a good, positive use. It is called the S.E.E.D.S. program.

I am here this evening to tell my constituents, to tell my colleagues here on the House floor this is a program you should adopt, you should take a look at.

□ 2215

I would like to cover another area tonight. There has been some recent press, publicity, about a stand I have taken in regards to our military academies.

Let me precede my comments on the academies with the statement about the military. We need in this country the strongest military second to none in the world. Do not let people kid you. It would be a very terrible mistake for us to allow our military to fall into shambles and to become the second toughest kid on the block. You cannot be the second toughest kid on the block. You cannot be the third toughest kid on the block. You have got to be the toughest kid on the block.

It does not mean you go pick fights, but it does mean you will be in less fights because people will not want to fight you. It also means that you can go out and help those people that are less fortunate because of your strength.

I believe in a strong military, and all of us should believe in a strong military. For too many years, the military has not received the kind of priority that is necessary, although the military for too many years has been called to different missions all over the world. I think right now we are stationed in 164 different locations.

So I have great respect for the military, but I also believe that the military has accountability.

I want to talk for a couple of minutes about our service academies. It is a great honor to be selected to go to the United States service academies, West Point, the Air Force Academy, the Naval Academy, the U.S. Coast Guard. The students that go there are not the cream of the crop. I repeat that. They are not the cream of the crop. They are the cream of the cream of the crop.

We take our very best students, and when we focus in on the students that we want to send to those military academies, I think there are a lot of things we need to look at and list in order of priority. Leadership skills, obviously intelligence capabilities, and maybe somewhere on the list, further down on the list, there are sports abilities or their celebrity status on sports.

Here is what is happening. This is my point that I disagreed very strongly with on some of the academies. When someone enters, say, the Air Force Academy, you make a commitment to the United States of America. You sign a deal with them. It is fully disclosed. There is nothing hidden about it. You tell the United States, in this case Air Force Academy, I will serve so many years in exchange for those 4 years of college education that the American people are giving me as a privilege, and it is a privilege. We pick great young men and women to be in the service, but you sign this commitment and just to be sure you fully understand that commitment, after 2 years of being in, say the U.S. Air Force Academy, we say to the students, look, you can walk away, no strings attached or we want you to make sure that you make an informed decision that if you continue at the Air Force Academy and complete your 4 years' education, you will have a commitment of service, you will have an obligation, you will have a duty. These students, by the way, live under an ethical code or a military code or an academy code that says, service to the Nation over self.

Well, what I have discovered is happening is, if you are in a very special class of people at the Air Force Academy, for example, you get treated differently than the other cadets. What am I talking about? If everyone was listening to me earlier this evening, I talked about heroes. We had two heroes in Grand Junction, Colorado. They lost their lives. I like sports. I enjoy the Broncos. I am a fan of the Broncos, but even my favorite sports person, to me, is a celebrity, not a hero. But what happens at the academies, if you are a celebrity sports person, for example, an outstanding football player who has an opportunity to be drafted by the pros, you are going to get special treatment or some of them have received special treatment by the Air Force Academy, for example, that lets them walk away from their service commitment.

Now, they have to serve some time in the reserves, but they are not treated like every other cadet out there. Now, some people say, well, it is good publicity for us. It is necessary that we allow these academy graduates to walk away or be waivered, that is the keyword, that is the buzz word, be waivered from their duty and their service so that we get publicity in the pro football circuit.

My comment to that was, well, if we need publicity, why do we not just go ahead and let United Airlines, for example, or any airline, I fly United a lot, let any airline go to the Air Force Academy and say we would like your top pilots, go ahead and waive their service, we will pay them money, even though these athletes are not having to pay their $120,000 which is the payback financially to the Government, we will go ahead, we like your top pilots. Do you think the Air Force Academy would release those pilots? Not on your life.

If Dow Chemical Corporation or some other chemical company, and I like Dow Chemical, if they went to the Air Force Academy and said we would like your top chemists, give us your top chemist students, do you think they would waiver those students out of there? Not on your life.

Let me read from an editorial, Rocky Mountain News. A Perk for Military Athletes. "Roger Staubach graduated from the Naval Academy, served his obligatory 4 years on active duty, and still enjoyed an 11-year career with the Dallas Cowboys that put him in the pro football Hall of Fame.

"Times have changed. Beau Morgan, the Air Force Academy's star quarterback from the class of 1997, was let out of what is now a 5-year commitment after only 2 years so he could try out with the Dallas Cowboys this summer.

"It is part of a trend that apparently began in 1989 when the Naval Academy graduate David Robinson was released after just 2 years' active duty, enabling him to play with the NBA's San Antonio Spurs. Now an angry U.S. Representative Scott McInnis, Republican of Colorado, is threatening to introduce legislation that would put an end to this practice. 'When these kids go to the academy, we try and teach them that you put your Nation above yourself, but that is not what is occurring here.'

"There are a number of other examples. Steve Russ, a line backer with the Denver Broncos, was released from his military commitment in 1997, 2 years after his Air Force Academy graduation. Air Force Academy grad Dan Palmer also got an early out to try out with the Chicago Bears as an offensive lineman.

"For 2 years, McInnis has been trying to use the Freedom of Information Act to get a complete list of those who received waivers from service academies for athletic purposes, but he is having a hard time of it."

"It is easy to understand why the military schools might be tempted to fudge the rules in order to entice more athletes. For decades they played at the top levels of intercollegiate athletics, but that is no longer true. A military career is just not as attractive to top athletes as it once was. Frustrated academy graduates who are now generals and admirals want to do what they can to slow or reverse the trend. The military tries to justify the current policy by saying that their star athletes serve effectively as academy recruiters upon their early release, but we suspect the kids they mainly recruit are other outstanding athletes who will also expect early releases.

"Those who get releases, after signing pro contracts, do not have to repay the $120,000 cost of their education and they do not have to go back to active duty even if they are later cut by their teams. Their only obligation is to spend 6 years in the Reserves.

"If pro athletes serve as effective recruiters, says McInnis, why not let United Airlines recruit the top pilots from the Air Force Academy, so long as they say on the airplane, 'You are being flown by an Air Force Academy graduate.'

"McInnis dismisses the suggestion that early releases might be all right if the graduate or his employer simply repays the Government the cost of his or her education. The economics of professional athletes are such that $120,000 is merely, quote, what professional teams spend on refreshments at weekend resorts, unquote.

"The point, says McInnis, is that academy athletes deserve no privileges that other graduates cannot get. 'It is just wrong,' he says, of the early-release policy. 'It makes me mad.'

"Considering the athletes the major state universities recruit, how little some of them study and how few of them ultimately graduate, the service academies should not be ashamed that their cadets can no longer compete at that level. If they have to play smaller schools, it is no disgrace.

"But the early-out policy for their athletes is a disgrace, and should be stopped."

Folks, my point is very clear. We are proud of these academies. The Air Force Academy and West Point and the Coast Guard and the Naval Academy have served this country very well. Our great military leaders, some of our presidents, many of our great leaders in this country have come from those academies. Why? Because when you go to an academy, it is a pretty special place. It has the highest of standards, and it has the highest of ethical codes.

I think we are diluting that. I think we are diluting the reputation of all the preceding graduates of these academies for the entire history of those academies by taking a special class of athletes and treating them differently, by letting them out of their obligations early. Again, remember, we do not do it for any other class of Air Force or Naval or West Point or Coast Guard Academy graduate. It is wrong. We should stand up and say to the American people, you can expect more from our academies.

I want to mention a couple of other things in conclusion this evening. First of all, as I said earlier, I come from the third district of Colorado. This is a very special season coming up in Colorado so I am going to do a little promotion. I hope all of my colleagues have an opportunity to go out and see our colors in the Aspen trees. The district I represent is the highest district in the United States. They have a lot of beautiful communities, a lot of great ski resorts, Aspen, Sonoma, Steamboat, Telluride. I will get in trouble because I do not name them all, but virtually every ski resort in Colorado is in that district.

So if my colleagues get an opportunity, we invite them to come out to Colorado. Come and visit us. Come and see what beauty we have out there. But I also want to point out something else. When my colleagues head out of this city, take a look at how important it is that we allow the average working Joe and the average working Jane in this country to be promised and to expect fair treatment by their Government when it comes to taxes.

Every Government leader out there should understand that they have a fiduciary duty, an obligation, to try and deliver the most efficient services the Government can at the least amount of cost, and every Government official out there has an obligation to you, the working Joe and the working Jane, the people that provide these dollars, there is an obligation on behalf of every elected or every Government employee or every Government official to make sure that you are not being overcharged.

There is an obligation by every one of us in these chambers to look at that taxpayer and we ought to say thank you to them. We ought to say thank you to the working people of this country, because if it were not for the 8 or 12 or 14 hours they work every day 5 or 6 or 7 days a week, that money to provide for the programs that we run out of these chambers would not be here. We owe them a big thank you, and we also owe them the duty to make sure that when we spend those dollars we spend them effectively, that we are fair to the taxpayer.

Our system needs taxes. It has to operate with taxes, but our system has a fundamental requirement of fairness and openness to the people that send that money to Washington. And when we have an opportunity to send that money and put it back in the pocketbooks of those hard working Americans that provide those dollars, we should take it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TOWNS (at the request of Mr. GEPHARDT) for today before 6 p.m. on account of personal business.

Mr. CROWLEY (at the request of Mr. GEPHARDT) for today after 2 p.m. on account of official business.

Mr. ROGAN (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. SCOTT, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. RYAN of Wisconsin, for 5 minutes, September 16.

Mr. BEREUTER, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1076. An act to amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 457. An act to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, September 13, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3974. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Pork Promotion, Research and Consumer Information Order-Decrease in Importer Assessments [No. LS–99–03] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3975. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 98–083–6] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3976. A communication from the President of the United States, transmitting a request for transfers from the Information Technology Systems and Related Expenses Account for Year 2000 compliance to the Department of Commerce's Bureau of Export Administration, the Department of the Treasury, and the Consumer Product Safety Commission; (H. Doc. No. 106–116); to the Committee on Appropriations and ordered to be printed.

3977. A communication from the President of the United States, transmitting a request for transfers from the Information Technology Systems and Related Expenses Account for Year 2000 compliance to the Department of the Interior, Labor, the Treasury, and to the District of Columbia; (H.

Doc. No. 106–117); to the Committee on Appropriations and ordered to be printed.

3978. A letter from the Director, Congressional Budget Office, transmitting CBO's Sequestration Update Report for Fiscal Year 2000, pursuant to 2 U.S.C. section 904(b); to the Committee on Appropriations.

3979. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on Armed Services.

3980. A letter from the Secretary of Defense, transmitting approval of the retirement of Lieutenant General Charles H. Roadman II, United States Airforce, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3981. A letter from the President and Chairman, Export-Import Bank, transmitting transactions involving U.S. exports to the People's Republic of China (China); to the Committee on Banking and Financial Services.

3982. A letter from the President and Director, Export-Import Bank, transmitting transactions involving exports to Mexico; to the Committee on Banking and Financial Services.

3983. A letter from the President and Director, Export-Import Bank, transmitting transactions involving U.S. exports to the Kingdom of Saudi Arabia; to the Committee on Banking and Financial Services.

3984. A letter from the Secretary, Department of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3985. A letter from the Administrator, Energy Information Administration, transmitting the Energy Information Administration's "Annual Energy Review 1998," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

3986. A letter from the Secretary of Health and Human Services, transmitting the annual report summarizing the findings of the Public Health Service Act; to the Committee on Commerce.

3987. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106–115); to the Committee on International Relations and ordered to be printed.

3988. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France [Transmittal No. DTC 57–99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3989. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany [Transmittal No. DTC 97–99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3990. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 98–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3991. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Turkey [Transmittal No. DTC 125–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3992. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France [Transmittal No. DTC 21–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3993. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 18–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3994. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3995. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3996. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in June 1999, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

3997. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3998. A letter from the Comptroller General, transmitting the Research Notification System through July 6, 1999; to the Committee on Government Reform.

3999. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "The Role of Delegated Examining Units: Hiring New Employees in a Decentralized Civil Service," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

4000. A letter from the Acting Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—International Fisheries Regulations; Pacific Tuna Fisheries [Docket No. 990212047–9208–02; I.D. 111998C] (RIN: 0648–AL28) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4001. A letter from the Acting Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Restricted Reopening of Limited Access Permit Application Process [Docket No. 990820230–9230–01; I.D. 080599B] (RIN: 0648–AM92) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4002. A letter from the Reserve Officers Association, transmitting a copy of the Report of Audit for the year ending 31 March 1999 of the Association's accounts, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

4003. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under Title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on June 23, 1998, as a result of the extreme fire hazards which severely impacted the State of Texas from June 4, 1998 through and including November 3, 1998, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4004. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; York, NE [Airspace Docket No. 99–ACE–25] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4005. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Tupelo, MS [Airspace Docket No. 99–ASO–10] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4006. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations; Correction [Docket No. FAA–1998–4379; Amendment No. 14–03, Part 17 (New)] (RIN: 2120–AG19) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4007. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Inc. Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 Airplanes [Docket No. 97–CE–10–AD; Amendment 39–11279; AD 99–18–13] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4008. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99–NM–224–AD; Amendment 39–11278; AD 99–18–12] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4009. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd. (IAI), Model 1124 and 1124A Series Airplanes [Docket No. 98–NM–332–AD; Amendment 39–11274; AD 99–18–08] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4010. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech

Models C90A, B200, B300, and 1900D Airplanes [Docket No. 99–CE–56–AD; Amendment 39–11281; AD 99–18–15] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4011. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 Series Airplanes (Docket No. 98–NM–369–AD; Amendment 39–11276; AD 99–18–10] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4012. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–30 Series Airplanes [Docket No. 98–NM–349–AD; Amendment 39–11275; AD 99–18–09] (RIN: 2120–AA64) received September 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4013. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 98–NM–222–AD; Amendment 39–11273; AD 99–18–07] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4014. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–77–AD; Amendment 39–11269; AD 99–18–03] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4015. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 96–NM–113–AD; Amendment 39–11270; AD 99–18–04] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4016. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dowty Aerospace Propellers Model R381/6–123–F/5 Propellers [Docket No. 99–NE–43–AD; Amendment 39–11284; AD 99–18–18] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4017. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 Series Airplanes [Docket No. 99–NM–12–AD; Amendment 39–11277; AD 99–18–11] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4018. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A–1 and 205B Helicopters [Docket No. 98–SW–72–AD; Amendment 39–11268; AD 99–18–02] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4019. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–300 and ATR42–320 Series Airplanes [Docket No. 98–NM–201–AD; Amendment 39–11272; AD 99–18–06] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 1752. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; with an amendment (Rept. 106–312). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HAYWORTH (for himself and Mr. Pastor):

H.R. 2820. A bill to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community; to the Committee on Resources.

By Mr. DINGELL (for himself and Mr. Weldon of Pennsylvania):

H.R. 2821. A bill to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council; to the Committee on Resources.

By Mr. BENTSEN (for himself, Mr. Porter, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Hoyer, Mr. Weygand, Ms. Hooley of Oregon, Mr. Vento, and Mrs. Lowey):

H.R. 2822. A bill to require the opposition of the United States to International Monetary Fund and World Bank loans to Indonesia until the violence resulting from the referendum on the independence of East Timor has been ended; to the Committee on Banking and Financial Services.

By Mr. CANNON:

H.R. 2823. A bill to amend the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 to provide for the retention and administration of Oil Shale Reserve Numbered 2 by the Secretary of Energy; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBURN (for himself, Mr. Shadegg, Mr. Cooksey, Mr. Hilleary, Mr. Vitter, Mrs. Emerson, Mr. Gillmor, Mr. Regula, Mrs. Cubin, Mr. Graham, Mr. Cunningham, and Mr. Weldon of Florida):

H.R. 2824. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 2825. A bill to direct the Secretary of the Interior to dispose of all public lands administered by the Bureau of Land Management that have been identified for disposal under the Federal land use planning process; to the Committee on Resources.

By Mrs. EMERSON (for herself and Mr. Hulshof):

H.R. 2826. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions from qualified retirement plans on account of the death or disability of the participant's spouse; to the Committee on Ways and Means.

By Mr. EWING (for himself and Mr. Shimkus):

H.R. 2827. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 2828. A bill to amend title XIX of the Social Security Act to require criminal background checks on drivers providing Medicaid medical assistance transportation services; to the Committee on Commerce.

By Ms. KAPTUR (for herself, Mrs. Emerson, Mr. Gilchrest, Mrs. Clayton, and Mr. Bishop):

H.R. 2829. A bill to amend the Packers and Stockyards Act, 1921, to provide the Secretary of Agriculture with administrative authority to investigate live poultry dealers, and for other purposes; to the Committee on Agriculture.

By Ms. KAPTUR (for herself and Mr. Bishop):

H.R. 2830. A bill to amend the Agricultural Fair Practices Act of 1967 to provide for the accreditation of associations of agricultural producers, to promote good faith bargaining between such accredited assoications and the handlers of agricultural products, and to strengthen the enforcement authorities to respond to violations of the Act; to the Committee on Agriculture.

By Mr. LUTHER:

H.R. 2831. A bill to amend title XVIII of the Social Security Act to ensure Medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. LoBiondo):

H.R. 2832. A bill to authorize the Secretary of the Interior to establish a program to inventory, evaluate, document, and assist efforts to restore and preserve surviving United States Life-Saving Service stations; to the Committee on Resources.

By Mr. PASTOR:

H.R. 2833. A bill to establish the Yuma Crossing National Heritage Area; to the Committee on Resources.

By Mr. SANDERS:

H.R. 2834. A bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of broadcast transmission and telecommunications facilities, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 2835. A bill to require an assessment of research on effects of radio frequency emissions on human health; to the Committee on Commerce.

By Mr. VITTER:

H.R. 2836. A bill to amend the Fair Housing Act; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mrs. Morella, Mr. Frost, Mr. Meehan, Mr. Waxman, Ms. Kilpatrick, Mrs. Christensen, Mr. Sanders, Mr. Crowley, Ms. Eddie Bernice Johnson of Texas, Ms. Millender-McDonald, Mr. McGovern, Mr. Rothman, Mrs. Mink of Hawaii, Mr. Kennedy of Rhode Island, Mr. Hilliard, Mr. Barrett of Wisconsin, Ms. McKinney, Mr. Nadler, Mrs. Kelly, Mrs. Maloney of New York, Mrs. Meek of Florida, Ms. Schakowsky, Ms. Jackson-Lee of Texas, Ms. Norton, Ms. Lee, Mrs. Thurman, and Ms. Carson):

H.R. 2837. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to widely distribute information describing their procedures for receiving and responding to complaints concerning harassment; to the Committee on Education and the Workforce.

By Mr. WEYGAND (for himself, Mr. Kennedy of Rhode Island, Mr. McGovern, and Mr. Frank of Massachusetts):

H.R. 2838. A bill to impose an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 183. Concurrent resolution calling upon the Government of Indonesia to respect the results of the September 4, 1999, referendum on the status of East Timor and to bring about an immediate end to the violence in East Timor with the assistance of United Nations forces if necessary; to the Committee on International Relations.

By Mr. PORTMAN (for himself, Mr. Markey, Ms. Dunn, Mr. Turner, Mrs. Bono, Mr. Moran of Virginia, Mr. Lazio, Mr. Wolf, Mr. McCrery, Mr. Roemer, and Mr. Bonilla):

H. Con. Res. 184. Concurrent resolution expressing the sense of Congress regarding the importance of "family friendly" programming on television; to the Committee on Commerce.

By Mr. WEYGAND:

H. Con. Res. 185. Concurrent resolution supporting the results of the East Timor plebiscite held on August 30, 1999, and calling for an end to the violence in East Timor; to the Committee on International Relations.

By Mr. CAPUANO (for himself, Ms. Baldwin, Mr. Blagojevich, Mr. Crowley, Mr. Delahunt, Ms. Eshoo, Mr. Faleomavaega, Mr. Hall of Ohio, Mr. Kennedy of Rhode Island, Mr. King, Ms. Lee, Mrs. Lowey, Mr. Luther, Mrs. Maloney of New York, Mr. McGovern, Ms. Norton, Mr. Olver, Mr. Payne, Ms. Pelosi, Ms. Schakowsky, Mr. Wexler, Mr. Wolf, Mrs. Capps, Mr. Baird, Mr. Meehan, and Mrs. Morella):

H. Res. 285. A resolution expressing the sense of the House of Representatives regarding the referendum in East Timor and calling on the Government of Indonesia and all other parties to the current civil unrest in East Timor to assist in any attempts to immediately terminate the paramilitary's campaign of violence and terror and comply with the overwhelming results of the August 30, 1999, popular consultation; to the Committee on International Relations.

By Mr. PACKARD (for himself and Mr. Udall of Colorado):

H. Res. 286. A resolution recognizing that prevention of youth suicide is a compelling national priority; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. Cunningham.

H.R. 41: Ms. Danner.

H.R. 65: Mr. Pallone.

H.R. 71: Mr. Gordon, Mr. Sanders, and Mr. Sweeney.

H.R. 72: Mr. Goss, Mrs. Bono, Mr. Radanovich, and Mr. Goodlatte.

H.R. 97: Ms. Kaptur.

H.R. 125: Mr. Kennedy of Rhode Island, Mr. Hilliard, Mr. Meeks of New York, Mr. Barrett of Wisconsin, and Mr. Dixon.

H.R. 269: Mr. Farr of California, Ms. Norton, Ms. Lee, Ms. Lofgren, Ms. Millender-McDonald, Mrs. Maloney of New York, Ms. Hooley of Oregon, Mr. Sandlin, Mr. Barrett of Wisconsin, Mr. Gutierrez, and Mr. Weiner.

H.R. 270: Mr. Abercrombie, Mr. Kennedy of Rhode Island, Ms. Rivers, Mr. Capuano, Mr. Hastings of Florida, Mr. Waxman, Mr. Hinchey, Mrs. Thurman, Mr. Green of Texas, and Mrs. Johnson of Connecticut.

H.R. 274: Mr. Lipinski, Mr. Lazio, Mr. Gordon, and Mr. Moore.

H.R. 303: Mr. Blagojevich, Mr. Capuano, Ms. Baldwin, Mrs. Capps, and Mr. Moore.

H.R. 306: Ms. Baldwin and Mr. Baird.

H.R. 354: Mr. Regula.

H.R. 355: Ms. Baldwin.

H.R. 418: Mr. Weiner.

H.R. 534: Mr. Ryan of Wisconsin.

H.R. 549: Mr. Owens.

H.R. 561: Mr. Waxman.

H.R. 568: Mr. Sandlin.

H.R. 583: Mr. Clement, Ms. Pelosi, Ms. Kaptur, Mrs. Lowey, and Mr. Bilbray.

H.R. 626: Mr. Bonior, Mr. Jackson of Illinois, and Mr. Lewis of Georgia.

H.R. 639: Mr. Ryan of Wisconsin.

H.R. 652: Mr. Klink.

H.R. 699: Ms. Eshoo.

H.R. 701: Mr. Mica, Mr. Oberstar, Mr. Boucher, Mr. Shaw, and Mr. Phelps.

H.R. 723: Mr. Owens.

H.R. 731: Mr. Hastings of Florida and Ms. Berkley.

H.R. 735: Mr. Barcia.

H.R. 750: Mr. Moore, Mr. Cummings, and Mr. Weiner.

H.R. 756: Mr. Packard.

H.R. 773: Mr. Gonzalez.

H.R. 783: Mr. Coyne, Mr. Calvert, Mr. Rogan, and Mr. Lucas of Kentucky.

H.R. 784: Mr. Lucas of Kentucky, Mr. Wexler, and Mr. Coyne.

H.R. 785: Mr. Kind.

H.R. 798: Mr. Phelps.

H.R. 845: Mrs. Kelly.

H.R. 852: Mr. Boucher.

H.R. 864: Mr. Mica.

H.R. 865: Mr. Spratt and Mr. Lewis of Kentucky.

H.R. 1046: Mr. Strickland, Mr. Wise, Mr. DeFazio, and Mr. Lucas of Kentucky.

H.R. 1070: Mr. Kildee.

H.R. 1082: Mr. Meeks of New York.

H.R. 1093: Mr. Upton.

H.R. 1106: Mr. Kucinich.

H.R. 1111: Mr. Isakson and Mr. McGovern.

H.R. 1119: Mrs. Christensen.

H.R. 1130: Mrs. Lowey.

H.R. 1173: Mr. Porter.

H.R. 1176: Mr. Sanders.

H.R. 1180: Mr. Crowley, Mr. Talent, Mrs. Clayton, Mr. Goodlatte, Mr. Pombo, Mr. Sandlin, and Mr. Sweeney.

H.R. 1222: Mr. Snyder and Mr. Edwards.

H.R. 1237: Mr. McGovern.

H.R. 1248: Mr. Kolbe, Mr. Andrews, Mr. Hilliard, Mrs. Napolitano, Mr. Neal of Massachusetts, Ms. Pelosi, Mr. Conyers, Mr. Kuykendall, Ms. Waters, Mr. Wexler, and Mr. Romero-Barceló.

H.R. 1278: Mr. Gonzalez.

H.R. 1312: Ms. Rivers.

H.R. 1328: Mr. Paul.

H.R. 1356: Mr. Oxley.

H.R. 1358: Mr. Sessions and Mr. Phelps.

H.R. 1363: Mr. Schaffer.

H.R. 1396: Ms. Eddie Bernice Johnson of Texas, Mr. Tierney, Mr. Davis of Illinois, Mr. Olver, Mr. Weiner, Ms. Norton, Mrs. Napolitano, and Mr. Brown of Ohio.

H.R. 1422: Mr. Lewis of Georgia, Mr. Capuano, Mr. McNulty, Mr. Kildee, Mr. Boucher, Mr. Barcia, Mr. Peterson of Minnesota, Mr. Duncan, Mr. Lampson, Ms. McKinney, Mr. Vento, Mr. Lucas of Kentucky, and Mr. Brady of Pennsylvania.

H.R. 1423: Mrs. Thurman.

H.R. 1424: Mrs. Thurman and Mr. Gordon.

H.R. 1446: Mr. McIntosh.

H.R. 1452: Mr. Manzullo, Mr. Quinn, Mr. Gekas, and Mr. Campbell.

H.R. 1464: Mr. Blunt.

H.R. 1482: Mr. Price of North Carolina and Ms. Pelosi.

H.R. 1485: Mr. Pallone.

H.R. 1549: Ms. Waters.

H.R. 1577: Mr. McIntosh, Mr. Jones of North Carolina, and Mrs. Cubin.

H.R. 1579: Mr. Price of North Carolina, Mrs. Kelly, Mr. Hansen, and Mr. McDermott.

H.R. 1592: Mrs. Northup.

H.R. 1604: Mr. Ford.

H.R. 1606: Mr. McGovern.

H.R. 1634: Mr. Goodlatte and Mr. Kasich.

H.R. 1640: Mr. McDermott, Mr. Coyne, Mr. Markey, and Mr. Gordon.

H.R. 1644: Mr. Maloney of Connecticut, Ms. Norton, and Mrs. Mink of Hawaii.

H.R. 1650: Mr. Nadler, Mrs. Napolitano, Mr. Towns, Mr. Cook Mr. Capuano, Mr. Condit, and Mr. Blumenauer.

H.R. 1663: Ms. Carson.

H.R. 1693: Mr. Sandlin, Mr. Green of Texas, Mr. Wexler, and Mr. Latham.

H.R. 1705: Mr. Barrett of Wisconsin.

H.R. 1710: Mr. Hansen.

H.R. 1736: Mr. CLEMENT.

H.R. 1760: Mr. TRAFICANT and Mr. LOBIONDO.

H.R. 1775: Mr. GREEN of Texas, Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. BAIRD, and Mr. MCGOVERN.

H.R. 1795: Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. WEXLER, Mr. FATTAH, Mr. ABERCROMBIE, Mrs. MALONEY of New York, Mr. LATOURETTE, Mr. BRADY of Pennsylvania, Mr. COOK, Mr. TOWNS, Ms. PELOSI, Mrs. MCCARTHY of New York, Ms. BERKLEY, and Mrs. MYRICK.

H.R. 1816: Mr. SANDERS, Mrs. MCCARTHY of New York, Mr. ETHERIDGE, Mr. TIERNEY, Mr. CAPUANO, Mr. BALDACCI, Mr. DEFAZIO, Mr. HILLIARD, Mr. DIXON, Mr. MOAKLEY, and Mr. GONZALEZ.

H.R. 1837: Mr. SMITH of New Jersey, Mr. CLEMENT, Mrs. KELLY, Ms. STABENOW, Ms. DELAURO, Mrs. MORELLA, Mr. PICKERING, Mr. JEFFERSON, and Mr. DEFAZIO.

H.R. 1857: Mr. BROWN of Ohio.

H.R. 1883: Mr. LANTOS.

H.R. 1899: Mr. SPRATT and Ms. ESHOO.

H.R. 1917: Mr. LANTOS, Mr. PRICE of North Carolina, Mr. BONILLA, Ms. LOFGREN, Mr. DICKEY, Mr. SANDLIN, Mr. WEINER, Mr. FARR of California, and Mr. SUNUNU.

H.R. 1933: Mr. PACKARD and Mr. CHAMBLISS.

H.R. 1938: Mr. FROST.

H.R. 1999: Mrs. KELLY.

H.R. 2013: Mr. ENGLISH.

H.R. 2030: Mrs. KELLY.

H.R. 2053: Mrs. LOWEY, Ms. JACKSON-LEE of Texas, and Mr. LEWIS of Georgia.

H.R. 2129: Mr. DEAL of Georgia and Mr. MCKEON.

H.R. 2162: Mr. CAMPBELL, Mr. MASCARA, and Mr. PACKARD.

H.R. 2166: Mr. FILNER, Mr. ENGEL, Mr. CAMPBELL, and Mr. LAZIO.

H.R. 2241: Mr. LANTOS, Mr. RODRIGUEZ, Mr. SISISKY, Mr. PITTS, Mr. DICKEY, Mr. PASCRELL, Mr. FILNER, Mr. MEEKS of New York, Mr. ISAKSON, Mr. STEARNS, and Mr. BOYD.

H.R. 2246: Mr. MURTHA.

H.R. 2260: Mr. NEAL of Massachusetts.

H.R. 2265: Mr. SANDLIN, Mr. RAHALL, and Mr. GORDON.

H.R. 2319: Mrs. MORELLA, Mr. DOYLE, and Ms. CARSON.

H.R. 2335: Mr. GRAHAM, Mr. PETERSON of Minnesota, Mr. HILL of Montana, Mr. SIMPSON, Mr. DEMINT, and Mr. DOOLEY of California.

H.R. 2237: Mr. HAYWORTH.

H.R. 2341: Mr. CRAMER, Mr. LAHOOD, Ms. SCHAKOWSKY, Mr. HALL of Texas, Mr. ABERCROMBIE, Mr. SISISKY, Mr. ETHERIDGE, Mr. MEEKS of New York, Mr. SHAYS, Mr. DICKEY, Mr. BISHOP, Mr. DELAHUNT, Mr. SANDLIN, Mr. COYNE, Mr. BONILLA, Mr. FORD, Mr. KUCINICH, Mr. GILMAN, Mr. PICKERING, Mr. STEARNS, Mr. ROTHMAN, Mr. MORAN of Virginia, Mr. EWING, Mr. DEUTSCH, and Mr. HOBSON.

H.R. 2356: Mrs. KELLY and Mr. SPRATT.

H.R. 2362: Mr. BAKER and Mr. SMITH of Texas.

H.R. 2383: Mr. KOLBE.

H.R. 2389: Mr. SANDLIN, Mr. OWENS, Mr. METCALF, and Mrs. EMERSON.

H.R. 2401: Mr. SANDLIN.

H.R. 2418: Mr. CRAMER, Mr. RILEY, Mr. VITTER, Mr. WATTS of Oklahoma, Mr. LARGENT, Mr. HILLIARD, Mr. HALL of Texas, Mr. ISTOOK, Mr. JOHN, and Mr. MCCRERY.

H.R. 2419: Mr. GIBBONS, Mr. DIAZ-BALART, Mr. FILNER, Mr. WELDON of Florida, Ms. DANNER, and Mr. MARTINEZ.

H.R. 2420: Mrs. NORTHUP, Mr. BACHUS, Mr. BALDACCI, Mr. EVERETT, Ms. SANCHEZ, Mr. POMBO, and Mr. CUMMINGS.

H.R. 2436: Mr. RYUN of Kansas, Mr. COSTELLO, Mr. VITTER, Mrs. EMERSON, and Mr. OBERSTAR.

H.R. 2442: Mr. LARSON, Mr. MARKEY, Mr. DIAZ-BALART, Mr. MEEKS of New York, Mr. HORN, Ms. ROS-LEHTINEN, Mr. KENNEDY of Rhode Island, and Mrs. MEEK of Florida.

H.R. 2463: Mr. WISE, Mrs. BONO, Mr. GOSS, and Mr. PHELPS.

H.R. 2492: Mr. BENTSEN and Mr. MCNULTY.

H.R. 2500: Mr. STARK.

H.R. 2503: Ms. DELAURO.

H.R. 2505: Mr. HASTINGS of Florida, Mr. LANTOS, Mr. TOWNS, Mr. HOLT, Mr. ROMERO-BARCELO, and Mr. JEFFERSON.

H.R. 2511: Mr. HUNTER and Mr. SCHAFFER.

H.R. 2533: Mr. SCARBOROUGH.

H.R. 2543: Mr. FORD, Mr. BAKER, Mr. HILL of Montana, and Mr. GOODE.

H.R. 2548: Mr. ALLEN, Mr. DUNCAN, Ms. ESHOO, Mr. PICKERING, and Mr. HILL of Montana.

H.R. 2576: Mr. SUNUNU and Mr. GRAHAM.

H.R. 2594: Mr. STARK, Mr. FARR of California, Ms. MCKINNEY, Mr. FROST, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. BARRETT of Wisconsin, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Ms. RIVERS, Mr. HINCHEY, Mr. EVANS, Mr. SCOTT, AND MR. MEEHAN.

H.R. 2595: Mr. OBEY and Ms. RIVERS.

H.R. 2612: Mr. BARR of Georgia.

H.R. 2620: Mr. GOODLATTE.

H.R. 2631: Mr. BONIOR, Mr. RAHALL, Mr. SANDLIN, and Ms. BROWN of Florida.

H.R. 2639: Mr. BASS, Mr. MCINTOSH, and Mr. PEASE.

H.R. 2640: Mr. EHRLICH and Mr. UPTON.

H.R. 2651: Mr. SAM JOHNSON of Texas and Mrs. KELLY.

H.R. 2655: Mr. GARY MILLER of California.

H.R. 2678: Mr. MCNULTY.

H.R. 2689: Mr. LOBIONDO.

H.R. 2696: Mr. ABERCROMBIE.

H.R. 2720: Mr. METCALF, Mr. FILNER, Mr. COOK, and Mr. FALEOMAVAEGA.

H.R. 2722: Ms. ESHOO, Mr. DIXON, Mr. CUMMINGS, Mr. BLAGOJEVICH, Mr. LAFALCE, Mr. CAPUANO, Mr. FILNER, Mr. OWENS, Mr. MEEKS of New York, Mr. PASCRELL, Mr. STARK, Mr. OLVER, Ms. BROWN of Florida, Mr. WEXLER, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. MORAN of Virginia, Mr. NADLER, Mr. ANDREWS, Ms. LEE, Ms. WOOLSEY, Mrs. MORELLA, Mr. CROWLEY, Mr. UNDERWOOD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FROST.

H.R. 2726: Mr. DEAL of Georgia, Mr. LUCAS of Kentucky, Mr. MCINTOSH, Mr. COOK, Mr. SESSIONS, Mr. ISTOOK, Mr. RYUN of Kansas, and Mr. HAYES.

H.R. 2790: Mr. WOLF, Mrs. ROUKEMA, and Mr. BOEHLERT.

H.R. 2792: Mrs. CLAYTON, Mr. FROST, Mr. TANNER, Mr. SKELTON, Mr. PHELPS, MR. SISISKY, and Mr. SANDLIN.

H.R. 2795: Mr. KOLBE.

H.R. 2801: Mr. KANJORSKI.

H.R. 2809: Mr. WEYGAND, Mr. MCGOVERN, Mr. DELAHUNT, Mr. PAYNE, Mrs. LOWEY, Mr. CAPUANO, Mr. EVANS, Mr. WOLF, and Mr. FRANK of Massachusetts.

H.J. Res. 41: Mr. LUTHER, Mr. BOSWELL, Mr. COYNE, Ms. CARSON, Mr. HOYER, Mr. BLAGOJEVICH, Mr. CROWLEY, Mr. DAVIS of Illinois, and Mr. NEAL of Massachusetts.

H.J. Res. 56: Mr. SWEENEY.

H.J. Res. 64: Mr. STUMP.

H. Con. Res. 30: Mr. LAZIO, Mr. BONILLA, and Mr. BASS.

H. Con. Res. 34: Ms. STABENOW.

H. Con. Res. 60: Mr. FRELINGHUYSEN, Mr. BACHUS, Mr. SMITH of New Jersey, Mr. GREEN of Wisconsin, Mrs. MORELLA, Mr. GANSKE, Mr. CAPUANO, and Mr. MASCARA.

H. Con. Res. 97: Mr. STARK.

H. Con. Res. 100: Mr. MORAN of Virginia, Ms. WATERS, and Ms. HOOLEY of Oregon.

H. Con. Res. 120: Mr. SWEENEY, Mr. MORAN of Kansas, Ms. LOFGREN, Mr. ROGAN, Mr. KINGSTON, Mr. ORTIZ, and Mr. DIXON.

H. Con. Res. 135: Mr. COSTELLO, Mr. POMEROY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Ms. KAPTUR, Mr. MCNULTY, Ms. MCKINNEY, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. MALONEY of Connecticut, Ms. ESHOO, Mr. STUPAK, Mr. STRICKLAND, Mr. DAVIS of Illinois, and Mr. ACKERMAN.

H. Con. Res. 148: Mr. MCKEON.

H. Con. Res. 159: Mr. ROTHMAN, Mr. ROYCE, Mr. MORAN of Virginia, and Ms. WATERS.

H. Res. 15: Mr. SANDLIN.

H. Res. 89: Mr. SANDLIN and Mr. LAZIO.

H. Res. 224: Mr. FARR of California, Mr. NETHERCUTT, Ms. STABENOW, Mr. HASTINGS of Washington, Mr. BARCIA, Mr. BARRETT of Nebraska, Mr. WALDEN of Oregon, and Mr. PHELPS.

H. Res. 251: Mr. WEINER, Mr. WAXMAN, Mr. DEFAZIO, and Mr. CLEMENT.

H. Res. 254: Mrs. MINK of Hawaii, Mr. WEINER, Mr. DEUTSCH, Mr. CHAMBLISS, Mr. JACKSON of Illinois, Mr. BROWN of Ohio, Mr. FROST, Mr. MEEHAN, Mr. HILL of Indiana, Mr. HINCHEY, Mr. HASTINGS of Florida, Mr. WELLER, Mr. CAPUANO, Mr. LIPINSKI, Mr. MANZULLO, Mr. ROEMER, Mr. OWENS, Mr. LEACH, Mr. WAXMAN, Mr. CRANE, Mr. WATT of North Carolina, Mr. SANDLIN, Ms. BERKLEY, Mr. FARR of California, and Ms. PELOSI.

H. Res. 269: Mr. GIBBONS and Ms. MCKINNEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1621: Mr. CHAMBLISS.

H.R. 2788: Mrs. MCCARTHY of New York.

AMENDMENTS

Under clause 8 of rule XVII, proposed amendments were submitted as follows:

H.R. 2684

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 19: Page 79, line 5, insert "(increased by $250,000,000)" after the dollar amount.

Page 79, line 19, insert "(increased by $449,000,000)" after the dollar amount.

Page 80, line 14, insert "(increased by $225,600,000)" after the dollar amount.

EXTENSIONS OF REMARKS

HONORING THE LATE JOAQUIN V.E. MANIBUSAN, SR.

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. UNDERWOOD. Mr. Speaker, the island of Guam mourns the passing of one of its most respected and loved public servants. The Honorable Joaquin V.E. Manibusan, Sr., a man who served as the island's traffic and small claims court judge for 21 years, was called to his eternal rest on August 29, 1999, at the age of 78. He leaves behind his wife, Alejandrina, and his children, Marilyn, Joaquin, Jr., and Geraldine. With a sense of great loss, I pay tribute to this distinguished local leader.

The Manibusan name is deeply embedded in the island of Guam's judicial system. Judge Manibusan's father, Judge Jose C. Manibusan, served in the Island Court from 1935 to 1960. His son, the Honorable Joaquin V.E. Manibusan, Jr., currently serves as judge in the Superior Court of Guam.

Judge Joaquin V.E. Manibusan, Sr. was born on March 23, 1921, in the city of Hagåtña. After his graduation from George Washington High School in 1940, he pursued legal studies through correspondence. Judge Manibusan's government service record predates World War II. From 1941 until the outbreak of the war, he worked for the Civil Affairs Department at the Naval Air Station, Agana. Upon the island's liberation in 1944, he was again hired by the Civil Affairs Department to work at the Anigua Refugee Camp.

The judge first worked for the island's court system as a law clerk for the Island Court in 1944 and was promoted to senior clerk in 1948. Later that year, he was appointed Deputy Clerk of the Island Court. In 1969, the Guam Legislature confirmed his appointment as Judge of the Police Court of Guam. Upon the creation of the Superior Court of Guam, Judge Manibusan was sworn in as a judge in the court—assigned exclusively to the traffic division. The following year, he was reappointed to the Superior Court of Guam's traffic division. In 1982, the people of Guam expressed support for his legal contributions when he was retained as a judge of the Superior Court through a mandate from the island's voters. He retired from the bench on March 4, 1995.

Judge Manibusan's community involvement went above and beyond his duties in the courtroom. Throughout his life, he actively participated in inter-governmental and community functions. He was a delegate to the Guam Constitutional Convention of 1969 and he was named chairman of the Guam Judicial Center's grand opening in 1991. He was a member of the Holy Name Society as well as a charter member of the Sinajana Civil Improvement Club. On top of this, he was also actively involved in Christmas seal drives and in Guam's sports, particularly baseball.

During his tenure on the bench, Judge Manibusan is remembered for his dignity, fairness and compassion. His service of more than fifty years to the people of Guam has earned him a place in our hearts. He leaves a legacy of service and devotion to the island of Guam. May his commitment to the island's judiciary and to the people of Guam forever inspire us.

100TH ANNIVERSARY OF THE NAPA SOLANO BUILDING TRADES COUNCIL

HON. GEORGE MILLER

OF CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, my colleague, Mr. THOMPSON of California, and I rise today to recognize the Napa Solano Building Trades Council as this organization celebrates its 100th anniversary of service to the men and women engaged in the building trades in Northern California.

One hundred years ago in September, 1899, the first trade and labor council in Napa and Solano Counties was formed when eleven tradesmen representing five local unions met in the Mechanics Hall in Vallejo to form the Trades and Labor Council of Vallejo, CA.

The unions represented at that historic meeting were the Boilermakers Local 148, Carpenters Local 180, Machinist Lodge 252, Shipwrights Local 1068, the Pipe Fitters Union, and the Iron Molders Local 164.

The original officers of the Council, President Richard Caverly of the Boilermakers, Vice President N.B. Grace of the Carpenters, Secretary John Davidson of the Shipwrights, Treasurer William Brownlie of the Shipwrights, and Sergeant-at-Arms G.E. Smith of the Carpenters will always be known as the union leaders who started the official labor movement in Solano and Napa Counties.

A Charter was granted to the fledgling organization by the American Federation of Labor and signed by President Samuel Gompers on October 9, 1899, making it one of the oldest labor councils in the State of California.

The Trade and Labor Council flourished and the original membership increased rapidly. The member unions formed their own councils as well as the Solano Building and Construction Trades Council, the Solano Central Labor Council and the Mare Island Navy Yard Metal Trades Council.

Mr. Speaker, it is appropriate that we acknowledge and honor today this pioneering labor organization and the men and women in the building trades in Napa and Solano Counties. These men and women of labor have made an immeasurable difference in the lives of working families.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE DRUG ABUSE ALTERNATIVES CENTER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Ms. WOOLSEY. Mr. Speaker, my colleague, Mr. THOMPSON of California, and I rise today to recognize the Drug Abuse Alternatives Center, a private nonprofit organization in Sonoma County, California that has been providing drug abuse counseling, education, and rehabilitation to local residents for thirty years.

The organization began operation on September 18, 1969 as the Sonoma County Drug Abuse Advisory Council with a staff of five people who recognized that there was an unmet need in Sonoma County for drug education and counseling.

It expanded into rehabilitation and treatment when it merged with Turning Point, a residential treatment facility.

In 1988, the name of the organization was changed to the Drug Abuse Alternatives Center.

In 1992, the organization began providing services in Lake County for pregnant and parenting women and in 1993 opened the Lake County Transition house of the perinatal program.

Today the Drug Abuse Alternatives Center provides perinatal day treatment, outpatient treatment, family and individual counseling, awareness and choices training for students at the Santa Rosa secondary schools, HIV and Hepatitis C education outreach, support groups for parents and teens. It also operates Bay Area Recovery Services, the Turning Point residential treatment center, and the Redwood Empire Addictions Program for methadone maintenance and detoxification.

The Drug Abuse Alternatives Center also collaborates with the Sonoma County Health Services Department, the Sonoma County Sheriff's Department and the Sonoma County Courts to operate the very successful Drug Court program that makes it possible for nonviolent offenders to get needed drug treatment and counseling. It also works with the Sonoma County Office of Education to operate a Clean and Sober high school program for teens who are in recovery.

Mr. Speaker, it is appropriate that we recognize today the tremendous work of the Drug Abuse Alternatives Center in helping to combat the epidemic of drug abuse in this country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LEGISLATION TO BAN OIL AND GAS DRILLING IN MOSQUITO CREEK LAKE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio. The lake is in the 17th Congressional District of Ohio which I am privileged to represent.

For the past several years I have tried to work with the U.S. Department of Interior's Bureau of Land Management to address the legitimate concerns of local residents about the potential environmental and health impacts of oil and gas drilling on Mosquito Creek Lake. Unfortunately, a satisfactory arrangement could not be met. BLM is in the process of allowing slant drilling on the lake.

Last year I carefully reviewed BLM's environmental assessment which included proposed safety procedures to contain leaks, spills and overflows. After considering these proposals, I felt compelled to join many of my constituents in opposition to drilling on private land around the lake. I remain adamantly opposed to any drilling. At this juncture, the only way to stop the drilling is legislative action. That's why I am introducing this bill.

My legislation would bar any person from any drilling activity, including slant or directional drilling, to extract oil or gas from lands beneath Mosquito Creek Lake in Cortland, Ohio. Under the Traficant bill, the U.S. Attorney General has the authority to file suit in U.S. District Court to enforce this prohibition.

While tests have shown evidence of oil and gas deposits below the lake, the levels are not high enough to justify drilling, in my opinion. The potential benefits of extracting oil and gas from beneath Mosquito Creek Lake do not outweigh the potential damage that could be done to the environment, water quality and overall quality of life for area residents. That's the bottom line.

I intend to do everything possible to have this legislation enacted into law this year.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION.

After the enactment of this Act no person may commence any drilling activity (including any slant or directional drilling) to extract oil or gas from lands beneath waters under the jurisdiction of the United States in Mosquito Creek Lake in Cortland, Ohio. The Attorney General of the United States may bring an action in the appropriate United States district court to enforce the prohibition contained in this section.

CELEBRATING THE 125TH ANNIVERSARY OF THE ARRIVAL OF THE MENNONITES IN AMERICA

HON. JERRY MORAN

OF KANSAS

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. MORAN of Kansas. Mr. Speaker, I rise today with the gentleman from South Dakota, Mr. THUNE, to commemorate the 125th Anniversary of the arrival of the Mennonites in the United States.

To do so, I would like to read from a poem written by my constituent, Mrs. Gladys Graber Goering of Hutchinson, Kansas:

"A HYMN OF HERITAGE"

Sing a song of deep gratitude
To our God, Who by His grace,
Led a people through centuries
To this special time and place.
Glad hosannas to you belong,
Joy of the Lord, our strength and song.

Tell the prairies' welcoming call
Soil rich to the farmer's hand,
Grasses and sky and spacious fields
Beckoned families to the land,
Promised them freedom to pursue
The peaceful life which once they knew.

Simple homes built on the broad plain,
Church and school as their domain,
Mennonites soon felt richly blest,
Stretching borders east to west,
Children and children's children grown
Claimed the new land as their own.

One-room schoolhouse and ABC's
Played a part in wisdom's call.
Stumbling now with a language strange,
Students soon embraced it all.
Learning continued through the years
Pointing the way to new careers.

Caring families eased the way
Through the stresses of each day
Dust and storm, depression and fears,
Conscience and war, conflicts and tears,
As generations moved along,
Anchored safe in families strong.

Sing a song of our heritage,
Home and church and values true,
Faith enduring, foundation firm,
Building blocks on which we grew.
God of the ages, help us, pray,
Increase the good gifts of today.

The accomplishments of the Mennonite community, in Kansas and South Dakota and in America are many. What continues to endure is the strength of their communities and of the values that they share.

In a world that is rapidly changing, where information is shared around the globe instantly, and where too often, faith is an antiquated notion, the Mennonite community has retained its belief in service to the global community, peaceful resolution to conflict, and faith in God. From Moundridge, Kansas to Freeman, South Dakota, Mennonites have gone above and beyond the call of duty to serve people in need.

Today, farmers are still growing the Turkey Red Winter Wheat that the Mennonites brought with them 125 years ago. Midwestern states like Kansas and South Dakota make up the "Bread Basket of the World" and our farmers produce more wheat than any other states. The gentleman from South Dakota and I are grateful that so many Mennonites chose Moundridge and Freeman as their homes and helped to shape our great states.

It is an honor to commemorate this anniversary.

THE PASSING OF JUDGE PAUL J. DRISCOLL OF NORWICH, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today with great sorrow to memorialize Superior Court Judge Paul J. Driscoll of Norwich, Connecticut. Judge Driscoll was a person of unequaled integrity, intelligence and fairness underscored by an almost limitless amount of humility.

Judge Driscoll was born in Norwich, Connecticut on May 14, 1909 and attended local public schools. He earned undergraduate and law degrees from Georgetown University. During World War II, he served in China as a member of the Judge Advocate General corps attaining the rank of Major.

Following the war, Judge Driscoll returned to Connecticut and began a career in public service which spanned four decades. He served as a member of the Board of Education in Norwich and as a trustee of Norwich Hospital. He also was a member of the Board of Trustees of the University of Connecticut. In 1966, he was appointed to the Superior Court of Connecticut. In this capacity, Judge Driscoll presided over a wide array of cases with fairness, keen intelligence and great command of the law. Following his retirement in 1979, Judge Driscoll continued to play a role in mediating disputes as a State Referee.

Paul Driscoll also played a number of important roles in the Democratic Party in Connecticut. He served as Democratic Town Chairman in Norwich for many years. He was also a member of the Democratic State Central Committee. In these roles, he worked hard on behalf of working men and women.

Mr. Speaker, Judge Paul Driscoll was an exemplary public servant and a great American. His memory will endure through his many meaningful contributions to virtually every aspect of life in southeastern Connecticut.

IN HONOR OF NEW JERSEY'S PUERTO RICAN HERITAGE STATEWIDE COMMITTEE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize New Jersey's Puerto Rican Heritage Statewide Committee for their efforts to stimulate cultural pride and diversity in Newark, New Jersey.

The Puerto Rican Heritage Statewide Committee is dedicated to strengthening and enhancing the quality of life for many Hispanic residents in the State of New Jersey. From raising money for scholarships to renovating community centers such as La Casa Puerto Rico Cultural Center, the PRHSC has continued to be a driving force to improve the community.

Armed with a vision to promote Puerto Rican culture through pride and unity, the PRHSC began its annual parade 37 years ago in Newark. Starting out with just a few local organizations marching down Broad Street in Newark, the parade has grown to more than 100 groups marching in a two hour televised event. In addition, a feast, "Fiestas Patronales," the largest of its kind attracting more than 150,000 people, was added to the festivities seven years ago at Branch Brook Park.

Through the years, the parade has expanded the scope to applaud the achievements of other Hispanic communities such as Dominicans, Ecuadorians, Colombians, Peruvians, and Uruguayans.

In addition, the parade and PRHSC have helped to create a forum in which the Hispanic community and the business community can join and work together to spread the message of unity. As we approach the 21st Century, PRHSC has spearheaded the effort to encourage businesses and leaders to invest in, and appeal to, the still largely untapped Hispanic community.

For its commitment to the Puerto Rican and larger Hispanic communities, I ask my colleagues to join me in congratulating New Jersey's Puerto Rican Heritage Statewide Committee. Its tireless efforts have truly made a difference and continue to better the people of the State.

HAROLD LEWIS (PONT) FREEL—ONE OF THE THOUSAND POINTS OF LIGHT AND A GREAT AMERICAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. McINNIS. Mr. Speaker, Harold Lewis Freel, known by everyone as "Pont" was a great man who will be greatly missed. The second in a family with eight children, he quit school in the 10th grade to pick corn to help his family survive. During the "dust bowl", when he was 17, his family moved to Moffat, Colorado. The family arrived in the San Luis Valley in a pickup truck which is still on the property today. From this humble beginning, Point achieved much by hard work and dedication to the values that have made the United States of America a great country.

During World War II, Pont was a Tech Sergeant in the Army Air Corps, flying thirty-eight missions in a B–17. He was shot down on March 16, 1944 over Yugoslavia and was held by the Germans as a prisoner of war for fourteen months. General Patton, riding aboard a tank, freed him in the final days of the war. After the war, he worked feeding cattle for others, and worked construction to get his own start in the ranching business. Hard work and "stubbornness" helped Pont survive the trials of life. When he died, he had a ranch, which encompassed 5,300 deeded acres and he ran 500 head of cattle. There was no horse he couldn't ride, no job too big and no person lacked value.

Pont had four biological children, two step-children and many others that called his ranch home. His home was always open to children who needed a place to live and to learn how to live. Sometimes they came for the summer, but stayed for many years. His hand and home was always open to those in need.

Pont believed in service to his country, community, to all children and to schools. Although he had only a 10th grade education, he recognized the value of an education for the youth of this country. He served on the Moffat and Mountain Valley School Boards for a total of twenty-six years. Pont was elected County Commissioner of Saguache County at the age of 67 and served for four years, using his knowledge of big equipment to concentrate on the roads of this large rural county in the heart of the Rocky Mountains.

He was a model of American ideals for his community and young people everywhere, embodying patriotism, strength, gentleness and service throughout his lifetime. With his passing, a great American has disappeared from our midst. One of the thousand points of light has gone out, but his memory lives on in those who were privilege to have known him.

T-38 AVIONICS UPGRADE PROGRAM

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. HAYWORTH. Mr. Speaker, I would like to bring the T–38 Avionics Upgrade Program (AUP) to the attention of my colleagues and the American people. The T–38 program is an essential aircraft system for training Air Force pilots. Recently, during OPERATION ALLIED FORCES, we became acutely aware of the critical shortage of pilots in the Air Force and the other services. The T–38 AUP is a key asset in helping the Air Force to reduce this pilot shortage. I am pleased to report that, following some early hardware-software developmental problems, this week the Air Force gave the go-ahead for Low Rate Initial Production for the T–38 AUP.

Earlier this month, the House Appropriations Committee recommended substantial reductions in production funding for the T–38 AUP for both fiscal year 1999 and fiscal year 2000. The rationale was to give more time for development and testing to correct hardware and software deficiencies and to meet the "fly before buy" criteria established by the Air Force. This action will delay the program by a year or more and consequently delay the delivery of state-of-the-art advanced training aircraft to the Air Force.

The T–38 AUP is an Air Force modernization program to update obsolete avionics, controls, and cockpit displays in 509 T–38 trainer aircraft. it also provides 36 new ground-based trainers that reflect the new T–38 cockpits, and provides logistics support at six Air Force bases around the country. I am proud of the work that is being done in my district at Williams Gateway Airport to provide a modernized trainer for America's future fighter and bomber pilots.

Over the past year, the Williams Gateway team has been hard at work to bring the T–38 trainer up to the level necessary to produce pilots who are ready to step into our current fighters and bombers. However, as stated in the House Appropriations Committee report language, hardware and software problems discovered during developmental flight testing at Edwards Air Force Base caused the Air Force to decide on March 10, 1999 to delay the program for correction and flight testing of the discrepancies.

With the tremendous efforts of the Air Force and the T–38 contractor team, all critical hardware and software problems discovered during flight testing have been fixed and the following flights were successful flights. All flight testing was completed at Edwards on July 9, 1999. This entire corrective process, typical of a development phase, took less than four months. The Air Force has thoroughly reviewed the entire process, determined that the "fly before buy" criteria have been met, and on July 26, 1999 approved initial low-rate production of the T–38 AUP. There is no longer any reason to further delay the program. I do not think that this information about the rapid correction of problems was available to the House Appropriations Committee prior to the House vote to reduce funding earlier this month.

Full fiscal year 1999 and 2000 production funding is required to keep the T–38 AUP on schedule. First aircraft deliveries are required at Moody Air Force Base in Georgia by August of next year. Delaying the T–38 AUP program will have a significant effect on pilot training and will increase overall program costs and operations and maintenance costs associated with the older versions of the T–38 aircraft.

Air Force pilot training and retention is a national security issue. The T–38 AUP is a critical vehicle in the process of helping the Air Force improve its pilot situation. In addition to being a low cost trainer, the T–38 AUP will provide the configurations in avionics and cockpit design the pilots need to train. By slipping this program out a year, we will be forcing America's finest new fighter and bomber pilots to use an aircraft with 1950's and 1960's cockpit technology.

Funding reductions this year would unnecessarily delay the T–38 development efforts by a year or more, delay needed upgrades for critical Air Force pilot training needs, and increase fiscal year 2000 research and development costs by millions and program production costs by tens of millions. Additionally, if the program is delayed, operations and maintenance costs will increase by millions annually because of parts shortages and other difficulties associated with maintaining he older T–38 aircraft with the high failure rates of their obsolete avionics components. Finally, the delay will result in loss of some of the valuable workforce experience that has been hard-won during the development phase of the program.

Mr. Speaker, as we enter the new millennium, we would be doing a disservice to our future pilots by training them in aircraft with

1960's and 1970's technology. With full funding of $85.7 million for the T–38 AUP program, the Boeing Company and the Air Force will ensure that our future pilots will have state-of-the-art avionics to begin their training.

COMMEMORATING THE OPENING OF THE KEY WEST MUSEUM OF ART AND HISTORY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today in recognition of a very important event. On August 28, 1999, Key West's historic 108-year-old Custom House opened its doors as the Key West Museum of Art and History, restored and operated by the Key West Art and Historical Society. One of Florida's architectural treasures, the Customs House will now serve as both a showcase for regional, national, and international fine art collections, and a repository of artifacts relating to the history and culture of the Florida Keys.

Originally completed in 1891 on the historic port waterfront of the island city, the Custom House was used as a center-piece of federal authority. Occupied at various times by the collector of customs, federal court, and postal and lighthouse services, the building has a long history of supporting the city's maritime-based economy. While Key West was the largest city and port in Florida, the Customs House became the center for taxation regulation and immigration.

It is crucial to note the importance of the Customs House at the national level, as well as at the state and local level. Beginning in 1898, during the Spanish-American War, this historic building housed civil service and naval activities. At one time, 104 naval vessels worked out of the port dominated by the Customs House. This occupation continued until 1976 when the Navy had to close its Key West sea base. Based on its extensive history, the Customs House is listed in the National Register of Historic Places, and it is truly one of the most important architectural treasures in the state of Florida today.

Now, after a restoration effort which took nine years and cost approximately $8 million, Key West's historic building is home to the Key West Museum of Art and History. Original woodwork, plaster, flooring, stone, brickwork, and fixtures have been preserved or carefully reproduced to make the revitalized Custom House both architecturally faithful. With this restoration process came the challenge of locating historically accurate materials and craftsmen with knowledge of century-old building techniques. This formidable challenge could not have been met without the aid of the Monroe County Tourist Development Council, various state agencies, individuals, foundations and corporations. Indeed, the entire Florida community and nation at large owe a debt of gratitude to all who gave the monetary support to this undertaking.

The Key West Art and Historical Society endows the new museum with excellent educational programs, services, and exhibitions, for children and adults alike. Housing a state of the art interactive public archive and research facility, the Key West Art and Historical Society develops programs in conjunction with the Monroe County Public Schools' curriculum, providing educational opportunities to over 8,000 Monroe County students, as well as thousands of other visiting school children and tourists.

For the "Community Opening" of the Key West Art and History Museum, the historical exhibition Remember the Maine returned to Key West and was installed in the USS Maine Room on the second floor of the museum. This is a fitting and historic placement for this exhibit, because of the building's prominent naval history. The first traveling art exhibit is scheduled to open on September 22, thus achieving the Society's goals of national recognition and acclaim.

Mr. Speaker, I commend the hard work and dedication that has gone into the Key West Museum of Art and History. As the Museum officially opens its doors to the public, the Customs House is once again the site of a historical moment for the State of Florida, as well as the nation at large. On this joyous occasion, I would like to congratulate all those who have contributed to this important endeavor, and extend my best wishes for all success in the future.

THE RETIREMENT OF REAR ADMIRAL DONALD E. HICKMAN SUPPLY CORPS, U.S. NAVY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. GOODLING. Mr. Speaker, it is with the utmost respect that we honor the career of Rear Admiral Donald E. Hickman as a distinguished officer and gentleman of the U.S. Navy. Because of his constant devotion to his countrymen, we salute him.

Admiral Hickman embodies many of the values cherished by the Navy—integrity, honor, and tradition. He instills these values into all the sailors around him. His reputation as a reliable and upstanding officer made him a pillar of the Naval and civilian community alike. Rear Admiral Hickman's accomplishments demonstrate his strength of character and adherence to the Navy ethos.

Joining the Navy in 1962, then Ensign Hickman was quick to learn the charge and purpose needed to become a successful officer. As a lieutenant and then lieutenant commander on the U.S.S. *Independence*, he served as supply support officer with great distinction. Later in 1980, he was promoted to commander aboard the U.S.S. *Forrestal* as supply officer and then promoted to captain in 1984 while at the Aviation Supply Office in Philadelphia. Promotion to rear admiral (lower half) came in 1991 as he was elevated to Executive Director of Supply Operations at the Defense Logistics Agency (DLA). His advancement to rear admiral (upper half) came in 1995 as Director of the Office of the Chief of Naval Operations.

As he ascended to the top brass of the Navy, Rear Admiral Hickman garnered many commendations that further substantiated his stellar career. They include the Defense Superior Service Medal, the Navy Commendation Medal, two Legion of Merit Awards and four medals for Meritorious Service.

Rear Admiral Hickman provided our Navy with more than supplies and ordnance. He provided leadership and counsel to those who had the pleasure of being his acquaintance. It is with great regret that we see such a friend and patriot leave the military at a time when leadership is so important. Best of luck to you, Admiral Hickman, in your retirement.

TRIBUTE TO PAULINE BARCLAY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Pauline "Polly" Barclay, who is retiring after a distinguished 44-year career as an elementary school teacher in the Pacoima-Lake View Terrace area. Mrs. Barclay's commitment to education and her rapport with students of all races and backgrounds is legendary throughout the Northeast San Fernando Valley. She nurtured a love of learning in hundreds of children through the years and she is—to her colleagues and students—an outstanding example of the best our public schools have to offer.

Mrs. Barclay came to Pacoima in 1956, when she took a job at Vaughn Street School. She spent 4 years at Vaughn, and then a decade at Fillmore Street School, also located in Pacoima. Her next position was at Fenton Avenue School in the adjoining community of Lake View Terrace. She spend 23 years at Fenton Avenue, and then an additional 5 years at Fenton Avenue Charter School. This past year Mrs. Barclay taught at Coldwater Canyon Elementary School in North Hollywood.

Mrs. Barclay has often observed that "teachers must provide our children with a strong sense of values and respect for others, while providing them with the education and skills necessary to succeed." As her many honors and awards attest, Mrs. Barclay put this philosophy into practice in the classroom. In 1975, she was recognized by the Los Angeles Unified School District's Office of Urban Affairs School-Community Relations for outstanding contributions in improving relations between schools and the community. Ten years later, she was named Pioneer of the Year by the Pacoima Community Coordinating Council.

Mrs. Barclay has traveled extensively, and has made a point of sharing her experiences with fascinated students over the years. The many countries she has visited include Botswana, Yemen, Iran, Egypt, Cuba and Venezuela. I strongly suspect that Mrs. Barclay will be adding to this list during her retirement.

I ask my colleagues to join me in saluting Pauline Barclay, whose devotion to her students and her passion for life inspire us all. I wish all the best to her and her husband, Dave, children, Steve and Danielle, daughter-in-law, Darna, and grandchildren, Candace, Chloe and Sean.

IN HONOR OF INFINEUM'S LINDEN TECHNOLOGY CENTER FOR BEING NAMED AN OSHA VPP STAR SITE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Infineum's Linden Technology Center for being awarded the star site status by the Occupational Safety and Health Administration under its Voluntary Protection Program.

A distinguished petroleum additives company, Infineum has continued to lead the way in employee health and safety. It has been an active force, committed to improving the quality of life for its employees and for the residents of the City of Linden and the State of New Jersey.

Because of its dedication to achieving the utmost in safety regulations for its employees, Infineum's Linden Technology Center's program is one of the most comprehensive safety programs in the country. In fact, Infineum has voluntarily set the highest standards for safety and health at its facilities around the world.

The OSHA Star, one of the highest honors awarded by the department, hails businesses that not only comply with OSHA's strict health and safety guidelines but also strive to surpass them through additional self-imposed restrictions. This year, the Linden Technology Center has achieved this level of excellence and is recognized as an OSHA star site.

For its continued efforts in, and dedication to, occupational safety, I ask my colleagues to join me in congratulating Infineum's Linden Technology Center, its management team, and all of its employees on being named an OSHA star site.

TRIBUTE TO DOROTHY NEILSEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a truly incredible woman. For the last two years, Dorothy Neilsen has embodied a true spirit of charity. In 1997, she began to use her vacation time from her job in Aspen, Colorado, to visit Cimpulung, Romania. These were not, however, pleasure trips. She went to give any assistance that she could offer to the eight to eighteen month old infants and children who had been orphaned by the tragedies occurring in their country. Before she left, Dorothy also spent months of her spare time collecting donations of clothing, toys, and medicines.

Though she had to endure difficult living conditions, Dorothy was not daunted. She continued to work with the children and many of them blossomed in her care. She was dubbed "the angel" of the orphans by the agency that arranged her volunteer position. Dorothy also began to teach the workers at the orphanage about the positive effects that direct interaction, such as hugging and play, had on the children.

On her second month long trip to Romania she continued to work to better the lives of these children. She also caught typhoid fever which caused her to spend several weeks in bed recovering upon her return to the United States. However, even this did not deter her from planning a third trip to Romania. This trip, like the first two, were successes both for Dorothy and the children she went to help.

Mr. Speaker, few people are as selfless and giving as Dorothy Neilsen. She has volunteered a great deal of both her time and energy to children who have very little else in their lives. She has given hope to children in what would seem to be a hopeless situation. She has shown herself to be part of a rare breed. I feel that, as her fellow citizens, we own her a great debt of gratitude.

MICROENTERPRISES AROUND THE WORLD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Ms. LEE. Mr. Speaker, I rise to laud the success of Microenterprises Around the World and in the United States as incorporated in H.R. 413, The PRIME ACT.

In the last decade, microenterprise development has changed the way that we think about the alleviation of poverty. Before our encounter with microenterprise, far too many of us were mired in the belief of the intractability of poverty and the similar impression that the poor are little able to help themselves. With respect to small business and financial services especially, some allowed themselves to fall prey to the misconception that, with so many other concerns to which to tend, it certainly would not be possible for the poor to save or to appropriately access financial services, much less to start and run their own businesses.

Thanks to the stunning successes of microenterprise around the world, these myths have been exploded. Today, millions of low-income people around the globe have taken a little bit of capital and used it as a springboard to transform their lives and those of their families. Women especially have used microenterprise to change their lives for the better.

The lesson of all of this is that the poor, like everyone, have the desire to build and to grow, but that their access to the same services and advantages that many of us take for granted is extremely limited. Again, it is not a lack of desire, but a lack of access that has damaged the lives of low-income people around the world. When given the opportunity and similar access, the results are clear. Microenterprise has been a stunning success indeed.

Armed with numerous success stories from around the world, we now have an opportunity to apply them at home as well. This spring the Banking Committee heard testimony from microentrepreneurs, from researchers, and from those working in the field. The message was simple and clear. Microenterprise can, and does, work in the United States as well.

However, we also heard a clarion call for different services and support. Foremost among them was the deep conviction among those in the field of business training and providing technical assistance. Particularly for very low-income entrepreneurs, this training and technical assistance is the vital ingredient that can mean the difference between success and failure, between economic security and a fear of what the next day might bring, between food on the table for the children and another night of hunger.

But the field of microenterprise needs our support. We also learned in the hearings that this money for critical business training and financial technical assistance is very difficult to come by. H.R. 413, the Program for Investment in Microentrepreneurs, would appropriate money to provide this assistance to those hard-working individuals who are most in need of it. This Congress is in a position to give the field a much-needed boost. And all indications are that there are many here in the House of Representatives who want very much to do this. But H.R. 413 is a modest bill and with so much work to do over the next month, I worry that it will get lost in the fray of all that remains to be done.

And so I implore my colleagues today. Let us not allow modest, but absolutely important legislation like H.R. 413 be forgotten as we proceed in this Congress. Let us work together to pass H.R. 413 this year, and to provide immediate funding for it. This is an investment with returns, but only if we take the time to capitalize on it.

HUMAN RIGHTS IN KAZAKHSTAN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to share my thoughts on a serious human rights issue. On July 16, 1999, the Congressional Human Rights Caucus held a hearing on the human rights situation in Kazakhstan. I attended the hearing and was moved by the testimony of witnesses before the Caucus. I would like to take this opportunity to share the following remarks, which I made at the hearing, with all of my colleagues.

The Congressional Human Rights Caucus is deeply concerned about the human rights situation in Kazakhstan and has called this briefing today to take a closer look at recent developments.

I am chairing this briefing on behalf of my colleagues, the Honorable TOM LANTOS of California and the Honorable JOHN PORTER of Illinois, the co-chairs and founders of the Human Rights Caucus. Both men are not able to attend this morning but that should not be taken as any indication that they do not take this matter seriously. The Caucus has for more than two decades been the leading voice in the United States Congress on the protection of human rights, civil liberties and basic freedom around the world. No one is exempt from our scrutiny or our concern.

Kazakhstan is a former Soviet Republic that held great promise early in this decade for moving toward democracy and a free market economy. But there has been a steady and alarming deterioration in recent years.

On January 10, 1999, President Nazarbayev was elected to serve a new seven-year term in elections considered by international standards to be seriously flawed. The United States Government and European Union both rejected those elections as illegitimate and refused to recognize the outcome. The Constitution, adopted in 1995 in a referendum marred by irregularities, permits the President to rule by decree and it cannot be changed or amended without the President's consent. Therefore both the executive and judicial branches are under the control of the President.

Government Officials routinely harass and intimidate political opponents. According to the State Department's Country Reports on Human Rights Practices 1998, "Members of the security forces often beat or otherwise abused detainees, and prison conditions remained harsh. There were allegations of arbitrary arrest and detention, and prolonged detention is a problem. . . . The Interior Ministry reported in September that 1,290 prisoners, or more than 1 percent of all prisoners had died since the beginning of the year of disease, mostly tuberculosis, aggravated by harsh prison conditions and inadequate medical treatment. Estimates by human rights monitors are not substantially different from government figures."

We are pleased to have with us today as our leadoff witness Mr. Akezhan Kazhegeldin, Chairman of the National Republican Party of Kazakhstan. He is leading the fight for democracy in his country at a great personal risk to himself and his family. Other witnesses are with us here today were arrested, harassed and paid with their health and well being for their desire to tell the truth. Tell the truth to the people of Kazakhstan and to us.

The Nazarbayev regime has employed authoritarian methods to threaten and silence the witnesses who will testify today. For example, the brave Mrs. Savostina, is a veteran of Joseph Stalin's Gulag. Instead of receiving an award from the post-Communist government of her country, the Kazakhstani authorities have arrested her several times.

On June 16 of this year a criminal investigation was initiated against Mr. Kazhegeldin and his wife for filing his 1997 income taxes late even though they had been paid in full at least nine months earlier. They were paid late only due to a mistake of his Kazakhstani attorney and accountant, but nothing was said about any criminal charges last fall when Mr. Kazhegeldin was in Kazakhstan, nothing until the surprise charges were filed just last month.

Now the Nazarbayev regime has gone even farther in its abuse of the rule of law and is taking advantage of the legal system—which it controls—to persecute Mr. Kazhegeldin. The head of the Kazakhstani tax service, who happens to be Mr. Nazarbayev's son-in-law; the head of the internal KGB of Kazakhstan, another relative of the President, and the Chairman of the Supreme Court, a close personal friend of Mr. Nazarbayev, have written to Belgian police to initiate harassing investigations. This is an unacceptable way to treat an opposition leader.

I wrote to Secretary of State Albright recently to express my concern for the well being of Mr. Kazhegeldin and this latest attempt by the Nazarbayev regime to silence his voice of democracy.

The U.S. Department of State wrote to me on July 9, that "we had made it clear to the highest levels of Kazakhstan's government that harassment of opposition figures is not acceptable."

I would like to read into the record another portion of that response to my letter to the Secretary of State.

"A fundamental component of U.S. policy in Kazakhstan is promotion of democracy and human rights. Local and parliamentary elections expected this fall will again test Kazakhstan's democracy and observance of fundamental human rights. We remain intensively engaged with the Kazakhstani government on democracy issues. Our message has been consistent and clear: long-term stability depends on actions now to build democracy and foster greater respect for fundamental human rights principles, including Kazakhstan's commitment of the OSCE. We have specifically urged the government to bring its legislation on elections, non-governmental organizations (NGOs) and the media into accordance with international standards; schedule elections far enough in advance to give parties and candidates adequate time to prepare effective campaigns; register new parties and NGOs promptly in order to endure broad participation in the elections, including by candidates and groups critical of the government; and broaden the central and local election commissions to include non-governmental representatives."

Prior to the January presidential elections, Vice President GORE phoned President Nazarbayev and demanded that Mr. Kazhegeldin be allowed to run for the presidency in the elections earlier this year. Unfortunately, Mr. Nazarbayev totally ignored the request of the Vice President of the United States.

The Nazarbayev government is determined to silence the voice of any viable opposition from being heard within Kazkhstan. It talks about democracy while it continues its autocratic and repressive conduct. No democracy, especially the United States government and this Congress, should tolerate such conduct.

A TRIBUTE TO LUCILLE EVELYN HOOPER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mrs. NAPOLITANO. Mr. Speaker, it is with deepest sympathy that I pay a special tribute to my constituent Lucille Evelyn Hooper, who passed away in Whittier, California on Tuesday, September 7, 1999.

Lucille was the mother of my dear friend Robert John Hooper, who is a dedicated teacher and Democratic Party activist and leader in my 34th Congressional District.

Lucille Evelyn Hooper was born in Los Angeles, California on July 26, 1921. She was raised in Alhambra, California where she attended local schools, Alhambra High School and Western Business College.

Lucille was employed by the Southern Pacific Railroad for twenty years. She was a lifelong member of several service clubs, including the assistance League and P.E.O. Lucille's hobbies were travel and fashion.

A dedicated wife and mother, Lucille is survived by her husband Jack Hooper, daughter Andrey Lynn Baugh, son-in-law Steve Lee Baugh, son Robert John Hooper, daughter-in-law Mary Catherine Hooper, and granddaughter Olivia Holland Hooper.

Lucille Evelyn Hooper bravely battled cancer for over five years, from June 1994 until her death. Her friends and family will miss her greatly and to them I extend my sincerest heartfelt sympathy and pray that they will receive God's comforting graces in abundance.

IN HONOR OF THE 38TH ANNUAL JERSEY CITY PUERTO RICAN DAY PARADE AND BANQUET

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the 38th Annual Jersey City Puerto Rican Day Parade and Banquet for their efforts to stimulate cultural pride and diversity in Jersey City, New Jersey.

Armed with a vision to promote Puerto Rican culture through pride and unity, the Puerto Rican Day Parade began its annual parade 38 years ago in Jersey City—the oldest such parade in the State of New Jersey.

Starting out with just a few local organizations, both the parade and the message of cultural diversity which it emphasizes has grown tremendously. This year, the city is expecting more than 70,000 spectators at the event on Sunday, August 22nd, which starts at Lincoln Park in Jersey City.

The Jersey City Puerto Rican Day Parade has continued to be a success, year after year, because of the dedication and tireless efforts of the Parade Committee Members. This year's members are: Hiram Cardonia, President; Antonio Torres, Vice President; Enid Rivera, Executive Secretary; Lourdes Arroyo, Corresponding Secretary; Evelyn Rodriguez, Treasurer; Grimilda Sanchez, Pageant Coordinator; Octavia Sanchez, Pageant Coordinator; Iris Tirado, Pageant Coordinator; Mariano Vega, Banquet Coordinator; Nidia Davila-Colon, Banquet Coordinator; Hiram Cardona; Annie Estrada; Helen Vargas; Elizabeth Morales; Hector Garcia; Roberto Valentin; Manay Matta; and Miguel Acosta.

At the Banquet on Friday, August 20, 1999, which is being held in the Casino in Lincoln Park, the Parade Committee will be honoring some outstanding and truly noteworthy members of Jersey City's Puerto Rican community for all of their contributions to the city. Those honorees are: Rafael Bou, Grand Marshal; Hector Rodriguez, Puerto Rican Man of the Year; Lourdes Arroyo, Puerto Rican Woman of the Year; Grimilda Sanchez, Local Godmother; William Estremera, Local Godfather; Frank

Lorenzo, Police Officer of the Year; Yomo Toro, Padrino International; Roberto Nunez, Fireman of the Year; Nellie Tanco, Madrina International; Captain George Bueno, Fire Officer of the Year; Jose Cotty, Paramedic of the Year; and Orlando Cuervas, Puerto Rican Artist of the Year.

For its commitment to the Puerto Rican community and the city of Jersey City, I ask my colleagues to join me in congratulating the Puerto Rican community in Jersey City, all of the committee members who contributed to the event, and all of this year's honorees. Its remarkable efforts in promoting cultural diversity and unity have truly bettered the entire city.

SILVERTON 1999 CITIZEN OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize an exceptional woman. Patty Dailey was named Silverton's Citizen of the Year in an awards ceremony that took place June 16th. Born and raised in Silverton, Patty became the type of citizen that every community needs and hopes for. The award program began in the 1980s and the selection committee consists of recipients from previous years. The award is given out annually and recognizes dedication to community development, volunteerism, and overall good citizenship.

Patty exemplifies all of these attributes. She has always taken the time to involve herself in community events and projects. Her role, however, was usually one that took place behind the scenes. Patty Dailey never bothered to seek recognition for the aid that she provided. She even hosts the weekly dinner for the area's senior citizens. Recently, when 23 Mexican nationals were being held awaiting deportation, Patty provided them all with home cooked dinners. She has also been known to hire part-time help, not because she needed the help, but because a young person needed the job.

Patty has also been active in events for local schools and her church. She has helped with many school fundraising events, including the A Theater Group spaghetti dinner, which benefitted a scholarship program for Silverton's graduating seniors. At Saint Patrick's church, where she is an active member, she participates in the Altar Society and is a leader in fundraising and organization for their annual Christmas bazaar.

It is obvious why Patty Dailey was chosen as the 1999 Citizen of the Year. I think that we all owe her a debt of gratitude for her service and dedication to the community. If we had more citizens like her, I am certain that we would live in a very harmonious place.

INTRODUCTION OF A CONCURRENT RESOLUTION OUTLINING A VISION TO SHAPE CONGRESSIONAL INFORMATION TECHNOLOGY POLICY INTO THE NEXT CENTURY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to announce the introduction of a concurrent resolution which recognizes the critical role played by the information technology sector and electronic commerce in the United States economy. On behalf of my colleagues, Representatives DREIER, GOODLATTE, DOOLEY, JIM MORAN, DUNN, ESHOO, and ADAM SMITH, I am setting forth principles that we hope will shape congressional information technology and electronic commerce policies that will ensure United States' continued worldwide dominance and competitiveness in the Information Technology Revolution.

The United States is the world leader in the innovation and production of information technological goods and services. Information technology was responsible for 6.1 percent of the U.S. gross domestic product in 1996. In 1997, U.S. businesses took in $804 billion or 80 percent of worldwide information technology revenues. Information technology has spurred economic growth in the form of new goods, new services, new jobs, and new capital. Since 1993, the U.S. high technology industry has added over 1 million jobs to the U.S. economy, such that the industry now employs nearly 5 percent of the U.S. private sector workforce as of 1998.

Similarly, Internet growth has outstripped earlier predictions. The number of Americans with access to the Internet has increased nearly 900 percent since early 1993. There were an estimated 148 million Internet users worldwide at the end of 1998, with approximately 81 million users in the U.S. alone by early 1999. One estimate places the dollar volume of business-to-business electronic commerce in 1998 at $27.4 billion. The projected volume for 1999 is $64.8 billion. Those numbers are expected to quadruple in the next two years alone.

Like other pivotal moments in human history, the Information Technology Revolution is transforming the tools and ideas that affect the way individuals communicate and think both privately and commercially. The American experience alone is replete with illustrations of new technologies generating faster economic growth. As the information technology industry continues its phenomenal expansion, the Federal Government needs to ensure that it plays an enabling—and not an inhibiting—role in supporting the movement of industry and people into the Information Age.

It is critical that policy makers recognize that the information technology industry and electronic commerce have become thriving forces in our economy because of the simple fact that they have largely been left alone to develop and grow according to the demands of free market processes. Our hope is that this resolution will encourage lawmakers to consider the holistic effect of individual legislative initiatives that are directly or indirectly aimed at information technology and electronic commerce. For this reason, I look forward to working with my colleagues on both sides of the aisle to achieve passage of this legislation.

TRIBUTE TO BRIGADIER GENERAL JAMES H. BAKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. SKELTON. Mr. Speaker, today I wish to recognize the outstanding achievement of Brigadier General James H. Baker, who will retire from the Missouri Air National Guard on September 17, 1999, after 37 years of extraordinary service to our nation.

Brigadier General Baker is originally from Knoxville, Tennessee, and graduated from Florida State University in 1962. In November 1962, Brigadier General Baker enlisted in the Air Force and was commissioned a second lieutenant in February 1963. After graduating from Air Weapons Controller School in 1963, he was assigned to the 728th Tactical Control Squadron at Ft. Bragg, where he performed extensive temporary assignments in both Thailand and the Republic of Vietnam. Brigadier General Baker was then selected to become the Operations Officer of the 729th Tactical Control Squadron at Eglin AFB, where he tested and implemented the concept of a forward Air Control Post and deployed to the Dominican Republic.

In July 1965, Brigadier General Baker returned to the United States and served as Operations Training Officer at the 727th Tactical Control Squadron at Walker AFB, New Mexico, where he was augmented as a regular officer in the USAF. Brigadier General Baker then served as an advisor to the Nationalist Chinese Tactical Control Center at Taipei Air Station, Taiwan, in August 1966. He returned to the United States as a Captain and was assigned as Assistant Professor Aerospace Studies at the University of Mississippi, where he taught Military History, Military Management, Leadership and Air Force Organization, and served as Commandant of Cadets.

In September 1971, Brigadier General Baker was assigned to the Command Advisory Function (for special projects), 314th Air Division in Osan AG, Korea. Later that year, he also was selected to command a remote radar site at Kang Nung AB, Korea. When he returned to the United States, Brigadier General Baker assumed the position of Director of Operations for the 727th Tactical Control Squadron, and later became Chief, Standardization and Evaluation for the 602nd Tactical Air Control Wing at Bergstrom AFB, Texas, until his resignation from the regular Air Force in May 1976.

In June 1976, Brigadier General Baker joined the Missouri Air National Guard as both the Air Technician and Military Commander of the 157th Tactical Control Flight. While at Jefferson Barracks Air National Guard Base, Brigadier General Baker assumed the positions of Base Commander, Air Technician

Commander, 157th Tactical Control Group Commander, and Executive Support Staff Officer. He became the Assistant Adjutant General for Air and was promoted to Brigadier General in January 1996.

Mr. Speaker, Brigadier General Baker has dedicated his life to our nation. He has served our nation with great honor and distinction. I know the Members of the House will join me in offering congratulations to Brigadier General Baker and his family—his wife Kathryn, his daughters, Kimberly, Sarah, and Susan, and his sons Bret and Sam; and I wish them all the best in the years ahead.

RECOGNIZING THE BRAZOSPORT REHABCARE CENTER AND NATIONAL REHABILITATION AWARENESS WEEK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. PAUL. Mr. Speaker, I would like to take this opportunity to recognize and join with the Brazosport RehabCare Center in Lake Jackson, Texas, in observing and celebrating National Rehabilitation Awareness week beginning September 12 through September 18, 1999.

The Brazosport RehabCare Center opened its doors on December 31, 1992. Construction was completed at the end of April, 1993, for a total of 14 acute rehabilitation beds.

The Brazosport RehabCare Center is located in Brazosport Memorial Hospital in Lake Jackson, Texas. The primary service areas include the cities of Lake Jackson, Clute, Freeport, Angleton, Danbury and Brazoria. This service area has a combined population of approximately 95,000. The secondary service area includes the cities of Sweeny, West Columbia and Old Ocean with a population of approximately 16,000. The RehabCare Center has also attracted patients from Bay City and Alvin.

Comprehensive impatient rehabilitation services are provided to individuals with orthopedic, neurological and other medical conditions of recent onset or regression. These patients have experienced a loss of function in activities of daily living, mobility, cognition or communication. Types of patients admitted into the Brazosport RehabCare Center may include those with a diagnosis of stroke, spinal cord injury or dysfunction, brain injury, amputation, multiple trauma, hip fracture or joint replacement, arthritis, congenial deformity, burns or other progressive neuralgic syndromes such as Parkinson's Disease, Multiple Sclerosis and Gullian Barre.

The services Brazosport RehabCare Center provides include rehabilitation medicine, rehabilitation nursing, physical therapy, occupational therapy, speech/language pathology, social work, psychology and recreational activities. In addition, prosthetics/orthodics, vocational rehabilitation, audiology and driver education are provided when necessary through affiliate agreements with external organizations. The goal of each service is to maximize the individual's potential in the restoration of function or adjustment by integrating with other services.

By addressing the multiple effects that disability has on the patient and family and by integrating the combined resources of patient, family and interdisciplinary rehabilitation team, comprehensive rehabilitation programming can maximize the abilities and esteem of the patient and family and foster a healthy re-integration into the community. At the Brazosport RehabCare Center, patient outcomes are exceptionally positive. Eighty-six percent of their patients are able to return home and lead an independent lifestyle.

I am proud and honored to have the Brazosport RehabCare rehabilitation facilities at Brazosport Memorial Hospital, Lake Jackson, Texas. Please join me in recognizing the Brazosport RehabCare Center for its outstanding services and remarkable accomplishments as we celebrate National Rehabilitation Awareness week.

A THANK YOU TO ROY SHELTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize Roy Shelton. Being a police officer was always a dream for him and, after 17 years, he is retiring from his dream job. He has been an asset to the Montezuma County Jail and Cortez, Colorado as a whole. He has shown himself to be a man who is always willing to go the extra mile.

After graduating from Hollywood High in Los Angeles, Roy was drafted into the Army. He spent two years in active duty and received an honorable discharge. He married his sweetheart, Ruth, in 1953. They have been married for 46 years and have one son and three grandchildren. His family is a source of constant delight.

Roy moved to Colorado in 1979 and built a log cabin in the beautiful countryside of Dolores, Colorado. He began working for the Montezuma County Sheriff's Office soon after moving there. At this time he also began attending the police academy in Delta, Colorado. After successful completion of his academy work he went to work for the Montezuma County Jail.

During his time there he put forth the extra effort that makes the difference between a good employee and a great one. He always arrived early and put in the extra effort that resulted in everyone counting on him. At Roy's retirement, his official title was "detentions sergeant" but he was more than that. He was an asset who will be greatly missed in his office by all who work with him and, indeed, all who ever have worked with him. We all owe Roy Shelton a thank you for his service to the community.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. KUCINICH. Mr. Chairman, the Kucinich-Ros Lehtinen amendment would provide valuable and needed protection to state and local laws made vulnerable by NAFTA and the GATT Uruguay Round to assault by foreign corporations, investors and nations.

However, some domestic opponents of the Kucinich-Ros Lehtinen amendment argue that it is not necessary since it would protect laws that the commerce clause of the Constitution would prohibit.

In response to this argument, I would inform our critics that most of the state and local laws that are endangered by NAFTA and WTO are local economic development and public safety laws and have nothing to do with the commerce clause of the Constitution.

For instance, the amendment would protect Kentucky's small-business set-aside law, which the European Union has said is WTO illegal.

The amendment would also protect New Jersey's "buy local" requirements for state procurement, which the European Union has said is WTO illegal.

Also, the amendment would protect California's ban on a poisonous gasoline additive, which a Canadian company has challenged on the grounds that it is NAFTA illegal.

Some domestic opponents claim that the Kucinich-Ros Lehtinen amendment "prohibits the federal government from challenging any state or local law on the grounds that it violates treaty obligations" and would, therefore, put the United States in violation of treaties.

First of all, there is some confusion implicit in this objection to the amendment about the legal status of NAFTA and the WTO. Neither NAFTA nor the Uruguay Round of the GATT is a treaty. Neither received two-thirds vote of the other body, as the Constitution requires for treaties. They are Congressional-Executive agreements, not treaties.

Moving on to the question of preemption, in fact, the amendment is very narrowly crafted to protect state and local laws from preemption only by NAFTA and WTO bureaucrats. The state and local governments need the protection provided by the amendment since NAFTA and the WTO pose unique problems for them that treaties do not.

For instance, human rights and environmental treaties do not preempt state law. Congress has always made clear when implementing human rights treaties and environmental treaties that they are not to be construed as preempting state law.

But state and local law did not receive such protection under NAFTA and WTO. While the NAFTA and WTO implementing legislation clearly state that they do not preempt federal law, they do subject state law to direct preemption under trade rules.

The amendment does not limit Congress from preempting state and local law for any reason Congress chooses. It only limits the Department of Justice from using the courts to enforce a WTO-bureaucrat decision against a state or local law.

Therefore, Congress can pass the Kucinich-Ros Lehtinen amendment and the U.S. will still be in full compliance with all treaties.

Domestic opponents also claim that there is process for federal-state consultation to decide whether state law should be preempted under trade agreements, and so far no state laws have been struck down as violations of trade rules.

In response to this objection, I would remind critics that the consultation process does not give the states, or Congress, any control over the decision of whether to preempt state law. Instead the implementing legislation for both NAFTA and the WTO give the President the sole authority to decide whether to ask the federal courts to strike down state laws as a violation of trade rules.

No state laws have been struck down yet because the challenges to state law have been filed recently and the trade panels have not yet assessed damages against the United States based upon the state laws.

If you need to see realized the predictable consequences of the far-reaching and unprecedented rights given to foreign investors, corporations and nations by the NAFTA and WTO (at the expense of state and local governments), wait until the trade panels start awarding damages against the U.S. based upon state laws—$970 million in damages requested based on California's MBTE ban, $750 million asked by Loewen for Mississippi Jury award, and $40 million sought by a Canadian company that doesn't like Massachusetts state sovereign immunity statute.

Mr. Chairman, I hope that this helps to clarify the facts about the Kucinich-Ros Lehtinen amendment.

SAN DIEGO URBAN LEAGUE EQUAL OPPORTUNITY AWARD: REVEREND GEORGE WALKER SMITH

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. FILNER. Mr. Speaker, I rise today to pay respect and recognition to Reverend George Walker Smith, who tonight will be honored at the San Diego Urban League's Annual Equal Opportunity Awards Dinner. Reverend Smith is the 1999 recipient of the League's Equity Opportunity Award.

Reverend Smith is a man who has distinguished himself throughout the years by his unselfish service. During his 42 years as a pastor in San Diego, he has been active not only in his parish, but in the greater community. His influence is felt not only in the religious sphere, but in education policy and political activity. He was one of KNSD Channel 39's "List of 39", a series featuring prominent and effective San Diegans. In 1998, San Diego Magazine profiled Reverend Smith as one of the 50 San Diegans who have had a major impact in shaping the city over the past 50 years.

The third of eleven children of the late Amanda and Will Smith, he early on faced a situation in his home town where schooling was not provided beyond junior high school for African-Americans. This segregated education forced him to attend a boarding school supported by missions of the Presbyterian Church.

An outstanding academic record as class valedictorian and his participation in extra-curricular activities and sports earned him a scholarship to Knoxville College. Upon graduation, he entered Pittsburgh Theological Seminary to pursue his goal of becoming a minister. He received his Master of Divinity degree in 1956 and set out to eradicate the economic and educational injustice he had experienced. His motivation to provide a quality education to all children stems from his own early experiences, which made it difficult for him to receive the education that he deserved. He determined that should not happen to another child!

Coming to San Diego shortly after receiving his Divinity degree, he became the founder of the Golden Hills United Presbyterian Church. This congregation merged with the Brooklyn Heights Church in 1981 and became the Christ United Presbyterian Church of San Diego, one of the most respected congregations in the San Diego Presbytery.

Almost immediately, he also became involved in the educational system in San Diego. His accomplishments include his election in 1963 to the San Diego Board of Education—San Diego's first African-American public official, his service as President of the Council of Great City Schools, and as President of the National School Boards Association.

During his 16 years on the School Board, he literally changed the color of the administrative and teaching staffs—bringing the advantage of diversity to the nation's 6th largest school district.

He also served on many state and national commissions and on the National Advisory Commission for Juvenile Justice and Delinquency Prevention and the White House Conference on Children and Youth.

He has received many honors and awards, attesting to his contributions and the high regard in which he is held, including San Diego's Outstanding Young Clergyman, Phi Delta Kappa Lay Citizen Award, Gentleman of Distinction of the Women's Guild, Temple Emanuel, and Distinguished Alumni of Pittsburgh Theological Seminary. He was endorsed by the Presbytery of San Diego for the moderator of the General Assembly, the first time a San Diego Presbyterian had been so honored.

He is married to Irene Hightower Smith, and they are the parents of three children, Anthony, Carolyn and Joyce and the grandparents of five grandchildren, Taj, D'maj, Shani, Wayman, and Noni.

I am pleased to take this opportunity to sincerely thank Reverend George Walker Smith on the occasion of his recognition by the San Diego Urban League and to acknowledge his idealism and dedication to providing a quality education for all children and to making his community a better place for all of its citizens.

CONGRATULATIONS TO JOHN P. HUSTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that John P. Huston, chairman of Wood & Huston Bank in Marshall, Missouri, was inducted into the 50-Year Club of the Missouri Bankers Association.

Huston began working full time for Wood & Huston Bank of Marshall after he graduated from the University of Missouri-Columbia in 1949. Huston is also an Army Veteran, having served our country in the Korean War. He is currently chairman of Wood & Huston Bank and president of Wood & Huston Bancorporation, Inc.

Huston is one of eight bankers who were honored at the Missouri Bankers Association's annual convention this summer.

I wish to extend my congratulations to Mr. Huston for his most deserved induction into the 50-Year Club of the Missouri Bankers Association. He has truly served his community and country with great dedication. I wish him well in the days head and am proud to recognize his achievements today.

RECOGNIZING THE BRAZOSPORT REHABCARE CENTER AND NATIONAL REHABILITATION AWARENESS WEEK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. PAUL. Mr. Speaker, I would like to take this opportunity to recognize and join with the Brazosport RehabCare Center in Lake Jackson, Texas, in observing and celebrating National Rehabilitation Awareness week beginning September 12 through September 18, 1999.

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I am proud and honored to have the Brazosport RehabCare rehabilitation facilities at Brazosport Memorial Hospital, Lake Jackson, Texas. Please join me in recognizing the Brazosport RehabCare Center for its outstanding services and remarkable accomplishments as we celebrate National Rehabilitation Awareness week.

TRIBUTE TO CHARLES F.C. RUFF—AN OUTSTANDING ATTORNEY AND PUBLIC SERVANT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Charles F.C. Ruff, who left his position as White House Counsel earlier this summer. His exemplary record merits the commendation and thanks of all Americans who admire his commitment to justice and public service.

While most Americans recognize Charles Ruff from his key role in the Senate impeachment trial earlier this year, his brilliant career in public service began over three decades ago. A graduate of Swarthmore College and Columbia University Law School, Ruff accepted a position with the Organized Crime and Racketeering Section of the Justice Department in 1967. His commitment to representing the public interest was complemented by his solid legal skills, and during the 1970's Ruff rapidly became one of the most highly-regarded and influential attorneys in Washington. As the Special Prosecutor for the Watergate Special Prosecution Force, he effectively tried and convicted those members of President Nixon's administration who broke our nation's laws and violated the public trust.

In recognition of his numerous achievements, President Jimmy Carter appointed Charles Ruff to a senior position in the Department of Justice and later appointed him to the position of United States Attorney for the District of Columbia. In this latter post, Ruff supervised cases against two Members of Congress in the Abscam bribery case, as well as the government's prosecution of John W. Hinckley, Jr., the attempted assassin of President Ronald Reagan.

Charles Ruff turned to the private practice of law in 1982 and achieved extraordinary professional success as a partner with the Washington, D.C., law firm of Covington & Burling. Entering the private sector, however, not erode his desire to utilize his talents for the public good. In 1995 Ruff left private legal practice to accept a position at a far more modest annual salary, as Corporation Counsel for the District of Columbia. His two years in this post earned him the admiration of his peers, as well as the notice of another attorney, who happened to reside at 1600 Pennsylvania Avenue.

In early 1997, Charles Ruff accepted President Bill Clinton's invitation to serve as White House Counsel. His duties during the past two and a half years have proven as diverse as they have been complex, ranging form policing White House ethics to providing the President with sound advice on critical constitutional issues. Mr. Ruff has handled these responsibilities with unequaled skill, impressing colleagues and White House observes with this attention to duty and his unshakeable integrity.

Earlier this year, Ruff led the President's successful defense against impeachment charges in the United States Senate. An island of cool-headed statesmanship in the midst of political charges and countercharges, Ruff received plaudits from allies and opponents alike for his well reasoned and respectful arguments. As the Washington Post (June 10, 1999) noted after the trail: "Ruff was widely respected by both Democrats and Republicans in Congress as a lawyer who doggedly defended his client but didn't engage in personal attacks or media ploys."

When he appointed Charles Ruff to the position of White House Counsel, President Clinton explained his choice in very precise terms. "The job of Counsel to the President requires an individual with a rare combination of intelligence, judgement, knowledge, experience, stature and legal skill. That is a perfect description of Charles Ruff."

Mr. Speaker, I could not agree more. I invite my colleagues to join me in commending Charles Ruff for his outstanding contributions to our nation and to the American people.

WILDERNESS ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. VENTO. Mr. Speaker, I rise today to celebrate the 35th anniversary of the Wilderness Act. The Wilderness Act plays a critical role in establishing common sense values and land use ethic for the management and protection of America's most scenic and ecologically diverse lands. Wilderness, as defined by the Act, is an area "where man himself is a visitor who does not remain," where the land "appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." After 7 years of hearings and debate, and 66 rewrites, President Johnson signed the Wilderness Act and formally codified the mantle piece of United States environmental legislation into law.

The Wilderness Act established 9.1 million acres of wilderness in our National Forests, and in its 35 year legacy, Congress added an additional 95 million acres to the Wilderness Preservation System. Although I am here to celebrate and commend Congress for its role in protecting our nation's land, the Wilderness Preservation System is far from complete and the land is far from being fully protected.

Threats to the preservation of our wilderness system exist in many forms, but they all have the same effect on our wild lands—the degradation and ultimate downward spiral of entire ecosystems. These threats exist in our national forests where valuable tracts of land are sought as much for their beauty as for their timber, in our lands to the West where the water that breaths life into diverse ecosystems is being diverted away for agricultural purposes, in our deserts where the chirp of a cricket is drowned out from the scream of jet engines overhead, or where mining threatens to degrade critically important lands adjacent to Congressionally mandated wilderness preserves. These are all very real and very dangerous threats facing our wilderness system—threats that Congress has the power to stop.

Unfortunately, Congress does not have the will to put an end to these threats. In fact, since the 104th Congress, only 20,000 acres of land at Opal Creek, Oregon have been added to the Wilderness Preservation System. To put this in perspective, the Reagan Administration alone added 15 million acres to the wilderness system. In the face of growing public sentiment and outcry for more greenspace and wildlands, Congress must push forward an agenda that all of America can support—protection and expansion of America's Wilderness Preservation System.

The American public no longer sees land as an opportunity for expansion and exploitation. All too often now, people seek nature as a release and haven from the rigors and stress of everyday life. We are about to embark on a historic journey to a new millennium and a new way of thinking. It is time that Congress breath new life into Wilderness Preservation System and expand on its already diverse portfolio. America is defined as much by its melting pot of people and cultures as it is by its diverse landscapes, many of which are unique to this nation alone. It is time for Congress to push forward a wilderness agenda and teach our children a land use ethic that will protect the land and its creatures for generations to come.

AMY ISAACS: THIRTY YEARS OF DEDICATED SERVICE TO PROGRESSIVE IDEALS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. FILNER. Mr. Speaker, I rise today to honor Amy Isaacs on her 30th anniversary with Americans for Democratic Action—the nation's oldest independent liberal organization that has worked tirelessly to improve American society. Her contribution to ADA has been enormous!

She began her career as an intern in 1969 and moved through the ranks as Director of Organization, Executive Assistant to the Director, Deputy National Director—and she has served as the National Director for the past ten years.

Her fellow staff members at ADA, unanimously agree on Amy's most admirable quality: humility. In spite of all she has done and all she has accomplished, she would never admit to her critical role in setting and pursuing the ideals and agenda of ADA. She is a dedicated servant to these ideals and, thus, to ADA. She has seen the organization through both good times and bad, and she has never thought of giving up the fight.

Amy and her fellow ADA members are dedicated to a better world with rising standards of living for all, to basic human rights at home and abroad, to the end of all forms of discrimination, and to a more equitable distribution of our resources.

These values are just as relevant today as when ADA was founded over 50 years ago. And such policy goals as the increase in the minimum wage, preservation of Medicare, universal and quality health care, comprehensive campaign finance reform, a safe and healthy environment, full access to a quality education owe much to Amy Isaacs and her fellow members of ADA.

Amy's commitment equals that of ADA's founders: Eleanor Roosevelt, John Kenneth Galbraith, Walter Reuther, David Dubinsky, Arthur Schlesinger, Jr., Reinhold Niebuhr, and Hubert Humphrey. Because I had the opportunity to work for Senator Humphrey as a Congressional Fellow in the 1970s, I learned from him, first-hand, about the importance of the role of ADA and the importance of the work of its members and of Amy Isaacs.

In addition to her work at ADA, Amy has worked at Planned Parenthood Federation of America and in political campaigns. She has spent time abroad, as a student at the University of Cologne in Germany, as a delegate to the Young Leaders Conference for the American Council on Germany, and as a member of a bi-partisan observer delegation to the Liberal International Party Congress in Stockholm, Sweden.

A graduate of American University in Washington, D.C., Amy also earned an M.A. certificate in International Administration from the School for International Training in Brattlesboro, Vermont.

I am pleased to take this opportunity to recognize and sincerely thank Amy Isaacs on the 30th anniversary of her service to ADA. What keeps her going is her idealism and dedication to the basic principle that government has a positive role to play in promoting individual liberty and economic justice.

HONORING THE ACCOMPLISHMENTS OF HOLLY LANE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize Ms. Holly Lane's selection to be the 1999 Miss Tennessee American Preteen. The 13-year-old Algood resident will represent the state in national competition in Orlando, Florida, in November.

Holly, the daughter of Bobby and Sarah Lane, is a talented eighth-grade student at Avery Trace Middle School in Cookeville where she is a member of the cheerleading squad, the girl's golf team and the TV staff. She is also a very active member of the 4–H Club where she has competed in and won many public-speaking contests.

I congratulate Holly for her many accomplishments and wish her the best of luck when she travels to Orlando in November. Holly is an exceptional young lady who will represent the state well in the upcoming national contest.

BIOMASS RESEARCH AND DEVELOPMENT ACT OF 1999

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Biomass Research and Development Act of 1999, a bill intended to expand research and development programs in the use of biomass—crop residues and other organic sources—in the production of energy, fuels, and other products.

I am pleased that the gentleman from New York, Mr. BOEHLERT, and the gentleman from Minnesota, Mr. MINGE, are joining me as original cosponsors of this bill.

By coordinating research efforts and providing research grants to promote biomass conversion techniques, this bill will accelerate our efforts to explore and develop these technologies and integrate existing biomass R&D efforts.

"Biomass" encompasses plants, trimmings, and other wastes that can be used to make energy. Increased biomass use has the potential to provide economic, national energy security, environmental and public health benefits, reducing our reliance on fossil fuels, cutting greenhouse gas emissions, and creating jobs. Some estimates suggest that if the U.S. were to triple its use of bioenergy and biobased products in the next decade (currently only 3 percent of our energy sources come from biomass), we would generate as much as $20 billion a year in new income for farmers and rural communities.

As awareness of these potential benefits has increased, there is growing agreement on the need for cross-cutting and integrated approaches in our efforts to foster the development of the U.S. biomass industry. My bill would help lower the cost of research and development for this industry, encourage the evaluation of new energy crops, and accelerate the development of advanced biomass technologies to produce a variety of energy-related products and reduce our reliance on fossil fuels.

Specifically, the bill would: set up an integrated program of R&D activities related to the conversion of biomass into biobased products; authorize funding for research to evaluate the potential energy, economic, environmental, and social impacts of biobased production systems; authorize an interagency board to promote closer coordination and cooperation among federal agencies' research and development programs and other activities related to biobased products; authorize the creation of an advisory committee to provide input to federal biomass research and development programs from non-governmental groups with expertise and interest in biomass utilization; authorize additional federal resources for competitively-awarded grants, contracts, and other financial assistance—preferably to consortia—for research, development, and demonstration with respect to biobased products.

Biomass resources are an important domestic and renewable source of energy. This bill would boost efforts to utilize them to their full potential, ensuring a clean, sustainable, and secure energy supply for our nation's future. I look forward to working with the bill's cosponsors and other Members of the House to move forward with this important initiative.

IN HONOR OF THE 65TH ANNIVERSARY OF THE AMERICAN LEGION POST 451 OF ROCKY RIVER, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor and congratulate the Henry J. Morgan Post 451, American Legion of Rocky River, Ohio on its 65th charter anniversary. The Post will mark its anniversary with a dinner on September 11, 1999. I am honored to have been asked to attend and participate in this event.

The Post traces its roots back to September 11, 1934 when the organization became officially chartered. The following year the Post joined efforts with the Alcorn Camp of United Spanish War Veterans and launched a program to decorate the graves of veterans with flowers and flags. Delegates from the Post continued this tradition of cooperation among veterans associations by forming a Joint Veterans Council for the City of Lakewood and its vicinity in 1936.

During WWII, the Post was active in promoting a flag program and displaying flags throughout the community. Members showed their continuing patriotism by serving as Auxiliary Police, Boy Scout leaders and organizing the Rocky River High School Cadet Drill Corps. Following the war, activities were held in conjunction with other veterans organizations to benefit the Marine Hospital. In addition, recreational activities such as legion baseball and bowling teams were coordinated for veterans.

Currently the Post has 300 members and continues to grow and attract new members through its active participation in community projects. Post 451 has always placed greater emphasis on community service, especially in the areas of youth and veterans. The group currently works with local school systems on flag education, the Americanism test, and the Legion Oratorial Contest. In addition, the post sponsors high school students to attend Boys State in Columbus, Ohio, where they learn about government.

The organization supports the academic achievement of local students and is in its 5th year of sponsoring a $10,000 scholarship program for Rocky River High School, awarding the top 100 students with a $100 scholarship. The Legion is also active in the Gifts for Yanks program, which provides Christmas gifts to patients in veterans hospitals.

Mr. Speaker, I salute the members of the Rocky River Post No. 451 for bravely serving their country and continuing to serve their community.

HONORING SIGURD OLSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. VENTO. Mr. Speaker, as we celebrate the 35th anniversary of the Wilderness Act today, I think it is equally fitting to honor the centennial birth of Sigurd Olson—one of America's true modern conservationists and a man who called Minnesota his home.

Sig's long list of outstanding accomplishments include advising former Senator Humphrey and Wilderness Society Executive Director Howard Zahniser on the introduction of the first Wilderness Bill in 1956, serving on the Department of Interior's Advisory Board on National Parks, Historical Sites, Buildings and Monuments, and receiving national acclaim as writer and environmentalist. In addition, he received numerous awards and honors from the Wilderness Society, the Sierra Club, and the Izaak Walton League. Although he became involved in many conservation issues nationally, his true love lay in the Boundary Waters Canoe Area Wilderness (BWCA), and his tireless efforts to protect its natural beauty and true wilderness character. It was through his efforts to halt the use of float planes and secure appropriations for the Forest Service to purchase resorts and in-holdings within the BWCA that brought him to the forefront of a burgeoning national conservation scene in 1947.

Sig was a true environmentalist and realized the importance that wild areas hold for all of us, both physically and spiritually. His ideals and attitudes are increasingly becoming a rare quality in the political world. Although there are those of us who strive to adhere to these ideals, it takes a majority in Congress to implement them. It is time that we set aside this political partisanship and listen to those who elected us—the American people, 88% of which feel that many of our country's special places may be lost forever unless they are protected.

Congress must revive the tradition of protecting America's wild places. We need to look back at forgotten ideals and move forward with an agenda that will protect increasingly fragmented wildlands. In the end, no one more eloquently pleaded a case for wilderness preservation that Sig when he spoke before the citizens of Ely, Minnesota who sought to motorize the BWCA. Sig said, "Some places should be preserved from development or exploitation for they satisfy a human need for solace, belonging, and perspective. In the end we turn to nature in a frenzied chaotic world, there to find silence—oneness—wholeness—spiritual release." It is time we work together and make his wilderness vision a reality.

GENENTECH, INC.—SETTING THE EXAMPLE AS ONE OF AMERICA'S BEST COMPANIES FOR WORKING MOTHERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. LANTOS. Mr. Speaker, Genentech, Inc. of South San Francisco, California, is known around the world for its leadership in the field of biotechnology. Throughout the past two decades this innovative company has shattered barrier after barrier, using revolutionary science to develop and manufacture biotech products that have saved an untold number of lives. Genentech created the first pharmaceutical based on DNA technology (recombinant human insulin) and was the first company to bring a bioengineered medicine from research to the market (a recombinant human growth hormone). Its medicines have provided immense benefits to individuals suffering from breast cancer, non-Hodgkins lymphoma, cystic fibrosis, and a wide range of other diseases. With this record of groundbreaking success, Genentech has richly earned its international reputation for excellence.

The twenty-first century character of this outstanding company, however, extends well beyond its innovative products. Genentech's biotechnology leadership is mirrored in its devotion to corporate citizenship and to the welfare of its employees. Recognition of this commitment is found in the October 1999 issue of Working Mother magazine, which named Genentech one of the "100 Best Companies for Working Mothers." This is the ninth time Genentech has made this impressive list.

Chairman and Chief Executive Officer, Arthur D. Levinson, Ph.D., clearly expresses the corporate philosophy which resulted in Working Mother's commendation: "At Genentech, we believe that creating a work environment that is responsive to our employees' needs is one of our most important priorities." This creed is epitomized by the company's Second Generation program, one of America's largest corporate-sponsored, on-site child care facilities. Operated by Bright Horizons Family Solutions and accredited by the National Association for the Education of Young Children, Second Generation attends to the needs of Genentech employees' sons and daughters with dedication and warmth. It provides hundreds of youthful participants (aged 6 weeks to 6 years of age) with quality care, developmental activities, play curriculum, daily activity reports and parental support.

Mr. Speaker, Second Generation's forward-thinking approach is only one of the benefits for which Working Mother cited Genentech. The company offers important family-friendly benefits such as paid maternity leave for new moms, paid sabbaticals, and an employee concierge service. Genentech's willingness to invest in the well-being of its employees is truly extraordinary, and I am proud to have such a fine corporation in my congressional district.

Genentech's corporate citizenship betters the lives of Peninsula communities and our country as well as its employees in many ways, in addition to its efforts to help working moms. Under Dr. Levinson's guidance, this fine company has repeatedly demonstrated that innovative growth and compassionate concern for employees can flourish together. Genentech has established uninsured patients' programs to enable underprivileged Americans to obtain every one of its marketed products, supplying more than $200 million worth of medications since the program was created. To help our nation's youth better understand the latest scientific advances, Genentech developed the Access Excellence web site to aid biology teachers and their students.

Mr. Speaker, I ask my colleagues to join me in commending Genentech, Inc., on its outstanding benefits for working mothers and for its exceptional record of service to its community.

LIBERTY DAY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. TANCREDO. Mr. Speaker, I rise to call to the House's attention an event—actually, a celebration—which is expanding across the country. The celebration is Liberty Day, which honors the Declaration of Independence and the U.S. Constitution. Liberty Day was begun by the Colorado Lions and now represents a collaborative project among service clubs. It is totally nonpartisan and supported by all political parties in my state, has been unanimously endorsed by the state legislature, teachers, the state board of education and many others. Booklets containing copies of the Constitution and the Declaration of Independence are printed with private donations, and are distributed to school kids by elected officials who visit classes and speak about the importance of the founding documents.

Earlier this year, I visited West Middle School in Greenwood Village, Colorado to mark Liberty Day in Colorado. Liberty Day Colorado is officially celebrated on March 16th, the birthday of James Madison. I believe that every student in America should take at least one day to study these documents, learning how these documents give us such remarkable rights and responsibilities as citizens.

I would like to submit the following six proclamations into the RECORD. They were issued by Governor Bill Owens of Colorado; Governor Jim Geringer of Wyoming; Governor Gray Davis of California; the Colorado State Legislature; the Colorado State Board of Education; and the Colorado Federation of Teachers.

I believe that our founding documents are essential to understanding what it means to be an American. The ideas embodied in these historical documents, so unprecedented at the time of the Founders, continue to make our country unique in the world today.

I urge members to take advantage of the opportunity to start Liberty Day in their state. For information, please contact Andy McKean at the Liberty Day Colorado Information Clearinghouse at 3600 E. 48th Avenue, Denver, Colorado 80216; (phone) 303–333–3434; (fax) 303–339–1011; or (e-mail) LibertyDay@aol.com.

COLORADO HONORARY PROCLAMATION

Whereas, we as Americans enjoy our liberties through the documents that our founding fathers created, those being known as the Declaration of Independence and the U.S. Constitution with its Bill of Rights; and

Whereas, James Madison wrote the Virginia Plan, the model and the basis of discussion for the forming of a new constitution, in the constitutional convention of 1787, which new constitution established our new form of government, replacing the Articles of Confederation; and

Whereas, James Madison wrote many of the newspaper articles which outlined the reasons that the states should endorse the new constitution. These articles became known as the Federalist Papers.' James Madison served in the U.S. House of Representatives from 1789 until 1797 during which time he introduced into Congress the Bill of Rights; and

Whereas, James Madison was President of the United States from 1809 until 1817; and Tuesday, March 16, 1999 is the 243rd anniversary of the birth of James Madison;

Now Therefore, I, Bill Owens, Governor of the State of Colorado, do hereby proclaim March 16, 1999, as Liberty Day in the State of Colorado.

Given under my hand and the Executive Seal of the State of Colorado, this sixteenth day of February, 1999—Bill Owens, Governor.

WYOMING GOVERNOR'S PROCLAMATION

We, as Americans, enjoy our liberties which are preserved by the documents that our founding fathers created, namely the Declaration of Independence and the United States Constitution with its Bill of Rights.

James Madison was a contributing author of the Virginia Plan, the model and the basis of discussion for the forming of a new constitution, in the Constitutional Convention of 1787. The new constitution established our new form of government, replacing the Articles of Confederation.

James Madison kept written records of the Debates in the Federal Convention of 1787, which * * * and compromises finally produced the Constitution of the United States.

Such records were not made public until the last signer died, who was James Madison. His wife, Dolly Madison, sold the records to the United States government, and they were published around 1840.

These articles became known as the Federalist Papers, and were co-written with Alexander Hamilton and John Jay and still stand as some of the best arguments for our form of government, a representative republic.

James Madison served in the United States House of Representatives from 1769 until 1797, during which time he introduced into Congress the Bill of Rights, which was ratified by the States in 1791.

James Madison was Secretary of State from 1801 until 1809, and President of the United States from 1809 until 1817.

For these significant reasons, I, Jim Geringer, Governor of the State of Wyoming, do hereby honor and proclaim Tuesday, March 16, 1999, as "Liberty Day" in Wyoming and that the month of March, 1999 be proclaimed Liberty Month in Wyoming in celebration and recognition of the 249th anniversary of the birth of James Madison.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affirmed this 24th day of February, 1999.

CALIFORNIA GOVERNOR'S PROCLAMATION

Whereas, we as Americans enjoy our liberties through the documents that our founding fathers created, those being known as the Declaration of Independence and the United States Constitution with its Bill of Rights; and

Whereas, James Madison had considerable influence in the creating of the United States Constitution, in that he wrote the Virginia Plan, which served as the model and basis for discussion for the forming of that new constitution which has so preserved our liberties in this country; and

Whereas, James Madison wrote many of the articles (which became known as the "Federal Papers") that persuaded the inhabitants of this new country to endorse and accept the United States Constitution; and

Whereas, James Madison served in the first House of Representatives under the new government (from 1789 to 1797), during which time he introduced the Bill of Rights into Congress, for the full protection and preservation of our liberties; and

Whereas, James Madison was President of the United States from 1809 until 1817; and March 16, 2000 is the 249th anniversary of the birth of James Madison;

Now therefore, I, Gray Davis, Governor of the State of California, do hereby proclaim March 16, 2000 as Liberty Day, in the State of California.

SENATE JOINT RESOLUTION 99-016 CONCERNING THE RECOGNITION OF LIBERTY DAY AND LIBERTY MONTH IN COLORADO

Whereas, We as Americans enjoy our liberties as a result of the documents that our founding fathers created, those documents being the Declaration of Independence and the United States Constitution with its Bill of Rights; and

Whereas, James Madison was a contributing author of the Virginia Plan, the model and the basis of discussion for the forming of a new constitution in the constitutional convention of 1787, which new constitution established our new form of government, replacing the Articles of Confederation; and

Whereas, James Madison kept written records of the Debates in the Federal Convention of 1787, which debates and compromises finally produced the Constitution of the United States; and

Whereas, Such records were not made public until the last signer died, who was James Madison, and his wife, Dolley Madison, sold the records to the United States government, and they were published around 1840, and

Whereas, James Madison wrote many of the newspaper articles which outlined the reasons that the states should endorse the new constitution; and

Whereas, These articles became known as the Federalist Papers, and were co-written with Alexander Hamilton and John Jay and still stand as some of the best arguments for our form of government, a representative republic; and

Whereas, James Madison served in the United States House of Representatives from 1789 until 1797, during which time he introduced into Congress the Bill of Rights, which was ratified by the states in 1791; and

Whereas, James Madison was Secretary of State from 1801 until 1809, and president of the United States from 1809 until 1817; and

Whereas, Tuesday, March 16, 1999, is the 248th anniversary of the birth of James Madison; now, therefore,

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That, Tuesday, March 16, 1999, be proclaimed Liberty Day Colorado and that the month of March 1999 be proclaimed Liberty Month Colorado.

COLORADO STATE BOARD OF EDUCATION RESOLUTION TO SUPPORT LIBERTY DAY AND LIBERTY MONTH IN COLORADO

Whereas, We as Americans enjoy our liberties through the documents that our founding fathers created, those being known as the Declaration of Independence and the United States Constitution with its Bill of Rights; and

Whereas, James Madison was a contributing author of the Virginia Plan, the model and the basis of discussion for the forming of a new constitution, in the constitutional convention of 1787, which new constitution established our new form of government replacing the Articles of Confederation; and

Whereas, James Madison kept written records of the Debates in the Federal Convention of 1787, which debates and compromises finally produced the Constitution of the United States; and

Whereas, Such records were not made public until the last signer died, who was James Madison, and his wife, Dolly Madison, sold the records of the United States government, and they were published around 1840; and

Whereas, James Madison wrote many of the newspaper articles which outlined the reasons that the states should endorse the new constitution; and

Whereas, These articles became known as the Federalist Papers, and were co-written with Alexander Hamilton and John Jay and still stand as some of the best arguments for our form of government, a representative republic; and

Whereas, James Madison served in the United States House of Representatives from 1789 until 1797, during which time he introduced into Congress the Bill of Rights, which was ratified by the states in 1791; and

Whereas, James Madison was Secretary of State from 1801 until 1809, and president of the United States from 1809 until 1817; and

Whereas, Tuesday, March 16, 1999 is the 248th anniversary of the birth of James Madison;

Be it *Resolved*, That the Colorado State Board of Education proclaim Tuesday, March 16, 1999 Liberty Day Colorado, and that month of March 1999 be proclaimed Liberty Month Colorado.

COLORADO FEDERATION OF TEACHERS, SCHOOL, HEALTH, AND PUBLIC EMPLOYEES EXECUTIVE BOARD RESOLUTION REGARDING LIBERTY DAY COLORADO, MARCH 16, 1999

Whereas the members of the Executive Board of the Colorado Federation of Teachers, School, Health and Public Employees supports all efforts to provide or supplement meaningful education experiences for students in the area of our democratic republic, its structure, function, and history, and

Whereas, Liberty Day Colorado is a statewide, non-partisan celebration of the Declaration of Independence and the Constitution of the United States of America conducted on the 16th of March, James Madison's birthday, each year, and

Whereas, Colorado students across the state benefit from Liberty Day Colorado through direct instruction and interaction with guest speakers;

Therefore, be it *Resolved*, That the Executive Board of the Colorado Federation of Teachers, School, Health and Public Employees unanimously voices its support for Liberty Day Colorado to be celebrated on Tuesday, March 16, 1999, and

Be it further *Resolved*, That this celebration be made known to our members and their participation encouraged.

PHASING OUT THE DEATH TAX

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Ms. DUNN. Mr. Speaker, one of the most important objectives of this Congress is the elimination of the federal estate tax, or death tax.

It is unfair to tax people because the head of a family dies and leaves a family business or other asset to his or her children. We should reward savings, investment, and hard work. We must be fair in our tax system.

Throughout my tenure in Congress, I have focused on phasing out the onerous death tax. Despite the efforts of individuals working a lifetime in building a business, the federal government can take more than half of these savings upon the death of the owner.

The publication "Investor's Business Daily" (August 19, 1999) ran an excellent article entitled "Time to Chop Down the Death Tax?" I commend it to the attention of my colleagues as it outlines the problems the federal estate tax causes.

TIME TO CHOP DOWN THE DEATH TAX?

IT LEAVES MANY HEIRS HANGING WITH SUDDEN DEBT

(By Peter Clearly)

Chester Thigpen's wealth is in his land. Thigpen, an 87-year-old grandson of slaves, has spent his entire life building an 850-acre tree farm in Montrose, Miss. He'd like to leave the farm to his family.

There's one problem: Thigpen's farm would be assessed at a value much higher than the $650,000 exemption allowed by the federal estate tax. When he dies, his family will face a hefty tax bill.

That's why they're unhappy with President Clinton's threat to veto the tax-cut plan passed by Congress. The GOP-backed plan would phase out the estate tax, also known as the death tax, over the next 10 years.

If Clinton vetoes the bill, Thigpen's heirs say they won't have enough cash to pay the tax. They aren't sure what they'll do.

Critics of the estate tax cite cases like the Thigpens' to argue that the estate tax has little value. It accounts for only 1% of federal revenue. And it causes heartache for lots of folks like Chester Thigpen.

They've spent their lives building a legacy for their families, only to face the prospect that the Internal Revenue Service will force their dreams to die with them.

The estate tax does have its fans. Some vocal backers, like the lobbying group Citizens for Tax Justice, say the Thigpen family's story isn't typical—only one of 20 farmers leave a taxable estate. Nonfarm family businesses are only a small part of the people and businesses subject to the tax.

Citizens for Tax Justice also notes that only the wealthiest 1.4% of Americans pay the estate tax. The tax's progressive nature is reason enough to keep it.

Gary Robbins, an economist with the Institute for Policy Innovation, counters that even if you take CTJ's figures at face value, the death tax is discriminatory.

"Only about 1% of Americans are subject to the death tax, but according to CTJ's numbers, you are twice as likely (as that) to be forced to pay the tax if you are a farmer and three times as likely if you own a small business," Robbins said.

Robbins also notes that farmers and small-business owners are usually asset rich and cash poor. That makes the death tax a toucher burden on those who must pay it.

For many, he argues, the only way to settle the estate tax obligation to the IRS is to sell off assets or land—parts of the businesses that are critical to keep those family operations viable.

A law that forces people to sell their farms and businesses when a family member dies: How did we get to this point?

In the early 1900s, politicians became concerned about the growing concentration of money in a few families. Lawmakers called for a "progressive tax" on rich families to prevent them from passing down their wealth from one generation to the next.

In 1916, the estate tax was enacted; it was meant to fund national emergencies. Then in 1924, Congress passed the first gift tax, after people started giving away their estates so their heirs could avoid paying the estate tax.

From 1932 to 1941, as part of the New Deal, estate tax rates were raised to help pay for the new spending programs. At that time, estate taxes reached records, accounting for as much as 9.7% of federal tax revenue.

Here's how the estate tax is now assessed:

Estates valued up to $10 million pay taxes on a graduated scale: rates range from 37% to 55%. The first $650,000 is exempt—and not indexed for inflation.

Estates valued between $10 million and $21 million are taxed at a 55% rate, plus a 5% surcharge. As the value of an estate approaches $21 million, the surcharge effectively phases out the $650,000 exemption.

Estates values at more than $21 million face a tax rate of 55% with no exemption.

The 60 Plus Association, a lobbying group whose rallying cry is "dying should not be a taxable event," says the estate tax is an ineffective way to raise money.

"Federal revenue raised from death taxes as a percentage of total revenue has been on a steady decline since 1940," said Jim Martin, president of 60 Plus.

"The death tax now brings in about 1% of total federal revenue, and it costs the government 65 cents for every dollar raised for enforcement and compliance costs," he said.

"Taxes are a necessary evil, but a tax should have some sort of socially redeeming value," Martin added. "The death tax just sets up an industry of lawyers, accountants and insurance brokers to help people protect their after-tax assets."

Some lawyers counter that the estate tax is really voluntary. It's paid by people who can't afford legal or accounting services or who don't realize the IRS will consider them rich at the time they inherit estates.

"That's just what the American people want to hear—hire more lawyers so you can keep out of trouble," said Rep. Jennifer Dunn, R-Wash., one of the estate tax's most forceful opponents.

"The cost of compliance is extraordinarily high for the death tax," Dunn said. "For the amount of money that is raised by the Federal Government, an equal amount is spent on hiring CPAs, lawyers and so forth. . . . This is money that should be spent much more wisely, and would be, if families did not have to spend so much money on compliance."

House Majority Leader Dick Armey, R-Texas, agrees.

"I've seen time and time again sons and daughters whose grief has been ameliorated by the thought of keeping their parents' legacy alive," he said. "And when that family is forced to sell off Mom and Dad's business that they spent their entire life building to meet the needs of the tax man, you can hardly call that voluntary or just."

GOP pollster Kellyanne Fitzpatrick says most people think the estate tax is unfair—even though it hits mainly people the IRS considers wealthy.

In a poll she did for 60 Plus, 77% considered the tax unfair. The tax was unpopular among many groups. For example, 86% of women age 18 to 34 who don't have kids said the tax is unfair; so did 84% of 55- to 64-year olds, 82% of Protestants and 82% of Republican women.

"You don't have to be directly affected by (the tax's) unfairness or unjustness to oppose it," Fitzpatrick added.

Getting rid of the estate tax could have an unintended consequence: protecting the environment.

Dunn says some environmental groups are warming to the notion of repealing the estate tax.

Those who oppose suburban sprawl complain that many family farmers who have to pay estate taxes must sell at least part of their land, often to developers who may not be as friendly to the environment.

That brings us back to tree farmer Chester Thigpen. He has spent more than 55 years building his family business. He has won a number of awards for his sound environmental stewardship.

In 1995, Thigpen was named Mississippi Tree Farmer of the Year. The next year, he was National Tree Farmer of the Year. He received that award for his exceptional management practices, including reforestation, taking care of his timberland and maintaining wildlife habitat.

In addition, in 1998 the National Arbor Day Foundation gave Thigpen its Good Steward award.

"He (Thigpen) is commended for a lifetime of agricultural and forestry work, as exemplified in his conversion of 850 depleted acres of soil into a lush area of tree farms," said an Arbor Day Foundation press release.

If Clinton vetoes the GOP's tax plan and leaves the estate tax in place, the Thigpen family may not be able to maintain that sound stewardship after Chester dies. Family members say they may be forced to clear-cut several stands of timber and sell the lumber just to pay the estate tax.

As they say, money, especially when it's meant to pay the tax collector, doesn't grow on trees.

TAXING DEATH—TOP MARGINAL ESTATE TAX RATES

Country	Rate (Percent)
Japan	70
U.S.	55
Taiwan	50
South Korea	45
France, Great Britain	40
Germany, Sweden	30
Belgium	28.5
Netherlands	27
Chile, Italy	25
Denmark, Hong Kong	15
Singapore	10
Poland	7
Brazil	6
Argentina, Australia, Canada, China, India, Indonesia, Mexico	0

Source: American Council for Capital Formation.

TO HONOR THE THIRTEEN FIREFIGHTERS WHO LOST THEIR LIVES IN THE BOWEN-MERRILL FIRE

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Ms. CARSON. Mr. Speaker, I rise today to pay tribute to the 13 dedicated Indianapolis Fire Department firefighters who lost their lives while bravely and courageously battling a horrific fire at the Bowen-Merrill book house.

The fire started at 3:08 PM on St. Patrick's Day, March 17, 1890. Shortly after the fire began, great streams of fire could be seen shooting from the bookstore located at 16–18 West Washington Street in downtown Indianapolis. To keep the fire from spreading to valuable properties located on Meridian and Illinois Streets, a monumental effort was made to contain the fire.

Eighty-six firefighters battled the giant blaze. Thirteen firefighters lost their lives when the roof to the building collapsed. Posthumously, tributes were extended to: Thomas Black, John Burkhart, Andrew Cherry, George Faulkner, Ulysses Glazier, George Glenn, Albert Hoffman, William Jones, David Lowry, B.F. Plummer, Epsy Stormer, Anthony Voltz, and Henry Woodruff.

On August 13, 1999, the Indianapolis Fire Department paid tribute to their fallen comrades. The clouds rolling through the skies of downtown Indianapolis purposely seemed to keep clear of the area directly above the tribute ceremony. There is no doubt that the 13 fallen heroes had a clear view of the tremendous respect and appreciation that our community has for their sacrifice.

As we approach the twilight of the 20th Century it is abundantly clear that their faithful commitment to duty exemplifies the spirit of the men and women of the Indianapolis Fire Department who heroically serve our community.

Mr. Speaker, it is fitting as we prepare to cross the threshold of the 21st Century that we remember and honor those who selflessly lost their lives at the end of the 19th Century.

TWO FIREFIGHTERS PROVIDE EXEMPLARY SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. GILMAN. Mr. Speaker, I rise to commend two of my constituents, William Herman and Evan DeVries. Mr. Herman and Mr. DeVries are both volunteer firefighters with over fifty years of service in Rockland County.

William Herman began his firematic career by serving in the Federal Fire Service at Camp Shanks in Orangeburg during the Second World War and as a member of the Hook and Ladder Company in Pearl River.

After the War, he joined the Excelsior Fire Engine Company, where he has now served for more than fifty years. He has served as Lieutenant and Captain in Excelsior, and answered more than 8,000 fire calls for assistance from his fellow citizens in his half century career.

William Herman was also the first fire instructor for the county of Rockland, one of the founders of the modern Fire Training Center in Pomona, and a constant advocate for education for firefighters. In his career as an instructor, William Herman has taught more than 10,000 firefighters, and has himself taken more than 5,000 hours of training, to keep himself fully aware of changes in the fire service and fire technology.

At 85 years of age, he is still active in service as an instructor, and as a member of the excelsior Engine Company.

Evan DeVries, now in his seventy first year, has served for fifty years as a volunteer firefighter in the Nyack and Pearl River Fire Departments. After serving as chief in the Pearl River Fire Department from 1974 to 1976, he is an active driver with the Excelsior Fire Engine Company, responding weekly to the hundreds of alarms the company handles every year.

Mr. Speaker, in a day and age when community service is so much out of vogue in some quarters, the example of volunteer fireman, William Herman and Evan DeVries, should be commended. Their century of service to the people of Rockland County and to my Congressional District should be appropriately noted by this Congress.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. ORTIZ. Mr. Speaker, on rollcall No. 389, I was present and voted, but my vote was not recorded correctly. Had my vote been recorded correctly, I would have voted "yea."

TRIBUTE TO RALPH CONSELYEA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. LEVIN. Mr. Speaker, during our summer recess, a City which I am proud to represent and in which I live, Royal Oak, lost one of its greatest and proudest sons, Ralph Conselyea.

His business activities were centered there. So was his sense of community and they merged to benefit all of the citizens of Royal Oak. Its downtown is today so vital that often forgotten is its days of difficulties in the 60's and 70's. In those days, Ralph Conselyea whipped into action and joined in the purchase and renovation of key properties.

His good works spread beyond downtown into every corner of the City—through the Lions Club, the Goodfellows and many other groups.

Ralph Conselyea for decades was considered "Mr. Royal Oak."

He was always willing to respond to requests for information and advice, and I was among the many who benefitted from his wisdom and kindly spirit.

As we reconvene, it is fitting that we promptly take formal note of the lost felt by so many and to express sincerest condolences to his wife and the entire Conselyea family.

HONORING THE RETIREMENT OF FRED DEARBORN, CIVILIAN EXECUTIVE ASSISTANT, U.S. ARMY ROCK ISLAND ARSENAL

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. EVANS. Mr. Speaker, I rise today to honor the exemplary public service of Mr. Fred Dearborn, who is retiring after serving over 15 years as the Civilian Executive Assistant at the Rock Island Arsenal. As a tireless champion of the Arsenal and its dedicated workforce, Fred deserves the praise that comes with a job that has been well done.

Fred Dearborn is one of the finest public servants I have had the pleasure to work with. He is truly a credit to the U.S. Army and its hardworking civilian employees.

Fred's career in the Army has spanned over 30 years. From his days as an engineer at the Red River Army Depot to becoming the Civilian Executive Assistant at the Arsenal, he has become recognized as one of the best in the business. He is also widely known as being one of the nicest and most honest people in the Army community. These are attributes that in my mind truly sum up Fred as a person. They also reveal why he has become a recognized leader at the Arsenal, in the Army and in the Quad Cities.

These leadership skills were greatly needed over the last two decades as the arsenal went through rapidly changing times. Fred served as the Civilian Executive during the military buildup of the early 80's through the drawdown of our Armed Forces during the last decade. Through his stewardship during these dramatic ups and downs, the Rock Island Arsenal became synonymous with quality and efficient work. Fred should take great pride in his role in helping to establish the Arsenal as perhaps the greatest armaments manufacturing facility in the world. Many of the numerous awards and citations recognizing the Arsenal as one of the premier facilities in the U.S. Army would not have become a reality without his hard work and foresight. Without a doubt, his work has made it a better place.

Fred's contributions to the Arsenal, our community and to the Nation's defense are immeasurable. I am glad that I had his wise council during my service on the House Armed Services Committee. He truly has a knack for making the most complicated and technical issues understandable to a layman as well as the ability to see how the bigger trends in our national security policy affect the arsenal. Without his expertise and his vision, my job in promoting the arsenal and its workforce in Congress would have been much tougher.

Fred's dedication to the Rock Island Arsenal has been an inspiration to those of us who believe in the value of public service. I know that he will be missed by all of those who have had the pleasure of working with him.

While Fred will be retiring, I know that he will still be involved in our efforts to maintain the Rock Island Arsenal and its irreplaceable capabilities. He has chosen to remain in the Quad Cities with his wife Cheri for their hard-earned break. I hope that I will still be able to turn to him for advice in our fight to maintain the best facility in the U.S. Army.

I wish Fred and his family the very best on his retirement.

HONORING KSEE 24 HISPANIC-AMERICAN HERITAGE MONTH HONOREES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Hon. Jane Cardoza, Pilar De La Cruz, Gabriel Escalera, Frank C. Franco, and Dr. Cecilio Orozco for being selected as the 1999 Portraits of Success program honorees by KSEE 24 and Companies that Care. In celebration of Hispanic-American Heritage Month for September, these five leaders were honored for their unique contributions to the betterment of their community.

KSEE 24 and Companies that Care launched the 1999 Portraits of Success program to honor five distinguished local leaders in celebration of Hispanic-American Heritage month. Currently in its fifth year, this special project combines specially produced public service announcements, a five-part news series, plus an awards luncheon to publicly recognize the unique contributions of the Hon. Jane Cardoza, Pilar de la Cruz, Gabriel Escalera, Frank C. Franco and Dr. Cecilio Orozco.

Since graduating from law school of 1981, Judge Cardoza started her law career in the Fresno County District Attorney's office, proceeding to the offices of the Fresno City Attorney and State Attorney General, Fresno County Municipal Court and now is the Presiding Judge of Family Law for the Fresno County Superior Court. She is active in the San Joaquin College of Law Board of Trustees, the Fresno Metropolitan Museum Board of Trustees, Fresno Metropolitan Rotary, Fresno City College Puente Project Mentoring Program and Domestic Violence Roundtable.

Pilar de la Cruz began her nursing career in 1969 at Fresno Community Hospital and has moved up the corporate ladder to become vice-president of Education Development at Fresno Community. She has been instrumental in the development of the Jefferson Job Institute, a program to provide training for parents of school children for entry-level jobs in hospital settings. Ms. De la Cruz was named 1998 Volunteer of the Year by the American Heart Association and 1997 RN of the Year by the Central Valley Coalition of Nursing Organizations. She received the Latina Beyond Boundaries Award in Healthcare for 1998.

Gabriel Escalera has been in the field of education for 27 years, as principal of Alta Sierra Intermediate School for five years and is the principal of Gateway High School. His college major was physical education; played football for San Diego State and was an athletic director and coached football and wrestling for 12 years. Mr. Escalera is president of the Fresno chapter of the Association of Mexican-American Educators and is also president of the Fresno chapter of ACSA. He is a member of the Latino Educational Issues Roundtable and numerous professional and service organizations.

Mr. Franco is Business Development Manager for the Fresno County Economic Opportunities Commission and has been with the Commission for 16 years. He is Chairperson of the Board of the Metropolitan Flood Control District which is instrumental in developing new parks, is past president and board member of Central California Hispanic Chamber of Commerce. Mr. Franco enjoys working for the benefit of children and serves as a board member of Genesis, Inc., a group home for girls that also provides substance abuse counseling for women.

Dr. Orozco is Professor Emeritus at CSUF's School of Education. In 1980 in Utah he discovered the origins of the Nahuatl people, the ancestors of the Anasazi and Aztecs, and has repeatedly visited the sites. One of his proudest accomplishments was proposing the name of Miguel Hidalgo Elementary School which was the first school in Fresno to be named for a Hispanic, and this effort was partially responsible for his receiving the National Association for Bilingual Education's "Pioneer In Bilingual Education Medal" in 1997. Dr. Orozco published a book explaining the details of the Sun Stone of the Mexicas and the Aztec Calendar and in 1998 published (in Spanish) the essence of his research on the work of Lic. Alfonso Rivas Salmon which dealt with the origins of the Nahuatl people.

Mr. Speaker, I want to recognize the contributions of Judge Jane Cardoza, Pilar De La Cruz, RN, Gabriel Escalera, Frank C. Franco, and Dr. Cecilio Orozco for the month of September, Hispanic-American Heritage Month. These honorees will be recognized at a luncheon on September 13, 1999. I urge my colleagues to join me in wishing these honorees many more years of continued success.

HONORING LARRY KATZ ON HIS RETIREMENT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. CARDIN. Mr. Speaker, I rise today to laud the life and accomplishments of my constituent and friend, Lawrence M. Katz, who retires today as a partner at the Baltimore law firm of Piper and Marbury.

Larry and I met at University of Maryland Law School where he distinguished himself as Articles Editor of the Maryland Law Review. After graduating from Maryland, Larry went on to complete an LL.M. degree in Taxation at New York University.

Experienced in all areas of federal income taxation, Larry has taught and advised me personally and professionally. While Larry serves on the Tax Advisory Committee of the American Law Institute, he also finds time to advise me as part of my constituent Tax Advisory Committee that meets a couple of times a year to hear about what Congress is proposing and to advise me about the virtues and possible pitfalls of these decisions. I can always count on him for a concise explanation of how the tax laws work, as well as straightforward, common sense advice on how, in a rational world, they should work.

Larry's knowledge and expertise in the law is exceeded only by the remarkable range of his curiosity, interest, exceptional good judgment. His fascination with the workings of the political system, and the Congress in particular, has significant consequences for me as his representative and his friend. Larry regularly shares with me articles he has read—from various tax journals—on matters of tax policy from the most arcane aspects of partnerships law to the need for comprehensive reform of our federal tax system. His questions and comments on the latest legislative and political actions demonstrate an acute understanding of Washington—I am sure it is this understanding which has kept him quite happily in Baltimore all these years.

I have been fortunate to have the benefit of Larry's legal counsel for the past thirty years. Even when Myrna and I vacation with Larry and his wife, Ann, down in Long Boat Key, I can count on Larry to bring his files with him—that way he gets to bill me and vacation with me at the same time. Before Myrna and I make vacation plans, we check with Larry, who serves as our amateur travel agent and photographer. Before we plant anything in our garden, we consult our resident horticulturist. Before we make any investment decisions, we check with our special financial adviser.

Larry Katz is listed in The Best Lawyers in America, a designation he richly deserves. I am grateful to know first-hand that if they publish The Best Friends in America, he has earned the right to be listed in the first chapter. As he retires, I thank Larry Katz for being a trusted adviser and friend and to congratulate him on a job well done.

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CLEVELAND CLINIC CHILDREN'S HOSPITAL FOR REHABILITATION

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. LATOURETTE. Mr. Speaker, it is with great pride that I announce the renaming of Health Hill Hospital for Children to the Cleveland Clinic Children's Hospital for Rehabilitation.

Since 1998, Health Hill Hospital for Children has been part of the Cleveland Clinic Health System. Devoted entirely to pediatric development, Health Hill has one of the largest teams of pediatric therapists in the nation. In addition to being one of the world's preeminent medical research and educational facilities, the Cleveland Clinic Health System is northeast Ohio's foremost provider of comprehensive medical and rehabilitative services to children requiring long-term treatment. Not only does the hospital's pediatric staff provide excellent care to critically ill and disabled children, but they do so in a comforting and caring environment that eases the children's fears and worries.

The primary goal for Health Hill is to create a more independent lifestyle for these children and their families. For example, by providing unique programs, like the Day Hospital Program, children can receive daily intensive therapy without having to be hospitalized. Day Hospital patients receive therapy, nursing and medical care, yet are able to return home to their families each evening and weekend. Providing patients with the opportunity to maintain their routines and home lives is so important in making a sick child feel as "normal" as possible. The hospital serves children with a variety of illnesses, ranging from spinal cord and head injuries, respiratory problems, feeding disorders, and burns to chronic or congenital medical conditions.

Mr. Speaker, Health Hill Hospital has proven to be more than just a "hospital." Their commitment to providing the highest standards of medical services for special needs children is why they continue to be a shining example of one of the best children's specialty hospitals. Cleveland Clinic Children's Hospital for Rehabilitation is affiliated with the renowned Cleveland Clinic Foundation, ranked among the ten best hospitals in the nation by U.S. News and World Report's annual guide to "America's Best Hospitals." It is exciting to see the resources of this prestigious hospital devoted to the care of children.

Again, I am honored to announce the Cleveland Clinic Children's Hospital for Rehabilitation's new designation, and commend the Foundation's outstanding achievements throughout the past 78 years.

JACK LASKOWSKI: A TRUE LEADER WILL BE DEARLY MISSED

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. BARCIA. Mr. Speaker, on August 8, 1999, friends, family and brothers and sisters of the United Auto Workers lost a great man with the passing of Jack Laskowski. For more than 40 years, he worked in the automotive industry from his first days at General Motors Powertrain in Bay City to his more recent position as a Vice President for the UAW, and the lead negotiator with DaimlerChrysler.

It has been my privilege to know Jack Laskowski. As my mentor, he helped me to truly understand the importance of staying connected with the people we represent. As a friend, he has helped me and so many others understand that anything worth having is worth fighting for as a matter of principle. He carried that attitude throughout everything he did.

A UAW Member since 1958, Jack was elected to Local 362's bargaining committee in 1965. The Committee was headed by his father, Walter "Bullet" Laskowski, who himself was the Local's first chairman and participated in the 1936 strike at the plant that led to the formation of the Local. Jack was also interested in politics and served a term as a City Commissioner of Bay City from 1968 through 1971. In 1982, Jack was named regional director and, in 1992, he was elected as the Director of UAW Region 1D. He was then elected Vice President of the United Auto Workers at its 31st Constitutional Convention in 1995.

Jack Laskowski had a tremendous ability to understand and appreciate the problems that people face in their every day lives. Whether it was the need for a better wage, safer working conditions, or helping his union brothers and sisters deal with the needs of their children, Jack Laskowski could always be counted on to be part of the solution.

Those of us in public office in Michigan knew how important and vital help from Jack Laskowski could be. He looked at politics as an important extension of his efforts to help make life better for his union brothers and sisters. Some things the company and union could do. Other things needed help from the government. It was part of his life's work to make sure that government knew what Jack's brothers and sisters needed.

Jack could not have achieved these great accomplishments without the support of his loving family and is survived by his wife Sally, and his sons Greg, Tim and Mike.

Mr. Speaker, throughout our lives we may be fortunate to meet precious few people who make a real difference, and who deserve to be admired. For me, Jack Laskowski was such a man. Jack may no longer be with us, but the glories of his work will continue to benefit workers for years to come. I ask you and all of our colleagues to join me in honoring this wonderful gentleman, and in offering our condolences to this family following their loss of this true leader.

RECOGNIZING THE "SUITING UP FOR SUCCESS" PROJECT FOR STUDENTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Suiting Up for Success project, which is a professional attire drive that benefits successful Fresno City College welfare-to-work students. The kick-off event will be on September 21, 1999.

In 1998, management consultant and human resource specialist, Sue McCombs of McCombs & Associates created "Suiting Up for Success", in response to the Central San Joaquin Valley communities double digit unemployment rates. "Suiting Up for Success" is a professional attire drive that benefits successful Fresno City College welfare-to-work students that has approximately 1,000 students enrolled. Last year, 3,000 suits were collected. The 1999 goal is to collect 5,000 suits. All Fresno area business professionals are challenged to donate unwanted men's and women's suits, blouses, skirts, men's shirts, slacks and ties. Business attire collected is made available through a "professional closet" operated and maintained by Welfare-to-Work Students. The only beneficiaries of the "Suiting Up for Success" campaign are successful Fresno City College Welfare Reform students (graduates).

The project goals are to increase awareness of the welfare reform initiative and it's impact on business owners. To provide our employees the opportunity to support and participate in the local welfare reform initiative. And to support and encourage current Fresno City College welfare program participants.

Mr. Speaker, it is my pleasure to recognize the "Suiting Up for Success" project, as they reach out to students who are less fortunate to have professional attire. I urge my colleagues to join me in wishing "Suiting Up for Success" many more years of continued success.

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HONORING MTSU FOOTBALL'S ADVANCEMENT TO DIVISION 1-A STATUS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize the Middle Tennessee State University football team's advancement into Division 1-A play, which officially took place on September 1. The move is one the university, its faculty and staff, its students, its alumni, and the entire MTSU community can relish.

The Blue Raiders football program has put 17 players into the National Football League. The program has also produced 20 All-American players and 14 Ohio Valley Conference "Players of the Year."

MTSU football reached a number of milestones while competing as a Division 1-AA team in the Ohio Valley Conference. The team drew a school and OVC record 27,568 fans for the 1998 home opener against Tennessee State University. It ranked fourth in attendance nationally in Division 1–AA in 1998. And the university has a new football stadium that can handle nearly 31,000 fans to usher in its Division 1–A play. Coach "Boots" Donnelly also ended a stellar career (136–81–1) with MTSU at the conclusion of the 1998 season.

As a Division 1–AA football team, MTSU finished in the top 10 of the national polls on 10 different occasions, taking the Number 1 final ranking in 1985 and 1990. And under legendary coach Charles "Bubber" Murphy, the MTSU Blue Raiders football team participated in the 1956 Refrigerator Bowl, the 1960 and 1961 Tangerine bowls, and the 1964 Grantland Rice Bowl.

I congratulate the university's move into the highly competitive Division 1–A football arena and wish each and every player, coach and fan good luck in this debut season.

HONORING THOMAS J. D'ALESANDRO III

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

Mr. CARDIN. Mr. Speaker, earlier this year, Loyola College in Baltimore took the occasion to honor one of its most distinguished sons, and one of Baltimore's most distinguished citizens. On May 18, Loyola presented its President's Medal for 1999 to Thomas J. D'Alesandro III.

Baltimore has a rich and proud political history, full of leaders who have served our community with distinction. It is no small honor, then, to be designated as the "First Political Family of Baltimore." Yet the D'Alesandro's would certainly be at the top of any list of nominees.

Tommy D'Alesandro, Jr., the father of Tommy III served as Mayor of Baltimore, and later was elected to this House. His wife Nancy was a political force in her own right, and a major player in Democratic politics in the city.

When it came time for the next generation to step up, they did so with energy and dedication. Tommy was elected to the City Council, served as its president, and then was elected Mayor of Baltimore. During his time of leadership in city government, Baltimore, like most major cities across the country, went through trying times as the civil rights movement expanded.

The major civil rights legislation of the mid-60s, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965 represented an earthquake in American politics, and nowhere was this more true than in our great urban centers. Municipal leaders across the country faced challenges that required courage and a firm adherence to principles of democratic government.

As Mayor and as president of the city council, Tommy D'Alesandro showed himself to be up to the task. He shepherded Baltimore's own Civil Rights Act through the city council. In this action, as in so many of his decisions in public life, he was guided by the moral principles that were instilled in him during his years studying under the Jesuits at Loyola College.

Mr. Speaker, any discussion of the political accomplishments of the D'Alesandro family would be sadly incomplete without an accounting of the family's spread across the continent. As a son of Baltimore, I am proud to note that the D'Alesandro family's talent for leadership, which we have long come to appreciate in our city, are now well known on the West Coast. I am speaking, of course, of our distinguished colleague from the San Francisco Bay area.

Nancy Pelosi, my good friend, who represents California's Eighth Congressional District, is the sister of Tommy D'Alesandro. In her commitment to human rights and democracy around the world, and her fierce adherence to the values of working class Americans, she shows the same approach to politics that served her brother and her father so well in Baltimore. It is truly the case that the "D'Alesandro Way"—the "Baltimore Way"—has undergone a successful transplant in northern California.

In honoring Tommy D'Alesandro III with the President's Medal, Loyola College bestowed a great and well-deserved honor on a great son of a great Baltimore political family. The text that accompanied the presentation of the President's Medal cited Tommy D'Alesandro for "his historic contributions to civic life in Baltimore, for the integrity and conviction of his principles, and for his life lived by the highest ideals of service to humankind." The words are true, and the honor is richly deserved. I am truly pleased to take this opportunity to join in offering my heart-felt congratulations to Tommy and to the entire D'Alesandro family.

CONGRATULATIONS ON GERMAN-AMERICAN DAY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. HASTERT. Mr. Speaker, German-American Day will be celebrated on October 6, 1999 with festivities all over the nation.

German-American Day honors all Americans of German descent and their contributions to the life and culture of the United States and October 6, 1999 once again calls attention to this vital ethnic group and its continuing work and efforts in support of the democratic principles of this country and its commitment to the improvement of the quality of life in the United States.

The first German immigrants arrived at Penn's landing in Philadelphia in 1683. They had been invited to come to the New World by the William Penn, and arrived under the leadership of Daniel Pastorius, to settle in Germantown in Pennsylvania. They proved indeed to be valuable assets to their new homeland. The achievements of German immigrants are legion. Famous names like Carl Schurz, Baron von Steuben, Levy Strauss, John Jacob Astor, Peter Zenger, and more recently Albert Einstein and Henry Kissinger are testimony of Germany-American industriousness, loyalty and contributions.

Congratulations to all Americans of German descent on this important day.

RECOGNITION OF THE ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. BONIOR. Mr. Speaker, today I rise to recognize the March of Dimes 1999 Alexander Macomb Citizens of the year. Beginning in 1984, a group of leading Macomb county citizens instituted the "Alexander Macomb Citizen of the Year" award. The award was named after General Alexander Macomb, the county's namesake, who was a hero of the War of 1812, repelling a superior invading force at Lake Plattsburgh, NY, which kept the United States borders intact. Since the inception of the award, over $500,000 has been generated for the Macomb County March of Dimes.

The Alexander Macomb Award is presented annually to deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county and the State of Michigan. One of the three to be honored is attorney, mother and community activist Deborah O'Brian, Esq. Mrs. O'Brian has been active in the city of St. Clair Shores through her local parade committee, the Miss St. Clair Shores Scholarship Pageant, and the Little Miss St. Clair Shores Pageant. She helped plan, raise funds for, the cohost the St. Clair Shores Cops for Kids Telethon, which raised more than $35,000 in support of kids 12 and under. Mrs. O'Brian participated in the Prosecutor in School Program of the 40th District Court in 1998–1999 and is involved with the Kiwanis Club's "Say No to Drugs" program. In addition to her civic commitments, she uses her legal expertise to help others through the Macomb County Bar Association Pro Bono Services.

I am proud to join the March of Dimes in honoring Mrs. Deborah O'Brian, as a Macomb County Citizen of the year.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT. 2000

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes,

Ms. DELAURO. Mr. Chairman, as the daughter of a veteran, I rise in support of the

Filner amendment to increase veteran's medical care by $1.1 billion.

This amendment would designate these funds as emergency—making it possible to provide vital health care to hundreds of thousands of veterans without cutting any other essential programs.

This amendment is about national priorities—if the bill passes without this amendment, our veterans will truly find their lives, and their health, in real states of emergency. We must do what's right.

Our nation owes our veterans a tremendous debt. These courageous men and women sacrificed everything—whether in World War I, World War II, Korea, Vietnam, or the Gulf War—to ensure the freedom and opportunity that we so often take for granted. It is our responsibility to repay our veterans for the tremendous burdens that they bore and the sacrifices that they made to ensure peace and freedom for this country.

I urge my colleagues to fulfill our commitments to our veterans. Vote for $1.1 billion in emergency funds for veterans' medical care. Vote for the Filner amendment. Do what is right.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote due to my recovery from heart surgery on August 5, 1999.

August 5, 1999:

I would have voted in favor of the Hall amendment to H.R. 2670 (rollcall No. 380).

I would have voted against the Bass amendment to H.R. 2670 (rollcall No. 381).

I would have voted in favor of the G. Miller amendment to H.R. 2760 (rollcall No. 382).

I would have voted against the Hayworth amendment to H.R. 2760 (rollcall No. 383).

I would have voted in favor of the Tauzin amendment to H.R. 2760 (rollcall No. 384).

I would have voted against the Kucinich amendment to H.R. 2670 (rollcall No. 385).

I would have voted in favor of the motion to recommit H.R. 2670 with instructions (rollcall No. 386).

I would have voted against passage of H.R. 2670 (rollcall No. 387).

I would have voted against ordering the previous question for consideration of H.R. 2684 (rollcall No. 388).

I would have voted in favor of agreeing to the Conference Report on Legislative Branch Appropriations Act (rollcall No. 389).

TRIBUTE TO CAMP ARROWHEAD

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. BLUNT. Mr. Speaker, I rise today on behalf of myself and my colleague, Mr. IKE SKELTON, to pay tribute on the 75th anniversary of the founding of the oldest continuously operating Boy Scout Camp west of the Mississippi River. Camp Arrowhead, located east of Marshfield, Missouri, was begun the summer of 1924, just 14 years after Scouting came to America and only 8 years after this body, the Congress of the United States, chartered the Boy Scouts of America.

I know my colleagues join with me in commending the vision of men like area Scout Executive Allen C. Foster, and organizations such as the Springfield Rotary Club, the Marshfield Merchants Club and the Commercial Club of Springfield which played key roles in the creation of this camp. I doubt those leaders in 1924 could envision microwave ovens, color televisions, the Internet, or jet aircraft, but they could envision a place where dedicated volunteers would help boys grow into young men with character and a commitment to community. And they knew how to translate their vision into reality.

Over 75 summers, tens of thousand of campers have carried out the traditions of Camp Arrowhead where boys developed into leaders, and adults returned to encourage other young scouts to grow as they had been encouraged by others. The impact of Camp Arrowhead is found in friendships, skills and character among a broad range of people in the Ozarks and around the world.

Camp Arrowhead as we see it today with 600 acres of facilities serving the needs of 1,500 scouts and adults each summer could not exist without the continued active support of Scouters and supporters of Scouting around the area. The countless hours of service and dedication by hundreds of volunteers each year ensure that this camp will continue its mission for years to come.

"Do Your Best" is more than just the Scout Motto. For those who have attended Camp Arrowhead, it is the moving force behind why they come as scouts, why they lead as adults, and why they serve as volunteers.

From the Seventh Congressional District and from this Congress, I offer this commendation to all of those involved for a job well done for the past 75 years with a heartfelt hope that their efforts will continue for at least another 75.

MARKING THE 45TH ANNIVERSARY OF THE COMMISSIONING OF THE "U.S.S. NAUTILUS"

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to mark the 45th Anniversary of a wonder of the modern world—the *U.S.S. Nautilus* (SSN571). The *Nautilus* was the world's first nuclear submarine and its creation revolutionized the Navy forever.

Tonight, in my district, citizens will gather by the *Nautilus*, moored now at the Submarine Force Museum in Groton, CT, to mark the 45th Anniversary of the commissioning of this magnificent ship. I am pleased to join them in this effort.

The story of the *Nautilus* actually begins much earlier than September 1954. Beginning with the development of modern submarines in the early part of this century, the Navy had struggled with the problems of prolonged submersion of submarines. The idea of using nuclear power was revolutionary. It promised the ability to stay underwater almost indefinitely. Not only would duration underwater be dramatically increased, but the increase in power would mean that submarines would be able to travel at much higher speeds—up to 20 knots. This combination of factors would mean that submarines would be able to travel all the world's oceans.

When the Navy decided to go ahead with the project, it turned to the incomparable skills of the craftsmen and designers at Electric Boat. Following the keel laying in June 1952, these dedicated employees worked extraordinarily long hours and pushed themselves to complete their task. By January 1954, the *Nautilus* was completed, christened and prepared for testing at the shipyard. Finally, in September 1954, 45 years ago this month, the Navy commissioned its first nuclear submarine. The *Nautilus* made its mark by obliterating previous submarine records for speed, time and distance traveled while submerged. By the time of its first refueling, it had traveled over 62,000 miles. In 1957, it became the first submarine to travel below the polar ice caps. On August 3, 1958 the *Nautilus* made history as the first ship to reach the North Pole.

The *Nautilus* was the first of a long and prestigious line of nuclear submarines that have played a vital role in safeguarding our national security over the decades that followed. Ballistic missile submarines changed the face of strategic stability during the Cold War. Attack submarines kept fleets safe and our shipping secure. Specially modified submarines carried out critical intelligence and special operations missions. Now, we are on the verge of deploying the next generation of submarines, one that once again will be empowered with unprecedented capabilities.

Now I stand here, ten years after the Cold War, in the Capitol of the only superpower on Earth. The *Nautilus*, the ships that followed and the great Americans who built and sailed them have made this possible. On this anniversary, we honor more than a piece of machinery. We honor all that it represents ingenuity, hard work, courage and patriotism.

RECOGNITION OF THE ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. BONIOR. Mr. Speaker, today I rise to recognize the March of Dimes 1999 Alexander Macomb Citizens of the year. Beginning in 1984, a group of leading Macomb county citizens instituted the "Alexander Macomb Citizen of the Year" award. The award was named after General Alexander Macomb, the county's namesake, who was a hero of the War of 1812, repelling a superior invading force at Lake Plattsburgh, NY, which kept the United States borders intact. Since the inception of the award, more than $500,000 has been generated for the Macomb County March of Dimes.

The Alexander Macomb Citizens of the Year Award is presented annually to deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county and the State of Michigan. One of the three to be honored is retired Macomb County Sheriff's Department Inspector Ronald Lupo. Inspector Lupo is a recognized community leader who has put his life on the line on many occasions for the citizens of Macomb County. After serving in Vietnam and as a member of the U.S. Army elite precision honor guard squad, Inspector Lupo joined the Macomb County Sheriff's Department. During his 30 years with the Sheriffs Department, he handled some of the most difficult duties associated with police work, including hostage negotiations. As a Grand Jury Investigator his work resulted in 17 narcotics raids and returned 50 indictments. For 11 years, Inspector Lupo served as commander of the department's investigative and administrative services divisions. He served as the county's first youth officer and helped create the first youth bureau and the first school liaison program in Macomb County. In 1984, Michigan Governor James Blanchard appointed Inspector Lupo to serve as a member of the Michigan Committee on Juvenile Justice.

I am proud to join the General Alexander Macomb Chapter of the March of Dimes in honoring one of its founders and 13-year board member, Inspector Ronald Lupo as a Macomb County Citizen of the Year.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT. AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Ms. DELAURO. Mr. Chairman, as the daughter of a World War II veteran, I rise in support of the Filner amendment to add $6 million in emergency spending to help solve the benefit claim problems that have plagued our veterans.

This amendment would provide funds to hire an additional 250 employees to reduce the growing backlog and waiting time for adjudication of benefit claims. Designation of these funds as emergency would make it possible to efficiently get vital health care of hundreds of thousands of veterans without cutting other essential programs.

This amendment is about national priorities. Our veterans must not be left grapping with illnesses, unpaid bills, and looming expenses because their claims are tied up in red tape.

Our nation owes our veterans a tremendous debt. These courageous men and women sacrificed everything—whether in World War I, World War II, Korea, Vietnam, or the Gulf War—to ensure the freedom and opportunity that we so often take for granted. We must repay our veterans for the tremendous burdens that they bore and the sacrifices that they made to bring us peace and prosperity.

I urge my colleagues to fulfill our commitments to our veterans. Vote for $6 million in emergency funds to reduce the backlog of veterans' benefit claims. Vote for the Filner amendment.

ESTATE TAXES

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. McDERMOTT. Mr. Speaker, the issue regarding the Federal estate tax, and the role it should play in our Federal tax structure, is one of the most important that Congress will face when it considers tax legislation this fall. Those who have attached the estate tax as unfair to small business and as being very expensive to administer, have, to a very great extent, distorted the record.

The important characteristic to recall about the estate tax is that it impacts less than 3 percent of U.S. taxpayers and to repeal this tax, as many have urged, would be tantamount to granting a tax cut to those in that economic strata. I would hope that my colleagues would see such a result as not justifiable considering our more important national priorities.

Professor Meade Emory of the University of Washington in Seattle has been active and articulate in meeting the criticisms of the estate tax and in pointing out that it is an equitable source of revenue which has a proper place in our Nation's necessary tax structure. Mr. Speaker, I submit his op-ed piece, which appeared in the Seattle Times on July 28, 1999, to be inserted and made a part of the RECORD.

[From the Seattle Times, July 28, 1999]

CORRECTING THE RECORD ON THE ESTATE TAX

(By Meade Emory)

Pause to reflect as to what the reaction would be if the wealthiest 3 percent of the taxpayers clamored that they were desperately in need of a tax cut. Quite naturally, one would not expect this privileged group to get very far, but their narrow cause has been furthered by a slick strategy of mobilizing a vast cross-section of the American public which is not even subject to the tax the tax-cutters seek to eliminate.

How can this be done, you ask? By instilling fear, by sleight-of-hand and by concealing the real facts, those seeking the cut have been able to enlist a huge portion of the taxpaying public in their selfish objective. This, dear friends, is the scenario that has brought us to where we are in the vigorous debate over the future of the federal estate tax.

By relabeling the estate tax the "death tax" (thereby maximizing all that term conjures up) and sweeping under the rug the crucial fact that the tax is only imposed on a small number of the wealthiest Americans (slightly over 1 percent of those who die each year), and then only to the extent the deceased person's assets exceed $1 million ($2 million for a married couple), a far larger-than-deserved army of supporters has been duped into lining up for the elimination of a tax that doesn't even affect them. In doing this, those opposing the estate tax have trotted out numerous fallacies to stir many to emotional highs. This misinformation must be scrutinized.

The estate tax can go since it raises such a small amount of revenue. This may be true if approaching 2 percent of total federal tax revenue is small. The fact is, though, just this month, due to the huge jump in wealth in this country, Treasury estimators had to increase the estate tax annual revenue estimate for next year from $27 billion to $31.4 billion. This puts the spot-light on the ever-widening and societally damaging economic gap between rich and poor, and the tax's larger share of revenue is going to make it politically and fiscally harder to obtain outright repeal.

Wealth has already been taxed. Since most of the wealth subject to the estate tax represents appreciation in value of assets like stock, securities, real estate and collectibles, which has not been, nor will it ever be, subject to income tax, this claim simply is not so. Because property owned by a decedent receives a new tax basis for income-tax purposes, the estate tax represents the last and only chance to tax that otherwise untaxed gain. Why should gain, generated by the huge stock market and real-estate boom and enjoyed by the wealthiest among us, escape any kind of taxation whatsoever?

Rates are unreasonably high. True, the top statutory estate-tax rate is 55 percent (reached on property in the estate in excess of $3 million), but through sharp planning (primarily by using illusory minority and fractional interest discounts) the effective rate paid by the most well-to-do can be cut to less than half that. However, as income-tax rates are relatively flat (compared to what they were), more than one-third of the tax system's progressivity is attributable to the estate tax. Since those subject to the estate tax are those who benefit the most from the stable society that helped them prosper, there should be a place for a tax that measures the amount of taxation by the taxpayer's ability to pay and the estate tax, impacting only the very wealthiest, is designed to do that.

Cost of administration. The foes of the estate tax fallaciously trumpet that the cost to administer the estate tax exceeds the revenue it raises. A broad reading of the term "administration costs," would seem to include (1) IRS administration costs, (2) taxpayer planning costs, and (3) taxpayer compliance costs. At most, only 2 percent of the total IRS budget of about $8 billion, or about $150 million, is spent by it on all aspects of the estate tax. Regarding planning for the tax, using what taxpayers actually pay to plan estates (e.g., from $2,500 for estates less than $2 million to $50,000 for estates over $40 million) the total of taxpayer planning costs, even assuming they may go through the process twice due to changes in the law, is less than $1 billion. As to compliance, much of estate administration (e.g., listing of assets, accomplishing their transfer to heirs, etc.) would still be done even in an estate-tax-free world. Even if a generous number is used per estate in this regard, the total cost of all administration (public and private) does not exceed 7 percent of the $30 billion revenue brought in by the estate tax.

Assets have to be sold to pay the tax. A great deal of the rhetoric on this issue revolves around the lack of liquidity to pay the estate tax and the related threat that businesses may have to be sold to pay the tax. Certainly, in large estates, sales will be necessary to pay the estate tax (note, at no income tax cost!). Most often, however, the assets sold are non-business financial assets (e.g., widely held stock or liquid real estate). In reality, the major need for liquidity arises not because the estate holds business property but, rather, because of the need to compensate, with a fair share, those heirs not wishing to stay in the business.

Further, the business in the estate is frequently sold simply because the heirs, having developed their own careers, have no desire to slave in their parents' vineyard. Most estate planners say they never see a forced sale of a business to pay the estate tax. However, since this point is really the only legitimate point opponents to the tax have raised, current scrutiny of the tax should include possible changes in the law designed to eliminate "fire-sale" business dispositions compelled to pay the IRS.

Obviously, few have a deep yearning to pay taxes. Equally obvious, all parts of our tax system can be improved. We cannot deny, however, Justice Holmes' statement that "Taxes are the price we pay for civilized society." The burden of those taxes should, though, be allocated rationally among our citizens, with those having the largest ability to pay assuming the greater responsibility. The estate-tax exemptions (presently on schedule to soon reach $1 million, $2 million for a married couple) are designed to exempt small and even mid-sized estates from the tax altogether, thus focusing the estate tax's impact on those with the most wealth available to pass to their heirs at death. Increasing those exemption levels to exempt even more middle-range estates may, indeed, be appropriate as more wealth is accumulated by the "near" rich. However, not only would gutting the entire estate tax knock a huge hole in federal revenues (hereby preventing the enactment of other tax cuts, such as fixing the marriage-tax penalty, designed for the far less affluent) it would be an unconscionable and unjustified boon to the very, very rich, something neither they nor this country needs.

COMMUNITY BANK OF THE BAY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Ms. LEE. Mr. Speaker, I rise to recognize the significance of the establishment of the Community Bank of the Bay in the East Bay of San Francisco in the 9th Congressional District of California. Community Bank of the Bay came into existence three years ago, today, through the vision of its founding Board of Directors and many community supporters.

Community Bank of the Bay is to be recognized for several reasons: it is the first formally chartered community development bank in the State of California, and was the third such Bank in the United States.

Community Bank of the Bay was also the first bank to be authorized as a Community Development Financial Institution (CDFI) by both the United States Treasury Department and the State of California.

Community Bank of the Bay is also to be recognized, and valued because it is committed to being an equal lending bank as well as an equal employment opportunity institution. Through my constituents, I have learned that the bank, and Mr. McDaniel, the President and Chief Executive Officer, take a personal interest in reaching out to ethnic minority borrowers, of both business and multi-family loans, who have been denied loans by larger banks. The bank goes to the prospective borrower, rather than sitting in marble halls waiting to intimidate a novice entrepreneur.

Over 70% of the Bank's borrowers are located in Oakland. Over 60% of the Bank's small business loans are to entrepreneurs who have never borrowed from a bank before. The Bank has developed a highly successful lending program with no losses to date and focuses on helping its customers succeed.

It pleases me that good service to the community is recognized by the community in terms of patronage: today, the Community Bank of the Bay has grown to $34 million in assets with over $28 million in deposits.

The primary focus for the Bank lending remains small businesses, non-profits and multi-family housing providers in low-to-moderate income census tracts.

Mr. Speaker, I am very proud of the vision and the performance of this wonderful bank which serves an underserved community, and yet waxes strong; grows in assets and deposits, meets its payroll and sinks its ever-stronger and deeper roots into a grateful community.

On behalf of my constituents, I want to congratulate the Community Bank of the Bay on its third anniversary and look forward to celebrating many more.

RECOGNITION OF THE ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. BONIOR. Mr. Speaker, today I rise to recognize the March of Dimes 1999 Alexander Macomb Citizens of the year. Beginning in 1984, a group of leading Macomb County citizens instituted the "Alexander Macomb Citizen of the Year" award. The award was named after Gen. Alexander Macomb, the country's namesake, who was a hero of the War of 1812, repelling a superior invading force at Lake Plattsburgh, NY, which kept the United States borders intact. Since the inception of the award, more than $500,000 has been generated for the Macomb County County March of Dimes.

The Alexander Macomb Award is presented annually to deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county and the State of Michigan. This year, three honorees were chosen, including a Family of the Year. This year's family honoree is the Zuccaro family. Albert and Lillian Zuccaro, and their sons Dino, Alan, Rick, and Mark have established several successful business in Macomb county. Mr. Zuccaro and his sons now own and operate Café Zuccaro, Wolverine Banquet Center, Zuccaro's Country Kitchen, and Zuccaro's Holiday House.

The Zuccaro family has actively supported several worthwhile organizations in Macomb County, including the Mount Clemens Rotary Club, the Salvation Army, the Macomb County Chamber of Commerce, and the Special Olympics. They donate to homeless shelters around Macomb, as well as safe houses for abused women and children.

I am proud to join the March of Dimes in acknowledging the wonderful tradition of community service that the Zuccaro family has started and continues within Macomb County.

YUMA CROSSING NATIONAL HERITAGE AREA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. PASTOR. Mr. Speaker, more than 60 years before the European settlement in Jamestown, Virginia and more than 80 years before the Pilgrims landed at Plymouth Rock, Francisco Vasquez de Coronado marched across southeastern Arizona in search of the fabled Seven Cities of Gold. To supply Coronado's expedition, Captain Hernando de Alarcon commanded three ships through the Gulf of California into the mount of the Colorado River.

Spanish explorer Hernando de Alarcon became the first European to venture into what is now the southwest portion of the United States just below the confluence of Colorado and Gila Rivers. There they made use of a geological formation in the Lower Colorado consisting of two massive granite outcroppings, known to us as the Yuma Crossing. Alarcon's voyage is the first European discovery of the Colorado River, and the Crossing became a natural bridge which played an important role in the western settlement of the United States.

Father Eusebio Francisco Kino mapped supply routes to California through the Yuma Crossing, a route that would be used in many expeditions and by many colonists. Using the knowledge pioneered by Father Kino, Captain Juan Bautisma de Anza led more than 200 settlers and herds of livestock across the treacherous Colorado River using the Yuma Crossing. Once across, Anza traveled westward across the desert to San Gabriel then turned north and established the town of San Francisco in 1776.

Kit Carson traveled the Yuma Crossing as he carried dispatches between California and New Mexico to report on the United States' successful military conquest of California in the war with Mexico in 1846. It was during the War with Mexico that Lt. Col. Phillip St. George Cooke used the Yuma Crossing to establish the Gila Trail, a passageway used by California's gold seekers, pioneers, ranchers, farmers and military.

Yuma Crossing became a strategic military location following the Mexican War. Settlers and the Quechan Indians fought for the rights to hold ferry operations across the Colorado. In 1852, Fort Yuma was established to keep the peace between settlers and the Quechans.

In addition to its strategic military importance, Yuma became a major port town and transportation hub. Steamboats were used to freight supplies, as were stagecoach and camel caravan. But as Yuma grew, more sophisticated modes of transportation were demanded, the outgrowth of which resulted in the development of the Southern Pacific railroad. With the establishment of the Southern Pacific, Yuma established itself as a major connecting point in the westward expansion of our country.

Today, the City of Yuma has a population of 60,000 residents, and it ranks behind Phoenix and Tucson in population. Aside from its rich history, it is endowed with unique ecological resources. With its rare combination of arid desert landscape, rugged mountains and river wetlands, the natural environment of the area is fascinating. it is the uniqueness of this mix of desert, riparian and aquatic habitats that have brought the citizens of the City of Yuma and Yuma County to seek to designate Yuma Crossing as a National Heritage Area, the first to seek such a designation west of the Mississippi.

Designating Yuma Crossing as a National Heritage Area will help preserve Yuma's early heritage and highlight Yuma Crossing's importance to opening the American West to exploration and settlement. The designation will also serve to preserve and protect its vital wildlife habitats and wetlands areas. Yuma Crossing is a vital link in our nation's heritage, and it is for these reasons that I am proud to introduce legislation that proposes to designate Yuma Crossing as a National Heritage Area. I urge my colleagues to support my legislation to preserve an important part in the history of the Wild West.

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. TALENT. Mr. Speaker, over the years, the Nation has recognized the debt owed to citizens who serve in defense of our Constitution and the American ideals of free speech, personal liberty, and free enterprise. H.R. 1568 builds on the best examples of this public policy from our Nation's history. From the beginning of the Republic, when the Continental Congress provided land grants to Revolutionary War veterans, we have helped veterans with self-employment and self-sufficiency. 150 years later, the 1944 Servicemen's Readjustment Act, or "G.I. Bill of Rights of World War II" provided loan guarantees for returning World War II, and later Korean War, veterans. In the ten years following, the Federal Government provided over 280,000 small business and farm loans to veterans to help include them in the post-war boom and use their talents to propel that boom.

Unfortunately, the Nation's efforts on behalf of veterans have diminished drastically in the intervening 45 years. Over the years, the interests of veterans, particularly the service-disabled, have fallen on infertile ground. While specifically included as a priority of the SBA at its creation, the Office of Veterans Affairs and the needs of veterans have been diminished systematically at the SBA. Elimination of the direct loan program for veterans in fiscal year 1995, at then Administrator Phil Lader's request, resulted in serious diminution of financial assistance for veterans. Total loan dollars dropped from $22 million dollars in loans in 1993 to $10.8 million in 1998. Likewise, training and counseling for veterans dropped from 38,775 total counseling sessions for veterans in 1993 to 29,821 sessions in 1998.

Such neglect, Mr. Speaker, would turn many people away from faith in government. However, as former British Prime Minister Margaret Thatcher might say, veterans are not for turning. In November 1998, the SBA Veterans' Affairs Task Force for Entrepreneurship filed its report. The Task Force examined all SBA programs, including business development, education and training, financial assistance, government contracting, and advocacy to determine ways to improve SBA's ability to assist veterans. The Task Force identified "high priority" recommendations. These included:

Legislation to allow guaranteed loans to veterans with certified service-connected disabilities or who were POWs;

A program of comprehensive outreach to assist disabled veterans, including business training and management assistance, employment and relocation counseling, and dissemination of information on veterans benefits and veterans entitlements as required by Title VII;

A company designed to address veterans' issues regarding small business; and

Regulations that include service-disabled veteran-owned businesses as a "socially and economically disadvantaged business group" to be solicited for all federal contracts and subcontracts in a documented outreach program.

The Veterans Entrepreneurship and Small Business Development Act of 1999 (H.R. 1568), implements the SBA Veterans' Affairs Task Force's "high priority" recommendations.

First, the Task Force recommended guaranteed loan opportunities. H.R. 1568 makes veterans eligible for funds under the microloan, DELTA Loan and State Development Company programs. For example, H.R. 1568 makes veterans eligible for assistance under the SBA's microloan program which provides small loans, i.e., under $25,000, to people seeking initial financing for small business start-up or expansion. Furthermore, H.R. 1568 requires the Small Business Administration to establish a system for loan deferrals for small business owners called up for active duty. It also requires the SBA to make economic injury disaster loans available to self-employed individuals who are called to active duty for the National Guard and reserves. These loan opportunities enable veterans to access capital markets currently available to women, low-income, minority entrepreneurs, and other business owners possessing the capability to operate successful business concerns.

Second, the Task Force identified an outreach program to assist disabled veterans in business training and management assistance, employment and relocation counseling, and dissemination of information on veterans benefits and entitlements as a priority. H.R. 1568 amends the Small Business Development Act to require the Secretary of Veterans' Affairs, the Administrator of the Small Business Administration and the small business development center associations to train all veterans, including disabled veterans, in business training and management assistance, procurement opportunities, and other business areas. It also establishes an Office of Veterans Business Development and the position of Associate Administrator for Veterans Business Development at the Small Business Administration. This position will be responsible for the formulation, execution, and promotion of programs to provide assistance for small businesses owned and controlled by veterans. Currently, SBA has at least ten Associate Administrators. A minimum of four are required by law, and the titles of only two are specified.

Third, the Task Force urged a veterans' company to address veterans' small business issues. The Veterans Entrepreneurship and Small Business Development Act of 1999 creates the National Veterans Business Development Corporation (NVBDC), the bill's crown jewel. This Corporation will coordinate private and public resources from Federal organizations—for example the Small Business Administration and the Department of Veterans Affairs—to establish and maintain a network of information and assistance centers for use by veterans and the public. Furthermore, NVBDC will have the power to raise and disburse funds, establish initiatives, and award grants in furtherance of its goal of establishing a cohesive assistance and information network for veteran owned business. This is important as H.R. 1568 requires the NVBDC to become self-sustaining by eliminating the Corporation's minimal Federal funding in four years. Finally, the NVBDC will also establish an advisory board on professional certification to work on the problems service members with military technical face in transitioning into the private sector workforce. The board will be composed of representatives of professional certification organizations, such as the Coalition for Professional Certification and veterans organizations such as the American Legion. In addition, NVBDC's board of directors shall invite representatives of the Armed Services and the Department of Labor to participate.

Fourth, the Task Force sought a regulation classifying veteran-owned businesses as a "socially and economically disadvantaged business group." Rather than a regulation, H.R. 1568 affords veteran-owned small businesses an opportunity to compete on the same level with small business concerns owned and controlled by socially and economically disadvantaged individuals. This requires that loan making decisions shall be resolved in favor of the prospective borrower and requires SBA to establish a three-percent goal for contracting with small business concerns owned and controlled by service-disabled veterans.

Mr. Speaker, we all recognize our Armed Forces safeguard our freedoms and liberty at great sacrifice to themselves. Our veterans liberated Europe and the Pacific in the 1940s, stopped the spread of communism in the 1950's, 1960, and 1970s, and freed oppressed peoples in the 1980s and 1990s. These public servants willingly worked for the United States government. H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999, makes government work for them. It provides them the opportunity to enjoy the fruits of their labor and the blessings of liberty which they secured.

Mr. Speaker, I attach hereto a section-by-section analysis and urge my colleagues to support H.R. 1568.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE.

Designates the bill as the "Veterans Entrepreneurship and Small Business Development Act of 1999".

SECTION 2. TABLE OF CONTENTS.

TITLE I—GENERAL PROVISIONS

SECTION 101. FINDINGS.

This section describes Congressional findings regarding the sacrifices and efforts of veterans and their value to the American economy as small business owners.

SECTION 102. PURPOSE.

Describes the purpose of the Act, to encourage the SBA and other agencies to implement further efforts to assist veterans, particularly service-disabled veterans in the formation and growth of small businesses.

SECTION 103. DEFINITIONS.

Establishes definitions of veteran owned and service-disabled veteran owned small business concerns. The term "service-disabled veterans" is based on the definition in Title 38 of the US Code.

TITLE II—VETERANS BUSINESS DEVELOPMENT

SECTION 201. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Establishes an Office of Veterans Business Development and the position of Associate Administrator for Veterans Business Development at the Small Business Administration. this position will be responsible for the formulation, execution, and promotion of programs to provide assistance for small businesses owned and controlled by veterans. There are currently at least ten Associate Administrators at the SBA. A minimum of four are required by law, and the titles of only two are specified.

SECTION 202. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

This section establishes a federally chartered corporation, the National Veterans Business Development Corporation, for the purpose of guiding and monitoring public and private sector initiatives to assist the Nation's veterans in their efforts to form and grow small businesses. The most significant single purpose of the corporation will be to work with the public and private sectors to establish an independent nationwide network of business assistance and information centers for veterans. The Corporation will managed by a Board of Directors appointed in a bipartisan fashion by the President based on recommendations from the Congress. It will have the power to raise and disburse funds, establish initiatives, and award grants in furtherance of its goal of establishing a cohesive assistance and information network for veteran owned business.

The NVBDC will also establish an advisory board on professional certification to work on the problems service members with military technical training face in transitioning into the private sector workforce. The board will be composed of representatives of professional certification organizations, such as the Coalition for Professional Certification and veterans organizations such as the American Legion. In addition, the Board of Directors of the NVBDC shall invite representatives of the Armed Services and the Department of Labor to participate.

While they will have no mandate to change or enforce regulations, the Committee hopes that the military and private sector will work in a cooperative fashion to satisfy both the Armed Services training requirements and the public sector's need for standard certification and provide transitioning servicemembers with an easy entrance to civilian life.

To start the NVBDC it will have an initial authorization of $2 million in the first year and $4 million in the second and third years, dropping back to $2 million in the fourth and final year. After the fourth year the Corporation will be self funded from private donations and no longer be eligible for federal funds. The Committee has already received testimony in support of private funding of the NVDBC and fully expects the Corporation to be self supporting within four years.

SECTION 203. ADVISORY COMMITTEE ON VETERANS AFFAIRS.

Establishes an eight member committee to provide independent advice and policy recommendations to the SBA, Congress, and the President. The committee will conduct hearings, collect information from federal agencies, develop, monitor and promote programs to aid veteran's business development, and issue an annual report to the Congress. The Committee will terminate on September 30, 2004 and its responsibilities will devolve onto the National Veterans Business Development Corporation.

TITLE III—TECHNICAL ASSISTANCE

SECTION 301. SCORE PROGRAM.

This section requires the Service Corps of Retired Executives (SCORE) and the SBA to establish a program for directing management and technical assistance to veteran-owned small business and veterans wishing to establish small business concerns. SCORE provides advice and technical assistance to small businesses free of charge through a nationwide network of volunteers.

SECTION 302. ENTREPRENEURIAL ASSISTANCE.

This section requires the Small Business Development Center (SBDC) system and the SBA to establish a program for outreach and assistance to veterans and veteran-owned small businesses. SBDC's provide free management and technical assistance to small business owners through over 900 sites located at colleges and universities nationwide.

SECTION 303. MILITARY RESERVISTS TECHNICAL ASSISTANCE.

Establishes a program of technical and managerial assistance, through the SBA, for military reservists who are self-employed or are small business owners and are called to active military duty. Requires the SBA to enhance its publicity of such assistance for the duration of Operation "Allied Force".

TITLE IV—FINANCIAL ASSISTANCE

SECTION 401. GENERAL BUSINESS LOANS.

Includes service-disabled veterans with handicapped individuals in provisions requiring that loan making decisions shall be resolved in favor of the prospective borrower. H.R. 1568 also clarifies that this provision applies only to guaranteed loans and makes no requirement that the SBA reinstitute the direct programs eliminated in the Administration budget submission in 1995. According to the Administration's testimony on June 23, 1999 such a result was not desired by the SBA. Therefore, an amendment was offered to specify and reinforce the Administration's opposition to those programs.

SECTION 402. ASSISTANCE TO ACTIVE DUTY MILITARY RESERVISTS.

Requires the SBA to establish a system for loan deferrals for small business owners called up for active duty. Also requires the SBA to make economic injury disaster loans available to self-employed individuals who are called to active duty for the National Guard and Reserves.

SECTION 403. MICROLOAN PROGRAM.

Makes veterans eligible for assistance under the SBA's microloan program which provides small loans (under $25,000) to people seeking initial financing for small business start-up or expansion.

SECTION 404. DELTA LOAN PROGRAM.

Includes veteran owned small businesses in the eligibility categories for assistance under the DELTA loan program at the SBA.

SECTION 405. STATE DEVELOPMENT COMPANY PROGRAM.

Includes the formation and creation of veteran-owned small business in the public policy goals sought in the 504 loan program for construction and long-term equipment loans.

TITLE V—PROCUREMENT

SECTION 501. SUBCONTRACTING.

Requires the inclusion of small business concerns owned and controlled by veterans in the mandatory subcontracting clause in all government contracts that establishes subcontracting plans.

SECTION 502. PROCUREMENT ASSISTANCE.

This section requires the SBA to establish a five percent goal for contracting with small business concerns owned and controlled by service disabled veterans.

TITLE VI—REPORTS AND DATA

SECTION 601. REPORTING REQUIREMENTS.

Requires the heads of each federal agency to report to the Small Business Administration concerning contracting with veteran owned and service-disabled veteran owned small businesses.

SECTION 602. REPORT ON SMALL BUSINESS AND COMPETITION.

Requires the SBA to include information on small business concerns owned by veterans and service disabled veterans in the annual report on small business participation and opportunities in federal procurement.

SECTION 603. ANNUAL REPORT.

This section requires the Administrator to submit an annual report to Congress on the needs of veteran owned small business and the progress of programs designed to aid and promote veterans small business ownership. The Administrator shall also provide statistical information on veterans participation in SBA programs.

SECTION 604. INFORMATION COLLECTION.

Requires the collection of procurement data on veterans and service-disabled veteran owned small businesses, and collection of information on the procurement practices of each federal agency. All such information is to be made available to any small business concern requesting it. The information is also to be distributed to federal procurement officers. Also requires the SBA and VA to work to establish a database on veteran owned small business concerns.

TITLE VII—MISCELLANEOUS PROVISIONS

SECTION 701. ADMINISTRATOR'S ORDER.

Requires the administrator to strengthen and reissue the order implementing the provisions of PL93-237 which requires the SBA to fully include veterans in all the programs, purposes and activities of the agency.

SECTION 702. OFFICE OF ADVOCACY.

Requires the Chief Counsel for Advocacy of the US Small Business Administration to include an evaluation of the efforts of the federal government to assist veteran owned small business concerns as one of his primary functions. The Chief Counsel is also required to provide statistical information on veterans utilization of federal programs. Also requires the Chief Counsel to make recommendations to the Administrator of the SBA and Congress on programs and efforts to assist veteran owned small business concerns.

SECTION 703. FIXED ASSET SMALL BUSINESS LOANS.

Requires the Government Accounting Office to conduct a study of the feasibility of using the VA home ownership loan program as a source of fixed asset financing for veteran-owned small businesses.

PERSONAL EXPLANATION

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. MILLER of Florida. Mr. Speaker, I rise today to insert in the RECORD that I inadvertently voted "yes" on rollcall 392 on September 8, 1999. I intended to vote "no" on this Roemer amendment to H.R. 2684 to stop funding for the international space station.

I believe this is an important NASA project. I have supported the space station in the past and have voted against Mr. ROEMER's previous amendments to kill the space station.

IN HONOR OF THE LATE MAX KLEIN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the memory of Max Klein, a volunteer and community leader who will be greatly missed by the South Florida community.

After spending a large portion of his life in New York as a highly successful newsreel editor, Max Klein and his wife Anne retired to South Florida where they took up residence in Lauderhill. Max soon plunged himself into the community in the hopes of improving the lives of his new neighbors and friends. Attending local government meetings on a regular basis, Max became totally immersed in the South Florida community. He contributed his time to various political campaigns and judicial battles, for Max truly believed that one man could make a difference. He was undoubtedly successful at getting his voice heard on all levels of government. As Commissioner Ilene Lieberman, former Mayor of Lauderhill and current County Commission Chairwoman, recently noted, "Max was a very special person. . . . He definitely made a difference in the community."

In addition to his outstanding activism, Max Klein distinguished himself through his extraordinary devotion to volunteerism. Soon after moving to Lauderhill, Max became involved at his local library, teaching gifted children how to write creatively. This involvement soon led him to become involved with the Pompano Beach Middle School as well. In honor of this tremendous devotion to volunteerism, Max was elected to the Dr. Nan S. Hutchison Broward Senior Hall of Fame.

In summary, Max's extraordinary devotion to the community around him is truly a rarity in this age, and he will be sorely missed by the Lauderhill community, as well as by the South Florida community at large. Max Klein was an extraordinary human being who went above and beyond what he needed to be, because of his sincere desire to help his fellow man. We will all miss Max, but we are lucky to have so many memories of his life and work.

IN HONOR OF NORTHEAST OHIO'S DESIGNATION AS THE 74TH CLEAN CITIES REGION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Northeast Ohio's designation as the 74th Clean Cities region under the U.S. Department of Energy's Clean Cities Program.

Clean Cities is a national partnership formed to increase the use of clean-running alternative fuel vehicles. The Northeast Ohio Clean Cities designation encompasses Cuyahoga, Lorain, Medina, Summit, Portage, Geauga, Lake, and Ashtabula Counties in Northeast Ohio. The Northeast Ohio Clean Cities program is driven by The Northeast Ohio Clean Fuels Coalition, a group of dedicated people and organizations led by the Earth Day Coalition, a long-time leader in environmental protection for Northeast Ohio.

On Tuesday, September 14, 1999, U.S. Energy Secretary Bill Richardson will formally designate Northeast Ohio as the 74th Clean Cities region in a ceremony to be held at the Great Lakes Science Center on Cleveland's Waterfront. The Northeast Ohio region joins other partners recognized by the U.S. Department of Energy, including Pittsburgh, Cincinnati, and Chicago.

Northeast Ohio, a region historically known as a pioneer in the automobile industry, has more recently become a leader in the production and use of electric and alternative fuel vehicles. The Greater Cleveland Regional Transit Authority helped pioneer the use of alternative fuels in its fleet. Northeast Ohio is home to the NASA Glenn Research Center, an organization pioneering the future of hybrid engine technologies. Furthermore, the Northeast Ohio Clean Fuels Coalition was formed to promote alternative fueling stations and alternative fuel vehicles to regionally facilitate the development of a nationally viable alternative fuels industry. Achieving Clean Cities is a significant next phase in Northeast Ohio's commitment to alternative fuels and alternative fuel vehicles. This designation is an important step to achieving more local awareness and acceptance of alternative fuel vehicles that will, in turn, draw greater support for legislation that will enhance the alternative fuels marketplace.

As the 74th Clean Cities region, the Northeast Ohio Clean Fuels Coalition will seek to facilitate alternative fuel vehicle production, conversion, and use, expand fueling availability, create new jobs and commercial opportunities, advance objectives outlined in the Clean Air Act Amendments of 1990 and the Energy Policy Act of 1992, increase public awareness of alternative fuel benefits, and provide greater fuel choices in the Northeast Ohio area.

I am pleased to welcome Secretary Richardson to the Northeast Ohio area where I am certain he will be impressed by the commitment of the dedicated individuals who are working to make Greater Cleveland a more environmentally and economically sustainable place to live and work. It is an honor to recognize the Department of Energy's Clean Cities program and the Northeast Ohio Clean Fuels Coalition on the floor of the U.S. House of Representatives.

IN TRIBUTE TO DR. ALEXANDER GONZALEZ, PRESIDENT OF CALIFORNIA STATE UNIVERSITY SAN MARCOS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. CUNNINGHAM. Mr. Speaker, I was honored on Sept. 1, 1999, to take part in the first inauguration ceremony of the California State University San Marcos, and to listen closely to the remarks of its energetic President Alexander Gonzalez.

The CSUSM campus represents a way station on the road to the American Dream for thousands of people of North San Diego County today and for tens and hundreds of thousands of people in Southern California tomorrow. While San Marcos until recently could claim to be the newest Cal State campus, like the community where it is located, it is growing and maturing. And now, in its tenth anniversary year, Cal State San Marcos is the sole four-year public university in one of the most rapidly growing regions of the country. And it is North County's only federal depository library.

And it is becoming truly great.

You can see its new greatness with new buildings arising on campus, new housing in the works, and a new outdoor facility for track and field. Even the long-overdue replacement of the Twin Oaks Valley Road interchange is under way, serving this campus and the surrounding community.

But its true greatness is more difficult to view on first glance. It is less evident in its buildings than in its people—in the legacies established by the late State Senator Bill Craven and its first president Bill Stacy, and in the person of its current President, Alexander Gonzalez.

Cal State San Marcos is on the front lines of training a new generation of quality teachers for our schools. it is instructing this generation and the next about the tremendous new opportunities available in science and technology, and in commerce and entrepreneurship. It is doing this for an increasingly diverse population of young people and adults, many of whom are the first in their families ever to obtain a college education.

For the vision of President Gonzalez is for men and women to gain at his campus the tools they need to achieve and, in the case of the many teachers that this campus trains, to pass that tremendous dream on to others.

North County's community future will be built upon the CSUSM campus, upon its people, upon its students and alumni, and upon President Gonzalez. With the work done there, the people of the community I represent will be better citizens, and a stronger community, making a brighter future.

I am honored to insert into the permanent RECORD of the Congress of the United States the remarks delivered by President Gonzalez on Inauguration Day, and commend them to my colleagues and the public.

INAUGURAL ADDRESS

(September 1, 1999)

Dr. Alexander Gonzalez

Mr. Chairman, members of the Board of Trustees, Chancellor Reed, students, faculty, staff, honored alumni, and distinguished friends of CSU San Marcos—

I accept this presidential insignia and the responsibilities it represents with a profound sense of optimism and my total commitment to building this young University's next decade of excellence.

When I arrived in 1997 as interim president, I promised to give 100% of my effort to the challenges the university faced. I knew I would keep that promise. But it became quickly apparent that the faculty and staff, as well as the citizens of North San Diego County and the greater Southern California region we serve, were prepared to match my effort with an equal effort of their own. To all of you—partners in building this University—thank you for the vote of confidence that led to the honor of my assuming the presidency of CSU San Marcos.

A typical inaugural speech might emphasize the present state of the University and a vision of its future. However, many of you have heard that speech from me, just last week in my convocation address. So, given the current challenges of higher education, today I would prefer to share some of my thoughts about the role of a university president within that context.

In doing so, I can take advantage of the unusual circumstances of this inauguration, one that comes more than two full years past my initial appointment as interim President, to reflect upon what I have discovered through attempting to provide leadership at this young institution.

As Mayor Smith mentioned, the motto of the city is "Valley of Discovery". The phrase comes from the discovery of the valley, named by Spanish soldiers chasing horse thieves on St. Mark's Day, April 25, 1797.

The Spanish soldiers came looking for horses, but discovered instead a fertile valley, a land of great beauty, indeed, a great discovery. Fifty years later, Major Gustavus French Merriam came here from Topeka, Kansas looking for farmland. He homesteaded 160 acres in north Twin Oaks Valley—just the other side of the clogged highway overpass you might have taken to get here. Unlike the Spanish soldiers, he discovered exactly what he was looking for. And he began to create—literally—a land of wine and honey amidst the Twin Oaks.

Of course, these discoveries were not new. Before either 'discovery' Native American people already lived here and some still live here today. They had inhabited this terrain for centuries. Similarly, university leadership, even in a rapidly growing valley that many new inhabitants are just now discovering, is not necessarily about staking out new territory. In many instances, the problems of leading a university remain the same as in the past. One challenge of a presidency is to bring a fresh perspective to the cyclical problems that universities face. As Hungarian scientist Albert Szent-Gyorgyl wrote, "Discovery consists of seeing what everybody has seen and thinking what nobody has thought."

Ironically, CSU San Marcos frequently has used language that implies no history at all, as if the external and internal forces governing universities had never existed. The first brochure about the campus referred to it as built "from scratch", and the first catalog talked about building "from the ground up". But the historians among us know that there is no ground zero; our present always contains our past. We know that events and circumstances occur within frameworks of meaning, of time, of geography, of culture.

CSU San Marcos exists within the particular histories of higher education institutions in the state of California and the United States. In fact, the young university soon became bound within the constraints of tradition, from the CSU system and from each individual's past perspective of what had worked or failed at the last university where each had been. So, history and tradition already govern this new enterprise. University leadership requires, in part, rediscovering the same problems that we have had all along, but encouraging the entire campus community to contribute new solutions.

The process of leadership has always been multi- and not unidimensional. Yet, since coming to San Marcos two years ago, I have also dwelled in the land of discovery, facing new challenges of public higher education and new ways of thinking about leadership. And while I have confronted novel situations, perhaps the greatest challenge that I have discovered at San Marcos is the fact that the bounds of tradition present the greatest barrier to discovery and creativity. The traditions that guide us can also thwart our attempts to break from the usual and push beyond the limits of convention.

We need to bring new perspectives towards meeting these challenges, a point of view based on student achievement and student success. Traditional structures, traditional measurements, traditional calendars won't do the job.

Neither will a traditional presidency. In the fall '98 issue of THE PRESIDENCY, Stan Ikenberry asks his readers: "Where are the giants? Where are the Conants, the Kerrs, the Gilmans, and the Hesbergs?"

I do not believe that we will find a new leadership for higher education by revisiting the past, invoking the good old days when the towering figure of President overshadowed the university campus. The gentlemen Presidents just mentioned—and it goes without saying that educational leadership was the province of a few gentlemen—were "larger than life" public philosophers. They were men—always men—convinced of their destiny to lead not only their institutions, but also the nation. They followed the tradition of millenia, the "great man" as leader.

Times have changed. We seek new ways to meet old challenges, but also innovative ways to respond to the new realities of student needs. We have learned that no one leader can create a new university; no one individual can assure that the university succeeds. Instead of a "cult" of leadership wrapped around one individual, we should evolve into a culture of leadership. We need to utilize leadership throughout our organization, not solely in the Office of the President. This model doesn't imply that everyone becomes an administrator, multiplying our layers of bureaucracy. It does mean that everyone takes responsibility for solving problems, and whenever possible, doesn't simply pass our students to another office, another professor, or to another university. And I believe that we—teachers, faculty members, and even the university president—are uniquely able to utilize such a model of grassroots or distributive leadership.

How will we do that? In a culture of leadership, leadership will be understood as an interdisciplinary endeavor. We will incorporate both the disciplines we have set about to master in our chosen fields as well as the culture in which we reside, that we will never master, only negotiate. This is the kind of leadership teachers already understand very well. And what is a teacher? A teacher is a guide, who both facilitates discussion and listens, who teaches by example, and learns by teaching. John F. Kennedy stated, "Leadership and learning are indispensable to each other." Despite the decades since his comment, we are not yet accustomed to thinking of interactive guidance as leadership. Perhaps the times and challenges are ready for us to do so.

Let me give an example of this sort of teaching and learning leadership. In the book, Sacred Hoops, Coach Phil Jackson talked about his work with Michael Jordan. With such a gifted athlete, no coach could do much traditional "coaching" to improve Jordan's basketball skills. Instead, Coach Jackson focused his efforts with Jordan on making him a leader of the team. Within five years of joining the league, Jordan began to see his role not just as stealing balls and scoring points, but as a leader-teacher whose job was to help raise the level of play of every other player on the team.

I see the job of university president as a leader teacher. That kind of leadership requires a few things of us. First, we must have teachable points of view. Of course, we need to have views on how the world operates and how to get things done, but this is never sufficient. We also need to invest the time and effort to make those points of view teachable to others. We need to think about our experiences, draw lessons from what we know, and figure out how to share those lessons with others.

Second, we need a serious commitment to teaching, to make it a top priority in everything we do. I learned this best through my mentor, Elliot Aronson, who is known primarily for his work as a researcher. But Elliot knows it is his mentors and students who teach him and inform his understanding of the world. It is his own serious commitment to teaching that has produced a new generation of great researchers. I am certain that he knew of the wise counsel of the great scientist, Linnacus, who recommended this practice centuries ago." A professor can never better distinguish himself in his work than by encouraging a clever pupil, for the true discoverers are among us, as comets among the stars."

In his classic book on social psychology, The Social Animal, Dr. Aronson writes that, in order to grow, we must learn from our own mistakes. But if we are intent on reducing dissonance and finding comfort, we will not admit to our mistakes. Instead, we will sweep them under the rug, or worse still, we will turn them into virtues. He concludes by saying, (quote) "The memoirs of former presidents are full of these kind of self-serving, self-justifying statements . . ." (unquote)

That will not be the case for this President, nor this campus. Together, I trust that we will seek to foster a culture of leadership that is, above all, about learning. This culture is also about people, not person. I challenge each of us as leaders to become teacher learners. We are not only part of a culture of leadership—we are the culture itself. We are attracted to institutions like CSU San Marcos—faculty to teach, students to learn, presidents to help this process—because of values we find here or values we wish to bring here. New to this Valley of Discovery, I have learned that we must inculcate the value of shared leadership, of the leader as teacher learner, or we surely will not meet our collective challenge.

Soldiers came to this Valley searching for something they had lost, and they discovered a beauty that they had not known existed. The first homesteader found promise and developed a land of wine and honey. What is it we have come here to do? What have we yet to discover among the Twin Oaks?

Let me finish today by telling you the beginning of the story. The Spanish soldiers who arrived did not know the old indian legends about the land that they discovered. Overlooking our valley to the south is a mountain the Indians called Wee-la-me. It was here on that mountain, the legends said, that the indian Wind-Spirit brought the first students, Native Americans, to teach them together before they were divided into tribes. The most important lesson on the mountain, Wee-la-me, was learning the beauty of the Spirit, duty towards each other, and songs of love, of battle, and of death.

Change was not a good thing for those first settlers of the region. The legend says only that "the good spirits left them." But perhaps, through thinking again of our duty to each other, part of that good spirit may return to us. The duty of President, as I've tried to suggest, is not paternal. It is not about running the campus, nor supervising, and certainly not about dictating change. Our duties towards each other revolve around leading each other towards discovery, towards teaching and learning. The primary job of the University President is to foster that discovery, growth, and change, to ensure that we fulfill our duty to each other.

Honored guests, dear friends and colleagues, thank you again for the confidence you have placed in me. Let us continue to lead each other towards discovery.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Ms. PELOSI. Mr. Chairman, I urge my colleagues to support Representative FILNER's amendment to provide $35.2 million for health care benefits for Filipino world War II veterans who were excluded from benefits by the Rescissions Acts of 1946. These veterans have service-connected disability benefits and currently live in the United States.

This is an issue of importance to the Filipino community both in San Francisco and around the nation. As I have testified before at previous House Committee hearings, one can not over emphasize the crucial role Filipinos played in the war. It is clear that the Philippines played a vital role in the outcome of the second world war. Countless Americans and Filipinos sacrificed their lives for their democratic beliefs. Historians credit the battle for the liberation of the Philippine Islands as the beginning of allied victory in the war. The courageous efforts of Filipino soldiers, scouts and guerrillas were central to allied victory in the Philippines, and therefore in the Pacific theater. Now in their time of need, they deserve our support.

In 1941, President Roosevelt, by way of an executive order, brought the Commonwealth Army of the Philippines under the command of the U.S. Armed Forces and in 1945, soldiers known as new or special scouts came under U.S. military command. Because U.S. law at the time dictated that any person serving actively in the military and not dishonorably discharged would be considered a veteran for benefit purposes, these Filipinos would have been eligible for full veterans benefits. However, shortly after World War II ended, Congress passed the Rescission Act of 1946, which revoked the full benefits eligibility of these soldiers, even though other Filipino soldiers who they fought side by side with, eventually became eligible. This Rescission Act is a scar on the historical record of the United States. In a time of war, we asked for and received the commitment of these Filipino soldiers to serve under U.S. authority. We should honor their military service on America's behalf.

While I appreciate the complexity of our federal budget and the benefits issue, it should be clear that this is a moral issue and an equity issue. I hope you will support giving these Filipino veterans the benefits that they deserve and support Representative FILNER's amendment.

TRIBUTE TO A GIRL SCOUT GOLD AWARD RECIPIENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scout Gold Award by Farthest North Girl Scout Council in Fairbanks, Alaska. She is: Alisa Pierson.

She is being honored for earning the highest achievement award in United States Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by young women aged fourteen through seventeen, or in grades nine through twelve.

Girl Scouts of the United States of America, an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the Gold Award program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Girl Scout Challenge Pin, as well as design and implement a Girl Scout Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the Girl Scout and an adult Girl Scout volunteer.

As a member of the Farthest North Girl Scout Council, Alisa Pierson began working on her Gold Award Project during the summer of 1997. Alisa developed her time management and communication skills and then used them in the community by organizing and arranging a picnic at Alaskaland, an outdoor park in Fairbanks, for the residents of Denali Center, an organization that caters to senior citizens with special needs. She also volunteered her time at Fairbanks Community Hospital where she performed data entry for the Bio Medical Maintenance department. As a result of her accomplishments, Alisa developed greater leadership, organizational and planning skills. Her thoughtfulness also contributed widely to Fairbanks and it's surrounding communities. I believe that Alisa should receive the public recognition due to her for these significant services to her community and her country.

IN TRIBUTE TO M.L. "LIN" KOESTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to honor my good friend M.L. "Lin" Koester, who will retire tomorrow as the Chief Administrative Officer for the County of Ventura, California.

Lin is one of those exceptional administrators whose special talent is recognizing, and motivating, talent in others. Many of those who worked for him during his 16-year tenure as City Manager of the City of Simi Valley, California, are now city managers in cities across California and the West. It would not be an exaggeration to say he has had a positive influence on elected officials as well. I had the pleasure of serving with him during my entire time on the Simi Valley City Council, including two terms as the city's first elected mayor.

I moved on, as did many others who worked with Lin. Others who served on the Simi Valley City Council during Lin's tenure have gone on to the Ventura County Board of Supervisors, the California Assembly and the California Senate.

Lin is a quiet administrator who would be the last to tout his own accomplishments. His accomplishments are many.

In Simi Valley, Lin earned a reputation as a fiscally responsible manager who kept the city in the black during economically trying times while still providing essential services to residents. With an engineer's eye for details and a discipline born from a stint as a U.S. Navy submarine officer, Lin steered the council through the financing of a new City Hall, the Senior Center, a DMV office and a Cultural Arts Center. Lin was also among those instrumental in the decision to build the Ronald Reagan Presidential Library in Simi Valley.

The Ventura County Board of Supervisors was wise to hire Lin as their CAO in 1995. During his tenure, he eliminated a projected General Fund imbalance, consolidated the Human Resources Department and Chief Administrative Office, and revamped the annual budget process. In addition, he initiated a county-wide technology upgrade and policy guidelines.

Lin is a modest man and an effective and efficient administrator. But, above all, it is his loyalty as a friend that I treasure most.

Mr. Speaker, I know my colleagues will join me in recognizing M.L. "Lin" Koester for his decades of dedicated service and in wishing him and his family Godspeed in his retirement.

AN ACCURATE ASSESSMENT OF FOREIGN POLICY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend to you the article written by Mr. Frank Calzon, entitled "Foreign Policy: Words as powerful as actions." Mr. Calzon is the executive director of the Center for a Free Cuba in Washington, D.C. and is a tireless fighter for democratic causes. I encourage my colleagues to benefit from his excellent article.

FOREIGN POLICY: WORDS AS POWERFUL AS ACTIONS

(By Frank Calzon)

"Sticks and stones will break your bones, but words will never hurt you" is fine advice for the young, but it will never cut mustard in foreign policy. History is full of tragedies that could have been prevented, but for the thoughtlessness of a policy pronouncement.

Children's rhymes were the last thing on the mind of Secretary of State Dean Acheson when, preoccupied with Stalin's expansion into Central Europe, he spoke at the National Press Club in Washington on Jan. 12, 1950. In the speech, which had been approved by the White House, Acheson outlined America's "defense perimeter" in the Pacific, clearly leaving out the Korean peninsula. Five months later, Kim Il Sung's armies, confident that Washington wouldn't intervene, invaded South Korea. Thus began the Korean War, a conflict in which thousands of Americans lost their lives.

Acheson's blunder came to mind recently while reading a July 7 article in The New York Times in which an unidentified Clinton-administration official talked about "a conscious decision in this administration to do what need to be done." The Times ominously explained that to mean "American officials say they are now determined to go forward [with their commitment to relaxing U.S. sanctions against Fidel Castro's regime] even if Mr. Castro responds by cracking down on dissent."

Ironically, the statement coincides with a reappraisal of Canada's longstanding policy of "constructive engagement" with Havana. Despite tourism, trade and foreign aid, Castro remains oblivious to Canada's pleadings on behalf of human rights. Canada's most influential media have called for a tougher stand vis a vis Castro, and a not-so-subtle message to that effect was delivered recently. The new Cuban ambassador presented credentials in Ottawa in an elegant room in which almost all of the chairs set up for official guests were empty.

The new U.S. policy—assuming the report is accurate—is at odds with Americans humanitarian impulse. It could have serious consequences for U.S. policy in the Americas because President Clinton's hemispheric policy is predicated on support for democracy, human rights and the rule of law.

One can only wonder what the consequences would have been had the United States told Moscow that, regardless of its mistreatment of human-rights dissidents, Washington cooperation would remain on track. Or what might have been Poland's fate had the United States signaled to Gen. Wojciech Jaruzelski that it was all right for him to crack down on dissents. Instead, to its credit, the Reagan administration imposed trade sanctions on Warsaw when it tried to crack down on Solidarity.

Years earlier Jimmy Carter had electrified the world with his call for worldwide respect for human rights. Due both to its source and its content, the idea that greater repression in Cuba will not impact U.S. policy undermines Clinton's publicly stated views and Secretary of State Madeline Albright's repeated and principled efforts to mobilize international support for the victims of Castro's repression.

Like Kim Il Sung almost 50 years ago, Castro will interpret the statements attributed to the Clinton administration as a green light for whatever steps he takes. Also, foreign governments that would rather not confront Castro's rhetoric (at the United Nations in Geneva, Cuban diplomats labeled those concerned about human rights in Cuba "lackeys" of the United States) now will find it even easier to turn to deaf ear to the Cuban people's cries for help.

Is it really in America's national interest to broadcast such fickleness to our enemies, repeating Acheson's error? It certainly is not. However, this is exactly what is occurring when senior Clinton-administration officials tell Castro that U.S. policy will not be affected by a crackdown on Cuba's courageous and beleaguered opposition.

How can the Clinton administration claim that it cares about the Cuban people's fate while erasing whatever remaining uncertainty Castro may have about America's intentions? How many ways are there to spell disaster? Several weeks have passed, but it is not too late for the President to order an investigation and reaffirm his commitment to supporting the Cuban people's aspirations for freedom.

HONORING THE 300TH ANNIVERSARY OF THE VILLAGE OF CAHOKIA

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. COSTELLO. Mr. Speaker, I rise today in honor of the 300th Anniversary of the Village of Cahokia.

As we near the end of this millennium, I ask my colleagues to join me in celebrating the history of the small towns within all of our districts. Throughout this year, Cahokia, a village in my district, continues to celebrate its tricentennial anniversary, with reflection on its vital place in American history.

The Village of Cahokia derives its name, which means "Wild Geese," from the Cahokia Indian tribe. While the Cahokian tribe continues to provide a vital, unique character to the region, in 1699, the diversity of the community was further strengthened with Cahokia's founding by missionary priests from the Seminary of Quebec.

As the 18th century progressed, this community also became the principal commercial center in the Midwest. Specializing in the trade of Indian goods and fur, Cahokia's economic development thrived. This served as the impetus for prompting the expansion of agriculture as a viable livelihood, which was so necessary to feed the rapidly growing community of settlers.

The Village of Cahokia also took pride in its role in winning a battle of the American Revolution. Captain Joseph Bowman and George Rogers Clark negotiated peace agreements in Cahokia at Fort Bowman with neighboring tribes of the Illini Confederation, and then launched an attack on British-occupied Vincennes. Both their soldiers and ammunition were primarily supplied by the residents of Cahokia.

Cahokia has long been recognized as a significant force in Illinois politics. In the 18th and 19th centuries, the Cahokia Courthouse served as an important center of activity in the Northwest. At one point it was both the judicial and administrative center for a massive area which rose up to the borders of Canada.

Today, I am honored to represent Cahokia, which has embraced its heritage of both Native-American history, as well as the influx of French and other ethnicities, spurred by westward expansion. This close community of churches, civic groups, and businesses inspires us to remember the legacy of our forefathers, while also celebrating the future.

Mr. Speaker, I ask my colleagues to join me in recognizing the Village of Cahokia in commemoration of its 300th Anniversary.

HONORING PIANO LEGEND JOHNNIE JOHNSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus to honor one of the most influential musicians in American history, Mr. Johnnie Clyde Johnson.

Johnnie was born the son of a coal miner in Fairmont, West Virginia, on July 8, 1924. He began playing the piano at the age of 5, on a second-hand upright his mother had purchased as a decoration. Unable to afford lessons, Johnnie practices and absorbed the sounds of big band jazz and swing, barrelhouse boogie and country western that he heard on the radio. His heroes were the piano players: Count Basie, Art Tatum, Earl Hines, Pete Johnson and Meade Lux Lewis. Johnnie studied each man's repertoire, mixing and matching until he found his own unique style.

In 1943, with the War in full tilt, Johnnie enlisted in the Marines and became one of the first 1,500 black soldiers in this branch of service. He later had an opportunity to join the company band—The Barracudas—an elite group made up of some of the finest jazz musicians in the world, including members of Count Basie's, Lionel Hampton's and Glenn Miller's bands. It was a dream come true to play alongside his radio idols at U.S.O. shows, and by the time he returned home in 1946, Johnnie had decided to make music his life.

Over the next few years, Johnnie honed his craft studying under the masters. After hearing T-Bone Walker in a Detroit club, he decided to move to Chicago, where the post-War blues scene was at it's height. Befriending and sitting in with legends like Muddy Waters, Memphis Slim and Little Walter sharpened Johnnie's skills. When he finally settled down in St. Louis in March of 1952, he formed a band—The Johnnie Johnson Trio—and soon thereafter procured a regular gig at one of the biggest night spots in town—the Cosmopolitan Club.

Then fate stepped in. On New Year's Eve of 1952, Johnnie's saxophonist fell ill and was unable to make the show. Desperate for a replacement, Johnnie hired a fledgling guitarist named Chuck Berry to fill in for the night. Although he had only been playing professionally for six months, Berry had a gift for performance and a way with words that caught the attention of audiences. Johnnie decided to keep him on as a singer/guitarist, and for the next two years, The Johnnie Johnson Trio rocked the Cosmopolitan every weekend.

In 1955, while still performing as The Johnnie Johnson Trio, Johnnie, Chuck Berry and Ebby Hardy traveled to Chicago and, along with Chess studio stalwart Willie Dixon, recorded "Maybellene" for Chess Records. The record was a hit and quickly reached number five on the charts. It was then that Berry approached his partner about taking over the band. Confident of Berry's business acumen, and yearning simply to ply his craft—the piano—Johnnie entrusted Berry with his band. And so it was that Johnnie became the silent partner in the first writing/performing team in the history of rock and roll. Together, with Johnnie's musical inspiration and Berry's gift of poetry, they collaborated over the course of the next 20 years to create the songs that defined the genre, including "Roll Over Beethoven," "School Days," "Back in the U.S.A.," "Rock and Roll Music" and "Sweet Little Sixteen" among many, many others. In fact, the song that may consider the "national anthem" of rock and roll—"Johnny B. Goode"—was a tribute written by Berry to his musical partner and collaborator—Johnnie Johnson.

Johnnie and Berry performed and recorded together through the 1970s. However, as Berry's popularity grew, and he began traveling internationally, Johnnie elected to stay home in St. Louis. During this time, Johnnie also recorded with the legendary Albert King, for whom he contributed a great number of musical arrangements. But through it all—the birth of rock and roll with Chuck Berry and the inspired recordings with Albert King, Johnnie toiled largely unrecognized by the public.

That is, until 1986, when Rolling Stones guitarist Keith Richards sought out Johnnie for the documentary Hail! Hail! Rock 'n' Roll. Richards observed that many of Chuck Berry's songs were written in piano keys and that without Johnnie's melodies, the most influential songs in rock and roll history would be "just a lot of words on paper." Moreover, Johnnie's performance during the film left no doubts as to his unequaled prowess at the keyboard.

Since the film, Johnnie has begun to receive the public acclaim he so justly deserves. Widely recognized by the industry as the world's greatest living blues pianist, he has released six solo albums and contributed his considerable talent to recordings by John Lee Hooker, Eric Clapton, Buddy Guy, Bo Diddley and the late Jimmy Rogers.

Johnnie Johnson has suffered for his art. Yet, through it all, he has never lost the gentle, self-effacing demeanor that causes everyone he meets to love him. He has no bitterness, no regrets. Equally at home playing in front of thousands, or in a tiny club with a local band, Johnnie plays for the sake of playing. "All I want to do is play my piano," he says. "I'm just glad that I have the chance to make people happy." I am honored, Mr. Speaker, to present to the 106th Congress, a man who has never lost touch with what it means to be a musician—the Father of Rock and Roll, Mr. Johnnie Johnson.

JERRY BUTKIEWICZ, 1999 LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. FILNER. Mr. Speaker, I rise today to recognize my friend Jerry Butkiewicz as he is honored at the September 11, 1999, John S. Lyons Memorial Banquet as the 1999 Labor Leader of the Year Award.

As the Secretary-Treasurer of the San Diego-Imperial Counties Labor Council, Jerry Butkiewicz has achieved an outstanding record of contributions on behalf of working women and men.

Mr. Butkiewicz began his involvement in the labor movement while working for the United States Postal Service in Arizona where he was elected Shop Steward and then President of the local American Postal Workers Union (APWU). He continued his involvement when he relocated to California and was promptly elected President of the Oceanside, California APWU Local.

Soon after, he was appointed the Labor Liaison to the United Way of San Diego County. In 1996, he was the unanimous choice to serve as the Secretary-Treasurer of the San Diego-Imperial Counties Labor Council. In this role, he has worked hard for the cause of working families and has given union members reasons to be proud of their union membership.

Mr. Butkiewicz has also been very active in his community and has served on the Boards of the United Way, the Neighborhood House Association, the Economic Development Board of San Diego County and the Labor Advisory Committee of Kaiser Permanente. He has also committed his time and energies to the San Diego Food Bank, Youth Baseball, and Pop Warner Football.

His leadership exemplifies the high values, standards, and principles exemplified by the late John S. Lyons.

My congratulations go to Jerry Butkiewicz for these significant contributions. I can personally attest to Jerry's dedication and commitment and believe him to be highly deserving of the 1999 Johns Labor Leader of the Year Award.

FEDERAL LANDS IMPROVEMENT ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. DUNCAN. Mr. Speaker, the Bureau of Land Management [BLM] has 264 million acres that it manages for the federal government. None of this land is national park or national forest land.

The BLM has identified three million acres that it would like to sell, because it is not environmentally significant, surrounded by private land, difficult to manage, or isolated.

Today, I have introduced the Federal Lands Improvement Act which will allow the sale of this land, with proceeds to go; one-third to the counties where the land is located for schools and other needs; one-third to the national debt; and one-third back to the BLM for environmental restoration projects on its remaining land.

As I have already stated, this bill would not sell any national parks or wilderness areas. It only proposed to sell lands that have already been identified for disposal by the BLM.

Currently, the federal government owns 30 percent of all the land in the United States. This is roughly 650 million acres. In comparison, the State of Tennessee is only 26 million acres total.

It only makes sense that the federal government consolidate its holdings so that it can better manage those areas which are truly environmentally sensitive.

I hope my colleagues will join me by cosponsoring this legislation so that we can take a step forward in protecting our federal lands.

A CHANGE OF COMMAND AT THE DEFENSE INTELLIGENCE AGENCY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. DIXON. Mr. Speaker, on July 27, Lieutenant General Patrick M. Hughes relinquished command of the Defense Intelligence Agency (DIA). A few days later, General Hughes retired, ending 24 years of distinguished service with the Army.

General Hughes began his career as a combat medic and, after receiving his commission, served in the infantry. Observing first hand in battle in Vietnam how soldiers under fire need reliable and timely intelligence, and the terrible consequences if they do not receive it, he transferred to military intelligence. For the rest of his career General Hughes worked to ensure that intelligence was responsive to the needs of those Americans asked to take the biggest risk in times of conflict.

As Director of the Defense Intelligence Agency, General Hughes presided over three and one-half years of constant challenges for military intelligence. Supporting U.S. forces in combat in the skies over Iraq and Kosovo, ensuring that the Defense HUMINT Service was on a sound footing, and trying to provide enough trained analysts to make sense out of the vast amount of information collected by intelligence systems, were but a few of the issues with which he had to deal. General Hughes turned over to his successor an agency well positioned for the future, and one with a role in the intelligence community better defined than it has been for some time.

General Hughes has a gift for directness that served him well in his dealings with the Intelligence Committee. His candor and judgment were highly respected, and the depth of his military experience gave him a perspective that was extremely valuable to the committee. His many contributions to the nation, not just in his last assignment, but throughout this military career, are greatly appreciated.

Mr. Speaker, General Hughes' selflessness in the service of the country is a fine example for others to emulate. He had a career of distinction and it should be a source of great pride for himself and his family.

A SALUTE TO HANK JONES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. CONYERS. Mr. Speaker, as the dean of the Congressional Black Caucus, I rise to salute the lifetime achievements of pianist Hank Jones. The eldest of the three illustrious "Jones Brothers," including trumpeter Thad and drummer Elvin, Hank Jones was born in Pontiac, Michigan in 1918. Hank Jones played in territory bands around Michigan and Ohio while a teenager, and in 1944 he moved to New York to play with Oran "Hot Lips" Page's combo at the Onyx Club on 52nd Street. He was the first of the great Detroit pianists (including Tommy Flanagan, Barry Harris and Roland Hanna) to emerge as a major talent on the New York jazz scene after World War II.

During the remainder of the 40s, Hank Jones had stints with John Kirby, Howard McGhee, Coleman Hawkins, Andy Kirk and Billy Eckstine. Influenced by Fats Waller, Teddy Wilson, and Art Tatum, Jones' style was also open to the emerging bebop style and his playing was flexible enough to fit into many genres.

He was on several Jazz at the Philharmonic tours (starting in 1947), worked as accompanist for Ella Fitzgerald (1948–53) and recorded with Charlie Parker. In the 1950s Jones performed with Artie Shaw, Benny Goodman, Lester Young, Cannonball Adderley and many others. He was on the staff of CBS during 1959–1976, performing with the network's orchestra on a variety of shows, but always remained active in jazz as an independent artist. In the late '70s Jones was the pianist in the Broadway musical "Ain't Misbehavin" and he recorded with a pickup unit dubbed the Great Jazz Trio which at various times included Ron Carter, Buster Williams or Eddie Gomez on bass and Tony Williams, Al Foster or Jimmy Cobb on drums.

Hank Jones is widely regarded as a masterful piano player, known especially for his sensitivity and musical intelligence. His lasting success lies in his ability to assimilate different styles, while retaining his own identity and temperament. He can be heard on thousands of recordings, both as a leader and an accompanist. He has also performed in numerous clubs worldwide. Having reached the age of 81, Hank Jones is still booking dates for his trio, which includes George Mraz on bass, and Dennis Mackrel on drums.

Among the many labels that Hank Jones has recorded for as a leader are Verve, Savoy, Epic, Golden Crest, Capitol, Argo, ABC-Paramount, Impulse, Concord, East Wind, Muse, Galaxy, Black & Blue, MPS, Inner City and Chiaroscuro.

TIMOTHY GALLOWAY, 1999 JOHNS DISTINGUISHED SERVICE AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. FILNER. Mr. Speaker, I rise today to recognize Timothy Galloway as he is honored at the September 11, 1999 John S. Lyons Memorial Banquet for his contributions to the labor movement, his community and his State.

Timothy Galloway's role in the labor movement began in 1976 when he began his second career working for the United States Postal Service repairing optical scanners and computers. He joined the American Postal Workers Union (APWU) and quickly became involved in union operations becoming an Alternate Steward. Eventually, Mr. Galloway was elected Secretary of the Local's Executive Board and then Executive Vice President. His efforts in video work for the Postal Service prompted his promotion to a Regional position and the creation of a Video Department for the Western Region of the Postal Service.

In 1985, Mr. Galloway became Assistant Director of the United Way's Department of Labor Participation. He has continued to give his time, talent and expertise to help working men and women in times of hardship. His commitment extends to the non-labor community as well, and he is involved with numerous organizations. He was a Member of the San Diego Food Bank Operating Board and serves as a Member of the Neighborhood House Association, the Federal Emergency Management Agency and the Emergency Resource Group. Additionally, Mr. Galloway has dedicated eleven years coaching Little League and Bobby Sox Baseball.

Timothy Galloway exemplifies the high values, standards and principles of the late John S. Lyons and is truly deserving of the 1999 Johns Distinguished Service Award.

RECOGNIZING THE BRAZOSPORT REHABCARE CENTER AND NATIONAL REHABILITATION AWARENESS WEEK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. PAUL. Mr. Speaker, I would like to take this opportunity to recognize and join with the Brazosport RehabCare Center in Lake Jackson, Texas in observing and celebrating National Rehabilitation Awareness Week beginning September 12 through September 18, 1999.

The Brazosport RehabCare Center opened its doors on December 31, 1992. Construction was completed at the end of April 1993, for a total of 14 acute rehabilitation beds.

The Brazosport RehabCare center is located in Brazosport Memorial Hospital in Lake Jackson, Texas. The primary service areas include the cities of Lake Jackson, Clute, Freeport, Angleton, Danbury and Brazoria. This service area has a combined population of approximately 95,000. The secondary service area includes the cities of Sweeny, West Columbia and Old Ocean with a population of approximately 16,000. The RehabCare Center has also attracted patients from Bay City and Alvin.

Comprehensive inpatient rehabilitation services are provided to individuals with orthopedic, neurological and other medical conditions of recent onset or regression. These patients have experienced a loss of function in activities of daily living, mobility, cognition or communication. Types of patients admitted into the Brazosport RehabCare Center may include those with a diagnosis of stroke, spinal cord injury or dysfunction, brain injury, amputation, multiple trauma, hip fracture or joint replacement, arthritis, congenial deformity, burns or other progressive neuralgic syndromes such as Parkinson's disease, multiple sclerosis and Gullian Barre.

The services Brazosport RehabCare Center provides include rehabilitation medicine, rehabilitation nursing, physical therapy, occupational therapy, speech/language pathology, social work, psychology and recreational activities. in addition, prosthetics/orthodics, vocational rehabilitation, audiology and driver education are provided when necessary through affiliate agreements with external organizations. The goal of each service is to maximize the individual's potential in the restoration of function or adjustment by integrating with other services.

By addressing the multiple effects that disability has on the patient and family and by integrating the combined resources of patient, family and interdisciplinary rehabilitation team, comprehensive rehabilitation programming can maximize the abilities and esteem of the patient and family and foster a healthy re-integration into the community. At the Brazosport RehabCare Center, patient outcomes are exceptionally positive. Eighty-six percent of their patients are able to return home and lead an independent lifestyle.

I am proud and honored to have the Brazosport RehabCare rehabilitation facilities at Brazosport Memorial Hospital, Lake Jackson, Texas. Please join me in recognizing the Brazosport RehabCare Center for its outstanding services and remarkable accomplishments as we celebrate National Rehabilitation Awareness Week.

EAST TIMOR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. FARR of California. Mr. Speaker, the independence vote in East Timor was encouraging to supporters of democracy. With more than 90 percent of the population turning out for the vote, it is a level of participation that Americans should aspire to emulate. Having taken advantage of the opportunity for democracy, the East Timorese have voted overwhelmingly for independence from Indonesia. However, the outbreak in violence following the vote is tragic. Unfortunately, pro-Indonesia militia have chosen to ignore the will of the majority and attack anyone believed to support independence.

The need for action has never been more evident than in past weeks as East Timorese, international observers, journalists, and U.N. workers have been harassed and killed by paramilitaries opposed to independence.

The Indonesian government must stop the militia rampages, gain control over those factions of the military supporting the militia, and establish order and peace in East Timor. It is their duty to the East Timorese, to whom the Indonesian government made a commitment, to provide a safe and democratic vote. And now, following the vote, it is their duty to provide for the safety of everyone in East Timor, especially those who voted their conscience.

Mr. Speaker, the American people want peace in East Timor and they understand the importance of an immediate end to the violence. American citizens have been involved in East Timor as human rights observers and U.N. election workers for some time now. One of my constituents, Pamela Sexton, is in East Timor now and I had the privilege to meet with her a few months ago to discuss her work and the up-coming vote. Her dedication was inspiring—if only the Indonesian government would show such desire for peace and democracy.

I encourage my colleagues to contact the President and impress upon him the desire of the American people to see peace restored in East Timor. It is extremely important that we continue to put pressure on the Indonesians to establish peace.

STANLEY GRABARA, 1999 JOHNS FELLOWSHIP AWARDEE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. FILNER. Mr. Speaker, I rise today to recognize Stanley Grabara as he is honored at the September 11, 1999 John S. Lyons Memorial Banquet for his contributions to the labor movement, his community and to the nation.

Unlike previous awardees, Stanley Grabara professional career is not within the labor movement. However, his hard work and respectful cooperation with labor has earned him a special place in San Diego's Labor Community. Mr. Grabara came to San Diego to operate a new terminal facility in National City for the Pasha Group. He was wisely aware that for Pasha to succeed in this new facility, a skilled and dedicated work force would be required. He promptly formed a working partnership with Teamster Local 36 to hire the necessary workers. This is a relationship that has blossomed as a result of Mr. Grabara's efforts.

Mr. Grabara is also involved in the larger San Diego Community. He has served as the chairman of the Port of San Diego Maritime Trade Development Committee and serves now as a member of the Port Tenants Association, the Greater San Diego Chamber of Commerce, and the National City Chamber of Commerce. He is also a member of the Board of Christmas in April and is involved in the Toys for Tots program and the Boys and Girls Club of National City. He also serves as a Trustee of the San Diego Teamsters and Employers Trust Fund and he was recently elected to the Board of Directors of the World Trade Center of San Diego.

Stanley Grabara exemplifies the high values, standards and principles of the late John S. Lyons, and is truly deserving of the 1999 Johns Fellowship Award.

ON THE RETIREMENT OF JACK G. DOWNING AS THE DEPUTY DIRECTOR FOR OPERATIONS AT THE CIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. DIXON. Mr. Speaker, the conduct of espionage activities by the CIA is a challenging enterprise under the best of circumstances, and under certain circumstances can be extraordinarily dangerous. When conducted well by officers of skill and courage, these activities make great contributions to the national security of the United States.

For the past two years, the CIA's clandestine service, the Directorate of Operations (DO), was led by a person of exceptional ability, Jack Downing. At the end of July, Mr. Downing completed a thirty year career with "the outfit," as he refers to the CIA, and retired—for the second time. Nothing more needs to be said about Mr. Downing's patriotism and sense of duty than that he was willing to come out of retirement in 1997, at the personal request of the Director of Central Intelligence, to lead the Directorate of Operations. He has concentrated on developing a strategic plan for the DO, recruiting new officers with the skills the DO will need in the next century, improving their training, and addressing those factors which detract from their morale. In short, he has begun the rebuilding of the clandestine service and, while the fruits of his labor will not be seen fully for some time, it is already clear that the DO is operating with a clearer sense of purpose.

Prior to his first retirement, Mr. Downing had served in some of the most sensitive and important of the CIA's overseas posts. He was regarded as a first rate case officer and a leader who inspired the dedication and loyalty of those who worked for him. His "second career" with the CIA has only embellished that reputation.

Mr. Speaker, public service is frequently, and unfortunately, denigrated. Jack Downing's accomplishments—in the Marine Corps and the CIA—are evidence of both the importance and the value of distinguished public service. He has given much to our country and we should be grateful. I wish Mr. Downing and his family continued success in the years ahead.

NORTH AMERICAN WETLANDS COUNCIL EXPANSION ACT OF 1999

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. DINGELL. Mr. Speaker, today I am introducing legislation to make a modest improvement to a conservation law, which has successfully saved wetlands throughout the United States, Canada, and Mexico. The North American Wetlands Conservation Act was signed into law in 1989 in response to the finding that more than half of the original wetlands in the United States have been lost during the past two centuries. Congress also recognizes that that protection of migratory birds and their habitats required long-term planning and coordination to meet our treaty obligations to conserve these precious species.

The purpose of NAWCA is to encourage partnerships among public and nonpublic interests to protect, enhance, restore and manage wetlands for migratory birds and other fish and wildlife in North America. NAWCA has been a tremendous success, funding 629 projects between 1991 and 1999, helping to restore, enhance or help approximately 34 million acres across our continent. Most impressive has been the ratio of partner-to-government contributions, which has been about $2.50 for every public dollar invested.

Last year, while Congress worked to reauthorize NAWCA, a debate emerged concerning the role of the North American Wetlands Conservation Council and its membership. In discussions and correspondence with the U.S. Fish and Wildlife Service and stakeholder groups, I came away with a clear message: everyone involves fully supports a growing NAWCA program. What was less clear was finding an appropriate means to foster continued non-governmental participation in, and contributions to, the quantitative and qualitative successes of the program.

The Fish and Wildlife Service informed me that it sought to ensure more diversity on the Council. For this reason, it indicated that the Secretary would not reappoint two organizations that have contributed mightily to NAWCA's success. Ultimately, one group chose to leave the Council and another chose to continue to seek reappointment, which I understand has been recently completed. I am hoping to receive written confirmation of this reappointment very shortly.

Mr. Speaker, I believe that the most effective means to diversify and expand the effectiveness of the Council is to provide the Secretary with new authority to appoint two additional Council members under Sec. 4(a)(1)(D) of the North American Wetlands Conservation Act. These appointments would give the Service the ability to include additional charitable and non-profit organizations from among many which actively participate in the development of NAWCA projects. Quite simply, this simple bill would allow a highly successful law to expand its reach, and I hope for its swift passage this year.

EAST TIMOR

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. BENTSEN. Mr. Speaker, today I am offering legislation to address the troubling events that have been unfolding recently in East Timor. On August 30, 1999, the people of East Timor voted by 78 percent for independence from Indonesia, which invaded the former Portuguese colony in 1975. Since the election, which drew more than 98 percent of the territory's registered voters, militia groups backed by sections of the Indonesian military and police have engaged in widespread killings, arsons, and forced evacuations against the citizens of East Timor. These groups have forcibly transported tens of thousands of East Timor residents across the Indonesian border and intimated foreign journalists, aid workers and election advisers into fleeing the territory.

On Tuesday, Indonesia declared martial law in the territory, but the declaration has made little difference. Relief agencies have estimated that up to 200,000 people in East Timor have fled to refugee camps in other parts of Indonesia, while thousands more have sought refuge wherever they could. Among those who fled was Roman Catholic Bishop Ximenes Belo, a Nobel Peace Prize winner, who was forced to flee to Australia after his home was viciously burned to ground by militia members. Yesterday, The United Nations announced it will be withdrawing most of its representatives in the East Timor province in order to protect the lives of these emissaries. In addition, many of the foreign journalists in East Timor have also decided that they must evacuate in order to protect their lives. This deteriorating situation is a very serious matter which we must address. This campaign of killing, arson and forced evacuation has been clearly orchestrated by elements of the Indonesian military in a brutal attempt to devastate East Timor. The response by the Indonesian security forces, which represent the Indonesian government, has been wholly inadequate and stunningly indifferent, as these security forces have done nothing to stop the violence committed by the militia forces.

The backlash against the citizens of East Timor is an indication of a serious leadership crisis in Indonesia. It is important that, at this critical juncture, the response from the United States is both forceful and meaningful. The legislation I am introducing today would direct the U.S. representative to the International Monetary Fund and the World Bank to oppose any new monetary assistance to Indonesia including any additional tranches under the 1998 IMF/G–7 package until such time as the President certifies that the crisis in East Timor has been resolved.

As a long-time supporter of U.S. participation in the International Monetary Fund and the 1998 IMF/G–7 response to the Asian economic crisis, I do not believe the U.S. can continue to support assistance to a regime which has exhibited, at best, indifference to armed militia violence and slaughter following the East Timor plebiscite, and at worst complicity in the organized terror. However, I believe that this action is necessary to ensure that the Indonesian government take all necessary action to end this terror against East Timor's citizens. My legislation would apply not only to any future loans from the IMF and World Bank to Indonesia, but it would also require that the United States oppose additional extensions under existing loans. As a result, the United States representative to the IMF would oppose the next $2 billion tranch of the existing $12 billion IMF loan facility. My legislation would also require the United States Executive Director at the IMF to veto any future loans to Indonesia until the President certifies that the crisis in East Timor has been resolved.

It is also my understanding the IMF was scheduled to send a mission to Indonesia this week, but that it has been delayed in order to protect the safety of IMF employees. While IMF's concern for its employees safety is laudable, more must be done by way of response to this situation. I believe that we must discontinue these loans in order to convince the Indonesian government that its campaign of terror against the East Timorese will have dire consequences. My legislation would permit the IMF to restart these loans once the President of the United States has certified that the violence and human rights violations in East Timor have ended.

My legislation would also require our representatives to the World Bank to oppose any current or future loans to Indonesia. Last year, as part of the 1998 IMF/G–7 financial assistance package, the World Bank pledged to provide $5.9 billion in aid to Indonesia. The World Bank is scheduled to release $475 million of the $1.375 billion outstanding loans during this fourth quarter of this year. My legislation would require the U.S. to oppose this disbursement until the Indonesia government has acted to peacefully resolve the situation in East Timor.

As you know, Mr. Speaker, the United States helped to negotiate a $49 billion restructuring program for Indonesia last year. I was very supportive of this package and believe that we should assist foreign countries on their paths of economic recovery. However, recent actions in Indonesia have forced me to reconsider my support for these financial assistance loans. I believe that it is highly regrettable that we must take this action, but the government of Indonesia has brought this upon themselves.

Let me also say that while most other nations in the region have experienced an economic rebound due in no small part to the IMF/G–7 participation, Indonesia has continued to lag behind as a result of its weak government structure. I do not believe a suspension of the IMF/G–7 package would pose the same contagious economic elements we experienced in January 1998, nor do I believe the U.S. should continue to support such a regime until such time as it can guarantee the safety of its own people.

I urge my colleagues to support this legislation and to support the efforts of the United States to end the violence and human rights abuses occurring in East Timor.

A SALUTE TO MARILYN BERGMAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. CONYERS. Mr. Speaker, as the Board of Directors of the American Society of Composers, Authors and Publishers (ASCAP) prepares to meet here in Washington, DC, I wish to call to the attention of all Members of Congress the many accomplishments of its President and Chairman of the Board, Marilyn Bergman.

ASCAP, the organization Ms. Bergman now leads, is a membership association of over 80,000 composers, songwriters, lyricists and music publishers. ASCAP's function is to protect the rights of its members by licensing and paying royalties for the public performances of their copyrighted works.

Marilyn Bergman is the first woman to be elected to ASCAP's Board of Directors. She brings to the leadership of ASCAP the unique experience of a creator, being herself an award-winning lyricist along with her husband, Alan Bergman. Among her many awards and honors, she has received three Academy Awards, three Emmy Awards, two Grammy Awards and one Cable Ace Award.

In collaboration with her husband, Alan, Marilyn won Oscars in 1968, 1973 and 1984 for the songs, "The Windmills of Your Mind," "The Way We Were," and for the score for Yentl. Since their first Oscar nomination in 1968, they have been nominated sixteen times—for such songs as "It Might Be You" from Tootsie, "How Do You Keep The Music Playing?" from Best Friends, "Papa, Can You Hear Me?" and "The Way He Makes Me Feel" from Yentl and "What Are You Doing the Rest of Your Life?" from The Happy Ending. In 1996 they were nominated for both a Golden Globe and an Academy Award for their song "Moonlight," performed by Sting, from Sydney Pollack film, Sabrina.

"The Windmills of Your Mind" and "The Way We Were" also received Golden Globe awards and "The Way We Were" earned two Grammys. The three Emmys are for "Sybil," "Queen of the Stardust Ballroom" and "Ordinary Miracles." Among their principal collaborators are Michel Legrand, Marvin Hamlisch, Dave Grusin, Henry Mancini, Johnny Mandel, John Williams, Quincy Jones and James Newton Howard.

Marilyn was inducted into the Songwriters Hall of Fame in 1980, and was a recipient of the Crystal Award from Women in Film in 1986. In 1995 she received a National Academy of Songwriters Lifetime Achievement Award. In 1996 Marilyn received the first Fiorello Lifetime Achievement Award from New York's LaGuardia High School of Music and Art and Performing Arts. In 1997, the Songwriters Hall of Fame honored Marilyn with their Johnny Mercer Award.

Marilyn is a member of the Executive Committee of the Music Branch of the Academy of Motion Picture Arts and Sciences, a member of the National Academy of Songwriters and the Nashville Songwriters Association. Marilyn was the only creator to serve on the Advisory Council to the National Information Infrastructure (NII). She is a founder of the Hollywood Women's Political Committee and serves on the Board of Directors of the Streisand Foundation.

Ms. Bergman served two terms (1994–1998) in a leadership capacity on behalf of songwriters on the world stage as President of CISAC, the International Confederation of Performing Right Societies. In 1996 she received France's highest cultural honor, Commander of the Order of Arts and Letters medal. In June of this year, she received a cultural Medal of Honor from SGAE, the Spanish performing rights organization.

Ms. Bergman was a music major at New York's High School of Music and Art, going on to study Psychology and English at New York University. She has received Honorary Doctorate Degrees from Berklee College of Music in Boston Trinity College in Hartford, Conn.

100TH ANNIVERSARY OF THE DANVILLE, ILLINOIS CHAMBER OF COMMERCE

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. EWING. Mr. Speaker, I rise today in recognition of the 100th Anniversary of the Danville, Illinois Chamber of Commerce.

As a former director of the Chamber of Commerce in Pontiac, Illinois, I have a personal connection to the great contribution that Chambers' of Commerce make in communities of all sizes throughout our country. As the elected representative for Vermilion county, I have personally worked with and witnessed the Danville Chamber's commitment to the community, both through civic involvement and the cultivation of business opportunities.

The Danville Area Chamber of Commerce was founded on March 22, 1899 and has been the cornerstone of the greater Danville business community ever since—and their work is clearly evident. During this past recess period I was in Danville, and I witnessed first hand the recent improvements in the downtown area. New small businesses are opening and there is a new sense of hope and opportunity as the downtown area undergoes a revitalization. This is, in large part, a result of the work undertaken by the Danville Area Chamber of Commerce.

But Mr. Speaker, their efforts go far beyond cultivating new businesses. The Danville Area Chamber of Commerce is building a sturdy foundation for the next century. Through their "Leadership Danville" initiative, the Chamber successfully nutures and equips today's business employees to become tomorrow's area leaders.

So on the occasion of their 100th Anniversary, I offer my sincerest thanks and appreciation to the Danville Area Chamber of Commerce. And as we enter the next millennium, I also offer my best wishes for their continued success and good deeds as they enter their second century of service to Central Illinois.

TRIBUTE TO HARTFORD ARCHBISHOP DANIEL A. CRONIN

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. MALONEY. Mr. Speaker, I bring to the attention of the American public and the United States House of Representatives an upcoming celebration in Connecticut's Fifth Congressional District that commemorates the 31st anniversary of the consecration as a Bishop of now Hartford Archbishop Daniel A. Cronin. This celebration will be held during Sunday mass at Our Lady of Lourdes Church in Waterbury, Connecticut on Sunday September 12, 1999.

Archbishop Cronin was born in Newton, Massachusetts on November 14, 1927. Since that time, he has dedicated his life to religious service around the World. He attended the St. John Seminary in Brighton, Massachusetts and the North American College in Rome, Italy before being ordained a priest on December 20, 1952 in Rome. Archbishop Cronin later received a Licentiate and a Doctorate in Sacred Theology from the Gregorian University also in Rome.

The Archbishop has also served as Attache to the Apostolic Internunciature in Ethiopia and to the Secretariat of State in Vatican City in 1957 and 1961 respectively. In 1962, he was named Papal Chamberlain and given the title of Monsignor. By 1968, Archbishop Cronin had returned to the United States and was named Titular Bishop of Egnatia and Auxiliary Bishop of Boston. On September 12, 1968, he was consecrated Bishop at the Holy Cross Cathedral in Boston, Massachusetts.

On October 30, 1970, the Archbishop was named the fifth Bishop of the Fall River Diocese in Massachusetts. Shortly thereafter, Archbishop Cronin was installed at St. Mary of the Assumption Cathedral, also in Fall River. In 1991, 23 years after first being consecrated a Bishop, he was named the eleventh Bishop and the third Archbishop of the Hartford Archdiocese in Connecticut. In 1992, he received the Pallium from Pope John Paul II at St. Peter's Basilica in Vatican City.

Mr. Speaker, Archbishop Daniel Cronin epitomizes the dedication and moral example we all strive to emulate. He has been a source of strength to individuals and communities throughout his life in religious service. He is a beacon for us all as we go forward into the challenges of the future.

On behalf of the Fifth Congressional District and the United States House of Representatives, I express deep appreciation to Archbishop Daniel A. Cronin for his dedication and steadfast service to all those he has touched throughout his vocation, and wish him many more years of exemplary service and leadership.

PRIME ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. McCOLLUM. Mr. Speaker, I rise today to emphasize my support for funding for the Program for Investment in Microentrepreneurs, the PRIME Act, H.R. 413, and my hope that funding will be made available for this worthy bill. The PRIME Act provides money for training and technical assistance for low-income entrepreneurs, complementing the Small Business Administrations' Microloan program, which provides loan capital and assistance in accessing capital.

This spring the Banking Committee held hearings on the PRIME Act and heard first hand from microentrepreneurs, microenterprise researchers, and representatives of community based microenterprise organizations. Their message was clear. Microenterprise development is an effective tool for economic development and poverty alleviation. Training is absolutely critical to the sustainability and success of microenterprises owned and operated by very low-income entrepreneurs. Better yet, providing motivated individuals with business training is akin to teaching someone how to fish, instead of giving them fish. With a little education and training, very low-income microentrepreneurs can build and sustain their businesses, and in doing so, contribute to the economic life of a family, community, and ultimately our nation as a whole.

I am convinced that microenterprise development has an important role to play in the diversification of our economic base as well as in the advancement of our working-poor population. But I also recognize that microenterprise development requires a modest public investment—particularly in the area of training and technical assistance for low-income entrepreneurs. I believe it is a prudent and wise investment.

The PRIME Act, H.R. 413 has passed through both the Banking Committee and the Small Business Committee with enormous support, and was able to garner 110 cosponsors before passing out of Committee. Clearly, there is a strong desire within Congress to see H.R. 413 made into law this year. As a member of the Banking Committee, and a cosponsor, I will work to see that this happens, and I encourage my colleagues to join me in this effort.

A TRIBUTE TO HERB FISCHER, GARDENER TO GENERATIONS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Herbert L. Fischer, who celebrated his 80th birthday today—still working every day as the well-respected owner of Flowerland Nursery in San Bernardino and as a volunteer in a myriad of community organizations.

Herb opened Flowerland in 1947 with his wife, Mary L. Fischer, and has been at the store every day except Thanksgiving, Christmas and New Year's Day. Sought out by three generations of gardeners for his sage advice, Herb says he can't take a day off because his customers are all his friends, as well. He's recognized as one of the longest-serving licensed landscape architects still practicing in California.

He and Mary both served as state presidents of the California Association of Nurserymen, and his community involvement includes serving as president of the National Orange Show, and lifelong involvement in the Future Farmers of America, Boy Scouts, San Bernardino Chamber of Commerce, Calvary Baptist Church, and many school programs.

During his 52 years of business, Herb has hosted thousands of school children in field trips to Flowerland, and has given out thousands of tree seedlings to youngsters to celebrate Arbor Day. His son, Herb Fischer Jr., is San Bernardino County Superintendent of Schools.

Mr. Speaker, I ask you and our colleagues to join me in recognizing the tremendous contributions of a man who has brought decades of natural beauty to his community and wonder to the lives of generations of children.

TRIBUTE TO DR. DOROTHY N. FRANK

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Dr. Dorothy N. Frank, who is retiring after nine years of dedicated service as president of Kirtland Community College in Roscommon, MI.

Dr. Frank began her distinguished career at Kirtland Community College in 1990 after serving as vice president for instructional services at Victor Valley Community College in California. Her impressive credentials include a master's and a bachelor's degree in biology, and a Ph.D. in educational policy studies from Vanderbilt University.

While at Kirtland, Dr. Frank was instrumental in the creation of community programs that helped enrich the lives of children of all ages. These programs included cultural events, a volunteer center, a summer camp for fourth grade MEAP passers, technical training for high school students, and a summer creative writing institute.

Her dedication to community colleges and her own community is evident in her work. In addition to her Kirtland duties, Dr. Frank was president of the Michigan Community College Association for the 1996–1997 academic year. She also serves on several local boards and committees.

I would like to commend Dr. Frank for her service to her students and congratulate her on her retirement on September 30, 1999.

Dr. Frank's contribution to education and the community makes her an outstanding role model and a respected professional in her field. On behalf of the residents of the 4th Congressional District of Michigan, I am honored to recognize Dr. Frank and her professional accomplishments. I wish her good fortune for the future.

PRESIDENT SHOULD SIGN FINANCIAL FREEDOM ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. PACKARD. Mr. Speaker, I would like to emphatically urge President Clinton to sign the Financial Freedom Act into law when it reaches his desk. After hearing from my constituents over the August recess. I am convinced that America's hard working taxpayers do want tax relief. America's families today face staggering levels of taxation. Over the next 10 years, the average family will pay $5,307 more in taxes than the government needs to operate. The Financial Freedom Act of 1999 will shift money, power and resources out of Washington and back to America's families.

The Financial Freedom Act offers meaningful tax relief for every taxpayer by lowering income tax rates across-the board. It also reduces the Marriage Tax Penalty, repeals the Death-Tax, cuts the capital gains tax rate, expands Education Savings Accounts and increases private pension coverage. Additionally, the legislation expands access to affordable health care by increasing consumer choice and allows families without employer-paid coverage to deduct 100% of health insurance and long-term care premiums. Finally, the Financial Freedom Act leaves more than $2 trillion for Social Security and Debt Reduction.

Mr. Speaker, I trust the American people to spend their own hard-earned dollars as they see fit. The President doesn't think families can make the right spending decisions for themselves and their children. I disagree. The truth is, it is not Washington's money to spend in the first place. The President should help give it back by signing the Financial Freedom Act into law.

TRIBUTE TO GEORGE AND IRENE BAUER

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to George and Irene Bauer, who will be celebrating their fiftieth wedding anniversary on September 11, of this year. George and Irene are formerly of Chicago, IL, but now reside in Scottsdale, AZ. George is the son of Jerry (deceased) and Wallis Bauer, who at 94 years of age, lives in Phoenix, AZ. Irene is the daughter of Michael and Tecla Wazecha (deceased). George and Irene have two wonderful children; their son Mark lives in Scottsdale and the daughter Christine, resides in Eldorado, IL, my hometown.

George served his country valiantly during World War II in the U.S. Navy and helped to build the first naval hospital in Guam. When he returned home from the war he met his future wife Irene, who was working for Peabody Coal Company. Since retiring from Martlett Importers of Canada, George had been keeping himself busy. Keeping in tradition with his life long affinity for sports, which in his younger days led to him being drafted by two major league baseball teams, he now play on a softball team, coaches, and he has won World Series rings. Irene enjoys aerobics and going bowling.

Mr. Speaker, the marriage of George and Irene Bauer is a truly wonderful example of the strong family values reflected through an enduring commitment to each other that helps ensure the tradition in this country of strong, loving and dedicated families. Again, I would like to take this opportunity to wish George and Irene a wonderful fiftieth anniversary, wish them God's speed, and encourage all my colleagues to join me in doing so.

CELEBRATING A CENTURY OF MANUFACTURING IN BAY CITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. BARCIA. Mr. Speaker, for the past 100 years GM Powertrain has been an anchor for the families in my hometown of Bay City, Michigan by providing stability and economic security. For generations, plant managers and members of United Auto Workers Local 362 have worked together to create a unique partnership. It is this relationship that in many ways makes Bay City a model for communities all across the United States.

Since the dawn of this century, the company and the community have worked together in the transportation industry to provide high quality vehicles for our community, state and nation. Initially a successful producer of bicycles, the factory expanded to the newly burgeoning automotive industry. By 1909, nearly 500 employees were producing parts for the legendary Packard and Studebaker. And by 1912, the National Truck Company was producing the chain-driven Natco Truck. In 1916, Mr. William C. Durant bought the plant and began production of the four-cylinder engine, introduced by Chevrolet. It was at this juncture in the company's history that an important milestone was achieved, not only for the families of Bay City, but for families everywhere. This was the organization of one of the oldest UAW locals in the country, Local 362, which remains greatly influential today.

In 1937, UAW Local 362 received its official charter, and shortly thereafter, pay for many of the employees rose to about one dollar per hour. And thus the remarkable relationship between the two entities—the union and the company; the working men and women and their employer—was off to an auspicious beginning. Today, that relationship is renowned across our nation for pioneering the concept of the "living agreement".

This unique relationship between labor and management is truly an incredible success story. In 1986, GM Powertrain-Bay City and UAW Local 362 agreed to resolve disputes as they came about, rather than letting these disputes fester until a designated negotiating period. This "living agreement" has strengthened the ties between the two entities and most importantly, has resulted in a better standard of living for all of the families in Bay County.

Mr. Speaker, I am pleased to add my voice to those who speak with pride about GM Powertrain-Bay City and its centennial of civic achievement and contribution. GM Powertrain would not be the pillar of our community that it is today without generations of dedicated individuals including the current Plant Manager Bill Bowen, and the current Local UAW 362 President Louis Roth. I urge you and our esteemed colleagues to join me in applauding General Motors Powertrain and its 100 successful years.

GOOD LUCK AND CONGRATULATIONS TO ROBERT A. GLACEL

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. EDWARDS. Mr. Speaker, today I rise to congratulate Brigadier General Robert A. Glacel on a distinguished military career and wish him the very best on his retirement. I hope Members will join with me to thank General Glacel for his contributions to our Army and our country.

General Glacel is a consummate professional whose performance in over three decades of service, in peace and in war, has personified those traits of courage, competency and commitment that our nation has come to expect from its Army officers.

Robert Glacel entered service after graduating from the United States Military Academy and being commissioned as a second lieutenant in 1969. He served as a forward observer, artillery liaison officer and assistant executive officer in the 3rd of the 319th Field Artillery battalion in Vietnam. There he received the Bronze Star Medal for his valor. He immediately assumed command of an artillery batter in Germany in 1971, followed by successful command of a division artillery platoon and as the division artillery intelligence officer.

After earning two masters degrees from MIT, Cambridge, Massachusetts, General Glacel instructed and was an assistant professor at West Point in the Engineering Department. He also earned his MBA while tenured there. After the West Point assignment, he returned to the field and served as the Operations Officer and Executive Officer for the 1st of the 37th Field Artillery battalion in Fort Richardson, Alaska. With a stint at the Pentagon as an Operations Research/Systems Analyst in between, General Glacel was then selected to command the 1st Battalion, 4th Field Artillery, 3rd Brigade, 2nd Infantry Division in Korea from 1987 through 1989.

After attendance at the Industrial College of the Armed Forces, General Glacel returned to the Pentagon as a Military Political Planner in 1990 with the Joint Chiefs of Staff. He became the Chief of the Conventional Forces in Europe (CFE) Branch, and was the lead negotiator in the historic CFE Treaty process and was a mainstay on the United States planning teams in Washington and Brussels, Belgium. He was also a major contributor to the new European security structure.

General Glacel was then selected by the Army to command the 7th Infantry Division (Light) Artillery Commander out of Fort Ord, California. Following his successful command, he served as the Executive Officer to the Under Secretary of the Army. In this role, he ably provided guidance and direction to the Army staff, and served as liaison between the Under Secretary, the Office of the Secretary of Defense, Office of the Joint Chiefs of Staff and assistant secretaries and Army Staff. He demonstrated diplomacy, decision making, leadership and perseverance.

General Glacel was then selected to serve as the Chief of the Requirements and Programs Branch for the Commander, SHAPE. He was the SHAPE commander's subject matter expert for the Defense Planning Process across the whole of the Allied Command Europe.

His most recent assignment put the general at the head of the Test and Experimentation Command (TEXCOM) at Fort Hood, Texas, which is in my congressional district. He quickly gained credibility with senior Army leadership through the data collection effort for the Division Warfighting Experiment (DAWE), making TEXCOM the Army's data collector of choice for all future experiments associated with the digitized division and corps design through the Force XXI process.

On a personal note, I am grateful to call Robert Glacel a close, personal friend. He is a role model for all of us: a man of integrity, decency, and compassion.

Let me also say that every accolade to Robert Glacel must also be considered a tribute to his family, his wife of 30 years, Barbara, and his three lovely daughters, Ashley, Sarah and Jennifer. As a wife and mother, Barbara has been a true partner in all of Robert's accomplishments. Robert and Barbara have made their community and our country a better place in which to live. They have touched so many lives, through their consideration and sincere caring.

Robert Glacel's career reflects a deep commitment to our nation, which has been characterized by dedicated, selfless service, love for soldiers and a commitment to excellence. I offer my heartfelt appreciation for a job well done over the past thirty years and best wishes for continued success, to a great soldier and defender of freedom. I ask Members to join me in wishing Robert, Barbara and their three daughters every success and happiness in the future.

INTRODUCTION OF THE UNITED STATES LIFE-SAVINGS SERVICE HERITAGE ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. PALLONE. Mr. Speaker, today I introduce the United States Life-Saving Service Heritage Act, legislation to celebrate one of the most inspiring periods in America's maritime history. This legislation would establish a comprehensive program to inventory, evaluate, document, and assist efforts to restore and preserve surviving historic lifesaving stations. I am pleased that my Jersey Shore colleague Representative FRANK LOBIONDO has joined me in this effort.

The history of lifesaving in the United States dates back to 1785, when the Massachusetts Humane Society began building huts along the Massachusetts coast to aid shipwreck victims. These huts were later fitted with surfboats, beachcarts, and other lifesaving equipment. Beginning in 1847, the Federal government recognized the importance and necessity of lifesaving efforts when Congress provided a series of appropriations to establish lifesaving stations equipped to render assistance to shipwrecked mariners and their passengers.

These stations were first established along the Atlantic coast with the assistance of Representative William Newell, who during the 31st and 39th Congresses represented some of the same areas of New Jersey that I represent today. Representative Newell's efforts contributed to the establishment of a network of lifesaving stations along the Jersey Shore from Sandy Hook to Cape May. In 1871, Congress approved the first appropriation for the Federal government to employ crews of lifesavers. On June 18, 1878, the "Act to Organize the Life-Saving Service" was enacted. In 1915 the Life Saving Service merged with the Revenue Cutter Service to form the Coast Guard. At that time, there were over 275 lifesaving stations to aid shipwreck victims on the Atlantic, Pacific, Gulf, and Great Lakes coasts.

The volunteer and professional lifesaving personnel who staffed these stations risked life and limb to prevent shipwreck casualties. Winslow Homer immortalized these great heroes of the American coast in this painting The Life Line. Walt Whitman celebrated their inspiring actions in the following excerpt of his poem Patrolling Barnegat—

Through cutting swirl and spray watchful and firm advancing,
(That in the distance! Is that a wreck? Is the red signal flaring?)
Slush and sand of the beach tireless till daylight wending,
Steadily, slowly, through horse roar never remitting,
Along the midnight edge by those milk-white combs careering,
A group of dim, weird forms, struggling, the night confronting,
That savage trinity warily watching.

An outstanding example of this period survives today in my district. The historic Monmouth Beach lifesaving station, established in 1895, is a Duluth style station designed by the architect George Tolman. In 1880, every member of the station's crew was awarded a gold lifesaving medal for rescuing victims of two shipwrecks on the same evening. Earlier this year, this historic structure was slated for demolition to make way for a new parking lot for beachgoers. Fortunately, the entire community came together to save this important structure. However, much work needs to be done to preserve the station's history and the inspiring stories of those who served there.

It is not certain exactly how many stations like the one in Monmouth Beach remain. Many surviving historic lifesaving stations are of rare architectural significance, yet they are unfortunately threatened by harsh coastal environments, rapid economic development in the coastal zone, neglect, and lack of resource for their preservation. The heroic actions of America's lifesavers deserve greater recognition, and their contributions to America's maritime and architectural history should be celebrated.

That is why I have proposed the United States Life-Saving Service Heritage Act. This legislation would provide the resources necessary to inventory, document, and evaluate surviving lifesaving stations. It would also provide grant funding to assist efforts to protect and preserve these maritime treasures.

The United States Life-Saving Service Heritage Act would authorize the National Park Service, through its National Maritime Initiative, to inventory, document, and evaluate surviving historic lifesaving stations. These activities would be conducted in cooperation with the U.S. Life-Saving Service Heritage Association, a Massachusetts based non-profit educational organization that works to protect and preserve America's lifesaving heritage. This inventory, documentation, and evaluation would be similar in nature to a study completed by the Park Service in 1994, on historic lighthouses. Under this legislation, the Park Service would serve as a clearinghouse of information on lifesaving station preservation efforts, which would greatly assist public and private efforts to protect these historic structures and the maritime heritage that they embody.

Mr. Speaker, I urge my colleagues to support this legislation to celebrate one of the most heroic and inspiring periods in America's maritime history.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Life-Saving Service Heritage Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has a long tradition of heroic efforts to rescue those in peril on the sea.

(2) Legislation providing appropriations to the Secretary of the Treasury for "surf boats, rockets, carronades, and other necessary apparatus for the better preservation of life and property from shipwrecks on the coast of New Jersey, between Sandy Hook and Little Egg Harbor" was approved August 14, 1848 (9 Stat. 322), and was subsequently extended to support volunteer lifesaving efforts on the coast of New Jersey between Little Egg Harbor and Cape May, and in other States and territories.

(3) Legislation providing appropriations to the Secretary of the Treasury "for the purpose of more effectively securing life and property on the coast of New Jersey and Long Island ... and to employ crews of experienced surfmen at such stations" was approved April 20, 1871 (17 Stat. 12).

(4) The Life-Saving Service was reorganized by the Congress by enactment of the Act entitled "An Act to organize the Life-Saving-Service", approved June 18, 1878 (chapter 265; 20 Stat. 163).

(5) America's lifesaving stations and boats were staffed by brave volunteer and professional lifesavers, who risked life and limb to rescue shipwrecked passengers and crews.

(6) Many surviving Life-Saving Service stations are of rare architectural significance, yet these historic stations are threatened by harsh coastal environments, rapid economic development in the coastal zone, neglect, and lack of resources for their preservation.

(7) The heroic actions of Life-Saving Service personnel deserve greater recognition, and their contributions to America's maritime and architectural history should be celebrated through a comprehensive preservation program and greater opportunities for the public's education about the heritage of the Life-Saving Service and related private and public organizations.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to establish a program to inventory, evaluate, document, and assist in efforts to restore and preserve surviving lifesaving stations and other structures and artifacts dedicated to our forefathers' lifesaving efforts.

SEC. 3. UNITED STATES LIFE-SAVING SERVICE STATION PRESERVATION PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, through the National Maritime Initiative of the National Park Service, shall establish a program in accordance with this section to inventory, evaluate, document, and assist efforts to restore and preserve surviving United States Life-Saving Service stations.

(b) INVENTORY, DOCUMENTATION, AND EVALUATION.—The Secretary, in cooperation with the U.S. Life-Saving Service Heritage Association, shall—

(1) survey coastal regions of the United States to identify and prepare an inventory of surviving historic lifesaving stations, boats, and other significant lifesaving equipment;

(2) document the designs of significant existing structures and lifesaving boats for inclusion in the Historic American Building Survey/Historic American Engineering Record Collection in the Library of Congress; and

(3) evaluate historic lifesaving stations, including—

(A) assessing the historic significance, integrity, and condition of surviving historic lifesaving stations;

(B) making recommendations for outstanding examples of historic lifesaving stations that should be listed on the National Register of Historic Places, or designated as National Historic Landmarks; and

(C) making recommendations for outstanding examples of lifesaving boats to be included in the Historic American Engineering Record Collection.

(c) TECHNICAL ASSISTANCE, EDUCATIONAL MATERIALS, RESEARCH AIDS, AND OTHER INFORMATION.—The Secretary shall—

(1) serve as a clearinghouse of information for persons interested in restoring and preserving historic lifesaving stations, their boats, and related lifesaving equipment; and

(2) make available to the public, including through the Internet, educational materials, research aids, guides, bibliographies, and other information regarding the Life-Saving Service, Revenue Cutter Service, and related organizations that provided humanitarian assistance to shipwrecked mariners and their passengers, including—

(A) information on the history and development of the Life-Saving Service, the Revenue Cutter Service, predecessor private and State lifesaving organizations such as the Humane Society of the Commonwealth of Massachusetts, and early Coast Guard lifesaving and lifeboat stations;

(B) technical descriptions of lifesaving boats, line-guns, life cars, and beachcarts;

(C) the inventory, documentation, and evaluation prepared under subsection (b);

(D) guidance and technical assistance in the listing of historic lifesaving and lifeboat stations on the National Register of Historic Places, or their designation as National Historic Landmarks; and

(E) guidance and technical assistance in the listing of historic lifesaving boats in the Historic American Engineering Record Collection.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary, subject to the availability of appropriations, shall make grants to coordinate and assist in the restoration and preservation of historic lifesaving stations, historic lifesaving boats, and other significant lifesaving artifacts.

(2) COST SHARE.—The Federal share of the cost of an activity carried out with financial assistance under this subsection shall not exceed 75 percent of the total cost of the activity.

(e) DEFINITIONS.—In this section:

(1) HISTORIC LIFESAVING STATION.—The term "historic lifesaving station" means any land, structure, equipment, or other physical artifact or facility formerly under the jurisdiction or control of the Life-Saving Service or any earlier private or State organizations, including lifesaving and lifeboat stations, sailors' refuges, shipwreck survivors' cache sites, boats, and beachcarts.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the National Maritime Initiative of the National Park Service.

(3) U.S. LIFE-SAVING SERVICE HERITAGE ASSOCIATION.—The term "U.S. Life-Saving Service Heritage Association" means the national nonprofit educational organization by that name established under the laws of the Commonwealth of Massachusetts for the purposes and objectives of meeting and preserving America's lifesaving heritage.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for use in making grants under subsection (d), $5,000,000 for each of fiscal years 2000 through 2004; and

(2) for carrying out the other provisions of this section $500,000 for each of fiscal years 2000 through 2004.

TRIBUTE TO FRANK GARRISON ON HIS RETIREMENT FROM THE AFL–CIO

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. DINGELL. Mr. Speaker, I rise today to honor and congratulate a friend and colleague who has given much to the state of Michigan, to the labor movement and to Michigan politics. Frank D. Garrison is a former autoworker who became a lobbyist for the United Auto Workers (UAW) before being chosen to lead the AFL–CIO in Michigan. And by the way, his middle name is Delano, named after one of our greatest Presidents Franklin Delano Roosevelt.

He is a working man who has devoted himself to the working man and woman. Frank Garrison believes strongly in fighting for the little guy, addressing the concerns of the people who have the least. A consummate public servant, he devoted his career to making working conditions in Michigan and the United States better for working families. He is a strong believer in public education and universal health care, and has worked tirelessly so that the world is a better place for everyone.

Frank's first experience with the unions came as a young man working at the Saginaw Steering Gear plant in Saginaw, Michigan. He became a member of UAW Local 699. Drafted into the Army in 1953, he served his country for two years. Upon returning to his job in Saginaw, he actively pursued leadership posts within the UAW. During those first few years he served as alternate committeeman, committeeman, shop committeeman, local union vice-president and financial secretary.

He was appointed as a UAW international representative in 1972 for region 1D and assigned to the UAW Education Department and the Michigan UAW Community Action program (CAP). He was serving as CAP coordinator for Region 1D when he joined the Michigan UAW–CAP legislative office in Lansing, Michigan as a lobbyist in January 1976. That July, he became legislative director for the UAW.

In 1982, Frank was appointed executive director of Michigan UAW–CAP, a position he held for four years until he was elected president of the Michigan State AFL–CIO on December 12, 1986.

Mr. Speaker, I ask that all of my colleagues salute Frank and his leadership, hard work and caring heart. He has devoted much of his life to others and in some way I know he will continue to be involved. He is a dear friend who has always worked to make the world a better place for everyone. I wish him the best in his retirement: many peaceful days fishing, golfing and spending time with his lovely wife Dora, his daughters and grandchildren. He has worked hard and deserves the best in his retirement. Frank, best of luck to you.

FAMILY FRIENDLY TELEVISION PROGRAMMING

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. PORTMAN. Mr. Speaker, I rise today along with my distinguished colleague from Massachusetts, Representative MARKEY to introduce a concurrent resolution which recognizes the importance of family friendly television programming, and the contributions that the Family Friendly Programming Forum is undertaking to make this goal a reality.

Recent events have caused a national debate on child development and the influences of our popular culture on our children. In particular, we cannot overlook the role that television plays in shaping the attitudes and outlook of our nation's young people. Studies show that, each week, the average child will watch 22–28 hours of television, which is more time he or she will spend on any activity other than sleeping.

Television is not only a powerful influence, it is too often a negative one. While parents have the final responsibility for regulating their children's viewing habits, the simple fact remains that the number of family-friendly programs available—particularly during prime time—has been steadily decreasing.

Thirty-three of our country's largest companies have recognized this unmet need in the marketplace. And they have joined together to establish the Family Friendly Programming Forum.

The argument is often made that family-friendly programs don't draw big ratings, advertisers won't support them and, therefore, networks cannot afford to carry them. One of the goals of the Forum is to change this perception. The major advertisers who are members of the Forum are taking a number of specific steps to encourage more family-friendly programs, including a new annual awards program the first of which is being held in California today. The Forum is also establishing a development fund for family-friendly scripts, a television scholarship program and a public awareness campaign to promote viewing options for families.

Mr. Speaker, family-friendly programming does not mean dull shows. Successful programming over the years, including such television classics as "The Cosby Show" and "Home Improvement," demonstrate that entertaining programming can be produced that is appropriate for the entire family. There is a market for good family-friendly programming. The advertising community represented on the Forum should be commended for working proactively to improve the content and quality of programming for America's families.

Our families deserve more viewing choices and options. As a Member of Congress and as a parent, I commend the Family Friendly Programming Forum for working to provide more suitable programming for all Americans.

CONGRATULATIONS TO MR. AND MRS. JIM SCRIVNER ON THEIR 50TH ANNIVERSARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate my friends Honey and Jim Scrivner on their 50th wedding anniversary.

Honey and Jim Scrivner were married September 3, 1949, in the United Methodist Church in Versailles, MO. The Scrivners have served as model citizens of Versailles, dedicating their lives to the betterment of their community.

Jim and Honey have owned and operated Scrivner-Morrow Funeral Homes in Versailles, MO, for 47 years. In addition to the undertaking business, in 1978, Jim Scrivner was elected Mayor of Versailles and served three consecutive terms. During his tenure as Mayor, Scrivner made great industrial improvements to Versailles, including constructing a new sewage treatment plant and sewage lines. He also implemented street upgrading, city park improvements, and housing projects for low-income and elderly persons. In addition, Honey and Jim ran a 24-hour volunteer ambulance service from their house for over 30 years, and helped countless people within Morgan County. Together, the Scrivners have saved lives, delivered babies, and rushed the injured and sick to area clinics and hospitals.

The Scrivners have been involved in many community activities. Jim has been a dedicated member of the Lion's Club for many years, and he volunteers once a week at a hospital in Jefferson City. A very active member of the ABWA, Honey has chaired many fundraising projects that benefit girls scholarships. The Scrivners are also involved with the United Methodist Church of Versailles.

Not only have the Scrivner's been outstanding citizens in their community, but they are also loving parents and grandparents as well. They have three daughters, Mona, Sherry, and Jamie; and two granddaughters, Carrie Jo and Hannah Kaye.

Mr. Speaker, the Scrivners have selflessly devoted their lives to help many people and improve their community. They are truly role models. I know the Members of the House will join me in extending our heartfelt congratulations to the Scrivners for their 50th wedding anniversary. I wish them the very best in all the days ahead.

* * *

CONGRATULATIONS, TOM O'HARA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in honoring a very special person whom I am proud to call a friend, Mr. Tom O'Hara, as he celebrates 30 years of service with the New Jersey-based Prudential Insurance Company of America. As a former executive at Prudential myself, I am very gratified that a person of Tom's caliber has rendered so many years of service to the company.

After graduating from Mount Saint Mary's College, Tom received his law degree from Georgetown Law School. First joining Prudential in 1969 as a tax lawyer, Tom's extraordinary interpersonal skills, exceptional problem solving ability and reputation as a "doer" led to his advancement to the position he holds today, Vice President in the Law Department of the company's Washington, DC office. Tom has served as President of the Business-Government Relations Council, Chairman of the Business Roundtable Washington Steering Committee and as Chairman of the American Council of Life Insurance's Legislative Strategy Committee.

An active member of his community who has contributed his time and talents to many worthy causes, Tom serves on the Board of Trustees of Mount Saint Mary's College, on the Board of Trustees of the United States Capitol Historical Society, and on the Board of Directors of Wolf Trap Associates. Tom and his wife Patti have four children. His close-knit family embodies the virtues of strength, compassion, faith and concern for others. In memory of their late daughter, Tom and his wife generously established the Kelly O'Hara Scholarship Fund to help deserving young people attain a college education.

A person who enjoys the outdoors, especially the shore, Tom has been a runner and is now a golf enthusiast. He is also an avid sports fan, and because I am a graduate of Seton Hall University, we enjoy a friendly rivalry as we root for opposing teams at sporting events such as the Seton Hall/Georgetown or Giants/Redskins game.

Mr. Speaker, the completion of 30 years of service is indeed a remarkable achievement based on hard work, loyalty and tenacity. As Tom marks this milestone, I know my colleagues join me in congratulating him for a job done and wishing him all the best in the future.

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IN RECOGNITION OF THE METROPOLITAN JEWISH GERIATRIC CENTER

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. NADLER. Mr. Speaker, in 1907, a group of women in the Brownsville/East New York section of Brooklyn, concerned about the health and well-being of their elderly neighbors, joined together to organize the Brooklyn Ladies Hebrew Home for the Aged.

In 1913, the name of the institution was changed to the Brooklyn Hebrew Home for the Aged, and a year later the first Home for the Aged opened and the first residents were admitted. The total capacity, 70 residents.

Concurrent with the increased demand for services, the Home grew steadily over the years until, in 1968, it became an affiliated agency of the Federation of Jewish Philanthropies and was formally renamed Metropolitan Jewish Geriatric Center (MJGC).

To more precisely convey its mission, MJGC is now known as the Metropolitan Jewish Geriatric Foundation—an organization that provides financial support for the 36 participating agencies and programs of Metropolitan Jewish Health System (MJHS).

Collectively, MJHS agencies and programs serve the health care needs of more than 20,000 chronically ill people. MJHS is acknowledged to be the premiere integrated health care delivery system serving the Greater New York Metropolitan Area.

The Adult Day Health Center; the Phyllis and Lee Coffey Boro Park Primary Care Center; the Hospice of Greater New York; the Jewish Hospice; Caregivers; the Center for Rehabilitation and Transitional Care; Elderplan, a Social/Health Maintenance Organization; and the Institute for Applied Gerontology, which is engaged in research, education, and service, are but a few of the programs and services in the MJHS consortium.

And while MJHS applies its knowledge and experience toward serving patients of all ages, it has not lost sight of the mission of its founders nearly a century ago.

The Phillip and Dora Brenner Pavilion in Boro Park and Shorefront Jewish Geriatric Center Weinberg Pavilion in Coney Island together provide comprehensive health care, social-support and recreational and cultural services and programs for some 1,000 residents and patients. Both are part of the "continuum of care" that is the hallmark of Metropolitan Jewish Health System.

On September 7th, at the Waldorf-Astoria, the Metropolitan Jewish Geriatric Foundation held its Annual Gala Dinner, an event that celebrated 92 years of service to the community, and paid a well-deserved tribute to Mark L. Goldstein, immediate past chairman of MJHS and a distinguished community leader. The event also honored Arletha Andrews, Herman Frazier, Pastor Roman, Murray Scherer, Willie Simpkins, and Gene Simpkins, each of whom has given dedicated service as an employee of an MJHS participating agency for 35 years or more.

MJHS excels not only in the quality and scope of its care programs; it is recognized also for its vision, its innovative spirit, and the skill, the dedication and the compassion of all those involved in meeting patients' health care needs.

If past is prologue, I am confident that MJHS will continue to burnish its leadership role, with the support of MJGF, record even more impressive accomplishments in the service of the community in the new millennium.

* * *

CONGRATULATING THE TEAM FROM KAHUKU HIGH & INTERMEDIATE SCHOOL ON ITS PERFORMANCE AT THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION 1999 NATIONAL FINALS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I take this opportunity to congratulate the team of students from Kahuku High & Intermediate School of Kahuku, Hawaii, on their participation in the We the People . . . The Citizen and the Constitution national finals held in Washington, DC, May 1–3, 1999.

The team members—Syreeta Ho, Sarah Lautaha, Alvin Law, Tanya Ludlow, Kimberlee Maeda, Matthew Marler, Lea Minton, Kaitlin Palmer, Jessica, Preece, Siulia Purcell, Darren Salomons, Kimberly Smith, Bruce Walker, and Nadine Zettl—competed against 50 other classes from throughout the nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

The We the People . . . The Citizen and the Constitution competition simulates a congressional hearing on an issue requiring application of constitutional principles. Students must succinctly present their positions and then answer unscripted questions.

The Kahuku High & Intermediate School team won at the Congressional District level and the State level before making it to the national finals. I join the people of Hawaii in expressing my pride in their impressive achievement.

* * *

HONORING THE RETIREMENT OF CARL J. LATONA

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Ms. STABENOW. Mr. Speaker, today Carl J. Latona will retire after 25 years of outstanding leadership and commitment to improving the community through his work with Highfields. During those years, Carl Latona has touched the lives of countless young people and their families—encouraging, advising, inspiring and serving as a role model.

As President and Chief Executive Officer of Highfields, Inc., he was actively involved not only in the administration of the many excellent services offered by Highfields, but also program development, fundraising and public policy in the field of child welfare. He has been a tireless advocate for youth and always could be counted on to speak about the importance of prevention. He has served on countless committees and boards and ,continues to give his time to many community efforts.

Carl Latona persevered with his message of caring for youth despite roadblocks along the way. When one door closed, he would look for other doors until he found an opening. I have the utmost respect for his commitment to youth and his belief that any person can turn their life around with the proper support and caring attitude. He has always been an excellent resource whenever I have made public policy decisions on issues involving youth.

I would like to thank Mr. Latona personally for his contribution to improving this community and offering support to families in need. It is largely through Mr. Latona's vision and direction that Highfields has grown, constantly developing innovative new ways to reach out to young people through schools, the community and when necessary the courts.

On behalf of Michigan families, I thank Carl for his commitment to the community and his service to so many important family organizations. His courage, vision and friendship mean a great deal to me and many others in Michigan.

SENATE—*Friday, September 10, 1999*

The Senate met at 9:31 a.m. and was called to order by the Honorable MIKE DEWINE, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator of the world, Ruler over all of life, our Adonai, sovereign Lord of our lives, we join with Jewish Senators in celebrating Rosh Hashanah, "the head of the year," the beginning of the days of awe and repentance, a time of reconciliation with You and with one another.

We thank You that we are united in our need to repent, to return to our real selves for an honest inventory, and then to return to You with a humble and contrite heart. Forgive our sins of omission: the words and deeds You called us to say and do which we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from You and Your clear and specific guidance, and the times we failed to acknowledge You and rebelled against Your management of our lives.

O gracious God, sound the shofar in our souls, blow the trumpets, and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives and our leadership of this Nation. We thank You for Your atoning grace and for this opportunity for a new beginning.

And so, Lord, help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole Senate support team to celebrate unity under Your sovereignty and to exemplify to our Nation the oneness of a shared commitment to You. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE DEWINE, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. DEWINE thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair, in his capacity as a Senator from Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE INTERIOR APPROPRIATIONS BILL

Ms. LANDRIEU. Mr. President, I come to the floor this morning during morning business to say a few words about a couple of subjects that are very important to me and to the people of my State. As the American public knows, the last couple of days we have been engaged in a tremendous debate about the Interior appropriations bill. It is 1 of the 13 appropriations bills in this Congress we are trying to negotiate and pass as part of our overall budget, and it is a very important and quite contentious piece of legislation. There are many issues about balancing our resources: how they should be harvested, how they should be spent, how they should be invested.

There are about 21 Senators in this body, on the Republican and Democratic side, who have worked very hard on a very comprehensive Conservation and Reinvestment Act which is now pending in the Energy Committee. Next year, as this bill comes out of this committee and becomes part of the national debate, it is my hope and vision we will be debating how to use the resources we have been able to set aside this year for the American public.

In the bill we have crafted, which is S. 25, the Conservation and Reinvestment Act, we have made a statement that there is a better way to spend the money that is coming from offshore oil and gas, a much better way to spend this money than what we have done the last 50 years. For the last 50 years, we have taken almost every dime that has come from oil and gas, almost every dime, and put it back into the general treasury of this country and operated our Government.

I believe, and I think the American people strongly believe, that a good portion of that money should go back to protect the environment. We are depleting one resource, a great resource that we have in oil and natural gas, we are depleting it at a tremendous rate in the Gulf of Mexico, which is now the place, basically, outside of Alaska, where most of the offshore drilling occurs, and of course a little in the interior States. But the Gulf of Mexico has the bulk of our reserves. States such as Louisiana, Texas, Mississippi, and, to a certain degree, Alabama contribute.

We are happy for the industry. We are learning to manage it in a more environmentally friendly way. We believe they can coexist, the oil industry and other industries and the environment. But all of this money, as you know, has gone into the general fund. We think it is time some of this money be reinvested before the wells run dry. One day there is not going to be any gas left, there is not going to be any oil left, and I, frankly, would like to have something to show for it.

For those of us who have children and grandchildren and nieces and nephews and families, we would like to be able to say we were wise and smart and conservative and careful and good stewards of the great bounty God has given us, and we have decided to set aside permanently—not hit or miss, not willy-nilly but permanently—a portion of this money to create and sustain our National Park System, to create green spaces and places from New Jersey to California, from Washington State to Florida, from one point of this Nation to the other, to expand the public areas, to expand the green space, to protect our habitat, to provide wilderness areas in a way that makes sense for every community. That is what this bill does. It fully funds the land and water conservation fund which was promised by the last five Presidents, both Democratic and Republican, a great promise that sounded terrific and probably got some votes for them in the elections. The problem is, it was never funded consistently.

I quote from a poll recently taken by Frank Lunz. As you know, he is a Republican pollster, but he did an absolutely outstanding job in this survey of the American people: 94 percent of the American people would like to set aside and create a special way of funding these kinds of programs. In fact, it might be of interest for some Members

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of this body to know that in a head-up polling, a true trust fund "for land and water and open spaces beats the wildly popular highway and airport trust fund head to head 45 to 37."

We know how much support there is for a highway trust fund. People believe gasoline taxes that are levied should go to provide for highways, mass transit, fast trains, and environmentally friendly transportation vehicles of the future. That is what the American people want, and I agree with them. I voted for that and so did almost everyone in this body. But according to this poll, more people in this country believe there should be a real trust fund, that this promise should be kept, and when a promise is made, it should be kept.

That is what S. 25 does. We are gaining support for it. If it can pass this year, next year when we have this debate on the Interior bill, we will be talking about the wonderful opportunity to allocate $900 million a year—$450 million hopefully for the State side of land and water and $450 million for the Federal side of land and water—what parks to expand, how to expand them, what picnic areas and wilderness will we create.

In addition, that part of the bill will also bring some much-needed revenue to the coastal States, including the Great Lakes States, to mitigate against the challenges of being a coastal State. I do not think we have to look much further than the weather report from last week when Dennis battered the eastern shore and we have had hurricane after hurricane loss of barrier islands, loss of beach areas.

If there is one thing the American people like to do on the Fourth of July, besides the fireworks and the celebration of our great Independence Day, it is to spend the holiday at the beach. People do it all over the world, and we are no different. But in many parts of this country, there is limited public access unless you are rich enough to own a million-dollar condo or have the money or resources to buy a section near a beach. Sometimes you cannot get there; it is crowded and jam packed.

We would like to have some money for beach restoration, public space expansion, and mitigation against the impacts of being a coastal State. This money has been fairly spread around to States that produce oil and gas and, in a very generous way, even those States that do not. Those of us supporting this bill believe the money should go for those coastal areas. We have Governors, mayors, and county commissioners around this Nation who most certainly support that effort and can use the help as they struggle to keep their coastal communities intact.

In addition, a part of this bill will also create a permanent, reliable stream of money for some much-needed conservation programs.

I have gone fishing most of my life. I am not an expert, but I most certainly enjoy it. I do not do any fancy fishing. We had a camp for 30 years on Lake Pontchartrain. I have gone fishing for croakers and speckled trout most of my life. There are millions of Americans who are serious sports people and fishermen and enjoy being in the outdoors and fishing and hiking and walking in the wilderness.

Part of this bill is going to be a help for States and agencies in all the 50 States to manage their wildlife resources better, both game and nongame. The States, under tremendous budget constraints, are doing a pretty good job. Some States are doing better than others. But the Federal Government should be a better partner. I believe it is much better to deal on the front end, before species are endangered, before habitat areas are endangered, to have money invested to keep them from becoming endangered. It will save us a lot of money, a lot of lawsuits, and a lot of headaches. That is what this bill also does.

I am very hopeful, as the Energy and Natural Resources Committee of this Senate comes back from this recess, we are going to seriously consider this measure. I anticipate that it will pass. It will go through a tremendous debate. There is a similar bill on the House side. We are anticipating passage of that bill and are in negotiations with the administration.

Next year when we come to this floor, Democrats and Republicans can proudly say: Last year we just did not talk about the environment, we just did not argue about how to fund our parks and what to do, but we took the opportunity when it presented itself.

We are running a surplus, and I know there are calls for a tax cut. I support a modest, reasonable, and fiscally responsible tax cut and investments in education, but we can also make room in this budget to redirect revenues to the places they should have been when it started. Louisiana and other producing States most certainly should be able to count on a fair portion of that revenue coming back to them as well as sharing it generously, in the way I have described, with everyone else. I am hopeful that we will do that this year.

So this debate will be quite exciting for the American people—shall I say more exciting next year because they will have seen us actually having done something, taking the bull by the horns and redirecting these revenues.

These poll numbers speak for themselves. We do not need to always follow polls. Sometimes we do, and sometimes we do not. But, in this case, it is a good indication of how much the American people want us to take action and actually make progress, to stop talking about it and actually do something.

I am hopeful S. 25 will pass. I thank the 22 Members of this body who have worked tirelessly over the last 2 years, and the Members of the House—Congressman JOHN and Congressman TAUZIN, Congressman DINGELL, Congressman YOUNG, Congressman MILLER—who have all engaged in trying to work this out in final negotiations on their side. I thank them for their diligence. I thank all the environmental groups, all the fishing, hunting, and sports enthusiasts who have helped bring this bill to where it is today, to the possibility of actually having this promise, which was made but never kept, become real for our children and grandchildren.

On that point, let me also add a word about this oil valuation. I just finished speaking for 10 minutes about using these oil and gas revenues for a really special purpose. So why would I also then come to the floor and talk about the oil valuation rule? The reason is that is exactly on point in this debate.

There are some Members who think the oil companies are intentionally underpaying these royalties. Most certainly, based on the speech I just gave, I want to make sure, and will make sure to the best of my ability, that the oil companies are paying every single penny of royalties that are due to the American taxpayer because that money will go directly, if this bill passes, into this trust fund to be spent on parks and recreation.

I most certainly will not be one of the Senators who will come to this floor and try to come up with some scheme, if you will, to get the oil companies off the hook. I want them to pay their fair share. In addition, being from Louisiana, when I was State treasurer before I came here, 45 percent—let me repeat that—45 percent of our State budget relied on oil and gas royalty rents and severance tax onshore and near shore. Many of these revenues went to fund our schools and put computers in our classrooms. We most certainly wanted every single penny to come our way.

It is ludicrous to think these oil companies, which last year wrote checks to the Federal Government for $2.8 billion according to our royalty valuation, would flinch at writing another check for $60 million.

Sixty million dollars is not a lot of money compared to $2.8 billion. They are not intentionally underpaying.

The rules we have set up, like many rules we write, unfortunately—our tax rules—are complicated. Lawyers and accountants can look at the same rule and come up with different ideas about what it says or what it means or how much you owe. That is all this is.

The oil companies are looking for—and I believe they are right—a simpler way. I was not here 3 years ago, but the year before I came, there was a bill which was passed that was to have made the rule more simple and more transparent in relation to what was owed in terms of rents and royalties and severance for those who dealt in Federal waters. We passed that law overwhelmingly. The rule was created and developed by the Department of Minerals Management.

Unfortunately, the rule they are proposing is not going to work. It does not make the current system more simple. It, in fact, makes it more complicated. It is not going to get us out of court. It is going to keep us in court and litigation.

I think the vote is going to be very close. The honorable Senator from California has a different view. She has stated on the floor that she thinks the oil companies are intentionally underpaying, although there has not been one lawsuit, to my knowledge, filed that has claimed "intentional" underpayment. The claimed underpayment is based on an honest disagreement of what the rules and regulations say and how these payments should be calculated, which is very complicated, as the Senator from Oklahoma, who is quite knowledgeable and quite an expert in this area, has shared on this floor.

In conclusion, I am the lead author of a bill to put every single penny we can get from these oil royalties into the U.S. Treasury. The bill I have, with 21 other Senators, proposes a good way to spend that money. So I do not want to see us shortchanged at all. But I also think that going forward with this rule, which makes it more complicated, will not meet that end; it will only make it worse. It will keep us from redirecting these revenues, at least the full amount of them, the way we know we can.

So I urge, when we vote next week, to vote with the Senator from Texas, Mrs. HUTCHISON, to keep this rule as a work-in-progress until we can come up with a simple way to get this done. I will be voting that way and urge my colleagues to also.

TRIBUTE TO KOREAN ADOPTEES

Ms. LANDRIEU. Mr. President, I feel compelled to say something about a special group of people. There is a wonderful gathering of people in Washington. As you know, we have hundreds and thousands of people who come every week to Washington. We cannot come to the floor to talk about every group that comes to Washington because then we would be on the floor for a long time.

But there is a very special group in Washington, and it is a group of 400 Korean American, American Korean adults who were adopted from Korea in the 1950s and 1960s.

I will read from a wonderful article that appeared in USA Today yesterday about one particular orphan and her experience. But I want to say how proud I am, as cochair of the Adoption Caucus, to host, with many Members of this body, this gathering of Americans who have come, actually, from all over the world—it is not just Korean adoptees from America but from Europe and other places who were adopted out of Korea—to share their stories.

This is one story by war orphan No. 1371. She is a writer for USA Today at this time in her life. She writes:

> Malnutrition and a bacterial infection had drawn all but 8 pounds from my 24-inch frame. My thick black hair teemed with lice; my body glistened with circles of fresh infection created by oozing sores that covered 80% of my body.
>
> Yet somehow I survived. Less than two months later, I was packed onto a shiny airliner with 96 other Korean children—four to a wicker basket—and carried to my adoptive parents, Dominic and Dorothy Enrico, in southern California.
>
> At that moment I suffered what now seems like incomprehensible losses for one so young: my birth family, my country and the comfortable anonymity of growing up among people of the same race. What I gained was the opportunity to participate in an international adoption revolution that continues to be a testimony to the human potential for love and acceptance regardless of blood ties, race or ethnicity.

This young woman will join 400 other adults who have had this experience. And there have been over 140,000 young people—infants and young children and teenagers—adopted from Korea, and many of them have come to the United States. In almost every instance, it has been a happy and joyful experience for the adoptee and for the family.

The Korean adoptions have opened up a new thought in America: that families could be made of a people who looked different—because love does not know a color; love does not know family bounds.

So because of the great work of the Government and Catholic Charities and many others that have made this possible, we now have families in America that look very different with family members who love others from different parts of the world and from different races. It is a testimony to the greatness of the human potential for love and for companionship.

I am proud to sponsor this group of adults. We hope to continue the work of international adoption. We would like to find a home for every child in the world in the country in which they were born. But if there is not a home there—if no one wants them, if they are not able to find a home—then we need to find them a home somewhere in the world.

Senator JESSE HELMS, an adoptive father himself, which a lot of people do not know—he and his wife adopted a special needs child, so he has personal experience in adoption—is the lead sponsor of a tremendous piece of legislation that is going to lay an international framework, a legal framework, so children from all over the world, including the United States, can find a home and they will not have to grow up infested with lice or they will not have to have a little body oozing with sores, so they will have a mother and a father, preferably two parents. But if we could find one caring adult for each child in the world, that is our hope.

So that is one of the great gatherings that is taking place. I wanted to honor them by reading from that article this morning and by wishing them a wonderful conference at the J.W. Marriott. We will be hosting a reception for them in the Capitol later today.

I invite my colleagues to drop by and see for themselves the great miracle of adoption.

TRIBUTE TO JIMMIE DAVIS OF BATON ROUGE, LOUISIANA

Ms. LANDRIEU. Mr. President, I rise on behalf of Senator BREAUX and myself to take note of the 100th birthday of one of Louisiana's favorite sons and one of our Nation's finest talents. Most Americans know Jimmie Davis through his world-famous song, "You Are My Sunshine," one of the most popular songs in the history of recorded music. However, for Louisianians, Jimmie Davis is much more than a consummate entertainer and southern gentleman, he also helped lead Louisiana's government to new heights, passing the first retirement benefits for State employees, the first reforestation legislation and the first program to give free milk to school children.

Jimmie Davis has been a college teacher, shaken hands with five or six Presidents, appeared in half a dozen movies, performed with stars such as Gene Autry, Frank Sinatra and Elvis Presley, and twice was elected Governor of Louisiana.

During his second term as Governor, the State's economy was in a downward spiral. However, by the end of his term, employment was higher than ever, personal incomes were up, school teachers saw their full salary schedule implemented and the ambitious Toledo Bend Dam was started.

Jimmie Davis is widely known as a beloved and colorful leader. One day on the way to his office, he rode his horse up the Capitol steps, into the elevator and into his office. He ended every State legislative session with his band's rendition of "It Makes No Difference Now."

Jimmie Davis is truly a Louisiana State treasure and a treasure for all Americans. He definitely is our sunshine.

He is a man whom we all hope we can be like, because he is, as I say, celebrating his 100th birthday. So with those of us who hope to live to be 100, Jimmie Davis is a good example of how to do it.

Jimmie Davis still loves to sing to this day, and if Majority Leader LOTT would encourage him, he would probably join the Senate singing group because he is still quite active.

Governor Jimmie Davis is one of Louisiana's favorite sons.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. COVERDELL. Mr. President, I ask unanimous consent that following time under the control of Senator COVERDELL, the following Senators be recognized to speak in morning business:

Senator DORGAN for up to 15 minutes, to be followed by Senator COLLINS for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TAX RELIEF PROPOSAL

Mr. COVERDELL. Mr. President, at the end of July, beginning of August, the Congress, in an almost unprecedented fashion and with speed, passed a very significant tax relief bill in Washington. It has been the subject of much discussion and debate.

We could not find very accurate descriptions of this tax proposal, and so Senators and House Members who believed in tax relief went home, and for the last month they have held 500, 700 town halls. They have been throughout the country describing what the tax proposal actually is.

I remember being in a small city in the northern part of my State, Rome, GA, and saying, so far, I had read very little that adequately described what the totality of the tax proposal was.

I have just come from a press conference in the Senate gallery with House and Senate Members. I was taken by the fact that of the six or seven Members there, they all spoke of this mischaracterization they were struggling with when they initially got home. It was characterized as a very large tax bill that would disrupt Social Security and Medicare. There was very little understanding of the proposal, which is this: It is proposed that over the next 10 years, there will be some $3 trillion in surpluses.

Now, these surpluses are a product of the fact that over the last 4 years, a majority of the U.S. Congress has argued for balanced budgets and for financial constraint. That has produced a very positive economy and, indeed, we are now seeing these numbers that suggest there could be up to $3 trillion in surplus over the next 10 years. Well, what are Washington policymakers going to do about it?

At the end of July, the Congress passed this proposal. It said we would take 60 percent of all the surpluses and set it aside for Social Security. It would either be used for Social Security reform or to pay down debt. It assigned 17 percent of all these surpluses to Medicare, education, and domestic priorities to make sure that we keep Medicare sound and whole. It takes 23 percent of the surpluses and returns it to American workers—23 percent.

Now, Chairman Greenspan of the Federal Reserve is quoted all the time on this. He said this is what he would do with it. If he had his first choice, he would pay down the debt. Sixty percent of our proposal does that. He said his second choice would be tax relief. Twenty-three percent of our proposal does that. He said the last thing he would do would be to spend it; don't spend it, and even this proposal spends 17 percent of it.

So the debate we are having is over whether or not 23 percent of those surpluses should be returned to American workers or left in Washington to be spent. As Americans have understood this proposal, they have begun, in increasing numbers, to support it. A majority of Americans now believe the President should sign the tax relief proposal. I don't know if that will compel him to do so, but America has begun to understand that this is a very balanced, reasoned plan.

Why do we think this is so important? American workers today are paying the highest taxes they have paid since World War II. I will repeat that. American workers are paying at the highest tax level they have paid since World War II. About half of their paychecks are consumed by a government at some level—local, State, and Federal. I have said this before. If Thomas Jefferson were here today, he would faint; and when he woke up, he would be very mad that we had ever come to a point that government was taking half of what labor produces. That is what we face today.

Economic opportunity is a fundamental component of what makes American liberty work. It is a fact that Americans have had economic independence and they have turned into a people who are so bold, so visionary, so entrepreneurial, and so confident. We are a very confident people. It goes all the way back to the Revolution. American workers at that time were already the highest paid workers in the world. Since that time, we have seen what happens to a people who have their own independence. We must never take that away from the American psyche and culture. If we do, we will threaten the way American liberty has worked.

Therefore, this tax relief proposal is not some disjointed political venture. This tax relief proposal is instrumental in the nurturing of one of the fundamental principles of American liberty, i.e., economic independence. There is not a day in this town—and I have been here a little over 6 years, about the same time as the Presiding Officer—that somebody hasn't bemoaned the fact that there was something American families needed or ought to do that they can't: They don't have enough insurance, or some of them don't have any; they don't have enough housing; they don't have enough to pursue the educational purposes they seek.

If the government is taking half of the resources away from them, are we surprised and shocked that these families don't have enough to accomplish the fundamental goals they seek, that they can't pay the insurance premiums? If the government would leave the money with the persons who earned it, they could solve those problems.

There is not a wizard, wonk, or bureaucrat in this city who can more appropriately determine what a family needs to keep itself whole and healthy than the family itself. Therefore, there is no public policy that is more important than nurturing the economic liberty and keeping the checking accounts of American workers healthy so they can do what they have done for the last two-plus centuries.

Economic liberty is a fundamental component of American culture. That is what this tax relief proposal is about. It is about making sure more of those resources stay in those checking accounts.

When you take too much out of those checking accounts—which we have been historically doing now for about three decades-plus—you change the way Americans function. We are not who we are because of our genes. We are who we are because we have been free. When you reduce the resources American families have, you start seeing things you don't like to see.

Let me give you a couple of examples. This year, for the first time since the Great Depression, workers in the United States—our workers—will have a negative savings rate. What is left to save after the Government marches through the checking account?

If an average family in America is making $50,000 or $55,000 a year, and you take half of it away, is there enough left to get the job done? The answer is no. So there is nothing to save. So when there is a crisis, there is no ability to respond to it or to prepare adequately for retirement. If you leave the resources in those checking accounts, you will see the savings go up. They will have the resources to do the kinds of things they are supposed to do, including saving for problems or retirement.

Here is another one. Bankruptcies are at an all-time high. Credit card debt is at an all-time high. There are not enough resources in the checking accounts and so the behavior of these families begins to move in directions that are not as appropriate. That is going to continue as long as we continue to press and constrain and take too much out of the check of an American worker, an American family, and an American business.

I see that the distinguished Senator from Idaho has arrived. I don't want to infringe upon his time. I will yield the floor. Under the previous order, each of us has up to 15 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

TAXES

Mr. CRAIG. Mr. President, I thank the Senator from Georgia for coming to the floor this morning and asking his colleagues to come with him to discuss what is one of the most fundamental arguments and debates this Senate has had, and that is the debate over taxes and how much our government should rightfully take from the American worker and the American family to fund and finance the services of government.

When I first came to Congress in 1981, we were rapidly spending into deficit; and I said at that time my goal would be to balance the Federal budget.

I well remember that some of the old-timers who had been in Congress then for 30 or 40 years laughingly said, "Not in your lifetime, young man." "Not in your lifetime." They also repeated that it really wasn't in the character of our Government or in the good of the Nation that we should ever balance the Federal budget and that deficit spending was appropriate and right for Government to stimulate the economy. I was of a different school of thought, as were many.

In the early 1980s, I joined with Democrat and Republican who agreed with me to introduce balanced budget amendments and to begin to educate Americans that balancing the Federal budget—the annual operating budget and keeping it balanced—would reap this country great dividends.

If you can flash back to the early 1980s, it was also at a time when our deficits were building in the Federal Reserve. At that time, Paul Volcker was saying to us: If you will get your fiscal house in order and I can get my monetary house in order, and we can keep them in balance, we can diminish inflation, lower our interest rates, and cause a tremendous economic growth in our economy.

Congress in those early days chose not to listen. We continued to deficit spend. Paul Volcker, Chairman of the Federal Reserve, basically took it on himself, as did the Federal Reserve, to kill inflation in this economy. It was a very costly task. It threw thousands and thousands of people out of work. It bankrupted small companies. It destroyed farming and ranching communities. It was a devastating thing to do. But it happened.

Some of us have already forgotten 21 percent interest rates at one point and high levels of unemployment. Why? Because the fiscal and monetary policy of this Nation's Government was out of sync. We continued to deficit spend. We continued to mount those deficits until 1994. The American people said enough is enough, and we will listen to a conservative Republican Congress, and we want you to balance the budget. So they changed our country significantly by electing a more conservative Republican majority in Congress. The rest of the story is, while difficult at times, quite simple; that is, we balanced the budget. We did so by restricting the growth of spending at a time when new technologies in our economy were exploding on the scene. The economy and the fiscal policy and monetary policy began to go into balance. We have seen the most phenomenal economic renaissance literally in the history of this country, if not the history of the world.

Our economy today drags the rest of the world's economies with it. Our workforce has never had more options, generally speaking, and opportunity for employment in the history of our country, except, as the Senator from Georgia knows, in rural agricultural communities and some of our resource-based communities where agricultural policy or Government policy is not in sync at this moment, and where we have a unique phenomena around the world such that our biotechnology has expanded around the world to the point of creating tremendous surplus because of the balanced budget.

Because of the fiscally responsible Congress, we are now experiencing the politics of surplus—not deficit but surplus. The politics of that surplus is really quite simple. For those who like to spend, they lick their chops and rub their hands and say, look at all we can do more than we are doing for the American people.

For those of us who really believe we are doing enough and that the American people best know, as the Senator from Georgia said, where and how to spend their money on their families, the politics of surplus is the opportunity to reward the American people for their wisdom in requiring their Government to balance its budget and to return to the American family the money that is rightfully theirs in the reality that we are, in fact, overtaxing the American workforce for the amount of money necessary to run Government.

We knew coming to this session of Congress that what we wanted to do for the American workforce and the American taxpayer in returning to them their money would be a difficult task at best. The first sounding of the alarm came with the President's State of the Union Message when he not only proposed in a time of surplus 80-some new spending programs but even proposed a tax increase. I mean, my goodness, Bill. We are talking about potentially hundreds of billions of dollars of surplus and the argument is that we are probably overtaxing the American people and you want more money and you want to tax more. That really was the beginning of the battle that we have engaged in for about 7 long months.

It was also quite obvious from the very beginning this President would have an ally. That ally would be the liberal press that, from the very beginning, was always asking people such as me and the Senator from Georgia: Well, but what about the President's position? Don't you think that is the right position?

In essence, they were saying: My goodness, you are surely not going to give back this money when you can spend it on all of these programs.

Here is how all of that refines itself into headlines. I was fascinated by it.

In February, I asked the Chairman of the Federal Reserve, Alan Greenspan, who all of us respect greatly, to come to speak to the Republican policy luncheon. He said: What do you want me to speak about? Quite simply, I want to ask you one question: What do you do with surplus? Alan Greenspan came. And he said: Let me suggest that you reduce marginal rates, you pay down debt, "but, most importantly, you don't spend it."

"Most importantly, you don't spend it."

He said the reason is quite simple. Don't send a message to the economy of this country that you are going to lift the caps and start spending money. He said it will be a most negative message because the available resources of this country are now dedicated to growth and job creation in the private marketplace. And if you suggest that you are going to increasingly take more of it and spend it in Government, you will send a more negative signal. Don't do it.

Before the August recess, after we had shaped a tax bill and we were in the final days of debating it and getting ready to send it to the President, the headlines in the papers were "Alan Greenspan not in favor of tax cut."

The reason I use that example is because it typifies what we knew very early on—that we have many enemies out there as did the taxpayers have in pushing this message. Enemy No. 1, Bill Clinton; No. 2, a collective press that would not fairly write to the American people the broad base of this argument.

Let me tell you what Alan Greenspan said that extrapolated itself into headlines as "not in favor of tax cut." He said, and I am not going to extrapolate; I am going to quote:

> My first priority, if I were given such a priority, is to let the surplus run. As I have said before, my second priority is if you find that as a consequence of those surpluses they tend to be spent—

In other words, Alan Greenspan is consistent with February and late July—

> Then I would be more in the camp of cutting taxes because the least desirable is using those surpluses to expand outlays or to spend.

Greenspan continued:

> I give great sympathy to those who wish to cut taxes now to preempt that process, and, indeed, if it turns out that they are right then I would say moving on the tax front makes a good deal of sense to me.

Do you know that Alan Greenspan is right? Already the forces of the idea that the President will veto this package are at hand saying: Can we have another $10, $15, or $20 billion?

Can we have all of the surplus that will be generated out of the general fund and spend it because the priorities are so important?

If we send a signal to the American economy, and Bill Clinton helps it with a veto of this tax bill that will go to him next Tuesday, that we are turning on the spending machine, I am not so sure that a year or two from now we will see near zero unemployment in our country; we will see the vibrant economy; we will see the investment capital; we will see the job creation that has given the American people more reason for optimism than anything we have done or we could do as a government in the last good many decades.

I am suggesting what the Republican Congress has done in proposing a very broad-based tax cut is responsible, consistent with our economy, fair, and it is intended to help people. It is intended to say to the American family: Taxpayers are entitled to more than 50 percent of what they earn, to save, to invest, to buy a new home or a car, to do what is truly a part of the American dream; and that is to not consistently have government take away more of it. That has always been the great energy of our society.

After Alan Greenspan was at the policy committee, I asked him about this phenomenon in the stock market and this high-tech economy. I said: How do you read this one, Mr. Greenspan? He said: I am not sure I can, other than to say the genius of the American people turned loose in a private marketplace is beyond imagination.

Today we have seen that genius simply because we have reduced the level of intensity of government upon that genius. And we want to reduce it a little more. Of all the surplus moneys that will come rolling into government over the next 10 years, we are saying, for every dollar, we only want to give one quarter of it back—not all of it, one quarter of every dollar. Three quarters of it stays in government to shore up Social Security, to reform Social Security, to protect new and future Social Security recipients, to spend a little in selected areas when we find it necessary.

Yet one would think, from listening to folks on the other side of the aisle, that this tax cut would destroy government as we know it. I heard a Democrat Senator the other day say it will destroy all the environmental programs; it will destroy all the educational programs; it will destroy all of the welfare programs. After listening to that, my only thought was: Get a life. Where are you coming from?

We are talking surplus moneys, not current moneys. We are talking surplus moneys. We are only talking about giving a quarter of it back out of every dollar and keeping three quarters of it to do much of what that Senator was talking about.

The reason that Senator was in such an illogical, untruthful panic was that over the August recess Republicans, led by the Senator from Georgia, went home to hold town meetings and press conferences and to visit with our taxpayers and our voters and explain the package. All of a sudden, the numbers started shifting because the national media didn't have control of the message. All of a sudden, the tax bill moved up into the high fifties and sixties as something the American people thought was probably the right thing to do. Still frustrated, they want the debt paid down. But when they found out that over the course of the life of this tax bill we pay down about $2 trillion in debt, they said that is fair and reasonable.

Of course, when agricultural America, where the Senator from Georgia and I were visiting with our farmers, saw what we had done for them in farming and in the tax package to help production agriculture, they said that makes sense, that gives us tools to survive and to be productive.

I am absolutely amazed this President blindly, without listening, reading, or sensing the character of the American people, but only the politics of his party, says "veto" from day 1, "veto" from day 2, "veto" from day 3, instead of saying we have an opportunity to keep this economy growing to allow the private sector to thrive, to hold down the influence of government over the private sector, and, most importantly, allow the American family to pursue its dream.

That is what this tax package is all about. It is all about the right things. It is about fairness, responsibility, helping people, and controlling government.

I thank my colleague from Georgia for his leadership in this area, for helping send the messages out unfettered, clear and simple, to the American people so they can make up their own minds. They are making up their minds. It is very clear to me where they come down. They come down on the "no spending" side, and they come down on the side of splitting the differences between a tax cut and paying down the debt. That is right and responsible. I hope the President will listen as that bill comes to him this coming week.

I yield the floor.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I do have a series of requests that I will need to make. I have notified the Democratic leadership that we will be making these requests, and I believe Senator DORGAN is here to respond and perhaps comment on them.

UNANIMOUS CONSENT REQUEST—MESSAGE ACCOMPANYING S. 1467

Mr. LOTT. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House to accompany S. 1467, the FAA reauthorization. I further ask consent the Senate disagree to the amendments of the House, agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Before the question is put, I do want to say the FAA reauthorization is a very important piece of legislation, obviously. It never seems to be easy getting it through the Congress. I remember in 1996 it was the last bill that we passed of the session, and it took an extra week of the session to get it through. Now we find, after a lot of work involving issues all the way from safety and improvements in airports and questions of slots at various airports—New York, Chicago, as well as what to do with Reagan National Airport—the Senate has developed what I think is a good bill. The House has passed a bill, but it has provisions in it that are of great concern to the chairman of the committee in the Senate and the chairman of the Budget Committee. So there are, once again, complications.

Because of the need to stay on the appropriations bills and fulfill our commitments, it is very difficult to schedule a lengthy debate on FAA reauthorization. I have spoken to Senator DASCHLE and said: Is there some way we can work out an agreement to perhaps bring it up in a short period of time so we get it done, even in the midst of all the appropriations bills? The other option is to go straight to conference with the bill the Senate Commerce Committee reported and the bill the House has reported. That is what this would attempt to do so we could move on with the process.

That effort was made during the latter part of July. We thought we had it cleared a couple of times, and then we ran into objections. I do have a list of proposed conferees who would come both from the Commerce Committee and from another committee that is interested in this, the Transportation Appropriations Committee, I believe, Senator SHELBY; and Budget, Senators DOMENICI and GRASSLEY, and of course their counterparts from the Democratic side.

I make that unanimous consent request at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, and I shall object on behalf of Senator DASCHLE, the Democratic leader. But before doing so, I would like to point out the Senate passed S. 1467, which is a 60-day extension of the airport grant program. We have dealt with this issue of the reauthorization act for some long while.

In fact, in the Commerce Committee on which I and the majority leader both serve, we have passed S. 82. It has been waiting to be brought to the floor of the Senate for debate. The process that is described by Senator LOTT would, in effect, prohibit Senators from debating this issue on the floor of the Senate. Because the House passes an omnibus bill and attaches it to the 60-day extension, the Senate does not have the opportunity to debate. It means people who have amendments they would like to offer, perhaps, to the bill that we wrote in the Commerce Committee will not have that opportunity. This will then be decided in conference. That is not appropriate and not something we could agree to.

But I do want to say, and I expect the majority leader probably disagrees, this process has been abysmal. We have a system in this country with radical expansion of the number of people flying. The FAA is an organization that desperately needs some assistance and some predictability and consistency with a reauthorization they can count on. We should have done this long ago. Passing 60-day extensions doesn't serve anybody's interest.

Several days on the floor of the Senate would resolve this from the standpoint of the larger reauthorization bill and move this process forward. I will be forced to object to the unanimous consent request for those reasons, the request offered by the majority leader. I do so object, and then I would like to offer a unanimous consent request on a different way to accomplish the same result. But I object to the unanimous consent request by the majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. If I might ask the majority leader for the opportunity to offer a unanimous consent request?

I ask consent the Senate disagree to the House amendments so the message on this bill can be returned to the House this afternoon. That would enable the House to recede from its amendment and send S. 1467, the short-term extension bill the Senate passed on August 2, to the President immediately for his signature. This would ensure this process would continue, local airports would be able to receive the estimated $290 million in funds due through the end of this fiscal year, and do that until the Senate has had an opportunity to consider the FAA reauthorization bill. We should do that. Senators have that right. It ought to be a priority. I hope we can accomplish that. I make this in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I would have to object at this time. However, I find some interest in the offer. But I would need to consult with the chairman and the ranking member and make sure all Senators are aware of that. I have a number of Senators who have put me on notice, on both sides of the aisle, that before we agree to a further, or some other, agreement or unanimous consent, they would want to be notified. I know Senator FITZGERALD of Illinois was one of those. I believe one of the New York Senators had notified me to that effect also. So we would need to clear it with a number of people.

I personally think the 60-day extension is the way to go and that is why I supported the 60-day extension before we went out. We had not been able to resolve the scheduling problems or resolve the substance of the issues, and while we were doing that, I thought the responsible thing to do was the 60-day extension, and I will continue to advance the need for that. Unfortunately, the House didn't agree with that and they took our 60-day extension and attached their bill to it and sent it back, which, in effect, meant that we did not have the extension because this was the final couple of days of the July recess.

There are disagreements on how to resolve the FAA reauthorization. I noted we had a similar disagreement over a very narrow point back in 1996 and the whole session was delayed an extra week because Senator KENNEDY had a point that he was concerned about. But we got it done, and I am determined we are going to get it done this time.

I must say to the Senator, if I could create an extra 10 days in a month, I would probably do that because it is very hard to accommodate what we must do and accommodate agreements that are reached so we can have not 1 week but 2 weeks of debate on a juvenile justice bill. We find many of our bills are taking longer because Senators offer 100 amendments or a whole variety of things.

I am determined to get this done and I will continue to work with the chairmen and the ranking members on both sides of the aisle, in both Houses, and I will be pursuing the 60-day extension. I will get back to the Democratic leadership about how we proceed with that.

Again, I note I did talk to Senator DASCHLE about trying to come up with an agreement on a process where we could deal with this, even with the limited time we have before us.

Mr. DORGAN. May I make just one comment?

Mr. LOTT. Further reserving the right to object, I yield to the Senator.

Mr. DORGAN. I observe on March 8 the Commerce Committee took action on S. 82, which is the reauthorization of the FAA. So we have had a substantial amount of time elapse. I think the Senator from Mississippi agrees with me that the number of people using the aviation system in this country has expanded dramatically. The capacity is being substantially taxed in many ways, and we really do need to pass a reauthorization bill. It is critically important that we get at this business. I respect the difficulty of time that a majority leader has to deal with, but this is a big issue, the issue of safety and protecting the system by which we have an aviation transportation system in our country, one that we are very proud of but one that desperately is waiting for and needs a reauthorization bill passed by the Senate. We ought to have the opportunity to debate that in the Senate, get to conference, and we ought to make this a priority.

Mr. LOTT. Further reserving the right to object, if Senators will show up, we can have work on Mondays and Fridays. If we do not have objection to having a full day's work, such as this coming Monday, we can get more done. But I should note also, transportation in general is important. Roads and ports and harbors, Amtrak, railroads, airlines—it is all important.

Yet, just yesterday, the Democrats insisted on blocking a maneuver to get to consideration of the Transportation appropriations bill. They threatened to filibuster because they did not like one provision in the Transportation appropriations bill that will benefit two States, that affects two States. Therefore, we could not invoke cloture on the Transportation appropriations bill.

I agree, air safety is important but so is road safety. My father was killed on an unsafe, narrow, two-lane highway. I get very excited and determined when it comes to transportation, whether it is an appropriations bill or transportation in general, and FAA reauthorization. I hope we can find a way to work together to move both these bills. I am committed to that.

I object.

I will move to the next request.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S.J. RES. 33

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 274, S.J. Res. 33, regarding the actions of President Clinton in granting clemency to the FALN terrorists.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I shall object on behalf of Senator DASCHLE. I observe that Senator DASCHLE and Senator LOTT had conversations about the specific language in the proposal. My understanding is there are meetings, in fact, scheduled midday today to review the language. I expect there may be some opportunity to come to some common understanding on language that will be acceptable. There has been no such agreement at this point. While these discussions are ongoing, on behalf of Senator DASCHLE, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I appreciate the comments of Senator DORGAN with regard to the possibility of trying to work out some language on which there can be agreement. Even though I will proceed to file a cloture motion, if we can come up with some language that expresses the outrage of the American people and the feelings of the Senate on both sides of the aisle, we will withdraw that cloture motion and will go to the vote.

I note that just yesterday the House of Representatives debated a resolution on this issue. Over 300 voted for the resolution expressing criticism of this clemency; 41 or so voted no; 70 voted "present," which I think is a very curious thing. I do not recall the last time I have seen as many as 70 vote "present." The House has shown leadership in this area in a bipartisan way. I hope the Senate can do the same.

DEPLORING THE GRANTING OF CLEMENCY—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Calendar No. 274, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. J. Res. 33, a joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists:

> Trent Lott, Conrad R. Burns, Ted Stevens, Peter Fitzgerald, Jim Bunning, Larry E. Craig, Michael D. Crapo, Chuck Hagel, Fred Thompson, Bill Frist, Michael B. Enzi, Judd Gregg, Craig Thomas, Jesse Helms, Pat Roberts, and Paul Coverdell.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Monday, September 13.

I ask unanimous consent that the cloture vote occur at 5 p.m. on Monday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. Mr. President, what is the pending business?

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—RESUMED

The PRESIDING OFFICER. The pending business is the Interior appropriations bill, H.R. 2466, which the clerk will report.

The legislative assistant read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

Hutchison amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Mr. LOTT. What is the pending business now, Mr. President?

AMENDMENT NO. 1603

The PRESIDING OFFICER. The pending business is the Hutchison amendment No. 1603.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk, on the pending amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1603 to Calendar No. 210, H.R. 2466, the Interior appropriations bill:

> Trent Lott, Kay Bailey Hutchison, Gordon Smith, Thad Cochran, Larry E. Craig, Bill Frist, Mike Crapo, Don Nickles, Craig Thomas, Chuck Hagel, Christopher S. Bond, Jon Kyl, Peter Fitzgerald, Pete V. Domenici, Phil Gramm, and Slade Gorton.

Mr. LOTT. Mr. President, again, so Senators will know when to expect the vote, it will occur Monday, September 13. So on Monday, with the two cloture votes and a vote or two on Federal judicial nominations, we can expect three or four votes in a stacked sequence on Monday afternoon beginning at 5. I ask unanimous consent that this vote occur immediately following the cloture vote regarding S.J. Res. 33 and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I will note also this is an unusual procedure. Let me just explain. We are on the Interior appropriations bill. There is an amendment pending. Because the Senator from California, Mrs. BOXER, is concerned she may lose on a vote on the amendment, it is being filibustered, or there is the threat of a filibuster. I think that is unusual.

We do have disagreements sometimes on how to proceed to a bill or whether or not to even take up a bill, but it is a little unusual to have this occur on an individual amendment.

Senator DASCHLE and I quite often talk about how we prefer not to do this sort of thing to each other, at least on amendments. What we try to accommodate each other on is a debate, vote, somebody wins, somebody loses, and we move on. Sometimes individual Senators can exercise their right, and they have that right.

I hope we will not get into a pattern of doing this. It will make an already cumbersome process even more difficult to complete important work. The Interior appropriations bill, as all appropriations bills, is very important for our country. It has a lot of important provisions, all the way from parks to land management, that we need to get completed. We certainly will work to do that, and that is why I filed this cloture motion.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. DORGAN. Reserving the right to object, and I shall not object, but I would like to make a couple of inquiries of the majority leader.

I ask the majority leader about the issue of scheduling the Comprehensive Test Ban Treaty for debate in the Senate. While I have asked that, let me make an observation. The majority leader just described the difficulties the leadership has, both the majority leader and the minority leader, in scheduling business before the Senate. I respect that. I do not think he is crying wolf. It is a difficult problem.

I once saw a juggler juggle a potato chip, a bowling ball, and a chain saw that was running. It occurred to me that one was light, one was heavy, and one was dangerous. That is probably the kind of juggling act Senator LOTT and Senator DASCHLE are required to do weekly and monthly.

The distinction of understanding what is light and heavy and what is dangerous, for that matter, is a very important distinction. Let me describe something I think is very heavy in terms of a public issue and public policy. That is the Comprehensive Test Ban Treaty signed by 152 countries and sent to this Senate 718 days ago without one hearing.

I believe so strongly—and I know the Senator from Mississippi knows I spoke earlier this week on the floor about it —that we have a responsibility to provide leadership in the world on the issue of nonproliferation of nuclear weapons. This treaty is a baby step in that direction.

So far, we have not been able to get even 1 day of hearings on this treaty. I believe very strongly that this is one of those heavy public policy issues which is important for our country and important for the world. I want very much to have some assurance that we are going to have an opportunity to debate and vote on the Comprehensive Test Ban Treaty at some point.

I inquire of the majority leader where we are with respect to that treaty, why we have not been able to have hearings, and when we might expect some action on the floor of the Senate with respect to the Comprehensive Test Ban Treaty.

Mr. LOTT. Mr. President, first of all, I emphasize, obviously this is a very important issue. I think it is an extremely dangerous issue in a dangerous time. We see now uncertainty with regard to Russia and their economic condition and what is happening with loans that have been made to them I guess through the IMF. We are concerned about their continuing nuclear capability. So it is an uncertain time. They have not ratified SALT II in the Duma of Russia. And we have not determined what we are going to do about revisiting the ABM Treaty.

I talked to the President's National Security Adviser, Sandy Berger, this past week about that event. I believe very strongly we are going to have to take another look at the ABM Treaty.

Then, in addition to that, you have the very dangerous situation with Iraq. In today's newspaper, we have an indication that Iran may have the capability to deliver nuclear weapons beyond what most people are aware. And there is the "scary," I believe is the way it was described in the newspaper today, situation with regard to North Korea.

The countries that have signed that treaty, for the most part, are countries that do not have nuclear capability, so they are perfectly happy to sign it. But when you look at Russia, Iraq, Iran, North Korea, Pakistan, and India, the world is still very dangerous.

The chairman of the Foreign Relations Committee has indicated very strongly there are a number of treaties that are necessarily tied together; what is going to be the situation with regard to the ABM Treaty; what is the situation with regard to Kyoto, the global warming issue; and the third leg of this stool is the Comprehensive Test Ban Treaty.

I think the chairman has indicated he is willing to get into these three areas. He will be taking a look at hearings. I have encouraged him to do so, but I think everybody needs to understand that it would involve all three of these issues. And they are going to be dealt with.

I commend for the reading of the Senate today's editorial page article by Charles Krauthammer. I ask unanimous consent that a copy of that article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, September 10, 1999]

(By Charles Krauthammer)

A TEST BAN THAT DISARMS US

When it comes to nuclear testing, nations will act in their perceived self-interest.

Some debates just never go away. The Clinton administration is back again pressing Congress for passage of the Comprehensive Test Ban Treaty (CTBT). This is part of a final-legacy push that includes a Middle East peace for just-in-time delivery by September 2000.

The argument for the test ban is that it will prevent nuclear proliferation. If countries cannot test nukes, they will not build them because they won't know if they work. Ratifying the CTBT is supposed to close the testing option for would-be nuclear powers.

We sign. They desist. How exactly does this work?

As a Washington Post editorial explains, one of the ways to "induce would-be proliferators to get off the nuclear track" is "if the nuclear powers showed themselves ready to accept some increasing part of the discipline they are calling on non-nuclear others to accept." The power of example of the greatest nuclear country is expected to induce other countries to follow suit.

History has not been kind to this argument. The most dramatic counterexamples, of course, are rogue states such as North Korea, Iraq and Iran. They don't sign treaties and, even when they do, they set out to break them clandestinely from the first day. Moral suasion does not sway them.

More interesting is the case of friendly countries such as India and Pakistan. They are exactly the kind of countries whose nuclear ambitions the American example of restraint is supposed to mollify.

Well, then. The United States has not exploded a nuclear bomb either above or below ground since 1992. In 1993, President Clinton made it official by declaring a total moratorium on U.S. testing. Then last year, India and Pakistan went ahead and exploded a series of nuclear bombs. So much for moral suasion. Why did they do it? Because of this obvious, if inconvenient, truth: Nuclear weapons are the supreme military asset. Not that they necessarily will be used in warfare. But their very possession transforms the geopolitical status of the possessor. The possessor acquires not just aggressive power but, even more important, a deterrent capacity as well.

Ask yourself: Would we have launched the Persian Gulf War if Iraq had been bristling with nukes?

This truth is easy for Americans to forget because we have so much conventional strength that our nuclear forces appear superfluous, even vestigial. Lesser countries, however, recognize the political and diplomatic power conveyed by nuclear weapons.

They want the nuclear option. For good reason. And they will not forgo it because they are moved by the moral example of the United States. Nations follow their interests, not norms.

Okay, say the test ban advocates. If not swayed by American example, they will be swayed by the penalties for breaking an international norm.

What penalties? China exploded test after test until it had satisfied itself that its arsenal was in good shape, then quit in 1996. India and Pakistan broke both the norm on nuclear testing and nonproliferation. North Korea openly flouted the Nuclear Non-Proliferation Treaty.

Were any of these countries sanctioned? North Korea was actually rewarded with enormous diplomatic and financial inducements—including billions of dollars in fuel and food aid—to act nice. India and Pakistan got slapped on the wrist for a couple of months.

That's it. Why? Because these countries are either too important (India) or too scary (North Korea). Despite our pretensions, for America too, interests trump norms.

Whether the United States signs a ban on nuclear testing will not affect the course of proliferation. But it will affect the nuclear status of the United States.

In the absence of testing, the American nuclear arsenal, the most sophisticated on the globe and thus the most in need of testing to ensure its safety and reliability, will degrade over time. As its reliability declines, it become unusable. For the United States, the unintended effect of a test ban is gradual disarmament.

Well, maybe not so unintended. For the more extreme advocates of the test ban, nonproliferation is the ostensible argument, but disarmament is the real objective. The Ban the Bomb and Nuclear Freeze movements have been discredited by history, but their adherents have found a back door. A nuclear test ban is that door. For them, the test ban is part of a larger movement: the war against weapons. It finds expression in such touching and useless exercises as the land mine convention, the biological weapons convention, etc. The test ban, unfortunately, is more than touching and useless. It may actually work—to disarm not the North Koreas of the world but the United States.

Mr. LOTT. It is a very good article. He basically says that the Comprehensive Test Ban Treaty is disarmament, unilateral nuclear disarmament by the United States, because we would not be testing our aging nuclear weapons and saying to the rest of the world: We have been good guys, so we're going to have faith that you're going to be good. I am not prepared to put my grandson's future at risk in this way.

So that is how I wanted to respond. I do think hearings could be and should be scheduled in a variety of ways. I hope the chairman will be working on that. I will be talking to him about it, one. Two, I do think this is a dangerous time to rush to judgment on such an important issue. Three, I do think it is the wrong thing to do. And four, if it is called up preemptively, without appropriate consideration and thought, it could be defeated.

I think that the advocates need to weigh the ramifications and the implications of such an action.

So I know the interest of the Senator. I have already talked with him about it. I will be glad to work with him and to work with the chairman to see what an appropriate time is and what an appropriate process is for having hearings of these critical areas.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Further reserving the right to object, and I shall not object, but I do want to respond to a couple of the comments that were made. We should not rush into this. No one would ever accuse the Senate of speeding on an issue such as this—718 days. It is very unusual that we have not had an opportunity to act on this treaty after 718 days without even 1 day of hearings. So no one will accuse the Senate of rushing to judgment on this issue.

It is an uncertain and difficult world. That is precisely why it is important to address this issue. This country has no moral standing, or very little moral suasion to be going to India and Pakistan and saying to them: Do not detonate additional nuclear weapons. Sign and ratify this treaty. The fact is Russia and China, and others, wait on us.

The majority leader talked about a piece in today's newspaper written by Charles Krauthammer.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a much better piece on this same subject that appeared two days ago in the Washington Post in the form of an editorial supporting the Comprehensive Test Ban Treaty, and reserve the right later to ask at some time to include an even better piece that will be in response to today's Krauthammer article this morning that I and some others will try to write for the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY A TEST BAN TREATY?

The proposed nuclear test ban treaty has been around so long—for 50 years—and has been so shrouded in political foliage that many people have forgotten just what it entails. The current debate about it centers on the Clinton administration's differences with the Russians on the one hand and with the Republicans on the other. But in fact the appeal of the treaty is a good deal simpler and more powerful than the debate indicates. This treaty would put an end to underground nuclear tests everywhere; tests above ground already are proscribed either by treaty or by political calculation. Its merits shine through.

Testing is the principal engine of nuclear proliferation. Without tests, a would-be nuclear power cannot be sure enough the thing would work to employ it as a reliable military and political instrument. Leaving open the testing option means leaving open the proliferation option—the very definition of instability. The United States, which enjoys immense global nuclear advantage, can only be the loser as additional countries go nuclear or extend their nuclear reach. The aspiring nuclear powers, whether they are anti-American rogue states or friendly-to-America parties to regional disputes, sow danger and uncertainty across a global landscape. No nation possibly can gain more than we do from universal acceptance of a test ban that helps close off others' options.

At the moment, the treaty is hung up in the Senate by Republicans desiring to use it as a hostage for a national missile defense of their particular design. This is curious. The obstructionists pride themselves in believing American power to be the core of American security. Why then do they support a test ban holdup that multiplies the mischief and menace of proliferators and directly erodes American power? The idea has spread that Americans must choose between a test ban treaty and a missile defense. The idea is false. These are two aspects of a single American security program, the one being a first resort to restrain others' nuclear ambitions and the other a last resort to limit the damage if all else fails. No reasonable person would want to cast one of these away, least of all over details of missile program design. Those in the Senate who are forcing an either-or choice owe it to the country to explain why we cannot employ them both.

The old bugaboo of verification has arisen in the current debate. There is no harm in conceding that verification of low-yield tests might not be 100 percent. But the reasonable measure of these things always has been whether the evasion would make a difference. The answer has to be that cheating so slight as to be undetectable by one or another American intelligence means would not make much difference at all.

The trump card of those who believe the United States should maintain a testing option is that computer calculations alone cannot provide the degree of certitude about the reliability of weapons in the American stockpile that would prudently allow us to forgo tests. This is a matter of continuing contention among the specialists. But what seems to us much less in contention is the proposition that, given American technological prowess, the risk of weapons rotting in the American stockpile has got to be a good deal less than the risk that other countries will test their way to nuclear status.

The core question of proliferation remains what will induce would-be proliferators to get off the nuclear track. Certainly a "mere" signature on a piece of paper would not stay the hand of a country driven by extreme nuclear fear or ambition. Two things, however, could make a difference. One is if the nuclear powers showed themselves ready to accept some increasing part of the discipline they are calling on non-nuclear others to accept, so that the treaty could not be dismissed as punitive and discriminatory. The other is that when you embrace the test ban and related restraints on chemical and biological weapons, you are joining a global order in which those who play by the agreed rules enjoy ever-widening benefits and privileges and those who do not are left out and behind.

President Clinton signed the test ban treaty, and achieving Senate ratification is one of his prime foreign policy goals. More important, ratification would make the world a safer place for the United States. Much still has to be worked out with the Republicans and the Russians, but that is detail work. The larger gain is now within American reach.

Mr. DORGAN. I guess I heard the majority leader indicate the Comprehensive Test Ban Treaty is tied up with several other treaties, and he equated it to a stool that has a bunch of legs to it—at lease three legs. But I say this: this is not a stool and not legs that connect. There is no connection between the Kyoto treaty and the Comprehensive Nuclear Test Ban Treaty. The U.S. has already decided we are not testing nuclear weapons. We have not tested since the early 1990s.

I would love to have a long debate about this. I feel strongly that the treaty is needed in order to prevent others from testing and in order to prevent others from believing they have acquired nuclear weapons that work, because you cannot believe they work unless you have tested them. If we have a regime in which the world decides, through leadership from this country and others, that it will not test nuclear weapons any longer, we will have taken a step to prevent the proliferation of nuclear weapons.

We can have that debate and should have that debate. But we have not even had the first day of hearings. What I heard the Senator from Mississippi say, I think, is that he has encouraged the chairman of the Committee on Foreign Relations to hold hearings, to hold hearings on this treaty.

The reason I ask the question is I don't want to add to your burdens—you have plenty—but I indicated earlier this week I certainly will be prepared to add to your burdens and the burdens of Senator DASCHLE when you try to schedule this place because this is one of those heavy issues, important issues. We ought to have the opportunity to consider this issue as a Senate.

So I ask the Senator from Mississippi, will we be able to expect hearings will be held in the Foreign Relations Committee on this subject, and, if so, when?

Mr. LOTT. Mr. President, if I could respond, who has the time now? Is this under a reservation?

Mr. DORGAN. It is.

The PRESIDING OFFICER. The Senate majority leader has the floor.

Mr. LOTT. Mr. President, at least Dr. Charles Krauthammer signed his editorial. We do not know who wrote the editorial in the Washington Post. But I would be willing to guess that Dr. Krauthammer knows more about the subject than whoever at the White House wrote the article for the Washington Post editorial page.

If we want to compare capabilities and knowledge, I would be glad to get into that. I put my money with Krauthammer against anybody who writes an editorial in the Washington Post.

Having said that, I have done what I can do at this point in terms of suggesting that hearings be in order.

Mr. DORGAN. You have suggested.

Mr. LOTT. I have suggested that to the chairman. He has indicated, while he understands and will be working toward that, he has these other issues into which he wants hearings.

But I expect next week to get some feel from him exactly what the schedule would be. When I do talk to him, which will be, I presume, early next week, I will be glad to get back to Senator DORGAN and give him that information.

Mr. DORGAN. I appreciate that.

Let me say I have great respect for the chairman of the committee. We might have disagreements about the policy, but he is the chairman. I have respect for him and in no way denigrate his efforts and his beliefs on these issues.

This is a very controversial matter but very important and one I believe the Senate ought to be entitled to debate. Based on the majority leader's response, I will look forward to further discussing with him next week.

Let me say I appreciate the fact he has initiated an effort to ask that we have some hearings held in the Senate. I think that is movement, and that is exactly what should happen.

Mr. LOTT. I cannot wait to hear how Jim Schlesinger describes the CTBT treaty. When he gets through damning it, they may not want more hearings.

Mr. DORGAN. Mr. Schlesinger will be standing in a mighty small crowd. Most of the folks who are supporting this treaty are the folks who Senator LOTT and I have the greatest respect for who have served this country as Republicans and Democrats, and military policy analysts for three or four decades, going back to President Dwight D. Eisenhower.

Mr. LOTT. I ask unanimous consent that the time just consumed during the leader's presentation of consent items not count against the Coverdell morning business time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield up to 15 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

PARDONING TERRORISTS BY THE PRESIDENT

Mr. GRAMM. Mr. President, today I want to talk about the tax cut. But I can't help but comment, if only very briefly, about the fact that some of the terrorists pardoned by the President are schedule to be released today. They were imprisoned for up to 90 years in response to the convictions that were achieved following some 130 bombings in America—the worst terrorist assault in the history of the United States.

We are told by the White House that fighting terrorism is a No. 1 priority. But obviously it is not as important as politics. It is outrageous that at a time when the greatest national security threat facing America is terrorism, that the President of the United States is pardoning radical Puerto Rican nationalists who helped carry out the worst wave of terrorist violence in the history of our country. I think it sends a terrible signal.

I notice the President was saying yesterday that among those who had recommended to him that he pardon these terrorists was former President Jimmy Carter. What an interesting paradox it is that this wave of terrorism, in fact, increased in intensity after then-President Carter pardoned the terrorists who were in prison as a result of an attempt to kill President Truman and were in prison as a result of a shooting in the Chamber of the House of Representatives where Members of Congress were wounded. Those acts of violence were perpetrated in the name of the same cause as that espoused by the terrorists who have now been granted clemency by President Clinton.

I don't know how long it will take President Carter and President Clinton to understand that terrorism is a threat to America and to every American. When you pardon terrorists, you lower the cost for committing terrorist acts.

Our Democrat colleagues have objected for the second time to a simple resolution that condemns the President's actions in pardoning these convicted terrorists. I don't know whether they intend to vote no or whether they intend to vote present, but I don't think there is much confusion. You either believe the President ought to be pardoning these convicted terrorists, or you believe he shouldn't. I wish our Democrat colleagues would let the Senate state its opinion on this important subject as the House did.

THE TAX ISSUE IN PERSPECTIVE

Mr. GRAMM. Mr. President, turning to the whole tax issue, I would like to try to set it in perspective. Our President is a master of defining an issue in such a way as to induce the public to support his position. One of his secrets is, he doesn't always tell the truth. So I will try to set this in perspective by trying to define why we believe there should be a tax cut and then outlining the two options that we actually face.

I have several charts that I think will speed the process along. The first chart shows the 7 years in American history where the tax burden on the American people has been highest. Interestingly enough, the highest tax burden in American history, as one might expect, was under President Truman in 1945. National defense was taking 38 cents out of every dollar earned by every American as we were winning World War II.

The second highest tax burden in American history is the tax burden we'll have on Oct. 1. That tax burden is occurring, by the way, when national defense is taking only about 3 cents out of every dollar earned by every American.

The third highest tax burden we have ever had in American history is right now under President Clinton. The fourth highest tax burden occurred last year under President Clinton. The fifth highest occurred in 1944 under President Roosevelt. National defense spending was 38 percent of the national economy.

The sixth highest tax level was in 1997, under President Clinton, and the seventh highest tax level was the day President Reagan became President. As we all know, soon after his inauguration, we set about an effort, a successful effort, to cut taxes 25 percent across the board.

If you look at these 7 years, you will see that we are facing the second highest tax burden on working Americans in the history of the United States and we have never, except during World War II and under President Clinton, faced tax burdens that approached this level, the only one that was close was the year that we initiated the 1981 tax cut.

As to my second point, while the President continues to talk about how risky and dangerous it is to let working Americans keep more of what they earn and why we shouldn't repeal the marriage tax penalty and the death tax, the reality is as shown in this chart, which shows three circumstances.

First, it shows the tax burden the day President Clinton came into office. The day President Clinton became President, the Federal Government was taking 17.8 cents out of every dollar earned by every American. Today, the Federal Government is taking 20.6 cents out of every dollar earned by every American.

If we adopted a tax cut that took the entire non-Social Security surplus,—and our tax cut is significantly less than the entire non-Social Security surplus because we have finally reached an agreement, which the President initially opposed but finally was shamed into accepting, that we will not spend the Social Security surplus. But if you took the whole non-Social Security surplus and gave it back in tax cuts, the tax burden, when that tax cut was fully implemented, would be 18.8 cents out of every dollar earned by every American, which is still substantially above the tax burden that existed the day Bill Clinton became President. So the adoption of our smaller tax cut and its full implementation would still mean that during the Clinton Presidency, the tax burden on the American people rose dramatically.

A final chart has to do with the part of the story that President Clinton is not telling the American people. President Clinton, interestingly, has it both ways. He says: Don't cut taxes; let's pay down the debt. Then he says: But if you cut taxes—Senator DOMENICI has heard this; Senator NICKLES has heard this—if you do cut taxes, it will jeopardize all these spending programs.

I ask my colleagues: If the President's plan is to use the revenues that we are not using to cut taxes and instead pay down debt, why does that jeopardize spending programs? How is that possible? What the President is doing, interestingly enough, is he is getting credit with some Americans for saying let's pay down the debt. He is getting credit with other Americans for saying let me spend it, and in an incredible paradox, he can have it both ways.

But facts are stubborn things, and they don't lie. It is hard to cover up facts. I want to remind my colleagues, using the final chart here, that earlier this year, in fact on July 21, the Congressional Budget Office, which is the nonpartisan budgeting arm of Congress, looked at the President's budget and asked the question: How much does it propose to spend and how much would it pay down debt?

What the Congressional Budget Office found is that over the next 10 years, the President is proposing spending a net new $1 trillion 33 billion. The President, according to the Congressional Budget Office, is proposing to spend every penny of the non-Social Security surplus, plus spend part of the Social Security surplus.

So when the President says: Don't give this money back to working Americans in tax cuts, let's pay down the debt, he is saying something that does not comport with his own budget because the reality is, the President's own budget calls for spending every penny of this surplus on some 81 Government programs.

The reality we face is that the President, as he outlined in the State of the Union, has set out some 81 Government programs on which he wants to spend this non-Social Security surplus and part of the Social Security surplus.

The real choice is not do you want to buy down debt or do you want to give a tax cut to working Americans. The real choice is, do you want to spend this surplus on 81 Government programs, or do you want to give the money back to the American taxpayers.

If I could run the Government by myself, or if the Presiding Officer and I could run the Federal Government, I know exactly what we would do. We would take every penny of the surplus and we would pay down the debt. We would wait until after the election—I am no longer speaking for the Presiding Officer but for myself; I believe my Governor is going to be elected President—and then we would set about doing a real tax cut.

The only reason I supported cutting taxes now is we are spending this surplus as fast as we can spend it, and I am worried that it will be gone on 81 new Government programs before we can have an election and elect a new President and address this issue again.

So if it were up to me, I would do what President Clinton claims he is doing but something he is not doing; that is, I would stay with the spending caps which have already been broken. I would draw the absolute line and not let a penny of Social Security money be plundered. The President is already proposing to plunder it and is going to veto appropriation bills this year because we don't plunder Social Security money. Remember I made that prediction. I will remind you when it happens.

So basically the proof of what I am saying is the following: When the President talks about his budget paying down debt and says our plan does not pay down as much debt, the truth is, when the nonpartisan Congressional Budget Office looked at our tax cut, our budget, and looked at the President's budget, CBO found that the President's budget, for the next 10 years, actually pays down $219 billion less in the debt that we owe as a nation than the Republican budget does even with our tax cut.

Now, how is that possible? It is possible because the President proposes to spend $1.33 trillion on new spending programs, which is the entire non-Social Security surplus, plus part of Social Security money. So that is the real choice. I think what the American people need to think about next week when the President vetoes the tax bill is they need to look at those 81 Government programs, and they need to look at our tax cut. Look at the 81 Government programs the President wants to expand, or create and then look at our tax cut and decide which would benefit their family more. I think if they benefit more from the Government spending, they ought to support the President and they ought to vote for a Democrat for President and Democrats to control Congress. But if they believe they can spend their money better than the Government can spend it for them, I think they ought to vote for a Republican President and for Republican Members of Congress.

Lest anybody has forgotten, let me conclude by simply going over what our tax cut does. Our tax cut repeals the marriage tax penalty. As many Americans are aware, because a married couple has a lower standard deduction than two single individuals, and since a married couple gets into the 28-percent tax bracket quicker than two single individuals, the average American couple actually pays the Federal Government $1,400 a year for the privilege of being married.

Now, as I like to point out, I want to make it clear that my wife is worth $1,400 a year—a bargain at the price. But I think she ought to get the money and not the Government.

So that is the first thing our tax change does. It eliminates the marriage tax penalty. Now, marriage may not be for everybody, but it is the most powerful institution for human happiness and progress in history. I think having a Tax Code that discriminates against people who get married is a bad mistake and ought to be corrected.

The second thing we do is lower tax rates. We lower each individual bracket by 1 percent, so that every person in that bracket is taxed 1 percentage point less. If you are being taxed at 15 percent, we lower it to 14. If it is 28 percent, we lower it to 27. If it is 31 percent, we lower it to 30.

We repeal the death tax. We believe when Americans work a lifetime to build up a business, to build up a farm, and they pay taxes on every penny they earn, and then they invest their aftertax money in building up a family business or family farm, it is wrong for the Government to force their children to sell that business or that farm in order to give Government up to 55 cents out of every dollar that they built up in that farm or business in their working life.

I know we have Democrat colleagues who say, well, some rich people will benefit. That may be true. But this tax is wrong. It is not right. It is double taxation, and it is very harmful to force children to sell off farms and businesses to give the Government taxes when somebody dies. It is not right when your parents die that the first official contact you get from the Government is from the Internal Revenue Service, in essence, telling you that the lifetime work of your parents has to be sold off to give the Government up to 55 cents out of every dollar that they have earned and set aside in their lives. It is not right.

Another provision of our bill is that we make health insurance tax deductible for the self-employed and for those people who work for companies that don't provide health insurance. Why should health insurance be tax deductible for General Motors but not for Joe Brown? We think that is discrimination. We think everybody ought to be treated the same.

Now, my final point. You have heard our Democrat colleagues and our President say that the Republican tax cut is unfair. Normally, what they mean in saying it is unfair is something like: Do you realize that about 30 percent of Americans will get no tax cut from the Republican tax cut? You hear that and you say that doesn't sound right. But what they never point out is, roughly 30 percent of American families pay no taxes. We are talking about cutting income taxes, and about a third of American families pay no income tax.

Let me tell you how I feel about this. Taxes are for taxpayers. Tax cuts are for taxpayers. Everybody doesn't get Medicaid. Everybody doesn't get Medicare. Everybody doesn't get food stamps. Everybody doesn't get welfare. You have to qualify for those programs by either paying money in, in the case of Medicare, or being poor, in the case of Medicaid, food stamps, and welfare.

Republicans feel very strongly that tax cuts are for taxpayers. If you don't pay taxes, you don't qualify for a tax cut. That brings me to the final point I want to make. Some people say, well, maybe there could be a compromise between Congress and the President. Let me tell you why there can't and why there is not going to be. It looks as if the President has proposed a $300 billion tax cut, we have proposed almost $800 billion, and there is $500 billion between us. So it doesn't take a genius to figure out you could end up somewhere in the middle.

Let me tell you why it is not going to happen. When the Congressional Budget Office looked at the President's tax plan, they found $245 billion for USA accounts and concluded that it actually increases spending by $95 billion, net, over 10 years. Basically the President's tax cut is a set of subsidies that are given to people who by and large do not pay taxes, so that it is really an expenditure instead of a tax cut.

Instead of being $500 billion apart, the plain truth is, we are closer to $1 trillion apart. I think in this case, rather than fool around in trying to find some midpoint between minus $95 billion, which is a tax increase of $95 billion, and an $800 billion tax cut, the best thing to do when the President vetoes the tax cut is to let the veto stand. We don't have the votes to override the veto. The best thing to do is to take it to the American voters and let the voters decide in November of next year what they want.

I don't think at this point that a compromise can be worked out. I think basically we are going to have to make a decision as to what we want. That is how democracy works. You make a decision when the American people go to the polls. I think on this tax cut we are not going to find a middle ground. I think we are going to have to let the American people move the middle ground in the election.

But I think there is something we have to do. I want to stay with the spending caps. It is clear now, when you count all the emergency spending, much of which is not emergency, when you get into all of the bookkeeping gimmicks that ultimately will be used, that we are not going to stay within the spending caps, that we are going to spend beyond those caps. I am sorry about that. I think it is a mistake.

But there is one barrier we have not yet broken. It is a barrier where I believe, when the President vetoes the tax bill, we have to draw the line. We have to draw the line in saying, Mr. President, we can't make you give this money back to the American people but we can stop you from spending the Social Security surplus.

I hope Republicans will have courage enough to stand up and say no to any proposal that takes the Social Security surplus, plunders it, and spends it on general government. I can tell you that I intend to stand by that position. I am hopeful that Republicans in the Senate and the House will stand by it. It is not going to be easy.

Our appropriators in both the House and the Senate and the President tell us that unless we spend vast amounts of additional money, the world is going to come to an end in one of a variety of ways.

I think the time has basically come to say to the President that we can't make you cut taxes but we can stop you from spending this money.

That is what we want to do.

I thank my colleagues for their indulgence. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from North Dakota is recognized.

REDUCING THE FEDERAL DEBT

Mr. DORGAN. Mr. President, I know the Senator from Maine is waiting to speak on the floor. Let me just take 2 or 3 minutes. I will be mercifully brief. I wanted to make a couple of comments, however, before we discontinue this session for the week, especially in light of the comments that were just made by my distinguished colleague from Texas.

We have returned from an August recess in which most of us spent a great deal of time in our home States around America talking to our constituents about their hopes and their dreams and their aspirations.

One of the things I found in North Dakota is that people believe very strongly that if this country is blessed with better economic times—and we certainly have had good economic times in recent years—that produce a budget surplus, we ought to as a country decide to use a significant part of that surplus to reduce the Federal debt. If during bad economic times you increase the Federal debt, during good economic times you ought to reduce the Federal debt.

We have a $5.7 trillion Federal debt. We have been very fortunate to eliminate the yearly Federal budget deficit, but we still have this debt that we have run up as a country over many years. It seems to me that one of the best thing for America's future to use some of the expected future surplus to reduce this debt.

But it is important in the context of a discussion of the type we just heard about tax cuts to understand the following: There is not yet a surplus. There are only economists who estimate in the next 10 years we will have a surplus. These are economists who don't know what will happen in the future. They do not have the foggiest notion. They are giving us an educated guess.

Prior to the last recession in America, 35 of the 40 leading economists said in the next year we will have sustained economic growth. In fact, almost all of the leading economists were wrong. The next year we had a recession.

A friend of my mine described the field of economics as psychology pumped up with a little helium. That is probably a pretty good description. I, in fact, taught economics for a couple of years. Economists are telling us that we will have 10 years of economic good times and therefore very large budget surpluses. On that basis, we have people in this Congress who say: Well, if that is the case, let us enact a very sizable tax cut.

So the Congress enacted a $792 billion tax cut over 10 years, this despite the fact that we don't yet have a budget surplus, we only have projections of budget surpluses.

I voted against the $792 billion proposed tax cut. It is, in my judgment, unwise to cut taxes and therefore decrease revenues when we don't have actual surpluses, only projections. There is plenty of time in the future to deal with surpluses, if in fact they exist. And if we can't agree on how to deal with them and the best of all worlds will occur, it will mean that the Federal debt is reduced because Congress doesn't decide what else to do with the surplus.

It is interesting that with all of this discussion in August back home around the country, I think most Members of the Senate discovered that their constituents believed that to rush to propose a very sizable tax cut with only an economic projection over the next 10 years was not a very thoughtful or appropriate way to deal with this country's fiscal policy.

We have had good fiscal policy in this country that has given some people the confidence that we are doing the right things. Almost 7 years ago, we had an enormous annual Federal budget deficit. It was $290 billion, and it was growing. Now it is gone. Why? Because this Congress had the courage to say we are not going to put up with that anymore. We are going to change direction and strategy. And we did. We had a vote. By one vote in the Senate, we changed this country's fiscal policy. It was a tough vote and a political vote. An easy vote would have been to say: Don't count me in on that. It actually raised taxes on income for some folks. Don't count me in on that. That is unpopular. Well, count me in. I voted for it. I am proud that I did. It was the right thing. This country was on the wrong track.

We changed the approach to fiscal policy and said to the American people that we were willing to do tough things. We were willing to make tough decisions. Guess what happened. The American people, I think as a result, have more confidence in the future. This entire economy rests on the mattress of confidence. If they are confident, they do certain things. If they are confident, they buy a car, they buy a home, they take a vacation, and do the kind of things that move this economy along. If they are not confident about the future, they decide not to make those decisions, they decide to withhold this purchase, or that purchase, and it affects the economy.

What we did about 7 years ago dramatically changed the fiscal policy of this country. This country has had unprecedented economic expansion, and a huge and growing Federal budget deficit is now eliminated.

What remains is the Federal debt that occurred from all of those years of spending. The question is, What should we do about that? The answer for many in this Senate who voted to pass a tax cut was to say what we should do about that is essentially ignore that; let's provide a very large tax cut right now just based on projections by economists who often cannot even remember their home address. That is not good policy. I am pleased that I voted against it.

I think most Americans believe that the right approach for this Congress is to continue on this path we are on of good solid fiscal policy, believing that if and when we have true, good economic times and significant budget surpluses, a major part of that ought to be used to reduce the Federal debt. What greater gift can we give to America's children than to eliminate the Federal debt of $5.7 trillion?

Let me thank my colleague from Maine. She has been most patient. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1576 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

VERMONT FOLIAGE

Mr. JEFFORDS. Mr. President, I rise today on an issue of the utmost importance to Vermonters. I recently returned from a wonderful month in my home State of Vermont. I visited farms and downtowns, talked to teachers, parents, and business men and women from all over our State, and enjoyed the beautiful Vermont summer. However, as I and countless of Americans know, nothing compares to Vermont in all of its autumn glory. I would like to read the following proclamation, that I received when I was visiting the picturesque town of Stowe, VT:

> VERMONT FOLIAGE CHALLENGE PROCLAMATION
>
> Inasmuch as Vermont is acknowledged throughout the known universe to be the home of the most spectacular fall foliage.
>
> And inasmuch as certain ill informed media reports have implied that Vermont's legendary foliage display this year may be less spectacular than usual.
>
> And inasmuch as Vermont's fall foliage display is always the best and brightest on this planet or any other.
>
> We, of the Green Mountain State, hereby issue a challenge, open to all Senators, to wit:
>
> That as of twelve noon on October 1, 1999, the fall foliage in Vermont will be the most colorful, most spectacular, and most photogenic of any venue on Earth.
>
> And inasmuch as any challenge worth issuing deserves to be honored with a prize, we of the Green Mountain State hereby offer as proof of our challenge the quality of ten gallons of last spring's Vermont's finest Grade A Fancy Maple Syrup from Nebraska Knoll Sugar Farm of Stowe, Vermont, to be collected in Stowe.
>
> Respectfully tendered, the Stowe Area Association.

I don't know about where you come from, but 10 gallons of Vermont Fancy Maple Syrup are worth their weight in gold! I would like to see anyone try and meet that challenge.

From Bennington to Derby Line, from Fair Haven to St. Johnsbury, in the months of September and October Vermont's Green Mountains become a painter's palette of rich colors. Nothing refreshes the soul as we head into the cold winter months like the invigorating rush one gets from a visit to Vermont when she is decked out in prime foliage.

The brisk autumn weather and the breathtaking beauty of nature's fall canvass are unparalled anywhere in the 50 States, or even anywhere in the world. Come see for yourself.

Mr. President, before I came to the Chamber, I received word that my esteemed colleague from the State of New York, Senator SCHUMER, has risen to the Vermont Foliage Challenge. Senator SCHUMER has offered 10 gallons of New York apple cider to our 10 gallons of Vermont Maple Syrup, stating that the foliage in the Empire State "will outshine the challenging leaves found in Vermont during this and every October." Anybody who has looked at apple leaves in the fall and maple leaves in the fall realizes there is no way to compare them. I am sure he was not referring to that. I am delighted to hear that the challenge has been accepted, and I am looking forward to enjoying a nice, tall, cold glass of New York apple cider later in the fall. I would like to mention that 10 gallons of maple syrup is not quite comparable to 10 gallons of apple cider, especially considering that it takes 40 gallons of sap to make 1 gallon of maple syrup. But this evens the odds, as it is about a million-to-one chance that Vermont will come out on the short end of the stick in this wager.

Mr. President, Mr. SCHUMER, who I think probably has some insecurity in making this challenge, whisked off to New York and is unable to be here to give his statement. But to acknowledge his courage in accepting the challenge, I ask unanimous consent that Senator SCHUMER's statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

• Mr. SCHUMER. Mr. President, today my esteemed colleague from Vermont stood in praise of the beauty of his fine State during the fall season. Nothing, he argued, could compare with the sight of the Green Mountain State's autumnal foliage. To that end, he reported a challenge issued by his fine constituents in Stowe; that on October 1 of this year, the changing leaves of Vermont would reign supreme.

I represent a contender to this challenge whose autumn beauty is destined to win any comparison with its bright flying colors of yellow, red, and orange. I am proud to represent the State of New York in this Senate, the Empire State, whose foliage will outshine the changing leaves found in Vermont during this and every October.

New York's fall splendor has been captured by a wide variety of artists, from the landscape painters of the Hudson River School to the soulful jazz of Vernon Duke's "Autumn in New York." I point to such representations as proof of our superiority in this venue, and invite any skeptics to visit the Empire State themselves. They will enjoy the breathtaking grandeur of the Catskills, or happily succumb to the peaceful serenity of an autumn day's drive along Interstate 87 in the Adirondack Mountains. From our wineries to our apple orchards, nothing can compare to the glory of Upstate New York in the fall.

In fact, speaking of apples, I recall that my esteemed Vermont colleague brought a prize to the table from which he issued his challenge. To the State possessing the finest foliage on the first of October, he said, would go 10 gallons of Vermont Fancy Maple Syrup. Mr. President, it is only appropriate that the Empire State bring its own prize to this competition. To that end, I hereby offer as proof of our greatness 10 gallons of New York's finest apple cider, gleaned from the 25 million bushels produced by the Empire State every year. After all, while maple syrup is truly a product of Vermont's spring rejuvenation, apple cider is evidence of the glory of New York's fine fall.•

THERE IS NO SURPLUS

Mr. HOLLINGS. Mr. President, yesterday the Republican majority continued to try and create a strategy to embarrass President Clinton and those Members of Congress that opposed the so-called tax-cut bill. I found their strategy quite ironic that while this country is less than 20 days away from the end of a fiscal year when the U.S. Government will spend more than $100 billion than it takes in that the Republicans are insisting on giving tax breaks to the rich that the country cannot afford.

William Greider, a former assistant managing editor of the Washington Post and now National Editor for Rolling Stone, explains the issue of the phantom surplus very well in an article headlined "The Surplus Fallacy."

Mr. Greider has done a great job in explaining that there is no surplus, there is no money to give a tax break with, and more importantly, this country spends more than it takes in each year. I think this article should be required reading for any Member of Congress that has to vote on a federal budget in the next two months so they may understand where this country really stands fiscally.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SURPLUS FALLACY

(By William Greider)

Leaders of both parties are gleefully finding ways to spend 3 trillion extra tax dollars. The only problem is, the money doesn't exist.

Fanciful claims and sly deception are common enough in Washington politics, but this season, the level of gross falsification on the question of the governorment's budget surpluses—which were discovered this year—is awesome and ominously bipartisan. It's as if the politicians, wearied by nearly two decades of fighting horrendous deficits, are deranged by the notion that at long last they have some loose money to throw around.

Republicans swiftly proposed giving some of this supposed windfall back to the people, but their $792 billion tax-cut bill, passed in early August, actually delivers most of the boodle to the very rich and to major corporations. President Clinton, claiming the high ground of fiscal responsibility, is certain to veto the GOP measure, yet he and the Democrats have their own worthy plans for spending the extra money or perhaps bargaining for a smaller tax cut.

One big idea animates both political parties: The federal government, they tell us, will amass surplus revenues during the next ten years totaling nearly $3 trillion—that is, $3 trillion more will come in than be spent. Roughly two-thirds of this will accumulate from Social Security payroll taxes, but the other $1 trillion in surpluses is projected for the government's general operating budget, which is made up of personal and corporate income-tax revenues. This happy prospect reflects the robust economy—more people working and paying taxes—and the long campaign to contain the growth of federal spending.

Even in Washington, $3 trillion is serious money. The air is thick with self-congratulation. Reduce income-tax rates by a point or two, cut capital gains again and repeal inheritance taxes? No sweat. Increase the military's budget by $40 billion or $60 billion? Let's do it. Suddenly, the political horizon is aglow with feel-good opportunities.

Except for this: That one big idea is false. There is no $3 trillion surplus ahead. In fact, the government's gross debt will grow steadily over the next decade. Nor is any large bonanza likely from the operating budget of the government, though Clinton and Congress have made great progress in eliminating the red ink. At the very most, instead of $1 trillion, the operating budget might realistically develop a surplus over ten years of no more than $100 billion or $200 billion. But even that "surplus" will be money borrowed from the government's other trust accounts.

As conservative commentator Kevin Phillips has noted of the alleged surplus, this is not pie in the sky—it's pie in the stratosphere.

Many smart players know better, and some say so aloud, but dissent is brushed aside by that $3 trillion headline. A careful reader of leading newspapers will find sidebar stories explaining why the huge surpluses are far from assured, but conventional wisdom wipes out complicated facts and reasonable doubt. In this media age, mindless buzz shapes the debate, and once the terms are set, both parties scurry to prepare billboard slogans for the next campaign.

Both are now playing the politics of dipping into the future—dispensing virtual money that will be available only if Congress also imposes dramatic and continuing pain on many citizens. But why spoil the fun by mentioning reality?

Republicans have reverted to the same feel-good assumptions that Ronald Reagan introduced with his economic package back in 1981. Reagan's combination of massive tax cuts and mushrooming defense spending produced the runaway federal deficits in the first place and eventually tripled the national debt. Just when those deficits are finally conquered, the GOP wants to try it all again.

The Democrats, meanwhile, have morphed into the party of rectitude, scolding the Republicans for reckless tax giveaways, just as Democrats were always pilloried as big-government spendthrifts. This reversal in party values is potentially significant, because it is really an argument about the size and future of the federal government. If the Democrats hold their ground and win in 2000, it could signal an end to the long era of successful government bashing. If Democrats yield to election-year temptations and join the partying, the federal government may swiftly slide back into an endless swamp of red ink.

The other danger is to prosperity. The GOP's reward-the-wealthy tax bill may simply inflate the stock-market bubble further and provide more stimulus to the economy just as the Federal Reserve Board is trying to cool it down. That could set up the same destructive collision between budget policy and monetary policy that marked the Reagan era—the Fed raises interest rates to counter the stimulative tax cuts. Fed Chairman Alan Greenspan is pleading with his fellow Republicans in Congress: Do nothing, please.

Right now, according to various opinion polls, the public thinks the Democrats have got it right. By a margin of twenty-one percent, people want the surpluses to be devoted to "unmet needs," from education to defense, instead of to tax cuts. Among younger voters (between the ages of eighteen and thirty-four) the majority favors applying surplus funds to Medicare rather than to tax cuts, sixty-seven percent to twenty-seven percent.

For that matter, half of the public doesn't believe the $3 trillion headlines and doubts that any real surpluses will actually materialize. Their skepticism is well founded.

Like any forecast of the distant future, the accuracy of the official projections of vast surpluses depends upon whether the forecasters are using plausible assumptions or massaging the results. In this case, the Congressional Budget Office, controlled by Republicans, and the White House's Office of Management and Budget have produced similar predictions, but both have also applied a self-indulgent political spin on the future, not to mention various accounting gimmicks.

The first premise is that the prosperous economy will sail forward more or less uninterrupted. The CBO foresees no recessions in the next ten years nor any dire surprises, like a stock-market meltdown. The OMB assumes that above-average growth in productivity will continue. But economic history suggests that events never cooperate with blue-sky-forever forecasts.

More important, the projections assume that while these huge budget surpluses are piling up each year, Congress and future presidents will continue to whack away at the size and scope of the federal government. If deep cuts don't occur, then the surplus in the operating budget shrinks to a mere sliver. The Center on Budget and Policy Priorities estimates that if Congress simply maintains spending at its present dimensions—adjusted for inflation but with no real increases—the trillion-dollar surplus will be $112 billion. Nobody knows, of course, but the smaller number looks like a better bet.

In fact, CBO and OMB presume an amazing reversal: They claim that Congress will stick to the budget caps adopted in 1997 for all regular spending programs, even though those caps have been bent and broken every year since they were put in place. Last year Congress went over the ceilings by $21 billion. This summer it's already over by $30 billion and will likely go higher.

"It's crazy," says Rep. David Obey of Wisconsin, Ranking Democrat on the House Appropriations Committee. "The Republicans pretend they're going to make all these budget cuts. They're not going to do that, and they know they're not. We're already $30 billion above the caps this year, because they are stuffing so much defense stuff into the emergency bills. If you assume defense keeps its present share of gross domestic product, the all the rest of government would have to be cut almost in half."

Right now, domestic spending is about $1,100 per capita, Obey explains, but is would fall to $640 per person under the GOP vision and almost as much under Clinton's. If highways and defense are to have growing budgets, as Congress has already decreed, then everything else must get whacked even harder, by at least twenty percent to thirty percent. It's not going to happen, for reasons that are more practical than ideological.

"You can shrink the government," Obey says, "but you ain't going to shrink the country. This country is going to have 20 million more people a decade from now. We will have 1 million more young people in college, we'll have a fifty percent increase in commercial-airline flights, 50 million more people visiting the national parks every year. We have a prosperous economy now because government has always invested in science, in education and technology. Republicans are pretending the country will not respond to any of this in the future, that people would rather have the tax cut. The White House is not nearly as bad, but they are being overly optimistic as well. They're saying we can afford a tax cut of $300 billion. That's true only if you assume government is not going to respond to the growing population and economy."

The Clinton administration nobly intends to "pay down the public debt" with the nearly $2 trillion in surpluses that the Social Security trust fund will accumulate during the next decade. The Treasury secretary compares this to refinancing your mortgage to get a lower interest rate, and in theory that may be the result. But Sen. FRITZ HOLLINGS, the blunt-spoken Democrat from South Carolina, offers a challenging wager to his colleague in both parties. On October 1st, when the new fiscal year begins, if the federal government's gross debt actually goes down, he will jump off the Capitol dome. And they will jump if it doesn't.

"They claim we are paying down the debt, but that's terribly misleading," Hollings complains. "We are not really paying down the debt, we're shifting it from one account to another. Actually, we're looting the trust funds so we can say the government's got a big surplus. It's just not true."

Hollings' argument takes us still deeper into the mysteries of federal accounting, but he has uncovered an important and widely believed myth about the new surpluses. His essential point is confirmed in the president's own midyear budget review. Its ten-year projections show the federal government steadily reducing its publicly held debts: the Treasury bonds, notes and bills used to borrow money in financial markets. Yet meanwhile, the federal government's total debt obligations will continue to escalate over the decade—an $485 billion increase by 2009.

So what happened to the $3 trillion surplus? It is something of an accounting mirage—like borrowing from the rent money to pay off your credit cards. Sooner or later, you still have to come up with the rent.

In fact, aside from Social Security, the government's vast borrowing from its other trust accounts—highways, military and civil-service retirement, Medicare—provides the underpinning for the supposed $1 trillion surplus in its regular operating budget. Without those trust-fund loans, CBO acknowledges, its forecast of a ten-year surplus of $996 billion shrinks to only $250 billion. Someday someone has to come up with that money too—or else stiff those lenders.

Social Security surpluses are not new at all: They have been piling up since 1983, when the payroll tax was substantially increased to prevent insolvency. This money belongs to future retirees, not Congress or the White House, but it was not locked away for them. Instead, it was spent every year to cover the swollen deficits generated by the rest of the government—and IOUs were given to the trust fund. The government still owes all that money to the Social Security trust fund, and it intends to borrow lots more.

All that is really new is the promise, now that budget deficits are vanishing, that the government will stop using Social Security money to pay its yearly operating costs and instead use it only to pay back the public borrowings in financial markets. That's admirable, but it doesn't pay off the actual debt obligations of the government to Social Security retirees. The Treasury is still giving more IOUs to the trust fund—money it will have to pay back one day hence.

Some will insist that because the government is essentially borrowing from itself, none of this matters. But it does. The suggestion that any of Social Security's long-term financial problems are somehow being remedied by these transactions is utter fiction. A nasty day of reckoning remains ahead for American taxpayers—when Social Security recipients expect to get their money back and someone gets stuck with the burden.

The choices for a future president and Congress will be stark: They can go back to the financial markets and borrow trillions again. They can raise income taxes. Or they can cut Social Security benefits and screw the retirees.

Such duplicitous evasions have prompted an angry Hollings to denounce his colleagues. "This a shameful sideshow out here," he thundered in debate. "There is no dignity left in the Senate. No responsibility."

Indeed, none of his colleagues has taken up Hollings' proffered bet, though doubtless some of them would love to see him jump off the Capitol dome.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 9, 1999, the Federal debt stood at $5,654,163,509,903.96 (Five trillion, six hundred fifty-four billion, one hundred sixty-three million, five hundred and nine thousand, nine hundred and three dollars and ninety-six cents).

One year ago, September 9, 1998, the Federal debt stood at $5,548,477,000,000 (Five trillion, five hundred forty-eight billion, four hundred seventy-seven million).

Five years ago, September 9, 1994, the Federal debt stood at $4,679,665,000,000 (Four trillion, six hundred seventy-nine billion, six hundred sixty-five million).

Twenty-five years ago, September 9, 1974, the Federal debt stood at $479,367,000,000 (Four hundred seventy-nine billion, three hundred sixty-seven million) which reflects a debt increase of more than $5 trillion—$5,174,796,509,938 (Five trillion, one hundred seventy-four billion, seven hundred ninety-six million, five hundred and nine thousand, nine hundred thirty-eight dollars) during the past 25 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5083. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Community Services Block Grant Statistical Report" for fiscal year 1996; to the Committee on Health, Education, Labor, and Pensions.

EC–5084. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (Docket No. 99F–0994), received September 7, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5085. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 89F–0338), received September 7, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5086. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, Sanitizers" (Docket No. 99F–0459), received September 7, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5087. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Health Standards for Occupational Noise Exposure" (RIN1219–AA53), received September 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5088. A communication from the Deputy Executive Secretary, Center for Health Plans and Providers, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Graduate Medical Education (GME): Incentive Payments Under Plans for Voluntary Reduction in the Number of Residents" (RIN0938–AI27), received September 7, 1999; to the Committee on Finance.

EC–5089. A communication from the Chief, Regulations Unit, Internal Revenue Service,

Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 7702 Closing Agreements" (Notice 99-47), received September 7, 1999; to the Committee on Finance.

EC–5090. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "July-September 1999 Bond Factor Amounts" (Revenue Ruling 99-38), received September 7, 1999; to the Committee on Finance.

EC–5091. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Hospital Corporation of America and Subsidiaries v. Commissioner" (109 T.C. 21 (1997)), received September 7, 1999; to the Committee on Finance.

EC–5092. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Boyd Gaming Corporation v. Commissioner" (F3d (9th Cir. 1999), rev'g T.C. Memo 1997–445), received September 7, 1999; to the Committee on Finance.

EC–5093. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of the Tax Refund Offset Program" (RIN1545–AV50) (TD 8837), received September 7, 1999; to the Committee on Finance.

EC–5094. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Estate of Mellinger v. Commissioner" (112 T.C. 4 (1999)), received September 7, 1999; to the Committee on Finance.

EC–5095. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Inflation-Indexed Debt Instruments" (RIN1545–AU45) (TD8838), received September 7, 1999; to the Committee on Finance.

EC–5096. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Vulcan Materials Company and Subsidiaries v. Commissioner" (96 T.C. 410 (1991), aff'd per curiam 959 F2d 973 (11th Cir. 1992)), received September 7, 1999; to the Committee on Finance.

EC–5097. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "St. Jude Medical, Inc. v. Commissioner" (33 F. 3d 1394 (8th Cir. 1994) rev'g in part 97 T.C. 457 (1991)), received September 7, 1999; to the Committee on Finance.

EC–5098. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Internal Revenue Service v. Waldschmidt (in re Bradley)" ((M.d. Tenn. 1999), aff'g 222 B.R. 313 (Bankr. M.d. Tenn 1998)), received September 7, 1999; to the Committee on Finance.

EC–5099. A communication from the Secretary of Transportation transmitting a draft of proposed legislation relative to the St. Lawrence Seaway; to the Committee on Commerce, Science, and Transportation.

EC–5100. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Operations of the Glen Canyon Dam Pursuant to the Grand Canyon Protection Act of 1992"; to the Committee on Energy and Natural Resources.

EC–5101. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–5102. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received September 7, 1999; to the Committee on Governmental Affairs.

EC–5103. A communication from the Director, Bureau of Justice Assistance, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Public Safety Officers' Educational Assistance Program" (RIN1121–AA51), received September 7, 1999; to the Committee on the Judiciary.

EC–5104. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report entitled "DoD Demonstration Program to Improve the Quality of Personal Property Shipments of Members of the Armed Forces"; to the Committee on Armed Services.

EC–5105. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisitions for Foreign Military Sales" (DFARS Case 99–D020), received September 9, 1999; to the Committee on Armed Services.

EC–5106. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Officials Not to Benefit Clause" (DFARS Case 99–D018), received September 9, 1999; to the Committee on Armed Services.

EC–5107. A communication from the Deputy Chief, Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting a report relative to a multifunction cost comparison of the Base Operating Support functions at Beale Air Force Base, California; to the Committee on Armed Services.

EC–5108. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Regulations Regarding Public Charge Requirements under the Immigration and Nationality Act, as Amended" (RIN1400–AA79), received September 3, 1999; to the Committee on Foreign Relations.

EC–5109. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a Memorandum of Justification relative to the United Nations Assistance Mission to East Timor; to the Committee on Foreign Relations.

EC–5110. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Report on Religious Freedom; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Report to accompany the bill (S. 1254) to establish a comprehensive strategy for the elimination of market-distorting practices affecting the global steel industry, and for other purposes (Rept. No. 106–155).

Report to accompany the bill (H.R. 1833) to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes (Rept. No. 106–156).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. FEINGOLD, and Mr. CHAFEE):

S. 1574. A bill to amend title XVIII of the Social Security Act to improve the interim payment system for home health services, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 1575. A bill to change the competition requirements with respect to the purchase of the products of the Federal Prison Industries by the Secretary of Defense; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 1576. A bill to establish a commission to study the impact of deregulation of the airline industry on small town America; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. FEINGOLD, Mr. CHAFEE, and Mr. WELLSTONE):

S. Res. 181. A resolution expressing the sense of the Senate regarding the situation in East Timor; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. FEINGOLD, and Mr. CHAFEE):

S. 1574. A bill to amend title XVIII of the Social Security Act to improve the interim payment system for home health services, and for other purposes; to the Committee on Finance.

THE FAIRNESS IN MEDICARE HOME HEALTH ACCESS ACT OF 1999

Mr. CONRAD. Mr. President, today I am pleased to be joined by Senators FEINGOLD and CHAFEE in introducing the Fairness in Medicare Home Health Access Act of 1999. I am proud to say that the Governing Board of the North Dakota Home Care Association, as well as the Visiting Nurse Association of America, have endorsed this legislation as a crucial step toward ensuring beneficiaries retain access to vital home care services.

As you know, home health care has proven to be an important component of the Medicare package because it allows beneficiaries with acute needs to receive care in their home rather than in other settings, such as a hospital or nursing home. In my state of North Dakota, home health care has been particularly important because it has allowed seniors living in remote, frontier areas to receive consistent, quality health care without having to travel long distances to the nearest health care facility.

Over the last three decades, we have witnessed significant increases in home health utilization as medical practices have shifted care from an inpatient to outpatient setting. To help address rising health care spending, the Congress included targeted measures in the Balanced Budget Act of 1997 (BBA) to reduce costs and give providers incentives to become more efficient. In particular, the BBA directed the Health Care Financing Administration to implement an interim payment system for home health care until which time a prospective payment system could be instituted. While the interim payment system has allowed agencies to become more cost-effective, there are also concerns that it may be having some unintended consequences on agencies' ability to deliver quality, appropriate home care services to Medicare beneficiaries.

Mr. President, this legislation takes definitive steps to address various unintended consequences of the interim payment system and of the BBA in general.

Home health providers serving rural beneficiaries have been particularly affected by the interim payment system. As you know, home health care delivery is unique because unlike most other services, the health care provider must travel to the patient. Compared to urban agencies, rural home care providers must travel longer distances to serve beneficiaries and they often face poor weather and road conditions. Due to these constraints, agencies serving rural beneficiaries must visit patients less frequently; but during an isolated visit aides tend to spend more time with beneficiaries to ensure that they are receiving appropriate levels of care. Unfortunately, the per visit limits included in the interim payment system do not adequately account for the unique challenges of serving rural beneficiaries. This legislation revises the per visit cost limit to ensure agencies have the resources to deliver care to beneficiaries living in rural and underserved areas.

It also appears that the interim payment system does not adequately account for the needs of medically-complex beneficiaries. Various reports have suggested that the interim payment system has resulted in restricted access to home health services for high-acuity, high-cost patients. In a recent survey conducted by the Medicare Payment Advisory Commission, nearly 40 percent of agencies reported that they are less likely to admit patients identified as those with long-term or chronic needs. In addition, many beneficiary advocates have raised concerns that home health agencies are denying access to care because they believe Medicare will no longer cover the high costs of providing services to medically complex individuals. When it is implemented, the prospective payment system will include a measure to account for the treatment of medically-complex beneficiaries. In the interim, this legislation will allow agencies to receive more appropriate payments for treating high-acuity, high-cost beneficiaries.

In addition, this legislation includes provisions to further ensure home care agencies have the appropriate resources to serve Medicare beneficiaries. To help slow the growth of home health expenditures, the BBA includes a provision to reduce home health cost limits by 15 percent, beginning October 1, 2000. There is significant concern that the timing and level of the scheduled 15 percent reduction will result in reduced beneficiary access to health care. To address this concern, various industry representatives have requested a complete elimination of the scheduled reduction; however the cost of this reduction is estimated to be nearly $17 billion over ten years. Against the backdrop of impending insolvency of the Medicare program and the overall needs of the health care community as a whole regarding BBA-related relief, it will not be possible to completely eliminate this scheduled reduction. For this reason, this legislation suggests a middle-ground approach to this issue to ensure the scheduled reduction does not result in a reduction in beneficiary access.

Primarily, this legislation would ensure that agencies receive adequate reimbursement by delaying the scheduled 15 percent reduction until the prospective payment system is fully implemented. This means that if implementation of the prospective payment system is delayed, the scheduled reduction would be delayed accordingly. In addition, to allow agencies to transition to the prospective payment system, and ensure they retain the necessary resources to serve beneficiaries, this legislation would reduce the scheduled reduction to 10 percent and would phase-in a further 5 percent reduction three years after the prospective payment system is implemented. These responsible measures will provide home health agencies additional resources to continue serving Medicare beneficiaries.

In addition, this legislation would offer home health agencies relief from a particularly burdensome regulatory requirement. The BBA requires home health agencies to record the length of time of home health visits in 15-minute increments. This requirement is burdensome for agencies because time for travel and administrative duties related to this requirement are not compensated. Also, it is not clear that the collection of this data has a defined use. This provision eliminates the 15-minute reporting requirement and directs that any data collection regarding direct patient care have a defined purpose and not be unnecessary labor-intensive for home care providers.

This bill would also take steps to address concerns regarding the provision of durable medical supplies to Medicare beneficiaries. The BBA requires implementation of consolidated billing for home health services. As part of consolidated billing, the BBA requires home care providers (rather than durable medical equipment suppliers) to provide durable medical equipment (DME) to Medicare beneficiaries during any episode of care by the home health provider. When a beneficiary seeks home health care, there is concern that they may experience a break in the continuum of care as they shift between receiving medical equipment from a DME supplier to receiving these supplies from a home health agency. In addition, many home health agencies are not currently equipped to provide and be reimbursed for the provision of durable medical equipment. This provision would ensure beneficiaries do not experience a break in serve with regard to durable medical equipment by allowing DME providers to continue delivering services to beneficiaries regardless of their home health status.

Lastly, this legislation includes a provision that directs the establishment of a nationally uniform process to ensure that fiscal intermediaries have the training and ability to provide timely and accurate coverage and payment information to home health agencies and beneficiaries. This provision will be particularly important to home health reimbursement transitions to a new prospective payment system.

I am confident that this legislation will ensure home health agencies can continue providing critical health care services to Medicare beneficiaries. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follow:

S. 1574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Fairness in Medicare Home Health Access Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Home health care is a vital component of the medicare program under title XVIII of the Social Security Act.

(2) Home health services provided under the medicare program enable medicare beneficiaries who are homebound and greatly risk costly institutionalized care to continue to live in their own homes and communities.

(3) Implementation of the interim payment system for home health services has inadvertently exacerbated payment disparities for home health services among regions, penalizing efficient, low-cost providers in rural areas and providing insufficient compensation for the care of medicare beneficiaries with acute, medically complex conditions.

(4) The combination of insufficient payments and new administrative changes has reduced the access of medicare beneficiaries to home health services in many areas by forcing home health agencies to provide fewer services, to shrink their service areas, or to limit the types of conditions for which they provide treatment.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To improve access to care for medicare beneficiaries with high medical needs by establishing a process for home health agencies to exclude services provided to medicare beneficiaries with acute, medically complex conditions from payment limits and to receive payment based on the reasonable costs of providing such services through a process that is feasible for the Health Care Financing Administration to administer.

(2) To ensure that the 15 percent contingency reduction in medicare payments for home health services established under the Balanced Budget Act of 1997 does not occur under the interim payment system for home health services.

(3) To reduce the scheduled 15 percent reduction in the cost limits and per beneficiary limits to 10 percent and to phase-in the additional 5 percent reduction in such limits after the initial 3 years of the prospective payment system for home health services.

(4) To address the unique challenges of serving medicare beneficiaries in rural and underserved areas by increasing the per visit cost limit under the interim payment system for home health services.

(5) To refine the home health consolidated billing provision to ensure that medicare beneficiaries requiring durable medical equipment services do not experience a break in the continuum of care during episodes of home health care.

(6) To eliminate the requirement that home health agencies identify the length of time of a service visit in 15 minute increments.

(7) To express the sense of the Senate that the Secretary of Health and Human Services should establish a uniform process for disseminating information to fiscal intermediaries to ensure timely and accurate information to home health agencies and beneficiaries.

SEC. 3. ADEQUATELY ACCOUNTING FOR THE NEEDS OF MEDICARE BENEFICIARIES WITH ACUTE, MEDICALLY COMPLEX CONDITIONS.

(a) WAIVER OF PER BENEFICIARY LIMITS FOR OUTLIERS.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in Division J of Public Law 105–277), is amended—

(1) by redesignating clause (ix) as clause (x); and

(2) by inserting after clause (viii) the following:

"(ix)(I) Notwithstanding the applicable per beneficiary limit under clause (v), (vi), or (viii), but subject to the applicable per visit limit under clause (i), in the case of a provider that demonstrates to the Secretary that with respect to an individual to whom the provider furnished home health services appropriate to the individual's condition (as determined by the Secretary) at a reasonable cost (as determined by the Secretary), and that such reasonable cost significantly exceeded such applicable per beneficiary limit because of unusual variations in the type or amount of medically necessary care required to treat the individual, the Secretary, upon application by the provider, shall pay to such provider for such individual such reasonable cost.

"(II) The total amount of the additional payments made to home health agencies pursuant to subclause (I) in any fiscal year shall not exceed an amount equal to 2 percent of the amounts that would have been paid under this subparagraph in such year if this clause had not been enacted.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act, and apply with respect to each application for payment of reasonable costs for outliers submitted by any home health agency for cost reporting periods ending on or after October 1, 1999.

SEC. 4. PROTECTION OF THE ACCESS OF MEDICARE BENEFICIARIES TO HOME HEALTH SERVICES BY ADDRESSING THE 15 PERCENT CONTINGENCY REDUCTION IN INTERIM PAYMENTS FOR HOME HEALTH SERVICES.

(a) ELIMINATION OF CONTINGENCY REDUCTION.—Section 4603 of the Balanced Budget Act of 1997 (42 U.S.C. 1395fff note), as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 5. PROTECTION OF THE ACCESS OF MEDICARE BENEFICIARIES TO HOME HEALTH SERVICES THROUGH A PHASE-IN OF THE 15 PERCENT REDUCTION IN PROSPECTIVE PAYMENTS FOR HOME HEALTH SERVICES.

(a) PHASE-IN OF 15 PERCENT REDUCTION.—Section 1895(b)(3)(A)(ii) (42 U.S.C. 1395fff(b)), as amended by section 5101(c)(1)(B) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) in paragraph (3)(A)(ii), by striking "15" and inserting "10"; and

(2) by adding at the end the following:

"(7) SPECIAL RULE FOR PAYMENTS BEGINNING WITH FISCAL YEAR 2004.—Beginning with fiscal year 2004, payment under this section shall be made as if '15' had been substituted for '10' in clause (ii) of paragraph (3)(A) when computing the initial basis under such paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 6. INCREASE IN PER VISIT COST LIMIT TO 112 PERCENT OF THE NATIONAL MEDIAN.

Section 1861(v)(1)(L)(i) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(i)), as amended by section 5101(b) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) in subclause (IV), by striking "or";

(2) in subclause (V)—

(A) by inserting "and before October 1, 1999," after "October 1, 1998,"; and

(B) by striking the period and inserting ", or"; and

(3) by adding at the end the following:

"(VI) October 1, 1999, 112 percent of such median.".

SEC. 7. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING.

(a) IN GENERAL.—Section 1842(b)(6)(F) of the Social Security Act (42 U.S.C. 1395u(b)(6)(F)) is amended by striking "payment shall be made to the agency (without regard to whether or not the item or service was furnished by the agency, by others under arrangement with them made by the agency, or when any other contracting or consulting arrangement, or otherwise)." and inserting "(i) payment shall be made to the agency (without regard to whether or not the item or service was furnished by the agency, by others under arrangement with them made by the agency, or when any other contracting or consulting arrangement, or otherwise); and (ii) in the case of an item of durable medical equipment (as defined in section 1861(n)), payment for the item shall be made to the agency separately from payment for other items and services furnished to such an individual under such plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items of durable medical equipment furnished on or after the date of enactment of this Act.

SEC. 8. ELIMINATION OF TIMEKEEPING REQUIREMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOME HEALTH AGENCIES.

(a) IN GENERAL.—Section 1895(c) of the Social Security Act (42 U.S.C. 1395fff(c)) is amended—

(1) by striking "unless—" and all that follows through "(1) the" and inserting "unless the"; and

(2) by striking "1835(a)(2)(A);" and all that follows through the period and inserting "1835(a)(2)(A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 9. SENSE OF THE SENATE REGARDING THE TIMELINESS AND ACCURACY OF INTERMEDIARY COMMUNICATIONS TO HOME HEALTH AGENCIES.

It is the sense of the Senate that the Secretary of Health and Human Services should establish a nationally uniform process that ensures that each fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) and each carrier (as defined in section 1842(f) of such Act (42 U.S.C. 1395u(f))) has the training and ability necessary to provide timely, accurate, and consistent coverage and payment information to each home health agency and to each individual eligible to have payment made under the medicare program under title XVIII of such Act (42 U.S.C. 1395 et seq.).

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues Senator CONRAD and Senator CHAFEE to introduce the Fairness in Medicare Home Health Access Act of 1999 to address some serious access problems in the Medicare home health care program. Our bill contains provisions to ensure that all Medicare beneficiaries who qualify for home health services have real access to those services.

Mr. President, I have been working to promote the availability of home care and other long-term care options for my entire public life because I believe strongly in the importance of enabling people to stay in their own homes. For seniors who are homebound and have skilled nursing needs, having access to home health services through the Medicare program is the difference between staying in their own home and moving into a nursing home. The availability of home health services is integral to preserving independence, dignity and hope for many beneficiaries. I feel strongly that where there is a choice, we should do our best to allow patients to choose home health care. I think seniors need and deserve that choice.

Mr. President, as you know, and as many of our colleagues know, the Balanced Budget Act of 1997 contained significant changes to the way that Medicare pays for home health services. Perhaps the most significant change was a switch from cost-based reimbursement to an Interim Payment System, or IPS. IPS was intended as a cost-saving transitional payment system to tide us over until the development and implementation of a Prospective Payment System or PPS, for home health payments under Medicare. Unfortunately, the cuts went deeper than anyone—including CBO forecasters—anticipated, leaving many Medicare beneficiaries without access to the services they need.

The IPS is based on past spending: agencies are paid the lowest of three measures: (1) actual costs; (2) a per visit limit of 105% of the national median; or (3) a per beneficiary annual limit, derived from a blend of 75% of an agency's costs and 25% regional costs.

These formulas get pretty technical, Mr. President, and I won't go into too much detail about them. What is important is that the net effect of the Interim Payment System is that since IPS pays agencies the lowest of the three measures, agencies in areas where costs are historically low will be disproportionately and unfairly affected. In effect, they are penalized for having kept their costs low in the past.

And, Mr. President, Wisconsin's Medicare home health spending has been very, very low, even before the advent of IPS. The 1999 edition of the Dartmouth Atlas of Health Care described the variation in Medicare home health reimbursements as "extreme": in 1996, the national average Medicare home health expenditure per-enrollee was $532.00, but the maximum and minimum ranged from a high of $3,090 in McAllen, Texas, to an unbelievable $81 in Appleton, Wisconsin, in my home state. Even the area of Wisconsin with the highest reimbursements is only at $267 per beneficiary, about half of the national average. When you consider that these figures are adjusted for age, sex, race, illness and price of services, the variation is truly astounding. Pegging reimbursement to past spending, as IPS does, simply magnifies the existing payment inequalities.

Mr. President, in Wisconsin, 29 Medicare home health providers have shut down since the implementation of IPS. Still more have shrunken their service areas, stopped accepting Medicare, or cannot accept assignment for high cost patients because the payments are simply too low.

So, what do these changes mean for Medicare beneficiaries? Well, quite frankly, in many parts of Wisconsin, the changes mean the beneficiaries in certain areas or with certain diagnoses simply don't have access to home health care. The IPS has created disincentives to treat patients with expensive medical diagnoses. Few agencies, if any, can afford to care for them.

Mr. President, I think that a letter I received from my constituents at the Douglas County Health Department does a great job of illustrating just how bad the access problem is, particularly in rural areas. The Douglas County Health Department operates a home health program in Superior, Wisconsin, in the northwestern corner of my state. According to their letter, as a result of IPS, the program will lose approximately $590,000. Let me read my colleagues a passage from their letter: "The Douglas County Home Care [program] serves . . . about 400 residents a year, [of which] 82% [are] Medicare covered . . . 33% of our patients live in rural areas not covered by other home care providers. There are four other providers in our area. All have discontinued taking Medicare patients and/or have stopped serving rural patients due to the high cost and low reimbursement."

The legislation we are introducing today contains several important provisions to enable elderly and disabled homebound individuals to remain in their homes. The bill ensures by statute that by 15% across-the-board cut for all home health providers cannot happen during the Interim Payment System and that it will only be 10% for the first three years of PPS. The bill also makes special provisions for medically complex patients who have more expensive health care needs, and raises the per visit limits to enable home care agencies to continue serving patients in rural areas, where travel times are longer. I think these two provisions are particularly significant because the present IPS does not adequately account for the care needs of homebound individuals in rural areas, and the absence of home care options essentially forces these individuals into nursing homes or hospitals.

The bill provides some administrative relief from the 15 minute increment reporting rule and asks HCFA to reexamine whether the cost associated with the collection of data is worthwhile in terms of what those data may yield. Finally, the bill expresses the sense of the Senate that HCFA should ensure that fiscal intermediaries receive and convey accurate and consistent information to agencies.

These provisions all need to be in place in order to ensure that we do not punish the most efficient and well-performing agencies as we seek to streamline and modernize the program.

Like many of my colleagues, I voted in favor of BBA '97 because I believed it contained meaningful provisions to balance the budget. I want to emphasize that the goal was to balance the budget—it was not to punish home health agencies, and certainly not to deny Medicare beneficiaries access to the home health services they need.

I believe we ought to take a serious look at what refinements and fine tuning need to occur to ensure that our homebound elderly and disabled constituents—among the frailest and most vulnerable of our people we serve—can receive the services they need.

Without that fine-tuning, I am quite certain that more home health agencies in Wisconsin and in other areas across our country will close, leaving some of our frailest Medicare beneficiaries without the choice to receive care at home. Again, I think Seniors need and deserve that choice, and I hope my colleagues will join us in supporting this legislation.

Mr. CHAFEE. Mr. President. I am pleased to join my colleagues, Senators CONRAD and FEINGOLD, in introducing the Fairness in Medicare Home Health Access Act of 1999. This legislation is an important step towards ensuring that our seniors retain access to medically necessary home health care services.

The Fairness in Medicare Home Health Access Act contains several critical provisions, carefully designed to achieve the twin goals of controlling Medicare spending (thereby preserving and protecting the program for future beneficiaries), and ensuring that current beneficiaries continue to have access to crucial home health services.

These provisions will allow the home health agencies in my state of Rhode Island, as well as agencies across the country, to continue delivering high quality, cost-effective care to our most frail seniors.

Why are these provisions necessary? The Balanced Budget Act of 1997 (BBA) included many important reforms to the Medicare program. As a result of these provisions, the program has been strengthened, and solvency of the trust fund extended. However, it now appears that the reductions in home health payments may be limiting access to our Medicare beneficiaries.

In Rhode Island the number of beneficiaries served by Medicare home health providers has decreased by 22 percent, services provided to beneficiaries have decreased by 49 percent, and total payments to home health agencies have decreased by 47 percent. Agencies have had to lay off workers and some have even been forced to close.

On October 1st, 2000, an additional 15 percent reduction in Medicare reimbursements is scheduled to take effect. I am concerned that a cut of that level could jeopardize or restrict access to care. At the same time, we must be mindful of the precarious financial situation of the Medicare program, and the limited resources available. The President has proposed restoring $7.5 billion over the next decade to those programs under Medicare which have been especially hard hit by the cost control measures included in the BBA. In his proposal, these funds would be available for changes to home health policies, as well as other components of the Medicare program which have been adversely impacted by those new policies.

Therefore, while some of my colleagues have called for a repeal of the scheduled 15 percent reduction, given resource constraints, I simply do not believe that will be possible. To repeal that provision outright would cost $17.5 billion over the 10-year budget period. This restoration alone would greatly exceed the $7.5 billion the President has recommended to soften the impact of the BBA. Even in Congress, the most I've heard discussed in the way of "BBA add-backs" is in the range of $15 billion. Thus, while in an ideal world some may wish to spend $17.5 billion on this provision, it is clearly not possible.

I believe it is critical to address the very real problems facing home health beneficiaries and agencies, but I also believe we must be realistic in our goals and expectations, and make carefully targeted adjustments to the BBA policies. For that reason I am pleased to join with Senators CONRAD and FEINGOLD in calling for a scaling-back of the scheduled reduction in home health reimbursements. Our bill would provide much-needed relief by gradually phasing-in the 15 percent reduction; for the first three years, the reduction would be limited to 10 percent. Furthermore, beneficiary access will be protected by tying the reduction to implementation of the prospective payment system (PPS). Although I am confident the prospective payment system will be implemented by October 1, 2000 as required under the BBA, in the event the deadline is not met, our provision would ensure that no further reductions occur until the PPS is fully implemented.

In addition, the Conrad-Feingold-Chafee bill includes several other important provisions:

An "outlier policy" to ensure that patients with higher than average medical costs do not face access barriers as a result of their intensive medical needs;

An increase in the interim payment system per visit cost limit to 112 percent of the national median;

A refinement to the consolidated billing policy by allowing durable medical equipment suppliers to continue delivering services to beneficiaries regardless of their home health status; and

Elimination of the 15-minute incremental reporting requirement.

The Medicare home health benefit provides vital services to our most vulnerable citizens. Patients receiving these services have lower incomes, are older, and have more serious functional impairments than the general Medicare population. The availability of home health services averts the need for even more costly institutional living arrangements for the elderly and disabled who rely upon these services. It is these patients who are harmed when home health agencies are forced to close their doors or cut back on services.

It is my hope that we will pass this legislation and therefore protect the beneficiaries who need our help the most. In that regard, I will work for its incorporation into any Medicare legislation the Senate Finance Committee, of which I am a member, may consider in the future. I urge my colleagues to support this measure.

By Mr. FRIST:

S. 1575. A bill to change the competition requirements with respect to the purchase of the products of the Federal Prison Industries by the Secretary of Defense; to the Committee on the Judiciary.

VICTIMS RESTITUTION FAIRNESS ACT

• Mr. FRIST. Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims Restitution Fairness Act".

SEC. 2. APPLICABILITY OF COMPETITION REQUIREMENTS TO PURCHASES FROM A REQUIRED SOURCE.

(a) CONDITIONS FOR COMPETITION.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

"§ 2410n. Products of Federal Prison Industries: procedural requirements

"(a) MARKET RESEARCH.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18, the Secretary of Defense shall conduct market research to determine whether the Federal Prison Industries product is comparable in price, quality, and time of delivery to products available from the private sector.

"(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary shall use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

"(c) EXEMPTIONS.—Notwithstanding any other provision of law, the Secretary shall not be required—

(1) to purchase from Federal Prison Industries any product that is—

(A) integral to, or embedded in, a product that is not available from Federal Prison Industries; or

(B) a national security system; or

(2) to make a purchase from Federal Prison Industries in a total amount that is less than the micropurchase threshold, as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)).

"(d) NATIONAL SECURITY SYSTEM DEFINED.—In this section, the term 'national security system' means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

"(1) involves intelligence activities;

"(2) involves cryptologic activities related to national security;

"(3) involves command and control of military forces;

"(4) involves equipment that is an integral part of a weapon or a weapon system; or

"(5) is critical to the direct fulfillment of military or intelligence missions, except for a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410n. Products of Federal Prison Industries: procedural requirements.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Judgment Fund as established under section 1304 of title 31, United States Code, such sums as are necessary to offset any losses resulting in the Crime Victims Fund as a result of the enactment of section 2410n of title 10, United States Code, added by subsection (a).•

By Ms. COLLINS:

S. 1576. A bill to establish a commission to study the impact of deregulation of the airline industry on small town America; to the Committee on Commerce, Science, and Transportation.

AIRLINE DEREGULATION STUDY COMMISSION

Ms. COLLINS. Mr. President, I rise today to introduce legislation that would establish a commission to study the impact of deregulation of the airline industry on small-town America. For too long, we have allowed small and medium-sized communities from Bangor, Maine to Billings, Montana to Bristol, Tennessee to weather the effects of airline deregulation without adequately assessing how deregulation has affected their economic development, the quality and availability of air transportation for their residents, and the long-term viability of their local airports. It is time to evaluate the effects of airline deregulation in a new, meaningful way.

The 1978 deregulation of the airline industry has dramatically shaped the modern airline industry and the way Americans travel. The purpose of deregulation was to harness the market in order to foster competition that would improve service and lower costs for consumers. According to some measures, this market experiment has been a success. According to the U.S. Department of Transportation, since the advent of deregulation, the average airfare in major hubs has been reduced by 35 percent. Economists at George Mason University and the Brookings Institution estimate that the increased competition resulting from deregulation saves consumers billions of dollars.

Similarly, other studies conducted by the General Accounting Office have shown that deregulation has ushered in an overall decline in airfares and an improvement in the quality of air service—although many of us who fly frequently would take strong issue with the finding of improved quality.

For many large cities, this is as far as the story needs be told. But for many smaller and medium-sized communities, several chapters remain. The rest of the story tells us that deregulation's benefits are not evenly distributed throughout U.S. markets. Although a March 1999 GAO report found that, on average, airfares declined about 21 percent from 1990 to the second quarter of 1998, it also found that airports serving small communities have experienced the lowest average decline in airfare. Similarly, the Department of Transportation has found that the competition encouraged by deregulation has not made its way to all parts of our great nation. Indeed, the number of cities served by more than two airlines has fallen 41 percent since 1989.

In short, there are signs that the airline deregulation story is not good for smaller and medium-sized communities—like Presque Isle and Bangor in my state. There are important areas of inquiry that, I believe, no one has yet explored, and that is why I am introducing this bill today.

We need to know more about how airline deregulation has affected smaller and medium-sized communities, and we need to focus on the relationship between access to affordable, quality airline service and the economic development of America's smaller communities. As many communities continue to struggle to attract businesses, it is not enough for us report that airfares, in the aggregate, have decreased in constant dollars. Nor is it sufficient to select certain proxies for quality air travel and to conclude that quality has improved. Just as not all communities have benefitted equally from our recent prosperity, not all can say that deregulation has enhanced their air transportation. We need to evaluate how airline deregulation has affected these communities' ability to compete for business development, job creation, and economic expansion. In the process, we need to differentiate between business and leisure travel, as each serves a very different set of needs in our communities. And we much ask communities how they measure quality service, instead of making assumptions that may or may not apply to a given area.

What I am proposing is a thorough evaluation of the effects of airline deregulation on communities—an evaluation that has not yet been done, but would happen under the bill I introduce today.

Mr. President, during the past 20 years, air travel has become increasingly linked to business development. Successful businesses expect and need to be able to travel quickly over long distances. It is expected that a region being considered for business location or expansion should be reachable, conveniently, via airplane. Those areas without air access, or with access that is restricted by prohibitive costs of travel, infrequent flights, or small, slower planes are at a distinct disadvantage compared to those areas that enjoy accessible, convenient, and economical air service.

This country's air infrastructure has grown to the point where it now rivals our ground transportation infrastructure in its importance to the economic viability of communities. It has long been accepted that building a highway creates an almost instant corridor of economic activity of businesses eager to cut shipping and transportation costs by locating close to the stream of commerce. Like a community located on an interstate versus one only reachable by back roads, a community with a mid-size or small airport underserved by air carriers operates at a distinct disadvantage to one located near a large airport.

Bob Ziegelaar, Director of the Bangor, Maine International Airport, perhaps put it best. He tells me, "Communities like Bangor are at risk of being left with service levels below what the market warrants both in terms of capacity and quality. The follow-on consequences is a decreasing capacity to attract economic growth."

This issue is of critical importance and has not received the attention it deserves. The legislation I have introduced will result in a comprehensive examination of how this complicated issue affects the economy of small town America. It would establish a commission of 15 members from all areas of the country, including at least five members from rural areas, to study and report on the effects of airline deregulation. The Commission will examine a vital component of the deregulated airline industry—the effects on economic development and job creation, particularly in areas that are underserved by air carriers.

The Commission will also explore the broader effects of deregulation on affordability, accessibility, availability, and the quality of air transportation, nationally and in small-sized and medium-sized communities. It will explore deregulation's impact on the economical viability of smaller airports and the long-term configuration of the U.S. passenger air transportation system.

Mr. President, sometimes the best use we can make of the Senate's legislative powers is to study the results of our previous actions. In passing airline deregulation, Congress unleashed the power of competition with many positive benefits for consumers who live in large cities. It is now time to evaluate the impact on residents living in small-town America.

I urge my colleagues to join me in passing this important measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AIRLINE DEREGULATION STUDY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the "Commission").

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority and Minority leaders of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms "air carrier" and "air transportation" have the meanings given those terms in section 40102(a) of title 49, United States Code.

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and the Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $1,500,000 for fiscal year 2000 to the Commission to carry out this section.

(2) AVAILABILITY.—Any sums appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

ADDITIONAL COSPONSORS

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 1110

At the request of Mr. LOTT, the names of the Senator from Arizona (Mr. KYL) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1172

At the request of Mr. TORRICELLI, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1449

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1449, a bill to amend title XVIII of the Social Security Act to increase the payment amount for renal dialysis services furnished under the medicare program.

S. 1454

At the request of Mr. ROBB, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

SENATE CONCURRENT RESOLUTION 53

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. DURBIN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of Senate Concurrent Resolution 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 181—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SITUATION IN EAST TIMOR

Mr. HARKIN (for himself, Mr. LEAHY, Mr. FEINGOLD, Mr. CHAFEE, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 181

Whereas on May 5, 1999, the Governments of Indonesia and Portugal signed an agreement that provided for an August 8, 1999, ballot organized by the United Nations on the political status of East Timor;

Whereas under the May 5th agreement the Government of Indonesia freely agreed to be responsible for establishing a secure environment in East Timor that would be free of intimidation and violence;

Whereas on August 30, 1999, 78 percent of the people in East Timor voted for independence; and

Whereas, after the vote for independence, the militias in East Timor intensified their reign of terror against the people of East Timor unrestrained by the Government of Indonesia: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING THE SITUATION IN EAST TIMOR.

(a) IN GENERAL.—The Senate hereby—

(1) congratulates the people of East Timor for their heroic vote on August 30, 1999;

(2) recognizes that the people of East Timor voted for independence;

(3) condemns the violence of the militias in East Timor and the inaction by the Government of Indonesia to end the violence; and

(4) calls on the Government of Indonesia to end all violence in accordance with the May 5, 1999 agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President of the United States should instruct the United States Permanent Representative to the United Nations to immediately seek the United Nations Security Council authorization for the deployment of an international force to address the security situation in East Timor; and

(2) the United States should assist in this effort in an appropriate manner.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President.

ADDITIONAL STATEMENTS

EAST TIMOR

• Mr. KERRY. Mr. President, the current situation in East Timor is spiraling dangerously out of control. Members of the international community are meeting to discuss this issue in New Zealand as I speak, while violence is escalating in East Timor and uncertainty is rising in the minds of many about the future of Indonesia as a whole. Indonesia's strategic position in South East Asia, as well as its economic and political stability, are of utmost importance, not only to the United States, but to the international community which has an interest in securing a stable and democratic future for South East Asia and a lasting peace for East Timor.

The Indonesian government holds the primary responsibility for restoring peace and stability to East Timor. I concur wholeheartedly with U.N. Secretary General Kofi Annan that the Indonesian government has so far failed to take adequate steps towards that end. The Indonesian government must move immediately to restore the portion of its credibility that was lost for not preparing adequately for the onslaught of civil strife that was predicted after the August 30 vote. The government must reign in the military factions, disarm the militias, restore law and order on the ground in East Timor, and provide for humanitarian assistance to the thousands of East Timorese who have been displaced from their homes and are fleeing the region. If it cannot, or is unwilling to, then the Indonesian government must accept the international community's offer to send in a peacekeeping force.

To his credit, President Habibie took an important step forward by allowing East Timor's political future to be decided democratically. It truly was significant that for the first time in twenty four years, the Indonesian government made a ballot in East Timor possible. I have long believed that the government should take this action and I have supported numerous pieces of legislation urging the Indonesian government to that effect. However, the Habibie government, once having made the decision to hold a consultation on the future status of East Timor, assumed responsibility for the security of its people during and after the ballot was held.

The international community was watching closely as the May 5, 1999 agreement detailing how the ballot was to be conducted—was signed by the governments of Indonesia and Portugal and the U.N. This agreement held great promise that the future of East Timor could be determined peacefully. However, anti-independence militia leaders refused to sign and refused to disarm, vowing to oppose violently any steps to give the East Timorese their independence. The militia groups have followed through on their commitments, regrettably. The Indonesian government, I fear, has not.

The Indonesian government, in no uncertain terms, has the responsibility to curb the violence now and work to create a peaceful atmosphere so that the results of the ballot can be implemented. It must also protect the humanitarian missions that remain in East Timor and secure the safe passage of humanitarian aid to the region. No reasonable justification exists for the Indonesian military cutting off the water supply and electricity inside the U.N. Compound. That only leaves us with the question, who is really calling the shots?

Indeed, the history of the Indonesian military is far too bleak to have given it free reign to operate under martial law. We have already seen evidence of the military directly firing on civilians, forcibly removing them from their homes, or just turning a blind eye to the havoc being unleashed on them by the paramilitary forces. I do not believe that martial law—which establishes curfews, enables the military to shoot violators of the curfews on sight, and provides for unwarranted searches—is the step that the Indonesian government should have taken if it wanted to stop the violence and reestablish credibility for itself in the international community. Martial law has only succeeded in unleashing more violence and greater terror. It is especially problematic since many members of the Indonesian military remain inextricably linked to the militia forces or have joined radical military splinter groups.

I do not believe that the Indonesian government has taken adequate steps, if any at all, to disassociate itself from the civilian militias and to dismantle and disarm them when it became apparent that these groups would not work to bring peace to the region. The human rights abuses they have committed over the years was only a prologue to the devastation they are orchestrating today. The alarm bells were ringing months ago, but was anyone listening?

The Indonesian military's direct involvement in committing human rights abuses and perpetuating violence in Indonesia led me to support a restriction on U.S. arms sales and International Military Education Training (IMET) aid to Indonesia, which Congress initiated in 1993. I believe it is crucial to suspend all of the remaining U.S. military contacts with the Indonesian armed forces and all arms sales to Indonesia.

The outcome of this crisis will have implications not only for East Timor but for Indonesia as a whole. We need to be responsive to the crisis in East Timor, but we must carefully consider the implications of any action on the larger political, economic and social climate in Indonesia.

I believe it is vital for the Indonesian government to accept the international community's offer to send an international peacekeeping force to East Timor and that force must be robust, with the capacity to restore law and order on the ground. The U.S. must continue to work with its allies in the region in order to urge the Indonesian government to invite this force in. I am pleased that the Australian government has taken the lead in this effort by offering up to 7,000 peacekeepers to operate in such a force and has sent war ships to the waters off East Timor as a message to the Indonesian government that the global community is serious.

The East Timor crisis will be, and indeed should be, the top priority for discussion at the Asia-Pacific Economic Cooperation (APEC) Forum this weekend. There is no issue of greater importance to the region at the moment. I believe that the U.S. must play a strong role in coordinating the efforts of all APEC nations in order to formulate a strong, multilateral response to the crisis. All members of APEC have a direct interest in preventing the further escalation of violence and political instability.

I urge the Administration to continue to work aggressively with APEC nations to make it clear to the Indonesian government that the clock is ticking on a resolution of this issue. In addition to the diplomatic efforts, we must take some steps to demonstrate our own disapproval of the government's response to the situation to date. I support the Administration's decision to cease our direct military-to-military contacts with Indonesia. I believe we also should offer to send humanitarian aid to both East Timor and governments in the region that accept refugees. There are other steps that we can take as well.

That is why I have joined my colleague Senator RUSS FEINGOLD in introducing a bill to suspend international financial assistance to Indonesia pending resolution of the crisis in East Timor. Specifically, this bill would suspend the remaining U.S. military assistance to Indonesia, require the United States to oppose the extension of financial support to Indonesia by international financial institutions such as the IMF, and require Congressional approval before any FY 2000 bilateral assistance to Indonesia may be allocated. I see the introduction of this bill as a way to send a signal—not only to President Habibie, but to all of the players in Jakarta—that we regard this issue very seriously.

Mr. President, I appreciate the opportunity to talk about East Timor and I yield the remainder of my time.•

MR. AND MRS. PETER AND PAT COOK PROCLAMATION

• Mr. ABRAHAM. Mr. President, It gives me great pleasure to rise today and honor two outstanding Republican visionaries and admired civic leaders, Mr. and Mrs. Peter and Pat Cook, on the occasion of the Gerald R. Ford Republican Women's Club, Annual Fall Reception on September 13, 1999.

Peter Cook began his professional career with Import Motors Limited Inc., where he was named President in 1954. In 1977, with his typical entrepreneurial spirit and innovative thinking, Peter Cook formed Transitional Motors Inc., also known as Mazda Great Lakes, where he currently sits as chairman of the board and majority stockholder. Additionally, Mr. Cook serves on the boards for numerous companies, most notably, Gospel Communications, Woodland International, Applied Image Technology and the new Van Andel Institute. In the past he served as chairman of the South Y.M.C.A. and the Kent County Republican Finance Committee.

Pat Cook has always been very supportive of her husband's career. In the late 1950's she took it upon herself to help deliver some of the first Volkswagens to dealers in Midland and Detroit. After the birth of their two children, Tom and Steve, Mrs. Cook stayed at home and continued in a voluntary capacity to enrich her community. She has served on the boards of Welcome Home for the Blind, Blodgett Hospital Guild and Porter Hills Ladies Auxiliary.

Perhaps what is most truly admirable and wonderful about Mr. and Mrs. Cook is their dedication to helping the lives of others and the Grand Rapids community. They made the leading gift establishing the Research and Education Institute of Butterworth Hospital. Mr. and Mrs. Cook are active members of the Grace Reformed Church and much of their support is focused toward youth and Christian institutions. They have helped make possible the construction of the carillon on the Grand Valley State University campus; they have worked with Aquinas College students in making a new Student Center; and they have also contributed greatly to the Hope College Student Housing Center and Cook Valley Estates for the Porter Hills Presbyterian Village.

Mr. and Mrs. Cook lead their lives as an example to others by being strong Christians, distinguished philanthropists, and dedicated citizens. Their countless efforts and support will continue to benefit the community for many years to come.

Mr. President it is with sincere joy and appreciation that I honor Peter and Pat Cook. Rarely do you see two people who have unselfishly done so much to help others.•

ARMOR PIERCING AMMUNITION

• Mr. LEVIN. Mr. President, two of my colleagues in the House of Representatives, Representative BLAGOJEVICH and Representative WAXMAN, asked the Office of Special Investigations within the General Accounting Office (GAO) to investigate the manufacture and distribution of fifty caliber armor piercing ammunition, some of the most powerful and destructive ammunition available. This investigation made public a little known program administered by the Department of Defense that makes unserviceable, excess and obsolete military ammunition available for civilian use.

Under the Conventional Demilitarization Program, military armor piercing ammunition is transferred through a U.S. Company to the civilian market. This ammunition is powerful enough to penetrate metal, ballistic or bullet-proof glass, even armored cars or helicopters. With use of the fifty caliber sniper rifle, this ammunition can start fires and explosions and strike targets from extraordinary lengths. This is ammunition that is in no way suitable for civilian use. According to James Schmidt II, the President of Arizona Ammunition Inc. and a member of the Board of Directors for the Fifty Caliber Shooters Association, "the armor piercing, incendiary, and tracer type bullets are used by the police and military. Those available to the consumer are generally surplus. Our company does not sell these to the general public because they have no sporting application."

Yet, through the Conventional Demilitarization Program, the Department of Defense makes their surplus available to the general public. The Department pays Talon Manufacturing Company $1 per ton to take possession of its demilitarized armor piercing ammunition. A percentage of this ammunition is then reconstructed and resold by Talon to domestic and foreign militaries, and to civilian buyers. In one business year, Talon sold 181,000 rounds of this refurbished military ammunition to civilian customers.

Once available on the market, this extremely powerful ammunition is subject to virtually no restriction. It is easier to purchase armor piercing ammunition capable of penetrating steel and exploding on impact, than it is to buy a handgun. This deadly and incredibly damaging ammunition can be sold to anyone over 18 and possessed by anyone of any age. No federal background check is necessary. Purchases may be made easily by mail order, fax, or over the counter, and there are no federal requirements that dealers retain sales records. These loose restrictions make armor piercing ammunition highly popular among terrorists, drug traffickers and violent criminals.

Certainly, the U.S. Military is not responsible for all of the armor piercing ammunition on the civilian market, but they are responsible for hundreds of thousands of armor piercing, incendiary and tracer rounds made available to the general public each year. I am an original cosponsor of legislation that would prohibit the Department of Defense from entering into contracts that permit demilitarized armor piercing ammunition to be sold to the general public. I urge my colleagues to support this bill and put an end to this program.•

TRIBUTE TO DR. PAUL N. VAN DE WATER

• Mr. LAUTENBERG. Mr. President, today I join my colleague from New Mexico, Mr. DOMENCI, in bidding farewell to Dr. Paul N. Van de Water—a longstanding and highly respected member of the Congressional Budget Office (CBO) staff. Dr. Van de Water is leaving CBO at the end of this week after more than 18 years of service to the Congress. Paul will join the Social Security Administration as the Senior Advisor to the Deputy Commissioner for Policy.

Dr. Van de Water's departure from CBO represents an enormous loss for the Congress. His ability to generate objective, timely, and unbiased analyses exemplifies the finest tradition of nonpartisan public service. Paul's work at CBO represents the essence of the agency's mission. He managed—during some very difficult years—to serve both political parties in a fair and effective manner. He leaves CBO with his reputation for impartial analysis intact and his integrity unquestioned and unblemished.

During his tenure at CBO, Dr. Van de Water earned a reputation for building a first rate staff and for ensuring that CBO's work was analytically sound, unbiased, and clearly presented. During the dark decades of runaway budget deficits, Paul worked tirelessly with Members and staff on every major budget summit, budget plan, and budget process reform initiative. Like most public servants he rarely received the formal recognition and thanks he deserved. I hope in some small measure to communicate our thanks and appreciation for these contributions today.

Dr. Van de Water began his career at CBO in 1981 as Chief of the Projections Unit. From there, he moved on to Deputy Assistant Director for Budget Analysis and, in 1994, assumed his current position as Assistant Director for Budget Analysis. He is the author, coauthor, or editor of more than 50 articles and books on government finance and Social Security and has testified before Congressional committees on numerous occasions.

Dr. Van de Water's accomplishments beyond CBO include a Ph.D. in Economics from the Massachusetts Institute of Technology, and two daughters—the first a senior majoring in physics at the College of William and Mary (and former Valedictorian of T.C. Williams High School in Alexandria) and the second, an enthusiastic 7th grader. Clearly, Paul has managed to keep his work and home priorities straight during his tenure at CBO.

Paul's first hand knowledge of the Congressional budget process as well as the operations and traditions of CBO cannot be replaced. However, we take some solace from the fact that his contributions to public policy will continue. In his new role with the Administration, I am certain that his work will inform and shape the debate on the future of the Social Security program. I know that all of my colleagues join with me in wishing Paul the best of luck in his new endeavor.●

HONORING STANLEY J. WINKELMAN

● Mr. LEVIN. Mr. President, I rise to honor Stanley J. Winkelman who recently passed away. Stanley will of course be remembered for the department stores which bore his family name, but it was his efforts in the community which were most dear to him and for which he will be enshrined in the memory of our community.

Stanley Winkelman was born in 1922 in Sault Ste. Marie, Michigan, where his father operated a women's clothing store. In 1928, Stanley's father moved the family to Detroit so that he could join his brother in forming Winkelman Brothers Apparel, Inc. As Stanley grew and matured, so did the family enterprise.

In 1943, Stanley Winkelman graduated from the University of Michigan with a bachelor's degree in chemistry. That same year, Stanley married his sweetheart, Margaret "Peggy" Wallace. The couple would go on to have three wonderful children, Marjorie, Andra, and Roger. Following graduation, Stanley worked as a research chemist at the California Institute of Technology and served as a naval officer during World War II. After the war, Stanley returned to Detroit to take part in the family business, eventually rising to hold the positions of president, chairman of the board and CEO, and in the process, becoming the guiding force of the company. At the peak of the company's success it owned a chain of 95 stores specializing in fashionable yet affordable clothing for women. The Winkelman's chain was sold in 1983 and Stanley retired in 1984. However, Stanley's retirement did not slow his commitment and service to the community.

Throughout his life, Stanley was intimately involved in issues surrounding the city of Detroit. He took part in a 1963 Detroit Commission on Community Relations where he called upon the Detroit Board of Education to speed up desegregation by hiring more black teachers. Following the 1967 Detroit riots, Stanley was the leader of a New Detroit subcommittee on community services which called for a much needed review of the Detroit Police Department. In the wake of the riots, Stanley displayed his steadfast commitment to the city of Detroit by keeping his stores in the city. Stanley Winkelman's sense of social responsibility has helped lay the foundation for the resurgence of downtown Detroit.

Throughout his life, Stanley was a strong supporter of education. He supported his alma mater, the University of Michigan, with both his time and money. He devoted much of his time to Detroit's education system, with particular attention given to the education of the poorest among us. Stanley also held positions of leadership in Detroit's Metropolitan Fund, the Jewish Welfare League, United Foundation, and Temple Beth El.

Stanley Winkelman offered American shoppers value, but his real lasting legacy is the values he reflected and fought for to make his community a better place to live. I know my colleagues will join me in honoring Stanley Winkelman on the many great accomplishments of his life as we mourn his passing.●

ORDERS FOR MONDAY, SEPTEMBER 13, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, September 13. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then be in a period for morning business until 2 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator THOMAS, or his designee, for the first 60 minutes; Senator DURBIN, or his designee, for the second 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I further ask unanimous consent that at 2 p.m., the Senate then resume debate on H.R. 2466, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the second cloture vote occur notwithstanding rule XXII and that there be 5 minutes prior to the vote equally divided between Senators HUTCHISON and BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, the Senate will convene at 12 noon on Monday and be in a period for morning business until 2 p.m. Following morning business, the Senate will resume consideration of the Interior appropriations bill.

As a reminder, cloture motions were filed today on S.J. Res. 33 denouncing the offer of clemency to Puerto Rican terrorists and on the Hutchison amendment regarding oil royalties. These cloture votes have been scheduled for 5 p.m. on Monday.

For the remainder of the next week, the Senate is expected to complete action on the Interior appropriations bill and to begin consideration of the bankruptcy reform bill. The Senate may also begin consideration of any appropriations bills available for action.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment following the remarks of Senator SPECTER, and I ask unanimous consent that the Senator from Pennsylvania be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Vermont.

YOUTH VIOLENCE PREVENTION

Mr. SPECTER. Mr. President, Senator HARKIN and I have just announced a significant program on youth violence prevention, which I think is worthy of a comment or two on the Senate floor before we adjourn.

Next week, the Subcommittee on Labor, Health and Human Services, and Education will have a markup. Senator HARKIN is ranking minority member of that subcommittee, and I chair it. We have worked through a program on a youth violence prevention initiative where we are allocating $850.8 million; $330 million is new money and the balance is a reallocation of funds within the Departments which will be directed toward preventing the scourge of youth violence of which we have seen so much in Littleton, CO, and so many other places.

The programs which we will be providing will involve counseling, literacy grants, afterschool programs, drug-free schools, alcohol therapy rehabilitation, mental health services, job training, character education, and metal detectors to prevent guns from being taken into schools.

This program will be directed by the Surgeon General, recognizing this as a national health crisis as articulated as long ago as 1982 by Dr. C. Everett Koop who was then the Surgeon General.

When these terrible occurrences happen at places like Littleton, there is a lot of hand wringing and a lot of finger pointing, but we have yet to have a sustained coordinated effort on a long-term basis to deal with the underlying causes and come to grips with those causes.

Senator HARKIN and I convened three lengthy meetings among the professionals of the three Departments: the Department of Education, the Department of Labor, the Department of Health and Human Services. The experts who sat together said that was the first time they had been convened in that kind of a session.

After the first session, they went back to the drawing boards, and did so again after the second session and again after the third session and, in conjunction with our subcommittee staff, have worked out an extensive program which is comprehended in 11 pages of our proposed markup next week.

Included in this program is funding for the Surgeon General to pull together all the available information on the impact of movies, television, and video game violence and to undertake whatever other studies are necessary with appropriate methodology, with many in those industries claiming that the existing studies do not really deal in a methodological way that is accurate.

Next Tuesday, there will be a hearing of our subcommittee where the Secretaries of the three Departments, plus the Deputy Attorney General Eric Holder will participate where we will be moving forward with the specifics on this program.

This program has been coordinated with the President through his Office of Domestic Policy. We think it could provide a very significant step in dealing with youth violence prevention—a very major problem in America today. This goes to the underlying causes.

I ask unanimous consent that the 11-page text of our program be printed in the Congressional RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YOUTH VIOLENCE PREVENTION INITIATIVE

The shocking events surrounding the shootings at public schools serve to highlight a problem that is neither new nor predictable by way of demographics, region or economic standing. Violent behavior on the part of young people is no longer confined to inner-city street gangs. For all of the hope and inspiration our young people give us, we now find ourselves profoundly troubled by the behavior of some of the younger generation.

An estimated 3 million crimes a year are committed in or near the nation's 85,000 public schools. During the 1996–97 school year alone, one-fifth of public high schools and middle schools reported at least one violent crime incident, such as murder, rape or robbery; more than half reported less serious crimes. Homicide is now the third leading cause of death for children age 10 to 14. For more than a decade it has been the leading cause of death among minority youth between the ages of 15 and 24. The trauma and anxiety that violence begets in our children most certainly interferes with their ability to learn and their teachers' ability to teach: an increasing number of school-aged children say they often fear for their own safety in and around their classroom.

The Gun-Free Schools Act of 1994 requires states to pass laws mandating school districts to expel any student who brings a firearm to school. A recent study indicates that the number of students carrying weapons to school dropped from 26.1 percent in 1991 to 18.3 percent in 1997. While this trend is encouraging, the prevalence of youth violence is still unacceptably high. Recent incidents clearly indicate that much more needs to be done. Some of the funds provided in this initiative will help state and local authorities to purchase metal detectors and hire security officers to reduce or eliminate the number of weapons brought into educational settings.

Fault does not rest with one single factor. In another time, society might have turned to government for the answer. However, there is no easy solution, and total reliance on government would be a mistake. Youth violence has become a public health problem that requires a national effort. Certainly, our government at all levels—federal, state and local—must play a role. But we must also enlist the energies and resources of private organizations, businesses, families and the children themselves.

The Committee is aware of the controversy regarding the media's role in influencing in youth violence. The Committee recognizes that some members of the entertainment industry have challenged the methodology of studies conducted over the past 3 decades which have linked movies, television programs, song lyrics, and video games with violent behavior. The Committee believes that any studies that determine causative factors for youth violence should be based on sound methodology which yields statistically significant and replicable results. Despite disagreement over the media's role, the Committee is encouraged by historic efforts of various sectors of the entertainment industry to monitor and discipline themselves and to regulate content. The industry's self-imposed, voluntary ratings systems are steps in the right direction. Further vigilance, however, is needed to ensure that media products are distributed responsibly, and that ratings systems are appropriate and informative so that parents are empowered to monitor their youths' consumption of movies, television programs, music and video games.

Many familial, psychological, biological and environmental factors contribute to youths' propensity toward violence. The youth violence prevention initiative contained in this bill is built around these factors and seeks to be comprehensive and to eliminate the conditions which cultivate violence.

Over the past several months, the Committee convened three lengthy meetings with the Deputy Attorney General; the Surgeon General; Assistant Secretary for Management and Budget,. DHHS; Acting Deputy Assistant Secretary for Elementary and Secondary Education and the Director of Safe and Drug Free Schools; Assistant Secretary for Special Education; Commissioner, Administration for Children and Families; Director, National Institute of Mental Health; Director of Policy, Employment and Training Administration; Director of Program Development, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration; Director, Division of Violence Prevention, National Center for Injury Prevention and Control, Centers for Disease Control; Assistant Surgeon General; Deputy Assistant Secretary for Health; Acting Director, Office of Victims of Crime, Department of Justice; Deputy Assistant Secretary for Employment and Training, Department of Labor; and the National Association of School Psychologists. These officials expressed their appreciation for the opportunity to discuss this issue with other agency administrators, and share their particular programs' approaches to preventing youth violence. The meeting participants enthusiastically endorsed a coordinated interagency approach to the youth violence problem, and discussed how best to efficiently collaborate with other agencies and organizations across the government and in the private sector.

Based on those three meetings and staff follow up, the following action plan was developed.

The Committee has included $850,800,000 for a youth violence prevention initiative. These funds together with increases included for the National Institute of Mental Health, National Institute of Drug Abuse, and the National Institute of Alcohol Abuse and Alcoholism will provide increased resources to address school violence issues in a comprehensive way. This coordinated approach will improve research, prevention, education and treatment strategies to address youth violence.

1. OFFICE OF THE UNITED STATES SURGEON GENERAL

A. *Coordination by the United States Surgeon General.*—The Committee views youth violence as a public health problem, and therefore directs the United States Surgeon General to take the lead role in coordinating a federal initiative to prevent youth violence. The Office of the Surgeon General (OSG) within the Office of Public Health and Science shall be responsible for the development and oversight of cross-cutting initiatives within the Department of Health and Human Services and with other Federal Agencies to coordinate existing programs, some of which are outlined below, to reduce the incidence of youth violence in the United States. The Committee has included $4,000,000 directly to the OSG to help in this coordination effort. Sufficient funds have been included for a Surgeon General's report on youth violence. This report, to be coordinated by the OSG should review the biological, psychosocial and environmental determinants of violence, including a comprehensive analysis of the effects of the media, the internet, and video games on violent behavior and the effectiveness of preventive interventions for violent behavior, homicide, and suicide. The OSG shall have lead responsibility for this report and its implementation activities.

B. *Federal Coordinating Committee on the Prevention of Youth Violence.*—The Committee also directs the Secretary of HHS to establish a Federal Coordinating Committee on the Prevention of Youth Violence. This Committee should be chaired by the Surgeon General and co-chaired by a representative from the OSG, within the Office of Public Health and Science, the Departments of Justice, Education and Labor to foster interdepartmental collaboration and implementation of programs and initiatives to prevent youth violence. The representative from the OSG within the Office of Public Health and Science shall report directly to the Surgeon General and shall coordinate this initiative.

C. *National Academic Centers of Excellence on Youth Violence Prevention.*—The Committee has included $10,000,000 to support the establishment of ten National Centers of Excellence at academic health centers that will serve as national models for the prevention of youth violence. These Centers should: (1) develop and implement a multi-disciplinary research agenda on the risk and protective factors for youth violence, on the interaction of environmental and individual risk factors, and on preventive and therapeutic interventions; (2) develop and evaluate preventive interventions for youth violence, establishing strong linkages to the community, schools and with social service and health organizations; (3) develop a community response plan for youth violence, bringing together diverse perspectives including health and mental health professionals, educators, the media, parents, young people, police, legislators, public health specialists, and business leaders; and (4) develop a curriculum for the training of health care professionals on violent behavior identification, assessment and intervention with high risk youth, and integrate this curriculum into medical, nursing and other health professional training programs.

D. *National Youth Violence Prevention Resource Center.*—The Committee has included $2,500,000 to establish a National Resource Center on Youth Violence Prevention. This center should establish a toll free number (in English and Spanish) and an internet website, in coordination with existing Federal web site resources, to provide accurate youth violence prevention and intervention information produced by the government and linked to private resources. Hundreds of resources are now available on this issue including statistics, brochures, monographs, descriptions of practices that work, and manuals about how to implement effective interventions. This Resource Center will provide a single, user-friendly point of access to important, potentially life-saving information about youth violence, and an explanation about preventing youth violence and how to intervene. Additionally, technical assistance on how to establish programs in communities across the country by providing local resources would also be made available through the National Resource Center.

E. *Health Care Professional Training.*—The Committee has included sufficient funds for the training of primary health care providers, pediatricians and obstetricians/gynecologists in detecting child and youth violence stemming from child abuse.

2. NATIONAL INSTITUTE OF MENTAL HEALTH

A. *Zero to Five.*—Many risk factors are established early in a child's life (0 to 5 years), including child abuse and neglect. However, less dramatic problems that delay cognitive and social and emotional development may also lead to later serious conduct problems that are resistant to change. The Committee encourages NIMH to address both of these types of problems by supporting research to understand and prevent abuse and neglect, by encouraging research on how to best instruct parents and child care workers in appropriate interventions, and by supporting research that develops and evaluates interventions for early disruptive behavior in diverse preschool and community settings. In addition, the Institute should work to ensure that the goals of all interventions include effectiveness and sustainability.

B. *Five to twelve.*—Attention Deficit Hyperactivity Disorder (ADHD) and depression often emerge in the 5–12 year age range. Comprehensive research-based programs have been developed to provide such children with the mental health services and behavioral interactions they need. The Committee urges NIMH to continue its work toward the development and evaluation of programs aimed at prevention, early recognition, and intervention for depression and youth suicide in diverse school and community settings to determine their effectiveness and sustainability; to support the development and evaluation of behavioral interventions for home and classroom to manage ADHD; to identify through research the most cost-effective features of proven prevention programs for resource poor communities; and to support multi-site clinical trials to establish safe and effective treatment of acute and long-term depression and ADHD.

C. *12 to 18.*—Early adolescence is an important time to stop the progression of violent behavior and delinquency. Multisystemic therapy (MST), in which specially trained individuals work with the youth and family in their homes, schools and communities, have been found to reduce chronic violent or delinquent behavior. Research has shown sustained improvements for at least 4 years, and MST appears to be cost effective when compared to conventional community treatment programs in that it has proven to reduce hospitalization and incarceration.

D. *Behavioral and Psychosocial Therapies.*—Therapeutic Foster Care is an effective home based intervention for chronically offending delinquents. Key elements of the program include providing supervision, structure, consistency, discipline, and positive reinforcement. This intervention results in fewer runaways and program failures than other placements and is less expensive. The Committee encourages NIMH to work in collaboration with CDC, SAMHSA, and the Department of Justice to implement effective model interventions for juvenile offenders with conduct disorders in diverse populations and settings. NIMH has initiated the nation's first large-scale multi-site clinical trial for treatment of adolescent depression, and the Committee supports additional research to improve recognition of adolescent depression.

E. *Public Health Research, Data Collection and Community-based Interventions.*—There are four cross-cutting areas in need of further research action across all agencies: community interventions, media, health provider training, and information dissemination. The Committee directs NIMH to ensure that research focuses on: examining the feasibility of public health programs combining individual, family and community level interventions to address violence and identify best practices; developing curricula for health care providers and educators to identify pediatric depression and other risk factors for violent behavior; studying the impact of the media, computer games, internet, etc., on violent behavior; disseminating information to families, schools, and communities to recognize childhood depression, suicide risk, substance abuse, and ADHD and decreasing the stigma associated with seeking mental health care. The Committee also encourages NIMH to work in collaboration with CDC and SAMHSA to create a system to provide technical assistance to schools and communities to provide public health information and best practices to schools and communities to work with high risk youth. The Committee has included sufficient funds to collect data on the number and percentage of students engaged in violent behavior, incidents of serious violent crime in schools, suicide attempts, and students suspended and/or expelled from school.

3. NATIONAL INSTITUTE OF DRUG ABUSE

Drug abuse is a risk factor for violent behavior. The Committee encourages NIDA to support research on the contribution of drug abuse including methamphetamine use, its co-morbidity with mental illness, and treatment approaches to prevent violent behavior.

4. NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLISM

The Committee encourages NIAAA to examine the relationship of alcohol and youth violence with other mental disorders and to test interventions to prevent alcohol abuse and its consequences.

5. SAFE SCHOOLS, HEALTHY STUDENTS

Mental Health Counselors/Community Support/Technical Assistance and Education.—The Committee has included $80,000,000, an increase of $40,000,000 over the fiscal year 1999 appropriation, to support the delivery and improvement of mental health services, including school-based counselors, in our nation's schools. These funds allow State and local mental health counselors to work closely with schools and communities to provide services to children with emotional, behavioral, or social disorders. Some of these funds also help train teachers, school administrators, and community groups that work with youths to identify children with emotional or behavioral disorders. The program is being administered collaboratively by the Substance Abuse and Mental Health Services Administration within the Department of Health and Human Services and the Departments of Education and Justice to help school districts implement a wide range of early childhood development techniques, early intervention and prevention strategies, suicide prevention, and increased and improved mental health treatment services. Some of the early childhood development services include effective parenting programs and home visitations.

6. PARENTAL RESPONSIBILITY/EARLY INTERVENTION

Sociological and scientific studies show that the first three years of a child's cognitive development sets the foundation for life-long learning and can determine an individual's emotional capabilities. Parents, having the primary and strongest influence on their child, play a pivotal role at this stage of development. Scientists have found that parental relationships affect their child's brain in many ways. A secure, highly interactive, and warm bond can bolster the biological systems that help a child handle their emotions. Research further indicates that a secure connection with the parent will better equip a child to handle stressful events throughout life. Statistics show that the parental assistance program in particular has helped to lower the incidence of child abuse and neglect, reduces placement of children in special education programs, and involves parents more actively throughout their child's school years. The Committee recognizes that early intervention activities conducted through the Department of Education's parent information and resource centers program can make a critical difference in addressing the national epidemic of youth violence, and therefore includes an additional $3,000,000 to expand its services to educate parents to work with professionals in preventing and identifying violent behavioral tendencies.

7. SAFE AND DRUG-FREE SCHOOLS

A. *National Programs.*—The Committee remains extremely concerned about the frequent and horrific occurrence of violence in our Nation's schools. Last year, the Committee provided $90,000,000 within this account for a school violence prevention initiative. As part of an enhanced and more comprehensive effort, the Committee has provided $100,000,000 within the safe and drug-free schools and communities program to support activities that promote safe learning environments for students. Such activities should include: targeted assistance, through competitive grants, to local educational agencies for community-wide approaches to creating safe and drug free schools; and training for teachers and school security officers to help them identify students who exhibit signs of violent behavior, and respond to disruptive and violent behavior by students. The Committee also encourages the Department to coordinate its efforts with children's mental health programs.

B. *Coordinator Initiative.*—The Committee has included $60,000,000, an increase of $25,000,000 over the fiscal year 1999 appropriation and $10,000,000 more than the budget request. The Committee recommendation will enable the Department of Education to provide assistance to local educational agencies to recruit, hire, and train drug prevention and school safety program coordinators in middle schools with significant drug and school safety problems. These coordinators will be responsible for developing, conducting and analyzing assessments of their school's drug and crime problems, and identifying promising research-based drug and violence prevention strategies and programs to address these problems.

8. 21ST CENTURY COMMUNITY LEARNING CENTERS

The Committee has included $400,000,000 for the 21st Century Community Learning Centers, an increase of $200,000,000 over the fiscal year 1999 level. These funds are intended to be used to reduce idleness and offer an alternative to children when they conclude their school day, at a time when they are typically unsupervised. Nationally, each week, nearly 5 million children ages 5–14 are home alone after school, which is when juvenile crime rates double. According to the Department of Justice, 50 percent of all juvenile crime occurs between the hours of 2 p.m. and 8 p.m. during the week. Therefore, the Committee has included funds to allow the Department of Education to support afterschool programs that emphasize safety, crime awareness, and drug prevention.

9. TEACHER QUALITY ENHANCEMENT GRANTS

The Committee has included $80,000,000 for teacher quality enhancement grants, an increase of $2,788,000, for professional development of K–12 teachers, which is a necessary component to addressing the epidemic of youth violence. The Committee encourages the Department, in making these grants, to give priority to partnerships that will prepare new and existing teachers to identify students who are having difficulty adapting to the school environment and may be at-risk of violent behavior. Funds should also be used to train teachers on how to detect, manage, and monitor the warning signs of potentially destructive behavior in their classrooms.

10. CHARACTER EDUCATION

The Committee recommends $10,300,000 for character education partnership grants. These funds will be used to encourage states and school districts to develop pilot projects that promote strong character, which is fundamental to violence prevention. Character education programs should be designed to equip young individuals with a greater sense of responsibility, respect, trustworthiness, caring, civic virtue, citizenship, justice and fairness, and a better understanding of the consequences of their actions.

11. ELEMENTARY SCHOOL COUNSELING

The Committee is concerned about the inaccessibility of school counselors for young children and therefore is providing $20,000,000 for the Elementary School Counseling Demonstration as a part of the youth violence prevention initiative. Many students who are having a difficult time handling the pressures of social and academic demands could benefit from having mental health care readily available. The Committee believes that increasing the visibility of school counselors would legitimize their role as part of the school's administrative framework, thereby, encouraging students to seek assistance before resorting to violence.

12. CIVIC EDUCATION

Within the amounts provided, the Committee has included $1,500,000 to continue the violence prevention initiative begun in fiscal year 1999. The Committee encourages that funds be used to conduct a five State violence prevention demonstration program on public and private elementary, middle, and secondary schools involving students, parents, community leaders, volunteers, and public and private sector agencies, such as law enforcement, courts, bar associations, and community based organizations.

13. LITERACY PROGRAMS

A. The Committee has included $21,500,000, an increase of $3,500,000 for the Reading is Fundamental program to promote literacy skills. Studies show that literacy promotion is one tool to prevent youth violence. The Committee believes that this program, which motivates children to read and increases parental involvement is another way to prevent youth violence at an early age.

B. The Committee has included $19,000,000, an increase of $2,277,000 for the State Grants for Incarcerated Youth Offenders/Prisoner Literacy Programs. This program, which assists states to encourage incarcerated youth to acquire functional literacy, life and job skills, can also play a role in reducing recidivism rates and violent behavior.

C. The Committee has included $42,000,000 for the Title I Neglected and Delinquent/High Risk Youth program, an increase of $1,689,000 over the fiscal year 1999 appropriation. These funds will assist states to strengthen programs for neglected and delinquent children to enhance youth violence prevention programs in state-run institutions and for juveniles in adult correctional facilities

These funds will be used to motivate youth to read and enhance their academic achievement. Literacy promotion encourages young individuals to pursue productive goals, such as continued education and gainful employment.

14. YOUTH SERVICE DELIVERY SYSTEMS

The Committee is aware that the Workforce Investment Act (WIA) brings new emphasis to the development of coherent, comprehensive youth services that address the needs of low-income youth over time. It believes that youth service delivery systems under WIA integrate academic and work-based learning opportunities, offer effective connections to the job market and employers, and have intensive private-sector involvement. Such effective systems can provide low-income, disadvantaged youth with opportunities in our strong economy as alternatives to youth violence and crime. The Committee further recognizes the potential of Youth Councils for creating the necessary collaboration of private and public groups to create community strategies that improve opportunities for youth to successfully transition to adulthood, postsecondary education and training. Thus, the Committee has included funds to continue investments in WIA formula-funded youth training and employment activities, the Youth Opportunities grant program, the Job Corps, and added $15,000,000 to continue and expand the Youth

Offender grant program serving youth who are or have been under criminal justice system supervision.

Mr. SPECTER. I thank the Chair for the time and yield the floor.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 13, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 12 noon, Monday, September 13, 1999.

Thereupon, the Senate, at 12:49 p.m., adjourned until Monday, September 13, 1999, at 12 noon.

SENATE—*Monday, September 13, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our guest Chaplain, Father Paul Lavin, pastor of St. Joseph's on Capitol Hill, Washington, DC, will now give the prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In Psalm 103 David sings:

Bless the Lord, O my soul
and all my being bless His holy name.
Bless the Lord, O my soul
and forget not all His benefits.
He pardons all your inequities,
He heals all your ills.
He redeems your life from destruction,
He crowns you with kindness and compassion.
He does not always chide,
nor does He keep His wrath forever.
Not according to our sins does He deal with us,
nor does He requite us according to our crimes.
For as the heavens are high above the Earth
so surpassing is His kindness toward those who fear Him.
As far as east is from the west,
so far has He put our transgressions from us.

Let us pray.

Almighty and eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice, through You authority is rightly administered, laws enacted, and judgment is decreed. Let the light of Your divine wisdom direct the deliberations of the Senate and shine forth in all the proceedings and laws formed for our rule and government. May they seek to preserve peace, promote national happiness, and continue to bring us the blessings of liberty and equality.

We likewise commend to Your unbounded mercy all citizens of the United States, that we may be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in union and that peace which the world cannot give; and, after enjoying the blessings of this life, be admitted to those which are eternal.

We pray to You, who are Lord and God, for ever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of the Interior appropriations bill. As a reminder, cloture motions were filed on Friday on S.J. Res. 33 denouncing the offer of clemency to Puerto Rican terrorists and on the Hutchison amendment regarding oil royalties. These cloture votes have been scheduled for 5 p.m. today and may be followed by additional votes on judicial nominations. It is hoped that action on the Interior appropriations bill can be completed by tomorrow and that the Senate can begin consideration of the bankruptcy reform bill.

I thank colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes. Under the previous order, the time until 1 p.m. shall be under the control of the distinguished Senator from Wyoming, Mr. THOMAS.

SENATE CHALLENGES

Mr. THOMAS. Mr. President, as was noted, there are 2 hours of morning business. My associates are going to undertake for the first hour to talk a little bit about the challenges that we face over the next month, 2 months. By the end of this month, of course, we are to have completed the appropriations, and we will be moving forward with that. We will be dealing with the administration and with the President on their completion. We hope that it will not end up in a closing down of Government but, rather, finding some consensus as to how we deal with our budget for next year.

We are challenged by different philosophies, of course, as to what that spending ought to be; we are always challenged by a difference of view as to what the priorities are. That is the nature of our body.

So, Mr. President, I would like now to yield to my friend, the Senator from Arkansas, for 15 minutes.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. I thank the Chair.

TAX RELIEF

Mr. HUTCHINSON. Mr. President, I rise today to address for a few minutes the tax relief package that the Senate passed before the August recess.

I had the opportunity during the August recess to travel much of Arkansas. I was in 27 counties in Arkansas in about a month. So we were very busy. In each one of those counties there were opportunities for people to express their opinions and to talk about issues that were of concern to them. We heard much about the farm crisis. I know the Presiding Officer has been very involved in trying to fashion a farm policy that is going to allow family farmers to survive, be viable, and has been very involved in the ag policy of this country. We have heard a lot of concerns about agriculture.

I also heard a lot about the tax package, and there were a lot of questions. I want to take a few minutes today to talk about what I heard and what I shared about the tax relief package that we passed in the Senate and the conference that was agreed upon with the House. I think it is responsible and provides much-needed relief for the American taxpayer.

I think that is the first thing we have to realize—how much there is a need for tax relief. People say, well, the economy is booming; we are doing fine; people are fine; no one really wants a tax cut. I think the reality is far different.

Under the Clinton administration, taxes have risen to the highest level in peacetime history—almost 21 percent of the gross domestic product. When you compare that to the 1950s and the Eisenhower years, the tax burden upon the American people measured—there are lots of ways of measuring "tax burden," but one of the most helpful, I think, is in terms of the gross domestic product. At that time, it was about 15 percent of GDP; it is now 21 percent of GDP. And it took that last leap when Congress passed and the President signed the 1993 tax hike.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

When we are talking in terms of the tax relief package, the $792 billion—and for a farm boy from north Arkansas that is a lot of money, $792 billion—it is over 10 years, and when you realize that what we are doing is rolling back the tax burden on the American people by a grand total of 1 percentage point of GDP; we would take it from about 21 percent to about 20 percent, there is nothing draconian—an overused word these days—there is nothing irresponsible about the tax relief package that was passed by the House and Senate.

According to the Office of Management and Budget, total Federal receipts amounted to 19.9 percent of GDP in 1998 and will be 20.1 percent of GDP in 1999.

Now, in Arkansas, that amounts to about $7,352 in taxes per capita, in 1998.

In a State such as Connecticut, it is about twice that; $15,525 was paid in taxes for every man, woman, and child in Connecticut. It was Ben Franklin who said a penny saved is a penny earned. I think maybe we could adjust that motto and say: A dollar earned is 38 cents spent by the Federal Government. The typical American family sees 38 percent of its income paid in taxes, as opposed to 28 percent of its income for food, clothing, and housing and only 3.6 percent that goes to savings.

I believe at a time of surplus, it would be unthinkable, it would be unconscionable for us not to allow the American people to keep more of what they have worked so hard to make. As Ronald Reagan once remarked: The taxpayer is someone who works for the Federal Government but doesn't have to take a Civil Service exam. When we think about the increasing percentage of our income going to taxes, that is, unfortunately, more true today than it was when President Reagan said it. The American people are laboring under a heavy burden of taxation and an intrusive Tax Code and tax system.

There are many provisions in the tax relief package. I want to address two that are particularly compelling. One is the marriage penalty tax.

Approximately 42 million American couples, including 6 million senior citizens, must pay an average of $1,400 extra in taxes for simply being married. The marriage penalty punishes in two ways. It pushes married couples into a higher tax bracket, and it lowers couples' standard deduction. So two married income earners with combined income must pay their income tax at a higher rate with a lower deduction than they would if they were two single people. It is unfair. It is wrong. Most Americans are absolutely perplexed why such a quirk in the Tax Code would be allowed to continue.

Keep in mind, it is not a one-time penalty. Under our tax system, marriage is not a freeway; it is a toll road. For 10 years of marriage, couples must pay an average of $14,000 extra; for 20 years, couples must pay $28,000 extra. The tax relief package that passed would finally achieve equity and fairness by eliminating the marriage tax penalty.

The other aspect of the tax relief package we passed that I think is especially helpful and important and about which people feel strongly in Arkansas is the death tax. Small business owners and farmers can lose their lives and all they have saved for their children because of death taxes. Since the value of a business is added to the estate and taxed after exemption, sometimes as high as 55 percent, many small businesses and farms must be sold in order to pay the death tax. It is wrong. Just as the marriage penalty, it is something we should not allow, it is something we should not tolerate, and it is something we have the ability and capacity to change this year. It is a form of double taxation. The most obvious inequity is the death tax.

It also doesn't make a lot of sense. It taxes investment and savings. It taxes the American dream. Part of the American dream is, if you work hard and save and invest well and are able to accumulate something in life, you will be able to pass that on to your children and your grandchildren so they can start their lives with better prospects than what you did. It is not all of the American dream, but it is part of the American dream. The death tax is absolutely contrary to what we hold out as being something Americans should strive toward—investment, savings, building for the future.

Right now, the survival rate for a family farm from the first to the second generation is only about 30 percent. The odds are against a family farmer being able to pass along that farm to their children or grandchildren. I know our farmers are working hard, and these are difficult times for them. We keep having emergency bills to help alleviate the problems, but they are kind of a Band-Aid solution. We have one the Senate passed before the August recess.

Eliminating the death tax is something we can do that will permanently benefit agriculture and farmers in this country. Only a fraction of 1 percent of small businesses make it through to four generations. Just as the family farm, which is, in effect, a small business, other small businesses are also having a difficult time surviving and certainly being passed on to future generations.

Consider the case of Clarence who owns a farming and lumber business in North Carolina. He provides jobs to 720 people in his community through three small farms, a fertilizer and tobacco warehouse, and a small lumber mill. His family has worked hard for four generations to build this business to what it is today. All of that may well be lost when Clarence dies and his family is faced with a huge Government death tax bill. Clarence has worked hard to try to reduce the burden of the death tax. He slowed the growth of his business. He has hired lawyers. He has purchased life insurance. He has established trusts—all with the hope that he could create a plan to enable his children to keep the family business when he dies. All of that work and planning still may not be enough.

Clarence figures that his son will owe the Federal Government about $1.5 million upon his death, an impossible amount to pay for a man who makes only $31,000 a year. His son will almost certainly have to sell all or part of the business in order to pay the consequences of the death tax. Over four generations, Clarence's family businesses have been whittled down to a sliver of what they once were.

Then consider the case of Mr. Kennard, whose spirit of free enterprise is being stifled by the death tax. He owns a small septic tank company in Virginia. He began his business in 1963. Today, he employs 15 people, including his son and daughter who have worked with him since they were teenagers. His son runs one of the businesses and takes home about $30,000 a year, hardly enough to pay the $2 million bill the Government will hand him when his father dies.

Death should not be a taxable experience. In order to reduce the estate tax, Mr. Kennard has stopped expanding his businesses and is considering transferring shares of his business to his children now rather than wait until his death. He would like to invest in insurance and put some of his money back into the business, but it doesn't make sense when his family will have to pay exorbitant taxes on any new appreciation. In fact, Mr. Kennard may have to liquidate one or two of his businesses in order to pay the death tax on the remaining businesses.

The tax refund bill would provide relief by lowering the 5-percent surtax on estates and replace the unified credit with the unified exemption of $1.5 million. We would ultimately be rid of the death tax altogether. It is something we should do. It is something we have within our power to do. We have passed it. We will send it to the President. It is our hope, still, that the President will change his mind and not veto this very important legislation.

There are many other important provisions in the bill as well. People say: Why spend your time on tax relief when the President said he is going to veto it? Because it is important, because it is the right thing to do, because our responsibility to our constituents is not what the President may or may not do. I recall well my early years in the House when we passed welfare reform and had to send it to the President not once, not twice, but three times, before the President finally decided the American people wanted welfare reform. He signed an important piece of reform legislation that has transformed welfare in this country and cut the rolls in half in State after State, including my home State of Arkansas.

I hope the President will reconsider, and I hope the American people will let us and the administration know how important tax relief is. When they understand what is in it, they do support it. In 27 counties in Arkansas, I did hear some concerns, primarily because of the myths that have been perpetrated about this tax relief bill.

One of the concerns was the myth that this tax relief bill somehow trades debt reduction for tax cuts. The fact is, the budget and the tax relief bill we passed will reduce public debt by 60 percent and achieve over $200 billion more in public debt reduction than the President's plan over the next 10 years. It is not a matter of either/or. It is not a matter of whether you are going to have debt reduction or we are going to have tax relief. We can and should have both.

Another one of the myths people are concerned about, and understandably concerned, is that somehow, if you pass a meaningful tax relief bill, as we did, it is going to erode and eat into the Social Security surplus. In fact, that is nothing but a myth. We would lockbox Social Security. We would not touch any of the Social Security surpluses, and we shouldn't. We should not perpetrate the wrong that has been done by previous Congresses by dipping in and using those revenues which are designated and should be designated for Social Security only.

Then there is, perhaps, one of the greatest myths of all; that is, the tax relief bill will primarily benefit the wealthy. This tax relief package would provide broad-based tax relief. It cuts every bracket 1 percent. That is not much. But it cuts across the board of tax brackets by 1 percent. It doesn't take somebody trained in math to figure out that if you are in the 15-percent tax bracket and you lower it from 15 to 14 percent, it is a much bigger personal tax cut than for somebody who is in a lower tax bracket who also sees only a 1-percent reduction in taxes.

The fact is that this tax relief package benefits low-income earners in the lowest tax bracket more than any other taxable group. We not only lower the rate, we expand the bracket to include yet more hard-working Americans.

In a State such as Arkansas, where we have one of the lowest per capita incomes, lowering the tax by even 1 percent for the lowest tax bracket has a significant benefit for hard-working Arkansans and hard-working Americans.

One of the other myths I heard while I was traveling across Arkansas was that there was concern that somehow these surpluses might not become reality. Conservative Arkansans who look at the Congressional Budget Office projections a decade out, I think, are right to say: What happens if, in fact, the surpluses don't become reality? Are you going to give all of this back in tax cuts? And are we going to go back up in deficit spending?

I was glad to be able to report that there was an important provision including a trigger—maybe it is better to call it a safety valve—that ensures that if the surpluses do not become reality, the tax cuts don't kick in. They don't become reality either. That, I think, is the ultimate fallback to ensure that we don't return to the big spending, red-ink, deficit spending ways of the past.

The bottom line is that in Arkansas 683,741 people would have tax reductions under this bill. That is, 750 million Americans would see their tax bills reduced. It is not something targeted for the wealthy, but it is something that would benefit every taxpaying American.

Opponents of tax relief insist that money must be left on the table in the name of debt reduction. The reality is that if you leave it on the table in Washington, it will be spent.

Therein is the great divide philosophically between those who believe the American people can better decide and determine how they ought to spend what they have earned and what they have worked for than people in Washington, DC—Government officials and bureaucrats in Washington. For those who believe we have to keep that money up here because we have to reserve it on the table for more spending programs because, truly, wisdom is found here inside the beltway, we reject that. I reject that.

I ask my colleagues to request of the President his reconsideration of what is desperately needed for the American people—lowering that tax burden from 21 percent to 20 percent. There is nothing too dramatic nor too drastic about it, but it is a small step in providing the American people the tax relief they deserve and they desire.

I thank the Chair.

I thank Senator THOMAS for providing this time and this opportunity to discuss what we have done in the area of tax relief.

I yield the floor.

Mr. THOMAS. Mr. President, I think the Senator from Arkansas stated very clearly the strong feeling that I have received from folks in Wyoming. As I went around as well, when I first talked about tax relief, people kind of rolled their eyes. But when you start talking about the specifics of it—estate taxes and marriage penalty taxes—when you talk about the kinds of things that are there to encourage retirement funding and educational funding, you really get a great deal more interest in it.

I think the Senator pointed out clearly the real philosophical difference. If the money is here, it will be spent for increased government and increased programs rather than going back to the people who really own the money.

I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. THOMAS. Mr. President, I ask unanimous consent that privilege of the floor be granted to David Stewart, an intern in my office, during the course of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I yield to the Senator from Iowa 10 minutes.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank the Senator from Wyoming for yielding.

Even though I am not going to speak on the issue of taxes, I just heard the remarks by the Senator from Arkansas. Obviously, voting for that bill was difficult. I agree with the statements and plead with the President to sign the bill and give the people back some of the money or let them keep the money rather than running it through Washington. We are overtaxing the people at the highest level of taxation in the history of our country.

NURSING HOME INDUSTRY

Mr. GRASSLEY. Mr. President, I chair the Committee on Aging. We have been holding some hearings about the nursing home industry over the last several months. I would like to make a comment.

First of all, I would like to speak about credibility. It is similar to an old maple tree. It takes years to develop, but a big storm can wipe it out just like that. I have a story that makes the point.

The nursing home industry challenged the credibility of nursing home inspectors. The nursing home industry, after this challenge, lost.

When I refer to the nursing home industry, I mean the American Health Care Association. This group represents the for-profit nursing homes. It has thousands of members across the country.

Nursing home inspectors operate in every State. They inspect every nursing home that accepts Federal money. The inspectors gauge whether nursing homes follow the Federal laws that were passed to protect nursing home residents. They evaluate everything from the most severe problems to the most minor problems. The most severe problems include malnutrition, dehydration, bedsores, inadequate medical treatment—matters that can be life-threatening. The most minor problems might include things such as comfortable lighting and access to stationery.

At my request, the General Accounting Office has issued a series of reports documenting severe problems in too many nursing homes, thus pointing up the shortcomings of the inspection.

On March 18, when I released one of these reports, the American Health Care Association issued a critical news release. The association said:

> Inspectors have closed down facilities, without consulting residents and their families, for technical violations posing no jeopardy to residents.

The association also said:

> Unfortunately, the current Federal inspection system has all the trademarks of a bureaucratic government program out of control.

These, of course, were very serious charges made by the association of nursing homes, and I took those charges very seriously. The Federal inspection system is responsible for the welfare of 1.6 million nursing home residents. If that system fails, these frail individuals will bear the brunt. That is something that should concern every one of us in the Senate.

Following up, I asked the American Health Care Association for proof of its claims issued in that news release critical of what the General Accounting Office had to say at my behest to study the issue. On May 6, I received an information packet from the American Health Care Association describing 10 examples that the association saw as proof of overzealous regulations. I turned this information over to the General Accounting Office and asked for its analysis.

The GAO did not find evidence of overzealous regulation. In fact, the General Accounting Office found just the opposite. There was adequate information for an objective assessment for 8 of the 10 industry examples. In each of those 8 cases, the General Accounting Office found that regulators acted appropriately.

I am not going to go through all eight examples, but I will use three. I think they show that there is a big difference in what the industry presented and what the General Accounting Office found; in other words, the industry's accusations that the inspection system was a bureaucratic thing out of control and that it was based upon just technicalities was wrong.

Example No. 1: The industry complained that a Michigan nursing home was severely punished for providing complimentary coffee to family members, staff, and residents. The General Accounting Office said that the nursing home inspectors saw two vulnerable residents pulling at the spigot of the hot coffee urn. The inspectors believed that the residents were in immediate danger of suffering serious burns from the coffee. Of course, with this, the General Accounting Office agreed.

Example No. 2: The industry complained that a California nursing home was cited for bed sores on a resident's foot that predated his admission, and in fact the bed sores were healing. The General Accounting Office said the inspector found conditions that actually had worsened the bed sores. The resident was wearing leather shoes when in a wheelchair. His feet were not elevated when in bed. His bedsore dressings were changed without proper techniques to prevent infection. There again, the example given by the nursing home association was wrong.

Example No. 3: The industry claimed that an Alabama nursing home was cited for a bald kitchen worker who failed to wear a hair net. The GAO reported that the industry did not identify the nursing home involved nor provide any documentation; therefore, the General Accounting Office could not assess what had happened.

I could go on in more detail from the General Accounting Office report. I have that report here, and I would like to point out to my colleagues that they should look at it, read it. Hopefully, everyone is interested and they will do so. It tells a valuable cautionary tale. Members of Congress, as I felt a responsibility to do, should always seek out both sides of every story. Industry associations work hard to seek our agreement with their side and, of course, in our system of government, and whether individual, or an association of individuals, that is their right. But it is our obligation as representatives of the people to weigh every issue with all the facts at hand. It is equally our obligation to consider the credibility of every source.

I yield the floor and reserve the remainder of time for Senator THOMAS.

Mr. THOMAS. I thank the Senator. Certainly, he has been the leader in rural health care, which is very important to my State, as it is for the State of the Presiding Officer.

I am pleased to have the Senator from Maine, Ms. COLLINS, join us this morning for some comments on our future activities. I yield 15 minutes to the Senator from Maine.

The PRESIDING OFFICER. The distinguished Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want also to join in the Senator's praise of Senator GRASSLEY for his leadership on many of the issues affecting senior citizens and rural health care in America.

MEDICARE

Ms. COLLINS. Mr. President, Senate Republicans are committed to enacting legislation to preserve, strengthen, and save the Medicare system for current and future generations. The Republican congressional budget plan has set aside $505 billion over the next 10 years specifically to address domestic issues such as Medicare. Moreover, $90 billion of this amount has been set aside in a reserve fund that is dedicated exclusively to strengthening Medicare's financing and modernizing its benefits, including the provision of coverage for prescription drugs. Prescription drugs are as important to our senior citizens' health today as the hospital bed was back in 1965 when the Medicare program was first created. Medicare clearly should be restructured to reflect these changing priorities.

The money to address this challenge has been set prudently aside as part of the Republican budget. We have the resources, we have the determination, and we have the will to address this critical issue. Now it is up to Congress to come up with the plan, which I hope our colleagues on the other side of the aisle will help us devise. We need to strengthen and modernize this critically important program to meet the health care needs of elderly and disabled Americans into the 21st century.

In addition to addressing the long-term structural issues facing Medicare, it is essential that Congress also take action this year to address some of the unintended consequences of the Balanced Budget Act of 1997, as well as regulatory overkill by the Clinton administration, which is jeopardizing access to critically important home health care services for millions of senior citizens.

The growth in Medicare spending has slowed dramatically, and that is due, in part, to the reforms that were enacted as part of the Balanced Budget Act of 1997. While it was Congress' intent in enacting this legislation to slow the rate of growth, it has become increasingly clear that the payment policies implemented by the Clinton administration as a consequence of the Balanced Budget Act have gone too far and that the cutbacks have been far too deep, jeopardizing our seniors' access to critical hospital, skilled nursing, and home health care.

Nowhere is this problem more serious than in home health care. America's home health agencies provide services that have enabled a growing number of our most frail and vulnerable senior citizens to avoid hospitals, to avoid nursing homes, and to receive the care they need and want in the security and privacy of their homes, just where they want to be.

I have visited with home health nurses in Maine who have taken me on home health visits. I know firsthand how vital these important health care services are to our frail seniors. I know of couples who have been able to stay together in their own home solely because of the services provided by our home health agencies. In 1996, home health was the fastest growing component of the Medicare budget. That, understandably, prompted Congress and the Clinton administration to initiate changes that were intended to make the program more cost-effective and efficient.

There was strong bipartisan support for the provisions in the BBA that called for the implementation of a prospective payment system for home care. Unfortunately, until this system is implemented, home health agencies are being paid under a very flawed interim payment system, or IPS.

In trying to get a handle on cost, Congress and the administration created a system that penalizes efficient agencies and that may be restricting access to care for the very Medicare beneficiaries who need the care the most. These include our sicker patients with complex chronic care needs, like diabetic wound care patients, or IV-therapy patients who require multiple visits.

According to a recent survey by the Medicare Payment Advisory Commission, almost 40 percent of home health agencies indicated that there were patients whom they previously would have accepted for care, whom they no longer serve due to this flawed interim payment system and the regulatory overkill of the Clinton administration. Thirty-one percent of these agencies admitted they had actually discharged patients due to the inadequate payment system. The discharged patients tend to be those with chronic care needs who require a large number of visits and are expensive to serve. Indeed, they are the very people who most need home health services.

I know that Congress simply did not intend to construct a payment system that inevitably discourages home health agencies from caring for those senior citizens who need the service the most. These problems are all the more pressing because they have been exacerbated by the failure of the Clinton administration to meet the original deadline for implementing a prospective payment system. As a result, home health care agencies will be struggling under a flawed IPS system, the interim payment system, for far longer than Congress ever envisioned when it enacted the Balanced Budget Act of 1997.

Moreover, it now appears the savings from the Balanced Budget Act were greatly underestimated. Medicare spending for home health care fell by nearly 15 percent last year and the CBO now projects that the post-Balanced Budget Act reductions in home health care will exceed $46 billion over the next 5 years. This is three times greater than the $16 billion that CBO originally estimated for that time period. That is another indication that the cutbacks have been far too deep, far too severe, and much more wide-reaching than Congress ever intended.

Again, the flaws in the Balanced Budget Act have been exacerbated by regulatory decisions made by this administration. Earlier this year, I chaired a hearing held by the Permanent Subcommittee on Investigations. We heard firsthand about the financial distress and cash-flow problems of very good, cost-effective, home health agencies from across the country. We heard about the impact of these cutbacks on our senior citizens. Witnesses expressed concern that the problems in the system are inhibiting their ability to deliver much needed care, particularly to chronically ill patients with complex needs. Some agencies have actually closed because the reimbursement levels under Medicare have fallen far short of their actual operating costs. Many others in Maine and throughout the Nation are laying off staff or declining to accept new patients, particularly those with the more serious health problems that require more care and more visits.

This points to the most critical and central issue: Cuts of this magnitude simply cannot be sustained without ultimately affecting the care that we provide to our senior citizens. Moreover, the financial problems that home health agencies have been experiencing have been exacerbated by a host of onerous, burdensome, and ill-conceived new regulatory requirements imposed by the Clinton administration through HCFA, including the implementation of what is known as OASIS, the new outcome and assessment information data set; new requirements for surety bonds; sequential billing requirements; IPS overpayment recoupment; and a new 15-minute increment home health reporting requirement requiring nurses to act as if they were accountants or lawyers, billing every 15 minutes of their time.

Witnesses at our hearing before the Permanent Subcommittee on Investigations expressed particular frustration with what the CEO from the Visiting Nurse Service in Saco, ME, Maryanna Arsenault, termed as the Clinton administration's regulatory policy of "implement and suspend." She and others pointed to numerous examples of hastily enacted, ill-conceived requirements for surety bonds and sequential billing. No sooner had HCFA imposed the cost burden of a specific mandate on America's home health agencies, than it then had second thoughts and suspended the requirements—but only after damage had been done, only after our home health agencies had invested significant time and resources they do not have, trying to comply with this regulatory overkill.

Responding to the excessive regulation of the Clinton administration, as well as the problems in the Balanced Budget Act of 1997, my colleague from Missouri, Senator BOND, and I have together introduced legislation titled, "The Medicare Home Health Equity Act," which is cosponsored, I am pleased to say, by a bipartisan group of 26 of our colleagues. It makes needed adjustments in the Balanced Budget Act and related Federal regulations to ensure that our senior citizens have access to necessary home health services.

One of the ironies of the formula enacted in the Balanced Budget Act is that it penalizes the low-cost nonprofit agencies that had been doing a good job of holding down their expenses. The program needs to be entirely revamped.

The most important provision of our bill eliminates the automatic 15-percent reduction in Medicare home health payments that is now scheduled for October 1 of next year, whether or not a prospective payment system is enacted. I am not overstating the situation when I say that if another 15-percent cut is imposed on America's home health agencies, it would be a disaster. It would threaten our ability to provide these services to millions of senior citizens throughout this country.

A further 15-percent cut would be devastating. It would destroy the low-cost, cost-effective providers, and it would further reduce our seniors' access to home health care. Furthermore, as I mentioned earlier, it is entirely unnecessary because we have already achieved the budget savings that were anticipated in the Balanced Budget Act of 1997. We have not only exceeded them, we have exceeded them by a factor of three.

Our legislation also provides for what we call supplemental "outlier" payments to home health agencies on a patient-by-patient basis. This is needed because there are some patients who are expensive to care for because they have complex and chronic health conditions that need a great deal of care. We heed to have a formula that recognizes that there are certain higher cost patients who are higher cost in a legitimate sense. It is still far cheaper to treat those patients through home health care than in a nursing home or hospital setting.

The provision in our bill removes the existing financial disincentive for agencies to care for patients with intensive medical needs. We know from the recent studies from GAO and the Medicare Payment Advisory Commission that those are the individuals who are most at risk right now of losing access to home health services under the current interim payment system.

To decrease total costs in order to remain under their per-beneficiary limits, too many home health agencies have had to significantly reduce the number of visits, which in turn has increased the cost of each visit. We need to deal with the regulatory issues that I have mentioned, including OASIS, surety bonds, sequential billing, and the 15-minute incremental reporting requirement. Our legislation accomplishes these goals.

The Medicare Home Health Equity Act of 1999 will provide a measure of financial and regulatory relief to beleaguered home health agencies in order to ensure that our senior citizens have access to medically necessary home health services.

It has been a pleasure to work with the Senate majority leader, Senator LOTT, as well as Senator ABRAHAM, Senator SANTORUM, Senator BOND, and others who have been real leaders in this effort to come up with a solution to this very pressing problem. My hope is that we will make reforming the payment system for Medicare home health services a top priority this fall.

I yield back the remainder of my time to the Senator from Wyoming.

Mr. THOMAS. I thank the Senator from Maine, not only because of the good job she does all across the board but particularly on this matter of health care, rural health care. As cochairman of the Rural Health Care Caucus, I am particularly interested in those kinds of things. For example, in Wyoming, home health care is so important and sometimes quite expensive, particularly because of the amount of miles that have to be traveled. But for the patient, and because of the cost, home health care is the right way to go.

I now yield to the Senator from Missouri to talk a little more about the future and our plans with respect to taxes.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I commend the Senator from Maine for her sensitivity to a crisis which is looming in American health care and that she is willing to constructively deal with that crisis. I thank her for her thoughts on this matter and for her cosponsorship of important legislation.

TAX RELIEF

Mr. ASHCROFT. Mr. President, as we look to the future, most of us, in our families, in our businesses, in our civic organizations, in our churches, like to deal with some sort of plan. As a matter of fact, there is a lot of buzz or talk these days about financial planning, making sure we have the capacity to meet the demands of the future when they come to us and when they fall upon us.

It is incumbent on the Congress of the United States to engage in some planning, to take a look at the future and find out exactly where we ought to be going and how we ought to get there, and the things that are important and what we ought to do to protect our interests. It is with that in mind that we, the Members of the Congress, are delivering to the President a financial plan for the next decade. He will have an opportunity to act on that plan this week. That plan has been talked about, the tax relief contained in the plan, but it has not been spoken of very generously in terms of the other major features of this financial plan for America for the next 10 years. I think we can only understand the plan by looking at it as a whole, understanding what we are doing to protect the interests of this country in the years ahead.

The first thing I think people want us to start to do is to be more responsible in the way we in Washington handle their money. One of the areas of irresponsibility in the past has been the Social Security trust fund. When there has been a little bit more in the trust fund—or a lot more in the trust fund—than was needed for that particular year, Members of the House and Senate have been a part of budgeting that money for expenditures not related to Social Security, to support the operational costs of Government.

Americans are duly concerned because they know the reason there is a surplus in the Social Security trust fund is that big bulge of us baby boomers are paying in, but they know when this big bulge of baby boomers starts to consume instead of contribute to the trust fund, we are going to need the surplus. So the first thing we have done in our financial plan for the future is to put an end to that. We are going to stop the practice of spending the trust fund. So the financial plan which will go to the President this week says $1.9 trillion—trillion being a thousand billions and a billion being a thousand millions; I mean, it is almost impossible to think of it that way—$1.9 trillion is going to be reserved for Social Security, a major step forward. Americans have a right to expect us to plan to do that and we are doing it. That is a big part of the financial plan for the future.

No. 2, people say over time most families, most organizations want to reduce their debt; they would like to get their debt down to manageable levels. Most of us take 30 years to pay off a home. We have decided to start paying down the national debt. In a part of the plan which I think is very important, we are taking the publicly held debt of the United States of America from $3.8 trillion down to $1.9 trillion, a 50-percent decline in the national debt held by the public of the United States of America. What a tremendous decline in debt. As part of a rational plan, the debt to the gross domestic product ratio goes from 43 percent to 14 percent over that 10-year plan we are sending to the President. First, we protect Social Security. Second, we pay the debt down by 50 percent.

No. 3, as the chairman of the Budget Committee, Senator DOMENICI, has indicated, we put aside about $505 billion for contingencies over the next 10 years, things we might want to spend money on over and above what we are spending now. So not only do we have a reservation of $1.9 trillion for Social Security, not only do we cut the publicly held debt of this country in half, but we also reserve a half trillion dollars for expenditures we are not now making.

It is only in the context of these three items—the saving of the Social Security surplus for Social Security; reducing the national debt, the publicly held debt of America, by 50 percent; putting aside a half trillion dollars for contingencies—that we understand what the tax relief is all about. The tax relief is what is left over. Americans earn the money. We trust Americans to earn this money; we should trust them to spend it. The question is whether we are going to fund families or bureaucracies.

We got the President to agree with us on saving Social Security to the extent of putting $1.9 trillion aside, and I commend him for getting there. He wasn't there in his State of the Union Message. I commend the President for being willing to pay down the national debt. But the President, after that, wants to spend so much more of what is left over on more Government programs.

Frankly, we ought to be giving a tax relief package, 1 percent, to every bracket. We ought to be doing away with the marriage penalty tax. We ought to allow parents and grandparents to invest money so their kids can have money for education, and the growth of that money can have a tax preferred status. We ought to allow people to buy health care in a more tax beneficial way, especially the self-employed who do not get it on their jobs.

It is with that in mind I think this package is delivered to the President to say this is a comprehensive financial plan for the future. The tax relief only amounts to 23.8 percent of the total surplus as we have defined surpluses historically because we have been so responsible as to set that Social Security surplus aside. It is not part of what we will spend. And we start to knock down the national debt, take down the publicly held debt of the country 50 percent in the next 10 years and set aside a half trillion dollars for contingencies, and then work on abolishing the marriage penalty and tax, saving for education and expanded IRAs, and knocking every tax rate down by 1 percent—a 1-percent decline for folks at the top brackets and a 1-percent decline for folks at the bottom brackets.

It seems to me that is the kind of plan upon which a nation can march forward. I call upon the President of the United States to reevaluate his position. He has expressed real doubts, serious reservations about this. Seeing it in the context of a financial plan for the future of the United States is to see it as a roadmap to opportunity and success and prosperity.

I close with this. Because we had the two biggest tax increases in history in this decade, Americans have paid in far more money than we are going to need. It is like going to the grocery store and you hand the man a $10 bill for a $2.45 gallon of milk. You expect change. You expect to get something back when you pay more than is needed for what you have ordered. You would not think much of the grocer who said: I'm going to give you two more gallons of milk and a pound of bacon, whether you need it or not. That is what has happened. The President said we have the Government covered, the costs are covered, but they have overpaid. Now we are going to give them a whole bunch more Government, whether they have ordered it or not.

I think we need a little change. Americans deserve some tax relief, and I am pleased to have had this opportunity to present this financial plan which the President should sign.

I yield the floor.

Mr. THOMAS. Mr. President, I think we have used the time that has been allocated. I ask unanimous consent for an additional 10 minutes. Since I am the only one present, the chances are probably pretty good.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BUDGET AGREEMENT

Mr. THOMAS. Mr. President, I am very pleased my associates could come over this morning and talk about some of the programs that are before us, to talk about some of the directions we will be taking. I think there is another area, in addition to what has been talked about, that is right before us. We are dealing now with spending. We are now in the process of finishing the appropriations process. Congress must adopt 13 different appropriations bills for future spending of the Government and we are in the process of doing that.

We also have some budget limitations that we have placed on ourselves, some caps that we have to honor. We are dealing also with emergency spending. We have talked some now about the surpluses that have been available. The surpluses that are available this year, however, are generally Social Security dollars. But there are $14 billion in the regular budget and those will, of course, be available. Most of those have already been set aside as emergency spending.

What we have before us is an opportunity to continue to work and complete this matter of funding the budget for this year. At the same time, we must pass it on to the White House. We must find some agreement, either that or have some continuing resolutions that will put us into the future or, in fact, we are faced with the possibility of the President vetoing the legislation and of having the Government shut down, as happened in the past. I hope this will not be the case.

I noticed in the paper the other day the President has indicated he would like nothing better than a bipartisan compromise. Hopefully, that is what will happen. Yet he has suggested "if only the Republicans could be a little more reasonable." I am not sure that is necessarily a part of it. Probably his White House aides are happy about this partisan combat because, as we know, the last time the Government was shut down, the Congress shouldered all the responsibility. I do not believe that ought to be the case, and hopefully it will not be this year. We are looking forward to working in those areas.

In terms of Social Security, there are some changes that need to be made. We are talking about saving Social Security. We ought to do that. We are committed to doing that. The method of doing it currently, of course, is to put the Social Security surplus in to replace the publicly held debt. The fact is, it then becomes debt that has to be covered by the taxpayers when the time comes to use it.

We also are looking at a change in the Social Security Act which responds to what is happening with Social Security. The demographics are changing. When Social Security started, there were 34 people working for every 1 beneficiary. People paid about $30 a year into the program. Now there are three people working for every beneficiary, and it is moving toward two. They are paying 12.5 percent of up to nearly $80,000 into this fund.

The fact is, over a period of time, probably in 20 years, there will not be enough money to continue as we have, so we have to make some changes. The choices are very simple ones basically:

We can increase taxes. Nobody really wants to do that. The Social Security tax is the largest tax paid by almost all taxpayers in the lower-income brackets.

We can reduce benefits. People are not much interested in that.

The third alternative, of course, is to increase the revenue that comes from the moneys that are in the trust fund. We are very anxious to do that. It also gives an opportunity to take that money when it comes in and put it somewhere other than into additional national debt loans and put it into individual accounts that people would have as their own, to be invested in the private sector for a much higher yield.

These are some of the things with which we grapple. Certainly, we are going to be working with the administration to see if we can do something in that respect. I do not think there is willingness on this side to trade off tax relief for increased spending. I hope not, and I do not believe we will do that.

On the other hand, we can find, I am sure, agreement in the appropriations areas, and we can move forward with that.

Mr. President, our time has expired. I see there is a Senator on the other side of the isle, so I yield back my time.

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the time until 2 p.m. shall be controlled by the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I say to my colleague from Wyoming, I did not hear all of his remarks, but I always appreciate what he has to say, agree or disagree.

ECONOMIC CONVULSION IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I will not speak for a long time about the economic convulsion in agriculture. I think my colleague sees some of this in Wyoming as well. I said last week I was going to come to the floor and talk about what is happening to family farmers in Minnesota and around the country. I want to speak about this briefly today and announce a bill that I will be introducing. I also want to say to my colleagues, as I see us moving forward over the next couple of days this week, that I do intend to be back on the floor with amendments that relate to how we can get a decent price for family farmers and how we can get some competition and how we can put some free enterprise back into the food industry.

I am also prepared—and I am sure other Senators would feel the same way if they came from an agricultural State—I am also prepared, starting this week and every week, to spend a considerable amount of time before the Senate talking, not so much in statistical terms but more in personal terms, about what is happening.

I give, by the way, a lot of credit to Willie Nelson and Neil Young and John Mellencamp for putting together Farm Aid. I had a chance to be there yesterday morning with my wife Sheila. It was an important gathering. I thank them for bringing some attention to the crisis in agriculture and what is happening to family farmers.

They are not Johnny-come-latelys. They have been at this for some time. There was a rally this morning, a "Save the Family Farm" coalition rally, and then the Farmers Union was meeting with Secretary Glickman. I know there are hundreds of Farmers Union members who are going to be meeting with Republican and Democratic Senators.

What everybody is saying right now is, we have this convulsion in agriculture. When I was a college teacher in the mid-1980s in Northfield, MN, in Rice County, I did a lot of organizing with farmers. I had some friends who took their lives. I am not being melodramatic, unfortunately. I was at more foreclosures than I ever wanted to be. I saw a tremendous amount of economic pain.

What we are experiencing now in agriculture in this country is far worse. On present course, we are going to lose, as I said last week, a generation of family farmers. I simply say, in an emphatic way, the political question for us is whether we stay the course or whether we change course. I do not believe that any Senator, Democrat or Republican, who comes from a State like the State of Minnesota and who has been traveling in communities and seeing the pain in people's eyes and seeing people who literally are almost at the very end, could not take the position that we have to do something different when it comes to agricultural policy.

I am not going to be shrill today—or hopefully any other day—but I am telling my colleagues, the status quo is unacceptable. It is unacceptable. The piece of legislation we passed several years ago called Freedom to Farm—I believe it's really "Freedom to Fail," though others can take a different position—at minimum has to be modified. If we do not take the cap off the loan rate and we do not have some kind of target price and we do not do something to make sure that farmers have a decent price for what they produce so they can get the cash flow to earn a decent living, they are going to go under. Many of them are going under right now as I speak.

The second thing I want to talk about is a piece of legislation I will offer this week as an amendment to the bankruptcy bill. I will have plenty of data. For example, five firms account for over 80 percent of beef packing market. That is a higher concentration than the FTC found in 1918 leading up to enactment of the Packers and Stockyards Act. Six firms account for 75 percent of pork packing. Now we have a situation where Smithfield wants to buy out Murphy. And the largest four grain buyers control nearly 40 percent of the elevator facilities.

The legislation I am going to introduce—I am now waiting for the final draft from legislative counsel—will impose a moratorium on mergers, acquisitions, and marketing agreements among dealers, processors, commission merchants, brokers, or operators of a warehouse of agricultural commodities with annual net sales or total assets of more than $50 million. The moratorium would last for 1 year, or until Congress enacts legislation that addresses the problems of concentration of agriculture, whichever comes first. I think Senator DORGAN is working on a similar piece of legislation. I am sure there are other Senators who are going to be talking about this.

Going back to the Sherman Act or the Clayton Act, or Senator Estes Kefauver's work in the 1950s, Congress has said there was a role for Government to protect consumers and also to protect producers. In fact, a lot of the history of the Sherman Act and Clayton Act goes back to agriculture and the concerns of family farmers.

What I am saying in this legislation is, obviously, the status quo is not working. These conglomerates have muscled their way to the dinner table. They are pushing family farmers out. There is no real competition in the food industry any longer. In order for our producers to get a decent price, and in order to make sure our producers and family farmers have a future, in order to make sure the rural communities of my State of Minnesota have a future, we are going to have to take some action. Our action and our legislation ought to be on the side of family farmers.

So I intend to introduce this bill later today. I will also draft this as an amendment to the bankruptcy bill. I also will be on the floor with other amendments. Unfortunately, the bankruptcy bill applies all too well to family farmers in my State of Minnesota and to family farmers all around the country.

There are other colleagues who want to speak, so I am going to try to conclude in the next 3 or 4 minutes, I say to my colleague from Oregon. I will not take a lot of time because we only have an hour and others want to speak as well.

But I have had a chance to travel a lot in Minnesota. I have had a chance to spend time in other States—in Iowa, in Texas, in Missouri. I have met with a lot of organizers around the country—in the Midwest and in the South—and I am telling you that I think rural America has to take a stand. I do not care whether we use the language of modifying legislation or amending legislation.

I personally thought the Freedom to Farm was really "Freedom to Fail" from the word "go." Others can have different opinions. But for sure, time is not on the side of family farmers. A lot of people in Minnesota, a lot of farmers are 45, 50 years old. They are burning their equity up. They look at me hard, and they say: Look, Paul, do we basically take everything we have and try to keep this farm going? We will. We want to. It has been in our family for four generations. We love farming. But if there is no future for us, tell us now.

I do not want to tell family farmers in Minnesota there is no future for them. I do not want to tell our rural communities there is no future for them. I do not want to tell our country that a few conglomerates are going to own all the land. Then what will the price be, and what will be the quality of the food? Will there be an agriculture that respects the air and the land and the water and the environment? I think not.

I do not think our country is yet engaged. I hope the national media will cover this crisis. And it is a crisis. I will be coming to the floor of the Senate with longer and longer and longer and longer speeches, backed up by lots of data and statistics of what is happening in Minnesota, backed up with a lot of personal stories of hard-working people who have now lost their farms, where they not only live but where they have also worked. I will have amendments on legislation, in an effort to change things for the better.

If my colleagues have other ideas about how to change things for the better, great. Then get out on the floor of the Senate—this week, next week, the following week. Personally, at this point in time, I am focused on family farmers in the State of Minnesota. I am focused on our rural communities. I am focused on family farmers and rural communities all across our country.

I intend, as a Senator, to do everything I can on the floor of the Senate to fight for people, everything I know how to do to fight for people. I also am going to spend as much time as I can organizing the farmers because I am convinced, I say to Senator REID and Senator WYDEN, we are going to need farmers and rural people to come and rock this capital before we get the change we need. But we are going to keep pushing very hard. An awful lot of good people's lives are at stake.

I think in many ways this is a question that speaks to what America is about as well. I cannot be silent on it. I know of many Senators from other agricultural States who feel the same way. We have to push this on to the agenda of the Congress, and we have to do it now.

EAST TIMOR

Mr. WELLSTONE. Mr. President, in the final 1 minute—and I did not bring any talking points; I do not have it written now—I would like to thank the President. I was critical of the President last week about East Timor, but I think we ought to give credit where credit is due.

I am glad he spoke out. I am glad he put pressure on the Indonesian Government. I know there are a number of important questions to resolve about the nature of whatever kind of peacekeeping force goes in, but the sooner the better because this has been genocide. An awful lot of people have had the courage to stand up against the repressive government, or in this particular case, stand up for the independence of East Timor, that have been murdered. The sooner we get an international presence, an international force in there, the better.

I think the President was forceful this past weekend and should continue to be forceful. We should not let the Indonesian Government delay. The sooner we get a force in there to protect people, and to follow through on the mandate of the people—which was something the United Nations sponsored and supported, where the people voted for their own independence—I think the better off the world will be because whenever our Government can be on the side of human rights, then we are living up to who we are as a Nation.

I thank my colleagues and yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I commend the Senator from Minnesota for an excellent statement. I happen to think those statements reflect his commitment to justice, both here at home and overseas. I commend him for an excellent statement.

I also, before I begin, thank my colleague, the distinguished whip from Nevada. I understand he had the time, and he was gracious enough to give me this opportunity to speak briefly. I thank my good friend from Nevada for the opportunity to speak this afternoon.

CUSTOMER SERVICE PROTECTIONS FOR AIRLINE TRAVELERS

Mr. WYDEN. Mr. President and colleagues, for many months now the Nation's airlines have been doing their utmost to prevent the Congress from enacting meaningful customer service protections for airline travelers. The airline industry lobbyists have fanned out across the Nation's capital telling our colleagues that meaningful protections for consumers—such as the right to timely and accurate information—are going to increase the costs for airline passengers, reduce service, and to hear them tell it, it is practically going to bring about the end of Western civilization as we know it.

As part of their campaign to prevent the enactment of enforceable legislation to protect the consumer, the airline industry has made a host of voluntary pledges to improve passenger service.

Today, I am releasing two reports, one done by the General Accounting Office and the other done by the Congressional Research Service, that show the voluntary pledges made by the airline industry are worth little more than the paper on which they are written.

Let me be specific.

After evaluating the airline industry's proposals, it is clear the airline industry provides passengers rights in three categories:

First, rights that they already have; second, rights that the airline industry is reluctant to write into the legalese that constitute the contract between the airline and the customer; and finally, their rights that are ignored altogether.

For example, among the several rights airlines refuse to provide is disclosure about overbooking on flights. If you call an airline this afternoon and ask about a particular flight and it is overbooked, the airline is not required to tell you that before they take your money. When I and other advocates for the consumer have asked them to provide just this information—we are not calling for a constitutional right to a fluffy pillow on an airline flight but just the information about overbooking—the airline industry simply won't follow through. The fact is, the industry's voluntary pledges are gobbledygook.

To determine if there was any substance to them at all, I asked the General Accounting Office and the Congressional Research Service to compare the voluntary pledges made by the industry to the hidden but actually binding contractual rights the airline passengers have that are written into what are called contracts of carriage. The General Accounting Office found that of the 16 pledges the airline industry has made to consumers, only 4 are actually provided in the contracts of carriage. Three of them are mandated already by Federal regulation, and most of them are left out altogether, including informing the customers of the lowest fare, informing customers about delays, cancellations and diversions, returning checked bags within 24 hours, providing credit card refunds within 7 days, informing the passenger about restrictions on frequent flier rules, and assigning customer service representatives to handle complaints and other problems.

Moreover, the airlines are not exactly tripping over themselves to rewrite these contracts of carriage, the actual contract that protects the consumer. When General Accounting Office officials contacted the airlines to inquire about actually putting teeth into pledge language, the officials at 10 of the major airlines said they were "considering revisions" to their contracts of carriage to reflect at least some of the customer service plans. Even more importantly, if the passenger wants to know what their actual contractual rights are to these key services, the airlines have made it very difficult for the consumer to find out. The Congressional Research Service points out:

> Frontline airline staff seems uncertain as to just what contracts of carriage are.

The Service found:

> Even if the consumer knows that they have a right to the information, they must accurately identify the relevant provisions of the contract of carriage or take home the address or phone number, if available, of the airline's consumer affairs department, send for it, and then wait for the contract of carriage to arrive in the mail.

As the Congressional Research Service puts it, with their usual diplomacy and understatement:

> The airlines do not appear to go out of their way to provide easy access to these contracts of carriage.

I hope my colleagues will read the actual specifics included in the airlines so-called "customer first" pledge. What they will see is a lot of high sounding rhetoric about improving service to the passengers, but the harsh reality is, it is business as usual.

Last year, there were an unprecedented number of complaints about airline service. Based on the figures I have just obtained for the first 6 months of this year, there has been another huge increase, in fact a doubling, in the number of consumer complaints about passenger service. It is easy to see why, when you examine how hedged and guarded the airline industry is with respect to actually giving consumers meaningful and timely information that will help them make their choices about travel.

For example, let us look briefly at the pledge to offer the lowest fare available on airline flights. What this means is if a consumer uses the telephone to call an airline and asks about a specific flight on a specific date in a specific class, the airline will tell them the lowest fare, as they are already required to do. But not only will they not provide you relevant information about lower fares on other flights on the same airline, they won't even tell you about lower fares that are probably available on their web page. The reason why is simple: They have got you when they have you on the telephone, and they will sell you the ticket when it is an opportunity to sell it and they can make money on it. But when it is a chance to help the consumer and the consumer can get a break by knowing about other fares available on the web page, there is no disclosure

The purchase of an airline ticket today in America is like virtually no other consumer choice. Unlike movie theaters that sell tickets to a movie or a sporting goods store that sells soccer balls, the airline industry provides no real assurance that you will be able to use their product as intended. Movie theaters can't cancel shows because they don't have enough people for a show, but airlines cancel flights when they don't have enough passengers. The sporting goods store can't lure you in with a pledge to give you that soccer ball at an attractive price and then give you a less desirable product at a greater cost after you get there. But the airline industry can do both of those things. They can make arbitrary cancellations. They can lure you in for a product and, after they have you, not make it available. The fact is, the airline industry is insisting they ought to be outside the basic laws that protect consumers in every other economic field from coast to coast.

I conclude by saying that over the next few weeks the Congress is going to have the chance to right the wrongs spelled out by the Congressional Research Service and the General Accounting Office studies that I release today. I look forward to working with my colleagues on a bipartisan basis to make sure airline passengers across this country get a fair shake.

Mr. President, I yield the floor and thank my colleague from Nevada.

Mr. REID. Mr. President, I say to my friend from Oregon, I have appreciated his presentation. It reminds me of the work he has done since he has been in Congress. We served together in the House of Representatives, and the Senator from Oregon was known in the House as being someone who dealt with substance. The same tradition that he established in the House, is being carried over to the Senate, as indicated by his remarks dealing with airline travel.

COMMERCIALISM OF PUBLIC BROADCASTING

Mr. REID. Mr. President, I am a great fan of public broadcasting. I listen almost every day to public radio. I am tremendously impressed with programs such as "Prairie Home Companion" and all the news stories in the morning that are extremely in depth. With public television, we all recognize the contributions made by the series on the Civil War, which is a classic and will continue to be in American television. The "MacNeil, Lehrer News Hour," which is now the "Lehrer News Hour," is the most in-depth news coverage that we have any place in America. There are many other programs on radio and on public television which I haven't mentioned that are quite good as well.

I am struck by the amount of commercials I endure and we all have to endure when we listen to public radio and watch public television. In my estimation, it is out of hand. These commercials are technically called "enhanced underwriting." You can call them whatever you want, but they are commercials.

An article appeared a short time ago in the Washington Post entitled "Now a Word About Our Sponsor." Critics say public radio's on-air credits come too close to being commercials, and, as indicated in that article, they are absolutely right. People are getting more disturbed every day with commercialism of public broadcasting.

I point this out because I am not the only one who has noticed the increasing sponsored announcements. According to this article, one survey shows a 700 percent increase in corporate funding over the past 5 or 6 years. It is just not listeners who are noticing the change. If I were the owner of a private broadcasting station, I would be up in arms. And some private station owners are tremendously disturbed about the increasing commercialism of this so-called public broadcasting.

Private stations aren't tax exempt like public broadcasting stations are. The private stations are now voicing their concerns about the existing uneven playing field. I don't want to sound as though I am beating up on public broadcasting because, as I have indicated in my opening statement, I really do like public broadcasting. I enjoy the programs on National Public Radio and public television. I believe public broadcasting should remain just that—public. That means we have to do a better job with public funding.

We can trace very clearly what has happened to public broadcasting. Newt Gingrich, and others with whom he associated, came out with the bad idea that they wanted to eliminate public broadcasting. This group found that they could not do that. So, in effect, they cut back the funding and they are strangling public broadcasting to death.

Mr. President, we need to do the necessary things to make public broadcasting more public in nature. I believe it is time for us to decide whether we want to have a public broadcasting system or whether we don't want to have one. Either we fund the Corporation for Public Broadcasting so they can exist, or we end it. I prefer the former. Therefore, when the Subcommittee on Labor, Health and Human Services, and Education marks up its bill—and I am a member of that subcommittee—I plan to offer an amendment to increase the Corporation for Public Broadcasting appropriation to $475 million. This is $125 million more than their request. However, I also plan to include report language that would encourage public radio and television to scale back their so-called enhanced underwriting practices and to become, once again, a public broadcasting system that is publicly funded.

As long as the Corporation for Public Broadcasting is leery of Congress cutting their funds or doing away with Federal funds altogether, they will begin to sound more and more like private broadcasting stations. The people who run those stations don't like it. You have people, as indicated in the Post article that I referred to earlier, who are continually talking about how difficult it is and how unfair it is. In this article, the author cites Bob Edwards from the NPR Morning Edition, which is a very fine program for news in the morning. He says:

> Underwriting has kept us alive, but there's also a downside. It has cut into our air time. If you have to read a 30-second underwriting credit [a commercial], that's less news you can do.

So as I stated, we have to either make public broadcasting public or do away with it. If we continue the road we are going on, we are going to wind up having public broadcasting in name only, and it is going to be unfair that they are competing with the private stations, in which we have people who have invested a lot of money, trying to make money on an uneven playing field because of the protections public broadcasting have.

A DEMOCRATIC PLAN WITH WHICH THE AMERICAN PEOPLE CAN AGREE

Mr. REID. Mr. President, we had some good news last week when the majority leader, Senator LOTT, indicated that if the President vetoed the $800 billion Republican tax plan, that would be the end of it.

That is good news for the American public on the $800 billion attempt to cut taxes in this country because, in fact, it really wasn't a tax cutting measure. It was something that would give no immediate relief to the American taxpayer. There was relief in the outyears. In fact, what it would have done is prevent us from directing moneys toward the debt, and the debt of $5 trillion is something we need to address.

If the national debt were lowered, it would be a tax cut for everyone, rich and poor. We pay hundreds of millions of dollars every year in interest on that debt. If we lower that, it will be good for everyone. We are not going to continue to live in this great economy where everything is looking good, forever. Hard times may lie ahead, and I think we will rue the day we didn't use these good times to pay down that debt.

This massive tax package that was passed on a very partisan basis, and then withheld from the American public during the August break so there could be a public relations effort to have the American people accept this tax cut, never materialized. The American people would not accept it because it was not acceptable on its face. They realized there was no meaningful tax relief in this package. It was more of a public relations ploy. The fact is that there should have been more attention focused on paying down the debt and protecting Social Security and Medicare. We must pay down the debt. That would be a tax cut for everyone.

We must protect Social Security. The majority touted the Social Security lockbox in conjunction with the tax cut. But the Republican lockbox fails to extend the solvency in the Social Security trust fund by a single day, and it includes, in this so-called lockbox, a trapdoor, a loophole, that would allow Republicans to label anything Social Security reform and to raid the Social Security trust fund. Finally, the Republican lockbox does nothing to protect Medicare.

So by proposing targeted tax cuts toward working families, the minority believes our Democratic plan is able to prioritize paying down the debt and protecting Social Security and Medicare while still providing almost $300 billion in targeted tax cuts.

What would those cuts do? They would increase the standard deduction for all individuals and married couples. They would provide marriage penalty relief for those taxpayers who pay more as married couples than they would if they were to file their taxes as two single individuals. They would provide for a long-term-care tax credit to make it easier to care for elderly family members. They would provide for a 100-percent deduction for health insurance costs of the self-employed and include tax incentives to build and modernize more than 6,000 schools. That is important.

Clark County, Las Vegas, NV, has the eighth-largest school district in America, with over 200,000 schoolchildren. We are having to build over a dozen new schools every year. In one year—and we hold the record—we dedicated 18 new schools in Clark County. We have to build one new elementary school every month to keep up with the growth in Clark County. We need some help to do that. The Democratic tax plan would give us some of that needed help.

Also, one of the things we have talked about, which is so important, is a tax credit for research and development for high-tech companies. That is part of the Democratic tax plan—something we hope the majority leader and others will take a look at and be willing to compromise on. Democrats have been out in front on the issue for a long time. We pushed hard for a permanent R & D tax credit. The majority talked about how they were in favor of a permanent credit as well, until it came time to actually do it. In the end, the minority, myself included, were pushing for a ten year R & D tax credit. The majority ended up only committing to a five year tax credit in their package. Due in large part to initiatives like the R & D tax credit, the high-tech industry exists and has flourished. Without knowing whether or not that tax credit will be around next year or the year after or the year after that, hinders these companies' long term planning.

ATHLETICS IN NEVADA

Mr. REID. Mr. President, in Nevada we are very proud of a number of things. We have a beautiful State. We are the most mountainous State in the Union, except for Alaska, with over 300 separate mountain ranges, with 32 mountains over 11,000 feet high. Las Vegas, of course, is the entertainment capital of the world.

We are very proud of our universities for a number of reasons. We have a great engineering program at the University of Nevada, Reno. The Mackay School of Mines is there, and we are proud of that as well. We have a great school for biological sciences, which has a national reputation. At UNLV, we have the finest hotel administration program in the entire country. The universities in Nevada are very proud of the football teams that we had in the forties and fifties. Since the schools have been divided, UNR has been a power in division II football, and they have played for the national championship. They are now a division I team. UNLV has won national championships in basketball. The UNLV football team has had some bad years, losing dozens of games. Last year they didn't win a single game, but this year they were able to beat North Texas State in their first away game.

A week ago last Thursday and then this past Saturday, they played Baylor. Even though Baylor was favored by a couple of touchdowns, one of the most miraculous wins in the history of football at the professional or college level occurred when Baylor was ahead by four points with less than 10 seconds left. They had the ball inside the 10-yard line of UNLV. Rather than take their four-point victory, they wanted to run the score up a little bit and go for a touchdown. In the end zone there was a fumble picked up by a UNLV defensive back who ran 101 yards for the touchdown and beat Baylor with no time left on the clock. This was tremendous.

People are going to be very happy with their new football couch, John Robinson, who had a great career before coming to UNLV from the University of Southern California and, of course, coaching the Los Angeles Rams.

We offer our congratulations to John Robinson and UNLV for two victories, which is two more than they had during all of last year.

CONGRATULATIONS TO ANDRE AGASSI

Mr. REID. Mr. President, the main reason I wanted to talk about athletics in Nevada is not because of the team victories that we have had over the years in Nevada but because of a great young man who was born and raised in Nevada who has been part of the Nevada athletic scene for some 25 years, even though he is only 29 years old.

Andre Agassi and his family have been great for the State of Nevada. Andre, when he was a little boy still in elementary school, it was said by Poncho Gonzales, who was a tennis great. "He will be better than I someday." This is when he was a little, tiny boy. Poncho Gonzales was right.

Andre Agassi has already proven himself to be even greater than the great Poncho Gonzales. This was certainly the case as proven yesterday when he won the U.S. Open Tennis Championship.

I want to, on the Senate floor, congratulate Andre Agassi on this remarkable comeback yesterday in the U.S. Open and, of course, his comeback victory in the French Open.

Andre, as I have indicated, is a native of Las Vegas and dominated this summer with 35 victories in 39 matches. That is almost unheard of.

Andre Agassi is the No. 1 ranked tennis player in the United States. Not too long ago, because of an injury and other problems, Andre Agassi was ranked 141. He is now ranked the best tennis player in the world, as he should be.

I was watching the tennis matches over the weekend. John McEnroe, one of the great tennis players of all time, commenting about Andre Agassi, said his ability to return service is the best there has ever been in the entire history of tennis. His reputation and his abilities are still being proven. He is getting better with every match he plays.

But yesterday he closed out one of the greatest summers in tennis history. He came up with some of the most impressive shots ever seen in tennis in a dominating fifth set to capture his second U.S. Open.

Andre has made his place in tennis history. When he won the French Open, he joined Roy Emerson, Rod Laver, Don Budge, and Fred Perry as the only men to win all four major tournaments in their career.

Andre not only won the French and the U.S. Opens this year, he was also in the finals at Wimbledon, making him the first man since Ivan Lendl in 1986 to have gone to three grand slam finals in the same year.

No man had fought back to win the U.S. Open from a 2–1 deficit in sets since John Newcombe did it 26 years ago. But that is exactly what Agassi did in a 3-hour and 23-minute match yesterday.

The match was only the fifth all-American men's final at the U.S. Open in 32 years. The matchup of these two men who are almost 30-years-old, was the oldest since 39-year-old Ken Rosewall lost to 22-year-old Jimmy Connors in 1974. Even though these two men had not reached the age of 30, they played great tennis. They will be talked about as being old men at tennis, I repeat, even though they were not even 30 years old yet. They set a great example for tennis generally and for American tennis in particular.

I have to agree with Andre when after the match he said, "I'll tell you what. How can you ask for anything more than two Americans in the final of the U.S. Open playing a great five-set match?"

Andre turned pro when he was 16 years old. We can all remember—I shouldn't say "we can all" because that was 13 or 14 years ago—a lot of us can remember when he turned pro. In those 13 or 14 years, he has changed. He won Wimbledon in 1992, the U.S. Open in 1994, and was the No. 1 player in the world by 1995.

But by 1997, Andre had, as I have indicated, come across some tough times. But he has fought back remarkably well. He finished sixth in the world last year. Earlier this year, he was ranked No. 1. He is now No. 1 again.

In a period of 4 months, he won the French Open—coming back from two sets down in the final—reached the Wimbledon final, and won the U.S. Open, a truly phenomenal comeback.

Andre deserves to be congratulated not only for his tremendous tennis, but for all the great work he does for at-risk youth in Las Vegas. He truly has put his money where his mouth is.

The Agassi Foundation has helped poor kids in Nevada. That is an understatement. He personally raises millions of dollars. He is going to have an event this month. He has gotten some of his friends to come from Las Vegas. He will raise $3 million at that event, all of which will go into his foundation to help the youth of Las Vegas.

His exhibition against Todd Martin yesterday was exciting. Todd Martin is a great champion in his own right. His towering stature of 6-foot-6 was as towering on the tennis court. These two men were interviewed after the tennis match, and that should certainly be an inspiration to all young people who want to compete because as winner and loser, they both talked as winners and indicated how important it was that they were able to represent the United States at the U.S. Open.

Andre Agassi is good on the court and off the court with the tremendous work he has done with the Andre Agassi Foundation. He has helped the youth of Las Vegas by giving them a helping hand in growing up to be successful individuals. His foundation even branched out to a program to help women and children who have become victims of domestic abuse.

Today on the floor of the U.S. Senate, I congratulate a great American, Andre Agassi, someone who will go down in the annals of history as a great athlete and who will go down in the annals of history in the State of Nevada as a good person. Andre Agassi is someone who is willing to help those who certainly aren't as fortunate as he.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll. Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, as in executive session, I ask unanimous consent that immediately following the two cloture votes scheduled for 5 p.m. today, and regardless of the outcome of those cloture votes, the Senate proceed to executive session for the consideration of Executive Calendar No. 210, the nomination of Maryanne Trump Barry to be the U.S. circuit judge for the Third Circuit. I further ask unanimous consent that the Senate immediately proceed to a vote on the confirmation of the nomination with no intervening action or debate. I finally ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. Reserving the right to object, and I shall not object, other than to say it would be nice if the majority leader would allow that one to go to voice vote. But if he will not allow that, I will be happy to withdraw my objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2466, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

Hutchison amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Mr. BRYAN. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's request is granted.

AMENDMENT NO. 1588

(Purpose: To make certain modifications to the Forest System budget)

Mr. BRYAN. Mr. President, I call up amendment No. 1588, which I believe is currently at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. FITZGERALD, Mr. DURBIN, Mr. REID and Mr. WYDEN, proposes an amendment numbered 1588.

Mr. BRYAN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, beginning on line 1, strike "$1,239,051,000" and all that follows through line 6 and insert "$1,216,351,000 (which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 in accordance with section 4(i) of that Act (16 U.S.C. 4601–6a(i))), to remain available until expended, of which $33,697,000 shall be available for wildlife habitat management, $22,132,000 shall be available for inland fish habitat management, $24,314,000 shall be available for anadromous fish habitat management, $29,548,000 shall be available for threatened, endangered, and sensitive species habitat management, and $196,885,000 shall be available for timber sales management.".

On page 64, line 17, strike "$362,095,000" and insert "$371,795,000".

On page 64, line 22, strike "205:" and insert "205, of which $86,909,000 shall be available for road construction (of which not more than $37,400,000 shall be available for engineering support for the timber program) and $122,484,000 shall be available for road maintenance.".

Mr. BRYAN. Mr. President, today I am offering an amendment with my colleague from Illinois and my colleague from Oregon that is a win-win for the American taxpayer and the environment.

Our amendment reduces the subsidy for the below-cost timber program administered by the Forest Service and for the construction of logging roads in our national forests.

In addition, our amendment reallocates needed monies to those Forest Service programs underfunded by the committee, such as road maintenance, wildlife and fish habitat management, and threatened and endangered species habitat management.

Each year, the American taxpayers spend millions of dollars to subsidize the construction of roads needed for logging on national forest lands.

The appropriations bill before us today contains over $37 million for the Forest Service to assist in the construction and reconstruction of timber roads in our national forests. This assistance is in the form of contract administration, construction oversight, and engineering, planning, and design work performed by the Forest Service for the logging companies which are merely left with the task of building the roads to extract the timber.

Our amendment would reduce this subsidy by a modest amount, $1.6 million, which is the amount the program was increased above the administration's budget request.

Similarly, this bill contains $228.9 million for the administration of the timber sale program, which is more than $32 million above the administration's budget request.

These expenditures for a money losing timber program are an enormous drain on the Treasury.

In their most recent Forest Management Program Annual Report, dated July 1998, the Forest Service acknowledges losing $88.6 million from their timber program in fiscal year 1997.

This was the second consecutive year that the Forest Service reported a loss.

In addition to the reported loss, the $88.6 million figure excludes a full accounting of all costs associated with logging.

In past fiscal years, independent analyses estimate the loss from below-cost timber sales are far greater than those reported by the Forest Service.

The General Accounting Office estimated that the timber program cost taxpayers at least $1.5 billion from 1992 to 1997.

Our amendment would reduce funding for timber sale management by $32.015 million to the level requested by the administration.

In spite of the fact that our National Forests supply a mere 4 percent of our nation's annual timber harvest, this bill continues to reflect the dominance of the timber program at the expense of other programs designed to improve forest health and enhance the public's enjoyment of our national forests.

More than 380,000 miles of roads criss-cross the national forests. This is a more extensive road network than the National Interstate Highway System.

The Forest Service estimates that over 80% of these roads are not maintained to public safety and environmental standards.

As a matter of public policy, I would argue that it makes more sense to maintain the roads we already have than to spend money building new roads we don't need.

Many scientists have found that road building threatens wildlife because it causes erosion of soils, fragments intact forest ecosystems, encourages the spread of noxious weeds and invasive species, and reduces habitat for many animals needing refuge from man.

It has been found that when roads wash out they dump rocks and soil on lower slopes and into streambeds, and even when they remain intact, roads act as channels for water and contribute further to the erosion of lands and streams.

Scientists say that the overall effect is that the streams and rivers fill with silt and the shallower waters mean degraded fish habitat and more flooding.

In my home state of Nevada, the road network throughout the Lake Tahoe basin has been identified as a major contributor to the degradation of water quality and decline in clarity of Lake Tahoe.

An important component of the Forest Service's road maintenance program involves the decommissioning of old logging roads.

This program has been essential to efforts in the Lake Tahoe basin to improve erosion control and the overall water quality of the lake.

The bill before us today cuts the administration's request for road maintenance by $11.3 million.

The Forest Service has indicated that their annual road maintenance needs total $431 million per year, and that their backlog for deferred maintenance totals $3.85 billion.

The bill before us today provides less than a quarter of the funding the Forest Service requires to address their annual road maintenance needs.

Addressing this need would have considerable environmental benefits, such as reducing erosion from roads and storm proofing existing culverts.

It is important to remember that the timber industry's responsibility for maintaining logging roads ends with the end of the timber sale, leaving all future maintenance costs to the taxpayer.

Our amendment adds $5.3 million for important road maintenance projects throughout our national forests.

The National Forests include nearly 200,000 miles of fishable streams and more than 2 million acres of lakes, ponds and reservoirs that support hundreds of inland fish species with important recreational, commercial, and ecological values.

The inland fisheries habitat management program allows the Forest Service to protect and restore inland streams and lakes, along with the fish and aquatic life they support.

The bill before us today cuts the administration's request for this program by $7 million.

Our amendment proposes to restore $3.115 million in funding for this program.

This additional funding would allow the Forest Service to enhance or restore several hundred miles of stream and over 400 additional acres of ponds, lakes, and reservoirs.

The National Forests also provide critical spawning and rearing habitat for Pacific, Great Lakes, and Atlantic stocks of anadromous fish, such as salmon, sturgeons, and lampreys.

These stocks contribute significantly to the quality of life, recreational and commercial fishing, and the economy of local communities.

The Interior bill cuts the administration's funding request for anadromous fisheries habitat management by $6.4 million.

Our amendment proposes to restore $1.6 million for this program.

This funding will enable the Forest Service to complete critical work on over 100 additional miles of anadromous streams and 1,000 acres of additional acres of anadromous lakes and reservoirs, complementing the efforts of our state, federal, and tribal partners.

The wildlife habitat management program of the Forest Service for fiscal year 2000 will focus on prescribed burns to improve wildlife habitat.

It will help to develop and protect wetlands and water sources in arid habitats for waterfowl, quail, and wild turkey, in addition to restoring riparian habitat that benefits big game.

The subcommittee cut $5 million from the wildlife program.

Our amendment would restore $1.6 million in funding for this program.

This funding would provide for an additional 8,000 acres of important habitat improvement, which would benefit both game and nongame species, and result in enhanced opportunities for wildlife-related recreation.

The activities of the threatened, endangered, and sensitive species program serve to achieve recovery goals for threatened and endangered animals and plants.

The Forest Service has indicated that this program continues to be essential to the mission of their agency.

The committee cut the endangered species program by $5 million.

Our amendment would restore $2 million for this program, which would allow the Forest Service to pursue conservation strategies to prevent the need for listing, thereby avoiding the loss of management flexibility and increased operating costs once listing occurs.

Mr. President, the $20 million our amendment adds to wildlife, fisheries, and rare plant habitat management programs would enable the Forest Service to increase Challenge Cost-Share partnerships with organizations throughout the country, enabling the agency to leverage funding, better serve the public, and improve vital habitats for fish and wildlife.

This funding is an investment for the nation's 63 million wildlife watchers, 14 million hunters, and 35 million anglers who spend approximately 127.6 million activity days hunting, fishing, and observing fish and wildlife annually on national forests.

This result in local community expenditures of billions of dollars and over 230,000 full-time equivalent jobs.

One out of every three anglers fish national forest waters nationally, and two out of three anglers in the West fish national forest waters.

That is why our amendment is supported by groups like Trout Unlimited, the American Sportfishing Association, and Wildlife Forever.

Mr. President, I would urge my colleagues to join a strong coalition of environmental, hunting, fishing, and taxpayer organizations in support of the Bryan-Fitzgerald-Wyden amendment.

I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1623 TO AMENDMENT NO. 1588

(Purpose: To make available funds for the survey and manage requirements of the Northwest Forest Plan Record of Decision)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. WYDEN, and Mr. FITZGERALD, proposes an amendment numbered 1623 to amendment No. 1588.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 1, line 3, strike "$1,216,351,000" and all that follows through "management" on page 2, line 4, and insert "$1,225,351,000 (which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 in accordance with section 4(i) of that Act (16 U.S.C. 460l–6a(i))), to remain available until expended, of which $33,697,000 shall be available for wildlife habitat management, $22,132,000 shall be available for inland fish habitat management, $24,314,000 shall be available for anadromous fish habitat management, $28,548,000 shall be available for threatened, endangered, and sensitive species habitat management, $196,885,000 shall be available for timber sales management, and $10,000,000 shall be available for survey and manage requirements of the Northwest Forest Plan Record of Decision, for which the draft supplemental environmental impact statement is to be completed by November 15, 1999, and the final environmental impact statement is to be published by February 14, 2000".

On page 2, line 6, strike "$371,795,000" and insert "$365,795,000".

On page 2, line 11, strike "$122,484,000" and insert "$116,484,000".

Mr. BRYAN. Mr. President, I note that my colleague, one of the prime sponsors of the amendment, has joined us on the floor. I yield the floor at this point.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I express my appreciation to the Senator from Nevada for all his effort in working with me and other colleagues from the Pacific Northwest on this issue. Folks in your part of the United States want to be sensitive to environmental values and economic needs in our communities. As a result of recent court decisions and other problems, instead of that win-win, we have essentially had a lose-lose, where we are not doing what is needed to protect environmental values; nor are we doing what is needed to protect communities—particularly rural communities—that have very legitimate economic concerns as a result of having resource-dependent economies.

The Senator from Nevada has been working with us. I will begin my remarks by saying what we are trying to do in the Bryan-Fitzgerald-Wyden amendment is incorporate some of the thinking that has been behind what the chairman of the subcommittee, Senator GORTON, has talked about on the floor and some of what Senator ROBB tried to do last week with respect to environmental values. I think if you look at the Bryan-Fitzgerald-Wyden amendment, you will see, to some degree, efforts to try to reconcile some of the important points that Senator GORTON has made and the important points Senator ROBB has made that are brought together in our amendment so we can take advantage of an opportunity to both improve the environment and move timber more quickly from the forests to the mills.

When President Clinton took office in 1993, he came to the Pacific Northwest with a promise to help resolve the battle over owls and old growth. The administration put in place the Northwest Forest Plan which promised protection for my State's ancient forests, and also sustainable forestry for a State that has long been dependent in rural communities on forestry for family wage jobs.

Over the past few months, the plan, which has already been failing to deliver what it promised, threatened to come completely undone when a Federal judge ruled that the Forest Service had failed to conduct biological surveys—an obligation known as survey and management—as required under the court-approved Northwest Forest Plan.

Later this week, in the Forestry Subcommittee, chaired by my friend and colleague, Senator CRAIG, we are going to talk about who exactly is to blame for that fiasco. But today, we in the Pacific Northwest are left with dozens of suspended timber sales as a result of the Forest Service's failure to follow through on environmental protection obligations.

The Bryan-Fitzgerald-Wyden amendment would earmark resources for this costly environmental work and place a stringent timetable on the completion of the surveys' environmental impact statement. Thus, by making sure these environmental surveys get done, and done quickly, we will help both the environment and timber workers do well.

Building on the philosophy that we heard from Senator GORTON, that the program has not worked very well, and what we heard from Senator ROBB about the importance of environmental values, what Senator BRYAN, Senator FITZGERALD, and I are trying to do is incorporate some of the thinking behind both of those approaches so we can try to put this survey and management program on track but also bring to it some of the accountability that Senators GORTON and CRAIG are absolutely right in saying has been lacking in the past.

I have shared, as I say, many of the concerns of the manager of the bill. But I don't think we can simply waive survey and management requirements altogether because what will happen is that will lead to a full employment program for lawyers if it were adopted and, even if in the short term, very serious problems because the bill would be vetoed by the President if section 329 survived conference in its present form.

In August of this year, right after the first Northwest Forest Plan timber sales were enjoined, Senator MURRAY and I sent a letter to Under Secretary Lyons asking that the Forest Service and BLM meet with our offices to discuss how and why the survey and management requirements were stopping the Northwest Forest Timber Program and what could be done about it.

Initially, in the August meeting between agency staff and the congressional staff, held both in D.C. and in my hometown of Portland, the Forest Service stated that $10 million more funding for personnel and addressing the scientific issues was necessary in order to get the survey and management program back on track. So let's be clear; the survey and management program is an unparalleled undertaking. It is going to provide new scientific protocols and data that can be useful in forests across the country. But it has to be done in a way that addresses the legitimate issues with respect to accountability that our colleague from Washington State, Senator GORTON, and Senator CRAIG of Idaho have addressed on this floor.

So the Bryan-Fitzgerald-Wyden amendment directs $10 million for survey and management requirements to help the Forest Service conduct surveys on judicially stalled timber sales for species with known survey protocols. It will help the Service create protocols for the species currently lacking such data. This money starts us toward completion of the environmental scientific work that is necessary to move timber sales toward harvest.

During the August meetings, the Forest Service was initially optimistic about the time it would take them to complete the environmental impact statements which they believe will answer the questions with respect to the success of the Northwest Forest Plan. At first, the Forest Service told me in a draft response to the letter Senator MURRAY and I sent them that the environmental impact statement, draft statement, would be completed this fall, and that the final would be ready early next year. Now the Forest Service is telling us that the draft will be available for public comment by December and perhaps the final environmental impact statement will be ready in May or June of next year. They have not given us any indication, other than overlap of this work with the holidays, why the timing of the work had to change.

The Forest Service has been working on this project since 1997 and knew since 1994 that the survey and management requirement was coming down the pike. I certainly wasn't one who succeeded in getting his homework always done on time, but the Forest Service's timetable reflects extraordinarily poor planning, by any calculus.

It is time for some accountability. We are going to have a chance to discuss those accountability issues later this week. I note the chairman of the Forestry Subcommittee has arrived. He knows I share many of his concerns about the lack of accountability with respect to the Forest Service on survey and management, and in other key areas.

The Forest Service needs administrative deadlines to move this process along. They need to make this environmental impact statement a priority and get it done. The Bryan-Fitzgerald-Wyden amendment states the survey and management draft environmental impact statement should be completed by November 15 of this year, and the final version of that impact statement should be published by February 14, 2000.

Those deadlines also allow for the public a comment period required by law, plus some additional time for open and public discussion.

This administration for years has been promising Congress they will get to work on the Northwest Forest Plan. The time for those empty promises is over. This administration needs some direction, and they need the extra money to achieve it.

Finally, let me reiterate what I think the Bryan-Fitzgerald-Wyden amendment does. I say this to colleagues on both sides of the aisle. It incorporates much of the important analysis done by Senator GORTON and Senator CRAIG with respect to why the survey and management program has not worked and why the administration has dragged its feet on it while at the same time trying to incorporate the environmental concerns Senator ROBB has legitimately addressed to ensure this program gets carried out.

Under the Bryan-Fitzgerald-Wyden amendment, we would add the money necessary to carry it out. But we would finally have some real accountability and some real deadlines to make sure these important obligations, both in terms of environmental protection and in terms of meeting economic needs of rural communities, are addressed.

I hope my colleagues on both sides will support it. If we adopt this amendment, I believe the end result will be healthier forests and a healthier timber economy.

I, again, thank my colleague from Nevada for all of his assistance. I know my colleagues from Idaho and Washington as members of our Senate delegation from the Northwest have strong views on this as well. The Senator from Idaho knows how much I enjoy working with him. We are getting ready to go forward with our accounting payment legislation which gives us a chance to break some gridlock in that area. I am hopeful as we go forward on this important Interior bill we can also break the gridlock with respect to survey management and have additional funds that are needed but also additional accountability. That is why I am hopeful my colleagues on both sides of the aisle will support the Bryan-Fitzgerald-Wyden amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Idaho.

Mr. CRAIG. Madam President, as we debate the Interior appropriations bill—and now the amendment and the substitute amendment offered by Senators BRYAN and WYDEN—I guess I can say at the outset that the only thing I arrive at in trying to consider a $34 million cut in a very essential program to the U.S. Forest Service, especially when the advocacy of the cut comes from the two Senators from large public land Western States such as Nevada and Oregon, is "frustration" over the lack of understanding by a Senator from Nevada who is responsible for representing his State which is predominately a public lands State where grazing on public lands and mining the natural resources from those public lands are two of the primary economies of that State, that he would not be supportive of programs within the U.S. Forest Service that deal with public land resources in an appropriate and responsible way.

I say that before I get to the specific issues of the amendment because I find it fascinating that in a publication called "Public Lands Forests, What We Get, What We Pay For"—an interesting publication from the Political Economy Research Center which deals with the subject that the Senator from Nevada knows a great deal about, and in fact knows a great deal more about than I do as the chairman of the Forestry Subcommittee. That the Tahoe Basin, a beautiful and unique area in his State that is being dramatically impacted at this moment by a lack of forest management in a responsible way as we begin to see a relatively affluent urban interface grow around Lake Tahoe and into a forest that is dramatically different than what it was 40, 50, or 100 years ago.

Let me quote from this article. I am trying to set a tone for my frustration over why the Senator from Nevada is doing what he is doing and the Senator from Oregon would join with him. Let me quote from this publication, and the title to the article is called "One Spark From Disaster."

I quote:

> As the road dropped out of the Sierras into the Lake Tahoe basin below, the scenery made an abrupt change from healthy, green forests to dead and dying stands of timber. The congressmen on their way to the June 1997 Presidential Summit on the problems facing the lake and surrounding basin were taken aback by what they saw. Later, during a session on forest health, U.S. Senator Richard Bryan of Nevada exclaimed, "This forest looks like hell!" It appeared as if someone had drawn an imaginary line across the landscape and then nurtured the trees on one side, while destroying those on the other.

What the Senator was experiencing was what many are now experiencing on a Forest Service landscape across our Nation where we have constantly put out fires over the last 75 to 100 years and have not gone in and done selective logging or fuel reduction on our forest floors. We have literally created jungles—jungles that some would like to portray as beautiful, sweeping landscaped timbered vistas when it is quite obvious they are jungles that in the right environment—and the Tahoe Basin gets that environment every so often—could explode into total disaster of the landscape by the kinds of fires California has experienced this year and as have other parts of the country. Those of us more to the North in the Pacific Northwest have been fortunate enough this year in that our relatively unmanaged forests—and mismanaged in some instances—have been wet enough that we haven't had the fire threat.

The article goes on to say:

> Ironically, forest management practices on surrounding federal lands have put at risk the very qualities they were supposed to preserve: the integrity of the forest and the clarity of the lake below—

Talking about the beautiful Lake Tahoe—

> Environmental regulations have delayed some management actions and restricted timber harvests for forest treatments.

It has resulted, of course, in the situation that I described around the Tahoe Basin.

Of course, the reason the Senators from Nevada are appropriately concerned about the Tahoe Basin is not timber production per se because I don't think you would view the Tahoe Basin as being an area where you would expect timber production, but it is the recent interfacing of resort homes—summer homes, many of them going in the millions of dollars—that use Lake Tahoe and find Lake Tahoe to be a marvelous place to live and, of course, coupled with the thousands of tourists who come there on an annual basis to see this tremendously beautiful high mountain alpine lake.

Why, then, would a Senator from Nevada want to cut a program where the money is utilized to do the necessary surveys and the preparations for the kind of fuel unloading or fuel decreases that Tahoe Basin would need because most of our timber sales are no longer green sales, they are sales of dead and dying timber. They are sales that are a product of forest health and not an ongoing aggressive timber program of the kind that brought the environmental outcry of a decade or two ago.

I must say the Senator from Oregon has a bit of a different circumstance. He and I joined ranks on the floor last week on a very critical issue. As you know, when this administration came to town a few years ago, they were faced with the situation of a timber industry imploding in the State of Oregon, imploding as a result of a spotted owl decision that took a tremendous amount of the timbered landscape of that State—both Forest Service and BLM timber—off the table, or at least had locked it all up in the courts.

This President, with the right intention—with the right intention—went out to try to solve the problem and basically said: Let me reduce your cut by 80 percent and for the other 20 percent remaining, or something near that, we will focus all of our intent there, all of our energy, and do the finest environmental assessment possible, and that you will be able to log.

We know the court decisions have gone well beyond the intent of the Endangered Species Act—reasonable and right surveys—and basically even stopped all of that logging.

I can understand why the Senator would want to try to divert money to solve his problem. But he also probably fails to recognize that, in that diversion, he is affecting timber sales or timber management programs everywhere else in the country because while he is supporting taking 34 million dollars out of that sales and preparation base and putting some of it over into surveys, he is denying the States of Arkansas, Idaho, and others the very resources they need to keep their people working and to keep an industry that is now staggering to stay alive on its feet.

That is what brings Members to this point. Yes, we come to the floor now after having dramatically reduced these programs in the name of the environment—and in many instances appropriate reductions—and say we have to notch them down even more.

For the next few moments I will talk about the adverse effects on rural communities and jobs that the Bryan-Wyden substitute will have. That substitute takes money away from the program that supports good family jobs. I am talking about good-paying jobs. The two Senators plan to redirect funds out of the timber program into wildlife surveys and road maintenance, which I think will be counterproductive because we are already putting millions of dollars into that program.

For me to oppose their amendment does not mean we oppose the surveys. We know we have ramped up the amount of money that goes into those surveys and, of course, in ramping up the surveys, added costs to every timber sale. Then the Senator from Nevada can come to the floor and talk about these timber sales being too expensive and we ought to eliminate them. The reason they are expensive is that the court and some in the environmental community are demanding the money be transferred over to do the surveys.

It is a Catch-22. We shove these costs off on to the price of a timber sale. We escalate it to the point it is not a cost-effective timber sale. Therefore, we give some Senators a basis to come to the floor and argue we ought to eliminate them because we can't make money at them when, in fact, the politics have pushed the cost of the surveys well beyond what would be reasonable, appropriate, and responsible, for the purpose of cutting those trees. That is the ultimate Catch-22 in forest management today that has nearly laid the State of Oregon low and has dramatically impacted the State of Idaho.

Regarding the timber funding and the Forest Service that prepares the administrative forest activities, the committee already has an appropriate amount for wildlife and for road funding. Redirecting funds, as I have said, will harm the timber program. It will not be consequence free. It will cost jobs in Arkansas, in Idaho. It could cost jobs in other forested States across the Nation where there remains a struggling timber program.

The President traveled this summer to several sections of the country suffering from poverty. I applaud him for dramatizing where poverty still exists in a country today that is nearly at full employment. It is almost ironic that in nearly the same breath it could be said that we are at full employment yet we have in certain areas high degrees of poverty. Most of that poverty exists in rural areas today. Most of that poverty exists in rural areas where those communities of working men and women are tied directly to the public lands and tied to the resources of those public lands.

Nearly one-third of the counties adjacent to national forests suffer poverty levels that are at least one and a half times higher than the national average. Let me refer to a fascinating chart that comes from the U.S. Forest Service's TSPIRS employment figures.

I refer to the solid bars on this chart showing employment from the harvesting and processing of national forest timber between 1989 and 1997—just over a few years—has dropped from 140,000 working men and women to 55,500. Let me repeat that. That is more dramatic than any other employment sector in our country, except in the making of buggies and buggy whips, and no young person on this floor even knows what I am talking about because that industry died a long time ago. In a decade we have lost from a 140,000 high down to 55,000 jobs for working men and women. The Senator from Nevada wants to take that down even further by the action he proposes today.

I am not quite sure I understand why, but let me show the very real impact. I am tremendously familiar with this because not only in my lifetime but in my tenure in the Congress, from when I started serving in 1981 until today, what I speak of has happened. I have watched it happen. I have been to the locations. I went to Grangeville, ID. I watched grown men sit on stacks of lumber and cry, literally, tears rolling down their cheeks because there were no more trees to cut under the Federal forest plan and they had lost their job. The mill was going to be unbolted, placed in shipping containers, and sent to Brazil to cut the rain forests because the environmentalists decided that the Nez Perce Forest in Idaho was no longer producing trees—although it was growing 10 times more trees than it was cutting.

What happened? Here are the very dramatic figures from a tremendously narrow period of time. The State of Washington, 1989 to today, 55 mills closed and the loss of 3,285 jobs; Oregon, 111 mills closed and the loss of 11,600 jobs; Montana, 13 mills closed and 1,083 jobs lost; Idaho, 17 mills and 707 jobs lost.

Let me talk about Midvale, ID, my hometown. If I am a little sensitive today, I should be. I used to go to that mill and buy lumber. It employed 45 men. The attitude on the floor is: What is the big deal? It is only 45 jobs. But it was 45 jobs and 45 homes in a community of 300 people—not 30,000, not 50,000, not 100,000, but a community of 300 people. To lose 45 jobs is to lose a lot. That mill has closed. Why? Because on the Payette National Forest, argumentatively, at least by national forest standards, there were no more trees to cut.

That is why I can responsibly and legitimately turn to the Senator from Nevada today and say: Senator, your bill destroys jobs. Your bill destroys high-paying jobs, $35,000, $45,000, $55,000-a-year jobs for men and women, important jobs in rural communities, in Idaho, Oregon, Washington, California, Arkansas, Mississippi, Alaska.

In talking of mill closures—and I referred to the dramatic numbers—let me also quote the Western Council of Industry Workers, the United Brotherhood of Carpenters and Joiners of America. It is their people, in many instances, who are losing these jobs. They say:

> Legislative efforts to reduce funding for forest management programs seriously jeopardize the livelihoods of our members and tens of thousands of forest products workers nationwide. Job loss within our industry has been severe, as the timber sales program has been reduced by 70 percent since the early 90s.

A 70-percent reduction in the timber program, a reduction in jobs from 140,000 to 55,000, and the Senator from Nevada wants to cut it even deeper. It is pretty hard to understand why, especially when you look at the new environmental standards of today and what the Forest Service is demanding of a timber sale as it relates to the survey and the kind of mitigation plan that comes because of the Clean Water Act and the Clean Air Act and, of course, the National Environmental Policy Act and the Endangered Species Act and all of those kinds of rules and regulations and processes and procedures that by law are required. I am not sure I understand why.

I do know several years ago the National Sierra Club developed as one of their policies, zero cut on public lands. I know that is what they believe. I know that is what they advocate. I know they are champions of this kind of amendment because if you cannot stop logging altogether, you stop it a little bit at a time until it is all gone, even if the health of the forests are at the point of explosion from wildfires like those being experienced in California today, and even if the Tahoe Basin runs at a high risk, with the risk not just to the trees but the loss of hundreds of multimillion-dollar homes where the wealthy come to play and reside in the urban/rural interface. That is the issue at hand.

I will go on to quote from those men and women who work in the industry. They say:

> More than 80,000 men and women have lost their jobs as that timber program has reduced by more than 70 percent since 1990.

We know that is real. The Senator from Oregon knows it is real. The Senator from Idaho knows it is real. I have attended the mill closures. My guess is, so has the Senator from Oregon.

I ask unanimous consent to have printed in the Record these letters from the Western Council of Industrial Workers and the United Brotherhood of Carpenters and Joiners of America, opposing reductions in the timber program.

There being no objection, the material was ordered to be printed in the Record, as follows:

Western Council of Industrial
Workers, United Brotherhood
of Carpenters and Joiners of
America,
Portland, OR, July 19, 1999.

U.S. Senate,
Washington, DC.

Dear Senator: On behalf of the 20,000 men and women of the Western Council of Industrial Workers (WCIW), I urge you to oppose any effort to reduce funding for the U.S. Forest Service timber sale and related programs when the FY 2000 Interior Appropriations bill comes to the Senate floor for consideration.

Legislative efforts to reduce funding for forest management programs seriously jeopardize the livelihoods of our members and tens of thousands of forest products workers nationwide. Job loss within our industry has been severe as the timber sale program has been reduced by almost 70 percent since the early 1990s. More than 80,000 men and women have lost their jobs due to this decline and further cutbacks in these important programs will only add to the unemployment.

Additionally, adequate funding for forest management programs is critical to protect the health of our forests. According to the Forest Service, approximately 40 million acres of our national forests are at high risk of catastrophic forest fire. Active management is the single most effective tool for reducing the risk of wild fires and protecting nearby communities, as well as maintaining forest health and limiting the spread of insects and disease.

The WCIW urges you to support land management policy that provides an adequate balance for all concerns—environmental and economic. Please support the current funding levels in the FY 2000 Interior Appropriations bill and oppose any effort to cut funding for these important active management programs.

Thank you for your consideration.

Sincerely,

Mike Pieti,
Executive Secretary-Treasurer.

United Brotherhood of
Carpenters and Joiners of America,
Washington, DC, July 21, 1999.

Dear Senator: On behalf of the United Brotherhood of Carpenters and Joiners of America, I urge your support for the federal timber sale program as the Senate debates the Fiscal Year 2000 Interior Appropriations bill. Additionally, I urge you to oppose any harmful amendment that seeks to reduce timber sale funding.

The livelihoods of U.S. forest products workers—including tens of thousands of our lumber, sawmill, pulp and paper workers—rely on Forest Service programs that promote active management. Timber harvests on federal lands have fallen by almost 70 percent over the last decade, resulting in mill closures and job loss. Further reductions in funding for the federal timber sale program will only exacerbate the economic devastation to working families and rural communities. Also reductions in timber supply continue to contribute to the rising U.S. trade deficit in the forest products sector, as wood and paper imports reach record levels.

In addition, the health and vitality of our nation's forests are being crippled by crisis. Twenty-six million acres are in jeopardy from insect and disease, while forty million acres are at risk to catastrophic wildfire. Our union supports responsible efforts to protect our forests, including thinning and harvesting to maintain forest health, limit the spread of insect infestation and reduce the risk of forest fires.

We must continue our nation's global leadership in environmental stewardship without sacrificing the livelihoods of thousands of working families. The UBCJA urges you to help protect forests, jobs and communities by supporting the current funding levels for the federal timber sale program in the FY 2000 Interior Appropriations bill and by opposing any effort to reduce funding for this essential program.

Thank you for your consideration.

Sincerely,

Douglas J. McCarron,
General President.

Mr. CRAIG. Unemployment in rural timber-dependent communities is in double-digit figures despite rosy employment figures in the rest of America. The Senator from Oregon and I visited similar communities—he in his State, I in my State—over the August recess. I can go from my community of Boise where there is near zero unemployment—it is a growth community, it is a high-tech community, it is doing very well—and I can drive 100 miles to a community that has 14 to 16-percent unemployment. Why? That community is right here. That community is right here. That is because they were dependent upon the public lands and our Government and the politics of the public lands said: Stay off the land. Don't cut a tree. The mills closed or the mill is closing or the mill is at risk. Those people are unemployed.

They cannot identify with a job in the high-tech industry. Why? Each of them would have to move 100 miles and uproot their family and they would have to be retrained and educated. A 45-year-old man does not want to do that. He cannot understand, if we are growing five times more trees than we are cutting, why we cannot at least create a balance in a program that will afford him or his son, who is graduating from high school and does not want to go on to college, a job in the forest products industry.

While the national average unemployment rate hovers at around 4 percent, more than 30 forest-dependent counties have three times that rate.

Over a dozen forest-dependent counties have an unemployment rate of 16 percent. I believe the Bryan amendment will bring even further economic harm to the people of those rural areas.

When I first got here in 1981, there was a mantra about the debate on the forest products industry and about forest management: Take away a few jobs and we will replace them. We will replace them with tourism and recreation. It was America wanting to go to the public lands to enjoy the environment of the public lands.

To some extent that has happened but only to a minor degree compared to what was projected during the decade of the early 1980s. But remember, while some of it happened, the kind of jobs that were created were fundamentally different jobs from those $30,000, $40,000, $50,000-a-year jobs that I am talking about in the forest products industry. A maid or waitress or a gas station attendant or a tour guide does not make that kind of money. They work at slightly above minimum wage. They have no health benefits. They have no retirement program. Their work is seasonal. They are oftentimes out of work 4 or 5 months out of the year. And, yes, they are on welfare. And, yes, they qualify for food stamps.

I must say these once were the proud men and women of the forest products industry that we politically destroyed. We politically destroyed it. We are here today for politics. We are politically trying to destroy what remains of a responsible way of managing our forests today, not because it is the right thing to do from a management point of view but because it is the right thing to do politically. I know of no other reason. I cannot understand why the Senator from Nevada, who comes from the great public land State that he does, would want to turn his back on one segment of the economy of a public land State such as Idaho or Nevada.

He and I stand arm in arm together on mining issues. I was in Elko, NV, last week in a community that 15 years ago was 5,000 people; today, 25,000 people, not because of the high-tech industry but because of gold, gold in the Carlin Trend; mining, high-priced jobs being paid to thousands of men and women in the mining industry. So when we battle on that issue, the Senator from Nevada and I stand arm in arm. But when we try to work on a reasonable and responsible forest management plan that allows some tree cutting, I am tremendously frustrated the Senator from Nevada and I cannot stand arm in arm on that issue also.

It is an issue of jobs. It is an issue of right and responsible ways of managing our forests. It is political. I am saddened that it is.

The substitute amendment transfers $10 million of the reduction that I have talked about, $34 million in timber funds to pay for surveys on rare species. I do not think that is responsive to the problem of the unreasonable wildlife survey requirements in the President's Northwest Forest Plan, which we discussed in this body last week.

First of all, the Forest Service timber sale budget is what pays for the surveys. Thus, rather than a $10 million increase for this purpose, the net effect of this proposal is a $24 million decrease. So we give them not even a half a loaf. We give them a quarter of a loaf.

Second, the Clinton administration has agreed that many of these surveys should not be done; indeed, many cannot be done. That is precisely why the administration is writing an EIS in an attempt to change these requirements. Unfortunately, timber sales are enjoined until the EIS is completed.

I happen to agree with the editorial statement this past Sunday in the Portland Oregonian, the largest and most respected newspaper in Oregon. The Oregonian correctly notes that:

The surveys of rare species of animals and plants required in the Northwest Forest Plan are "technically impossible" and [they use the right word] "preposterous. . . ."

The Senate didn't use the word "preposterous," but last week the Senate said no to the judges; they are not going to let the judges in the Eleventh Circuit and the Ninth Circuit write policy. That is our job. That is what we are elected to do. They are appointed to interpret the Constitution and not to write timber policy. The Oregonian calls it "preposterous." The Oregonian further describes the requirements as:

> . . . a poison pill—a way to block all logging and prevent the plan from working as it was designed.

Yet we want to put more money into that. It makes no sense to spend $10 million for a prescription for a poison pill or for preposterous survey procedures. This Congress should not spend 10 cents in what I believe is a most inappropriate fashion.

That is the foundation of the debate as I see it. I believe that is a reasonable interpretation of why we are on the floor today. I know of no other. At a time when we have reduced the overall timber program in this country by 7 percent, we have reduced employment by almost 50 percent, and we have dramatically transformed the rural landscape to communities of unemployed people and empty homes. That is the policy of this Government at this time. And somehow we want to perpetuate that or increase it? I think not.

The only explanation possible that I believe is reasonable and right is the politics of it. We are on the floor today because the National Sierra Club and others said we ought not be cutting trees on public lands at all, zero, end of statement, not to improve health, not for fire prevention, not to create vibrant and youthful stands just do not cut them at all; let Mother Nature be our manager.

That is not good business. We know that is not good business, especially when man, for the last 40 or 50 years, has put out all the fires and not allowed Mother Nature to manage. Now when she has an opportunity to manage where there are 50 trees instead of 5—that would have been true 100 years ago—we create monstrous wildfires that not only destroy the stands but scald the land and make it sterile and nonproductive for decades to come. That is where man has to step back in as a good steward, a right and responsible steward, for all of the environmental reasons, the water quality reasons, and the wildlife habitat reasons for which we manage a forest.

I yield such time as is required to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I thank the Senator from Idaho for clearly laying out the issues in this debate, and I associate my remarks with his.

I rise to strongly speak against the Bryan-Wyden amendment for a variety of reasons but, most importantly, because it simply does not support healthy and sustainable national forests. Many Senators, I suspect, will speak today claiming this reduction to the Timber Management Program makes sound fiscal and environmental sense.

From my perspective as an Arkansan, as a Senator from Arkansas, I can tell you that is far from the truth and that there are 35,440 workers in my home State who make up the forest products industry who strongly oppose this amendment. If our forests are not healthy and if we continue to ignore the problems facing these public lands, we run the risk of jeopardizing these jobs and the future health and sustainability of our Nation's forests.

During the August recess, I met with the Forest Service on the Ouachita National Forest in Arkansas. Sometimes our distinguished Senators from the West forget that there are national forests all across the South, and in the State of Arkansas, I say to my good friend, the Senator from Oregon, we have two large national forests, the Ouachita National Forest and the Ozark National Forest.

In a meeting with the National Forest Service on the Ouachita National Forest last month, I discovered, because of decreasing budgets in the timber sales account, they are doing only one-third of the vegetation management required by the forest plan. So forgive me if I find it ironic that this second-degree amendment, the substitute amendment, would shift $10 million from the Timber Management Program to the surveys in the Northwest when, in the State of Arkansas, in our national forests, they are only doing one-third of the vegetation management required by the forest plan.

Because of the severe erosion of funding that the Senator from Idaho has alluded to, the forest is unable to achieve the desired future conditions required for a healthy and sustainable ecosystem. Extremists, litigation, appeals, or lack of public support did not bring about this crisis. It is the result of a misguided effort by the administration to reduce timber harvests without taking into consideration the real impacts on the conditions of the forests and the communities associated with these national forests.

The Timber Management Program is funded at a level equal to the fiscal year 1999 funding level. There was level funding before this amendment. Before these additional cuts, there was level funding, no increase, and yet the demands on the program have increased dramatically.

The program objective for the timber sales program is "a sustainable yield of forest products that contributes to meeting the Nation's demands and restoring, improving, or maintaining the forest ecosystem health." Yet the amendment before us reduces the funding level when more than 40 million acres of our national forests are at high risk of catastrophic fire due to an accumulation of dead and dying trees and an additional 26 million acres are at risk of insect and disease infestation.

We have a crisis now; we risk a catastrophe. We have level funding in the appropriations bill before us, and the amendment suggests we should cut even further in a program that has not the resources to do the job it has been charged with doing as it stands.

The addition of Senator WYDEN as a cosponsor of the amendment, the second-degree amendment, only exacerbates the problem that the underlying amendment creates in shifting an additional $10 million out of timber management and moving it to the Northwest. This impacts every national forest, every timber management program in the Nation. It dilutes what can be done in those areas where they are already suffering, where they are already short to move additional resources because of the situation faced in the Northwest. I think that is wrong. It is not economically or environmentally advisable.

The debate today will speak about doing right by the environment. How can you justify reducing a level-funded program that is dealing with millions of acres of land that are too crowded for new and healthy trees to grow?

We will also hear talk today about how the Timber Management Program is antienvironmental or environmentally destructive. That is not what I have seen in the management that is being done in the Ouachita, the Ozark, St. Francis National Forests in Arkansas. Our national forests are adding 23 billion board feet each year. While 3 billion board feet are being harvested each year, 6 billion board feet die each year from insects, disease, fire, and other causes, and the amendment before us will only make that situation worse.

The majority of the timber sales in the program are done for other ecosystem objectives—improving habitat for wildlife, reducing fuels that may increase fire risk, especially in the urban interface areas, combating insect and disease infestations, and improving true growth for future timber.

We cannot ignore the contributions that the Timber Management Program makes each year, even if it might sound politically advantageous. The byproduct of a healthy, sustainable timber program is equally as important as healthy rural communities. The timber sales program generates regional income of $2 billion—over $2 billion; in fact, $2.3 billion—in Federal income tax receipts. Seventy percent of the timber from national forests is sold to small businesses that could be forced to close their doors if we support further reductions to the program.

A $1 million reduction in the timber sales program on the Ouachita, Ozark, or St. Francis National Forests simply means 10,000 acres of forest designated for treatment by the forest plan will go untreated. That is what it will mean: a $1 million reduction, 10,000 acres that will go unmanaged, untreated. Perhaps that is the goal. Perhaps that is the backdoor objective of such an amendment. The byproducts—round wood and saw logs —will be unavailable. Communities will lose 500 years of work and over $15 million from the local economy.

By any reasonable standard, the U.S. forest practices are the best in the world, ensuring forests are regenerated and that water quality and wildlife habitat are protected or enhanced. Decreasing this program is wrongheaded. It will only set us back environmentally. It will surely negatively impact us economically.

I suggest we do the right thing and support no less than level funding for this important program and oppose the Bryan-Wyden amendment.

I thank the chairman. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I yield the chairman of the full Committee on Energy and Natural Resources, Senator MURKOWSKI, such time as he may consume.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

Madam President, let's start with some facts because what is appropriate is to recognize just what the current policy of the administration is towards the U.S. forests managed by the Forest Service.

Clearly, as we look at where we are today, as this chart shows in the dark purple, the U.S. Forest Service volume sold, vis-a-vis the annual mortality—the annual mortality are those trees that are dead or dying—that in the years 1990, 1992, 1994, 1995, 1996, 1997, 1998, the annual mortality, compared with the volume sold—and that is evident by the green spheres that come up through the chart—the mortality has exceeded the commercial volume sold.

The suggestion is, what has happened to forest health?

You have to manage for forest health based on professionals, professionals who are trained and have committed their lives to best forest management practices.

What we have in the debate that is occurring on this floor is a debate over emotions, the emotions over whether timber, trees, a renewable resource, should be harvested or not.

We have heard the Senator from Idaho expound a little bit on the attitude prevailing in the U.S. environmental groups, and particularly the Sierra Club, which, much to their credit, has come out wholeheartedly and said: We want to terminate harvesting in the national forests, all of the national forests.

They make no bones about it. That is just a fact.

The justification for Senator BRYAN's amendment, which would timber program in the committee bill by $34 million, leads to the environmental agenda, the agenda of the Sierra Club that wants to terminate harvesting in national forests.

The amendment isn't what it appears to be. While I am sympathetic to my friend from Oregon and his efforts to redirect $10 million to wildlife surveys in the Northwest, I again think we ought to go back and recognize where the objection is. The objection comes from national environmental groups who are opposed to logging in the national forests. The policies of the Clinton administration relative to logging in the national forests are evident, but the justification to support that is very lacking if we look at the facts.

The facts are that there is currently almost 250 billion cubic feet—more than 1 trillion board feet—of volume of standing timber in the national forests. That is a significant amount—250 billion cubic feet of volume. The annual growth—that is the growth that occurs every year—is about 23 billion board feet.

Do you know what we are cutting, Madam President? We are cutting somewhere between 2.5 and 3 billion board feet. What is the justification in the sense of forest management practices and the forest health when clearly the forests are not in danger of being overcut? The regrowth at 23 billion board feet each year, compared with the cut of 2.5 to 3 billion board feet, clearly shows we are growing timber faster, much faster than we are cutting it—in fact, about 7 to 8 times faster than we are cutting it. As evidenced by this chart, the mortality now is exceeding what we are cutting in commercial timber.

Good forest management practices would indicate something be done about the dead and dying trees that are infested with the spruce bark beetle and so forth, and that a program be initiated so healthy trees grow back in again. But, again, these decisions are not being made by those responsible for forest health, professional forest managers. They are being made by environmental groups, and they are being made on the basis of emotional arguments.

You should recognize the reality that timber is a renewable resource that can be properly managed, as evidenced by the existing volume that we have in this country, 250 billion cubic feet in the national forests—and I will repeat it again—with 23 billion board feet annual growth, and the realization we are only cutting 3 billion board feet a year.

We certainly need some changes. The changes need to move off the emotional arguments and get into what is good for the forests, what is good for the health of the forests. You clear out the diseased trees. You encourage programs that eliminate fire hazards.

I have worked with Senator BRYAN and his colleague from Nevada on mining legislation which is important to his State and important to Western States, important to my State of Alaska. I am disappointed that he has seen fit to again take this issue on to reduce by $34 million the Committee's recommended timber program. I recognize that is not a big issue in his State. But I think it basically addresses a policy within this administration that has prevailed for some time, and that is to oppose resource development on public lands, whether it be grazing, whether it be oil and gas leasing, whether it be mining, and certainly in the case of timber.

I would like to communicate a little experience that we had in Alaska relative to studies and the resource management associated with the wildlife of the forest and to suggest to the Senator from Oregon that these challenges on the adequacy of wildlife studies seem endless. You no sooner get a professional opinion on the adequacy or inadequacy of a certain species within the forest, and if it is unfavorable to those who want to terminate logging in the forest, they simply go to a judge, get an injunction, and suggest that the study was inadequate and lacked the thoroughness that it needed.

Let me tell you a little story about what happened in Alaska.

We had the U.S. Forest Service involved in what they called the TLMP, the Tongass Land Management Plan. They spent 10 years to develop a plan. They spent $13 million. Previously, we had been cutting about 420 million board feet a year. The TLMP came down, after this 10-year study and $13 million, and cut it, the allowable cut, to 267 million board feet.

What happened as a consequence of that? We lost our only two year-round manufacturing plants in our State. The Sitka and Ketchikan pulpmills, the combined workforce, plus those in the woods, amounted to some 3,400 jobs, most of which were lost.

What was the forest health issue regarding this reduction? All the timber in the Tongass, as most Members who have been up there know, is old growth timber. But what they do not realize is that 30 percent of that timber is dead or dying. It has no other use than wood fiber. So it is put in the pulp mills.

Without the pulp mills, we have no utilization of that timber. Much of those logs are now ground up in chips or exported to Japan or out to pulp mills in the Pacific Northwest.

Let me go back to the Tongass Land Management Plan where they cut the sales level from 420 million board feet to 267 million board feet. Within 9 months, the administration, after spending 10 years and $13 million, decided that volume of 267 million board feet was too high. So they cut it arbitrarily, without any public hearing, as a consequence of pressure from national environmental groups who used an emotional argument, and also the reality that maybe the easiest place to terminate harvesting in national forests is in Alaska. We have two Senators and one Congressman. Alaska is a long way away. Nobody can go up and look at it and recognize that we have cut less than one-tenth of 1 percent of the Tongass forest in Alaska over the last 40 years and that our regrowth is 10 times what we have cut. They want to terminate harvesting, and the Tongass national forest in Alaska is a good place to start. So they came back and cut the proposed allowable sales level from 267 to 178 million—no public hearings, no input, no further studies. They spent, again, 10 years and $13 million for the first study, and they weren't satisfied with it.

So I say to my friend from Oregon, don't be misled by the question of the adequacy of wildlife studies in the Pacific Northwest. On the goshawk, we in Alaska are now under a challenge, on an issue we thought we had behind us because several years ago we had a challenge on a threatened and endangered species, the goshawk. The U.S. Fish and Wildlife Service spent several years working with the Forest Service to do an evaluation, and the U.S. Fish and Wildlife Service came to the conclusion that the goshawk was not threatened by the timber harvest program in the Tongass. We thought we had that issue behind us. We didn't.

Environmental groups—from the Southwest, I might add—petitioned the judge on the adequacy of the U.S. Fish and Wildlife Service evaluation of the goshawk study and the judge said, go back and do it again. If you can't depend on the best experts to come to a conclusion, then this is simply an open-ended effort by either bureaucrats, or environmental groups, or both to terminate harvesting in the national forests. That is what has happened as a consequence of the attitude of this administration towards timber harvesting.

Again, we have 250 billion cubic feet of volume standing in the national forests of the United States. The annual growth is 23 billion board feet. We are harvesting between 2.5 and 3 billion board feet. We are regrowing seven to eight times our annual harvest. Yet we have those who would say the forest program is being subsidized. There is no realization of what timber sales and related roads offer in providing access for timber, availability to the public, jobs, payrolls and communities. The proposal by Senator BRYAN would reduce the program about 13 percent below the current 1999 program level.

I am pleased the Society of American Foresters opposes the amendment. I believe that letter has been introduced in the RECORD. If not, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOCIETY OF AMERICAN FORESTERS,
Bethesda, MD, July 26, 1999.

Hon. TED STEVENS,
Chairman, Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: It has come to our attention that Senator Bryan may offer an amendment or amendments to the Interior Appropriations bill designed to significantly reduce the amount of funding available for the Forest Service Timber Sale program or its Roads program. We believe this would be a mistake.

While we are sure that Senator Bryan is well intentioned in his efforts, he may not understand the significant contributions the timber sale program makes to improving our national forests. The Fiscal Year 1998 Report of the Forest Service states "today, national forest timber sales are designed to incorporate multiple objectives, including insect and disease prevention and control, wildlife habitat management, fuels treatment, and reconstruction or construction of roads needed for long-term access." Foresters in the private and public sector design timber sales for purposes in addition to producing timber.

There are many examples of timber harvests that benefit other resources. For example, the July 1999, edition of the Journal of Forestry has an article called "Designing Spotted Owl Habitat in a Managed Forest." The article describes how to harvest trees and manipulate the forest for the benefit of spotted owls. Natural resource management professionals can produce forest products and healthy forests; they just need tools like the Forest Service's Timber Sale program to accomplish their goals. We can harvest trees from the forest and still leave behind quality conditions for wildlife.

We are also very concerned about a possible reduction in funding for the Roads program. The Forest Service estimates that they have a $10 billion backlog in road maintenance. Now is not the time to reduce funding for these important forest assets that can turn into environmental nightmares without proper design and maintenance.

Thank you for your consideration and your support of professional forestry.

Sincerely,

WILLIAM H. BANZHAF,
Executive Vice President.

Mr. MURKOWSKI. Madam President, I urge the Congress to support the significant contribution that the timber program, even though it is in decline, has been making to improve the national forests.

Again, recognize that the program is smaller than a few years ago. The BRYAN amendment would continue this harmful slide, because the ultimate objective is to terminate harvesting in the national forests. The redirecting of timber funds to wildlife activities in support of timber still has the same negative effect. That negative effect has been highlighted by my friend from Idaho, as he discussed the effects of a reduction in the timber program.

What we are talking about on this chart is that there is more timber dying than is being cut. That is the harsh reality of where we are. What kind of forest management practice is that? It is a preservationist practice.

What is the role of the Forest Service? Habitat management? Stewards of the forest? They are not aggressive in thinning programs, which are needed for the growth of new trees. What the Forest Service has become is a custodial management agency. They don't know where they are going. They are torn between past leaders that used to make decisions on the basis of what is best for forest health, and the new generation that is directed to a large degree by national environmental groups that want to terminate harvesting in the national forests.

It is OK if you are from a State that has large private holdings. Washington State has a number of large private land companies. It is OK if you have large State-owned forests. But if you are in my State of Alaska, where the Federal Government, the U.S. Forest Service—the entire Tongass National Forest is owned and managed by the Federal Government—you have a different set of circumstances. Our communities are in the forest. Our State capital, Juneau, towns like Ketchikan, Wrangell, Petersburg, Haines, Skagway, Sitka, all are in the forest. People live in the forest. They were under the assumption they would be able to work with the Federal Government, when we became a State in 1959, to maintain, on a renewable basis, an industry base. They recognize that in our case our forest, as an old-growth forest, is in the process of dying. Thirty percent of that timber is dying.

I had an opportunity to fly over some of the Northeastern States over the recess, Maine and other areas. I noted that they have a healthy timber industry, managed, if you will, to a large degree through the private holdings of landowners and corporations and the State. They have jobs. They have pulp mills. They have a renewability. Yet we are strangled by policies that are dictated by environmental groups, that are dictated by Members from States who have no interest in the national forest from the standpoint of those of us who are dependent on it in the West and particularly in my State in Alaska.

Finally, I ask that my colleagues reflect that this amendment would really reduce the tools the Forest Service has available for stewardship activities, tools that improve forest health and improve wildlife habitat and improve other forest ecosystems as well. Don't be misled by the objective of those who have a different agenda with regard to the national forests. Let us recognize that forests live and die. With proper management, they can yield a bounty of prosperity, a bounty of renewability. But we have to have the recognition that those decisions with regard to the forest are not going to be made by the politicians in this body. They are going to be made by those professionals who are prepared to put their reputation behind their recommendations or, for that matter, the other way around, and do what is best for the forest. The Bryan amendment certainly does not do this, by cutting funding for timber sales and roads, and hence, decreasing the timber program.

I yield the floor.

Mr. BRYAN. Madam President, during the course of the debate, the Senator from Idaho propounded to the Senator from Nevada a query as to how I could be supportive of this amendment and then made reference to the fact of Lake Tahoe, with all the problems we have in Tahoe. My own previous statements on Tahoe indicated the extent of the devastation that has been caused with dying trees and timber.

To suggest that somehow increasing the commercial harvesting of timber would in any way ameliorate the problems we face at Tahoe would be a totally spurious argument. The problems at Tahoe are compounded because we had a 7-year drought, the most protracted in recorded memory, and as a result, the forest became very vulnerable to infestation from beetles that ultimately killed vast amounts of trees in the Tahoe Basin. So adding to the commercial harvest would in no way help.

Secondly, with respect to Tahoe, we are reaping a whirlwind of practices that involve the extensive cutting of road network to the Tahoe Basin. The clarity of the lake is declining rapidly. This is a lake that Mark Twain rhapsodized about. John C. Fremont, on Valentine's Day in 1844, was the first European to see Lake Tahoe, and perhaps that date has some significance because those of us who live in Nevada have had a love affair with Lake Tahoe ever since.

The problem in Tahoe is exacerbated because of this road network that was built throughout the basin during a period of intense harvesting in the last century. The timber at Tahoe was used for the great mining activities of Virginia City. But it is instructive and helpful because the primary contributing factor to the erosion that is causing the deterioration of waters and clarity is the runoff from these old roads, and road maintenance is what we need so desperately.

So I say that my friend from Idaho confuses the issue when he talks about the problems at Tahoe and the thrust of the Bryan-Wyden amendment, which is simply to take about $32 million from the commercial timber operations and reprogram those into some accounts that include road maintenance and fish and wildlife management.

Let me make the point about road maintenance, if I may, again. The Bryan-Wyden amendment does not eliminate commercial timber sales in the national forests. My friend from Alaska referenced that we should allow professionals to make the determination as to how much harvesting should occur. That recommendation is included by the managers of the Forest Service, and they recommended a number of $196 million. That was in the President's recommendation.

Now, what the appropriators did was, they stripped out $34 million from road maintenance and fish and wildlife accounts and added that back into the timber sales to bring that number up to about $228 million. My friend from Arkansas was talking about the need for forest health and to do a lot of things. Those are totally different accounts. We are talking, on the one hand, of reducing to the level of the President's recommended appropriation the commercial timber sale account of $196 million and to add $32 million to that account. What the appropriators did was to reduce by $11 million the road maintenance account.

It is the road maintenance account that helps to alleviate the erosion and the other adverse environmental consequences that attach to the neglect of that maintenance. The testimony is that the Forest Service would need $431 million a year for road maintenance alone, that there is a total backlog of $3.85 billion in road maintenance. By rejecting the Bryan-Wyden amendment, you make that backlog even longer because the appropriators have stripped $11 million from that account.

Now, every mile of new construction adds to that backlog because under the law, once the harvesting operation has been completed, the timber harvester has no responsibility for the maintenance of that road. That, then, is left to the Forest Service and the American taxpayer. We already have 380,000 miles in the National forests. As I commented in my opening statement, that is more mileage than we have on the interstate system in America.

The things my friend from Idaho was talking about, in terms of fire burns and removing dead timber, have nothing to do—absolutely nothing—with the commercial timber sale account. Those activities are included in other accounts, such as the Wild Land Fire Management Act. So I think we have a confusion here as we debate these issues.

The Bryan-Wyden amendment would simply reduce to the level of the professional managers' recommendation in the Forest Service the commercial timber sale account of $196 million and would restore, essentially, to the environmental accounts and road maintenance accounts much of that money that was taken out. That is where the management practices need to be addressed. That is the focus. That is where the environmental problems are —road maintenance and fish and wildlife habitat.

In effect, what the appropriators did is to strip those accounts and reduce them substantially to add to the timber sale account. There is no benefit to the environment at Lake Tahoe by increasing the commercial timber sale accounts. That simply does absolutely nothing for us at all. So I wanted to clarify the record where my friend from Idaho has confused it. The Senator from Nevada is being absolutely consistent.

I might just say, in terms of the broad public policy, the General Accounting Office concluded that, from 1992 to 1997, the commercial sales in the national forests have cost the American taxpayer $1.5 billion. So there is another issue out here to be debated in terms of the public policy. The Bryan-Wyden amendment does not eliminate but simply reduces to the level of the Presidential recommendation in terms of the appropriation.

If the Senator from Idaho were interested in seeing the problems more adequately addressed, he would favor reducing the amount of the commercial sales and restoring the $11 million that was stripped from that account. We need far more dollars in the road maintenance account, in which the backlog is over $3 billion.

So every attempt to reduce the amount of the road maintenance account and add money to the new construction account makes the situation much worse. I argue that the more prudent and rational public policy is to deal with neglected road maintenance and provide additional money in that account rather than to add to the commercial sale account. I wanted to make that point for the record.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, this has been an important debate—important for the Northwest and important as it relates to the direction of the Forest Service.

I think my colleagues on the other side of the aisle would be surprised to know that I agree with a number of the things they have said about the Forest Service not knowing where they are headed. Frankly, I have made much stronger statements than that in the last few days. It is very clear in the Pacific Northwest that the Forest Service is just flailing around.

The chairman of our subcommittee and I both read these Oregonian editorials talking about blame with respect to gridlock in the forests. In the Northwest, the Oregonian, our newspaper, editorialized that:

> Forest biologists searching for signs of the rare mosses listed above ought to look under the backsides of the federal officials managing the forest plan. That seems a relatively undisturbed habitat.

I think it is fair to say that those Forest Service officials knew for years they had to go forward with survey and management in a responsible fashion and haven't done so. So I think the comments that have been made by the chairman of the Forestry Subcommittee, Senator CRAIG, and the chairman of the full committee, with respect to the Forest Service not knowing where it is going, are ones that I largely share.

But where we have a difference of opinion and where I think the Bryan-Fitzgerald-Wyden and the substitute help to bring together colleagues on both sides of the aisle is that the history of the last few years demonstrates very clearly that just spending more money on the timber sale program doesn't help these rural communities either from an economic standpoint or from an environmental standpoint.

The fact of the matter is, Madam President and colleagues, for the last several years this Congress has authorized a greater expenditure for the timber sale program than the President of the United States has called for.

This Congress has appropriated more funds for the timber sale program, and the fact is the problems in many of these rural communities in the West, from an economic and environmental standpoint, are getting worse.

So I think the notion that throwing more money at the timber sales program is going to address the needs of these rural communities is not borne out by the events of the last few years.

What needs to be done—and what Senator BRYAN and Senator FITZGERALD and I are trying to do—is to put in place a program with real accountability.

My colleague from Idaho talked about the need for accountability of the Forest Service. The chairman of the full Senate Energy Committee has correctly said more emphasis needs to be placed on oversight. The fact of the matter is that under the Bryan-Fitzgerald-Wyden amendment, for the first time the Congress will put in place a program in the survey and management area which has essentially shut down the forests and that will have real accountability. Under our amendment, the survey and management draft environmental impact statement will have to be completed by November 15 of this year, and the final version of that impact statement would have to be published by February 14 of 2000.

That is allowing for public comment. That is accountability. That is giving some direction to the Forest Service on the key issue that has in effect shut down the forests in our part of the country.

So the choice is, do we do business as we have done in the past, which is to throw money, for example, at a particular program, the timber sale program, or do we try, as the Bryan-Fitzgerald-Wyden amendment does, to tie that amendment to dealing with the key concerns that have shut down our forests and put in place real accountability in the process?

Beyond that, I think the only other major difference I have, as some of our colleagues on the other side of the aisle, is that they have correctly said they don't want the courts to make forest policy. Section 329, as it stands in this bill, is a lawyer employment program. This is going to be a huge bonanza for lawyers as it stands in its present form.

That is why I am hopeful that colleagues, regardless of how they feel about section 329 in its original farm, regardless of how they voted on the Robb legislation earlier, will see that the approach that Senator BRYAN and Senator FITZGERALD and I are talking about tries to borrow from the philosophy of both of the approaches that have been debated on the floor of the U.S. Senate. I happen to agree with Senator GORTON and Senator CRAIG that the survey and management program has not worked. The Forest Service has dawdled. They have known what they were supposed to do for some time.

We can read editorials to each other for many hours to compete for who is the toughest on the Forest Service. But the fact is they haven't known where they are going, and we are going to try to get them on track. But this amendment is the very first effort in the Senate to put them on track in a way that locks in the additional money they need with a specific timetable and a blueprint for ensuring accountability.

I think for that reason it is absolutely essential that we pass it. I think it will give us an opportunity to go forward in the days ahead, which is what we are going to try to do in the oversight hearing that Chairman CRAIG is holding on Thursday.

I am very hopeful that those Members of this body who understand how wrong it is for the courts to make forestry policy and how important it is to have a balanced approach that will tie additional funding with accountability—and a recognition that there is more to this than appropriating additional funds for the timber sale program—will support our bipartisan amendment.

I gather we will not have a final vote on this amendment until tomorrow, and perhaps we will hear from some additional colleagues. But I am very hopeful, regardless of how a Member of this body voted on those Robb amendments or felt about the original section 329, the Gorton language, that they will see what Senator BRYAN and Senator FITZGERALD and I are trying to do, which is pull together an approach that will give the Forest Service some direction, give them some accountability, and do it in a responsible fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I thank my colleague from Oregon. We have worked closely together for the last number of months to try to resolve a variety of timber issues and conflicts that have brought some of our rural communities to their knees.

Those are communities that not only in many instances have lost jobs in the sawmills that I have talked about in my opening comments, but these are communities that also lost their moneys to run their schools.

My colleague from Oregon has communities that only go to school 4 days out of 5 days of a week because they have no more money to run their buses and to keep their schools open. I have communities in my State that are now debating over whether to put their money in the hot lunch program or athletics and ask all of their high school and grade school students to brown bag all the time.

You say: What does this have to do with this debate? What does this have to do with cutting trees in the national forests? It has a great deal to do with these communities that are timber dependent because 25 percent of the stumpage fee that comes from a Federal timber sale goes to the local communities for their schools, their county roads, and their bridges.

That is historically what we believe is a fair treatment of those communities that oftentimes house the loggers and the mill employees and the executives of the timber companies and the Forest Service but have no private land base because all of the land around them is public land, and they should share in the revenue flowing from that public land. Those are what we call timber-dependent communities.

The Senator and I worked to try to resolve that issue. We are very close to what I think is some tremendously positive and creative thinking that results from, hopefully, minds coming together out of conflict to bring resolution. I am fearful this amendment does not do that. I say that because while the Senator suggests that he prescribes deadlines by which EISs ought to be done, this administration and this Forest Service isn't talking anywhere near that. They are suggesting the deadline for a draft EIS ought to be in February and that the final ought to be in June for the EISs we are talking about for these sales. Whether you could expedite that, I am not sure.

The one thing we want to be very careful about in light of the environment in which we are doing these kinds of EIS's and studies is that the work be done right. As the Senator from Oregon and I know, the judges and the environmental communities will be like vultures hovering over each one of those efforts to fine pick every bone to make sure the work is done well.

Accelerating some of those studies could put at risk—I am not saying "will," but I think we need to be very cautious at this moment as we try to wrestle through this very difficult policy issue between whether the Eleventh Circuit is right or whether this Congress will finally get aggressive enough to lead in changing the law in a way that we will not have our judges administering forest policy through their own whim, be it law, or, in many instances, be it their politics as applied to the law that causes Eleventh Circuit or Ninth Circuit judges to do what they have done recently that the Senator from Oregon is so worried about, and that I, not only as the Senator from Idaho but as chairman of the Subcommittee on Forests and Public Land Management, literally go into the tank because the Congress of the United States has been unwilling to lead in this area and establish well-based policy that we can effectively defend and are willing to defend. That is part of the problem we are dealing with, and I hope the work of the Senator from Oregon and me results in that.

Let me make a final comment to the Senator from Nevada. It was not my intent to make an inaccurate statement. As chairman of the Forests and Public Land Management Subcommittee, I have spent the last several years and 45 hearings looking at every aspect of the forest management of our country to try to understand it. I have examined, not in person and not on the ground, but all the studies of the Tahoe Basin problem. I recognize the basin problem is a combination of things, particular to forest density, that has resulted in dead and dying timber and drought environments of the kind discussed. This has created the negative habitat today that changes the character of the lake's water quality because of the runoff. I also understand that this creates phenomenal bug problems with dead and dying trees because the ground cannot support the base.

As the Senator from Nevada and I know in looking at computer models, before European man came to this continent, many of the acreages we are talking about were sparsely timbered and were much more pastoral. That was partly because of fire moving through the habitat, creating a mosaic of young and old alike. The Tahoe Basin changed when we became the stewards of the land and put out the fires.

The Senator from Nevada and I both agree on the condition of the Tahoe Basin. The point I am trying to make: What the Senator is doing is, in fact, taking money away from the ability of the Tahoe Basin to manage itself because the Tahoe Basin money is not a single-line item issue.

Let me explain. The Senator is amending an account that is divided into three categories. I am looking now at Forest Service management program reports. In the timber revenues and expenses, there are three categories. There is the timber commodity program component, there is the forest stewardship program component, and the personal-use program component. Those are the three that make up the account the Senator has amended.

The last report we have is 1997. In that year, in the first account, the timber commodity program account, the Senator is absolutely right, the Tahoe Basin had not one dollar of revenue or expenses because it is not a timber-producing area. In the stewardship area in revenues produced by actions, about $377,000 and $1,383,000 spent on stewardship programs—the very kind the Senator wants to see that begins to change the culture, the environment, of the basin area. There was approximately $39 million in revenues from the personal-use program and about $181 million in expenses.

I believe I am right. It was not my intent to mislead or to distort the record. The Senator and I should clarify this. This is the document from the Forest Service. The account the Senator amends and takes $34 million from is the account from which the stewardship programs from the Tahoe Basin are funded. There is not a line item specific to the Tahoe Basin that I know or that we can find in any research. If the Senator would clarify that—I think by accident he may well be cutting out the very moneys he has fought so hard to get to begin to ensure the forest health or the improved health of that basin area.

In our stewardship analysis of the basins that are in trouble around the Intermountain West, and primarily the Great Basin environment of the West—because that is where fire is a critical tool—let me read again from the article "One spark from a disaster."

> On adjacent lands just above the national forests the trees remain vigorous and healthy with a similar history of early forest clearing followed by fire suppression. These stands have escaped the bug infestation and the high mortality of the lower basin area [which is Federal land]. These privately owned timber lands were intensively managed to ensure vigor and high productivity. Unlike the Federal forest lands, private timberland managers responded to the bottom line and protected their forest assets over time.

My point is, what the Senator has appropriately advocated in getting into the basin, to change the way it is managed, to bring stewardship programs to do the thinning and to do the selective burn, absolutely has to be done to restore the vigor, to create an ecosystem that is less dependent on moisture, so it can handle itself through the kinds of droughts that we in the West experience—especially those in Great Basin States.

If the Senator could clarify that for me, I would appreciate that. It is my knowledge at this moment that the account his amendment pulls money from is the very account from which the stewardship program for the Tahoe Basin finds its funding.

I yield the floor.

Mr. BRYAN. Madam President, I thank the floor manager for an opportunity to respond.

When one looks at the totality of problems, they are tall: Runoff, the erosion control, and the declining clarity. These are the primary, but not the exclusive, problems in the basin.

The roads that were cut through many decades ago are in the road maintenance account. As the Senator understands, there is a new construction account; there is a road maintenance account. The appropriators removed $11.3 million from the road maintenance account. From our perspective, that is the most serious account reduction that would impact what we are talking about. The road maintenance money account has a backlog: $3.85 billion has been discussed by the Forest Service, or $431 million. I think it is a matter of priorities. Our priority is to get back the road maintenance account money.

Indeed, with respect to some of the prescribed burn and other forest practices the Senator talks about, I think we are in agreement that clearly there are things that need to be done to thin out some of the underbrush. Those are taken care of in other accounts such as wildlife fire management and a forest land vegetation program.

There are a host of programs that are line item. The two I just mentioned, the wildlife fire management account and the forest land vegetation management program, are where some of the controlled burns and thinning occur. Those are the programs, from our point of view, that have a priority over the Senator's priority which would lead to an increased commercial operation.

That is where the Senator from Nevada comes from.

Mr. CRAIG. I thank the Senator for responding.

It is important to understand that one third of that fund still goes to stewardship. That is not just commercial activity. That is thinning and cleaning.

Also, it is important for the Senate and the record to show we increase road maintenance by $10 million this year over last year. There was a recommendation of $20 million; we increased it by $10 million. There has been an actual net increase of $11 million, and a fair amount goes to the Tahoe Basin.

So the Forest Service is responding. We believe the committee and the appropriators were responsible, going in the right direction. What I think is important to say is that there were no cuts. We did not cut the program. We raised the program by $10 million. While some suggested it ought to go $20 million, it is a net increase over last year's funding level of $10 million.

Mr. BRYAN. If I can respond briefly—I don't want to get into a semantic game—it is a reduction over what the President recommended, I think the Senator will agree. It is a reduction of $11.3 million over what the President proposed. It may very well be, as the Senator indicates, an increase over what was approved for the last program.

Mr. CRAIG. The Senator knows recommendations are recommendations. I believe his first words were the program has been cut. The program has been increased by $10 million over last year while some, including the President, suggested it ought to be increased by more.

Mr. BRYAN. I think I did use the term "cut." What I meant to say, and what I stand by, is the appropriators, in effect, cut this money from the original appropriation of the President. That represents a difference in priorities, the $431 million annual backlog, with a total backlog of $3.85 billion. It would be the priority of the Senator from Nevada that the President's recommendation not be reduced as the appropriators did, and I appreciate the chance to clarify that point.

Mr. CRAIG. I thank the Senator from Nevada. I believe, if I understand Forest Service accounts accurately, the likelihood of increased stewardship activities in the Tahoe Basin by this amendment could be reduced because of the very character of spreading the money, as I think the Senator from Arkansas so clearly spoke to.

Let me yield such time to the Senator from Montana as he should consume.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, this morning as I returned from Montana and I was listening to the local news, I heard a 30-second spot advising folks to call the White House to stand up, to stop this disappearance of the national forest lands. It was paid for by the Heritage Forest—some group. We have not been able to run it down yet. The message went on to say we have to stop this because our forests will be gone forever.

We can talk about semantics. We can talk about budgets. We can talk about where we apply the money. Let's face it; the $11 million for road maintenance that we increased is mostly being used for road obliteration.

It seems we fight these little fights every year because there are those who completely do not, and I say this in all disrespect, know one whit about what is a renewable resource and how we are to manage it. It seems to me this is the reason a person on his ranch or farm does not run that ranch or farm by a committee. If we did, we would not get a crop in; we would not grow anything, and we sure would not get a crop harvested. I would say the good Lord above does have a sense of humor. If you want to look at what a committee does, I always thought a horse was a camel put together by a committee. Everything is an afterthought.

Let's dispel some of this myth that seems to be going across our land. In the Flathead National Forest alone, we are growing 120 million board feet of lumber a year. The Forest Service, in their plans, only planned to harvest 19 million. Let me tell you, due to laws and roadblocks and lawsuits, we will be lucky to cut 6 million board feet. This does not include our wilderness areas or recreational areas. These are in managed forest areas. This is about a third of what historically has been responsibly forested and harvested. However, due to litigation and other roadblocks, only 6 million will be harvested.

We cannot survive with that scenario and neither can the forest. Understand that. Neither can the forest. It will burn. Trees are similar to any other renewable crop: they sprout, they grow, they get old, and like every one of us in this building, they will die. What happens to them? They hit the forest floor, there is a fuel buildup, there is infestation by the pine beetle, there is dry weather, there is lightning, and there is fire. I realize that doesn't mean much to those of us who sit in this 17-square miles of logic-free environment because we get our paycheck every 2 weeks. We are very comfortable. But out there, their paychecks stop right then. Their equipment is burned up. The cycle starts all over again. Is that an environmental benefit to this country? I don't think so.

We have seen what happened in 1988 in Yellowstone National Park, the crown jewel of all parks, we are told. Fire swept across that park; and you should have seen the water that ran from that park for the next 3 years because there was nothing to hold the soil that had been turned sterile by the heat of the fires.

So according to the misinformation thrown around by the self-proclaimed environmentalists, leaving the land to rot, they believe, is best for the environment; the forests are gone forever whenever they are harvested. I wonder if they think it was all a barren land up here until one Friday we got up and, lo and behold, there was a forest. Just like a bolt of lightning, it was there. When you get a haircut, is that head of hair gone forever? To some it might be. Who knows. But I don't think so. Currently, most of our national forests in Montana, and throughout the West, we face a 25-percent tree mortality in the next 15 years. We will lose 25 percent of our forests just to mortality, getting old and dying.

So I am saying land management, proper land management saves our forests. I can take you to one of the worst areas there is in the Forest Service—it happens to be up in northwest Montana—and even the foresters themselves will tell you that we are ashamed of the condition of this forest. But because of litigation, they are powerless to do anything about it. Fuel loads, beetle infestations, it is not a pretty sight.

It is not a pretty sight.

Healthy forests are usually the benefit of good management. Harvesting of timber is healthy, and it is all part of management. That is aside from the faces of the people who live in these forest communities. Two weeks ago, we shut down a mill in Darby, MT. We sold it at auction. Jobs are gone. A tax base is gone. The ability to build roads on private lands, to maintain services, and to build schools—all that revenue is gone.

The opponents of timber production would have you believe we still clearcut entire forests when we do not do that anymore. They would have you believe we have industrial lawn mowers big enough to mow down the great redwoods as we clear swaths from seed to seed, and we do not do that anymore. In fact, there are more trees in this country than during the time of Lewis and Clark. It is hard to believe, isn't it? But it is true.

When we put together this appropriation and this budget, there was balance. It brought balance of wildlife, balance of timber and new timber growth, balance of timber that we could harvest for the benefit of Americans, for those folks who build homes, and for those folks who work with timber.

If one looks across the Nation right now, not many commodities are making money—gas, oil, no farm commodities. If you look at all the litigation, timber is not making any money either. Anything that comes from mining is not making any money. Why should we do it? Where would those industries move? What other land on this globe will be devastated because we are not allowed to manage our renewable resources?

I can remember dirt under the fingernails and the ability to produce a crop every year was pretty honorable. Madam President, 1.5 million Americans provide all the food and fiber for the other 260 million. That is not bad. We do a pretty good job, and we do it under conditions that are getting more and more difficult all the time.

Modern forestry, of course, with some rules and regulations passed by Congress, is being regulated more and more every day. Environmental laws require foresters to take a look at the impact of what they are doing. It employs independent timber firms that know the land. They are harvesting. All of this costs money, and yet they will say below-cost-timber sales. If we lump all the rules and regulations, all the hoops we have to jump through for one timber sale on a forest, it probably could be called a below-cost-timber sale. Those are hoops we have to jump through. So we increased the budget. It costs more money to complete a timber sale.

We do not clearcut areas with disregard. We spend more time making sure everything we do is done in a responsible manner. Dispel the misinformation, get away from the inflammatory words of growing a commodity and harvesting a commodity. In Montana, the people who harvest timber are the same ones who come back to hunt and fish. They do it every weekend. They recreate all that same forest.

Contrary to the doomsayers, we want our land to be usable. We want healthy wildlife populations, we want clean water, and we want to make sure our native fish are healthy.

Let's talk about this wildlife habitat. Most of the wildlife habitat is found on public land in the summertime. When they have to make it through the winter, do you know where the deer, the elk, the moose winter? On private lands, in my neighbor's hay meadow. Did you know we have to board up our haystacks in the West or the elk and the deer will eat all the hay and leave us none for our own livestock? They do not winter on public lands because there is no water and there is no feed. It is covered up. They have to winter on private lands. So are we so bad? I do not think so. We would not have it any other way because we are all hunters and fishermen and we enjoy the sights of big game. We want to maintain the habitat. We enjoy seeing those elk. We enjoy this season of the year when they start bugling. Go out and listen. That is what makes my State worth living in.

It costs more money and the timber sale budget offers us an opportunity to feed our Nation's need for raw materials while employing Montanans and making and protecting habitat. We are talking about balance. Someone is buying that lumber or we would not have the demand to harvest it.

Harvesting a crop is not a sin. To the contrary, it keeps this country moving forward. It provides the timber to build our homes, and it provides the paper that often gets shuffled back and forth in this town. Quite simply, a timber sale budget is essential to America for food and fiber by proud producers. That is what it is all about. They do not like to be lied to. They do not even require much support. They ask very little. They ask to grow, to plant, nurture, and harvest. That is what it is all about.

How did those people who work in natural resources and agriculture—and this is agriculture in its highest form—who are responsible for 22 or 23 percent of the Nation's GDP become bad folks? How did we get that way? Because we used the resources around us, and our definition of conservation is the wise use of a natural renewable resource. Think about that. Twenty-three percent of the GDP in this Nation is in the production and the feeding of this country. It is unbelievable how that can be overlooked.

I ask my colleagues to contemplate the alternative. Let's say we quit harvesting trees in America, and that is what some extremist groups want us to do, or they want to make it so expensive we cannot compete on the open market. Do you realize that I have mills in Montana that are hauling logs 500 miles, out of where? Canada. So is your demand for lumber so high that you want to so-called devastate the Canadian land? I do not think so.

Why do people like to visit States such as Montana? No. 1, we are kind of authentic. Because we have done a pretty good job of taking care of it. And it is true of our good neighbors to the west in Idaho. It makes us the friendliest and the nicest people you will ever meet. But our people are starting to get cranky because their livelihood is being taken away from them, their ability to take care of themselves, by the rest of the country in its desire for the food and fiber that it takes for us to subsist.

So if you want to see our forests die in front of us, if you want to see our wildlife choked out of its habitat, and if you want to see our rural communities die, and to see foreign corporate timber production unfettered, fueled by our need for fiber, then vote for the Bryan amendment. That is what it is all about.

But there is balance here. I urge my colleagues to vote to maintain that balance. We believe in the balance of our forest lands and good stewardship.

If you want to talk about stewardship, we have a stewardship plan that is getting started on a trial basis in Montana that is being participated in by a lot of people, including very small harvesters. So if you say you want a stewardship program, you have one. It is a good one. It is a dandy. It will work. But we cannot make it work unless we have funds to balance the needs of our forests.

I thank the Chair and my chairman and yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent that a vote occur on or in relation to the pending amendment No. 1623 at 10 a.m., and the time between 9:30 and 10 a.m. on Tuesday be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair.

I am happy to yield to the Senator from Wyoming.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I will take a very short while.

I think the details, the information of this issue have been well discussed. But I rise in strong opposition to what is being proposed based simply on the health of forests.

In Wyoming, of course, we have national forests, as they do in Pennsylvania and other places. These forests need to be managed. I just spent several days in August in Yellowstone National Park. We road for 2 days, and all of it was in burnt forests. I have to tell you, that burn was not even effective because the ground fuel is still there. The trees are dead, but the ground fuel is there.

So all I am saying is, you have to manage this resource. Something will happen to the trees. They will either die or they will be harvested or they will be diseased. So if we are to have healthy forests, certainly they need to be managed.

The proponents of the amendment have said the timber program is wasteful. It was never intended to operate as a commercial tree farm. We have some numbers as to the resources that are provided for communities and the Federal Government. They are substantial.

I am not inclined to take a great deal of time. The chief of the Forest Service has stated there are 40 million acres of national forests which are at risk, either through fire or infestation. This amendment would cripple the Forest Service's ability to use the timber harvest to promote health. The amendment will crush a program that provides significant economic contributions to both the Federal Government and the communities. This amendment is wrong. It is shortsighted. I question why the Congress would continue to ask the agency to manage this land and then take away their ability to do that.

So I will end by urging Members not to vote for this amendment.

I yield back the time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. If there is no objection, I would like to amend my immediate past unanimous consent request. It was from 9:30 to 10 a.m. tomorrow morning equally divided. I ask unanimous consent to amend that to be from 9:30 until 10:30 a.m. on Tuesday, equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I am happy to yield to the Senator from Pennsylvania on this most important amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Madam President, it isn't often I rise to talk about these kinds of issues because, by and large, these issues generally affect the West, and we in Pennsylvania do not have much direct involvement. But in this case we are directly affected in Pennsylvania.

We have a national forest in Pennsylvania, the Allegheny National Forest. What has been going on in the Allegheny National Forest over the past several years has been a very troubling thing to thousands of residents in my State; it has had a dramatic negative impact on the quality of life for the residents in northwestern and north central Pennsylvania, as the amount of timber harvests have continued to decline.

What we have seen, as a result of that, is a real damaging of the economy. It is a very rural area. Most people think of Pennsylvania and think of big cities and factories, Philadelphia and Pittsburgh. But Pennsylvania has the largest rural population of any State in the country. I repeat that. Pennsylvania has the largest rural population of any State in the country.

That rural population, by and large, survives on agriculture and off the natural resources, whether it is coal mining or whether it is quarrying or whether it is timber or whether it is what we consider traditional agriculture.

The Allegheny National Forest is vitally important for several of our smallest counties. We have 67 counties in Pennsylvania. Our smallest county in population, oddly enough, is called Forest County. Forest County has about 4,000 or 5,000 people who live there. The biggest part of it is the national forest, the Allegheny National Forest. But there are other counties surrounding it that have bits and pieces of the national forest in their county: Warren County, McKean County, and Elk County.

In Elk County, PA—aptly named—we have about 600 elk, big ones, that have come back over the past years and are thriving in our forests, almost to the point of being domesticated in some respects and causing problems. But that is another issue for another day.

But those four counties get a lot of revenue because big chunks of them are national forest areas. They get a lot of revenues from the timber sales that principally support their school districts.

I spoke to students at the Forest County schools a couple of weeks ago. The No. 1 issue that the kids asked me about was, what are we going to do about timber sales? Because they potentially will have to close down one of their schools because of cuts in the Forest Service budget, as well as lawsuits because of the Indiana bat, which, I guess, stays up in the Allegheny National Forest for a couple days a year, so there are all sorts of lawsuits tying up the Allegheny National Forest in harvesting.

The Allegheny National Forest is the single largest area for the harvesting of black cherry timber. You look at your black cherry veneer and you will see a lot of it comes from the largest black cherry stand in the country, which is the Allegheny National Forest.

The Allegheny National Forest, by the way, is a profitable forest. They make a lot of money in their timber sales because of high value trades. So they are not losing any money to anybody. They are making a lot of money. In fact, the less we harvest, the worse off we are financially.

It has been very deleterious to those counties. I will look at the timber receipts for the past several years. Even last year, which was not particularly a great year, we had $1.6 million for Warren County; $1.5 million for McKean County; $1.3 million—$1.3 million for a county of 4,000 people is a lot of money.

All these other counties range in the area of 20-, 30,000 people; Elk County, 1.26. All of them, every one of those counties, will have their revenues cut by more than half this year, by more than half because of legal roadblocks and cutbacks in the amount of timber sales as a result of Federal legislation.

The problems we confront are not just financial in terms of tax revenue. They are financial, but they are also financial with respect to our economy.

Logging is a very important aspect of the way of life. Wood products: Because of our high-value black cherry and other species, we have a lot of high-value processing of that wood, which is resulting in very high unemployment. Many of these areas, in this very strong economy, are experiencing double-digit unemployment, and have consistently for the past couple of years.

We also have another concern which, again, when you go up and talk to the folks who live around the forests, is almost frightening, the kind of misinformation that is out there about our forests and the management of the forests.

I remember going to Gray Towers, which is outside of Milford, PA. Gray Towers was the home of Gifford Pinchot, who was the Governor of Pennsylvania and was a conservationist. Gifford Pinchot went on to be the first head of the U.S. Forest Service around the turn of the century. The Yale School of Forestry was actually colocated in Milford, PA, at Gray Towers, which was the mansion the Pinchot family lived in. Now it is a museum dedicated to forestry. I was up there looking at old pictures of Pennsylvania. It is remarkable. In picture after picture after picture, Pennsylvania was completely clearcut—clearcut.

I stood on the front porch of Gray Towers and looked out and saw the expanse. You can see literally for miles. I looked at the picture on the portico of roughly 100 years ago. It literally was stumps of trees for as far as the eye could see. Of course, now it is green as far as the eye can see, full of trees.

Pennsylvania is just remarkable. I fly over it all the time in small planes. It is just literally covered with trees, almost all of which, if not all of which—because I have been told it was completely clearcut—were not there 100 years ago. So the regeneration happens. In fact, the Allegheny National Forest is a valuable forest today because it was clearcut and because a shade-resistant strain of black cherry couldn't grow in those old forests. In fact, there are areas that are now dedicated to old growth in the Allegheny National Forest that have a lot less diversity.

People are worried about the health of the forest, environmental diversity. You get to some of these old-growth forests. You take the combination of the old growth and the fact that you have less vegetation, which puts pressure on your deer and everything else—we have a lot of deer. They completely decimate old-growth forests, where it is a desert there because of these high trees. You don't have a lot of younger growth. Whatever does crop up, because there isn't much else around, the deer take it right out.

So we went, in this area called the heart of the forest, when they dedicated it to old growth, from 37 varieties of plants down to 4. I don't know about you, but I am not too sure that is protecting the environment or the health of the environment.

I am an easterner. I am not one of these guys who understands public lands and forests and all that stuff. I grew up around the city of Pittsburgh and didn't know too much about forests. But I remember hearing people say: We have to manage the forest. You say: Forests manage themselves pretty well. What do you mean? Well, yes, forests manage themselves pretty well, but they manage themselves not in a way that you and I would consider them. They manage it through, in a sense, a boom-and-bust cycle, growth and then destruction and then growth and then destruction. That is pretty much how forests grow if you leave them alone. That is OK, I guess. But it doesn't provide what is, I think, in the best interest of the animal life and the plant life and certainly the community for recreation. The economic resources that are derived from the forest are not maximized when you allow this kind of wild and unmanaged forest generation and regeneration to occur.

I trust the Forest Service. I don't always agree with them, but I trust the Forest Service will work to maintain forests and wisely manage them, using sound science to provide the best environment for stable growth of the forest as well as for the indigenous animal species that are there to feed. It is very serious—it is the No. 1 issue in about 5 or 6 counties in my State—that we allow the timber harvesting program to continue. It is the economic lifeblood of those counties.

I felt compelled to give a little different perspective, as someone who doesn't talk to these issues very much—and maybe it is best I don't—but who has a real sensitivity as to what sounds good. As I have told people about what sounds good in suburban Philadelphia, saying leave these trees alone, we love the trees, don't hurt the trees, a little knowledge is dangerous sometimes and no knowledge is downright lethal. And in the case of dealing with forest management, a lot of folks don't have a darn bit of knowledge. And it is killing people. It is killing their economy. It is killing their school districts. It is killing the forests.

That is not something we should allow to go unchallenged in Congress. Just because it makes a good TV commercial, just because it sounds as if you care more, you don't care more if you understand the facts involved in forest management.

I am an enthusiastic opponent of this amendment. I must tell you, when I first got to Congress, I was not. But the more I have learned about forest management and the impact of timber sales on not only the health of the forest but the health of the economy related to the forest, it is an absolute must for me to stand here and oppose this amendment. I urge my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, in the few minutes remaining, I wish to add my voice to those in opposition to this amendment. We thank the Senator from Pennsylvania for his sensitivity to these issues.

As he correctly said, this amendment could be devastating to the people and to the families who depend on their jobs in many counties across America. I think it is important that we understand this amendment in the context in which it is being proposed. Federal timber sales are in a steep and devastating decline. Since the early 1990s, the timber program has been reduced in America by over 70 percent. Already, more than 75 percent of the National Forest System is off limits to timber harvests. The Federal timber supply has dropped from 12 billion board feet to the 3 billion board feet being harvested today.

Both the economic and the ecological context created by this reduction are not desirable. More than 80,000 jobs have been lost already, and of the 55,000 jobs that remain, they will be jeopardized by this amendment. That represents over $2 billion in employment income, mostly in rural parts of America. The families who depend on those jobs are counting on us to understand this issue and to vote correctly.

It is confounding also that these additional cuts are being considered at a time when the industry and those working men and women who depend on it have already been deeply hurt by the critical cuts in the timber program.

In my home State of Idaho, our rural communities continue to suffer devastating reductions in the 25 percent funds from timber sales. Schools are going without needed renovation, and county governments are going without needed support and jeopardizing their basic services because of these steep reductions.

This amendment is also counterintuitive from an environmental perspective. Active forest management, including thinning and other timber harvest, has widely acknowledged benefits. In fact, most timber sales are currently designed to attain other stewardship objectives, in addition to the sales themselves. Timber sales are the most economic and efficient and effective methods available for our managers to treat and control many insect epidemics.

Madam President, each year the National Forest System grows by 23 billion board feet; 6 billion board feet die naturally. Only 3 billion board feet are being harvested. Tree growth in our

National Forest System exceeds harvest by 600 percent.

I stand firmly with those who have cast their opposition today against this amendment and encourage my colleagues to reject it.

DEPLORING THE GRANTING OF CLEMENCY—MOTION TO PROCEED—Resumed

Mr. THURMOND. Madam President, I rise to express my strong opposition to the President's decision to commute the prison terms of 16 members of the FALN, a Puerto Rican terrorist group. I also strongly support S.J. Res. 33, which expresses the Senate's opposition to this misguided decision.

There is no question that the President has the Constitutional power to do what he did. The President receives thousands of requests per year for a pardon or clemency, and the Department of Justice has a standard procedure under which the Pardon Attorney reviews these requests each year. However, all indications are that the procedures were not followed in these cases, and that these cases were anything but routine.

News reports indicate that the Justice Department did not make a recommendation for or against clemency in these cases like it normally does. There is no excuse for the Department to stand neutral on very significant requests such as these. Also, the terrorists apparently did not personally take the proper steps to seek the relief, given that one of the conditions for clemency was that the prisoners had to sign statements requesting it.

Although the White House says the members were not convicted of committing murder or physical injury, it is clear that these criminals were actively involved in the militant group. Making bombs and transporting firearms designed to carry out the reign of terror, or committing armed robbery to finance the deeds, is not fundamentally different from personally harming innocent victims. They were conspirators in the FALN, a terrorist group, and they received stiff prison terms for good reasons.

News reports indicate that the law enforcement organizations that reviewed the issue, including the FBI and Federal Bureau of Prisons, recommended against it. Also, law enforcement organizations have expressed strong opposition.

The opposition is based on good reasons. America has long had a firm policy of intolerance regarding terrorism. Granting clemency to members of the FALN sends the wrong message about America's commitment to fighting terrorism. In fact, it sends the wrong message about America's commitment to fighting crime at home.

It is telling that the FALN terrorists did not immediately agree to the simple conditions that the President placed on his generous offer. It took them weeks to agree to renounce the use of violence and submit to standard conditions of parole. Indeed, some never did. Moreover, it does not appear that they have even expressed regret or remorse for their crimes. This is clear from one of the members' appearance on a Sunday news program, where he refused to express sorrow or regret for his crimes.

An obvious question we must ask is whether the President will continue to grant clemency in a way contrary to American interests. I sincerely hope the President will not pardon or commute the sentence of convicted Israeli spy Jonathan Pollard. I sent the President a letter last week asking him to clearly affirm that he will not do this.

I hope the Senate today will invoke cloture on the resolution and express our profound opposition and concern regarding this matter.

Mr. LEAHY. Madam President, the Hispanic whose actions and fate I would like the Senate to focus on for action is Richard Paez. Richard Paez has never been convicted of a crime and is not associated with the FALN. He is not a petitioner seeking presidency clemency. Rather, he is a judicial nominee who has been awaiting consideration and confirmation by the Senate since January 1996—for over 3½ years.

The vacancy for which Judge Paez was nominated became a judicial emergency during the time his nomination has been pending without action by the Senate. His nomination was first received by the Senate almost 44 months ago. This nomination has now been held even longer than the unconscionable 41 months this Senate forced Judge William Fletcher to wait before confirming his nomination last October.

Judge Paez has twice been reported favorably by the Senate Judiciary Committee to the Senate for final action. He is again on the Senate calendar. He was delayed 25 months before finally being accorded a confirmation hearing in February 1998. After being reported by the Judiciary Committee in March 1998, his nomination was held on the Senate Executive Calendar without action for over 7 months, for the remainder of the last Congress.

Judge Paez was renominated by the President again this year and his nomination was stalled without action before the Judiciary Committee until late July, when we were able to have his nomination reported again. The Senate refused to consider the nomination before the August recess. I have repeatedly urged the Republican leadership to call this nomination up for consideration and a vote. If they can make time on the Senate floor for debate and consideration of a Senate resolution commenting on the clemency grant, which is a power the Constitution invested in the President without a congressional role, the Senate should find time to consider the nomination of this fine Hispanic judge.

Judge Paez has the strong support of both California Senators and a "well-qualified" rating from the American Bar Association. He has served as a municipal judge for 13 years and as a federal judge for four years.

In my view Judge Paez should be commended for the years he worked to provide legal services and access to our justice system for those without the financial resources otherwise to retain counsel. His work with the Legal Aid Foundation of Los Angeles, the Western Center on Law and Poverty and California Rural Legal Assistance for nine years should be a source of praise and pride.

Judge Paez has had the strong support of California judges familiar with his work, such as Justice H. Walter Crosky, and support from an impressive array of law enforcement officials, including Gil Garcetti, the Los Angeles District Attorney; the late Sherman Block, then Los Angeles County Sheriff; the Los Angeles County Police Chiefs' Association; and the Association for Los Angeles Deputy Sheriffs.

The Hispanic National Bar Association, the Mexican American Legal Defense and Educational Fund, the League of United Latin American Citizens, the National Association of Latino Elected and Appointed Officials, and many, many others have been seeking a vote on this nomination for what now amounts to years.

I want to commend the Chairman of the Judiciary Committee for his steadfast support of this nominee and Senator BOXER and Senator FEINSTEIN of California for their efforts on his behalf.

Last year the words of the Chief Justice of the United States were ringing in our ears with respect to the delays in Senate consideration of judicial nomination. He had written: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down." Those words resonate with respect to the nomination of Judge Paez.

I trust the American people recognize who is playing politics with the issue of clemency. I disagreed with the President's decision, but it was his to make. He says that he granted clemency with conditions after study and based on a sense of proportion and justice. The calls for clemency in these cases came from Bishop Tutu, Coretta Scott King, other Nobel peace prize winners, a number of churches and religious groups. It has drawn praise in some circles and criticism in others.

I do not agree with the President, but I caution that the overreaching by Republican critics in the Congress on this is worrisome, as well. To contend that this shows a weakness of resolve against international terrorism is both wrong and may itself be creating a dangerous atmosphere.

We ought to be careful when anyone, let alone the Senate and Congress of the United States, start bandying about declarations that accuse the United States Government of making "deplorable concessions to terrorists," "undermining national security" or "emboldening domestic and international terrorists."

Playing politics with this matter and accusing the President of "undermining our national security" or "emboldening terrorists" carries significant risks. Could a potential terrorist somewhere in the world believe this political rhetoric and be "emboldened" by it? This is risky business. I do not believe the short-term political gain to the other party is worth having the Senate endorse a resolution that might itself have precisely that effect.

The Senate cannot find time to vote on the nomination of Judge Richard Paez or that of Bill Lann Lee to head the Civil Rights Division of that of Justice Ronnie White to be a federal judge in Missouri or any of the scores of other nominees pending before it. The Senate has not completed work on 11 of the 13 appropriations bills that must be passed before October 1. The Republican Congress cannot find time to consider campaign finance reform or pass a real patients' bill of rights or consider raising the minimum wage or reforming Medicare or complete the juvenile crime bill conference, but there is plenty of time for floor debate and on the President's decision to exercise his clemency power. The Senate has had three hearings on judicial nominations all year and the Republican Congress will have that many hearings on the clemency decision this week.

In closing, I ask: If the Senate has the time to debate and vote on this resolution, why does it not have time to vote on the nomination of Judge Richard Paez to the Ninth Circuit?

Mrs. FEINSTEIN. Madam President, I rise to address Senate Joint Resolution 33, regarding the President's granting of conditional clemency to certain Puerto Rican prisoners.

Before addressing the merits of this resolution, I must note that I am troubled by the procedure which has been employed for its consideration. Almost two weeks ago, Senator COVERDELL announced that he would hold a hearing on President Clinton's decision in the Terrorism Subcommittee of the Senate Foreign Relations Committee, this coming Wednesday, September 15. Last Wednesday, the Judiciary Committee also gave notice of a hearing on this subject for September 15. However, notwithstanding these planned hearings, the Republican leadership filed this resolution condemning the clemency and scheduled a vote related to it for today.

Holding a vote before the hearings is akin to having the verdict first, and then the trial.

Nevertheless, since we must vote, I will address the merits of the President's decision, based upon the information which is available to me before the hearings.

At the outset, let me say that serious, thoughtful people urged the President to offer this clemency. These people include former President Carter; eleven Nobel Peace Prize winners, including Archbishop Desmond Tutu and Coretta Scott King; and dozens of religious leaders and organizations. President Clinton's decision was not a frivolous one, nor did it appear from out of thin air.

However, that having been said, I believe strongly that the decision the President made was the wrong one.

In the post-Cold War era, terrorism presents perhaps the greatest threat to our national security. As Ranking Member of the Terrorism Subcommittee of the Judiciary Committee, I have done what I can to assist law enforcement in combating terrorism.

These prisoners were terrorists, and granting them leniency is exactly the wrong thing to do. We have tried in recent years to send a clear, unequivocal message to terrorists: if you plan or commit acts of terrorism against the United States, we will find you, hunt you down, and punish you severely. Until this point, President Clinton's administration carried this message forward forcefully, including, for example, apprehending and punishing the Oklahoma City bombers and taking retaliatory strikes against Osama bin laden. However, the President's decision last month undermines this message.

Some have described these prisoners as political prisoners. They were not. They were terrorists. Let me describe for a minute some of what they did.

These prisoners were members of the FALN, the Armed Forces for National Liberation, which seeks to make Puerto Rico and independent nation, through violent means. While some of them will not admit it, this was alleged and proven in the trials against them.

According to the FBI, and I quote, "In the past, Puerto Rican terrorist groups struggling for Puerto Rico's independence from the United States have been responsible for the majority of terrorist incidents perpetrated by domestic terrorist groups within the United States." The FBI's Terrorist Research and Analytical Center reported in 1996 that the "FALN has been linked to over 130 bombings which have resulted in over $3.5 million in damages, 5 deaths, and 84 injuries."

The prisoners who received clemency were active participants in this campaign of terror. For instance, Alejandrina Torres, Edwin Cortes and Alberto Rodriguez were convicted of conspiring to, and I read now from the indictment against them, "oppose by force the authority of the government of the United States by means of force, terror and violence, including the construction and planting of explosive and incendiary devices at banks, stores, office buildings and government buildings . . . It was a further part of the said conspiracy that the conspirators would claim credit in the name of the FALN for certain . . . bombings through either telephone calls or typed communiques." This is classic terrorist activity.

As part of this plot, Torres and Cortes stockpiled dynamite, weapons, blasting caps and bulletproof vests. Together with Rodriguez, they planned to bomb U.S. military facilities in the Chicago, cased the facilities, and reviewed a communique to be published in conjunction with the planned bombings. They built bombs containing 21 pounds of dynamite. They also planned to use explosives to free FALN leader Oscar Lopez (who also was offered clemency by the President) from prison, to rob a Chicago Transit Authority facility to fund FALN operations, and to harbor another FALN leader who had escaped from prison.

Four others who were offered clemency were convicted in connection with the armed robbery of seven million dollars from a Wells Fargo depot, to fund a similar Puerto Rican revolutionary independence group, Los Macheteros. This is an organization that ambushed a Navy bus and killed two U.S. servicemen and launched a rocket attack at the federal courthouse in Hato Rey, Puerto Rico.

Madam President, building bombs and committing armed robberies on U.S. soil are not political acts. They are crimes, plain and simple, and these people were appropriately locked up for their offenses. It should make no difference that the prisoners had political motivations which some may share. Virtually all terrorists are politically motivated, and many justify their acts in the cause of "national liberation." But terrorism is a cowardly and evil means to achieve such ends, which can never be justified, and which must be punished harshly.

It has been reported that the clemency petition was opposed by the FBI and the Bureau of Prisons. The Fraternal Order of Police has vehemently condemned this offer, calling it a "horrendously bad idea."

Clemency proponents have asserted that these prisoners harmed no one. A former Assistant U.S. Attorney who prosecuted some of these FALN members counters this assertion, noting: "A few dedicated federal agents are the only people who stood in their way. The conspirators made every effort to murder and to maim. It is no small irony that they should be freed under the guise of humanitarianism."

History has shown us that making concessions to terrorists spurs increased terrorism. The President made the wrong decision. I hope and pray that his decision will not have this effect, but I fear it will.

Despite the flawed procedure, I will vote to proceed to Senate Joint Resolution 33, and I will subsequently vote for its passage. Terrorism does not deserve leniency.

● Mr. HATCH. Madam President, the President's ill-considered offer of clemency has now been accepted by 12 of the 16 FALN members, many of whom are now back on the street.

These are people who have been convicted of very serious offenses involving sedition, firearms, explosives, and threats of violence. The FALN has claimed responsibility for past bombings that have killed and maimed American citizens. I pray that no one else gets hurt.

This is yet another example of this Administration sending the wrong message to criminals—be they foreign spies, gun offenders, or—in this case—terrorists.

In this case, it appears President Clinton put the interests of these convicted criminals ahead of the interests of victims, the law enforcement community, and the public.

I think we need to know: Did Attorney General Janet Reno do her job?

Media reports suggest that—notwithstanding the strong opposition of prosecutors, the FBI, the Bureau of Prisons, and the victims of crime, the Department of Justice and the Attorney General apparently did not take a formal position on the matter even though the Department's own rules require doing so.

Here we have another example of what people suspect: The Attorney General is asleep at the switch while the White House runs the Justice Department.

As Chairman of the Senate Committee with oversight of the Department of Justice, I have requested copies of all relevant documents, including the Department's memo to the White House. Even our colleague Senator SCHUMER believes we should have these documents. But, so far, the Department has refused to turn over anything.

The Department and the Attorney General are hiding behind their tired, old ploy of studying whether to assert executive privilege. If the President has confidence that his decision was a just one, then he ought to be willing to hold it up to public scrutiny.

I will hold a hearing on the matter next Wednesday, September 15, at which time we will hear from the law enforcement community and those negatively affected by this grant of clemency.

I believe, Madam President, that our entire nation is victimized by terrorism. A bomb at the World Trade Center, the Oklahoma City Federal Building, or a U.S. embassy abroad has an effect on all of us.

This clemency deal is an insult to every American citizen. This clemency deal is not humanitarian; it is not just.

Exactly what is this? A weak moment? Political favoritism? Another foreign policy miscalculation?

I'll tell you what it is—it is wrong.●

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S.J. Res. 33, a joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists:

Trent Lott, Conrad R. Burns, Ted Stevens, Peter Fitzgerald, Jim Bunning, Larry E. Craig, Michael D. Crapo, Chuck Hagel, Fred Thompson, Bill Frist, Michael B. Enzi, Judd Gregg, Craig Thomas, Jesse Helms, Pat Roberts, and Paul Coverdell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 33, a joint resolution deploring the actions of President Clinton regarding the granting of clemency to FALN terrorists, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. HELMS) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 0, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Bennett
Enzi
Graham
Hatch
Helms
Sessions
Smith (OR)

The PRESIDING OFFICER (Ms. SNOWE). On this vote, the yeas are 93, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1603 to Calendar No. 210, H.R. 2466, the Interior appropriations bill.

Trent Lott, Kay Bailey Hutchison, Gordon Smith of OR, Thad Cochran, Larry E. Craig, Bill Frist, Michael Crapo, Don Nickles, Craig Thomas, Chuck Hagel, Christopher Bond, Jon Kyl, Peter Fitzgerald, Pete V. Domenici, Phil Gramm, and Slade Gorton.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, in view of the fact that seven of our Members are missing, I ask unanimous consent to move the cloture vote to tomorrow following the votes at 10:30.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order, there will now be 5 minutes of debate equally divided between the Senator from Texas and the Senator from California.

Mrs. BOXER. Madam President, I ask if Senator HUTCHISON would like to go first?

Mrs. HUTCHISON. Madam President, I prefer to reserve my time and close.

Mrs. BOXER. Madam President, may we have order in the Chamber, please.

The PRESIDING OFFICER. The point is well taken. Senators will take their conversations to the Cloakroom, please.

The Senator from California.

Mrs. BOXER. Madam President, I have taken the Senate's time on this matter. Here is why: I simply care about the Senate too much to see it be a party to a deliberate scheme by just 5 percent of the oil companies to underpay their royalty payments to our constituents. The Hutchison amendment allows the situation to continue by stopping the Interior Department from fixing it.

How do we know taxpayers are being cheated? First, there are many whistleblowers, former oil executives, who say under oath they undervalued the oil from Federal lands in order to pay less.

Second, settlements are occurring all over the country whereby these oil companies are paying billions of dollars in back royalties to keep their cases out of court.

Senator HUTCHISON has said the Interior Department wants to raise taxes on the oil companies. Royalties are not taxes; they are legal agreements just as your mortgage or rent is. As USA Today says:

> Imagine if one day you decided to lower your rent by 10 percent. No individual could do that. And yet the oil companies are.

You may hear all we need is more time, but this is the fourth rider this Senate has passed, although we have never had a vote on it before. This is the first vote. We have already lost $88 million from the Department of the Interior because of it. These companies should do what 95 percent of them are already doing, base their royalty payments on fair market value.

Senator HUTCHISON has said the oil companies are suffering now and it is bad timing to fix this. I voted, and most of us did, for a bill to help the oil companies. That is fine. But royalty payments must be collected and because they are based on fair market value, they do go down when oil prices are depressed. That is a better deal than most Americans get on their mortgages or their rent.

You may hear about a court case in California that the oil companies won. But that had nothing to do with Federal oil royalties; it was about State royalties.

Finally, the Hutchison amendment is not in the House bill because this is an appropriations bill, and the Hutchison amendment will strip another $66 million out of the Land and Water Conservation Fund. We need those funds very much. Senator HUTCHISON says it is just $10 million. Interior and OMB say $66 million. Regardless, it is a bad rider. I hope you will not vote for cloture.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Texas.

Mrs. HUTCHISON. I yield 1 minute to the Senator from Louisiana, Mr. BREAUX.

Mr. BREAUX. Madam President, I thank the Senator for yielding. In just 60 seconds, it is unfortunate we are voting with a number of Senators absent. I guess we will have to do that.

The question is, How do we value oil? The law says the companies owe the Federal Government, taxpayers, one-sixth to one-eighth of the value of the oil. The problem is, how do you determine the value? It is a very complicated rulemaking procedure that is ongoing to try to determine what are the legitimate deductions and transportation costs, in particular, determining what the fair market value of oil is. We can rush this thing through. It will result in years of litigation. Or we can pause for a few moments, which is what we are asking to be done, to try to negotiate out something to which both sides can agree. I think it makes more sense to pause for a few moments, get the groups together and work it out, rather than run the risk of years and years of litigation. We know what is going to happen then. Nobody is going to win. The American public is not going to win.

I urge we support the Hutchison amendment and get it done in a more realistic and fair fashion.

Mrs. HUTCHISON. I yield 30 seconds to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I rise in support of the Hutchison-Domenici amendment because the MMS's procedures are flawed. Department of the Interior employees involved in the writing of the regulations received $300,000 each from a group that had interests contrary to those of the oil and gas firms.

It is wrong on substance. I will just give one example showing it is flawed. A producer from one oil well producing one kind of oil would be forced to value his oil ten different ways under this MMS proposal.

Mr. MURKOWSKI. Mr. President, I strongly support Senator HUTCHISON's amendment to keep the Department of Interior from spending additional money for one year to implement their flawed oil valuation regulation. I am a cosponsor of the amendment.

Our amendment does two things: First, it puts the Senate on record opposing a Value-added Tax proposed by the executive branch. Second, it prevents MMS from implementing a rule that is so corrupt the Interior Department's inspector general and the Department of Justice are currently investigating $700,000 in payoffs to federal employees involved in the rule.

The CBO scored the impact of this amendment at $11 million. This is the apparent cost of standing up for Congress' constitutional prerogative to raise revenues.

The domestic oil and gas industry is being driven from our shores. During the oil embargo in 1973, we imported 36 percent of our oil. Today, we import 56 percent of our oil. We will continue to burn oil—in fact, we burn a bit more now than we did in 1973. But our own industry is in a death spiral, caused in part by government actions like this. Over 50,000 American families have lost their jobs in the last two years as companies leave the U.S. for foreign shores—foreign shores where it's cheaper to drill and governments encourage domestic energy production.

Without adoption of the Hutchison amendment, we will be saying: "Go ahead. Raise royalties and taxes. We, the U.S. Senate, yield our power to the Executive." This Senator cannot stand by and watch all power flow to the Executive.

"RENT-A-RULE"—POGO, ETC.

Neither can this Senator stand aside when there are serious allegations of payoffs to government employees involved in the rule.

In May of this year, the press began to report that two federal employees—one at the Department of Interior; the other, retired from the Department of energy—had taken $700,000 from a self-described "public interest group" as an "award" for their work in the federal government on the rule to raise royalty rates on domestic oil producers. This group, the project on Government Oversight, or POGO, has not been very effective in its membership drive—it has only about 200 subscribers—but it has been very successful attracting trial lawyers as board members. In fact, the trial lawyers on its board have spent years litigating the very cases on oil value that the proposed DOI rule would benefit if the Boxer Amendment is adopted.

The inspector general and the U.S. Department of Justice public Integrity Section are investigating these payments.

In two letters to the Secretary of Interior, Senators DOMENICI, NICKLES, and I have asked the Department to withdraw the proposed rule pending the outcome of the investigations into whether the employees can take money for "fixing" a rule. The Department has declined to do so twice.

In answering our first letter, DOI said the two had nothing to do with the rule. Senators DOMENICI, NICKLES, and I wrote back, this time providing public documents proving their involvement, and asking them, based upon the evidence, to withdraw the rule.

The response to our second letter was to acknowledge that the two apparently did have some involvement in the rule, but the decision to change the rule was made prior to their official involvement.

The Department's argument is misleading. The two federal employees worked hand-in-glove with POGO to convince the Department to craft a rule to POGO's liking. According to POGO's Executive Director, POGO even arranged for the employees to be specifically requested to testify before a House subcommittee to put pressure on the Department to start a rulemaking.

All the facts suggest that these employees were influential, if not instrumental, in the decision to issue the rule and the content of the rule. After influencing the decision to issue the rule, the employees took part in the public comment phase of the rulemaking. In other words, they were up to their elbows in this issue from start to finish.

A skeptic could conclude that the employees, working with POGO and the trial attorneys who stood to gain from out-of-court settlements, earned their "rewards." POGO, after all, admits they paid them $350,000 each. The Department's position appears to be that POGO paid the wrong bureaucrats.

The public integrity of the public rulemaking process is at stake, even if Secretary Babbitt fails to see it.

In our nation, federal employees are not paid to push rule changes which benefit one party in a lawsuit. This is a dangerous precedent.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we directed the MMS to simplify the oil royalty payments so that companies would know what their fair share is. This is what MMS has come forward with as a simplification.

Companies still do not know what they will owe. They want to pay their fair share. I want them to pay their fair share. Whether they have in the past is not an issue. We are trying to have a fair setting of taxes.

The question is: Who makes tax policy in this country? Is it Congress or is it unelected bureaucrats who are not accountable to the people? We are talking about a 1-year moratorium so that this can be worked out in a way that is acceptable to Congress.

The Senator from California says this only affects 5 percent of the producers. I have a letter from the California Independent Petroleum Association, representing 450 independent oil and gas producers, which says:

> It is false to claim that this rulemaking only affects the top 5 percent of all oil producers. It affects every California producer on Federal land.

Madam President, I urge a vote for cloture so we can have a fair up-or-down vote on this amendment so that Congress will set the policy of this country.

The PRESIDING OFFICER. All time has expired. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on amendment No. 1603 to H.R. 2466, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) is necessarily absent.

The yeas and nays resulted—yeas 55, nays 40, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kyl
Landrieu
Lincoln
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—40

Akaka
Baucus
Bayh
Biden
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—5

Bennett
Graham
Hatch
Helms
Sessions

The PRESIDING OFFICER. On this vote the yeas are 55, the nays 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I enter a motion to reconsider the vote by which the Senate failed to invoke cloture on the pending Hutchison amendment.

The PRESIDING OFFICER. The motion is entered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the nomination of Maryanne Trump Barry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I understand the Chair will now put the question on this nomination.

EXECUTIVE SESSION

NOMINATION OF MARYANNE TRUMP BARRY, OF NEW JERSEY, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. The Senate will now proceed to executive session to consider Executive Calendar No. 210, which the clerk will report.

THE JUDICIARY

The legislative clerk read the nomination of Maryanne Trump Barry, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Mr. LOTT. Mr. President, I also indicate that we will be prepared to confirm two further judicial nominations by consent before we close business this evening. Therefore, there will be no further votes this evening, and the next vote will occur at 10:30 a.m. on Tuesday in relation to the Bryan forestry amendment.

Mr. LEAHY. Mr. President, the confirmation of Maryanne Trump Barry to the Third Circuit—and I predict that she will be confirmed—will bring to 15 the total number of federal judges considered by the Senate all year.

While I am appreciative of this opportunity to consider this nomination, I note that the Republican leadership has chosen to skip over the nominations of Marsha Berzon, Judge Richard Paez, and Ray Fisher to the Ninth Circuit. These nominations have all been on the Senate calender for as long or longer than that of Ms. Barry. The Republican leadership has, again, skipped over the nomination of Justice Ronnie White for the federal court in Missouri, as well.

All of these nominations could and should have been considered before the August recess. Indeed the nominations of Judge Paez and Justice White, should have been considered when they were first reported last year.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the nomination of Maryanne Trump Barry to the United States Court of Appeals of the Third Circuit.

I commend Senator HATCH for moving forward with this nomination. We must ensure that the federal bench is at full strength so that our citizens will receive justice promptly and fairly. The distinguished chairman of the Judiciary Committee deserves thanks from all who believe that our court system is at the core of our precious democratic structure.

Judge Barry's reputation is well known and she has excellent credentials. In 1983, she was nominated to a federal district court judgeship by President Reagan, and since being confirmed for that post she has compiled an impressive record and become a nationally recognized expert on a wide range of criminal and civil law matters.

Her knowledge of criminal law led Chief Justice Rehnquist to appoint her to chair the Committee on Criminal Law of the Judicial Conference of the United States, a position she held from 1993–1996. Additionally, the Federal Judicial Center asked her to make an instructional videotape called "How to Try a Complex Criminal Case" and that tape is played for all new district court judges at their orientation seminar.

In the area of civil law, Judge Barry has issued many important rulings including a decision that Blue Cross was required to pay for a bone marrow transplant for a terminally ill young girl who would have died without the procedure.

New Jersey residents are particularly proud of her decision holding New York City responsible and in contempt for failing to obey a court order designed to prevent garbage and medical waste from New York's Fresh Kills Landfill from drifting onto New Jersey's shore. Not only do her judicial colleagues hold her in high regard, Judge Barry is also well-respected by the many attorneys who have appeared before her. They praise her command of the law, her professional demeanor, and her razor-sharp wit.

As a result of her tenure in the U.S. attorney's office, her 16 years of outstanding service at the district court level, and her legal expertise, Judge Barry is well-prepared for elevation to the circuit court. In fact, she has already sat on the Court of Appeals—by designation—and has written several opinions.

Mr. President, I highly recommend Judge Barry for elevation to the third circuit. As some of my colleagues may know, the third circuit is currently facing a judicial emergency, and the appointment of Judge Barry will help.

To further address this crisis, I hope that the Judiciary Committee will soon take up the nomination of another excellent candidate for the third circuit, Judge Julio Fuentes. I would also be remiss if I did not point out that the elevation of Judge Barry will create another vacancy on the District Court of New Jersey, and so it would be essential that the committee move forward with the nomination of Faith Hochberg to that court.

Mr. TORRICELLI. Mr. President, I rise today in support of Judge Maryanne Trump Barry's confirmation to the Third Circuit Court of Appeals. As a member of the Senate Judiciary Committee, I have followed Judge Barry's nomination closely as it has moved through the confirmation process. During this time, I have been impressed by her candor, intelligence, and qualifications for the position. She has moved through the process quickly, and I believe the overwhelming support for her nomination is evidence of her ability to ultimately fulfill the obligations of serving on the Third Circuit.

Those who know Judge Barry, and have had the pleasure of working with her, have spoken openly of her integrity and thorough knowledge of the law. Some have highlighted her decency, while others have focused upon her razor-sharp wit. However, everyone has agreed on one point—Judge Barry has developed a reputation as a skilled jurist with a judgment and temperament that are highly respected by her peers. The other members of the Senate Judiciary Committee agreed with this assessment, and I was pleased that Judge Barry's nomination was passed out of the Committee by voice-vote on July 29th.

For those who are unfamiliar with Judge Barry's distinguished career, she has graduated with Master's and law degrees from Columbia and Hofstra Universities respectively. Judge Barry first worked for the U.S. Attorney's Office in New Jersey and quickly rose through the ranks. She served as Chief of the Appeals Division, and then as a first assistant to the U.S. Attorney. At the time, Judge Barry was the highest-ranking female prosecutor in any major U.S. Attorney's Office in the country.

In 1983, Judge Barry was appointed to the U.S. District Court by President Reagan. For almost 16 years, she has served as a pragmatic and vocal presence on the bench in Newark, New Jersey. As a former President of the Association of the Federal Bar of the State of New Jersey, Judge Barry has had a tremendous impact on policy across the State. She currently serves on its advisory board, and continues to be highly regarded for her insights and opinions. Judge Barry has consistently impressed me as an extraordinary woman, and one who will continue to distinguish herself. I urge my colleagues to support her confirmation to the Third Circuit Court of Appeals.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Maryanne Trump Barry, of New Jersey, to be United States Circuit Judge for the Third Circuit?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Washington.

ORDER OF BUSINESS

Mr. GORTON. Mr. President, with respect to the Interior appropriations bill, there will be a vote on or in relation to the Bryan amendment and the second-degree Wyden amendment tomorrow morning at 10:30.

It may well be that that will be the last contested matter in connection with this appropriations bill other than the disposition of the Hutchison amendment. I am not entirely certain of that at this point. But we are close to having agreed-upon managers' amendments both with respect to legislative matters and with respect to money matters, with the exception of the motion to reconsider the invocation of cloture.

For that reason, this is a notice and a request to Members that if they have other matters they wish debated, or if they have other matters they wish brought to the managers' attention, they should do so very promptly. We will not in the managers' amendment dispose of all the amendments which were reserved, but I think we probably will be able to take care of all of those that look as if they would be otherwise brought up and voted on.

We are tantalizingly close to finishing. But, of course, we will not finish or go to third reading under the present circumstances at least until after disposition of the motion to reconsider the motion to invoke cloture, and that motion will certainly pass, and there will be at least one more vote on cloture itself.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much.

I would just like to comment upon the vote the Senate has just taken on whether to shut down debate on the Hutchison amendment. I thank very much those colleagues who voted against that cloture motion. I think it is very important that the light and the truth be shone upon this matter. I think the way to do it is to have more discussion.

I just want to say to the Senate that when I made my 2½-minute presentation, it is always very difficult to say everything in your heart in 2½ minutes. But I said the reason I am doing this—there is no other reason in the world for me to be delaying a vote on an amendment—is that I love the Senate too much to see it be a party to such a scheme by just 5 percent of the oil companies to essentially rob this Treasury of millions and millions of dollars.

This is the fourth time that Senator Hutchison has attempted to pass this rider. It never had a Senate vote before. This is the first vote in any way about the Hutchison amendment.

By the way, I know that some people who voted aye on the cloture motion will vote with me on the substance. I am looking forward to that.

But the bottom line is, when we look at this closely, we see a number of things—that most of the oil companies are doing the right thing on their royalty payments. Ninety-five percent of them are doing the right thing. They pay the appropriate royalty when they drill on Federal lands, onshore or offshore, and they send that check over to the taxpayers. You know where the funds go—right into the Land and Water Conservation Fund and Historic Preservation Fund to be used for environmental purposes for the upkeep of our parks and for the upkeep of our historical monuments. We all know from both sides of the aisle that we need to do more for our parks and open space.

As a matter of fact, there are bipartisan proposals to pass legislation to do that. Yet at the same time, too many people seem willing to shut their eyes to a raid on the Treasury that would lower the revenues to the Land and Water Conservation Fund.

You have to ask yourself why the oil companies are so interested in this. I think the answer is in the record. There have been several whistleblowers who have come forward who have stated in the most eloquent of terms that when they were working for the oil companies, the companies purposely undervalued the oil so that they could pay fewer dollars of royalty payments.

As USA Today says, what if we all woke up one day and said: You know, I don't think I am paying a fair amount of rent. Forget about the contract I signed with my landlord. I am just going to cut it back.

It wouldn't be too long before that tenant was out on the street, and rightly so. If he or she signed an agreement, they have to pay it.

What if one of us decided not to pay our mortgage and just say, let's take 10 or 20 percent off the top? The answer is, if we did that on a continual basis, the banker would take over our home, and rightly so, because we signed an agreement.

The oil companies have signed an agreement. They have signed an agreement with the Federal Government, and 95 percent of them are doing the right thing, but 5 percent of them are not.

The Interior Department wants to make sure that those 5 percent do the right thing by clarifying the rules that govern these royalty payments. The Hutchison amendment would stop the Interior Department in its tracks from trying to collect the fair royalties.

I have used another analogy in this debate before. If somebody came running through the Senate Chamber with a big sack of money that he had just stolen from the Treasury, every one of us on both sides of the aisle would stop that individual. Frankly, this is no different.

How do I know that?

The whistleblowers have told us so under penalty of perjury that they sat around and said: Let's undervalue this oil and "wait for the day of judgment." That is what one of the whistleblowers actually said.

How else do we know there is cheating going on?

Look at all the settlements that the oil companies are agreeing to with the various States all throughout our country on this matter. They don't want to go to court. They are afraid they are going to lose because the whistleblowers will get out there—because the facts are there. So they are settling for millions of dollars.

Ironically, Mr. President, I think I even sent it to your office on Friday, two more big oil companies are settling this week for over $100 million rather than take their weak case to the court.

We know that the posted prices they are paying their royalty on are just made up and they are far less than the market price.

All Interior wants to do is fix the situation.

You will hear the argument: It is a bureaucracy run amok. Let me say this: You could say that about anything. But the facts belie that statement because the Interior Department has held many meetings. By the way, they have opened up their rule for further comment.

All I want to say to my colleagues by way of thanking them for this is that because of your standing with me against this cloture amendment, it means we are going to continue to have the American people focus in on this scam. When they do, they are going to want to know who stood with them or who stood with the vertically integrated oil companies that had been getting away with this robbery.

That is all I want. I don't gain anything out of this. There are lots of oil companies in my State. They are not thrilled. This is not something I do to be popular. But if in your heart you know you are right, and if in your heart you don't want to see the Senate associated with this kind of scam, then you have to stand up and be counted. Many of my colleagues, including Senator DURBIN, Senator FEINGOLD, Senator WELLSTONE, and Senator MURRAY, stood with me and entered statements in the RECORD or stood by my side on the floor of the Senate.

I say to my friend, Senator HUTCHISON, she was the one who wanted a vote on Monday originally. The vote was supposed to be held on Tuesday. I did not object to an earlier vote. A lot of people came back for the vote. Therefore, of course, I insisted we have a vote. We are going to have another vote. This could be from my perspective a very short-lived victory. It is true, they could come up with the 60 votes. But I feel good tonight. We have courage on this floor. This was not an easy vote.

Senator FEINGOLD has taken to the floor. He has shown the biggest contributions have come from oil companies. I understand the power of that. I understand that. It is hard to stand up when these 5 percent—and they are the big ones, the billion-dollar companies—call you on the phone and say: Come on, this is just a procedural matter, stick with us.

What will we have in the end? More delay and a $66 million loss to the Treasury on top of the $88 million we have already lost from the Land and Water Conservation Fund. I think if the American people will focus on this, they will thank those colleagues who stood with me today. They are all consumers. They all understand this.

There has been a lot of talk on the floor that oil companies are suffering. I was very strongly in support of helping the oil companies and the steel companies that were in trouble. I am the first one to say we need to give them help. But don't allow 5 percent to cheat the taxpayers. That is a different issue. The interesting thing about royalty payments is they go down when there is a depression in all prices.

Wouldn't it be nice if our rent went down if there was a depression or we lost our job? Wouldn't it be wonderful if our mortgage automatically went down if there was a recession? That is what happens with these royalty payments. They are very fair. They are based on the fair market value of the oil. There is no set price because we want to be fair to the oil companies.

It is a privilege to drill on the people's land. It is a privilege, whether it is offshore or onshore. If it is Federal land, the taxpayers, the American people own that land. We want to make sure we work in a cooperative spirit with those who would like to exploit our resources. Make sure, at the same time, that they are good corporate citizens. What stuns me about this debate is that 95 percent of them are and 5 percent of the oil companies are not.

All the Department of the Interior is saying is: Please, let us straighten this mess out with these 5 percent. It is a lot of money to the Treasury, money that is necessary to keep our parks up, preserve our remaining open space, invest in our historical monuments that this great Nation so cherishes. It is a shame to see these 5 percent of the oil companies—and this is the fourth time this rider is before the Senate—walking off with millions of dollars that belong to the American taxpayers.

Senator HUTCHISON says the Office of Management and Budget is wrong when they say it is a $66 million loss. The Interior Department says it is a $66 million loss. The CBO tells Senator HUTCHISON it is about $11 million. I say it doesn't matter if it is $11 million or $66 million. Maybe it is somewhere in between. It is the principle here of millions of dollars that belong to the taxpayers not winding up in the Land and Water Conservation Fund to take care of our natural resources.

Whether this is a victory for those who believe in fairness and justice and truth, if it is a victory that lasts 24 hours, so be it. To me it is an important point. We have made our point. This is not a trivial debate. This is not a trivial argument. As a matter of fact, I think the Senator from Idaho, Mr. CRAIG, was on the floor and said it is a baseless debate. It is far from baseless. We see that tonight with this vote, however it winds up. This is a divided Senate.

Again, I thank the people who stood for fairness, who stood with the taxpayers, who stood with the environment, who stood with those who say you have to be a good corporate citizen. That is all we are saying. We expect our citizens to be good. Boy, if they don't pay their taxes, we are after them. And don't have the lawyers that the oil companies have on their side to drag out these arguments in court, month after month—ordinary citizens don't have that. If they don't pay their taxes, they have to explain why. If they don't pay their rent, they better explain why. If they don't pay their mortgage, they better tell the bank why.

We shouldn't have a double standard just because an oil company is powerful, just because an oil company can give millions of dollars of contributions, just because an oil company is influential. This day we stood up for the average person. I hope we do it again. For me, it was all worth it.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I think it is very clear that the Senate has seen through all of the rhetoric, through all of the hyperbole, and they have made the right decision on this amendment. I am very proud tonight that if everyone had been here we would have had 60 votes for cloture. As it is, we had 55 votes. The clear will of the Senate is to do the right thing on this issue—not to be led down a path, bringing up issues that are unrelated in order to make a point that isn't relevant to what we are talking about today.

The Senate voted, overwhelmingly, to come to closure and take control of the tax policy of this country. After all, if the Senate doesn't make the tax policy along with our colleagues in the House, are we going to let unelected bureaucrats make decisions that will affect our economy, the jobs of thousands of people, possibly sending them overseas for foreign jobs instead of American jobs? Our Senate colleagues tonight said the Senate of the United States is going to speak on oil and gas tax policy. We spoke very clearly that we want a 1-year moratorium. We hope MMS will do the right thing in giving a simple and fair tax that will be paid by the oil companies for the right to drill on public lands. That is the issue here.

There has been a lot said tonight. First of all, the quote was made from a USA Today article saying that this would be like a lessee saying: I'm not going to pay $500 a month for this apartment; I'm going to pay $400 a month even though I agreed to pay $500 a month.

Actually, it is just the opposite. The oil companies have a contract with the Federal Government. They have met all the criteria that the Federal Government has put down in order to drill on Federal lands. What the Senator from California has asked that we do is to allow the Mineral Management Service to raise the rent on the apartment in the middle of the month. They are breaking a contract and saying: We are going to raise your taxes right in the middle of the contract.

If we allow that to happen, who will be next? Who is the next person who is going to have a contract and have the price increased in the middle of the contract? Contract rights are part of the basis of the rule of law in this country, and we seem to be blithely going over it as if, "It's a big oil company; we can run over them." That is not the rule of law. We should not be raising taxes in the middle of a contract. It is not right and I hope in the end the Senate will prevail and we will make the tax policy for this country.

No. 2, the Senator from California keeps saying only 5 percent of the oil companies are going to be affected by the MMS-proposed rule. In fact, every company that drills on public lands is affected by this ruling. I want to put in the RECORD the letter that was received on September 13, 1999, by the California Independent Petroleum Association.

Dear Senator Hutchison:

The California Independent Petroleum Association represents 450 independent oil and gas producers, royalty owners, and service companies operating in California. We want to set the record straight. The MMS oil royalty rulemaking affects all California producers on federal land. It is false to claim that this rulemaking only affects the top 5 percent of oil producers.

How are California independents affected? The proposed rulemaking allows the government to second guess a wellhead sale. If rejected, a California producer is subjected to an ANS index that adjusts to the wellhead set by the government. Using a government formula instead of actual proceeds results in a new tax being imposed on all producers of federal oil.

I ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA INDEPENDENT
PETROLEUM ASSOCIATION,
Sacramento, CA, September 13, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

CIPA SUPPORTS YOUR AMENDMENT TO EXTEND ROYALTY RULEMAKING AN ADDITIONAL YEAR

DEAR SENATOR HUTCHISON: The California Independent Petroleum Association (CIPA) represents 450 independent oil and gas producers, royalty owners and service companies operating in California CIPA wants to set the record straight. The MMS oil royalty rulemaking affects all California producers on federal land. It is false to claim that this rulemaking only affects the top 5% of all producers.

How are California independents affected? The proposed rulemaking allows the government to second guess a wellhead sale. If rejected, a California producer is subjected to an ANS index that adjusts to the wellhead set by the government. Using a government formula instead of actual proceeds results in a new tax imposed on all producers of federal oil.

It doesn't end, if a California producer chooses to move its oil downstream of the well, the rulemaking will reject many of the costs associated with these activities. Again, to reject costs results in a new tax being levied on the producer.

Senator Hutchison, California producers support your amendment to extend the oil royalty rulemaking an additional year. We offer our support not on behalf of the largest producers in the world but instead on behalf of independent producers in the state of California. Your amendment will provide the needed impetus to craft a rule that truly does affect the small producer and creates a new rulemaking framework that is fair and equitable for all parties.

Again, thank you for offering this amendment. We cannot allow the government to unilaterally assess an additional tax on independent producers. After record low oil prices. California producers are barely beginning to travel down a lengthy road to recovery. To assess a new tax at this time could have a devastating effect on federal production and the amount of royalties paid to the government.

Sincerely,

DANIEL P. KRAMER,
Executive Director.

Mrs. HUTCHISON. Mr. President, I submit for the RECORD the very people who are affected are from the home State of the Senator from California, the small producers, the independents who do not have the luxury of big margins. They are very much affected and very concerned about this rule and what it would do to somebody who has a contract, who says: Pull your truck up and I will sell you 1000 barrels of oil. Here is the price, $12 a barrel.

And the Government says: No, we will not accept the $12 a barrel, even though they are picking it up right there.

That is exactly what the MMS rule does. So every independent is affected and it is the independents who are having to lay people off in this industry because the oil prices have been so low over the last year that they have not been able to stay in business.

Do you know what happens when somebody shuts down? Every family that is dependent on employment from that small producer no longer has a job, and they may live in a place where it is not easy to find another job. The big oil companies just chose to move overseas where they know what the regulatory environment is. They know it is stable. They do not want to create foreign jobs, but that is what they are forced to do because it is so hard to do business in the United States and especially when an unelected bureaucracy is able to change the taxes in the middle of a contract. That is just not the American way.

I am very proud the people of the Senate spoke clearly tonight, very clearly; 55 Members of the Senate voted to make the tax policy in this country.

Congress did hope we could simplify oil royalty rates. We asked the Mineral Management Service to come forward with a simplified system so everyone would know exactly what the price would be to drill on Federal lands. Simply, they have failed so far in the proposed rule.

This is the diagram of what will happen if this rule goes into effect against the wishes of Congress that we simplify it so oil companies will know what they owe without question. By the time you go through all of this, how could anyone know for sure what they owed?

Furthermore, the MMS will not allow the ruling for one company on oil royalty rates and the basis for those rates to apply to any other person who is drilling, unlike the IRS, which will give you a ruling letter so you will know this is the precedent, this is the way the IRS will treat this particular fact situation so anyone else with the same fact situation can rely on the precedent and can give IRS that ruling document and know they will be treated the same. That is not the case. The MMS refuses to be bound by the precedents they set themselves, even if the facts happen to be the same. That is not sound policy. That is not fair treatment for the taxpayers and the people doing business and creating jobs in our country.

The Senate has clearly spoken. The question is, Will the Senator from California let the majority rule? Will the Senator from California say 55 Members on both sides of the aisle have voted for Congress to set tax policy and to require the oil companies to pay a fair price for drilling on public lands? That is the question.

The Senate has voted 55, with 5 Members missing—according to the votes that have been taken it will be 60 votes if everyone is here and voting. So we have the vast majority to invoke cloture, and the question is, Will the Senator from California do the honorable thing? She said earlier in this debate she wanted fair treatment of this amendment. Fair treatment means an up-or-down vote on the amendment. So the question is, in the face of the overwhelming majority of the Senate who want to do the right thing, who want fair taxation of our oil and gas industry, will she let the majority rule? She said, in the CONGRESSIONAL RECORD on September 9:

> Mr. President, I thank the chairman of the committee for being so gracious in preserving my rights. My friend from Texas and I feel equally strongly on the point, just on different sides. I think each of us wants to have justice done on the amendment.

If the Senator from California will stick with her commitment that we would have justice done on the amendment, she will allow the majority to rule. The majority has heard the debate on this issue; they have seen through the rhetoric; they have seen that lawsuits are not a part of making a fair rule. They have seen it is the responsibility of Congress to set policy because we do have accountability. We are accountable to the people.

So if the Senator from California means to do justice by the amendment, as she stated on September 9 in the CONGRESSIONAL RECORD, she will let us have an up-and-down vote on this amendment and let the majority rule in the Senate.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN EAST TIMOR

Mrs. FEINSTEIN. Mr. President, like many of my colleagues, I was pleased yesterday when President B.J. Habibie of Indonesia agreed to work with the United Nations to allow international peacekeepers to restore peace and stability to East Timor. The reprehensible wave of violence that engulfed East Timor in the week following the announcement of the August 30 referendum was inexcusable, and demands the harshest condemnation by the international community.

But, more importantly, the international community must now work to bring an immediate end to the violence in East Timor, protect refugees, safeguard humanitarian aid for displaced persons, and work with Indonesian troops already in East Timor to see to it that they fulfill their mission of protecting the East Timorese.

On August 30, close to 98 percent of the eligible voters of East Timor went to the polls for the United Nations sponsored vote on East Timor's autonomy. This vote was in keeping with the May 5 agreements between Indonesia, Portugal, and the United Nations regarding the future of East Timor.

On September 4, the Secretary General of the United Nations announced the outcome of the August 30 vote, and the results show that the people of East Timor have spoken with a clear voice: 78.5 percent rejected autonomy in favor of complete independence from Indonesia.

Under the May 5 agreements, if East Timor opted for independence, the Government of Indonesia committed itself to a process of peaceful and constitutional change, in which the United Nations would oversee the transition to independence for East Timor.

Unfortunately, following the Secretary General's announcement of the clear, overwhelming, and freely-expressed choice of the East Timor people, anti-independence militias, backed by the Indonesian military and police, began a systematic and organized campaign of terror, violence and intimidation in an effort to overturn the will of the people of East Timor.

The criminal action undertaken by the militias and their backers in the Indonesian military are reprehensible: mass looting, arson, systematic destruction of infrastructure, and most disturbing of all, murder.

According to the United Nations, hundreds, and possibly thousands, have been killed and more than 200,000 people have been forced to flee their homes. There are also reports of mass killings and a systematic campaign of political assassination.

The May 5 Agreements between the Governments of Indonesia and Portugal and the United Nations mandated the popular vote on the offer of autonomy and clearly delegated responsibility for peace and security before, during and after the ballot process to the Government of Indonesia. And the Government of Indonesia freely agreed to take on that responsibility.

Yet, in the face of widespread violence, the Indonesian army and police forces have stood aside and, worse, assisted the anti-independence militias. I, like many of my colleagues, was startled by the Government of Indonesia's unwillingness or inability to control its own military forces and police in East Timor.

Now that the Government of Indonesia has agreed to work with the United Nations to restore peace to East Timor, there is much work to be done.

First, I am heartened by the willingness of the Australian government to lead peacekeeping efforts to restore peace in security to East Timor, by the willingness of the states of ASEAN to participate in this peacekeeping mission, and by the efforts of the United Nations Security Council to engage the Government of Indonesia to address these issues. The United States, along with our partners in the United Nations and the international community, must be responsive to these efforts and provide appropriate assistance.

Second, I believe that it is essential that the international community condemns the acts of violence that have occurred in East Timor in the past week—as it has in Bosnia, Kosovo, Rwanda, and elsewhere—and urge a complete investigation into any criminal acts with those responsible being brought to justice.

Third, now that the Government of Indonesia has agreed to allow international peacekeepers into East Timor, I am hopeful that it will continue to work with the United Nations to implement the August 30th vote and safeguard East Timor's transition to independence. The United States and the international community must remain engaged and involved with this transition, and strongly encourage the Government of Indonesia to make those changes that the people of East Timor in the August 30 referendum overwhelmingly supported.

Lastly, I believe that President Clinton's decision to review U.S. international financial and military assistance to Indonesia in the context of the violence in East Timor was wholly appropriate, and that Jakarta must understand that as much as we value our relations with the people of Indonesia, future U.S. assistance will depend on their continued cooperation with the international community in resolving this deplorable situation.

Mr. President, the people of East Timor have made their feelings clear. They want a peaceful transition to independence. The Government of Indonesia has made a commitment that they would grant the people of East Timor independence and oversee a peaceful transition. As the Government of Indonesia has belatedly recognized, it must live up to its commitments. The international community can play a crucial role in providing support and helping guarantee the security of the people of East Timor in this transition to independence. We must not let them down.

EFFECTIVE EXPORT CONTROLS

Mr. AKAKA. Mr. President, as Ranking Member of the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services, I wish to call attention to an important briefing given to Senate staff just prior to the August recess by Administration officials from the U.S. Customs Service and the U.S. Census Bureau on the new Automated Export System (AES).

The AES is a joint venture between the U.S. Customs Service and the Foreign Trade Division of the U.S. Census Bureau. AES provides for the electronic filing of the Shipper's Export Declaration (SED) and electronic filing of the outbound manifest. AES is an information gateway designed to ensure compliance with and enforcement of laws relating to exporting. It will improve the collection of trade statistics and improve customer service. Its goal is a paperless reporting of export information by the year 2002.

I believe the AES will become the centerpiece of efforts to improve the effectiveness of the United States' export control program.

Last June Senator THOMPSON, Chairman of the Governmental Affairs Committee, held very important hearings on the findings and recommendations of reports issued by the Inspectors General from six U.S. agencies involved in the export control process: namely, the Departments of Commerce, Defense, Energy, State, Treasury (U.S. Customs), and the Central Intelligence Agency. One of the critical recommendations made by several of the Inspectors General was that licensing officials should perform "cumulative effect analysis" of proposed export transactions. The primary tool for this analysis will be information gathered in the AES.

Furthermore, the recent report from the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, chaired by former CIA Director John Deutch, entitled "Combating Proliferation of Weapons of Mass Destruction," also highlighted the AES program as a central tool for improving the overall performance of our export control program. The Deutch Report observed that the AES could be used as a tool to identify trends in shipments of otherwise nonstrategic items that might be used by rogue nations pursuing the development of weapons of mass destruction.

Based upon the Deutch Commission's recommendation, Senator SPECTER introduced a bill, S. 1372, entitled "Proliferation Prevention Enhancement Act of 1999." This bill mandates that U.S. companies electronically files Shipper's Export Declarations (SEDs) through AES for exports of items that are on the U.S. Munitions List of the Commerce Control List. I commend my colleague for his efforts to improve the overall effectiveness of our export control program which is so essential to preserving our nation's security. I am a cosponsor of this legislation and urge its support. Our continued oversight of exports of dual-use and munitions list items will help ensure that exports do not go awry to rogue nations or individuals.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United Nations and of the participation of the United States therein during the calendar year 1998. The report is required by the United Nations Participation Act (Public Law 79-264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 1999.*

MESSAGE FROM THE HOUSE

At 12:54 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 180. Concurrent resolution expressing the sense of Congress that the President should not have granted clemency to terrorists.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2684. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5111. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radioactive Contamination Control Guide" (DOE G 441.1-9), received September 7, 1999; to the Committee on Energy and Natural Resources.

EC–5112. A communication from the Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency, transmitting, pursuant to law, a report relative to conditional pesticide registrations for 1997 and 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5113. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar years 1996, 1997, and 1998; to the Committee on Governmental Affairs.

EC–5114. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC–5115. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated August 17, 1999; to the Committee on the Budget.

EC–5116. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received September 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5117. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Bone Cement; FD&C Blue No. 2-Aluminum Lake on Alumina", received September 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5118. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received September 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5119. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Application Period for Temporary Housing Assistance; 64 CFR 46852; 08/27/99" (RIN3067–AC82), received September 7, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5120. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the adequacy of the nation's marine transportation system; to the Committee on Commerce, Science, and Transportation.

EC–5121. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Public Financing of Presidential Primary and General Election Campaigns", received September 7, 1999; to the Committee on Rules and Administration.

EC–5122. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Chemical Weapons Convention, Revisions to the Export Administration Regulations; States Parties; Licensing Policy Clarification" (RIN0694–AB67), received September 7, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5123. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Transfers of Capital from Banks to Associations" (RIN3052–AB80), received September 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5124. A communication from the Under Secretary, Food, Nutrition and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Food Stamp Provisions of the Balanced Budget Act of 1997" (RIN0584–AC63), received September 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5125. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: 1998-Crop Peanuts, National Poundage Quota, National Average Price Support Level for Quota and Additional Peanuts, and Minimum Commodity Credit Corporation Export Edible Sales Price for Additional Peanuts" (RIN0560–AF81), received September 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5126. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "High-Temperature Forced-Air Treatments for Citrus" (Docket No. 96–069–4), received September 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5127. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Removal of Quarantined Area" (Docket No. 98–083–6), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5128. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Southwest Plains Marketing Area—Suspension" (DA–99–06), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5129. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Increased Assessment Rate" (FV99–948–1 FR), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5130. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Fiscal Period Change" (FV99–955–1 IFR), received September 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5131. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Changes to Pack Requirements" (FV99–906–3 IFR), received September 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–348. A resolution adopted by the Board of Supervisors of Latimer County, Oklahoma relative to the English language; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title.

S. 566. A bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes (Rept. No. 106–157).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 1577. A bill to assure timely, rational, and complete Federal Communications Commission resolution of all pending proceedings reexamining the current radio and television broadcast stations ownership rules; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 1578. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Finance.

By Ms. SNOWE:

S. 1579. A bill to amend title 38, United States Code, to revise and improve the authorities of the Secretary of Veterans Affairs relating to the provision of counseling and treatment for sexual trauma experienced by veterans; to the Committee on Veterans' Affairs.

By Mr. ROBERTS (for himself, Mr. KERREY, Mr. CRAIG, Mr. BURNS, Mr. BAUCUS, Mr. GRASSLEY, Mr. SANTORUM, Mr. CRAPO, Mr. JOHNSON, Mr. THOMAS, Mr. BROWNBACK, Mr. HAGEL, Mr. DASCHLE, Mr. HARKIN, Mr. ENZI, Mr. INHOFE, and Mr. CONRAD):

S. 1580. A bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself and Mr. COCHRAN):

S. Res. 182. A resolution designating October, 1999, as "National Stamp Collecting Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1577. A bill to assure timely, rational, and complete Federal Communications Commission resolution of all pending proceedings reexamining the current radio and television broadcast stations ownership rules; to the Committee on Commerce, Science, and Transportation.

BROADCAST OWNERSHIP REFORM ACT OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation that will make federal radio and television ownership rules Y2K compatible.

When Congress passed the Telecommunications Act of 1996 almost four years ago, we recognized that the forty-year-old rules restricting broadcast station ownership were badly outdated and in need of change. They reflected a mass media industry made up of radio stations, TV stations, and newspapers—and that's all. None of the dominant new multichannel media like cable TV, satellite TV, or the Internet figured in, because they didn't exist.

But they exist now, and they have transformed the way Americans get their news, information, and entertainment. As more and more people turn to cable channels and the Internet as their preferred means of electronic communications, the audience and revenues of the big TV networks have plummeted, and the number and circulation of daily newspapers have spiraled downward.

The days when Huntley, Brinkley and Cronkite on the air, and the *Times*, the *Post*, and the *Tribune* at the breakfast table dominated our perspectives on the issues are forever gone. In their place are CNN, CNBC, MSNBC, and the innumerable web sites available on the Internet.

Even more important, Americans today are no longer just passive recipients of the news and views doled out by a handful of powerful TV networks and daily newspapers. Today, thanks to the Internet, anyone on line can pose questions and exchange perspectives with anyone else on line.

In other words, the days when network news and big-city newspaper editors were the dominant opinionmakers are long over. But the restrictive ownership rules that were a product of that time aren't over. Like so many federal regulations, they live on, despite the fact that they're as out-of-date as Alice Kramden's ice box.

The proliferation of alternative sources of electronic news, information and entertainment hasn't just made the old ownership rules useless—it's actually made them harmful. Faced with daunting competition from these new media, broadcasters, and especially newspaper owners, must have the opportunity to realize the increased operating economy and efficiency that liberalized ownership rules make possible. If we do not allow this to happen, we place the future of these older media in even greater doubt in today's hypercompetitive market.

Congress recognized all this when it directed the FCC to review all its broadcast ownership rules every two years. Although the Commission recently overhauled some of these rules, it left two others intact—the national network ownership limit and the ban on owning a daily newspaper and a broadcast station in the same market.

That's not consistent with what Congress told the Commission to do, and it isn't fair. We told the Commission to reexamine all the rules precisely because all the rules, not just some of the rules, have been rendered counterproductive by the changes that have taken place in the electronic mass media marketplace. In fact, the rule that's arguably the most hopelessly anachronistic is the newspaper/broadcast cross-ownership ban—yet the FCC shows no sign of budging on it.

Mr. President, this bill corrects this situation. With respect to the national TV ownership limits, it follows the approach Congress used in the 1996 Telecommunications Act by raising the national audience reach limitation from 35 to 50 percent, and allows the FCC to raise it further if the public interest warrants it. It eliminates the newspaper/broadcast cross-ownership ban, but would allow the FCC to reimpose it if the Commission can do so by January 1, based on the extensive record that has been pending before them for over three years.

Mr. President, there are lots of policy cobwebs that have kept these rules in place despite the permanent and unmistakable changes the electronic media market has undergone. Some of them spring from the notion that broadcasting, as a free rider on the public's multibillion-dollar spectrum, can and should be subject to regulation over and above that of other media. Others are stubbornly ingrained notions of how powerful the TV networks and newspapers are. Still others—the least worthy—are scars left over from what particular newspapers have had to say on their editorial pages.

Nobody is less sympathetic than I am to the fact that broadcasters, unlike other users of the public's spectrum, pay nothing for the privilege. But subjecting them to anachronistic, even counterproductive, rules isn't a substitute for lost spectrum revenues. And remembrances of things past, whether they be the long-gone days of network TV hegemony or old stories in the local newspaper, are no way to deal with the problems of the present.

Uncle Miltie TV ownership rules don't work in a Chris rock media market. Let's face that fact, shed our outdated notions, and finish the job the FCC didn't

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadcast Ownership Reform Act of 1999".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The contemporary electronic mass media market provides consumers with abundant alternative sources of news, information and entertainment, including radio and television broadcast stations, cable television systems, and the Internet.

(2) Due to the advent of digital technology, these alternative sources of electronic news, information and entertainment are converging as well as proliferating.

(3) The simultaneous proliferation and convergence of electronic mass media renders technology-specific regulation obsolete.

(4) The public interest demands that the Federal Communications Commission reexamine its technology-specific regulation of electronic mass media to assure that it retains its relevance in the face of the proliferation and convergence of electronic mass media.

(5) Section 202(h) of the Telecommunications Act of 1996 recognized that there is a particular public interest need for the Federal Communications Commission to periodically and comprehensively reexamine its radio and television broadcast ownership rules, which predate the proliferation and convergence of alternative competing electronic sources of news, information and entertainment.

(6) Although the Commission has reexamined and revised its broadcast duopoly and one-to-a-market ownership rules, it has not completed long-pending reexaminations of its national television station ownership restrictions or the newspaper-broadcast cross-ownership prohibition.

(7) The Commission's failure to simultaneously resolve all its pending broadcast cross-ownership rules fails to recognize, as Congress did in enacting section 202(h), that the proliferation and convergence of alternative electronic media implicates the bases of the national television ownership rules and the newspaper broadcast cross-ownership rules no less than the bases of the local radio and television station ownership rules.

(8) The Commission's failure to simultaneously resolve all its broadcast cross-ownership rules will affect all potential buyers and sellers of radio and television stations in the interim, because the current restrictions will prevent networks and newspaper publishers from engaging in station transactions to the extent they otherwise might.

(9) The Commission's failure to simultaneously resolve its pending proceedings on

the national television ownership and newspaper/broadcast crossownership restrictions is arbitrary and capricious, because it treats similarly-situated entities—those bound by ownership rules that predate the advent of increased competition from alternative electronic media—differently, without any consideration of, or reasoned analysis for, this disparate treatment.

(10) The increase in the national television audience reach limitation to 35 percent mandated by section 202(c)(1)(B) of the Telecommunications Act of 1996 was not established as the maximum percentage compatible with the public interest. On the contrary, section 202(h) of that Act expressly directs the Commission to review biennially whether any of its broadcast ownership rules, including those adopted pursuant to section 202 of the Act, are necessary in the public interest as a result of competition.

(11) The 35-percent national television audience reach limitation is unduly restrictive in light of competition.

(12) The newspaper/broadcast cross-ownership restriction in unduly restrictive in light of competition.

(13) The Commission's failure to resolve its pending proceedings on the national television ownership and newspaper/broadcast cross-ownership restrictions simultaneously with its resolution of the proceedings on the duopoly and one-to-a-market rules does not serve the public interest.

SEC. 3. INCREASE IN NATIONAL TELEVISION AUDIENCE REACH LIMITATION.

(a) IN GENERAL.—The Federal Communications Commission shall modify its rules for multiple ownership set forth in section 73.3555(e) of its regulations (47 C.F.R. 73.3555(e) by increasing the national audience reach limitation for television stations to 50 percent.

(b) FURTHER INCREASE.—The Commission may modify those rules to increase the limitation to a greater percentage than the 50 percent required by subsection (a) if it determines that the increase is in the public interest.

SEC. 4. TERMINATION OF NEWSPAPER/BROADCAST CROSS-OWNERSHIP RULE.

(a) IN GENERAL.—The newspaper/broadcast cross-ownership rule under section 73.3555(d) of the Federal Communication Commission's regulations (47 C.F.R. 73.3555(d)) shall cease to be in effect after December 31, 1999, unless it is reinstated by the Commission under subsection (b) before January 1, 2000.

By Ms. SNOWE:

S. 1579. A bill to amend title 38, United States Code, to revise and improve the authorities of the Secretary of Veterans Affairs relating to the provision of counseling and treatment for sexual trauma experienced by veterans; to the Committee on Veterans' Affairs.

VETERANS SEXUAL TRAUMA TREATMENT ACT

Ms. SNOWE. Mr. President, I rise today to introduce the Veterans Sexual Trauma Treatment Act, legislation authorizing a program within the U.S. Department of Veterans Affairs (VA) which will offer counseling and medical treatment to veterans who suffered from sexual abuse while serving in the armed forces.

I have nothing but the utmost respect for those who have served or are currently serving their country in uniform. Countless men and women, and their families, have served this country with courage, honor and distinction. Today, as they have throughout this proud nation's history, they stand ready to answer the call to duty, and they deserve, at the very least, to serve free from the threat of sexual abuse and harassment. And yet, an estimated 35 percent of all female veterans report at least one incident of sexual harassment during their military service. That it why I am introducing this legislation today.

The Veterans Sexual Trauma Treatment Act, which is similar to legislation introduced in the House of Representatives by Representative GUTIERREZ, will enable former military personnel who were subjected to sexual harassment or abuse while in the military to receive proper medical and psychological care. The legislation does so by extending and improving the VA's abuse counseling initiatives.

The bill makes permanent a program to require the VA to provide counseling to veterans to overcome psychological trauma resulting from a physical assault or battery of a sexual nature, or from sexual harassment, which occurred during active military service. Under current law the program authorizing such counseling expires in 2001.

The bill authorizes the program to include appropriate treatment, and requires a VA mental health professional to determine when such counseling and treatment is necessary. Currently, the VA Secretary makes this determination.

The bill also calls for the dissemination of information concerning the availability of counseling services to veterans, through public service and other announcements. It also calls for a report on joint DOD/VA efforts to ensure that military personnel are informed upon their separation from service about available sexual trauma counseling and treatment programs.

Most importantly, the bill eases restrictions under the existing program. I find it very troubling, for example, that women with fewer than two years of service are not eligible for counseling, even if they separated from the military due specifically to incidents of harassment or abuse.

According to the DOD, over 5 percent of female active duty personnel have been sexually assaulted while in the service. And a recent survey conducted for the Pentagon found that between 1988 and 1995, the percentage of active duty women who reported that they had received uninvited or unwanted sexual attention stood at 55 percent, while the percentage for men stands at 14 percent.

The survey also reported that 78 percent of female respondents said they had experienced one or more specific types of unwanted behaviors from a range of specified inappropriate behaviors.

Eighty eight percent of females said the harassment occurred on a base; 74 percent said the harassment occurred at work; 77 percent said it occurred during duty hours; 44 percent said that military coworkers of equal rank were the perpetrators; and 43 percent said the perpetrator was of a higher rank.

These findings are very disturbing. The data illustrates just how widespread this problem is, and indicates the need for a program to treat victims upon separation from active duty service. I credit the DOD with working to reduce the prevalence of sexual harassment in the military. However, as long as there is harassment and abuse in the military, it is vital that victims have access to counseling while on active duty and after separation from the service as well.

We expect active duty servicemen and women to make extraordinary sacrifices to safeguard the democracy we cherish. We should not expect them to accept abuse and harassment while they serve.

The legislation I am introducing today is aimed specifically at ensuring that veterans have access to abuse counseling after they leave the military. It has the backing of the VFW, Vietnam Veterans of America, the American Legion, and AMVETS.

I urge my colleagues to join me in a strong show of support for this legislation.

By Mr. ROBERTS (for himself, Mr. KERREY, Mr. CRAIG, Mr. BURNS, Mr. BAUCUS, Mr. GRASSLEY, Mr. SANTORUM, Mr. CRAPO, Mr. JOHNSON, Mr. THOMAS, Mr. BROWNBACK, Mr. HAGEL, Mr. DASCHLE, Mr. HARKIN, Mr. ENZI, Mr. INHOFE, and Mr. CONRAD):

S. 1580. A bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. ROBERTS. Mr. President, I rise today to introduce on behalf of myself, Senator KERREY of Nebraska, and a bipartisan group of 17 of our colleagues—including a majority of the members of the Senate Agriculture Committee, the "Risk Management for the 21st Century Act."

This legislation represents a significant step in improving the risk management tools available to producers throughout the United States.

In early March, Senator KERREY and I joined to introduce S. 529, the "Crop Insurance for the 21st Century Act." At the time, we stated that we did not necessarily believe it was "the bill," but that we hoped it would serve as the starting point for a discussion that would lead to the introduction of a comprehensive piece of legislation to improve the risk management tools available to producers throughout the U.S. and which could be supported by a majority of our colleagues.

I believe this is that bill. Going back to last fall and through this spring and summer, we have been involved in literally hundreds of hours of discussions with producers, commodity and farm organizations, insuranceproviders, insurance agents, and Members of the House and Senate regarding what needs to be done to improve the risk management tools available to our farmers and ranchers.

The bill we introduce today is the product of these many discussions.

This bill includes many of the provisions included in the original Roberts/Kerrey legislation, but it also includes many new provisions recommended during our discussions with Members and agricultural organizations. These include:

An inverted subsidy structure.

An equal level of subsidy for revenue insurance products.

APH adjustments for producers suffering multiple years of crop losses.

APH adjustments for new and beginning farmers, those farming new land, and those rotating crops.

Instructions to undertake alternative rating methodologies for low risk producers and regions and crops with low participation percentages and to then implement this new rating system. This at the request of many of our southern colleagues.

Changes in prevented planting and incentives to encourage producers to take additional risk management measures. Similar to car insurance, if you take drivers education classes you get an additional discount on your premium. Under our legislation, producers who take additional risk management steps will also receive a bonus discount on their premiums.

Authority for several pilot programs, placing special emphasis on polices to explore coverage for livestock and to expand the quality and levels of coverage available to specialty crops.

Mr. President, in addition to the many changes mentioned above, our legislation also provides for major changes in the Risk Management Agency (RMA) and the regulatory process governing the crop insurance program.

We change the members of the Federal Crop Insurance Corporation's Board of Directors to include:

Four Farmers from geographic regions to be determined by the Secretary.

One member active in the crop insurance industry.

One member with reinsurance expertise.

The Undersecretary for Farm and Foreign Agricultural Services, the Undersecretary for Rural Development, and the USDA Chief Economist.

Make the FCIC the overseer of RMA.

Create an Office of Private Sector Partnership to serve as a liaison between private sector companies and the FCIC Board of Directors.

Allow companies to charge minimal fees to other companies selling their products, in order to allow the recovery of research and development costs.

Mr. President, our legislation also focuses on several areas that I want to place special emphasis on because they are areas that I know are of interest to many of my colleagues and which some often think those of us in the Midwest and Plains States tend to ignore.

The first deals with program compliance. We have heard complaints from some of our colleagues and specific commodity groups that fraud exists in several areas of the country. Let me make clear, Senator KERREY and I oppose any attempts to defraud the crop insurance program.

To prevent this fraud, the legislation calls for penalties of up to $10,000 for producers, agents, loss adjusters, and approved insurance providers that attempt to defraud the program. It also allows for USDA to remove producers from eligibility for all USDA programs if they have defrauded the program. Furthermore, agents, loss adjusters, and approved companies that do business in the program could be banned from participation for up to five years if they have committed fraud.

Mr. President, these provisions are strong and they are clear—those who attempt to defraud the program and taxpayers will be punished.

Mr. President, another concern that Senator KERREY and I have heard repeatedly is the lack of emphasis and prioritization for specialty crops and development of new crop insurance and risk management tools for these crops. We have included many provisions in our legislation to address these concerns.

These specialty crop provisions include:

Changes in the Noninsured Assistance Program that we believe will make it easier to obtain assistance and funding through changes in which commodities can be covered and by allowing payments in some instances irregardless of an area trigger occurring.

Several pilot projects geared specifically towards looking at the feasibility of Gross Revenue and Whole Farm Revenue polices that include coverage for specialty crops.

Requiring the newly created Office of Private Sector Partnership to include staff with specialty crop expertise.

Allow RMA to spend up to $20 million per year to create partnerships with Land Grant Universities, the Agricultural Research Service, National Oceanic and Atmospheric Administration, and other qualified entities to develop and implement new specialty crop risk management options.

Requires 50 percent of RMA's research and development funds to go to specialty crop products development. Additionally, 50 percent of these R&D funds must be contracted out to organizations and entities outside RMA.

Reaffirms the authority of the Specialty Crops Coordinator in RMA. The bill also allows the Specialty Crops Coordinator to make competitive grants for research and development of new products in the specialty crops area.

Contains provisions regarding sales closing dates and the issuance of new polices.

Orders the Specialty Crops coordinator and the FCIC to study the feasibility of offering cost-of production, Adjusted Gross Income (AGI), quality-based policies, and an intermediate coverage level (higher than current CAT coverage) for specialty crops.

Requires the Board to annually review and certify that speciality crops are adequately covered. If insufficient coverage is available for a commodity, the Board can require RMA to undertake R&D activities.

Provides mechanisms whereby the Secretary must take steps to improve participation in the program when total participation for a crop in an individual state falls below 75 percent of the national participation average.

Mr. President, these changes for specialty crops are significant and we believe they give important attention to a group of producers that has often felt neglected in U.S. agricultural policy. I hope that our colleagues will agree and that they will join us in supporting this legislation.

Mr. President, let me also state that I realize some will argue that specific provisions should have been included in this legislation that currently are not. I understand these concerns, but as we developed this bill, we had to determine the priorities of each agricultural region and commodity groups. There is something from this bill that all of us would like to see included, including Senator KERREY and myself, but as a whole it is I believe the best package available.

I also realize that some in this body claim that crop insurance is not necessary and that we do not need to act on this legislation this year. I could not disagree more.

Mr. President, every year our producers put the seed in the ground and believe that with a little faith and luck they will produce a crop. But, sometimes the creeks do rise and the multiple perils of drought, flood, fire, hail, blizzard, pests, and disease get the better or our producers. They must have the tools to manage these risks.

The agricultural and lending communities have spoken loudly, and they all have continually expressed the need to improve the risk management tools available to producers throughout the U.S. It is time for us to move towards action on this issue. The House Agriculture Committee approved legislation prior to the August recess. It is time for the Senate Agriculture Committee to do the same. A majority of the Committee has said as much by supporting our legislation.

Mr. President, we know there are many disagreements within members of the Senate in regards to specific agricultural policy. In fact, Senator KERREY and I have disagreements of our own on the underlying Farm Bill. However, we all agree that our producers today cannot be successful without access to new, improved, and adequate risk management tools. This legislation accomplishes these needs, and I urge my colleagues to join us in working towards an improved crop insurance program and risk management tools.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. BOND) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 391

At the request of Mr. KERREY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 562

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 690

At the request of Mr. SARBANES, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 690, a bill to provide for mass transportation in national parks and related public lands.

S. 693

At the request of Mr. HELMS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 765

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 765, a bill to ensure the efficient allocation of telephone numbers.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential climate change.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1025

At the request of Mr. MOYNIHAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1153

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1153, a bill to establish the Office of Rural Advocacy in the Federal Communications Commission, and for other purposes.

S. 1268

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1268, a bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1325

At the request of Mr. FRIST, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1325, a bill to amend the Applachian Regional Development Act of 1965 to add Hickman, Lawrence, Lewis, Perry, and Wayne Counties, Tennessee, to the Appalachian region.

S. 1332

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1332, a bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

S. 1399

At the request of Mr. DEWINE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1463

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1463, a bill to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

S. 1466

At the request of Mr. THOMPSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of

S. 1466, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of rules establishing or increasing taxes.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. HATCH, the names of the Senator from Oregon (Mr. SMITH), the Senator from Hawaii (Mr. AKAKA), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. HAGEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nevada (Mr. REID), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1528

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

SENATE JOINT RESOLUTION 33

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. COLLINS) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 33, a joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

SENATE CONCURRENT RESOLUTION 53

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Concurrent Resolution 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Maine (Ms. SNOWE), the Senator from North Carolina (Mr. HELMS), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as "National Colorectal Cancer Awareness Month."

SENATE RESOLUTION 133

At the request of Mr. ABRAHAM, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 133, a resolution supporting religious tolerance toward Muslims.

SENATE RESOLUTION 163

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 163, resolution to establish a special committee of the Senate to study the causes of firearms violence in America.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Nevada (Mr. REID), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mr. HELMS), the Senator from Oregon (Mr. SMITH), the Senator from New York (Mr. SCHUMER), the Senator from Washington (Mrs. MURRAY), the Senator from Georgia (Mr. CLELAND), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 182—DESIGNATING OCTOBER, 1999, AS "NATIONAL STAMP COLLECTING MONTH"

Mr. LEVIN (for himself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 182

Whereas over 150 years ago, United States commemorative stamps began honoring the people, places, and events that have shaped our Nation's history;

Whereas in 1999, more than 22,000,000 Americans, including children, collect and learn about our Nation through stamps, making stamp collecting one of the most popular hobbies in our Nation and the world;

Whereas as we stand on the threshold of the 21st century, it is important that we pause to reflect on our Nation's history;

Whereas stamps honor statesmen and soldiers who fought for freedom and democracy, recognize our Nation's scientific and technological achievements, pay tribute to our Nation's artistic legacy, and celebrate the strength of our Nation's diversity;

Whereas starting October 1, 1999, "National Stamp Collecting Month" will transform more than 100,000 schools, libraries, and post offices into learning centers where our Nation's young people can honor the past and celebrate the future through stamps;

Whereas the founders and participants of "National Stamp Collecting Month" include millions of adult and youth collectors, thousands of teachers and schools, the American Philatelic Society, and the United States Postal Service;

Whereas the people, places, and events shaping America today will be United States commemorative stamps tomorrow;

Whereas "National Stamp Collecting Month" will help empower our Nation's children and future generations to study and learn from our Nation's history; and

Whereas as our Nation's children learn the lessons of the past, the children will be better prepared to guide our Nation in the future: Now, therefore, be it

Resolved, That the Senate designates October, 1999, as "National Stamp Collecting Month".

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

BRYAN (AND WYDEN) AMENDMENT NO. 1623

Mr. BRYAN (for himself, and Mr. WYDEN) proposed an amendment to amendment No. 1588 proposed by Mr. BRYAN to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Beginning on page 1, line 3, strike "$1,216,351,000" and all that follows through "management" on page 2, line 4, and insert "$1,225,351,000 (which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 in accordance with section 4(i) of that Act (16 U.S.C. 4601–6a(i))), to remain available until expended, of which $33,697,000 shall be available for wildlife habitat management, $22,132,000 shall be available for inland fish habitat management, $24,314,000 shall be available for anadromous fish habitat management, $28,548,000 shall be available for threatened, endangered, and sensitive species habitat management, $196,885,000 shall be available for timber sales management, and $10,000,000 shall be available for survey and manage requirements of the Northwest Forest Plan Record of Decision, for which the draft supplemental environmental impact statement is to be completed by November 15, 1999, and the final environmental impact statement is to be published by February 14, 2000".

On page 2, line 6, strike "$371,795,000" and insert "$365,795,000".

On page 2, line 11, strike "$122,484,000" and insert "$116,484,000".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation.

The purpose of the hearing is to receive testimony on past and present worker safety issues in DOE facilities at the Gaseous Diffusion Plant in Paducah, Kentucky.

The hearing will take place on Monday, September 20, 1999 from 9:00 a.m. to 1:00 p.m. in the Paducah Community College Fine Arts Auditorium in Paducah, Kentucky.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Kristin Phillips, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The purpose of the hearing is to conduct oversight on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.

The hearing will take place on Wednesday, September 29, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Kristin Phillips, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. HUTCHINSON. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Monday, September 13, 1999, beginning at 9:15 a.m. in the Ceremonial Court Room of the Federal Court Building, Philadelphia, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO CLIFF GULLICKSON

• Mrs. BURNS. Mr. President, I rise today to recognize the Cliff Gullickson family and a group of North-Central Montana farmers that pulled together in true Montana tradition this harvest season.

Cliff Gullickson was killed in a farm accident when the grain truck he was driving to Big Sandy rolled on August 8. Neighbors rallied together the way only agricultural folks can to harvest the Gullickson's grain.

Some of the combines came from 50 miles away for the harvest and all started the day with a prayer for their safety and for Cliff Gullickson. In four hours the remaining 170 acres were harvested.

Don Jenkins, who lives on the northeast border of the Gullickson's farm said, "This is what you do when there's a tragedy. This is their bread and butter. This is their livelihood sitting out in this field." That statement summarizes the attitude and depth of feeling prevalent in farming and ranching.

I extend my deepest sympathies to the Gullickson family for the loss of a fine person who dedicated his life to agriculture and also commend them for their hard work and dedication to the agricultural community.

Additionally, I commend each and every neighbor who lent a helping hand this harvest season in the face of a tragedy.•

NATIONAL ASSISTED LIVING WEEK

• Mr. WYDEN. Mr. President, I rise today to draw the Senate's attention to National Assisted Living Week. The National Center for Assisted Living is sponsoring National Assisted Living Week this week to highlight the significance and the hope that this type of service can provide seniors.

Assisted living is a long term care alternative for seniors who need more assistance than is available in retirement communities, but do not require the heavy medical and nursing care provided by nursing facilities. Approximately one million of our nation's seniors have chosen the option of assisted living in this country. This demonstrates a tremendous desire by seniors and their families to have the kind of assistance that they need in bathing, taking medications or other activities of daily living in a setting that truly becomes their home.

This year's theme of National Assisted Living Week is "A Community of Families" and I think that is appropriate because assisted living encourages the involvement of families in the lives of the residents of assisted living facilities, and because this option can mean so much for seniors and their families.

Oregon has led our nation in pioneering the concept of assisted living and the state spends more state health dollars to provide assisted living services than any other state in our nation. Assisted living has taken different directions in different states and I believe providing these choices for consumers is important to provide security, dignity and independence for seniors.

Assisted living will become even more important as an option of seniors and their families as our nation experiences the tsunami of aging baby boomers. It is important for us to continue to support options that allow seniors and their families a choice of settings in order to assure that they get the level of care that they need.•

IN RECOGNITION OF NATIONAL PAYROLL WEEK 1999

• Mr. SANTORUM. Mr. President, I rise today in recognition of National Payroll Week 1999, which has been designated as September 13–17.

National Payroll Week was founded by the American Payroll Association in 1996 to honor the men and women whose tax contributions support the American Dream and the payroll professionals who are dedicated to processing those contributions.

In particular, the Susquehanna Valley Chapter of the American Payroll Association represents 200,000 residents and 25 businesses in Pennsylvania. These taxpayers contribute millions of dollars to the federal and state treasuries through payroll taxes each year. These taxes help pay for important civic projects including roads, schools, crime prevention, and national defense. In addition, taxpayers and payroll professionals are partners in maintaining the Social Security and Medicare systems.

I ask my colleagues to join me in commending the taxpayers and payroll professionals who, through the payment, collection, and reporting of payroll taxes, have helped make our nation great.•

CONGRATULATING DR. SUPACHAI PANITCHPAKDI

• Mr. BOND. Mr. President, I congratulate Dr. Supachai Panitchpakdi of Thailand on his selection to serve as Director General of the World Trade Organization. Dr. Supachai, Thailand's Deputy Prime Minister and Minister of Commerce, has been an unfailing advocate for the principles of free trade and is an excellent choice to lead this organization. I am very pleased that our faithful friend and ally, the Royal Kingdom of Thailand, will have one of their citizens guiding an international organization.

The agreement reached will split the next term between Dr. Supachai and Michael Moore, the former Prime Minster of New Zealand. As many of my colleagues know, the process for selecting a new Director General was at a standstill for months. Renato Ruggerio of Italy, the first and very successful Director General, finished his term and stepped down at the end of April. Despite the fact that his departure was known well in advance, no consensus on a successor was formed and the post remained vacant at a critical time—the Seattle round of trade talks being on the immediate horizon. Most of the countries of Europe and Asia have been united in their support of Dr. Supachai while the administration has supported Mr. Moore. The agreement reached by the member nations will permit Mr. Moore to serve a three year term to be followed by a three year term for Dr. Supachai.

For those of you unfamiliar with Dr. Supachai's work, as Deputy Prime Minister and Minister of Commerce, his most pressing responsibility has been developing policy to guide his country through their current economic challenges. This included taking a significant role in shepherding important banking and regulatory reforms through the Thai Parliament that are important to the sound economic foundation of his country. The IMF has reported good news for Thailand on the economic front. After experiencing an economic contraction of 8% in 1997, their economy is expected to grow this year by 2–3% with an expected growth rate of 5% in 2000. Their currency, the baht, has stabilized and the government has rebuilt reserves to higher than pre-crisis levels. This is very good news and a positive sign for an economic recovery for all of Asia.

Dr. Supachai was also one of the architects of the economic policies that led his country to merge as a dynamic economic engine in Asia and experience several years of phenomenal economic growth. As Minister of Commerce he has been active in opening the business sector to foreign participation and improving transparency. He helped create the country's Export-Import Bank and has worked very closely with the countries of Southeast Asia in creating the ASEAN free trade zone. In Thailand, he was a strong voice in forging public acceptance of the Uruguay round of trade talks and guiding ratification of the treaty through the Parliament. Throughout the economic crisis, Dr. Supachai's support for free trade has not waivered. His credentials on the issues important to leadership at the WTO speak volumes.

I believe it is important that an individual representing Asia and a developing economy has an important role in a prominent international organization, as Dr. Supachai will have. There are over 400 million people living in Southeast Asia alone, this region will soon be the second largest market for our exports. This region and all of Asia are growing in importance to our economy and security. A strong voice representing the Asian economies is overdue.

The economic collapse in Asia, Russia and other nations did not simply stifle growth of U.S. exports, it put millions of people out of work in these countries, exacerbated the poverty level and in some cases led to social upheaval. Unfortunately, it caused policy makers in many foreign nations to question the pace of globalization and in some cases question the wisdom of globalization. Many countries believe that they have little to gain through expanding trade and everything to lose and that their stake in trade negotiations is limited. I do not agree. Increasing fair trade has contributed greatly to improving the standard of living of Americans and sustaining the growth of our economy and it holds the same potential for our trading partners.

While this is an unfortunate development, it is not one without a solution. The solution is working with individuals like Dr. Supachai who believe in expanding trade and working to improve the role and the economies of developing nations. Rather than being an after thought, we must begin to work with more nations if more are to believe that they have a role in globalization. For the global trading structure to succeed and prosper, all countries must have faith in the trading system and faith that trade deals are being reached to the benefit of all member nations rather than just the most powerful. Dr. Supachai is uniquely suited to facilitate such change and his increased role in the international stage is a very positive development for the World Trade Organization.

Finally, I believe the people of Thailand could have been treated better by the United States in this process. They are our good friends and faithful allies. We on the other hand were slow in selecting a candidate and did not do a good job in forging a compromise. Despite Dr. Supachai's strong advocacy of the principles of free trade, we actively worked against him. Fortunately, groups such as the US-ASEAN Business Council and companies like Boeing were outspoken on Dr. Supachai's strong record on trade issues. This lack of leadership does not enhance the credibility of the WTO and needlessly strains relationships with our friends. But I am confident that the new leadership, Mr. Moore and Dr. Supachai, can overcome these obstacles and look forward to working with them on these issues.

So once again, I congratulate Dr. Supachai on his appointment. He is very strong on promoting expanded trade and I am confident that a leadership role for a representative of a Southeast Asian nation is a positive development for the World Trade Organization. I would like to commend the people of Thailand for their persistence and not backing down in their support of their candidate. I would also like to congratulate Mr. Moore and wish him the best; he is taking control of the organization at a critically important time. I look forward to working with both of these gentleman on the issues that are important to advancing free and fair trade around the world.•

THE ARAB AMERICAN CULTURAL AND COMMUNITY CENTER, HOUSTON, TEXAS

• Mr. ABRAHAM. Mr. President, I rise today to express my sincere congratulations to the Arab American Cultural and Community Center in Houston, Texas. The Center will be hosting its Fourth Annual Gala "Unity of Friendship" in Houston on October 16, 1999, and it is worthy of recognition.

Mr. President, I commend those who have strived so hard to build this Center and make it a vibrant part of the community in Texas. This is an important effort which has advanced and demonstrated the continuing positive contributions of Arab-Americans. This Center has served as a cultural resource center for all nationalities in Houston, but is a special place where Arab-American culture, art, and language can be preserved and carried on for generations to come. It has assisted the children in the Arab American community by teaching them about their ancestors' impressive history and heritage.

I am pleased to recognize the efforts of those involved in this year's banquet and to note that they are generously donating a portion of the proceeds to help very worthwhile humanitarian projects. They are to be commended for their efforts and foresight, and I am pleased to acknowledge them in the United States Senate.•

CONGRATULATIONS TO WHP-AM 580

• Mr. SANTORUM. Mr. President, I rise today to congratulate WHP-AM 580 in Harrisburg, PA as they celebrate their 75th anniversary as a prominent news leader in Central Pennsylvania.

For 75 years, WHP has covered the biggest news stories of the day, including the holocaust, Pearl Harbor, the Korean War, Vietnam, Watergate and the fall of the Berlin Wall.

As the owner of the radio news franchise in the Capitol region, WHMP reaches more than 100,000 people a week. The unique talent at WHP along with their exceptional news coverage and distinct personalities, have contributed to the station's listener loyalty and enthusiasm.

I ask my colleagues to join with me in congratulating WHP on their 75th anniversary and on their commitment to excellence in their news coverage to Pennsylvania and the Capital region.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business Friday, September 10, 1999, the Federal debt stood at $5,652,191,549,114.70 (Five trillion, six hundred fifty-two billion, one hundred ninety-one million, five hundred forty-nine thousand, one hundred fourteen dollars and seventy cents).

One year ago, September 10, 1998, the Federal debt stood at $5,545,658,000,000 (Five trillion, five hundred forty-five billion, six hundred fifty-eight million).

Fifteen years ago, September 10, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million).

Twenty-five years ago, September 10, 1974, the Federal debt stood at $479,580,000,000 (Four hundred seventy-nine billion, five hundred eighty million) which reflects a debt increase of more than $5 trillion—$5,172,611,549,114.70 (Five trillion, one hundred seventy-two billion, six hundred eleven million, five hundred forty-nine thousand, one hundred fourteen dollars and seventy cents) during the past 25 years.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Executive Calendar Nos. 211 and 212. I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

THE JUDICIARY

David N. Hurd, of New York, to be United States District Judge for the Northern District of New York.

Naomi Reice Buchwald, of New York, to be United States District Judge for the Southern District of New York.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MODIFICATION OF LIST OF CONFEREES—H.R. 2670

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the list of conferees for the Commerce, State, Justice appropriations bill be modified to add Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–9

Mrs. HUTCHISON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on September 13, 1999, by the President of the United States: Tax Convention with Slovenia, Treaty Document No. 106–9.

I further ask unanimous consent that the convention be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Republic of Slovenia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Ljubljana on June 21, 1999. Also transmitted is the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. This Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents who are engaged in treaty-shopping or with respect to certain abusive transactions.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 1999.*

ORDERS FOR TUESDAY, SEPTEMBER 14, 1999

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, September 14. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the Bryan second-degree amendment No. 1623 to H.R. 2466, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. HUTCHISON. Mr. President, for the information of all Senators, the Senate will resume consideration of the Bryan second-degree amendment regarding the forest system budget at 9:30 a.m. on Tuesday. By previous consent, a vote on the pending Bryan amendment will occur at 10:30 a.m. tomorrow. Further amendments to the Interior appropriations bill are expected throughout tomorrow's session. Therefore, Senators can expect votes throughout the day in anticipation of completing action on the bill.

In light of today's cloture vote on S.J. Res. 33, the Senate will have limited debate on the resolution with a vote on final passage during tomorrow's session at a time to be determined by the two leaders.

For the remainder of the week, the Senate is expected to begin consideration of the transportation appropriations bill.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. HUTCHISON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Tuesday, September 14, 1999, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate September 13, 1999:

DEPARTMENT OF DEFENSE

JOHN F. POTTER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES

UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2005, VICE T. BURTON SMITH, JR., TERM EXPIRED.

FEDERAL RESERVE SYSTEM

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS, VICE ALICE M. RIVLIN, RESIGNED.

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000. (REAPPOINTMENT)

DEPARTMENT OF STATE

WILLIAM B. BADER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS). (NEW POSITION)

SIM FARAR, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant commander

KURT A. SEBASTIAN, 8559

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

ERNEST J. FINK, 0689
ALAN L. PEEK, 1173
JAMES S. ANGERT, 8064
GERALD R. WHEATLEY, 7092
MARK P. THOMAS, 9144
MICHAEL B. KARR, 2903
JOHN J. O'BRIEN, 0725
KEITH D. CAMERON, 9956
BARRY A. HARNER, 8463
ROBERT C. LORIGAN, 2443
PATRICK A. HARRIS, 7234
JONATHAN D. SARUBBI, 5740
DONALD B. THOMPSON, 9004
BENJAMIN A. WATSON, 6212
WILLIAM M. MOORE, 5516
JOSEPH J. COCCIA, 5693
KEVIN B. SMITH, 2375
RAYMOND J. MILLER, 1721
KENNETH G. THYSELL, 2471
JOSEPH J. SABOE, 6892
JACK R. SMITH, 7217
MARK J. KERSKI, 7962
TEDRIC R. LINDSTROM, 4702
RONALD T. HEWITT, 2694
ROBERT W. DURFEY, 0156
DOUGLAS C. CONNOR, 5203
JEFFREY A. KAYSER, 0504
WILLIAM G. DAVIDSON, 8489
CURTIS B. ODOM, 0922
RICHARD B. CUSSON, 8667
MARK J. SIKORSKI, 8642
MARK H. LANDRY, 3668
PETER J. DINICOLA, 0093
KEVIN P. CARPENTIER, 9176
MASON K. BROWN, 1744
MARK L. MILLER, 0220
CLINTON S. GORDON, 5067
WAYNE N. COLLINS, 7356
JAMES A. WATSON, 5699
BRIAN J. O'KEEFE, 8577
WILLIAM P. LAYNE, 2053
WILLIAM J. WAGNER, 3662

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES H. COOLIDGE, JR., 6287.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

To be colonel

THOMAS G. BOWIE, JR., 2134

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

JAMES W. BOST, 7170
JEAN C. COMEAU, 4049
LOREN M. JOHNSON, 7546
RICHARD L. STAHLMAN, 3409
JAMES K. WRIGHT, 0051

To be lieutenent colonel

PETER A. BAUER, 4932
EVA T. BERRO, 0358
CATHERINE E. BIERSACK, 1340
MARK W. BOWYER, 9822
WILLIAM M. CAMPBELL, 0016
GEORGE W. CHRISTOPHER, 6824
GARY D. CROUCH, 1505
DAVID L. DAWSON, 2157
STEPHEN E. GARNER, 5861
DAN R. HANSEN, 6044
JAMES H. HERIOT, 1797
ROBERT R. IRELAND, 2854
MOON Y. JEU, 5245
PHILIP T. KLAZYNSKI, 7814
JAMES R. KNOWLES, 7038
JAMES R. LITTLE, 7080
ABUBAKR A. MARZOUK, 3146
JAMES S. MOELLER, 9142
SUSAN W. MONGEAU, 2242
RANDALL J. MOORE, 5722
EMMANUEL D. NAVAL, 2983
PAUL A. PHILLIPS, 9679
ODES B. ROBERTSON, JR., 5552
MARC S. ROBINS, 7352
JOSE E. RODRIGUEZVAZQUEZ, 7986
WILLIAM M. ROGERS, 5280
CHRISTOPHER SARTORI, 6349
ROBERT E. SMITH, II, 0353
LAWRENCE W. STEINKRAUS, JR., 0035
KATHLEEN S. TAJIRI, 0213
JEFFREY M. THOMPSON, 9525
JAY A. WINZENRIED, 5519
GROVER K. YAMANE, 1107

IN THE ARMY

THE FOLLOWING NAMED PERSON FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT A. VIGERSKY, 8894

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203 AND 1552:

To be colonel

MICHAEL V. KOSTIW, 6680
DAVID T. ULMER, 9718

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS (MC) AND MEDICAL SERVICE CORPS (MS) UNDER TITLE 10, U.S.C., SECTIONS 531, AND 3064:

To be lieutenant colonel

ROBERT S. ADAMS, 5739 MC

To be major

JEFFREY P. STOLROW, 6058 MS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND CHAPLAINS AND FOR REGULAR (IDENTIFIED BY AN ASTERISK (*)) APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

JON A. HINMAN, 4536 MC

To be major

MARTIN P. CURRY, 5966 MC
LISA M. L. PARKER, 4184 MC
*GLENN R. SCHEIB, 8559 CH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES E. COBB, 2150
AUGUSTUS L. COLLINS, 1451
JOHN E. DAVOREN, 3064
ALBERT E FRANKE, III, 4343
DANIEL J. MCCORMACK, 3799
RANDALL W. MOON, 8591
MICHAEL E. NUNLEY, 1926
ERROL R. SCHWARTZ, 6130
JOSEPH A. WANNEMACHER, 3080
CURTIS G. WHITEFORD, 5307

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HERBERT J. ANDRADE, 7925
SUSAN M. CHESHIER, 7963
THOMAS C. COBURN, 0758
MICHAEL FITZPATRICK, 5794
JIMMY R. GOMEZ, 5345
RICHARD E. HENS, 3656
THOMAS R. LAMONT, 9746
KEVIN J. LORDS, 0170
JOSEPH G. MATERIA, 4325
OLGA C. RODRIGUEZ-RAMIREZ, 7688
JAMES M. STEWART, 6249
KRISTIAN J. STOLTENBERG, 3515
NATHAN A.K. WONG, 8703

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD P. ANDERSON, 3035
LARRY D. BARTTELBORT, 6463
HERBERT W. BEAM, 9563
MICHAEL L. BOYD, 8440
CHARLES A. CHAMBERS, IV, 4029
RICHARD D. FINDLAY, 9612
ROBERT LEROY FINN, 0938
JORGE B. GONZALEZ, 1016
JOHN A. GOODALE, 4297
JOHN L. GRONSKI, 9840
KATHLEEN A. MORRISSEY, 4629
DAVID M. PARQUETTE, 0169
WILLIAM H. PETTY, 2722
THOMAS H. REDFERN, 8304
JAMES M. ROBINSON, 4340
SHERWOOD J. SMITH, 9944
ROBERTA P. STANDISH, 0006
ROBERT H. TOWER, 1419
HORACE S. TUCKER, JR., 0425
WILLARD G. VARIAN, 7763
PEDRO G. VILLARREAL, 1120
GARY F. WAINWRIGHT, 7712

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS (MC) AND DENTAL CORPS (DE) (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 3064:

To be lieutenant colonel

*RODNEY H. ALLEN, 9767
EDWARD D. ARRINGTON, 6253
*THOMAS P. BAKER, 6151
*JOHN M. BALAS, JR., 5148
*ITALO M. BASTIANELLI, 6567
*JOHN J. BAUER, 7491
*AMY E. BENSON, 3209
*ELIZABETH A. BLAIR, 6790
*JODIE L. BOLT, 3152
*STEPHEN L. BOLT, 3639
*OTTO F. BONETA, 8915
*SHERI Y. BOYD, 7737
*GEORGE T. BRANDT, 0030
THOMAS D. BRESLEY, 5922
*GEORGE BROUGHTON II, 7717
*MICHAEL E. BROWN, 6269
*WILLIAM T. BURNS, 6247
JOHN CAMPBELL, 9802
ANTHONY J. CANFIELD, 2909
*MARY L. CANNON, 5143
*JOHN N. CAREY, 7446
*BRIAN E. CAVALLARO, 5311
*PAUL S. CHANG, 4652
*DARREN C. CHAPMAN, 5727
*GREGORY E. CHOW, 5878
*LARRY D. CHRISTOPHER, 4451
*LAWRENCE E. CLAPP, 8965
GARY W. CLARK, 7797
*JOSEPH Y. CLARK, 1077
HEIDI L. CLOSE, 9850
*JOSE J. CONDE, 4624
*NORVELL V. COOTS, 2208
*BRIAN E. COTHERN, 2524
*TALLEY F. CULCLASURE, JR., 1046
JAMES A. DAHL, 1289
*ALEXANDER K. DEITCH, 4927
*CHRISTOPHER A. DILLON, 7547
* THEODORE A. DORSAY, 7272
*KENNETH N. DUNN, 7302
ANNETTE DUSSEAU, 2777
*JOHN R. EKSTRAND, 6903
SUSAN EMANUEL, 3649
*JOHN W. ETZENBACH, 8813
LILIA A.FANNIN, 2611
GERALD L.FARBER, 4188
*JEFFREY A. FAULKNER, 7758
LOIS A. FIALA, 3595
*DAVID K. FIASCHETTI, 9734
*ROGER S. FIEDLER, 4750
*STEPHEN F. FLAHERTY, 9593
*DAVID T. FLOYD, 1974
THOMAS B. FRANCIS, 7734
*BARTON K. GEORGE, 5426
*SEAN D. GHIDELLA, 8854
*BENJAMIN N. GILBERT, 0537
*BRUCE E. GOECKERITZ, 4312
*MONICA B. GORBANDT, 2461
*PAUL E. GOTT, 7537
WAYNE E. HACHEY, 3459
NELSON A. HAGER, 5967
*STEVEN W. HAMMOND, 7174
*JACKIE A. HAYES, 7278
JON A. HINMAN, 4536
*WILLIAM K. HIROTA, 4621
DAVID P. HOCHSCHILD, 9910
*ROBERT L. HOLMES, 0458
*DUANE R. HOSPENTHAL, 7415
*WILLIAM T. HUMPHREY, JR., 3299
RAYMOND G. HYNSON, 1044
*JEFFREY L. JACKSON, 3440
JAMES R. JEZIOR, 7124
KAREN B. JOHANSEN, 1879
LUTHER B. JOHANSEN, 2499
BARBARA JOSLOW, 2021
*BYRON D. JOYNER, 4968
*LISA W. KEEP, 9440
*KENNETH R. KEMP, 7671
KEVIN L. KENWORTHY, 5395
*JOHN S. KITZMILLER, 4659
*ERIK J. KOBYLARZ, 5470
JOSEPH R. KOLB, III, 5618
*MARK G. KORTEPETER, 1140
DAVID A. KRISTO, 4222
*KEVIN M. KUMKE, 9255
WILMA I. LARSEN, 9032
JEFFREY A. LAWSON, 4467
*LAWRENCE S. LEPLER, 5436
*THOMAS E. LEVOYER, 3656
*ANGELA D. LEVY, 1539
EDWARD B. LUCCI, 4636
JEFFREY S. MACINTIRE, 5078
ANDREW J. MACLELLAN, 7303
*FRANCIS J. MALONE, 1439
*JOHN R. MAYER, 3801
DONALD R. MCCLELLAN, 1742
*SHANNON S. MCGEE, 6564
*JAMES W. MCLANE, 6688
WILLIS A. MCVAY, 2625
*COLIN K. MILLER, 4352
*JERRY J. MILLER, 3282
*RICKEY C. MYHAND, 3609
*SRIDHAR NATARAJAN, 1100
ROBERT J. OGLESBY, 4211
*COLIN K. OHRT, 0500
FREDERICK V. PALMQUIST, 6970
*MARY F. PARKER, 6017
*ANTHONY J. PARKER, 0844
*GEORGE D. PATRIN, 9987
*GEORGE E. PEOPLES, JR., 9771
GREGORY W. PETERMANN, 2197
*RONALD J. PLACE, 9721
ALBERT V. PORAMBO, 7296
MARY E. PORISCH, 6638
*STEVEN J. POSNICK, 0857
LAURA L. PRATT, 8173
*BRADLEY P. PRESNAL, 8528
KELLY D. PRIDGEN, 7415
*WILLARD F. QUIRK, 8481
*KENDALL L. RAY, 3741
*JAY A. RIDDLE, 7350
RANDAL D. ROBINSON, 2697
*JEFFREYE. RODZAK, 4413
WALTER F. RONGEY, 3444
*BRADLEY J. ROTH, 3799
*MICHAEL J. ROY, 0842
*STEVEN P. RUBCZAK, 1578
*MICHAEL B. RUSSO, 6246
GLENN D. SANDBERG, 4651
*DARRELL K. SCALES, 1576
*CRAIG K. SETO, 0851
JOHN M. SHEPHERD, 4812
*NEAL I. SHPARAGO, 6257
BORIS J. SIDOW, 9926
*CHRISTOPHER K. SINHA, 8666
*CURTIS M. SORENSEN, 1584
*DAVID B. SPROAT, 5523
*JOHN J. STASINOS, 9252
*KEITH D. STEWART, 5529
*ALEXANDER STOJADINOVIC, 8419
*THOMAS R. TEMPEL, JR., 8113
*HEIDI P. TERRIO, 1244
*JAMES D. TERRIO, 7254
*SONJA M. THOMPSON, 7227
*GLEN E. TOMKINS, 5367
*BRIAN K. UNWIN, 1084
*DAVID A. VINCENT, 2485
*BRAD E. WADDELL, 3412
*PAUL J. WARDEN, 9772
*ROBERT A. WASCHER, 6304
*PETER J. WEINA, 6280
*GARY A. WHEELER, 6978
*SCOTT C. WILLIAMS, 1068
*MARK R. WITHERS, 1102
*GLENN W. WORTMANN, 5061
*JOHN S. XENOS, 5333
*CLIFTON E. YU, 2233

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL J. DELLAMICO, 0543

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES S. DUNSTON, 4391

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANIBAL L. ACEVEDO, 6874
JOHN J. ADAMETZ, 3899
BRIAN K. ADAMS, 8456
DAWN E. ADAMS, 6926
KEITH N. ADAMS, 7125
LAURA M. ADAMS, 2818
LYNNE B. AHN, 5204
JOHN C. ALBERGHINI, 1209
CARLA M. ALBRITTON, 9300
THOMAS C. ALEWINE, 3586
CATHERINE R. ALLEN, 2542
CONNIE J. ALLEN, 3647
JANE D. ALLEN, 4220
TONY L. AMMONS, JR., 5001
TERESA A. ANDERSEN, 0657
DONALD W. ANDERSON, JR., 0388
MICHAEL L. ANDERSON, 4719
YVONNE ANDERSON, 1562
MICHAEL J. ANGERINOS, 6368
JEFFREY G. ANT, 1227

PAUL T. ANTONY, 4417
DANAE M. APLAS, 8635
LORIMEL F. ARABE, 3736
MONICA J. ARELLANO, 0758
ANTHONY A. ARITA, 9561
ADAM W. ARMSTRONG, 9229
THOMAS S. ARMSTRONG, 2971
VERONICA G. ARMSTRONG, 0581
ELIZABETH A. G. ASHBY, 7492
CHRIS ATKINS, 2229
HOWARD A. AUPKE, JR., 6221
CHARLES R. BAILEY, 7654
JONATHAN G. BAKER, 5111
JOEL L. BALDWIN, 3416
SUSAN BARNES, 6878
CARL R. BARR, 8899
JAMES R. BARRON, 8995
BRADLEY E. BARTH, 1789
JAMES BASS, 7371
BARRY J. BAUGHMAN, 0603
CATHERINE A. BAYNE, 5910
PAUL E. BEDSOLE, 8717
BRIAN E. BEHARRY, 9217
CARMEL M. BELANGER, 9770
AMY M. BELFORD, 7631
ANGELA BELL, 8536
DEDRA A. BELL, 1670
BRODERICK C. BELLO, 8784
MARK BENTON, 6200
LAMONT S. BERG, 0461
ERIK W. BERGMAN, 9058
RICHARD D. BERGTHOLD, 0599
STEPHANIE A. BERNARD, 2423
GARTH B. BERNINGHAUS, 7733
BRIAN BERRYMAN, 8458
GEOFFREY B. BETSINGER, 1839
VALERIE J. BEUTEL, 7553
DAVID T. BEVERLY IV, 0657
RAYMOND W. BICHARD, 4879
MICHAEL A. BIDUS, 0942
BRITTON K. BISHOP, 4971
CHARLES S. BLACKADAR, 1560
ANA L. BLACKMON, 2762
BRYAN P. BLAIR, 9879
STEVEN J. BLIVIN, 6283
DAVID C. BLOOM, 1712
TAMMY L.K. BLOOM, 5227
PRODROMOS G. BORBOROGLU, 3625
ALEXANDER J. BORZYCH, 5207
PIA S. BOSTON, 7638
PAUL J. BOURGEOIS, 2810
BRUCE H. BOYLE, 3246
GERALD BOYLE, 1502
KEVIN R. BRADSHAW, 9802
RUSTY C. BRAND, 3321
KAREN M. BRANSONBERRY, 0742
JAMES M. BRIAN, 3956
NEAL A. BRICKHOUSE, 6235
LYNN S. BRINKER, 6218
MARC E. BRODSKY, 2670
MYLES E. BROOKS, JR., 6698
MATTHEW J. BROTT, 2796
ELIZABETH BROUWER, 1470
DANIEL A. BROWN, 6388
DONALD C. BROWN, 4009
MARGO H. BROWN, 7193
MARY M. BROWN, 7843
RYAN A. BROWN, 6127
HAROLD M. BRUCE, 8418
KEVIN J. BUCHLI, 4362
KAREN J. BUENGER, 7543
EDDY R. BUENO, 0885
PAUL R.A. BUENVENIDA, 4191
JOHN R. BUFFINGTON, 9526
BRANCH BULLARD, 7047
DOUGLAS BUNTING, 6396
RONALD B. BURBANK, 4792
LLOYD G. BURGESS, 6795
TIMOTHY H. BURGESS, 2595
MICHAEL S. BURKE, 5859
ROBERT E. BURKE, 5906
PATRICIA M. BURNS, 8604
CHARLES C. BURROUGHS, 3406
GREGORY W. BURT, 6544
EDWARD G. BUTLER, 5433
HEIDI M. BYERS, 6538
JAMES D. BYRNE, 8793
LORI R. CAHILL, 5093
EUGENE C. CARLSON, 1701
KENNETH D. CARNEIRO, 6322
CAROL A. CAROTHERS, 8696
CYNTHIA L. CARPENTER, 5296
CHERYL L. CARSON, 7230
WILLIAM R. CARTER, 7039
LISA D. CASTLEMAN, 4169
JERRY R. CASTRO, 3126
JEFFREY J. CAVENDISH, 1468
DANIEL C. CELESKI, 0942
THERESE S. CERMAK, 7125
JOSE CERVANTES, 3866
WALTER M. CHANNELL, 8929
NORMAN F.J. CHARBONEAU, 3541
JAMES T. CHEEK, 6464
JAMES G. CHRISTENSON, 6872
MARLIN L. CHRISTIANSON, 8453
CHARLES E. CHURCHWARD, 9302
ALFRED J. CIUZIO, 8573
CHRISTOPHER R. CLAPP, 6981
WILBURN A. CLARKE, 3440
JEFFREY C. CLEARY, 0860
BRIAN D. CLEMENT, 1376
DAVID T. CLONTZ, 1808
PATRICK W. CLYDE, 8505
GEORGE W. COLE, JR., 0468
PETER C. COLELLA, 5562
JOELLE M. COLETTA, 1989
MICHAEL A. COLSON, 6674
CANDACE L. COLSTON, 5182
LUNDY W. COLVERT, 5636
FERNANDO T. CONDE, 5247
AVAMARIE S. CONLIN, 3949
BYRON F. CONNER, 5659
MARK J. CONRAD, 0438
LEONARD W.W. COOKE, 3300
RONALD A. COOLEY, 8232
KEVIN J. COOLONG, 2809
JAMES F. COONEY, 4723
KIM CORLEY, 0714
PATRICIA CORLEY, 1807
MICHAEL E. CORSEY, 7662
ANTHONY A. CORSINI, 7157
ALLISON J. COSTE, 3360
SCOTT A. COTA, 5746
KENNETH D. COUNTS, 5130
RICHARD COWAN, JR., 7082
BENJAMIN M. CRANDALL, 8849
JOHN L. CRAPO, 9372
GERALD L. CREECH, 9244
SAMUEL D. CRITIDES, JR., 3315
GILBERT M. CSUJA, 8081
THOMAS B. CULLEN, 0618
ROBERT CUNARD, 5785
MARY F. DALESSANDRO, 3052
ELIZABETH V. DANG, 8315
CHRIS J. DARRUP, 1204
SURJYA P. DAS, 8816
RAYMOND B.J. DAUGHERTY, 7530
STEPHEN S. DAVIS, 4622
STEVEN W. DAVIS, 2279
PATRICIA K. DAY, 8642
ROBERT P. DAY, JR., 6205
TONY F. DEALICANTE, 6982
HONEY L. DEARMOND, 5438
SCOTT M. DEEDS, 7879
DIRK R. DEHAAS, 6313
MICHAEL W. DELANEY, 2532
NANCY R. DELANEY, 8260
DANIEL J. DELAURENTIS, 2340
EFRAIN DELEON, 2546
JOHN P. DEMCHAK, 0480
PAUL J. DEMIERI, 4940
JAMES T. DENLEY, 5023
DANE A. DENMAN, 2151
DAWN DENNIS, 8985
JAMES S. DEROSA, 5517
ROBERT P. DEVINE, 5732
JUAN J. DEZENGOTITA, 9842
FLORENCIO A. DICTADO, 1756
DARIN L. DINELLI, 1157
STACY K. DIPMAN, 6281
JOSEPH DIVINO, 2122
DEMETRIO L. DOMINGO, 3638
GERALD F. DONOVAN, 7556
WADE E. DOSCH, 6971
BRAD H. DOUGLAS, 7742
BRADLEY K. DRAPER, 7271
BRIAN J. DREW, 9962
BARBARA J. DROBINA, 1874
THOMAS M. DUGGAN, 8036
DEBRA L. DUNCAN, 6666
MARGARET T. DUPREE, 7620
GREGORY D. EBERHART, 4363
MARK K. EDELSON, 3962
JOEL E. EDGEMAN, 8244
MASOUD EGHTEDARI, 7316
MARK S. EICH, 5715
KURT R. EICHENMULLER, 2772
DENISE J. EICHER, 0380
REBEKAH J. EID, 3183
CARL C. EIERLE, 1386
SAMY M. ELHALAWANI, 4122
CHAD R. ELLER, 0697
THOMAS M. ELLIOTT, 2096
ROBERT P. ENGLERT, 9928
KENNETH W. EPPS, 2330
ANDREW C. ESCRIVA, 7790
JOSEPH B. ESSEX, 9096
ROBERT M. FAIRBANKS, 7925
DEANN J. FARR, 5351
MARC J. FARRAYE, 7476
TRISHA L. FARRELL, 4660
MAURICE F. FAULK, JR., 7533
JOHN F. FERGUSON, 5076
KRISTIN M.H. FIELDING, 1874
MARTIN F. FIELDS, JR., 6048
ASHLEY W. FISH, 9226
DAN E. FISHER, 5598
BRIAN T. FITZGERALD, 6996
EILEEN M. FITZGERALD, 2288
GEOFFREY M. FITZGERALD, 0919
DEREK R. FLEITZ, 0522
EUGENE H. FLETCHER, 1136
TIFFANY A. FLORES, 3756
ROBIN E. FONTENOT, 5908
DONNA J. FORBES, 9069
LEE A. FORDYCE, 1110
KIM M. FORMAN, 5493
ROBERT T. FRANKS, 2664
ILIANA FREDMIRANDA, 8865
ADRIENNE M. FRENCH, 9484
ELIZABETH J. FRENCH, 9671
WILLIAM C. FREUDENTHAL, 5511
JOHN J. FROIO, 2801
EDDIE G. GALLION, 0846
DIONISIO S. GAMBOA, 9492
WALTER G. GARNER, 2636
ADOLPH C. GARZA, 3175
KIRK P. GASPER, 5847
JENNIFER M. GEDDES, 6838
ERIC M. GESSLER, 2504
VINCENT F. GIARDINO, JR., 9869
MATTHEW J. GIBBONS, 1433
ROBIN D. GIBBS, 2808
CYNTHIA L. GIBSON, 3552
GUSTAVO GIERBER, 8275
MARCIA L. GILL, 7354
ELIZABETH K. GILLARD, 2319
GREGG D. GILLETTE, 1882
LAURA G. GILLIS, 3327
REGINA M. GODBOUT, 1821
CARLOS D. GODINEZ, 5053
MARK R. GOHL, 1493
MICHAEL D. GOLIGHTLY, 5743
THOMAS J. GORMAN, JR., 2649
JAMES C. GOUDREAU, 2962
ROBERT A. GRAMZINSKI, 2299
JAMES A. GRAPES, 1695
MICHAEL R. GREEN, 5147
MICHAEL L. GREENWALT, 6814
ROBIN C. GREGORY, 3863
HERBERT L. GRIFFIN, JR., 3674
ROWDY C. GRIFFIN, 5793
JEFFREY T. GRILL, 8555
JONATHAN C. GROH, 5039
IAN R. GROVER, 9786
JAMES M. GRUESKIN, 7608
ANNA M. GRUETZMACHER, 2460
CARLOS GUEVARRA, 2995
PEDRO G. GUZMAN, 8321
DONNA M. HAASE, 4748
CLYDE A. HAIG, 2987
ANNE R. HALEY, 8479
ERIC R. HALL, 3860
SANDRA M. HALTERMAN, 8086
FRANCES K. HAMMAN, 0058
ROBERT J. HAMMOND, 2710
WILLIAM C. HANCOCK, 6523
BRYAN HANFTWURZEL, 2073
ALAN M. HANSEN, 4956
ERIC L. HANSON, 3147
JULIE C. HANSON, 1523
GREGORY P. HARBACH, 2816
CHRISTINA A. HARDAWAY, 2014
JOHN V. HARDAWAY, 0981
NADJMEH M. HARIRI, 5917
DALE R. HARMAN, 2204
TIMOTHY J. HARRINGTON, 3344
JAMES HARRIS, 4560
MARK K. HARRIS, 3629
BARRY L. HARRISON, 6771
BRADLEY J. HARTGERINK, 3993
ROSANNE I. HARTLEY, 5100
LEE P. HARTNER, 1053
JEFFREY J. HAWKER, 3847
GENE A. HAWKS, 2400
RICHARD D. HAYDEN, 3109
RUSSELL B. HAYS, JR., 6130
J.P. HEDGES, JR., 0046
JOHN W. HEDRICK, 7805
RICHARD D. HEINZ, 8602
JOE H. HEMENWAY, 7221
ROY L. HENDERSON, 2527
MARK R. HENDRICKS, 2873
TODD B. HENRICKS, 1732
CARL R. HERRON, 5399
BRIAN M. HERSHEY, 4470
KATHLEEN E. HEWITT, 1683
JEFFREY D. HICKS, 3287
LAWRENCE D. HILL, JR., 6125
VINCENT T. HILL, 7781
EDWARD J. HILYARD, 7376
MICHAEL C. HOLIFIELD, 3949
KEITH G. HOLLEY, 1131
KARINE M. HOLLISPERRY, 3414
KATRINA M. HOOD, 2320
MATTHEW T. HORVATH, 1278
LINDA J.A. HOUDE, 8322
BRUCE A. HOUGESEN, 7251
KURT J. HOUSER, 3760
JOHN P. HOWARD, 5377
STUART D. HUBBARD, 6904
STEVEN J. HUDSON, 2505
BARBARA L. HUFF, 0486
KAREN A. HULBERT, 0306
THOMAS R. HUNT, JR., 0830
HEIDI K. HUPP, 0375
THOMAS L. HUSTED, 0998
CHRIS B. HYUN, 7953
BARBARA R. IDONE, 0398
ARISTIDES ILIAKIS, 1076
ROBERT D. JACKSON, 1893
MARGARET A. JACOBSEN, 2985
ALAN D. JACOVICH, 4123
RICHARD H. JADICK, 8328
GLADYS L. JAFFARI, 6541
JAMES JAWORSKI, 8595
STEVEN M. JEFFS, 7842
TRACY A. JENKINS, 1507
DENISE JOHNSON, 2175
ERIC JOHNSON, 4435
JAMES M. JOHNSON, 6489
KENNETH B. JOHNSON, 1228
ROBERT JOHNSON, 5148
ROBERT F. JOHNSON, 6665
JOHN W. JOHNSTON, 7982
ATHANASE J. JONES, JR., 1054
DAVID E. JONES, 1891
KARON V. JONES, 0097
KEVIN M. JONES, 5381
JOSEPH P. JORDAN, 8997
SUSAN A. JORDAN, 3069
ETHAN B. JOSIAH, 6590
MICHAEL JURGENS, 5055
PETER M. KADILE, 7973
DAVID H. KAO, 9356
GLORIA S. KASCAK, 4795
ERIC J. KASOWSKI, 0355
MICHAEL D. KAZEL, 2314
JANET R. KEAIS, 0130
CHRISTOPHER A. KELLY, 9138
SEAN R. KELLY, 6600
LISA A. KELTY, 3886
DAVID M. KENEE, 2733
EDWARD M. KENNEDY, 7764
TERRI KEPPINGER, 4203
MARK L. KIEFER, 4450
ROBERT J. KILLIUS, 7673
MARY J. KINSELLA, 7540
STANLEY A. KLOSS, 7549
STEVEN T. KNAUER, 9170
TAMMY L. KOCH, 2927
NEVANNA I. KOICHEFF, 9766
CHRISTINA M. KOONCE, 0572
MARK KOSTIC, 3075
CARMEN KRETZMER, 7286
KRISTIN L. KRUSE, 9762
ALLEN R. KUSS, 1668
RICKY A. KUSTURIN, 3823
MICHELLE C. LADUCA, 4787
ALBERT LAFERTY, 1712
GARY E. LAMB, 6111
JOHN A. LAMBERTON, 7212
ROBERT B. LANCIA, 0953
TAMERA L. LANE, 1384
LENORA C. LANGLAIS, 1586
GRAINGER S. LANNEAU, JR., 5369
BRIAN C. LANSING, 7587
MARCUS S. LARKIN, 8911
JONATHAN LARSEN, 9448
MARK A. LARUSSO, 9820
CLYDA L. LAURENT, 2020
ROBERT S. LAWRENCE, 7394
SCOTT P. LAWRY, 3258
CATHERINE L. LAWSON, 8085
LORI J. LEARNEDBURTON, 5028
CARLOS I. LEBRON, 8210
REES L. LEE, 0335
RONNELL R. LEFTWICH, 5837
KAREN M. LEHEW, 4249
JOSE R. LEMA, 3789
LINDA L. LEMASTER, 1375
STEVEN R. LENGA, 3395
DAVID S. LESSER, 9810
CHRISTOPHER T. LEWIS, 4822
TINA T. LIEBIG, 2164
DAVID A. LIFSET, 1640
JAMES LILLY, 4088
MATTHEW L. LIM, 4642
ARTHUR H. LOGAN, 6747
FRANK J. LORENTZEN, 4853
JOHN W. LOVE, 1878
SCOTT W. LOWE, 9148
JAMES M. LOWTHER, 7048
GREGORY D. LUNSFORD, 2096
SCOTT A. LUZI, 6184
MICHAEL P. LYNN, 5702
SYLVIA A. LYON, 3218
ANN E. MACKE, 4644
MICHAEL J. MAGUIRE, 2576
MARIA MAHMOODI, 6204
GARY M. MAJOR, 4444
RICHARD E. MAKARSKI, 3684
JOHN MALLOY, 8815
GEORGE C. MANSFIELD, 2284
DAVID A. MARCH, 2863
LOUIS J. MARCHIORI II, 3570
TIMOTHY R. MARKLE, 9191
KATHLEEN A. MARKS, 8177
THOMAS R. MARSZALEK, 3149
RONALD R. MARTEL, 8983
BETH A. MARTIN, 9167
JOEL E. MARTIN, 9359
PAUL E. MARTIN, 3693
JULIE MAURER, 5818
CHERYL L. MAUZY, 0958
SHIRLEY A. MAXWELL, 3044
TODD J. MAY, 6014
KEITH L. MAYBERRY, 9319
JOHN P. MAYE, 9005
MICHAEL T. MAZUREK, 8399
JEROME F. MCCABE, 0185
BRIAN L. MCCANN, 6812
PATRICK J. MCCLANAHAN, 1090
TROY M. MCCLELLAND, 8242
CATHY M. MCCRARY, 8580
DENISE K. MCELDOWNEY, 6914
SEAN K. MCELHANEY, 8419
ROBERT K. MCGAHA, 0556
KEVIN A. MCKENNEY, 9661
KENNETH W. MCKINLEY, 9875
DANIEL J. MCLAUGHLIN, 8757
LAURA J. MCLAUGHLIN, 6669
DAVID B. MCLEAN, 2645
MARY A. MCMACKIN, 8379
BRIAN T. MCNAMARA, 8557
BRYON K. MCNEIL, 4734
DWAYNE R. MEEKER, 8173
JAMES E. MEEKINS, 7354
JAMES W. MELONE, 7384
JILL S. MEONI, 9236
ROSARIO P. MERRELL, 9162
THOMAS V. MESSE, 7459
DREW C. MESSER, 7587
WENDELL Q. MEW, 6171
STERLING A. MEZA, 1534
CONNIE S. MICEK, 3086
JOSEPH B. MICHAEL, 5603
MARTHA J. MICHAELSON, 4912
AMY C. MICHALSKI, 8054
ADAM S. MICHELS, 3872
WILLIAM D. MILAM, 2095
DEANA J. MILLER, 5552
JONATHAN A. MILLER, 3381
RONALD P. MILLER, 8514
ROLAND A. MINA, 5377
KRAIG A. MITCHELL, 2158
WILLIAM D. MITCHELL, 1160
EDWARD T. MOLDENHAUER, 0800
JOSEPH M. MOLNAR, 2322
NANCY L. MONTAGOT, 0341
JOHN P. MOON, 2169
DANIEL H. MOORE, 3148
JULIE C. MOORE, 7146
RODNEY M. MOORE, 5313
CYNTHIA E. MOOREFIELD, 9267
ELIZABETH A. MORAN, 4144
KENNETH F. MORE, 0787
SANDRA M. MORFORD, 0200
SCOTT J. MOSES, 0123
DONALD R. MOSS, 7315
MEDGAR M. MOYA, 8557
MICHAEL G. MUELLER, 5108
SUSAN K. MUELLER, 5514
JEFFREY P. MUENCH, 8067
DAVID D. MULLARKEY, 6879
JAMES J. MURRAY, 3297
BENFORD O. NANCE, 5448
KEVIN T. NAPIER, 4911
BRUCE C. NEVEL, 6281
CUONG T. NGUYEN, 2355
KHANH K. NGUYEN, 0481
MARK M. NGUYEN, 9235
THOMAS T. NGUYEN, 4950
DANIEL J. NOLL, 9323
MICHAEL K. NORBECK, 1569
MARY J. P. NORDMANN, 6220
BARBARA E. NOSEK, 8407
LORRAINE E. NUDD, 2333
ROBERT E. O'BRECHT, 7241
REBECCA M. O'BRIEN, 2127
DENNIS M. O'DELL, 8154
PAUL J. ODENTHAL, 9326
DIANNE M. OKONSKY, 8716
MARK V. OLCOTT, 6480
GREGORY J. O'LEARY, 1349
EDWARD OMRON, 4477
KEVIN R. O'NEIL, 4709
BENJAMIN L. ORCHARD, 5162
CARLOS B. ORTIZ, 5937
PETER D. PANAGOS, 4647
CHRISTINA G. PARDUE, 8426
PETER J. PARK, 2510
LORI A. PARKER, 0413
ROBIN J. PARKER, 1352
ALBERT W. PARULIS, JR., 1027
STEVEN R. PATTON, 5999
MARK D. PENNINGTON, 1906
LUIS M. PEREZ, 3876
SHELLEY K. PERKINS, 6596
KYLE PETERSEN, 3147
PATRICIA L. PETITT, 9565
BRADLEY B. PHILLIPS, 2206
HOMER C. PHILLIPS, 7114
JOHNNY L. PHILLIPS, 3456
MICHAEL E. PICIO, 9765
JOSEPH J. PICKEL, 1832
MARK R. PIMPO, 2290
DREW S. PINILLA, 4350
MATTHEW M. POGGI, 5020
WILLIAM F. POLITO, 3167
MICHAEL J. POLIZZOTTO, 4959
TANYA M. PONDER, 5093
MAY B. PORCIUNCULA, 6294
GARY J. POWE, 8524
CRAIG S. PRATHER, 8833
DAVID E. PRATT, 4336
ANDREA M. PRINCE, 4519
JACQUELINE PRUITT, 3492
TEJASHRI S. PUROHITSHETH, 4058
ARMAND T. QUATTLEBAUM, 3968
GARY E. RAFFEL, 7140
MICHAEL D. RAMOS, 6131
JOE F. RAY, 0701
SANDRA H. RAY, 2988
WILLIAM S. REAMER, 1975
KAY R. REEB, 0941
CHRISTOPHER H. REED, 9904
JENNIFER L. REED, 6642
JESSICA D. REED, 2857
PAUL L. REED, 9605
EDWARD REEDY, 2483
KEVIN J. REGAN, 1196
LAURA G. REILLY, 6413
FRANK M. RENDON, 6823
MICHAEL L. RENEGAR, 6695
CHARLES R. REUNING, 8471
STEPHEN K. REVELAS, 4004
ORLANDO RICCI, 3424
MICHAEL D. RICHARD, 1228
ANDREA M. RIES, 2994
TRACY V. RIKER, 9287
MARCIA A. RIPLEY, 0730
PAUL B. ROACH, 4816
RONALD R. ROBERSON, 0565
LOVETTE T. ROBINSON, 2380
MIRTA C. ROE, 9050
CORAZON D. ROGERS, 4945
LORI M. ROGERS, 2495
DALE M. ROHRBACH, 6045
KIMBERLY W. ROMAN, 0039
JAMES E. ROMINE, 8797
LOUIS ROSA, 0750
PATRICK ROSATO, 5053
DEBORAH E. ROY, 3999
KEVIN L. ROYE, 8433
MARK A. RUCH, 4889
MICHAEL J. RUNDELL, 5428
ANDREW A. RUSNAK, 5906
GLORIA A. RUSSELL, 9894
GREGORY G. RUSSELL, 6632
MICHAEL B. RUSSO, 6188
HERMAN M. SACKS, 5325
DEIDRE I. SALL, 9756
ROSE M. SALUKE, 0860
JOSE E. SANCHEZ, 8210
DAVID D. SANDERS, 8395
FLOYD I. SANDLIN, III, 9763
JEFFREY N. SAVILLE, 5785
MCHUGH L.A. SAVOIA, 7073
KELLY K. SAWYER, 4484
JON D. SCHAAB, 8395
JAMES W. SCHAFFER, 4607
THOMAS R. SCHLUETER, 3937
MARK A. SCHMIDHEISER, 4156
KATHRYN SCHMIDT, 6630
MICHELLE M. SCHMODE, 7383
DYLAN D. SCHMORROW, 7860
GEORGE B. SCHOELER, 7496
WILLIAM G. SCHORGL, 4397
RICHARD SCHUSTER, 7126
ANN T. SCHWARTZ, 0754

ERIK J. SCHWEITZER, 8746
BRENT W. SCOTT, 8695
KIRBY J. SCOTT, 4279
DANIEL P. SEEP, 8452
CRAIG S. SELF, 6379
GREGORY J. SENGSTOCK, 3091
JEOSALINA N. SERBAS, 2141
ERIC M. SERGIENKO, 2618
DAVID SHAPIRO, 1062
AMIT SHARMA, 7233
RANDY L. SHARP, 2757
DAVID A. SHEALY, 3697
MARIA T. SHELDRAKE, 2807
GLENN A. SHEPHARD, 3343
CRAIG D. SHEPPS, 1273
WILLIAM T. SHIMEALL, 5107
ALFRED F. SHWAYHAT, 3806
LESLIE K. SIAS, 5380
CYNTHIA S. SIKORSKI, 7294
DORANEA L. SILVA, 2276
RACHEL M. SILVER, 5472
DANIEL S. SIMPSON, 9793
STEVEN L. SIMS, 4863
PETER SINGSON, 5260
GLENDA D. SINK, 4130
PATRICK L. SINOPOLE, 3416
ROBERT F. SKJONSBY, 8281
ALMAZ A. SMITH, 4477
CLIFFORD L. SMITH, 8263
GREGORY J. SMITH, 1662
JONATHAN M. SMITH, 1727
RICHARD Q. SMITH, 3201
RICHARD S. SMITH, 5517
STUART D. SMITH, 1089
CAROL SOLOMON, 0165
DANIEL J. SOLOMON, 9097
JOHN D. SORACCO, 9320
KAREN A. SORIA, 0310
BRETT V. SORTOR, 4641
CHRISTOPHER T. SOSA, 6674
DEBRA R. SOYK, 9042
JONATHAN M. STAHL, 8010
ALESSANDRO I. STAMEGNA, 3096
AARON K. STANLEY, 2074
SUSAN A. STEINER, 6003
LAURA M. STERLING, 4828
MICHAEL L. STITELY, 2277
KAREN A. STOVER, 9177
BRIAN H. SULLIVAN, 6583
SEAN D. SULLIVAN, 3088
TERRY M. SURDYKE, 7580
GEORGE N. SUTHER, 4559
JOANNE M. SUTTON, 6434
TIMOTHY M. SWAN, 9776
TRACY B. SWANSON, 3474
FREDERIC R. SYLVIA, JR., 9667
AMY M. TARBAY, 0432
GARY A. TAVE, 9149
ERIC R. TAYLOR, 5965
RICHARD C. TAYLOR, 0001
FRANLILS C. TENGASANTOS, 5926
ELIZABETH A. H. TEWELL, 6252
DEANNA L. THOMAS, 1660
KEVIN C. THOMAS, 6516
CHARLOTTE A. THOMPSON, 9072
JOHN C. THOMPSON, 9285
JANET E. THORLEY, 9293
ERIK THREET, 7675
MARY A. TILLOTSON, 5624
MARK A. TITTLE, 6114
WILLIAM D. TITUS, 6940
ERIC R. TOGNOZZI, 5663
PETER P. TOLAND, JR., 9448
WENDY J. TOOLE, 9966
DEVORAH A. TORIAN, 3526
JOSUE TORO, 7028
MEHUL TRIVEDI, 5665
JEFFREY C. TROWBRIDGE, 5274
DAVID A. TUBLEY, 6919
BARBARA D. TUCKER, 8339
DEAN A. TUFTS, 8661
DERRIC T. TURNER, 4042
DALE H. TYSOR, 4022
LINDA C. ULRICH, 6057
KEN H. UYESUGI, 7982
HAROLD W. VALENTINE, 3241
ANASTASIA F. VALENZUELA, 5099
PAUL J. VANDENBERG, 4655
STRATEN M. R. VANDER, 7224
ANDREW F. VAUGHN, 6307
KEITH K. VAUX, 7934
ALCHRISTIAN C. VILLARUZ, 0116
CAMERON L. WAGGONER, 6993
DAWN M. WAGNER, 8263
GREGORY S. WAGNER, 1769
LORI A. WAGNER, 0950
TODD L. WAGNER, 7682
LORINDA C. WAHTO, 0463
GARY J. WALKER, 1307
PETER D. WALL, 0974
THOMAS J. WALSH, 3309
CHRISTOPHER L. WALTON, 0975
JULIA R. WARD, 3755
ROBYN C. WARD, 2985
KARIN E. WARNER, 5179
CHARLES R. WARREN, 4739
TERESA M. WATSON, 8855
JAMES E. WATTS, 9053
DAVID K. WEBER, 5825
TIMOTHY H. WEBER, 8305
MICHAEL B. WEIGNER, 3016
STEVEN WEINSTEIN, 8089
NEIL WEISMAN, 0216
KARIN C. WELLS, 8352
KENNETH WELLS, 1398
JEFFREY G. WEYENETH, 4714
DEREK S. WHEELER, 0244
MARK S. WHEELER, 3469
THOMAS C. WHIPPEN, 8141
JOHN D. WHITE, 3586
CATHERINE E. WIDMER, 6034
BARRY E. WILCOX, II, 0262
CYNTHIA A. WILKES, 2804
ROBERT A. WILLIAMS, 8693
CHARLES E. WILSON, 4410
JEFFREY WINEBRENNER, 7054
DIANA B. WISEMAN, 0259
COLLEEN R. WITHERELL, 5125
PETER J. WITUCKI, 3592
POLLY S. WOLF, 3510
CAROL J. WOMACK, 4258
JENNIFER L. WOMELDORPH, 6017
DONALD P. WOODMANSEE, JR., 3686
ROWLAND WU, 7733
ADORADO B. YABUT, 5018
NOBORU YAMAKI, 2933
JOSHUA S. YAMAMOTO, 4078
MIL A. YI, 0125
DOUGLAS YIM, 2470
LINDA D. YOUBERG, 0266
EDWARD L. ZAWISLAK, 0518
TARA J. ZIEBER, 4148
STEVEN T. ZIMMERMAN, 2158

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DANIEL A. ABRAMS, 2702
KEVIN H. ADAMS, 7438
PAUL M. AGUILAR, 7912
JULIE C. ALBANUS, 5922
BRIAN N. ALBRO, 6311
JOSEPH A. ALCORN, 0593
NATHAN J. ALLEN, 8808
THOMAS H. ALLEN, 7414
WILLIAM B. ALLEN, 8591
DAVID R. ALLISON, 7942
ANTHONY L. ALLOU III, 8740
RICHARD B. ALSOP, 5877
JILL C. ALSTON, 1562
TINA M. ALTON, 6622
JEFFREY M. ALVES, 5674
MICHAEL D. AMROZOWICZ, 3606
SAUNDRA L. AMSDEN, 7914
TROY A. AMUNDSON, 3556
ERIC L. ANDALIS, 4968
EDWARD L. ANDERSON, 8940
EMORY A. ANDERSON III, 2492
GREGORY L. ANDERSON, [redacted]
RANDALL G. ANDERSON, 0947
JOSEPH C. ANDREATTI, 8491
ANTHONY J. ANGLIN, 8698
JASON L. ANSLEY, 4555
MICHAEL R. ARMSTRONG, 9455
THOMAS W. ARMSTRONG, 8623
LOUIS W. ARNY IV, 1643
JAMES F. ARRIGHI, 4137
DAVID A. ARTETA, 8520
LAWRENCE J. ARTMAN, 4056
MONTY G. ASHLIMAN, JR., 1429
CRAIG R. BACON, 7321
MICHAEL G. BADORF, 8981
MARK O. BAILEY, 1117
JOHN M. BAILLIO, 9337
KIM W. BALDWIN, 0622
WALTER L. BANKS, 1281
DANIEL J. BARBER, 1535
TIMOTHY C. BARKDOLL, 4021
ERIC S. BARKER, 6585
HERBERT C. BARKER, 6009
KENNETH L. BARKER, 2010
JEFFREY T. BARNABY, 3302
DANELLE M. BARRETT, 6844
TERRY S. BARRETT, 4880
JAMES A. BARTELLONI, 6823
AARON C. BARTLETT, 2826
SUZANNE I. BASALLA, 4494
DONALD A. BASDEN, 3712
KENNETH D. BATES, 7080
ARTHUR J. BAYER, 6417
JAMES B. BEARD, 4205
ROBERT E. BEAUCHAMP, 2589
DOUGLAS B. BECKER, JR., 5470
KENNETH R. BECKER, 7632
VANCE A. BECKLUND, 5256
PHILIP J. BECKMAN, 3133
RICHARD S. BEGGS, 5153
MARK D. BEHNING, 2805
ALICE E. BELLAFIORE, 6904
LAURA L. BELLOS, 1977
BASILIO D. BENA, 8085
PAUL T. BENNETT, 2040
KATHLEEN A. BENSE, 4687
SHAWN M. BENTLEY, 1178
PETER D. BERARDI, 7065
HARALD BERGE, 9827
LEIF E. BERGEY, 0661
BRODERICK V. BERKHOUT, 9286
JOHN G. BERNARD, 4324
JOSE M. BERNARDO, 6108
BRENDAN D. BERRY, 7686
WILLIAM J. BILLINGSLEY, 0436
VICTOR P. BINDI III, 4311
DWAYNE V. BLACK, 0042
WILLIAM D. BLACKBURN, 1987
BRADFORD A. BLACKWELDER, 2348
ROCK E. BLAIS, 4187
CRAIG R. BLAKELY, 8580
JOHN H. BLALOCK, JR., 0447
JEFFREY E. BLANKENSHIP, 0826
LARRY D. BLAYLOCK, II, 1622
TIMOTHY A. BOCHARD, 3135
TODD S. BOCKWOLDT, 6069
ROBERT W. BODVAKE, 5735
BOBBY C. BOLT, 7422
CHRISTOPHER C. BONE, 5944
RICK D. BONEAU, 4815
BARTEL J. BOOGERD, III, 0643
BRIAN W. BOOKER, 9208
JOSEPH D. BORGIA, 8343
MICHAEL D. BOSLEY, 0992
JAMES E. BOSWELL, 7879
DENNIS R. BOYER, 0345
STEVEN J. BRACKETT, 5063
CHARLES J. BRADY, III, 6362
JON N. BRADY, 4028
MICHAEL G. BRADY, 1641
REGINALD T. BRAGGS, 0588
JAMES M. BRANDT, 7094
KEITH A. BRANNER, 2573
GUNTER I. BRAUN, 7245
RALPH R. BRAUND, III, 9633
DONALD J. BREEN, 5636
SCOTT E. BREES, 1036
BRENT M. BREINING, 2810
BENJAMIN H. BRESLIN, 4380
MARK O. BRINKERHOFF, 3019
STEPHEN J. BROKENS, 7473
CHAD D. BROWN, 3735
CHRISTOPHER H. BROWN, 8440
LINWOOD L. BROWN, III, 8744
WILLIAM A. BROWN, 2181
WOODS R. BROWN, II, 4008
PUTNAM H. BROWNE, 6290
MARK C. BRUINGTON, 0884
ANTHONY C. BRUNER, 6132
DANIEL J. BRUNK, 4077
DANIEL W. BRYAN, II, 7451
MICHEAL L. BRYANT, 0001
EDWARD A. BUERO, 9140
FRANK V. BULGES, 1090
WILLIAM A. BULIS, 1216
PAUL R. BUNNELL, 2306
ANDREW D. BURDEN, 4983
DAVID J. BURDICK, 4040
MARK A. BURGESS, 5729
BARBARA M. BURGETT, 4365
JOHN N. BURK, 6113
CARL A. BURKINS, 1907
EDWIN J. BURNS, 0775
MICHAEL P. BURNS, 6423
JASON B. BURROWS, 7200
ANGELO D. BURSTION, 1267
DERRICK J. BUSSE, 9266
ARTHUR D. BUSSIERE, 5931
EDWARD L. BUTTS, 3907
RICHARD P. BYRNES, JR., 2256
AARON M. CADENA, 0139
THOMAS M. CALLENDER, 0158
ARLENE L. CAMP, 5668
JANE E. CAMPBELL, 9909
MATTHEW G. CAMPBELL, 8731
MICHAEL S. CAMPBELL, 8096
NICOLO R. CANDELA, 3461
EUGENE C. CANFIELD, 7472
ERIC S. CARL, 0978
ROBERT B. CARLSON, 3504
DANIEL P. CARRIGG, 4918
JAMES A. CARROLL, 2455
DAVID B. CARSON, 0391
DAVID M. CARSTEN, 0020
GUY N. CARUSO, 6224
LOUIS A. CARVALHO, 1197
ALDEN E. CARVER, 9773
MATTHEW O. CASE, 9549
FRANCIS X. I. CASTELLANO, 5471
ROLAND M. CASTRO, 7388
KENNETH C. CAVES, 8229
THOMAS G. CAWLEY, 5097
FRANK K. CERNEY, 7071
THOMAS CHABY, 7120
ANNE L. CHAPMAN, 0746
WILLIAM E. CHASE, III, 2489
ERIC D. CHENEY, 7893
WILLIAM C. CHINWORTH, 1943
DANIEL J. CHISHOLM, 4204
HEEDONG CHOI, 6008
JOHN J. CHOI, 7148
CHRISTOPHER A. CHRISLIP, 9102
STEVEN J. CHRISTIAN, 0189
JAMES L. CHRISTIE, 6072
CYNTHIA L. CHURBUCK, 3709
CYNTHIA C. CLARK, 2416
ROBERT J. CLARK, 7853
CARLTON T. CLEVENGER, 8125
MICHAEL CLIFFORD, 1237
MARY F. CLOE, 8551
RICHARD F. CLOUGH, 7490
DOUGLAS A. COCHRAN, 0049
ROBERT B. COCO, 6875
JAMES W. COFFMAN, 4098
HEATHER E. COLE, 4668
VERNON C. COLE, 3257
ROBERT J. COLES, JR., 1526
KEVIN P. COLLING, 5326
CHRISTOPHER N. COLLINS, 1581
TIMOTHY R. COLLINS, 0276
DANIEL M. COLMAN, 2719
WILLIAM M. COMBES, 3458
MICHAEL D. CONKEL, 4703
MICHAEL A. CONNER, 3846
JOHN P. CONSIDINE, 4282
JAMES M. CONWAY, 6160
WILLIAM K. COOKE, 4948
MICHAEL G. COONAN, 6954
WALTER A. COPPEANS, II, 0444
CHRISTOPHER M. CORGNATI, 5435
RENEE R. CORNETT, 3843
ALBERT R. COSTA, 9360
BRETT M. COTTRELL, 9723
MICHAEL R. COUGHLIN, 3925
GREGORY E. COUPE, 1672
PETER T. COURTNEY, 0622
STEVEN P. COUTE, 7473
NEIL B. COVINGTON, 9947
DAVID M. COX, JR., 2255
JOHN COYNE, 2610
STEVEN E. CRABB, 4763
ROBERT W. CRAIG, JR., 9987
MARK A. CREASEY, 4776
DENNIS R. CREWS, 9619
GARY W. CRIGLOW, 7889
SPENCER J. CRISPELL, 7155
DAVID C. CRISSMAN, 7341
PATRICIA A. CRONIN, 7660
WAYNE A. CROSS, 5778
DAVID R. CROWE, 4475
TIMOTHY M. CULLEN, 5676
MARCUS CULVER, 9831
JOANNE T. CUNNINGHAM, 0313
ROGER L. CURRY, JR., 6003
MICHAEL R. CURTIS, 7154
DONALD E. J. CZARAPATA, 7501
JEFFREY J. CZEREWKO, 9687
WILLIAM A. DAHL, 9261
JENNIFER A. DANIELS, 2528
MICHAEL R. DARGEL, 7077
JOSEPH R. DARLAK, 2939
RACHEL E. DARR, 8387
KEITH B. DAVIDS, 3314
LANCE G. DAVIDSON, 7838
SCOTT D. DAVIES, 9717
CARL P. DAVIS, 3432
CHRISTOPHER S. DAVIS, [redacted]
DERRICK M. DAVIS, 4039
RICHARD W. DAVIS, 1409
TRACY S. DAY, 7040
ALAN D. DEAN, 4481
JAMES P. DEAN, 9122
JOSEPH C. DEGRANDI, 9437
RUSSELL J. DELANEY, 6421
RAYMOND R. DELGADO, III, 6815
MARK F. DEMERS, 6561
DAVID A. DEMOULPIED, 7741
THOMAS W. DENT, JR., 0707
ROBERT J. DENTON, 1259
TIMOTHY A. DERNBACH, 3291
BRUCE L. DESHOTEL, 0236
DAVID W. DEUTERMANN, 6111
MICHAEL K. DEVAUX, 6302
EDWARD W. DEVINNEY, II, 6871
CHRISTOPHER T. DEWEY, 3809
ROBERT A. DEWS, JR., 0785
BRUCE A. DICKEY, 1999
NICHOLAS J. DIENNA, 5241
KAMRAN A. DIL, 0716
DAVID L. DILLENSNYDER, 3509
JERRY B. DISMUKE, 3742
JOHN A. DISSINGER, 6937
THOMAS C. DISY, 9109
DAVID J. DITALLO, 5840
DANNY J. DOBBINS, 5311
WILLIAM A. DODGE, JR., 0214
MICHAEL J. DODICK, 4936
LEONARD C. DOLLAGA, 1533
JOHN H. DONEY, IV, 9262
WILLIAM P. DONNELLY, JR., 2047
ALAN D. DORRBECKER, 8921
MICHAEL E. DOUGLASS, 6428
THOMAS R. DOWDLE, 9261
JOHN S. DOWNEY, 4299
EUGENE J. DOYLE, 1034
RICHARD M. DOYLE, 2372
STEVEN E. DRADZYNSKI, 9476
PATRICK J. DRAUDE, 7804
TIMOTHY D. DREW, 3116
JEFFREY B. DRINKARD, 3609
RICHARD J. DROMERHAUSER, 8271
TIMOTHY E. DRY, 8226
BEAU V. DUARTE, 4093
DOUGLAS R. DUCHARME, 2372
JAMES A. DUFFORD, 4890
JAY R. DUHADWAY, 8138
CHARLES H. DUNAVANT, JR., 4025
GRADY D. DUNN, 0260
PHILIP D. DUQUETTE, 6604
KENNETH E. DURBIN, 9833
JOHN A. DUVALL, III, 7653
STEPHEN DVORNICK, 4650
ROBERT P. DYE, 7985
ANTHONY G. DYER, 2472
JAMES C. DYKEMA, 9119
DAVID B. EDWARDS, 3663
MARK A. EDWARDS, 6540
TANYA M. EDWARDS, 5881
PAUL F. EICH, 5740
RONALD W. EICKHOFF, 5341
DONALD E. ELAM, 0415
DANIEL P. ELEUTERIO, 5338
JOHN D. ELLIOT, 1486
ERNEST ELLIOTT, 8849
MICHAEL E. ELMSTROM, 4896
JAIME W. ENGDAHL, 1316
ROBERT J. ENGELHARDT, 5838
JOHN E. ERICKSON, JR., 6124
TIMOTHY J. ERICSEN, 6800
THOMAS M. ERTEL, 4572
PAUL A. ESQUIBEL, 1634
JAMES M. ESQUIVEL, 6866
HILARIO A. ESTRADA, 5453
ERIK O. ETZ, 7665
MICHAEL P. EURELL, 4848
SCOTT A. EVANS, 6360
STEVEN T. EVERARD, 4490
RICK C. EYMAN, 7115
DAVID C. FADLER, 4789
SEAN P. FAGAN, 1739
ANDREW R. FALKENBERG, 9906
GARRETT J. FARMAN, 3759
JOHN M. FARWELL, 9003
ANDREW I. FATA, 0194
GERARD R. FEAGLES, 2921
HANS J. FELDMANN, 1183
JAMES A. FELTY, 7218
MICHAEL W. FENDLEY, 2756
HORACIO FERNANDEZ, 0389
JUAN G. FERNANDEZ, II, 8357
RODOLFO FERNANDEZ, 6091
SCOTT P. FIELDS, 7721
JACQUELINE R. FINCH, 2086
NANCY J. FINK, 8116
STEVEN J. FINNEY, 3268
ERIK R. FINO, 9761
EDWARD J. FIORENTINO, 8383
MICHAEL R. FISHER, 8709
MATTHEW G. FLEMING, 6105
DENNIS E. FLORENCE, 5661
MICHAEL O. FLORENCE, 6670
DAVID M. FLOWERS, 3887
MARK A. FONDREN, 8240
KEVIN S. FORD, 3288
DAVID L. FORSTER, 5033
MARK J. FORSTER, 0195
SUSAN A. FORTNEY, 6277
MAUREEN FOX, 5409
DEREK L. FRANKLIN, 3413
GEORGE F. FRANZ, 0983
BRYAN P. FRATELLO, 8488
BRETT D. FRAZIER, 5308
FREDERICK P. FREELAND, JR., 3766
RONALD W. FREITAS, 9456
MARGARET R. FRIERY, 9405
DEREK K. FRY, 3286
PIERRE A. FULLER, 9424
JOHN V. FUNN, 1833
WALLACE J. GABER, JR., 9123
GEOFFREY S. GAGE, 6230
ANGELITO R. GALICINAO, 8289
JANET A. GALLAGHER, 9883
TYSON J. GALLANDER, 1970
PETER G. GALLUCH, 4905
EDWARD M. GALVIN, 7879
TIMOTHY L. GAMACHE, 1786
LAWRENCE M. GARCIA, 8076
JOSEPH L. GARDINER, III, 1844
ROBERT T. GARRETSON, 7024
BRIAN M. GARRISON, 8128
WILLIAM P. GARRITY, JR., 8139
JOSEPH T. GARRY, 3400
MELVIN C. GATES, 8873
DOMINIC C. GAUDIN, 9990
JASON L. GEIGER, 1436
KENDALL GENNICK, 3774
BRENT K. GEORGE, 6774
BRIAN E. GEORGE, 7618
REBECA M. GIACOMAN, 5549
ARTHUR GIBB, III, 7718
ALAN E. GIBSON, 3848
ROBERT J. GIBSON, JR., 2107
MARK S. GILBERT, 1705
MICHAEL W. GILES, 3898
DONALD H. GILL, III, 6819
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CHARLES R. GILLUM, JR., 5847
DAVID T. GLENISTER, 6856
WALTER H. GLENN, JR., 1749
DOUGLAS K. GLESSNER, 7900
JEFFREY L. GOERGES, 1258
CHARLES P. GOOD, 0138
RICHARD A. GOODWIN, 7932
CHRISTOPHER L. GORDON, 9270
DANA R. GORDON, 6597
ROBERT M. GORDON, 7301
JOHN R. GORMAN, 5195
RONALD P. GORMAN, JR., 8970
WILLIAM E. GOSSETT, 1750
BRIAN J. GOSZKOWICZ, 1108
RICHARD S. GOURLEY, 0658
RAYMOND D. GOYET, JR., 1640
GLEN D. GRAEBNER, 2222
DAVID E. GRAEFEN, 4952
SCOTT A. GRAHAM, 4364
BRIAN S. GRAY, 2571
EDWARD J. GRAY, 4856
JEFFREY J. GRAY, 7283
JEFFREY W. GRAY, 8542
ROBERT J. GRAY, 2621
RICHARD A. GREEN, 4502
ROBERT A. GREEN, 9853
CONSTANCE M. GREENE, 4355
JAMES M. GREENE, 5802
GEORGE D. GREENWAY, JR., 6760
DAVID S. GRENNEK, 7330
JEFFREY M. GRIMES, 5912
GEOFFREY M. GRINDELAND, 1518
CHRISTOPHER E. GRONBECH, 8955
TIMOTHY T. GRUNDEN, 3529
WILLIAM J. GUARINI, JR., 2661
CORNELIUS M. GUINAN, 7713
ANDREW J. GWYER, 6119
RICHARD J. J. HABERLIN, 3509
GARY L. HACKADAY, 1368
MICHAEL W. HADER, JR., 1550
JOHN A. HAGA, 5254
CHRISTOPHER J. HAGEN, 9575
JAMES E. HAIGH, 2656
HENRY J. HAIGLER, 1539
WILLIAM B. HALE, 1640

MICHAEL J. HALL, 7382
JOHN H. HALTOM, 4593
HARRIS B. HALVERSON, II, 8259
JEFFREY HALVORSON, 5127
JACKIE D. HAMILTON, 7700
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KRIS B. HANCOCK, 1133
MICHAEL J. HANNAN, 3681
ANTHONY P. HANSEN, 5427
BENJAMIN B. HANSEN, 1730
CRAIG M. HANSON, 4865
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WILLIAM T. HARDER, 5094
RHONDA K. HARDERS, 4949
WALTER O. HARDIN, 2117
REBECCA L. HARPER, 4308
CHRISTOPHER A. HARRIS, 3936
DANIEL A. HARRIS, 5634
DAVID J. HARRIS, 3549
ROY HARRISON, 0606
ANGELA K. HART, 1203
JOSEPH M. HART, 0814
MICHAEL T. HART, 8246
STEPHEN J. HARTUNG, 2229
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HERBERT S. HASELL, 2137
JAMES E. HASSETT, JR., 5799
DENNIS L. HASSMAN, 0415
DAVID A. HAWKINS, 9370
CHRISTOPHER T. HEBERT, 2752
DAVID D. HEBERT, 8643
JONATHAN D. HECKER, 0960
CHRISTINE Y. HEISER, 7776
KURT A. HELGERSON, 8706
JOSEPH B. HENDERSON, 0983
STEVEN R. HENDRICKS, 6170
PAUL A. HERBERT, 4293
GERALD R. HERMANN, 7923
REBECCA S. HERRINGTON, 0226
JEFFREY W. HICKOX, 0803
GEOFFREY T. HICKS, 6919
GREGORY L. HICKS, 8602
JOEL T. HICKS, 0941
EDWARD F. HILER, 2940
ROBERT R. HILL, JR., 2312
KARL E. HINES, 5201
LYLE E. HOAG, 5196
ROBERT I. HOAR, JR., 3504
SCOTT P. HOARD, 0387
DAVID W. HODGES, 2237
JAMES E. HODGES, 9804
CHRISTOPHER F. HOFFER, 2503
BRIAN M. HOFFMANN, 9041
PATRICK J. HOGAN, 4226
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ANN E. HOLLENBECK, 2922
FRANK O. HOLLEY, 6417
CRAIG A. HOLTSLANDER, 7168
WILLIAM F. HOMAN, 8244
JOHN G. HONER, 6435
GLENN M. HOPSON, 4745
DARYL S. HORNE, 6129
JENNIFER P. HORNE, 9858
STEVEN L. HORRELL, 1879
KEITH W. HOSKINS, 0059
DAVID M. HOUFF, 2451
MICHAEL D. HOUSTON, 9810
HUGH W. HOWARD III, 4034
BRIAN A. HOYT, 1881
ROBERT F. HUBBARD, 3124
JAY C. HUCK, 7717
DAVID S. HUDSON, 3707
DAVID C. HUGHES, 9498
ADAM L. HUNT, 8253
DAVID S. HUNT, 1052
MARK M. HUNT, 0288
GEORGE K. HUNTER, 4507
MICHAEL A. HURNI, 4156
GREGORY A. HUSMANN, 8222
MARIA T. ILLINGWORTH, 1067
ERIK K. ISAACSON, 9173
MARK D. JACKSON, 1883
TROY S. JACKSON, 4492
BRIAN K. JACOBS, 3371
DARRYN C. JAMES, 8707
ROBERT B. JAMES, 1326
JAMES W. JENKS, 6097
KARL E. JENSEN, 0532
MICHAEL L. JENSEN, 6822
MICHAEL H. JOHANSSON, 3242
BRENT L. JOHNSON, 7196
ERIK O. JOHNSON, 5368
KEVIN B. JOHNSON, 7258
MARK H. JOHNSON, 2857
MICHAEL C. JOHNSON, 4579
MICHAEL D. JOHNSON, 2610
GEORGE S. JOHNSTONE, 6122
MARK A. JOINES, 4432
DOREEN M. JONES, 5416
EDWARD D. JONES, 1831
ERIC R. JONES, 5651
JOHN M. JONES, 7806
STANLEY C. JONES, 4642
LARRY L. JORDAN, 6256
JEFFREY L. JOYNT, 8832
LETITIA D. JUBERT, 6087
BRIAN D. JULIAN, 1520
MICHAEL JUNGE, 3764
FREDERICK W. KACHER, 9075
EDWIN D. KAISER, 5626
JOSEPH Y. C. KAN, 9365
KYLE G. KARSTENS, 9593
DAVID L. KAYEA, 7351
FRANTZ E. KEBREAU, 5411
JOHN J. KEEGAN, 9960
JOHN A. KEETON, 4895
STANLEY O. KEEVE, JR., 8134
SEAN P. KELLY, 7738
THOMAS M. KEMPER, 8698
HERBERT L. KENNEDY, III, 7338
DAVID A. KENNETT, 7290
MARK C. KESTER, 0437
ROBERT E. KETTLE, 4507
MUHAMMAD M. F. KHAN, 3585
QUINTEN M. KING, 2791
RICHARD T. KING, 6881
JEFFREY R. KINSMAN, 2563
JAMES A. KIRK, 4595
GARY W. KIRKPATRICK, 8715
LISA A. KIRKPATRICK, 6980
RICHARD L. KIRMIS, 1599
LESA J. KIRSCH, 4270
DONALD E. KLEIN, 6144
BRYAN J. KLIR, 9701
MARY J. B. KLUG, 2573
GRANT W. KLUZAK, 0229
KENN M. KNITTEL, 6959
KEITH A. KNUTSEN, 9822
RAYMOND E. KOCHEY, 9447
STEVEN F. KOENIG, 2839
DAVID K. KOHNKE, 4866
ALAN L. KOLACKOVSKY, 9368
NILS C. KONIKSON, 0522
ERIK A. KOONCE, 8813
BRETT J. KORADE, 8850
MATTHEW A. KOSNAR, 7110
MICHAEL A. KOSTIUK, 9187
WILLIAM P. KRONEN, 6569
DEBORAH S. KRONGARD, 2600
WILLIAM R. KRONZER, 4852
JEFFREY R. KRUSLING, 0170
BRIAN W. KUDRNA, 0842
BRIAN S. KULLEY, 2713
JOHN G. KURTZ, 4424
MICHAEL A. KUYPERS, 1834
DARRELL D. LACK, 3889
NANCY S. LACORE, 5319
DAVID A. LADERER, 7787
PATRICK B. LAFONTANT, 2989
ANDREW S. LAMBLEY, 4097
CHRISTOPHER F. LAMOUREAUX, 5438
CHRISTOPHER J. LANDIS, 0641
DOUGLAS M. LANGLOIS, 0989
JULIE M. LAPOINT, 5496
RUSSELL C. LARRATT, 3287
CHRISTOPHER M. LATHEM, 7814
JEROME P. LAVELY, JR., 2301
THOMAS A. LAVERGHETTA, 3998
CARLTON L. LAVINDER, 7782
FREDERICK B. LAWRENCE, 2098
CRAIG P. LAWS, 9294
MORGAN D. LEAKE, 0139
JAMES H. LEE, 3147
JAMES S. LEE, 6202
KWAN LEE, 5063
MICHAEL J. LEHMAN, 5705
JEFFREY B. LEHNERTZ, 3724
MICHAEL W. LEIGH, 0275
CURTIS C. LENDERMAN, 5623
DEREK J. LENEY, 2807
DARRYL J. LENHARDT, 5650
KEVIN P. LENOX, 8609
TIMOTHY G. LEONARD, 3707
BRADLEY J. LEONHARDT, 8742
ROGER J. LERCH, JR., 0739
MICHAEL LESCHINSKY, 4742
GLEN S. LEVERETTE, 2936
MARY E. LEWELLYN, 9051
ERIC M. LEWIS, 1723
JONATHAN A. LEWIS, 2139
LLEWELLYN D. LEWIS, 6612
MICHAEL D. LEWIS, 6346
RONALD T. LEWIS, 7163
THERESA A. LEWIS, 6926
TODD A. LEWIS, 8551
WARREN N. LIPSCOMB, III, 8100
JOSEPH A. LISTOPAD, 7919
MATTHEW J. LITTLETON, 4569
KEVIN F. LIVOLSI, 6762
ADAM C. LOCHMANN, 0312
JANET E. LOMAX, 4244
KENNETH S. LONG, 6866
RUSSELL G. LONGLEY, 9190
BARBARA L. LOPEZ, 2627
ERNESTO LOZANO, 9995
EDGAR LUCAS, 9326
TIMOTHY C. LUND, 8379
JOHN A. MACDONALD, 0326
ALVAH B. MACDOUGALL, JR., 0011
CORAL L. MACINTOSH, 4470
TERRENCE MACK, 1929
RANDY N. MACTAL, 2666
PAUL J. MAGOON, 1678
JANET K. MAHN, 3511
RICHARD D. MAHONE, JR., 9000
FERNANDO MALDONADO, 1291
CHARLES W. MALONE, 6367
SHAWN P. MALONE, 4499
MICHAEL J. MANGIAPANE, 8563
JEFFREY S. MANNING, 1159
PETER M. MANTZ, 8338
STEVEN J. MARINELLO, 6818
MATTHEW J. MARONE, 0009
DAVID J. MARTAK, 4655
EUGENE T. MARTIN, III, 2836
MICHIKO J. MARTIN, 5972
STEPHEN D. MARTIN, 1575
MARK M. MARTY, 3514
CATHERINE M. MASAR, 1990
MARK D. MASKIELL, 2964
KENT R. MATHES, 6060
ALAN L. MATHIS, 5132
GARY L. MATHIS, 5421
KEVIN M. MATULEWICZ, 8185
THOMAS E. MAURER, 1842
DAVID M. MAXWELL, 5295
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SEAN C. MAYBEE, 7328
TODD A. MAYFIELD, 4566
RAYMOND C. MCBROOM, 6864
JOHN P. MCCALLEN, 1277
CHRISTOPHER M. MCCARTHY, 3778
MICHAEL A. MCCARTNEY, 4041
JEFFREY W. MCCAULEY, 8616
ROBERT A. MCCORD, 7151
RICHARD C. MCCORMACK, 1636
RUSSELL S. MCCORMACK, 2033
ALLEN H. MCCOY, 5580
ANTOINETTE MCCRACKEN, 8198
MARY J. O. MCCREA, 8505
DENNIS W. MCFADDEN, 0327
KEVIN C. MCGOFF, 6820
JAMES T. MCGOVERN, 8358
KEVIN MCGOWAN, 7918
JAMES P. MCGRATH, III, 7508
JOHN P. MCGRATH, 4640
WILLIAM C. MCKINNEY, 0830
VAN P. MCLAWHORN, 8768
RICHARD A. MCLEAN, 7764
MARK W. MCMANUS, 5709
MICHAEL M. MCMILLAN, JR., 9930
PAUL R. MCMULLEN, 0414
THOMAS E. MCNERNEY, III, 0685
SCOTT G. MCWETHY, 8123
TYLER L. MEADOR, 7739
DAVID A. MEECHAN, 3942
ROBERT L. MEEKER, JR., 9236
DAVID G. MELONSON, 4925
PORFIRIO MENDOZA, JR., 7713
JOHN V. MENONI, 1487
GREGORY C. MERK, 8811
KURT C. MERKLING, JR., 3289
KEVIN D. MEYERS, 3671
KYLE T. MICHAEL, 7234
PATRICK M. MIDDLETON, 5823
WADE R. MIKULLA, 2823
JIMMIE L. MILLER, 1061
ROBERT C. MILLER, 4593
WILLIAM G. MILLER, 9917
WILLIAM K. MIMS, 0488
DALE R. MINICH, 4446
ALLEN R. MINICK, 3301
CHRISTOPHER C. MISNER, 5988
ABRAHAM K. MITCHELL, 6380
CLELAN R. MOFFITT, 5741
JOHN C. MOHN, JR., 5298
MICHAEL F. MONAGLE, 1822
DEBORA R. MONROE, 7290
GEORGE T. MOODY, 0667
RONALD F. MOODY, 9205
KEITH G. MOORE, 9331
MICHAEL R. MOORE, 5342
SCOTT D. MORAN, 5487
KIMBERLY S. MOREIRA, 7210
WILLIAM K. MORENO, 7651
REECE D. MORGAN, 3656
DAVID N. MORIN, 7108
KEVIN R. MORRISON, 6427
SHENAE Y. MORROW, 2557
DARREN V. MORTON, 8366
JON T. MOSTYN, 2401
BRIAN C. MOUM, 8129
ALBERT G. MOUSSEAU, JR., 1098
JOSEPH A. MOYER, 9729
PATRICK T. MOYNIHAN, 2938
PATRICK R. MUELLER, 9812
EDWARD D. MURDOCK, 7640
JOHN S. MURGATROYD, 2836
GERALD D. MURPHY, 6648
JOHN B. MUSTIN, 8660
SERDAR M. MUTLU, 7138
BARBARA J. MYTYCH, 8545
KENNETH E. NAFRADA, 2650
JOSEPH P. NAMAN, 6571
MICHAEL D. NASH, 3364
ANDREW W. NEAL, 0023
JEFFREY W. NEGUS, 8576
JOHN D. NELL, 5883
RICHARD M. NELMS, JR., 2253
DAVID A. NELSEN, 9282
JAMES R. NELSON, 2790
KARLA J. NEMEC, 3550
CLINTON A. NEUMAN, 5581
PAUL V. NEUZIL, 5578
JOHN P. NEWCOMER, 8652
RICHARD P. NEWTON, 9332
KENNETH A. NIEDERBERGER, 2552
DAN A. NIGHTINGALE, 1202
MICHAEL A. NIKOLICH, 3805
DAVID H. NORMAN, 9448
MICHAEL K. NORTIER, 8738
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YVONNE D. NORTON, 3347
DEVON C. NUGENT, 6291
TODD M. NUNNO, 6076
HAROLD O. OAKLEY, 9456
JOHN M. O'BRIEN, 4728
SEAN P. O'BRIEN, 7096
STEPHEN F. O'BRYAN, JR., 7319
RICHARD F. O'CONNELL, 3531
JAMES S. OGAWA, 9301
ANTHONY L. OHL, 6742
KLAS W. OHMAN, 6737
MICHAEL J. O'KEEFE, 0863
HAL S. OKEY, 0484
JOHN A. OKON, 1460
PETER S. OLEP, 5263
EDWARD OLEYKOWSKI, 6166
CHRISTOPHER V. OLSON, 2417
JON R. OLSON, 1794
MICHAEL N. OLUVIC, 9497
JULIE O'ROURKE, 3574
PEDRO J. ORTIZ, 2461
MICHAEL J. OSBORN, 8923
RAYMOND B. OTT, 8948
JAMIE R. OTTO, 0186
JOHN F. OUELLETTE, 4816
CLARK J. OVERBAUGH, 3346
JOE V. OVERSTREET, 2767
CHARLES L. OWENS, 7254
PATRICK M. OWENS, 8236
HOWARD PACE, 6362
DAVID M. PADULA, 8571
DONALD F. PAGLIARO, 5953
MELODIE S. PALMER, 4757
ROBERT D. PALMER, 7339
STEPHEN E. PALMER, 1031
JOHN S. PAMER, 3872
JAMES M. PARISH, 6779
JAMES P. PARISIEN, 2089
JOHN J. PARK, 4692
GREGORY J. PARKER, 1697
MARCUS L. PARKER, 5245
SCOTT A. PARVIN, 2607
LAURENCE M. PATRICK, 9206
MICHAEL D. PATTERSON, 3105
WAYNE M. PAULETTE, 8240
LAURA J. PEARSON, 5116
DAREN R. PELKIE, 0009
MARK E. PELTON, 6509
WILLIAM P. PENNINGTON, 9999
MICHAEL J. PERRY, 5546
STEFAN PERRY, 0489
JOHN A. PESTOVIC, JR., 4522
AARON S. PETERS, 9568
RANDALL V. PETERS, 8856
CHRISTOPHER L. PETERSON, 0760
MICHAEL C. PETERSON, 6147
TRAVIS A. PETERSON, 0142
TIMOTHY H. PFANNENSTEIN, 2354
JESSICA PFEFFERKORN, 0637
DANIEL M. PFEIFF, 9541
TUAN N. PHAM, 3122
TUNG X. PHAM, 7947
MICHAEL W. PHARES, 9259
CLIFTON T. PHILLIPS, 3596
CURTIS K.M. PHILLIPS, 7093
PETER C. PHILLIPS, 1173
ERIC R. PHIPPS, 0648
THOMAS C. PICKETT, JR., 7576
MICHAEL R. PIERCE, 8683
DAVID A. PIERSON, 8762
MICHAEL E. PIETRYKA, 3612
NOEL A. PITONIAK, 2396
DARREN R. PLATH, 5224
MICHAEL A. POLIDORO, 9935
PHILLIP W. POLIQUIN, 5824
BRYAN P. PONCE, 9328
WILLIAM R. POPPERT, 7426
MALCOLM H. POTTS, 4892
DOUGLAS A. POWERS, 6963
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CHARLES A. PRATT, 7691
MATTHEW S. PREGMON, 7033
PERRY D. PREUETT, 7009
MICHAEL J. PREWITT, 3155
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MARK A. PROKOPIUS, 8242
KEVIN J. PROTZMAN, 8866
ROBERT S. PRYCEJONES, 3794
JOHN A. PUCCIARELLI, 9463
ROBERT J. PUDLO, 1613
JOSEPH P. PUGH, 0386
GERARD F. QUINLAN, 0775
PAUL D. QUINN, 3010
CHARLES E. QUINTAS, 9484
DAVID A. QUIRK, 7548
JOSEPH V. QUIRK, 8558
HERBERT R. RACE, JR., 7671
NICK C. RADNEY, 3125
SALVATORE P. RAFANELLO, 2486
JAMES R. RAIMONDO, 0591
DAVID C. RAINE, 0118
THOMAS A. RAINVILLE, 2381
TIM RAINWATER, 6605
BRUCE C. RASCHE, 9057
JAMES J. RASMUSSEN, JR., 8103
EUGENE R. RATHGEBER, 5688
JAMES D. RAULSTEN, 0598
DEAN T. RAWLS, 5367
JOSEPH P. REASON, JR., 3915
KENNETH L. REBER, 7065
DOUGLAS E. RECKAMP, 6043
CHARLES V. RED, JR., 1856
CARL S. REED, 9435
LEONARD E. REED, 0236
ROBERT M. REEVES, 5875
ANGUS P. REGIER, 0225
PHILIP N. REGIER, 1976
MICHAEL R. REIN, 0142
DENNIS W. REINHARDT, 3762
BARON V. REINHOLD, 2150
MARK W. RENAUD, 5489
CURT A. RENSHAW, 1052
GREGORY A. REPPAR, 2826
JAY S. RICHARDS, 6031
TIMOTHY P. RICHARDT, 4246
TIMOTHY E. RIEGLE, 6186
DALE C. RIELAGE, 0359
KIM H. RIGAZZI, 7563
DENNIS B. RITCHEY, 0440
WILLIAM M. ROARK, 9804
DION A. ROBB, 7911
DONALD A. ROBERTSON, 9904
JOHN D. ROBINSON, 9632
JOSEPH R. ROBSON, JR., 6870
MICHAEL R. ROCHELEAU, 6393
CINDY M. RODRIGUEZ, 8681
HECTOR L. RODRIGUEZ, 6552
JOSEPH A. RODRIGUEZ, 0919
BRENDAN P. ROGERS, 4380
NESTOR E. ROMERO, 9102
BRIAN K. ROSGEN, 0064
MARK E. RUSNAK, 7742
RONALD W. RUSSELL, 5285
TED M. RUSSELL, 2200
MICHAEL D. RUSSO, 2053
MICHAEL L. RUSSO, 1584
DAVID M. RUTH, 4707
STEVEN M. RUTHERFORD, 7374
MICHAEL S. RYAN, 1938
RICHARD J. RYAN, 0056
JOHN A. SAGER, 0406
CHRISTOPHER M. SAINDON, 7488
ANTHONY W. SAMER, 2327
SCOTT A. SAMPLES, 2329
DOUGLAS A. SAMPSON, 5205
BENNIE SANCHEZ, 5191
THOMAS E. SANCHEZ, 4822
MATTHEW R. SANDBERG, 6933
DAVID P. SANDERS, 9075
JOHN R. SANDERSON, IV, 2455
MALACHY D. SANDIE, 2909
GREGORY M. SANDWAY, 1946
JOHN P. SANFORD, 7088
ANTONIO P. SANJOSE, JR., 8696
EUGENE A. SANTIAGO, 5449
DAVID D. SANTOS, 2363
CARLOS A. SARDIELLO, 5422
STEPHEN K. SAULS, 6101
CHARLES SAUTER, 2279
MICHAEL A. SCHACHTER, 9277
KEITH E. SCHAFFLER, 0485
LOUIS J. SCHAGER, JR., 5791
PHILIP M. SCHEIPE, 8131
FRANK M. SCHENK, JR., 5001
GREGORY J. SCHMEISER, 0667
KENT R. SCHRADER, 8542
CHARLES W. SCHREIBER, 1945
KARAN A. SCHRIVER, 6973
THOMAS S. SCHUMACHER, 1438
MARK C. SCOTT, 5817
SHARI L. SCOTT, 2250
STEPHEN D. SCOTTY, 6064
KARLA W. SCROGGINS, 6431
SCOTT R. SENAY, 1811
ROBERT N. SEVERINGHAUS, 8066
SEAN T. SEXTON, 1809
BRYAN P. SHEEHAN, 7460
THAD M. SHELTON, 2338
STEVEN B. SHEPARD, 2748
MICHAEL E. SHERWIN, 6998
LEONARD M. SHETLER, 1982
RANDALL B. SHOCKEY, 5853
DENNIS A. SHOOK, 8742
KIRSTINA D. SHORE, 9288
JOHN J. SHRIVER, 5101
MICHAEL L. SHUMBERGER, 1425
DENNIS W. SICKEL, 1421
TODD M. SIDDALL, 2036
EDWARD A. SIMILA, 8974
DONALD B. SIMMONS, II, 4402
KEVIN S. SIMOES, 2478
DAVID C. SIMS, 4206
GREGORY J. SINGERLE, JR., 9470
MICHAEL J. SINGLETON, 8316
JOHN P. SIPES, JR., 3997
JAMES G. SIRES, 8782
DAVID M. SLIGER, 1624
JAMES F. SLOAN, III, 9162
WAYNE F. SLOCUM, 5877
TIMOTHY B. SMEETON, 4932
JEFFREY E. SMITH, 7753
MARY E. SMITH, 0727
TOMMIE C. SMITH, 8722
WESLEY A. SMITH, 1012
WESLEY S. SMITH, 0787
JOHN J. SNIEGOWSKI, 5572
ERIN G. SNOW, 1891
TAMARA L. SNYDER, 5249
MARK W. SORTINO, 8208
MICHAEL J. SOWA, 4090
ROBERT J. SPANE, II, 0203
CHARLES C SPARKS, II, 5615
PAUL C. SPEDERO, JR., 2030
JOHN M. SPEREDELOZZI, 3381
TIMOTHY W. SPITSER, 3682
PAUL B. SPOHN, 1729
TIMOTHY W. STAATS, 3498
RICHARD M. STACPOOLE, 0611
BRETTON C. STAFFORD, 3169
DORA U.L. STAGGS, 7671
DAVID J. STAMM, 7964
DOUGLAS H. STANFORD, 3632
ROBERT W. STANLEY, 3976
WILLIAM F. STARR, 5838
RICHARD B. STEELE, 5385
KIRK A. STEFFENSEN, 2348
LEIF E. STEINBAUGH, 9116
EHRICH W. STEINMETZ, 0085
JOSEPH S. STENAKA, 6329
LEE C. STEPHENS, 6903
MARC A. STERN, 1578
BENJAMIN J. STEVENS, 0304
MICHAEL J. STEVENS, 8790
WILLIAM C. STEWART, 6234
CHRISTOPHER STEYN, 5010
RONALD J. STINSON, 9897
EDWARD J. STOCKTON, 1573
JAMES G. STONEMAN, 8379
MARK R. STOOPS, 7778
KIRK A. STORK, 5627
HAROLD W. STOUT, 9406
SHELBY STRATTON, 0960
DAVID A. STREIGHT, 1707
LAWRENCE J. STROBEL, 2823
MICHAEL O. STUART, 2817
LYLE D. STUFFLE, 9975
WILLIAM C. SUGGS, 0950
JERRY L. SULLIVAN, 1897

DAVID P. SUPPLE. 1005
JOSEPH A. SURETTE. 1162
PARKER W. SWAN. 2162
SCOTT H. SWORDS. 7445
ROBERT M. SYMULESKI. 9154
JAMES S. TALBERT. 6196
JAMES B. TANNAHILL. 8422
CHRIS E. TAYLOR. 2943
GUY A. TAYLOR. 1843
JAMES E. TAYLOR. 5698
DEREK L. TEACHOUT. 4996
MICHAEL W. TEMME. 0064
THOMAS R. TENNANT. 4102
HENRY J.M. THAXTON. 1412
RICHARD A. THIEL. JR.. 6838
JOHN J. THOMPSON. 6609
KENT F. THOMPSON. 4860
PAUL A. THOMPSON. 8191
RICHARD W. THOMPSON. 3367
MARK E. THORNELL. 5412
MICHAEL L. THRALL. 8942
DARCEY J. THURESON. 8912
MARIE A. THURMAN. 5391
BRADLEY S. TIDWELL. 5089
KEITH G. TIERNAN. 1752
KATHRYN E. TIERNEY. 6399
RODNEY P. TISHNER. 0168
JAMES T. TOBIN. 9197
EDWIN TOBON. 1011
WILLIAM E. TOEPPE. 5169
CHARLES J. TOLEDO. 3360
ERIC T. TOOKE. 9969
RAYMOND M. TORTORELLI. 7628
THOMAS A. TRAPP. 6783
TARA K. TRAYNOR. 3183
THOMAS J. TREACY. 1216
BRETT H. TREESE. 3947
GEORGE F. TRICE. JR.. 3343
DAVID M. TRZECIAKIEWICZ. 7888
JAMES M. TURECEK. 5118
PHILLIP H. TURNER. 0401
TROY J. TWOREK. 4509
ROGER R. ULLMAN. II. 3642
MONTE L. ULMER. 6687
CHRISTINA L. ULSES. 4321
BART J. UMENTUM. 6594
LOUIS T. UNREIN. 4028
RAJAN VAIDYANATHAN. 4341
JOHN L. VALADEZ. 1974
SALLY A. VANHORN. 3974
JEFFREY T. VANLOBENSELS. 8479
ANDREW B. VARNER. 8605
MICHAEL S. VARNEY. 9868
PETER G. VASELY. 4512
JOSEPH A. VASILE. 4724
RONALD E. VAUGHT. 4463
MICHAEL VERNAZZA. 9071
GENE B. VETTER. 1071
CHARLES H. VICKERS. 6962
CLARO W. VILLAREAL. 1213
TRACY A. VINCENT. 9190
BRADLEY E. C. VOLDEN. 7230
PAUL E. VOLLE. 6068
SUZANNE H. VONLUHRTE. 3924
JOHN F. WADE. 8456
WILLIAM E. WALDIN. 9563
WILLIAM C. WALKE. II. 0985
DOUGLAS H. WALKER. 3172
JEFFREY J. WALKER. 8041
JOEL R. WALKER. 7675
PATRICK J. WALKER. 8117
JEROME WALLACE. JR.. 6806
RICKEY D. WALLEY. 3279
MICHAEL E. WALLIS. 7529
JOSEPH E. WALTER. JR.. 0425
JON D. WALTERS. 2621
DAVID E. WARD. 1421
JOHN M. WARD. 7389
MARGARET M. WARD. 6154
ROBERT J. WARE. 7703
DENNIS J. WARREN. 6666
DAVID H. WATERMAN. 4513
TODD M. WATKINS. 0103
JILL C. WATSON. 7497
STEVEN H. WATSON. 4408
STEVEN D. WEBER. 0257
TIMOTHY R. WEBER. 9523
ROY T. WEDGEWOOD. 4568
WILLIAM A. WEEDON. 5709
KENNETH L. WEEKS. III. 7894
ANDREW J. WEGNAN. 6165
EVAN W. WEINTRAUB. 9862
MARK W. WEISGERBER. 0172
STEVEN G. WELDON. 4262
RICHARD T. WELHAM. 1371
DANIEL A. WELLS. 9510
DEAN E. WENCE. 5734
PAUL G. WERRING. JR.. 6060
THOMAS L. WESTER. 4408
EDWARD J. WETZEL. 1491
CRAIG M. WEVLEY. 3907
CHARLES R. WHEELER. 4096
JEFFREY P. WHETMAN. 5995
MICHELLE K. WHISENHANT. 7909
DAVID A. WHITE. 5603
ERASMUS D. WHITE. 3146
WILLIAM S. WHITE. 1727
SCOTT E. WHITMORE. 7886
MICHAEL V. WIECZOREK. 3270
ERIC S. WIESE. 4487
JAMES W. WIGGS. 8748
GEORGE M. WIKOFF. 4427
DEAN R. WILL. 3363
PAT L. WILLIAMS. 9680
RACQUEL M. WILLIAMS. 5480
ROBERT A. WILLIAMS. 7494
SUSAN M. WILLY. 9860
ANHTUAN N. WILSON. 0135
DEAN A. WILSON. 9991
HAROLD M. WILSON. 9080
DAVID G. WIRTH. 0330
ANDREW V. WITHERSPOON. 9017
THOMAS A. WOLFE. 7036
CYNTHIA M. WOMBLE. 7467
WILLIAM P. WOOD. 2523
HAROLD T. WORKMAN. 9871
DANIEL C. WORRA. 1891
JOSEPH W. WORTHINGTON. 5357
BRYAN R. WRIGHT. 1011
KEITH B. YAUGER. 4749
STEPHEN C. YEAGER. 7035
DONNA M. YOUNG. 9610
FORREST YOUNG. 3192
MARK V. ZABOLOTNY. 1202
CHRISTIAN W. ZAUNER. 5807
MICHEAL L. ZIEGLER. 0583
KEVIN D. ZIOMEK. 0900
JOHN M. ZUZICH. 2827

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C.. SECTIONS 531 AND 5582:

To be lieutenant commander

MARC E. ARENA. 1471
SCOTT A. CURTICE. 8210
KENNETH C. EARHART. 0207
JOHN G. ESAREY. 1420
PRESTON S. GABLE. 6583
TAMARA J. HOOVER. 7541
CYNTHIA R. JOYNER. 3474
RACHEL L. KATZ. 2340
STEVEN A. KLOCK. 4283
THOMAS K. LEAK. 6729
ALISON C. LEFEBVRE. 2591
SCHALK J. LEONARD. 2386
IVAN K. LESNIK. 4833
EDWIN T. LONG. 5059
ANTHONY C. MILLER. 5286
EILEEN SCANLAN. 0627
GAYLE D. SHAFFER. 6356

To be lieutenant

SETH D. ABBOTT. 6921
JAMES R. ACKERMAN II. 5454
CHRISTINE N. ACTON. 4721
PAUL R. ALLEN. 3920
ROBERT W. ANDERSON. 0279
VANESSA D. ANJARD. 9794
CARLOS A. ARANDA. 0834
JOSEPH J. ARNOLD. 4010
MARTIN F. ARRIOLA. 2861
ELIZABETH A. ASHBY. 7492
BRANTLEY F. BAIN. 0688
ANDREW B. BAKER. 0852
JONATHAN G. BAKER. 5111
JOHN M. BARRETT. 0705
GREGORY R. BART. 1216
DONNA M. BARTEE. 8050
WILLIAM H. BAXTER. 1804
JUANITA B. BELISO. 6638
JEFFREY S. BERGER. 6542
AIDA S. BERNAL. 1529
JEFFREY J. BERNASCONI. 6431
VALERIE J. BEUTEL. 7553
KRISTEN M. BIRDSONG. 4412
KAREN H. BISOGNO. 2366
WALTER D. BRAFFORD. 4120
AARON G. BRODSKY. 0354
REGINALD C. BROWN. 8756
BRADLEY D. BUCHANAN. 1934
KAREN J. BUENGER. 7543
JASON A. BURNS. 7299
BRENT A. BUSHEY. 8469
VIRGINIA L. BUTLER. 1064
RONNIE M. CANDILORO. 0059
ANN M. CASE. 7800
MATTHEW CASE. 1100
JEROME J. CHRISTENSEN. 7106
JEFFREY CLARK. 2369
LORI J. CLAYTON. 2271
SCOTT O. CLOYD. 7902
TIMOTHY A. COAKLEY. 4676
MICHAEL L. COE. 8801
LAURA K. COMSTOCK. 4516
GREGORY W. COOK. 0077
CHERYL J. COSTA. 6858
ANDREW B. CRIGLER. 0195
ROBERT J. CROW. 4789
JOHN M. DANIELS. 1903
CASSANDRA DARDENBARNES. 5856
BRADLEY S. DAVIS. 9048
CHRISTOPHER D. DECLERCQ. 8346
KRISTA J. DELLAPINA. 9118
FARIA DIAZ. 0043
THOMAS L. DORWIN. 2782
BARBARA J. DROBINA. 1874
JOEL D. DULAIGH. 2268
GARETT E. EDMONDS. 3217
KAREN L. EGGLESTON. 5736
JOHN W. EJNIK. 8244
DANIEL E. ELDREDGE. 6664
LORRAINE A. ENGLISH. 6497
TODD M. EVANS. 4638
BRADLEY A. FAGAN. 1995
KRISTIN M. FERER. 7356
GERRY M. FERNANDEZ. JR.. 3724
GLENN S. FISCHER. 1227
BARBARA H. FLETCHER. 7680
JOSEPH P. FLOTT. 8069
DAVID R. FOSTER. 5038
SHELLY V. FRANK. 1727
THERESA L. FRITH. 4911
ORLANDO J. FUGARO. 3532
IVAN R. GARCIA. 1005
EUGENE K. GARLAND. 4797
JOSEPH R. GARNER. 0984
BARTON J. GARRISON. 7531
MARY B. GERASCH. 1645
DAVID G. GIBBONS. 5666
ROBERT W. GNEITING. 5408
MARY F. GREER. 9143
DARRELL S. GREGG. 8051
DANIEL W. GRIPPO. 5182
DEBORAH D. HALVORSEN. 0240
LAURA E. HAMILTON. 7206
SHANNON K. HAMILTON. 6919
BARBARA T. HANNA. 2658
CHRISTOPHER M. HANSEN. 1490
JONATHAN M. HARTIENS. 3028
JOSEPH M. HENRIQUEZ. 9252
WILLIAM E. HENRY. JR.. 8057
MARIO P. HERRERA. 3229
LARRY W. HERTER. 9051
KATHLEEN E. HEWITT. 1683
SHEILA HEWITT. 7465
STEPHEN F. HIGUERA. 4596
LAURA J. M. HOBBS. 0847
DENISE L. HOFFMAN. 8816
EMILIE R. HOOK. 6325
DEREK O. HOOKS. 1921
WILLIAM J. HUGHES. IV. 4982
JULIE A. HUNT. 1729
CHARLES E. HURST. 3089
LEON R. JABLOW. IV. 0108
RONNY L. JACKSON. 7335
JEFFREY J. JAKUBOSKI. 7733
CHRISTINA A. JAMIESON. 5707
ALBERT S. JANIN. IV. 0485
KARON V. JONES. 0097
ULETHA M. JONES. 8982
PAUL C. KAPFER. 5900
STEPHANIE A. KAPFER. 5551
FRANK T. KATZ. 9435
DUANE M. KEMP. 6489
SHARI D. KENNEDY. 8470
YOLANDA KERN. 2656
ANDREW S. KIM. 9837
KEVIN E. KING. 8946
TROY L. KING. 2619
REBECCA A. KISER. 2498
MARK F. KLEIN. 2083
MARCI C. LABOSSIERE. 3831
SUSAN D. LABOY. 2945
WILLIAM S. LARAGY. 1757
CINDY L. LASWELL. 9015
VERONICA A. LAW. 4526
KATRINA M. LEEK. 0892
DENISE M. LEVELING. 4272
ANDREW D. LEVITZ. 5754
MICHAEL LIBERATORE. 8850
BRIAN R. LOMAX. 8047
KEVIN T. LONG. 3320
TRACY L. LOPEZ. 1457
EVA M. LOSER. 4856
PETER M. LUDWIG. 7664
JOHN S. LUGO. 7901
MICHAEL P. LYNN. 5702
JENNIFER J. MACBAIN. 4596
DENNIS B. MACDOUGALL. 7660
IAN A. MACKINNON. 0168
CARL H. MANEMEIT. 4353
PAUL A. MANNER. 2228
CHRISTOPHER R. MANNION. 5330
DAVID M. MARTIN. 2470
DWAYNE B. MARYOTT. 1183
MICHAEL R. MAULE. 8605
CAREN L. MC CURDY. 1757
ERIC J. MC DONALD. 0388
STUART R. MCKENNA. 1369
CATHLEEN M. MC QUADE. 2426
PATRICK G. MELER. 0155
PHILIP B. MELTMAR. 5386
ROSARIO P. MERRELL. 9162
ANDREW P. MESHEL. 0513
XANTHE R. MIEDEMA. 7707
JULIE K. MILLER. 8342
PAUL C. MILLER. 5995
ANN K. MINAMI. 0905
CHAD A. MITCHELL. 9838
MONICA E. MITCHELL. 2511
CARLOS MONTANEZ. 0720
JOHN P. MOON. 2169
KARIN S. MOREAN. 2619
MARK S. MORRELL. 7472
DANIEL MORITSCH. 0027
SYLVIA I. NAGY. 7719
JAMES A. NEUMAN. 7208
THANH V. NGUYEN. 4067
PAMELA E. NICKRAND. 9505
JEREMY C. NIKEL. 9337
JOHNNY M. NILSEN. 7402
EDWARD B. O'BRIEN. III. 0554
NATHAN R. OGLE. 7996
JANICE K. O'GRADY. 8412
SHIRLEY E. OGUIN. 6265
JOHN A. OLIVEIRA. 8621
CLYDE D. OWEN. 3345
ERIC OXENDINE. 7262
JERRI A. PALMER. 8399
PHILIP D. PARKER. 6705
DOUGLAS K. PARRISH. 3474
JUSTICE M. PARROTT. 9779
JOE T. PATTERSON. III. 0855
BETHANY L. PAYTON. 1833
DONALD D. PEALER. 6333
BARTON L. PHILPOTT. 0453
JOSE M. PI. 9542
ROBERT D. POLLEY. JR.. 6400
BRIAN F. PRENDERGAST. 3776
COLE C. PRIZLER. 8357
PAUL A. PURDY. JR.. 9652
EVELYN M. QUATTRONE. 8041
MARK K. RAKESTRAW. 4157
LINDA I. RAKOSNIK. 3646
DALE D. RAMIREZ. 0424
DEIDRA M. RAMOS. 6854
CHRISTOPHER J. REDDIN. 0810
DAVID C. REITER. 2013
JOANNA M. REITER. 0639
JANELLE A. RHODERICK. 8043
JEFFREY P. RICHARD. 7244
TIMOTHY R. RICHARDSON. 6410
SHAWN A. RICKLEFS. 9371
GEORGE P. RILEY. 2791
JOHN ROROS. 3157
KEVIN S. ROSENBERG. 8334
PAUL W. ROUSSEAU. 6094
ROBIN L. ROWEADLER. 5258
BRET A. RUSSELL. 6533
REGINALD T. RUSSELL. 8773
SCOTT A. RUSSELL. 2930
PHILIP J. RYNN. 8052
LINDA M. SALEH. 1596
SCOTT A. SAMPLES. 2329
JOSE L. SANCHEZ. 2248
PETER M. SCHEUFELE. 0183
GRACE K. SEABROOK. 8052
SHERRY J. SEAGRAM. 6516
DAVID E. SEMON. 3312
JAMES L. SHELTON. 2060
LATANYA E. SIMMS. 5609
STEPHEN D. SIMS. 9129
TANYA B. SINCLAIR. 0424
JOHN P. SMETAK. 8089
CAROL A. SMITH. 5770
CHRISTOPHER R. SMITH. 6968
ERIN G. SNOW. 1891
GEOFFREY W. SPENCER. 3247
MARK O. STEARNS. 1343
MICHAEL J. STEFFEN. 7734
TODD M. STEIN. 5288
MELISSA R. STERNLICHT. 4575
TIMOTHY D. STONE. 1261
TIFFANY J. STYLES. 1698
SANDRA M. SUDDUTH. 7360
JOHN D. SULLIVAN. 1581
CHARLES D. SWIFT. 0711
DEANNA L. THOMAS. 1660
CARLA K. THORSON. 0788
CONNIE L. TODD. 6476
TOBEY A. TOLBERT. 7631
VALORIE A. TOTH. 6639
JENNIFER L. TREDWAY. 5579
JOANNE M. TUIN. 7552
JEFFREY F. TULLIS. 1183
PATRICK O. TURPIN. 3511
SUSAN R. TUSSEY. 0068
LISA M. UMPHREY. 5765
JOHN E. URBAN 7939
JODY A. VANKLEEF. 3050
NIEVA K. VANLEER. 4851
JOHN F. VANPATTEN. 4975
JOHN A. VAZZANO. 1293
ESTELA I. VELEZ. 1347
CHERRI L. VILHAUER. 9936
DAWN M. WAGNER. 8263
KURTT H. WALTON. 1015
CHAD E. WEBSTER. 1571
TYNAH R. WEST. 8454
WENDY WIESE. 3456
BARRY E. WILCOX. II. 0262
JACK E. WILCOX. 2052
FLOYD M. WILLIAMS. JR.. 5501
SHENEKIA D. WILLIAMS. 4965
DOUGLAS A. WINEGARDNER. 1356
LISA M. WING. 4655
THERESA M. WOOD. 0099
REGINALD G. WYCOFF. JR.. 7033
NICOLAS D.I. YAMODIS. 1836
DEBRA L. YNIGUEZ. 4706
LENORA J. YOUNG. 1541
KIM T. ZABLAN. 8587
JANICE E. ZERISHNEK. 6037

To be lieutenant (junior grade)

CYNTHIA J. ANDRESEN. 1417
REID B. APPLEQUIST. 1013
CLAUDE W. ARNOLD. JR.. 9447
STEVEN A. ATTENWEILER. 1549
JOHANNES M. BAILEY. 2639
SAMANTHA D. BALDWIN. 9342
DEETTA L. BARNES. 8507
MELISSA A. BARNETT. 0393
ERNESTO B. BARRIGA. 7005
SUZANNE L. BLANTON. 2946
DONALD W. BOWKER. 0230
DONNA N. BRADLEY. 2848
THOMAS R. BROADWAY. JR.. 4964
CHRISTOPHER P. BROWN. 8565
ELIZABETH M. BROWN. 6810
ROBERT B. BUCHANAN. 8186
KELLY M. CANTLEY. 5186
JOHN E. CARROLL. II. 1154
STEVEN B. CARROLL. 9296
YONG K. CHA. 5286
RALPH C. CICCI. JR.. 6013
CHRISTOPHER F. CIGNA. 4458
MARK A. CLARK. 0654
RICHARD A. CLARK. 9664
LANA M. COLE. 0745
BILLIE D. COLEY. 5659
DANIEL W. COOK. 9554
JON C. CRUZ. 6603
DAVID A. CZACHOROWSKI. 8216
EILEEN J. DANDREA. 0720
JOEL D. DAVIS. 4331
CONSTANTINO F. DELACRUZ. 0842
WHITNEY E. DELOACH. 0579
WILBER C. DELORME. 4971
WILLIAM F. DENTON. 6241
NAOMI N. DOMINGO. 3590
PAUL B. DOUGHERTY. 0744
DAVID E. DOYLE. 4943
FRANK L. DUGIE. 5857
ROBERT H. DURANT. 5335
JOHN E. EAVES. JR.. 3658
MELISSA A. FARINO. 0097
STEFAN C. FARRINGTON. 4123
PAUL A. FEIKEMA. 5735
PAUL S. FERMO. 8433
LONNIE L. FIELDS. 5568
EARL D. FILLMORE. 0711
JEAN F. FISAK. 0554
KENNETH L. FLAHERTY. 1234
CHRISTOPHER G. FOLLIN. 0469
PATRICK M. FOSTER. 9115
KEITH A. FREESE. 3528
RHONDA A. L. GABEL. 6012
ORLANDO GALLARDO. JR.. 8060
NATASHA A. GAMMON. 8866
DANIEL G. GARCIA. 3398
JAYSON L. GARRELS. 5692
MARK R. GARRIGUS. 8554
JOHN D. GATES. 9258
WILLIAM P. GILROY. 8957
BRADLEE E. GOECKNER. 5610
LEON M. GUIDRY. 0881
MARY E. GWINN. 4906
ELIZABETH M. HAMILTON. 4797
JOHN P. HAMILTON. 4101
KENT B. HARRISON. 7364
JEREMY J. HAWKS. 6591
STEPHEN C. HAYES. 3792
JERRY R. HAYWALD. 5474
JOSHUA J. HENRY. 6929
BRETT C. HERSHMAN. 8094
BRENT A. HOLBECK. 1677
JOHNNIE M. HOLMES. 0520
RICARDO F. HUGHES. 4839
ALEXANDER K. HUTCHISON. 0294
ROLANDO R. IBANEZ. 6930
DENNIS J. JACKO. 3404
TEDDI M. JOHNSON. 5374
GREGORY S. JONES. 1038
WILLIAM L. JONES. 8574
NICHOLAS S. KAKARAS. 8488
MICHAEL T. KELLEY. 0366
ROBERT D. KETCHELL. 8363
JERRY A. KING. 4637
TERESA M. KRONENBERGER. 4819
KEVIN A. LANE. 8368
JASON R. LEACH. 0051
GREGORY J. LELAND. 1111
PAUL S. LETENDER. 4916
PAUL A. LOESCHE. 3251
LAVERNE R. LOWRIMORE. 3343
SHELTON L. LYONS. II. 1705
DEBORAH L. MABEY. 6167
MICHAEL A. MARSTON. 8121
CLYDE D. MARTIN. JR.. 1825
DAVID H. MCALISTER. 4788
JAMES E. MCCULLOUGH. II 0106
DEIRDRE M. MCGOVERN. 7235
CHAD E. MCKENZIE. 5207
KRISTOFER D. MICHAUD. 0548
BRIAN T. MUTTY. 6241
GINO S. NARTE. 2861
CHARLES R. NEU. 1799
DANIEL L. NORTON. 6461
COLLEEN M. O'NEILL. 3536
KEVIN J. OPPLE. 3115
TROY D. OSTEN. 9226
STEVEN J. PARKS. 4454
JIMMY F. PATE. JR.. 4019
ROBERT D. PEREZ. 9466
JOHN M. PETHEL. 6437
BRYAN A. PETTIGREW. 7146
ROBERT R. PHILLIPS. 3462
KEMAL O. PISKIN. 7168
JEFFREY J. POOL. 5650
NATHANAEL B. PRICE. 1463
JAMES G. REESE. JR.. 5337
VIRGLE D. REEVES. 4235
CRAIG A. RETZLAFF. 9160
MARK C. RICE. 7910
CHRISTOPHER P. RINAUDO. 6871
TOMMY RODRIGUEZ. 9629
JENNIFER K. RUEGG. 9658
CHRISTOPHER M. SACCO. 9878
JAIME J. SALAZAR. 5949
SONDRA M. SANTANA. 2151
MATTHEW I. SAVAGE. 5775
ZOAH SCHENEMAN. 0759
KENNETH E. SCHEUERMANN. 8450
RICHARD M. SCHMIDT. 9086
STEVEN K. SCHULTZ. 4974
JOEL K. SENSENIG. 2602
JOHN O. SIMPSON. 9086
SHEILA A. SMITH. 4711
STEVEN J. STASICK. 1497
ANDY S. STECZO. 9590
JAMES J. STEVENS. 6716
NANCY L. STEWART. 1148
JOHN D. STONER. JR.. 1158
ANDREA L. STUHLMILLER. 7104
GRETCHEN M. SWANSON. 9958
DONALD T. SYLVESTER. 3634
ROBERT THOMAS. 7455
ERIK M. THORS. 0302

MICHAEL J. TODD, 6468
MICHAEL A. TORRES, 4683
KHIEM Q. TRAN, 1598
KAREN D. TREANOR, 7578
ANDREW E. TUTTLE, 8214
BENTON K. VAUGHAN, III, 6137
AARON J. WAGNER, 6194
LISA L. WAND, 2471
CHRISTOPHER A. WEAVER, 9583
GEORGE A. WESTLAKE, 0430
DAVID L. WHITLEY, 3228
ANN WILLIAMS, 6941
DANNY A. WILLIAMS, 6342
TRA D. WILLIAMS, 5271
MICHAEL L. WITHERSPOON, 9015
NORMAN B. WOODCOCK, 9136
SARAH L. WRIGHT, 4386
MICHAEL D. YOUNG, 4076

To be ensign

DAVID R. ARNING, 7926
PATRICK J. FORD, 1031
GARY HULING, 8173
SHIKINA M. JACKSON, 8856
MICAH D. NEWTON, 4329
ANTONIO J. SCURLOCK, 9282

CONFIRMATIONS

Executive nominations confirmed by the Senate September 13, 1999:

THE JUDICIARY

MARYANNE TRUMP BARRY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

DAVID N. HURD, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

NAOMI REICE BUCHWALD, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

HOUSE OF REPRESENTATIVES—*Monday, September 13, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. GIBBONS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 1999.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1906. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1906) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested.

S. 28. An Act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. METCALF) for 5 minutes.

MONEY

Mr. METCALF. Mr. Speaker, my topic today is money. About the only thing most of us know about money is that we need more of it. But there is really a lot more that we need to know about our money system.

For example, most people do not know that we pay rent on our money; yes, interest or rent on the cash we use. It costs every American about $100 every year indirectly to rent our cash, that is, our paper money, from its owners, the Federal Reserve.

Of course, the Fed does not just spend that money. It is returned to the Federal Treasury. Thus, in reality, if it goes to the Treasury, it is a tax or rent we Americans pay to the Fed for the privilege of using the Fed's money, an indirect tax on our money in circulation.

We all know that we are taxed on nearly everything, but not many people know that we pay a tax on our money. This tax, about $25 billion, or $100 per person, is paid to the Fed each year by the U.S. Treasury to pay interest on U.S. bonds that are held by the Fed to back our money. What a foolish and costly system, to rent Federal Reserve notes for $25 billion a year, when the U.S. Treasury could issue our own currency, our own United States notes, without debt or bonds or any interest at all, just as we issue our coins.

Our coins are minted by the United States Treasury and essentially spent into circulation. The Treasury makes a neat profit on them of over 80 percent of the face value of the coins issued. That is a lot of profit. A grave question is, why do we not issue our paper money the same way we issue coins, and gain an immense profit or seigniorage for our Treasury, and, of course, for the American people?

It has been said that the U.S. Government goes further into debt whenever it issues currency, but makes a profit when coins are placed into circulation. This is truly a system that defies logic. Again, why do we not issue our own paper money, just as we issue our coins? There is no legitimate reason why we do not.

I am pleased to present a simple and realistic way to accomplish this. Congress needs only to pass legislation requiring the U.S. Treasury to print and issue U.S. Treasury currency in the same amount and the same denominations as the Federal Reserve notes.

The Treasury would issue these new U.S. notes through the banks, while withdrawing a like amount of Federal Reserve notes. Thus, there would be no change in the money supply. As these Federal Reserve notes are collected by the U.S. Treasury, they must be returned to the Fed to buy back or redeem the face value, the same face value in U.S. interest-bearing bonds now held by the Fed, a total of about $500 billion. So over a couple of years, we would have real U.S. currency circulating, and the U.S. debt would be reduced by substantially more than $400 billion. It sounds too simple, does it not? There must be a down side. Well, it is that simple, and there is no down side.

In fact, there is a substantial up side. The U.S. debt would be reduced by over $400 billion, and U.S. interest on the debt reduced each year by about $25 billion. Ask the chairman of the Committee on the Budget if it could help to reduce U.S. Treasury expenditures by $25 billion each year. I intend to introduce legislation to carry out this concept.

EAST TIMOR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, earlier this year I had an opportunity to travel with a congressional delegation chaired by the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Arizona (Mr. KOLBE) to the island Nation of Indonesia.

There we had an opportunity to meet with President Habibie, to meet in prison with Jose Alexandre Gusmao, who is likely to be the president of an independent East Timor, should that ever come to pass, as well as maybe of Indonesia's military leaders, people who appear to be sophisticated, many of whom are United States-educated.

Again and again we heard of Indonesia's commitment to democracy and its determined effort to undo the damage done by the Asian financial crisis and its need for our support. The scheduling of an election on independence for East Timor was perceived as a positive sign. But over the last 8 months

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we have been watching those events unfold in East Timor, hoping for the best, but with a growing sense of apprehension. Last month's election results and the carnage that followed realized our worst fears.

East Timor is in fact different from Indonesia's other areas of ethnic tension. Its history is different. It was ruled for hundreds of years by the Portuguese, not the Dutch. It is overwhelmingly Roman Catholic, not Muslim, like most of Indonesia.

The people of East Timor have done everything that the world community could have expected in seeking their independence. They have suffered 25 years of repression at the hands of Indonesian military and paramilitary groups. In August, over 98 percent of the 450,000 eligible voters braved grave personal peril to journey to the polls.

Only 2 weeks ago, those election results were described as a model vote, and the results, of course, were overwhelmingly clear. By a majority of more than three to one, East Timor voted for independence from Indonesia. But the reaction to this vote was chilling. Military groups have gone on a rampage. Innocent civilians, United Nations personnel, priests, nuns, women, and children have been attacked and killed. Hundreds, perhaps thousands, of deaths have been added to the over 200,000 lives that have been lost on this troubled island over the last 25 years.

The situation in East Timor is indeed complex and delicate, because Indonesia is simultaneously trying to restore its own democracy after years of military dictatorship, repair a shattered economy, and retrain its military to respect civilian authority.

Whether it will be able to do those things is very much an open question. There is a great deal at stake in Indonesia's resolving these problems. It is indeed a huge country, the fourth most populous in the world. It has the largest Muslim population in the world. It is rich in natural resources. It was, until recently, aspiring to be an Asian and a world leader. Now it is just trying to hold itself together. Struggling with centrifugal forces of ethnicity are Nation's separatist movements that could splinter this vast Nation created and held together by force.

But the greatest threat to Indonesia's future is to allow the hardliners to overturn the referendum through violence and fear. Tolerating this would send exactly the wrong message to the Indonesians, their military, and people struggling to make democracy work.

The credibility of many is on the line. The United Nations did not create this crisis, but it must follow through if it is to have political and moral credibility. The neighboring Asian countries, through ASEAN, have a chance to be heard and a chance to play an important role in events of such direct interest to them, and perhaps putting a more Asian face on any peacekeeping effort.

The United States should continue to exert pressure and influence through every means possible to restore peace and bring democracy to East Timor. For 20 years, we have erred on the side of caution. We have been timid in seeking to protect East Timor. Perhaps that role is changing, as it should. I am greatly encouraged by the United States' role over the last 96 hours.

There are some that argue that we have to be selective in playing a role as the guarantor of freedom and the protector of those who seek democracy worldwide. There are limitations, it is argued, on the powers and realities in the many potential areas of involvement.

But the people of East Timor have already earned our support, paying a horrible price over the last 25 years. The world community needs to prove its capacity to keep its commitments to people aspiring to freedom. Indonesia must be strongly encouraged in new directions of tolerance and democracy, lest this vast island country dissolve, with enormous consequences to world stability, as well as to the 211 million Indonesians.

The United States has the opportunity and the responsibility to help Indonesians and the world keep their commitments. We in Congress should use every opportunity in the days ahead to keep the spotlight trained on this troubled island.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We know, O God, that You are the God of grace and forgiveness. At our best moments we realize that You wish to save us from any conceit or selfishness that keeps us from being truly human. Allow us to open our hearts and our very souls to Your life giving peace, that peace that passes all human understanding. May Your good spirit fulfill our lives that we will live with thanksgiving and praise and our lives will have confidence and assurance. Bless us, O God, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPUBLICAN PLAN DOWNSIZES THE POWER OF GOVERNMENT AND UPSIZES THE POWER OF PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, over the August recess I held nearly 20 town hall meetings across the great State of Nevada talking with constituents about the Republican tax plan and how it was going to help them and their families.

Now this legislation is based on a very simple idea, the idea that once Government pays its bills and has money left over, it should be returned to those who paid: the taxpayer. Most taxpayers know if their money is left in Washington, politicians will spend it every time.

Mr. Speaker, the average family in Nevada worked until May 14 this year just to pay their tax bill. Simply put: Nevadans spent roughly the first 4 months of each year working for the Federal Government.

We are at a crossroads in our country's history. We balanced the budget, reformed welfare, cut wasteful spending, and created a surplus revenue in Washington, D.C. But a windfall for Washington is not right. Working families should not be working just for Washington, but Washington should be working for taxpayers, and cutting taxes is the best way to tip the scales back to our constituents, the hardworking people.

After all, Mr. Speaker, this debate is about downsizing the power of Government and upscaling the power of the people.

PILLOW TALK AT THE DEPARTMENT OF ENERGY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after all the buying and spying, the Department of Energy has announced their new security policy. All scientists must now report any and all romantic affairs that they have with foreigners.

Now if that is not enough to centerfold our Playboys, check this out. There is one exception, and I am not kidding: one night stands are still permitted.

Beam me up, Mr. Speaker. The next time, Congress, we see an ad for a temporary, overnight, meaningful relationship, be careful. It may be from a real rocket launcher at the Department of Energy.

Launch this.

I yield back all the pillow talk at the Department of Energy.

SUPPORT THE PAIN RELIEF PROMOTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, is the Netherlands really ready for killing sick children? That is the question currently pending in Holland as they consider a bill that would allow the killing of six children as young as 12 years old if they are terminally ill. A spokeswoman for the Royal Dutch Medical Association said:

"The doctor will do his utmost to try to reach an agreement between patient and parents, but if the parents do not want to cooperate, it is the doctor's duty to respect the wishes of their patient."

So much for the Hippocratic Oath for a civilized medical institution.

This situation in Netherlands gives us all the more reason to work to pass the Pain Relief Promotion Act, which disallows the intentional use of controlled substances to cause or assist in suicide. At the same time it recognizes that using controlled substances to alleviate pain and discomfort in the usual course of professional practice is a legitimate medical purpose and consistent with public health and safety.

Mr. Speaker, we never want to see a day when our young kids or elderly parents legally and intentionally die at the hands of a so-called doctor. Support the Pain Relief Promotion Act.

RURAL EDUCATION INITIATIVE

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, over 20 percent of the students in this country attend small rural schools. Many of these schools are in my Nebraska district. These schools offer students excellent educations and many benefits including small classes, excellent educations, personal attention, strong family and community involvement. However, until now federal education programs have not addressed the unique funding needs in these districts. All current federal education formula grants unintentionally ignore small rural schools because these formulas do not produce enough revenue to carry out the program the grant is intended to fund.

To address this problem I have introduced a bill, the Small Rural Schools initiative to provide flexibility for districts with fewer than 600 students to combine funds from federal education formula grants to support local education efforts. The Small Rural Schools initiative is a common sense approach to help these schools to use federal funds for the purpose that Congress intended, to make a meaningful impact in the education of all students.

TIME TO ELIMINATE THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I have an important question to ask, and that is what is the President going to do about the marriage tax penalty?

Over the last 2 years, dozens of us in this House have asked the important question, is it right, is it fair, that under our Tax Code married working couples with two incomes pay higher taxes than identical couples with identical incomes living together outside of marriage. We believe it is wrong that 21 million married working couples pay higher taxes just because they are married; and this Congress, this Republican Congress, has passed, the end of July, legislation which will eliminate the marriage tax penalty for a majority of those who suffer it.

The question we have: Is the President going to join with us and make it a bipartisan effort to eliminate the marriage tax penalty by signing into law the tax cut when we send it to him later this week?

Twenty-one million married working couples pay $1,400 more in higher taxes just because they are married. Is it not time that we eliminate the marriage tax penalty?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules, but not before 6 p.m. today.

CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 380) to reauthorize the Congressional Award Act.

The Clerk read as follows:

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999.

(a) CHANGE OF ANNUAL REPORTING DATE.—Section 3(e) of the Congressional Award Act (2 U.S.C. 802(e)) is amended in the first sentence by striking "April 1" and inserting "June 1".

(b) MEMBERSHIP REQUIREMENTS.—Section 4(a)(1) of the Congressional Award Act (2 U.S.C. 803(a)(1)) is amended—

(1) in subparagraphs (A) and (D), by striking "member of the Congressional Award Association" and inserting "recipient of the Congressional Award"; and

(2) in subparagraphs (B) and (C), by striking "representative of a local Congressional Award Council" and inserting "a local Congressional Award program volunteer".

(c) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking "and 1998" and inserting "1998, 1999, 2000, 2001, 2002, 2003, and 2004".

(d) TERMINATION.—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 380, the Congressional Award Act amendments of 1999. Congress established the Congressional Award in 1979 to recognize initiative, achievement, and service in our young people across the country. Senator Malcolm Wallop, a Republican from Wyoming, and Representative James Howard, a Democrat from New Jersey, authored the original legislation in a bipartisan effort.

The original legislation established the Congressional Award as a private-public partnership which receives funding from the private sector and was originally signed into law by President Jimmy Carter. In addition, Presidents Reagan, Bush, and Clinton have signed legislation to reauthorize the act.

The Congressional Award is presented on a noncompetitive individual basis to young people in the United States between the ages of 14 and 23 to recognize their initiative, achievement, and service. Young people from all walks of life and levels of ability can work to earn the award. Participants range from the academically and physically gifted to those with severe physical, mental and socioeconomic challenges.

To earn a Congressional Award, participants work with advisers to set individual goals and plan activities to meet these goals in four program areas including voluntary public service, personal development, physical fitness, and expedition exploration. Participants strive for either a bronze, silver, or gold award. At each level 50 percent of the required minimum hours to earn the award are in volunteer public service, a minimum of 100 hundred hours for the bronze, 200 for the silver and 400 for the gold. To date, more than 6,500 Congressional Awards have been presented representing more than 1.5 million hours of volunteer service from all 50 States, the District of Columbia, and Puerto Rico.

Congress has spent a greater part of the 106th Congress working to ensure that tomorrow is a safer and more positive place for our youth. We now have an opportunity to reaffirm our commitment to America's youth for another 5 years. Crime prevention, working with the United Way, aiding the elderly, collecting, sorting and distributing food for the needy and building a handicap-accessible ramp are just a few of the services that individuals perform while working to attain Congressional Awards.

America's youth is crying out for support and encouragement, and this award is helping to give them this today.

Several challenges are currently being implemented to the Congressional Award program to give more young people the opportunity to participate and earn awards. These changes include the reduction in the paperwork necessary to enroll, a lower enrollment fee, a shift of authority from national to local control which allows State councils, youth service organizations, and other entities to operate the Congressional Award and an additional track of awards called the Congressional Certificates to recognize individuals in a less demanding manner and help instigate interest in earning the Congressional Award. In addition, the Congressional Award has made a commitment to America's promise, headed by General Colin Powell, to increase the number of youth enrolled in the program over the next 2 years.

S. 380 was introduced in the Senate by Senator LARRY CRAIG on February 4, reported out by the Senate Committee on Governmental Affairs on March 4. The bill would reauthorize this important initiative for 5 years. It also makes minor changes to current law to better streamline the annual reporting process and changes the membership requirements of the board of directors to allow for more participation at the local level enabling communities that do not have a Congressional Award Council to participate on the board of directors.

□ 1415

The bill passed the Senate by unanimous consent on April 13, 1999.

It is important to continue the authorization of the Congressional Award for several reasons. The Congressional Research Service submitted a memorandum to committee staff regarding the potential consequences to the Congressional Award program if it were not reauthorized. CRS concluded that if the board were not reauthorized, questions may arise as to the propriety of its continued use of the Congressional Award program name; an alternative mechanism for appointment of board members would be required because members of the board are currently appointed by Congressional leadership. Alternative means of financing the Congressional Award medals would be required because the U.S. Mint is currently directed to strike the medals used for the Congressional Award; I might add, at no direct expense to the taxpayers, and an in-kind congressional support, primarily office space at the Ford Building, could be terminated because of questions as to the propriety of the use of official resources to support an activity that did not seem to have the support of Congress.

There are currently around 2,000 young people from across the country pursuing the Congressional Award, with more entering the program each day. Each of these young people exemplifies the qualities of commitment to service and citizenship that our country embodies and which we promote through our own service in Congress.

I believe that this program, which is a private-public partnership that receives nearly all of its funding from the private sector should be supported by each and every Member.

Congress should support our Nation's youth in their efforts and recognize their achievements through the Congressional Award program.

I urge my colleagues to support this bill and ask them to encourage the youth of their States to begin a quest to earn the Congressional Award by enrolling on-line at www.congressionalaward.org.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 380, a bill to reauthorize the Congressional Award Act. As has been said by the gentleman from Colorado (Mr. TANCREDO), first passed by Congress and signed into law by President Carter in 1979, the Congressional Award Act recognizes young Americans for their commitment to self-and community-improvement.

Program participants ages 14 to 23 set individual goals in the areas of voluntary community service, personal development, physical fitness, and exploration. Once these goals are achieved, they earn bronze, silver, or gold medals which are presented to them during a special ceremony by their Member of Congress.

Because a Congressional Award is noncompetitive and individuals earn rather than win awards, any young person, regardless of his or her life circumstances or physical or mental abilities, can participate.

The benefits of the Congressional Award program are numerous and lasting. While young people work to earn awards, they develop a sense of self-worth, self-confidence, and responsibility. They also learn important life skills such as initiative, organization, teamwork and problem solving.

In addition, the communities in which these young people reside benefit from their volunteerism and hard work. Since the program's inception in 1979, 8,204 young Americans have received Congressional Awards, and over 2 million hours of volunteer service have been completed.

While programs are administered at the local level by Congressional Award Councils, national activities and program oversight are carried out by the Congressional Award Foundation and the board of directors. Currently serving on the board are Senators MAX BAUCUS and LARRY CRAIG, and the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Although the Congressional Award program is a private-public partnership that receives no Federal funding, the Congressional Award Act has been reauthorized twice, once during the Reagan administration and once during the Bush administration, and it is once again due for reauthorization.

On April 13, S. 380 passed the Senate by unanimous consent, and I urge my House colleagues to follow that body's example and pass S. 380 today.

Mr. HOLT. Mr. Speaker, I rise today to speak in support of reauthorization of the Congressional Award Program. This year marks the 20th anniversary of the award program and I believe that it is appropriate to consider and review the origins and meaning of the award and our expectations for the board that serves to administer it on our behalf.

I take special pride in the fact that the Congressional Award was started by our late distinguished colleague Representative James J. Howard from central New Jersey. The award was enacted 20 years ago this November by Representative Howard who began laying the groundwork in 1969 for the program with the help of a young and future physician, Frank H.

Arlinghaus, Jr., of Rumson, NJ, to fashion this uniquely American program. With the help of former Senator Malcolm Wallop, a bipartisan program was enacted in 1979. At the time of this sponsorship in the Senate, Senator Wallop and Representative Howard noted that Congress recognized a responsibility and opportunity to elevate and encourage the pursuit of excellence and to focus the creative energies of America's young people on positive ends. Congress, they said, wished to offer young people an opportunity and a challenge to new endeavors and achievement.

Representative Howard noted at that time that, although there were many programs for young people throughout the world, the Congressional Award Program was ours, it was unique and was to be independent of any other organization or association. Indeed the senior leadership of Congress gave explicit guidance to the National Director in 1982 that while the mandate of the Congressional Award is to make the program available to all interested young Americans, the autonomy of the Congressional Award as an independent program must be preserved at all times as it bore the imprimatur of Congress. Any relationship with any organization wither domestic or international is subject to that proviso.

My distinguished colleagues on both sides of the aisle from New Jersey take special pride in the fact that the Congressional Award in New Jersey operates under the most successful council in the country. That council has recently surpassed 1,300 awards earned in New Jersey alone and is now embarked on a record setting year of participation. There are hundreds of young people participating in the program, equally as many advisors and validators, and a host of supporting voluntary agencies and corporate supporters. This year alone there may be as many as four ceremonies to recognize these special young Americans.

The Congressional Award is Congress's special message to young people about national aspirations, values and goals. This award is a special message to young people and is a way of our communicating to them and to provide an avenue of communication with the young people who will comprise the leadership of America in the future.

This program is not necessarily easy nor is it difficult, but it takes character, persistence, initiative, service and achievement. At the Bronze Award level 100 hours of public service, 50 hours of personal development and 50 hours of physical fitness endeavors with a one night expedition is a beginning test for a young person over 14 years old. It requires 7 months but not more that 12 to complete. The Silver Award requires 200 hours of public service, 100 hours of personal development effort, and 100 hours of physical fitness endeavor with a 2-night expedition. This requires over a 12-month commitment but not over 24 months. The Gold Congressional Award requires 400 hours of public service, 200 hours of personal achievement effort, 200 hours of physical fitness with a 4-night expedition. This supreme effort requires a 24-month commitment but not more than 36 months. A young person must be at least 16 to begin and be over 18 to earn and receive the Gold Award which our leaders present in a special ceremony in the Capitol. Each of these awards are earned separately and work done on one level is not counted for work on another level.

Indeed the special and rigorous nature of the award as achieved by those outstanding future leaders was cited by our distinguished Senate colleagues Senator LOTT and Senator DASCHLE as a requisite hallmark of the Congressional Award in their remarks at the Gold Award ceremony on June.

How do young people meet this challenge and earn this distinction? As was provided for in prior legislation, a state council is formed and appointed with consultation among our colleagues. The many adult volunteers and advisors who assist these young people are recruited, educated, and trained to administer the program. Each applicant registers, proposes their program, and it is evaluated and modifications made where appropriate. At the conclusion of that initial process their work begins. At the conclusion of demonstrated commitment, service, and achievement, we in turn through our councils assisted by the National Office salute their work with Congressional Award.

Mr. PALLONE. Mr. Speaker, I would like to include in the legislative record my concerns about the direction of the Congressional Award and the changes that have been proposed by the National Office.

From the very beginning, when the Congressional Award was introduced by my predecessor, Representative James J. Howard, and then passed by the Congress In 1979, it was made very clear that the Award should be its own independent award under the sponsorship of the U.S. Congress. Congress did not intend that it be part of an international award under the patronage of Prince Philip of Great Britain. As stated by Congressman Howard "It was never our intention to duplicate in design and purpose the Duke of Edinburgh's Award."

The National Office of the Congressional Award has established new standards that make major changes in the award requirements including creating a second, less demanding track that enable young people to earn Congressional Award certificates. This is intended to bring the program more in line with the International Award. Unfortunately, it would also water down the overall program. Ultimately, I fear, young people would choose the easier route and the more intense medal program would fall by the wayside. This is not what Congress intended in 1979.

In addition the certificate track eliminates the close relationship that develops between adult advisors and young people as they plan their program goals. The certificate is awarded after the fact and there is little if any contact prior to that.

Finally, other changes have been made that affect how the hours spent by young people in voluntary public service, personal development and physical fitness as calculated toward earning gold medals.

I am very proud of the success of our New Jersey Congressional Award Program under the leadership of Dr. Frank Arlinghaus of Rumson, NJ. It was his idea to establish a Congressional Award.

As someone who has attended many of the Congressional Award ceremonies in New Jersey and seen many of my young constituents honored for their hard work, I would like to ask that the National Board of the Congressional Award address these questions and respond to the concerns raised by the programs in New Jersey, Arizona and elsewhere.

I believe we have a commitment to those who have earned the awards to date to maintain the high standards of the program. We also have a commitment to future participants and our colleagues to maintain the Award as it was originally intended by Congress.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to speak about the Congressional Award program and specifically how this program has worked in New Jersey.

Mr. Speaker, many involved in the Congressional Award program know that this program's success is the byproduct of the hard work of my former colleague and a member of the New Jersey delegation, Congressman Jim Howard. Jim worked closely with Dr. Frank H. Arlinghaus, Jr., the Chairman of the New Jersey Congressional Award Council, in drafting the legislation that created this program in 1979. Dr. Arlinghaus, as a member of the national board of directors, as well as the driving force behind the program in New Jersey, has been instrumental in the growth of this program, both in New Jersey, as well as across the country. He has advised other state councils on the best way to educate America's youth as to the intent and benefits of participation in the Congressional Award Program.

As part of the Congressional Award program, my office has worked closely with teenagers in the 4th Congressional District of New Jersey, as they volunteer the hundreds of hours required for the bronze, silver, and gold medals. Many of them have shared with me how their experiences in the areas of public service, physicial fitness, and personal growth have broadened their world view and fostered a greater appreciation for personal achievement.

On average, four students per year from the 4th Congressional District have received one of the three medals. Highlights of their community service has included volunteering at a local hospital where the students have assisted with everything from admitting patients and discharging patients, working in the children's clinic, and helping visitors with a variety of requests. Personal growth has included building physical endurance or improving a skill such as piano playing, which has facilitated their abilities on a variety of sports teams and in musical competitions. Students have also traveled overseas to the Philippines, Western Europe, and the Bahamas, experiencing first hand the challenges of cross cultural communication.

Recently, the National Board of Directors has been examining various ways to expand participation through a certificate program. To date, more than 6,500 awards have been presented nationwide. In New Jersey, we are proud that 1300 of those awards, roughly 20 percent, have been given to young people from our state. Clearly, a program that is working so well in my state could offer a lot of ideas to the rest of the country about ways to attract more and more qualified students into the program.

In light of the recently proposed changes in the program and the shared goal of attracting more young people, I would suggest that a hearing on the Congressional Award program would be appropriate. The future growth of this program requires that Congress examine its development over the last 20 years as well as its future. I hope my good friend and colleague Chairman GOODLING will give full consideration to this request.

Ms. NORTON. Mr. Speaker, I rise in support of the Congressional Award Program. This program has an Olympian quality because it encourages young people to stretch to their limits. The difference is that they set the high goals themselves. The experience is that the self-initiated goals are set so high that only 400 of the 1,000 students who start the program complete it.

Too often, we allow the impressive accomplishments of our youth to go unrecognized and unappreciated. We must encourage our young women and young men to strive to do their best in activities which develop themselves or their communities. The Congressional Award Program does just that by challenging students to set high goals for themselves in either personal development, physical fitness, or public service and provides them with recognition when they reach these goals. Last year I was proud to present seven awards representing a total of at least 400 hours of work to D.C. high school students, and this year, I believe that I will be able to award many more. I would like to recognize the 1998 recipients of the Congressional Award:

Leidi Reyes of Bell Multicultural High School, Silver medal; Jehan Carter—Banneker Senior High School, Bronze medal; Christin Chism—Bishop McNamara High School, Bronze medal; Brian Ford—Eastern Senior High School, Bronze medal; Miya Jackson—Eastern Senior High School, Bronze medal; Christiana Hodge—Eastern High School, Bronze medal; and Kate Ottenberg—Maret High School, Bronze medal.

These young people's families and community are rightly proud of them. They are members of an elite group of only 400 young people across the country who completed the program. I ask my colleagues to support them by supporting the re-authorization of the Congressional Award Program through 2004.

Mr. ROMERO-BARCELO. Mr. Speaker, I would like to support this bill (S. 380) that will re-authorize the Congressional Award Act. The re-authorization of this Act is significant because the program that is supported by this bill is one way in which the Congress provides an opportunity for the youths of the United States to better their own lives.

The Congressional Award has existed since 1979 as a way to encourage and reward American youth who undertake community service to benefit their community and themselves. It teaches our young people about such American values as citizenship, civic responsibility, and the importance of setting and achieving personal goals. Several thousand youths have participated in this program since its inception and have received recognition for their efforts.

Congressioinal awards come in different forms: certificates, which are "introductory" level awards; and medals, which are more difficult to achieve. Certificates and medals come in the form of gold, silver and bronze awards. Each award is earned through the accumulation of hours of community service. When an award is earned, those hours can be applied toward the achievement of the next award. The gold medal, which is the highest level of the awards, is extremely prestigious and very difficult to earn, because it requires a minimum of 800 hours of service accumulated over a period of at least 24 months.

I am one of the Members of Congress currently serving on the Board of Directors of the Congressional Award Foundation and I am honored to serve in this position. I have the privilege of working alongside Congresswoman BARBARA CUBIN in this capacity.

In addition to serving on the Board of Directors of the Foundation, I am equally proud that the congressional award will soon be established in Puerto Rico. We hope to publicize the award in schools on the island and I am confident that there will be large numbers of school children who will take up the challenge to earn their own congressional medals.

I would like to encourage other members to publicize the award and ask the young people in their districts to participate in the Congressional Award process. This is an excellent way to motivate young people to make positive contributions in their local communities and to develop important leadership skills for the future. I believe it is the duty for all of us serving in this body to make the Congressional Award more readily available to every young person in our communities. The first step in this process is through the passage and enactment of this Congressional Award reauthorization bill.

Mr. MARTINEZ. Mr. Speaker, I yield back the balance of my time.

Mr. TANCREDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the Senate bill, S. 380.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 380, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MULTIDISTRICT, MULTIPARTY, MULTIFORUM TRIAL JURISDICTION ACT OF 1999

The SPEAKER pro tempore.

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2112) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions, as amended.

The Clerk read as follows:

H.R. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 1999".

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting "or ordered transferred to the transferee or other district under subsection (i)" after "terminated"; and

(2) by adding at the end the following new subsection:

"(i)(1) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

"(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.".

SEC. 3. MULTIPARTY, MULTIFORUM JURISDICTION OF DISTRICT COURTS.

(a) BASIS OF JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1369. Multiparty, multiforum jurisdiction

"(a) IN GENERAL.—The district courts shall have original jurisdiction of any civil action involving minimal diversity between adverse parties that arises from a single accident, where at least 25 natural persons have either died or incurred injury in the accident at a discrete location and, in the case of injury, the injury has resulted in damages which exceed $75,000 per person, exclusive of interest and costs, if—

"(1) a defendant resides in a State and a substantial part of the accident took place in another State or other location, regardless of whether that defendant is also a resident of the State where a substantial part of the accident took place;

"(2) any two defendants reside in different States, regardless of whether such defendants are also residents of the same State or States; or

"(3) substantial parts of the accident took place in different States.

"(b) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

"(1) minimal diversity exists between adverse parties if any party is a citizen of a State and any adverse party is a citizen of another State, a citizen or subject of a foreign state, or a foreign state as defined in section 1603(a) of this title;

"(2) a corporation is deemed to be a citizen of any State, and a citizen or subject of any foreign state, in which it is incorporated or has its principal place of business, and is deemed to be a resident of any State in which it is incorporated or licensed to do business or is doing business;

"(3) the term 'injury' means—

"(A) physical harm to a natural person; and

"(B) physical damage to or destruction of tangible property, but only if physical harm described in subparagraph (A) exists;

"(4) the term 'accident' means a sudden accident, or a natural event culminating in an accident, that results in death or injury incurred at a discrete location by at least 25 natural persons; and

"(5) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) INTERVENING PARTIES.—In any action in a district court which is or could have been brought, in whole or in part, under this section, any person with a claim arising from the accident described in subsection (a) shall be permitted to intervene as a party plaintiff in the action, even if that person could not have brought an action in a district court as an original matter.

"(d) NOTIFICATION OF JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.—A district court in which an action under this section is pending shall promptly notify the judicial panel on multidistrict litigation of the pendency of the action.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by adding at the end the following new item:

"1369. Multiparty, multiforum jurisdiction.".

(b) VENUE.—Section 1391 of title 28, United States Code, is amended by adding at the end the following:

"(g) A civil action in which jurisdiction of the district court is based upon section 1369 of this title may be brought in any district in which any defendant resides or in which a substantial part of the accident giving rise to the action took place.".

(c) MULTIDISTRICT LITIGATION.—Section 1407 of title 28, United States Code, as amended by section 2 of this Act, is further amended by adding at the end the following:

"(j)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1369 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

"(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

"(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination is issued, to the court of appeals with jurisdiction over the transferee court.

"(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

"(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum.".

(d) REMOVAL OF ACTIONS.—Section 1441 of title 28, United States Code, is amended—

(1) in subsection (e) by striking "(e) The court to which such civil action is removed" and inserting "(f) The court to which a civil action is removed under this section"; and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) Notwithstanding the provisions of subsection (b) of this section, a defendant in a civil action in a State court may remove the action to the district court of the United States for the district and division embracing the place where the action is pending if—

"(A) the action could have been brought in a United States district court under section 1369 of this title, or

"(B) the defendant is a party to an action which is or could have been brought, in whole or in part, under section 1369 in a United States district court and arises from the same accident as the action in State court, even if the action to be removed could not have been brought in a district court as an original matter.

The removal of an action under this subsection shall be made in accordance with section 1446 of this title, except that a notice of removal may also be filed before trial of the action in State court within 30 days after the date on which the defendant first becomes a party to an action under section 1369 in a United States district court that arises from the same accident as the action in State court, or at a later time with leave of the district court.

"(2) Whenever an action is removed under this subsection and the district court to which it is removed or transferred under section 1407(j) has made a liability determination requiring further proceedings as to damages, the district court shall remand the action to the State court from which it had been removed for the determination of damages, unless the court finds that, for the convenience of parties and witnesses and in the interest of justice, the action should be retained for the determination of damages.

"(3) Any remand under paragraph (2) shall not be effective until 60 days after the district court has issued an order determining liability and has certified its intention to remand the removed action for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the district court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the district court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

"(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

"(5) An action removed under this subsection shall be deemed to be an action under section 1369 and an action in which jurisdiction is based on section 1368 of this title for purposes of this section and sections 1407, 1660, 1697, and 1785 of this title.

"(6) Nothing in this subsection shall restrict the authority of the district court to transfer or dismiss an action on the ground of inconvenient forum.".

(e) CHOICE OF LAW.—

(1) DETERMINATION BY THE COURT.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1660. Choice of law in multiparty, multiforum actions

"(a) FACTORS.—In an action which is or could have been brought, in whole or in part, under section 1369 of this title, the district court in which the action is brought or to which it is removed shall determine the source of the applicable substantive law, except that if an action is transferred to another district court, the transferee court shall determine the source of the applicable substantive law. In making this determination, a district court shall not be bound by the choice of law rules of any State, and the factors that the court may consider in choosing the applicable law include—

"(1) the place of the injury;

"(2) the place of the conduct causing the injury;

"(3) the principal places of business or domiciles of the parties;

"(4) the danger of creating unnecessary incentives for forum shopping; and

"(5) whether the choice of law would be reasonably foreseeable to the parties.

The factors set forth in paragraphs (1) through (5) shall be evaluated according to their relative importance with respect to the particular action. If good cause is shown in exceptional cases, including constitutional reasons, the court may allow the law of more than one State to be applied with respect to a party, claim, or other element of an action.

"(b) ORDER DESIGNATING CHOICE OF LAW.—The district court making the determination under subsection (a) shall enter an order designating the single jurisdiction whose substantive law is to be applied in all other actions under section 1369 arising from the same accident as that giving rise to the action in which the determination is made. The substantive law of the designated jurisdiction shall be applied to the parties and claims in all such actions before the court, and to all other elements of each action, except where Federal law applies or the order specifically provides for the application of the law of another jurisdiction with respect to a party, claim, or other element of an action.

"(c) CONTINUATION OF CHOICE OF LAW AFTER REMAND.—In an action remanded to another district court or a State court under section 1407(j)(1) or 1441(e)(2) of this title, the district court's choice of law under subsection (b) shall continue to apply.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"1660. Choice of law in multiparty, multiforum actions.".

(f) SERVICE OF PROCESS.—

(1) OTHER THAN SUBPOENAS.—(A) Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1697. Service in multiparty, multiforum actions

"When the jurisdiction of the district court is based in whole or in part upon section 1369 of this title, process, other than subpoenas, may be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.".

(B) The table of sections at the beginning of chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

"1697. Service in multiparty, multiforum actions.".

(2) SERVICE OF SUBPOENAS.—(A) Chapter 117 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1785. Subpoenas in multiparty, multiforum actions

"When the jurisdiction of the district court is based in whole or in part upon section 1369 of this title, a subpoena for attendance at a hearing or trial may, if authorized by the court upon motion for good cause shown, and upon such terms and conditions as the court may impose, be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.".

(B) The table of sections at the beginning of chapter 117 of title 28, United States Code, is amended by adding at the end the following new item:

"1785. Subpoenas in multiparty, multiforum actions.".

SEC. 4. EFFECTIVE DATE.

(a) SECTION 2.—The amendments made by section 2 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

(b) SECTION 3.—The amendments made by section 3 shall apply to a civil action if the accident giving rise to the cause of action occurred on or after the 90th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today, in support of H.R. 2112, the Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 1999 and urge the House to adopt the measure. This bill is authored by the gentleman from Wisconsin (Mr. SENSENBRENNER).

Section 2 of H.R. 2112 responds to a 1998 Supreme Court decision pertaining to multidistrict litigation, the so-called "Lexecon" case.

Section 2 of the bill would simply amend the multidistrict litigation statute by explicitly allowing the transferee court to retain jurisdiction over referred cases for trial or refer them to other districts as it sees fit.

This change, it seems to me, Mr. Speaker, makes sense in light of past judicial practice under the multidistrict litigation statute.

In addition, section 3 of H.R. 2112 offers what I believe are modest but necessary improvements to a specific type of multidistrict litigation, that involving disasters such as an airline or train accident, in which several individuals from different States are killed or injured.

Finally, I note that there is a technical error in the committee report. Pursuant to a change advocated by the gentleman from Michigan (Mr. CONYERS), which we accepted at full committee markup, the dollar threshold for cases brought under section 3 was raised from a previous draft of $50,000 to $75,000. $75,000 is the correct figure.

This legislation obviously promotes judicial administrative efficiency without compromising the rights of litigants and their counsel to due process and appropriate compensation. It is strongly endorsed by the Administrative Office of the United States Courts, and I urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 1999. I would like to thank, on behalf of the ranking member, the gentleman from Michigan (Mr. CONYERS), the gentleman from North Carolina (Chairman COBLE), and the gentleman from Wisconsin (Mr. SENSENBRENNER) of the Subcommittee on Courts and Intellectual Property for their hard work on this bill and for the bipartisan fashion in which they operated.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I thank the gentleman from California (Mr. MARTINEZ) for his generous remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), the sponsor of the bill

Mr. SENSENBRENNER. Mr. Speaker, H.R. 2112 is a combination of two other freestanding bills which I have introduced. Section 2 consists of the text of H.R. 1852, which would reverse the effects of the 1998 Supreme Court decision in the so-called "Lexecon" case, that would simply amend the multidistrict litigation statute by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial or to refer them to other districts as it sees fit.

Section 3 is comprised of the language of H.R. 967, which beginning in the 101st Congress has been supported by the Department of Justice, the Administrative Office of the U.S. Courts, two previous Democratic Congresses, and one previous Republican Congress.

Section 3 will help reduce litigation costs as well as the likelihood of forum shopping in single-accident mass tort cases. All plaintiffs in these cases would ordinarily be situated identically, making the case for consolidation of these actions especially compelling. These types of disasters, with their hundreds of thousands of plaintiffs and numerous defendants, have the potential to impair the orderly administration of justice in the Federal courts for an extended period of time.

In brief, section 3 addresses these problems by conferring original jurisdiction upon a Federal District Court of any civil action which features four basic attributes. First, the action is one in which minimal diversity exists between adverse parties. Second, the action arises from a single accident. Third, at least 25 people have either died or incurred injury in the accident. Fourth, in the case of injury, the injury has resulted in damages which exceed $75,000 per person.

Moreover, the relevant district court overseeing such a consolidated action is given wider authority to apply appropriate choice of law rules. This is a great improvement over the existing convoluted system in which a myriad of State laws ties the hands of a federal judge. The criteria the Court must invoke when making its decisions include examination of the place of the injury, the place of the conduct causing the injury, the principal place of business or domicile of the parties, the danger of creating unnecessary incentives for forum shopping and whether the choice of law would be reasonably foreseeable to the parties.

In addition, Mr. Speaker, the gentleman from California (Mr. BERMAN) and I jointly amended the bill at full committee by making two basic and noncontroversial changes.

First, the treatment of compensatory damages in Section 2 will be made consistent with that in section 3.

Second, based upon a recommendation from the gentleman from Michigan (Mr. CONYERS), we will raise the dollar threshold in section 3 actions from $50,000 to $75,000.

Finally, Mr. Speaker, I wish to acknowledge the good faith efforts of the gentleman from California (Mr. BERMAN) in resolving the one outstanding issue governing compensatory damages prior to the full committee markup. His willingness to work with us has resulted in a truly bipartisan and noncontroversial measure. I want these sentiments on the record, especially in his absence today.

So, Mr. Speaker, this legislation speaks to process, fairness and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators. I, therefore, urge my colleagues to join the gentleman from California (Mr. BERMAN) and myself in a bipartisan effort to support the Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999.

Mr. CONYERS. Mr. Speaker, I rise today in support of the "Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999." I'd like to begin by expressing thanks to Chairman COBLE and Representative SENSENBRENNER of the Intellectual Property and Courts Subcommittee for their hard work and dedication to working out the concerns that we raised with respect to the original version of the bill in a truly bipartisan fashion.

I. SECTION 2—OVERTURNS LEXECON V. MILBERG WEISS, 523 U.S. 26 (1998)

Section 2 of the bill overturns the recent Supreme Court decision of Lexecon V. Milberg Weiss, where the Supreme Court held that a transferee court (a district court assigned to hear pretrial matters by a multidistrict litigation panel in multidistrict litigation cases) must remand all cases back for trial to the districts in which they were originally filed, regardless of the views of the parties.

It is my understanding from the hearing that for some 30 year the transferee court often retained jurisdiction over all of the suits by invoking a venue provision of Title 28, allowing a district court to transfer a civil action to any other district where it may have been brought—in effect, the transferee court simply transferred all of the cases to itself. The Judicial Conference testified that this process has worked well, and as a matter of judicial expedience, I support overturning the Lexecon decision.

There was a concern raised at the Subcommittee hearing, however, that Section 2, as originally drafted, would have gone far beyond simply permitting a multidistrict litigation transferee court to conduct a liability trial, and instead, would have allowed the court to also determine compensatory and punitive damages. The concern here is that trying the case in the transferee forum could be extremely inconvenient for plaintiffs who would need to testify at the damages phase of the trial.

As a result of discussions between the minority and majority, Representative BERMAN successfully offered a bipartisan amendment addressing this concern at the Full Committee markup. Pursuant to this amendment, Section 2 now creates a presumption that the trial of compensatory damages will be remanded to the original district court.

II. SECTION 3—MINIMAL DIVERSITY FOR SINGLE ACCIDENTS INVOLVING 25 PEOPLE

Section 3 of the bill expands federal court jurisdiction for single accidents involving at least 25 people having damages in excess of $75,000 per claim and establishes new federal procedures in these narrowly defined cases for selection of venue, service of process, issuance of subpoenas and choice of law. It is my understanding here that mass tort injuries that involve the same injury over and over again such as asbestos and breast implants, etc., would be excluded. And that the types of cases that would be included would be plane, train, bus, boat accidents, environment spills, etc.—many of which may already be brought in federal court.

While I traditionally oppose having federal courts decide state tort issues, and disfavor the expansion of the jurisdiction of the already-overloaded district courts, unlike the broader class action bill (H.R. 1875), this bill would only expand federal court jurisdiction in a much narrower class of actions, with the objective of judicial expedience.

Thus, I support this Section with the understanding that it would only apply to a very narrowly defined category of cases and does not in any way serve as a precedent for broader expansion of diversity jurisdiction.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2112, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 940) to establish the Lackawanna Heritage Valley American Heritage Area, as amended.

The Clerk read as follows:

H.R. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lackawanna Valley National Heritage Area Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The industrial and cultural heritage of northeastern Pennsylvania inclusive of Lackawanna, Luzerne, Wayne, and Susquehanna counties, related directly to anthracite and anthracite-related industries, is nationally significant, as documented in the United States Department of the Interior-National Parks Service, National Register of Historic Places, Multiple Property Documentation submittal of the Pennsylvania Historic and Museum Commission (1996).

(2) These industries include anthracite mining, ironmaking, textiles, and rail transportation.

(3) The industrial and cultural heritage of the anthracite and related industries in this region includes the social history and living cultural traditions of the people of the region.

(4) The labor movement of the region played a significant role in the development of the Nation including the formation of many key unions such as the United Mine Workers of America, and crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes.

(5) The Department of the Interior is responsible for protecting the Nation's cultural and historic resources, and there are significant examples of these resources within this 4-county region to merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(6) The Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region.

(b) PURPOSE.—The objectives of the Lackawanna Valley National Heritage Area are as follows:

(1) To foster a close working relationship with all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities.

(2) To conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region of northeastern Pennsylvania.

SEC. 3. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Lackawanna Valley National Heritage Area (in this Act referred to as the "Heritage Area").

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of the counties of Lackawanna, Luzerne, Wayne, and Susquehanna in Pennsylvania, determined pursuant to the compact under section 4.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 4. COMPACT.

To carry out the purposes of this Act, the Secretary of the Interior (in this Act referred to as the "Secretary") shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including each of the following:

(1) A delineation of the boundaries of the Heritage Area.

(2) A discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may, for purposes of preparing and implementing the management plan developed under subsection (b), use funds made available through this Act for the following:

(1) To make grants to, and enter into cooperative agreements with States and their political subdivisions, private organizations, or any person.

(2) To hire and compensate staff.

(3) To enter into contracts for goods and services.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that presents recommendations for the Heritage Area's conservation, funding, management, and development. Such plan shall take into consideration existing State, county,

and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include recommendations for actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include, as appropriate, the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including, but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(5) An interpretation plan for the Heritage Area.

The management entity shall submit the management plan to the Secretary for approval within 3 years after the date of enactment of this Act. If a management plan is not submitted to the Secretary as required within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan, including steps to assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government, regional planning organizations, and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area; assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(3) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area; assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(4) encourage economic viability in the Heritage Area consistent with the goals of the plan; encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan;

(5) assist units of government, regional planning organizations, and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the management plan; and

(8) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

(d) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property. Nothing in this Act shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(e) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. In assisting the management entity, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, and cultural resources which support its themes; and

(2) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receiving such management plan.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions in the plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this Act may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

SEC. 7. ADDITIONAL ANTHRACITE COAL REGION DESIGNATION.

(a) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that the Secretary has signed a compact (as provided for in subsection (b)) there is hereby designated the Schuylkill River National Heritage Area.

(b) COMPACT.—The compact submitted under this section with respect to the Schuylkill River National Heritage Area shall consist of an agreement between the Secretary and the Schuylkill River Greenway Association (who shall serve as the management entity for the area). Such agreement shall define the area (including a delineation of the boundaries), describe anticipated programs for the area, and include information relating to the objectives and management of the area. Such information shall include, but not be limited to, an explanation of the proposed approach to the conservation and interpretation of the area and a general outline of the protection measures committed to by the partners.

(c) AUTHORITIES AND DUTIES.—The authorities and duties of the management entity and other Federal agencies for the Schuylkill River National Heritage Area shall be the same as provided for by sections 5 and 6 of this Act, except that for such purposes any reference in such sections to the "Heritage Area" shall be deemed to be a reference to the Schuylkill River National Heritage Area and any reference to the "management entity" shall be deemed a reference to the Schuylkill River Greenway Association.

SEC. 8. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

All authorized existing and future heritage area management entities in the Anthracite Coal Region in Pennsylvania are authorized and directed to coordinate with one another in the management of such areas. Each such management entity is authorized to use funds appropriated for such heritage areas for the purposes of this section.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2012.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this Act not more than $1,000,000 for any fiscal year for each heritage area designated by this Act. Not more than a total of $10,000,000 may be appropriated for each heritage area under this Act.

(b) 50 PERCENT MATCH.—Federal funding provided under this Act, after the designation of each heritage area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

I am pleased that we are considering H.R. 940, the Lackawanna Valley National Heritage Area Act, a similar version which was passed by the House in the last Congress.

There are many excellent reasons to support the designation of this historic heritage area. The Lackawanna Valley National Heritage Area Act would ensure the conservation of northeastern Pennsylvania's significant natural, historic and cultural resources. The Lackawanna Valley was the first heritage area designated by the Commonwealth of Pennsylvania and is recognized as nationally significant through its documentation into the U.S. Department of Interior's Register of Historic Places.

In the last decade, for every dollar contributed by the National Park Service to the Lackawanna Heritage Valley Authority, the "management entity" cited in my bill, has leveraged $10 in other federal, State, local and private sector funds to finance preservation activities. The Lackawanna Heritage Valley Authority would continue to foster these important relationships with all levels of Government, the private sector, and local communities.

The Lackawanna Valley encompasses the counties of Lackawanna, Wayne, Susquehanna, and Luzerne in northeastern Pennsylvania. The Valley tells the story of the development of anthracite coal, one of North America's greatest natural resources. From early in the 19th century, Pennsylvania's coal provided an extraordinary source of energy which fueled America's economic growth for over 100 years. At the center of the world's most productive anthracite field, the Lackawanna Valley witnessed the inception, spectacular growth, and eventual deterioration of an industry which led our country to unparalleled prosperity.

The landscape of the Valley conveys the story of the industrial revolution most clearly. Miles of track and hundreds of industrial sites and abandoned mines are daily reminders of the importance of the regent industry. Heritage sites like Pennsylvania's Anthracite Heritage Museum, the Scranton Iron Furnace Historic Site, the Lackawanna County Coal Mine, and the Steamtown National Historic Site help to commemorate the hardships of the industrial revolution which has led us to our current prosperity. These sites provide the framework for the historic preservation which will be cemented by my proposed legislation.

A hearing was held on June 10 in the Subcommittee on National Parks and Public Lands in which testimony was heard from the National Park Service, private citizens, and elected officials in strong support of the legislation. Mr. Speaker, H.R. 940 was subsequently amended in the full Committee on Resources to direct the Secretary of the Interior to designate the Schuylkill River Corridor as a national heritage area. This addition to the bill will allow the history and culture of the major anthracite coal regions in Pennsylvania to be preserved for future generations. The amended bill passed by voice vote.

Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands, and the gentleman from Alaska (Mr. YOUNG), the chairman of the full Committee on Resources, for their support and leadership on this important legislation. H.R. 940 is a bipartisan bill which deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I do want to commend the gentleman from Pennsylvania for his sponsorship of this piece of legislation.

H.R. 940, as introduced by the gentleman from Pennsylvania (Mr. SHERWOOD), my colleague of the Committee on Resources, would have established the Lackawanna Valley Heritage Area in northeastern Pennsylvania.

The Lackawanna Valley covers the four counties of Lackawanna, Luzerne, Wayne, and Susquehanna Counties. In 1991, local citizens and governments established the Lackawanna Heritage Valley Authority to foster a partnership among State and local governments, business and civic organizations in the promotion of the Valley's historic, cultural, natural and economic resources.

Unlike other proposed heritage areas, the Lackawanna Valley has received significant federal funding prior to its establishment. Since 1989, a total of $3.147 million in the National Park Service funds has been earmarked in appropriations bills for a variety of unauthorized purposes.

In hearings on H.R. 940 before the Committee on Resources, the National Park Service testified in general support of the legislation, but did note several concerns with the bill's language, especially in regards to the lending authority and the requirement for certain studies. The bill was amended by the committee to address those concerns.

Mr. Speaker, in addition, the Committee on Resources adopted an amendment that provides for the designation of an additional heritage area so that the preservation and interpretation of the resources of the anthracite coal region will also include those resources found in the southern anthracite coal fields of the Schuylkill River Valley located in the district of our colleague, the gentleman from Pennsylvania (Mr. HOLDEN).

The bill already anticipated such cooperative heritage efforts by directing that the various management entities to coordinate with one another in the management of the heritage of the anthracite coal region in Pennsylvania. The changes made by the amendment will provide more complete coverage of the heritage of this entire coal region.

Mr. Speaker, H.R. 940, as amended, is a good piece of legislation for heritage preservation, and I do urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I have no more requests for time, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 940 this afternoon. I would like to thank the chairmen of the committee and the subcommittee for bringing this legislation to the floor, and I thank the ranking members of the committee and subcommittee for their assistance, as well as the gentleman from Pennsylvania (Mr. SHERWOOD), my good friend, for the way that he cooperated and extended his hand so that we were able to include the entire anthracite coal field in this heritage corridor, and I do truly appreciate the cooperation of the gentleman.

The link between the Schuylkill Heritage Corridor and the Lackawanna Heritage Corridor, as the gentleman mentioned, is anthracite coal, the anthracite coal that fueled the industrial revolution in this country, first by way of the Schuylkill Canal and then by way of the railroads. We should all be proud of that heritage, and I am certain that our managing entities are going to work very closely together so that we can highlight that proud history of anthracite coal.

Along with the coal fields in Pennsylvania came the first real effort for organized labor to set foot in the United States. I am very pleased to say that the work of the association started in Schuylkill County and was the forerunner to the United Mine Workers of America, where men fought long and hard for equitable pay and for working privileges and working rights that they were not able to have in the days when anthracite coal was first begun to be mined in Pennsylvania.

Through their efforts and through their long and hard work, they were able to have decent salaries and decent wages and decent working conditions in the anthracite fields right now. We should continue to honor the heritage of what was done in organized labor.

Mr. Speaker, there is much more to be told about the Schuylkill River Heritage. As we leave Schuylkill County and move down the Schuylkill River, we have a proud heritage in agriculture, a proud heritage in textiles, and in iron ore. All of these industries have a great tradition, and we all have great pride in what was accomplished right down the Schuylkill River as we get to Valley Forge and to Philadelphia. It was our link to get our goods to the marketplace, and we should make every effort possible to be appreciative as to what was done, but also try to highlight through Heritage Corridor what was done in the past and continue to move for economic development.

I am absolutely positive that when this Schuylkill River Heritage Corridor gets into a working agreement and hits the ground running, that it is going to be able to model itself after the Lackawanna Corridor, as my friend mentioned, where they were able to leverage with federal money, with private money, and State money and county money to do so much good in the Lackawanna Valley, and I am hoping we are going to use that example as we do in the Schuylkill River Corridor.

So I would just like to take this opportunity to say that this is a good piece of legislation. It certainly has been done in a very bipartisan manner. I think we all cooperated very well. Again, I would like to extend my gratification for that effort that was made to assist in making sure that anthracite coal and all of the treasures of the

Schuylkill River can have a heritage corridor that we can work on.

Mr. SHERWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I certainly want to thank both gentlemen from Pennsylvania for their introduction of this piece of legislation. I note with interest the mentioning of Susquehanna County as part of a very strong cultural heritage as part of our American history. In my little reading of history, I recall that the Susquehanna River has a very profound historical event that transpired as far as the Church of Jesus Christ of Latter Day Saints is concerned, and I wanted to note that as a matter of record. I do want to thank my good friend, the gentleman from Pennsylvania (Mr. HOLDEN) for his comments.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 940, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Lackawanna Valley National Heritage Area and for other purposes.".

A motion to reconsider was laid on the table.

THOMAS COLE NATIONAL HISTORIC SITE ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 658) to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, as amended.

The Clerk read as follows:

H.R. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Thomas Cole National Historic Site Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings and purposes.
Sec. 4. Establishment of Thomas Cole National Historic Site.
Sec. 5. Retention of ownership and management of historic site by Greene County Historical Society.
Sec. 6. Administration of historic site.
Sec. 7. Authorization of appropriations.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "historic site" means the Thomas Cole National Historic Site established by section 4 of this Act.

(2) The term "Hudson River artists" means artists who were associated with the Hudson River school of landscape painting.

(3) The term "plan" means the general management plan developed pursuant to section 6(d).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Society" means the Greene County Historical Society of Greene County, New York, which owns the Thomas Cole home, studio, and other property comprising the historic site.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly in the Hudson River Valley region in the State of New York.

(2) Thomas Cole is recognized as America's most prominent landscape and allegorical painter of the mid-19th century.

(3) Located in Greene County, New York, the Thomas Cole House, also known as Thomas Cole's Cedar Grove, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(4) Within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists, such as Frederic Church, survive intact.

(5) The State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(6) Establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

SEC. 4. ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established, as an affiliated area of the National Park System, the Thomas Cole National Historic Site in the State of New York.

(b) DESCRIPTION.—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York, as generally depicted on the boundary map numbered TCH/80002, and dated March 1992.

SEC. 5. RETENTION OF OWNERSHIP AND MANAGEMENT OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SOCIETY.

The Greene County Historical Society of Greene County, New York, shall continue to own, administer, manage, and operate the historic site.

SEC. 6. ADMINISTRATION OF HISTORIC SITE.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE TO SOCIETY.—The Secretary may enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures in the historic site and to assist with education programs and research and interpretation of the Thomas Cole House and associated landscapes.

(2) OTHER ASSISTANCE.—To further the purposes of this Act, the Secretary may enter into cooperative agreements with the State of New York, the Society, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the provision of assistance to develop, present, and fund art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(c) ARTIFACTS AND PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

(d) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after the date of the enactment of this Act, the Secretary shall develop a general management plan for the historic site with the cooperation of the Society. Upon the completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 658 would establish the Thomas Cole Historic Site in the State of New York as an affiliated area of the National Park System. This bill is the result of the dedication of the gentleman from New York (Mr. SWEENEY) and retired Congressman Jerry Solomon, also from New York, who worked hard to protect this historic site. The Thomas Cole House is currently listed on the National Register of Historic Places and has been designated as a national historic landmark. H.R. 658 also authorizes the Secretary to enter into cooperative agreements with both public and private entities relating to the preservation, the interpretation and use of this historic site.

One of the private entities, the Greene County Historical Society, shall continue to own, manage and operate this historic site.

This bill also directs the historical society with assistance from the Secretary to develop a management plan for the site within 2 fiscal years of enactment. This bill is supported by the administration, and I urge my colleagues to support H.R. 658.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R.658 establishes the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

Mr. Thomas Cole, who lived from 1801 to 1848, was the founder of an American artistic movement known as the Hudson River School. Mr. Cole painted landscapes of the American wilderness. Students and followers included such artists as Frederick Church, Alfred Dierstadt, and Thomas Moran. This school of painting, with its focus on natural landscapes, is closely associated with the beginning of the conservation movement.

The Thomas Cole property, known as Cedar Grove, is located in Catskill, New York. Originally encompassing 88 acres, the home and grounds now occupy 3.4 acres. The property has been designated a national historic landmark. In 1991, the National Park Service completed a suitability and a feasibility study of the Thomas Cole property.

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Legislation dealing with the Thomas Cole property has been around since the early 1900s. Hearings were held on a nearly identical bill, H.R. 1301, in the 105th Congress. That legislation was favorably reported by the Committee on Resources, passed the House last September, but unfortunately, action was not completed on the measure prior to adjournment.

Mr. Speaker, the Committee on Resources adopted a minor amendment to H.R. 658 that made a clarifying change requested by the National Park Service. We believe this is a good change in the bill, and support the bill. I do urge my colleagues to support this legislation.

Again, I thank my good friend, the gentleman from Pennsylvania (Mr. SHERWOOD) for his management of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I would like to begin by thanking my good friend, the gentleman from Pennsylvania (Mr. SHERWOOD), for bringing up this legislation, and also thanking the gentleman from Alaska (Chairman YOUNG) of the Committee on Rules, the subcommittee chairman, the gentleman from Utah (Mr. HANSEN), the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and my friends on the other side for their assistance here.

This legislation, as has been said, Mr. Speaker, would allow the Greene County Historical Society to remain as owners and operators of the Thomas Cole House while establishing the site as an affiliated area of the national park system.

Essentially what this legislation does, it allows for the historical society to develop interpretive programs related to the facility. It also requires an annual general management plan by the historical society. Both of these things I think are very important to the continued health and welfare of the Thomas Cole House.

I am a strong supporter of preserving our national historical sites generally, and specifically here as it relates to the Thomas Cole House. The circumstances of the Thomas Cole House make this an important piece of legislation, given its age. It is a true national treasure in the heart of one of the most scenic areas of the Nation, New York's Hudson River Valley.

As has been stated, Thomas Cole was one of the country's preeminent landscape painters in the earlier 19th century. His work inspired generations of artists, including Frederick Church and Thomas Moran, to chronicle the growth of the young United States and help to generate interest in our country's natural beauty.

Today the paintings provide insight and reflect the growth of what is the uniquely American spirit. In passing this legislation, we will preserve this school of art and the very residence Thomas Cole worked from within in creating many of his paintings, as well as the landscapes these artists painted of the beautiful Hudson River Valley.

Last year the legislation passed the House. It was not passed by the Senate point. That was because there was some language in the bill that the Senate objected to regarding the purchase by the Secretary of the Interior of the paintings and artwork. We have revised that and made amendments to make that language more palatable. I am confident that the Senate will pass it this year.

In conclusion, I would like to thank the committee and the National Park Service for their assistance, as well as the local organizations in my district who worked strenuously to see this bill passed, and who worked as a partnership to ensure the continuation of the Thomas Cole House. I look forward to seeing the Thomas Cole site become an important addition to the National Park Service.

Mr. HINCHEY. Mr. Speaker, I rise in support of this legislation that will provide the Thomas Cole National Historic Site with appropriate federal recognition and assistance. It is appropriate because Thomas Cole continues to be a major figure in our nation's history, and an important influence on many Americans who would not recognize his name.

As founder of the Hudson River School of American Painting, Thomas Cole stood at the beginning of a long line of artists who taught Americans to love and appreciate dramatic landscapes. It is hard for us now to imagine a time when places like the Hudson Highlands, the Grand Canyon, and the mountain peaks of the east and west were not treasured, but that was largely the case before Thomas Cole's time. They were regarded as obstacles or places of danger. His paintings showed people they were beautiful; his allegories invested them with meaning. If it were not for Thomas Cole, we might not have our national parks today; we would almost certainly not have our long tradition of landscape art.

I hope this legislation will enable more people to learn about Thomas Cole and his followers and the history of how our people came to appreciate the beauty of nature and the landscape. I further hope it will bring more people to the Hudson Valley that Cole loved and painted, and educate them about the role that the Hudson Valley—through its natural features, its people, and its history—has had in defining our country's vision of itself.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 658, as amended.

The question was taken.

Mr. SHERWOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FISHERMAN'S PROTECTIVE ACT AMENDMENTS OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1651) to amend the Fisherman's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, as amended.

The Clerk read as follows:

H.R. 1651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 101. SHORT TITLE.

This title may be cited as the "Fishermen's Protective Act Amendments of 1999".

SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) IN GENERAL.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

TITLE II—YUKON RIVER SALMON

SEC. 201. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 1999".

SEC. 202. YUKON RIVER SALMON PANEL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this or any other title.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least 3 individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1) (A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 203. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee of not less than 8, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least 2 of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

SEC. 204. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to an advisory committee established under section 203.

SEC. 205. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 206. ADMINISTRATIVE MATTERS.

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 203 when engaged in the actual performance of duties.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 203 shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 207. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title $4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph

C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 203, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 207(b); and

(4) $600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

TITLE III—FISHERY INFORMATION ACQUISITION

SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Survey Vessel Authorization Act of 1999".

SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to 6 fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary $60,000,000.

Amend the title so as to read: "To amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1651 is a package of noncontroversial bills that should pass this body without much debate.

The first title amends the Fisherman's Protective Act to extend the period of time during which reimbursements may be provided to owners of U.S. fishing vessel for costs incurred when a vessel is illegally seized and detained by a foreign country. The time period is extended from October 1, 2000, to October 1, 2003.

The second title, the Yukon River Salmon Act of 1999, establishes the Yukon River Salmon Panel, which will advise the Secretary of State regarding negotiations on any international agreement with Canada relating to the management of salmon stocks originating from the Yukon River.

In addition, the panel will advise the Secretary of the Interior and the Alaska Department of Fish and Game regarding restoration and enhancement of Yukon River salmon.

In 1995, Congress passed the Yukon River Salmon Act as part of the Fisheries Act of 1995. This Act created the Yukon River Salmon Panel, as required in the interim agreement between the United States and Canada for the conservation of Yukon River salmon stocks originating in Canada.

This interim agreement expired in March of 1998. The expiration of the interim agreement has made the role of the Yukon Salmon Panel unclear. This legislation authorizes the panel and its activities, regardless of the agreement with Canada. If a new agreement cannot be reached between United States and Canada, the Secretary of State is authorized to appoint the advisory panel members to any panel created by the new agreement. The authorized appropriations in this title have been capped at the level authorized in 1995.

The third title to the bill authorizes the Secretary of Commerce to acquire and equip a fishery survey vessel. This new vessel will provide fishery managers with accurate and timely data necessary to implement the fishery management plans and to meet international treaty obligations.

Mr. Speaker, I ask for an aye vote on the bill, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to initially commend the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Fisheries Conservation, Wildlife and Oceans, and as the ranking member of that subcommittee, again I want to thank the gentleman for his leadership and for his ability to bring these pieces of legislation under a substitute format.

I also want to thank the chairman of our Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. MILLER), our ranking Democrat, for their support of this legislation.

Mr. Speaker, the three fisheries-related bills included in the substitute amendment that will be offered are noncontroversial and have the full support of the administration. Thus, I do urge that the substitute be adopted by my colleagues.

I am particularly pleased this bill will authorize funding to construct a fisheries research vessel. The fleet of research vessels operated by the National Oceanic and Atmospheric Administration, Mr. Speaker, is aging. Without modern vessels, NOAA will be unable to obtain accurate data on fish stocks and oceanographic conditions, and thus will compromise the Administration's ability to manage our Nation's fisheries as mandated by the Magnuson-Stevens Act and several international treaties.

Mr. Speaker, this bill will authorize funds for one vessel. I look forward to working with the chairman of the Committee on Resources to authorize funds in future years to modernize NOAA's fishing research fleet, not only for ships in Alaska, but throughout our Nation's waters, so our administration can gather the best data possible to fulfill its statutory obligations and successfully manage our $3 billion annual commercial fishing industry.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to thank the gentleman from American Samoa, the ranking member of the subcommittee, for his great work in support in getting this bill to the floor. It is much appreciated.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1651, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "To amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1651, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

BIKINI RESETTLEMENT AND RELOCATION ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2368) to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands.

The Clerk read as follows:

H.R. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bikini Resettlement and Relocation Act of 1999".

SEC. 2. PARTIAL DISTRIBUTION OF TRUST FUND AMOUNTS.

Three percent of the market value as of June 1, 1999, of the Resettlement Trust Fund for the People of Bikini, established pursuant to Public Law 97-257, shall be made available for immediate ex gratia distribution to the people of Bikini, provided such distribution does not reduce the corpus of the trust fund. The amount of such distribution shall be deducted from any additional ex gratia payments that may be made by the Congress into the Resettlement Trust Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2368, the Bikini Resettlement and Relocation Act of 1999 is an important measure to help the relocation and resettlement of the people of the Bikini Atoll. This community was displaced during the time of United States nuclear testing in the Pacific, and while the U.S. was the administering authority for the islands under the United Nations' Trust Territory of the Pacific islands.

In the 1982, Congress established a Resettlement Trust Fund for the benefit of the Bikinians. H.R. 2368 would authorize a one-time 3 percent distribution from the Resettlement Trust Fund for relocation and resettlement assistance primarily for the remaining senior citizens of the Bikini Atoll, 3 percent of $126 million, or $3.7 million. This will not require any appropriation of any funds by the U.S. Congress, and will not diminish the original corpus of the Resettlement Trust Fund of $110 million.

These funds will provide relocation assistance now to the surviving 90 members of Bikini who were removed from their home island, as it may still take years to complete radiological restoration of the atoll to permit safe habitation.

The bill also responds to the resolution of the Bikini Council requesting this legislative action by Congress. I urge my colleagues to support this bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this act would authorize a one-time 3 percent distribution from the resettlement fund for the people of Bikini established by Congress in 1982 for relocation and resettlement assistance primarily for the remaining senior citizens of Bikini Atoll.

The odyssey of the Bikini people is a very sad one, indeed. They were moved off their atoll in March of 1946 by the U.S. Navy to facilitate the U.S. nuclear testing program. They were first moved to Rongerik, an uninhabited atoll some 100 miles east of Bikini. Naval officials stated that Rongerik was bigger and richer than Bikini, but it turned out that the move was ill-conceived and poorly planned.

Contrary to the Navy's assertions, Rongerik's land area is one-quarter of the size of Bikini, and its life-sustaining pandanus and coconut trees were considerably less productive than those of Bikini.

The situation on Rongerik steadily deteriorated over the next 2 years. In July of 1947, a medical officer who visited the atoll reported that the Bikinians were visibly suffering from malnutrition. Several sites for another relocation were explored, but none proved satisfactory.

However, when a Navy physician examined the Bikinians in March of 1948 and found them to be a starving people, emergency measures were called for and the Bikinians were immediately evacuated to the Navy base at Kwajalein Atoll. As early as 1948, as the official Navy history of the Trust Territory notes, "Definite physiological scars were left on the people." The consequences of their two relocations, 2 years on Rongerik and nearly 8 months on Kwajalein, were already abundantly evident.

In less than 3 years, the once self-sufficient people had been transformed into dependent wards of the United States. Their very existence had been threatened, and the little confidence that they had in themselves was diminished.

□ 1500

The third relocation of the Bikinians occurred in November of 1948 when the community was moved to Kili Island some 400 miles south of Bikini. Although Kili receives more rainfall than Bikini and has richer soils, it is an island, a high island, not an atoll, and it is about one-ninth the land area of Bikini.

It has neither lagoon, sheltered fishing ground, protected anchorage, nor good beaches. Instead, a flat reef shelf forms around the circumference of the island and drops abruptly to great depths. As a result, it is virtually inaccessible by sea from November to May, when tradewinds cause heavy surf to pound the shore.

This drastic change from an atoll existence, with its abundant fish and islands as far as the eye could see, to an isolated island with no lagoon and inaccessible marine resources, took a severe physiological toll on the Bikini people.

Since their arrival there in 1948, the Bikinians have compared Kili to a jail. The elders sorely miss the ability to move about an atoll, engage in fishing expeditions across the lagoon or in the open sea, and sail to other islands. At Bikini, much of men's lives had centered about their sailing canoes, and they spent many hours working together on them. These sailing canoes had to be abandoned on Kili, and the Bikinians have lost virtually all thier sailing and fishing skills.

Today, 53 years after their move from Bikini, less than half the "elders" who were moved off originally in 1946 are still alive. The radiological cleanup and resettlement of Bikini is at least a decade away, and will cost at least several hundred million dollars, and the numerous relocations of the people have had severe consequences.

The Bikinians did not desire relocation in 1946, but they believed they had no alternative but to comply with the wishes of the United States.

Much of the Bikinians' culture and society and identity are rooted in their ancestral home: the islands, reefs, and lagoon of Bikini Atoll. The people's identity, the very essence of their perceptions of themselves, is intimately tied to their home atoll.

The system of land rights provided much of the underlying structure for the organization of the community. Short of loss of life itself, the loss of their ancestral homeland represented the worst calamity imaginable for the Bikini people.

The confinement of the Bikini people to Kili has deprived them of most of the activities and pleasures that they enjoy at Bikini Atoll.

The people of Bikini gave the United States everything they had, their land and their home. They demanded nothing in return. They asked only that the United States care for them until their land had served its purpose and could be returned to them. The United States promised that it would do so, but some 53 years later, and 41 years after the last nuclear test at Bikini, the Bikinians are still not home. They lived up to their side of the deal, and the people of the free world did well by them.

They made contributions to the victory and the Cold War that many other peoples did not. The tests in the Marshall Islands cost hundreds of billions of dollars, but we never questioned their value because these nuclear tests assured U.S. nuclear superiority over the Soviet Union and saved billions of dollars in defense spending.

As the Atomic Energy Commission reported to Congress in 1953, "Each of the tests involved a major expenditure of money, manpower, scientific effort, and time. Nevertheless, in accelerating the rate of weapons development, they saved far more than their costs."

In an attempt to assist the people of Bikini, we provided funding for their Resettlement Trust Fund in 1982. Those funds have been well invested, and it is only appropriate for us to support a one-time 3 percent distribution to the heads of household, with the understanding that the Bikini elders will be the primary beneficiaries.

Thanks to sound investment decisions, this trust fund has earned almost 14 percent annually since 1982, so a 3 percent distribution will not require an appropriation of funds by Congress nor will it diminish the original corpus of the trust.

I want to say on a personal note that this especially goes out to the family of Ralph Waltz who was a Peace Corps volunteer on Kili Atoll and who was personal witness to this. Mr. Waltz has since passed away, but he was a very good friend of mine, and he first brought me to these issues that are attendant to the plight of the Bikini people.

Mr. Speaker, I yield such time as I may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Guam (Mr. UNDERWOOD) for yielding this time to me to say a few words concerning this piece of legislation. I do thank the gentleman from Pennsylvania (Mr. SHERWOOD) for his management of the bill.

Mr. Speaker, I rise in strong support of H.R. 2368, a bill to assist the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of a Trust Territory of the Pacific Islands.

Mr. Speaker, 53 years ago, we removed the residents of Bikini Atoll from their home to conduct atomic and nuclear weapons tests. Between 1946 and 1958, we conducted well over 23 such tests, which made the Atoll uninhabitable. In 1968, we told the former residents it was safe to return to the Atoll only to remove them again in 1979 because radiation levels were still far in excess of Federal standards.

Mr. Speaker, today the remaining nine residents of Bikini in 1946 who are still alive, and some of the descendants of the other 158 people of the atoll, are still living in a temporary location 400 miles from their true home.

Mr. Speaker, in an effort to partially compensate the residents of Bikini for all the injury and suffering the United States has caused them, it is only reasonable that Congress establish a trust fund in 1982, and a total of $110 million has been appropriated for the fund. The fund has been well managed, and the market value of the fund is now approximately $126 million. H.R. 2368 authorizes a one-time distribution of 3 percent of the value of the trust, which will go primarily to the elders of this group.

Mr. Speaker, I have taken to this floor many times over the years to advocate that the United States devote more of its resources to this problem, especially as it deals with the good people of the Republic of the Marshall Islands. This is only a small part of the mess we created by conducting atomic and nuclear atmospheric tests in the Pacific.

The residents of the Bikini and other atolls of the Pacific have been forced to make considerable sacrifices so that our Nation could remain militarily strong, and I find it highly offensive that we have not addressed this problem forthrightly.

Even today, Mr. Speaker, we do not have a plan to clean up and resettle the atoll, and it is estimated that cleanup and resettlement will take 10 years, 10 more years, Mr. Speaker. We can, and we should be doing better than that.

I want to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. GEORGE MILLER), our ranking Democrat of the committee, and their staffs for moving this bill as quickly as they have. This is important to the former residents of Bikini and shows that this authorizing committee can act in a timely manner.

Mr. Speaker, I know the Bikinians would have liked to have seen this provision in the fiscal year 2000 Interior appropriations bill, but with today's action in the House and a little luck in the Senate, they may get their money just as quickly as following regular authorizing procedures. I support this bill and believe we have a moral obligation to do much more than this.

Mr. Speaker, again I want to commend the gentleman from Guam (Mr. UNDERWOOD) for his tireless efforts and tremendous leadership to assist his fellow Pacific Island community.

Again, I ask my colleagues to support this bill.

Mr. MILLER of California. Mr. Speaker, I have cosponsored this legislation with Chairman YOUNG which directs the Secretary of Interior to distribute 3% of interest made from the Resettlement Trust Fund for the People of Bikini to surviving Bikini elders. This payment will be a one time only payment and comes from interest made, does not need an additional appropriation, and will not effect the original corpus of the fund.

To facilitate the US nuclear testing program, the people of Bikini were moved off their islands in 1946. Between 1946 and 1958, the U.S. government detonated 23 atomic and hydrogen bombs at Bikini Atoll, including the March 1, 1954 Bravo shot, the largest nuclear test ever conducted by the United States. Our treatment of the people directly affected by these tests has not always been forthright and just. Much information about the test shots was kept from the Marshallese until I was able to persuade the Bush Administration to finally release DOE documents to the Marshall Islands Government. While this process has been slow, it has resulted in thousands of pages of new information released.

In 1982 Congress established the Resettlement Trust Fund to assist the people of Bikini, "for the relocation and resettlement of the Bikini People in the Marshall Islands, principally on Kili and Ejit Islands." Congress appropriated additional funds in 1988 into the trust and modified its terms to provide that monies could also be "expended for the rehabilitation and resettlement of Bikini Atoll."

The people of Bikini have maintained the fiscal integrity of the Resettlement Trust Fund since its inception. They have hired U.S. banks as trustees and well respected investment advisors and money managers. The Trust has averaged a nearly 14% annual return since inception and has permitted the Bikini community to provide for scholarships, health care, food programs, housing electrical power, construction, maintenance and repairs on the islands of Kili and Ejit, as well as infrastructure, cleanup and resettlement activities on Bikini Atoll. Through prudent management and voluntary restrictions on the use of the corpus by the people of Bikini, the market value of the Resettlement Trust Fund today is approximately $125 million.

Throughout this most tumultuous time, the elders of the community have remained the solid base for all the people of Bikini. This one time payment is being made at the request of the Bikini community based, in part, on the reality that resettlement of the atoll is unlikely during the lifetime of the elders. I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2368, the Bikini Resettlement and Relocation Act of 1999. I fully support the request of the Bikini Council to have a one-time 3% distribution from the Resettlement Trust fund to assist in the resettlement and relocation of the people of Bikini Atoll.

In 1946, our country made the decision to test nuclear weapons in the Bikini Atoll in the Marshall Islands. This difficult decision, during World War II, created a negative situation for the Bikini Atoll. This environmental catastrophe still exists, over thirty years later. The people of Bikini Atoll have been relocated twice since the Island was polluted with nuclear residue during the nuclear testing that started in 1946.

I commend our government's recognition of the devastation caused during this testing period and I commend our efforts to restore this magnificent Island so its citizens can return to their homes. Unfortunately, it appears another 10 years is necessary to guarantee the return of the Bikini people to an environmentally safe home.

Traditionally, the people of Bikini Atoll have administered the Resettlement Trust Fund in a commendable manner. I fully support the Council's decision to make available 3% percent of the market value of the Resettlement Trust Fund for immediate ex gratia distribution to the people of Bikini. The culture and tradition of the people of Bikini pay special homage to the seniors of the communities. It is anticipated that the senior citizens of Bikini, many who will not have an opportunity to return to the Island and their homeland because of the length of clean-up time, may be the primary beneficiaries of this distribution.

The Congressional Budget Office estimates that the enactment of the bill would have no impact on the federal budget. Mr. Speaker, dear colleagues, I urge that we continue to support the restoration of Bikini Island and resettlement of its citizens.

Mr. YOUNG of Alaska. Mr. Speaker, the Bikini Resettlement and Relocation Act of 1999, H.R. 2368, is an important measure to help the relocation and resettlement of the people of Bikini Atoll. This community was displaced during the time of United States nuclear testing in the Pacific and while the U.S. was the administering authority for the islands under the United Nations Trust Territory of the Pacific Islands. Congress continues to have responsibility for the trust funds that were established during the trusteeship for the resettlement and relocation of certain island communities, including Bikini Atoll.

The Committee on Resources conducted a Congressional pre-hearing briefing on May 10th and a hearing on May 11th, 1999, on the status of nuclear claims, relocation and resettlement efforts in the Marshall Islands. During the hearing process, the elected representative of the people of Bikini presented the Kili/Bikini/Ejit Local Government Council's May 12, 1999 Resolution, asking Congress to support a one-time 3% distribution from the Resettlement Trust Fund, which is used both for the cleanup of Bikini and for the ongoing needs of the Bikini people. In addition, the Marshall Islands Government expressed unqualified support for the Bikini request. Congress established the Resettlement Trust Fund in 1982 pursuant to P.L. 97–257 and appropriated additional funds in 1988 pursuant to P.L. 100–446.

I introduced H.R. 2368 jointly with the Ranking Minority Member GEORGE MILLER of the Committee on Resources on June 29, 1999, to respond to the request of the Bikini community and the government of the Marshall Islands. My statement of introduction appeared in the CONGRESSIONAL RECORD on that date with the text of the Kili/Bikini/Ejit Local Government Council's May 12, 1999 Resolution on June 29, 1999 H.R. 2368 would:

Authorize a one-time 3% distribution from the Resettlement Trust Fund for relocation and resettlement assistance primarily for the remaining senior citizens of Bikini Atoll [3% of $126 million or $3.7 million]; not require an appropriation of any funds by the U.S. Congress; not diminish the original corpus of the Resettlement Trust Fund [$110 million]; provide relocation assistance now to the surviving 90 members of Bikini who were removed from their home island, as it may still take years to complete radiological restoration of the atoll to permit safe habitation; and respond to the resolution of the Bikini Council requesting this legislative action by Congress.

The Bikinians, for their part, have ensured the fiscal integrity of the Resettlement Trust Fund. They have selected reputable U.S. banks as trustees, hired well-respected and talented investment advisors and money managers, and provided for routine monthly financial statements and annual audits. Due to the Bikini Council's voluntary restraint on the use of these funds, and the success of the fund managers, the corpus remains intact, the trust fund has earned almost 14% annually, every dollar has been accounted for, annual audits are prepared, and monthly financial statements are sent to the Interior Department.

In light of the strength of the trust, its fiscal integrity, the lengthy time a cleanup and restoration will take, and the special circumstances of the elders, the Bikinians wish to make a one-time 3% distribution from the Resettlement Trust Fund, with the understanding that the primary beneficiaries of the distribution will be the 90 surviving Bikini elders. Because of the excellent management of the trust fund, such a distribution will not require an appropriation of funds by Congress, nor will it diminish the original corpus of the trust.

The authorization in H.R. 2368 for the people of Bikini is appropriate and consistent with the desires of the community of Bikini and congressional intent for the resettlement of the people whose lives and homes were disrupted by U.S. testing. This measure assists some of the people of the former Trust Territory community administered by the United States, who we still maintain relations through a Compact of Free Association. Without any additional cost to the U.S. taxpayer, Congress can be responsive to the remaining senior Bikini elders' resettlement and relocation efforts.

Mr. UNDERWOOD. Mr. Speaker, I have no further speakers. I urge an "aye" vote, and I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 2368.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPANISH PEAKS WILDERNESS ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 898) designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness."

The Clerk read as follows:

H.R. 898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spanish Peaks Wilderness Act of 1999".

SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following:

"(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that—

"(A) comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999; and

"(B) shall be known as the 'Spanish Peaks Wilderness'.".

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the "Secretary"), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

SEC. 3. ACCESS.

Within the Spanish Peaks Wilderness designated under section 2—

(1) the Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established prior to the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide; and

(2) access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 4. CONFORMING AMENDMENTS.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 898, the Spanish Peaks Wilderness Act of 1999, was introduced by the gentleman from Colorado (Mr. McINNIS), my esteemed colleague, and would simply add the Spanish Peaks area to a list of areas designated as wilderness by the Colorado Wilderness Act of 1993.

The gentleman from Colorado (Mr. McINNIS) has worked long and hard to protect local interests while trying to preserve an outstanding scenic and geological area. I have hunted and hiked through the Spanish Peaks, and they rise above the high plains majestically all by themselves and are an area certainly worthy of preservation.

This bill passed through subcommittee and full committee on a voice vote, therefore, I would urge my colleagues to support the passage of H.R. 898, the Spanish Peaks Wilderness Act of 1999, under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 898 would designate approximately 18,000 acres of land in Colorado, San Isabel National Forest, as wilderness. These lands which contain headwaters in two spectacular 13,000 foot peaks have been studied and considered for wilderness designation for nearly two decades.

This month marks the 35th anniversary of the law that created a national wilderness preservation system. The Wilderness Act has led to the protection of more than 104 million acres of Federal lands. In light of this anniversary, it is most appropriate, Mr. Speaker, that the House is acting on a wilderness bill, an all too infrequent event in recent years I would say.

I do commend the gentleman from Colorado (Mr. McINNIS) and the gentleman from Colorado (Mr. UDALL), our Democratic colleague, for their sponsorship and hard work on this legislation.

This is a worthy bill, this legislation. It certainly deserves the support of our colleagues, and I ask my colleagues to support this bill.

Mr. Speaker, I would like to engage in a colloquy here with the gentleman from Colorado (Mr. McINNIS).

Mr. Speaker, this bill does differ from last year's Skaggs-McInnis bill in a few respects, and I want to take a few moments to discuss one in particular, namely the exclusion from wilderness of an old road, known as the Bulls Eye Mine Road and the inclusion of language related to that road.

Because some questions have been raised about the scope and effect of that language, contained in subsection 3(1), I think it appropriate to provide a further explanation of how that subsection would or would not affect management of this area.

Accordingly, at the request of the gentleman from Colorado (Mr. UDALL) I would like to engage the gentleman from Colorado (Mr. McINNIS) in a brief colloquy regarding this part of the bill.

Mr. Speaker, one of the questions that has been raised concerning the authority of the Secretary of Agriculture with regard to regulating the use of the road. During the subcommittee hearing of the bill, the gentleman from Montana (Mr. HILL) asked whether the Secretary would continue to limit those uses to hiking and horseback riding and was assured that the Secretary could do that under the terms of the bill.

Would my colleague agree that, under this bill, the Secretary will continue to have that authority?

Mr. Speaker, I yield to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, to the gentleman's inquiry, the answer to that is yes.

Mr. FALEOMAVAEGA. Mr. Speaker, another important question concerns the extent to which the bill might be read as requiring the federal government to repair or maintain the road. This is important, Mr. Speaker, because my colleague will recall that the Forest Service testified that they are in no position to make any commitments to keep the road open, and because its condition is such as to raise serious safety problems and possibly even questions of liability, would the gentleman from Colorado agree that nothing in the bill would have the effect of requiring the United States to undertake any improvements of the road or to maintain any part of the road?

Mr. McINNIS. Mr. Speaker, to the gentleman from American Samoa, the answer is yes.

Mr. FALEOMAVAEGA. Mr. Speaker, as I understand it, some parties have raised the question about ownership of the road right-of-way itself. Does the gentleman from Colorado agree that nothing in this bill would have the effect of lessening any property before the United States of that land or of limiting the ability of the Secretary to take legal action to assert those interests?

Mr. McINNIS. Mr. Speaker, would the gentleman repeat the question.

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Mr. FALEOMAVAEGA. Does my colleague agree that nothing in this bill would have the effect of lessening any of the property interests of the United States in that land or of limiting the ability of the Secretary to take legal action to assert those interests?

Mr. McINNIS. The answer to that is yes.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further speakers at this time, and I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, this is a very exciting day for me and for the people of the State of Colorado that the designation of the Spanish Peaks as a wilderness area is about to pass the House of Representatives. This bill has bipartisan support. This bill does something that we should have done a couple of years ago.

At the very beginning of my comments, I think it is appropriate to give credit to my former colleague, our former colleague, David Skaggs, who retired from Congress 2 years ago, I think. The gentleman put a lot of effort into the Spanish Peaks wilderness. I was privileged to work with David Skaggs for a period of several years on this legislation, and today I hope he is watching so he gets to see this pass.

I have got a lot of personal interest in the Spanish Peaks of Colorado. First a little description of the Spanish Peaks. There are two peaks, the east and west peak. These peaks were often used as guidance for the pioneers who settled in Colorado. When we see them against the Colorado horizon, they stand out against that beautiful blue sky. It really is an asset to the people of this country to have the Spanish Peaks. Now to take that movement to put the Spanish Peaks into a wilderness area is a designation that is well served.

Let me point out an issue that I think is very important. Number one, it is important for all who are watching today and my colleagues on the floor to understand that there are lots of different ways to manage public lands. Wilderness is not the only way to manage public lands. We have lots of tools out there.

For example, we have national parks, we have national forests, we have special areas. There are lots of different ways to manage public lands. The most restrictive and, therefore, the one we should utilize with the most caution is the wilderness designation.

How should we go about naming an area or designating an area as "wilderness"? The first thing that I think fundamentally to the principle of wilderness is that we have got to have local input. We do not have an outside interest come in and dictate to the local people what they ought to do in that local community. We had a lot of local input.

This bill did not start with an outside interest. This bill did not start with some organization outside of the area. This bill started with the local people. I know a lot of those local people.

My great grandparents homesteaded down in that area in La Veta, Colorado, in the 1880s. I know those people down there, and they got together several years ago and they said, the Spanish Peaks at the very top where, by the way, Mr. Speaker, it does not affect water rights, which are absolutely crucial in the State of Colorado, the local people got together and said these are beautiful peaks. Let us manage a small part of the peaks, about 18,000 acres, as wilderness; and let us do it at the very top where it does not impact water rights, where it limits impact on private property.

I am a strong advocate of private property rights in this country. When this idea first came up, there was some conflict, there was some controversy. So did we look outside of the State of Colorado or even outside that area for advice or dictate on how we ought to resolve that controversy or that conflict? No. We sat down together; we sat down and we talked.

We have had a lot of able leadership through that community to come to a resolution that we are now seeing today about ready to pass the United States House of Representatives.

This bill will mark the Spanish Peaks as a wilderness for many, many, many centuries to come. And long after we are all gone, people will look back and say, the United States Congress, with these conditions and this particular area, made the right decision for wilderness.

A moment to comment about my colleague WAYNE ALLARD. Senator WAYNE ALLARD is also carrying this. He has put a lot of time into this effort. We have got a good team working. We have also had good support from the Colorado delegation. I would be remiss if I did not mention the gentleman from Colorado (Mr. HEFLEY), our senior Member from Colorado Springs; if I did not mention the gentleman from Colorado (Mr. SCHAFFER), if I did not mention the gentleman from Colorado (Mr. TANCREDO), and the gentlewoman from Colorado (Ms. DEGETTE).

I should also mention the gentleman from Colorado (Mr. UDALL) who has spent a good deal of time since he has been elected to Congress to work specifically with me on making sure that the agreements that we have in place are being kept. He has been supportive. I know that that came up a little quicker today than we imagined, so he is not in our presence. He certainly would be here today, but he does support it. And his concerns I think are well protected.

But back to what I think is something all of us can be proud of, and that is, if my colleagues have the opportunity to go to Colorado, my district, the third congressional district is the highest district in the country in elevation and so on. It has got 56 mountains over 14,000 feet, and one of those Spanish Peaks goes over that 14,000. If my colleagues have an opportunity to go to Colorado, take a look at the Spanish Peaks. Understand the history of those mountains and what it means to the people of this country, what it means to the people of Huerfano County, what it means to the people of every county in the State of Colorado.

Today, a great moment for the State of Colorado. It is a great moment for this country. I am proud to be the sponsor of the Spanish Peaks Wilderness area.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Colorado for his eloquence and certainly for in a more specific way allowing Members of our body to understand the specifics of this legislation. I, too, would like to commend his former colleague and our good friend, the gentleman from Colorado, Mr. David Skaggs, for his cosponsorship originally of this legislation with my good friend from Colorado.

Mr. Speaker, since I do not have any additional speakers, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, could we have a time check?

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Pennsylvania (Mr. SHERWOOD) has 12 minutes remaining, and the gentleman from American Samoa (Mr. FALEOMAVAEGA) has yielded back the balance.

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, to my good colleagues on the other side, I would like to make a couple more comments. I do not have any other speakers. My colleague, although he has yielded back his time, if he would like me to yield time, I would be happy to.

Again, now that I know I have got a couple more minutes, let me be a little more exhaustive in my remarks about, number one, David Skaggs.

David came to me several years ago. As my colleagues know, David is a Democrat. I am a Republican. David and I have known each other for a long period of time. We worked together in the Colorado House of Representatives. At the time, I was the majority leader and he was the minority leader.

It was kind of fun to come back here in Congress and to be able to work on something that we completely agreed on and we had our hearts in. I wish David were here today, but I know that David will be at the dedication that we have of the Spanish Peaks down in southern Colorado when we dedicate that portion of the wilderness.

I also want to emphasize and talk for just a couple more minutes about wilderness and what is important about it. There is a philosophy out there or a thought out there that the only way to protect federal lands is to put them in wilderness. As I mentioned, earlier in my remarks, wilderness is the most restrictive and most inflexible management tool we have in our arsenal of tools to manage federal lands. Once we put an area into wilderness, it is in essence locked into that designation forever.

Now, it is true that Congress can overturn a wilderness designation, but for that politically to occur it would be next to impossible.

So before we designate wilderness, I think we, one, need to take our time and make sure that it meets all of the conditions for wilderness designation; number two, that we try to think into the future and try to come up with what might be the unintended consequences in putting that into wilderness instead of, say, a special area or some type of reserve or a conservation area or national park and so on.

Because the measure is so dramatic, we should manage a wilderness designation just like the former Congressman David Skaggs and myself and the Colorado delegation and my good colleague on the other side of the aisle have done, and that is we sat down and we met with the local community, we took the local input; we let most of the controversy be resolved at the local level; we put together legislation in a very open type of manner. We did not push this as a public relations type of campaign, going out and getting billboards for wilderness and things like that. This has a lot of substance to it. It has got a lot of study and a lot of energy into it. This is the way we ought to name wilderness bills that go through this Congress.

So once again, I thank my colleagues from the Colorado delegation. I thank my good colleague from the other side of the aisle. But more than anything else, I thank the people of America for allowing us to take care of the Spanish Peaks with this designation at the very top.

Every one of my colleagues, this vote they make today will be a vote that generations from now will look back and say, my grandpa and my grandma or my great grandpa or my great grandma voted yes for this.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to note, for the RECORD, if there is anything as a demonstration of my colleagues in this chamber, I would say that the delegation from Colorado, both Republican and Democrats, probably has displayed the highest example of what bipartisanship should be when it comes to this issue of wilderness legislation.

I want to commend the gentleman for being a part of that ability to give and take. Sometimes we get to be a little too extreme in our views and not be tolerable to the views of another Member, especially on an issue as important as wilderness area. So I commend and thank the gentleman for yielding.

Mr. McINNIS. Mr. Speaker, I too share the comments of the gentleman. We did not try to sneak minimum wage or the Republican tax cut in this bill. This bill was kept clean through the process. It is purely bipartisan, and we can all be very proud when the vote names the Spanish Peaks of Colorado as a wilderness.

Mr. UDALL of Colorado. Mr. Speaker, as an original cosponsor of H.R. 898, I rise in support of this important bill to designate the Spanish Peaks as wilderness.

The mountains we call the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties. Their Native American name is Wayatoya. The eastern peak rises to 12,893 feet above sea level, and the summit of the western peak is at 13,626 feet.

These two peaks were landmarks for Native Americans and for some of Colorado's other early settlers and for travelers along the trail between Bent's Old Fort on the Arkansas River and Taos, New Mexico.

This part of the San Isabel National Forest has outstanding scenic, geologic, and wilderness values, including a spectacular system of more than 250 free-standing dikes and ramps of volcanic materials radiating from the peaks. These lands are striking for their beauty and are also very valuable for wildlife habitat.

Since 1977, the Spanish Peaks have been included on the National Registry of Natural Landmarks, and the State of Colorado has designated them as a natural area. The Forest Service first reviewed them for possible wilderness designation as part of its second roadless area review and evaluation and first recommended them for wilderness in 1979. However, the Colorado Wilderness Act of 1980 instead provided for their continued management as a wilderness study area—a status that was continued on an interim basis by the Colorado Wilderness Act of 1993.

In short, Mr. Speaker, the Spanish Peaks are a very special part of Colorado. Their inclusion in the National Wilderness Preservation System has been too long delayed. In fact, I had hoped that designation of this area as wilderness would be completed last year. The House did pass a Spanish Peaks wilderness bill sponsored by my predecessor, Representative David Skaggs, and Representative McINNIS after it was favorably reported by the Resources Committee. Unfortunately, the Senate did not act on that measure.

So, I am very appreciative of the persistence shown by Representative McINNIS as well as the good work of Chairman YOUNG and Subcommittee Chairman CHENOWETH, and the leadership of Representative MILLER of California and the gentleman from Washington, Mr. SMITH. As a new Member of the Committee, I am very glad to have been able to work with them to bring us to where we are today with this bill.

This bill does differ from last year's Skaggs-Mcinnis bill in a few respects, and in particular by the exclusion from wilderness of an old road, known as the Bulls Eye Mine Road, and the inclusion of language related to that road.

Because some questions have been raised about the scope and effect of that language, contained in subsection 3(1), I thought it was important to provide a further explanation of how that subsection would or would not affect management of this area. Accordingly, I greatly appreciate the assistance of the gentleman from American Samoa in engaging my colleague from Colorado, Mr. McINNIS, in a brief colloquy regarding that part of the bill. This colloquy is an important part of the legislative history of this bill.

As was mentioned earlier during debate on this bill, its passage is an appropriate step in recognition of the recent 35th anniversary of the enactment of the Wilderness Act. As a strong supporter of protecting wilderness—and particularly of protecting our wilderness areas in Colorado—I hope that this is only the first of several Colorado wilderness bills that will come before the House in the months ahead.

Already, the Resources Committee has approved a bill that, among other things, would designate additional wilderness in the area of the Black Canyon of the Gunnison. And currently pending before the Committee are two wilderness bills I have introduced, dealing with the James Peak area and with lands within Rocky Mountain National Park, as well as a very important bill by our colleague Ms. DEGETTE that breaks important new ground in terms of protecting wilderness areas on public lands in Colorado managed by the Bureau of Land Management. In my opinion, all these measures deserve priority consideration in our Committee and here on the floor of the House.

Meanwhile, Mr. Speaker, I again thank both the gentleman from American Samoa and my colleague, Mr. McINNIS, for their cooperation, and am glad to join in support of the Spanish Peaks Wilderness Act.

Mr. SHERWOOD. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R.898.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1619) to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor, as amended.

The Clerk read as follows:

H.R. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999".

(b) REFERENCE.—Whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (Public Law 103–449; 16 U.S.C. 461 note).

SEC. 2. FINDINGS.

Section 102 of the Act is amended—

(1) in paragraph (1), by inserting "and the Commonwealth of Massachusetts" after "State of Connecticut";

(2) by striking paragraph (2) and redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

(3) in paragraph (3) (as so redesignated), by inserting "New Haven," after "Hartford,".

SEC. 3. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—Section 103(a) of the Act is amended by inserting "and the Commonwealth of Massachusetts" after "State of Connecticut".

(b) PURPOSE.—Section 103(b) of the Act is amended to read as follows:

"(b) PURPOSE.—It is the purpose of this title to provide assistance to the State of Connecticut and the Commonwealth of Massachusetts, their units of local and regional government and citizens in the development and implementation of integrated natural, cultural, historic, scenic, recreational, land, and other resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, structures, and history of the Quinebaug and Shetucket Rivers Valley.".

SEC. 4. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—Section 104(a) of the Act is amended—

(1) by inserting "Union," after "Thompson,"; and

(2) by inserting after "Woodstock" the following: "in the State of Connecticut, and the towns of Brimfield, Charlton, Dudley, E. Brookfield, Holland, Oxford, Southbridge, Sturbridge, and Webster in the Commonwealth of Massachusetts, which are contiguous areas in the Quinebaug and Shetucket Rivers Valley, related by shared natural, cultural, historic, and scenic resources".

(b) ADMINISTRATION.—Section 104 of the Act is amended by adding at the end the following:

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—(A) The Corridor shall be managed by the management entity in accordance with the management plan, in consultation with the Governor and pursuant to a compact with the Secretary.

"(B) The management entity shall amend its by-laws to add the Governor of Connecticut (or the Governor's designee) and the Governor of the Commonwealth of Massachusetts (or the Governor's designee) as a voting members of its Board of Directors.

"(C) The management entity shall provide the Governor with an annual report of its activities, programs, and projects. An annual report prepared for any other purpose shall satisfy the requirements of this paragraph.

"(2) COMPACT.—To carry out the purposes of this Act, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the Corridor, including, but not limited to, each of the following:

"(A) A delineation of the boundaries of the Corridor.

"(B) A discussion of goals and objectives of the Corridor, including an explanation of the proposed approaches to accomplishing the goals set forth in the management plan.

"(C) A description of the role of the State of Connecticut and the Commonwealth of Massachusetts.

"(3) AUTHORITIES OF MANAGEMENT ENTITY.—For the purpose of achieving the goals set forth in the management plan, the management entity may use Federal funds provided under this Act—

"(A) to make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations, and other persons;

"(B) to enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations, and other persons;

"(C) to hire and compensate staff; and

"(D) to contract for goods and services.

"(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or any interest in real property.".

SEC. 5. STATES CORRIDOR PLAN.

Section 105 of the Act is amended—

(1) by striking subsections (a) and (b);

(2) by redesignating subsection (c) as subsection (a);

(3) in subsection (a) (as so redesignated)—

(A) by striking the first sentence and all that follows through "Governor," and inserting the following: "The management entity shall implement the management plan. Upon request of the management entity,"; and

(B) in paragraph (5), by striking "identified pursuant to the inventory required by section 5(a)(1)"; and

(4) by adding at the end the following:

"(b) GRANTS AND TECHNICAL ASSISTANCE.—For the purposes of implementing the management plan, the management entity may make grants or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations, and other persons to further the goals set forth in the management plan.".

SEC. 6. DUTIES OF THE SECRETARY.

Section 106 of the Act is amended—

(1) in subsection (a)—

(A) by striking "Governor" each place it appears and inserting "management entity";

(B) by striking "preparation and"; and

(C) by adding at the end the following: "Such assistance shall include providing funds authorized under section 109 and technical assistance necessary to carry out this Act."; and

(2) by amending subsection (b) to read as follows:

"(b) TERMINATION OF AUTHORITY.—The Secretary may not make any grants or provide any assistance under this Act after September 30, 2009.".

SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.

Section 107 of the Act is amended by striking "Governor" and inserting "management entity".

SEC. 8. DEFINITIONS.

Section 108 of the Act is amended—

(1) in paragraph (1), by inserting before the period the following: "and the Commonwealth of Massachusetts".

(2) in paragraph (3), by inserting before the period the following: "and the Governor of the Commonwealth of Massachusetts";

(3) in paragraph (5), by striking "each of" and all that follows and inserting the following: "the Northeastern Connecticut Council of Governments, the Windham Regional Council of Governments, and the Southeastern Connecticut Council of Governments in Connecticut, (or their successors), and the Pioneer Valley Regional Planning Commission and the Southern Worcester County Regional Planning Commission (or their successors) in Massachusetts."; and

(4) by adding at the end the following:

"(6) The term 'management plan' means the document approved by the Governor of the State of Connecticut on February 16, 1999, and adopted by the management entity, entitled 'Vision to Reality: A Management Plan', the management plan for the Corridor, as it may be amended or replaced from time to time.

"(7) The term 'management entity' means Quinebaug-Shetucket Heritage Corridor, Inc., a not-for-profit corporation (or its successor) incorporated in the State of Connecticut.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of the Act is amended to read as follows:

"SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Corridor under this title after the date of the enactment of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999.

"(b) 50 PERCENT MATCH.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.".

SEC. 10. CONFORMING AMENDMENTS.

(a) LONG TITLE.—The long title of the Act is amended to read as follows: "An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.".

*(b) HEADING.—The heading for section 110 of the Act is amended by striking "**service**" and inserting "**system**".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1619 amends the Quinebaug and Shetucket Rivers National Heritage Corridor Act of 1994 by expanding the boundaries of the Corridor.

Specifically, this bill authorizes the expansion of the Corridor into the Commonwealth of Massachusetts. The Corridor currently is wholly contained within the State of Connecticut. These river valleys contain significant natural and historical resources, including scenic vistas, archaeological sites, and recreational opportunity.

As a college student, I canoed down through this river. It is a beautiful river valley.

□ 1530

The bill, as amended, assures that both the Commonwealth of Massachusetts and the State of Connecticut remain involved in the management of the corridor. Furthermore, the legislation provides for a sunset of the funding and assistance from the Federal Government which may not exceed 50 percent of the total cost of that assistance or grant.

This bill has local and State support and is also supported by the administration. I urge my colleagues to support H.R. 1619, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to commend first the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from Massachusetts (Mr. NEAL) for their sponsorship of this legislation. I also want to commend the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the chairman and ranking member of the Subcommittee on National Parks and Public Lands, for their sponsorship and support of this legislation; and definitely both the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the chairman and the ranking member of the full committee, for their support.

Mr. Speaker, the Quinebaug and Shetucket Rivers Valley National Heritage Corridor is an 850-square-mile area, including more than 25 towns, along the Quinebaug and Shetucket Rivers in Northeastern Connecticut. The area includes lush woodlands, clean rivers and streams, as well as many historically and culturally significant sites. This corridor has been referred to as the "last green valley" in the area between Boston and Washington.

The 103rd Congress designated the area as a National Heritage Corridor. None of the land within the corridor is federally owned but the designation has allowed the National Park Service to provide important technical assistance, coordination and funding to what began, and has continued to be, a grassroots effort to preserve this area and to educate people about its importance.

Mr. Speaker, a management plan for the corridor, approved by the Governor of Connecticut, was adopted earlier this year and a private, nonprofit organization has been designated to implement the plan.

The bill, H.R. 1619, sponsored, as I said earlier, by the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from Massachusetts (Mr. NEAL) would reauthorize the corridor and extend its reach in the process. This legislation would add several counties in Massachusetts to the corridor and amend the original enabling legislation to reflect adoption of the management plan. Importantly, this measure was amended by the Committee on Resources to increase oversight of the corridor's management entity.

Mr. Speaker, creation of this heritage corridor has led to important educational and preservation efforts. It has worked so well, in fact, that another State now wants to be included.

This bill, H.R. 1619, would allow more people to experience and benefit from the beauty and history of this area. Again, I urge my colleagues to support this legislation.

Mr. GEJDENSON. Mr. Speaker, as the sponsor of H.R. 1619 along with Congressman NEAL, I rise in strong support of this measure. I would like to begin by thanking Chairmen YOUNG and HANSEN and Ranking Members MILLER and ROMERO-BARCELÓ and their staffs for their support in moving this legislation through the Committee process. I truly appreciate their efforts.

The bill before us today represents a consensus reached between residents of Connecticut and Massachusetts to expand the Quinebaug and Shetucket Rivers Valley National Heritage Corridor. The new communities in Massachusetts and Connecticut are linked to the existing 25 towns in the Corridor by geography, history, culture and, most importantly, the rivers they share.

The bill before us today has been slightly modified from the measure Congressman Neal an I introduced in late April. I am pleased to report that the amended version has the support of the National Park Service, the States of Connecticut and Massachusetts, the management authority and citizens in both states.

The bill expands the boundary of the Corridor to include Union, Connecticut and the towns of Brimfield, Charlton, Dudley, E. Brookfield, Holland, Oxford, Southbridge, Sturbridge, and Webster, Massachusetts. It designates a local, nonprofit entity—Quinebaug-Shetucket Heritage Corridor, Inc.—as the management entity. It provides a continuing role for the Governors of Connecticut and Massachusetts in Corridor management. Finally, the measure increases federal support for the Corridor.

I believe the increase in funding is reasonable. It would provide the necessary funds to expand programs into the new communities in Massachusetts and Connecticut. It would also bring the Quinebaug and Shetucket in line with other Corridors created since 1996. The National Park Service has also supported the increase in testimony before the subcommittee on Parks and Public Lands.

I want to note that this bill does not change the non-regulatory nature of the Corridor. Land use and zoning regulations will remain completely under the control of local governments. Moreover, the management entity does not have the authority to purchase land with federal funds. Land will remain in private hands and local residents will continue to chart the region's direction. The Corridor has always been, and continues to be, a mechanism for organizing many efforts to achieve common goals.

The Quinebaug and Shetucket Rivers National Heritage Corridor is a nationally significant resource which deserves continued federal support. The Corridor has proven to be successful over the last four years in preserving cultural, natural and historic resources and in promoting to better understanding of the importance of this region to our country. Passing this legislation today will allow citizens in Connecticut and Massachusetts to build on this record of success.

I urge my colleagues would join me in voting in support of H.R. 1619.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today in support of an extremely worthwhile piece of legislation, the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999, House Resolution 1619. H.R. 1619 expands the boundaries of this National Heritage Corridor by ten towns, nine of which are in my home state of Massachusetts. I'd also like to take this opportunity to thank Mr. GEJDENSON for his tireless efforts on behalf of this bill.

The Quinebaug and Shetucket region's history and significance begins with the Native Americans, as it was largely a frontier zone between tribes. European settlement began in the late 1650s, and the area soon became a center of fiscal, religious, and political radicalism. The Industrial Revolution began on a small scale here, with water powered textile structures on lesser streams and as a spillover from the adjoining Blackstone Valley. However, the latter half of the nineteenth century saw the construction of the great mills that characterize the valley. Staffed by immigrants from Europe and Canada, these factories were the region's prime economic engine.

However, the twentieth century brought steady declines of the textile industry, leaving many formerly busy mills empty or only marginally used. Thus, the region entered a long period of economic recession and the need to develop a more diversified economy, a condition that brings us to the present day.

The region into which we wish to expand this Heritage Corridor is clearly both culturally and environmentally part of "the Last Green Valley." The expansion area shares a history, a desire to protect resources and a view to economic revitalization. The mill towns and farmland offer residents and visitors a special view into the American experience and allow them to explore New England's agrarian and industrial past.

Environmental protection is one of the most important tasks facing the American people as we go forth into the new millennium. As such, the goal of this legislation is to develop and implement natural, cultural, historic, scenic, recreational, land and other resource management programs. The purpose is to retain and enhance the significant features of lands, water, structures, and history of the Quinebaug and Shetucket Rivers Valley. The National Heritage Corridor designation allows local governments and grassroots organizations to carry out their visions for a healthier, more sustainable society. As always, the delicate balance between environmental protection and economic growth is at the heart of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

Since the authorization of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in 1994, the State of Connecticut, via the Quinebaug-Shetucket Heritage Corridor, Inc., has worked efficiently under a constrained budget by combining the financial resources of the public and private sectors. As a result, the economic aspect of the Corridor has been as successful as the environmental protection programs. The Corridor Commission has been able to match federal funds at a ratio of 12:1. The Commission and its partners have revitalized Industrial Revolution era mills, enhanced greenways and waterways, and have increased preservation of open space and wildlife habitats, resulting in an increase in tourism. The proximity of the Corridor to the major metropolitan areas of Springfield, Worcester, Boston, Hartford, Providence, and New York City serves as further evidence that this expansion is an economically viable venture.

In order to ensure that the projects selected reflect the needs and desires of the states, the Corridor Commission Board of Directors will include voting members from the offices of the Governors of Massachusetts and Connecticut. The Commission will also be linked to, and under the guidance of, the Secretary of the Interior via a compact.

Mr. Speaker, the most important people involved in the environmental and historical preservation process are the locals. These are the people involved in the actual work that our legislation authorizes. I would like my colleagues to understand that the local governments and local business along the Corridor are in overwhelming support of this legislation. I have received numerous calls from businessmen and women looking for ways to get involved and the Boards of Selectmen of the affected towns have been pressing the issue in their town halls. The people have spoken out and they are in favor of the Corridor Expansion.

Mr. Speaker, it is important to note that we in Massachusetts are not stepping on the toes of our Connecticut neighbors. The members of the Massachusetts State Heritage Corridor Commission have been working with their successful counterparts from Connecticut for a long time now. The two groups have come to an understanding and are looking forward to working together. In order for the Corridor Expansion to be a success, the experience of those on the Connecticut side must be utilized.

Mr. Speaker, once again I would like to thank Mr. GEJDENSON for all of his work, and I would like to thank the members of the Corridor Commission who have been the driving force behind this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1619, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the six bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENSE OF CONGRESS REGARDING IMPORTANCE OF FAMILY FRIENDLY TELEVISION PROGRAMMING

Mr. UPTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 184) expressing the sense of Congress regarding the importance of "family friendly" programming on television.

The Clerk read as follows:

H. CON. RES. 184

Whereas American children and adolescents spend between 22 and 28 hours per week viewing television;

Whereas American homes have an average of 2.75 television sets, and 87 percent of homes with children have more than one television set;

Whereas there is a need to increase the availability programs suitable for the entire family during prime time viewing hours;

Whereas surveys of television content demonstrate that many programs contain substantial sexual or violent content;

Whereas although parents are ultimately responsible for appropriately supervising their children's television viewing, it is also important to provide positive, "family friendly" programming that is suitable for parents and children to watch together;

Whereas efforts should be made by television networks, studios, and the production community to produce more quality family friendly programs and to air them during times when parents and children are likely to be viewing together;

Whereas members of the Family Friendly Programming Forum are concerned about the availability of family friendly television programs during prime time viewing hours; and

Whereas Congress encourages activities by the Forum and other entities designed to promote family friendly programming, including—

(1) participating in meetings with leadership of major television networks, studios, and production companies to express concerns;

(2) expressing the importance of family friendly programming at industry conferences, meetings, and forums;

(3) honoring outstanding family friendly television programs with a new tribute, the Family Program Awards, to be held annually in Los Angeles, California;

(4) establishing a development fund to finance family friendly scripts; and

(5) underwriting scholarships at television studies departments at institutions of higher education to encourage student interest in family friendly programming: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes and honors the efforts of the Family Friendly Programming Forum and other entities supporting family friendly programming;

(2) supports efforts to encourage television networks, studios, and the production community to produce more quality family friendly programs;

(3) supports the proposed Family Friendly Programming Awards, development fund, and scholarships, all of which are designed to encourage, recognize, and celebrate creative excellence in, and commitment to, family friendly programming; and

(4) encourages the media and American advertisers to further a family friendly television environment within which appropriate advertisements can accompany the programming.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us today is also a statement on behalf of the Members of this body that we expect better television programming than perhaps what is being offered today to our children and our families to survive the ratings battle. The broadcast networks do spend a considerable amount of time trying to develop sound, family-friendly programming that consumers will watch. Unfortunately, all too often this type of programming does not receive the high ratings necessary to keep those series on the air. This is unfortunate, but the networks should not give up hope or stop trying to improve the quality of their TV offerings.

I am pleased that the House today has an opportunity to consider H. Con. Res. 184. I am hopeful that the other body will soon offer a companion resolution. I would also like to acknowledge the leadership of the gentleman from Ohio (Mr. PORTMAN) for bringing this issue to the attention of the Committee on Commerce. I am also hopeful that the Committee on Commerce members will have an opportunity to consider the impact of media outlets on the culture of the Nation in the near future.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Michigan for yielding and for all the effort he has put into this and for coming to the floor today to support it. I would also like to thank the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL) and the Committee on Commerce staff for allowing us to have this resolution come to the floor today in an expedited manner.

Mr. Speaker, I was pleased to join with the gentleman from Massachusetts (Mr. MARKEY) to introduce House Concurrent Resolution 184. The resolution is pretty straightforward. It recognizes the importance, as the gentleman from Michigan has said, of family-friendly television programming and the specific contributions of a new group called the Family Friendly Programming Forum and the efforts they are undertaking to make this goal a reality.

Recent events have intensified a national debate on child development and particularly the influence of popular culture on our children. We cannot overlook the important role that television plays in shaping the attitudes and the outlook of our Nation's young people. Studies show that on average children will watch between 22 and 28 hours of television every week which in many cases, Mr. Speaker, is about the same amount of time they spend in school.

And television is not only a powerful influence, unfortunately it is too often a negative one. Let us be clear. Parents should always have the final responsibility for regulating their children's viewing habits. But the simple fact remains that the number of family-friendly programs available, particularly during prime time, has been declining. Parents are looking for more programs that are appropriate for them to watch together with their children.

This resolution specifically supports the work of the Forum, an organization of 33 of the Nation's very largest advertisers who have recognized this unmet need in the marketplace.

The argument is sometimes made that family-friendly programs do not draw big ratings, that advertisers will not support them and that, therefore, networks cannot afford to carry them. The work of the Family Friendly Programming Forum is changing this perception. The major advertisers who are members of the Forum are taking specific steps, including a new annual awards program that recognizes excellence in family-friendly programming, the first of which took place in Beverly Hills, California just last week. The Forum is also making a financial commitment. It has established a development fund to finance family-friendly scripts. It is underwriting university scholarships to encourage students' interest in writing family-friendly programming. The Forum is also conducting a series of public awareness events, campaigns around the country, to encourage families to seek out new options during prime time.

Mr. Speaker, family-friendly does not mean dull. Good programming over the years, such as the 1999 Family Friendly Programming Forum Lifetime Achievement award winner "The Cosby Show" and the long-running "Home Improvement" demonstrates that television programming can be both appropriate and enjoyable for the entire family and very successful. There is a market for good programming of this type. Frankly, the statement made by the advertising community through this forum about their interest in this kind of programming is to me very significant.

Mr. Speaker, as a father of three, I am all too well aware of the powerful influence that television programming can have on our kids and the need for more programming we can enjoy as a family. While Congress cannot and should not tell the television networks what programming to air, we can and should support efforts like the Forum's constructive, free market approach to promoting family-friendly television. That is what this resolution is all about. By passing it at the beginning of the school year as we are doing, we as a Congress are making an important statement about the need for more suitable programming on our Nation's airwaves for all Americans.

I commend the Family Friendly Programming Forum and the goals they are advancing. I urge adoption of House Concurrent Resolution 184.

Mr. UPTON. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

I begin by complimenting, praising the gentleman from Ohio (Mr. PORTMAN), who is the principal author of this resolution. I thank him for asking me to be his coauthor. This is without question an important statement for the Congress to make. After all, we do spend a considerable amount of time here in Congress criticizing the impact which the media have upon the culture of our country, especially as it impacts the children in our society, so I think that as the Family Friendly Programming Forum begins a process of trying to encourage positive, family-friendly television, that we should praise them.

This resolution does four things: First, it recognizes and it honors the efforts of the Family Friendly Programming Forum and other entities supporting family-friendly programming. Secondly, it supports efforts to encourage television networks, studios and production communities to produce more quality family-friendly programs. Third, it supports the proposed Family Friendly Programming Awards, development fund, and scholarships, all of which are designed to encourage, recognize and celebrate creative excellence in, and commitment to, family-friendly programming. And, fourth, it encourages the media and American advertisers to further a family-friendly television environment within which an appropriate advertisement campaign can accompany the appropriate programming.

Now, this Family Friendly Programming Forum is a project of the National Association of Advertisers, which includes some of our Nation's largest companies: General Motors, Procter & Gamble, Wendy's, Coca-Cola, Bell Atlantic, Gillette and others. These companies are the life's blood of free, over-the-air television, because, of course, without advertising from these large companies, there can be no television because there would be no advertising that the networks would use in order to fund the production of programs that are run on every single community in our country. These network ads are critically important to the cable industry and to the satellite industry as well, and as a result they have tremendous leverage over the television industry in general, whether it be broadcast, cable or satellite. And so we should all applaud this effort.

The gentleman from Ohio (Mr. PORTMAN) has, I think, done an enormous favor to each of us in bringing this resolution out because it will give us a chance to go on record in support of the kinds of initiatives that we would like to see large American corporations undertake to use their leverage in order to stem the trend towards more sex, more violence, lowering of standards, increasing the tsunami of words and images that assault the minds of young children in our country.

Now, this is a huge breakthrough. Back in 1993, I attempted to have a hearing on this issue, inviting the largest advertisers to come to Congress to discuss it. At the time, only AT&T was willing to come forward to discuss a strategy by which these largest corporations would advance this kind of a cause. So it is heartening indeed to see this broad coalition today come together. I think that the more that we come to realize that these advertisers have this clout as the broadcasters attempt to attract large audiences in influencing the kind of programming that is played on the air, that we are going to have the kind of influence that we would like to see, and, as the gentleman from Ohio said, private sector initiated, advertisers pressuring, encouraging broadcasters to do the right thing, because they, that is, those advertisers, want to be associated with the right thing, with that kind of programming.

□ 1545

As the Family Friendly Forum states in their mission statement: we support a wide range of programming options, and we will continue to advertise on shows that appeal to different target audiences, but we want to ensure the existence of a family-friendly television environment, particularly in the early evening time period.

And most importantly, they are establishing a development fund to finance TV scripts, underwriting scholarships for students interested in exploring family-friendly programming, and granting awards for excellence in this area. They held their first awards ceremony just last Thursday, as the gentleman from Ohio pointed out. It is something that should be applauded and encouraged.

The WB Network has already taken up the challenge. In August, WB CEO Jamie Kellner and Andrea Alstrup, vice president of advertising for Johnson & Johnson, on behalf of the Forum agreed to identify writers to produce new scripts that will entertain and engage family audiences.

As my colleagues know, the V-Chip is an important device to have built into TV sets, and by the beginning of next year, that is, January of the year 2000, every television set that is sold in the United States will have a V-chip built into it. We sell 25 million TV sets a year in the United States. But the V-chip is really only a way by which parents, in programming it, can block out the programming they do not want their children to be exposed to. In no way can the V-Chip put good programming on the air.

What is happening here, what is being encouraged by the advertisers of the United States, is encouragement given to the networks, to the cable industry, to the satellite industry to put good programming on that parents can sit their children down in front of with the parent sitting there with them and watch as a family. It is something that should be encouraged. It is something that this resolution, I think, correctly identifies as just the kind of trend that we should be encouraging here in the Congress.

I want to again congratulate my friend from Ohio.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in support of this resolution. I have long been an advocate for more family-friendly programming on television. American children spend much of their time each week in front of a TV, and it is important that at least some of the programs available to them are devoid of the gratuitous sex and violence that so frequently pollute prime TV. I really believe the sponsors should not be allowed their advertising deduction when they sponsor programming which is clearly over the line for family audiences. We in the House should be encouraging the television industry to clean up its act, and I am happy to support this resolution today.

Again, I thank the gentleman for having yielded this time to me.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution because it encourages TV networks, studios, and the production community to produce more quality family programs. In a time of extreme violence and graphic situations on television, I am proud to support this measure. We need to encourage any voluntary efforts by the entertainment industry to clean up prime time TV.

Traditionally, prime time television was concentrated in the early portion of the evening TV schedule—7 or 8 pm. During this time, families would watch television together, usually with dinner or shortly thereafter while the children were still awake. The programming that was aired during these hours focused on the family unit.

Recently, this trend has changed dramatically. Most of the networks do not air any family programming at this time, or such programming has been limited to certain nights of the week, such as Sunday. Gone are the days of an entire family sitting around the television set.

The traditional family programming has been replaced with violence, sexual situations and profanity. Thankfully, the industry's internal system of checks and balances has weighed heavily in favor of the family's return to prime time.

The Family Friendly Programming Forum, established this year by 30 advertisers, encourages the networks to develop family friendly programming for families to view together. In addition to encouraging more family friendly programming through advertising revenues, the Forum will establish a special fund to finance scripts written for such programming.

The Forum will also establish a scholarship program to encourage student interest in family friendly programming. Such efforts will send a powerful message to television producers, network executives and other advertisers that consumers deserve better programming for their families and that advertisers will be more selective in sponsoring certain programs.

I support this effort because families deserve to have a time to sit and watch television together. Parents should ultimately maintain control over the television and what programs are acceptable in the home, but the networks do have some responsibility to promote a more positive alternative to the sex and violence currently seen in prime time.

Advertisers are in the unique position to provide that internal check—advertising dollars that can send the message that parents want more programming geared for family viewing. I strongly support internal industry checks on television content and I support the efforts of the Family Friendly Programming Forum. I urge my Colleagues to support this resolution.

Mr. UPTON. Mr. Speaker, I do not have any further speakers, so I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I have no additional requests for time either, so I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 184.

The question was taken.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

UNITED STATES PARTICIPATION IN THE UNITED NATIONS— MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United Nations and of the participation of the United States therein during the calendar year 1998. The report is required by the United Nations Participation Act (Public Law 79-264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 1999.*

APPOINTMENT OF CONFEREES ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. OBEY. Mr. Speaker, reserving the right to object, I will not object, but I do want to take this time simply to point out that the minority was not told until a very few minutes ago that these motions were going to be made at this time today. We are in the situation where several of our ranking subcommittee members are not on the floor because they did not know this motion was going to be made. I do not think it is quite fair to them to proceed under this kind of a situation.

I recognize it is not the fault of the gentleman from New Mexico, so I will not object; and we have no interest in delaying the action of the House, but I would simply ask that in the future, action be taken to make certain that the minority is made aware in a timely fashion of the intent to make these motions at a time so that we can be prepared as quickly as possible in making the correct motions.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New Mexico.

□ 1600

Mr. SKEEN. Mr. Speaker, I share the same approach that the gentleman has because we were given the word at exactly about the same time that he had it. Thank God the word finally got here, but it certainly puts a lot of folks in a position of not knowing that it was coming on the floor.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments. I would simply say to the leadership of the House, we are trying to be cooperative on this committee on both sides. It is pretty hard to cooperate if we don't have prior notice.

The gentleman has indicated he hasn't had that notice either, and I think that's equally unfortunate.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the House and Senate on H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for FY 2000, be instructed to provide maximum funding, within the scope of conference, for food safety programs at the Department of Agriculture and the Food and Drug Administration.

The SPEAKER pro tempore. Under the rule, the gentleman from Wisconsin (Mr. OBEY), and the gentleman from New Mexico (Mr. SKEEN) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not take very long. The situation is very simple. The House bill is $15 million above the Senate bill for the Department of Agriculture's food and safety inspection service programs, and it is $5 million above the Senate bill for FDA food safety initiatives. We believe the public has a right to have total confidence in the safety of its food supply. It certainly, in some instances unfortunately, does not have that to date. We think that the numbers in the bill will be at least minimally affected in increasing our ability to assure a safe food supply for the American public and would urge, therefore, that the conferees be instructed to provide the higher of the two numbers in each account in order to do the maximum that is allowable under rules, given the difference in scope between the two bills, to assure that food safety is the highest priority in the bill as it comes back from conference.

Mr. Speaker, I reserve the balance of my time.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to tell the gentleman that I support his effort and have no quarrel whatever with the work. I think this is the time that we should work toward the goal of taking care of the matters attendant to the field of agriculture, and to get it done as quickly as possible because it has been sitting there fermenting for quite some time.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I have no further requests for time; I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will name the conferees at a later time.

THE REASON FOR CONFUSION IN THE HOUSE

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, in case people are wondering what is happening here, why the House looks so disorganized, it is for the following reason: Those of us on the Minority on the Appropriations Committee have been working with the Majority on the committee all today under the assumption that we would have a common understanding about what the schedule would be for the remainder of the day, and we had expected one and perhaps at most two motions would be made to go to conference on appropriation bills.

We were trying to cooperate with the Majority in making sure that that went smoothly on the matters that we understood might come before us. Then what happened is that evidently the House leadership decided it wanted to make a unilateral decision to have motions on five different appropriation bills. The problem is that the Majority on the Committee on Appropriations did not know that that was going to happen and neither did the Minority. In my view, that is a lousy way to run a railroad. The House is running around here now looking confused because it is confused.

It just seems to me that there is no particular purpose to be served in rushing to conference on these bills when neither side even understood that we were going to be doing that. I am still trying to cooperate under these circumstances, but I would ask the House leadership that if we cannot do this in an orderly fashion for some of the remaining bills that we simply deal with it tomorrow morning, if we run out of bills that we can handle in a rational fashion, because otherwise we are simply stumbling around here. And in the process, we will be denying Members the opportunity to debate questions which I know Members wanted to debate on at least two of the bills that are coming up today.

Members did not know this would be happening before they got back, and I think the leadership has an obligation to avoid situations like that.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 5 p.m.

APPOINTMENT OF CONFEREES ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. VISCLOSKY moves that in resolving the difference between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2605, be instructed to insist on the higher funding levels for the U.S. Army Corps of Engineers Civil Works program included in the House-passed bill.

The SPEAKER pro tempore. Under the rule, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from California (Mr. PACKARD) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring this motion to instruct conferees to the House floor today and would argue four points on its behalf.

First of all, I again would want to compliment the gentleman from California (Mr. PACKARD) and the staff on both sides and members of the subcommittee because I think we in the House have put together a very good work product. I would hope that we collectively in the House could protect our prerogatives during the conference.

I would, first of all, point out as far as water projects that are important as far as the economic viability and future of this country, as well as to individual Members and their constituencies, our figure is $454 million over the Senate figure.

Because of the misallocation between the two bodies, there is a $1.2 billion difference between the House and Senate versions. And, essentially, if we factor that $400 million in, the differential as far as protecting Members' interest is about 1.6. So I think it is very important that we make the point today to the other body that we want to hold firm to protect the economic infrastructure of this country and Members' prerogatives.

Secondly, since this House passed the bill to the other body, the Water Resources and Development Act has been signed into law and that has placed even more demand as far as the limited resources we have.

The third point I would make is that, even with the higher water figure in the House, we are $320 million under what the Corps' capability is if we would fund all of the Corps' capability and projects on the boards.

Those include such important economic improvement such as harbor dredging, commercial and navigation as far as our economic infrastructure, including flood control to prevent the loss of life and property damage. It includes environmental restoration. And we have some major projects in the proposal of the beach nourishment. We recently had tropical storms and hurricanes devastate portions of the United States.

Finally, the important issue of water supply. I would close this portion of my remarks by simply saying again, given the misallocation and higher allocation with the other body, given their preponderance to oversubscribe for Department of Energy programs, I would want to protect the prerogatives of this institution.

Mr. Speaker, I reserve the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana (Mr. VISCLOSKY) has made I think very substantive points on his motion, and I support his motion without exception to instruct conferees.

Mr. Speaker, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Indiana (Mr. VISCLOSKY).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. PACKARD, ROGERS, KNOLLENBERG, FRELINGHUYSEN, CALLAHAN, LATHAM, BLUNT, YOUNG of Florida, VISCLOSKY, EDWARDS, PASTOR, FORBES, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2561, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2561) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2561, be instructed to insist on:
>
> Section 8113 of the House bill providing $50,000,000 to enhance United States defense capabilities against domestic terrorist attacks using weapons of mass destruction, and on Section 8114 of the House bill providing $150,000,000 to improve the protection of Department of Defense computer systems from non-authorized access.

The SPEAKER pro tempore. Under the rule, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I did not expect to be here alone on this question today. I regret that because of the surprise nature of the consideration of these issues that the gentlewoman from Ohio (Ms. KAPTUR) was not able to be here to deal with the agriculture bill that was brought before us.

The gentleman from New York (Mr. SERRANO) had no notice either of the intention of the House to deal with the State, Justice, Commerce bill. The gentleman from Pennsylvania (Mr. MURTHA) is in the same situation with respect to the Defense appropriations bill.

Let me say that this motion to instruct is very simple. It asks the Congress to think about the kind of threats that we will face in the future, not the kind of threats that we have faced in the past. We must be mindful of the latter, but we must be even more alert to the former.

It seems to me that we have to recognize the fact that one of the largest dangers to our security interests over coming years will be a threat that comes from potential terrorist attacks using chemical and biological and other different kinds of weapons that are traditionally thought of when one thinks of war.

As we move more and more into an electronics age, as we are more and more both aided by and imprisoned by computers, we need to recognize the fact that there is a substantial security risk to this country on the part of persons who can weave their way into our own computers, not just at DOD but other agencies across Government.

So this motion simply asks that the higher amounts that are within scope in the conference on these items be approved so that we do whatever it is possible to do to the maximum given the nature of the bills before us to enhance our security against terrorist attacks and to enhance our ability to defend against computer hackers.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman from Wisconsin (Mr. OBEY) that he is never here on the floor alone when he and I have an opportunity to work on behalf of the American public together.

In the meantime, the motion of the gentleman is a good one. It is not controversial. We are pleased to accept it on our sides.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. LEWIS of California, YOUNG of Florida, SKEEN, HOBSON, BONILLA, NETHERCUTT, ISTOOK, CUNNINGHAM, DICKEY, FRELINGHUYSEN, MURTHA, DICKS, SABO, DIXON, VISCLOSKY, MORAN of Virginia, and Mr. OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. OBEY moves that in resolving the difference between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2670, be instructed to insist on the higher funding levels for programs related to embassy security included in the House-passed bill.

The SPEAKER pro tempore. Under the rule, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Kentucky (Mr. ROGERS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what is at issue here is what level of funding we ought to provide to do our dead-level best to provide security arrangements for our various embassies around the world. As we very well know, we have had a number of terrorist attacks against those embassies. Many people in our society have a tendency to dismiss State Department officials as being "stripe pants boys." But the fact is that many of them have lost their lives promoting U.S. interests around the world and a number of those lives have been lost in terrorist attacks.

I find it somewhat interesting that the administration seems to be in a position where they are damned if you do and damned if they do not in terms of embassy security.

I remember earlier in the year the House committee held a hearing and at that point demanded that the administration support a higher level of funding for embassy security. The administration requested an additional $314 million in this bill, and the House committee approved $314 million. But then when it got to the Senate, the Senate cut back that number to $110 million.

In my view, the House number is correct. The purpose of this motion is to send a clear signal that the House would prefer to fund the highest level possible given what the spread of the difference is between the House and the Senate on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be brief. This is a motion that we can agree to. It is not controversial, at least on this side of the Capitol. It may be when we reach the other body.

But the gentleman from Wisconsin (Mr. OBEY) is correct. After the embassy bombings in Africa, the administration made announcements that they were going to pursue embassy security around the world in a much more vigorous way, something that we agree with here in this subcommittee and I think the full Congress.

□ 1715

But then when the administration sent their budget to the Hill, we looked very quickly to the section dealing with embassy security and maintenance of U.S. missions abroad, and found that there was an absolutely inadequate request. When the Secretary came to testify before the subcommittee, the request, I think, was for $36 million. We told the Secretary that the request was absolutely inadequate, that we had to pay attention to the problems that were being presented to us around the world in the way of threats to our personnel, and we asked her to go back to the White House and to come up with an amended request.

In due course of time, they did just that. And so the request, then, from the administration was amended. They requested an additional $264 million, for a total of $300 million for a security capital construction program. And that is exactly the dollar figure that the subcommittee, the full committee and now the full House included in this appropriation bill. The Senate bill is at $36 million for this program. That is the original request level. The Crowe Commission, named for Admiral Crowe who headed it up, dealing with embassy security, had called for a major investment in new secure embassy facilities. That followed on the heels of many other requests by various commissions down through the years. And so we stand ready to pursue the full House figure. We hope we can convince our colleagues across the Capitol that this level of funding is necessary.

I commend the gentleman from Wisconsin (Mr. OBEY) for bringing the matter to the attention of the body, and it is a matter that we can fully agree upon. I urge the adoption of the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

I would simply say in closing that I think this is one point on which there is no difference of opinion between the administration and the House on either side of the aisle in the House. I do think if I were the administration, I would be hard-pressed to follow the conflicting instructions that seem to be coming from the two congressional bodies, with the Senate going in one direction and the House in another, but I think they are going in the right direction on this item with their amended request. I think the House agrees with that. I think this motion to instruct will make it clear to the Senate that we believe they ought to back off and accept the higher number now contained in the administration request.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROGERS, KOLBE, TAYLOR of North Carolina, REGULA, LATHAM, MILLER of Florida, WAMP, YOUNG of Florida, SERRANO, DIXON, MOLLOHAN, Ms. ROYBAL-ALLARD, and Mr. OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes: Messrs. SKEEN, WALSH, DICKEY, KINGSTON, NETHERCUTT, BONILLA, LATHAM, Mrs. EMERSON, MR. YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, and Messrs. HINCHEY, FARR, BOYD and OBEY.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 5 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 6 o'clock and 2 minutes p.m.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2561, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000, WHEN CLASSIFIED NATIONAL SECURITY IS UNDER CONSIDERATION

Mr. LEWIS of California. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. SHIMKUS). The Clerk will report the motion.

The Clerk read as follows:

> Mr. LEWIS of California moves, pursuant to rule XXII, clause 12 of the House rules, that the conference meetings between the House and the Senate on the bill H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes, be closed to the public at such times as classified national security information is under consideration; provided, however, that any sitting Member of Congress shall have a right to attend any closed or open meeting.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, this motion is nondebatable and must be taken by the yeas and nays.

Members are advised that this vote will be followed by a 15-minute vote and a 5-minute vote on suspensions considered earlier today.

The vote was taken by electronic device, and there were—yeas 388, nays 7, not voting 38, as follows:

[Roll No. 405]

YEAS—388

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble

Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—7

DeFazio
Gutierrez
Hilliard
Kucinich
Lee
McKinney
Stark

NOT VOTING—38

Barcia
Brown (FL)
Buyer
Carson
Clay
Dooley
Ehlers
Gephardt
Hansen
Hastings (FL)
Hulshof
Jefferson
Johnson, Sam
Kasich
Kingston
Lantos
Largent
Linder
Manzullo
McCarthy (MO)
McCrery
McIntosh
Meeks (NY)
Moakley
Neal
Porter
Pryce (OH)
Rogan
Ros-Lehtinen
Scarborough
Serrano
Shaw
Shuster
Tauzin
Taylor (NC)
Whitfield
Wicker
Wu

□ 1827

Mr. HILL of Indiana changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 405, I missed the vote due to flight delays on two successive United Airlines flights. Had I been present, I would have voted "yea."

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 405. The motion to close proceedings on H.R. 2561, I was unavoidably detained on Midwest Express. Had I been present, I would have voted "aye".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 658, de novo; and House Concurrent Resolution 184, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THOMAS COLE NATIONAL HISTORIC SITE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 658, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, as amended.

The question was taken.

RECORDED VOTE

Mr. SWEENEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 6, not voting 31, as follows:

[Roll No. 406]

AYES—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—6

Chenoweth
Coble
Paul
Royce
Sanford
Sensenbrenner

NOT VOTING—31

Barcia
Bliley
Brown (FL)
Carson
Clay
Dooley
Gephardt
Hansen
Hastings (FL)
Hulshof
Jefferson
Johnson, Sam
Kingston
Lantos
Largent
Manzullo
McCrery
McIntosh
Moakley
Neal
Porter
Pryce (OH)
Rogan
Ros-Lehtinen
Scarborough
Serrano
Shaw
Shuster
Taylor (NC)
Wicker
Wu

☐ 1846

Mr. SENSENBRENNER changed his vote from "aye" to "no."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS REGARDING IMPORTANCE OF FAMILY FRIENDLY TELEVISION PROGRAMMING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 184.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. PORTMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 184.

The question was taken.

RECORDED VOTE

Mr. PORTMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 0, not voting 37, as follows:

[Roll No. 407]

AYES—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—37

Barcia
Bliley
Brown (FL)
Carson
Clay
Dooley
Gephardt
Hansen
Hastings (FL)
Hulshof
Jefferson
Johnson, Sam
Kingston
Lantos
Largent
Manzullo
McCrery
Meehan
Moakley
Neal
Ortiz
Porter
Pryce (OH)
Rogan
Ros-Lehtinen
Roukema
Roybal-Allard
Scarborough
Serrano
Shaw
Shuster
Spratt
Taylor (NC)
Weiner
Wicker
Wu
Wynn

□ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, due to the threat of Hurricane Floyd to South Florida I found it necessary to stay in my district to attend to the needs of my constituents. However, I wish to be recorded as a "yes" vote on the motion to close the conference on H.R. 2561, the Fiscal Year 2000 Defense Appropriations bill due to national security reasons. I also wish to be recorded as a "yes" vote on H. Con. Res. 184 and H.R. 658.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENHANCING INFRASTRUCTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, citizens chronically complain about the state of America's public capital, about dilapidated school buildings, condemned highway bridges, contaminated water supplies, and other shortcomings of the public infrastructure.

In addition to inflicting inconvenience and endangering health, the inadequacy of public infrastructure adversely affects productivity and the growth of our economy. Public investment, private investment, and productivity are intimately linked.

For more than two decades, Washington has retreated from public investment as the costs of entitlements and of the interest payable on rapidly rising debt have mounted.

State and local governments, albeit to a lesser extent, have also slowed investments. Their taxpayers were frequently reluctant to approve bond issues to finance the infrastructure.

Whereas, in the early 1970s, non-defense public investment accounted for 3.2 percent of GDP, it now accounts for only 2.5 percent. That is a huge loss. Widespread neglect of maintenance has contributed substantially to the failure of the stock of public capital assets to keep pace with the Nation's needs.

□ 1900

For instance, the real nondefense public capital stock expanded in the past two decades at a pace only half that set earlier in the post-World War II period.

Evidence of failures to maintain and improve infrastructure is seen every day in such problems as unsafe bridges, urban decay, dilapidated and overcrowded schools, and inadequate airports. A General Accounting Office study finds that education is seriously handicapped by deteriorating school buildings and that an investment of $110 billion is needed to bring them up to minimally acceptable.

The problems take a toll in less visible and perhaps even more important ways, in unsatisfactory gains in private sector productivity and a diminished rise in real income for the Nation at large. Seemingly endless traffic jams, disruptions to commuter service and backed-up airport runways, everyday experiences for Americans, spell waste and inefficiency for the economy at large. Congestion on the Nation's highways alone costs the Nation over $100 billion a year according to the Competitiveness Policy Council estimate. That estimate does not include the cost of added pollution and the wear and tear on vehicles.

This legislation is designed to help the Nation take a significant step both toward overcoming its infrastructure debt and promoting the productivity needed to meet the competitive challenges of the 21st century.

The plan is fiscally sound. It follows the best accounting procedures of the private sector and is designed to recognize the statutes that mandate a balanced Federal budget. In salient ways, it advances sound fiscal operation. The plan would provide $50 billion a year for mortgage loans to State and local governments for capital investment in types of projects specified by Congress and the President. These mortgage loans would be at zero interest. They would thereby cut the overall cost of projects about in half, depending on the prevailing interest rates, for State and local taxpayers.

We have a plan, the opportunity to rebuild and maintain our infrastructure for the 21st century. By using an innovative and logical approach to sound public financing without debt and without huge interest payments.

IMMIGRATION RESTRUCTURING AND ACCOUNTABILITY ACT OF 1999

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to talk about the Immigration Restructuring and Accountability Act of 1999 that I have offered along with the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. BERMAN) and others.

Partly this discussion this evening is prompted by a very effective hearing, field hearing, that was held today that I just came from in Chicago, Illinois, called by the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE) and attended by the chairman of the subcommittee, the gentleman from Texas (Mr. SMITH) and myself, the ranking Democrat on the Subcommittee on Immigration and Claims of the House Committee on the Judiciary.

What I was most struck by is the consensus of all those who had gathered that this is a Nation of laws but it is also a Nation of immigrants. We all have come from somewhere. And we all stand willing and waiting, if you will, to be patriotic and to love this country if given the opportunity. In fact, one of the statements made by the witnesses was that many immigrants and most of them come to this land for a better way of life. We heard testimony from very outstanding members of the Illinois delegation, Democrats and Republicans, we heard testimony from district constituency workers of Members of Congress, Democrats and Republicans, and we heard testimony from the INS regional director. Sadly, however, much of the commentary was about the ills of the INS, the difficulties in getting service, the difficulties in getting the right answers, the difficulties in the timeliness of the responses, the long lines. I was very gratified to hear by the INS regional director, however, that he was struck by these complaints, and of course, had been working over the last couple of months to remedy the concerns that had been expressed. He offered on behalf of his staff a genuine interest to work with congressional offices but most importantly to do the taxpayers' business, and, that is, to do the very best task that he might be able to do.

I believe, however, that he needs additional assistance. And one of the points that was made is that we should not throw money, good money, if you will, after bad. We should not throw money at a problem and yet not be able to fix its very infrastructure. And so the Immigration Restructuring and Accountability Act of 1999, I believe, offers real reform.

Americans, I think, in their heart of hearts appreciate the fact that this is a Nation that welcomes immigrants in order to have a better way of life. We realize that we support and our Constitution and our laws support legal immigration, not illegal immigration. In order to do that, we must encourage those who seek to go through the processes, the legal processes, we must expedite that process, we must not penalize and be punitive, we must not be negative, we must not characterize immigrants as people who are taking and not giving, deadbeats who are not willing to contribute to this society. I could list a whole litany of contributions that immigrants throughout the years and ages have given to this Nation. And all of us stand in a position that we can claim some contribution to this Nation.

The Immigration Restructuring and Accountability Act of 1999 does several things. We restructure and reorganize the immigration function within the Department of Justice through the creation of a fair, effective and efficient National Immigration Bureau, the NIB. Such a bureau is urgently needed, given both the importance of this entity's mission, the hundreds of thousands of people, of family members who are already citizens within this country and in the international community and the size of the agency which is larger than five current Cabinet agencies. We need to establish the INS not as an agency but as a bureau to separate the enforcement and adjudication functions of the Federal immigration function. The goal of such separation is to lead to more clarity of mission and greater accountability which in turn will lead to more efficient adjudications and more accountable, consistent, effective and professional enforcement to create strong centralized leadership for integrated policymaking and implementation.

Coordination is a key. In order to fulfill this new agency's important responsibilities, a single voice is needed at the top to coordinate policy matters and interpret complex laws in both enforcement and adjudications. We must also emphasize that the INS, now named INS, I hope the NIB, key goal is service. There is an enforcement responsibility and we all know the tragedy of the Resendez-Ramirez case, the alleged serial killer, we want to end that as well by giving the enforcement aspect the tools that it needs to ensure that illegal and also criminal aliens do not make it into the United States, and if they do so that they are caught immediately.

To coordinate policymaking and planning between the National Immigration Bureau offices so as to ensure efficiencies and effectiveness that result from shared infrastructure and unified implementation of the law among the office of immigration, adjudication, enforcement, prehearing services and detention and shared services. Those are the subsets of what I think we need to fully fund the adjudication function. Many, many people are in the process, are in the works, if you will, yet they wait 3 and 4 and 5 years in order to be adjudicated to become a naturalized citizen. This keeps them from employment. This keeps them from planning for their future. This disallows young people to get scholarships. It prevents young people from getting into college.

We are a Nation; Mr. Speaker, of laws, but we are also a Nation of immigrants. I would ask my colleagues to join me in cosponsoring the Immigration Restructuring and Accounting Act of 1999 for real INS reform.

WELCOME BACK TO THE CLEVELAND BROWNS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today to speak about something close to my heart, the Cleveland Browns football team. As many of my colleagues may know, Sunday marked the beginning of a new season for us, an important one, a historic day in Cleveland because this is the first season, since the departure of the original Browns for Baltimore, Cleveland has its own NFL franchise.

Though the result of the game was decidely not what the fans assembled were hoping for, seeing our Browns take the field in a regular season NFL contest was extremely satisfying. We were welcomed back to the Dawg Pound, the brown and orange colors of the Browns, and the familiar uniforms of the team. Just being able to host the game was exciting for those of us from Cleveland.

Hats off to Al Lerner, the owner, and Carmen Policy, its manager. Thank you. Cleveland Browns, we are going to win the rest of the season.

CRISIS IN EAST TIMOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, last Thursday, the House Committee on International Relations Subcommittee on Asia-Pacific Affairs, of which I am a member, held a joint hearing with the Senate Subcommittee on East Asian and Pacific Affairs to review the current crisis in East Timor and the implications on the overall future of Indonesia. I certainly want to commend the gentleman from Nebraska (Mr. BEREUTER) and the Senator from Wyoming (Mr. THOMAS) for jointly addressing this compelling crisis now confronting the international community.

Mr. Speaker, I recall some 38 years ago right outside this Chamber at his inaugural address, I believe it was in 1961, that President John F. Kennedy made this profound statement to the world, and I quote: "Let every Nation know that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

Mr. Speaker, like many of my colleagues, I am greatly disturbed and saddened by the brutal, violent response of the pro-Jakarta militia and Indonesian military to the overwhelming vote for independence demonstrated by the courageous people of East Timor. However, I am not at all surprised at the rampant killings, Mr. Speaker, as the Indonesian military has routinely used violence as a tool of repression as it is doing now and for the past 30 years.

Mr. Speaker, although the Timorese struggle for self-determination has received much publicity, scant attention has been paid to the people of West Papua New Guinea who have similarly struggled in Irian Jaya to throw off the yoke of Indonesian colonialism. Mr. Speaker, one cannot talk about the crisis in East Timor and ignore the same crisis in West Papua New Guinea or it is now known as Irian Jaya. As in East Timor, Indonesia took West Papua New Guinea by military force in 1963 in a pathetic episode, Mr. Speaker, that the United Nations in 1969 sanctioned a fraudulent referendum, where only 1,025 delegates were hand-picked and paid off by the Indonesian government, permitted to participate in a so-called plebiscite, and at the point of guns on their heads and with threats on their lives, these 1,025 individuals voted obviously for Indonesian rule. At the same time, the rest of West Papua New Guinea, well over 800,000 strong Indonesians, had absolutely no voice in this undemocratic process.

Mr. Speaker, since Indonesia subjugated West Papua New Guinea, the native Papuan people have suffered under one of the most repressive and unjust systems of colonial occupation in the 20th century. Like in East Timor where 200,000 East Timorese are thought to have died, the Indonesian military has been just as brutal in Irian Jaya. Reports estimate that between 100,000 to 300,000 West Papua New Guineans have died or simply vanished at the hands of the Indonesian military. While we search for justice and peace in East Timor, Mr. Speaker, we should not forget the violent tragedy that continues to this day to play out in West Papua New Guinea. I would urge my colleagues and my fellow Americans and the international community to revisit the status of West Papua New Guinea to ensure that justice is also achieved there.

Mr. Speaker, with respect to the events of the past week in East Timor, the Indonesian government should be condemned in the strongest terms for allowing untold atrocities to be committed against the innocent, unarmed civilians of East Timor. I commend President Clinton for terminating all assistance to and ties with the military of Indonesian. The latest United Nations estimates are that up to 300,000 East Timorese, over a third of the population of East Timor, have been displaced and it remains to be seen how many hundreds more, if not thousands, have been killed in the mass bloodletting and carnage. A war crimes tribunal as called for by UNHCR head Mary Robinson is necessary to punish those responsible for the atrocities.

Mr. Speaker, I further commend the decision of the United Nations to maintain its presence in Delhi, even if only with a skeletal staff. It was absolutely essential that international observers, such as the United Nations, not desert East Timor or the likelihood of genocide against the Timorese people would have substantially increased.

It is clear the United Nations must also commit to a peacekeeping force and not shirk its duty. Besides playing a significant role in supplying airlift capabilities and logistical support, I believe America should also contribute a small, if not symbolic, contingent of ground troops which by its presence, Mr. Speaker, an international peacekeeping force in East Timor may well lend a hand in stabilizing not just that island but the fragile democracy that ostensibly governs that country.

Mr. Speaker, with Indonesia being the fourth largest nation and the largest Muslim country in the world which sits astride major sea lanes of communication and trade, I urge my colleagues that we do something about this, raising the question about the instability of that country but more importantly make the will of the East Timorese people become a reality.

Mr. Speaker, last Thursday, the House International Relations Subcommittee on Asia-Pacific Affairs, of which I am a member, held a joint hearing with the Senate Subcommittee on East Asian and Pacific Affairs to review the current crisis in East Timor, and the implications on the overall future of Indonesia. I commend the gentleman from Nebraska, Chairman DOUG BEREUTER, and the gentleman from Wyoming, Senate Chairman CRAIG THOMAS for jointly addressing this urgent and compelling crisis now confronting the international community.

Like many of our colleagues, I am greatly disturbed and saddened by the brutal, violent response of the pro-Jakarta militia and Indonesian military to the overwhelming vote for independence demonstrated by the courageous people of East Timor. However, I am not at all surprised at the rampant killings, Mr. Speaker, as the Indonesian military has routinely used violence as a tool of repression now, and for the past thirty years.

Although the Timorese struggle for self-determination has received much publicity, Mr. Speaker, scant attention has been paid to the people of West Papua New Guinea who have similarly struggled in Irian Jaya to throw off the yoke of Indonesian colonialism. Mr. Speaker, one cannot talk about the crisis in East Timor, and then ignore the same crisis in West Papua New Guinea or Irian Jaya. As in East Timor, Indonesia took West Papua New Guinea by military force in 1963. In a pathetic episode, Mr. Speaker, that the United Nations in 1969 sanctioned a fraudulent referendum, where only 1,025 delegates were handpicked and paid off by the Indonesian government were permitted to participate in a so-called plebiscite, and at the point of guns on their heads and with threats on their lives, these 1,025 individuals voted for Indonesia. The rest of the West Papuan people, over 800,000 strong, had absolutely no voice in this undemocratic process.

And, Mr. Speaker, recent media reports indicate even Australia and our own country were parties to this fraudulent plebiscite.

Since Indonesia subjugated West Papua New Guinea, the native Papuan people have suffered under one of the most repressive and unjust systems of colonial occupation in the 20th century. Like in East Timor where 200,000 East Timorese are thought to have died, the Indonesia military has been just as brutal in Irian Jaya. Reports estimate that between 100,000 to 300,000 West Papuans have died or simply vanished at the hands of the Indonesian military. While we search for justice and peace in East Timor, Mr. Speaker, we should not forget the violent tragedy that continues to play out today in West Papua New Guinea. I would urge my colleagues, my fellow Americans, and the international community to revisit the status of West Papua New Guinea to ensure that justice is also achieved there.

Mr. Speaker, with respect to the events of the past week in East Timor, the Indonesian Government should be condemned in the strongest terms for allowing untold atrocities to be committed against the innocent, unarmed civilians of East Timor. I commend President Clinton for terminating all assistance to and ties with the Indonesian military. The latest U.N. estimates are that up to 300,000 Timorese, over a third of the population of East Timor, have been displaced and it remains to be seen how many hundreds, if not thousands, have been killed in the mass bloodletting and carnage. A war crimes tribunal, as called for by UNHCR head Mary Robinson, is necessary to punish those responsible for the atrocities.

I further commend the decision of the United Nations to maintain its UNAMET operations in Dili, even if only with a skeletal staff. It was absolutely essential that international observers, such as the U.N., not desert East Timor or the likelihood of genocide against the Timorese people would have substantially increased.

As to the issue of a U.N. or international peacekeeping force, I strongly support such an intervention in East Timor and commend Indonesian President Habibie for his decision this weekend to authorize entry. While Australia and new Zealand may take the lead in the formation of such a peacekeeping force, it is crucial that Southeast Asian nations, such as the Philippines, Malaysia, and Thailand, contribute significant troops to the effort, and I applaud the cooperation and commitment of these countries. Jakarta, however, should not be permitted to dictate which countries shall comprise and contribute to the international peacekeeping force.

It is clear the United States must also commit to this peacekeeping effort and not shirk its duty. Besides playing a significant role in supplying airlift capabilities and logistical support, I believe America should also contribute a small, if not symbolic, contingent of ground troops, which could easily be drawn from our substantial forces of U.S. Marines based in Okinawa.

With Indonesia being the fourth largest nation and the largest Muslim country in the world, which sits astride major sealanes of communication and trade—certainly we have substantial national interests in preserving stability in Indonesia and Southeast Asia, as well as preventing a U.N. initiative from turning into a catastrophic humanitarian disaster.

Moreover, Mr. Speaker, I believe that what has happened in East Timor—where the Indonesian military forces played a major role in the horrific violence—holds prophetic ramifications for the future of Indonesia as a whole. In front of the world, President Habibie has been humiliated by the inability to control his own military while Defense Minister General Wiranto's hand in the unfolding events in East Timor is still being questioned. It raises the question as to who is actually in control in Jakarta, and whether a civilian democratic government or military regime holds the reigns of power to Indonesia—now and for the future.

By its simple presence, Mr. Speaker, an international peacekeeping force in East Timor may well lend a hand in stabilizing not just that island but the fragile democracy that ostensibly governs Indonesia.

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PREPARING FOR HURRICANE FLOYD

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to speak out in support for all of those people who are now working to prepare for the probable arrival of Hurricane Floyd. Hurricane Floyd is a Class Four, possibly Class Five, hurricane right now, which represents an extremely powerful and strong storm. The last hurricane that was a Class Four to hit the United States was Hurricane Andrew.

I had the opportunity to go down into the devastated area after Hurricane Andrew came through south Florida as part of a program involving the Florida Medical Society. I went into the area to work in a clinic, and I was able to see firsthand the devastation wrought by this powerful storm, and it is for that reason that my heart, my concerns, my prayers go out to all those people who are being now asked to respond to this devastating storm, and in particular those people who are being asked to evacuate. Emergency management personnel are now calling for the evacuation of many of the barrier island communities such as the community of Indialantic in my congressional district.

Additionally, the storm is projected to go up the coast and come very close to Kennedy Space Center, and I had the opportunity to visit Kennedy Space Center today and review there with the gentleman from Florida (Mr. McCOLLUM) and the Senate Director, Roy Bridges, the preparations that are underway. At Kennedy Space Center right now is about $8 billion worth of space station hardware that is being prepared for launch on the space shuttle. Obviously, all the space shuttles are there as well. And the crews are doing a great job in getting ready, and boarding up the buildings and preparing the equipment for the arrival of this storm, and I would be very happy to yield to my colleague from Orlando, Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Speaker, I want to thank the gentleman for yielding both because I want to comment on this storm with him as I know all about the east coast of Florida is preparing for what could be one of the most serious hurricanes to strike the United States in years, including Hurricane Andrew; and we all pray that it does not happen.

We do not want to see it strike landfall anywhere because of the strength and power of this storm, but it could be particularly devastating to our coastline and for the families that are there; but also to comment with him, as he has pointed out on the fact, that we were today at the Cape. I was scheduled as my colleague, the gentleman from Florida (Mr. WELDON), knows to go with him to visit and tour the Cape for other reasons, as it is a neighboring district to mine and I have a great interest in the space program, as the gentleman and I have shared over the years.

But to me to be there today when they were making these preparations is a reminder of the enormous task that NASA has to be involved with not only in launch preparations in terms of all of the shuttle program and now the space station program and the tremendous effort and dedication the men and women there for those purposes, but also to prepare for disasters like this, to protect those valuable goods that are there at taxpayer expenses.

So I want to pay tribute with the gentleman from Florida tonight to the men and women who work at the Cape for all they have done to be dedicated not only to the program itself, but to the preparation each and every time there has been an approaching storm like this, but particularly now.

I thank the gentleman for yielding.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman, and I, too, would ask that all Members keep the communities not only in coastal Florida, but as well Georgia and South Carolina in the path of this devastating storm in their thoughts and prayers. We have great emergency management personnel that are preparing the communities and getting ready for the arrival of Hurricane Floyd; and we certainly do hope that the winds carry it out to sea further up north into the cooler waters of the Atlantic where it could be downgraded into a tropical storm and then ultimately perhaps just become a rain storm.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield again?

Mr. WELDON of Florida. I yield to the gentleman from Florida.

Mr. McCOLLUM. As my colleague knows, one of the things that we talked about today that was impressive to me is this is just the wind damage that could be terrible and devastating. It is the storm surge itself, the water levels, Pointed out at the Cape that that could come up 6 to 15 feet above sea level; and I know that is important to everybody concerned with the protection of all of the valuable equipment that is there.

But in addition to that, in your district and in many others along the coast of Florida there are many, many homes that are at a level which could be devastated by this, not just right on the beaches, but inland, too, if the water surge and storm surge comes up that much.

So there is a great threat in the storm that is approaching, not just in the wind and the things you read about from the tornadoes and the storms that are spawned by it, but also by the tremendous potential for flooding and water damage from that surge.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman.

IN MEMORY OF FATHER HILARIO MADEIRA AND FATHER FRANCISCO SOARES WHO WERE MURDERED IN EAST TIMOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I welcome the news that Indonesia will allow an international peacekeeping force into East Timor, but let me emphasize that the international community must act quickly before more lives are lost.

Shortly before the August 30 referendum on independence, I was in East Timor with two of my colleagues from the other body. Dili was a bustling city as it prepared for the U.N.-supervised vote. We were the only Congressional delegation to travel to East Timor before the elections and the last Members of Congress to see Dili as it once was. The burned, looted, and destroyed city emptied of its people is heartbreaking. Our delegation traveled to two towns along the western border, Maliana and Suai; and I would like to share some of what I saw in Suai.

August is the dry season in East Timor. It was sweltering, hot and dusty. In this poor town we went to the Catholic church compound where over 2,000 people were seeking refuge. Father Hilario Madeira, the senior parish priest, and Father Francisco Soares who would be our guides greeted us. They introduced us to their world, one filled with worry and tension and subjected daily to violence and intimidation by the Indonesian military and militias organized and armed by the Indonesian armed forces.

Despite the strain and uncertainty of their situation, I was impressed by Father Hilario and Father Francisco's warmth, good humor, hospitality, and steady nerves. Here were men carrying out God's mandate to love and care for your neighbor, protect the weak and live humbly.

In talking to the refugees, we discovered most had been burned out of their homes or forcibly evicted. The majority were women and children. They sought refuge in the church compound surrounded by militia who over the past 2 days had cut off all their food and water.

Our delegation met with town officials asking that the water be restored. It was clear that militias were in charge of the water and that town officials would do nothing. The armed Indonesian police and soldiers, those charged with protection and security of the East Timorese people during the U.N. process, stood in the shade doing nothing, laughing and joking with the militias.

When I met with President Habibie in Jakarta, we demanded the water be restored in Suai. Less than 24 hours later the militias turned on the water.

Father Hilario shared with us his concerns about the current violence and his fears about violent retaliation against the people who would go to the polls scarcely a week later, and we took that message to heart.

That evening in Dili we had dinner with Nobel Peace Prize winner and Catholic bishop Carlos Belo. In the dining room of his house overlooking the courtyard between his residence and the chapel where he said mass, Bishop Belo emphasized the need for protection following the vote, and as we met in Dili with Indonesian officials, police and military commanders, we were constantly assured they were providing security for the people. They brushed aside our description of the situation in Suai, and I asked that they could cite a single instance where they had detained, arrested, or confiscated the weapons of any militia member, and they could not.

As our delegation prepared to depart from Dili, we called upon the U.N. to immediately deploy armed peacekeepers to East Timor to protect the people from further violence, especially following the referendum.

Now we know everyone's worst fears have been realized. Over the Labor Day weekend I received word that the home of Bishop Belo where I had dined just 2 weeks ago had been burned to the ground. The bishop barely escaped with his life. The 3,000 people given refuge in his courtyard were forced out at gun point by uniformed Indonesian military militias. Their fates are unknown.

And on Wednesday morning I received a phone call from human rights workers in Jakarta that eyewitnesses reported militias had gunned down and killed Father Hilario and Father Francisco along with Jesuit priest Father Dewanto. Many of the people of Suai sheltering inside the church were also killed. Some escaped while others were forcibly transported out of the country. These were good men; these were holy men. Nothing we say or do here in Congress, nothing President Clinton may say or do, nothing the U.N. may say or do can bring these men back to the people of Suai. In so many ways we in the United States and the international community failed them. They trusted us, and we failed them. If we were to honor their memory, then we must not fail them again.

Mr. Speaker, we must support the rapid deployment of an international force to rescue and guarantee the security of the people of East Timor. We must take immediate steps to protect refugees and displaced people from further harm and attacks. We must disarm the militias and confiscate and destroy their weapons. We must provide humanitarian support, food and medicine for East Timor. We must safely return those who are forced to leave their homes, villages, and country. We must guarantee the full and safe implementation of the independence process for East Timor, and we must help the East Timorese people rebuild their cities and towns.

This time the international community must keep its word to the people of East Timor.

[From the Washington Post, Sept. 11, 1999]

NUNS DESCRIBE SLAUGHTER IN E. TIMOR—MILITIAMEN KILLED PRIESTS, THEN REFUGEES IN CHURCH, WITNESS SAYS

(By Doug Struck)

KUPANG, Indonesia, Sept. 10—Father Dewanto was the first to die, said Sister Mary Barudero.

The militiamen had lined up outside the old wooden church filled with refugees from East Timorese town of Suai on Monday afternoon, and parishioners watched as the young Indonesian Jesuit priest stepped out dressed in his clerical robes to meet the trouble.

A burst of gunfire cut him down. Father Francisco followed. The militiamen waited for the senior parish priest, Father Hilario. When he did not emerge, a witness said, they kicked down the door to his study and sprayed him with automatic weapons fire.

A nun who watched the massacre from the window of her house described the scene to Barudero less than an hour later. The nun told Barudero the militiamen entered the church filled with refugees, and began firing long bursts from their weapons. Then they threw hand grenades into the huddled victims.

Inside, there had been only young children and women, babies at their mothers' breasts, and pregnant women, Barudero said. The men had fled days earlier. Barudero, who works as a nurse, had sent four of the pregnant women from her hospital to Suai just two hours earlier to await further progress in their labor.

"They went to the church because that's where they felt safe. They felt being near the priests was protection," said the 64-year-old nun, vainly fighting her tears.

Her account of the massacre, also reported Thursday by the Vatican's missionary news agency Fides, is one of the first graphic descriptions of the violence that has wracked East Timor at the hands of Indonesian military-backed militiamen who opposed the independence for the province.

Roman Catholic clergy, seen by the militia as having supported independence for East Timor, were among the first victims. Most citizens of East Timor, a former Portuguese colony, are Roman Catholics. Indonesia is the world's largest Muslim country.

Barudero, a Philippine-born Indonesian citizen who belongs to the French order of Sisters of St. Paul of Chartres, agreed to talk to a reporter here in western Timor, because "I have lived my life. I am not afraid to die."

Other refugees still feel the militias' reach in the supposed safety of western Timor, and have been warned not to talk to reporters. Barudero's colleague who watched the massacre, and who belongs to the Canossian order, has fled to Darwin, Australia, but still is afraid to be identified, she said.

Barudero said the militia that carried out the massacre had been active in the area and was well known to residents. Of the three priests who died, young Father Dewanto was an Indonesian citizen from Java who arrived in Suai just three weeks before the massacre and had been ordained only a month before that. Father Hilario, who had been in the town for some time, was well known as a supporter of independence for East Timor, according to Fides.

Fides also said about 100 people were killed in the Suai massacre. It quoted witnesses as saying 15 priests were killed in the cities of Dili and Baukau, and some nuns were killed in Baukau.

Here in the western part of the island of Timor, refugees who fled the violence in East Timor still have cause for fear. The militiamen who brought destruction to East Timor, have taken control of the 84,000 refugees now in camps in western Timor, and move freely around the city. Some are armed; some seem intent on intimidating foreigners and refugees. Foreigners have not been allowed in the camps.

At a western Timor refugee camp in Atambua, on the border with East Timor, a man identified as a supporter of independence was killed Wednesday, apparently by militiamen.

An official of Catholic Relief Services, who had just returned from Atambua, provided some confirmation of reports that pro-independence refugees were forcibly removed from East Timor.

"If you ask the refugees once, they say they left because it was unsafe, and they had to leave their houses. But if you ask again, they will tell you that the soldiers terrorized them and made them come," said William Openg, an Indonesian relief worker for Catholic Relief Services.

Although many in the refugee camps are said to be opponents of independence—like the militiamen—those who support the outcome of the Aug. 30 referendum favoring independence may not acknowledge it.

"They are afraid to show their faces. It could cost them their lives," said Agapitus Prasetya, an Indonesia UNICEF worker who has been in the refugee camps. "The militias are everywhere. They are all over."

Anti-foreigner passions have been whipped up by the militias, and even Indonesian staff members distributing food to the refugees strip the UNICEF signs off their cars, he said.

"The militias are killing people, and the people are threatened here in west Timor," complained a Catholic clergyman who fled Dili only to find militiamen in control of refugee camps in western Timor. "Where is the law and order in Indonesia? The militias, the military and the police are above the law."

He and several other clergy members described their flight from East Timor on condition that their names not be used. They said they fear consequences from the Indonesian military and Timorese militias.

One nun who lived in Dili said the gunfire began about three hours after the ballot result approving independence was announced last Saturday.

"It was really frightening. We couldn't go out of the house," she said. "We could see a lot of fires. It looked like they would use diesel gas, because the fires would be big black balls, and then you could see white smoke from houses. That was everywhere."

On Monday, she and other nuns decided it was too dangerous, and left in an old pickup truck in a convoy escorted by police. As they passed through Dili, she saw a surrealistic scene of fires and lawlessness, she said.

"It was remarkable. There was shooting going on, and people were running for their lives. But others were looting the stores, very calmly, as though they were so relaxed." She said she saw some looters loading goods into military trucks.

In one section, "all the stores were razed," she said. "I saw a lot of military, and of course, the militias. Some people were ransacking, and some people were looting. The whole place was in ruins, except for the government buildings."

"And there were a lot of people moving out, because their houses were burning."

Another clergyman said the gunfire intensified after the referendum results. "God, it was frightening," he said. "There were motorcycles running all over, bringing military and militias. You could hear the big guns of the military."

On Tuesday, water, electricity and telephone lines were cut in his section of Dili, and he decided to leave, the clergyman said. He passed many burned houses, he said. "It seemed the pro-independence houses were targed. But the referendum was approved 4 to 1, so they didn't have to go very far."

"I never saw any instance of refugees being forced by gun-point," said a priest. "Our people did not want to leave. But they were told if they stayed, the houses would be burned and they might be killed. They were forced out by fear."

The militias were particularly strong in the western areas of East Timor, where Barudero and four other nursing nuns ran a hospital in Suai, and where Roman Catholic priests ran the church where the massacre occurred.

Barudero said she was not intending to leave, even after the men fled, even after more victims of the rising violence came to the hospital, even after she and the other nuns had to dig a grave for a victim on the grounds of the hospital. The victim's family members were too afraid to claim him or were victims themselves, she said.

But after the massacre, "there was no one left to help. They had all left or been killed. And I knew, if we stayed, we could be killed," she said. "I am old, I'm ready to die. But the young sisters would not go unless I went. They have many years left to help people. Finally, I said, 'pack what you can. We will leave.'"

[From the Washington Post, Sept. 12, 1999]

JAKARTA'S ARMY TIED TO DEATHS—REPORT SAYS SYMPATHETIC TROOPS JOINED MILITIA RAMPAGE

(By Doug Struck)

KUPANG, Indonesia, Sept. 11—A human rights organization said today it has documented atrocities in East Timor that implicate the Indonesian military and militias in at least seven instances of mass killings and dozens of individual slayings.

"Killing, plundering, burning, terror intimidation and kidnapping [have] been carried out by the Indonesian armed forces along with the pro-Jakarta militia" in the days since East Timor voted overwhelmingly for independence on Aug. 30, concludes the report by the Foundation for Law, Human Rights and Justice, based in Dili, the East Timor capital.

The organization interviewed many refugees secretly because of fears of retribution from militiamen in the refugee camps. Most of the atrocities cited by the group have not been verified, because after the shooting erupted in Dili, journalists were confined to the U.N. compound and then evaluated.

According to the report, witnesses identified Indonesian military members, in addition to the militaries, as having participated in the atrocities. Indonesia has denied that any mass killings occurred and has sent more troops to East Timor to impose martial law and end the turmoil.

[U.N. human rights commissioner Mary Robinson said Sunday that she wanted an international war crimes tribunal set up to investigate human rights violations in East Timor. She said she would also probe the extent of military and police involvement in such violations.]

The Indonesian human rights group's report includes some incidents that have been verified by the media and other sources and others not previously known. Among them:

Several hours before results of the independence referendum were announced on Sept. 4, 45 people were killed in Maliana, in western East Timor. They included 21 drivers and local employees of the U.N. observers' operation.

Ten people in Bidau Macaur Atas, a neighborhood in Dili, were hacked to death Sept. 4 by militiamen and Indonesian soldiers, according to the human rights report. Some were buried by relatives, but "others were put into bags and thrown away on the side of the road. Others were thrown into the ocean."

On the same day, militia members killed 50 people in Bedois, in eastern Dili. The next day, the report said, eight people who went to the Dili harbor to try to leave by ferry were identified as pro-independence and shot dead by Aitarak militia members.

The group said it also has documented the attack on the Dili Roman Catholic diocese that killed at least 25 people, including a baby; the killing on Sept. 5 of 15 local employees of the International Committee of the Red Cross in Dili; and an attack by the army and militia on a Catholic church compound in the Dili neighborhood of Balide, where unknown numbers were slain.

The human rights group, which is working in western and East Timor, provided reliable reports in Dili before chaos engulfed the city last week. Its offices there were ransacked, and many of its files were destroyed.

Much of the violence has been carried out by pro-Indonesian militias, but there also have been frequent reports of shooting and looting by the military. The Indonesian armed forces chief Gen. Wiranto, acknowledged today that the militias and military are "comrades in arms." He said his forces have not succeeded in ending the violence because, for his soldiers, "I can understand it is very hard to shoot their own people."

An official of the foundation asked not to be identified for fear the group's work would be stopped by the military or the militias, who control the refugee camps in western Timor through fear and intimidation. For the same reason, the official said, the witnesses were not identified in the report.

In Australia, aid worker Isa Bradridge told Channel 7 that his wife, Ina, had seen piles of dead bodies stacked in a room at a police station in Dili before the couple was evacuated. "It was chockablock full of dead bodies, right up to the roof." he was quoted as saying. "All she could see through the bars were arms hanging out, heads, old and new, blood dribbling out under the door." The report could not be verified.

Some human rights groups alleged that some East Timorese were forced by the militias to become refugees. Accounts slowly emerging from the refugee camps in western Timor appeared to confirm that claim.

"We were asked by the local government and the Aitarak [militia] to leave East Timor," said a 29-year-old Dili resident of the Noelbaki Refugee Camp near Kupang. "I didn't want to go. . . . I would like to go back to Dili."

Reporters have been barred from the camps in western Timor, though several Indonesian journalists accompanied Social Affairs Minister Yustika S. Baharsjah on a quick tour of three camps today.

[From the Sidney Morning Herald, Sept 9, 1999]

CATHOLIC CLERGY EXECUTED BY INDONESIAN MILITARY

(By Louise Williams)

Catholic Church leaders were hiding in remote East Timor mountains last night after military backed pro-Jakarta militia gangs went on a rampage of bloody retribution, murdering at least 14 priest and nuns and stabbing the Bishop of Baucau.

Six nuns were reported killed in Baucau, four nuns in Dili and three priests in Suai, said a spokeswoman for Caritas Australia, the Catholic overseas aid agency. The Bishop of Baucau, the Most Rev Basilio do Nascimento, was stabbed before escaping into the mountains.

Father Francisco Barreto, the local director of Caritas, was believed to have been murdered just outside the capital, Dili.

He had warned the Foreign Minister, Mr. Downer, during a visit to Australia in April that terrible violence would be orchestrated by the Indonesian military.

One account of the attack on the six Canossian sisters in Baucau, 115 kilometers east of Dili, said the militia thugs had forced them into a forest where they were murdered.

Reports of the atrocities emerged as Indonesia announced last night that a five-member United Nations Security Council team would travel to East Timor tomorrow, but Jakarta remained strongly opposed to any UN peacekeeping force.

In the worst slaughter to date, the UN confirmed that at least 100 people, including three priests, had died in an attack earlier this week on refugees sheltering in the church at Suai, on the remote east coast.

The dead priests were Father Hilario Madeira, who had long been an outspoken critic of military and militia abuses, Father Francisco Soares and Father Tarcisius Dewanto.

The savage attacks are the first deliberate violations of the sanctity of the church under Indonesian rule and have robbed the East Timorese of their last refuge.

The militias appear to be using a death list of independence sympathizers compiled before the ballot to systematically hunt down their targets.

Many of the priests and nuns are sheltering on Mate Bean, the mountain of death, where tens of thousands were killed by bombing in the first years of the Indonesian occupation.

It is not known whether they have any supplies or access to medical treatment.

A communications blackout in Dili has made it impossible to confirm the number of dead or injured in the attacks and Catholic networks in Australia and Indonesia are working with the Vatican to try to establish the facts.

Some reports have been received by overseas diocese offices through e-main from outlying Catholic schools and churches in East Timor, describing attacks on churches and buildings were nuns and priests were sheltering with thousands of refugees.

A Caritas Australia spokeswoman, Ms. Jane Woolford, said: "We don't even know where many of our local staff are. We hold grave fears for their safety as many of them have been on death militia lists before and have been attacked trying to deliver aid."

Many church leaders were identified as independence supporters and the Catholic Church became an important symbol of opposition to the Muslim-dominated Indonesian Government.

The leader of the Catholic Church in East Timor, Bishop Carlos Belo, was evacuated to Darwin earlier this week after his offices and home were burnt to the ground, with scores killed.

Father Jose San Juan, also recently evacuated to Darwin, said: "I fear many, many priests and sisters will be killed if they stay. In the past the church was a safe place, even from the Indonesian military, but if they can attack the bishop then that's it."

The militia units were stacked with Indonesian operatives, and Father San Juan, a Filipino from the Salesian order.

"I saw the militias attacking churches before I got out and many of them were speaking in Indonesian, not the local language, so I do not believe they are all East Timorese," he said.

"They were yelling at people to get out or be killed, and if they refused they just shot or stabbed them. The Indonesian police and military were just standing there."

The chairman of Caritas Australia, Bishop Hilton Deakin, said: "These murderous attacks on the church are part of a much wider unjust genocide.

"When Catholic Church members, who have offered relief and refuge to East Timorese, are struck down, we realize there is no respect for any life in East Timor."

Ms. Ana Noronha, director of the East Timor Human Rights Commission, said information on the deaths had been sent to the United Nations. "It is now obvious that the violence is reaching everyone and that there is a pattern of the Catholic Church being attacked."

[From the Carter Center East Timor Weekly Report No. 9, Sept. 13, 1999]

Indonesian Armed Forces Continue Campaign of Murder, Violence, and Massive Forced Deportation in East Timor as Militias Terrorize Timorese Refugees in West Timor

The Carter Center is encouraged by the decision of the Indonesian government to allow the deployment of an international peacekeeping force in East Timor. However, the Indonesian military and police, with the assistance of their militia surrogates, continue to murder and terrorize the people of East Timor, destroying buildings and infrastructure and forcibly expelling tens of thousands of unarmed civilians from the territory. The city of Dili, the capital of East Timor, has been almost completely destroyed over the past week, and reports from other parts of the territory indicate widespread destruction, looting, and murder. It is clear that the Indonesian armed forces are executing a deliberate, planned campaign under the direction of senior military commanders to destroy and forcibly depopulate East Timor.

In West Timor armed pro-integration militias are now operating with official support, openly terrorizing the more than 100,000 East Timorese refugees who have been forced over the border. Those displaced by the violence, both in East Timor and West Timor, now face the threat of malnutrition and disease as domestic and international humanitarian efforts are hampered by militia and military activity and Indonesian government efforts to block access to refugee camps.

Carter Center staff and observers, forced at gunpoint to evacuate Dili Sept. 5 and now reporting from several locations throughout Indonesia, have confirmed the following through eyewitness accounts from reliable sources:

Refugees fleeing East Timor have been subject to extreme intimidation and acts of violence. The Carter Center has confirmed that pro-integration militia members murdered approximately 35 young men traveling on the Dobon Solo ferry from Dili to Kupang on Tuesday, Sept. 7, and dumped their bodies overboard.

In the attack at Bishop Belo's compound last week, militiamen hacked to death with machetes some 40 refugees in the courtyard while TNI soldiers fired into the bishop's residence from the street. A military ambulance later came and removed all but two of the bodies.

In an Indonesian television interview, Rui Lopez, a militia leader, admitted that Indonesian civilian police and military officials in Suai, East Timor, held a meeting before announcement of balloting results and were given instructions to attack UNAMET offices, burn the town of Suai, and drive the population into West Timor.

There are now more than 100,000 refugees from East Timor in West Timor and on the islands of Flores and Alor, and estimates of the total number of people displaced from the territory range from 120,000 to 200,000 (nearly one-fourth of the entire population). Refugees have been transported by Indonesian military ships and aircraft to a number of locations within Indonesia, including Irian Jaya, Ambon, Sulawesi, Surabaya, and Bali, some of which are thousands of kilometers from East Timor.

Pro-integration militias are now active throughout West Timor, particularly in the towns of Atambua and Kupang. Eyewitnesses report that militia members have entered refugee camps with lists of names of supporters of independence, and that a number of individuals have been removed from camps or executed in the camps of militiamen. Militia members armed with automatic weapons also have been seen stopping and searching vehicles in central Kupang and driving looted UNAMET vehicles in and out of the provincial police headquarters.

The Indonesian military and police have prevented international aid workers, journalists, and observers from visiting refugee camps in West Timor and from interviewing Timorese refugees.

Eyewitnesses report that the Indonesian military and police have joined in the looting and destruction of Dili. Indonesian soldiers and police officers have frequently sold looted food and other basic necessities to refugees under their control at exorbitant prices.

It is now apparent that militia violence has been targeted at political, social, and religious leaders, and a number of priests and nuns have been murdered during militia and military attacks on churches sheltering those seeking refugee from the violence.

PRESIDENT GRANTS CLEMENCY TO THE FALN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, last Friday culminated a very rough week, indeed a rough few weeks and a rough 24 years for some families across America, because some individuals associated with the FALN, the most notorious terrorist group to set foot on American soil, had engaged in a reign of terror across America in the 1970's and 1980's and claimed responsibility for 130 bombings that killed innocent people, that maimed innocent people, that in part had no remorse or offered no apologies for the damage that they created or for the victims that they made. They were set free on Friday, back into society because our White House offered these terrorists clemency, in other words, a get-out-of-jail-free card.

So to those families who have had to endure, for example, like Ms. Diana Berger of Cherry Hill, New Jersey, whose husband was dining in Fraunces Tavern in 1975 like any other American would have been in any other bar or restaurant, Ms. Berger was 6 months pregnant with their first child when her husband was killed. Or Joseph Connor and Thomas Connor. Joseph was 9 years old; his brother was 11. Joseph was celebrating his ninth birthday. His father was in that same restaurant, again out for a business lunch. He never came home to celebrate Joseph's ninth birthday because he was killed by a FALN bomb. Or on December 31, 1982, when this same group of terrorists claimed responsibility proudly for several bombs in downtown New York. Officer Rocco Pascarella of upstate New York lost a leg in that explosion. Officer Richard Pastorella in an attempt to respond to officer Rocco Pascarella, got another call for a bomb threat. He responded to that bomb threat. He tried to diffuse the bomb. He is blinded for life. He has lost all his fingers on one hand. He has 22 screws in his head, has undergone 13 major surgeries. He will never be the same. His partner that night was Officer Anthony Semft from Long Island, New York, who was blinded in one eye and who is partially deaf.

Those are just a few of the victims of this terrorist organization known as the FALN. They were serving rightly a long time in prison until the President offered them clemency, clemency that they initially rejected and finally accepted. I think this is absolutely the worst thing that we can be doing to send a signal to anybody contemplating terrorism on American soil to set these terrorists free. If anybody sitting at home or anybody in this chamber could imagine if in 10 or 15 years a man by the name of Terry Nichols who is affiliated or associated with the Oklahoma City bombing, who many argue was not actually at the bomb scene, but clearly involved in the conspiracy to kill innocent people, so many families left without children, left without fathers, left without mothers, left without grandmothers, if 10 or 15 years the then President steps forward and offers clemency, can you imagine the outrage across America?

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That is the outrage that we are experiencing right here today. That is why so many people cannot fathom how the President reached this decision. That is why a wide range of law enforcement agencies, including the FBI, the Bureau of Prisons, the U.S. attorney's offices in Illinois and Chicago, all recommended against granting clemency. Why? Because this is a wrong signal to be sending to terrorists but, above all, these people killed were part of a killing operation, and to this very day, while they are celebrating their release and while there are some who are calling them heroes, to this very day show no remorse, offer no apologies, offer no contrition for what they did.

Indeed, what they suggest is that the Connor or the Berger family or the Pastarella family or the Pascarella family or the Semft family, they were casualties of war. I hope and pray that these people never get the opportunity to bomb and kill an innocent person ever again.

My prayers and thoughts go out to all of the victims associated with the terror associated with the FALN and may we rue the day if they ever act as they did for 10, 15 and 20 years.

SCIENTIFIC RESEARCH IN THE UNITED STATES AND THE IMPACT IT HAS ON OUR ECONOMY

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the

House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, I appreciate the opportunity to rise and discuss the issue of scientific research in the United States and the impact that it has on our economy.

The reason I do this is because there currently is an underfunding of scientific research in the budget proposals we have before us and in the appropriations bills which we have passed. I would like to review why that is dangerous for our Nation and why we must increase our spending on scientific research.

Let me first back up a year or two. A previous speaker, Mr. Gingrich, had a keen interest in science and technology and asked the gentleman from Wisconsin, Mr. SENSENBRENNER, chairman of the Committee on Science, to give me the responsibility of reviewing science and technology policy in the United States Government and make recommendations for improvement.

After all, the previous study had been done by Vannevar Bush in 1945 and, although it was outstanding, it is clearly out of date. There has been some excellent science policy work done recently by individuals outside of the government, but our government had not done anything official in that direction.

As a result of our work, after holding a considerable number of hearings, working hand-in-glove with the Speaker and with the gentleman from Wisconsin (Mr. SENSENBRENNER), we were able to produce a new science policy report. It has just come out in paperback, and it has been very well received by the scientific community. It makes a number of arguments for the importance of scientific research in our Nation and explains what we should do in the way of Federal funding. I believe the recommendations are well founded and should be followed.

I would also like to briefly display the number of letters I received just in the past few weeks from leaders of scientific associations protesting the lack of funding in this year's budget. I have a letter, for example, from Jerry Friedman, President of the American Physical Society; from the American Association for the Advancement of Science; American Association of Engineering Societies; American Astronomical Society; American Ceramic Society; American Chemical Society; American Electronics Associations, which represents one of the bigger industries in our Nation; American Geological Institute; American Institute of Biological Sciences, the Chemical Engineers, the Mathematical Society, et cetera, all expressing the great concern in the scientific world about this particular issue.

Similarly, there was an op-ed piece in the Washington Post just a week ago by Allan Bromley, outstanding physicist and former presidential science advisor, who has been a leader in the scientific community for many years. The title of his article is No Science and No Surplus, and I would like to at this point enter that into the RECORD.

[From the Washington Post, August 26, 1999]

NO SCIENCE, NO SURPLUS

(By D. Allan Bromley)

America is on a roll. We're balancing the federal budget, reforming welfare and making retirement secure. Sound like a breakthrough in fiscal management? Not exactly. Our awesome economic success can be traced directly to our past investments in science. The problem is, this year's federal budget for science is a disaster, and it compromises our nation's economic and social progress.

Here are the latest budget numbers: NASA science is slashed by $678 million; science at the Department of Energy is cut by $116 million; and the National Science Foundation ends up with $275 million less than the president requested. Clearly, Congress has lost sight of the critical role science plays in America.

Federal investments in science pay off—they produce cutting-edge ideas and a highly skilled work force. The ideas and personnel then feed into high-tech industries to drive the U.S. economy. It's a straightforward relationship: Industry is attentive to immediate market pressures; the federal government makes the venturous investments in university-based research that ensures long-term competitiveness. So far, it's been a powerful tandem.

Thirty years ago, the laser and fiber optic cable were born from federal investments in university research. Over time, those two discoveries formed the backbone of a multi-billion-dollar telecommunications industry.

The fusion of university research and industrial development now generates about 5.000 new jobs and contributes a quarter-billion dollars in taxes to the federal coffer every day. It accounts for 70 percent of our economic growth. The result is undeniable. The fusion is primarily responsible for our booming economy and our growing federal surplus. So the consequences of a budget cut to science are equally undeniable: no science, no surplus.

The benefits of the science investment go deeper than just the surplus. Three years ago this month, welfare underwent dramatic reform. No one knew what the fallout from that would be. But the high-tech economy eased the burden. Unemployment was dropping to a 25-year low, and jobs were being created at a record pace. As it turned out, half of those jobs were generated by the high-tech sector.

The legislative challenge before us is patching up Social Security. Again, we'll rely on the science and technology juggernaut. Whether the solution lies in stimulating private investment or in steady federal surpluses, the proposals all rely on a familiar friend—the strength of our nation's booming economy. And while Congress dithers, the public already is taking steps of its own.

Americans hold more than $5 trillion in communications and technology stocks. Our mutual funds, our 401K plans and IRAs are stuffed full of high-tech investments. The retirement security of Americans now depends upon the steady flow of innovations from technology companies. In turn, those companies rely on the steady flow of discoveries and trained work force generated by the scientific community. No science, no savings.

Scientific research at our universities and national labs is now a foundation of the economy and thereby vital to the success of social legislation. But rather than reinforcing the foundation, Congress is eroding it. That action couldn't come at a worse time.

America's science infrastructure is in decay—aged science buildings on our campuses, dated laboratory equipment, antiquated computers. During the Bush administration, the Office of Science and Technology Policy estimated the cost of rebuilding our science infrastructure at $100 billion. The Clinton administration has done little to address the problem. The budget Congress is proposing guarantees continued decay.

Congress must significantly increase science funding. Senators recognized the need last week when, with the support of Sens. Trent Lott and Tom Daschle, they passed the Federal Research Investment Act, which calls for doubling the federal investment in science by the year 2010. But appropriators haven't followed through. It's not too late—budgets won't be settled until October.

For the sake of the country, I hope Congress will recognize the significant role science plays in society. Without science, there won't be a surplus.

Mr. EHLERS. The key point is this: when we analyze what is causing our economic boom of the past few years, the first major cause is monetary policy, which has largely been headed by Alan Greenspan; next is tax and regulatory policy, where the Republicans in the Congress have made tremendous improvements; and the final and very vital cause is scientific research. If we analyze the economic development taking place today we will find that over half of all economic development is directly related to scientific research, whether it is the Internet, whether it is medical research, any of the other research projects going on.

Dr. Bromley's thesis is very simple. He says: no science, no surplus. Why? Because the economic boom we are enjoying now, which has resulted in the first surpluses in the Federal Government since 1969, is to a large extent caused by the scientific research that has been done in the last 2 to 4 decades. If we do not continue to do that research, we are doing a grave disservice to our children and grandchildren, because we are condemning them to a United States which will not have as much economic growth and which will not have the resources and the surplus which will enable them to enjoy a good economy as we enjoy it today.

Mr. Speaker, I advocate very strongly that we review the appropriations bills that have passed the House and are before the Senate, and that we make every effort to increase the funding for scientific research.

As it stands now, NASA science is slashed by $678 million; science of the Department of Energy is cut by $116 million; and the National Science Foundation ends up with $275 million less than requested.

I think it extremely important that we review these bills and that we increase funding for scientific research so that we may continue to enjoy not only the results of the research, but also the economic benefits that will arise from the fruits of that research. I90[H13SE9-402]{H8139}F

CAMPAIGN INTEGRITY ACT OF 1999

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUTCHINSON. Mr. Speaker, I am pleased this evening to take this opportunity to address a very important subject. Tomorrow this House will once again consider legislation that would improve our campaign finance laws.

I know that my colleagues will say well, we have been here before. In fact, we have been here before many, many times, because this Congress and previous Congresses have considered year after year various forms of campaign finance legislation and none of those have ever passed both Houses, signed by the President and actually become law. So there is a growing frustration and cynicism among the American public.

I believe that this is a cause still worth fighting for, that there is a consensus still yet to be maintained and to be gained and I hope that we can do that this Congress; whether it is this vote tomorrow or whether it is later on.

The bill that I am proposing is the Campaign Integrity Act of 1999, which we have worked hard to draft in a fair and bipartisan manner and will address the greatest abuses in our campaign system. I am delighted to have two of my colleagues joining me in this discussion tonight, the gentleman from Montana (Mr. HILL) and the gentleman from Texas (Mr. BRADY). I want to hear what their views are on this and why this is important for us to address this subject of campaign finance reform, and particularly this bill that we have all cosponsored, the Campaign Integrity Act of 1999.

So I want to express my appreciation to the gentleman from Montana (Mr. HILL), who has done such a tremendous job in showing leadership on an issue that I think is vital to our political process. I know he has been active as a State party chairman in Montana. He understands the political process. He understands the role of parties and candidates, and I am very grateful for his support, and I want to yield to him so he can talk about why this is needed.

Mr. HILL of Montana. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Montana.

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding, and let me compliment the gentleman from Arkansas (Mr. HUTCHINSON) for his untiring effort at trying to help reform the campaign finance laws of this country.

We started this process as freshmen in the last Congress, holding hearings, drafting legislation, bringing together Democrats and Republicans in a bipartisan bill, and it was his leadership that helped us accomplish that.

It seems to me that we need to accomplish three things when we are going to reform the campaign finance laws. At least from my judgment, there are some things that are broken in the current system and we need to accomplish some changes.

One of those is that we need to have more competitive campaigns. Over 90 percent of the Members of this House who stand for reelection are reelected election after election after election. Even in the great revolutionary election of the 104th Congress in 1994, nearly 90 percent of the Members who stood for reelection were reelected.

One of the reasons for that is that it is difficult for challengers to raise the resources necessary to have a viable election. In fact, I find it kind of interesting that there are some who helped sponsor legislation similar to this in the last Congress, when they came as freshmen Members who this was their first time in Congress and they had maybe run a challenger's race who are now incumbents, some might say are entrenched incumbents, who do not support campaign finance reform that would allow us to have competitive elections, but I appreciate the gentleman's untiring effort.

The other thing we need to do is deal with the issue of soft money. As the gentleman knows, soft money are large corporate contributions, labor union contributions. It has been the tradition of this country for almost all of this century that large organizations, corporations and labor unions, should not be able to contribute unlimited sums of money to the political process because the view is that they would overwhelm the process. This bill that we are advocating would put restrictions on soft money to the political parties.

The other thing that we need to accomplish when we reform finance laws is to maintain our commitment to the First Amendment. Some people would advocate changes in the campaign finance laws that would have the effect of stifling the competitive thought that is out there; the outside groups and others who want to express themselves about what we do here. So there are some who in closing the soft money loophole want to close the loophole of the First Amendment, the right for people to express their views, and we cannot allow that to happen, too.

So what this bill does is it says to the political parties, the political parties cannot accept soft money but allows independent groups to be able to continue to express their views about what we do and how we go about doing it and in the process not chilling free speech.

So those three things, this bill does. It protects our First Amendment freedoms, reinforces them. It eliminates the potential problems that soft money and the corrupting influence that that might have on our political parties but it also endeavors to make campaigns competitive again, which is so important to this country.

So I just want to compliment the gentleman from Arkansas (Mr. HUTCHINSON) for his hard work. This is a good bill. Our colleagues are going to have an opportunity to vote on this this week. I think this is the right alternative to reform our system, and I know that the gentleman has been a strong advocate for that, and I thank him for yielding to me this evening.

Mr. HUTCHINSON. Well, I thank the gentleman for his remarks. He is exactly on point, that we do not want to harm the First Amendment and the freedoms we all enjoy in the political process in order to just do something and make a change in the law.

So I believe that we can have a balance, that we can actually stop the flow of soft money into our national political parties; we can stop the greatest abuse; we can still have a significant and critical role that the parties play but still not infringe upon those groups that are out there expressing themselves in election.

Imagine how counterproductive it would be if we burdened these outside groups and said, you cannot participate in the political or we are going to put so many regulations on you that your participation will be really rendered meaningless.

So I do not think that is the direction we want to go. This bill is very balanced. It addresses the abuse in our system, but like the gentleman said, it makes sure that we protect our First Amendment freedoms.

So I am delighted also to have my good friend, the gentleman from Texas (Mr. BRADY), here, who has been so outspoken in favor of reform and particularly supportive of the Campaign Integrity Act. So I would just like to yield to him for his comments on this bill.

Mr. BRADY of Texas. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Texas.

Mr. BRADY of Texas. Mr. Speaker, first I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding, but also for his leadership on this issue.

As freshmen together 2 years ago, the gentleman played the leadership role in working together, Republicans and Democrats, over a very thoughtful 5-month period, meeting with experts on constitutional law, citizens who felt the way we finance campaigns ought to be changed, people who thought the status quo was fine, listening to all opinions and approaches before, I think, developing a very reasonable, balanced, thoughtful approach that is real reform. It is not, as some of these measures are, hidden as a campaign advantage bill, which gives an edge to one party or the other.

This bill is designed to create more of a citizen Congress, to push us back toward a Congress as a representative of the people that we have the privilege of representing, and that is why I am so glad to be a part of this effort.

I think we are drifting away from a citizen Congress here in this Nation.

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The average cost of a congressional campaign, a competitive, open seat is just a little under $1 million, and it is doubling about every 4 years.

Now, there are a lot of good people in my communities who would do a great job in the U.S. House of Representatives or in the U.S. Senate, but they do not have $1 million and they do not know where they would get a hold of it; and as a result, they are not going to raise their hand to run for Congress. My concern is not that the very wealthy cannot make the decisions, many of them can. But for a country founded on a representative democracy where people from all walks of life, and whether they have a big wad or they have made some choices in life that they have pursued other goals, and so that they do not have that, but they would be great here in Congress are not going to be able to run.

So what this bill does is really start to push us back toward a citizen Congress, start to close that national loophole on soft money, preserves free speech for individuals, groups, even for States to remembering soft money the way they have very responsibly. It increases and indexes, which is long overdue, the individual contributions which again, to move people into Washington and back home where we want that support to come, and increases disclosure so that people who are watching our campaigns, who are trying to decide which person to vote for can quickly and electronically determine who our backers are and that that represents part of their decision-making in this process.

And, as importantly, which the gentleman from Montana (Mr. HILL) and the gentleman from Arkansas (Mr. HUTCHINSON) have stressed, we encourage people to get involved in the process, groups who want to do score cards, individuals who feel so strongly about an issue they want to take out ads to get involved, and we preserve and encourage that free speech, but we start that very important first step back toward a citizen Congress.

Mr. Speaker, I think all of us believe that the first step in any campaign finance reform is first to enforce the laws that we have already on the books, because it does not make such sense to add new ones if we are not going to enforce them either. Secondly, we have to preserve free speech. But after that, the real choice tomorrow when Congress meets on campaign finance reform is this: do we go with the Shays-Meehan bill which has gotten a lot of attention, and those two sponsors have worked very hard on behalf of that bill. I take nothing at all away from them. But my concern is that Shays-Meehan will pass the House again, not much of a margin, but it will pass again and it will die exactly where it died last year, in the Senate. They have debated it fully, they have had a great discussion on it; it is not going to pass the Senate. Even if it were, it could never pass constitutional muster. It would be struck down and never be the law of the land. I guess my concern is that each year we raise campaign finance reform and each year it fails.

I think we turn off another group of voters who are hoping for more of a citizen Congress, who want these changes. People say today, well, campaign finance reform does not rate very high in all of these polls they take by the day and the hour anymore around here. My thought is that I think people still want campaign finance reform. They want to change the way we do business in Washington. But I think they have given up hope that we will do it. I think they have given up belief that we will do something that makes life a little tougher on us, and it will; that gives more of a fair chance to challenges, and it will; that forces us out of Washington and back in our districts; more of a citizen Congress, and it will.

None of those are easy tasks, but it is the right thing to do, and rather than pass a bill forward that I sincerely know will die, and it will die again next year and it will die again the year after, I think the HUTCHINSON bill is a substantial, significant reform measure that can pass the Senate, that we know, we know can pass constitutional muster and can become the will of the land to start to restore that faith in what Washington is doing.

Mr. Speaker, I think it is a good measure, and I would say to the gentleman that I am here tonight mainly to tell him that with his integrity that was shown throughout the impeachment proceedings, the integrity shown throughout his service here in Congress and before in Arkansas, the gentleman has shown he is not afraid to take on the tough issues. I know that this is a balanced bill, it does not give an edge to our party, and I love being a Republican, but I am glad this does not give us an edge necessarily.

I do not think we ought to take one for the Democrats either. It ought to be balanced. The gentleman has worked hard to do that. I think this is a great, solid, significant step for people who still have hope that Washington will change, bring a little more moderation and balance into how we finance our campaigns. I appreciate the gentleman's leadership.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for his remarks and his leadership on this important issue. In addition to my friend from Montana and my friend from Texas, we have had the gentleman from Kansas (Mr. MORAN) who has been extraordinarily instrumental this year in moving this legislation forward, as well as the gentleman from Missouri (Mr. HULSHOF) who is former president of the class, who has really pushed this legislation and has been a real leader on this effort.

The gentleman mentioned how we got here and where we started with this as a freshman class, when I think back about the process and the history as to how we got here. When we look back, whenever we first came here as freshmen, we were still warm from the campaign trail; we understood that there needed to be some changes, we understood what people were telling us to get up here and make a difference and work with our colleagues from the other side of the aisle. So I will never forget our first term whenever we had six Democrats from the freshman class and six Republicans from the freshman class that were assigned together to work out and hammer out together in a bipartisan fashion this legislation. So we met together. The gentleman from Maine (Mr. ALLEN) led the Democrat side, and I chaired the Republican side; and we met over a period of five months.

This is not something that happened quickly. As the gentleman mentioned, we heard from constitutional experts; we heard from the political party leaders, we heard from the ACLU and the National Right to Life. We heard from candidates. And through that process, we reached some conclusions as to what we needed to do to get this passed.

First of all, we said, if we are going to pass legislation, we have to avoid the extremes. That is what has killed reform in the past, is that everybody moved to their perfect bill, to their perfect idea which was usually sort of an extreme position over here and said, this is what is going to work, and we find out there was not anyone else who supported that position, or there was not a majority that did. So if we are going to pass something, we have to avoid the extremes in legislation. That is what we propose to do.

The second thing we have to do is we said we have to be realistic. We have to figure out what can pass this body, what can pass the Senate, and what can be signed into law. And as my friend, the gentleman from Texas (Mr.

BRADY) said, we have to follow the Constitution. We cannot just fight against the Supreme Court; we cannot just move in that direction and say we are going to ignore the First Amendment, we are going to hope that they change their position. We have to follow the Constitution, and that was the guideline that we had.

Finally, we said we have to seek common ground. If we are going to work, Democrats and Republicans together, we seek the common ground, and those are the principles that we followed. The result was that we gave up some things that we wanted, but we came up with a bill that we genuinely believed in our hearts could pass this body, could pass the Supreme Court, could be signed into law and really change our society in terms of our campaigns.

So we did that, and we introduced the bill the last Congress, and we fought an enormous battle against our leadership many times. Our leadership was not excited about this. We said this is important for the people and so we have to stay engaged in this.

Finally, we moved this forward with other reformers and we had a huge debate on the floor of this House. We advocated for our bill, the freshman bill of the last Congress. There were our good friends, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), who said well, ours is a better bill, and they worked very hard on their bill. It was what we considered not seeking the common ground, but going for that ideal, some of the extreme positions, and they said, give us a shot at this comprehensive reform. It will pass the Senate. We said, there is not the votes over in the Senate. They said give us a shot, give us a shot. So we sent that bill over to the Senate, and as was predicted, it could not break filibuster; it could not get the votes necessary and it died.

Once again, that increases the cynicism of the American people. It says, Congress cannot deal with this issue. So it tears our hearts out. We come back to this Congress, and I do not know about my friends, but I really see a change in America. I see that they are more interested in reform now than ever before. I would just like to yield to my colleagues to comment about what they are hearing in their town meetings, what the American people are telling them. That is the sense I get, is that they are more excited, but there is a real malaise in this Congress about it.

Could my friend from Montana comment?

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding.

One of the things that I believe is that oftentimes people do not say that they want campaign finance reform as high on their list of reforms more because I think they believe that Congress is incapable of reforming campaigns as opposed to what they really want. There is no doubt in the minds of the people that when I talk to that, they believe that there is something pretty wrong with the system the way it is now.

The gentleman was commenting earlier, the gentleman from Texas's comments that we have to follow the Constitution. I do not feel following the Constitution is an obligation; I think it is a privilege to follow the Constitution. There are some who have the arrogance to say that the Constitution gets in the way of how we would reform campaign finance laws. Some of my colleagues have proposed an amendment that would allow us to put restrictions on people's freedom of speech in order to change how we finance political campaigns.

The fact of the matter is, the tradition, the history of this country is that individuals and individual groups have a right to speak out about the political leadership in this country before we ever had the Constitution. The fact is that that is not only part of the Constitution, but a part of the tradition.

I just want to comment on one thing. Because what people are saying to me as much as anything, they are concerned about the abuse of soft money because they read about it in the paper; but they also know that today, elections are not competitive. They know that incumbents get reelected and the power of incumbency and the ability of the resources to gain reelection has created a tremendous advantage for incumbents. Many of the other reform measures, particularly the Shays-Meehan measure, my greatest objection to that bill is the fact that it does not do anything to help with competitive elections.

In fact, I met last week with one of the public interest groups that have been strong advocates for campaign finance reform, and I raised this objection to them. I said, but the problem with Shays-Meehan is that it does not do anything to get us back to competitive elections, and their comment to me was, so what? That is the way the system is now.

Well, if we are going to reform this system, one of the things that we should try to accomplish is to restore the idea that people can compete for elections. Now, there are two thoughts about that. One is public financing of elections. I do not happen to support that. The other is to allow people to get the resources from the party that they are affiliated with. That is what this bill does. This bill says there is no limit to how much your party can support you to help you get the resources to your campaign, but it has to be hard money; it has to be appropriate money.

Now, what the Shays-Meehan bill does and what the greatest flaw in it is it creates an environment where the parties are going to be competing with candidates for money. So what we are going to have is, parties will raise money and incumbents will raise money, but challengers are not going to be able to raise money. We know that is how the system will work.

Our bill fixes that by saying there will be a separate limit. Parties can raise a limit that they can use to support candidates, and candidates have a separate limit; and there is no money going back and forth between those. So it eliminates that competition. And by lifting the limits of support that parties can give to challenger races, it means we can have a competitive race in every district in America. That is what the goal of our bill ought to be.

Mr. HUTCHINSON. Mr. Speaker, if I understand the point the gentleman is making, if you have an incumbent, a United States Congressman who has $1 million in his war chest, and he is very, very difficult to compete with financially and you have a challenger, he can raise money individually, but that the party can put more money into his campaign to make that race more competitive. Is that what you see in this bill?

Mr. HILL of Montana. Mr. Speaker, that is exactly right. As the gentleman knows, the Shays-Meehan bill perpetuates a situation where the parties cannot do that. So what happens around here, and you know that, is incumbents build these huge war chests and that discourages a challenger from ever entering the race because they know that they could never compete. One of the interesting things, if we study campaigns, is that challengers actually win with less money than incumbents do, but there is a certain minimum threshold that they have to get across. What most incumbents do is they try to keep their challenger from crossing that threshold.

Under this bill, under the bipartisan Campaign Integrity Act, every, every challenger out there would be assured of the opportunity to cross that threshold because their party could help them get over that threshold and we could have competitive elections again.

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Mr. HUTCHINSON. Mr. Speaker, I would like to just go through the basic revisions of the bill and then yield to the gentleman from Texas (Mr. BRADY) for some additional comments.

But so that my colleagues will understand, the Bipartisan Campaign Integrity Act does the most important thing, it addresses the enormous abuse in our system, which is to ban soft money to our national parties. This is where our Federal candidates, our Federal officers are going out and raising enormous sums of money usually in the chunks of $100,000, $200,000, sometimes $500,000 for the parties, and then it flows into the different campaigns through ads.

This has been the abuse in the 1996 election. It continues to be an enormous problem for our political system. So we ban that soft money to the national parties.

Then these people raise the objection that, well, how about if the State parties raise the soft money? We do not prohibit that. Well, the State parties try to do get out the vote efforts, some basic things that build the party structure, that help our candidates locally, but it has not been a problem.

But to make sure that it does not become a problem, we say that there cannot be any transfer of soft money from the State party that is using it for a get out the vote effort might have some excess cash and will transfer it from the national party. Well, they cannot do that. The national party cannot take any soft money from the State parties or from anyone. It is prohibited. So we address that.

The second thing that we do is that we assist the parties. If we take this soft money away, we have to help the parties. So we help them to raise the hard money, we call it the honest money, the regulated money. So it increases the individual contributor limits to all candidates, PACs going to the parties from $25,000 per election to $25,000 per year. The contribution limits to the parties is raised.

As the gentleman from Montana (Mr. HILL) said, we remove the party candidate coordination limit. So we strengthen the parties, but it is all hard dollars. It is all the honest money.

Then we help the candidates out there. They have to raise the money. We finally help the individual by indexing the contribution limits for individuals to inflation. So as inflation goes up, it will not just erode that contribution limit, but we strengthen the role of individual by indexing it to inflation.

Then we increase disclosure. We are simply trying to provide the American public more information as to what the candidates are spending so that they are required to report more regularly, monthly, and more timely, and more information.

Then to the third party or the issue advocacy groups, they are required to disclose information as to who they are and how much money they are spending.

So we are providing information to individual voters out there to strengthen them in that way. We are reducing the influence of special interests by banning soft money to the national parties. Then we are strengthening the parties by allowing them to be able to raise the hard money, the honest dollars, according to the law much easier.

So I think that this is a good bill, is balanced, and this is the main provisions that we try to address.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) for pointing out the key parts of this bill, because it is very reasonable. As he says, it puts a premium on hard money, which sounds like a hard phrase, but the principal of hard money is so sound for America.

What it says is that we think a contribution ought to come from a person, from their pocketbook, from what they have earned, what their family has decided to contribute to another person, to a party, to a cause that they believe strongly in. I want everything to be hard money. I want it to come from a person directly to a party, principle, a cause that they believe in.

I watch our Republican women's clubs in parties. Each year, they will host a fundraising, barbecue, or catfish fry, or silent auction that one will go to. They will work for 2, 3 months ahead of time. They will get a local business person to donate the food. They decorate the tables. There are silent auction items, quilts that they have made, local restaurants donate a dinner. They have got American prints. Flags have been flown over the Capitols, just good solid American products.

People are out there, and they get their neighbors to come to bid on these. Together, they might, they might net maybe $2,000, maybe $800 that they will net, they will make off one of these events after 2 or 3 months of hard work to give to their local candidates in their State and the people that they support.

To me, I put so much more value on that $800 or that $2,000 that has come in hard money from real people than a check written that same day for $200,000 from some company, some industry, some group that goes in soft money to one of the parties or some other direction. Because I really think for the future of democracy, for the citizen Congress, that hard money is so valuable long-term, getting people involved, keeping us close to the people that we represent.

Let me destroy two myths for my colleagues if people out there have bought into this at all that we hear quite a bit. One is that the Republicans and Congress do not support campaign finance reform. Everyone knows historically that the party that is in majority up here has tended to resist some of the reform because, frankly, they used the current system, they fought hard, played by the rules to get to that majority. So human nature says they are a bit resistant.

Since we had campaign finance reform under Richard Nixon, the Democrats held the House for more than two decades and resisted campaign finance reform for all that period, or most that period themselves. So, historically, whoever is in the majority tends to resist a bit, and those that are in the minority use it as campaign tools. So that is what has happened again. Do not believe this. We have found so many good solid Republicans who want to change the way business is done.

It is really to Speaker HASTERT's credit that he has scheduled a very reasonable timetable this year. Rather than rush into it, rather than just let one bill be anointed. Speaker HASTERT set a September timetable which was very fair. He said first things first, let us tackle our budget. Let us be the first Congress since 1974 to get our budget done in time. Let us focus on rebuilding our defense, on quality education, on local control, on tax relief. Let us make first things go first and schedule a good time for campaign finance reform.

Let us go through the committee process so that all the good ideas, and there are a lot of them, on campaign finance reform can be heard, which was done. Then the four major bills are set for debate tomorrow. I think that is a very fair timetable. We are already in the election process. If we made a change today in haste, we would only be giving the advantage to one person or another in these campaigns.

Rather than to rush through this, let us do it right. It is so important that we do it right, that we have a full and open debate. We are getting that. That is to Speaker HASTERT's credit. I am very proud that he has given us this opportunity.

Mr. HUTCHINSON. Mr. Speaker, I will make a few closing remarks here to my colleagues. Tomorrow's debate I believe is critically important for the Nation. I would like to think as a result of this debate we are going to pass out of this House a legislative proposal that will go to the Senate, that will garner the support necessary there, and be passed by the Senate, get over the filibuster, and be sent to the President.

But I am a realest here in this Congress, and I understand the battle we are up against. I know the temptation is, well, we passed Shays-Meehan out of the last Congress. Let us come back in and just cast the same vote. We had about 150 votes for our bill here, but the Shays-Meehan got the majority, and it went to the Senate, and it failed over there.

I would just make a comment here that I think is instructive that we can learn from it. I actually used this quote in the last debate in the last Congress. This was from Roll Call, a publication here on Capitol Hill. It is dated August 6, 1998, a year ago, when we were engaged in this debate. It says, "One leadership source said that the Republican leaders favored the Shays-Meehan bill going to the Senate because the Senate already voted on it, and it has no chance of passing. While the freshman bill would pose a slightly greater threat in the Senate because, when you offer something new, and streamline, it becomes a new fight.''

I just yearn for a new fight. I think that we ought to learn from our past mistakes. We gave the best shot for Shays-Meehan. It has been voted on in the Senate once. It has been voted twice. It has never broken the magic number in order to get it passed. So we do not know what would happen over there. But we do know what would happen if we repeat the same actions of the last Congress.

So I would just urge my colleagues to support reasonable, realistic, commonsense reform that addresses the greatest abuse in our campaign system. I believe the Campaign Integrity Act, the old freshman bill, is much wiser now since we are upper classmen. We have been here, but we are not frustrated. We are not cynical. We believe that we can do this for the American people.

If, perhaps, that we send this over to the Senate, we repeat the same action of the last Congress, we send Shays-Meehan over there once again, and they do not break filibuster, then that is three times. Perhaps then we can take the ideas of this bill, we can work together in a common way, Democrats and Republicans, and we can move forward a bill and actually get it passed this Congress. It is still my goal. It is still my desire. It is my yearning, and I believe it is the yearning of the American public.

THE INFLUENCE OF AERONAUTICAL RESEARCH ON MILITARY VICTORY

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Virginia (Mr. PICKETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. PICKETT. Mr. Speaker, early this year the nations of the North Atlantic Treaty Organization, the NATO alliance achieved a military victory in Yugoslavia. The military objective of the 3-month long campaign in the Yugoslav province of Kosovo was to drive the Serbian armed forces out of Kosovo.

This objective was achieved largely through the use of air power applied in a sophisticated and comprehensive manner. The bulk of the sorties flown were executed by fighter-bomber aircraft based in Italy between 200 and 300 miles away from their objectives in Yugoslavia.

These sorties were accomplished largely by F-15E, AF-8B, and F-16 aircraft operated by the United States, Belgium, the Netherlands, and other European countries, and Tornado attack aircraft operated by Great Britain and Germany and also French attack aircraft used by the Air Force of France.

In addition, heavy, long-range bombers, B-52s and B-1Bs based in England and B-52s based in Missouri delivered a substantial fraction of the weapons on the targets.

Finally, unpiloted reconnaissance aircraft were used extensively for the first time in this conflict.

Although air power has been a significant component of all warfare since 1939, it can be argued that this was the first campaign where air power was absolutely the dominant factor.

Given what has happened in Kosovo, it is a legitimate question to ask how the air power that achieved that victory was created. The record shows that it did not happen overnight. In 1944, the Commander in Chief of the U.S. Army Air Forces, General Henry H. (Hap) Arnold said, "the first essential of air power is preeminence in research." The key word in this statement is research. It is important to understand how this research was performed, who paid for it, and how the results were used.

In 1917, a provision was put in the Naval appropriations bill to create a National Advisory Committee for Aeronautics called NACA because the inferiority of American aircraft during World War I was patently obvious, not a single airplane of American design or manufacture was used in combat during World War I.

The decision to create NACA changed that circumstance for all time. A research laboratory in Hampton, Virginia, the Samuel Pierpont Langley Aeronautical Laboratory was established a year later, and from then on, the United States of America has been preeminent in military aviation.

For a short period, the Germans and the Japanese built more airplanes than the United States during World War II. However, after less than 2 years, American air power emerged in vastly superior numbers with aircraft that were decisively superior in quality. The reason why the United States could accomplish this end was due in large measure to the research done in the laboratories of the National Advisory Committee for Aeronautics between the First and Second World Wars.

All-metal airplanes, efficient radial engines, accurate flight control systems that made dive-bombing possible were all developed during those years in the NACA laboratories with the assistance of the military.

A strong and independent civilian research agency had been created to advance knowledge in aeronautics. The chairman of the committee was always a civilian, but both the Commanding General of the Army Air Corps and the Chief of the Navy's Bureau of Aeronautics were statutory members of the committee. Thus, a close connection to the military was assured.

Things have changed since the end of the Second World War, but the aeronautical strength of the United States still depends on the successor institution to the NACA that was established after the end of the Second World War.

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In 1958, the launch of the Sputnik by the Soviet Union as the first man-made object to orbit the Earth stimulated the creation of the National Aeronautics and Space Administration, NASA. This organization consisted of all of the facilities of the old NACA plus some military facilities that were added to enhance the space mission of the new agency.

The National Aeronautics and Space Act of 1958 made the new agency responsible for continuing the support of military aviation. This most important mission has been successfully accomplished for the past 40 years and the results were evident in the Kosovo campaign.

The most successful fighter-bomber of the 20th century is undoubtedly the F-16. The facilities of the National Aeronautics and Space Administration were used extensively during the decade of the 1970s to develop the flying qualities of this aircraft. Many thousands of hours of wind tunnel and flight simulator time were devoted to the creation of the F-16.

The former commander of the Israeli Air Force and the current president of the state of Israel, Ezer Weitzmann, has called the F-16 the "Spitfire" of the 1980s after flying the F-16 himself. Weitzmann became famous in 1948 when he flew a black painted "Spitfire" in the Israeli war of independence. Thousands of pilots across the world have agreed with his assessment.

The F-15 aircraft was also a product of NASA technology through the employment of NASA's extensive facilities. The conically cambered wing on the F-15 was a product of NASA research and the attack version of this airplane, the F-15 "Strike Eagle," is one of the most potent attack aircraft in the world.

Finally, the concept of vertical takeoff in land combat aircraft originated in the United States and was picked up by British aerospace concerns. The first version of the aircraft that eventually became the "Harrier," the "Kestrel," was extensively tested in NASA facilities in the 1960s. The "Harrier" eventually evolved into the AV-8B, which was also tested extensively in NASA flight simulators and wind tunnels. The former was particularly important in developing the complex flight control system for this aircraft.

As previously mentioned, a remarkable feature of the Kosovo air campaign was that a significant fraction of the damage done on the ground was due to aircraft that were based more than a thousand miles from the combat zone. B-52 and B-1B bombers based in England delivered thousands of tons of bombs and other guided weapons on targets in Kosovo and Yugoslavia.

Even more impressive was the achievement of the stealthy B–2 aircraft which flew its missions from Whiteman Air Force Base in Missouri, 5,000 miles from the target zone. An F–16 can carry two thousand-pound bombs, and a B–1B can carry 24 of these so that a single mission by a B–1B bomber might be equivalent to 12 sorties by an F–16.

Both the B–1B and the B–2 were the creations of an industry supported by NASA facilities. Neither would have been built without thousands of hours of wind tunnel and simulator time devoted to them in government-owned NASA facilities.

Even more important was the application of NASA research results to both aircraft. These results range from aerodynamics, materials, and flight controls to the human factors that had to be considered to protect the pilots and the crew from the environments that they would face in accomplishing their missions.

Finally, the Kosovo campaign was the one in which unpiloted aircraft were extensively used for reconnaissance that turned out to be a decisive factor in the campaign. Unpiloted vehicles have been around for a long time and were used as target drones and as experimental test vehicles during experiments that traditionally involved the destruction of the vehicle.

However, recent advances once again pioneered by NASA in flight control systems and in sensors have made it possible to use unpiloted vehicles for many other purposes. Probably the first application of unpiloted vehicles requiring sophisticated technology was the highly maneuverable aircraft test vehicle. This was a small, unpiloted aircraft with a sophisticated flight control system designed to perform experiments in maneuvering regimes that had not yet been explored with piloted aircraft. The experiments done by NASA with this vehicle during the 1970s demonstrated to all concerned the utility of unpiloted aircraft for sophisticated purposes.

In the last two decades, a large variety of unpiloted aircraft have been developed and with the recent advances in control systems and communication systems and in the ability to transmit intelligence data in real-time to command posts, unpiloted reconnaissance aircraft have come into their own.

A special example is the "Predator" unpiloted reconnaissance aircraft that played a very important role in Kosovo. In one incident, a "Predator" vehicle spotted a concentration of Serb troops on the ground and with accurate pictures transmitted by satellite link reported the concentration and its location to the command post. This information was then used to divert a flight of B–52s, bombers that had already been on another mission, to the troop concentration which was accurately located by the GPS signal transmitted by the "Predator."

The B–52s bombed the troops, killing most of them on the ground. This kind of coordinated attack with heavy bombers guided to the target using unpiloted aircraft and a sophisticated command and control system was a decisive element to secure the victory in this campaign.

The technology to do all of this could not have been developed without the aeronautical research performed in NASA's research centers. The research performed to create the aircraft systems described here dates back to the 1970s, somewhere between 20 and 30 years ago.

In 1970, the aeronautics budget of NASA was approximately 25 percent of the agency's budget, some $1 billion out of a total of $4 billion. It was this heavy investment in aeronautical technology that in a very real sense made the victory this year in Kosovo possible.

Today, however, we have a very serious problem. The aeronautics budget in NASA today is a much smaller fraction than it was in 1970, about $2 billion out of $14 billion or just 14 percent. In terms of spending power when inflation is factored into this calculation, NASA's investment in aeronautical research today is about half of what it was 30 years ago.

One result of this massive reduction in aeronautical research has been that many important NASA aeronautical research facilities have had to be shut down entirely or perhaps mothballed. This has forced some U.S. aerospace firms to use European facilities. More important, it has become difficult to attract the best talent into NASA's aeronautical research enterprises.

In the past year, this situation has reached the crisis stage because further reductions in NASA's aeronautics research are now being proposed. In view of this circumstance, it is legitimate to ask the question where the knowledge and the technology will come from to make victory possible in another Kosovo perhaps 20 years from now.

The sad fact is that we are no longer making the investments necessary to maintain the kind of Air Force that has the capability that we have today. This situation can only be changed by reversing the trend in aeronautical research funding and reinvesting in this critically important technology. An investment in NASA aeronautics program of about $4 billion annually is what is required to maintain our effort.

General Arnold's statement of more than half a century ago is as valid as it is was then. The security of the United States and the stability of the world depend on a relatively small investment in advanced aeronautical technology so that NASA can continue to do the work which will allow the United States to maintain its leadership and superiority in military aviation.

I urge all Members to support this effort.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. WICKER (at the request of Mr. ARMEY) for today on account of official business.

Mr. MANZULLO (at the request of Mr. ARMEY) for today on account of illness.

Mr. ROGAN (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. SHAW (at the request of Mr. ARMEY) for today on account of official business.

Mr. KINGSTON (at the request of Mr. ARMEY) for today and September 14 on account of impending Hurricane Floyd.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Wisconsin, for 5 minutes, September 15.

Mr. METCALF, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

ADJOURNMENT

Mr. PICKETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 14, 1999, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4020. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Flood Compensation Program (RIN: 0560–AF57) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4021. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Horses From Morocco; Change in Disease Status [Docket No. 98–055–2] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4022. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Small Hog Operation Payment Program (RIN: 0560–AF70) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4023. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the New England and Other Marketing Areas; Order Amending the Orders [DA–97–12] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4024. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin B1 and its delta-8, 9-isomer; Pesticide Tolerance [OPP–300916; FRL–6380–7] (RIN: 2070–AB78) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4025. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Chlorfenapyr; Re-Establishment of Tolerances for Emergency Exemptions [OPP–300910; FRL–6095–8] (RIN: 2070–AB78) received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4026. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Extension of Tolerance for Emergency Exemptions [OPP–300903; FRL–6094–4] (RIN: 2070–AB78) received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4027. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300904; FRL–6094–3] (RIN: 2070–AB78) received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4028. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certification and Voucher Programs: Change in Effective Date [Docket No. FR–4428–N–02] (RIN: 2577–AB91) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4029. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Truth in Savings [Regulation DD; Docket No. R–1003] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4030. A letter from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind—received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4031. A letter from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—William D. Ford Federal District Loan Program (RIN: 1840–AC68) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4032. A letter from the Assistant General Counsel, Department of Education, Office of the Chief Financial Officer, transmitting the Department's final rule—Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; Direct Grant Programs; State-Administered Programs; Definitions that Apply to Department Regulations; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; Protection of Human Subjects; Student Rights in Research, Experimental Programs and Testing; Family Educational Rights and Privacy—Received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4033. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, Office of Postsecondary Education, transmitting the Department's final rule—Teacher Quality Enhancement Grants Program (RIN: 1840–AC67) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4034. A letter from the Assistant General Counsel for Regulations, Department of Education Office of Special Education and Rehabilitative Services, transmitting the Department's final rule—Projects With Industry—received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4035. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 96F–0176] received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4036. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—General and Plastic Surgery Devices; Effective Date of Requirement for Premarket Approval of the Silicone Inflatable Breast Prosthesis [Docket No. 91N–0281] (RIN: 0910–AZ17) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4037. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adhesives and Components of Coating [Docket No. 99F–0487] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4038. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted in the Feed and Drinking Water of Animals; Menadione Nicotinamide Bisulfite [Docket No. 94F–0283] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4039. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted in the Feed and Drinking Water of Animals; Menadione Nicotinamide Bisulfite [Docket No. 98F–0195] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4040. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee State Implementation Plan [TN 190–9930a; TN 196–9931a; FRL–6433–4] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4041. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Maryland; Control of Emissions from Existing Municipal Solid Waste Landfills [MD–091–3041a; FRL–6433–7] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4042. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program [FRL–6422–1] received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4043. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6428–6] received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4044. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Alaska [AK–21–1709-a; FRL–6412–7] received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4045. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementations; Ohio Designation of Areas for Air Quality Planning Purposes; Ohio [OH 121–1c; FRL–6425–1] received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4046. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Enhanced Inspection & Maintenance Program [VA092/098–5044; FRL–6428–8] received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4047. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Regulation [MA-19-01-5892a; A-1-FRL-6421-8] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4048. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California—Owens Valley Nonattainment Area; PM-10 [CA-221-158; FRL-6430-7] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4049. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Approval of Miscellaneous Revisions [DE101-1-25a; FRL-6434-6] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4050. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District [CA 192-0161; FRL-6434-2] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4051. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule Making a Finding of Failure to Submit a Required State Implementation Plan for Carbon Monoxide; Nevada—Las Vegas Valley [FRL-6434-4] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program Revision [FRL-6430-4] received August 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4053. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Judsonia, Arkansas) [MM Docket No. 99-98; RM-9483] (Del Norte, Colorado) [MM Docket No. 99-148; RM-9556] (Dinosaur, Colorado) [MM Docket No. 99-149; RM-9557] (Poncha Springs, Colorado) [MM Docket No. 99-150; RM-9558] (Captain Cook, Hawaii) [MM Docket No. 99-152; RM-9560] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4054. A letter from the Chief, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Regulations Governing Television Broadcasting [MM Docket No. 91-221] Television Satellite Stations Review of Policy and Rules [MM Docket No. 87-8] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4055. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Department's final rule—Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests [MM Docket No. 94-150] Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry [MM Docket 92-51] Reexaminiation of the Commission's Cross-Interest Policy [MM Docket No. 87-154] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4056. A letter from the Attorney, Advisor, National Highway Traffic Safety Administration, transmitting the Administration's final rule—Federal Motor Vehicle Safety Standards; Child Restraint Systems; Child Restraint Anchorage Systems [Docket No. NHTSA-99-6160] (RIN: 2127-AH65) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4057. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting the Commission's final rule—Changes to Requirements for Environmental Review for Renewal of Nuclear Power Plant Operating Licenses (RIN: 3150-AG05) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4058. A letter from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule—Personal Investment Company Personnel [Release Nos. 33-7728, IC-23958, IA-1815; File No. S7-25-95] (RIN: 3235-AG27) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4059. A communication from the President of the United States, transmitting notification that the national emergency declared by Executive Order 12924 has been extended, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106-118); to the Committee on International Relations and ordered to be printed.

4060. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106-119); to the Committee on International Relations and ordered to be printed.

4061. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlementof the Cyprus question, covering the period February 1999 and March 1999, pursuant to 22 U.S.C. 2373(c); (H. Doc. No. 106-120); to the Committee on International Relations and ordered to be printed.

4062. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period June 1 to July 31, 1999, pursuant to 22 U.S.C. 2373(c); (H. Doc. No. 106-121); to the Committee on International Relations and ordered to be printed.

4063. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on proliferation of missiles and essential components of nuclear, biological, and chemical weapons, pursuant to 22 U.S.C. 2751 nt.; to the Committee on International Relations.

4064. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4065. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Addition—received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4066. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Office of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule—Migratory Bird Permits; Amended Certification of Compliance and Determination that the States of Vermont and West Virginia Meet Federal Falconry Standards (RIN: 1018-AE65) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4067. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Endangered Status for 10 Plant Taxa from Maui Nui, Hawaii (RIN: 1018-AE22) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4068. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Approval of Tungsten-Iron and Tungsten-Polymer Shots and Temporary Approval of Tungsten-Matrix and Tin Shots as Nontoxic for Hunting Waterfowl and Coots (RIN: 1018-AF65) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4069. A letter from the Acting Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Closure of the Red Porgy Fishery [Docket No. 990823235-9235-01; I.D. 061699F] (RIN: 0648-AM55) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4070. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea [Docket No. 990304063-9063-01; I.D. 082699E] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4071. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 990506120-9220; I.D. 082399b] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4072. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area in the Gulf of Alaska [Docket No. 990304062-9062-01;

I.D. 081799D] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4073. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 990304062–9062; I.D. 081799E] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4074. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 1999 Summer Flounder Commercial Quota [Docket No. 981014259–8312–02; I.D. 081199A] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4075. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea [Docket No. 990304063–9063–01; I.D. 081899A] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4076. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Bycatch Mortality Allowance in the Bering Sea and Aleutian Islands Management Area [Docket No. 99030463–9063–01; I.D. 072199B] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4077. A letter from the Assistant Secretary For Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Regulations Regarding Public Charge Requirements under the Immigration and Nationality Act, as Amended [Public Notice 2903] (RIN: 1400–AA79) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4078. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Nevada, MO [Airspace Docket No. 99–ACE–40] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4079. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes [Docket No. 99–NM–187–AD; Amendment 39–11283; AD 99–18–17] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4080. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision to the Legal Description of the Riverside, March Air Force Base (AFB), Class C Airspace Area; CA [Airspace Docket No. 99–AWA–1] (RIN: 2120–AA66) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4081. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada, Model 206L, L–1, L–3, and L–4 Helicopters [Docket No. 99–SW–30–AD; Amendment 39–11265; AD 99–17–19] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4082. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company, Inc AE 2100A and AE 2100C Series Turboprop Engines [Docket No. 99–NE–14–AD; Amendment 39–11257; AD 99–17–09] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4083. A letter from the Senior Attorney, Office of the Secretary, Department of Transportation, transmitting the Department's final rule—Petitions Involving the Effective Dates of the Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases Final Rule, and the Disclosure of Change-of-Guage Services Final Rule [Docket Nos. OST–95–179, OST–95–623, and OST–95–177] (RIN: 2105–AC10, 2105–AC17) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Program Assistant, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 99–NE–22–AD; Amendment 39–11263; AD 99–17–16] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters [Docket No. 98–SW–16–AD; Amendment 39–11264; AD 99–17–18] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8 Series Airplanes [Docket No. 99–NM–55–AD; Amendment 39–11262; AD 99–17–14] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 and -300 Series Airplanes [Docket No. 99–NM–06–AD; Amendment 39–11266; AD 99–17–20] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 99–CE–10–AD; Amendment 39–11256; AD 99–17–08] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Fort Rucker, AL [Airspace Docket No. 99–ASO–11] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4090. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace: Arlington, TN [Airspace Docket 99–ASO–16] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4091. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Tupelo, MS [Airspace Docket No. 99–ASO–10] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4092. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Sheridan, IN [Airspace Docket No. 99–AGL–31] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4093. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Minneapolis, MN [Airspace Docket No. 99–AGL–33] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4094. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Eau Claire, WI [Airspace Docket No. 99–AGL–28] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4095. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; La Crosse, WI [Airspace Docket No. 99–AGL–29] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4096. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace Mankato, MN [Airspace Docket No. 99–AGL–30] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4097. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–700 and -800 Series Airplanes [Docket No. 99–NM–179–AD; Amendment 39–11267; AD 99–18–01] (RIN: 2120–AA64) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4098. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146–RJ Series

Airplanes [Docket No. 97–NM–129–AD; Amendment 39–11260; AD 99–17–12] (RIN: 2120–AA64) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Chelsea Street Bridge Fender System Repair, Chelsea River, Chelsea, MA [CGD1–99–141] (RIN: 215–AA97) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 96–NM–29–AD; Amendment 39–11259; AD 99–17–11] (RIN: 2120–AA64) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Correcting Amendments [FRL–6431–8] (RIN: 2040–AA13) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes [Docket No. 99–NM–204–AD; Amendment 39–11254; AD 99–17–05] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 93–NM–125–AD; Amendment 39–11255; AD 99–17–06] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4104. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 98–NM–233–AD; Amendment 39–11253; AD 99–17–04] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, 269A–1, 269B, 269C, 269C–1 and 269D Helicopters [Docket No. 99–SW–31–AD; Amendment 39–11258; AD 99–17–10] (RIN: 2120–AA64) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Frederick Municipal Airport, MD [Airspace Docket No. 99–AEA–04FR] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Expedited Procedures For Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings—received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Liquidation of Collateral and Sale of Commercial Loans—received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4109. A letter from the Director, Office of Regulations Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule—Delegations of Authority; Tort Claims (RIN: 2900–AJ31) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4110. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Textiles and Textile Products; Denial of Entry [T.D. 99–68] (RIN: 1515–AC94) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4111. A letter from the Chief, Regulations Branch, Customs Service, Department of Treasury, transmitting the Department's final rule—Accreditation of Commercial Testing Laboratories; Approval of Commercial Gaugers [T.D. 99–67] (RIN: 1515–AB60) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4112. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Start-up Expenditures [Announcement 99–89] received August 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4113. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—BLS–LIFO Department Stores Indexes—July 1999—received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4114. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capital Gains, Installment Sales, Unrecaptured Section 1250 Gain [TD 8836] (RIN: 1545–AW85) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4115. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: All Industries-Research Tax Credit-Internal Use Software [UIL: 41.51–10] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4116. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: All Industries-Research Tax Credit-Qualified Research [UIL 41.51–11] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4117. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 99–37] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4118. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Distributions to Foreign Persons Under Sections 367(e) and 367(e)(2) [TD 8834] (RIN: 1545–AU22 and 1545–AX30] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4119. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to the Louisville State Implementation Plan [KY–75–1–9910a; KY–97–1–9911a; FRL–6435–4] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. Shuster: Committee on Transportation and Infrastructure. H.R. 2681. A bill to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents (Rept. 106–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. Shuster: Committee on Transportation and Infrastructure. House, Concurrent Resolution 171. Resolution congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation (Rept. 106–314). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BASS:

H.R. 2839. A bill to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary, and for other purposes; to the Committee on Resources.

By Mr. UPTON (for himself and Mr. WAXMAN):

H.R. 2840. A bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes; to the Committee on Commerce.

By Mrs. CHRISTENSEN (for herself, Mr. YOUNG of Alaska, and Mr. GEORGE MILLER of California):

H.R. 2841. A bill to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes; to the Committee on Resources.

By Mr. CUMMINGS (for himself, Ms. NORTON, and Mrs. MORELLA):

H.R. 2842. A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage; to the Committee on Government Reform.

By Mr. HAYES (for himself and Mr. FLETCHER):

H.R. 2843. A bill to provide emergency assistance to farmers and ranchers in the United States; to the Committee on Agriculture, and in addition to the Committees on the Budget, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISTOOK:

H.R. 2844. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Defense; to the Committee on Science.

By Mr. LUCAS of Kentucky:

H.R. 2845. A bill to encourage the use of technology in the classroom; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 2846. A bill to confer citizenship posthumously on Jose J. Casillas; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 2847. A bill to provide for the appointment of an independent counsel to investigate if there were violations of Federal law in the raid on the Branch Davidian compound in Waco, Texas; to the Committee on the Judiciary.

By Mr. WATTS of Oklahoma (for himself, Mr. TALENT, Mr. LEACH, and Mr. BAKER) (all by request):

H.R. 2848. A bill to amend the Small Business Investment Act of 1958 and the Small Business Act to establish a New Markets Venture Capital Program, to establish an America's Private Investment Company Program, to amend the Internal Revenue Code of 1986 to establish a New Markets Tax Credit, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON (for herself, Mr. WATT of North Carolina, Mrs. MORELLA, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mrs. CAPPS, Mrs. THURMAN, Mr. LEWIS of Georgia, Ms. LEE, Ms. KILPATRICK, Mrs. MEEK of Florida, Mr. CONYERS, Mr. RANGEL, Ms. NORTON, Mr. RUSH, Mr. MEEKS of New York, Mr. PAYNE, Mr. WYNN, Ms. DELAURO, Ms. WATERS, Mr. CLAY, Ms. BROWN of Florida, Ms. MILLENDER-MCDONALD, Ms. BERKLEY, Ms. MCKINNEY, Mr. CLYBURN, Mrs. JONES of Ohio, Mr. FORD, Mr. JEFFERSON, Mr. FATTAH, Mr. OWENS, Mr. BISHOP, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. SCOTT, Mr. DIXON, Mr. HILLIARD, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. TOWNS, and Mrs. MALONEY of New York):

H. Res. 287. A resolution to commend Serena Williams on winning the 1999 U.S. Open Women's Singles and Doubles championships; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 110: Mr. BLUMENAUER.

H.R. 133: Ms. PELOSI.

H.R. 188: Mr. PAUL.

H.R. 274: Mrs. BONO and Mr. GALLEGLY.

H.R. 354: Mr. MATSUI, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. SHAYS, and Mr. WELDON of Pennsylvania.

H.R. 443: Mr. MARTINEZ, Mr. LARSON, and Mr. DAVIS of Illinois.

H.R. 505: Mr. WAXMAN.

H.R. 534: Mr. SHERMAN, Mr. LUCAS of Oklahoma, and Mr. NUSSLE.

H.R. 585: Mr. SENSENBRENNER.

H.R. 590: Ms. STABENOW.

H.R. 623: Mr. LUCAS of Oklahoma.

H.R. 664: Mr. BLAGOJEVICH.

H.R. 673: Mr. MCCOLLUM.

H.R. 712: Mr. PAUL.

H.R. 713: Mr. FOLEY and Mr. PAUL.

H.R. 782: Mr. SHUSTER.

H.R. 783: Mr. GILCHREST and Mr. FRELINGHUYSEN.

H.R. 797: Mr. LAHOOD, Mr. LANTOS, Mr. LARSON, Mr. PORTER, Mr. MARTINEZ, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. PRICE of North Carolina, and Mr. STRICKLAND.

H.R. 810: Mr. CALLAHAN.

H.R. 860: Mr. LAHOOD.

H.R. 919: Mr. MEEHAN, Mr. MINGE, Mr. NEAL of Massachusetts, and Ms. BROWN of Florida.

H.R. 933: Mr. BLUMENAUER.

H.R. 997: Mr. MOORE and Mrs. BONO.

H.R. 1071: Mr. FROST and Mr. BROWN of Ohio.

H.R. 1080: Mr. BLAGOJEVICH and Mr. KING.

H.R. 1102: Mrs. LOWEY.

H.R. 1111: Mr. BARCIA and Mrs. LOWEY.

H.R. 1115: Mr. CUMMINGS, Mr. BURR of North Carolina, Mr. BAKER, Mr. MALONEY of Connecticut, Mr. HANSEN, and Mr. SENSENBRENNER.

H.R. 1145: Mr. HEFLEY.

H.R. 1193: Mr. ISAKSON and Mr. MALONEY of Connecticut.

H.R. 1221: Mr. BURR of North Carolina, Mr. MALONEY of Connecticut, and Mr. MCINTYRE.

H.R. 1228: Mr. MARKEY and Mr. HOLT.

H.R. 1248: Mr. CLYBURN, Ms. SLAUGHTER, and Mr. COOK.

H.R. 1283: Mr. ROGAN, Ms. GRANGER, Mr. SWEENEY, Mrs. JOHNSON of Connecticut, and Mr. PACKARD.

H.R. 1322: Mr. PAUL.

H.R. 1355: Ms. KAPTUR.

H.R. 1366: Mr. KOLBE and Mr. BARCIA.

H.R. 1409: Mr. PAUL.

H.R. 1413: Mrs. CHENOWETH.

H.R. 1432: Mr. GEJDENSON, Mrs. MORELLA, and Mr. SANDLIN.

H.R. 1505: Ms. ROS-LEHTINEN, Ms. DANNER, Ms. STABENOW, Mr. BORSKI, Mr. GEORGE MILLER of California, Mr. BOYD, Mr. MURTHA, Mr. SHOWS, Mr. OBERSTAR, Mr. GORDON, and Mr. BERRY.

H.R. 1593: Mr. GREEN of Wisconsin and Mr. HOSTETTLER.

H.R. 1620: Mr. COOK.

H.R. 1685: Mr. COOK.

H.R. 1728: Mrs. EMERSON and Mr. FROST.

H.R. 1731: Mr. CANNON.

H.R. 1747: Mr. WATTS of Oklahoma, Mr. GRAHAM, and Mr. SENSENBRENNER.

H.R. 1798: Mr. DEUTSCH and Ms. ESHOO.

H.R. 1814: Mr. LUCAS of Kentucky, Mr. COOK, Mrs. BIGGERT, and Mr. SHIMKUS.

H.R. 1870: Mr. HOSTETTLER.

H.R. 1883: Mr. GEPHARDT, Ms. MCCARTHY of Missouri, Mr. WALDEN of Oregon, Mr. HUTCHINSON, and Mr. SHAYS.

H.R. 1916: Mr. RANGEL.

H.R. 1926: Mr. FALEOMAVAEGA, Mr. WEINER, Mr. RILEY, Mr. GOSS, Mr. BAKER, Mrs. BONO, Mr. WELDON of Pennsylvania, Mr. GORDON, Mr. LAZIO, and Mr. MINGE.

H.R. 1933: Mr. MCKEON.

H.R. 2066: Mr. OXLEY, Ms. BROWN of Florida, Mr. COOK, Mr. METCALF, Mr. BARCIA, and Mr. WU.

H.R. 2130: Mr. BARRETT of Wisconsin.

H.R. 2149: Mr. WISE.

H.R. 2170: Ms. MILLENDER-MCDONALD, Mr. GEPHARDT, Mr. WISE, Mrs. JONES of Ohio, Mr. DEUTSCH, and Mr. HALL of Ohio.

H.R. 2221: Mr. GARY MILLER of California and Mr. NEY.

H.R. 2247: Mrs. CHENOWETH and Mr. COOK.

H.R. 2319: Mr. SHAYS.

H.R. 2325: Mr. CARDIN.

H.R. 2338: Mr. SENSENBRENNER.

H.R. 2364: Mr. PITTS and Mr. PAUL.

H.R. 2403: Mr. LAHOOD and Mr. UDALL of Colorado.

H.R. 2455: Ms. MCCARTHY of Missouri.

H.R. 2662: Mr. BLUMENAUER.

H.R. 2673: Ms. LOFGREN.

H.R. 2691: Mr. JEFFERSON.

H.R. 2720: Mr. ISAKSON, Mr. BARCIA, and Mr. MCGOVERN.

H.R. 2736: Mr. SHOWS, Mr. GALLEGLY, Mr. CAPUANO, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. UNDERWOOD, Mr. FILNER, Ms. CARSON, Mr. ENGLISH, Mr. WEXLER, Ms. WOOLSEY, Mr. FROST, Mr. GUTIERREZ, and Mr. DOYLE.

H.R. 2788: Mr. LATHAM and Mr. NUSSLE.

H.R. 2792: Mr. CRAMER.

H.R. 2808: Mr. KENNEDY of Rhode Island.

H.R. 2814: Mr. WELDON of Pennsylvania, Mr. RADANOVICH, and Mrs. CAPPS.

H.J. Res. 59: Mr. TALENT and Mrs. EMERSON.

H. Con. Res. 77: Mr. DEUTSCH.

H. Res. 16: Mr. MINGE.

H. Res. 41: Mr. GIBBONS.

H. Res. 285: Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. BERMAN, Mr. WU, and Mr. TIERNEY.

EXTENSIONS OF REMARKS

TRIBUTE TO DOROTHY KIRSTEN FRENCH AND RICHARD K. EAMER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dorothy Kirsten French and Richard K. Eamer, co-founders of The John Douglas French Alzheimer's Foundation; and to Dennis F. Holt for his philanthropic work in advancing the research of causes of Alzheimer's disease.

I am happy to report that on Sunday, October 24, 1999, The Founding Associates will celebrate its 15th anniversary during a special ceremony that will honor Dennis F. Holt, Chairman and CEO of Western International Media, Inc., and an active member of the Board of Directors of The John Douglas French Alzheimer's Foundation. Mr. Holt has engaged in philanthropic work to advance research in the causes of Alzheimer's Disease. He has donated $2 million of broadcast time towards public service announcements in 24 markets. He is a distinguished leader in changing the nature of advertising and media buying practices. Mr. Holt is an inspiration in perseverance and triumph over adversity. He demonstrates an uncommon commitment to help others and exemplifies this commitment with The John Douglas French Alzheimer's Foundation.

Dorothy French and Richard Eamer cofounded The John Douglass French Alzheimer Foundation to honor Dorothy's husband Dr. John Douglas, co-founder of UCLA's Brain Research Institute, and who sadly became a victim of Alzheimer's disease himself in 1989.

Since 1983, the John French Alzheimer's Foundation has been dedicated to finding the cause and cure of Alzheimer's disease and other forms of dementia. The foundation has raised more than $18 million through its fundraising efforts, and has helped to fund the work of such noted scientists as Dr. Stanley B. Pruisner, a 1997 Nobel Laureate.

Alzheimer's is one of the most costly and debilitating of illnesses, afflicting more than four million Americans every year, slowly robbing them of their memory and ability to care for themselves. As our nation ages, and more and more families face this terrible disease, the need for organizations such as the John Douglas French Alzheimer Foundation will be increasingly important. I am pleased Congress has in recent years substantially increased the nation's investment in medical research. For the current budget year, fiscal 1999, Congress has approved a budget of $15.6 billion, a 14 percent increase, for the National Institute of Health, which leads the nation's biomedical research effort. This increase will fund important research into understanding and treating Alzheimer's and other diseases.

Mr. Speaker, distinguished colleagues, please join me in honoring Dorothy French, Richard Eamer, and Dennis Holt, three citizens committed to the finding of a cure for Alzheimer's disease and improving the lives of their fellow Americans.

TRIBUTE TO BUDDY G. BELSHE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. COX. Mr. Speaker, I rise today to recognize Buddy G. Belshe, who has completed his 50th year as an ocean lifeguard in Orange County, California.

Buddy Belshe, a longtime lifeguard with the City of Newport Beach, California, has devoted his life to preserving the lives of others. Beginning his career in 1950, he continues to serve today working with and overseeing the number of men and women who keep our Southern California beaches safe and protected.

In addition to his service to the residents and visitors of Newport Beach, Buddy's accomplishments also include his longtime service with the United States Lifesaving Association, where he has served as both Vice President and Secretary, and on the board of the California State Lifesaving Association.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in honoring Buddy G. Belshe. It is fitting that all of us join with the family, friends, and the community of Newport Beach, California in recognizing his lifelong service and dedication to public safety.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATION ACT, 2000

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Ms. BROWN of Florida. Mr. Chairman, once again, the Republican leadership is attempting to cut housing programs that assist our nation's most vulnerable citizens. In the midst of one of the greatest economic expansions our country has ever known, we should be doing everything we can to help people move from homelessness to home ownership, and public housing is critical in this transition.

All the talk about revitalization and economic integration becomes mere rhetoric when we see such drastic funding cuts proposed for our nation's most impoverished communities.

While the President's budget would have increased vital investments in families and communities by $2 billion, the Republican version of this bill, if passed, would have a devastating impact on these same communities nationwide.

In my district, Florida's third, the effects of these cuts could prove disastrous. Jacksonville stands to lose more than $5 million if the VA–HUD bill passes, Orlando could lose $1.9 million, and Daytona could lose $842,000.

These cuts would be devastating to the families that rely on public housing services. The number of families with worst case housing needs—defined as paying more than 50 percent of income on rent—remains at an all-time high. Furthermore, families in the transition from welfare to work have a special need for assistance since housing is typically their greatest financial burden.

The slight increase in section 8 funding is not enough, since virtually all other housing programs designed to help the needy, such as HOPE VI, Community Development Block Grants, and of particular concern to me are the funding cuts for Brownfields clean up and development, and lead based paint abatement, especially since there is a new superfund site in my district!

Overall, the cuts represent an estimated 156,000 fewer housing units for low-income families; 16,000 homeless families and persons with AIDS who will not receive vital housing and related services; and 97,000 jobs that will not be generated in communities that need them.

For these reasons, I urge my colleagues to vote against H.R. 2684.

CONGRATULATING PHILIP J. McLEWIN ON HIS RETIREMENT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Philip J. McLewin on the occasion of his retirement as president of the Bergen County Central Trades and Labor Council of the AFL–CIO. Mr. McLewin has been a dedicated and respected labor leader in northern New Jersey, fighting for the rights of working men and women as they seek to achieve the American dream. Mr. McLewin exhibited progressive leadership, building coalitions and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

consensus among labor groups and working with business management to achieve the goals of employers and employees alike. His success was symbolic of a time when the industrial revolution had blossomed into a spirit of cooperation between labor and management that helped give the United States the leading economy of the world.

Mr. McLewin actively participated in the Council's activities for 25 years. He began in 1974 as a labor educator, teaching worker education courses at Ramapo College, where he is still employed as a professor of economics. He was elected president of the council in 1983 and served 16 years before his retirement this year.

By bringing together affiliated local unions, Mr. McLewin was able to form a unified and highly effective voice for labor in Bergen County. Under his leadership, the council played a key role in endorsing and electing political candidates, lobbying for worker-friendly legislation and fighting against opponents of labor. He rekindled the grass roots activism of trade unionists in Bergen County in support of workers on strike, those whose jobs were threatened by plant closings or privatization, and supporting efforts to organize new unions or expand union membership. Under his tenure, the number of local unions affiliated with the Council more than doubled and participation of local unions in the Council's activities increased tenfold.

One of Mr. McLewin's proudest accomplishments was the establishment of the United Labor Agency of Bergen County, which assists union members with individual and family social service needs.

AFL–CIO President John Sweeney recognized Mr. McLewin's leadership when he appointed him to the 24-member National Central Labor Council Advisory Committee in 1995 to help develop the regeneration of labor councils across the country.

In addition to heading the Bergen County Central Trades and Labor Council, Mr. McLewin was vice president of the New Jersey Industrial Council and a former president of American Federation of Teachers Local 2274. He was a member of the AFT bargaining team and state council.

Mr. McLewin has been an active leader in the local community, serving on the board of directors for New Jersey Citizen Action, on the leadership team of the Bergen County Workforce Investment Board and working extensively with the United Way.

Born in Portland, Maine, he moved to San Diego at the age of six. He is a graduate of San Diego State University and holds a master's degree in economics from the University of California at Riverside and his doctorate in economics from Cornell University. He moved to Bergen County in 1974. He and his wife, Lynne, have been married 37 years and have two sons.

I ask my colleagues in the House of Representatives to join me in congratulating Mr. McLewin on his successful career and in wishing him the best in his retirement.

TRIBUTE TO IRA FREEMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. BERMAN. Mr. Speaker, my colleague, Mr. SHERMAN, and I, rise to pay tribute to our good friend, Ira Freeman, who is this year's recipient of the Annual Achievement Award from Action Democrats of the San Fernando Valley. Ira Freeman has built his life on the proposition that we are put on earth to help others. The list of organizations, associations and causes that have benefitted from Ira's tireless activism is almost as enormous as his heart. We have no idea how he has managed—for nearly 40 years—to balance his busy and distinguished career with his myriad civic and political activities.

In 1964, Ira opened Key Pharmacy—a community resource pharmacy—in North Hollywood. While building a very successful business, he also played a leadership role within his profession. From 1972 to the present, Ira has served as a board member of the Pharmacists Professional Society of the San Fernando Valley. He is a member, a past-Treasurer and a past-President of the statewide Pharmacists Political Action Committee and from 1996 to 1998 was Chief Financial Officer of the United Pharmacists Network.

A tireless booster of his community, Ira served as President of the Sun Valley Chamber of Commerce in 1985 and again in 1988. He has been a member of the Sun Valley Chamber Board for 14 years, and was appointed by Assemblyman Bob Hertzberg to his Small Business Advisory Commission.

Ira loves politics. He is a voter, contributor, fund raiser, volunteer and unofficial advisor. Virtually every campaign in the San Fernando Valley has benefitted from Ira's hard work and generosity. He has served on the Leadership Council of the Democratic Party of the San Fernando Valley, and is a member of Action Democrats, Democrats for Change and the Sherman Oaks Democratic Club.

Ira gives his talents and resources to charitable causes ranging from AIDS to Diabetes. He is a contributing member to The Executives, a support group for the Jewish Home for the Aging and works with the Fair Housing Council of the San Fernando Valley.

Ira has been awarded the Circle of Friends Award by the Juvenile Justice Connection Project (1987), the Dareen McDonald Award from the Independent Living Centers of Southern California (1994) and the Helen and Sam Greenberg Award, as well as recognition from the California Pharmacists and the Sun Valley Chamber of Commerce.

We ask our colleagues to join us in saluting Ira Freeman, whose selfless acts and dedication to this community inspire us all. We are proud to be his friend.

EXPRESSING THE SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD NOT HAVE GRANTED CLEMENCY TO TERRORISTS

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to H. Con. Res. 180, a concurrent resolution expressing the sense of Congress that the President should not have granted clemency. This resolution is largely another attempt to smear the policy of an Administration that has been under scrutiny for quite some time now. I will not support transferring a battle regarding our Administration's scruples into attempts to reflect a similar suspicious light on our Administration's policy.

This resolution was not reviewed by the Judiciary Committee, which is the Committee of referral. In fact, the resolution was not even submitted until one day before the vote. Most of the Puerto Rican nationalists who were granted clemency have already served at least 19 years of their sentences. Our Constitution clearly states that the President has the sole and unitary power to grant clemency. It does so because the President is uniquely positioned to consider the law and facts that apply in each request for clemency. We, as individual Members of Congress, have neither the time nor the staff to individually review the Administration's belief that the sentences were out of proportion with the offenses. For this precise reason, bills are referred to the committees that can provide such expertise. It is a shame that we would not take the time to allow expert evaluation of the level of merit behind this resolution and refer this resolution to the Judiciary Committee.

This is neither the time nor the topic for political pandering. Terrorism and clemency are matters to be taken very seriously. They are not to be used for political games. I will not support turning the fight against terrorism into a political game, and that is why I am voting against this bill on final passage.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Ms. BROWN of Florida. Mr. Chairman, the Veterans Equitable Resources Allocation (VERA) is an excellent system for directing veterans health care dollars to the states where our veterans receive their care. Since its inception in 1997 the VERA program has helped to more properly and equally distribute the scarce dollars we provide for our veterans healthcare.

My state of Florida has the second largest and oldest veterans population in the nation, and continues to suffer from lack of funding for its veterans programs. We recently had a veterans nursing home that was built and ready to care for our elderly veterans but could not open because there were no operating costs. We have a great state and we welcome all our new residents with open arms, but we must have the funds to provide for these new residents.

The VERA program was developed to more equally distribute needed funds to our veterans. The program is working and should be allowed to continue to work for our veterans. We've already shortchanged our veterans in this VA–HUD Appropriations. Let's not do it again. I ask my colleagues to vote no on this amendment.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise to give voice to the concerns of scientists and other citizens of southern Arizona who have grave misgivings about the funding decisions in this bill. As an appropriator and a subcommittee Chair myself, I understand and sympathize with the gentleman from New York on the difficulty of writing a bill under the caps by which we are currently governed.

However, as the elected representative of some of this country's pre-eminent scientists, I must speak on their behalf and relate to you the impact these funding cuts for basic research could have.

Many of you followed the success a year ago when the Mars Pathfinder mission landed on the Martian surface on the 4th of July. The camera that provided the stunning images of that new world was built at the University of Arizona and the world was watching. in that project we proved we could do significant science for a fraction of the cost and it was the front-page story around the world.

This project was a dramatic example of the core, basic research accomplished by our nation's universities and grant based research. Many of these programs are funded under NASA's Science, Aeronautics and Technology Account. In this bill, that account is funded at $628 million, more than half a billion dollars below last year's budget.

Competitively awarded space science grants in every state in the nation will be drastically cut, with the biggest cuts coming in California, Maryland, Arizona, Colorado, Texas, Alabama and Pennsylvania.

In addition to cuts to space science programs, the subcommittee's decision to cut $150 million from the Earth Observing System (EOS) program and an additional $50 million from the EOS Data Information System (EOSDIS) significantly impairs our ability to understand our environment.

These cuts will make it difficult, if not impossible, to process data we are collecting from Landsat 7 and that we will collect on the EOS series of satellites. It makes little sense to have spent billions of dollars building these satellites over the last decade and fail to provide the funds to analyze the data they collect.

And the impact from this lack of data analysis will hurt important sectors of our economy; Farmers won't gain advance warning of oncoming severe weather like droughts or flooding; coastal areas like the southeastern U.S. won't be able to anticipate the severity of hurricanes.

In summary, these cuts in NASA's science programs will set back our nation. They are not balanced. They pose a great threat to our future competitiveness in research and technology.

Mr. Chairman, I am supporting some of the amendments to this bill which will help restore some of the funding cut by this bill. However, I am still concerned about the level of funding and ask the chairman of the VA–HUD Subcommittee to continue to work to find funds to fully support basic, core research.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Nadler amendment providing $305 million for 50,000 Section 8 housing vouchers for low- and moderate-income families.

Just last year Congress recognized the critical need for housing by passing the Quality Housing and Work Responsibility Act, which authorized 100,000 new Section 8 vouchers. The Majority's appropriation provides zero funding for these vouchers—essentially turning our work of last year into an empty promise.

In my district in New York City alone, the Majority's appropriation would support housing for 375 fewer lower-income families than in FY 1999.

HUD recently reported that the wait for public housing has increased by 50 percent over the past 2½ years. Before we race ahead with budget-busting tax cuts, we must assist families living in substandard housing.

Join me in supporting the Nadler amendment and build on our work of last year.

TRIBUTE TO RAMON SANCHEZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend one of Northwest Indiana's most distinguished citizens, Ramon Sanchez, of Merrillville, Indiana. Mr. Sanchez will be honored by the Lake County Council for his exemplary and dedicated service to our community on September 14, 1999.

Born in Villalba, Puerto Rico, Mr. Sanchez is the eldest of four children born to the late Francisco and Candida Sanchez. Ramon, fondly referred to as "Ray" by his many friends, has been an active and visible leader in the Hispanic community since his arrival to the United States in 1951.

Mr. Sanchez began his career in the United States as a steelworker at Inland Steel, a job from which he retired in 1989 after 38 years of service. From 1972–1995, he served as Chief Bailiff with the Gary City Court. Most recently, Ramon Sanchez retired from the Merrillville Town Court after two years of service as Bailiff.

Outside of his professional career, Ramon Sanchez has devoted a large portion of his life to the betterment of Northwest Indiana. Mr. Sanchez is committed to improving the standard of living in Northwest Indiana, particularly in the Hispanic community. He has played an instrumental role in representing the needs of the community and has been an advocate of minority rights. Mr. Sanchez is a well recognized and respected figure in Northwest Indiana's political arena, having served the City of Gary in various capacities including a 20 year term as precinct committeeman. He has spearheaded various political campaigns and is affiliated with numerous civic organizations throughout Northwest Indiana.

While serving the community has always been an extremely important part of Mr. Sanchez's life, there can be no comparison to the dedication he has for his family. Ramon and his loving wife, Nancy, have raised four wonderful children, Amy, Ingrid, Mishelle, and Zayda. He is also a proud grandfather of nine grandchildren which provide an eternal source of joy and love for both he and his wife.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Ramon Sanchez for his dedication, service, and leadership to the people of Indiana's First

Congressional District. Northwest Indiana's community has certainly been rewarded by the true service and uncompromising dedication displayed by Mr. Ramon Sanchez.

TRIBUTE TO HAROLD ROUSE

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. MILLER of Florida. Mr. Speaker, I would like to thank you for this opportunity to honor a gentleman who dedicated over a quarter of a century in service to Veterans in Manatee County, Florida. I am sad to report that on May 11 of this year, my district lost one of its most respected and valued citizens, Harold Rouse.

Harold Rouse was a Vietnam Veteran and dedicated public servant. He served the veterans and their families through his position as the Manatee County Veterans Service Officer. He was a champion of disabled veterans and a leader in the veterans community. I doubt anyone can remember an occasion honoring veterans at which Harold wasn't present. His enthusiasm, vigor, and heartfelt love for veterans was evident in everything he did. Harold was instrumental in establishing the "Walkway of Memories" at the Manatee Veterans Monument Park—the location of Manatee County's veterans' events.

It is especially fitting that today's remarks coincide with the opening of the Manatee County Veterans' Clinic. While Harold cannot be on hand for the grand opening of the clinic, his legacy will be evident in the service provided to the deserving veterans of the area.

Harold Rouse was a gentleman, a friend, a family man and a truly dedicated patriot. He is sorely missed and I consider it a personal honor to have known him.

CHILDREN'S ASTHMA RELIEF ACT OF 1999

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. UPTON. Mr. Speaker, I rise today to introduce H.R. 2840, Children's Asthma Relief Act of 1999, legislation providing a comprehensive, community-based response to the increasingly serious incidence of childhood asthma. I am pleased that my colleague, HENRY WAXMAN, is the original cosponsor of this bill.

Chronic asthma is a serious and growing health problem confronting our nation, and particularly our nation's children. The Centers for Disease Control and Prevention reports that 6.4 percent of our population report having asthma—a dramatic 75-percent increase over the last two decades. Childhood asthma has increased even more dramatically—over 160 percent since 1980—and is the most common childhood chronic disease. It is particularly prevalent among the urban poor, in all likelihood because of lack of access to health care and the high number of allergens in the environment. Asthma deaths have tripled over the past two decades, despite improvements in clinical treatment. In my own state, 5.7 percent of the population, or 542,300 Michiganders suffer from asthma.

The legislation we are introducing today will help us marshal and coordinate our resources to much more effectively wage war against this significant threat to our nation's health. First, the bill creates a $50 million program within the Maternal and Child Health Block Grant program to assist communities in areas with a high prevalence of childhood asthma and a lack of access to medical care to establish treatment centers. In addition to providing medical care on site and in various areas of the community through "breathmobiles," the centers will also provide education to parents, children, health providers and others on recognizing the signs and symptons of asthma, provide medications, and provide training in the use of these medications. The centers will also provide other services, such as smoking cessation programs and home modifications to reduce exposure to allergens.

In order to be eligible to receive grants under this program, applicants will be required to demonstrate that they will coordinate the services they are offering with other federal, state and local programs that may be serving these children and their families. Further, grantees are required to demonstrate that they are getting results and making progress in improving the health status of children in the program.

The bill encourages coordination of services in several other ways. First, it establishes a $5 million matching grant program to encourage states to incorporate asthma prevention and treatment services in their state Child Health Insurance Programs. Second, it makes reducing the prevalence of asthma and asthma-related illnesses among urban populations an explicitly allowable activity under the Preventive Health and Health Services Block Grant program. Third, it requires the director of the National Heart, Lung, and Blood Institute, acting through the National Asthma Education Prevention Program Coordinating Committee, to identify all federal programs that carry out asthma-related activities and develop, in consultation with these agencies and voluntary health organizations, a federal plan for responding to asthma. Finally, it requires the Centers for Disease Control and Prevention to conduct surveillance activities that will help us get a better handle on the prevalence and severity of asthma and the quality of asthma management.

With these provisions in place, I am convinced that we can significantly advance our efforts to reduce the prevalence and severity of asthma in communities across the nation. I encourage you to sign on as a cosponsor and work with Representative WAXMAN and me for the passage of this law.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong support of the Nadley/Crowley/Shays amendment to restore HOPWA funding to its FY99 level—so that AIDS patients are not forced to choose between having a home and having their medication.

In my district alone, 130 fewer homeless and people with AIDS will be served without the amendment.

HOPWA allows communities to design local-based, cost-effective housing programs for people living with AIDS.

It supports patients with rent and mortgage assistance and provides information on low-income housing opportunities.

While basic housing is a necessity for everyone, it is even more critical for people living with AIDS. Many AIDS patients rely on complex medical regimens and have special dietary needs. Lack of a stable housing situation can greatly complicate their treatment.

We must not forget that while medical science has made important advances in treating AIDS, a cure remains elusive. Projections of the number of new cases during FY00 indicate that seven additional jurisdictions may become eligible for HOPWA funding next year. Without the funds in the Nadler/Crowley/Shays amendment, jurisdictions already participating in the program will face even greater cuts in order to accommodate the newly eligible participants.

I urge you to vote for this bipartisan amendment in support of the 75,000 people across the country, in 100 communities, who currently benefit from HOPWA.

TRIBUTE TO VERA LILLARD-YOUNG

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I pay tribute to an outstanding citizen of Indiana's First Congressional District, Mrs. Vera Lillard-Young, of Gary, Indiana. After forty years of dedicated public service, Mrs. Vera Lillard-Young announced her retirement from the Child Welfare Unit of the Lake County Office of the Division of Family and Children on Friday, August 27, 1999. Mrs. Vera Lillard-Young, along with her friends and family, will celebrate her retirement at a reception on September 18, 1999, at St. Timothy's Community Church Fellowship Hall in Gary, Indiana.

Mrs. Vera Lillard-Young has dedicated a substantial portion of her life to the betterment of the people and families of Northwest Indiana. Her distinguished career with the Lake County Division of Family and Children has had a positive impact on our community. For more than forty years, she has served as an important figure within the Division of Family and Children. She has held several positions throughout her tenure, but none as important as Division Manager with the Child Welfare Unit, the position from which she retired in August of this year.

A 1945 graduate of Wendell Phillips High School in Chicago, Mrs. Vera Lillard-Young enrolled as a student at Woodrow Wilson Junior College, which she attended for two years. In 1950, she earned a Bachelor of Science in Biology from De Paul University. Mrs. Vera Lillard-Young continued her education by taking graduate courses at Indiana University Northwest with an emphasis in social work. Additionally, she has attended several social work seminars in Chicago as well as at the University of Georgia.

In 1958, Mrs. Vera Lillard-Young began her career in social work as a caseworker at what was formerly called the Lake County Department of Public Welfare, which is today known as the Lake County Division of Family and Children. She has held several positions while employed with the Lake County Division of Family and Children, including: Caseworker with the Aid to Dependent Children Unit in Hammond, Indiana; Supervisor with the Child Welfare Unit in Hammond, Indiana; Assistant Division Head with the Child Welfare Unit in Hammond, Indiana; Assistant Division Head with the Aid to Families with Dependent Children Unit in Gary, Indiana; Assistant Division Director with the Child Welfare Unit in Gary, Indiana; and Division Manager with the Child Welfare Unit in Gary, Indiana.

After forty years of dedicated service, Mrs. Vera Lillard-Young is retiring as Division Manager with the Child Welfare Unit of the Lake County Division of Family and Children. During her tenure with the Lake County Division of Family and Children, she instituted and organized a foster parent recognition dinner, served on the Corrective Action Committee which initiated new policies and procedures within the Lake County Division of Family and Children, and chaired the foster parent training committee. Additionally, she is an active member of St. Timothy's Community Church.

On this special day, I offer my heartfelt congratulations to Mrs. Vera Lillard-Young. Her large circle of family and friends can be proud of the contributions this prominent individual has made. Her exceptional work with the Lake County Division of Family and Children will be greatly missed. I sincerely wish Mrs. Vera Lillard-Young a long, happy, and productive retirement.

TRIBUTE TO BILL MEDEIROS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a beloved and fondly remembered man. Bill Medeiros, a native of San Benito County, was a longtime rancher and cattleman who embraced the rural lifestyle of the county and helped to shape its image during his life-long residence. Mr. Medeiros passed away in August at the age of 76.

Bill Medeiros was noted for his active interest in the history and traditions of our community. Born and raised in the rural community of San Benito County, he served as the director of the San Benito Saddle Horse Show for 46 years, always embracing and upholding the county's historical traditions. His devotion to maintaining the rural roots of the county was a life-long pursuit of Bill's that was only interrupted by his service in the U.S. Army Air Force during World War II as a pilot in the 389th Bomber Group.

After his heroic tour of duty, including many hazardous missions over Europe, Bill Medeiros returned to his cherished county and his rural lifestyle as a cattleman and rancher. Bill was a member of the San Benito County Cattleman's Association for which he was also elected president.

In the San Benito County, an original cowboy and local hero is lost. My thoughts remain with his family.

HONORING FATHER DAJAD DAVIDIAN

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. CAPUANO. Mr. Speaker, today I rise to pay tribute to one of the most honorable and well-respected individuals in the 8th Congressional District of Massachusetts, Father Dajad Davidian. This past Sunday, September 12, marks the thirty-first anniversary of Father Davidian's arrival to the St. James Armenian Apostolic Church in Watertown, Massachusetts. Sadly, however, it also marked his retirement, and the end of a remarkable career of a man who unselfishly dedicated his life to serving his parishioners and his community.

The son of Rose Davidian, an Armenian Genocide survivor, Father Davidian has been a courageous voice in the Armenian-American community for many decades. For the last thirty years, he has provided his parishioners with strong leadership that has resulted in the church playing an active role in various projects to aid the people of Armenia. During his tenure, the people of St. James have regularly held food drives and other activities that have raised money for the Armenian Relief Fund.

Father Davidian is a man of great tolerance, respect and integrity. His strong conviction to love his fellow man is a model that all should follow. It is a principle that Father Davidian taught wherever he went. Recently, he spoke to students at Watertown High School. The theme was "Respect for Differences Day" and Father Davidian, reflecting on his personal experiences with discrimination, set the tone by telling students to "judge the individual, not the group".

Father Davidian has dedicated his life to helping others discover goodness and the spirit of generosity. He is a man of vision and a man of compassion. The impact of his work has traveled well beyond Watertown and is felt by countless people around the world. His work was truly a labor of love.

Mr. Speaker, it is with tremendous gratitude that I stand before Congress today to honor such a man, and I want to sincerely thank Father Davidian for all his service to the community and wish him the best of luck in his future endeavors.

THE POCKET PARKS PROGRAM IN PARAMOUNT, CALIFORNIA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. HORN. Mr. Speaker, I rise to pay tribute to the City of Paramount, California, and its Pocket Parks Program for winning the U.S. Conference of Mayors' City Livability Awards competition. The program led 17 semifinalists nationwide to win this very prestigious honor, which was presented by Andrew Cuomo, Secretary of Housing and Urban Development.

The Pocket Parks Program is yet another innovative approach that Paramount has taken to improve the quality of life for its residents. In 1996, the City began the program as a way to make unsightly vacant lots into safe, attractive public spaces for residents. These lots are privately owned and located on major boulevards. Not only were the vacant lots eyesores, they posed potential public safety problems.

The City entered into a partnership with the private owners of the lots and assumed responsibility for landscaping the lots. As a result of the Pocket Parks Program, Paramount has increased its park space by two acres at a fraction of what it would have cost to acquire the land for open space. Today, more children in Paramount have safe, well-kept places to play. Residents have more park spaces within walking distance. And Paramount's appearance more closely matches the reality that it is a great place in which to work and live.

The award won by the Pocket Parks Program is simply the latest example of Paramount's innovative, successful efforts to revitalize itself. By forging a partnership with the private sector in the Pocket Parks Program, Paramount showed its willingness to find innovative solutions that do not rely entirely on government. Because of the optimism and hard work of its residents, Paramount has turned itself around in the past two decades. The City Livability Award is well-deserved recognition of Paramount's latest success. I praise the people of Paramount and their progressive City Council and city management.

Trees and parks help make a city. Keep going, Paramount.

CITY OF BERKELEY, CALIFORNIA SHELTER PLUS CARE CURRENT RENEWAL CRISIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Ms. LEE. Mr. Speaker, I want to call to your attention a grave housing situation in my congressional district the 9th of California and all across the Nation. Funding for renewals of the Shelter Plus Care Programs is in a state of crisis, and unfortunately, the fiscal year 2000 Veterans, Housing and Independent Agencies bill does not address this critical funding situation.

By the way of background, the City of Berkeley, which I represent, administers a HUD-supported Shelter Plus Care Program which currently provides permanent, supportive housing to 145 households, involving 105 formerly homeless individuals and 40 formerly homeless families. All of the individuals and families served by this program are disabled, either by severe mental illness (34 percent), chronic substance abuse (23 percent), dually diagnosed (both severe mental illness and chronic substance abuse) and/or by AIDS/HIV-related diseases (5 percent).

The Shelter Plus Care Program has been key in moving these individuals and families from chronic homelessness to self-sufficiency. All of the City of Berkeley's Shelter Plus Care participants are now living in private market housing with a range of needed support services (mental health, primary health care and social services).

The current lack of available McKinney Act funding to renew the City of Berkeley's existing Shelter Plus Care Program threatens these households that have made such significant strides with displacement to homelessness. This result is both unnecessary and potentially a major impact to the more costly emergency and safety net systems of care in the Berkeley and Oakland community.

Let me tell you abut two individuals who are currently participants in the City of Berkeley Shelter Plus Care Program.

Killian is a 54-year-old male veteran who served in the United States Air Force from 1963–67. In the fall of 1989 he was hospitalized in the VA Hospital with severe symptoms of mental illness; he has been seriously disabled and homeless since then. Three years ago, the Shelter Plus Care Program provided him with housing and needed mental health services in the Berkeley community. Killian has achieved a level of stability in terms of both his housing and mental health issues since entering the Program. In his words, "without the Shelter Plus Care Program, I would have been unable to survive."

Glenda is a single mother in recovery who until recently was homeless in Berkeley with her young son. She has been diagnosed with clinical depression, ADD and bulimia. Since entering the Shelter Plus Care Program, she participates in regular case management counseling as well as receiving needed medical follow-up for her health conditions. In her words, "I know that without Shelter Plus Care I would still be on drugs, homeless or dead and my son not with his mother like God intended him to be. Without the services that Shelter Plus Care requires, I would never be where I am today. In September I start school. I need Shelter Plus Care to continue to progress in my life and future."

The positive impact that Shelter Plus Care housing has had on people could be repeated in any other city in the U.S., because it is such a vital and successful program. Mr. Speaker, I hope we can work together in conference to make the expiring Shelter Plus Care projects eligible for renewals from the Section 8 program rather than the current year McKinney appropriation. I also ask that Section 8 be provided with adequate funding to incorporate this request.

AMERICAN ZIONIST FUND BANQUET

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. COYNE. Mr. Speaker, on Sunday, October 10, the Pittsburgh District of the Zionist Organization of America will hold its 54th Annual American Zionist Fund Banquet. The banquet, which is dedicated to the memory of Doctor Norman Cohen, a longstanding supporter of Israel and the Pittsburgh Jewish community, will honor community businessman Jeffrey Markel and Pittsburgh City Council President Bob O'Connor.

Mr. Markel will be honored with the Israel Service Award for his many efforts in support of Zionism. Mr. Markel is currently the chairman of the United Jewish Federation's Partnership 2000 Initiative, which links Jewish communities in the United States with communities in Israel. The Partnership 2000 Initiative works to foster person-to-person contacts and economic development between American and Israeli Jews. Mr. Markel has served the UJF in many other capacities as well. In addition, Mr. Markel serves or has served on the Board of Directors of the Jewish Family and Children's Service, the Board of Directors of the Jewish Telegraphic Agency, the Board of Directors of the American Jewish Information Network, and as a member of the Technical Advisory Board of the Jerusalem One Network, the first computer network to link the major universities in Israel with the Knesset.

Pittsburgh City Council President Bob O'Connor will receive the Natalie E. Novick Community Leadership Award for his many contributions to the Pittsburgh Jewish community and to community life in Pittsburgh. Council President O'Connor is in his second term on Pittsburgh City Council. His service on City Council has been marked by action on transportation issues, public safety, and programs that benefit children. Mr. O'Connor also serves on the Board of Directors of a number of civic and charitable organizations, including St. Francis Central Hospital, the Carnegie Institute, the Pittsburgh Cultural Trust, the Southwest Regional Planning Commission, and the Sudden Infant Death Syndrome Alliance. Mr. O'Connor was a founding member of the Pittsburg Center for Grieving Children. In addition, he was actively involved in the United Jewish Federation's Renaissance Project, which built or renovated a number of Jewish community facilities. And Mr. O'Connor provided substantial assistance to Pittsburgh's Beth Shalom Congregation after a 1997 synagogue fire.

On behalf of my constituents and myself, I want to thank Mr. Markel and City Council President O'Connor for their many contributions to the City of Pittsburgh and Pittsburgh's Jewish community, and I want to congratulate them on their selection as honorees at the 54th Annual American Zionist Fund Banquet.

TRIBUTE TO ISOLINA FERRÉ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Isolina Ferré, an outstanding individual who has devoted her life to serving the poor. Sister Isolina, a Missionary Servant of the Most Blessed Trinity, received the nation's highest civilian honor during a White House ceremony on Wednesday, August 11, 1999. She was awarded the Presidential Medal of Freedom.

Sister Isolina, known as the "Angel of Ponce Beach," was born on September 5, 1914 to one of the most affluent families in Puerto Rico. Raised in a wealthy family, she decided early in life that she wanted to dedicate her life to the less fortunate. She joined the Missionary Servants of the Most Blessed Trinity at age 21 in Philadelphia. After she completed her training, she was assigned to the Appalachian coal mining region of West Virginia and then worked among Portuguese immigrants on Cape Cod, Massachusetts.

In 1957 Sister Isolina went to work at the Doctor White Community Center in Brooklyn, where she offered to be a mediator between African-American and Puerto Rican gangs. For her efforts she received the key to the city of New York from Mayor John Lindsay and the John D. Rockefeller Award for Public Service and Community Revitalization.

Mr. Speaker, Sister Isolina Ferré founded community service centers, clinics and programs to empower the poor in Puerto Rico, New York and Appalachia. She does this through the Centros Sor Isolina Ferré, a group of five community-service centers she has run for 30 years. One U.S. author who wrote about turning around poor, crime-ridden communities called her "Mother Teresa of Puerto Rico."

The Centros Sor Isolina Ferré has 350 employees, five offices throughout Puerto Rico, a postgraduate business and technical school and 40 programs aimed at stemming juvenile delinquency and strengthening families. With government and private funding, it serves more than 10,000 people a year.

The operation is built on Ferré's main principle: Poor communities have many resources they can use to improve their condition, and they can be taught to seek their own solutions and take control of their lives. Staff members teach leadership and strategic planning to people in public-housing projects, in Ponce—

skills used to start businesses and organize community improvements. Through counseling and other services for youth and families, Ferre's group has dramatically reduced the school dropout rate within a public housing project in the San Juan area.

Mr. Speaker, Sister Isolina is the fourth Puerto Rican to receive the award. The others are former Puerto Rico Gov. Luis Muñoz Marin, a founder of the Popular Democratic Party; Anotnia Pantojas, founder of Aspira, an agency known for helping Hispanic youth; and Sister Isolina's brother, former Puerto Rico Gov. Luis A. Ferré, founder of the pro-statehood New Progressive Party.

Sister Isolina attended Fordham University in New York where she earned a bachelor of arts and master's degree in psychology.

Mr. Speaker, I ask my colleagues to join me in commending Sister Isolina Ferré for her outstanding achievements and in wishing her continued success.

TRIBUTE TO CANDY COONERTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a beloved local entrepreneur. Candy Coonerty, co-owner of Bookshop Santa Cruz, died this last July of a stroke at the age of 49.

Candy was more than just a local businesswoman; she provided the community with an eclectic and unique selection of books as well as an environment where local community members could meet and interact. Bookshop Santa Cruz serves as a hub and mainstay of the historic downtown. Candy was also actively involved in the community serving on the board of directors of Friends of the UC Santa Cruz Library and advisory council of the Santa Cruz Hillel Foundation.

Candy Coonerty will be sorely missed and remembered for her presence in the Santa Cruz community as a local hostess and her compassion for literature. My thoughts are with her family.

HONORING MAMA ANNA MKABA, FIRST LADY OF TANZANIA

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. CAPUANO. Mr. Speaker, it is with great pleasure and profound admiration that I rise today to welcome the First Lady of Tanzania, Mama Anna Mkaba, to the United States.

Mrs. Mkaba has gained international recognition for her extensive humanitarian work and efforts on behalf of charitable organizations. She has founded the Equal Opportunities for All Trust Fund (EOTF), a registered, non-profit, non-governmental charitable organization whose mission is to empower women through increased economic and educational opportunity. EOTF is dedicated to fighting and eradicating poverty by providing women, especially rural women, with access to credit, health care, job training, and market education. In addition, EOTF provides a forum for women to exchange ideas, express their concerns, and communicate with a larger network of national and international organizations. EOTF has also initiated a multidisciplinary program, Women in Poverty Eradication (WIPE.)

This week, Mrs. Mkaba is visiting Massachusetts to meet with the Cambridge-based Sabre Foundation, Inc, in an effort to establish a partnership with the Foundation to promote a book donation and distribution project in Tanzania. This project is a testament to Mama Anna Mkaba's relentless desire to further educate and empower the people of Tanzania. With a population of over 30 million, and an increasing number of public and private schools, colleges, and universities, Tanzania is richly endowed with human and natural resources. The initiative between EOTF and the Sabre Foundation will contribute to Tanzania's remarkable intellectual development and will help her nation as it prepares for the 21st century.

Mr. Speaker, I am proud to celebrate Mama Anna Mkaba's achievements and the cooperation of our constituents in her many good works, and I wish Mrs. Mkaba well in all of her future endeavors on behalf of the people of Tanzania.

TRIBUTE TO JOSEPH GOLD

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to honor the memory of Joseph Gold. Thought to have been the oldest living Marine in the country, Joseph Gold passed away at the age of 107 on Wednesday, August 25, 1999, in Tenafly, New Jersey.

In so many respects, Joseph Gold was a genuine American hero. A native of Cleveland, Ohio, he enlisted in the Marines at the onset of World War I and served as a distinguished member of the American Expeditionary Force. As part of one of the first Marine contingents to fight in Europe, Mr. Gold fought in the historic battle of Belleau Woods. It was at this battle in 1918 that he and his American comrades fought through a dense forest and ultimately captured terrain from well entrenched German forces.

Only about 2 months ago, on July 8, 1999, the French Government, in commemoration of the 80th anniversary of the end of World War I, awarded Mr. Gold the French Legion of Honor. This prestigious award, granted to Mr. Gold, was a well deserved tribute to a true American patriot.

I want to express my condolences to the Gold family on the passing of their father, grandfather and great-grandfather. I also want to express my admiration to the Gooney Bird detachment of the U.S. Marine Corps League who arranged to have an honor guard ceremony at Mr. Gold's funeral.

Joseph Gold was an extraordinary person, whose legacy to our Nation is a story of selfless sacrifice and a story that all Americans would do well to remember.

TRIBUTE TO MR. AND MRS. FELTON KILPATRICK OF CULLMAN, ALABAMA

HON. ROBERT E. (BUD) CRAMER JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. CRAMER. Mr. Speaker, on October 6th of this year, a wonderful couple, Mr. and Mrs. Felton Kilpatrick will celebrate their 70th wedding anniversary. In 1929, Mrs. Clara McClellan Kilpatrick and Mr. Felton Kilpatrick exchanged wedding vows to spend a lifetime together.

Now 70 years later, they shine as pillars of matrimony. The Kilpatricks are a loving man and woman who have come together to share their lives, raise a family and prove that family values and selfless commitment still have a place in a world whose fleeting values can be confusing and fastpaced.

Many generations of the Kilpatrick family look up to the remarkable couple as role models on how to live and love successfully.

This tribute is a fitting honor for the Kilpatricks who have shown us that commitments can be honored through seven decades of the trials and tribulations of life.

I commend Mr. and Mrs. Felton Kilpatrick on their happy and strong marriage and I wish them a joyous and special celebration on October 6th with their friends and family.

BROTHER McGINNIS INDUCTED AS PRESIDENT OF LA SALLE UNIVERSITY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. BORSKI. Mr. Speaker, I rise today to announce that Brother Michael J. McGinniss, FSC, Ph.D., will be inducted as La Salle University's 28th President on September 24 at a 3 p.m. ceremony at the University's Hayman Center.

Brother McGinniss was a member of the school's religion department and for the past five years was president of Christian Brothers University in Memphis, TN. He maintained a close connection with La Salle—his alma mater—while serving on the school's Board of Trustees.

McGinniss, 51, grew up in a Philadelphia neighborhood near the university. As a boy, he and his aunt would often ride the Number 26 trolley past College Hall. "She'd tell me that some day I would go to school in that building. I can't help but wonder what she would say about my being president if she were alive today," he said.

He joined the Christian Brothers in 1965 and graduated Maxima Cum Laude from La Salle in 1970 with a degree in English. He obtained his Master's and Ph.D. in theology from the University of Notre Dame.

His first teaching assignment was at the South Hills Catholic High School in Pittsburgh, PA, where he was a member of the English and Religion departments. He returned to La Salle as a visiting instructor in the Graduate Religion program in the summer of 1978. McGinniss has also taught at Washington Theological Union and Loyola University's Summer Institute of Pastoral Studies.

In 1984 he joined the faculty at La Salle on a full-time basis, reaching the rank of full professor in 1993. Recognized by the De La Salle Christian Brothers for his qualities as a leader, he attended La session internationale des études lasalliennes (a program of study of Lasallian spirituality) in Rome. He eventually became Chair of La Salle's Religion Department and in 1992 he received the Lindback Award for Distinguished Teaching.

During his tenure as President of Christian Brothers University, undergraduate enrollment and retention rates increased; a Master's of Education program was established; the Athletic Department joined the NCAA Division II Gulf South Conference; new residence halls were constructed; science labs and facilities were enhanced; engineering departments were reaccredited; information technology systems throughout the campus were upgraded; and the Center for Global Enterprise was founded. He also played a key role in the school's 125th anniversary celebration.

Brother McGinniss also took an active part in the Memphis area community, serving on the boards of the Economic Club of Memphis; National Conference of Christians and Jews, Memphis Chapter; Memphis Brooks Museum of Art; the Memphis Catholic Diocesan Development Committee; and Christian Brothers High School, Memphis, TN.

He has published articles in scholarly journals on many topics, written chapters in religious books and edited six volumes of the Christian Brothers' Spirituality Seminar Series. He has lectured to academic and professional groups on issues related to spirituality, pastoral care, and theology. His processional memberships include Catholic Theological Society of America, American Academy of Religion, and College Theology Society.

It is with great pleasure that I recognize Brother McGinniss today. He is a man who has contributed greatly to many educational institutions and to the communities in which they are located. I would like to extend Brother McGinniss my warmest wishes and congratulations on his induction as President of La Salle University.

TRIBUTE TO LINDA BOURGAIZE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a woman who tirelessly worked to advocate for the rights of special education students and disabled individuals. Ms. Linda Bourgaize passed away on June 15, 1999 in Santa Cruz.

Linda began her career after graduating from San Jose State University as a school psychologist after which she was selected to be the Special Education Local Plan Area Administrator for Santa Cruz and San Benito counties. Ms. Bourgaize devoted herself to ensuring students in these communities had equal access to the best possible special education services. Linda went beyond the scope of her profession with her compassion. Throughout her career she also helped to write numerous legislative proposals to meet the needs and improve the lives of people suffering from disabilities and lobbied for these rights at both state and federal levels.

Ms. Linda Bourgaize will always be fondly remembered and sorely missed for her ardent and passionate contributions to our community and to the Nation in her advocacy for the rights of special education students and disabled individuals. My thoughts remain with her family.

EBENEZER UNITED METHODIST CHURCH CELEBRATES ONE HUNDRED AND SIXTY-ONE YEARS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Ms. NORTON. Mr. Speaker, I ask my colleagues to join me in celebrating the historic Ebenezer United Methodist Church, a beacon of hope and "The Stone of Help." For 161 years, Ebenezer has been a leading church in the Nation's capital. To know something of Ebenezer's history is to understand why the city and the Congress have abundant reasons to celebrate the church's history and its continuing contributions.

The history of Ebenezer United Methodist Church dates back to the beginning of Washington, D.C. In 1805, the meeting place of the Methodist Episcopal Church is known to have been a dwelling located on Greenleaf Point (South Capitol and N Street). The membership consisted of "61 whites and 25 coloreds". In 1807, the congregation moved to Dudley Carroll's barn on New Jersey Avenue, SE. In 1811, services were held in a newly constructed edifice at Fourth Street, SE between South Carolina Avenue and G Street.

This first church built by Methodists in Washington was named the Fourth Street Station. In 1819, the church was renamed Ebenezer, and was later changed to the Fourth Street Methodist Church. At a later date, this Parent Church of Ebenezer Church was relocated to Fifth and Seward Square, SE, where the name was changed to Trinity Methodist Church. On April 30, 1961 Trinity United Methodist Church merged with three other churches to form the Capitol Hill United Methodist Church.

In 1827 the "colored" membership had outgrown the galleries which were reserved for them in the Mother Church. A lot, located at the corner of Fourth and D Streets, SE, was purchased from Rachel and William Prout on April 27, 1838. A small frame church building was erected under the supervision of the pastor of the Mother Church with the assistance of three local preachers. The church was named Little Ebenezer, and Reverend Noah Jones became the first colored pastor in 1864. A private school for colored children was held there, and Reverend H. Henson served as the teacher.

In the District of Columbia, as in other southern areas, education was considered the concern of the individual and not the community. As long as Negroes were a comparatively minor factor in the community, concern over their welfare was not a major consideration of the white population. After the start of the Civil War, the situation changed. Slaves in the District of Columbia were freed in 1962. Between 1860 and 1863, the local Negro population increased about 68 percent. Such an increase could not be ignored by the whole community. For the mutual benefit, private charitable agencies, associations, and individuals, northern and local, white and colored, began to recognize the need of assistance in this situation.

In the Spring of 1864, the first public government sponsored school for colored children in Washington, D.C. was established and housed there. The teachers of the school were Miss Frances W. Perkins, sent by the New England Freedmen's Aid Society of Boston, who taught without pay, and Mrs. Emma V. Brown, a prominent colored worker who was employed by the District Columbia for $400.00 per year. Thirteen months later, because of the increasing student population, the school had to relocate to a new location at Second and C Street, SE and was named the Abraham Lincoln School.

The significant increase in the congregation of Little Ebenezer necessitated the building of a larger church. The second church was planned by the Reverend Tillman Jackson in 1867, and built in 1870 under the pastorship of the pastorship of the Reverend C.G. Keys. Many dedicated pastors followed in this period including the Reverend George T. Pinckney, under whose pastorate the first Annual Conference was held in Ebenezer in 1885. During this period, the term "Little" was dropped from the name of the church. The Ebenezer Colored Station of the Washington Conference Methodist Episcopal Church was incorporated on September 28, 1891 at 2:00 PM.

In 1896, the second church was damaged beyond repair during a severe storm. Reverend Matthew A. Clair, who later became Bishop, developed plans to construct a third church. Reverend John H. Griffin, who succeeded him, undertook the implementation and completion of the new church.

In 1939, when the three branches of Methodism met and formed the Methodist Church, Ebenezer became Ebenezer Methodist Church. In 1968, the Methodist Church and the Evangelical United Brethren Church merged and formed the United Methodist Church. Ebenezer's namer changed to Ebenezer U.M.W. Church. In 1975, the Ebenezer U.M.W. Church was designated a Historical Landmark.

Ebenezer continues to be known for her support of education for Black children and continues to strive to obtain quality education. From October through May, the Work Areas in Education of the church sponsors a tutoring program to help students who are having difficulty with reading and writing. Church school classes for children of all ages and Bible classes for adults are held every Sunday. The

Saturday Concerns Program involves the youth of the church and the community. The church also conducts a Summer Enrichment Program and a Vacation Bible School.

Mr. Speaker, we in the District of Columbia are happy to have the Congress join in recognizing Ebenezer for its many contributions to the Nation's capital.

HONORING TRW

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize exceptional performance by Thompson-Ramo-Wooldridge (TRW). TRW, a leader in the aerospace industry, is also a leader in the minority business community of Southern California.

TRW has been actively involved in the development of minority businesses. They have worked to provide minority businesses broader access to markets and help business owners enhance their marketing, technical, and operational skills for long-term growth and development. TRW has provided guidance and support in an effort to help minority businesses firmly establish themselves in the community.

The Minority Business Enterprise Input Committee (MBEIC) of the Southern California Regional Purchasing Councils, Inc. (SCRPC) recognized TRW's contributions and they have awarded TRW its 1999 Local Corporation of the Year Award. The MBEIC strives to empower minority businesses through corporate driven mentoring alliances to compete successfully in a changing economy.

TRW is a founding member of the SCRPC. Recognizing the importance of minority businesses, they had the vision to help create an organization specifically for expanding business opportunities for minority suppliers and encourage mutually beneficial economic links between minority enterprises and corporate members.

I commend TRW for being a major supporter of programs that encourage the development of minority owned businesses. I congratulate the men and women of TRW on receiving this prestigious award and I wish them continued success.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Mr. CROWLEY. Mr. Chairman, I rise in support of the Weygand-Crowley amendment. I want to especially thank my friend from Rhode Island for his tireless work in support of every American who has dedicated his or her life to our Armed Forces. This language should serve as an unequivocal statement of support by this Chamber for the brave men and women who wore their nation's uniform into battle.

Mr. Chairman, every member of this body respects and deeply appreciates the contributions of our veterans. This institution is the home of many proud war veterans—liberal and conservative; Democrat and Republican.

This issue is not one of partisanship but rather one of dignity.

Veterans may appear like regular people—but they are not. They are an uncommon brand of hero. These people made the conscious decision to put their own life, their hopes, and their future on hold to stand up for the basic principles of their homeland: freedom, liberty, and a proud tradition of justice. They are the men and women of courage and integrity.

I would like to share with my colleagues a story of one of these men of integrity—Mr. Eugene Mozer of Jackson Heights, in my district.

He was a World War II veterans decorated with a Purple Heart after being wounded in battle. He was a patriot. Mr. Mozer personifies the thousands of veterans that live in each of our home communities.

This past February, Mr. Mozer passed away. His wife, Faustina Gobrili, and their son attempted to acquire a Military Honor Guard for his burial service. They believed that an Honor Guard would be a fitting tribute to this man's life—a life he was prepared to sacrifice for this nation.

After contacting the military and explaining the situation, Ms. Gobrili was informed by the military that they, incredulously, could not fulfill her family's request for a military Honor Guard.

Or, Mr. Chairman, I call your attention to the countless other stories of families of deceased veterans contacting the military to request an Honor Guard only to receive a cassette tape of TAPS in the mail.

These are gross indignities to the people who were willing to die for our freedom—for people they would never know, let alone meet.

Mr. Mozer and his family and the thousands of other distinguished veterans and their families deserve a more apt tribute—a tribute that appropriately reflects the gratitude and indebtedness of this nation.

A military Honor Guard at the funeral of a veterans serves as the final salute of a grateful nation. Let us not deny them this final call of respect. I urge you to support this amendment.

TRIBUTE TO SARAH HOLMES BOUTELLE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a woman who with boundless energy and enthusiasm researched and authored an award-winning book and became the world's foremost authority on the renowned architect Julia Morgan. Sarah Holmes Boutelle passed away in Santa Cruz last May at the age of 90.

Born on January 29, 1909 in South Dakota, Sarah was a history teacher and school administrator when she came to Santa Cruz county in 1972 and visited Hearst Castle with her son, Christopher. Upon learning that Julia Morgan was the architect who built San Simeon, Mrs. Boutelle's interest, as a teacher, in female role models led her to seek more information about the renowned architect. Sarah's research on Julia Morgan cumulated in a book that won a California Book Award and Mrs. Boutelle's naming as an honorary member of the American Institute of Architects. Throughout the remainder of her life, Sarah continued to travel extensively, investigating new Julia Morgan material and lecturing.

Sarah Holmes Boutelle was truly a remarkable woman who will be fondly remembered for her energy and enthusiasm as well as her extraordinary effort and contribution to the appreciation of architecture. She will be missed by the many people she touched both personally and through her writing and lectures during her lifetime.

FEDERAL EMPLOYEES HEALTH BENEFITS CHILDREN'S EQUITY ACT OF 1999

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. CUMMINGS. Mr. Speaker, I am pleased to introduce, along with Representatives ELEANOR HOLMES NORTON and CONNIE MORELLA, the "Federal Employees Health Benefits Children's Equity Act of 1999."

The Omnibus Budget Reconciliation Act of 1993 required States to enact legislation requiring employers to enroll a child in an employee's group health plan when a court orders the employee to provide health insurance for the child but the employee fails to do so. The Federal Employee Health Benefits (FEHB) law provided that a Federal employee "may enroll" in a FEHB plan "either as an individual or for self and family" coverage. The law does not allow an employing agency to elect coverage on the employee's behalf. Further, FEHB law generally preempts State law with regard to coverage and benefits. Therefore, a federal agency is unable to ensure that a child is covered in accordance with a court order, even when the same order would ensure coverage for the child if the child's parent were employed by an employer other than the federal government.

To correct this inequity, my proposal would enable the federal government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee. If the affected employee is already enrolled for self-only coverage, the employing agency would be authorized to change the enrollment to self and family. If the affected employee is not enrolled in the FEHB Program, the employing agency would be required to enroll him or her under the standard option of the Service Benefit Plan, Blue Cross Blue Shield.

Finally, the employee would be barred from discontinuing the self and family enrollment as long as the court order remains in effect, the child meets the statutory definition of family member, and the employee cannot show that the child has other insurance.

I am very pleased about the broad constituency that supports my proposal. Among the groups that have offered support for the change are the American Payroll Association, which represents employers, the Center for Law and Social Policy, which represents the rights of indigent parents and several state child support program officials.

I am also pleased to introduce this important legislation during National Payroll Week—September 13–17—and to have the support of those who are key to the wage and medical support withholding process.

Please join me and Representatives ELEANOR HOLMES NORTON and CONNIE MORELLA in cosponsoring this worthwhile measure. It will help our efforts to ensure that our children have access to needed health insurance coverage.

CONGRATULATIONS ON THE NAMING OF THE GLORIA S. WILLIAMS BUILDING AT WILLIAM PATERSON UNIVERSITY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues here in the House of Representatives a very special event which will take place on Tuesday, September 14, 1999. On that date, the campus of New Jersey's William Paterson University will undergo a transformation which, in itself, exemplifies their commitment to their mission of providing quality instruction in an environment of leadership and diversity. This transformation is the renaming of one of the University buildings in honor of a remarkable person, the late Gloria S. Williams. This ceremony marks a truly historic event, the first time that a structure has been named for an African-American on the campus of William Paterson University.

Gloria S. Williams, a native of Newark, excelled throughout her educational career here in New Jersey. She began her quest for knowledge in Newark's public school system and it eventually led her to William Paterson University where she received her Bachelor's degree in Business Administration with a minor in Economics. Throughout her rich life, Gloria S. Williams made certain to place the needs of others before those of herself. This selfless behavior was evident in her decision to share her knowledge and experiences as a teacher in the Paterson School District after her college graduation. Her experiences at William Paterson University was not simply limited to an undergraduate education. As an undergraduate, Gloria was an employee of the University and immediately following graduation she remained with the University as a dorm assistant and summer camp coordinator. After that, her career at William Paterson flourished. Gloria held many important positions including Residence Hall Director, Assistant Registrar, and ultimately she was named Associate Director of the Advisement Center where she was well known for always having on open door. Because of Gloria's rich involvement with others and with William Paterson University, it is a fitting tribute that the University chose to name a building in her honor. Gloria S. Williams was also very active in the church. As a youngster she was a member of St. Luke's A.M.E. Church where her parents, Daisy and O'Donnel Williams, were lifelong members. While living in Wayne, New Jersey, Gloria joined New A.M.E. Zion Church, where she served diligently on the Scholarship Committee. After returning to Newark and joining St. James A.M.E. Church, Gloria realized her ambition to become a religious counselor.

Mr. Speaker, I know my colleagues join me in congratulating William Paterson University as they honor Gloria S. Williams in this way. Her life story embodies all the aspects that educational institutions strive for—determination, diligence and dedication. By naming a building in her honor, William Paterson University will preserve for future generations the admirable legacy of a great woman, Gloria S. Williams.

IN HONOR OF MR. MANUEL MOTA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize a wonderful American, Mr. Manuel "Manny" Rafael Geronimo Mota, for his spirited work with youth, his humanitarian service, and his outstanding accomplishments as a major league baseball player and coach. Through his compassion for others and his infectious enthusiasm for life, Manny has served as a model citizen for all Americans.

Born in Santo Domingo, Dominican Republic on February 13, 1938, Manny Mota grew up loving the game of baseball. Soon, Manny realized that he had a gift for the grand old game. At the tender age of 19, Manny demonstrated a keen eye at the plate when he joined the minor leagues. Within a few years, Manny ascended to the major leagues and soon established himself as a premier hitter.

Manny joined the Los Angeles Dodgers in 1969 and contributed to Dodger success from 1969–1982. As a player for the Dodgers, Manny established the all-time major league record for pinch-hits with 150. Manny batted .304 over his entire 20-year major league career with Montreal, Pittsburgh, San Francisco, and Los Angeles. Manny Mota was selected to the 1973 National League All-Star team and led the league with a .351 batting average at the All-Star Break. When you add his tenure as a coach for the Los Angeles Dodgers, Manny has served the Dodgers for 30 years.

Just as important as Manny Mota's contributions on the field are his contributions off the field. Over a quarter of a century ago, Manny Mota established the Manny Mota International Foundation with the intention of giving youth opportunities to reach their full potential and pursue a quality education. Manny has used baseball as his medium to instruct and motivate Los Angeles youth. The Manny Mota International Foundation awards five $1,000 scholarships to Los Angeles area students each year.

Manny Mota's generosity extends beyond the borders of the United States. Manny has worked hard to raise money to build a medical clinic, baseball field, and school in the Dominican Republic. Manny Mota was at the forefront of relief efforts when natural disasters devastated the Dominican Republic, Central America, and other regions of Latin America. Repeatedly, Manny demonstrates that he does not forget his roots, as he swiftly extends aid to those who are disadvantaged.

Manny has also served as a loving caretaker of a successfully family. He resides with his wife Margarita in Glendale and is the proud father of eight children: Cecilia, Jose, Andres, Domingo, Manuel, Maria, Rafael, and Antonio. His wife and children remain active in foundation activities and embrace the same commitment to public service that has inspired Manny to share his gifts with others.

Just as Manny so often delivered "in the pinch" at the plate, so has he delivered "in the pinch" in life. Mr. Speaker, family and friends of Manny Mota gathered at the California Plaza Watercourt in Downtown Los Angeles, California on Saturday, August 28, 1999 to celebrate the 30th anniversary of his association with the Los Angeles Dodgers, it is with great pride that I ask my colleagues to join me today in saluting this exceptional man.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Mr. MALONEY of Connecticut. Mr. Chairman, I rise to express my concern about the deep cuts in the Veterans Administration-Housing and Urban Development annual (VA/HUD) appropriations bill for Fiscal Year 2000. This legislation not only substantially slashes funds for programs that have enhanced economic development and improved housing in Connecticut and the 5th Congressional District, but also guts many of our important NASA science programs. My support for the VA/HUD Appropriations bill is conditioned on a conference agreement which restores funding for HUD, the Veterans Administration and NASA.

If allowed to stand, the cuts to HUD programs will have a significant impact on the State of Connecticut and on my own congressional district, affecting both economic development initiatives and a variety of housing services. The Republican budget cutters have dug deep into initiatives that have proven track records of success. There is simply no reason to reduce our efforts to provide economic development for our towns and cities in the form of Brownfields monies and Community Development Block Grants (CDBG) funds. By doing so, we will set our communities and our economies backwards, rather than spur them forward.

The VA/HUD Appropriations legislation also slashes funding for key NASA science programs. This shortsighted action jeopardizes our country's leadership in space. Unless NASA funding is restored, this legislation should not pass Congress.

My colleagues, I support the VA/HUD Fiscal Year 2000 Appropriations in the House because it restores badly needed funds for the Veterans Administration. I urge all of you to join me in working to reverse the housing, CDBG, economic development and NASA cuts in this bill. If this important funding is not restored, I will oppose the House-Senate conference agreement on the final version of the bill. I urge you to do the same.

PERSONAL EXPLANATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. KINGSTON. Mr. Speaker, due to notifications from the Federal Emergency Management Agency that hurricane "Floyd" is likely to hit my district within 48 hours, I will not be able to be present and voting this evening and tomorrow. Hurricane "Floyd" is currently a category 4 storm and gaining strength as it approaches the Southeast coast. I will remain in my district to assist constituents and my family with pending evacuation and mitigation plans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 14, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

9:30 a.m.
Rules and Administration
Business meeting to markup proposed legislation authorizing expenditures for the period October 1, 1999 through February 28, 2001 by standing, select, and special committees of the Senate.
SR-301

Indian Affairs
To hold oversight hearings on the issue of the Indian Self-Determination and Education Assistance Act and tribal contract support cost.
SR-485

10 a.m.
Energy and Natural Resources
To hold hearings on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior; the nomination of Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior; and the nomination of Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.
SD-366

Governmental Affairs
To hold hearings on the nomination of Sally Katzen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.
SD-628

Judiciary
To hold hearings to examine certain clemency issues for members of the Armed Forces of National Liberation.
SD-226

Finance
To hold hearings on the nomination of James G. Huse, Jr., of Maryland, to be Inspector General, Social Security Administration; and the nomination of Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.
SD-215

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on how telemedicine technologies are impacting rural health care.
SR-253

SEPTEMBER 16

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on the practices and operations of the securities day trading industry.
SD-628

10 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine issues relating to children's health.
SD-430

Judiciary
Business meeting to markup S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD-226

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings on the annual report of the Postmaster General.
SD-628

Judiciary
Youth Violence Subcommittee
To hold oversight hearings on activities of the Office of Justice Program and to examine a proposed reorganization plan.
SD-226

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on the Administration's Northwest Forest Plan.
SD-366

Foreign Relations
To hold hearings on foreign missile developments and the ballistic missile threat to the United States through 2015.
SD-419

SEPTEMBER 21

9 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings on counterinsurgency vs. counter-narcotics issues in regards to Colombia.
SH-216

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on issues relating to hybrid pension plans.
SD-430

SEPTEMBER 22

9:30 a.m.
Indian Affairs
To hold hearings on Indian trust fund reform.
SR-485

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SEPTEMBER 29

9:30 a.m.

Indian Affairs

To hold hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes.

SR-485

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.

SD-366

SEPTEMBER 30

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.

SD-366

OCTOBER 6

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR-485

POSTPONEMENTS

SEPTEMBER 15

2 p.m.

Judiciary

Immigration Subcommittee

To hold hearings on Immigration and Naturalization Service reform issues.

SD-226

SENATE—*Tuesday, September 14, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Father Paul Lavin, pastor of St. Joseph's on Capitol Hill, Washington, DC, will now offer the prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In Psalm 113 we hear David sing:

Praise you servants of the Lord praise
the name of the Lord
Blessed be the name of the Lord both
now and forever.
From the rising to the setting of the
sun is the name of the Lord to be
praised.
High above all nations is the Lord,
above the heavens is his glory
Who is like the Lord, Our God, who is
enthroned on high
and looks upon the heavens and the
earth below?
He raises up the lowly from the dust;
from the dunghill he lifts up the
poor
To seat them with princes, with the
princes of his own people.

Let us pray:

Almighty God, we give You thanks for the many and varied ways You have blessed the men and women who serve in the Senate. We ask now, Lord, that they may do Your will in all things and so remain close to You.

Lord, Your presence is found where unity and love prevail; grant that they may strive to work together in harmony and peace.

We acknowledge that God is the strength and protector of his people; grant, Lord, to the Members of the Senate the strength and courage they need to serve the people of the United States.

We ask this through Christ, our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LARRY CRAIG, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Washington.

SCHEDULE

Mr. GORTON. Mr. President, today the Senate will immediately resume consideration of the second-degree Bryan-Wyden amendment regarding the Forest Service budget. By agreement, a vote on or in relation to that amendment will take place at 10:30 a.m. Further amendments to the Interior appropriations bill are expected throughout today's session. Senators, therefore, can expect votes throughout the day in anticipation of completing action on the bill. It is expected that the Senate will have approximately 2 hours of debate on S.J. Res. 33, with a vote on final passage during today's session, with the time to be determined by the two leaders.

For the remainder of the week, the Senate is expected to begin consideration of the Transportation appropriations bill.

INTERIOR APPROPRIATIONS

Mr. GORTON. Mr. President, I just read a text that was submitted to me. I am going to offer what I hope is a slight correction to that for the benefit of all Senators. I believe, as manager of the bill, it is highly possible there are only two other unresolved matters in connection with the Interior appropriations bill. One is, of course, this Bryan-Wyden amendment that will be voted on in about 1 hour. The other is cloture on the Hutchison amendment. There was a vote on that cloture last night. It failed, but it seemed to have failed primarily by reason of absent Senators. The majority leader moved to reconsider and, of course, can bring up that motion at any time.

As manager of the bill, I do not know of any other amendments that will require rollcall votes. It does not mean there might not be one or two, but I do not know of any others. We now have two managers' amendments ready: one dealing with legislative matters and one dealing with money matters, but I hope we will have settled all other outstanding issues in connection with the bill. In any event, if there are Senators who wish to bring up amendments that they reserved way back in August with respect to the bill that are not settled in these two managers' amendments, I certainly urge them to come to the floor and to be prepared to present them immediately after the 10:30 vote on the Bryan-Wyden second-degree amendment.

With that, Mr. President, I see Senator WYDEN present, I see Senator CRAIG present, and so we are ready for debate.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2466, which the clerk will report.

The bill clerk (Mary Anne Clarkson) read as follows:

> A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

> Gorton amendment No. 1359, of a technical nature.
>
> Hutchison amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.
>
> Bryan amendment No. 1588, to make available certain funds, by reducing the subsidy for the below-cost timber program administered by the Forest Service and for the construction of logging roads in national forests, for other Forest Service programs including road maintenance, wildlife and fish habitat management, and for threatened, endangered, and sensitive species habitat management.
>
> Bryan/Wyden amendment No. 1623 (to amendment No. 1588), to make available certain funds for survey and manage requirements of the Northwest Forest Plan Record of Decision.

AMENDMENT NO. 1623

The PRESIDING OFFICER. Under the previous order, the question is now on amendment 1623 on which there shall be 1 hour of debate which will be equally divided.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair. I would like to take just a few minutes now to speak on behalf of the Bryan-Fitzgerald-Wyden amendment and try to offer up to colleagues on both sides of the aisle why Senator BRYAN, Senator FITZGERALD, and I are trying to incorporate some of the important thinking that has been done by the chairman of the Interior Subcommittee, Senator GORTON, as well as the work with respect to forestry done on the floor of the Senate over the last few days by Senator ROBB of Virginia. It seems to me that Senator GORTON, as well as Senator ROBB, are making extremely important points. What Senator BRYAN, Senator FITZGERALD, and I are trying to do is build on the work done by both of our colleagues.

For example, I think Senator GORTON and Senator CRAIG are absolutely right in terms of saying that the Forest Service has lacked direction, particularly as it relates to the Pacific Northwest. They have known at the Forest

Service for many months that they had to comply with each of these survey and management requirements. The Forest Service dawdled and dragged its feet. It has been literally flailing around in the woods.

I think Senator GORTON and Senator CRAIG have been absolutely right that there has been a lack of accountability and a lack of oversight with respect to the Forest Service.

At the same time, I think Senator ROBB has also been correct in terms of saying we can't just throw the environmental laws in the trash can because a Federal agency messes up. You can't just set aside the environmental laws of the United States because a Federal agency, in this case the Forest Service, has not done its job. You have to figure out a way to put this agency and this program back on track.

What the Bryan-Fitzgerald-Wyden amendment seeks to do is to get the Forest Service on track by building on some of the important work done by Senator GORTON and Senator CRAIG, as well as focusing on the environmental principles pursued by Senator ROBB.

One of the reasons I so strongly support the Bryan-Fitzgerald-Wyden amendment is we have seen in past years that throwing money at the timber sale program does not make things better. Each year, since 1996, this Congress has authorized more money for the timber sale program than the administration has asked for. So we have, in effect, shoveled more money out the door for the timber sale program.

The fact of the matter is, in spite of the fact the Congress keeps spending more money on the timber sale program, the problems in these rural communities, particularly the rural West —and these are economic and environmental problems—keep getting worse. So the notion that throwing money at the timber sale program is going to solve these problems is simply not correct. The Congress has continued to spend money. The problems are getting worse, both from an economic and an environmental standpoint. And that is the bottom line.

So what Senator BRYAN and Senator FITZGERALD and I are seeking to do is to link the money that the Forest Service needs for these important programs—not just in Oregon but across the country—to a new focus on accountability.

What our legislation does is earmark resources for the important environmental work that needs to be done and at the same time places a stringent timetable on the completion of the important environmental work. So, in effect, we have a chance to do some good by getting the environmental work done while at the same time helping timber workers and environmental concerns addressed in a responsible fashion.

We do direct additional funds for the survey and management program so we can have the protocols for the species that currently lack this data, but we do it in a way that brings new accountability. This is the first time on the floor of the Senate that we have tried to take this program, which has been so mismanaged by the Forest Service, and put in place some real accountability.

This is not the old days of just throwing money at problems. This is a new approach, a fresh and creative approach, that Senators BRYAN, FITZGERALD, and I are trying to offer which will ensure that not just in the Northwest but across the country there will be the funds that are needed for the timber sale program, but at the same time we are going to have a real process to watchdog the Forest Service to make sure they actually get the work done.

With respect to the problems that have shut down the forests in the Pacific Northwest, our amendment requires that the survey and management draft, the environmental impact statement would be completed by November 15 of this year. The final version of that impact statement would be published by February 14 of 2000.

So this gives us a chance, I say to my colleagues, to make sure the work that was promised actually gets done. We fund the timber sale program at the levels called for by the administration. We have a chance to learn from years past that just throwing money at the timber sale program does not solve things.

I hope our colleagues will realize that this bipartisan approach is a chance to solve problems, which is vitally important to rural communities not just in the West but across the country, while at the same time honoring the important environmental obligations this Congress has set out for the Forest Service and other agencies.

I do hope that however colleagues voted on the Robb amendment, whatever they think with respect to the original language proposed by Senator GORTON, they will look anew at the Bryan-Fitzgerald-Wyden amendment because what we are seeking to do is build on the important principles embodied behind both of those positions.

My two colleagues are here from the Northwest, the distinguished chairman of the subcommittee, Senator GORTON, and the chairman of the committee on which I serve, Senator CRAIG. They are absolutely right; the Forest Service has lacked direction. Under the Bryan-Fitzgerald-Wyden amendment, we put in place that direction and real accountability.

For those who voted for the Robb amendment earlier, and want to make sure environmental laws are respected and honored, we keep in place the notion that you do not throw those laws into the garbage can on appropriations bills.

So I am hopeful my colleagues will support this on a bipartisan basis. I particularly thank the original sponsor of the legislation, Senator BRYAN. He has done yeoman work to try to put in place a bipartisan coalition. I hope this proposal will be attractive to my colleagues of both political parties.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, good morning.

I am not quite sure I know, for all of the Senators who are listening this morning or who will be asked to vote in about 45 minutes, how to capture the essence of this amendment—the first-degree and second-degree amendments—brought to us by the Senator from Nevada and the Senator from Oregon.

I guess the best way to do that is to kind of take a snapshot back to 1989 and 1990 when this country had a vibrant forest products industry and a green sale program on the forested lands, the forested public lands of our Nation.

I would be the first to tell you, as I have said over the years, that at that time we were probably managing a level of cut on our public lands that was not sustainable. But it was at that time that the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, and the Clean Water Act began to take effect on those lands. We saw some very dramatic reductions in logging.

Here is an example of the kind of reductions we have seen since 1989. The Senator from Oregon just spoke. In his State alone, 111 mills and 11,600 jobs. The Forest Service, by its action, in response to public policy shaped by the Senate, and interpreted by the courts of this country, caused this to happen by disallowing the availability of public saw logs to 111 mills.

My State of Idaho: 17 mills, 770 jobs. That is a comparable impact because of the number of mills.

I spoke yesterday about my community of Midvale—45 jobs in a 300-person community, a big impact. But that mill is gone, torn down, sent to Brazil to cut down the rain forest.

Literally this mill right here, Grangeville, ID, closed for lack of timber, lack of public timber, lack of public timber by public policy, not for the lack of growth of trees on the Nezperce Forest, torn down and sent to Brazil to cut rain forest trees.

We have struggled for a decade to try to transform public policy to meet the environmental sensitivity that all of us want the Forest Service to meet. The chairman of the appropriations subcommittee, Senator GORTON, has constantly worked where he could through the appropriations process to shape that new policy.

We have now reduced the allowable cut on the public forests of our country, from 1990 to today, by 70 percent, a precipitous drop. In other words, if that were the auto industry, GM and Chrysler would no longer exist. They would be gone. Their plants would be torn down and their people would be strewn across the landscape looking for a new job. But it wasn't the auto industry, it was the forest products industry. We have recognized that and tried to reshape it to meet the environmental standards all of us want our Forest Service to adhere to, but also to wring the politics out of it.

So there has been a 70-percent decline in logging for timber harvest since 1990; 140,000 people were employed in that industry in 1990; there are 55,000 today. Think of that tremendous flip-flop. Many of those folks don't have jobs yet. When you come to the public lands-dependent communities and counties of the West and some places in the South and Southeast, the unemployment today is not nearly at full employment as are most of our urban communities. It is at 16 and 17-percent unemployment. These are former loggers, men and women who made their jobs in the logging industry—not cutting trees, but working in sawmills and selling the product.

So that is a snapshot of time. That has all happened since about 1989 to 1999. In less than a decade, we have seen the collapse of the forest product industry of this country, all in the name of the environment, while we are still growing more trees now than ever in the history of our country. We are growing more trees now than when European man came to this continent. Our forests, in some instances, are more healthy today, and in other areas they are devastatingly old, with 30 to 40 percent dead and dying. They create phenomenal fire potential situations when the climate goes dry, as they do in the Great Basin West about every 6 years. Yet we have Senators who come to the floor and want to reduce the 70-percent reduction again and again and again. That is exactly the intent of the amendment by the Senator from Nevada.

So I scratch my head most sincerely, and ask why. It can't be because we haven't reduced the program. It can't be because we are trying to build environmental sensitivity and shape timber sales so they are much different than they were a decade ago. It must be because the national environmental movement—and the Sierra Club is the best example—in a national policy shaped 3 years ago, said: zero cut of trees on public lands. We don't want to see another tree cut.

Somehow, other Senators seem to want to echo that and bring it to the floor. I have to believe that is the driving impetus behind this amendment. I know of no other reason—at least I can't come up with a good one—when you look at the history and recognize what the Forest Service has done. The Senator from Oregon and I are working together to shape policy. The Forest Service has lost its direction. It tried to deal with the National Endangered Species Act and National Environmental Policy Act, and as it tried to amalgamate these into the National Forest Planning Act and the national forest plans under which the forest operates. The courts have stepped in time and time again and said, no, you can't do it that way. The reason is that environmental groups have filed lawsuits. We have allowed the courts to become the managers of our public forested lands, not the U.S. Senate.

You and I were elected to shape public policy. The chairman of the Appropriations Interior Subcommittee is working to do that. The legislation we have here, which dramatically reduces the overall programs in spending, is to do that. Some instructive words are in there. Even the amendment here, while it is argued to do something different, actually goes out on the land to improve existing roads and make them more environmentally sound.

Now, it would be argued by some that these are going to be brand new roads out through a pristine forest. That is really not true in about 99 percent of the cases because the Forest Service is not opening up new land. They are going back now in the States of Oregon, Washington, and Idaho and recutting old land. So they are taking old roads and improving them and putting in culverts and graveling them and making them more environmentally sound so you don't get sediment creating runoff into the streams and damaging the fisheries. Ninety percent of the very money the Senator from Nevada wants to take out of this bill will go to that kind of reconstruction of the roads.

Those are the facts. As chairman of the Subcommittee on Forests and Public Land Management, in the last 3 years, we have held 45 hearings on the U.S. Forest Service. We turned it upside down and we shook to try to figure out why it was the most dysfunctional agency of the Federal Government. Here is part of the reason why: Because the Congress of the United States, over the last two decades of shaping public policy, didn't blend the policy together and it collided, which caused the Forest Service, in large part, to crash because of lawsuits and very dedicated environmental groups who really do want to shut public timber cutting down.

For the first time, yesterday, the Senator from Pennsylvania spoke on this. You would not expect Pennsylvania to be involved in this debate. Yet they have National Forest lands, hard wood lands. They have the same problem. Now lawsuits are being filed there to disallow the cut of red cherry and other woods that are critical to the furniture industry and to about four counties in Pennsylvania. This amendment affects every State in the United States that has a National Forest so designated within its boundaries. In some form, it will impact every one of those States.

The second-degree amendment is simply to shift over a little over one-third of the $34 million that is taken out of the program by the amendment of the Senator from Nevada to do research. The Senator from Oregon will argue that it expedites an agenda. I am confident it doesn't because the Forest Service simply can't move that quickly. If they did, they would probably be sued and shut down again.

So we can argue on the floor, and we will vote; and it will be a vote on politics a lot more than on policy or substance, tragically enough. I hope the Senate will stand up and say, no, we have reduced the timber sales in the United States by 70 percent, and that is enough. We have to cut some for health reasons, to clean our forest floors, for our stewardship programs, for salvage purposes, get rid of the dead and dying in the bug-infested forests that oftentimes breed the kind of death that when the drought cycle comes and creates the catastrophic fires we have seen through the Great Basin, in New Mexico and Arizona, which we will see once again. This is what is at issue today.

I hope the Senate will agree with the chairman of the subcommittee, who spent a great deal of time with those of us who are committed to shaping public policy on these most critical public land issues. I believe that is the substance of the amendments at hand. I know of no other way to tell about it or to understand it. So if you want to keep ratcheting down the cut to a zero amount on our public lands, then you want to vote for Bryan-Wyden because that is their answer. If you do that, we will still build homes, but we will import that lumber from Canada and Brazil's rain forests and from Argentina and Venezuela and all the other areas and even Norway, strangely enough, but it will not be cut here. Hundreds of communities across this country will die because they are dying now. It is just that we haven't gone to their funerals yet. The rest of these mills will close, and this country will not have something it ought to have, which is a balanced, multiple-use, environmentally sound stewardship program for its public lands, which includes some tree cutting where necessary and appropriate.

I retain the remainder of our time.

Mr. FITZGERALD addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I am proud to rise in support of the

Bryan amendment. In fact, I would like to tell the body that I am a cosponsor of this amendment, the Bryan-Fitzgerald amendment. It is going to be second degreed with Senator WYDEN's amendment. I continue to support the bill. I think it is a reasonable, moderate approach. I have great respect for my colleague from Idaho, Senator CRAIG, and I am very impressed by his concern for his State and the Forest Service, for his knowledge of the area, and for the jobs that are in the timber industry in this country. But I think it is important to notice that this is a very moderate amendment.

It does not end timber sales in this country. In fact, it simply cuts back an increase that the Appropriations Committee added to the Forest Service's Timber Sales Management Program—an increase that went $32 million beyond what the Forest Service chief requested, what the administration requested.

This bill simply funds the Timber Sales Management Program at the very same amount that the Forest Service has requested.

With all due respect, I have to say that many of the horror stories we heard on the floor last night and this morning about what effect this would have on timber sales and logging in this country are not true. It is also a very fiscally conservative approach. Of the $32 million that the Appropriations Committee gave to the Forest Service budget beyond what the Forest Service requested, we are going to apply $10 million to reduce our national debt—to pay down that important debt we are trying to eliminate over time. The rest of it we are applying for other important priorities such as restoring cuts in the fish and wildlife program that were used to, in fact, fund this increase.

People might ask why do we need this amendment? In my judgment, increasing the timber sales management budget can't be justified either on economic grounds or on environmental grounds.

First, if I could speak for a moment on the economic grounds, there have been a variety of studies over the recent years that have been very critical of the country's Timber Sales Management Program. All of the different reports have suggested that the program loses money. There have been different studies. Some have suggested—in fact, the Forest Service itself, I believe, estimated its loss in fiscal year 1997 at $889 million. But other estimates by other people using different accounting methods have suggested that the true net cash loss to the taxpayers could be as much as $1.3 billion in fiscal year 1997. You get different amounts depending on which type of accounting you would use to estimate the loss from the timber sales in this country. But whatever the true number is, there is widespread agreement that the program loses money and that it is a drain on the taxpayers.

I have to ask why would we want to put more money into a program that by everybody's measure loses money for the taxpayers? It doesn't seem to make sense economically. Also, environmentally there are many arguments that appropriate management of our national forests and appropriate targeted cuts may actually have a beneficial effect over time.

I have talked on several occasions to Senator CRAIG. I know he believes strongly that the management of our forests is environmentally sound. I would simply point out we are not curtailing all timber sales. We are preserving the status quo in timber sales in this country. This amendment does not go so far as to end timber sales. It funds them at roughly the same level they were funded last year. But we are not going to increase it.

Obviously, from an environmental standpoint, the timber sales in this country are very controversial, particularly where you have an old-growth forest. Forests once cut come back. They grow back. But they never quite grow back in the same way in the same original pristine state that they once were.

Over the August recess, I had the occasion to vacation in northern Wisconsin, in an area that was in the middle of a State forest in Wisconsin. That whole area, as I understood it from reading the history of the region, was completely clearcut in the late 1890s. In the intervening 100 years, the forest has grown back. But I read a study of the forest which showed that it didn't come back in the same way. There were different trees that came back. In fact, some of the more valuable trees were not favored in that regrowth process.

Once a pure pristine forest is cut, it can never be regained in the beautiful form that it once was. Since those pristine areas in this country are fewer and fewer now as we enter the third millennium, don't we want to think about how much we want to expand the cutting of our national forests?

Finally, one of the points I make is that timber sales from timber harvested in our national forests represent only a small portion of our Nation's timber supply. In fact, I am told—I have seen estimates—that as low as 3.3 percent of our timber comes from national forests. We are in no way dependent on those national forests in order to meet our timber needs in this country. In any case, this amendment does not cut that amount, whatever it is; it says we are not going to expand it.

In sum, I think this is a very well balanced, moderate, measured amendment. I compliment Senator BRYAN, my colleague, and also Senator WYDEN for their work on this.

I am proud to support this amendment. I support it with wholehearted enthusiasm. While I cannot claim to have the extent of beautiful national forests in my great State of Illinois that some of my colleagues from the West may have, we have the Shawnee National Forest in southern Illinois. It is one of the most beautiful parts of our State. It is something that is of concern to people right in my State—and that we have jobs in that area down in southern Illinois.

I very much enjoyed spending 5 days with my family in the Shawnee National Forest about a year or so ago.

I am hoping we can go forward into the 21st century finding a way to make sure we have an ample supply of timber in this country but at the same time preserving some of the pristine natural areas in this country—that we don't go too far in either direction.

This is a very well-balanced amendment. I am pleased to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in fiscal year 1990, the Forest Service sold 11 billion board feet of timber for harvest and for productive use. For the last 2 years, we have authorized through our appropriations 3.6 billion board feet of harvest. The administration proposed in its budget for this year 3.2 billion, a further reduction, and a reduction from 1990 of 71 percent, as my colleague from Idaho pointed out.

Peculiarly, or interestingly enough, the Forest Service in its actual National Forest Land Management Plan allows for a harvest of about twice this amount. It is only the appropriations level recommended by the administration, and for that matter by this Congress, that has the level almost 50 percent below what the Forest Service plans say is both economically and environmentally sustainable.

That is the first peculiar argument.

Second, the committee bill does not increase the allowable harvest. It simply allows the same harvest for next year that appropriations bills passed overwhelmingly by this body and signed by the President have permitted for the course of the last 2 years.

The question is whether or not we should continue to move toward no harvest at all, as many of the national environmental organizations recommend, or whether we should consider continuing the relatively modest harvests that were promised by this President and this administration at the beginning of his Presidency, most particularly in the Pacific Northwest.

The Senator from Idaho pointed out that this is not exclusively a Northwest issue; that it applies to forests in other parts of the country, including the hardwood forests in the Northeast.

The original Bryan amendment distributes this money relatively widely—

a fairly small percentage of the overall Interior appropriations bill—including a modest amount which simply is not to be spent at all and will go to the national debt. Most of that modest amount, however, is taken up and spent by the Wyden second-degree amendment that is to be directed at surveys of various species in the forests of the Pacific Northwest.

About those surveys, the Oregonian wrote an editorial 3 days ago. Three paragraphs of that editorial read as follows:

> Maybe now it is finally clear to the Clinton administration that it is fiscally and practically impossible to count every slug, every lichen, every salamander that lives on every timber sale on public forest land in the Northwest.
>
> The surveys of rare species of animals and plants required in the Northwest Forest Plan are "technically impossible" and "preposterous," in the words of the Society of American Foresters, a professional group holding its national convention in Portland this week. . .
>
> Intentional or not, the survey requirement inserted into the Northwest Forest Plan has proven to be a poison pill—a way to block all logging and prevent the plan from working as it was designed.

That is the end of my quote from that editorial.

The Wyden second-degree amendment wastes $10 million. It literally wastes $10 million on surveys that are "impossible" according to the newspaper, "preposterous" according to the Society of American Farmers, and "a poison pill" for any timber sales whatever.

Estimates made during the course of a debate last week on carrying out all of these surveys were somewhere between $5 billion and $9 billion—not the $10 million that is included in this amendment. In other words, we are being asked by this amendment simply to throw away $10 million on useless surveys and at the same time to reduce further a timber sale program, a harvest, that is approximately half of what the Clinton Forest Service and its forest plans has said is environmentally and economically appropriate in the forests of the United States.

There is no rational ground for either the first-degree amendment or the second-degree amendment, except for the proposition that we wish to drive as quickly as we possibly can to a situation in which there is no longer any harvest of timber products on the national forests or, for that matter, all of the public lands of the United States. That is a conclusion and a goal that is economically unsound, environmentally unsound in the United States, bad for our balanced payments, and bad for the management of forests and the rest of the world whose products would be substituted for our own if that goal were reached.

I trust that sound judgment and wisdom will prevail and that both of these amendments will be rejected.

I want to point out once again that the committee report, the Appropriations Committee bill that is before the Senate, does not increase timber harvests on public lands of the United States. It retains exactly the level they were authorized for in the current year by the current appropriations bill, a level that the Senator from Idaho, I, and the junior Senator from Oregon believe already to be unwisely low.

We did not come here with a controversial point of view; we came here with essentially a freeze. We ask our colleagues to support the committee in that connection.

Mr. ENZI. Mr. President, I rise in opposition to the amendment introduced by the Senior Senator from Nevada, that would drastically cut funding for our schools and rural communities. Over the past ten years the federal timber sale program has already declined by more than 70 percent to an all-time, post World War II low. This rapid decline has brought with it severe economic instability to resource dependent communities in rural America.

The most visible victims have been rural schools who were dependent on their share of the 25% payments they received from the proceeds of timber sales to fund such programs as, school lunches, nurses, computers for the classrooms, and just about any extracurricular activity that you now see vanishing from America's education system. Some school districts have been forced to cut back to 4-day weeks, others have been forced to lay off teachers, and others have dropped courses, all in attempts to survive within diminishing budgets.

This instability has also impacted the rest of the community. Increased unemployment has resulted in an increase in domestic violence, family dislocation, substance abuse, and increased welfare rolls in rural counties in all regions of the country. More and more families and communities have been driven to live near or below the poverty level.

Many local communities, however, have begun working with their local Forest Service offices to restore economic equilibrium. They have joined with local environmentalists, local governments and industries to form coalitions that they hope can help save their schools while maintaining or improving the forest ecosystems in which they live. And yet, as quickly as they rebuild, new attacks come to reduce or eliminate funding for the federal timber sale program. These attacks are based on the concept that federal timber sales are below-cost and economic boondoggles for the federal treasury.

As a former accountant, I would like us to take a moment to look at this program and to evaluate exactly what is going on with our Federal Timber Sale program.

The first question we have to ask is: Does the federal timber sale program constitute a subsidy for the forest products industry, or in other words, is the price paid for federal timber below its actual market value?

If federal timber contractors were to receive a special benefit and pay less money for the timber they harvest on federal lands, then we could say that there is a subsidy. However, Federal timber is sold by means of a competitive bid system. As a result, these auction sales are the most likely of any type of commercial transaction to generate the returns that meet or exceed market value. Because timber sales are designed to generate market value prices, we therefore must conclude that there is no subsidy.

Furthermore, the forest products industry has been able to demonstrate time and time again that the benefits gained by the public through the Federal timber sale program far outweigh the costs to the Federal treasury.

Only twice in the history of the Federal Timber sale program has the Forest Service reported that the costs of operating the program has exceeded revenues, in the years 1996 and 1997. This sudden loss of revenues, however, has not occurred because timber sales are not profitable.

A quick breakdown of the timber sale program shows that commercial sales still generate a profit for the federal government. The Forest Products industry is still paying its share.

What has changed is the focus within the Forest Service to implement an increased number of what is called stewardship sales, or timber sales designed to improve forest health without necessarily harvesting merchantable timber. These sales are not, and never have been intended to make a profit.

Because of this increased emphasis on stewardship, there is now virtually no such thing as a purely commercial timber sale on our National Forests. Almost every timber sale released by the United States Forest Service now includes some form of stewardship element that is intended solely for the purpose of improving the health and fire resilience of our National Forests. In a sense we now have timber companies paying for the privilege of improving forest health. As a result, our national timber sale program continues to be the single most effective tool of the United States Forest Service for restoring health to our national forests. And our national forests desperately need help.

According the Forest Service's own records, more than 40 million acres of our national forest system currently exist under an extreme threat of destruction by catastrophic wildfire. An additional 26 million acres suffer from threat of destruction as a result of disease and insect infestation. Without the National Timber Sale program to thin out these forests and drastically reduce the amount of combustible fuels accumulating in our national forests I can guarantee you that when these forests burn, not if they burn, but when they burn, habitat will be destroyed, animals will be killed, water tables will be decimated, jobs will be lost, and more communities have to suffer the pains of rebuilding after another economic loss.

Mr. President, it does not make sense to take money from our nation's most effective forest restoration program just to give it to another forest restoration program. The Timber Sale Program is currently funded at a level very close to last year—an appropriate figure as we work to restore equilibrium in rural economies.

This bill, however, does not ignore the other restoration programs. Wherever possible we have increased funding for watershed restoration, road maintenance, and fish and wildlife management and I hope that we can continue to increase funding for these important programs, but where we have limited resources, we need to spend our tax dollars in the most effective manner, which means continuing to support the timber sale program.

In closing Mr. President, I would like to say that the goals of environmental protection and economic stability are not mutually exclusive. We can save our environment without sacrificing rural America.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. BRYAN. Mr. President, how much time remains for the proponents of the amendment?

The PRESIDING OFFICER. The proponents have 12 minutes 43 seconds, and the opponents have 10 minutes 4 seconds.

Mr. BRYAN. I reserve 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BRYAN. Mr. President, let me compliment the Senator from Oregon for his leadership in helping craft this very carefully balanced and I believe very modest amendment. Although the Senator from Illinois has left the floor, I want to compliment him for the clarity of his comments. I think he has put this debate in the proper context.

The Senator from Idaho has framed the issue as being for or against harvesting timber for commercial sales on the national forests. That is not the issue before the Senate today. This amendment does not deal with that issue. This amendment reduces the amount of money allocated for the commercial timber sales program back to the amount the President recommended in his budget and the Forest Service, the professional managers, recommended, which was $196 million.

That commercial timber program has been subject to much criticism over the years. It is, in my judgment, one of the vestiges of corporate welfare that still exists in the Congress of the United States. Courageously, on a bipartisan basis, both parties worked to reform the welfare system. We have already seen enormous benefits as a result of that bipartisan action. For reasons that are not altogether clear to me, we have had much less success in removing the vestiges of corporate welfare. It is for that reason that such responsible organizations as the Concord Coalition as well as the National Taxpayers Union are strongly in support of the Bryan-Wyden-Fitzgerald amendment.

The commercial timber sales program has been widely criticized because it is a subsidy. The Forest Service itself has acknowledged that fact. In the most recent fiscal year in which data is available, they have acknowledged that it is an $88.6 million loss to the taxpayer. The General Accounting Office, reviewing the data from 1992 to 1997, concluded the American taxpayers have lost some $1.5 billion as a result of this program. The Bryan-Wyden-Fitzgerald amendment is an attempt to bring some balance to the program.

My friend from Idaho has suggested that somehow this commercial sales program deals with forest management. We should be candid: It deals with commercial sales. We are subsidizing some of the largest logging companies in America. To do so, the appropriators, in changing the President's recommendation, have stripped money from some of the most important accounts in the Forest Service.

Regarding the road maintenance account, we have in the neighborhood of 380,000 miles of roads in the national forests. That is more miles than we have on the National Interstate Highway System. Each one of those miles of new roads that are cut in requires a substantial amount of ongoing maintenance to prevent environmental damage. The Forest Service estimated it would require $431 million annually to begin to address the environmental consequences of some of these roads that have been cut through the national forest. The backlog is some $3.85 billion. Yet in the bill that the appropriators present to the floor, they have stripped about $11.3 million out of this road maintenance program.

From firsthand experience, based upon our experience in Nevada and the Tahoe Basin, that is a major contributing factor to erosion and degradation of the ecosystem. Yet in terms of priorities, the appropriators would set as a priority increasing the timber sales program and reducing the amount of money available for the road maintenance program.

In addition, they have cut substantial amounts of money out of the fish and wildlife accounts.

Putting the National Forest System in some perspective, only 4 percent of the timber harvested in America comes from the National Forest System. However, it is not the only use that the national forest has. The national forest, as my colleague from Illinois noted in citing his own personal experience, provides an enormous recreational opportunity for millions of people. Yet the programs which they depend upon—the fish and wildlife accounts to make sure the habitat is there, that the fishery is not devastated as a consequence of some of these practices—those accounts have been substantially reduced. The funding that goes to those accounts is an investment in the Nation's 63 million wildlife watchers, 14 million hunters, and 35 million anglers who spend approximately 127.6 million activity days hunting, fishing, and observing fish and wildlife annually on the national forests.

Those who oppose the amendment have cited some of the economic circumstances that have affected the logging industry. Let me suggest with great respect, those are consequences of changing technology. Those jobs, I regret to say, will never come back because we harvest differently. The technology is more efficient. It is less manpower intensive.

On the other hand, the moneys that we invest in these programs that deal with fish and wildlife directly result in local community expenditures of billions of dollars, in over 230,000 full-time equivalent jobs.

One out of every three anglers fishes the national forest waters nationally, and two out of three anglers in the West fish the national forest waters.

So what my colleagues from Oregon and Illinois have put together is a carefully crafted balance: Maintain the timber harvest program at a $196 million level but do not increase it, because of the massive subsidy involved and the damage that has been done to the national forest system; put money back into the road maintenance account to help address that backlog, which is a major contributor to the environmental degradation that the ecosystem, according to the National Forest Service, is experiencing; restore money to the fish and wildlife accounts so we can help those who use the national forests for recreational purposes and address their needs.

I think as evidence of how balanced this effort is, the editorial support is not confined to any particular region. The Chattanooga Times expresses its support for it, as does my own hometown newspaper, the Las Vegas Sun, the Pittsburgh Post Gazette, and the San Francisco Chronicle. All who looked at this recognize this subsidy needs to be limited. What we have done is provide a carefully balanced response to that. I urge my colleagues to support the Bryan-Wyden-Fitzgerald amendment.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 5 minutes 13 seconds.

Mr. WYDEN. Mr. President, let me wrap up by saying that colleagues can see, year after year, this Congress has increased funding for the timber sale program. You can see that pattern since the late 1990s, going into this year. So all Senator BRYAN, Senator FITZGERALD, and I are trying to say is that there is more to this question, practicing sustainable forestry that will be good for rural communities as relates to their economic needs and to their environmental needs—there is more to this than just throwing money at the timber sale program.

If throwing money at the timber sale program was going to make things better, all of us in this body would have seen improvements over the last few years. In fact, we have seen the problems get worse. The problems have worsened in so many of these rural communities in both economics and the environment.

Much has been made of comments in our newspaper, the Oregonian, because of the importance of the forest in the Pacific Northwest. The Oregonian, in their editorial pages, said:

> What is needed is a carefully negotiated agreement on appropriate surveys for rare species and adequate funding to do them.

That is exactly what the Bryan-Fitzgerald-Wyden package does. For the first time we link adequate funding for the timber sale program to specific requirements for accountability and oversight. Never before on the floor of the Senate have we made the judgment that is in the Bryan-Fitzgerald-Wyden package that in fact the Forest Service really has lost direction in complying with a lot of these environmental concerns.

But we do not throw the environmental laws in the garbage can. Instead, we have the important effort that was launched by Senator ROBB and our good friend, Senator CLELAND, who is here this morning. At the same time, we agree with Senators CRAIG and GORTON that we do need to put this program on track.

So I am very hopeful my colleagues on both sides of the aisle will see this as a practical approach, an approach that is sensitive to the economic needs of rural communities, an approach that complies with the Nation's environmental laws and at the same time allows us to be a more effective steward of resources for taxpayers in this country.

This is not the end of the debate. Certainly what the Oregonian called for recently—a negotiated agreement on surveys to comply with the environmental rules and adequate funding—is going to have to be fleshed out when the House and Senate go to a conference committee. But this is the first step to a fresh approach that links adequate funding for the necessary environmental work with accountability that is long overdue at the Forest Service and a chance to meet the economic needs of the rural communities.

If all that was needed was what some of my colleagues on the other side have called for, which is spending more money on the timber sale program—we would not have many of the problems we are seeing today because year after year this Congress has put more money in the timber sale program. What we need is what Senators BRYAN and FITZGERALD and I have talked about on this floor, an effort to link the new focus on accountability at the Forest Service with compliance with environmental rules and sensitivity to economic concerns.

I urge my colleagues to support this bipartisan amendment, and I yield the floor.

Mr. GRAMS. Mr. President, every year at this time it seems we are here on the Senate floor debating another attack on the Forest Service's Timber Management Program. Every year those who wish to eliminate logging in our national forests come up with another angle which they claim helps protect the environment by eliminating "wasteful" spending on logging practices. Every year people throughout northern Minnesota and forested regions across the country see their jobs and their livelihoods threatened in the name of preservation or conservation. And every year, those of us who represent the good people of the timber and paper industry in our states have to fight, scratch, and claw our way to a narrow victory that saves those jobs and those families from economic ruin.

I come from a state in which the forest and paper industry is vital to our economy. The reduction in the timber program on national forests has had a dramatic impact over the past ten years on the number of jobs and the economic vitality of northern Minnesota. According to Minnesota Forest Industries (MFI), jobs provided by the timber program in Minnesota dropped from over 1,900 in 1987 to less than 1,100 last year, and they continue to decline.

The reduction in timber harvests on federal lands has had an equally dramatic effect on unrealized economic impacts. MFI estimates that unrealized economic benefits include over $10 million from timber sales, $25 million in federal taxes, $2.5 million in payments to states, and $116 million in community economic impact in Minnesota alone.

It is important to point out that the timber program in national forests has a very positive impact on the amount of federal money that goes to rural counties and schools. Nationally, the program contributes $225 million to counties and schools each year through receipts from timber sales in national forests. In Minnesota, the timber program provided roughly $1.7 million to counties and schools in 1998 alone. If the timber program would have met its allowable sale quantity in 1998, that number would have risen to nearly $2.5 million.

I am fascinated by the claims of some of my colleagues that the timber program is a subsidy to wealthy timber and paper companies and the claims that the timber program loses money because we are giving timber away to these companies. If you truly believe that, I challenge you to visit northern Minnesota and speak with the families who have lost their mills and the loggers who have lost their jobs. Talk to the counties and the private landowners who cannot access to their own property because the Forest Service doesn't have enough money to do the environmental reviews. Or talk directly to the Forest Service personnel and let them tell you how lengthy and costly environmental reviews and the overwhelming number of court challenges to those reviews is making the timber program so costly.

Then go speak with state or county land managers and ask them why their timber programs are so successful. Ask them why their lands are so much more healthy than the federal lands and why they're able to make money with their timber programs. In Minnesota, St. Louis County only has to spend 26 cents in order to generate one dollar of revenue in their timber program and the State of Minnesota spends 75 cents to generate one dollar of revenue. The Superior National Forest, on the other hand, spends one dollar and three cents to get the same result.

I cannot see how my colleagues can stand here on the Senate floor and tell me that the forest and paper industry in our country, and its employees, are the bad guys. The forest and paper industry in America employs over 1.5 million people and ranks among the top ten manufacturing employers in 46 states. These are good, traditional jobs that help a family make a living, allow children to pursue higher education, help keep rural families in rural areas, and provide a legitimate tax base from which rural counties can fund basic services. These are jobs that we in Congress should be working diligently not only to protect, but to grow.

Unfortunately, many Members of Congress who advocate these ideas have never taken the time to understand the positive economic and environmental benefits of science-based timber harvests. They have never sat down with a county commissioner who does not know where he is going to get the money for some of the most basic services the county provides to its citizens. They have never considered that for every 1 million board feet in timber harvest reductions in Minnesota, 10 people lose their jobs and over $570,000 in economic activity is lost. And they have never taken the time to go into a healthy forest where prudent logging practices have been essential to ensuring the vitality and diversity of species.

If Members of this body want to make the timber program profitable across the country, then we should have an honest debate about what works and does not work in the program. We should discuss frankly the ridiculous number of hoops public land managers have to jump through in order to process a timber sale. I think we need to discuss the fact that under the Alaska National Interest Lands Conservation Act the federal government must provide access across federal lands for state, county, and private landowners to access their land. Yet in Minnesota, those landowners either have to wait a number of years or pay for the environmental reviews themselves because the Forest Service claims it does not have enough money. We should also discuss openly the dramatic impact court challenges are having on the ability of the Forest Service to do its job and to carry out the timber program in a cost-effective manner. On top of that, it's clear that under this administration the Forest Service does not want a timber program that shows a profit and they have done an effective job of using the powers of the executive branch to vilify both the timber program and the men and women of my state who rely upon that program in order to meet their most basic needs.

Virtually everyone in this body, including this Senator, is committed to the protection of our environment and to the conservation of our wildlife species and wildlife habitat. I believe we can expand upon our commitment to wildlife and provide additional resources for habitat protection. But I do not believe we must do so on the backs of timber and paper workers throughout the nation. I am willing to work with anybody in this chamber towards those conservation efforts, but let's not do it by pitting timber and paper workers against conservationists.

We cannot simply stand here and claim that the Bryan amendment is an easy way to throw some money towards the preservation of public land. Rather, this amendment is going to take jobs from my constituents and hurt the economy of the northern part of my state. The Bryan amendment is just one more step down the road toward eliminating logging on federal land. This amendment is going to reduce the ability of a number of rural counties in my state to make ends meet and to provide necessary services to residents. Those are just a few of the realities of the Bryan amendment and just a few of the reasons why I cannot and will not support its passage.

Mr. CRAIG. Mr. President, I want to at least try to shape for the RECORD some of the facts and statistics that have just been brought out. Last year, commercial sales of logs by the Forest Service produced a profit of $14.7 million. Last year's stewardship sales, the kind that the Senator from Nevada is talking about, for the purposes of forest health, the kind that is going on in the Tahoe Basin, lost the Forest Service $57.4 million. Those are the facts from the Forest Service.

It is understandable because when you go in to clean up the dead and dying and to improve the general health of the forested lands, you are dealing with a less valuable stick of timber. But the reality is that what the Senator from Nevada advocates is, in fact, a losing proposition. But I support stewardship, as does the Senator from Nevada, because it improves the forest health, it improves wildlife habitat, and water quality when it is properly done. It is not a money-maker. It is something that will have to be subsidized.

Is the Senator from Nevada willing to say that the company that does the stewardship contract for the Forest Service is a subsidized business? He just finished talking about corporate welfare. Is that welfare or is that forest health? Is that an environmentally sound thing to do? I think we are getting our facts a bit mixed up.

The road maintenance program was not slashed this year; $10 million was added to it. The Senator from Nevada knows the President's budget, when it came to the Hill, was dead on arrival, and we did not really consider any aspect of it. They wanted more money. They wanted $20 million. We gave them $10 million. So the program was not slashed; it was added to by $10 million over last year's level. It was reduced from the President's recommendation. I believe that shapes the reality of the facts a bit differently.

Let me talk a little more about facts. The Forest Service timber program generated directly for personal and business incomes this last year over $2 billion. Personal and business income from the timber program has dropped by almost $5 billion since 1991, for the very reasons we have given, because the Forest Service has reduced its program by 70 percent. We are dealing with less than the 30 percent that remains, and even that produces an income for working men and women and businesses of around $2 billion.

The amendment will continue to reduce this. There is no question because you are not going to have the money to do the studies, to do the EISs, to produce the sales, and to recondition the roads necessary to gain access to that timber. There are over 50 timber-dependent communities that each receive over $10 million of personal and business income from the forest timber program. There are almost 150 counties that each receive over $1 million. This income is at risk with the Bryan amendment—no question about it—because he continues to reduce the program.

The timber sales program generated $577 million in revenue to the Government and returned $220 million directly to school districts and counties for their roads and bridges. That is the reality of the money from the timber program.

It is important to understand that when we talk of allocating tax dollars to the Forest Service, it is done for the purpose of maintenance and of stewardship. All of these create a healthier, more vibrant forest.

That is largely the timber sale program today. It is not the large greencuts program of a decade ago. Still the Senator from Nevada says that is too much and even used phrases like "corporate welfare" this morning. I do not think he would say the companies that are in the Tahoe Basin today, thinning and taking out the dead and dying and improving the forest health and ultimately improving the water quality of that basin, are corporate welfare babies. They are industries hired by the Forest Service to improve the health of the forest.

The Forest Service timber program generated $309 million in Federal taxes in 1997. This kind of significant economic activity is only when we have a viable timber program. We have reduced it dramatically, the timber program contributed over $700 million in income taxes in 1992. Again, the Bryan amendment will continue to reduce that.

We have already talked of the loss of jobs. One-half of the timber program is stewardship or personal use. Sales are used, again, for the purpose of maintaining or improving forest health—thinning, cleaning, reducing the fire hazards and the fuel loads. These types of sales are always, as I have just said, marginally profitable, some of them not, but they are done as part of the responsibility of the Forest Service to progressively improve the general health of our forested lands.

We know that Mother Nature, left to her own decisions in forest management, takes a lightning strike where she takes it and oftentimes burns down hundreds of thousands of acres, destroying habitat and dramatically impairing water quality in that immediate area for several years to come. We know that the hand of man, properly directed, can assist in improving the forest health, and that is exactly what many of our programs are about today.

The amendment will penalize the Forest Service timber program by reducing activities that are improving the health that I have talked about and the ecosystems about which all of us are concerned. At the same time, the amendment will throw a monkey wrench into a program that is already in trouble and will not contribute increased dollars to the coffers of the Public Treasury.

Those are the general issues at hand.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. CRAIG. I was just informed, and I think it is reasonable, Mr. President, to suggest if Hurricane Floyd sweeps up the coast and destroys some of our timberlands in the next few days, we are going to have the President come to us asking for emergency moneys in these areas to clean up the dead and dying trees in some of those areas, and yet here we are trying to cut it at this moment. I guess we will have to wait and see about Hurricane Floyd and forest health.

I yield the floor and retain the remainder of my time.

Mr. SPECTER. Mr. President, I have sought recognition to state my views on the Bryan amendment regarding the Timber Sales Management program within the National Forest Service. I am concerned about environmental protection and safeguarding our Nation's Forests, providing that there is an appropriate balance for economic development and job opportunities.

My state of Pennsylvania has one of the best run National Forests in the country. The Allegheny National Forest has some of the most valuable timber in the world, particularly its black cherry, which is used internationally for fine furniture and veneers. As an above cost forest, the Allegheny returns approximately $10 million to the Treasury annually and generates $44 million in total income and an estimated 732 jobs. The rural Pennsylvania counties that surround the Allegheny National Forest substantially rely on these revenues to fund their local school systems.

The Bryan amendment would provide the Timber Sales Management Program with the level of funding requested by the Administration. This is the program that funds the important work that is done to ensure that all timber cutting in our National Forests is done in an environmentally appropriate manner. The program is vital to restoring, improving and maintaining the health of our National Forests and it ensures that forests fully comply with the National Environmental Policy Act (NEPA). Further, the amendment would take the $32 million dollars that was added to this program by the Senate Interior Appropriations Subcommittee and would use the money to continue road maintenance and to conduct biological surveys of the National Forests.

I am convinced that we must continue to manage our National Forest system in a fiscal and environmental responsible manner. On final consideration, I believe this amendment strikes a fair balance between the efficient use of our National Forests and the funding of environmental programs that are vital to enhance the public's use and enjoyment of our national forests for many years to come.

Mr. BRYAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The proponents of the amendment have 58 seconds. The opponents of the amendment have 2 minutes 1 second.

Mr. BRYAN. Mr. President, I am prepared to yield back the remainder of the time remaining on my side if my colleague from Idaho is prepared to do the same.

Mr. CRAIG. I am, Mr. President. I yield back the remainder of my time. I move to table amendment No. 1588 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1588. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) is necessarily absent.

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone

NAYS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Bryan
Chafee
Cleland
Conrad
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Specter
Torricelli
Wyden

NOT VOTING—3

Graham
Gregg
McCain

The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 33

Mr. LOTT. Mr. President, for the information of all Senators, I have a unanimous consent request, and then I will go over the schedule as it appears to be at this time.

I ask unanimous consent the text of S.J. Res. 33 be modified with the changes I now send to the desk, and I ask consent that no amendments or motions be in order and debate be limited to 2 hours equally divided between the two leaders or their designees at a time to be determined by the leaders.

I ask that a vote occur on adoption of the joint resolution at a time to be determined by the majority leader, after agreement with the Democratic leader, but no later than close of business on Tuesday September 14, 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Reserving the right to object, I hope to have an opportunity to address the situation in East Timor. I ask that prior to the time period the majority leader laid out, I have an opportunity to speak in morning business for about 20 minutes regarding that situation.

Mr. LOTT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, let me explain where we are. Except for some wrap-up time and another vote on the Hutchison amendment, I believe we are about ready to conclude the Interior appropriations. It will take some time to do wrap-up. As I understand it, there could be as many as two more votes in addition to final passage.

After the presentation by the Senator from Wisconsin on East Timor, we are going to go to S.J. Res. 33 with regard to the Puerto Rican terrorists.

There will be a vote on that resolution sometime this afternoon but not before 2:15 or 2:30. We will work on a specific time and advise the Members when that will be.

When that is complete, it is our intent to go to the Transportation appropriations bill. I have discussed this with the Democratic leader. We are in agreement on that. We will do this resolution and a vote, and then we will go to the Transportation appropriations bill and complete that as soon as we can. That could be tonight or tomorrow night but however long it takes. Then we will come back and wrap up the Interior appropriations bill. That will be determined at a time we will notify the Members of, after we have had further discussion with the Democrats and the manager of bill.

Mrs. BOXER. Will the Senator yield?

Mr. LOTT. I yield.

Mrs. BOXER. Mr. President, I understand that Senator HUTCHISON wants everyone here to vote on the cloture. I totally understand. We have decided, and I totally agree with this, because of illness in Senator GREGG's family, that we are going to wait for him to come back. I wish my best to the family and my prayers. I know everyone feels that way.

I have no objection to that, and I want to cooperate on that.

Mr. LOTT. I thank the Senator from California for her comments and her willingness to do that. I don't make that sort of request ordinarily, but Members have extraordinarily difficult problems in their families and we have to try to be cooperative. We thank Senators for doing that.

I yield the floor.

The PRESIDING OFFICER. Under the previous unanimous consent, the Senator from Wisconsin is recognized for up to 20 minutes.

Mr. FEINGOLD. Mr. President, I thank the majority leader for the opportunity to address this issue at this time.

STEMMING THE TIDE OF VIOLENCE IN EAST TIMOR

Mr. FEINGOLD. Mr. President, I rise today to discuss the tumultuous events that have unfolded in East Timor since the August 30 ballot to determine the territory's political future, and to state clearly what the United States is and should be doing in response to this crisis.

How can anyone not be horrified at the blind eye that the Indonesian government has turned to the unchecked violence and mass murder being perpetrated in East Timor by anti-independence militias—violence that even today is blatantly supported by elements of the Indonesian army.

In just one week, since the ballot's results were announced on September 4, the militias have driven out or slaughtered nearly the entire population of the capital city of Dili. East Timor is dotted with villages and cities that have become virtual ghost towns in a matter of days. Many of the people that have been driven out have been forced into militia-run refugee camps in West Timor. Mr. President, these innocent civilians are unprotected targets for a group of thugs who are willing to obliterate East Timor completely rather than allow it to start down the road to the independence more than 78 percent of its people voted for on August 30.

The message of the militias is clear: if Indonesia can't have East Timor, there will be no East Timor worth having for the East Timorese.

Cities are in flames and militia members are stealing anything of value that they have not destroyed. Churches, usually recognized as places of sanctuary—even by combatants during war—have been burned with refugees still inside. Mr. President, this is literally a scorched earth policy. It is like few of even the worst episodes we have seen in the often bloody 20th century.

No segment of the pro-independence population in East Timor has escaped the wrath of the militias. Religious leaders, foreigners, and the families of activists have been especially targeted for summary execution. At least 20 priests and nuns across East Timor have been murdered. Three of the priests were among approximately 100 Timorese victims killed in a brutal grenade attack on the town of Suai. Women, children, and the elderly have been massacred. Members of the United Nations Assistance Mission to East Timor (UNAMET) have been targeted, as have foreign journalists who are trying to cover the atrocities.

The leaders of the Timorese independence movement and their families are especially vulnerable to attack. Early last week, the Indonesian government released independence leader and political prisoner Xanana Gusmao from jail in Jakarta. On Friday, he learned that his 82-year-old father had likely been murdered by pro-Jakarta thugs, and that his elderly mother is missing.

Last week, the United Nations evacuated most of its personnel to Australia. About 80 brave UNAMET personnel elected to stay in East Timor to try to protect the approximately 1300 East Timorese who remained huddled behind the compound's barbed wire fences. They remained barricaded in what was left of the UNAMET headquarters for about a week with little, if any, power, water, or working telecommunications lines. Militia members have repeatedly fired into the compound.

On Friday, some of the Timorese, including women and children, desperate to escape the violence, climbed the razor-sharp fence separating them from the armed thugs and attempted to find refuge in the hills behind the UNAMET mission. They were fired on by the militias as they tried to escape. The unarmed UNAMET personnel were powerless to help and could only watch in horror as those they had come to help were shot down by ruthless opponents of justice, self-determination, and the rule of law. Yesterday, the U.N. evacuated most of its personnel and the refugees remained in the compound to Australia.

The boldness of the militias, and the complicity of the Indonesian army, and apparently members of the Habibie government, is astounding. I am truly shocked by the total impotence or inaction of the Indonesian government over the last two weeks. President Habibie promised the United Nations, the international community, and—most importantly—the people of East Timor, that he would ensure a secure environment in the territory and that the wishes of the Indonesian people would be respected. Neither has happened.

Some argue that Habibie may be unable to stop the violence. Others say he is unwilling. His level of control over the army, which he did not consult prior to agreeing to the U.N.-supervised ballot on the future of East Timor, is, of course, a subject of a lot of debate. Whatever the case, Habibie has not made any compelling strong statements condemning this violence, and has made no attempt to reign in the army personnel who are participating in this rampage.

I am also disturbed by the inaction of the head of the Indonesian military, General Wiranto. This past weekend, Wiranto implied that he may not have control of all of his forces. On Saturday, he accompanied a delegation from the United Nations Security Council to Dili, and he saw for what he said was the first time the devastation in that city. Soon after this visit, he said he would recommend that President Habibie accept an international peacekeeping force.

Finally, under considerable pressure from the international community, and with the support of General Wiranto and the head of the Indonesian police, Habibie announced early Sunday that his government would allow international peacekeepers, led by Australia, to come to East Timor to restore order and stop the violent rampage of the militias. But, as is often the case in clashes such as this, his announcement, while welcome, came too late for those Timorese murdered by the militias and those hiding in the hills who have been forever scarred by the violence and impoverished by the destruction that has been leveled against the democratic aspirations of the people of East Timor.

Now that the international community has reached this critical point in the transition of the political future of

East Timor, Mr. President, here, I think, are the steps that must be taken next.

First and foremost, the international peacekeeping force must be deployed at the earliest possible date. I am very concerned at the words of delay coming out of Jakarta this morning.

I deeply regret that it took President Habibie so long to recognize the need for international assistance. Now, the Indonesian government, military, and President Habibie must cooperate fully with the deployment and must not interfere in the operations of this peacekeeping force. They must allow the force to deploy quickly, restore order, and help the East Timorese people to regain a semblance of security in their own homes and some hope of actually realizing the aspirations manifest in the results of the August 30 ballot.

I understand that Indonesian Foreign Minister Alatas continues meeting in New York today along with officials from Australia, to discuss the details of the Security Council mandate for the peacekeeping mission. One of those details clearly is to determine the composition of this international force and the role of the Indonesians themselves in such a deployment. Another should be to lay the groundwork for investigations into the crimes that have taken place in East Timor, including procedures to begin to collect evidence for future prosecutions.

Nobel laureates Jose Ramos Horta and Bishop Carlos Belo have called for the immediate formation of a war crimes tribunal to investigate and prosecute those responsible for these vicious crimes. That tribunal should be formed at the earliest possible date. To achieve that goal, the immediate priority of the international community should be to get the peacekeeping forces deployed to gain control of the situation and prevent any further bloodshed, and to allow the Timorese that have fled to return home.

The mandate for the peacekeeping mission should also be clear about the rules of engagement for disarming and detaining members of the militias. Some militia leaders have said that they will not disarm. This volatile situation poses a grave risk to the peacekeepers, and must be dealt with carefully and expeditiously.

Second, we must quickly and concisely define the scope of the U.S. role in this peacekeeping mission. I am pleased that Australia has come forward to take the lead on this peacekeeping mission in East Timor, and that other countries in the region have offered to contribute troops to this effort. It is my general belief that peacekeeping operations should be led by countries in the region where the conflict is occurring. I am also troubled by some word this morning that the Indonesian government is perhaps balking at the idea of Australia leading this mission—which I think is very appropriate, that Australia do so.

The militia-led violence, and the blatant collusion of the Indonesian military in the commission of that violence, is a direct slap at rule of law and the protection for the right to self-determination in international law and supported by the United Nations. I hope that any participation by the Indonesian military in this peacekeeping force will be scrutinized. Those who helped perpetrate the violence must not be placed in positions of trust within this operation.

I will say more about my views with respect to U.S. involvement in this peacekeeping operation in a few minute.

Third, the international community must keep the pressure on the Indonesian government. I am pleased that the President of our country made a decision I have advocated for some time to suspend military-to-military activities with Indonesia. I am also encouraged that this decision includes halting all new military sales to that country. I hope that the President will expand this decision to immediately halt any sales currently in the pipeline. If we are to be taken seriously by the Indonesian government, those sales must also be included. And these benefits should not be reinstated until specific steps have been taken to implement the results of the August 30 ballot.

I have heard many observers argue that Indonesia is too important financially to the United States and other countries to risk angering Jakarta. I would argue that no amount of trade is worth East Timorese lives. If we truly are to support Indonesia in its transition to true democracy, we must insist that the violence stop, and we must use every cent of our economic leverage to do so.

Last week I introduced a bill, S. 1568, that would suspend all military and most economic assistance to Indonesia until steps have been taken to implement the August 30 ballot. I am pleased that the Administration has suspended some military aid. It is now imperative that we keep the pressure on by refusing to reinstate that aid—and by threatening to suspend all other aid—until the results of the August 30 ballot are implemented. My bill would suspend new assistance and sales as well as those loans and purchases currently in the pipeline. In order to be effective, we must stop all aid in its tracks, not just new aid. We should also call on our allies to do the same. The recent financial troubles in Asia have made Indonesia dependent on bilateral and multilateral assistance. We should use that dependence as leverage to ensure that the Indonesian government lives up to its commitments in East Timor, including its newly announced willingness to admit a peacekeeping force into East Timor.

In that regard, I am pleased that the European Union yesterday announced that it has suspended all arms sales and military cooperation with Indonesia.

That welcome development makes it all the more important that we continue to push for passage of our legislation to suspend assistance. We must continue to apply the financial pressure provided for in this bill so that the Indonesians will understand the continuing U.S. resolve to see justice done in East Timor.

Finally, the United Nations mandate for this peacekeeping mission should include full access to East Timor for peacekeeping troops, humanitarian workers, and war crimes investigators. The anti-independence movement cannot be allowed to block access to any part of East Timor. In addition, humanitarian workers should also be allowed full access to the refugee camps in West Timor. The nations of the international peacekeeping force must make clear that no such interference will be tolerated.

People are dying. Women and children are being slaughtered while the politicians try to leverage the situation to their advantage. President Habibie has a chance to do what is right for his people, and the East Timorese people, before he leaves office. The way to salvage what is left of Indonesia's shredded international reputation is to allow international peacekeepers to deploy rapidly into East Timor to stop this senseless bloodshed.

Let me say another word about the U.S. role in this peacekeeping mission. As many of my colleagues know, I have been a vocal opponent of U.S. deployments to such places as Bosnia and Kosovo. While I support the concept of an international peacekeeping force led by countries from the region, it is my strong preference as it was in those cases that U.S. troops on the ground in East Timor not be a significant part of this peacekeeping mission. Our troops are currently overextended in open-ended commitments in such places as Bosnia, Kosovo, and Saudi Arabia. We should do whatever we can to limit our involvement in these places and be very hesitant to get deeply involved in any new missions of this sort.

That said, however, I am open to supporting a request to the Congress from the Administration for U.S. financial, diplomatic, communications, and logistical support for an international peacekeeping mission to East Timor that is led by countries in the region. The Administration must continue to consult closely with the Congress prior to making any commitment to assist with such a peacekeeping mission.

I believe strongly that the United States must develop criteria for deciding whether and where and how deeply to get involved in peacekeeping missions abroad. Our men and women in uniform and their families deserve to understand the dangers of proposed missions and to be given a good-faith estimate of their length.

As my colleagues know, I oppose our continuing involvement in the Balkans. The Administration argued that our action against the Federal Republic of Yugoslavia was necessary for humanitarian reasons. The trouble I have with our operations in Kosovo is that we have not shown the same willingness to intervene outside of our hemisphere to places like Rwanda and East Timor. What constitutes a humanitarian tragedy that warrants involvement by the United States military? The answer to that questions seems to change frequently under the current policy. I am affraid we really have no policy framework to address this crucial question. But the question will continue to arise and will do so with increasing frequency.

In my view, the legal case for international intervention in East Timor is more compelling than the situation in Kosovo because of the long-standing legal disputes over the political status of the territory, as well as the clear expression for self-determination by the people of East Timor on August 30. The people of East Timor cast their votes in a ballot sanctioned by the Indonesian government and supervised by the United Nations.

The East Timorese were promised a secure environment in which to express their honest views about the political future of their homeland. Instead, they had to endure intimidation by armed thugs supported by the army and by elements of the government that had sworn to protect them and to respect their wishes. Yet miraculously almost 99 percent of registered voters went to the polls, bringing along their courage and a commitment to freedom. And then when the militias began a murderous rampage, the government did nothing. They would not grant the international community the power to act.

So again, Mr. President, let me reiterate my view of the next crucial steps that must be taken in East Timor.

An international peacekeeping force must be deployed as rapidly as possible.

We must quickly and concisely define the scope of a limited U.S. role in the peacekeeping mission.

The international community must keep the pressure on the Indonesian government, and the peacekeepers, humanitarian workers, and war crimes investigators must be allowed full access to East Timor. And it all must happen as soon as possible. Thousands of lives and the legitimate hopes of a people hang in the balance.

I ask unanimous consent that an editorial from today's New York Times entitled "Effective Force for East Timor" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN EFFECTIVE FORCE FOR EAST TIMOR

"We cannot wait any longer," Indonesia's President, B.J. Habibie, said on Sunday. "We have to stop the suffering and mourning immediately." With those words, Mr. Habibie bowed to world opinion and agreed to allow international peacekeepers into East Timor. But important, questions remain about when—and with what powers—the force will go in. The international community needs to maintain political and financial pressure on Indonesia to accept a force large and powerful enough to protect East Timor's people—and to do so immediately, before thousands more are killed.

Militias created and backed by Indonesia's military have been rampaging in East Timor for months, but the violence dramatically worsened after an Aug. 30 vote that overwhelmingly supported independence for the disputed province, which Indonesia invaded and swallowed in 1975. The militias have set fire to much of the territory and killed perhaps thousands of people, many of them the pro-independence intelligentsia. Others have been rounded up and taken to West Timor, and tens of thousands have fled to the mountains, where they are in danger of starving.

Mr. Habibie's announcement that he would accept an international force took considerable political courage, as the idea is hugely unpopular with Indonesians and especially with its powerful military establishment. He agreed after several countries began to cut off joint training exercises, as well as military aid and sales, and important donors and the International Monetary Fund and World Bank suggested that they would condition further assistance on Indonesia's performance in East Timor.

The peacekeeping force, which requires the blessing of the United Nations Security Council, would be organized and led by Australia. Australian officials say they will provide about 4,500 of the anticipated 7,000 troops needed if Indonesia's military in East Timor is cooperative. They say they can get 2,000 troops to East Timor within 72 hours of United Nations approval.

President Clinton says that Washington does not anticipate providing ground troops for the mission, but that American support forces would assist with logistics, intelligence, airlift and coordination. Australia has maintained that American expertise is needed for these tasks, and this is an appropriate role for the United States.

Yesterday the Security Council met to hear a chilling report from a delegation of U.N. ambassadors that had just returned from East Timor, and to begin to negotiate the details of the force. Happily, Indonesia has retreated from earlier statements that the unit should contain only Asians. The world needs to keep up the economic and diplomatic pressure to convince Mr. Habibie that the force must be able to detain militia members or Indonesian soldiers who terrorize the population or menace peacekeepers.

President Habibie has already agreed to a commission to look into human rights violations. Those investigators must be able to work freely. Most crucial, Mr. Habibie cannot be permitted to stall. There will soon be nothing left of East Timor to save.

Mr. FEINGOLD. I, again, thank the majority leader for the opportunity to address this matter at this time, and I yield the floor.

DEPLORING THE ACTIONS OF PRESIDENT CLINTON REGARDING GRANTING CLEMENCY TO FALN TERRORISTS

The PRESIDING OFFICER. Under the previous order, the clerk will report S.J. Res. 33.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 33), as modified, deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

The Senate proceeded to consider the joint resolution.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, parliamentary inquiry. It is my understanding that we are now on S.J. Res. 33.

The PRESIDING OFFICER. Yes. By unanimous consent, there are 2 hours of debate on S.J. Res. 33 equally divided between the two leaders or their designees.

Mr. COVERDELL. Mr. President, I want to read the resolution to open this discussion. It is a joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists:

Whereas the Armed Forces of National Liberation (the FALN) is a militant terrorist organization that claims responsibility for the bombings of approximately 130 civilian, political, and military sites throughout the United States;

Whereas its reign of terror resulted in 6 deaths and the permanent maiming of dozens of others, including law enforcement officials;

Whereas 16 members of the FALN were tried for numerous felonies against the United States, including seditious conspiracy;

Whereas at their trials, none of the 16 defendants contested any of the evidence presented by the United States;

Whereas at their trials none expressed remorse for their actions;

I am going to repeat that clause, Mr. President:

Whereas at their trials none expressed remorse for their actions;

Whereas all were subsequently convicted and sentenced to prison for terms up to 90 years;

Whereas not a single act of terrorism has been attributed to the FALN since the imprisonment of the 16 terrorists;

Whereas no petitions for clemency were made by these terrorists, but other persons sought such clemency for them;

Whereas on August 11, 1999, President William Jefferson Clinton offered conditional clemency to these 16 terrorists, all of whom have served less than 20 years in prison;

Whereas the Federal Bureau of Investigation, the Federal Bureau of Prisons, and 2 United States Attorneys all reportedly advised the President not to grant leniency to the 16 terrorists;

Whereas the State Department in 1998 reiterated two long-standing tenets of counter terrorism policy that the United States will: "(1) make no concessions to terrorists and strike no deals"; and "(2) bring terrorists to justice for their crimes";

Whereas the President's offer of clemency to the FALN terrorists violates longstanding tenets of United States counterterrorism policy; and

Whereas the release of terrorists is an affront to the rule of law, the victims and their families, and every American who believes that violent acts must be punished to the fullest extent of the law: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That making concessions to terrorists is deplorable and that President Clinton should not have granted clemency to the FALN terrorists.

I commend the House of Representatives. It has already passed House Congressional Resolution 180: 311 voting aye, 41 voting no, and, in an unprecedented act, 72 voting "present."

I conducted a hearing this morning, the witnesses of which were former New York Detective Senft, former New York Detective Pastorella, the president of the Fraternal Order of Police, Mr. Gallegos, and a son of one of the victims of the New York bombing at a restaurant, Fraunces Tavern, in New York, Mr. Connor.

It was a very moving hearing. The two detectives, one of whom, in the bombing in New York by this organization, has lost permanent sight in one eye, some 60 percent of his hearing, and has gone through, I guess, some 16 reconstructive operations. The other detective is permanently blind and has lost the majority of his right hand. They made rather poignant statements. They said that there would be no pardon for what they had suffered; there would be no clemency; that theirs were life sentences. Both nearly lost their lives. One still has metal particles in his stomach and shoulders from the bombing.

Mr. Connor, very movingly, talked about the notice that he and his mother received on his 9th birthday that their father, an innocent 33-year-old, who had taken a client to lunch, had died in the bombing.

It was sort of interesting; Detective Senft, 2 years ago, began writing the President about this matter, to which there has been no response. Several of the witnesses talked about having written the Attorney General and the White House, with no response. To me, it is hard to imagine that such a letter would come to the White House or to the Attorney General and not be responded to.

Lieutenant Senft over 2 years ago wrote and has yet to receive a response. Mr. Connor cited current law which requires that victims are to be notified of the release of prisoners in cases in which they were involved.

None—neither of the detectives nor the Connor family—have been notified at all.

One of the concerns that came out of the hearing was to embrace these questions so our committee, and the Judiciary Committee, can make appropriate inquiries as to what was done to advise these individuals. In the hearing they pointed out that the clemency advocates have had numerous meetings with the Attorney General's Office and others in the Government, but those who would oppose it have had none, and requests to have these meetings have gone without response.

The representative of the Federal Bureau of Investigation, who was to have testified on behalf of the Government to try to explain how this policy would not be incongruous with Federal policy with regard to the handling of terrorists, at 9:30 last night, notified the committee they would not testify, that they had been instructed not to testify by the White House.

So the inquiries over the last 2 weeks to give the administration an opportunity to air their view of this circumstance and how it interacted with U.S. policy with regard to terrorism went unheeded, and neither the State Department nor the Justice Department nor the Federal Bureau of Investigation would even make a witness available on behalf of the committee to air the Government's view with regard to this act on the part of the President.

No one is challenging the President's right and power to grant the clemency. To the extent they say, well, it is a constitutional power, et cetera, that is a smokescreen. What we are trying to understand is what its effect is on U.S. policy with regard to terrorism.

Interestingly—to comment just a moment or two more on the hearing—I posed the question to the witnesses that the President has endeavored, in his clemency finding, to draw a distinction for these 16 terrorists, indicating they themselves did not actually throw or place the bomb.

These were conspirators. These were planners. Senator SESSIONS so eloquently stated the other day that one of the reasons they did not get to do that is they were caught with all these weapons in their van. In other words, if you are an unsuccessful terrorist, you have a higher standing under U.S. law than if you are a successful terrorist.

But when the question was posed to the panel, Mr. Gallegos, who is president of the Fraternal Order of Police, said: Wait a minute. What kind of question are we introducing to the adjudication of criminal activity? He said: For example, if you are the get-away driver in a bank robbery—you did not actually rob the bank—under U.S. law you are as guilty and subject to as much of a punishment as the man who walked into the bank.

I mentioned the other day on the floor, under this theory of separation of degree, why is Bin Laden a No. 1 fugitive for the United States? He didn't drop the bombs in Kenya and Tanzania. He was a conspirator, as these people were. I asked the question—and I will turn to my colleague—what this did to the morale, and New York Detective Senft said it undermines every active-duty law enforcement officer. He said, as damaged as he is permanently in life, he took solace that the perpetrators who attacked him were in prison. It has been a devastating fact for him to know that clemency can be granted for that kind of activity. All of the law enforcement officials said these decisions were particularly devastating to men and women on America's front line protecting citizens day in and day out from these kinds of hostilities and violence.

With that, I yield up to 15 minutes of our time to the Senator from Texas, Mr. GRAMM.

Mr. DURBIN. May I inquire of the Senator from Georgia?

Mr. COVERDELL. Yes.

Mr. DURBIN. May we have some understanding of how the time will be allocated? It is my understanding that, generally speaking, we have an equal amount of time on a side, and 1 hour is allocated to this debate. Senator CONRAD is here on the Democratic side; he would like to speak for 10 minutes. I see the Senator from Georgia has at least two colleagues interested in speaking. Could we reach some kind of agreement as to how we will proceed?

Mr. COVERDELL. Mr. President, in response to the Senator from Illinois, that is a perfectly legitimate question. My idea is to go to the Senator from Texas, back to your side, and then back to our side. After the Senator from Texas has 15 minutes, of course, which will be counted against our side, it will be about 10 minutes and 10 minutes back and forth.

Mr. DURBIN. Mr. President, how much time of the Republican side has been used to this point?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DURBIN. Another 15 minutes from your side will mean you have consumed 30 minutes of your 1 hour of debate before we have spoken. So can we agree that after 15 minutes we would have the remaining time until 12:30?

Mr. COVERDELL. With one exception. Senator KYL has come to the floor and asks that we give him some opportunity in that timeframe. I ask the Senator from Texas if he might limit his remarks to 10 minutes so we can accommodate Senator KYL.

Mr. KYL. Mr. President, I have the obligation of chairing a nominations hearing in the Judiciary Committee at

2 o'clock, which I am sure my colleagues on the other side would like to move forward on, since all of the nominees appear quite qualified and presumably could move forward.

I ask unanimous consent that I may take 30 seconds to express my support for what the chairman is doing and then put a statement in the RECORD. That would be satisfactory from my standpoint.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I have had the pleasure of attending the subcommittee meeting this morning, and I heard witnesses who are victims of the terrorists who were given clemency. It was a heartbreaking experience, frankly, because at the conclusion of it one understands that we haven't closed a chapter by doing this. In fact, the President has probably opened a new chapter. I believe there will be additional terrorism as a result of the clemency that he ordered. I hope that will be addressed by this Senate, working together with the administration, so we can continue a policy which has been effective heretofore, and that is making certain that terrorists are hunted down, prosecuted, and incarcerated so they can't commit terrorist acts again.

To the extent the President's actions in this case were different from that past policy, they should be condemned, and we as a Senate should make sure it doesn't continue in the future. So I commend the chairman of the subcommittee for holding his hearing. I indicate again that the Judiciary Committee will have its hearing tomorrow and will have more to say about this.

The PRESIDING OFFICER. Under the previous agreement, Senator GRAMM is recognized.

Mr. DURBIN. Mr. President, I wasn't aware that there was an agreement. Can we restate it so there is a clear understanding? The Senator from Texas will speak up to 15 minutes; is that correct?

Mr. GRAMM. I have been recognized for 15 minutes, as I understand it.

The PRESIDING OFFICER. Then the Senator's side will have the remaining time.

Mr. DURBIN. We will try to maintain the floor until 12:30, which I understand we have agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me remind everyone how we came to this point under the leadership of Senator COVERDELL. A resolution was introduced condemning the President's decision to grant clemency to 16 terrorists who were part of a wave of violence and death across the country that started in the mid-1970s and ended when these terrorists were incarcerated. We sought to bring that resolution to a vote on the floor of the Senate. Our Democrat colleagues, using their rights under the rules of the Senate, objected. We were forced to file cloture to force the consideration of this resolution, and that cloture motion carried. Now we are in the process of debating a resolution where Congress, in this instance, takes the strongest action it can under the Constitution, and that is condemn the President's actions.

The President is given, under the Constitution, the power of pardon. There is nothing we can do that would override that constitutional prerogative. But while the President has the right to pardon, I believe the President is profoundly wrong in pardoning these terrorists.

Now, I wish I had the ability of our President to articulate so clearly and to put a human face on so many of the public policy issues he discusses because there is a very real human issue involved here. It started with a bombing of historic Fraunces Tavern in Manhattan.

This is the front page of the New York Times from Saturday, January 25, 1975. In this article, in excruciatingly painful and bloody detail, it outlines how a bomb was set the day before, how it decimated this restaurant, injured 44 people, killed 4 people, decapitated 1 person. These were innocent people who just had the bad luck to go to lunch at this place, at that time on Friday, January 24, 1975.

Some of my colleagues may have read a recent article in the Wall Street Journal, written by two sons of a man who had the bad luck of going to lunch that day in that tavern. Basically, they put a human face on that one brutal murder. The picture they drew was that of a young man who grew up in a very poor family. Actually, he grew up in a Puerto Rican neighborhood in New York and worked his way up to be successful. Today, both of his sons are investment bankers. So in that sense, he was successful. But he died—and he was 33 years old—because a group of brutal murderers, calling themselves a "liberation army," planted a bomb that day in New York that took this man's life, took him away from his family. The FALN—this terrorist group—claimed responsibility and, in fact, left a note near the bomb scene outlining their grievances.

They said they had grievances. So they injured 44 people and brutally murdered four people.

That started a reign of terror—the greatest terrorist assault in the history of the United States of America in our homeland among our people, innocent people. This reign of terror continued until these terrorists, now pardoned by the President, were arrested and incarcerated.

Our President says, and I quote, talking about these terrorists:

> They had served very long sentences for offenses that did not involve bodily harm to other people.

It is true that while they are the core, or were the core, of this terrorist organization, while they were its leadership, and while they were arrested and convicted for engaging in terrorist activities—they were convicted of things such as unlawful storage of explosive materials—it is also true that the terrorist attacks ended when they went to jail.

So you can say they weren't convicted of these specific, brutal tavern murders in New York. They weren't convicted of the bombing on New Year's Eve in 1982 when a New York City police headquarters and other sites were bombed, and in the process you had victims who were blinded in both eyes, who lost five fingers on their right hand, who lost hearing, who required 13 major surgical operations on their face alone, and had 20 titanium screws put in place to hold their face together. They weren't convicted of those particular crimes, but they were leadership, the core, of the organization that claimed credit. Those crimes ended when they went to prison.

They were part of the leadership of that organization. They were accessories whether they were there and planted the bomb or not; we do not know, we may never know, but they were accessories before and after the fact as part of FALN. Yet the President says they were nonviolent.

If you are going to put a human face on it, you would have to go back and talk to these police officers who have been blinded, and who have had their faces destroyed. You would have to talk to the children and grandchildren of these people who were murdered in the tavern in New York.

I call that violence. I call that a fundamental assault on the American people. This is not a violence where someone is selected for retribution, wrong as it may be, for an act they committed. This is violence against people who had nothing to do with this desire to see Puerto Rico an independent nation. These were people living their lives, routinely going about their business, who certainly didn't know about this group, or if they knew, they weren't in any way involved.

So to say that these people were nonviolent, who were the core of this terrorist organization that planted 130 bombs that killed and maimed across America, is an outrage.

While I know our President has no shame, he ought to be ashamed of that statement.

What are we doing? We are here because the President of the United States decided, based on pleas made by various individuals and groups around the country to grant a pardon—clemency—to these people who were leadership of a group that planted 130 bombs in America over a 7-year period and that brutally killed and maimed our fellow citizens.

I don't understand the President's action. The FBI was reported to be opposed to it. The Justice Department and the prosecutors who were involved were opposed to it. Maybe I should take the Justice Department out. I don't know. They probably have not heard about it yet. But the prosecutors who were involved were opposed to it. Law enforcement officials across the country were opposed to it. It was supported by some political leaders of the Puerto Rican community in New York.

Quite frankly, I don't understand that. Many of these terrorists weren't even from Puerto Rico. They were born in the United States of America.

Yet somehow, despite the fact that Americans were killed and maimed, these terrorists are given special status, seemingly because they could identify a cause, a cause, interestingly enough supported by only 2.5 percent of the people who voted in the December 1998 plebiscite in Puerto Rico.

We will never know why the President did this. If he did it to court political support for Mrs. Clinton running for the Senate in New York, it turned out to be a bad deal. It turned out to be something that probably was harmful and not helpful.

But let me tell you why I am concerned, which goes beyond politics.

What the President did was lower the cost for committing acts of terrorism in America. He lowered the cost for committing acts of terrorism in America by pardoning people who participated in a reign of terror that, as far as I am aware, is unparalleled in America's history.

If we are going to pardon people who brutally murdered innocent citizens, who maimed and mutilated police officers, then what is the penalty for terrorism?

The President says President Carter urged him to pardon them.

It is very interesting to note when these acts of terrorism accelerated. In fact, the police headquarters in New York City was bombed 3 years after then-President Carter pardoned the Puerto Rican terrorists who came into this sacred temple of American democracy—the Capitol Building—when there was a quorum call on in the House of Representatives and stood in the House balcony and shot and wounded Members of the House of Representatives. In fact, there is still a bullet hole in the ceiling of the House of Representatives. There is still a bullet hole in the drawer of the Republican leader's desk from that day in 1954.

President Carter decided in 1979, 4 years after the Fraunces Tavern bombing, to pardon the Puerto Rican terrorists—which is an inaccurate media description because many of these people were born on the mainland of America—who in this great temple of democracy assaulted civilization itself. He pardoned them and let them out of prison.

Three years later, this terrorist group bombed New York City police headquarters, the Manhattan office of the FBI, and the Metropolitan Corrections Center in New York.

Here is the point. Jimmy Carter, as President, lowered the cost of committing terrorist acts. Those terrorist acts accelerated after that pardon in 1979.

Now the President has pardoned the members of the very group that claimed credit for those acts, and who were convicted, among other offenses, of storage of explosives and conspiracy to make bombs. So, obviously, they were planning more attacks and more bombing. They claimed credit for the bombings in New York—the bombing of the police headquarters, the killing of innocent citizens, the mutilation of police officers.

Now the President has pardoned them. I would like to conclude with these points.

The President and his spokesman on many occasions have said that fighting terrorism is the No. 1 objective of his administration, that the greatest threat we face in the world today is the threat of terrorists. Obviously, there is some other objective somewhere that is of a higher order because for some reason the President pardoned these terrorists.

I think it was a terrible mistake. I believe the American people will hold President Clinton accountable for it. I want to know how the process occurred and whether the process outlined in law was followed. Whatever the process was, the decision was wrong. I believe we should condemn it in the strongest possible language.

I hope we get strong bipartisan support. I hope we don't have in the Senate what we saw in the House when some Democrat Members of the House didn't vote yes and didn't vote no. The best they could do is to say they were there that day, and they voted "present." I don't think this is an issue where Members want to vote "present."

I want people to know I think it was an absolute outrage that the President did this. He ought to be ashamed of it. The American people ought to hold him accountable. The Congress, in the strongest action we can take in this matter, is deploring the President's action.

I thank our colleague from Georgia for his leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. CONRAD. Mr. President, on the subject that has been discussed by the Senator from Texas and the Senator from Georgia, I think the President did make a mistake. I don't think it was appropriate to extend clemency to these people. I hope this is an issue that we can address by resolution and make clear where the Senate stands. We are going to have an opportunity to do that.

FISCAL YEAR

Mr. CONRAD. Mr. President, this morning I got up and, as is typically my habit, I opened up the Washington Post to see what was there. I turned first to the sports page to see how my Baltimore Orioles performed. I got good news there. That was a welcome addition to my morning.

On the front page of the Washington Post I was very surprised to see this headline: "GOP Seeks to Ease Crunch with 13-month Fiscal Year."

I have heard of some gimmicks in my time. Now we see our friends on the other side, who are not able to meet the legal requirement that they pass the appropriations bills on time by October 1, have resorted to a new concept. Instead of having a 12-month year, we will have a 13-month year.

I think our friends are going off on a tangent that should not be pursued. I think this would be a profound mistake. The last thing we need to do is solve our fiscal problems by creating a fiction of a 13-month year. That isn't what we need to be doing. We need to address directly and forthrightly the problem we face in trying to avoid raiding the Social Security trust fund. Let's do it honestly. Let's do it directly. Let's not engage in the fiction of creating a 13-month year in order to resolve the fiscal challenges facing this country and this Senate.

That is what the Republicans have come up with. They point out in the story:

> By creating this fictitious 13th month, lawmakers would be able to spend $12 billion to $16 billion more for labor, health, education and social programs than they otherwise would be permitted under budget rules.

What are we doing? We are going to create a 13th month to deal with the fiscal problems of the country? I don't think so.

Senator SPECTER is apparently one of the backers of this idea.

> "We all know we engage in a lot of smoke and mirrors," said Senator ARLEN SPECTER, chairman of the Senate Appropriations subcommittee, "But we have to fund education, NIH, worker safety and other programs. It's a question of how we do it."

I agree with it being a question of how we do it. The last thing we ought to do is create a 13-month year. If we want to cause a lack of respect of people in the country for the Congress, this is the way: Adopt the Republican proposal that the way to solve our fiscal problem is to create a 13th month.

I began looking at the calendar to try to figure out where we would add this 13th month, what we would call it. One thought that we had is that maybe we could have January, February, and then "Fictionary"—kind of a fictional

13th month. Maybe that could be the month: January, February, and Fictionary.

Or maybe we ought to have "Spend-tember," after September, or maybe before September. We could have "Spend-tember" for the 13th month.

There is something wrong with what our colleagues on the Republican side have come up with. Thirteen months? I don't think the American people are going to buy this. Everybody knows there are 24 hours in a day, 7 days a week, and there are just 12 months in a year. Search as we might, here is the calendar; there are only 12 months; there is no 13th month. That is not the solution to our problem.

If we started thinking of where we would add this month, some would advocate two Decembers. That would have a certain attractiveness. We would have two Christmases, all the retail sales twice. That is not a bad idea.

On this idea the Republicans have come up with for 13 months to solve our fiscal problems, my choice is to see 2 Octobers. I am a baseball fan. I could have the World Series twice. Others might have a different idea of where we could add a month.

I must say to our Republican friends, why stop at 13 months? If this is the way we are going to solve the fiscal problems of our country, let's go to 14 months, maybe add 15. Somebody in my office suggested we go to 24 months. That way, we would be able to double everybody's income in a single year. We would be able to have twice as much spending in a single year if we went to 24 months. I think we have real opportunities. If we keep adding enough months, we can completely avoid the Y2K problem altogether. Now this is a real opportunity, and I don't think we want to miss it.

Mr. DURBIN. I say to the Senator, if he yields for a question, if we can extend the year to avoid the tough decisions on the budget and not only avoid Y2K, but we can repeat the month of December and have Christmas sales and inject in the economy a lot more life—and of course kids enjoy Christmas—perhaps the Republican leadership is onto something by extending the year an additional month for budgetary purposes.

Mr. CONRAD. There are lots of good ideas coming out on this idea to extend the concept that our Republican friends have come up with to go to 13 months in a year in order to solve our budget problems. The last time we made a major change in the calendar, it was made by the Pope. I am not sure what that says about those putting forward this proposal, other than I can't wait to see what they come up with next.

I don't think this is the solution to the fiscal problems of America; 13 months is not the answer.

Going back to the headline, it really is kind of stunning: "GOP Seeks to Ease Crunch with 13-month Fiscal Year."

One person who has commented on this in this morning's paper is Robert Bixby, head of the Concord Coalition, a budget watchdog group. He says they are degrading themselves and we degrade the budget process by resorting to these budget gimmicks.

The only disagreement I have with that is, this goes way beyond gimmick when all of a sudden we are going to take a 12-month year and make it 13 months to address the budget problems of the country. I think our Republican friends have gone off in the weeds. I hope they reconsider. This is a mistake.

If we start going in the direction of adding months, where is this going to stop? We have 12 months. Thirteen months? Fourteen months? Are we going to be able to solve all the problems of the country if we start to engage in fiction? That is not the direction we ought to take. Does my colleague from North Dakota agree?

Mr. DORGAN. If my colleague will yield, this is remarkable. I was eating Grape Nuts, actually, when I read that this morning. That is not always a pleasant experience unless you have plenty of sugar. And then you get the newspaper and you read a headline that says, "GOP Seeks to Ease Crunch With 13-Month Fiscal Year."

I am thinking to myself, I have been around this place for some time and have grappled with a lot of fiscal policy problems. If we had thought of this a long while ago, we would not have all of these problems. If you have a problem, just change the calendar.

That would raise of course the question of what to name this new month. I suppose if they were really serious they could do what all the sports stadiums do, and just sell the name. How much money could you raise with a Microsoft month or a US Airways month? I suppose there are all kinds of possibilities along this line. But I think most people would look at this and say that it is not very serious governance—when you have a problem you cannot fix you create another month and then pretend you fixed it.

Some State legislative bodies have a rule that they must adjourn by a particular time. So what they do occasionally, is to take a black cloth and cover the clock. Now we have budgeteers who think the way to solve a fiscal problem is to add another month to the calendar.

I don't know. We hear a lot of Byzantine and bizarre suggestions in this Chamber from time to time. But this one has to rank right up there. As a young schoolboy in the southwestern ranching country of North Dakota, I learned the days of the months through a little ditty. We all know it. Perhaps now it should be changed:

Thirty days hath September,
April, June, and November,
All the rest have 31,
Except the Republicans,
They have an extra month.

This is going to be confusing to a whole generation of schoolchildren if the GOP decides they are going to mess with the calendar.

We have had the lunar calendar, the solar calendar, the Gregorian calendar—I assume my colleague explained much of the history of the calendar. Perhaps the creative minds here in the Senate will make history when they try to find their way out of the corner into which they have painted themselves.

Let me yield the floor at this point to my colleague from North Dakota.

Mr. CONRAD. The Wall Street Journal, back in July, had this headline: "The GOP Uses Two Sets Of Books." Now we are going to have a new headline: "The GOP Uses Two Calendars." We have the one with 12 months, which I guess will run all the rest of our lives, but for budget purposes we will have 13 months.

The second part of the story in the Washington Post today said: Senate Republican leaders embrace a longer fiscal year to ease spending woes. They want to spend the money, but they want to make it appear as though there is less spending in this year, so they add a 13th month. I don't think that is going to fool anybody. It certainly should be outside the rules of this body, if we are going to be serious about maintaining the fiscal discipline that has done so much to restore the fiscal integrity of this country.

For the first time in 30 years, we have been able to balance the budget, largely as a result of the 1993 budget plan we passed. We received no help from our friends on the Republican side—not a single Republican vote, not one. That was a plan which put us on a path to reduce the deficit each and every year of the 5 years of that plan. In 1997, we added a little bit. That was done on a bipartisan basis. That was good. We did something together.

But now our Republican friends are retreating to the notion that the way to solve the fiscal problems of the United States is to add a 13th month. That cannot be a serious proposal. I cannot believe our colleagues are going to engage in that kind of charade and that kind of game and that kind of gimmick in order to address the serious fiscal problems facing the country. After all, this progress has been made—getting our fiscal house in order—having the lowest inflation rate in 30 years, the lowest unemployment rate in 30 years, the longest economic expansion in our history. We are now going to resort to budget gimmickry to address the additional challenges that we face? That is not the way a great country does its work.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. Mr. President, we have had an opportunity to discuss this a bit, the gimmickry of doing all of these things. I was talking to my colleague, Senator BYRD, who has spent a great deal of time on the floor telling us about Roman history. We were just discussing the front page of this morning's newspaper with the headline about the easing of the fiscal crunch by creating a 13th month. Senator BYRD indicated that Julius Caesar in trying to reconstruct the calendar, somewhere around 46 B.C., decided he was going to have a 15-month year. Senator BYRD knows about all of these things. He has given wonderful lectures on the floor of the Senate about the rich history of the Roman Empire.

I just now learned this from our distinguished colleague. So apparently, I would say to Senator CONRAD, what we are discussing today has been done before. Julius Caesar did it, and he added 3 months to the calendar, apparently.

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. Certainly.

Mr. BYRD. He was assassinated 2 years later, though.

Mr. DORGAN. If the Senator will yield, it seems to me that lends credibility to the question of whether or not this ought to be done. Those of us who wonder whether this is a good idea might take lessons from the history that is offered by Senator BYRD.

Mr. CONRAD. Can you imagine? I wonder what is going to happen in the schools of America now that the Republicans have said there are 13 months. Can you imagine the confusion of the elementary schools as they are teaching children their months? Where is this month going to fit? What is it going to be called?

I know the Senator from North Dakota has children in school. Have they been advised of this change?

Mr. DORGAN. They have already weighed in. They would prefer it fall in the summer. My children are in seventh and fifth grades, and if there is to be an extra month, they would prefer it fall somewhere in the summer.

Mr. CONRAD. Did they have any idea for a name of the month?

Mr. DORGAN. No. In fact, I was thinking this morning when I read this that we probably should have some kind of a contest, to create a name. Then too, as I indicated earlier, almost everyone today is selling names. If this is institutionalized as a month without a name, clearly one could offer it for sale.

Mr. CONRAD. Something like Federal Express month?

Mr. DORGAN. That's right, or Microsoft month or U.S. Steel——

Mr. CONRAD. Microsoft month. That might be a lucrative thing, to auction this off. That might be a way to solve the budget problem, instead of going to the 13-month plan the Republicans have, is to actually auction off a month. I think kind of the leading alternative, at least in my office, is "Spendtember." That has gone over pretty well.

Mr. DORGAN. If the Senator will yield, there is nothing to stop the Senate at 13 months. This relates to the whole aging process, which I think would be of great interest to a number of Senators. If this Senate enacted a longer year, and perhaps went to 15, 18, or even 19 months, we would have folks running for election who are 75 years old but who could claim they are only 68.

Mrs. MURRAY. Will the Senator yield?

Mr. CONRAD. I will.

Mrs. MURRAY. I thank the Senator for bringing up this headline. I, too, was struck by this new concept of adding a month to our calendar in order to solve the problems of the country. I agree, it has to be humorous; otherwise, we would all be crying. Because, truly, when I go home what my constituents tell me is what I think everyone is hearing: We have priorities in this country, particularly education. They are worried about preschool. They are worried about Head Start. They are worried about whether or not their child is in a class that is small enough that they get the individual attention they need. They are worried about whether or not their teachers have the kind of training they need to teach their children. They certainly are worried about school construction and the ability to send their child to a safe school.

We had a whole hearing this morning about school violence. But teachers have not come to me and said: How do we add this to our curriculum, explaining a whole new month that has been added by the Senate?

I know my colleague has worked with me on the Budget Committee for the last 7 years. We have worked very hard to reduce the deficit. There was a $300 billion deficit when we arrived here in 1993.

We worked hard to be real. Despite the humor we have in this debate today, we need to get real about the budget; we need to get real about our priorities; we need to recognize we cannot put a priority on education verbally and put it at the end of the pile when it comes to the budget and then come up with gimmicks to pay for it.

I ask the Senator to comment because we worked on this together for many years.

Mr. CONRAD. Mr. President, I thank the Senator from Washington. She is exactly right. We do face a problem this year, and the problem is we have these budget caps that were agreed to in 1997, and now things have gone better than anybody anticipated. We have been able to get our fiscal house in order. The question is how we maintain that discipline and at the same time fund the urgent priorities of the American people, especially education.

As was said by budget expert, Robert Reischauer, the former Director of the Congressional Budget Office, this notion the Republicans have come up with to just add a 13th month does not solve the problem; it avoids the problem. We will have spending caps in 2001 and 2002 as well, so all we have done is postpone and magnify the problem. We will have actually made the problem worse.

There is humor in this. I think we all see almost a theater of the absurd in the notion that our Republican colleagues have come up with as a way to solve the problem, which is to add a 13th month.

I say on a serious note, let's not do that. We have had success in getting our fiscal house in order by being straight with the American people, by passing legislation that fits our spending to our income. Let's not create a fix such as this in order to support a massive, risky, radical, reckless tax cut scheme which our friends on the other side have come up with that threatens the fiscal discipline that has been put in place, that has put us in such a strong position.

I thank the Chair and yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

DEPLORING THE ACTIONS OF PRESIDENT CLINTON REGARDING GRANTING CLEMENCY TO FALN TERRORISTS—Continued

Mr. COVERDELL. Parliamentary inquiry.

Is the matter of business before the Senate S.J. Res. 33?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. Could the Chair please advise the Senator from Georgia as to the time remaining on each side?

The PRESIDING OFFICER. The Senator from Georgia controls 26 1/2 minutes; the other side has 39½ minutes.

Mr. COVERDELL. I thank the Chair.

Mr. President, I yield up to 10 minutes of our time to the distinguished chairman of the Judiciary Committee, Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair and my colleague from Georgia.

On January 24, 1975, during a busy lunch hour, an explosion ripped through the historic Fraunces Tavern in New York City, killing four people and injuring 55 others. On August 3, 1977, during the morning rush hour, a powerful bomb was detonated in a busy New York office building, killing one man and injuring several others. Credit for both these bombings was proudly taken by a terrorist organization calling themselves the FALN, an acronym from a Spanish title meaning the Armed Forces for Puerto Rican National Liberation.

In March of 1980, armed members of the FALN entered the Carter-Mondale campaign headquarters, bound and gagged women and men inside, and held them at gunpoint as they ransacked the offices. The FALN took credit for bombings and incendiary attacks in New York City, Chicago, and Washington, D.C., attacks which took place in department stores, office buildings, restaurants, even a women's restroom. In all, the FALN has been linked to over 150 bombings, attempted bombings, incendiary attacks, kidnappings, and bomb threats, which have resulted in the death of at least six people and the injury of at least 70 others.

On August 11, 1999, President Clinton, who up to this point had commuted only three sentences since becoming President, offered clemency to 16 members of the FALN. This to me, was shocking. And quite frankly, I think I am joined by a vast majority of Americans in my failure to understand why the President, who has spoke out so boldly in opposition to domestic terrorism in recent years, has taken this action.

In subsequent spinning, the White House has pointed out that the 16 offered clemency were not convicted of the actual attacks that killed or maimed people. But many of these 16 were involved in building bombs, and in storing and transporting explosives, incendiary materials, and weapons. In one raid alone involving the terrorists President Clinton has released, law enforcement recovered 24 pounds of dynamite, 24 blasting caps, weapons, and thousands of rounds of ammunition, as well as disguises and false identifications.

The administration argues that none of these people were "directly" involved with activities that hurt people. But these people, to the contrary, were convicted of conspiring to commit acts of terrorism. According to former Assistant U.S. Attorney Deborah Devaney, several of the FALN terrorists were captured in a van full of weapons and others were videotaped making bombs that they planned to use at military institutions.

It is only because of the good work of law enforcement that these terrorists were caught and convicted before these deadly devices were used to take additional innocent human lives. Osama bin Laden is on the FBI's Most Wanted List for conspiring to commit acts of terrorism. According to the administration's logic, he too should be let go, if captured, because he was not directly involved in acts of terrorism, although we all know he has been funding the terrorist acts.

The administration also argues that these prisoners received longer sentences than they would have under the sentencing guidelines. Well, there are thousands of people in jail who were sentenced before the guidelines. Does each of them deserve to have their sentences reduced? The President will have to pick up the pace of clemency offers if he is to right all these so-called wrongs in the 15 months left in his term.

This whole episode raises a number of questions about this administration's approach to law enforcement and the rule of law in general. Were the normal procedures followed in the processing of clemency opinions? What set these 16 prisoners apart from the more than 4,000 who have petitioned this President for clemency, or the other tens of thousands serving time across the country? What prompted the President to make this offer of clemency? Who recommended it? On what basis was it granted?

Whatever the administration's arguments, the bottom line is that the President's ill-considered offer of clemency has now been accepted by 12 of the 16 FALN members, many of whom are now back on the streets.

These are people who have been convicted of very serious offenses involving sedition, firearms, explosives, and threats of violence. The FALN has claimed responsibility for past bombings that have killed and maimed American citizens. I personally pray that no one else will get hurt.

This is yet another example of this administration sending the wrong message to criminals, be they foreign spies, gun offenders, or, in this case, terrorists.

In this case, it appears President Clinton put the interests of these convicted criminals ahead of the interests of victims, the law enforcement community, and the public. I think we need to know: Did the Justice Department do its job?

There are substantial questions as to whether the normal process was followed in this case. Reportedly, the President made his clemency offer over the strong objections of prosecutors, the FBI, the Bureau of Prisons, and the victims of crime. In the Wall Street Journal today, Mr. Howard Safir, the New York City police commissioner, asserts that:

> In my 26 years as a Justice Department official, I have never heard of a clemency report being delivered to the President over the strenuous objections of these agencies. The Department of Justice and the Attorney General apparently did not even take a formal position on the matter, even though the Department's own rules require doing so.

Here we have another example of what people suspect: The Attorney General is asleep at the switch while the White House runs the Justice Department.

As chairman of the Senate committee with oversight of the Department of Justice, I have requested copies of all relevant documents, including the Department's memo to the White House. Even our colleague, Senator SCHUMER from New York, believes we should have these documents. But so far the Department has refused to turn over anything.

The White House and the Justice Department are hiding behind their tired, old ploy of "studying" whether to assert executive privilege. If the President has confidence that his decision was a just one, then he ought to be willing to hold it up to public scrutiny. There may be a legitimate argument that executive privilege applies to some materials. There is no legitimate reason, however, not to allow the Justice Department witnesses to appear before Senator COVERDELL's hearing this morning about the current status and activities of the FALN. Nor is there any legitimate reason to refuse to allow the Pardon Attorney to testify at my hearing tomorrow about how the clemency process works. Are the White House and the Justice Department studying or are they stonewalling?

At the Judiciary Committee hearing tomorrow, we will hear from the law enforcement community and the victims who have been affected by this grant of clemency. I have invited representatives of the FBI and the Justice Department's Pardon Attorney's Office. I hope the White House and the Department of Justice will allow them to testify. The American people deserve to hear this testimony, and I think the White House and the Justice Department should not be stonewalling this type of investigation by the appropriate branch of Government called the Congress of the United States.

I believe our entire Nation is being victimized by terrorism. A bomb at the World Trade Center, the Oklahoma City Federal Building, or a U.S. Embassy abroad has an effect on all of us.

This clemency deal is an insult to every American citizen. This clemency deal is not humanitarian. It is not just.

Exactly what is this? A weak moment? Political favoritism? Another foreign policy miscalculation by this administration? I will tell you what it is. It is plain and simple. It is wrong. That is what it is.

I urge my colleagues to support the Coverdell resolution so that the Senate will be on record as opposing the President's decision to grant clemency.

We cannot send mixed messages with regard to terrorism. One of the major problems this country is going to face in the future —as will every free country—will be acts of terrorism by people just like these FALN terrorists who put their own beliefs above doing justice and what right in society. If the United States continues to show that type of soft-headedness with regard to terrorist activities and terrorists themselves, then we are going to reap a whirlwind in this country, and we will see more acts of terrorism in this country than we ever thought possible.

I can say with impunity that there are better than 1,500 known terrorists and terrorist organizations in the United States of America today. Frankly, there are a lot more than that. Thus far, the administration, prior to this act, has done a pretty good job of offsetting terrorist activities in this country, mainly because of the FBI and its good work. I am suggesting that we get on top of this. The President should be ashamed for doing what he has done.

I yield the floor.

Mr. McCONNELL. Mr. President, I rise today to express may great concern and dismay at President Clinton's decision to offer clemency to sixteen convicted terrorists. These individuals were members of the FALN, the Armed Forced for National Liberation, which uses violence and terror to further its cause of making Puerto Rico an independent nation. As a result of their involvement in a series of terrorist bomb attacks on United States soil, these individuals have been convicted of very serious offenses.

Terrorism is a deplorable act. In recent years we have seen tragic attacks on our embassies overseas, and hideous murders in Oklahoma City and the World Trade Center. This harvest of death and suffering is what terrorism is about. By releasing these terrorists President Clinton has made a terrible mistake. For years our message to terrorist has been simple: "If you attack, maim, and kill Americans, the United States will hunt you down and punish you. We do not forget, and we will bring you to justice." Now the President is saying that we will forget, and that justice can give way to other considerations. That is the wrong thing to do.

Mr. Gilbert Gallegos, the president of the Fraternal Order of Police, which represents the Americans on the front lines of the war on terrorism, has eloquently condemned President Clinton's actions. Mr. President, I ask unanimous consent that this letter from Mr. Gallegos to President Clinton be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Albuquerque, NM, August 18, 1999.

HON. WILLIAM JEFFERSON CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing this letter on behalf of the more than 283,000 members of the Fraternal Order of Police to express our *vehement opposition* to your offer of clemency to sixteen convicted felons involved with a wave of terrorist bomb attacks on U.S. soil from 1974–83. I would also like to express my own personal confusion and anger at your decision.

Your offer of clemency would immediately release eleven convicted felons who conspired as members of the FALN to plant and explode bombs at U.S. political and military targets. The remaining five would have their criminal fines waived and only two would serve any additional time. These attacks killed six people, wounded dozens and maimed three New York City police officers: Detective Anthony S. Senft lost an eye and a finger, Detective Richard Pastorella was blinded and Officer Rocco Pascarella lost his leg.

Your claim that none of these people were involved in any deaths is patently false. As members of the terrorist organization that was planting these bombs, all of them are accessories to the killings as a result of the bomb attacks. Two of the persons to whom you have offered clemency were convicted of a $7.5 million armored truck robbery, which undoubtedly financed the FALN's 130 bomb attacks.

These are not Puerto Rican patriots, these are convicted felons who are guilty of waging a war of terror against Americans on American soil to accomplish their political objectives. Why are you rewarding their efforts?

I can only assume you are again pandering for some political purpose. This time, Mr. President, it must stop before it begins.

The "human rights advocates" who are so concerned about the plight of these killers have never shed a tear for the victims. These "human rights advocates" are the same people and organizations who maintain that the United States routinely abuses the rights of its citizens and who issue reports stating that our state and local police officers are nothing more than racist thugs who enjoy brutalizing minorities. These "human rights advocates" are the same people and organizations who clamor for the release for Mumia Abu-Jamal, a convicted cop-killer, and raise money for his defense.

I do not Know, Mr. President, how they decide which rights to advocate and which to ignore, but it seems that murderers and terrorists are more entitled to them than victims. Do not offer clemency to sixteen convicted felons to placate "human rights advocates."

I would also strongly urge you to reject any inclination or polling data that indicates this will generate sympathy for you or for a Democratic presidential candidate among Hispanic-Americans. As an Hispanic-American myself, I can assure you that releasing violent convicted felons before they have served their full sentences and to waive tens of thousands of dollars in criminal fines, is no way to appeal to racial pride.

I sincerely hope, Mr. President, that this ill-conceived notion is consigned to the pile reserved for horrendously bad ideas. Many of the best accomplishments of your presidency stemmed from your commitment to law enforcement and to police officers.

This aberration would surely eclipse all we have done to date to keep America safe. Police officers around the country, including me, have stood side by side with you in fighting violent crime and supporting your community policing initiatives. Caving into these advocates is a slap in the face.

I look forward to hearing from you about this matter.

Sincerely,

GILBERT G. GALLEGOS,
National President.

Mrs. BOXER. Mr. President, I will vote in favor of S.J. Res. 33, a resolution which disapproves of the President's decision to grant conditional clemency for certain individuals who were convicted of crimes related to the activities of the Armed Forces for National Liberation and a splinter group called the Macheteros.

However, I am disappointed that this issue was turned into a partisan, political attack on the President. The original language was inflammatory and too broad, accusing the President of sweeping charges that were misleading and inappropriate. Some of the worst rhetoric has been removed in this version, but in my view it is still too political.

In the future, I hope that Congress will prove to more responsible and bipartisan when discussing U.S. counterterrorism policy.

Mr. SESSIONS. Mr. President, I would like to join and associate myself with the remarks of Senator HATCH, chairman of the Judiciary Committee. We will be having hearings tomorrow on the pardon of FALN terrorist groups.

I would like to share a few thoughts at this time. I feel very strongly about this matter. I spent not the 26 years that Howard Safir, who is now the Commissioner of Public Safety in New York, spent with the Department of Justice. But I spent 15 years at the Department of Justice.

It really troubles me. It very much saddens me to see what is happening to that Department. Senator HATCH said the Attorney General is asleep at the switch while the White House runs the Department of Justice. Too often that has been true. I hate to say that. I love that Department of Justice. I respect it.

On the facade of the Supreme Court, right across this street, are the words "Equal Justice Under Law." I would like for people to think about a couple of things. Three-thousand people in prison in this country during the Clinton administration—more than 3,000—asked for clemency. This administration followed the procedures established by Executive order in 1893. They referred it to the Department of Justice for a background review and a recommendation. After that was done, only three—only three—had clemency granted to them.

A clemency is a very unusual thing. It is to allow somebody to get out of jail before they serve their full sentence imposed by a court of law and affirmed by the appellate courts of this country. So this is unusual.

Apparently, it was done against the objections of the people who were involved in the case who knew about it. The prosecuting attorney—the U.S. Attorney's Office—apparently recommended no. The FBI, which investigated the case, said no. The Federal Bureau of Prisons said no.

We don't know yet. I hope that we will find out—and I hope this administration does not stonewall—what the Pardon Attorney's recommendation was. It went on up to the Deputy Attorney General of the United States. So we need to find out what happened. It cannot be, in my view, justice.

Some said: Well, what if one of these 16 may not have been personally involved in the violent act?

I want to tell you what a conspiracy means.

These individuals knowingly and deliberately joined with a group, FALN, which had been involved—and well known in Puerto Rico throughout this country—in public bombings and assassinations and maiming of American people. They joined with that group. They were caught with C–4 explosives and truckloads of guns in participation of that effort.

I want to note what the law is on that. Under one case in the Fifth Circuit, the court held that "A conspiracy is like a train. When a party knowingly steps aboard, he is part of the crew and accepts responsibility for the existing freight (that was already carried)."

That is what we have here. There is no doubt that this group joined this criminal enterprise and participated in it and were apprehended by courageous FBI agents working undercover. There is no doubt that it was tried in a high profile case in Chicago, New York, and other places.

You can be sure that the Marshals Service and the FBI were guarding the judge, the jury, and the families because this was a big-time prosecution of people who were determined to destroy this country and defeat the U.S. Government.

That is what it was about. This was a high profile, very intense effort. It was done by prosecutors and FBI agents who willingly put their lives at risk to bring them to bear. And once they were convicted, we have not had any more bombings. It was a successful, courageous effort that saved lives in this country.

It is not acceptable for this President to go around the Department of Justice professionals, violating President Grover Cleveland's Executive order which he could have changed if he wished to but never did. It is the established procedure—and for reasons that I can only conclude have to be political because they certainly cannot be based on law and fact.

I would just say this: Justice is a fragile thing. But I would like to ask the American people and the Members of this body to think about this: What about the other 3,000 people who did not get their pardons?

Thank you, Mr. President.

Mr. LEAHY. I did not agree with the President's recent clemency decision, but I recognize that it is his decision to make. When I was State's Attorney for Chittenden County, I did not always agree when the Governor of Vermont exercised his clemency power, but I understood that it was his to exercise as he saw fit. There were many more numerous exercises of this constitutional power by the Republican and Democratic Presidents with whom I have served over the last 25 years—President Carter used this power over 560 times, President Reagan over 400 times and President Bush over 75 times— and they have not always been matters with which I necessarily agreed.

Yesterday I cautioned against the extreme rhetoric of the version of the Lott-Coverdell resolution that was initially introduced. Through the course of the last week some of the misstatements of fact that were contained in that version of the resolution have been corrected and its most extreme and dangerous political rhetoric has been eliminated.

The resolution that the Senate will adopt today deletes much of the overreaching language of the President's congressional critics. I noted yesterday that to contend that the clemency grants showed a weakness of resolve against international terrorism was both wrong and might itself contribute to creating a dangerous atmosphere.

We ought to be careful when anyone, let alone the Senate and Congress of the United States, starts bandying about declarations that accuse the United States Government of making "deplorable concessions to terrorists," "undermining national security" or "emboldening domestic and international terrorists." Playing politics with this matter and accusing the President of "undermining our national security" or "emboldening terrorists" carries significant risks and was not right. I am glad that language has been eliminated from the text of the resolution.

Likewise, some of the factual inaccuracies in the initial draft were eliminated, including the assertion that the procedure used in these petitions was "irregular", and the inaccurate assertion that the Bureau of Prisons had audio recordings indicating that some of the 16 persons offered conditional clemency by the President had "vowed to resume their violent activities upon release." There was no basis for that assertion, which was inaccurate and unfounded but nonetheless included in the original resolution. It has now been deleted.

Similarly, the substitute resolution eliminates the contention that the President's decision was "making terrorism more likely and endangering" Americans.

Most importantly for the resolution— and this is after all only a congressional resolution that cannot change the clemency decisions by the President— the original resolution proposed declaring that the President had "made deplorable concessions to terrorists, undermined national security and emboldened domestic and international terrorists." All of that language has been deleted from the resolution. It was extreme and risky political rhetoric and should never have been included.

The American people can judge whether the time and energy being devoted by the Congress to this declaration is the best use of the these resources. Yesterday I challenged the Senate to make time for votes on the many qualified nominees whom the Republican majority has stalled for the last several years. If the Senate has time to debate and vote on this resolution, it should have time to vote on the nomination of Judge Richard Paez to the Ninth Circuit Court of Appeals, which has been pending for over 3½ years. If the Senate has time to debate and vote on this resolution, it should have time to vote on the nominations of Justice Ronnie White to be a federal judge in Missouri, Marsha Berzon to be a judge on the Ninth Circuit, Bill Lann Lee to head the Civil Rights Division and to act on the scores of other nominees pending before it.

The Senate has not completed work on 11 of the 13 appropriations bills that must be passed before October 1. The Republican Congress cannot find time for campaign finance reform or a real patients' bill of rights or raising the minimum wage or reforming Medicare or completing the juvenile crime bill conference. The American people will judge whether the Senate should be doing its job and attending to its constitutional duties of confirmations and legislation or whether its time should continue to be devoted to partisan politics and attacks on the Executive Branch.

Ms. MIKULSKI. Mr. President, I oppose the President's decision to grant clemency for the FALN terrorists.

I oppose clemency for two reasons. First of all, this clemency decision violates the tenets of our counter terrorism policy. Terrorism is one of the greatest threats facing our nation. We say that we will fight terrorism with every tool that we have. We say that we will make no concessions to terrorists. We say that we'll track the terrorists down—no matter where they are, no matter how long it takes. We say that we'll hold them accountable—and punish them to the fullest extent of the law. By granting clemency to terrorists, we are saying that these tenets don't always apply. What kind of message does it send to offer clemency to those who are guilty of the most heinous and cowardly crimes?

Terrorism is a real threat to America—and to individual Americans. Too many families are suffering the inconsolable loss of their loved ones—because some murdering thug wants to make a political point. Too many times, I have called grieving families to express my sorrow. After Pan Am 103 was destroyed over Scotland, I called the families of seven young people from Maryland who were brutally and callously murdered. We recently marked the tenth anniversary of this terrible crime—and we are still seeking justice. I also think about a young Navy diver from Maryland—Robert Stethem—who was murdered in a terrorist attack in 1985. The victims of terrorism deserve justice that is not watered down.

The second reason I oppose clemency is that I am not convinced that the terrorist have expressed sufficient remorse. Each of these individuals had many years to express remorse and renounce violence. I haven't heard that the FALN terrorists have changed their lives to reflect a change of heart. I haven't heard about any apologies or expressions of regret. Their renunciation of terrorism was tepid. It came only in exchange for their freedom. I don't consider this true remorse. I don't consider this worthy of clemency.

So I will support this resolution to disapprove of clemency for terrorists. I am sorry that the President chose to shorten the sentences of terrorists who feel justified in using violence to achieve their political goals.

Ms. COLLINS. I rise today to condemn the President's use of the Constitutional power to grant clemency to FALN terrorists. The members of the Armed Forces of National Liberation, known by their Spanish acronym FALN, were responsible for 130 bombings in the late 1970's and early 1980's. As a result of these FALN actions, six people died, scores of citizens were maimed and injured, and the public at large was petrified by an indiscriminate threat.

The FALN's stated purpose in conducting this reign of terror was to further the cause of Puerto Rican independence. But it virtually goes without saying that there is no justification for this vicious lawlessness that terrorized, killed and maimed human beings. After a Herculean effort on the part of law enforcement and prosecutors, the FALN members were brought to justice and convicted of a variety of serious charges including seditious conspiracy.

Those who suffered at the hands of the FALN, those whose only crime was to be in the wrong place at the wrong time, had names and lives before they had the misfortune to encounter an FALN-placed bomb. But their lives were ended or irrevocably altered by senseless actions. The law enforcement officers and prosecutors who brought the FALN to justice placed themselves at personal risk in their effort to protect the public from the terror of the FALN bombings.

On August 11th, the President unexpectedly offered clemency to 16 FALN members. Their release was conditioned on each prisoner renouncing violence, obeying a ban on the use of weapons, and refusing fraternization with independence leaders. Unbelievably, it was indicated that these vague promises would release these individuals from their sentences—a privilege that he has granted only three times previously. And even more unbelievably, these promises were not forthcoming.

The President made this clemency offer despite the fact that he was advised against it by the FBI, the Bureau of Prisons, and two United States Attorneys.

The President made this offer despite the fact that the jailed FALN members had illustrated no remorse for their actions. This became painfully clear on this past weekend's "Meet the Press" where Ricardo Jimenez, one of the freed conspirators, appeared. Mr. Jimenez identified himself as a freedom fighter and justified his criminal actions as a remedy for Puerto Rican "colonization."

Mr. Jimenez is not unique among the FALN conspirators in his utter lack of remorse for the terrorist bombings. Unbelievably, in fact, Bureau of Prison audiotapes have captured several of the former FALN members recently released from prison saying they would return to violence upon release.

By releasing prisoners convicted of serious crimes, for which they showed no remorse, based on only the promise that they will not commit such crimes again, the President has undermined the standard for eligibility for the extraordinary remedy of clemency.

There is no recourse from the President's action, which was based on his unquestioned Constitutional authority. The Senate can only express our sentiment that his actions were appalling and dangerous. Therefore, in the strongest possible terms, I support the resolution offered today condemning the President's action.

● Mr. GREGG. Mr. President, I want to make clear that, while I was not able to vote on S.J. Res. 33, I am very much in favor of this resolution and I am pleased that it passed today. Had I been present, I would have voted in favor of it. It is important for the Senate to voice its concerns about the President's actions when they infringe on our Nation's best interests. Given the long and disturbing history of the FALN terrorists who were recently released, I believe that this President's actions with regard to those terrorists did, in fact, undermine our Nation's policies against terrorism.

On January 24, 1975, a New York city tavern was ripped apart by a bomb that killed 4 people and injured more than 50 others. A radical Puerto Rican nationalist group known as the Armed Forces for National Liberation (FALN) claimed responsibility for the act and was later implicated in more than 100 bombings across the United States. Several detectives were maimed as a result of these bombings and suffer to this day from the terrorism perpetrated by FALN.

Sixteen FALN terrorists were eventually convicted in the 1980's for violent offenses related to the bombings, including armed robbery, weapons violations, and seditious conspiracy, a rarely invoked but powerful criminal charge reserved for people whose intent is to undermine the Government of the United States.

Their history makes it clear that FALN was a dangerous terrorist faction whose members deserved the punishment they received. It is for these reasons that I was appalled when President Clinton offered to give these terrorists an early release from prison, ignoring unanimous opposition from federal law enforcement professionals and siding with liberal human rights activists and Puerto Rican nationals. Eleven FALN terrorists were released from federal prison last Friday.

As you know, Mr. President, I chair the Senate Appropriations Subcommittee on Commerce, Justice, State and Judiciary, which funds the FBI and other law enforcement agencies that are responsible for our Nation's counterrorism strategy. Over the last few years we have significantly increased the resources available to law enforcement and now have in place for the first time a coordinated, government wide strategy to deter and respond to terrorism. Releasing convicted terrorists before they serve their full sentence sends the wrong message about how our Nation will deal with people who use violence to achieve their political objectives.

There is no question that the President has the authority under the Constitution to grant pardons and reprieves for offenses against the United States. Once a pardon or clemency offer is official, no one can reverse or overturn the decision, not even the Congress or the Supreme Court. Given the magnitude of this power, the question that should be asked is why the President would use it to give convicted terrorists an early release from prison, especially the fact that President Clinton has reduced sentences in only 3 out of 3,042 prior cases.

Hearings will be held in this body and in the House of Representatives in the next few weeks, and they should aggressively question the administration's reasons for this act. These hearing should explore how the clemency offer supports the State Department's antiterrorism policy which states that the United States shall "make no concessions and strike no deals and will bring terrorists to justice for their crimes."

The primary argument for clemency appears to be that none of the 16 FALN members were directly involved in any of the bombings. However, almost all of them were convicted for seditious conspiracy—the purpose of which was to wage a campaign of terror against the United States Government. Osama bin Laden may not have lit the fuse that detonated the bomb, but his participation in a conspiracy to commit these acts would be enough to incarcerate him for life. In addition, the Clinton administration contradicts its tough stance on gun violence by releasing these terrorists, almost all of whom were convicted of various gun violations, including armed robbery.

Another explanation floated by the administration is that the sentences are too stiff. The President's early release certainly changes that. Eleven of the convicted FALN members are now free. Two others will serve additional time, and three others will be released from paying the remainder of their criminal fines. However, the sentencing judge's decision to order maximum prison terms was based on the evidence in the case and the fact that none of the FALN members showed any remorse for their acts at the time of sentencing. One sentencing judge indicated that he would have ordered the death penalty for one of the terrorists who showed no regret for his acts, but it was unavailable as an option. It is presumptuous for the President to grant clemency on the grounds that the federal judge who heard the testimony and saw the evidence firsthand imposed a sentence that was too severe.

In fact, Oscar Lopez-Rivera, one of the FALN terrorists that President Clinton offered to release early, had this to say in an interview with the Associated Press last year,

> I have no regrets for what I've done in the Puerto Rico independence movement . . . This onus is not on us. The crime is colonialism. . . . If Puerto Rico was not a colony of the United States, I would have had a totally different life.

Mr. Lopez-Rivera was convicted of numerous charges, including weapons violations and conspiracy to transport explosives with intent to destroy government property.

Our judicial system also provides an absolute right of appeal for criminal convictions. Superseding the judicial system should be reserved for cases in which the facts are clear and the benefits of release outweigh the dangers. That balancing test is not met in this case.

Many people have speculated that the President's decision was an effort to woo the large Puerto Rican constituency in New York where Mrs. Clinton is likely to run for the U.S. Senate. It is not too much to imagine that the Clinton administration would jeopardize our national security to court potential voters based on their record of politicizing federal agencies, so I believe it should be examined during congressional hearings as a possible motivating factor.

One of our government's primary responsibilities is to safeguard the freedom and liberty of its people. Given the growing terrorist threat around the world, now is not the time to go easy on convicted terrorists. Over 700 people died last year and more than 6,000 were wounded from the embassy bombings in Kenya and Tanzania last year. The World Trade Center bombing and the Oklahoma City bombing are fresh reminders of the violence that can be wrought by terrorists. Releasing terrorists before they serve their full sentence sends the wrong message and undermines our nation's tough stance against terrorism.●

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on this debate?

The PRESIDING OFFICER. There are 39 minutes remaining, with 16½ minutes remaining on the Senator's side.

THE REMAINING SENATE BUSINESS

Mr. DURBIN. Mr. President, one of the items previously discussed deserves further exploration; that is, the whole question of what we are going to do in the closing weeks to meet the Senate's obligation to the people of this country, to deal with the most basic responsibilities of this Chamber.

The most basic responsibility, of course, is to meet and pass the spending bills necessary for the orderly operation of the Federal Government. For those who are not students of the process, the fiscal year that we work under starts on October 1, and we are supposed to pass 13 different spending bills so that come October 1, the actions of Government can continue their business. This is our ordinary responsibility.

So we meet on September 14 to discuss a lot of issues of importance. But the American people have the right to ask us what we have done about our basic responsibility to pass the spending bills for the next year. The honest answer is, of 13 bills, we have only passed and had signed into law one bill, and that is the military construction bill. All of the other activities of the Federal Government, frankly, are still in play. They are being debated on Capitol Hill. It is a sad commentary on those who manage the House and the Senate that we have not made more progress. In fact, closer inspection suggests to us that there are some serious problems ahead.

Anyone who followed the proceedings last year knows that a similar situation led to a mountainous piece of legislation called a continuing resolution. If I am not mistaken, it was some 10,000 pages long and it was literally dropped in our laps with 48 hours to go and we had to read it, vote yes or no to continue the operations of Federal Government, and go home or stay here. It was chaotic.

At a time when we have a Federal Government and a Congress with a responsibility, a staff and resources, it is hard to imagine we are about to repeat that scenario of last year. But it looks as if we are headed in that direction.

The sad fact is that one of the more sinister games being played is that one of the most important spending bills for American families—the bill that contains, for example, education spending for the United States of America—is being held hostage as the last spending bill which we are going to consider. As each appropriations bill that needs money comes along, it is taken from this education and health bill and put into another bill.

The day of reckoning is upon us in the not-too-distant future where we will face the possibility of another continuing resolution.

I am disappointed the Senate has not responded to the challenge by the President in his State of the Union Address and, frankly, challenge by the people of this country to address some of the serious problems which we face. Instead, we find ourselves tangled in a weave of budgetary deception where the suggestion has been made this morning that there is going to be an extension of the fiscal year to make it 13 months long as opposed to 12 months.

I believe it was Pope Gregory who came up with this calendar which we now use across the world. Now we have a suggestion that is part of their effort to extricate themselves from this budgetary maelstrom. The Republicans are going to somehow construct a 13-month calendar. I will not go into all the possibilities that were mentioned in the earlier debate, but I will say that it is, frankly, evidence of their failure to lead in the Senate and the House of Representatives because we are in the closing weeks of the fiscal year not having met our obligation to manage the Government and do it in an efficient manner.

The President came to us many months ago in his State of the Union Address suggesting some changes which we should consider in education in America. I am sorry to report that, to my knowledge, there has been no hearings on the President's proposals, nor is there any likelihood that the budgetary bills coming before us in the closing hours of the session will even address these changes in education. Most of these changes are widely accepted and embraced by the American people. Yet we find the Republican majority in both the House and the Senate refusing to even consider them.

The idea of increasing the number of teachers across America so classroom size is reduced is one that every parent understands. You walk into a classroom of 30 kindergartners and one of them is your child. You pray to God there will be a few minutes each day where the teacher might be able to pay special attention to your son's or daughter's particular problems. The same is true in the first, second, and third grades when children are learning the basics in terms of math and reading and such things that will build their education for the future.

The plebiscite President said 100,000 new teachers and reduce classroom size across America and we will have better students, better graduates, a better workforce, and a better country. The American people said: We agree. Do something about it. As we stand here in September of 1999, 8 or 9 months later, nothing has been done—nothing.

The President has already said—and I think he is right—address the needs to modernize classrooms across America.

We had a press conference in Illinois last week in Farmington, a small town near Peoria.

The school there was built in 1908. It is one of those battleship schools. I attended similar schools that reflect the turn of the century commitment to education in America. However, the school needs help. It needs a new fire escape. It needs new electrical service. It needs to be equipped for computers. It needs the basics.

It is not alone. There are schools across America in need of modernization. New schools need to be built. There will be more students than there will be classrooms. Will we help school districts across America? Will this Congress rally, as the President has asked, to help the school districts? The honest answer is no. We have not had any show of will by the Republican majority to even address this. When we bring it up, they say: There you go again, another new program.

Does this strike anyone listening to the debate as a radical suggestion, that our Federal Government lend a helping hand to school districts across America so schools are safer, that they are more modern, that in the 21st century kids have a better chance to learn? The honest answer is, that is not radical; that is as basic as it gets in the United States of America.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. I hate to break into the flow of thought, but in listening to my friend from Illinois I am wondering if he is aware that the first President to call attention to the needs of education in modern American history happened to be a Republican named Dwight Eisenhower. Is my friend familiar with his National Defense of Education Act?

Mr. DURBIN. Yes.

Mrs. BOXER. I think it is an important point.

We have a Republican Party today in this Senate that is blocking the Senate from taking action, as my friend has stated, on the 100,000 teachers, on school construction, on afterschool, which they say they support in one vote, and when it comes to putting money down, they are not there.

My friend says they call it "radical." President Eisenhower, when I was a youngster in the 1950s, said we could have all the missiles in the world on our side, we could have all the bombs and all the military people, but if we didn't have an educated workforce that understood how to use the equipment, if we didn't have an educated workforce to be productive, America wouldn't be what she must be, the leader of the free world.

I merely interrupted my friend to ask him if he recalled that interesting fact, when Dwight Eisenhower said we had to do something as a Federal Government. Some people said, wait a minute, education is a State matter. He made a couple of points: A, you can't be a strong leader if you don't have educated kids; B, the States can't do everything; they need Congress to come in when there is a national problem. We can't come in for every little thing, but if we don't have enough teachers, that is a national problem. Afterschool is a national problem; early education, a national problem.

The States are saying they need our help.

I yield back to my friend. I would love to hear his comments on the irony of this modern-day Republican Party and this Senate essentially turning against what a wonderful Republican President of the United States, Dwight Eisenhower, said about education.

Mr. DURBIN. I thank the Senator from California.

The fact of the matter is, I managed to complete college because of the National Defense of Education Act, a bill passed by Congress, signed by President Eisenhower, that allowed me as a student from a working family to borrow money from the Federal Government to pay my college education and pay it back over 10 years at 3 percent interest. What a deal. I would sign up for it again.

I hope those who were supporting it and reflecting on it believe that investment in this kid from East St. Louis and a lot of other children like me paid off for the country in the long haul.

I think President Eisenhower and Congress were correct in calling this the national defense. When you talk about the national defense of America, I think it has a lot more to do with the people who live here than the hardware we purchase. The investment in education is such an investment. Think back to the turn of the century. If you had to go back 100 years and ask, Will America be a dominant country in the 21st century, most would guess no because in the 19th century we were a minor power.

The European powers captured the attention of the world. We made some threshold decisions at the turn of the century that made a difference. I love this statistic: Between 1890 and 1920, on average, we built one new high school every day in America. For 30 years, a new high school was built every day in towns across the country—no Federal mandate, just the understanding that if you had a town that was worth its salt, it would have a high school. High school wasn't just for rich kids; high school was for all kids. The kids of immigrants, the kids of farmers, and the kids of small business people all went to school together in a public school system.

What happened? We went from 6 percent of 17-year-olds graduating high school in 1900 to 1930, 30 percent, and today, over 75 percent. Make no mistake, that commitment by America to education, which created high schools, which were then called "people's colleges" because this was a chance for education beyond the eighth grade for just average kids, led to college education and a dramatic increase in the number of scientists, engineers, and doctors. It took America from Kitty Hawk to the space program.

The obvious question is, Do we have the same commitment to education in the future that the leaders in the 19th century, looking to the 20th century, had? I don't hear it as I listen to the debate in the Congress. I don't hear men and women of vision standing up and saying in the 21st century our kids will have the same opportunities.

There are some things we have to commit ourselves to as a nation. That isn't being done here. Instead, we languish in this debate, lost in the minutiae about local control and forgetting the big picture. The American people expect Congress to understand the challenges our Nation faces for the next century. It is not reflected in the debate on the budget or in the appropriations bills.

We have talked about school modernization, we talked about smaller classroom sizes in K through 4. Let me discuss another critically important topic: Quality teachers, men and women who will become professional teachers who are good at it—not to take what is left over from college or high school, but to take the very best and brightest and put them in a classroom to spark in each kid that feeling of creativity and learning which those who are blessed to have such teachers have experienced. Yet we don't have that commitment.

The President has said: Invest in teachers. Make sure they have a chance to have their skills improved. Hold them accountable for what they do in a classroom. But make sure to bring these young men and women into the teaching profession.

We can turn on the television almost any night and see the exposés about education in America where, unfortunately, some people are in classrooms and they shouldn't be there. The vast majority of teachers are good, hardworking men and women. We can help them improve their skills and keep those who are not good out of the classroom with a commitment in Washington that we just haven't seen during the course of this year.

The last point I will make is on afterschool programs. I have been mystified by the fact we are still caught up in a mindset that is, frankly, old fashioned, a mindset that says children start school at the age of 6 and school lets out at 2:30 or 3:00 in the afternoon and we take 3 months off in the summer. This might have made sense at some point in time. It doesn't make sense in today's America. Six years of age is a good age to put a child in a classroom, but 5 is better; 4 may even be better. There might even be learning experiences for those younger who are now in a day-care setting.

Ask any teacher, if they could add a year in education, where would they add it. It isn't at the end of 12th grade but at the beginning, kindergarten or before. The teachers say: Give me a chance to mold that child before they come into the classroom, and I will show you a better person and a better student.

Yet our commitment to preschool programs, our commitment to programs for the earliest ages, just isn't there. We ignore it. We act as if it isn't a reality. We know it is. A younger child in a learning situation is a child more likely to be a good student.

Classrooms adjourning each day at 2:30 or 3 o'clock in the afternoon made sense when Ozzie and Harriet were at home with milk and cookies waiting for the kids, but not in today's America. More parents are working; kids are going home to empty houses and getting in trouble after school.

One might ask, Why doesn't the schoolday reflect the family day where parents might get home at 5:30, 6 o'clock, or after? Some schools adjust to that. Some schools provide that. Some schools need help. We have yet to come up with any suggestion here on Capitol Hill about afterschool programs responsive to the needs of today's working families. I suppose taking summer vacations off was an idea that made sense in my home State of Illinois. After all, the kids did have to go work on the farm. But out of a State of 12 million people, we only have 75,000 farm families. Those children should be in another learning experience, another supervised experience so they are better students. If they are falling behind in reading and math, let them have remedial work during the summer. If they are good students, give them enrichment courses, teach them a musical instrument, or something new about science. Introduce them to computers. All the options and possibilities are there. Yet when you bring that up on Capitol Hill, you would think you were speaking a foreign language. People just cannot quite understand what we have to do with it.

I think we have a lot to do with it. That this Congress has been so derelict when it comes to the issue of education is a suggestion to me that we just don't get it. We are not listening to American families who identify education as their highest priority. We certainly are not reading history, which tells us education made the 20th century the American century because of our commitment to education.

Make no mistake about it; other countries around the world, in Europe, in parts of Asia, are starting to move forward. These are tomorrow's competitors. These are the people with whom our children will have to be ready to do business and with whom they will have to compete. If we are not prepared, they will pass us by. I don't want to see that happen to my children. I don't want to see that happen to this country.

The honest question we have to ask ourselves is, Does Congress get that message? If you look at the budget debate, it is pretty clear to me we have missed the point completely. We are now entangled in this terrible budget debate with the President. Thank goodness the Republican Party has abandoned this $750 billion or $800 billion tax cut for wealthy people. They took that out in August. They were going to go home with it and explain to the American people why this was the real important thing to do for America's future. It fell on its face. It had about as much popularity as the new Coca-Cola. They came back and said: We have given up on that idea. Maybe we will do it next year.

I hope they have walked away from it. But in abandoning that bad idea, why don't they pick up on a good idea like education? Why don't they join us in making certain the education funding bill is one that really is a source of pride rather than a source of embarrassment. At this point, unfortunately, we have seen that bill delayed. There have been absolutely no hearings on it and absolutely no effort being made, no initiative being shown, when it comes to improving education for the next generation.

I think the American people rightly give us that responsibility and ask us to meet it. It is a responsibility that should be shared on a bipartisan basis. The things I have suggested are not radical Democratic ideas. The things I have suggested I think would appeal to families of Democrats, Republicans, and Independents—all families who care about the future of their children.

I yield the floor hoping the debate soon will turn to these issues such as education, issues which most American families consider to be one of our highest priorities.

DEPLORING THE ACTIONS OF PRESIDENT CLINTON REGARDING GRANTING CLEMENCY TO FALN TERRORISTS—Continued

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Will the Chair advise the Senator the order of business?

The PRESIDING OFFICER. It is S.J. Res. 33.

Mr. COVERDELL. This is the resolution by Mr. LOTT, myself, and Mr. BROWNBACK, deploring the actions of the President of the United States regarding the granting of clemency to terrorists called FALN?

The PRESIDING OFFICER. That is supposed to be the order, yes.

Mr. COVERDELL. I thought it was interesting to make note of the business before the Senate at this moment. With that in mind, I yield up to 5 minutes of our time to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to talk about the business that is before the Senate because I think this is critically important. There were a number of allegations made in the last speech that I think deserve to be refuted, but what is presently before us, what has taken place, is something that needs to be addressed before the American public.

I rise in support of the resolution condemning the President's actions in granting clemency to 16 terrorists. I want to be clear what I am talking about: 16 terrorists who were members of the Armed Forces of National Liberation, FALN. The President's condition for releasing these men was that they would be willing to say they would not use violence anymore. This is a standard that I think would easily be met by almost everyone in prison in America today. The condition is a sham. The FBI, the Justice Department, and the Bureau of Prisons all recommended strongly that these terrorists not be released. Yet the President went ahead and released these terrorists.

The sad part about this is this administration claims to understand that terrorism is one of the greatest threats facing America. And it is. We see that threat towards the United States being posed and acted upon in many places around the world. It is only because of our own abilities that we have been able to stop some of this. Yet some of it has still gotten through.

This act of the administration of releasing these terrorists will have the effect of encouraging terrorism. They are repeatedly telling us they are bringing terrorists to justice and that is a high priority. How is this act of releasing terrorists compatible with fighting terrorism? By his actions, the President is sending a message that, in fact, he does not take terrorism seriously, that it is OK to kill and maim American people. After all, the President may pardon you even when there is no petition of clemency before him.

This encourages terrorism. We should be very clear about that. At a time when terrorism is a great threat to our peace and prosperity, at a time when terrorism has touched everywhere in this Nation, at a time when Americans face terrorist threats all around the world, the last thing we should do is grant clemency to convicted terrorists. I believe Congress should be standing up to tell the President, as well as the Nation, that we strongly condemn pardoning terrorists who have killed and shown no remorse whatsoever. Whatever the reason the President took this action, it is clear the pardon was not based on the merits, and by carrying through with this he severely damaged our leadership in the world fight against terrorism.

The FALN carried out more violence than any other terrorist group in the United States. They pose a direct threat to the safety of American citizens on American soil everywhere. Yes, these convicted terrorists have spent some time in jail, but the acts these people committed were the most heinous and should not seem less so simply because of the passage of time. A fair court system found them guilty and punished them accordingly. Nothing they have done or said since then can justify their unsolicited release.

Making concessions to terrorists is wrong and it is very harmful to us as a country and as a people. In so doing, the President has made a mockery of all the administration's tough talk about terrorism and the need to combat it worldwide. This is an action that should be roundly condemned.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Georgia has 6 minutes and 40 seconds.

Mr. COVERDELL. Mr. President, ever since the introduction of this resolution which basically put the Senate on record, if passed, we were deploring the action of the President commuting the sentences of 16 known terrorists, in this timeframe, the White House so far has refused to allow any of its representatives in the Department of Justice, the Federal Bureau of Investigation, its own White House, or the Bureau of Prisons to testify before any congressional hearing. It was as late as 9:30 p.m. last evening that the testifier from the Federal Bureau of Investigation called our office to decline to testify. In other words, there is a total blackout at the White House.

The vote that occurred on the House side had 71 Members of the other side of the aisle voting "I am here," refusing to make a statement. This debate in the Senate will have soon been 2 hours long. So far, on the other side there has been only one sentence discussed about this national issue of the President commuting the sentences and releasing 16 known terrorists. One sentence in the entire debate has come from the other side. Mr. President, 71 of their Members in the House simply voted they were in Washington, and the White House has refused to make any comment and refused to allow any of the administration to testify.

Mr. President, this book, "Patterns of Global Terrorism, 1998," is published by the State Department of the United States. It was published in April of this year. On the first page it says:

> United States policy with regard to terrorism.

And the first statement is:

> Make no concessions to terrorists and strike no deals.

These 16 terrorists have been given the concession of being released from prison, and the entire process was one of dealmaking and negotiations among the White House and representatives of the terrorists and the terrorists.

The question is the incongruity with the administration as well as our Government's policy with regard to terrorism.

The second premise is:

> Bring terrorists to justice for their crimes.

We are in the midst of sending 16 of them from prison out into the population, again with no real assurance—in fact, we have already seen some signs that they would not recant terrorist activities.

The President, in a rather tortured effort to explain—that these folks were not the ones who actually dropped the bomb or fired the weapon has already been alluded to by Senator HATCH, chairman of the Judiciary Committee—what they are trying to do is set degrees. Under that theory, bin Laden, responsible for planting the bombs in Kenya and Tanzania, would somehow be in a more favorable position. To put it another way, if you are a successful terrorist, you are going to be in a lot more trouble than an unsuccessful terrorist because you were captured by the FBI before you set off the bomb.

In this very booklet published by the administration, it gives a definition of terrorism: "The term terrorism means premeditated"—we have concluded that—"politically motivated violence"—we have concluded that was the case—"perpetrated against noncombatants"—and I met the son who was 9 years old when his father was killed when he was simply having lunch in New York as a noncombatant—"by subnational groups or clandestine agents usually intended to influence an audience."

The point I am making is, all 16 whose sentences were commuted fit this definition to a T. They are terrorists. What does not match is the President's violation of the terms of how we deal with such people when it says "make no concessions" and he did, it says "and strike no deals" and he did. We can only hope and pray that law enforcement officers who were involved with this, families who were involved with this, are not now in harm's way, or the judge who sat in the adjudication of these cases and who was threatened to be assassinated by these people as he conducted the trial of the 16.

What a massive incongruity we face. We will shortly vote on this resolution. I very much hope this will be as successful as in the House so that international terrorists, law enforcement officials who put their lives on the line every day, and the victims of these terrorists will understand that the people's branch, the legislative branch of the U.S. Government, thinks these are the rules of the road when you deal with terrorists, that you do not make concessions, that you do not make deals, and that they are apprehended and, if apprehended, they are subsequently harshly dealt with and imprisoned accordingly.

The Presiding Officer is signaling me that my time is up.

The PRESIDING OFFICER (Mr. CRAPO). Time has expired.

Mr. COVERDELL. That being the case, and no Senator from the other side is here to speak on their version of the issue, I suggest the absence of a quorum.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his request?

Mr. COVERDELL. I withdraw my request.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

GRANTING CLEMENCY TO TERRORISTS

Mr. INHOFE. Mr. President, I had been presiding and listened intently to the debate that has been taking place. I have a couple of thoughts which I think have not been addressed.

For one thing, we recognize that this has to have been politically inspired, that you do not offer clemency to known terrorists without some type of motivation to do so. If one has been watching the media and if one has been listening to this debate, one has to come to the conclusion that it was politically motivated. There can be no doubt about that. Of course, there are a lot of Puerto Ricans in the United States and in some of the States such as New York, New Jersey, and Florida, perhaps, who could determine the outcome of a vote. So we have politicians catering to them.

I suggest to you, Mr. President, that while this is onerous enough, this is not happening in a vacuum because at the same time people are going after this voting block by offering clemency, something else is going on right now, something that not many people are aware of, and that is, for the last 57 years we have been able to use an island called Vieques off the shores of Puerto Rico as a bombing range, as an amphibious training base. This is classified and characterized by the Navy, as well as the ground troops, as an imperative area for our training and our readiness.

I guess what I am saying is, there is no place else in the Western Hemisphere we can use for this kind of training. It is high-altitude bombing training and also amphibious training. What this also means is when we are about to deploy a ship such as the U.S.S. *Eisenhower* they will not be able to train because of a moratorium on training on Vieques.

How does that relate to this subject at hand? It relates directly in that the reason we are having problems with the range which we have used successfully for 57 years and which is an imperative part of our state of readiness is that it is unique, but they have stopped us from doing it through a moratorium because of the people of the island of Vieques. There are only 9,000 residents on this island who are saying, all of a sudden: Well, we decided we don't want to have bombing on the far end of this island.

This island is over 20 miles long. The bombing range is way over on one side. There is a buffer zone in between that is a national park on which we have spent literally millions of dollars to satisfy that handful of people who want us to abandon the range.

What do we have going on right now? We have people who are running for high office—and I do not think there is any reason to mention who they are at this time—going in and holding press conferences in Puerto Rico, saying: We want to stop the bombing that is taking place on this range; we want to deactivate the range.

Those individuals who are running for office in Puerto Rico are going one step further. Right now, there are four groups of protesters. These protesters are down on the firing range, walking around where there are live ordnances on the ground, picking them up, throwing them around, and someone is going to get killed. Consequently, having witnessed this, when I came back I wrote a letter and made a phone call to Janet Reno, our Attorney General, to insist she apply the law to these trespassers to stop them from doing that.

I do not know what her motivation is, but she refuses to do it, and she is selectively interpreting and enforcing the law. I suggest that the Senator from Utah was correct when he said the Attorney General is asleep at the switch while the White House is running the Justice Department. We are allowing the White House to run the Justice Department insofar as clemency is being offered to these terrorists, but also running the Justice Department by not enforcing the law in getting these people out of harm's way.

I can stand on the Senate floor today and say that I believe someone is going to be killed, and when that someone is killed, it is going to be the fault of our Attorney General and her boss, the President, because they are selectively not enforcing the law at this time.

While it is bad enough we allow terrorists to go unpunished—we turn them loose on society; we somehow fall into this mindset that punishment is not a deterrent to crime for political purposes—it is even worse, in my opinion, to take away the one thing that is necessary, the most significant, an important training area, from our military in order to prepare to defend America.

So I think this thing has gone far enough, and I do believe it is politically inspired. I do believe that was the reason for the offer of clemency. I do believe that is the reason so many politicians right now are saying: Fine, we'll go ahead and close the range.

One last thing on the range. I know this message will get out to the right places when I say it. It is true that the people and the citizens of the island of Puerto Rico would like to have this range deactivated. But they also at the same time want to keep our facilities that are so significant in making contributions to their economies, such as Roosevelt Roads.

As chairman of the Readiness Subcommittee of the Senate Committee on Armed Services, I went out and told them I am going to do everything within my power—if they deactivate this range; and are successful in doing this, through the White House and the President's efforts—to do what we can to move those functions that take place in Roosevelt Roads, to deactivate that and bring those back to various installations in the United States that are only partially utilized.

So that is going out as a warning. I think it is time we take this whole thing very seriously and try, just for a while, to get politics out of this process which we have been discussing.

Lastly, yes, it is significant. We are talking about a President who has offered clemency to a bunch of people, some terrorists, who have inflicted crime on American citizens. When you stop and think about how the young people of America are looking at this and saying, "Well, I guess there's not anything wrong with participating in this kind of activity," this is morally wrong, and it should be stopped.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I ask unanimous consent to speak up to 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, the other morning on the "Today" show—which many of us wake up and listen to as it relates to the morning news or the late-breaking events—there was a Puerto Rican terrorist who the day before had just been released from prison under the clemency that President Clinton had granted him.

During that interview, he was consistently asked if he was remorseful, if he was concerned about the lives of American law enforcement officers that had been taken by him and other terrorists such as himself. In all instances, he did not answer.

He went on to speak of the cause and the movement and why independence was more important than anything else—independence as it relates to the Commonwealth of Puerto Rico, not his personal independence. But never once did he speak in any tone that would suggest he was sorry, only that he was glad to be free. I think anyone who had been imprisoned by a court and found guilty would want that.

I listened to him and grew increasingly more angry—and I must use that word "anger"—at a President who is at this instant once again trying to have it both ways on an issue that I know the Presiding Officer and I are very concerned about—and that is the misuse of second amendment rights in our country by citizens of our country. And oh, by the way, that Puerto Rican terrorist is an American citizen, is a citizen of the United States by birth in the Commonwealth of Puerto Rico. He was not a foreigner who knew nothing about our law; he was an American citizen who violated a Federal firearms statute.

When I say I speak with a certain amount of anger in me that we have a

President who is living up to his double standard reputation once again in the twilight days of his administration, he is coming to the American people and saying: Give me more Federal firearms laws so I can enforce them and make the streets of America safer. If we have heard it once, we have heard it five times from the bully pulpit of the White House in the last 6 months: And oh, by the way, to all you Americans who did not catch my sleight of hand, I want to release a bunch of terrorists who were accused and found guilty of violating Federal firearms laws and give them clemency.

Mr. President, the American people and this Congress are simply not that dumb. We know you live a double standard and that you speak it oftentimes for political purposes. And on this one you got caught. But, because of the power of the office, you moved ahead and done it anyway.

For that I am sorry and wish we could pull that back. But at least, as a Senate, we can speak loudly, as the House did, and force this President to be honest with the American people, if not for just a moment because he has not been honest with us.

So, Mr. President, if you want to offer clemency, when somebody is found guilty of the misuse of Federal firearms laws, then do not come to this Senator or this Senate and ask for more Federal firearms laws with which you can play.

I find myself on the floor more often than I would like defending the second amendment. But I find it necessary and responsible as a Senator who takes an oath of office to uphold our Constitution because I believe the second amendment is, in fact, a constitutional right in this country. But I have been very cautious in directing or steering the Senate in the crafting of new Federal firearms laws to make sure that we do not take away from those fundamental constitutional rights, and yet the President wants sweeping new power in those areas and then wants to arbitrarily and politically decide when to forgive and forget.

Sorry, Mr. President, this time you do not get it both ways. Fool me once, my fault; fool me twice, no, I think not. That is what is happening. I am glad the American people have finally caught on.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPLORING THE ACTIONS OF THE PRESIDENT CLINTON REGARDING GRANTING CLEMENCY TO FALN TERRORISTS—Continued

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the time during the future quorum calls be charged to the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on S.J. Res. 33.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER (Mr. SANTORUM). The joint resolution having been read the third time, the question is, Shall the joint resolution, as modified, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) is necessarily absent.

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—95

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—2

Akaka
Wellstone

NOT VOTING—3

Graham
Gregg
McCain

The joint resolution (S.J. Res. 33), as modified, was passed.

The preamble, as modified, was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 33

Whereas the Armed Forces of National Liberation (the FALN) is a militant terrorist organization that claims responsibility for the bombings of approximately 130 civilian, political, and military sites throughout the United States;

Whereas its reign of terror resulted in 6 deaths and the permanent maiming of dozens of others, including law enforcement officials;

Whereas 16 members of the FALN were tried for numerous felonies against the United States, including seditious conspiracy;

Whereas at their trials, none of the 16 defendants contested any of the evidence presented by the United States;

Whereas at their trials none expressed remorse for their actions;

Whereas all were subsequently convicted and sentenced to prison for terms up to 90 years;

Whereas not a single act of terrorism has been attributed to the FALN since the imprisonment of the 16 terrorists;

Whereas no petitions for clemency were made by these terrorists, but other persons sought such clemency for them;

Whereas on August 11, 1999, President William Jefferson Clinton offered conditional clemency to these 16 terrorists, all of whom have served less than 20 years in prison;

Whereas the Federal Bureau of Investigation, the Federal Bureau of Prisons, and 2 United States Attorneys all reportedly advised the President not to grant leniency to the 16 terrorists;

Whereas the State Department in 1998 reiterated two longstanding tenets of counter terrorism policy that the United States will: "(1) make no concessions to terrorists and strike no deals"; and "(2) bring terrorists to justice for their crimes";

Whereas the President's offer of clemency to the FALN terrorists violates longstanding tenets of United States counterterrorism policy; and

Whereas the release of terrorists is an affront to the rule of law, the victims and their families, and every American who believes that violent acts must be punished to the fullest extent of the law: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That making concessions to terrorists is deplorable and that President Clinton should not have granted clemency to the FALN terrorists.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that I be allowed to speak briefly as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PEOPLE OF RURAL OREGON AND THE STEENS MOUNTAIN

Mr. SMITH of Oregon. Mr. President, last week I spoke in this Chamber of the damage that has been inflicted by this administration upon the people and communities of rural Oregon. I spoke specifically about communities such as John Day and Roseburg, communities where the failure of this administration to keep its word with regard to timber harvests has brought great harm to families, communities, schools, and to their roads.

I am grateful to this Senate and the Senator from Washington for his leadership on this issue and voting last week to put the interests of children and families above a survey of fungus, snails, and slugs.

I return to the floor today to share with my colleagues a story about another rural Oregon community, one that is facing an uncertain future because of possible actions by this administration.

I traveled this past weekend to the community of Burns, OR, in Harney County. Harney County is small in population and large in area. About 8,000 people live in this county. It is roughly the size of the State of Massachusetts. It includes part of the largest Ponderosa pine forest in the whole Nation. It includes over 100,000 head of beef cattle on vast open ranges. It includes the Steens Mountain.

I would like to speak to you about the Steens Mountain and what this administration proposes to do with it.

Let me begin by saying that to fly over the Steens Mountain, and to tour it on the ground and from the air, as I did last Saturday, is to see some of the most breathtaking scenery in this country or any other; and to stand on the ridgetops of the Steens is to view unspoiled vistas of the Kiger Gorge, the Alvord Desert, and other true national treasures. From its peak you can see the States of Idaho, Nevada, California, and nearly all of Oregon. It is a very special place.

The Steens Mountain has remained unspoiled for one simple reason: The people of Burns and Harney County love Steens Mountain. Through unique partnerships between the Bureau of Land Management and private land owners, who own almost 30 percent of the mountain, they have found a formula that has worked. Harney County residents take great pride in their stewardship of the mountain that one rancher referred to, to me, as a "tough old girl." At the heart of their stewardship is the commonsense principle of multiple use.

Their pride is very justifiable. According to the Bureau of Land Management, over the past 30 years essentially 100 percent of upland and riparian conditions on the Steens Mountain that needed improvement has, in fact, been improved.

I traveled to the Steens in response to a trip that Secretary of the Interior Bruce Babbitt made there several weeks ago. After touring the mountain and praising what had been accomplished by local citizens, Secretary Babbitt also announced that only Uncle Sam could be trusted with the future of the mountain. He said that before this administration left office, he wanted to designate the mountain as a national conservation area or as a national monument; no matter what had been done before and how well it looked, still we cannot trust local citizens; we need to trust those with the wisdom of the bureaucracy in the beltway. Such a designation, as he proposed, would have far-reaching impacts, not only on the future of the mountain but on the future of those who live and work in its shadow.

Such an announcement would run counter to the significant efforts of the Southeastern Oregon Resource Advisory Council. It is known locally as the RAC. The council is made up of individuals from conservation groups, resource groups, public bodies, and Federal agencies that have assumed the responsibility of exploring the proposal for a Steens Mountain National Conservation Area. This cooperative approach is the type of open and public process that I support and one that should be supported by this administration. But this group now labors under the certainty that, no matter what they decide, a decision has already been made here that the administration will make a designation.

I plan to meet with Secretary Babbitt in the very near future. I hope to do it with my colleague from Oregon and Congressman WALDEN who represents this area. When we do, we will share the frustrations expressed to each of us by citizens of Harney County when we have visited there. They have asked me why this administration is trying to impose a solution where there is no problem. The old adage that this is "a solution looking for a problem" has never been more true than when applied to the Steens Mountain.

They asked me why this administration does not trust them to continue with their excellent management techniques and innovative practices that have been at the heart of their stewardship. They asked me why this administration would be promoting a designation that would undoubtedly bring more visitors to the area, thereby harming the very environment they supposedly seek to protect. And they asked me if the Secretary's promise to work with them in the months ahead was real or whether this administration has already made up its mind.

I would also like to put on the record the taunting that is being made to the administration by some members of the environmental community from organizations that support more Federal involvement on the Steens Mountain. It was said in the open, in the presence of the media, that Secretary Babbitt and this administration were being urged to find a legacy other than the impeachment scandal. They were literally saying: Grab private land, and you can grab a better legacy for yourself. They were urging a version of a domestic "wagging of the dog."

I pray that this is not so because this is not the basis for good land management. Oregon does not need such an insult as was being urged upon this administration by some in the environmental community.

The bottom line is that I believe the future of the Steens Mountain in Harney County is in much better hands with the folks who live there—folks such as County Commissioner Dan Nichols and ranchers such as Fred Otley and Stacey and Elaine Davies—than it is, than it ever will be, in the hands of Federal bureaucrats who reside within the beltway.

Mr. President, I yield the floor.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE "13TH MONTH"

Mr. SMITH of New Hampshire. Mr. President, earlier today, there was quite a bit of colorful rhetoric and blustering on the floor by the Democratic Party about reports in the Washington Post today that Republicans were going to create a "13th month" to allow more spending on education and other programs.

Lest I be accused of partisanship, I think many of you know I am an Independent. So those who say I am going to speak on behalf of Republicans, I guess, would technically be wrong. I don't pretend to speak for the Republicans, and I am not privy to what was said in any meetings with the Republicans regarding the so-called 13th month. But let me speak for myself as an Independent and say I don't support a 13th month for any fiscal year.

But in their effort to be partisan and embarrass Republicans over what was probably a mischaracterization, in my view, in a liberal newspaper, my Democrat colleagues failed to address the key issue, which is, where do you come up with the money to fund all of these programs?

In their zeal to make partisan points and poke fun—and they did have a good time—they failed to offer any constructive solution. If you are going to poke fun and make jokes about the 13th month headline, what are your alternatives? My guess is they would prefer to use the same budget tactics they have been using for about 50 years. The result of those budget tactics over the past 50 years has been to run up the national debt to where it is almost $6 trillion, raid the Social Security trust fund, and in order to do it all raise taxes.

Every year, we do this. Every year, the train comes down the track and usually has a wreck. We spend, spend, spend, spend, and then we get to the end of the year and we act as though there is some magic budgetary goblin running around eating up money and we invent these tricks to try to figure out how to break the budget, while we still tell constituents we balance it. It is pretty outrageous. We use every budgetary gimmick we can find: forward funding, emergency designation, baseline budgeting. You name it, you have heard it. Now we have "13th month."

For those of you who may be listening or watching right now, when you hear those terms, my advice would be to hang on tightly to your wallet because the story is, if a Democrat has a vision, it is probably focused right on your wallet, and that is what is happening now. They are having fun with this 13th month, but they have that luxury because they are in the minority. I suppose you can say, technically, so am I, but on this point I am siding with the Republicans. They didn't invent budgetary gimmickry.

Insofar as this Congress intends to use smoke and mirrors to secretly fund more rather than less unconstitutional programs, I don't intend to be a part of it. Our Founding Fathers would be ashamed of this whole debate for several reasons:

No. 1, they didn't intend for us to balance our budget using accounting tricks and elongated fiscal years.

No. 2, they didn't intend for us to burden our children with trillions of dollars in debt—trillions.

No. 3, they didn't intend for us to spend billions of dollars on education programs that should be handled at the State and local level.

My colleague, Senator GORTON, has been very instrumental on initiatives to try to bring that spending back to the State and local level where it belongs. So as perhaps the only nonpartisan person in the Senate right now, let me offer a solution. It is pretty simple. I have a way that we can support the Constitution, balance the budget, and not use any budgetary tricks at all. It is very simple: Don't spend the money.

The Department of Education is billions of dollars worth of unconstitutional infringements on State and local authority. Don't spend the money, if the Democrats don't want the Republicans using budgetary tricks, the Republicans don't want to break the budget caps, and the founders don't want us funding unconstitutional programs. So let's abolish the Department of Education. Then we can go back home to our school districts and say: You now have the constitutional authority you had in the first place to educate your children the way you choose—home school, private school, public school, whatever. By the way, you have more money to spend and the budget is balanced.

Very simple. Nothing complicated. So let me say the best way to end all the budgetary gimmickry is don't spend the money.

Mr. President, I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Denise Matthews, a fellow on the staff of the Appropriations Committee, be granted the privilege of the floor during the debate on H.R. 2084 and the conference report thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Thank you, Mr. President, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. GORTON. Mr. President, I have now cleared the following request.

I ask unanimous consent that no further amendments be in order to the pending Interior bill other than the managers' amendment or amendments on motions relative to the Hutchison royalties amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORTON. Mr. President, I should like to make the following announcement. We will have that managers' amendment—I think there is only one that is possible; it may be in two sections—ready within the next half hour or so to present. It does represent an accommodation of the requests of many Members, with the understanding of all Members.

I think it will take only a very few minutes to present and to have it accepted. At that point, we will have only the Hutchison amendment outstanding. The majority leader has reserved the right to ask for reconsideration of the cloture motion that was defeated yesterday. I suspect when he chooses to do that, we will in a relatively short period of time finish debate and dispose of the Hutchison amendment one way or another and then go to final passage of the Interior appropriations bill.

That means, as far as I am concerned, I am going to vacate the floor at this point. Whenever the chairman of the Subcommittee on Transportation wants to start his bill, he can do so. I will ask him for the right to interrupt at some point when I am ready with the managers' amendment and present it then. I see no reason to keep the Senate from moving forward now.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2084

Mr. SHELBY. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2084, the House-passed fiscal year 2000 Transportation appropriations bill, that all after the enacting clause be stricken, and the text of S. 1143, as modified by striking sections 321 and 339, be inserted in lieu thereof, that the amendment be considered as original text for the purpose of further amendment, and that points of order against any provision added thereby be preserved.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I object temporarily. I believe strongly that this legislation impinges in the area of jurisdiction of the Environment and Public Works Committee, and we will be discussing that further on. I do thank Senator SHELBY for the time he has given us in connection with this overlapping jurisdiction—I should not even say overlapping jurisdiction—we think is impinging upon the areas that belong within the jurisdiction of the Environment and Public Works Committee.

However, despite the fact that we have had numerous meetings—our staffs with his staff, myself to some extent with Senator SHELBY—we have not been able to resolve these issues. I believe the unanimous consent request that the Senator has just propounded will solve the problem as far as moving into the major difficulty in jurisdiction I will outline later.

I know the ranking member of the Environment and Public Works Committee is here, and he also has some difficulties with the jurisdiction that has been assumed by the Transportation Appropriations Subcommittee.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, and I will not, I appreciate the indulgence of the Chair and my colleagues for a very brief statement.

Those of us who were here and those of us who were not here but certainly have an idea about it remember the effort that was put into passing TEA 21, the highway bill, a couple of years ago. Many Senators worked very long and hard.

I see the ranking member of the subcommittee, Senator LAUTENBERG; the chairman of the Subcommittee on Transportation, Senator SHELBY; Senator BYRD mightily helped put together a massive highway bill, otherwise known as TEA 21; Senator WARNER of Virginia; and, of course, the chairman of the committee, Senator CHAFEE. I assisted; Senator MOYNIHAN helped a lot; the majority leader, Senator LOTT. We had many meetings in Senator LOTT's office trying to put together all the provisions of the highway bill.

As one might guess, it is extremely complex. There were the Northeast States that had a certain point of view as to how the dollars should be allocated; the Western States thought they did not get a fair deal in the previous 6-year highway bill known as ISTEA; the Southern States. Then there were donee and donor States. There were groups that wanted more so-called CMAQ money. That is money that goes to areas to help them mitigate against pollution in their cities caused by automobiles and trucks. There were enhancement funds. Enhancement funds are for bikeways and other associated highway programs. There was research and development. There were intelligent highway systems. There were public lands. There were discretionary funds. There was park money. You name it. There were lots of competing interests that were put together a couple of years ago.

We finally put together a highway bill, and it passed on a bipartisan basis, a large vote: 89 Senators voted for it after much gnashing of teeth about what we were going to do with the 4.3 cents that was otherwise set aside for debt reduction in a previous Congress. We finally decided that was going to go to the highway program.

Our basic principle we agreed to was that all Federal gasoline taxes paid would go to the highway fund, and from the highway fund that money all goes back out to the States in the form of related highway programs, all funded with the gasoline tax. That was a major statement that TEA 21 made, the highway bill we passed a couple years ago.

It has worked quite well. On average, States got about a 40-percent increase each year compared with the previous 6 years; some States a little more, some less; but in the whole scheme of things it worked out quite well: On average, a 40-percent increase each year compared to the prior year.

This year we are considering the Transportation appropriations bill, the appropriations bill which basically says: OK, this money that is in the highway program, although there is contract authority that says the money has to be spent on highways, still, the Transportation Appropriations Committee basically just spends it. That is what it does.

There is a provision in the highway bill, TEA 21, which says this: Any additional money that comes into the highway trust fund—unanticipated additional money, presumably on account of a growing economy; and our economy has grown—will then be allocated, to the degree it is allocated, back to the States in the same way the highway bill itself was put together; that is, a certain percent under CMAQ, a certain percent under service transportation, a certain percent under minimum guarantees, a certain percent to public lands, et cetera; and in the same way.

It turns out that because of the additional gasoline taxes in the last year as a consequence of a prosperous economy, there is an additional $1.5 billion that is to be allocated under the highway bill according to the way the highway bill was put together. So there are no changes.

It turns out, with all due respect to the Transportation Appropriations Subcommittee, they have decided to change the highway bill, to rewrite it, and, rather than to have the money spent as provided for in the highway bill, to instead take all of that money—instead of, say, 10 percent as provided for under the highway bill under certain discretionary programs and 90 percent under the core highway programs—they take it all and put it under the core highway programs. I think that is very dangerous. It is a very dangerous precedent.

First of all, it is legislation on an appropriations bill. It is rewriting, adding legislation on an appropriations bill. Second, it is a precedent of the Appropriations Committee of, in effect, rewriting the program.

I grant you, this is a small matter. As a consequence of the Appropriations Committee's action, instead of $1.4 billion going to the core programs, $1.5 billion is going to the core programs. The additional that is going to the core programs does not go to the various programs I mentioned.

You might ask: Gee, what is the big deal? That is only about $120 million. The big deal is this. First of all, it is not much money, $1.5 billion versus $1.4 billion. Second, it is a big principle, because once we start down this slippery slope of the Transportation Appropriations Committee rewriting the highway bill and how dollars are allocated among States, then we are going to be tempted in following Congresses to take a bigger bite of the apple to redistribute even more.

Why is that a problem? That is a problem because highway programs take time. State highway departments must plan ahead. It takes 2 or 3 years, from conception to design, to bid letting, to construction, to build highways or to resurface. It is not a spigot you just turn on and off yearly. It takes time.

Second, here is another real concern I have. If the Appropriations Committee is rewriting the highway bill, then it is going to become political; the majority party is going to be determining the provisions in the highway bill. There will not be a bipartisan allocation of highway dollars; it will be a majority party allocation of highway dollars.

With all due respect, this is not an abstraction; this has happened in the concrete. In fact, the bill that was about to come to the floor did just what I feared would happen; namely—not the highway part but the mass transit part—the committee rewrote the bill, which took many dollars away from two States, California and New York. It does not take much imagination to figure out whether the Senators from those two States are in the majority party or the minority party.

I am just very concerned we are going to set the precedent of the Transportation Appropriations Subcommittee, A, rewriting the highway bill, which is bad because it takes a long time to plan these projects, and upsetting the apple cart which took a lot of effort to put together—I mentioned Senators BYRD, WARNER, CHAFEE, LOTT, and all of us—to try to work to put all the pieces together, but also because the majority party is going to be sorely tempted to be political; that is, to give dollars to the States of the majority party but not dollars to the States of the minority party. That might change. It might be the Democrats who are in the majority. Then that precedent will be set. That is not a good precedent. We should instead just do what is right.

I will sum up by saying it is true that every State will get a few more dollars under the rewrite by the Appropriations Committee. It averages about .35 percent. Gee, every State is getting a few more dollars—not many—so why not support it? My point is, it is only a few dollars. It is not going to really affect the States much at all. But it is the principle of going down the slippery slope of rewriting the highway bill without hearings, without any field hearings and hearings here in the Senate. The EPW Committee has not had hearings on this subject. The Appropriations Committee has not had hearings on this subject.

Just basically, it is political. I will not object at this point, but at the appropriate time various Senators will be making this point. I very much hope that when the point is made at the proper time, the Senators will very deeply consider this in a thoughtful way, because sometimes what you do in the short term, for short-term gratification, comes back and is harmful in the long run. I do think in this case it is better to think a little bit more about the purpose of the bill.

I thank the Senators for indulging me.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Mr. SHELBY. I would like, first, to modify my unanimous consent request. I think it might be best that I restate it, if I may.

The PRESIDING OFFICER. Go right ahead.

Mr. SHELBY. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2084, the House-passed fiscal year 2000 Transportation appropriations bill, that all after the enacting clause be stricken and the text of S. 1143, as modified by striking section 321, be inserted in lieu thereof—being amendment No. 1624—that the amendment be considered as original text for the purpose of further amendment, and that points of order against any provision added thereby are preserved.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. A question, if I might.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, it is my understanding that this is the language that has been worked out with our side.

Mr. SHELBY. That is exactly right.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of amendment No. 1624 is printed in today's RECORD under "Amendments Submitted.")

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative assistant read as follows:

> A bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, just for a few minutes I would like to address some of the overview, as I see it, of this Transportation appropriations bill.

Mr. President, after being delayed by the objection to the Transit Equity Provision, I am pleased that the Senate will finally have the opportunity to consider the fiscal year 2000 transportation appropriations bill. Although the subcommittee's funding allocation is tight, I believe we are presenting the Senate with a balanced approach to meeting our Nation's transportation needs by providing adequate funding for all modes of transportation.

At the same time, the senior Senator from New Jersey, Mr. LAUTENBERG, and I have gone to great lengths to craft a bill that I believe accommodates the requests of Members and funds their priorities.

The current fiscal constraints were especially felt in the transit account, where demand for mass transit systems is growing in every State. But funding is fixed by the TEA 21 firewall. My proposal for managing an account in which Members' requests were more than 20 times the available funds was the Transit Equity Provision.

This measure, which I included in the original subcommittee mark of the bill, would have limited the amount of transit capital funds any single State could receive in fiscal year 2000 to no more than 12½ percent of the total.

The two states that receive the lion's share of national transit funds—30 percent of the total in fiscal year 1999—are California and New York.

The provision would have redistributed any transit capital funds appropriated to these two states in excess of 12½ percent to the remaining 48 states. This would have resulted in approximately $5 million more for every other state, for their own transit programs—while New York and California would still have received more than $693 million each.

Last Thursday, however, the Senate failed to reach cloture on the motion to proceed to the transportation appropriations bill if it included the Transit Equity Provision, and I have agreed to strip the provision from the bill in order to move this legislation forward.

The equity provision is not central to the appropriations bill. The total program funding levels, which are set at the TEA-21 firewall limits, remain unchanged. I included the provision to help create more room within those totals for the national transit program.

My colleagues have written to me with new start project requests totaling $2.84 billion and with bus project requests totaling $1.8 billion.

If the appropriations bill honors all the current and anticipated full funding grant agreement projects and the bus earmarks for fiscal year 2000 that were included in the TEA-21 authorization, we have left only $96 million in new starts funding and $235 million in bus funding—to accommodate not only the billions of dollars' worth of requests from my colleagues in the Senate, but also the earmarks that have been included in the House transportation appropriations bill.

This task is beyond challenging: It is impossible. There is no way to begin to satisfy the demand for discretionary transit capital funds. I do not want this fact to catch my colleagues by surprise.

I bring this bill to the Senate floor today without the Transit Equity Provision. By engaging in a lengthy and public debate on this issue, as well as a recorded cloture vote, I hope that my colleagues are now more aware of the pressures on this account nationally, and that they better understand why I have so actively sought a way to provide funds for what I thought were my colleagues' transit priorities.

The bill honors our commitment to increase the flow of federal funds for construction to improve infrastructure throughout the nation.

Within the framework of a $49.5 billion total bill, $37.9 billion is provided for infrastructure investment in highways, transit systems, airports, and railroads. This is 6 percent more than last year's level of funding and is greater than the administration's request.

This bill respects the Highway and Transit firewalls that TEA-21 imposed. I would like to point out to my colleagues that we adhered strictly to the TEA-21 firewalls, even though outlays will be greater than the amount anticipated when Congress enacted TEA-21.

By providing the funds above the firewall level, there were fewer dollars available to fund other priorities within the subcommittee's jurisdiction, including the Coast Guard and FAA.

I believe this illustrates the pitfalls of trying to manage annual outlays in multi-year authorization legislation and is one of many reasons the Senate should reject a proposal to establish more budgetary firewalls around trust fund accounts.

I yield to my colleague under the unanimous consent agreement, the senior senator from New Jersey, the ranking member of the Transportation Appropriations Subcommittee.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, first, I thank my colleague and friend, Senator SHELBY, for having managed a very difficult problem with, frankly, less money than the amount we think transportation in this country deserves. We are entering a new century. It is hoped that we are going to be able to continue the prosperous and vigorous economy we now see. I think if there is one place where our funding allocations are deficient—and I believe they are deficient in many—transportation heads the list. It is necessary to have the kind of infrastructure that will propel us into continuing leadership in the 21st century, starting with transportation.

We see crowding in every mode of transportation—aviation; the skies are jammed. The highways are congested. They are spewing contaminated air all over the place, and our transit systems are operating well above capacity. So I approach this bill with less than total satisfaction because we, frankly, could have used more funds. I will discuss those for a minute.

I have served on the Transportation Appropriations Subcommittee for more than 14 years. As they say, time flies when you are having fun. I chaired the subcommittee for 8 years, and I have also had the pleasure of serving under other subcommittee chairmen including Mark Andrews, Mark Hatfield, who was a dear friend and inspired leader, and, most recently, RICHARD SHELBY.

Senator SHELBY, as his predecessors, has been attentive to the issues. He has consulted carefully with the minority members of the subcommittee. When it comes to funding levels included in this bill, Senator SHELBY has done the best he could, given the very limited resources allocated to this subcommittee. And though I wish we had more money, I am supporting this bill, even with the limitations placed upon us, because of the efforts by Senator SHELBY.

When you consider the fact that this appropriations bill is going to usher in our national transportation agenda in the next century, it is clear that we are still not making the kind of investments we have to make to ensure continued leadership, economically and functionally, in the next millennium.

That is not the fault of the chairman. Rather, it is the fault of our overall budgeting process—and I say that both as the ranking member of this subcommittee and the ranking member of the Budget Committee.

The bill before us is almost $700 million below the level requested by the President in his budget.

The President's proposed transportation budget for fiscal year 2000, for the first time, exceeds $50 billion. This bill, however, is funded at less than $49.5 billion.

While the dollar amount in this bill does exceed the total provided for in fiscal year 1999, the growth is to be found in the highway and transit programs that enjoy firewalled funding under TEA–21.

The funding provided in this bill for other modal transportation which do not benefit from funding guarantees is severe. Funding for the Coast Guard is well below the President's request. Fortunately, we were able to include funding for the Coast Guard in the Kosovo supplemental appropriations bill. These funds will remain available and enable the Coast Guard to better meet its needs next year.

Funding for the Federal Aviation Administration is more than 6.5 percent below the President's request.

Funding for Amtrak: We are now approaching a time when Amtrak is about to step in, hopefully, to the 21st century, but it is at least starting to catch up in the 20th century even as we leave it. High-speed rail is around the corner—delayed, unfortunately, a little bit more than we expected it to be. But it is on its way. It is going to make an enormous difference. By way of example, if we didn't have the investment in Amtrak's Northeast Corridor to keep it going, we would need, as a substitute, 10,000 flights every year—10,000 new flights between the Boston area and the Washington area, including New York. That would be something beyond comprehension in terms of the crowded skies—200 new flights a week.

Funding for the critical highway safety functions, or the National Highway Traffic Safety Administration, is cut by more than $50 million, or 15 percent below the level requested by the administration. A large part of the problem is that, when we marked up appropriations bill in May, we were capped by the low authorization levels in TEA–21. Since that markup, the House and the Senate passed, and the President signed, a sizable increase in these authorization levels for highway safety. But now that the authorization levels have been increased, there is no funding in the subcommittee's allocation to fund even part of them.

These are difficult funding cuts. But despite these cuts, I support this bill. Frankly, I am putting some hope in the fact that the bill as passed by the House of Representatives had an allocation that was more than $0.5 billion larger than the allocation granted to the Senate Transportation Subcommittee.

As we approach conference on this bill, I expect to work closely with Chairman SHELBY and the chairman of the Appropriations Committee with the goal of bringing back a transportation conference report that better meets the needs of the FAA, the National Highway Traffic Safety Administration, the Coast Guard, and the other critical functions of the Department of Transportation.

Mr. President, I emphasize once more that the reason this bill is so tight is not because Chairman SHELBY doesn't want to fund the necessary parts of the transportation bill's requirements but, rather, we are caught by the funding caps that have controlled the Appropriations process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1625

(Purpose: To make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents involving the failure to disclose information on the overbooking flights)

Mr. WYDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) for himself, Mr. LAUTENBERG, and Mr. SHELBY, proposes an amendment numbered 1625.

Mr. WYDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, line 22, before the period at the end of the line, insert the following: ": *Provided*, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: *Provided further*, That, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible".

Mr. WYDEN. Mr. President, first I express my thanks to the bipartisan leadership of the committee, Chairman SHELBY, who has been extraordinarily helpful on this matter, which is a critical issue of protecting the rights of airline passengers in this country, and I also thank my longtime friend, Senator LAUTENBERG, who has spent a great deal of time with me on this issue over the last few months. The bipartisan leadership of this committee stands out in the Congress in terms of trying to ensure that airline passengers get a fair shake. It is high time, Mr. President, and colleagues.

Last year, we saw an unprecedented increase in the number of complaints by airline passengers about shoddy service. In the first 6 months of this year, we have seen another unprecedented increase in complaints by passengers of airline service.

This is the first of two amendments I intend to offer with the chairman of the subcommittee, Mr. SHELBY, and the ranking minority member, Mr. LAUTENBERG, to try to balance the scales and ensure that the passengers get a fair shake and, in particular, get information about key services, such as the lowest fare, and accurately be told when a flight is overbooked.

I emphasize to my colleagues that I am not proposing the Congress establish a constitutional right to a fluffy pillow on an airplane flight or a jumbo bag of peanuts. But I think airline passengers have a right to timely and accurate information.

The purchase of an airline ticket today in America is like virtually no movie choice. Unlike movie theaters that sell tickets to a movie or a store that sells soccer balls, the airline industry provides no real assurance that they will be able to use the product as intended. They have made a variety of voluntary pledges to try to turn around this situation. But what we have seen in the last few days as a result of a study by the GAO and a study by the Congressional Research Service is that these voluntary pledges by the airline industry aren't worth much more than the paper they are written on.

I am very pleased to offer this first amendment to try to ensure that passengers can be informed when an airline is overbooked.

Again, I thank the bipartisan leadership of the committee. In addition to Senators SHELBY and LAUTENBERG, Senators CAMPBELL and FEINGOLD have also been supportive in finally holding these airlines accountable with respect to making sure passengers are informed when a flight is overbooked. That is the problem today in America with overbooking. If you call an airline right now and they are overbooked, they won't tell you that before they sell you a ticket. The public has a right to know. The passengers have a right to know. These voluntary pledges aren't going to do it.

For example, the voluntary pledge the airline industry has made on overbooking is, and I quote:

> They will disclose to passengers upon request whether the flight on which the passenger is ticketed is overbooked if within the usual and ordinary scope of such employee's work, the information is available to the airline employee to whom the request is made. In plain English, that means if you are lucky and happen to ask the right employee, you may get a straight answer on overbooking.

This bipartisan amendment says the Department of Transportation inspector general can and should investigate as a deceptive trade practice the failure to inform the consumer when a flight is overbooked. In 1997, the Department of Transportation reported the airlines bumped more than 1 million passengers. Since that time, more than 100,000 passengers have been bumped involuntarily. This means more than 100,000 passengers are paying for seats they never sat in.

I think it is time to make sure the public's right to know is protected. This first bipartisan amendment gives Members that opportunity.

My thanks to my senior colleague, the chairman, and the ranking minority member. I urge the Senate to adopt this amendment.

I yield the floor.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I commend our colleague for this amendment and for the substance of the amendment.

There has been constant pressure on the airlines to provide seats and make accommodations available. For those who think they are going on a journey—some emergencies, some recreational, some for routine work—it matters not. The fact of the matter is, when someone makes a reservation on an airplane, they ought to know whether or not there is a pretty good chance they will arrive at their chosen destination. We know there is not a way to positively predict this. However, the passengers who have paid for their tickets should have a pretty good chance of arriving when the flight is scheduled to arrive.

I think this is positive amendment. It is pretty simple. The Senator from Oregon deals with the problem of airlines continuing to sell tickets on oversold flights and refusing to divulge that fact to their customers.

I consider myself a friend of aviation. I have worked very hard with the FAA and the airlines to make sure we offer reliable and safe service. With all of the crowding, our system is still remarkably safe. It handles far more flights than we ever expected. Are we up to date in everything we can do? I say absolutely not; the requirements far exceed the capacity.

The least we ought to do is tell passengers if there is a reasonable chance that they will get to their destination. The person who travels from Cincinnati to New York, perhaps to catch a flight overseas, arrives with their baggage. They have a 2-hour connection or an hour-and-a-half at Kennedy or Newark Airport on their way to Rome. The only problem is, they arrive 3 or 4 hours later because they were bumped off the flight and they miss their flight to Rome.

I had an experience a couple of weeks ago. This is probably a good story for democracy. I got to the airport, and they said the flight was sold out. I had made a reservation, given a credit card number. I arrived at the airport, and they said the airplane was filled. I got there 15, 20 minutes before flight time. I said: What do you mean, it is filled? They said: Yes, that seat is sold. I said: The seat was sold twice, and the first one who got there got it.

No one told me the rules, that a passenger had to beat the other guy to the starting line to guarantee the seat for which they paid.

Needless to say, I was a little annoyed. I didn't jump over the counter and threaten anybody, but it was not a pleasant experience. Instead of taking one direct flight back home, I had to take two—first flying north before I could fly south. All I could get was, "Sorry, we sold the seat." It is an unpleasant experience.

When they took the reservation which I made personally and gave my credit card number, they said fine and gave me a confirmation number. When I got to the gate to get on this airplane, the clerk behind the desk said: This airplane has been sold out. But they took my money anyway.

The Senator from Oregon is standing behind the passenger who is not getting a lot of attention these days. The airlines handle a lot more traffic than they expected. They are also making a lot more money and I'm glad that they are. But they must also provide the service in a manner that is respectful of their passengers.

What the Senator from Oregon is asking for is simple: If you are going to sell a ticket to him, to me, to anybody, please tell them if the flight is oversold. Then passengers can plan for it or figure out a backup instead of being innocently led to a blind wall where they can't go farther.

So I support this amendment. I support it enthusiastically.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1626

(Purpose: To make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers involving denying airline consumers access to information on the lowest fare available)

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment and send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

> The Senator from Oregon [Mr. WYDEN], for himself, Mr. LAUTENBERG, and Mr. SHELBY, proposes an amendment numbered 1626.

Mr. WYDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 65, line 22, before the period at the end of the line, insert the following: ": *Provided*, That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive

practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: *Provided further*, That, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication".

Mr. WYDEN. Mr. President, this amendment I also offer with the bipartisan leadership of the subcommittee, Chairman SHELBY and Senator LAUTENBERG. Again, I express my thanks to both of them. As you could tell from Senator LAUTENBERG's excellent statement, he has strong views on this matter. They go back a long time.

One of the areas I most admire about Senator LAUTENBERG has been his extraordinary work on tobacco control. The fact of the matter is, Senator LAUTENBERG for years led that effort to make air flights healthier in our country. That is just one of the many contributions he has made in public service. We thank him for it.

This amendment as well is supported by the chairman of the subcommittee, Chairman SHELBY, and the ranking minority member, Senator LAUTENBERG. As I have sought to do with respect to overbooking, again this amendment would ensure there were teeth behind this so-called pledge by the airlines to make information about the lowest possible fare available to the consumer. Finding the lowest air fare in America is now one of the great mysteries of Western life.

On any given flight there may be as many different fares as there are passengers on the plane. One of the things that experts in aviation have said for some time is if you want to start a brawl on an air flight, ask the passengers to compare notes with respect to how much they paid for a ticket because there will be remarkable differences, even among people who made the same sort of arrangements to fly.

The purpose of this bipartisan amendment is to make sure, no matter how a customer contacts an airline—at the ticket counter, over the telephone, or at an airline's web site—the customer would get the same information about the lowest fare. Again, the airlines in these voluntary pledges that they have made have a lot of lofty rhetoric about telling the consumer about the lowest fare, but the harsh reality is that it is business as usual. This amendment would hold the airlines accountable to their pledge to actually make available to the consumer, in an understandable way, information about the lowest fare available.

The pledge to offer the lowest fare available as it stands now, in the voluntary package from the airline industry, is, again, sort of more hocus-pocus, as far as the consumer is concerned. In effect, what the airlines are now saying is that if a consumer uses the phone to call an airline and asks about a specific flight on a specific date in a specific class, the airline will tell the consumer the lowest fare, as they are already required to do by law. Not only will the airlines not provide the consumer relevant information about lower fares on other flights on the same airline, they will not even tell the consumer about lower fares that are probably on the airline's web page—and for obvious reasons. Once they have you on the phone and they can get you at a higher price, they might not be so interested in letting you know about something else that is available on the web page.

Recently a Delta agent quoted a consumer over the telephone a round trip fare to Portland, my hometown, of $400, and 5 minutes later the consumer found a price of $218 for the exact same flight on Delta's web page.

What this amendment stipulates, again, as with the bipartisan effort with respect to overbooking, is that the passenger has a right to know. The public has a right to know. We are not setting up any new Government agencies. We are not calling for some micromanaged, run-from-Washington kind of operation. We are saying the passenger deserves a fair shake with respect to accurate information on the lowest fares that are available.

So this amendment, that I am proud to offer again with the chairman of the subcommittee, Chairman SHELBY, and Senator LAUTENBERG, would stipulate the Department of Transportation could investigate as a deceptive trade practice the failure on the part of an airline to tell the passenger the lowest fare that is available, no matter how the customer contacts the airline. Under the voluntary pledge, again, the airlines are going to be in a position to withhold information about the lowest fares from customers, information that they have, as Senator LAUTENBERG noted in his previous statement, and information that ought to be supplied to the consumer so the consumer can make accurate choices.

All we are talking about in both of these amendments is access to information, full disclosure, the public's right to know. But the failure to do it, the failure to inform the consumer, ought to be treated seriously by this Congress.

These two amendments provide that opportunity to do so by saying the Department of Transportation can investigate as a deceptive trade practice the failure to inform the public, in this case of the lowest fare available, in the previous case information about overbooking.

I know time is short and there is much to do with respect to this important legislation. I thank Senator SHELBY and Senator LAUTENBERG for their support. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I thank the Presiding Officer.

CONGESTION AND DELAYS IN AIR TRAFFIC SYSTEM

Mr. ROCKEFELLER. Mr. President, there is a very famous line that we all know from the heroic astronauts of *Apollo 13*. The line is: "Houston, we have a problem."

Today, many of us who have spent the August recess traveling to our home States and various places across the country also realize that we "have a problem" in the air. This problem is not only in Houston, it is in Atlanta, it is in Chicago, it is in Cleveland, it is in Detroit and in nearly every other city across the country.

Over the last month, there have been very troubling reports of unprecedented increases in congestion and delays in our national air traffic system—long hours of delay. I have not heard a speech in this Chamber about this in the last several months. We spent most of yesterday having, I guess, basically a political debate about the Puerto Rican clemency situation, but this is urgent in a very different way because it involves life and death, the national economy, and congestion which is beyond the scope of thinking of many of our fellow citizens.

We are not talking about merely an inconvenience. We are talking about a potential crippling of the national economy and, if ignored, we are talking about extremely serious safety issues.

I happen to be an admirer of FAA Administrator Jane Garvey. I think she is very good, and I think she is tough. She ran an airport in Boston. That is a tough thing to do. I have a lot of confidence and faith in her. She canceled her own summer vacation plans because the crisis was so bad. She stayed in Washington to work with the controllers and with the airlines on this enormous congestion problem on which I will elaborate in a minute.

Beginning in mid-July, the FAA and the carriers conducted an on-the-spot evaluation of about 33 different facilities across the country in the air traffic control system. That is the one which routes our planes hither and yon; they better be right.

In this evaluation, they came up with a short-term plan for reducing delays and for improving some inconveniences. It is really too soon to say how effective it will be. I am glad they did it, but we cannot draw any final conclusions from it.

Everybody involved with the plan seems to agree that these short-term fixes are nothing more than that—short-term fixes. They are meant to address symptoms of an underlying problem which we in Congress consistently fail to address, which is an air traffic control system that must be modernized—but we will not do it, nor put up the money for it—restructuring within the FAA and other areas in order to meet surging travel demands and remain viable, as they say, into the next century.

Of course, while this serious problem-solving effort was going on at the FAA and its facilities during this summer, we in the Congress, and especially we in the Senate, have largely or virtually—totally, I should say—stood by. We have watched. We have not even commented. We have simply watched or in some cases even looked the other way. Lack of concern? Too complicated? I do not know.

We continue in this same vein that we have approached aviation for more than a year now, ignoring the problem, ignoring the cost, ignoring the solutions, ignoring the complexity, by avoiding the issue and refusing to make the time to debate it in a serious way.

We left for the August recess without even bringing up FAA reauthorization or the airport improvement program reauthorization. That is our most basic aviation responsibility. That is our bottom line. We failed to do it. In fact, we all went home knowing that the airport funding program was going to lapse. And, of course, on August 6 it did.

Some would have you believe that the FAA reauthorization bill is so mired in controversy that we just cannot do it—not a matter of not wanting to do it; we cannot do it. I am here to tell you—and to implore you—that most of the bill is entirely resolved and that the remaining issues require only some healthy debate, a measure of compromise; and if we will only make the time, we can certainly get all of this done and need to this month.

I understand that the majority leader and the Democratic leader have been working very closely on this matter, on doing just exactly that, having us work on it, finding the time to bring the FAA bill to the floor. It used to be that an FAA bill did not have all that much significance. Actually, that is probably not a true statement. Today it has overwhelming complexity and significance to it.

Senators HOLLINGS, MCCAIN, GORTON, and I are doing our very level best to work out as many of the remaining issues as we possibly can so the bill will go smoothly and quickly on the floor. And we believe that it can, if given a chance.

But the important thing is that we get going, is that we do something, is that we bring it here, is that we discuss it, is that we are educated by it, by some of the facts that surround it because the consequences of inaction are growing very dangerous.

Some facts:

The Air Transport Association reports that air traffic control delays were up 19 percent from January through July of 1999 and 36 percent from May through June of 1999 as compared to the same periods in 1998.

With an average of 1,358 aircraft delayed each day from May through July as a result of something called air traffic control, and an average of 106 passengers per aircraft, the Air Transport Association estimates that 140,000 passengers were delayed in America each day from May through July of this year—140,000 passengers each and every day.

For the first 5 months of 1999, as compared to the same period in 1998—a 1-year difference—delays increased at Detroit 267 percent; at Las Vegas, 168 percent; at Chicago Midway, 158 percent; at Cincinnati, 142 percent; at Dallas/Fort Worth, 131 percent.

ATA reports that 625 million in passenger minutes of passenger delay each year costs the economy over $4 billion annually and results in passengers being delayed 28,500 hours each day on average—with the numbers going up every month.

And 72 percent of the delays are weather-related, they say—it may be true, it may not be—but that does not mean that the weather is so bad that we cannot avoid gridlock on our part.

We can, and we must, continue to invest money in training and staffing, in paying for advanced automation tools to enable controllers to work around bad weather and minimize disruption to the extent that, in fact, they would be able to if we were willing to fund them and to give them the possibility of doing that. This technology and this capability exists at this instant and should be improved upon for tomorrow.

Before we jump to blame the FAA for all these current problems, I should be very clear that I believe the carriers also share some responsibility, as do we in Congress, again, particularly in the Senate.

FAA reports that traffic increases are greatest in the Northeast. That is not a surprise; that is where a lot of people live. And it appears to be the result of several factors: a stronger economy; the influx of regional jets, which fly at the same altitude but not nearly as fast as the big jets, so it complicates the way planes can be maneuvered; significant deliveries of new aircraft to major carriers that have to keep them flying—they have no economic choice to begin to recoup their investment, even if fewer flights would meet their customers' actual needs—the efforts by a couple of the major airlines to develop low-cost/low-fare operations along the eastern seaboard to compete with Southwest on point-to-point routes; and in some cases excessive airline scheduling.

For example—and I see my good friend, the senior Senator from New Jersey—only 48 arrivals are possible each hour at Newark Airport in very good weather. But for marketing purposes, individual carriers are scheduling 55 to 60 arrivals at Newark Airport during the exact same hours. This happens at hub airports all across the country and effectively guarantees delay no matter what the FAA, no matter what the controllers might want to do.

Allow me to begin to finish with a quote from the latest major study of the system, the broad system, by the National Civil Aviation Review Commission in 1998. The Commission's warning is compelling and has been affirmed by the industry, affirmed by the Department of Transportation, the FAA, the National Transportation Safety Board, and the Gore Commission on Security and Safety, and everybody else who works in or on or with aviation.

Their quote:

> [W]ithout prompt action the United States' aviation system is headed for gridlock shortly after the turn of the century. If this gridlock is allowed to happen, it will result in a deterioration of aviation safety, harm the efficiency and growth of our domestic economy, and hurt our position in the global marketplace. Lives [will] be endangered, the profitability and strength of the aviation sector could disappear, and jobs and business opportunities far beyond aviation could be foregone.

So given all of this, I say that we do not just have a problem at Houston but we have a problem all over America.

What more do we need to know before we are inspired to act? Must we wait until the gridlock is upon us? Are we waiting for some catastrophic event? Are we waiting to be shot out of our inertia? That is what we have been doing here in the Senate for some time. And does it have to come to unnecessary deaths? Sometimes that happens in America. People don't pay attention until there is something so horrible that they want action.

That is not what we want to happen in the Senate. We are given the responsibility for aviation policy—our section of it. We have an authorizing and appropriating process. We have not been exercising it. We have been consistently underfunding the most basic aspects of our aviation system. We know it, we will not change it, and we do not talk about it.

We simply cannot continue to sit on our hands, waiting until it is "convenient" to start the debate. We are underinvesting in our system to the tune of at least $6 billion each year—$4 billion short on air traffic equipment and technology, an instrument of safety, and $2 billion short on airport infrastructure and capacity improvements. These are just the funds needed to keep us going at the current, entirely unacceptable rate and not to improve our situation but just to keep us where we are. I trust my words have convinced my colleagues that I do not believe that is sufficient.

So closing this $6 billion annual funding shortfall doesn't even begin to modernize and do what we need to do in the aviation system. That is a sensitive subject, and $6 billion is a lot of money. We don't like to talk about spending that, but we will get nowhere in aviation without it.

Without getting too much into some especially contentious differences between the House and Senate aviation bills, let me state the obvious about this apparent funding gap. We all know there is money in the aviation trust fund that could and should be used. There are any number of ways to do it. We could take the trust fund off budget; we could firewall the revenues; we could simply spend more on the discretionary side for critical and growing needs in our aviation infrastructure. The point is that we have to make a commitment to fix and improve this system, and it is going to take money to do it. We cannot avoid that.

So today, I say to colleagues, it is time to talk about the needs of the FAA, time to talk about the needs of the aviation system. We cannot simply go on to conference on a blank bill, and I don't think that is the intention anymore. We can't write the bill in conference. We can't do this without debate or without input from this body. Thankfully, this week I am beginning to feel cautiously optimistic about our ability to work together to get this bill to the floor. Frankly, we owe it to the traveling public and to the tireless air traffic controllers. I don't know how many of you have watched these folks work and looked at the equipment with which they have to work. It is a shocker. In some cases it is stunningly wonderful, and in some cases it is shockingly poor.

At some point, underinvestment in something as important as what will carry a billion passengers in 6 or 7 years—our aviation system—will catch up with us. I fear that day is already upon us. The consequences of continued inaction are terribly real—real for public safety and real for our national economy. So let's go forward and take the work that our majority and minority leaders are now talking about and get to this bill.

I thank the Chair and yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

Mr. SHELBY. Mr. President, I ask unanimous consent that the time on two amendments that have been offered by Senator Wyden relative to airline reporting be limited to 1 hour of total debate, to be equally divided in the usual form. I further ask that votes occur on or in relation to the Wyden amendments in the order in which they were offered, beginning at 11 a.m. on Wednesday, tomorrow, with 2 minutes for explanation between each vote and no additional amendments in order prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, in light of this agreement, there will be no further votes this evening, and the next votes will occur at 11 a.m. Wednesday, tomorrow.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to commend the distinguished Senator from West Virginia for an excellent statement with respect to the air traffic control system. It seems to me what the Senator from West Virginia has pointed out is that our country, to some extent, wants a 21st century air traffic control system and they want to figure out how to do it on a 19th century budget.

The Senator from West Virginia, it seems to me, is saying it is time for all of us in the Congress to, in effect, put our dollars where our mouth is with respect to safety. If you are serious about improving safety, you have to fund this woefully inadequate air traffic control system.

The fact of the matter is, the Senator from West Virginia has spent many years battling to strengthen the air traffic control system, as has the distinguished ranking minority member of the Senate Commerce Committee, Senator HOLLINGS. I think the Senator from West Virginia has given an extremely important address this afternoon in terms of highlighting how critical it is to the safety agenda of the American people. You cannot do what is needed to improve safety for airline passengers in this country without following the recommendations of the Senator from West Virginia. I wanted him to know that his remarks were heard, and heard clearly, by this junior member of the Commerce Committee.

I will wrap up this afternoon by thanking again Senator SHELBY and Senator LAUTENBERG for their support of the two amendments I am offering that will be voted on in the morning. They are simple, straightforward amendments calling for disclosure with respect to overbooking of airline flights, making sure the passengers can actually know about the lowest fares that are available, whether it is over the telephone or on a web site.

As we wrap up this afternoon, my understanding is that we will have additional time to discuss this on the floor of the Senate tomorrow morning. I am very proud to have the support of the chairman of the subcommittee, Mr. SHELBY, and the ranking minority member, Mr. LAUTENBERG, on the two amendments that will come up tomorrow morning with respect to disclosure. I also thank their staffs and the staffs of the Commerce Committee, who have been working to make it possible, procedurally, for the Senate to consider these in the morning.

With that, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Oregon for his contribution in the form of these amendments. We work together on the Budget Committee, and on other matters. He is always thoughtful on the matters he brings to the Senate.

Before the Senator from West Virginia leaves the room, I want to say to him that one of the things he talked about, sort of indirectly, in terms of getting the FAA up to the point that it should be in order to take care of the volume of traffic we have—we must make air travel more user friendly. You do that by providing an infrastructure that can accommodate the volume of traffic we have. I commend the Senator from West Virginia. He works very hard on matters of aviation. We are grateful to him for his contribution.

I would like to say this. One of the things that kind of pervades the discussion that has gone on here for the last while by the Senator from Oregon and the Senator from West Virginia is that there has to be a change in attitude, in my view.

The airlines have to understand that they have a precious commodity when they have license to offer the services that they do. They are not unlike the doctor who provides excellent service who uses the hospital operating room for his or her work.

We provide airspace—limited airspace. We provide huge investment in technology to have a system operate better. We provide airports. We provide facilities. And all of this is not designed to punish. My conversation is not designed to punish the airlines but to make sure it is remembered that they are serving the public, with the permission of the Government indirectly, by providing the kinds of facilities that can accommodate the number of flights and the routes that are being used. It is user friendly.

I recently proposed something in New Jersey that has some people in government a little nervous. I suggested that when someone has to wait to pay a toll and it gets beyond a certain point, the drivers be permitted to go through free. I call it a deadline, Don't Encumber Drivers—DED—because otherwise those toll road authorities just collect their money. It just takes them a little while longer. But the one who pays and gets less service is the driver. You sit there in all of that smog, fog, and congestion. You miss your appointment, you don't get to work, you don't get to school, you don't get to the doctor, and shopping is not done on time.

Why is it that the user is the one always pays the price?

You go into a well operated supermarket, and they open more lanes so you can pay your bills faster because they know you don't want to stand around there to have to give them your money. So it is also, I think, with the airlines.

I don't want to see them punished. This isn't designed to be punitive. What we are suggesting here is designed to make it fairer for the traveling passenger. Rather than bumping people, there ought to be other ways to deal with it, so that if someone is bumped, the airline also feels the pressure—not just the passenger if the airline chose to oversell the seats.

I don't want to see the airlines flying with empty seats. That is not a mission at all. Maybe they have to come up with a different scheme. Maybe there has to be a deposit when you make an airline reservation. I have talked to lots of people who would make two or three reservations on airplanes on different flights so they could do it at their convenience, which means that someone else could not fly because they have blocked these seats. Maybe there has to be a deposit when the reservation is made to be used either for a trip or as a cost for doing business.

If you want to have furniture delivered to your house, you can't get it delivered without suffering some kind of a penalty if they deliver it and nobody is home and they have to turn around and take it back, or if you want to cancel midstream. Try buying a car without a deposit. They will tell you no. You can't have your wash done without having a laundry ticket.

In any event, I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT 2000—Continued

AMENDMENTS NOS. 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, AND 1636

Mr. GORTON. Mr. President, I send a package of amendments to the desk and ask unanimous consent they be numbered separately. These amendments have been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. For anyone who is listening, these amendments include one by the Senator from North Dakota, Mr. DORGAN, on National Forest-dependent rural communities; two by myself, one technical and one with respect to a Plum Creek land exchange; one by Senator KYL of Arizona with respect to funding for tribal school operations; two by Senator REID of Nevada on conveyances in that State; one by Senators MURKOWSKI, BINGAMAN, and COCHRAN with respect to Federal energy use, to which is appended a statement by Senator COCHRAN; and one by Senators BREAUX and LANDRIEU with respect to Fish and Wildlife Service authority to retain and use certain fees.

Mr. GORTON. Mr. President, I ask unanimous consent those amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1628

(Purpose: To make technical corrections to the National Forest-Dependent Rural Communities Economic Diversification Act of 1990)

On page 132, between lines 20 and 21, insert the following:

SEC. 3 . NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION.

(a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "national forests" and inserting "National Forest System land";

(B) in paragraph (4), by striking "the national forests" and inserting "National Forest System land";

(C) in paragraph (5), by striking "forest resources" and inserting "natural resources"; and

(D) in paragraph (6), by striking "national forest resources" and inserting "National Forest System land resources"; and

(2) in subsection (b)(1)—

(A) by striking "national forests" and inserting "National Forest System land"; and

(B) by striking "forest resources" and inserting "natural resources".

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking "forestry" and inserting "natural resources".

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking "forestry" and inserting "natural resources"; and

(2) in the second and third sentences, by striking "national forest resources" and inserting "National Forest System land resources".

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking "forest resources" and inserting "natural resources"; and

(2) by striking "national forest resources" and inserting "National Forest System land resources".

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

AMENDMENT NO. 1629

(Purpose: To make a technical correction to a U.S. Code cite)

On page 14, line 6, strike "(22 U.S.C. aa–1)" and insert "(22 U.S.C. 2799aa–1)"

AMENDMENT NO. 1630

Insert at the end of Title III in H.R. 2466:

SEC. . INTERSTATE 90 LAND EXCHANGE.

(a) Section 604(a) of the Interstate 90 Land Exchange Act of 1998, 105 Pub. L. 277, 12 Stat. 2681–326 (1998) is hereby amended by adding at the end of the first sentence: "except title to offered lands and interests in lands described in section 605(c)(2)(Q, R, S, and T) must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a three year period beginning on the later of the date of enactment of this Act of consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld."

(b) Section 604(b) of the Interstate 90 Land Exchange Act of 1998, 105 Pub. Law 277, 12 Stat. 2681–326 (1998), is hereby amended by inserting after the words "offered land" the following: "as provided in section 604(a), and placement in escrow of acceptable title to the offered lands described in section 605(c)(2)(Q, R, S, and T)."

(c) Section 604(b) is further amended by adding the following at the end of the first sentence: "except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W½W½ of Section 16, which shall be retained by the United States." The appraisal approved by the Secretary of Agriculture on July 14, 1999 (the "Appraisal") shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4 and Township 20 North, Range 10 East, W.M., Section 32 during the Appraisal process in the context of the whole estate to be conveyed.

(d) After adjustment of the Appraisal, the value of the offered and selected lands, including the offered lands held in escrow, shall be equalized as provided in section 605(c) except that the Secretary also may equalize values through the following, including any combination thereof:

(1) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(2) to the extent sufficient acceptable lands are not available pursuant to paragraph (1) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

(e) The Secretary shall promptly seek to identify lands acceptable for conveyance to equalize values under paragraph (1) of subsection (d) and shall, not later than May 1, 2000, provide a report to Congress outlining the results of such efforts.

(f) As funds or lands are provided to Plum Creek by the Secretary; Plum Creek shall release to the United States deeds for lands and interests in land held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the exact reverse order listed in section 605(c)(2).

(g) Section 606(d) is hereby amended to read as follows: "the Secretary and Plum Creek shall make the adjustments directed in section 604(b) and consummate the land exchange within 30 days of enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date."

SEC. . THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999.

(a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled "Snoqualmie National Forest 1999 Boundary Adjustment" dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Snoqualmie National Forest, as adjusted by this subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

Mr. GORTON. Mr. President, I will comment further on that amendment. A number of objections from people in the vicinity of a portion of that land exchange were made both to me and to my colleague, Senator MURRAY. The letter responds to many of those concerns, and others will be responded to by the Plum Creek Company itself.

I would like to say a number of those objections were valid objections and deeply concerned this Senator, and we hope they will largely be alleviated by the prompt response of Plum Creek.

Mr. President, I ask unanimous consent a letter addressed to me from Plum Creek be printed in connection with the Plum Creek land exchange amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PLUM CREEK TIMBER CO.,
Seattle, WA, September 14, 1999.

Hon. SLADE GORTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR GORTON: We greatly appreciate your continuing efforts to resolve the issues created by the discovery of marbled murrelets on lands to be acquired by Plum Creek as part of the I–90 Land Exchange. Plum Creek agrees with the legislative language worked out by your office and the U.S. Forest Service to accommodate the new lands package and we are prepared to assist in any way that we can.

We are aware that some opposition has developed over the lands near Randle, Washington, that Plum Creek would receive in the exchange. The opponents have painted a dismal scenario of what Plum Creek might do when the exchange is complete and we want to assure you of the facts.

First, Plum Creek has an excellent reputation of including neighbors and local communities in the planning process. We have not yet developed any specific plans for the Randle area, and will not until we have met with community leaders and heard first-hand their concerns. We are prepared to consider any options that will help to resolve the issues.

Second, our own standards and the strict forest practice rules of the state of Washington require that great care be taken to identify and avoid any areas of geological concern, such as unstable soils and steep slopes. Indeed, after extensive public study and comment, nearly 10,000 acres of U.S. Forest Service land was removed from consideration early in the exchange process for just this reason. The land that remains in the exchange has been thoroughly studied and can, with careful planning, be managed in a thoughtful and appropriate manner.

Third, any Plum Creek operations will be strictly governed by our own Environmental Principles and the standards of the American Forest and Paper Association's Sustainable Forestry Initiative.

Plum Creek is willing to continue to work with local citizens, the U.S. Forest Service, and the Delegation to resolve important issues upon completion of the I–90 Land Exchange. We continue to believe the Exchange is a fair deal for Plum Creek and a great deal for the public.

BILL BROWN.

Mrs. MURRAY. Mr. President, included within the Manager's amendment to the FY 2000 Interior Appropriations bill is a technical fix to last year's legislated I–90 Land Exchange. The amendment to the legislation was necessary to address to discovery of nesting marbled murrelets on two parcels of Forest Service land originally set to be exchanged to Plum Creek Timber Company. The language in the amendment is agreeable to both the Forest Service and Plum Creek.

Other issues, particularly that of potential landslides on parcels of land being transferred to Plum Creek near the town of Randle, Washington, have recently arisen. Members of the community are fearful that if some of these lands are harvested by Plum Creek that dangerous landslides are possible. I believe this a legitimate concern and have begun discussions with the Forest Service, Plum Creek, Congressman Baird and Senator Gorton as to possible solutions. I believe, however, that the land exchange is a benefit to the people of Washington and should proceed as we continue to work on the issue of concern to Randle residents.

I ask unanimous consent to have printed in the RECORD a letter to me from Plum Creek regarding the company's commitment to protecting the welfare of local communities, the forest land it acquires, and willingness to work with all parties to address the issues in Randle. I hope, that if a solution to the issues of concern to Randle residents is found in time, that such a solution be placed into the Interior bill at conference.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PLUM CREEK TIMBER CO.,
Seattle, WA, September 14, 1999.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURRAY: We greatly appreciate your continuing efforts to resolve the issues created by the discovery of marbled murrelets on lands to be acquired by Plum Creek as part of the I–90 Land Exchange. Plum Creek agrees with the legislative language worked out by your office and the U.S. Forest Service to accommodate the new lands package and we are prepared to assist in any way that we can.

We are aware that some opposition has developed over the lands near Randle, Washington, that Plum Creek would receive in the exchange. The opponents have painted a dismal scenario of what Plum Creek might do when the exchange is complete and we want to assure you of the facts.

First, Plum Creek has an excellent reputation of including neighbors and local communities in the planning process. We have not yet developed any specific plans for the Randle area, and will not until we have met with community leaders and heard first-hand their concerns. We are prepared to consider any options that will help to resolve the issues.

Second, our own standards and the strict forest practice rules of the state of Washington require that great care be taken to identify and avoid any areas of geological concern, such as unstable soils and steep slopes. Indeed, after extensive public study and comment, nearly 10,000 acres of U.S. Forest Service land was removed from consideration early in the exchange process for just this reason. The land that remains in the exchange has been thoroughly studied and can, with careful planning, be managed in a thoughtful and appropriate manner.

Third, any Plum Creek operations will be strictly governed by our own Environmental Principles and the standards of the American Forest and Paper Association's Sustainable Forestry Initiative.

Plum Creek is willing to continue to work with local citizens, the U.S. Forest Service, and the Delegation to resolve important issues upon completion of the I–90 Land Exchange. We continue to believe the Exchange is a fair deal for Plum Creek and a great deal for the public.

BILL BROWN.

AMENDMENT NO. 1631

(Purpose: To clarify that a Bureau-funded school may share a campus with a school that offers expanded grades and that is not a Bureau-funded school)

On page 33, line 18, after the period, insert the following: "Funds made available under this Act may be used to fund a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)) that shares a campus with a school that offers expanded grades and that is not a Bureau-funded school, if the jointly incurred costs of both schools are apportioned between the 2 programs of the schools in such manner as to ensure that the expanded grades are funded solely from funds that are not made available through the Bureau.".

AMENDMENT NO. 1632

(Purpose: To direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes)

At the end of title I, insert the following:

SECTION 1. CONVEYANCE TO NYE COUNTY, NEVADA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Nye County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S. R. 49 E, Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(b) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B)E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

AMENDMENT NO. 1633

(Purpose: To give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city)

At the end of title I, insert the following:

SEC. . CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

Section 3 of Public Law 99–548 (100 Stat. 3061; 110 Stat. 3009–202) is amended by adding at the end the following:

"(e) FIFTH AREA.—

"(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of enactment of this Act, the city of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 27 north of Interstate Route 15.

"(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

"(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

"(iv) The portion of sec. 30 south of Interstate Route 15.

"(v) The portion of sec. 31 south of Interstate Route 15.

"(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

"(vii) The portion of sec. 33 north of Interstate Route 15.

"(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 5: NW ¼.

"(ii) Sec. 6: N ½.

"(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 25 south of Interstate Route 15.

"(ii) The portion of sec. 26 south of Interstate Route 15.

"(iii) The portion of sec. 27 south of Interstate Route 15.

"(iv) Sec. 28: SW ¼ SE ¼.

"(v) Sec. 33: E ½.

"(vi) Sec. 34.

"(vii) Sec. 35.

"(viii) Sec. 36.

"(3) NOTIFICATION.—Not later than 10 years after the date of enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

"(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

"(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

"(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

"(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

"(B) shall be available for use by the Secretary—

"(i) to reimburse costs incurred by the local offices of the Bureau of Land Managment in arranging the land conveyances directed by this Act; and

"(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

"(f) SIXTH AREA.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

"(ii) The portion of sec. 29 south of Interstate Route 15.

"(iii) The portion of sec. 30 south of Interstate Route 15.

"(iv) The portion of sec. 31 south of Interstate Route 15.

"(v) Sec. 32.

"(vi) Sec. 33: W ½.

"(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 4.

"(ii) Sec. 5.

"(iii) Sec. 6.

"(iv) Sec. 8.

"(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 1.

"(ii) Sec. 12.

"(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.".

AMENDMENT NO. 1634

At the end of Title III, insert the following:

SEC. . Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));".

AMENDMENT NO. 1635

(Purpose: To prevent expenditure of funds that may be used to circumvent or contradict existing law and policy regarding the Federal Government's energy efficiency programs)

Insert at the end of Title III the following new section:

"SEC. . None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof, including, but not limited to, the existing statutory mandate that life-cycle cost effective measures be undertaken at federal facilities to save energy and reduce the operational expenditures of the government.".

Mr. COCHRAN. Mr. President, I support the energy efficiency amendment contained in the package of amendments managed by the chairman of the subcommittee.

This amendment, which I have sponsored along with Senators MURKOWSKI and BINGAMAN, clarifies, with respect to the measurement of energy use by the Federal government, that the directives contained in Presidential Executive Order 13123 cannot circumvent or contradict any relevant statues.

The Appropriations Committee addressed this matter last year, when Senator MURKOWSKI and Senator BYRD worked to clarify the intent of Congress with respect to energy use and energy measurement. As a result of their efforts, the conference report on the Omnibus Appropriations bill included language that has the same effect as the amendment we propose today—that is, the federal government shall obey existing laws, that proposed changes to the law are subject to the jurisdiction of the Senate Committee on Energy and Natural Resources, and that the law cannot be changed by committee report language, executive order or any other mechanism that would circumvent the jurisdiction of the authorizing committee.

Mr. President, this amendment will remedy flaws in the Executive Order, most of which represents a laudable effort to save taxpayer dollars by increasing energy efficiency in federal buildings.

I thank Chairman GORTON, Energy Committee Chairman MURKOWSKI, ranking member BINGAMAN, and their staffs for working to resolve this issue.

AMENDMENT NO. 1636

(Purpose: To authorize the Fish and Wildlife Service to retain and use fees collected for certain damages caused to national wildlife refuge lands in Louisiana and Texas to assess and mitigate or restore the damaged resources, and monitor and study the recovery of such damaged resources)

On page 12, line 12, before the final period, insert the following: ": *Provided further*, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and through fiscal year 2000, for site-specific damages to National Wildlife Refuge System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to: (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources".

AMENDMENTS NOS. 1371, 1408, 1587, 1593, 1595, 1600, 1601, 1610, AND 1613

Mr. GORTON. Mr. President, I send a package of numbered amendments to the desk with modifications and ask unanimous consent that these amendments be adopted en bloc. They have been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendments will be appropriately numbered.

Mr. GORTON. Mr. President, again, the same explanation. These amendments include one from the Senator from Maine, Ms. COLLINS, with respect to St. Croix Island International Historic Site; one by the Senator from Utah, Mr. HATCH, with respect to Lake Powell; one from Senator MURKOWSKI with respect to inspection fees for imported skins and furs; one from Senators MURKOWSKI, CAMPBELL, INOUYE, and JOHNSON with respect to the Indian Trust Asset and Accounting Management System; one from Senator CAMPBELL with respect to pine beetle eradication; one from Senator BRYAN and Senator REID of Nevada with respect to Grand Canyon overflights; one from Senator BURNS with respect to grizzly bear reintroduction—Senator CRAIG is a cosponsor of Senator BURNS' amendment—one from Senator STEVENS with respect to Haines Borough in Alaska; and one from Senator DURBIN with respect to Shawnee National Forest.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1371

(Purpose: To place a requirement on the use of funds for development of a resource management plan and for timber sales in the Shawnee National Forest, Illinois)

At the end of the bill add the following:

SEC. 3 . SHAWNEE NATIONAL FOREST, ILLINOIS.

None of the funds made available under this Act may be used to—

(1) develop a resource management plan for the Shawnee National Forest, Illinois; or

(2) make a sale of timber for commodity purposes produced on land in the Shawnee National Forest from which the expected cost of making the timber available for sale is greater than the expected revenue to the United States from the sale.

AMENDMENT NO. 1408 AS MODIFIED

(Purpose: To prevent the physical reintroduction of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana in FY2000 and to allow for greater public involvement in the project)

Insert in general provisions, Title III, the following:

None of the funds made available by this Act may be used for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana.

Mr. CHAFEE. Mr. President, I wish to discuss an amendment originally offered by my colleague from Montana to prohibit the reintroduction of the grizzly bear in the Selway-Bitterroot area of Idaho and Montana. This language is being included in the managers' amendment.

I strongly support reintroduction of the grizzly bears under the Endangered Species Act. Presently in the lower 48 States, there are only 800 to 1000 bears in scattered pockets of habitat in Idaho, Montana and Washington. Large species such as the grizzly are most vulnerable when they are limited to small populations and confined to small portions of habitat. Because grizzlies are not likely to migrate beyond the pockets in which they now exist, they are not likely to find their own way to the Selway-Bitterroot area, even though it is an area they once inhabited. The reintroduction of grizzlies in this area will greatly bolster efforts to recover grizzlies in the lower 48 States.

The current proposal by the Fish and Wildlife Service establishes a Citizen Management Committee to make the primary decisions on reintroduction and management. This committee would consist of 15 members, with 7 chosen by the Governor of Idaho, 5 chosen by the Governor of Montana, one chosen by the Nez Perce Tribe, one chosen by the Chief of the Forest Service and one chosen by the Director of the Fish and Wildlife Service. The committee would have authority to establish specific recovery goals, determine areas for reintroduction, and establish land-use standards.

This proposal has been developed after tremendous public involvement and outreach. Since 1992, with the formation of a citizens' group, local individuals and industries have been involved in the decisions relating to grizzly bear recovery in Idaho and Montana. Preparation of both the draft and final Environmental Impact Statements provided significant opportunity for public comment. In sum, the proposal has been developed with painstaking effort and deliberation.

The result is a coalition of supporters among timber companies, ranchers, and environmental groups. Governor Racicot of Montana has long backed the reintroduction plan. While Governor Kempthorne opposes the plan, he recently stated that he wants Idaho to take a strong leadership role if the reintroduction is going to happen. Numerous newspapers in both states have endorsed the plan.

Nevertheless, there continues to be opposition to the proposal among numerous local citizens, particularly within the Valley in Montana along the eastern border of the Selway-Bitterroot area. I strongly encourage both the Fish and Wildlife Service and Forest Service to continue their outreach and education efforts, and to address the concerns of these citizens.

Mr. President, you may recall that this Chamber has seen fierce opposition to the reintroduction of other species in an effort to recover them under the ESA. Specifically, we have debated reintroductions of the red wolf in North Carolina in 1995 and the gray wolf in Yellowstone in 1996. What has come of those programs? Nothing but tremendous success. Both species are close to full recovery. Both programs resulted in less livestock depredation than originally predicted. Both programs cost less to the Federal taxpayer than originally estimated. Have there been occasional problems with individual wolves? Of course. But each program had provided for such occasions, and problems were addressed efficiently and expeditiously.

With the care and attention that has been poured into the grizzly bear program from not just the Fish and Wildlife Service and the Forest Service, but local citizens, industries, conservation groups and of course the States, I have no doubt that this program will also be a success.

Indeed, I will venture to say that, in hindsight, we will marvel at the ability of Nature to take over the grizzly bear program—as it has with the Yellowstone gray wolves and North Carolina red wolves—and run its own course smoothly, with nothing more than a little encouragement from us. All we need to do is to provide that encouragement.

I do not oppose the amendment adopted today by the managers of the bill, but that is only because it is narrowly limited to a prohibition of funds for physical relocation of bears in the Selway-Bitterroot area. The Service does not intend to relocate bears into the area before FY 2001. The language does not prohibit completion of the EIS and the Record of Decision, publication of a rulemaking under section 10(j) of the ESA, or activities to provide outreach and to set up the citizen's committee. It will not prevent activities in FY 2000 in support of reintroduction, short of physically relocating grizzlies in the area. Because the language does not prohibit what the Service would otherwise do in FY 2000, I do not oppose the language.

I yield the floor.

AMENDMENT NO. 1587 AS MODIFIED

(Purpose: to establish the scientific basis for noise standards applied to the Grand Canyon National Park)

At the end of Title I, add the following new section:

SEC.   . No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service has provided to the Congress a report describing (1) the reasonable scientific basis for such sound thresholds or standard and (2) the peer review process used to validate such sound thresholds or standard.

AMENDMENT NO. 1593

(Purpose: To provide for increased funding of certain programs of the Smithsonian Institution and the Indian Health Service)

At the appropriate place insert the following new section:

SEC.   . Notwithstanding any other provision of law, the Secretary of the Interior shall use any funds previously appropriated for the Department of the Interior for Fiscal Year 1998 for acquisition of lands to acquire land from the Borough of Haines, Alaska for subsequent conveyance to settle claims filed against the United States with respect to land in the Borough of Haines prior to January 1, 1999; *Provided further*, That the Secretary of the Interior shall not convey lands acquired pursuant to this section unless and until a signed release of claims is executed.

AMENDMENT NO. 1595, AS MODIFIED

(Purpose: To require the Forest Service to use appropriated or other funds to improve the control or eradication of pine beetles in the Rocky Mountain region of the United States)

At the end of Title III, insert the following:

SEC.   . The Forest Service shall use appropriations or other funds available to the Service to—

(1) improve the control or eradication of the pine beetles in the Rocky Mountain region of the United States; and

(2)(A) conduct a study of the causes and effects of, and solutions for, the infestation of pine beetles in the Rocky Mountain region of the United States; and

(B) submit to Congress a report on the results of the study, within 6 months of the date of enactment of this provision.

AMENDMENT NO. 1600, AS MODIFIED

(Purpose: Making contingent funding plans)

At the end of Title I insert the following new section:

None of the funds provided in this Act shall be available to the Department of the Interior to deploy the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of the Billings Area Office, until 45 days after the Secretary of the Interior certifies in writing to the Committee on Appropriations and the Committee on Indian Affairs that, based on the Secretary's review and analysis, such system meets the TAAMS contract requirements and the needs of the system's customers including the Bureau of Indian Affairs, the Office of Special Trustee for American Indians and affected Indian tribes and individual Indians.

The Secretary shall certify that the following items have been completed in accordance with generally accepted guidelines for system development and acquisition and indicate the source of those guidelines: design and functional requirements; legacy data conversion and use; system acceptance and user acceptance tests; project management functions such as deployment and implementation planning, risk management, quality assurance, configuration management, and independent verification and validation activities. The General Accounting Office shall provide an independent assessment of the Secretary's certification within 15 days of the Secretary's certification.

AMENDMENT NO. 1601, AS MODIFIED

(To assist small exporters of certain animal products)

At the end of Title I of the bill, insert the following:

SEC.   . None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the import or export of shipments of furbearing wildlife containing 1000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington, March 3, 1973 (27 UST 1027).

AMENDMENT 1610, AS MODIFIED

(Purpose: To ban the use of public funds for the study of decommissioning the Glen Canyon Dam or the draining of Lake Powell)

At the end of Title I insert the following:

SEC.   . No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

AMENDMENT NO. 1613, AS MODIFIED

(Purpose: Expressing the sense of the Senate that the National Park Service should begin planning for the quadricentennial commemoration of the Saint Croix Island International Historic Site)

On page 62, between lines 3 and 4, insert the following:

SEC. 1   . QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE.

(a) FINDINGS.—Congress finds that—

(1) in 1604, 1 of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is 1 of only 2 international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

Mr. GORTON. I now move to reconsider the vote by which both of those sets of amendments were adopted, and I move to table my own motion.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1359, 1362, 1367, 1493, 1572 1573, 1575, 1578, 1582, 1590, 1592, 1597, 1606, 1612, 1615, AND 1637 THROUGH 1657

Mr. GORTON. I now send a package of amendments to the desk and ask unanimous consent they be considered and agreed to en bloc and numbered separately. All of these amendments have been agreed to and cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendments will be appropriately numbered.

Mr. GORTON. This last large package includes a Gorton-Levin-DeWine amendment with respect to Great Lakes fish and wildlife restoration and spartina grass research; one by Senator COCHRAN and others with respect to the National Endowment for the Humanities; one by Senator BENNETT and others with respect to the National Endowment for the Arts; one from Senator LIEBERMAN with respect to the Weir Farm National Historic Site; one by Senator ABRAHAM with respect to Isle Royale National Park; one from Senator JEFFORDS with respect to weatherization assistance grants and State energy conservation grants; one by Senators CRAPO and BURNS with respect to cold water fish habitat conservation plans in Idaho and Montana; one from Senator TORRICELLI with respect to Fredericksburg and Spotsylvania National Military Park; one from Senator JOHNSON, Senator BURNS, and others with respect to tribally controlled community colleges; one from Senator SHELBY with respect to a wildlife data system in Alabama; one from Senator INOUYE and others with respect to the Franklin Delano Roosevelt Memorial; one from Senator BINGAMAN with respect to the Youth Conservation Corps; another from Senator BINGAMAN with respect to Indian post-secondary schools and changes to the Federal funding formula; one from Senator KOHL with respect to UK development LLC; one from Senator EDWARDS with respect to Lake Logan, NC; one from Senator ABRAHAM and others with respect to payments in lieu of taxes; one from Senator MURKOWSKI and others with respect to the Land and Water Conservation Fund stateside program; one from Senator STEVENS with respect to the Smithsonian Institution and Indian Health Service; one from Senator LEVIN with respect to the Keweenaw National Historic Park in Michigan; one from Senator COLLINS with respect to the St. Croix Island International Historic Site; one from Senator FEINSTEIN with respect to Forest Service reimbursement; one from Senator BINGAMAN with respect to municipal energy management; one from Senator BYRD with respect o the Wheeling National Heritage Area; one from myself with respect to the Forest Service/Weyerhaeuser Huckleberry land exchange; one from Senator REID of Nevada with respect to the Weber Dam in Nevada and feasibility study for a tribally operated trout fish hatchery on the Walker River; one from Senator STEVENS with respect to timber pipeline supply on the Tongass National Forest; one from Senator LOTT with respect to Civil War battlefields; one from the two Senators from Minnesota respecting a Minnesota science center; one from Senator KERREY of Nebraska with respect to the Boyer Chute National Wildlife Refuge land acquisition; one from Senator BOND with respect to Wilson's Creek National Battlefield; one from Senator HOLLINGS with respect to Fort Sumter National Monument land acquisition; one from Senator ABRAHAM with respect to a Michigan community development database; one from Senator WARNER with respect to sand and gravel; one from Senator TORRICELLI with respect to UPARR; and a final amendment of my own, a manager's amendment with respect to the setoffs necessary to pay for the other amendments we have adopted or are about to adopt.

The PRESIDING OFFICER. The amendments have been agreed to.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1359

On page 79, line 19 of the bill, strike "under this Act or previous appropriations Acts." and insert in lieu thereof the following: "under this or any other Act."

AMENDMENT NO. 1362, AS MODIFIED

(Purpose: To provide funding for the acquisition of the Weir Farm National Historic Site in Connecticut, with an offset)

On page 18, line 19, before the period, insert the following: ", and of which not less than $2,000,000 shall be used to acquire the Weir Farm National Historic Site in Connecticut".

AMENDMENT NO. 1367, AS MODIFIED

(Purpose: To provide funding for facilities maintenance at Isle Royale National Park)

On page 17, line 25, after the colon insert the following: "*Provided further*, That $1,000,000 shall be made available for Isle Royale National Park to address visitor facility and infrastructure deterioration:".

AMENDMENT NO. 1493, AS MODIFIED

(Purpose: To provide additional funding for the National Endowment for the Arts)

On page 94, line 7, strike, "$86,000,000" and insert "$90,000,000".

Mr. REED. Mr. President, I rise in support of the Bennett-Jeffords-Reed amendment. For the past 34 years, the National Endowment for the Arts has served the public good by nurturing the expression of human creativity, supporting the cultivation of community spirit, improving our children's education, and fostering the recognition and appreciation of our nation's artistic accomplishments.

The arts and humanities have an immense positive impact on the lives of all Americans. Children and adolescents in particular benefit tremendously from artistic expression. Studies show again and again that comprehensive arts education programs in schools with at-risk student populations improve academic achievement; student self-assurance; creative and critical thinking skills; attendance; as well as student and parent attitudes about school.

And yet, we as a society have consistently underfunded arts education and community arts programs at the local, state and federal level. In recent years, Congress has exacerbated this situation by dramatically reducing funding to the National Endowment for the Arts.

The NEA has not seen a budget increase in 8 years—not since 1992, when the agency had a budget of $175.9 million. In 1996, the NEA's budget was slashed by 40% to $99 million, and it has remained near that level ever since.

This year, the President requested an increase of $52 million for the NEA, nearly all of which would have been used to pay for a major new initiative called Challenge America. A priority of Challenge America would be to get NEA funds to areas of the country that have not received sufficient funds in the past. Challenge America would focus on outreach projects for education, after-school programs using the arts, historic preservation, and upgrading the arts infrastructure in our communities. In effect, Challenge America would put the arts at the center of family and community life.

Mr. President, by reaching out to new communities and new regions of the country, the Challenge America program would directly address the concerns that members of this body have expressed with regard to the distribution of NEA funds.

Unfortunately, the Interior spending bill before us contains no funding for the Challenge America initiative. The Appropriations Committee's report indicates, however, that the lack of funds for Challenge America "should not be interpreted as a lack of support by the Committee for the Endowment's proposal."

The problem, of course, is the budget. The distinguished Interior Subcommittee Chairman and Ranking Member have done an outstanding job to report a bill within the tight allocations provided to them. I commend them for their effort and fully appreciate the constraints within which they operate.

However, I believe we can, and should, find the money to make the Challenge America program a reality and to allow the NEA to do what so many members of this body want it to do. At a time when we are considering an $800 billion tax cut, I think it is not unreasonable to provide a small increase to an agency that has such a meaningful impact in communities across the country.

This amendment, which would provide $4 million in additional funding to the NEA in fiscal year 2000, would permit the NEA to get the Challenge America initiative off the ground. Every dime of additional money would be used for project grants—mostly the small, expedited grants that will get funding to previously underserved areas of the country.

Mr. President, the NEA is under new management. Chairman Bill Ivey has worked hard to reform the Endowment's operations and to respond to the concerns expressed by members of Congress in recent years.

It is time we gave the NEA a chance to show that it has changed. Let's give it the opportunity to do what we've asked it to do—to get more grants to new rural and urban areas, to do more in the area of arts education, and to help us rebuild our cities and make them more attractive places for people to live and work.

I urge my colleagues to support this important amendment.

Mr. BENNETT. Mr. President, a number of my colleagues and I have advocated a small increase in funding for the National Endowment for the Arts. I also want to commend Senator COCHRAN's efforts to increase funds for the National for the Humanities. Neither endowment has received a significant increase since their budgets were cut by nearly 40 percent in fiscal 1996. I believe a $4 million increase is warranted given the reforms intended to make the endowments more efficient and more accountable have been implemented and we have seen results.

While a positive story could be told about the National Endowment for the Arts, I believe the real story of the NEA and NEH is a local story. And in my case, a Utah story. In previous years, I have outlined the origins of the strong arts and humanities tradition in Utah. The arts flourished in Utah before Utah was even a state. Utah also had one of the first publicly funded arts councils in America.

Today, I would like to tell two stories of traveling exhibition programs in the arts and humanities. Both benefit rural areas. Both provide communities with opportunities that might not be available otherwise. These types of programs make a strong case for a small federal investment in the arts and humanities.

For the last 35 years, the Utah Arts Council's Traveling Exhibition Program, supported in part by the National Endowment for the Arts, has toured visual arts exhibitions all over Utah. In some areas, particularly in the more rural regions of the state, the exhibition is the only source of visual arts programming. Utah's San Juan county bussed children from surrounding communities to view these exhibitions. Another rural county boasted a 100-percent citizen participation for one of the exhibits.

The Utah Arts Council's Traveling Exhibition Program serves more than 150,000 people in all but two counties of the state each year. Every year the Utah Arts Council receives more than 250 requests for the program, but is only able to satisfy half. Each Traveling Exhibition includes educational materials that emphasize not only the artistic aspects of the exhibits, but also its connections to other aspects of the curriculum.

Denise Hoffman, a librarian at the Green River Library and participant in the program, made this comment:

> We are a very small and isolated town in rural Utah. Almost every student in the grade school comes to the library on a weekly basis. A vast majority of our students will never be exposed to the arts. We use the traveling exhibitions as a basis for learning. By making these displays easily affordable, you cannot count the young lives that have been touched, or guided into the arts. Please consider dollar for dollar what we are getting with this program. It is critical to us.

Another program that benefits rural areas is a collaborative project between the Smithsonian Institution Traveling Exhibition Services (SITES) and state humanities councils. Its goal is to give small rural museums access to Smithsonian resources. What resulted was a small traveling program with Smithsonian type exhibits called "Museum on Main Street." The two projects developed under this program are "Produce for Victory: Posters on the American Homefront 1941–1945" and "Barn Again! Celebrating an American Icon." The Utah Humanities Council spearheaded this effort and the following communities have participated in this program: Castle Dale, population 1,704; Vernal, population 6,644; Kanab, population 3,289; Wellsville, population 2,206; Monticello, population 1,806; Delta population 2,998; Ephraim, population 3,363; Heber, population 4,362; and Payson, population 9,510.

Castle Dale, Kanab, Payson, Vernal, and Delta hosted their first Smithsonian exhibit using "Produce for Victory" as a basis for the communities to remember what was occurring in America during the years 1941 through 1945. Each community developed local programs including USO dances, ration recipe luncheons, reunions of women who worked in munitions industries ("Rosie the Riveter"), discussions of the 1930s and 1940s movies and newsreels, and exhibitions of local artifacts.

Kanab had activities all year commemorating World War II. Events included a poster exhibit from the Smithsonian, World War II movies from Brigham Young University's film collection, and countless other very personal contributions from many of the town's people who had directly participated in the war or were relatives of those who had.

An immediate result of various groups working together on this project was to make young people aware of those whose lives were directly touched by World War II. Many of the local youth had no idea that they were living next door to people who had first-hand knowledge of this historic event. Grandchildren were talking to grandparents and asking questions about the war. Many teens were surprised to learn that some of those serving in the armed services were no older than their big brothers or themselves. During the celebration, those who had contributed their possessions from that period stood by their displays, ready to describe each artifact.

These types of activities help us remember our history, the individual sacrifices that were made for freedom, how individuals coped with difficult times, and how America emerged stronger. Understanding this legacy through these types of exhibits is a worthwhile pursuit.

The traveling exhibits that I have described today are in keeping with the goal of bringing our historical and cultural heritage to areas that would not otherwise have the opportunity. Much of the criticism of the NEA has been anecdotal and has painted an ugly picture. Utah's story is anything but. The state arts and humanities councils, assisted by the National Endowments, and the Smithsonian, has demonstrated how arts and humanities can be a positive influence in our communities.

Mr. President, I believe a continued federal arts and humanities partnership is worthwhile, and encourage my colleagues to support a small increase.

I would also like to thank Chairman GORTON for his leadership on this bill. He has had to balance several competing priorities and has done an admirable job. I appreciate very much his attention to the details of so many important issues.

Mr. KENNEDY. Mr. President, one of the most important provisions in this bill is its support for the National Endowments for the Arts and Humanities. These agencies provide essential Federal support for cultural activities in communities across America. The arts and humanities are a central part of our democracy, our history and our heritage and they eminently deserve this federal support.

It is important for the federal government to create an environment which supports the arts and humanities in our nation. The Endowments have done an outstanding job in providing this needed support. They have provided assistance to theaters, museums, dance companies, and a wide range of cultural activities in communities and neighborhoods in every state.

The federal role is not an isolated one. It functions in partnership with local and state governments and the private sector. Across the country, mayors have been among the strongest supporters of the arts, because they know that a strong cultural community attracts families and businesses to our cities. Cultural tourism is a growth industry in states throughout the country.

Federal support provides needed assistance to cultural institutions, and it also provides critical support in schools. Today's schools face a broad range of challenges, and a compelling body of research demonstrates a strong correlation between study of the arts and academic achievement. The arts are "the Fourth R," and they deserve to have a significant role in the educational experience of all children.

In 1998, students with course work in music scored 52 points higher on the verbal portion and 36 points higher on the math portion of the SAT. With results like these, it is clear that we should find effective ways to integrate arts education into the classroom curriculum so that music, painting, drama and other arts can enrich the educational experience of all students.

The Endowments have often been the subject of criticism over the last several years. But Congress has imposed reforms that have virtually eliminated controversy over grant awards.

The Arts Endowment has worked hard to improve its operations and to respond to the concerns expressed by members of Congress. Its current chair, Bill Ivey, has proposed a major new initiative, Challenge America, that will emphasize outreach projects for education, including after-school programs involving the arts, historic preservation and measures to develop the arts infrastructure in communities. He has also implemented "ArtsReach" which will encourage applications and grants to states that have received few grants in the past.

The Humanities Endowment has undertaken a leadership role to improve teacher training using the Internet and other technologies to ensure that new public programs in the humanities reach classrooms in as many communities as possible.

These agencies are doing all that they can to expand the scope of cultural activities in America. It is essential that we provide them with the resources necessary to carry out their important mission. I support efforts to increase funding for the agencies, so that they can more fully achieve their important goals. As the statute creating the agencies emphasized, the United States cannot afford to limit its efforts to science and technology alone, but should give fair and full support to the other great branches of scholarly and cultural endeavors in our society, in order to achieve a better understanding of the past, a better analysis of the present, and a better vision of the future.

I urge my colleagues to support funding for these agencies, and I hope that at long last we can give them the support that they have earned.

Mr. JEFFORDS. Mr. President, on behalf of myself and Senators BENNETT, CHAFEE, KENNEDY, MOYNIHAN, and REED, I am pleased that the Managers of the bill have agreed to support our proposal for a funding increase for the National Endowment for the Arts and the National Endowment for the Humanities.

First let me commend Senators GORTON and BYRD for starting this discussion out on the right foot. They provided modest increases for the NEA, NEH and IMLS under very difficult circumstances. I applaud the leadership they have shown in recognizing the important role that each of these agencies play in strengthening our nation's cultural institutions and expanding opportunities for participation in cultural activities.

My support for these agencies runs deep because I know that the grants that they make have a positive impact on the state of Vermont and nearly all who live there. The NEA and NEH make it possible for more Vermonters to have access to the arts and humanities in their many different forms and shapes—literature, art history, dance, music, folkarts, history and theater.

In number terms, the positive impact of the arts and the humanities is statistically significant. It can be measured in terms of increased academic achievement and better outlook on life for those school-aged children that have the opportunity to participate in the arts or humanities experience.

In terms of education, students of the arts outperform their "non-arts" peers on the SAT. Even when one takes into consideration the economic status of a family, kids from low-income families that participate in the arts had higher grades in English, were less likely to drop out by grade 10, were less "bored" in school, had a higher "self concept," and placed a higher value on volunteerism than their low-income peers with low arts involvement.

The arts have demonstrated effectiveness in making a difference for youth at-risk by decreasing truancy and increasing enthusiasm for learning. Students engaged in the learning process are less likely to get into trouble and the arts have proven themselves are one of our best tools in this effort. The hard data backs up these claims.

In other instances, the positive impact of the arts and humanities can be "measured" by a smile that grows on the face of a person listening to the music of the Vermont Symphony at a free summer concert; it can be "quantified" by the deeper understanding one gains about storytelling and the New England folk culture thanks to programs sponsored by the Vermont Folklife Center; it can be "gauged" by a young person's spirit that soars to new heights from imagining worlds beyond their own while daydreaming at the Fairbanks Museum and Planetarium in St. Johnsbury.

We must recognize and acknowledge the ways in which the arts expand the imagination of young people; broaden their interest in creating; introduce them to other worlds, other people, and other cultures; make learning other subjects generally more "fun;" and build their skills of cooperation that they must practice when performing a play, playing in a band, or singing in a choir. The NEA and NEH make these opportunities possible for the people of Vermont. With a little investigation, many of you will find that these agencies are doing the same in your home states.

Because of the consideration shown by the Chairman of this subcommittee, each of the three agencies will be able to extend their grant programs more broadly. With the additional money that we are requesting today, NEA and NEH could further expand their outreach efforts with an eye towards introducing more Americans, many for the first time to the beauty of dance, the spectacle of theater, the enchantment of reading and the magic of the museum.

We have new, visionary leaders at the NEA and NEH. Bill Ivey and Bill Ferris are Chairmen who have their ears to the ground and they are prepared to respond to the cultural needs of the people of this nation, regardless of where they live. They have made it their business to involve the grassroots. They fundamentally understand where congress is coming from both in terms of its support for the agencies and with regard to the criticisms of "elitism" and favoritism.

To address concerns, they have focused on grassroots initiatives like: "Challenge America,"—an effort to target grant dollars to communities that lack a significant arts presence and invest in arts education, preservation of cultural heritage and after school programming for young people-at-risk;

"Our History is America's History"—a program that will encourage all Americans to explore our family's history and stories, enter these stories to the Internet and connect these personal histories to the broad sweep of American and world history; and

"ED-sitement"—a partnership involving the NEH, MCI corporations and others designed to help humanities teachers use the Internet effectively in their teaching.

Each of these programs better connect the local community with its rich and vibrant local history and cultural offerings. They draw upon the rich cultural heritage and traditions of a region and share those treasures and stories widely with our nation's community. I am anxious to support their efforts. It is due to their leadership and the leadership of my own Vermont Arts Council, Vermont Humanities Council and all of Vermont's museums and cultural institutions that I stand with confidence behind these agencies and call for a modest increase in their budgets.

The National Endowment for the Arts and the National Endowment for the Humanities are agencies with small budgets that provide extraordinary service to the people of this nation. I encourage my colleagues to support each of these agencies.

In closing, I would like to applaud the leadership of my colleague from Mississippi, Senator COCHRAN for his unwavering support for the NEH. In addition, I would like to publicly state my support for the Institute for Museum Services and hope that during conference negotiations with the House, we will adopt the highest appropriation possible for that important agency.

Finally, I would like to thank Senator GORTON and Senator BYRD for their leadership on this issue and thank my colleagues for supporting this modest increase for NEA and NEH.

AMENDMENT NO. 1572, AS MODIFIED

(Purpose: To provide funding to carry out the Urban Park and Recreation Recovery Act of 1978, with an offset)

On page 16, line 25, strike "$49,951,000" and insert $51,451,000, of which not less than $1,500,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.)".

AMENDMENT NO. 1573, AS MODIFIED

(Purpose: To provide funding for the Fredericksburg and Spotsylvania National Military Park, with an offset)

On page 18, line 16, strike "$84,525,000" and insert "$87,725,000".

On page 18, line 19, before the period, insert the following: ", and of which not less than $3,000,000 shall be available for the Fredericksburg and Spotsylvania National Military Park".

AMENDMENT NO. 1575, AS MODIFIED

(Purpose: To provide funding for tribally controlled colleges and universities)

At the appropriate place in title I, insert the following:

SEC. 1. (a) In addition to any amounts otherwise made available under this title to carry out the Tribally Controlled College or University Assistance Act of 1978, $1,500,000 is appropriated to carry out such Act for fiscal year 2000.

AMENDMENT NO. 1578 AS MODIFIED

(Purpose: To make funds available to the Secretary of the Interior to develop a pilot wildlife data system for the State of Alabama)

On page 62, between lines 3 and 4, insert the following:

SEC. 1. PILOT WILDLIFE DATA SYSTEM.

From funds made available by this Act to the U.S. Fish and Wildlife Service, the Secretary of the Interior shall use $1,000,000 to develop a pilot wildlife data system to provide statistical data relating to wildlife management and control in the State of Alabama.

AMENDMENT NO. 1582 AS MODIFIED

(Purpose: To provide funding for modifications to the Franklin Delano Roosevelt Memorial, with an offset)

On page 3, line 18, strike "$287,305,000" and insert "$283,805,000".

On page 17, line 19, strike "$221,093,000" and insert "$227,593,000".

On page 17, line 22, before the colon, insert the following: ", of which not less than $3,500,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial".

AMENDMENT NO. 1590, AS MODIFIED

Before the period at the end of the "Construction" account of the Bureau of Indian Affairs, insert the following: ": *Provided further*, That in return for a quit claim deed to a school building on the Lac Courte Oreilles Ojibwe Indian Reservation, the Secretary shall pay to U.K. Development, LLC the amount of $375,000 from the funds made available under this heading".

Mr. KOHL. Mr. President, the amendment I am offering would compensate a company that built a school building for the Lac Courte Oreilles Tribe in my state of Wisconsin. It would also clarify ownership of the building. The educational program of the school, as well as the operation and maintenance funding are provided to the Tribe through a grant from the Bureau of Indian Affairs.

When a number of classrooms were condemned, the BIA provided a grant to the school to lease temporary space while the classrooms were replaced. Rather than lease space, the Tribe entered into a lease/purchase agreement with a contractor for construction of an 8,400 square foot building. When the Bureau learned that the Tribe had not used the initial grant payment to lease space, they declined to provide additional money to the tribe for this project since the BIA was, at the same time, providing about $2 million for the tribe to replace the condemned classrooms. All of this and more is detailed in an audit report issued by Interior's Inspector General last March.

It is my understanding that this amendment will have no impact on construction projects which are to begin in fiscal year 2000. To that end, I would urge the chairman to call on BIA to identify before conference any potential negative impact associated with this amendment.

AMENDMENT NO. 1592, AS MODIFIED

(Purpose: To provide funds for the Forest Service to acquire lands at Lake Logan, NC)

On page 65, line 18, strike "$37,170,000" and insert "$38,170,000".

AMENDMENT NO. 1597

(Purpose: To provide an additional $4,000,000 for the National Endowment for the Humanities)

On page 95, line 5, strike "$97,550,000" and insert "$101,000,000".

On page 95, line 13, strike "$14,150,000" and insert "$14,700,000".

On page 95, line 14, strike "$10,150,000" and insert "$10,700,000".

AMENDMENT NO. 1606, AS MODIFIED

(Purpose: To provide funding for the acquisition of new properties in Kenweenaw National Historic Park, Michigan, with an offset)

On page 18, line 19, before the period, insert the following: ", and of which not less than $1,700,000 shall be available for the acquisition of properties in Keweenaw National Historical Park, Michigan".

AMENDMENT NO. 1612, AS MODIFIED

(Purpose: To make funds available for planning and development of interpretive sites for the quadricentennial commemoration of the Saint Croix Island International Historic site, with an offset)

On page 17, line 22, insert the following before the colon: "and of which $90,000 shall be available for planning and development of interpretive sites for the quadricentennial commemoration of the Saint Croix Island International Historic Site, Maine including possible interpretive sites in Calais, Maine".

Ms. COLLINS. Mr. President, I rise in support of two amendments I have filed in connection with the Interior appropriations bill for fiscal year 2000.

My amendments, which are cosponsored by Senator SNOWE, are expected to be accepted as part of the managers' package, which the chairman of the subcommittee will be sending to the desk shortly.

I want to take this opportunity to thank the subcommittee chairman, Senator GORTON, and the ranking minority member, Senator BYRD, for their assistance and support of my proposals.

The amendments I am proposing will provide funding and National Park Service support for projects of great historical and international significant to my State and our country. Yet probably only a few of our colleagues have ever heard of St. Croix Island, nestled in the St. Croix River that separates Maine from Canada, or this island's place in the history of the United States and Canada and in the hearts of North Americans of French descent.

We have all probably heard of the Pilgrims' landing at Plymouth Rock in 1620, or the English colonial settlement at Jamestown in 1607, but few know the story of an even older settlement, dating back to 1604, when French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on St. Croix Island and quickly set about to construct a settlement. They cleared the island, planted crops, dug a well, and built houses, fortifications, public buildings, and gun emplacements. In the process, they were aided by Native peoples who made temporary camps on the island and assisted in various ways. At the same time, Samuel Champlain undertook a number of reconnaissance missions from the island. On one, he found and named Mount Desert Island, now the home to Acadia National Park.

By October, the settlement was ready. But the Maine winter was more than the seventy-nine settlers had bargained for. By winter's end, nearly half had died and many others were seriously ill.

The spring brought relief from the harsh weather. Sieur de Mons relocated his colony to Port Royal in what is now Nova Scotia and, in 1608, Champlain and a company of men founded Quebec.

According to the National Park Service, the French settlement on St. Croix Island in 1604 and 1605 was the first and "most ambitious attempt of its time to establish an enduring French presence in the 'New World.'" Many view the expedition that settled on St. Croix Island in 1604 as the beginning of the Acadian culture in North America. This rich and diverse culture spread across the continent, from Canada to Louisiana, where French-speaking Acadians came to be known as "Cajuns."

The rich history and cultural significance of the 1604 settlement at St. Croix Island are beyond question. Yet, with only four years remaining before the 400th anniversary of the settlement, there is still much to prepare for a proper and appropriate commemoration of this historical event.

Let me try to put the occasion in perspective. For the 300th anniversary of the settlement, U.S., British, and French naval ships, flagged out for the occasion, steamed up the St. Croix River and anchored off the historic island. Speakers at the ceremony honoring the anniversary included the consul general of France and the famous U.S. general and Maine patriot, Joshua Chamberlain.

Several thousand people attended the celebration.

In 1996, the U.S. National Park Service and Parks Canada agreed to "conduct joint strategic planning for the international commemoration [of the St. Croix Island], with a special focus on the 400th anniversary of settlement in 2004." For its part, Parks Canada constructed an exhibit in New Brunswick overlooking St. Croix Island. The exhibit uses Champlain's first-hand accounts, period images, updated research, and custom artwork to tell the compelling story of the settlement.

The National Park Service, on the other hand, has plans to expand a small, existing site located just south of Calais, Maine. The Park Service plan envisions a modest, but appropriate outdoor exhibit overlooking St. Croix Island and exhibits in an indoor visitor center, preferably located in nearby Calais. These plans are intended to commemorate in an appropriate way one of only two international historic sites in the U.S. national park system and, as far as they go, the plans are a welcome first step. The next steps have yet to be taken and time is growing short. That is why I offered two amendments to this appropriations bill.

The first amendment makes $90,000 available in FY 2000 to finish pre-construction planning for and begin development of the outdoor site at Red Beach and to plan for the possible location of interpretive exhibits in Calais, Maine. Currently, no money is scheduled to be appropriated for the Red Beach site until FY 2002, and National Park Service officials in Maine and in the Northeast Regional Office agree with me that the funding schedule provides for too little too late. This money is needed now in order to ensure that the project is completed in time for the 400th anniversary celebration.

My second amendment asks the National Park Service to work with the people of Calais to make an indoor visitors center—known as the "Downeast Heritage Center—a reality. The people of Calais and surrounding areas have worked tirelessly to move the project towards completion. They need the assistance of the National Park Service—which already has endorsed the concept—but which now must help with planning and financial assistance to bring the project from a dream to reality. My amendment asks and directs the Park Service to work with the people of Calais on this project and to ensure that appropriate exhibits are completed in time for the 400th anniversary celebration.

I further request that the Park Service include in its fiscal year 2001 budget submission funds for both the Red Beach site and the Downeast Heritage Center in downtown Calais.

My amendments seeks only a small commitment of funds that are designed to commemorate a 1604 settlement of enormous historical significance.

I again want to thank Senator GORTON and Senator BYRD for their assistance in helping our country prepare for a terrific 400th anniversary celebration of the early French settlement at St. Croix Island.

I yield the floor.

AMENDMENT NO. 1615, AS MODIFIED

On page 76, between lines 18 and 19, insert the following:

"The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Fray for the cost of his home, $143,406 (1997 dollars) destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service."

AMENDMENT NO. 1637

(Purpose: To provide funds to the U.S. Fish and Wildlife Service Resource Management account for grants under the Great Lakes Fish and Wildlife Restoration Program and for spartina grass research)

On page 10, line 15, strike "$683,519,000" and insert "$684,019,000".

On page 10, line 16, after "herein," insert the following: "of which $400,000 shall be available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $300,000 shall be available for spartina grass research being conducted by the University of Washington, and".

AMENDMENT NO. 1638

(Purpose: To increase funding for weatherization assistance grants and state energy conservation grants, with an offset)

On page 78, line 16, strike "$682,817,000" and insert "$684,817,000".

On page 78, line 19, strike "$166,000,000" and insert "$168,000,000".

On page 78, line 24, strike "$133,000,000" and insert "$135,000,000".

AMENDMENT NO. 1639

(Purpose: To set aside funding for development of a habitat conservation plan for cold water fish in the States of Idaho and Montana)

On page 10, line 16, after "herein," insert "of which $500,000 of the amount available for consultation shall be available for development of a voluntary-enrollment habitat conservation plan for, cold water fish in cooperation with the States of Idaho and Montana (of which $250,000 shall be made available to each of the States of Idaho and Montana), and".

Mr. BAUCUS. Mr. President, I rise to support the amendment proposed by Senator CRAPO, along with myself, Senator BURNS, and Senator CRAIG, to provide funding for the development of a habitat conservation plan for the recovery of the bull trout and other cold water fish in Montana and Idaho.

By way of background, the bull trout favors cold, high-mountain streams with lots of cover. Some are resident, remaining in the same tributary all year round. Most, however, are migratory, heading upstream spawn in the spring, when the water starts to get warm.

Historically, bull trout were found throughout the Northwest, from California to the Yukon Territory. Today, they are found primarily in Idaho and Montana. The Montana population is located in the Clark Fork River and in Lake Kookanusa, above the Libby Dam.

There are many reasons for the decline in the bull trout population, including timber harvesting, road building, farming and grazing, and dam construction. Ironically, efforts to help recover various salmon species in the lower part of the Columbia River system may actually have harmed the bull trout in the upper part of the system, by reducing water levels in the upper reservoirs.

In any event, in 1998, the Fish and Wildlife Service listed the bull trout as a threatened species under the Endangered Species Act.

For years, the State of Montana has been working hard to recover the bull trout. This work has intensified since the listing. For example, last year, Montana spent $568,000 on recovery efforts: things like improving stream channels, stabilizing stream banks, fencing, monitoring, educating anglers, and preventing poaching. But, to get the job done, we need to do more. And we need more help from the Fish and Wildlife Service.

The amendment that we are offering today takes an important additional step. It sets aside $500,000, from the Fish and Wildlife Service budget, to help the states of Montana and Idaho develop a voluntary habitat conservation plan for the bull trout and other cold water fish, including the westslope cutthroat trout, for which a listing petition has been filed.

The idea of the HCP is to provide guidance, to small landowners, particularly owners of woodlots, farms, and ranches. For example, the HCP might set standards re-channelizing streams. Or for timber harvesting and road building to prevent sedimentation. Compliance will be completely voluntary, but landowners who follow the guidance will know that they are in full compliance with the Endangered Species Act.

This can encourage the kind of voluntary, cooperative efforts that can go a long way towards recovering the bull trout. Let me give you an example. A few years ago, I spent the day at the Foote Ranch, along the Blackfoot River, in Ovando, in Northwest Montana. Geoff Foote and others were restoring Bull Trout habitat. Years ago, a stream had been straightened. This had the indirect effect of reducing the amount of mud that gathered along the sides of the stream, where bull trout spawn. So Geoff and others were rechannelizing the stream.

We cut logs, hauled them by horse, and placed the logs and large rocks so that the stream would meander and, by doing so, provide better bull spawning habitat.

It was a cooperative effort, involving folks from the Fish and Wildlife Service, the Montana Department of Fish, Wildlife, and Parks, local farmers and ranchers, and members of local environmental organizations. Our amendment will encourage further efforts, along these same lines.

The amendment does not modify the substantive provisions of the Endangered Species Act in any way. Nor does it implicate any of the controversies surrounding the standards for HCPs.

But it does provide funding to help Montana and Idaho continue their work to recover the bull trout. That's important, in it's own right.

Moreover, it will help our State highway programs. The listing of the bull trout has caused concern about the potential effect on highway construction. By providing clear guidance, the HCP should go a long way to ensuring that the bull trout and our highway programs both can thrive.

I commend the sponsor of the amendment, Senator CRAPO, the Chairman of the Fisheries, Wildlife, and Drinking Water Subcommittee of the Environment and Public Works Committee, for his leadership on this issue. I also commend the other members of the delegation, Senators BURNS and CRAIG. I look forward to working further with them, Governors Racicot and Kempthorne, and Fish and Wildlife Service Director Clark to help recover the bull trout in Montana and Idaho in a reasonable, responsible way.

AMENDMENT NO. 1640

(Purpose: To increase funding for Post Secondary Schools funded by the Bureau of Indian Affairs, and for other purposes)

On page 27, line 22, strike "$1,631,996,000" and insert "$1,632,596,000".

On page 29, line 10, after "2002" insert ": *Provided further*, That from amounts appropriated under this heading $5,422,000 shall be made available to the Southwestern Indian Polytechnic Institute and that from amounts appropriated under this heading $8,611,000 shall be made available to Haskell Indian Nations University".

On page 62, between lines 3 and 4, insert the following:

SEC. . BIA POST SECONDARY SCHOOLS FUNDING FORMULA.

(a) IN GENERAL.—Any funds appropriated for Bureau of Indian Affairs Operations for Central Office Operations for Post Secondary Schools for any fiscal year that exceed the amount appropriated for the schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs and the schools on May 13, 1999.

(b) APPLICABILITY.—This section shall apply for fiscal year 2000 and each succeeding fiscal year.

AMENDMENT NO. 1641

(Purpose: To direct the Secretary of Agriculture and the Secretary of the Interior to increase the number of youth employed during the summer to accomplish conservation projects)

At the appropriate place, insert the following new section:

SEC. . YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS.

(a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, in order to increase the number of summer jobs available for youth, ages 15 through 22, on Federal lands:

(3) $4,000,000 of the funds available to the Forest Service under this Act; and

(4) *** of the funds available to the Bureau of Land Management under this Act.

(b) Within six months after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following:

(i) the number of youth, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corp, the Public Land Corps, or a related partnership with a State, local, or nonprofit youth conservation corps or other entity such as the Student Conservation Association;

(ii) a description of the different types of work accomplished by youth during the summer of 1999;

(iii) identification of an problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(iv) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(v) and analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

AMENDMENT NO. 1642

(Purpose: To increase funding for payments in lieu of taxes, with offsets)

On page 5, line 13, strike "$130,000,000," and insert "$135,000,000".

AMENDMENT NO. 1643

Purpose: To provide funds for the land and water conservation fund stateside program, with offsets.

On page 18, line 19, strike "program." and insert "program, and in addition $20.000.000 shall be available to provide financial assistance to States and shall be derived from the Land and Water Conservation Fund.

Mr. MURKOWSKI. Mr. President, I rise today to offer an amendment with Senator LAUTENBERG and 25 other Senators to provide $20 million for the stateside Land and Water Conservation Fund or LWCF matching grant program.

Too often we forget that—in addition to a National Park System—we have national system of parks which includes tens of thousands of State and local parks. More than 37,000 of these State and local parks and recreation facilities have received a stateside LWCF matching grant, but there is a problem. The stateside LWCF program has been shut down because Congress hasn't funded it. Yet O.C.S. revenues currently are at $4 billion.

Over 30 years ago, in a bipartisan effort, Congress created the Land and Water Conservation Fund. The LWCF is funded with Federal revenues from off-shore oil and gas leasing which now exceed $4 billion a year. LWCF money can be used for two purposes:

(1) Acquisition of land by the four Federal land management agencies; and (2) matching grants to State and local governments for recreation facilities, parks, playgrounds, and campgrounds. The LWCF Act envisions a balance: between the Federal and State and local parks; between the needs of rural and urban populations; and between easterners and westerners.

Mr. President, I now want to refer to a "LWCF Authorization/Appropriation" chart. As this chart shows, the balance has been lost. FY1995 was the last year the LWCF stateside matching grant program was funded. In that year, over $600 million was requested and only $25 million was appropriated. Despite the past successes and growing demand, Washington pulled the rug out from under the stateside program. Four years ago, Congress and the administration zeroed out the stateside program. That was a serious mistake. Washington was being penny-wise and pound foolish. The promise to Americans set forth in the LWCF Act was broken.

When the offshore oil leasing program began, a portion of the receipts were pledged to recreation and conservation of America's great outdoors. I see no reason not to meet that pledge. I see many reasons to keep it. As the chart shows, 2 years ago was a record year for the Land and Water Conservation Fund when over $900 million was appropriated. Out of the total, the Senate appropriated $100 million for the stateside matching grant program.

Unfortunately, the good work of the Senate went for naught. This money was lost in conference. None of this money went to the stateside grant program. Every appropriated dollar went to Federal land acquisition and maintenance of Federal land.

This year the mistake of closing down this program is being recognized. The administration requested $150 million for a State land conservation grants program and $50 million for open space planning grants to States and local governments as part of their Lands Legacy proposal. As Chairman of the Senate Energy and Natural Resources Committee, I had to oppose the administration's proposal because these programs are not authorized by the LWCF Act.

The President's Land Legacy proposal sought to fundamentally restructure the stateside matching grant program authorized by the LWCF Act. The LWCF stateside program is a formula grant program which provides monies to State and local communities for the planning, acquisition, and development of parks and recreation facilities. The President proposed to replace this program with a competitive grant program to the States for the purchase of land and open space planning. This proposal would have changed the focus of the stateside program and undercut the federalism inherent in the existing program.

Nonetheless, I was encouraged that the President, after 4 years, recognized the importance of sharing LWCF moneys with State and local governments. More progress in restoring stateside was made last month when the House appropriated $30 million for the program.

With this amendment, the Senate is doing its part. With tough budget targets, it was not easy to find $20 million in such a lean bill; however, we were able to find offsets from a variety of programs. These are difficult choices, but well worth it.

I wish we could have provided more money for this important program. However, it is a start. I will do all I can do to ensure that in conference the Senate recede to the House and provide $30 million for the stateside matching grant program. I also will continue to seek permanent funding for this program so that we do not have to fight this annual appropriations battle.

Our system of government works best when all levels of government work together with the private sector to pursue shared goals. Few goals are as worthy as recreation for families and communities. Recreation is not a child's play. It is more than a hobby. It is a necessary component of our lives. It boosts the economy. It helps build stronger families and communities. And it encourages conservation efforts and helps preserve open space.

So why deny communities matching funds for recreation from proceeds of our offshore leasing program? I support offshore leasing and the use of some proceeds for stateside LWCF matching grants to State and local governments.

This amendment gives us a good reason to focus on the value of recreation to our lives and how we can do a better job encouraging people of all ages to enjoy America's natural splendor. Trips to national parks are remembered for a lifetime, but most day-to-day recreation takes place close to home and demand for local recreation resources is high and increasing. We must restore the LWCF stateside program; it is a good investment. This amendment is a start.

Mr. LAUTENBERG. Mr. President, I rise today in support of the amendment to the Interior Appropriations bill that I am offering with my colleague from Alaska, Mr. MURKOWSKI.

I would like to thank our broad range of bipartisan cosponsors: Senators BOXER, CHAFEE, DODD, ROTH, SESSIONS, FEINGOLD, KERRY of Massachusetts, LEAHY, LANDRIEU, LINCOLN, FRIST, GRAHAM, COLLINS, SMITH of New Hampshire, GREGG, MOYNIHAN, WARNER, BAYH, MCCAIN, AKAKA, FEINSTEIN, JEFFORDS, and HAGEL.

Mr. President, this amendment would restore funds to a program that has helped protect open space in every State in the Nation through the State grants section of the Land and Water Conservation Fund. This amendment restores $20 million in fiscal year 2000 for these matching grants to States.

This "Stateside" program can be used to fund a variety of public open space efforts, including State and county parks, State forests, boating and swimming areas, and a variety of other recreational sites.

Mr. President, the House of Representatives saw fit to include the program at $30 million in its Interior Appropriations bill.

We hope to come to their level in conference after our initial funding at $20 million.

Over the past 30 years, through the stateside program, over $3 billion has been provided to the States, and through them, to local governments, on a matching basis, to preserve approximately 37,000 park and recreation areas.

Mr. President, the decision to fund open space programs through the Land and Water Conservation Fund is one of the wisest investments we can make. Open spaces are more than just undeveloped land. We all know that protecting open spaces can guard sensitive drinking water supplies and preserve wildlife habitat.

Open spaces are also a lasting legacy we pass on to our children and grandchildren.

But there is another equally important benefit of open spaces.

In my State of New Jersey—the most densely populated State in the Nation—open spaces provide working families of limited means a place to enjoy the outdoors at little or no cost. A day at the beach or a picnic in the park or a hike in the woods is a day well spent.

Mr. President, open space is extremely valuable in my State. In a poll last year by Quinnipiac College published in the Newark Star-Ledger, 70 percent of New Jersey residents said that preserving open space and farmland is more important than commercial growth and development in rural areas.

Mr. President, it is extremely gratifying when members of both parties can join together in support of a program that has provided untold benefits for millions of Americans. I want to thank Senator MURKOWSKI and my other colleagues who support this amendment. I ask all of my colleagues to join us to preserve open space for America's families.

Mr. CHAFEE. Mr. President, I am extremely pleased to cosponsor the bipartisan amendment, offered by my colleague from Alaska, regarding the Land and Water Conservation Fund. The amendment provides $20 million for matching grants to States under the Land and Water Conservation Fund, which, for almost 30 years, had enabled small communities throughout the Nation to establish local parks, build sports fields, acquire green ways and trails, and support community gardens.

The stateside program under the LWCF is a worthwhile conservation program that for too long has been without any funding at all. It has received nothing since 1995, and States have been strapped to find money for their own conservation efforts without any Federal assistance. As pressures for development and sprawl increase in many parts of the Nation, it is more important than ever to help States protect the open and green spaces that are crucial for a healthy community.

And with the recent ballot initiatives to promote conservation that have been approved by voters across the Nation, States now have money available to match Federal dollars through the stateside program. It is now up to Congress to make the Federal money available. For those who criticize the program as a form of pork, let me stress that States must put up 50 percent of the money for their projects. This is not a hand-out. This is a fiscally sound program that makes land and water conservation for thousands of small communities around the country a national priority.

The stateside program has been supported by mayors, county officials, governors, civic associations, outdoor recreation groups, land conservancy groups, conservation groups—the list goes on and on.

I add myself to that list as a strong proponent of the LWCF, including the stateside program. The Federal Government, in my opinion, plays a vital role in assisting State and local governments establish local parks and protect open and green space. Indeed, when I was Governor of Rhode Island, I started the Green Acres Program in 1964 for this purpose, and the Federal Government matched some of the money to help get the program going.

Earlier this year, Senator LEAHY and I circulated a letter to our fellow Senators, asking them to support full funding for the LWCF. Thirty-six of our colleagues in the Senate endorsed that letter and signed it. What a tremendous showing of bipartisan support!

I am very pleased that the managers of the bill have agreed to this amendment.

Mrs. BOXER. Mr. President, I am pleased to join the Senator from Alaska, Mr. MURKOWSKI, and the Senator from New Jersey, Mr. LAUTENBERG, in offering this important bipartisan amendment to provide much needed funding for the stateside program of the Land and Water Conservation Fund.

Additional co-sponsors include Senators CHAFEE, ROTH, DODD, LANDRIEU, SESSIONS, FEINGOLD, LINCOLN, LEAHY, FRIST, KERRY, GRAHAM, COLLINS, SMITH of New Hampshire, GREGG, MOYNIHAN, WARNER, BAYH, MCCAIN, AKAKA, FEINSTEIN, JEFFORDS, and HAGEL.

The stateside program has, once again (since fiscal year 1995) been zeroed-out. Our amendment provides $20 million for this popular program.

As the 21st century approaches, we must renew our commitment to our natural heritage. That commitment must go beyond a piecemeal approach. It must be a comprehensive, long-term strategy to ensure that when our children's children enter the 22d century, they can herald our actions today, as we revere those of President Roosevelt.

And preservation in the 21st century goes beyond protection of such wonders as Yosemite and Yellowstone. It must include an urban park in East Los Angeles where children can play basketball, a farm in Tulare County that can continue to grow oranges or a historic building in Orange County that can be restored.

Today, our natural heritage is disappearing at an alarming rate. Each year, nearly 3 million acres of farmland and more than 170,000 acres of wetlands disappear. Each day, over 7,000 acres of open space are lost forever.

Across America, parks are closing, recreational facilities deteriorating, open spaces vanishing, historic structures crumbling.

Why is this happening? Because there is no dedicated funding source for all these noble purposes—a source which can be used only for these noble purposes.

I have offered a comprehensive bill—Resources 2000—that provides the most sweeping commitment to protecting America's natural heritage in more than 30 years. It will establish a dedicated funding source for resource protection.

But until such legislation is enacted, we must do what we can to fund these important programs now. This amendment does just that.

This amendment will provide $20 million for the stateside portion of the Land and Water Conservation Fund.

This is an important amendment for the future of our local communities, our quality of life, the recreational opportunities of our families and the preservation of our important lands.

The Land and Water Conservation Fund is a fund that was developed out of a bargain between the development of the offshore oil and the preservation of nonrenewable assets in our communities and throughout our Nation.

Since 1965, we have appropriated some $3 billion to local governments, States and local governments, to help them protect and conserve these assets. States and local governments have matched that with an additional $3 billion. That match tells us the kind of priority that our local communities place upon this program.

Unfortunately, in 1995 it all stopped and Congress failed to appropriate money for the program. One of the most successful programs that we have at the Federal level stopped. Since that time, if had provided the money that this program was truly entitled to, there would have been an additional $2.5 billion that would have then been matched by another $2.5 billion in nonfederal dollars. That would be $5 billion going toward improving quality of life and protecting and conserving natural resources based upon the priorities of those local communities.

Mr. President, every state across the Nation benefits from this program. I have here a book put together by the National Recreation and Park Association listing hundreds of projects in every state that are in dire need of this funding.

In my State of California, we have used stateside funding to team up with local sponsors to purchase areas of Redwoods State Park, the Santa Monica Mountains, Lake Tahoe and San Deguito Park. But there is still more that needs to be done.

One project that I requested funding for this year is the Urban Nature Center and Sanctuary in Ernest Debs Park in Los Angeles. This Park would provide nature experiences for some of the city's most underserved children and their families.

The National Audubon Society in cooperation with the City of Los Angeles, is developing a model Urban Nature Center in Ernest Debs Regional Park in Northeast Los Angeles. This surprisingly natural, 195-acre site, run by the City's Recreation and Parks Department, is five miles northeast of downtown Los Angeles. It rises above some of the city's densest urban neighborhoods, yet is home to more than 80 species of birds and other wildlife. Within two miles of the park, there are more than 30,000 children, mostly Latino, attending school for whom the park and the nature center could be a giant outdoor classroom.

The Nature Center is an exciting opportunity to bring together Audubon's traditional sources of support for conservation education with city, state and federal funds for parks, trails and habitat restoration. For its part in this innovative public/private partnership, the City of Los Angeles will dedicate $1 million in existing County bond funds for habitat enhancement. The Audubon Society is dedicated to raising $4 million in private contributions. I requested $1 million for the federal contribution for this project, but nothing was provided.

Mr. President, this is the kind-of thing we are always pushing for—federal/non-federal, public/private collaboration on important projects. And while others are contributing their share, the federal government is doing nothing. This must change.

Mr. President, this amendment is a small step toward fulfilling our commitment to the Land and Water Conservation Fund. I urge my colleagues to support this amendment.

AMENDMENT NO. 1644

(Purpose: To provide for increased funding of certain programs of the Smithsonian Institution and the Indian Health Service, with an offset for National Park Service)

S. 1292 is amended by the following:

On page 17, line 19, strike "$221,093,000" and insert in lieu thereof "$216,153,000".

On page 82, line 13, strike "$2,135,561,000" and insert in lieu thereof "$2,138,001,000".

On page 90, line 3, strike "$364,562,000" and insert in lieu thereof "$367,062,000."

AMENDMENT NO. 1645

On page 78, line 17, insert after the comma "of which $1.6 million shall be for grants to municipal governments for cost-shared research projects in buildings, municipal processes, transportation and sustainable urban energy systems, and".

AMENDMENT NO. 1646

(Purpose: To provide funding for Wheeling National Heritage Area)

On page 17, line 22, strike "$4,000,000" and insert "$5,000,000".

AMENDMENT NO. 1647

(Purpose: Provide funding for an environmental impact statement to be prepared by the Forest Service, as mandated by the 9th Circuit Court of Appeals)

On page 63, line 6, strike the period and insert in lieu thereof the following: ": *Provided*, That of the amount provided under this heading, $750,000 shall be used for a supplemental environmental impact statement for the Forest Service/Weyerhaeuser Huckleberry land exchange, which shall be completed by September 30, 2000."

AMENDMENT NO. 1648

(Purpose: To strike section 129 in its entirety and replace with language that directs a review of possible alternatives to the Weber Dam on the Walker River Paiute Reservation in Nevada without requiring completion of an Environmental Impact Statement. The new language directs $200,000 to complete the review. This amendment retains the $125,000 for an analysis of the feasibility of establishing a Tribally operated Lahontan Cutthroat trout fish hatchery on the Walker River within the Reservation, but identifies a different source for funding. $175,000 of the funds appropriated in this amendment shall be made available through a corresponding reduction in Bureau of Land Management Wildland Fire Management Account. $150,000 of the funds appropriated in this amendment shall be made available through a corresponding reduction in the Water Resources Investigations Program of the U.S. Geological Service. Within this program, $250,000 was directed for hydrologic monitoring to support implementation of the Truckee River Water Quality Settlement Agreement (Senate Report 106–99, page 43), and $150,000 was directed to complete an endocrine disruption study in the Las Vegas Wash (Senate Report 106–99, page 43). This amendment would reduce the Truckee River item by $100,000 and the Las Vegas Wash endocrine disruption study by $50,000)

Starting on page 60, line 20 and continuing through page 62, line 3, strike SEC. 129 in its entirety and insert:

"SEC. 129. WALKER RIVER BASIN.—$200,000 is appropriated to the U.S. Fish and Wildlife Service in FY 2000 to be used through a contract or memorandum of understanding with the Bureau of Reclamation, for: (1) the investigation of alternatives, and if appropriate, the implementation of one or more of the alternatives, to the modification of Weber Dam on the Walker River Paiute Reservation in Nevada; (2) an evaluation of the feasibility and effectiveness of the installation of a fish ladder at Weber Dam; and (3) an evaluation of opportunities for Lahontan Cutthroat Trout restoration in the Walker River Basin. $125,000 is appropriated to the Bureau of Indian Affairs in Fiscal Year 2000 for the benefit of the Walker River Paiute Tribe, in recognition of the negative effects on the Tribe associated with delay in modification of Weber Dam, for an analysis of the feasfbility of establishing a Tribally-operated Lahontan cutthroat trout hatchery on the Walker River as it flows through the Walker River Indian Reservation: *Provided*, That for the purposes of this section: (i) $100,000 shall be transferred from the $250,000 allocated for the U.S. Geological Survey, Water Resources Investigations, Truckee River Water Quality Settlement Agreement; (ii) $50,000 shall be transferred from the $150,000 allocated for the U.S. Geological Survey, Water Resources Investigations, Las Vegas Wash endocrine disruption study; and (iii) $175,000 shall be transferred from the funds allocated for the Bureau of Land Management, Wildland Fire Management."

AMENDMENT NO. 1649

(Purpose: To provide funds for timber pipeline supply on the Tongass National Forest)

On page 76, line 12 of the bill, insert the following before the paragraph beginning with the word "Of": "From any unobligated balances available at the start of fiscal year 2000, the amount of $11,550,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a three year timber supply."

AMENDMENT NO. 1650

(Purpose: To set aside funding for a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail)

On page 17, line 22, insert before the colon the following: ", and of which not less than $1,000,000 shall be available, subject to an Act of authorization, to conduct a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, and".

AMENDMENT NO. 1651

At the end of Title I, insert the following:

SEC. . Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–14, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696, U.S.C., 460zz.

AMENDMENT NO. 1652

On page 13, line 9, after the word "expended" include: "of which not to exceed $1,000,000 shall be available to the Boyer Chute National Wildlife Refuge for land acquisition."

On page 13, line 8, strike "$55,244,000" and insert "56,244,000".

AMENDMENT NO. 1653

On page 17, line 22 insert before the colon the following: ", of which $500,000 shall be available for the Wilson's Creek National Battlefield,".

AMENDMENT NO. 1654

On page 18, line 19 before the period insert the following: "and of which $200,000 shall be available for the acquisition of lands at Fort Sumter National Monument".

AMENDMENT NO. 1655

On page 10, line 16, after "herein," insert "of which $150,000 shall be available to Michigan State University toward creation of a community development database, and".

AMENDMENT NO. 1656

On page 24, at the end of line 10 insert the following before the colon: "*Provided further*, That not to exceed $198,000 shall be available to carry out the requirements of Section 215(b)(2) of the Water Resources Development Act of 1999".

AMENDMENT NO. 1657

At the end of Title III of the bill, add the following:

"SEC. . Each amount of budget authority for the fiscal year ending September 30, 2000, provided in this Act for payments not required by law, is hereby reduced by .34 percent: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act."

AMENDMENT NO. 1359

Mr. GORTON. Mr. President, finally, I ask unanimous consent that the pending technical amendment No. 1359 be adopted and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1359) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote on the last set of collective amendments, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRESERVATION OF FOSSILS COLLECTED FROM PUBLIC LANDS

Mr. DASCHLE. Mr. President, last year I worked closely with my colleagues Senator BYRD and Senator GORTON to place language in the report accompanying the Fiscal Year 1999 Department of Interior appropriations bill directing the Secretary to report to Congress on the need for a uniform federal policy guiding the collection of fossils from public lands. This was an important step that was long overdue.

Public lands such as those administered by the Forest Service, Bureau of Land Management and other agencies are some of our nation's finest repositories of fossils. By studying fossils, paleontologists learn information that is vital to understanding the Earth and the history of life on this planet. Unfortunately, the variety of policies used by federal agencies to guide the collection of fossils from these lands are confusing to the public, do not ensure that scientists have a full opportunity to study valuable specimens, and do not ensure that fossils are adequately preserved for the future. I believe it is time that we developed such a policy and implemented measures to maximize access to and preservation of important fossil specimens.

I am very pleased that the Department has undertaken a serious review of this issue and is consulting with all stakeholders to ensure that it provides Congress with the best information and recommendations possible. It is my hope that this report will be completed expeditiously so that we can work with the administration on any follow-up measures that may be required.

In the meantime, it is my hope that the administration will move forward with one important way that it can immediately make fossils more readily available to the public. New information technology has given us the ability to send vast amounts of data anywhere in the world almost instantaneously. I believe the administration should begin immediately to explore ways to utilize this capability to make data about critical fossils available to scientists worldwide. For example, the South Dakota School of Mines and Technology has the capability to use CT scans to create high-resolution, three-dimensional images of a fossil and its internal structure that can be accessed by scientists over the next generation Internet. I strongly urge the administration to fund initiatives of this type in its fiscal year 2001 budget, and to move forward as quickly as possible with steps that can improve public access to these fossils.

Mr. GORTON. I agree with the Senator from South Dakota that it is important that the Secretary complete this study expeditiously and explore ways to use information technology to maximize the ability of paleontologists to study scientifically significant fossils.

Mr. BYRD. I also agree with the Minority Leader. The Department of the Interior should provide the results of its analysis to Congress quickly and support funding for initiatives that will use new technology to make important scientific data available.

PILOT PROGRAM FOR TRIBAL PRIORITY ALLOCATION IN THE BIA

Mr. DOMENICI. Mr. President, the Tribal Priority Allocation (TPA) Program of the Bureau of Indian Affairs (BIA) has been an issue of controversy for several years. For next year, the Senate Interior appropriations bill provides $693 million for TPA. This money is used by local tribal governments to operate a wide range of programs like public safety, resources management, education, economic development, and human services.

Many tribes are not able to relate TPA funds to their own tribal needs with any specificity. As a result, the BIA simply does not know, and is not able to relate TPA spending to actual tribal needs. We are not saying that tribes misuse these funds. We are saying that there is precious little information about how TPA funds are directed toward tribal needs as determined by the tribes themselves.

Mr. GORTON. Mr. President, I concur with this observation about the poor BIA oversight and management of locally operated TPA programs. The BIA has not been able to tell the Senate just how these funds are spend by tribal governments. Other than broad categories, the tribes themselves do not have to report how these funds are meeting trial needs and goals. There are so many eligible uses for these funds that tribes do not report TPA spending to the BIA with any specificity. In public safety, for example, TPA funds can be spend for police cars. Natural resource funds can be spent on growing blue corn or improving a fish hatchery.

The BIA has little information about how tribal goals are being met with TPA funds, and TPA funds make up almost half of the entire BIA operations budget for Indian programs. Any effort to help us clarify the precise use of TPA funds will be a major step forward in accountability for both tribes and the BIA. I welcome a pilot effort to move toward that goal.

Mr. DOMENICI. Mr. President, Chairman GORTON and I have both discussed the TPA accountability issue with Kevin Gover, the Assistant Secretary for Indian Affairs at the BIA. Mr. Gover has recommended a pilot project at Eight Northern Pueblos Agency in New Mexico. The purpose of this pilot program would be to demonstrate the ability of tribes to assess their own needs and then develop TPA budgets that allow the BIA to track just how TPA funds are being used to achieve specific results for tribes.

Mr. GORTON. I was glad to see this pilot program recommended in the TPA report I have recently received from the BIA. We required this report in last year's appropriations bill. I have also noted that Nambe Pueblo has gone through a long process of local meetings to catalog their needs and organize their plans for using TPA funds. They have persevered in developing a model needs based budget process.

Mr. DOMENICI. Yes, Mr. Chairman, Nambe Pueblo leaders have broken new ground in developing budgets to meet their own needs. Nambe Pueblo is a small pueblo with 633 members. It is located about 20 miles north of Santa Fe. Their Governor, David Perez, and Councilman Tony Vigil and many others at Nambe have spent hours, days, and nights developing a very thorough description of their precise needs. They have worked closely with Eight Northern Indian Pueblos (ENIP) Executive Director Bernie Teba and ENIP Chairman Walter Dasheno, who is also Governor of Santa Clara Pueblo, to document their needs in several key categories.

In the area of Land Resources, for example, Nambe Pueblo has identified a solid waste disposal system, flood and erosion control needs, and an agricultural land recovery plan. For community services, they have identified youth services and senior citizen services. Their facility needs have been catalogued, and their economic and tourism plans have been laid out.

Mr. GORTON. This sounds like a very thorough effort. I would like to join Senator DOMENICI in commending the Nambe Pueblo for their hard work in developing a needs data base system that will enable them to track the use of TPA funds.

Mr. DOMENICI. When Assistant Secretary Gover first presented this idea to me a few months ago, he told me that ENIP had developed a solid approach for accountability that should be tried as a pilot for other tribes to emulate. Some of the other members of ENIP are anxious to try this approach to becoming more accountable to their tribal members, the BIA, and the Congress. It is a lot of work, but there is also a lot of benefit to be able to map out a complete picture of tribal needs and resources.

With Assistant Secretary Gover's continuing enthusiasm and support, I am confident that a new beginning for accountability in TPA funding will actually be born at Nambe Pueblo. We will count on him to implement this ENIP pilot from existing TPA funds. We believe we have given him enough authority in this bill and other legislation to implement this accountability pilot program, and we look forward to its early success.

Mr. GORTON. Mr. President, like Senator DOMENICI, I look forward to a better future in accountability for TPA funds. This program is critical for tribes and they should also be able to measure their own progress against local needs as suggested by the Nambe Pueblo plan. I support this recommendation for a TPA accountability pilot program from existing TPA funds and I look forward to some positive results.

Mr. DOMENICI. I thank the Chairman of the Interior Appropriations Subcommittee for his extraordinary efforts to bring fairness and accountability to the BIA's TPA Program. It is the single largest expenditure in the BIA, followed by school operations. I believe tribes will benefit from the fruits of this pilot, and the Congress will be better able to justify TPA expenditures. We will have better knowledge of just how TPA funds help tribes to meet their own local needs and goals.

ALTERNATE FUELS RESEARCH

Mr. MURKOWSKI. Mr. President, I understand that my colleague from Alaska wants to comment with me on Department of Energy funding for alternate fuels research.

Mr. STEVENS. I do.

Mr. MURKOWSKI. Mr. President, as the chairman of the Committee on Appropriations knows, the Environmental Protection Agency and the country have been constantly seeking cleaner-burning diesel fuel. In fact, the administration has already announced new, stricter emissions standards for heavy vehicles as an incentive to move to other technologies. Would the Senator agree that the answer to this issue lies partly in the engine design, but more importantly in the type of fuel we burn?

Mr. STEVENS. Yes, I agree with the Chairman of the Committee on Energy and Natural Resources. The Department of Energy has been investigating alternate fuels that would improve air emissions but not require a new infrastructure or delivery system such as would be required in the use of compressed natural gas. One possibility is Gas-to-Liquids or GTL. The GTL process takes natural gas and converts it to a liquid fuel that has the characteristics of diesel fuel, only without sulfur, which interferes with the catalysts that clean up emissions.

Mr. MURKOWSKI. Natural gas is nearly everywhere in the United States and does not need to be imported. We have somewhere between 30 to 60 trillion cubic feet of natural gas in Alaska, which could replace a significant amount of the diesel fuel market, if the GTL process can be proved to be viable.

I have been interested in securing funding a private-public partnership to study GTL's performance as fuel. The study will report on the following: (1) How important fuel characteristics affect the performance and emissions of different diesel engines; (2) Experimental performance of diesel engines burning fuels like GTL fuels; (3) Engine design modifications which enhance performance using such fuels; and (4) Chemistry of GTL production. I would ask if the subcommittee chairman is aware of the premise that GTL technology has in producing a cleaner burning fuel?

Mr. GORTON. I am aware. ARCO, which is well known in Alaska, recently constructed and started a 70 barrel per day Gas-to-Liquids plant in Blaine, Washington, near Bellingham. ARCO did this with its own money and that of Syntroleum. With industry support like that we should encourage these developments. Pacific Northwest Lab is also heavily involved in diesel engine development because it is the most efficient internal combustion engine. Unfortunately, we had numerous constraints on the Interior appropriations this year.

Mr. STEVENS. Perhaps my colleagues agree that we should try to work with the Department of Energy on organizing a more pronounced effort there to support research on cleaner diesel from natural gas.

Mr. MURKOWSKI. I hope we can join together to work with the Department of Energy to find some funds within the Department to support this effort.

Mr. GORTON. I will be pleased to work with my colleagues from Alaska.

LAKE POWELL

Mr. HATCH. Mr. President, recently a handful of environmentalists have called for the draining of Lake Powell and the decommissioning of the Glen Canyon Dam. As the second largest man-made lake in the country, Lake Powell provides critically important water storage for the states of the Colorado River basin—the driest region in the United States. As many of my colleagues from both sides of the aisle already know, Mr. President, draining Lake Powell is unsupportable. This amendment puts this issue to rest once and for all. This legislation simply prohibits the federal government from taking any action to drain Lake Powell or to decommission the Glen Canyon Dam without Congressional approval.

Mr. GORTON. Mr. President, I wish to say to my good friend from Utah that I agree that draining Lake Powell is not a reasonable proposal, and I support his effort to put the issue to rest with this amendment. However, I would like to ask my colleague from Utah if he believes that his amendment in any way opens the door to the administration to pursue the decommissioning of other Bureau of Reclamation projects without Congressional approval?

Mr. HATCH. Mr. President, I appreciate the support of the chairman of the Interior Appropriations Subcommittee in this matter which is of great concern to my constituents. Mr. President, this amendment in no way gives assent to the Secretary of the Interior or any other government official to decommission other water projects without Congressional approval. Any effort by the administration to decommission a Bureau of Reclamation project without the approval of Congress or of those most affected by the action, in my view, would be unsupportable.

REGARDING THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Mr. MOYNIHAN. Mr. President, I want to commend the chairman for the excellent job he has done under difficult circumstances in providing funding for our cultural agencies—the National Endowments for the Arts (NEA) and the Humanities (NEH), and the Institute of Museum and Library Services (IMLS).

Mr. GORTON. In Committee on the Senate side, we were able to boost funding for the Institute of Museum and Library Services by $500,000, from its fiscal year 1999 level of $23.405 million, to $23.905 million for fiscal year 2000. And now we have adopted the Cochran and Bennett amendments as part of the managers' amendment to boost funding for the NEH and NEA by $4.000 million each.

Mr. MOYNIHAN. I was pleased to cosponsor those amendments. I think we have done well by those two agencies. Now, as I understand it, the House of Representatives appropriated $24.400 million for IMLS.

Mr. GORTON. Initially—that amount was subject to a 0.48 percent across-the-board reduction; consequently, the House-passed funding level is $24.282 million, or $377,000 more than what the Senate Committee on Appropriations reported.

Mr. MOYNIHAN. As the chairman knows, several of us—Senators WARNER, BENNETT, COCHRAN, JEFFORDS, REED, and KENNEDY, among others—support the House-passed funding level for IMLS, and contemplated offering an amendment here on the floor to achieve it.

Mr. GORTON. I say to my friend from New York that I am aware of the strong support for the IMLS here in the Senate. Rest assured that I will give every consideration to providing additional support for the IMLS when we go to conference on the bill.

Mr. MOYNIHAN. This is wonderful news indeed. The Institute of Museum and Library Services provides essential support to our nation's 8,000 non-Federal museums and, through a different appropriation, 120,000 libraries. It goes about its business quietly and professionally, with scant attention paid here, but the thriving condition of our museums provides ample evidence of its competence and importance.

I think, perhaps, we have turned the corner on Federal support for the arts and humanities, for culture. The chairman deserves much of the credit and an enormous debt of gratitude for his unwavering support for the NEA, NEH, and IMLS and for steadily shepherding their appropriations during these past few, difficult years.

FEDERAL MUSEUM COLLECTIONS AT THE UTAH MUSEUM OF NATURAL HISTORY

Mr. BENNETT. Mr. President, I want to raise an issue that was recently brought to my attention in Utah. It is a long-term project that I intend to undertake and I hope that the committee will support me in this effort.

The Utah Museum of Natural History contains collections of more than one million objects and specimens in the fields of geology, biology and anthropology. It ranks as one of the largest and most comprehensive collections for the western states. Overall, more than 75 percent of the museum's collections are federally owned; that is, recovered from federally managed public lands. Of the remaining 25 percent of the collections, a significant portion was collected on state lands under federally mandated permitting procedures. The museum is a repository for collections from BLM, Forest Service, Park Service and Bureau of Reclamation lands. Additional specimens have been collected from Department of Defense lands as well.

There are numerous authorities defining the legal relationship between the federal agencies and museums and research universities such as the Smithsonian's Organic Act passed in 1879, the Antiquities Act of 1906, NEPA and most recently, the National Archaeological Graves Protection and Reburial Act of 1990. The large number of federal collections in the museum is the consequence of the high percentage of federally owned lands in Utah. Utah ranks second among all states in percentage of federal lands; thus, field research in the natural sciences in Utah largely takes place on federal lands.

Unfortunately, the current facilities at the Utah Museum of Natural History used to house the federal collections are inadequate. Lack of space, materials, supplies and personnel have created a situation where the collections are in jeopardy of being permanently lost. This is not in anyway caused by the neglect of the museum staff, but it is simply a lack of space and funding to adequately store all of the collections properly.

I became interested when this situation was brought to my attention a few months ago. Since that time, my staff have been looking into various options to help remedy the situation. In the meantime, the museum has done a tremendous job putting together a master plan, organizing partners and seeking private donations to relocate the museums. But they are limited in their ability to raise funds without some federal participation and commitment. And with that in mind, I want to seek the chairman's input on that question. Does the chairman believe that the federal agencies such as the BLM, Forest Service and the National Park Service have a legitimate role in helping remedy this situation?

MR. GORTON. The Senator raises a good point. Obviously there is a federal interest in protecting these collections. While I cannot commit to providing funding for this project in the future, I will work closely with my colleague from Utah. Until that time, however, I think it would be quite appropriate for the various agencies to lend their resources and expertise by participating the partnership that has been created. I would encourage them to do so.

MR. BENNETT. I thank the chairman and I look forward to working with him.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Mr. WARNER. Mr. President, will the Senator from Washington care to enter into a colloquy regarding museums funding?

Mr. GORTON. I thank the Senator from Virginia and will be happy to engage in a colloquy.

Mr. WARNER. I understand the need to adequately address arts funding and commend the Chairman's leadership in securing $500,000 above last year's appropriations for our nation's museums and libraries. However, this is still $500,000 short of the House funding level to continue the great work done by the Institute of Museum and Library Services (IMLS).

As the Chairman knows, federal funds play an important role in assuring that Americans have access to excellent museum services. 8,000 museums and 120,000 libraries throughout the country have benefited from Congressional support of IMLS.

IMLS programs affect a broad segment of Americans and not an elite few. It helps small, rural museums gain access to resources such as database technology development by the larger museums. IMLS improves public accessibility of museums, while allowing local communities to decide on the content and programs of their own museums.

Additional funding will allow IMLS to provide technological improvements, making museum and library collections available online and accessible to learners of all ages.

I ask you to urge the Senate conferees to recede to the House position on IMLS funding and support a relatively modest $500,000 increase in the IMLS budget so museums and libraries across the country will be able to extend their educational services, expand teacher training, preserve our cultural heritage for our posterity and increase access to valuable resources for America's children.

Mr. GORTON. I thank the Senator from Virginia and I will be pleased to recommend that the conferees consider your thoughtful request to recede to the House proposal, which increases funding for the IMLS by an amount of $500,000 above the Senate level. I appreciate the Senator from Virginia's support for the work of the IMLS and hope that our final allocation is such that we are able to provide additional funding for museum programs of the IMLS.

Mr. WARNER. I thank the Senator from Washington.

FUNDING FOR MARK TWAIN HOUSE

Mr. LIEBERMAN. Mr. President, I rise to express my regret that the Interior Appropriations bill under consideration here includes no money for the Save America's Treasury Campaign. I would like to describe one of the many important projects that will go unrealized for lack of funding. This valuable project is the preservation of the Mark Twain House in Hartford, Connecticut, and construction of a complementary education and visitor center near the house.

Mark Twain wrote seven major books, including "Tom Sawyer" and the "Adventures of Huckleberry Finn," while living with his family in the house, which he built in 1874. It is projected that the visitor's center would help double—to a total of 100,000—the annual number of visitors to Mark Twain House and contribute an estimated 12 million dollars every year to the Connecticut economy.

If money does come available for the Save America's Treasures Campaign, would you agree that the Mark Twain House should be high on the priority list?

Mr. GORTON. Yes. Mark Twain is a historical and cultural icon of great importance. Mark Twain's written works represent an American literature legacy and I know that this project is of great importance to Connecticut and to America.

Mr. LIEBERMAN. I thank Senator GORTON. I appreciate his hard work on this important legislation.

GLACIER BAY NP VISITOR FACILITIES FUNDING

Mr. MURKOWSKI. Mr. President, I wonder if the Subcommittee chairman would be willing to discuss with myself and the senior senator from Alaska, the Chairman of the full committee on Appropriations certain issues regarding the Glacier Bay National Park Visitor Facility.

Mr. GORTON. Yes, I will join the Appropriations Chairman and the Chairman of the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I thank my good friend. Being a member of the Committee on Energy and Natural Resources the subcommittee chairman is well aware of Glacier Bay National Park. He is aware of it this year for some of the controversy that has been caused by the Park Service's attempts to prohibit commercial and subsistence fishing within the bounds of the park.

However, there is an area that the local community, the Park Service, and the Alaska Congressional Delegation do want to work together on in the park—a new visitor facility. Glacier Bay National Park is one of Alaska's treasures. More than 350,000 visitors come to the park each year. Currently, there is no single place for them to go to learn about the park resources, native inhabitants, and spectacular beauty. The local native corporation has proposed a shared cost effort with the Park Service to build such a facility. Is the subcommittee chairman aware of this?

Mr. GORTON. I am aware of these efforts and would encourage the National Park Service to work closely with the native corporation to further develop this proposal in light of the fact that they use private dollars to maximize public resources. Visitor centers are becoming a very expensive item in the Interior budget. This approach should set an example for future facilities of this type.

Mr. MURKOWSKI. Currently there is not a specific line item appropriation in the bill before us, H.R. 2466, for this project. However, it would be my hope that in conference the senior senator from Alaska and the Subcommittee Chairman could work to find the dollars for design and construction needed to make this visitor center a reality.

Mr. STEVENS. I say to my colleague from Alaska that I will work with him to try and find the funds needed for this project. It is a god project for the community and a worthwhile one for the government. I have been a Glacier Bay on numerous occasions and am supportive of increased visitor facilities. As I understand it no authorization is needed for this as the Secretary has existing authority under section 1307 of the Alaska National Interest Lands Conservation Act.

Mr. MURKOWSKI. The Senator is correct. Authorization does exist to do this.

Mr. GORTON. I will be pleased to continue to work with my colleagues on this project. I note that the Subcommittee has made a significant effort in this bill to provide for visitor facilities in Alaska, but agree that additional facilities at Glacier Bay National Park are needed.

UTAH SPECIFIC ISSUES

Mr. BENNETT. Mr. President, I would like to briefly raise four issues with the Chairman for clarification. Utah is in the process of creating a GIS database on public lands. Is it the Chairman's understanding that the $300,000 of federal funds appropriated through the BLM Realty and Ownership management will be combined with the funds appropriated by the State of Utah and then distributed to the rural counties by the special committee created by the State Legislature?

Mr. GORTON. The Senator is correct. However, the rural counties should also seek the expertise of Utah State University and the State of Utah and rely on their personnel to complete this mapping project.

Mr. BENNETT. I thank the Chairman. With regards to the Olympic Tree program funded under the Community and Urban Forestry account, given the nature of Olympic partners and the reliance upon in-kind donations, is it the Committee's position that the local match may also include in-kind donations such as land, labor and materials?

Mr. GORTON. The Senator is correct.

Mr. BENNETT. With regards to the proposed final management plan for the Grand Staircase Escalante National Monument, is it the Chairman's understanding that the State of Utah's authority over wildlife management and wildlife damage prevention within the monument shall remain unchanged?

Mr. GORTON. The Senator is correct. The Committee would be concerned should the language of the final management plan diminish the ability of the State of Utah to manage wildlife damage prevention within the Monument. If this is the case, I would hope BLM would consult with the State of Utah during the Governor's Consistency Review to amend that language to prevent any potential conflict that might occur.

Mr. BENNETT. Again, I thank the Chairman. I have one final question regarding the Desert Tortoise Recovery program. There is a proposal by the U.S. Fish and Wildlife Service to create a new position of a tortoise recovery coordinator that reports out of the Reno Nevada office. This is of concern to me. As the Chairman knows, Washington County has made tremendous progress toward completing a Habitat Conservation Plan and recovery program. They have put together an effective, balanced team and compared to other recovery units, Washington County and its key partners including the State of Utah, BLM and State Parks have accomplished a great deal over the last five years. All of this was accomplished without a tortoise coordinator to oversee the project.

There are a couple of issues I believe should be addressed prior to the creation of proposed coordinator position. Issues such as determining which office would make section 7 evaluations regarding tortoises in Washington County—Salt Lake City or Reno? I would also like to know how the creation of such a position will impact funding and how do we insure that state and local communities are not adversely impacted. In order to preserve the good working relationship among the parties in Utah, I would hope the Chairman would support me in this position until these questions are answered.

Mr. GORTON. The Senator raises a good point. I am aware of the progress which has been made to date and I congratulate the Advisory Board on their efforts. I share the Senator's concerns about the creation of such a position. It is unclear to me how a single coordinator position from outside the Region would specifically help Washington County and BLM administer the HCP and improve things on the ground.

Mr. BENNETT. I thank the Chairman for his support.

BIOCATALYTIC DESULFURIZATION TECHNOLOGIES

Mrs. HUTCHISON. Mr. President, I would like to clarify the intent of one provision within the bill. As we all are aware the Environmental Protection Agency is proposing to reduce the levels of sulfur in gasoline and diesel fuel. I note that the bill before us recognizes this new proposal and urges the Department of Energy to continue research on biocatalytic desulfurization technologies to assist the refining industry in meeting these new requirements. Was it the Committee's intent that the Department continue to support the ongoing gasoline biodesulfurization project in the Industries of the Future program in an effort to ensure that the technology is available to the refining industry to meet the new EPA rules?

Mr. GORTON. That was the intent of the Committee. This research is very promising and I thank you for bringing this point to our attention.

ARCHIE CARR NATIONAL WILDLIFE REFUGE

Mr. GRAHAM. Mr. President, I ask the distinguished chairman of the subcommittee if he would consent to discuss with Senator MACK and me one of Florida's national wildlife refuges, the Archie Carr National Wildlife Refuge in Brevard County, Florida.

Mr. GORTON. I am pleased to join my colleague from Florida in a colloquy.

Mr. GRAHAM. The Archie Carr National Wildlife Refuge is located in Brevard County, Florida, home of Florida's "Space Coast." The 900-acre refuge extends along the coast from Melbourne Beach to Wabasso Beach, and it is home to the most important nesting area for loggerhead sea turtles in the western hemisphere and the second most important nesting beach in the world. Twenty-five percent of all loggerhead sea turtle and 35% of all green sea turtle nests in the United States occur in this twenty mile zone.

Mr. MACK. The Refuge currently coexists with Florida's Space Coast. However, sea turtle nesting at this site is sensitive to impacts from development and human activity. To mitigate these impacts, the U.S. Fish and Wildlife Service coordinates with the local and state governments regarding joint management of beaches, index nesting beach surveys, public education programs, and appropriate public use facilities.

Mr. GRAHAM. It is my experience that in this type of situation, the best answer is land acquisition. Right now, approximately half of the 900-acres of the designated refuge is available for acquisition. Four key parcels make up the core area of the potential acquisition.

I recognize the extreme funding pressures that the subcommittee faced while determining its Land and Water Conservation Fund priorities. We feel that the Archie Carr Refuge is a key priority for Florida given its criticality to the loggerhead sea turtle population.

We request your consideration of this project during the conference with the House on the Interior Appropriations bill.

Mr. GORTON. I appreciate the Senators' comments. The Committee shares your view that the protection of the loggerhead sea turtle is critical, and we will consider the needs of the Archie Carr National Wildlife Refuge during our conference with the House.

SEA TURTLE CONSERVATION

Mr. BREAUX. Mr. President, will the distinguished Chairman of the Interior Appropriations Subcommittee yield for a question?

Mr. GORTON. Mr. President, I will gladly yield to a question from my good friend from Louisiana.

Mr. BREAUX. Mr. President, I thank the distinguished Chairman. I commend the gentleman from Washington and the distinguished ranking member Mr. BYRD for the great leadership they have demonstrated in crafting the FY2000 Interior Appropriations bill. Of great personal interest to me is a Kemp's Ridley sea turtle project that is, in part, funded through the U.S. Fish and Wildlife Service. This project is a twenty-year-old on-going success story in the recovery of a high endangered species. Since 1978, the United States Fish and Wildlife Service, USFWS, has spearheaded the sea turtle conservation work at Rancho Nuevo, Mexico. This collaborative conservation project with the Mexican government and the U.S. shrimp industry through the National Fisheries Institute protects Kemp's Ridley sea turtle nests an females from predation and other hazards, and ensures that young turtles make it into the sea. This project is the longest standing collaborative conservation project between the United States and Mexico without a formal treaty. This year, despite the demonstrable success of the project, the Fish and Wildlife Service did not dedicated funds to the Kemp's Ridley sea turtle project. I am extremely concerned and want to express my strong support for continued funding for this valuable conservation effort.

Mr. GORTON. It is clear from my friend's statement that he knows much about the sea turtle conservation project, and I share his enthusiasm for these important efforts to protect the Kemp's Ridley sea turtle. While I am keenly aware of the fiscal constraints on the Fish and Wildlife Service, I encourage the Service to consider providing whatever support it can within these existing budget constraints.

Mr. BYRD. I agree with my colleagues from Washington and Louisiana. The Fish and Wildlife Service should make every effort to support this project in order to uphold a scientifically justified success in endangered species management

Mr. BREAUX. I thank my colleagues.

ADVANCED DEVELOPMENT PROJECT POWDER RIVER COAL INITIATIVE

Mr. ENZI. Mr. President, I thank my colleague for addressing the potential benefits that could come from a new coal enhancement procedure being developed in my home state of Wyoming that would provide a unique economic development opportunity for the Crow nation and its surrounding rural communications in Montana and Wyoming.

This project, known as the advanced development project Powder River coal initiative, is designed to develop a training program for the Crow nation that will create future employment opportunities for members of the tribe by utilizing a new technology that permanently removes the moisture from the Powder River Basin's low grade sub-bituminous coal. It is important that we must continue to develop programs like this advanced development project to further the twin goals of environmental protection and economic stability.

Mr. GORTON. Mr. President, I appreciate the comments of my colleague from Wyoming and agree there is a serious need to bolster the economy within the Crown nation. Further development of the tribe's vast coal reserves would go a long way toward improving the tribes current situation. I would like to assure my colleague that I will continue to work with him and with my colleague from the South Dakota to explore projects like the advanced development project Powder River coal initiative to see if we can't find a way to help the Crow nation develop its vital coal resources.

MARI SANDOZ CULTURAL CENTER

Mr. KERREY. I rise today with my good friend and colleague, Senator HAGEL, to talk about a very important and worthwhile project, the Mari Sandoz High Plains Heritage Center in Chadron, Nebraska.

Mari Sandoz was a world-renowned and internationally-acclaimed writer, born and raised in the Nebraska Sand Hills. Drawing on her childhood experiences and her research at the Nebraska State Historical Society, Sandoz wrote passionately and poetically about life on the Great Plains. Her works dealt with the early fur traders, the Plains Indians, the cattlemen and ranchers, the immigrant homesteaders, and the persecution of the Northern Cheyenne and Ogallala Sioux. Through her writing, Sandoz played an important role in the cultural preservation of the Western Nebraska of the 1800s and early 1900s. Preserving her works and her legacy is a way of preserving our own cultural heritage.

Mr. HAGEL. I join my friend, the senior Senator from Nebraska, in supporting a federal appropriation for the Mari Sandoz Cultural Center.

Nebraska has produced a number of this nation's most significant writers. The John Neihardt Center in Bancroft and the Willa Cather Center in Red Cloud commemorate two of Nebraska's most famous literary figures. A facility dedicated to Mari Sandoz would be an appropriate addition on to the state's literary heritage.

Following Mari Sandoz's death, Chadron State College came into possession of her writing and personal artifacts. The College developed the idea of the cultural center as the best way to preserve her legacy. Plans for the center include museum display areas for American Indians and Sandoz family artifacts, rooms for meetings and workshops on Sandoz' work, archives for Sandoz' manuscripts, and an herbarium that will complement the descriptions of regional flora central to Sandoz' literature. The center would be a perfect tribute to one of Nebraska's finest writers.

Mr. KERREY. I agree that the construction of the Center is an important commemoration of Sandoz' contributions to Nebraska. Earlier this year, I requested that $450,000 be appropriated from available funds in the National Park Service's Historic Preservation Fund or the Save America's Treasures to fund the Mari Sandoz Cultural Center. These dollars will help renovate, rehabilitate, and equip the former library facility on the Chadron State campus.

Mr. HAGEL. It is my understanding that these federal dollars will be in addition to the private dollars raised by Chadron State College and the Mari Sandoz Heritage Society.

Mr. KERREY. Yes, both organizations have been working diligently to raise $900,000 in private funding for the construction and equipment of the new Center. I am hopeful that we will be able to provide additional Federal dollars for this historically and culturally significant Center.

Mr. HAGEL. We both realize that budget restraints are tight this year.

But I am hopeful that Chairman GORTON and Ranking Minority Member BYRD will find a way to fully fund this project when the conference committee meets on the Interior appropriations bill later this fall.

Mr. WELLSTONE. Mr. President, issues surrounding natural resource management present some of the most contentious and difficult problems we as policymakers face. Trying to ensure that our federal forestry policy is responsible and environmentally sustainable has been especially difficult, and we have sometimes fallen woefully short in this area. We can and must do much better. I have seen the awful results of clear-cutting, uncontrolled erosion, and other abuses by the logging industry, and I believe we must bring those abuses to an end now.

Even so, our national forests are tremendous resources for a variety of uses, including everything from timber harvesting to recreation. My state of Minnesota depends on these resources for jobs and family incomes; wood, industrial materials, paper and pulp; and family vacations and recreation. Above all, we must protect our national forests to ensure that these resources will be available for future generations. For these reasons, I have long supported carefully controlled, environmentally sustainable multiple use of our national forests.

I share many of my colleague Senator BRYAN's legitimate concerns about the future health of our nation's forests, and about the abuses that have been allowed in certain regions under the Forest Service's timber sales program—especially in essential areas of biodiversity such as the Pacific Northwest. I recognize that these environmentally harmful forest management practices have serious long-term consequences for the health of our forests, and that they must be stopped.

The Timber Sale Management Program is in need of significant reform in many regions of our nation. I believe that my record shows clearly my support for reforming the program to ensure a more responsible and environmentally sustainable forestry effort. But this amendment would reduce by approximately $32 million current funding levels for the program, and it could create some special problems in my state, where the Forest Service has generally been quite responsible in its timber sale efforts.

In my state of Minnesota, on July 4, 1999, we experienced a huge, once-in-a-thousand-year wind and rain storm that damaged and destroyed homes, businesses, public facilities, and wilderness areas in our national forests. Approximately 300,000 acres in seven counties were hit by the storm, which damaged as much as 70 percent of the trees in certain areas and washed out numerous roads. The damage caused by this storm has severely hindered the U.S. Forest Service's ability to responsibly manage the Chippewa and Superior National Forests. While I have worked successfully with my colleagues in the Minnesota delegation to ensure that approximately $12 million in emergency funding is reprogrammed from elsewhere in the Forest Service budget to support timber salvage efforts in Minnesota, it is clear that much is yet to be done, and that it is going to take many years to dig out from under the storm and to restore the forest to its former state.

As I've observed, the Forest Service in Minnesota has a long tradition of generally responsible and publicly accountable forest management practices. I believe, especially as the post-storm clean-up there proceeds over the coming months and years, that the Forest Service must have adequate resources to deal with the storm's devastation. This amendment would cut approximately $32 million from proposed funding for the Timber Sale Management Program, decreasing last year's funding for this program by approximately $30 million. While I know that this funding is not yet precisely allocated to the various regions, I am concerned that a cut of this size might constrain the Service's overall capacity to adequately support efforts to recover, repair and rehabilitate public lands in Minnesota hard hit by the storm, and for that reason I think it would be unwise.

As I said, I recognize the problems with the Timber Sales Management Program, particularly in the Pacific Northwest, and I remain committed to supporting efforts to bring a halt to these environmentally unsustainable abuses. Even though I cannot support this amendment today, I look forward to working with my colleague Senator BRYAN and others to find ways to reform and improve the forest management practices of the Forest Service, and of those private industry firms with whom it cooperates, to eliminate the abuses of our forests which have been brought to light during this debate.

Mr. GORTON. Mr. President, the Endangered Species Act listing of various runs of salmon throughout the Northwest has been a wake-up call for Washingtonians. We have seen an unprecedented decline in a historically vibrant salmon population, relied upon by countless sportsmen, commercial and tribal fishermen, and those of us who see salmon as a Northwest cultural icon.

And for years, at all levels of government, we've spent billions of dollars in an effort to recover this important species, but we've seen little in return. Millions and millions of dollars have been spent on massive studies. Millions of dollars have fueled growing bureaucracies to address the problem and create new regulations that may or may not save the fish.

In all the flurry of activity and spending, one, largely unrecognized effort has done more in our rivers and streams to improve salmon habitat than almost anything else in which we've invested our resources. Across Washington state, small, local volunteer groups spend their weekends restoring streams, revegetating riparian areas and creating healthy, inviting places for salmon to return. They recruit people from all over the community to spend a few hours on the weekend working in their local stream, river, or anywhere else that will make a difference for the fish.

In many cases, these locally-grown groups are able to work cooperatively with private landowners to restore streams and rivers that run through their property. These efforts achieve results and make all parties satisfied with the outcome in a way that government-mandated directives could never do.

That's why my 1999 Interior Appropriations bill includes a $4 million appropriation for these groups to be able to continue their hard work and worthy efforts. The money will be appropriated to the National Fish and Wildlife Foundation to distribute, as quickly as possible, to locally-organized, on-the-ground salmon enhancement organizations.

These groups' potential for positive contributions to salmon recovery are immeasurable. For instance, a stream on the North Shore of Hood Canal would be an excellent salmon spawning and over wintering habitat if it were not for man-made barriers to fish passage. The Hood Canal Salmon Enhancement Group (HCSEG) would like to remove the 3 foot diameter pipe, which the stream now runs through, and correct the immediate four foot drop in the stream level. Replacing the pipe with an appropriately sized culvert and fishway would open up 1.7 miles of habitat for chum, coho, and steelhead. Hood Canal SEG likes to call these projects "no-brainers" because the habitat already exists, the fish just need to be able to get there.

Local residents are critical to these salmon recovery efforts, where intimate historic knowledge of seasonal flows, fish populations, and specific migratory trends don't typically exist outside the community.

Another group, Long Live the Kings (LLTK), is contributing to the recovery of listed salmonids in Hood Canal. At their Lilliwaup facility, LLTK is operating a captive rearing and supplementation program for threatened steelhead and summer chum. I was happy to have helped find funding for this program last year, and am pleased to continue this support.

While in the state during our August recess, I met with the Nooksack Salmon Enhancement Association out of Bellingham, Washington. This group, with the passionate leadership of volunteers like Mike and Elaine McRory, have taken on habitat restoration projects in urban and rural areas alike, successfully soliciting the cooperation of private landowners to recover local stocks. Landowner participation is often contagious, and NSEA has seen one project on a given stream turn into two, three, or even more.

It should be clear that organizations across Washington State, not just those within the Puget Sound basin, are eligible to apply for these funds. In fact my staff will be traveling to Okanogan county at the end of this month to introduce members of the local community to NFWF representatives.

Grants for local groups through the National Fish and Wildlife Foundation provide a much needed funding source for long overdue projects ranging from Skagit FEG's Little Baker River Side Channel project, which would open one mile of chinook spawning and rearing habitat, to riparian restoration in Newaukum and Portage Creeks, conducted by Mid-Sound FEG and Stilli-Snohomish Fisheries Enhancement Task Force.

The amount appropriated to the NFWF does include an earmark for a group that deserves special recognition for their efforts to clean up our local water, essential to salmon recovery success. River CPR's Puget Sound Drain Guard Campaign will employ volunteer labor to install devices aimed at trapping 90 percent of the oil and sediment that typically flows into storm drains. It is evident that this small amount of money is going to go a long way towards recovering salmon across our state.

Here is what some of these groups have to say about this initiative:

"Senator GORTON'S proposal to use the National Fish and Wildlife Foundation to direct funding to the local level is very innovative and will ensure that the funds are used where they most help fish, on the ground," said one Mid Sound Fisheries Enhancement Group board member.

Alison Studley writes, "As a member of the Skagit Fisheries Enhancement Group (Skagit FEG), I whole-heartedly support your endeavor to get salmon dollars to support on-the-ground projects. Local organizations are ready, willing and able to take on this challenge."

In sum: I believe that Washingtonians and local salmon restoration organizations—not bureaucracies in Washington, D.C.—are in the best position to make decisions that will return salmon. That's why my 1999 Interior Bill includes money for these local groups—who have been working on this problem for years—so they can decide how to restore the fisheries. It's time for the federal government to let those who will be affected by the decisions make these decisions. Salmon are a critical part of the Northwest way of life, so let Northwesterners decide how to fix this problem without being told how to do it from Washington, D.C.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VERMONT ELECTRIC RATES

Mr. JEFFORDS. Mr. President, today, plaintiffs from my home State of Vermont made opening arguments in the U.S. Court of Appeals for the District of Columbia. The plaintiffs, representing the New England Council for Energy Efficiency and the Environment, have raised serious questions about the Federal Energy Regulatory Commission's decision in 1997 to grant power marketer status to a subsidiary of the Canadian company Hydro-Quebec.

The Council is protesting that Hydro-Quebec was unlawfully granted the ability to buy and sell power in the U.S. without regulatory oversight. According to expert testimony in that case, Hydro-Quebec already exercises too much control over Northeastern energy markets, and Vermont ratepayers will have to pay higher energy bills if this license is upheld.

Hydro-Quebec's ability and willingness to exert undue influence on electricity markets in the United States is of serious concern. The company's request last month that the Canadian government sue the United States over fair trade practices is a clear infringement of the legitimate rights of Vermonters to set Vermont electric rates. The Vermont Public Service Board sets rates equally for all companies, be they foreign or domestic, yet Hydro-Quebec is using its status as a semi-governmental foreign company in an attempt to control these rates.

It is deeply ironic that Hydro-Quebec, a monopoly protected by Quebec law against all retail and virtually all wholesale competition in Quebec, should utilize principles of "fair trade" to lodge a complaint against the United States under NAFTA. Entrepreneurs in New England and New York who want to compete in Quebec are prohibited from doing so, thus precluding meaningful international competition in energy. Yet Hydro-Quebec is able to freely sell its energy in the U.S.

I call upon Hydro-Quebec to come out from behind its monopolistic shield and act like a true competitive utility. Drop your NAFTA lawsuit. End your efforts to undermine Vermont law. Stop using international law to threaten Vermont ratepayers. We want to do business with Hydro-Quebec, but we cannot do so while it tries to exert undue influence in Vermont and New England markets. In Vermont, the Public Service Board sets electric rates, not foreign companies. We will never, ever let a foreign entity write our rules on power sales.

I further call upon the Federal Energy Regulatory Commission to thoroughly examine all means by which a foreign utility may exert influence in the United States. Foreign companies should not be given carte blanche to sell energy in the U.S. until all impacts of that decision are considered—not only market share, but also environmental impacts and means outside of the market by which a foreign company may exert influence. Hydro-Quebec is taking advantage of its enormous size and semi-governmental status to gouge ratepayers in Vermont. This issue is of enormous importance to the people of Vermont, and I hope the Commission will thoroughly examine all of these issues.

Mr. President, I will do all in my power to protect Vermont electric ratepayers from unnecessary manipulation and threats. I am carefully reviewing the law related to wholesale and retail power sales and will be sure to work for a revision of this law if we see that a region of this nation, or a particular state, is being treated unfairly.

EAST TIMOR

Ms. MIKULSKI. Mr. President, I am horrified by the atrocities occurring in East Timor—where an armed militia is using murder and intimidation to nullify the results of a free and fair referendum. The United States must join the international community in protecting the people of East Timor from mass murder and religious persecution.

During this century, we have seen horrifying examples of dictators and despots whose brutality begins with attacks on the peaceful men and women of the church. This is happening again in East Timor—where members of the Church are being brutally persecuted.

The stories coming out of East Timor are heart-wrenching.

Women and children are massacred within the sanctuary of their churches. Catholic priests, nuns and Caritas workers are being murdered as they try to protect their communities. Nobel Loreate Bishop Beli has been forced into exile. Churches, convents and schools are being burned. Thousands of men, women and children are fleeing from their homes in fear. They are taking refuge in the countryside—where there isn't enough food, water or medicine.

This brutality is occurring with the complicity of the Indonesian military. This is a military that has conducted twenty five years of repression in East Timor. It is a military that the United States has trained and armed.

The international community cannot stand by while civilians are brutally murdered. That is why I support President Clinton's statement of support for US participation in an United Nations peacekeeping force. The force would be led by regional powers—including our strong ally Australia. The United States would help to provide logistical support.

This peacekeeping force would have three goals: to protect the people of East Timor; to restore order and to enable the referendum for independence to be implemented.

The United States must stand up for our interests and our values. We must join our allies in protecting the people of East Timor and restoring peace and stability to their country.

RISK MANAGEMENT FOR THE 21ST CENTURY

Mr. BURNS. Mr. President I rise today as one of the proud cosponsors of the Risk Management for the 21st Century Act.

This bill offers much-needed changes in the area of risk management for farmers and ranchers. Managing risk in agriculture has become perhaps the most important aspect of the business. Agricultural producers who are able to effectively manage their risk are able to sustain and increase profit. An effective crop insurance program will provide farmers and ranchers possibilities for economic sustainability in the future and help them out of the current financial crisis.

The Federal Government can help facilitate a program to unite the producer and the private insurance company. The control must be put ultimately in the hands of the agricultural producer. Although he cannot control risk, an effective management plan will help him to manage the effects of risks, such as weather, prices and natural disasters.

This bill addresses the inadequacies of the current crop insurance program. The problems and inconsistencies with the current program make it both unaffordable and confusing to agricultural producers. Costly premiums are the biggest problem. In years of depressed market prices, crop insurance, though badly needed, is simply unaffordable for farmers.

This bill inverts the current subsidy formula, in order to provide the highest levels of subsidies to producers at the highest levels of buy-up coverage, and thus alleviate the unaffordable premiums. It also allows for the revenue policies to be fully subsidized.

Another important provision in this bill is to allow an additional subsidy for risk management activities. If a producer uses futures or options, utilizes cash forwards, attends a risk management class, uses Agricultural Trade Options or FFARRM accounts or reduces farm financial risk, they will receive a 5 percent write-down on their premium for taking part in two of the above risk management tools.

This bill also takes into account lack of production histories for beginning farmers or those who have added land or use crop rotation. This will make it possible for those producers to get a foot in the door and receive affordable crop insurance.

Many times, especially in Montana, multi-year disasters occur. This bill helps producers that take a blow several years in a row, which reduces their Annual Production History (APH). If a producer has suffered a natural disaster during at least 3 of the preceding 5 years and their APH was reduced by at least 25 percent they may exclude one year of APH for every five years experience. During this time, the producer's APH may increase without limit back up to the level before the multi-year disaster began.

Specialty crops such as canola or dry beans, are another important addition to this bill. The Risk Management Agency (RMA) will allocate at least 50 percent of their Research and Development funds to specialty crop development. Additionally, RMA is authorized to spend up to $20 million each fiscal year to create partnerships for developing and implementing specialty crop risk management options.

This bill will also ultimately put more control in the hands of active producers by including four active producers; as well as one in crop insurance, and one in reinsurance. The board would also include the Under Secretary for Farm and Foreign Agricultural Services, the Under Secretary for Rural Development and the Chief Economist of USDA. In addition, it mandates that the Board Chairperson be one of the non-governmental members. These are important steps to ensure that the new program is run for the producers by the producers.

This bill is an important tool to reform the current crop insurance program into a risk management program, designed to help the producer in the long-term. It is vital to find a solution to provide a way for farmers to stay in agriculture. They must be able to continue to produce and distribute the world's safest food supply at a profitable margin.

I look forward to working with Senators ROBERTS and KERREY on this important piece of legislation. I believe this bill will pave the way for massive crop insurance reform and help agricultural producers out of this economic crisis.

NOMINATION OF RICHARD PAEZ

Mr. LEAHY. Mr. President, the Hispanic whose actions and fate I would like the Senate to focus on for action is Richard Paez. Richard Paez has never been convicted of a crime and is not associated with the FALN. He is not a petitioner seeking presidential clemency. Rather, he is a judicial nominee who has been awaiting consideration and confirmation by the Senate since January 1996—for over 3½ years.

The vacancy for which Judge Paez was nominated became a judicial emergency during the time his nomination has been pending without action by the Senate. His nomination was first received by the Senate almost 44 months ago.

This nomination has now been held even longer than the unconscionable 41 months this Senate forced Judge William Fletcher to wait before confirming his nomination last October.

Judge Paez has twice been reported favorably by the Senate Judiciary Committee to the Senate for final action. He is again on the Senate calendar. He was initially delayed 25 months before finally being accorded a confirmation hearing in February 1998. After being reported by the Judiciary Committee in March 1998, his nomination was held on the Senate Executive Calendar without action for over 7 months, for the remainder of the last Congress.

Judge Paez was renominated by the President again this year and his nomination was stalled without action before the Judiciary Committee until late July, when we were able to have his nomination reported again. The Senate refused to consider the nomination before the August recess. I have repeatedly urged the Republican leadership to call this nomination up for consideration and a vote. If they make time on the Senate floor for debate and consideration of a Senate resolution commenting on the clemency grant, which is a power the constitution invested in the President without a congressional role, the Senate should find time to consider the nomination of this fine Hispanic judge.

Judge Paez has the strong support of both California Senators and a "well-qualified" rating from the American Bar Association. He has served as a municipal judge for 13 years and as a Federal judge for 4 years.

In my view Judge Paez should be commended for the years he worked to provide legal services and access to our justice system for those without the financial resources otherwise to retain counsel. His work with the Legal Aid Foundation of Los Angeles, the Western Center on Law and Poverty and California Rural Legal Assistance for nine years should be a source of praise and pride.

Judge Paez has had the strong support of California judges familiar with his work, such as Justice H. Walter Crosky, and support from an impressive array of law enforcement officials, including Gil Garcetti, the Los Angeles District Attorney; the late Sherman Block, then Los Angeles County Sheriff; the Los Angeles County Police Chiefs' Association; and the Association for Los Angeles Deputy Sheriffs.

The Hispanic National Bar Association, the Mexican American Legal Defense and Educational Fund, the League of United Latin American Citizens, the National Association of Latino Elected and Appointed Officials, and many, many others have been seeking a vote on this nomination for what now amounts to years.

I want to commend the Chairman of the Judiciary Committee for his steadfast support of this nominee and Senator BOXER and Senator FEINSTEIN of California for their efforts on his behalf.

Last year the words of the Chief Justice of the United States were ringing in our ears with respect to the delays in Senate consideration of judicial nomination. He had written: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down." Those words resonate with respect to the nomination of Judge Paez.

I trust the American people recognize who is playing politics with the issue of clemency. I disagreed with the President's decision, but it was his to make. He says that he granted clemency with conditions after study and based on a sense of proportion and justice. The calls for clemency in these cases came from Bishop Tutu, Coretta Scott King, other Nobel peace prize winters, a number of churches and religious groups. It has drawn praise in some circles and criticism in others.

I do not agree with the President, but I caution that the overreaching by Republican critics in the Congress on this is worrisome, as well. To contend that this shows a weakness of resolve against international terrorism is both wrong and may itself be creating a dangerous atmosphere.

We ought to be careful when anyone, let alone the Senate and Congress of the United States, start bandying about declarations that accuse the United States Government of making "deplorable concessions to terrorists," "undermining national security" or "emboldening domestic and international terrorists."

Playing politics with this matter and accusing the President of "undermining our national security" or "emboldening terrorists" carries significant risks. Could a potential terrorist somewhere in the world believe this political rhetoric and be "emboldened" by it? This is risky business. I do not believe the short-term political gain to the other party is worth having the Senate endorse a resolution that might itself have precisely that effect.

The Senate cannot find time to vote on the nomination of Judge Richard Paez or that of Bill Lann Lee to head the Civil Rights Division or that of Justice Ronnie White to be a Federal judge in Missouri or any of the scores of other nominees pending before it. The Senate has not completed work on 11 of the 13 appropriations bills that must be passed before October 1. The Republican Congress cannot find time to consider campaign finance reform or pass a real patients' bill of rights or consider raising the minimum wage or reforming Medicare or complete the juvenile crime bill conference, but there is plenty of time for floor debate and on the President's decision to exercise his clemency power. The Senate has had three hearings on judicial nominations all year and the Republican Congress will have that many hearings on the clemency decision this week.

In closing, I ask: If the Senate has the time to debate and vote on this resolution, why does it not have time to vote on the nomination of Judge Richard Paez to the Ninth Circuit?

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 13, 1999, the Federal debt stood at $5,654,837,966,230.82 (Five trillion, six hundred fifty-four billion, eight hundred thirty-seven million, nine hundred sixty-six thousand, two hundred thirty dollars and eighty-two cents).

Five years ago, September 13, 1994, the Federal debt stood at $4,681,594,000,000 (Four trillion, six hundred eighty-one billion, five hundred ninety-four million).

Ten years ago, September 13, 1989, the Federal debt stood at $2,853,357,000,000 (Two trillion, eight hundred fifty-three billion, three hundred fifty-seven million).

Fifteen years ago, September 13, 1984, the Federal debt stood at $1,572,267,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-seven million).

Twenty-five years ago, September 13, 1974, the Federal debt stood at $480,717,000,000 (Four hundred eighty billion, seven hundred seventeen million) which reflects a debt increase of more than $5 trillion—$5,174,120,966,230.82 (Five trillion, one hundred seventy-four billion, one hundred twenty million, nine hundred sixty-six thousand, two hundred thirty dollars and eighty-two cents) during the past 25 years.

APEC AND THE WTO

Mr. BAUCUS. Mr. President, I rise today to address recent developments in the world trading system that occurred over the past several days at the Asia Pacific Economic Cooperation (APEC) meetings.

Since its birth in 1989, APEC has been a useful forum to advance U.S. goals for world trade. In 1993, President Clinton hosted the first summit meeting of APEC leaders. That meeting helped to nudge the Uruguay Round of global trade talks to a successful conclusion. The following year, APEC leaders made a political commitment to free trade in the Pacific Basin by a date certain. Two years later, APEC leaders prodded WTO members to sign Information Technology Agreement. That agreement eliminates tariffs on products where U.S. companies have a clear advantage.

APEC has also launched some worthwhile projects aimed at making it easier to do business in the Pacific Rim.

The 21 members of APEC are responsible for almost half of the world's trade. They include country's at various stages of economic development. Members are as diverse as Papua New Guinea, Russia, Peru, and Australia. APEC is the only organization where China, Taiwan and Hong Kong sit together as equals to discuss economic issues. In 1998, U.S. trade with APEC members was just over one trillion dollars, about 70% of our trade. Our three biggest trading partners—Canada, Mexico and Japan—are in APEC

Last week in Auckland, New Zealand, APEC's trade and foreign ministers held their annual meeting. This was followed by the annual summit meeting of APEC leaders, including President Clinton. These meetings provided an opportunity for using APEC to further American trade interests in two ways. One was bilateral. It dealt with U.S.-China relations. The other was multilateral. It dealt with the World Trade Organization (WTO).

On the bilateral front, the annual APEC summit meeting provided President Clinton an opportunity to meet with China's President Jiang Zemin and get our relations with China on track. In particular, it was a chance to restart the talks on China's accession to the WTO.

To join the WTO, China must make one-way concessions in order to gain permanent Normal Trade Relations (NTR) status. Before the China trade talks broke down for political reasons unrelated to trade, China made some important commitments to us in its accession protocol. For example, in addition to tariff cuts and agriculture concessions, China promised to eliminate technology transfer requirements for investment licenses. It will end investment performance requirements designed to take jobs from other countries.

China's WTO accession requires no American trade concessions. And China has agreed to a "product-specific safeguard" which will strengthen our ability to fight sudden import surges. A good accession protocol will be good for America. The Clinton-Jiang meeting in Auckland infused our bilateral trade talks with new life.

The U.S. negotiators thus far have done an excellent job. They have already offered American farmers a ray of hope during a very difficult year. And we are close to an accession that will make trade with China fundamentally more fair for our country. It will then be up to this Senate, and to our colleagues, to take the final step by making the normal trade relations we now offer to China permanent.

On the multilateral end, the Auckland meetings were an opportunity for APEC members to show a united front for progress to the other members of the WTO. There was some forward movement on this in Auckland, but not as much as we needed. The key issue is how much we should achieve in the next WTO trade round. The next round will be launched two months from now, when the United States hosts the Seattle WTO Ministerial.

In this regard, last week I introduced Senate Concurrent Resolution 55. It contained the elements of what I believe we should achieve in the next round. At their Auckland meeting, APEC trade ministers endorsed a number of these elements. Procedurally, they said that the talks should be completed in three years, rather than the seven years it took for the Uruguay Round. They said that WTO members should treat the talks as one single package, not a collection of separate topics where members can opt out of the tough issues. They mentioned the need to address tariffs on manufactured products.

All that was useful. But the APEC minsters did not go far enough. President Clinton and the leaders of the other APEC members set out ambitious goals for them five years ago. To achieve those goals, the trade ministers must set specific targets. In agriculture, for example, the Auckland meeting supported abolishing all export subsidies. That is a specific, ambitious target. We need the same specificity on other agricultural trade issues which, such as tariffs, trade-distorting domestic subsidies, and government trading companies. It would have been very helpful to have APEC trade ministers support progress in these areas

The trade ministers should have made a much stronger statement on trade in services. This is not only an important component of developed economies. Services of all sectors—financial, communications, legal, engineering—are vital to developing nations as well.

I wish the APEC trade ministers had been more concrete and specific in their treatment of the WTO talks. I hope this does not foreshadow three years of negotiations which yield weak results.

Finally, I would like to endorse a point that the heads of the APEC governments made in their summit communiqué. They noted that great disparities in wealth threaten social stability. That is true both within a country and between nations. We must ensure that the benefits of globalization are widely shared. We must show that the global trading system improves the quality of life for WTO members.

We need to emphasize the human dimension of globalization. That human includes issues such a labor and the environment, which APEC ministers and leaders largely ignored at Auckland. I hope that future meetings of APEC summits focus on these issues, and that APEC becomes a positive force for their full consideration in the WTO.

VOTE ANNOUNCEMENT CORRECTION

Ms. MIKULSKI. Mr. President, on rollcall vote #8, if I had been present, I would have voted nay. My position was announced as aye.

I ask unanimous consent that the permanent RECORD be corrected to reflect how I would have voted, if I had been present.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Thank you, Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:44 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 457. An act to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 1:52 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 658. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 898. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

H.R. 940. An act to establish the Lackawanna Heritage Valley American Heritage Area.

H.R. 1619. An act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor.

H.R. 1651. An act to amend the Fisherman's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country.

H.R. 2112. An act to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions.

H.R. 2368. An act to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 184. Concurrent resolution expressing the sense of Congress regarding the importance of "family friendly" programming on television.

The message further announced that the House has passed the following Senate bill, without amendment:

S. 380. An act to reauthorize the Congressional Award Act.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses, thereon; and appoints Mr. SKEEN, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. NETHERCUTT, Mr. BONILLA, Mr. LATHAM, Mrs. EMERSON, Mr. YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, Mr. HINCHEY, Mr. FARR of California, Mr. BOYD, and Mr. OBEY, as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2561) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS of California, Mr. YOUNG of Forida, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. DICKEY, Mr. FRELINGHUYSEN, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. DIXON, Mr. VISCLOSKY, Mr. MORAN of Virginia, and Mr. OBEY, as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PACKARD, Mr. ROGERS, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. CALLAHAN, Mr. LATHAM, Mr. BLUNT, Mr. YOUNG of Florida, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. FORBES, and Mr. OBEY, as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ROGERS, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. REGULA, Mr. LATHAM, Mr. MILLER of Florida, Mr. WAMP, Mr. YOUNG of Florida, Mr. SERRANO, Mr. DIXON, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, and Mr. OBEY, as the managers of the conference on the part of the House.

At 2:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2606) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. CALLAHAN, Mr. PORTER, Mr. WOLF, Mr. PACKARD, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. LEWIS of California, Mr. BLUNT, Mr. YOUNG of Florida, Ms. PELOSI, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. SABO, and Mr. OBEY, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 898. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness"; to the Committee on Energy and Natural Resources.

H.R. 940. An act to establish the Lackawanna Heritage Valley American Heritage Area; to the Committee on Energy and Natural Resources.

H.R. 1619. An act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; to the Committee on Energy and Natural Resources.

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country; to the Committee on Commerce, Science and Transportation.

H.R. 2112. An act to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

H.R. 2368. An act to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 184. Concurrent resolution expressing the sense of Congress regarding the importance of "family friendly" programming on television; to the Committee on Commerce, Science and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time and placed on the calendar:

H.R. 658. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000" (Rept. No. 106–158).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5132. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Policy on Refuge Lands and Compensatory Mitigation under section 10/404 Permits" (RIN1018–AF64), received September 7, 1999; to the Committee on Environment and Public Works.

EC–5133. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Availability of NRC Public Records and Ending of NRC Local Public Document Room Program" (RIN3150–AG07), received September 8, 1999; to the Committee on Environment and Public Works.

EC–5134. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Nuclear Regulatory Commission Acquisition Regulation (NRCAR)" (RIN3150–AF52), received September 8, 1999; to the Committee on Environment and Public Works.

EC–5135. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "HI-STAR 100; List of Approved Spent Fuel Storage Casks: Addition)" (RIN3150–AF17), received September 9, 1999; to the Committee on Environment and Public Works.

EC–5136. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Factors Considered When Evaluating a Governor's Request for a Major Disaster Declaration; 64 FR 47697; 09/01/99" (RIN3067–AC94), received September 7, 1999; to the Committee on Environment and Public Works.

EC–5137. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuel and Fuel Additives; Extension of California Enforcement Exemptions for Reformulated Gasoline Beyond December 31, 1999" (FRL #6432–1), received September 8, 1999; to the Committee on Environment and Public Works.

EC–5138. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Approval of Miscellaneous Revisions" (FRL #6434–6), received September 7, 1999; to the Committee on Environment and Public Works.

EC–5139. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Plans Kentucky: Approval of Revisions to the Louisville State Implementation Plan" (FRL #6435–4), received September 7, 1999; to the Committee on Environment and Public Works.

EC–5140. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District" (FRL #6434–2), received September 7, 1999; to the Committee on Environment and Public Works.

EC–5141. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule Making a Finding of Failure to Submit a Required State Implementation Plan for Carbon Monoxide; Nevada-Las Vegas Valley" (FRL #6434–4), received September 7, 1999; to the Committee on Environment and Public Works.

EC–5142. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Customer Service in Permitting, A Toolkit for Regions, States, Tribes and Local Permitting Authorities"; to the Committee on Environment and Public Works.

EC–5143. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Parsons, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–CE–36 {9–1/9–9}" (RIN2120–AA66) (1999–0292), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5144. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Grain Valley, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–28 {9–/9–9}" (RIN2120–AA66) (1999–0291), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5145. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; York, NE; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–25 {9–1/9–2}" (RIN2120–AA66) (1999–0287), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5146. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Emmetsburg, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–39 {9–2/9–9}" (RIN2120–AA66) (1999–0302), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5147. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Herrington, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–41 {9–2/9–9}" (RIN2120–AA66) (1999–0299), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5148. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Nevada, MO; Direct Final Rule; Request for Comments; Docket No. 99–ACE–40 {8–31/9–2}" (RIN2120–AA66) (1999–0284), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5149. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mojave, CA; Docket No. 99–AWP–2 {9–2/9–9}" (RIN2120–AA66) (1999–0295), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5150. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tupelo, MS; Docket No. 99–ASO–10 {9–1/9–2}" (RIN2120–AA66) (1999–0286), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5151. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D and Class E Airspace; Lake Hood, Elmendorf AFB, and Merrill Field, AK; Correction: Docket No. 99–AAL–16 {9–2/9–9}" (RIN2120–AA66) (1999–0301), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5152. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Request for Comments; Docket No. 99–NM–77 {8–31/9–2}" (RIN2120–AA64) (1999–0325), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5153. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400 Series Airplanes; Docket No. 99–NM–222 {8–31/–2}" (RIN2120–AA64) (1999–0326), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5154. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 97–NM–03 {8–31/–2}" (RIN2120–AA64) (1999–0327), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5155. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400, 757–200, 767–300 Series Airplanes; Docket No. 997–NM–111 {9–1/9–2}" (RIN2120–AA64) (1999–0334), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5156. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, –500 Series Airplanes; Request for Comments {9–1/9–2}" (RIN2120–AA64) (1999–0335), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 1581. A bill to amend the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 to provide for the retention and administration of Oil Shale Reserve Numbered 2 by the Secretary of Energy; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1582. A bill to modify the provisions of the Balanced Budget Act of 1997 relating to the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself, Mr. COVERDELL, Mr. DEWINE, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. GREGG, and Mr. SMITH of Oregon):

S. Res. 183. A resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week; to the Committee on the Judiciary.

By Mr. REID:

S. Res. 184. A resolution congratulating the Nevada Hispanic leaders in celebrating Hispanic Heritage Month in Washington, D.C; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. LIEBERMAN, Mr. BUNNING, Mr. DEWINE, Mrs. LINCOLN, and Mr. GORTON):

S. Con. Res. 56. A concurrent resolution expressing the sense of Congress regarding the importance of "family friendly" programming on television; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 1581. A bill to amend the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 to provide for the retention and administration of Oil Shale Reserve Numbered 2 by the Secretary of Energy; to the Committee on Armed Services.

UTE ECONOMIC OPPORTUNITY ACT OF 1999

Mr. BENNETT. Mr. President, I rise today to introduce the "Ute Economic Opportunity Act of 1999." This bill was introduced in the House of Representatives on September 9, 1999 by Representative CANNON. Currently, the Department of Energy administers the Naval Oil Shale Reserve Numbered 2, which is located in northeastern Utah. A portion of the Oil Shale Reserve exists on the Uintah and Ouray Reservation, which belongs to the Ute Indian

Tribe. There have been several discussions that contemplate the transfer of the lands of the Oil Shale Reserve to the Bureau of Land Management. Due to the religious and historical significance of certain lands and the presence of wild horses and burros, the Ute Tribe is concerned that any transfer may infringe on their tribal rights and deviate from the current management direction.

This bill would continue the Department of Energy's administration of the Oil Shale Reserve, and also provide a significant opportunity for economic development to the Ute Tribe. The bill requires the Department of Energy to enter into a cooperative agreement with the Ute Tribe to develop a long-term plan to manage, develop, and administer the Oil Shale Reserve. Further, 180 days after enactment of this bill, the Ute Tribe will enter into an oil and gas lease with the Department of Energy to develop the hydrocarbon resources present in the Oil Shale Reserve. It should be noted that the Ute Tribe has a history of responsible stewardship over the development of one of the largest oil and gas fields in Utah. I fully anticipate that the leasing process will go forward in an environmentally responsible manner. I expect nothing less from the Department and the Tribe.

Through the management and utilization of these resources, the Ute Tribe will have an opportunity to develop high quality, high paying jobs that are sorely needed on the Uintah and Ouray Reservation while sustainably managing the land.

The Ute Economic Opportunity Act of 1999 is an important piece of legislation that will allow the Ute Tribe to pursue economic independence.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 511

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 511, a bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 656

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 693

At the request of Mr. HELMS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 712

At the request of Mr. LOTT, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 909

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 909, a bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 914

At the request of Mr. SMITH, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 1004

At the request of Mr. BURNS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1004, a bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes.

S. 1010

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1115

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1115, a bill to require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pittsburgh, Pennsylvania, area.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1263

At the request of Mr. JEFFORDS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1319

At the request of Mr. ALLARD, his name was added as a cosponsor of S. 1319, a bill to authorize the Secretary of Housing and Urban Development to renew project-based contracts for assistance under secion 8 of the United States Housing Act of 1937 at up to market rent levels, in order to preserve these projects as affordable low-income housing, and for other purposes.

S. 1369

At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1564

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1564, a bill to protect the budget of the Federal courts.

S. 1568

At the request of Mr. FEINGOLD, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1568, a bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

SENATE RESOLUTION 158

At the request of Mrs. MURRAY, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of Senate Resolution 158, a resolution designating October 21, 1999, as a "Day of National Concern About Young People and Gun Violence."

SENATE RESOLUTION 178

At the request of Mr. THURMOND, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Louisiana (Mr. BREAUX), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAPO), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. FITZGERALD), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 178, a resolution designating the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nevada (Mr. BRYAN), the Senator from Illinois (Mr. DURBIN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 181

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 181, a resolution expressing the sense of the Senate regarding the situation in East Timor.

AMENDMENT NO. 1595

At the request of Mr. BENNETT the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Amendment No. 1595 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1598

At the request of Mr. MURKOWSKI the names of the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. REED), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1598 intended to be proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1613

At the request of Ms. SNOWE her name was added as a cosponsor of amendment No. 1613 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE CONCURENT RESOLUTION 56—EXPRESSING THE SENSE OF CONGRESS REGARDING THE IMPORTANCE OF "FAMILY FRIENDLY"; PROGRAMMING ON TELEVISION

Mr. VOINOVICH (for himself Mr. LIEBERMAN, Mr. BUNNING, Mr. DEWINE, Mrs. LINCOLN, and Mr. GORTON) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 56

Expressing the sense of Congress regarding the importance of "family friendly" programming on television.

Whereas American children and adolescents spend between 22 and 28 hours each week viewing television;

Whereas American homes have an average of 2.75 television sets, and 87 percent of homes with children have more than 1 television set;

Whereas there is a need to increase the availability of programs suitable for the entire family during prime time viewing hours;

Whereas surveys of television content demonstrate that many programs contain substantial sexual or violent content;

Whereas although parents are ultimately responsible for appropriately supervising their children's television viewing, it is also important to provide positive, "family friendly" programming that is suitable for parents and children to watch together;

Whereas efforts should be made by television networks, studios, and the production community to produce more quality family friendly programs and to air those programs during times when parents and children are likely to be viewing together;

Whereas members of the Family Friendly Programming Forum are concerned about the availability of family friendly television programs during prime time viewing hours; and

Whereas Congress encourages activities by the Forum and other entities designed to promote family friendly programming, including—

(1) participating in meetings with leadership of major television networks, studios, and production companies to express concerns;

(2) expressing the importance of family friendly programming at industry conferences, meetings, and forums;

(3) honoring outstanding family friendly television programs with a new tribute, the Family Program Awards, to be held annually in Los Angeles, California;

(4) establishing a development fund to finance family friendly scripts; and

(5) underwriting scholarships at television studies departments at institutions of higher education to encourage student interest in family friendly programming: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and honors the efforts of the Family Friendly Programming Forum and other entities supporting family friendly programming;

(2) supports efforts to encourage television networks, studios, and the production community to produce more quality family friendly programs;

(3) supports the proposed Family Friendly Programming Awards, development fund, and scholarships, all of which are designed to

encourage, recognize, and celebrate creative excellence in, and commitment to, family friendly programming; and

(4) encourages the media and American advertisers to further a family friendly television environment within which appropriate advertisements can accompany the programming.

• Mr. VOINOVICH. Mr. President, I rise today along with my friend and colleague from Connecticut, Senator LIEBERMAN, to submit a resolution recognizing the importance of expanding the amount of family friendly television programming, and to saluting the contributions that the Family Friendly Programming Forum is undertaking to make this goal a reality.

As nearly any parent will attest, it can be a very difficult task to keep track of what their children watch after school. It is particularly hard for working parents. Each week the average child watches 22 to 28 hours of television, which is more time than is spent on nearly any other activity, except sleeping. The trick for parents is to establish good family viewing habits that emphasize quality programming and which are suited to the age of these young viewers. Many parents have indicated their desire to have more program choices for family friendly viewing during the evening hours when everyone is home together.

To help in this endeavor, a number of our nation's leading companies have joined forces to establish the Family Friendly Programming Forum. The Forum's members, which includes some of the nation's largest television advertisers, are encouraging the production of more television programs geared toward the entire family. As sponsors of a wide range of programs, the Forum's members believe that there is a definite call for more family friendly movies, documentaries, series and other programs that are relevant and interesting to a broad family audience.

The members of the Forum are working on a variety of initiatives in an effort to promote more family friendly programs. They are: engaging in constructive dialogue with industry leaders, presenting awards to family friendly television programs, establishing a development fund for family friendly scripts, awarding university scholarships in television studies that highlight family television themes, as well as embarking on a public awareness campaign.

Mr. President, as a father and a grandfather, I am deeply concerned about the healthy development of all our nation's children. The future of our nation depends to a great degree on the safe and nurturing environment that will give children a positive outlook on life. Therefore, I encourage efforts that will increase the number and quality of family TV programs. I congratulate the Family Friendly Programming Forum on their leadership toward that goal.

I believe that the passage of the resolution that Senator LIEBERMAN and I are introducing honors the Forum's commitment and helps raise the awareness of others in the business community to align themselves with the goal of bringing quality television to our nation's families for the benefit of our children. I encourage my colleagues to join us in cosponsoring this resolution and I urge the Senate to provide it's quick approval.•

SENATE RESOLUTION 183—DESIGNATING THE WEEK BEGINNING ON SEPTEMBER 19, 1999, AND ENDING ON SEPTEMBER 25, 1999, AS NATIONAL HOME EDUCATION WEEK

Mr. ASHCROFT (for himself, Mr. COVERDELL, Mr. DEWINE, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. GREGG, and Mr. SMITH of Oregon) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 183

Whereas the United States is committed to excellence in education;

Whereas the United States recognizes the importance of family participation and parental choices in pursuit of that excellence;

Whereas the United States recognizes the fundamental right of parents to direct the education and upbringing of their children;

Whereas parents want their children to receive a first-class education:

Whereas training in the home strengthens the family and guides children in setting the highest standards for their lives which are essential elements to the continuity of morality in our culture;

Whereas home schooling families contribute significantly to the cultural diversity important to a healthy society;

Whereas the United States has a significant number of parents who teach their own children at home;

Whereas home education was proven successful in the lives of George Washington, Patrick Henry, John Quincy Adams, John Marshall, Robert E. Lee, Booker T. Washington, Thomas Edison, Abraham Lincoln, Franklin Roosevelt, Woodrow Wilson, Mark Twain, John Singleton Copley, William Carey, Phyllis Wheatley, and Andrew Carnegie;

Whereas home school students exhibit self-confidence and good citizenship and are fully prepared academically to meet the challenges of today's society;

Whereas dozens of contemporary studies continue to confirm that children who are educated at home score exceptionally well on nationally normed achievement tests;

Whereas a March 1999 study by the Educational Resources Information Center Clearinghouse on Assessment and Evaluation at the University of Maryland found that home school students taking the Iowa Test of Basic Skills or the Tests of Achievement and Proficiency scored in the 70th to 80th percentiles among all the students nationwide who took those exams, and 25 percent of home schooled students were studying at a level one or more grades above normal for their age;

Whereas studies demonstrate that home schoolers excel in college with the average grade point average of home schoolers exceeding the college average; and

Whereas United States home educators and home instructed students should be recognized and celebrated for their efforts to improve the quality of education: Now, therefore, be it

Resolved, That the week beginning on September 19, 1999, and ending on September 25, 1999, is designated as National Home Education Week. The President is authorized and requested to issue a proclamation recognizing the contributions that home schooling families have made to the Nation.

SENATE RESOLUTION 184—CONGRATULATING THE NEVADA HISPANIC LEADERS IN CELEBRATING HISPANIC HERITAGE MONTH IN WASHINGTON, D.C.

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 184

Whereas September 15th begins the celebration of Hispanic Heritage Month;

Whereas in 1999, the Hispanic population in Nevada exceeds 253,000, and is expected to exceed 31,000,000 nationwide by the end of the millennium;

Whereas Hispanic schoolchildren represent 25 percent of the Clark County School District in Nevada;

Whereas it is important to highlight the contributions Hispanics have made to American society, culture, academics, business, and education;

Whereas Nevada Hispanic leaders have gathered in Washington, D.C., to attend Senator Harry Reid's National Conference for Hispanic Leadership Summit;

Whereas Nevada Hispanic leaders will have an opportunity to meet with Senator Reid's senatorial colleagues and members of the Congressional Hispanic Caucus;

Whereas Nevada Hispanic leaders will meet with the highest ranking Hispanic in President Clinton's Administration, Secretary of Energy, Bill Richardson, as well as other high level Hispanics in the Executive Branch;

Whereas Nevada Hispanic leaders will be briefed by the White House Initiative on Educational Excellence for Hispanic Americans, and will meet with White House Deputy Chief of Staff, Maria Echaveste, and the Director of Inter-Governmental Affairs, Mickey Ibarra;

Whereas Nevada Hispanic leaders will be briefed by Federal agencies critical to the Hispanic community's advancement, such as the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Justice, and Labor, as well as the Small Business Administration and the Immigration and Naturalization Service;

Whereas Nevada Hispanic leaders will be briefed by the Nation's pre-eminent Hispanic organizations, such as the National Council of La Raza, the Hispanic Association of Colleges and Universities, the National Association of Latino Elected Officials, the League of United Latin American Cities, the Mexican American Legal Defense and Educational Fund, the National Latino Children's Institute, the Aspira Association, and the MANA (a national Latina organization);

Whereas Senator Reid's conference will be an opportunity for Nevada Hispanic leaders to unite in Washington, D.C., so that the leaders can experience the legislative and regulatory process and interact with individuals and organizations who shape the Nation's policy; and

Whereas strong partnerships will be forged with the attendees of Senator Reid's conference who have travelled from Nevada to Washington, D.C., to influence policy and advance the needs and goals of Hispanics in Nevada and the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Nevada Hispanic leaders who have made a special trip to the Nation's Capital for this historic summit;

(2) commemorates the following names of the Nevada Hispanic leaders: Bob Agonia, Elvira J. Alvarez, Luisa Balza, Kelly Benavidez, Carina Black, Greg J. Black, Carlos Blumberg, Don Brown, Andrea Brown, Malena Burnett, Deanna Cambeiro-Remark, Liz Carrasco, Maria Champlin, Lyciane Corona, Laura Cortez, Cheryl Davis, Nico De La Puente, Johny Diaz, Dr. Mark Dominguez, Rose Dominguez, Lopez Edwardo, Elva Esparza, Edith Fernandez, Jacqueline Ferreiro, Judith Fleishman, Frank Canales, Charvez Foger, Sermerno Francisco, Zullie Franco, Hector Galvez-Lopez, Edward M. Garcia, Helena Garcia, Laura Garcia, Arriola Gilbert, Almalinda Guerrero, Jesse Gutierrez, Elaine Hernandez, Cinthya Hernandez, Cecilia Khan, Estela LaVario, Eduardo Lopez, Scott Antonio Lopez, Rene Mantecon, Diego Martin, Raul Martinez, Magda Martinez, Larry Mason, Griselda Maya, Rita Mc Gary, John Medina, Eva Melendrez, Jose Melendrez, Laura Mijanovich, Clara Miranda, Ramon Miranda, Marlene Monteolivo, Jesse Montes, Fran Montes, Gabriela Mora, John Mulligan, Mercy Nagel, Alberto Ochoa, Arturo Ochoa, Alex Ortiz, Rosa Parodi, Ciria Perez, Jose Pineda, Craig Pittman, Andres Ramirez, Dr. Maria G. Ramirez, Margarita Rebollal, Mary Resendez, Linda Rivera, Mario Rocha, Carlos Rodriguez Jr., Michelle Rodriguez, Fernando Romero, Dr. Carlos Romo, Martha Salazar, Tony Sanchez, Raymond Sandoval, Emma Sepulveda, Carmen Suarez, Maria Carmen Thomas, Jose Troncoso, Candida Ann Ureno, and Rafael Villanueva; and

(3) requests the legislative clerk of the Senate to read the Resolution into the record upon its passage.

Mr. REID. Mr. President, September 15, 1999, marks the beginning of Hispanic Heritage Month. Today, I rise before my colleagues in the Senate to pay tribute to Nevada's dynamic Hispanic community, as well as the more than 30 million people in the United States who are of Hispanic heritage.

Mr. President, Nevada, which has consistently been the fastest growing state in the union, boasts a Hispanic population of more than two-hundred and fifty thousand. While the Hispanic community constitutes fifteen percent of the population of Las Vegas, more than one in four schoolchildren in the Las Vegas/Clark County School District are of Hispanic heritage. Our children are the future, and the inference is clear: the Hispanic community is the fastest growing minority group in Nevada and the entire country.

The many contributions of Hispanics in American society are demonstrated in the areas of culture, academics, business, education, the arts and entertainment. In Nevada, Hispanic leadership continues to advance as members of the community occupy more and more elected and appointed positions. I was especially honored to have my dear friend, Reynaldo Martinez, serve as my Chief of Staff in the United States Senate.

Mr. President, to celebrate these many contributions, but also, to address the path that lies ahead, Nevada Hispanic leaders from Nevada will gather in Washington, D.C. from September 15–17, 1999, for Unidos para el Futuro (United for the Future), my National Conference for Nevada Hispanic Leadership. Armed with the lessons of the past, and ready to confront the challenges of the future, these members of the Nevada Hispanic community will have the opportunity to meet with my colleagues in the Senate and the House of Representatives, including the Congressional Hispanic Caucus. I am honored that Energy Secretary Bill Richardson, the highest ranking Hispanic in President Clinton's administration, will also address the gathering. Furthermore, the group will meet with numerous national Hispanic organizations, as well as officials from the various federal agencies that interact with the Hispanic community. I am hopeful that the efforts we are undertaking will provide our friends and colleagues in the Hispanic community with essential information on a variety of issues, as well as the necessary interaction with those individuals and entities that shape policy. Such pro-action on our part is imperative in the Senate which, unfortunately, is without a Hispanic Member.

As elected officials, we must be constantly apprised of the issues that are important to our constituents. Simply put, the priorities of the Hispanic community must be our priorities as well.

Mr. President, I rise to recognize and honor the following members of Nevada's Hispanic community who have joined me in our nation's capital, united for the future:

Bob Agonia, Elmira J. Alvarez, Luisa Balsa, Kelly Benavidez, Carina Black, Greg J. Black, Carlos Blumberg, Don Brown, Andrea Brown, Malena Burnett, Deanna Cambeiro-Remark, Liz Carrasco, Maria Champlin, Lyciane Corona, Laura Cortez, Cheryl Davis, Nico De La Puente, Johnny Diaz, Dr. Mark Dominguez, Rose Dominguez, Lopez Edwardo, Elva Esparza, Edith Fernandez, Jacqueline Ferreiro, Judith Fleishman, Frank Canales, Charvez Roger, Sermerño Francisco, Zullie Franco, Hector Galvez-Lopez, Edward M. Garcia, Helena Garcia, Laura Garcia, Arriola Gilbert, Almalinda Guerrero, Jesse Gutierrez, Elaine Hernandez, Cinthya Hernandez, Cecilia Khan, Estela LaVario, Eduardo Lopez, Scott Antono Lopez, Rene Mantecon, Diego Martin, Rual Martinez, Magda Martinez, Larry Mason, Griselda Mava, Rita Mac Gary, John Medina, Eva Melendrez, Jose Melendrez, Laura Mijanovich, Clara Miranda, Ramon Miranda, Marlene Monteolivo, Jesse Montes, Fran Montes, Gabriel Mora, John Mulligan, Mercy Mangel, Alberto Ochoa, Arturo Ochoa, Alex Ortiz, Rosa Parodi, Ciria Perez, Jose Pineda, Craig Pittman, Andres Ramirez, Dr. Maria G. Ramirez, Margarita Rebollal, Mary Resendez, Linda Rivera, Mario Rocha, Carlos Rodriguez, Jr., Michelle Rodriguez, Fernando Romeo, Dr. Carlos Romero, Martha Salazar, Tony Sanchez, Raymond Sandal, Emma Sepulveda, Carmen Suarez, Maria Carmen Thomas, Jose Troncoso, Candida Ann Ureno, Rafael Villanueva.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SHELBY AMENDMENT NO. 1624

Mr. SHELBY proposed an amendment to the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike all after the enacting clause and insert: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,900,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $600,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,900,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,700,000: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,870,000, including not to exceed $45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $18,600,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,800,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,110,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $560,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,100,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,200,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $3,300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $169,953,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: *Provided further*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,772,000,000, of which $534,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: *Provided further*, That the Secretary may transfer funds to this account, from Federal Aviation Administration "Operations", not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act: *Provided further*, That the United States Coast Guard will reimburse the Department of Transportation Inspector General $5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $370,426,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $123,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $33,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $52,726,000 shall be available for other equipment, to remain available until September 30, 2002; $63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; $52,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and $44,200,000 shall be deposited in the Deepwater Replacement Project Revolving Fund to remain available until expended: *Provided*, That funds received from the sale of HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: *Provided further*, That the Commandant of the Coast Guard is authorized to and may dispose of by sale at fair market value all rights, title, and interests of any United States entity on behalf of the Coast Guard in and to the land of, and improvements to, South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and, Aids to navigation team Huron, Ohio: *Provided further*, That there is established in the Treasury of the United States a special account to be known as the Deepwater Replacement Project Revolving Fund and proceeds from the sale of said specified properties and improvements shall be deposited in that account, from which the proceeds shall be available until expended for the purposes of replacing or modernizing Coast Guard ships, aircraft, and other capital assets necessary to conduct its deepwater statutory responsibilities: *Provided further*, That, if balances in the Deepwater Replacement Project Revolving Fund permit, the Commandant of the Coast Guard is authorized to obligate up to $60,000,000.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,450,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $14,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $730,327,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: *Provided*, That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $17,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,857,450,000 from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: *Provided further*, That the Secretary may transfer funds to this account, from Coast Guard "Operating expenses", not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General $19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems: *Provided further*, That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,045,652,000, of which $1,721,086,000 shall remain available until September 30, 2002, and of which $274,566,000 shall remain available until September 30, 2000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 104–205, $17,500,000 are rescinded: *Provided*, That of the amounts provided under this heading in Public Law 105–66, $282,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, and for administration of such programs, $1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $2,000,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That discretionary grant funds available for noise planning and mitigation shall not exceed $60,000,000: *Provided further*, That, notwithstanding any other provision of law, not more than $47,891,000 of the funds limited under this heading shall be obligated for administration.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

The obligation limitation under this heading in Public Law 105–277 is hereby reduced by $290,000,000.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 2000.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $370,000,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided further*, That $55,418,000 shall be available to carry out the functions and operations of the office of motor carriers: *Provided further*, That, notwithstanding Public Law 105–178 or any other provision of law, $14,500,000 of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration operations and research to carry out the provisions of chapter 301 of title 49, United States Code, part C of subtitle VI of title 49, United States Code, and section 405(b) of title 23, United States Code: *Provided further*, That of the $14,500,000 made available for traffic and highway safety programs, $8,300,000 shall be made available to carry out the provisions of chapter 301 of title 49, United States Code and $6,200,000 shall be made available to carry out the provisions of part C of subtitle VI of title 49, United States Code: *Provided further*, That $7,500,000, of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration, Highway Traffic Safety Grants, for "Child Passenger Protection Education Grants" under section 405(b) of title 23, United States Code: *Provided further*, That, the Federal Highway Administration will reimburse the Department of Transportation Inspector General $9,000,000 from funds available within this limitation on obligations for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: *Provided*, That, notwithstanding any other provision of law, within the $27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $391,450,000 shall be available for the implementation or execution of programs for transportation research (Sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (Section 1218 of Public Law 105–178) for fiscal year 2000, of which not to exceed $500,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (Section 111 of title 49, United States Code) for fiscal year 2000: *Provided further*, That, notwithstanding any other provision of law, of the funds made available in fiscal year 2000 to carry out section 144(g)(1) of title 23, United States Code, $10,000,000 shall be made available to carry out section 1224 of Public Law 105–178: *Provided further*, That notwithstanding any other provision of law, within the $27,701,350,000 obligation limitation, of the amounts made available as contract authority under section 1221(e) of the Transportation Equity Act for the 21st Century (Public Law 105–178), $6,000,000 shall be made available to carry out section 5113 of that Act and $5,000,000 shall be made available to carry out the Nationwide Differential Global Positioning System program: *Provided further*, That, notwithstanding any other provision of law, within the $211,200,000 obligation limitation on Intelligent Transportation Systems, not less than the following sums shall be made available for Intelligent Transportation system projects in the following specified areas:

ITS deployment projects	*Committee recommendation*
Southeast Michigan	$4,000,000
Salt Lake City, UT	6,500,000
Branson, MO	1,500,000
St.Louis, MO	2,000,000
Shreveport, LA	2,000,000
State of Montana	3,500,000
State of Colorado	4,000,000
Arapahoe County, CO	2,000,000
Grand Forks, ND	500,000
State of Idaho	2,000,000
Columbus, OH	2,000,000
Inglewood, CA	2,000,000
Fargo, ND	2,000,000
Albuquerque/State of New Mexico interstate projects	2,000,000
Dothan/Port Saint Joe	2,000,000
Santa Teresa, NM	1,500,000
State of Illinois	4,800,000
Charlotte, NC	2,500,000
Nashville, TN	2,000,000
Tacoma Puyallup, WA	500,000
Spokane, WA	1,000,000
Puget Sound, WA	2,200,000
State of Washington	4,000,000
State of Texas	6,000,000
Corpus Christi, TX	2,000,000
State of Nebraska	1,500,000
State of Wisconsin rural systems	1,000,000
State of Wisconsin	2,400,000
State of Alaska	3,700,000
Cargo Mate, Northern NJ ..	2,000,000
Statewide Transcom/ Transmit upgrades, NJ ...	6,000,000
State of Vermont rural systems	2,000,000
State of Maryland	4,500,000
Washoe County, NV	2,000,000
State of Delaware	2,000,000
Reno/Tahoe, CA/NV	1,000,000
Towamencin, PA	1,100,000
State of Alabama	1,300,000
Huntsville, AL	3,000,000
Silicon Valley, CA	2,000,000
Greater Yellowstone, MT ..	2,000,000
Pennslyvania Turnpike, PA	7,000,000
Portland, OR	1,500,000
Delaware River, PA	1,500,000
Kansas City, MO	1,000,000:

Provided further, That, notwithstanding Public Law 105–178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000. Of these funds to be apportioned under section 110 for fiscal year 2000,. the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation and air quality improvement program in the same ratio that each State is apportioned funds for such programs in fiscal year 2000 but for this section.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,300,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For necessary expenses to carry out 49 U.S.C. 31102, $50,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That no more than $155,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, $105,000,000 is for payment of obligations incurred in carrying out 49 U.S.C. 31102 to be derived from the Highway Trust Fund and to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, to be derived from the Highway Trust Fund, $72,900,000 for traffic and highway safety under chapter 301 of title 49, United States Code, of which $48,843,000 shall remain available until September 30, 2001: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: *Provided further*, That none of the funds made available under this Act may be obligated or expended to implement section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (42 U.S.C. 405 note).

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding Public Law 105–178 or any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000 to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $152,800,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $10,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $8,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $7,500,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,750,000 of the funds made available for section 410, and not to exceed $223,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures

Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

Safety and Operations

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $91,789,000, of which $6,700,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: *Provided further*, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General $1,000,000 for costs associated with audits and investigations of all rail-related issues and systems: *Provided further*, That the Administrator of the Federal Railroad Administration is authorized to transfer funds appropriated for any office under this heading to any other office funded under this heading: *Provided further*, That no appropriation shall be increased or decreased by more than 10 percent by such transfers unless it is approved by both the House and Senate Committees on Appropriations.

Railroad Research and Development

For necessary expenses for railroad research and development, $22,364,000, to remain available until expended.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

Next Generation High-Speed Rail

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $20,500,000, to remain available until expended.

Alaska Railroad Rehabilitation

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $14,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

Rhode Island Rail Development

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

Capital Grants to the National Railroad Passenger Corporation

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by U.S.C. 24104(a), $571,000,000, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000, to remain available until expended: *Provided*, That no more than $60,000,000 of budget authority shall be available for these purposes: *Provided further*, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General $9,000,000 for costs associated with audits and investigations of all transit-related issues and systems.

Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: *Provided*, That no more than $3,098,000,000 of budget authority shall be available for these purposes.

University Transportation Research

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

Transit Planning and Research

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: *Provided*, That no more than $107,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): *Provided further*, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, $1,500,000;

Electric vehicle information sharing and technology transfer program, $1,000,000;

Portland, ME independent transportation network, $500,000;

Wheeling, WV mobility study, $250,000;

Utah advanced traffic management system, transit component, $3,000,000;

Project ACTION, $3,000,000;

Trans-Hudson tunnel feasibility study, $5,000,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,500,000;

Gloucester, MA intermodal technology center, $1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $3,000,000; and

Advanced transit systems and electric vehicle program (CALSTART), $1,000,000.

Trust Fund Share of Expenses

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,638,000,000, to remain available until expended of which $4,638,000,000 shall be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $1,960,800,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

Capital Investment Grants

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: *Provided*, That no more than $2,451,000,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000; and there shall be available for new fixed guideway systems $980,400,000: *Provided further*, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the following projects here listed:

2001 Special Olympics Winter Games buses and facilities, Anchorage, Alaska

Adrian buses and bus facilities, Michigan

Alabama statewide rural bus needs, Alabama

Alameda-Contra Costa Transit District Project, California

Albany train station/intermodal facility, New York

Albuquerque SOLAR computerized transit management system, New Mexico

Albuquerque Westside transit maintenance facility, New Mexico

Albuquerque, buses, paratransit vehicles, and bus facility, New Mexico

Alexandria Union Station transit center, Virginia

Alexandria, bus maintenance facility and Crystal City canopy project, Virginia
Allegheny County buses, Pennsylvania
Altoona bus testing facility, Pennsylvania
Altoona, Metro Transit Authority buses and transit system improvements, Pennsylvania
Ames transit facility expansion, Iowa
Anchorage Ship Creek intermodal facility, Alaska
Arkansas Highway and Transit Department buses, Arkansas
Arkansas state safety and preventative maintenace facility, Arkansas
Armstrong County-Mid-County, PA bus facilities and buses, Pennsylvania
Atlanta, MARTA buses, Georgia
Attleboro intermodal transit facility, Massachusetts
Austin buses, Texas
Babylon Intermodal Center, New York
Baldwin Rural Area Transportation System buses, Alabama
Ballston Metro access improvements, Virginia
Bay/Saginaw buses and bus facilities, Michigan
Beaumont Municipal Transit System buses and bus facilities, Texas
Beaver County bus facility, Pennsylvania
Ben Franklin transit buses and bus facilities, Richland, Washington
Billings buses and bus facilities, Montana
Birmingham intermodal facility, Alabama
Birmingham-Jefferson County buses, Alabama
Blue Water buses and bus facilities, Michigan
Boston Government Center transit center, Massachusetts
Boston Logan Airport intermodal transit connector, Massachusetts
Boulder/Denver, RTD buses, Colorado
Brazos Transit Authority buses and bus facilities, Texas
Brea shuttle buses, California
Bremerton multimodal center—Sinclair's Landing, Washington
Brigham City and Payson regional park and ride lots/transit centers, Utah
Brockton intermodal transportation center, Massachusetts
Buffalo, Auditorium Intermodal Center, New York
Burlington ferry terminal improvements, Vermont
Burlington multimodal center, Vermont
Cambria County, bus facilities and buses, Pennsylvania
Cedar Rapids intermodal facility, Iowa
Central Ohio Transit Authority vehicle locator system, Ohio
Centre Area Transportation Authority buses, Pennsylvania
Chattanooga Southern Regional Alternative fuel bus program, Georgia
Chester County, Paoli Transportation Center, Pennsylvania
Chittenden County Transportation Authority buses, Vermont
Clallam Transit multimodal center, Sequim, Washington
Clark County Regional Transportation Commission buses and bus facilities, Nevada
Cleveland, Triskett Garage bus maintenance facility, Ohio
Clinton transit facility expansion, Iowa
Colorado buses and bus facilities, Colorado
Columbia Bus replacement, South Carolina
Columbia buses and vans, Missouri
Compton Renaissance Transit System shelters and facilities, California
Corpus Christi Regional Transportation Authority buses and bus facilities, Texas
Corvallis buses and automated passenger information system, Oregon
Culver City, CityBus buses, California
Dallas Area Rapid Transit buses, Texas
Davis, Unitrans transit maintenance facility, California
Dayton, Multimodal Transportation Center, Ohio
Daytona Beach, Intermodal Center, Florida
Deerfield Valley Transit Authority buses, Vermont
Denver 16th Street Intermodal Center
Denver, Stapleton Intermodal Center, Colorado
Des Moines transit facilities, Iowa
Detroit buses and bus facilities, Michigan
Dothan Wiregrass Transit Authority vehicles and transit facility, Alabama
Dulles Corridor park and ride, Virginia
Duluth, Transit Authority community circulation vehicles, Minnesota
Duluth, Transit Authority intelligent transportation systems, Minnesota
Duluth, Transit Authority Transit Hub, Minnesota
Dutchess County, Loop System buses, New York
El Paso Sun Metro buses, Texas
Elliott Bay Water Taxi ferry purchase, Washington
Erie, Metropolitan Transit Authority buses, Pennsylvania
Escambia County buses and bus facility, Alabama
Essex Junction multimodal station rehabilitation, Vermont
Everett transit bus replacement, Washington
Everett, Multimodal Transportation Center, Washington
Fairbanks intermodal rail/bus transfer facility, Alaska
Fairfield Transit, Solano County buses, California
Fayette County, intermodal facilities and buses, Pennsylvania
Fayetteville, University of Arkansas Transit System buses, Arkansas
Flint buses and bus facilities, Michigan
Florence, University of North Alabama pedestrian walkways, Alabama
Folsom multimodal facility, California
Fort Dodge, Intermodal Facility (Phase II), Iowa
Fort Worth bus and paratransit vehicle project, Texas
Fort Worth Transit Authority Corridor Redevelopment Program, Texas
Franklin County buses and bus facilities, Missouri
Fuel cell bus and bus facilities program, Georgetown University, District/Columbia
Gainesville buses and equipment, Florida
Galveston buses and bus facilities, Texas
Gary, Transit Consortium buses, Indiana
Georgia Regional Transportation Authority buses, Georgia
Georgia statewide buses and bus-related facilities, Georgia
Gloucester intermodal transportation center, Massachusetts
Grand Rapids Area Transit Authority downtown transit transfer center, Michigan
Greensboro multimodal center, North Carolina
Greensboro, Transit Authority buses, North Carolina
Harrison County multimodal center, Mississippi
Hawaii buses and bus facilities
Healdsburg, intermodal facility, California
Hillsborough Area Regional Transity Authority, Ybor buses and bus facilities, Florida
Honolulu, bus facility and buses, Hawaii
Hot Springs, transportation depot and plaza, Arkansas
Houston buses and bus facilities, Texas
Huntington Beach buses and bus facilities, California
Huntington intermodal facility, West Virginia
Huntsville Airport international intermodal center, Alabama
Huntsville Space and Rocket Center intermodal center, Alabama
Huntsville, transit facility, Alabama
Hyannis intermodal transportation center, Massachusetts
I–5 Corridor intermodal transit centers, California
Illinois statewide buses and bus-related equipment, Illinois
Indianapolis buses, Indiana
Inglewood Market Street bus facility/LAX shuttle service, California
Iowa City multi-use parking facility and transit hub, Iowa
Iowa statewide buses and bus facilities, Iowa
Iowa/Illinois Transit Consortium bus safety and security, Iowa
Isabella buses and bus facilities, Michigan
Ithaca intermodal transportation center, New York
Ithaca, TCAT bus technology improvements, New York
Jackson County buses and bus facilities, Missouri
Jackson J-TRAN buses and facilities, Mississippi
Jacksonville buses and bus facilities, Florida
Juneau downtown mass transit facility, Alaska
Kalamazoo downtown bus transfer center, Michigan
Kansas City Area Transit Authority buses and Troost transit center, Missouri
Kansas Public Transit Association buses and bus facilities, Kansas
Killington-Sherburne satellite bus facility, Vermont
King Country Metro King Street Station, Washington
King County Metro Atlantic and Central buses, Washington
King County park and ride expansion, Washington
Lackawanna County Transit System buses, Pennsylvania
Lake Tahoe CNG buses, Nevada
Lake Tahoe/Tahoe Basin buses and bus facilities, California
Lakeland, Citrus Connection transit vehicles and related equipment, Florida
Lane County, Bus Rapid Transit, Oregon
Lansing, CATA buses, Michigan
Las Cruces buses and bus facilities, New Mexico
Las Cruces intermodal transportation plaza, New Mexico
Las Vegas intermodal transit transfer facility, Nevada
Las Vegas South Strip intermodal facility, Nevada
Lincoln County Transit District buses, Oregon
Lincoln Star Tran bus facility, Nebraska
Little Rock River Market and College Station transfer facility, Arkansas
Little Rock, Central Arkansas Transit buses, Arkansas
Livermore Amador Valley Transit Authority buses, California
Livermore automatic vehicle locator program, California
Long Island, CNG transit vehicles and facilities and bus replacement, New York

Los Angeles County Metropolitan transportation authority buses, California

Los Angeles Foothill Transit buses and bus facilities, California

Los Angeles Municipal Transit Operators Coalition, California

Los Angeles, Union Station Gateway Intermodal Transit Center, California

Louisiana statewide buses and bus-related facilities, Louisiana

Lowell performing arts center transit transfer facility, Massachusetts

Lufkin intermodal center, Texas

Maryland statewide alternative fuel buses, Maryland

Maryland statewide bus facilities and buses, Maryland

Mason City Region 2 office and maintenance transit facility, Iowa

Massachusetts Bay Transportation Authority buses, Massachusetts

Merrimack Valley Regional Transit Authority bus facilities, Massachusetts

Miami Beach multimodal transit center, Florida

Miami Beach, electric shuttle service, Florida

Miami-Dade Northeast transit center, Florida

Miami-Dade Transit buses, Florida

Michigan State University campus boarding centers, Michigan

Michigan statewide buses, Michigan

Mid-Columbia Council of Governments minivans, Oregon

Milwaukee County, buses, Wisconsin

Mineola/Hicksville, LIRR intermodal centers, New York

Missoula buses and bus facilities, Montana

Missouri statewide bus and bus facilities, Missouri

Mobile buses, Alabama

Mobile waterfront terminal complex, Alabama

Modesto, bus maintenance facility, California

Monterey, Monterey-Salinas buses, California

Monterey, Monterey-Salinas transit refueling facility, California

Montgomery Moulton Street intermodal center, Alabama

Montgomery Union Station intermodal center and buses, Alabama

Mount Vernon, buses and bus related facilities, Washington

Mukilteo multimodal terminal ferry and transit project, Washington

New Castle County buses and bus facilities, Delaware

New Hampshire statewide transit systems, New Hampshire

New Haven bus facility, Connecticut

New Jersey Transit alternative fuel buses, New Jersey

New Jersey Transit jitney shuttle buses, New Jersey

New Mexico State University park and ride facilities, New Mexico

New York City Midtown West 38th Street Ferry Terminal, New York

New York, West 72nd St. Intermodal Station, New York

Newark Passaic River bridge and arena pedestrian walkway, New Jersey

Newark, Morris & Essex Station access and buses, New Jersey

Niagara Frontier Transportation Authority buses, New York

North Carolina statewide buses and bus facilities, North Carolina

North Dakota statewide buses and bus-related facilities, North Dakota

North San Diego County transit district buses, California

North Star Borough intermodal facility, Alaska

Northern New Mexico Transit Express/Park and Ride buses, New Mexico

Northstar Corridor, Intermodal Facilities and buses, Minnesota

Norwich buses, Connecticut

OATS Transit, Missouri

Ogden Intermodal Center, Utah

Ohio Public Transit Association buses and bus facilities, Ohio

Oklahoma statewide bus facilities and buses, Oklahoma

Olympic Peninsula International Gateway Transportation Center, Washington

Omaha Missouri River transit pedestrian facility, Nebraska

Ontonagon buses and bus facilities, Michigan

Orlando Intermodal Facility, Florida

Orlando, Lynx buses and bus facilities, Florida

Palm Beach County Palmtran buses, Florida

Palmdale multimodal center, California

Park City Intermodal Center, Utah

Pee Dee buses and facilities, South Carolina

Penn's Landing ferry vehicles, Pennsylvania

Pennsylvania Commonwealth combined bus and facilities, Pennsylvania

Perris bus maintenance facility, California

Philadelphia, Frankford Transportation Center, Pennsylvania

Philadelphia, Intermodal 30th Street Station, Pennsylvania

Philadelphia, PHLASH shuttle buses, Pennsylvania

Philadelphia, SEPTA Center City improvements, Pennsylvania

Philadelphia, SEPTA Paoli transportation center, Pennsylvania

Philadelphia, SEPTA Girard Avenue intermodal transportation centers, Pennsylvania

Phoenix bus and bus facilities, Arizona

Pierce County Transit buses and bus facilities, Washington

Pittsfield intermodal center, Massachusetts

Port of Corpus Christi ferry infrastructure and ferry purchase, Texas

Port of St. Bernard intermodal facility, Louisiana

Portland, Tri-Met bus maintenance facility, Oregon

Portland, Tri-Met buses, Oregon

Prince William County bus replacement, Virginia

Providence, buses and bus maintenance facility, Rhode Island

Reading, BARTA Intermodal Transportation Facility, Pennsylvania

Rensselaer intermodal bus facility, New York

Rhode Island Public Transit Authority buses, Rhode Island

Richmond, GRTC bus maintenance facility, Virginia

Riverside Transit Agency buses and facilities, California

Robinson, Towne Center Intermodal Facility, Pennsylvania

Sacramento CNG buses, California

Salem Area Mass Ttransit System buses, Oregon

Salt Lake City hybrid electric vehicle bus purchase, Utah

Salt Lake City International Airport transit parking and transfer center, Utah

Salt Lake City Olympics bus facilities, Utah

Salt Lake City Olympics regional park and ride lots, Utah

Salt Lake City Olympics transit bus loan project, Utah

San Bernardino buses, California

San Bernardino County Mountain area Regional Transit Authority fueling stations, California

San Diego MTD buses and bus facilities, California

San Francisco, Islais Creek maintenance facility, California

San Joaquin buses and bus facilities, Stockton, California

San Juan Intermodal access, Puerto Rico

San Marcos Capital Area Rural Transportation System (CARTS) intermodal project, Texas

Sandy buses, Oregon

Santa Barbara Metropolitan Transit district bus facilities, California

Santa Clara Valley Transportation Authority buses and bus facilities, California

Santa Clarita buses, California

Santa Cruz metropolitan bus facilities, California

Santa Fe CNG buses, New Mexico

Santa Fe paratransit/computer systems, New Mexico

Santa Marie organization of transportation helpers minibuses, California

Savannah/Chatham Area transit bus transfer centers and buses, Georgia

Seattle Sound Transit buses and bus facilities, Washington

Seattle, intermodal transportation terminal, Washington

SMART buses and bus facilities, Michigan

Snohomish County, Community Transit buses, equipment and facilities, Washington

Solano Links intercity transit OTR bus purchase, California

Somerset County bus facilities and buses, Pennsylvania

South Amboy, Regional Intermodal Transportation Initiative, New Jersey

South Bend, Urban Intermodal Transportation Facility, Indiana

South Carolina statewide bus and bus facility.

South Carolina Virtual Transit Enterprise, South Carolina

South Dakota statewide bus facilities and buses, South Dakota

South Metro Area Rapid Transit (SMART) maintenance facility, Oregon

Southeast Missouri transportation service rural, elderly, disabled service, Missouri

Springfield Metro/VRE pedestrian link, Virginia

Springfield, Union Station, Massachusetts

St. Joseph buses and vans, Missouri

St. Louis, Bi-state Intermodal Center, Missouri

St. Louis Bi-state Metro Link buses

Sunset Empire Transit District intermodal transit facility, Oregon

Syracuse CNG buses and facilities, New York

Tacoma Dome, buses and bus facilities, Washington

Tennessee statewide buses and bus facilities, Tennessee

Texas statewide small urban and rural buses, Texas

Topeka Transit offstreet transit transfer center, Kansas

Towamencin Township, Intermodal Bus Transportation Center, Pennsylvania

Transit Authority of Northern Kentucky (TANK) buses, Kentucky

Tucson buses, Arizona

Twin Cities area metro transit buses and bus facilities, Minnesota

Utah Transit Authority buses, Utah

Utah Transit Authority, intermodal facilities, Utah

Utah Transit Authority/Park City Transit, buses, Utah

Utica Union Station, New York

Valley bus and bus facilities, Alabama

Vancouver Clark County (SEATRAN) bus facilities, Washington

Washington County intermodal facilities, Pennsylvania

Washington State DOT combined small transit system buses and bus facilities, Washington

Washington, D.C. Intermodal Transportation Center, District/Columbia

Washoe County transit improvements, Nevada

Waterbury, bus facility, Connecticut

West Falls Church Metro station improvements, Virginia

West Lafayette bus transfer station/terminal (Wabash Landing), Indiana

West Virginia Statewide Intermodal Facility and buses, West Virginia

Westchester County DOT, articulated buses, New York

Westchester County, Bee-Line transit system fareboxes, New York

Westchester County, Bee-Line transit system shuttle buses, New York

Westminster senior citizen vans, California

Westmoreland County, Intermodal Facility, Pennsylvania

Whittier intermodal facility and pedestrian overpass, Alaska

Wilkes-Barre, Intermodal Facility, Pennsylvania

Williamsport bus facility, Pennsylvania

Wisconsin statewide bus facilities and buses, Wisconsin

Worcester, Union Station Intermodal Transportation Center, Massachusetts

Yuma paratransit buses, Arizona:

Provided further, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:

Alaska or Hawaii ferries;

Albuquerque/Greater Albuquerque mass transit project;

Atlanta North Line Extension;

Austin Capital Metro Northwest/North Central Corridor project;

Baltimore Central Light Rail double tracking project;

Boston North-South Rail Link;

Boston Piers Transitway phase 1;

Charlotte North-South corridor transitway project;

Chicago Metra commuter rail extensions;

Chicago Transit Authority Ravenswood and Douglas branch line projects;

Cleveland Euclid Corridor;

Dallas Area Rapid Transit North Central LRT extension;

Dane County, WI commuter rail project;

Denver Southeast Corridor project;

Denver Southwest LRT project;

Fort Lauderdale Tri-Rail commuter rail project;

Galveston rail trolley extension project;

Houston Regional Bus Plan;

Lahaina Harbor, Maui ferries;

Las Vegas Corridor/Clark County regional fixed guideway project;

Little Rock River Rail project;

Long Island Rail Road East Side Access project;

Los Angeles Metro Rail—MOS 3 and Eastside/Mid City corridors;

MARC expansion programs: Silver Spring intermodal center and Penn-Camden rail connection;

Memphis Area Transit Authority medical center extension;

Miami East-West Corridor project;

Miami North 27th Avenue corridor;

New Orleans Airport-CBD commuter rail project;

New Orleans Canal Streetcar Spine;

New Orleans Desire Streetcar;

Newark-Elizabeth rail link project;

Norfolk-Virginia Beach Corridor project;

Northern New Jersey—Hudson-Bergen LRT project;

Orange County Transitway project;

Orlando I-4 Central Florida LRT project;

Philadelphia Schuykill Valley Metro;

Phoenix—Central Phoenix/East Valley Corridor;

Pittsburgh Airborne Shuttle System;

Pittsburgh North Shore—Central Business District corridor;

Pittsburgh State II light rail project;

Port McKenzie-Ship Creek, AK ferry project;

Portland Westside-Hillsboro Corridor project;

Providence-Boston commuter rail;

Raleigh-Durham—Research Triangle regional rail;

Sacramento South Corridor LRT project;

Salt Lake City South LRT Olympics capacity improvements;

Salt Lake City South LRT project;

Salt Lake City/Airport to University (West-East) light rail project;

Salt Lake City-Ogden-Provo commuter rail project;

San Bernardino MetroLink extension project;

San Diego Mid Coast Corridor;

San Diego Mission Valley East LRT extension project;

San Diego Oceanside-Escondido passenger rail project;

San Francisco BART to Airport extension;

San Jose Tasman LRT project;

San Juan—Tren Urbano;

Seattle Sound Move Link LRT project;

Spokane South Valley Corridor light rail project;

St. Louis—St. Clair County, Illinois LRT project;

Tacoma-Seattle Sounder commuter rail project;

Tampa Bay regional rail system; and the

Twin Cities Transitways Corridors projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for alternatives analysis and preliminary engineering:

Atlanta—Lindbergh Station to MARTA West Line feasibility study;

Atlanta MARTA South DeKalb comprehensive transit program;

Baltimore Central Downtown MIS;

Bergen County, NJ/Cross County light rail project;

Birmingham, Alabama transit corridor;

Boston North Shore Corridor and Blue Line extension to Beverly;

Boston Urban Ring project;

Bridgeport Intermodal Corridor project, Connecticut;

Calais, ME Branch Rail Line regional transit program;

Charleston, SC Monobeam corridor project;

Cincinnati Northeast/Northern Kentucky rail line project;

Colorado—Roaring Fork Valley Rail;

Detroit—commuter rail to Detroit metropolitan airport feasibility study;

El Paso—Juarez international fixed guideway;

Girdwood, Alaska commuter rail project;

Harrisburg-Lancaster Capitol Area Transit Corridor 1 commuter rail;

Houston Advanced Transit Program;

Indianapolis Northeast Downtown Corridor project;

Jacksonville fixed guideway corridor;

Johnson County, Kansas I–35 commuter rail project;

Kenosha-Racine-Milwaukee rail extension project;

Knoxville to Memphis commuter rail feasibility study;

Los Angeles/City of Sepulveda Douglas Street Green Line connection;

Miami Metrorail Palmetto extension;

Montpelier-St. Albans, VT commuter rail study;

Nashua, NY-Lowell, MA commuter rail project;

New Jersey Trans-Hudson midtown corridor study;

New London waterfront access project;

New York Second Avenue Subway feasibility study;

Northern Indiana South Shore commuter rail project;

Old Saybrook—Hartford Rail Extension;

Philadelphia SEPTA commuter rail, R–3 connection—Elwyn to Wawa;

Philadelphia SEPTA Cross County Metro;

Salt Lake City light rail extensions;

Santa Fe/El Dorado rail link;

Stamford fixed guideway connector;

Stockton Altamont Commuter Rail;

Virginia Railway Express Woodbridge transit access station improvements project;

Washington, D.C. Dulles Corridor extension project;

Washington Metro Blue Line extension—Addison Road;

Western Montana regional transportation/commuter rail study; and the

Wilsonville to Washington County, OR connection to Westside.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND, MASS TRANSIT ACCOUNT)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: *Provided*, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,496,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $30,752,000, of which $575,000 shall be derived from the Pipeline Safety Fund, and of which $3,500,000 shall remain available until September 30, 2002: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,104,000, of which $4,704,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; and of which $30,000,000 shall be derived from the Pipeline Safety Fund, of which $16,500,000 shall remain available until September 30, 2001: *Provided*, That in addition to amounts made available for the Pipeline Safety Fund, $1,400,000 shall be available for grants to States for the development and establishment of one-call notification systems and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: *Provided*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $48,000,000, of which $43,000,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $15,400,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That any fees received in excess of $1,600,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,500,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $51,500,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of the Transportation Equity Act for the 21st Century (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapters 3 and 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for a section set forth in subsection (a)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $60,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $169,953,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit

Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's Federal aid-highway account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. Notwithstanding any other provision of law, no state shall receive more than 12.5 percent of the total budget resources made available by this Act to carry out 49 U.S.C. 5307, 5309, 5310 and 5311: *Provided*, That for purposes of this calculation the Federal Transit Administration shall include the appropriate state distribution of the funding provided to urbanized areas: *Provided further*, That the amounts recovered from such reductions shall be distributed equally: *Provided further*, That such reductions and increases shall be made only to the formula apportionments.

SEC. 322. Section 3021 of Public Law 105–178 is amended—

(1) in subsection (a)—

(a) in the first sentence, by striking "single-State";

(b) in the second sentence, by striking "Any" and all that follows through "United States Code" and inserting "The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code and sections 133 and 149 of title 23, United States Code"; and

(2) by adding at the end of section 3021, the following new subsection (c)—

"(c) GRANT REQUIREMENTS.—Notwithstanding any other provision of law, the Amtrak employees employed in the railroad passenger service authorized by this section shall be afforded the same labor protections afforded other Amtrak employees under the terms of their employment contracts.".

SEC. 323. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 324. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: *Provided*, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 325. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 326. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 327. Capital Investment grants funds made available in this Act and in Public Law 105–277 and in Public Law 105–66 and its accompanying conference report for the Charleston, South Carolina Monobeam corridor project shall be used to fund any aspect of the Charleston, South Carolina Monobeam corridor project.

SEC. 328. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 329. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 330. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 331. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $950,000, to remain available until September 30, 2001: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 332. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 333. None of the Funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts, until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 334. For purposes of funding in this Act for the Salt Lake City/Airport to University (West-East) light rail project, the nongovernmental share for these funds shall be determined in accordance with Section 3030(c)(2)(B)(ii) of the Transportation Equity Act for the 21st Century, as amended (Public Law 105–178).

SEC. 335. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after "Committee on Banking, Housing, and Urban Affairs of the Senate" the following: "and the House and Senate Committees on Appropriations".

SEC. 336. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105–178), as amended, is amended—

(1) in the subsection heading, by inserting "and New Jersey" after "Minnesota"; and

(2) by inserting "or the State of New Jersey" after "Minnesota".

SEC. 337. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the "fractional ownership" concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability, can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: *Provided*, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): *Provided further*, That the Secretary shall report to the House and Senate Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twenty-four months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision.

SEC. 338. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the "University") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or

(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed the national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 339. (a) PROHIBITION.—Except as provided in subsection (c), no recipient of funds made available under this Act may sell, or otherwise provide to another person or entity, personal information (as defined in 18 U.S.C. Section 2725(3)) contained in a driver's license, or in any motor vehicle record (as defined in 18 U.S.C. Section 2725(1)) without the express written consent of the individual to whom the information pertains.

(b) CONSENT.—No recipient of funds made available under this Act may condition or burden in any way the issuance of a motor vehicle record (as defined in 19 U.S.C. Section 2725(1)) upon the receipt of consent described in subsection (a).

(c) LAW ENFORCEMENT.—Subsection (a) does not apply to a law enforcement agency in any case in which the application of that subsection would hinder the ability of that law enforcement agency, acting in accordance with applicable law, to gain access to a driver's license or photograph of an individual.

SEC. 340. Notwithstanding any other provision of law, from funds provided in the Act, $10,000,000 shall be made available for completion of the National Advanced Driving Simulator (NADS).

SEC. 341. Notwithstanding any other provision of law, section 1107(b) of Public Law 102–240 is amended by striking "Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD" and inserting in lieu thereof the following: "For improvements to Bottom Road Bridge, Vinegar Hill Road Bridge and Southampton Road Bridge, Harford County, MD".

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2000".

WYDEN (AND OTHERS) AMENDMENTS NOS. 1625–1626

Mr. WYDEN (for himself and Mr. LAUTENBERG, and Mr. SHELBY) proposed two amendments to the bill, H.R. 2084, supra; as follows:

AMENDMENT NO. 1625

On page 65, line 22, before the period at the end of the line, insert the following: ": *Provided*, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: *Provided further*, That, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technolgically infeasible".

AMENDMENT NO. 1626

On page 65, line 22, before the period at the end of the line, insert the following: ": *Provided*, That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: *Provided further*, That, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication".

COVERDELL (AND CLELAND) AMENDMENT NO. 1627

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . NOISE BARRIERS, GEORGIA.

(a) USE OF APPORTIONED FUNDS.—Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers at the locations identified in section 1215(h) and item 967 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 211, 292).

(b) AMENDMENT OF THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—The Transportation Equity Act for the 21st Century is amended—

(1) in section 1215(h) (112 Stat. 211), by striking "west side" and inserting "east and west sides"; and

(2) in item 967 of the table contained in section 1602 (112 Stat. 292), by striking "west side" and inserting "east and west sides".

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

DORGAN AMENDMENT NO. 1628

Mr. BYRD (for Mr. DORGAN) proposed an amendment to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 132, between lines 20 and 21, insert the following:

SEC. 3 . NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION.

(a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "national forests" and inserting "National Forest System land";

(B) in paragraph (4), by striking "the national forests" and inserting "National Forest System land";

(C) in paragraph (5), by striking "forest resources" and inserting "natural resources"; and

(D) in paragraph (6), by striking "national forest resources" and inserting "National Forest System land resources"; and

(2) in subsection (b)(1)—

(A) by striking "national forests" and inserting "National Forest System land"; and

(B) by striking "forest resources" and inserting "natural resources".

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking "forestry" and inserting "natural resources".

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking "forestry" and inserting "natural resources"; and

(2) in the second and third sentences, by striking "national forest resources" and inserting "National Forest System land resources".

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking "forest resources" and inserting "natural resources"; and

(2) by striking "national forest resources" and inserting "National Forest System land resources".

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

GORTON AMENDMENTS NOS. 1629–1630

Mr. GORTON proposed two amendments to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1629

On page 14, line 6, strike "(22 U.S.C. aa–1)" and insert "(22 U.S.C. 2799aa–1)".

AMENDMENT NO. 1630

Insert at the end of Title III in H.R. 2466:

SEC. . INTERSTATE 90 LAND EXCHANGE.

(a) Section 604(a) of the Interstate 90 Land Exchange Act of 1998, 105 Pub. L. 277, 12 Stat. 2681–326 (1998) is hereby amended by adding at the end of the first sentence: "except title to offered lands and interests in lands described in section 605(c)(2)(Q, R, S, and T) must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a three year period beginning on the later of the date of enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld."

(b) Section 604(b) of the Interstate 90 Land Exchange Act of 1998, 105 Pub. Law 277, 12 Stat. 2681–326 (1998), is hereby amended by inserting after the words "offered land" the following: "as provided in section 604(a), and placement in escrow of acceptable title to the offered lands described in section 605(c)(2) (Q, R, S, and T)."

(c) Section 604(b) is further amended by adding the following at the end of the first sentence: "except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W½W½ of Section 16, which shall be retained by the United States." The appraisal approved by the Secretary of Agriculture on July 14, 1999 (the "Appraisal") shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4 and Township 20 North, Range 10 East, W.M., Section 32 during the Appraisal process in the context of the whole estate to be conveyed.

(d) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as provided in section 605(c) except that the Secretary also may equalize values through the following, including any combination thereof:

(1) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(2) to the extent sufficient acceptable lands are not available pursuant to paragraph (1) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

(e) The Secretary shall promptly seek to identify lands acceptable for conveyance to equalize values under paragraph (1) of subsection (d) and shall, not later than May 1, 2000, provide a report to Congress outlining the results of such efforts.

(f) As funds or lands are provided to Plum Creek by the Secretary; Plum Creek shall release to the United States deeds for lands and interests in land held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the exact reverse order listed in section 605(c)(2).

(g) Section 606(d) is hereby amended to read as follows: "the Secretary and Plum Creek shall make the adjustments directed in section 604(b) and consummate the land exchange within 30 days of enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date."

SEC. . THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999.

(a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled "Snoqualmie National Forest 1999 Boundary Adjustment" dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Snoqualmie National Forest, as adjusted by this subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

KYL AMENDMENT NO. 1631

Mr. GORTON (for Mr. KYL) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 33, line 18, after the period, insert the following: "Funds made available under this Act may be used to fund a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)) that shares a campus with a school that offers expanded grades and that is not a Bureau-funded school, if the jointly incurred costs of both schools are apportioned between the 2 programs of the schools in such manner as to ensure that the expanded grades are funded solely from funds that are not made available through the Bureau.".

REID AMENDMENT NOS. 1632–1633

Mr. BYRD (for Mr. REID) proposed two amendments to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1632

At the end of title I, insert the following:

SECTION 1. CONVEYANCE TO NYE COUNTY, NEVADA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Nye County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S. R. 49 E, Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(b) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B)E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

AMENDMENT NO. 1633

At the end of title I, insert the following:

SEC. . CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009-202) is amended by adding at the end the following:

"(e) FIFTH AREA.—

"(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of enactment of this Act, the city of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 27 north of Interstate Route 15.

"(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

"(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

"(iv) The portion of sec. 30 south of Interstate Route 15.

"(v) The portion of sec. 31 south of Interstate Route 15.

"(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

"(vii) The portion of sec. 33 north of Interstate Route 15.

"(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 5: NW ¼.

"(ii) Sec. 6: N ½.

"(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 25 south of Interstate Route 15.

"(ii) The portion of sec. 26 south of Interstate Route 15.

"(iii) The portion of sec. 27 south of Interstate Route 15.

"(iv) Sec. 28: SW ¼ SE ¼.

"(v) Sec. 33: E ½.

"(vi) Sec. 34.

"(vii) Sec. 35.

"(viii) Sec. 36.

"(3) NOTIFICATION.—Not later than 10 years after the date of enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

"(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

"(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

"(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

"(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

"(B) shall be available for use by the Secretary—

"(i) to reimburse costs incurred by the local offices of the Bureau of Land Managment in arranging the land conveyances directed by this Act; and

"(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

"(f) SIXTH AREA.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

"(ii) The portion of sec. 29 south of Interstate Route 15.

"(iii) The portion of sec. 30 south of Interstate Route 15.

"(iv) The portion of sec. 31 south of Interstate Route 15.

"(v) Sec. 32.

"(vi) Sec. 33: W ½.

"(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 4.

"(ii) Sec. 5.

"(iii) Sec. 6.

"(iv) Sec. 8.

"(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 1.

"(ii) Sec. 12.

"(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.".

LUGAR AMENDMENT NO. 1634

Mr. GORTON (for Mr. LUGAR) proposed an amendment to the bill, H.R. 2466, supra; as follows:

At the end of Title III, insert the following:

SEC. . Section 1770(d) of the Food Security Act of 1985 (7 U.S.C.. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));".

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1635

Mr. GORTON (for Mr. MURKOWSKI (for himself, Mr. BINGAMAN, and Mr. COCHRAN)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

Insert at the end of Title III the following new section:

"SEC. . None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof, including, but not limited to, the existing statutory mandate that life-cycle cost effective measures be undertaken at federal facilities to save energy and reduce the operational expenditures of the government.".

BREAUX (AND LANDRIEU) AMENDMENT NO. 1636

Mr. BYRD (for Mr. BREAUX (for himself and Ms. LANDRIEU)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 12, line 12, before the final period, insert the following: ": *Provided further*, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and through fiscal year 2000, for site-specific damages to National Wildlife Refugee System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources".

GORTON (AND OTHERS) AMENDMENT NO. 1637

Mr. GORTON (for himself, Mr. LEVIN, and Mr. DEWINE), proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 10, line 15, strike "$683,519,000" and insert "$684,019,000".

On page 10, line 16, after "herein," insert the following: "of which $400,000 shall be available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $300,000 shall be available for spartina grass research being conducted by the University of Washington, and".

JEFFORDS AMENDMENT NO. 1638

Mr. GORTON (for Mr. JEFFORDS) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 78, line 16, strike "$682,817,000" and insert "684,817,000".

On page 78, line 19, strike "$166,000,000" and insert "$168,000,000."

On page 78, line 24, strike "$133,000,000" and insert "$135,000,000."

CRAPO (AND OTHERS) AMENDMENT NO. 1639

Mr. GORTON (for Mr. CRAPO (for himself, Mr. BURNS, Mr. BAUCUS, and Mr. CRAIG)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 10, line 16, after "herein," insert "of which $500,000 of the amount available for consultation shall be available for development of a voluntary-enrollment habitat conservation plan for cold water fish in cooperation with the States of Idaho and Montana (of which $250,000 shall be made available to each of the States of Idaho and Montana), and".

BINGAMAN AMENDMENTS NOS. 1640–1641

Mr. BYRD (for Mr. BINGAMAN) proposed two amendments to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1640

On page 27, line 22, strike "$1,631,996,000" and insert "$1,632,596,000".

On page 29, line 10, after "2002" insert ": *Provided further*, That from amounts appropriated under this heading $5,422,000 shall be made available to the Southwestern Indian Polytechnic Institute and that from amounts appropriated under this heading $8,611,000 shall be made available to Haskell Indian Nations University".

On page 62, between lines 3 and 4, insert the following:

SEC. . BIA POST SECONDARY SCHOOLS FUNDING FORMULA.

(a) IN GENERAL.—Any funds appropriated for Bureau of Indian Affairs Operations for Central Office Operations for Post Secondary Schools for any fiscal year that exceed the amount appropriated for the schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs and the schools on May 13, 1999.

(b) APPLICABILITY.—This section shall apply for fiscal year 2000 and each succeeding fiscal year.

AMENDMENT NO. 1641

At the appropriate place, insert the following new section:

SEC. . YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS.

(a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, in order to increase the number of summer jobs available for youth, ages 15 through 22, on Federal lands:

(3) $4,000,000 of the funds available to the Forest Service under this Act; and

(4) * * * of the funds available to the Bureau of Land Management under this Act.

(b) Within six months after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following:

(i) the number of youth, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local, or nonprofit youth conservation corps or other entity such as the Student Conservation Association;

(ii) a description of the different types of work accomplished by youth during the summer of 1999;

(iii) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(iv) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(v) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1642

Mr. GORTON (for Mr. ABRAHAM (for himself, Mr. HATCH, Mr. THOMAS, Mr. GRAMS, Mr. CRAIG, Mr. MURKOWSKI, Mr. REID, and Mr. DORGAN)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 5, line 13, strike "$130,000,000," and insert "$135,000,000".

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1643

Mr. GORTON (for Mr. MURKOWSKI (for himself, Mr. LAUTENBERG, Mrs. BOXER, Mr. ROTH, Mr. DODD, Ms. LANDRIEU, Mr. CHAFEE, Mr. SESSIONS, Mrs. LINCOLN, Mr. LEAHY, Mr. KERRY, Mr. FEINGOLD, Mr. FRIST, Mr. GRAHAM, Ms. COLLINS, Mr. SMITH of New Hampshire, Mr. GREGG, Mr. MOYNIHAN, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. AKAKA, and Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 18, line 19 strike "program." and insert "program, and in addition $20,000,000 shall be available to provide financial assistance to States and shall be derived from the Land and Water Conservation Fund.

STEVENS AMENDMENT NO. 1644

Mr. GORTON (for Mr. STEVENS) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 17, line 19, strike "$221,093,000" and insert in lieu thereof "$216,153,000".

On page 82, line 13, strike "$2,135,561,000" and insert in lieu thereof "$2,138,001,000".

On page 90, line 3, strike "$364,562,000" and insert in lieu thereof "$367,062,000".

BINGAMAN AMENDMENT NO. 1645

Mr. BYRD (for Mr. BINGAMAN) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 78, line 17, insert after the comma "of which $1.6 million shall be for grants to municipal governments for cost-shared research projects in buildings, municipal processes, transportation and sustainable urban energy systems, and".

BYRD AMENDMENT NO. 1646

Mr. BYRD proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 17, line 22, strike "$4,000,000" and insert "$5,000,000."

GORTON AMENDMENT NO. 1647

Mr. GORTON proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 63, line 6, strike the period and insert in lieu thereof the following: ": *Provided*, That of the amount provided under this heading, $750,000 shall be used for a supplemental environmental impact statement for the Forest Service/Weyerhaeuser Huckleberry land exchange, which shall be completed by September 30, 2000."

REID AMENDMENT NO. 1648

Mr. BYRD (for Mr. REID) proposed an amendment to the bill, H.R. 2466, supra; as follows:

Starting on page 60, line 20 and continuing through page 62, line 3, strike SEC. 129 in its entirety and insert

"SEC. 129. WALKER RIVER BASIN. $200,000 is appropriated to the U.S. Fish and Wildlife Service in FY 2000 to be used through a contract or memorandum of understanding with the Bureau of Reclamation, for: (1) the investigation of alternatives, and if appropriate, the implementation of one or more of the alternatives, to the modification of Weber Dam on the Walker River Paiute Reservation in Nevada; (2) an evaluation of the feasibility and effectiveness of the installation of a fish ladder at Weber Dam; and (3) an evaluation of opportunities for Lahontan Cutthroat Trout restoration in the Walker River Basin. $125,000 is appropriated to the Bureau of Indian Affairs in Fiscal Year 2000 for the benefit of the Walker River Paiute Tribe, in recognition of the negative effects on the Tribe associated with delay in modification of Weber Dam, for an analysis of the feasibility of establishing a Tribally-operated Lahontan cutthroat trout hatchery on the Walker River as it flows through the Walker River Indian Reservation: *Provided*, That for the purposes of this section: (i) $100,000 shall be transferred from the $250,000 allocated for the U.S. Geological Survey, Water Resources Investigations, Truckee River Water Quality Settlement Agreement; (ii) $50,000 shall be transferred from the $150,000 allocated for the U.S. Geological Survey, Water Resources Investigations, Las Vegas Wash endocrine disruption study; and (iii) $175,000 shall be transferred from the funds allocated for the Bureau of Land Management, Wildland Fire Management."

STEVENS AMENDMENT NO. 1649

Mr. GORTON (for Mr. STEVENS) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 76, line 12 of the bill, insert the following before the paragraph beginning with the word "Of": "From any unobligated balances available at the start of fiscal year 2000, the amount of $11,550,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a three year timber supply."

LOTT AMENDMENT NO. 1650

Mr. GORTON (for Mr. LOTT) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 17, line 22, before the colon, insert the following: ", and of which not less than $1,000,000 shall be available, subject to an Act of authorization, to conduct a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, and".

GRAMS (AND WELLSTONE) AMENDMENT NO. 1651

Mr. GORTON (for Mr. GRAMS (for himself and Mr. WELLSTONE)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

At the end of Title I, insert the following:

SEC. II. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–14, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696, U.S.C., 460 zz.

KERREY AMENDMENT NO. 1652

Mr. BYRD (for Mr. Kerrey) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 13, line 9, after the word "expended" include: "of which to exceed $1,000,000 shall be available to the Boyer Chute National Wildlife Refuge for land acquisition."

On page 13, line 8, strike "$55,244,000" and insert "56,244,000".

BOND AMENDMENT NO. 1653

Mr. GORTON (for Mr. BOND) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 17, line 22 insert before the colon the following: ", of which $500,000 shall be available for the Wilson's Creek National Battlefield,".

HOLLINGS AMENDMENT NO. 1654

Mr. BYRD (for Mr. HOLLINGS) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 18, line 19 before the period insert the following: "and of which $200,000 shall be available for the acquisition of lands at Fort Sumter National Monument".

ABRAHAM AMENDMENT NO. 1655

Mr. GORTON (for Mr. ABRAHAM) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 10, line 16, after "herein," insert "of which $150,000 shall be available to Michigan State University toward creation of a community development database, and".

WARNER AMENDMENT NO. 1656

Mr. GORTON (for Mr. WARNER) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 24, at the end of line 10 insert the following before the comma: "*Provided further*, That not to exceed $198,000 shall be available to carry out the requirements of Section 215(b)(2) of the Water Resources Development Act of 1999".

GORTON AMENDMENT NO 1657

Mr. GORTON proposed an amendment to the bill, H.R. 2466, supra; as follows:

At the end of Title III of the bill, add the following:

SEC. . Each amount of budget authority for the fiscal year ending September 30, 2000, provided in this Act for payments not required by law, is hereby reduced by .34 percent: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act."

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health, Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, September 16, 1999, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Children's Health. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, September 14, 1999, in open session, to receive testimony concerning the sinking of the U.S.S. *Indianapolis* and the subsequent court-martial of Rear Admiral Charles B. McVay III, USN.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, September 14, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1052, the Northern Marianas Island Covenant Implementation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Education Readiness" during the session of the Senate on Tuesday, September 14, 1999, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Tuesday, September 14, 1999 beginning at 10:00 a.m. in Room 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President. The Committee on the Judiciary requests unanimous consent to conduct a hearing on Tuesday, September 14, 1999 beginning at 2:00 p.m. in Room 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "Slotting: Fair for Small Business & Consumers?" The hearing will be held on Tuesday, September 14, 1999, beginning at 9:30 a.m. in room 608 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. COVERDELL. Mr. President I ask unanimous consent that the Subcommittee on Energy Research, Development, Production, and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, September 14, for purposes of conducting a subcommittee hearing, which is scheduled to begin immediately after the full committee hearing. The purpose of this hearing is to receive testimony on S. 1051, a bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 14, 1999, at 9:00 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MURRAY B. LIGHT, EDITOR OF THE BUFFALO NEWS

• Mr. MOYNIHAN. Mr. President, Murray B. Light will end his career in journalism on September 19th, the 50th anniversary of his first day at The Buffalo News. Throughout his long and outstanding tenure at The News, he has had a profound influence on Buffalo and Western New York. He will be greatly missed.

Murray and I have been friends for many years. On one occasion, during my first term, Murray was kind enough to loan me his typewriter. I have a photo using it. They have long since switched to computers at The News, but I have yet to abandon my typewriter.

As The Buffalo News Editor, Murray B. Light has had an honored career. Stanford Lipsey, The News President and Publisher, said "The responsibility of editing a daily metropolitan newspaper is enormous. It involves critical and complex decisions made against stressful deadlines. Murray Light never faltered in his courage, principles or judgment. He has left his mark on this newspaper and the entire community. It has been both stimulating and satisfying to have worked with him these past 20 years."

I have long admired Murray's aggressive editorial style. Nearly 20 years ago, I said that The Buffalo News and The Courier Express "succeeded in making a not so simple point to the Congress of the United States: The leaking of hazardous chemicals at the Love Canal in Niagara Falls was not an isolated event but indeed the ominous warning of a national epidemic." This couldn't have been more right. They made the case for immediate passage of the Superfund Bill in 1980 and many more since then.

As I was often a guest of The Buffalo News at the annual Gridiron dinner, I had many opportunities to speak with Murray about our common concern of preserving Buffalo's architecture and historic buildings. Murray made efforts to secure funding for the Darwin Martin House. He also made outstanding contributions to save Louis Sullivan's marvelous Guaranty Building, surely the world's first skyscraper, and to the renovation of Kleinhans Music Hall. My Buffalo office is in the Guaranty Building. Saving it from destruction is one of my greatest achievements as a senator.

Murray is a patriot having served in the Army in World War II as part of the Pacific force. Thanks to the assistance of the GI Bill of Rights, he did graduate work at Medill School of Journalism at Northwestern University and earned a master's degree in 1949. He also was a member of the State Judicial Screening Committee for the Fourth Department and the State Fair Trial Free Press Conference. At the request of Gov. Mario Cuomo, he served on the New York State Temporary Commission on Constitutional Revision in 1994.

A native of Brooklyn and a graduate of Brooklyn college, Murray came to Buffalo in 1949 as a reporter. While at The Buffalo News, he worked as a copy editor, assistant city editor, assistant news editor, swing editor, makeup editor and news editor, and managing editor. Thirty years after he began working for The News, Warren E. Buffett named him editor and vice president. He became senior vice president in 1983. Murray and his wife of 45 years, Joan, have three children.

In a letter to Murray, Warren Buffett wrote: "From both a professional and a personal standpoint, you are the perfect person to be editor of The Buffalo News. I've always considered myself very lucky in having you there when I arrived in 1977."

Mr. President, in this spirit, I ask that Edward Cuddihy's article from The Buffalo News, be printed in the Record.

The article follows.

[From The Buffalo News, August 9, 1999]

Light to Retire as Editor After 50 Years at News

(By Edward Cuddihy)

Buffalo News Editor Murray B. Light, the only editor most of his newsroom staff members have ever worked for in Buffalo, announced Sunday that he will retire Sept. 19, ending an illustrious journalism career at The Buffalo News that spans a half-century.

Light, who also is senior vice president of The News, made the announcement "his way," not before a gathering of the public officials and civic leaders he has worked with for the past 30 years, but before about 1,200 fellow workers and their families at an employee appreciation picnic, amid the smell of hot dogs and the sounds of children.

Light's announcement came immediately after he was honored by News President and Publisher Stanford Lipsey on the upcoming 50th anniversary of Light's first day at The News. The actual date of that anniversary is Sept. 19, the day Light has chosen as his last day at The News.

In brief remarks, Lipsey said of Light: "The responsibility of editing a daily metropolitan newspaper is enormous. It involves critical and complex decisions made against stressful deadlines. Murray Light never faltered in his courage, principles or judgment.

"He has left his mark on this newspaper and the entire community. It has been both stimulating and satisfying to have worked with him these past 20 years."

Light's newsroom leadership began in 1969, the day this feisty young news editor was named managing editor for news. Since then, he set both the tone of the newspaper and the news agenda for the community.

During the past 30 years, Light has been on a first-name basis with governors, senators, congressmen, state legislative leaders, mayors, county executives and anyone else who might have, or wanted to have, an influence on Buffalo and Western New York.

Light's three all-consuming concerns have been The Buffalo News, which he recently described to one colleague as "my life," the City of Buffalo, his adopted hometown, and his newsroom staff with whom he agonized over the paper's failures as much as he gloried in its many triumphs.

Among those triumphs were the launching of the Sunday News, which he describes as "the most exhilarating challenge of my entire career"; the creation of the popular weekly entertainment section Gusto; and the development of the Sunrise Edition, which made The News one of the nation's all-day newspapers.

Light has been comfortable taking part in every aspect of the newspaper, whether it be his daily attendance at the Editorial Board meetings, where the newspaper's editorial page policy is developed, or his choosing of comics and puzzles for the back pages.

No matter what part of the newspaper he dealt with, his news instincts, often initially seen by his colleagues as a quick shot straight from the hip, usually proved impeccable. For example, Light's idea for Gusto initially was rejected by many as impractical and unnecessary. But Light persisted, and a generation later, nearly every metropolitan newspaper in the country has a section like Gusto, which proved to be popular beyond his imagination.

Light has been directing the morning and evening news meetings at which the editors decide which stories will be played on the front page since those meetings were initiated at The News 15 years ago. At times, an informal vote is taken on what editors describe as "a close call," but everyone around the table knows that only the single ballot at the head of the table counts.

Light, who will be 73 in October, runs the newsroom by the sheer force of his dominant personality. His enthusiasm for every detail, large or small, has been a hallmark of his career. He once told the story of his teen-age job in Brooklyn, operating a machine that inserted three pennies change into cigarette packs for vending machines. "No job is ever too small to demand your attention," he told young editors, adding with a smile that he nearly knocked his finger off when he let his concentration drift for a moment.

Only the fourth person to hold the title of editor at this newspaper during the 20th century, Light came to Buffalo and The News as a reporter in 1949. A native of Brooklyn, his first newspaper job was as campus correspondent for the old Brooklyn Eagle while he was earning his bachelor's degree at Brooklyn College.

He enlisted in the Army and was part of the force in the Pacific being readied for an invasion of Japan, a force that this country never needed to utilize. After his return, he did graduate work at Medill School of Journalism at Northwestern University under the GI Bill of Rights and earned a master's degree in 1949.

During his brief stint as a copy editor at the old New York World-Telegram, Light was hired by the legendary editor of The News, Alfred H. Kirchhofer, a man whom Light quotes to this day with the degree of respect and loyalty he has expected from his employees. Light worked as a copy editor, assistant city editor, assistant news editor, swing editor, makeup editor and news editor before being named managing editor for news in June 1969.

In October 1979, Light was named editor and vice president, and in 1983, he was named senior vice president.

Light recalls that in 1977, when investor Warren E. Buffett purchased The News, the amiable billionaire from Omaha, Neb., told Light he would never interfere in newsroom operations.

"And to this day, he has lived up to that pledge one hundred percent," Light said.

Among his memorabilia of 50 years is a carefully folded letter Light received from the chairman of The Buffalo News just prior to Light's 70th birthday.

Buffett wrote: "From both a professional and a personal standpoint, you are the perfect person to be editor of The Buffalo News. I've always considered myself very lucky in having you there when I arrived in 1977."

During Light's watch as managing editor and editor, he saw the transformation of American newsrooms from manual typewriters to word processors, and in the mid-80s, when many of his younger colleagues were balking at giving up their typewriters for computers, Light insisted that he be among the first to turn in his trusty Royal for the new invention.

Light has been characterized as an editor right out of "The Front Page," a hard-nosed, often irreverent newsman, hell-bent at getting the big story on the press. He has lived through tumultuous change in American journalism, but he has not altered his fundamental views on a newspaper's relationship with its readers.

Speaking to a group of advertising executives 20 years ago, Light summed up those views when he said:

"The News will not sensationalize to create a headline. We will not, through reference or emphasis, play to the emotions of a segment of our readership and in the process denigrate, dismay or demolish the reputation of a group—whether it be civic, political or ethnic * * *

"We will not use our news columns to reinforce and/or espouse the causes of our editorial page. The News wants to sell newspapers * * * but we will not attempt to do so by yielding to expediency and destroying our news integrity."

In January 1979, Light began writing a column, "Your Newspaper," in which he shared his views on the newspaper and its staff with the readers. Since then, he has written hundreds of such columns, which he keeps in a cardboard box in his office. Light said he plans to write a column for The News Sunday Viewpoints Section, starting this fall.

Light held offices and holds membership in a large number of professional organizations, including past president of the New York State Society of Newspaper Editors.

He also has been honored by scores of business, civic, social and charitable organizations. Never a man to court personal honors, one of his most treasured accomplishments was to be chosen by his peers to be part of the nominating jury for journalism's coveted Pulitzer Prizes, a post he held in 1990 and 1991.

Light served on the advisory council to the journalism department at St. Bonaventure University and has served on the Community Advisory Council of the University at Buffalo.

He is a member of the American Society of Newspaper Editors and the Associated Press Managing Editors Association. He also was a member of the State Judicial Screening Committee for the Fourth Department and the State Fair Trial Free Press Conference. Gov. Mario Cuomo appointed him to the New York State Temporary Commission on Constitutional Revision in 1994.

A staunch supporter of the City of Buffalo, Light and his wife of 45 years, Joan, moved from suburban Amherst in the 1970s to a home near the city's Allentown section and most recently to a condominium in the Waterfront Village community. Joan recently retired as vice president of Sovran Self Storage, Williamsville.

The Lights have three children. Lee, a registered nurse with the Buffalo Red Cross Chapter; Laura, a medieval scholar on the Harvard University faculty; and Jeffrey, deputy editor of the Orange County (Calif.) Register.

Light seeks to quench his life-long thirst for knowledge through reading. He recently told his colleagues, without as much as raising an eyebrow, that he reads "about a hundred books a year, give or take a few," in addition to newspapers, news magazines and professional journals.

In his younger years, Light would be hard-pressed to pass up a poker game, and he and Joan were regulars on the tennis court.

Just 19 years ago, Light was quoted as insisting he could never share his wife's fondness for golf. But in recent years, the Lights have been regulars on the golf course at Wanakah Country Club, where they are members. And this summer, the Lights were spectators at the British Open in Carnoustie, Scotland.

Murray B. Light has always had the ability to alter his view in the face of a persuasive argument made by someone he trusts—even an argument about golf.●

CONGRATULATING THE BROWNS AND THE CARSONS ON THE BIRTHS OF THEIR CHILDREN

● Mr. ALLARD. Mr. President, I would like to take a moment to recognize the endeavors of two staff members from my D.C. office who have been working especially hard to increase our Republican majority for the future.

Three weeks ago, Beth Brown, an employee of mine since I started in the Senate, and her husband Motte, who works for our esteemed President Pro Temp, became the proud parents of Sophie Isabelle Brown. She was born around 11 pm on August 25th at a healthy 7 pound and 2 ounces. This is their first child and my staff and I wish them all the happiness in the world.

I am also pleased to announce that just last week John and Eileen Carson brought their second baby girl into their family. Ainsley Jane Adeline Carson arrived September 2nd at 3:09 p.m., weighting 7 pounds and 3 ounces. John is a 5-year member of my staff and my Senior Legislative Assistant. They are doing very well and we extend our warmest wishes and congratulations to them also.●

DELAWARE STATE POLICE SUPERINTENDENT COLONEL ALAN D. ELLINGSWORTH

● Mr. BIDEN. Mr. President, I rise today to pay tribute to Delaware's top police officer—the Superintendent of the Delaware State Police, Colonel Alan D. Ellingsworth.

After one of the most distinguished careers in Delaware law enforcement history, Colonel Ellingsworth has retired following 24 years of service with the Delaware State Police. His life as a police officer began on August 1, 1975, when he was assigned as a road trooper at Troop 6 in Prices Corner. Moving up the ranks quickly, he worked in every major unit, including criminal investigations, as the officer-in-charge of the homicide unit and as a Troop Commander.

In May, 1994, he was promoted to Superintendent, where he has been a true leader for the citizens of Delaware, and a true partner and friend to me.

Mr. President, I want to mention something very near and dear to my heart, the 1994 Crime Law that I authored—it became a reality in Delaware thanks to Colonel Alan Ellingsworth. Under his leadership, the ranks of the Delaware State Police increased 10 percent, with a force of 525 officers today. With funding from the Crime Law, he not only put 60 more police officers on our streets—he established effective "Community Policing" units in Delaware's toughest neighborhoods. He personally tackled the drug problem in rural parts of Sussex and Kent Counties, creating new units to go into these poorer areas so that adult residents and their children knew the Delaware State Police were their friends and partners in "taking back their neighborhoods." And he sent a strong message to drug dealers and criminals—get out and stay out. His officers arrested the drug dealers and users, and helped direct the neighborhood kids to Boys and Girls Clubs and other constructive, supervised activities. I've seen these officers at work in these communities—it is remarkable how residents trust them. Equally impressive are the results.

His strategy has worked. Crime in Delaware is down 12 percent.

But there's much more to his story. In another of his initiatives, he used Crime Law grants to put non-uniform police in every high school as Youth Resource Officers. Again, students get the message that, one, violence, bullying, drugs, gangs and guns will not be tolerated; and second, police are role models, coaches and mentors.

Under Colonel Ellingsworth, the Delaware State Police have established Community Police sub-stations in shopping malls, local communities—even in a converted laundry room in an apartment complex in Georgetown, Delaware. The goal and message are simple: police need to be on the beat to help prevent and readily respond to crime.

Colonel Ellingsworth's legacy to the Delaware State Police is even deeper than his accomplishments in reducing crime. The Delaware Crime Statistical Center is now state-of-the-art. The State's crime data is linked with the National Crime Information Center. Delaware's Sex Offender Registry was created under his watch and with his persistent doggedness that Delaware get this system implemented efficiently and effectively.

During his tenure, Colonel Ellingsworth presided over the memorable 75th Anniversary of the Delaware State Police and successfully pursued the fund-raising, building and dedication of the new Delaware State Police Museum.

During his career, Colonel Ellingsworth has received numerous awards and commendations, including Trooper of the Year in 1979 and 1985—In the history of the Delaware State Police, he is the only officer who has been named Trooper of the Year twice. He also has received three Superintendent's Citations, and he was selected as the Crime Stoppers' Detective of the Year.

He is a 1988 graduate of the FBI's National Academy, and a 1987 graduate of the Pennsylvania State University Police Executive Development Institute.

As we like to say in Delaware, Colonel Ellingsworth is "home grown." He was born in Sussex County, a 1972 graduate of Sussex Central High School, received his bachelor and master's degrees from Wilmington College, and now lives in Bear with his wife Ann Marie and their three daughters, Amanda, Lauren and Megan.

Mr. President, it is my great privilege to honor Colonel Ellingsworth on his career as Delaware's top police officer. His officers are the first to say he has served as a real "trooper's trooper." He has been an officer who is tough as nails when solving a heinous crime, yet he always could be counted on as a sensitive shoulder of support to families of officers killed or injured in the line of duty. I will miss his counsel and advice, and I wish him and his family Godspeed, good health and good fortune in the years ahead.•

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, reappoints Robert C. Khayat, of Mississippi, to the Advisory Committee on Student Financial Assistance for a term beginning October 1, 1999, and ending September 30, 2002.

The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of Charles Sims, of Mississippi, to serve as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice William Keith Oubre.

ORDER FOR PRINTING—S.J. RES. 33

Mr. GORTON. Mr. President, I ask unanimous consent that S.J. Res. 33 be printed, as modified and passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 15, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 10 a.m. on Wednesday, September 15. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume debate on H.R. 2084, the transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, as a result of that action, for the information of all Senators, the Senate will convene at 10 a.m. tomorrow and immediately resume consideration of the transportation appropriations bill. By previous consent, there will be 1 hour of debate on two Wyden amendments, both on the subject of airline reporting, with votes to occur at 11 a.m. Further, amendments and votes are anticipated throughout tomorrow's session of the Senate.

For the remainder of the week, we hope the Senate can complete action on both the Interior and Transportation appropriations bills. I will state, Mr. President, that I am sure the Interior bill will be completed promptly after disposition of the Hutchison amendment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, September 15, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1999:

EXECUTIVE OFFICE OF THE PRESIDENT

Joshua Gotbaum, of New York, to be Controller, Office of Federal Financial Management, Office of Management and Budget, vice G. Edward DeSeve.

UNITED STATES SENTENCING COMMISSION

Joe Kendall, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001, vice David A. Mazzone, term expired.

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003, vice Deanell Reece Tacha, term expired.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999, vice Wayne Anthony Budd, resigned.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005. (Reappointment)

DEPARTMENT OF JUSTICE

John Hollingsworth Sinclair, of Vermont, to be a United States Marshal for the District of Vermont for the term of four years, vice John Edward Rouille, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, September 14, 1999*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

CHILD HEALTH INSURANCE LEGISLATION

Mr. PALLONE. Mr. Speaker, I am pleased to announce this morning that I will soon be introducing legislation to expand access to health insurance for children.

About 2½ years ago, Congress passed the State Child Health Insurance Program as part of the Balanced Budget Act. That program established a partnership between the States and the Federal Government, with the mission of making health insurance accessible to 5 million of the Nation's estimated 10 million uninsured children. The target population of that program was and remains parents who make too much to qualify for Medicaid but not enough to buy policies in the expensive individual market.

The program has been, by and large, a success. A significant number of children who would otherwise not have health insurance now have that insurance. As successful as that program has been, there is still, though, a considerable way to go. It was, after all, designed to provide insurance for only half of the Nation's uninsured children, and we must not forget the other half.

Mr. Speaker, last week Vice President GORE brought renewed attention to this issue, reminding everyone that the job is not done. In Los Angeles, he announced a plan he will be pursuing to make health insurance available to every child in the country by the year 2005.

I think it is important to note that the Vice President's observation that the State health insurance program needs to be expanded is a view shared by many, if not every State in the country. A number of States have already taken voluntary action to go beyond the terms of their partnership with the Federal Government to make their child health insurance programs accessible to as many children as possible.

In my home State of New Jersey, for example, the income eligibility threshold for participation in the program has been raised from 200 percent to 350 percent of the poverty level. That means in New Jersey a family of four with an income of about $57,500 would be eligible to participate in the program.

The State legislature in New Jersey has also passed a number of bills that would expand access and improve outreach, which has been a significant impediment for signing up eligible children in many of the States.

Mr. Speaker, the Vice President and the States have it right. We must pass a program to cover every child in the country, not just half the children. To that end, I will soon be introducing my own bill to further the momentum created by the States and the Vice President to address this vital national need.

Like the Vice President's plan, my bill will expand the CHIP program to children beyond those in families at 200 percent of the poverty level. It will, however, go a bit further than what the Vice President has proposed. Instead of expanding the program to include those at 250 percent of poverty, my bill will follow New Jersey's example and expand it to families at 350 percent of poverty. States that elect to increase the eligibility level to 350 percent would receive increased Federal funds to help meet the costs.

In addition, my bill will include two provisions to help boost enrollment in the program. The first will provide incentives for States to pass laws by a date certain to authorize hospitals to enroll on the spot eligible children who have been brought into the hospital for care.

The second measure would create an incentive for States to pass laws to facilitate the recruitment of eligible children who are not enrolled in the program. Like the measure in the New Jersey State Senate after which it is modeled, this provision will provide a financial incentive for schools, day care centers, and health clinics to recruit and enroll eligible children in State health insurance programs.

Mr. Speaker, these measures will go a long way towards helping more of the families who the program was intended to help who have so far been overlooked. Time has shown that while the kids program, the kids care program, has been successful, it will not be enough to insure all of America's uninsured children if the Federal Government fails to expand the program.

I look forward to collaborating with the Vice President to fashion a program that achieves our common goals. I hope all of my colleagues will join me in supporting a renewed effort to finish the job we started in 1997 so every family may live with the security of knowing that, at a bare minimum, their children will be taken care of.

CONGRESS' MOST IMPORTANT TASKS: TO BALANCE THE BUDGET AND PAY DOWN THE DEBT

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, as I went around my district during the August recess and listened to my constituents about what their primary concerns were, I heard the same statement, the same issue, over and over again in different forms but with the same message. That is that the single most important thing the Congress can do is balance the budget and pay down the debt.

As we head into September and October, the last 2 months of our session, that should be our number one priority. The budget is on the table. It is up for us to negotiate it and figure out what we ought to do with it. But the top priority in that process ought to be balancing the budget and paying down the debt.

We have an incredible opportunity to do this. When we think about where we were 5 or 6 years ago, the fact that deficits were over $200 billion, approaching $300 billion, with projections that they would get as high as $500 billion, running the overall debt up over $7 or $8 trillion, to have us down to the point where we are just this close to balancing the budget is a tremendous accomplishment.

I rise today primarily to urge this body to not snatch defeat from the jaws of victory as we negotiate this issue and all of the issues that have to do with government spending over the course of the next 2 months, let us stick to that goal of making sure that

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we balance this year's budget and get ourselves in a position to start paying down the debt.

There are a couple of issues that always challenge us on that. I think the biggest one is the so-called surplus. I saw ads on television over the break brought to us from Washington, D.C. talking about how there is a surplus in Washington. I hear this conversation continually.

One of the rules that I think we should pass in this body is to require all Members to accurately state the budget situation before they talk about any subject, any spending program, any tax cut. The budget situation is basically we have a $5 billion debt or deficit for the year, the fiscal year that will end on October 1. In fiscal year 1999 we are looking at a $5 billion deficit.

As I mentioned, that is a significant improvement, but it is still a deficit. All of those surpluses that we are talking about are projected out into the future. So let us not spend them before they actually show up, let us give an accurate picture of where we are at in the budget process, because if we go around telling people that we have some $6 trillion in surpluses, there is going to be momentum built to spend money. I think we need to give an accurate picture of where we are at fiscally.

Paying down the debt is the best thing we can do for this country. It can reduce interest rates, which will help business and individuals alike. All we need is the discipline to do it.

What I am asking in the next couple of months is that we actually do something historic and change the culture of this place. For too long people have looked to Congresspeople, or Congresspeople have thought this, anyway, and thought, the way I please my constituents is by passing out something to them, a program, a check, a tax cut, something. Whereas I think the single best thing that a Member of Congress can give to his or her constituents is a fiscally responsible, efficient government.

Let us make that the standard by which we judge our Members of Congress. Let us not do it program by program, check by check. Let us do it by the overall competence with which we run our government.

I will tell the Members, after having talked to my district and listened to my district for the last 3 years, there is a hunger for that type of leadership in this country. People want a Congress that talks to them straight about the fiscal picture, that performs their job in a responsible and efficient manner, does not simply come along and promise big, grand, high things for all the years to come. They are looking for that efficiency, for that responsibility.

As a Democrat and as a member of the New Democrat Coalition, I want my party, obviously, to be the one that gives it to them. But actually, my biggest hope is that both parties will recognize the desire for that and we will both give it to them, as we head towards the October 1 deadline for the next budget.

We have a great chance to get there. We have a strong economy, high growth, low unemployment, low inflation. We are headed in the right direction. I urge this body and my colleagues to do the work over the course of the next 2 months that gets us there, so we can all go back to our constituents and I think give them the most significant thing that any congressional body has given their delegation in years, and that is a balanced budget and a step towards paying down that huge Federal debt that many of us thought we would never have a chance to pay down.

Let us seize this opportunity and do what is right for the American people: balance the budget and pay down the debt.

THE SENATE GOP'S PROPOSAL FOR A 13-MONTH FISCAL YEAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. McDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, there are some times when we pick up the paper and we cannot believe what we are reading. I am looking at the Washington Post. The article is called: GOP Seeks to Ease Crunch With a 13-month Fiscal Year.

I came over to this floor because I want to put my name on record right here and now against this. I will tell the Members why. This is deja vu, for me. I was in the Washington State legislature in 1972 when they did what we call the light bulb snatch. We took the first month of the next year and pulled it into this year and said, now we have 13 months of money to spend in 12 months. That is exactly what some brilliant theorist over in the other body has conceived of as a way of avoiding being honest about this budget.

What happened in the State of Washington was that ultimately we lost our bond rating, and when I became chairman of the Committee on Ways and Means in 1983, I had to raise taxes to pay off this 13-month so we could get our bond rating back. When I read that they are going to do it in the United States Senate, that Republicans, the party of fiscal responsibility, those people who are really close with our money, they want to give it all back to us, are now going to create a fictitious, that is the word they use, "By creating this fictitious 13th month, the lawmakers would be able to spend $12 to $16 billion more."

This is Alice in wonder land run by the Republican party. When the Committee on Ways and Means in the year 2001 is in Democratic hand and I am sitting there, I do not want to have to clean up a mess created by people who will not be honest about the budget process.

I just was in my district, like the gentleman from Washington before me. I went to a liberal church talking about violence, and we talked about a variety of things in a forum. I asked them, how many of you want a tax break? Not a single person raised their hand, out of 150 people. They began to talk about it, and what 90 percent of them wanted to do was to pay down the debt. But no, what we see in the Senate is we do not want to be honest about doing what the President said, pay what we need in social security first, then strengthen Medicare, and then deal with whatever else we have to deal with.

I personally think the American people are ready to pay down the debt. They all understand that when they get additional money and their credit card is at $5,000, they do not go out and buy more, they pay down that credit card debt.

We have an enormous debt, and yet what we are doing here is like the county fair. There is a guy there with three walnut shells and a pea, under it and we move it around real fast and you are supposed to guess where the pea is. What this is is a shell game so that the American people will never understand what is happening here, except for the truth is right here, by creating this fictitious 13th month.

□ 0915

The people who thought it up ought to be ashamed of themselves. I do not know how they can go around and say that they are fiscally conservative and throw rocks at people like me who they call liberals.

I paid one of these off. I did what I had to do to be fiscally responsible. It makes me angry to see people starting down this road and if they lose control in here or lose control in the Senate, then suddenly it will be the Democrats' problem, we will have to fix it. And I object to that, and I object very strongly.

I think every Member ought to read this article and ask themselves do they want to be put in that kind of a box. Because at some point they have to pay it off. That debt is out there, and it has got to be paid; and by increasing it by 12 to $16 billion, we do not fix anything; we just make it worse.

So I urge everyone, Mr. Speaker, to read that article. And I will put this article in the RECORD so that we can have it there and everybody can see it and remember when we decided to start down this stupid path. There is no excuse for this. There can be an honest budget discussion in here, but it is going to require that the majority party talk to the minority party, have conferences, talk about what the issues are.

It can be done, but it is going to have to take both sides working together. And if it does not happen that way and we start down this path, they are on their own. I am against it from the very first day I see it in the paper.

Mr. Speaker, I include for the RECORD the article to which I referred.

[From the Washington Post, Sept. 14, 1999]

GOP CONSIDERS 13-MONTH FISCAL YEAR

(By Eric Pianih)

As they struggle to live within tough restrictions on how much they may spend, Senate Republicans have found another creative way to shoehorn popular domestic programs into next year's budget: declaring the coming fiscal year 13 months long instead of the usual 12.

By creating this fictitious 13th month, lawmakers would be able to spend $12 billion to $16 billion more for labor, health, education and social programs than they otherwise would be permitted under budget rules. Because the additional funds would not be technically released until immediately after the fiscal year ends, they would not count against the overall limits on federal spending next year.

"We all know we engage in a lot of smoke and mirrors," said Sen. Arlen Specter (R-Pa.), chairman of the Senate Appropriations subcommittee with jurisdiction over the programs. "But we have to fund education, NIH, worker safety and other programs. It's a question of how we do it."

The proposal—which has been embraced by Senate leaders—highlights how difficult it is for congressional Republicans to cut spending and live within tight budgets without resorting to what many experts describe as fiscal gimmickry. With the government awash in surpluses, there is certainly the money to pay for extra programs next year. But to do so would require breaking existing spending limits and, more than likely, dipping into extra money generated by the popular Social Security program—something both parties have pledged not to touch.

As a result, GOP lawmakers have struggled to find ways of spending money without technically breaking those limits. For instance, lawmakers already have classified spending on farms and the 2000 census as "emergency" spending not subject to existing rules. All told, lawmakers already have exempted nearly $28 billion in proposed spending next year from the existing budget limits.

The 13th-month gambit promoted by Specter has been used before on a smaller scale, but fiscal experts expressed concern that Congress would simply be putting off its day of reckoning by employing it on so large a scale.

"It avoids the problem, it doesn't solve the problem," said Robert Reischauer, former director of the Congressional Budget Office. "We will have spending caps in 2001 and 2002 as well, so all you've done is postponed and magnified the problem."

"They're degrading themselves and degrading the budget process by resorting to these budget gimmicks," added Robert L. Bixby, policy director of the Concord Coalition, a budget watchdog group.

While it is far from clear whether House Republicans or the White House will go along with the plan, the Senate's so-called "advance funding" proposal underscores lawmakers' desperation in trying to pass the largest and traditionally most contentious spending bill without breaking the budget deal that President Clinton and Congress agreed to in 1997.

Spending in the Labor-Health-Education bill includes funding for health and human services programs, the National Institutes of Health (NIH), job training, Head Start for disadvantaged youth and Pell grants for college students. Last year Congress could not come up with a bill that was acceptable to the administration until the last minute, when GOP leaders and the president negotiated a giant package that included nearly $20 billion of additional spending for domestic programs. GOP leaders felt burned by the arrangement and have vowed to avoid such a deal this year.

Not counting mandatory entitlement programs, spending for Labor-Health-Education programs totals roughly $92 billion this fiscal year. For next year, House leaders have essentially used the Labor-HHS bill as a piggy bank to finance other spending bills and have set aside only $73 billion for the bill itself, a cut of roughly $19 billion. Senate leaders have set aside a little more, $80.4 billion, for those programs.

If such reductions were sustained, House Democrats have warned that across-the-board spending cuts of as much as 32 percent would be required on education programs, Head Start, NIH grants, Job Corps, AIDS research and scores of other programs. Republicans and Democrats alike agree that the bill will have to be beefed up substantially—probably to this year's levels—to win passage and the president's signature.

"The bill as it is set up right now falls impossibly short of funding levels that are necessary to ensure even basic services in education, health and labor," said Linda Ricci, a spokeswoman for the Office of Management and Budget.

In the House, Majority Whip Tom DeLay (R-Tex.) is leading an effort to try to identify $16 billion or so of offsetting reductions in mandatory programs and other areas to finance the additional Labor-Health-Education programs, but so far he has reported little progress.

Rep. John Edward Porter (R-Ill.), Specter's counterpart on the House Appropriations Committee, has grown frustrated with the process and contends that Congress and the administration must face the reality that the 1997 budget agreement is no longer practical.

"I still believe in the end the caps are going to have to be raised, and the question is whether you do it honestly or whether you put into place all kinds of gimmicks, including emergencies and forward funding and the like," Porter said.

But Specter, Senate Appropriations Committee Chairman Ted Stevens (R-Alaska) and other Senate leaders see virtue in a budgetary maneuver that would ensure adequate funding for education and other programs next year and that meets the letter—if not the spirit—of the budget law. Because the non-Social Security budget surplus is supposed to be even larger in the following year, such a move could also make it easier to finance ongoing government programs without dipping into Social Security reserves.

"If the money can be pushed off to expenditures in 2001, that would give us the latitude of using that year's surplus without breaking the caps," Specter said.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, today the business of this House will focus on the question of campaign finance reform. It is indeed an important debate because the agenda of this Congress is being set by the special interest contributors that increasingly dominate our elections.

It is the American people who have to foot the bill for those special interests, and they foot it in many ways. Without a vote for genuine campaign finance reform, and that is the Shays-Meehan bipartisan campaign finance bill, which represents the only true reform, if it can be approved today without amendments. Without a vote for genuine campaign finance reform, pharmaceutical companies, who contribute to campaigns will determine whether our seniors ever get access to affordable prescription drugs.

Without a vote for genuine campaign finance reform, insurance companies will determine whether folks in managed care ever get their rights in a true, meaningful patients' bill of rights to hold the insurance companies accountable for their misconduct.

Without a vote for true and effective campaign finance reform, it will be the tobacco companies, who through their contributions determine whether we ever do anything to address the increase in nicotine addiction among our children.

Without an effective campaign finance reform embodied in the Shays-Meehan bill without amendments, it will be the gun manufacturers through their contributions, who will determine whether we ever address the question of gun violence in our society.

And certainly, as we have seen in this abominable, huge trillion-dollar tax cut proposed by the Republican leadership, unless we get effective campaign finance reform, it will be the special interests here in Washington, who continue to write loopholes for themselves in our Tax Code, designing it as a more and more complex code where the ordinary, hard-working American family has to pick up most of the cost of Government and the special interests manage to avoid paying their fair share.

The debate in this Congress today on this bill will determine on whether or not we really require complete disclosure by the so-called independent campaigns when they are really campaigning with unregulated, undisclosed money for a handful of special interest candidates.

Secondly, it will eliminate the soft money contributions, the unreported, unregulated, unlimited contributions that these same special interests, the pharmaceutical companies, the insurance companies, the tobacco lobbyists dump into these campaigns to tie up the Congress and to control its agenda.

I believe that what we need to do is not just some slight housekeeping amendments, as have been proposed, to thwart the Shays-Meehan bill, but we need a clean sweep of the system.

If the Shays-Meehan bipartisan campaign finance reform has any defect, the defect is that it does too little, not that it does too much. But it does represent an important first step on a bipartisan basis to overcome the deficiencies in our current system, which permit a stranglehold through special interest contributions on the operations of this Congress.

Doris Haddocks, a woman from New England, who has referred to herself as "Granny D," is 89 years old. She began a walk out in California. I believe she has about reached the Mississippi River, walking by herself across America, as an 89-year-old great grandmother, to speak out and draw attention to the need for reforming our campaign finance system and getting so much of this special interest money out of our system.

I would say to my colleagues that she has a better chance, a much better chance, of completing her walk step by step across the wide expanse of America, "from sea to shining sea;" she has a much better chance to accomplish that objective than this Congress does to ever escape special interest domination unless we reform our campaign finance system.

We need true, genuine reform. Without that reform, this Congress and its entire agenda will continue to be set largely on the basis of who gave how much to whom.

I believe that campaign finance reform, certainly the modest steps we propose today in the Shays-Meehan bipartisan campaign finance reform, will not correct every wrong in this Congress. But without real, meaningful, comprehensive reform, the American people will continue to be wronged by the special interests that dominate this Congress.

Let us approve bipartisan reform today.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 23 minutes a.m.) the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 10 a.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O give us peace, O give us hope,
O give us light above.
O God, from whom all blessings flow,
We thank You for your love.
Bring us faith and give us hope,
And keep us always true;
That whatever path we walk,
We walk that path with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DOGGETT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Mexico (Mr. UDALL) come forward and lead the House in the Pledge of Allegiance.

Mr. UDALL of New Mexico led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IMPORTANCE OF MINING INDUSTRY TO AMERICA AND ITS FUTURE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, unfortunately, there are some Members of this body that would like to eliminate the American mining industry. However, many of them do not realize how important this industry is to America and to its future.

Without the mining industry, we would not have the system of transportation that enables America to get to work and be productive. In fact, we would not have a refrigerator that preserves and keeps our food cold and would not have a bed to sleep in or even a house to live in, not to mention that the combined direct and indirect economic impact of the Nation's metal mining industry amounts to more than $112 billion per year.

The metal industry paid $523 million directly to State and local governments, $620 million in taxes and fees to the Federal Government, $7 billion to other businesses for supplies and almost $3.5 billion in wages and benefits. By the time this $11.6 billion circulates throughout the economy, the metal mining industry directly had a $112 billion impact on the Nation's economy.

Mining is not just about our quality of life, however, or the hard working families. It is also about the contributions it makes to medical advancements, our schools, neighborhoods, State and local and Federal Governments.

Mining is a partner with government, with communities all across America.

PASSING SHAYS-MEEHAN STRIKES A BLOW FOR DEMOCRATIC PRINCIPLES

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, today we have the opportunity to put democracy back in the hands of the people. Increasingly, the power of the special interests and big money have had their sway in the Congress. Now is the time to let the people's voices be heard. By passing the Shays-Meehan campaign finance reform bill, we will be striking a blow for Democratic principles. Shays-Meehan will restore confidence in our democratic system. It will inject new integrity into the process and it will assure us a more responsive and vibrant democracy.

Last year, a large bipartisan majority passed Shays-Meehan. We must have the courage to do the same this year. I urge my colleagues, Democrats, Republicans, Independents, to vote for passage of meaningful campaign finance reform.

INTRODUCTION OF A RESOLUTION ON EAST TIMOR

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, as chairman of the Subcommittee on Asia and the Pacific, this Member rises to advise his colleagues that he intends to introduce a resolution this afternoon regarding the institution in East Timor. Among its provisions, this resolution notes the abject failure of the government of Indonesia to fulfill its responsibility to guarantee the safety and security of the people of East Timor and calls on the government of Indonesia to terminate the current violence in East Timor.

The resolution also expresses the support of the House for a United Nations Security Council-endorsed multinational force for East Timor which, under duress, President Habibie has agreed to permit.

Australia is willing to lead this force and should be commended and supported. We need to get that force into East Timor now. The United Nations surely knew that some degree of violence would follow the announcement of the election results. It is a tragedy they were so unprepared for the rampage of the militia forces.

Given the human tragedy that has been unfolding in East Timor and the pressing need for the House to speak out for action against the violence and mayhem there, it is the intention of this Member to move this East Timor resolution through the Committee on International Relations and bring it to the House floor as expeditiously as possible.

Therefore, any colleagues who would like to be original cosponsors of this resolution should contact the subcommittee at 67825 this afternoon.

TRIBUTE TO CHICAGO JOURNALIST PHIL WALTERS

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, this morning I rise to pay tribute to the life of a respected journalist, a superb writer and a true Chicagoan. Phil Walters covered the streets of Chicago with his own unique style and in his own brilliant way. He shared Chicago's life and times with millions of television viewers for more than 30 years.

My relationship with Phil began some 30-odd years ago when as a reporter for NBC's Channel 5 he covered me in my work as a civil rights activist. Even then, as a young journalist, Phil's insightful reporting and the passion he brought to telling Chicago stories proved to be award winning. The man and his work will be long remembered and long cherished by Chicagoans for years to come.

Phil Walters passed on Sunday, September 12, 1999, and is survived by his wife Paula Weiss and his son Tyce. Our condolences are with his family and with his friends.

ELIMINATE THE MARRIAGE TAX PENALTY NOW

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker. I have often asked from the well of the House a basic question. That is, is it right, is it fair, that married working couples with two incomes pay higher taxes just because they are married? I have often asked, is it fair, is it right, that 21 million married working couples pay $1,400 more on average in higher taxes just because they are married?

Meet Michelle and Shad Hallihan, two Joliett school teachers, young people just starting a family, just had a baby. They suffer the marriage tax penalty just like 21 million other married working couples.

It is an issue of fairness, an issue of difference between right and wrong. The end of July, this House and the Senate voted to eliminate the marriage tax penalty for a majority of those who suffer it, benefiting over 21 million married working couples.

The President has an important choice. Is he going to help families like Michelle and Shad Hallihan, 42 million Americans who suffer the marriage tax penalty, or is he going to practice partisan politics?

I hope the President will join with us in a bipartisan effort to eliminate the marriage tax penalty by signing into law the Financial Freedom Act. Let us eliminate the marriage tax penalty.

ANTI-AMERICAN TRADE AND TAX POLICIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, remember the Singer sewing machines? Most married couples in America had one. Today the Singer Company filed bankruptcy in New York.

The Singer Company is now headquartered in Hong Kong. They make their sewing machines in Japan, Brazil, and Taiwan. It is called the New World Order, Mr. Speaker.

Here is how it works: American factories move overseas. They send their products back and sell them in America. If it does not work out, they go bankrupt and screw the American creditors. What a system.

I yield back all the anti-American trade and tax policies that this Congress continues to support and pass.

KEEP AND MAINTAIN ERISA, THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I would like to remind my colleagues of the many benefits of the Employee Retirement Income Security Act of 1974, better known as ERISA. After all, voluntary ERISA-based employer self-insured plans cover nearly 80 percent of the workers in this country.

ERISA retains the State's authority over the business of insurance. It also ensures that plans would be subject to the same benefit laws across the States. ERISA provides flexibility by allowing employers and employees to agree to choose a benefit package which best suits their needs. This approach keeps costs down because it allows them to do so without the government regulation that drives the costs up.

Make no mistake about it, the chief beneficiaries of preempting ERISA would be the trial lawyers. Consumers and employers will be left to pick up the bill for increased and often frivolous litigation.

Mr. Speaker, this Congress must ensure the patient's right to care, not the lawyer's right to bill.

NOW IS THE TIME TO CLEAN UP THE SPECIAL INTEREST MONEY MESS THAT DOMINATES OUR CAMPAIGNS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, today this House has an important opportunity to clean up the special interest money mess that dominates our campaigns. Approval of the bipartisan Shays-Meehan campaign finance reform legislation can go a long way in correcting some of the wrongs that dominate this Congress.

To get real change, however, we must approve this bill without any change. The amendments that are being offered, the substitutes, some of them appear to be direct, straightforward efforts to kill this legislation. Others of them are in seemingly innocuous form but the sole purpose of every amendment, every substitute, is to block reform.

Last year, the Republican leadership, every single Member of the Republican leadership of this House, voted against reform. And they managed to delay consideration of this bill, delay it long enough that they finally succeeded in killing it.

Today we call on them to join with us, to join with leaders on both the Republican and Democratic side, in support to reform, in cleaning up this mess, so that we can move forward to address the real issues that concern the American people.

THE PRESIDENT HAS BEEN MAKING THE CASE FOR THE REPUBLICAN TAX RELIEF BILL FOR MONTHS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a few thoughts on the President and our tax relief bill. If we listen to what the President has been saying, we will see that he has actually been making the case for this tax relief bill for months. The President says he supports seniors. So do we. That is why the Republican tax relief plan walls off and locks away Social Security trust fund monies for America's seniors.

The President says he supports America's farmers and ranchers. So do we. That is why the Republican tax relief bill eliminates the death tax for farmers and for small businesses so that they can pass the family farm or business on to the next generation.

The President says he supports working families. So do we. That is why the Republican tax relief plan reduces the marriage penalty tax.

The President says he is for reducing the Federal debt. So are we. That is why the tax relief bill pays down $2.2 trillion of the public debt. It also encourages savings and investments with other targeted tax cuts.

Mr. Speaker, I urge the President to listen to his own rhetoric, to join the cause in reducing the tax burden, the national debt, on all working Americans. Next year is an election year. Mr. President, this is the year for your opportunity to do something with bipartisan support.

THE BIPARTISAN CAMPAIGN REFORM ACT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, today we will be debating a piece of legislation that could more than any other single act put an end to the troubling cynicism of the American electorate, the Bipartisan Campaign Finance Reform Act. In our Nation, the birthplace of modern democracy, our citizens are less likely to vote than any other country in the rest of the industrialized world. While there are other factors that influence this disturbing trend, the perception that our elections are bought and sold rank at the top.

□ 1015

The numbers are staggering. In 1998, over $781 million was contributed to us, we, congressional candidates. In the last presidential election, the Clinton and Dole campaigns spent a combined $232 million. What has this got to do with free speech?

The time has come to restore some sanity to our electoral process. The leadership of the House is again trying to submarine the Shays-Meehan bill by making several poison pill amendments in order. That is why we must take the courageous decision today, Mr. Speaker, and pass the Shays-Meehan bill.

REAL REFORM COMES FROM OBEYING EXISTING LAW

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, to hear my colleagues on the left talk about it in concert with other folks at the other end of Pennsylvania Avenue, it is very interesting to hear all of these calls for campaign finance reform, because, in fact, mindful of these pleas at the other end of Pennsylvania Avenue I would equate them, Mr. Speaker, with Bonnie and Clyde in the midst of their crime spree calling a press conference to call for tougher penalties on bank robbery.

The fact is, Mr. Speaker, real reform first comes by obeying existing law. That is the problem this administration has never come to grips with in a variety of different areas. It would be good to obey existing laws. That is why they are already on the books.

Mr. Speaker, I hope the President enjoyed his round of golf today in the South Pacific. He came here in January and gave a State of the Union message and the next day went to Buffalo, New York and told the American people they could not be trusted with their money, and yet last week, he said he would trust the word of Puerto Rican terrorists and grant them clemency. How curious, Mr. Speaker, when the President of the United States will not trust the American people with their own money and yet trust the word of terrorists.

CAMPAIGN FINANCE REFORM REQUIRES TRUST OF THE PEOPLE IN GOVERNMENT

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, political consultants say campaign finance reform, in their words, does not poll. The opponents of campaign finance reform legislation think that if they prevent or water down this legislation, no one will notice. There will be no price to pay.

There will be a price to pay, Mr. Speaker. We face a crisis of trust in our Government.

America cannot deal successfully with the tough problems that face this legislature, taxes, Social Security, Medicare, unless we have the trust of the people.

The Shays-Meehan legislation on campaign finance reform is a very good and excellent first step in restoring trust in government.

ATTORNEY GENERAL JANET RENO IS RESPONSIBLE FOR WACO

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in 1993, the tragedy in Waco, Texas left many unanswered questions for Congress and the American public. One question remains, of course. What happened? Where does the responsibility lie?

In 1993, in April, Attorney General Janet Reno said, quote, "The buck stops with me," end quote. She took responsibility then for the Waco tragedy, but of course, now, it is shifting blame. Where is her responsibility for the information supplied to Congress and the American people?

It was reported in the Washington Times that the Justice Department omitted in its December 1993 report to Congress the one key page of information quote, "documenting the use of 40 millimeter tear gas project tiles at Waco," end quote. Now, it appears the Justice Department is saying they gave this information 2 years later, in 1995.

This latest revelation and other ones that will probably follow are just an indication that the Justice Department is not handling this situation well. There is incompetency in her department, and much of the information provided is not accurate. So I urge my colleagues to look at this question of responsibility and help us to get to the bottom of this matter.

Attorney General Reno should take full responsibility and not try to shift blame.

VOTE FOR SHAYS-MEEHAN AND DEFEAT POISON PILL AMENDMENTS

(Mr. DAVIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Florida. Mr. Speaker, we have an opportunity today to take an important step towards returning control of this Congress to the people and away from the special interests that have a disproportionate influence in Congress. This will be the Shays-Meehan bill that we will debate later today that will close two of the most gaping loopholes in our campaign finance system: soft money and sham issue ads.

Let us be clear about what opposition we face today. The leadership of this House has arranged for amendments to be offered that are very innocuous, but will have the effect of depriving the

House of Representatives from voting on Shays-Meehan. This is a disingenuous way to conduct the debate. We need to see through it today.

This is not a Democratic issue or a Republican issue; this is an American issue. Senator McCAIN is leading the fight in the Senate. We need to come together as Democrats and Republicans today. We need to have an open and honest debate on campaign finance reform and defeat the poison pill amendments that will be offered on the bill.

TAXES TODAY ARE SIMPLY TOO HIGH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, taxes today are simply too high. The average American pays $10,300 every year in taxes to all levels of government. That is more than the cost of food, shelter, and clothing combined. Yet President Clinton continues to reject tax relief for hard-working Americans.

If one is married and paying more in taxes than one should because of the IRS marriage penalty, the President says, tough. If one works hard all of their life to build a business so that one can pass it on to their kids only to fall victim to the death tax, he says, that is too bad.

Along with across-the-board tax cuts for all taxpayers, the Republican Congress wants to provide badly needed relief from the marriage penalty and do away with the death tax. But the President says he will veto that.

Rather than allow taxpayers to keep more of what they earn, he wants them to give more to Washington bureaucrats. By vowing to veto tax cuts, President Clinton is no longer rejecting badly needed tax relief, he is working his back on the hard-working American families.

A VOTE FOR SHAYS-MEEHAN IS A VOTE FOR A STRONGER DEMOCRACY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, when the founders created our democracy, they did not foresee soft money. They did not anticipate PACs, they did not know phrases like "lobbyists," "fund raiser" and "issue ad." They did not know they would become part of our political vocabulary. But what our forefathers did know was that the strength of our democracy would rest upon the courage of its inheritors. Today that courage is being tested. Mr. Speaker, today we are looking for men and women of mettle to pass meaningful campaign finance reform.

Campaign finance reform presents a very clear choice. Those who vote in favor of Shays-Meehan, which passed this body by a wide margin last year, vote to eliminate soft money from our campaigns. Those who obstruct campaign finance reform and try to attach their poison pills turn their backs on the American people's desire for a political system that is built vote by vote and not dollar by dollar.

This is a bipartisan problem, and it needs a bipartisan solution. Let us make our founders proud; let us support and pass Meehan-Shays, remove soft money from our campaigns, and strengthen our democracy for future generations.

MANAGED CARE REFORM

(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, I want to clear up an area of misunderstanding that some of my colleagues have, as well as some of the business community has concerning the bipartisan managed care bill.

I recently had a CEO of a major corporation from the Midwest and his lobbyist come into my office and say, if that bill comes law, it would mean the end of ERISA. I said, how so? He said, we would not be able to do a uniform benefits package for our employees across various State lines. I said, you know what? There is nothing in that bill that deals with mandated benefits. Nothing, nada, zero. There would still be ERISA if we passed this law.

Businesses that operate across State lines would still be able to do a uniform benefits package, and they would still be exempt from State mandates. The only thing this bill does in ERISA that is of consequence is that it says that if a health plan makes a medical decision that results in the injury to one of their subscribers that they are responsible for that, just like any insurer in the individual market today already is.

REAL REFORM VERSUS SHOW ME THE MONEY

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, nine out of 10 Americans support campaign finance reform; nine out of 10.

The simple fact is that the cost of running for federal office today is so great that candidates are forced to devote far too much time and effort to fund-raising, rather than dealing with the issues of importance to their constituents. We can eliminate soft money entirely, rid our society of the pollution caused by sham issue ads, and increase public disclosure of who is paying for what. It is real reform versus show me the money.

This is the crux of the argument today as the House will undertake the serious debate of reforming our system of financing political campaigns. The Shays-Meehan bill is real reform, eliminates soft money, increases disclosure and bans phoney issue ads.

The Republican leadership support the show-me-the-money approach. They argue for more money in the system and less reforms. Real reform versus show me the money. Support Shays-Meehan and show every American that the House supports real reform and not simply more money.

KUDOS TO SPEAKER HASTERT FOR BRINGING SHAYS-MEEHAN TO THE FLOOR

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, we owe a debt of gratitude to the Speaker of the House. There are many who said that this day would never come when we would get to vote on Shays-Meehan. But today, we will get to vote on real campaign finance reform. I was a fighter on the floor here last year for Shays-Meehan, and I will be that again today.

Let us give the Speaker of the House some credit. Remember, under the previous Speaker, we had to have a discharge petition to get this to the floor. This Speaker, by contrast, promised we would have a vote in September. He has kept that promise. And that is why we are here today.

One brief comment further on the merits. I only wish we could do more than Shays-Meehan. But what Shays-Meehan does that is so valuable is to plug two huge loopholes, one might even call them subterfuge, in existing law. The law says, an individual cannot give above $1,000 to a campaign. But the law allows you to give all you have to a political party for soft money, and then the party takes the money and spends it so as to help a candidate. You would not know the difference between the kind of ads they run, and a candidate's own ads.

The other loophole concerns ads that are supposedly on public issues, but turn out to be nothing but campaign ads. They escape the law because they do not use the magic words, "vote for" or "vote against."

That is what Shays-Meehan does, it plugs two loopholes. I wish we could do more, but it is a great start; and I conclude by complimenting Speaker HASTERT once again for keeping his word and giving us the chance to vote on this today.

A UNITED FRONT BRINGS REFORM

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, like the previous speaker, I too want to compliment the Speaker for giving us this opportunity to debate what I feel is the most important issue that we are going to bring up in this session of Congress, and that is the debate and the votes on meaningful campaign finance reform in order to return some credibility to our political process.

When I was first elected in 1996, the shortcomings of our current system became obvious to me. The tidal wave of money washing around during an election does not elevate political discord and contribute to the debate of ideas. It simply drowns out the voices of those who cannot afford to buy into the process. The big soft money contributions contribute to the perception that special interests have too much influence in the political process. And that perception is correct.

So here we are once again, attempting to right the wrongs of our current system. Drawing from the lessons from the previous session of Congress, the best chance we have for reform is represented by the Shays-Meehan bill. With a united front in the House, we can send a clear message to the Senate today that the time for reform is now.

The citizens of western Wisconsin have told me that our democracy belongs to the people, not to the large money special interests. They do not expect us to take no for an answer on this important issue of reforming the political process. I encourage my colleagues to support Shays-Meehan today and to oppose the "poison-pill" amendments and substitutes.

TIME FOR ACCOUNTABILITY FOR INTERNATIONAL MONETARY FUND

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, in the last Congress, this body at the urging of the administration approved $18 billion in new payments to the International Monetary Fund. At that time, some of us called for reforms to this flawed institution, reforms that would have required real transparency and would have provided greater accountability for the IMF. But at that time, the administration's position was that it was not the time to institute reforms, that it was critical to send the money first, they said, reform it later.

So that is what Congress did, not with my vote; but that is what Congress did. Congress sent a check for $18 billion, only to find out last month that billions of dollars in IMF loans to Russia, the fund's largest borrower over the last 7 years, likely was diverted and laundered through U.S. and other Western banks.

The IMF states that they have no evidence that their money is involved and that they are investigating. Well, it is time that this Congress conducts its own investigation and holds the IMF accountable. Its largest donors, the U.S. taxpayers, deserve no less.

□ 1030

EAST TIMOR CRISIS

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, it is Rwanda all over again. Thousands of people are being murdered in East Timor while the international community dawdles. I applaud the Australian government for volunteering its forces to peacekeeping efforts long before our own country recognized the need for action.

In a brutal takeover of East Timor over 20 years ago sanctioned by the United States, the people of East Timor have been subjected to an ethnic cleansing of one-third of the entire indigenous population. All the while the U.S. and Australian Armed Forces provided training to the very units that are on the rampage right now. Yet again, the U.S. Government has blood on its hands.

We apologize for Rwanda after letting 1 million innocents die. We apologize for Guatemala after condoning the brutal murders of even U.S. citizens. When will we apologize for East Timor, when it is too late?

Mr. Speaker, the time to act is now. The administration should stop dawdling and start packing to save the lives of the innocent East Timor people. What is taking this administration so long to get it right?

CAMPAIGN FINANCE REFORM

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise today in support of meaningful campaign finance reform and passage of the Shays-Meehan campaign finance reform bill. This Congress must act to restore public confidence and participation in our electoral system.

Today the House finally takes up this important debate. I urge my colleagues to support Shays-Meehan in its current form. The American public deserves a debate on meaningful reform, not a weak substitute disguised as reform. If we are to maintain public trust in our political process, we have a duty and an obligation to address this issue.

Let us ban soft money and stop the attack ads disguised as issue advocacy soft money pays for. Let us strengthen the Federal Election Commission and give it the teeth it needs to enforce campaign finance laws.

The American people are tired of politicians who talk about reform but do nothing to enact it. Let us show our constituents that this time we mean it. Let us pass this important piece of legislation.

AMENDMENTS AND SUBSTITUTES TO THE SHAYS-MEEHAN BILL WOULD WEAKEN CAMPAIGN FINANCE REFORM

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, almost every year since I have been in the House we have struggled to try to pass meaningful campaign finance reform, and this year is no different.

Ten poison pill amendments and substitutes have been introduced that are designed to weaken the Shays-Meehan bill. This bill is necessary to cut off the flow of unlimited and often undisclosed money into the Federal election system.

Specifically, the bill closes two primary loopholes through which this money flows into Federal campaigns, soft money and sham issue ads. All of us have received letters and phone calls from constituents who care about this issue and want this system cleaned up.

One of my constituents stated that as long as the fox has full access to the henhouse, he has no plans to repair the hole. So it goes with politicians, he said. He believes the only way campaign finance reform would happen would be to take it out of our hands.

Let us prove him wrong. Congress needs to close these loopholes now to stop the corruption of elections into the 21st century and to restore Americans' faith in their government. Vote yes on Shays-Meehan and no on the poison pill amendments.

TIME TO PASS THE SHAYS-MEEHAN BILL

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, I rise to speak in support of Shays-Meehan. This is one of the most important bills that this House will consider and I hope pass. The Nation is watching today. Individuals as well as the faith community, the League of Women Voters, Common Cause, and a host of others in my district and nationwide are committed to good, honest government, government where ordinary citizens could have a chance, through their participation in the political process, to have a voice and not be drowned out by the millions of dollars now available for only the rich.

We have had laws since 1907 and 1947 that forbid soft money from flowing into campaigns. However, the loopholes have been great and we need to close them. The Shays-Meehan bill closes the loopholes by blocking the present flow of unlimited soft money and unregulated contributions to the political parties. Shays-Meehan, our bipartisan bill, also blocks last-minute campaign ads that masquerade as issue ads.

The Nation is watching. Our constituents are watching. It is time to pass the Shays-Meehan bill.

AMERICA NEEDS TO INVEST IN ITS DEFENSE SYSTEMS

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, our military cannot fight one MRC, that is regional conflict, today. General Ryan shut down the Air Force that put 1 year of life on every aircraft from Kosovo.

Last week the press reported that the services are being hit with a $5 billion tax, due to a sudden loss of defense budget. We stood in the well on this floor and said that the President's budget was gimmicks.

He said that inflation would stay the same over the next 10 years, and so would fuel prices. They have gone up. Those prices cut $5 billion out of our defense system. The President knew it when he did it and he still did it, and when the Joint Chiefs said they needed $150 billion just to come up to fight two conflicts at the same time, the President said, I will give you a $1 billion offset, which means a net zero.

We need to invest in our defense systems and provide for our men and women the training and assets when we ask them to go into conflict.

NO RETURN TO ANNUAL DEFICITS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, just before Congress recessed for the August break, the majority Republicans passed the so-called Financial Freedom Act. I think a more appropriate name for the GOP tax plan should be "A Return to the Massive Annual Debt," or maybe "The Medicare Elimination Act."

I think the size of the GOP bill highlights the willingness to neglect the financial security of our Nation. Both Democrats and Republicans want tax cuts. The difference between the two parties is the Democrats want to make sure we save social security and modernize Medicare, including a prescription benefit for our senior citizens, at the same time trying to buy down our national debt, and, to follow my colleague, the gentleman from California, to make sure we modernize our military without adding to the national debt.

The Republican plan is a financial irresponsible scheme which would lead to higher taxes in the future, slow down our economy, and force huge deficits and massive tax increases on our children and grandchildren.

The American people know that the failure to address these issues today will only make the problems greater for the future. Whether we are talking about Medicare, social security, defense, let us not add to our national debt.

THE JOURNAL

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREEN of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 360, nays 41, answered "present" 1, not voting 31, as follows:

[Roll No. 408]

YEAS—360

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
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Northup
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Nussle
Olver
Ortiz
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Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
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Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
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Ramstad
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Rogan
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Stupak
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Jefferson
Jones (OH)
Kaptur
Kingston
Largent
Leach
McIntosh
Meehan
Obey
Porter
Pryce (OH)
Ros-Lehtinen
Serrano
Shaw
Spence
Taylor (NC)
Young (AK)

□ 1058

Mr. HALL of Texas and Mr. LAZIO changed their vote from "nay" to "yea".

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 408, I was unavoidably detained. Had I been present, I would have voted "yes."

APPOINTMENT OF CONFEREES ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. PELOSI moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2606 making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year 2000 be instructed to insist on the provisions of the House bill with respect to Indonesia limiting International Military Education and Training to "expanded military education and training only".

□ 1100

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to the rule, the gentlewoman from California (Ms. PELOSI) and the gentleman from Alabama (Mr. CALLAHAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is 11 o'clock a.m. in Washington, D.C. It is nighttime in East Timor; and families there and those who have been evacuated from East Timor are living with the suffering of the past week and longer, much of it perpetrated by the Indonesian military cooperating with the militias in Dili and the rest of East Timor.

The motion to instruct conferees I have offered today moves that the House insist on its position restricting military training to Indonesia to expanded IMET only. The Senate bill contains no such restriction.

Were it within the scope of my motion to instruct to cut off all military training to the Indonesian military, I would do so. But the constraints of the parliamentarian are such on my motion that I cannot.

Just as a matter of explanation, Mr. Speaker, the Department of Defense spends about $50 million a year on independent national military education and training. That is called IMET program.

The program provides a wide range of training to over 125 countries around the world. The training ranges from sending foreign officers to some of our many military schools for extended periods to training in basic military tactics and techniques.

In the past 10 years, with the changes in the world, Congress has insisted that the new programs be developed and carried out which deal with civil military relations and human rights awareness. These programs are called Expanded IMET and now take place in many countries with difficult problems, like Guatemala, El Salvador, and Indonesia. Indonesia receives $550,000 worth of IMET training in 1999 and 400,000 has been requested for 2000.

The purpose of my motion here today is to insist that the restrictions on the limited Expanded IMET only stay in place for the year 2000, FY 2000. As I said, I would prefer to cut all IMET to Indonesia, especially made clear by the recent events there. However, this is not within the scope of the two bills, as I mentioned, as currently drafted.

In fact, the President has suspended all military training and military-to-military contacts for the time being. Ensuring that Expanded IMET restrictions stay in place for all of FY 2000 will make that limitation a matter of law.

I believe it is important to send a strong signal to the Indonesian Government at this time, despite the apparent progress on allowing a United Nations peacekeeping force into East Timor. The horrifying events of the past week have shocked the world. They have indeed challenged the conscience of the world. We know that thousands of people have been killed. The systematic nature of this mayhem where young men, Catholic priests and nuns, and U.N. workers were in fact targeted by the militias speaks volumes about the depths of this problem.

I am indeed grateful that order seems to have been restored in East Timor, but at what cost and how many lives already lost? The terms of reference for the U.N. peacekeeping force are still under negotiation, as is the timing of their deployment. The Indonesian military is sending mixed signals about their willingness to cooperate with the U.N., and we need to keep the pressure on.

The people of East Timor chose independence and democracy, and the consequences have been dire for them. Instead of a democratic spirit prevailing there, violence reigns. No one can say with certainty to what degree the Indonesian military was culpable, but it is increasingly clear that either the military was involved directly in militia activity in East Timor or they failed to confront it.

Keeping the restrictions on Expanded IMET for Indonesia will at least put Congress on record as sending a signal to the Indonesian military that their behavior has been unacceptable. It also will send a signal to our own military that the suspension of the military-to-military contact program should remain in effect indefinitely.

I again want to repeat that I would prefer to go further in my motion today. I believe that all assistance programs for Indonesia should be seriously reviewed. Disbursements to Indonesia under the structural adjustment program to the IMF should be halted, and the international bank loans that go directly to the government should be suspended. These measures are necessary to demonstrate to the Indonesian Government that we will not tolerate the undermining of democracy in East Timor.

Others of my colleagues have motions to this effect, and I hope that they will come to the floor soon. If it had been possible from a parliamentary standpoint, we would have included many of those initiatives in this motion to instruct. But staying with what is within the scope of the two bills, I urge my colleagues to vote to support the motion to instruct conferees on this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not oppose the motion offered by the gentlewoman from California (Ms. PELOSI). I think that she echoes what we did here in the House, and that was to limit the IMET training in Indonesia to expanded military education and training only. This is exactly the reason and the purpose for the Expanded Military Education and Training program, which is to teach military leaders and military people in foreign countries something about human rights, to educate them with the ability to work with a civilian government. If Indonesia ever needed this assistance, it is now.

So I intend to support the motion of the gentlewoman to instruct to insist the Senate keep the language that we inserted in the House in our bill.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, I rise in strong support of the motion to instruct conferees and just remind Members that I have held hearings in my subcommittee on the U.S. cooperation with the Indonesian military and I find it appalling that we have been training, especially through the JCET program, many of the people, including those who are part of Kopassus, which is an infamous brigade, it is the Red Berets, it is their so-called elite, many of whom have been charged with very serious human rights violations, including the use of torture.

We had Pius Lustrilanang, one of those who was tortured by the Indonesian military, appear at one of our hearings, and he gave riveting testimony of the daily beatings that he endured at the hands of those people.

Where we come in, or where the United States I think has made a very serious error, is that we have trained, in sniper training, urban guerilla warfare, and other kinds of assistance to the very people in Kopassus and in other elements of the Indonesian military. And I asked our U.S. officials both in Jakarta, as well as at our hearings, did we keep track of those we trained. There is no list of those that we have trained.

Now there are several of those members who are under indictment. General Prabowo, who was the leader of Kopassus, has been sacked. But there are still very strong remnants of that kind of abusing authority still in place. We are seeing them now operate with impunity in East Timor.

Mr. CALLAHAN. Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I am very pleased to yield 4 minutes to the very distinguished gentlewoman from New York (Mrs. LOWEY) who has fought this fight over the years for the people of East Timor.

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of this motion and urge all of my colleagues to do the right thing for the courageous people of East Timor.

I am outraged at the current events in East Timor, whose people exercised their right to self-determination two weeks ago. Although the threats and intimidation of anti-independence groups ominously hung over their heads, nearly all eligible East Timorese voted for the referendum, with an overwhelming majority choosing independence from Indonesia over autonomy within it.

What should be a time of celebration for the East Timorese is instead a time of great terror. Anti-independence militia groups continue today to burn houses, places of worship, loot businesses and private homes, and brutally murder innocent civilians.

The U.N. Security Council delegation sent to Indonesia has cited strong evidence that the Indonesian military and police are complicit in this rampage. The chief U.N. human rights official has said that there are enough witnesses of the militias' heinous acts that a war crimes tribunal will likely be convened.

East Timorese refugees, still frightened for their lives, tell of planned, systematic massacres of young men and clergy.

We are witnessing a catastrophic violation of human rights. Initially President Habibie resisted international peacekeepers, insisting that the military could bring order to East Timor. Now Indonesia has agreed to the peacekeepers but needs more time to discuss the details. As Habibie hedges and delays, East Timor has run out of time. As Indonesia turns a blind eye, those who advocated a peaceful and democratic transition to independence violently perish.

Until the terror ceases, the United States and international financial institutions should continue the moratorium on aid to Indonesia. Until an international peacekeeping force reclaims East Timor and the Indonesian military leaves, not one iota of military assistance should be sent to Indonesia, not one Indonesian soldier should be trained by U.S. military personnel, not one dollar should prop up those responsible for this massacre.

Let us make clear that we are disgusted by Indonesia's utter disrespect for the tenets of democracy and the sanctity of human life. We have a responsibility to our partners in democracy in East Timor to be the loudest voice, the strongest voice in support of their courageous step towards independence. Let us not stand by as East Timor is destroyed and its people banished and murdered. As we have learned from history, the price of inaction is far too great.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN) who has just returned from East Timor.

Mr. MCGOVERN. Mr. Speaker, I rise in support of the motion to instruct conferees.

It is absolutely critical that U.S. and international pressure be maintained and increased on the Government of Indonesia and the Indonesian military. Instructing the conferees on the foreign aid bill to retain the House restrictions on IMET and expand the IMET is one modest but concrete action this House can take.

The U.S. has provided an estimated $148 million in weapons, ammunition, spare parts, and technical support to Indonesia since 1993. However, Indonesia and the U.S. have continued to maintain military training and officer exchange programs.

Those programs, costing about a half a million dollars per year, are now frozen as a result of the suspension of military relations announced last week by President Clinton.

Eighteen Indonesian military officers currently are studying at U.S. military facilities as part of the IMET program. Eleven are in a training program at the Center for Military Relations in Monterey, California. Six are studying English. And one officer is at an American war college.

This House has taken the lead in restricting IMET funding to Indonesia because of the brutal human rights records of its military. Today, more than ever, those restrictions must be extended and expanded.

Mr. Speaker, I was in East Timor at the end of August, just nine days before the referendum on independence. I traveled to Suai and Maliana. I spent a day with the parish priests in Suai, Father Hilario Madeira and Father Francisco Soares. I met with U.N. workers in Maliana. In Dili, I had dinner with Catholic Bishop Carlos Belo.

Every one of these people told me of their faith in the U.N. process, their commitment to vote, and their fears about violent retaliation following the vote. Those fears have now been realized.

Father Hilario and Father Francisco were murdered, shot down in their church as they tried to protect the people inside. Forty-five of the U.N workers in Maliana were massacred. The home of Bishop Belo has been burned to the ground. Thousands have been killed or forcibly removed, their fates unknown.

Dili has been destroyed, burnt to the ground, emptied of its people. And still the Government of Indonesia delays the deployment of international peacekeepers.

All of us in the international community have broken faith with the people of East Timor. They trusted us to protect them as they bravely voted for freedom. We must not fail them again.

I urge my colleagues to support the motion to instruct conferees.

I thank the gentlewoman from California (Ms. PELOSI) for her motion.

□ 1115

Ms. PELOSI. Mr. Speaker, earlier I mentioned other initiatives in Congress, one of them being advanced by the gentleman from Texas (Mr. BENTSEN), a leader on this issue. I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time and also commend her for offering this motion to instruct. Like her, I wish that it would go a little bit further. I as well as the gentlewoman from California and some others have introduced a bill that would direct representatives to both the IMF and the World Bank to use their voice and vote to oppose any additional funding under the IMF–G7 credit facility that was implemented last year to Indonesia until such time as the President can certify to the Congress that the situation has been peacefully resolved.

There are a number of us on the floor today who in the last year worked very hard for adding capital to the IMF to help follow through with this program to help Indonesia, to help Thailand, to help South Korea, because we believed it was in the best interest of the United States that we contain the Asian currency crisis because of what a large export market it is for us. I find myself very frustrated by the fact that Indonesia has continually failed to follow up to the requirements that the Congress put in, the requirements that the IMF and the World Bank have called for, and I think the situation in East Timor is the proverbial stick that broke the camel's back. The fact is, this is not a credit that the United States taxpayers should want to underwrite so long as the government and the military are willing to persecute the people of East Timor. And while we have had progress made over the weekend with the tacit inviting of a U.N. peacekeeping force, the fact is the details have not been worked out and the killing still goes on. Newspapers today report that the militias are being housed just across the border. So I think this issue is far from being resolved.

I think it is incumbent upon the Congress, including those of us who believed that U.S. involvement through the IMF–G7 package was the right thing to do, to now put pressure on the Indonesian government through this motion and motions such as those that I have introduced in order to restore some sanity and peace to East Timor and to get the Indonesian government back on the right track. Otherwise, I think the United States should want to have nothing to do with this government. I believe that we should be involved in world affairs and should be involved in the affairs over there, but we should not be involved in such actions as are taking place today.

I thank the gentlewoman for offering her motion and ask my colleagues to support it.

Ms. PELOSI. I thank the gentleman for his very fine statement.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY) who has been a champion on this issue in his service in the Congress and before.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentlewoman from California for yielding me this time and I want to commend her for the great work she has always done using her position in the committee to follow this issue closely.

In 1996, I traveled to East Timor. I went to Dili, and I saw the spot where hundreds lost their lives in the famous Santa Cruz cemetery massacre. Unfortunately, the tragedy of that massacre is occurring again today as we speak.

In 1996, I met with Nobel peace laureate Bishop Belo in his home. Now that home has been burned down, destroyed, by paramilitaries that are rampant in the region. Even nuns and priests and other religious leaders have been killed over the past week. It is time that we end this violence and take a real stand. The people of East Timor took a courageous stand themselves just a few weeks ago when they voted for independence. We owe them, these people desperate for freedom and democracy, a chance for peace.

Last week, I introduced legislation to show further support for the Timorese that calls for the suspension of financial and military assistance to Indonesia and a call for peacekeeping troops. Today's motion will ensure that we adhere to similar language that was already included in the Foreign Operations bill that my colleagues in that subcommittee so critically included. Again, we tried to persuade Indonesia with words, but words were not enough. The situation is critical. There is no time to wait. The lives of thousands are in the balance. We need to act. We need to act now. We need to pass this motion and pass it overwhelmingly and send a message to the Indonesian government that we will not abide by the way they are treating the East Timorese people.

Ms. PELOSI. I thank the gentleman for his fine statement.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the very distinguished ranking member of the full Committee on Appropriations who fought this fight long before many of us were even in Congress or on this committee.

Mr. OBEY. Mr. Speaker, I strongly support this motion and will vote for it, but I want to take this time to discuss my broader concerns about the budget crisis that we face.

As Members know, yesterday the Republican leadership indicated they wanted to solve the problem of our budget caps by providing for a 13-month fiscal year. I want to say today that I enthusiastically support that plan and I urge that the new month be named "Orwellian." The reason I say that is because George Orwell in his famous novel "1984" began that novel with the words, "It was a bright cold day in April and the clocks were striking 13."

I think there are 10 advantages of a 13-month year as the Republican leadership is suggesting.

First of all, everyone could take 8 percent off their age. Adding 1 month to the year reduces the number of years we have lived by 8 percent.

Second, we could bring back Ronald Reagan as President. By making this retroactive, we could arrange it so that it is 1984 all over again, which is what the Republicans have been trying to do for years. That would be appropriate, because it was with the Reagan budgets that the deficit first exploded and put us where it is today.

Third, it could add 30 more shopping days till Christmas. That would add immeasurably to economic growth, although it could cause the economy to overheat which might cause Alan Greenspan to raise interest rates.

Fourth, it could give every child in America 1 month more of summer vacation. That could add to economic growth in the tourist and resort industries as people have more time to travel.

Fifth, as an alternative we could add 1 month to the work year. That could add to worker productivity and raise economic growth that way.

Sixth, it would help at least two more major league baseball players to join Mark McGwire and Sammy Sosa in breaking Roger Maris' single season home run record because they would have 30 extra days to do it. That would bring millions of additional fans into the Nation's ballparks, and we would have millions more to add to the economic strength of baseball and to the economy in general.

Seventh, it would make all taxpayers happy by delaying tax filing deadlines by 1 month.

Eighth, it could give Republicans 1 extra month to complete their budget, although at the rate they are going, that probably would not make any difference.

Ninth, it could delay the Y2K problem by 1 month if the month is inserted before January.

And, tenth, it could prove that the Middle Age critics of Galileo were correct when they denied his theory that the earth circled the sun once every 12 months. They could thus join the Kansas school board in helping turn back the clock.

I would urge that we support the Republican leadership's proposal. It is the way out of this mess for everyone. And while we are considering that proposal, I hope we get serious and in fact pass the motion to instruct that the gentlewoman is proposing on the East Timor question today. It is a serious issue. We should not be providing military aid to Indonesia under these circumstances.

I thank the gentlewoman for yielding me the time.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK), another champion of democracy. It is no coincidence that Massachusetts comes to this debate so strong with their commitment to promoting democratic values throughout the world.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for yielding me this time.

That commitment is reinforced by the really quite admirable passion that Portuguese Americans feel as a sense of responsibility towards East Timor which had been a Portuguese colony and it is that which helps energize myself and my colleagues from Massachusetts and Rhode Island.

Two points. First, the Indonesian government should understand what a terrible price they are paying for this massacre. I offered an amendment to this bill in 1996 to cut IMET. I lost on the floor, because Members were not predisposed to be critical of Indonesia. Members felt Indonesia was a potentially valuable friend and ally. I do not criticize Members for changing their position. Events have changed. No one, I think, could have foreseen quite as much brutality as we have seen. Some of us were pessimistic, but the Indonesians managed to exceed even our worst fears. So what they are going to see when they compare the vote of 1996 to what I hope will be an overwhelming vote today is the price they have paid for this butchery, and they should understand that what we are saying is, they are on a very tenuous probation. No one is writing them off the face of the earth, but the heavy burden now is on the people and government of Indonesia to show that they understand how terribly they have misbehaved and for them to undo this.

Secondly, will the military please, the U.S. military, now stop telling us how these training programs inculcate respect for human rights. If the military has geostrategic reasons for wanting alliances with other militaries, then let us be honest about it. But the argument they give us that when they have relations with brutal and repressive regimes, they are doing it to civilize the military of those regimes, they are doing it to turn the military of those regimes into relative Peace Corps, they do not tell the truth. Indonesia was one of their best examples of how by this relationship they were encouraging a more civilized military, and no military in recent history has behaved in a more brutal and less civilized fashion.

So I hope both of those lessons are taken to heart by a very large vote in favor of the gentlewoman's instruction.

Ms. PELOSI. Mr. Speaker, kings of countries, leaders of tribes and very wealthy people, when they have their birthdays, they give gifts to others. I understand that our distinguished chairman had his birthday over the weekend and I was wondering if the very distinguished chairman would yield 10 minutes to me of his time in observation of his birthday for which we are all very grateful.

Mr. CALLAHAN. Mr. Speaker, since the gentlewoman recognized my birthday, I appreciate that very much, but I might tell her in response to what the gentleman from Wisconsin was talking about earlier on the 13 months. When you reach my age, maybe it is time for us to move to a 13-month year, because my next birthday would therefore be 30 days later. But if we are going to go to the 13 months, I would hope that they would make it in the summer rather than the winter because I do not like cold weather. So if we are going to move in that direction, I would encourage those that will be in charge of that decision to make the extra month maybe between August and September, rather than between, for example, January and February. But I will be happy to agree to the unanimous-consent request of the gentlewoman from California to take 10 minutes of my time, provided we talk about the situation in East Timor and we talk about expanded IMET training. I will be happy to agree to the gentlewoman's request.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the gentlewoman from California (Ms. PELOSI) will control 10 minutes of the time originally allocated to the gentleman from Alabama (Mr. CALLAHAN).

There was no objection.

Ms. PELOSI. Mr. Speaker, I thank the very distinguished gentleman, and I know I speak for every Member in the Chamber in wishing him a very happy birthday.

Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), a champion for democracy all over the world.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentlewoman, my colleague from California, for bringing this motion to the floor. She has championed human rights all over the world. I am delighted that she has given us this opportunity to speak out against the atrocities and the brutality that has taken place in East Timor.

Year after year, we are told by the military of this country that they are engaged in training programs with the military of other countries that cause that military establishment in those countries, in this case Indonesia, to respect human rights, to understand the chain of command, to respect civil authority and to benefit us through that relationship. Unfortunately we now see in East Timor just one in a continuation of tragedies where this has turned out to be fiction. It could be no further from the truth. What in fact we see is the involvement of those American-trained soldiers in the massacre, the slaughter and the brutality against their own citizens.

Earlier this year, we debated the School of the Americas where we saw this activity in South America and today now we see it in East Timor. Let us understand something, that the contacts that were supposedly established in East Timor and in Indonesia because of American military training never came about. They never came about because those phone calls were refused, those conversations were not paid attention to, they were not heeded until one thing happened, until the military had taken care of business in East Timor. And by taking care of business, we are talking about the burning and sacking of towns and homes, the destruction of people and the killing of people who voted for and supported the democracy movement, who voted for and supported a vote for freedom that was offered to them by their government.

□ 1130

They have thought it was offered in good faith. It turned out when they voted for freedom, they were then signing a death warrant on themselves. We are told of how systematically, systematically the military and militia with lists of names of people who supported democracy were taken from their homes and killed, in some cases killed in their homes in front of family and the members of the family were killed. This was a systematic extermination of the forces of democracy in East Timor, and we have got to quit kidding ourselves that somehow the continuation of expanded IMET, of IMET training to these forces, is bringing about democracy. It is bringing about a holocaust of people in East Timor.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for his excellent statement.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. HALL), really the conscience of this Congress.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentlewoman for her great work, and I just appreciate the chance to stand up in support of this motion.

I have been involved with this issue on East Timor since 1980. I remember when I was first on the Committee on Foreign Affairs and we took up the issue of East Timor, had hearings on it; and it is time that we speak together as a Congress and a government. We have not been together on this issue for all of these years. I think this is the time. I am hoping that the Senate will certainly adopt it.

Mr. Speaker, the other thing I wanted to say is that I have read with chagrin some of our officials and our Government saying that really East Timor belongs to Indonesia. The fact is that is not true. East Timor has been independent. Indonesia has been condemned many times in the United Nations, even by our own country relative to the annexation of East Timor when Indonesia moved in after 1975.

This is an important motion, I certainly support it, and I applaud the gentlewoman from California (Ms. PELOSI) who again has shown us what a wonderful Congresswoman she is, and I urge all Members to support this.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA). He lives closest to East Timor, and I am very pleased to yield to him.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I do want to thank her for giving me this opportunity for some comments concerning this very important issue, and I do want to wish the gentleman from Alabama a very happy birthday.

Mr. Speaker, the question of East Timor has been something that I have been following for many years. We have held hearings, and I want to thank the gentleman from New Jersey (Mr. SMITH), the chairman of our Subcommittee on International Operations and Human Rights, and despite all of these things, now all of a sudden it seems that East Timor is coming to bear.

The fact of the matter is, Mr. Speaker, East Timor was a former Portuguese colony, and when Portugal left this colony, the Indonesian military came and simply occupied it; and the saddest affair of all, Mr. Speaker, is the fact that 200,000 East Timorese were sacrificed, they were massacred, in 1974 when they took over this portion of the island; and the sad part about it, too, Mr. Speaker, is that we cannot afford to talk only about East Timor and ignore West Papua New Guinea, because both of these were former. And while I say that East Timor was a former colony of Portugal, but West Papua New Guinea was a former colony of the Dutch, but the Indonesian military simply came over and took over this place and was never recognized by the international community, and it was never recognized by our own country.

For 24 years, Mr. Speaker, this place has been trying over the years in getting the attention not only of our own Nation, but the international community, and finally, finally that we do not have the Cold War any more to contend with, now we are all worried about to say that because Indonesia is the fourth most populous country in the world and the country with the highest population as far as the Muslim religion is concerned; this is all irrelevant, Mr. Speaker. The fact of the matter is that these people, this military, has butchered these people, and it is about time that we do something about this, and I want to commend the gentlewoman from California (Ms. PELOSI) for offering this motion.

Mr. CALLAHAN. Mr. Speaker, I have no further speakers and, therefore, yield back the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON), our distinguished ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I will not take up the 2 minutes. I just want to commend the gentlewoman and the gentleman for agreeing on this language. This is a critical moment. There has to be a very clear and direct signal from the United States as there has been from the White House, from United States Congress, that America will not countenance this kind of behavior. The outrageous acts by the Indonesian military and government has to be answered, and I am glad to see the gentlewoman from California leading this effort today.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for his leadership and his statement.

Mr. Speaker, I want to begin my closing by commending the distinguished chairman of the committee for his cooperation on this motion to instruct. It is my understanding that the gentleman will not oppose, and I assume that means he will support the motion to instruct conferees, and for that I am very grateful because I think it is very important that whatever the content of the motion to instruct, that it have unanimous support, and while, as I said earlier, I would have gone further to cut off all military training to the Indonesian military, what is before us is what is allowed by the rules within the scope of the two bills that will be reconciled in conference.

So I look forward to working with the chairman in conference under his leadership on insisting on the House language when, as I anticipate, we carry this motion to instruct today.

In closing I just want to say again why it is so important. Our distinguished colleagues who have spoken here today have spent years toiling on the issue of East Timor. They are concerned because they are champions of human rights throughout the world, and as such East Timor has been an important issue. They have many Portuguese Americans living in their districts, and so, many of them have a heightened awareness, specifically of the sad situation in East Timor. They are aware of East Timor as it has been, and as it existed since the Portuguese left, leaving East Timor an independent country which was then immediately overtaken by the Indonesian military.

In our foreign operations bill over the years we have asked and tried to persuade the Indonesian Government to work with Bishop Belo for a peaceful resolution of the situation in East Timor. As has been mentioned by my colleagues, in the past week Bishop Belo, a Nobel prize winner, a Nobel peace laureate for his work for promoting democratic reform and autonomy or independence, as the case may be—it is now independence in East Timor, self determination in East Timor has had his house burned to the ground. The people who sought sanctuary there had to flee.

Never in the 400-or-so years of recent history of East Timor with all of the occupations that they have endured, including all the time the Japanese occupying that area, never were the religious institutions, establishments, treated in this fashion. My colleagues have gone into the number of people who have died, hundreds of thousands made homeless, hundreds of thousands evacuated in the last 10 days from East Timor. This is a moral blot on the world, as I said earlier, a challenge to the conscience of the world. Hopefully the world will rise to the occasion as we prepare to send in the U.N. troops.

But as we talk about that, the form that this motion takes is to confine the military training of the Indonesian military to expanded in IMET, and I want to spend a moment on that.

We have tried in our committee, those of us who have been working on this issue, to eliminate all military training by the U.S. military of the Indonesian military. Our military has said that we must go in there and train them, and they do not even want to confine it to Expanded IMET. Our military wants to train the Indonesian military. As a compromise we have included language that says if our military they trains them, it has to be on how a military functions in a civilian society and focus on respecting the human rights of people that they are dealing with there.

We have asked the U.S. military over and over for the policy justification for our training of the Indonesian military. None has come forward. What has come forward though is the overwhelmingly enthusiastic support by our military of this training which I think that whether or not, and I believe that the Indonesian military was very, very involved in the massacre that occurred in East Timor, but even for a moment if my colleagues say there is a question about that, that they did not cooperate with the militia. What did they do to stop this massacre?

A price in humanity has been paid in the last 10 days that could have been prevented. I think that I can say without any doubt that the U.S. military training of Indonesian military has been a failure, has been a failure. We fail to see also the policy justification for that military-to-military training.

I have asked and my chairman has very graciously agreed for our committee to have hearings on U.S. military training worldwide. We had that hearing. In advance of that hearing on our bill, we had asked for an accounting of this military training worldwide. We received volumes, but really not volumes of information that was very useful.

So today, surrounding this tragedy maybe at long last we will get enough awareness on the part of the Congress to examine what this program is about.

I call to my colleagues' attention another point, and that is even though this body by its vote forbade the military U.S. training of the Indonesian military except for Expanded IMET, our military went around the intent of Congress and trained the Kopassus under another program. Not IMET, but the JCET program, trained the Kopassus which is guilty of many atrocities in Indonesia and in East Timor. Our weapons were used against the people of East Timor.

So let us do this today. It is a small baby step in the motion to instruct, and hopefully the strong vote that it has will be a vote about confining to expanded IMET, that the conference will agree to that. But in addition to that, we must take a close look at the policy justification for this military-to-military training, and when Congress says it shall not take place or it should only take place under certain circumstances, that our military understand a civilian government as well and that they do not find other ways to go around it.

Since I have served on the Committee on Foreign Operations and on the Permanent Select Committee on Intelligence, I have constantly been called by our CINCPAC the present one, Admiral Blair, his predecessor and that admiral's predecessor to talk about the glories of our training of the Indonesian military. I did not believe it then, and I am absolutely certain that it has not been effective now. Witness what happened in East Timor.

So I am pleased to have the time to bring this motion to the floor. I thank my distinguished chairman for supporting the motion to instruct. I also thank him for giving us the forum to have the military training hearing that we had and hope now with all of this discussion that it will raise the consciousness of this body to the issue of IMET and military training, JCET, other military training, weapon sales and the military-to-military cooperation.

I want to commend the Clinton administration for its leadership in these past days in getting us to a point where now a U.N. peacekeeping force can go in. I want to commend them for suspending the military-to-military cooperation; but it is important for this body to act, put into law this confining of the military training to human rights activities and the role of a military in a civilian society.

With that, if I have any time left, Mr. Speaker, I would like to set aside 10 seconds, 10 seconds recognizing that we really do not have a 13th month here, 10 seconds of silence on behalf of all the people who have died in East Timor. This should be a grief to every person in the world, and I would ask for that 10 seconds.

Mr. FALEOMAVAEGA. Mr. Speaker, I join my esteemed colleague, Congresswoman PELOSI, on her motion to instruct conferees to maintain the House language on restrictions of IMET military assistance to Indonesia.

Like many of our colleagues, I am greatly disturbed and saddened by the brutal, violent response of the pro-Jakarta militia and Indonesian military to the overwhelming vote for independence demonstrated by the courageous people of East Timor. However, I am not at all surprised at the rampant killings, Mr. Speaker, as the Indonesian military has routinely used violence as a tool of repression.

Although the Timorese struggle for self-determination has received much publicity, Mr. Speaker, scant attention has been paid to the people of West Papua New Guinea who have similarly struggled in Irian Jaya to throw off the yoke of Indonesian colonialism. As in East Timor, Indonesia took West Papua New Guinea by force in 1963. In a pathetic episode, the United Nations in 1969 sanctioned a fraudulent referendum, where only 1,025 delegates handpicked and paid-off by Jakarta were permitted to participate in an independence vote. The rest of the West Papua people, over 800,00 strong, has absolutely no voice in the undemocratic process.

Since Indonesia subjugated West Papua New Guinea, the native Papuan people have suffered under one of the most repressive and unjust systems of colonial occupation in the 20th century. Like in East Timor where 200,000 East Timorese are thought to have died, the Indonesian military has been brutal in Irian Jaya. Reports estimate that between 100,000 to 300,000 West Papuans have died or simply vanished at the hands of the Indonesian military. While we search for justice and peace in East Timor, Mr. Speaker, we should not forget the violent tragedy that continues to play out today in West Papua New Guinea. I would urge our colleagues, our great nation, and the international community to revisit the status of West Papua New Guinea to ensure that justice is also achieved there.

Mr. Speaker, with respect to the events of the past week, the Indonesian Government should be condemned in the strongest terms for allowing untold atrocities to be committed against the innocent, unarmed civilians of East Timor. I commend President Clinton for terminating all assistance to and ties with the Indonesian military. The latest U.N. estimate are that up to 300,000 Timorese, over a third of the population of East Timor, have been displaced and it remains to be seen how many hundreds, if not thousands, have been killed in the mass bloodletting and carnage. A war crimes tribunal, as called for by UNHCR head Mary Robinson, is necessary to punish those responsible for the atrocities.

I further commend the decision of the United Nations to try to maintain its UNAMET operations in Dili, even if only with a skeletal staff. It was absolutely essential that international observers, such as the U.N., not desert East Timor or the likelihood of genocide against the Timorese people would have substantially increased. I am greatly disturbed to learn this morning that the UNAMET compound has been abandoned because of continuing attacks by Indonesian militia and military elements.

As to the issue of a U.N. or international peacekeeping force, I strongly support such an intervention in East Timor and commend Indonesian President Habibie for his decision this weekend to authorize entry. While Australia and New Zealand may take the lead in the formation of such a peacekeeping force, it is crucial that Southeast Asian nations, such as the Philippines, Malaysia, and Thailand, contribute significant troops to the effort, and I applaud the cooperation and commitment of these countries. Jakarta, however, should not be permitted to dictate which countries shall comprise and contribute to the international peacekeeping force.

It is clear the United States must also commit to this peacekeeping effort and not shirk its duty. Besides playing a significant role in supplying airlift capabilities and logistical support, I believe America should also contribute a small, if not symbolic, contingent of ground troops, which could easily be drawn from our substantial forces of U.S. Marines based in Okinawa.

With Indonesia being the fourth largest nation and the largest Muslim country in the world, which sits astride major sealanes of communication and trade—certainly we have substantial national interests in preserving stability in Indonesia and Southeast Asia, as well as preventing a U.N. initiative from turning into a catastrophic humanitarian disaster.

Moreover, Mr. Speaker, I believe that what has happened in East Timor—where the Indonesian military forces played a major role in the horrific violence—holds prophetic ramifications for the future of Indonesia as a whole. In front of the world, President Habibie has been humiliated by the inability to control his own military while Defense Minister General Wiranto's hand in the unfolding events in East Timor is still being questioned. It raises the question as to who is actually in control in Jakarta, and whether a civilian democratic government or military regime holds the reigns of power to Indonesia—now and for the future.

By its simple presence, Mr. Speaker, an international peacekeeping force in East Timor may well lend a hand in stabilizing not just that island but the fragile democracy that ostensibly governs Indonesia.

I thank the gentlewoman for her motion and urge our colleagues to support this important measure.

Mr. NADLER. Mr. Speaker, I rise today in strong support of the Motion to Instruct Conferees and to condemn the violence raging in East Timor. Sadly, on what should have been a joyous occasion, the free and democratic decision of the people of East Timor to become independent, violence erupted, and brought tragedy instead.

The stories we have heard from this region are heartbreaking—homes burned, young people shot and dumped in the sea, massacres by machete. The brutal tactics of anti-independence militias and members of the Indonesian military are truly horrific. Of course, our hearts go out to the people of East Timor for all they have endured. However, our sympathy is not enough. We must take action to ensure that such violence will not continue.

The government in Indonesia has been slow to bring an end to the violence in East Timor. President Habibie has finally agreed to allow an international peacekeeping force to enter East Timor and restore order. However, this alone will not do. Of course, I believe that we must supply humanitarian aid to the region, but we should discontinue our programs of military and economic assistance pending resolution of this crisis. while this motion to instruct conferees would not completely cut off military aid to Indonesia, it is an important first step. we must send a message that such violence is unacceptable and will not be rewarded with continued assistance.

On a personal note my constituent Alan Nairn, a journalist reporting on the situation in East Timor, was captured last night by the Indonesian military police. I have been working hard to ensure his immediate release and am hopeful that he will emerge unharmed.

I have closely monitored the situation in East Timor for years, and have consistently called upon the Administration to take bold steps to protect human rights and support the people of East Timor. I have long urged the United Nations to take an active interest in the plight of the East Timorese. In addition, I have called for International Military Education Training funding to be cut to Indonesia and I have opposed the sale of F-16 fighter planes to that nation on account of its poor human rights record.

The tragedy in East Timor has touched us all. I urge this House and the Clinton Administration to do all that it can to end the hostilities and ease the suffering of those in East Timor.

I urge the adoption of this motion.

Ms. PELOSI. Mr. Speaker, I yield back the balance of my time.

□ 1145

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore (Mr. Hastings of Washington). The question is on the motion to instruct offered by the gentlewoman from California (Ms. Pelosi).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PELOSI. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed until after the disposition of H.R. 1883 under suspension of the rules.

The point of no quorum is considered withdrawn.

IRAN NONPROLIFERATION ACT OF 1999

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1883) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology and for other purposes, as amended.

The Clerk read as follows:

H.R. 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nonproliferation Act of 1999".

SEC. 2. REPORTS ON PROLIFERATION TO IRAN.

(a) Reports.—The President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible information indicating that that person, on or after January 1, 1999, transferred to Iran—

(1) goods, services, or technology listed on—

(A) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev.3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev.3/Part 2, and subsequent revisions);

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

(C) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group;

(D) the Schedule One or Schedule Two list of toxic chemicals and precursors the export of which is controlled pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; or

(E) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(2) goods, services, or technology not listed on any list identified in paragraph (1) but which nevertheless would be, if they were United States goods, services, or technology, prohibited for export to Iran because of their potential to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems.

(b) Timing of Reports.—The reports under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, not later than 6 months after such date of enactment, and not later than the end of each 6-month period thereafter.

(c) Exceptions.—Any foreign person who—

(1) was identified in a previous report submitted under subsection (a) on account of a particular transfer, or

(2) has engaged in a transfer on behalf of, or in concert with, the Government of the United States,

is not required to be identified on account of that same transfer in any report submitted thereafter under this section, except to the degree that new information has emerged indicating that the particular transfer may have continued, or been larger, more significant, or different in nature than previously reported under this section.

(d) Submission in Classified Form.—When the President considers it appropriate, reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 3. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) Application of Measures.—Subject to sections 4 and 5, the President is authorized to apply with respect to each foreign person identified in a report submitted pursuant to section 2(a), for such period of time as he may determine, any or all of the measures described in subsection (b).

(b) Description of Measures.—The measures referred to in subsections (a) are the following:

(1) Executive order 12938 prohibitions.—The measures set forth in subsections (b) and (c) of section 4 of Executive Order 12938 shall be applied with respect to that person.

(2) Arms export prohibition.—The United States Government shall not sell to that foreign person any item on the United States Munitions List as in effect on August 8, 1995, and shall terminate sales to that person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(3) Dual use export prohibition.—The President shall deny licenses and suspend existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(c) Effective Date of Measures.—Measures applied pursuant to subsection (a) shall be effective with respect to a foreign person no later than—

(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 2(b);

(2) 90 days after the date required by section 2(b) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

(3) on the date that the report identifying the foreign person is submitted, if that report is submitted more than 60 days after the date required by section 2(b).

(d) Publication in Federal Register.—The application of measures to a foreign person pursuant to subsection (a) shall be announced by notice published in the Federal Register.

SEC. 4. PROCEDURES IF MEASURES ARE NOT APPLIED.

(a) Requirement To Notify Congress.—Should the President not exercise the authority of section 3(a) to apply any or all of the measures described in section 3(b) with respect to a foreign person identified in a report submitted pursuant to section 2(a), he shall so notify the Committee on International Relations of the House of Representatives and the Committee on Foreign

Relations of the Senate no later than the effective date under section 3(c) for measures with respect to that person.

(b) Written Justification.—Any notification submitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report submitted pursuant to section 2(a) that support the President's decision not to exercise the authority of section 3(a) with respect to that person.

(c) Submission in Classified Form.—When the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 5. DETERMINATION EXEMPTING FOREIGN PERSON FROM SECTIONS 3 AND 4.

(a) In General.—Sections 3 and 4 shall not apply to a foreign person 15 days after the President reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the President has determined, on the basis of information provided by that person, or otherwise obtained by the President, that—

(1) the person did not, on or after January 1, 1999, knowingly transfer to Iran the goods, services, or technology the apparent transfer of which caused that person to be identified in a report submitted pursuant to section 2(a);

(2) the goods, services, or technology the transfer of which caused that person to be identified in a report submitted pursuant to section 2(a) did not materially contribute to Iran's efforts to develop nuclear, biological, or chemical weapons, or ballistic or cruise missile systems;

(3) the person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, the person was identified in a report submitted pursuant to section 2(a) with respect to a transfer of goods, services, or technology described in section 2(a)(1), and such transfer was made consistent with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

(4) the government with primary jurisdiction over the person has imposed meaningful penalties on that person on account of the transfer of the goods, services, or technology which caused that person to be identified in a report submitted pursuant to section 2(a).

(b) Submission in Classified Form.—When the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 6. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

(a) Restriction on Extraordinary Payments in Connection With the International Space Station.—Notwithstanding any other provision of law, no agency of the United States Government may make extraordinary payments in connection with the International Space Station to the Russian Space Agency, any organization or entity under the jurisdiction or control of the Russian Space Agency, or any other organization, entity, or element of the Government of the Russian Federation, unless, during the fiscal year in which the extraordinary payments in connection with the International Space Station are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on International Relations and the Committee on Science of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Determination Regarding Russian Cooperation in Preventing Proliferation to Iran.—The determination referred to in subsection (a) is a determination by the President that—

(1) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(2) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate through the implementation of concrete steps a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems, including through the imposition of meaningful penalties on persons who make such transfers; and

(3) neither the Russian Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Space Agency, has, during the 1-year period prior to the date of the determination pursuant to this subsection, made transfers to Iran reportable under section 2(a) of this Act (other than transfers with respect to which a determination pursuant to section 5 has been or will be made).

(c) Prior Notification.—Not less than 5 days before making a determination under subsection (b), the President shall notify the Committee on International Relations and the Committee on Science of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of his intention to make such determination.

(d) Written Justification.—A determination of the President under subsection (b) shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

(e) Submission in Classified Form.—When the President considers it appropriate, a determination of the President under subsection (b), a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be submitted in classified form.

(f) Exception for Crew Safety.—

(1) Exception.—The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Space Agency or any organization or entity under the jurisdiction or control of the Russian Space Agency if the President has notified the Congress in writing that such payments are necessary to prevent the imminent loss of life by or grievous injury to individuals aboard the International Space Station.

(2) Report.—Not later than 30 days after notifying Congress that the National Aeronautics and Space Administration will make extraordinary payments under paragraph (1), the President shall submit to Congress a report describing—

(A) the extent to which the provisions of subsection (b) had been met as of the date of notification; and

(B) the measures that the National Aeronautics and Space Administration is taking to ensure that—

(i) the conditions posing a threat of imminent loss of life by or grievous injury to individuals aboard the International Space Station necessitating the extraordinary payments are not repeated; and

(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life by or grievous injury to individuals aboard the International Space Station.

(g) Service Module Exception.—(1) The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Space Agency, any organization or entity under the jurisdiction or control of the Russian Space Agency, or any subcontractor thereof for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module if—

(A) the President has notified Congress at least 5 days before making such payments;

(B) no report has been made under section 2 with respect to an activity of the entity to receive such payment, and the President has no information of any activity that would require such a report; and

(C) the United States will receive goods or services of value to the United States commensurate with the value of the extraordinary payments made.

(2) For purposes of this subsection, the term "maintenance" means activities which cannot be performed by the National Aeronautics and Space Administration and which must be performed in order for the Service Module to provide environmental control, life support, and orbital maintenance functions which cannot be performed by an alternative means at the time of payment.

(3) This subsection shall cease to be effective 60 days after a United States propulsion module is in place at the International Space Station.

(h) Exception.—Notwithstanding subsections (a) and (b), no agency of the United States Government may make extraordinary payments in connection with the International Space Station to any foreign person subject to measures applied pursuant to—

(1) section 3 of this Act; or

(2) section 4 of Executive Order 12938 (November 14, 1994), as amended by Executive Order 13094 (July 28, 1998).

Such payments shall also not be made to any other entity if the agency of the United States Government anticipates that such payments will be passed on to such a foreign person.

SEC. 7. DEFINITIONS.

For purposes of this Act, the following terms have the following meanings:

(1) Extraordinary Payments in Connection With the International Space Station.—The term "extraordinary payments in connection with the International Space Station" means payments in cash or in kind made or to be made by the United States Government—

(A) for work on the International Space Station which the Russian Government pledged at any time to provide at its expense; or

(B) for work on the International Space Station, or for the purchase of goods or services relating to human space flight, that are not required to be made under the terms of a contract or other agreement that was in effect on January 1, 1999, as those terms were in effect on such date.

(2) FOREIGN PERSON; PERSON.—The terms "foreign person" and "person" mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(3) EXECUTIVE ORDER 12938.—The term "Executive Order 12938" means Executive Order 12938 as in effect on January 1, 1999.

(4) ADHERENT TO RELEVANT NONPROLIFERATION REGIME.—A government is an "adherent" to a "relevant nonproliferation regime" if that government—

(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(A);

(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 2(a)(1)(B), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;

(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(C);

(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 2(a)(1)(D); or

(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 2(a)(1)(E).

(5) ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN SPACE AGENCY.—(A) The term "organization or entity under the jurisdiction or control of the Russian Space Agency" means an organization or entity that—

(i) was made part of the Russian Space Agency upon its establishment on February 25, 1992;

(ii) was transferred to the Russian Space Agency by decree of the Russian Government on July 25, 1994, or May 12, 1998;

(iii) was or is transferred to the Russian Space Agency by decree of the Russian Government at any other time before, on, or after the date of the enactment of this Act; or

(iv) is a joint stock company in which the Russian Space Agency has at any time held controlling interest.

(B) Any organization or entity described in subparagraph (A) shall be deemed to be under the jurisdiction or control of the Russian Space Agency regardless of whether—

(i) such organization or entity, after being part of or transferred to the Russian Space Agency, is removed from or transferred out of the Russian Space Agency; or

(ii) the Russian Space Agency, after holding a controlling interest in such organization or entity, divests its controlling interest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider the Iran Nonproliferation Act of 1999, H.R. 1883, which the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. BERMAN), and I introduced on May 20 of this year.

This bipartisan legislation currently has almost 230 cosponsors and just last week it was reported unanimously by both our Committee on International Relations and our Committee on Science.

The purpose of our legislation is to reverse the very dangerous situation confronting us today in which firms in Russia, in China, in North Korea and elsewhere are transferring to Iran goods, services, and technology that will assist in the development of weapons of mass destruction and missiles capable of delivering such weapons.

In the hands of a rogue state like Iran, these weapons pose a clear and present danger, not only to our friends and allies in the region but also to the tens of thousands of our military personnel in the Persian Gulf and in adjacent areas.

The proliferation of these technologies to Iran has been going on for a number of years. And to its credit, the administration has worked to try to stop this kind of proliferation, but all available evidence indicates that to date their efforts have failed.

The proliferation is as bad today as it has ever been. With support from key supplier nations, Iran has now started work on a medium- to long-range missile, with a range of 3,000 to 5,000 kilometers. Many analysts believe that the volume and pattern of continued transfers from Russia could not exist without their acquiescence, if not encouragement, of at least some elements in the Russian Government.

The purpose of our legislation is to give the administration new tools in which to address this problem, the countries that are transferring these items to Iran powerful new reasons to stop proliferating, and Congress greater insight into just what is happening.

Our legislation picks up where we left off at the end of the last session of Congress. My colleagues will recall that during the 105th Congress we passed a similar bill entitled the Iran Missile Proliferation Sanctions Act. That measure passed both the House and Senate by overwhelming margins but regrettably was vetoed by the President.

The President pleaded with us not to override his veto assuring us that with more time he would be able to resolve the problem diplomatically, and we bowed to his wishes and decided not to seek an override of that veto.

The verdict is now in on that decision. Clearly, the President overestimated his ability to handle this problem diplomatically; and Congress erred in not forcing a vote on that issue. We have learned from that mistake, and we do not intend to repeat it.

This bill contains many important improvements over the legislation that we passed 2 years ago. It takes into account many of the administration's objections to the prior bill, and it refines our approach to the problem.

Mr. Speaker, this is an important measure that will make a vital contribution to our Nation's efforts to reverse the proliferation of dangerous weapons technology to Iran. Accordingly, I urge my colleagues to support this measure, H.R. 1883.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join the gentleman from New York (Chairman GILMAN) in supporting this legislation and commending him for his actions. Clearly, there is great frustration here and at the White House over the failure of the Russian Government to get to a point where it can control the proliferation of serious weapons of mass destruction.

We have been hopeful, frankly, that under Prime Minister Stepashin that we would see some progress in Russia. And there have been a number of promises made; but with the rate that the Russian governments have been changing, we have been seeing very little progress in an area that is critical to our national security and many of our allies throughout the world.

Proliferation is an issue not just in Russia. The Chinese Government has proliferated a number of its most critical technologies and this Congress needs to address all of these issues, but today we focus on Russia. And we should have a policy that both engages Russia and provides penalties when they fail to live up to the agreements that we have reached with them.

The Russians have a significant portion of the world's technology of weapons of mass destruction, and there has been leakage of these systems and these technologies to the Iranians.

The United States has been in this kind of situation before. At the end of

World War II, America moved into Germany hiring many of the scientists that had worked for the Nazis to prevent them from working for countries who were our adversaries. Today we find ourselves in a similar situation. The talent and the brain power in Russia can be a great opportunity to move us forward in many areas of peaceful uses of these technologies, but they can also provide a great danger. Whether it is fissionable material or rocket technology, the United States has to take every effort possible to make sure that proliferation is halted.

I join with the chairman and many others in this House in offering this legislation, which we hope will send a very strong message to the Russian Government that as difficult as these times are for them, this is an area where they can allow no seepage, where they have to make the effort to stop the loss of these technologies to dangerous countries around the globe.

So I commend the chairman for moving this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on Science.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time, and rise in support of this bill, which will assist the administration's efforts to prevent the spread of ballistic missiles and weapons of mass destruction to Iran.

H.R. 1883 contains several provisions that require the administration to report any credible information it receives about the entities transferring technology to Iran.

The bill's teeth, however, are in section 6, over which the Committee on Science has jurisdiction and which the committee unanimously endorsed last week. Section 6 prohibits the administration from transferring any funds to the Russian Government for the International Space Station unless the President determines that it is the policy of the Russian Government to actively oppose proliferation to Iran, that the Russian Government is carrying out that policy, and that the Russian Space Agency and the organizations under its jurisdictions have not transferred technology to Iran.

Some question linking the International Space Station and proliferation arguing that they are separate issues. Using the space program as a nonproliferation tool follows the path the White House laid out in 1993 when it invited Russia into the International Space Station partnership. The White House explicitly linked Russian participation in the Space Station to its goal of discouraging Russia from engaging in proliferation activities, and numerous administration witnesses since then before the Committee on Science and its subcommittees have stated that if Russia proliferates to Iran that is a deal breaker as far as the Space Station goes.

So, H.R. 1883 is consistent with the administration's policies regarding both the Space Station and nonproliferation.

Unfortunately, we have received consistent reports since 1993 that Russia is assisting Iran's efforts to acquire weapons of mass destruction and ballistic missiles. The CIA and the State Department conceded as much in open hearings over the last 2 years.

Faced with such evidence, H.R. 1883 is an appropriate and measured step that Congress can and must take to halt such proliferation. The bill does not change Russia's rights or obligations as a partner in the International Space Station. It does not prohibit NASA from making payments to the Russian Space Agency if the Russian Government is doing what it promises, namely stopping the flow of technology to Iran. It only prohibits NASA from making such payments if Russia is increasing the threat to our friends, allies, and troops in the Middle East and in Europe.

Congress must not look the other way in the face of proliferation or one day it will come back to haunt us. We must do our part to promote international peace and security. H.R. 1883 is a good first step, and I urge my colleagues to vote in favor of this bill.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise in support of H.R. 1883, the Iran Nonproliferation Act of 1999.

I have been a cosponsor of this bill because I feel very strongly about the need to control proliferation of weapons of mass destruction. The end of the Cold War did not mean that we have escaped the threat posed by those who would do harm to us or to our allies in the world. There is a very real threat posed by the proliferation of dangerous weapons technologies into the hand of our enemies. We must do all we can to see that they do not succeed in getting those harmful technologies.

I see H.R. 1883 as one of the ways in which we can help to control proliferation. It sends a strong message to those who would proliferate that the United States will not stand idly by.

This bill is not intended to take away from the efforts currently being made by the administration to control proliferation. Neither is the bill intended to slap in the face those in the Russian Government who are trying to stem proliferation. In fact, I want to note the progress that has been made over the past year by the administration and the Russian Government. There have been positive steps taken. These include the Russian enactment of the federal law of export controls; the Russian adoption as official policy of the Gallucci-Koptev action plan, which is designed to stop all contact between Russian aerospace entities and Iran; the joint Russian-U.S. establishment of export control list; and a number of other substantive actions.

I am encouraged by these initiatives. At the same time, it is important for Congress to signal to those who would proliferate that their actions will have consequences.

I believe that H.R. 1883 sends such a signal. Therefore, I support H.R. 1883, and I urge Members to vote to suspend the rules and pass this important bill.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON), a member of the committee.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding me this time.

Mr. Speaker, we had a hearing not long ago involving some whistleblowers from various agencies of government and one of the people we had testify before our committee was a man named Jonathan Fox. Mr. Fox is a defense security analyst at the Department of Defense; and in October of 1997, he was asked to write a national security assessment about Communist China and about the agreement for cooperation in the peaceful uses of atomic energy between China and the United States.

Now, Mr. Fox was told that he had to have this national security assessment done by October 25, 1997, because the administration wanted to have everything ready before the state visit of Chinese President Jiang Zemin.

The day after Mr. Fox submitted his memo, he was called by a man who was one of his superiors named Michael Jackson.

He said, okay, how bad is it, about his memo, meaning the reaction to his candid memo? And Mr. Jackson answered, you will be lucky if you still have a job by the end of the day.

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Fox indicated he did not think Johnson was joking. Johnson told him people were upset by the memo and it had to be revised and say that the agreement was not a threat to national security.

Now, I hope everybody gets this straight. He wrote a national security assessment which said that giving any additional nuclear technology or anything that would help them with their nuclear program would be a threat not only to the United States, but to the allies of the United States as well. And just before President Jiang Zemin came over, he got a call from his superior saying, if you do not change this memo to say that they are not a threat, then you are going to be fired.

Now, Mr. Fox said to one of his colleagues he was so concerned about his job because he had a wife and kids and he had been at the Defense Department for a long time that he did change that national security assessment because of the threat to his employment. He said China was not only a threat to the United States of America, but to our allies as well. And because President Jiang Zemin was coming over to meet with President Clinton, he got orders from above to tell him to change that national security assessment 180 degrees to say that China was no threat, or he might lose his job.

Now, I think everybody in this country ought to be concerned about that. If an expert at the Defense Department says there is a national security threat to this country if we continue to give nuclear technology to Communist China and he is ordered by the White House to change that or somebody above him, and the guy said it was high above my pay grade that this order came from, indicating it was way up the chain of command, if people are being told to change national security assessments that threaten our national security, then somebody ought to be hung out to dry.

I came down here today to talk about this because we really do need to impose economic sanctions on those who are proliferating nuclear weapons because it is a threat to everybody in the world; but in particular, we ought to really be going after Communist China because they have been giving nuclear technology that those countries can use, to Iran and to North Korea, and to others; and they are a threat to the security of the United States and to our allies, as Mr. Fox has stated.

I think it is reprehensible that somebody above Mr. Fox's pay grade, and they said it was way above his pay grade, ordered them to change his national security assessment simply because President Jiang Zemin from Communist China was coming over to meet with the President of the United States and they wanted everything to be cool, everything to be on an even keel. It is unbelievable this happened.

This was brought out before my committee, and none of the national media reported it, and I thought it was a shame that they did not. I called ABC, NBC, CBS, and CNN; and I said why would you not think this was a major story, because a national security assessment was made regarding the security of America and our allies and whether or not China was selling nuclear weapons to potential enemies, and they told him that if he did not change it 180 degrees to where it looked like they were not a nuclear proliferator and there was no threat to America, he was going to lose his job, and not one of the networks picked that up. All I can say is shame on them. Shame on them. The American people need to know the truth. At least they got this much of it today.

[From the Committee on Government Reform]

JONATHAN FOX ARMS CONTROL SPECIALIST DEPARTMENT OF DEFENSE

PROFESSIONAL BACKGROUND

Fox is an Arms Control Specialist in the Defense Threat Reduction Agency (formerly known as Defense Technology Security Agency). Fox's wife also works at the agency as a photographer. Fox fears both he and his wife will be retaliated against for speaking to Congress.

FOX'S CONCERNS

In October 1997, Fox was asked to write a memo regarding the implementation of a 1985 "Agreement for Cooperation in the Peaceful Uses of Atomic Energy" between China and the U.S. The terms of the reciprocal agreement allowed annual opportunities between the U.S. and China to:

Send technical experts to each others' civil reactor sites; observe operations and reactor fueling; exchange and share technical information in the operation and maintenance of nuclear power generative and associated facilities; exchange detailed confidence-building and transparency information on transfer, storage and disposition of fissionable fuels utilized for peaceful purposes; and disclose detailed reactor site operational data, to include energy generated and loading.

In his initial memo, Fox concluded that count "this assessment concludes that the proposed arrangement presents real and substantial risk to the common defense and security of both the United States and allied countries." Fox pointed out that Chinese past practices as a proliferant presented considerable risks to national security.

Fox said he was told that the memo had to be done by October 25, 1997 because the Administration wanted to have everything ready before the state visit of Jiang Zemin.

The day after Fox submitted the memo, he was called by Michael Johnson. When Fox asked him "OK how bad is it?" [meaning the reaction to his candid memo], Johnson answered: "You'll be lucky if you still have a job by the end of the day." Fox indicated he didn't think Johnson was joking. Johnson told him people were upset by the memo and it had to be revised and say that the agreement is not inimical to U.S. national security. Fox said he told Johnson that everything in the memo was true and Johnson responded, "I know, but that doesn't matter the issue has already been decided far above our pay grade." Johnson said the changes had to be made by 11:30 a.m. that morning. Fox said Johnson also said if he didn't change the opinion, he would have to explain to his Director why a GS-14 was blocking a Presidential summit.

Fox returned to his meeting and discussed the matter with his colleagues (including Peter Leitner). They told him it was a done deal and there was no point in him falling on his sword and fighting this.

Fox called Johnson back to ask what would make him happy and Johnson sent over the revisions that Fox then had a secretary incorporate. Johnson told him to have someone else sign the memo because it would look too obvious if he signed it after having done a memo that was initially so different. The memo was signed out by his boss, who signed it to help him out of a difficult situation.

RETALIATION AND/OR INTIMIDATION

When these matters became subject of an investigation by the Senate Governmental Affairs Committee, Fox spoke with Senate investigators and believes he has been blacklisted since then for telling the truth. He was in line to get a position in DTRA which came to a stop allegedly when David Tarbell heard "things" about Fox.

JONATHAN D. FOX, ARMS CONTROL SPECIALIST, DEFENSE THREAT REDUCTION AGENCY

I. PROFESSIONAL BACKGROUND

Jonathan Fox is currently an Arms Control Specialist at the Defense Threat Reduction Agency ("DTRA") at the Department of Defense (formerly known as the Defense Technology Security Agency or "DTSA"). A lawyer, he was hired by the Department of Defense in 1990, and in 1993 he was detailed to handle counter proliferation duties. In 1997 he was the export control coordinator. He was relieved of those duties in October of 1998 and transferred back to arms control.

He has received "Outstanding" ratings in every category of job performance for the last three evaluations given (1995, 1996 and 1997). Cash bonuses for his job performance have also been recommended. He has not, however, received an evaluation since concerns over retaliation have arisen.

II. FOX'S CONCERNS

In late October of 1997, Fox received an urgent request to review a proposed state-to-state agreement regarding transfer of nuclear technologies from the United States to China. Fox was asked to write an analysis regarding implementation of a 1985 "Agreement for Cooperation in the Peaceful Uses of Atomic Energy" between China and the United States. The terms of this proposed reciprocal agreement allowed annual opportunities for China and the U.S. to:

Send technical experts to each others' civil reactor sites; Observe operations and reactor fueling; Exchange and share technical information in the operation and maintenance of nuclear power generative and associated facilities; Exchange detailed confidence-building and transparency information on transfer, storage and disposition of fissionable fuels utilized for peaceful purposes; and Disclose detailed reactor site operational data, to include energy generated and loaded.

The request came from Mike Johnson, the Deputy Director of Nonproliferation Policy in the Office of Threat Reduction Policy.[1] Fox was told that he had to complete his review by Friday, October 25, 1999. Fox also believes that the document indicated that the deadline was tied to the arrival of Chinese President Jemin that weekend.

On Thursday, October 24, 1997, Fox sent Johnson a fax of his analysis. The document was transmitted at about 8:30 or 9:00 p.m. Fox stated:

"This assessment concludes that the proposed arrangement presents real and substantial risk to the common defense and security of both the United States and allied countries. It is further found that the contemplated action can result in a significant increase of the risk of nuclear weapons technology proliferation. This assessment similarly concludes that the environment surrounding these exchange measures cannot guarantee timely warnings of willful diversion of otherwise confidential information to non-nuclear states for nuclear weapons development. Concurrently, the agreement, as presented, cannot ensure that whatever is provided under this reciprocal arrangement will be utilized solely for intended peaceful purposes."

* * * * *

Footnotes at end of article.

"[U]nless there exist definite, meaningful verification provisions engrafted upon this diplomatic agreement, there is no practicable way of determining or enforcing adherence to the admittedly peaceful goals enumerated within the proposed reciprocal agreement. Without such bilateral undertakings or unilateral safeguards, the proposed measure presents such significant degree of risk as to be clearly inimical to the common defense and security."

He thought that his analysis might raise concerns, but he felt that he had to be honest.

The next morning, while on his way to a meeting at the State Department, he checked his messages and found that Michael Johnson had called at approximately 8:30–8:45 a.m. He got a beeper notification that Johnson had called and was told that it was urgent. He called from State and couldn't get through. He left his number at the meeting and was pulled out of the meeting at 9:30–9:45 a.m. He was told it was Johnson, and that it was urgent.

Fox began the conversation by asking "Okay, how bad is it?" Johnson responded "You'll be lucky if you still have a job at the end of the day." Fox said Johnson did not sound like he was joking. Fox asked what the problem was and Johnson said: "It's your opinion. People read it. This has got to be revised. It cannot go."

Fox said that the analysis was true. Johnson said: "Yes. It's well written. Too well written. It doesn't matter. The matter has already been decided far above us." Johnson did not elaborate, but Fox got the impression that the decision had been made above Johnson and that Johnson was under the gun. [DoD brought Michael Johnson before Committee investigators to give his side of the story. He maintains that Fox's work was substandard because it included political and historical observations and was not limited to technical considerations. He claims that he told Fox that the analysis was substandard. Fox states that Johnson did not call his analysis substandard—to the contrary, he says Johnson said "you're right and it doesn't matter." Fox also says that all similar analyses had elements of politics and history included and that Johnson did not reject those analyses.]

Johnson told Fox that if he didn't have a clean technical opinion (an approval) by 11:30, the next call would be to Fox's Director—"he can explain why a GS–14 is blocking a summit." Fox asked Johnson for 15–20 minutes to think about what he had been told. Johnson responded: "clock's ticking." Fox went back into his meeting and discussed what had happened with a number of people (Peter Leitner, Benson, Mihnovets). Benson took him aside and said that the work was good, but that the "fix was in." He was told that he should not be ashamed to give in, and that the matter had been decided at a higher level—that there was no use falling on his sword for this issue. (Fox noted that Leitner incorrectly thought that Fox's immediate superiors were in on the threat. Fox denies this.)

After talking to his colleagues at the State Department meeting, Fox called Johnson back and asked for Johnson to send suggested changes. Johnson faxed him the analysis prepared by Fox with suggested changes. (ATTACHED) Johnson also said that he wanted someone else to sign the analysis because it would be too obvious that Fox had been pressured to change his conclusions if he signed it. Johnson went through a list of types of people who might sign, including Presidential appointees and SESs. Fox said that there were no such people in his immediate section and Fox suggested Dr. Gallaway, a GS–15. [Johnson has a different explanation for the request for a different person to sign the analysis. He now says that it would be routine in an inter-office squabble to have a higher ranking official sign.]

Fox called Gallaway, who was already aware that there was some "excitement" over Fox's analysis. Fox asked for Gallaway's assistance ("ya gotta help me out"). They had a short discussion over whether it would be improper for Gallaway to sign, and whether he would get into trouble. Gallaway said he would help out and sign.

Fox had his secretary transmit a copy of the changed analysis to Gallaway, who reviewed it and signed. Gallaway sent the reworked analysis to Johnson about 12:15 p.m.

III. INTIMIDATION AND/OR RETALIATION

The threat by Johnson

When Johnson said "You'll be lucky if you have a job at the end of the day," Fox became worried. He had only been on the assignment that he was on for 4–5 months. When Johnson threatened to call Fox's Director if a revised opinion was not sent within two hours, and when he said "he can explain why a GS–14 is blocking a summit," Fox was concerned. His director had a fierce reputation. A number of personal factors also combined to make it critical that he not lose his paycheck. In short, he was worried about the worst case scenario of Johnson's criticism leading to him getting fired. [In its briefing to the Committee, DoD lawyers argued that Johnson and Fox were in different chains of command, and that Fox could not have been threatened by Johnson. Johnson, however, certainly appears to be on a higher employment level than Fox. To this end, DoD appears to be misleading the Committee.

Subsequent call from Johnson

In February of 1999, as Senate investigators prepared to question Fox, Johnson called Fox and gave a different version of what had transpired. Fox said that "it didn't happen that way." He told Johnson "you know you threatened my job." That was the end of the conversation. After this conversation, Johnson gave Fox some more responsibility by making Fox the DoD representative to the Zangger Commission. Johnson was responsible for getting Fox on a delegation that went to Vienna.

Blacklisting from export control issues

Fox states that he has been blacklisted from any involvement with export control matters. Michael Maloof told Technology Security Directorate Director Dave Tarbell that Fox wanted to do more on export control matters. Tarbell agreed to endorse Fox for a job that would enable him to do this. Fox was to be moved to a temporary position that would become permanent.

Shortly thereafter, it became clear that Congressional investigators wanted to talk to Fox. Fox notified DoD General Counsel that he had been contacted by Senate investigators. On a Monday in late February he was interviewed by Eliana Davidson from Pentagon General Counsel's office. On Friday of that same week Fox was interviewed by Senate investigators. Within days Tarbell told Maloof that not only was Fox not welcome to the position that had been under consideration, he was not welcome to any job in export control. Maloof asked "Why?" and was told by Tarbell that he had "heard things." Tarbell declined to be specific.

Fox filed an IG complaint, but the IG was unable to resolve the issue because Tarbell has declined to be specific about what happen. Fox filed an EEO complaint and the investigator who interviewed Tarbell was told that Tarbell received unsolicited information about Fox's capability. Tarbell said he didn't remember who the person was.

Service of subpoena

On June 21, 1999, a Committee staff member went to Mr. Fox's place of employment to serve a subpoena to testify. She was told by the head security guard: "Mr. Fox talked to the public and we don't do that here. He doesn't work here any longer." The subpoena was ultimately served, but the odd exchange prompted Mr. Fox to ask rhetorically whether we think it odd that he is concerned for his job. (See Attached Memo)

FOOTNOTES

[1] Fox was shown a copy of the request when interviewed by Senate investigators. Thus, DoD was able to produce the document to the Senate. We asked DoD for this document specifically on June 21 and had not received it as of June 23.

[2] Conversations are recounted to the best of Mr. Fox's recollection.

DEFENSE SPECIAL WEAPONS AGENCY,
Alexandria, VA, October 23, 1997.

MEMORANDUM

To: OSD/ISP/N&I (Mr. Michael Johnson).
Subject: Review of Reciprocal Arrangement with People's Republic of China.

In 1985, the U.S. and China negotiated an Agreement for Cooperation in the Peaceful Uses of Atomic Energy. As part of the implementation of this agreement, Congress mandates that the President must certify that any reciprocal arrangements concluded thereunder must be designed to effectively ensure that any nuclear materials, facilities or components provided under this agreement be utilized solely for peaceful purposes. Congress has also determined that arrangements concerning information exchanges and visits negotiated under this agreement will be deemed "subsequent arrangements" pursuant to section 131a of the Atomic Energy Act of 1954, as amended, and subject to the required findings and determinations defined therein. as the parties to this agreement are both nuclear weapon states, diplomatic channels establishing mutually acceptable information exchange and visit arrangements are utilized in lieu of bilateral safeguard provisions.

The United States and China have negotiated an information exchange and technical cooperation reciprocal arrangement which conforms to the definition of a "subsequent arrangement". Pursuant to section 131 of the Atomic Energy Act (42 U.S.C. Sec. 2160), the Department of Enegy has requested consultative review of this proposed implementing arrangement in compliance with the provisions of the Nuclear Non-Proliferation Act of 1978. This memo is provided in accordance with the provisions of DSWA Instruction 5100.40 (which governs the agency response to such requests), and details the results of our technical assessment to the Office of Secretary of Defense.

The terms of the reciprocal agreement are relatively simple and direct. The U.S. and China will be afforded annual opportunities to: send technical experts to each others' civil reactor sites; observe operations and reactor fueling; exchange and share technical information in the operation and maintenance of nuclear power generative and associated facilities; exchange detailed confidence-building and transparency information on transfer, storage and disposition of fissionable fuels utilized for peaceful purposes; and disclose detailed reactor site operational data, to include energy generated and loading.

Section 131 of the Atomic Energy Act and related legislation requires a thorough inquiry into such arrangements. The inquiry must address whether the contemplated state action will result in a significant increase of the risk of nuclear weapons technology proliferation. It must also consider whether the information and expertise shared under the proposed reciprocal arrangement could be diverted to a non-nuclear state for use in the development of a nuclear explosive device, and whether the U.S. can maintain an environment where it will obtain timely warning of the imminence of such diversion.

Given that the 1987 MOU between the United States and China on this subject provides for:

1. The right to obtain information required to maintain an invent of all U.S. supplied items, and of material used in or produced through the use of such items;

2. The right to confirm periodically, onsite, the accuracy of the inventory and the specified peaceful use of all items on this inventory;

3. The right to obtain this information, and to conduct on-site confirmation of this information, for as long as any such invent items remain in China or under its control.

The Defense Special Weapons Agency determines that the proposed Agreement is not inimical to the common defense or the security of the United States.

DR. GALLAWAY.

OPENING STATEMENT OF JONATHAN D. FOX BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT REFORM, THURSDAY, JUNE 24, 1999

Mr. Chairman, Members of this honorable House:

I am obliged to appear before you today by order of subpoena. I have neither sought nor solicited this honor. It is an obligation on my part which has arisen through disclosures of a public and independent nature offer which I have had no control or influence. It is an obligation not without risk, and I would be less than honest if I did not admit that it is undertaken with no small concern for my personal and professional future prospects.

Duty compels me to be here today. It is a duty enforced by the oath I took as an attorney, and as a member of the public service. In its simplest form, it is the duty to obey the law. It is the obligation to afford the workings of the law, and that of a duly constituted legislative inquiry, the utmost respect. And it is the duty to execute those responsibilities entrusted to me without fear or favor.

It is incumbent upon me to tell the truth. It is a key responsibility of public service. I am prepared to answer whatever questions you may have with candor and honesty. My answers will be grounded upon direct knowledge, information and belief. I cannot speculate upon things of which I have no knowledge, and will respectfully decline to do so if called upon. Unfounded speculation will only hinder the progress and credibility of this inquiry, and my respect for this House is too great to engage in such conduct.

Two hundreds years ago, President John Adams advised his son John Quincy to "Never let the institutions of polite society substitute for honesty, integrity and character." My father, a concentration camp survivor, memorized that phrase and taught it to me when I was very young. I have always tried to comport my career in public service according to that standard. Whether I have succeeded will be determined, to no small extent, by the impressions you carry away from today's proceedings.

Mr. Chairman, members of this committee, this concludes my opening statement. Thank you for your kind indulgence. I am prepared to answer any questions you may have.

MEMORANDUM

To: Memo to the Jonathan.Fox file.
From: Kimberly Reed.
Date: June 21, 1999.
Re Service of Jonathan Fox subpoena.

On June 21, 1999, I served Jonathan Fox a subpoena to testify at a June 24, 1999 hearing on the flow of dual-use technology to China and whistleblowers.

For service, Mr. Fox gave me the DTRA address of 45045 Aviation drive, Dulles, VA 20766–7515. He told me to notify the front desk security guard that I had a congressional subpoena and that he phone the DTRA general counsel's office and Mr. Fox. The rationale for this action was to give the DTRA general counsel's office notice of the subpoena and allow them the opportunity to accept service on behalf of Mr. Fox if this was the normal protocol.

Arriving at DTRA at 1:30, I did as Mr. Fox instructed. The front desk security guard phoned Mr. Fox and then the general counsel's office. After talking to a staff member in the general counsel's office, the security guard told me they were unable to determine the general counsel's protocol for subpoenas (the chief general counsel was away on vacation). While waiting for an answer, the head security guard approached me and asked that I follow her into a room away from the public (the vending machine room), where others could not overhear our conversation. I believe her initials were T.P., but would recognize her name in a list or her by appearance.

The head security guard questioned my actions and I told her "I was to serve a subpoena on Mr. Fox to testify before Congress and wanted to see the appropriate person to serve, whether it be the general counsel or Mr. Fox." She approximately replied: "Mr. Fox talked to the public and we don't do that here. He doesn't work here any longer." She seemed inquisitive and perplexed by my presence.

I told her that I spoke with Mr. Fox earlier in the day and he was expecting the subpoena and showed her his telephone number. She returned to the front desk, where she was informed that the general counsel didn't need to see the subpoena. She phoned Mr. Fox (who was listed in their phone directory) and arranged to have me serve him at his building—44965 Aviation Drive. I served Mr. Fox at 1:55 pm.

[From the Wall Street Journal, June 10, 1999]

THE ADMINISTRATION QUASHES TRUTH TELLERS ON CHINA

(By Michael Ledeen)

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Despite pressure from the White House, Jonathan Fox, an attorney on the arms-control staff of the Defense Special Weapons Agency, wrote a memo stating with certainty that China was a nuclear proliferator and that the proposed arrangement was "a technology transfer agreement swaddled in the comforting yet misleading terminology of a confidence-building measure." Mr. Fox's memo argued against the agreement on these grounds:

It "presents real and substantial risk to the common defense and security of both the United States and allied countries."

It "can result in a significant increase of the risk of nuclear weapons technology proliferation."

"The environment surrounding these exchange measures cannot guarantee timely warning of willful diversion of otherwise confidential information to non-nuclear states for nuclear weapons development."

There was no guarantee that the nuclear information would be limited to non-military applications in China itself.

Mr. Fox noted that the Chinese chafed at their inferiority to the West and "now [seek] to redress that balance through industrial, academic and military espionage. China routinely, both overtly and covertly, subverts national and multilateral trade controls on militarily critical items." (Those who have been lured into the deceptive debate over when we knew about Chinese espionage should note that civil servants like Mr. Fox, well below the pay grade of National Security Adviser Samuel Berger and Secretary of State Madeleine Albright, were well aware of the general phenomenon).

On Oct. 24, 1997, Mr. Fox was called out of an interagency meeting to receive an urgent telephone call. According to three people to whom he gave a contemporaneous account of the phone conversation, he was given an ultimatum from superiors in the Office of Non-Proliferation Policy in the Department of Defense: either revise the memo and recommend in favor of the agreement, or look elsewhere for employment. (Mr. Fox himself declined to comment on the matter.)

Within an hour, all the critical language had been deleted, and the memo now simply concluded that the agreement "is not inimical to the common defense or the security of the United States." Worried that his earlier draft might fall into unfriendly hands, Mr. Fox's superiors insisted that somebody else sign the new memo.

The arrangement was in place in time for the summit with the Chinese ruler, who was no doubt quite satisfied that his American friends had given him a good-conduct certificate, even though he, Mr. Clinton and the entire American national-security team knew full well that China was spreading militarily useful nuclear technology to such nations as Iran and Pakistan. Indeed, it was precisely this knowledge, and the fear that somebody in the media or Congress might enunciate it at an embarrassing moment, that drove the administration to silence potential truthtellers.

Mr. Fox is not the only weapons expert in the government to have been instructed to lie or remain silent about the true consequences of sending military technology to China. Notra Trulock and his colleagues were told by their superiors at the Department of Energy that they should stop annoying people with accounts of Chinese espionage at Los Alamos. Similarly, professionals in the Pentagon such as Michael Maloof and Peter Leitner were told to keep quiet about the approval of high-tech licenses that would strengthen Chinese military power. Both of them spoke out; others remain silent.

But even when the professionals stick by their principles, their superiors have chosen to substitute facts with politically expedient disinformation. On at least two occasions, military experts who argued against high-tech exports to China later discovered that their recommendations had been altered in the Pentagon's computerized data base.

Had President Reagan's appointees attempted such heavy-handed censorship, the Democrats in Congress, constantly on the lookout for cooperative whistle-blowers, would have cried bloody murder. Yet despite being well aware of the level of internal censorship, Republican leaders from Rep. Dick Armey to Sen. Fred Thompson have all but remained silent. Mr. Thompson's Governmental Affairs Committee asked the Pentagon's Inspector General to investigate this matter last August. With the lightning speed that has characterized Republican investigations, the Inspector General's report is due to arrive on June 18, nearly a year later.

Congress's behavior is thus the reverse of what it was during the Reagan years, which is one reason the president has breezed through revelations that would have threatened the tenure of his predecessors. Republicans have yet to present a coherent challenge to the administration's China policy, and for several years have largely ignored the cries of alarm from the professionals who have spent their lives protecting our security.

We don't yet know why Mr. Clinton chose to help arm China and why Congress has been slow to stop it. But one thing ought to be clear: The blame for this scandal lies not in the distant past with the Reagan administration, which tried to prevent our military technology from falling into the hands of real and potential enemies, but with Mr. Clinton, who has consciously and systematically done the opposite. On this point, there must be neither doubt nor silence.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume to say to the gentleman from Indiana that I would hope he would share the documentation of his charges with the members of the committee who are all very interested in seeing it. I have no question of the gentleman, but I would just hope he would share it with other members of the committee.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Indiana.

Mr. BURTON. Mr. Speaker, I would be happy to share them with anyone who would like to see these documents, all of them.

Mr. GEJDENSON. Mr. Speaker, we would be happy to see them.

Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. WEXLER) control the time that I am in charge of.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, before I do that, I yield 4 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I rise in support of the legislation we are considering, but I want to broaden my comments to deal for a few moments with our overall relations with Russia.

Last week I was in Moscow for a lengthy and substantive discussion with the foreign minister of Russia and for a meeting with the Diplomatic University, which trains the future diplomats of Russia. I think it would be a very serious mistake if we would engage over the course of the next few months in bashing Russia which, in point of fact, with all of their problems, they have made enormous achievements since the collapse of the Soviet Empire.

Now, all of us wish that the evolution of Russia that we have seen this past decade would have been more smooth, would have been more democratic, would have been more friendly to our interests. But I think the fact remains that Russia is about to have free and open parliamentary elections; next year, free and open presidential elections. Every Russian has a passport, they are anxious for American investment, and they are along many lines working with us as a country ready to share with us some international responsibilities as they did in Kosovo.

Now, I think it is extremely appropriate that this piece of legislation deal with placing penalties on Russian institutions that engage in proliferation of weapons and mass destruction technology. But I think it is equally important to keep the problem in perspective. There is an enormous amount of anti-Americanism that permeates Russian society today. This was a society which, 15 years ago, was one of the two super powers on the face of this planet. It is now a destitute, chaotic, Mafia-infested society with enormous material and psychological problems; and I think it is extremely critical that in properly criticizing them for things that they do wrong, and they have done wrong by not controlling the proliferation of weapons, we do not draw the general conclusion that we are going back again to an era of confrontation with Moscow.

There are powerful democratic forces in Moscow. There are important political figures who share our values, and it is important to strengthen the democratic forces in Russia. It is extremely important that we continue strengthening the democratic forces in Russia, because I predict in 10, 15, or 20 years, Russia will again be a great power. Their resources are unlimited. They are a highly talented, well-educated, impressive quality of people, and I think it is absolutely in our national interests to recognize our overriding concern in developing more cordial, more friendly, more ongoing relations with the people of Russia.

We should also not forget that the Russian Government is facing terrorism from Islamic fundamentalists. In the last 10 days, there were four explosions, taking the lives of hundreds of innocent Russian civilians in the heart of Moscow, in the very heart of Moscow. These people deserve our support, our friendship, and our cooperation; and I call on my colleagues to give it to them.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Pennsylvania (Mr. WELDON), the distinguished chairman of the Subcommittee on Research and Development of the Committee on Armed Services and a member of the Cox Committee.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of this legislation, and I thank my good friend and colleague for yielding to me, and I rise as a good and long-term friend of the Russian people.

Mr. Speaker, I have had the pleasure of traveling to Russia some 19 times. I will be leading another delegation to Russia within the next 30 days. I have over 150 members of the Federation Duma who are personal friends of mine, and I am working on initiatives like developing a housing mortgage financing system for the Russian people, helping them deal with the problem of nuclear waste, helping them encourage more economic investment, helping to strengthen the regions and regional leaders; and right now in fact I have 20 young Russian leaders coming to my district as a part of an exchange program that we started this past summer where 2,000 young Russians are coming to America; and I just initiated a new program to have staff members in this Congress engage and participate with exchanges with staff members of the Russian Duma.

All that being said, this legislation is necessary not because we have a problem with the Russian people, but in my opinion because of the policies of this administration, which have helped cause the instability in Russia, both economically and politically.

Mr. Speaker, proliferation is out of control in Russia, not just in words or rhetoric. I have here, Mr. Speaker, a Russian accelerometer and a Russian gyroscope. These were clipped off of Russian SSM–19 missiles. We caught them, Mr. Speaker, not once, not twice, but three times, being transferred from Russia to Iraq. In fact, Mr. Speaker, we have over 100 sets of these devices.

We did nothing about the transfer, Mr. Speaker. We did not impose the required sanctions under the missile technology control regime. We basically allowed Yeltsin to tell President Clinton, do not worry, we will conduct a criminal investigation, and nothing happened. So why should we be surprised, Mr. Speaker, if Russia cannot control proliferation?

I did a floor speech last June, which I will include in the RECORD again, at least the study done by the Congressional Research Service. Mr. Speaker, I documented 37 violations of arms control agreements in the last 6 years by Russia and China. Thirty-seven violations. We imposed the required sanctions twice, and that was when we caught China transferring M–11 missiles and ring magnets to Pakistan.

and what did we do? After 2 years we waived the sanctions. We saw technology flow to Iran, to Iraq, to Syria, to Libya and North Korea from China and Russia. I was not surprised when India and Pakistan's saber rattled, because we saw Russia transferring technology to India and China transferring technology to Pakistan.

Mr. Speaker, the problems that are inherent here are in many cases our own doing, an administration that has been so preoccupied with not embarrassing the relationship between Boris Yeltsin and Bill Clinton that it does not want to call into question, when we have solid evidence that technology is being sent abroad illegally, and the same problem with the IMF funding. We did not want to embarrass Yeltsin because his crony friends were ripping off billions of dollars of IMF money, and we wonder why Russia is a basket case.

The policies of this Government are turning their head the other way, are ignoring obvious violations of arms control regime violations. An obvious turning of our head when billions of dollars of IMF money is going to the failed oligarchs who corrupted the Russian banking system are many of the reasons why Russia today is a basket case economically and politically.

We passed the Iran missile sanctions bill in the last session with 395 votes in this body, and 96 votes in the Senate, in spite of Vice President GORE lobbying 12 of us personally. The gentleman from New York (Mr. GILMAN) was there, Mr. Hamilton of Indiana was there, Senator LEVIN was there, I was there, twice not to pass that bill, because the Congress has lost confidence that this administration can stop proliferation.

And this is not a Republican issue. Democrats and Republicans have joined together and said to this administration, we cannot keep bolstering up Yeltsin when it is obvious the system around him is corrupt and all we have done is reinforce Yeltsin's leadership, and now we are paying the price.

The Russian people and the members of the Duma look at us and they say, where were you, America, when you basically turned the other cheek and pretended these transfers were not taking place? Where were you, America, when Yeltsin's cronies were siphoning off billions of dollars of IMF funding? Why did you not call into question what Yeltsin's cronies were doing? Why did you not call into question Yuri Koptev in the space agency when these transfers were taking place? Is it any wonder, Mr. Speaker, that the Russian people have lost their confidence in America as a friend and partner?

The 95 percent of the Russian people, Mr. Speaker, who are good and decent people, who are not members of the Communist oligarchy, many of whom took over the reigns of the Yeltsin administration, they see through this charade in Russia. These people saw the IMF money being bilked away, these people saw this kind of technology being sold abroad time and again, and they saw this country and this President ignoring the realities of the instability just so that Yeltsin could be reelected again.

We have a terrible crisis on our hands, Mr. Speaker. I agree with the last individual who spoke. This should not be a time to bash Russia as a nation, nor the Russian people, nor the emerging Russian leaders; and they know my position very clearly on these issues.

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This is a time where we have to call into question our administration for helping to foster and encourage this kind of instability in Russia today.

We need to pass this legislation, not to create the feeling in Russia that somehow they are our enemy, because they are not. We need to pass this legislation because we need to let Russia know that we will no longer tolerate incompetence, gross abuse, and tolerate the illegal activities that the Yeltzin government foisted on the Russian people for the past 7 years while we turned our heads, pretending that these situations were not real.

I urge my colleagues to support this legislation, as they did 2 years ago. In fact, Mr. Speaker, when President Clinton vetoed the bill that the distinguished chairman and the distinguished gentlewoman from California, Ms. Harman, introduced in the House, we could have overridden that veto. But it was the Speaker of the House, a month before the congressional elections, who said that we would not be allowed to vote to override the President's veto.

I am convinced had we had that vote, with the support of AIPAC, and they were in the room when we met with the Speaker, with the support of those people concerned with proliferation, we would have sent this administration this signal 2 years ago.

Here we are 2 years later. Technology is still flowing. The fat cat oligarchs are still getting richer and the Russian people are still suffering. I urge my colleagues to support this legislation.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I want to thank the gentleman for yielding time to me.

Let me see if I can remind my friends in this body that we are talking today about the Iran Nonproliferation Act of 1999. We are talking about the Iran Nonproliferation Act.

We live in a hostile and dangerous world. One of the reasons why the world is so hostile and dangerous is because there are nations like Iran who are committed to wreaking havoc in their region and literally all over the globe. If Iran were to be successful in its intended desire to send weapons of mass destruction, biological, chemical, and nuclear devices, not only to our friends and allies in the Middle East but to our friends and allies in Europe, they also would love to develop and have intended to develop the technology to send those weapons of mass destruction to the United States of America. That is why I support the Iran Nonproliferation Act of 1999.

So it is important for us to keep our eye on the ball here in Congress, and note that with regard to this law that we are proposing, we want to remind everyone that it is Iran, as well as Iraq and North Korea, who make this world dangerous, but this bill has to do with Iran.

I would also like to say it is a reminder to nations like Russia and China that the Congress of the United States will not forgive their assisting Iran in developing these weapons of mass destruction and the technology to deliver these weapons to not only the United States but to our allies around the world.

There is a great deal of wishful thinking with regard to our enemies. We in America would like to believe that people around the world have as good intentions, as warm hearts, as we do. Not everyone is like us.

The people of Iran need to create a government in Iran which will stop threatening the peace of the world. That is not the case yet. Iran is a danger to the world. It must be isolated, it must be stopped, until they are ready to join the family of nations in peace. This legislation will help.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Florida (Mr. WEXLER) has 8 minutes remaining and the gentleman from New York (Mr. GILMAN) has 2 minutes remaining, so the Chair will continue to recognize the gentleman from Florida (Mr. WEXLER) to yield time.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, as a cosponsor of this legislation and one who has strongly supported and will continue to support disarmament and peace initiatives throughout the world, I rise in strong support of H.R. 1883. It is my belief that this legislation will move us one step closer to nonproliferation of weapons of mass destruction in the Middle East and throughout the world by taking actions to stop foreign companies from exporting goods, services, and technology that can make a material contribution to Iran's weapons of mass destruction programs.

I believe we must take any and all actions to stop the spread of weapons of mass destruction in the Middle East and throughout the world.

The statistics of weapons of mass destruction are terrifying, to say the least. In terms of nuclear weapons, for example, we know that over 36,000 nuclear warheads exist between the nuclear powers.

I have just returned from a visit to Israel with several of my colleagues. The security concerns of the entire region are great, but so are the prospects for peace. This bill, the Iran Nonproliferation Act, moves us toward both, peace and security.

Foreign companies, just as any company, are in the business of making profits. Exporting goods, services, and technology that contribute to Iran's weapons of mass destruction program allows billions of dollars to be made to create a more hostile region and a more hostile world. This bill is a serious effort to tailor sanctions to foreign companies that are the true wrongdoers.

As we move into the next millenium, we need to work with Russia, our friend in the Middle East, and those who are not our friends to find ways to create security and a lasting peace for our children. Selling technology that would destroy the world certainly takes us in the wrong direction.

I thank the gentleman from New York (Mr. GILMAN) of the Committee on International Relations, and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for moving forward with this legislation in a bipartisan manner. I join and urge my colleagues to support H.R. 1883.

Mr. WEXLER. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding me the time.

First, I would like to express my sincere appreciation to the gentleman from New York (Chairman GILMAN) for introducing the legislation, for allowing me to be a participant in the development of the legislation and its cosponsorship, and to the Republican leadership for putting the bill over until after the recess to deal with some of the concerns and misunderstandings that I think would have existed which would have impeded the progress of this bill, had we rushed to a markup the last week before the recess. I do appreciate that delay.

I rise in very strong support of the bill. The purpose of this legislation is not to bash Russia. It is not to kill the Space Station. It is not even to bash Iran.

One thing we know, it has been reported everywhere and we all know it, Iran is on a program to develop nuclear, chemical, biological weapons and the ballistic missiles to deliver those weapons. Iran has determined that that is in their national interests.

A recent CIA report estimates that in the next few years Iran could test a long-range missile capable of delivering a small payload to many parts of the United States. Within a decade, Iran could test a more advanced nuclear-capable ICBM.

Again, my goal is not to demonize Iran. I would welcome improved U.S. ties with Iran. If they would simply stop supporting Hamas and other terrorist groups who seek to disrupt the Middle East peace process, release the 13 Jews currently in detention, and otherwise moderate their behavior, I would like to have our relationship with Iran improve.

But no matter what the status of our bilateral relationship, it will always be in our clear interest to prevent or delay Iran's acquisition of weapons of mass destruction. I doubt we will ever convince the Iranians to halt their weapons programs. Therefore, the next best thing we can do is to do everything in our power to cut off the flow of technology and expertise from other countries to Iran.

This legislation will do several things. First, it will help us get a more complete picture of which foreign entities are transferring technology to Iran, and authorize, he already has the power, but authorize, it will authorize even more clearly, but not require, the President to impose sanctions on those entities.

Congress has a right to know and understand the full extent of the proliferation to Iran. This bill helps to provide that information to the Congress. The bill will also limit extraordinary payments to Russia for the international Space Station. Certain exemptions have been made, but it will limit the extraordinary payments and new programs on the Space Station; in other words, payments for work that Russia already pledged to do at their own expense, unless the President certifies that the Russian Government is taking concrete steps to stop proliferation and that the Russian space agency and the entities under its jurisdiction or control have stopped making unauthorized transfers.

I do not want to bash Russia. I am not interested in playing the blame game, as some of my colleagues are right now, for this situation in Russia and the U.S. policy towards Russia.

I believe, particularly in the last couple of years, that this administration has made great efforts to try and persuade the Russians to do more to stop the proliferation. I believe Russia and its top leadership understand that proliferation to Iran is no more in their interest than it is in our interest.

But the fact is that if, in a program that we are participating in through the Russian space agency, they allow their own subsidiaries and subordinate agencies that they can control to proliferate and to continue that technology, they should not expect to be partners with us in new programs. They have to make a choice.

The entity that is a joint venture, the entity that is a joint venture with us, with Lockheed on the launches, has understood that and has made that choice, and has resisted any temptations to proliferate. We want the Russian space agency to do the same thing with all their agencies. That is why this legislation, prospective in nature, is being introduced.

I congratulate the chairman, again, and the other cosponsors, and urge its adoption.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly urge my colleagues to think twice before believing recent rumors that the Iranian government has moderated its hardline policies towards the United States and our allies in the Middle East. The so-called moderate Iranian government has not ended its program to build weapons of mass destruction, and it continues to support terrorist groups that commit up conscionable acts of death and destruction.

The Iranian government also remains adamantly opposed to the Middle East peace process. Make no mistake about it, an unstable Iranian regime with weapons of mass destruction is a threat to the entire world and to the fragile peace evolving in the Middle East.

Since the end of the Cold War, missile and weapons technology has flowed unhindered from foreign companies to Iran. The United States must lead the fight to stop foreign companies from exporting their services and technologies to Iran. H.R. 1883 allows the United States to sanction foreign companies contributing to Iran's weapons buildup.

Russian companies in particular have been guilty of providing the Iranian government with weapons technology. The Iran Nonproliferation Act holds the Russian government and Russian companies accountable for the flow of technology and services reportedly transferred to Iran.

The greatest threat to the security of the United States in the next century will be posed by nations that are governed by unstable regimes like Iran, Iraq, and North Korea that are developing weapons of mass destruction. Our own intelligence agencies have warned us that in a short time these nations may have the capability to strike cities in the United States.

I strongly urge my colleagues to support this legislation and send a strong message that the United States will not tolerate individuals and companies aiding rogue regimes in their deadly efforts.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman on the other side for making this a strong bipartisan appeal to stop this kind of action in supporting Iran's development of long-range missiles. 5

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill. Initially, I was hesitant to support the Iran Nonproliferation Act of 1999. But this bill has undergone many changes in the International Relations Committee and in the Science Committee, of which I am a Member, and I am hopeful that this bill will adequately prevent nuclear proliferation while providing fair treatment to our Russian counterparts.

I am cognizant of the continuing United States concerns with nuclear proliferation, and clearly we all understand the significance and importance of the proliferation issue. We must keep ever vigilant for the leakage of our military secrets, and I have been an ardent supporter of nonproliferation policies. I realize from my briefings on the subject that Iran seems determined to develop a nuclear weapons program. Their ballistic missile arsenal already contains the Shahab 4 and the Shahab 3 missile and there is an apparent effort to develop a new missile called the Kosar. It is even more evident from the nuclear race between India and Pakistan that the United States has a vested interest in seeing further proliferation halted. As we strive towards our goal we must ensure that our good intentions are not misdirected.

I appreciate Representative WELDON's amendment to this bill in the Science Committee, and this amendment has done much to clarify the definition of "maintenance" in regards to the Service Module. I must acknowledge my disappointment in the fact that I was unable to add "safety functions" to this amendment. Considering that the amendment included environmental control, life support, and orbital maintenance under the definition of activities under maintenance, it seems to me that "safety functions" logically should be included in this list. It is my hope that the intent of the bill will incorporate this notion.

The Iran Nonproliferation Act of 1999 creates Congressional oversight of proliferation to Iran by requiring the President to report to Congress every six months regarding all foreign entities and any transfers of goods, services, or technologies to Iran. The bill also authorizes the President to apply punitive measures to those entities that permit the proliferation to Iran.

This piece of legislation does not require the President to apply punitive measures; instead it simply gives him the option to do so. We do not want to implement procedures that are too harsh, nor do we want to diminish the authority of the President.

This bill comes under the jurisdiction of Committee on Science because of Section 6. This legislation could prohibit our Nation from making "extraordinary payments in connection with the International Space Station" to the Russian Space Agency or entities under the Russian Space Station jurisdiction unless the President determines that it is the policy of the Russian government to oppose proliferation to Iran.

While we want to preserve our country's military secrets, we must also remain fair to our Russian partners. It is worth noting that the administration has already moved to curb the proliferation of weapons of mass destruction and is also committed to imposing trade sanctions on those who violate the Missile Technology Control Regime. A year ago, the administration sanctioned seven Russian aerospace enterprises for possible violations of the Missile Technology Control Regime. Potentially lost in this issue is the fact that Russian Space Agency has attempted to make the transition from military technology to civilian and space related technology. One reason that this transition has been slow is because Russia simply cannot pay its scientists to complete the transition. As confirmed by NASA the subsidies to the Russian Space Agency coupled with the work that they perform on the International Space Station help America's non-proliferation policy.

This bill has come a long way. I am glad that we have done much to improve it, for we do not want to alienate our Russian partners, nor do we want to undermine the efforts of NASA. While I can appreciate the national security interests that have guided this bill to us, I am fully aware of the concerns expressed by NASA. NASA seems concerned about Russian reaction to the passage of this bill. A negative reaction by the Russians could erode away the sense of goodwill that has been forged by the International Space Station.

I am hopeful that this bill will have the desired effect on the proliferation of our country's secrets, and for that reason, I support his bill.

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 1883, the Iran Nonproliferation Act. As a cosponsor of this measure, it is my hope that the House will adopt this bill. As a member of the International Relations Committee and a strong supporter of Israel, I believe that we must send a strong signal to Iran that we will not tolerate nuclear proliferation. We must not tolerate countries supplying military technology to Iran which has flight tested a missile capable of hitting Israel.

The threat of nuclear proliferation is not only a serious destabilizing force in the Middle East, but it endangers American interests as well. Maintaining and enhancing the political and economic stability of our allies in the region and supporting the Middle East peace process must be two of our top foreign policy goals for this part of the world.

I urge my colleagues to support this bill and send a clear signal that we will not tolerate nuclear proliferation and that we are determined to do what is necessary to bring peace to this troubled region.

Mr. NETHERCUTT. Mr. Speaker, I strongly support this legislation and am proud to be a cosponsor. We send a clear message to Russia with this legislation that any assistance to Iran with weapons of mass destruction or missile systems will be grounds for ending fruitful scientific relationships with the United States. We are forcing Russian scientists and government entities to choose between a symbol of international peace, the space station, and the proliferation of deadly technologies.

When the Science Committee considered this legislation last week, it accepted an amendment I offered that tightens the bill slightly. The Government of Russia has consistently argued that "rogue" elements within the scientific and military establishment are exporting deadly technologies to Iran. It is conceivable that this fiction could be maintained, and private labs or independent agencies could continue to proliferate to Iran, even as they receive taxpayer funding for work on the ISS. This legislation ensures that this would not be the case, as the bill now prohibits extraordinary payments for the ISS to any foreign person or entity that Secretary of State finds has materially contributed or attempted to contribute to the proliferation of WMD or missile technology. The legislation also prohibits the indirect financing of such proliferators through another entity. For example, NASA could not make a payment to the RSA if it knew that a subcontractor for the work was involved previously with proliferation.

This is consistent with Executive orders 12938 and 13094 which prescribe procurement, assistance, and import bans for proliferating entities or countries. The current legislating essentially codifies these Executive Orders, raising their profile and raising the stakes for Russian entities that choose to engage in proliferative activities.

With this bill, we demonstrate to Russian entities that there is a long-term consequence to cooperating with Iran on missile or WMD programs. H.R. 1883 terminates ISS funding for these Russian labs if they have been designated as proliferators subject to the executive orders.

As the President said in his statement on EO 13094, "being able to offer both incentives and disincentives enhances our capacity to deal with these threats." Clearly, this bill also allows for incentives and disincentives. Russian entities are encouraged to work with NASA on space station issues and are firmly discouraged from working with Iran. In a statement on the same Executive Order, Vice President GORE said that "today's Executive Order . . . will explicitly bar assistance to and imports from entities now being investigated by Russia." Again, we are going no further than the Administration's stated intent of barring assistance to proliferative entities. This is an important bill and I urge my colleagues to support it.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of H.R. 1883, the Iran Nonproliferation Act of 1999.

Everyone in this Congress is aware that Iran has continually threatened the peace and security of the Middle East. Even today, Iran is still committed to the destruction of Israel, opposes the Middle East peace process and supports terrorist groups such as Hamas. In fact, Iran remains the world's leading sponsor of international terrorism.

Despite these very real security concerns, cash strapped Russia has supported the $800 million Bushehr project, a 1000-megawatt light-water reactor, in southern Iran.

Why Iran needs such a reactor remains an open question because Iran has one of the world's largest oil and natural gas reserves. However, many security experts believe that such projects provide good cover to a nuclear weapons program and provide Iranian technicians with expertise in the development of nuclear weapons.

These developments, along with Iran's successful test of the Shahab-3 missile, with a range of 800 miles, pose the greatest risk to Middle Eastern stability in history.

Mr. Speaker, the results of an Iran armed with nuclear weapons are almost too horrifying to imagine. But, if current trends continue, it may become an all too real nightmare for the United States and our Middle Eastern allies.

Former Israeli Prime Minister Binyamin Netanyahu put it best when he stated, "The building of a nuclear reactor in Iran only makes it likelier that Iran will equip its ballistic missiles with nuclear warheads . . . Such a development threatens peace, the whole region and in the end, the Russians themselves."

Given the potential threat of a nuclear-armed Iran, I believe it appropriate to withhold the $590 million in U.S. assistance for the Russian contribution to the International Space Station.

If Russian policymakers see the danger of their activities, they can certify that they are not transferring technology that would help develop weapons of mass destruction and aid will resume.

Mr. Speaker, the House took similar action when we passed H.R. 1477, the Iran Nuclear Proliferation Prevention Act of 1999 by a vote of 383 to 1. H.R. 1477 withholds the U.S. voluntary contributions from programs and projects of the International Atomic Energy Agency in Iran unless the Secretary of State makes a determination that they will not provide Iran with training or expertise relevant to nuclear programs' development.

I was proud to be an original cosponsor of the Iran Nuclear Proliferation Act, and I am proud to be a cosponsor of the Iran Nonproliferation Act.

Mr. Speaker, H.R. 1883 passed the International Relations Committee, on which I am proud to serve, by a vote of 33 to 0. I urge my fellow Members to give this legislation the same overwhelming support on the floor, that we gave it in Committee.

Mr. LAMPSON. Mr. Speaker, I listened very carefully to Chairman SENSENBRENNER's opening remarks during the hearing on this bill a couple of months ago. He stated that "We must ensure that the Russian government is not facilitating the proliferation of missile technology * * * If the President finds that Russia is contributing to Iran's attempts to acquire weapons of mass destruction and ballistic missiles, then the bill prohibits NASA from transferring U.S. tax dollars to the Russian Space Agency and any enterprise under its jurisdiction." I can't agree more with the intent of this statement.

During Committee markup, I had planned on offering an amendment to this bill that I believe would have clarified and honored the original intent of the bill by changing the nature of Section 6 to one that would have prohibited payments if proliferation was to occur, but wouldn't require advance certification that it hasn't. No one will disagree, I believe, that we should punish cheating, and this amendment would have achieved that goal in a less burdensome manner than the existing provision.

However, I decided against offering this amendment. While I still have major concerns that Section 6 will not materially improve the effectiveness of this legislation in discouraging weapons technology transfer to Iran, and will cast a shadow over the greatest example of international cooperation in the peaceful use of space, I will reluctantly support H.R. 1883. That being said, I will diligently work to have the section relating to Space Station removed as soon as possible. I continue to believe that singling out Space Station is not the answer to stopping proliferation—Russian contributions to the International Space Station, a permanently inhabited research facility in space, in fact are not close to the weapons technologies that are of so much concern to us, and we should encourage the Russians to continue on with us in the peaceful exploration of space.

In addition, the reporting requirements of Section 6 unnecessarily duplicate other sections of the bill. Section 2 already requires that the President identify every Russian against whom "credible information" exists regarding tech transfers to Iran. This is, in fact, a harder test than the requirement for a "policy" certification from the President. I support this bill with the hope that my concerns will be addressed by all parties involved, at a later date.

Mr. HALL of Texas. Mr. Speaker, I would like to speak in support of H.R. 1883. As you know, I am a cosponsor of H.R. 1883. I think that it is a useful bill, and one which I believe has been improved by an amendment that I offered at the Science Committee's markup of the bill last week. I am pleased to see that my language has been included in the bill that is before the House today. Basically, my amendment shortened the notification requirements in order to avoid unnecessary bureaucratic delays and costs that do nothing to enhance our security.

In addition, it corrected a problem that had arisen when an amendment was adopted by the Science Committee's Space Subcommittee in its markup of the bill. That Subcommittee markup had included an amendment requiring partial transfer of Service Module ownership to the United States in the event of any extraordinary payments. My amendment changed that to "goods and services". The issue of transferring ownership of the Service Module is a complicated one in light of the existing international agreements. And I don't think that we'd really want to own part of the Service Module in any event.

Most members would agree with me, I think, that controlling the proliferation of weapons of mass destruction is one of the most important challenges facing our nation. I think that this bill helps address that challenge, and I urge Members to vote to suspend the rules and pass H.R. 1883.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1883, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This 15-minute vote on H.R. 1883 will be followed by a 5-minute vote on the motion to instruct conferees offered by the gentlewoman from California (Ms. PELOSI).

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 409]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan

Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Becerra
Bonilla
Deal
Fattah
Hastings (FL)
Jefferson
Jones (NC)
Kaptur
Kingston
McDermott
Porter
Pryce (OH)
Ros-Lehtinen
Shaw

□ 1250

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JONES of North Carolina. Mr. Speaker, on rollcall No. 409, I was unavoidably detained. Had I been present, I would have voted "yes."

APPOINTMENT OF CONFEREES ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS OPERATIONS ACT, 2000

MOTION TO INSTRUCT OFFERED BY MS. PELOSI

The SPEAKER pro tempore (Mr. BONILLA). The pending business is the question of agreeing to the motion to instruct offered by the gentlewoman from California (Ms. PELOSI).

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. PELOSI).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting 14, as follows:

[Roll No. 410]

AYES—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Buyer
Deal
Fattah
Goodling
Hastings (FL)
Hilleary
Jefferson
Jones (NC)
Kaptur
Kingston
Porter
Pryce (OH)
Ros-Lehtinen
Shaw

□ 1300

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HILLEARY. Mr. Speaker, on rollcall No. 410, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. JONES of North Carolina. Mr. Speaker, on rollcall No. 410, I was inadvertently detained. Had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. BONILLA). Without objection, the Chair appoints the following conferees:

Messrs. CALLAHAN, PORTER, WOLF, PACKARD, KNOLLENBERG, KINGSTON, LEWIS of California, BLUNT, YOUNG of Florida, Ms. PELOSI, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. SABO and Mr. OBEY.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 417, BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dallas, TX (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 283 is a fair rule which provides for the consideration of H.R. 417, the Campaign Finance Reform Act of 1999, under a structured rule. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on House Administration. The rule makes in order 13 amendments which were printed in the report accompanying this resolution. Ten of the amendments are perfecting amendments debatable for 10 minutes each. After the disposition of those amendments, the rule makes in order three substitutes by the gentleman from California (Mr. DOOLITTLE), the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from California (Mr. THOMAS) which are debatable for 40 minutes each. The Doolittle and Hutchinson substitutes were reported without recommendation by the Committee on House Administration and the Thomas substitute was favorably reported.

The rule waives all points of order against these amendments except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment which, and I will underscore this, Mr. Speaker, is the standard amendment process in the House. So this process that we are going to be proceeding under will be regular order.

Mr. Speaker, 26 perfecting amendments and three amendments in the nature of a substitute to the Shays-Meehan bill were submitted to the Committee on Rules. All three substitutes were made in order. Of the 26 perfecting amendments, only one was submitted by a Democrat, and that amendment was in fact made in order in this rule.

The rule also permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

I would like to commend Speaker HASTERT for his very judicious handling of what obviously has been a hotly debated issue over the years. Earlier this year, he gave his word that the House would consider campaign finance reform in September under a fair process. Today, the Speaker has again demonstrated his leadership and good faith by bringing this measure to the floor under this rule. I also want to recognize the hard work of the gentleman from California (Mr. THOMAS) who held weeks of hearings and reported out four competing proposals. His committee did a tremendous job in framing the debate that we will have here this afternoon.

Mr. Speaker, free speech, particularly free political speech, is a cherished right enshrined in the first amendment to our Constitution. For democracy to flourish, a free people must be able to express their political views without government restriction. Our Founding Fathers recognized that this is in fact the fundamental precept of democracy. Without free political speech, our great American experiment cannot continue to thrive into the next millennium.

I do not believe that the current problems with the campaign system are caused by too much political speech. They are caused by the outmoded rules and regulations which currently restrict speech. Although I commend the authors of the Shays-Meehan bill for their good intentions, I believe they are taking the wrong approach. Adding more layers of rules and regulations, more bureaucracies and barriers, to an already flawed system is not the answer. It is increasingly clear after 25 years of living with the Federal Election Campaign Act of 1974 that the current Federal campaign laws are fundamentally flawed. Just as the current Shays-Meehan proposal is the product of good intentions, the Campaign Act which we now live with was also the product of people driven to do what was right. It was praised for eliminating the possibility of another Watergate, lowering the costs of political campaigns and reducing the advantages of incumbency.

It is ironic that 25 years later, many of the law's same supporters are urging Congress to pass another campaign finance reform bill to accomplish what the Federal Election Campaign Act has failed to do. Limiting the amount of money spent and contributed in Federal campaigns will not lead to increased competition. Nor will it cause the influence of large contributors to wane or make politicians more accountable to their constituents. The Federal Election Campaign Act places limits on contributions and expenditures, but since 1974 campaign spending has more than tripled in real dollars. Incumbents have enjoyed huge advantages raising campaign funds, and they have generally had an easier time getting reelected. While history shows that limits do not work as advertised, the focus of reform continues to be on new contribution restrictions and suspending the free speech rights of grassroots organizations and their members. We are even looking at the prospect of regulating the use of the Internet and the World Wide Web for political purposes. Mr. Speaker, this is not the right way for us to go as we try to focus concern for first amendment rights.

To reduce the advantages of incumbency, I believe that contribution limits should be raised, at least to account for 25 years of inflation, and tax credits should be reinstated to encourage more individuals to participate in the electoral process. I will be supporting the Doolittle substitute which will encourage individuals to exercise their free speech rights more effectively, free political candidates from their frequent fund-raising activities, and reduce the advantages of incumbency. Rather than trying to regulate the Internet, a hopeless effort in the long run, I believe 21st century technology should be used to increase political openness. I support the establishment of electronic filing procedures and requiring that Federal Election Commission disclosure information be published on the Internet. With information related to political giving freely available in an understandable format on the Internet, Americans will no longer need to rely on special interests and the media to interpret the Federal Election Commission data for them.

Mr. Speaker, just as free trade encourages vitality in our economic markets, I believe free speech fosters a stronger democracy based on competition in a free market of ideas. Therefore, I will choose more freedom over more regulation.

This is not an unorthodox rule. It does not stack the deck against the Shays-Meehan bill. The rule does not make in order so-called "poison pill" amendments as some have suggested. The fact is this rule provides for a debate and amendment process closer to regular order than any campaign finance rule that has been debated in the past decade. If the proponents of Shays-Meehan have the votes, they will prevail.

Now is the time to cut through the rhetoric and approve this rule so that the House may work its will on this issue of campaign finance reform. This is a very serious issue, Mr. Speaker, that demands very serious thinking. I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on the road to a vote on real campaign finance reform, our friends in the Republican Party have set up an ambush. In this Congress, the Republican leadership has accommodated supporters of the Shays-Meehan campaign finance proposal by scheduling the bill for consideration, but appearances can be deceiving.

First, the rule reported by the Republican majority on the Committee on Rules gives opponents of campaign finance reform the opportunity to wound the bill by taking pot shots at Shays-Meehan. Then, when the bill is down and bleeding, the rule allows opponents to bring out the heavy artillery to try and finish it off. This rule may not give Shays-Meehan a clean vote. And, Mr. Speaker, unless Members of the House stand up and vote against the amendments designed to wound and weaken and eventually kill real and meaningful campaign finance reform, the Republican majority will once again, through a cynical exploitation of the process, stymie the efforts of those Members who are dedicated to reforming how Federal campaigns in this country are financed.

Mr. Speaker, House Resolution 283 makes in order a series of 10 amendments to Shays-Meehan. This series includes amendments that would, in essence, take away the ability of labor unions in this country to represent the views of their members in the political process, while others would allow individuals to increase their contributions to candidates from $1,000 to $3,000. There is even an amendment in this mix that puts limits on the campaign of the First Lady in the State of New York. These amendments are, by design, intended to seriously maim and wound Shays-Meehan.

The rule then provides for the consideration of three substitutes. These substitutes are intended to inflict mortal wounds. Should any one of them be adopted, Shays-Meehan will be declared DOA. While we can speculate that the first two substitutes, those offered by the gentleman from California (Mr. DOOLITTLE) and the gentleman from Arkansas (Mr. HUTCHINSON), will not pass, the third substitute, which is a proverbial sheep in wolf's clothing, stands a good chance of passing the House and killing Shays-Meehan.

That substitute, to be offered by the chairman of the Committee on House Administration, embodies a number of reforms to the operations of the FEC but does not affect the financing of campaigns. The Thomas amendment is indeed campaign reform. The problem, Mr. Speaker, is that it is not campaign finance reform. The intent here is quite clear and very obvious. This rule is designed to ensure that the House will never get a straight up-or-down vote on Shays-Meehan.

All that being said, Mr. Speaker, Democrats are not going to oppose this rule, for we know full well if this rule is defeated, that means the end of any discussion on the subject of campaign finance for the remainder of this Congress. In the last Congress, Shays-Meehan passed this body by a vote of 237–186 after the Republican leadership set up a series of roadblocks designed to keep the House from getting a vote on that bill. We can only hope that a majority in the House remains committed to campaign finance reform and will find a way to foil this ambush of the only proposal that fits that description.

Mr. Speaker, I urge my colleagues to reject the amendments made in order in this rule.

Mr. Speaker, I reserve the balance of my time.

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Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL), my very good friend.

Mr. CAMPBELL. Mr. Speaker, I thank the Chairman of the Committee on Rules, my good friend from California, for yielding this time to me.

Mr. Speaker, let me begin with a note of gratitude to the Speaker of the House. Last year we tried to get this bill up for a vote, and it took a discharge petition, with Republicans and Democrats together, to make it happen. That was under a different Speaker. This Speaker, by contrast, promised that we would have a vote on the floor in September. He has fulfilled that promise without being forced to by a discharge petition. There were many skeptics who said that it was a subterfuge; they were wrong. He deserves to be honored for keeping his word.

On the merits, as I see the rule, and I intend to support the rule, it allows a fair discussion of Shays-Meehan and legitimate alternatives that colleagues wish to put forward. I intend to be supporting Shays-Meehan throughout today's debate. I intend not to be agreeing to amendments that would kill Shays-Meehan. But other people have their reasonable attitudes about their own approach, and it is simply fair to allow them to present their alternatives. There is nothing unfair in a rule that allows this House to debate alternatives.

I am going to use the remainder of my time just to identify one very important thing we will do today, when we pass Shays-Meehan.

A television ad that was run in the last campaign stated:

> Head Start, student loans, toxic clean up, extra police protected in the budget agreement, but the President stood firm. The President's plan: Politics must wait, balance the budget, reform welfare.

Almost the identical words appeared in a similar ad, the first one, however, by the DNC with soft money on May 31, 1996; the second, by the Clinton campaign, on June 2, 1996.

What we have today is a huge loophole in campaign finance. We run the exact same ads almost, but we run them as soft money ads through a political party, and anybody can contribute any amount of money to finance those ads.

Mr. Speaker, if we intend to have a system that limits how much people can influence the system to prevent corruption, then we must not allow a loophole as large as this whereby we can run almost exactly the same ads and have them excused because it is soft money rather than hard.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN), the author of the legislation.

Mr. MEEHAN. Mr. Speaker, I thank the gentleman from Texas for yielding this time to me.

Members of the House have a unique opportunity today to make a real difference and to pass campaign finance reform, legislation that is long overdue.

As my colleagues know, we have had lots of disagreements between Democrats and Republicans about how to determine tax policy, what to do with the surplus, a patients' bill of rights, education reform and what to do to improve education across our country. Finally today we have an issue that Democrats and Republicans can agree on.

There were 50 to 60 Republicans who supported this legislation in the last Congress. We got 251 votes from Members of this House in the last Congress. This is our opportunity today to pass real comprehensive campaign finance reform, to make soft money illegal, illegal because it is a loophole that came out of the Campaign Finance Reform Act of 1974 and has had a corrupting influence on presidential elections in this country.

Mr. Speaker, it is not good enough to just stand up and have hearings and spend millions of dollars talking about the abuses in the last campaign and then do nothing about it. It is just not good enough to have hearings and create an environment where Democrats attack Republicans, Republicans attack Democrats, on the abuses in the last campaign and then do nothing about it. Today is the day. Today is the day when the votes are going to be counted and we are going to determine, who is for campaign finance reform and who is not.

During the course of this debate there are a number of what we call "poison pill amendments," amendments that are designed to do nothing but kill this unique coalition that has been established. I urge the Members of this House to see through these amendments and recognize them for what they are, nothing more than an attempt by the opponents of campaign finance reform to kill this legislation.

Let us kill these amendments, and let us pass comprehensive campaign finance reform today.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), my good friend, and neighbor and classmate.

Mrs. ROUKEMA. Mr. Speaker, certainly I rise in strong support of this bill that is finally bringing Shays-Meehan to the floor, and I might say better late than never. Neverthless, I do express appreciation to the Speaker for fulfilling his promise that we conduct this debate.

I do think that without question, as already has been stated here, the American people believe that we have a rigged and corrupt system, and perhaps with good reason, but we have a good opportunity today to really put that behind us and vote this reform. This will put us on the road to reestablishing our credibility.

I must say that with the campaign costs skyrocketing candidates and incumbents, as the American people have seen, find themselves devoting more and more time and energy to fund-raising and the reach and influence of special interests has grown out of control, and as a consequence, people do believe that their elected officials are bought and paid for; and it is at the core, I believe, of the voter cynicism that is leading Americans to drop out of our political system and the political process of our democracy.

We have here today the opportunity, without question, to address one of the most corrupt, corrosive developments in our system, the explosion of soft money; and that is what we are about today. If we do nothing else, we must lay the foundation and take this giant step for correcting this problem and ban soft money. It will not do everything, but it will be the foundation and a giant step forward, and we must do it.

The American people are cynical; they are disgusted. Let us take this first giant step to restoring faith in our democratic process. Support the rule, and support Shays-Meehan, the soft money ban, outright. It is a strong ban, a hard ban, on soft money.

Mr. Speaker, I rise in support of this rule and would like to begin my remarks this afternoon by saying: "better late than never.

I have been part of a bipartisan group of Members who have been seeking a full and a fair debate on campaign finance reform.

We should have had this debate last Spring. As a result, America will be forced to witness another general election conducted under rules the American people think are rigged and corrupt.

But we are finally having it now and I thank the Speaker for fulfilling his promise to conduct this debate.

Mr. Speaker, the lack of fundamental change in our campaign finance reform is one of Congress' most significant failings. Clearly, our campaign finance system is out of control. The signs of impending disaster dominate the headlines every day. Campaign costs are skyrocketing. Candidates, incumbents and challengers alike, find themselves devoting more time and more energy to fundraising. The reach and influence of special interests continue to grow. As a consequence, many people believe elections are "bought" by those organizations with the most money! And is at the core of voters cynicism leading to Americans dropping out of the political process of our democracy.

Without question the most corrosive recent development has been the explosion of so-called "soft money"—donations from wealthy corporations, labor unions and individuals to the major parties.

Of course, there are many critically important issues that we will examine during the course of this debate—the so-called paycheck protection amendment, issue ads, independent expenditures, and others.

But if we do nothing else—let's ban soft money. My Colleagues—soft money was at the heart of each and every one of the scandals of the last Presidential campaign today—nights in the Lincoln Bedroom, White House coffees, alleged contributions from the Chinese military to the DNC, and more.

The American people are cynical and disgusted. They should be.

Support the rule. Then, to ban soft money outright, support Shays-Meehan.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, 20 years ago in Buckley versus Valeo, the Supreme Court said, and I quote, "To the extent that large contributions are given to secure political quid pro quos from current and potential officeholders, the integrity of our system of representative democracy is undermined. Of equal concern is the danger of actual quid pro quo arrangements and the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions."

Twenty years ago the main problem was unlimited individual contributions going for undisguised campaign ads. Today the problem is different. It is unlimited contributions from individuals and groups going for campaign ads that are disguised transparently as issue ads.

So this is the real question. Will it take a Teapot Dome scandal to get action under this dome on campaign finance reform?

The Annenberg study says the abuse of sham issue ads is growing. I read for my colleagues this campaign ad from last year:

"Linda Smith on education: I have decided the U.S. Department of Education is not necessary. That explains why Smith cosponsored a bill to eliminate the Department of Education, voted to cut Head Start and student loans, voted against testing standards to make schools accountable. Linda Smith even voted to slash safe and drug-free schools in half. Linda Smith puts her narrow political agenda ahead of our schools. Tell her to stop voting against kids."

If the words had been used "defeat Linda Smith," under our campaign laws, instead of the word "tell" which was used, that was clearly a campaign ad. Games played with language using the word "tell" instead of the word "defeat" should not thwart the law.

Corruption by money of the democratic process is not freedom.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. WICKER), my good friend.

Mr. WICKER. Mr. Chairman, I thank my friend for yielding this time to me.

Mr. Speaker, I will vote for this rule of course, but against final passage of Shays-Meehan. Let me make one thing clear at the outset of this debate. There is no public clamor for this legislation. I have been in almost every corner of my 24-county district during the last month, and not once did a single citizen bring up the issue of our campaign finance laws. No, the hue and cry for this bill is occurring inside the Beltway of Washington D.C. largely by those who would receive a special advantage by this proposed tilting of the playing field.

Mr. Speaker, I am proudest of this House when it works in a bipartisan manner, but this is not what we will have today. There may be high-sounding tones in the media about the winds of reform, but for its liberal advocates this bill is really about party politics, and here is why. The big labor bosses use the forced dues of their union members to further their political goals, and that usually means support only for Democrats. This bill would do nothing to stop that practice.

Shays-Meehan takes no action to limit another of the most significant abuses of the liberal labor bosses, and that is the in-kind, unreported use of union employees for get-out-the-vote, organization efforts, and other political activities. These actions benefit one party exclusively and, frankly, are beyond the scope of anything we can do as a Congress.

Mr. Speaker, this debate should be about freedom of speech, freedom of expression, the first amendment to the Constitution of the United States.

Look at this diagram, Mr. Speaker. We should shudder to contemplate the arcane, complex, Rube Goldberg limitations on American expression which are contained in this bill. This is the convoluted process that the courts and the FEC, candidates and citizens will have to go through in order to make sure their advocacy is permissible under Shays-Meehan.

Now, Mr. Speaker, I have friends on both sides of the aisle who legitimately believe that there is too much money in campaigns today, and I will admit that there is a certain nostalgia for the one-on-one campaigns of yesteryear; but this bill, Shays-Meehan, does not get us there. When I was a youth growing up in Mississippi, there was always a huge crowd around the court square on a Saturday morning. A candidate could come into town with a loud speaker on top of his station wagon and get his point across to a large percentage of the voters. But those days are over. We live in the days of malls and cable TV with 99 channels, the Internet, not to mention radio, direct mail and the print media. Those are the methods we use in the United States of America to convey information today, and it costs money to buy that form of advertising.

Freedom of speech is worthless if no one can hear it. The truth is that it takes funds to amplify our political discourse to a level which reaches the public.

Mr. Speaker, there are solutions out there to rectify the most unpleasant aspects of campaigning and raising funds to do so, but that will not occur today. It will not occur as long as one political party believes it can achieve a significant and unfair advantage under the guise of reform.

I urge passage of the rule and defeat of Shays-Meehan.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise reluctantly to support this rule because it remains the only way that we will get real campaign finance reform on the floor for a vote. The underlying Shays-Meehan bill is strong, bipartisan legislation that deserves the support of every Member of this House. It is the only bill that shuts down the soft money system and reins in the phony issue ads; but in order to get to Shays-Meehan, this rules forces us to navigate a minefield of poison pills, killer amendments and substitutes introduced by many Members who have absolutely no intention of voting for the underlying bill.

The most dangerous of these is the Thomas substitute. It would strengthen the FEC, a cause I have long championed. Along with my colleague, the gentleman from Tennessee (Mr. WAMP), we introduced an amendment that would incorporate the Thomas substitute as a perfecting amendment, as many of us did with the commission bill of the gentleman from New Jersey (Mr. FRANKS) and others last year. But, Mr. Speaker, this was rejected.

I urge my colleagues, vote for the rule, against all substitutes, all killer amendments, and for campaign finance reform.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS), the lead author of the campaign finance reform bill which brought us to this point.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank this Congress for debating this issue.

This is legislation that clearly has bipartisan support. It is a team effort, and it has probably been one of the more satisfying activities that I have been involved in.

□ 1330

I just want to say that I disagree strongly with the gentleman from Mississippi talking about it being one party. It is not about one party, and it is not about freedom of speech because we retain freedom of speech. It is about ending corrupt politics. That is what it is about.

It has been against the law since 1907 for corporate treasury money to be used in campaigns, but it happens. It has been against laws since 1947 for union dues money to be used in campaigns, but it is happening. It has been against the laws since 1974 for foreign nationals to contribute to campaigns but they are, and they are because of two loopholes: Soft money, the unlimited sums of money from individuals, corporations, labor unions, and other interest groups; and the sham issue ads which are truly campaign ads.

We do not prevent those ads for money. We just call them campaign ads. What that means is, out goes the corporate treasury money, the union dues money, and the foreign national money. That is what this debate is about. It is about having a fair system, where everyone has a right to speak out, and where we enforce the 1907 law, the 1947, law and the 1974 law.

I would want to just end by saying this is a fair rule, but it is a fair rule that gives the opponents of our legislation seven shots to kill us as amendments and three shots to kill us through substitutes. It is still a fair rule. It is a rule, though, that does not allow for one amendment, and that is the Thomas amendment. We wanted it as a perfecting amendment rather than as a substitute because it is a very good piece of legislation, but it is process, not reform, in our judgment.

So I salute sincerely the chairman of the Committee on Rules for making sure we have a debate that will not go on for months, giving us time limits, letting us know what is coming, and I thank him for doing it; and I thank our Speaker for living up to his word.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in reluctant support of this rule, in strong support of the Shays-Meehan bill, and in opposition to the poison pill amendments. Today's votes present clear choices. If one is a Member of this House and they like spending more and more of their time raising money, vote for the poison pills; but if they prefer working on issues important to their constituents, support Shays-Meehan.

If one works for a corporation or a labor union and they like getting hit up for soft money donations again and again, support the status quo; but if they prefer to invest money in their own organization, support Shays-Meehan.

If one is a TV viewer and they like endless streams of deceptive anonymous issue ads in election years, oppose reform; but if one prefers honest and less frequent ads, support Shays-Meehan.

If one is an American and likes their voice being drowned out by special interests, big money, support the DeLay-Doolittle coalition; but if one wants a greater say in how our laws are made, support Shays-Meehan.

I urge approval of the rule, defeat of the poison pill amendments and passage of the underlying legislation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me this time.

Mr. Speaker, I do rise in support of the rule and I do rise in support of Shays-Meehan and in opposition to the amendments. There has been a lot of fussing over the rule here today. I do not think there is anything unexpected there. That is what the majority of the majority parties wants, to have a certain limited circumstance. I think, in fact, the Committee on Rules and the leadership deserves credit for letting us vote on this at all; and because there has been so much attention paid to it, I think we all know exactly what we have to do on the individual votes under this particular rule so I do not think that is a problem.

I hope that all of us will support it.

I hope everybody will consider very carefully what we are doing here. It should concern every one of us that there are corporations, there are labor unions, there are organizations out there which are contributing to the political parties in soft money a quarter million and more, perhaps something less than that. And if anyone believes they are doing it because they believe in good government, I would tell them to look at the underlying legislation that those groups are interested in.

The bottom line is that I think we need to do something about it. I am for individual contributions. I am for complete disclosure of all contributions and all expenditures which are made. I think we have to limit the special issue groups so that is obviously not in order. And I think Shays-Meehan would do it, and I would encourage all of us to do it.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise in support of this rule. I think it is clear in this body last year we made it known that a majority of the Members here believe, as the public does, that we have a need for campaign finance reform.

The people have lost faith in the current system, a system that should be of the people, by the people, and for the people. The people wonder actually, does it belong to the people?

The current system really makes it impossible for people who want to give voice to their issues to get into electoral office. They feel shut out. We need Shays-Meehan so that we can restore confidence in our electoral system and make this great democracy even greater.

Today we have a chance to change all of that. We can restore faith in this political system breathing democracy by passing Shays-Meehan. The proposed amendments only cloud the main issue, and the substitutes unfortunately seek to gut it. We need to send a clean bill to the Senate and represent the change that Americans want, starting here in the House.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), the author of one of the key substitutes.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me this time.

Mr. Speaker, I rise in support of the rule being offered today. I believe it is fair. It will allow a broad-ranging debate on campaign finance reform. The rule makes in order four major alternatives, one of which is the substitute that I have offered, along with the gentleman from Kansas (Mr. MORAN), the gentleman from Missouri (Mr. HULSHOF), the gentleman from Montana (Mr. HILL), and the gentleman from Texas (Mr. BRADY). It is the Campaign Integrity Act which does three things that I think are very important.

One, it bans soft money to the national parties which is the most significant problem that we have on our scene.

Second, it empowers individuals in our system by increasing the information that is available to them through more disclosure.

Third, it raises the individual contribution limits to prevent the value of the small contributor from being eroded through rising inflation. Ours is the only substitute that does that.

As my colleagues examine which alternative is the right one to support, we should all ask a couple of questions.

First of all, what fixes the most significant problems?

Second, what can realistically get passed in the Senate?

Third, what is consistent with the Constitution?

I believe that is the framework for the debate as we engage in this under the rule.

The Hutchinson-Moran-Hill-Brady-Hulshof substitute accomplishes all three of these objectives. So I believe it is a fair rule that is being offered today.

The question has been raised, does the public support reform? I believe that they do. In fact, I believe the reform is more intense in the body politic in America than it is in this body, because we know the script; we know what is going to happen, and we know the Senate is not going to consider the same bill that they considered the last time.

So I think the public is wiser. They support reform, but they want good reform and they are willing to debate the substance of each proposal.

Alexander Hamilton in Federalist No. 15 said, why has government been instituted at all?

The answer is, because the passions of men will not conform to the dictates of reason and justice without constraint.

I believe that defines the debate on campaign finance reform, that reason and justice demands this type of reform and the rule will support that.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from California (Mr. DREIER) has 9½ minutes remaining; the gentleman from Texas (Mr. FROST), 19½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, if we sweep campaign finance reform under the rug, what legacy will we be leaving our children? Political mistrust, apathy? Or today, will we take a giant step forward in reforming a political system and leaving a system that our children can be proud of?

Enough is enough, Mr. Speaker. The American people want campaign finance reform. They want it now.

The American people are weary of the glaring abuses and outrageous sums of money spent on political campaigns. The American people believe big money is destroying our political systems.

Campaign reform is not a Democratic or Republican problem. It is a Democratic and Republican responsibility.

Mr. Speaker, it is time to come to this House floor and honestly address campaign finance reform. Let us do it and let us do it once and for all. Let us vote yes on Shays-Meehan. Let us vote no on all poison pill amendments.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, I respectfully depart from some of my colleagues here who think that this rule is a fair rule. I suggest that this rule is, in effect, a somewhat hidden attempt to kill the only campaign finance reform proposal that probably has a chance of passing this year. We know that because last year when it was presented, it passed by 252 votes to 179. It had 61 Republicans on it. It was, in fact, a bipartisan effort. This year, instead of showing a willingness to either take a stand and be counted on the issue of banning unregulated soft money donations to parties, of regulating phony issue ads on television, and imposing new fund-raising disclosure rules, some are trying to use the rules, I believe, to obfuscate the issue, take 10 swipes either killing it with a poison pill or killing it by substituting suggestions that are unpalatable to most of the Members of this Congress.

In fact, the New York Times, in an editorial on September 13, I think, justifiably called these junkyard tactics of 1998. It is essentially the same tactics that we saw last year.

This rule, in a good world, would be defeated; but apparently it is going to pass because people fear that without this rule we will have no chance at campaign finance reform at all.

We should have that chance. We should vote for Shays-Meehan without all the other shenanigans.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise with little enthusiasm for this rule but in great support for the Shays-Meehan proposal.

Mr. Speaker, I have a picture on the wall of my office that I purchased several years ago from a high school art competition in my district. It was produced by Jeff Vogelsberg, a student at that time in Belleville High School. It is a picture of a car made out of money that has lassoed and is towing away the capitol of the United States.

We have a saying in our language, out of the mouths of babes, which really recognizes the pure and perfect insight that children often possess, their ability to get to the nub of the issue; and in fact, Mr. Speaker, this is how our children see us, how the public sees us. Of course, it is the children who will grow up and write the history books of the future.

What do we think they will have to say about us and this Congress? How will history portray us? Will this Congress be portrayed as supporters of a system with integrity and honor, or one of money that is so powerful it can pull the capitol of the United States from its very foundations? Support Shays-Meehan.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of the rule because it is going to present an opportunity to the House of Representatives to vote on the merits of this very important bill that I am a cosponsor of, the Shays-Meehan bill.

It has been suggested earlier, there is not public clamor for us in Congress to take up campaign finance reform, and I think that statement alone really demonstrates what a problem we have here.

The public is leaving it to us to figure out the details on how to rid this system of its excesses. What they want from us, what the public is clamoring for, is simply independent judgment.

□ 1345

They want control over this political process returned to people. They expect us to judge each of the issues that come before us on the merits. If they were exposed to what we are exposed to, the incredible acceleration in the rate of soft money and sham issue ads pouring into the system, overshadowing their individual votes, they would expect us to take up this very bill today. We have to be on guard to defeat the poison pill amendments.

The Shays-Meehan bill is not a bill that favors Democrats or Republicans, it favors ordinary citizens who want their vote to count. We need to defeat the poison pill amendments, we need a straight-up vote on Shays-Meehan, we need to return control of our elections of this Congress to the people of the United States.

Mr. FROST. Mr. Speaker, we reserve the balance of our time.

Mr. DREIER. Mr. Speaker, is the gentleman from Texas prepared to yield back the balance of his time?

Mr. FROST. Mr. Speaker, I would respond to my friend from California by saying that we have additional speakers; however, they are not currently on the floor. We have Members who have requested the opportunity to speak.

Mr. DREIER. How much time is remaining on both sides, Mr. Speaker?

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from California (Mr. DREIER) has 9½ minutes remaining, and the gentleman from Texas (Mr. FROST) has 15½ minutes remaining.

Mr. DREIER. Mr. Speaker, does my friend anticipate that he is going to fill that entire 15-minute period?

Mr. FROST. Mr. Speaker, we have requests for that time, but the Members are not currently on the floor. It is our anticipation that we would use the time. We had planned to.

Mr. DREIER. So if I were to move the previous question, would the gentleman yield back the balance of his time?

Mr. FROST. Not at this point, Mr. Speaker, because there are Members who are in transit. There are Members who are coming to the floor who would like to speak.

Mr. DREIER. In light of that, Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today in strong support of the rule that will help to deliver comprehensive campaign reform to the American people.

Last session, I was one of the authors of a bill to create an independent commission that would be empowered to make specific proposals that Congress would have been required to act upon. But today, the underlying bill before us combines the best of two approaches: the independent commission and Shays-Meehan.

While the old Shays-Meehan legislation addressed some of the most corrupting elements of our campaign finance system by banning soft money, reforming issue ads and imposing tougher FEC disclosure, it failed to address a variety of other legitimate concerns. But now, with the independent commission having become part of the Shays-Meehan proposal, the bill before us now has an added dimension. The commission created by this legislation will provide a means to address those issues that continue to breed public mistrust in our campaign finance system.

Today, Congress needs to face a harsh reality. Shays-Meehan, which now includes the independent commission, is the only real opportunity to deliver to the American people a campaign finance system that they can trust. I urge my colleagues to strongly support this rule.

Mr. DREIER. Mr. Speaker, as we rapidly use up our time on this side, leaving my friends with 15 minutes on their side, I am happy to yield 1 minute to my good friend, the gentleman from Tennessee (Mr. WAMP).

Mr. FROST. Mr. Speaker, I yield 2 additional minutes to the gentleman from Tennessee (Mr. WAMP).

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. WAMP) is recognized for 3 minutes.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for helping us out here.

Mr. WAMP. Mr. Speaker, it is great to be loved by both sides here today.

I rise in support of the rule and in great appreciation for the distinguished chairman of the Committee on Rules who I think has been very fair and courteous through this process, and also in great appreciation to the Speaker of the House who is proving to all 435 Members of the House today that he can be trusted to follow through on his word; that we would, in fact, this week in September consider the issue of campaign finance reform after an overwhelming success last year on basically the same decision, and that is, the underlying text of Shays-Meehan, which we have before us today.

Of the four major alternatives that the gentleman from Arkansas laid out a few minutes ago, three of them truly address systemic campaign reform, that is, the issue of money and influence on the federal process. One of those four alternatives, though, frankly, does not stack up to the level of significant campaign finance reform as the other three. And that one is the Thomas substitute.

Now, the gentleman from California (Mr. THOMAS), the chairman of the Committee on House Administration is a brilliant man in this House; we all know that. He understands all of these issues extremely well, but what he has offered and the Committee on Rules embraced as a substitute really is an amendment, and my colleague, the gentleman from Florida (Mr. DAVIS), and I appeared before the Committee on Rules and asked that that amendment be ruled in order, not as a substitute or an alternative to the other three major provisions, but as an amendment so that it could be attached to our bill, because frankly, there is nothing in it that everybody would not desire as an amendment to any of the three major alternatives. Yet, it was chosen as a substitute.

Now, folks out there do not know what this really means, but what happens here is if it gets more votes than the rest of the bills, it goes forward; the rest stop, dead in their tracks, and therein lies somewhat of a gimmick in this whole process of today.

So there are issues that will be considered as we go through this day, and we are grateful for the opportunity that will not be what they appear on the surface, because people will be voting against things that are perfectly good so that the underlying bill, the Shays-Meehan bill, the bill with momentum, the bill that is the most significant campaign finance reform legislation to move through this Congress since 1974 can be considered on its own merits.

Now, today, as we go through all of this debate, Members are going to look for places to hide. I have seen this; this is my fifth year here. They look for some way to position themselves so that they can say I am for it, but. And the American people should say, the buts must stop now. You are for it, you are going to vote for it, you are going to move it forward. Soft money is the target. There are a lot of details that people will hide behind, but soft money is not defensible in today's environment. It is excessive, onerous, egregious, and should be removed.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to first thank my friend for his complimentary remarks and then to respond to a couple of points that he raised.

First, what he described as somewhat of a gimmick is, in fact, something called regular order. We are proceeding with the regular Rules of the House here. And to describe the Thomas substitute as a measure which should, in fact, be considered as an amendment and not a substitute would be doing a disservice to the chairman of the committee which will be managing this legislation as it moves forward, and in fact, the Thomas substitute was the only substitute that was favorably reported from the Committee on House Administration, so I think it is important for us to just clarify the record. Again, under this regular order procedure, we are allowing the Members the opportunity to consider a wide range of alternatives.

Mr. Speaker, I yield 1½ minutes to the gentleman from Long Beach, California, Mr. HORN.

Mr. HORN. Mr. Speaker, I thank the Speaker. Speaker HASTERT told us in March, we will bring it up in September, and here it is September, and it is brought up. He is a person of his word.

I support the rule; I support Shays-Meehan. The question is, "Do we have the will to get a majority?" We had it last year; let us get it again this year. Will it stop current practices? Will it stop the auctioning off of the Lincoln bedroom? The greatest scandal in American history was the collection of foreign and domestic money for the 1996 presidential campaign. Shays-Meehan will stop that.

The time is now. Twenty-five years ago well-meaning colleagues thought that Congress was banning soft money. It turns out they were not. They had reform for individual candidates, but they failed when corporate money, union money, and very wealthy individuals' money, could be laundered through party organization committees of both parties and smaller parties. This flow of money was readily welcomed and the parties simply became great Automatic Teller Machines that one can push in at one end and millions of dollars come out at the other end. If we did that as candidates, we would be indicted. The parties are not. They had found a huge loophole. Shays-Meehan will end that.

Mr. Speaker, every right that we have flows to us in the governing of this country. We need to really reaffirm it by doing the right thing. We need to decide now whether our elections will be governed by law or manipulated by loophole. Let us do the right thing. Let us change the law. Let us make sure that people have faith in this institution and the institutions of government generally. If we do not do it, we will continue to see people as doubters about how ethically clean are legislators at the local, State, and the national levels. This is the chance to clean house. Let's do it.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I rise today first to congratulate the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their excellent across-the-aisle, bipartisan work in bringing about this legislation. I might say that I hope that this bipartisan effort that they have put together with lots of Members from both parties is something that we cannot only win with today, but have repeated with other bills: the patients' bill of rights, education. We ought to be able to find a way to work across party lines to get things done for the American people. I want to congratulate both of them vociferously for the hard work that they have done day in and day out to get us to where we are today.

I would also like to recognize the work of our Democratic Blue Dogs and their discharge petition effort which forced the leadership to take our demands for a vote on campaign reform seriously. Because of their work, 202 Members of the House signed the discharge petition, urging the Republican leadership to bring Shays-Meehan to the floor, and we are able to be here today on the floor discussing this because of that discharge petition and the work that was done, again, in a bipartisan way to get this on the floor.

The truth is, some of the Republican leaders have done their best to prevent this issue from coming to the floor, despite the fact that a bipartisan majority of the House wants this vote. And they are still trying to kill reform with poison pill amendments and substitute bills. I hope that does not succeed. I hope the bipartisan majority for good campaign reform prevails.

This is a very simple issue. A vote for Shays-Meehan today is the best way and, in my view, the only way to begin to roll back the influence of wealthy special interests in government. It is the only way to focus the Congress back to the issues that the people I represent care about; to make our politics more responsive to their needs and not simply listening to wealthy special interests.

We have all seen what being bound to big money from special interests has done to our present legislative agenda. Republican leaders put the needs of powerful lobbyists ahead of average families and their needs. They killed gun safety legislation. They have tried to block a real patients' bill of rights, and they have refused to take action to make prescription drugs affordable to every senior.

Instead, they have introduced a tax bill which gives a small minority of wealthy Americans and corporations an $8 billion tax break which threatens the economic growth that is the best I have seen in my lifetime. We have gone from a government by the people, for the people to a government of lobbyists and special interests.

By passing Shays-Meehan we take the first major step toward restoring the trust of the people in their government, in their House of Representatives, and returning us all to the agenda of ordinary American families.

□ 1400

It is time to begin this process. It is time for Shays-Meehan to be the law of the land. I ask every Member, Republican and Democratic, refuse to vote for the amendments designed to kill this reform, reject the Thomas substitute, which will only distract us from what we are supposed to be doing, and stand up today for Shays-Meehan, for real campaign reform. Return the people's Houses to the people of this great country.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the committee of jurisdiction.

Mr. HOYER. Mr. Speaker, I rise in opposition to this rule and urge its passage. What did he say? What kind of doublespeak is this? Is he speaking out of both sides of his mouth? I will leave it for the Members to determine, and I will discuss this rule and why I think it ought to be passed, and why I think it is an unfortunate rule in that context.

Mr. Speaker, there is a disease infecting American politics today. That disease is cynicism—cynicism toward our public institutions and our public officials.

The symptoms are plain to see: civic disengagement, voter apathy, detachment, disaffection, and erosion of trust. In my view, this cynicism is inextricably linked to our current campaign finance system.

In the 1996 presidential election cycle, less than one-tenth of 1 percent of Americans contributed the maximum $1,000 per election for any candidate, according to the Advocacy Group on Public Campaigns. Yet, Americans cannot help but be awestruck by the so-called soft money contributions pouring into our politics. In the 1996 election cycle, the two major parties raised $260 million in soft money. The same group predicts this figure will explode to $750 million in this cycle.

Today, Mr. Speaker, we have a rare opportunity to attack this cynicism before it hardens into a more debilitating contempt. We also can show the American people that we indeed can work together in a bipartisan manner.

Just 13 months ago this House overwhelmingly passed the Shays-Meehan campaign finance reform bill, 252 to 179, 61 Republicans, 190 Democrats. There is no reason that we cannot pass this important measure by even a larger margin today.

As we all know, Shays-Meehan would chip away at this cynicism by banning soft money contributions. In addition, it would regulate issue advertising that is clearly aimed at electing or defeating a specific candidate.

While I am hopeful that we will pass Shays-Meehan once again, I am mindful that the path to victory is treacherous. That is because the rule governing today's debate in my view is designed to do one thing only, to kill Shays-Meehan. That is why I said at the beginning that I rise in opposition to this rule but urge its support, because I fear if it goes down, we will not have the opportunity to consider Shays-Meehan.

Here is what the Washington Post said about the 10 amendments made in order by this rule: "They were written and chosen either to vitiate the Shays-Meehan bill, or to poison it for Democrats who might then take the lead in killing it. Perhaps even worse, this rule pits noncontroversial Federal Election Commission reform, the Thomas substitute, against Shays-Meehan." If the Thomas substitute receives more votes than Shays-Meehan, the latter, of course, dies, and we will never even get to vote on it.

The substitute on FEC reform is not nor was it ever intended to be campaign finance reform. I ought to know. The Thomas substitute we will consider under this rule incorporates many of the provisions that I sponsored in H.R. 1818. But make no mistake, FEC reform is not campaign finance reform. FEC reform should have been on a suspension calendar or made as an amendment to Shays-Meehan. It was not. It was not because if it is adopted, it will automatically kill Shays-Meehan.

I urge my colleagues to vote against the Thomas substitute, which I support, but I support Shays-Meehan today, and we can support Thomas tomorrow.

I should note, too, that not one of our four committee hearings this summer, not one, was focused on FEC reform. Frankly, as best I can tell, their only real purpose was to try to discredit Shays-Meehan.

Finally, despite the fact that this is an unfair rule, as I said at the outset, I urge my colleagues to adopt it, to adopt it so that we can consider legislation critical to trying to allay the cynicism of which I have spoken.

Rules, of course, are not always fair, but there is no reason we cannot overcome the obstruction in our path, pass the bipartisan Shays-Meehan bill, and chip away at the cynicism toward American politics that exists today. I urge my colleagues to reject the poison pill amendments, to reject the Thomas substitute so we can adopt it on another day, to leave standing Shays-Meehan, and to vote in a bipartisan, overwhelming fashion to tell the American public that we are in fact, as our leader has said, going to return this House to the people.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to put this debate into a little perspective. When the United States became independent, when our Constitution was adopted, there were many skeptics who said that our new system of government would not last, a republican form of government, a democratic form of government. There had been many republics and democracies in the past and in antiquity, in Middle Ages, but they had not lasted. They all, every single one of them, degenerated into oligarchies or autocracies. Skeptics said this new democratic republic would not last, either.

There have been two greatest tests of our democratic system. In the Civil War, because of slavery, Lincoln quite correctly characterized it as a test of whether a government of the people, by the people, and for the people could survive.

Now we face a second great test, the increasing domination of our politics by big money. People are cynical, and rightly so. They believe that their participation, their voices, cannot count against the power of big money, and recent experience says they are right.

We all know the power of the HMOs, the pharmaceutical companies. We watched this Congress pass a $50 billion giveaway to big tobacco companies. We gave away, not sold, not rented, gave away a $70 billion spectrum to the broadcasting companies. Why? Because of the power of big money.

That power has corrupted both major political parties, and if we do not stop it, if we do not take this step, Shays-Meehan is the first step towards shopping it, when the histories are written, they will say the United States had a good 200-, 250-year run with democracy, and then it degenerated into an oligarchy and not a democratic system.

We must begin to stop it now. We must pass Shays-Meehan. We must reject the trickery and the conniving of the Republican leadership in putting all these procedural obstructions in its path. If we want democratic government to survive into the next millenium, this is the time to start saying so today.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to my very good friend, the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the chairman for yielding time to me, and I thank him, as well as the Speaker, for his fairness in allowing us to bring this to the floor today.

Mr. Speaker, the issue of how we finance our campaigns overshadows and undermines every other issue we debate in this Capitol. It distorts our policy with regard to the national defense of our Nation, it distorts and skews our policy with regard to health care, it distorts and skews our policy with regard to environmental protection.

Reasonable men and women of this Chamber, friends of mine who come to the floor and argue otherwise, they will argue that when unions or corporations contribute hundreds of thousands of dollars in soft money to the parties, that in fact that has no effect whatsoever on the policy that proceeds from this House.

I do not believe that, but reasonable people can differ. What is clear, though, is that the fact that there is this question before us undermines public confidence in democracy, and the public's confidence in our institutions of democracy is too important, far too important to act in any way but to err on the side of prudence.

Mr. Speaker, the standard for conduct in public office is not simply for public officials to avoid conflicts of interest. It is for us to avoid the appearance of conflicts of interest. Clearly, indisputably, the current system creates at least the appearance of conflict of interest, conflicts of interest between what is in the best interest of the American people and what is in the interest of those who donate such large sums to the parties.

Shays-Meehan allows us to transcend that conflict of interest. I urge its support.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, this is a bad rule and a bad deal, but it is the only option we will get in this Republican controlled House.

The effort here is to try and defeat, and if not to defeat to undercut, any positive step to make a downpayment upon true campaign finance reform. The Republican leadership does not want to enact campaign reform. Their transparent behavior and actions speak louder than words, the Republican postponement of the Shays-Meehan bill so it will not likely reform the 2000 election cycle late in this session, and even then to float so many amendments, such wood decoys, as to distract and shoot down true campaign finance reform.

Today, hopefully, the House and the American public, will let them know it's not duck season, will avoid falling into this public relations trap and demand reform which will ensure the empowerment of voters.

Pass Shays-Meehan. Restore credibility. Empower voters, not just the special interests in this cycle. Restore confidence to the American public. Elections are at the core of our democracy. We need to take this step and pay an installment in terms of campaign reform.

Mr. Speaker, today the Majority leadership is trying to turn the old saying, "If it quacks like a duck, if it walks like a duck, it must be a duck" on its head. Under that strategy, they hope to put out enough wooden decoys to distract our attention and the attention of the American people. With such waddling around and a cacophony of quacking on campaign reform, they hope that they will be able to distract, to decoy the House from voting for a responsible change in our campaign laws and to avoid public accountability for their actions to block real campaign reform.

Mr. Chairman, that strategy will not work. The Members of this House, are working on a bipartisan basis for positive change within the limits of the Constitution. The American people know that today's system of political campaigns and how we fund them is broken. The American voter also knows that we have to enact meaningful reforms to return our political process to free our political process from the perception and reality of special interest control and empower the public interest as vital to a democracy.

The essence of this debate is returning our political process to the American people; clarifying the election process as inviolate and making certain that the people have a restored sense of control through their participation; making certain that their vote makes a difference. As campaign spending has skyrocketed and campaigns have come to rely more and more on paid media, paid phoners and paid consultants, the growing disillusionment of the American public has been evidenced by declining numbers at the voting booth across the nation. A simple review of the Federal Elections Commission compilation of national voting turnout reflect a steady erosion in turnout over the past 30 years. In 1960, over 63 percent of the U.S. voting age population voted. In the last Presidential election, only 49 percent eligible citizens actually voted. For non-presidential years, the percentage of voting age population who actually voted dropped by an alarming 11 percent.

There is no need to explore in great depth, the causes for voter drop-off. Legions of political scientists have debated this matter in academic circles for over the past decade. And we, the practitioners of politics, also have our own preconceptions of what has brought about the decline in voter turn-out. For too many voters political campaigns have become too slick and too negative. The result, the voter just disengages from political campaigns.

Unfortunately, most of the options before us do nothing or too little to address the totality of this problem. Instead these proposals are new schemes designed to sidetrack this Body; to subvert the goal of campaign finance reform; and to embed in law special advantages and special interest control. In particular, I would like to draw my Colleagues' attention to the amendment to be offered by the Member from Pennsylvania, Mr. GOODLING. This amendment, masquerading as "campaign reform", in reality targets one segment of our society, labor unions, and gags them from communicating with the membership. This amendment ignores the fact that unions today are prohibited from using union dues in federal political campaigns and that individuals cannot be forced to pay funds that will be used for political purposes. This Shays Meehan legislation in fact treats unions the same as everyone else by clocking the use of "soft money" and closing the "express advocacy" loophole. Perhaps that is the problem with this legislation, it is too fair. It treats Democrats and Republicans, labor and business, the NRA lobby and gun safety groups alike. The opponents of this bill would rather have a bill that tilts the process in their direction. The inherent balance of Shays Meehan is the correct way to go, not an approach that gives an advantage to any group.

By approving the Shays-Meehan bill, Congress will be taking the first positive step in campaign finance reforms in decades. This legislation will certainly not eliminate all problems. This bill will not stop negative campaigning. Nor does it bring all campaign spending under control. The Shays-Meehan bill will, hopefully, be the first step in restoring some sanity to our campaign process. By eliminating the infusion of "soft money" into campaigns and closing the "issue advocacy" loophole, we are taking important positive steps to regain control and public accountability into our political base. This foundation will hopefully lead to further positive legislation to restore the rightful role of the American people in our political process. Critics say it will not work because of the courts or that the only way to go is public financing. The fact remains that this bill addresses serious loopholes and presents a common ground basis to act today.

To restore the role of the people and to return campaigns to a debate on issues, not sound bites, we must defeat the distracting phony decoy ducks that the Republican leadership and other anti-reform groups have floated and pass the Shays-Meehan bill today, as installment payment to restoring voter confidence and credibility to the federal election process now not later.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I feel very strongly about the need to reform the system that finances our elections on political parties. Far too much of the time of this Chamber is devoted to fund-raising. We as Members know it, and so do our constituents. It is not surprising that the current system has led to a serious erosion of public confidence in the democratic process.

Also, we know that all too often the policy has been shaped by campaign contributions. One needs look no further than what we have seen with the tobacco industry over time. The most egregious example I have seen since I have been in Congress was the $50 billion tax break for the cigarette manufacturers slipped into the 1997 tax reform legislation unannounced.

This campaign finance legislation, authored by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), does not just improve our terribly flawed system. More important, it will break a logjam that has prevented reform.

It will show the American people we can deliver something that is good for the political process and good for America. It will help us clean up the political process and make other reforms easier and more likely. It will help us exercise the bipartisan collaborative reform tendencies that can have a huge impact on the people's business in this Congress and beyond.

I urge a rejection of the poison pill amendments, and to pass Shays-Meehan.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, it is important that campaign finance reform come to the floor and be voted on. For that reason, we will not oppose this rule, even though this is an unfair rule, an unusual rule, and a rule structured by the majority to provide the maximum opportunity for mischief and the maximum opportunity to deny the House a direct vote on Shays-Meehan.

This is not a good rule. This is not a fair rule. But the minority has no choice but to permit the process to go forward and attempt to frustrate the majority's mischief by uniting our side with Members on the other side who want true campaign finance reform.

We will support Shays-Meehan. We reluctantly agree that this rule should go forward so the debate may begin.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am happy, even though it is reluctant, to have the support of Members of the minority for this rule. But I have to tell the Members that they should be enthusiastically supporting it.

Why? Because it is in fact a very fair and balanced rule. In fact, the degree of fairness is greater than what it was when my friends on the other side gave when they were in the majority.

□ 1415

This is something called regular order. Now, our regular order, in fact, says that the gentleman from California (Mr. THOMAS), as chairman of the Committee on Administration, has allowed to move forward the one substitute that was reported favorably from his committee and have that considered as a substitute. We have also chosen to make two other substitutes in order.

As I said in my opening remarks, 26 amendments were submitted to the Committee on Rules. Of those, we have made in order 13. One amendment was offered by a Democrat, and that amendment was made in order. So my Democratic colleagues have had every amendment that they submitted to the Committee on Rules made in order under this measure.

So it is a very fair rule. It is what is known as regular order. There is no poison pill involved in here. We are following regular order, which is exactly what Speaker HASTERT said when he stood in this well on the opening day of the 106th Congress. So I urge my colleagues to support the rule.

I will say that I am one who does believe very, very strongly in the importance of the First Amendment to the U.S. Constitution. I think that the gentleman from California (Mr. THOMAS) is right on target in trying to provide a wide array of information to the American people as they look at the prospect of choosing their leaders.

The issue of campaign finance reform is important. It is important for us to make sure that we do everything that we can to protect and nurture that First Amendment to the Constitution. That is the reason that I am supportive of the Doolittle substitute, and I will be supporting the gentleman from California (Mr. THOMAS) in his effort.

I know there has been a lot of talk about what the level of public interest is in this issue, and clearly there are some people who want to spend a lot of time focused on it. I do not think that we should be legislating based solely on what is the highest rated poll item. But I will say this, the issue of campaign finance reform is not quite as important as some of my colleagues have said.

When the gentleman from New York (Mr. NADLER) talked about this being such an important issue, a decisive issue, as we juxtapose it to the Civil War, it seems to me that there are a wide range of important things that have taken place betwixt the Civil War and today, ranking all the way from the Second World War to the civil rights legislation, which was very, very important for our country. As the gentleman from California (Mr. THOMAS) has just reminded me, we had a man who walked on the moon 3 decades ago. So there are lots of things that are important.

We are, because of the level of interest that exists in this body, proceeding with consideration of this campaign finance reform measure under regular order, and I look forward to a free-flowing and stimulating debate.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–316) on the resolution (H. Res. 288) waiving points of order against the conference report to accompany the Senate bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1655, DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–317) on the resolution (H. Res. 289) providing for consideration of the bill (H.R. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1551, CIVIL AVIATION RESEARCH AND DEVELOPMENT ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–318) on the resolution (H. Res. 290) providing for consideration of the bill (H.R. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 283 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 417.

□ 1420

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. HOBSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Florida (Mr. DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut (Mr. SHAYS) be permitted to control 11 minutes of my time and the gentleman from Massachusetts (Mr. MEEHAN) be permitted to control 9 minutes of my time during the general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. THOMAS. Mr. Chairman, reserving the right to object, what would then be the time division? The gentleman from Florida (Mr. DAVIS) would remain with how many minutes?

Mr. DAVIS of Florida. Mr. Chairman, that would leave 10 minutes.

Mr. THOMAS. Eleven, nine, and ten.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as we enter into this debate, I do think it is important to listen to ourselves. The chairman of the Committee on Rules made reference to the gentleman from New York (Mr. NADLER) in terms of this particular vote being the most important vote to occur in this society since the Civil War. That statement is just silly. But I am much more concerned about statements made such as, "The American people believe we have a rigged and corrupt system." Or "Elected officials have been bought and paid for."

To the degree that those are presented as factual statements, I can assure my colleagues, any evidence that would prove that I would love to have it in my possession. The Federal Election Commission would love to have it. I believe these are basically rhetorical comments about what they believe to be the situation.

Well, I can assure my colleagues, if that is going to be the level of debate, if anybody disagrees with the Shays-Meehan supporters, they are therefore corrupt or that if they believe firmly that substantive differences offered in substitutes are not honestly represented, then I think we are going to have characterized on the floor of the House one of the fundamental problems we have in the area of campaign reform and that is some people believe that what they are advocating is not only perfect, but truth, that simply by positing it, everyone else in the system is somehow less than they are if they do not agree with it.

One of the things I think we need to establish at the beginning of this debate is that people can honestly differ and not be sinister, not be corrupt, not try to rig the system. Frankly, I think the supporters of Shays-Meehan have to get over hurdle number one, and that is go back to the definitive Supreme Court case dealing with this era of campaign reform and explain to many of us why Shays-Meehan is not simply, absolutely, flat-out unconstitutional.

Because back in 1976, the court said, "We agree that, in order to preserve the provision against invalidation on vagueness grounds, that the Federal Election Campaign Act definition must be construed to apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for Federal office."

The courts have held to that position consistently. All one has to do is look at some recent cases. Only go back to 1988. Shays-Meehan section 201 is unconstitutional based upon the decision in the Right to Life of Duchess County versus the FEC. Section 206 of Shays-Meehan is patently unconstitutional in the 1999 decision FEC versus the Christian Coalition.

We are going to be talking about money spent in the system, and they are just absolutely concerned about "soft money." Well, then, why do they not focus on the need to change the hard money provisions? Those were set back in the 1970s. This year in Nixon versus Shrink Wrap, in the 8th Circuit Court, overturned Missouri's $1,000 contribution limit as being so low that it impaired free speech.

I think it is fairly ironic that, when we look at this legislation, the question I think we really ought to address is whether or not the supporters of Shays-Meehan have a problem with other Members of the House of Representatives duly elected presenting their position and their constituents' position or whether or not they have a problem with the Supreme Court of the United States that somehow stubbornly believes that the First Amendment requires some degree of privilege; and that rather than follow the slippery slope of it sounds like, it may be, it appears to be, it ought to be campaign speech, the court very rightly bright-lined the test, express advocacy.

My colleagues can shop around it, they can sneak around it, but we will deny people the freedom of speech only if it is express advocacy.

Frankly, in many sections of the Shays-Meehan bill, it tromps all over, it tramps all over people's individual First Amendment freedoms. There is no question that, if this legislation became law, major sections of Shays-Meehan would be declared unconstitutional. We have gone down this route before. Let us not go down it again. Let us talk about passing legislation that can actually become law and begin to make changes.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I do not think the debate here today is about whether the system here is broken. I think, fortunately, that debate is over. This system is broken. This system is rancid. It needs repair.

I do not think the debate here today is about constitutionality. We know, those of us who proudly support Shays-Meehan, that we are about to pass a constitutional bill.

But let me set forth some facts here. In the 1991–1992 election cycle, $86 million in soft money was raised and spent by both political parties. By 1996, that number had exploded to $260 million. In next year's election cycle, it appears that may reach an unprecedented level of $500 to $750 million.

This is a system out of control. This is an example of excess. Control is moving further and further away from people and more and more in the hands of special interests. Those are the facts.

The same problem is developing with respect to the sham issue ads. The argument that we are having to debate here on the floor of the House of Representatives is whether people in this country who have special interests before Congress should have a right to anonymous political advertising. These groups on the right and left are so ashamed of their ads, they are unwilling to put their names on it.

As a result, the voters are disenfranchised because they are misled, they are deceived, they do not know whose voice they are hearing that is telling them how to vote for a particular candidate.

These are the merits we are going to defeat today. We need to defeat amendments like the Doolittle amendment that are designed to gut this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, it is my privilege to yield 3½ minutes to the gentleman from Arkansas (Mr. HUTCHINSON) who, from the day that he set foot in this Chamber, has been for responsible campaign reform.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman from California for yielding me this time, and I thank him for his leadership on this issue, who has been very mainstream and careful about his approach to it.

The gentleman from California (Mr. THOMAS) mentioned the Nixon case in Missouri that it set contribution limits of $1,000, and the 8th Circuit Court of Appeals said that that is too onerous and set that aside. Now that is going to be at the United States Supreme Court level, but it raises a problem.

The Supreme Court has said that contribution limits are constitutional, that it is certainly fair and reasonable for this body to determine that there is an appearance of impropriety or concern about the appearance of corruption and, therefore, we can set contribution limits. But we know that we set those in 1974.

Since then, they have been eroded by inflation to the value is only $300 today. So now the courts are taking a fresh look at this and saying, are those contributions limits constitutional in today's atmosphere and in today's economy?

So I think that it is important that we protect the role of the individual by having contribution limits but at the same time making sure they are indexed for inflation so that they do not continue to erode.

During this debate, we will be offering the Hutchinson substitute sponsored by many of my former freshmen colleagues. In that, we are the only proposal that actually increases the role of the individual by indexing limits to the rate of inflation. I think that is real progress. It will assure the constitutionality of the limits that we place in terms of contributions.

□ 1430

My good friend from Florida (Mr. DAVIS) who has been such an ally in understanding the need for reform, and I agree with him, there is the need for reform in our society; but he mentioned that we should be ashamed of anonymous ads out there.

If we go back to Thomas Payne and ask him about anonymous pamphleteering, he would say that is a basic freedom that we have. We put out information, and I think every group, they should be able to identify who they are and how much money they are spending. I think that is relevant information for the American public. But what is wrong, and this is proposed in the Shays-Meehan bill, is that we go into their contributor list, we go in and say, who gave to you, and restrict how much these groups can raise and where they get their money and make sure they disclose it.

The NAACP challenged this one time and said that we do not want to disclose our contributor list because they could be intimidated, during the civil rights era. The United States Supreme Court said, that is right, we cannot disclose the donors to a group like that.

Let us do not erode that freedom that we have by going in and saying that we want to disclose the contributors to every group that is out there.

So the bill that we are offering that will be in the debate accomplishes the main objectives of banning soft money to the federal parties.

Secondly, it increases information to the public, but it does not trounce upon the Constitution of the United States.

As candidates, we do not like criticism and ads ran against us. But does our discomfort justify restraining the freedom of others? I think the answer is no.

The Hutchinson substitute does not trounce upon the Constitution. It provides strong, reasonable reform that can pass this body, that can go to the Senate and have a better chance of capturing the vote. I believe that is the direction that we should go. I compliment all of my colleagues that have been moving toward reform and showing the American people that we can accomplish this in the United States Congress.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me thank, first of all, the author of the bill and the gentleman from Massachusetts (Mr. MEEHAN) for their leadership on this issue.

We dealt with this in the Florida legislature back in 1992. We reduced the amount of money that PACs and individuals could give. And everybody said at that time Armageddon. It will not work.

My colleagues, let me just tell all those listening: the Republican party actually won. They are in control of the House, the Senate, and the Governor's mansion. So our party should not fear this issue. Because I think the voters recognize there is a significant problem in politics today, and it is called money. Money influences politics.

This is not unreasonable. This does not limit free speech. This is not Armageddon, political suicide, unilateral disarmament. I think we are fighting a war rather than a sensible discussion on campaign finance reform.

So I urge all of my colleagues as they are listening today to think about the average individual.

Yes, I have heard from my side of the aisle that people at town hall meetings do not bring up campaign finance reform. Of course they would not. Why would they? They want to know what is happening on crime, education, health care, things that matter to their lives. But if we ask them one stand-alone question, Do you think campaign finance influence politics? they would give us a resounding "yes."

Let us fix the system. Shays-Meehan does it. I am proud to support it.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a leader in the effort to pass meaningful campaign finance reform.

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong support for the bipartisan Shays-Meehan bill.

I would first like to commend the authors of the bill, the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS), for their extraordinary consistent leadership. They have worked selflessly along with a bipartisan coalition.

The American people strongly believe that money should play less of a role in American politics, that candidates should be elected on the strength of their ideas and not the depths of their war chests.

Campaign finance reform is not just about one issue. It is about every issue that Congress considers: gun safety, patients' bill of rights, minimum wage. And the American people know it.

Shays-Meehan will significantly reduce the role of special interests and money in American politics. Let us show the American people that our Government is not for sale, that our elections are not auctions to the highest spender. Vote for Shays-Meehan and campaign finance reform.

Mr. THOMAS. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, the gentlewoman from New York (Mrs. MALONEY) talked about campaign war chests. Those are basically hard money. They are, in fact, totally hard money, not soft money. Sometimes we get carried away with our rhetoric. She is referring to something which is not at issue in this bill.

Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER.)

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from California (Mr. THOMAS) for yielding me the time.

Mr. Chairman, campaign finance reform is far afield from my committee assignments; but I think I, like every Member of the House, must focus on this issue because it is of fundamental importance to the American political system.

The way that we conduct our affairs here, what we do and what we do not do, is so often related to campaign finance issues. More importantly, I think, much beyond that is the fact that the citizens' perception of the relationship between campaign finance and the way their elected representatives vote and perform is very negative. They have a view that the current campaign finance system causes us to fail to act in their interest.

That is causing a corrosive effect upon our system. We need to deal with it. Both parties know that we need to have campaign finance reform. Neither, however, is willing to give up the particular special advantages that that party has in the current system or process.

Now, back in the last Congress in which I served in the minority, we had, I believe, a very extensive, thorough task force effort to begin to focus on what changes were needed in campaign finance reform. It is the basis of much of the legislation that I have introduced or cosponsored over the years.

Our failure to reduce the disproportionate impact of money in elective politics is, my friends, having a corrosive effect upon the American political process. It contributes to suspicion and skepticism among our citizens. Furthermore, there is more than enough blame to go around for both parties.

I would like to focus just on two elements here. First, I would say, with respect to the Shays-Meehan bill, I think that, unfortunately, the gentleman from California (Mr. THOMAS) is right that some aspects of that legislation are indeed unconstitutional. But what disappoints me about our two colleagues who have introduced this legislation is that they have ignored the action of the House twice now on the subject of campaign contributions from noncitizens and from people that are not U.S. nationals.

This House has expressed itself, saying that the elections, specifically the campaign contributions process leading up to it, should be reserved for citizens and U.S. nationals, like those from American Samoa for example.

When these two distinguished colleagues said they made minor adjustments in the legislation they reintroduced in this Congress, they specifically did not do what the House had instructed them to do by a wide majority vote: restrict contributions to Federal campaigns to U.S. citizens and U.S. voters. And we know that the American people expect that prohibition is or should be law. This is a loophole that became very apparent in the course of the last presidential campaign, and we have a responsibility to deal with that issue.

The charges against the Bereuter-Wicker amendment are not true. I will show in the course of the debates on the Wicker-Bereuter amendment that, in fact, the arguments against it are not valid, or are not procedurally correct.

I also want to say, as a representative from a State that has a low population, that citizens of our State are very disturbed about the fact that in recent elections in our State more than half of the money to elect a U.S. senator has come from outside the State. Indeed, in one of our races, over half the money came in from the State of California. In a recent open-seat election in the State of South Dakota, the most expensive Senate race per capita in history was from that constituency. Indeed the greatest proportion of money came in from other states. This is resented by the citizens of that state. It is not a proper approach. We need to limit the majority of the amount of money coming into House races and Senate races to contributions from citizens of those congressional districts and the respective states.

I urge my colleagues to support the Bereuter-Wicker amendment and the Calvert amendment.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, as I was thinking about campaign finance reform last night, I also thought a little bit about the football game. Just imagine the headlines if teams started contributing to referees based on how that referee called their games. Sports fans everywhere would be absolutely outraged.

But our democracy is in the exact same quandary. Every Member of this chamber knows that millions of dollars can flow in and out of campaigns from soft money sources depending on how we call the game in Congress.

As a result, the family checkbook is playing a smaller role in our democracy. Special interests are gaining more influence than ever over who is in office, what they support, and what types of bills this Congress passes. Frankly, this is not what democracy is all about.

I realize that money and campaigns are impossible to totally separate, but a fair and open campaign finance system can exist if we support the Shays-Meehan campaign finance reform bill. We have the opportunity to do that today. Please do not support the poison pill amendments. Please support the Shays-Meehan campaign finance reform bill.

Mr. SHAYS. Mr. Chairman, may I inquire as to how much time the gentleman from California (Mr. THOMAS) has remaining versus the three that are dividing up the other time.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) has 17¾ minutes remaining. The gentleman from Florida (Mr. DAVIS) has 7½ minutes remaining. The gentleman from Connecticut (Mr. SHAYS) has 10 minutes remaining. The gentleman from Massachusetts (Mr. MEEHAN) has 8 minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise as a cosponsor and strong supporter of the bipartisan Shays-Meehan campaign finance reform bill.

The American people want us to be honest and fair, to play by the rules. That is why we need to eliminate soft money, which is clearly the biggest cancer on our political system, a cancer that has undermined people's trust in the system and many elected officials.

Soft money is not honest. It is obviously a way to circumvent campaign contribution limits. Soft money raises at least the perception of undue influence on elections and candidates. It is time to ban soft money and erase the suspicion that Washington is for sale to the highest bidder.

Also, Mr. Chairman, the so-called issue advocacy ads in many cases are nothing more than a sham, and we all know it. They are a way to avoid accountability and a way to avoid contribution limits. In short, they do not play by the rules, either.

Let us do the right thing today for the American people. Let us restore trust and accountability in our political process. I urge my colleagues to resist the poison pill amendments and pass the clean Shays-Meehan campaign finance reform bill.

Mr. MEEHAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS) who, when she got elected in the last session, the very first bill when she got elected to take the place of her husband in the Congress was a sign-on to the Shays-Meehan bill.

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me the time.

Mr. Chairman, I congratulate the authors of all the bills before us today. There are some good provisions in the various substitutes being offered, but that is what those bills are, a substitute for the real thing, a substitute for real reform.

Every major reform organization in this country agrees that the Shays-Meehan bill is the one bill which can restore integrity to our campaign finance system. It is the only proposal that deals with the two biggest problems in our federal elections, soft money and sham issue ads.

It is unfortunate that here we are again discussing the merits of Shays-Meehan versus other proposals. A year ago we debated many of these same proposals, and we passed Shays-Meehan by a vote of 252 to 179.

The House has already decided that Shays-Meehan is the bill we want to send to the Senate. None of these substitutes deal with the problem of sham issue ads, which allow powerful interest groups to pour unlimited, unregulated dollars, often from unknown sources, into our campaigns.

□ 1445

These ads clearly advocate the election or defeat of a particular candidate but are not subject to present campaign finance regulations.

Last year, as was mentioned, I endured four grueling elections and watched as wave after wave of attack ads flooded my district under the guise of informing voters. These ads distorted both my record and the record of my opponent.

The Shays-Meehan bill effectively ends the misuse of issue advertising. It does so by requiring all ads which clearly urge the support or defeat of a candidate in a Federal election to be treated like what they are, political ads.

Let us restore the public's trust in our political system. We need to pass the Shays-Meehan bill and send it to the Senate today.

Mr. THOMAS. Mr. Chairman, I yield myself 30 seconds.

I would remind the gentlewoman that the Supreme Court has said that expenditures for communications that in express terms advocate the election or defeat of a clearly identifiable candidate, and that only.

The statement she just made proves that Shays-Meehan is unconstitutional.

Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's comments. It also proves that Shays-Meehan is nothing more than incumbent protection.

Mr. Chairman, it continues to amaze me that Members of Congress, newspapers and "senior scholars" continue to advocate limiting free speech and prohibiting citizens from criticizing government officials and incumbents in the name of "campaign reform."

The first amendment, America's premier political reform, was not written for pornographers or flag burners. It was drafted to allow citizens to petition and criticize their government. But Shays-Meehan would stifle free speech and end criticism of elected officials at critical stages of the election process.

Make no mistake about it. Shays-Meehan guts the first amendment, threatens citizen participation in the political process, and ends the ability of citizen groups to educate the public unless they file bureaucratic paperwork with the Federal Government. All things considered, this is the mother of all government regulation, because it attempts to control the political process and limits freedom just to protect incumbents.

The Shays-Meehan bill will erect a Byzantine set of laws and over 275 new government regulations that will gag citizens' speech. These attacks on issue advocacy through statute and regulation have repeatedly been declared unconstitutional by the Supreme Court and other lower Federal courts. The high Court has always viewed issue advocacy as a form of speech that deserves the very highest degree of protection under the first amendment. That Court has not only been supportive of issue advocacy, it is untroubled by the fact that issue advertisements may influence the outcome of elections.

In Buckley v. Valeo, the Justices stated, and I quote, "the first amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise."

The Court continues to state that it is the people, individually and collectively, some people call them special interests, but they are people, they are American citizens, individually and collectively in associations and committees who should retain control of the debate.

Some try to argue that free speech is not an issue here. But the free speech implications of the legislation are very clear. For example, Shays-Meehan supporter and House minority leader Richard Gephardt has said that we cannot have both freedom of speech and healthy campaigns in a healthy democracy.

Mr. Chairman, we must have both. Freedom and reform are not mutually exclusive principles. Shays-Meehan gives us neither. I urge my colleagues to vote "no" against Shays-Meehan.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, my good friends and colleagues seem to have thought that the Supreme Court ended its jurisprudence with Buckley v. Valeo in 1976. Ten years later, the Supreme Court ruled in FEC v. Massachusetts Citizens for Life, and I quote:

> The fact that this message is marginally less direct than "Vote for Smith" does not change its essential nature. The Edition goes beyond issue discussion to express electoral advocacy. The disclaimer of endorsement cannot negate this fact. . . . The "Special Edition" thus falls squarely within [the law] . . . for it represents express advocacy of the election of particular candidates. . . . 479 U.S. 238, 249–250 (1986).

Even though it did not say the magic words "Vote for Smith."

And also as the Supreme Court said 10 years after Buckley v. Valeo, and I quote,

> We have consistently held that restrictions on contributions require less compelling justification than restrictions on independent spending. 479 U.S. 238, 259–260 (1986).

In Shays-Meehan, we have a restriction that contributions raised outside of the $1,000 per person maximum, cannot show up in the funds that go for express advocacy television advertising. It is a restriction on the source of our money. On these two constitutional points, let us not make a mistake referring to Buckley v. Valeo as the last word.

I conclude with these two points. The Supreme Court said you can control contributions much more freely than you can control expenditure. The other side only quotes that it is hard to impose restrictions on expenditure. And, secondly, in FEC v. Massachusetts Citizens for Life, the Supreme Court said, it is the content, the effect, not the magic words. The words kill, the spirit giveth life.

Vote for Shays-Meehan.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I rise today as president of the freshman class and as a strong supporter of the Shays-Meehan campaign finance reform bill.

We need to get back to some common sense and to what folks are thinking back in their homes. When they watch their TV set and they see the unlimited independent expenditures and the so-called issue advocacy ads, when they open their mailbox and vicious propaganda comes spewing out, they know in their hearts that something is desperately wrong with the current system.

If we ask our voters a couple of questions, we know what the answers should be: Do you want your elected representatives to spend more time on the phone begging for dollars or more time with their constituents and studying issues? Do you want unlimited amounts of external money from untraceable sources to influence the outcome of your election or do you want the character and the knowledge and the ability of the candidates in competition to influence the outcome of the election? Do you want the legislative process to be skewed by big dollars or to be determined by the merits of the argument? That is what is at stake here. It is that simple.

Shays-Meehan may not be perfect, but it is pretty darn good, and it is the best we have had coming down the pipe in a long time. The American people know in their hearts it is time to fix this system. As President of the freshman class, I urge my colleagues to support Shays-Meehan.

Mr. MEEHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. LEVIN), a leader in our effort to pass campaign finance reform.

Mr. LEVIN. Mr. Chairman, I read earlier an ad in a Senate race from the State of Washington paid for by the Democratic Party. Now an ad from the Republican Party in Kentucky in a Senate race.

Voice: "We all know Scotty Baesler voted to export thousands of Kentucky jobs to Mexico, what with that NAFTA trade deal."

Voice of Mexican actor: "Muchas gracias, Senor Baesler."

Voice: "But he also voted to give China special trade privileges, even though they're shutting out Kentucky-made products."

In Chinese: "Thank you, Scotty Baesler."

"And now he wants," the voice says, "to give U.S. tax dollars to the U.N."

In a multiple foreign language voice or voices, "Thank you, Scotty Baesler."

And then in writing on the screen, "Tell Scotty Baesler to start putting Kentucky first."

If it had said "defeat Scotty Baesler" it's under Federal regulations. Because that one word is left out, although the whole atmosphere of that ad is a campaign ad, it falls outside of Federal regulations. Express advocacy is the test and that is express advocacy, that ad.

No one is accusing opponents of Shays-Meehan of being corrupt. They are defending a corrupting system. Sure the public does not run up and say to us, "Vote for Shays-Meehan." And one reason is because they are cynical that this Congress will ever act. It is time for us to respond to that cynicism. It is time for us to act. Vote for Shays-Meehan.

Mr. HOYER. Mr. Chairman, I yield 1 minute and 10 seconds to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I rise today in support of this legislation, and I want to extend my special thanks to the gentleman from Massachusetts (Mr. MEEHAN). We came into the Congress together. He has been a great colleague. If we had paid attention to him on campaign finance reform and independent counsel, this country would be in eminently better shape.

The American people want us to pass this. Why? Because they want to believe in their government, in the institution of the Congress. We continue to do less and less on this issue, and their faith in their government, in this institution of the Congress, in this place that is supposed to be the House of the people, they believe in less and less. Why? Because they know that money has more and more and more to do with the decisions that come out of this place.

The House of Representatives can distinguish itself by doing the right thing for the American people. Do we not try to engage our constituents to participate in our campaigns? They are doing so less and less. They are engaging less and less because they know that money has more and more to do with what goes on here.

Today, this vote can inject more confidence in the system. We should comport ourselves the way our Founding Fathers and Mothers would. Pass this needed legislation.

Mr. SHAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in strong support of the Shays-Meehan measure.

Mr. Chairman, this legislation will close the soft money loophole which currently allows unlimited, regulated funds from corporations, labor unions, and wealthy individuals to be funneled into to Federal election campaigns. In addition, it will clarify that it is illegal to raise any money—hard or soft—from foreigners or on government property.

As a member of the Government Reform Committee which has been investigating the alleged campaign abuses of the 1996 Presidential election, it has become obvious that it is the soft money system, the illegal raising of foreign money, and the illegal fundraising on government property that was the source of most of the alleged abuses and the principal device by which our current election laws were evaded.

By supporting Shays-Meehan this Congress can outlaw practices that the White House helped to prefect during the 1996 election cycle to make certain that they never can happen again.

I regret that Congress has been unable to approve or even consider an meaningful campaign reform measure until now, However, I am gratified and I look forward to the consideration of real campaign finance reform.

It is important that we effectively restore public confidence in our political system by eliminating the current protection for special interests, and address the growing problem of "soft money".

Accordingly, although I am disappointed that this legislation fails to limit PAC contributions, I support the Shays-Meehan reform measure since it is the only measure that will provide real campaign finance reform by banning soft money and clarifying the illegal fundraising of foreign funds.

Accordingly, I urge my colleagues to support the Shays-Meehan Bill.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding me this time.

Mr. Chairman, we are now at the heart of the substantive debate and the general debate for a bill that makes significant progress to improve the current system. Since 1991, I have either been a candidate for election or reelection to the U.S. House of Representatives and filed the necessary paperwork. All the money that I raise and spend is regulated by the Federal Government. Should we in any way restrict what a candidate who files, who puts their life on the line and their body in the arena, so to speak, should they ever be restricted in what they say, whenever, however or whoever they talk about? Absolutely not. But we are going to talk about today whether or not these outside groups who call themselves citizens for motherhood and apple pie should live under the same rules that I do as a candidate, or that you might as a candidate.

Candidates should be able to speak and groups should be able to speak and we should all come under the same rules so the American people have some accountability to look to on who they are and who is pulling their strings.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), a leader in our effort to pass campaign finance reform in a bipartisan way.

□ 1500

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise in strong support of the Shays-Meehan campaign finance reform bill. We need to restore public confidence and accountability to our federal election system, and Shays-Meehan will advance these goals most effectively and forthrightly.

In addition to a ban on soft money, the bill closes one of the biggest loopholes in our current system of campaign finance laws by simply imposing the same rules, the same standards of public reporting, on groups that fund issue ads as we impose on candidates.

In recent elections we have watched special interest money go to campaign issue ads in congressional elections across the country. One study shows that between 275 and 340 million special interest dollars were spent on these ads in the 1997 to 1998 election cycle, yet no citizen could find out who contributed those dollars spent on these ads, though they can find out every dollar, who contributed every dollar to any candidate running in a federal election.

Shays-Meehan will simply clamp down on these special interest dollars, Mr. Chairman, and I urge support for this important election reform.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, the time has come to take the for-sale sign off the door of the United States Congress. The public's trust and confidence in government has been seriously eroded by a system that allows big money to have too much influence on the political process.

Mr. Chairman, we currently have a broken system of campaign finance. There are two ways to give, hard money which honors the intent of the law to limit contributions and disclose the source, and the other way, soft money, which skirts the law and allows unlimited amounts to be given from undisclosed sources. No wonder most Americans no longer believe government to be of, by, and for the people; and the problem is getting worse.

In the 1992 cycle there was $86 million raised in soft money, in 1996 it climbed to $262 million, and in 2000 it is estimated to be $500 million or more; and no one benefits from the corrupting influence of soft money. The donors do not like the constant pressure or the shake-down to donate soft money, the political candidates do not like to be ambushed by soft money, and most importantly, the citizens of this Nation do not like the influence of soft money.

Mr. THOMAS. Mr. Chairman, I yield myself 15 seconds.

I find it amazing that the First Amendment protections are now called a loophole. Perhaps it is a good idea that we are just voting on campaign reform because, if the Bill of Rights was on the floor, I would fear for its continued support.

Mr. Chairman, I yield 4½ minutes to the gentleman from California (Mr. DOOLITTLE), someone who has been an active participant in terms of making sure that the First Amendment is defended.

Mr. DOOLITTLE. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I find it fascinating to hear these same canned speeches given again and again identifying the so-called problem as a lack of adequate regulation. These people that are bringing to us today Shays-Meehan, it is these very same people and their philosophy which created this very problem. But for their regulation, we would never have heard of soft money.

Does anyone remember a few years ago? I certainly do because it was an issue in my campaign in 1990 and in 1992. Then the focus of their attack was hard money and the form of PACs, the political action committees, another spawn of the regulation that they gave us. This does not work, and it will never work, and Shays-Meehan is trying to tighten the screws a little further and put more limitations over here and box people in over there, and it will not work.

The Supreme Court recognized that years ago in the Buckley case. I will just quote from it. It said it "would naively underestimate the ingenuity and resourcefulness of persons and groups desiring to buy influence to believe that they would have much difficulty devising expenditures that skirted the restriction on express advocacy of election or defeat but nevertheless benefited the candidates' campaign."

The Supreme Court anticipated this very clearly, and obviously the profusion of soft money has fulfilled what they anticipated.

But they did not write the statute, the Congress did. It is their limits on hard dollars that have never been adjusted, that have been eroded by two-thirds the purchasing power of the dollar that has given rise to soft money.

Furthermore, there is nothing wrong with soft money. It is the constitutional rights of groups to engage in political debate and in free speech. That is not a loophole. But big-government liberals like Senator Bradley, for example, has repeatedly talked about this problem of involvement in the political process as keeping ants out of the kitchen. Do my colleagues know what we do with ants that are in the kitchen? We wipe them out, and that is what Senator Bradley and Vice President GORE and all the other big-government thinkers would like to do to Americans' precious right to engage in unfettered political speech, the very thing the First Amendment was designed to protect.

Congress shall make no law abridging the freedom of speech, and Senator MCCAIN and the gentleman from Connecticut (Mr. SHAYS) and Mr. FINEGOLD and Senator Bradley and a host of others have come forth with bills designed to do exactly that, to abridge our precious, God-given freedom of speech.

It would be a nightmare to pass a law that placed in doubt whatever political communication we had. It would be a complete disaster, such as the Shays-Meehan bill does, to make it in doubt whether what is being said falls within what is permissible because it is subject to a totality test or reasonableness test. Indeed, this will severely crimp political debate at the very time when people most want to get information, and in this information-weary age, when people tune out from politics just about the whole time except just before the election, Shays-Meehan kicks in and severely restricts what kinds of communications can go on.

I would just call to everyone's attention, and I have distributed here a great editorial especially for people who think of themselves as conservatives or Republicans called Campaign Finance Charade. This article details why this whole scheme of regulation is really designed to disadvantage conservative ideas and to advantage left wing ideas. That is what the present regulation we have was designed to do, and it worked great for 20 years.

Mr. Chairman, this is a charade. Big-government regulation does not work anywhere. We know that. And it certainly does not work in campaigns. If it did work, we would not be having this debate today because everything would be fine in this country, and the fact of the matter is it has become a Rube Goldberg network of complication that will only be worse and made more complicated by Shays-Meehan. I urge defeat of that proposal and passage of the one proposal that takes us in the other direction, which is H.R. 1922.

Mr. SHAYS. Mr. Chairman, I yield myself 20 seconds to say that the gentleman from California (Mr. DOOLITTLE) is right. This is about not buying elections. It is about making sure that that cannot happen in a democratic form of government and making sure that everyone plays by the same rules. It does not restrict speech. It provides for all the speech my colleagues want under the campaign laws.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, in 1978 the Supreme Court upheld limits on how much individuals could contribute. In that opinion which has been cited so often, Buckley versus Valeo, the Court also dealt with the $5,000 limit on how much PACs could give; and the court upheld that, too. They said if they did not uphold it, we would have just the possibility of subterfuge, because the same individual could give to the PAC, and then the 1,000 limit would mean nothing.

The Supreme Court in that case cited by the gentleman from Texas (Mr. DELAY), and the other good friends who have spoken against Shays-Meehan, says, "Rather than undermining freedom of association, the basic provision enhances the opportunity of bona fide groups to participate in the election process. . . ."

So today we go the next step to avoid the evasion of these limits through soft money and through advertisment where the exact same words as in a candidate's ad are said, but they do not exactly say "vote for." Then there is no limit. We must close the loophole. If the Supreme Court upheld the limitation of 1,000 per individual, 5,000 per PAC, and an absolute ban on corporations and unions, surely they would uphold a limitation on as huge an end-run as soft money constitutes.

Mr. MEEHAN. Mr. Chairman, I yield myself 30 seconds.

The previous speaker, the gentleman from California (Mr. DOOLITTLE) talked about Bradley and GORE and all of these government centrists, liberals. Let me cite from an opinion in McIntyre versus Ohio Board of Elections by a couple of real regulators, Justice Scalia and Rehnquist. The First Amendment provides that the Government may not prohibit the expression of an idea. The disclosure law here by contrast forbids the expression of no idea, but merely requires identification of the speaker when the idea is uttered in the electoral context. That is Scalia and Rehnquist.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, for some reason this debate always moves me to use literary reference to illustrate my point. Last Congress I relied on Dr. Seuss and his work, The Cat in the Hat. This year, as I contemplated this upcoming argument, I was struck by the similarities between the continuing debate here in this House on campaign finance reform and a story by Edgar Allen Poe, the Telltale Heart. In that short story, Poe tells of a dastardly murder in which the murderer is undone by the fact that the victim's heart continues to beat after the terrible deed is done and the body has been dismembered and hidden. In this excerpt that I wish to share with my colleagues the murderer is being questioned by the police. Observe his tactics as he tries to shift attention away from his own guilt.

"No doubt I now grew very pale, but I talked more fluently and with a heightened voice. Yet the sound increased. What could I do? I gasped for breath, and yet the officers heard it not. I talked more quickly, more vehemently, but the noise steadily increased. I arose and argued about trifles in a high key and with violent gesticulations, but the noise steadily increased. I paced the floor to and fro with heavy strides as if excited to fury by the observations of the men, but the noise steadily increased. I foamed, I raved, I swore, but it grew louder and louder and louder, and the men chatted pleasantly and smiled. Was it possible they heard not? All mighty God, they have heard, they suspected, they knew."

Mr. Chairman, opponents of Shays-Meehan have successfully killed this bill in the past, but each time its heart has lived on. This year opponents will try again, but just like in the tell tale heart, no matter how loud the voices grow, no matter how vigorously the arguments are made, the heart of reform will keep beating, and it will condemn those who seek to do it violation.

Mr. THOMAS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I certainly was not a lit major in college, but my recollection of Edgar Allen Poe's The Telltale Heart, was that the heart beating was in his head, that in fact it was a dream, it was a myth. It was not reality, and I think the gentlewoman's point is excellent if, in fact, that is the case that she is making, that in fact there was no true heartbeat. There is no true problem here.

Let me also say that my friend from California (Mr. CAMPBELL) complaining that we use Buckley versus Valeo in the support for soft money just used it for hard money, and I would love to ask the gentleman if the Dow Jones average was about 800 in 1978, and of course it is about 10 times that amount now, would he support an increase in hard dollar amounts?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I would indeed be pleased to include an increase in hard dollar amounts as part of a comprehensive package that bans soft money. Would the gentleman from California?

Mr. THOMAS. I would tell the gentleman at every opportunity to place that in Shays-Meehan and did not do it. It certainly would be more attractive if it was a fair, even-handed approach to dealing with dollars in the system instead of what amounts to a choking down of available dollars.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BRADY).

□ 1515

Mr. BRADY of Texas. Mr. Chairman, my mom came to visit over the Labor Day weekend to see our new baby boy, and I told her that in my second term I still pinch myself every day that I have the opportunity to serve in the U.S. House of Representatives. It is such a privilege, but one of my fears is that we are drifting away from a citizen Congress, a citizen Congress that our Founding Fathers and Mothers envisioned for us.

The cost of an open competitive campaign for Congress these days is just a little less than a million dollars, and it is doubling about every 4 years or so.

My fear is that there are a lot of good people in my community who will never raise their hands to run for Congress because they do not have a million dollars. They do not even know where they can find a million dollars laying around. I do not think the very wealthy can make great decisions for us. It is just that for a representative democracy like ours, I do not want to wake up some day and find out that a lot of good people who would make great decisions in Congress cannot ever run because of the cost factor.

I want to return to a citizen Congress. That is why I am a cosponsor with the gentleman from Arkansas (Mr. HUTCHINSON) of the Campaign Integrity Act we are voting on today.

First, common sense tells us new campaign laws will not do a whole lot if we do not first enforce the ones we have on our books. That is why I think the gentleman from California (Mr. THOMAS), the chairman, has a bill today that ought to become the law of the land.

Secondly, any campaign finance ought to preserve free speech. We ought to encourage the people to be involved in this process. This is their country. They ought to be speaking out strongly for it.

So today, I predict that Shays-Meehan will pass by a comfortable margin as it did last year, and I predict that it will die the same predictable public death it did last year in the Senate, for good reasons. It is constitutionally flawed. It will not pass the Senate. It will not pass constitutional muster.

So here is my message to the Senate. When Shays-Meehan dies, as it will, again, look at the Hutchinson bill. If we are serious about real reform, if we are serious about closing the soft money loophole, if we are serious about preserving free speech but letting people know more about who is financing us and pushing us back into our districts and communities to raise money rather than up here in Washington, the Hutchinson bill is real reform. It is constitutionally very sound. It makes good sense; and, more importantly, the reason we need to pass that bill is that I am convinced the reason people do not talk about campaign finance more, it does not show up in the polls, is not that people do not want it but they have just given up hope that Congress will do something about it that we will actually do something to make life a little tougher for us up here and a little more grass-roots oriented back home. The Hutchinson bill does that. It is very important for America. I think it is very important to give hope to people to pass this bill.

Mr. HOYER. Mr. Chairman, it is a great honor to yield 1 minute to the distinguished gentleman from the State of Michigan (Mr. DINGELL), the senior Member of the House of Representatives who has had more experience with respect to this issue than any other Member, and cumulatively perhaps more than most of us elected.

Mr. DINGELL. Mr. Chairman, I hope my colleagues are listening to the people out there because if there is one thing to be heard, people think that the system is corrupt, that it is being further corrupted by money, that it is being corrupted to the point where Congress will do nothing except profit from this money.

I think it is time we do something. Let us restore the confidence of the American people to government, to this establishment, and to each of us. We are the system, and all of us are being hurt by this system.

I spent, the first election I ran, $19,000. I have spent since then in certain elections over a million dollars. That is far too much. It is unjustifiable. It is unnecessary. It denies deserving, good candidates an opportunity to participate in the system; and, on top of that, it brings a bad smell to the election process of this country.

Just a little while back, we spent something like $85 million in the 1997–1998 election cycle. More recently, we have spent as much as $193 million. This time, we are going to spend $500 million in that. That is a grotesque excess, and it is something which does neither credit nor does it build confidence in us or in the system.

I would urge my colleagues to support Shays-Meehan. It is the way to clean up the system and restore the confidence of the people.

I would also like to thank all of the Members on both sides of the aisle who have put partisanship aside and are truly interested in cleaning up the campaign financing process which has been corrupted, most notably by soft money.

This is not a partisan issue. Our national political party committees raised $193.2 million in soft money during the 1997–1998 election cycle, more than double the $85.3 million they raised during the last non-presidential cycle in 1993–1994. This increase is astounding and there are no signs that this trend will subside unless we act together today to stop this corruption of our election process.

I believe that those of us who benefit from the campaign system can not possibly agree on all the needed reforms. An independent commission must be created to thoroughly review the system and make recommendations to Congress regarding necessary changes. I am pleased to report that Shays-Meehan includes a provisions establishing such a commission.

Shays-Meehan is a good bill; it is a thorough bill; it is a bipartisan bill; and it is a bill that we passed last year and should pass again this year. As such, I urge my colleagues to once again vote in favor of Shays-Meehan.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Chairman, we have an opportunity today to pass campaign finance legislation. Shays-Meehan is the real campaign reform that can become law. Unfortunately, some amendments and substitute bills are being offered today by people opposed to Shays-Meehan because they hope that these measures will kill the bill.

We cannot afford to make changes that have the potential to split off key voting blocks and thus sink the only chance for real reform this year.

Soft money is of special concern. By closing the soft money loophole, we restore the faith of our citizens in our political process.

I am confident that we will enact real and honest campaign finance reform today.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER), co-chair of one of our largest centrist caucuses, cochairman of the New Democrats.

Mr. ROEMER. Mr. Chairman, one of our preeminent Supreme Court justices wrote that, and I will paraphrase him, that if one does not have access to millionaires or if one is not a millionaire, they might as well not run for political office.

Alexander Hamilton pointed at this great body and said, here, sir, the people govern, the people.

We hear loud and clear from the people today that they think the current system is dominated with dialing for dollars, negative advertising, and polsters.

The Shays-Meehan bill takes some modest steps to clean this system up and restore some of the trust and confidence by looking at and regulating soft money, or sewer money, and slamming the lid on the amount of soft money that comes into campaigns and trying to get some parameters around the issue ads, or the attack and the sham ads, that dominate TV today.

So many of the American people want to turn their TV sets off and not pay any attention to the elections. Vote for Shays-Meehan for responsible and modest campaign finance reform.

Mr. MEEHAN. Mr. Chairman, may I inquire as to how much time each of us has remaining?

The CHAIRMAN. The gentleman from California (Mr. THOMAS) has 5¼ minutes. The gentleman from Maryland (Mr. HOYER) has 2¼ minutes. The gentleman from Connecticut (Mr. SHAYS) has 4¼ minutes. The gentleman from Massachusetts has 1½ minutes.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time.

Mr. Chairman, everybody has a different perspective on this; but one thing that I do know is that there is a very simple break in the track and that is some people here in this body view government as coercive and that if it grows, it will basically destroy freedom.

Other people view that, no, it is not coercive. Leave it alone. Let it grow. It is not going to impact us one way or the other.

I am a conservative. I fall into that first camp, and if someone views the government as coercive, it seems to me logical to say that they would want to limit one's ability to control the leaders of government that would affect its ability to coerce others to do other things. Tamaraz, when asked by Senator THOMPSON, why did you give all the money that you gave, his response was, because it worked.

If we look at Bernard Schwartz, who was brought up with the technology transfer with China, we can see a clear correlation between money spent and results.

So it would seem to me perfect logic to say I am a conservative, I want to limit government, and I want to limit people's ability to pull the levers of government.

We can see this, for instance, again, with the sugar subsidy. If we look at, for instance, the sugar subsidy program, it is a perfect example of how a small group is able to coerce the wheels, the machinery of government, to their own gain because that program takes a billion dollars a year in the form of higher sugar prices for all of us as consumers and it distributes it to about 60 domestic sugar producers.

Mr. THOMAS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT), someone who has a very personal message to convey.

Mr. TIAHRT. Mr. Chairman, many Americans believe that our campaigns are too long and too negative. Well, my campaign for the Fourth District of Kansas election in 2000 started today.

Today, the unions, the Washington union bosses, are purchasing television time to run ads against me this very day, almost 15 months out. Too long, too negative, false and misleading ads.

Now, it started with money taken by mandatory union dues and then it filtered its way into the Washington union bosses coffers, their pockets. Then from there it is sent, without the permission of the employees, to support issues that in most cases a majority of the union members oppose.

Thomas Jefferson said to compel a man to furnish contributions of money for the propagations of opinions which he does not believe is sinful and tyrannical; and yet, that is exactly what is happening today.

Campaign ads that are purchased today by the Washington union bosses will not be publicly disclosed. There will be no permission granted from the employees who contributed these funds, and there will be no public record; money taken without consent, spent on issues not reported, without any public disclosure, starting a campaign about 15 months from now.

Well, what is there in this piece of legislation that is before us that is going to prevent such injustice? What is there in Shays-Meehan that is going to correct this problem? There is nothing in here. There is no public disclosure. There are no limits on what these union bosses can say. There is nothing that they can do.

Mr. SHAYS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to ask the gentleman, since it has been against the law since 1947 for union dues money to be used in campaigns and they are able to get around it through two features, one, soft money and sham issue ads, why would the gentleman not want to end those two loopholes?

Mr. TIAHRT. Mr Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Kansas.

Mr. TIAHRT. The money that is taken to run these ads comes involuntarily from union dues.

Mr. SHAYS. It is against the law.

Mr. TIAHRT. Well, currently there is a Beck decision which has been supported by the Supreme Court, but it is not enforced by the Clinton administration and yet there is nothing in the legislation of the gentleman that helps us to enforce the Beck decision.

Mr. SHAYS. Mr. Chairman, reclaiming my time, I would say to the gentlemen he is an honest and good man and when he knows the facts, he should be voting for this bill because it has been against the law since 1947 for union dues money to be used in campaigns; 1907, for corporations to be used in campaigns, and both happened because of soft money and sham issue ads.

As soon as a sham issue ad is called a campaign ad, one cannot have either corporate money or union dues money.

Given that, why will the gentleman not support the bill?

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Kansas.

Mr. TIAHRT. I would say that these ads have run in the past against me and they will be running very nearly in the future, and I see nothing in the legislation of the gentleman that will prevent them from occurring in the future.

Mr. SHAYS. I would like to reclaim my time and say, the gentleman needs to read the bill. The gentleman needs to read the bill. Read the bill. The bill is very clear. We ban soft money, and we call the sham issue ads what they truly are, campaign ads.

□ 1530

As soon as we call it a campaign ad, we cannot use union dues money. We cannot use corporation money.

Mr. TIAHRT. Mr. Chairman, this is not corporation money that we are talking about.

Mr. SHAYS. Yes, we are.

I would like to ask the Chairman how much time I have left.

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has one and one-quarter minutes remaining.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume to indicate that I find it interesting that the gentleman from Connecticut will not accept language in his bill banning the use of involuntary union members' dues for political purposes, which I think is exactly the point that the gentleman from Kansas is making. Not even allowing an understanding of the fact that one does not have to contribute them and that union dues are being used in that sense.

The gentleman from Kansas I do not believe has had sufficient time to respond, and so I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, what the unions have been doing is running under the concept of political education activities, these sham ads, as the gentleman referred to as sham ads. What I think is an injustice is number one, this is money that should not be taken involuntarily. The Beck decision, if it was enforced by this administration, would stop that problem. The gentleman's legislation does not do that.

Mr. SHAYS. Mr. Chairman, the gentleman is not correct.

Mr. TIAHRT. Mr. Chairman, I think that is correct.

The second thing is, somehow I think that we need to have an opportunity for me to respond to this. I cannot do that under current campaign limits. I need the ability to raise the money in order to respond to these ads that are supposedly political education ads, but in truth are running to try to undermine my campaign for reelection.

Mr. SHAYS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 1¼ minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield myself 1 minute.

I just want to explain to the gentleman that it has been against the law since 1907 for corporate treasury money to be used in campaigns and since 1947 for union dues money to be used in campaigns. The way they do it, the way they go after you, either corporations or unions, is through soft money, because it is not called campaign money, and sham issue ads, because it is not called campaign money. We abolish both. That is the basis, the very center of our bill.

The gentleman wants to give unions permission in their union dues to do it if they agree; we do not even allow it. It has been against the law since 1947. And so, sir, it would be an impossibility for those advertisements to run against the gentleman if our legislation passed, and that is why I am so dumbfounded why the gentleman would oppose it.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, I yield myself 1 minute.

There seems to be some confusion. The gentleman from Kansas is talking about union money that is spent for "political education." There is absolutely no limit on the use of forced union dues for registration, turnout, and political education. The advertisements are under the guise of educating union members. It is not a campaign ad; it is unlimited money for political education.

The unions have been allowed since the same 1940s to run a committee on political education, COPE, the political arm of labor unions. In this legislation, COPE is not required to open up its books; it is not required to show where and how its money is spent. The gentleman simply coddles unions at the expense of other people's ability to know where involuntary union dues, coerced by the labor bosses, are being spent.

Mr. Chairman, I yield 30 seconds to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from California for yielding me this time.

If it has been against the law for the unions to do this, they have done it in the past, not only in my district, but across the Nation. If it is against the law, then why today are they purchasing time to run these ads against me which are, in fact, a sham ad. They are under the guise of political education, but they will occur. There is no enforcement of the current law. I do not expect even if your law did pass, there would be any enforcement by this administration, because it does coddle the unions.

I appreciate the gentleman's conversation.

Mr. MEEHAN. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this is really the crux of the frustration with getting campaign finance reform passed. I respect the gentleman from Kansas, and the gentleman got up and said that we had a Beck decision, which was a court decision that said the unions could not use their union dues to go to political advertisements, and then he criticized the Clinton administration for not enforcing the Beck decision.

Well, guess what? The Shays-Meehan legislation codifies the Beck decision. It puts it into law. So if we think the Clinton administration ought to enforce the Beck decision, then vote for Shays-Meehan, because we codify the legislation.

So I think if Members, with all due respect, would look at this legislation, they would find that this is not Democratic legislation, it is not Republican legislation. It represents both sides sitting down and working together, and that is the reason why the Shays-Meehan legislation codifies the Beck decision, and that is why the gentleman from Kansas should vote for this legislation for fairer elections.

Mr. THOMAS. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, this debate is getting a little bizarre. As the gentleman from Massachusetts well knows, the Beck decision applies to nonunion members, to those who are not members of the union. The whole point is, the coerced union dues are being spent.

I appreciate the gentleman's attempt to obfuscate the issue. It is union members, not nonunion members.

Mr. MEEHAN. Mr. Chairman, I yield myself 10 seconds.

The gentleman from Kansas was talking about those monies that go to people who are part of a union that go to campaigns and they have a right to say, we do not want it to go to those campaigns. That is precisely what it is. The gentleman complained about the Clinton administration not enforcing the Beck decision, but he should vote for Shays-Meehan. Let us make it the law of the land.

Mr. SHAYS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I am in strong support of Shays-Meehan and really appreciate this dialogue and this debate that has been going on. I strongly support Shays-Meehan.

Mr. Chairman, the rhetoric of this debate is out of control. Unconstitutional? This bill is not perfect. Let's remember the facts! Soft money is a loophole created to sabotage the constitutional and comprehensive reforms of the post Watergate Nixon Era corruption. Now we can return to reforms. The lack of fundamental change in our campaign finance practice is one of Congress' most significant failings. Clearly, our campaign finance system is out of control. The signs of impending disaster dominate the headlines every day.

But over the next several hours we will hear variations on the same theme from opponents of reform. They will say: "We are not hearing from anyone on this issue. The polls give this issue very low priority. The American people don't care about campaign finance reform." That's the refrain we will hear.

I submit that the American people do care. But they've given up on us. Is it any wonder? They look at the way this system works—the explosion of soft money, fat cats buying access, White House coffees, the Vice-President dialing for dollars, foreign contributions, Members and Senators spending every waking moment raising cash, attack ad piled upon attack ad piled on top of attack ad.

The American people see a rigged system that serves the self-interest of the politicians already in power. They have absolutely no reason to believe that there will ever be any real reform. So to them: what's the use?

Perhaps the most corrosive development has been the explosion of so-called "soft money"—donations from wealthy corporations, individuals, labor organizations and other groups to the major parties. These funds are raised and spent outside the reach of federal election law and are directly connected to many of the scandalous practices now the focus of numerous Congressional investigations

Of course, there are many critically important issues that we will examine during the course of this debate. The Shays-Meehan proposal addresses many of them—banning contibutions on federal property, an expanded ban on franked mail, the so-called Beck regulations, issue ads, new prohibitions on foreign contributions, et cetera.

But if we do nothing else—let's ban soft money. My colleagues—soft money is at the heart of each and every one of these scandals we see in the headlines today—nights in the Lincoln Bedroom, White House coffees, alleged contributions from the Chinese military to the DNC, and more.

The Shays-Meehan bill is the only substitute amendment that contains a hard ban on soft money.

The American people are disgusted. They are totally turned off and cynical—this cynicism is forcing Americans to drop out of the political process that is our democracy.

Let's ban soft money outright. Support Shays-Meehan.

Mr. THOMAS. Mr. Chairman, could I inquire as to the time remaining.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) has 35 seconds remaining; the gentleman from Maryland (Mr. HOYER) has 2¼ minutes remaining.

Mr. HOYER. Mr. Chairman, I think it is 2⅓ minutes, frankly.

Mr. THOMAS. Mr. Chairman, I thought I had 45, but that is okay.

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 30 seconds remaining; and the gentleman from Massachusetts (Mr. MEEHAN) has 35 seconds remaining.

Mr. THOMAS. Mr. Chairman, I believe under the rule I have the right to close.

The CHAIRMAN. The gentleman from California has the right to close.

Mr. THOMAS. Mr. Chairman, I will reserve my 35 seconds.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding.

In closing this debate, let me just say that the whole debate should be about restoring the public's faith in our government and their trust. Allowing elections to be bought by the highest bidder will not restore that trust, and certainly raising campaign contribution limits will not restore that trust.

To those who claim that campaigns in this decade cannot be won on just $100, look per contributor, look at what Lawton Chiles did in Florida. He was able to win in keeping within campaign finance spending limits. The law was reformed there, and he won.

Let us bring back the people's trust in our Government. Vote against this amendment. We need limits, not increases in contribution levels.

Mr. MEEHAN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 35 seconds.

Mr. MEEHAN. Mr. Chairman, opponents of campaign finance reform have told us that we must protect free speech. But when they say free speech, they mean big money, because the fact is that the Shays-Meehan bill does not ban any type of communication. It merely reins in those campaign advertisements that have been masquerading as so-called issue advocacy.

According to the United States Supreme Court, communications that expressly advocate the election or defeat of a clearly identified candidate can be subject to regulation. So the question is not whether the Government should regulate campaign advertisement; it already does. The real question is whether or not the current test adequately identifies campaign advertisement; and for that, there is a simple answer: no, it does not. Let us pass Shays-Meehan.

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 30 seconds remaining.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of the time to say one of the difficult things in this debate has been that it is very personal to each and every one of us, but it gets frustrating when the facts are so clear and someone just cannot see it. The bottom line is it is illegal for corporations and unions to contribute to campaigns, except through PACs. But there is a loophole, and it is soft money and sham issue ads. We ban soft money and we call the sham issue ads what they are: campaign ads. As soon as they are campaign ads, out goes the corporate and union dues money and all of the big expenditures.

Mr. Chairman, we need a fair system. We do not limit freedom of speech. Everyone has freedom of speech. We live within the guidelines of the Supreme Court ruling.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) has 1¾ minutes remaining.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in November 1991, with 259 Republicans and Democrats voting for it, we passed a campaign finance reform bill. It went to the Senate and 57 Senators some days later voted to send that bill to President Bush. That bill limited the amount of money in campaigns. It limited soft money. It provided for campaign finance reform. Unfortunately, that bill was vetoed.

We are now here, some 7 years later, and we have another opportunity to do what the American public expects us to do, to make their elections as honest and open as we possibly can. Is it difficult? Yes. Is it impossible? No. The Shays-Meehan perfect? Obviously not. But it is our best opportunity in this Congress to speak out on behalf of the American public's desire for clean and fair campaigns.

Mr. Chairman, I urge my colleagues to vote for Shays-Meehan, but if we are to pass Shays-Meehan, we must also reject those amendments that will divide us, divide the consensus for this campaign finance reform bill which received just last year 252 votes in favor of it. Reject those substitutes, some on merit, some because they are designed specifically to defeat Shays-Meehan without giving the opportunity of the 435 of us who were sent here by our neighbors to vote on their behalf, to ensure that democracy is pursued in an honest fashion in this, the last best hope on the face of the Earth. I urge my colleagues to vote for Shays-Meehan and against general amendments.

Mr. THOMAS. Mr. Chairman, I yield myself the balance of my time.

We just heard a statement that Shays-Meehan is not perfect. Obviously it is not, but we have a chance to perfect it.

We heard during this debate that we thought maybe it would be a good idea to raise hard money, given how long it has not been affected, yet the gentleman from Kentucky (Mr. WHITFIELD), who will have in front of us an amendment to raise hard money, has a letter saying "vote no on Whitfield" signed by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN). Are we to believe them on paper or believe their words?

They talked about making sure that labor union money is not involved. The gentleman from Pennsylvania (Mr. GOODLING) has an amendment. They are opposed to his amendment. We heard the gentleman from Nebraska (Mr. BEREUTER) complain about the fact that they did not keep in this bill something that passed the floor the last time this was in front of us in terms of foreign dollars, so now we have a chance to make it perfect, at least better than it is.

We are going through the amendment process. Let us approve the amendments they say they have no opposition to, and vote "no" on Shays-Meehan.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to declare my strong support for the Bipartisan "Shays-Meehan" Campaign Finance Reform Act of 1999." Last year, committed members from both sides of the aisle came together to pass the Shays-Meehan Campaign Finance Reform Act and defeated the many months of complicated parliamentary procedures designed to filibuster the bill.

The fight for campaign finance reform has begun once again. Last session the House approved the Shays-Meehan bill by a resounding 252 to 179 vote with much help from my Republican colleagues. Many of whom still support reform. I urge my Republicans colleagues to join us again in this stride toward a fairer, more just system of financing campaigns.

The purpose of this Shays-Meehan bill is to cut off the flow of unlimited and often undisclosed money into the federal election system. To do that—the Shays-Meehan bill closes the two primary loopholes through which this money flows into federal campaigns, soft money and sham issues.

This Bill makes four major changes to our campaign financing system: (1) It completely eliminates federal soft money, as well as state soft money that influences a federal election and increases the aggregate hard dollar contribution limit form $25,000 to $30,000; (2) it strengthens the definition of "express advocacy" to include radio and TV ads that refer to a clearly identified federal candidate, run within 60 days of an election; (3) it requires FEC reports to be filed electronically, and provides for Internet posts of this and other disclosure data and (4) it establishes a Commission to study further reforms to our campaign systems.

According to the Annenberg Public Policy Center at the University of Pennsylvania, between $275 and 340 million was spent in broadcast issue advocacy in 1997–1998, compared to $135 to $150 million in 1995–1996. Mr. Chairman, this statistical information is evidence that Campaign Finance Reform is needed.

Last year a growing number of Campaign Finance Reformist Republicans exercised their better judgement and fought against the Republican Leadership's attempt to thwart attempts to eliminate soft money that influences federal elections. The role of soft money in elections is growing exponentially. So far this year, the parties have raised a record $55.1 million in soft money—that is 80 percent more than the $30.6 million they raised during a comparable period in 1995. I urge my Republican colleagues and others to come forth again in support to strike a balance for real Campaign Finance Reform.

If Congress wants to be remembered for improving our nation's political system, enhancing our moral quality of life, and building a better America, then let's pass real campaign finance reform. Mr. Chairman, fellow colleagues, I urge that you vote No on all the poison pill amendments and vote Yes on the Shays-Meehan bill.

Mr. LEACH. Mr. Chairman, I rise in support of H.R. 417, the Shays/Meehan Bipartisan Campaign Finance Reform Act of 1999.

The bill has flaws, the biggest of which is that it does not go far enough. I would have preferred it impose spending limits and greater restraints on political action committees—the so-called PACs.

Never-the-less, Shays/Meehan is a significant and long overdue effort at addressing the most pressing "democratic" issue facing the nation.

In a country where process is our most important product, what is true for sports is doubly so for politics—how the game is played matters.

Lincoln's government of, by and for the people cannot be one in which influence is disproportionately wrought by those with large campaign war chests.

A fitting corollary to Lord Acton's dictum that "power tends to corrupt and absolute power corrupts absolutely" is the precept that even more corrupting than aspiring to power is the fear of losing it. This survivalist instinct, the desire to hang on to power, is the principle reason why meaningful campaign finance reform has been so difficult to advance.

The current system is an incumbent-based monopoly that rewards accommodation rather than confrontation with special interests. Campaign reform is about empowering citizens rather than influence peddlers. It is the equivalent of applying the antitrust laws to the political parties.

Without the sort of reforms Shays/Meehan makes, Congress will increasingly become a legislative body where the small businessman, the farmer, the worker, and the ordinary citizen are only secondarily represented.

The time is long passed to infuse more democracy into our democratic system.

Mr. SHOWS. Mr. Chairman, I rise today to express my strong support for the Shays-Meehan Bill, H.R. 417. Mr. Speaker, I rise in support of H.R. 417 and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, we cannot blame the American people for believing that their elected officials might be for sale.

H.R. 417 would restrict the vast amounts of so-called "soft money" which allow special interest groups to have unfair influence on our electoral process.

We also need to explore ways to make political campaigns less costly, while still allowing candidates to convey their message.

H.R. 417 would establish an Independent Commission on Campaign Finance Reform, and I hope the commission can recommend ways to reduce the cost of campaigns.

Mr. Chairman, we need to restore public trust in their electoral process. H.R. 417 is the best way I know to accomplish this.

Now I want to address remarks to my colleagues who are Pro-Life advocates and who, like me, support Shays-Meehan.

Much has been made about the strong position taken by the National Right to Life Committee against Shays-Meehan.

The NRLC, like some other issue advocacy groups, believes Shays-Meehan bill would unfairly inhibit their ability to communicate their message.

Pro-Life Members of Congress who support Shays-Meehan have an honest disagreement with NRLC about this bill, but we share common ground with NRLC about the sanctity of human life.

I do not quibble with the National Right to Life Committee's position on Shays-Meehan.

However, the NRLC has chosen to "score" our votes on Shays-Meehan.

Simply put, Shays-Meehan is about spending money on political campaigns. It is not about protecting human life.

Defenders of the sanctity of life should be able to have honest disagreements from time to time without losing focus on the goal that unites us.

But this "apples-to-oranges" linkage of campaign reform to protecting human life implies to our constituents that we are less than 100% committed to the cause of protecting human life when that is simply not the case.

I want my colleagues and the American people to know the plain truth: My record in support of human life is clear. I am committed 100% to Life, no matter how the NRLC may characterize my record after today's votes on campaign reform.

Indeed, I am proud that my colleagues have recognized my commitment to Life my asking me to serve as Democratic Whip of the Pro-Life Caucus.

Although the National Right to Life Committee disagrees with Pro-Life members of Congress who support Shays-Meehan, I hope we can have a productive relationship with NRLC or anyone else who is willing to fight for Life.

We are all on the same team and we must not let other issues distract us from our goal.

But today, Mr. Chairman, we are talking about restoring public confidence in the American electoral process.

We need to pass Shays-Meehan.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 417, the Meehan-Shays Bipartisan Campaign Finance Reform Act of 1999. Mr. Speaker, this body has once again been presented with the opportunity to implement significant campaign finance reforms. The American people have grown weary and cynical of the constant money chase we must engage in to run for office. Some try to equate placing restrictions on soft money with placing restrictions on free speech, as if money was speech. Money talks, all right. But how can the quiet voices and concerns of the American people compete with the megaphone of millions in soft money that is funneled into campaigns? I would argue that wealthy individuals, large corporations and advocacy groups do not have a greater right to be heard than average citizens just because they can afford to buy chunks of TV advertising time slots. This soft money is unregulated, unlimited, and unconscionable. We have to show the American people that public policy in not for sale. That's why I support the Meehan-Shays legislation. This legislation will regulate the flow of soft money to both parties and will close the legal loopholes which allow very dubious issue advocacy ads to permeate campaigns.

In addition, the bill provides for the establishment of an Independent Commission on Campaign Finance Reform and will protect the continued use of voter guides as method to inform voters about their Representatives position on important issues. The bill also raises the individual campaign contribution level from $25,000 to $30,000 each year, and raises the amount individuals may give to state political parties from $5,000 to $10,000 each year. Labor unions will be required to give "reasonable notice" to dues-paying non-members of their right to disallow political use of their dues. Electronic filing to the Federal Election Committee (FEC) would be required, it is currently optional.

Unfortunately Mr. Chairman, the Majority has decided to ignore the will of the American people who want real campaign finance reform and is attempting to kill this vital legislation by amendment. The amendments and substitutes which we debate today, while well intentioned, will do nothing to reform our campaign finance system. Therefore, I urge my colleagues to oppose all amendments and substitutes to this legislation.

Passage of this bill would represent major progress in halting the influence of wealthy special interests in government.

Mr. FRELINGHUYSEN. Mr. Chairman, to me, one of the privileges of being a Member of the House, is the ability to come here to Washington to do the people's work without losing that all-important connection with the people who sent us here.

While we serve to make all of America a better place, our constituencies are still small enough that we can put our finger on the pulse of the needs and desires of the people back home.

But a lot of those people back home, unfortunately, don't feel as connected to us as they really are, or should be. Like most Americans, our constituents believe that most Members of Congress are bound to special interests because of campaign contributions, large sums of money generated by corporations, labor unions and political action committees, and as an investigation of President Clinton's 1996 campaign fundraising has shown, even foreign nationals.

For most of us, the belief of our constituents may in reality only be a perception, but the perception holds strong and affects all of us. It is high time we do something to erase this perception and implement the first campaign finance reforms America has seen since 1974.

Americans need to be reassured that their elected leaders serve to represent their best interests, not the whims of some special interests. Our constituents must have absolute confidence in the fairness of our political process and loopholes in the current rules must be closed for good.

We can restore credibility and faith in the political process by passing H.R. 417, the Shays-Meehan Bipartisan Campaign Finance Reform Act, of which I am proud to be an original cosponsor.

H.R. 417 makes four major changes to our campaign financing system:

H.R. 417 bans soft money: Shays-Meehan completely eliminates Federal soft money, as well as state soft money that influences a Federal election.

H.R. 417 recognizes sham issue ads for what they really are: campaign ads. Under Shays-Meehan, within 60 days of an election only legal, "hard" dollars could be used for radio and TV ads that refer to a clearly identified Federal candidate run; furthermore, any communication, run at any time, that contains unambiguous and unmistakable support for or opposition to a clearly identified Federal candidate must be paid for with "hard" dollars.

H.R. 417 improves Federal Election Commission (FEC) disclosure and enforcement. Shays-Meehan requires FEC reports to be filed electronically, and provides for Internet posting of this and other disclosure data.

H.R. 417 establishes a Commission to study further reforms to our campaign finance system.

In addition, Shays-Meehan reforms also clarifies that it is illegal to raise not only hard money—but soft money as well—from foreign nationals or to raise money on government property; expands the ban on unsolicited "franked" mass mailings from the current three months before a general election to six months; bans coordinated party contributions to candidates who spend more than $50,000 in personal funds on their own campaigns; establishes a clearinghouse of information within the FEC and strengthens FEC enforcement as well as the penalties for violating the foreign money ban. Shays-Meehan also clearly exempts educational voter guides.

Mr. Chairman, today both of our political parties are guilty of working in a system that is more "loophole than law."

In the words of my friend, the gentleman from Connecticut who continues to be the driving force behind the reform move in the House, "If we allow the status quo to continue, and stand by as . . . interest groups are shaken down by the political parties, the cherished ideals that bind our national identity—free elections; one person, one vote—become meaningless."

Mr. Chairman, let us show all Americans that their one vote is not meaningless, and that their active involvement in our political process is more valuable to us than any dollar amount could ever be.

As the New York Times concluded in its editorial yesterday, today "the House faces a test of its Members' sincerity and of whether it is listening to the public instead of special interest donors.".

Who will we listen to, Mr. Chairman? To me, it's clear. I urge my colleagues to pass H.R. 417.

Mr. PORTMAN. Mr. Chairman, I rise in opposition to the Shays-Meehan legislation. I commend the sponsors for their efforts to clean up our broken campaign finance system, and I believe they are sincere in their efforts.

However, while the Shays-Meehan bill makes some needed changes, it fails to go far enough in addressing what I believe are real problems with our current campaign finance system. Shays-Meehan fails to address the underlying problems of special interest influence, foreign influence and built-in incumbent advantages that plague our current system. Moreover, soft money provision, while well-intentioned, raise serious Constitutional concerns. Most seriously, the bill does nothing to address the problem posed by special interest PACs, which contribute overwhelmingly to incumbents and discourage individuals from getting involved in the political process.

During the last Congress, I introduced campaign finance legislation containing limitations and increased disclosure for soft money, and other key provisions that go further than the Shays-Meehan bill. Among other features, the Restoring Trust in Government Act would have: banned the activities of special interest Political Action Committees (PACs); required 60% of campaign funds to be raided within a House candidate's district or a Senate candidate's state; clearly prohibited contributions by non-citizens; limited the "bundling" of campaign contributions; and completely banned taxpayer-financed unsolicited mass mailings by Members of Congress.

I believe these are all common sense changes that deserve consideration in the context of campaign finance reform.

Mr. Chairman, ultimately, I believe is virtually impossible for even the best intentioned incumbent Members of Congress to make truly sensible changes to the campaign finance system that helped them to get elected. That's why I would support the establishment of an independent commission—with a majority of members coming from outside of government—to study the problems of our current campaign financing system and make recommendations for reform within a very specific timeline. These recommendations would then be submitted to Congress for a simple yes or no vote, similar to the way we handled the difficult issue of base closures.

I know commissions have a checkered history in Washington, but they can work if they are given the opportunity. I know from my own experience as co-chairman of the National Commission on Restructuring the IRS, which recommended a successful package of IRS reforms that ultimately passed Congress and were signed into law. I would also add that, if we had taken the step of establishing a nonpartisan campaign finance commission when we had the chance last year, we would be considering a nonpartisan commission's report today, instead of essentially the same Shays-Meehan legislation that failed to pass the Senate last year.

If we're really serious about campaign finance reform, I believe we have no choice but to take it *out* of the political process entirely. I hope, when we next consider campaign finance reform, we will have the courage to support real campaign finance reform that can be enacted into law.

Mr. PAUL. Mr. Chairman, campaign finance reform is once again being painted as the solution to political corruption in Washington. Indeed, political corruption is a problem, but today's reformers hardly offer a solution. The real problem is that government has too much influence over our economy and lives, creating a tremendous incentive to protect one's own interests by 'investing' in politicians. The problem is not a lack of federal laws, or rules regulating campaign spending, therefore more laws won't help. We hardly suffer from too much freedom. Any effort to solve the campaign finance problem with more laws will only make things worse by further undermining the principles of liberty and private property ownership.

The reformers are sincere in their effort to curtail special interest influence on government, but this cannot be done while ignoring the control government has assumed over our lives and economy. Current reforms address only the symptoms while the root cause of the problem is ignored. Since reform efforts involve regulating political speech through control of political money, personal liberty is compromised. Tough enforcement of spending rules will merely drive the influence underground since the stakes are too high and much is to be gained by exerting influence over government—legal or not. The more open and legal campaign expenditures are, with disclosure, the easier it is for voters to know who's buying influence from whom.

There's tremendous incentive for every special interest group to influence government. Every individual, bank or corporation that does business with government invests plenty in influencing government. Lobbyists spend over a hundred million dollars per month trying to influence Congress. Taxpayers dollars are endlessly spent by bureaucrats in their effort to convince Congress to protect their own empires. Government has tremendous influence over the economy, and financial markets through interest rate controls, contracts, regulations, loans, and grants. Corporations and others are 'forced' to participate in the process out of greed as well as self-defense—since that's the way the system works. Equalizing competition and balancing power such as between labor and business is a common practice. As long as this system remains in place, the incentive to buy influence will continue.

Many reformers recognize this and either like the system or believe that it's futile to bring about changes and argue that curtailing influence is the only option left even if it involves compromising the liberty of political speech through regulating political money.

It's naive to believe stricter rules will make a difference. If enough honorable men and women served in Congress and resisted the temptation to be influenced by any special interest group, of course this whole discussion would be unnecessary. Because Members do yield to the pressure, the reformers believe that more rules regulating political speech will solve the problem.

The reformers argue that it's only the fault of those trying to influence government and not the fault of the Members who yield to the pressure or the system that generates the abuse. This allows Members of Congress to avoid assuming responsibility for their own acts and instead places the blame on those who exert pressure on Congress through the political process which is a basic right bestowed on all Americans. The reformer's argument is "stop us before we succumb to the special interest groups."

Politicians unable to accept this responsibility clamor for a system that diminishes the need for politicians to persuade individuals and groups to donate money to their campaign. Instead of persuasion they endorse coercing taxpayers to finance campaigns.

This only changes the special interest groups that control government policy. Instead of voluntary groups making their own decisions with their own money, politicians and bureaucrats dictate how political campaigns will be financed. Not only will politicians and bureaucrats gain influence over elections, other nondeservers will benefit. Clearly, incumbents will greatly benefit by more controls over campaign spending—a benefit to which the reformers will never admit.

The media becomes a big winner. Their influence grows as private money is regulated. It becomes more difficult to refute media propaganda,both print and electronic, when directed against a candidate if funds are limited. Campaigns are more likely to reflect the conventional wisdom and candidates will strive to avoid media attacks by accommodating their views.

The wealthy gain a significant edge since it's clear candidates can spend unlimited personal funds in elections. This is a big boost for the independently wealthy candidates over the average challenger who needs to raise and spend large funds to compete.

Celebrities will gain even a greater benefit than they already enjoy. Celebrity status is money in the bank and by limiting the resources to counter-balance this advantage, works against the non-celebrity who might be an issue-oriented challenger.

This current reform effort ignores the legitimate and moral "political action committees" that exist only for good reasons and do not ask for any special benefit from government. The immoral "political action committees" that work only to rip-off the taxpayers by getting benefits from government may deserve our condemnation but not the heavy hand of government anxious to control this group along with all the others. The reformers see no difference between the two and are willing to violate all personal liberty. Since more regulating doesn't address the basic problem of influential government, now out of control, neither groups deserves more coercive government rules. All the rules in the world can't prevent members from yielding to political pressure of the groups that donate to their campaigns. Regulation cannot instill character.

Additionally, the legislative debate over campaign finance reform has seemingly focused upon the First Amendment guarantee of freedom of speech, as interpreted and applied by the courts. The constitutional issues, however, are not limited to the First Amendment. To the contrary, pursuant to their oaths of office, members of Congress have an independent duty to determine the constitutionality of legislation before it and to decide, before ever reaching the First Amendment, whether they have been vested by the Constitution with any authority, at all, to regulate federal election campaigns. Congress has no authority except that which is "granted" in the Constitution. Thus, the threshold question concerning H.R. 417 is whether the Constitution has conferred upon Congress any authority to regular federal election campaigns. The authority to regulate such campaigns is not found among any enumerated power conferred upon Congress.

More regulation of political speech through control of private money, without addressing the subject of influential government only drives the money underground, further giving a select group an advantage over the honest candidate who only wants smaller government.

True reform is not possible without changing the role of government, which now exists to regulate, tax, subsidize, and show preferential treatment. Only changing the nature of government will eliminate the motive for so many to invest so much in the political process. But we should not make a bad situation worse by passing more bad laws.

Mr. LANTOS. Mr. Chairman, I urge my colleagues to join me in supporting H.R. 417, the Bipartisan Campaign Finance Reform Act of 1999, and to oppose all of the cynical "poison pill" amendments that have been introduced to undermine support for this important legislation. H.R. 417 contains a number of essential reforms to our federal system of financial elections in our political system.

Mr. Chairman, I commend our distinguished colleagues, my friend Mr. CHRISTOPHER SHAYS of Connecticut and Mr. MARTIN MEEHAN of Massachusetts, for introducing this extremely important bill.

The most significant provision of the Campaign Finance Reform Act would effectively ban unregulated "soft money" from our political process, abolishing once and for all this legal loophole through which hundreds of millions of dollars are poured into our national electoral process every election cycle. Soft money has made a mockery of our existing campaign finance laws, which are permitting big money interests to exert a massively disproportionate influence upon the selection of our nation's president, as well as congressman and senators. This is wrong and it must be stopped.

The Campaign Finance Reform Act would also regulate sham issue ads, which are truly campaign expenditures. The use of such "issue ads" is a gaping hole in our election laws. This law would improve the disclosure and enforcement capabilities of the Federal Election Commission, and it would establish an independent commission to study further reforms that may be needed in order to help us make future necessary changes in our campaign finance system.

Mr. Chairman, this same legislation was adopted by the House of Representatives during the 105th Congress with the overwhelming support of the American people. Despite the popular demand for reform, those members who are defending our hopelessly flawed campaign finance system continue to use "Delay" and obstruction tactics to undermine the prospects for the passage of H.R. 417. These opponents of comprehensive reform—unfortunately with the backing of the Republican leadership—are sponsoring seven "poison pill" amendments to divide the coalition supporting the Bipartisan Campaign Finance Reform Act. I urge my colleagues to reject these transparent gimmicks and to vote to restore American citizens' trust in the "People's House." Our constituents deserve as much.

Mr. Chairman, I submit an editorial from this morning's Washington Post which, I believe, effectively sets forth the strong case for the passage of H.R. 417. I urge all of my colleagues to give attention to this very thoughtful opinion.

[From the Washington Post, Sept. 14, 1999]

Yes to Campaign Finance Reform

The House has what ought to be an easy vote today—"yes" on campaign finance reform. The bill the reluctant Republican leadership has finally brought to the floor passed by a vote of 252 to 179 in the last Congress. Most of the same members are back. The need is, if anything, greater; they have no reason to renege.

The modest measure, by Reps. Christopher Shays and Martin Meehan, seeks to halt only the most egregious of the fund-raising abuses that flourished in the last campaign. It would bar the use of the national party organizations to raise and spend, on behalf of their candidates, "soft that the candidates are forbidden by law to raise and spend themselves." It seeks to limit the use of other, nominally independent organizations to raise and spend such money in the form of "issue ads" as well.

The leadership, having been forced by threat of a discharge petition to let the bill on the floor, has sprinkled obstacles in its path. Ten amendments will be in order. They were carefully written to sound innocuous while either weakening the bill or poisoning it for Democrats who might then relieve the Republicans of responsibility by taking the lead in voting no. One purports to defend voter guides but, as written, would likely make all issue ads unassailable. One, of dubious constitutionality, would require candidates to raise half their contributions in their home states; its adoption would likely drive Democrats from low-income districts to reject the entire bill. Everyone understands this. The amendments should be voted down, as should the three substitutes that will then also be in order. They too are weaker than the bill. One, by Rep. Bill Thomas, is a deliberate nullity, the theory being that no one will bother to vote against. But if any of these passes, the underlying bill is dead. That too is well understood.

The bill that passed last year was deflected by the Republican leadership in the Senate. This one faces similar resistance. It is a subject that, more than any other, causes hypocrisy to flower. The president, whose flagrant circumvention of the law in 1996 helped prompt the legislation, now takes the lead in supporting it. The Republicans, meanwhile, having spent the better part of the last Congress rightly denouncing his behavior, now block the bill that would outlaw it; they, it turns out, are the ones who profit most from the system they deplore. The parties are raising far more soft money in this cycle than they did in the last. The campaign finance law has pretty well ceased to exist, except on paper. Shays-Meehan would begin to restore it. That's what this vote is about.

Mr. LARSON. Mr. Chairman, I rise today in strong support of the Bipartisan Campaign Reform Act (H.R. 417). First, I would like to commend my colleagues, Representatives CHRISTOPHER SHAYS and MARTIN T. MEEHAN, for the extraordinary amount of hard work they put forth to bring this bill before us today. It is a testament to their diligence and tenacity that they have successfully defeated the obstacles that have been placed in the way of this important legislation.

I believe that it is time to change the nature of today's political campaigns. Working people are losing their voice in the political process, and losing faith in their officials because their vote is being drowned in a sea of negative attack ads. These reforms would tighten the campaign finance laws to keep outside groups from running sham ads, and reduce the impact of obscure, faceless groups and their money on our elections. I believe that this bill is a bipartisan effort to restore faith in our Government, which is why it is one of the first bills I co-sponsored.

I have been in politics for many years and I know that too much money is spent in political campaigns, and real people are losing their voice in elections. We need to bring campaigns back to the basics so that big money influences are put in check, and unregulated "soft" money is taken out of politics.

Many people are distrustful of the political process, and rightfully so. They don't vote in elections because major outside groups and parties have too much leverage. This reform bill is a bipartisan effort to restore faith in our Government and open up the political system. This measure aggressively targets the big money in politics and brings campaigns back to the people. These reforms are responsible, logical, and best of all, workable within our current system. Therefore, Mr. Chairman, I urge my colleagues to support the Shays-Meehan bill and vote against the many "poison-pill" amendments that have been allowed to be offered today.

Mr. KUCINICH. Mr. Chairman, today, the House of Representatives decides whether elections will continue to be controlled by a wealthy and powerful elite, or whether a significant curb on their hold over the American political process will be put in place.

H.R. 417, the Shays-Meehan Campaign Finance reform bill will help to give elections back to the people by curbing the influence of the moneyed interests.

Do not be fooled by the amendments offered today. They are intended to gut the Shays-Meehan Campaign Finance Reform bill. The rules of today's debate were designed to undermine real campaign finance reform with a series of poor substitutes.

The real test of whether this House supports campaign finance reform or thwarts it is this: we must defeat all substitute amendments and poison pill amendments, and then we must pass Shays-Meehan.

Mr. SMITH of Michigan. Mr. Chairman, let's concentrate on constituent interests, not special interests.

As the great political reporter Theodore White wrote, "the flood of money that gushes into politics today is a pollution of democracy." I haven't accepted PAC contributions since I first ran for the Michigan state senate in 1982. Although I knew I would always vote the way I felt was right regardless of who donated to my campaign, I also knew that it was equally important that my constituents had no doubts about how much PAC lobbyists might be influencing my decisions.

I have reintroduced my bill from the 105th Congress, the PAC Limitation Act, which would do the following:

Ban PACs from donating to individual Congressional campaigns.

Require that Congressional candidates raise 50% or more of their contributions from individual donors who reside within their district.

Limit how much and how often individuals can make soft money contributions to political party organizations.

Require that TV, radio and cable stations report the placement of issue ads so that there will be full disclosure.

Require labor organizations to obtain the written permission of members before using any dues or fees for political purposes.

Special interests with their organized lobbying and their millions of dollars of PAC persusion money have gained undue influence in Congress. It is time to start dismantling that influence.

This legislation moves the process ahead.

Mr. WU. Mr. Chairman, I rise today to help restore the trust of the American people. I am a cosponsor of H.R. 417, the Bipartisan Campaign Finance Reform Act, and urge my colleagues to pass this legislation today. I also urge my colleagues to reject any and all poison pill amendments intended to destroy the underlying bill.

As a first-time candidate for public office, I saw from a private citizen's perspective the need to reform our country's campaign finance system. I believe very strongly in this issue—we need to overhaul the way that campaigns are financed in America. Shortly after coming to Congress, I signed a letter with many of my freshman colleagues urging swift consideration and passage of the Shays-Meehan legislation. There are numerous cracks in our current campaign finance system, many of which create a complex web that ultimately discourage public participation. I believe that Shays-Meehan will help empower the American people and rebuild some of the trust that has been eroded by our campaign finance process.

While it is not perfect, Shays-Meehan takes important steps toward restoring the public's faith in government. It makes a number of serious reforms to bring more sunshine into the process, including banning soft money contributions and imposing restrictions on so-called "issue ads." Moreover, the Shays-Meehan bill will encourage other important and sensible reforms, such as requiring electronic filing of FEC reports and the disclosure of candidate information in campaign advertisements.

Opponents of the Shays-Meehan legislation believe there should be more special interest money in politics, not less. Opponents also raise objections to individual provisions wholly because they believe parts of H.R. 417 would jeopardize their own individual election or weaken their party. I believe that the time has come to serve the interests of the Americans people, focus on reducing the influence of special interests in our political system, and improve the campaign finance system in our country. Congress belongs to the people.

Unfortunately, in a recent poll, over half of all Americans did not believe Abraham Lincoln's statement that America is a government "of, by, and for the people." Every member of this body should be humbled by this finding, and every member of this body should vote for Shays-Meehan. I urge all my colleagues to vote for the Bipartisan Campaign Finance Reform Act and restore the public trust.

Mr. HORN. Mr. Chairman, in the 1996 presidential campaign, our nation witnessed the most scandalous money chase since the glory days of the big-city bosses and the robber barons. The question we now face is whether we have the will to clean up and toughen our laws or whether we will just accept practices like auctioning off the Lincoln bedroom or allowing foreign governments and corporations to pump money into our political campaigns.

The time for campaign reform is now. I support H.R. 417, the Shays-Meehan legislation for comprehensive reform of our campaign finance laws.

The Shays-Meehan bill bans political parties and Federal officials from raising or spending any so-called "soft" money. Congress thought it had banned "soft money" decades ago. In our democracy, we must not permit unlimited, unregulated contributions directly from corporations, unions or wealthy individuals. If a candidate took soft money today, that candidate would be indicted. But the loophole is that party committees have become giant money laundromats that collect and cleanse this otherwise-illegal money. Our legislation stops this game.

The bill also ends sham issue-ads. These TV ads rip a candidate to shreds and then ask: "Let him know what you think." Since the ad never explicitly says "vote against so-and-so" the current law says these are "educational issue ads" and not campaign ads. That is baloney. These ads are purely political and often the most vicious. They should be forced to abide by the same rules that bind every candidate—full disclosure of all contributions. That is what our bill requires.

This is sound and sensible legislation. Let's pass it. Let's send it to the Senate, which must give it the time and attention it deserves this year. Honest campaigns and elections are the most basic safeguard of a democracy. Every right that we have flows from the right to decide who will govern us. We need to decide now whether our elections will be governed by law or manipulated by loophole.

□ 1545

The CHAIRMAN. All time has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to review an agreement that we have made about the way we proceed with the amendment in the voting.

The CHAIRMAN. The Chair does not understand the gentleman's statement.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to speak out of order for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MEEHAN. Reserving the right to object, Mr. Chairman, I would ask the gentleman what this is going to be.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Massachusetts.

Mr. THOMAS. Mr. Chairman, what I was going to do is inform the House and Members the procedure we are going to be following through the amending process and the substitution process so Members can plan for the rest of the evening.

Mr. MEEHAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) is recognized for 1 minute.

Mr. THOMAS. Mr. Chairman, there has been an agreement among us that we are now going into the amendment process to H.R. 417, following general debate. There are 10 amendments. Each is to be considered for 10 minutes.

We have agreed that we will deal with five at a time and then ask for a vote. That would be a 15-minute vote followed by four five-minute votes. Then we would take the second block of five amendments, and then have a vote of 15 and then four 5s. Then we would move through the substitutes. Each of those have 40 minutes, with a vote following each substitute, which would, of course, then require a 15-minute vote for those.

So after five amendments there will be a block of voting, and then at the end of the next five amendments there would be a block of voting.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HOBSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. KOLBE submitted the following conference report and statement on the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–319)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $134,034,000.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $43,961,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $30,716,000.

INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $112,207,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $23,000,000, to remain available until expended.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $27,818,000, of which not to exceed $1,000,000 shall remain available until September 30, 2002: Provided, That funds appropriated in this account may be used to procure personal services contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $119,000,000; of which $27,920,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, including $3,000,000 for administering the Gang Resistance Education and Training program; of which $4,200,000 shall be available to the United States Secret Service for forensic and related support of investigations of missing and exploited children, of which $2,200,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $61,000,000 shall be available for the United States Customs Service; of which $1,863,000 shall be available for the Financial Crimes Enforcement Network; of which $9,200,000 shall be available to the Federal Law Enforcement Training Center; and of which $14,817,000 shall be available for Interagency Crime and Drug Enforcement.

(2) As authorized by section 32401, $13,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and *enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $84,027,000, of which up to $16,511,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2002: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.*

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $21,611,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $61,083,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $201,320,000, of which not to exceed $10,635,000 shall remain available until September 30, 2002, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $565,959,000, of which $39,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2000: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any one installation or site of a State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees in writing to the original grantor to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,705,364,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research, of which $725,000 shall be provided to a northern plains agricultural economics program in North and/or South Dakota to conduct a research program on the bilateral United States/Canadian bilateral trade of agricultural commodities and products; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $108,688,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, *or office outside of the Department of the Treasury, during fiscal year 2000 without the prior approval of the Committees on Appropriations.*

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $182,219,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2000 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $177,819,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,312,535,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,336,838,000, of which not to exceed $1,000,000 shall remain available until September 30, 2002, for research, and of which not to exceed $150,000 shall be for official reception and representation expenses associated with hosting the Inter-American Center of Tax Administration (CIAT) 2000 Conference.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $144,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,455,401,000 which shall remain available until September 30, 2001.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 777 vehicles for police-type use, of which 739 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $667,312,000: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2001.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $4,923,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2000, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2000 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 116. (a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—During the period from October 1, 1999 through January 1, 2003, the Treasury Inspector General for Tax Administration is authorized to offer voluntary separation incentives in order to provide the necessary flexibility to carry out the plan to establish and reorganize the Office of the Treasury Inspector General for Tax Administration (referred to in this section as the "Office").

(b) DEFINITION.—In this section, the term "employee" means an employee (as defined by 5 U.S.C. 2105) who is employed by the Office serving under an appointment without time limitation, and has been currently employed by the Office or the Internal Revenue Service or the Office of Inspector General of the Department of the Treasury for a continuous period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in paragraph (1);

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under 5 U.S.C. 5753 or who, within the 12-month period preceding the date of separation, received a retention allowance under 5 U.S.C. 5754.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Treasury Inspector General for Tax Administration may pay voluntary separation incentive payments under this section to any employee to the extent necessary to organize the Office so as to perform the duties specified in the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206).

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations available for the payment of the basic pay of the employees of the Office;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under 5 U.S.C. 5595(c); or

(ii) an amount determined by the Treasury Inspector General for Tax Administration, not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before January 1, 2003;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under 5 U.S.C. 5595 based on any other separation.

(d) ADDITIONAL OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Office shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—In paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the United States Government, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based, shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Office.

(f) EFFECT ON OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION EMPLOYMENT LEVELS.—

(1) INTENDED EFFECT.—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in the Office.

(2) USE OF VOLUNTARY SEPARATIONS.—The Office may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. Funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(c)(2) of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code.

SEC. 119. (a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE CHICAGO FINANCIAL CENTER OF THE FINANCIAL MANAGEMENT SERVICE.—During the period from October 1, 1999, through January 31, 2000, the Commissioner of the Financial Management Service (FMS) of the Department of the Treasury is authorized to offer voluntary separation incentives in order to provide the necessary flexibility to carry out the closure of the Chicago Financial Center (CFC) in a manner which the Commissioner shall deem most efficient, equitable to employees, and cost effective to the Government.

(b) DEFINITION.—In this section, the term "employee" means an employee (as defined by 5 U.S.C. 2105) who is employed by FMS at CFC under an appointment without time limitation, and has been so employed continuously for a period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code,or another retirement system;

(2) an employee with a disability on the basis of which such employee is or would be eligible for disability retirement under the retirement systems referred to in paragraph (1) or another retirement system for employees of the Government;

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment from an agency or instrumentality of the Government of the United States under any authority and has not repaid such payment;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) an employee who during the 24-month period preceding the date of separation has received and not repaid a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, has received and not repaid a retention allowance under section 5754 of that title.

(c) AGENCY PLAN; APPROVAL.—

(1) The Secretary, Department of the Treasury, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) The agency's plan under paragraph (1) shall include—

(A) the specific positions and functions to be reduced or eliminated;

(B) a proposed coverage for offers of incentives;

(C) the time period during which incentives may be paid;

(D) the number and amounts of voluntary separation incentive payments to be offered; and

(E) a description of how the agency will operate without the eliminated positions and functions.

(3) The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove such plan, and may make appropriate modifications in the plan including waivers of the reduction in agency employment levels required by this Act.

(d) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) A voluntary separation incentive payment under this Act may be paid by the agency head to an employee only in accordance with the strategic plan under subsection (c).

(2) A voluntary incentive payment—

(A) shall be offered to agency employees on the basis of organizational unit, occupational series or level, geographic location, other nonpersonal factors, or an appropriate combination of such factors;

(B) shall be paid in a lump sum after the employee's separation;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(ii) an amount determined by the agency head, not to exceed $25,000;

(D) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under the provisions of this Act;

(E) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit;

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(G) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(e) ELIGIBILITY FOR PAYMENTS.—Payments under this section may be made to any qualifying employee who voluntarily separates, whether by retirement or resignation, between October 1, 1999, and January 31, 2000.

(f) EFFECT ON SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with any agency or instrumentality of

the Government of the United States, or who works for an agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to FMS.

(2) The Director of the Office of Personnel Management may, at the request of the Secretary, Department of the Treasury, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(g) CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, FMS shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final annual basic pay for each employee covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For the purpose of paragraph (1), the term "final basic pay" with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(h) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this Act. For the purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(2) The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(3) At the request of the Secretary, Department of the Treasury, the Office of Management and Budget may waive the reduction in total number of funded employee positions required by paragraph (1) if it believes the agency plan required by subsection (c) satisfactorily demonstrates that the positions would better be used to reallocate occupations or reshape the workforce and to produce a more cost-effective result.

This title may be cited as the "Treasury Department Appropriations Act, 2000".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $93,436,000, of which $64,436,000 shall not be available for obligation until October 1, 2000: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2000.

This title may be cited as the "Postal Service Appropriations Act, 2000".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $52,444,000: Provided, That $10,313,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $9,260,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $810,000, to remain available until expended for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,617,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $345,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,840,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,997,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $39,198,000, of which $8,806,000 shall be available for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $63,495,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $22,951,000, of which $1,100,000 shall be available for policy research and evaluation, of which $1,000,000 shall be available for the National Alliance for Model State Drug Laws, and of which up to $600,000 shall be available for the evaluation of the Drug-Free Communities Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office: Provided further, That of the amounts appropriated for salaries and expenses, $125,000 shall be transferred to the General Accounting Office for the sole purpose of entering into a contract with the private sector for a management review of the Office of National Drug Control Policy.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105–277), $29,250,000, which shall remain available until expended, consisting of $16,000,000 for counternarcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: Provided, That the $16,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $192,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That, of this latter amount, $1,800,000 shall be used for auditing services: Provided further, That, hereafter, of the amount appropriated for fiscal year 2000 or any succeeding fiscal year for the High Intensity Drug Trafficking Areas Program, the funds to be obligated or expended during such fiscal year for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area (HIDTA) shall not be less than the funds obligated or expended for such programs during fiscal year 1999 for each designated HIDTA without the prior approval of the Committees on Appropriations: Provided further, That funds shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 1999 level.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $216,000,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: Provided further, That of the amounts provided for the Drug-Free Media Campaign, 10 percent shall not be available for obligation until ONDCP submits a corporate sponsorship plan to the Committees on Appropriations: Provided further, That of the funds provided, $30,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That of the funds provided, $1,000,000 shall be available to the Director for transfer as grants to State and local agencies or non-profit organizations for the National Drug Court Institute.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 2000".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,674,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $38,152,000, of which no less than $4,866,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $23,828,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING RESCISSION OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,342,416,000, of which: (1) $74,979,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:

Maryland:

Montgomery County, FDA Consolidation, $35,000,000

Michigan:

Sault Sainte Marie, Border Station, $8,263,000

Montana:

Roosville, Border Station, $753,000
Sweetgrass, Border Station, $11,480,000
Texas:
Fort Hancock, Border Station, $277,000
Washington:
Oroville, Border Station, $11,206,000
Nationwide:
Non-prospectus, $8,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2001, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the amount provided under this heading in Public Law 104–208, $20,782,000 are rescinded and shall remain in the Fund; (2) $598,674,000 shall remain available until expended for repairs and alterations which includes associated design and construction services, of which $333,000,000 shall be available for basic repairs and alterations: Provided further, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2001, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects: Provided further, That the General Services Administration is directed to use funds available for Repairs and Alterations to undertake the first construction phase of the project to renovate the Department of the Interior Headquarters Building located in Washington, D.C.; (3) $205,668,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,782,186,000 for rental of space which shall remain available until expended; and (5) $1,580,909,000 for building operations which shall remain available until expended, of which $475,000 shall be available for the Plains States De-population Symposium and of which $1,974,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2000, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,342,416,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $116,223,000, of which $12,758,000 shall remain available until expended: Provided, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,317,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2000 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2001 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2001 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Funds made available for new construction projects under the heading "Federal Buildings Fund, Limitations on Availability of Revenue" in Public Law 104–208 shall remain available until expended so long as funds for design or other funds have been obligated in whole or in part prior to September 30, 1999.

SEC. 409. The Federal building located at 220 East Rosser Avenue in Bismarck, North Dakota, is hereby designated as the "William L. Guy Federal Building, Post Office and United States Courthouse". Any reference in a law, map, regulation, document, paper or other record of the United States to the Federal building herein referred to shall be deemed to be a reference to the "William L. Guy Federal Building, Post Office and United States Courthouse".

SEC. 410. CONVEYANCE OF LAND TO THE COLUMBIA HOSPITAL FOR WOMEN. (a) ADMINISTRATOR OF GENERAL SERVICES.—Upon receipt of written notice and the consideration specified herein from the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-In Asylum, located in Washington, District of Columbia; in this section referred to as "Columbia Hospital"), subject to subsection (f) and such other terms and conditions as the Administrator of General Services (in this section referred to as the "Administrator") shall require, the Administrator shall convey to Columbia Hospital, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto (in this section referred to as "the Property"). The purchase price for the Property shall be $14,000,000 (not including any accrued interest) to be paid in accordance with the terms set forth in subsection (d). The purpose of this conveyance is to provide hospital, medical and healthcare services and related uses, including but not limited to the expansion by Columbia Hospital of its Ambulatory Care Center, Betty Ford Breast Center, and the Columbia Hospital Center for Teen Health and Reproductive Toxicology Center.

(b) PROPERTY DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (66 Stat. 287; chapter 486).

(2) PARTICULAR DESCRIPTION.—The Property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of the Property shall be no later than 90 days from the date upon which the Administrator receives from Columbia Hospital written notice of its intent to purchase the Property during which time the parties shall execute all necessary purchase and sale documents, and shall pay the initial cash consideration in an amount at minimum equal to the first of 30 equal annual installment payments of the purchase price as contemplated in subsection (d)(2) hereinbelow.

(2) DEADLINE FOR CONVEYANCE OF THE PROPERTY.—Written notification and payment of the consideration set forth under subsection (c)(1) from Columbia Hospital shall be ineffective, and all rights granted Columbia Hospital under this section to purchase the Property shall lapse, and become void and of no further force and effect, if that written notification and installment payment are not received by the Administrator before the date which is one (1) year after the date of enactment of this section.

(3) QUITCLAIM DEED.—Any conveyance of the Property to Columbia Hospital under this section shall be by quitclaim deed.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of the Property shall be consistent with the terms and conditions set forth in this section and such other terms and conditions as the Administrator deems to be in the interest of the United States, including but not limited to—

(A) credit and payment provisions, including the provision for the prepayment of the full purchase price if mutually acceptable to the parties;

(B) restrictions on the use of the Property for the purposes set forth in subsection (a);

(C) conditions under which the Property or interests therein may be sold, mortgaged, assigned, or otherwise conveyed in order to facilitate financing to fulfill its intended use; and

(D) consequences in the event of default by Columbia Hospital for failing to pay all installments payments toward the total purchase price when due, including reversion of the described property to the United States.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the total purchase price of $14,000,000.00 for the Property. The terms and conditions of the sale shall be as deemed by the Administrator to be in the best interests of the United States. Such terms may include financing the payment of the purchase price in annual installments for a term not to exceed thirty years with interest on the unpaid balance not to exceed four and five-tenths percent (4.5%) per annum (except during periods of default or upon entry of a final judgment amount).

(3) The Administrator shall have full authority to administer the credit granted to Columbia Hospital in accordance with this section including, without limitation, the authority to adjust, settle, or compromise the amounts specified in this section or in the documents of conveyance.

(4) EXECUTION OF DOCUMENTS.—The Columbia Hospital shall execute and provide to the Administrator such written instruments including but not limited to contracts for purchase and sale, notes, mortgages, deeds of trust, restrictive covenants, indenture deeds, and assurances as the Administrator may reasonably request to effect this transaction and to protect the interests of the United States under this section.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payments under this section shall be paid into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

(f) REVERSIONARY INTEREST.—

(1) IN GENERAL.—The Property, once conveyed as authorized under subsection (a), shall revert to the United States, together with any improvements thereon—

(A) One (1) year from the date on which Columbia Hospital defaults in paying to the United States any amount when due; or

(B) immediately, upon any attempt by Columbia Hospital to assign, sell, mortgage, or convey the Property without the Administrator's prior written consent before the United States has received full purchase price, plus accrued interest.

(2) RELEASE OF REVERSIONARY INTEREST.—The Administrator may release, upon request, any restriction imposed on the use of the Property authorized in subsection (d)(1)(B) for the purposes set forth in subsection (a), and release any reversionary interest of the United States in the Property upon receipt by the United States of full payment of the purchase price, including any accrued interest, specified under subsection (d)(2), or such other terms and conditions as may be determined by the Administrator to be in the best interests of the United States as set forth in subsection (d).

(3) PROPERTY RETURNED TO THE GENERAL SERVICES ADMINISTRATION.—Any portion of the Property that reverts to the United States under this subsection shall be under the jurisdiction, custody and control of the General Services Administration and shall be available for use or disposition by the Administrator in accordance with applicable Federal law.

SEC. 411. VOLUNTARY SEPARATION INCENTIVE PAYMENT FOR EMPLOYEES OF THE GENERAL SERVICES ADMINISTRATION. (a) AUTHORITY.—During the period October 1, 1999, through April 30, 2001, the Administrator of General Services is authorized to offer a voluntary separation incentive in order to provide the necessary flexibility to carry out the closing of the Federal Supply Service distribution centers, forward supply points, and associated programs in a manner which the Administrator shall deem most efficient, equitable to all employees, and cost effective for the Government.

(b) DEFINITION.—In this section, the term "employee" means an employee (as defined by 5 U.S.C. 2105) who is employed by GSA under an appointment without time limitation, and has been so employed continuously for a period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of Chapter 83 or Chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the retirement systems referred to in paragraph (1) or another retirement system for employees of the Government;

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment from an agency or instrumentality of the Government of the United States under any authority;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) an employee who during the 24 month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, has received and not repaid a retention allowance under section 5754 of that title.

(c) AGENCY STRATEGIC PLAN.—The Administrator of General Services, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(1) The agency's plan shall include:

(A) the specific positions and functions to be reduced or eliminated;

(B) a proposed coverage for offers of incentives;

(C) the time period during which incentives may be paid;

(D) the number and amounts of voluntary separation incentive payments to be offered; and

(E) a description of how the agency will operate without the eliminated positions and functions.

(2) The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove such plan, and may make any appropriate modifications in the plan.

(d) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) The agency head may pay a voluntary separation incentive payment under this section to an employee only in accordance with the strategic plan under subsection (c).

(2) A voluntary separation incentive payment—

(A) shall be offered to agency employees on the basis of organizational unit, occupational series or level, geographic location, other nonpersonal factors, or an appropriate combination of such factors;

(B) shall be paid in a lump sum after the employee's separation;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(ii) an amount determined by the agency head, not to exceed $25,000.

(D) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under the provisions of this section;

(E) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit;

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(G) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(e) ELIGIBILITY FOR PAYMENTS.—Payments under this section may be made to any qualifying employee who voluntarily separates, whether by retirement or resignation, between October 1, 1999 through April 30, 2001.

(f) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States within five years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2)(A) If the employment under this subsection is with an Executive agency (as defined by section 105 of title 5, United States Code, but excluding the General Accounting Office), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(B) If the employment under this subsection is with an entity in the Legislative Branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) If the employment under this subsection is with the Judicial Branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(D) Employment under a personal services contract with the Government of the United States shall be included in the term "employment" with respect to paragraph (1), but shall be excluded with respect to paragraph (2).

(g) CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the General Services Administration shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final annual basic pay for each employee covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For the purpose of paragraph (1), the term "final basic pay" with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(h) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection positions shall be counted on a full-time equivalent basis.

(2) The Director of the Office of Management and Budget shall monitor the agency and take any action necessary to ensure that the requirement of this subsection is met.

(3) At the request of the Administrator of General Services, the Office of Management and Budget may waive the application of paragraph (1) if he or she determines that the plan required by subsection (c) satisfactorily demonstrates downsizing or other restructuring within GSA that would produce a cost-effective result.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $27,586,000 together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102-252, $2,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $180,398,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $22,418,000, to remain available until expended.

RECORDS CENTER REVOLVING FUND

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a revolving fund to be available for expenses and equipment necessary to provide for storage and related services for all temporary and pre-archival Federal records, which are to be stored or stored at Federal National and Regional Records Centers by agencies and other instrumentalities of the Federal Government. The Fund shall be available without fiscal year limitation for expenses necessary for operation of these activities.

(b) START-UP CAPITAL.—

(1) There is appropriated $22,000,000 as initial capitalization of the Fund.

(2) In addition, the initial capital of the Fund shall include the fair and reasonable value at the Fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the Fund. The Archivist of the United States is authorized to accept inventories, equipment, receivables and other assets from other Federal entities that were used to provide for storage and related services for temporary and pre-archival Federal records.

(c) USER CHARGES.—The Fund shall be credited with user charges received from other Federal Government accounts as payment for providing personnel, storage, materials, supplies, equipment, and services as authorized by subsection (a). Such payments may be made in advance or by way of reimbursement. The rates charged will return in full the expenses of operation, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment and shelving, and amortization of information technology software and systems.

(d) FUNDS RETURNED TO MISCELLANEOUS RECEIPTS OF THE DEPARTMENT OF THE TREASURY.—

(1) In addition to funds appropriated to and assets transferred to the Fund in subsection (b), an amount not to exceed 4 percent of the total annual income may be retained in the Fund as an operating reserve or for the replacement or acquisition of capital equipment, including shelving, and the improvement and implementation of the financial management, information technology, and other support systems of the National Archives and Records Administration.

(2) Funds in excess of the 4 percent at the close of each fiscal year shall be returned to the Treasury of the United States as miscellaneous receipts.

(e) REPORTING REQUIREMENT.—The National Archives and Records Administration shall provide quarterly reports to the Committees on Appropriations and Governmental Affairs of the Senate, and the Committees on Appropriations and Government Reform of the House of Representatives on the operation of the Records Center Revolving Fund.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,250,000, to remain available until expended: Provided, That of the funds appropriated under this heading in Public Law 105–277, $2,000,000 are rescinded: Provided further, That the Treasury and General Government Appropriations Act, 1999 (as contained in division A, section 101(h), of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended in Title IV, under the heading "National Historical Publications and Records Commission, Grants Program" by striking the proviso.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,114,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $90,584,000; and in addition $95,486,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $4,000,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2000, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,645,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $9,740,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $35,179,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2000".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2000 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through September 30, 2001, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Notwithstanding section 515 of Public Law 104–208, 50 percent of the unobligated balances available to the White House Office, Salaries and Expenses appropriations in fiscal year 1997, shall remain available through September 30, 2000, for the purposes of satisfying the conditions of section 515 of the Treasury and General Government Appropriations Act, 1999.

SEC. 514. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 515. INVENTORY OF FEDERAL GRANT PROGRAMS. The Director of the Office of Management and Budget shall prepare an inventory of existing Federal grant programs after consulting each agency that administers Federal grant programs including formula funds, competitive grant funds, block grant funds, and direct payments. The inventory shall include the name of the program, a copy of relevant statutory and regulatory guidelines, the funding level in fiscal year 1999, a list of the eligibility criteria both statutory and regulatory, and a copy of the application form. The Director shall submit the inventory no later than six months after enactment to the Committees on Appropriations and relevant authorizing committees.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2000 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2000, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1999, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2000, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 2000, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2000 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2000 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1999 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1999, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1999, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1999.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2000 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2000 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 620. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 621. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 622. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 623. Section 627(b) of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of Public Law 105–277) is amended by striking "Notwithstanding" and inserting the following: "Effective on the date of the enactment of this Act and thereafter, and notwithstanding".

SEC. 624. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 625. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 626. No funds appropriated in this or any other Act for fiscal year 2000 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 627. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 628. (a) IN GENERAL.—For calendar year 2001, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 629. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 630. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 631. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 632. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 633. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 634. None of the funds made available in this or any other Act with respect to any fiscal year may be used for any system to implement section 922(t) of title 18, United States Code, unless the system allows, in connection with a person's delivery of a firearm to a Federal firearms licensee as collateral for a loan, the background check to be performed at the time the collateral is offered for delivery to such licensee: Provided, That the licensee notifies local law enforcement within 48 hours of the licensee receiving a denial on the person offering the collateral: Provided further, That the provisions of section 922(t) shall apply at the time of the redemption of the firearm.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Providence Health Plan;

(B) Personal Care's HMO;

(C) Care Choices;

(D) OSF Health Plans, Inc.;

(E) Yellowstone Community Health Plan; and

(2) any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2000 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 637. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2000 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives and the Chief Information Officers Council for information technology initiatives). The total funds transferred shall not exceed $7,000,000. Such transfers may only be made 15 days following notification of the House and Senate Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 638. (a) IN GENERAL.—Section 901 of title 31, United States Code, is amended by adding at the end the following:

"(c)(1) There shall be within the Executive Office of the President a Chief Financial Officer, who shall be designated or appointed by the

President from among individuals meeting the standards described in subsection (a)(3). The position of Chief Financial Officer established under this paragraph may be so established in any Office (including the Office of Administration) of the Executive Office of the President.

"(2) The Chief Financial Officer designated or appointed under this subsection shall, to the extent that the President determines appropriate and in the interest of the United States, have the same authority and perform the same functions as apply in the case of a Chief Financial Officer of an agency described in subsection (b).

"(3) The President shall submit to Congress notification with respect to any provision of section 902 that the President determines shall not apply to a Chief Financial Officer designated or appointed under this subsection.

"(4) The President may designate an employee of the Executive Office of the President (other than the Chief Financial Officer), who shall be deemed 'the head of the agency' for purposes of carrying out section 902, with respect to the Executive Office of the President.".

(b) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the effective date of this section, the President shall communicate in writing, to the Chairmen of the Committees on Appropriations, the Chairman of the Committee on Government Reform of the House of Representatives, and the Chairman of the Committee on Governmental Affairs of the Senate, a plan for implementation of the provisions of, and amendments made by, this section.

(c) DEADLINE FOR APPOINTMENT.—The Chief Financial Officer designated or appointed under section 901(c) of title 31, United States Code (as added by subsection (a)), shall be so designated or appointed not later than 180 days after the effective date of this section.

(d) PAY.—The Chief Financial Officer designated or appointed under such section shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TRANSFER OF FUNCTIONS.—(1) The President may transfer such offices, functions, powers, or duties thereof, as the President determines are properly related to the functions of the Chief Financial Officer under section 901(c) of title 31, United States Code (as added by subsection (a)).

(2) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office the functions, powers, or duties of which are transferred under paragraph (1) shall also be so transferred.

(f) SEPARATE BUDGET REQUEST.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (30) the following new paragraph:

"(31) a separate statement of the amount of appropriations requested for the Chief Financial Officer in the Executive Office of the President.".

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 503(a) of title 31, United States Code, is amended—

(1) in paragraph (7) by striking "respectively." and inserting "respectively (excluding any officer designated or appointed under section 901(c)).''; and

(2) in paragraph (8) by striking "Officers." and inserting "Officers (excluding any officer designated or appointed under section 901(c)).".

(h) EFFECTIVE DATE.—This section shall take effect at noon on January 20, 2001.

SEC. 639. (a) Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

"(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

"(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) As used in this paragraph, the term 'report' means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.".

(b) The amendments made by this section shall be effective for reporting periods beginning after December 31, 2000.

SEC. 640. (a) IN GENERAL.—Section 309(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)) is amended—

(1) in subparagraph (A)(i); by striking "clause (ii)" and inserting "clauses (ii) and subparagraph (C)"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) Notwithstanding subparagraph (A), in the case of a violation of any requirement of section 304(a) of the Act (2 U.S.C. 434(a)), the Commission may—

"(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

"(II) based on such finding, require the person to pay a civil money penalty in an amount determined under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.

"(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

"(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside."

(b) CONFORMING AMENDMENT.—Section 309(a)(6)(A) of such Act (2 U.S.C. 437g(a)(6)(A)) is amended by striking "paragraph (4)(A)" and inserting "paragraph (4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring between January 1, 2000 and December 31, 2001.

SEC. 641. (a) Section 304(b) of the Federal Election Campaign Act (2 U.S.C. 434(b)) is amended by inserting "(or election cycle, in the case of an authorized committee of a candidate for Federal office)" after "calendar year" each place it appears in paragraphs (2), (3), (4), (6), and (7).

(b) The amendment made by this section shall become effective with respect to reporting periods beginning after December 31, 2000.

SEC. 642. (a) IN GENERAL.—Section 636 of the Treasury Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note) is amended in the first sentence by striking "may" and inserting "shall".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, or the date of enactment of this Act, whichever is later.

SEC. 643. (a) IN GENERAL.—Upon promulgation of the regulations required under subsection (c), an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency", has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 644. (a) INCREASE IN ANNUAL COMPENSATION.—Section 102 of title 3, United States Code, is amended by striking "$200,000" and inserting "$400,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at noon on January 20, 2001.

SEC. 645. Effective October 1, 1999, all personnel of the General Accounting Office employed or maintained to carry out functions of the Joint Financial Management Improvement Program (JFMIP) shall be transferred to the General Services Administration. The Director of the Office of Personnel Management shall provide to the General Services Administration one permanent Senior Executive Service allocation for the position of the Executive Director of the JFMIP. Personnel transferred pursuant to this section shall not be separated or reduced in classification or compensation for 1 year after any such transfer, except for cause.

SEC. 646. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2000 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.8 percent.

(b) Funds used to carry out this section shall be paid from appropriatoins which are made to each applicable department or agency for salaries and expenses for fiscal year 2000.

SEC. 647. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 648. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other *publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.*

SEC. 649. (a) Congress finds that—

(1) the Veterans of Foreign Wars of the United States (in this section referred to as the "VFW"), which was formed by veterans of the Spanish-American War and the Philippine Insurrection to help secure rights and benefits for their service, will be celebrating its 100th anniversary in 1999;

(2) members of the VFW have fought, bled, and died in every war, conflict, police action, and military intervention in which the United States has engaged during this century;

(3) over its history, the VFW has ably represented the interests of veterans in Congress and State Legislatures across the Nation and established a network of trained service officers who, at no charge, have helped millions of veterans and their dependents to secure the education, disability compensation, pension, and health care benefits they are rightfully entitled to receive as a result of the military service performed by those veterans:

(4) the VFW has also been deeply involved in national education projects, awarding nearly $2,700,000 in scholarships annually, as well as countless community projects initiated by its 10,000 posts; and

(5) the United States Postal Service has issued commemorative postage stamps honoring the VFW's 50th and 75th anniversaries, respectively.

(b) Therefore, it is the sense of the Congress that the United States Postal Service is encouraged to issue a commemorative postage stamp in honor of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States.

SEC. 650. ITEMIZED INCOME TAX RECEIPT. (a) IN GENERAL.—Not later than April 15, 2000, the Secretary of the Treasury shall establish an interactive program on an Internet website where any taxpayer may generate an itemized receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payments among the major expenditure categories.

(b) INFORMATION NECESSARY TO GENERATE RECEIPT.—For purposes of generating an itemized receipt under subsection (a), the interactive program—

(1) shall only require the input of the taxpayer's total tax payments, and

(2) shall not require any identifying information relating to the taxpayer.

(c) TOTAL TAX PAYMENTS.—For purposes of this section, total tax payments of an individual for any taxable year are—

(1) the tax imposed by subtitle A of the Internal Revenue Code of 1986 for such taxable year (as shown on his return), and

(2) the tax imposed by section 3101 of such Code on wages received during such taxable year.

(d) CONTENT OF TAX RECEIPT.—

(1) MAJOR EXPENDITURE CATEGORIES.—For purposes of subsection (a), the major expenditure categories are:

(A) National defense.

(B) International affairs.

(C) Medicaid.

(D) Medicare.

(E) Means-tested entitlements.

(F) Domestic discretionary.

(G) Social Security.

(H) Interest payments.

(I) All other.

(2) OTHER ITEMS ON RECEIPT.—

(A) IN GENERAL.—In addition, the tax receipt shall include selected examples of more specific expenditure items, including the items listed in subparagraph (B), either at the budget function, subfunction, or program, project, or activity levels, along with any other information deemed appropriate by the Secretary of the Treasury and the Director of the Office of Management and Budget to enhance taxpayer understanding of the Federal budget.

(B) LISTED ITEMS.—The expenditure items listed in this subparagraph are as follows:

(i) Public schools funding programs.

(ii) Student loans and college aid.

(iii) Low-income housing programs.

(iv) Food stamp and welfare programs.

(v) Law enforcement, including the Federal Bureau of Investigation, law enforcement grants to the States, and other Federal law enforcement personnel.

(vi) Infrastructure, including roads, bridges, and mass transit.

(vii) Farm subsidies.

(viii) Congressional Member and staff salaries.

(ix) Health research programs.

(x) Aid to the disabled.

(xi) Veterans health care and pension programs.

(xii) Space programs.

(xiii) Environmental cleanup programs.

(xiv) United States embassies.

(xv) Military salaries.

(xvi) Foreign aid.

(xvii) Contributions to the North Atlantic Treaty Organization.

(xviii) Amtrak.

(xix) United States Postal Service.

(e) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the tax receipt.

(f) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this section.

SEC. 651. (a) Section 7001 of Public Law 105–174 (112 Stat. 91) is amended by striking each place it appears "for purposes of the period beginning on the date of enactment of this Act and ending on September 30, 1999," and inserting "May 1, 1998,".

(b) Section 1109 of Public Law 105–261 (112 Stat. 2143) is repealed.

SEC. 652. (a) The American Battle Monuments Commission and the World War II Memorial Advisory Board (as referred to in Public Law 103–32 (40 U.S.C. 1003 note; 107 Stat. 90)) shall each be considered to qualify for the rates of postage currently in effect under former section 4452 of title 39, United States Code, for third-class mail matter mailed by a qualified nonprofit organization.

(b) Rates of postage afforded by subsection (a) shall be available only with respect to official mail sent for the furtherance of the purpose of section 2(c)(1) or 3 of Public Law 103–32, as applicable.

(c) This section shall apply with respect to fiscal year 2000 and each fiscal year thereafter.

SEC. 653. (a) ESTABLISHMENT.—There is established the National Intellectual Property Law Enforcement Coordination Council (in this section referred to as the "Council"). The Council shall consist of the following members—

(1) The Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, who shall serve as co-chair of the Council;

(2) The Assistant Attorney General, Criminal Division, who shall serve as co-chair of the Council;

(3) The Under Secretary of State for Economic and Agricultural Affairs;

(4) The Ambassador, Deputy United States Trade Representative;

(5) The Commissioner of Customs; and

(6) The Under Secretary of Commerce for International Trade.

(b) DUTIES.—The Council established in subsection (a) shall coordinate domestic and international intellectual property law enforcement among federal and foreign entities.

(c) CONSULTATION REQUIRED.—The Council shall consult with the Register of Copyrights on law enforcement matters relating to copyright and related rights and matters.

(d) NON-DEROGATION.—Nothing in this section shall derogate from the duties of the Secretary of State or from the duties of the United States Trade Representative as set forth in section 141 of the Trade Act of 1974 (19 U.S.C. 2171), or from the duties and functions of the Register of Copyrights, or otherwise alter current authorities relating to copyright matters.

(e) REPORT.—The Council shall report annually on its coordination activities to the President, and to the Committees on Appropriations and on the Judiciary of the Senate and the House of Representatives.

(f) FUNDING.—Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2000 and hereafter by this or any other Act shall be available for interagency funding of the National Intellectual Property Law Enforcement Coordination Council.

SEC. 654. In addition to funds otherwise provided under the heading "National Oceanic and Atmospheric Administration" for "Operations, Research, and Facilities" in Public Law 105–277 (112 Stat. 2681–83), $5,650,000 is appropriated for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefit Plan, and for payment for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55).

This Act may be cited as the "Treasury and General Government Appropriations Act, 2000".

And the Senate agree to the same.

JIM KOLBE,
FRANK R. WOLF,
ANN M. NORTHUP,
JO ANN EMERSON,
JOHN E. SUNUNU,
JOHN E. PETERSON,
ROY BLUNT,
BILL YOUNG,
STENY HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
LUCILLE ROYBAL-ALLARD,
DAVE OBEY,
Managers on the Part of the House.

BEN NIGHTHORSE CAMPBELL,
RICHARD SHELBY,
JON KYL,
TED STEVENS,
BYRON L. DORGAN,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490), making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury and General Government Appropriations Act, 2000, incorporates some of the language and allocations set forth in House Report

106-231 and Senate Report 106-87. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

Reprogramming and Transfer of Funds Guidelines

The conference agreement includes the following reprogramming guidelines which shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 2000:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;
2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;
3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;
6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;
7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,
8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

Climate Change Research

On October 22, 1997, the President introduced a three-stage proposal on climate change in anticipation of an international agreement to be negotiated 2 months later in Kyoto, Japan. The President's budget for fiscal year 1999 included a $6,300,000,000 package of tax incentives and research and development programs over the 5 years of Stage I of the President's proposal. With regard to programs pursued under the President's proposal, the conferees expect the administration to comply with the letter and spirit of the Government Performance and Results Act (GPRA).

The conferees direct the administration to designate which office has authority to coordinate and direct interagency activity with regard to the President's proposal, which can report accountably to Congress.

None of the funds provided in this bill are to be used to implement actions called for solely under the Kyoto protocol, prior to its ratification.

The Byrd-Hagel resolution passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regard to the Kyoto protocol, and the conferees are committed to ensuring that the administration not implement the Kyoto protocol without congressional consent. The conferees recognize, however, that there are also longstanding energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided they have been documented in full compliance with the letter and intent of GPRA, funded, and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to ratification of the Kyoto protocol (whether under the auspices of the climate change technology initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto protocol.

The conferees direct the Administration to provide the Committees with a detailed plan for implementing key elements of the President's proposal, which would include performance goals for the reduction of greenhouse gases that have objective, quantifiable, and measurable target levels. The plan should provide evidence on the effectiveness of these programs in meeting the performance goals. The conferees expect these items to be included as part of the fiscal year 2001 budget submission for all affected agencies.

Last year, the Senate Appropriations Committee directed the Administration to include these items in the fiscal year 2000 budget submission. The conferees are concerned that several agencies are tardy in doing so. The conferees take cognizance of a joint hearing on agency accountability, conducted on May 20, 1999, by subcommittees of the Senate Committee on Energy and Natural Resources and the House Committee on Government Reform. In fact, three agencies did not submit reports until April 9 or later, and one submitted its report one day before this hearing. According to the General Accounting Office, both the timing and the content of these submissions made it more difficult for Congress to assess administration proposals.-

Vehicle Usage and Replacement

The conferees remain concerned about the pace by which the vehicle management system is being implemented. To date, only initial steps have been taken. Therefore, the conferees have continued last year's provision regarding vehicle acquisition and expect that the system will be fully implemented in time to utilize information gathered from the system in developing the fiscal year 2001 budget. The conferees direct that the fiscal year 2001 request regarding vehicle acquisitions be justified on a demonstrated use of this system.

TITLE I—DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

The conferees agree to provide $134,034,000 instead of $134,206,000 as proposed by the House and $133,168,000 as proposed by the Senate. The amount provided does not include the additional $596,000 requested for Enforcement Policies and Programs.

The conferees note that the amount provided includes sufficient funding for the Department of the Treasury to make up to $500,000 in contract awards to the National Law Center for Inter-American Free Trade as proposed by the President. The conferees support this program, which will aid federal government efforts to conduct legal research specific to relevant trade issues.

SENIOR EXECUTIVE SERVICE ALLOCATIONS

The conferees recognize some discrepancy in allocations of Senior Executive Service (SES) positions among Treasury law enforcement bureaus. When compared to comparable Justice Department agencies, these allocations seem disproportionate. The conferees recognize that SES allocations are reviewed every two years and the next review will occur in the year 2000. In order to mitigate this apparent disparity, the conferees direct the Secretary of the Treasury to review the SES allocations in its law enforcement bureaus and to make recommendations to the Committees on Appropriations by November 1, 1999, on those actions that might alleviate SES imbalances.

OFFICE OF ENFORCEMENT REVIEW

The Congress established the Office of the Under Secretary of Enforcement in Public Law 103-123, Section 105, to allow the Department an office solely dedicated to assisting Treasury's law enforcement bureaus in management and policy oversight issues specific to the needs of law enforcement. The conferees are interested in the use of funding in the Office of Enforcement with respect to the management of law enforcement bureaus and the development and oversight of policy. Therefore, the conferees direct the General Accounting Office to conduct a management review of the Office of Enforcement and Treasury's law enforcement bureaus as they relate to the Office of Enforcement. The conferees note that attention should also be paid to the Office's interactions with other entities within Treasury's Departmental Offices, as well as other federal law enforcement agencies.

Department-Wide Systems and Capital Investments Programs

The conferees agree to provide $43,961,000 instead of $31,017,000 as proposed by the House and $35,561,000 as proposed by the Senate. The amount provided includes $26,221,000 for Human Resources Reengineering and Systems Modernization, $4,327,000 for the completion of Year 2000 conversion activities, $3,813,000 for Departmental Offices productivity enhancement, $1,000,000 for critical infrastructure protection, $200,000 for Department-wide implementation of an information systems architecture, $5,400,000 for the International Trade Data System, and $3,000,000 for money laundering grants.

Office of Inspector General

SALARIES AND EXPENSES

The conferees agree to provide $30,716,000 as proposed by the House instead of $30,483,000 as proposed by the Senate.

Treasury Inspector General for Tax Administration

SALARIES AND EXPENSES

The conferees agree to provide $112,207,000 as proposed by the House instead of $111,340,000 as proposed by the Senate.

Treasury Building and Annex Repair and Restoration

The conferees agree to provide $23,000,000 as proposed by the House instead of $15,000,000 as proposed by the Senate.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

The conferees agree to provide $27,818,000 instead of $29,656,000 as proposed by the House and $27,681,000 as proposed by the Senate. This is identical to the Administration's request, with the exception that $600,000 requested to fund Gateway system operations is provided in the Violent Crime Reduction Trust Fund instead of the Salaries and Expenses appropriation. The conferees agree that not to exceed $1,000,000 of this funding shall remain available until September 30, 2002 to provide flexibility in keeping technology investments current.

Treasury Forfeiture Fund

The conferees understand that the fiscal year 2000 super surplus for the Treasury Forfeiture Fund will exceed the Administration's estimate of $142,000,000, and therefore direct the Department to provide the Committees on Appropriations its plan for using these resources in a timely manner, as well as a summary of actual obligations in the fiscal year 2001 budget request.

The conferees continue to support the use of the super surplus to further advance Treasury law enforcement programs and activities, and acknowledge the Department's proposal for use of the super surplus for a variety of activities. The conferees direct the Department to use $177,906,000 instead of $142,106,000 as proposed by the House and $142,000,000 as proposed by the Senate, as follows:

U.S. Customs Service–	$64,493,000—
Vehicle Replacement—	8,600,000–
FTE/Equipment from S&E–	11,964,000– –
Other Base equipment funding–	12,129,000–
Integrity enhancement–	4,300,000– –
Training Initiative–	2,500,000–
SW Border Initiative–	25,000,000
Bureau of Alcohol, Tobacco and Firearms–	34,947,000– –
IBIS	3,000,000– –
Mobile Radios/vehicles–	6,300,000– –
Canine explosives detection–	1,000,000– –
Post incident investigations–	3,600,000– –
Arson and explosives repository–	1,608,000– –
Lab Equipment Modernization–	3,800,000– –
Building security annualization–	639,000–
Headquarters Construction (if required)–	15,000,000
U.S. Secret Service–	75,466,000– –
Treasury Std. Financial Systems–	250,000– –
LAN Replacement–	250,000– –
TCS–	3,700,000– –
Counter Chem/Bio Threats–	3,325,000– –
Upgrade WH Complex Security–	1,843,000– –
Replace mainframe financial system–	1,151,000– –
2000 Presidential Campaign—add'l protection workload–	27,515,000–
2000 Presidential Campaign—recurring protection workload–	7,732,000–
Vehicle Replacement—from VCRTF–	6,700,000– –
Anti-terrorism supp. follow-on costs–	23,000,000–
Other Treasury –	3,000,000–
FLEWUG–	3,000,000
Total–	177,906,000–

Violent Crime Reduction Programs

The conferees agree to provide $132,000,000, as proposed by the House instead of $194,000,000 proposed by the Senate. This amount is to be used as follows:

Bureau of Alcohol, Tobacco and Firearms–	$40,920,000–
GREAT Program Management–	3,000,000–
GREAT Program Grants–	13,000,000–
YCGII Expansion to 37 cities–	12,320,000–
Integrated Violence Reduction Strategy–	12,600,000
Customs Service–	61,000,000–
Land Border Automation Initiative/canopies–	4,000,000–
Vehicles–	11,464,000–
Maintain FY 1988 equipment (NII, canopies)–	3,640,000–
Agent/Inspector Relocation–	8,000,000 –
Lab modernization–	5,735,000–
Narcotics and money laundering–	4,817,000 –
Cybersmuggling—FY 99 Initiative continuation–	2,400,000–
Maintain FY97 Hardline/Gateway Equipment–	5,430,000 –
Hiring for projected attrition–	15,514,000
Secret Service–	4,200,000 –
Forensic technologies—general–	2,000,000 –
Forensic technologies—NCMEC operational support–	2,200,000
Financial Crimes Enforcement Network–	1,863,000
Magnitude of Money Laundering Study–	500,000
SARs Access/Enhancement–	200,000
Gateway Program–	600,000
Expand Secure Outreach Net–	263,000
Expand Data Mining Technology–	300,000
Interagency Crime and Drug Enforcement–	14,817,000
Federal Law Enforcement Training Center–	9,200,000–
Artesia Firearms Ranges–	9,200,000
Total–	132,000,000

Bureau of Alcohol, Tobacco and Firearms

The conferees agree to provide $27,920,000 instead of $26,800,000 as proposed by the House and $17,847,000 as proposed by the Senate.

YOUTH CRIME GUN INTERDICTION INITIATIVE

The conferees agree to increase total funding for the Youth Crime Gun Interdiction Initiative (YCGII) to $51,320,000, of which $12,320,000 is provided in the violent crime reduction trust fund (VCRTF). The conferees strongly support programs such as YCGII, the operations of the Bureau of Alcohol, Tobacco and Firearms (ATF) National Tracing Center, and initiatives such as the Integrated Violence Reduction Strategy to target, investigate and prosecute crimes with guns and reduce gun violence among our nation's youth. The conferees are aware that many communities are interested in learning from and benefiting by increased federal efforts in this area, and so ATF is encouraged to consider the needs of communities where no current YCGII program exists, such as Las Vegas, Nevada, as it plans for future YCGII operations.

Gang Resistance Education and Training Grants

The conferees agree to provide $13,000,000 to ATF as proposed by the Senate instead of $10,000,000 as proposed by the House to continue the Gang Resistance Education and Training (GREAT) program. Additional funds of $3,000,000 for ATF administrative support also are provided through VCRTF. The conferees understand that the longitudinal impact study of the GREAT program now underway at the National Institute of Justice and the University of Nebraska will be completed in the summer of 2000. The conferees urge ATF to expedite completion of the study and provide the results to the Committees on Appropriations.

Customs Service

The conferees agree to provide $61,000,000 instead of $64,000,000 as proposed by the House and $52,774,000 as proposed by the Senate. This fully funds the Administration request for funding for vehicles, maintenance of previously acquired detection equipment and equipment in support of Operations HARDLINE and GATEWAY, lab modernization, money laundering, and $2,400,000 to continue the Customs Cybersmuggling Center. The conferees provide an additional $1,600,000 for the Cybersmuggling Center in the Customs Service Salaries and Expenses appropriation. The conferees provide $4,000,000 for the land border automation initiative.

AGENT AND INSPECTOR RELOCATION

The conferees are interested in the use of funding provided for agent and inspector relocation. Specific funding of $8,000,000 was requested by the Administration, in addition to $4,000,000 from the Treasury Forfeiture Fund in fiscal year 1998 and $8,000,000 appropriated to Customs in fiscal year 1999. The conferees direct the Customs Service to report by February 1, 2000, on its use of this funding for fiscal years 1998–2000, to include actual and estimated numbers of inspectors and agents relocated and the costs associated with such moves.

Secret Service

The conferees agree to provide $4,200,000 as proposed by the House instead of $21,950,000 as proposed by the Senate. This includes $2,000,000 for forensic assistance to the National Center for Missing and Exploited Children (NCMEC) and $2,200,000 for grant assistance for the Exploited Child Unit of NCMEC.

Financial Crimes Enforcement Network

The conferees agree to provide $1,863,000 as proposed by the Senate instead of no funding as proposed by the House. This includes funding for operating the Gateway system, expanding the secure outreach network for federal agencies, improving access to the Suspicious Activity Report (SAR) system and outreach to State and local law enforcement agencies, money laundering, and data mining.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

The conferees agree to provide $9,200,000 as proposed by the Senate instead of no funding as proposed by the House, for two firearms ranges at the Federal Law Enforcement Training Center's Artesia, New Mexico, campus.

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $14,817,000 instead of $27,000,000 as proposed by the House and $28,366,000 as proposed by the Senate. An additional $61,083,000 is provided in the Interagency Law Enforcement account for a total appropriation of $75,900,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER–

SALARIES AND EXPENSES

The conferees agree to provide $84,027,000 instead of $82,827,000 as proposed by the House and $80,114,000 as proposed by the Senate. The conferees agree to an increase of $1,420,000 for basic training, $1,216,000 for counter-terrorism training, $1,380,000 for a cost accounting system, $350,000 for scheduling automation, $1,973,000 for equipment base restoration, $900,000 for training vehicles, and $300,000 for a Rural Law Enforcement Demonstration Project.–

The conferees agree to continue a general provision (Section 615) to permit the Federal Law Enforcement Training Center (FLETC) to acquire the temporary use of additional training facilities without seeking the advance approval otherwise required by that section. The conferees direct the Center to report to the Committees on Appropriations by May 5, 2000 on the use of this authority and projections for its future use.

U.S. BORDER PATROL BASIC TRAINING

The Congress has mandated that the US Border Patrol (USBP) increase its level of new hires now and over the next several years. A critical component of the hiring process is the training of new agents to prepare them as quickly as possible to perform their duties at USBP locations. Due to the increased training requirements, entry level USBP agents are currently trained at both the FLETC Glynco, Georgia and the former Charleston, South Carolina Naval Yard sites. The conferees direct that FLETC and the Immigration and Naturalization Service (INS)/USBP establish a training schedule that creates fixed plateaus for conducting training at both locations. FLETC and INS are to report back to the Committees on Appropriations no later than January 1, 2000, on how this scheduling is being implemented for fiscal year 2000. The conferees fully expect that the five year construction Master Plan for facilities for USBP training will be fully implemented subject to a certification by the Secretary of Treasury and the Attorney General that all FLETC overflow issues relating to USBP basic training have been addressed.

RURAL LAW ENFORCEMENT EDUCATION DEMONSTRATION PROJECT

The conferees are concerned that greater attention tends to be focused on youth crime and gang activity in urban centers. Rural areas are also experiencing significant increases in juvenile crime. The conferees believe that rural law enforcement officials, and others in rural communities who could provide an early warning system of criminal behavior, are not receiving the kind of education and training that may be critically important to the safe keeping of their communities.

Therefore, the conferees direct the Director of FLETC to provide up to $300,000 to a graduate level criminal justice program specializing in rural law enforcement in a Northern Plains State and/or other rural area. These funds will be used to sponsor a research project on the development of law enforcement training techniques aimed at addressing rural crime, rural drug behavior and rural gang activities. It is hoped that the study, which shall be provided to the Committees on Appropriations within one year after enactment of this bill, will be considered in making any law enforcement changes necessary for conducting a rural law enforcement training program.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $21,611,000 as proposed by the Senate instead of $24,310,000 as proposed by the House. This includes funding for the current Master Plan construction, expanding the chilled water system, a counter terrorism facility, and completion of a new dormitory at Artesia, New Mexico.–

The conferees have denied funding for a new classroom at Glynco, Georgia, as these funds have been made available through the Treasury Forfeiture Fund in fiscal year 1999.

DORMITORY AND CLASSROOM CONSTRUCTION

The conferees continue to be committed to the principle of consolidating federal law enforcement training, and are greatly concerned that the INS Border patrol training facility in Charleston, South Carolina will not be closed in fiscal year 2001, as originally planned and agreed to by the Departments of Justice and Treasury. The conferees understand that the obstacle to this closure and subsequent consolidation of all Border Patrol basic training at FLETC is the lack of adequate capacity at the two existing FLETC sites. The budget request is consistent with a revised plan to have adequate basic training capacity by fiscal year 2004. The conferees strongly urge FLETC and the Department to keep the Committees informed of any problems that may cause further delays, and directs the Treasury Department to report by May 5, 2000, on progress in meeting this target.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $61,083,000 instead of $48,900,000 as proposed by the House and no appropriation as proposed by the Senate. The conferees provide an additional $14,817,000 through the VCRTF, for a total appropriation of $75,900,000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $201,320,000 as proposed by the House instead of $200,054,000 as proposed by the Senate.–

The conferees have agreed to include language proposed by the Senate that provides that not to exceed $2,500 is available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide $565,959,000 instead of $567,059,000 as proposed by the House and $570,345,000 as proposed by the Senate. The amount provided fully funds the request to maintain current services, includes $5,209,000 for enforcement and tax collection support for tobacco tax compliance, and $5,000,000 to support the Integrated Ballistic Indentification System system in addition to $3,000,000 funded through the Treasury Forfeiture Fund. The conferees do not include $1,100,000 requested for a promotion assessment system, but expect ATF to absorb those costs within existing resources.–

TOBACCO COMPLIANCE

The conferees are concerned that a change in federal law mandated by the 1997 Balanced Budget Act regarding the domestic distribution of cigarettes manufactured for export will create substantial enforcement problems for ATF after January 1, 2000, when the new law becomes effective. The conferees note that a number of States have already passed laws banning the distribution of export manufactured cigarettes ahead of the federal statute. The conferees include $5,209,000 to fund the enforcement actions with regard to gray market tobacco products and to ensure collection of floor stock taxes. The conferees direct ATF to report back to the Committees on Appropriations before September 30, 2000, followed by semi-annual reports thereafter, on the number of employees dedicated to handling this transition in the law and its enforcement, the number of complaints received, the number of investigations initiated, and the number of cases referred for prosecution.

ANTIQUE FIREARMS

The conferees are concerned that there are insufficient data or information on the use of antique firearms in crime. The term "antique firearm" has the meaning given the term in 18 USC 921(a)(16). Therefore, the ATF is urged to conduct a study on the use of antique firearms in crime and report back to the Committees on Appropriations no later than February 15, 2000.

LABORATORY FACILITIES AND HEADQUARTERS

The conferees recommend that, should it be deemed necessary, ATF seek any funds required for a relocation of their headquarters operations from the Treasury Forfeiture Fund.–

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $1,705,364,000 instead of $1,708,089,000 as proposed by the House and $1,670,747,000 as proposed by the Senate. These amounts include $212,000 for renovations to the Louisville International Airport in Louisville, Kentucky. The conferees also include funding to maintain current levels and annualize the cost of personnel and equipment, including vehicle replacement, and $35,000,000 in new funding to support the Automated Commercial System. In addition, the conferees provide $9,000,000 for non-intrusive mobile personal inspection technology, $5,011,000 for the forced child labor program, and $2,000,000 for money laundering outbound detection technology. The agreement also includes $1,600,000 for the Cybersmuggling Center in addition to the $2,400,000 funded through the Violent Crime Reduction Trust Fund, to bring total funding to the Center to $4,000,000. The conferees deny without prejudice $725,000 requested for land border blitzes.

CUSTOMS AUTOMATION

The conferees are extremely supportive of automating Customs' systems and processes. Unfortunately, the Administration failed to request adequate funding for this program, either to maintain the existing Automated Commercial System (ACS) or to lay the groundwork for the Automated Commercial Environment (ACE). The President's budget does include an increase of $35,000,000 for expanded memory for ACS. However, the conferees are deeply concerned that Customs has failed to provide accurate estimates of possible funding shortfalls which the conferees could address. The conferees support Customs' efforts to mirror the Internal Revenue Service's path for modernization with the use of a prime integrator and the establishment of modularized acquisition and spending plans. Given the adoption of this new approach, the conferees request the revised system blueprint, schedule and budget for ACE not later than the time the budget is submitted for fiscal year 2001. The conferees also direct the Customs Service to provide quarterly reports on the maintenance and costs of ACS until ACE has been implemented.

SOUTHWEST BORDER STAFFING AND CROSS-BORDER TRADE

The conferees are aware that commercial truck traffic entering the United States through Mexico has grown by more than 50 percent in recent years, and that the Customs Service has not realized subsequent increases in inspectors. For example, over 80 percent of the fresh produce imported from Mexico comes through Nogales, Arizona, yet the number of Customs inspectors in that area has actually decreased. In addition, the San Luis, Arizona port of entry is not open during key hours thereby forcing trade to be rerouted hundreds of miles away. When the port is open, wait times can be over two and a half hours long. The conferees understand that Customs is currently reviewing its overall resource allocation and encourages Customs to consider the Arizona border in this review. In the interim, the conferees instruct Customs at least to maintain current staffing levels in Arizona in fiscal year 2000 and to report to the Committees on Appropriations by March 31, 2000, on what resources are necessary to reduce wait times along the Southwest border to twenty minutes, in addition to outlining the current staffing needs in Arizona.

TARGETED RESOURCES FOR THE SOUTHWEST BORDER

In addition to the evaluation of overall, longer term Southwest border needs directed above, the conferees, in an effort to address these concerns in terms of wait times and trafficking in illegal drugs and contraband, believe that an immediate increase in inspectors, agents, and detection technology is justified to meet these current pressures. The conferees therefore direct the U.S. Customs Service to submit within 60 days of enactment to the Committees on Appropriations its recommendation for immediate actions to reduce waiting times and improve contraband detection capabilities, as well as investigative resources. Based on these recommendations and subject to approval by the Committees, the conferees direct that $25,000,000 from the super surplus of the Treasury Forfeiture Fund be used to hire new inspectors, agents, or acquire new detection technology for use along the Southwest border.

CUSTOMS INSPECTION PRACTICES

The conferees are concerned about allegations that African-Americans and Hispanic-Americans are being targeted for Customs inspections, detention and for personal searches at border crossings. The conferees are also concerned about allegations that personal searches of individuals subject to such searches in accordance with regulations established by the Customs Service may be carried out by employees of the Customs Service who are not of the same gender as the individual being searched. Therefore, the conferees direct the Secretary of the Treasury to prepare and submit to the Congress a report on the conduct of personal searches by employees of the Customs Service by February 15, 2000.

CANADIAN/UNITED STATES FREE TRADE AGREEMENT RESEARCH PROGRAM

The Canadian/United States Free Trade Agreement (CUSTA) was signed in 1988 and implemented in 1989. The objective was to create a Canadian/U.S. free trade area so trade between the two countries would be uninhibited by border measures. The agreement called for conversion of non-tariff border measures to tariffs, with all tariffs to be phased out over a 15 year period. The agreement was expanded to NAFTA by including Mexico in 1994.

From within amounts appropriated, the conferees agree to provide $725,000 and direct Customs to provide a Northern Plains agricultural economics program with these funds to conduct a research program to analyze issues relating to bilateral U.S./Canada trade in agricultural commodities and to assess the economic impact of bilateral trade on the Northern Plains. Specific objectives of the research program are (1) to evaluate inconsistencies in agricultural policies, trade practices, and marketing activities which affect trade flows of agricultural products and commodities between the U.S. and Canada; (2) to analyze the impacts of Canadian exports of agricultural products and commodities on prices and net farm income in Northern Plains States; (3) to analyze data on Canadian export prices and quantities of agricultural products and commodities collected at U.S. customs' points along the Northern border; and (4) to evaluate factors influencing Canadian exports to the United States, including transportation and logistics and single desk selling of wheat and barley by the Canadian Wheat Board. The conferees further direct that a report on this project be provided to the Committees within one year of enactment of this Act.

PORTS OF ENTRY INFRASTRUCTURE ASSESSMENT

The conferees are concerned about the current condition of the ports of entry along the U.S. land borders. Therefore, the conferees direct the Customs Service, working in consultation with the General Services Administration, to assess the current condition and infrastructure needs of these ports and provide a report to the Committees within nine months after enactment of this Act on a plan to address these needs and the resources required to do so. The conferees expect the Customs Service to coordinate with the other Federal and State border agencies in this effort.

INTERNATIONAL PORTS OF ENTRY

The conferees urge the Customs Service to evaluate the merits of designating the Hector International Airport in Fargo, North Dakota, the San Antonio International Airport in San Antonio, Texas, and The Manchester Airport in Manchester, New Hampshire, as international ports of entry and report the findings to the Committees on Appropriations no later than February 15, 2000. Additionally, the conferees encourage the U.S. Customs Service to consider a pilot project to allow international port of entry designations at several selected airports which may not currently meet the requirements for an international port of entry designation but which demonstrate promise of meeting them in the future due to expanded international trade and commerce.

HARBOR MAINTENANCE FEE COLLECTION

The conferees agree to provide a separate appropriation of $3,000,000 as proposed by the Senate, to be transferred from the Harbor Maintenance Trust Fund to the Customs Service "Salaries and Expenses" appropriation.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $108,688,000 as proposed by the Senate instead of $109,413,000 as proposed by the House. The conferees deny without prejudice $725,000 requested for land border blitzes.

CUSTOMS AIR AND MARINE INTERDICTION MODERNIZATION

In the fiscal year 1999 appropriation, the conferees directed Customs to provide its air and marine program modernization plan with its fiscal year 2000 budget. The conferees understand that this plan is currently under review within the Administration and are dismayed that the plan was not provided as requested. The plan is to include the projected lifespans and replacement schedules, as well as the current status, of each aircraft or vessel, associated operations and maintenance activities for these craft, and any costs for fleet modernization. The conferees expect prompt completion and submission of this report.

ROTORCRAFT TRAINING

The conferees are aware that the Customs Service has contracted with the University of North Dakota for rotorcraft training. Because of the University's state-of-the-art facilities, its experienced flight instructors, and its internationally recognized expertise in touch-down auto rotation, the conferees urge the continuation and expansion of this collaboration.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

The conferees agree to provide $177,819,000 instead of $176,919,000 as proposed by the House and $176,983,000 as proposed by the Senate.

The conferees agree that the report described in House report language should be submitted to the Committees on Appropriations by February 1st of each year.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conferees agree to provide $3,312,535,000 instead of $3,270,098,000 as proposed by the House and $3,291,945,000 as proposed by the Senate. The amount provided is the same as the amount requested by the Administration.

The conferees have also agreed to include $3,950,000 for the Tax Counseling for the Elderly Program as proposed by the Senate instead of $3,700,000 as proposed by the House.

TAX LAW ENFORCEMENT

The conferees agree to provide $3,336,838,000 instead of $3,301,136,000 as proposed by the House and $3,305,090,000 as proposed by the Senate. The amount provided is the same as the amount requested by the Administration.

The conferees have also agreed to include language in the bill which provides $150,000 for official reception and representation expenses associated with hosting the Inter-American Center of Tax Administration 2000 Conference as proposed by the Senate.

Kerosene Dye Study

The Taxpayer Relief Act of 1997 established a $.244 per gallon motor fuels tax on kerosene to deter fraud and evasion of the diesel tax. To distinguish between those using the fuel for home heating purposes and those using the fuel for transportation use, a dyeing scheme was established whereby red-dyed kerosene would be provided to home heating fuel customers tax free and clear kerosene would be used by the transportation fuel customers. The conferees are concerned about the potential effects on human health and safety of burning red-dyed kerosene fuel in unvented space heaters. Therefore, the conferees direct the Secretary of the Treasury to conduct a study on this issue and report the results to the tax-writing committees of the House and Senate by September 30, 2000.

INFORMATION SYSTEMS

The conferees agree to provide $1,455,401,000 instead of $1,394,540,000 as proposed by the House and $1,450,100,000 as proposed by the Senate. The amount provided is the same as the amount requested by the Administration. The conferees have also agreed to make the funds available for obligation until September 30, 2001.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 101. The conferees agree to include a provision proposed by the House and the Senate which allows the transfer of 5 percent of any appropriation made available to the Internal Revenue Service to any other IRS appropriation subject to Congressional approval.

Section 102. The conferees agree to include a provision proposed by the House and the Senate which requires the IRS to maintain a training program in taxpayers' rights, dealing courteously with taxpayers, and cross cultural relations.

Section 103. The conferees agree to include a provision proposed by the House and the Senate which requires the IRS to institute and enforce policies and practices that will safeguard the confidentially of taxpayer information.

Section 104. The conferees agree to include a provision proposed by the Senate which directs that funds shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line telephone assistance. The House bill contained no similar provision.

Section 105. The conferees agree to include a provision proposed by the Senate which provides that no reorganization of the Internal Revenue Service Criminal Investigation Division will result in a reduction in the number of criminal investigators in Wisconsin and South Dakota below the 1996 level. The House bill contained no similar provision.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $667,312,000 instead of $662,312,000 as proposed by the House and $638,816,000 as proposed by the Senate. The conferees agree to provide authority for up to $18,000,000 to remain available for protective travel until September 30, 2001, as proposed by the House. The conferees fully fund the President's request with two exceptions: the conferees deny the Administration's request to fund $1,000,000 from the Treasury Forfeiture Fund, and include $5,000,000 to implement the provisions of Section 118.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $4,923,000 as proposed by the House and the Senate.

James J. Rowley Training Center

The conferees believe that providing the necessary training facilities is critical to a state-of-the-art protective training environment. To this end, the conferees direct the Secret Service to report to the Committees on Appropriations on the status of the Master Plan for the James J. Rowley Training Center, including project priorities, timelines for completion, and its overall priority within the Secret Service and Treasury law enforcement mission.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

Section 110. The conferees agree to include a provision proposed by the House and the Senate which requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities from unobligated balances available on September 30, 2000.

Section 111. The conferees agree to include a provision proposed by the House and the Senate which allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the Department of State for health and medical services for Treasury employees in overseas locations.

Section 112. The conferees agree to include a provision proposed by the House and the Senate which requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conferees agree to include a provision proposed by the House and the Senate which authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conferees agree to include a provision proposed by the Senate which authorizes the transfer, up to 2 percent, between the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of Public Debt appropriations under certain circumstances. A similar provision in the House bill did not make appropriations for the Treasury Inspector General for Tax Administration eligible for transfer.

Section 115. The conferees agree to include a provision proposed by the House and the Senate regarding the purchase of law enforcement vehicles.

Section 116. The conferees agree to include a provision proposed by the House and the Senate which authorizes voluntary separation incentives in the Office of Treasury Inspector General for Tax Administration. .

Section 117. The conferees agree to include a provision proposed by the House which prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve note. The Senate bill contained no similar provision.

Section 118. The conferees agree to include and modify a provision proposed by the House which authorizes Treasury law enforcement agencies to pay their protection officers premium pay in excess of the pay period limitation. The Senate bill contained no similar provision.

Section 119. The conferees agree to include a provision proposed by the House and the Senate which authorizes the Financial Management Service to offer voluntary separation incentives to employees of the Chicago Financial Center. The language included in the conference agreement includes technical corrections.

The conferees agree to delete a provision proposed by the Senate regarding the execution of judgments against property of foreign state violators of international law.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

The conferees agree to provide $93,436,000, as proposed by the House and the Senate and include a technical change to the bill language, as proposed by the House.

ETHANOL VEHICLES

The conferees are aware that the U.S. Postal Service has announced that it will purchase and deploy ethanol fuel vehicles over the next two years. The conferees expect the U.S. Postal Service to consider factors that will maximize the efficient placement of ethanol vehicles, including accessibility of ethanol and local support for implementation of the ethanol program. The conferees direct the U.S. Postal Service to report on the placement of the vehicles on an annual basis.

HAMMONDVILLE, ALABAMA

The conferees are concerned about the postal needs of the residents of Hammondville, Alabama, located in DeKalb County. The conferees recommend that the United States Postal Service study and evaluate the need for a post office in Hammondville, Alabama, working with local officials and community leaders. The conferees further recommend that the United States Postal Service report its findings to the Committees on Appropriations.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

The conferees agree to provide $52,444,000 as proposed by the House and the Senate and include a proviso that $10,313,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency, as proposed by the House.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES–

The conferees agree to provide $39,198,000 as proposed by the Senate instead of $39,448,000 as proposed by the House. –

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES–

The conferees agree to provide $63,495,000 as proposed by the House and the Senate and agree to delete a new provision authorizing the Office of Management and Budget to establish a National Intellectual Property Coordination Center, as proposed by the Senate. The conferees include a new provision in Title VI establishing a National Intellectual Property Law Enforcement Coordination Council.

Grant consolidation–

The conferees agree with and modify Senate report language on grant consolidation. The conferees direct the Director of the Office of Management and Budget to prepare an inventory of Federal grant programs including the name of the program, the statutory authorization, the eligibility criteria both statutory and regulatory and a copy of the grant application form for fiscal year 1999. The Director shall submit the inventory no later than six months after the date of enactment to the Committees on Appropriations and relevant authorizing committees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES–

The conferees agree to provide $22,951,000 for the Office of National Drug Control Policy (ONDCP), instead of $52,221,000 as proposed by the House and $21,963,000 as proposed by the Senate. This includes $20,851,000 for operations, including support for clearinghouse and outreach activities, and assumes that $600,000 will be used for evaluation of the Drug-Free Communities Act program from within the amounts appropriated. The funding also provides $1,100,000 for policy research and evaluation, and $1,000,000 for model state drug law conferences.

ONDCP staffing

The conferees approve the request to provide four full time equivalent (FTE) positions in ONDCP, two for the High Intensity Drug Trafficking Areas (HIDTA) program and two for the Office of Financial Management. However, ONDCP has proven unable to fully utilize its current authorized FTE level of 124 during the past three years. Therefore, the conferees do not agree to increase the FTE ceiling, but direct that the new FTEs be taken from the existing FTEs allocated to the Office of Legislative Affairs, the Office of Public Affairs, or the Office of the Director. ONDCP is directed to report to the Committees on Appropriations by November 1, 1999, on how they have implemented this FTE reallocation.

ONDCP management review

The conferees agree that $125,000 of ONDCP's funds will be made available, by transfer, to the General Accounting Office (GAO). GAO is directed to use these funds to enter into a contract with an independent entity for the purpose of conducting a management review of ONDCP's operations. GAO shall develop a scope of work that addresses the management concerns raised by the conferees and identified in Senate Report 106-87, perform the administrative duties necessary to award and monitor the contract, and ensure that the contractor deliverables are responsive to the scope of the contract. The conferees direct GAO to consult with the Committees on Appropriations on the parameters of this review.

Rural drug conferences–

The conferees are concerned about the spread of drugs and drug related crimes to rural areas and whether rural law enforcement can sufficiently address these new trends. Therefore, the conferees encourage the Director to consider convening a national conference on rural drug crime to include regional conferences in rural areas, such as those in South Carolina, Vermont, and Missouri, in order to assess the needs of rural law enforcement and the impact of drug related crimes.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

The conferees agree to provide $29,250,000 instead of $31,100,000 as proposed by the Senate. The House had proposed $29,250,000 in ONDCP's Salaries and Expenses Appropriation. The conferees agree to establish this new, separate appropriation account for the Counterdrug Technology Assessment Center (CTAC) as authorized in Public Law 105–277 and proposed by the Senate. It consists of $16,000,000 for the core research and assessment activities of CTAC, as well as $13,250,000 for the counterdrug technology transfer program.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

The conferees agree to provide $192,000,000 as proposed by the House instead of $205,277,000 as proposed by the Senate. The conferees provide that established HIDTAs will be funded at not less than the fiscal year 1999 levels and include $1,800,000 for auditing of the HIDTA program. The conferees also amend the House and Senate proposals to ensure that funding for programs addressing the treatment or prevention of drug use shall not be less than the funds obligated or expended for such programs during fiscal year 1999 for each designated HIDTA without the prior approval of the Committees on Appropriations.

Measures of HIDTA performance

The conferees know of the strong demand for the creation of new HIDTAs and expansion of existing ones, and believe that the funding provided in this bill will meet current requirements. The conferees agree that ONDCP and regional HIDTA organizations should be given a chance to manage this program to meet the standards of performance set forth in ONDCP's own performance measures of effectiveness (PMEs) for the HIDTA program. The ONDCP Director is responsible for applying the standards set forth in the HIDTA authorization when designating new HIDTAs, and allocation decisions should be consistent with the PMEs as well. In the fiscal year 1999, ONDCP was directed to provide a request for HIDTA funding based on these PMEs. Such justification has yet to be provided. With the two additional FTE that this bill provides to assist the HIDTA office, the conferees expect to see tangible assessment of the performance of individual HIDTAs and the HIDTA program overall. The conferees also expect that ONDCP will use this information to assess the optimal allocation of HIDTA funding and all future requests for HIDTA funding will be supported by PME data.

SPECIAL FORFEITURE FUND–

The conferees agree to provide $216,000,000 instead of $225,000,000 as proposed by the House and $127,500,000 as proposed by the Senate. This includes $185,000,000 for the National Youth Anti-Drug Media Campaign, $30,000,000 for the Drug-Free Communities Act, and $1,000,000 for the National Drug Court Institute. The conferees agree to eliminate the House report direction to GAO to conduct a review of management of the Drug-Free Community Act.

National Youth Anti-Drug Media Campaign

The conferees agree to provide a funding level of $185,000,000 for the National Youth Anti-Drug Media Campaign instead of $195,000,000 as proposed by the House and $96,500,000 as proposed by the Senate. Instead of the specific requirements listed in Senate report language, the conferees direct that ONDCP comply with the following requirements (in addition to those under the Drug-Free Media Campaign Act of 1998): (1) ONDCP will require a pro-bono match commitment up-front as part of its media buy from each and every seller of ad time and space; and (2) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent reuse payments, unless (A) the advertisements are intended to reach a minority, ethnic, or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (B) ONDCP receives prior approval from the Committees on Appropriations. In addition, ONDCP shall report to the Committees by June 15, 2000, on the effectiveness of the National Youth Anti-Drug Media Campaign.

Corporate sponsorship–

In keeping with previous requirements to develop a corporate sponsorship plan, the conferees have added a provision prohibiting the obligation of 10% of the funding provided for the National Youth Anti-Drug Media Campaign until the ONDCP Director submits a corporate sponsorship plan to the Committees on Appropriations.

UNANTICIPATED NEEDS–

The conferees agree to provide $1,000,000 as proposed by the House instead of no appropriation as proposed by the Senate.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

The conferees agree to provide $2,674,000 as proposed by the House instead of $2,657,000 as proposed by the Senate.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The conferees agree to provide $38,152,000 as proposed by the House instead of $38,175,000 as proposed by the Senate. The conferees have provided sufficient funds to support a total FTE level of 351.5 and agree with the House recommendation on staffing increases for the Office of General Counsel and the Audit Division.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

The conferees agree to provide $23,828,000 as proposed by the House instead of $23,681,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The conferees agree to provide $5,342,416,000 in new obligational authority instead of $5,245,906,000 as proposed by the House and $5,244,478,000 as proposed by the Senate.

CONSTRUCTION AND ACQUISITION

The conferees agree to provide $74,979,000 instead of $8,000,000 as proposed by the House and $76,979,000 as proposed by the Senate. The conferees have included funding for the following projects:

Maryland: Montgomery County, FDA Consolidation	$35,000,000
Michigan: Sault Sainte Marie, Border Station	8,263,000
Montana: Roosville, Border Station–	753,000
Montana: Sweetgrass, Border Station	11,480,000
Texas: Fort Hancock, Border Station	277,000
Washington: Oroville, Border Station	11,206,000
Nationwide: Non-prospectus construction projects	8,000,000

The conferees have also agreed to rescind $20,782,000 of the funds provided for construction and acquisition of facilities in Public Law 104–208 as proposed by the Senate.

COURTHOUSE CONSTRUCTION

The conferees are aware of the Judiciary's continuing need to have additional court space available to conduct its business and move cases to settlement in a timely manner. The conferees are very concerned that a courthouse construction program was not included in the President's budget and that funding was not allocated for such a program in this bill. The conferees commend the Judicial Conference of the United States for undertaking an independent, comprehensive review of the courthouse construction program, which will address issues such as courtroom sharing and design guide conformance. This study should result in recommendations for improvements in the facilities program, which will be useful to the conferees in future years. However, the conferees agree that the current request based on the five year plan of the Judiciary is needed due to long-standing space, security, and operational deficiencies, and would have considered funding these priority projects if an adequate budget allocation were available.

REPAIRS AND ALTERATIONS

The conferees agree to provide $598,674,000 instead of $559,869,000 as proposed by the House and $607,869,000 as proposed by the Senate. Of the amount provided, $333,000,000 is for Basic Repairs and Alterations. The conferees have elected not to include amounts for specific projects and programs in the bill; however, the conferees direct the General Services Administration to provide to the Committees on Appropriations, within 15 days of enactment of this Act, a plan for expenditure of the funds which includes the specific projects and programs to be accomplished and the amount proposed for each.

The conferees have also agreed to include bill language proposed by the House which directs the General Services Administration to undertake the first construction phase of the project to renovate the Department of the Interior Headquarters Building in Washington, D.C.

The conferees encourage the General Services Administration to use $1,600,000 of the funds available for Basic Repairs and Alterations for repairs and alterations to the Kansas City Federal Courthouse at 811 Grand Avenue, Kansas City, Missouri, and $1,250,000 of the funds available for Basic Repairs and Alternation for repairs and alterations to the Federal Courthouse at 40 Center Street, New York, New York.

RENTAL OF SPACE

The conferees agree to provide $2,782,186,000 as proposed by the House instead of $2,722,982,500 as proposed by the Senate.

BUILDING OPERATIONS

The conferees agree to provide $1,580,909,000 instead of $1,590,183,000 as proposed by the House and $1,530,979,500 as proposed by the Senate. The conferees have agreed to provide language in the bill which provides that $1,974,000 of the funds provided for building operations shall be available for acquisition, lease, construction and equipping of flexiplace telecommuting centers as proposed by the House. The Senate had proposed to fund this item under the construction and acquisition of facilities activity. Of the funds provided for flexiplace telecommuting centers, $150,000 is for the center in Winchester, Virginia, and $200,000 is for the center in Woodbridge, Virginia.

The conferees have also agreed to provide $475,000 for the Plains States De-population symposium as proposed by the Senate.

COMBINED LAW ENFORCEMENT CENTER, ST. PETERSBURG, FLORIDA

The conferees are aware of the need for a combined federal, state, and local law enforcement center in St. Petersburg, Florida, and are further aware that the City of St. Petersburg is willing to donate to the federal government the land for such a facility. Accordingly, the conferees direct the General Services Administration to utilize $500,000 to undertake a study and conceptual design of a combined federal, state, and local law enforcement facility in St. Petersburg, Florida, and report to the Committees on Appropriations by February 1, 2000, on the results of that study.

POLICY AND OPERATIONS

The conferees agree to provide $116,223,000 instead of $110,448,000 as proposed by the House and $120,198,000 as proposed by the Senate. The amount provided includes $2,500,000 for the Rapid Service Valuation and Preparation Access Program, and $1,000,000 for the program to validate the access performance of information technology.

DIGITAL LEARNING TECHNOLOGIES

The conferees have also agreed to provide $2,000,000 to continue the pilot projects for the development, demonstration, and research of emerging digital learning technologies. Of the amount provided, $1,000,000 is to continue the development of a digital medical education project in connection with the Native American Digital Tele-Health Project, and $1,000,000 is to continue the development of hardware and software capabilities, network infrastructures, and other activities that will be the basis for the 21st Century Distributed Learning Environment in Education.

VIRTUAL ARCHIVE STORAGE TERMINAL

The conferees have agreed to provide $275,000 to study the feasibility of developing a prototype facility for storing land-based geographic and geophysical information to enable the efficient use of natural resources.

SECTION 1122 PROGRAM

Section 1122 of the Defense Department Authorization Act for fiscal year 1994 established a program under which states and units of local government may purchase "law enforcement equipment suitable for counter-drug activities" through the Department of Defense. The Act directed the General Services Administration (GSA), in cooperation with the Secretary of Defense, to produce and maintain a catalog of law enforcement equipment suitable for counter-drug activities that could be purchased under the program. The catalog of equipment that GSA is required to maintain is comprised of Federal Supply Schedules that have been established for the purchase of goods by Federal agencies. When the program was originally established, it consisted of 10 Federal Supply Schedules. However, in December of last year and February of this year, the program was greatly expanded to include over 90 schedules which would permit the purchase of goods which appear to be completely unrelated to counter-drug activities, such as lawn and garden equipment and musical instruments. The conferees believe that the expansion of this program goes far beyond what was intended in the authorizing legislation and is counter to the intent on Congress when it repealed the cooperative purchasing provisions of the Federal Acquisition Streamlining Act. As a result of the concerns expressed by the members of Congress about the program, on April 29, 1999, GSA wrote a letter to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology requesting that the Army, as Executive Agent of the program, inform the participating State Points of Contact that GSA would be returning the program to the original 10 Federal Supply Schedules. The conferees approve of this action and expect the General Services Administration and the Department of Defense to consult with the appropriate committees of the Congress before implementing any further expansions of this program.

PER DIEM RATES

The conferees are concerned that the methodology used by the GSA to develop the new per diem rates for the continental United States that became effective on January 1, 1999, has resulted in the unjustified lowering of per diem rates throughout the country. The conferees are aware that GSA is currently reviewing the rates issued in January to determine if modifications are warranted. The conferees urge GSA to continue its review and direct GSA to implement any changes in the rates necessary to assure that they more accurately reflect the cost of travel by federal workers. In addition, the conferees direct GSA to modify its procedures for determining per diem rates to assure that next year's survey accurately reflects the cost of federal travel.

FEDERAL OFFICE BUILDING IN COLORADO SPRINGS, COLORADO–

The Federal Building located at 1520 Willamette Avenue in Colorado Springs, Colorado, is owned by GSA and is currently leased to the U.S. Air Force Space Command. It is the conferees' understanding that Space Command is moving ahead with options to vacate the facility. In the event that Space Command does not renew its lease and the facility becomes vacant and is deemed surplus, the conferees urge GSA to strongly consider the U.S. Olympic Committee's (USOC) need for additional space and to give priority to the USOC's request to gain title or acquire the property.

OLD POST OFFICE BUILDING, WASHINGTON, D.C.–

The conferees have agreed to continue language for an additional fiscal year which provides that none of the funds appropriated in this Act may be used to convert the Old Post Office located at 1100 Pennsylvania Ave. in Washington, D.C.

OFFICE OF INSPECTOR GENERAL–

The conferees agree to provide $33,317,000 as proposed by the House instead of $33,858,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION— GENERAL PROVISIONS–

Section 401. The conferees agree to include a provision proposed by the House and the Senate which provides that accounts available to GSA shall be credited with certain funds received from government corporations.–

Section 402. The conferees agree to include a provision proposed by the House and the Senate which provides that funds available to GSA shall be available for the hire of passenger motor vehicles.–

Section 403. The conferees agree to include a provision proposed by the House and the Senate which authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements subject to approval by the Committees on Appropriations.–

Section 404. The conferees agree to include a provision proposed by the House and the Senate which prohibits the use of funds to submit a fiscal year 2001 budget request for courthouse construction projects that do not meet design guide criteria, do not reflect the priorities of the Judicial Conference of the United States, and are not accompanied by a standardized courtroom utilization study.–

Section 405. The conferees agree to include a provision proposed by the House and the Senate which provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided to any agency which does not pay the requested rental rates.–

Section 406. The conferees agree to include a provision proposed by the House and the

Senate which provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund.–

Section 407. The conferees agree to include a provision proposed by the House and the Senate which permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings.–

Section 408. The conferees agree to include a provision proposed by the House and the Senate which provides that funds made available for new construction projects in Public Law 104–208 shall remain available until expended so long as funds for design or other funds have been obligated in whole or in part prior to September 30, 1999.–

Section 409. The conferees agree to include a provision proposed by the Senate designating the Federal Building located at 220 East Rosser Avenue in Bismarck, North Dakota, as the "William L. Guy Federal Building, Post Office and United States Courthouse". The House bill contained no similar provision.–

Section 410. The conferees agree to modify a provision proposed by the Senate which directs the General Services Administration (GSA) to sell to the Columbia Hospital for Women vacant property at its GSA-appraised market value provided that until the federal government has received all payments towards the $14,000,000 purchase price, plus any accrued interest, Columbia's use of the property shall be limited to its hospital, medical and health care services and related uses (such as employee parking and employee child care), including but not limited to the expansion of its existing facilities, unless otherwise approved by the Administrator of GSA. –

Section 411. The conferees agree to include a new provision authorizing the Administrator of General Services to offer voluntary separation incentives in order to provide the necessary flexibility to carry out the closing of the Federal Supply Service distribution centers, forward supply points, and associated programs.–

The conferees agree to delete a provision proposed by the Senate reducing the funds available for rental of space and building operations. The House bill contained no similar provision.–

The conferees agree to delete a provision proposed by the Senate which provides that funds made available to any department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) may be used to finance an appropriate share of JFMIP salaries and administrative costs. This matter has been addressed in Title VI.–

The conferees agree to delete a provision proposed by the Senate which provides that the Administrator of General Services may provide from government-wide credit card rebates in support of the JFMIP as approved by the Chief Financial Officers Council. This matter has been addressed in Title VI.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

The conferees agree to provide $27,586,000 as proposed by the House instead of $27,422,000 as proposed by the Senate.

FEDERAL PAYMENT TO THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION–

The conferees agree to provide $2,000,000 instead of $1,000,000 as proposed by the House and no appropriation as proposed by the Senate.

ENVIRONMENTAL DISPUTE RESOLUTION FUND–

The conferees agree to provide $1,250,000 as proposed by the House instead of no appropriation as proposed by the Senate.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES–

The conferees agree to provide $180,398,000 as proposed by the House instead of $179,738,000 as proposed by the Senate.

VETERANS' RECORDS–

The conferees are pleased with the progress the National Archives and Records Administration is making in its efforts to improve its ability to respond to requests for veterans' records. The conferees are aware that the Archivist has testified that no additional resources are needed in fiscal year 2000 above the amount included in the budget request for this program. Therefore, the conferees have provided $1,790,000 for this effort, the same as the budget request. However, the conferees urge the Archives to expedite the completion of this very important program to the greatest extent possible.

REPAIRS AND RESTORATION–

The conferees agree to provide $22,418,000 instead of $13,518,000 as proposed by the House and $21,518,000 as proposed by the Senate. The amount provided includes $900,000 for design and the preparation of an environmental impact statement for a National Archives facility in Anchorage, Alaska. The conferees also have agreed to provide $8,000,000 for the repair, alteration, and improvement of the Ronald Reagan Presidential Library and Museum in Simi Valley, California, as proposed by the Senate. The conferees direct the National Archives and Records Administration to submit to the Committees on Appropriations a plan for expenditure prior to the obligation of these funds.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM–

The conferees agree to provide $6,250,000 as proposed by the Senate instead of $6,000,000 as proposed by the House. The amount provided includes $250,000 for a grant for research and the cataloging of records at the Fort Buford Historic Site in North Dakota.

GRANT TO CENTER FOR JEWISH HISTORY–

The conferees have agreed to rescind $2,000,000 of the funds provided in fiscal year 1999 for the Center for Jewish History instead of $4,000,000 as proposed by the House and $3,800,000 as proposed by the Senate. The conferees have taken this action because of the commitment made last year to provide funding for this project. However, as the conferees on the fiscal year 1999 Treasury and General Government Appropriations Act pointed out, a single grant of this size is far beyond the scope of activities normally undertaken by the National Historical Publications and Records Commission. Therefore, the conferees agree that this grant should not be viewed as a precedent for future grants under this program. In addition, the conferees direct the National Archives and Records Administration to submit to the Committees on Appropriations a plan for expenditure of the funds prior to the award of the grant to the Center for Jewish History.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES–

The conferees agree to provide $9,114,000 as proposed by the House instead of $9,071,000 as proposed by the Senate.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES–

The conferees agree to provide $90,584,000 as proposed by the House instead of $91,584,000 as proposed by the Senate.

CHILD CARE IN FEDERAL FACILITIES

The conferees have included and modified a House provision (Section 643) authorizing the use of funds for child care in federal facilities. Specifically, the conferees agree to make the provision effective for one year only, require that agencies using funds for the purposes of Section 643 notify the Committees on Appropriations prior to the obligation of any funds, and make the provision effective only upon promulgation of regulations by the Office of Personnel Management (OPM). Additionally, the conferees agree that these regulations shall only address the use of appropriated funds to provide child care services and improve the affordability of child care for lower income federal employees.

The conferees direct OPM to report to the Committees on the implementation and use of Section 634 by federal agencies. At minimum, the report shall include the total cost of implmenting Section 643, the total number of children being cared for, and the total number of federal employee dependent children being cared for by agencies using this authority. This report shall be submitted no later than September 1, 2000.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES –

The conferees agree to provide $9,740,000 as proposed by the House instead of $9,689,000 as proposed by the Senate.

CASELOADS–

The conferees are concerned about the number of backlogged cases at the Office of Special Counsel (OSC). The conferees direct OSC to report back within 90 days after enactment of this Act, on the number of cases pending that have exceeded the statutory time requirements, including requirements for referral. The report should include the length of time overdue, the reason for the delay, and the type of notification given to claimants when statutory time frames are not met. The data provided in the report should be presented in a manner that protects confidentiality of cases and does not identify individuals represented by the OSC.

UNITED STATES TAX COURT

SALARIES AND EXPENSES–

The conferees agree to provide $35,179,000 instead of $36,489,000 as proposed by the House and $34,179,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

THIS ACT

Section 501. The conferees agree to continue the provision limiting the expenditure of funds to the current year unless expressly provided in this Act.–

Section 502. The conferees agree to continue the provision limiting the expenditure of funds for consulting services under certain conditions.

Section 503. The conferees agree to continue the provision prohibiting the use of funds to engage in activities which would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 504. The conferees agree to continue the provision prohibiting the transfer of control over the Federal Law Enforcement Training Center out of the Department of the Treasury.

Section 505. The conferees agree to continue the provision concerning employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 506. The conferees agree to continue the provision which requires compliance with the Buy American Act as proposed by the Senate, instead of similar language proposed by the House.

Section 507. The conferees agree to continue the provision concerning prohibition of contracts which use certain goods not made in America.

Section 508. The conferees agree to continue the provision prohibiting contract eligibility where fraudulent intent has been proven in affixing "Made in America" labels.

Section 509. The conferees agree to continue the provision prohibiting the expenditure of funds for abortions under the Federal Employees Health Benefits Program (FEHBP).

Section 510. The conferees agree to continue the provision which would authorize the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest.

Section 511. The conferees agree to continue the provision providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 512. The conferees agree to continue the provision restricting the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report as proposed by the House, instead of similar language proposed by the Senate.

Section 513. The conferees agree to continue the provision providing that fifty percent of unobligated balances of the White House Salaries and Expenses account in fiscal year 1997 shall remain available through September 30, 2000, as proposed by the House.

Section 514. The conferees agree to continue the provision that cost accounting standards under the Federal Procurement Policy Act shall not apply to the FEHBP, as proposed by the House.

Section 515. The conferees agree to direct the Director of the Office of Management and Budget to prepare and submit to Congress six months after the date of enactment an inventory of federal grant programs as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 601. The conferees agree to continue the provision authorizing agencies to pay costs of travel to the United States for the immediate families of federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue the provision regarding price limitations on vehicles to be purchased by the federal government.

Section 604. The conferees agree to continue the provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 605. The conferees agree to continue the provision prohibiting the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Section 606. The conferees agree to continue the provision ensuring that agencies will have authority to pay GSA bills for space renovation and other services.

Section 607. The conferees agree to continue the provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 608. The conferees agree to continue the provision providing that funds may be used to pay rent in the District of Columbia and other services.

Section 609. The conferees agree to continue the provision providing that no funds may be used to pay any person filling a nominated position that has been rejected by the Senate.

Section 610. The conferees agree to continue the provision precluding the financing of groups by more than one federal agency absent prior and specific statutory approval.

Section 611. The conferees agree to continue the provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards.

Section 612. The conferees agree to continue the provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Section 613. The conferees agree to continue the provision limiting the pay increases of certain prevailing rate employees.

Section 614. The conferees agree to continue the provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 615. The conferees agree to continue the provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 616. The conferees agree to continue the provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 617. The conferees agree to continue the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 618. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 619. The conferees agree to continue the provision prohibiting the use of funds for travel expenses not directly related to official governmental duties.

Section 620. The conferees agree to continue the provision prohibiting the purchase of new technology not Year 2000 compliant.

Section 621. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 622. The conferees agree to continue the provision prohibiting the payment of the salary of any employee who prohibits, threatens or prevents another employee from communicating with Congress.

Section 623. The conferees agree to make permanent the provision to promote protection of federal law enforcement officers who intervene in certain situations.

Section 624. The conferees agree to continue the provision requiring the President to certify that persons responsible for administering the Drug Free Workplace Program are not themselves the subject of random drug testing.

Section 625. The conferees agree to continue the provision prohibiting federal training not directly related to the performance of official duties.

Section 626. The conferees agree to continue the provision prohibiting the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included.

Section 627. The conferees agree to continue the provision prohibiting propaganda, publicity and lobbying by executive agency personnel in support or defeat of legislative initiatives.

Section 628. The conferees agree to continue the provision directing OMB to provide an accounting statement and report on the cumulative costs and benefits of federal regulatory programs.

Section 629. The conferees agree to continue the provision prohibiting any federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order as proposed by the House, instead of similar language proposed by the Senate.

Section 630. The conferees agree to continue the provision authorizing the Secretary of the Treasury to establish scientific canine explosive detection standards.

Section 631. The conferees agree to continue the provision prohibiting funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the government without the approval of the Committees on Appropriations.

Section 632. The conferees agree to continue the provision prohibiting the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 633. The conferees agree to continue the provision directing agency employees to use official time in an honest effort to perform official duties.

Section 634. The conferees agree to continue and make permanent the provision allowing a federal firearms licensee to perform a background check before a firearm is offered as collateral for a loan as proposed by the House.

Section 635. The conferees agree to continue the provision addressing contraceptive coverage in health plans participating in the FEHBP as proposed by the Senate.

Section 636. The conferees agree to include a new provision authorizing the use of fiscal year 2000 funds to finance an appropriate share of the Joint Financial Management Improvement Program as proposed by the House.

Section 637. The conferees agree to include a new provision authorizing agencies to transfer funds to the Policy and Operations account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program as proposed by the House.

Section 638. The conferees agree to include and modify a new provision establishing a Chief Financial Officer in the Executive Office of the President as proposed by the House, making the provision effective with the next Administration.

Section 639. The conferees agree to include and modify a new provision authorizing the Federal Election Commission (FEC) to require certain committees to file FEC reports electronically as proposed by the House.

Section 640. The conferees agree to include and modify a new provision authorizing the FEC to establish an administrative fine schedule, subject to reasonable appeals procedures, for straightforward disclosure violations as proposed by the House.

Section 641. The conferees agree to include and modify a new provision authorizing candidate committees to report to the FEC on an election cycle basis rather than a calendar year cycle, as is now required, as proposed by the House.

Section 642. The conferees agree to include and modify a new provision amending Section 636 of the fiscal year 1997 Treasury, Postal Service and General Government Appropriations Act to require agencies to reimburse qualified employees up to one-half of the cost of their professional liability insurance as proposed by the House.

Section 643. The conferees agree to include and modify a new provision authorizing agencies to provide child care in federal facilities as proposed by the House.

Section 644. The conferees agree to include a new provision adjusting compensation of the President, effective at noon on January 20, 2001, to $400,000 as proposed by the House.

Section 645. The conferees agree to include a new provision which transfers personnel of the General Accounting Office employed to carry out functions of the Joint Financial Management Improvement Program to the General Services Administration as proposed by the House.

Section 646. The conferees agree to include and modify a new provision regarding federal employee pay as proposed by the House. The conferees anticipate that the President will issue an Executive Order allocating the 4.8 percent pay increase between an increase in rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code, and increases in comparability-based locality payments for General Schedule employees under section 5304. The conferees have not made the language more specific so that the President may exercise his discretion to distribute any amount allocated for comparability-based locality payments in the most appropriate fashion among the pay localities established by the President's Pay Agent.

Section 647. The conferees agree to include and modify a new provision authorizing breastfeeding at any location in a federal building or on federal property as proposed by the House.

Section 648. The conferees agree to include a new provision requiring identification of the federal agencies providing federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State as proposed by the Senate.

Section 649. The conferees agree to include and modify a new provision expressing the sense of Congress that the U.S. Postal Service is encouraged to issue a commemorative postage stamp in honor of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States as proposed by the Senate.

Section 650. The conferees agree to include a new provision requiring the Secretary of Treasury to establish an interactive website on the Internet allowing any taxpayer to generate an itemized receipt showing the allocation of their taxes among major federal spending categories as proposed by the Senate.

Section 651. The conferees agree to a new provision authorizing voluntary early retirement for federal employees.

Section 652. The conferees include a new provision addressing rates of postage for the American Battle Monuments Commission.

Section 653. The conferees agree to a new provision establishing the National Intellectual Property Law Enforcement Coordination Council.

Section 654. The conferees agree to a new provision regarding the payment of mandatory benefits to retired members of the National Oceanic and Atmospheric Administration.

The conferees agree to delete a new provision providing that no funds may be used by Customs to admit for importation children's sleepwear that does not have a label required by the flammability standards in effect on September 9, 1996 as proposed by the House.

The conferees agree to delete a provision proposed by the House adjusting the salary level of the U.S. Customs Service Commissioner.

The conferees agree to delete a provision proposed by the Senate requiring an evaluation of the outcome of welfare reform and formula for bonuses to high performance States as proposed by the Senate.

The conferees agree to delete a provision regarding the Border Patrol Academy in Charleston, South Carolina as proposed by the House.

TITLE VII—CHILD CARE CENTERS IN FEDERAL FACILITIES

The conferees agree to delete Title VII.

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	27,922,712
Budget estimates of new (obligational) authority, fiscal year 2000	27,997,054
House bill, fiscal year 2000	27,800,105
Senate bill, fiscal year 2000	27,754,597
Conference agreement, fiscal year 2000	27,972,418
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+49,706
Budget estimates of new (obligational) authority, fiscal year 2000	−24,636
House bill, fiscal year 2000	+172,313
Senate bill, fiscal year 2000	+217,821

JIM KOLBE,
FRANK R. WOLF,
ANN M. NORTHUP,
JO ANN EMERSON,
JOHN E. SUNUNU,
JOHN E. PETERSON,
ROY BLUNT,
BILL YOUNG,
STENY HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
LUCILLE ROYBAL-ALLARD,
DAVE OBEY,
Managers on the Part of the House.

BEN NIGHTHORSE CAMPBELL,
RICHARD SHELBY,
JON KYL,
TED STEVENS,
BYRON L. DORGAN,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
Managers on the Part of the Senate.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 417.

☐ 1548

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. HOBSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, time for general debate had expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 417 is as follows:

H.R. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Campaign Finance Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Express advocacy determined without regard to background music.
Sec. 203. Civil penalty.
Sec. 204. Reporting requirements for certain independent expenditures.
Sec. 205. Independent versus coordinated expenditures by party.
Sec. 206. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.

Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.
Sec. 510. Protecting equal participation of eligible voters in campaigns and elections.
Sec. 511. Penalty for violation of prohibition against foreign contributions.
Sec. 512. Expedited court review of certain alleged violations of Federal Election Campaign Act of 1971.
Sec. 513. Conspiracy to violate presidential campaign spending limits.
Sec. 514. Deposit of certain contributions and donations in Treasury account.
Sec. 515. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
Sec. 516. Enforcement of spending limit on presidential and vice presidential candidates who receive public financing.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

Sec. 601. Establishment and purpose of Commission.
Sec. 602. Membership of Commission.
Sec. 603. Powers of Commission.
Sec. 604. Administrative provisions.
Sec. 605. Report and recommended legislation.
Sec. 606. Expedited congressional consideration of legislation.
Sec. 607. Termination.
Sec. 608. Authorization of appropriations.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

Sec. 701. Prohibiting use of White House meals and accommodations for political fundraising.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

Sec. 901. Prohibition against acceptance or solicitation to obtain access to certain Federal government property.

TITLE X—REIMBURSEMENT FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

Sec. 1001. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

Sec. 1101. Prohibiting campaigns from providing currency to individuals for purposes of encouraging turnout on date of election.

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

Sec. 1201. Enhancing enforcement of campaign finance law.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

Sec. 1301. Ban on coordination of soft money for issue advocacy by presidential candidates receiving public financing.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

Sec. 1401. Requirement that names of passengers on Air Force One and Air Force Two be made available through the Internet.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

Sec. 1501. Permitting consideration of privileged motion to expel House member accepting illegal foreign contribution.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 1601. Severability.
Sec. 1602. Review of constitutional issues.
Sec. 1603. Effective date.
Sec. 1604. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SOFT MONEY OF POLITICAL PARTIES

"SEC. 323. (a) NATIONAL COMMITTEES.—

"(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) FEDERAL ELECTION ACTIVITY.—

"(A) IN GENERAL.—The term 'Federal election activity' means—

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

"(iii) the costs of a State, district, or local political convention;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

"(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

"(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Commissioner of the Internal Revenue Service for determination of tax-exemption under such section).

"(e) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more candidates or individuals holding Federal office, shall not—

"(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

"(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

"(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

"(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.".

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000".

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 204) is amended by inserting after subsection (d) the following:

"(e) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2)(A) and (2)(B)(v) of section 323(b).

"(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

"(i) for a communication that is express advocacy; and

"(ii) that is not coordinated activity or is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.".

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates;

"(ii) referring to one or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

"(iii) expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

"(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a communication which is in printed form or posted on the Internet that—

"(i) presents information solely about the voting record or position on a campaign issue of one or more candidates (including any statement by the sponsor of the voting record or voting guide of its agreement or disagreement with the record or position of a candidate), so long as the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to one or more clearly identified candidates;

"(ii) is not coordinated activity or is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent, except that nothing in this clause may be construed to prevent the sponsor of the voting guide from directing questions in writing to a candidate about the candidate's position on issues for purposes of preparing a voter guide or to prevent the candidate from responding in writing to such questions; and

"(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in (year)', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.".

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) a payment made by a political committee for a communication that—

"(I) refers to a clearly identified candidate; and

"(II) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).".

SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT REGARD TO BACKGROUND MUSIC.

Section 301(20) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), as added by section 201(b), is amended by adding at the end the following new subparagraph:

"(C) BACKGROUND MUSIC.—In determining whether any communication by television or radio broadcast constitutes express advocacy for purposes of this Act, there shall not be taken into account any background music not including lyrics used in such broadcast.".

SEC. 203. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.".

SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)"; and

(2) by adding at the end the following:

"(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

"(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

"(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

"(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

"(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.".

SEC. 206. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) coordinated activity (as defined in subparagraph (C))."; and

(B) by adding at the end the following:

"(C) 'Coordinated activity' means anything of value provided by a person in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election (regardless of whether the value being provided is a communication that is express advocacy) in which such candidate seeks nomination or election to Federal office, and includes any of the following:

"(i) A payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, the political party of the candidate, or an agent acting on behalf of a candidate, authorized committee, or the political party of the candidate.

"(ii) A payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat).

"(iii) A payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made.

"(iv) A payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position.

"(v) A payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions (other than any discussion treated as a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or as a similar lobbying activity in the case of a candidate holding State or other elective office) with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made.

"(vi) A payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate (including services provided through a political committee of the candidate's political party) in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign.

"(vii) A payment made by a person who has directly participated in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate.

"(viii) A payment made by a person who has communicated with the candidate or an agent of the candidate (including a communication through a political committee of the candidate's political party) after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member acting on behalf of the candidate), about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy.

"(ix) The provision of in-kind professional services or polling data (including services or data provided through a political committee of the candidate's political party) to the candidate or candidate's agent.

"(x) A payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (ix) for a communication that clearly refers to the candidate or the candidate's opponent and is for the purpose of influencing that candidates's election (regardless of whether the communication is express advocacy).

"(D) For purposes of subparagraph (C), the term 'professional services' means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.".

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a coordinated activity, as described in section 301(8)(C), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

TITLE III—DISCLOSURE

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

"(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

"(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.".

SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Commission";

(2) by moving the text 2 ems to the right; and

(3) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least four members of the Commission.

"(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;".

SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name; or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a) IN GENERAL.—"; and

(2) by adding at the end the following:

"(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c) and section 204) is amended by adding at the end the following:

"(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person, other than a political committee of a political party or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

"(A) on a monthly basis as described in subsection (a)(4)(B); or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) Federal election activity;

"(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

"(C) an activity described in subparagraph (B) or (C) of section 316(b)(2).

"(3) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursements made;

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

"(C) the date made, amount, and purpose of the disbursement; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

"(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.".

SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a communication described in paragraph (1) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '   is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

"VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT

"Sec. 324. (a) Eligible Congressional Candidate.—

"(1) Primary election.—

"(A) Declaration.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible primary election Congressional candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) Time to file.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(2) General election.—

"(A) Declaration.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible general election Congressional candidate if the candidate files with the Commission—

"(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

"(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) Time to file.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

"(i) the date on which the candidate qualifies for the general election ballot under State law; or

"(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(b) Personal Funds Expenditure Limit.—

"(1) In general.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Congressional candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed **$50,000**.

"(2) Sources.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(c) Certification by the Commission.—

"(1) In general.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Congressional candidate.

"(2) Time for certification.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Congressional candidate.

"(3) Revocation.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

"(4) Determinations by commission.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

"(d) Penalty.—If the Commission revokes the certification of an eligible Congressional candidate—

"(1) the Commission shall notify the candidate of the revocation; and

"(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).".

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

"(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for Senator or Representative in or Delegate or Resident Commissioner to the Congress who is not an eligible Congressional candidate (as defined in section 324(a)).".

TITLE V—MISCELLANEOUS

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h) Nonunion Member Payments to Labor Organization.—

"(1) In general.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

"(2) Objection procedure.—The objection procedure required under paragraph (1) shall meet the following requirements:

"(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

"(i) reasonable personal notice of the objection procedure, a list of the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

"(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

"(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

"(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures; and

"(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

"(3) Definition.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.".

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

"USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

"Sec. 313. (a) Permitted Uses.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) Prohibited Use.—

"(1) In general.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

"(2) Conversion.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(I) dues, fees, and other payments to a health club or recreational facility.".

SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during the 180-day period which ends on the date of the general election for the office held by the Member or during the 90-day period which ends on the date of any primary election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection during that year or for election to any other Federal office.".

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—

"(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value in connection with a Federal, State, or local election while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

"(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both."; and

(2) in subsection (b), by inserting "or Executive Office of the President" after "Congress".

SEC. 505. PENALTIES FOR VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking "$5,000" and inserting "$10,000"; and

(2) in paragraphs (5)(B) and (6)(C), by striking "$10,000 or an amount equal to 200 percent" and inserting "$20,000 or an amount equal to 300 percent".

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting ", and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).".

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) PENALTY FOR LATE FILING.—

"(A) IN GENERAL.—

"(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

"(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

"(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

"(B) FILING AN EXCEPTION.—

"(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

"(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.";

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: "In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A)."; and

(B) by inserting before the period at the end of the last sentence the following: "or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)"; and

(3) in paragraph (6)(A), by striking "paragraph (4)(A)" and inserting "paragraph (4)(A) or (13)".

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: "CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS"; and

(2) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election, or

"(B) a contribution or donation to a committee of a political party; or

"(2) a person to solicit, accept, or receive such a contribution or donation from a foreign national.".

(b) PROHIBITING USE OF WILLFUL BLINDNESS AS DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN CONTRIBUTION BAN.—

(1) IN GENERAL.—Section 319 of such Act (2 U.S.C. 441e) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) PROHIBITING USE OF WILLFUL BLINDNESS DEFENSE.—It shall not be a defense to a violation of subsection (a) that the defendant did not know that the contribution originated from a foreign national if the defendant should have known that the contribution originated from a foreign national, except that the trier of fact may not find that the defendant should have known that the contribution originated from a foreign national solely because of the name of the contributor.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 401, is further amended by adding at the end the following new section:

"PROHIBITION OF CONTRIBUTIONS BY MINORS

"SEC. 325. An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.".

SEC. 508. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

SEC. 510. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following new section:

"PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS

"SEC. 326. (a) IN GENERAL.—Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.

"(b) NO EFFECT ON GEOGRAPHIC RESTRICTIONS ON CONTRIBUTIONS.—Subsection (a) may not be construed to affect any restriction under this title regarding the portion of contributions accepted by a candidate from persons residing in a particular geographic area.".

SEC. 511. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as amended by section 506(b), is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of this title any person who violates subsection (a) shall be sentenced to a term of imprisonment which may not be more than 10 years, fined in an amount not to exceed $1,000,000, or both.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any violation of subsection (a) arising from a contribution or donation made by an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(22) of the Immigration and Nationality Act).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 512. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

"(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

"(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

"(B) whether an expenditure is an independent expenditure under section 301(17).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

SEC. 513. CONSPIRACY TO VIOLATE PRESIDENTIAL CAMPAIGN SPENDING LIMITS.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(g) PROHIBITING CONSPIRACY TO VIOLATE LIMITS.—

"(1) VIOLATION OF LIMITS DESCRIBED.—If a candidate for election to the office of President or Vice President who receives amounts from the Presidential Election Campaign Fund under chapter 95 or 96 of the Internal Revenue Code of 1986, or the agent of such a candidate, seeks to avoid the spending limits applicable to the candidate under such chapter or under the Federal Election Campaign Act of 1971 by soliciting, receiving, transferring, or directing funds from any source other than such Fund for the direct or indirect benefit of such candidate's campaign, such candidate or agent shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.

"(2) CONSPIRACY TO VIOLATE LIMITS DEFINED.—If two or more persons conspire to violate paragraph (1), and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 514. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS IN TREASURY ACCOUNT.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, and 510, is further amended by adding at the end the following new section:

"TREATMENT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS

"SEC. 327. (a) TRANSFER TO COMMISSION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, if a political committee intends to return any contribution or donation given to the political committee, the committee shall transfer the contribution or donation to the Commission if—

"(A) the contribution or donation is in an amount equal to or greater than $500 (other than a contribution or donation returned within 60 days of receipt by the committee); or

"(B) the contribution or donation was made in violation of section 315, 316, 317, 319, 320, or 325 (other than a contribution or donation returned within 30 days of receipt by the committee).

"(2) INFORMATION INCLUDED WITH TRANSFERRED CONTRIBUTION OR DONATION.—A political committee shall include with any contribution or donation transferred under paragraph (1)—

"(A) a request that the Commission return the contribution or donation to the person making the contribution or donation; and

"(B) information regarding the circumstances surrounding the making of the contribution or donation and any opinion of the political committee concerning whether the contribution or donation may have been made in violation of this Act.

"(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

"(A) IN GENERAL.—The Commission shall establish a single interest-bearing escrow account for deposit of amounts transferred under paragraph (1).

"(B) DISPOSITION OF AMOUNTS RECEIVED.—On receiving an amount from a political committee under paragraph (1), the Commission shall—

"(i) deposit the amount in the escrow account established under subparagraph (A); and

"(ii) notify the Attorney General and the Commissioner of the Internal Revenue Service of the receipt of the amount from the political committee.

"(C) USE OF INTEREST.—Interest earned on amounts in the escrow account established under subparagraph (A) shall be applied or used for the same purposes as the donation or contribution on which it is earned.

"(4) TREATMENT OF RETURNED CONTRIBUTION OR DONATION AS A COMPLAINT.—The transfer of any contribution or donation to the Commission under this section shall be treated as the filing of a complaint under section 309(a).

"(b) USE OF AMOUNTS PLACED IN ESCROW TO COVER FINES AND PENALTIES.—The Commission or the Attorney General may require any amount deposited in the escrow account under subsection (a)(3) to be applied toward the payment of any fine or penalty imposed under this Act or title 18, United States Code, against the person making the contribution or donation.

"(c) RETURN OF CONTRIBUTION OR DONATION AFTER DEPOSIT IN ESCROW.—

"(1) IN GENERAL.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

"(A) within 180 days after the date the contribution or donation is transferred, the Commission has not made a determination under section 309(a)(2) that the Commission has reason to investigate whether that the making of the contribution or donation was made in violation of this Act; or

"(B)(i) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to subsection (b); or

"(ii) if the contribution or donation will be used for those purposes, that the amounts required for those purposes have been withdrawn from the escrow account and subtracted from the returnable contribution or donation.

"(2) NO EFFECT ON STATUS OF INVESTIGATION.—The return of a contribution or donation by the Commission under this subsection shall not be construed as having an effect on the status of an investigation by the Commission or the Attorney General of the contribution or donation or the circumstances surrounding the contribution or donation, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.".

(b) AMOUNTS USED TO DETERMINE AMOUNT OF PENALTY FOR VIOLATION.—Section 309(a) of such Act (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 326, the amount of the donation involved shall be treated as the amount of the contribution involved.".

(c) DISGORGEMENT AUTHORITY.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit to the Treasury any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to contributions or donations refunded on or after the date of the enactment of this Act, without regard to whether the Federal Election Commission or Attorney General has issued regulations to carry out section 326 of the Federal Election Campaign Act of 1971 (as added by subsection (a)) by such date.

SEC. 515. ESTABLISHMENT OF A CLEARINGHOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) ESTABLISHMENT.—There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(1) All registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(2) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(3) The listings of public hearings, hearing witnesses, and witness affiliations printed in the Congressional Record during the preceding 5-year period.

(4) Public information disclosed pursuant to the rules of the Senate or the House of Representatives regarding honoraria, the receipt of gifts, travel, and earned and unearned income.

(5) All reports filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) during the preceding 5-year period.

(6) All public information filed with the Federal Election Commission pursuant to the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) during the preceding 5-year period.

(b) DISCLOSURE OF OTHER INFORMATION PROHIBITED.—The disclosure by the clearinghouse, or any officer or employee thereof, of any information other than that set forth in subsection (a) is prohibited, except as otherwise provided by law.

(c) DIRECTOR OF CLEARINGHOUSE.—

(1) DUTIES.—The clearinghouse shall have a Director, who shall administer and manage the responsibilities and all activities of the clearinghouse. In carrying out such duties, the Director shall—

(A) develop a filing, coding, and cross-indexing system to carry out the purposes of this section (which shall include an index of all persons identified in the reports, registrations, and other information comprising the clearinghouse);

(B) notwithstanding any other provision of law, make copies of registrations, reports, and other information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the public, and permit copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, furnish a copy of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration or report and no such other information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose; and

(C) not later than 150 days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General, such rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this section in the most effective and efficient manner.

(2) APPOINTMENT.—The Director shall be appointed by the Federal Election Commission.

(3) TERM OF SERVICE.—The Director shall serve a single term of a period of time determined by the Commission, but not to exceed 5 years.

(d) PENALTIES FOR DISCLOSURE OF INFORMATION.—Any person who discloses information in violation of subsection (b), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of subsection (c)(1)(B), shall be imprisoned for a period of not more than 1 year, or fined in the amount provided in title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(f) FOREIGN PRINCIPAL.—In this section, the term "foreign principal" shall have the same meaning given the term "foreign national" under section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as in effect as of the date of the enactment of this Act.

SEC. 516. ENFORCEMENT OF SPENDING LIMIT ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(f) ILLEGAL SOLICITATION OF SOFT MONEY.—No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless the candidate certifies that the candidate shall not solicit any funds for the purposes of influencing such election, including any funds used for an independent expenditure under the Federal Election Campaign Act of 1971, unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. 601. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the "Independent Commission on Campaign Finance Reform" (referred to in this title as the "Commission"). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 602. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint three members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term "political independent" means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party office-holder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than four members of the Commission may be of the same political party.

SEC. 603. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least nine members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 604. ADMINISTRATIVE PROVISIONS.

(a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) STAFF DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF OF COMMISSION; SERVICES.—

(1) IN GENERAL.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

SEC. 605. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Sixth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which nine or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 606. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—If any legislation is introduced the substance of which implements a recommendation of the Commission submitted under section 605(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section 605(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

SEC. 607. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section 605.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 612. Prohibiting use of meals and accommodations at White House for political fundraising

"(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

"(b) Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

"(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"612. Prohibiting use of meals and accommodations at White House for political fundraising.".

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

SEC. 801. SENSE OF THE CONGRESS REGARDING APPLICABILITY OF CONTROLLING LEGAL AUTHORITY TO FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY.

It is the sense of the Congress that Federal law clearly demonstrates that "controlling legal authority" under title 18, United States Code, prohibits the use of Federal Government property to raise campaign funds.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

SEC. 901. PROHIBITION AGAINST ACCEPTANCE OR SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Acceptance or solicitation to obtain access to certain Federal Government property

"Whoever solicits or receives anything of value in consideration of providing a person with access to Air Force One, Marine One, Air Force Two, Marine Two, the White House, or the Vice President's residence, shall be fined under this title, or imprisoned not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Acceptance or solicitation to obtain access to certain Federal Government property.".

TITLE X—REIMBURSEMENT FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

SEC. 1001. REQUIRING NATIONAL PARTIES TO REIMBURSE AT COST FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, and 515, is further amended by adding at the end the following new section:

"REIMBURSEMENT BY POLITICAL PARTIES FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

"SEC. 328. (a) IN GENERAL.—If the President, Vice President, or the head of any executive department (as defined in section 101 of title 5, United States Code) uses Air Force One for transportation for any travel which includes a fundraising event for the benefit of any political committee of a national political party, such political committee shall reimburse the Federal Government for the fair market value of the transportation of the individual involved, based on the cost of an equivalent commercial chartered flight.

"(b) AIR FORCE ONE DEFINED.—In subsection (a), the term 'Air Force One' means the airplane operated by the Air Force which has been specially configured to carry out the mission of transporting the President.".

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

SEC. 1101. PROHIBITING CAMPAIGNS FROM PROVIDING CURRENCY TO INDIVIDUALS FOR PURPOSES OF ENCOURAGING TURNOUT ON DATE OF ELECTION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, 515, and 1001, is further amended by adding at the end the following new section:

"PROHIBITING USE OF CURRENCY TO PROMOTE ELECTION DAY TURNOUT

"SEC. 329. It shall be unlawful for any political committee to provide currency to any individual (directly or through an agent of the committee) for purposes of encouraging the individual to appear at the polling place for the election.".

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

SEC. 1201. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.

(a) MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.—Section 309(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking "shall be fined, or imprisoned for not more than one year, or both" and inserting "shall be imprisoned for not fewer than 1 year and not more than 10 years"; and

(2) by striking the second sentence.

(b) CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

"(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 1999.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

SEC. 1301. BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY BY PRESIDENTIAL CANDIDATES RECEIVING PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(f) BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY.—

"(1) IN GENERAL.—No candidate for election to the office of President or Vice President who is certified to receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 may coordinate the expenditure of any funds for issue advocacy with any political party unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.

"(2) ISSUE ADVOCACY DEFINED.—In this section, the term 'issue advocacy' means any activity carried out for the purpose of influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations (without regard to whether the activity is carried out for the purpose of influencing any election for Federal office).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

SEC. 1401. REQUIREMENT THAT NAMES OF PASSENGERS ON AIR FORCE ONE AND AIR FORCE TWO BE MADE AVAILABLE THROUGH THE INTERNET.

(a) IN GENERAL.—The President shall make available through the Internet the name of any non-Government person who is a passenger on an aircraft designated as Air Force One or Air Force Two not later than 30 days after the date that the person is a passenger on such aircraft.

(b) EXCEPTION.—Subsection (a) shall not apply in a case in which the President determines that compliance with such subsection would be contrary to the national security interests of the United States. In any such case, not later than 30 days after the date that the person whose name will not be made available through the Internet was a passenger on the aircraft, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives and of the Select Committee on Intelligence of the Senate—

(1) the name of the person; and

(2) the justification for not making such name available through the Internet.

(c) DEFINITION OF PERSON.—As used in this Act, the term "non-Government person" means a person who is not an officer or employee of the United States, a member of the Armed Forces, or a Member of Congress.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

SEC. 1501. PERMITTING CONSIDERATION OF PRIVILEGED MOTION TO EXPEL HOUSE MEMBER ACCEPTING ILLEGAL FOREIGN CONTRIBUTION.

(a) IN GENERAL.—If a Member of the House of Representatives is convicted of a violation of section 319 of the Federal Election Campaign Act of 1971 (or any successor provision prohibiting the solicitation, receipt, or acceptance of a contribution from a foreign national), the Committee on Standards of Official Conduct, shall immediately consider the conduct of the Member and shall make a report and recommendations to the House forthwith concerning that Member which may include a recommendation for expulsion.

(b) EXERCISE OF RULEMAKING AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House of Representatives, and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives to change the rule at any time, in the same manner and to the same extent as in the case of any other rule of the House of Representatives.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 1601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 1602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 1603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect upon the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 1604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 45 days after the date of the enactment of this Act.

The CHAIRMAN. No amendment is in order except those printed in House Report 106-311. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106-311.

AMENDMENT NO. 1 OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Whitfield:

Page 12, insert after line 8 the following:

(c) INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.—Section 315(a)(1)(A) of such Act (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$3,000".

MODIFICATION TO AMENDMENT NO. 1, OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I ask unanimous consent to make a technical correction to the amendment.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment No. 1, as modified, offered by Mr. WHITFIELD:

The amendment is modified as follows:

Page 21, insert after line 17 the following:

(c) INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.—Section 315(a)(1)(A) of such Act (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$3,000".

Mr. WHITFIELD. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Is there objection to the initial request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Without objection, the modification is agreed to.

Pursuant to House Resolution 283, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to commend the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) for their commitment to their cause on this important issue. They have worked hard on this bill last year, as well as this year.

I would like to make it clear as I discuss this amendment that I do oppose the bill, but this amendment I do honestly believe will improve the bill.

I would like to say briefly why I oppose this bill. I oppose it primarily because it changes the definition of "express advocacy". The Supreme Court has made it very clear repeatedly that there is a bright line test. If an ad does not expressly advocate the defeat of the election of a candidate, it is not express advocacy. They change it to say that any ad run within 60 days of an election is express advocacy, by definition.

Now, when I ran in 1998, labor unions came into my district and they spent about $600,000 or $700,000 running issue advocacy ads about my voting record. They did not expressly advocate my defeat or my election, but it was clear that they did not support my position. I did not like that, and it was done within 60 days of the election, but I do believe that they have the right to do that. That is what this debate really is all about. That is their first amendment right. The courts who have considered this amendment on 18 separate occasions have ruled that they do have that right every single time.

Just yesterday in my hometown paper of Paducah, a group ran an ad about my position on campaign finance reform. Had they run that ad 60 days, within 60 days of an election, they would not have had the right to do it under Shays-Meehan unless they met all of the hard money requirements and went to the FEC and so forth. That is why the courts have said you cannot create these kinds of obstructions to participating in political speech.

That is the reason I primarily object to this legislation. I am convinced that if it goes to the courts, that it will be overruled.

The amendment that I offer today is simply this. It increases from $1,000 to $3,000 the amount of money that an individual can contribute to a candidate under the hard money requirements. We could make an argument that this legislation, instead of being campaign finance reform, is really incumbent protection, because it reduces the rights of other people to speak but not candidates themselves.

All of us know that as an incumbent, we can better obtain political action committee money than our challengers can. There is not anything in this bill, the Shays-Meehan bill, that would affect political action committee money.

So this amendment would simply increase from $1,000 to $3,000 the amount that an individual can contribute to a candidate. It has not been changed since 1974. Although I am not excited about helping challengers raise money, my amendment will help them at least be more competitive in raising money. Therefore, I do not really understand how anybody could object to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FARR of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I hope our Members are listening to this debate, or more importantly, are reading what this campaign finance reform bill is all about. It is about reform. It is about campaign reform. It is not about doing what the American public does not want us to do, getting more money into politics.

We just had a break. Most of us were home. I never had one question, somebody coming up and saying, the problem with America right now is you are not spending enough money in your campaigns. Why do you not spend more money?

I find it ironic that the party that wants to cut, squeeze, and trim government, comes here and says, ladies and gentlemen, we want to cut Federal Government, but when it comes to electing Federal Members of Congress, just spend all the money you can, just making it obscene. We do not need to raise the limit, we need to limit what people are going to spend.

So look at this amendment. Look at what it says. There are people that say, well, if we raise more money, we spend less time. We just have to make fewer phone calls. That is not true, this is an arms race out there. We spend as much time raising money as the process allows. Unfortunately, it allows too much. We find that a candidate's spending has gone up at a rate of 50 percent greater than the rate of inflation since 1974, two to three times the rate of increase in the wages of ordinary citizens.

Large donors in America are, listen to this, are disproportionately white, male, and from high status occupations, and more conservative.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, I would like to point out there are 16 States that do not have any limits on the amount of money that can be given to candidates. The American people seem to be more concerned about the soft money issue than they do the hard money issue.

The money that I am talking about today increasing from $1,000 to $3,000 is hard money. Anybody can go get an FEC report. They can read who gives us the money, the dates they give the money, their occupation, their address. All of that information is available.

I would just say that the American people have a right to know the issues in these political campaigns. We have more money spent on America today advertising pizza, Coca-Cola, and toothpaste than we do issues in political campaigns.

So I would urge everyone to vote for this amendment, because I do think that it will be a small step in removing the incumbent protection that the Shays-Meehan bill provides.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL), the outstanding new Member of Congress.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from the great State of California, for yielding time to me.

Mr. Chairman, I rise in support of the Shays-Meehan bill and in opposition to the substitutes.

Mr. Chairman, earlier this year I urged the House to pass legislation before the race for the year 2000 begins. But if we read the newspaper and watch the news, it is clear that the 2000 year election has already begun. Candidates for president and Congress and Political Action Committees are breaking fund-raising records at phenomenal rates. More and more time is being spent raising money, and this translates into less time being spent doing our duties to support the public and represent our citizens.

The high cost of campaigns is unfairly restricting dedicated, qualified people from running for public office, and is putting elected officials in a position of having to choose between spending their time doing their jobs or raising money. Unlimited soft money contributions are continuing to allow special interests to buy political access.

Mr. Chairman, this must change. To my colleagues, I say, of all the issues we address this year, none is more important. Let us pass this moderate, reasonable campaign finance reform law now.

Mr. FARR of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE).

□ 1600

Mr. GANSKE. Mr. Chairman, I rise in opposition to these amendments, to the two Whitfield amendments, and in support of Shays-Meehan.

With due respect to the gentleman from Kentucky (Mr. WHITFIELD), I do not think we need to add more money to the system. In 1996, I was the target of over $2 million in independent expenditures, sham issue ads. In my campaign, I was able to raise with the $1,000 per election limits for individuals and the $5,000 per election limits for PACs about $1.8 million.

Under these amendments, one would be able then to raise $6,000 essentially from an individual for one's primary and for one's general election, $12,000 per couple in addition to thousands of dollars extra from members, adult members of their family. I do not think we need to do that. I think that just increases the money in the system.

Let me give my colleagues one example. Governor George Bush is doing a marvelous job as a Republican presidential candidate raising funds. He has raised over $50 million, $1,000 at a time per individual, $5,000 per PAC. Those are under current limits. We do not need more of that.

Mr. FARR of California. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. WHITFIELD) has expired. The gentleman from California (Mr. FARR) has 1½ minutes remaining.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the gentleman from California (Mr. FARR) for his leadership on this issue and all that has been involved with reform.

Going from $1,000 to $3,000 is not going to solve the problem. It is going in the opposite direction. People who I represent have difficulty with $50 and $100, and they feel that they are not part of the political process in that, in fact, it is separate and apart from their daily lives and the concerns that they have and that they are experiencing around the kitchen table every night.

By bringing the process closer to them is where we should be going, not getting further away from them. We must make them part of the political process. We must have campaign finance reform.

In this Congress, we have passed laws that have brought Congress in light in reforms of lobbyists' gifts, meals, and trips that were offered to Members of Congress and changed the way that Congress has operated. We need to make sure that we change the way campaigns are financed and the way campaigns are operated so that the American public feels part of this political process, that we are here to serve the public interest and be here in the public interest as public servants.

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this first Whitfield amendment, the first amendment we are considering, because this is a poison pill. It breaks apart the coalition of support for the Shays-Meehan by tripling the individual contributions. This same amendment was defeated in a bipartisan vote last year on a vote of 102 to 315. I ask Members to repeat last year's action and defeat this amendment.

The CHAIRMAN. All time is expired.

The question is on the amendment, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WHITFIELD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) will be postponed.

It is now in order to consider Amendment No. 2 printed in House Report 106-311.

AMENDMENT NO. 2 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I am the designated presenter of this amendment, and I offer amendment No. 2 for the gentleman from Kentucky (Mr. WHITFIELD).

The CHAIRMAN. Is the gentleman from California (Mr. DOOLITTLE) the designee for amendment No. 2?

Mr. DOOLITTLE. I am, Mr. Chairman.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, I do not know that I am going to object, but my point of inquiry is, does the rule provide for designees?

The CHAIRMAN. The rule permits the proponent of an amendment to designate another member to offer the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment no. 2 offered by Mr. DOOLITTLE:

Page 12, line 8, strike "$30,000" and insert "$75,000".

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. DOOLITTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a corollary to the last amendment that we took up. This is the aggregate for what large donors can give, adjusting it for inflation, as the last amendment adjusted the individual limit.

This is important. I hear people get up and say, well, gee, there is no problem raising the $1.8 million at $1,000 a pop. Well, that is not what most people say. In fact, good candidates have thrown up their hands in despair. We just had a couple, a Republican in New Jersey for the U.S. Senate and a Democrat in Nevada, they both just pulled out in part because of this problem of the limits.

In fact, I will see if I can find quickly the quote here. I am not going to find it, so I will have to use it later. She just basically felt like the present limits were just demanding so much consumption of time. This was the Democrat from Nevada who decided not to run for the Senate, that it was not worth making the effort.

Mr. Chairman, this is what we are increasingly seeing. Why are we creating the system and tolerating the system that allows only the wealthy or in a sense only the wealthy to run. They spend all of their own money they want. They do not have to raise a dime. But, boy, if one does not have wealth, one has got to go out and grind it out at $1,000 a pop. For U.S. Senate races in large States that is $20 million or more.

So, yes, we are discouraging people of average means from running, from exercising their First Amendment rights.

This amendment here is intended to modify the system, to give effect to what even many on the other side say, yes, it is reasonable, we ought to allow the adjustment of the limits for inflation. It is allowing that to occur and doing it with reference to the aggregate, individual contribution limit.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to the Whitfield amendment to the Shays-Meehan campaign finance reform bill. This amendment is a poison pill that ruins the integrity of campaign finance reform and breaks apart the coalition of support for Shays-Meehan.

Under this amendment, annual individual contribution limits for Federal elections would triple from $25,000 to $75,000, increasing the influence the wealthiest individuals have on congressional campaigns.

When only one-quarter of 1 percent of the American people contribute in excess of $200 to federal campaigns, raising the contribution limits moves reform in exactly the wrong direction. We need to encourage smaller contributions below $200, not mandate and encourage larger and larger sums.

Last year's coalition that passed Shays-Meehan proved that there is a strong support for campaign finance reform legislation. Today we have the opportunity to once again do the right thing for the American people.

A vote for the Whitfield amendment is a poison pill that campaign finance reformers and the American public cannot swallow. A vote to increase the influence of hard working American families is a vote "no" on this amendment and a vote for final passage of Shays-Meehan.

Mr. Chairman, I yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time.

Mr. Chairman, this is an absurd amendment which would take us in precisely the wrong direction. My constituents in Vermont ask me many questions, and they raise many concerns. But I can honestly say no Vermonter has ever come up to me and said, "Bernie, the major problem I face is that I can only contribute $25,000 to candidates, and you have got to raise that ceiling so that I can now contribute $75,000." No Vermonter has ever asked me that, and I suspect no Vermonter ever will ask me that.

The great crisis in our democracy right now is that the wealthiest one-quarter of 1 percent of the population contribute 80 percent of the campaign monies that candidates receive. The great crisis of our time is that big money dominates both political parties and that ordinary Americans are giving up because they believe that their one vote does not mean anything compared to the huge contributions that the big corporations and wealthy individuals make.

To raise the level to $75,000 per person is moving us in exactly the wrong direction. In fact, what we need to do now is what Shays-Meehan says, and that is to end the soft money pollution that currently exists, to go even further than that so that ordinary people can regain the power that this democracy is supposed to provide them.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I ask unanimous consent that the modification I placed at the desk be adopted.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 2, as modified, offered by Mr. DOOLITTLE:

The amendment is modified as follows:

Page 12, line 17, strike "$30,000" and insert "$75,000".

The CHAIRMAN. Is there objection to the request of the gentleman from California.

Mr. CAMPBELL. Reserving the right to object, Mr. Chairman, under my reservation, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, unfortunately when these amendments were drafted, and there will be, I believe, other requests, the page numbers and line numbers do not match up with what in fact is the base bill. So that is the purpose of asking to make this modification.

Mr. CAMPBELL. Mr. Chairman, the gentleman is entitled to have his amendment debated in the form that he wishes.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has 3 minutes remaining. The gentleman from New Mexico (Mr. UDALL) has 1½ minutes remaining.

Mr. DOOLITTLE. Mr. Chairman, I believe I have the right to close.

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has the right to close.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, this amendment seeks to triple the aggregate contribution or limit to $75,000. I mean, how many contributors in this country give $75,000? The average House race today costs probably about $700,000. I can guarantee my colleagues that if they made it Federal law to approve amendment No. 1 and amendment No. 2 that they would be doubling or tripling the average cost for a House race.

Now, some would give the full amount. But this, in my opinion, would actually increase the amount of time that Members spend on the phone and candidates or challengers spend on the phone. It is a poorly thought out amendment. We ought to reject it. We should not increase the amount of money in this political fund-raising chase.

We should actually stick with the limits that we have now. I would consider both of these amendments to be amendments which would benefit a very, very small percentage of the population in terms of increasing their access in the political system at the expense of the majority, the vast majority of givers who give $50 or $100.

Mr. DOOLITTLE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is why debating this issue with these folks is so maddening. They tell us about all the problems of soft money. It is clear that we have these problems because of the limits that they refuse to adjust on hard money. Then when we attempt to adjust them for hard money, they talk about how unreasonable it is that we triple the limits. Well, inflation tripled.

□ 1615

If that was reasonable, why can we not adjust the limitation? We vote to do that every year for Social Security recipients, federal retirees, everybody. Why is that unreasonable when it comes to campaigns?

Look at this. Lamar Alexander, when he ran for president in 1996: "Contribution and spending limits forced me to spend 70 percent of my time raising money in amounts no greater than $1,000."

That is outrageous. That is what the guy in Vermont does not understand. Let me tell my colleagues, he expects us, knowing what we know, to make the right changes. That is why we need to pass this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is an issue of campaign finance reform. It is not a Democratic issue. It is not a Republican issue. It is a bipartisan problem that requires a bipartisan solution.

I would ask all of us to look at it in that way Democrats, Republicans, Independent, and see that we do the right thing for America.

Mr. DOOLITTLE. Mr. Chairman, I have how much time remaining?

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has 2 minutes remaining.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree with the gentleman that the campaign finance reform system is a mess. But they want to make it even more of a mess by piling on more regulation.

This amendment at least tries to remove some of the pressure from money to go elsewhere other than from the contributor to the candidate by allowing an adjustment for inflation for the limits. And then even some of our Republican speakers stand up here and mouth the idea that it is outrageous for us to triple the limits.

Well, what about inflation? Why is it outrageous to maintain the purchasing power of the limit? After all, if it was reasonable in 1976, then at least that level ought to be maintained today, and that requires this adjustment.

I mean, if we could just get people to think about this issue and quit mouthing these mantras about the evils of money and politics. Money is going to be in politics as long as we have a properly elected government. So instead of trying to pretend it does not exist or to command a control of regulations, why do we not let the voters decide? Why do we not let them contribute to the candidate and simply disclose it?

The amendment that I am offering is a reasonable amendment. If it is going to be revisited by the supposed stewards of pure campaign finance reform, one has got to question their sincerity. And I do question their sincerity.

I guess I would just observe the Washington Times refers to this as campaign finance charade. Earlier I quoted from the Nevada candidate. The Nevada candidate was a lady named Sue Del Papa, and this is what she said as she was withdrawing from running for the Democrat nomination for Senate in Nevada. She quoted from the Wall Street Journal. They called the political process a game that "rewards those who will spend hours and hours each day raising money rather than seeking solutions." That is what the Republicans talk about raising money.

Please vote for this amendment.

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the Doolittle amendment and in support of the Shays-Meehan campaign finance reform bill. The Doolittle amendment would undermine the important reforms in Shays-Meehan which would bring greater accountability to campaign spending.

Shays-Meehan would let public know who is running ads and allow them to decide for themselves whether or not the ad is credible. Brining all campaign activity out in to the open through increased disclosure is beneficial to the election process and does not harm any organizations. The public should know who is beyond any advertising in order to evaluate the credibility and reliability of the opinions being presented, especially when they are presented as "facts," not opinions. What is wrong with disclosure and openness? Why does requiring disclosure prevent people from running ads?

The Shays-Meehan bill does not prevent any organization from saying whatever it wants about any candidate for office in a TV ad, voter guide or anywhere else at any time. It simply states that campaign activities of political parties and independent organizations should be subject to the same rules that apply to candidates for office.

The Doolittle amendment is disguised as a "voter guide exemption," but in reality, it would undermine the reforms in the bill. Under the Doolittle amendment, individuals and groups could run unlimited print or Internet ads with no regard to election law simply by including information on a candidate's voting record. This is a gigantic loophole.

The Shays-Meehan bill already contains a true voter guide exemption. Legitimate voter guides that state a candidate's position on an issue and how that compares to the groups position in a neutral manner are explicitly exempted. The only way that a voter guide would be covered is if it is designed to clearly benefit one candidate over another. We have all seen these "voter guides" which pick and choose votes and characterize positions in a way that is clearly intended to express opposition to or support for a candidate.

As a Member with a strong pro-life record throughout my career, I strongly disagree with the argument made by some folks that Shays-Meehan would hurt the pro-life cause. I cannot understand who pro-life groups are not willing to be completely open and up front about where they raise their money and how they spend their money to promote the pro-life position in political campaigns. That is all Shays-Meehan would require these organizations to do.

I urge you to vote "no" on the Doolittle amendment and for the Shays-Meehan bill.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California (Mr. DOOLITTLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from California (Mr. DOOLITTLE) will be postponed.

It is now in order to consider Amendment No. 3 printed in House Report 106–311.

AMENDMENT NO. 3 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 Offered by Mr. DOOLITTLE:

Page 16, strike line 5 and all that follows through page 17, line 17 and insert the following:

"(B) NONAPPLICATION TO PUBLICATIONS ON VOTING RECORDS.—The term 'express advocacy' shall not apply with respect to any communication which is in printed form or posted on the Internet and which provides information or commentary on the voting record of, or positions on issues taken by, any individual holding Federal office or any candidate for election for Federal office, unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party.".

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, we have the same situation with the line and page numbers not matching up, and I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 3 Offered by Mr. Doolittle:

The amendment is modified as follows:

Page 16, strike line 9 and all that follows through page 17, line 22 and insert the following:

"(B) NONAPPLICATION TO PUBLICATIONS ON VOTING RECORDS.—The term 'express advocacy' shall not apply with respect to any communication which is in printed form or posted on the Internet and which provides information or commentary on the voting record of, or positions on issues taken by, any individual holding Federal office or any candidate for election for Federal office, unless the communications contains explicit words expressly urging a vote for or against any identified candidate or political party.".

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Florida (Mr. DAVIS) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment to make certain that the voter guides can be published without fear of hedging or the chilling of any speech, which I believe will occur if we enact the law as it is proposed in the Shays-Meehan bill. The Shays-Meehan bill takes a situation where it is a bright-line test; it is very clear what is and is not permitted, and blurs it.

They say that is not their intent to prevent the voter guides. I believe that we should enact my amendment so that there is no doubt about what can happen. Otherwise, the person making the speech is not really going to know and is subject to sanction by the Federal Election Commission bureaucrats if he unknowingly steps over the line.

Let me just quote from the Buckley decision. I think this goes right to the heart of it. This is back in 1976 in the Buckley versus Valeo decision, which has been repeatedly upheld by the courts in subsequent decisions.

"So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views."

I would like to ensure that that freedom continues unfettered.

Now, the authors of Shays-Meehan will tell us that, more or less, it is okay to do but they just have got to be viewed as a totality and there are some qualifications and so forth that they make the test subjective, whereas now it is clear.

And, as anybody knows, do they really want to get out there and engage in speech and maybe be compelled to hire an attorney, go through 3 years of discovery and litigation and spend a $100,000 or more on attorney's fees because some bureaucrat in Washington might argue that, in the totality, arguably they violated the regulation?

I just want a clear test. Let me offer this from Buckley versus Valeo: "Whether words intended and designed to fall short of invitation would miss the mark is a question both of intent and effect. No speaker in such circumstances safely could assume that anything he might say upon the general subject would not be understood by some as an invitation. In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his harriers and consequently of whatever inference may be drawn as to his intent and meaning. Such a distinction offers no security for free discussion. In these conditions, it blankets with uncertainty whatever may be said. It compels the speaker to "hedge and trim" and, therefore, chills speech and, therefore, is unconstitutional.

Therefore, I ask for the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP), a leading expert in bipartisan opposition to this amendment.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Yogi Berra once said, "It is deja vu all over again." And that is where I feel like we are today. We have been down this road.

Under the leadership of a former Member, Ms. Smith of Washington, this legislation pending before the floor is very clear in exempting voter guides from any of these provisions.

But the big concern here is about these political ads in the last 60 days of the campaign. The warning that I would raise is candidates are losing and will lose control of the messages in their own campaigns if the outside groups that run these ads in the final 60 days do not declare who they are and if they do not come under the same rules as candidates.

Candidates, all of their money, income and expenses, are regulated. These groups should be regulated in the exact same way, no restriction on speech any different than a candidate.

I would be the last one to support any restrictions in the ability to speak in the final 60 days of the campaign, but the candidates must prevail.

Mr. DOOLITTLE. May I inquire, Mr. Chairman, how much time does each side have remaining.

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has 2 minutes remaining. The gentleman from Florida (Mr. DAVIS) has 4 minutes remaining.

Mr. DAVIS of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, in our legislation we do nothing to impact voter guides at all. But because there was a concern that we might, we put in language that makes it a certainty that voter guides are allowed. They do not come under the campaign law at all. All these printed documents do not come under it. They are allowed.

What the gentleman from California (Mr. DOOLITTLE) is doing is using this as an opportunity to then eliminate the provision on sham issue ads. And we cannot do that. Sham issue ads are the vehicle in which corporations and labor unions bring big money into the ads. We call them "campaign ads," as they are, and they can still make their voice heard through their campaign ads.

Mr. DAVIS of Florida. Mr. Chairman, may I inquire who has the right to close.

The CHAIRMAN. The gentleman from Florida (Mr. DAVIS) has the right to close, being a member of the committee.

Mr. DOOLITTLE. Mr. Chairman, I just love the circuitous reasoning here.

The gentleman from Connecticut (Mr. SHAYS) just said they have no impact whatsoever on these voter guides, and then he went on to talk about sham issue ads and how those are bad and, of course, we have got to ban sham issue ads. Well, the point is are they sham issue ads or is this the constitutional right of people to speak?

Under Buckley versus Valeo and all the cases that have followed, this is people having their constitutional right to speak. They are not subject to regulation by the FEC. And yet this bill makes them subject to regulation arguably by causing them to hedge and trim and fashion their language in such a way that the federal czar cannot intervene and sanction them for things that they said.

All I am saying is let us have a bright-line test so that nobody is in doubt as to what the standard is. If they say vote for or vote against or if in some way they convey that clearly to vote for or vote against, that is prohibited and subject to regulation under the present law.

□ 1630

We do not want the situation, though, where the author of the voter guide is subjectively determined, after the fact, to have crossed that line. We just think, why put people who are American citizens exercising their constitutional rights, why put them in jeopardy? For that reason, I object to the present language.

Mr. Chairman, I am going to close simply by saying, if, as is represented, there is no intent to affect voter guides, what is the matter with this amendment? It just makes clear that people can continue to do the voter guides and not be subject to the Federal bureaucratic czar, to his whim, to make it clear, as is present law, that they can continue to speak during these campaigns.

I ask for an "aye" vote.

Mr. DAVIS of Florida. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, Shays-Meehan is clear about voter guides. What the Doolittle amendment does is to essentially gut Shays-Meehan in terms of sham issue ads.

The gentleman from California says he wants a bright line so only certain words would be covered. In first amendment instances, there are no bright lines in terms of free speech, that you can only use such words or you cannot. In terms of censorship, the Supreme Court standard does not have a bright line, allowing only this word or that word. What the gentleman from California would do would be to gut the heart of this bill. Vote "no."

Mr. DAVIS of Florida. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) is recognized for 3 minutes.

Mr. CAMPBELL. I thank my good friend for yielding me this time.

Mr. Chairman, my good friend from California's amendment recognizes that an ad that says "vote against Congressman Smith" is subject to regulation. Suppose the following ad is run by Congressman Smith's Republican opponent in coordination with the Republican National Committee. It says, "Congressman Smith is a real bad Congressman because he voted against prayer in school." Now, that is not using an explicit word expressly urging a vote against Congressman Smith. It just says, "Congressman Smith is a real bad Congressman because he voted against prayer in school."

I yield to the gentleman to tell me whether that would be permitted under his amendment.

Mr. DOOLITTLE. Your remedy is not to bridge the freedom of speech but is to raise the limits on hard dollars so we do not have all this pressure for soft money issue ads.

Mr. CAMPBELL. Mr. Chairman, could we have a clearer admission of the loophole nature of the Doolittle amendment? I yielded to the gentleman to explain how he would handle this hypothetical and he does not handle this hypothetical.

In other words, I can run ads, coordinated with my Republican Party, against a Democrat, a Democrat can run ads, coordinated with his or her Democratic Party, against a Republican that say, my opponent is a horrible person, my opponent is a terrible Congressman, Congresswoman, look at his or her record, it is awful, but so long as you do not say "vote against," it is okay.

I could not imagine a more clear example of a loophole, and that is the intention of the amendment by my colleague from northern California.

As to the question of the Constitution, the test is essentiality. It is not whether an actual word "vote for" or "vote against" is used which is what is in the Doolittle amendment. It is what is the heart and soul of what you are doing. If you are actually, in effect, urging that one should vote for or against a candidate, well, then that should be subject to the same regulations as are applicable, under existing law, to hard dollar expenditures. Indeed, 10 years after Buckley versus Valeo, the Supreme Court said, in the FEC versus Massachusetts case, the test was essentiality and not just the words. This was 10 years after Buckley versus Valeo.

I conclude by observing that restrictions on speech are permissible so that others may speak. You can prohibit a bullhorn if it drowns out everybody else. There are constitutional decisions allowing limits on fighting words, slander, commercial speech, obscenity, antitrust communicating price information, group libel, speech causing a clear and present danger of violence, or shouting so loud that you do not allow anybody else to be heard. That is what we are trying to do by saying that there should be reasonable limits on funding of ads, as there are in Shays-Meehan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DOOLITTLE), as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from California (Mr. DOOLITTLE), as modified, will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 106–311.

AMENDMENT NO. 4 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Admendment No. 4 offered by Mr. BEREUTER:

Page 54, insert after line 22 the following:

(c) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: ", or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).".

MODIFICATION TO AMENDMENT NO. 4 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that a substitute amendment be made in order to deal with the pagination and line problem created by a change in pagination by the Committee on Rules.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 4, as modified, offered by Mr. BEREUTER:

The amendment is modified as follows:

Page 55, insert after line 6 the following:

(e) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: ", or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).".

The CHAIRMAN. Is there objection to the modification?

Mr. HOYER. Mr. Chairman, reserving the right to object, I just want to ask the gentleman from Nebraska, as I understand, this is simply a technical change and not a substantive change; am I correct?

Mr. BEREUTER. If the gentleman will yield, that is correct. Simply page and line number changes.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the modification is accepted.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Maryland (Mrs. MORELLA) each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the foreign contributions prohibition amendment that this Member is offering along with the distinguished gentleman from Mississippi (Mr. WICKER) will prohibit foreign individual campaign contributions. It will, in other words, permit them for U.S. citizens and U.S. nationals. This legislation essentially was passed by the House on two occasions in the previous Congress, once as a separate bill, H.R. 34, and again, in precisely the same form as offered today, as an amendment to the Shays-Meehan bill in the last Congress by a recorded vote.

This Member reintroduced this legislation because the situation remains the same. Many Americans believe that it is already illegal for foreigners to make Federal campaign contributions. What happened allegedly in the last presidential campaign related to contributions from supposedly resident foreign aliens raised this subject. The problem for Americans who believe that campaign contributions from foreign contributers is already illegal is that they are both right and wrong about our current Federal election laws. The fact of the matter is that under our current Federal election laws, an individual does not have to be a U.S. citizen to make campaign contributions to Federal candidates. He or she does not even have to be a U.S. national. Under our current Federal election laws, a person can make a campaign contribution to candidates running for Federal office if that individual is a permanent legal resident alien and is, in fact, residing in the United States. This is not only an improper provision, in my judgment, it is not only what this Member would call a loophole in American law, it creates such huge enforcement problems that there really is no effective way to detect and stop contributions from foreigners who are not resident aliens by status or who do not in fact reside in the United States.

This Member believes that this situation is wrong, where foreigners affect our elections, he believes that most Americans would agree that it is wrong, and he believes that this is a problem begging for correction.

To this Member it is a very simple proposition. If an individual wants to be fully involved in the American political process, then he or she must become a citizen of the United States or be a U.S. national. If that person does not make the full commitment to this country by becoming a U.S. citizen or a U.S. national, then he or she should not have the right to participate in our political system by making a campaign contribution and affecting the lives of American citizens.

Mrs. MORELLA. Mr. Chairman, I yield myself 2 minutes.

Passage of this amendment that has just been offered would prevent lawful permanent residents from making campaign contributions and expenditures to Federal elections. I want to explain, Mr. Chairman, what defines a legal permanent resident. These individuals represent approximately 4 percent of the U.S. population. In fiscal year 1998, 660,000 legal immigrants came to the United States, according to the INS. The vast majority of legal immigrants came to the United States to join close family members, to fill jobs that no qualified U.S. citizen has taken after the job was advertised by the employer, and to escape persecution based on political opinion, race, religion, national origin or membership in a particular social group.

I want to point out that these individuals are integral stakeholders in our society. They invest in, and they contribute to, our communities in countless ways just as citizens do. Permanent residents, or citizens-in-waiting, pay Federal taxes on their worldwide income as well as State and local taxes. And, moreover, permanent residents are required to register for the draft, and many of them in fact are veterans. Nearly 20,000 legal residents are now serving voluntarily in our armed forces. Moreover, more than 20 percent of the Congressional Medal of Honor recipients in U.S. wars have been legal immigrants or naturalized Americans.

Many permanent residents operate businesses that contribute enormously to our economy. Others send their citizen children to our schools. These individuals are concerned, involved members of each and every community in which they live. This amendment would have a chilling effect on their political participation by severely hindering their ability to support a candidate of their choice, which is a basic freedom that is constitutionally guaranteed.

The Supreme Court has ruled that spending on campaigns is a form of speech protected by the first amendment. Let us vote against this amendment and allow these people their rights to participate in political campaigns by contributing.

Mr. BEREUTER. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), the cosponsor of the amendment.

Mr. WICKER. I thank the gentleman from Nebraska for yielding me this time.

Mr. Chairman, we have heard a little discussion earlier today about so-called "poison pill" amendments. Certainly this is not one of those poison pill amendments. The House of Representatives has voted on this issue twice in the past year, each time approving it overwhelmingly. The first time it passed by a vote of 369–43 and the second time, during last year's campaign regulation debate, the House approved this measure by a margin of 282–126. As these votes suggest, this is a common sense reform which has bipartisan support.

If you are not a United States citizen, or a United States national, you should not be able to influence the electoral process. It is wrong and dangerous to allow a potential to exist for undue foreign influence in electing Federal officials. That is what the debate on this amendment is about, undue foreign influence in our election process.

The American people have witnessed in the last two Clinton-Gore campaigns a breathtaking willingness to solicit money from non-citizens. We have all seen the video of Vice President GORE soliciting money from Buddhist monks who had taken a vow of poverty.

□ 1645

The Bereuter-Wicker amendment would address this problem by removing any ambiguity in the law, ambiguities which today allow foreign money to be funneled through U.S. addresses.

If a foreign national is dedicated, to the ideals of the American democratic system of government, then I encourage him to become a United States citizen. With the adoption of the Bereuter-Wicker amendment, not only could that person then invest their money in a candidate he believes in, but he could actually vote for the candidate he was contributing to.

We have heard much today about the importance of money in our political system. We should remove the loophole in the current law which allows for the possibility of foreign money funding our political discourse.

Mr. Chairman, I urge adoption of this common sense amendment.

Mrs. MORELLA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL) to speak against this amendment which would deny citizens in-waiting the opportunity to participate.

Mr. DINGELL. Mr. Chairman, I commend the gentlewoman, and I thank her for yielding me this time. I want to express affection and respect for the authors of the amendment and just simply say some years ago I was in favor of this, but I have gotten wiser, and this amendment is wrong. If my colleagues are concerned about Americans or rather permanent residents who have come here to live and to join us, and they do not want them to have free speech, and they do not want to let them have the other rights, then say so.

I have heard a lot on the other side of the aisle about how this is about free speech and how gifts of money for campaign purposes are the exercise of free speech. Correct. These people do almost everything that every American citizen does. They serve in the Armed Forces. As the gentlewoman mentioned, 20 percent of the Congressional Medal of Honor recipients have been legal immigrants or naturalized citizens. They serve in our Army. They are permitted to participate in our elective process, and they should be permitted to give money if they are legally resident.

Mr. Chairman, they should not be permitted to do things which are improper, but I say give them the right to participate in the system in the degree that is full and proper.

Mrs. MORELLA. Mr. Chairman, I yield 30 seconds to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment that is an unconscionable limitation of the freedom of persons legally admitted as permanent residents to participate in the political process. What do we fear from these people? Are they a threat to our democracy? If this provision becomes law, it will be challenged in the courts. A hundred law professors have written to all of us. It must be a case of simply not knowing that persons in this country are protected under the Constitution. Nowhere in the Constitution does it say that protections are only for citizens.

This amendment is absolutely a violation of the Constitution.

Mr. Chairman, I rise in opposition to the Bereuter-Wicker amendment to H.R. 417.

Rules Committee Chair argued the need to open up the electoral process and to restore confidence in our democracy. This amendment shuts out from participating in our democracy over 10 million persons who have been legally allowed to enter our country as permanent residents, 20,000 of whom are currently in the military. How is their money tainted? How will the hardearned money of millions of taxpaying legal resident taint the electoral process?

One hundred law professors have written to the Congress to advise that this prohibition against contributions by legal residents is an unconstitutional violation of the rights of free speech as defined by the Supreme Court.

This unconscionable amendment places on the candidate the burden of ascertaining the citizenship status of the person from whom you are soliciting a contribution, and selling a campaign fundraiser ticket. Picture a $10 Chili-rice event. Whose money can you accept? Who will you ask whether they are citizens? Will you ask a Mrs. Smith who sent in a check? No? Why not? Because you assume that Mrs. Smith is white and a citizen. If this same Mrs. Smith handed you a check at a fundraiser, and is a Chinese woman married to a Smith, will you ask her? The rule of the law would require you to ask. If the contributor turns out to be a legal resident, you could be fined up to $5000 or go to jail for a year.

This is an unconscionable limitation of the freedom of persons legally admitted as permanent residents to participate in the political process. What do we fear from these persons? Are they a threat to our democracy?

If this provision becomes law it will be challenged in the Courts and it will be expunged as a violation of the Bill of Rights. Our Constitution guarantees all persons legally living in the United States all of the civil rights as inalienable in a free and open democracy.

I am devastated that the leaders of this debate did not see fit to designate this amendment as a "poison pill". For me it is a Poison Pill. If this amendment passes, I will vote against the bill as a whole.

Mrs. MORELLA. Mr. Chairman, I yield 45 seconds to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to this amendment. I am concerned by the characterizations of foreigner that supporters of this amendment have used, and I would stress legal permanent residents are in this country legally. They have followed all the proper procedures and have played by the rules. For LPRs, campaign contributions are the only form of political participation available to them.

Proponents of this amendment call on immigrants to make the commitment to the United States by becoming citizens. In fact, a significant number of LPRs eager to take their places as citizens are frustrated in their effort by long backlogs at the INS. Their desire to get involved in the political process as they await their citizenship should be welcomed.

Mrs. MORELLA. Mr. Chairman, I yield 15 seconds to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, basically there have been unfair characterizations about undue foreign influence. This is not about undue foreign influence. This is about the violation of constitutional rights for permanent residents in order for them to participate more fully in the American process when many of their families are already citizens.

Mr. Chairman, I am in full support of H.R. 417, the Shays-Meehan Bipartisan Campaign Finance Reform Act, which is a true campaign finance reform bill. This legislation bans soft money and bars foreign nationals from contributing funds towards U.S. campaigns.

I would like to express my strong opposition to the Bereuter/Wicker amendment, which prohibits legal permanent residents from making financial contributions toward our political campaigns.

First, and most importantly, this particular amendment is an attack on the First Amendment right of legal permanent residents. These residents, also known as "citizens in training," are entitled to many of the same rights as American-born or naturalized American citizens. After all, unlike foreign nationals, legal permanent residents pay taxes and are drafted into the military. These permanent residents are stakeholders in our society; they invest in our community. Their children are and will become citizens of the United States.

By voting for this amendment, we are taking an unfair and unconstitutional step towards campaign finance reform. In Buckley versus Valeo the Supreme Court ruled that campaign contributions are a form of speech protected under the First Amendment and subject to the highest levels of judicial scrutiny. This ruling held that campaign contributions are a form of protected speech. The Constitution applies not only to U.S. citizens, but to all legal permanent residents of the United States. Ruling affirmed the same right for legal permanent residents. The Supreme Court has held that legal residents have the same rights accorded to citizens under Yick Ho versus Hopkins in 1886. In 1945, the Court reaffirmed its position in Briggs versus Wixon by stating that "[f]reedom of speech and press is accorded to aliens residing in this country." Hence barring donations from legal immigrants would be in violation of their constitutional rights. The Supreme Court has never approved a total ban on political expenditures or contributions from legal permanent residents.

By banning the legal permanent residents from making campaign contributions, we are also preventing these residents from participating in the political process. Legal permanent residents should be able to voice their support for candidates whom they believe will make the United States a better place for them and their children, who are generally U.S. citizens.

Furthermore, this amendment will not only affect the rights of these residents, they will also affect the rights of other U.S. citizens. Ethnicity will once again become an issue. Those American citizens with ethnic minority backgrounds will be compelled to show proof of citizenship when offering campaign contributions. This kind of action is discriminatory and will make people of color more reluctant about participating in our political process. Passage of this amendment is in itself an insult to the Asian Pacific American community, as well as other minorities who are legal permanent residents. The Bereuter/Wicker not only shuts out legal permanent residents out of the political process but threatens to silence the voice of minority citizens all over the United States.

There are numerous reasons why legal permanent residents immigrated to the United States. Many come to the United States to join close family members; others immigrate to fill jobs that no qualified American citizen has filled after the job was advertised. Presently, we have about two million legal immigrants who are trying to become U.S. citizens. Unfortunately, as a result of the two-year backlog at the Immigration and Naturalization Service, this effort will take some time. Legal permanent residents should not be punished for this fact.

The Bereuter/Wicker amendment would subvert our political system by trying to prohibit legal permanent residents from contributing to the campaigns of candidates, many of whom promise to better the educational standards of our children and to better our lives altogether.

Banning the legal immigrants' contribution will do nothing in helping to stifle foreign governments from funneling money into political campaigns. Foreign governments or other disqualified donors need only use a citizen as a conduit, an action already prohibited under current law. Therefore the banning of legal immigrants' campaign contributions to stop foreign governments' influence in our political process does not make sense. Instead, it insinuates, in a discriminatory matter, that legal permanent residents are more likely to make illegal contributions than U.S. citizens. We have no proof of that assumption.

Last, but not least, I would like to urge my colleagues not to be diverted by the amendments to H.R. 417 that have emerged. Many of these amendments will only work against all the reforms we wish to make. We need to focus, instead, on the important issue at hand, which is to make sure that all persons contributing to political campaigns be legal residents. We need to limit the amount of soft money that people contribute under "independent expenditure." Let us do the right thing by voting for the Shays-Meehan Bipartisan Campaign Finance Reform. By voting for H.R. 417, let us make sure that all legal permanent residents and American citizens be allowed to contribute within the law and participate fully in our political process.

Mrs. MORELLA. Mr. Chairman, I yield 15 seconds to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, if legal permanent residents are good enough to pay taxes, to work in our country and to serve in our military service, then we are certainly also made better by their voice, and I would urge defeat of this amendment.

I rise to urge my colleagues to oppose the Bereuter/Wicker amendment. Cutting legal permanent residents access to the political process is absolutely the wrong thing to do

Legal permanent residents are immigrants who have made the commitment to become citizens of the United States and are in the middle of the process towards full citizenship. They have made the commitment, not only to come to this country and make a better life for themselves and their family but, through the goods and services, jobs and taxes that their labors produce, they have made the commitment to make this country better for all of us. And they have given more than that. Legal permanent residents are eligible for the draft, have served in the U.S. military and served with great distinction in defense of the rights that every American holds dear. Like immigrants for generations, they came to this country and participated and this country is much better for it.

The Bereuter/Wicker amendment, however, would limit their participation. The Bereuter/Wicker amendment says that legal permanent residents—people who we ask to put their life on the line—aren't good enough to support the people who would put them on that line. That's wrong. If we are made better by their work, their taxes and their military service, then we are also made better by their voice.

I urge my colleagues to oppose this amendment and allow legal permanent residents to enjoy much needed reform of campaign finance reform just like we enjoy all that they bring to our country.

Mrs. MORELLA. Mr. Chairman, I yield myself the balance of my time.

In my remaining 15 seconds I just want to urge this body to recognize that these are lawful, permanent residents who are part of our communities. They are our neighbors; they are part of our work force. They engage in producing jobs for others, and I hope that we will vote against this amendment.

Legal residents should have the same rights to make political contributions and expenditures as do American citizens. To bar legal immigrants from showing support for the candidates of their choice would be like requiring them to sit out during a demonstration, or denying them the right to hold a rally in a park, or banning them from running a political ad in a newspaper. This is hardly the message about our first amendment freedoms we should send to all "citizens in training." Legal immigrants, like U.S. citizens, want to support candidates who they believe make America a better place to live. Though legal immigrants cannot vote in the United States, they have a substantial stake in our country, and should be allowed their full first amendment rights to express their views.

A vote for this amendment is nothing more than an attack on the first amendment rights of legal immigrants—I urge my colleagues to vote "no" on the Bereuter-Wicker amendment.

Mr. BEREUTER. Mr. Chairman, I yield myself the remainder of the time.

The CHAIRMAN. The gentleman from Nebraska is recognized for the remaining 1 minute.

Mr. BEREUTER. First of all, there is nothing negative about the word "foreigner" as used here, and I would remind the gentleman from New Jersey that I have used the term "permanent resident alien" frequently in my comments.

I would also say the constitutionality of this matter has not been ruled on by the courts; and I think there is at least that many law professors that would say that this kind of statutory limitation which we would act upon here would be perfectly constitutional. This amendment goes to our basic sovereignty, the ability to rule ourselves, to protect our basic rights.

And I will also ask do my colleagues remember on the campaign contribution cards that colleagues and I and others have to fill out in our campaigns, it asks occupation? This amendment does not discriminate against the minorities as alleged in a Dear Colleague letter. All we have to do is have two blanks on a contribution card which asks the following: Are you a U.S. citizen? Are you a U.S. national? Then the burden of enforcement falls upon the complaint process against the campaign under the FEC.

This amendment constitutes a perfectly reasonable approach. I urge my colleagues to reserve the right to affect our elections to U.S. citizens and U.S. nationals.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to the Bereuter-Wicker amendment which prevents legal permanent residents from making campaign contributions.

At first glance, this amendment seems innocuous. Why would we want anyone other than U.S. citizens to participate in our political process?

Legal permanent residents can't vote; why should they be able to contribute to elections?

Hasn't it been proven through prosecutions during the last several years that foreign nationals can't be trusted to participate in the election process?

First, legal permanent residents are tax-paying residents of the United States. They are also subject to the draft; in fact, more than 20,000 legal permanent residents are serving honorably at the present time in the U.S. Armed Forces. Many legal permanent residents have filed for U.S. citizenship and are merely waiting for a lengthy naturalization process to be completed.

Second, legal permanent residents are already part of our political process. We count them in the census. They determine congressional representation, and, in representing a state or a congressional district, a Member of Congress is entrusted with representing them as well as U.S. citizens residing there.

Finally, the prosecutions of a few foreign nationals during the last few years prove nothing. In fact, they emphasize that we make an enormous mistake if we leap to such judgments about entire ethnic groups based on the illegal and reprehensible deeds of a few.

But discrimination is an important issue. How would the proponents of this amendment enforce such a stipulation? We have to assume that each and every campaign contributor would need to be queried about the status of their U.S. citizenship.

And who is most likely to be queried at a fund-raising event? Obviously, those with ethnic looks or those who speak broken English or have an ethnic accent.

Ultimately, this amendment could inhibit the participation of ethnic Americans. What candidate or campaign worker would risk accepting or soliciting a contribution from a person who looks foreign, speaks with an accent, or has an ethnic name?

The Supreme Court has ruled that spending on campaigns is a form of speech and is protected by the first amendment. The first amendment applies to everyone living in the United States, not just U.S. citizens.

It is therefore ironic that those who want to defeat the Shays-Meehan bill today and oppose efforts to reform campaign finance laws based on the argument that restrictions inhibit the exercise of free speech, are the first ones to lineup in favor of this amendment that will take away one form of free speech from legal permanent residents.

I urge my colleagues to oppose this attempt to undermine the first amendment.

I urge my colleagues to fight against the type of ethnic discrimination that would surely arise from adoption of such a provision.

I urge my colleagues to support the full participation of legal permanent residents in our political system, as we demonstrate what U.S. democracy truly means.

Mr. WU. Mr. Chairman, I rise today in strong opposition to the amendment offered by Mr. BEREUTER and Mr. WICKER.

The gentleman from Nebraska seeks to silence voices in America trying to speak out on their own behalf, and on behalf of those who can not speak for themselves.

The amendment would slam the door to political participation and free speech right in the face of millions of legal residents.

Let us be perfectly clear: Legal permanent residents are invited by the U.S. Government to live permanently within our borders. They pay taxes, they are subject to the draft, and they serve in the military.

There are over 10 million permanent legal residents in the United States. Many have come to this country fleeing persecution in their homeland.

Others have come to this country for the same reasons my own family did almost forty years ago, seeking opportunity in a new land, and hoping to be reunited with their families.

Banning contributions by legal permanent residents would have a chilling effect. It would send a message to many communities—particularly those rich with first generation Americans—that we do not value "citizens in training."

We here in this democratic body should work to bring more people into our political system and encourage their full participation, not discourage civic engagement.

I am also concerned that enforcing such a ban would cause other unintended problems. Imagine candidates and campaign workers trying to enforce such a ban by discouraging participation from people who look "foreign" or have "foreign" sounding names.

Banning contributions from legal permanent residents does nothing to address the real problem with our campaign finance system: the limitless flow of special interest money into political campaigns.

Denying the right of legal permanent residents to participate in campaigns in equivalent to selectively reducing their free speech rights.

Shays-Meehan already prohibits contributions from foreign nationals. Going beyond the language in Shays-Meehan only punishes tax paying, law abiding people in our communities and prohibits them from participating in the political process.

I urge my colleagues to vote "no" on the Bereuter-Wicker amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

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Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER) will be postponed.

It is now in order to consider Amendment No. 5 printed in House Report 106-311.

AMENDMENT NO. 5 OFFERED BY MR. FALEOMAVAEGA

Mr. FALEOMAVAEGA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FALEOMAVAEGA:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 517. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 319(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(d)(2)), as amended by sections 506(b) and 511(a), is further amended by inserting after "United States" the following: "or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)".

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment No. 5 to the Shays-Meehan campaign finance reform bill, H.R. 417. I want to thank the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, and the gentleman from Massachusetts (Mr. MOAKLEY), the ranking Democrat from the Committee on Rules, for making my amendment in order and for the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their support of this amendment, which will ensure that the right of U.S. nationals to make contributions in federal elections is fully protected.

Mr. Chairman, I represent the territory of American Samoa, the only U.S. soil in the Southern Hemisphere. Persons born in American Samoa of U.S. parents are given the status of U.S. nationals. These individuals are nationals of the United States but are not U.S. citizens. They hold permanent allegiance to the United States, serving the U.S. military, carry U.S. passports, and have the same access to the United States as do U.S. citizens; but they are not foreign nationals or aliens.

Approximately 80 percent of the residents of American Samoa are U.S. nationals. The status can be acquired only by birth in American Samoa or by birth in a foreign country from parents, one or both of whom are U.S. nationals.

Mr. Chairman, federal campaign law currently specifies that U.S. citizens are permanent resident foreign nationals, may make contributions to candidates for federal office. This section of law was enacted into law before American Samoa had a congressional delegate in the U.S. House of Representatives. My concern is that if Congress changes this section of the law now while we know of the U.S. national problem, our action could be interpreted to mean that Congress intended to prohibit U.S. nationals from contributing to federal elections.

Mr. Chairman, this would cause a major problem in my district because, as I mentioned earlier, the vast majority of the residents of my congressional district will be prohibited from contributing to candidates running for federal office, particularly the office of delegate to the U.S. House of Representatives. Moreover, the U.S. nationals residing in the States and other territories in the United States, estimated to be approximately 200,000 patriotic Americans, would also be prohibited from contributing.

Few U.S. nationals are aware of this problem and this distinction made in federal campaign laws that many contribute to candidates of the U.S. House, the U.S. Senate, and also those who run for the U.S. presidency; and this interpretation of the law could find these candidates in violation of campaign laws for having received contributions from persons not authorized under the law.

Mr. Chairman, I believe this is a technical correction to the law; and I know of no opposition, at least hopefully, and I do urge my colleagues to support this amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I think the gentleman has initially found this to be an appropriate problem to solve. He has the solution. I think this should be unanimously supported, and I appreciate his representation of U.S. nationals.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD).

Mr. HOYER. Mr. Chairman, absent anyone claiming time in opposition, I ask unanimous consent to claim the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I thank my colleague from American Samoa for yielding me the time. It is rather obvious that where current restrictions remain in place that his own constituents, the gentleman from American Samoa (Mr. FALEOMAVAEGA'S) own constituents, could not contribute to his own campaign. This great anomaly is something that we share because those of us from Guam were American nationals, U.S. nationals, before 1950, and at that time the people of Guam became U.S. citizens.

As a U.S. territory, American Samoa and its people deserve the same constitutional rights and privileges afforded to U.S. citizens, and although it may seem like this is an inherent right of U.S. nationals which remains unchallenged, sometimes those of us who represent territories know some things always fall through the cracks. Of these in American Samoa there are some 60,000 residents. Of these residents 80 percent are U.S. nationals. Moreover, there may be an additional 150 to 200,000 U.S. nationals living in the U.S. mainland and throughout the world.

Mr. Chairman, I cannot stress enough the significance of adding U.S. nationals to this bill, and I hope there is really no opposition.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentleman from Nebraska (Mr. BEREUTER), the sponsor of the last amendment, indicated on this amendment, I think we all agree that the gentleman from American Samoa (Mr. FALEOMAVAEGA) has offered an amendment which all of us can and should support. Clearly we want to express in the strongest possible terms that the residents of American Samoa are in fact included as U.S. citizens. They are a full part of our country, and although they do not have every right of citizenship extended to them, Mr. FALEOMAVAEGA represents them extraordinarily well here on the floor of this House. And we share his view that we ought to make it very clear that his constituents can in fact contribute, exercise their speech rights by contributing to his campaign, and to such other campaigns as they choose, and I certainly know that I think on our side there is unanimous support for his amendment, and I thank him for his leadership on this very important point.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

□ 1700

Mr. BILBRAY. Mr. Chairman, I would just like to point out as somebody who was almost born in Guam by a matter of days, I hear, frankly I want to strongly support the amendment.

Let me point out, I appreciate my colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), articulating the position of birthright citizenship for United States citizens that parents who were obligated to loyalty and allegiance earn the right of automatic status as American nationals for people born in American Samoa or in other areas. This is something that I think we need to articulate and need to point out, that his constituents in American Samoa have permanent allegiant responsibilities to the United States not temporary, like resident aliens.

Resident aliens still have obligations of loyalty and allegiance. They can be tried for treason, but the residents of American Samoa that fall under this category have permanent allegiance and can be tried for treason, can be drafted, and have obligations and with those obligations I think we all agree comes the rights and the rights that are articulated, at least from our point of view, and I think in this Congress, is the right to be able to contribute to their representatives.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly want to thank my good friend, the gentleman from Maryland (Mr. HOYER) and the gentleman from California (Mr. BILBRAY) for their support and their comments concerning my proposed amendment.

It might be of note to my colleagues that under the current law, the current immigration law of the United States, if I could be more specific, a United States national is defined as someone who owes permanent allegiance to the United States but who is neither a citizen nor an alien. That is exactly the status of U.S. nationals as it currently stands, and I do appreciate my good friend from Nebraska (Mr. BEREUTER) and all of the Members for their bipartisan support of this proposed amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 106–311.

AMENDMENT NO. 6 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. Goodling.

Strike section 501 and insert the following (and conform the table of contents accordingly):

SEC. 501. WORKER PAYCHECK FAIRNESS.

(a) Findings.—The Congress finds the following:

(1) Workers who pay dues or fees to a labor organization may not, as a matter of law, be required to pay to that organization any dues or fees supporting activities that are not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues.

(2) Many labor organizations use portions of the dues or fees they collect from the workers they represent for activities that are not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues. These dues may be used to support political, social, or charitable causes or many other noncollective bargaining activities. Unfortunately, many workers who pay such dues or fees have insufficient information both about their rights regarding the payment of dues or fees to a labor organization and about how labor organizations spend employee dues or fees.

(3) It is a fundamental tenet of this Nation that all men and women have a right to make individual and informed choices about the political, social, or charitable causes they support, and the law should protect that right to the greatest extent possible.

(b) Purpose.—The purpose of this section is to ensure that all workers have sufficient information about their rights regarding the payment of dues or fees to labor organizations and the uses of employee dues and fees by labor organizations and that the right of all workers to make individual and informed choices about the political, social, or charitable causes they support is protected to the greatest extent possible.

(c) Written Consent.—

(1) In general.—

(A) Authorization.—A labor organization accepting payment of any dues or fees from an employee as a condition of employment pursuant to an agreement authorized by Federal law must secure from each employee prior, voluntary, written authorization for any portion of such dues or fees which will be used for activities not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues.

(B) Requirements.—Such written authorization shall clearly state that an employee may not be required to provide such authorization and that if such authorization is provided, the employee agrees to allow any dues or fees paid to the labor organization to be used for activities which are not necessary to performing the duties of exclusive representation and which may be political, social, or charitable in nature.

(2) Revocation.—An authorization described in paragraph (1) shall remain in effect until revoked. Such revocation shall be effective upon 30 days written notice.

(3) Civil action by employees.—

(A) Liability.—Any labor organization which violates this subsection or subsection (f) shall be liable to the affected employee—

(i) for damages equal to—

(I) the amount of the dues or fees accepted in violation of this section;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II); and

(ii) for such equitable relief as may be appropriate.

(B) Right of action.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any labor organization in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of—

(i) the employees; or

(ii) the employees and other employees similarly situated.

(C) Fees and costs.—The court in such action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(D) Limitation.—An action may be brought under this paragraph not later than 2 years after the date the employee knew or should have known that dues or fees were accepted or spent by a labor organization in violation of this section, except that such period shall be extended to 3 years in the case of a willful violation.

(d) Notice.—An employer whose employees are represented by a collective bargaining representative shall be required to post a notice, of such size and in such form as the Department of Labor shall prescribe, in conspicuous places in and about its plants and offices, including all places where notices to employees are customarily posted, informing employees that any labor organization accepting payment of any dues or fees from an employee as a condition of employment pursuant to an agreement authorized by Federal law must secure from each employee prior, written authorization if any portion of such dues or fees will be used for activities not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues.

(e) Disclosure to Workers.—

(1) Expenses reporting.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended by adding at the end the following new sentence: "Every labor organization shall be required to attribute and report expenses in such detail as necessary to allow members to determine whether such expenses were necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues."

(2) Disclosure.—Section 201(c) of the Labor-Management Reporting and Disclosure Act of 1959 is amended—

(A) by inserting "and employees required to pay any dues or fees to such organization" after "members"; and

(B) inserting "or employee required to pay any dues or fees to such organization" after "member" each place it appears.

(3) Written requests.—Section 205(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended by adding at the end the following new sentence: "Upon written request, the Secretary shall make available complete copies of any report or other document filed pursuant to section 201.".

(f) Retaliation and Coercion Prohibited.—It shall be unlawful for any labor organization to coerce, intimidate, threaten, interfere with, or retaliate against any employee in the exercise of, or on account of having exercised, any right granted or protected by this section.

(g) Regulations.—The Secretary of Labor shall prescribe such regulations as are necessary to carry out subsection (d) not later than 60 days after the enactment of this Act and shall prescribe such regulations as are necessary to carry out the amendments made by subsection (e) not later than 120 days after the enactment of this Act.

(h) EFFECTIVE DATE AND APPLICATION.—This section shall be effective immediately upon enactment, except that subsections (c) and (d) pertaining to worker consent and notice shall take effect 90 days after enactment and subsection (e) pertaining to disclosure shall take effect 150 days after enactment.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, one author in general debate said that we must treat all in the same manner. That is exactly why I made this amendment in order.

This bill purports to codify an important Supreme Court case dealing with workers' rights; but unfortunately the bill, in fact, takes a step backward and would hammer into law an NLRB interpretation which has created a system that is abusive to union members and would, in effect, nullify the Supreme Court's decision.

My committee held six hearings on the Beck decision, and what we heard over and over again from union workers was that they strongly support their union but they believe that the union owes them the respect of asking for their permission to spend money beyond the purposes allowed in Beck.

My amendment creates a mechanism where one can truly implement the Supreme Court's decision.

In Beck, the court held that workers cannot be required to pay for activities beyond legitimate union functions. But our hearings showed that the Beck rights remain illusory, and that is because of NLRB interpretation.

Witnesses described the problems, including not getting notice of their Beck rights, procedural hurdles, notably the requirement that one must first resign from the union before disputing any dues expenditure.

Now it is important to understand that in Beck the Supreme Court said that one does not have to pay those dues for anything other than the negotiating process.

Again, the interpretation, as has come down through the NLRB, says to these very people in 29 States, who must belong or can be required to belong to the union, must pay their union dues, that they first must resign from the union in order to challenge the use of their dues. At the same time, they must continue to pay those dues; and at the same time, the very people who took their dues and used them as they wished to use them now become the jury and the judge to determine whether they get them back or whether they do not get them back.

Now, obviously there is something wrong with that; and we are trampling on the rights of union workers in 29 States.

Section 501 in this bill says it applies only to nonmembers. That is right. Workers must resign from the union in order to be covered.

Section 501 defines the dues payments that may be objected to, and this is dangerous because what they do, they say expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.

Now, the definition infers that there could be other ways that one could take their money and use their money without their permission. So it becomes a perversion.

Well, somebody in the press said to me that would not be fair because that is not true of stockholders and corporations, and I said to that person, one has to have an IQ of minus 10 to ever try to mix those apples and oranges. Obviously as a stockholder, one has every right under the sun. They do not have to buy the stock. They can sell it whenever they want to sell it. And they can object to what is being done, and they can vote in relationship to what those who are using their money are doing in relationship to that corporation. So that is a silly, factitious argument.

It is very obvious to me, having listened to the debate, that we have an awful lot of people here who want to go back home and say: I voted for campaign reform. I do not care about the rights of union workers in 29 States. I just voted, and I want everyone to know I voted for campaign reform. It does not matter whether it is good, bad, or indifferent. I voted for it.

Well, I do not want union rights to be trampled in that manner and under that mentality. So I am going to, at the appropriate time, ask to withdraw my amendment and bring it to the floor as a stand-alone issue so that we can, as a matter of fact, protect those union workers in 29 States and make sure that they have the right to determine how their dues are used beyond what the Supreme Court said it could be used for.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER), the distinguished ranking member of the Committee of Jurisdiction.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong opposition to this amendment, and I am glad to hear that the gentleman from Pennsylvania (Mr. GOODLING) will withdraw the amendment after the debate.

I think that this amendment is patently unfair to union members. It does deny them one of the benefits of organization. It does deny them the ability to collectively organize and decide for the purposes they are going to engage in the electoral process within this country; and, in fact, it does not treat them the same. It treats them very differently than corporations.

It also recognizes that corporations all the time vote either by a majority or the boards of directors or the CEO and others make decisions about campaigns and political speech and issues that they are going to get involved in or they are not going to get involved in. And they do it without the consent of all of their members, all of their shareholders, all of their workers, and all of the rest of that. And yet somehow we are going to put that effectively on the backs of working men and women.

I think what this really is, this has stuck in the craw of the other side of the aisle since a very effective campaign by organized labor to tell the truth about what Republicans were doing when they first took over the House, and as a result of that this is a payback not a paycheck protection. It has been rejected in the State of California by voters. It has been rejected in the State of Oregon by voters, and it should be rejected in the House of Representatives.

Mr. HOYER. Mr. Chairman, still controlling the time in opposition to this bill, I yield 1 minute to the gentleman from Missouri (Mr. CLAY) the individual, I would say the chairman in exile. I referred to the gentleman from California (Mr. GEORGE MILLER) as the ranking member, but actually the ranking member is my chairman in exile, as I said, one of the senior Members of this House, who has done such extraordinary service to the Congress.

Mr. CLAY. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Pennsylvania (Mr. GOODLING). By imposing unfair restrictions on labor unions, this amendment denies workers an effective voice in public affairs. This amendment deliberately destroys the right of workers to determine for themselves the activities of their own organizations.

The amendment makes a further mockery of democratic principles by imposing these restrictions only on groups, only one group, the unions. A similar effort in the last Congress to gag the voice of workers was soundly defeated by a vote of 166 to 246. Fifty-two Republicans voted against this provision.

Current law fully protects the rights of workers to refrain from joining the union or underwriting any union political activity. This amendment adds nothing to these protections. Instead, it punishes workers by crippling their ability to participate in politics and jeopardizing their ability to organize to litigate on their own behalf and even to make charitable contributions.

I urge Members to once again defeat this ill-conceived, anti-democratic attack on workers.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Chairman, when we drafted this bill, we wanted to be true to Beck. We did not want it to be less. We did not want it to be more. We wanted it to be just what the Court said.

What we had was a situation where Harry Beck, who was an employee of AT&T but was not a member of the Communications Workers of America, the CWA, objected to his agency fee also including political activity, and this ultimately was brought to the Supreme Court. And they said his political activity, since he was not a member of the union, should not be covered and he should only pay for true collective bargaining. That is what the Beck decision decided, and that is what we did in our bill.

This is not paycheck protection, but we also didn't think we needed paycheck protection because we eliminate the sham issue ads and call them campaign ads so one cannot use union dues money. We eliminate soft money, which is the other way union monies get into campaigns. So we thought that was even more powerful than even paycheck protection.

I have personal experience in this legislation. My wife was a member of a union, and her money was going to support a Democrat candidate for governor and she supported the Republican candidate. And she objected. They said, well, you are a member of the union; and this is what we are doing. So she then said, well, then I resign from the union; I do not want this money to go for candidates I do not support.

She ended up only paying the agency fee for collective bargaining, and her political contributions were refunded to her.

This is true to the Beck decision, and I encourage my colleagues to recognize that.

Mr. GOODLING. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. BALLENGER), a member of the committee.

Mr. BALLENGER. Mr. Chairman, no American can be forced to contribute to political causes or campaigns with which he or she disagrees except one group, members of labor unions.

Our committee had a hearing and heard from members of the U.S. Airways union in Charlotte, North Carolina. These men testified how that portion of their union dues went to fund the campaigns of candidates who were pro-abortion, a stance that they considered deeply was against their Christian beliefs.

We ought to stop it now, and we ought to vote for the Goodling amendment.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING). The amendment is deceptively entitled the Worker Paycheck Fairness Act but is more appropriately named the Worker Gag Act.

The Shays-Meehan bill, of which I am a cosponsor, would ban soft money, regulate phony issue ads on television, and toughen disclosure requirements.

Above all, Shays-Meehan is fair, bipartisan, even-handed reform legislation.

In the guise of reform, the Goodling amendment undoes the balance achieved by Shays-Meehan, which seeks meaningful campaign finance reform to rid the process of the abuse of soft money and restore the people's voice in the electoral process.

I urge my colleagues to vote no on Goodling and support Shays-Meehan.

The Goodling amendment represents an unprecedented governmental intrusion into the internal operations of labor organizations, without a concomitant restriction on the communications of a corporation and its shareholders.

□ 1715

Mr. HOYER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) has 1 minute remaining.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

I rise in opposition to the Goodling amendment. I would like to think my IQ is above minus 10. I think there is an analogy. Yes, I can buy the stock and yes, I can take the job, or yes, I can join the union or not join the union. If I do not need the job, I can go someplace else.

The fact of the matter is, Beck is included in this legislation, as the gentleman from Connecticut has said, exactly as the court ruled. The fact of the matter is, this legislation is an attempt to make impotent the ability of unions to effectively represent the interests of their members and those whom they represent, members or not.

I would suggest that we defeat this amendment, but I am pleased that the gentleman has decided to withdraw the amendment and that will not be necessary. I know the gentleman feels strongly about his amendment, but we feel equally strongly that this is not an amendment in the best interest of this bill or in the best interest of America's workers.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) has 30 seconds remaining.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

I want to make sure that we clarify what was just said. The gentleman said we have the right to join the union or not. In 29 States, one does not have the right. In 29 States, to keep your job one must belong to the union, one must pay the dues; but if one wants to challenge them under the Beck decision, one must resign from the union, continue to pay one's dues, and then one is judged by the very people who took their money. They are the judge and they are the jury if you get anything back, but the harassment has been terrible.

Let me tell my colleagues again, this is too important. This is too important as far as union workers in 29 States are concerned. Their rights need to be protected, and we will bring that legislation to the floor; and everybody will have an opportunity to deal with it at that particular time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in the strongest possible opposition to the Goodling amendment to H.R. 417.

This amendment is yet another attempt to cripple the ability of unions to effectively participate in the political affairs of the nation and advocate on behalf of our working families.

Mr. GOODLING's amendment, which is identical to the bill H.R. 2434, would require labor unions to obtain written authorization from all union members before using any portion of union dues for political activities. This legislation infringes on the right of workers to establish their own rules regarding union membership. In addition, the amendment imposes costly, crippling paperwork requirements and effectively imposes a punitive tax on all union members. At the same time, however, the amendment does not require corporations to go through this cumbersome and costly process in order to obtain authorization from their shareholders before using corporate funds for political activities. This is hypocrisy at its best.

Further, Mr. Chairman, this amendment is unnecessary. The U.S. Supreme Court has ruled that workers have the right to refuse to contribute to their union's political activities. This ruling is already incorporated into the text of the Shays-Meehan campaign finance reform bill.

Finally, not only is the Goodling amendment bad policy, it is also a poison pill that, if passed, would ensure that this much-needed campaign finance bill would fail.

Mr. Chairman, it is clear that this amendment is not about "paycheck protection for workers." It is about the systematic disenfranchisement of American workers such as our teachers, nurses, police officers and factory workers.

I urge my colleagues to defeat this harmful, hypocritical, and unnecessary amendment.

Ms. WOOLSEY. Mr. Chairman, the Goodling amendment is a clear attempt to silence the voices of working women and men, to stop their participation in the political process.

Labor unions are voluntary democratic organizations in which the members vote on the union's political activities—as in a democracy, the majority rules.

But, what about private corporations which, by the way, outspent unions in the 1996 elections by 17 to 1?

I notice that no one is suggesting that corporations need to get written permission from their shareholders before they participate in the political process.

The Goodling amendment will give corporations an open line to the candidates while disconnecting the teachers, nurses, carpenters, truck drivers, firefighters, and other American workers who count on their labor unions to speak for them.

This amendment must be defeated.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 287, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 offered by Mr. WHITFIELD of Kentucky; Amendment No. 2 offered by Mr. DOOLITTLE of California; Amendment No. 3 offered by Mr. DOOLITTLE of California; Amendment No. 4 offered by Mr. BEREUTER of Nebraska.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. WHITFIELD

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 1, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 300, not voting 6, as follows:

[Roll No. 411]

AYES—127

Armey
Baker
Ballenger
Barr
Barton
Bateman
Bereuter
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth
Coburn
Collins
Combest
Cox
Crane
Cubin
Davis (VA)
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Everett
Fossella
Fowler
Gibbons
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
Largent
Lewis (KY)
Linder
McCollum
McCrery
McInnis
McIntosh
McKeon
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Norwood
Oxley
Packard
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Riley
Rogan
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Sisisky
Smith (MI)
Smith (TX)
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Young (AK)

NOES—300

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hefley
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hunter
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Hastings (FL)
Kingston
Porter
Pryce (OH)
Ros-Lehtinen
Shaw

☐ 1739

Messrs. GEJDENSON, ADERHOLT, LATHAM, and CUNNINGHAM changed their vote from "aye" to "no."

Messrs. DUNCAN, BLUNT, and TAYLOR of North Carolina, Mrs. MYRICK, and Mr. DICKEY changed their vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 283, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. DOOLITTLE

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2, as modified, offered by the gentleman from California (Mr. DOOLITTLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 302, not voting 8, as follows:

[Roll No. 412]

AYES—123

Armey
Baker
Ballenger
Barr
Barton
Bateman
Bereuter
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Davis (VA)
DeLay
DeMint
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Everett
Fossella
Fowler
Gekas
Gibbons
Goodlatte
Gutknecht
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Miller, Gary
Nethercutt
Norwood
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pombo
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Spence
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Tiahrt
Toomey
Vitter
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Young (AK)

NOES—302

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hayes
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—8

Delahunt
Hastings (FL)
Kingston
Porter
Pryce (OH)
Ros-Lehtinen
Salmon
Shaw

□ 1747

Mr. SCOTT changed his vote from "aye" to "no".

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3, AS MODIFIED, OFFERED BY MR. DOOLITTLE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 3, as modified, offered by the gentleman from California (Mr. DOOLITTLE), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 238, not voting 6, as follows:

[Roll No. 413]

AYES—189

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Goode
Goodlatte
Goodling
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley

Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Serrano
Shays
Sherman
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Hastings (FL)
Kingston
Porter
Pryce (OH)
Ros-Lehtinen
Shaw

☐ 1756

Mr. TALENT changed his vote from "no" to "aye".

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4, AS MODIFIED, OFFERED BY MR. BEREUTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 4, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 181, not voting 10, as follows:

[Roll No. 414]

AYES—242

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
DeLay
DeMint
Dickey
Duncan
Dunn
Edwards
Emerson
English
Evans
Everett
Ewing
Fletcher
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Portman
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Young (AK)

NOES—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
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Jackson-Lee (TX)
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Johnson (CT)
Johnson, E. B.
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Millender-McDonald
Miller, George
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Shaw
Young (FL)

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Mr. MASCARA changed his vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Chairman, I regret that I was unavoidably detained in Chicago today on a family emergency.

Had I been present, I would have voted yes on rollcall Nos. 408, 409 and 410. I would have voted no on rollcall Nos. 411, 412, and 413. I would have voted yes on rollcall No. 414.

The CHAIRMAN. It is now in order to consider Amendment No. 7 printed in House Report 106-311.

AMENDMENT NO. 7 OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 Offered by Mr. CALVERT:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 517. REQUIRING MAJORITY OF AMOUNT OF CONTRIBUTIONS ACCEPTED BY CONGRESSIONAL CANDIDATES TO COME FROM IN-STATE RESIDENTS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1) The total amount of contributions accepted with respect to an election by a candidate for the office of Senator or the office of Representative in, or Delegate or Resident Commissioner to, the Congress from in-State individual residents shall be at least 50 percent of the total amount of contributions accepted from all sources.

"(2) If a candidate in an election makes expenditures of personal funds (including contributions by the candidate or the candidate's spouse to the candidate's authorized campaign committee) in an amount in excess of $250,000, paragraph (1) shall not apply with respect to any opponent of the candidate in the election.

"(3) In determining the amount of contributions accepted by a candidate for purposes of paragraph (1), the amounts of any contributions made by a political committee of a political party shall be allocated as follows:

"(A) 50 percent of such amounts shall be deemed to be contributions from in-State individual residents.

"(B) 50 percent of such amounts shall be deemed to be contributions from persons other than in-State individual residents.

"(4) As used in this subsection, the term 'in-State individual resident' means an individual who resides in the State in which the election involved is held.".

(b) REPORTING REQUIREMENTS.—Section 304 of such Act (2 U.S.C. 434), as amended by sections 103(c), 204, and 307, is further amended by adding at the end the following new subsection:

"(h)(1) Each principal campaign committee of a candidate for the Senate or the House of Representatives shall include the following information in the first report filed under subsection (a)(2) which covers the period which begins 19 days before an election and ends 20 days after the election:

"(A) The total contributions received by the committee with respect to the election involved from in-State individual residents (as defined in section 315(i)(4)), as of the last day of the period covered by the report.

"(B) The total contributions received by the committee with respect to the election involved from all persons, as of the last day of the period covered by the report.

"(2)(A) Each principal campaign committee of a candidate for the Senate or the House of Representatives shall submit a notification to the Commission of the first expenditure of personal funds (including contributions by the candidate or the candidate's spouse to the committee) by which the aggregate amount of personal funds expended (or contributed) with respect to the election exceeds $250,000.

"(B) Each notification under subparagraph (A)—

"(I) shall be submitted not later than 24 hours after the expenditure or contribution which is the subject of the notification is made; and

"(II) shall include the name of the candidate, the office sought by the candidate, and the date of the expenditure or contribution and amount of the expenditure or contribution involved.".

(c) PENALTY FOR VIOLATION OF LIMITS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

"(4)(A) Any candidate who knowingly and willfully accepts contributions in excess of any limitation provided under section 315(i) shall be fined an amount equal to the greater of 200 percent of the amount accepted in excess of the applicable limitation or (if applicable) the amount provided in paragraph (1)(A).

"(B) Interest shall be assessed against any portion of a fine imposed under subparagraph (A) which remains unpaid after the expiration of the 30-day period which begins on the date the fine is imposed.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

Page 86, line 10, strike "(2 U.S.C. 437g(d)) is amended" and insert the following: "(2 U.S.C. 437g(d)), as amended by section 517(c), is further amended".

Page 86, line 12, strike "(4)" and insert "(5)".

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. CALVERT) and the gentleman from Delaware (Mr. CASTLE) each will control 5 minutes.

The Chair recognizes the gentleman form California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to introduce the Shaw-Calvert-Gallegly amendment. It is a simple reform that would make candidates 100 percent accountable to the people they represent by controlling the source of campaign funds.

Unfortunately, some of our colleagues from Florida, including the gentleman from Florida (Mr. SHAW), have hurricane-force winds bearing down on their homes. Our prayers are with them and their constituents as they brace for Hurricane Floyd's impact. The gentleman from Florida (Mr. SHAW) requested that I offer this amendment in his absence.

Too many candidates take their show on the road and sell themselves to the Americans all across this country. This practice comes at the expense of the people the candidate is supposed to represent. When a candidate has to primarily rely on money from people outside their home State, they no longer need to listen to the needs and concerns of their own constituents.

This amendment requires candidates to raise at least half of the money for their campaigns from their home State. Through this simple requirement, we give all Americans a greater voice in the political process.

I introduced a similar amendment last year that received 147 votes. My colleague, the gentleman from Florida (Mr. SHAW), also submitted a similar amendment last year that garnered 160 votes.

We brought the best of both bills together today, working with the gentleman from Florida (Mr. SHAW) and our colleague from California (Mr. GALLEGLY). We combined my language with the amendment of the gentleman from Florida (Mr. SHAW) to address the concerns of Members about the constitutionality of its provisions.

I also heard from a number of Members who are concerned about the wealthy candidates abusing these provisions for their own advantages. These are valid concerns, and we have amended the language accordingly.

Should a candidate face an opponent that uses more than $250,000 of their own funds in a campaign, all candidates would be exempt from this amendment's provision.

This amendment is common sense electoral reform, and I hope that every Member will support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I do rise in opposition to this legislation. It is not quite as simple as it sounds. And it does sound, I believe, good on its face. But the truth of the matter is there are those of us in small States, and I am one of them, there are those that have border districts, which small States automatically have, so I am one of them, as well. And there are those who are from very poor districts throughout this country who have problems raising campaign funds. I am not in that category, as Delaware is a relatively wealthy State.

When I first ran four terms ago for the Congress of the United States, I was out-spent by my opponent, not significantly, but I was out-spent. He raised at least 90 percent, probably a lot greater percentage, of his money from outside Delaware. We made a campaign issue out of it. It worked out just fine. And I understood what the process was. He was allowed to raise that money and he could.

If we are going to carry this to the nth degree, we really should say that no money should come from outside a particular State.

Delaware has 800,000 people. Many of my constituents cross over into Pennsylvania and Delaware on a regular basis and back over. It is almost impossible to distinguish exactly where they are from, and it makes I believe a matter like this very complicated.

The Shays bill calls for a study of this, and I believe that we should go with that.

Mr. Chairman, I reserve the balance of my time.

Mr. CALVERT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I rise in strong support of the Shaw-Calvert amendment.

This key amendment requires candidates to raise their money locally

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thereby aligning constituent and donor interest. By requiring candidates to raise 50 percent of their contributions within their home State, we not only give the public a greater voice in elections but also limit the power of Washington special interests.

This is a seminal change that should be coupled with anti-bundling reforms to restrict gaming of PAC donor limits and a requirement that half of a candidate's contributions come from an individual rather than PACs to achieve truly viable reform.

In considering campaign finance legislation, we should consider the practical effects of the bill, not the stated intentions of its proponents. By limiting the ability of all candidates to raise money, Shays-Meehan rewards candidate committees with a broad, already-established donor base.

Specifically, incumbents, Shays-Meehan is clearly the incumbent protection bill in this debate. Because Shays-Meehan tilts the field to incumbents, this amendment is necessary to help correct this fatal flaw by forcing incumbents and challengers to raise half their money at home and compete on a level playing field.

I urge all my colleagues and all true friends of campaign finance reform to vote in favor of this amendment. However, without additional perfecting amendments, I, for one, cannot support Shays-Meehan this evening. And I feel bad about that.

I hope this amendment is successful.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the honesty of the gentleman from Pennsylvania. He makes it clear he is against Shays-Meehan, so he is for an amendment which would kill it.

Here is one of the problems. We have, in the first place, some very large States, California. When the gentleman from California, and two of the three sponsors are from California, talk about how self-sacrificing they are going to be because they can only go from San Diego to north of San Francisco, that is not very self-sacrificing compared to people from much smaller States.

We have small States in this country with ethnic diversity. Let us be very clear. Money and ethnicity are sometimes correlated. And if we now tell African-American candidates in the South, now that we have redistricting rules from the Supreme Court that say that the districts have to be fairly evenly balanced ethnically, if we tell candidates in Mississippi and South Carolina and Alabama, these smaller States, that the money has to be raised in State, we are putting minority candidates at a significant disadvantage. Because we know as a fact that wealth is not equally distributed, and we put ethnic minority candidates at a disadvantage.

Finally, as to incumbent protection, when we limit money to that State, we are increasing incumbent protection because the incumbent in a small State is far more likely to be able to raise the money.

Mr. CALVERT. Mr. Chairman, I yield myself 15 seconds to answer the concern of the gentleman.

My amendment probably will not even impact most candidates. According to the Congressional Research Service, in 1996 only 8 percent of total known receipts raised by Democratic candidates for the House came from outside their State. A similar figure for House Republican candidates was 7 percent.

Mr. Chairman, I yield 30 seconds to my good friend, the gentleman from the State of Michigan (Mr. SMITH).

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Mr. SMITH of Michigan. Mr. Chairman, I have introduced legislation that actually bans PAC money from donating to individual congressional campaigns and requires that congressional candidates raise 50 percent of the money from within their own legislative district. Having a requirement that 50% of contributions for a Member of Congress come from the State is reasonable. It moves us in the right direction, and it helps make sure that constituents are going to be represented, not special interests.

Mr. Chairman, let's concentrate on constituent interests, not special interests. As the great political reporter Theodore White wrote, "The flood of money that gushes into politics today is a pollution of democracy." I haven't accepted PAC contributions since I first ran for the Michigan state senate in 1982. Although I knew I would always vote the way I felt was right regardless of who donated to my campaign, I also knew that it was equally important that my constituents had no doubts about how much PAC lobbyists might be influencing my decisions.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in strong opposition to the Shaw-Calvert amendment. This bill requires candidates to raise 50 percent of their contributions from their own State. This bill makes it difficult, if not impossible, for candidates to remain competitive if they represent low-income districts, border or small geographic districts.

When I rise to speak in Congress, I represent more than the 11th Congressional District of Ohio. I represent the hopes and dreams of the descendants of a host of African Americans who were enslaved, beaten, hung, brutalized and died, and are still underrepresented in the United States Congress.

Their descendants, wherever they reside, should be able to contribute to my campaign. When I rise to speak in this House, I represent the United States as a whole. I recommend that a commission be appointed to study the impact this provision would have on the ability of Members to raise sufficient funds when they represent low-income, border and minority districts. Until such a commission is appointed, I urge my colleagues in this House to vote "no."

Mr. CALVERT. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. BILBRAY.)

Mr. BILBRAY. Mr. Chairman, I rise as a strong supporter of Shays-Meehan. I was one of the original cosponsors. I rise as a representative of all the people in the 49th District of California.

The supporters of true campaign finance reform in my district have come to me and said they want Shays-Meehan passed, but they want a condition that says at least half of your money should come from your State. The fact is, these rules will apply to everyone equally in the district that is being run for.

Now, there was a gentleman from Massachusetts who said, "Why not make it district?" My constituents would like to have it district, but this is a compromise. It is the minimum we can do. Let us do true campaign finance reform, pass Shays-Meehan, and require half the money to come from your State.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise in opposition to this amendment because I think it is an attempt to undermine the Shays-Meehan campaign finance reform bill. That bill is the best opportunity America has to end the corrupting influence of big money and to ensure that all Americans can participate and be heard by their elected officials without money as the motivator. Real campaign finance reform is needed to accomplish this goal. Every single one of us who comes to this body takes an oath of office to support and defend the Constitution against all enemies, foreign and domestic. The biggest enemy to our constitutional democracy is campaign money.

This city was built on a swamp over 200 years ago. It has returned to being a swamp, a swamp that is dirtied by the huge amount of special interest money that pours in here and stacks the deck against the typical American seeking a legitimate role in the political process.

As far as this amendment is concerned, as a Californian, a State that is wealthy and supports its candidates, I urge my colleagues to vote against it. There will be no way we will have more women and more minorities in this Congress if we pass this legislation. This Congress will never look like America. I urge a "no" vote.

Mr. Chairman, I rise in strong support of the Shays-Meehan campaign finance reform bill. The gentlemen are to be commended for their leadership in bringing hope to the House that we will finally break the bonds between the political process and big monied special interests.

The Shays-Meehan campaign finance reform bill is the best opportunity America has to end the corrupting influence of big money and to ensure that all Americans can participate and be heard by their elected officials without money as the motivator. Real campaign finance reform is needed to accomplish this goal.

Unfortunately, an election system based on wealth and money distorts the political process and adversely affects the civil rights of low-income Americans by allowing politicians and fundraisers to dismiss or ignore their voices and infringe on their voting rights. While first amendment concerns have been raised, civil rights concerns must be addressed first.

The Shays-Meehan bill includes a ban on soft money at the Federal and State level; a ban on foreign money entering the system; tougher political advertising disclosure requirements; mandatory electronic filing and internet posting of a candidate's Federal Election Commission reports; and establishment of a Commission to study further reforms to improve our campaign finance system.

When Washington, D.C. first was established as America's capital, it was built on a swamp. It is still a swamp, a swamp dirtied by the huge amounts of special interest money that pours in here and stacks the deck against the typical American seeking a legitimate role in the political process.

I urge my colleagues to oppose all the poison pill amendments and substitutes designed to derail this measure. America needs real campaign reform in the political process. Let's support today's bipartisan campaign finance measure.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard the arguments here. We do not have a very long time to discuss this tonight. We only have 10 minutes. The bottom line is, I think there are some serious questions about this. I have raised some about the small State problem that I have, the border districts where the people you really know, such as in a Kansas City situation, for example, right up in the border between two different States, those districts which are extraordinarily poor, represented often by minorities which need some help with respect to these circumstances.

Let me just point out what is in the Shays-Meehan bill, because I think before everybody votes, they should understand this, and that is simply this. It establishes a bipartisan commission to study the impact of such concerns, and I think it goes a long way toward addressing the problem of campaign finance reform. This is what we need to do.

I think that the gentleman from California's amendment raises a serious question, something perhaps we should consider, but I do not think we are ready to vote on it at this particular time and make it part of the law of the United States of America. I think, indeed, it is something that we should continue to look at and should continue to discuss, make some sort of professional determination if it is possible; if so, what it should be. For now, this amendment should be defeated and the Shays-Meehan bill should be passed.

Mr. CALVERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, it is constitutional, it is common sense, it is constructive. I have been for this since I have been in Congress. I am in my fourth term. I was for this in my first term, and I am still for this. It is a good idea. Give your citizens a greater voice and vote for this amendment.

Mr. SHAW. Mr. Chairman, I rise today in support of the Shaw-Calvert-Gallegly amendment to H.R. 417, the Bipartisan Campaign Finance Reform Act of 1999.

The Shaw-Calvert-Gallegly amendment is a common sense solution to reforming our current campaign finance laws. Our amendment would simply require candidates running for Congress to raise and accept no less than 50 percent of the total contributions from within the State they represent.

Our amendment is simple and fair. It does not tilt the playing field in favor or Republicans or Democrats. If affects rich and poor districts equally. Our amendment does, however, lessen the huge advantage Washington insiders have over challengers who do not have access to the out-of-state fundraising circuit.

In the past, some congressional candidates have raised as much as 95 percent of their campaign funds from out-of-State donors. This amendment would require that candidates should be financially supported at least in part by the citizens they wish to represent.

Mr. Chairman, Members should spend more time with the people that really count, namely the voters in our districts. We should show our constituents that we represent Main Street, not K Street. If you believe we should bring the focus of fundraising back to the people we represent, then I urge you vote in favor of the Shaw-Calvert-Gallegly amendment.

Mr. ENGLISH. Mr. Chairman, I rise in strong support of the Shaw-Calvert-Gallegly amendment to H.R. 417. This key amendment requires candidates to raise their money locally, thereby aligning constituent and donor interests. I have supported similar legislation in previous sessions of Congress. In fact, during the 105th Congress, I drafted a similar amendment to this one.

By requiring candidates to raise 50 percent of their contributions within their home State, we not only give the public a greater voice in elections, but also limit the power of Washington special interests. This change should be coupled with antibundling reforms to restrict gaming of PAC donor limits and a requirement that half of a candidate's contributions come from individuals rather than PAC's to achieve more meaningful reform.

In considering campaign finance legislation, we should consider the practical effects of the bill, not simply the promises of its proponents. By limiting the ability of all candidates to raise money, the Shays-Meehan proposal rewards candidate committees with broad, already established donor files. The only committees with that type of donor file are incumbents.

Because the Shays-Meehan proposal tilts the field to incumbents, this amendment is necessary to help correct this potentially fatal flaw by forcing incumbents and challengers to compete on a level playing field.

I urge my colleagues to vote in favor of this amendment. However, without these additional amendments, I cannot support the passage of Shays-Meehan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CALVERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from California (Mr. CALVERT) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 106-311.

AMENDMENT NO. 8 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SWEENEY:

Amend the heading for title X to read as follows (and conform the table of contents accordingly):

TITLE X—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

Add at the end of title X the following new section (and conform the table of contents accordingly):

SEC. 1002. REIMBURSEMENT FOR USE OF GOVERNMENT EQUIPMENT FOR CAMPAIGN-RELATED TRAVEL.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, 515, and 1001, is further amended by adding at the end the following new section:

"REIMBURSEMENT FOR USE OF GOVERNMENT EQUIPMENT FOR CAMPAIGN-RELATED TRAVEL

"SEC. 329. If a candidate for election for Federal office (other than a candidate who holds Federal office) uses Federal government property as a means of transportation for purposes related (in whole or in part) to the campaign for election for such office, the principal campaign committee of the candidate shall reimburse the Federal government for the costs associated with providing the transportation.".

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Mrs. MALONEY) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume. I offer this amendment today to strengthen the Nation's election law and bring a higher level of accountability into the campaign process.

I believe there are, among other things, two important goals of Federal election law. First, election laws level the playing field for candidates running for office, offering access to the process to all Americans. The amendment I am offering today attempts to open up the process so that all candidates have a chance to get the job despite disadvantages in campaign resources. We want the best, the brightest, the most qualified, to have a shot at winning a seat, not only those with access to either money or resources. Second, the reforms we are discussing today attempt to further distinguish the political campaign activities from official duties.

One of the issues we are addressing today is the perception among many Americans that the line between official duties and campaigning has been blurred. Americans deserve not to have policy decisions so colored by political motives, especially when their tax dollars are involved.

Mr. Chairman, my amendment addresses both of these objectives by leveling the playing field and separating political campaign activities from official duties. The proposal is simple and reasonable. If you are seeking elected office and you use government-owned property for campaign travel purposes, you must fully reimburse the American taxpayer. This will ensure that no candidate is given an unfair advantage over another.

Few people have access to government-owned vehicles, particularly military aircraft. Those that do should be responsible for paying the full and actual cost of travel when campaign activities are involved. This amendment will not only make the candidate more accountable to the taxpayer, but it also removes the unfair advantage that any individual may hold over candidates without access to government transportation.

This amendment also strengthens the separation between campaign activities and official duties. Candidates who use government-financed transportation, while defending the practice, often split hairs over what constitutes campaigning versus official business. We have an obligation to make these activities separate and distinct.

The American public deserves to know that every candidate using any government vehicle will not violate the public trust by traveling at taxpayer expense. We are free to run for office, but as we all know here today, running for office is not free. Neither are we free to spend the taxpayers' hard-earned dollars unless, of course, your campaign headquarters is some military jet. Freedom has its cost, running for office has its cost, but let us not confuse the two. One we gain at birth, the other we must earn.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Sweeney amendment. We have an opportunity today to pass real campaign finance reform, but instead we are wasting our time on a mean-spirited, petty, politically partisan charged amendment that has nothing to do with real campaign finance reform.

The goal of this amendment is to target the First Lady by forcing her to pay for the full costs of her travel when she flies on government planes. Mrs. Clinton is already following the same FEC rules as all other candidates, rules that require her to reimburse the government for the fair value of the travel. If this amendment were to pass, the First Lady may be forced to abandon the security the Secret Service says she needs or face tremendous costs that no candidate could afford. We should not compromise her security for political, partisan purposes.

The gentleman from New York's amendment would apply to all candidates, and I quote, other than a candidate who currently holds Federal office. So the gentleman from New York would exempt himself. He says that it is okay to have two sets of rules, one for the current officeholders, himself, and another one for everyone else. It is a double standard. It is a glaring loophole.

I have a letter here from the chair of the Federal Election Commission which I would like to place in the RECORD at the appropriate time which states clearly that no provision of current law covers incumbent travel, that only FEC regulations apply.

The gentleman from New York would like to undermine these regulations by passing a law that specifically exempts himself, other incumbents and creates an enormous loophole. If the gentleman from New York's amendment is such a good idea for Mrs. Clinton, then why do we not apply it to candidates who rely on State and city transportation and State and city security when they run for Federal office? Or better yet, why do we not apply it to the gentleman from New York and Members of this body who may fly on corporate or commercial planes but are not required to reimburse the company or the government for the full cost of the plane?

We should not open up a huge loophole in election law by punishing challengers and giving the gentleman from New York and incumbents a free ride. Campaign finance reform is supposed to be about leveling the playing field, but here he is creating one standard for everyone else and Mrs. Clinton and a very different standard for incumbents. It is petty, it is partisan, it is just plain mean.

I urge my colleagues to reject the Sweeney amendment.

FEDERAL ELECTION COMMISSION,
OFFICE OF THE CHAIRMAN,
Washington, DC, May 14, 1991.

Hon. ROBERT E. WISE, JR.,
Chairman, Government Information, Justice and Agriculture Subcommittee, Committee on Government Operations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: this responds to your April 25, 1991, letter requesting information concerning the application of Federal election law to the use of Government-owned aircraft for political purposes.

Your letter cites 24 flights taken by the White House Chief of Staff on aircraft owned by the Federal government that are listed as "political" in nature. You state that the chief of Staff or a campaign or political organization reimbursed the Department of Defense for these flights in the amount of "coach fare plus one dollar." You request a summary of the law pertaining to political travel on Government aircraft and also ask how the pertinent laws "would apply to the Chief of Staff's travel as listed" in the enclosure submitted with your letter.

In addition, you are "interested in how Federal election law applies to the President's use of military aircraft for political purposes," and whether the law applies differently when the aircraft is used for political purposes "by other personnel." You further ask whether the "rules change" when Government aircraft is used "in support" of a Presidential candidate after he or she qualifies for Federal matching funds.

In view of the requirements of the Federal Election Campaign Act of 1971, as amended ("the Act"), it is not appropriate for me or the Commission to issue a ruling or opinion of an advisory nature in response to your inquiry. The advisory opinion procedure, as set forth in the Act, authorizes the Commission to give such an opinion only in response to the written request of any person who describes his or her own prospective or ongoing activity, not that of another person. 2 U.S.C. §437f, 11 CFR 112.1(b). Any person who believes that someone else may have violated the Act may file a sworn complaint with the Commission presenting the alleged facts and related violations. 2 U.S.C. §437g, 11 CFR 111.4.

Notwithstanding the inability to give such official advice, we can respond to your request for general information as to those provisions of the Act and Commission regulations that govern campaign travel on Government-owned aircraft for the purpose of influencing *Federal* elections, since the Commission has no jurisdiction over State election law.

First, the Act and the presidential public funding provisions of the Internal Revenue Code (26 U.S.C. §§9001–9042) are silent with respect to any use of Government-owned aircraft by any person in connection with any election for Federal office. the 1979 amendments to the Act did make clear that the use of appropriated funds of the Federal government would not result in a "contribution' to influence a Federal election because the Federal government is not a "person"; only persons are deemed to have the capacity to make contributions under the Act. 2 U.S.C. §§431(8)(A), 431(11). The legislative history further indicates that misuse of appropriated funds is a violation of Federal law and subject to enforcement by other agencies, not the Federal Election Commission. (report of Committee on House Administration, Federal Election Campaign Act Amendments of

1979, H. Rep. No. 96-422, 96th Cong., 1st Sess. 6, 7, 11 (1979).)

Several Commission regulations govern expenditures for campaign travel in connection with Federal elections and include provisions pertaining to campaign travel via Government-owned conveyance, which would include Government-owned aircraft. those cited herein are most pertinent in your inquiry and copies are enclosed for your reference.

11 CFR 106.3 pertains to allocation of campaign travel expenditures with respect to campaigns for Federal office,other than presidential candidates who receive Federal matching funds or grants for their campaign expenses. See, in particular, 11 CFR 106.3(e).

11 CFR 114.9(e) applies to the use of noncommercial corporate (or labor organization) aircraft for campaign travel in connection with a Federal election. It does not apply to the campaign use of aircraft owned by the Federal government.

11 CFR 9004.7 governs the allocation and payment of campaign travel expenditures by presidential and vice presidential candidates who accept Federal funding for their general election campaigns. See, in particular, 11 CFR 9004.7(b)(4) and (b)(5) with respect to use of Government-owned aircraft.

11 CFR 9034.7 governs the allocation and payment of campaign travel expenditures by a presidential candidate seeking nomination by a political party who has accepted Federal matching funds for his or her primary election campaign. See, in particular, 11 CFR 9034.7(b)(4) and (b)(5) regarding use of Government-owned aircraft.

I hope you will find this letter and the enclosed materials helpful for purposes of your inquiry. If you have any other questions, please contact me or John Surina, our Staff Director.

Sincerely yours,

JOHN WARREN MCGARRY,
Chairman for the Federal Election Commission.

Mr. Chairman, I reserve the balance of my time.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume. I am confused by my colleague and friend from New York and her position. First I am confused because I do not recall at any point in my opening remarks mentioning the First Lady and her bid for the Senate seat in New York State. Although I will say that on recess and throughout all of the travels that I have had in my district, a number of my constituents, in fact many of my constituents, have raised concerns about the inequity that exists with an individual who may or may not be a candidate using the resources of Air Force One or a military jet to conduct what may or may not be a campaign.

But let me address and respond to some of the positions that my good friend has taken. First, let me point out that the loophole that exists in the current proposal, in the underlying bill, would be a loophole that would allow a candidate who is not defined as a public officer, which the First Lady certainly fits under, to use the resources for transporting back and forth to conduct campaign activities. If we pass the underlying legislation, the President, the Vice President, other Federal officials, including myself, would not be able to use those resources, not that I have that available to me at this point in time, anyway, but they would not be able to do that. And the loophole that would exist would be one that would allow for a continuation of that kind of use by a candidate who does not fall under that public officer definition.

Let me also talk about the issue of security and abandoning security and you talk about red herrings being thrown out there. At no point and no time do any of us advocate that security concerns as it relates to the First Family or any other Federal official who duly needs that kind of security be taken away from them. In fact, we all recall that it was just several years ago that Saddam Hussein and other Mideast terrorists threatened the life of former President Bush. It was because we had strong security around former President Bush that we were able to thwart that attempt.

□ 1830

I in no way intend to hinder the security today or in the future of the First Family, and I suspect and I propose that because we require a full reimbursement for the use of military jets we are not diminishing in any capacity. In fact, we are not diminishing the opportunity for the First Lady or anyone else who has access to those vehicles to use them. That is a choice that they will make, a choice that they will make in conjunction with the security interests that they will have as well.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if the gentleman is so certain that current officeholders are already covered, I would ask him to cite the specific provisions of election law that applies. Just tell me where in the Federal Election Act, and I will not yield, the gentleman may talk on his own time. It says that current officeholders are blocked from using Government travel for political purposes, but the challengers are not. I have a letter from the Chair of the FEC which says that no provision of current law covers it.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN), my good friend.

Ms. LOFGREN. Mr. Chairman, this partisan amendment is overtly aimed at the First Lady of the United States and no one else. Now candidates in Government planes pay back the Government for any part of their travel which is campaign related. If a candidate has to be guarded by the Secret Service, the FEC accommodates that in the cost calculation. That is the right thing to do.

A democratic Nation requires physical safety for public officials, and by the way, keeping the First Family safe benefits us all. This dangerous amendment also violates the Constitution's equal protection clause. Federal candidates who are not officeholders would pay, but not candidates who are already elected.

Mr. Chairman, that is a brand-new loophole for the in-crowd. The effect would be to repeal the repayment rule, but only for those already elected to a federal office. It could benefit every Member of this House, but not those who challenge us.

This amendment creates special protections for federal officeholders that singles out the First Lady for bad treatment. It is bad policy, it is unconstitutional, it is petty, and it is unchivalrous. It deserves to be voted down.

Mrs. MALONEY of New York. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Maryland (Mr. HOYER), the leader of the Democratic party.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) is recognized for 30 seconds.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from New York for yielding this time to me.

We ought to reject this amendment. This is a large issue which we are debating, campaign finance reform. The American public wants campaign finance reform.

We ought not to mire ourselves in the petty politics, as the gentlewoman indicated. The gentleman from Pennsylvania says he did not mention the First Lady. He did not have to. He cannot mention anybody else that this affects. He cannot mention anybody else that this affects right off the top of his head. Mr. Chairman, I know it, and my colleagues know it. This is trying to make a petty political point to distract our attention from a major reform bill.

Reject this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from New York (Mr. SWEENEY) will be postponed.

It is now in order to consider Amendment No. 9 printed in House Report 106–311.

AMENDMENT NO. 9 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. DELAY:

Insert after title XV the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE XVI—EXEMPTION OF INTERNET ACTIVITIES FROM REGULATION

SEC. 1601. EXEMPTION OF INTERNET ACTIVITIES FROM REGULATION UNDER FECA.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, 515, 1001, and 1101, is further amended by adding at the end the following new section:

"EXEMPTION OF INTERNET ACTIVITIES

"SEC. 330. (a) IN GENERAL.—Except as provided in subsection (b), none of the limitations, prohibitions, or reporting requirements of this Act shall apply to any activity carried out through the use of the Internet or to any information disseminated through the Internet.

"(b) EXCEPTION.—Subsection (a) shall not apply to the solicitation or receipt of contributions.

"(c) INTERNET DEFINED.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.".

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DeLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will prevent the burdensome restrictions and regulations in Shays-Meehan from applying to the Internet. Shays-Meehan will impose unprecedented free speech restrictions and discussions on the Internet. Chat rooms, e-mail and personal Web pages will all be regulated by the Federal Government if Shays-Meehan, as drafted, becomes law.

I want to take a minute to show my colleagues how overreaching some of these restrictions are. This Web site right here was created by an anonymous, private person who supports the gentleman from Missouri (Mr. GEPHARDT), the minority leader. The purpose of this site is to tell other people why DICK GEPHARDT and other Democrats are good people. Simply put, this private citizen is exercising his first amendment rights to communicate. But under Shays-Meehan, this site would violate the law.

First of all, the site clearly falls within the broad and burdensome express advocacy definition in Shays. Second, this person does not disclose their name and address, which Shays-Meehan would require. And third, the person has not submitted proper information to the FEC concerning the independent expenditure.

Now I want my colleagues to look at this Web site. This is the Nazi Party home page that freely distributes its hate and its filth across the Web. Under Shays-Meehan, this site is not regulated. These hate mongers can distribute their opinions under the protection of the first amendment without regulation.

Now I find it very disturbing that an informational site like this private citizen who supports the gentleman from Missouri (Mr. GEPHARDT) will be regulated while this Nazi Web site can freely distribute its filth. What is the sense in this legislation?

The Internet is a medium that allows individuals to engage in political discourse without regulation. I believe we should encourage this dialogue, not discourage it through burdensome regulations. Citizens should not be forced to register their Web sites with the Federal Government, and my amendment protects the rights of individuals who want to engage in political communication on the Internet.

Even Democrat FEC Commissioner Karl Sandstrom supports this approach, stating that the best remedy for questionable information is more information, and our goal should be to encourage, not discourage, this new form of political participation.

So, Mr. Chairman, I could not agree more. We must defend the constitutionally guaranteed freedom of speech, and I urge my colleagues to oppose the burdensome Internet restrictions in Shays-Meehan and support this free speech amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I would like to begin, if my colleague would promise to be brief in his response, with a colloquy with the distinguished majority whip. Do I take him to say that he would like to impose regulation on that Nazi website?

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Texas.

Mr. DELAY. Absolutely not. I am for free speech, and I want open and free speech.

Mr. CAMPBELL. Reclaiming my time then, the gentleman's point about the unfair treatment is really not very based in fact in that he would have no regulation of either website. He pointed out that perhaps the Nazi site should be regulated.

Mr. DELAY. If the gentleman would yield, I never said that.

Mr. CAMPBELL. Mr. Chairman, I will allow the gentleman from Texas to correct it as I ask him the second question.

First off, let me just suppose for a moment this Gephardt For President web ad was paid for by the Red Chinese Communists. They put this money to put this ad on the web, and as I understand it, the gentleman's position would be that nobody would know that this was financed by the Communists in China—or similarly banner ads on the web that they can put on at huge expense, spending say, $10 million.

Is that correct? Do I understand the gentleman's position.

Mr. Chairman, I continue to yield to the gentleman from Texas.

Mr. DELAY. If the gentleman will yield, first of all, I think it is a specious argument because I do not know how we would require the Chinese to file with the FEC, number one; and it just points out how when we seek regulating free speech, how complicated it can get.

Mr. CAMPBELL. Reclaiming the time, it is apparent to me that the gentleman would not do anything to disclose the Red Chinese Communists funding a huge campaign for a candidate for office in the United States, provided they use the Internet loophole which his amendment creates, and that is exactly the reason why we have disclosure.

Shays-Meehan does nothing to prohibit free speech, but it does protect free speech by guaranteeing disclosure so that if the Red Chinese Communists are behind the gentleman from Missouri (Mr. GEPHARDT) for president, a possibility which I do not entertain, it would be known by the people of the United States.

What is going on in this amendment is absolutely clear. Just read it. It says "Except as provided in subsection (b)," which deals with fund-raising, "none of the limitations, prohibitions *or reporting requirements* of this Act shall apply to any activity carried out through the use of the Internet," [emphasis added] Not even the reporting requirements would apply.

I think I was asked to speak on this because my district cares more about the Internet, I suspect, than the average, but fair is fair. If the means of dissemination are to be controlled, the Internet should be covered no more and no less.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I rise in strong support of this amendment. As a general policy, the Government should not try to control or regulate the Internet, and I think most of the 90 million Americans who send e-mail or surf the Web would totally agree with us on this.

Last year we overwhelmingly approved the Internet Tax Freedom Act. We were wise enough to allow commerce on the Web to grow and flourish unfettered by Government interference before trying to tax or control it, and I believe that keeping Government bureaucracies out of the business of regulating political speech on the Web is a very important thing for us to do.

This is not a partisan statement at all. In fact, a Democratic commissioner of the Federal Election Commission recently said the Internet changes politics. On the Internet every woman and man is a potential publisher. One need only visit the Web page of a sophisticated high school student to see how slim a technical advantage media giants enjoy.

The Government should not involve itself in regulating free speech, and I believe that support of this amendment is the most responsible thing that we can do.

Mr. DAVIS of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in strong opposition to the DeLay amendment. It is a poison pill that jeopardizes today's bipartisan effort to reform our campaign finance system.

The DeLay amendment exempts activities on the Internet from federal campaign finance laws. While proponents say they are protecting the Internet and protecting political speech, the DeLay proposal, if enacted, would endanger the Internet and stifle the voice of the average citizen. It is a step backwards; it is anti-reform.

First, it creates a potentially huge loophole through which big donors, corporations, and unions could pour unlimited funds into Internet ad campaigns to directly promote the election or defeat of a candidate. This would spread the disease of sham issue ads from the TV to the Internet.

Second, the DeLay amendment opens a loophole that would allow State parties to suspend unlimited amounts of soft money on Internet activities to influence federal elections.

Third, the DeLay amendment could undermine the FEC's authority to require mandatory electronic filing of campaign reports. That is hardly in the spirit of full disclosure so strongly advocated by the majority whip.

Despite the claims of the DeLay proponents, Shays-Meehan specifically allows nonpartisan voter guides to be distributed on the Internet as well as other venues. Despite the claim of DeLay proponents, the Shays-Meehan reform bill does not impose restrictions on users of e-mail or Internet chat rooms. Political discussion there is as protected and cherished as it is in the corner barber shop or a neighbor's living room. Shays-Meehan does not require people to list their Web sites with the Federal Government.

Mr. Chairman, the Internet is growing at an exponential rate. Congress thus far has taken a hands-off policy to let the Internet grow and flourish. The DeLay amendment, however, could undermine the freedom of the Internet by making it the favored conduit for special interests to fund soft money and stealth issue ads into federal campaigns.

Let us not poison the Internet and poison our democracy with this poison pill.

□ 1845

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in introducing the chairman of the Internet Caucus, the gentleman from Virginia (Mr. GOODLATTE), I would just say the Internet is pure free speech. That is what makes it a powerful force for freedom around the world and here in the United States.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding and for offering this amendment, which I urge my colleagues to support.

Mr. Chairman, the Internet has the potential to be a revolutionary force in the evolution of our system of democratic governance. The ability of citizens to share information at relatively little cost enables all Americans to become active participants in the political process.

In response to the gentleman from California (Mr. CAMPBELL), there is no way to control what people outside the U.S. put on the Internet any more than the Chinese can control what U.S. citizens put on the Internet.

For the gentleman to attempt to regulate some poor soul who wants to have a web site promoting the gentleman from Missouri (Mr. GEPHARDT) or any other American citizen running for office is an outrage, and we should strongly support this amendment and protect free speech on the Internet.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 1 minute.

Mr. DAVIS of Florida. Mr. Chairman, I think it is important to point out exactly what the bill does. The bill does not single out the Internet in any fashion. It is for exactly the reasons that were expressed by Mr. DELAY. He cited a commissioner that said that the Internet is going to bring about great change.

One of the arguments that is constantly made by the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from California (Mr. DREIER) is that we should not take a snapshot of the Internet in an attempt to decide exactly what is going on there. This is a very fluid situation. That is why it needs to be studied. That is exactly what the FEC is doing. They are studying how the Internet is going to affect politics, and it will be a positive force.

Meanwhile, we are here on the floor of the House today debating the proposition that if somebody is going to intend to influence the outcome of an election, whatever medium they should choose, they should have to stand up and attach their name to anything that they intend to say or do.

Those people that are ashamed of the political advertising that they are engaged in today, so ashamed that they do not want to put their names on it, will resort to any media to accomplish that dirty deed. We need to put it to a stop. We need to adopt the issue ad restrictions in this bill. We need to defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 10 printed in House Report 106–311.

AMENDMENT NO. 10 OFFERED BY MR. EWING

Mr. EWING. Mr. Chairman, I offer amendment No. 10.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. Ewing:

Strike section 1601 and insert the following (and conform the table of contents accordingly):

SEC. 1601. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act or any amendment made by this Act shall be treated as invalid.

In the heading for title XVI, strike "**SEVERABILITY**" and insert "**NONSEVERABILITY**" (and conform the table of contents accordingly).

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Illinois (Mr. EWING) and the gentleman from Massachusetts (Mr. FRANK) each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Chairman, I yield myself such time as I may consume.

First and foremost, I support campaign finance reform. Leadership supports campaign finance reform. Both the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) support campaign finance reform. However, this debate should center around real campaign finance reform, reform that closes loopholes that have tainted the current system; reforms which treat both political parties fairly; and reforms that protect the First Amendment rights of all Americans.

My amendment is about preserving the First Amendment rights of all Americans by enacting constitutionally accepted campaign finance reform.

In a hearing before the Committee on House Administration, constitutional experts from the ACLU to the Cato Institute indicated that Shays-Meehan was very seriously constitutionally flawed. In fact, those witnesses believed that important elements of the Shays-Meehan bill would be unconstitutional.

The proponents have indicated that Shays-Meehan is constitutional in all its major provisions. Yet, if the Court rules that any key provision of this bill is unconstitutional, this would put an unprecedented monkey wrench into our current system and make a bad situation worse.

Congress went down this road in the 1970s when it enacted laws without nonseverability provisions. This created the soft money problem we are trying to address today.

My amendment says one simple thing. If any part of the Shays-Meehan bill is ruled unconstitutional, then the entire bill becomes invalid. All the Ewing amendment does is provide a constitutional check for the bill. Recently, supporters of Shays-Meehan have declared my amendment a poison pill to their legislation. It seems to me that the proponents believe that much of this bill is unconstitutional and that is why they are opposed to my amendment.

If the supporters of Shays-Meehan feel that their bill will stand the constitutional test, then why should they have any problem with supporting this amendment?

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I have a great degree of admiration for my good friend and colleague who proposes this amendment. And I have some sympathy for the concept of the amendment because, when the original bill was passed in 1974, it had expenditure limits and it had contribution limits. And I can understand how the two would march together or not at all. But that simply is not the case with Shays-Meehan.

In other words, there is in Shays-Meehan a prohibition on sham issue ads. That is a good prohibition whether the rest stands or falls. There is in Shays-Meehan a prohibition on contributions of a soft money nature. That is a good prohibition whether sham issue ads stand or fall. In other words, this bill is unlike the 1974 bill where, in order to get expenditure limits, one had to have contribution limits, and vice versa. Here, both are good. There is no quid pro quo. There is not, for example, a sacrifice that Democrats make in order to get a sacrifice for Republicans to make. Both provisions of this bill, the sham issue ad ban and the prohibition on soft money, are good.

Second, I think it is only fair that the authors of Shays-Meehan be allowed to offer their proposal and have it voted on as their proposal.

Third, I would just like to point out to all of our colleagues how frequently unanticipated provisions of bills are struck down. The clearest example of this is the one House veto, the legislative veto, struck down by the Supreme Court in INS versus Chadha. Nobody anticipated that. That same provision is in the laws about transfer of arms sales. It is in the war powers resolution. The war powers resolution, that allowed me to bring to the floor of the House the resolutions regarding Kosovo, had another provision saying that a single House could, by its order alone, withdraw the troops. We would have lost the entire bill, the entire value, the entire ability to bring the vote to the floor, simply because an unanticipated part was held to be unconstitutional.

Finally, I remain of the view that this bill is in all its parts quite constitutional, but I recognize people of goodwill can disagree. If one believes it is unconstitutional, which is the view of my good friend and colleague, then it seems to me just fairness would suggest that unless there is some overt quid pro quo in making this fabric into one consistent whole, that he allow those parts which are constitutional to go ahead and work their beneficial effect.

With that, I conclude that the amendment though well intentioned is not the best way to proceed in this debate tonight.

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, although I appreciate the argument of my friend, the gentleman from California (Mr. CAMPBELL), the idea that a portion of a significant campaign reform bill ought to be allowed to stand, notwithstanding the fact that other provisions are declared unconstitutional, is exactly why we are where we are today because back in the 1970s they attempted to use the model, and we have heard this phrase repeatedly on the floor, that we want to stop corruption or the appearance of corruption.

The court, I think quite properly, looked at contribution limits and said if we limit the amount that someone was given it certainly could be plausible that the limit was there to stop corruption or the appearance of corruption but in no way should it extend to the expenditure of money. How does spending money corrupt?

The court then took that same logic and applied it to individuals who spent their own money and a key portion of Shays-Meehan that we have been concerned about is those individuals who make independent expenditures exercising their First Amendment freedom.

We heard the gentleman from Florida (Mr. DAVIS) in his opening statement say Shays-Meehan is constitutional. We heard the gentleman from California (Mr. CAMPBELL) say they believe it is constitutional. What we ought not to do is go down the same road we went down 25 years ago with campaign election reform.

Any structure is balanced. If we can come to an agreement now and the court throws out a portion, we ought to be able to come back and come to an agreement on a whole, not on a piece. For more than 25 years, we have operated on a piece. It seems that if we want to go down the reform road again, we ought to opt as a whole. It is either all constitutional or if a portion of it is not, it all falls and we do it again.

The only way to stop repeating exactly what we have done in the last 25 years is to say there should be no severability clause; that it all stands or it all falls. That is exactly what the Ewing amendment does. It ought to pass.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Massachusetts (Mr. FRANK) has 3 minutes remaining. The gentleman from Illinois (Mr. EWING) has 45 seconds.

Mr. FRANK of Massachusetts. Might I make a parliamentary inquiry. Do I correctly assume the gentleman from Illinois (Mr. EWING) plans to close with his 45 seconds and not divide it?

Mr. EWING. The gentleman is correct.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have just seen a demonstration that while proximity may breed contempt, it can also breed familiarity because my ally on this issue, the gentleman from California (Mr. CAMPBELL), anticipated the argument we just heard and refuted it before it was made; a very impressive feat. As he pointed out, this is not at all analogous to the 1974 act because it is not meant to be interlocking, and that is why this is a sham amendment.

The gentleman says well, if we think it is all constitutional what are we worried about? Well, I do not know what the Supreme Court will do and no one else does. It is entirely possible they will find some parts constitutional. It is clear that other parts will not be found constitutional.

The gentleman from California (Mr. THOMAS), who just spoke, said they have different standards for contribution limits and expenditure limits.

When we are talking about soft money, we are talking about contributions and that would clearly be constitutional.

This is an effort to try to kill the whole thing, if any part of it fails, by people who are against it.

By the way, if we adopted this principle that we do not have severability clauses, guess what we would not have? The Telecommunications Act of 1996. We passed the Telecommunications Act. Maybe some people who voted for it wish we did not have it, but we have it. Part of it was found unconstitutional, the Communications Decency Act.

We would not have a Brady bill. Now, that may make some people happy, although probably fewer than would have said they were happy a couple of months ago, but the Brady bill was found partly unconstitutional, the part that mandated that local officials go ahead with it. It was only because there was a severability clause that we still have handgun checks, because if we followed this notion that it all has to be balanced and of a piece and it is either all constitutional or all unconstitutional there would be no handgun checks now.

We would not have a privacy right for children because when my colleague, the gentleman from Massachusetts (Mr. MARKEY), offered a privacy right to children, which was just done last year, it was merged with another obscenity bill, which has already been found unconstitutional at the district court level by a Reagan appointee.

So this notion that it all hangs or falls together is simply a way to try to hang this whole bill by people who are against it. The gentleman from California (Mr. THOMAS), who just spoke, said we all have to come to an agreement. Let us be honest. We are not coming to an agreement. The gentleman happens to be in disagreement with the majority on this bill. He is entitled to that, but he is not entitled to twist our normal constitutional doctrines around so that if the Supreme Court found any one piece of this unconstitutional, maybe the Supreme Court will find that there is a constitutional right of noncitizens to contribute, so maybe the majority that voted for the amendment will have then succeeded in killing the whole thing.

That is a nice way to go; there is a nonseverability clause, put through an amendment of dubious constitutionality, and then kill the whole bill. The fact is that we are not sure what will happen, but the key point was made by the gentleman from California. This is not an interlocking piece of jigsaw. It is a bill with several distinct provisions. If some part of the independent expenditure is held unconstitutional, that in no way makes it wrong to try to ban soft money, in no way. It in no way undercuts it. So, please, reject this silly notion that it is all constitutional or not and save Shays-Meehan.

Mr. EWING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me try to clear away some of this smoky rhetoric that has been put out here to mask the problem here.

This bill is an intricate interlocked bill that affects the Democratic Party and the Republican Party, and the part that affects the Republican Party is soft money and that will be constitutional; and the part that affects the Democratic Party is the issue advocacy and that will be unconstitutional. When we are done, we will have an unfair bill that does not treat both parties fairly and the gentleman knows it and I know it and that is why we should adopt this amendment.

Mr. ENGLISH. Mr. Chairman, I rise in strong support of the Ewing Amendment to H.R. 417. This amendment is a vital component to any meaningful campaign finance reform passed by the House today.

True advocates of campaign finance reform favor legislation that can survive legal challenge and remain balanced, that is, without unduly favoring one party or ideolgical grouping over another.

Many provisions of the Shays-Meehan bill that are most susceptible to unfavorable legal review are those most critical to the maintenance of this balance.

The Ewing Amendment fixes this by subjecting the entire Shays-Meehan bill to a rigorous test of Constitutionality. Non-severability is the true test of sincere reform. If my colleagues who support the Shays-Meehan bill really believe in the campaign finance reform package they are touting as the one real reform being debated today, I urge them to vote for this amendment.

Mr. EWING. Mr. Chairman, I yield back the balance of my time.

□ 1900

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. EWING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Illinois (Mr. EWING) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 283, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 7 offered by Mr. CALVERT of California; Amendment No. 8 offered by Mr. SWEENEY of New York; Amendment No. 9 offered by Mr. DELAY of Texas; Amendment No. 10 offered by Mr. EWING of Illinois.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 OFFERED BY MR. CALVERT

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 7 offered by the gentleman from California (Mr. CALVERT) on which further proceedings were postponed and on which the noes prevailed by voice note.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 248, not voting 6, as follows:

[Roll No. 415]

AYES—179

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bereuter
Bilbray
Bilirakis
Blunt
Boehner
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Portman
Radanovich
Regula
Riley
Rogan
Rohrabacher
Royce
Ryan (WI)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weller
Wicker
Wolf
Young (FL)

NOES—248

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barr
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Conyers
Cox
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hayes
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Pelosi
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—6

Hastings (FL)
Kingston
Payne
Pryce (OH)
Ros-Lehtinen
Shaw

☐ 1922

Ms. KILPATRICK and Messrs. WEYGAND, FLETCHER, PICKERING, and ACKERMAN changed their vote from "aye" to "no."

Messrs. SAXTON, ISAKSON, CANNON, WAMP, CRAMER, LUTHER, WICKER, TAYLOR of Mississippi, PITTS, and MORAN of Virginia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 283, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 8 OFFERED BY MR. SWEENEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 8 offered by the gentleman from New York (Mr. Sweeney) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 261, noes 167, not voting 5, as follows:

[Roll No. 416]

AYES—261

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—167

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Green (TX)
Gutierrez
Hall (OH)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez

Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—5

Hastings (FL)
Kingston
Pryce (OH)
Ros-Lehtinen
Shaw

□ 1931

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. DELAY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 9 offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 268, not voting 5, as follows:

[Roll No. 417]

AYES—160

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gibbons
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wu
Young (AK)
Young (FL)

NOES—268

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn

NOT VOTING—5

Hastings (FL)
Kingston
Pryce (OH)
Ros-Lehtinen
Shaw

□ 1941

Mr. McCOLLUM changed his vote from "aye" to "no".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. EWING

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 10 offered by the gentleman from Illinois (Mr. EWING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 259, not voting 7, as follows:

[Roll No. 418]

AYES—167

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cunningham
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Frost
Gekas
Gibbons
Gillmor
Goodlatte
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
Mica
Miller (FL)
Miller, Gary
Mollohan
Nethercutt
Ney
Northup
Norwood
Obey
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Radanovich
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus

Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—7

Cubin
Hastings (FL)
Kingston
McKeon
Pryce (OH)
Ros-Lehtinen
Shaw

☐ 1948

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 11 in the nature of a substitute printed in House Report 106-311.

AMENDMENT NO. 11 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 11 in the nature of a substitute offered by Mr. DOOLITTLE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizen Legislature and Political Freedom Act".

SEC. 2. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 2000.".

SEC. 3. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1999."

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9014. TERMINATION.

The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after December 31, 2000, or to any candidate in such an election."

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

"(d) TRANSFER OF FUNDS REMAINING AFTER 1998.—The Secretary shall transfer all amounts in the fund after December 31, 2000, to the general fund of the Treasury."

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9043. TERMINATION.

The provisions of this chapter shall not apply to any candidate with respect to any presidential election after December 31, 2000."

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9014. Termination."

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9043. Termination."

SEC. 4. DISCLOSURE REQUIREMENTS FOR CERTAIN SOFT MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;".

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of such Act (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) If a political committee of a State or local political party is required under a State or local law, rule, or regulation to submit a report on its disbursements to an entity of the State or local government, the committee shall file a copy of the report with the Commission at the time it submits the report to such an entity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. 5. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking "permit reports required by" and inserting "require reports under".

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended to read as follows:

"(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the indentification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.".

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of such Act (2 U.S.C. 434(a)), as amended by section 4(b), is further amended by adding at the end the following new subsection:

"(e)(1) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.

"(2) In this subsection, the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.".

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

SEC. 6. WAIVER OF "BEST EFFORTS" EXCEPTION FOR INFORMATION ON IDENTIFICATION OF CONTRIBUTORS.

(a) IN GENERAL.—Section 302(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(i)) is amended—

(1) by striking "(i) When the treasurer" and inserting "(i)(1) Except as provided in paragraph (2), when the treasurer"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply with respect to information regarding the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year (as required to be provided under subsection (c)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to persons making contributions for elections occurring after January 2001.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to yield 7 minutes to the gentleman from Tennessee (Mr. WAMP) and 7 minutes to the gentleman from Massachusetts (Mr. MEEHAN) and they will control that time, leaving myself with 6 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) is recognized for 20 minutes.

Mr. DOOLITTLE. Mr. Chairman, do I have the right to close on this amendment?

The CHAIRMAN. No. The gentleman from Maryland (Mr. HOYER), as a member of the committee does.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard an awful lot about the problems of the present system. I would like to present what I believe are the problems with the system. I think it has tremendous problems. They are intolerable and they cry out for reform. It is just that the nature of the reform that I would favor is much different than the advocates of Shays-Meehan would favor.

I believe that today's campaign finance system requires current and prospective office-holders to spend too much time raising money and not enough time governing and debating issues. Today's system has failed to make elections more competitive. And indeed, since the 1974 amendments, the disastrous system we have that was created by those amendments, voter participation has actually declined.

Today's system allows millionaires to purchase congressional seats and inhibits the ability of challengers to raise the funds necessary to compete. Today's system hurts taxpayers by taking nearly $900 million collected in federal taxes and subsidizing the presidential campaigns of all sorts of characters, including convicted felons and billionaires.

Today the system hurts voters in our Republic by forcing more contributors and political activists to operate outside of the system where they are unaccountable and consequently more irresponsible. That latter fact is what causes the advocates of Shays-Meehan to focus upon soft money because that is one of those areas. But they fail to understand that what is driving soft money is the unadjusted limits on hard money, never changed in 25 years.

Justice Thurgood Marshall in Buckley v. Valeo observed that one of the points on which all members of the court agree is that money is essential for effective communication in a political campaign.

David Broder, not known I do not think as a Republican, this is not a conservative, but he wrote in the Washingtonian 3 years ago and said the following:

"Raise the current $1,000 limit on personal campaign contributions to $50,000. Maybe even go to $100,000."

I note parenthetically, we could not even go to $3,000 tonight let alone 50 or 100 like Mr. Broder has recommended.

"Today's limits are ridiculous given television and campaigning costs. Raising that limit with full disclosure would enable some people to make really significant contributions to help a candidate."

My campaign finance reform goals are the following: we should encourage political speech rather than limit it, like the supporters of Shays-Meehan want to do. We should promote competition, freedom, and a more informed electorate, not limit their information at the time when people are coming awake and paying attention to politics, namely, 60 days before an election. We should enable any American citizen to run for office, not just of the wealthy, not just the well connected. And that tends to be the trend if we continue down this road of regulation, like Shays-Meehan. We should increase the amount of time candidates spend with constituents in debating issues rather than raising money.

Just last week we lost a couple of candidates for the Senate because of this very thing. They could not put themselves through the absurd race to raise money that the present law requires.

And lastly, we should make candidates accountable to their constituents for the money they accept.

I propose to achieve those goals with the Citizen Legislature and Political Freedom Act embodied in H.R. 1922, which is the substitute I bring before my colleagues now.

This legislation repeals limits on how much individual and political action committees may contribute to candidates or parties. It repeals limits on how much parties can contribute to candidates. We think political speech is good, and we think those limits have got to go.

This bill also terminates the horrid taxpayer financing of presidential election campaigns that we have in place today. This legislation requires political parties to distinguish between federal and nonfederal funds and requires that each State party file with the FEC a copy of the same disclosure form as filed with the State. That way we do not add any bureaucratic requirements to what the States have to do, but we make the information available for people to see.

We require electronic filing of campaign reports, and we require those reports to be filed every 24 hours within 3 months of an election. With the advent of the Internet, any person with a computer and access to the Internet will be able to access this information. The media, of course, will do that and it will be available for all to see.

That is why we call ours the full disclosure act because we get right to the heart of it, and we make this information available to the electorate rather than empowering a new government information czar.

We require the FEC to post all campaign reports on the Internet. They do not have to go down to the government office and get the Xeroxed copy of the report somebody mailed in months after the election. They will have it right there on the Internet.

By the way, we also bar acceptance of campaign contributions unless specific disclosure requirements are met. We repeal, if you will, the best-effort rule. That is what the legislation does.

Mr. Chairman, I reserve the balance of my time.

Mr. WAMP. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BILBRAY), who has been very active on this issue for many months and years now.

Mr. BILBRAY. Mr. Chairman, I regretfully have to stand in opposition to the substitute.

I think the gentleman from California (Mr. DOOLITTLE), my dear colleague that I have worked so closely with for so long, has come up with a lot of hard work and a total reform of the approach to campaign finance reform, and I have got to give him credit for that. He has shifted the whole perspective to a whole new view.

We may be there some day, but the fact is today we have Shays-Meehan in front of us. We have a bill that tries to correct the problems of campaign finance reform that was passed in the 1970s.

The proposal of the gentleman from California would totally approach the issue totally different than we have in the last 30 years. I would ask us to consider, let us see if we can fix the existing system before we try to replace the entire system with a whole new approach.

Now, I happen to have had the privilege of serving as a county supervisor in California in a county of 2.8 million people with districts as large as congressional districts; and our campaign limits were $250 a person, no PACs, no corporate checks, no union participation.

Let me tell my colleagues something: it works. I just ask, do not fear campaign finance limitations. It is an equal ground. Everybody plays by the rules, and we move forward.

So I have to say, in all fairness, I think the gentleman from California (Mr. DOOLITTLE) may have a great argument, but my question is, before we try to scrap the old system and move on, let us try to fix the one we have in Shays-Meehan.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a cosponsor and an author of the clean elections bill himself.

Mr. TIERNEY. Mr. Chairman, I thank my colleague from Massachusetts for yielding me the time, and I congratulate him on once again having the tenacity to stay with the Shays-Meehan bill and bring it back to this House.

With all due respect, I suggest that the proposal by our colleague from California is a step backwards, certainly not a step forward. I would say that we should support the Shays-Meehan bill and note that that is in fact only a partial reform.

The bill that I propose pending before this body and some day, hopefully, we will get it as part of a rule and be able to debate it is the clean money, clean elections bill and in fact calls for public financing of campaigns.

I understand all of the arguments that the gentleman from California (Mr. DOOLITTLE) has made and just suggested. There is nobody that I hear in the district, no average citizen, that thinks that it is going to be easier on elections if in fact they can raise money or thinks that people are going to stop raising money at some point in time. In fact, if we raise the limits, they are going to spend more, raise more, have more TV ads and go on.

☐ 2000

The clean money, clean elections bill will in fact be the one process by which we can lower the cost of campaigns. It requires broadcasters to give time for campaign ads at low or reduced cost, because in fact we have given them a public value, we have given them the spectrum, and they ought to in return give some public benefit back on that and that would reduce the cost of campaigns by some 40 or 50 percent.

The clean money, clean elections bill would limit the amounts of money spent. It would make campaign season shorter by virtue of the distribution schedule. It would make the money chase end. People would not have to spend virtually all their time raising money. And, in fact, it would allow people that are not personally wealthy and do not know people with $50,000 or $75,000 or $3,000 able to run for office and have a reasonable prospect of campaigning and winning. It is, in fact, the kind of campaign reform that most of America wants. State after State are passing referenda and certifying that they want to have a campaign system where they get their elective process back in their hands. They have heard all the arguments. All of those referenda has been put to them in a way of, "Do you want public money buying bumper stickers for candidates?" The resounding answer is "Yes, rather than special interests paying that money, we want to have our election process back."

Let us pass Shays-Meehan and get beyond that someday to real campaign finance reform.

Mr. DOOLITTLE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the distinguished House majority whip.

Mr. DELAY. Mr. Chairman, I think we just heard what this is all about. This is about more regulation of free speech and, at the end of the last speaker's remarks, taxpayer-funded elections. That is where we are headed when you regulate free speech and regulate the people's right to participate in the political system.

Mr. Chairman, I rise today in support of this substitute legislation. We simply cannot allow the participation of Americans in our democracy to be limited. We have an important choice today, a choice to either encourage participation in our political system or a choice to limit it. We can either choose to uphold the first amendment which guarantees our citizens the right to free speech, or we can choose to infringe upon this right.

Now, some of the rhetoric on the other side might sound good, but we must not allow those who support Shays-Meehan to fool us. In short, the Shays-Meehan bill restricts the democratic process by placing unfair regulations on those willing and able to compete as candidates and as their supporters. While accountability in fundraising is necessary, we must be sure that we do not limit the ability of those who want to compete through fair and worthy avenues to do so. The Doolittle substitute will instill this accountability. Among other things, the Doolittle substitute institutes new filing requirements and mandates that the Federal Election Commission post all campaign reports on the Internet. After all, what reform can restore accountability more than an open book? Simply put, freedom works.

Only those supporting Shays-Meehan would think that freedom is a step backwards. The important responsibility of this body is to protect freedom, not take it away.

Mr. Chairman, Congress must work to reform, not restrict, the political process. We must encourage, not limit, our citizens' ability to participate in the political system. I urge my colleagues to vote for fairness, vote for freedom in our political system by supporting this substitute.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL), one of our most distinguished new Members.

Mr. HOEFFEL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Doolittle substitute amendment. A vote for the Doolittle substitute is a vote to kill Shays-Meehan. I urge opposition to all of the ,poison pill substitutes and urge support of Shays-Meehan.

The Doolittle substitute would eliminate all Federal contribution limits, end public financing of presidential campaigns, which has worked well, and would weaken the disclosure requirements contained in Shays-Meehan.

Instead, we should adopt Shays-Meehan, which prohibits soft money contributions, stops the sham issue ads and strengthens FEC disclosure and enforcement.

The House should also pass comprehensive reform to implement voluntary spending limits for campaigns in exchange for partial public financing and free and discounted air time. These reforms also deserve a floor debate and the attention of this House.

Again, I urge my colleagues to oppose Doolittle, support Shays-Meehan, and move on to Tierney.

Mr. WAMP. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Doolittle substitute. The Doolittle substitute repeals all existing limits on contributions, ends the presidential public financing system, and requires disclosure of funds transferred to a State or local political party. But let us be honest. This amendment would virtually turn over the campaign finance system to the wealthy and the special interests.

Mr. Chairman, in a recent survey, over 50 percent of Americans said they believe that Abraham Lincoln's revered formulation that our democracy is a government of, by and for the people no longer applies. Passing the Doolittle substitute will regrettably confirm this very cynical perception of public service and public servants.

It will take the passage of meaningful, comprehensive campaign finance reform, which is the Shays-Meehan bill, H.R. 417, to change the prevailing attitude.

Mr. Chairman, the key word here is comprehensive campaign finance reform. The Doolittle substitute, although it may be well-intended, is window dressing. It requires only limited disclosure rather than making the necessary changes to clean up the current system, namely, ending soft money and reining in sham issue ads.

Mr. Chairman, I urge my colleagues to vote "no" on the Doolittle substitute and support final passage of the Shays-Meehan bill.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES), again, one of the leaders on campaign finance reform.

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the Doolittle substitute amendment, eliminating all Federal campaign contributions and public financing of presidential campaigns. In effect, the Doolittle amendment would be the kiss of death for H.R. 417, the Bipartisan Campaign Reform Act, because it guts the essence of the Shays-Meehan bill. Eliminating public financing of presidential campaigns in effect eliminates the ability of the little people to impact a presidential election at a time when voter apathy and participation is at an all-time low. Eliminating limits on contributions allows the haves to speak louder and places a gag on the have-nots. Eliminating campaign contribution limits will cause the House of Representatives to represent only the wealthy and leave the poor un- and underrepresented.

I urge my colleagues to vote "no" on this amendment. All the proposed reporting is only a smoke screen to cover this attempt to turn public office and public officeholders over to the wealthy.

Mr. DOOLITTLE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to support the Doolittle substitute. Thirteen States do not have limits, and I do not think you can name them because they do not stand out as States loaded with public corruption. Thirteen States do not limit campaign financing. We should be here debating increasing disclosure, immediate reporting and enforcement.

I have heard speaker after speaker talking about laws not being enforced. What about more laws without enforcement? Yet folks in this city have worked themselves into a state of hysteria over what they call campaign finance reform. This in spite of the fact that survey after survey show that most Americans rate campaign finance reform near the bottom of their concerns, if they rate it at all. Then why the hysteria?

The liberals' idea of reform rests primarily on restricting the free flow of moneys and ideas to the public through any channels except those they control and they regulate.

The refreshing motto of Fox Cable News network is "We report and you decide." That is how elections ought to be. We report who helped us and you decide. By contrast, the motto of liberals and their media allies embodied in the Shays-Meehan bill seems to be, "We report, we decide, and everyone else be quiet."

It is a bedrock principle of American political heritage that money is speech. When the supporters of Shays-Meehan want to restrict and regulate the amount of money in campaigns, they want to restrict and regulate the amount of speech. They decide, not the voters. Even the American Civil Liberties Union has stated that the Shays-Meehan bill is patently unconstitutional and makes it harder for ethnic and racial minorities, women and nonmainstream voices to be heard prior to an election. It will be an incumbent protection bill.

I will give my colleagues an example from Pennsylvania when you do not have money to get the message out. In 1998, Governor Ridge was running for reelection, the senior Senator from Pennsylvania was running for reelection, and they both had strong bipartisan support. They both had three, four or five Democrat opponents in the primary but none of them could raise any money because of the strength of the incumbents. So when it came to the primary election in my district, Clarion and Elk County, because the message did not get out because the candidates did not have any money, 19 percent of the Democrats voted. In McKean County, 9 percent. In Jefferson County, 6 percent. Why? They did not know the candidates, they did not know about them, they did not know who to vote for, so they stayed home. If you want people to come out and vote, they have to understand what the candidates stand for and that is about free speech.

Mr. Chairman, I support the Doolittle reforms because they are in the American tradition. They truly "do little" when it comes to restricting first amendment rights. They remove the restrictions of most campaign giving and spending, and thus remove the restrictions to free speech. At the same time, they require immediate and full reporting of all contributions. Immediate and full reporting of all contributions. Shays-Meehan does not do that. The message that money buys then can reach more voters and the voters can judge for themselves the message and who is supporting it.

Like Fox News, the Doolittle approach says to voters, "We report, you decide." If the liberal media is so concerned about how much campaigns cost today, then why do they not turn themselves into electronic Wal-Marts and charge the lowest prices for campaign ads? No, the highest. They are like an airline carrier charging hostage-level prices for tickets and complaining that people are spending too much money on transportation.

To add a little more perspective, during the Super Bowl the networks charge more for a single 30-second commercial than I have spent in two congressional elections, $1.6 million. Is anybody crying about that?

Liberals cry that too much money buys elections and corrupts the process. People need to understand the candidates and what they stand for. Thirty million Americans listen to network news regularly. One hundred million Americans elect our Presidents. In 1996, 76 million Americans voted for Congress. Only 30 million of those people watch the news regularly. Somehow, the message of our candidates has to get out to the people. It takes money. It takes a message. The people will buy when money is behind a message, because if the other were the case, we would have elected Huffington for the Senate because he certainly had the money, we would have elected Forbes and Perot for President because they had the money. It is the message that has to be driven by the money.

Certainly Eugene McCarthy would not have had a shot to run against Lyndon Johnson if Stuart Motts had not come to his aid because Lyndon Johnson had shut down his ability to raise money.

Yes, Mr. Chairman, when it comes to really eliminating corruption and creating a fairer, freer and more constitutional environment in American political life, I support Doolittle. We need to simplify the process, not turn it over to another government bureaucracy.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. LUTHER).

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Mr. LUTHER. Mr. Chairman, I rise in opposition to the Doolittle amendment. This amendment which allows unrestricted contributions in our federal political process shows just how out of touch Congress can become.

I challenge all Members of this body to go to any meeting in their district and ask their constituents how many can afford a $1,000 contribution. They will get virtually no one in that room, and they will get a lot of snickers from the people in that room.

Mr. Chairman, if Congress truly wants to reduce the influence of money in politics today, we should work to set up a system where more people can participate and give small amounts in the political process. We have done some of that at our State level in Minnesota, and other States have taken similar steps.

The absolute last thing we should do to get money out of politics is to allow a few interests to give even more money than they are giving today. The Doolittle amendment moves us in exactly the wrong direction. It gives us less democracy rather than more. Mr. Chairman, I urge its defeat.

Mr. WAMP. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. BOEHLERT) who represents Cooperstown and the baseball Hall of Fame.

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to the Doolittle substitute, which is quite simply an effort to kill the Shays-Meehan bill. The Doolittle substitute not only would block any new efforts to reform campaign finance, it would actually repeal the few successful reforms that we passed in the 1970s.

The fundamentals of our democratic system are at risk, and this Congress must not be so complacent as to ignore the evidence that is all around us. Turn-out in elections is at an all time low. Polls show public confidence in government at record lows as well. As the Supreme Court has noted many times, democracy can thrive only if there is a marketplace of ideas, but it is not supposed to be a marketplace that belongs to the highest bidder.

By a marketplace of ideas our forefathers meant a place of fair, free, and open exchange. But in our time we have perverted that concept so that the marketplace of ideas has become commercial, a place where ideas triumph when they are backed by large sums of money.

The very way we talk about campaigns shows how far we have drifted from our Founding Fathers' ideas. Opponents of Shays-Meehan say that the system is not out of kilter because soft money amounts to only about 50 cents per voter. But that is an advertising concept, not a civic concept.

Mr. Chairman, I urge my colleagues to beware of sunshine patriots who come to the defense of the first amendment only when the free speech being defended comes with a price tag.

Mr. MEEHAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a truly outstanding member of the freshman class and a member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Chairman, we are living in a day and age when there is a tremendous amount of cynicism about electoral politics and involvement in democracy. The perception that candidates are being bought, that elections are more like auctions, has resulted in a widely held sentiment that a person's vote does not count any more. I believe that the Shays-Meehan bill is an important step in the right direction to regain the trust of the American people and to reclaim our democracy.

Mr. Chairman, the Shays-Meehan bill is the only comprehensive campaign finance reform package before us today. It bans all contributions of soft money and shines a spotlight on the way special interest groups have been able to influence the outcomes of elections.

The Doolittle substitute by contrast does nothing to limit contributions or to reign in sham issue advocacy ads.

By removing all contribution limits, the Doolittle substitute would allow individuals and PACs to make unlimited contributions to candidates and parties. I fear that alone would further erode the public confidence in our democratic process. But the substitute does more harm by failing to require disclosure of special interest money used in certain campaign ads. These ads have avoided disclosure requirements by posing as issue advocacy.

I believe that Americans have the right to know who is influencing the outcome of our elections.

Mr. DOOLITTLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I am a cosponsor of the Doolittle bill and am proud to stand here in front of my colleagues in full support of that bill. I congratulate the gentleman from California (Mr. DOOLITTLE) for bringing forward this bill, and I thank him for yielding me time.

Campaign finance is like so many other issues. There are two basic philosophies. Free speech and free market is one philosophy; increasing the size of the Federal Government with more restrictive regulations is the other philosophy. Mr. Chairman, I stand before our colleagues in favor of free speech. Over time, a big-government approach has choked our campaigns. Regulation without provision for inflation has dwindled the real value of contributions to just 30 percent of what it was when enacted. Indeed, Mr. Chairman, these strangling limits may be what led the Democrats into all of their campaign finance irregularities.

Let us pass the Doolittle substitute. Let us free up political speech as America's founders intended, in the tradition of Thomas Payne, the publisher of free political speech in that famous document, Common Sense, that enabled the creation of this great Nation.

Mr. Chairman, I urge support of the Doolittle substitute.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE), a distinguished political scientist who has probably studied elections as much as any of us on the floor.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we have an opportunity today to take a serious step toward cleaning up elections financially and otherwise. The Shays-Meehan bill closes the soft money loophole that has made a mockery of the existing contribution limits. It holds advocacy groups accountable for the money they raise and spend in campaigns. It strengthens enforcement. And it includes a variant of my stand-by-your-ad bill to make candidates and committees more accountable for the ads they run.

Stand-by-your-ad was first introduced by the gentleman from California (Mr. HORN) and myself 2 years ago. It is a good North Carolina idea originated by Lieutenant Governor Dennis Wicker, recently passed by our General Assembly and signed into law. It will make candidates think twice before running mud-slinging or distorted ads, for the sponsoring candidate will have to appear in that ad and take responsibility for it.

Shays-Meehan is legislation we should have passed months ago, but I am pleased that this bill is finally on the House floor. Many of us wish the bill did more, but it is a compromise worthy of our support.

I urge defeat of all substitutes and passage of the Bipartisan Campaign Reform Act.

Mr. WAMP. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS) who has shown exemplary demeanor all day today.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding this time to me, and as the gentleman from Pennsylvania (Mr. PETERSON) was speaking, I, for one, thought how good it was to have him come back after his surgery but how I disagreed with him on his basic point. The bottom line is this bill eliminates soft money, the unregulated money from individuals, corporations, labor unions, and other interest groups. It calls the sham issue ads what they are, campaign ads, which means to run them free speech, but have to have disclosure, and that is something that is not in the substitute offered by the gentleman from California (Mr. DOOLITTLE). He does not want the sham issue ads to be disclosed even though he says he is for disclosure.

Mr. Chairman, the third thing it does is we require immediate disclosure on the Internet of expenditures, and we provide for stronger FEC enforcement; and then anything we have not dealt with in our bill, we deal with in the commission bill.

It has been against the law since 1907 for corporations to contribute to campaigns. It has been against the law since 1947 for union dues money to be used in campaigns. It has been against the law since 1974 for foreign countries to contribute to our campaigns. But all three take place, and they take place through the absurdity of soft money and these sham issue ads.

Mr. Chairman, I believe that dirty disclosed money beats no money any day, and what we do is we provide for disclosure, and we provide for an even field for all who wish to participate in the political process.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I would like to thank the gentleman from Massachusetts for yielding this time to me.

This legislation that is considered in the House of Representatives on September 14, 1999, in my opinion is the most important legislation that we take up in this session. It goes to the heart of the political process in America, the integrity of our electoral process.

All of us know the level of cynicism that exists in our communities regarding politics in America. I believe that all of us have a commitment to try to clean this up. Unfortunately, strong differences of opinion have frustrated these efforts over the last 10 years. Numerous bills have come up. They have been subject to filibusters, to vetoes, to deadlocks, and the inability that we have had between Congress and the White House to agree on how to proceed.

This fall we have an opportunity to agree. We have an opportunity to pass legislation in the House, the Senate, send it to the White House for signature. We cannot let amendments like the one that is under consideration undermine this effort.

Mr. WAMP. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Tennessee has 1 minute remaining.

Mr. WAMP. Mr. Chairman, I just would like to say that this substitute is an honest effort, frankly, to address this issue because it is intellectually pure and ideologically doable, and I applaud the gentleman from California (Mr. DOOLITTLE). Unlike the third substitute amendment which we will consider tonight, the Thomas substitute, which is really not about campaign finance reform, it is about campaign reform and FEC reform and technical corrections, and we tried to make an amendment to the underlying bill instead of a freestanding substitute. This substitute and the Hutchinson substitute are good efforts to look at the alternatives that we have before us.

But this is not an ideologically perfect situation because I do not think the American people would allow us to go back to the way things were a long, long time ago with unlimited contributions. I understand full disclosure would be there and the American people could go out and elect folks, but in this day of money and power and influence and the entertainment industry really having such an impact on people and television being such a powerful medium, I think the people expect us to try our best to fix the current system.

Mr. Chairman, that is what Shays-Meehan does, and I support it and not the substitute.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I rise today in opposition to the substitute amendment, in strong support for the Shays-Meehan bipartisan campaign finance reform act.

An editorial in one of today's newspapers in my home State of Tennessee says it is hard to overestimate the importance of this vote for rebuilding public trust in the American electoral system. Congress has debated campaign finance reform since 1985, and in the meantime the public has only grown more disenchanted with our political process. Americans want their elected representatives to act in their best interests, not in the interest of the privileged few.

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Americans want their representatives to be chosen not based on the richness of their pocketbook but the richness of their character and message. In short, they want a government of the people, by the people, for the people. Let us have the courage to give them what they want, not because it will benefit their fund-raising coffers but because they deserve nothing less. Vote no on the substitute amendment and support real campaign finance reform.

Mr. MEEHAN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 1½ minutes.

Mr. MEEHAN. Mr. Chairman, in many ways, the debate on this substitute is a debate that I think crystallizes the differences of opinion of what we are doing. Many of the substitutes and many of the amendments are really designed to cloud the issue, are really designed to fool the public. That is not the case with this substitute. This is a case of a difference of opinion.

The gentleman from California (Mr. DOOLITTLE), and I respect his honesty, would like to repeal all contribution limits. He wants to end the presidential system of public financing, which is an incentive to get the presidential candidates to limit how much money they spend. Yes, in fact, I think this amendment crystallizes the difference between those who think we should have more money in the election process in this country and those of us who believe we should try to lessen the influence of money in American politics.

I have to say, I think the American people are with those of us who want to lessen the influence. Two out of three Americans think that money has an excessive influence on elections and government policy. According to the Committee of Economic Development, a group of CEOs, two-thirds of the public think that their own representative in Congress would listen to the views of outsiders who made large political contributions before a constituent's views, and 92 percent of the people think that too much money is being spent on political campaigns in our country.

So this is a clear choice. Whether one wants to have more money spent, more wealthy individuals spending unlimited amounts of money so that somehow elections become we are going to compete with soap suds or Coca Cola or Pepsi, or whether or not we are going to reform this system, let us defeat this substitute and pass Shays-Meehan tonight.

Mr. DOOLITTLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlemen from California (Mr. DOOLITTLE) is recognized for 5½ minutes.

Mr. DOOLITTLE. Mr. Chairman, I hate to talk about myself as an example but I think I will, just to illustrate the point of view that I have about this. I could talk about Eugene McCarthy, the Senator who was able to run for President, was not subject to this because this law did not exist in those days. I think he said he raised a million dollars from ten people. It was enough money to basically successfully move out of the presidential race the incumbent President Lyndon Johnson. He definitely made a huge impact on the affairs of the Nation by the step that he took. I think many, looking back, would view what he did as a positive step for the Nation.

I could talk about Senator James Buckley who has authored an excellent article, and it is interesting because this is the plaintiff in the famous Buckley versus Valeo case, who is now a senior judge with the U.S. Circuit Court of Appeals for the District of Columbia. If I have time, I will quote from this article, but it is in the current issue of National Review. September 27 is the date; great article. It is an interesting perspective by the author.

Let me just talk about why I am so opposed to the other approach, the big government one, the increased regulatory approach, which I submit has never worked and cannot work and will not work, which I also submit is largely unconstitutional and would be struck down by the Supreme Court under the precedents that have been set, but even beyond that is highly undesirable because it is going to have the effect of curtailing political speech before elections, which is just when we want to have all the information and speech that we can get.

Yes, people are cynical, I acknowledge that as well, but unfortunately this sort of failed approach piling on more of the same old failing approaches is not going to relieve the cynicism.

The Washington Times correctly refers to this as a campaign finance charade; and unfortunately, I believe that is correct.

Let me just go to my own case. When I ran for office in 1980, no one had ever heard of me. I had never held any political office of any kind, but I cared about crime and education and taxes and I ran and I was able to get support from a relative handful of people that were willing to put in substantial amounts of money just like they did for Senator McCarthy.

Had I been forced to run under the present laws we have today, I would never have been successful; I could not have been because when one does not have any name ID or any notoriety, one cannot get lots of contributions from the general electorate just by sending out a mailing. Nobody has ever heard of his name. So one needs the ability, as a challenger, to be able to go and raise seed money. It is not because money buys elections. Money does not buy elections. That has been demonstrated time and time again. The gentleman from Pennsylvania (Mr. PETERSON) very accurately stated the realities there.

However, one can never win an election without money. Money is what gives one the opportunity to present their views to the electorate.

I just think the arguments are so circuitous; it is like black is white and white is black when I listen to this debate.

I am taking the position I am taking because I want the average person to be able to run for office. The wealthy can already run for office. In fact, they are the only ones in the whole country that have no spending limit under the present law. They can spend whatever they choose to get elected. It is only the rest of us that are limited in terms of the contributions that we can receive.

Existing government regulation of campaigns is poisoning our system, and yet despite that fact, despite the fact that soft money is a symptom of the problem, it is not the problem, it is being treated as the problem.

What happens with a patient? I am not a doctor but I have been sick and we all know people who have been. What happens when the doctors treat the symptom rather than the problem? The patient is not cured.

This problem has been misdiagnosed for 25 years. We have been piling on more and more and more regulations. It is like the doctor that gives a prescription and the patient is still sick so he doubles the dosage. The patient comes back sicker yet. He doubles it again.

Voter participation has continued to decline coincidentally, though not a coincidence in my view, with the enactment of the 1974 amendments to the Federal Election Campaign Act, the very law that we are faced with today.

The more we pile on regulation, the more we discourage people from participating; the more we reward the wealthy and those who have notoriety. What is the matter with a person of average means being able to run for office and going and getting some other people who have greater means to back him, or back her, and get those views out?

Money does not buy the elections but money is the means of communicating the views to the electorate and then the electorate can decide. I ask for an "aye" vote.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND) to close on our side.

Mr. KIND. I thank my friend, the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Chairman, I rise in opposition to the Doolittle substitute and in strong support of the Shays-Meehan bill. I think there is just a fundamental difference between these two different bills. If my colleagues believe there is too much money in the political system, then support Shays-Meehan. If my colleagues believe there is too much influence of money in the political process, then support Shays-Meehan.

The difference between the two is very simple. Rather than take a step to contain the big dollar contributions to the political parties, Doolittle would blow the lid off current contribution limits. Instead of reducing the influence of special interest money, the Doolittle substitute would start a bidding war.

Shays-Meehan, on the other hand, would eliminate the biggest of the big money contributions to the political process, the unregulated soft money contributions.

This chart demonstrates the trend of soft money contributions during presidential election years. In 1988, it was roughly $45 million; but then it escalates every presidential year after this. In 1992, $86 million; 1996, $262 million; and if current projections of the first 6 months of this year hold true, we are looking at between $500 million to $750 million in soft money contributions in this next election cycle.

The people across the country see what is happening. They may not understand the nuances of current campaign finance rules, but they do understand that there is too much money in the political system and that money translates into access and influence.

What is funny about today's debate is some of the CEOs who are making these large soft money contributions are also saying that the system is broken and needs fixing. In fact, a business group called the Committee for Economic Development recently endorsed campaign finance reform. The chairman of that committee calls the current system a "shakedown" and business executives have no choice but to "play by the rules of the game."

It is time to rewrite the rules of that game and eliminate soft money contributions. So I urge my colleagues to reject this "show-me-the-money" substitute bill that is being offered and instead support true comprehensive campaign finance reform, the Shays-Meehan bill.

This vote is long overdue. For almost three years we have heard about the abuses in the campaign finance system. We have heard from our constituents that they feel their voice has been drowned out by the big money special interests who push their own agenda. We have heard a lot of rhetoric from leaders in Washington who say they want to clean up our elections yet have failed to allow a vote on changing the system until now, when it is too late to affect this year's elections.

There are many members of this body who are committed to reform of our broken campaign finance system. I applaud the efforts of my friends Congressmen SHAYS and MEEHAN for their courageous leadership on this issue. The Shays-Meehan bill will take the biggest money out of the political process and bring some control to the independent expenditures that have come to dominate our elections. It is a good first step to fix a problem that has no simple solution.

I had worked in the last session of Congress with a bipartisan coalition of freshman members of Congress to craft our own campaign finance reform bill. That bill is a substitute bill being considered today. I will not support that bill this year because it is more narrow in focus, although it still gets at the most common abuses in the campaign system without a constitutional threat. Since Shays-Meehan passed the last session of Congress, and because it is more comprehensive, I will continue my support for it.

Both the Shays-Meehan substitute and the Hutchinson substitute are honest, bipartisan attempts to fix our broken election process. I believe that this House works best when we work in a bipartisan manner, and that is how both these bills were created. However, because only one bill can advance today, given the current rules of debate, that bill should be Shays-Meehan.

Ultimately this debate boils down to the belief that there is too much money in campaigns. If you support that idea, as I do and most constituents I talk to in western Wisconsin do, then you support campaign finance reform. If you believe that we need more money in the system then you will oppose Shays-Meehan.

The majority of the public doesn't believe that Congress has the courage to change a system that appears to benefit our own interests. Today we have the opportunity to show the public that we can take the big money out of this system and put elections back into the hands of the people we are sworn to represent. It's time to reduce the cynicism in our political process and increase the credibility of this democratic institution. Support the Shays-Meehan campaign reform bill.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. DOOLITTLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 306, not voting 10, as follows:

[Roll No. 419]

AYES—117

Armey
Ballenger
Barr
Barton
Bateman
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
DeLay
Dickey
Doolittle
Dreier
Dunn
Ehrlich
Everett
Fossella
Fowler
Gekas
Gibbons
Goodlatte
Goss
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hunter
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
Largent
Latham
Lewis (KY)
Linder
Lucas (OK)
McCrery
McInnis
McIntosh
McKeon
Miller (FL)
Miller, Gary
Nethercutt
Norwood
Oxley
Packard
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Ryun (KS)
Salmon
Scarborough
Schaffer
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Spence
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Watkins
Weldon (FL)
Whitfield
Wicker
Young (AK)

NOES—306

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shows
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Hastings (FL)
Kingston
Lewis (CA)
Martinez
Pryce (OH)
Ros-Lehtinen
Shaw
Slaughter
Visclosky
Young (FL)

□ 2104

Mr. GRAHAM changed his vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Chairman, on rollcall No. 419, I was unavoidably detained on official business. Had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 106–311.

AMENDMENT NO. 12 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 12 in the nature of a substitute offered by Mr. HUTCHINSON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaign Integrity Act of 1999".

TITLE I—SOFT MONEY AND CONTRIBUTIONS AND EXPENDITURES OF POLITICAL PARTIES

SEC. 101. BAN ON SOFT MONEY OF NATIONAL POLITICAL PARTIES AND CANDIDATES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON USE OF SOFT MONEY BY NATIONAL POLITICAL PARTIES AND CANDIDATES

"SEC. 323. (a) NATIONAL PARTIES.—A national committee of a political party, including the national congressional campaign committees of a political party, and any officers or agents of such party committees, may not solicit, receive, or direct any contributions, donations, or transfers of funds, or spend any funds, which are not subject to the limitations, prohibitions, and reporting requirements of this Act. This subsection shall apply to any entity that is established, financed, maintained, or controlled (directly or indirectly) by, or acting on behalf of, a national committee of a political party, including the national congressional campaign committees of a political party, and any officers or agents of such party committees.

"(b) CANDIDATES.—

"(1) IN GENERAL.—No candidate for Federal office, individual holding Federal office, or any agent of such candidate or officeholder may solicit, receive, or direct—

"(A) any funds in connection with any Federal election unless such funds are subject to the limitations, prohibitions and reporting requirements of this Act;

"(B) any funds that are to be expended in connection with any election for other than a Federal office unless such funds are not in excess of the amounts permitted with respect to contributions to Federal candidates and political committees under section 315(a)(1) and (2), and are not from sources prohibited from making contributions by this Act with respect to elections for Federal office; or

"(C) any funds on behalf of any person which are not subject to the limitations, prohibitions, and reporting requirements of this Act if such funds are for the purpose of financing any activity on behalf of a candidate for election for Federal office or any communication which refers to a clearly identified candidate for election for Federal office.

"(2) Exception for certain activities.—Paragraph (1) shall not apply to—

"(A) the solicitation or receipt of funds by an individual who is a candidate for a non-Federal office if such activity is permitted under State law for such individual's non-Federal campaign committee; or

"(B) the attendance by an individual who holds Federal office or is a candidate for election for Federal office at a fundraising event for a State or local committee of a political party of the State which the individual represents or seeks to represent as a Federal officeholder, if the event is held in such State.

"(c) Prohibiting Transfers of Non-Federal Funds Between State Parties.—A State committee of a political party may not transfer any funds to a State committee of a political party of another State unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) Applicability to Funds From All Sources.—This section shall apply with respect to funds of any individual, corporation, labor organization, or other person.".

SEC. 102. INCREASE IN AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS TO POLITICAL PARTIES.

(a) In General.—The first sentence of section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "in any calendar year" and inserting the following: "to political committees of political parties, or contributions aggregating more than $25,000 to any other persons, in any calendar year".

(b) Conforming Amendment.—Section 315(a)(1)(B) of such Act (2 U.S.C. 441a(a)(1)(B)) is amended by striking "$20,000" and inserting "$25,000".

SEC. 103. REPEAL OF LIMITATIONS ON AMOUNT OF COORDINATED EXPENDITURES BY POLITICAL PARTIES.

(a) In General.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by striking paragraphs (2) and (3).

(b) Conforming Amendments.—Section 315(d)(1) of such Act (2 U.S.C. 441a(d)(1)) is amended—

(1) by striking "(d)(1)" and inserting "(d)"; and

(2) by striking ", subject to the limitations contained in paragraphs (2) and (3) of this subsection".

SEC. 104. INCREASE IN LIMIT ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES TO NATIONAL POLITICAL PARTIES.

Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(B)) is amended by striking "$15,000" and inserting "$20,000".

TITLE II—INDEXING CONTRIBUTION LIMITS

SEC. 201. INDEXING CONTRIBUTION LIMITS.

Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by adding at the end the following new paragraph:

"(3)(A) The amount of each limitation established under subsection (a) shall be adjusted as follows:

"(i) For calendar year 2001, each such amount shall be equal to the amount described in such subsection, increased (in a compounded manner) by the percentage increase in the price index (as defined in subsection (c)(2)) for each of the years 1999 through 2000.

"(ii) For calendar year 2005 and each fourth subsequent year, each such amount shall be equal to the amount for the fourth previous year (as adjusted under this subparagraph), increased (in a compounded manner) by the percentage increase in the price index for each of the four previous years.

"(B) In the case of any amount adjusted under this subparagraph which is not a multiple of $100, the amount shall be rounded to the nearest multiple of $100.".

TITLE III—EXPANDING DISCLOSURE OF CAMPAIGN FINANCE INFORMATION

SEC. 301. DISCLOSURE OF CERTAIN COMMUNICATIONS.

(a) In General.—Any person who expends an aggregate amount of funds during a calendar year in excess of $25,000 for communications described in subsection (b) relating to a single candidate for election for Federal office (or an aggregate amount of funds during a calendar year in excess of $100,000 for all such communications relating to all such candidates) shall file a report describing the amount expended for such communications, together with the person's address and phone number (or, if appropriate, the address and phone number of the person's principal officer).

(b) Communications Described.—A communication described in this subsection is any communication which is broadcast to the general public through radio or television and which mentions or includes (by name, representation, or likeness) any candidate for election for Senator or for Representative in (or Delegate or Resident Commissioner to) the Congress, other than any communication which would be described in clause (i), (iii), or (v) of section 301(9)(B) of the Federal Election Campaign Act of 1971 if the payment were an expenditure under such section.

(c) Deadline for Filing.—A person shall file a report required under subsection (a) not later than 7 days after the person first expends the applicable amount of funds described in such subsection, except that in the case of a person who first expends such an amount within 10 days of an election, the report shall be filed not later than 24 hours after the person first expends such amount. For purposes of the previous sentence, the term "election" shall have the meaning given such term in section 301(1) of the Federal Election Campaign Act of 1971.

(d) Place of Submission.—Reports required under subsection (a) shall be submitted—

(1) to the Clerk of the House of Representatives, in the case of a communication involving a candidate for election for Representative in (or Delegate or Resident Commissioner to) the Congress; and

(2) to the Secretary of the Senate, in the case of a communication involving a candidate for election for Senator.

(e) Penalties.—Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this section,

shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

SEC. 302. REQUIRING MONTHLY FILING OF REPORTS.

(a) Principal Campaign Committees.—Section 304(a)(2)(A)(iii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)(iii)) is amended to read as follows:

"(iii) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (i), a post-general election report shall be filed in accordance with clause (ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) Other Political Committees.—Section 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended to read as follows:

"(4)(A) In a calendar year in which a regularly scheduled general election is held, all political committees other than authorized committees of a candidate shall file—

"(i) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (ii), a post-general election report shall be filed in accordance with clause (iii), and a year end report shall be filed no later than January 31 of the following calendar year;

"(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election; and

"(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election.

"(B) In any other calendar year, all political committees other than authorized committees of a candidate shall file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.".

(c) Conforming Amendments.—(1) Section 304(a) of such Act (2 U.S.C. 434(a)) is amended by striking paragraph (8).

(2) Section 309(b) of such Act (2 U.S.C. 437g(b)) is amended by striking "for the calendar quarter" and inserting "for the month".

SEC. 303. MANDATORY ELECTRONIC FILING FOR CERTAIN REPORTS.

(a) In General.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: ", except that the Commission shall require the reports to be filed and preserved by such means, format, or method, unless the aggregate amount of contributions or expenditures (as the case may be) reported by the committee in all reports filed with respect to the election involved (taking into account the period covered by the report) is less than $50,000.".

(b) Providing Standardized Software Package.—Section 304(a)(11) of such Act (2 U.S.C. 434(a)(11)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) The Commission shall make available without charge a standardized package of software to enable persons filing reports by electronic means to meet the requirements of this paragraph.”.

SEC. 304. WAIVER OF “BEST EFFORTS” EXCEPTION FOR INFORMATION ON OCCUPATION OF INDIVIDUAL CONTRIBUTORS.

Section 302(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(i)) is amended—

(1) by striking “(i) When the treasurer” and inserting “(i)(1) Except as provided in paragraph (2), when the treasurer”; and

(2) by adding at the end the following new paragraph:

“(2) Paragraph (1) shall not apply with respect to information regarding the occupation or the name of the employer of any individual who makes a contribution or contributions aggregating more than $200 during a calendar year (as required to be provided under subsection (c)(3)).”.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply with respect to elections occurring after January 2001.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. DAVIS of Florida. Mr. Chairman, I rise to ask to control the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. DAVIS) is recognized for 20 minutes.

Mr. DAVIS of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut (Mr. SHAYS) be allowed to control 7 minutes of my time, and the gentleman from Massachusetts (Mr. MEEHAN) be allowed to control an additional 7 minutes of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

I want to extend to my colleagues, Mr. Chairman, congratulations on the manner in which this debate is being conducted. I see people engaged in this debate who are extremely passionate about their views, about their philosophy. I believe there is a great deal of sincerity in this Chamber, and there are a lot of different viewpoints that are expressed. I believe my colleagues on both sides of the aisle have engaged in this debate in a good-faith fashion, caring about this issue.

We have been here before. We look back in the last Congress, and we all engaged in this debate. Some of us look around and say, it is not as exciting this time. There is some truth to that, because some of us have looked ahead and we sort of anticipate as to where this is going.

I want to call this Chamber back to a moment of seriousness and reflection on the importance of what we are doing. Looking back to when I first came to Congress, I came with some of the most exciting group of freshmen that I have ever been associated with. It was during those early days when we were meeting as a freshman class, the Democrats and Republicans, and we said, what can we work together on?

I look over to my good friend, the gentleman from Florida (Mr. DAVIS), and we all said, there are some things we can do. We looked at campaign finance reform. The Democrats said, let us get six Democrats, let us get six Republican freshmen together, and let us go to work as a task force and see what good we can do. It has been the most exciting and rewarding endeavor that I have been engaged in.

I look back on that with great fondness, because we heard from the constitutional experts, we heard from people who are affected by it, the candidates, the political leaders. We said, we have got to do some things that have not been done before. The problem in this Congress is that we have always looked to the extremes. We have always gone directions in which we could not go to the common ground, and nothing passed. Let us do something different.

So we adopted a couple of principles. One of them is that we should avoid the extremes when we deal with this issue. Secondly, we should be realistic, what can really get passed; not what is ideal, what is perfect, not what we can do, but what we can do together, and to be realistic? The third principle is, let us follow the Constitution.

So taking those three simple principles, we drafted a bill. It is not something that the gentleman from Florida (Mr. DAVIS) wanted, it is not something I wanted, it is not something my good friend, the gentleman from Maine (Mr. ALLEN) wanted. It is something that we wanted together, because we wanted it to pass and become a reality.

So we came up with a simple bill, and simple bills are always dangerous. When we presented this, immediately we were greeted with, well, you all just got here and you do not understand how this system works. That will never work. Both the Democrat leadership and the Republican leadership were concerned about it. The Senate was concerned about it, because they saw our bill as something that was unique, that had never been tried before, that was common ground, something that could actually pass.

So we adopted a simple bill. There are three key elements to this substitute that is being considered today. One is stopping the soft money game. It bans the soft money to the Federal parties. Secondly, it strengthens the role of the individuals and the parties by indexing the contribution limits to inflation, so we empower individuals more, and we make their contribution more meaningful in the political process.

Thirdly, we increase information to the public, so they will know more information more timely about who contributes to the political process. Three key elements: It meets the constitutional standard, it is realistic, it avoids the extremes.

This year we came back for it. Some of my Democrat colleagues, who I still appreciate the way they engaged in this enterprise with us, but they said that they would prefer the Shays-Meehan. In my judgment, they just simply drifted back a little bit to what was the extreme, that which has been tried before and which could not pass before.

I admire them for their commitment to that philosophy, but the fact is, we are still here, we are still debating the same subject, and we still have the same needs to be realistic, to avoid the extremes, and to be constitutional.

So as I met with the gentleman from Missouri (Mr. HULSHOF), the gentleman from Montana (Mr. HILL), the gentleman from Texas (Mr. BRADY), the gentleman from Kansas (Mr. MORAN). We said, what shall we introduce this year? We all looked at it and said, we cannot get a better product. We worked at it, and we cannot get a better product. We said, we can tinker with it here, we can make it something more to our liking. We said, no, we cannot get a better product.

We introduced this year the exact same bill that my freshmen colleagues on the Democrat side supported in the last Congress. So here we are again, and we are presenting it. We are asking for the Members' support for this substitute. We believe it is a good reform, constitutional, and realistic.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the outstanding leaders of the freshman class of the last Congress.

Mr. PASCRELL. Mr. Chairman, as a freshman lawmaker in the 105th Congress, I joined a bipartisan coalition of fellow freshmen in crafting legislation that would reform our fatally flawed campaign finance system. I am proud to say that we were able to bridge the partisan gap that too often pervades our debate over legitimate public policy. We crafted a bill that Members on both sides of the aisle could support.

Our freshmen task force, remember what it was called, literally drove the debate when it seemed dead, and later joined the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) to defeat a number of poison pill amendments that would have killed any chance of comprehensive reform.

My friends, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. ALLEN), were effective voices during the debate last year. The bill our coalition supported is and was a good bill. It drove the debate.

As I voted against my own bill last year, I plan to vote against the Hutchinson substitute today, not because it is not an improvement over our current system, but because we are offered an opportunity for what I believe is a better bill, a bill that would not be voted on this evening if it were not for the courage of both the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Maine (Mr. ALLEN), and those who believe in productive change.

Mr. Chairman, we must again pass Shays-Meehan and send a message to the American people that a bipartisan coalition in this body shares the same view of 90 percent of Americans. Ninety percent of Americans believe in this view. Our current campaign finance system needs real reform. It is time to stop making money the deciding factor in American politics and to restore power to where it belongs, with the American voter.

We have all of us here helped to disenfranchise the average voter, making him or her feel helpless to have an impact on the American governmental system.

□ 2115

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN) who has been extraordinarily instrumental in pushing this bill forward in support of campaign finance reform.

Mr. MORAN of Kansas. Mr. Chairman, I just finished hosting 66 town hall meetings across the 66 counties of the First District of Kansas during the August recess; and my constituents, like the rest of the country, feel alienated from government and from politics.

The conventional wisdom that the ordinary citizen no longer has a say in our government is growing and that their voices are drowned out by a sea of special interests and campaign contributors is prevalent. Unfortunately, their concerns are often justified.

I rise this evening in support of the Campaign Integrity Act and want to thank the gentleman from Arkansas (Mr. HUTCHINSON) for his hard work in bringing this legislation before this session of Congress. Ever since we were elected in 1996, the gentleman from Arkansas (Mr. HUTCHINSON) has worked to achieve a bipartisan solution to improve our campaign finance laws. I support this legislation because it represents real reform, it is constitutional, and it is our best chance in passing legislation this year to help restore public faith in our system of campaigns and elections.

By banning so-called soft money at the Federal level this bill closes the biggest loophole in our current finance system. Soft money contributions effectively shred the contribution limits in our current campaign finance law. As long as we allow special interests to contribute millions from soft money outside the regulated campaign finance system, the public will remain skeptical about the integrity of our system.

This legislation also improves the disclosure requirements for candidates running for federal office. It would provide more detailed information regarding the origin of campaign contributions and the time in which they need to be reported. It also calls for electronic disclosure to allow voters more timely access to campaign information.

Finally, this bill improves disclosure requirements for third party groups and lobbying organizations which run television and radio advertisements. Unlike other campaign reform proposals, this bill does not seek to restrict or regulate free speech of outside groups. It only seeks to inform the public about who is running the ads. Organizations that stand by their messages and by their missions have nothing to fear from this legislation.

As students return to the classroom this fall in high schools and colleges across the country, they will be taught the virtues of political democracy. Those students cannot help but be skeptical of a system that is perceived and perhaps in reality is driven by dollars rather than people. They need to know that their voice matters. They need to know that this still is their government. This legislation provides a common-sense evenhanded approach to help restore the faith in our American political process.

Mr. Chairman, I urge the adoption of the Hutchinson substitute.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I stand in admiration of the gentleman from Kansas (Mr. MORAN), who just spoke, for doing 66 town hall meetings. I think he deserves the iron man award. But I must disagree with him.

I rise in support of truth in advertising, in support of Shays-Meehan and in opposition to this amendment in the nature of a substitute. This substitute does not address a fundamental problem, and that is sham issue ads.

The Hutchinson substitute requires disclosure of expenditures that exceed $25,000 per candidate or $100,000 per multiple candidates. The Shays-Meehan bill strengthens the definition of express advocacy to include any communication that contains unambiguous and unmistakable support for or opposition to a clearly identified Federal candidate and requires disclosure of the expenditure that exceeds $1,000 within 20 days of election or those aggregating $10,000 at any time leading up to 20 days before the election.

I fully support organizations to make their positions known and to report on the voting record of elected officials, but I do not support organizations that hide behind this right to advocate the election or defeat of particular candidates.

Shays-Meehan does not take away the rights of organizations to express their views. It does require them, when advocating the election or defeat of a specific candidate, to play by the same rules as official campaigns. The Hutchinson substitute does not do this.

I urge my colleagues to vote against the substitute and for real campaign finance reform. Vote "no" on the Hutchinson substitute and vote "yes" for Shays-Meehan.

Mr. DAVIS of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, let me thank the gentleman from Florida (Mr. DAVIS) for yielding me this time.

Mr. Chairman, I have listened to the debate. I have listened to each of my colleagues address the various amendments and now the substitutes. I think there is broad consensus that we need to reform our current campaign finance system.

Let me just give my colleagues my short list of the problems. We spend too much time raising money. We spend too much money in campaigns. We spend too much unreported money in campaigns. There are too many loopholes in the system. It is corrupting the system, and we are losing more and more public confidence that our system is truly objective.

Now, each one of us could craft what we think is the perfect bill. Each one of us could develop what we think would be the answer. But if we are going to be able to accomplish campaign finance reform, I agree with the author of this substitute.

We need to support the campaign finance reform that has the only chance of being enacted this year and that is the Shays-Meehan bill. This is the bill that the public understands and supports. I believe each of us understands that if we had any chance to pass campaign finance reform this year, we need to support the Shays-Meehan bill. It is a comprehensive bill that deals with the under-regulated soft money. Each of us understands why we need to deal with that.

In a letter written to our Speaker just recently by business leaders, they indicated that soft money distorts the process. It is more than doubling every 2 years the amount of money being spent on soft money. We need to do something about it. It is out of control. We need to close the loophole on so-called issue advocacy expenditures. We know that is wrong. We need to improve the Federal disclosure laws.

So if my colleagues are for comprehensive campaign finance reform, they really have only one choice, and that choice is to defeat the substitutes and support Shays-Meehan. If we do that, we have our best chance this year of listening to our constituents and doing something about the system to make it work for public confidence.

Mr. HUTCHINSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Montana (Mr. HILL) who has been an extraordinary leader in this effort, but most important, he has been a former State party chairman and has a great deal of expertise.

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Arkansas for yielding me this time.

Mr. Chairman, the American people do not believe that Congress can reform the campaign finance laws. The reason they believe that is that they believe that politicians will not reform a system that they depend upon for their survival. I am fearful tonight that we are going to confirm that belief.

In the past, reforms or so-called reforms have acted to protect incumbents to keep them getting reelected. That has worked. Ninety percent of incumbents get reelected to this body. One of the reasons for that is that challengers cannot raise the resources they need to challenge the incumbents.

Everyone knows the basic rule we learn around here when we come to orientation, and that is we go out and we raise enough money to keep a challenger out of our race. And it works. Many people do not have a challenger.

There are parts of the Shays-Meehan bill that I support energetically, enthusiastically: the ban on soft money going to our national parties, for example. There are parts that I have concerns about: the limits on the speech of outside groups that will surely, in my judgment, be struck down by the court.

But the part that I object most to is the fact that it is an incumbent protection plan, and here is why: By banning the soft money to parties, it makes the parties dependent on hard money. Hard money is limited individual contributions, and those are limited in total, how much a person can give in total to all parties and all candidates in a year.

So it puts the parties in competition with their own candidates. It is even now going to put parties in competition with outside groups who want to express their views.

The result is that parties are going to get that money, and incumbents are going to get that money, and probably those outside groups are going to get that money. But who is going to get left out? Challengers are going to get left out. Incumbents already have huge advantages in frank mail and media attention and fund-raising, and Shays-Meehan adds to those advantages.

Now, in my view, Shays will virtually guarantee the reelection of incumbents. That is why I call it an incumbent protection act. There is another choice, and that is the Hutchinson substitute tonight.

If my colleagues support, as I do, a ban on soft money, support the Hutchinson substitute. If my colleagues support, as I do, protecting free speech, then they would want to support the Hutchinson substitute. If my colleagues believe, as I do, that if we really wanted to reform campaigns, we need to promote competitive campaigns, the only choice is the Hutchinson substitute.

It solves those problems, and it does it this way: It creates a separate limit for parties and a separate limit for candidates. So there is no competition between candidates and their parties. It bans soft money. It deals with issue ads by saying, if they are truly issue ads, then they have to be managed like issue ads, and that is to report it as a lobbying activity which appropriately it is.

Now, there is another reason to support this substitute as well, and that is because it could actually become law. The Senate has repeatedly rejected the Shays-Meehan bill. If my colleagues really believe in reform and if they want common sense reform, and they want it actually to become law, then this is the way to make that happen.

If my colleagues vote no on the Hutchinson substitute, they are going to confirm the suspicions of the American people that my colleagues do not really believe in campaign reform.

My colleagues have an opportunity tonight to vote for real reform. I urge my colleagues to support the Campaign Integrity Act, the Hutchinson substitute.

Mr. HUTCHINSON. Mr. Chairman, may I inquire as to the balance of my time.

The CHAIRMAN. The gentleman from Arkansas (Mr. HUTCHINSON) has 9 minutes remaining. The gentleman from Florida (Mr. DAVIS) has 4 minutes remaining. The gentleman from Connecticut (Mr. SHAYS) has 5½ minutes remaining. The gentleman from Massachusetts (Mr. MEEHAN) has 4½ minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman from Connecticut for yielding me this time.

Mr. Chairman, let me begin by saying that the Hutchinson bill is a noble effort by the author and his cosponsors. As far as I am concerned, on the substance, the Hutchinson bill passes all the right tests. It passes all the tests of good policy. Every component of the Hutchinson bill is good legislation.

Unfortunately, it fails the one most crucial test, and that is its ability to garner a bipartisan large overwhelming passing number in this House. In fact, in the last session, the Hutchinson bill received 147 votes, 105 votes fewer than the Shays-Meehan bill. The HUTCHINSON bill was only able to garner 26 Democrats to support it.

This is the most partisan place on earth, and everything we do is constantly geared to one party gaining advantage over the other, and there is nothing wrong with that. The two-party system works.

But campaign finance reform is like nuclear disarmament. Even if we can find within ourselves the nobility to put our own personal interests aside and not protecting incumbencies, we have to achieve campaign finance reform in a way that lets both sides across the aisle look each other in the eye and say "This does not give my party advantage over yours. This does not give your party advantage over mine. And that is the only way that we will ever succeed in this effort."

Only Shays-Meehan meets that test. Unfortunately, sadly, the work of the gentleman from Arkansas (Mr. HUTCHINSON), as good as it is, does not meet that test. For that reason, I urge Shays-Meehan support.

□ 2130

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, this has been a very constructive debate, and I appreciate the various ideas that my colleagues have offered. But the American people are asking us to do our job tonight, finally, once and for all.

Seventy-eight percent of them are believing that the current set of laws that control congressional campaign funding need reform. Eighty-five percent believe that campaign finance reform is necessary to reduce the influence of special interests. Seventy-four percent believe that they have nothing to do with political life, it is only the big interests.

So I think because we have struck a bipartisan collaborative effort in the Shays-Meehan legislation on campaign finance reform, let us do our job tonight.

The Shays-Meehan legislation specifically makes it very clear when we see ads on television that they are unambiguous, they are unmistakably for or against an opponent. They do not confuse them. They know who they do not want to vote for because it says what this is about.

In the shadow of this, the beginning of the election of 2000, when presidential campaigns are raising a whopping $50 million before federal campaign funds are matching, the American people want us tonight, Mr. Chairman, to do something.

Vote for the Shays-Meehan, real campaign finance reform.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have listened to the debate, and I am impressed with all of the words that I hear. But I am concerned about the Hutchinson substitute because it does gut some of the reforms of Shays-Meehan.

First, it indexes individual contribution limits, allowing them to automatically increase over time. Increasing individual contribution limits tells the American public that we think federal offices are for sale. Raising contribution limits marginalizes the participation of the poorest Americans and even minorities.

If we raise the limits, we are telling the American people and the American public that the richer we are, the better we are and we have to be rich to be heard.

This substitute really is a vote in favor of continuing to let money run our political system. A vote for the Hutchinson substitute tells the world that federal offices really are for sale. And most glaringly, the Hutchinson substitute tells America that to be protected they must be rich, it will cost them.

So I would ask that everyone support the Shays-Meehan and vote against the Hutchinson.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), who has really been a team player, who has been very outspoken on the issue of campaign finance reform.

Mr. BRADY of Texas. Mr. Chairman, the American dream is unique to our Nation. It means that no matter where we were born or of what means, if we work hard enough, if we want it bad enough, we can be anything, anything we want to be in this life, including a Member of Congress.

These days I am not so sure that American dream is going to be around for our young people. Today the average cost of winning an open seat in Congress is just about a million dollars. It is a million dollars, and it is doubling every 4 years.

That means a lots of good people in my community and a lot of good people in years to come are not going to be able to raise their hands to run for Congress because they do not have a million dollars; they do not even know where they would find it.

Well, it is not that perhaps the very wealthy cannot make good decisions. The point is, in a representative democracy like ours, I do not want to wake up some day and see that people from all walks of life cannot serve in this great body. I am convinced they can.

The Hutchinson bill takes a big step in restoring us to a citizen Congress from all walks of life. It is balanced. It does not give an edge to either political party, and it is constitutionally sound.

Today let me make a prediction. Shays-Meehan will pass this House and Shays-Meehan will die yet another death in the Senate, as it did last year.

Now, for some that is not a problem, but for me it is. I am convinced the reason people do not raise campaign finance in the polls as often is that they have given up hope it will actually do something. And every year it fails, every year it fails to pass into law, we discourage more people.

So my message is to the Senate, after Shays-Meehan dies, as it inevitably will, if they are serious about real reform that is constitutionally very sound, can actually become the law of the land, take a look at Hutchinson.

We are a little like the girl next door. When we get tired of chasing the prom queen and we are looking for real substance, the Hutchinson reform bill is here. It closes the soft money loophole. It preserves free speech and returns us to a citizen Congress. And more importantly, Hutchinson offers hope for those Americans who have lost hope that Congress will do the right thing to restore a citizen Congress to make it harder for incumbents to push us back in our districts to listen to our people. Hutchinson offers hope.

Mr. SHAYS. Mr. Chairman, I yield myself 2 minutes to refute, especially since my wife is in the gallery, that I am chasing the prom queen.

First off let me say that whenever the gentleman from Arkansas (Mr. HUTCHINSON) is involved in starting the flow of the debate, it always starts in a tone that to me is what makes me proud to be in this chamber, Republicans and Democrats talking about what we agree and disagree on. I just appreciate what he and his fellow freshmen have done. They have had an important role in helping us.

They could have an even more important role instead of giving the Senate an excuse to vote against campaign finance reform if their amendment fails, their substitute, that they then vote for our bill to enable it to have more support in the House and more impact in the Senate.

The bottom line is that we have two loopholes in our campaign law. One is soft money, the unlimited sums contributed by individuals, corporations, labor unions, and other interest groups. The gentleman from Arkansas (Mr. HUTCHINSON) and his colleagues deal with part of that. They ban soft money on the federal level. But they do not ban soft money on the State level for federal elections, and that will still allow corporations and labor unions to provide unlimited sums through corporate treasury money and union dues money. We shut that off.

The other thing they do not deal with are the sham issue ads. We do not outlaw them. We just simply call them what they are, campaign ads. Something interesting happens when we call them a campaign ad. We cannot use corporate money, and we cannot use union dues money. So we really believe that we need to deal with those issues.

We did not reach for the stars. This is not public funding. We did not reach for the stars. This is not half-price radio and TV. This is a middle-ground bill. And I really believe we can pass it in the Senate.

But even if we pass it in the Senate, do my colleagues really believe the Senate is going to vote for any bill exactly the way we send it to them? They are going to vote for their bill.

So I encourage my colleagues to vote against the Hutchinson bill and send this bill to the Senate.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in opposition to the Hutchinson substitute.

The first legislative act I took when I came to Congress in January was to cosponsor the Shays-Meehan bill. I did that because I believe that there is a crisis of confidence among voters in our political process. They know it is broken.

If we are ever going to restore the full trust of the American people in their Government, we must reform the campaign fiance system. The trust is vital if we are ever going to meet challenges like guaranteeing Social Security, improving our schools, increasing access to health care.

The public will not accept any solutions crafted here if they believe the solutions exist just for the special interests.

The Shays-Meehan bill would bar soft money; it would expose deceptive ads for what they really are, campaign ads. It would require new disclosure rules. These are partial, but essential, reforms.

By contrast, the Hutchinson substitute would simply redirect these funds to State political parties and allow the parties to continue to raise unlimited soft money. With double-existing hard money amounts, it is not reform; it is a step backwards.

Pass the Shays-Meehan bill, not a substitute.

Mr. HUTCHINSON. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. HULSHOF) who is the president of the freshmen class that initiated campaign finance reform and has done an outstanding job.

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me the time.

To my good friend from Connecticut and to the gentleman from Massachusetts, we have been laboring today under the old adage that "If at first you don't succeed, try, try again." Yet, those of us who support the Hutchinson substitute, we believe we are engaged in an exercise of futility.

The definition of "insanity" is taking exactly the same action and expecting a different result. The fact is that the Shays-Meehan bill is not going to pass in the Senate. The stage is set. The lights are up. The actors are ready. And they have handed us the same script. And guess what? The ending is the same.

Now, I want to respond to two consistent themes that have been heard throughout the day. I heard one colleague that suggested that in order to accomplish reform we are going to have to navigate a mine field of poison pills, as if every legitimate substitute not named "Shays-Meehan" somehow deserved a scarlet letter.

Well, Mr. Chairman, there are some of us who are really sincere reformers who choose not to kneel at the altar of every bill that has been anointed by some in this House or some in the Beltway. I think that the refusal to budge or compromise on the underlying bill has poisoned the well of campaign reform.

The gentleman from Pennsylvania spoke earlier about the bipartisan majority in the last debate. Yes, there were 250 new votes. I was one of them. I reluctantly supported Shays-Meehan last time because it was the only train leaving the station.

Quite frankly, if we were honest with ourselves in this body, I would think that we would agree that there were probably some jail-house converts last time who knew they were going to get a free vote on reform because the bill was going to fail in the Senate.

Regarding the merits of the Hutchinson alternative, it does ban soft money at the federal level. It prohibits States from transferring soft money. First, it allows States to decide for themselves and their own State legislatures whether or not to ban soft money at the State level for party building or get-out-the-vote efforts. But there is a firewall that is built between the State campaigns and the federal campaigns. Some have declared this some sort of a loophole. I respectfully disagree.

In Missouri, if they run for Statewide office, they can accept business contributions or corporate donations; and yet that money cannot be transferred to a federal candidate running for office. In the same way, the Hutchinson bill sets up an impenetrable firewall. And so we ban soft money at the federal level.

To the gentlewoman who spoke earlier about indexing the caps for inflation, if we ban some money at the federal level, I believe we have to index and raise the amount of money available in hard dollars.

I submit, Mr. Chairman, it is easy for newspaper editors or broadcast journalists across this country to wrap their arms around an extreme type of campaign reform because to them speech is free. And yet, if we want to refute or rebut a poisonous editorial, it costs us precious campaign dollars.

Without indexing limits for inflation, two things happen: either wealthy candidates will fund their own extravagant campaigns for office, or incumbents get the benefits of the present campaign zone. Because, as the gentleman from Montana pointed out, we have the ability to have name recognition or we have the ability of franked mail and the advantages of the incumbency.

For those of us who first ran unsuccessfully for Congress as a challenger, we need to keep the playing field level for challengers and incumbents alike. I think the Hutchinson bill is the best effort regarding that alternative.

□ 2145

Finally, I believe it is time that we send a new piece of legislation to the Senate. This act takes a realistic and practical approach to reforming our Nation's campaign laws. I urge its support.

Mr. Chairman, I rise today in support of H.R. 1867, The Campaign Integrity Act of 1999, introduced by my colleague Representative HUTCHINSON. It is important to remember this legislation is the product of a bipartisan group of newly-elected Members last Congress. Through hearings and testimony, this legislation is a compromise approach to reforming our federal campaign finance structure. This core group of reformers stand before this chamber with an importaht alternative to the Shays-Meehan legislation.

In discussions with many of my colleagues and after reading the bills handicaps in several news articles, one item stands as a striking difference with this years debate on campaign finance reform. This debate lacks the drama presented by last year's discussion. The radical and rarely used tool of the discharge petition has been rendered ineffective and the outcome of this debate on campaign finance reform seems all too certain. With the lights dimmed and the pre-debate rhetoric toned down, the House plans to run the same play with the confidence of the American people hanging in the balance.

During last year's debate I challenged my colleagues to support the "freshmen bill" because it cut a swath down the middle of the campaign finance reform debate. Members could receive the same accolades from editorial boards across the country and their constituents for banning soft money, improving disclosure, and dealing with issue advertisements without harming the Constitution's provision for free speech. These three key elements continue to be the mantel of most campaign finance reform supporters.

However, it is incumbent upon us today to determine how these fundamental provisions of reform can make their way past the Senate and to the President's desk. Passing campaign finance reform measures out of the House, which we know will fall upon the same fate as it did last Congress in the Senate, does very little toward reforming the current inadequacies of how federal campaigns are financed. Mr. Chairman, we risk permanent damage to the faith of our individual constituents who feel their voices go unrecognized in the current political process. Passing Shays-Meehan and voting down the incremental but substantive strategy the Hutchinson bill provides will do little more than feed the flames of cynicism that Congress will never enact legislation to address the shortcomings of funding federal campaigns.

My fellow colleagues, it is interesting that on the day we consider campaign finance reform that we are in the thick of the annual appropriations process. I know that when I consider my vote on any one of the 13 appropriations' bills I begin by asking myself if I can support the compromise reached in the legislation before the House. Are there provisions within the bill that I find objectional enough to withhold my support of the overall legislation? No one gets everything they would like in each appropriations bill and the appropriations process clearly becomes a work of compromise. I ask my colleagues to use this same strategy in this campaign finance reform debate. Put aside your pride of ownership so that we may get substantive campaign finance reform that can pass the Senate and become law. Congress has been sold a bill of goods that there is only one way you can be for reform of the current financing systems supporters of the underlying bill have placed the scarlet letter of a "poison pill" on every other alternative. The only thing being poisoned is the well of effective campaign finance reform that is the end result of passing the Shays-Meehan bill and making it increasingly unlikely that Congress will enact meaningful reform. Adopting a strategy that simply tries the same thing twice is something Congress rarely does because it often doesn't work. I hope every constituent and newspaper editors ask the question; "Who are the real reformers?" when we continue to try a failed strategy. A martyr's death does nothing to help restore confidence in our political system.

It's time to send a new piece of legislation to the United States Senate. The Campaign Integrity Act takes a realistic and practical approach to reforming our country's campaign finance laws. By taking a step in the right direction the House can pass legislation that both focuses on reforming the most egregious campaign finance abuses, while standing the best chance of passing the Senate and being signed into law by the President. Let's restore the faith of the American people and pass legislation that moves towards meaningful campaign finance reform. I urge support of the Campaign Integrity Act of 1999.

Mr. MEEHAN. Mr. Chairman, I yield 90 seconds to the gentleman from Washington (Mr. INSLEE), a leader in campaign finance reform.

Mr. INSLEE. Mr. Chairman, I rise in favor of Shays-Meehan and against the substitute. In doing so, I would like to make a freshman observation. The observation I would like to make is that those of us in this Chamber have a unique opportunity in the world tonight. I say in the world tonight, because while there are other legislators elected by their constituents in other places in the world, some even older than our democracy, like Iceland, none of them represent the Taj Mahal of democracy which is the American democratic system. And so when we act tonight to try to refine our system, let me suggest that we must act with assertion, we must act in a stalwart manner, and we have got to act aggressively.

Right now, the substitute acts with benign neglect of the biggest virus on the body politic in our country right now, which are bogus issue ads, bogus issue ads, which both parties and all special interests are taking out a political hammer and trying to beat their opponent over the head with it and seeking immunity in doing so by saying, "It wasn't a hammer, it was only a blunt instrument."

The damage to the health of democracy is the same whether we call them hammers or blunt instruments. We have got to make sure we address issue advocacy. The substitute has an abject failure to do so. Shays-Meehan recognizes that the special interests have found a giant loophole. They are taking those hammers and they are walking through. We have got to shut that down.

We have got the Taj Mahal of democracy. We have got real democracy. Let us have real reform and end issue ads.

The CHAIRMAN. The Chair would advise that the gentleman from Arkansas (Mr. HUTCHINSON) has 2½ minutes remaining, the gentleman from Connecticut (Mr. SHAYS) has 2 minutes, the gentleman from Massachusetts (Mr. MEEHAN) has 2 minutes, and the gentleman from Florida (Mr. DAVIS) has 2 minutes.

Mr. HUTCHINSON. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Florida (Mr. DAVIS), a member of the committee, has the right to close.

Mr. SHAYS. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, how many times did the civil rights bill come up on the floor of this Chamber? Do we not owe a debt to those who in the face of having been defeated kept trying? How many times did the Brady bill come up, and those of us who were concerned about handgun violence kept bringing it up, and finally it did pass. To be told that we cannot try Shays-Meehan one more time after one failure is a rebuke to the previous experience of those two particular examples, and hundreds of others.

We are told that the Shays-Meehan bill does not admit amendments or compromise. That is not true. Twenty-three amendments were passed last year and of those, 20 were incorporated in the bill this year. This bill has borne the benefit of the compromise process.

Why is it important to try? Because as the gentleman from Washington (Mr. INSLEE) who just spoke pointed out, there is a critical part of Shays-Meehan that is not in the Hutchinson bill. It deals with the sham ads. Why not try? Then if the bill gets over to the Senate and it turns out they do not like that provision, they can work their will over there. A motion can be made to strike the sham issue ads provision, and then we will go to conference and the result will be much like just the Hutchinson bill, in other words, a bill that just bans soft money. But if we do not try, we will never get there. We will never get the chance to ban sham issue ads.

How serious are sham issue ads? Oh, they are serious. Think about it just for a minute. If you run a campaign ad saying, "Vote for me," you can only use donations that are $1,000 maximum. But if instead your party says, you're a splendid candidate, a great individual and deserve to be in Congress, they can use any amount of money, unregulated, because they did not say, "Vote for me."

We have seen this at the Presidential level. An actual ad from the last Presidential campaign points out, "Medicare slashed . . . then Dole resigns, leaving behind gridlock he and Gingrich created." That was with soft money. Here is the one with hard money: "The President stands firm. A balanced budget protects Medicare; disabled children; no again. Now Dole resigns, leaves the gridlock he and Gingrich created." They are the same thing.

Let us try to close that loophole.

How about the soft money loophole? It also is closed in the Shays-Meehan, but not in Hutchinson.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

Mr. DAVIS of Florida. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

The CHAIRMAN. The gentlewoman from Ohio is recognized for 1 minute.

Ms. KAPTUR. Mr. Chairman, there is a simple reason for voting against the Hutchinson substitute. A vote for it destroys the first and only bipartisan piece of campaign finance reform ever to be passed in this Chamber. It destroys the only bill that will close the soft money loophole. Should this bill pass, it will pull the rug out from under Shays-Meehan. We cannot let that happen. The Hutchinson substitute does not stop soft money from influencing our Federal elections. It only does half the job. While this amendment calls for a ban on Federal soft money, it does not stop State parties from spending soft money on Federal elections.

That is like bolting the front door to protect yourself from burglars while hanging a neon sign on the back door that says, "Come on in." It is a shell game. You are only moving the soft money from the Federal parties to the State parties.

The American people deserve better. The substitute leaves in place the current loophole through which unlimited dollars are funneled into Federal elections through sham issue ads as well.

Please vote against the Hutchinson substitute. America must do better. Vote against the substitute.

Mr. HUTCHINSON. Mr. Chairman, I yield myself the balance of my time.

Again I want to thank my colleagues for their gracious spirit and the way they engaged in this debate, but I want to come back to some of the things that have been said. First of all I appreciate the kudos, that this is a noble effort, a great job. We need votes in this, votes that will change the dynamics in this body. I appreciate the compliments.

The gentleman from California (Mr. CAMPBELL) is an extraordinary legal scholar, but he wants to challenge the Supreme Court, and he has got guts there, but I do not think when you are dealing with campaign finance reform, you ought to go right in the face of the Supreme Court. I think they make these decisions for a reason, and it is the loophole of the sham ads that you talk about, that loophole is called the first amendment. I think it is something to be cherished, something that is to be regarded, something that should not be discarded lightly. So I have problems with that approach, that we are just going to go up to the Supreme Court, we are going to cost citizens millions of dollars and we are not going to worry about it and hope they change their mind. I think that is the wrong approach.

The gentlewoman from Ohio just talked about that this is not a bipartisan bill. I would remind my colleagues that this is inherently bipartisan. It is inherently bipartisan because my friends worked together with this. Now, they switched gears on us. In fact in the last vote there were 60 Democrats that voted "present." I would urge my friends to reconsider that vote and vote positive for this, the bill that you supported.

If you look at where we are right now, this bill is going to go to the Senate. I hope we have a great vote. I hope we win. I hope people change their mind, but I am realistic. Shays-Meehan will most likely pass. It is going to go to the Senate for the third time. The first time it could not get the votes. The second time it could not get the votes. What will happen this time? I have talked to some of you privately, you say, "We know it doesn't have the votes in the Senate," but we are going to send it over there for the third time.

I want to look to the future in a positive sense. I hope that the Senate will take some of these ideas and forge a bill that will pass. But what happens if they reject Shays-Meehan the third time? Next spring, are we going to give up? Are we going to tell the American voters, "We can't do it"? Please, I plead with my colleagues, when it comes back next year, let us reconsider our position, let us be flexible, let us work together and get something, what we originally said we were going to do, which is common ground, common ground that we can send over there and be passed. Then we can look back on this Congress and say, We did something. We worked together. We accomplished something. It passed, for the first time in 25 years.

Do you believe in your heart Shays-Meehan will be the one to do that? I urge support for the Hutchinson substitute.

Mr. MEEHAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we enact campaign finance reform once in a generation. The last time we enacted meaningful, comprehensive campaign finance reform was in the post-Watergate era. For a while that system worked pretty well. But over a period of the last 20 to 25 years, loopholes have developed in the law, loopholes being that incredible amounts of soft money, over and above the legal limits, are being spent to influence elections in our country. An incredible amount, millions of dollars in sham issue ads are being spent to influence elections in our country. So we now have a unique opportunity to pass comprehensive campaign finance reform. We have to make sure that when we pass this bill, we do not pass a bill that already has loopholes in it.

The Hutchinson amendment fails to close the soft money loophole because it enables the insurance companies and the tobacco companies and all of these special interests to circumvent the Federal parties and influence Federal campaigns by going to the States. Many of these States do not even have disclosure requirements of this money. It is too big of a loophole. It does not do anything about reining in sham issue ads. It is too big of a loophole. We have to deal with both of these problems. That is why we have to pass this bill.

Finally, a majority of the Members of the Senate have supported this legislation. The only reason it has not passed is we have not gotten the 60 votes over there to break a filibuster. We are going to be able to do it because eventually the public will win this argument. Vote for Shays-Meehan.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida (Mr. DAVIS) is recognized for 1½ minutes.

Mr. DAVIS of Florida. Mr. Chairman, the Hutchinson bill on balance is a good bill. I want to commend the gentleman from Arkansas (Mr. HUTCHINSON), the gentleman from Missouri (Mr. HULSHOF), the gentleman from Maine (Mr. ALLEN) and all of us who worked very hard to put it together. It was the best we could do under some very rough circumstances, over opposition from Democrats and Republicans here. But I disagree with the gentleman from Arkansas (Mr. HUTCHINSON) when he says we cannot do better. We have to do better. Look how far we have come just in the last year.

Last year, we as freshmen had to fight like dogs just to get the bill heard on the floor of the House. We encountered numerous forms of subterfuge just to be heard on the merits. Tonight we have been much more successful in having an open and honest debate on campaign finance reform. We have had some very strong votes here tonight, Democrats and Republicans. We are making progress. We are starting to make it clear that we have found a way to close two of the most gaping loopholes in the system.

Shays-Meehan has been to the Senate only once, not twice. It will go over there again tonight. Last year 52 Senators, Democrats and Republicans, voted in favor of the McCain-Feingold companion to our bill. Can they do better? They have to do better. Our system of democracy depends upon it.

Let us not sell ourselves short tonight. Let us instead be ambitious. Let us pass the strongest campaign finance reform bill that we can. Let us send it to the Senate. We will negotiate and try to produce something that is meaningful to close two of these most gaping loopholes, because the money continues to pour in at record rates. We have got to do something and we can help put the Senate in the right direction. I would urge defeat of the Hutchinson amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HILL of Montana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 99, noes 327, not voting 7, as follows:

[Roll No. 420]

AYES—99

Aderholt
Archer
Bachus
Baker
Ballenger
Barcia
Barton
Bateman
Blunt
Bono
Brady (TX)
Burr
Burton
Buyer
Callahan
Chabot
Coble
Coburn
Collins
Combest
Cook
Cunningham
Davis (VA)
Diaz-Balart
Dickey
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fowler
Gekas
Gibbons
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hill (MT)
Hobson
Hoekstra
Hulshof
Hutchinson
Jenkins
John
Jones (NC)
Kolbe
LaHood
Largent
Linder
McCollum
McCrery
McKeon
Miller (FL)
Moran (KS)
Myrick
Ney
Nussle
Oxley
Paul
Peterson (MN)
Petri
Pickering
Radanovich
Riley
Rohrabacher
Royce
Ryan (WI)
Salmon
Scarborough
Scott
Sensenbrenner
Shimkus
Shuster
Smith (NJ)
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Vitter
Walden
Watkins
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—327

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Baldwin
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green (TX)
Greenwood
Hall (OH)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Phelps

Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—7

Gutierrez
Hastings (FL)
Kingston
Peterson (PA)
Pryce (OH)
Ros-Lehtinen
Shaw

☐ 2219

Mr. WELDON of Pennsylvania changed his vote from "aye" to "no."

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 106–311.

AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 13 in the nature of a substitute offered by Mr. THOMAS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Campaign Reform and Election Integrity Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References in act.

TITLE I—BAN ON FOREIGN CONTRIBUTIONS

Sec. 101. Extension of ban on foreign contributions to all campaign-related disbursements; protecting equal participation of eligible voters.

TITLE II—IMPROVING REPORTING OF INFORMATION

Sec. 201. Mandatory electronic filing for certain reports; expediting reporting of information.
Sec. 202. Reporting of secondary payments; expansion of other types of information reported.
Sec. 203. Disclosure requirements for certain soft money expenditures of political parties.

TITLE III—STRENGTHENING ENFORCEMENT AND ADMINISTRATION OF FEDERAL ELECTION COMMISSION

Sec. 301. Standards for initiation of actions and written responses by Federal Election Commission.
Sec. 302. Banning acceptance of cash contributions greater than $100.
Sec. 303. Deposit of certain contributions and donations to be returned to donors in Treasury account.
Sec. 304. Alternative procedures for imposition of penalties for reporting violations.
Sec. 305. Abolition of ex officio membership of Clerk of House of Representatives and Secretary of Senate on Commission.
Sec. 306. Broader prohibition against force and reprisals.
Sec. 307. Signature authority of members of Commission for subpoenas and notification of intent to seek additional information.

TITLE IV—SIMPLIFYING AND CLARIFYING FEDERAL ELECTION LAW

Sec. 401. Application of aggregate contribution limit on calendar year basis during non-election years.
Sec. 402. Treatment of lines of credit obtained by candidates as commercially reasonable loans.
Sec. 403. Repeal Secretary of Commerce reports on district-specific population.
Sec. 404. Technical correction regarding treatment of honoraria.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. REFERENCES IN ACT.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Federal Election Campaign Act of 1971 .

TITLE I—BAN ON FOREIGN CONTRIBUTIONS

SEC. 101. EXTENSION OF BAN ON FOREIGN CONTRIBUTIONS TO ALL CAMPAIGN-RELATED DISBURSEMENTS; PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS.

(a) PROHIBITION ON DISBURSEMENTS BY FOREIGN NATIONALS.—Section 319 (2 U.S.C. 441e) is amended—

(1) in the heading, by striking "contributions" and inserting "donations and other disbursements";

(2) in subsection (a), by striking "contribution" each place it appears and inserting "donation or other disbursement"; and

(3) in subsection (a), by striking the semicolon and inserting the following: ", including any donation or other disbursement to a political committee of a political party and any donation or other disbursement for an independent expenditure;".

(b) CODIFICATION OF REGULATIONS PROHIBITING USE OF FOREIGN FUNDS BY MULTICANDIDATE POLITICAL COMMITTEES; PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.—Section 319 (2 U.S.C. 441e) is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following new subsections:

"(b) It shall be unlawful for any person organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States to make any donation or other disbursement to any candidate for political office in connection with an election for any political office, or to make any donation or other disbursement to any political committee or to any organization or account created or controlled by any United States political party, unless such donation or disbursement is derived solely from funds generated from such person's own business activities in the United States.

"(c) Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contributions, donations, and other disbursements made on or after the date of the enactment of this Act.

TITLE II—IMPROVING REPORTING OF INFORMATION

SEC. 201. MANDATORY ELECTRONIC FILING FOR CERTAIN REPORTS; EXPEDITING REPORTING OF INFORMATION.

(a) REQUIRING ELECTRONIC FILING WITHIN 24 HOURS OF CERTAIN CONTRIBUTIONS AND INDEPENDENT EXPENDITURES MADE WITHIN 90 DAYS OF ELECTION.—

(1) IN GENERAL.—Section 304(a) (2 U.S.C. 434(a)) is amended by adding at the end the following new paragraph:

"(12)(A) Notwithstanding any other provision of this Act, each political committee described in subparagraph (B)(i) that receives a contribution in an amount equal to or greater than $200, and any person described in subparagraph (B)(ii) who makes an independent expenditure, during the period which begins on the 90th day before an election and ends at the time the polls close for such election shall, with respect to any information required to be filed with the Commission under this section with respect to such contribution or independent expenditure, file and preserve the information using electronic mail, the Internet, or such other method of instantaneous transmission as the Commission may permit, and shall file the information within 24 hours after the receipt of the contribution or the making of the independent expenditure.

"(B) For purposes of subparagraph (A)—

"(i) a political committee described in this clause is a political committee that has received an aggregate amount of contributions equal to or greater than $50,000 with respect to the election cycle involved; and

"(ii) a person described in this clause is a person who makes an aggregate amount of independent expenditures during the election cycle involved or during any of the 2 previous 2-year general election cycles in an amount equal to or greater than $10,000.

"(C) The Commission shall make the information filed under this paragraph available on the Internet immediately upon receipt.".

(2) INTERNET DEFINED.—Section 301(19) (2 U.S.C. 431(19)) is amended to read as follows:

"(19) The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.".

(b) REQUIRING REPORTS OF CERTAIN FILERS TO BE TRANSMITTED ELECTRONICALLY; CERTIFICATION OF PRIVATE SECTOR SOFTWARE.—Section 304(a)(11)(A) (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: ", except that in the case of a report submitted by a person who reports an aggregate amount of contributions or expenditures (as the case may be) in all reports filed with respect to the election cycle involved (taking into account the period covered by the report) in an amount equal to or greater than $50,000, the Commission shall require the report to be filed and preserved by electronic mail, the Internet, or such other method of instantaneous transmission as the Commission may permit. The Commission shall certify (on an ongoing basis) private sector computer software which may be used for filing reports by such methods.".

(c) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE WITHIN 20 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6)(A) (2 U.S.C. 434(a)(6)(A)) is amended—

(1) by striking "after the 20th day, but more than 48 hours before any election" and inserting "during the period which begins on the 20th day before an election and ends at the time the polls close for such election"; and

(2) by striking "48 hours" the second place it appears and inserting the following: "24 hours (or, if earlier, by midnight of the day on which the contribution is deposited)".

(d) REQUIRING ACTUAL RECEIPT OF CERTAIN INDEPENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—

(1) IN GENERAL.—Section 304(c)(2) (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—

(A) by striking "shall be reported" and inserting "shall be filed"; and

(B) by adding at the end the following new sentence: "Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.".

(2) CONFORMING AMENDMENT.—Section 304(a)(5) (2 U.S.C. 434(a)(5)) is amended by striking "or (4)(A)(ii)" and inserting "or (4)(A)(ii), or the second sentence of subsection (c)(2)".

(e) CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.—

(1) IN GENERAL.—Section 304(b) (2 U.S.C. 434(b)) is amended—

(A) by inserting "(or election cycle, in the case of an authorized committee of a candidate for Federal office)" after "calendar year" each place it appears in paragraphs (2), (3), (4), and (7); and

(B) in paragraph (6)(A), by striking "calendar year" and inserting "election cycle".

(2) ELECTION CYCLE DEFINED.—Section 301 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) ELECTION CYCLE.—Except as the Commission may otherwise provide, the term 'election cycle' means, with respect to an election, the period beginning on the day after the date of the most recent general election for the office involved and ending on the date of the election.".

(f) CLARIFICATION OF PERMISSIBLE USE OF FACSIMILE MACHINES AND ELECTRONIC MAIL TO FILE REPORTS.—Section 304(a)(11)(A) (2 U.S.C. 434(a)(11)(A)) is amended by striking "method," and inserting the following: "method (including by facsimile device or electronic mail in the case of any report required to be filed within 24 hours after the transaction reported has occurred),".

SEC. 202. REPORTING OF SECONDARY PAYMENTS; EXPANSION OF OTHER TYPES OF INFORMATION REPORTED.

(a) REQUIRING RECORD KEEPING AND REPORT OF SECONDARY PAYMENTS BY CAMPAIGN COMMITTEES.—

(1) REPORTING.—Section 304(b)(5)(A) (2 U.S.C. 434(b)(5)(A)) is amended by striking the semicolon at the end and inserting the following: ", and, if such person in turn makes expenditures which aggregate $5,000 or more in an election cycle to other persons (not including employees) who provide goods or services to the candidate or the candidate's authorized committees, the name and address of such other persons, together with the date, amount, and purpose of such expenditures;".

(2) RECORD KEEPING.—Section 302 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) A person described in section 304(b)(5)(A) who makes expenditures which aggregate $5,000 or more in an election cycle to other persons (not including employees) who provide goods or services to a candidate or a candidate's authorized committees shall provide to a political committee the information necessary to enable the committee to report the information described in such section.".

(3) NO EFFECT ON OTHER REPORTS.—Nothing in the amendments made by this subsection may be construed to affect the terms of any other recordkeeping or reporting requirements applicable to candidates or political committees under title, III of the Federal Election Campaign Act of 1971.

(b) INCLUDING REPORT ON CUMULATIVE CONTRIBUTIONS AND EXPENDITURES IN POST ELECTION REPORTS.—Section 304(a)(7) (2 U.S.C. 434(a)(7)) is amended—

(1) by striking "(7)" and inserting "(7)(A)"; and

(2) by adding at the end the following new subparagraph:

"(B) In the case of any report required to be filed by this subsection which is the first report required to be filed after the date of an election, the report shall include a statement of the total contributions received and expenditures made as of the date of the election.".

(c) INCLUDING INFORMATION ON AGGREGATE CONTRIBUTIONS IN REPORT ON ITEMIZED .CONTRIBUTIONS.—Section 304(b)(3) (2 U.S.C. 434(b)(3)) is amended—

(1) in subparagraph (A), by inserting after "such contribution" the following: "and the total amount of all such contributions made by such person with respect to the election involved"; and

(2) in subparagraph (B), by inserting after "such contribution" the following: "and the total amount of all such contributions made by such committee with respect to the election involved".

SEC. 203. DISCLOSURE REQUIREMENTS FOR CERTAIN SOFT MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) (2 U.S.C. 434(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;".

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) If a political committee of a State or local political party is required under a State or local law, rule, or regulation to submit a report on its disbursements to an entity of the State or local government, the committee shall file a copy of the report with the Commission at the time it submits the report to such an entity.".

TITLE III—STRENGTHENING ENFORCEMENT AND ADMINISTRATION OF FEDERAL ELECTION COMMISSION

SEC. 301. STANDARDS FOR INITIATION OF ACTIONS AND WRITTEN RESPONSES BY FEDERAL ELECTION COMMISSION.

(a) STANDARD FOR INITIATION OF ACTIONS BY FEC.—Section 309(a)(2) (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe" and all that follows through "of 1954," and inserting the following: "it has a reason to seek additional information regarding a possible violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 that has occurred or is about to occur (based on the same criteria applicable under this paragraph prior to the enactment of the Campaign Reform and Election Integrity Act of 1999),".

(b) REQUIRING FEC TO PROVIDE WRITTEN RESPONSES TO QUESTIONS.—

(1) IN GENERAL.—Title III (2 U.S.C. 431 et seq.) is amended by inserting after section 308 the following new section:

"OTHER WRITTEN RESPONSES TO QUESTIONS

"SEC. 308A. (a) PERMITTING RESPONSES.—In addition to issuing advisory opinions under section 308, the Commission shall issue written responses pursuant to this section with respect to a written request concerning the application of this Act, chapter 95 or chapter 96 of the Internal Revenue Code of 1986, a rule or regulation prescribed by the Commission, or an advisory opinion issued by the Commission under section 308, with respect to a specific transaction or activity by the person, if the Commission finds the application of the Act, chapter, rule, regulation, or advisory opinion to the transaction or activity to be clear and unambiguous.

"(b) PROCEDURE FOR RESPONSE.—

"(1) ANALYSIS BY STAFF.—The staff of the Commission shall analyze each request submitted under this section. If the staff believes that the standard described in subsection (a) is met with respect to the request, the staff shall circulate a statement to that effect together with a draft response to the request to the members of the Commission.

"(2) ISSUANCE OF RESPONSE.—Upon the expiration of the 3-day period beginning on the date the statement and draft response is circulated (excluding weekends or holidays), the Commission shall issue the response, unless during such period any member of the Commission objects to issuing the response.

"(c) EFFECT OF RESPONSE.—

"(1) SAFE HARBOR.—Notwithstanding any other provisions of law, any person who relies upon any provision or finding of a written response issued under this section and who acts in good faith in accordance with the provisions and findings of such response shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

"(2) NO RELIANCE BY OTHER PARTIES.—Any written response issued by the Commission under this section may only be relied upon by the person involved in the specific transaction or activity with respect to which such response is issued, and may not be applied by the Commission with respect to any other person or used by the Commission for enforcement or regulatory purposes.

"(d) PUBLICATION OF REQUESTS AND RESPONSES.—The Commission shall make public any request for a written response made, and the responses issued, under this section. In carrying out this subsection, the Commission may not make public the identity of any person submitting a request for a written response unless the person specifically authorizes to Commission to do so.

"(e) COMPILATION OF INDEX.—The Commission shall compile, publish, and regularly update a complete and detailed index of the responses issued under this section through which responses may be found on the basis of the subjects included in the responses.".

(2) CONFORMING AMENDMENT.—Section 307(a)(7) (2 U.S.C. 437d(a)(7)) is amended by striking "of this Act" and inserting "and other written responses under section 308A".

(c) STANDARD FORM FOR COMPLAINTS; STRONGER DISCLAIMER LANGUAGE.—

(1) STANDARD FORM.—Section 309(a)(1) (2 U.S.C. 437g(a)(1)) is amended by inserting after "shall be notarized," the following: "shall be in a standard form prescribed by the Commission, shall not include (but may refer to) extraneous materials,".

(2) DISCLAIMER LANGUAGE.—Section 309(a)(1) (2 U.S.C. 437g(a)(1)) is amended—

(A) by striking "(a)(1)" and inserting "(a)(1)(A)"; and

(B) by adding at the end the following new subparagraph:

"(B) The written notice of a complaint provided by the Commission under subparagraph (A) to a person alleged to have committed a violation referred to in the complaint shall include a cover letter (in a form prescribed by the Commission) and the following statement: 'The enclosed complaint has been filed against you with the Federal Election Commission. The Commission has not verified or given official sanction to the complaint. The Commission will make no decision to pursue the complaint for a period of at least 15 days from your receipt of this complaint. You may, if you wish, submit a written statement to the Commission explaining why the Commission should take no action against you based on this complaint. If the Commission should decide to seek additional information, you will be notified and be given further opportunity to respond.'".

SEC. 302. BANNING ACCEPTANCE OF CASH CONTRIBUTIONS GREATER THAN $100.

Section 315 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) No candidate or political committee may accept any contributions of currency of the United States or currency of any foreign country from any person which, in the aggregate, exceed $100.".

SEC. 303. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS IN TREASURY ACCOUNT.

(a) IN GENERAL.—Title III (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"TREATMENT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS

"SEC. 323. (a) TRANSFER TO COMMISSION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, if a political committee intends to return any contribution or donation given to the political committee, the committee shall transfer the contribution or donation to the Commission if—

"(A) the contribution or donation is in an amount equal to or greater than $500 (other than a contribution or donation returned within 90 days of receipt by the committee); or

"(B) the contribution or donation was made in violation of section 315, 316, 317, 319, or 320 (other than a contribution or donation returned within 90 days of receipt by the committee).

"(2) INFORMATION INCLUDED WITH TRANSFERRED CONTRIBUTION OR DONATION.—A political committee shall include with any contribution or donation transferred under paragraph (1)—

"(A) a request that the Commission return the contribution or donation to the person making the contribution or donation; and

"(B) information regarding the circumstances surrounding the making of the contribution or donation and any opinion of the political committee concerning whether the contribution or donation may have been made in violation of this Act.

"(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

"(A) IN GENERAL.—The Commission shall establish a single interest-bearing escrow account for deposit of amounts transferred under paragraph (1).

"(B) DISPOSITION OF AMOUNTS RECEIVED.—On receiving an amount from a political committee under paragraph (1), the Commission shall—

"(i) deposit the amount in the escrow account established under subparagraph (A); and

"(ii) notify the Attorney General and the Commissioner of the Internal Revenue Service of the receipt of the amount from the political committee.

"(C) USE OF INTEREST.—Interest earned on amounts in the escrow account established under subparagraph (A) shall be applied or used for the same purposes as the donation or contribution on which it is earned.

"(4) TREATMENT OF RETURNED CONTRIBUTION OR DONATION AS A COMPLAINT.—The transfer of any contribution or donation to the Commission under this section shall be treated as the filing of a complaint under section 309(a).

"(b) USE OF AMOUNTS PLACED IN ESCROW TO COVER FINES AND PENALTIES.—The Commission or the Attorney General may require any amount deposited in the escrow account under subsection (a)(3) to be applied toward the payment of any fine or penalty imposed under this Act or title 18, United States Code, against the person making the contribution or donation.

"(c) RETURN OF CONTRIBUTION OR DONATION AFTER DEPOSIT IN ESCROW.—

"(1) IN GENERAL.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

"(A) within 180 days after the date the contribution or donation is transferred, the Commission has not made a determination under section 309(a)(2) to seek additional information regarding whether or not the contribution or donation was made in violation of this Act; or

"(B)(i) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to subsection (b); or

"(ii) if the contribution or donation will be used for those purposes, that the amounts required for those purposes have been withdrawn from the escrow account and subtracted from the returnable contribution or donation.

"(2) NO EFFECT ON STATUS OF INVESTIGATION.—The return of a contribution or donation by the Commission under this subsection shall not be construed as having an effect on the status of an investigation by the Commission or the Attorney General of the contribution or donation or the circumstances surrounding the contribution or donation, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.".

(b) AMOUNTS USED TO DETERMINE AMOUNT OF PENALTY FOR VIOLATION.—Section 309(a) (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 323, the amount of the donation involved shall be treated as the amount of the contribution involved.".

(c) DONATION DEFINED.—Section 323, as added by subsection (a), is amended by adding at the end the following:

"(d) DONATION DEFINED.—In this section, the term 'donation' means a gift, subscription, loan, advance, or deposit of money or anything else of value made by any person to a national committee of a political party or a Senatorial or Congressional Campaign Committee of a national political party for any purpose, but does not include a contribution (as defined in section 301(8)).".

(d) DISGORGEMENT AUTHORITY.—Section 309 (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit to the Treasury any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 323.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply to contributions or donations refunded on or after the date of the enactment of this Act, without regard to whether the Federal Election Commission or Attorney General has issued regulations to carry out section 323 of the Federal Election Campaign Act of 1971 (as added by subsection (a)) by such date.

SEC. 304. ALTERNATIVE PROCEDURES FOR IMPOSITION OF PENALTIES FOR REPORTING VIOLATIONS.

(a) IN GENERAL.—Section 309(a)(4) (2 U.S.C. 437g(a)(4)) is amended—

(1) in subparagraph (A)(i), by striking "clause (ii)" and inserting "clauses (ii) and subparagraph (C)"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) Notwithstanding subparagraph (A), in the case of a violation of any requirement under this Act relating to the reporting of receipts or disbursements, the Commission may—

"(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

"(II) based on such finding, require the person to pay a civil money penalty in an amount determined under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate (but which in no event exceeds $20,000).

"(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

"(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination by filing in the United States District Court for the District of Columbia or for the district in which the person resides or transacts business (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.".

(b) Conforming Amendment.—Section 309(a)(6)(A) (2 U.S.C. 437g(a)(6)(A)) is amended by striking "paragraph (4)(A)" and inserting "paragraph (4)".

(c) Effective Date.—The amendments made by this section shall apply with respect to violations occurring on or after January 1, 2001.

SEC. 305. ABOLITION OF EX OFFICIO MEMBERSHIP OF CLERK OF HOUSE OF REPRESENTATIVES AND SECRETARY OF SENATE ON COMMISSION.

Section 306(a) (2 U.S.C. 437c(a)) is amended—

(1) in paragraph (1), by striking "the Secretary of the Senate and the Clerk" and all that follows through "right to vote, and"; and

(2) in paragraphs (3), (4), and (5), by striking "(other than the Secretary of the Senate and the Clerk of the House of Representatives)" each place it appears.

SEC. 306. BROADER PROHIBITION AGAINST FORCE AND REPRISALS.

Section 316(b)(3) (2 U.S.C. 441b(b)(3)) is amended—

(1) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D); and

(2) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) for such a fund to cause another person to make a contribution or expenditure by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal;".

SEC. 307. SIGNATURE AUTHORITY OF MEMBERS OF COMMISSION FOR SUBPOENAS AND NOTIFICATION OF INTENT TO SEEK ADDITIONAL INFORMATION.

(a) Issuance of Subpoenas.—Section 307(a)(3) (2 U.S.C. 437d(a)(3)) is amended by striking "signed by the chairman or the vice chairman" and inserting "signed by any member of the Commission".

(b) Notifications of Intent to Seek Additional Information.—Section 309(a)(2) (2 U.S.C. 437g(a)(2)) is amended by striking "through its chairman or vice chairman" and inserting "through any of its members".

TITLE IV—SIMPLIFYING AND CLARIFYING FEDERAL ELECTION LAW

SEC. 401. APPLICATION OF AGGREGATE CONTRIBUTION LIMIT ON CALENDAR YEAR BASIS DURING NON-ELECTION YEARS.

Section 315(a)(3) (2 U.S.C. 441a(a)(3)) is amended by striking the second sentence.

SEC. 402. TREATMENT OF LINES OF CREDIT OBTAINED BY CANDIDATES AS COMMERCIALLY REASONABLE LOANS.

Section 301(8)(B) (2 U.S.C. 431(8)(B)) is amended—

(1) by striking "and" at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans in the normal course of the person's business.".

SEC. 403. REPEAL SECRETARY OF COMMERCE REPORTS ON DISTRICT-SPECIFIC POPULATION.

(a) Repeal Report by Secretary of Commerce on District-Specific Voting Age Population.—Section 315(e) (2 U.S.C. 441a(e)) is amended by striking "States, of each State, and of each congressional district" and inserting "States and of each State".

(b) Deadline for Reporting of Certain Annual Estimates to Commission.—

(1) Price index.—Section 315(c)(1) (2 U.S.C. 441a(c)(1)) is amended—

(A) by striking "At the beginning" and inserting "Not later than February 15"; and

(B) by striking "as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor,".

(2) Voting age population.—Section 315(e) (2 U.S.C. 441a(e)) is amended by striking "During the first week of January 1975, and every subsequent year," and inserting "Not later than February 15 of 1975 and each subsequent year,".

SEC. 404. TECHNICAL CORRECTION REGARDING TREATMENT OF HONORARIA.

Section 301(8)(B) (2 U.S.C. 431(8)(B)), as amended by section 402, is further amended—

(1) by adding "and" at the end of clause (xiii);

(2) by striking clause (xiv); and

(3) by redesignating clause (xv) as clause (xiv).

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply with respect to elections occurring after January 2001.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentleman from Maryland (Mr. HOYER) framed this debate earlier in the day, I do not think he fully appreciates it but he certainly did, when he said we ought to support the Thomas substitute tomorrow.

We will recall the song, tomorrow, tomorrow, tomorrow is always a day away.

Some of the provisions in my substitute have stretched that day to more than a quarter of a century. Of the more than two dozen provisions in the Thomas substitute, 13 of them have not been addressed since 1976.

Why? The cry has always been for real, for substantive change, change that could become law, let us do it tomorrow.

We are in the middle of this debate in which people who are supporting Shays-Meehan have the latest cracker jack approach. Of course, earlier it was PACs. Before that it was other bogeymen in terms of the system, all of them fundamental threats to the republic, notwithstanding the Supreme Court saying that the First Amendment has to be upheld.

We see another assault on the First Amendment.

What I decided to do, Mr. Chairman, was to examine what the Democrats were offering, what the Republicans were offering, what was obviously in need of change, pull it together and in about two dozen provisions offer change; change that has been needed for more than a quarter of a century in some instances but has never, ever, for some reason, been able to move.

Some of my colleagues might find it ironic, but one of the provisions in my substitute bans foreign soft money in U.S. elections. Another one guarantees the rights of U.S. citizens to contribute to campaigns through Political Action Committees. Whether the PAC is a domestic or a foreign-owned corporation it has to be in the United States. Many of them deal with the current antiquated timing of information. Many of them extend from 1976.

Forty-eight hours in 1976 may have been a relatively long time. Mobile phones were not invented. E-mail was not invented. To a very great extent, the Internet did not exist. There were 200 sites linked through the Advanced Research Project Agency's net, but it certainly was not the Internet. C-SPAN did not exist; neither did CNN or ESPN.

The world has changed in that quarter century, but one thing has not changed: Federal election law. Why? Because whenever anyone offered reasonable and appropriate change, the plea was always tomorrow.

If anybody in this Chamber wants to make law tonight, they ought to take a look at the Thomas substitute because it is, as it will be described, an amalgam of a bunch of good stuff that should have been passed a long time ago; but it was always the latest issue that got in front of it and the latest issue never made it.

This issue will not make it. Shays-Meehan will not become law. If someone wants to make a political statement, then vote for Shays-Meehan. If they want to make law, if they want to change current law, if they want to shorten 48 hours to 24, if they want to take all those people who currently run their financing of their campaigns on their computers and then, because of our current laws run a contest in the campaign office to find a person with the worst handwriting and have them personally fill out the report so that when it gets to the FEC it has to be translated and then put on the electronic medium, what we say is do it electronically if a campaign raises more than $50,000.

Everybody is doing it on computers anyway. These are the kind of changes that we ought to make first. Let us get it right, and then we can discuss how we want to change the world.

It just seems to me that at some time after the invention of compact disk players, after the invention of VCRs, after Larry Bird was elected NBA rookie of the year in 1980, some of these provisions ought to be changed. This is the opportunity.

If my colleagues want to make a statement, vote for Shays-Meehan; if they want to make law, vote for the Thomas substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, we want to make sense today. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Chairman, first I want to applaud the truly bipartisan team so ably lead by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) who have brought us yet again this year to the success that we have seen today on sticking together and doing the right thing.

I want to thank the Speaker of the House for honoring his commitment to allow this legislation to come to the floor with a full and fair debate in September of this year, and we will complete this business in a few moments.

I also want to point out, though, that when my party, the Republican Party, in which I am proud to be an active member, was in the minority here, our party supported most of these same reforms in the minority. The truth is, any minority party is going to support reform and any majority party is going to oppose reform because it is basically essential, they believe, to preserve the current system for their benefit, and therein lies the problem.

This bill is the best effort in 25 years to make major strides towards cleaning up the current system. The American people expect us to do that.

I believe that this is a decision for the ages that we will make in a few minutes. We do have to beat back the Thomas substitute. It is obviously full of things that need to be done, but it is really not campaign finance reform itself, in and of itself. It is campaign reform. It is corrections. It cleans up the current system, but it does not address soft money and the major issues that affect the system today that need to be addressed. So it should be an amendment and not a substitute.

So we will have to beat it back and then bring this to final passage. The vote, though, again Thomas and then for final passage, is a vote really about putting country above party, and that is difficult because the pressures within one's party are to support the leadership, to support the majority. Clearly, it takes courage, I think, for some of us to step out and say this needs to be done.

Countless former Members of this House and the Senate have come out in support of this. It is amazing how many more people support this when they are no longer here, when they no longer face the pressures of reelection or holding the majority. Then they reflect and say, that really needs to be done. Virtually every President that can speak on this issue has said this needs to be done. They are serving really as the conscience of the American electorate and the leadership of our country by saying, yes, I am no longer standing for reelection. I have been there. I know the influences of money on critical policy decisions that affect our great Nation; and, yes, this needs to be done. So we need to listen closely to them as well.

This bill cuts both ways. I believe it is equally harsh on the Republican Party and the Democratic Party.

The Good Book says, the love of money is the root of all evil.

□ 2230

There are too many influential decisions made by money in this institution. Let us pass Shays-Meehan tonight.

Mr. THOMAS. Mr. Chairman, it is my privilege to yield 3 minutes to the gentleman from Illinois (Mr. EWING), a member of the committee.

Mr. EWING. Mr. Chairman, I rise in support of the Thomas substitute, and I urge my colleagues to vote for this substitute. The legislation makes a series of much-needed changes. For instance, there are over 20 provisions in this legislation that will simplify and strengthen laws for FEC reporting and enforcement. In addition, the Thomas substitute places a strict ban on foreign soft money. Finally, one of the problems with the current campaign finance system is not what we know, but what we do not know. This legislation will ensure that more rapid filing requirements, electronic filings, will make it easier for the public to know who is contributing to which federal candidate.

This is why I commend Texas Governor George W. Bush who posted all of his campaign contributors on his Web site for public view. The most important aspect of this debate is information, and we should support legislation that gives us more information, not less.

Once again, it seems that politics will rule the day, though, for supporters of Shays-Meehan, a major portion of the Thomas substitute was taken from the ranking member of the Committee on House Administration, yet politics prevail and he has chosen to oppose the bill with the provisions in it that he himself used to support. It is pretty clear to me that the proponents of this legislation are more concerned about politicizing the issue, rather than actually passing legislation which will improve our current situation.

The Thomas substitute is the only legislation that has a chance to be signed into law. If we do not pass this bill out of this House, that has a chance to be signed into law, the current abuses will go untouched.

I say to my fellow Members that if they really care about going back to their districts and telling their constituents that they supported real campaign finance reform, then support the Thomas substitute. This legislation places a strict ban on foreign soft money contributions to federal candidates. This was the major abuse in the last presidential election, and unless we support this legislation, these abuses can continue.

Mr. Chairman, I urge my colleagues to vote for the Thomas substitute which is the only legislation we will consider here tonight that will be signed into law.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, this amendment is the only obstacle standing between us and passage of the Shays-Meehan bill. Unfortunately, this is not a debate on the merits of this amendment, because the gentleman from Tennessee (Mr. WAMP) and I attempted to offer the substance of this amendment as a separate amendment to Shays-Meehan so that the Members would have an opportunity to vote for this Good Housekeeping measure and for Shays-Meehan, and we were deprived of that opportunity, and so was the body.

This amendment is so innocuous that it comprises mostly recommendations that were unanimously supported by the FEC commissioners. If there is a single Member in this chamber tonight that intends to vote against this amendment, raise their hands. Not a single Member. This is an amendment that should be taken up on the consent calendar that is reserved for technical bills. That is where we should be debating the merits of this. We should not be debating it as a way to submarine Shays-Meehan.

The fight has always been about the right to be heard about the merits of Shays-Meehan on the floor of the House, and we have almost concluded that debate, but let me conclude by citing once again the facts, because the facts speak for themselves. In the 1991/1992 election cycle, $86 million by both political parties was spent in soft money; in 1996, $260 million; in 1970 and 1978, $193 million, more than twice the previous presidential campaign cycle. And in the 2000 election cycle, it is estimated between $500 million and $750 million in soft money. These are unlimited contributions that are not being made for good government.

The facts speak for themselves. Let us defeat this amendment, let us pass it on the consent calendar, and let us pass Shays-Meehan.

Mr. THOMAS. Mr. Chairman, I yield myself 1 minute to give an example of the kinds of things that we propose in the Thomas substitute that simply have been overlooked for more than a quarter of a century. When one makes reports, there is no requirement to show secondary payments. In many campaign reports, they simply list their key campaign support committee, $50,000. We have no idea where that money has been spent, and there is no requirement under federal law to break it down.

What we say we ought to do is to require record keeping and disclosure by political committees in terms of who got the actual payment: the secondary payers, the subcontractors. This is absolutely essential to have an understanding of the flow of money. They say they want to follow the money. They say they want to make sure everyone knows who pays whom. It simply is not done in Shays-Meehan. This is a long overdue change.

It also requires post-election reports to include cumulative information on contributions and expenditures. Those are the kinds of things that will give people a true picture of who contributes and who spends. It is not in theirs; it is in ours.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I rise in strong support of the Thomas substitute to H.R. 417.

This substitute amendment makes meaningful reforms to the current system that are balanced, constitutional and have an actual chance of being signed into law. The banning of foreign soft money improved enforcement ability of the FEC and increased candidate and party disclosure by means of electronic filing and public Internet posting are all much-needed reforms that both parties agree are necessary.

I urge my colleagues to vote for the Thomas substitute, because although it is limited in scope, it provides a fair and balanced reform to the current system and has the potential to pass the Senate this year and become law. By contrast with the Shays-Meehan placebo, the Thomas substitute would make changes that would not unduly favor one party or one philosophy over another after facing judicial scrutiny. Unlike Shays-Meehan, the Thomas substitute will not add to the overwhelming advantage that incumbents have over challengers.

Shays-Meehan is ultimately an incumbent protection bill. It will reduce competition in congressional elections and further sap the vitality of our political process.

Although proponents of Shays-Meehan claim it is the only reform package that has a chance of being enacted, the reality is that the Senate is likely to block the Shays-Meehan bill much as it did last year when a nearly identical measure was reported out of the House.

Mr. Chairman, I urge my colleagues to send something to the Senate that we have a chance of putting into law this year and deserves to be put into law and deals with real abuses in a very balanced and constitutional way. I urge a vote for the Thomas substitute for all of those who are true supporters of campaign finance reform.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, of this amendment it can be said, seldom have so few worked so hard to do so little. Who could be against the little that this substitute proposes? Only those of us who are committed to doing more, who realize that the modest changes proposed by the Shays-Meehan approach are the minimum necessary to bring any real change to this Congress.

Those intent on blocking reform have carefully crafted the rule governing the procedure for this debate so that the approval of any alternative, even one as meager as that advanced by the gentleman from California (Mr. THOMAS), will serve to nullify real reform. The sole purpose of this substitute is not some newly discovered interest in correcting some minor provisions in the Federal Election Code, but it is to defeat true reform, an objective its author has made clear by his repeated votes against cleaning up this mess.

Without a vote for genuine campaign finance reform tonight, special interests will continue to have a strangle hold on this body. The pharmaceutical companies will decide whether seniors get access to prescription drugs. The tobacco companies will decide whether we do anything about nicotine addiction among our young people. The special interests will continue to write a tax code that is replete with loopholes that burden the rest of the American people.

We need a clean sweep of this campaign finance system, not some modest housekeeping touch-up; not mere toothless tinkering with a clearly very broken system. Reject this amendment and adopt true reform.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) has 14 minutes remaining; the gentleman from California (Mr. THOMAS) has 9 minutes remaining.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, let me remind the House that oftentimes when people talk about tomorrow, the other day that they refer to is yesterday. And in this particular case, there was a yesterday not too long ago when the substance of the Thomas legislation was offered as an amendment to Shays-Meehan in committee and the majority decided that they did not want to have it be a part of the Shays-Meehan package.

The plain English of where we are tonight is embodied in the rule that the majority created to govern this debate, that is that this is not an amendment to Shays-Meehan, this is a substitute. All too often some are eager to take a substitute over the real McCoy or, in this case, the real Shays-Meehan.

A substitute just will not do, because what we have come to understand even here in this House is that the time has come to reform our campaign finance laws. It is embodied in this bipartisan approach, and the only way that we can get to the Shays-Meehan approach, which a majority of us agree on, is that we have to move the substitutes aside and focus on the real reform that is embodied in the base bill that we will have a chance to vote on once we dispose of the Thomas amendment.

Now, I have a great deal of respect for the chairman of my committee, and I think that the suggestions that are offered are something that all of us can work towards, and that is why I offered it as an amendment to Shays-Meehan. Maybe now, after we dispose of it tonight, we will find another way on another day when we can get to it, but those who want to point at tomorrow as some far off day have to look at their own actions when they had the opportunity to take these suggestions and embody them in the vehicle that this House passed last year and will pass again tonight.

When we want to clean up the creek, we have to get the hogs out of the water first. We, in order to get to Shays-Meehan, have to remove these substitutes out of our way. We have to keep our eyes on the prize. I would ask my colleagues to say no to the Thomas substitute so that we can focus in on real campaign reform.

Mr. THOMAS. Tomorrow, tomorrow.

Mr. Chairman, it is my pleasure to yield 4 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

□ 2245

Mrs. NORTHUP. Mr. Chairman, since I was elected to Congress, I have been so surprised at so much that has gone on in our campaign finance regulation or reform debates. All over we hear people talk about the influence of money. That surprises me. First of all, we all know that it is already illegal to trade campaign promises for money that would come into our campaigns. Even after we are elected, it is illegal to vote because somebody gave us money in the campaign.

I am probably one of the most expensive campaigns year in and year out that are run in this House, $1.8 million in my last election. I almost cannot cast a vote on the House floor without looking a good number of my supporters in the eye and saying, I am sorry, I do not agree with you on this issue. I cannot support you. I am going to vote against you. They knew I would do that when they supported me. They supported me because they believed that I would know the issue, that we shared a common perspective about public policy, and that I would always do my best.

If I ever got into specifics, there would always be groups on both side of every issue. I find it very comfortable to look people in the eye and say, this is an area where I do not agree with you. So I always have to wonder, people who talk about influence peddling, about being compromised by the contributions that are received, do they have trouble voting their conscience because of the people that give to them? Do they find that they cannot exercise what they really believe is in the best interests of their constituents because they get campaign contributions?

I believe if Members have that problem, that nothing we do on the floor of the House tonight will change that and give these Members a backbone, because the fact is that if the Republican party comes in and does soft money ads for me and I feel that I would be compromised, a human being that would write me a check for $1,000 would intimidate me even more.

So the fact is that we can shut off all the soft money, we can shut off what my party does. But if we have people on this floor in the vote in the next hour that feel intimidated by campaign contributions, contributions of $200 of $500 or of $1,000 are going to make them shake when they have to vote against the people who gave them that.

So whether or not Members are influenced by money is a matter of their conscience. It is a matter of their backbone. It is a matter of their courage. It is a matter of believing that Members are here always to rise above any one person's best interests and do what is right for this country.

I believe that this bill, the Shays-Meehan bill, would profoundly increase the corruption of money in politics because right now the majority of campaigns are run with hard money, money that we go from person to person and ask for, money that every voter knows where I got the money from and knows every way I spent it.

We all know why Shays-Meehan refused to tie the constitutionality of soft money from parties and special interest groups, but what we will do is we will have the millions of people that seek to influence elections, care about who is elected, care that somebody that represents their perspective is elected instead of giving it to the parties, they are going to find some independent group.

Next year if China decides that they care about who is elected, if China decides that they care about influencing the election, they will not be able to give it to the Democratic National Committee. Instead, they are going to have to find Mainstream America or some other special interest group that never has to say where one penny comes from, never says where one penny goes, and we will not know that that is who influenced the election.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE), the formor Governor and a Member of the House.

Mr. CASTLE. Mr. Chairman, I thank the gentleman very much for yielding time to me.

I would like to thank other people, including the chairman, the gentleman from Ohio (Mr. HOBSON) for the wonderful job he has done throughout this day and evening in dealing with this legislation.

I would like to thank the Speaker of the House. Some of us may not have liked the rule originally, but without what he did in allowing it to come to the floor, we would not be here.

I would like to congratulate the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), not necessarily because they may pass this bill tonight, and I hope they will, I support the legislation, but because of the manner in which they have prepared for this and handled this debate.

I also thank the gentleman from California (Mr. THOMAS), who I think actually has a good piece of legislation here, although maybe not in the right process in terms of how we should do it; and the gentleman from Arkansas (Mr. HUTCHINSON), obviously, and the gentleman from California (Mr. DOOLITTLE), and everyone else who sponsored the amendments.

Every once in a while there is an enlightening debate. This is one that has been bipartisan. All of us have learned a lot. We have had a chance to listen in on it. For that, I think we should all be thankful.

We really have to know what we are doing here. We have to be very careful. There is nothing in my mind that is objectionable at all in the Thomas substitute, but it is just that, it is a substitute. It means that it is the end of Shays-Meehan.

We have been voting all night to protect Shays-Meehan, because it is important that we get it passed. We have to remember that when we cast this vote. We could easily go back and pick up the Thomas substitute. We could have done it as an amendment, as a matter of fact, if the Committee on Rules had allowed it, and certainly could do it in the future.

We have heard a lot of different presentations here tonight. I do not know what the influence of money really is, but I do get frankly quite concerned when I read that large corporations and large labor unions and people of various interests with legislation before this body are all of a sudden giving to the parties amounts of money that are in excess of $100,000, $200,000, even in some cases $300,000. It has to make everybody stop and think, they are giving it for some reason. It is not because they are necessarily interested in charity, they are interested in their own bottom line.

I think this body is made up of people of full ethics, people who are good people, but I think we have to make this change. I would encourage each and every one of us to support Shays-Meehan. I think it will pass the Senate and will become the law of this country.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. CROWLEY), president of the freshman class on our side.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Thomas substitute, as it does not represent real reform. Mr. Chairman, our campaign system is broken and needs urgent reforms and not nip and tuck around-the-edge solutions offered by the honorable chairman, the gentleman from California (Mr. THOMAS).

Although the Thomas substitute contains some important reforms of the Federal Elections Commission, it does nothing to reform our political system, nothing to rein in those deceptive issue ads, nothing to eliminate the old powerful role of soft money in our political campaigns, and nothing to restore the faith of Americans in our political system.

We are here today to debate the campaign finance reform, real campaign finance reform. the Thomas substitute is not campaign finance reform. There was only one bill on the floor this evening which will accomplish these tasks, the Shays-Meehan reform bill.

Reform is demanded by our constituents. Let us vote for real reform today. Oppose the Thomas substitute and support the Shays-Meehan reform bill.

Mr. HOYER. Mr. Chairman, the gentleman from Maryland is very proud to yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), who is back in the Chamber and who has done such an extraordinary job on this piece of legislation through the years.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman for yielding time to me.

It has been a long evening. In fact, it has been a long battle going back over the last few years. We have been able to work, Democrats and Republicans, to form a bipartisan coalition, and I would like to take this opportunity to thank so many of the Members of this House who have made it possible.

I think back to the debate last year, when many of the Members had the Commission bill, and how cooperative they were to join with the sponsors of Shays-Meehan to unite our effort to add the Commission bill to the Shays-Meehan bill.

I think of how critical it was when the Democratic leadership, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Michigan (Mr. BONIOR), the gentleman from Maryland (Mr. HOYER), and others, joined with this effort and have whipped so effectively the Democratic Members of this House. I want to thank them for their efforts.

I want to thank the gentleman from Connecticut (Mr. SHAYS), the gentleman from Tennessee (Mr. WAMP), the gentlewoman from New Jersey (Mrs. ROUKEMA), and all of the Members of the Republican party who have worked so diligently. I thank all of them, as well.

The hour is late. I think it is clear from the way the votes have been going that the Members of this House are ready to take the extraordinary step to pass bipartisan, bicameral campaign finance reform. As I said earlier, it only happens once in a generation. It is an extremely difficult issue to get Members of both sides of the aisle to work together on, but we have done it.

The gentleman from California (Mr. THOMAS) has a substitute that, frankly, we could pass in a suspension on Monday or Tuesday of next week. It is not real campaign finance reform, but under the rule, if Members vote for this, it will kill our opportunity, our golden opportunity, this evening.

So I think it is clear to the membership that they have to vote no on the Thomas substitute, and if the gentleman from California (Mr. THOMAS) and others are willing, we should take it up at a later date, pass it under a suspension. I am sure it would get 350 to 420 votes.

But now is the time, the hour is late, to pass campaign finance reform. I thank all of the Members who have been involved in this debate. I thank the gentleman from Maryland (Mr. HOYER) for his leadership on the committee. I again thank the Members for their extraordinary effort on this historic vote for real, comprehensive campaign finance reform.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

I would tell the chairman, it is amazing how many people are willing to do something that could become law tomorrow.

Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. EHLERS) from the committee.

Mr. EHLERS. Mr. Chairman, I thank the gentleman from California, the sponsor of the substitute, for yielding time to me. My only regret is he did such a masterful job of introducing his substitute that he has left very little to say. It is clearly a very good substitute. It is a very good piece of legislation and something we should pass.

Mr. Chairman, let me add just a few comments about that. First of all, let us be pragmatic. As Members have heard a number of Members say, we passed this bill, the Shays-Meehan bill, last year. The Senate did not. We may pass it tonight. The Senate is unlikely to pass it. Let us pass something that will make a difference. Let us be pragmatic and vote for the Thomas substitute, and get something passed that will in fact make a difference.

Furthermore, it is badly needed. I was just chatting with a member of my staff tonight. Less than 10 years ago he was working for a Member of Congress and they were answering all their mail with Selectric typewriters. My comment was, no wonder that Member lost his election. The times passed him by.

The times have passed our current election law by and we have not corrected it. The gentleman from California (Mr. THOMAS) gave a list of all things that should be changed. I was astounded when I was elected to this House and found a totally antiquated computer system, and Speaker Gingrich asked me to work with the gentleman from California (Mr. THOMAS) in updating it.

We have done that. Today all the Members of the House enjoy a marvelous computer system. They are on the Internet, they have websites. Yet, they are not willing to vote for a bill that will make a difference, that will put the FEC online, put all our contributions online immediately, in a direct fashion, and bring the system up to date.

Let us be pragmatic. Let us vote for something that will work. Let us update current election law. Let us vote for the Thomas substitute and get this done.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the problem with the Thomas substitute is not its wording, it is its motivation. It is a cynical ploy to kill substantive campaign finance reform.

We live in the greatest democracy in the history of western civilization, but it is not a true democracy as long as the wealthiest people and organizations in this country can have undue influence upon the elections and the votes of this body. We need substantive campaign finance reform, and we know it is what the people want. There is only one reason we do not do it, and it is the wrong reason.

□ 2300

Since we began debating campaign finance reform years ago, millions of people, for example, have died as a result of tobacco smoking. We would not address the targeting of teenage smokers. Why? Not because many Members had tobacco growers in their district. That was not the reason. It is because we have tobacco money in our pockets.

I could give any number of reasons, whether it be health care reform, insurance reform, tort reform, any number of issues. Do what the American people want. Restore a true democracy. Vote for Shays-Meehan and reject the Thomas substitute.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS) who has worked so hard, so diligently, and so effectively on behalf of this legislation.

Mr. SHAYS. Mr. Chairman, when I woke up this morning, I tried to prepare myself for the fact that we might lose. There were seven amendments that would kill us, and there are three substitutes that would replace us.

I thought it is up to each and every one of us just to make our decisions, and we can live with the results. But we are so close. We have to defeat this substitute. It is a good amendment as a perfecting amendment. As a substitute, it kills us. So we have to kill it.

I just would want to say to all of my colleagues that this has been a bipartisan effort, and it has been a tremendous pleasure. I remember working with the gentleman from Maryland (Mr. HOYER) when we tried to pass congressional accountability. It took us 6 years. We did not say after the second year we were going to give up. We did it on a bipartisan basis. I was proud of how we passed it. We got Congress under all of the laws.

We are going to have campaign finance reform. I hope it is in the form we are suggesting, but we are going to see it happen. We are not going to give up on the Senate.

We have got to ban soft money. It is just a perversion that is distorting the whole system. It is allowing corporations and labor unions to give unlimited sums and work their will in a way that should not happen.

We have got to call those sham issue ads what they are, campaign ads, so we have disclosure and not have corporate money and union dues money flowing in.

We need FEC enforcement and disclosure which our bill does, and then we have a commission to look at some of the things that we do not do.

This is a sensible bill. It is not a radical bill. We have only passed it once. I hope we do it again and send it to the Senate. Then we have a year to work on the Senate to try to get them to do the right thing. Fifty-two have already agreed, and hopefully we will get that 60.

Mr. THOMAS. Mr. Chairman, I yield 1¾ minutes to the gentleman from Florida (Mr. MICA), a member of the committee.

Mr. MICA. Mr. Chairman, my favorite book is entitled the Miracle at Philadelphia. It is a story of the development of this book called the Constitution of the United States. I highly recommend it to my colleagues. It outlines the development of the structure of our government that gives us the ability to debate, to act, this wonderful framework under which this Congress operates.

This week, 212 years ago, our Founding Fathers finished this document. When they finished the structure, the next thing that they did was they immediately passed 10 rights, fundamental rights for the people of this country.

The first right, not the second, third, fourth or tenth, is the freedom of speech. There is only one thing wrong with Shays-Meehan. It shreds the Constitution and that first precious amendment. That is the basic flaw with Shays-Meehan.

So our committee brought together reforms recommended by everyone, by the FEC, and others, things that are doable, things that are within the law, within the Constitution, and within the framework of our government. That is what we presented.

Let me read what the ACLU says about this Thomas substitute:

> This substitute is far superior to Shays-Meehan in many respects because of the absence of provisions that offend the constitutional rights and that H.R. 417, Shays-Meehan, contains the harshest and most unconstitutional controls on issue advocacy groups.

Mr. THOMAS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Maryland (Mr. HOYER) congratulated the gentleman from Massachusetts (Mr. MEEHAN). The congratulations should have been listened to carefully. He said he has done a great job through the years. We can continue to do this. We can continue to make wonderful statements. We can continue to come up with a new idea, which is the most recent threat to the republic. It used to be PACs. Now it is soft money. It will be something else in the future. It will always be just beyond the horizon. It will always be an issue. That is fairly clear.

I tell the gentleman from Virginia, I did not offer this substitute for cynical reasons. I offered it in case anybody really wanted to change the law. That is our chance tonight.

The Democrats had a majority in the House, had a majority in the Senate, and had the Presidency from 1992 to 1994. What did they do? They did not change the law.

We have an opportunity tonight in fundamental and real ways to change the election laws of this country. My colleagues can do it by voting for the Thomas substitute. If my colleagues want to make a political statement, as we have done year after year after year, I am sure the gentleman from Massachusetts (Mr. MEEHAN) will take those congratulations of his efforts over the years. I would much rather change the law. We can do it tonight. Vote "yes" on the Thomas substitute.

Mr. HOYER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, so we come to this hour. There will be a subsequent vote on final passage of Shays-Meehan, but this is the critical vote. This vote will determine whether years of hard work and commitment will be realized through the effective passage of legislation to reform campaign finance.

Yes, there is another day for the Thomas substitute. It is a noncontroversial piece of legislation. But it is not campaign finance reform, although it has some aspects of that. It is, in fact, reform of the process of the FEC. That process needs reforming. I would even ask perhaps for unanimous consent that we place this on the consent calendar tomorrow. I will not do that, but I suggest that it could happen.

Now, at this late hour, before day's end, before the clock strikes 12, we can pass meaningful campaign finance reform. But in order to do that, we must reject the Thomas legislation, which, as the gentleman from Florida (Mr. DAVIS) clearly posited, was a device to defeat a bill that the Chairman does not like. I accept that. But no one ought to misunderstand what the Thomas substitute is, a device to defeat Shays-Meehan.

It ought, therefore, to be rejected, so that we can honestly fulfill the Speaker's pledge, which was a pledge to vote on Shays-Meehan, not merely to bring it to the floor so that opponents could, by some procedural device, dispose of it before we had a chance to vote on it. But let us, as we were elected to do, make a decision. Let us vote on Shays-Meehan, and say to the American people "This is where we stand on preventing soft money, on precluding sham ads, and on providing for a system that is more open and more fair to the American public," so that the cynicism that now abounds can, to some degree at least, be diminished, and the American public can have more faith in their political system and, yes, in us.

I urge a "no" vote on the Thomas substitute and a "yes" vote on Shays-Meehan, which is meaningful, important, campaign finance reform.

☐ 2310

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. THOMAS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 5, as follows:

[Roll No. 421]

AYES—173

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
John
Johnson, Sam
Jones (NC)
Kasich
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—256

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks

Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall

LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)

Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—5

Hastings (FL)
Kingston
Pryce (OH)
Ros-Lehtinen
Shaw

□ 2330

Mr. WYNN and Mr. GOODLING changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LaHood) having assumed the chair, Mr. Hobson, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, pursuant to House Resolution 283, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore (Mr. LaHood). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 177, not voting 5, as follows:

[Roll No. 422]

YEAS—252

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette

Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Inslee
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald

Miller, George
Minge
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes

Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Serrano
Shays
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland

Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NAYS—177

Aderholt
Archer
Armey
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Goode

Goodlatte
Goodling
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard

Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Sherwood
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—5

Hastings (FL)
Kingston
Pryce (OH)
Ros-Lehtinen
Shaw

□ 2347

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 417, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSIDERING MEMBER AS PRIMARY SPONSOR OF H.R. 88

Mr. HOLT. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the primary sponsor of H.R. 88, a bill originally introduced by our esteemed former colleague, Representative Brown of California, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–322) on the resolution (H. Res. 291) waiving points of order against the conference report to accompany the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 900, FINANCIAL SERVICES MODERNIZATION ACT OF 1999

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on S. 900, Financial Services Act of 1999:

From the Committee on Banking and Financial Services, for consideration of section 101 of the Senate bill and section 101 of the House amendment:

Mr. KING is appointed in lieu of Mr. BACHUS.

Mr. ROYCE is appointed in lieu of Mr. CASTLE.

From the Committee on Commerce, for consideration of section 101 of the Senate bill and section 101 of the House amendment:

Mrs. WILSON is appointed in lieu of Mr. LARGENT.

Mr. FOSSELLA is appointed in lieu of Mr. BILBRAY.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

□ 2350

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBERS OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following resignation as a member of the Commission on Security and Cooperation in Europe:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation, effective immediately, from the Commission on Security and Cooperation in Europe. I very much appreciate the honor of serving on this important panel and look forward to supporting its vital work as a Member of Congress.

Sincerely,

EDWARD J. MARKEY,
Member of Congress.

The SPEAKER pro tempore. Without objection ,and pursuant to section 3 of Public Law 94–304 as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe to fill the existing vacancies thereon:

Mr. PITTS of Pennsylvania, and upon the recommendation of the minority leader Mr. FORBES of New York.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Mr. GEPHARDT) for before 3 p.m. today on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SHAW (at the request of Mr. ARMEY) for today on account of official business.

Mr. PORTER (at the request of Mr. ARMEY) for September 13 and until 7 p.m. today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, September 15.

Mr. HULSHOF, for 5 minutes, September 16.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 457. To amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with servicing as an organ donor, and for other purposes.

ADJOURNMENT

Mr. SWEENEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 15, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4120. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Changes to Pack Requirements [Docket No. FV99-906-3 IFR] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4121. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection

Service, transmitting the Department's final rule—Importation of Gypsy Moth Host Material From Canada [Docket No. 98–110–1] (RIN: 0579–AB11) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4122. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106–122); to the Committee on Appropriations and ordered to be printed.

4123. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Taxpayer Identification Numbers and Commercial and Government Entity Codes [DFARS Case 98–D027] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4124. A letter from the Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, transmitting the Department's final rule—Improving and Eliminating Regulations; Calibration and Maintenance Procedures for Coal Mine Respirable Dust Samplers (RIN: 1219–AA98) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4125. A letter from the Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, transmitting the Department's final rule—Improving and Eliminating Regulations; Lighting Equipment, Coal Dust/Rock Dust Analyzers, and Methane Detectors (RIN: 1219–AA98) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4126. A letter from the Assistant General Counsel for Regulatory Law, Office of the Chief Information Officer, Department of Energy, transmitting the Department's final rule—Unclassified Cyber Security Program [DOE N 20 5.1] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4127. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Use of Facility Contrator Employees for Services to DOE in the Washington, DC Area [DOE N 350.5] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4128. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—External Dosimetry Program Guide [DOE G 441.1–4] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4129. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—State Energy Program [Docket No. EE–RM–96–402] (RIN: 1904–AB01) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4130. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Posting and Labeling for Radiological Control Guide; to the Committee on Commerce.

4131. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Occupational Radiation Protection Record-Keeping and Reporting Guide; to the Committee on Commerce.

4132. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting Safety of Accelerator Facilities; to the Committee on Commerce.

4133. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Evaluation and Control of Radiation Dose to the Embryo/Fetus Guide; to the Committee on Commerce.

4134. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Radiation-Generating Devices Guide; to the Committee on Commerce.

4135. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Work Authorization System; to the Committee on Commerce.

4136. A letter from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—Certification Renewal and Amendment Processes (RIN: 3150–AF85) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4137. A letter from the Director, Office of Congressional Affairs, Office of the Chief Information Officer, Nuclear Regulatory Commission, transmitting the Commission's final rule—Electronic Availability of NRC Public Records and Ending of NRC Local Public Document Room Program (RIN: 3150–AG07) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4138. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Electronic Freedom of Information Act [Docket No. 99–034F] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4139. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–129–FOR; State Program Amendment No. 98–2] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4140. A letter from the Associate Chief Counsel, Federal Highway Administration, Department of Transporation, transmitting the Department's final rule—Parts and Accessories Necessary For Safe Operation; Rear Impact Guards and Rear Impact Protection [FHWA Docket No. FHWA–97–3201] (RIN: 2125–AE15) received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4141. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Standard Measurement System Exemption from Gross Tonnage [USGC–1999–5118] (RIN: 2115–AF76) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4142. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Update of Standards from the American Society for Testing and Materials (ASTM) [USCG–1999–5151] (RIN: 2115–AF80) received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4143. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Chevron Oil Company Canal, LA [CGD08–99–055] (RIN: 2115–AE47) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4144. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: City of Yonkers Fireworks, New York, Hudson River [CGD01–99–154] (RIN: 2115–AA97) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4145. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Normal Category Rotorcraft Maximum Weight and Passenger Seat Limitation [Docket No. 29247; Amendment No. 27–37] (RIN: 2120–AF33) received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4146. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Periphonics Corp. 30th Anniversary Fireworks, New York Harbor, Upper Bay [CGD01–99–152] (RIN: 2115–AA97) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4147. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, Alaska [COTP Western Alaska–99–012] (RIN: 2115–AA97) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4148. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks, 100YR Anniversary For Architect Society, Boston Harbor, Boston, MA [CGD01–99–147] (RIN: 2115–AA97) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4149. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Mystic River, CT [CGD01–99–159] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4150. A letter from the Chief, Office of Regulations and Administrative, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Gowanus Canal, NY [CGD01–99–156] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4151. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone and Anchorage Regulations; Delaware Bay and River [CGD 05–99–080] (RIN: 2115–AA98) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4152. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 98–NM–69–AD; Amendment 39–11289; AD 99–18–23] (RIN: 2120–AA64) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4153. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–50, -80A1/A3, and -80C2A Series Turbofan Engines [Docket No. 98–ANE–54–AD; Amendment 39–11286; AD 99–18–20] (RIN: 2120–AA64) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: General Electric Company CF6–80C2A Series Turbofan Engines, Installed on Airbus Industrie A300–600 and A310 Series Airplanes [Docket N0. 99–NE–41–AD; Amendment 39–11285; AD 99–18–19] (RIN: 2120–AA64) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airspace and Flight Operations Requirements for the Kodak Albuquerque International Balloon Fiesta; Albuquerque, NM [Docket No. 29279; SFAR No. 86] (RIN: 2120–AG79) received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Emmetsburg, IA [Airspace Docket No. 99–ACE–39] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Name Change of Guam Island, Agnas NAS, GU Class D Airspace Area [Airspace Docket No. 99–AWP–9] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Herrington, KS [Airspace Docket No. 99–ACE–41] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Chemical Oxidizers and Compressed Oxygen Aboard Aircraft [Docket No. HM–224A] (RIN: 2137–AC92) received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Change Using Agency for Restricted Areas R–2510A and R–2510B; El Centro, CA [Airspace Docket No. 99–AWP–18] (RIN: 2120–AA66) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 1883. A bill to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes; with an amendment (Rept. 106–315, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 288. Resolution waiving points of order against the conference report to accompany the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. 106–316). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 289. Resolution providing for consideration of the bill (H.R. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes. (Rept. 106–317). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 290. Resolution providing for consideration of the bill (H.R. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes (Rept. 106–318). Referred to the House Calendar.

Mr. KOLBE: Committee of Conference. Conference report on H.R. 2490. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–319). Ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H.R. 1875. A bill to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions; with an amendment (Rept. 106–320). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1788. A bill to deny Federal public benefits to individuals who participated in Nazi persecution (Rept. 106–321 Pt. 1). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 291. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–322). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Science discharged. H.R. 1883 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1788. Referral to the Committee on Government Reform extended for a period ending not later than October 1, 1999.

H.R. 1883. Referral to the Committee on Science extended for a period ending not later than September 14, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILBRAY:

H.R. 2849. A bill to authorize appropriations to reimburse States for costs of educating certain illegal alien students; to the Committee on Education and the Workforce.

By Mr. BARRETT of Nebraska (for himself and Mr. McKEON):

H.R. 2850. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000, 2001, 2002, 2003, and 2004, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2851. A bill to direct the United States Executive Directors at the International Bank for Reconstruction and Development and the International Monetary Fund to encourage their respective institutions to require countries receiving assistance from such institutions to use the portion of the assistance attributable to United States contributions to obtain goods and services produced in the United States; to the Committee on Banking and Financial Services.

By Mr. ANDREWS:

H.R. 2852. A bill to amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month; to the Committee on Commerce.

By Mr. ANDREWS:

H.R. 2853. A bill to amend title 28, United States Code, to provide for individuals serving as Federal jurors to continue to receive their normal average wage or salary during such service; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2854. A bill to amend the Immigration and Nationality Act to provide for the admission to the United States for permanent residence without numerical limitation of spouses of permanent resident aliens; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2855. A bill to amend the Social Security Act to require that anticipated child support be held in trust on the sale or refinancing of certain real property of an obligated parent; to the Committee on Ways and Means.

By Mr. CANNON:

H.R. 2856. A bill to amend the Fair Credit Reporting Act to require the disclosure of all information in a consumer's file, including credit scores, risk scores, and any other predictors; to the Committee on Banking and Financial Services.

By Mr. DOOLITTLE (for himself, Mr. Herger, Mr. Pombo, and Mr. Radanovich):

H.R. 2857. A bill to amend the Wild and Scenic Rivers Act to ensure congressional involvement in the process by which rivers that are designated as wild, scenic, or recreational rivers by an act of the legislature of the State or States through which they flow may be included in the national wild and scenic rivers system, and for other purposes; to the Committee on Resources.

By Mr. EWING:

H.R. 2858. A bill to authorize the award of the Medal of Honor to Andrew J. Smith for acts of valor during the Civil War; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts (for himself, Mrs. Lowey, and Mr. Nadler):

H.R. 2859. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 2860. A bill to authorize the Secretary of Housing and Urban Development to carry out a pilot program to provide homeownership assistance to disabled families; to the Committee on Banking and Financial Services.

By Mr. GREEN of Wisconsin:

H.R. 2861. A bill to require the Secretary of the Interior to conduct a study on and develop recommendations to increase the safety of visitors to units of the National Park System; to the Committee on Resources.

By Mr. HANSEN:

H.R. 2862. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Resources.

By Mr. HANSEN:

H.R. 2863. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Resources.

By Mr. LUTHER (for himself, Ms. Pelosi, Mrs. Maloney of New York, Mr. Minge, Mr. Sabo, Ms. Baldwin, Mrs. McCarthy of New York, Mr. McDermott, Mr. George Miller of California, Mr. Vento, Mr. Lewis of Georgia, Mr. Barrett of Wisconsin, Mr. Kleczka, Ms. Eshoo, Mr. Dooley of California, Mr. Rush, Mr. Frank of Massachusetts, Mr. Owens, Mr. Tierney, Ms. Schakowsky, Mrs. Christensen, Mr. Stark, Ms. Jackson-Lee of Texas, and Ms. Lee):

H.R. 2864. A bill to amend the National Voter Registration Act of 1993 to require States to permit individuals to register to vote in an election for Federal office on the date of the election; to the Committee on House Administration.

By Ms. NORTON:

H.R. 2865. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of pre-kindergarten programs to include students 4 years of age or younger; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan:

H.R. 2866. A bill to amend the Federal Election Campaign Act of 1971 to reduce the influence of political action committees in elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY:

H.R. 2867. A bill to amend title XVIII of the Social Security Act to facilitate the use of private contracts under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. Gilman, Mr. Lantos, Mr. Gejdenson, Mr. Hastings of Florida, Mr. Capuano, Mr. Goss, Mr. Faleomavaega, Mr. Greenwood, Ms. DeLauro, Mr. Crowley, Mr. Pombo, Mr. Underwood, Mr. Moran of Virginia, Mr. Bilbray, Mr. Hall of Ohio, Mr. Ackerman, Mr. Smith of New Jersey, and Mr. Brown of Ohio):

H. Res. 292. A resolution expressing the sense of the House of Representatives regarding the referendum in East Timor, calling on the Government of Indonesia to assist in the termination of the current civil unrest and violence in East Timor, and supporting a United Nations Security Council-endorsed multinational force for East Timor; to the Committee on International Relations.

By Mr. CLYBURN (for himself, Mr. Bishop, Ms. Brown of Florida, Ms. Carson, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. Dixon, Mr. Fattah, Mr. Ford, Mr. Hastings of Florida, Mr. Hilliard, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Kilpatrick, Ms. Lee, Mr. Lewis of Georgia, Ms. McKinney, Mrs. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Scott, Mr. Thompson of Mississippi, Mr. Towns, Mrs. Jones of Ohio, Ms. Waters, Mr. Watt of North Carolina, and Mr. Wynn):

H. Res. 293. A resolution expressing the sense of the House of Representatives in support of "National Historically Black Colleges and Universities Week"; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Hobson, Mr. McIntyre, Mr. Vitter, Mr. Ryun of Kansas, and Mr. Kennedy of Rhode Island.

H.R. 38: Mr. Calvert.

H.R. 73: Mr. Ballenger.

H.R. 141: Mr. Barcia.

H.R. 142: Mr. Toomey.

H.R. 338: Mr. Paul.

H.R. 354: Mr. Schaffer.

H.R. 415: Mrs. Christensen.

H.R. 483: Ms. DeLauro.

H.R. 494: Mr. Condit.

H.R. 496: Mr. Condit.

H.R. 507: Mr. Hall of Ohio, Mrs. Morella, and Mr. Pickett.

H.R. 534: Mr. Skeen, Mr. McCollum, Mr. Stump, Mr. Combest, Mr. Ganske, Mr. Sununu, Mr. Blunt, Mr. Walsh, Mr. Leach, Mr. Ney, Mr. Sweeney, Mr. McCrery, and Mr. Edwards.

H.R. 566: Mr. Stark.

H.R. 637: Mr. Smith of New Jersey.

H.R. 655: Mrs. Lowey.

H.R. 664: Mr. Conyers.

H.R. 721: Mr. Hefley and Mr. LaHood.

H.R. 725: Mr. Martinez.

H.R. 743: Mr. Bonilla.

H.R. 765: Mr. Wamp, Mr. Spence, Mr. Hefley, and Mr. Wolf.

H.R. 809: Mr. McNulty and Mr. Terry.

H.R. 810: Mr. Brown of Ohio.

H.R. 815: Mr. Hutchinson and Mr. Deal of Georgia.

H.R. 826: Mr. Underwood and Ms. Carson.

H.R. 828: Mr. McGovern.

H.R. 836: Mr. Lucas of Kentucky.

H.R. 895: Mr. Hinojosa.

H.R. 925: Mr. Olver, Ms. Carson, and Mr. Gonzalez.

H.R. 960: Mr. Klink.

H.R. 976: Mr. King and Mrs. Christensen.

H.R. 977: Mr. Kind.

H.R. 1006: Ms. Pelosi.

H.R. 1020: Mr. Lantos, Mr. Ford, Mr. Gordon, Mr. Klink, and Mrs. Kelly.

H.R. 1046: Mr. Bentsen and Mr. Green of Texas.

H.R. 1077: Mr. Sanders and Mr. Metcalf.

H.R. 1102: Mr. Sam Johnson of Texas, Mr. Wise, and Ms. Schakowsky.

H.R. 1103: Mr. Pickett.

H.R. 1111: Mr. Costello and Mr. Moore.

H.R. 1117: Mr. Pickering.

H.R. 1133: Mr. Owens.

H.R. 1180: Mr. LaTourette and Mr. English.

H.R. 1194: Mr. English.

H.R. 1195: Mr. Sandlin.

H.R. 1196: Mrs. Napolitano.

H.R. 1221: Mr. Scarborough.

H.R. 1229: Mr. Watt of North Carolina.

H.R. 1260: Mr. Filner.

H.R. 1272: Mr. Green of Wisconsin.

H.R. 1288: Mr. Sandlin and Ms. Lee.

H.R. 1304: Mr. Cummings, Mr. Ryun of Kansas, Mr. Udall of New Mexico, Mr. Vitter, Mr. Gordon, and Mr. Pickett.

H.R. 1322: Mr. Horn.

H.R. 1324: Mr. Strickland, Mr. Hastings of Florida, Mrs. Meek of Florida, Ms. Slaughter, Mr. McGovern, Mr. Martinez, Mr. Kennedy of Rhode Island, and Mr. Payne.

H.R. 1325: Mr. McGovern.

H.R. 1351: Mr. Paul.

H.R. 1367: Mr. King.

H.R. 1385: Mr. Oxley.

H.R. 1399: Mr. Blumenauer, Ms. Eshoo, and Mr. Davis of Florida.

H.R. 1446: Mr. Hostettler.

H.R. 1525: Mr. Hilliard, Ms. Lee, Mr. Shows, and Mr. Ackerman.

H.R. 1531: Mr. Wise, Mr. Sanders, and Mr. Sandlin.

H.R. 1577: Mr. Dickey, Mr. Herger, Mr. Mica, and Mr. Sanford.

H.R. 1598: Mr. Isakson and Mr. Diaz-Balart.

H.R. 1622: Mr. Stearns, Mr. Lantos, Mr. McCollum, Mr. Olver, Mr. Boucher, and Mr. Kucinich.

H.R. 1644: Mr. Barrett of Nebraska.

H.R. 1650: Mr. Petri and Ms. Kaptur.

H.R. 1660: Mr. Traficant, Ms. Eddie Bernice Johnson of Texas, and Mr. Moore.

H.R. 1706: Mr. Doolittle.

H.R. 1772: Mr. LaHood and Mrs. Christensen.

H.R. 1785: Mr. PRICE of North Carolina and Mr. DICKS.

H.R. 1838: Mr. MALONEY of Connecticut, Ms. DUNN, Mr. MARTINEZ, Mr. ROGAN, Ms. PRYCE of Ohio, Mr. BACHUS, Mr. ARMEY, Mr. WYNN, Mr. FRANKS of New Jersey, Mr. NEY, Mr. DOOLITTLE, Mr. DEMINT, Mr. FROST, Mr. PAYNE, Mr. TANCREDO, and Mr. CHABOT.

H.R. 1885: Mr. MARTINEZ.

H.R. 1887: Mr. WYNN, Mrs. LOWEY, Ms. DELAURO, and Mr. CRAMER.

H.R. 1896: Mrs. MINK of Hawaii.

H.R. 1899: Mr. BARRETT of Wisconsin, Mr. UDALL of Colorado, Mrs. MORELLA, Mr. BOEHLERT, and Mrs. MEEK of Florida.

H.R. 1933: Mr. DEMINT.

H.R. 1976: Mr. SHAYS and Mr. CALVERT.

H.R. 1990: Mr. GREEN of Wisconsin and Mr. SKELTON.

H.R. 1991: Mr. COMBEST.

H.R. 1999: Mrs. LOWEY.

H.R. 2000: Mr. YOUNG of Florida, Mr. COSTELLO, Mr. BOYD, Mr. CLAY, Mr. WEINER, Mr. BAIRD, Mr HAYES, Mr. GIBBONS, Mr. CALVERT, Mrs. FOWLER, Mr. ENGEL, Mr. TURNER, Mr. KILDEE, Mr. MCCOLLUM, Mr. MCGOVERN, Mr. COYNE, Mr. GORDON, Mr. HOSTETTLER, and Mr. GALLEGLY.

H.R. 2002: Mr. HOYER.

H.R. 2005: Mr. GEKAS.

H.R. 2162: Mr. BARCIA.

H.R. 2233: Mr. BISHOP and Mr. RUSH.

H.R. 2235: Mr. FROST, Mr. SKELTON, and Mr. CLYBURN.

H.R. 2247: Mr. HERGER, Mr. BATEMAN, and Mr. LEWIS of California.

H.R. 2316: Mrs. MYRICK, Mr. BALDACCI, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mrs. CHRISTENSEN, Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Mr. BRADY of Pennsylvania, Mr. GEJDENSON, Mrs. MEEK of Florida, and Mr. TOWNS.

H.R. 2319: Mr. GALLEGLY and Mr. LAHOOD.

H.R. 2320: Mr. FLETCHER.

H.R. 2350: Mr. BARR of Georgia.

H.R. 2373: Mr. PAUL.

H.R. 2380: Mr. BLAGOJEVICH.

H.R. 2395: Mr. WALDEN of Oregon.

H.R. 2418: Mr. CALLAHAN, Mrs. KELLY, Mr. GILMAN, Mr. DEMINT, and Mrs. NORTHUP.

H.R. 2423: Mr. MANZULLO and Mrs. EMERSON.

H.R. 2436: Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. SKELTON, and Mr. SCHAFFER.

H.R. 2444: Mr. KOLBE.

H.R. 2446: Mr. GUTIERREZ, Mr. ENGEL, Mrs. LOWEY, and Mr. PHELPS.

H.R. 2525: Mr. HALL of Texas and Mr. BONILLA.

H.R. 2539: Ms. MILLENDER-MCDONALD.

H.R. 2592: Mr. OXLEY.

H.R. 2628: Mr. ISTOOK.

H.R. 2640: Mr. MCHUGH and Mr. HOEKSTRA.

H.R. 2675: Mr. DOOLEY of California.

H.R. 2707: Mr. TIERNEY, Mr. GEORGE MILLER of California, and Mr. KILDEE.

H.R. 2749: Mr. STEARNS, Mr. SAM JOHNSON of Texas, and Mr. HASTINGS of Florida.

H.R. 2765: Ms. BROWN of Florida.

H.R. 2822: Mr. DAVIS of Florida and Mr. PASCRELL.

H.R. 2824: Mr. BALDACCI and Mr. BURTON of Indiana.

H.J. Res. 45: Mr. PACKARD.

H.J. Res. 48: Mrs. CHENOWETH.

H. Con. Res. 79: Mr. GRAHAM and Mr. BARCIA.

H. Con. Res. 89: Mr. GUTKNECHT, Mr. RAMSTAD, and Mr. VENTO.

H. Con. Res. 162: Ms. KILPATRICK, Mr. LAZIO, Mr. REYES, and Mr. SMITH of New Jersey.

H. Res. 41: Mr. MCDERMOTT, Mr. SANDERS, and Mr. STARK.

H. Res. 82: Mr. BROWN of Ohio.

H. Res. 169: Mr. METCALF.

H. Res. 187: Mr. CROWLEY and Mr. WEXLER.

H. Res. 228: Mr. ROTHMAN.

H. Res. 239: Mr. LUCAS of Kentucky.

H. Res. 270: Mr. LUTHER.

H. Res. 285: Mr. FARR of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1551

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 3, line 2, insert ", of which $1,000,000 shall be for the development, in coordination with the National Imagery and Mapping Agency, of a domestic and international airfield obstruction data base" after "projects and activities".

Page 3, line 14, insert ", of which $9,000,000 shall be for the development, in coordination with the National Imagery and Mapping Agency, of a domestic and international airfield obstruction data base" after "projects and activities".

H.R. 1551

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 2: Page 3, line 4, insert ", of which $1,000,000 shall be for implementing biometric technology security, including Iris Recognition Technology" after "projects and activities".

H.R. 1551

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 3: Page 8, after line 16, insert the following new section:

SEC. 9. REPORT TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, the Federal Aviation Administration shall transmit to the Congress a report describing the results of a study of the appropriateness of requiring that airports receiving Airport Improvement Program grants provide funding for a portion of the projects for which the grants are made, with particular attention given to the burden that such requirements have on smaller airports.

H.R. 1551

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 4: Page 2, line 4, through page 3, line 25, amend section 2 to read as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) for fiscal year 2000, $208,416,100 including—

"(A) $17,269,000 for system development and infrastructure projects and activities;

"(B) $33,042,500 for capacity and air traffic management technology projects and activities;

"(C) $11,265,400 for communications, navigation, and surveillance projects and activities;

"(D) $15,765,000 for weather projects and activities;

"(E) $6,358,200 for airport technology projects and activities;

"(F) $39,639,000 for aircraft safety technology projects and activities;

"(G) $53,218,000 for system security technology projects and activities;

"(H) $26,207,000 for human factors and aviation medicine projects and activities;

"(I) $3,481,000 for environment and energy projects and activities; and

"(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h) of this section; and

"(7) for fiscal year 2001, $222,950,000.".

H.R. 1655

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 17, after line 10, insert the following new subsection:

(e) ADDITIONAL AUTHORIZATION.—The Secretary shall designate $2,000,000 of the amounts authorized by this section for each fiscal year for biometric technology security, including Iris Recognition Technology.

H.R. 1655

OFFERED BY: MS. BERKLEY

AMENDMENT NO. 2: Page 36, after line 9, insert the following new section:

SEC. 18. NUCLEAR WASTE TRANSMUTATION RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall commence a program of research and development on the technology necessary to achieve onsite transmutation of nuclear waste into nonradioactive substances.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to conduct a research, development, and demonstration program on the technology necessary to achieve onsite transmutation of nuclear waste into nonradioactive substances in a manner consistent with United States environmental and nonproliferation policy. The Secretary shall not support a technology under this section that involves the isolation of plutonium or uranium.

(2) PEER REVIEW.—Funds made available under paragraph (1) for initiating contracts, grants, cooperative agreements, interagency funds transfer agreements, and field work proposals shall be made available based on a competitive selection process and a peer review of proposals. Exceptions shall be considered on a case-by-case basis, and reported by the Secretary to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate 30 days prior to any such award.

(c) CONSULTATION.—The Secretary may establish an advisory panel consisting of experts from industry, institutions of higher education, and other entities as the Secretary considers appropriate, to assist in developing recommendations and priorities for the research, development, and demonstration program carried out under subsection (a).

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building

(including site grading and improvement and architect fees).

(e) DEFINITIONS.—For purposes of this section:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) GRANT.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized under section 3(a)(2)(G), $2,000,000 for fiscal year 2000 and $4,000,000 for fiscal year 2001 shall be available for carrying out this section.

H.R. 1655

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 3: Page 27, lines 9 through 19, amend paragraph (3) to read as follows:

(3) the Comptroller General reports to the Congress, on the basis of available information, that the tax reimbursements that the Comptroller General estimates the Department would pay to its contractors as a cost of constructing the Spallation Neutron Source at Oak Ridge National Laboratory in Tennessee would be no more than the tax reimbursements it would pay if the same project were constructed at the Lawrence Berkeley National Laboratory in California, the Argonne National Laboratory in Illinois, the Los Alamos National Laboratory in New Mexico, or the Brookhaven National Laboratory in New York.

Page 36, line 5, insert "the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory," after "Accelerator Laboratory,".

Page 36, lines 8 and 9, strike "Stanford Linear Accelerator Center, or the Thomas Jefferson National Accelerator Facility" and insert "Sandia National Laboratories, the Stanford Linear Accelerator Center, the Thomas Jefferson National Accelerator Facility, or the Y-12 Plant".

EXTENSIONS OF REMARKS

TRIBUTE TO THE PALO ALTO MEDICAL FOUNDATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. ESHOO. Mr. Speaker, I rise to honor the Palo Alto Medical Foundation on the occasion of the dedication of its superb new facilities, located on 9 acres on El Camino Real in Palo Alto, CA. The new facility will unite health care, research and community education in a beautiful, new, $120 million, state of the art building.

The Palo Alto Medical Foundation's new facility will bring together over 250 physicians and hundreds of support personnel to care for 130,000 patients who will make more than 750,000 visits to the Clinic this year alone in a modern facility suited to the importance of this work.

The Palo Alto Medical Foundation's state of the art new facility helps the Foundation live up to its tradition of being a place ahead of its time. Begun in the early 1920's when Dr. Tom Williams opened a medical practice in Palo Alto and recruited Dr. Russell Van Arsdale Lee to join him, the Clinic became a permanent partnership soon after Drs. Fritz Roth, Esther Clark, Blake Wilbur and Milton Saier joined them. Three physicians joined the group during the depression years: Drs. H.L. Niebel, Harold Sox and Robert Dunn. Together with Drs. Lee, Roth, Clark, Wilbur and Saier they become known as the founding partners.

After World War II a surge of growth on the Peninsula caused a surge in growth at the Palo Alto Clinic. Twelve new physicians joined the clinic in 1946 and by the 1960's there were 40 partners. In 1961 the Clinic's Russell V. Lee Building in downtown Palo Alto was completed. The Palo Alto Medical Research Foundation was founded in 1950 and soon became an internationally known institution. It is now the Research Institute of the Palo Alto Medical Foundation.

In 1980 the Palo Alto Medical Foundation was formed, combining the Health Care Division, Research Institute and Education Division under one nonprofit, umbrella organization. In 1992, PAMF officials recognized the need for joining a larger health care system and selected Sacramento-based Sutter Health as it partner.

From its beginning, the Palo Alto clinic was known for innovation in treatment methods, in technology and in meeting new health care challenges. This tradition continues today as the PAMF pursues its mission of providing and integrating quality health care, health education and biomedical research to improve the health status of our region.

Mr. Speaker, the Palo Alto Medical Foundation is an extraordinary community resource, one built on a vision of excellent health care, education and research. I salute the Palo Alto Medical Foundation's Chief Executive Officer, Dr. Robert Jamplis, the founders and all those involved with the Palo Alto Medical Foundation for working to create this extraordinary new community asset. I join with them in celebrating the opening of this great new facility and wish them continued success in the pursuit of providing extraordinary health care to the greater Palo Alto Community.

I ask my colleagues to join me in celebrating this outstanding institution, all it has achieved and all it continues to do to provide first rate health care to our community, thereby strengthening our country.

RECOGNIZING VIRGINIA "GINNY" GANO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. HOBSON. Mr. Speaker, I am proud to take this opportunity to recognize a very special woman from Ohio's Seventh Congressional District, Ms. Virginia "Ginny" Gano.

On September 8, we marked the 30th anniversary of Ginny's service to the people of the Seventh District. She first came to work on Capitol Hill in 1969 for former Representative Clarence J. "Bud" Brown. She worked for my friend Bud Brown for a number of years until his retirement. Ginny continued to work for the Seventh District for Brown's successor, now Senator MIKE DEWINE, for 8 years. Ginny has been a loyal member of my staff since I became a member in 1991.

Ginny has served the office and my constituents ably and well. She's the first person constituents see when they enter my office and always has a smile on her face. Ginny has warmed the hearts of many on Capitol Hill, from Members of Congress to constituents to delivery persons to lost souls wandering the halls in need of directions. She never forgets birthdays or anniversaries, and can find the phone number of almost anyone in the world when only given a first name.

Mr. Speaker, Ginny Gano exemplifies the definition of loyalty and service. Her endurance to service to the Seventh District of Ohio is unparalleled and may never be matched. I am honored to recognize her 30 years and countless efforts on behalf of the Seventh Congressional District and the Members who have represented the area.

IN HONOR OF RYAN W. CLARK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to honor Ryan W. Clark, a young man who has already proven his courage, his selflessness and his dedication to others, and who will be rightfully honored with the Medal of Valor by the Los Angeles Police Department on Wednesday for placing his life on the line to rescue a fellow officer. In October, he will be honored by President Clinton with the "Top Cop" Award.

At 26, Ryan has already experienced more than may people twice his years. He enlisted in the Army in 1991 after graduating from St. Bonaventure High School in Ventura, California, and was assigned to the famed 82nd Airborne at Fort Bragg, North Carolina. After his first enlistment ended, he joined the Los Angeles Police Department. It wasn't his first taste of law enforcement, however; he volunteered as a Ventura County Sheriff's Department Explorer Scout from age 15 to 17.

In May of 1997, Ryan braved a barrage of bullets in a darkened warehouse while attempting to save a fellow officer.

It is every officer's nightmare to have to respond to a call of an officer down, as Ryan and several other LAPD officers did on that fateful day. As they entered the darkened building, they came under fire from a barricaded gunman. Despite the extreme danger, Ryan and other officers laid down a barrage of fire of their own as they tried to advance to their fallen comrade. Ryan's partner was hit by gunfire, and during the officers' forced retreat, Ryan further jeopardized his own safety by dragging his partner from harm's way. Then Ryan and other officers made a second assault. The gunman was killed. Unfortunately, the officer they were trying to save also died.

Ryan has since left the Los Angeles Police Department and has returned to the Army, where he has completed training as a medical specialist. He will return to the 82nd Airborne next month. Ryan's wife, Laura, thinks jumping out of airplanes is only a bit more safe than his law enforcement career. The couple have one daughter.

Mr. Speaker, Ryan epitomizes the kind of person we hold high when we point to our police officers and military personnel. To risk one's own life to save another's is the greatest act of heroism. I know my colleagues will join me in congratulating Ryan for the honors he will receive and in thanking him for his dedication to preserving life and upholding the ideals of the United States.

DAVID WAYNE GILCREASE WAS TRULY A HERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. MCINNIS. Mr. Speaker, I wanted to ask that we all pause for a moment to remember a man who will live forever in the hearts of all that knew him and many that didn't. David Wayne Gilcrease was a man who stood out to those around him. Friends remember him as a man who enjoyed fishing, rodeos, and dancing. But, most of all, he enjoyed his family and friends. His two sons, Spincer and Tyler, and his daughter, Kliftina, brought him endless joys. He was known as a good, upright man.

He was also known as a person who had a tendency to stand up for what he felt was right, or against what he felt was wrong. On Friday night, September 3, that tendency cost him his life. David was in a grocery store when he heard gun shots outside. He could have stayed inside and ignored them, or gone on about his own business, but he didn't. With no thought for his own personal safety, he rushed forward to see if anyone needed his help. In doing this, he met a man holding a gun head on. Mr. Gilcrease weighed only 90 pounds, but he tackled this man and was shot in cold blood. He gave his life for someone he never met before.

David Wayne Gilcrease is someone who will be missed by many. His friends and family will miss the man that they all enjoyed spending time with. The rest of us will miss the man who exemplified the selflessness that so few truly possess. But, when we lose a man such as Mr. Gilcrease, being missed is certainly no precursor to being forgotten. And, everyone who ever knew him, or knew of him, will walk through life a bit differently for it.

TRIBUTE TO SISTER ISOLINA FERRÉ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Sister Isolina Ferré, an outstanding individual who has devoted her life to serving the poor. Sister Isolina, a Missionary Servant of the Most Blessed Trinity, received the nation's highest civilian honor during a White House ceremony on Wednesday, August 11, 1999. She was awarded the Presidential Medal of Freedom.

Sister Isolina, known as the "Angel of Ponce Beach," was born on September 5, 1914 to one of the most affluent families in Puerto Rico. Raised in a wealthy family, she decided early in life that she wanted to dedicate her life to the less fortunate. She joined the Missionary Servants of the Most Blessed Trinity at age 21 in Philadelphia. After she completed her training, she was assigned to the Appalachian coal mining region of West Virginia and then worked among Portuguese immigrants on Cape Cod, Massachusetts.

In 1957 Sister Isolina went to work at the Doctor White Community Center in Brooklyn, where she offered to be a mediator between African-American and Puerto Rican gangs. For her efforts she received the key to the city of New York from Mayor John Lindsay and the John D. Rockefeller Award for Public Service and Community Revitalization.

Mr. Speaker, Sister Isolina Ferré founded community service centers, clinics and programs to empower the poor in Puerto Rico, New York and Appalachia. She does this through the Centros Sor Isolina Ferré, a group of five community-service centers she has run for 30 years. One U.S. author who wrote about turning around poor, crime-ridden communities called her "Mother Teresa of Puerto Rico."

The Centros Sor Isolina Ferré has 350 employees, five offices throughout Puerto Rico, a postgraduate business and technical school and 40 programs aimed at stemming juvenile delinquency and strengthening families. With government and private funding, it serves more than 10,000 people a year.

The operation is built on Ferré's main principle: Poor communities have many resources they can use to improve their condition, and they can be taught to seek their own solutions and take control of their lives. Staff members teach leadership and strategic planning to people in public-housing projects, in Ponce—skills used to start businesses and organize community improvements. Through counseling and other services for youth and families, Ferre's group has dramatically reduced the school dropout rate within a public housing project in the San Juan area.

Mr. Speaker, Sister Isolina is the fourth Puerto Rican to receive the award. The others are former Puerto Rico Gov. Luis Muñoz Marin, a founder of the Popular Democratic Party; Antonia Pantojas, founder of Aspira, an agency known for helping Hispanic youth; and Sister Isolina's brother, former Puerto Rico Gov. Luis A. Ferré, founder of the pro-statehood New Progressive Party.

Sister Isolina attended Fordham University in New York where she earned a bachelor of arts and master's degree in psychology.

Mr. Speaker, I ask my colleagues to join me in commending Sister Isolina Ferré for her outstanding achievements and in wishing her continued success.

A TRIBUTE TO MR. ISRAEL MILTON ON HIS 70TH BIRTHDAY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to one of Miami-Dade County's unsung heroes, Mr. Israel H. Milton, who celebrated his 70th birthday on August 29. A native Floridian, Mr. Milton attended the then Dorsey High School in Miami and went on to earn his Bachelor's degree from Bethune-Cookman College in Daytona Beach. He subsequently obtained his Master's degree in Social Work from Atlanta University. He is married to an educator, Thelma Milton, who has since retired from teaching and with whom he has four children.

Mr. Milton epitomizes the preeminence of a good and decent servant who has tried to do his best to make government accessible to the community, particularly to the community, particularly to the more than 200,000 clients of the county's Department of Human Services. A veteran in social work services, he started his work in Atlanta, Chicago, and New York. On November 2, 1967, he was subsequently appointed to administer the Kendall Children's Home, our community's first group home for juvenile delinquents. He also started Alpha House, the county's first residential facility for emotionally disturbed children.

Mr. Milton's entrepreneurial spirit in accessing much-needed government funding allowed him to expand many and varied services to benefit the children and the elderly via his innovative Child Care Program, Adult Care Program, the Elderly Services and the Homemaker Services Program.

Additionally, it was his vision to incorporate alcohol and drug treatment programs within the Department, which provided the initiative toward the creation of our community's first Juvenile Residential Substance Abuse Program. Needless to say, he was awarded various citations from nationally-renowned agencies and organizations, which honored his pioneering stewardship in this arena.

Ever since I have known this government steward par excellence, Mr. Milton has always been at the forefront of ensuring equality of opportunity for everyone in our community, regardless of race, creed, gender, or philosophical persuasion. At the same time, his forceful advocacy in adhering to the tenets of equal treatment under the law in every segment of our county government has become legendary. In fact, countless others have been touched by his genuine commitment to their well-being, particularly toward those who could least fend for themselves.

In his own quiet, dignified way, Mr. Milton has been and continues to be our community's consummate activist. He abides by the dictum that those who have less in life, through no fault of their own, deserve the help of government to get themselves back up and to become responsible and productive members of society. His colleagues in government service consider him their model, and are often touched by his unique sincerity and personal integrity. The numerous accolades with which he has been honored by various organizations and agencies represent an unequivocal testimony of the utmost respect and admiration which he enjoys within our community.

Mr. Israel Milton understands the accouterments of power and leadership, and sagely exercises them alongside the mandate of his conviction and the wisdom of his conscience, focusing their impact upon the good of the community which he loves and cares for so deeply. His pioneering work in the social work arena has oftentimes shaped and formed the agenda of several professional organizations such as the National Association of Social Workers, the American Society for Public Administrators, the Governor's Constituency for Children, the Florida Foster Care Review Project, the National Forum for Black Public

Administrators, the Dade-Monroe Health Planning Council, and a host of many other organizations.

His word is his bond to those who have dealt with him not only in his moments of triumphal exuberance, but also in his quest to help transform Miami-Dade into a veritable mosaic of vibrant cultures and people converging into the great experiment that is America.

I join countless friends and admirers in wishing Mr. Israel Milton Godspeed and best wishes on his 70th anniversary. He truly exemplifies a one-of-a-kind leadership whose courageous vision and wisdom appeal to our noblest character as a community.

A TRIBUTE TO THE INLAND EMPIRE CHAPTER OF CANDLELIGHTERS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the selfless volunteers of the Candlelighters Childhood Cancer Foundation of the Inland Empire, who give emotional help and support to the families of hundreds of children who are fighting cancer at the Loma Linda University Children's Hospital.

During the month of September, which is Childhood Cancer Awareness Month, the foundation is celebrating its 18th anniversary of working to ensure that these families do not feel isolated, frustrated, and fearful while trying to cope with the potentially devastating battle against this disease.

The Candlelighters maintain a two-bedroom house near the medical center so parents can be near their child, and provide canned food and laundry services. Among their other services, the foundation keeps a Toy Closet stocked for children who have to have special treatment at an outpatient clinic.

The highlight of the year for the Candlelighters and the children they serve is a Christmas celebration, which annually attracts 600 people and hands out more than 400 gifts for kids. A summer picnic gives these children a chance to play games and take train rides, as well.

Mr. Speaker, all of these services, and many others, are provided through donations and by volunteers. Please join me in heartfelt appreciation for these hard-working individuals during Child Cancer Awareness month.

TRIBUTE TO WILLIAM "BILL" MEKALIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to William Mekalian who passed away on January 23, 1999, in Los Angeles, California at the University of Southern California Norris Cancer Center while he was being treated for an illness.

Bill was born in Chicago, Illinois on July 10, 1933 during the Chicago World's Fair. After graduating from high school, Bill enrolled at the University of Illinois. However, he later decided that service to his country was more important and decided to join the U.S. Army in the summer of 1953 during the Korean War. After serving a few proud years in the military, Bill re-enrolled in school at Wright Junior College where he was selected to participate in the Carson Pirie Scott Executive Training Program. Bill's training motivated him to pursue career opportunities in California. It was 1961 when Bill decided to move with his parents to Fresno whereupon he secured a job with the Gottshalks Department Store. It did not take young Bill long to meet Claudette Chuchian of Bakersfield. He married Claudette, and settled in Fresno where they began their family. Bill continued his work as a sales executive, which led him to consider other business ventures including the formation of Javette Truck and Tractor. Over the years, the Javette Corporation grew into one of the leading independent heavy truck sales companies in the country.

Bill is known as a kind and generous philanthropist. He was a dedicated father and carried a strong commitment to his family. Bill's proudest moment was when he witnessed his children graduate together from the University of Southern California. Bill was an avid toy collector. In fact, his impressive train collection rate as one of the best in the world. Several publications and a number of movie sets have featured Bill's collection. Some of his collection is displayed at the historic train museum in Old Sacramento. A leading toy train magazine recently referred to Bill as an "authority on toy trains."

Bill's civic involvement included membership to the Triple X Fraternity, an active member of the Republican National Committee, and a member of the St. Paul Church Parish Council. He is survived by his wife Claudette, his twin children: Yvette Mekalian Mandel of Laguna Hills, James Mekalian of Fresno, son-in-law Larry Mandell, and his two grandsons Alec and Ari Mandell.

Mr. Speaker, I rise to honor Bill Mekalian for his accomplishments and service to his community. I urge my colleagues to join me in extending my condolences to the Mekalian family.

HOBERT FRANKLIN WAS A TRUE HERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. McINNIS. Mr. Speaker, I wanted to ask that we all pause for a moment to remember a man we have lost. Though he is gone, he will live on in the hearts of all who knew him and be remembered for long years by many who didn't. Hobert Franklin was, for the most part, a regular guy. He enjoyed toying with cars, riding his motorcycle, and spending time with those who were important to him. He probably wouldn't have ever thought of himself as a hero, but, he was.

Hobert Franklin was a man who acted on his instincts. Last Friday night, September 3, he was at the grocery store purchasing a money order with his wife. He looked out the window and saw a man trying to drag his wife into the parking lot. His instincts told him to walk outside to try to help. Without saying a word, he stepped between the two people. His thoughts were on protecting the woman, not his own personal safety. Unfortunately, the man pulled a gun and shot Mr. Franklin. He died in an ambulance on the way to the hospital.

When remembered by friends and family the thing that comes up over and over again is the way he was always willing to help anyone who needed him. Just minutes before the shooting he ran into a friend to whom he promised help with a truck that was acting up. His nephew said that whenever anyone needed help Hobert would just drop anything he was doing. He was a good man who gave selflessly of himself.

Hobert Franklin is someone who will be missed by all of us. Those who knew him will miss spending time with him. But, even those of us who never knew him personally feel a sense of loss. We, as a society, have lost someone who was rare to begin with. Mr. Franklin made the ultimate sacrifice to help a total stranger. Hopefully we can all learn from the example that Hobert Franklin set. And, perhaps we can all try to become a little bit more like him.

CENTRAL AMERICA: INDEPENDENCE, PEACE AND PROGRESS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. GALLEGLY. Mr. Speaker, on September 15, five of the nations of Central America will celebrate their respective independence days. As Chairman of the Western Hemisphere Subcommittee, I want to congratulate the nations of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on the occasion of this day and to call to the attention of the Members of the House the great progress which the region as a whole has made toward peace, stability and democracy.

The historic signing of the Guatemala Peace Accords two years ago ushered in a period in which for the first time in almost forty years, the entire central American region has been at peace. Even more significant is the fact that democracy has taken firm root as evidenced by the fact that every current government in the region has been elected in what have been determined to be free and fair elections by both domestic and international observers. Recently, the people of El Salvador celebrated their continued commitment to strengthening their democracy when they went to the polls in their Presidential elections and selected Francisco Flores to lead the nation into the new millennium. In November, the people of Guatemala will also have the chance to demonstrate their commitment to the democratic process when they will go to the polls in the first Presidential election since the end of the civil war and the signing of the peace accords.

The economies of these nations which were served a severe setback last Fall when Hurricane Mitch devastated the region, seem to be making a solid comeback as growth, albeit slow, is being achieved through a combination of liberalization, modernization and privatization. The peoples of the entire region should be commended for their resiliency in the wake of such a total tragedy. Further, it would appear that in general, an awareness and respect for human rights is on the increase. Nowhere has this been more obvious than in Honduras and especially in Guatemala where that nation has opened itself to a comprehensive review and scrutiny of its past human rights record. Significant U.S. financial commitment to this process as well as to programs we are funding in Nicaragua and El Salvador are clearly helping make these efforts successful. And finally, the militaries of several of these nations seem to have accepted their new roles in a democracy and under civilian leadership. This has been the case in Honduras, Guatemala and Nicaragua and was especially true during the post-Hurricane Mitch rebuilding effort.

This is not to say that there are not problems. Drug use and crime seem to be on the increase everywhere and nagging problems of poverty, unemployment, illiteracy and infant mortality persist. But on the whole, Central America has moved beyond the crisis period of the past fifteen years and has given us great cause for optimism.

Mr. Speaker, while I speak of the important progress Central America is making in the support of democracy, I would be remiss if I failed to mention Panama as well. As the House knows, Presidential elections were recently held in Panama and, like its other neighbors, free, fair and transparent elections were also the rule of the day. I want to take this opportunity to congratulate the people of Panama as well for their commitment to the democratic process and to congratulate President Moscoso on her election as the first female President of Panama. We want to wish her well and offer our Subcommittee's help in any way to continue a strong U.S.-Panama relationship into the new millennium.

Mr. Speaker, on the occasion of the celebration of their independence, I want to congratulate each of these nations for the progress they are making and to express my hope that they continue on this impressive path. All of the nations and people of Central America should be proud of what they have accomplished to date. We encourage them to continue down this path and we continue to offer our strong encouragement and assistance.

TRIBUTE TO CLAIRE L. CUMMINGS AND MARY CONSTANTINO

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. NEAL. Mr. Speaker, I would like to take this time to acknowledge the outstanding contributions Claire L. Cummings and Mary Constantino have made to the second congressional district of Massachusetts, to our state, our nation, and the Democratic party. In particular I would like to recognize their longstanding service on the Milford, Massachusetts Democratic Committee.

The Milford Democratic Committee assists the Democratic party and their candidates in reaching the citizens of Milford with the message of the Democratic party. Both Claire and Mary have worked hard to extend the message of the Democratic party into the Town of Milford.

Claire L. Cummings has been an active member of the Milford Democratic Committee for thirty five years. Prior to being a member of the Democratic Committee Claire was actively involved in her community, attending and participating in Milford Town Meetings. She was also the first woman in Milford to run for the office of selectman. It was at this time the Milford Democratic Committee asked Claire to become a member of the committee. Claire L. Cummings has made it a point to attend every Democratic state convention, and particularly remembers the National Presidential Convention of Lyndon B. Johnson. Outside of politics she was involved in other community service groups such as: the Democratic Women on Wheels and the Telephone Pioneers of America.

Mary Constantino began her political career at the early age of eighteen. Mary has worked hard for the Milford Democratic Committee, going door to door asking for votes. She has also been influential in persuading many to join the Democratic party. In all of her thirty five years of membership she has never missed a Democratic convention held in Milford, Massachusetts. Mary is also involved in her community in many other ways. She has been a member of the Grandparents for Literacy group, and was honored by the Jaycees for her work with children. She was named Woman of the Year by the American Heart Association, in honor of her eighteen years of service. Mary Constantino is an asset to the town of Milford and the state of Massachusetts.

Both Claire L. Cummings and Mary Constantino are assets to the Milford Democratic Committee, their state, and our nation. I am pleased to recognize the contributions of both of these women to the second congressional district of Massachusetts.

IN HONOR OF ANNUNCIATION PARISH COMMUNITY IN CELEBRATION OF 75 YEARS OF SERVICE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in celebration of the Annunciation Parish Community as it celebrates its 75th year of dedicated service to the West Cleveland community.

The Annunciation Parish Community, through its "willingness to bear Jesus to the world," has served as a center for the religious expression and the spiritual growth of the West 130th and Bennnington communities.

Through the rite of Baptism as well as conversions, Annunciation has brought many members of the community into the Catholic faith. Throughout the years, Annunciation has served as a center of spiritual and religious growth within the community through the rites of Eucharist and Confirmation. Also, Annunciation unites Catholic members of the community through marriage, offers spiritual pardons through confession, as well as memorializes the deceased through Christian burial.

Annunciation has also educated generations of young men, women and children who have passed through the residential school over the last seventy years. In addition to teaching children the fundamental academic disciplines, Annunciation has taught the importance of service to the community. Currently, Annunciation is involved in helping to bring the Bellaire-Puritas Development Corporation and the Meals-On-Wheels to the area, providing their end of the month Neighborhood Meal, and monthly Food Collection and Hunger Collection, both of which are very supportive of the West Park Community Cupboard.

It is evident that the Annunciation Parish Community has, over the years, played a crucial role in the community, and that its many years of service have been an invaluable contribution to the West Cleveland community.

HONORING SISTER BRIGID DRISCOLL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. DELAURO. Mr. Speaker, I rise today to honor Sister Brigid Driscoll for a lifetime of service and commitment to education. Sister Brigid has pledged her life's work to furthering educational opportunity, especially for young women. She began her career at Marymount College in Tarrytown, New York as a mathematics professor, and later became Academic Dean and Director of Continuing Education. In June, she retired from her twenty year post as President of Marymount College.

I was moved to recognize the great accomplishments of Sister Brigid because she has been an important force in my life. Marymount College is my alma mater. Sister Brigid served as an advisor in my residence hall, Gailhac Hall, where her wisdom and guidance were often sought by myself and the other young women in the hall. Sister Brigid was the kind of leader who tested the will of the young women like myself. Back in those days, we all thought we knew everything. As we pushed the edge of the envelope, Sister Brigid pushed us right back. Sister Brigid was very familiar with some of the antics college women are inclined to participate in. One memorable evening, after a fire started in the lounge of Gailhac Hall, some of us went to alert Sister Brigid, however, it was the night before April Fools Day and she laughed it off, telling us to just "put it out." After a few more minutes, when she began to smell the smoke herself, she burst out of her room, complete with her elaborate habit, and helped us carry the burning couch out to the patio. Clearly, Sister Brigid was developing her crisis management skills as she led the young women of Gailhac Hall.

She challenged us, while still allowing us to think for ourselves and determine our own path. She inspired those around her to work harder and strive to reach our fullest potential. Through her example, she instilled in us the virtues of public service. Sister Brigid demonstrated to us a lifetime commitment to furthering the ideals one holds dear and that, indeed, a woman is capable of achieving anything.

As the leader of Marymount College, a liberal arts college for women, she sought to provide a rich educational environment where women are encouraged to lead and learn. As an ardent proponent of state and financial federal assistance, and the Director of the National Association of Independent Colleges and Universities and the New York State Commission of Independent Colleges and Universities, she has worked tirelessly to promote the benefits of private institutions of higher learning, and to increase access for young people of all backgrounds.

Private colleges and universities have been the choice of Sister Brigid's own educational foundation. She earned a Bachelor's degree in Mathematics from Marymount Manhattan College, a Master's degree from Catholic University, and a PhD in Mathematics from City University of New York. This year, in recognition of her distinguished service to the school, Marymount College bestowed on her the Honorary Degree of Doctor of Humane Letters.

Sister Brigid is truly an educational visionary. In 1975, she founded the Weekend College at Marymount College. It was the first full Bachelor's Degree program in the area for working adults. She recognized that her community needed higher education that was accessible and convenient for working men and women. Because of her, hundreds of adults have earned their college degrees, and have accomplished what may have been a distant goal at one time. Many people see problems, Sister Brigid is the kind of woman who creates solutions.

All who have worked with Sister Brigid are amazed at her endless energy. She is active in numerous community organizations, serving on the Boards of First American Bankshares, Inc. and The Westchester County Association. She is a member of the exclusive Women's Forum, a group of 300 leading women in the New York arts and business forum. She has also served on past boards of the Statute of Liberty/Ellis Island Commission, the United Way of America Second Century Initiative, the National Board of Girl Scouts USA, and the Axe-Houghton Funds.

Although Sister Brigid has retired, those of us who know her can tell you she is not finished with her work yet. She will continue to use her talents and experience for projects which focus on furthering the progress of education for women. I am proud to stand here today to honor one of my earliest role models. I join with her friends, colleagues, and students to thank her for her years of service and wish her a very happy and healthy retirement.

TEACHERS' CREDENTIALS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. DUNCAN. Mr. Speaker, many small colleges are unfortunately in a struggle to survive today. Let us suppose a very possible hypothetical situation in which a college professor with a Ph.D. and 20 years of teaching experience loses his or her job because a college closes down.

Today, that professor, even with a Ph.D. and many years of teaching experience, could not teach in the public schools—this in the face of a teachers shortage.

It makes no sense whatsoever hat someone with great education, experience, or success in a particular field should not be allowed to teach because of not having taken a few education courses.

A degree in education should be a plus in favor of hiring a teacher. But lack of an education degree should not prevent a well-qualified person from being hired as a teacher.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article by Jeanne Etkins from the September 2 issue of the Christian Science Monitor.

TEACHERS VS. "EDUCATORS"

American students bottom-out on international math and science tests and too many need remedial reading and writing classes in college.

One important reason is that we easily accept credentialed educators over effective teachers. Too many unprepared graduates are allowed to become "educators." Teaching is one of America's most important professions and yet our education bureaucracy—high on credentialism and low on pay—makes it difficult for well-educated people to become teachers.

Instead of making it easier for better teachers to enter the profession, our solution to our problems is too often to dumb down, not wise up. For example, we gave A's and B's to two-thirds of the nations eight-graders, even though many are unprepared to handle high school. We "re-center" SAT scores to obscure declining student abilities. And we grant college diplomas—and teaching degrees—to people who haven't mastered high school material. (Tell me, who hasn't heard about that 60 percent failure rate on the Massachusetts teacher's entrance exam?)

Although students, teachers, and school administrators clearly don't make the grade, taxpayers spend a fortune on education—$565 billion, in federal, state, and local funds, in 1997. And yet, the United Way estimates states and businesses shell out $20 billion annually to teach employees and college students fundamental literacy skills. A very big reason for this is that we invest in good "educators" not good teachers.

People serious about a subject don't major in education. Scientists major in science, historian study history, and mathematicians focus on math. If people are really serious, they earn graduate degrees.

So why aren't more of these experts teaching our children? Because a BA in education qualifies teachers, but an MA or even a PhD in any other field does not.

Furthermore, adding college teaching to a doctorate won't get the most persistent teacher-wannabe a job in a public school. We don't "certify" people to teach unless they've taken education theory courses, no matter how knowledgeable they are in academic areas.

Not that every expert in a field is going to teach well—but it's not a far-fetched notion that someone who loves and understands a subject can ignite a student's interest in it.

How many brilliant people with graduate degrees do you think are willing to sacrifice $20,000 and an additional two years on education courses in order to land a $25,000 per year teaching job? Not many, and the number is smaller if you consider that we refuse to pay higher starting salaries to career-changers who may have spent years working in their fields.

Noncompetitive salaries and unreasonable requirements discourage professionals and capable college graduates from entering teaching.

Even the most dedicated teachers already in the profession bail out because of other reasons—overcrowded classrooms and disrespectful students. One out of 5 teachers—many of the best—began abandoning the profession in 1991 for more rewarding careers, according to the US Department of Education. Can we really blame them? All too often we demand they tolerate students whose abusive language and disruptive behavior in the classroom prevent teaching and would surely get them locked up or expelled from any church, store, library, or theater.

"Teaching is rewarding, but the pay is lousy" is fast becoming "Teaching is unrewarding, and the pay is lousy." It's no wonder that the best and the brightest rarely go into teaching, and when they do, few stay. It's time to reverse this dangerous trend.

We will save money and graduate smarter kids when we make it easier for motivated, knowledgeable professionals to make the transition into teaching. They don't need to be credentialed to start the job. There's no reason we should be able to train defense employees on the job—to program ballistic missiles, for goodness sake—but not teachers.

Don't misunderstand, though. Paying teachers competitive starting salaries and hiring more academic experts won't guarantee a Lake Wobegon society. Every student is not "above average," regardless of the number of A's and B's teachers are encouraged to pass out.

But our chance for improving public schools rises dramatically when we make it easier, not more difficult, for the right people to become teachers.

Well-educated people want to teach.

Are we wise enough to let them into the classrooms? Will we pay what it takes to keep them there?

CONGRATULATIONS TO ANN KUTSCHER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Ann Kutscher of Jefferson City, Missouri, has been selected to serve as Governor of the Western Missouri District of the Optimists International. Ann has selflessly served her community, and it is my pleasure to recognize a few of her many outstanding achievements.

Ann Kutscher has dedicated her life to community service through a variety of organizations and positions. Ann has been a member of the Jefferson City Optimist Club since 1991 and has previously served as the President of the chapter. On August 21, 1999, she was installed District Governor.

For over twenty years, Kutscher has been a devoted member on the General Federated Women's Clubs of Missouri, Inc. (GFWC). In GFWC, she has served as State President, Mississippi Valley Region President, and as member of the International Resolutions Committee and Diana's Club. Kutscher also formed the GFWC-Jefferson City New Horizon Junior Club.

An active environmentalist, Ann has served on the Conservation Federation of Missouri, holding the positions of Honorary Chairman, Treasurer, and she was the first woman elected President of the board. She also served as past President of the Mid-Missouri Conservation Society, and she is on the Jefferson City Parks and Recreation Committee.

Ann's wide range of involvement also includes youth leadership development and church volunteerism. She has served as State Chairman for the Hugh O'Brein Youth Leadership Foundation and has been serving as the Missouri Girls Town Board President since 1986. She has also been an active member of the Trinity Lutheran Church in Jefferson City, as Assistant Treasurer, President of the Trinity Missionary Society, and Chairperson of the Trinity Steering/Building Committee.

Mr. Speaker, Ann Kutscher is a personal friend of mine, and I have had the privilege to have her on my staff for many years. She is a devoted parent and grandparent with three sons and six grandchildren. From 1973 to 1976, she was my Administrative Assistant when I served in the Missouri Senate. Since 1983, I have had the pleasure of having Ann as a Capitol Liaison in my Jefferson City district office. Ann Kutscher is a true model of dedication and achievement for her community and State. I know the Members of the House will join me in offering a heartfelt congratulations to Ann Kutscher.

TRIBUTE TO TONY AGUIRRE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a greatly respected and remembered man. Tony Aguirre, a captain and former fire chief with the Hollister fire department and community role-model, died this last July after a courageous battle with cancer at the age of 61.

Tony was a committed and professional firefighter who selflessly devoted himself to the welfare and safety of the members of the community for nearly half a century. Tony Aguirre was a long-time resident of Hollister who returned to the community after serving in the National guard and attending San Jose State University. He is remembered by many as one of the real heroes in the community.

Recently, Tony had been honored as the Man of the Year by the Mexican American Committee on Education and also served as the first president of the San Benito County League of United Latin American citizens.

We will always remember Tony Aguirre for his courage and compassion. My thoughts are with his family.

HONORING JOHN R. LINDAHL, SR.

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. BRYANT. Mr. Speaker, I rise today to honor my constituent and one of America's top entrepreneurs, John R. Lindahl, Sr., founder and recently-retired Chairman of State Industries, Inc. in Ashland City, Tennessee.

After flying 64 missions as a B–26 bomber pilot in World War II, John returned to Tennessee and went into business for himself making coal and wood-burning stoves out of a garage. By 1948, John took his small State Stove and Manufacturing Company in a new direction and began producing water heaters.

With some 150 competing water heater companies in the early fifties as his competition, John Lindahl let nothing stand in his way. He sold, delivered, and installed water heaters himself, running this small operation often from his car. With John's hard work, his dedication to free enterprise and commitment to quality, State Stove and Manufacturing became State Industries, one of the world's largest and leading manufacturers of residential and commercial water heaters and water system tanks.

Relocating in the early sixties to Ashland City, Tennessee in my district, State Industries boomed into one of the most modern and efficient plants in the industry. Occupying a 1.6 million square foot plant and employing more than 2,000 employees, State Industries now grosses sales in excess of $400 million.

Well-known for his devotion to his employees, service and building strong relationships with customers, John Lindahl, Sr. is proof that the American dream is possible through commitment, loyalty and faith.

Mr. Speaker, I am honored to have this opportunity today to congratulate John Lindahl, Sr. on his truly remarkable success and impressive legacy. Along with my colleagues in the House, I send my best wishes to him for a happy and healthy retirement.

TRIBUTE TO NORWAY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. SAXTON. Mr. Speaker, I rise today to congratulate and pay tribute to Norway for its numerous contributions to and dedicated support of the international affairs which have become significant factors in the development of a sound Balkan market economy and a strong foundation for democracy. In particular, I would like to specifically highlight Norway's exemplary commitment to recent international peacekeeping operations, military volunteer support and participation in various multilateral economic and humanitarian programs.

Since 1947, Norway has taken part in nearly 30 peacekeeping operations involving more than 55,000 military volunteers. With a total population of about 4.5 million, this is a significant contribution which greatly exceeds larger NATO ally countries. These Noregian military volunteers have been stationed in the Balkans, the Middle East, Kashmir, Korea, the Congo, Guatemala, Angola, El Salvador, Somalia and the former Yugoslavia to name a few.

Since 1997, Norway has assisted with extremely delicate international situations by taking as active part in peace keeping operations such as supporting the United Nations Interim Force in Lebanon (UNIFIL), the Stabilization Forces (SFOR) in Bosnia-Herzegovina, the United Nations Truce Supervision (UNTS) in East Solovenia, and the United Nations Mission of Observers in Prevlaka (UNMOP).

Norway is equally strong in the economic marketing and developing of democracy for three Baltic states; Estonia, Latvia and Lithuania. Through various multilateral cooperative programs and exercises, Norway has stimulated economic growth and collaboration between a number of western countries with the Baltic states. This unified effort has resulted in the establishment of a joint Baltic peace-keeping battalion, a joint Baltic Navy Squadron, and Baltic Security Assistance Group. Norway has also provided significant monetary aid to the Balkan area with 153 million dollars to aid Kosovars in Norway, 38 million dollars in military expenses and 29 million dollars to United Nations for humanitarian assistance.

Mr. Speaker, Norway is indeed a "keystone" to the foundation of international democracy and within the Balkan area. Its continued support of peacekeeping operations, humanitarian support and economic growth remains vital to world stability. For outstanding support of democracy, I congratulate and pay tribute to our good friend and ally, Norway.

SACRED HEART CHURCH IN SYRACUSE TO BE DEDICATED AS A MINOR BASILICA

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. WALSH. Mr. Speaker, I want to share with my colleagues today a significant honor for many of my Central New York neighbors and constituents who are parishioners at the Sacred Heart Roman Catholic Church in Syracuse.

My wife and I attend mass at Sacred Heart quite often and so we were happy and proud, as are so many others who worship in this neighborhood church on the west side of the city, to hear the recent news from the Vatican that the church will be designated, by order of Pope John Paul II, a Minor Basilica during a mass to be celebrated on October 3.

To many in the parish, this important designation represents years of prayers and hard work by Father Peter W. Gleba, the rector and pastor, who put together the papers of application (all in Latin, I might add), and the long-time leadership of Monsignor Adolph Kantor, Msgr. Kantor is now retired, but he will be on hand at the Oct. 3 mass to present the homily.

This designation, aside from the magnificent honor paid to the church and the parish, has a practical effect. A Basilica Chair will sit in the vicinity of the altar and should the Holy Father ever come to Central New York, he would say mass at Sacred Heart and use this very special chair.

The designation also means that our Bishop from the Diocese of Syracuse will say mass at Sacred Heart at least once a year, in addition to regular liturgical events such as administering the sacrament of Confirmation.

Significantly, there are only two other Basilicas in New York State, one in Tonawanda near Buffalo, and one in Brooklyn. This is the first such designation in the history of the Syracuse diocese.

We who are so proud of and thankful for this designation also give thanks to Bishop James Moynihan and former Bishop O'Keefe for their encouragement and support.

In closing, I would like to pay tribute also to former pastors, Father Rusin and Monsignor Piejda, both of whom formed a very close bond with the parishioners, many of whom over the years have been of Polish and Eastern European descent.

This is a tremendous honor for Sacred Heart Church, and I would ask my colleagues to join me in recognizing their great joy and thanksgiving.

ARTSAKH INDEPENDENCE DAY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. McCOLLUM. Mr. Speaker, congratulations to the brave people of Artsakh—the traditional Armenian name of what is presently known as the Republic of Nagorno Karabakh—on their independence day—September 2nd. Eight years after their unilateral declaration of independence as the Soviet Union was collapsing and hostile militant forces were rising in the Caucasus, the predominantly Armenian population of Artsakh is still far from being safe and secure. Shunned by the world at large and increasingly threatened by the rise of militant Islamism in the Caucasus, the Republic of Nagorno Karabakh sets an example of perseverance and commitment to freedom and independence.

The current plight of the people of Nagorno Karabakh is a sorry situation since the Armenians of Artsakh are among the oldest distinct population groupings on earth. Armenian settlements and a distinct political entity have existed in Artsakh since the 2nd century B.C. Armenian independence prevailed there until the collapse and partition of the first Armenian state in the 5th Century A.D. At that time, between 480 and 483, Movses Khorenatsi wrote the monumental "History of Armenia" under the auspices of Prince Sahak Bagratuni—a manifestation of the centrality of Artsakh in Armenian civilization. In the late Middle Ages, the Armenian principalities retained their independence under Persia's nominal rule.

The Armenians of Nagorno Karabakh were among the first in the region to embrace Christianity back in 301 A.D. in the aftermath of the missionary activities of St. Gregory the Illuminator. In this context, the repeated destruction and rebuilding of the Monastery in Amaras symbolizes the resilience and determination of the Armenians of Artsakh. First built around 330 A.D. by St. Gregory the Illuminator, it has been repeatedly damaged and destroyed by countless invaders—such as the Arabs, the Persians, the Mongols and the Turks—only to be rebuilt again and again by the local population. The Monastery in Amaras was last damaged by the Azerbaijani forces in 1992, during Nagorno Karabakh's bitter war for independence. It has since been rebuilt and its centrality in Armenian religious life restored.

The Armenians' quest for independence has long historical roots. In the late 1980s, as the population of the then Soviet Union was awakened to rediscover nationalist roots, as well as cultural and religious heritage, so did Armenians of Nagorno Karabakh. By then, they had a history of quest for independence despite Soviet oppression. Significantly, since 1923, Nagorno Karabakh was a distinct Autonomous Region within Azerbaijan—a status that reflected the population's distinction. The Armenian population was restive since the thaw of the early 1960s, including riots in the late 1960s demanding self-determination within the confines of the USSR.

In the late 1980s, the Armenians of Nagorno Karabakh were alarmed by the rise of Turkic militancy in Azerbaijan. The legacy of the 1918–1920 slaughter of Armenians by Turkish and Azerbaijani forces—especially the March 1920 destruction of Shushi, an Armenian cultural center that lost its Armenian population and character until recaptured in May 1992—was revived by pogroms in Baku and "ethnic cleansing" of Armenian population throughout the region since 1988. No less alarming was the Azerbaijani blockade aimed to starve the Armenian population into surrender and self-imposed exile. Hence, once the Armenians' quest for self-determination was rejected by the Soviet and subsequently Azerbaijani authorities, the Armenians of Nagorno Karabakh embarked on their quest for independence as the sole guarantor for their self-survival.

On September 22, 1991, the Armenians of Nagorno Karabakh declared their independence and vowed to defend the Armenian character of their land. They then withstood a three-year long brutal war in which the vastly superior Azerbaijani forces strove to destroy them completely. Presently, the population of the Republic of Nagorno Karabakh is a mixture of the local population and Armenian refugees from parts of Nagorno-Karabakh still held by Azerbaijani forces, as well as ethnically cleansed Armenian communities in other parts of Azerbaijan, most notably Baku. They are trying to rebuild their country. A mere 150,000–200,000 people surrounded by a sea of hate with only a corridor to Armenia as a life-line of sustenance.

Therefore, we should recognize the determination of the Armenians of Nagorno Karabakh to preserve and revise their heritage and take control of their lives. In an era where the United States has stood up to the rights of endangered minorities to self-determination, stability, and betterment of life, we should not neglect the legitimate rights and aspirations of the Armenian people of Artsakh. They have already fought and sacrificed enormously in order to attain these rights. On their independence day, they deserve not only our congratulations, but our recognition and help, so that they can continue to grow and develop free of existential threats.

TRIBUTE TO ERNEST DILLON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor a beloved and remembered man. Ernest Dillon, a long-time benefactor of Santa Cruz county passed away this last July at the age of 90.

Born July 29, 1909 in Oregon, Mr. Dillon moved with his family to Santa Cruz in 1921 when he was eleven years old. Aside from his highly decorated service as a captain in the U.S. Army during World War II, Ernie resided in Santa Cruz until his death. As a local business-owner, Mr. Dillon led improvement campaigns in downtown Santa Cruz to help protect local businesses from competing shopping centers further north.

For over three decades, Ernie Dillon contributed to the community through a lifetime of civic accomplishments in the areas of education and health care in Santa Cruz county. Ernie worked tirelessly to raise monies for Dominican Hospital and was also instrumental in acquiring the funding for constructing Cabrillo Community College.

As an avid global adventurer and for his devoted service to promoting the welfare of the people in Santa Cruz county, Ernie Dillon will be sorely missed and always remembered for his great contributions spanning an entire lifetime. My thoughts remain with his family.

TRIBUTE TO RICHARD J. LIEN

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, I would like to take this opportunity to enter into the CONGRESSIONAL RECORD a few words expressing the profound gratitude and esteem I have for a very special public servant in my congressional district. Richard J. Lien has served the public as a Social Security Field Representative for the last 25 years. He has also been one of Social Security's special congressional liaisons for more than a decade. We will lose Dick to retirement on September 24.

My staff and I have worked with literally dozens of congressional liaisons, and it is no exaggeration to say that Dick is the best of the best. Dick has worked with nearly every member of my staff and helped thousands of my constituents with problems ranging from the easily fixable to the nearly impossible. Dick tackled problems big and small with his characteristic persistence and compassion for those he was trying to help.

There was the time he got a woman her lost Social Security check just in time to prevent her home from being foreclosed. The time he got a young American girl living in Jerusalem a replacement Social Security Card in a week, so she could complete important State Department paperwork. The time he forwarded a young man—on Christmas Eve—more than $20,000 owed him in back disability pay.

I could go on and on until I had filled several volumes. My constituents have called him a savior, a godsend, and even Santa Claus. And I haven't even touched on the work he has done for the other members of Oregon's Congressional Delegation and our predecessors.

Through his years of service to the public and the Congress, Dick has been unfailingly professional, courteous, and persistent. He never gave up on a tough problem or complained, though he often bore more than his share of work. Dick will be sorely missed—by Oregon's members of Congress, by the Social Security Administration, and by the countless Oregonians he helped, many of whom probably never knew he was the one making sure they got their Social Security checks every month.

Dick, today I salute you, my staff salutes you, and Oregon salutes you. May you have a peaceful and well-deserved retirement.

* * *

CONFERENCE REPORT ON H.R. 2488, TAXPAYER REFUND AND RELIEF ACT OF 1999

SPEECH OF

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. BALLENGER. Mr. Speaker, I am pleased to offer my support for the compromise version of the Taxpayer Refund and Relief Act of 1999, a tax relief package which is a consequence of our strong economy and the successful 1997 Balanced Budget Agreement. The commitment to tax relief demonstrated by Chairman BILL ARCHER and the Members of the Committee on Ways and Means, and their counterparts in the other body, is the main reason we are debating this legislation today. Chairman BILL ARCHER deserves special recognition for his drive to return excessive federal income taxes to the American taxpayers.

We have pledged to return to taxpayers only the surplus dollars generated from excessive federal income taxes. It is important to note that H.R. 2488 conditions the tax reductions on there being no increase in the public debt. Specifically, if this debt increases, H.R. 2488 would delay the next phase of tax reductions for one year. This so-called "trigger" was included to reassure voters that the tax cuts would be forthcoming only if the expected budget surpluses materialize over the next ten years.

Even if this $792 billion tax relief would become law, Congressional Republicans expect to reduce the pubic debt from $3.7 trillion to $1.6 trillion over the next ten years (a reduction of over $2 trillion). The public debt is the debt resulting from the federal government's sale of Treasury bonds to mutual funds, individuals and foreign investors. The amount of public debt reduction will be twice the amount returned in tax relief. We will be paying down the public debt and, as a result, keeping interest rates low and the economy strong.

Fundamentally, I believe this bill continues the progress Congressional Republicans have made in returning to Americans and their families more control over their lives and over the federal government. Unlike President Clinton who plans to veto this tax relief, we believe that our constituents can make better decisions about spending their wages than Congress, the White House and Washington bureaucrats.

I support this historic $792 billion tax relief package which offers taxpayers a one percent reduction in all individual income tax rates and virtually eliminates the marriage penalty. In addition to provisions designed to reform pensions and enhance retirement security, H.R. 2488 would: expand education savings accounts, student loan interest deductibility and prepaid tuition plans; provide more money to school districts for school construction or renovation; make health insurance and long-term care insurance more affordable and accessible; provide an additional exemption for taxpayers caring for elderly family members at home; lower the capital gains tax and phase out the estate tax; protect child, education and child care tax credits by phasing out the alternative minimum tax; and allow a deduction to cover the cost of prescription drug insurance coverage for seniors once Congress passes Medicare reform.

I welcome these changes in the tax code and those contained in the Taxpayer Refund and Relief Act of 1999 which address employee stock ownership plans, or ESOPs. The compromise bill contains a provision (Section 2 of the ESOP Promotion Act of 1999, H.R. 2124) which would expand the deduction of dividends paid on ESOP stock. Such simplification of the tax code will be a welcome change for ESOP companies and their employees who wish voluntarily to reinvest their dividends in more company stock.

Finally, I am grateful for the adoption of a Senate provision which addresses ESOPs set up by S corporations, ensuring that this change in the Balanced Budget Act of 1997 is not misused. If enacted, this change would resolve any unintended consequences of our 1996 and 1997 tax laws and ensure employees of S corporations can participate in ownership through an ESOP.

Again, I am pleased by the positive leadership taken by Chairman ARCHER and the Ways and Means Committee to reward hardworking taxpayers and their families, small businessmen and women, and to boost employee ownership.

RECOGNIZING SHELDON'S HORSE, THE SECOND CONTINENTAL LIGHT DRAGOONS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. GILLMOR. Mr. Speaker, it is with a great deal of pleasure that I rise today to revisit the proud and distinguished history of one of General George Washington's first commissioned cavalry units, Sheldon's Horse, the Second Continental Regiment, and to recognize the efforts of the members of the current-day Sheldon's Horse for their efforts in keeping their history alive.

During the War of Revolution New York Campaign of 1776, the usefulness of a detachment of Connecticut militia troopers under the command of Major Elisha Sheldon and the intimidation of some of the Continental Army infantrymen by similar British units led George Washington to call for the addition of light horsemen to the Continental Army. Congress directed Major Sheldon to raise a light dragoon regiment and appointed him lieutenant colonel commandant of calvary.

Consisting of troops from Connecticut, Massachusetts, and New Jersey, Sheldon's Horse participated in engagements in Northern New Jersey, the defense of Philadelphia, New York (1779), Connecticut (1779), New York (1780), New York (1781), and Connecticut (1781). The unit served as Washington's "eyes," scouting and skirmishing with the British advance forces and denying the British supplies and forage. The unit was recognized by our French allies as the best equipped and best trained regiment in the American Army. After the war, the Regiment was disbanded on November 20, 1783, after being furloughed five months earlier with General Washington's last encampment at Newburgh, New York.

By act of the Governor of Connecticut, the Second Continental Light Dragoons has been reactivated in 1980, as a representative ceremonial unit of the State of Connecticut to serve as historic functions. Under the leadership of Commander Salvatore F. Tarantino, present day Sheldon's Horse is worthy of its proud legacy. Great effort is made to observe actual historical data to ensure authenticity of appearance and purpose. Sheldon's Horse is recognized as one of the finest reenactment units in America. Sheldon's Horse continually wins awards for best military appearance, best drill, best field (battle) performance, and best historical demonstration.

Mr. Speaker, historical perspective of our national experience and its accurate preservation are a vital part of that which defines us as a nation. I ask my colleagues to join me in recognizing the work of today's Sheldon's Horse in preserving the unit's distinguished history and in perpetuating it for current and future generations of Americans.

IN MEMORY OF AMORY UNDERHILL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the memory of Amory Underhill, an outstanding community leader who will be greatly missed by the entire Florida community.

Graduating from John B. Stetson University in 1936, Amory practiced law in DeLand, Florida, for four years before joining the military. In the United States Navy, Amory served active duty for three years as a Lieutenant Commander. After completing his term of service as a Naval officer, he distinguished himself as an attorney in the Department of Justice where he was admitted to practice before the Supreme Court in 1946. As a member of the American, Federal, Florida, and District of Columbia Bar Associations, Amory truly demonstrated his strong belief that through his law experience he could improve the lives of others.

In addition to his tremendous work in law, Amory Underhill was distinguished in his devotion to higher education. At various times in his life Amory served as a Trustee at both Stetson University and Saint Leo College, and this extraordinary interest in education did not go unrecognized by either of these institutions. In 1974, he was presented with the distinguished Alumni Award by the Stetson University Alumni Association. Saint Leo College presented Amory with an Honorary degree—Doctor of Humane letters—in 1980. Lastly, in recognition of his tremendous accomplishments, Stetson University has created the Amory Underhill Award presented annually in his honor.

Adding to his already extraordinary resume, Amory Underhill was continually involved in community service throughout his life. This interest dates back as far as 1946, when he became a member of both the Young Democrats of America and the Florida State Society. Amory was so interested in addressing the concerns of Floridians throughout his life that he became a Trustee of the Florida House in 1973. He was also member of the Florida Chamber of Commerce and of the American Legions Military Order of World Wars. Participating in the DeLand Elks and in the DeLand Kiwanis Club, he was very well respected by the entire Florida community for this intense devotion to his work as well as interest in improving the world around him.

In summary, Amory's exemplary work and civic involvement were truly outstanding and he will dearly be missed by the entire Florida community. However, I am grateful to say that we are lucky to have so many wonderful memories of his life and work.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Cunningham amendment to restore funding for the Selective Service System.

The sole mission of the Selective Service is to support our country's military readiness by supplying manpower to the Armed Forces adequate to ensure the security of the United States during a time of national emergency. The Selective Service is a small agency with a budget of less than $25 million. It relies on more than 10,000 volunteers who would serve on local, national and civilian review boards during a draft.

Registering for the Selective Service is one of the few requirements we place on our young people. It is also one of the few opportunities we have to encourage young adults to consider public service. Through the response mechanism in the registration process, the Selective Service System provides men 18–25 years of age with information about a range of ways, military and civilian, to serve their country. These messages address all of the armed services, as well as civilian service opportunities, including America's Promise and Job Corps.

At a time when our nation faces recruitment shortages and retention problems, it would be unwise for this body to terminate the one agency responsible for maintaining an up-to-date list of people that could be called upon should we need to return to a draft. Defense Secretary Cohen, the National Security Council, the Chairman of the Joint Chiefs of Staff, and our nation's leading military service organizations oppose the elimination of funding for the Selective Service System because it could compromise this country's future mobilization capability.

During a time of peace and with a strong economy, it would be very easy to abolish the Selective Service System. Who would notice? Many consider it out-of-date and unnecessary when we have the strongest military force in the world. But it would be a dangerous gamble to assume that we will never again need to rely upon the draft. If the Selective Service System is terminated and our nation was faced with a crisis, it would take more than a year to recreate the System. These sorts of delays could be disastrous in a state of emergency and could prevent a draft from being fair and equitable.

Today's Selective Service System is also prepared to conduct a special skills draft, such as a draft for health care personnel, if the need arises. The ability to enact a health care draft would be critical if our nation ever experiences a military conflict involving mass casualties from nuclear, chemical or biological weapons. This is just one more benefit of a modern Selective Service System that provides an economically efficient way to support our manpower needs in a state of emergency.

If Congress eliminated the Selective Service, it would be more costly to our nation in the long run to recreate the functions of this agency. A GAO study concluded that the costs associated with dissolving the Selective Service System and then gearing it back up would amount to more than $100 million. A decision so important to our ability as a nation to fulfill its constitutional obligations of providing for the common defense should be taken up by the Congressional authorizing committees, not the Appropriations Committee.

Mr. Chairman, the House has debated the status of the Selective Service several times in the past decade and, each time, a clear majority has supported maintaining the Selective Service System. I urge my colleagues to continue this commitment to the Selective Service and vote for the Cunningham amendment.

TRIBUTE TO WILLIAM BARKER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. FARR of California. Mr. Speaker, I rise today to commemorate the passing of William Barker, a leader in the California agriculture community.

A fifth generation Monterey County native, Bill served for forty-three years as the manager of the Monterey County Farm Bureau, guiding the agriculture community through years of profound change. He became manager of the local farm bureau chapter in 1958, when the Salinas Valley had, for the most part, dairies and dry bean farms. Salinas Valley is now a salad bowl, as well as producing wines, cut flowers, organic crops and herbs. Other significant changes developed in environmental and labor regulations, and in the urbanization of farmlands. Bill never failed to keep farmers aware of what was on the horizon and what would be best for the industry.

Bill's emphasis on education programs helped to keep the community-at-large aware of the role that agriculture plays in their daily lives. He was an early supporter of Monterey County Education Inc.; he was deeply involved with local and Statewide 4–H programs and the Future Farmers of America Programs in high schools; and he was founder and Chairman of the County's COLA (Coalition of Labor, Ag and Business).

Bill took a leadership role in the community as well: as President of the Salinas Chamber of Commerce; as a member of the Board of the United Way of Salinas Valley; as director of the Monterey County Fair for 12 years and president of the fair for 3 years; and as President of the Steinbeck Foundation Treatment

Center. He was on the Board of Directors of the Monterey Resource Conservation District, and in the 1980's he assisted with the establishment of the Monterey County General Plan.

Bill died January 21, 1999, leaving his wife Norma; two sons, Bill and Tom; two daughters, Carole and Susan, and three grandchildren and a host of friends and admirers. Bill was always an advocate for and champion of the agricultural community. His vision and leadership will be greatly missed.

HONORING MR. ROBERT W. GRAHAM ON THIS, HIS SEVENTY-FIFTH BIRTHDAY, FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY OF JOHNSON CITY, TENNESSEE

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. JENKINS. Mr. Speaker, I rise today to recognize Mr. Robert W. Graham of Johnson City, Tennessee for his ongoing commitment to service toward his community. Throughout his life, Mr. Graham has displayed the hard work and honorable virtue that has won him the respect and admiration of his peers.

Ten years ago, Mr. Graham moved to Johnson City following distinguished service as a government engineer. As one might expect from Mr. Graham, the purpose of his move was to continue his dedication to public service. He organized a local chapter of the Service Corps of Retired Veterans (SCORE), an organization designed to assist under-funded individuals enter into business for themselves. Mr. Graham has been actively involved in SCORE for all of his ten years in Johnson City, and currently serves there as Chairperson of Chapter 584. Under Mr. Graham's watch the program has expanded to include five counties in upper east Tennessee as well as three regional offices.

Mr. Speaker, I am proud to present to this Congress Mr. Robert W. Graham, who this September 18 will be celebrating his 75th birthday, and ask my colleagues to join me in honoring his life of outstanding service and uncommon dedication.

HONORING BOB AND LINDA BARNES ON THE OCCASION OF THEIR RETIREMENT FROM SPRINGVILLE ELEMENTARY SCHOOL

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today in honor of the 43 years of combined service of Robert and Linda Barnes to Springville Elementary School.

Bob and Linda retired from the Springville Griffith Institute School earlier this year, marking the first time in more than two decades neither was there to greet incoming students at the onset of the school year.

Bob served as Principal of Springville Elementary School since 1976. His wife, Linda, has been secretary since 1979. They were married in 1983.

Mr. Speaker, from parental feedback to standardized test scores, Springville Elementary School has thrived under the Barnes' leadership, ability and devotion. Ninety-eight percent of the students read at levels above the state average; and the majority of second and fourth graders place in the 60th to 80th percentile of the Stanford Achievement Tests.

American historian and writer Henry Adams once noted that "a teacher affects eternity; he can never tell where his influence stops." For Bob and Linda Barnes, the lives they've touched over their years at Springville Elementary School will ensure that their influence carries on far into the future.

But it's not just the children of the Springville community that have benefited from the Barnes' time and talents. Whether the Chamber of Commerce, the Salem Lutheran Church, the Concord Republican Committee, or countless other civic and community activities and organizations, Bob and Linda have always been there to provide a helping hand to their neighbors.

While I'm proud to honor the contributions of Bob and Linda Barnes both to the Springville Elementary School and their community, I'm also honored that they are among my closest and dearest friends. For many years we were next door neighbors, and through morning coffees and late-night conversations, I know how deeply Bob and Linda care about the children of the Springville community, and how sorely they will be missed.

Mr. Speaker, I ask that this Congress join me in saluting Bob and Linda Barnes for their years of service to Springville Elementary School; and in wishing them great health and happiness in their retirement.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday, September 13, 1999, and as a result, missed rollcall votes 405 through 407. Had I been present, I would have voted "yes" on rollcall 405, "yes" on rollcall vote 406, and "yes" on rollcall vote 407.

HELP AMERICA'S FARMERS & RANCHERS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mrs. EMERSON. Mr. Speaker, I rise today to talk about the continuing crisis in the farm economy and share with this body a copy of a letter I recently received from a constituent in my Congressional Distirct. America's farmers and ranchers are strugglign to deal with some of the lowest commodity prices in decades. Current commodity prices do not even allow farmers to recover their costs of production, much less provide for the needs of their families. When one considers that drought and other damaging weather conditions are also dramatically affecting our crop and livestock production, it is clear that this is nothing short of an emergency situation. And the following letter from a constituent of mine reminds all of us that this situation goes well beyond mere numbers, projections, and statistics. The fact of the matter is that real people are hurting; the livelihoods of real families and real communities are at risk. This letter from Mr. Bill Faris of Hayti, Missouri, the son of a farmer and someone whose family has farmed for generations, highlights the depth of the problems in farm country and explains why all Americans should be gravely concerned about what is happening out on the farm. I hope Members of Congress will keep Mr. Faris' comments in mind as they vote on farm relief measures that will be considered very soon.

BILL FARIS,
Hayti, MO, August 25, 1999.

Rep. JO ANN EMERSON,
The Federal Building,
Cape Girardeau, MO.

DEAR REP. EMERSON, This is a follow up to my earlier letters to you. I had the opportunity to hear you speak at the Rice Field Day on Aug. 18th as I work for the Univ. of MO Delta Center. I was encouraged by what you had to say as you are addressing the central issues facing farmers during this crisis, and it is obvious that you are truly concerned about the plight of our family farmers, and you are taking action to try and help our smaller farmers.

I want you to know I appreciate your efforts on behalf of farmers like my Dad. Unfortunately it is too late for my Dad as I am afraid it will be for many farmers this year.

Dad and I talked the other day, and he told me that he cannot farm after this year. Dad told me that he lost a little over $50,000 last year due to the low commodity prices and adverse weather conditions and he knows that he will lose more this year then last year. At 72, after a lifetime of doing what he loves the most, farming, Dad knows he has to quit before he loses his home and our farm land. Dad said over the last five years he has used more and more of the money he had put back for his and my Mom's retirement to continue farming, but now he has to quit before he loses it all.

Ms. Emerson, it broke my heart to see the pain and frustration on my Dad's face, but it especially broke my heart to see the helplessness in my Dad's eyes, and to know that there was nothing I could do to help ease Dad's pain. The generations of Faris's farming the land end with my Dad. My Dad is a proud man, and he does not cry easily, but I could see the tears in his eyes as he looked over our land with the resignation that he would never farm it again.

Ms. Emerson, the really sad part of this story is that it will be repeated over and over again at the end of 1999. I fear that thousands of family farms will cease to exist, just as ours will.

I sense a helplessness and a lack of hope in our areas farmers, that I have never seen before. All the farmers laugh with no humor at President Clinton's announcement that many farmers are now eligible for low interest loans. Their standard commit is "what good is a no interest loan let alone a low interest loan when you are losing money each year." Their attitude is that our government seems to want the small farmer to disappear and all we will have left is large corporate farms controlled by a few large conglomerates, and I tend to agree with them.

My Dad is not a large farmer; he only farms 500 acres of wheat and soybeans, but his story is sadly going to be repeated over and over again in 1999. Dad is an excellent businessman, and he is one of the most frugal people I know, but low commodity prices have forced him out of farming. On average Dad lost approximately $100 per acre in 1998, and he will lose approximately that much again in 1999. Cotton growers will lose more than that, so you can see what a larger farmer will lose. Our pork producers are facing the same dilemmas as you well know.

Congress must act now, Ms. Emerson, or a way of life that is very dear to me will disappear. Give our farmers legislation that gives them a level playing field in the world markets. Farmers do not need rhetoric from Washington; they need help, and they need it now.

I hope you get a chance to address this issue at our Field Day on Sept. 2nd, and I hope that you can give our farmers some much needed encouragement. I am from Missouri, and our legislators have to show me that they truly care about the plight of our small family farms. I know that you care because you are doing something, please keep up the good work and please keep telling our farmer's story in Washington.

I do not believe many of our legislators realize how serious the problem is, but I know you do.

Again thank you for your tireless efforts on behalf of our farmers, and I wish you health and happiness—especially in your new marriage.

Respectfully yours,

BILL FARIS.

STOP THE KILLING IN EAST TIMOR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. BEREUTER. Mr. Speaker, the violence and bloodshed in recent days in East Timor has shocked the world. Pro-Indonesia thugs have run rampant in this tiny former Portuguese colony, killing pro-independence Timorese. The political leadership in Jakarta totally failed in its guarantee of safety to the local Timorese populace, and has become the source of shame both for the government and the Indonesian military.

It is clear that an international peacekeeping force will be necessary to restore order in East Timor. As the Omaha World Herald correctly noted in a September 14, 1999, editorial entitled "First, Stop the Killing," this bloody repression must be stopped. "This is too early to talk about resolving the sides' differences. For now it is enough simply to separate them and try to calm the situation."

Mr. Speaker, this Member commends to this colleagues the excellent editorial in the Omaha World Herald.

FIRST, STOP THE KILLING

Few Americans take any joy in the prospect of sending peacekeeping troops into the violence and intrigues of East Timor. But the situation is relieved greatly by the announcement that Indonesian President B.J. Habibie now welcomes them.

International pressure was mounting to somehow stop the bloodletting. Having to subdue both pro-Indonesian militias and troops, while at the same time strong-arming the legitimate Indonesian government, would have been a daunting prospect. Now Habibie has conceded the obvious—his defense forces can't control the situation—and so relief may be in sight within a few days. Australia, which is literally in the neighborhood, expects to send a force of up to 7,000 on short-notice deployment.

This is appropriate, given the geography and the fact that Australia has been among the staunchest advocates of intervention. It will be at least as appropriate when other nations of Asian ethnicity in that part of the world can supplement Australia's effort. So far, at least, this is a regional problem in need of regional solutions.

For these reasons, it also is right for the United States basically to stay out—at least for the short term, and possibly for the long. U.S. armed forces taking part are likely to number in the hundreds. Their role would be in support functions—what National Security Adviser Sandy Berger characterized as "airlift to bring forces to the region, logistical and transportation capabilities, communications capabilities."

The boiling over of East Timor can't be justified, but in hindsight the degree to which it caught the international community napping is a little surprising. Indonesia, which sprawls over 17,000 islands and encompasses hundreds of ethnicities and languages, is a nation that for half a century has been held together by smoke, mirrors and the threat of just what is happening now; violent repression.

East Timor's U.N.-sponsored vote for independence was perceived by the militias and the military as a foretaste of similar efforts in other independence-minded regions, of which there are several. And since by the military's and militia's perception, they have only one tool with which to "repair" the situation, that's the tool they're using.

The whole world is watching the rivers of blood that are the result. It cries out to be stopped. This is too early to talk about resolving the sides' differences. For now it is enough simply to separate them and try to calm the situation.

Down the road, better solutions are needed—in part for humanitarian reasons, but also for practical ones. Indonesia is flung across a vast reach of water linking the Pacific and Indian oceans, and through this maze of islands threads a major oil-shipping lane. The effects of disrupting that could ripple through economies worldwide.

For now, though, the most urgent need has just one focus: Stop the killing. It's heartening to see events there aimed toward that end.

THE INFLUENCE OF CUBAN AMERICANS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend to you the attached article written by Mr. Frank Calzon, entitled "Blame Castro, not the Cubans." Mr. Calzon is the executive director of the Center for a Free Cuba in Washington, DC, and is a tireless fighter for democratic causes. I believe Mr. Calzon makes an excellent case in his article and I encourage my colleagues to learn from it.

BLAME CASTRO, NOT THE CUBANS

Although prejudice can be found anywhere, Americans might be shocked that bigotry has raised its ugly head in the upper reaches of the Clinton administration.

The pugnacious debate about Cuba has grown uglier since The New York Times quoted unnamed administration officials asserting that Cuban Americans hold U.S.-Cuba policy hostage. If this were said about the NAACP's interest in South Africa, or the Jewish-American community's concerns about Israel, cries of outrage against such bigotry would resound across America.

While critics might object to the influence of Cuban Americans, interest groups (ethnic, regional, professional, corporate, etc.) are simply a fact of life. When Cuban Americans write to their members of Congress, they are exercising their right to petition the government for redress of grievances. When my sisters attend a political rally, they are enjoying the right of assembly guaranteed by the Constitution. Until now, I believed that when my parents register and vote, they are fulfilling a civic responsibility. But now I know that "a senior government official" thinks that what they are really doing is "holding U.S. policy hostage."

To note the virulent attacks on the Cuban-American community is not to assert that its members are exempt from responsibility for the shrillness of the debate. We are not. But it might be instructive to remember that whether it was workers attempting to unionize 100 years ago, African Americans demanding an end to discrimination in the 1960s, or women struggling to achieve equality today, the victims of great injustices are sometimes a nuisance to those not interested in their plight.

What could Cuban Americans say that would be so objectionable?

That the administration's accords with Fidel Castro have been negotiated in such secrecy that sometimes not even the Cuba desk at the Department of State is informed.

That the "adjustments" in Cuba policy are often presented as *fait accompli*, ignoring the Congress and U.S. laws.

That the government's spinning and lawyerly hair-splitting over-shadow Cuba policy, promoting a mind-set that believes in giving Castro the benefit of the doubt. The most recent example: the suggestion that a legal opinion is needed to determine whether the embargo statutes prohibit not only American sales to the Cuban government but also sales through the Cuban regime

The debate provides a sobering commentary on the values held by some American elites on the eve of the 21st Century.

For some, Castro is the one remaining beacon in a pantheon that once included Josef Stalin, Mao Zedong and Ho Chi Minh. As long as Castro or North Korea's Kim Iong Il, the son of the deceased Kim Il Sung, remain in power, it can be said that the socialist experiment has not been a complete fiasco.

Yet the American people have an instinctive aversion to tyranny and object to providing assistance that could lengthen Castro's rule. Most Americans agree that the problem is Castro, not the Cuban Americans. Because Castro refuses to base U.S.-Cuban relations on any—sort of reciprocity-and certainly because of his abhorrent human-rights record—those seeking to soften the sanctions rely on "spinning" policy, redefining the meaning of the law and slandering the Cuban-American community.

How did it come to be, that without further congressional action, the Cuban Adjustment Act—which protected Cuban refugees since the mid-1960s—now has a different meaning?

Furthermore, what prevents other laws from being subjected to similar whims of the executive branch?

What prevents other communities—blacks interested in South Africa, Irish-Americans concerned about Ireland and Jewish-Americans following events in Israel, for instance—from being accused by unnamed government officials of holding American policy hostage because they disagree with the government?

The implications of this issue obviously extend beyond Cuban Americans.

TRIBUTE TO LIEUTENANT GENERAL JAMES E. MOORE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. FARR of California. Mr. Speaker, I rise today to note the passing of Lieutenant General James E. Moore on January 30, 1999. General Moore served bravely in battle, and served the community equally well in overseeing the closure of Fort Ord Army base.

General Moore was born into the military, at Fort Thomas Kentucky on June 28, 1931. He grew up both in the United States, much of those years near Salinas California, and in China. After graduation from West Point, he earned his master's degree in education from Columbia University. He also graduated from the Air Command and Staff College and the Army War College. He commanded a combat battalion in the 25th Infantry Division in the Central Highlands of Vietnam in 1966 and 1967. His leadership skills were recognized when, in 1985, General Moore was assigned the command of the combined field army in Korea, the largest field army in the free world. His honors include the Distinguished Service Medal, Silver Star, Air Medal, Combat Infantryman's Badages, Legion of Merit with an Oak Leaf Cluster, Meritorious Service Medal, Army Commendation Medal, Senior Parachutist's Badge and Ranger tab. General Moore was a man of modesty and compassion, putting the troops ahead of himself, even letting the soldiers eat first when he joined them in the mess hall. He has been described by colleagues as a gifted, natural leader.

When General Moore retired in 1989, he and Joan, his wife, returned to the Fort Ord area. Within a few months, the Army announced base closure plans, with Fort Ord one of the first designated for conversion. Then-Congressman Leon Panetta, aware of General Moore's accomplishments and his willingness to be of service to the community, urged him to establish a task force that would undertake the monumental job of coordinating federal, state and county agencies with the 12 cities in the area and with the military. There were no precedents for the undertaking. Working on a volunteer basis, General Moore spent over two years overseeing comprehensive studies, discussions and negotiations, finally producing a 600-page document that has become the blueprint for military conversion and reuse planning.

Although he continued to participate peripherally in the continuing reuse planning, General Moore again went into retirement, looking forward to reading, traveling, photography and his hobby of building model sailing ships. The appreciative community honored his contributions with a dinner at the Monterey Conference center.

Lieutenant General James E. Moore is survived by his loving wife, Joan; his three daughters, Elizabeth, Susan and Mary; and his four sons, James Moore IV, Robert, Michael, and Matthew; a step-mother Annie; and his sister Patricia, and eleven grandchildren. He was a born leader, a mentor, a man who generously gave and received great respect. he undertook the most challenging tasks with a positive attitude, so it is no wonder that his achievements were many. Everyone who had the privilege to know him, and to work alongside him, was influenced by his greatness. He will be sorely missed.

TO RECOGNIZE THE SIGNIFICANCE OF MEXICAN INDEPENDENCE DAY IN THE CITY OF INDIANAPOLIS

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. CARSON. Mr. Speaker, I rise today to recognize the celebration of the anniversary of Mexico's Independence Day by the residents of Indianapolis.

There are over thirteen million people of Mexican origin or descent currently living in the United States. Hoosiers of Mexican descent have made vital economic, social, and cultural contributions to the City of Indianapolis. On September 15, 1999, St. Patrick's Church of Indianapolis will host a community celebration in honor of Mexico's independence.

In 1810, 189 years ago, Miguel Hidalgo y Costilla, a Franciscan Priest, voiced "El Grito de Dolores," imploring the Mexican people to fight for their freedom and liberty, revolutionizing the course of Mexican history. Upon ringing the church bells to announce to the world that a new movement for freedom had begun, the venerable and revered Hidalgo proclaimed, "Long live our Lady of Guadalupe, Death to the Gachupines! Viva La Independencia."

Today, Hoosiers of Mexican descent posses a love for freedom and liberty that honors their heroic forbears who undertook the courageous battle for Mexican independence. As the struggle for freedom began at the footsteps of the church, it is fitting that another church and another priest, Father Thomas Fox, will help to lead the Indianapolis community celebration of this anniversary.

As we prepare to cross the threshold to the 21st Century, the good work of the entire St. Patrick's family ensures that Indianapolis makes welcome all whose hopes and dreams have led them to our community. It is with much joy that I join the St. Patrick's community in exclaiming "Viva Mexico!"

MOUNT LEBANON BAPTIST CHURCH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. NORTON. Mr. Speaker, in November 1899, the Reverend Theodore Williams, a recent graduate of the School of Theology at Howard University was inspired by God to establish a mission which was named High Street Baptist Church. The mission worshiped in an old jail, a former detention center for runaway slaves, on High Street, now Wisconsin Avenue, NW, in Georgetown. Later, the church held worship services at the Seventh Street Baptist Church—which is now named Jerusalem.

Mr. Speaker, on July 22, 1901, a recognition council was called, and High Street Baptist, which now had thirty-four members, was recognized as a regular Baptist Church. The congregation continued to grow, and in November 1904 purchased and relocated to a new site at 814 25th NW and was renamed Mount Lebanon Baptist Church. An all-day service was held on Sunday, November 19, 1908, in thanksgiving for the completion of the work of renovating this property. Six years later (1914), the congregation demolished that building and constructed a new building, to the glory of God, on the same site. The mortgage for the new building was burned in 1919. In April 1923, after 24 years of inspired and zealous leadership and service as pastor, Reverend Williams was called to his reward. He was succeeded by the Reverend John Ford, who served as pastor from 1924 until 1932 when he left to accept a new charge.

In November 1932, the Reverend Edgar Newton was installed as pastor. His motto was "Follow me as I follow Christ." Much was accomplished during his leadership of almost thirty-nine years. New clubs (ministries) and a building fund were established, significant growth in membership was accomplished, two properties adjacent to the church were purchased, services to members and the community were expanded, and the site of the present church was purchased. In addition, three mortgages were burned—two at the 25th Street site and one at the present site, 1219 New Jersey Avenue, NW, to which the congregation relocated on January 27, 1963. Reverend Newton retired in June 1971; and on June 18, 1974, he was called from service to reward.

The Reverend Vernon C. Brown, a son of the church, succeeded Reverend Newton to the pastorate on November 12, 1972, and served faithfully until his retirement on December 31, 1991. Under his leadership, programs of services to members and the community were expanded, including services to senior citizens and a "feed the hungry" program providing balanced hot meals at least once per week. His motto was "The family that prays together stays together."

From the time of Reverend Brown's retirement until November 1992, pastoral duties were shared by three sons of the church, the Reverend Norman King, the Reverend Benjamin C. Sands, and the Reverend William O. Wilson.

In November 1992, the Reverend H. Lionel Edmonds became the fifth pastor of the church. Pursuant to his vision of "building the beloved community", great strides have been made including nearly quadrupling the membership and the establishment of new ministries to meet the spiritual, physical, and intellectual needs of members and the community. These include a Cedars Discipleship Institute (Christian education); Sons of Simeon (men's ministry); Daughters of Miriam dance classes; boys' basketball and football teams; classes to develop job skills in computers, lock smithing and electricity; health and beauty workshops; aerobics classes; and a soon-to-be-opened child development center. All services are open to the community as well as to members of the church.

Mount Lebanon's community service extends beyond it's immediate environs. Through very active involvement in the Washington Interfaith Network (WIN), an interdenominational coalition of churches from all eight of the city's wards, it also participates in other citywide programs to provide low-cost housing for families and after school care for children, reduce crime, provide education/job skills to citizens, and to assure a living wage for all persons employed in the city.

Mr. Speaker, through worship and community service, Mount Lebanon carries out its slogan, "We serve a great God; we are a great people; and we are about a great work."

Mr. Speaker, I ask that the members of this body join me in congratulating the Mount Lebanon Baptist Church, and celebrating the spiritual understanding that has guided their path for 100 years.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. BECERRA. Mr. Speaker, on September 14, 1999, I was unavoidably detained during a rollcall vote: No. 409, on the Motion to Suspend the Rules and Pass, as Amended, H.R. 1883, the Iran Nonproliferation Act of 1999. Had I been present for the vote, I would have voted "aye."

PERSONAL EXPLANATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. HULSHOF. Mr. Speaker, due to travel delays, I was not present for rollcall votes 405, 406 and 407 on September 13, 1999. Had I been present, I would have voted "yea" on rollcall vote 405, "aye" on rollcall vote 406 and "aye" on rollcall vote 407.

FROM THE INLAND EMPIRE TO THE WORLD: 75 YEARS OF THE BEST ORANGES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to the Redlands Foothill Groves citrus cooperative, which for the past 75 years has been packing the very best navel oranges in downtown Redlands and sending them throughout the world.

Chroniclers of California history have suggested that the lush orange groves of the Inland Empire were as important to the growth of the Golden State as the gold rush itself. From the time that the first navel oranges were successfully grown in towns like Redlands, Loma Linda, Highland and East Highlands, California became known as the producer of the very best fruit.

The groves that once covered 49,000 acres of San Bernardino County have dwindled to just over 5,000, but the fruit produced by the members of the Redlands Foothill Groves is still considered some of the best in the world. Much of the crop that is packed here is shipped overseas, where it commands a premium price as a delicacy. The packinghouse is one of only two remaining of the 33 that once were the economic heart of Redlands.

Redlands Foothill Groves has harvested 57,257,959 field boxes of citrus since it was founded on Sept. 15, 1924. The fruit is marketed today through Sunkist Growers, Inc.

Mr. Speaker, please join me in congratulating association president C.R. McKeehan, general manager Tim Farmer and the 220 growers of Redlands Foothill Groves as they celebrate this milestone in good taste.

TRIBUTE TO ANNA MAE BOX

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to an outstanding mother, community activist, leader and citizen who fit the category of unsung heroine.

Ms. Anna Mae Box was born on January 5, 1928, on the westside of Chicago to Earlie and Lula Woods and lived there for the rest of her life. She grew up, went to Alfred Tennyson Elementary, John Marshall High and Chicago State University.

On December 7, 1942, she married Mr. Eugene Box Sr., and in 1959, they moved to 4114 W. Arthington Street in Chicago, where they raised their children and spent the rest of their lives.

As a resident of 4114 W. Arthington, Ms. Box became a dedicated community worker, striving to prevent erosion of values and urban decay. She worked untiringly with Presentation Catholic Church and School and the Daniel Webster Public School. When the Chicago Public School System began a program of aggressively pursuing involvement and participation of citizens, Ms. Box became one of the very first school community representatives and all of the schools in her district came to know and to love her. I too, Mr. Speaker, was privileged to know, love and respect both her and her family, because for many years I lived in the very small community, two blocks over. Therefore, my knowledge is first hand. Her vibrancy and spirit of positivity was a highlight of her presence, her work and her being. On September 18th, 1999, upon initiation by the Honorable Michael D. Chandler, Alderman of the 24th ward, the Chicago City Council will be renaming the 4100 block of West Arthington Street, to Anna May Box Street.

I salute this act to honor the life, work and legacy of a great woman and wish her family well as they carry on in her tradition. Edwina Box-McGee, Willie Box, Jr, Patricia Box-Baker and all of the family have my best wishes as you celebrate and renew your own commitments to community service.

THE KNIGHTS OF COLUMBUS CELEBRATE THE CENTENARY OF THE STATE COUNCIL IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. NORTON. Mr. Speaker, the Order of the Knights of Columbus is an international Catholic family and fraternal service organization founded in 1882 in New Haven, Connecticut, by a 29-year-old parish priest, Father Michael J. McGivney, as a means for mutual social and financial support (self-insurance) among young Catholic men and their families. From its original 30 members from St. Mary's Parish, the Order has grown to more than 1.6 million members worldwide and, unlike many other similar fraternal organizations, is still growing.

With its strong American orientation, in contrast to the focus on ancestral homelands and languages of ethnic or immigrant-centered societies, the fledgling organization had a broad appeal in the United States, expanding first through New England and then down the Atlantic Coast. In the Order's 15th year, 1897, Washington Council No. 224 was instituted in the District of Columbia.

Within two years of the establishment of the Order in the District of the Washington Council, four other councils were instituted in the District: Keane Council No. 353 and Carroll Council No. 377 in 1898, and Spalding Council No. 417 and Potomac Council No. 433 in 1899. The first public appearance of the Knights of Columbus, as an Order, in the Nation's Capital was at the dedication of the Franciscan Monastery on September 17, 1899.

With four councils and several hundred members in the District, the Supreme Council, the governing body of the Order, relinquished its direct supervision of these four councils by instituting the District of Columbia State Council on April 27, 1899. The State Council is the intermediate level of government within the Order's organizational structure whereby the councils within the State jurisdiction, in accordance with the Bylaws of the Order, can legislate their own affairs and elect State officers. This includes the Deputy Supreme Knight, or State Deputy, who serves as the chief executive officer for the jurisdiction. State Councils, in turn, collectively elect the leadership of the Supreme Council.

Mr. Speaker, in the more recent years of the 20th century, another 12 councils have been instituted in the District of Columbia, including councils at Catholic University of America and Georgetown University. The 17 councils in the District of Columbia have a combined membership of approximately 1900 Knights and their families.

Mr. Speaker, the Knights of Columbus are dedicated to four major principles: Charity, Unity, Fraternity, and Patriotism. Patriotism, the promotion of responsible citizenship and good government, is the special focus of the Fourth Degree of the Order. The Knights, in colorful capes and chapeaux at ecclesiastical and patriotic functions are members of the Color Corps of the Fourth Degree, the "visible arm" of the Knights of Columbus.

Of these four principles, Charity is the basic principle of the Order. Within the Order's "Surge ... with Service" program, the major program areas are service to Church, Community, Family and Youth. Within these program areas, in 1998, the Knights of Columbus Order-wide raised and distributed $110,692,742 for charitable and benevolent causes. In addition, Knights worldwide volunteered a total of 55,033,160 hours of service to others.

Of these total numbers for 1998, the 17 councils within the jurisdiction of the District of Columbia raised and distributed $177,008 and volunteered a total of 109,756 hours in service to others in the four primary programs. Notable within these figures is the support to care of the elderly through The Little Sisters of the Poor (a relationship dating back to 1899), and to persons with developmental disabilities through support of the Lt. Joseph P. Kennedy Institute for the past three decades.

Mr. Speaker, throughout the 117-year history of the Knights of Columbus and, most particularly the 100-year history of the District of Columbia State Council, the Order has been in the forefront of service to the Church, the Community, Families and Youth and, most especially, in service to the United States. The greatest gift of the Knights of Columbus to mankind is the truly personal commitment of time and energy individual knights and their families give of themselves to charitable and benevolent causes. The Knights of Columbus, within the jurisdiction of the District of Columbia State Council are dedicated to maintaining and, indeed, increasing the level of service to others in the new Century and Millennium fast approaching.

Mr. Speaker, I ask that all of my colleagues join me in saluting the District of Columbia State Council of the Knights of Columbus for a century of selfless service and patriotism.

TRIBUTE TO LANE KIRKLAND: CHAMPION FOR WORKING PEOPLE IN AMERICA AND AROUND THE WORLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. LANTOS. Mr. Speaker, America lost one of its most prominent and honored patriots on August 14 when Lane Kirkland, the president of the AFL–CIO from 1979 to 1995, passed away. He devoted his life to advancing the interests of our nation's working families, and what he achieved has benefited millions of our country's citizens.

Mr. Kirkland will long be remembered for reunifying the labor movement, welcoming the United Auto Workers, the Teamsters, and other major unions back into the AFL–CIO. He will also be remembered for his steadfast advocacy for civil rights. As a national labor leader during the 1960's, he rallied organized labor behind the Civil Rights Act of 1964 and other anti-discrimination measures. He will also be remembered fondly for his passion as a self-professed "pure and simple and unreconstructed" supporter of Franklin Delano Roosevelt's New Deal, one who believed in the responsibility of government to help create hope and opportunity for those less fortunate. The influence of Lane Kirland's convictions, however, did not stop at America's borders. He fought for freedom and human rights around the world, and future generations will long remember him as a man who helped create the first cracks in the Iron Curtain.

Throughout his half-century in the leadership of the AFL–CIO, Kirkland never shied away from his principal belief that the labor movement must not ignore the struggles of its oppressed counterparts abroad. He placed the full weight of America's unions behind condemnation of racist apartheid in South Africa and opposition to dictators in Cuba, Chile, and China. Kirkland forcefully and decisively undermined the Marxist claims of Fidel Castro and Leonid Brezhnev to the sympathies of the world's workers. He sent a message to the peoples of the world that America's working men and women would fight against any form of totalitarianism and repression. Kirkland's actions ensured that this message would not be ignored.

During the early 1980's, a small collection of shipyard workers in Gdansk, Poland, courageously organized in opposition to their Communist government. During the course of that decade, the Solidarity labor movement under the leadership of Lech Walesa grew to embody the desires of the Polish people for freedom and democracy, and it brought Polish society together in the successful effort to topple an unjust dictatorship. The unwavering support of Lane Kirkland for Solidarity provided enormous assistance to the movement and added to its strength at a critical time when the Polish Communist leadership sought to stamp it out. At Kirkland's direction, the AFL–CIO channeled money, organizers, machines, and other assistance to Walesa's foot soldiers. At the end of the decade-long struggle the Polish dictatorship collapsed, and Walesa became Poland's democratically elected president. As Henry Kissenger noted, "The success of Solidarity owes a lot to Lane."

Mr. Speaker, in 1994 Lane Kirkland's extraordinary contributions were recognized by President Bill Clinton, who awarded him the Presidential Medal of Freedom for his commitment to democracy and human rights around the world. President Clinton's words about Mr. Kirkland are both moving and accurate: "Throughout the Cold War, when some leaders saw only the threats to our freedom overseas and neglected the barriers to freedom and inequality within our own land, Kirkland showed America that you can stand up to communism abroad just as forcefully as you can stand up for working men and women here at home."

Mr. Speaker, I invite my colleagues to join me in offering condolences to Lane Kirkland's widow, Irena, and to his children and grandchildren. It is most appropriate, that we honor and pay tribute to this outstanding leader. Lane is a credit to the American labor movement, as well as a credit to all who fight for human rights and civil liberties both here in America and around the world.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Ms. KAPTUR. Mr. Chairman, I rise today to express my serious concern with the Veterans, Housing and Urban Development, and Independent Agencies for fiscal year 2000. I recognize the difficult balancing of priorities which the Chairman and the Ranking Member must do with the array of competing interests within this bill. But I find it ironic that the House in the space of one month can pass a tax bill that gives special breaks to select groups but cuts funding for the neediest of all—undermining our efforts to fuel the dream of home ownership for all Americans, reducing our efforts to create jobs, and revitalizing the forgotten corners of our towns and cities. America should do what is right.

The Subcommittee funded VA Health Care at $1.7 billion, but the veterans' organizations submitted to the Congress the Independent Budget which calls for an increase of $3 billion—a more realistic estimate of the need. This bill does not go far enough to provide for the growing health care needs of our veterans as we enter the 21st Century. America should do what is right.

I am seriously concerned about the adequacy of the Veteran Administration's response to the medical needs of 650,000 veterans with chronic mental illness. I am specifically concerned that as a result of (Veteran Health Administration) VHA's decision to rapidly downsize psychiatric hospitals, veterans with mental and substance abuse disorders are not receiving proper treatment and the services that they need and deserve.

In particular, dollars saved by eliminating beds from inpatient psychiatric facilities are not being redirected to serve veterans with mental illness in the community. Between FY 1995 and FY 1997 the number of seriously mentally ill veterans treated at inpatient facilities decreased by nearly 20%. Currently, there is no indication that the twenty-two (Veteran's Integrated Service Networks) VISNs are compensating for the lack of inpatient care with either adequate alternative care settings or community-based services for veterans with mental illness.

Frightening, over two-thirds of VHA outpatient facilities do *not* provide mental health care. Neither do they provide case management services for these veterans. Case management is essential for mentally ill veterans because of a pervasive lack of financial and family support. In addition, many members of this group need continued attention because they suffer from the dual diagnosis of mental illness and substances abuse.

I am deeply concerned that the structural changes within VHA and the lack of community-based services threaten many veterans with homelessness. Sadly, 40% of all homeless males are veterans.

I offered report language that emphasizes the need to reinvest resources in alternative community-based mental health services, including prescription drugs. The current situation of veterans who require treatment for mental illness should be a source of shame and embarrassment, and America should do what is right.

The sad reality is that not everyone is sharing in the economic prosperity of the booming '90's. Instead of being financially able to invest in a home, over 12 million people are paying over 50 percent of their salary on rent. This bill fails to help these families. In fact, the bill will cost northwest Ohio 448 housing units for cash-strapped families next year. This bill also takes major swipes at many of our neediest citizens and their communities, ranging from cutting funding that keeps children safe from lead paint poisoning to denying housing for people with AIDS and for seniors. America should do what is right.

The bill cuts Community Development Block Grants (CDBG) by $250 million, which would result in a loss of vital community development projects, and the 97,000 new jobs that would be created. Just in Toledo, our city would lose $3.8 million of current funding. The State of Ohio would forego over $7.3 million in community development assistance so vital to revitalizing all corners of our State. For the last 6 years, the Majority has been preaching community empowerment, CDBG is the essence of community empower. By giving communities the flexibility to create their priorities to invest CDBG funds, it empowers them to address their community's need as they see fit.

The bill denies the Administration's request for incremental housing vouchers resulting in 128,000 families being denied housing vouchers.

The bill would increase children's exposure to lead paint poisoning by cutting the Lead Hazard Control Grant program.

The bill would slow the fight against housing discrimination by cutting the Fair Housing Assistance and Fair Housing Initiatives Programs. In my community, these funds have given the opportunity for many minority applicants to achieve the American dream of owning a home.

The bill also fails to fund the rehabilitation of almost 28,000 units that would create quality housing for low- and moderate-income renter and owner families.

The bill would result in almost 16,000 homeless people and persons with AIDS being denied essential services because of the cuts in homeless and Housing Assistance for Persons with AIDS (HOPWA) programs.

I would like to thank the Chairman and the rest of the Subcommittee Members for their support of report language that I offered that would help the residents of public housing by offering, what most Americans take for granted, which is adequate amount financial services located near where they live. Unfortunately, in our country, financial services are less common and less likely to be located in poor to low-moderate income neighborhoods. HUD, in conjunction with the National Credit Union Administration (NCUA) will study the feasibility of opening credit unions in public housing. With the introduction of credit union in public housing, we can cut down on welfare fraud and encourage financial independence.

The bill cuts NASA by $1 billion. This cut will harm future space exploration programs, force NASA to slash programs and personnel and cripple our nation's basic scientific development for decades. This bill will drastically hurt our ability to maintain the balance of trade advantage in the first "A" in NASA—Aeronautics. This budget inhibits our ability to advance future developments of technology that will allow America to compete in the aeronautics industry in the 21st Century. We must do what is right.

In conclusion, I am here today to urge my colleagues to do better for America, for the men and women veterans to whom our nation owes a great debt, for the families in desperate need for housing throughout this Nation, and protect basic research for the benefit of all Americans as we enter the 21st century.

IN RECOGNITION OF ART IBLETO

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my good friend, Art Ibleto, who is being honored this month by the Order Sons of Italy in America-Grand Lodge of California for his lifetime of achievements.

Mr. Ibleto served as President of the Grand Lodge of California from 1995–1997 and will receive the accolades of friends and family at the Lodge's 74th Anniversary on September 18, 1999.

Mr. Ibleto's accomplishments are many. As a young man during WW II in Italy, he joined the underground to fight against Nazi Germany and the Fascists. His specialty was demolition—planting explosives under bridges and railroads and in highway tunnels to hinder the German advance.

Following the war, Mr. Ibleto immigrated to the United States and eventually settled in Sonoma County where he worked in the fields picking vegetables and as a mechanic, truck driver and factory worker.

He married his wife, Vicki Ghiradelli Ibleto, in 1951 and they bought their first home and acreage in 1961. Art and Vicki raised hogs and cows and harvested potatoes before moving on to the more lucrative ventures of growing Christmas trees and building and renting duplexes.

Art and Vicki became members of the Sons of Italy, Pentaluma Lodge 1518 in 1958. He served in various offices of his local lodge, including two terms as President. He also served as Grand Deputy to the Santa Rosa Lodge for many years, National State Delegate for 24 years, State Vice President for four years, and eventually attained the office of State President in 1995. In his leadership roles at the local, state, and national levels, Art has diligently promoted Italian culture, language and cuisine.

In 1974 Art started the Spaghetti Palace at the Sonoma County Fair as a United Lodges, Sons of Italy project. In a very short time, the Spaghetti Palace became the number one vendor at the county fair, a distinction it has sustained through the 1999 season.

As a result of the success of the Spaghetti Palace, Art took on a new career of supplying local stores with his own line of Italian cuisine and catering special events. He is known throughout California for his savory dishes and has earned the title of the "Pasta King."

Art is now the new owner of a vineyard and soon will be shipping wine under the Ibleto Winery label.

Mr. Speaker, because of Art Ibleto's commitment to his native country and to the Italian American people in the United States, it is fitting and proper to honor him today for his many accomplishments and contributions.

A TRIBUTE TO ROBERT P. MIELE

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mrs. NAPOLITANO. Mr. Speaker, I want to congratulate Robert P. Miele on his retirement after 34 years of distinguished service to the people of Los Angeles County, California through his work at the County Sanitation Districts.

Over the course of his long career at the Sanitation Districts, Bob Miele has worked diligently to protect the health and safety of Los Angeles County's residents by helping to build the Districts into one of the largest, most efficient and technologically advanced wastewater treatment and solid waste disposal systems in the world.

Bob began his career at the Sanitation Districts in 1965 as a Project Engineer, after completing his Master of Science degree in Sanitary Engineering at Pennsylvania State University. He rose steadily through the ranks to become the Head of the Research Section of the Technical Services Department, the Assistant and finally the Head of the Technical Services Department, a position he has held for the past twenty years.

As Head of the Technical Services Department, he has overseen the day-to-day operations of a truly impressive organization. The Sanitation Districts serve five million people and nine thousand industries in Los Angeles County. In addition to providing advanced wastewater treatment and solid waste disposal, the Districts also perform effluent and water quality monitoring, laboratory support, scientific research, and importantly in Southern California's dry climate, reclamation of millions of gallons per day of water that can be reused to keep Los Angles County green and replenish its vital aquifers. Bob Miele's leadership has been important in ensuring the great successes of these operations.

Bob is also deserving of highest commendations for the many outstanding contributions he has made to state and national organizations concerned with water quality and sanitation. Throughout his illustrious career he has served as a member, a chairman, and a founder of numerous organizations including: The California Association of Sanitation Agencies, the Southern California Coastal Water Research Project, the Waste Reuse Association of California, the Association of Metropolitan Sewerage Agencies, and others.

As a former Director of the Southeast Los Angeles County Sanitation District, I am very pleased to offer this tribute to Robert P. Miele for his outstanding record of exemplary service to he Los Angeles County Sanitation Districts and to extend sincere best wishes to him in his retirement.

CONGRATULATIONS J.W. "SKIP" TINNEN UPON HIS RETIREMENT

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. DANNER. Mr. Speaker, my good friend and constituent, J.W. "Skip" Tinnen will soon be retiring from the board of directors of Saint Luke's Northland Hospital and I want to express my best wishes to him on this occasion.

Skip was first elected to the board of directors of the Spelman Memorial Hospital (which later became Saint Luke's Northland Hospital in 1978.) He served as an active member of the board until January 1999, when he was elected to Emeritus status, and he continues to serve in this capacity. He is the first member of the board of Saint Luke's Northland or Spelman Memorial Hospital to serve in this role.

Skip has actively served on many committees of the hospital board including Finance Committee; Long Range Planning Committee, Joint Conference Committee, Public Relations & Personnel Committee and Strategic Planning Committee. During the years 1994 and 1995 he had a perfect attendance at hospital board meetings. He has been very active in the expansion of the hospital facility. Also, he has been an active supporter of the philanthropic efforts of the hospital which include the golf classic and serving as vice president of the Spelman Medical Foundation.

Not only has Skip served the local health care community, he is also active in many civic and community organizations. He is the owner of the Plattsburg Leader newspaper and is very active with the Northwest Missouri Press Association.

Skip Tinnen's contributions to Saint Luke's Northland Hospital, the community, the sixth Congressional District of Missouri and our Nation should not go unnoticed. For all his many efforts on behalf of that which is good in our country, I want to say "Thank you,Skip, job well done."

INTRODUCTION OF THE UNIVERSAL PRE-KINDERGARTEN AND EARLY CHILDHOOD EDUCATION ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. NORTON. Mr. Speaker, today, I rise to introduce the Universal Pre-Kindergarten and Early Childhood Education Act of 1999 (Universal Pre-K), a bill to begin the process of introducing universal pre-kindergarten into the nation's public schools by adding an additional grade in elementary school as an option for every 4-year-old child, and in some cases under 4, regardless of income. I seek to include my bill in the Elementary and Secondary Education Act (ESEA), which is scheduled to be reauthorized during this Congress. The authorization task will be to reshape the federal government's role to fit the challenges of the next century, which parents and school systems are already experiencing. In particular, the new science on brain development, decades of successful experience with high quality Head Start programs, and definitive, data from an array of the best experts all indicate that the expansion of universal pre-kindergarten is the next frontier in education.

The bill I introduce today adds a section to Title X, Part I of ESEA, entitled the 21st Century Community Learning Centers, aimed at using schoolhouses as centers of neighborhoods. Under this new program, any school district in the United States may apply to the Department of Education to fund pre-kindergarten educational classrooms. Grants funded under this § 10905 of the ESEA totaled nearly $100 million during fiscal year 1999, at an average of $375,000 per three year grant. Universal Pre-K grants will seek to rapidly encourage school systems to permanently add pre-kindergarten classrooms to the elementary school grades and to their own school budgets, using the experience they acquire from the federally funded program. The bill will allow school districts throughout the United States to systematically begin organized 4-year-old classes to demonstrate how children respond to earlier child education. Districts will craft models for capitalizing on the elusive window for early brain development, and the pre-kindergartens will provide an alternative for desperate parents who today are left to daycare with little, if any, educational component, or to the homes of people with no background in child development. Because the programs must be in regular school buildings with teachers equivalent to those who teach in other grades, widespread problems with unqualified aids, non-compliant building codes or inadequate facilities will be eliminated automatically. The program in this bill would not displace existing daycare programs as an option. Its purpose is to encourage local school budgets based on demonstrated experience provided by grants under this bill.

The new science shows that brain development determining lifelong learning begins much earlier in infants and children than was previously believed. The bipartisan Congressional Caucus for Women's Issues held hearings during the 105th Congress, which were among the first hearings to explore brain development in children from birth to age 3. Experts testified to new scientific evidence concerning the critical need for early brain stimulation beginning in infancy to assure that the child develops the necessary cognitive, linguistic, emotional and motor skills. During the early years, a child's brain begins to develop the neutral connections that lay the foundation for the rest of life. According to experts, the longer the brain grows without sufficient stimulation during these critical first years, the less likely the child is to develop fully the neutral connections needed for a wide variety of higher brain functions later in life. To lose the irreplaceable years at the beginning of a child's life when the brain is forming is to miss periods of development that cannot be retrieved.

Early childhood education is not new, of course, but beginning education in the very first years has just begun to be deeply explored. As early as 1647, Massachusetts required that children as young as three years of age learn to read the Bible. German immigrants brought kindergarten, designed to be a "play garden," to the United States in the mid-nineteenth century and often included children younger than 5 years of age. As early childhood education spread in this country in the latter part of that century, states such as Vermont and Connecticut incorporated kindergarten into the public school system. For the most part, however, the kindergartens of the late nineteenth and early twentieth centuries were supported by philanthropists as a way to free low-income mothers to work and to provide education as a way out of poverty. Today kindergarten is a universal option in the United States.

More recently, we have seen great success in many early education programs, including many Head Start programs, which target low-income children beginning at age three through third grade. The success of high quality Head Start and other pre-kindergarten programs combined with the new scientific evidence concerning the importance of brain development in the early years should compel the expansion of early childhood education to all of our children. Traditionally, early learning programs have been available only to the affluent who have the resources to take advantage of preschool opportunities and to poor families in programs such as Head Start, who may need extra help. Research on high quality early learning programs uniformly demonstrates that graduates are less likely to be arrested than other students; are less likely to be held back; are less likely to need special education; and are more likely to achieve a higher level of education attainment.

Parents of children under age 5 who attend daycare pay an average of $79 weekly, or $4,000 annually. Yet, undergraduate tuition at the University of Virginia is about $4,800 annually and about $6,000 at the University of Michigan. Over 60 percent of mothers with children under age 6 work, a proportion that is increasing as more women pour into the workforce, including welfare-to-work mothers now rapidly moving to jobs. For the average family, the need is palpable and the expense is exorbitant. The vast majority of families cannot afford the cost of childcare, with the result that parents place their children wherever an accessible place can be found, regardless of quality. Even subsidized early childhood education reaches only a small fraction of low-income children.

This bill seeks to demonstrate that we can achieve meaningful and significant gains in preparing American children for a lifetime of learning by taking fuller advantage of the early malleability of their developing brains at an early age. The absence of viable options for working families to educate their children at the most important stage in life demands our immediate attention. Considering the staggering cost of daycare, the inaccessiblity of early education, and the opportunity earlier education offers to improve a child's chances in life, 4-year-old kindergarten is overdue. I urge my colleagues to use the opportunity presented by the reauthorization of ESEA to make up for lost time by incorporating the Universal Pre-Kindergarten Act.

H.R.—

Be it enacted by the Senate and House of Respresentatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Universal Pre-Kindergarten and Early Childhood Education Act of 1999".

SEC. 2. USE OF COMMUNITY LEARNING CENTER FUNDS FOR PRE-KINDERGARTEN PROGRAMS.

Section 10905 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8245) is amended—

(1) by striking "Grants awarded" and inserting "(a) IN GENERAL.—Grants awarded";

(2) by inserting after "may be used" the following: "to plan, implement, or expand pre-kindergarten programs described in subsection (b) or"; and

(3) by adding at the end the following new subsection:

"(b) PRE-KINDERGARTEN PROGRAMS.—A pre-kindergarten program described in this subsection is a program of a community learning center that provides pre-kindergarten curriculum and classes for students 4 years of age or younger and is taught by teachers who possess equivalent or similar qualifications to those of teachers of other grades in the school involved.".

IN HONOR OF PHILIP J. McLEWIN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to recognize Philip J. McLewin's twenty-five years of leadership and service on behalf of the Bergen County Central Trades and Labor Council, AFL–CIO, including sixteen years as President of the Council.

It is a unique honor and privilege for me to acknowledge Phil's extensive efforts on behalf of working men and women. In addition to being a fierce advocate for workers, he has been a good friend and I will miss working with him on those issues that are important to America's families.

For over two decades, Phil's extraordinary leadership has brought an unprecedented brand of determination and purpose to the cause of the labor community of northern New Jersey. Thanks to Phil's advocacy, working men and women of Bergen County can go to sleep at night secure in the knowledge that they have a safe workplace, fair wages, and a reasonable pension.

During his tenure as President of the Bergen County Central Trades and Labor Council, Phil built the organization into an important voice for working families, and turned it into a source of pride for its membership. The number of local unions affiliated with the Council doubled and participation of its members increased tenfold.

As the founder of the Council's community service program, the United Labor Agency of Bergen County, Phil created an agency committed to helping those workers who have encountered hard times. By providing New Jersey's union members with both the opportunity and the means to help their fellow workers, this agency has imbued the workers of northern New Jersey with a sense of togetherness and pride, and has even grown into a national model for community service.

Phil's recognition of the integral role that our nation's unions have played in making America prosper has earned him the law and respect of northern New Jersey's labor community. His commitment to the Bergen County Central Trades and Labor Council is unparalleled and serves as a model of excellence for all those who care about working men and women.

Mr. Speaker, I would like to extend my thanks and gratitude to Philip J. McLewin and I hope that his next endeavor is a successful as his last one has been.

THE CASABLANCA CONFERENCE—AN HISTORIC MEETING OF WORLD WAR II ALLIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mr. GILMAN. Mr. Speaker, the following article by Ambassador Joseph Verner Reed, former U.S. Ambassador to Morocco, from the March 1999 Newsletter of the American Society of the French Legion of Honor, documents the war time diplomacy between the United States and Great Britain. The Casablanca Conference between President Franklin Delano Roosevelt and Prime Minister Winston Churchill took place in early 1943, and as this article documents set the stage for the end game of World War II in the European theater.

[From the ASFLH Newsletter, March 1999]

THE CASABLANCA CONFERENCE, JANUARY 1943

(By Ambassador Joseph Verner Reed)

In the spring edition of the ASFLH Newsletter (June 1998, Vol. 5, No. 2), an article on the history of the White House by our President, Guy Wildenstein, caught my eye. Regarding the historic 1943 meeting of President Franklin Roosevelt and Prime Minister Winston S. Churchill in Casablanca, Morocco, it was noted that Marshall Josef Stalin and General Charles de Gaulle were also participants at the conference. In point of clarification, Marshall Stalin did not attend the Casablanca Conference. General de Gaulle had a "cameo role" on the last day of the ten-day event.

Herewith are some details on the Casablanca Conference which took place in Morocco in early 1943—a summit meeting which determined the future course of American and British wartime operations and history.

As a former Ambassador to Morocco, I spent many days at the elegant Villa Mirador, the official residence of the Consul General of the US in Casablanca. Villa Mirador served as Prime Minister Churchill's residence during the Casablanca Conference. President Roosevelt was hosted nearby in Villa Dar es Saada (House of Happiness). The master bedroom is located on the ground floor—a suitable layout for the handicapped President.

In the closing months of 1942, debate over European strategy had entered a new stage. On November 25, President Roosevelt wrote to Prime Minister Churchill that a high level meeting should be held with the Russians, perhaps in Cairo or Moscow itself, to discuss the Alliance war effort. The US had been at war for less than a full year. Roosevelt and Churchill had yet to meet jointly with Stalin to discuss the basic strategy of their "Alliance"—an odd alliance forged only through the necessity of combating a common enemy—Nazi Germany and the apocalyptic horrors of World War II.

Roosevelt, believing a meeting of the Alliance would be held in Cairo, proposed to Churchill in a second letter dated December 2, 1942, to have a private bilateral Anglo-American meeting at a site south of Algiers or in Khartoum prior to meeting with the Russians. The President wanted to keep this advance meeting secret as he did "not want to give Stalin the impression we are settling everything between ourselves before we meet him." In his letter, Roosevelt noted that "Stalin has already agreed to a purely military conference to be held in Moscow."

Two weeks later, on December 17, 1942, Roosevelt reported to Churchill that Stalin had sent a reply expressing his regret that he would be unable to attend a meeting of the Alliance leadership as it was "impossible for me [Stalin] to leave the Soviet Union either in the near future or even at the beginning of March. Front business absolutely prevents it, demanding may constant presence near our troops." (N.B. During the winter of '42–'43, Marshall Stalin was in day-to-day command of the defense of Stalingrad.)

In his communiqué Stalin said nothing about a military meeting with Roosevelt and

Churchill in Moscow—a proposal to which Roosevelt believed Stalin had already agreed. Roosevelt sent word back to the Kremlin that he was "deeply disappointed" with Stalin's reply. Marshall Stalin responded by stating they could discuss questions by correspondence until they were able to meet in the future. On substantive issues, Stalin wrote, "I think we shall not differ."

In that same message, Marshall Stalin called for the opening of a Second Front in Europe. "I feel confident," he went on, "the promise to open a Second Front in Europe, which you, Mr. President, and Mr. Churchill gave for 1942, or the spring of 1943 at the latest, will be kept and that a Second Front in Europe will be opened jointly by Great Britain and the USA next spring." Thus, without having to attend, Marshall Stalin left his imprimatur on the proposed Allied conference by raising the question of a Second Front.

Even without Marshall Stalin, President Roosevelt believed he should meet face-to-face with Prime Minister Churchill to discuss the war effort. But where? England was out as a meeting place "for political reasons," and the President wanted to depart the highly charged atmosphere of Washington. With no Josef Stalin, the US and British leaders would have no need for foreign affairs specialists because their discussions would be essentially military-related. Foreign Secretary Eden and Secretary of State Hull did not attend. Was it possible to meet in a convenient and recently vanquished territory under Allied control? What about Morocco?

On December 21, 1942, Roosevelt wrote to Churchill proposing a meeting in "a safe place—Casablanca." Churchill agreed. The conference was code-named "Symbol."

The President departed on January 11 from Miami, Florida, for his fourth official meeting with Prime Minister Churchill. The Casablanca Conference turned out to be the first in a series of great midwar international conferences.

January 11 was further marked as an historic occasion as it was the first time a US President had flown in an aircraft while in office. It was also the first time that a sitting American President had left the US in a time of war.

President Roosevelt's departure and his destination were carefully guarded secrets. The Navy Department was assigned responsibility for overseeing all travel operations. Casablanca, the site of the conference, lay across the hazardous Atlantic; a circuitous route covering some 7,372 air miles was selected, and the presidential party was in the air and taxiing for 46 hours and 38 minutes (ample time for talks with the Presidential Advisor Harry Hopkins, cards and martinis).

The President and his entourage boarded a Pan American World Airways "Flying Boat" Clipper Ship (a Boeing 314) in Miami, Florida (the Dixie Clipper). They flew to Port of Spain, Trinadad—on to Belem in Brazil—then on to Bathurst, a former British colony in The Gambia. West Africa.

An identical back-up Clipper followed the President's plane as a precautionary measure—setting further precedent for the tradition of two identical Air Force Ones to be flown in tandem as the US President travels. Roosevelt and his entourage then transferred to an Air Transport Command plane of the Army Air Corps (a C-54) for the last leg of the journey—the flight to Casablanca.

President Roosevelt arrived in Casablanca on the afternoon of January 14, 1943. Prime Minister Churchill arrived the day before. The Hotel Anfa was to serve as the conference headquarters. The hotel and the villas surrounding it were renamed "Anfa Camp" for the duration of the conference.

Surrounded by palm trees, bougainvillea, orange groves and with sparkling sunny skies overhead, the conference was still held amidst a wartime atmosphere. The perimeter of Anfa Camp was protected by barbed wire entanglements with only two entrances guarded by sentries; heavily armed infantrymen kept watch on the Hotel Anfa and all residential villas, and the skies were filled with patrolling fighter squadrons.

Only two months previously, the Allies had landed in Morocco on November 8, 1942. A fellow member of our Society, General Vernon A. Walters, landed as a 2nd Lieutenant in the coastal port of Safi, south of Casablanca in Operation Torch. (The other landings were at Port Lyautey [now Kenitra] and Mohammedia.)

Though the strange alliance of the Western Powers and the Soviet Union was linked by the common bond of Axis danger, they had yet to agree on an overall strategy for containing and confronting the Wehrmacht German Army, and, in January 1943, the issue of opening a Second Front in Western Europe remained entirely an unresolved issue.

Even between the US and the UK, fundamental war strategy and joint planning for the immediate future were unsettled. These were not easy matters, and in addition to plenary sessions, the participants of the Casablanca Conference carried on informal discussions over luncheon and dinner. The dinners sometimes lasted into the early hours of the next morning!

Even so, the Casablanca Conference progressed and, at its conclusion, marked many strategic milestones and decisions. During the ten-day event, the two groups of leaders and advisors held fifteen separate official joint meetings. The military objectives derived from the intense deliberations in Casablanca were:

Defeat the German submarine force in the Atlantic.

Increase the number of American troops in Great Britain.

Strengthen the air campaign against Nazi Germany.

Attempt to bring Turkey into the war against the Axis.

Prepare for the ultimate invasion of Western Europe.

Invade Sicily.

At the conference, President Roosevelt first introduced the principle of "unconditional surrender" of the Axis—a concept that was to have important consequences for the Allied Coalition for the remainder of the war.

While in Casablanca, President Roosevelt also had a dinner meeting with the Sultan of Morocco, Mohammed V, on January 22. Among the subjects discussed was "post-war colonial liberation." Did this "exchange of views" between President Roosevelt and Sultan Mohammed V that evening portend independence for Morocco?

Toward the end of the conference, General Charles de Gaulle was "invited" from England to meet with Roosevelt and Churchill. General de Gaulle, the London-based leader of "the Free French Government in Exile," arrived in Casablanca on January 22. On the last day of the conference, the U.S. President and the British Prime Minister met separately with de Gaulle and General Henri Giraud, the High Commissioner of French Africa, who had replaced Admiral Darlan after the latter's assassination in Algiers on December 24, 1942.

Both Giraud and de Gaulle were rivals for leadership of the Free French. The conference was winding down, and though the President and the Prime Minister considered the ten-day effort a "great success," the exception was a failure to obtain a real conciliation between Generals Giraud and de Gaulle.

Nonetheless, it was an important public relations objective to demonstrate "solidarity," and on January 24, Lord Moran, the personal physician of Prime Minister Churchill, wrote in his diary, "The President decided the lawn behind his bungalow, Villa Dar es Saada, should be the site of an interesting ceremony . . ."

The Allied war effort continued. General George C. Marshall was immediately dispatched to Moscow to debrief Marshall Stalin on the results of the conference. When Stalin learned that Roosevelt and Churchill had decided to forego, for the immediate future, a Second Front through an invasion of France, he declined to receive General Marshall. For the Russians, the "Great Patriotic War" would go on for another year and a half before the opening of a Second Front with the Normandy invasion in June 1944.

Later that year, President Roosevelt did meet with Marshall Stalin in Teheran, Iran, for the first time on November 28—December 1, 1943. Despite Stalin's disappointment over the timing of the Second Front, at the final dinner Marshall Stalin made the memorable toast, "Without America, we [Russia] would already have lost the war." (N.B. Churchill first met Stalin in Moscow, in July 1942.)

NAPERVILLE (IL) LIBRARIES RANK NUMBER ONE IN THE UNITED STATES

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Mrs. BIGGERT. Mr. Speaker, I rise today to offer my warmest congratulations to the city of Naperville and its two public libraries.

For the second year in a row, the Naperville Public Libraries have been named the number one public library system in the United States when compared with other facilities of comparable size.

The ranking revealed in a recent article in the magazine "American Libraries," looked at factors such as collection turnover, materials expenditure per capita, periodicals per 1,000 residents, cost per circulation and circulation per full-time employment staff hour.

It's time that public libraries receive more recognition. They are the great equalizer in our society as they ensure free and unlimited access to invaluable educational resources for anyone who simply has the desire to learn.

Librarians and employees continually go above and beyond the call of duty with their exceptional service and commitment to provide enriching and enlightening information to everyone in the community.

Libraries enhance our knowledge of ourselves and the world around us. Great libraries, like Nicols and Naper Boulevard, deserve our highest praise and recognition.

Congratulations to the Naperville Public Libraries—the very best in their class!

SENATE—*Wednesday, September 15, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

Gracious Father, we come to You on this fresh September morning with full hearts. Thank You for letting us be a part of the fabric of this country which is so richly endowed both physically and spiritually. Help us never to forget that it is by Your grace we are here and that "to whom much is given, much is required."

We pray particularly for those in the path of a storm, whether politically in the Senate of the United States or physically on our southeast coast. Give them wisdom, judgment, and strength for the journey.

As the fall agenda in this deliberate body is engaged in this Chamber, which has been the battleground for ideas and the sanctuary for our freedoms over the years, help our Senators not to be weary in well-doing. Buttress them with patience in the face of a thousand voices calling them to act in small, immediate ways which erode principle and derail the larger good.

We join our hearts at this moment with the thousands of other ordinary citizens across America who, today and every day, lift this band of 100 gifted leaders to You.

In that Name above every name, we pray these things.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished acting majority leader is recognized.

SCHEDULE

Mr. SHELBY. Mr. President, today the Senate will immediately begin 1 hour of debate on the Wyden amendments Nos. 1625 and 1626, both regarding airline reporting. Votes on those amendments have been scheduled to occur at 11 a.m. Further amendments to the Transportation appropriations bill are anticipated. Therefore, Senators may expect votes throughout the day. It is hoped, however, that Senators who have amendments will work with the chairman and the ranking member to schedule the offering of their amendments in a timely manner so we can expedite this bill. Today the Senate may also resume consideration of the Interior appropriations bill in an attempt to complete action on the bill.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The legislative assistant read as follows:

A bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Wyden amendment No. 1625, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents involving the failure to disclose information on the overbooking of flights.

Wyden amendment No. 1626, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers involving denying airline consumers access to information on the lowest fare available.

The PRESIDING OFFICER. The distinguished Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair.

AMENDMENTS NOS. 1625 AND 1626, AS MODIFIED

Mr. President, I ask unanimous consent that in the second proviso of each of my two amendments, the words "It is the sense of the Senate" be inserted.

The PRESIDING OFFICER. Is there an objection?

The Chair hears none, and it is so ordered.

Mr. WYDEN. I thank the Chair.

The amendments (Nos. 1625 and 1626), as modified, are as follows:

AMENDMENT NO. 1625

On page 65, line 22, before the period at the end of the line, insert the following: ": *Provided*, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: *Provided further*, It is the sense of the Senate that, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible".

AMENDMENT NO. 1626

On page 65, line 22, before the period at the end of the line, insert the following: ": *Provided*, That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: *Provided further*, It is the sense of the Senate that, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communications".

Mr. WYDEN. Mr. President and colleagues, these two amendments are essential to begin to ensure that passengers in this country get a fair shake with respect to airline service.

We have seen in recent months that the airline industry is going to great lengths with their so-called customer service pledge to try, through a series of voluntary promises, to show to the American people that they are really committed to improving airline service.

The fact is, Mr. President and colleagues, two studies that have just come out demonstrate that these voluntary promises by the airline industry really are not worth much more than the paper on which they are written. So I am very pleased to come to the floor of the Senate today with my good friend, the chairman of the subcommittee, Senator SHELBY, and the ranking minority member, Senator LAUTENBERG, to make it very clear that in two key areas—overbooking and making sure that passengers can be informed of the lowest fare available—the inspector general will be directed to investigate promptly when in fact consumers are ripped off in those areas.

Let me touch specifically on both of those provisions.

The first deals with the overbooking issue. In addition to my friend from Alabama, the chairman of the subcommittee, I am very pleased Senator CAMPBELL has joined us in this effort, as well as Senator FEINGOLD from this side of the aisle. It is truly bipartisan.

The reason it is needed is that if this morning you call an airline and inquire about purchasing a ticket on a flight and they are overbooked, that airline does not have to tell you they are overbooked before they take your money.

We do not think that is right. We think the public has the right to know. Certainly the airline ought to be in a position to sell you a ticket even if they are overbooked, but it ought to be the consumer's right to have that information before they actually put their money down.

So the first proposal we are offering today makes sure that consumers will be informed in these instances of overbooking.

The second amendment we are offering deals with making sure that passengers can be adequately informed of the lowest fare available on flights. Finding the lowest airfare is one of the great mysteries of Western life. Today on any given flight, there may be as many different fares as there are passengers on the plane. So with respect to this matter of making sure the passengers can be informed of the lowest fare available, I offer a second amendment, again with the chairman of the subcommittee, Mr. SHELBY, and the ranking minority member, Senator LAUTENBERG, to make sure that passengers will be in a position to be informed of the lowest fares.

Some airlines right now are giving customers with computers a price break just because they have a computer to access the web site. We have all heard about the digital divide. In fact, some folks have the technology; others do not. The current situation penalizes the technology have-nots; they have to pay a higher fare. Of course, when the airlines have you, the customer, on the phone, they have in fact "got you." You may not own a computer or have access to one. You have to pay whatever price the airline quotes you.

No matter how a customer contacts an airline—at the ticket counter, over the phone, or through the airline's web site—it is the view of the sponsors of this amendment—myself, the distinguished chairman of the subcommittee, Mr. SHELBY, and the distinguished ranking minority member, Senator LAUTENBERG—that the consumer ought to be informed.

Right now, on a voluntary pledge that has been made by the airline industry, there is a lot of high-sounding rhetoric in telling customers about the lowest fare, but the harsh reality is it is essentially business as usual.

In fact, I think it is worth noting the language in the pledge, as it stands today, to offer the lowest fare available. What the pledge by the airline industry stipulates today is: If a consumer uses the phone to call an airline and asks about a specific flight on a specific day in a specific class, the airline will tell you the lowest fare. That is something that they are already required to do by current regulation.

Not only will they not provide you relevant information about lower fares on other flights on the same airline, they will not even tell you about lower fares that are probably on their web page.

For example, a Delta agent recently quoted a consumer over the phone a round trip fare to Portland—my hometown—of $400. Five minutes later, the consumer found a price for $218 for the exact flight on Delta's web page.

I do want to leave time for other colleagues to be able to speak on these amendments. Both of the amendments, it seems to me, hit critical issues with respect to disclosure to airline passengers of information that they need to make their travel choices.

We are not calling for a constitutional right to a fluffy pillow on an airline flight or a jumbo bag of peanuts. We are saying the public has the right to know.

We had 100,000 people bumped last year, and we are finding, in the first 6 months of this year, consumer complaints are growing at an unprecedented level with respect to airline service.

Unfortunately, this voluntary pledge by the airline industry is essentially toothless. They give you three kinds of rights: First, a set of rights that you already have, and that deals with the disabled; second, rights that they are reluctant to actually write into the legalese that constitute the real contract between the consumer and the airline—these are known as contracts of carriage; and, finally, the consumers' rights that are ignored altogether.

The Wyden-Shelby-Lautenberg amendments we will be voting on at 11 o'clock ensure that those rights which are being ignored altogether would be protected, that in the future consumers will be informed when a flight is overbooked. Consumers would be in a position to learn the lowest fare available, and if that is not the case, under this amendment the Department of Transportation is directed to go on out and investigate that as a deceptive trade practice, and the consumer is protected.

So I will reserve the remainder of my time. We may have other colleagues who want to speak. But again, I express my appreciation to the chairman of the subcommittee, Senator SHELBY. He and Senator LAUTENBERG have worked very closely with us on this amendment.

I reserve the remainder of my time and yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I will be brief. But I want to take a couple minutes to commend the Senator from Oregon for having the courage and the foresight and tenacity to push these amendments because they make a lot of sense.

All of us travel by the airlines. We want our airlines to do well. We want them to respond to all the people in the market. But we want it to be done upfront and, I think, upright. I am not sure that is going on today. That is why I believe this legislation is necessary. I think it is a step in the right direction.

We all go back to the deregulation of the airlines. I want to deregulate everything. But I want competition to be out there in the marketplace, including the airlines, to where people will have a choice. I am not sure we have a choice today in the airline industry because we have such concentration. We all fly. We want some basic rights.

I believe the passengers, who are the customers who support the airlines—without customers there will be no airlines—ought to have a say. I believe that is the thrust of the amendments offered by the Senator from Oregon. That is why I support them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I know we have a scheduled vote at 11 o'clock this morning. We have equal time here. I ask unanimous consent that the running of the quorum call time on the clock be charged against both sides equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, if I might ask the distinguished senior Senator from New Jersey, are we dealing with two amendments or a sense-of-the-Senate resolution?

Mr. LAUTENBERG. We are dealing with two sense-of-the-Senate resolutions that the Senator from Oregon has offered now, a substitute for an earlier amendment.

Mr. ROCKEFELLER. Well, a sense-of-the-Senate resolution is preferable in that it doesn't become law and is not binding. It also implies, as I would believe, that perhaps the case for the amendments is not as strong as it once appeared to be.

I want to speak vehemently against whatever form this takes, whether it is two amendments or a sense-of-the-Senate resolution. There is no question that the Senator from Oregon is concerned with safety. The Senator from Oregon has the luxury of dealing with flights far better than does the Senator from West Virginia. He has a consistent record on that. I also need to say, however, that when he brought up what was to be two amendments—both of which I disagree with and which I ask my colleagues to vote against, whether in amendment form or resolution form—the Senator didn't give any advanced notice about it. He didn't inform those charged with responsibility for aviation issues on the Commerce Committee before he brought this matter up, for example.

Customer service is a problem we have been working on in the Commerce Committee. What I need to point out is that on this very day the airlines are coming out with their plans to implement what Senator McCAIN, Senator HOLLINGS, Senator GORTON, and the Senator from West Virginia directed and worked with them to do to improve customer service. Today they are coming out with a plan to address precisely the problems the Senator is bringing up.

People talk about Washington intervening and Washington trying to do something on its own because Washington always knows best. This is probably a classic case of that—especially on what looks like a tremendously popular consumer issue that can easily get a lot of attention. But we always have to ask the question, is it the right public policy? My reaction in this case is, no, it is the wrong public policy.

We sat down with the airlines and we had a very long series of negotiations. We got them to agree to a whole series of things which they are coming out with today, which we haven't actually seen yet, for improving customer service. They are coming out with their detailed service plans on this very day, at the same time that we are voting here on these resolutions. What is interesting is that in the principles we negotiated with the airlines both of the problems contemplated by these resolutions are specifically addressed, and will be elaborated upon in the specific plans of each airline.

Now I don't have the advantage of is having the plans before me because they are being announced today. But we pushed the airlines hard and they came back with suggestions; and then we went to them again and said that is not good enough, and they came up with more. We also informed the airlines that we would be working on legislation to direct the Department of Transportation to exercise oversight and monitoring of airlines customer service plans and how they are implemented.

We are also working on legislation to increase penalties—if we can ever get to the FAA reauthorization bill, which a lot of people don't talk about—including increases in baggage liability limits, civil penalties for consumer violations, and fines for mistreatment of disabled passengers. We took a very tough approach with the airlines, saying to them, look, we are going to give you this chance because we think you know better than we do how wide a seat ought to be.

We think that when it comes to the cost of the fare, or informing passengers of cancellations or delays, you can do a better job for passengers than if we dictated to you how to do it.

And at the same time we said to the airlines: If you don't come forth with meaningful service improvements and if you are not effective in implementing these commitments, then we are going to come back at you with legislation.

We were very clear in our message to them. Senator McCAIN, Senator HOLLINGS, Senator ROCKEFELLER, and Senator GORTON—all of us—were very clear about the consequences. We are committed to considering a legislative solution to make the airlines do these things, but first we are going to give them a chance to clean up their own houses.

The main difference between these resolutions and our approach is that we don't want to legislate right out of the gate. We may have to end up legislating, if they don't improve things. But let's give them an opportunity first.

Consider the case of Southwest Airlines and the question of overbooking. Routinely 35 to 40 percent of the people who make reservations on Southwest don't show up for the flight. Do they have an overbooking procedure on 90 percent of their flights? Yes, they do. They need to do that since on average 35 to 40 percent of their passengers don't show up for each and every flight.

On one hand, it seems as if overbooking is an easy thing to do something about. But in practice it is a more complicated question. So, shall we give the industry that knows it has problems a chance, albeit under pressure and restrictions from the Congress and the DOT, but nonetheless a chance to solve their problems themselves? Or shall we simply say we are going to do it for you, and this is how you are going to do it?

Again, if they don't come forward, if they don't do this correctly, then we may very well move legislatively. I have said it frequently to them in private and in public that we move to legislate if they don't take this voluntary approach quite seriously, and we will direct and mandate that these customer service improvements be done. But I think to take the heavy-handed approach right out of the box is the wrong way to go.

I think it is also ironic, I have to say, that the focus is on overbooking and access to low fares, without giving equal attention to the problems of air traffic control. We aren't paying any attention at all to the underlying problems—the infrastructure problems that are the root cause of many customer complaints, including overcrowding, scheduling problems, cancellations and no-shows.

The airlines have until December 15 to get their detailed plans fully implemented. I think we ought to give them the chance.

The inspector general of DOT is monitoring and watching each and every airline for any failure to carry out the principles and promises. If they are not effectuated, that will be considered a violation by the DOT.

But is there anything really that wrong with giving the people who know how to do it and who will compete with one another to do it best a chance to self-regulate under this very unusual and extraordinary pressure that they find themselves from myself and Senator GORTON? Or do we simply say, no, we know how to do it best, and we are going to do it for you?

I hope my colleagues will understand that this a resolution that doesn't do much good for airline passengers. What will do good by the traveling public is the plan which the airlines are announcing today, and then the oversight and the implementation of those plans, which we will watch very closely and then evaluate how they've done. If they are ineffective in it, then we will move right to legislation. But for heaven's sake, let's not start off that way and pretend we can do all of this better than they can.

I yield the floor. I reserve the remainder of my time.

Mr. LAUTENBERG. I thank the Senator from Oregon.

Mr. President, I think what the Senator from Oregon is doing this morning is offering some help for sat-upon air passengers—people who are totally discouraged by the treatment they get from our airlines. I am not saying the airlines are not a good, effective part of our communications system or that they don't care. Not at all. But they have to be a little more sensitive to what the passengers need. The passengers need to know whether or not reservations they have made are going to be honored. They have to know whether or not they are buying right. If you go into a department store, you see signs telling you how much an article costs. When you call up an airline for reservations, you never know whether you have three seats in L class, or two seats in Y class, or six seats in E class, and you don't know whether you are getting what you are getting.

I think there is an expression that is used commonly around here—"a right to know." The passengers have a right to know. They have a right to know that when they get to that airport, the seat they have reserved which they paid for is going to be available for them.

There is no one whom I like less to disagree with than my friend from West Virginia, the distinguished Senator from West Virginia. But the airlines may know, to use his expression, "how wide a seat is." But they don't want to tell you how wide the seating spaces are in their airplanes compared to others.

I fly, as most here do, at least twice a week—once up and once back from my home district in my State.

I find that the space gets narrower and narrower. I think we ought to let people know. Give them a choice. Give them a right to know. We are not telling them the seat size. I don't want to do that.

I have found one thing. Sometimes if you offer enough carrots as an incentive, you wind up with carrot soup. You don't wind up with a satisfied user. That is what we are talking about. The airlines have voluntarily agreed to do some things; that is, if you can find out, and if you understand what they are talking about when they do it.

I see nothing wrong in the sense-of-the-Senate resolutions the Senator from Oregon is introducing. I think he is doing us all a favor, and that is highlighting what the problem is. It is not law that he is proposing. What he is suggesting is something for us to all think about as we consider legislation, or recommending rules to the FAA that the FAA ought to take up. We are focusing.

I must say this to the Senator from West Virginia. In my opening remarks and in the remarks of the chairman of the subcommittee, what we are talking about is the shortages that we are seeing in funding for FAA.

I know I heard it repeated by the distinguished Senator from Alabama. I said we are underfunding the FAA. That is because the whole transportation budget is inadequate for the things we have to do. It shouldn't be. But the system is safe. People do get there most of the time now—late. But the fact is we are concerned about funding the FAA and the overcrowding of the skies.

We want the air traffic control system to operate well.

I sit lots of times in the second seat in a small airplane. I hear what is going on. It is not always what you like to hear—that you have to wait a half hour to take off, that you have to wait a half hour or divert to land because it is too crowded. We are concerned about that.

But also I make mention of a cause of mine—to make sure that we have high-speed rail in this country to take care of the 200-mile trip, or the 250-mile trip from New York to Washington, or Boston to New York, or Boston to Washington—relatively short trips—to relieve some of the pressure in the skies at the same time that we build the system.

I yield the time. I thank the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes 50 seconds.

Mr. WYDEN. Thank you.

Mr. President, first, in the package of amendments with respect to overbooking and making sure the passenger has the lowest fare available, that has nothing to do with seat size. I think all of our colleagues know it.

The reason the Consumer Federation of America and Consumers Union put on the floor for each Member of this body a strong endorsement letter for these two amendments this morning is that they think the public has a right to know this basic information. That is all these two amendments are about.

The fact is that my good friend from West Virginia has a difference of opinion with respect to the airline industry voluntary pledges.

I agree with the General Accounting Office and the Congressional Research Service. They came out with reports this week that essentially showed that with respect to these voluntary industry pledges, there is no "there" there. These voluntary industry pledges either involve rights that the consumer already has, No. 1, rights that the airline industry is unwilling to write into the contract between the airline and the consumer, known as contracts of carriage, or rights that are essentially ignored altogether, which are overbooking.

Nobody is talking about micromanagement or a constitutional right to fluffy pillows. We are talking about basic information for the public.

What has happened since the voluntary industry agreement of earlier this summer is, two congressional reports have come out—a report by the Congressional Research Service and a report by the General Accounting Office. Let me read from a portion of what the General Accounting Office has said. The General Accounting Office said with respect to the key measures in the voluntary package—ensuring customer service from an airline, cosharing partners, a refund provision, a special needs provision—these are already required.

The airline industry has tried, with a lot of hocus-pocus with the voluntary pledges, to convince the Congress and the American people that they really are responding substantively when in fact this is essentially old wine in new bottles.

That is why this morning the Consumers Union and the Consumer Federation have put on to the desks of each Member of this body a strong endorsement letter. This is about the public's right to know, the public's right to disclosure of information in two areas: The lowest fare; second, with respect to overbooking. That is what this issue is about.

Members can either be with the passengers or Members can be with the airline industry, which the General Accounting Office and the Congressional Research Service said this week has offered voluntary pledges that are woefully deficient because they essentially do nothing other than restate current law.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, I yield what time I have to the distinguished Senator from Washington.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized for 1 minute 20 seconds.

Mr. GORTON. Mr. President, this is another example of Members of the Senate attempting to say they know much more about a particular business than do the people who run that business and depend upon customer satisfaction in order to run it profitably.

Fortunately, it is now only a sense-of-the-Senate resolution. However, it nonetheless, with respect to involuntary exclusion from planes, applies to about 1 person in 10,000 and is therefore a sledgehammer used to crush a fly, and does it in a way which will be either ineffective because the information that passengers get will be of no use to them or will cut down on the number of tickets that are sold which will raise the prices passengers pay.

The provision about Internet pricing, if implemented, will simply mean there will be no lower prices offered on the Internet than there are elsewhere. That will also raise the prices some passengers pay.

The voluntary attitudes of the airlines are only beginning to go into effect. Even the GAO report quoted by the Senator from Oregon reads:

> The real deal is what the individual airlines come out with in the plans. Once they do, they can be held accountable.

We ought to leave this to that accountability and not decide we know the airline business better than the airlines themselves.

The PRESIDING OFFICER. The time allotted to the distinguished Senator has expired.

Does the Senator from Oregon yield time to the distinguished Senator from Montana?

Mr. WYDEN. I understand I have about 10 minutes remaining. Would my good friend from Montana like 3 or 4 minutes?

Mr. BURNS. It will only take about a minute. I am opposing the amendment, so the Senator may want to rethink the allotment of that time.

Mr. WYDEN. Why don't I give 3 minutes to my good friend from Montana, and then I will use my remaining time to wrap up.

Mr. BURNS. I thank my friend from Oregon. I will be very brief.

In the Commerce Committee, we struck a deal with the airlines. Today they are going to the FAA with their plan. What we have seen to this point is an outline of what they plan to do. What they plan to give to the FAA, with the FAA exceptions, we should agree to and keep the word of the Commerce Committee that that is the way we are going to do business.

I think we are trying to micromanage. I expect I am the only one who should be concerned about seat width. I fly just as much as anyone else. In fact, to go round trip between here and Montana, we probably have more seat time than we really want.

The chairman of the Subcommittee on Aviation on the Commerce Committee had a very successful hearing in Kalispell, MT. We ought to look at the root of some of the problems, and that is pilot shortage. We had an outstanding hearing on how it affects rural States such as my State of Montana.

I shall oppose these two amendments. I thank my good friend from Oregon. He has been more than gracious with his time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I don't see any other speakers. I will be very brief in wrapping up.

Again with respect to these voluntary pledges that have been made by the airline industry, I think it is worth noting exactly what the General Accounting Office said about this so-called customer service first program.

The General Accounting Office found that of the 16 pledges the airline industry made in their voluntary customer first package, 3 of them are already required by Federal law, 4 of them are already required by what are known as the contracts of carriage, legal contracts, and the vast majority of them aren't written in at all. They are not written in any way with respect to key areas such as making sure consumers are adequately informed about the lowest fares, making sure customers are informed about delays, cancellations, and diversions, returning checked bags within 24 hours, credit card refunds, informing passengers about restrictions on frequent flier rules, and having customer service representatives to actually help the public.

That is what the General Accounting Office said.

I am very hopeful we will see some of the airlines individually go beyond what is being proposed in their voluntary package.

In reading the General Accounting Office and the Congressional Research Service reports that have come out since this voluntary agreement was entered into, anyone will see how woefully inadequate the consumer protections are for the public in this country. In fact, these contracts of carriage, which are legalese and technical lingo that spells out the contract between the consumer and the airline, the Congressional Research Service found most of the front-line airline staff didn't even know what these contracts of carriage were. The consumer would basically have to do somersaults to try to get information about them. It is largely not available, even at the ticket counter in many instances. It shows again how reluctant these airlines are, in the vast majority of instances, to truly inform the public.

At the end of the day, passengers have three types of rights: Rights in effect they already have; rights that will not be spelled out in the contract; and, finally, rights that are being ignored altogether. That is why the Consumers Union today is urging the Senate to adopt these two amendments. They are on the side of the passengers. They understand the voluntary pledges that have been made by the airline industry lack teeth. They are gobbledegook.

I urge my colleagues to strongly support these two amendments, agree with the Consumers Union rather than with the airline industry, and let's ensure that at a time when complaints are at a record level, which is the situation we find ourselves in today, we are making sure the passengers can get a fair shake when it comes to learning about the lowest fare available and learning about their rights when there has been an overbooking.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Oregon yield the remainder of his time? The Senator has 6 minutes.

Mr. WYDEN. I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1625, as modified.

The amendment (No. 1625), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1626, as modified.

The amendment (No. 1626), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that all first-degree amendments to the Transportation appropriations bill must be filed by 12 noon today, Wednesday, September 15, with the exception of one amendment by each leader and a managers' package of amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMIC CONVULSION IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I was just at a gathering of family farmers from the State of Minnesota. I want to give a report on what many of these farmers from Minnesota had to say. I know the Chair has met with farmers from his State and is well aware of the economic pain.

This was a gathering of the Farmers Union farmers, although I think as they have traveled from Senate office to Senate office and House office to House office, they speak for many farmers in the country. Their focus is on what can only be described as an economic convulsion in agriculture.

I know this is not only a crisis in the Midwest but it is also a crisis in the South and throughout the entire nation. On present course, we are going to lose a generation of producers. Whether we are talking about farmers in Minnesota or farmers in Arkansas, many very hard-working people are asking nothing more than a decent price for the commodities they produce. These farmers, who want a decent price so they can have a decent standard of living and so they can support their children, are going to go under.

I will talk a little bit about policy, but, most importantly, I want to talk about families. I think it is important to bring this to the attention of the Senate. On the policy part, I would prefer, if at all possible, to avoid a confrontation about the Freedom to Farm bill. I thought it was "freedom to fail" when the bill passed in 1996. I thought it was a terrible piece of legislation; other Senators at that time thought differently. Part of the legislation gave producers more flexibility, which was good. However, the problem we are facing now is the flexibility doesn't do any good because, across the board prices are low and farmers can't cash-flow.

I don't know whether the Chair has had this experience in Arkansas. He probably has. Many farmers will come up to me, and often these farmers will be in their 40's or 50's. They will say: Right now, I am just burning up my equity. I am digging into everything I have in order to keep going. I want to ask you a question: Should I continue to do that? Do I have a future, or should I just get out of farming?

People don't want to get out of farming. They don't want to leave. This is where they farm. This is where they live. This is where they work. The farm has been in their family for four generations.

We have to make a major modification in our farm policy. The modification has to deal with the problem of price. It is a price crisis in rural America. We have to get this emergency assistance package passed. Conferees must meet and report a bill to Congress so that we can get assistance out to farmers now. I think the emergency package must include a disaster relief piece. The Senate version includes no funding for weather related disasters. Although I am supportive of an emergency relief package, I still don't think the Senate-passed version targeted the assistance towards those people who need the most help.

The point is, these producers want to know whether they have a future beyond 1 year. They can't cash-flow on these prices, whether it be for wheat, for corn, for cotton, for rice, for peanuts, or whether it be for livestock producers. They simply cannot cash-flow. They cannot make it. They can work 20 hours a day and be the best managers in the world, and they still won't make it.

I do think we have to raise the loan rate to get the price up. We have to do that. We have to have some kind of a way that our producers have some leverage in the marketplace to get a better price. I think we also need to have a farmer-owned reserve. A farmer-owned reserve would enable our producers to hold on to their grain until they can get a better price from the grain companies.

Whatever the proposal is, I say to all of my colleagues, for our producers—and I imagine it is the same in Arkansas—time is not neutral. It is not on their side. I don't think we can leave this fall without making a change. We have to pass the emergency assistance package, and we have to deal with the price crisis. I have heard discussion about how we are going to leave early. We cannot leave early.

I also want to talk about the whole problem of concentration of power. This is an unbelievable situation. What we have is a situation where our producers, such as our livestock producers, when negotiating to sell, only have three or four processors. They have the Smithfields, the ConAgras, the IPBs, the Hormels and the Cargills. The point is, you have two, three or four firms that control over 40 percent, over 50 percent, sometimes 70–80 percent of the market.

Pork producers are facing extinction, and the packers are in hog heaven. The mergers continue, and we have all of these acquisitions. We need to put free enterprise back into the food industry.

I have had a chance to review the Sherman Act and the Clayton Act and the work of Estes Kefauver and others. We have had two major public hearings, one in Minnesota and one in Iowa, with Joel Klein, who leads the Antitrust Division of the Justice Department, and Mike Dunn, head of the Packers and Stockyards Administration within the Department of Agriculture. Our producers are asking the question: Why, with these laws on the books, isn't there some protection for us? We have all sorts of examples of monopoly. We want to know where is the protection for producers.

It is critical to pass some stronger antitrust legislation. I know Senator LEAHY is doing a great job with his legislation. I am pleased to join with him. I know part of what the Leahy legislation is going to emphasize is that the U.S. Department of Agriculture can ask for a family farm rural community impact statement. It must address the impact these acquisitions and mergers will have on communities. We want to see that USDA has the authority to review these mergers and acquisitions. We want to see that when people break the law and are practicing collusive activities, there are going to be very stiff penalties. We want to set up a separate division within the Justice Department that deals with agriculture and conducts an investigation and an impact study. Again, we need to have some strong antitrust legislation on the books.

This ought to be a bipartisan issue. I think this is one issue on which all the farm organizations agree. We must have some antitrust action. We must have some bargaining power for the producers. We must put free enterprise back into the food industry.

Until we pass this legislation, I will have an amendment on the floor calling for a moratorium on any further acquisitions or mergers for agribusinesses with over $50 million in revenue. We need to take a look at what is going on. We need to pass some legislation now or we need to have a moratorium for one year until we pass legislation. I think there is going to be a considerable amount of support for this. The reason I think there is going to be a lot of support is that I think many of my colleagues have been back in their States, and for those of us who come from rural States, from agricultural States, you can't meet with people and not know we have to take some kind of action.

I want to bring to the attention of my colleagues just what this crisis means in personal terms. I get nervous about the discussions we have about statistics. We talk about loan rates, we talk about target prices, deficiency payments and LPDs. I want to put this crisis in personal terms.

Let me talk, first of all, about the wonderful wisdom of a Kansas farmer.

I want to share a conversation I had with a Kansas farmer, who offered a great analogy that goes right to the heart of what is happening to our livestock producers, in particular, pork producers who are facing extinction while the packers are in hog heaven:

> Hogs can be mean, nasty and greedy animals. When a hog farmer raises hogs, he knows well enough to separate the big boars from the little hogs. No hog producer would put a boar in the same pen with small pigs. The boar would literally attack and kill the smaller pigs.

Yet while no producer would make such an illogical decision, we as a nation have shamelessly allowed the big boars within our own market pen. That is exactly what is happening. The large corporate "pigs" have been attacking and killing the smaller producers.

Now, let me just recite a little bit of historical context. These are words that were spoken on the floor. I read this piece and thought of the latest Smithfield effort to gobble up another company. These words were spoken on the floor of the Senate by Wyoming Senator John B. Kendrick in 1921, in support of the Packers and Stockyards Act:

> Nothing under the sun would do more to conduce to increase production in this country and ultimately to cheapen food products for the people of the Nation than a dependable market, one wherein the producer would understand beyond a shadow of doubt that he would not merely get what is called a fair market, but would get the market for his products based on the law of supply and demand. The average producer in this country is a pretty good sport. He is not afraid to take his chances, but he wants to know that he meets the other man on the dead level and does not have to go against stacked cards.

That is exactly what is at issue. Everywhere the family farmers look, whether it be on the input side, or to whom they sell, you have monopolies. We have to, as Senators, be willing to be on the side of family farmers and take on these monopolies. Who do we represent? Are we Senators from Smithfield, ConAgra or Cargill, which is a huge company in my State. Or, are we Senators who represent family farmers in rural communities?

I had a meeting with about 35 small bankers, independent bankers, community bankers, from rural Minnesota. It was unbelievable; all of them were saying they have not seen anything such as this crisis in their lifetimes. They said if we continue the way we are going right now, we are going to lose these farms. Our hospitals are going to shut down, our businesses are in trouble, our dealers and banks are in trouble. We are not going to be able to support our schools.

This is about the survival of many of our communities, and these bankers they are right. I would, in 1999, like to associate myself with the remarks of Senator John B. Kendrick in 1921. He goes on to say:

> It has been brought to such a high degree of concentration that it is dominated by a few men. The big packers, so-called, stand between hundreds of thousands of producers on the one hand, and millions of consumers on the other. They have their fingers on the pulse of both the producing and consuming markets, and are in such a position of strategic advantage; they have unrestrained powers to manipulate both markets to their own advantage and to the disadvantage of over 99 percent of the people of our country. Such power is too great, Mr. President, to repose it to the hands of any man.

I have been doing a lot of traveling during August meeting with farmers. I have been, certainly, to every single rural community in Minnesota and to gatherings in South Dakota, Iowa, North Dakota, Missouri, and Texas. Each and every time, I will tell you, it is incredible when you speak to farmers. You have 700 or 800 pork producers at a rally, for example, and they know from personal experience who the enemy is. They can't believe that IBP is making record profits while they are going under. How can it be these packers make all this money and the prices for our products don't go down in the grocery stores? Meanwhile, our family farmers, our producers, are facing extinction? What is going on?

When we passed the Sherman Act in late the 1800s, we did it, to protect consumers; but, we also said we as a nation value competition. We thought the food industry was important. We thought we ought to have a lot of producers. We thought we ought to have a wide distribution of land ownership. We thought it was important to have rural communities. Somebody is going to farm land in America. When our family farmers in the Midwest or the South are driven off the land, the mentality seems to be not to worry about it. The argument is made that somebody will farm the land. Somebody will own the animals. But the problem is that it will be these big conglomerates owning the land and the animals. The health and vitality of rural America is not based upon the number of acres of land somebody owns or the number of animals; it is based upon the number of family farmers who live in the community, buy in the community, care about the community.

As far as our national interest is concerned, this is a food scarcity issue. When these big conglomerates finish muscling their way to the dinner table and driving these family farmers out, what will be the price we pay for the food? Will it be safe? Will it be nutritious? Will there be land stewardship? Will you have producers that care about the environment? I think the answer is no.

This is a transition that America will deeply regret. We in the Senate must take action. We must take action to deal with this crisis, and it is a crisis. It is a price crisis. We have to get the loan rate up to get the price up. We have to have a moratorium on all of these acquisitions and mergers.

Eunice Biel from Harmony, MN, a dairy farmer, said:

> We currently milk 100 cows and just built a new milking parlor. We will be milking 120 cows next year. Our 22-year-old son would like to farm with us. But for us to do so he must buy out my husband's mother (his grandmother) because my husband and I who are 46-years-old, still are unable to take over the family farm. Our son must acquire a beginning farmer loan. But should he shoulder that debt if there is no stable milk price? We continuously are told by bankers, veterinarians and ag suppliers that we need to get bigger or we will not survive. At 120 cows, we can manage our herd and farm effectively and efficiently. We should not be forced to expand in order to survive.

Lynn Jostock, a Waseca, MN, dairy farmer, said:

> I have four children. My 11-year-old son Al helps my husband and I by doing chores. But it often is too much to expect of someone so young. For instance, one day our son came home from school. His father asked Al for some help driving the tractor to another farm about 3 miles away. Al was going to come home right afterward. But he wound up helping his father cut hay. Then he helped rake hay. Then he helped bale hay. My son did not return home until 9:30 p.m. He had not yet eaten supper. He had not yet done his schoolwork. We don't have other help. The price we get at the farm gate isn't enough to allow us to hire any farmhands or to help our community by providing more jobs. And it isn't fair to ask your 11-year-old son to work so hard to keep the family going. When will he burn out? How will he ever want to farm?

Above and beyond that, I will just tell you that there is a lot of strain in the families. Families are under tremendous economic pressure, and they are under tremendous personal pressure.

As long as I am talking about families, I want to tell you that in my State of Minnesota there are farmers who talk about taking their lives. There are a number of people who are involved in the social services who are doing an awful lot of visits now to farms. And an awful lot of farmers are right on the edge. Do you want to know something? Their suffering is needless and unnecessary. This is not the result of Adam Smith's "invisible hand." This is not some inexorable economic law. It is not the law of physics. It is not gravity that dictates that family farmers must fall.

We have it within our power to change farm policy and to give these producers a chance. We should not leave. We should not go home until we write some new agricultural policy, a new farm policy that will really make a difference for people.

I am open to all suggestions. I am not arrogant about this. But I will tell you one thing I am insistent upon. I am going to be out on the floor talking about this issue. I am insistent that we take some action. We can't just turn our gaze away from this and act as if it is not happening.

Jan Lundebrek from Benson, a Minnesota bank loan officer:

> As a loan officer at a small town bank, I received a check for $19 for the sale of a 240-pound hog. I immediately went across the street to the grocery store and looked at the price of ham. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to ask the grocer about the difference. Where does it go? Somebody is getting it, but it isn't the farmer.

We have policies to keep our country safe. We have a defense policy, we have an education policy, but we don't have a policy to protect our strength. We don't have a food policy that protects our farm communities and consumers who spend $49 for a 10-pound ham that the farmer can't even buy through the sale of a 240-pound hog.

Now we have Smithfield that says it wants to buy Murphy. A merger of yet two more of these large packers is just outrageous. I want a moratorium on these mergers and acquisitions. I don't want these big livestock packers to be pushing around family farmers and driving them off the land.

Jan Lundebrek, this is a brilliant example. I want to speak for you, Jan, on the floor of the Senate—A Benson, MN, bank loan officer:

> As a loan officer at a small town bank, I received a check for $19 for the sale of a 240-pound hog. I immediately went across the street to the grocery store and looked at the price of hams. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to ask the grocer about the difference. Where does it go? Somebody is getting it, but it isn't the farmer.

Let me again point this out. You spend $49 for a 10-pound ham, and this farmer is getting $19 for a 240-pound hog.

I mentioned the Sherman Act and the Clayton Act. I feel as if I am speaking on the floor of the Senate in the late 1800s. Where is the call for antitrust action? Teddy Roosevelt, where are you when we need you?

We have to get serious about this.

Richard Berg, Clements farmer:

My dad died when I was 9-years-old. Two years later, when I turned 11, I began to farm full time with my older brother. He and I still farm together. This year I will bring in my 48th crop. The farm we own has been in the Berg family for more than 112 years.

When we began farming we would get up at 4 a.m. to do chores. Then we would go to school. During the evening, after we returned from school, we went back to work farming.

My brother and I each own 360 acres. I never had a line of credit until the past five years. We always made enough to save some and buy machinery when we needed it. Now I have a line of credit against the land that I own that I am always using.

I invested in a hog co-op a few years ago and a corn processing facility. I have a lot of equity tied up there. Neither venture is making money. They're losing money.

There's no one after me who is going to farm.

Les Kyllo, Goodhue dairy farmer:

My grandfather milked 15 cows. My dad milked 26. I have milked as many as 100 cows, and I'm going broke. They made a living out here and I didn't. Since my son went away to college, my farmhands are my 73-year-old father and my 77-year-old father-in-law who has an artificial hip.

I have a barn that needs repairs and updates that I can't afford. I have two children that don't want to farm. At one point, in a 30-mile radius, there were 15 Kyllos farming. Now there are three. And now I'm selling my cows. My family has farmed since my ancestors emigrated to the United States.

When I leave farming, my community will lose the $15,000 I spend locally each year for cattle feed; the $3,000 I spend at the veterinarian; the $3,600 I spend for electricity; or the money I spend for fuel, cattle insemination and other farm needs.

By the way, I would like to thank these farmers. I don't know whether other Senators realize this. I am sure they do. I am sure that people listening to our discussion on the floor realize this. But you know, when people tell you the story of their lives and allow you to talk about them and their strains, they do not do that except if they hope that if enough of us realize what is really going on, we will make the change. That is what they are hoping for. That is what they are hoping for, and that is what we should do.

Alphonse Mathiowetz, Comfrey farmer:

"We were there 43 years and it took 43 seconds to take it all away." Alphonse and LaDonna, his spouse, farmed the same land in Comfrey for 43 years. In the spring of 1998 a tornado tore through their community taking with it the work of their lifetime, their farm machinery, their buildings, their trees, their corn bins and their retirement. The Mathiowetz family lost more than $200,000 of equity to the tornado, none of which will be recovered.

Alphonse and LaDonna chose to rebuild their home on the farmstead. Not because they wanted to, but because if they did otherwise the reimbursement they received from their insurance company would have been highly taxed. It was the only financial decision available to the couple.

"I guess it's a blessing to retire, but not this way, watching the farm go away in bulk on an iron truck."

Steve Cattnach, Luverne small businessperson (insurance agent):

Two local farmers who raise hogs came in both in the same week to withdraw money from their Individual Retirement Accounts. During the course of 10 days the time it takes for the money to arrive both were in twice asking about when their checks would arrive.

A local farmer who has 2 1,200-hog finishing facilities wanted to help his cash-flow by reducing the insurance coverage on his hog buildings from $180,000 each to $165,000 each. The terms of the policy allowed the coverage to be reduced, but the farmer's lender wouldn't allow the coverage to be reduced because the farmer, after 3 years of finishing hogs in those buildings, still owed $180,000 on each building. During those 3 years, he had only paid interest on the money he had borrowed.

Laura Resler, Owatonna farmer:

I have farmed with my husband for 20 years. When we started, we raised two breeds of purebred hogs and sold their offspring as breeding stock. Each animal sold for $300 to $500 per animal. But the increase in size of hog operations made our small breeding stock operation a money-losing venture. Also milked cows to produce manufacturing grade (Grade B) milk. But $10 per hundredweight is not enough to pay the bills, so we had to give up the cows. From the time my husband, Todd, was 18 until now, when he's 41, he's worked for absolutely nothing. Now he works at a job in town so we have funds on which to retire. Our hope is to give our son the farm that's been in the family for generations and let our daughter have the house. But you can't cash-flow a 4–H livestock project. How can he cash-flow the farm?

Many of these youngsters growing up on these farms are not going to be able to farm because these farmers are going to be gone. I have heard people say: Senator WELLSTONE, you come out here and talk about this. What is to be done? Raise the loan rate; get the price up.

If Members don't want to do that, come out here and talk about other ways we can change policy in order to make it work.

Is there any Senator who wants to come to the floor of the Senate, given the economic pain, the economic convulsion, the broken dreams, the broken lives and broken families in rural America, who wants to say stay the course? Is there any Senator who wants to do that? I don't know of any Senator who thinks we should stay the course.

If that is the case, let's have an opportunity for those who have some ideas about how to change this policy so people can get a decent price and there can be some real competition. We want an opportunity to be out here, to introduce those amendments, to introduce those bills, to have votes, and to try to change this. That is what I am talking about.

Darrel Mosel has been farming for 18 years. When he started farming in Sibley County, which is one of Minnesota's largest agricultural counties, there were four implement dealers in Gaylord, the county seat. Today there is none. There is not even an implement dealer in Sibley County.

The same thing has happened to feedstores and grain elevators. Since the farm policies of the 1980s and the resulting reduction in prices, farmers don't buy any new equipment; they either use baling wire to hold things together or they quit. The farmhouses have people in them, but they don't farm. There is something wrong with that.

Again, when he started farming in Sibley County there were four implement dealers in Gaylord, the county seat. Today there is not one—not one. This isn't just the family farmers going under, it is the implement dealers, the businesses, our communities. This is all about whether or not rural America will survive.

Ernie Anderson, a Benson farmer:

Crop insurance has and is ruining the farmer. Because yields of disaster years are figured when calculating the premiums costs, a farmer's yield on which he can buy insurance decreases. As it decreases, it becomes apparent that paying a crop insurance premium doesn't make financial sense because when there is a loss, the claim amount of damaged crops isn't enough to pay the price to put crops in the ground. Crop insurance is supposed to help me. It's not supposed to put me out of business.

Randy Olson, strong, articulate Randy Olson, a college student, beginning farmer, comes home from college each weekend to help on the farm. In March he came home from school and his parents looked like they aged 5 years. The price of milk had dropped from $16.10 in February to $12.10 in March. No business can afford a drop in price like that over a short period of time.

You love your parents, you see them hurt, and it makes you mad.

And prices are going up right now, but it is a heck of a dairy policy if, due to the drought in some areas of the country, Minnesota dairy farmers can do better. That is not a dairy policy.

Gary Wilson, an Odin farmer, received the church newsletter in the mail. What is normally addressed to the entire congregation had been addressed only to farmers. The newsletter said farmers should quit farming if it is not profitable. If larger, corporate-style farms were the way to turn a profit, the independent farmer should let go and find something else to do.

What he doesn't understand is that farmers are his congregation. If we go he won't have a church.

Not only that, Gary, but, again, I will just repeat it. The health and the vitality of our rural communities are not based upon how many acres of land someone owns or how many animals someone owns; it is how many family farmers live and buy in the community. The health and the vitality and the national interests of our Nation are not having a few conglomerate exercising their power over producers, consumers and taxpayers.

Testimony from Northwest Minnesota—this is more painful. John Doe 1 from East Ottertail, MN. Despite the ongoing difficulties, it is amazing, the steadfast willingness of this family to try to hold things together. The farm is farmed by two families, a father and his son. Since dairy prices fell in the second quarter of 1999, there was not enough income for this family to make the loan payments and to provide for family living and cover farm operating expenses. The farm credit services would not release the loan for farm operating assistance, so the family had to borrow money from the lender from which they are already leasing their cows. They have not been able to feed the cows properly because of the lack of funds. Because they cannot adequately feed their dairy herd, their milk production has fallen and is considerably lower than the herd's average production.

In addition, because there was no money for family living expenses, the parents had to cash out what little retirement savings they had so the two families had something to live on day to day. The son and wife had to let their trailer house go since they could not make the payments, and they moved into a home owned by a relative for the winter.

Most of their machinery is being liquidated. However, there are a few pieces of machinery that go toward paying off their existing debt. The family will sell off 120 acres of land in their struggle to reduce their debt.

Recently, the father has been having serious back troubles and has been unable to help his son with the work. This is tremendous stress, both physically and mentally, on the son. The son has decided he is going to have to sell part of the herd in order to reduce the herd to a number that is more manageable for one person. In addition, the money acquired from selling off part of the herd will be applied toward their debt.

The son hopes these three items combined—selling machinery, land, and parts of the herd—can pay off enough of their debt that he might be able to do some restructuring on the reminder of the farm and to reduce loan repayments to a manageable amount where there is something left to live on after the payments are made. That is what they hope for.

By the way, as long as we are talking about bad luck, in a very bitter, ironic way, at least for me, my travel in farm country in Minnesota and many other States in the country has made me acutely aware of the fact that we are going to have to talk again. Senator BOB KERREY of Nebraska was eloquent when he mentioned we will have to talk about health care that goes with health care coverage that comes with being a citizen in this country.

Do you know what is happening with our farmers? A lot of the farmers, because of this failed policy, because of these record low prices, because of record low income, because, financially, they have their backs to the wall, what do they give up on? They give up on health insurance coverage. So they do not even have any health insurance. Of course, for many of these producers, being able to afford this health insurance coverage in the first place is very difficult. They don't get the same deal that you get if you are working for a big employer. Now many of them say: We cannot afford it. So they have given up on their health insurance coverage, hoping they and their loved ones will not be ill. But you know what? The more stress there is, whether it is more mental stress or more physical stress, the more likely people will be struggling with illness.

John Doe 2, from Goodridge, MN—I say John Doe 2 because these are farmers who do not want their names used, and I respect that. This family has gone through a divorce. The father and three children are operating the farm. The farmer has taken an off-farm job to make payments to the bank and has his a 12-year-old son and 14-year-old daughter operating the farming operation unassisted while he is away at work. The neighbors have threatened to turn him in to Human Services for child abandonment, so he had to have his 18-year-old daughter quit work and stay home to watch the younger children. The 12-year-old boy is working heavy farm equipment, mostly alone. He is driving these big machines and can hardly reach the clutch on the tractor. It is this or lose the farm.

This story really gets to me because this is really complicated. One more time. The family has gone through a divorce and the father and three children are operating the farm.

As long as I am going to take some time to talk about what is happening to family farmers, this is unfortunately not uncommon. The strain on families is unbelievable.

So the father, since he is alone, a single parent, was forced to take an off-farm job to make payments to the bank. His 12-year-old son and 14-year-old daughter are operating the farming operation unassisted while he is at work.

I think a lot of us would say: Wait a minute. You cannot do this. The neighbors, thinking the same thing, have threatened to turn him in to Human Services because they say this is not right.

He has an 18-year-old daughter. He says to her: You have to quit work and stay home to watch the two younger children. The 12-year-old boy is working heavy farm equipment, mostly alone. He is driving these big machines and he can hardly reach the clutch on the tractor. But it is this or lose the farm. That is what is happening out there. This is a convulsion.

I say to my colleague from North Dakota, who is on the floor, I have been saying the reason the farmers in Minnesota have given me their stories and the reason I want to take the time to focus on this is we want an opportunity to change this policy. We want an opportunity to be out here with amendments and with legislation that will lead to some improvement.

Mr. President, John Doe 3.

Mr. DORGAN. I wonder if the Senator from Minnesota will yield.

Mr. WELLSTONE. Mr. President, I will not yield the floor but I will be pleased to yield for a question.

Mr. DORGAN. Mr. President, I appreciate the Senator from Minnesota yielding for a question. I suppose some people get irritated about those of us, Senator WELLSTONE, myself, Senator CONRAD, Senator HARKIN, and others who come to the floor to talk so much about the plight of family farmers. But at a time when our newspapers trumpet the growing economy and the good news on Wall Street with a stock market that keeps going up, at the same time we have a full-scale crisis in rural America with grain prices for family farmers in constant dollars being about where they were in the Great Depression.

I held a meeting with Senator WELLSTONE in Minnesota. I held a hearing with Senator HARKIN in Iowa. During the August break we held a hearing in North Dakota under the auspices of the Democratic Policy Committee, and we heard the same thing we have been hearing; that is, we have a serious problem with low prices. You cannot solve this without dealing with prices. Farmers are paying more for what they purchase and getting less for what they sell.

I wanted to just mention two items and then ask the Senator from Minnesota a question. We had a Unity Day rally in North Dakota; 1,600 farmers came. The most memorable moment, I guess, was from a fellow named Arlo, who was an auctioneer. He told of doing an auction sale at this family farm. A little boy came up to him at the end of the sale and grabbed him by the leg, and with tears in his eyes, shouted up at him, he said: You sold my dad's tractor.

The auctioneer, named Arlo, he kind of put his hand on the boy's shoulder to calm him down a bit. The boy wasn't to be calmed. He had tears in his eyes. He said: I wanted to drive that tractor when I got big.

That is what this is about. The mother who lost her farm, who wrote to me and said during the auction sale her 17-year-old son refused to come out of the house to help with the auction sale, refused to come out of his bedroom. That was not because he is a bad kid, but because he so desperately wanted to keep that family farm and was so absolutely heartbroken and could not bring himself to participate in the sale of that farm. That is the human misery that exists on today's family farms.

They are the canary in the mine shaft, with this kind of economic circumstance. Somehow there is a suggestion that what matters in this country is the Dow Jones Industrial Average and not a beautiful wheat field or cattle in the pasture or a hardware store on Main Street. Somehow it is just all numbers and it doesn't matter whether we have a lot of farmers or a couple of corporate farms.

I ask the Senator from Minnesota during his travels—I know Senator WELLSTONE was not only in Minnesota but all around this country in August at farm unity rallies—if he heard anyone, anywhere, believing the so-called Freedom to Farm bill made any sense at all? That is the Freedom to Farm bill that pulls the rug out from under family farmers and says it doesn't matter what the market price of grain is, you operate the market. You don't need a safety net. A lot of other folks in the country have safety nets, but the farmers are told, no, you don't need a safety net.

Did the Senator find anybody in this country who said: I wrote that bill, I stand behind that bill, that bill makes good sense, and that bill is working?

(Mr. BUNNING assumed the chair.)

Mr. WELLSTONE. Mr. President, let me give my colleague from North Dakota kind of a two-part answer to that question; first of all, farmers and citizens in the community are speaking out, because this is all about rural America. It is a strong and clear voice saying: You have to change the policy. This is not working. We are going under. We cannot get a decent price for what we produce. We cannot cash-flow.

So I can very honestly, truthfully say not at one farm gathering anywhere in Minnesota, and I was at a lot of them that not just the farmers showed up at these gatherings. It was farmers bankers, business people, implement dealers, and clergy. It was the community. I promise you, that in the parts of the State I visited approximately fifty percent of the crowd was Republican. But not one of them was defending this farm policy, this Freedom to Farm or "freedom to fail."

The second thing I said on the floor of the Senate, and my colleague might want to ask me a follow-up question, I do not see how anybody in the Senate or House of Representatives who has been out there with people can say stay the course. You cannot. We have to change the course. There is just no question about it.

I do not care if we call it a modification. You know what I mean. We can go over it. People can talk about a modification; they can talk about a correction.

I used to hear people on the floor of the Senate say "stay the course." I do not hear them saying "stay the course" anymore.

I say to my colleague from North Dakota, the reason I am out here for a while is because I want to make it clear that we want an opportunity to be on this floor with legislation that will make a difference, that will raise the loan rate, get the price up, deal with the problems of all the acquisitions and mergers, and try to put free enterprise back into the food industry. We want to make a difference in order to get this emergency financial assistance package passed. We want to be out here, and we want that opportunity.

The second thing I was saying is that in no way, shape, or form should we adjourn without addressing this crisis. I cannot believe when I read in the papers there is this discussion about leaving. I cannot believe there are people who are saying let's get out of here as soon as possible. No, we have work to do. We should not leave until we take the responsibility as legislators, as Senators who represent our States, to write a new farm bill or make the corrections or modifications that will deal with the price; that will give people a chance to farm and stay on their land. My colleague is absolutely right with his question. He is right on the mark.

Mr. DORGAN. If I can further inquire of the Senator from Minnesota, he is going to be joined and is joined by a number of our colleagues who insist we do something about this farm problem. It is not satisfactory to watch the auction sales occur across the heartland of this country. If you take a look at what is going on in our country and evaluate where we are losing population—I have a map I have shown many times on the floor of the Senate where I have outlined in red all of the counties that have lost more than 10 percent of its population, and we have a huge red circle in the middle of America. Those counties are losing population.

We are depopulating the farm belt in this country because somehow we are told the future of agriculture is the future of corporate agriculture, corporate agrifactories. We can raise hogs by the thousands; we can raise chickens by the millions; we do not need real people driving tractors; we do not need real people living on the land; corporations can farm America from California to Maine.

When that happens, if that happens, this country will have lost something very important. I do not know whether the Senator from Minnesota has read Richard Critchfield. He is an author who has passed away. He was from Fargo, ND, originally. He went on to become a world-renowned author. He wrote a lot of books about rural America. One of the things he wrote about was the refreshment of family values in this country always rolled from family farms to small towns to big cities. The seedbed of family values was always coming from America's family farms—raising a barn after a disaster, the pie socials, the gatherings on Saturday in the small town to celebrate the harvest, the family values that come from living on the land, raising food for a hungry nation, raising children in a crime-free environment, building a school, building communities, building churches, building a way of life.

Somehow we are told those are values that do not matter. What matters is the marketplace, the market system, so if huge grain companies decide when a farmer plants a crop and harvests a crop and takes it to the market that the crop is not worth anything, that is the way life is.

At the same time that farmer is driving a crop to the elevator and told the food does not have any value, we have old women climbing trees in the Sudan foraging for leaves to eat because they are desperately on the verge of starvation. There is something broken about this system. Family farmers are told with the Freedom to Farm they are free. Are you free from monopolistic railroads that overcharge? They do. In our North Dakota, our Public Service Commission said they overcharge over $100 million just in our State, and most of that is from farmers.

Are you free of grain trade monopolies that choke the economic life out of farmers? They are not free from that.

Are you free from mergers and concentrations so that in every direction a farmer looks they find two or three firms controlling it all? Do you want to fatten up a steer and ship the steer to a packing plant? Good for you because you have three choices that slaughter 80 percent of the steers in America.

Do you think that is a deck that is stacked against you? Or how about this, free from trade agreements that stack the deck against family farmers? Try to take a load of durum wheat into Canada. I did once. We had millions—12 million bushels—of Canadian durum wheat shipped into this country undermining our market in the first 6 months of this year alone.

I went up with a man named Earl in a 12-year-old orange truck with 200 bushels of durum. All the way to the border, we found these trucks with millions of bushels of wheat coming south. I know I have told the story before. If people are tired of hearing it, it does not matter to me a bit. I will continue talking about it because it talks about the fundamental unfairness of our trade.

We got to the border with Earl's orange truck and 200 bushels. We were stopped at the border because you cannot get that American durum into Canada. Why? Because our trade agreements that have been made by trade negotiators who have forgotten who they work for are incompetent trade agreements that sold out the interests of family farmers in this country.

Farmers have every right to be very angry about it and ought to demand it changes.

Those are a few areas—mergers and concentration, grain trade, railroads, bad trade agreement, and a Freedom to Farm bill that says price support for farmers do not matter much. We know how wrong that is.

The question for this country of ours is this: We ramped up as a nation a few years ago to save Mexico in times of serious financial crisis. Will a country that is willing to ramp up its effort to save a neighbor, will a country that is willing to commit $50 billion to save Mexico decide that it is worth saving family farmers in times of crisis? We have people who say it is not worth that, we ought not take the time, we do not have the ability, we do not have the money, we do not have the ideas, they say.

This is not rocket science. It is easy. I say, change the Freedom to Farm bill to a bill that says how about freedom to make a decent living. If you grow food and are good at it, there ought to be a connection between efforts and reward. We ought not have the notion there are minimum wages and minimum opportunities and all kinds of other safety nets across the country, but for families who stay on American farms and raise their kids and support small towns, there is nothing but a bleak future because corporations are taking over what they do, and that is just fine for the future, some will say.

It is not fine for the future. This is about who we are as a country, who we want to be. It is about the soul of this country, and if this country, as Thomas Jefferson used to say, does not care about broad-based economic ownership and opportunity for the American people, then it will quickly lose its political freedoms as well.

Political freedom relates to economic freedom. Economic freedom comes from broad-based economic ownership, and nowhere is that more important and more evident than in the production of this country's food.

I ask the Senator from Minnesota one question: Isn't it the case that there are 7 million people in Europe farming who get a decent price for their farm product because the countries of Europe have been hungry and have decided, as a matter of national security and economic and social policy, they want families living on the farm operating European farms? Isn't it the case that is the policy in Europe—and God bless them and good for them—and that policy is contrasted with folks, some in this Chamber, who say that ought not be the policy? Our policy ought to be to say whatever happens happen; if corporations farm America, that is fine. Isn't that the case? Isn't that the dichotomy of the two policies?

Mr. WELLSTONE. Mr. President, I thank the Senator from North Dakota for his question. I appreciate it.

First of all, let me go back to a comment I made earlier, as long as the Senator from North Dakota brings up the example of Europe. I am going to continue to give other examples and talk about what is happening to other farmers in my State of Minnesota in a moment. I intend to stay out on the floor of the Senate and talk about farm prices for a while. I have a ruptured disk in my back, and as long as I can stand, which maybe not be that much longer but a while, I will continue to speak.

What is happening is this pain is not Adam Smith's invisible hand. It is not the law of physics. It is not gravity that farmers must fall down. The only inevitability to what is happening to our producers is the inevitability of a stacked deck, a stacked deck which basically ripped away in the "freedom to fail" bill any kind of safety net, a stacked deck that does not give our farmers any kind of leverage in the marketplace.

Whatever happened to farmer-owned reserves? Whatever happened to raising the loan rate to give people better targeting power, a better target price vis-a-vis the grain companies? And what in the world are we doing about three and four packers who dominate 60 to 70 percent of the market vis-a-vis our livestock producers?

So I say to my colleague from North Dakota, yes, the Europeans have decided, given their experience in two wars, food is precious. They do not want people going hungry. They value family farmers, and they think it is in their national interest to support family farmers, and therefore the Europeans have a policy that protects that. I completely agree with my colleague who says we ought to also care as much about family farmers as the Europeans do.

When some of my colleagues say, let's rely on the market, farmers kind of smile and say: Free enterprise? Where is it? We want free enterprise. We want competition. But please explain to your colleagues in the Senate that a few packers dominate the market. They are making record profits while we're facing extinction.

One example that I think says it all is an example I read earlier, which I cannot find right now. I will have to come back to it. It is about the economics of this.

I will talk about John Doe 3 from Euclid, MN, a farmer waiting for a foreclosure of his real estate. But first, I ask my staff to find the example of a grocery store and what farmers are being paid for hogs.

Here is the example: Again, Jan Lundebrek of Benson, MN, a loan officer at a small town bank, received a check for $19 from the sale of a 240-pound hog: "I immediately went across the street to the grocery store and looked at the price of hams. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to go ask the grocer about the difference."

She is the loan officer. "Where does it go? Somebody's getting it, but it isn't the farmer," says this Minnesota bank loan officer, Jan Lundebrek of Benson. "We have policies to keep our country safe. We have a defense policy. We have an education policy. But we don't have a policy to protect our strength. We don't have a food policy to protect our farms, communities, and consumers who spend $49 for a 10-pound ham that the farmers can't even buy through the sale of a 240-pound hog."

So $49 for a 10-pound ham, and this farmer gets $19 for a 240-pound hog.

I am going to go back to the stories of farmers in my State, but as long as I am taking some time on the floor of the Senate seeing Senator DORGAN out here triggered another thought. He was saying the other night, at a Farmers Union gathering, that his parents were Farmers Union members, and he went to many blessed Farmers Union picnics and gatherings. And then he went on to say: My parents would never have believed that. Senator DORGAN, his roots are rural America. He said: My parents would have never believed I would have had a chance to be a Senator. They certainly would not believe that I would be getting an award from the Farmers Union.

The only thing I could think of saying at this gathering to the pork producers that were there was: I'm more committed to you than any other Senator, which catches people's attention. I heard Senator DORGAN talk about his background and I thought of my own. The reason why I bring up this story is every time I am at a gathering of pork producers, I am thinking of my mother, Minnie Wellstone, who is up there in Heaven, smiling, I am sure, and saying: Paul, good Jewish boy that you are, what are you doing speaking at all these gatherings of pork producers and organizing with these farmers?

So I said at this gathering to Senator DORGAN: If you think your parents would be surprised, believe me, my mother and father would be very surprised. My mother, Minnie Wellstone, was a cafeteria worker. This was her life. Her philosophy was that people should get a decent wage for their work.

In many ways, this is what we are talking about. We are saying, if we believe as a country that a person who works hard, 40-hours a week, almost 52 weeks a year, ought to make a living wage and be able to support his or her family, then shouldn't the men and women who provide the food and fiber for our nation make at least a living wage?

I think the vast majority of the people agree they should. The vast majority of people believe they should get a decent price. But that is not what is happening right now. This is a crisis. This is a crisis in rural America: Broken dreams and broken lives and broken families, all of it unnecessary.

Here is an example: This farmer, John Doe 3, is waiting for a foreclosure on his real estate in northwest Minnesota. He is waiting to see whether FSA can help him.

By the way, the Farm Services Administration in Minnesota is doing an excellent job. I say to Tracy Beckman, the director, thank you for your work. But you know what? The Farm Service Administration in Minnesota, and this may very well be the same in the State of Washington and the State of Montana, the FSA local offices are severely understaffed. They cannot even begin to deal with the number of people who are knocking at their door for emergency loans. They are under incredible tension, incredible stress.

As a Senator from Minnesota, I would like to thank all of the FSA people for all of their work. It is incredible. We are getting pretty close in Minnesota to asking for an emergency declaration by the President. We are not asking for the declaration because of a tornado, not because of a flood, not because of a hurricane, but because of record low prices that are driving people out. We are arguing that this is a food scarcity crisis for our country.

A case worker in northwest Minnesota is working to strike a deal with FSA to take a mortgage on a 16-acre building site, which is all these folks have left. By doing this, she was hoping to encumber the land so the IRS couldn't force these folks to take out a loan against their home.

Since the family did not complete FSA forms in a timely manner, they no longer qualify for any kind of servicing action with FSA except for a straight cash settlement. According to the case worker, since the family filed bankruptcy 2 years ago, no bank will touch them. So they couldn't borrow against their home if they decided on this option. As things stand now, foreclosure on the land is proceeding; and debt settlement proceedings are continuing with the IRS, and at a very slow and difficult pace.

It appears this family's only hope is at the mercy of the IRS and to let the IRS do whatever they want to them for another 4 years. Their wages are already being garnished while judgment on the home site is pending, until they can file bankruptcy again to get rid of the huge IRS tax debt. In the meantime, they work for $8 an hour, out of which they lose 25 percent on the IRS garnishment. They live in their home that the IRS values at $30,000, and this includes the 16-acre building site. They drive vehicles that are in such poor condition it is a daily question of whether they will even make it out of the driveway.

This is what is happening to people.

This year Minnesota ranks the highest in the Nation in understaffed FSA employees. Around 6,000 and I have seen more; this is the most conservative estimate, farms are predicted to go out of existence this year. About 10 percent of farmers are predicted to go out in Minnesota this year, and the number of farmers going out in northwest Minnesota will be much higher. People are going to go under if we continue this failed policy. I don't even see any opportunities. I see a game plan to bring to the floor legislation on which we can't offer amendments. That would basically block us from being able to come to the floor and say: We have some ideas about how we could change farm policy so people could get a decent price, so they and their families can earn a decent living.

The reason I am on the floor today and I know this is inconvenient to other Senators, is because it is my job to fight for people in my State. All of us do that. I am saying I want some assurance that we will have the opportunity to come out with amendments on legislation to change farm policy. All of us. That is point 1.

The second point is, I certainly want to sound the alarm. I want to say to farmers and rural citizens in our States that are agriculture States: Put the pressure on. Don't let the Senate adjourn without taking action.

Don't let people say: We will do these appropriations bills; and we are out of here. That is not acceptable given what is happening to people. That would be the height of irresponsibility.

John Doe 4 from Thief River Falls, MN, this is another story of a father and his son. The bank forced the liquidation last year and there was not enough collateral to cover old loans. The father had never mortgaged the home quarter, thinking that if nothing else, they would always have a place to live. As it turns out, the liquidation has caused a major tax liability which they cannot pay. The father is ill and in his 70s, surviving on Social Security payments. The son is working at an $8-an-hour job that leaves little left to pay bills. Currently, the IRS and the bank are fighting it out to see who gets to put a lien on the father's home quarter and his home. This man was once a respected leader in his community. After all that has happened now, there isn't much left but bitterness in his heart and a future of poverty and destitution.

I can see the reaction of some people saying: Well, isn't this so sad.

Don't be so callous. Let's not be so generous with other people's suffering. I do not believe we should ignore these families, these stories, these lives, this crisis.

One more time, I think the end is really rather important. Currently, the IRS and the bank are fighting it out to see who gets to put a lien on the father's home quarter and his home. This man was once a respected leader in the community. After all that has happened now, there isn't much left but bitterness in his heart and a future of poverty and destitution.

John Doe 5. For anyone who might be watching right now, as opposed to before, the "John Doe" is because I am not using the names of families. These are people who have given me stories of their lives, what is happening to them, because they hope that if we can talk about this in the Senate and make it clear that we will fight for people, that it will make a difference. It is hard for people to have somebody talking about them in public.

Here is another story of two families trying to hold on to the farm, still clinging to hope as their farm crumbles. They applied for an FSA loan guarantee, and FSA managed to process the loan for the bank. They are now proceeding with restructuring. However, some of the family members have become very nervous about the large debt that needs to be refinanced and things have begun to fall apart.

As it stands now, the two families have decided to abandon the FSA loan and have laid out a partial liquidation plan with the bank. The bank wants the families to sign a plan, agreeing to a formal and inflexible liquidation schedule. The family was hoping to work things out more informally to accommodate tax consequences and adjust for seasonal livestock prices, as their assets are sold. At this point, the families are not sure the bank will agree and are waiting, hoping, and praying that they will make it through.

Again, the problem with this particular situation, as in all these stories, is these are people who can't cash-flow. They are just trying to hold on. That is what this is all about.

Farmer suicides are one of the deepest tragedies of our Nation's farm crisis. For many men and women, the grueling daily battle against circumstances beyond their control rips away at their spirits. They are haunted that they may be the ones who lose possession of the lands that their great, great grandparents homesteaded and that their grandparents held on to during the darkest days of the Great Depression. That is what people feel. This tragedy is made all the more haunting and real in this letter left by a young farmer, the father of a 6-year-old and a 3-year-old. He committed suicide July 26.

After 6 years of hard work and heroic efforts, he knew that bankruptcy was inevitable. He listened to the failing crop prices on the radio report one last time, and he killed himself. His widow made parts of the suicide letter public in an attempt to show the desperation that is gripping farmers throughout rural America. In releasing the letter, she explained that the farm had been in the family for over 100 years. It was the land where her husband was born, worked, dreamed, and died. From the letter:

> Farming has brought me a lot of memories, some happy but most of all grief. The grief has finally won out, the low prices, bills piling up, just everything. The kids deserve better and so do you. All I ever wanted was to farm since I was a little kid and especially this place. I know now that it's never going to happen. I don't blame anybody but myself for sticking around farming for as long as I have. That's why you have to get away with the kids from this and me. I'm just a failure at everything it seems like. They finally won.

I think it is worth reading again. There are some people in northwest Minnesota, Willard Brunelle and others, who are involved in what basically they call Suicide Watch. I think in the last month, Willard said they have paid something like 30 or 40 visits over a month or the last 2 months, if one can imagine. So the letter that the husband leaves to the wife:

> Farming has brought me a lot of memories, some happy but most of all grief. The grief has finally won out, the low prices, bills piling up, just everything. The kids deserve better and so do you. All I ever wanted was to farm since I was a little kid and especially this place. I know now that it's never going to happen. I don't blame anybody but myself for sticking around farming as long as I have. That's why you have to get away with the kids from this and me. I'm just a failure at everything it seems like. They finally won.

By way of apology to my colleagues for, in a way, bringing the Senate to a standstill for a little while, one of the reasons I do so, in addition to the reasons I have mentioned, is that when I was a college teacher in Northfield, MN, I became involved with a lot of the farmers, I guess in the early 1970s, but in the mid-1980s, I did a lot of work with farmers, a lot of organizing with farmers.

(Mr. BURNS assumed the Chair.)

Mr. WELLSTONE. There are several friends of mine who took their lives. There were a number of suicides. We had all of these foreclosures, and I used to sit in with farmers and block those foreclosures. It was always done with nonviolence and dignity.

I am emotional about what is now going on. I probably need to go back and forth between serious and not so serious, since I am taking some time to talk. I remember that in the mid-1980s, in the State of Minnesota, many people were losing their farms. This is where they not only lived but where they worked. These farmers didn't have much hope and didn't have any empowering explanation as to what was happening to them or how they could fight this. It became fertile ground for the politics of hatred.

The Chair and I don't agree on issues, but I respect the Chair. I don't think we engage in this type of politics. But that was really vicious politics of hatred, of scapegoating. When I say "scapegoating," it was anti-Semitic, and all the rest. I am Jewish. I am the son of a Jewish immigrant who fled persecution in Russia. My good friends told me one story about Minnesota and that I should stop organizing because these groups were kind of precursors to an armed militia. When you are five-five-and-a-half, you don't listen to that. I went out and spoke at a gathering in a town we call Alexandria, MN. The Chair knows our State. I finished speaking at this farm gathering, and this big guy came up to me and he said, "What nationality are you?" I said, "American." I thought, what is going on here? I hadn't mentioned being Jewish in this talk.

He said, "Where are your parents from?" No, he said, "Where were you born?" I said, "Washington, DC." He said, "Where are your parents from?" I said, "My father was born in the Ukraine and fled persecution. My mother's family was from the Ukraine, but she was born and raised on the Lower East Side of New York City." He said, "Then you are a Jew."

I tensed up. I mean, I was ready for whatever was going to come next. I said, "Yes, I am." He stuck out this big hand and he said, "Buddy, I am a Finn, and we minorities have to struggle together." That is one of the many reasons I have come to love Minnesota.

I think what is happening right now in our farm communities and in our rural communities is far more serious than in the mid-1980s. This is an economic convulsion. We are acting in the Senate and House as if it is business as usual.

Greenbush, MN, Jane Doe 6. Here is another problem case where there is not enough collateral to cover all creditors. In a usual situation, FSA has a first mortgage and the bank is in a second position. A good portion of the land is going into CRP, but FSA, or the bank, will not lend the family money to get it established. Even with the CRP payments, there will not be enough money to pay off all the debt by the end of contract. The family is looking to liquidate the farm now and take their licking up front. If they do this, the bank will lose more money than if the family decided to keep the land and CRP. The bank is threatening to try to get the family's truck, their only source of income and equity.

These folks are in their sixties and would like to get the matter behind them. They still hope to build up some retirement where they still have their health and they can work. They are not building up any retirement.

The toughest question for me to answer is when farmers say: I am burning up all my equity. I am literally burning up my equity to try to keep going. I have a question for you, Senator WELLSTONE, or it could be for any of us. A farmer states, "I am willing to do this. I have nothing in my savings, no retirement. I have nothing. Do I have any future? Am I going to get a decent price? Because if I don't have any future, I should get out now. But I want to have a future; I want to farm. The farm has been in my family for generations. I want my children to have a chance to farm."

Well, you know, I want to be able to answer yes. But I think the Senate and the House of Representatives, are going to have to take some action. As it currently looks, we will have a financial assistance package that doesn't do the job. It has to be better. We certainly have to have disaster relief in it, and I will insist on the floor of the Senate again.

As I look to some of these AMTA payments, too much of it is going to go to people who don't need it that much. Not enough will go to people who do need the assistance. But we have to get this out to people. That only enables people to live in order to farm another day. But it doesn't tell people where they are the following year, and years to follow. The farmers in Minnesota, in the heartland, the farmers in the South, the farmers in our country are not interested in, year after year after year, hanging on the question of whether there is going to be some emergency assistance for them. They are interested in getting some more power as producers so they can have some leverage in the marketplace; so they can have a decent price; so they can earn a decent living; so they can give their children the care they need and deserve. That is not too much to ask for.

When I talk about raising the loan rate for a decent price, we must also tie a safety net piece with antitrust legislation. We need both policies. One of the amendments I will bring to the floor is that we should have a moratorium on these acquisitions and mergers. We must call for a moratorium right now on these big companies until we take a serious look at real antitrust action. Now, it is true that the Cargills, the ConAgras, the IBPs, the ADMs and all the rest are the big players, the heavy hitters. They are the investors. They make big contributions. A lot of these family farmers who I am talking about in Minnesota, and in the other States I visited, are certainly in no position to make big contributions. So to whom does the Senate belong? Does it belong to these big packers? Are we the Senate for ADM, or for ConAgra, or for Cargill? Or are we a Senate that still belongs to family farmers and rural people?

In this particular case and I am sorry to have to formulate it this way, but do you know what? It is an accurate formulation. Some people who benefit might like low prices for family farmers. But those are not family farmers. We have to take some action.

This is Jane Doe 7, from Thief River Falls, MN. Northwest Minnesota has been hit by too much rain. Farmers were not even able to put in much of their crop. We have had crop disease and record low prices. We can't do anything about the weather, but we can do something about record low prices, can we not, colleagues? Does anybody think we should stay the course any longer? How many farmers have to go under? How many small businesses in our rural communities have to go under? How much more pain does there have to be?

What are we waiting for?

My State of northwest Minnesota is really hard hit. I have been to so many gatherings. I started out the August break in northwest Minnesota with Congressman COLLIN PETERSON. Congressman PETERSON is from the Seventh Congressional District. During that time touring farms in northwest Minnesota, in spite of all that farmers are going through, gave me hope, and gave me fight. This is the way in which the farmers keep me going because I thought to myself: I am going to go out there and Paul, even if you are full of indignation, and you think what is happening to the producers is just unconscionable, if we have these gatherings at Thief River Falls, Crookston, or wherever, and only 10 farmers show up, then what that means is a lot of people just want to throw in the towel.

We had these gatherings. Congressman PETERSON and I had these gatherings together. I am telling you that anywhere from 125 to maybe 400 farmers showed up at a time. They were showing up not because I was there. It had nothing to do with me. It had to do with the reality of their lives. It is the desperation of their lives. They came to make a plea and to say: Please change the farm policy. We can't cashflow with these prices. Please do something.

But the really good part is they came because they still had some fight in them.

Then we built up and organized in Minnesota to the Rural Crisis Unity Day; didn't we, Jodi? Jodi Niehoff was there with me from Melrose, MN. She is the daughter of a dairy farmer. We traveled around the State. We had a Rural Crisis Unity Day. I do not know how many people were there, but it was just a huge gathering at the Carver County Fairground. It was great.

What was great about it was we had half the Minnesota delegation there. That is a start.

What these farmers were saying, what these bankers were saying, and what these business people were saying is: We don't want you to stay the course. We want you to change the course because on present course we are going to lose our farms and lose our businesses. That is going to affect our schools and our hospitals. We want you to be sensitive to what is going on.

Why are we in the Senate so generous with the pain of other people? Why do we think we have so many other things to do that are more important than changing farm policy for these family farmers so these family farmers can survive?

What these farmers are now saying is: Can we have a rally?

What next? The reason I am taking some time on the floor of the Senate right now is to say what next? We demand the opportunity to be able to bring legislation to the floor to change this policy. That is what I am fighting for. That is what is next.

Emergency financial assistance has to be passed. But then there is getting the loan rate up for the price. Then there will be the moratorium proposal on these acquisitions and mergers, Smithfield and Murphy being the latest. It is unbelievable. It is an insult.

When I took economics classes, I was taught when you had four firms that dominated over 50 percent of the market, it was an oligarchy at best, and a monopoly at worst.

But I will tell you something. I will keep talking about these farmers and what is happening to them. But I will tell you this: It is a matter of needing to take some action now. I am going to do everything I know how as a United States Senator, and everything I know how to do, to make sure before we leave that we have an honest and a thorough debate about agricultural policy. I intend a debate with Senators coming to the floor and bringing forth proposals as to how we can improve this policy so that the family farmers in my State of Minnesota have a chance. But also let's not sound like a speech on the floor of the Senate. I don't have any illusions that it is a tough fight. I said it earlier.

In all due respect, a few of these grain companies and a few of these packers are the giants. These are the heavy hitters. These are the people who seem to count today in politics. The sooner we change this rotten system of financing campaigns, the better off we will all be.

But what I am picking up on is I think we will be back. First, we will have this vote. We all are accountable. If we change things for the better, great.

Senators, do you want to raise the loan rate to get prices up? Do you want to pass antitrust action to give our producers and consumers some protections? Great. But we will have a debate, and we will have a vote.

If you vote against it, and you do not have proposals that make any difference, then I will just say this: I think you will see farmers and rural people back in your State. They will put the pressure on. If nothing changes in the next month or so, I hope, frankly, in my State of Minnesota that I will see after harvest and after Thanksgiving debate. Thanksgiving would be a good time to do it, before Hanukkah and Christmas. That would be a good time to talk about the moral dimensions of this crisis.

I see the religious community across the board in our metropolitan areas bringing family farmers to our urban communities to meet with people who do not live in rural America to have a dialog, with plenty of media coverage, to again bring to the attention of the Nation what is happening. Because I think one of our challenges is people sort of find it hard to believe. They say: Well, Senator WELLSTONE, you are out here on the floor, and you all are talking about this crisis, but the economy is booming while we have this depression in agriculture.

We need to talk about the depth of the crisis, and also all the ways in which this affects America. We don't want a few people to own all the land. We don't want these conglomerates to muscle their way to the dinner table and control our whole food industry, all the way from the seed to the grocery shelf. We don't want to have these big factory farm operations. You can see it in some of these huge hog feed lot operations right now, which are so polluting and so disrespectful of the land and the air and the water. As a Catholic bishop said 15 years ago, "We are all but strangers and guests in this land." We are here to make a better, maybe not Heaven on Earth, but a better Earth on Earth.

Do you think that these conglomerates, when they become farmers and make all the decisions, that they will have any respect for the communities? Do you think they are going to buy in the communities? Do you think they are going to have any respect for the land, the water, and for the environment? Do we really want, with such a precious item as food, to see this kind of concentration of power? It is absolutely frightening.

I am a Midwesterner though born in Washington, DC, and attended school at the University of North Carolina, but we have lived in Minnesota and our children have grown up there, as have our grandchildren. I have had a chance to do some travel in the South. It is the same. I remember going to Lubbock, TX. At farms down there, we heard the producers speak. It is different crops, but everything else is the same. They are talking about cotton, rice, peanuts. It is the same thing; they can't make a living.

Everywhere I go, I get a chance to speak and meet with farmers and their families. People come up to speak; I hear a voice that says: Thanks for coming, Senator; thank you for sharing. I turn around to shake hands and see whoever made those remarks crying. I see people with tears in their eyes.

How would you feel if you were going to lose everything? How would you feel if this were where you lived, this were where you worked, this were a farm that had been in your family for generations? It is so painful. It is so painful.

Maybe this is the definition of being a bleeding-heart liberal. Maybe that is what I epitomize here. But I don't think so. I am a liberal, but that has nothing to do with bleeding-heart liberal. It does have to do with me being a Senator from the State of Minnesota. I am a Senator from an agricultural State. I am a Senator who comes from a State with a thriving metropolitan area, Minneapolis-St. Paul and suburbs—a great place to live. I am a Senator from Minnesota, and the other part of our State is in economic pain. I am not going to be in the Senate while so many of these farmers go under, are spat out of the economy, chopped into pieces, without fighting like heck.

I have some leverage as a Senator that I can exert, I can focus on. I can call for a debate and insist on a debate. I have so many colleagues who care so much about this. I wish I knew agriculture as well as some of them. I know it pretty well. Some of the Senators are immersed in it. Senator DASCHLE, our leader—I hear him speak all the time because he is a leader of the Democrats. When he talks about agriculture, it is completely different. We can see it is from the heart and soul. Senator HARKIN, ranking minority member of the Senate Agriculture Committee—nobody cares more; no one is tougher; no one is more of a fighter. Both Senators from North Dakota, Senator DORGAN and Senator CONRAD—Senator CONRAD always has graphs, charts, and figures; he is just great with numbers. He knows this quantitatively and knows it every other way. Senator DORGAN is on the floor all the time. Senator JOHNSON from South Dakota is unpretentious. He cares for people. It is great to have a Member like that in the Senate.

I get sick of the bashing of public service. There are so many good people. Senator GRASSLEY from Iowa—we don't agree on everything, but we had a hearing, that Senator GRASSLEY and Senator HARKIN were kind enough to invite me to in Iowa, dealing with the whole question of concentration of power. Senator GRASSLEY asked a lot of tough questions about what is going on with all the mergers and acquisitions. There is Senator BLANCHE LINCOLN. When she speaks abut agriculture, it is unbelievable. It is her life, her farm, her family. There is nothing abstract about this to her. Or Senator LANDRIEU who was at our gathering today.

It is Midwest; it is South.

Senator ROBERTS from Kansas—I don't agree with him, but he cares. He is a capable Senator. Senator LUGAR, who I think is one of the Senators who knows the most about foreign affairs, I do not agree with him on this policy question, but you can't find a better Senator.

I am not here to bash Senators; I am out here to say that I think this institution, the Senate, is on trial in rural America. This institution cannot afford to turn its gaze away from what is happening in rural America, to put family farmers and rural people in parentheses and act as if that isn't happening. We can't afford to do this.

I come to the floor of the Senate today to make a plea for action. I come to the floor of the Senate today to say I am going to be coming to the floor of the Senate in these mini filibusters. I call it a "mini" filibuster because I don't have that good of a back. If I had a good back, I could go for many more hours. I cannot stand for that long. As soon as I sit down, I lose the privilege to speak. However, I can come to the floor of the Senate several long hours at a time and keep insisting that, A, we have the opportunity to be out here with legislation to address this crisis in agriculture—that is not an unreasonable request, I say to the majority leader—and, B, to make it crystal clear that I will do everything I can to prevent the Senate from adjourning. I say this to my legislative director. We should not adjourn until we take this action.

Jane Doe, Thief River Falls, MN: Multiple years of bad weather and poor prices have destroyed the cash flow in this farming operation. The family put much of the land into CRP—the Conservation Reserve Program—to make payment to creditors. A couple of years ago, the hay market was good and the family decided to put the balance into alfalfa. Since then, prices for hay have fallen substantially and again bad grain greatly reduced the quality of the hay produced, thereby making it more difficult to sell. The family is hoping for some relief through their crop insurance. If their crop insurance fails, they will have to sell some of the land to pay down debt before the entire farm is lost.

This is a case of an older couple trying to help their son continue the farming operation and it slipped away from them. The father borrowed on his real estate to help his son get established and used his pension as collateral. He needed additional funds, so he borrowed again on the real estate and used his Social Security check as collateral. Bad weather and poor prices again took their toll. This time he borrowed on his cattle and machinery, using it to refinance the farming operation. In the meantime, with no income left on which to live, the parents were forced to use credit cards to finance their family living. The amount accumulated to about $25,000 on a number of credit cards. The family is no longer able to keep up with the payments to the card companies. They have gotten together and decided that liquidation is the only solution.

Some of the land has been sold and they are working with the two banks to reduce payments to free up some money on which to live day to day until the remaining land can be sold. The cattle and machinery will be sold next year. In the meantime, the parents, who are well in their 70s, are having some health problems. Steps are being taken to get the county nursing services involved to address their medical needs.

I will make a couple of different points, as long as we are talking about nursing homes. This is a slight deviation, but I think it is all interrelated when we are talking about rural America. Because of this Budget Act that we passed 2 years ago, with these caps, we are now in a situation where the Medicare reimbursement is so low that it is literally going to shut down many of our rural hospitals, including those in my State of Minnesota. I did not vote for it. I am glad I did not. But the point is, it does not matter.

As long as we are talking about a family with this kind of pain, here is another thing that hasn't been mentioned. The home health care services and the hospitals in our rural communities, especially in those States that kept costs down, such as Minnesota, are now being penalized for having kept costs down. Because we don't have any fat in our system, the Medicare reimbursement is way below the cost of providing care, and guess what, you don't have to be a rocket scientist to know that many of the citizens in our rural communities are elderly, especially since fewer and fewer of our young people can farm and live in the communities.

I was at a meeting yesterday with Senator MOYNIHAN in his office. He brought together a number of Senators to talk about this. From teaching hospitals to nursing homes to our rural hospitals to home health care, we have seen the equivalent of Draconian cuts in reimbursement, and they cannot go on. What a bitter irony. We have young people in our rural communities who cannot look to a future as family farmers because, one, they cannot afford to farm because of this failed policy, what many farmers call not Freedom to Farm but "farming for free." Two, as they think about whether they want to live in our rural communities, the second question besides "Can I afford to?" is "Do I want to?" When there isn't good health care and hospitals shut down and there isn't a good school system and there aren't small businesses, you don't want to live in the community. That is what is going on.

Why am I out here? Why am I engaged in a filibuster right now? Because a lot of the small towns in my

State of Minnesota are going to become ghost towns if something isn't done. That is a fact. They are going to become ghost towns. So it seems to me it is important for the Senate to address this question.

Jane Doe 8, from Greenbush, MN: I say to my colleague, the Senator from Kentucky, I say Jane Doe and John Doe because people don't want their names being used. I don't blame them. We are talking about people's lives. But these people did want others to know what is happening to them because these farm families in my State of Minnesota believe if Senators know what is happening to them, understand the dimensions of this crisis, that the Senate will take action to change things for the better. You know what? Some people will have a cynical smile on their face and say: How naive. I say: Good for the people. They should continue to believe if we only understand what is happening to them we will make things better. That is what citizens should believe. That is what citizens should believe. My only prayer is that we do make things better.

Jane Doe 8, Greenbush, MN: This family tried to split its farming operation from the locker plant business because both were going under. However, the family did not qualify for a rural development loan and the bank was not willing to wait to see if the Small Business Administration could be brought into the picture. The bank is currently working on the liquidation, and the family is trying to salvage what they can of their home and building site.

I have, in addition to Minnesota, some Farm Aid stories as well. Jane Doe 9, from Felton, MN: This is a farmer who is voluntarily liquidating his grain and sugar beet operation. He sold off much of his beet stock to reduce debt but was hoping to get lenders to hold off on a machinery auction until next year because of the taxes he will have to pay on the sugar beet stock. The lenders are refusing, citing concerns of decreasing machinery values due to all the auction sales in that area. Unless he can find another lender to pay off the current nervous lender, this farmer will incur a major tax problem and may be forced to sell some of his land in order to pay the taxes he owes from other forced sales he has had to make.

This is a father and son operation in which they are trying to transfer the farm to the son at market value and leave the remaining debt with the father. This is a situation where there is more debt than the farm is worth. In addition, the father's spouse has Alzheimer's disease and is currently in a nursing home. If the farm can be transferred to the son at market value, there is hope to make the operation viable and he could thereby support his parents as best he could. The father would be destitute and would have to try to work some kind of debt settlement out with FSA and other lenders.

This is a simple case of voluntary liquidation. This is a story of a fairly new farm couple who was farming in partnership with the husband's uncle. The husband suffered a farm accident which has rendered his right arm useless. The couple recently went through a liquidation plan. Fortunately, the couple had not acquired much debt and they will get out. In this situation, the couple was determining options toward liquidation on their farm because they could see no way to continue farming their operation.

The primary concern of the couple was to be able to keep their home and building site. The couple has a number of outstanding bills from creditors yet to be paid one of the companies has filed a lien as well as debt with FSA and a local bank. Only about a third of the cropland was planted this spring due to wet conditions. The current plan is to wait until October to take any further servicing action. What little crop the couple harvests will go toward paying off the debt.

Both the wife and husband are working other jobs off the farm, as well as doing the existing farm operations after their work. They also farm the husband's parents' land. Should they decide to quit, this creates questions as to how his parents are going to make their debt payments and have any income to live on. This couple will have to wait until October and then assess the situation after the harvest.

Jane Doe 10 from Thief River Falls, MN. The farm is already liquidated and, in doing so, created a serious tax consequence with which she is now trying to deal. She used the farm wrap program to help cover CPA work as she negotiates with IRS and the State of Minnesota. At this moment, there is not much to do except wait and let the chips fall where they may.

(Mr. VOINOVICH assumed the chair.)

Mr. WELLSTONE. Mr. President, I have some letters. We had Farm Aid this weekend in Manassas. There were a number of people there. Willie Nelson, of course, has been doing this for years. He was joined by Neil Young and John Mellencamp and many other artists and many other farmers. The most important thing about this, and I give them all the credit in the world, is not only the money they raised to help farmers, but this time they really put a focus on this crisis. They are not Johnny-come-lately. They have been at this for any number of years. They were talking about the need to change farm policy:

> Dear Willie Nelson and Farm Aid: My father has been a rancher and farmer all his life.

Before I do this, let me say, again, these are going to be letters from all around the country that go to the heart of what is going on, but, because of a bad back, I probably will be finishing up relatively soon. Hopefully, this is just the beginning of pushing as hard as I can.

My wife Sheila and I were at the Farm Aid. It was very moving because one can only really appreciate it when musicians and artists care about people and are willing to donate their talents. Also, there were a lot of farmers there. Again, I will tell you this is the most emotional thing for me since I have been in the Senate. This is the most emotional experience I have had, seeing what people have been going through.

I say to the Chair now, the Senator from Ohio, for the last several hours I have been going through stories of families, many who want to be anonymous, but it is their economic situation. They cannot cash-flow on these prices. They cannot. What I have been saying each time there is a new Presiding Officer—I get to make a plea to the new Presiding Officer—what I have been saying is that I am not arrogant, and there can be different proposals, but we cannot leave here without having the debate and some amendments and legislation that hopefully will pass which will change the course, which will make the difference.

The status quo is unacceptable because, under status quo, we are going to have a whole generation of producers that are going to be gone. That is all there is to it. This will be the death knell for our rural communities, and I think it will be, as I have said more than once in the last several hours, this will be a transition that our Nation will deeply regret because the last thing in the world a good conservative Republican wants is for a few people to own all the land.

We want competition. We want to see our producers have some leverage in the marketplace so they can get a decent price. That is what this is all about.

We need antitrust action. It is interesting. I am really surprised, frankly, more hasn't been made of Viacom wanting to buy CBS. That is overflow of information in a democracy. It is scary to have a few companies control so much.

Food is very precious, and we do not want a few conglomerates basically controlling all of this.

I am moving from Minnesota to a letter to Farm Aid requesting help. Names are withheld:

> Dear Mr. Willie Nelson and Farm Aid:
>
> My father has been a rancher and a farmer all of his life. He started as a teenager on his father's sheep and cattle ranch in Eastern Nevada and over the years has had his share of hard work and battles with drought, poor stock and crop prices, bad neighbors who have tried to run him out of business, the IRS, the Forest Service, the BLM (Bureau of Land Management) the FHA (now FSA), etc. Those who have contributed the most to his

demise have been the IRS, the BLM and the FSA. Drought and poor crop prices have also contributed a significant blow, in the last several years, to his hay farming operation which is located 50 miles from Ely, Nevada, the closest town. He is single, he lives alone with no family close by, he is 85 years old, his health is failing, his knees are so bad he can hardly make it to the mailbox which is 100 feet from the house. His wife left him a few years ago, after 25 years of marriage just for reasons associated with his prostate operation. He was involved several years ago in a hay bailer accident which rendered his left arm useless. He struggles to eke out a meager living from a 600-acre alfalfa hay farm with the help of two Mexicans, which now he no longer can pay and had to let go. Without their help he cannot harvest his hay. He used to own 750 acres of alfalfa, but the FSA—

By the way, these are letters, not positions I am taking. This is what people are saying—

left him with 600 acres and without justification would not loan him the funds to replace a caved in water well which feeds 160 acres of the 600 left. Last year the bottom fell out of the hay market and he was forced to sell his hay at an enormous loss. This left him with no funds to grow or harvest the hay this year or pay all of his bills. He gets $500 a month from Social Security, most of which goes for drugs and medical care and has been forced to borrow money from family to feed himself.

I ask unanimous consent the testimony from this concert be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS TO FARM AID

SEPTEMBER 10, 1999.

DEAR MR. WILLIE NELSON AND FARM AID: My father * * * has been a rancher and farmer all of his life. He started as a teenager on his fathers sheep and cattle ranch in Eastern, Nevada and over the years has had his share of hard work and battles with drought, poor stock and crop prices, bad neighbors who have tried to run him out of business, the IRS, the Forest Service, the BLM (Bureau of Land Management), the FHA (now the FSA), etc. Those who have contributed the most to his demise have been the IRS, the BLM and the FSA. Drought and poor crop prices have also contributed a significant blow, in the last several years, to his hay farming operation which is located 50 miles from Ely, Nevada, the closest town.

He is single, he lives alone with no family close by, he is 85 years old, his health is failing, his knees are so bad he can hardly make it to his mailbox, which is 100 feet from the house. His wife left him a few years ago, after 25 years of marriage just for reasons associated with his prostate operation. He was involved several years ago in a hay bailer accident, which rendered his left arm useless.

He struggles to eke out a meager living from a 600-acre alfalfa hay farm with the help of two Mexicans, which now he no longer can pay and had to let go. Without their help he cannot harvest his hay. He used to own 750 acres of alfalfa, but the FSA, through dishonest dealings left him with just 600 acres and without justification would not loan him the funds to replace a caved in water well which feeds 160 acres of the 600 left.

Last year the bottom fell out of the hay market and he was forced to sell his hay at an enormous loss. ($110/ton hay for $40/ton). This left him with no funds to grow or harvest the hay this year or pay all of his bills. He gets $500 a month from Social Security, most of which goes for drugs and medical care and has been forced to borrow money from family to feed himself.

Day by day he sits at home waiting and hoping for a lucky break while the US Government (FSA) prepares to repossess all that he has left in life. Interestingly enough, it was US Government agricultural policies and the Federal Bureau of Land Management that put him where he is today, like hundreds of other farmers.

He suffers from depression (I wonder why), but will not leave the farm and refuses to declare bankruptcy because he believes that money will come from somewhere to help him get back on his feet.

Frankly, he needs to retire, but he has no other place he wants to go. We have been hoping that he could find a buyer for the place who would pay off the debts and allow him to stay on the place as long as he wants, as a caretaker. In fact, if he could get his debts paid off, he could lease the land to neighboring farmers for enough to survive on.

Please consider his case and help him anyway you can. We have done as much for him as our finances will allow.

* * * * *

Help for him is urgent. He was told by the FSA that he had until the end of August, 1999, last month before they would take any action. The absolute deadline, I presume is October 31st of this year. He is currently seeking help from an accountant and consultant (whom he cannot afford). If you like you may contact * * *. In fact, it may be to my father's advantage for you to channel any financial aid you can give, through * * *. * * * could give you the most accurate and up to date appraisal of his circumstances and debt load.

Thank you for listening. Please help.

DEAR FARM AID: My name is * * * and I am writing to request help for my Father's Farm. My Father is a Vietnam Era Veteran and a corn/soybean/livestock farmer in dire need of assistance. After years of poor prices, the farm economy has finally caught up to him. My Father is too proud to ask for assistance from an organization like Farm Aid, but I thought I would send a note in hopes someone may be able to give him some help or guidance.

My Father was a member of the Illinois National Guard from 1965–1971. He was not sent to Vietnam, however, his "Unit" (I may be using the wrong terminology.) was in a group destined for Vietnam had the War gone on longer. (Much like the guard troops sent to Desert Storm.) He was Honorably Discharged.

My family farm is located in Central Illinois in a small town called Chatsworth, Illinois. My family has owned the farm my Father currently farms for approximately 80 years. My Dad is fourth generation, so that takes it back to my great-grandfather. We farm approximately 650 acres tillable and plant corn and soybeans. (250 from the family farm, 250 rented, 150 recently purchased. Note: My uncle also farms a portion of the old family place.)

In addition to the tillable acreage, we have approximately 175 acres of pasture land. We graze approximately 125 head of beef cattle. We also have 50–100 feeder pigs at any one time during the year.

My Dad has been running the farm for the past eighteen years. Like most other farmers, he works 365 days a year. He has taken 2 vacation days in the past 18 years and has maybe had 1 sick day. He loves what he does, although you would never hear him say it that way. I love what he does and what he stands for and what the family farming way of life is about.

He's a strong man, so outwardly he doesn't let it show when times get tough. I'm not so strong, and it tears me up inside to see how hard he and other farmers work and then lose everything. This way of life is so grand, so important to the fabric of our great nation, that we can't let it die.

Everyone knows the hardships farmers have endured in recent years. My Father's story is no different than many, I suppose. Bottom line is, he doesn't receive a fair price for his product and he can't pay his operating costs/land payments. Not unlike almost all other family farmers, he makes it year by year with loans from the local banks. This year may be different, however. The banks have not said they will foreclose, but they are leaning heavily in that direction.

It is at this point that I swallow my pride and ask for assistance. I don't know what anyone can do for us. We follow Farm Aid. We contribute to Farm Aid. We know Farm Aid and people like yourself are there for family farmers. We aren't quite sure how to access the help network though. I know though I can't bear to see my Father's livelihood go by the wayside.

So, if you could, either send me some information regarding possible assistance or give us some direction in our time of need I would sincerely appreciate it.

SEPTEMBER 11, 1999.

DEAR FARM AID: We are a dairy farm in Pennsylvania who really needs your help. We tried to get your help years ago, but it seems that no one in our area has ever received help from your organization. We have had a serious drought here this year and we have no idea how we are going to feed our herd of dairy cows, let alone us getting paid. We are also losing our farm to the Farm Credit mortgage company.

We had a sickness that affected our herd several years ago and we lost a lot of our cows. When you pay $1,200–$1,500 for one cow and only get $200.00 for her at the auction house, you can't very well replace them when you've lost about 100 of them. Then we had a drought several years back and again last year and we lost about half of our crop and had to buy feed again this year.

We are broke! And now we've had a very serious drought here this year. We are in one of the hardest hit counties in Pennsylvania for shortage of rain. We are still on water restrictions. If you can help us in any small way, we would be eternally grateful! We don't want to lose our farm.

My husband is 62 years old and has worked so hard all of his life. This farm is our retirement. We have no pension or savings or 401K or anything. We feel desperate.

Thank you for listening. God bless.

SEPTEMBER 11, 1999.

Re losing our farm in Idaho.

DEAR FARM AID: We got notice yesterday that the bank is going to auction our 400 acre farm, including our house and other buildings on Sept. 29 to get the money we still owe them, which is about 140,000 dollars by the time attorney fees, etc. are added in. We will lose the 267,000 dollars we have already paid into this farm. Our attorney said he would go to the auction to let them know that we will be exercising our right of redemption. Then we are supposed to have up to a year to try to get the funds to buy back our farm. In the meantime, whoever buys the farm can force us to move or can ask us to pay rent if we want to stay.

I have a couple questions I am hoping you can answer for us.

First, we tried to get refinanced and even with our equity we weren't able to because we were behind on some other bills including a couple of years back property taxes. We put up 160 acres for sale hoping to get it sold to pay the bank but it appears it is now too late for that. Do you know of anyone who would be willing to talk to us about financing us or at least give us some advice? Our attorney isn't very helpful along those lines.

Second, if we have up to a year to try to get the funds necessary to buy the farm back, can they actually make us move off the property or do they have to wait until the year is up. Our attorney says they can force us to move but someone else told us about a couple of old laws that are still in effect that say we can still live here. I haven't researched them yet but two have to do with homestead acts and another is called the Farm Husbandry Act of 1938. Do you know anything about these and if they would help us at all?

I don't know if you can help us or if you even give out advice but we are desperate to save our farm and will not stop fighting until it is over. Thank you for listening.

September 8, 1999.

Dear Farm Aid: Hello—I am (was) a small organic farmer in Southeast PA. Between developers after our land, wholesalers who pay late and vandals, we had to give up. My wife and parents are too ill to continue.

I believe in what I do but around here the financial institutions favor development. I do not need financial aid for survival or anything but I would like to find a lendor who has faith in farmers so I can return to the land. I could use some counseling. The stress of the last three years has affected me a little.

Any advice would be helpful. Keep up the good work.

September 8, 1999.

Dear Farm Aid: Hi. I am a farmers wife from the Shenandoah Valley of VA. As if we had not had a bad enough year. Now we are out of hay, out of water. Our spring, creek and pond have dried up, and we are being forced to sell off our herd which sustains us from year to year just to keep going a little longer. We have gone for help like, for example, to Farm Service, which we have never wanted to do before. Now we feel we have no choice.

You know, just like the Indians were, we are a proud people. Anyway, they will pay to put a well in if we come up with half the cost, which only means to us that some more of our cattle will have to be sold to come up with that. In other words, what do we do? We need advice and we need a huge miracle and I am usually the positive one.

Right beside us a farm was sold out from underneath us all to a landdeveloper and we fought tooth and nail to keep the subdivision out and yet here we are fighting again just to stay afloat. Please help give us advice or whatever.

There is this concert this coming Sunday and I have watched it on TV from the start and thought how commendable it all is and now we are in the very same position as the other farmers Willie and his friends have helped through the years.

I have written a song about us, the farmers and our plight, and I want Mr. Nelson to hear it. But, more important, I want to hear him and see him in person . . . how can we get in if we raise the money to get there? What do we have to do? We need a lift of our spirits, some reason to keep us going or trying to go forward. I am sorry if I am bringing you down by reading this. I did not mean to pour this all out. I guess I needed to and hoped someone would understand.

Farming is all we know and all we want to do. Like the Indians, it is coming to the point that we are being drivven off our own land for the sake of so called progress. I call it decay of the American way of life. I call it an American tragedy of the like that has not been seen since the war against the Indians of which I have a strong heritage from.

God help us to survive the best we know how and how to think with our heart first then our head. My head tells me to quit. My heart says we cannot.

Please let me hear from you. Please give us hope. And God bless you richly for your part in helping the American farmer to survive another year.

September 8, 1999.

Dear Farm Aid: How can I go about contacting the people who help the farmers with money? I would like to get my brother-in-law on the list to be helped. The drought the past 2 years has killed his soybean crop and he cannot afford crop insurance. He is just a small time North Mississippi farmer, a former sharecropper. He is 56 and has just a 8th grade education. He lives with his parents who live on social security. He rents his land each year, about 50–100 acres. Please let me know.

June 24, 1999.

Dear Sir: My mother and father-in-law saved and borrowed enough money in 1945 to buy an 80 acre farm between Fowler and Quincy, ILL. They farmed with horses, milked cows, raised hogs in the timbered creek bed and raised 2 children. My husband has now had the farm turned over to him since his parents have passed away and his sister was killed in a car accident 2 years ago.

My husband is and has always been a very hard worker. We both work at jobs full time in Quincy and farm besides. We were both raised on a farm and both love farm life. We cash rent 3 other farms close by to go along with ours—but we are still having an awful time. If it wasn't for our jobs in town we would have lost everything his parents worked so hard for several years ago. We are doing all we can but just can't get out of debt—in fact we are going deeper and deeper every year.

My husband and I have shed many tears and many sleepless nights trying to figure out just what to do to save our family farm. We do not want to lose it.

Do you have any help for us or anything else we can do? We lost over $20,000 again last year. It breaks my heart to see my husband work so hard and get so tired working 2 jobs and still not making it.

Please help us. If we could just break even one year things would be so good. Someone surely knows a way to help us.

We need someone to help us with some money soon or we will lose everything.

Thank you for listening to me and hopefully for helping my husband save his deeply loved family farm.

Mr. WELLSTONE. Mr. President, in the remaining time I have left—and I am not going to take much more time. I characterize this, as I said, as sort of a mini-filibuster or, in any case, it is all I can do in several hours. I can talk about this all day and all night. It is not that I am at a loss of words. But physically I will not be able to go on much longer. The best way to do this is to print in the Record this very poignant testimony from Farm Aid.

I will jump from the last part of my presentation to a few facts and figures. Maybe I will finish up on this. I will talk about market concentration.

Four firms control 83 percent of all beef slaughter, four firms control 73 percent of sheep slaughter, four firms control 62 percent of flour milling, four firms control 57 percent of pork slaughter. This is from the work of Bill Hefrin, from the University of Missouri, who does superb work.

This concentration will result in four or five food and fiber clusters that control production from the gene to the store shelf. Is that what the American people want? When we get these alliances of Monsanto, Cargill, and all the rest, they will reduce market concentration to farmers. These clusters will eliminate independent farmers and businessowners. These clusters will make it difficult for new firms to start. And these clusters will prevent consumers from realizing lower prices.

Listen to this, consumer America: Since 1984, real consumer food prices have increased by 2.8 percent, while producer prices for that food have fallen 35.7 percent. Do any of the consumers in America, do any families in America, feel a 35-percent drop in food prices? Of course not.

The farm retail spread grows wider and wider. This concentration threatens global security. A few dominant multinational firms are going to control information, markets, decisionmaking, and seed packets. There is a new technology. It is incredible when you hear about this terminator technology which is inserting a gene to prevent the next generation of seed from germinating which, again, threatens economic viability, sustainability.

We are talking about livestock confinement, huge feeding operations, with all of the environmental challenges. We are talking about multinational firms that remove profits from local communities. As I said, we have talked about this huge concentration of power.

For example, four of every five beef cattle are slaughtered by the four largest firms: IBP; ConAgra; Excel, owned by Cargill; and Farmland National Beef.

Three of every five hogs are slaughtered by the four largest firms. The top four include Murphy, Carroll's Foods, Continental Grain, and Smithfield. And now Smithfield wants to buy up Murphy.

Half of all the broilers are slaughtered by the largest four firms. The six largest are: Tyson, Gold Kist, Perdue Farms, Pilgrim's Pride, ConAgra, and Wayne.

Listen, when you look at the grain industry, you have the same situation where, when farmers look to whom they sell the grain, it is a few large companies that dominate.

Let me conclude.

I say to my colleagues, I have come to the floor of the Senate and have spoken for several hours to make a plea and to make a demand. I have tried to put this farm crisis in personal terms. I thank the farmers in Minnesota for letting me speak about their lives.

I have said that the status quo is unconscionable, it is unacceptable. I have said we have to change the policy. We have to give people a decent price. That we can do. I have said that the reason I have come to the floor of the Senate is to make the demand that: Yesterday, if not tomorrow, if not next week, we have the opportunity to bring legislation to the floor to deal with this crisis.

I have come to the floor of the Senate to say that we cannot adjourn—it would not be responsible, it would not be right—without taking action to help improve the situation for farmers. Why else are we here but to try to do better for people? What could be more important than for us, the Senate, as an institution—Democrats and Republicans—to pass legislation that would correct these problems and help alleviate this suffering and pain and make such a positive difference in the lives of so many people in Minnesota that I love—so many farmers in so many rural communities?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

AMENDMENT NO. 1677

(Purpose: To express the sense of the Senate concerning CAFÉ standards for sport utility vehicles and other light trucks)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask unanimous consent that it be considered to be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. Gorton], for himself, Mrs. Feinstein, Mr. Bryan, Mr. Lieberman, Mr. Reed, Mr. Moynihan, and Mr. Chafee, proposes an amendment numbered 1677.

Mr. GORTON. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING CAFÉ STANDARDS.

(a) Findings.—The Senate finds that—

(1) the corporate average fuel economy (CAFÉ) law, codified at chapter 329 of title 49, United States Code, is critical to reducing the dependence of the United States on foreign oil, reducing air pollution and carbon dioxide, and saving consumers money at the gas pump;

(2) the cars and light trucks of the United States are responsible for 20 percent of the carbon dioxide pollution generated in the United States;

(3) the average fuel economy of all new passenger vehicles is at its lowest point since 1980, while fuel consumption is at its highest;

(4) since 1995, a provision in the transportation appropriations Acts has prohibited the Department of Transportation from examining the need to raise CAFÉ standards for sport utility vehicles and other light trucks;

(5) that provision denies purchasers of new sport utility vehicles and other light trucks the benefits of available fuel saving technologies;

(6) the current CAFÉ standards save more than 3,000,000 barrels of oil per day;

(7)(A) the current CAFÉ standards have remained the same for nearly a decade;

(B) the CAFÉ standard for sport utility vehicles and other light trucks is ¾ the standard for automobiles; and

(C) the CAFÉ standard for sport utility vehicles and other light trucks is 20.7 miles per gallon and the standard for automobiles is 27.5 miles per gallon;

(8) because of CAFÉ standards, the average sport utility vehicle emits about 75 tons of carbon dioxide over the life of the vehicle while the average car emits about 45 tons of carbon dioxide;

(9) the technology exists to cost effectively and safely make vehicles go further on a gallon of gasoline; and

(10) improving light truck fuel economy would not only cut pollution but also save oil and save owners of new sport utility vehicles and other light trucks money at the gas pump.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the issue of CAFÉ standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible; and

(2) the Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFÉ standards.

Mr. GORTON. Mr. President, this amendment is offered on behalf of myself, Mrs. Feinstein, Mr. Bryan, Mr. Lieberman, Mr. Reed of Rhode Island, Mr. Moynihan, and Mr. Chafee. I ask unanimous consent that Senator Boxer be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, this is an amendment that has been widely discussed relating to CAFÉ standards; that is to say, the fuel efficiency standards of automobiles and small trucks sold in the United States. Now, I want to quote an argument against this proposal made in a committee hearing on CAFÉ standards.

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry from producing subcompact-size cars or even smaller ones.

Mr. President, you may well ask me when that hearing took place because you were unaware that hearings on this subject had taken place. That question would be well put because that hearing took place in 1974, 25 years ago. That statement was made by automobile manufacturers in connection with the fuel efficiency standards that were discussed during that year and were implemented. As a result of the implementation of those standards, we are saving 3 million barrels of oil per day in the United States as compared with the 17 million gallons per day that cars and trucks, in fact, use.

In other words, even from the point of view of a relatively conservative Senator, as I consider myself, we have an example of a highly successful regulatory action on the part of the Government of the United States, a regulatory action that took place 25 years ago and was, for all practical purposes, fully implemented within 6 years of the time of its implementation. That is the first notable point about the subject we are discussing today.

The second is that the argument I quoted turned out to be wholly inaccurate. The evidence of that inaccuracy, of course, is on every street, road, and highway in the United States. The genius of American manufacturers created an automobile that met all of the fuel efficiency standards that were implemented a quarter of a century ago without a substantial downsizing of our automobiles' weight, with a tremendous contribution to cleaner air, and with the contribution of saving 3 million gallons of gasoline each and every day of each and every year, every single gallon of which, where we are using it, would come from imports and from overseas, further exacerbating our trade deficits.

I find it particularly curious that we should look back at an experiment so totally successful in every respect, in cleaning up our air, in reducing our use of petroleum products, in reducing our trade deficits, and in saving money for the American people, and say: Not only are we not going to repeat that experiment, we are not even going to study whether we ought to repeat that experiment. What we have done in the Congress is to tell our Federal agencies that they may not pursue studies and come up with rules and regulations and recommendations as to a second round of improving our automobile fuel efficiency either for regular passenger automobiles or for small trucks or for SUVs.

The status, in connection with this bill, of course, is relatively simple. This Senate bill does not prevent the Federal Government from going ahead with such studies and making such recommendations. The House bill does, once again, as we have for the last several years, prohibit even these studies.

The amendment before us now is a sense-of-the-Senate resolution that the Senate should not accept that House provision. It is neither more nor less than that. Every one of the 98 Senators, in addition to you and me, has been deluged by statements from opponents to this modest sense-of-the-Senate resolution, stating, first, that it would make our highways less safe, even though our death rate on our highways is remarkably lower now—I think three times lower than it was before we went through this experiment the first time—that there is no way the automobile manufacturers can meet the requirements that would be imposed if we allowed these studies to go forward without going back to sub-subcompacts—an argument that was shown to be totally fallacious and without reason some 25 years ago.

In short, there is not a single argument being presented against this amendment that was not presented 25 years ago to this body and to the other body and to the people of the United States and proven to be without merit.

Can we learn nothing from the past? Are we so frightened, as Members of the Senate, that we are not even going to try to determine in an orderly fashion whether or not we can do better with respect to the fuel efficiency of the internal combustion engine? The proposition, I think, is bizarre, that we should prohibit even a study and a set of proposed regulations on this subject.

There could possibly be more bite to this argument if what we were faced with was the imminent imposition of new requirements that were highly unreasonable in nature and about which it might be argued that they were impossible to attain. If we were faced with a proposed amendment that said the Federal Government could use no part of this appropriation to enforce such standards, that would be one thing. But what the opponents to this sense-of-the-Senate resolution are saying is: Don't even look into the question. Don't do anything. Don't try to learn whether or not we can come up with more efficient internal combustion engines. Let's just ignore it.

Mr. BRYAN. Will the Senator from Washington yield for a question on that point?

Mr. GORTON. I am happy to yield.

Mr. BRYAN. Do I understand the thrust of the Senator's argument is not to advocate some new standards for CAFE but simply to permit those who are charged with that responsibility to make a basic inquiry as to whether or not there is room, based upon science, safety, and other considerations, to consider an increase in fuel economy standards?

Mr. GORTON. My dear friend from Nevada is entirely correct, as, of course, he knows, having been a cosponsor of this amendment and a companion with the Senator from Washington in this cause for many years in the past.

Mr. BRYAN. I thank the Senator.

Mr. GORTON. I was about to say, for the benefit of my friend from Nevada, isn't it fortunate that the Congress of the United States, in the first decade of the 19th century, didn't prohibit the development of a steam engine because it might explode?

That is basically what the arguments against the amendment the Senator from Nevada and I have proposed amount to. My gosh, something bad might happen if you did something. But, of course, the argument against the steam engine in 1810, or 1812, or 1814 would have been stronger because they knew nothing about it. We have gone through this process before, and it was a complete success. But we are now told, not only should we not go through the experiment again, we should not even study it; we should not even try to come up with facts that would justify it or—and I think it is very unlikely—perhaps not justify making any change in the present system.

Now, I think both the Senator from Nevada and I believe such a study would come up with more significant CAFE standards. But I don't think the Senator from Nevada, even more than I, has any idea what they would be, how far they would go, what we would find to be totally successful or not. We just want to find out whether or not we can't do something that would reduce our dependence on foreign oil, help clean up our air, and save money for the American purchaser of automobiles, small trucks and, of course, the fuel required to run them. That is all.

Mr. BRYAN. It strikes the Senator from Nevada that the argument the Senator is making is a win-win. It is a win for the consumer, for the environment, and in terms of the trade imbalance we currently face in this country.

Would the Senator not agree with the proposition that everybody comes out a winner if the Senator's resolution would simply ask that an inquiry be made into the practicality of increasing fuel efficiency standards?

Mr. GORTON. The Senator from Nevada is entirely correct. If we can only take a quick vote on it with the Senators on the floor now, we would probably succeed. Unfortunately, we have yet to persuade all of our colleagues of this matter. The question the Senator puts—and he knows the answer—is a very profound and a very serious question.

Mr. BRYAN. I enjoyed the Senator's reference to the steam engine in the 19th century. The younger members of my staff say they are not familiar with this reference, but as the Senator from Washington will recall, the Industrial Revolution was born in Great Britain. Just as then, seemingly now, there are those fearful of progress.

The first manifestation of the Industrial Revolution was when we changed the textile production from a cottage industry to the floors of the factory, and machinery and technology made that possible. I know the Senator from Washington State, who is in my generation, will recall this reference. But a group of people called Luddites went about the country breaking up the machines, trying to prevent progress, fearful of the consequences. It seems to me—perhaps the Senator might want to comment—that in a very modern-day sense, we have neo-Luddites who are fearful of the consequences of what new technology might make possible, and in my view, the improvement of technology throughout the vast expanse of history has improved a lot for mankind. Does the Senator agree with that observation?

Mr. GORTON. The Senator from Nevada is as learned as he is wise, and his reference to Luddites in the late 18th and early 19th century England is entirely correct. The word has come down to us today, referring to those who are so fearful of changes in our technology that in one way or another they would prevent it.

The point he makes is particularly important, and it is one that I want to continue to emphasize to Members. We are not debating a law that will mandate a specific new set of fuel economy standards for automobiles and small trucks. We are not even debating whether or not a specific set of standards should be imposed after a study of their feasibility and desirability is completed. We are debating a proposition that says we should go forward in an orderly fashion, have this determination made by people who are expert in the field and who study it carefully and must follow all of the procedural requirements for setting rules and regulations, all of which will be vulnerable to future debates in the Senate should proposals be made that seem somehow or another unreasonable.

There is not a single Member of the Senate, from the most conservative to the most liberal, who has not at one time or another been critical of some rule or regulation imposed by some agency of the Federal Government. Every Member of the Senate—and for that matter, the House of Representatives—knows how to bring up debate on that subject, the debate over this appropriations bill, or some other bill relating to transportation. But what we have today from the opponents to this sense-of-the-Senate resolution is a statement that we are ignorant of what might happen if we engage in another round of fuel efficiency standards and we want to remain ignorant. That is essentially what they are talking about.

Mr. BRYAN. Mr. President, if the recollection of the Senator from Nevada is correct, in the mid-1970s, the distinguished Senator from Washington was the attorney general of that State. As the attorney general, he was a leading advocate on behalf of consumer issues in his State. Perhaps the Senator will recall when the legislation, referred to as CAFÉ, the corporate average fuel economy standard, was offered on the floor of the Senate and in the other body. Those from the automobile industry said at the time: if these CAFÉ standards are imposed upon us, everybody in America will be driving an automobile smaller than a Pinto or a subsized Maverick.

That was at a time when fuel economy for passenger vehicles averaged less than 14 miles per gallon. As a result of the Congress taking that action, fuel economy, from 1973 to 1989, doubled.

Does the Senator recall the essence of the testimony offered by one of the automotive manufacturers? I wonder if he might want to comment on what actually occurred over those intervening 16 years when we were supposed to be driving around in Pintos and subsize Maverick automobiles.

Mr. GORTON. Just before my friend from Nevada came to the floor, I began my remarks with a quotation, which sounded so remarkably similar to what we have heard in the last few days about this amendment, and it is particularly appropriate. For the Senator's benefit and for others, I will repeat it:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact sized cars, or even smaller ones.

That was a statement by the duly authorized representative of the Ford Motor Company in 1974 in the hearings on the bill that allowed for the first corporate average fuel economy standards to take place. Now the Ford Motor Company, of course, was far more resourceful in its technology than it was in its language. And when these requirements were imposed, the Ford Motor Company, General Motors, Chrysler, and the rest of the manufacturers met them, and they met them gratefully to the advantage of the people of the United States, who ended up with far cleaner air. It is impossible to imagine what our air would be like today if we were all driving 1974 model automobiles—saving billions of dollars in fuel costs, saving the economy of the United States all of the costs of that extra fuel, all of which would have ended up coming from overseas, given our dependence on foreign oil at the time.

One of the interesting things as we go into this debate right now, I tell my friend, is that a recent issue of the Wall Street Journal reported that the same company, the Ford Motor Company, is currently developing technology to increase fuel economy of its truck fleet by as much as 15 percent.

The article in the Wall Street Journal said that internal documents posted on the world wide web show—I am quoting now:

> Ford could significantly increase its fuel economy on some of its biggest and most popular trucks without losing the things people buy trucks for, horsepower and pulling power.

That is another illustration of the fact that an argument which was utterly invalid in 1974 is utterly invalid in 1999.

Members of this body 25 years ago might have been excused for giving great credence to that argument. After all, we didn't know what was going to happen. It is very difficult to give credence to that argument given the tremendously positive results of the regulations which were adopted in 1974.

Mr. BRYAN. Mr. President, may I inquire further of the distinguished Senator, my friend from Washington, with another question.

Has the Senator had an opportunity to see this morning's issue of Congress Daily? On the back, there is an ad designed to uphold the thoughtful and well-considered resolution which the Senator from Washington, and our able colleague, the distinguished Senator from California, I, and others are going to be offering for consideration. But the text of the ad says:

> We work hard all year so our family can go fishing and camping together. We couldn't do it without our SUV—

Sport utility vehicle. It shows the man leaning on the hood of the SUV.

I guess my questions to the Senator would be twofold: No. 1, before the automobile manufacturers developed the sport utility vehicles, was it not possible for families in America to enjoy fishing and camping? Perhaps the Senator might be able to respond to that question.

Mr. GORTON. Mr. President, the question, of course, answers itself. It was.

Americans have acquired far greater choice today after the implementation of those fuel efficiency standards than they had previously. The interesting part of the ad, which was just handed to me—I had not previously seen it—says: Say yes to consumer choice and say no to a CAFÉ increase. In fact, the consumer can't choose a fuel efficient SUV at the present time. There isn't any consumer choice there. They are not competing over that proposition, though we may hope that someday in the future the Ford Motor Company, if it is thought correct, will do so. But as consumer choice increased after the last CAFÉ standards were imposed, so am I confident they will increase the next time around.

I greatly enjoyed this conversation with my friend from Nevada. I suspect he has more to say on the subject. I know the Senator from California wishes to speak on this subject. I don't want to monopolize the conversation, even on the pro side, and we will have opponents.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I first began to believe that global warming was a major threat in 1998 when a 92-mile long and 30-mile wide iceberg broke loose from the Antarctic Ice Shelf. It was 1½ times the size of Delaware. NOAA said it was a possible indicator of global warming.

I began to take a look at some of the other things that have happened in the last few years. I find that we have the first species extinction in Costa Rica because of it. I find that it now has an impact on the El Nino cycle in the Pacific Ocean. I find that there is a serious degradation of coral reefs in the Indian Ocean, and 70 percent of the existing coral reefs are affected.

I am a SUV owner. I own three jeeps. I love my jeeps. I have no doubt, though, that my jeeps can have the same kind of fuel efficiency standards as my automobile.

Then you have to look and say, well, if my three jeeps have the same kind of fuel efficiency, what would that do for global warming?

Carbon dioxide is the main culprit in global warming. Our country is the largest emitter and producer of carbon dioxide in the world. The United States saves 3 million barrels of oil because of fuel efficiency standards. If SUVs, similar to my jeeps, had fuel efficiency standards equal to those of automobiles, we would save another 1 million barrels of oil a day. If the 8 million or so of the other SUVs around the United States and the light trucks had these same standards, it would eliminate 187 million tons of CO2 from the air. The experts have said it is the largest single thing, bar none, that we can do to influence global warming in a positive way.

It seems so easy to do it. We know it can be done. We know it need not influence the efficiency of the engines. And we know there is technology that can make it so.

So raising these so-called CAFÉ standards or fuel efficiency standards so the SUVs are equal to other passenger automobiles at about 27 miles per gallon instead of 20 miles per gallon does not seem to me to be an unrealistic thing to ask Detroit to do. But instead, since 1995, there has been a rider in this bill which says to the Government that we can't even look, we can't even study, and we can't even make any findings to see whether, in fact, it is possible to bring SUVs up to automobile standards with respect to fuel efficiency.

I believe very strongly that this is the largest single positive environmental step this Congress can take to reduce carbon dioxide emissions in the atmosphere. To have a rider in a bill which says you can't even study it, you can't even see if what I am saying is true, I think makes no sense whatsoever.

As I say, I love my three jeeps. But I will tell you, I am going to look for a sports utility vehicle that has equal fuel efficiency standards in the future.

Additionally, what would this do for the consumer? It is estimated that by simply requiring SUVs to meet the same average CAFÉ requirements as automobiles would save the consumer more than $2,000 in fuel costs over the life of each vehicle. It seems to me that is a pretty easy way to give people almost a kind of tax rebate. You save money buying fuel for your car because you buy less of it over the life of the car. And it is estimated those savings are $2,000 per vehicle.

More importantly, 117 million Americans live where smog sometimes makes the air unsafe to breathe where asthma is on the increase and where respiratory problems are developing. Almost one-half of this pollution is caused by so-called nonpoint sources. That means the automobile. Attempting to improve the efficiency of vehicles we drive helps address this problem as well.

There is no substantive evidence to support the fact that this would provide technological problems that Detroit cannot meet.

I hasten to point out, we do not include in this amendment, and the intent of this amendment is not to include, agricultural equipment that works on agricultural products in fields. However, with this amendment we would learn a couple of things. One, the air would be cleaner. Consumers would save significant money in fuel costs—$2,000 over the life of each vehicle—and we would go a long way to address the problem of global warming.

I am hopeful that this measure will pass today.

I view with some surprise the degree to which this measure is being lobbied by automobile interests in this country. As an SUV car owner, as a jeep lover, as someone who would like to buy additional cars, this is an important point to me. It seems to me some automobile company ought to be willing to address it, to bring these SUVs up to automobile standards.

I stand strongly in support of the amendment. I thank my colleagues, Senator BRYAN, Senator GORTON, and others, who also support the amendment. I am hopeful there will be enough Senators to say: Let's not go about this with blinders; let's take one good look and see if this is really possible; let's do the necessary studies; let's work together to do the largest single thing we can do, relatively painlessly, to reduce global warming.

I yield the floor.

Mr. BRYAN. Mr. President, I thank my able colleague from California for her thoughtful and well-considered statement. I associate myself with her observations and the conclusions she makes.

This issue has been framed on a false premise, that somehow Members, including the able Senators from California and Washington who support this amendment, are interested in depriving the American public of their choice of automobiles.

I know firsthand, having seen the vehicles of my colleague from California—she is the proud owner of a sport utility vehicle—she would defend as vigorously as would I her right to own such a vehicle.

This has absolutely nothing to do with whether or not the American public chooses to purchase a minivan, a light truck, or a sport utility vehicle. My son and his wife and our first grandchild are in the Nation's Capital today. As a family, they have chosen a sport utility vehicle. I defend his right as vigorously as I defend the right of my colleague from California.

This is not what this debate is all about. That is a false premise. I think some Members are not only offended by the intellectual dishonesty of this kind of advertising that suggests the senior Senator from California and I somehow seek to deprive American families of their opportunity to go fishing and camping. That is just ludicrous. That defies any kind of rational argument.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. I am happy to yield to the Senator.

Mrs. FEINSTEIN. I have not seen that particular ad. I am most interested. Would the Senator read it?

Mr. BRYAN. It shows two angelic children sitting on the hood of a sport utility vehicle. Strapped to the top of that vehicle looks to be a canoe, a boat of some type. Now we see a gentleman, perhaps the father of these two children, leaning on the hood. He is saying to them, "You know, we work hard all year as a family so our family can go fishing and camping together. We couldn't do it without our sport utility vehicle." Then the tag line is: "Say yes to consumer choice. Say no to a CAFÉ increase."

I was explaining before my colleague's thoughtful question, the implication is that those who advocate simply taking a look at the standards, simply allowing those within the Department of Transportation to take a look at the standards—and I will comment later in my remarks as to the criteria involved—that somehow we are opposed to this family's right to camp and to go fishing. That is outrageous. It is not true. This Senator is greatly offended by the text of that ad.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. I am happy to yield to the Senator.

Mrs. FEINSTEIN. One of the things I have found is the use of "CAFÉ" which we bandy around so much—most people don't know exactly what that means. We are really talking about the efficiency of a gallon of gas to go farther. Therefore, the efficiency of a gallon of gas is what we are talking about and applying those standards to SUVs as you would to passenger sedans.

Mr. BRYAN. The Senator from California is absolutely correct. She has the clarity of expression that sometimes escapes those who had the misfortune to go to law school. We get caught up with acronyms. CAFÉ means nothing to the average person. We are trying to get greater fuel efficiency.

In my colloquy with our colleague from Washington State, it was pointed out that this is a win-win-win for the American public.

The Senator from California and I represent two States that currently are experiencing enormous increases in the cost of gas. That takes money out of the pocket of America's families. That means less discretionary income. In the Senator's State as well as my own, an automobile is virtually a necessity to move from one place to another, to go to work, to enjoy the recreational opportunities we want to have with our family, to do the sort of thing that is part of our lifestyle in America.

If we can improve the CAFÉ standards for jeeps, sport utilities, minivans, and light trucks, we put more dollars in that family's pocket; we clean up the air, as the Senator from California pointed out; we reduce our dependence on foreign oil—it currently is about 50 percent; it drives some of the geopolitical policy debates in which the good Senator from California has taken a lead—and we help to reduce the trade deficit.

Our economy is performing magnificently, but one of the areas of concern to everyone is the mounting trade deficit. About $50 billion of that annual trade deficit is attributed to what we as Americans pay for oil that we import from around the world to fuel our economy, a good segment of which is transportation.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. The Senator from Nevada is always pleased to yield to the senior Senator from California.

Mrs. FEINSTEIN. One of the things that I think is particularly disingenuous about the opposition is that if SUVs and light trucks had the same fuel efficiency or even an increased fuel efficiency, it would impair the functioning of the car and the vehicle would not be able to function at optimal standards.

Would the Senator reflect on this for the Senate?

Mr. BRYAN. That is, as the Senator from California knows, an argument that has been raised. It is a specious argument.

The Senator from California hails from a jurisdiction which has been on the cutting edge of so much of the technology of the post-World War II era. Because of the Senator's own interest in technology and moving her own economy forward in California, I know she is deeply committed to that.

The Senator from California and many of our colleagues reflect that great confidence that the ingenuity and the entrepreneurial spirit of the American business community responds to challenges. But now there is a disconnect. The automobile industry didn't think they could ever do anything to improve economy. We couldn't suggest they look at that—somehow that would deprive us of our choice.

As the Senator from Washington responded to my question, these arguments were made back in 1974 when a representative at that time from the Ford Motor Company, testifying in opposition to the first fuel economy standards, said—without in any way belying the Senator's own youthful appearance, I think she may recall 1974, as the Senator from Nevada does. At that time, one of the leading automobiles that Ford produced was what I call a pint-sized Pinto. The Senator I am sure will recall that.

This is what the auto industry was arguing in 1974, should the first CAFÉ standards be enacted:

> That the product line [referring to the product line for automobile manufacturers in America] would consist of either all sub Pinto sized vehicles or some mix of vehicles ranging from a sub sub compact to perhaps a Maverick.

That statement was made in this century—in fact, the latter quarter of the 20th century.

This is a tribute to the industry and its ingenuity. The Lincoln Town Car, if not the largest automobile produced by the Ford Motor Company, gets better fuel economy today than the Pinto did in 1974. That is technology. It does not deprive one of choice. It seems to me for some reason the industry has created this facade that they cannot do these sorts of things.

We are saying—and I believe the Senator from California would agree—let's just take a look and see if we can't achieve these benefits we have just talked about.

Mrs. FEINSTEIN. I commend and thank the Senator for answering my questions. I appreciate it very much. If he would allow me one brief comment.

I think one of the reasons that for awhile the American automobile had lost the cutting edge was the reluctance to do research and development to develop those kinds of automobile products that became very popular, that were produced by the Japanese marketplace. Since then, the American automotive companies have changed dramatically. The very kind of innovation that was absent for so long has now been restored. So it would seem to me any innovation in weight or size or engine capacity could very easily overcome these problems and that these vehicles could function as efficiently. I will point out it is the largest single thing we could do to alleviate global warming. So I thank the Senator from Nevada.

Mr. BRYAN. I thank the senior Senator from California for her very thoughtful comments and excellent presentation.

Mr. President, I rise in support of the Gorton-Feinstein-Bryan amendment that would permit the Department of Transportation to consider whether fuel efficiency for SUVs and light trucks should be improved. The vote on this amendment will be one of the key environmental votes of this Congress. I think it is helpful for our colleagues to understand the context in which this debate occurs.

In 1995, the House of Representatives inserted an antienvironmental rider in the Department of Transportation appropriations bill that prohibited, that is precluded, the Department of Transportation from even considering whether an increase in automobile fuel efficiency made sense. That environmental rider has been added to each of the appropriations in years 1996, 1997, 1998, and currently we face the same situation.

I think the important thing to emphasize is that those of us who support the resolution are not arguing for a specific numerical standard. We are simply saying shouldn't the people who have the ability to make these judgments, under very carefully considered circumstances, have the opportunity to even inquire? In effect, what the rider accomplishes is a technology gag rule. It precludes consideration. So our amendment is an effort to show there is substantial support in this body that we should not prejudge the issue and, instead, let the experts study the issue and decide what is in the Nation's best interests.

A bit of history may be instructive. Fuel efficiency standards are known, in the jargon of the Congressional and Federal professional bureaucracy, as CAFÉ standards, the acronym standing for corporate average fuel economy. Those standards have been on the decline in recent years, as automakers build bigger and bigger gas guzzlers.

This chart will be instructive. Prior to the enactment in 1974 of the fuel economy standards, the average fuel economy for a passenger vehicle in America was slightly less than 14 miles per gallon. As a result of the enactment of that legislation, over the intervening 15 years, fuel economy doubled to 27.5 miles per gallon. This chart reflects that.

What has occurred, in the late 1980s and 1990s, is the vehicle mix has shifted dramatically. We have seen a decline in overall fuel economy. Not that the vehicles referred to as "passenger vehicles" are less fuel efficient, but the American public, by choice, has included in its purchase agenda, light trucks, sport utility vehicles, and minivans. These were not terms that were familiar in America in 1974, and millions of families have chosen light trucks or sport utility vehicles and minivans. As I indicated in my colloquy with the distinguished Senator from California, my own son and his family have such a vehicle in Nevada. A daughter and a son-in-law have such a vehicle in upstate New York. So nothing in this debate is in any way about limiting choice. But we cannot ignore the reality that the fleet mix has changed.

Today, nearly 50 percent of the vehicles sold in America for family use are sport utility, minivans, or light trucks. That reflects the percentage. If the chart went 1 more year, they would reflect basically about 50 percent of the vehicle mix.

When the legislation was enacted in 1974, there was a different standard for light trucks, which included minivans and the sport utility vehicle. So what this debate is all about is simply permitting—it is permissive. It in no way mandates, dictates, directs, commands; it simply is permissive. I think it may be helpful to read the language of the resolution itself. This is a sense-of-the-Senate resolution. The resolved paragraph says:

> It is the sense of the Senate that,
>
> (1) the issue of CAFÉ standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible.

Let me repeat.

> The issue of CAFÉ standards should be permitted to be examined by the Department of Transportation. . ..

There is no attempt to fix a precise numerical standard. This simply would permit an inquiry by the Department of Transportation. The effect of this would be to override the technology gag rule that has been imposed by the House since 1995 that prohibits or precludes its consideration.

Part 2 of the resolution simply says that:

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives.

That is the technology gag rule.

As fuel efficiency declines, oil consumption, trade deficits, and air pollution go up. Few actions have as many beneficial effects on our economy as improving fuel efficiency standards. As I said before, the amendment in no way seeks to restrict choice. For millions of Americans, that is their vehicle of choice and in some geographical climes it would be the only sensible choice.

We recognize, fully respect, and endorse the concept of choice. Contrary to all the foreboding in the 1974 testimony before the Congress, in point of fact, as my colleague from Washington State pointed out, we had greater choice in America after the fuel economy legislation was enacted a quarter of a century ago by the Congress.

So the real question is not whether Americans want and need a larger four-wheel-drive vehicle but whether these vehicles can be made more fuel efficient. That is what the amendment is attempting to find out. Many of us believe that answer will be yes. Others disagree. But all we are asking is to allow the experts to make that determination.

The current law provides a strict criteria to the Department of Transportation in considering what process needs to be involved before a CAFE standard could be increased. It requires the DOT to consider four factors:

First, the technical feasibility. My friend and colleague from Washington State mentioned an article in the Wall Street Journal and cited one of the automakers on the technology they currently have available. There are many of us who believe technology is there but that is not for us to determine. That is for the experts in the Department of Transportation, the technical feasibility.

Second, the economic practicability.

Third, the effect of other motor vehicle standards on fuel economy.

Finally, the need of the Nation to conserve energy.

These are four criteria, each of which must be found before the Department could be authorized to go forward with second fuel economy standards that build upon the 1974 legislation.

The auto industry, for all of its achievements in recent years—and I applaud them for this—for some reason has this myopic view of the future. Whereas most Americans are confident about the future, we recognize that changes in technology that are sweeping across the country are more vast and more pervasive than anything in the history of civilization, and there is no reason to believe the auto industry itself would be immune from these current changes, and that new technology will make it possible to do things more efficiently than we have in the past.

For some reason—and I do not understand the corporate mentality—there is this knee-jerk reaction: We don't want anybody to take a look at it; we couldn't possibly do it.

That was reflected in the debate the Congress had for a quarter of a century.

Who would be the beneficiaries? What public policy would be served if, indeed, the Department took a look at the evidence and concluded that some increase was warranted?

I can speak of my own State of Nevada, having spent 26 days in rural Nevada. If there was one question that came up in every townhall meeting, it was the price of gas. For reasons that are not altogether clear to me, and I have not been persuaded as to those that have been asserted to be the cause of it, gas prices in the West have skyrocketed. In central Nevada, gasoline prices are approaching $2 a gallon. I realize that is not the situation of my colleagues from the East and other parts of the country.

Who would be an immediate beneficiary of improved fuel economy standards? Those individuals who currently own sport utility vehicles would be purchasing another vehicle that would be more fuel efficient. That would put dollars back in the pockets of America's families. America's families would benefit.

What does the public think about this? In a recent poll conducted by the Mellman Group, nearly three out of four drivers who own minivans, pickup trucks, or sport utility vehicles think the automobile manufacturers should be required to make cleaner, less polluting vehicles, and more than two-thirds say they would be willing to pay a significant amount more for their next sport utility vehicle if it polluted less.

Opponents of our amendment will cry wolf and say our amendment will cause people to drive around in tiny subcompacts. This is kind of deja vu. We have been there before. We have heard that, and an earlier Congress had the courage to go forward. As a result, we save 3 million barrels of oil each day that we otherwise would be consuming as a result of those fuel efficiency standards that were first enacted.

To give perhaps the most graphic and encapsulated insight into the corporate culture that seems to pervade the automobile industry, the 1974 testimony before the Congress is the milestone.

As my colleagues will recall, the Congress was being asked for the first time to consider these fuel economy standards, and the auto industry, as one, came forward with this dire projection of doom and gloom. As I was saying earlier in a colloquy with the distinguished senior Senator from California, the Pinto was one of the smallest, if not the smallest, products the Ford Motor Company produced that year. The testimony offered by the representative from Ford concluded that the "product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from a sub-subcompact to perhaps a Maverick" would be the consequence of that action.

That is absolutely unbelievable, but that was the testimony. Indeed, the refutation of that is today fuel economy has doubled as a result of this legislation, and the largest automobile the Ford Motor Company makes, the Lincoln Town Car, gets better mileage than the smallest car that Ford manufactured in 1974. That is efficiency. That is technology.

Indeed, 86 percent of the increases in fuel efficiency came from improved technology. And why not? This is the country that believes in technology. It has fueled our economy. It has made us the most productive society in the history of civilization and has produced the highest standard of living known in the history of the world.

The Union of Concerned Scientists estimates that using off-the-shelf technologies—that is, existing technology—that SUVs, or sport utility vehicles, could improve fuel efficiency by 50 percent to 28.5 miles per gallon.

The authors of this resolution do not ask you to believe that. That is a responsible assessment. This group of scientists may be right and they may be wrong, so this debate is not about whether they are correct in their conclusion. This debate is about whether or not the Department of Transportation should be allowed to consider that testimony, that evidence, and any other evidence that bears on point in making a determination as to whether or not improved fuel efficiency standards can be achieved. This can be done without shrinking the vehicle size or sacrificing safety.

I invite my colleagues' attention to this chart because safety does sometimes get into this debate. This chart depicts two trend lines: One is fuel economy, which has increased dramatically, as you see, from the 1970s, and the fatality rate. This is the rate of automobile deaths based on the vehicle miles traveled each year. We all know, without being a statistician or having a masters or Ph.D. in statistics, that there are more people in America today than in the 1970s, many more million automobiles and sport utilities and light trucks and minivans on the market, and today the average motorist travels further each year in his or her vehicle. But notwithstanding that enormous increase in traffic, vehicles, and further driving, the fatality rate has dropped precipitously, and that is a good news story.

The bottom line of that story is it came about because of technology improvements, and the auto industry has always reluctantly, for some reason, done a marvelous job with respect to improved safety standards. Those over at NHTSA have done a wonderful job in making sure we have sidebar protection and rollover standards and a whole host of other things, including seatbelt technology and airbags that today make our cars the safest in the world and traveling by vehicle safer today than at any time in our history. And that comes a quarter of a century after these dire prophecies of the consequences of enacting a CAFÉ standard.

What other benefits do we get? By raising the CAFÉ or the fuel efficiency standards for sport utility vehicles, we save up to 1 million barrels of oil a day, and that will save consumers money at the gas pump, as we just discussed, and reduce annually by 240 million tons the amount of carbon dioxide that is produced each year.

Carbon dioxide is the main culprit involved in what many may believe to be global warming. One does not have to embrace the concept of global warming. I know not everybody agrees. But virtually everyone agrees we ought to try to reduce the amount of carbon dioxide going into the atmosphere.

I had the privilege a couple of years ago of being in London and meeting with some of my colleagues with British Petroleum, one of the large petroleum producers in the world. They have come around to recognize that the role of carbon dioxide and a potential impact on global warming is something that they as a company, as part of its corporate responsibilities, need to address.

I know not all oil companies agree, but the vast majority of scientists would tell you that it is clearly in our best interest to reduce the amount of carbon dioxide emitted and going into the atmosphere. And most of them—not all—would draw that link between carbon dioxide and global warming and some of the implications it has for us in the future. But, again, you do not have to embrace the concept of global warming to agree with the vast majority, virtually all the scientific community, that it makes sense, as a matter of public policy, to reduce or to curtail the amount of carbon dioxide going into the atmosphere.

Finally, the good news on the economy continues: As inflation remains under control, the economy expands, unemployment is low. The stock market has been a little skiddy the last few days, but, by and large, the stock market has performed extraordinarily well. That is a good news story for the American people.

The only cloud on the horizon, the only shadow that may be casting a darker light on the economic future for us in America, is the trade deficit. We are importing far more than we are exporting, and ultimately there reaches a point in time in which we have to atone for that enormous imbalance.

Fuel economy standards play a part in that debate as well because part of that trade deficit—about $50 billion a year, a very substantial part—is attributed to what we in America pay those foreign countries that produce the oil we import into the United States. We would be reducing our dependency on that. That is why I conclude, as I said in my opening colloquy with the distinguished able Senator from the State of Washington, this legislation is a win-win-win for everyone.

So I urge my colleagues to support the amendment. It does not, as I have observed, require radical change. It simply permits the experts to look at what can be done and to make adjustments, if feasible, after engaging in a thorough and well considered rule-making process in which all sides are able to be heard.

Mr. President, I urge my colleagues to end the technology gag rule that has ensnarled this piece of legislation since 1995.

I yield the floor.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so I can speak on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise in strong support of the Gorton-Bryan-Feinstein-Reed sense-of-the-Senate resolution that is being considered today.

As my colleagues have stated, our resolution calls on the House of Representatives to drop a rider which they have incorporated in the Transportation appropriations bill that effectively blocks the Department of Transportation from studying ways to improve the corporate average fuel economy standards for vehicles in the United States. These standards are currently referred to as the CAFÉ standards.

The current CAFÉ standard for passenger cars is 27.5 miles per gallon, while the standard for the so-called light trucks is just 20.7 miles per gallon.

A few years ago, this lower standard for trucks might have been less critical, but what we have seen over the last several years has been an explosion in the popularity of SUVs, sport utility vehicles. They are seen in places that are more akin to shopping malls than the rugged terrain for which originally they were designed. SUVs and minivans are everywhere.

As a result, we have to take a serious look at whether this light truck exemption makes sense, given the current marketplace. Their impact—these SUVs and minivans—on the air we breathe and on the amount of gasoline we consume, including increasing amounts of imported gasoline, cannot be ignored.

We know this is a simple law of supply and demand. When you have many more vehicles subject to lower CAFE standards on the road, the demand for gasoline goes up, the price of gasoline goes up, and the amount of gasoline that is consumed goes up, all of which ultimately affects our atmosphere.

In my State of Rhode Island alone, it is estimated that consumers face about $39 million in excess annual fuel costs because of this light truck loophole. Nevertheless, the CAFÉ freeze rider has been inserted into the House DOT spending bill every year for the past 4 years. Each time that happens, Congress denies the American people the benefits of fuel-saving technologies that already exist, technologies that the auto industry could implement with no reduction in safety, power, or performance.

The existing CAFÉ standards save more than 3 million barrels of oil every day. If we did not have these standards, we would be paying much more for oil and strategically we would be much more vulnerable in terms of our oil supply from around the world. Each year, these CAFÉ standards reduce pollution by keeping millions of tons of carbon dioxide out of our atmosphere.

Shouldn't we at least give the Department of Transportation the chance to study this issue? That is at the essence of our request—not that we should move immediately or precipitously to the adoption of new standards but at least give the Department of Transportation the opportunity to study particularly this light truck loophole.

The House version wrongly precludes any consideration, study, or analysis. That, to me, is the wrong way to approach a public policy issue. Let's at least study it. It is time we lift this somewhat gag order that has been placed on our ability to consider the costs and benefits of higher CAFÉ standards. I believe, by readjusting the CAFÉ standards particularly in terms of these light trucks we can make significant progress in terms of fuel oil economy and also environmental quality. But at least we have to begin this analysis.

I urge my colleagues to support this important amendment. I commend the sponsors for their work and hope it will be incorporated in this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to deliver a short statement, because I know there are other matters pending that we would like to hear fairly promptly. While on the subject of the CAFE standards, I will register my support for the position outlined by the senior Senator from California and the Senator from Washington.

For the last 4 years, the Senate has accepted the House's CAFÉ freeze rider. The result has been serious consequences for the environment, for employment and for the health of people across the country.

There is a myth floating around that CAFÉ standards hurt consumers. The truth is, good CAFÉ standards help consumers. It's a simple concept. If your car or SUV uses less gas, you save money. Between 1975 and 1980, when the fuel economy of cars doubled, consumers with fuel-efficient cars saved $3,000 over the lifetime of the car. And that translated into $30 billion of savings in annual consumer spending.

Another benefit of CAFE standards is reduced pollution. Air pollution from cars has been a major environmental problem.

In fact, gas-guzzling cars and light trucks are responsible for 25 percent of this country's output of emissions that cause global climate change.

Few can hear those words, "climate change," and not be concerned about the impact of the severity of storms and poor air quality we are seeing, such as the current hurricane threat, one of massive proportions, which seems to have mitigated a little bit. The fact is, there is concern that changes in our climate, changes that are created in the atmosphere as a result of pollution, are in some way responsible. We have to take a serious look at this, as we consider the question in front of us at the moment.

A Congressional study by the House Government Reform minority staff found that, from 1995 to 1998, exposure to the hazardous air pollutants measured in Los Angeles' air quality caused as many as 426 additional cancer cases per million exposed individuals.

When CAFE standards were first passed in the late 1970s, light trucks made up only 20 percent of the market. Back then, light trucks were used mainly for hauling. They didn't often travel through congested urban and suburban areas.

All that has changed. Today, light trucks—a category that includes SUV's and minivans—represent half of all vehicles sold. They produce 47 percent more smog-forming exhaust and 43 percent more global-warming pollution than cars. And each light truck goes through an average of 702 gallons of gas per year. Compare that to 492 gallons per year for cars, more than 200 gallons per year.

Mr. President, if CAFÉ standards for light trucks were increased from 20.5 miles per gallon to 27.5 miles per gallon—the standard for cars—then carbon dioxide emissions would drop by 200 million tons by the year 2010.

Jobs are also an important part of this discussion. The other side keeps insisting that CAFÉ standards will hurt employment, especially in the auto industry.

However, a study by the American Council for an Energy Efficient Economy says that money saved at the gas pump, and reinvested throughout the economy, would create 244,000 jobs in this country—that includes 47,000 in the automobile industry.

These statistics support the Feinstein-Gorton amendment. I think in the interest of our society, the one thing we can do is make sure we are treating the environment for human habitation in as friendly a fashion as we can. We know it is an accomplishable feat, and we ought to get on with it.

I urge my colleagues to join in favor of this sense of the Senate resolution.

With that, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I am extremely concerned about a provision in the Shelby amendment to H.R. 2084, the so-called Department of Transportation appropriations bill. This provision I am referring to is located on page 21, line 1, through page 22, line 11, of the committee-reported bill. It would reopen the distribution of funds agreed to in the Transportation Equity Act for the 21st century, which is the so-called TEA 21.

TEA 21 provides a process for distributing any additional gas tax receipts beyond those that were projected to be received when TEA 21 was passed. In other words, we made an estimate of what the funds would be, but we expected we might receive less than our anticipated receipts. The appropriations bill, as it stands, would change that process—in other words, the way the anticipated surplus or losses would be distributed. It is my view that the distribution of the highway trust fund moneys should not be revisited in annual appropriations bills.

As Members know, the dollars affected by this amendment are those that have come in because, as I said, gas tax receipts were higher than projected when we passed TEA 21. How much higher were they? They were about $1.5 billion higher than projected.

We anticipated that actual receipts might be different—as I said before, higher or lower than projected receipts. Therefore, TEA 21 says that a surplus, or a shortfall, should be distributed evenly across all the programs funded by TEA 21; in other words, in accordance with the formulas that existed in TEA 21. It is good news that receipts are ahead of projections and that we have a surplus rather than a shortfall to distribute.

But our colleagues should remember that when the administration discovered—who am I referring to? I am talking about the administration—there was a surplus, the administration tried to set aside the TEA 21 formula, as is being attempted under this appropriations bill, except that when the administration was dealing with it, the list of programs which would have benefited from the end run that President Clinton proposed in his budget is quite different. The President wanted to increase the moneys for transit and to spend more money fighting environmental problems such as air pollution and urban sprawl. In other words, he got way out beyond what we were thinking about.

The day President Clinton's budget proposal came to Congress, I joined with Congressman BUD SHUSTER, who chairs the House Transportation Committee, in strong objection to any change in the TEA 21 formula. I would like to personally spend more money on transit and air quality and other items that would have benefitted from the President's proposal. As my colleagues can easily understand, these things are more important to Rhode Island than more dollars for highway construction. But I went on record the very day the President made his proposal strongly opposing any change in the TEA 21 formula.

Senator SHELBY is proposing to ignore TEA 21 in the same way, but his priorities are quite different. He wants all the money to go to the States for highway construction.

This is my point. Both the appropriations subcommittee and the President wanted to do different things with this money. When this bill leaves here, we have to remember that it will go to conference. I presume there will be some dickering between some members of the conference and the administration to produce a bill the President can sign. If the Senate endorses this proposed change to the formula, we will be opening the door to a deal on the allocation of this money—some of it for the President's priorities, some for the appropriators' priorities.

We can't really know what is going to come out of the conference once we get into that kind of action. If you vote with the appropriations subcommittee, you are giving them permission to ignore the TEA 21 formula. But that is not the end of the story. Your vote will merely trigger a real struggle between the conference committee and the White House, the administration, on the reallocation of these funds.

Let's suppose you are a Senator from a Western State that benefits from the public lands highway programs, which we have taken care of as we have in the past. That is in the original TEA 21 bill. These are programs that might very well be shortchanged if we set aside the formula. The programs that provide additional funds to States with large amounts of Federal land—and there are three or four of them—would get their fair share of the surplus if we stick with TEA 21. But these programs weren't on the list of programs that would have been winners under the President's end run. There are 100 percent losers under the proposal presented by the appropriations subcommittee.

So if the Federal lands highway programs are important to your State, where do you stand? If you vote with the appropriations subcommittee to set aside TEA 21, you have no idea how your State will fare until the conference people come back from the meeting at the White House that produces an agreement on this bill. That agreement will reallocate this $1.5 billion, in part, to meet the priorities of the President and, in part, to address the priorities of the appropriators. If their actions to date are any guide, the Federal lands programs will not get a dollar of this surplus.

I can make the same point about any number of other programs. By the way, let me read off a list of the programs that have been eliminated under the appropriations subcommittee, and that is from the additional moneys that come in. In all fairness, they haven't touched the moneys that are there. They have left those alone. The additional $1.5 billion I previously referred to would be chopped up, and about $150 million of that would have gone for these programs that are on this list, which are totally eliminated from the additional receipts: Indian reservation roads; public lands; park roads; refuge roads; national corridor planning and border infrastructure, which would be principally along the Mexico-Texas border; ferry boats and terminals, principally for Alaska.

Now, if you think TEA 21 is grossly unfair and ignores the special needs, such as Federal lands that affect your State, I suppose it makes sense to take a chance that the President and the appropriators will do a better job.

But you have another choice. You can support the allocation made in TEA 21. If you stick with TEA 21, you know exactly what to expect. These surplus dollars will be allocated across the entire transportation program in the same proportion as enacted by TEA 21. The special programs that benefit your State will get their fair share of the surplus, just as they get a fair share of the base authorization under TEA 21.

Let me discuss the particulars of why I believe this provision is legislation on an appropriations bill and should not be included in an appropriations act.

The provision in question begins with the phrase: "Notwithstanding Public Law 105–178, or any other provision of law. . . ."

That phrase has long been recognized as legislative in nature. The effect of this provision is to overturn section 110 of title 23, which provides for the apportionment of contract authority from the highway trust fund.

Now, the Committee on Environment and Public Works has jurisdiction over the apportionment of contract authority from the highway trust fund. The Committee on Appropriations only has jurisdiction to impose an obligation limitation on the total amount of funds used. In other words, they have a role to play and we have a role to play—we being the Committee on Environment and Public Works.

In the House appropriations bill, there is no similar provision apportioning contract authority from the highway trust fund. Therefore, the Senate provision in question is not germane to the House appropriations bill. I realize the Committee on Appropriations will likely raise the defense of germaneness to my point of order, which I intend to propose.

Although the Appropriations subcommittee may be successful in identifying some provisions to which this provision could conceivably be germane, I can assure my colleagues that there is no similar provision in the House bill that changes the distribution of these additional gas tax receipts. If the Senate agrees with the defense of germaneness, it will be saying that almost anything is germane to an appropriations bill, thereby undercutting the intent of rule XVI to limit legislation on appropriations bills.

I urge my colleagues to vote no against the defense of germaneness should the managers raise this as a defense against the point of order which it is my intent to propose.

Mr. President, I have to say that I am disturbed. As you can tell from my description, this is clearly an authorizing provision. It was less than 2 months ago that the majority of this body came together and said the time had come to stop including authorization language on appropriations bills. The ink has barely dried on that resolution, and here we are rewriting the rules of the Senate.

So at the proper time it is my intent to raise a point of order that the provision which begins on page 21, line 1, through page 22, line 11, of the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

That will be my intent. Of course, I don't make that proposal right now because there are others who are prepared to speak. I look forward to hearing their comments.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased to join my distinguished colleague, the esteemed Senator from Rhode Island, Senator CHAFEE, to safeguard the funding allocation of the Transportation Equity Act for the 21st Century. We call it TEA 21, the Transportation Efficiency Act for the 21st Century.

What is it? It is a very large, massive transportation bill that this Congress passed a couple of years ago—about $217 billion over 6 years in highway funds and transit funds for the States. It is very important legislation to address this country's infrastructure needs.

The Senator from Rhode Island will soon raise a point of order under rule XVI against a provision in that bill; that is, against a provision in this bill before us, the Transportation appropriations bill, the provision which rewrites a section of TEA 21, known as RABA. What in the world is RABA? RABA is the "revenue aligned budget authority." I will explain that in just a second.

This section, the RABA section, is totally within the jurisdiction of one committee, the Environment and Public Works Committee, the authorizing committee, and thus the provision in this appropriations bill constitutes legislation on an appropriations bill in clear violation of rule XVI.

Let me briefly explain how we got to this point.

Last week, many of us—49 of us—stood together against another proposal in this bill to rewrite the TEA 21 formula when this case was for transit. Even though the proposed change would have reduced funds for only California and New York—that is, the transit provision that was earlier proposed by the Appropriations Committee—that provision would have increased funds for the remaining 48 States.

I was pleased that my colleagues supported the provision to not include that because it was the right thing to do.

The transit formula agreed to in TEA 21, along with other provisions in TEA 21, particularly the highway provision, was part of a grand bargain on which we worked together so hard to write last year. Even though most States would have benefited somewhat from the proposed change in this bill—that is, the transit provision I mentioned—we stuck together to preserve the original intent of TEA 21. We voted to protect the integrity of TEA 21; that is, the highway bill. We voted for the program as it exists and against the Transportation Committee rewrite of the bill.

The chairman of the subcommittee then removed that provision from the bill. I commend him for that. It was the right action to take. I compliment him for it. But, unfortunately, he solved only part of the problem; that is, the transit piece. I say "unfortunately" because the reported bill before us from the Appropriations Committee also contained a provision that redistributes a portion of the highway funds as well.

These funds are known as RABA, as I mentioned earlier—revenue aligned budget authority—that result from the greater than expected revenues coming into the highway trust fund because the economy is doing quite well; that is, more people are driving. The economy is doing well. That means more gasoline tax revenues. The RABA provision anticipated that. It explained how those increased funds should be dealt with. This year that increases because the economy is doing well. It amounts to about $1.45 billion again for the year.

The highway bill stakes out new ground by putting into law the requirement that all gas tax revenues coming into the highway trust fund—that is, about $28 billion for this year—should be spent on highways. That is, all gasoline tax revenue should be spent on highways and a portion for mass transit but not for other purposes.

A number of Members of this body worked very hard to achieve that goal—Senators BYRD, WARNER, GRAMM, LOTT, and many others —to say nothing at all about the House Members in the other body who worked equally hard. It is a landmark achievement. It restored some measure of trust to the highway trust fund.

TEA 21 provided that if gas tax receipts are greater than originally estimated—this is the RABA provision—the increased revenue will also go into the trust fund. That is what TEA 21 provides. And it will be distributed in a very specific way. Again, that is what TEA 21 specifically provides.

What did it provide? Approximately 90 percent would go to States by formula—that is, the core programs—and about 10 percent to a variety of smaller but equally important programs that were not tied to individual States.

The chart I have now before us shows that these include—that is, these other programs, the 10 percent include programs to fund roads on national parks. For example, it includes Federal lands highway programs and Indian reservation roads.

Just think about all of us who have Indian reservation roads in our States. The provision of the Transportation Subcommittee would say none of the increase would go to Indian reservation roads.

Public lands highways are very important to many Senators, particularly their States.

I mention the national parks and refuge roads.

What about the border infrastructure program? Many Senators, when writing the highway bill, came to us and said: We need a particular provision in the highway bill—that is, TEA 21—to address border infrastructure needs. We agreed. We put in that provision. But the Appropriations Committee said none of the increased funds will go to that.

What about the national scenic byways program? It is very important to many States so that the picturesque highways in our States have funds equally allocated as all other needs and will receive funds in the event of additional dollars.

Ferry boats and terminals: Yes, ferry boats and terminals would get none of the increase under the Transportation Committee bill—none. That is wrong because it was contemplated, when we wrote this bill together, they would get that.

Then I mention transportation and community preservation.

The main point is that these were bargained-for and fought-for provisions in TEA 21, the highway bill, and everyone assumed, because that was the provision in the highway bill, that if there were additional funds, they, too, would get their fair share of the increase.

It is very important for Members to realize that these are provisions which have not just increased dollars because of the provisions that are in the Appropriations Committee bill.

I don't have to remind you of the difficult debates we had over funding formulas among the Northeast States, the donor States, and the Western States. I have to tell you that it was not easy. There were many meetings. They were tough meetings. But in the end we achieved a bill—the TEA 21 bill—that was supported by 88 Senators. It was bipartisan. It was supported by Senators on both sides of the aisle.

It was not just a distribution of money among the States that generated so much support for TEA 21. It also is the host of the smaller programs I just mentioned. They are called the allocated programs or the discretionary programs in which individual Senators had very specific interests.

Senators from Alaska, Hawaii, and New Jersey came to support provisions such as ferry boats. Likewise, Senators from the public land States—from Idaho, Wyoming, New Mexico, and Nevada—wanted help in meeting unique needs in their States. These are the provisions we have written into the bill, the so-called allocated discretionary provisions that are not included in their fair share of the increase of highway funds in the bill provided for the forests.

Senators from border States—Texas, Arizona, New York, and California—needed special attention on the dilapidated border crossings impeding trade and economic development in their States.

In the same vein, Members along potential trade corridors through the Midwest had individual interests they wanted to include in the bill, but the provision before the Senate will not allow those provisions to get their fair share.

I mentioned Senators seeking help for scenic byways and communities across our country.

TEA 21 was not just about funding State highway programs; it was also about a broad range of transportation needs identified not just by States but by individual Senators.

Earlier, I mentioned gas tax revenues were flowing to the trust fund faster than expected, to the tune of $1.45 billion in fiscal year 2000. TEA 21 provided for a fair distribution of that revenue growth. Again, unfortunately, the Transportation appropriations bill prevents the allocated programs—the discretionary programs—from sharing in this growth.

The bill before the Senate zeros out about $120 million in funding for public lands, the border crossings, ferry boats, Indian reservations, research, and other allocated programs, and instead distributes that increase to the States only through the core highway programs. I am not against the core highway programs. I strongly support them. But that is not the issue. What is at issue is the protection of the integrity of TEA 21 and fair treatment for these allocated programs I have just mentioned.

Why did the appropriations bill change this part of TEA 21? Is there a problem with the TEA 21 distribution? Is there anything wrong with these programs? If there is, it is news to me. I have not heard it. Nobody has mentioned it. More importantly, if something is flawed with the distribution of these programs, let's have a hearing, get the facts, and find out what is going on before we run off and start changing things for no good reason. Let's do it in the committee with jurisdiction of the highway bill, the Environment and Public Works Committee.

Some might ask, what is all this fuss over such a small amount of money? After all, this bill redistributes only about $120 million, an average increase of just one-third of 1 percent of the State's highway dollars. It is because I see this as a start of a very dangerous process. Highway bills are 6-year authorizations for a very good reason. Highways take time to plan, to design, to build. Our State highway departments need some level of certainty about future funding levels to plan properly.

I followed closely what my State of Montana is doing for planning these projects. Stable funding is absolutely vital; stability in highway spending is absolutely vital so States can plan. Without stability, highway and transit projects will proceed more slowly. As highway construction slows down, fewer jobs will be created, economic activity is reduced, working men and women—many with families to be supported—will be hurt.

Furthermore, once we send the signal that it is open season for highway funding in appropriations bills, whose ox will be gored next? Today it is the allocated programs, the discretionary programs, scenic roads, ferry boats, border crossings, park roads; today only $120 million. Tomorrow, who knows. I know Senator CHAFEE and I have a tough sell here. All 50 States will get a little more money under this bill than under TEA 21. Normally, around here that is called a no brainer. If it is more money, Members vote for it.

Look where the money comes from, and I ask if you still support this provision. Tell the tribal leader the Indian road program doesn't need anymore money. Tell the economic development leaders in your communities that border crossings, trade corridors, don't deserve anymore. funding. Or tell the mayors that scenic byways and ferry boats have to get by with a little less than we promised last year, while others get a little more than we promised.

Let's treat all programs fairly, let them all share in the revenue growth, not just a few.

This is what our Governors, highway officials, and others say about the TEA 21 promises. This chart includes quotes from letters from key highway user groups.

Trust Coalition, the main coalition that worked so hard with us as we put together the highway bill:

> . . . remind Congress of the importance of keeping its proposition in TEA 21 in the annual budgeting and appropriations process.

Another letter from the American Association of State Highway and Transportation Officials:

> Expend additional . . . annual [highway trust fund] revenues . . ., and allocate them as provided under TEA 21.

From the National Governors' Association, a group this body listens to quite frequently and faithfully:

> Ensure that all increases in revenue in the Highway Trust Fund are directed to their intended purposes as outlined in TEA 21.

I ask my colleagues to think very carefully about this issue. To say this vote is about a few more dollars for your State on top of the hundreds of millions received under TEA 21 is to miss the point. Do not pit the interests of State against the interests of public lands or ferry boats or trade corridors or border crossings. Do not start down the path of turning highway funding into a political grab bag each year.

Unless someone can show me how the distribution formula of TEA 21 is broken and needs to be fixed, I am prepared to stick with the highway bill.

I urge my colleagues to join me, Senator CHAFEE, and Senator WARNER and reaffirm our support for TEA 21 and reject the redistribution contained in this bill.

A final point: When we raise this point of order, we mean no disrespect to the Appropriations Committee or its leaders. They have a very difficult job to do. They have a difficult job to do in the best years. This, I might add, is not the best of years with the problems they are facing with the budget caps and allocations. It is a very difficult problem. I understand that. I deeply respect that. They have their responsibilities and I respect that. But the authorizing committees also have their responsibilities. I hope the appropriators in the Senate respect that, too. That is why I supported the reimposition of rule XVI earlier this year. It is a matter of respect. The appropriations subcommittees do their work; we respect their work. The authorizing committees do their work, and we hope that work can be respected, as well. That is what this issue is about. It restores the will of order around here and allows the appropriations and authorizing committees to concentrate on what they know best. Let's keep it that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I pick up on the concluding note of my good friend, the ranking member of our committee.

We marked up the bill barely 30 days ago and pledged our allegiance to rule XVI. Now, the essence of what this debate is all about: Are we going to do a 180 and all run downhill? What is the public going to think of the Senate and how it conducts itself and how it observes its rules? That should be foremost in the mind of every Senator as that vote bell rings, hopefully, in but a few minutes, as this debate concludes.

As our distinguished chairman and ranking member have clearly said, our committee worked hard, not for a month, not for 2 months. I was subcommittee chairman of the subcommittee that did the initial draft of TEA 21.

It was a 2-year task, 2 years carefully going out amongst the 50 States and evaluating proposals of the various Governors, of the organizations that devote full time to America's transportation needs and they came forth with a variety of proposals. We worked very diligently to take all of that into consideration, and over a 2-year period we had many, many subcommittee hearings, and, indeed, hearings of the full committee, and crafted this legislation with the intent of seeking equity and fairness among the 50 States, of correcting what many of us viewed as an inequity between the donor States, of which mine was one, and the donee States. Therein was the most difficult battle. Two years' work stands on the brink of being disassembled on this vote. The precedent of rule XVI stands to be stripped down momentarily on this vote.

As my colleague from Montana stated, if this provision regarding the surplus is changed, what is next year? Is it the donee-donor fight? Does that become the next debate within the appropriations cycle? It was for the very reason this institution has regarded this legislation as law it should remain intact for 6 years. This is not a 1-year bill or a 2-year bill; this is a 6-year bill, a formula to remain in place to provide equity among the States for 6 years. Momentarily, the vote will be taken to make the first break, barely after 1 year of operation of this bill.

There is a tradition in this great body not to personalize anything, but I just happened to observe there were 70 Senators who sought the exact provision that is the subject of this amendment, and that was a 10-percent set-aside for Federal programs. Seventy Senators came to our committee with a wide range of programs they felt were essential for their States which would not be covered in the general disbursal of the balance of the 90 percent. How interesting, the State of New Jersey fought hard for the Intelligent Transportation Systems funds, ITS; the State of Alabama fought hard for new corridor programs and ARC, just two little footnotes.

I urge Senators to go back—we have it here in the correspondence—and have the staffs advise their Senators what they asked of the Environment and Public Works Committee, and what was included in this bill in direct recognition of their needs, 70 colleagues. That is the reason for the creation of this provision.

Our chairman mentioned the House. The House appropriations bill, I say to the chairman, as he well knows, had a number of provisions in there which his counterpart, Congressman SHUSTER, recognized as legislation on an appropriations bill. He went to the floor of the House, and in 18 consecutive instances the House backed up their chairman and struck those provisions, one by one, from that bill.

I daresay, should this provision survive, regrettably, that same chairman will see in conference that it is removed. That is why I think it is incumbent on our body to likewise remove this legislation, and at the same time uphold the credibility of our action some 30 days ago and reaffirm rule XVI. This is equity. This is legislative process to achieve that equity.

We put in place a magnificent piece of legislation, accepted all across America. As I traveled my State this summer, I saw instance after instance of construction on our roads. I said to myself: There is the taxpayers' money coming back from the highway trust fund, going straight to the States, and now being used to improve our system. It is working. TEA 21 is working. That is why we are here today, to ask our colleagues to let it remain intact because it is serving the purpose for which this body adopted it but a year ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I believe it is important that all Members of the Senate clearly understand the distribution of revenue aligned budget authority—that we called RABA—which the subcommittee integrated into this bill.

The philosophy of the Transportation Act for the 21st century was that highway funding is intrinsically linked to receipts to the highway account of the highway trust fund, and that increased gas tax receipts should be passed along to the States for highway construction and improvement projects.

The provision in TEA 21 that I described is a mechanism to guarantee additional revenue in the trust fund from greater than anticipated gas tax receipts would be spent for that purpose. The Transportation Appropriations Subcommittee's provision, which we have been talking about, ensures this intent is met and it is completely consistent with the spirit of TEA 21.

The President's budget submission, however, requested to divert a third of these funds away from the Federal aid highway program to fund other programs and their initiatives. The subcommittee rejected this approach. Instead, we adopted one that honors the commitment Congress made to the States when it passed TEA 21, which I supported along with others.

Our bill sends the funds directly to the States in order to maximize the Federal resources flowing to each State. I want to be clear this afternoon. This does not alter the TEA 21 formula. It, in fact, embraces the formula by strictly adhering to each State's individual guaranteed share under section 1105 of TEA 21.

This is one of those rare instances where Congress is able to put forward a proposal that benefits every Member in every State in the Union. Within a constrained Federal budget, it is an approach which increases the amount that is available to the States for highway construction. I believe it makes sense and at the proper time I believe my colleagues—I hope, at least, they will support it.

Mr. WARNER. Will the chairman yield for a question?

Mr. SHELBY. I will be glad to yield.

Mr. WARNER. He says it does not change the formula. But, if he had nothing in his legislation, these funds would flow in accordance with TEA 21. He is putting a switch in the track that diverts that 10 percent. I say to my good friend, that is clear documentation of a change to the formula.

Mr. SHELBY. I will answer that. It says in the bill:

> Provided further, That notwithstanding Public Law 105–178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for the fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000.

That is the formula of TEA 21.

Mr. WARNER. If I may say, Mr. President, it is that first word, "notwithstanding"—one of those magical words that resonates in this Chamber to signal this law is being changed, this formula is being changed. If you did not have this provision in there, these funds would flow precisely as this Chamber directed those funds to flow when they overwhelmingly adopted TEA 21.

I say to my good friend, it is clear as the light of this given day what is taking place.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. LAUTENBERG. Who has the floor?

Mr. BAUCUS. I want to point out the provision referred to by the distinguished chairman of the Appropriations Subcommittee on Transportation in his own bill says clearly "notwithstanding Public Law 105–178." Even though the law says differently, this is what the committee is going to find. The committee's own language indicates that it is a change because the committee's language says, as just reported by the chairman of the committee, notwithstanding the ISTEA bill; that is, in spite of the ISTEA bill, this is the change we are going to make.

Mr. WARNER. Mr. President, my colleague from Montana is correct. I see my good friend from New Jersey standing. Why don't I ask him: Would not the result of what you are requesting be simply asking the Senate to go up the hill on rule XVI, turn around, and run down the hill?

Mr. LAUTENBERG. Mr. President, in deference to my friend and colleague from Virginia, I am going to decline to answer the question that he puts to frame my speech. After I deliver my message, then I will be happy to respond. Perhaps I will have covered the turnaround the Senator describes. I will wait until I get the floor before I take a question.

Mr. WARNER. I am happy to yield the floor and await with eagerness for a reply to my question.

Mr. LAUTENBERG. I hope the Senator has a glass of water there. I am going to deliver my missive.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what we are seeing is much more a question of interpretation rather than a violation of the rule. Because the distinguished Senator from Virginia says we had agreed to a specific 10 percent, I think more accurately, in all due respect, is that we agreed to sums of money that added up to approximately 10 percent of the total funding. The programs that were detailed in the list that was going to be supported have grown, by the way. They have grown as the appropriations have grown for highway funding.

The one thing to which I want to return, and I am sorry our colleague from Alabama is not here because I want him to know I agree fully with what he has said thus far and the proposition that we are considering, and that is extra moneys that are found in the surplus go directly to the States to finance their programs as they see them.

It is funny because so often we have a debate about States rights and Big Brother Government and that kind of thing. But here we are, some of us find ourselves on opposite sides of the debate. The fact of the matter is that each State—and I want my colleagues to know this—is going to get more money. They are going to decide where the highway needs are in their States. They are going to decide what is critical, and they are going to decide it in a year in which the whole country is burdened with congestion. Those States will have those moneys to use for highway construction or as they see fit under their programs.

The fact we agreed to a series of programs at the time TEA 21 was developed, and though there was a lot of hard work—and I respect the work the Senator from Rhode Island and the Senator from Montana did on TEA 21—I disagreed with them. They knew it. I voted finally for the bill because they had some compromises thrown in. My State went from one level of funding in the formula to a lower level, when my State sends more money to this Federal Government than any State in the country. They said: Frank, agree with us because we will take care of you in this program or that program to try to get a compromise.

Believe me, if I had the 50 other votes, I would not have agreed, but I did not have them. So I went along. It was not a happy day. It wasn't a happy day for New Jersey or this Senator who serves, by the way, on both the EPW Committee as well as the Appropriations Committee.

What we are seeing is a nuclear explosion in the middle of a chance to dynamite a new hole for a new road. I understand how jurisdictions want to be preserved, and I support that. But the fact is, I agree with the chairman of the subcommittee that this is our interpretation of how that money, how that surplus should be spent.

I point out to our colleagues who may be listening who are going to vote on this, every one of your States get more money directly for the programs on what your transportation commissioners, your Governors want to spend money. I do not know that we have heard from any Governors who have called up and said: Listen, don't give us that extra money, put it into those Federal programs. I do not think that message goes particularly well out there.

The message that does go well out there is your States get more money. All of the programs that were detailed in TEA 21 are fully financed as outlined in the original TEA 21 legislation, and each one of them has gotten more money as a result of the expanded funding available. So we are not cheating anybody. What we are saying is that as we see it, these funds should be distributed directly to the States, simplify it rather than winding up with I do not know how small the smallest change would be on the list of programs, but it would get down to relatively tiny sums of money. We give it to the States. It is done clearly and everybody understands it.

My friend from Virginia—this is my closing remark—talked about the ITS program that I worked so hard on, intelligent vehicles. Notice I never said intelligent drivers. Intelligent vehicles was a program I worked very hard to get.

New Jersey, I am told, gets $5 million, I say to the Senator from Virginia, out of that $211 million that we are devoting to intelligent transportation systems. New Jersey, though it deserves far more, only has a very small percentage of that. It was not New Jersey based. That was a program I felt strongly about for my country and for the benefit of those who drive across the highways and the byways of this great Nation, including reducing congestion wherever we can and expediting traffic flow. That is what that was. That was not a "New Jersey special," I can assure the Senator.

I hope when all is said and done, and very often more is said than is done, we will have our colleagues' support and carry this bill. Let's get done with it. Yes, the debate was worthwhile having because our colleagues wanted it and we respect our colleagues, the Senator from Rhode Island, the Senator from Virginia, the Senator from Montana, but we differ with them. We have a job of getting this bill out and into the hands of those who are going to be using it for their construction needs in the next year, and we ought to move along with it as quickly as we can.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I want to talk about germaneness for just a minute. I know the point of order has not been made yet, but I want my colleagues to know that the Senators who could raise the rule XVI point of order are trying to characterize the bill's RABA provision as not germane to this bill. But before bringing this provision to the floor, we checked again with the Parliamentarian, and he indicated the defense of germaneness did, in fact, exist on this provision by virtue of legislative language in the House-passed text.

This language was not drafted with the goal of creating germane language. If my colleagues will recall, the rule XVI point of order was reestablished after this bill had been reported from committee and we did not need to modify the provision in order to make it germane. It is germane because it is germane, and it is consistent with rule XVI.

What my colleagues are asking—if they do this—is to rule against a provision that is clearly germane pursuant to existing Senate rules under rule XVI. I urge my colleagues to reject at that time, if that is done, that proposition and uphold the germaneness of this provision.

My colleagues have probably thrown a lot of smoke at you as to why you should not support the existing Senate appropriations provision, things such as preserving the genius of TEA 21. Some Western or public land States may get hurt under this provision, but do not let this confuse you.

Be careful, I would suggest, when Members argue jurisdiction and in the same breath claim that your State might—yes, I repeat, might—be disadvantaged by a provision, and then raise a point of order—if they do—rather than voting on the merits of the issue.

Why? Because what the Appropriations Committee has done is simple and straightforward and directly benefits every State. Let me be clear again. Every State will receive more money because of this provision because all the money will go directly to the States with fewer strings attached than it would otherwise.

In addition, the money will get to the States sooner, so they can tackle the most critical transportation problems without having to wait on some Washington bureaucrats to deem their problems worthy of Federal funding.

I believe it is clear that we cannot—yes, we cannot—always count on the Washington bureaucrats to be fair and impartial when making decisions about these discretionary highway funding issues.

In fact, I have here a General Accounting Office study—a copy of the study is on the desk—that shows that the Department of Transportation does not always follow its own policies when distributing discretionary highway funds and that the distribution process can be highly politicized.

The Appropriations Committee provision does not hurt Western or public land States in any way. Each of these States will have a guaranteed increase in highway funds, and they will get their money earlier. They can use these additional resources on public lands projects or whatever they want.

So why raise a point of order—if, in fact, they do—as I anticipate, instead of voting on the provision? Because the opponents know they are asking Members to vote against their own States' interests. They are hoping you will not see that if the vote is on the point of order.

What the Members objecting to the appropriations provision are asking you to do is forgo two birds in the hand, we might say, on the off chance that there might be a smaller bird in the bush somewhere else. Think about it. Not a very good deal, in this Senator's estimation, and not one which is in the best interests of any Senator's State. If you think so, check with your Governor in your State.

Mr. BAUCUS. Mr. President, will the Senator yield for a question?

Mr. SHELBY. I am glad to yield.

Mr. BAUCUS. Mr. President, the Senator says this legislation on his appropriations bill is germane because he says in the House bill there is language which redistributes the funds. Therefore, he says it is germane.

I ask the Senator if he could point out to me where that language is in the House bill. And let me say, before the Senator answers the question, that it is highly unlikely, as all Members of this body know, that such language exists, because the chairman of the Transportation Committee in the House, Mr. SHUSTER, would not stand for it.

So I would like, if the Senator could, for him to show me in his bill where——

Mr. SHELBY. Reclaiming my time, I want to answer that, if I may.

We have checked with the Parliamentarian. That is why we have a Parliamentarian here, among other things, for guidance at times. We have been told that the affirmative defense of germaneness would lie here because of the legislation.

Mr. BAUCUS. Could the Senator point out the language?

Mr. SHELBY. Because of H.R. 2084, the House bill, on page 15.

Mr. BAUCUS. Could the Senator cite the language?

Mr. SHELBY. Page 15. I will read it to you, the language, on page 15, where it says: "Federal-Aid Highways, (Liquidation of Contract Authorization), Highway Trust Fund)."

> For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,125,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

That is the provision.

Mr. BAUCUS. Mr. President, I say, with all respect to my very good friend and colleague, that language refers to just spending the money that must be spent under ISTEA. There is no language there which addresses a reallocation of additional dollars. I must very respectfully say to my good friend, the language he cited does not in any way purport to do what he likes to say it does.

I just follow up by saying that what this comes down to is respect. We in the authorizing committee respect the job of the Appropriations Committee. They have a very difficult job. They do their work very well. I just hope the Appropriations Committee members will respect the work of the authorizing committee.

As the Senator from Virginia pointed out, there is a reason that this is a 6-year bill, that every year we do not come back and try to pass a highway bill. It is because of the nature of the beast. Highway legislation requires long-term planning. It does not make sense for this body to start going down the road—no pun intended—of starting to rewrite the highway bill every year in the Transportation Appropriations Committee. That is just bad public policy. It is the wrong thing to do. I think every Member knows it is the wrong thing to do, if he or she just stops to think about it.

I thank the Chair and my colleague very much, and particularly I thank my friend and colleague from Rhode Island, the leader of our committee, who is bringing this issue to our attention.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, in light of the discussion today about weather, indeed, the Appropriations Committee has gotten into the authorization area, let's just take a look at what has happened to this bill, what the major changes are.

There are some very substantial changes in this bill to TEA 21. What we are talking about is the additional money that is coming in. In that case, the additional money totals $1.5 billion. About $150 million of that has been set aside—has been in the past and would be, but for this legislation—for a series of programs that we thought were necessary—indeed, the whole Senate did, and the Congress did—for the good of our Nation.

So what are we talking about? We are talking about is that Indian reservation roads don't get a nickel. They don't get a nickel from the additional moneys under the proposal of the Appropriations Subcommittee on Transportation: Public land roads, not a nickel; park roads, not a nickel; refuge roads in our wildlife refuges, where we have had testimony that the roads are just in atrocious condition, desperately need money; the national corridor planning of the border infrastructure, where there is a lineup of trucks under NAFTA trying to come into the country, and we set aside money to give them some assistance; ferry boats and terminals, $2 million they would get from the funds but for the amendment of the Subcommittee on Transportation.

So there is no question but that there are major changes in this legislation by the Appropriations Committee, getting deeply into the territory where we spent months trying to work out a compromise in the authorization committee.

It is my understanding that all who wished to speak have spoken on this.

I now raise a point of order that the provision which begins on page 21, line 1, through line 11 on page 22, of the language added by the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

Mr. GRAHAM. Mr. President, I rise today in support of the Rule XVI motion offered by my colleagues, Senators BAUCUS and CHAFEE.

The changes to the TEA 21 funding formulas included in the transportation appropriations bill are unacceptable. They will have a severe impact on the ability of the National Park Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs to meet their responsibilities in managing our nation's public land trust.

The question we face today on this appropriations bill is one of many that will determine the answer to the larger question, can we live up to the legacy of our forefathers and protect our federal land trust?

We are beginning the third century of our nation's history. The first and second were highlighted by activism on public lands issues.

The first century was marked by the Louisiana Purchase, and added almost 530 million acres to the United States, which changed America from an eastern, coastal nation to one covering the entire continent.

The second century was marked by additions to the public land trust, led by President Theodore Roosevelt.

While in White House between 1901 and 1909, he designated 150 National Forests; the first 51 Federal Bird Reservations; 5 National Parks; the first 18 National Monuments; the first 4 National Game Preserves; and the first 21 Reclamation Projects.

He also established the National Wildlife refuge System, beginning with the Pelican Island National Wildlife Refuge in Florida in 1903.

Together, these projects equated to federal protection for almost 230 million acres, a land area equivalent to that of all the East coast states from Maine to Florida and just under one-half of the area purchased in the Louisiana purchase.

Roosevelt said, "We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found."

As we enter the third century of our history, we must again ask ourselves this question and take action to meet this challenge.

The action taken with the language in the Transportation Appropriations bill does not meet this challenge.

In 1916, Congress created the National Park Service:

> . . . To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The "unimpaired" status of our national parks and our refuges is at-risk. The language in the Transportation Appropriations amendment would reduce funds in the Federal Lands Highways Program by $1 million for the Fish and Wildlife Service; $12 million for the National Park Service; and $14 million for the Bureau of Indian Affairs.

The National Park System and the Fish and Wildlife Service have extreme needs for these funds. We are all aware of the infrastructure needs for transportation faced by Grand Canyon National Park that were highlighted in the August 20 USA Today. I ask unanimous consent that this article be inserted into the CONGRESSIONAL RECORD.

The Fish and Wildlife Service has similar needs within the National Wildlife Refuge System. Last year, in the state of Florida, the Wildlife Drive at the J.N. Ding Darling National Wildlife Refuge located on Sanibel Island, Florida was closed for over 2 weeks when one of the seven water control structures under the road was washed out by heavy rains.

After this incident, the Ft. Myers Daily editorialized on this subject, stating:

> The Wildlife Drive is a huge success, a blessing to the old and infirm who can comfortably enjoy great recreation from their cars. It's a place where countless curious novices and bored children have been bitten by the bug of bird watching . . . And for all that, it is still a must on the list of world-traveled ornithologists . . . Fish and Wildlife [Service] needs to . . . fix this crown jewel of American ecotourism.

This article calls for action by the Fish and Wildlife Service. However, this is our responsibility. We, the Congress, must recognize the responsibility we have to maintain our public lands in the park system and the wildlife refuge system.

As we consider this motion, let us remember the challenge that President Theodore Roosevelt posed for us with his words, "We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found."

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. In relation to this point of order that has been raised, I raise the affirmative defense of germaneness.

The PRESIDING OFFICER. Under rule XVI and the precedents of the Senate, the Chair submits to the Senate the question for its decision, Is the provision challenged by the Senator from Rhode Island germane to language in the House bill H.R. 2084?

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) is necessarily absent.

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—62

Abraham
Allard
Ashcroft
Bennett
Brownback
Bryan
Bunning
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
DeWine
Domenici
Dorgan
Durbin
Edwards
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inouye
Jeffords
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Nickles
Reid
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli

NAYS—35

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Burns
Chafee
Crapo
Daschle
Dodd
Enzi
Feingold
Feinstein
Graham
Hollings
Inhofe
Johnson
Kennedy
Kerry
Levin
Lieberman
Murkowski
Reed
Robb
Sarbanes
Schumer
Smith (NH)
Smith (OR)
Thomas
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Breaux
Gregg
McCain

The PRESIDING OFFICER. On this vote, the ayes are 62 and the nays are 35. The amendment is germane. The point of order falls.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending amendment is amendment No. 1677 from the Senator from Washington, Mr. GORTON.

Mr. SHELBY. I ask unanimous consent that the amendment be temporarily set aside in order that the Senator from North Carolina, Senator HELMS, be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1658

(Purpose: Expressing the sense of the Senate that the United States Census Bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census)

Mr. HELMS. Mr. President, I call up amendment number 1658.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DEWINE, Mr. ASHCROFT, Mr. ENZI, Mr. INHOFE, Mr. KYL, Mr. SMITH of New Hampshire, Mr. BROWNBACK, and Mr. NICKLES, proposes an amendment numbered 1658.

Mr. HELMS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC.   . (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

Mr. HELMS. Mr. President, Americans should be disturbed that the U.S. Census Bureau obviously no longer regards marriage as having any importance.

When the Census Bureau compiled its list of questions to be included in the 2000 decennial survey, the decision was obvious that it would be unnecessary and burdensome for the Bureau to include marital status in the census forms sent to the majority of American households.

So the Census Bureau decided to delete the marital status question from the census "short form" which it is called—which goes to approximately 83 percent of the American population—but continue to use the question on the "long form"—which goes only to approximately 17 percent of the American population.

This will mark the first time since 1880 that the decennial census will not gather from the majority of the U.S. population, a count of those who are single, married, divorced, or widowed. This is especially disturbing, at least to this Senator, when one considers that the survival of the American culture is dependent upon the survival of the sacred institution of marriage. Moreover, marital status has heretofore regularly been viewed as vital information because there has always been great value placed in the institution of marriage.

It is irresponsible for the U.S. Government to suggest or imply that marriage is no longer significant or important, but that is precisely the message that will go out if marital status is eliminated from the short form by the Census Bureau.

However, Mr. President, the Census Bureau feels far differently when it comes to compiling statistics on various other things including race. The Census Bureau made it a top priority to learn the race of the majority of Americans; therefore the agency is asking, not one, but two questions relating to racial identity.

One can only speculate the reasoning behind this bizarre maneuver removing marital status from the short form, while asking two questions about race. It's important to remember that every year, more than $100 billion in Federal funding is awarded based on the data collected by the Census Bureau. Considering that American people will foot the bill on the Census Bureau's strange inclinations, should not Congress remind the U.S. Census Bureau that its job is not to seek out information to promote a social agenda.

For this reason, Mr. President, I am offering a sense-of-the-Senate amendment to the Transportation appropriations bill, expressing that the U.S. Census Bureau was wrong to eliminate marital status from the census short form. The U.S. Census Bureau should include marital status on the short form census questionnaire—the one going out to the vast majority of Americans for the 2000 decennial census.

Unfortunately, most of the census short form questionnaires have already been printed without the important marital status question being included. Notwithstanding that, does not Congress have a moral obligation, as caretaker of America's culture, to set the record straight in emphasizing that marriage is still at the forefront of America's national survey?

I believe this sense-of-the-Senate resolution deserves careful consideration of all Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor. I thank the Chair.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent the Helms amendment, which I understand is the pending business, be temporarily set aside. We are trying to work on a time to vote on it a little later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1661

(Purpose: To make available funds for apportionment to the sponsors of primary airports taking account of temporary air service interruptions to those airports)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1661.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama (Mr. SHELBY), for Mr. DASCHLE, proposes an amendment numbered 1661.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . TEMPORARY AIR SERVICE INTERRUPTIONS.

(a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

Mr. SHELBY. Mr. President, I am offering this amendment on behalf of Senator DASCHLE. It deals with airport eligibility. It has been cleared by both sides of the aisle. I see no opposition to it.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1661) was agreed to.

AMENDMENT NO. 1663, AS MODIFIED

(Purpose: To express the sense of the Congress that the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1663, as modified. This is an amendment I will be offering on behalf of Senator INHOFE dealing with the TARDIS program. It has been modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. INHOFE, proposes an amendment numbered 1663, as modified.

The amendment follows:

At the appropriate place in the bill, insert the following new section:

SEC. . TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

Mr. SHELBY. Mr. President, this amendment has been cleared by both sides. I urge its adoption.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1663), as modified, was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I inquire of the Chair what the pending business before the Senate is.

The PRESIDING OFFICER. Two amendments have been set aside to the Transportation appropriations bill. Therefore, an amendment is appropriate at this time.

Mr. ABRAHAM. I am not here to present an amendment. I am interested in knowing if the pending amendment is the Gorton amendment.

The PRESIDING OFFICER. The Gorton amendment was the first amendment set aside.

Mr. ABRAHAM. I am interested in speaking on that amendment at this point, if that is in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1677

Mr. ABRAHAM. Mr. President, there are a number of us on the floor who want to speak about this issue. Earlier we heard from the proponents of the amendment. They brought it to the floor at a time when those of us who opposed the amendment were not in position to respond. I know there is a desire, and we certainly are amenable, to get to a vote in the next hour and a half, or so. We would like to have an opportunity to present our side of this debate, at least for a reasonable period of time, and if there needs to be a further time agreement, then we will be able to enter into one.

I see Senator LEVIN on the floor and Senator ASHCROFT. I know they would like to follow. I ask unanimous consent that following my remarks, Senators ASHCROFT and LEVIN be permitted to speak prior to any other speakers on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I thank the Chair.

Mr. President, I rise to oppose the amendment offered by Senators GORTON, FEINSTEIN, and BRYAN.

I oppose this amendment because it will impose an unnecessary and unacceptable burden on the working men and women of this country, and of my state in particular.

Throughout Michigan, men and women are working hard every day to produce the cars that make our economy and our nation move. They and their families depend on the jobs produced by our automobile manufacturing industry, just as the rest of us depend on the cars they produce.

But those jobs and Michigan's economy are jeopardized by efforts to increase standards for corporate average fuel economy or CAFE.

I have come to the floor because I want to make certain that my colleagues are aware of the extremely serious impact of increased CAFE standards, not just on Michigan, but on every state in the union. And make no mistake, increased CAFE standards are the intention of the amendment we are debating today, and will be the result should it be adopted.

The Federal Government currently mandates that auto manufacturers maintain an average fuel economy of 27.5 miles per gallon for cars, and 20.7 miles per gallon for sport utility vehicles and light trucks.

Since 1995 Congress has prohibited federal transportation funds from being used to unilaterally increase these standards. We have recognized that it is our duty, as legislators, to make policy in this important area of economic and environmental concern.

Now, however, a number of my colleagues are calling for an end to this congressional authority. This sense-of-the-Senate urges the Senate conferees to the Transportation appropriation bill to reject the House funding prohibition on raising CAFE standards.

It does not call for the Department of Transportation to study the benefits and costs of raising CAFE standards, as some proponents of this amendment have suggested. Rather, the amendment states: "The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards."

Make no mistake and I reiterate this, if the House funding prohibition is stripped from this bill, the Department of Transportation will raise CAFE standards. Current law requires D.O.T. to set CAFE standards each year at the "maximum feasible fuel economy level." And the Secretary is not authorized to just "study" CAFE. He must act by regulation to set new CAFE standards each year.

In 1994, the last year prior to the CAFE freeze, the administration began rulemaking on new CAFE standards. Department of Transportation's April 6, 1994 proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

So let us be clear, this is not and never has been about a study. This proposed sense-of-the-Senate amendment is a precursor to higher CAFE standards on Sport Utility Vehicles and light trucks.

Mr. President, this action is misguided. It will hurt the working families of Michigan. It will undermine American competitiveness. And it will reduce passenger safety.

Higher CAFE requirements cost jobs. It really is that simple. Let me explain what I mean.

To meet increased CAFE requirements, automakers must make design and material changes to their cars. Those changes cost money, and force American manufacturers to build cars that are smaller, less powerful and less popular with consumers.

In addition, the National Academy of Sciences found that raising CAFE requirements to 35 mpg would increase the average vehicle's cost by about $2,500. And that is just a low-end estimate.

Japanese automakers have escaped these costs because sky-high gasoline prices in their home markets forced them to make smaller, lighter cars years ago. Increased CAFE requirements will continue to favor Japanese auto makers. And that means they will continue to place an uneven burden on American automobile workers.

Increased CAFE standards also reduce consumer choice, contrary to the assertions made in the earlier debate.

For example, the principal reason full sized station wagons have disappeared from the market is the need to meet fleet mileage requirements under the CAFE program.

Full-size station wagons, long popular with the American public, simply cannot be engineered economically to achieve high enough gas mileage to make them worth selling.

Consumers suffer when their choices are narrowed. and auto makers and their employees suffer when they are forced to make cars the public simply does not want.

In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors notes that in 1982:

> We were forced to close two assembly plants which had been fully converted to produce our new, highly fuel-efficient compact and mid-size cars. The cost of these conversions was $130 million, but the plants were closed because demand for those cars did not develop during a period of sharply declining gasoline prices.

This story could be repeated for every major American automaker, Mr. President. And the effects on our overall economy have been devastating.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of American depend on the health of our auto industry.

Our automakers simply cannot afford to pay the fines imposed on them if they fail to reach CAFE standards, or to build cars that Americans will not buy. In either case the real victims are American workers and consumers.

Nor should we forget, that American automakers are investing almost $1 billion every year in research to develop more fuel efficient vehicles.

Indeed, we do not need to turn to the punitive, disruptive methods of CAFE standards to increase fuel economy for American vehicles.

Since 1993, the Partnership for a New Generation of Vehicles has brought together government agencies and the auto industries to conduct joint research—research that is making significant progress and will bridge the gap to real world applications after 2000.

By enhancing research cooperation, the Partnership for a New Generation of Vehicles will help our auto industry develop vehicles that are more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's midsize family sedans. All this while producing cars that retain performance, utility, safety, and economy.

We have made solid progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand.

Finally, I wish to address the issue of vehicle safety. For a number of years now, the federal government has taken the lead in mandating additional safety features on automobiles in an attempt to reduce the number of lives lost in auto accidents.

How ironic to learn that federal CAFE requirements have been costing lives all this time.

The Competitive Enterprise Institute recently estimated that between 2,600 and 4,500 drivers and passengers die every year as a result of CAFE-induced auto downsizing.

USA Today, in a special section devoted to the issue of CAFE standards and auto safety, calculated CAFE's cumulative death toll at 46,000.

I ask unanimous consent that the July 2, 1999, USA Today series on CAFE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA TODAY, July 2, 1999]

DEATH BY THE GALLON

(By James R. Healey)

A USA TODAY analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

Californian James Bragg, who helps other people buy cars, knows he'll squirm when his daughter turns 16.

"She's going to want a little Chevy Cavalier or something. I'd rather take the same 10 to 12 thousand bucks and put it into a 3-year-old (full-size Mercury) Grand Marquis, for safety.

"I want to go to her high school graduation, not her funeral."

Hundreds of people are killed in small-car wrecks each year who would survive in just slightly bigger, heavier vehicles, government and insurance industry research shows.

More broadly, in the 24 years since a landmark law to conserve fuel, bug cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars, according to USA TODAY's analysis of crash data since 1975, when the Energy Policy and Conservation Act was passed.

The law and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon vs. 14 mpg in 1975.

But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

Small cars—those no bigger or heavier than Chevrolet Cavalier or Dodge Neon—comprise 18% of all vehicles on the road, according to an analysis of R.L. Polk registration data. Yet they accounted for 37% of vehicle deaths in 1997—12,144 people—according to latest available government figures. That's about twice the death rate in big cars, such as Dodge Intrepid, Chevrolet Impala, Ford Crown Victoria

"We have a small-car problem. If you want to solve the safety puzzle, get rid of small cars," says Brian O'Neill, president of the Insurance Institute for Highway Safety. The institute, supported by auto insurers, crash-tests more vehicles, more violently, than all but the federal government.

Little cars have big disadvantages in crashes. They have less space to absorb crash forces. The less the car absorbs, the more the people inside have to.

And small cars don't have the weight to protect themselves in crashes with other vehicles. When a small car and a larger one collide, the bigger car stops abruptly; that's bad enough. But the little one slams to a stop, then instantly and violently accelerates backward as the heavier car's momentum powers into it. People inside the lighter car experience body-smashing levels of force in two directions, first as their car stops moving forward, then as it reverses. In the heavier car, bodies are subjected to less destructive deceleration and no "bounce-back."

The regulations don't mandate small cars. but small, lightweight vehicles that can perform satisfactorily using low-power , fuel-efficient engines are the only affordable way automakers have found to meet the CAFE (pronounced ka-FE) standards.

Some automakers acknowledge the danger.

"A small car, even with the best engineering available—physics says a large car will win," says Jack Collins, Nissan's U.S. marketing chief.

Tellingly, most small-car crash deaths involve only small cars—56% in 1997, from the latest government data. They run into something else, such as a tree, or into one another.

In contrast, just 1% of small-car deaths—136 people—occurred in crashes with midsize or big sport-utility vehicles in '97, according to statistics from the National Highway Traffic Safety Administration, the agency that enforces safety and fuel-efficiency rules. NHTSA does not routinely publish that information. It performed special data calculations at USA TODAY's request.

Champions of small cars like to point out that even when the SUV threat is unmasked, other big trucks remain a nemesis. NHTSA data shows, however, that while crashes with pickups, vans and commercial trucks accounted for 28% of small-car deaths in '97, such crashes also accounted for 36% of large-car deaths. .

Others argue that small cars attract young, inexperienced drivers. There's some truth there, but not enough to explain small cars' out-of-proportion deaths. About 36% of small-car drivers involved in fatal crashes in 1997 were younger than 25; and 25% of the drivers of all vehicles involved in fatal wrecks were that age, according to NHTSA data.

GAS SHORTAGE WORRIES

U.S. motorists have flirted with small cars for years, attracted, in small numbers, to nimble handling, high fuel economy and low prices that make them the only new cars some people can afford.

"Small cars fit best into some consumers' pocketbooks and drive-ways," says Clarence Ditlow, head of the Center for Auto Safety, a consumer-activist organization in Washington.

Engineer and construction manager Kirk Sandvoss of Springfield, Ohio, who helped two family members shop for subcompacts recently, says that's all the car needed.

"We built three houses with a VW bug and a utility trailer. We made more trips to the lumber yard than a guy with a pickup truck would, but we got by. Small cars will always be around."

But small cars have an erratic history in the USA. They made the mainstream only when the nation panicked over fuel shortages and high prices starting in 1973. The 1975 energy act and fuel efficiency standards were the government response to that panic.

Under current CAFE standards, the fuel economy of all new cars an automaker sells in the USA must average at least 27.5 mpg. New light trucks—pickups, vans and sport-utility vehicles—must average 20.7 mpg. Automakers who fall short are fined.

In return, "CAFE has an almost lethal effect on auto safety," says Rep. Joe Knollenberg, R-Mich., who sides with the anti-CAFE sentiments of his home-state auto industry. Each year, starting with fiscal 1996, he has successfully inserted language into spending authorization bills that prohibits using federal transportation money to tighten fuel standards.

Even if small cars were safe, there are reasons to wonder about fuel-economy rules:

Questionable results. CAFE and its small cars have not reduced overall U.S. gasoline and diesel fuel consumption as hoped. A strong economy and growing population have increased consumption. The U.S. imports more oil now than when the standards were imposed.

Irrelevance. Emerging fuel technologies could make the original intent obsolete, not only by making it easier to recover oil from remote places, but also by converting plentiful fuels, such as natural gas, into clean-burning competitively priced fuel.

And new technology is making bigger, safer cars more fuel efficient. The full-size Dodge Intrepid, with V-6 engine, automatic transmission, air conditioning and power accessories, hits the average 27.5 mpg.

"Improving fuel economy doesn't necessarily mean lighter, inherently less-safe vehicles," says Robert Shelton, associate administrator of NHTSA.

Cost. Developing and marketing small cars siphons billions of dollars from the auto industry. Small cars don't cost automakers much less to design, develop and manufacture than bigger, more-profitable vehicles. But U.S. buyers won't pay much for small cars, often demanding rebates that wipe out the $500 to $1,000 profit.

Consumers pay, too. Though small cars cost less, they also depreciate faster, so are worth relatively less at trade-in time. And collision insurance is more expensive. State Farm, the biggest auto insurer, charges small-car owners 10% to 45% more than average for collision and damage coverage. Owners of big cars and SUVs get discounts up to 45%. "It's based on experience," spokesman Dave Hurst says.

CAFE has been "a bad mistake, one really bad mistake. It didn't meet any of the goals, and it distorted the hell out of the (new-car) market," says Jim Johnston, fellow at the American Enterprise Institute in Washington and retired General Motors vice president who lobbied against the 1975 law.

HERE TO STAY

CAFE is resilient, although concern over its effect on small-car safety is neither new nor narrow.

A 1992 report by the National Research Council, an arm of the National Academy of Sciences, that while better fuel economy generally is good, "the undesirable attributes of the CAFE system are significant," and CAFE deserves reconsideration.

A NHTSA study completed in 1995 notes: "During the past 18 years, the Office of Technology Assessment of the United States Congress, the National Safety Council, the Brookings Institution, the Insurance Institute for Highway Safety, the General Motors Research Laboratories and the National Academy of Sciences all agreed that reductions in the size and weight of passenger cars pose a safety threat."

Yet there's no serious move to kill CAFE standards.

Automakers can't lobby too loudly for fear of branding their small cars unsafe, inviting negative publicity and lawsuits. And Congress doesn't want to offend certain factions by appearing too cavalier about fuel economy. Nor, understandably, does it want to acknowledge its law has been deadly.

"I'm concerned about those statistics about small cars, but I don't think we should blame that on the CAFE standards," says Rep. Henry Waxman, D-Calif., who supported CAFE and remains a proponent.

Pressure, in fact, is for tougher standards.

Thirty-one senators, mainly Democrats, signed a letter earlier this year urging President Clinton to back higher CAFE standards. And environmental lobbyists favor small cars as a way to inhibit global warming.

Although federal anti-pollution regulations require that big cars emit no more pollution per mile than small cars, environmental activists seize on this: Small engines typical of small cars burn less fuel, so they emit less carbon dioxide.

Carbon dioxide, or CO_2, is a naturally occurring gas that's not considered a pollutant by the Environmental Protection Agency, which regulates auto pollution.

But those worried about global warming say CO_2 is a culprit and should be regulated via tougher CAFE rules.

Activists especially fume that trucks, though used like cars, have a more lenient CAFE requirement, resulting in more CO_2.

"People would be much safer in bigger cars. In fact, they'd be very safe in Ford Excursions," says Jim Motavalli, editor of E:

The Environmental Magazine, referring to a large sport-utility vehicle Ford Motor plans to introduce in September. "But are we all supposed to drive around in tanks? You'd be creating that much more global-warming gas. I demonize sport utilities," says Motavalli, also a car enthusiast and author of the upcoming book Forward Drive: The Race to Build the Car of the Future.

Not all scientists agree that CO_2 causes global warming or that warming is occurring.

SEEKING ALTERNATIVES

Worldwide, the market is big enough to keep small cars in business, despite the meager U.S. small-car market of 2 million a year. Outside the USA, roads are narrow and gas is $5 a gallon, so Europeans buy 5 million small cars a year; Asians, 2.6 million.

Automakers are working on lightweight bigger cars that could use small engines, fuel-cell electric vehicles and diesel-electric hybrid power plants that could run big cars using little fuel.

But marketable U.S. versions are five, or more likely 10, years off. That's assuming development continues, breakthroughs occur and air-pollution rules aren't tightened so much they eliminate diesels.

Even those dreamboats won't resolve the conflict between fuel economy and safety. Their light weight means they'll have the same sudden-stop and bounce-back problems as small cars. Improved safety belts and air bags that could help have not been developed.

IIHS researchers Adrian Lund and Janella Chapline reported at the Society of Automotive Engineers' convention in Detroit in March that it would be safer to get rid of the smallest vehicles, not the largest.

Drawing on crash research from eight countries, Lund and Chapline predicted that if all cars and trucks weighing less than 2,500 pounds were replaced by slightly larger ones weighing 2,500 to 2,600 pounds, there would be "nearly 3% fewer fatalities, or an estimated savings of more than 700 lives" a year. That's like trading a 1989 Honda Civic, which weights 2,000 pounds, for a '99 Civic, at 2,500 pounds.

Conversely, the researches conclude, eliminating the largest cars, SUVs and pickups, and putting their occupants into the next-size-smaller cars, SUVs and pickups would kill about 300 more people a year.

MARKET SKEPTICISM

U.S. consumers, culturally prejudiced in favor of bigness, aren't generally interested in small cars these days:

Car-buying expert Bragg—author of Car Buyer's and Leaser's Negotiating Bible—says few customers even ask about small cars.

Small-car sales are half what they were in their mid-'80s heyday. Just 7% of new-vehicle shoppers say they'll consider a small car, according to a 1999 study be California-based auto industry consultant AutoPacific. That would cut small-car sales in half. Those who have small cars want out: 82% won't buy another.

To Bragg, the reasons are obvious: "People need a back seat that holds more than a six-pack and a pizza. And, there's the safety issue."

That hits home with Tennessee dad George Poe. He went car shopping with teenage daughter Bethanie recently and, at her insistence, came home with a 1999 Honda Civic.

"If it would have been entirely up to me, I'd have put her into a used Volvo or, thinking strictly as a parent, a Humvee."

Mr. ABRAHAM. Mr. President, even the National Highway Traffic and Safety Administration, which runs the CAFE program, has recognized the deadly effects of CAFE standards.

In its publication "Small Car Safety in the 1980's," NHTSA explains that smaller cars are less crash worthy than large ones, even in single-vehicle accidents. Small cars have twice the death rate of drivers and passengers in crashes as larger cars.

And smaller light trucks will mean even more fatalities. These trucks and SUV's have higher centers of gravity and so are more prone to rollovers. If SUV and truck weights are reduced, thousands could die.

I believe it is crucial that we get the facts straight on the true effects of CAFE standards so that we can come to the only rational conclusion available: safe, economically sensible increases in gas mileage require cooperation and research and technology, not Federal mandates.

Therefore, I urge my colleagues to oppose the Gorton-Feinstein-Bryan amendment.

Mr. President, it is very simple. When Washington makes these dictates, when unelected bureaucrats make these decisions and impose them on an industry, the ramifications can and will be serious. We have seen that before in the auto industry. If this were to go forward, we would see it again. The autoworkers in my State and around this country, and the people who work in other industries that are related to the sale of automobiles, will have their lives in jeopardy, as well as their jobs in jeopardy, if we move in this direction.

Mr. SHELBY. Will the Senator yield for a UC request?

Mr. ABRAHAM. Let me conclude in 10 seconds.

For those reasons, I urge opposition to the amendment.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I ask unanimous consent that the vote occur on or in relation to the pending amendment at 6:40 p.m. with the time allocated as follows: 30 minutes under the control of Senator GORTON, 40 minutes under the control of Senator ABRAHAM, and 10 minutes under the control of Senator LEVIN. I further ask that no other amendments be in order prior to the 6:40 vote. I also ask that immediately following that vote, a vote occur on amendment No. 1658, with 2 minutes for explanation prior to the vote. I understand this request has been cleared.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Therefore, it is my understanding the next two votes will occur on a back-to-back basis at 6:40 p.m. this evening.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

Mr. LEVIN. Will the Senator yield for an inquiry?

Mr. ASHCROFT. I certainly will.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. I thank my friend.

Mr. ASHCROFT. I thank the Senator from Michigan and the Chair. I also thank the Senator from Michigan, Mr. ABRAHAM, for his enlightening remarks about this important challenge we face—a challenge which would seriously undermine and erode America's competitive position in the production of automobiles.

I want to focus on a different aspect of the corporate average fuel economy debate.

Most Americans, if you talk about CAFE standards, think you will be talking about health standards in a restaurant or cleanliness in corporate a local coffee shop. In this particular setting, CAFE means average fuel economy. Basically, it is the average fuel economy of the car produced by a particular company. A company that had a car that had a very high corporate average fuel economy also would have to build very small vehicles because it takes less fuel to run a small vehicle than it does a large vehicle.

The concept of a corporate average fuel economy standard was developed during the oil crisis of the 1970s. It required automobile manufacturers to develop vehicles that could travel further with less gas. This was due to the shortage of the gasoline that had been imposed by the oil industry cartel which had curtailed the availability of energy resources to this country.

The CAFE standards at that time required automakers to maintain, fleetwide, an average fuel efficiency of 27.5 miles per gallon for cars and 20.7 miles per gallon for trucks.

This is how the CAFE standards got started. It was to try to help the United States get past the energy embargo imposed in the 1970s. It was not instituted—I repeat—it was not instituted for clean air purposes. Rather, it was adopted to conserve gasoline.

In fact, Federal regulations require that big cars emit no more pollution per mile than small cars. I have to confess, with all Americans, that our air is cleaner today than it was 5 years ago or 10 years ago, and we are pleased that we continue to make progress. The air continues to get cleaner and that is a good thing.

I will focus on the safety impact of increasing CAFE standards. In doing so, I will talk about the consequences of imposing CAFE standards—but not in terms of making sure we have enough gas to burn in the country because the embargo was lifted decades ago.

I want to focus on the safety aspects of what happens when you demand that cars get more and more efficient—that somehow they must be able to go farther and farther on a gallon of gas. It does not take any special level of intelligence, you do not have to be a rocket scientist to understand that in order to meet fuel economy standards, cars and trucks have to be made lighter. So in an effort to make cars go further on a gallon of gas, the cars and trucks had to be made lighter and lighter. Common sense tells us when a lighter and smaller vehicle is involved in an accident, passenger injuries will be more severe.

Since CAFE standards were enacted in the 1970s, the average weight of a new car has dropped by about 1,000 pounds. So if you look at the weight of a car as being protection—the protective barrier that surrounds a passenger—there is 1,000 pounds less of protection in the new car than in the cars prior to CAFE standards.

A recent study from the National Highway Traffic Safety Administration, the agency that administers CAFE standards, found that increasing the average weight of each passenger car on the road by 100 pounds would save over 300 lives annually. So if instead of decreasing the weight of cars in order to reach higher levels of fuel economy we were to add 100 pounds to the weight of cars, we would save 300 lives every year.

We are really not debating whether or not we are going to add weight to cars; however, this is a debate over whether we are going to mandate that car manufacturers make cars out of lighter and lighter materials. When you do that, it has a cost in terms of the relatives of the Members of this body, our families and our constituents and our constituents families.

A number of studies have been conducted to determine the actual effect that the CAFE standards have had on highway safety. I want to emphasize that these studies are conducted by very credible agencies—agencies that would not be anticipated to try and develop information that would somehow support the car industry. The National Highway Traffic Safety Administration is a Federal agency that administers the CAFE standards. This agency is talking about the standards, which are its job to administer, when it says that if we could increase the weight instead of decrease the weight and we did so only by 100 pounds per vehicle, we would save 300 lives a year. One person a day, roughly, would be saved in America if we had slightly heavier cars. The Competitiveness Enterprise Institute found that of the 21,000 car-occupant deaths that occurred last year, between 2,600 and 4,500 of them were attributable to the Federal Government's new car fuel economy standards. We have between 2,500 and 4,500 people who don't exist anymore, who died because we have demanded lighter and lighter cars in order to meet the so-called CAFE standards just last year.

That is from the Competitiveness Enterprise Institute. This is not from the car manufacturers. This is from an independent think tank.

A 1989 Harvard University-Brookings Institution study determined that the current CAFE standard of 27.5 miles per gallon is responsible for a 14- to 27-percent increase in annual traffic deaths. These are deaths—they argue that would not have happened but for the fact that the new car fleet must be downsized in order to meet the stricter standards. As long as 10 years ago, researchers at Harvard University and the Brookings Institution determined that the CAFE standards and the imposition of the CAFE standards then extant were responsible for between 1/7 and 2/7 of the increase in the annual traffic deaths—just that much of a reduction in the weight of cars.

So we have the National Highway Traffic Safety Administration, we have the Competitiveness Enterprise Institute, the Harvard University-Brookings Institution study. We have the National Academy of Sciences in this decade. This is not a wholly-owned subsidiary of GM, Ford, or Daimler-Chrysler.

The National Academy of Sciences 1992 study concluded that the downsizing of automobiles due to fuel economy requirements has a direct impact on passenger safety. That study found:

> Safety and fuel economy are linked, because one of the most direct methods manufacturers can use to improve fuel economy is to reduce vehicle size and weight.

I really don't want to pick at the National Academy of Sciences. It is not just one of the most direct methods used to boost fuel economy; it is a very important method.

The most troubling conclusion from the National Academy of Sciences study was:

> It may be inevitable that significant increases in fuel economy can occur only with some negative safety consequences.

We could go over the litany again: The National Highway Transportation Safety Administration, the Harvard University/Brookings Institution study, the Competitiveness Enterprise Institute, and the National Academy of Sciences—all of these organizations understand that it is not a cost-free operation to say we will save a few gallons of gas and sacrifice our citizens and their safety on the highways.

Continuing to quote the National Academy of Sciences:

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

I personally say we ought to carefully reconsider this approach. One study said in 1 year between 2,600 and 4,500 individuals died because we have mandated that car manufacturers lighten automobiles so substantially that they become death traps for the occupants. I think safety ought to be foremost in our consideration. When the National Academy of Sciences says we ought to reconsider the approach of lightening these cars by demanding more and more fuel economy, I think we ought to take that particular admonition seriously.

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

It is with that in mind that when the National Academy of Sciences says we ought to carefully reconsider this approach, I think we ought to reject attempts by Members of this body to extend this approach.

What is at the core of the National Academy of Sciences argument is this: They care about these lives that are lost on our highways, people who are riding in cars without adequate protection.

The proponents of this measure dismiss the safety considerations as if they are an aside. Frankly, in a setting where our environment continues to improve, where our air continues to get cleaner and cleaner, we ought to be careful about the number of people we are willing to put in jeopardy and at risk. We are not talking about risk of a stubbed toe or a hangnail; we are talking about situations where individuals lose their lives.

These standards, according to these studies—whether it is Harvard-Brookings, the Competitive Enterprise Institute, the National Highway Transportation Safety Administration, the National Academy of Sciences—are responsible for Americans losing their lives.

There are those in this body who want to make these standards even tougher, in the face of very clear predictions and a conceded understanding that to make these standards tougher means more and more people die on the highway. Based on experience and research, increasing CAFE standards to 40 miles per gallon—that is less than proposals supported by the President and Vice President of the country; they want to take the standards even higher than that—would cost up to 5,700 people their lives every year.

I am not even beginning to address the aspect of the government telling its citizens what kind of cars they should be driving. This is to say that we won't let people buy safe cars, we will make them unavailable, and 5,700 a year will lose their lives because we have decided that we know better what kind of car people should drive than people could know by making their choices in the marketplace.

I want you to know that this isn't all. I am pleased that Senator ABRAHAM submitted for the RECORD this particular item, which was a reprint from the USA Today: "Death by the Gallon." I brought this particular chart to show that a USA Today analysis of previously unpublished fatality statistics that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

As far as I am concerned 46,000 is 46,000 too many. But to think that we want to extend this so as to invite the deaths of as many as 5,700 more people a year by downsizing this container in which people travel called an automobile and lightening it to the extent that it provides no cushion of safety for people, or an inadequate cushion of safety, is a very serious proposal.

Forty-six thousand people have died due to the implementation of CAFE standards. Is it time to reexamine those standards, or is it time to expand those standards? Forty-six thousand angels looking at the Senate should be telling us: Reexamine; do not extend those. Forty-six thousand people is the equivalent in my State to Joplin, MO. The deaths of 46,000 people in my State would wipe out the entire town of Blue Springs, MO, or all of Johnson or Christian Counties.

The average passenger vehicle in 1975 was 14 miles per gallon; today it is 20 miles per gallon. That averages 7,700 lost lives for every gallon of increased fuel efficiency. I don't think 46,000 lives are worth it. I know they are worth more than that. I mean that is not worth the 46,000 lives.

I asked the Insurance Institute for Highway Safety to give me an opinion on raising CAFE standards and on the impact it would have on highway safety. I will insert their response in the RECORD.

I ask unanimous consent to print this correspondence with the Insurance Institute for Highway Safety in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INSURANCE INSTITUTE
FOR HIGHWAY SAFETY,
Arlington, VA, August 27, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: This is in response to your letter of August 20 requesting information from the Institute about relationships between Corporate Average Fuel Economy (CAFE) standards and vehicle safety.

Although the relationships between CAFE standards and vehicle safety are difficult to quantify precisely, there is no question that the two are related because smaller/lighter vehicles have much higher occupant fatality rates than larger/heavier vehicles. But the safer larger/heavier vehicles consume more fuel, so the more "safer" vehicles a manufacturer sells the more difficult it becomes to meet the CAFE standards.

Institute analyses of occupant fatality rates in 1990–95 model passenger vehicles show that cars weighing less than 2,500 pounds had 214 deaths per million registered vehicles per year, almost double the rate of 111 deaths per million for cars weighing 4,000 pounds or more. Among utility vehicles the differences are even more pronounced: Those weighing less than 2,500 pounds had an occupant death rate of 330, more than three times the rate of 101 for utility vehicles weighing 4,000 pounds or more.

It is important to recognize that these differences are due to factors in addition to the greater risks to occupants of lighter vehicles in collisions with heavier ones. Even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The occupant death rate in single-vehicle crashes of cars weighing less than 2,500 pounds was 83, almost double the rate of 44 for cars weighing 4,000 pounds or more. In the lightest utility vehicles the occupant death rate was 199, again more than three times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

The key question concerning the influence of CAFE standards on occupant safety is the extent to which these standards distort the marketplace by promoting additional sales of lighter, more fuel efficient vehicles that would not occur if CAFE constraints weren't in effect. Because CAFE standards are set for a manufacturer's fleet sales, it seems likely that raising these requirements for cars and/or light trucks would encourage a full-line manufacturer to further subsidize the sale of its smaller/lighter vehicles that have higher fuel economy ratings. This would help meet the new requirements while continuing to meet the marketplace demand for the manufacturer's much more profitable larger/heavier vehicles. Obviously the potential purchasers of the larger/heavier vehicles are unlikely to be influenced to purchase subsidized small/light vehicles, but at the lower ends of the vehicle size/weight spectrum these subsidies likely would produce a shift in sales towards the lightest and least safe vehicles. The net result would be more occupant deaths than would have occurred if the market were not distorted by CAFE standards.

Sincerely,

BRIAN O'NEILL,
President.

Mr. ASHCROFT. The institute found that even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, single-car crashes, people in lighter vehicles are at greater risk. I think we could have figured that out. It is pretty clear from 46,000 deaths that that is understandable.

The letter also stated:

> . . . the more "safer" vehicles a manufacturer sells, the more difficult it becomes to meet the CAFE standards.

So if a manufacturer tries to sell safer, heavier vehicles, it makes it impossible for them to meet the Federal standards.

I want to make one thing very clear. I believe in promoting cleaner air. I believe we should be environmentally responsible, and we are getting there. I don't believe we should do it at the risk of human lives. CAFE standards have killed people. They will continue to kill people because cars have been lightened to the extent that they don't protect individuals.

Consumers are not choosing small cars. They look at convenience and safety, and then they buy a larger automobile. According to a national poll, safety is one of the three main reasons for the popularity of sport utility vehicles. Small cars are only 18 percent of all vehicles that are on the road, yet they accounted for 37 percent of all the deaths in 1997. They are one out of every six vehicles on the road, and they are involved in more than one out of every three deaths on the highways.

Some argue these numbers are so high because the small cars are getting into accidents with the bigger SUVs. The data does not support that. Based on figures from the National Highway Transportation Safety Administration, only 1 percent of all small-car deaths involve collisions with midsize or large SUVs—1 percent. The real tragedy is that these cars are unsafe in one-car accidents or in accidents with each other.

Car-buying experts have said that only 7 percent of new vehicle shoppers say they will consider buying a small car. And according to that same source, 82 percent who have purchased small cars say they would not buy another. Safety-conscious consumers, whether they are my constituents in Missouri, or others, are purchasing larger automobiles, or sports utility vehicles. But now Washington wants to tell them what kind of car to buy, to disregard a value which they place on their own safety. We spend millions of dollars a year trying to make our highways safer: We fight drunk driving; we mandate seatbelt use; we require auto manufacturers to install airbags. Yet today we are being asked to support a policy to make our highways more dangerous and more deadly than ever before.

I urge my colleagues to reject this attempt to impose higher and higher CAFE standards. The attempt to impose higher and higher CAFE standards is clearly headed for a consequence of higher and higher levels of fatalities. We have seen data from the National Highway Transportation Safety Administration. We have seen data from the Harvard/Brookings Institution. We have seen data from the National Academy of Sciences. We have seen the kind of comprehensive review of data published in the USA Today. It is pretty clear, as the Competitive Enterprise Institute chimes in, that lightening cars—taking the strong substances out of the vehicle so that it goes farther for marginal gains in economy, results in more and more people dying.

I urge my colleagues to be sensitive to the fact that America can ill afford to elevate the carnage on our highways by eliminating the kind of substance in our vehicles that would be required if we were to adopt the amendment that is pending. So I urge them to reject the attempt to elevate CAFE standards and, in so doing, protect the lives of themselves and their families.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the purpose of the amendment before us is very simply to increase CAFE, despite all the flaws with the CAFE system. This is not just a study as is being suggested. The purpose of this amendment is very clear from the wording of every single whereas clause and every resolve clause: it is to increase CAFE, despite the many flaws in the current CAFE system.

If anybody has any doubt about what the purpose of this amendment is, I urge them to read it, and particularly the last paragraph which urges the Senate not to recede to section 320 of the bill as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, some have said all this amendment does is provide for a study. Well, this is a study whose results have been prejudged and preordained, by the authors of this amendment, because there is not one word in this amendment about safety concerns, as the Senator from Missouri and my colleague from Michigan have talked about, or about the increase in the number of deaths which have resulted from CAFE. Those are not our allegations but safety experts' allegations. There is not one word in this amendment about the loss of American jobs and the discriminatory impact of CAFE against domestic production. I will get into that in a moment.

This isn't just a study we are talking about. The sense-of-the-Senate resolution specifically says that the Senate should not recede to a section in the House bill which prevents an increase in CAFE standards. It doesn't say anything about not receding to a section which prevents a study. It doesn't talk about a study which looks at highway safety, impact on domestic employment, favoritism toward imports, discriminatory impacts on domestic manufacturers and workers. It doesn't talk about that at all. There is not a word about any of these issues in this amendment—only about increasing the CAFE standards.

There are many flaws in the CAFE approach. My colleagues have already gone into some of those flaws at length. But first I want to again quote, very briefly, from the National Academy of Sciences' automotive fuel economy study, so that people don't think opposition to this amendment comes only from folks who have a lot of automobile production in their State—although we do and we are proud of it, and we are determined that it be treated fairly and sensibly. We surely stand for that, and we do so proudly. But this is the National Academy of Sciences speaking here. The National Academy of Sciences said the following in this automotive fuel economy study:

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

"Defects that are sufficiently grievous." There is not a word about studying those defects in this amendment. I have looked really hard through this amendment. I read it a couple of times this afternoon. I can't find anything about studying those defects that are "sufficiently grievous," according to the National Academy of Sciences—that they should be part of the study. The purpose of this resolution is to increase CAFE, to bring about the result that CAFE is increased.

Now, why not do that? Why not increase CAFE? Sure, let's just increase the number from 20 to 25, or 30 to 35, or 35 to 40. Why not? We will save fuel. The answer is, because there are a number of other considerations that have to be looked at, which weren't looked at when this CAFE system was put into place. CAFE has had a discriminatory impact on the domestic industry and has had a horrendous effect on safety and resulted in the loss of thousands of lives.

Now, the safety issue has been discussed this afternoon, but I want to just highlight one or two parts of it, although the Senator from Missouri has just spoken to it. There was a USA Today study. This isn't an auto industry study. This isn't an auto supplier study. This isn't the UAW study. This is a study by USA Today looking at statistics on automobile highway deaths.

Here is what the USA Today study found. They found that in the 24 years since a landmark law to conserve fuel was passed, big cars have shrunk to less-safe sizes, and small cars have poured on the road, and, as a result, 46,000 people have died in crashes. They would have survived in bigger, heavier cars, according to the USA Today analysis of crash data since 1975 when the Energy Policy and Conservation Act was passed. The law and the corporate average fuel economy standards it imposed have improved fuel efficiency. The average passenger vehicle on U.S. roads gets 20 miles per gallon versus 14 miles per gallon in 1975. But the cost has been, roughly, 7,700 deaths for every mile per gallon gained, this analysis shows.

Is it worth looking at fuel economy? Of course it is. Is it worth looking at 46,000 deaths? Is it worth putting that on the scale and at least looking at it? It sure ought to be. There is not a word about that in this resolution, nothing about safety. We are told this amendment is only about a study. Well, if so, it is the most one-sided study I have ever seen.

Now, it has been argued: Wait a minute, aren't these deaths the result of small cars running into big vehicles? Again, the study answers that. Tellingly, it says most small-crash deaths involve only small cars—56 percent in 1997, from the latest Government data. They run into something else, such as a tree, or into one another. In contrast, just 1 percent—according to this article—of small-car deaths occurred in crashes with midsize or big sport utility vehicles in 1997, according to statistics from the National Highway Traffic Safety Administration, according to the agency that enforces the safety rules.

That is one of the major problems with CAFE—the safety problem, the loss of life.

There are other problems as well. I would like to spend a few of the minutes allotted to me to talk about the discrimination of this system against domestic production. One of the many problems with CAFE is that it looks at the entire fleet. It looks at the average of the manufacturers' fleet. That fleet could be predominantly small in size. It could be predominantly medium in size. It could be predominantly large in size. It doesn't make any difference what your mix is; you must meet the same corporate fleet average.

If you have produced, for instance, historically many small vehicles, then because of the way the CAFE rules are jiggered, there are no effective limits on how many large vehicles you can sell. But if historically you have produced larger vehicles, then it has a tremendous impact on your production and a penalty for the production of more.

The result of this is that if, as in the case with the imports, you have focused on lighter vehicles rather than the heavier vehicles, which are very much now in demand, CAFE has no effect whatsoever on your production or on your sales. But if you are a domestic manufacturer that has focused on the larger vehicles, it has a huge effect on you and on the number of jobs you might have.

There is no logic or fairness to that kind of approach. CAFE didn't say you have to increase by 10 percent the efficiency of your light vehicles, or your medium-size vehicles, or your heavier vehicles. It says: Take your whole fleet together and reach a certain standard.

Some people say: Well, aren't the imports more fuel efficient? The answer is no. Pound for pound, there is no difference between an imported vehicle and a domestic vehicle. A domestic vehicle is probably a little bit more fuel efficient.

Take two vehicles of the same size. Take a GM and Toyota pickup truck—the GM Sierra, and the Toyota Tundra. They both weigh about the same. These are their highway ratings: 18 miles per gallon for the GM vehicle, and 17 miles per gallon for the Toyota vehicle. The GM vehicle is more fuel efficient than the Toyota. These are the same size vehicles. Now we are comparing apples and apples—not fleet averages which are apples and oranges, but apples and apples. The city rating is the same thing. The GM Sierra has a 15-miles-per-gallon rating. The Toyota Tundra has a 14-miles-per-gallon rating.

So the discriminatory impact does not have anything to do with the efficiency of vehicles of the same size since, if anything, the domestic vehicle is at least as efficient as the import when you compare the same size vehicles.

Then where is the discriminatory impact? The discriminatory impact arises because the import manufacturers have tended to focus on the smaller vehicles instead of the larger vehicles. They have room to sell as many large vehicles as they want without any impact. CAFE does not affect them. Any manufacturer that has focused on the smaller vehicles instead of the larger suffers no impact when CAFE goes up.

Let's go back to that Tundra and that Sierra. How many more vehicles could General Motors sell? These are the same size vehicles. With the GM vehicle being slightly more fuel efficient than the Toyota vehicle, how many more can GM sell under CAFE? None. How many more can Toyota sell? Over 300,000 more.

Does that do anything for the air? It is costing American jobs. It doesn't do a thing for the air. All it does is tell people if they want to buy a vehicle, a large vehicle, they have to buy the imported vehicle, and not the domestic one. The domestic manufacturer is penalized if it is produced under the CAFE approach.

CAFE was designed in a way—I don't think intentionally, and I pray to God it wasn't—but it was designed in a way which has a discriminatory impact on the domestic producer because of the way in which their fleets happened to be designed historically—because of the type of cars they sold historically—and not because the imported vehicle is more fuel efficient. It isn't.

These numbers are typical. If you have two vehicles of equal size, one import and one domestic, they are about the same in terms of fuel efficiency.

So when you increase CAFE, all you are saying is buy an import. That is what this thing drives people to do. The import manufacturer isn't penalized. There is no limit effectively on how many larger vehicles the import manufacturers can sell. It bites on the domestic manufacturers—not on the imports. That is a huge effect on jobs in America, with no advantage to the air.

Do we think it does good to the air to tell people to buy yourself a Tundra instead of a Sierra? Does that do anything for the air? Quite the opposite. It hurts the air. The Tundra is not as fuel efficient as the Sierra. Yet there is no penalty whatsoever under CAFE for the import manufacturer selling basically an unlimited number of heavy vehicles.

We have a system in place now which has had a very negative effect on safety and an increase in the number of highway deaths. These are not our figures but figures of people who are on the outside looking at the statistics of the highway safety folks. It has had a negative effect in terms of domestic versus imports, which is discriminatory.

Again, I want to emphasize this. It is a very important point. Some people think the imports are more fuel efficient. They are not.

It is the key point. They are not more fuel efficient—slightly less; if I had to characterize—there is no difference, basic difference, pound for pound.

What does this amendment do? It expands the current system. We have CAFE; let's increase the CAFE standards. Let's not even look at impact on safety, increased highway deaths, or discriminatory impact on domestic production. That is not referred to in this amendment. Just fuel. That is it.

But CAFE's discriminatory impact takes such a narrow vision, a narrow view on jobs in America. I hope this amendment is defeated. It is pointing in a very narrow direction, in a direction which ignores the discriminatory impact on jobs in America. It ignores safety issues and focuses on one piece of an issue, ignoring totally the other parts.

Finally, the Government and the private sector or private industry have put together a partnership for new vehicles. This partnership is focusing on new technologies and new materials, trying to see if we cannot find ways to have larger vehicles with higher fuel economy. This partnership is looking at lightweight materials, advanced batteries, fuel cells, hybrid electric propulsion systems; experimental concepts sometimes, but things which will—in a cooperative way—achieve the kind of goal which CAFE theoretically was aimed at achieving.

This partnership approach for a new generation of vehicles is working. It is in operation now. It is the right way to go. The Government contribution to this partnership has been about $220 million a year. The private sector's annual contribution to this partnership has been slightly under $1 billion a year. We have this investment in a partnership, in a new generation of vehicles which is aimed at achieving significant improvements in fuel efficiency without the downsides, which have been described here—the negative safety impacts and the negative effects on domestic production. That partnership is now in its fourth year. We should allow that partnership to proceed. It is on a cooperative track, aimed at achieving goals without such negative side effects.

I hope the Senate will reject this resolution and will keep on the partnership track which is being so productively followed.

I yield the floor.

Mr. BURNS. Mr. President, I rise today in opposition to the pending resolution that will give the Department of Transportation the green light to raise CAFE standards. According to the proponents of the resolution, the amendment just lets DOT "study" the issue. I am concerned that is not accurate. The DOT has already recommended up to a 35 percent increase in light truck standards.

The CAFE program has been in place for 25 years. We know this program doesn't work. We know this program has not reduced America's dependence on foreign oil. In fact, America's dependence on foreign oil has increased from 35 to 50 percent.

Pollution controls on today's automobiles have driven down pollution levels in this nation. It's the older automobiles that have been targeted—it's the folks who cannot afford to buy a new $30,000 fuel efficient car. Believe it or not Mr. President, but a 1982 Chevy pickup is a very popular vehicle on Montana's highways. We can't expect to make new cars affordable if we make them more expensive by driving up the cost of these new cars through increased government regulation.

Fuel economies in vehicles have been reduced as a result of manufacturer efforts. Since 1980, light trucks fleet fuel economy has increased by nearly 2.5 miles per gallon. Passenger car fleet fuel economy has increased by nearly 4.5 miles per gallon.

In my state of Montana, we are very highway dependent. Our roadways are our only means of transportation. We cannot efficiently rely on transit modes of transportation. Montana is also dependent on vehicles that have adequate clearance and power for roads that are not up to the standard of a paved highway. We have farmers, ranchers, outdoorsmen and sportsmen that use these roads often.

CAFE standards have failed to achieve their goals. Despite these standards, oil imports are up and Americans continue to drive more miles annually than they did in the 1970s. CAFE standards force automakers to produce many smaller, lighter vehicles to increase fuel economy. Studies have demonstrated an increase in highway injuries and deaths as a result.

We know it's not government regulation that drives fuel economy. Rather competition drives fuel economy. That is why I will not support this amendment.

Ms. MIKULSKI. Mr. President, I oppose the Gorton amendment on CAFE standards. I oppose lifting the freeze on CAFE standards because it would hurt American workers, American consumers and our economy.

First, if we raise CAFE standards—we lose American jobs. More and more American workers are building larger cars and sport utility vehicles. That's because these are the cars that Americans want to buy. But if we raise CAFE standards, U.S. car makers will be forced to build smaller cars. That means higher costs—for new equipment, new product lines, new tests. I'd rather see these resources used to leapfrog to new technologies that make cars safer and more efficient.

Meanwhile, our foreign competitors won't have to do anything. They won't face new costs. So by raising CAFE standards, we'll put American workers at a competitive disadvantage with their foreign competitors.

Second, raising the CAFE standards means fewer choices and higher prices for American consumers. Americans are buying larger cars and SUVs because they're safer and better fit their families' needs. So by raising CAFE standards, consumers will have fewer large cars to choose from. They'll also face higher prices—since manufacturers will pass on their higher costs.

Finally, we cannot forget the reason why so many Americans are buying larger cars—because they are safer. If we have more small cars on the road, we will likely have more injuries and fatalities that result from car accidents.

We need to save America's economy, America's jobs and American lives. I urge my colleagues to join me in rejecting this effort to lift the freeze on CAFE standards.

● Mr. McCAIN. Mr. President, unfortunately I will not be present when the Senate votes on the amendment offered by Senators GORTON, BRYAN, and FEINSTEIN. The amendment expresses the sense of the Senate that it should not recede to the House position of prohibiting the Department of Transportation from preparing, proposing or promulgating any regulation regarding Corporate Average Fuel Economy (CAFE) standards for vehicles.

As my colleagues know, I have been and will continue to be a proponent of the CAFE program. The fuel conservation goals embodied in the original CAFE standards are still important. However, I would not support the amendment offered today. CAFE is an extremely complex issue. It involves a delicate balance between environmental, safety and economic concerns. CAFE standards need and deserve the full attention of the Congress.

The structure of the CAFE statute appears to no longer make sense in light of the current auto market. For example, the statute draws a distinction between non-passenger vehicles, essentially light trucks and sport utility vehicles (SUVs), and passenger vehicles. The statute establishes a default standard for passenger vehicles and allows the Department of Transportation to adjust the level up or down based upon certain criteria.

The statute does not establish a standard for light trucks. Instead, the agency sets the standard at its discretion based upon criteria in the statute. One of the reasons for the distinction was the size of the non-passenger vehicle market. At the time the CAFE was enacted, light trucks and SUVs represented approximately 15 percent of the market. Now, they are approximately 50 percent of the market. In some states like my home state of Arizona they represent more than 54 percent of new car sales. I question the wisdom of allowing an agency sole discretion over the fuel economy standards of 50 percent of the auto market without any guidance from Congress.

In 1992, the National Research Council conducted what is considered to be the most comprehensive study of the CAFE program. In the executive summary of that report, the study committee made the following statement "[I]n this committee's view, the determination of the practically achievable levels of fuel economy is appropriately the domain of the political process, not this committee." The Committee rightly concluded that many of the issues surrounding CAFE involve tradeoffs that are public policy decisions, not a simple scientific conclusion. It is my intent to follow this advice and bring this debate back to Congress to determine how we should approach fuel economy standards as we enter the new millennium.

As chairman of the Senate Commerce Committee, it is my intention to hold hearings on CAFE early next year to examine this structure. Over the next few weeks, I will contact the Department of Transportation, the General Accounting Office, environmental groups, the major automobile manufacturers and the highway safety groups to solicit their views and begin the process of examining the statute.

Some of my colleagues argue that we should allow the Department of Transportation to move forward on a parallel track with the legislative process. I disagree with this argument for two reasons. First, the rule making process will further polarize and distract all of the parties on a specific proposal before consideration is complete on substantive changes to the law. Second, should a legislative solution be crafted, the agency, as well as interested members of the public will have wasted time and resources developing and responding to a standard, which will never be implemented.

Mr. President, I look forward to holding hearings on this matter and, I look forward to the participation of my colleagues on both sides of this issue as we move forward.●

Mr. ABRAHAM. I inquire how much time remains for the various sides?

The PRESIDING OFFICER. The Senator from Michigan, Mr. LEVIN, has 1 minute; the Senator from Michigan, Mr. ABRAHAM, has 19 minutes and the Senator from Washington has 30 minutes.

Mr. ABRAHAM. I know there may be other speakers on our side. As I indicated earlier, the proponents of the amendment had over an hour to initially make their case. We agreed to a time agreement that gives less than that in terms of bringing it up to balance. I don't want to run any more time off of our clock at this stage.

I ask unanimous consent that time during a quorum call run off the time of the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, it is often said, I think accurately, that what differentiates human beings from most other animals, most other mammals, is the extraordinary ability of human beings to learn from experience. Yet on the floor of the Senate this afternoon we have heard eloquent statements opposing this current amendment that indicate that experience is of no value to some Members and to some of their arguments.

Mr. President, 25 years ago the predecessors of the opponents to this amendment repeatedly stated on the floor of the Senate, as well as in the hearing rooms of the Senate, that to require more fuel-efficient automobiles and small trucks was to endanger the safety and the lives of the American people and to sentence them to driving in subcompacts and sub-subcompacts.

There are only two differences between the circumstances of the argument in 1974 and the circumstances of the argument in 1999. The first of those differences is that all of the arguments of those who opposed setting higher fuel efficiency standards for automobiles and small trucks made in 1974 were proved dramatically to be in error. At one level, the most important of those arguments was that people would no longer have choice; they would all be forced into smaller automobiles. Here it is 25 years later. We know that is not the case. The requirements imposed in 1974 were, for all practical purposes, completely met within a period of 6 years, and the course has been essentially flat since that day.

Every single day of the week, every year, 7 days a week, 365 days a year, the people of the United States save 3 million gallons of gasoline. Multiply 3 million gallons by $1.50 a gallon. That is $4.5 million. They pollute the air less; they spend less money; they contribute less to our international trade deficit that continues to grow year after year. And, second, our highways are far safer now than they were then. Traffic deaths per million miles driven have declined by more than 50 percent in the years since those fuel efficiency standards were imposed on the American people. Yet we hear some of the same arguments being made over and over again.

But there is another difference between the argument in 1999 and the argument in 1974. In 1974, the Senate was debating whether or not to allow specific new standards to go into effect. In 1999, we are arguing whether or not to allow the Federal Government to engage in a proceeding that determines whether or not new and more fuel-efficient standards are appropriate and achievable. So in addition to ignoring history and experience, the opponents have to say that they oppose knowledge, that they oppose even a vitally important study of if and how much fuel efficiency standards can be improved, consistent with safety and consistent with the economic well-being of the American people.

While I have not heard every word that has been stated on this floor in opposition to this bill, it does seem to me there is at least a minor difference. There does not seem to have been a claim that more fuel-efficient cars will not benefit the environment that is to say, to cause us to have cleaner air and fewer emissions into our air. Whatever the debate was in 1974, that is not a statement now. Nor has any one of our opponents stated that it is a poor idea to save the American people millions of dollars a day in their bill for motor vehicle fuel. Nor have they made any statement that somehow or another our huge trade deficit, largely caused by imported petroleum products, is a matter to which we as Americans should be indifferent.

Almost all of their argument has been on the safety issue. But it has been on the safety issue in the teeth of the experience of the American society, and it has been on the safety issue in the teeth of the proposition that if we carry out the policies contained in this amendment, this sense-of-the-Senate resolution, we are not automatically going to impose new fuel efficiency standards. We are simply going to go into an orderly process to determine whether or not new standards are feasible and, if so, how strict they should be and, if so, how long it should take to implement them.

I find it breathtaking that Members of the Senate should say, no, we don't want that knowledge. We are not even willing to wait until some specific standards are proposed and specific knowledge gained to debate whether or not the imposition of those standards is worthwhile.

No, we want the Senate to vote to stay ignorant, not even to learn what good public policy might be and what any of the offsets to that good public policy might be as well.

Mr. President, I am not a great fan of the current national administration, but I do not think anything irrevocable is going to take place in the next year, in any event, and certainly not over the objections of the Congress of the United States. But I am not so mistrustful of a group of professionals that I am willing to say even to this administration we should not allow them to examine this issue. Incidentally, this freeze has gone through Republican administrations, as well as Democratic administrations, in any event.

No, there are only two arguments being made against this amendment. The substantive argument is that we should ignore history and believe arguments in 1999 that were made in 1974 and shown to be entirely invalid in 1974; and second, the proposition that we should remain ignorant, that this is not important enough, not significant enough to the American people that we should even begin a process of determining whether or not we can clean up our air, make our cars more fuel efficient, become less dependent on foreign oil, and at the same time, increase the safety standards in our automobiles.

The debate is neither more complicated nor less complicated than just that. It should be understood by everyone, and I plead with my colleagues in this body to allow this process to go forward and to debate a real proposal, not a theoretical set of objections that were invalid in 1974 and are equally invalid in 1999.

Mr. FEINGOLD. Mr. President, I rise in support of the sense-of-the-Senate resolution on fuel economy standards. This resolution has been controversial in my state, and I believe its effect on automobile fuel economy standards has been misunderstood by some. I want to make my position clear: though I will vote in favor of this resolution, I have reservations about some of the language it contains, reservations I made known to the amendment sponsors.

My vote today is about Congress getting out of the way and letting a federal agency meet the requirements of federal law originally imposed by Congress. I will support this resolution because I am concerned that Congress has for 5 years now blocked the National Highway Traffic Safety Administration, NHTSA, part of the Federal Department of Transportation, from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards by legislative rider since Fiscal Year 1996. The resolution simply says the Senate should not recede to Section 320 of the House bill.

I believe that the outcome of any assessment of fuel economy standards needs should not be pre-judged. I am concerned that the wording of this resolution needlessly fails to be fully neutral. It tips too far toward saying that the result of an assessment should be a quote increase unquote in fuel economy standards. I have made no determination about what fuel economy standards should be. NHTSA is not required under the law to increase fuel economy standards, but it is required to examine on a regular basis whether there is a need for changes to fuel economy standards. NHTSA has the authority to set new standards for a given model year taking into account several factors: technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, and the need to conserve energy. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. I will expect them to do that, and I will respect their judgement. After NHTSA makes a recommendation, if it does so, I will then consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested Wisconsin citizens about their perspectives on NHTSA's recommendation.

However, just as the outcome of NHTSA's assessment should not be prejudged, the language of the House rider certainly should not have so blatantly pre-judged and precluded any new objective assessment of fuel economy standards. Section 320 of the House bill states:

> None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

The House language effectively prevents NHTSA from collecting any information about the impact of changing the fuel economy standards in any way. Under the House language, not only would NHTSA be prohibited from collecting information or developing standards to raise fuel economy standards, it couldn't collect information or develop standards to lower them either. The House language assumes that NHTSA has a particular agenda, that NHTSA will recommend standards which can't be achieved without serious impacts, and uses an appropriations bill to circumvent the law's requirements to evaluate fuel efficiency and maintain the current standards again for another fiscal year. I cannot support retaining this rider in the law at this time.

The NHTSA should be allowed freely to provide Congress with information about whether fuel efficiency improvements are possible and advisable. Congress needs to understand whether or not improvements in fuel economy can and should be made using existing technologies. Congress should also know which emerging technologies may have the potential to improve fuel economy. Congress also needs to know that if improvements are technically feasible, what is the appropriate time frame in which to make such changes in order to avoid harm to our auto sector employment. I don't believe that Congress should confuse our role as policymakers with our obligation to appropriate funds. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

I deeply respect the views of those who are concerned that a change in fuel economy would threaten the economic prosperity of Wisconsin's automobile industry. Earlier this year I visited Daimler Chrysler's Kenosha Engine plant and I met with union representatives from the Janesville GM plant. In those meetings I heard significant concerns that a sharp increase in fuel economy standards, implemented in the very near term, will have serious consequences. I want to avoid consequences that will unduly burden Wisconsin workers and their employers. In the end, I would like to see that Wisconsin consumers have a wide range of new automobiles, SUVs, and trucks available to them that are as fuel efficient as can be achieved while balancing energy concerns with technological and economic impacts. That balancing is required by the law. At its core this resolution does not disturb that balance, but I wish the language had been more neutral, so that all concerned could be more confident that the process is neutral. In that spirit, I fully expect NHTSA to proceed with the intent to fully consider all those factors.

In supporting this resolution, I take the position that the agency responsible for collecting information about fuel economy be allowed to do its job, in order to help me do my job. I expect them to be fair and neutral in that process and I will work with interested Wisconsinites to ensure that their views are represented and the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. CHAFEE. Mr. President, I am pleased to join in support of the Gorton-Feinstein sense-of-the-Senate resolution which would allow the Department of Transportation to evaluate and update the Corporate Average Fuel Economy (CAFE) standards. For the past four legislative sessions, a rider has been attached to the transportation bills to prevent evaluations of CAFE. This year, 31 Senators signed a letter to President Clinton urging him to support their efforts to increase CAFE standards. We are not here today to raise the standards but merely to allow the Department of Transportation to consider the potential benefits and costs of existing or future CAFE standards.

CAFE standards were originally enacted in response to the oil crisis of the 1970s and were adopted in 1975 to reduce oil consumption. Currently the standard for new passenger cars is 27.5 miles per gallon and for light trucks is 20.7 miles per gallon. CAFE standards have had the effect of making cars and trucks more energy efficient than they would have been without the standards. As such, energy efficiency, decreased oil consumption, and global climate change are intertwined.

Global climate change is an issue that has been quite contentious in international and domestic circles alike, however, the undeniable scientific truth exists that the burning of fossil fuels and emissions from mobile sources results in the emission of numerous greenhouse gases: the major contributor being carbon dioxide. A study on the impacts of CAFE has the potential to lessen the impact of automobile emissions into the environment based on the directly proportional relationship of a cars' miles per gallon and the amount of carbon dioxide emissions produced. The Department of Energy reported in 1997 that transportation accounts for more than two-thirds of U.S. oil consumption and comprises about one-third of U.S. carbon dioxide emissions. The increase in sales of less fuel efficient SUVs and light trucks has and will continue to result in growing energy consumption and related emissions in the transportation sector. CAFE standards are regarded by many as an effective way to reduce greenhouse gas emissions from automobiles.

The bottom line today is that the emissions of greenhouse gases must be reduced. We must develop industrial practices and means of transportation which are less dependent on fossile fuels. Allowing a reevaluation of CAFE standards is one way to start.

Mr. LIEBERMAN. Mr. President, I rise today to voice my strong support for the bipartisan effort to remove yet another anti-environment rider from an important appropriations bill. This rider, which is attached to the House Transportation Appropriations bill, would prohibit the Department of Transportation from even considering an increase in the corporate average fuel economy standard (CAFE). This rider would prevent DOT from evaluating, in any way, the cost-effectiveness and pollution-prevention dividends that could result from requiring greater fuel efficiency from cars and trucks.

I am particularly concerned with this anti-CAFE rider, in part, because it is another in a long line of riders designed to limit our government's ability to consider meaningful, appropriate, effective, and economical strategies to combat local and regional air pollution as well as global climate change.

More than 117 million Americans live in places where smog makes their air unsafe to breathe. Nearly one-third of this pollution, which aggravates respiratory diseases, especially among vulnerable groups such as children, asthmatics, and the elderly, is emitted from car and truck tailpipes.

Cost-effectively protecting people's health by improving local air quality requires that we consider each of the sources that contribute to the pollution problem. It just makes sense that any efficient, fair, and reasonable pollution prevention strategy should consider all sources of pollution, including vehicles.

There are many ways to address pollution from cars and trucks. For example, more rigorous emissions limits are currently being proposed by the Environmental Protection Agency. Efficiency standards represent another approach. The original CAFE standards have helped keep fuel consumption nearly 30 percent lower than if CAFE had not been implemented. Efficiency standards led to dramatic improvements in other sectors as well, such as major appliances. The purpose of the clean air resolution is not to mandate one approach over another but to allow the Administration to explore the benefits and costs of all the options.

From a global perspective, there is a growing scientific and international consensus that air pollution, largely caused by burning fuels such as coal and oil, is causing changes in the earth's climate. I believe that America has a moral obligation to meet the tremendous challenge of climate change head on rather than leaving a bigger problem for our children and grandchildren.

As the world's biggest emitter of the pollution that contributes to climate change, the United States has the responsibility to lead the international community toward a solution. And because our cars and trucks currently represent nearly one-third of America's greenhouse gas emissions, and projections suggest that our miles driven will increase by roughly 2% a year through the next decade, vehicle emissions are a big part of a giant challenge.

A recent report by the Alliance to Save Energy, the American Council for an Energy Efficient Economy, and several other groups, found enhanced CAFE standards to be an essential part of a comprehensive strategy to address global climate change. The study found that increased CAFE standards could be part of a plan to achieve a 10% reduction in carbon dioxide emissions while creating 800,000 jobs and saving $21 billion annually in reduced oil imports.

Improving the gas mileage of the cars and trucks we drive would provide many other benefits to both the consumer and the country. Whereas less money spent at the pump means more money in Americans' pockets, less money spent at the pump also means less dependence on unpredictable imported oil.

Unfortunately, there is an active misinformation campaign underway opposing the clean air resolution and CAFE standards. Chief among the claims is that the CAFE standards we have had for the last 25 years kill people. This is a ludicrous argument underpinned by contorted misinterpretations of long-since refuted assumptions. One simple observation puts CAFE opponents faulty logic to rest: since CAFE standards were adopted in 1973, the number of deaths per mile driven have been cut in half. The increased safety of our vehicles is largely attributable to material and design improvements that increase fuel efficiency at the same time they improve acceleration, braking, handling, durability and crashworthiness.

Finally, I would alert my colleagues to a poll released yesterday regarding fuel efficiency standards. The poll, which was conducted by the Mellman Group for the World Wildlife Fund, indicates that 72% of sport utility vehicle (SUVs) owners believe that minivans and trucks should be held to the same efficiency standards as passenger cars. In addition, nearly two-thirds SUV owners support Congressional action to require equitable emissions requirements for cars and light trucks.

The clean air resolution introduced today by Senators GORTON, FEINSTEIN, BRYAN, and REED ensures that enhanced CAFE standards are on the menu of options when the Department of Transportation considers the implications of vehicle efficiency for local, regional, and global air pollution, consumer protection and satisfaction, and energy security. I encourage my colleagues to support the clean air resolution.

The PRESIDING OFFICER. Who seeks time?

Mr. BRYAN. Mr. President, I will be happy to yield to the distinguished Senator from Michigan if he wants to make a response to my friend from Washington, and then I would like to ask the Senator from Washington after such time as the Senator from Michigan speaks that I might be reserved a little time.

Mr. ABRAHAM. Mr. President, I have been informed we have Members on our side who still want to speak, so I have been holding our remaining time for them. I do not want to put the Senator from Washington and the Senator from Nevada in the position of exhausting all of their time before we have rebuttal. I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes and the Senator from Washington has 11 minutes 45 seconds.

Mr. BRYAN. May I inquire, if the Senator is not going to go forward, as I understand the unanimous consent agreement, when we are in a quorum call, all of the time is charged to our side. I certainly am not trying in any way to preempt the comments the Senator wants to make, but if we go back into the quorum call, it seems we will have it charged to our side.

Mr. GORTON. Mr. President, rather than sitting here doing nothing, will the Senator from Michigan allow the Senator from Nevada to speak and it be charged against the time both are not using equally?

Mr. ABRAHAM. I will make some comments then. I wanted to clarify the amount of time we have, and we will see if other Members come down. Let me do the following: I will suggest the absence of a quorum and suggest the time be taken off my time while I prepare to make these comments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I will make some brief remarks in response to some of the comments that have been made by the Senator from Washington and others, as well as to elaborate on some of my earlier remarks today.

First, I point out that with respect to the safety issues, the question is not whether on a cumulative basis there have been fewer fatalities since the implementation of CAFE standards. The question is what the consequence is or the correlation is between fatalities and CAFE standards.

Since 1975, on a variety of fronts, safety efforts have gone forward to protect passengers and drivers in motor vehicles ranging from the introduction of airbags to State laws which require the use of seatbelts, primary laws that require the use of seatbelts to the introduction of countless child safety and passenger protection activities and child safety seats. One cannot draw that correlation.

What one can, of course, do is follow the studies of USA Today and the National Academy of Sciences that try to determine what the direct effects of CAFE have been, and those effects are quite clear. As the Senator from Missouri and my counterpart, my colleague from Michigan, have indicated, the conclusion is the direct consequence of CAFE standards has been an increase in fatalities since 1975 of an estimated 46,000 people who lost their lives as a consequence of CAFE standards because of the lighter vehicles and the less safe vehicles that CAFE has fostered.

Mr. President, I note the Senator from Ohio is here. He wishes to speak, and I yield up to 5 minutes to him.

Mr. DEWINE. Mr. President, I thank my colleague from Michigan. I join in his comments. We have heard talk on the floor about the environment. I want to talk, though, about another aspect of this, and it is the aspect my friend from Michigan has just been talking about. That is the question of highway safety.

I vehemently oppose this amendment. We are dealing with a question of lives. The basic facts are that heavier cars, heavier vehicles are safer, and the statistics are absolutely abundantly clear.

I will share some statistics with the Members of the Senate so everyone knows exactly on what we are voting.

An analysis by the Insurance Institute shows that cars weighing less than 2,500 pounds had 214 deaths per million vehicles per year. That is almost double the rate of vehicles that weigh 4,000 pounds or more. For vehicles that weigh 4,000 pounds or more, the death rate was 111 per million. For cars weighing less than 2,500 pounds, that was 214 deaths per million. It is double, absolutely double the figure.

The reality is that the majority of car fatalities in this country today occur in single vehicle crashes. To determine what costs lives and what does not, it is essential and important to look at single car weights and death rates.

I share another statistic with my colleagues, again, to emphasize what we are saying.

This is not just an "environmental issue." This is not just an "easy environmental vote." This is a question of life and death that we can measure.

Among utility vehicles, the results are even more pronounced. For those weighing less than 2,500 pounds, the death rate per million was 83. That was almost double the rate of 44 for cars weighing 4,000 pounds or more. So again, under 2,500 pounds for utility vehicles, the death rate was 83 per million; but for cars weighing 4,000 pounds or more, it was only 44 per million. Again, it is double the rate.

In the lightest utility vehicles, the occupant death rate was 199; again, in this case, more than 3 times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

In conclusion, I join my colleague from Michigan. He is absolutely correct. This vote is about a lot of different things. I am sure we can talk about the environment, we can talk about many things, but the one thing we know is that lighter vehicles mean more people die; heavier vehicles mean more people live. It is as simple as that.

So if the Congress makes this decision and says we should artificially mandate and tell the American consumer, you need to be driving in lighter cars because Washington knows best, when we do that, when the arm of the Federal Government comes in and does that, it is not an academic exercise. It is not just the freedom to choose a car or a vehicle that people lose; what we lose are human beings.

Make no mistake about it. If this resolution prevails, ultimately, through the Congress, more people will die. The statistics are absolutely abundantly clear. And that is exactly what this vote is about. It is not an academic exercise. It is not an academic vote. It is not a free environmental vote one way or the other. This is about people living. This is about people dying.

I thank my colleague from Michigan and yield the floor.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. I ask unanimous consent that Arthur Menna, a congressional fellow on my staff, be given floor privileges for the remainder of the debate on the Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I yield to the Senator from Oklahoma such time as he may consume on this issue.

Mr. NICKLES. Mr. President, I thank my colleague from Michigan, Senator ABRAHAM, as well as Senator DEWINE from Ohio, for their statements. They are exactly right. I do not need to repeat their statements, but I think it is vitally important that they prevail in beating this amendment.

I hope my colleagues will pay attention. This is not an esoteric amendment. As the Senator from Ohio said, there are lives at stake. Do we really think we can have a big increase in the corporate average fuel economy standards mandated on sport utility vehicles without having economic consequences?

There are going to be consequences. Vehicles may cost more. It is quite likely they will have to reduce the weight of the vehicles. The vehicles will not be as safe.

We are superimposing Government wisdom on manufacturers and on consumers. The sales of these vehicles are going quite well because consumers want them. Nobody is forcing them to buy them. Yet if we come up with a Government-mandated higher fuel economy standard, presumably with the idea that this is going to be more fuel efficient, it may make the vehicles more expensive. It may make the vehicles more unsafe. It may cost lives. It has significant economic consequences on families.

So I urge my colleagues to defeat the amendment that is pending. I again compliment my friends and colleagues, including Senator LEVIN, as well as Senator ABRAHAM and Senator DEWINE, for their excellent statements.

Mr. President, I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, if I might inquire of the Chair, how much time remains?

The PRESIDING OFFICER. The Senator's side has 11 minutes 45 seconds.

Mr. BRYAN. If I might inquire of the Senator who controls the time—we have approximately 11 minutes left—would the Senator from Washington be amenable to allowing the Senator from Nevada to use, say, 6 minutes?

Mr. GORTON. Yes. The Senator from Washington will be delighted if the Senator takes that time.

Mr. BRYAN. I thank the Senator from Washington.

Mr. President, I understand that in the most famous debating institution in the world, and in the history of civilization, differences of opinion can arise on matters of public policy. That is what this place is all about. But I have to tell you, I find the amount of hysteria engendered by this issue to be absolutely astonishing.

In a series of ads put out by the industry, we have one now that talks about: "Farming's tough enough with healthy-size pickups. Imagine hauling feed barrels around in a subcompact." That implies that this amendment we are proposing will be antithetical to the best interests of America's farmers.

We have an ad involving the soccer moms and dads: "This picture is brought to you by a fantastic soccer team and a minivan just big enough to handle them." The clear inference is, if we allow the Department of Transportation to examine these standards, some soccer moms are not going to be able to take their kids to soccer games.

Then we have an ad: "As a small business owner, my truck and I are joined at the hip. An increase in CAFE would put both of us out of business."

May I say, with great respect to our friends on the other side of the aisle, many of whom are good friends I greatly respect, this is utter nonsense. This is just plain nonsense.

I will repeat, as I did earlier, the thrust of what this resolution does. It mandates no standard, no increase. The resolution simply says the issue of CAFE standards should be permitted to be examined by the Department of Transportation so that consumers may benefit from any resulting increase in the standards as soon as possible. It is permissive only; it mandates nothing.

During the time 1989 to 1995, when this technology gag rule was not in effect, during those 6 years, there was no increase in CAFE standards for automobiles, and with respect to light trucks it was 1 percent. So I think that is a pretty clear indication that nobody is going to rush to judgment.

The other thing that needs to be understood, it seems to me, is the Department of Transportation has some very comprehensive guidelines they must consider in any review. Among those factors are: Is it technically feasible? Is the technology there? The economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the Nation to conserve, all of which would be open to the rulemaking process in which the industry and their supporters would have an ample opportunity to respond.

Let me try to respond briefly to the safety issue. And my friend from Michigan has indicated to me he would allow me to engage him in a colloquy for a couple questions. I appreciate his courtesy, as always.

From 1970 through 1999, the highway fatality rate in America has gone down. At the same time, fuel economy is up. That is at the same time that many more vehicles are on the highway, with a great amount of additional traffic congestion. The average motorist is driving more each year.

So the notion that somehow this is anathema to health and safety standards simply, in my judgment, does not bear out scrutiny. Indeed, an objective study by the General Accounting Office concluded that the unprecedented increase in the proportion of light cars on the roads since the 1970s has not increased the total highway fatality rate.

I think the safety issue is somewhat of a red herring. We are all concerned about safety. Nobody on the floor is going to advocate that the industry make and sell a product which is unsafe, and one would have to assume that the industry itself would not put such a product on the market.

Let me also point out that with respect to the fuel achievements we have had in terms of increased efficiency from 1974 to the 1989 timeframe, 86 percent of those improvements were as a result of new technology. This information comes to us from the Center for Auto Safety. It seems to me the clear and compelling evidence is that safety and fuel economy standards are not mutually exclusive. We can do both.

All we are saying is that those who choose to purchase sport utility vehicles, my son and daughter-in-law being two, should have the same right as other motorists who select other passenger vehicles to derive the benefits of improved technology. I have great confidence in what the industry can do, notwithstanding the prophecy of doom they forecast in 1974 that everybody would be driving around in a sub-subcompact or a vehicle the size of a Maverick or a Pinto. Indeed, the industry did some astonishing things and doubled the fuel economy. Today's Lincoln Town Car gets better fuel economy than the smallest product that the Ford Motor Company manufactured in 1974.

If I could engage my friend from Michigan in a couple of questions. He is a distinguished lawyer, a graduate of Harvard Law School. I ask him: Is there anything in this resolution, in the opinion of the distinguished Senator from Michigan, that in any way mandates an increase in these standards. We may disagree in terms of whether the technology is available.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. GORTON. I yield the Senator 2 more minutes.

Mr. ABRAHAM. I thank the Senator from Nevada for his confidence in my legal skills. As I read the sense-of-the-Senate resolution which has been proposed, it says, in its concluding section, the resolution section:

> It is the sense of the Senate that the issue of CAFE standards should be permitted to be examined by the Department of Transportation.

And then in subsection (2):

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, if we do not include that provision, if the sense-of-the-Senate resolution were to prevail and that were to be the ultimate outcome and section 320 as contained in the House version of the legislation were to not survive the conference and the final resolution of the legislation, it is my understanding that we would then revert back to the process which is in the law otherwise, which, by my understanding of it, mandates that the Department of Transportation, under 49 USC subtitle 5 part (c) section 32902, required that the Department of Transportation set CAFE standards each year at "the maximum feasible average fuel economy level."

I believe that is what would happen at the Department of Transportation. The Secretary of Transportation is not authorized to just study CAFE. He must act by regulation to set new CAFE standards each year. That has not happened because of the moratorium which has been imposed over recent years, since 1995. Prior to the CAFE freeze in 1994, the administration began rulemaking on new CAFE standards. On April 6 of 1994, again, in the last year—I don't want to take all the Senator's time; I will try to be quick—the proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ABRAHAM. My sense, reading the history of this, is that is where the starting point would be. I believe, in effect, if we do not have this, if this is not in place, that that would be the mandated effect.

Mr. BRYAN. Will the Senator from Michigan yield a few minutes of his time so I may follow up with a question?

Mr. ABRAHAM. How much time do we have?

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes. The Senators from Washington and Nevada have 3.

Mr. ABRAHAM. What I would propose is that by unanimous consent, the Senator from Nevada be able to make further inquiry without reducing his time below 3 minutes or my time below 5 minutes, a reasonable amount of time.

Mr. BRYAN. If the Senator from Washington is agreeable, I think that is fair.

Mr. ABRAHAM. That would leave 5 minutes and 3 minutes for summation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Would the Senator not agree that before any increase could be effected by the Department, that the Department is, under the current law, required to consider four factors: the technical feasibility, the economic practicability, the effect of other motor vehicle standards on fuel economy, and the need of the Nation to conserve energy? Would not the Senator agree that that is part of the law as well?

Mr. ABRAHAM. Obviously, the law sets forth criteria that are to be employed. I don't have those in front of me. I will accept the contention of the Senator from Nevada that those are the criteria. The question is whether a prejudgment as to the outcome is already ordained. In my judgment, the positions that were already in process in 1994, prior to the implementation of the moratorium, suggest that those decisions 5 years ago had already essentially resulted in a preliminary decision to increase the standards by 15 to 35 percent. If, in effect, the moratorium does not go forward, I believe we would, indeed, be moving a process that will mandate this kind of increase.

Mr. BRYAN. I thank the Senator for his answer. We obviously have reached a different conclusion.

I point out to my friend and colleague from Michigan that we had precisely the situation in 1989 to 1995. The technology gag rule was not in effect and, indeed, no increase was made during that period of time with respect to automobile standards. And only a very modest increase was made with respect to the light truck standards.

I hope that will give some comfort to him and to those who have raised some concerns that this is not a mandate but simply permissive in nature.

Again, I thank the Senator from Michigan and yield the floor but reserve the remainder of the time that is allocated to our side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does this Senator from Michigan have any time remaining?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute.

Mr. LEVIN. I thank the Chair.

Let me quickly comment on the question of highway deaths. The study of USA Today is that 46,000 people have died in crashes that would have survived in larger cars. I have not heard that fact disputed. We have seen a chart which shows that there are fewer highway deaths and that we have better fuel economy, but that chart doesn't show the two are causally connected.

Indeed, the fewer highway deaths may come from seatbelts, a greater effort on the anti-alcoholism campaign, Mothers Against Drunk Drivers, a number of other causes. But the outside figure, not the auto industry, not the unions, not the supplier, not the insurance industry, which opposes this amendment, the outside survey done by USA Today says 46,000 people lost their lives who would not have lost their lives but for this CAFE approach.

When we look at the resolution, we don't see any reference to safety. We don't see any reference to the discriminatory impact on domestics that have a different mix in their fleets. We only see a reference to fuel. That is the one factor at which this resolution looks.

Then at the end it makes it very clear what it is driving at—talking about driving. This resolution is aimed at one thing: to increase CAFE standards. This isn't just "let's have a study, look at the impact on safety, look at the discriminatory impact on domestic production." This isn't just let's have a study. This is the sense of the Senate that the Senate should not recede to a House provision which prevents an increase in CAFE standards, not which prevents a study. This resolution, by every single provision in its whereas clauses, is driving us towards an increase in CAFE standards, without consideration of safety impacts or the discriminatory impact on domestic production.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I believe I have 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ABRAHAM. There are other opponents on my side who wish to speak. Let me summarize with a few concluding remarks.

I want to first reiterate what my colleague from Michigan, Senator LEVIN, has said. A chart that shows the correlation between increases in CAFE and decreases in fatalities is not based on a study that relates the two. The studies that do relate the two, particularly as he said, the outside study by the National Academy of Sciences, suggest a contrary finding. In fact, the implementation of CAFE standards has led to approximately 46,000 lost lives as a consequence of the lighter vehicles being in our fleets.

The second point I make relates to the broader point that also was made earlier by my colleague from Michigan. Higher CAFE standards are going to affect American manufactured products, but not necessarily the products of our competitors from overseas. Hence, the same kind of vehicles, with virtually the same types of fuel efficiency levels, as well as the same types of emission levels, will be purchased by the same market that wants and craves these vehicles today. The only difference will be the kind of difference we saw back in the late 1970s and early 1980s and throughout much of the decade of the 1980s when we found the foreign imports' share of the American market continuing to go up, at the expense of American domestically manufactured products, and ultimately at the expense of American autoworker jobs.

In summation, this is simple to me: Do we want to put at risk the safety of people who will be purchasing sports utility vehicles, light trucks, and others by making a change in CAFE standards? I hope the answer is no. Do we want to risk the jobs of American autoworkers? I speak not just for those autoworkers in Michigan, who tend to be on the front lines, but many other people in this country who are working in related industries and whose jobs are affected by the sale of domestically manufactured automobiles. Do we want to put at risk all of these jobs? I don't think so. Do we want to risk the investments made by the auto companies in new, more fuel-efficient vehicles, and the significant investments that we have made in the partnership for a new generation of vehicles? Do we want to derail those efforts as a result of this type of action?

In my judgment, we should say yes to more safe vehicles; we should say yes to American autoworkers; we should say yes to the technological advances that have been and are continuing to be made. That is ultimately how we are going to have more fuel-efficient vehicles. If we say yes to all of those, then, in my judgment, we must say no to this amendment because to have a Washington bureaucracy made up of unelected individuals who impose upon this very significant sector of our economy these kinds of standards, the likely outcome will be exactly the opposite of what I have proposed today. I think it will hurt our economy and the American automobile industry, although it may help the automobile industries of other countries. I think it will make the vehicles that come about as a result of higher standards less safe, as the studies that we have cited here today demonstrate.

So for those reasons, I urge my colleagues to vote against the Gorton-Bryan-Feinstein amendment.

Before I conclude, I ask that a letter produced by the United Auto Workers be printed in the RECORD at this point as an expression of their views on this issue, which are consistent with those my colleagues and I on this side of the issue have been offering here today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA,
Washington, DC, June 30, 1999.

DEAR SENATOR: When the Senate considers the FY 2000 Transportation Appropriations bill, we understand that amendments may be offered to eliminate or modify the current moratorium on increases in fuel economy standards for autos and trucks (commonly known as CAFE, the Corporate Average Fuel Economy standards). The UAW strongly opposes such amendments and urges you to vote against them.

The UAW supported the CAFE standards when they were originally enacted. We believe these standards have helped to improve the fuel economy achieved by motor vehicles (which has doubled since 1974). This improvement in fuel economy has saved money for consumers and reduced oil consumption by our nation.

However, for a number of reasons the UAW believes it would be unwise to increase the fuel economy standards at this time. First, any increase in the CAFE standard for sport utility vehicles (SUVs) and light trucks would have a disproportionately negative impact on the Big Three automakers because their fleets contain a much higher percentage of these vehicles than other manufacturers. Second, any increases in CAFE standards for cars or trucks would also discriminate against full line producers like the Big Three automakers because their fleets contain a higher percentage of full size automobiles and larger SUVs and light trucks. The current fuel economy standards are based on a flat miles per gallon number, rather than a percentage increase formula, and are therefore more difficult to achieve for full line producers. Taking these two factors together, the net result is that further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

The UAW believes that additional gains in fuel economy can and should be achieved through the cooperative research and development programs currently being undertaken by the U.S. government and the Big Three automakers in the "Partnership for a New Generation of Vehicles". This approach can help to produce the breakthrough technologies that will achieve significant advances in fuel economy, without the adverse jobs impact that could be created by further increases in CAFE standards.

Accordingly, the UAW urges you to oppose any amendments that seek to eliminate or modify the current freeze on increases in motor vehicle fuel economy standards. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. ABRAHAM. Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, first point. I regret that the Senators from Michigan believe that the automobile industry located in that State and the magnificent workers who are employed there are unable to compete with foreign automobile companies when we try to make our automobiles more fuel efficient. In fact, they have shown their magnificent ability to compete, and to compete very well, in the past decade. I am certain that they would continue to do so.

Second, this sense-of-the-Senate resolution simply asks the conference committee members from the Senate to reject a House provision that says that nothing can take place. It certainly does not say that the conference committee cannot condition the moving forward of the Department of Transportation on future CAFE standards in any way it would like to do so. But the net effect, as I have said before, of the House position, supported by the opponents of this amendment, is that we need to put our heads in the sand; we don't need to study—as a matter of fact, we should be prohibited from studying whether or not we can improve the fuel efficiency of our automobiles and small trucks, improve the quality of our air, reduce the cost of fuel to the average American consumer, reduce our trade deficit, all consistent with the safety of our drivers and of the passengers in our automobiles.

I, for one, am convinced that we can do so. But more than that, I am convinced that we ought to determine whether or not we can do so, and the opponents of this amendment simply say we should not even try.

Mr. President, that is a terribly pessimistic attitude toward the technological ability of the people in the industries of the United States, and one that I don't think the Senate of the United States should accept.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1677. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. WARNER (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Rhode Island, Mr. CHAFEE. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Rhode Island (Mr. CHAFEE), are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from South Dakota (Mr. DASCHLE) are necessarily absent.

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—40

Akaka
Baucus
Bingaman
Boxer
Bryan
Cleland
Collins
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Lieberman
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich

PRESENT AND GIVING A LIVE PAIR—1

Warner, against

NOT VOTING—4

Breaux
Chafee
Daschle
McCain

The amendment (No. 1677) was rejected.

Mr. THOMAS. I move to reconsider the last vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1658

The PRESIDING OFFICER (Mr. BROWNBACK). There are now 2 minutes equally divided on the HELMS amendment. Senator Helms has yielded back his time.

Who seeks recognition?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I understand the Senator from North Carolina had yielded back his time.

The PRESIDING OFFICER. That is correct.

Mr. LIEBERMAN. I note I support the resolution and yield back the remainder of the time on this side as well.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 1658. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "aye."

The result was announced, yeas 94, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—6

Breaux
Chafee
Daschle
Domenici
McCain
Wellstone

The amendment (No. 1658) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, during this discussion of the Transportation appropriations bill, I've been reminded of a piece of Senate history—the push to break the railroad companies' iron grip on railroad rates by setting up the Interstate Commerce Commission. It was a fierce battle that pitted the public's interest against the economic and political might of the railroads, a clash that was ultimately won by those favoring regulation, resulting in the passage of the Hepburn Act in 1906.

One powerful voice for consumer interests in those days belonged to Senator Robert M. La Follette, Sr., of my home state of Wisconsin, one of the greatest Senators ever to hold the office. It's fitting that his portrait now hangs in the Senate Reception Room outside of this chamber along with four other legendary Senators—Daniel Webster, Henry Clay, John C. Calhoun, and Robert Taft.

A fearless champion of the American people in the face of the powerful influence of special interests, La Follette did not hesitate to speak out against the railroad companies. In fact, he did so during his first speech in the U.S. Senate in April of 1906, when La Follette broke the unwritten rule that freshman Senators did not make floor speeches.

And La Follette didn't just make any floor speech—he delivered an oration that lasted several days and covered 148 pages in the CONGRESSIONAL RECORD.

During those remarks, La Follette addressed the power of the railroad monopolies and declared:

> At no time in the history of any nation has it been so difficult to withstand these forces as it is right here in America today. Their power is acknowledged in every community and manifest in every lawmaking body.

La Follette's battle with the railroad industry came to a head in the summer of 1906, when he embarked on a speaking tour around the country. When visiting the states of his colleagues, he took the unprecedented step of reading the roll call, name by name, of votes on amendments he had proposed earlier that year to make railroad regulation more responsive to consumer interests. This "Calling of the Roll" became a trademark of La Follette's speeches, and its effect on his audiences was powerful. When these constituents discovered that their representatives were voting against their interests as consumers and in favor of the railroads, they were outraged. According to the New York Times,

> The devastation created by La Follette last summer and in the early fall was much greater than had been supposed. He carried senatorial discourtesy so far that he has actually imperiled the reelection of some of the gentlemen who hazed him last winter.

In 1906, La Follette Called the Roll on amendments affecting the railroad industry, and today, in the spirit of that effort, I'd like to Call the Bankroll on the railroad industry, which today is composed of a handful of companies that monopolize the various regions of the U.S. rail system.

In 1906, Congress saw the need to regulate the railroad monopoly. Today, rapid consolidation in the industry has left us with four Class I railroads, two in the East and two in the West. This merger mania has resulted in reduced competition and another virtual monopoly for the railroad companies. For rail customers and consumers today, this is sure to lead to higher costs and less attention to providing good service, just as it did at the turn of the century. But the railroad companies are resisting any change, and backing up their point of view with almost $4 million dollars in PAC and soft money contributions in the last election cycle alone.

During 1997 and 1998, the four Class I railroads gave the following to political parties and candidates:

CSX Corporation gave more than $600,000 in unregulated soft money to the parties and nearly $275,000 in PAC money to federal candidates;

Union Pacific gave more than $600,000 in soft money and more than $830,000 in PAC money;

Norfolk Southern gave more than $240,000 in unregulated money to the parties and almost a quarter million to candidates;

Burlington Northern Sante Fe gave more than $445,000 in soft money and nearly $210,000 in PAC money.

Mr. President, I Call the Bankroll on the railroad industry today because I'm deeply concerned about how little has changed since La Follette called the roll so many years ago. In 1907, a year after the passage of the Hepburn Act, Congress passed the Tillman Act, finally enacting campaign finance legislation that had been under consideration since an investigation a few years earlier of insurance industry contributions to the political parties. The Tillman Act banned corporations from making political contributions in connection with federal elections, and yet today the railroad companies and thousands of other corporations are giving millions of dollars—totally unregulated—to the political parties.

At the beginning of the century, we banned corporate spending in connection with federal elections, but today that spending is rampant, ruling our political system and ravaging our democracy. At the beginning of the century, special interests used money as leverage to win legislation in their favor. Today, with all the historic changes this century has brought, this fact is more true, and more destructive to the people's confidence in our government, than ever.

But just as Congress had the power to pass the Tillman Act in 1907, Congress has the power today to pass legislation to curb the influence of money in politics by shutting down the soft money loophole. It's time to put an end to the unregulated contributions that were outlawed nearly 100 years ago. It's time to pass McCain-Feingold and consign soft money to the dustbin of history.

Mr. President, I yield the floor.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I rise to request a colloquy with my colleague from Washington state, Senator GORTON.

On June 10, 1999, 277,000 gallons of gasoline leaked from an underground pipeline in Bellingham, Washington. It ignited and exploded. Three people were killed: an 18-year-old young man and two 10-year old boys. This is a tragedy.

The Office of Pipeline Safety, the National Transportation Safety Board, the FBI, the EPA and state agencies have spent the last four months trying to determine why this happened. We still don't know the direct cause and may not know for some time.

I wish I could say this was an isolated instance, but I can't. Recent pipeline accidents have occurred in other places. In Edison, New Jersey, one person died when a natural gas pipe exploded. In Texas, two people lost their lives when a butane release ignited. In fact, last November the owner of the pipeline that exploded in Bellingham had an accident in another part of my state that took six lives.

These pipelines are potential threats. There are some 160,000 miles of pipelines in the U.S. carrying hazardous materials. Many of these pipes run under some of our most densely populated areas; under our schools, our homes, and our businesses.

I am disappointed that this year the Transportation Appropriations Subcommittee did not adequately fund the Office of Pipeline Safety, the authority governing interstate pipelines. I tried to get the appropriations in this year's bill to the level requested by the President. Unfortunately, we were unable to do so. It is my hope we can increase funding in next year's appropriations.

I am also committed to strengthening OPS's oversight of pipelines and commitment to community safety in next year's reauthorization of OPS.

I will be working with Senator GORTON, who is on the committee, to ensure greater OPS effectiveness and oversight of the industry.

I also want to point out U.S. Transportation Secretary Rodney Slater's prompt attention to this issue. Immediately following the accident, he met with me and granted my request to have a full-time OPS inspector stationed in Washington State. He has also been very helpful and informative as we've progressed through the investigation phase. I thank him. I know he will continue to work with us in the future on OPS's appropriations and next year's authorization.

Mr. GORTON. I thank my colleague from Washington state. She has been out front on this issue, and I commend her for her persistence.

I look forward to working with Senator MURRAY during the reauthorization of the federal Office of Pipeline Safety, a piece of legislation in which I will fully engage when it comes before the Senate Commerce Committee next year. While the interstate transportation of hazardous materials in above and underground pipelines has proven to be the safest and most cost-effective means to transport these materials, the Bellingham tragedy has once again alerted us to its tragic potential. During the OPS reauthorization process I intend to ensure that the federal law and the federal agency are performing their jobs of ensuring that tragedies like the one in Billingham are not repeated. I will work closely with Chairman McCAIN, the majority leader, and my Democratic colleagues to make this a top priority next year.

Mrs. MURRAY. I thank my colleague. I will also continue to push for reform. We must take a long hard look at the effectiveness of OPS's oversight activities; review ways to develop new technologies for detecting pipeline defects; consider the effect of aging pipelines on safety; review industry's influence on the regulation of pipelines; and focus on our training and testing procedures for inspectors and maintenance workers. I also intend to look at ways to treat environmentally sensitive and highly populated areas, recognizing the multitude of safety and ecological problems operating pipelines in these places can create.

Finally, I will work to strengthen communities' "right to know," so people are aware when there are problems with the pipelines that threaten their neighborhoods.

Mr. GORTON. I share the Senator's concerns and I am certain we will deal with those questions and ideas in the context of reauthorization legislation.

Mrs. MURRAY. I thank the Senator.

Mr. FEINGOLD. Mr. President, I rise today to comment on an aspect of the Transportation appropriations bill that I think deserves mention during this debate. It's a factor that influences legislative debate, but one that we consistently sidestep in our discussions on this floor—money in politics.

Well, Mr. President, I'm trying to change that with what I call the Calling of the Bankroll. When I Call the Bankroll on this floor, I describe how much money the various interests that lobby us on a particular bill have spent on campaign contributions to influence our decisions here in this chamber. I have already Called the Bankroll on several bills; for instance, when I discussed the contributions of the high tech industry and the trial lawyers during debate on the Y2K bill, and, more recently, when I pointed out the contributions of the managed care companies and the pharmaceutical industry, among others, during the debate on the Patients' Bill of Rights.

And now, we come to the fiscal year 2000 Transportation appropriations bill, as it relates to the airline industry, which has been battling against another bill of rights. While in June the airline industry unveiled its own Passengers' Bill of Rights, it falls far short of what was outlined in other pending Senate legislation, including the Airline Passenger Fairness Act, of which I am a proud cosponsor. I want to take this opportunity to thank my colleague, Senator WYDEN, for his leadership on this issue, and his commitment to giving airline passengers across the country a real bill of rights. I am proud to be a co-sponsor of both amendments offered by my friend from Oregon.

The Airline Passenger Fairness Act establishes a national policy to provide consumers with a basic expectation of fair treatment by airlines and to encourage airlines to provide better customer service by outlining minimum standards. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their air travel plans.

But, Mr. President, there is a serious obstacle facing supporters of a comprehensive Passengers' Bill of Rights—the PAC and soft money contributions of the airline industry.

The six largest airlines in the United States—American, Continental, Delta, Northwest, United and US Airways—and their lobbying association, the Air Transport Association of America, gave a total of more than $2 million dollars in soft money and more than $1 million dollars in PAC money in the last election cycle alone.

Northwest was the largest soft money giver among these donors, giving well over half a million dollars to the political parties in 1997 and 1998. Mr. President, you may remember that Northwest Airlines made headlines across the country earlier this year when they left thousands of passengers stranded on snow-clogged runways in Detroit, leaving some of their customers without food, water or working toilets for more than eight hours.

Mr. President, according to the Department of Transportation, consumer complaints about air travel shot up by more than 25 percent last year. Those complaints run the gamut from erratic and unfair ticket pricing; being sold a ticket on already oversold flights; lost luggage; and flight delays, changes, and cancellations.

We can and should address these problems, Mr. President. The American people are demanding change; as legislators, we should respond.

But we have yet to do anything concrete in this Congress to guarantee airline passengers the rights they deserve.

The American people can't help wondering why, Mr. President, so today I offer this campaign finance information to my colleagues and the public to help to present a clearer picture of the influences surrounding this aspect of the Transportation appropriations bill, and the influence of those with a stake in the debate on a comprehensive Passengers' Bill of Rights.

I yield the floor.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRUTH ABOUT BUDGET SURPLUSES

Mr. VOINOVICH. Mr. President, now that the tax cut bill will assuredly be vetoed, it is time to turn our attention to passing a budget that will respond to the needs of our citizens, keep our spending under control, maintain the integrity of the Social Security trust funds, and not increase our terrible national debt.

When I was back in Ohio during the August break, almost everybody I talked to said they were glad that I opposed the tax cut that was based on the 10-year rosy projections, which I referred to as a mirage. Every expert in America said that to base tax cuts or new spending on such projections was fiscally irresponsible.

The people who I spoke with told me that if it was not a mirage, then Congress should use the money to pay down the $5.6 trillion national debt and get out of dealing with the problems of Social Security and Medicare.

They also said if we got to a point down the road where we got real money for a tax cut, we should do it when the economy needs stimulation and not right now.

Quite a few of these same Ohioans said to me: For goodness sakes, Congress should not sit down with President Clinton and negotiate a tax reduction for spending increases—just pass an honest budget.

As my colleagues know, the President has hinted that he may be willing to strike a deal for small tax cuts in exchange for a few spending increases. That would be an absolute disaster for our country's financial health, and I am pleased the majority leader has firmly rejected this approach.

I have no doubt that the President will promise future tax cuts while insisting on immediate spending. The problem will be, I fear, that the tax cuts will never materialize, and the spending will fund programs that will become entrenched. And what's worse, he will use the so-called surplus to pay for this new spending.

Let's get back to basics: There is no surplus. I have said it before and I will say it again: The only surplus we have is made up of Social Security funds.

Let me just say right here that I really wish the President, the Congress, and the media would start giving an accurate portrayal of the surplus and call it what it is—either the "Social Security" surplus or the "on-budget" surplus. And right now, the only surplus we have is a Social Security surplus.

I want to show a chart I have used in other speeches on the floor. It basically shows that even in 1999, when we are talking about a surplus, we are actually running a budget deficit of some $4 billion. The first time we are going to have the real on-budget surplus in approximately 30 years is next year, as projected by CBO. We have not yet accumulated, this year, all of the tax revenues necessary to meet and exceed our spending in fiscal year 1999.

The only way we can claim a budget surplus today is by taking the surplus that is accumulating in the Social Security trust fund and using it to mask the deficit, just as has been done in previous years. The $14 billion projected "on-budget" surplus for next year—which would be the first on-budget surplus, as I said, in over 30 years—is by no means secure.

In fact, CBO Director Dan Crippen has already warned us that if we stay on the current path with the appropriations bills, we could turn the $14 billion projected "on-budget" surplus into an $11 billion deficit. And by doing so, we would be breaking our word with the American people to never again raid the Social Security trust funds. That would be outrageous given all the promises we have made to them and given all the debate I have heard on the

Senate floor over Social Security lockbox legislation.

Right now, our primary responsibility is to be as conscientious as possible and come up with the best budget plan for fiscal year 2000.

We also need to resist the President's push to expand current programs and to create new entitlements. The President has consistently been bringing his case directly to the American people, proposing new spending programs wherever he goes.

At the same time, he says he is for debt reduction and saving Social Security. That is plain hogwash. What most people don't know is the President's latest budget proposal would boost spending in 81 Government programs, create budget deficits, and as a result, raid billions of dollars from the Social Security trust funds over the next 10 years.

This year, in accordance with the 1997 Balanced Budget Act, which Congress passed and President Clinton signed, we are supposed to spend $27 billion less than last year. In other words, when the budget agreement was put together by Congress, they anticipated we would spend $27 billion less this year than last year.

Let's face the facts. The only way we are going to deal with the budget and handle all of these items that need to be addressed is one of four ways:

One, we can tighten our belts by finding places to cut spending in current Federal programs and reallocate those resources; two, we can raise taxes in order to provide services —a course of action I don't favor; three, we can use whatever on-budget surplus we may have next year, although in all likelihood it has already been spoken for; four, we can use the Social Security surpluses by raiding the trust funds.

Those are the alternatives. All in all, these are four difficult choices, but I think most Americans would agree that the most responsible choice is to cut unnecessary spending.

For example, we could start by eliminating the Welfare-to-Work Program. This program, which was initiated by the President, has had a total of $3 billion appropriated to it over the last 2 years. However, in the same period, the States and territories that chose to participate—and not all of them did—have only spent $182 million of those funds. That's because the money comes with too many strings attached for States and because it is a complete duplication of the Temporary Assistance for Needy Families program, or, TANF.

Last year when I was governor, Ohio and five other States didn't even apply for the money under Welfare-to-Work. In Ohio, we rejected $88 million. I believed that Ohio and the Federal Government had made a deal; that we were going to take care of our responsibilities under the new welfare law with the money that Congress allocated to us in the welfare reform legislation.

After Welfare-to-Work, we should take the time, do the hard work and make the tough choices by determining what other Federal programs and pork-barrel spending we can trim in order to find the money necessary to meet our Nation's priorities.

We should be just as enthusiastic, in my opinion, in terms of reducing taxes as we are just as conscientious in terms of finding ways we can cut funding.

Most importantly, we need to instill truth-in-budgeting. The last thing we want to do is ruin our credibility by being dishonest. We need to end all the accounting gimmicks, such as extending the calendar to 13 months in order to accommodate excess spending, or "forward funding" certain programs to avoid having to pay for them this year. In fact, as I understand from Senator DOMENICI, Chairman of the Senate Budget Committee, the President has $19 billion in his budget that encompasses forward funding.

We should let the American people know that we're doing such things. It's their money; they have a right to know. But, we should strive at all times not to use "smoke and mirrors" to make the debt look smaller or the budget appear balanced on paper when in reality, it is not. They are onto it.

We shouldn't be "mixing and matching" to give us the numbers that will give us the best budget results. We need to agree on a set of numbers exclusively. If we're going to use CBO numbers, then we should consistently use CBO's numbers. Same thing with OMB. It is intellectually dishonest to constantly change numbers—picking and choosing as we go along.

Well, we will use CBO's numbers and next we will use OMB's figures.

When I was Governor of Ohio, the first thing we did was sit down with the legislature and we said let's agree on the numbers. We agreed on the numbers. That is what we dealt with.

In addition, if we want to avoid dipping into Social Security, then we should be prepared to make the hard choices and not declare everything an emergency. As every Member of this body knows, ever since the statutory spending caps were first enacted in 1990 to rein in runaway discretionary spending, Congress has used the "emergency" loophole to get around them.

Mr. President, we have to stop these gimmicks! It's game playing! It's smoke and mirrors! And our constituents know it and they want us to put an end to it.

It's high time we start to give serious consideration to a two year budget cycle like many states have, including Ohio. It doesn't make sense that we go through this budget exercise each year; a process that just exhausts this body and prevents us from being able to work towards down-sizing government and lowering our expenses.

If we had 2-year budgets, we could spend some time on the oversight that this body has a responsibility to be doing.

Until then, if something is truly an emergency, then Congress should be more than willing to come up with the money to pay for it. Only in times of war or severe economic crisis should we even be talking about dipping into Social Security. As I have said before, Social Security is the Nation's pension fund, and no responsible citizen would tap into their retirement fund unless it was an absolute last resort—and they would certainly look to pay it back. Congress must act accordingly.

Mr. President, all of us in Congress should take the equivalent of a blood oath that we are not going to touch Social Security. Period. It would be the most important thing we could possibly do to bring fiscal accountability to this country because we've been using the social security trust funds and public borrowing to fund tax reductions and spending for the last 30 years and in that same period of time, we've seen our national debt increase over 1,300 percent.

Think of that—1,300 percent.

We have to remember that there is no such thing as a free lunch, but there are such things as hard choices. That is what we should be about—making the hard choices.

I know that first hand because as Governor, I have been there; I had to make the $750 million in spending cuts, but because of the fiscally responsible choices we made, we had the lowest growth in 30 years and had 17% fewer employees—excluding prison workers.

In addition, we ultimately gave Ohio a general revenue rainy day fund of over $935 million—after it had been depleted to 14 cents.

Think of that. It was at 14 cents—a Medicaid rainy day fund of $100 million and real tax cuts. I am talking about real tax cuts for the last 3 years, including last year for all Ohioans who had an across-the-board reduction in their State income tax of almost 10 percent.

That is why I came to Washington—to try and bring fiscal responsibility to our nation and this Congress so that my children and my grandchildren as well as all children and grandchildren are not saddled with the cost of those things that my generation did not want to pay for, and guarantee our covenant to the American people in regard to Social Security and Medicare.

I would like to remind my colleagues that with each passing day, we're paying $600 million in interest payments just to service the national debt—a national debt that is $5.6 trillion.

Most Americans do not realize that 14 percent of their tax dollar goes to pay off the interest on the debt. Fifteen percent goes for national defense. Seventeen percent goes to non-defense discretionary spending. And 54 percent goes for entitlement spending.

So how much is our interest payment in comparison to other federal spending? It is more than we spend on Medicare. It's five times more than the federal dollars we spend on education. And it's 15 times more than we spend on medical research at NIH.

If we are fortunate enough that the projections of an on-budget surplus actually occurs—I would like to see that —the best possible course of action that we could take is to use those funds and pay down the debt. With debt reduction you get lower interest rates, a continued strong economy and lower government interest costs.

Indeed, as Federal Reserve Chairman Greenspan testified before the House Ways and Means Committee "(T)he advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public and its virtuous cycle on the total budget process is a value which I think far exceeds anything else we could do with the money."

Mr. President, we must avoid using Social Security to meet our financial obligations. Instead, we should greet the millennium with a promise to our citizens that we will engage in truth-in-budgeting, not use gimmicks and reorder our spending to reflect our national priorities.

Mr. President, I believe that a statement I made in my 1991 Inaugural Address as Governor of Ohio is relevant today:

> Gone are the days when public officials are measured by how much they spend on a problem. The new realities dictate that public officials are now judged on whether they can work harder and smarter, and do more with less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I commend my good friend and colleague, Senator VOINOVICH from Ohio, who I think has brought to the attention of this body in a timely manner a very appropriate and important issue; that is, the realization that the President is going to reject any proposal for a tax cut—and bring to the attention of this body the realization that, indeed, that accumulated debt of $5.6 trillion, which the Senator from Ohio referred to, is costing us interest.

As the Senator from Ohio is well aware, I was in the banking business for about 25 years. People do not recognize the carrying charge. I think the figure that was used was $600 million per day.

Interest is like the old saying of having a horse that eats while you sleep. It is ongoing. It doesn't take Saturdays or Sundays off.

If one considers the significance of, I think the figure was 14 cents out of every dollar going for interest, one can quickly comprehend what we could do if we were free of that heavy obligation.

I commend the Senator for bringing this matter to the attention of this body and assure him of my eagerness to work with him to bring about and resolve in a responsible manner a program to address the accumulated debt.

As he has pointed out, there is an awful lot of procedure around here relative to the bookkeeping method of the Federal Government, which few people understand.

Nevertheless, there is a harsh reality that we have a hard debt of $5.6 billion. We have an opportunity now with the Social Security surplus to address that debt. I agree with the Senator and his efforts to try to bring a consensus on this issue. I commend him highly. Let me assure the Senator of my willingness to work in that regard.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1591 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

POWDER RIVER BASIN COAL INITIATIVE

Mr. DASCHLE. Mr. President, yesterday my colleagues, Senator ENZI and Senator GORTON, discussed the importance of a proposed new clean coal initiative that offers the opportunity to create a new type of cleaner-burning coal that will help to meet our nation's energy needs and the requirements of the Clean Air Act. I want to lend my strong support to this initiative, and express my hope that the Department of Energy and Congress can work together to find a way to fund this important project.

Under this initiative, the Black Hills Corporation of Rapid City, South Dakota, would work with the Department of Energy to test a new method of processing sub-bituminous coal to remove its moisture content and increase its heat-value. This new technology is much less capital intensive than any other coal enhancement technology known to exist today and has the real potential of becoming the first such process to be commercially feasible. It is my understanding that the upgraded coal which would be produced by this new process would be environmentally superior to current sub-bituminous coal and less expensive to ship, allowing coal users across the country to benefit from it.

There are extensive reserves of sub-bituminous coal in the Powder River basin, and particularly on the reservation of the Crow Indian Tribe. By expanding the market for coal from this area, we can help to promote economic development across the west. At the same time, we can provide coal users throughout the United States with cleaner-burning coal, and help to improve our air quality.

It is my hope that we can move forward with this project as quickly as possible. I urge my colleagues to give it their strong support.

WEATHERIZATION ASSISTANCE PROGRAM

Mr. JEFFORDS. Mr. President, I rise to thank Senator SLADE GORTON, Chairman of the Interior Appropriations Subcommittee, for his, as well as his staff's, efforts to work with me and my staff to address concerns regarding a potential funding freeze for the Weatherization Assistance Program. I am very pleased that the Chairman was able to obtain an additional $2 million, at my urging, for the Weatherization Assistance Program, increasing the FY 2000 funding level to $135 million.

Weatherization is an especially critical program to the Northeast-Midwest region. It increases energy efficiency in low-income homes, reducing energy use by up to one-third. More than four and a half million households have been weatherized through this program over the past twenty years. Weatherization returns $1.80 in energy savings for every dollar spent; and provides an additional $0.60 in employment and environmental benefits.

This year, 31 Senators voiced support for an increase in weatherization funding. In light of recent forecasts of rising fuel costs, weatherization funding has never been more critical. By providing targeted support in anticipation of extreme weather conditions, we can ensure the health, safety, and well-being of millions of low-income families, including the especially vulnerable populations of low-income children and elderly.

COLD WATER FISH HABITAT

Mr. CRAPO. Mr. President, I thank Senators GORTON and BYRD for inclusion of an amendment to provide funding for a voluntary enrollment, cold water fish habitat conservation plan (HCP) in the States of Idaho and Montana. This project is already authorized under the Endangered Species Act (ESA). Habitat Conservation Plans (HCPs) were authorized in 1982 to allow private landowners where endangered species are found a chance to write site-specific management plans and, in some cases, allow other activity to continue on those lands. A project similar to this involving the Karner

Blue Butterfly in Wisconsin is considered an HCP success story.

In Idaho alone, of the 2,639,633 acres of State-owned endowment land, over half is bull trout habitat. Wise and productive use of state endowment land is essential to the funding of education in Idaho and this use could be jeopardized should it be called into question as a "take" under Section 9 of the ESA. The large area comprising bull trout habitat complicates not only natural resource uses of the land, but the management strategy of involved agencies in addressing habitat for the bull trout. With the huge land area involved, the U.S. Fish and Wildlife Service in Idaho concurs that a cooperative effort will be necessary to effect management practices to benefit the bull trout. The States of Idaho and Montana have already been active in addressing bull trout habitat needs—last year, they spent nearly $1 million collectively to promote bull trout recovery.

It is clear that a cooperative effort, involving the States of Idaho and Montana, the USFWS, and private forest owners will be necessary to address the challenge of providing clean, cold water for bull trout habitat. The formulation of a voluntary enrollment, state-wide HCP will provide the structure for this cooperation. HCPs have a proven record of creating tangible benefits that aid in species protection and this HCP would both protect bull trout habitat and responsible land use. For an HCP to be approved, the Secretary must find that those party to the agreement will "to the maximum extent possible, minimize and mitigate the impacts of * * * taking" of the species in question.

In recent hearings that I have held on HCPs in my subcommittee, numerous scientists have testified to the effectiveness of HCPs in furthering on the ground improvements to the habitat of threatened and endangered species. The funds provided for in this amendment will be used to fund data collection an organization for the States to come together and negotiate the HCP. The negotiated HCP would include state-owned endowment lands and private lands enrolled voluntarily by the landowner. To arrive at the specific terms of such an agreement, a concerted effort will be needed to accumulate data and facilitate discussions that can lead to a consensus-based solution supported by all interested parties.

The States of Idaho and Montana, nor the USFWS, cannot shoulder this funding burden alone. The funds provided for in this amendment are urgently needed. In addition to the overwhelming task of addressing bull trout habitat issues, the USFWS has been petitioned to list the west-slope cutthroat trout and the Yellowstone cutthroat trout. We seek, in partnership with the USFWS and the private sector, funding to develop an innovative HCP that can be a "win" for kids, for species, and for responsible land use.

OEHS WEEK

Mr. ENZI. Mr. President, the first Occupational and Environmental Health and Safety, OEHS Week, August 30 through September 3, 1999, is a reminder that while workers are safer than they used to be, injury, illness—even death—in the workplace is still an unfortunate reality.

The American Industrial Hygiene Association, a not-for-profit society of professionals in the field of occupational and environmental health and safety, sponsors OEHS Week and plans for it to become an annual event. The goal is to bring a greater awareness of workplace and community health issues to the public. The theme, "Protecting Your Future . . . Today," highlights the far-reaching nature of occupational and environmental safety's impact on the public.

"We chose Labor Day weekend as the perfect time to remind workers, management and the community at large that workplace safety affects everyone. Even one fatality on the job is one fatality too much," says AIHA President James R. Thornton.

"But beyond that, we are concerned with overall safety. We want all employees to consider their workplace environment, even in offices that otherwise may seem extremely safe. For instance, is your workstation ergonomically sound? Is your chair comfortable? Do you take occasional breaks to stretch? Is your computer monitor at the proper angle? All of these things can add up to the difference between working safely and a work-related injury or illness.

"We've made great strides in the last few years," he said, "but there's still room for improvement."

As Thornton noted, if you've been working in the United States for the last decade, chances are that you're feeling safer on the job today than you did 10 years ago. That's because overall rates of worker illnesses and injuries have fallen dramatically since 1993, according to the Bureau of Labor Statistics. In fact, in 1997 (the most recent year tallied by the BLS), the case rate dropped to 7.1 percent of all workers, despite a total of 3 percent more hours worked by the nation's employees. This translates to nearly 50,000 fewer reported injuries or illnesses compared to the previous year, despite the larger number of staff-hours—the continuation of a trend that began in 1993. Still, even with fewer reported illnesses, injuries and fatalities on the job, workers suffered 2.9 million injuries that resulted in lost workdays, restricted duties or both.

Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, the construction trades in particular are quite dangerous. Secretary of Labor Alexis Herman reported recently that "injuries and illnesses for construction laborers, carpenters, and welders and cutters increased by a total of 8,000 cases." Truck drivers, too, suffer more than their share of injuries, incurring approximately 145,000 work-related injuries or illnesses each year.

For the average worker, backs take the brunt of the injuries. About 4 out of 10 injuries involve strains and sprains, most of them back-related. Women are more susceptible than men to repetitive motion illnesses from jobs such as keyboarding, data entry, cashier work and scanning. These musculoskeletal disorders, known as MSDs, include carpal-tunnel syndrome and tendinitis. Many are caused by faulty ergonomic conditions in the workplace, such as poorly placed furniture and improper counter heights, say industrial hygiene, IH, professionals, experts in occupational and environmental health and safety.

I thank the Senator for yielding.

Mr. ENZI. Mr. President, although workplace injury is a primary focus for IH professionals, they like to point out that safety issues don't disappear in the company parking lot. This awareness gives OEHS Week its second important emphasis—safety in the community and home.

Thornton noted that in addition to its focus on workplace safety, OEHS Week is designed to heighten awareness about several vital community health concerns, including carbon monoxide poisoning, indoor air quality and noise exposure.

"Just as in the workplace, paying attention to seemingly small things can reduce injuries in the home. There are lots of things the average person can do," said Thornton. "Reducing noise pollution and hearing loss by lowering the volume on stereos or wearing earplugs when mowing the lawn, for instance.

"We also recommend installing a couple of inexpensive carbon monoxide detectors in your home. They could save your life—and your family's lives as well."

NGAWANG CHOEPHEL

Mr. LEAHY. Mr. President, it was 4 years ago that Nagwang Choephel, a Tibetan who studied ethnomusicology at Middlebury College in Vermont on a Fulbright Scholarship, was arrested in Tibet in 1995.

After imprisoning him incommunicado for 15 months, on December 26, 1996, Chinese officials sentenced Mr. Choephel to 18 years in prison on charges of espionage.

Four years have passed and despite high level discussions about this case between the administration and Chinese officials, resolutions passed in both the Senate and the House on Mr. Choephel's behalf, and a number of worldwide letter writing campaigns, he remains incarcerated in a remote corner of Tibet for a crime he did not commit.

The Chinese Government has never provided evidence to support their allegations that Mr. Choephel was sent by the Dalai Lama to gather intelligence and engage in separatist activities.

The State Department has no evidence that he participated in any illegal or political activity.

What is indisputable, however, is that Mr. Choephel traveled to Tibet with a donated video camera and recording equipment to document Tibetan music and dance—subjects he studied as a young man in India and as a Fulbright Scholar in Vermont.

The sixteen hours of footage that Mr. Choephel sent out of Tibet before his arrest affirm this fact. It simply shows the traditional dancing and singing that is an integral part of Tibet's rich cultural heritage.

I have spoken out many times about this tragic miscarriage of justice.

I have twice discussed my concerns with Chinese President Jiang, once in Beijing and again in Washington. I and other Members of Congress have written letter after letter to the Chinese Ambassador in Washington and other Chinese officials seeking information about Mr. Choephel's whereabouts and his well-being. I have tried to arrange meetings with Chinese authorities here, to no avail.

As we commemorate this sad anniversary, we know no more about Mr. Choephel's condition than we did 4 years ago.

His mother, who has repeatedly sought permission from the Chinese Government to visit her only child, has not given up. She continues her tireless campaign for his freedom on the streets of New Delhi.

I had hoped that Chinese authorities would have recognized by now the grave mistake they made in sentencing Mr. Choephel. International outrage over this case mounts with each additional year he spends in jail.

Congress, the administration, and the international community must continue to do whatever it can to ensure that next year at this time we are celebrating this young man's release, and the release of the many other political prisoners who are being unfairly detained in Tibet and China.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 14, 1999, the Federal debt stood at $5,657,645,658,855.66 (Five trillion, six hundred fifty-seven billion, six hundred forty-five million, six hundred fifty-eight thousand, eight hundred fifty-five dollars and sixty-six cents).

One year ago, September 14, 1998, the Federal debt stood at $5,548,258,000,000 (Five trillion, five hundred forty-eight billion, two hundred fifty-eight million).

Five years ago, September 14, 1994, the Federal debt stood at $4,683,788,000,000 (Four trillion, six hundred eighty-three billion, seven hundred eighty-eight million).

Ten years ago, September 14, 1989, the Federal debt stood at $2,849,710,000,000 (Two trillion, eight hundred forty-nine billion, seven hundred ten million).

Fifteen years ago, September 14, 1984, the Federal debt stood at $1,572,267,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,085,378,658,855.66 (Four trillion, eighty-five billion, three hundred seventy-eight million, six hundred fifty-eight thousand, eight hundred fifty-five dollars and sixty-six cents) during the past 15 years.

MESSAGES FROM THE HOUSE

At 11:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 900) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers and for other purposes; and appoints as additional conferees from the Committee on Banking and Financial Services, for consideration of section 101 of the Senate bill and section 101 of the House amendment:

Mr. KING is appointed in lieu of Mr. BACHUS.

Mr. ROYCE is appointed in lieu of Mr. CASTLE.

As additional conferees from the Committee on Commerce, for consideration of section 101 of the Senate bill and section 101 of the House amendment:

Mrs. WILSON is appointed in lieu of Mr. LARGENT.

Mr. FOSSELLA is appointed in lieu of Mr. BILBRAY.

The message further announced that pursuant to section 3 of Public Law 94–304 as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe to fill the existing vacancies thereon: Mr. PITTS of Pennsylvania, and upon the recommendation of the Minority Leader, Mr. FORBES of New York.

At 1:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representative to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribed personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5157. A communication from the Executive Director, Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, transmitting, pursuant to law, a report entitled "Combating Proliferation of Weapons of Mass Destruction"; to the Select Committee on Intelligence.

EC–5158. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–5159. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Program Audit Techniques Guide-Sports Franchises", received September 10, 1999; to the Committee on Finance.

EC–5160. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-45, 1999 Section 43 Inflation Adjustment", received September 10, 1999; to the Committee on Finance.

EC–5161. A communication from the Acting Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulation Concerning Preliminary Critical Circumstances Findings" (RIN0625–AA56), received September 10, 1999; to the Committee on Finance.

EC–5162. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–5163. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Authorized Subcontract for Use by DOE Management and Operating Contractors with New Independent States' Scientific Institutes through the International Science and Technology Center" (AL 99–06), received September 7, 1999; to the Committee on Energy and Natural Resources.

EC–5164. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emission from Existing Municipal Solid Waste Landfills" (FRL #6439–2), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5165. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition" (FRL #6437–2), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5166. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulation: Consumer Confidence Report; Correction" (FRL #6437–6), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5167. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Direct Final Rule Revisions to Emissions Budgets Set Forth in EPA's Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone for the States of Connecticut, Massachusetts and Rhode Island" (FRL #6437–39), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5168. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tennessee: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6437–9), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5169. A communication from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Access Charge Reform, CC Docket No. 96–262, Fifth Report and Order" (FCC 99–206) (CC Doc. 96–262 and 94–1), received September 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5170. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Cedar Key, FL" (MM Docket No. 99–72), received September 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5171. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Oraibi and Leupp, AZ (MM Docket No. 98–179), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5172. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Cherry Valley and Cotton Plant, AR (MM Docket No. 98–223; RM–9340; RM–9481; RM–9482), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5173. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), ,Table of Allotments; FM Broadcast Stations; Kensett, AR; Somerton, AZ; Augusta, KS; Wellton, AZ; Center, CO; LaVeta, CO; Walsenburg, CO; Taft, CA; Cimarron, KS; (MM Docket No. 99–99, RM–9484; MM Docket No. 99–100, RM–9491; MM Docket No. 99–101, RM–9494; MM Docket No. 99–102, RM–9495; MM Docket No. 99–105, RM–9508; MM Docket No. 99–107, RM–9510; MM Docket No. 99–109, RM–9512; MM Docket No. 99–111, RM–9539; MM Docket No. 99–113, RM–9544), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5174. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; LaJara, CO; Westcliffe, CO; Carmel Valley, CA; Nanakuli, HI Wahiawa, HI; Hanapepe, HI Holualoa, HI; Honokaa, HI; Kihei, HI; Kurtistown, HI (MM Docket No. 99–106, RM–9509; MM Docket No. 99–110, RM–9513; MM Docket No. 99–171, RM–9574; MM Docket No. 99–172, RM–9575; MM Docket No. 99–173, RM–9576; MM Docket No. 99–175, RM–9578; MM Docket No. 99–176, RM–9579; MM Docket No. 99–177, RM–9580; MM Docket No. 99–178, RM–9581; MM Docket No. 99–179, RM–9582)", received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5175. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Judsonia, AR; Del Norte, CO; Dinosaur, CO; Poncha Springs, CO; Captain Cook, HI (MM Docket No. 99–98, RM–9483; MM Docket No. 99–148, RM–9556; MM Docket No. 99–149, RM–9557; MM Docket No. 99–150, RM–9558; MM Docket No. 99–152, RM–9560)", received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5176. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis", received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5177. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Interim Rule for Restricted Reopening of Limited Access Permit Application Process for Snapper-Grouper Permits in the South Atlantic Region" (RIN0648–AM92), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5178. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries Regulations; Pacific Tuna Fisheries" (RIN0648–AL28), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5179. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Red Porgy Fishery in the Snapper-Grouper Fishery Off the Southern Atlantic States" (RIN0648–AM55), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5180. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 610 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)", received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5181. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 630 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)", received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5182. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 620 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)", received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5183. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/'Other Flatfish' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area", received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1583. A bill to convert 2 temporary Federal judgeships in the central and southern districts of Illinois to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1584. A bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1585. A bill to establish a Congressional Trade Office; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1586. A bill to reduce the fractionated ownership of Indian Lands, and for other purposes; to the Committee on Indian Affairs.

S. 1587. A bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control; to the Committee on Indian Affairs.

S. 1588. A bill to authorize the awarding of grants to Indian tribes and tribal organizations, and to facilitate the recruitment of temporary employees to improve Native American participation in and assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Indian Affairs.

S. 1589. A bill to amend the American Indian Trust Fund Management Reform Act of 1994; to the Committee on Indian Affairs.

By Mr. CRAPO:

S. 1590. A bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. SCHUMER):

S. 1591. A bill to further amend section 8 of the Puerto Rico Federal Relations Act as amended by section 606 of the Act of March 12, (P.L. 96- 205) authorizing appropriations for certain insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 1592. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1583. A bill to convert two temporary Federal judgeships in the central and southern districts of Illinois to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

THE ILLINOIS JUDGESHIP ACT

Mr. DURBIN. Mr. President, today joined by colleague Senator FITZGERALD, I am introducing a bill that will make two temporary federal judgeships in Illinois permanent. The Southern District of Illinois, and the Central District of Illinois each have 3 permanent judgeships and one temporary judgeship.

The Judicial Improvement Act of 1990 created these temporary judgeships to respond to a sharply increasing caseload, especially in the area of drug related crimes. President Bush appointed Judge Joe Billy McDade to fill the temporary judgeship in the Central District of Illinois and he was confirmed by the Senate in November of 1991. In September of 1992 the Senate confirmed another Bush nominee, Judge J.Phil Gilbert to fill the temporary judgeship in the Southern District of Illinois.

In 1997, Congress extended the temporary judgeships until 10 years after the confirmation of the judge appointed to fill the vacancy. As a result, the temporary judgeship in the Central District is due to expire in November of 2001 and the temporary judgeship in the Southern District will expire in September of 2002. Since the judges that serve in these positions are Article III judges with lifetime appointments, they will not be affected, but the next vacancy within each district after the expiration date will not be filled.

The Central District and the Southern District of Illinois are small courts and the loss of even one judgeship will have a dramatic impact on the caseload of the remaining judges. The statistics on this issue are compelling.

The Administrative Office of the United States Courts keeps statistics on the average amount of time that it takes a civil case to come to trial. Even with 4 judgeships, the Central District of Illinois has a substantial wait for civil litigants—24 months, which is five months longer than the national average. In the Southern District of Illinois, the numbers are equally convincing—22 months on average for a civil case to go to trial, which is three months longer than the national average.

If these courts lose one judgeship, which is the equivalent of 25% of their judges, justice for federal court litigants will be substantially delayed. This delay will be felt most by civil litigants because judges will give priority to criminal cases. At a time when Congress is seeking to expand Federal court jurisdiction, a loss of judgeships, even temporary ones is a step in the wrong direction.

Again, the numbers tell the story. Assuming court filings remain at the 1998 level, the number of cases per judge in the Central District would increase by 33% from 383 to 511. In the Southern District, the remaining judges would be expected to take on an extra 135 cases a year, an increase of 33% from 406 cases per judge to 541 cases per judge.

The two temporary judgeships in the Central and Southern Districts of Illinois must be converted into permanent positions. This measure will prevent judicial overload and ensure the continued smooth functioning of the federal court system in Illinois.

Our independent judiciary is the envy of the rest of the world. The strength of our judiciary is a unique and distinctive characteristic of our government. We must ensure that our courts have the judges they need to perform their vital functions.

I encourage my colleagues to support me in this effort and ask that the Senate consider this bill without further delay.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT JUDGESHIPS FOR THE CENTRAL AND SOUTHERN DISTRICTS OF ILLINOIS.

(a) CONVERSION OF TEMPORARY JUDGESHIPS TO PERMANENT JUDGESHIPS.—The existing district judgeships for the central district and the southern district of Illinois authorized by section 203(c) (3) and (4) of the Judicial Improvements Act of 1990 (Public Law 101–650, 28 U.S.C. 133 note) shall, as of the date of the enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in such offices shall hold the offices under section 133 of title 28, United States Code (as amended by this section).

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table contained in section 133(a) of title 28, United States Code, is amended by striking the item relating to Illinois and inserting the following:

"Illinois

Northern	22
Central	4
Southern	4.".

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1584. A bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

SCHUYLKILL RIVER NATIONAL HERITAGE AREA

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that would establish the Schuylkill River National Heritage Area. This legislation recognizes the significance of the Schuylkill River Valley in Pennsylvania, and the role it played in the nation's economic expansion during the nineteenth century.

The Schuylkill River, and later the railroads, moved anthracite coal through the river valley to Philadelphia and beyond, fueling the industrial revolution that made this country great. It is important that we endeavor to preserve the historical and cultural contribution that the anthracite and related industries have made to our nation. The labor movement of the region played a significant role in crucial struggles to improve wages and working conditions for America's workers. The first national labor union was organized in this region and was the forerunner to the United Mine Workers of America.

In 1995, under the management of the Schuylkill River Greenway Association (SRGA), the Schuylkill River Corridor was recognized as a state heritage park by the Commonwealth of Pennsylvania. Since that time, the SRGA has dedicated itself to restoring and preserving the historic Schuylkill River Corridor by encouraging enhancement and maintenance of the historic qualities of the river from its headwaters in Schuylkill County to its mouth at the confluence of the Delaware River.

The legislation that I am introducing today, with the support of Senator SPECTER, will enable communities to conserve their heritage while continuing to create economic opportunities. It encourages the continuation of local interest by demonstrating the federal government's commitment to preserving the unique heritage of the Schuylkill River Heritage Corridor. This bill will require the Schuylkill River Greenway Association to enter into a cooperative agreement with the Secretary of the Interior to establish Heritage Area boundaries, and to prepare and implement a management plan within three years. This plan would inventory resources and recommend policies for resource management interpretation. Further, based on the criteria of other Heritage Areas established by the Omnibus Parks and Public Lands Management Act of 1996, this bill requires that federal funds provided under this bill do not exceed 50 percent of the total cost of the program.

Mr. President, the anthracite coal fields of the Schuylkill River Corridor, and the people who mined them, were crucial to the industrial development of this nation. Through public and private partnership, this legislation will allow for the conservation, enhancement, and interpretation of the historical, cultural, and natural resources of the Schuylkill River Valley for present and future generations.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Schuylkill River Valley National Heritage Area Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;

(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;

(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;

(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;

(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;

(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;

(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;

(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;

(9) there is a longstanding commitment to—

(A) repairing the environmental damage to the river and its surroundings caused by the largely unregulated industrial activity; and

(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;

(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and

(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and

(B) there are sufficient significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

SEC. 3. DEFINITIONS.

In this Act:

(1) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means the cooperative agreement entered into under section 4(d).

(2) HERITAGE AREA.—The term "Heritage Area" means the Schuylkill River Valley National Heritage Area established by section 4.

(3) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area appointed under section 4(c).

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 5.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Pennsylvania.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.

(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—

(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;

(B) an identification and description of the management entity that will administer the Heritage Area; and

(C) a description of the role of the State.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) take into consideration State, county, and local plans;

(2) involve residents, public agencies, and private organizations working in the Heritage Area;

(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(4) include—

(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity;

(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(F) an interpretation plan for the Heritage Area.

(c) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this Act, the Heritage Area shall be ineligible to receive Federal funding under this Act until the date on which the Secretary receives the management plan.

(d) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

SEC. 6. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

(1) make loans and grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

(2) hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—

(1) develop and submit the management plan under section 5;

(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;

(v) restoring historic buildings relating to the themes of the Heritage Area; and

(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;

(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and

(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and

(6) for any fiscal year in which Federal funds are received under this Act—

(A) submit to the Secretary a report describing—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which the management entity made any loan or grant during the fiscal year;

(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds from other sources for their permitted purposes.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.

(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(3) EXPENDITURES FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this Act, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval; and

(ii) make recommendations for revisions in the cooperative agreement or plan.

(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.

(c) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review substantial amendments to the management plan.

(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this Act may not be expended to implement any substantial amendment until the Secretary approves the amendment.

SEC. 8. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.

(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after the date that is 15 years after the date of enactment of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act not more than $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any 1 fiscal year.

(b) FEDERAL SHARE.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any project or activity funded under this Act.

By Mr. BAUCUS:

S. 1585. A bill to establish a Congressional Trade Office; to the Committee on Finance.

CONGRESSIONAL TRADE OFFICE LEGISLATION

Mr. BAUCUS. Mr. President, I am introducing today a bill to create a new Congressional Trade Office that will provide the Congress with additional trade expertise—independent, non-partisan, and neutral expertise.

Over the past 25 years that I have served in the Congress, I have watched a continuing transfer of authority and responsibility for trade policy from the Congress to the Executive Branch. The trend has been subtle, but it has been clear and constant. We need to reverse this trend. Congress has the Constitutional authority to provide more effective and active oversight of our nation's trade policy, and we should use it. Congress should be more active in setting the direction for the Executive Branch in its formulation of trade policy. I believe strongly that we must reassert Congress' constitutionally defined responsibility for international commerce.

The Congressional Trade Office will provide the entire Congress, through the Senate Finance Committee and the House Ways and Means Committee, with this additional trade expertise.

I am proposing that the Congressional Trade Office have three sets of responsibilities.

First, it will monitor compliance with major bilateral, regional, and multilateral trade agreements. It will analyze the success of those agreements based on commercial results, and it will do this in close consultation with the affected industries. It will recommend actions necessary to ensure that those countries that have made commitments to the United States fully abide by those commitments. It will also provide annual assessments of the extent to which current agreements comply with labor goals and with environmental goals in those agreements.

Second, the Congressional Trade Office will have an analytic function. For example, after the Administration delivers its National Trade Estimates report to the Congress each year, it will analyze the major outstanding trade barriers based on the cost to the U.S. economy. After the Administration delivers its Trade Policy Agenda to the Congress each year, it will provide an analysis of that agenda, including alternative goals, strategies, and tactics.

The Congressional Trade Office will analyze proposed trade agreements, including agreements that do not require legislation to enter into effect. It will analyze the impact of Administration trade policy actions, including an assessment of the Administration's argument for not accepting an unfair trade practices case. And it will analyze the trade accounts every quarter, including the global current account, the global trade account, and key bilateral trade accounts.

Third, the Congressional Trade Office will be active in dispute settlement deliberations. It will evaluate each WTO decision where the U.S. is a participant. In the case of a U.S. loss, it will explain why it lost. In the case of a U.S. win, it will measure the commercial results from that decision. It will do a similar evaluation for NAFTA disputes. Congressional Trade Office staff will participate as observers on the U.S. delegation at dispute settlement panel meetings at the WTO.

The Congressional Trade Office is designed to service the Congress. Its Director will report to the Senate Finance Committee and the House Ways and Means Committee. It will also advise other committees on the impact of trade negotiations and the Administration's trade policy on those committees' areas of jurisdiction.

The staff will include a group of professionals with a mix of expertise in economics and trade law, plus in various industries and geographic regions. My expectation is that staff members will see this as a career position, thus, providing the Congress with long-term institutional memory.

The Congressional Trade Office will work closely with other government entities involved in trade policy assessment, including the Congressional Research Service, the General Accounting Office, and the International Trade Commission. The Congressional Trade Office will not replace those agencies. Rather, the Congressional Trade Office will supplement their work, and leverage the work of those entities to provide the Congress with timely analysis, information, and advice.

The areas of dispute resolution and compliance with trade agreements are central. The credibility of the global trading system, and the integrity of American trade law, depend on the belief, held by trade professionals, political leaders, industry representatives, workers, farmers, and the public at large, that agreements made are agreements followed. They must be fully implemented. There must be effective enforcement. Dispute settlement must be rapid and effective.

Often more energy goes into negotiating new agreements than into ensuring that existing agreements work. Of course, it is necessary to continue efforts at trade liberalization globally. But support for those efforts is a direct function of the perception that agreements work. The Administration has increased the resources it devotes to compliance. But an independent and neutral assessment of compliance is necessary. It is unrealistic to expect an agency that negotiated an agreement to provide a totally objective and dispassionate assessment of that agreement's success or failure.

The Congressional Trade Office will perform an annual evaluation of the commercial results of selected major bilateral trade agreements. The American Chamber of Commerce in Japan did this type of evaluation several years ago, examining in detail 45 bilateral agreements, and their conclusions were shocking. Fewer than one-third of those agreements were considered fully successful by the industries affected. The Congressional Trade Office should do this evaluation with our major trading partners. They will also recommend actions necessary to ensure that these agreements are fully implemented.

Looking at the WTO dispute settlement process, I don't think we even know whether it has been successful or not from the perspective of U.S. commercial interests. A count of wins versus losses tells us nothing. The Congressional Trade Office will give us the facts we need to evaluate this process properly.

Article I, Section 8, of the U.S. Constitution says: "The Congress shall have power . . . To regulate commerce with foreign nations." It is our responsibility to provide oversight and direction on US trade policy. The Congressional Trade Office, as I have outlined it today, will provide us in the Congress with the means to do so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Congress has responsibility under the Constitution for international commerce.

(2) Congressional oversight of trade policy has often been hampered by a lack of resources.

(3) The United States has entered into numerous trade agreements with foreign trading partners, including bilateral, regional, and multilateral agreements.

(4) The purposes of the trade agreements are—

(A) to achieve a more open world trading system which provides mutually advantageous market opportunities for trade between the United States and foreign countries;

(B) to facilitate the opening of foreign country markets to exports of the United States and other countries by eliminating trade barriers and increasing the access of United States industry and the industry of other countries to such markets; and

(C) to reduce diversion of third country exports to the United States because of restricted market access in foreign countries.

(5) Foreign country performance under certain agreements has been less than contemplated, and in some cases rises to the level of noncompliance.

(6) The credibility of, and support for, the United States Government's trade policy is, to a significant extent, a function of the belief that trade agreements made are trade agreements enforced.

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) In General.—There is established an office in Congress to be known as the Congressional Trade Office (in this Act referred to as the "Office").

(b) Purposes.—The purposes of the Office are as follows:

(1) To reassert the constitutional responsibility of Congress with respect to international trade.

(2) To provide Congress, through the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with additional independent, nonpartisan, neutral trade expertise.

(3) To assist Congress in providing more effective and active oversight of trade policy.

(4) To assist Congress in providing to the executive branch more effective direction on trade policy.

(5) To provide Congress with long-term, institutional memory on trade issues.

(6) To provide Congress with more analytical capability on trade issues.

(7) To advise relevant committees on the impact of trade negotiations, including past, ongoing, and future negotiations, with respect to the areas of jurisdiction of the respective committees.

(c) Director and Staff.—

(1) Director.—

(A) In general.—The Office shall be headed by a Director. The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering the recommendations of the Chairman and Ranking Member of the Committee on Finance of the Senate and the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representative. The Director shall be chosen without regard to political affiliation and solely on the basis of the Director's expertise and fitness to perform the duties of the Director.

(B) Term.—The term of office of the Director shall be 5 years and the Director may be reappointed for subsequent terms.

(C) Vacancy.—Any individual appointed to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term.

(D) Removal.—The Director may be removed by either House by resolution.

(E) Compensation.—The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5, United States Code.

(2) Staff.—

(A) In general.—The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The personnel of the Office shall consist of individuals with expertise in international trade, including expertise in economics, trade law, various industrial sectors, and various geographical regions.

(B) Benefits.—For purposes of pay (other than the pay of the Director) and employment, benefits, rights and privilege, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

(3) Experts and consultants.—In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5.

(4) Relationship to executive branch.—The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services and facilities with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services and facilities.

(5) Relationship to other agencies of congress.—In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting Office, the Library of Congress, and other offices of Congress, and (upon agreement with them) to utilize their services and facilities with or without reimbursement. The Comptroller General, the Librarian of Congress, and the head of other offices of Congress are authorized to provide the Office with the information, data estimates, and statistics, and the services and facilities referred to in the preceding sentence.

(d) Functions.—The functions of the Office are as follows:

(1) Assistance to congress.—Provide the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representative and any other appropriate committee of Congress or joint committee of Congress information which will assist the committees in the discharge of the matters within their jurisdiction.

(2) Monitor compliance.—Monitor compliance with major bilateral, regional, and multilateral trade agreements by—

(A) consulting with the affected industries and interested parties;

(B) analyzing the success of agreements based on commercial results;

(C) recommending actions, including legislative action, necessary to ensure that foreign countries that have made commitments through agreements with the United States fully abide by those commitments;

(D) annually assessing the extent to which current agreements comply with environmental goals; and

(E) annually assessing the extent to which current agreements comply with labor goals.

(3) Analysis.—Perform the following analyses:

(A) Not later than 60 days after the date the National Trade Estimates report is delivered to Congress each year, analyze the major outstanding trade barriers based on cost to the United States economy.

(B) Not later than 60 days after the date the Trade Policy Agenda is delivered to Congress each year, analyze the Administration's Agenda, including alternative goals, strategies, and tactics, as appropriate.

(C) Analyze proposed trade legislation.

(D) Analyze proposed trade agreements, including agreements that do not require implementing legislation.

(E) Analyze the impact of the Administration's trade policy and actions, including assessing the Administration's decisions for not accepting unfair trade practices cases.

(F) Analyze the trade accounts quarterly, including the global current account, global trade account, and key bilateral trade accounts.

(4) Dispute settlement deliberations.—Perform the following functions with respect to dispute resolution:

(A) Participate as observers on the United States delegation at dispute settlement panel meetings of the World Trade Organization.

(B) Evaluate each World Trade Organization decision where the United States is a participant. In any case in which the United States does not prevail, evaluate the decision and in any case in which the United States does prevail, measure the commercial results of that decision.

(C) Evaluate each dispute resolution proceeding under the North American Free Trade Agreement. In any case in which the United States does not prevail, evaluate the decision and in any case in which the United States does prevail, measure the commercial results of that decision.

(D) Participate as observers in other dispute settlement proceedings that the Chairman and Ranking Member of the Committee on Finance and the Chairman and Ranking Member of the Committee on Ways and Means deem appropriate.

(5) Other functions of director.—The Director and staff of the Office shall perform the following additional functions:

(A) Provide the Committee on Finance and the Committee on Ways and Means with quarterly reports regarding the activities of the Office.

(B) Be available for consultation with congressional committees on trade-related legislation.

(C) Receive and review classified information and participate in classified briefings in the same manner as the staff of the Committee on Finance and the Committee on Ways and Means.

(D) Consult nongovernmental experts and utilize nongovernmental resources.

(E) Perform such other functions as the Chairman and Ranking Member of the Committee on Finance and the Chairman and Ranking Member of the Committee on Ways and Means may request.

SEC. 3. PUBLIC ACCESS TO DATA.

(a) Right To Copy.—Except as provided in subsections (b) and (c), the Director shall make all information, data, estimates, and statistics obtained under this Act available for public copying during normal business hours, subject to reasonable rules and regulations, and shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

(b) Exceptions.—Subsection (a) of this section shall not apply to information, data, estimates, and statistics—

(1) which are specifically exempted from disclosure by law; or

(2) which the Director determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

(c) Information Obtained for Committees and Members.—Subsection (a) of this section shall apply to any information, data, estimates, and statistics obtained at the request of any committee, joint committee, or Member unless such committee, joint committee, or Member has instructed the Director not to make such information, data, estimates, or statistics available for public copying.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, for a period not to exceed 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with the provisions of the paragraph relating to contingent funds under the heading "UNDER LEGISLATIVE" in the Act of October 2, 1888 (25 Stat. 546; 2 U.S.C. 68), and upon vouchers approved by the Director.

By Mr. CAMPBELL:

S. 1586. A bill to reduce the fractionated ownership of Indian Lands, and for other purposes; to the Committee on Indian Affairs.

INDIAN LAND CONSOLIDATION ACT AMENDMENTS

Mr. CAMPBELL. Mr. President, today I introduce a bill to amend the Indian Land Consolidation Act (ILCA) of 1983 to address the issue of Indian land fractionation: the underlying factor in the Indian trust reform effort. Under the 1871 Allotment Act, or "Dawes" act as it became known, the President was authorized to break up Indian reservations, allotting to each member of the tribe a tract of land. The Act also directed the Secretary of Interior to acquire some of the remaining tribal lands; often for subsequent resale to non-Indians. The day the Allotment Act became law, this country probably violated more treaties than in the hundred years before this Act or in the hundred years since.

The negative effects of the Act continue to be felt even to this day. For example, the existence of hundreds of thousands of small, undivided fractional interests in Indian lands has swamped the Bureau of Indian Affairs' ability to keep track of who owns these interests, who is leasing them, how much is owed, and who has a right to the revenues from these lands.

In 1934, Congress enacted the Indian Reorganization Act (IRA), ending the allotment policy and everything that it stood for by providing that no new allotments would be mandated by the federal government.

The IRA authorized the Secretary of Interior to acquire lands for tribes, enabling Indian tribes to re-establish their land bases which had been decimated by the allotment policy. Notwithstanding the IRA, the ownership of individual allotments continued to fragment. For example the four heirs of an Indian who died owning a 160 acre allotment would each receive a 25 percent interest in the entire allotment; not a 40 acre parcel. If all four of those heirs had four children, these 16 heirs would each receive only a 1.56 percent interest, divided among 64 owners.

In such situations, even locating the individuals to obtain their approval for a lease is nearly impossible. Clearly, getting a handle on the geometric rise in fractionated interests is necessary or the problem will be beyond our efforts to improve the management of tribal trust lands and funds.

Previous Congressional efforts to reverse fractionation were declared unconstitutional by the U.S. Supreme Court. This proposal makes use of the lessons we have learned from those efforts.

In 1983, Congress enacted the Indian Land Consolidation Act (ILCA), authorizing Indian tribes to enact land consolidation plans to sell or lease their lands to acquire fractional interests. The Act also allowed tribes to acquire, at fair market value, all of the interests in an allotment, and to enact probate codes to limit inheritance of allotted lands to Indians or tribal members.

The most controversial provision of the ILCA involved an escheat provision preventing the inheritance of any interest in land that was 2 percent or less of an undivided ownership in an allotment if it generated less than $100 before returning to the tribe.

The Supreme Court found this section unconstitutional because it restricted Indians' ability to pass their land interests to their heirs.

In 1984 Congress amended the ILCA to provide that undivided interests of 2 percent or less only returned to the tribe if they were incapable of earning $100 in any one of the five years from the date of its owner's death. In 1997, the Court once again ruled that the escheat provision of the act was unconstitutional.

The bill I am introducing today makes use of nearly two decades of Congressional efforts to deal with the problem of land fractionation. We have the benefit of two Supreme Court cases to guide our deliberations. I am pleased to report that associations of individual allotment owners, in particular the Indian Land Working Group, have made very constructive proposals and contributions to our understanding of how land consolidation legislation may affect their members. The bill also uses the Administration's proposed legislation as a framework for reforming the ILCA.

This bill establishes a three-pronged approach to dealing with the problems of fractionated ownership of allotted lands.

First, the bill provides desperately needed reform for the probate of interests in allotted lands, including limitations on who may inherit these interests.

Second, this bill would prohibit the inheritance of any interests that represent 2 percent or less of the ownership of an allotment unless it is specifically provided for in a valid will. This provision will be controversial, but the Administration insists that it is necessary to address: "one of the root causes of our trust asset management difficulties." This provision will only apply in those situations where Indian owners are notified in advance, that their interests could be lost unless they execute a will to address the 2 percent interest issues.

Finally, the bill establishes timeframes for BIA review of tribal probate codes, and authorizes the Secretary to acquire fractional interests on behalf of a tribe. The Secretary will apply the lease proceeds from these interests until the purchase price is recouped. Indian tribes with approved land consolidation plans may enter into agreements with the Secretary to use these funds for their acquisition program. In either case, the focus of this program will be consolidating small fractional interests that are choking the system.

The bill takes some steps to encourage and assist part-owners of allotments who are trying to consolidate the ownership of their allotments, and makes it federal policy to assist with transactions, such as land exchanges between those owning comparable fractional interests.

There is a demonstrable need for more resources to address the problems associated with land fractionation, including the need to educate allotment owners about probate planning options and opportunities. Creative solutions to this issue should be pursued. For example, some have proposed the use of federal income tax credits for those individuals who convey their fractional interest to a tribe.

This bill does not please all parties to the debate, but it is a good faith effort to achieve most of our shared goals. If these parties will work in good faith, I will do my part as Chairman of the Indian Affairs Committee to convene hearings and work with them through the legislative process.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Land Consolidation Act Amendments of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) many trust allotments were taken out of trust status and sold by their Indian owners;

(3) the trust periods for trust allotments have been extended indefinitely;

(4) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of interests, many of which represent 2 percent or less of the total interests;

(5) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(6) the acquisitions referred to in paragraph (5) continue to be made;

(7) the fractional interests described in this section provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinate;

(8) substantial numbers of fractional interests of 2 percent or less of a total interest in trust or restricted lands have escheated to Indian tribes under section 207 of the Indian

Land Consolidation Act (25 U.S.C. 2206), which was enacted in 1983;

(9) in Babbit v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found that the application of section 207 of the Indian Land Consolidation Act to the facts presented in that case to be unconstitutional;

(11) in the absence of remedial legislation, the number of the fractional interests will continue to grow; and

(12) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty; and

(4) to promote tribal self-sufficiency and self-determination.

SEC. 4. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

(a) In General.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking "(1) 'tribe'" and inserting "(1) 'Indian tribe' or 'tribe'";

(B) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means any person who is a member of an Indian tribe or is eligible to become a member of an Indian tribe at the time of the distribution of the assets of a decedent's estate;";

(C) by striking "and" at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting "; and"; and

(E) by adding at the end the following:

"(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.";

(2) by amending section 203 to read as follows:

"SEC. 203. OTHER APPLICABLE PROVISIONS.

"(a) In General.—Subject to subsection (b), sections 5 and 7 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (48 Stat. 985 et seq., chapter 576; 25 U.S.C. 465 and 467) shall apply to all Indian tribes, notwithstanding section 18 of that Act (25 U.S.C. 478).

"(b) Rule of Construction.—Nothing in this section is intended to supersede any other provision of Federal law which authorizes, prohibits, or restricts the acquisition of land or the creation of reservations for Indians with respect to any specific Indian tribe, reservation, or State.";

(3) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking "Any Indian" and inserting "(a) In General.—Subject to subsection (b), any Indian";

(ii) by striking "per centum of the undivided interest in such tract" and inserting "percent of the individual interests in such tract. Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.";

(iii) by striking ": *Provided*, That—"; and inserting the following:

"(b) Conditions Applicable to Purchase.—Subsection (a) applies on the conditions that—";

(B) in paragraph (2)—

(i) by striking "If," and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting the following:

"(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.";

(4) by striking section 206 and inserting the following:

"SEC. 206. DESCENT AND DISTRIBUTION OF TRUST OR RESTRICTED LANDS; TRIBAL ORDINANCE BARRING NONMEMBERS OF AN INDIAN TRIBE FROM INHERITANCE BY DEVISE OR DESCENT.

"(a) Tribal Probate Codes.—

"(1) In general.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

"(A) located within that Indian tribe's reservation; or

"(B) otherwise subject to the jurisdiction of that Indian tribe.

"(2) Codes.—A tribal probate code referred to in paragraph (1) may provide that, notwithstanding section 207, only members of the Indian tribe shall be entitled to receive by devise or descent any interest in trust or restricted lands within that Indian tribe's reservation or otherwise subject to that Indian tribe's jurisdiction.

"(b) Secretarial Approval.—

"(1) In general.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

"(2) Review and approval.—

"(A) In general.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

"(B) Consequence of failures to approve or disapprove a tribal probate code.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law.

"(C) Consistency of tribal probate code with this act.—The Secretary may not approve a tribal probate code under this paragraph unless the Secretary determines that the tribal probate code is consistent with this Act.

"(D) Explanation.—If the Secretary disapproves a tribal probate code under this paragraph, the Secretary shall include in a notice of the disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

"(E) Amendments.—

"(i) In general.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

"(ii) Consequence of failure to approve or disapprove an amendment.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law.

"(3) Effective dates.—A tribal probate code or amendment approved under paragraph (2) shall become effective on the later of—

"(A) the date specified in section 207(e)(1); or

"(B) 180 days after the date of approval.

"(4) Limitations.—

"(A) Tribal probate codes.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

"(B) Amendments to tribal probate codes.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a descendant who dies on or after the effective date of the amendment.

"(5) Repeals.—The repeal of a tribal probate code shall—

"(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

"(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

"(c) Use of Proposed Findings by Tribal Justice Systems.—

"(1) Tribal justice system defined.—In this subsection, the term 'tribal justice system' has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

"(2) Regulations.—The Secretary shall promulgate regulations concerning the use of proposed findings of fact and conclusions of law, as rendered by a tribal justice system, in the adjudication of probate proceedings by the Department of the Interior.

"(d) Life Estates for Non-Indian Spouses and Children Who Would Otherwise Be Precluded From Inheriting By Reason of the Operation of a Tribal Probate Code.—

"(1) In general.—Paragraph (2) shall apply with respect to a non-Indian spouse or child of an Indian decedent, if that decedent is subject to a tribal probate code that has been approved by the Secretary (or deemed approved) under subsection (b) and—

"(A) dies intestate; and

"(B) has devised an interest in trust or restricted lands to that non-Indian spouse or child, which the spouse or child is otherwise prohibited from inheriting by reason of that tribal probate code.

"(2) Life estates.—

"(A) In general.—A surviving non-Indian spouse or child of the decedent described in paragraph (1) may elect to receive a life estate in the portion of the trust or restricted lands to which that individual would have been entitled under the tribal probate code, if that individual were an Indian.

"(B) Remainder of interest.—If a non-Indian spouse or child elects to receive a life estate described in subparagraph (A), the remainder of the interest of the Indian decedent shall vest in the Indians who would otherwise have been heirs, but for that spouse's or child's election to receive a life estate.";

(5) by striking section 207 and inserting the following:

“SEC. 207. DESCENT AND DISTRIBUTION; ESCHEAT OF FRACTIONAL INTERESTS.

“(a) Descent and Distribution.—Except as provided in this section, interests in trust or restricted lands may descend by testate or intestate succession only to—

“(1) the decedent's heirs-at-law or relatives within the first and second degree;

“(2) a person who owns a preexisting interest in the same parcel of land conveyed by the decedent;

“(3) members of the Indian tribe with jurisdiction over the lands devised; or

“(4) the Indian tribe with jurisdiction over the lands devised.

“(b) Special Rule.—A decedent that does not have a relative who meets the description under subsection (a)(1) or a relative who is a member described in subsection (a)(3) may devise that decedent's estate or any asset of that estate to any relative.

“(c) Devise of Interests in the Same Parcel to More Than 1 Person.—

“(1) Joint tenancy with right of survivorship.—If a testator devises interests in the same parcel of trust or restricted land to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create a joint tenancy with right of survivorship.

“(2) Estates passing by intestate succession.—With respect to an estate passing by intestate succession, only a spouse and heirs of the first or second degree may inherit an interest in trust or restricted lands.

“(3) Escheat.—If no individual is eligible to receive an interest in trust or restricted lands, the interest shall escheat to the Indian tribe having jurisdiction over the trust or restricted lands, subject to any life estate that may be created under section 206(d).

“(4) Notification to Indian tribes.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 1999, the Secretary shall, to the extent that the Secretary considers to be practicable, notify Indian tribes and individual landowners of the amendments made by the Indian Land Consolidation Act Amendments of 1999. The notice shall list estate planning options available to the owners.

“(5) Descent of off-reservation lands.—

“(A) Indian reservation defined.—For purposes of this paragraph, the term ‘Indian reservation’ includes lands located within—

“(i) Oklahoma; and

“(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary).

“(B) Descent.—Upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

“(A) by testate or intestate succession in trust to an Indian; or

“(B) in fee status to any other devises or heirs.

“(6) Notice to Indians.—

“(A) In general.—The Secretary shall provide notice to each Indian that has an interest in trust or restricted lands of that interest. The notice shall specify that if such interest is in 2 percent or less of the total acreage in a parcel of trust or restricted lands, that interest may escheat to the Indian tribe of that Indian.

“(B) Limitation.—Subsections (a) and (d) shall not apply to the probate of any interest in trust or restricted lands of an Indian decedent if the Secretary failed to provide notice under subparagraph (A) to that individual before the date that is 180 days before the death of the decedent.

“(d) Escheatable Fractional Interests.—

“(1) In general.—Notwithstanding subsection (a), no undivided interest which represents 2 percent or less of the total acreage in a parcel of trust or restricted land shall pass by intestacy.

“(2) Escheat.—An undivided interest referred to in paragraph (1) shall escheat—

“(A) to the Indian tribe on whose reservation the interest is located; or

“(B) if that interest is located outside of a reservation, to the recognized tribal government possessing jurisdiction over the land.”; and

(6) by adding at the end the following:

“SEC. 213. ACQUISITION OF FRACTIONAL INTERESTS.

“(a) In General.—The Secretary may acquire, in the discretion of the Secretary, with the consent of its owner and at fair market value, any fractional interest in trust or restricted lands. The Secretary shall give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land. The Secretary shall hold in trust for the Indian tribe that has jurisdiction over the fractional interest in trust or restricted lands the title of all interests acquired under this section.

“(b) Program of Acquisition.—Any Indian tribe that has in effect a consolidation plan that has been approved by the Secretary under section 204 may request the Secretary to enter into an agreement with the Indian tribe to implement a program to acquire fractional interests, as authorized by subsection (a) using funds appropriated pursuant to this Act.

“SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

“(a) In General.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 207 or 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

“(b) Conditions.—

“(1) In general.—The conditions described in this paragraph are as follows:

“(A) Until the purchase price paid by the Secretary for the interest referred to in subsection (a) has been recovered, any lease, resource sale contract, right-of-way, or other transaction affecting the document providing for the disposition of the interest under that subsection shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

“(B) The Secretary shall deposit any revenue derived from interest paid under subparagraph (A) in the Acquisition Fund created under section 216.

“(C) The Secretary shall deposit any revenue derived from the interest that is paid under subparagraph (A) that is in an amount in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213.

“(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the ‘Indian Reorganization Act’) (48 Stat. 987, chapter 576; 25 U.S.C. 476), during such time as an Indian tribe is a tenant in common with individual Indian landowners on land acquired under section 207 or 213, the Indian tribe may not refuse to enter into any transaction covered under this section if landowners owning a majority of the undivided interests in the parcel consent to the transaction.

“(E) If the Indian tribe does not consent to enter into a transaction referred to in subparagraph (D), the Secretary may consent on behalf of the Indian tribe.

“(F) For leases of allotted land that are authorized to be granted by the Secretary, the Indian tribe shall be treated as if the Indian tribe were an individual Indian landowner.

“(2) Exception.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section after an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

“SEC. 215. ESTABLISHING FAIR MARKET VALUE.

“For the purposes of this Act, the Secretary may develop a reservation-wide system (or system for another appropriate geographical unit) for establishing the fair market value of various types of lands and improvements. That system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

“SEC. 216. ACQUISITION FUND.

“(a) In General.—The Secretary shall establish an Acquisition Fund to—

“(1) disburse appropriations authorized to accomplish the purposes of section 213; and

“(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213.

“(b) Deposits; Use.—

“(1) In general.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

“(A) be deposited in the Acquisition Fund; and

“(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

“(2) Maximum deposits of proceeds.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

“SEC. 217. DETERMINATION OF RESERVATION BOUNDARIES AND TRIBAL JURISDICTION.

“(a) Determination of Jurisdiction.—

“(1) In general.—The Secretary shall determine whether a parcel of land is—

“(A) within an Indian reservation; or

“(B) otherwise subject to an Indian tribe's jurisdiction.

“(2) Review.—The United States District Court for the district where land that is subject to a determination under paragraph (1) is located may review the determination under chapter 7 of title 5, United States Code.

“(b) Rule of Construction.—Nothing in this Act may be construed to affect section 2409a of title 28, United States Code.

“SEC. 218. TRUST AND RESTRICTED LAND TRANSACTIONS.

“(a) Policy.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions involving individual Indians in a manner consistent with the policy of maintaining the trust status of allotted lands.

“(b) VALUATION OF SALES AND EXCHANGES.—Notwithstanding any other provision of law—

“(1) the sale of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

“(2) the exchange of an interest in trust or restricted lands may be made for an interest of a value less than the fair market value of the interest in those lands.

“(c) STATUS OF LANDS.—The sale or exchange of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

“(d) GIFT DEEDS.—

“(1) IN GENERAL.—An individual owner of an interest in trust or restricted land may convey that interest by gift deed to—

“(A) an individual Indian who is a member of the Indian tribe that exercises jurisdiction over the land;

“(B) the Indian tribe that exercises jurisdiction over that land; or

“(C) any other person whom the Secretary determines may hold the land in trust or restricted status.

“(2) SPECIAL RULE.—With respect to any gift deed conveyed under this section, the Secretary shall not require an appraisal.

“SEC. 219. REPORTS TO CONGRESS.

“(a) IN GENERAL.—Not later than the date that is 3 years after the date of enactment of the Indian Land Consolidation Act Amendments of 1999, and annually thereafter, the Secretary shall submit to Congress a report that indicates, for the period covered by the report—

“(1) the number of fractional interests in trust or restricted lands acquired; and

“(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

“(b) RECOMMENDATIONS FOR LEGISLATION.—The Secretary, after consultation with the Indian tribes, shall make recommendations for such legislation as is necessary to make further reductions in the fractional interests referred to in subsection (a).

“SEC. 220. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

“(a) IN GENERAL.—The Secretary may approve any lease, right-of-way, sale of natural resources, or any other transaction affecting individually owned trust or restricted lands that requires approval by the Secretary, if—

“(1) the owners of a majority interest in the trust or restricted lands consent to the transaction; and

“(2) the Secretary determines that approval of the transaction is in the best interest of the Indian owners.

“(b) BINDING TRANSACTIONS.—Upon the approval of a transaction referred to in subsection (a), the transaction shall be binding upon the owners of the minority interests in the trust or restricted land, and all other parties to the transaction to the same extent as if all of the Indian owners had consented to the transaction.

“SEC. 221. REAL ESTATE TRANSACTIONS INVOLVING NON-TRUST LANDS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may on the same basis as any other person, buy, sell, mortgage, or otherwise acquire or dispose of lands or interests in land described in subsection (b), without an Act of Congress or the approval of the Secretary.

“(b) LANDS.—Lands described in this subsection are lands that are—

“(1) acquired after the date of enactment of the Indian Land Consolidation Act Amendments of 1999; and

“(2) not held in trust or subject to a preexisting Federal restriction on alienation imposed by the United States.

“(c) NO LIABILITY ON PART OF THE UNITED STATES.—The disposition of lands described in subsection (b) shall create no liability on the part of the United States.”.

(b) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE OF AMENDMENTS TO SECTION 207 OF THE INDIAN LAND CONSOLIDATION ACT.—Except with respect to the notification under section 207(c) (4) and (6) of the Indian Land Consolidation Act (25 U.S.C. 2206(c) (4) and (6)), the amendments made by subsection (a) to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) shall become effective on the date that is 2 years after the date of enactment of this Act.

(2) APPLICABILITY.—The amendments made by subsection (a) to section 207 of the Indian Land Consolidation Act shall apply only to the estates of decedents that die on or after the date specified in paragraph (1).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. CAMPBELL:

S. 1587. A bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control; to the Committee on Indian Affairs.

CREATION OF SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL

Mr. CAMPBELL. Mr. President, as many of my colleagues are aware, the American Indian Trust Management Reform Act of 1994 established the Office of Special Trustee within the Department of Interior. Many believe that the reform efforts initiated by the Act were dealt a serious set-back when the person confirmed by the Senate for this position resigned in response to the Secretary's effort to re-organize the Office of the Special Trustee without notifying the Special Trustee, the Congress, the Advisory Commission established by the 1994 Act, affected Indian tribes, or Indian account holders.

A number of concerns have been raised by the absence of a Special Trustee appointed and confirmed in a manner consistent with the Act. Perhaps the most important concern raised in hearings on the trust fund crisis is the absence of a responsible official with either the independence or the appearance of independence of an appointed Special Trustee. The Act was designed to allow the Special Trustee to act and advise Congress in an independent manner. For example, the Act required the Special Trustee to certify in writing of the adequacy of the budget requests for those entities responsible for discharging the Secretary's trust responsibility.

In light of the federal government's dismal history of its management of trust funds, it is not surprising that Indian tribes and Indian account holders are concerned that the same institutions that produced this crisis are in complete control of the efforts to reform it. In addition, trust management experts have testified before joint hearings of the Indian Affairs and the Energy and Natural Resources Committees that it is simply naive to assume that comprehensive rethinking and reform will be carried out by the very institutions that are in desperate need of reform.

In an effort to regain the independence needed to assure individual and tribal account holders, the legislation I introduce today will establish the position of Special Trustee for Data Cleanup and Internal Control. Under this legislation, the person holding this position will be appointed by the Inspector General of the Department of Interior to ensure that the incumbent is not beholden to the entities responsible for developing or implementing the Administration's High Level Implementation Plan. This bill would allow the Secretary to remove the incumbent only for good cause.

Under this bill, the Special Trustee for Data Cleanup and Internal Control is directed to contract out for the matters under his or her control and to retain temporary employees to the greatest extent feasible. This will ensure those cleaning up the system and designing internal controls will not be subject to the criticism that they might be tempted to gloss over past mistakes or develop internal controls that can easily be fulfilled.

Mr. President I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Numerous studies by the Office of the Inspector General of the Department of the Interior, the General Accounting Office, and independent auditors have criticized the absence of independent oversight or other forms of internal control over the Department's management of Indian trust assets and trust funds.

(2) Indian and tribal account holders have indicated that they will have little or no confidence in the reform of the trust management system if the reform is carried out by the same entities that are responsible for the management of the system on the date of enactment of this Act.

(3) It would constitute an inherent conflict of interest or at least the appearance of a conflict of interest if the entity establishing internal controls for a trust management system were to be appointed, supervised, and subject to removal by the entity that such internal controls are written for.

(4) Account holder confidence will be improved if the same official is not simultaneously responsible for the immediate supervision of the fiduciary and financial reporting activities of both the trust fund accounting system and the trust asset and accounting management system.

(5) To the extent practicable, the reform of activities and creation of internal controls as described in the Department of the Interior's Trust Management Improvement Project, High Level Implementation Plan dated July 1998, and any amendments or modifications to that plan, should be carried out by private contractors.

SEC. 2. SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL.

The American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) is amended—

(1) by redesignating title IV as title V;

(2) by redesignating section 401 as section 501; and

(3) by inserting after title III, the following:

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL.

"(a) ESTABLISHMENT.—There is hereby established within the Department of Interior the Office of Special Trustee for Data Cleanup and Internal Control. The Office shall be headed by the Special Trustee for Data Cleanup and Internal Control (referred to in this section as the 'Special Trustee') who shall report directly to the Secretary.

"(b) SPECIAL TRUSTEE.—

"(1) APPOINTMENT.—The Special Trustee shall be appointed by the Inspector General of the Department of the Interior from among individuals who possess demonstrated ability in the—

"(A) development and implementation of internal controls;

"(B) development and implementation of trust management procedures; and

"(C) conversion or rehabilitation of trust management systems.

"(2) COMPENSATION.—The Special Trustee shall be paid at a rate determined by the Secretary to be appropriate for the position, but not less than the basic pay payable at Level III of the Executive Schedule under Section 5313 of Title 5.

"(3) TERM OF OFFICE.—The Special Trustee shall serve for a term of 2 years and may only be removed for good cause by the Secretary.

"(c) DUTIES.—

"(1) IN GENERAL.—Notwithstanding title III, the Special Trustee shall oversee the following subprojects as identified in the Draft Trust Management Improvement Project Subproject Task Updates, dated April 1999:

"(A) Subproject #1, OST Data Cleanup.

"(B) Subproject #5, Trust Funds Accounting System.

"(C) Subproject #9, Policies and Procedures.

"(D) Subproject #10, Training.

"(E) Subproject #11, Internal Controls.

"(2) OVERSIGHT.—The Special Trustee shall oversee the expenditure of funds appropriated by Congress for each of the subprojects described in paragraph (1), including the approval or modification of contracts, and make employment decisions for each of the positions funded for each of such projects.

"(3) CONTRACTING.—To the maximum extent practicable, the Special Trustee shall ensure that activities are carried out under this subsection through contracts entered into with private entities or through the retention of the temporary services of trust management specialists.

"(d) MODIFICATION OF IMPLEMENTATION PLAN.—To the extent that the activities to be carried out under subsection (c) are altered our amended as a result of any modification made after the date of enactment of this Act to the Department of the Interior's Trust Management Improvement Project, High Level Implementation Plan (dated July 1998), the Special Trustee shall continue to be responsible for overseeing such activities.".

By Mr. CAMPBELL:

S. 1588. A bill to authorize the awarding of grants to Indian tribes and tribal organizations, and to facilitate the recruitment of temporary employees to improve Native American participation in and assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN CENSUS PARTICIPATION ENHANCEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Native American Census Participation Enhancement Act of 1999.

Like all past censuses, the 2000 Decennial Census will play a vital role in American society. By counting the population of the United States, the decennial census serves as the statistical basis for distributing federal funds, redistricting for political representation, and planning for future infrastructure development.

Participating in this ritual every ten years is important for all Americans. But for Native Americans, this Federal tally is perhaps even more important.

As we all know, Native Americans have been under-represented in past census counts. The most recent census, conducted in 1990, was extremely inaccurate in its count of American Indians and Alaskan Natives who were living in rural reservation areas.

The effects of undercounting American Indians and Alaskan Natives have real consequences for Native communities.

An undercount of Native Americans skews population statistics which are used to allocate and distribute federal funds and services to tribes. For example, funds made available under the Federal Welfare-to-Work Grant program and Community Development Block Grants (CDBG) are both determined by reference to census statistics.

These key programs offer millions of dollars in Federal assistance to help low-income Americans make the transition from welfare to work and to build healthier and more productive communities.

This direct correlation between an accurate census and whether or not Native communities will be treated fairly and more than that, whether they will be given the tools they need to strengthen their economies, is the reason for the bill I am introducing today.

There has been a lot of debate about the 2000 Census and whether the count can be more accurately done through statistical sampling or other methods.

In my opinion, article I of our Constitution is clear in requiring that "an actual enumeration" be taken of the population every ten years.

As chairman of the Committee on Indian Affairs I have an obligation to see to it that Native Americans are treated fairly. At the same time I believe that Natives themselves bear a measure of responsibility for their destinies.

Just as the Census Bureau and the United States have a legal obligation to conduct an actual count, American Indians and Alaska Natives have a responsibility to answer the census and ensure that they are represented in the final tally.

This Congress and our nation can rightly demand that the United States fulfill its obligations to the Constitution and to Native Americans and achieve both a fair and complete count of American Indians and Alaskan Natives in Census 2000.

The bill I am introducing today will help ensure that Native Americans achieve a higher level of participation in the Census and ensure a more accurate count by authorizing the Secretary of Commerce to provide grants to Indian tribes and organizations to stimulate Native awareness of and participation in the 2000 Census.

It also provides incentives to help the Secretary and Indian tribes to recruit temporary employees and volunteer "Census Assistants" to work in and with Native communities and encourage Natives to answer the census.

I am hopeful that as the Census Bureau continues to lay the groundwork for the 2000 Census, it take into account the unique needs of the Native communities and the importance of getting an accurate count of all Native Americans.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Native American Census Participation Enhancement Act of 1999.

SEC. 2. DEFINITIONS.

(1) "2000 CENSUS."—The term "2000 census" means the 2000 decennial census of population;

(2) "BUREAU."—The term "Bureau" means the Bureau of the Census.

(3) "INDIAN TRIBE."—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(4) "INDIAN LANDS."—For purposes of this title, the term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 USC 1151; or "Indian

reservations" as defined in section 3(d) of the Indian Financing Act of 1974, 25 USC 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 USC 1903(10). For purposes of this definition, such section 3(d) of the Indian Financing Act of 1974 shall be applied by treating the term "former Indian reservations in Oklahoma" as including only those lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR Part 151 (as in effect on the date of enactment of this sentence).

(5) "SECRETARY."—The term "Secretary" means the Secretary of Commerce.

(6) "TRIBAL ORGANIZATION."—The term "Tribal organization" has the meaning given that term by section 4 of the Indian Self Determination and Education Assistance Act (25 USC 450b).

SEC. 3. FINDINGS AND PURPOSES.

The Congress finds that—

(1) Article I of the United States Constitution provides that an enumeration be taken of the United States population every 10 years to permit the apportionment of Representatives and for other purposes;

(2) information collected through the decennial census is used to determine—

(A) the boundaries of congressional districts within States;

(B) the boundaries of the districts for the legislature of each State and the boundaries of other political subdivisions within the States;

(C) the allocation of billions of dollars of Federal and State funds.

(3) the enumeration of Native Americans has not been accurate and has led to an undercounting of the Native American population living on Indian lands and in rural areas;

(4) the United States has a legal obligation to conduct an enumeration of the census in all communities in the United States, including Native communities;

(5) Tribal governments and Native Americans have an obligation to answer the census and ensure they are represented in the census.

TITLE I—GRANTS TO TRIBES AND ORGANIZATIONS

SEC. 1. PROGRAM AUTHORIZATION.

In order to improve Native American participation in the 2000 census, the Secretary may, in accordance with the provisions of this Act, provide for grants to be made to Indian tribes and tribal organizations, consistent with the purposes of this Act.

SEC. 2. APPLICATIONS.

(a) APPLICATIONS REQUIRED.—Each entity referred to in section 2 that wishes to receive a grant under this Act shall submit an application at such time, in such form, and complete with such information as the Secretary shall by regulation require, except that any such application shall include at least—

(1) a statement of the objectives for which the grant is sought; and

(2) a description of the types of programs and activities for which the grant is sought.

(b) NOTICE OF APPROVAL OR DISAPPROVAL.—Each entity submitting an application under subsection (a) shall, not later than 60 days after the date of its submission, be notified in writing as to whether such application is approved or disapproved.

SEC. 3. MATCHING REQUIREMENT.

(a) IN GENERAL.—A grant may not be made to an entity under this Act unless such entity agrees, with respect to the costs to be incurred by such entity in carrying out the programs and activities for which the grant is made, to make available non-Federal contributions in an amount equal to not less than 50 per cent of the Federal funds provided under the grant.

(b) NON-FEDERAL CONTRIBUTIONS.—An entity receiving a grant under this Act may meet the requirement under subsection (a) through—

(1) the use of amounts from non-Federal sources; or

(2) in-kind contributions, fairly evaluated, but only if and to the extent allowable under section 9.

SEC. 4. ALLOCATION.

The Secretary shall allocate the amounts appropriated to carry out this Act equitably and in a manner that best achieves the purposes of this Act.

SEC. 5. USE OF GRANT FUNDS.

A grant made under this Act may be used only for one or more of the following—

(1) to train volunteers to assist individuals residing on Indian lands to complete and return census questionnaires;

(2) to educate Native Americans and the public about the importance of participating in the 2000 census;

(3) to educate Native Americans and the public about the confidentiality that is accorded to information collected in the 2000 census;

(4) to recruit candidates to apply for census office and field enumerator positions;

(5) to sponsor community events to promote the 2000 census;

(6) to produce community-tailored promotional materials; and

(7) to rent space to provide any of the training described in this section.

SEC. 6. REGULATIONS.

Any regulations to carry out this Act shall be prescribed not later than 60 days after the date of enactment of this Act. The regulations shall include—

(1) provisions requiring that any application for a grant under this Act be submitted to the appropriate regional center or area office of the Bureau of the Census, as identified under the regulations;

(2) provisions under which the decision to approve or disapprove any such application shall be made by the head of the appropriate center or office in accordance with guidelines set forth in the regulations.

TITLE II—RECRUITMENT OF TEMPORARY EMPLOYEES

SEC. 1. RECRUITING TEMPORARY EMPLOYEES.

(a) COMPENSATION SHALL NOT BE TAKEN INTO ACCOUNT.—Section 23 of title 13, United States Code, is amended by adding at the end the following:

"(d)(1) As used in this subsection, the term 'temporary census position' shall mean a temporary position within the Bureau, established for purposes related to the 2000 census, as determined under regulations which the Secretary shall prescribe.

"(2) Notwithstanding any other provision of law, the earning or receipt by an individual of compensation for service performed by such individual in a temporary census position shall not have the effect of causing—

"(A) such individual or any other individual to become eligible for any benefits described in paragraph (3)(A); or

"(B) a reduction in the amount of any benefits described in paragraph (3)(A) for which such individual or any other individual would otherwise be eligible.

"(3) This subsection—

"(A) shall apply with respect to benefits provided under any Federal program or under any State, tribal or local program financed in whole or in part with Federal funds;

"(B) shall apply only with respect to compensation for service performed during calendar year 2000; and

"(C) shall not apply if the individual performing the service involved was first appointed to a temporary census position (whether such individual's then current position or a previous one) before January 1, 2000."

(2) Nothing in the amendment made by paragraph (1) shall be considered to apply with respect to Public Law 101-86 or the Internal Revenue Code of 1986.

(b) RE-EMPLOYED ANNUITANTS AND FORMER MEMBERS OF THE UNIFORMED SERVICES.—Public Law 101-86 (13 U.S.C. 23) is amended—

(1) in section 1(b) and the long title by striking "the 1990 decennial census" and inserting "the 2000 decennial census"; and

(2) in section 4 by striking "December 31, 1990" and inserting "December 31, 2000".

SEC. 2. CENSUS ASSISTANTS.

(a) IN GENERAL.—Subject to available appropriations, and after consulting with Indian tribes, the Secretary may provide such reasonable and appropriate incentives to facilitate and encourage volunteers to assist in the enumeration of Native Americans.

(b) REIMBURSEMENTS.—In his discretion, the Secretary may reimburse volunteers for fuel and mileage expenses; meals and related expenses; and other reasonable and necessary expenses incurred by assistants in the conduct of the Census.

(c) DEBT RELIEF.—In consultation with the Secretary of the Treasury, the Secretary shall develop and implement a program of undergraduate or graduate debt relief for those Census assistants that have provided significant service in the conduct of the enumeration of the Census.

By Mr. CAMPBELL:

S. 1589. A bill to amend the American Indian Trust Fund Management Reform Act of 1994; to the Committee on Indian Affairs.

INDIAN TRUST FUND MANAGEMENT REFORMS

Mr. CAMPBELL. Mr. President today I am pleased to introduce the American Indian Trust Fund Management Reform Act Amendments of 1999.

As many of my colleagues are aware, by the early 1990's, it was obvious that the Federal Government could not account for many of the funds it manages as the trustee to Indian tribes and their members. Most of these responsibilities were lodged in the Department of the Interior and its Bureau of Indian Affairs.

Studies by the General Accounting Office revealed that the Department and BIA lacked individuals with the knowledge, experience, or expertise needed to oversee and coordinate reform efforts. Congress reacted by enacting the American Indian Trust Fund Management Reform Act (AITFRA) of 1994.

Responding to criticisms that the Department's reform efforts were uncoordinated and piecemeal, Congress called for the appointment of a "Special Trustee" to provide overall management of the reform activities. The 1994 Act called for the President to nominate and for the Senate to confirm a Special Trustee with demonstrated experience in the management of trust funds, including the investment and management of large sums of money.

The 1994 Act did not give the Special Trustee all of the tools he or she needed to ensure that the Federal Government would live up to the same trust standards imposed on any other trustee. For example, although Congress sought to make the Special Trustee "independent," he had little recourse when Secretary Bruce Babbitt unilaterally reorganized the Office of the Special Trustee for American Indians through a Secretarial Order. In fact the Special Trustee resigned following the issuance of the Order in January 1999.

In 1997, the Special Trustee unveiled the Strategic Plan required by the 1994 Act. The Secretary declined an invitation by the Indian Affairs Committee to appear and explain his opposition to the Plan, especially those elements of the Plan that would allow some trust management functions to be performed by entities outside the Department of Interior.

Indian Country neither firmly embraced, nor rejected the proposed Strategic Plan. Indian Country has expressed strong concerns, and often opposition to the Department's own proposal, the High Level Implementation Plan.

In our joint Indian Affairs—Energy and Natural Resources Committee hearings, one theme has been repeated over and over: we cannot expect the institution that created the problem to design and implement comprehensive reforms for that system. It is also necessary to ensure that any reform proposal is the result of a broad-based consultation with all of the affected entities, especially Indian tribes, intertribal entities, and Indian account holders. It is likely that any reforms proposed by such a process will require legislative implementation.

The legislation I introduce today satisfies each of these factors. First, it does not rely on those responsible for the current situation to determine the scope of reform. Second, it establishes a process that will give those with the greatest stake in this process a commensurate opportunity to develop and propose reforms. It also provides an opportunity for all those concerned to participate in this process. Finally, this legislation makes it clear that at the conclusion of this process, Congress should consider whether legislation is necessary.

This bill directs the Senate Majority and Minority Leaders, the Speaker of the House and Minority Leader, and the Secretary of Interior to consult and make appointments that equitably represent those who will be the most affected by the management of trust funds. The legislation also requires the Commission to consider whether private enterprise, a tribal or inter-tribal enterprise, or perhaps a government sponsored corporate entity should be part of the government's fulfillment of its trust obligation. This same commission will determine which federal regulatory agency is best suited to regulate the Federal Government's activities as trustee.

Every financial institution managing and investing the money of the citizens of the United States is regulated by some entity, for example by the Comptroller of the Currency, or the Federal Reserve Board, or the Office of Thrift Supervision. The only exception that I am aware of is the federal government when it acts as a trustee to Indians and Indian tribes. And by now we can all see the mess that has resulted from this lack of regulatory oversight.

This bill does not mandate the form of organization or entity best suited to oversee the Federal Government's activities as trustee. Instead, it creates an open and fair process for these issues to be decided by those who know the most about how financial institutions and their trust Departments are regulated.

This bill builds upon a proposal made by the Intertribal Monitoring Association and represents a starting point for determining how to strengthen the 1994 Act.

This bill is a necessary counterpart to another bill I am introducing to amend the Indian Land Consolidation Act of 1983 to address the fractionated ownership of Indian lands, one of the primary causes of the trust funds crisis. With both measures, it is essential that all parties involved—the tribes, individual Indians, the Interior Department, and Congress—set out to finally lay the groundwork for real trust fund reform. Native Americans deserve no less.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Trust Fund Management Reform Act Amendments".

SEC. 2. DEFINITIONS.

Section 2 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001) is amended by adding at the end the following:

"(7) The term 'Commission' means the Indian Trust Reform Commission established under section 303.".

SEC. 3. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, INDIAN TRUST REFORM COMMISSION.

(a) OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS.—

(1) IN GENERAL.—Section 302 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042) is amended by striking subsection (c) and inserting the following:

"(c) TERM OF SPECIAL TRUSTEE.—The Special Trustee shall serve for a term of 2 years.".

(2) CONFORMING AMENDMENT.—Section 306 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4046) is amended by striking subsection (d).

(b) INDIAN TRUST REFORM COMMISSION.—Section 302 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4042) is amended by adding at the end the following:

"(d) INDIAN TRUST FUND REFORM COMMISSION.—

"(1) ESTABLISHMENT.—There is established the Indian Trust Fund Reform Commission.

"(2) MEMBERSHIP.—The Commission shall be composed of the following members:

"(A) One member appointed by the Majority Leader of the Senate.

"(B) One member appointed by the Minority Leader of the Senate.

"(C) One member appointed by the Speaker of the House of Representatives.

"(D) One member appointed by the Minority Leader of the House of Representatives.

"(E) One member appointed by the Secretary of the Interior.

"(3) CONSULTATION.—Before making an appointment under paragraph (2), each individual referred to in subparagraphs (A) through (D) shall consult with each other individual referred to in those subparagraphs to achieve, to the maximum extent practicable, fair and equitable representation of different interests, with respect to the matters to be studied by the commission, including the interests of Indian tribes, appropriate intertribal organizations, and individual Indian account holders.

"(4) QUALIFICATIONS OF MEMBERS.—

"(A) IN GENERAL.—Each individual appointed as a member under paragraph (2) shall—

"(i) have legal, accounting, regulatory, or administrative experience with respect to trust assets and accounts or comparable experience in tribal government; or

"(ii) at the time of the appointment, be an individual who is serving as a member of the advisory board established under section 306(a).

"(B) CONCURRENT MEMBERSHIP.—A member of the advisory board referred to in subparagraph (A)(ii) may serve concurrently as a member of the Commission.

"(5) CHAIRPERSON.—Not later than the date on which a majority of the members of the Commission have been appointed (but not later than 75 days after the date of enactment of this subsection) a chairperson of the Commission shall be selected a consensus or majority decision made by the Secretary of the Interior, the Speaker of the House of Representatives, and the Majority Leader of the Senate.

"(6) INITIAL APPOINTMENTS; PERIOD OF APPOINTMENT; AND VACANCIES.—

"(A) INITIAL APPOINTMENTS.—The initial appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this subsection.

"(B) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

"(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment, but not later than 60 days after the date on which the vacancy occurs.

"(7) INITIAL MEETING.—Not later than 30 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

"(8) MEETINGS.—The Commission shall meet at the call of the Chairman.

"(9) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(10) DUTIES OF THE COMMISSION.—The Commission shall carry out the duties of the Commission specified in section 303(a).

"(11) POWERS OF THE COMMISSION.—

"(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this Act.

"(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this subsection. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

"(12) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(13) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

"(14) COMMISSION PERSONNEL MATTERS.—

"(A) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(15) STAFF.—

"(A) IN GENERAL.—The Chairman may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

"(B) COMPENSATION.—The Chairman may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(C) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.".

SEC. 4. REINVENTION STRATEGY.

Section 303 of the American Indian Trust Fund Management Act of 1994 (25 U.S.C. 4043) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) REINVENTION STRATEGY.—

"(A) IN GENERAL.—Not later than 180 days after a majority of the members of the Commission have been appointed, the Commission, in consultation with Indian tribes and appropriate Indian organizations, shall prepare for submission to the individuals and entities specified in subparagraph (C) in accordance with subparagraph (B) a recommended reinvention strategy for all phases of the trust management business cycle that ensures the proper and efficient discharge of the trust responsibility of the Federal Government to Indian tribes and individual Indians in compliance with this title.

"(B) ADOPTION.—Not later than 90 days after the date specified in subparagraph (A), the Commission shall—

"(i)(I) meet to consider the reinvention strategy developed under subparagraph (A); and

"(II)(aa) take a vote concerning the adoption of the reinvention strategy for recommendation to the individuals and entities specified in subparagraph (C), and adopt for recommendation the reinvention strategy if it is approved by a majority vote; or

"(bb) modify the reinvention strategy, and if the modified reinvention strategy is approved by a majority vote, adopt the modified reinvention strategy for recommendation to the individuals and entities specified in subparagraph (C); and

"(ii) submit a recommended reinvention strategy to the individuals and entities specified in subparagraph (C).

"(C) INDIVIDUALS AND ENTITIES.—The individuals and entities referred to in subparagraphs (A) and (B) are as follows:

"(i) The advisory commission established under section 306(a).

"(ii) The Secretary.

"(iii) The Committee on Resources of the House of Representatives.

"(iv) The Committee on Indian Affairs of the Senate.

"(2) REINVENTION STRATEGY REQUIREMENTS.—

"(A) IN GENERAL.—In preparing the reinvention strategy under this subsection, the Commission shall explicitly consider and include in the report to the individuals and entities described in paragraph (1)(C) findings concerning the following options for fulfilling the obligations of the Federal Government (including the trust obligations of the Federal Government) to Indian tribes and individual Indian account holders:

"(i) The creation of a Government-sponsored enterprise or a federally chartered corporation to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

"(ii) The use of existing or expanded authority under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

"(iii) Requiring the Secretary to contract directly with private sector entities (including banks and other private institutions) to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

"(iv) Any combination of the options described in clauses (i) through (iii) that the Commission considers to be appropriate.

"(B) ADDITIONAL REQUIREMENTS.—In addition to meeting the requirements under subparagraph (A), the reinvention strategy shall—

"(i) identify all reforms to the policies, procedures, practices, and systems of the Department (including systems of the Bureau, the Bureau of Land Management, and the Minerals Management Service) that are necessary to ensure the proper and efficient discharge of the trust responsibilities of the Secretary in compliance with this Act;

"(ii) include provisions to—

"(I) provide opportunities to Indian tribes to assist in the management of their trust accounts; and

"(II) identify for the Secretary options for the investment of the trust accounts of Indian tribes in a manner consistent with the trust responsibilities of the Secretary in compliance with this Act in such manner as to ensure the promotion of economic development in the communities of Indian tribes; and

"(iii) include recommendations concerning whether the position of Special Trustee should be continued or made permanent.

"(3) REGULATORY ENTITY.—

"(A) IN GENERAL.—Not later than 90 days after approving a reinvention strategy under paragraph (1), the Commission shall recommend to Congress the Federal agency that should be responsible for regulating the trust management activities of the Federal Government, with respect to funds held in trust under this Act, and submit such recommendations for legislation to implement the reinvention strategy as the Commission considers to be appropriate.

"(B) CRITERIA FOR RECOMMENDING REGULATORY ENTITY.—In determining which regulatory entity to recommend under subparagraph (A), the Commission shall consider—

"(i) the provisions of the recommended reinvention strategy approved under paragraph (1); and

"(ii) the similarity of the recommended reinvention strategy approved under paragraph (1) and the functions and activities of an entity regulated by—

"(I) the Office of the Comptroller of the Currency;

"(II) the Board of Governors of the Federal Reserve System;

"(III) the Office of Federal Housing Enterprise Oversight;

"(IV) the Federal Trade Commission;

"(V) the Office of Thrift Supervision; or

"(VI) any other Federal agency charged with the responsibility of regulating public or private entities that invest or manage financial resources.".

By Mr. CRAPO:

S. 1590. A bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION BOARD IMPROVEMENT ACT

Mr. CRAPO. Mr. President, today I am introducing a very important piece of legislation, the Surface Transportation Board Improvement Act, which is aimed at correcting an injustice for railroad workers, shippers and anyone who have a contractual relationship with a railroad. Basically, my bill would end the onerous procedure of the Surface Transportation Board to override, modify, or cancel collective bargaining agreements between railroads and their employees. Collective bargaining agreements go to the very essence of the labor relations process. They are the result of hard-fought deliberations between labor and management, and of a give-and-take process which often results in no winners or losers. While the process is not perfect, collective bargaining agreements do not come lightly and they should be honored—not subject to change by a federal agency.

In 1920, Congress determined that railroad mergers and consolidations should be subject to exclusive federal jurisdiction through the Interstate Commerce Commission (ICC). To effect that intent, Congress gave an exemption from antitrust laws, other federal laws, State and municipal laws to railroads participating in a transaction approved by the ICC. However, what was good policy in 1920 no longer works today because the language used to effect that policy is too broad giving rise to unfair application.

Unfortunately, the exemption provisions of the Interstate Commerce Act have been extended beyond the limited area of removing inconsistent State and municipal regulations governing railroad mergers and consolidations. Instead, they now are used to override contracts between railroads and their employees and railroads and other parties, such as shippers. Since 1983, the ICC and its successor the Surface Transportation Board (STB) have used the exemption to override, modify, or cancel collective bargaining agreements between railroads and their employees. The Board has not confined these overrides, while unacceptable under any circumstances, to the period surrounding the ICC or STB approval of a transaction. If fact, the exemption has been used to modify and cancel collective bargaining agreements more than thirty years after the initial approval of the railroad consolidation. Recently, the STB has used the same exemption provisions to override contracts between shippers and railroads. This wide ranging power in a federal agency is unprecedented and needs to be remedied.

What we need is a balance. Contracts freely entered should be considered inviolate and subject to governmental intrusion in only the most important and rare circumstances. A railroad merger does not reach that level of importance. No one can show a legitimate present need to treat railroads any differently from other modes of transportation when it comes to their honoring contractual commitments. My bill restores a balance that existed between 1920 and 1983 by making it clear that the federal interest in regulating rail mergers and consolidations does not extend to upsetting settled contractual relationships between the regulated party, the railroads, and others.

The specific remedies provided by this bill are straightforward. First, the exemption is limited to inconsistent State and municipal regulations of rail mergers and consolidations. That was a primary goal of Congress in 1920 and is preserved here. The antitrust exemption is lifted because in this era of mega-rail carriers, there is no reason future railroad mergers and consolidations should not be treated the same as mergers and consolidations in other modes of transportation. Congress gave the antitrust exemption to the railroad industry in 1920 following a period of governmental control triggered, in part, because of the rail industry's general economic instability. In 1920, the federal governmental interest supported rail mergers because they seemed the key to a stable mode of transportation in an essential sector of the economy. Given the general economic health of the Class I rail carriers coupled with the recent round of mergers/acquisitions in both West and East, no one can honestly claim further railroad consolidation is necessarily in the public interest.

Second, my bill ends the STB's foray into labor relations. From the date of enactment, all future transactions involving the merger of work forces proposed by rail carriers under employee protective conditions previously imposed by the ICC or STB will be resolved under the dispute resolution procedures provided in the Railway Labor Act (RLA). The RLA has governed railroad labor relations since 1926 (and airlines since 1935). Congress has not amended the Act significantly since 1966 when Congress provided the means to expedite resolution of "minor disputes" in the industry. The manner of negotiating a change in collective bargaining agreements has been in place since 1926. While some may disagree with parts of the RLA dispute resolution process, it works and has worked for seventy-three years. My bill places resolution of force integration disputes in merger cases back into the same collective bargaining processes that govern all other changes in railroad labor relations.

Federal labor policy with respect to collective bargaining, as established under the RLA, is that private agreements are reached and amended by the parties without governmental compulsion. That policy provides a process whereby labor and management can voluntarily resolve differences and enter into contracts, and rejects the notion that the government should micro-manage the substantive terms of collective bargaining agreements.

In defiance of this policy, the STB, which has no experience or authority in collective bargaining, has routinely broken or modified privately negotiated employee contracts in the approval of mergers or other transactions. My bill bars the STB from making wholesale changes to or abrogating privately negotiated collective bargaining agreements. It is fair public policy that contracts should be saved and changed only when the parties sit down and agree to new terms in a fair collective bargaining setting.

Mr. President, I urge all Senators to join me in support of this important legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Board Improvement Act of 1999".

SEC. 2. SCOPE OF AUTHORITY; EMPLOYEE PROTECTIVE ARRANGEMENTS.

(a) SCOPE OF AUTHORITY.—Section 11321 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a)(1) The authority of the Board under this subchapter is exclusive. A rail carrier or corporation participating in or resulting from a transaction approved by or exempted by the Board under this subchapter may carry out the transaction, own, and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority.

"(2) Subject to paragraph (3), a rail carrier, corporation, or person participating in an approved or exempted transaction described in paragraph (1) is exempt from State and municipal laws to the extent that the laws regulate combinations, mergers, or consolidations of rail carriers, as necessary to permit that rail carrier, corporation, or person to—

"(A) carry out the transaction; and

"(B) hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

"(3)(A) If a purchase and sale, a lease, or a corporate consolidation or merger is involved in a transaction described in paragraph (1), the carrier, or corporation may carry out the transaction only with the assent of a majority, or the number required under applicable State law, of the votes of the holders of the capital stock of that corporation entitled to vote.

"(B) To meet the requirements of this paragraph—

"(i) a vote referred to in subparagraph (A) shall occur at a regular meeting, or special meeting called for that purpose, of the stockholders referred to in that subparagraph; and

"(ii) the notice of the meeting shall indicate its purpose."; and

(2) by adding at the end the following:

"(c) The Board shall not, under any circumstances, have the authority under this subchapter to—

"(1) break, modify, alter, override, or abrogate, in whole or in part, any provision of any collective bargaining agreement or implementing agreement made between the rail carrier and an authorized representative of the employees of the rail carrier under the Railway Labor Act (45 U.S.C. 151 et seq.); or

"(2) provide the authority described in paragraph (1) to any other person, carrier or corporation.".

(b) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Section 11326 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

"(a)(1) Except as otherwise provided in this section, when approval is sought for a transaction under sections 11324 and 11325, the Board shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees who are affected by the transaction as the terms imposed under section 11347 of this title, as in effect on the day before December 29, 1995.

"(2) The arrangement and the order approving a transaction referred to in paragraph (1) shall be subject to the following conditions:

"(A) The employees of the affected rail carrier shall not be in a worse position related to their employment as a result of the transaction during the 6-year period beginning on the date on which the employee is adversely affected by an action taken by the affected rail carrier as a result of the transaction (or if an employee was employed for a lesser period of time by the rail carrier before the action became effective, for that lesser period).

"(B)(i) The rail carrier and the authorized representatives of the rail carrier's employees shall negotiate under the Railway Labor Act any arrangement regarding the selection of forces or assignment of employees caused by the Board's order of approval under sections 11324 or 11325.

"(ii) Arbitration of the proposed arrangement may only occur if both parties agree to that process.

"(iii) The Board shall not intervene in the negotiations or arbitration under this subparagraph unless requested to do so by both parties involved.

"(iv) The Board shall not, under any circumstances, have the authority under this subchapter to—

"(I) break, modify, alter, override, or abrogate, in whole or in part, any provision in any collective bargaining agreements or implementing agreements made between the rail carrier and an authorized representative of its employees under the Railway Labor Act; or

"(II) provide the authority described in subclause (I) to any other person, carrier, or corporation.

"(3) Beginning on the date of the enactment of the Surface Transportation Board Improvement Act of 1999, this subsection shall apply to any transaction proposed by a rail carrier under conditions previously imposed by the former Interstate Commerce Commission or the Surface Transportation Board under—

"(A) section 5(2)(f) of the Interstate Commerce Commission Act before October 1, 1978;

"(B) section 11347 of this title, before December 29, 1995; or

"(C) this section.".

By Mr. MURKOWSKI (for himself and Mr. SCHUMER):

S. 1591. A bill to further amend section 8 of the Puerto Rico Federal Relations Act as amended by section 606 of the Act of March 12 (P.L. 96-205), authorizing appropriations for certain insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

PUERTO RICO FEDERAL RELATIONS ACT AMENDMENTS

Mr. MURKOWSKI. Mr. President, this morning I had an opportunity to meet with the Governor of Puerto Rico, the Honorable Pedro Rosello. The purpose was to discuss a variety of issues affecting our relationship with Puerto Rico. The Committee on Energy and Natural Resources, which I chair, has the responsibility for the territories and the freely associated States of the United States, of which Puerto Rico is one. That responsibility derives from the plenary authority of the Federal Government over the territories, which is placed in the Congress under article IV of the Constitution.

I take that responsibility very seriously. My State was a territory until 1959. I truly remember the days when my State was totally dependent on the goodwill of the Congress. Sometimes that goodwill was somewhat lacking. We were American citizens. We did not enjoy the right to vote. We had no representation in Congress. We were subject to Federal income tax. Some Alaskans thought they would feel good about filing under protest and would write that across their income tax return, but that is about the extent of the satisfaction they got. In any event, I do have a certain sensitivity for the American people of Puerto Rico.

I think it is fair to remind my colleagues that Congress is vested with the power to admit States and the power to dispose of the territory status of those areas within the United States. This is one of the fundamental authorities that affect the nature of our society and the nature of our Government. Thirty-seven times we have acted to admit new States to the Union. Once we acted to grant independence. In the interim, we have governed areas that expanded this Nation from Thirteen Original Colonies to a country that stretches from the Virgin Islands to Guam, the Northern Mariana Islands, and from Maine to Alaska to American Samoa in the South Pacific. We have tried, perhaps not always successfully, to be responsive to the needs and aspirations of the residents of the territories.

Coming from a former territory, I understand the unhappiness of living in territorial status subject to decisions made in Washington. As a consequence, I try to be fair and sensitive and sympathetic to the aspirations and concerns of the people of Puerto Rico, the American people of Puerto Rico, and whether a continuing quest for self-determination, which I happen to believe is appropriate and an obligation of this Congress, is something that is still unresolved with regard to the Americans and the people of Puerto Rico.

Perhaps a little history might be helpful on this. Referring to my own State, we were purchased for $7.2 million in 1867 from Russia with citizenship except for the "uncivilized native tribes." Full citizenship to all residents was not enacted until 1915. Alaska was then subject to military government for 17 years. When we requested an extension of the homestead laws in order to settle a territory, our requests were then ignored by Washington. The Organic Act of 1884 provided for civil government and an appointed Governor but did not provide for either a legislative assembly or a delegate to Congress. However, in 1906, 39 years after acquisition, we were finally granted a nonvoting delegate to Congress in the House of Representatives. In 1912, an Organic Act provided for a local legislature with limited authority subject to veto by an appointed Governor to the State of Alaska, appointed by the President with the oversight of Congress.

In some respects Puerto Rico obtained greater local self-government faster than we did in Alaska. In 1950, Puerto Rico had an elective Governor and Constitution while Alaska was still subject to appointed officials. While we now have an elected Governor and Statehood, we are still subject to appointed officials, some of whom appear to think that Statehood and federalism are arcane and outdated concepts—impediments to the achievement of their particular concept of public good.

Mr. President, if that level of insensitivity to the needs and aspirations of local residents and the wishes of elected officials occurs in a State, you can imagine how the residents of a territory feel. That brings me to the subject of this legislation I introduced today.

Vieques is a 33,000 acre island off the east coast of Puerto Rico, approximately 22 miles long by 6 miles wide. The federal government acquired ⅔ of the island in 1941. The population of 9,400 resides in the west central area of the island, sandwiched between two military areas. The western portion of the island is used as a Navy Supply Depot with 102 magazines. The eastern portion contains a maneuvering area for amphibious/land training and a Live Impact Area that is part of the Atlantic Fleet Weapons Training Facility.

Vieques is the only target range in the U.S. where aircrews drop live ordnance from tactical altitudes, above 18,000 feet. The facility also supports shore bombardment training with live ordnance. Although the civilian population resides about 8 miles from the Live Impact Area, relations have been tense for some time, as you might expect if your community was the recipient of regularly scheduled live exercises with live ammunition. You would keep one eye open at night.

It finally happened on April 19, 1999. An F/A–18 from the JFK Battlegroup participating in live fire training as part of deployment preparations dropped two 500 pound bombs near an observation post within the Live Fire Impact area. A civilian contract security guard was unfortunately killed and four other personnel received minor injuries. While this is the only fatality to have occurred over the past sixty years, there have been several minor incidents within the Live Fire Impact area. The guard, David Sanes Rodriguez, was 35 and one of 17 siblings who grew up in the La Mina sector of Vieques.

Mr. President, you have heard me complain any number of times about the abuse that my constituents must endure from disinterred federal bureaucracy. We are denied the ability to develop our resources. We cannot obtain rights-of-way to connect our towns and villages. We cannot connect by road, by rail, or by wire. I will not go through how many of my constituents have died because we cannot obtain a simple right-of-way through a few miles of a wildlife refuge so they can obtain emergency medical treatment. This is the case in my State. At least the federal government is not dropping live ordnance on my constituents.

I fully understand the reasons why the Governor and virtually everyone in Puerto Rico has called for an end to the use of Vieques as a target range. I also understand that this would not happen if Puerto Rico were not a territory. I fully support the need for our armed services to train, deploy, and test weapons. But there are certain things you simply don't do in an inhabited area. I deeply regret that it took an accident to highlight this situation, but that is the case.

For that reason, legislation I have introduced will amend the Puerto Rico Federal Relations Act to transfer control over Vieques to the government of Puerto Rico for public purposes. The term "public purpose" is very broad and will include the same public benefit uses that we authorized for lands transferred to Guam several years ago.

Finally, the day may come when Congress no longer exercises plenary authority over Puerto Rico but the Puerto Rican people will have determined their self-determination. Until that time, all of us have a responsibility to respond to the needs of our fellow citizens who reside there and in the other territories, as well as our own constituents. I hope my colleagues would join me in this amendment.

I see no other Senators seeking recognition, so I yield the floor.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 1592. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

CENTRAL AMERICAN AND HAITIAN PARITY ACT OF 1999

Mr. DURBIN. Mr. President, I rise today to introduce the Central American and Haitian Parity Act of 1999 with my colleague Senator KENNEDY. This legislation will provide deserved and needed relief to thousands of immigrants from Central America and the Caribbean who came to the United States fleeing political persecution.

In the 1980's, thousands of Salvadorans and Guatemalans fled civil wars in their countries and sought asylum in the United States. The vast majority had been persecuted or feared persecution in their home countries. The people of Honduras had a similar experience. While civil war was not formally waged within Honduras, the geography of the region made it impossible for Honduras to be unaffected by the violence and turmoil that surrounded it. The country of Haiti has also experienced extreme upheaval. Haitians for many years were forced to seek the protection of the United States because of oppression, human rights abuses and civil unrest.

Salvadorans, Guatemalans, Haitians and Hondurans have now established roots in the United States. Some have married here and many have children that were born in the United States. Yet many still live in fear. They cannot easily leave the United States and return to the great uncertainty in their countries of origin. If they are forced to return, they will face enormous hardship. Their former homes are either occupied by strangers or not there at all. The people they once knew are gone and so are the jobs they need to support their families. They also cannot become permanent residents of the United States, which severely limits their opportunities for work and education. This situation is unacceptable and requires a more permanent solution.

Before outlining how this bill will provide a permanent solution, it is important to review the evolution of deportation remedies. Prior to the passage of the Illegal Immigration Reform and Responsibility Act in 1996, aliens in the United States could apply for suspension of deportation and adjustment of status in order to obtain lawful permanent residence. Suspension of deportation was used to ameliorate the harsh consequences of deportation for aliens who had been present in the United States for long periods of time.

In September of 1996, Congress passed the Illegal Immigration Reform and Responsibility Act. This law retroactively made thousands of immigrants ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of the date of the initial notice charging the applicant with being removable.

In 1997, this Congress recognized that these new provisions could result in grave injustices to certain groups of people. So in November of 1997, the Nicaraguan and Central American Relief Act (NACARA) granted relief to certain citizens of former Soviet block countries and several Central American countries. This select group of immigrants were allowed to apply for permanent residence under the old, pre-IIRRA standards.

Such an alteration of IIRRA made sense. After all, the U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. The complex history of civil wars and political persecution in parts of Central America left thousands of people in limbo without a place to call home. Many victims of severe persecution came to the United States with very strong asylum cases, but unfortunately these individuals have waited so long for a hearing they will have difficulty proving their cases because they involve incidents which occurred as early as 1980. In addition, many victims of persecution never filed for asylum out of fear of denial, and consequently these people now face claims weakened by years of delay.

Mr. President, the bill I introduce today is a necessary and fair expansion of NACARA. It provides a permanent solution for thousands of people who desperately need one. Specifically, the bill amends the Nicaraguan Adjustment and Central American Relief Act and provides nationals of El Salvador, Guatemala, Honduras and Haiti an opportunity to apply for adjustment of status under the same standards as Nicaraguans and Cubans. While the restoration of democracy in Central America and the Caribbean has been encouraging, the situation remains delicate. Providing immigrants from these politically volatile areas an opportunity to apply for permanent resident status in the United States instead of deporting them to politically and economically fragile countries will provide more stability in the long run. Such an approach is the best solution not only for the United States but also for new and fragile democracies in Central America and the Caribbean. Immigrants have greatly contributed to the

United States, both economically and culturally and the people of Central America and the Caribbean are no exception. If we continue to deny them a chance to live in the United States by deporting them, we not only hurt them, we hurt us too.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central American and Haitian Parity Act of 1999".

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS" and inserting "NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS";

(2) in subsection (a)(1)(A), by striking "2000" and inserting "2003";

(3) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(4) in subsection (d)—

[*(A) in subparagraph (A), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and*]

(B) in subparagraph (E), by striking "2000" and inserting "2003".

SEC. 3. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 2 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 4. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General, in the unreviewable discretion of the Attorney General, to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 2 of this Act.

SEC. 5. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—";

(B) by amending the heading of paragraph (1) to read as follows: "ADJUSTMENT OF STATUS.—";

(C) by amending paragraph (1)(A) to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

"(ii) in the case of"; and

(E) by adding at the end the following new paragraph:

"(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

"(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence"; and

(6) by adding at the end the following new subsection:

"(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 6. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a) (1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Inapplicability of certain provisions.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "Spouses, Children, and Unmarried Sons and Daughters.—";

(B) by amending the heading of paragraph (1) to read as follows: "Adjustment of Status.—";

(C) by amending paragraph (1)(A), to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

"(ii) in the case of";

(E) by adding at the end of paragraph (1) the following new subparagraph:

"(E) the alien applies for such adjustment before April 3, 2003."; and

(F) by adding at the end the following new paragraph:

"(3) Eligibility of certain spouses and children for issuance of immigrant visas.—

"(A) In general.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) Retention of fees for processing applications.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence";

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

"(i) Statutory Construction.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) Effective Date.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 7. MOTIONS TO REOPEN.

(a) Nationals of Haiti.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this Act, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) Nationals of Cuba.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this Act, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator Durbin in introducing the "Central American and Haitian Parity Act of 1999. I commend our colleagues in the House, Representatives Chris Smith, Luis Gutierrez, and others, who introduced a companion bill last month. This legislation has the strong support of the Clinton administration, because it is a key component of America's effort to support democracy and stability in Central America and Haiti.

Two years ago, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which protects Nicaraguan and Cuban refugees by enabling them to remain permanently in the United States as immigrants. But many Central Americans and Haitians were unfairly excluded from that bill. At that time, many of us in Congress opposed the unfairness and discrimination involved in treating Nicaraguans and Cubans more favorably than similarly situated Central Americans and Haitians. We believe all of these refugees should be treated equally.

It is time for Congress to end this disparity. With this legislation, we are remedying this flagrant omission and adding Salvadorans, Guatemalans, Hondurans, and Haitians to the list of deserving refugees.

These Central American and Haitian refugees, like Nicaraguans and Cubans, fled decades of violence, human rights abuses, and economic instability resulting from political repression. They suffered persecution at the hands of successive repressive governments. Central Americans and Haitians supporting democracy have faced torture, extra-judicial killings, imprisonment, and other forms of persecution. These and other gross violations of human rights have been documented by the State Department, and by human rights organizations such as Americas Watch and Amnesty International.

Like other political refugees, Central Americans and Haitians have come to this country with a strong love of freedom and a strong commitment to democracy. They have settled in many parts of the United States. They have established deep roots in our communities, and their children, that have been born here, are U.S. citizens. Wherever they have settled, they have made lasting contributions to the economic vitality and diversity of our communities and our nation.

Citizens in these countries are now working hard to establish democracy in their nations. President Clinton and Secretary Albright have repeatedly stated that it is America's long-standing foreign policy to ensure the continuing stability and viability of emerging, yet still fragile, democracies in Central America and Haiti. The Central American and Haitian communities in the United States have contributed substantially to this goal, sending hundreds of millions of dollars to their native lands. These funds have played a critical role in stabilizing these countries' economies as they make the transition to democracy, at no cost to the U.S. taxpayer.

The State Department has documented the potential adverse consequences of reducing the flow of these funds. From a U.S. foreign policy and humanitarian standpoint, these amounts have taken on added importance. These funds have become a primary source of income for families who lost their jobs as a result of the hurricanes that ravaged these countries last year. Repatriating thousands of Central Americans and Haitians will impose a substantial additional burden on these countries. It will also diminish the ability of Central Americans and Haitians in the U.S. to contribute financially to rebuilding their countries. Allowing Central Americans and Haitians to remain here as legal residents will enable them to continue to provide assistance that will contribute substantially to vital economic recovery and reconstruction.

This legislation will provide qualified Salvadorans, Guatemalans, Hondurans and Haitians with the opportunity to become permanent residents of the U.S. To qualify for this relief, they must have lived in this country since December 1995. By approving the Central American and Haitian Parity Act, we can finally bring an end to the shameful decades of disparate treatment that has existed.

This is an issue of basic fairness. The United States has a long and noble tradition of providing safe haven to refugees. Over the years, we have enacted legislation to guarantee safe haven for Hungarians, Cubans, Yugoslavs, Vietnamese, Laotians, Cambodians, Poles, Chinese, and many others.

This Congress has the opportunity to right the shameful wrongs that Central American and Haitian refugees have suffered. This bill offers the full protection of our laws to these victims of persecution in their fight for democracy. Congress has a duty to offer the same protection to Central Americans and Haitians that we have offered over the years to other refugees fleeing from repressive regimes. This bill does what is fair, what is right, and what is just.

We should do all we can to end the current flagrant discrimination under our immigration laws. Central American and Haitian refugees deserve protection too—the same protection we gave to Nicaraguans and Cubans. We need to pay more than lip service to the fundamental principle of equal protection of the laws.

Since its introduction in the House of Representatives, the Central American and Haitian Parity Act has received important bipartisan support. I am optimistic that it will receive similar support in the Senate. It deserves to be enacted as soon as possible.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. BUNNING, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 824

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 824, a bill to improve educational systems and facilities to better educate students throughout the United States.

S. 935

At the request of Mr. LUGAR, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. EDWARDS), the Senator from Delaware (Mr. BIDEN), the Senator from Colorado (Mr. ALLARD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1440

At the request of Mr. GRAMM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1440, a bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Idaho (Mr. CRAIG), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1488

At the request of Mr. GORTON, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1498

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1499

At the request of Mr. MACK, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1499, a bill to title XVIII of the Social Security Act to promote the coverage of frail elderly medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly.

S. 1550

At the request of Mr. WELLSTONE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1550, a bill to extend certain Medicare community nursing organization demonstration projects.

S. 1568

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1568, a bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of "In Memory" Day.

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. VOINOVICH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Senate Concurrent Resolution 56, a concurrent resolution expressing the sense of Congress regarding the importance of "family friendly" programming on television.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. AKAKA), the Senator from Louisiana (Mr. BREAUX), the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. BAUCUS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. BURNS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SHELBY), the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. THURMOND), the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Michigan (Mr. ABRAHAM), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. ROTH), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mr. HELMS), the Senator from Missouri (Mr. ASHCROFT), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE RESOLUTION 163

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of Senate Resolution 163, a resolution to establish a special committee of the Senate to study the causes of firearms violence in America.

SENATE RESOLUTION 172

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of Senate Resolution 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 181

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 181, a resolution expressing the sense of the Senate regarding the situation in East Timor.

SENATE RESOLUTION 183

At the request of Mr. ASHCROFT, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Washington (Mr. GORTON), the Senator from Michigan (Mr. ABRAHAM), the Senator from New Hampshire (Mr. SMITH), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

AMENDMENT NO. 1572

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1572 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1642

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1642 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1643

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1643 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

HELMS (AND OTHERS) AMENDMENT NO. 1658

Mr. HELMS (for himself, Mr. DEWINE, Mr. ASHCROFT, Mr. ENZI, Mr. BROWNBACK, and Mr. NICKLES) proposed an amendment to the bill, H.R. 2084; as follows:

At the appropriate place, insert the following:

SEC.   . (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

CRAIG AMENDMENT NO. 1659

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following: "The Secretary will make available $6,000,000 from the Public Lands Program for safety and capacity improvements to public land access highway U.S. 89 from West Forest Boundary to Bishoff Canyon in Idaho."

THOMAS (AND ENZI) AMENDMENT NO. 1660

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . No monies may be made available to implement the cost sharing provisions of Section 5001(b) of the Transportation Equity Act for the 21st Century with regard to Section 5117(b)(5) of that Act.

DASCHLE (AND JOHNSON) AMENDMENT NO. 1661

Mr. SHELBY (for Mr. DASCHLE (for himself and Mr. JOHNSON)) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC.   . TEMPORARY AIR SERVICE INTERRUPTIONS.

(a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

COLLINS AMENDMENT NO. 1662

(Ordered to lie on the table.)

Ms. COLLINS submitted an amendment intended to be proposed by her to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 342. (a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the "Commission").

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority and Minority leaders of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms "air carrier" and "air transportation" have the meanings given those terms in section 40102(a) of title 49, United States Code.

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and the Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) FUNDING.—

(1) IN GENERAL.—Of the amounts appropriated by this Act, $1,500,000 shall be available to the Commission to carry out this section.

(2) AVAILABILITY.—Funds available to the Commission under paragraph (1) shall remain available until expended.

INHOFE AMENDMENT NO. 1663

Mr. SHELBY (for Mr. INHOFE) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

KERRY AMENDMENT NO. 1664

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

In the appropriate place, insert:

"Of the funds made available in this act for Sec. 123 of Title 23 U.S. Code, $2,432,000 shall be provided to the State of Nebraska for improvements to provide access to the Boyer Chute National Wildlife Refuge, Fort Calhoun, Washington County, Nebraska."

ROBB AMENDMENT NO. 1665

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following:

SEC. . NOISE BARRIERS, VIRGINIA.

Use of Apportioned Funds: Notwithstanding any other provision of law, the Secretary of Transportation may approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers for the West Langley community along Interstate 495.

DURBIN AMENDMENT NO. 1666

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the National Railroad Passenger Corporation (Amtrak) should reimburse the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities for all necessary costs of rescue and cleanup efforts related to the March 15, 1999 accident, not covered by other outside sources including insurance.

THOMAS (AND ENZI) AMENDMENT NO. 1667

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . For purposes of Section 51127(b)(5) of the Transportation Equity Act for the 21 Century, the cost sharing provisions of Section 5001(b) of that Act shall not apply.

DEWINE (AND OTHERS) AMENDMENT NO. 1668

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. MURKOWSKI, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BREAUX, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 342. (a) AMOUNTS FOR DRUG ELIMINATION ACTIVITIES.—In addition to any other amounts appropriated by this Act for the Coast Guard, $345,000,000 are appropriated to the Coast Guard, of which—

(1) $151,500,000 shall be used as operating expenses for the drug enforcement activities of the Coast Guard in accordance with section 812(a) of the Western Hemisphere Drug Elimination Act (title VIII of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)); and

(2) $193,500,000 shall be used by the Commandant of the Coast Guard, in a manner that the Commandant determines to be consistent with section 812 of the Western Hemisphere Drug Elimination Act, for acquiring maritime patrol aircraft, surface patrol vessels, or sensors.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1669

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 6, line 14, strike "$2,772,000,000" and replace with "$2,775,666,000".

Insert on page 7, line 22, after the word "systems", ":*Provided further*, That the Secretary of Transportation shall continue to operate and maintain the seasonal Coast Guard air search and rescue facility located in Muskegon, Michigan".

REED AMENDMENT NO. 1670

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the end of title III, add the following:

SEC. . (a) In title I, under the heading "COAST GUARD", the total amount appropriated for alteration of bridges is hereby increased by $2,000,000. The additional $2,000,000 shall be available for removal of the Sakonnet River Railroad Bridge, Rhode Island.

(b) In title I, under the heading "COAST GUARD", the total amount appropriated for acquisition, construction, and improvements for shore facilities-general for minor AC&I shore construction projects is hereby reduced by $2,000,000.

SMITH AMENDMENT NO. 1671

(Ordered to lie on the table).

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. PROHIBITION ON FUNDING ESTABLISHMENT OF NATIONAL IDENTIFICATION CARD.

None of the funds appropriated or otherwise made available by this or any other Act (including unobligated balances of prior year appropriations) may be used to carry out—

(1) any provision of law that establishes a national identification card; or

(2) section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (relating to identification-related documents).

TORRICELLI AMENDMENT NO. 1672

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . USE OF SURFACE TRANSPORTATION FUNDS FOR RESTORATION OF AIRPORT HANGER, CAPE MAY COUNTY AIRPORT.

Notwithstanding any other provision of law, the guidance issued by the Secretary of Transportation in June 1999 excluding aviation from the definition of surface transportation for the purpose of funding for transportation enhancement activities shall not apply to the application of the Naval Air Station Wildwood Foundation for a grant of funds apportioned under section 104(b)(3) of title 23, United States Code, for phase 2 of the project for restoration of Airport Hangar No. 1 at Cape May County Airport, New Jersey.

REID AMENDMENTS NOS. 1673–1674

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

AMENDMENT NO. 1673

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: "*Provided further*, That, not withstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 OF Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178."

AMENDMENT NO. 1674

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: "*Provided further*, that, not withstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 OF Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178."

DORGAN (AND CONRAD) AMENDMENT NO. 1675

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . EMERGENCY ROAD RECONSTRUCTION FUNDS FOR SPIRIT LAKE INDIAN RESERVATION.

Of the amount available for obligation from the emergency fund authorized by section 125 of title 23, United States Code, $15,419,198 shall be obligated to pay for the repair or reconstruction of highways, roads, and trails in the Spirit Lake Indian Reservation that were damaged by disasters that occurred before the date of enactment of this Act.

LANDRIEU (AND WYDEN) AMENDMENT NO. 1676

(Ordered to lie on the table.)

Ms. LANDRIEU (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 65, line 22, before the period at the end of the line, insert the following ": *Provided*, That the funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another, including recommendations to develop a passenger-friendly and cost-effective solution to ticket transfers among airlines when seats are available.

GORTON (AND OTHERS) AMENDMENT NO. 1677

Mr. GORTON (for himself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED, Mr. MOYNIHAN, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING CAFE STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) the corporate average fuel economy (CAFE) law, codified at chapter 329 of title 49, United States Code, is critical to reducing the dependence of the United States on foreign oil, reducing air pollution and carbon dioxide, and saving consumers money at the gas pump;

(2) the cars and light trucks of the United States are responsible for 20 percent of the carbon dioxide pollution generated in the United States;

(3) the average fuel economy of all new passenger vehicles is at its lowest point since 1980, while fuel consumption is at its highest;

(4) since 1995, a provision in the transportation appropriations Acts has prohibited the Department of Transportation from examining the need to raise CAFE standards for sport utility vehicles and other light trucks;

(5) that provision denies purchasers of new sport utility vehicles and other light trucks the benefits of available fuel saving technologies;

(6) the current CAFE standards save more than 3,000,000 barrels of oil per day;

(7)(A) the current CAFE standards have remained the same for nearly a decade;

(B) the CAFE standard for sport utility vehicles and other light trucks is ¾ the standard for automobiles; and

(C) the CAFE standard for sport utility vehicles and other light trucks is 20.7 miles per gallon and the standard for automobiles is 27.5 miles per gallon;

(8) because of CAFÉ standards, the average sport utility vehicle emits about 75 tons of carbon dioxide over the life of the vehicle while the average car emits about 45 tons of carbon dioxide;

(9) the technology exists to cost effectively and safely make vehicles go further on a gallon of gasoline; and

(10) improving light truck fuel economy would not only cut pollution but also save oil and save owners of new sport utility vehicles and other light trucks money at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the issue of CAFÉ standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible; and

(2) the Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFÉ standards.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that on Thursday, September 23rd, the Committee on Energy and Natural Resources will hold an oversight hearing titled, "Y2K—Will The Lights Go Out?" The purpose of the hearing is to explore the potential consequences of the year 2000 computer problem to the Nation's supply of electricity. The hearing will be held at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish further information may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 15, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to consider the nominations of David Hayes to be Deputy Secretary of the Interior; Sylvia Baca to be Assistant Secretary of the Interior for Land and Minerals Management; and Ivan Itkin to be Director of the Office of the Civilian Radioactive Waste Management, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 15, 1999 beginning at 10:00 a.m. in 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, September 15, 1999 at 10:00 a.m. for a hearing on the nomination of Sally Katzen to be Deputy Director for Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to conduct an oversight hearing on the issue of the Indian Self-Determination and Education Assistance Act and Contract Support Costs.

The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to conduct and oversight hearing on the issues of the Indian Self-Determination and Education Assistance Act and Contract Support Costs.

The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, September 15, 1999 beginning at 10:00 a.m. in Room 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to mark up an original omnibus committee funding resolution for the period October 1, 1999 through February 28, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SHELBY. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 15, 1999 at 9:30 a.m. in Room SR-301 Russell Senate Office Building, to mark up an original omnibus committee funding resolution for the period October 1, 1999 through February 28, 2001.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4-6352.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 15, 1999, at 2:30 p.m. on Telemedicine Technologies and Rural Health Care.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VOLUNTEERISM AND COMMUNITY SPIRIT

• Mr. GREGG. Mr. President, New Hampshire is a place where community spirit and volunteerism is still a big part of our culture and it is partly for that reason that our state is consistently ranked as one of the most livable places in the United States. One of the reasons why our state remains one of the best places to live is that we try to limit the amount of government intrusion into our lives. Unfortunately that message has not gotten through to some people who work in the Forest Service in New Hampshire.

The White Mountain National Forest, which is overseen by the U.S. Forest Service, provides outdoor recreation and economic opportunities for thousands of people who live and work nearby. Preserving this national forest takes a lot of dedication and hard work and many people contribute to keeping the forest in good shape by volunteering their time to clear trails of debris and pick up trash.

In fact, over the summer, two retirees, Frank Barilone, 67, and Ted Matte, 66, both of Ellsworth, were cleaning up Ellsworth Park Beach, which had become littered with an old bob house, rotted rowboats, and assorted cans and bottles and other trash. They had been coming to the area for over 30 years and had both recently decided to retire to the area. They took the initiative to discuss the trash problem with the local Forest Service office in Holderness which told them to go ahead and clean it up which they did. As a reward for their hard work, the Forest Service fined them $150 for "maintaining the national forest without a permit," which happens to be a federal offense.

It seems to me that the Forest Service has it all backwards. Instead of thanking Mr. Barilone and Mr. Matte for their hard work, the Forest Service gave them a slap in the face in the form of a ticket and a $150 fine. Most people expect the Forest Service to ticket people who pollute the forest, not people who try to clean it up. The Forest Service's decision to fine these two retirees $150 for cleaning up Ellsworth Park will discourage, not encourage, the public to take a greater role in the protection of our state's natural resources.

So on behalf of the people of New Hampshire, I thank Mr. Barilone and Mr. Matte for volunteering their time to help clean up our national forest. Their can-do attitude is what makes New Hampshire such a great place to live. Keep up the good work!•

IN RECOGNITION OF FRANKLIN DELANO GARRISON

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a true champion for working people from my home State of Michigan, Frank Garrison, who is retiring this month from his position as president of the Michigan AFL–CIO after more than 40 years in the labor movement.

In many ways, Frank's life story is the story of the labor movement itself over these past 65 years. Born Franklin Delano Garrison in 1934, during the depths of the Great Depression, he was named for the President who gave hope to millions of working Americans and whose Works Projects Administration provided Frank's father with a job. At the age of 10, Frank entered the workforce himself, shoveling coal into his school's boilers so his brothers and sisters could eat lunch at school.

While these early years taught Frank the value of work, they also taught him that to achieve their piece of the American dream, working people needed strong advocates, both in the workplace and in government. He joined the United Auto Workers in 1952 working at the Saginaw Steering Gear plant in Saginaw, Michigan. Once in the union, the same work ethic that filled that school boiler with coal helped Frank rise through the ranks. He held several positions in his local and his region on his way to becoming the UAW's Legislative Director in 1976 and the Executive Director of the Union's Community Action Program in 1982. During those years, he played a key role in many election campaigns and even helped an upstart former President of the Detroit City Council win a seat in the United States Senate.

In 1986, after the sudden death of Michigan AFL–CIO President Sam Fishman, Frank was selected president by the AFL–CIO's General Board. Throughout the thirteen years he has served in that position he has upheld the finest traditions of the labor movement. In an era when special interests tried to dominate the political debate, Frank's was a voice that spoke for the broad interest of working people, whether or not they ever carried a union card—fighting for a higher minimum wage, for health care for all, to strengthen Social Security and Medicaid and to preserve those industrial jobs that had brought economic security to working families in Michigan and throughout the country. Few Americans have fought longer or harder for working people than Frank Garrison. His pursuit of justice in the workplace has improved opportunity and security and safety for an untold number of Americans.

And through it all, the good times and the bad, the victories and the defeats, Frank never lost touch with the convictions that brought him to the labor movement in the first place. And he never lost that twinkle in his eye or the ability to fill a room with laughter, sometimes at my expense, but more often at his own. He has been a strong leader, a wise counselor, but most of all a loyal friend.

Mr. President, Frank Garrison has earned the respect and gratitude of so many people from my home state of Michigan both within and without the labor movement, and across the political spectrum. I know my colleagues will join me in wishing him and his family well in his well deserved retirement, and in offering him a heartfelt "thank you" for his lifelong commitment to improving the lives of working men and women and their families.•

ALAN G. LANCE ELECTED NATIONAL COMMANDER OF THE AMERICAN LEGION

• Mr. CRAPO. Mr. President, I rise to congratulate Mr. Alan G. Lance for his election on September 9, 1999, as the National Commander of the American Legion.

Mr. Lance is a twenty year member of the American Legion; and, has served as the Idaho State Commander, National Executive Committeeman, and National Foreign Relations Chairman. After serving in the U.S. Army Judge Advocate General Corps Mr. Lance moved to Meridian, Idaho, established a private legal practice, and was subsequently elected to the Idaho House of Representatives. He is currently serving his second term as Attorney General for the State of Idaho and is Chairman of the Conference of Western Attorneys General. Mr. Lance is the first Idahoan to serve in the distinguished position of National Commander for this respected and influencial veterans' organization.

For the past eighty years the American Legion has stood tall for the rights and benefits of the men and women who have been willing to offer the ultimate sacrifice for our freedom and way of life. The American Legion is a major sponsor of the Boy Scouts of America and is a vital partner in community service with 15,000 posts worldwide.

Mr. Lance brings legal and legislative experience which will serve him well in advocating for the needs of the American Legion's approximately 3 million members. He is a leader and a patriot, and will be a strong leader for veterans' issues, especially health care. Idaho is proud of the new National Commander. I look forward to working with Mr. Lance in helping to keep the promises made by Congress and the nation to our deserving veterans.•

TRIBUTE TO ROSEMARY WAHLBERG

• Mr. KENNEDY. Mr. President, it is an honor to take this opportunity to recognize a community leader who has given so much to the people of Southeastern Massachusetts. Rosemary Wahlberg has been a Director of the Quincy Community Action Programs for twenty-six years. Under her leadership, these programs have helped large numbers of families on issues ranging from education to healthcare to child care to energy conservation. This year Rosemary is retiring, and her loss will be felt deeply by all of those whose lives she has touched.

Rosemary's commitment to public service is extraordinary. Throughout her many years of service, she has helped people to make impressive progress in improving their quality of life. As an advocate and coordinator, she has assisted South Shore communities in the battle to reduce poverty and promote self-sufficiency for low-income families. She has served as a member of the Quincy Housing Authority, on the Quincy College Board of Trustees, and on the Board of Directors for numerous local, state, and regional committees devoted to community service.

Rosemary's accomplishments have earned wide recognition. She has received distinguished awards from the City of Quincy, the University of Massachusetts, the South Shore Coalition for Human Rights, the Atlantic Neighborhood Assocation, South Shore Day Care Services, and many other grateful organizations, who recognize the boundless energy, ability and commitment she pours into every project.

For all of us who know Rosemary, we are inspired by her dedication to those less fortunate in our society. She has served the people of Quincy and the South Shore with extraordinary distinction, and she is a dear friend to all of us in the Kennedy family. In addition to all of her other activities, she has been devoted to her wonderful family, raising eight children and caring for twenty-one grandchildren.

It is with the greatest respect and admiration that I pay tribute to this remarkable leader. Her public service and generosity are a shining example to us all. I know that I speak for all of the people of Massachusetts when I say that she will be missed greatly.●

MINORITY ARTS RESOURCE COUNCIL AND THE AFRICAN AMERICAN RODEO

● Mr. SANTORUM. Mr. President, last year, for the first time in Philadelphia's history, the African American Rodeo came to that great city. It was a memorable occasion with approximately 8,000 school children attending the rodeo at the Apollo Stadium. While these children were entertained by the rodeo and re-enactments of life in the old West, they learned of the many contributions made by African Americans to our nation's history.

On October 8 and 9, of this year, the African American Rodeo is again coming to the City of Brotherly Love to present re-enactments of historical figures of the old West. Such performances are important because our history books and Hollywood have failed to give proper recognition of the great sacrifices and heroic deeds made by African Americans.

Mr. President, more than 200,000 African American soldiers served in the Civil War. After the war, many of these trained soldiers were sent west, forming two infantry and two cavalry units. The term "Buffalo Soldier" was given to them by the Native Americans whom they encountered. Those soldiers, their families, and thousands who were freed from slavery were among our early settlers, cowpunchers, and farmers in a number of the western states.

It is with pleasure that I salute the Minority Arts Resource Council, its founder and Executive Director, Mr. Curtis E. Brown, its board members, and its volunteers for once again bringing this great event to the city of Philadelphia. I urge my colleagues to join me in saluting the invaluable services and contributions of African Americans and the role that they have played and continue to play in American history.●

ON THE RETIREMENT OF ALEXANDRIA CITY MANAGER VOLA LAWSON

●Mr. ROBB. Mr. President, I take this opportunity to honor an outstanding public servant. Recently, Vola Lawson, the city manager of the City of Alexandria, announced her retirement. During her fourteen years as city manager, Ms. Lawson provided the City with solid leadership and opened the doors of City Hall to all Alexandrians. I'm proud to add my name to the long list of those who are praising Vola Lawson. Her distinguished career offers the ideal model for public officials, and inspires confidence in our public institutions. I ask that yesterday's article from The Washington Post on Vola Lawson's retirement be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Washington Post, Sept. 14, 1999]

AFTER 14 YEARS, 4 MAYORS, ALEXANDRIA LEADER TO RETIRE—FIERY CITY MANAGER LAWSON IN OFFICE SINCE 1985

[By Ann O'Hanlon]

Vola Lawson, the tough veteran city manager of Alexandria, announced yesterday that she will retire in March, marking a major transition for the city she helped define during the 28 years she worked for it.

"I think this city is one of the greatest cities in America," said Lawson, standing in the City Hall lobby that was named for her this year. "This is a very bittersweet day for me."

Lawson, who turns 65 today, has been city manager since 1985, a tenure more than twice the national average. During that time, the city has lured or endured major new development, including the planned U.S. Patent and Trademark Office and a planned 300-acre residential and commercial complex on an abandoned railroad yard. Under Lawson, Alexandria also turned away a bid from then-Gov. L. Douglas Wilder and then-Redskins owner Jack Kent Cooke to build a football stadium there.

In her 14 years, Lawson served under four mayors, all of whom stood with her yesterday, singing her praises.

"Vola has never met a stranger," said state Sen. Patricia S. Ticer (D-Alexandria), one of the former mayors. "She is a shining example of what a public servant should be."

Although her retirement was expected, a murmur still ran through the city of 122,000 yesterday.

"Boy, that's going to change the city more than anything I can imagine," said Katherine Morrison, executive director of the Campagna Center, a prominent local charity. "I don't know anyone who knows Alexandria better or has devoted more of their life to Alexandria."

Lawson worked her way up in Alexandria, blazing a path for women and minorities that some say is her prime legacy. As city manager, she has transformed City Hall from a largely white bureaucracy to an institution that better reflects the city's 40 percent minority population.

"I think her legacy in the city and in the minority communities will be absolutely enduring," said J. Glenn Hopkins, executive director of Hopkins House, an agency for children and families. "Her ability to be compassionate and to create a compassionate government, her ability to manage and her ability to be accessible to black people, to Hispanic people, to old people, to everybody, regardless of their background or their history or their race, is exceptional among people of her level."

Among today's city and county administrators, Lawson's professional pedigree is unusual. She attended George Washington University part time but dropped out when she had her first child. She plunged into community activism, and as a campaign organizer helped elect the city's first black council member in 1970.

Her entry to City Hall was with the anti-poverty program, and she later worked in the housing office. She quickly rose to assistant city manager and found time to initiate the Head Start program and after-school child care at every elementary school.

Lawson said she became an Alexandrian by accident. She and her husband, David, a psychiatrist, had planned to move back to Chevy Chase, but she got hooked on the community.

"We'll live the rest of our lives here," she said. "We never planned to live here. We fell in love with Alexandria."

Praise gushed from all corners yesterday, but there were criticisms, too: of an overbearing management style and a temper.

"She's very controlling, and that probably is her downside," said Jack Sullivan, who heads the city's civic federation. Nonetheless, said Sullivan, she has "a marvelous personality" and is "one of the ablest public administrators I have ever met."

Lawson's wrath is "legendary," said a close friend, Rep. James P. Moran Jr. (D-Va.), who as mayor hired Lawson. But the source of the anger, he said, is unselfish.

"If you have acted in a way that hurt the city and you should or did know better, then you're dead meat with Vola," he said.

William H. Hansell Jr., who heads the International City/County Management Association, said her 14-year tenure is "remarkable," especially in a community as "diverse and challenging as Alexandria."

She accomplished it by reflecting the values of the city, he said, laughing that "there are not too many city managers who tell a billionaire and a governor where to stick their stadium."

Lawson put the city on firm financial footing, twice achieving the Aaa bond rating and significantly lowering real estate taxes.

Her retirement will take effect March 1, after which she plans to see more of her two grandchildren, enhance her reputation as a movie buff and read the three stacks of books she bought at yard sales.

When people walk into the lobby that bears her name and wonder who Vola Lawson was, Moran said, they should be told, "She was a woman who chose to devote her mind and her heart to all the citizens of this community."●

PILT AMENDMENT TO THE INTERIOR APPROPRIATIONS BILL

● Mr. HATCH. Mr. President, I support the PILT amendment to the Interior Appropriations bill, which increases payments to counties in lieu of taxes. I have worked closely with my good friend and colleague, Senator ABRAHAM, in crafting this amendment, and I would like to express my sincere appreciation to the Senator from Michigan for his efforts in this regard. Senator ABRAHAM has consistently shown a sensitivity to and an understanding of the needs of rural Americans, especially those living in communities surrounded by public lands.

Most of my colleagues understand, by now, that 70 percent of my home state is either owned or controlled by the federal government. I believe that Utah's public lands stand out for their grandeur and unique beauty. Many of our Senate colleagues and staff members have visited these areas to hike, fish, ski, or mountain bike.

No one loves these public lands more than the citizens who live among them. But, for the local citizens, these lands can be both a blessing and a curse. For a number of Utah counties, as much as 90 percent of their lands are federally owned, which means they cannot generate tax revenue from these lands.

Where once public lands were a source of jobs and opportunity for rural America, these lands have increasingly been restricted to single-use activities, such as hiking, biking, or river running. Utah certainly provides excellent opportunities for these types of activities, and we welcome visitors from all over the world.

But, we shouldn't forget, Mr. President, that these visitors come with needs: they need roads to travel on, someone to put out their fires, law enforcement to keep them safe, someone to collect their trash, someone to come find them when they are lost, and someone to transport them to safety when they are hurt. Mr. President, the obligation to fulfill these needs falls on local county governments. With every new wilderness area, monument, or recreation area, county revenues shrink along with taxable economic activity; yet the influx of needy visitors increases.

The services counties provide are not money makers. To the contrary, they exact a tremendous cost on rural governments. The puny revenue local governments raise with their stunted tax base will never cover the costs of providing primary services to visitors over the entire area of their county. For this reason, Congress implemented the Payments in Lieu of Taxes program—known as PILT—which compensates rural counties for some of these services.

The problem is that this program has been funded at less than half the authorized level, and this has caused serious hardship for our counties. This amendment, we hope, will be the first installment in an overall plan to bring the PILT program to full funding. With small increases to PILT every year, our counties will eventually be made whole. We are not talking about a huge amount of money. We are talking $15 million in FY 2000. Last year Senator ABRAHAM and I were able to raise funding for PILT to $124 million, but this amount was cut back to $120 million in Conference. I hope that this year, we can maintain a strong increase in PILT funding.

If your child gets lost in Arches National Park, it will be a Grand County search and rescue team that will mobilize to find him. If you fall and break your ankle on the trail in Dixie National Forest, it will be a Garfield County helicopter and paramedics who will get you off the mountain and to the hospital. When you leave Zion National Park, it will be a Washington county solid waste truck that picks up your garbage. If someone should start a fire while camping in the Wasatch National Forest, the Wasatch County firefighters will be there to put it out.

Our rural governments do all this whether we pay them or not. But it is obviously unfair not to compensate them for it. Mr. President, I believe we should stop treating our rural governments as though they were unpaid chambermaids to the rest of the nation. Our rural areas don't mind providing services to tourists who come to enjoy public lands, but they deserve to be justly compensated by the owners of the land, the taxpayers, for the basic services they provide.

I urge my colleagues to support the PILT amendment.●

TRIBUTE TO BRUCE E. SCOTT

● Mr. WELLSTONE. Mr. President, I speak today in honor of Mr. Bruce E. Scott, R.Ph., MS, FASHP., a constituent of mine from Minnesota. Mr. Scott has recently been elected to serve as the president of the American Society of Health-System Pharmacists ASHP. His leadership will be valuable as ASHP pursues its primary mission—the safe and effective use of medications. Mr. Scott, as president of ASHP, will represent pharmacists practicing in hospitals, health maintenance organizations, long-term care facilities, home care, hospice and other health-care settings.

Mr. Scott is currently Vice President of Pharmacy Operations for Allina Health Systems headquartered in St. Paul, Minnesota. Allina is a non-profit health care system serving residents of Minnesota, Wisconsin and North and South Dakota. As Vice President of Pharmacy Operations, Mr. Scott is responsible for providing pharmacy services in four metropolitan hospitals with 1700 beds and for developing pharmacy services for Allina Medical Group, with 500 health care providers and 65 clinics.

Exercising his commitment to the future of pharmacy leadership, Mr. Scott continues to serve as Clinical Assistant Professor and Associate Member of the Graduate Program in Hospital Pharmacy at the University of Minnesota College of Pharmacy in Minneapolis, a non-salaried position he has held for more than 10 years. As a member of the graduate facility, Mr. Scott assists and advises graduate students in conducting their research and serves as a guest lecturer at the University.

After receiving his Bachelor of Science in Pharmacy from the University of Wisconsin School of Pharmacy, Mr. Scott went on to complete his Master of Science in Pharmacy Practice from the University of Kansas School of Pharmacy. Prior to election as President of the ASHP, Mr. Scott served as a member of ASHP Boards of Directors. He also held the distinguished position of President of the Minnesota Society of Hospital Pharmacists from 1992–1993, and in 1994 he was named a Fellow of the ASHP in recognition of his sustained contributions to pharmacy practice excellence.

American Society of Health-System Pharmacists is fortunate to have an individual with the credentials of Mr. Scott at its helm, as the organization devotes its attention to issues of patient safety and the effective use of prescription medications.●

FOUR CORNERS INTERPRETIVE CENTER ACT

● Mr. HATCH. Mr. President, I would like to take this opportunity to say a few words about S. 28, the Four Corners Interpretive Center Act. I was very pleased that the Senate saw fit to pass this bill by voice vote on September 9, 1999, and I fully expect that this legislation will pass the House and be sent to the President during this Congress.

This legislation could not have passed without the strong support of its cosponsors, Senators ALLARD, BENNETT, BINGAMAN, CAMPBELL, and DOMENICI. Chairman BEN NIGHTHORSE CAMPBELL and the staff of the Senate Indian Affairs Committee deserve special praise for going the extra mile in shepherding this proposal through the committee with speed and professionalism.

The Four Corners Interpretive Center Act will benefit the Four Corner states, the Navajo Nation, and Ute Mountain Ute tribe, and especially the throngs of visitors who make the special effort to visit the remote Four Corners region, the only location where the corners of four states converge. A quarter million tourists visit the Four Corners each year, only to find that there are no utilities, no permanent restrooms, no running water, no telephones, and no vending stations for their convenience.

Additionally, the Four Corners National Monument has unique historical, cultural, and environmental significance. The absence of any educational exhibits to help visitors appreciate the area is a wasted opportunity. The interpretive center authorized by this bill will enable all Americans who come to this area to learn about the ancient home of the Anasazi people as well as the area's geography, plant and animal species.

The objective of S. 28 is simple: to aid in the construction and maintenance of an interpretive center at the Four Corners National Monument. The bill calls for a cooperative agreement among the Navajo Nation, Ute Mountain Ute tribe, affected local governments, and the four corners states to be approved by the Interior Department. Matching funds from each of the four states would also be required. Arizona has already committed funds. This is the type of intergovernmental partnership that has worked well on a variety of other projects throughout the country, and it is an appropriate model for the interpretive center.

Again, I want to thank my colleagues in the Senate for passing this important legislation.●

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2490

Mr. SHELBY. Mr. President, I ask unanimous consent that at 10 a.m. on Thursday, September 16, the Senate proceed to the consideration of the conference report to accompany H.R. 2490, the Treasury-Postal appropriations bill.

I further ask consent that the reading be waived and that there be 10 minutes of debate equally divided in the usual form.

I finally ask consent that following the debate, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEVATING THE POSITION OF DIRECTOR OF THE INDIAN HEALTH SERVICE TO ASSISTANT SECRETARY FOR INDIAN HEALTH

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 268, S. 299.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 299) to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment on page 6, line 24, to insert "(29 U.S.C. 761b(a)(1))".

Mr. SHELBY. I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 299), as amended, was read the third time and passed, as follows:

S. 299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the "Secretary") may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

"Assistant Secretaries of Health and Human Services (6)."; and

(B) by inserting the following:

"Assistant Secretaries of Health and Human Services (7).".

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services.".

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in the second sentence of paragraph (1), as so designated, by striking "a Director," and inserting "the Assistant Secretary for Indian Health,"; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: "The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

"(2) The Assistant Secretary for Indian Health shall—

"(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

"(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

"(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.".

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking "Director of the Indian Health Service" both places it appears and inserting "Assistant Secretary for Indian Health"; and

(ii) in subsection (d), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health"; and

(B) in section 816(c)(1), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 *(29 U.S.C. 761b(a)(1))*.

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)).

NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 269, S. 401.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 401) to provide for business development and trade promotion for Native Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Business Development, Trade Promotion, and Tourism Act of 1999".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" has the meaning given that term in the first section of the Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry in the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (19 U.S.C. 81a).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(3) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN GOODS AND SERVICES.—The term "Indian goods and services" means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(5) INDIAN LANDS.—

(A) IN GENERAL.—The term "Indian lands" includes lands under the definition of—

(i) the term "Indian country" under section 1151 of title 18, United States Code; or

(ii) the term "reservation" under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term "former Indian reservations in Oklahoma" shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) INDIAN-OWNED BUSINESS.—The term "Indian-owned business" means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(8) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(9) TRIBAL ENTERPRISE.—The term "tribal enterprise" means a commercial activity or business managed or controlled by an Indian tribe.

(10) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the "Office").

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the "Director"). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) INTERAGENCY COORDINATION.—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) ASSISTANCE.—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) PRIORITIES.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the "program").

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

SEC. 8. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In processing applications for the establishment of foreign-trade zones pursuant to the Act entitled "An Act to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (19 U.S.C. 81a et seq.), the Board shall consider, on a priority basis, and expedite, to the maximum extent practicable, the processing of any application involving the establishment of a foreign-trade zone on Indian lands, including any Indian lands designated as an empowerment zone or enterprise community pursuant to section 1391 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (19 U.S.C. 2), the Secretary of the Treasury shall, with respect to any application involving the establishment of a port of entry that is necessary to permit the establishment of a foreign-trade zone on Indian lands—

(1) consider that application on a priority basis; and

(2) expedite, to the maximum extent practicable, the processing of that application.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with Indian lands, to the maximum extent practicable and consistent with applicable law, the Board and the Secretary of the Treasury shall approve the applications.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Mr. SHELBY. Mr. President, I ask unanimous consent the committee substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute amendment was agreed to.

The bill (S. 401), as amended, was read the third time and passed.

INDIAN TRIBAL ECONOMIC DEVELOPMENT AND CONTRACT ENCOURAGEMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 270, S. 613.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 613) to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Economic Development and Contract Encouragement Act of 1999".

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended to read as follows:

"SEC. 2103. (a) In this section:

"(1) The term 'Indian lands' means lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation.

"(2) The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(3) The term 'Secretary' means the Secretary of the Interior.

"(b) No agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.

"(c) Subsection (b) shall not apply to any agreement or contract that the Secretary (or a designee of the Secretary) determines is not covered under that subsection.

"(d) The Secretary (or a designee of the Secretary) shall refuse to approve an agreement or contract that is covered under subsection (b) if the Secretary (or a designee of the Secretary) determines that the agreement or contract—

"(1) violates Federal law; or

"(2) does not include a provision that—

"(A) provides for remedies in the case of a breach of the agreement or contract;

"(B) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe; or

"(C) includes an express waiver of the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

"(e) Not later than 180 days after the date of enactment of the Indian Tribal Economic Development and Contract Encouragement Act of 1999, the Secretary shall issue regulations for identifying types of agreements or contracts that are not covered under subsection (b).

"(f) Nothing in this section shall be construed to—

"(1) require the Secretary to approve a contract for legal services by an attorney;

"(2) amend or repeal the authority of the National Indian Gaming Commission under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); or

"(3) alter or amend any ordinance, resolution, or charter of an Indian tribe that requires approval by the Secretary of any action by that Indian tribe.".

SEC. 3. CHOICE OF COUNSEL.

Section 16(e) of the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 987, chapter 576; 25 U.S.C. 476(e)) is amended by striking ", the choice of counsel and fixing of fees to be subject to the approval of the Secretary".

Mr. SHELBY. Mr. President, I ask unanimous consent the committee substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute amendment was agreed to.

The bill (S. 613), as amended, was read the third time and passed.

INDIAN TRIBAL REGULATORY REFORM AND BUSINESS DEVELOPMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 271, S. 614.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 614) to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Regulatory Reform and Business Development Act of 1999".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills which are greater than the rates for any other group in the United States;

(2) the capacity of Indian tribes to build strong Indian tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of Indian tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term "Authority" means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(3) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term "Indian lands" includes lands under the definition of—

(i) the term "Indian country" under section 1151 of title 18, United States Code; or

(ii) the term "reservation" under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.G. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term "former Indian reservations in Oklahoma" shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(7) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. ESTABLISHMENT OF AUTHORITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

(2) PURPOSE.—The Secretary shall establish the Authority under this subsection in order to facilitate the identification and subsequent removal of obstacles to investment, business development, and the creation of wealth with respect to the economies of Native American communities.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Authority established under this section shall be composed of 21 members.

(2) REPRESENTATIVES OF INDIAN TRIBES.—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(3) REPRESENTATIVES OF THE PRIVATE SECTOR.—No fewer than 4 members of the Authority shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

(c) Initial Meeting.—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) Review.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) Meetings.—The Authority shall meet at the call of the chairperson.

(f) Quorum.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairperson.—The Authority shall select a chairperson from among its members.

SEC. 5. REPORT.

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

SEC. 6. POWERS OF THE AUTHORITY.

(a) Hearings.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) Information From Federal Agencies.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) Postal Services.—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.—The Authority may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. AUTHORITY PERSONNEL MATTERS.

(a) Compensation of Members.—

(1) Non-federal members.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

(2) Officers and employees of the federal government.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(c) Staff.—

(1) In general.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) Procurement of temporary and intermittent services.—The chairperson of the Authority may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS–13 of the General Schedule established under section 5332 of title 5, United States Code.

SEC. 8. TERMINATION OF THE AUTHORITY.

The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The activities of the Authority conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Mr. SHELBY. I ask unanimous consent that the committee substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute amendment was agreed to.

The bill (S. 614), as amended, was read the third time and passed.

ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 272, S. 406.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 406) to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alaska Native and American Indian Direct Reimbursement Act of 1999".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1988, Congress enacted section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) that established a demonstration program to authorize 4 tribally-operated Indian Health Service hospitals or clinics to test methods for direct billing and receipt of payment for health services provided to patients eligible for reimbursement under the medicare or medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.), and other third-party payors.

(2) The 4 participants selected by the Indian Health Service for the demonstration program began the direct billing and collection program in fiscal year 1989 and unanimously expressed success and satisfaction with the program. Benefits of the program include dramatically increased collections for services provided under the medicare and medicaid programs, a significant reduction in the turn-around time between billing and receipt of payments for services provided to eligible patients, and increased efficiency of participants being able to track their own billings and collections.

(3) The success of the demonstration program confirms that the direct involvement of tribes and tribal organizations in the direct billing of, and collection of payments from, the medicare and medicaid programs, and other third payor reimbursements, is more beneficial to Indian tribes than the current system of Indian Health Service-managed collections.

(4) Allowing tribes and tribal organizations to directly manage their medicare and medicaid billings and collections, rather than channeling all activities through the Indian Health Service, will enable the Indian Health Service to reduce its administrative costs, is consistent with the provisions of the Indian Self-Determination Act, and furthers the commitment of the Secretary to enable tribes and tribal organizations to manage and operate their health care programs.

(5) The demonstration program was originally to expire on September 30, 1996, but was extended by Congress, so that the current participants would not experience an interruption in the program while Congress awaited a recommendation from the Secretary of Health and Human Services on whether to make the program permanent.

(6) It would be beneficial to the Indian Health Service and to Indian tribes, tribal organizations, and Alaska Native organizations to provide permanent status to the demonstration program and to extend participation in the program to other Indian tribes, tribal organizations, and Alaska Native health organizations who operate a facility of the Indian Health Service.

SEC. 3. DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

(a) Permanent Authorization.—Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended to read as follows:

"(a) Establishment of Direct Billing Program.—

"(1) In general.—The Secretary shall establish a program under which Indian tribes, tribal organizations, and Alaska Native health organizations that contract or compact for the operation of a hospital or clinic of the Service under the Indian Self-Determination and Education Assistance Act may elect to directly bill for, and receive payment for, health care services provided by such hospital or clinic for which payment is made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the 'medicare program'), under a State plan for medical assistance approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (in this section referred to as the 'medicaid program'), or from any other third party payor.

"(2) Application of 100 percent FMAP.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall apply for purposes of reimbursement under the medicaid program for health care services directly billed under the program established under this section.

"(b) Direct Reimbursement.—

"(1) Use of funds.—Each hospital or clinic participating in the program described in subsection (a) of this section shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) and sections 402(a) and 813(b)(2)(A), but all funds so reimbursed shall first be used by the hospital or clinic for the purpose of making any improvements in the hospital or clinic that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to

facilities of such type under the medicare or medicaid programs. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions shall be used—

"(A) solely for improving the health resources deficiency level of the Indian tribe; and

"(B) in accordance with the regulations of the Service applicable to funds provided by the Service under any contract entered into under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

"(2) AUDITS.—The amounts paid to the hospitals and clinics participating in the program established under this section shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare and medicaid programs.

"(3) SECRETARIAL OVERSIGHT.—The Secretary shall monitor the performance of hospitals and clinics participating in the program established under this section, and shall require such hospitals and clinics to submit reports on the program to the Secretary on an annual basis.

"(4) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) or section 402(a), no payment may be made out of the special funds described in such sections for the benefit of any hospital or clinic during the period that the hospital or clinic participates in the program established under this section.

"(c) REQUIREMENTS FOR PARTICIPATION.—

"(1) APPLICATION.—Except as provided in paragraph (2)(B), in order to be eligible for participation in the program established under this section, an Indian tribe, tribal organization, or Alaska Native health organization shall submit an application to the Secretary that establishes to the satisfaction of the Secretary that—

"(A) the Indian tribe, tribal organization, or Alaska Native health organization contracts or compacts for the operation of a facility of the Service;

"(B) the facility is eligible to participate in the medicare or medicaid programs under section 1880 or 1911 of the Social Security Act (42 U.S.C. 1395qq; 1396j);

"(C) the facility meets the requirements that apply to programs operated directly by the Service; and

"(D) the facility—

"(i) is accredited by an accrediting body as eligible for reimbursement under the medicare or medicaid programs; or

"(ii) has submitted a plan, which has been approved by the Secretary, for achieving such accreditation.

"(2) APPROVAL.—

"(A) IN GENERAL.—The Secretary shall review and approve a qualified application not later than 90 days after the date the application is submitted to the Secretary unless the Secretary determines that any of the criteria set forth in paragraph (1) are not met.

"(B) GRANDFATHER OF DEMONSTRATION PROGRAM PARTICIPANTS.—Any participant in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999 shall be deemed approved for participation in the program established under this section and shall not be required to submit an application in order to participate in the program.

"(C) DURATION.—An approval by the Secretary of a qualified application under subparagraph (A), or a deemed approval of a demonstration program under subparagraph (B), shall continue in effect as long as the approved applicant or the deemed approved demonstration program meets the requirements of this section.

"(d) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement—

"(A) any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid program; and

"(B) any changes that may be necessary to enable participants in the program established under this section to provide to the Service medical records information on patients served under the program that is consistent with the medical records information system of the Service.

"(2) ACCOUNTING INFORMATION.—The accounting information that a participant in the program established under this section shall be required to report shall be the same as the information required to be reported by participants in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999. The Secretary may from time to time, after consultation with the program participants, change the accounting information submission requirements.

"(e) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that a tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended by adding at the end the following:

"(e) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).".

(2) Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended by adding at the end the following:

"(d) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 4. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Effective November 9, 1998, section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645(e)) is reenacted as in effect on that date.

(b) REPORTS.—Effective November 10, 1998, section 405 of the Indian Health Care Improvement Act is amended by striking subsection (e).

Mr. SHELBY. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute amendment was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 406), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, SEPTEMBER 16, 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Thursday, September 16. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SHELBY. Mr. President, for the information of all Senators, the Senate will convene at 9:30 in the morning and immediately begin consideration of the transportation appropriations bill. By a previous consent agreement, at 10 a.m. the Senate will begin debate on the Treasury-Postal appropriations conference report, with a vote to take place at approximately 10:10 a.m. Also, the Senate is expected to complete action and vote on passage of the transportation appropriations bill during Thursday's session. The Senate may also consider further conference reports and any executive items on the Calendar.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SHELBY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:24 p.m., adjourned until Thursday, September 16, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 15, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 1999.

I hereby appoint the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

O God, our help in ages past and our hope for years to come, we pray for a unity of spirit in our nation and for respect and honor between every person. We rejoice in the diversity of our experiences even as we celebrate the common creation that we share by Your mighty hand. As we see each other with our own perspective, may we also see each other with a respect and dignity that is worthy of the blessings that You have given us. Guide us and be with us this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

URGING MEMBERS TO SUPPORT AMERICA'S MILITARY BY VOTING YES ON THE DOD AUTHORIZATION BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, our military forces have been facing 13 consecutive years of defense cuts. Now we are at a critical point where personnel and readiness levels are literally bleeding our defense capabilities dry. Retention and readiness are two critical issues facing our military forces today, and we must provide the necessary incentives for our troops to retain their skills to get the job done.

Furthermore, Congress must support increased health benefits and pay increases for our Nation's military men and women. We must also fully fund their equipment modernization and training so our troops can maintain a peak level of performance.

Before this Congress or this administration even so much as debates yet another deployment of our Armed Forces, we must without question provide the necessary funding for our brave men and women to perform the jobs we have asked them to do.

Today this body has an important opportunity to address the critical issues of underfunded quality of life readiness and modernization requirements in our military. I urge my colleagues to tell the military men and women in their districts that they support them by voting yes on the DOD authorization bill today.

FEAR AND INTIMIDATION HAVE NO PLACE IN AMERICAN GOVERNMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last year under oath the IRS admitted in testimony "We use fear and intimidation to make Americans pay their taxes." That is right, fear.

It is not just the IRS. Take Waco. Waco is about a group of Americans, good, bad, or indifferent, who defied the government. They stood up to the government and the government crushed them. The government crushed them, to send a message.

What was that message, Mr. Speaker? They had better fear the government. Beam me up, Mr. Speaker. Fear is an ugly four-letter word. It has no place in American government. I yield back all the fear and intimidation of our government agencies.

TIME TO END THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I have often asked from the well of this House a pretty basic question. That is, is it right, is it fair under our tax code, that 21 million married working couples with two incomes, a husband and wife who are both in the work force, pay higher taxes under our Tax Code just because they are married? Is it right, is it fair, that a married working couple pays more in taxes than an identical couple with an identical income who live together outside of marriage?

It is wrong that our Tax Code punishes society's most basic institution. I want to produce Shad and Michelle Hallihan from Joliett, Illinois, two public schoolteachers. They suffer the marriage tax penalty. Michelle and Shad are just one of the 21 million married working couples who suffer the marriage tax penalty.

This House, the Senate, this Congress, this Republican Congress, has worked to eliminate the marriage tax penalty. In fact, we passed as part of the Financial Freedom Act legislation which essentially wipes out the marriage tax penalty for the majority of those who suffer.

The question is, will the President join with us in signing into law our effort to eliminate the marriage tax penalty?

REPUBLICANS ARE REWRITING THE CALENDAR TO CREATE THE APPEARANCE OF NEW MONEY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, the national Census mandated by the United States Constitution and conducted every 10 years since 1790 has been newly discovered by our Republican friends and declared an emergency for spending purposes, to avoid spending limitations.

Now the Republicans have found a new gimmick. They are actually rewriting the calendar. The old 12-month

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

calendar to which America had become so accustomed is just not good enough for the current leadership. In order to create the appearance of new money, they have found a 13th month to include in the Federal fiscal calendar. Perhaps they will call it Bucks-tober, or maybe Big Bucks-tober.

I believe there is perhaps no silliness in which this leadership will not engage. One truth, however, remains most constant. To whom do the Republicans turn to fund their folly? The same folks they always turn to, those who do not have a fleet of lobbyists here in Washington, or a political action committee; in this case, the working poor.

They propose to gain $7 billion by postponing refunds to recipients of the Federal earned income tax credit, typically working families with children who earn about $20,000 a year. Working folks end up paying a high price for Republican irresponsibility.

REPUBLICANS HAVE THE BEST AGENDA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Republicans have the BEST agenda, BEST. B stands for bolster our national security, E for excellence in education, S for strengthen social security and Medicare, and T for tax relief. Republicans have the BEST agenda.

By contrast, one could conclude that Democrats have the WORST agenda, WORST. W stands for wasteful Washington spending, O for outrageous overregulation, R for raising taxes, S for socializing medicine, and T for trashing our defense.

Alas, Democrats indeed have the WORST agenda. I invite all fair-minded listeners to judge for themselves. The choices are clear. I urge all Members to vote for the BEST agenda.

TO REPUBLICANS, TAX RELIEF IS A FREEDOM ISSUE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, a lot of people do not think there is much difference between Democrats and Republicans. But when it comes to taxes, it is hard to argue that point of view with a straight face. Republicans want to cut taxes. We do not say the government should deny some people tax relief and offer tax relief to others. If you are a taxpayer, we think you should get some tax relief.

Liberal Democrats want the government to pick and choose which taxpayers should benefit from tax relief. They will do everything possible to ensure that those who pay the most taxes and who are carrying most of the load do not receive any tax relief.

To us, tax relief is a freedom issue. We think that fundamentally the people who earn the money in the first place are the best judge on how to spend it, and certainly better than Washington, who is eager to spend it for them.

Americans are overtaxed. Which Americans? American taxpayers. We think it is time they receive some tax relief.

AMERICA'S VULNERABILITY TO MISSILE ATTACK

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, there now appears to be bipartisan support for perhaps the most important defense position that the Republican party has had for the last 10 years.

America is vulnerable to a ballistic missile attack. If North Korea or Communist China or Iraq were to fire a missile at the United States, we would have no ability right now to shoot it down. It is going to land and a lot of people are going to die. We do not have a national missile defense system now, and the reason is because of the existence of a treaty with a country that no longer exists.

The ABM treaty, signed with the Soviet Union, a country that began violating the treaty even before the ink on the paper is dry, is standing in the way of a rational policy to protect America from a missile attack. Our current policy of relying on the ABM treaty to keep America safe from the Osama bin Ladens and the Saddam Husseins of the world is dangerous, foolish, and naive. Does anyone really think that Osama bin Laden or Saddam Hussein is going to refrain from developing these types of weapons because we have a treaty with the Soviet Union?

It is time to get to work and at long last have a policy to protect this country from missile attack.

AN IRRESPONSIBLE REPUBLICAN BUDGET

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership budget is an irresponsible plan. It jeopardizes our economic health. It undermines our values as a people and as a Nation. It fails to extend the life of social security by a single day. It does not use one penny to strengthen Medicare. It does not continue to pay down the debt, which is so critical to our economic well-being. It does not invest in working middle class families through health care and education, but it spends nearly $1 trillion on budget-busting tax breaks that benefit mostly the wealthy.

It is out of step with the values of the American people. Tax cuts should go to people who need it most, working middle class families in this country. This Republican leadership scheme gives 60 percent of the benefit to the top 5 percent of Americans. Instead of investing in education and crime-fighting and national defense, this tax cut puts those very important things in jeopardy for American families.

There are no values in this plan, when we put the wealthy before the pressing needs of the middle class. We need to do more for the people we represent.

THE BUDGET SURPLUS BELONGS TO THE AMERICAN PEOPLE, NOT TO WASHINGTON BUREAUCRATS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, my colleague, the gentlewoman from Connecticut (Ms. DELAURO) has offered another textbook example of the politics of envy, because it comes down to this question, who do you trust more? My friend, the gentlewoman from Connecticut, places her trust in Washington bureaucrats. She believes Uncle Sam should be Big Brother, take our money, and invest it in government programs. She defines security by increased Washington spending.

Mr. Speaker, this afternoon at 2 o'clock we will enroll the bill from the legislative branch that offers tax relief and tax fairness for all Americans, reducing the marriage penalty, ending the inheritance tax, working for commonsense policies because, Mr. Speaker, our commonsense conservative majority rejects the politics of envy and fear and embraces the policies of opportunity.

One fundamental truth we understand in this majority, Mr. Speaker, the money belongs to the American people, not to the Washington bureaucrats.

THE REPUBLICAN TAX CUT

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, the Republican tax bill makes no sense. Rather than paying down the trillions of dollars in massive Federal debt, the Republican leadership offers pie in the sky election year tax cuts that will give most Americans nothing but pocket change.

But for years to come, this reckless plan will give all Americans higher interest rates and higher prices for everything we buy every day. Instead of paying down the debt, the Republican bill relies on questionable and partisan projections that their plan might reduce the debt.

We should put our fiscal house in order and pay our bills, just like any family or business would. We must reduce our debt so we can preserve social security and Medicare, benefits which so many Americans depend on. We should pass reasonable tax cuts that help working families and businesses, such as cuts in estate taxes and capital gains and marriage penalty taxes.

Americans want their leaders to lead. They want Congress to do the right thing.

□ 1015

40TH ANNIVERSARY OF THE FREDERICK COUNTY BUILDERS ASSOCIATION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to recognize a very special professional organization of which I was a member for a number of years, which is celebrating its 40th anniversary on Friday, September 17: The Frederick County Builders Association.

For 40 years, the Frederick County Builders Association has been a professional organization dedicated to providing the Frederick community quality building, especially home building. Very simply, they have been building our American dream.

Granted that is their bread and butter, but the Frederick builders also contribute greatly to almost 20 major community charitable endeavors, from the Boy Scouts and Girl Scouts, to the Catoctin Zoo, to the YMCA. They put their professional know-how to good use with their various housing charities like Habitat for Humanity, our local Advocates for the Homeless, and the Interfaith Housing of Western Maryland.

The Frederick County Builders are made up of professionals who care about both their industry and our community, indeed a very special organization.

Happy 40th anniversary.

REASONS FEDERAL GOVERNMENT SHOULD SUPPORT SCIENCE

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise today to talk about something we do not discuss very much in the House of Congress, and that is our scientific effort in this Nation. I think it is important to point out as we are in the appropriations process some of the reasons why it is important for the Federal Government to support science.

First of all, over half of our economic growth today arises out of scientific research work done within the past 3 to 5 decades, over half of our economic growth just from that source alone. We are very pleased with our good economy. Let us recognize what the cause is and make sure we continue that effort.

Secondly, our scientific research results in a great improvement of the quality of life in this Nation, not just in all the good things we enjoy every day of our lives in various ways, but, for example, health care. Some of the major devices and methods used in improved health care today arise out of research that was taking place when I was a graduate student 40 years ago. That involves for example MRI, magnetic resonance imaging, the use of lasers in surgery, and other purposes, straight out of the laboratories of the times when I was in grad school.

It is imperative that we continue to support that research. Yet, when we passed the appropriation bill last week, we cut NASA by $2 billion. We cut the National Science Foundation. Earlier, we cut the Department of Energy research program. We cannot do that.

As we proceed through the appropriations process, let us make sure that that money is restored, that we continue our research effort, and that we continue to provide the knowledge, the goods and services, and economic growth that we want in this country.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 288

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday the Committee on Rules met and granted a normal conference report rule for S. 1059, the Fiscal Year 2000 Department of Defense Appropriations Act. The rule waives all points of order against the conference report and against its consideration. In addition, the rule provides for 1 hour of debate equally divided and controlled between the chairman and ranking minority member of the Committee on Armed Services.

Mr. Speaker, this should not be a controversial rule. It is the type of rule that we grant for every conference report we consider in the House. The conference report itself is a strong step forward as we work to take care of our military personnel and provide for our national defense.

I have always admired the patriotism and dedication of the young men and women in the armed forces, especially given the poor quality of life that our enlisted men and women face. But today, we are doing something to improve military pay, housing, and benefits.

It has always been kind of sad, we ask these young people to technically give up their life for their country, but yet we really have not treated them in the way that most of us would like to be treated. Their pay has not been good. They live in housing that has been virtually World War II almost, substandard housing in some cases. A lot of them have had to take second jobs just to exist because they are married and they cannot make it on their pay.

So we are helping to take some of this load off of them, and we are helping to take some of them off of food stamps with this bill by giving them a 4.8 percent pay raise. We have added $258 million for a variety of health care efforts.

We are boosting the basic allowance for housing, as I said, increasing retention pay for pilots, which is another big problem we have had. We are having a very difficult time retaining good pilots in the military. We are prompting the GAO to study how we can do better.

But along with personnel, we have taken care of our military readiness. We live in a dangerous world today, and Congress is working to protect our friends and family back home from our enemies abroad.

We are providing for a national missile defense system, something that we have never had and that a lot of people think we have. A lot of people think we are protected if a warhead comes in from China or North Korea or Iraq or Iran, but, no, we are not. So with this bill, we are going to provide the beginnings of that protection for this country if that day ever comes.

In light of the recent news about security breaches at our weapons laboratories, we are creating a National Nuclear Security Administration to prevent enemy nations from stealing our nuclear secrets. We are boosting the military's budget for weapons and ammunition. We are providing $37 billion for research and development so our forces will have top-of-the-line equipment for their job.

I urge my colleagues to support this rule and to support the underlying conference report because now more than ever we must improve our national security.

Mr. Speaker, I graciously yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman from North Carolina for allowing me to speak at this point.

As my colleagues know, I am the ranking member of the Committee on Armed Services. From the beginning of this year, the very first hearing, I said that this should be the year of the troops. To the credit of the Committee on Armed Services, on a very bipartisan effort, it is the year of the troops.

We have had, as my colleagues know, serious recruiting problems and even more serious retention problems. I am not just talking about pilots; I am talking about young men and young women who have put several years into the military and decide to get out.

The old saying is, and it is so true, "you recruit soldiers" or in the case maybe Marines, sailors, airmen, "but you retain families." For instance, the Army has been cut some 36 percent, but the operational tempo has increased 300 percent. We are wearing the troops out.

I had breakfast about a year and a half ago with some noncommissioned officers of the United States Navy, and they told me about the dispirited attitude of the young men and women who work with them, the feeling that they were not remembered. This bill is a tribute to them. This bill is one where truly we do remember them.

It is our job under the Constitution to raise and maintain the military and to write the rules and regulations therefor, and we have done a magnificent job. I am very proud of it. I am very proud of the bipartisanship. I am very proud of the effort made. I especially compliment the gentleman from South Carolina (Mr. SPENCE), our chairman, for his outstanding efforts.

This is a good bill. The Department of Energy portion that deals with nuclear weapons is under our jurisdiction. That has been a very important part of our effort.

To some, it will not meet with their full approval. But I think we took a giant step forward. I am for this bill, for the troops, for the families.

I might say, in addition to the pay raises, the pay raise, the pay tables, pension reform, we have done superb work for the barracks, family housing. I think it deserves great, great support.

Regarding the Department of Energy effort, I think it is good. Could it be better? Sure. But legislation is a matter of compromise. So I support the bill and all of its portions. I hope this rule will be adopted overwhelmingly because this is a major step in the national security of our country.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me state at the outset that it is my intention to support this conference report. The National Defense Authorization Act for Fiscal Year 2000 contains a number of provisions that are critical to the maintenance of our national defense forces. Most important among them is a 4.8 percent basic military pay raise and additional pay raises targeted to midgrade officers and NCOs to improve retention and hopefully stem the loss of some of the best and brightest and most valuable members of our armed services.

The quality-of-life issues addressed in this package are, in a word, essential to the men and women who serve in uniform and to their families. As Members of this body point out repeatedly, it is unconscionable that service men and women should be paid at rates so low that they depend upon food stamps to feed their families, or the military housing is oft times decrepit or substandard.

This bill may not resolve all of those issues, but at least it puts us on the road to fixing a problem that cannot and should not be tolerated.

This conference report is not without controversy, however. The ranking member of the Committee on Commerce has raised some serious concerns about the provisions in the conference report, which establish a new National Nuclear Security Administration to manage DOE's weapons programs.

The gentleman from Michigan (Mr. DINGELL) is especially concerned that this provision was added in conference over the objections of the Committee on Commerce and Committee on Science who have jurisdiction over this matter; and he has indicated that it is his intention to offer a motion to recommit to strike language from the conference report.

□ 1030

Members should listen very carefully to his arguments against these provisions which are opposed by the Secretary of Energy, the National Governors Association, and the National Association of Attorneys General. The gentleman from Michigan (Mr. DINGELL) will also voice strong objections to the process by which these provisions were included in this conference report. His views deserve the attention of the House, and I urge Members to pay close attention. There will, of course, be Members who will oppose his motion to recommit because they do not want to put any barriers in the path of the passage of this very good bill. His objections do not, however, lie against the remainder of the bill, and those provisions deserve the strong support of the House.

This conference report authorizes $8.5 billion for military construction and military family housing programs. It authorizes full funding for a proposed program to construct or renovate over 6,200 units of military family housing, and the construction or renovation of 43 barracks, dormitories and BEQs for the single enlisted. The conference report also increases authorization amounts for procurement accounts to provide for a total of $55.7 billion as well as for research and development to provide for a total of $36.3 billion.

This increased funding will provide $171.7 million for further development of the B–2 fleet, $252.6 million to procure F–16C aircraft and $319.9 million for F–16 modifications. In addition, the conference report commits to funding an acquisition of the critical next-generation air dominance fighter. It authorizes $1.2 billion for research and development on the F–22 Raptor, $1.6 billion for six low-rate initial production aircraft, and $277.1 million for advanced procurement for 10 LRIP aircraft in fiscal year 2001. The conferees are to be congratulated for their support for this critical program.

I am also pleased that the conferees have included $990.4 million for procurement of 12 V–22s and $182.9 million for V–22 research and development and $25 million to accelerate development of the CV–22 special operations variant. Mr. Speaker, this is a very good conference report. The conferees have brought us a bill which enhances quality of life for our men and women in uniform, a bill which protects core readiness and a bill which wisely and aggressively addresses the need to replace aging equipment and to find ways to keep our weapons systems second to none in the world. I commend this conference report to my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the distinguished gentlewoman from North Carolina for her leadership on this and my gratitude for yielding me the time. I am pleased to support this very appropriate rule for consideration of S. 1059, the fiscal year 2000 DOD authorization conference report, a major piece of legislation for this Congress. I particularly want to commend the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for their diligent, bipartisan, very thorough work to make sure that we significantly improve the support given to our men and women in uniform.

They are the ones doing the hard work. They are the ones in harm's way. They are the ones taking the risk. That deserves to be supported to the fullest extent possible. I am grateful for the continued close working relationship that these gentlemen have had with the Permanent Select Committee on Intelligence in ensuring that our fighting forces have access to the best, the most timely, and the most accurate intelligence that we can get. Eyes, ears, brains are actually very crucial to our national security.

This legislation reflects our commitment to those capabilities. Force protection, force enhancement, force projection: these are the results, these are the needs, and these are what we are getting. Americans most recently have watched our troops in action in Kosovo. You might have the impression from what I would call photo-op TV that Kosovo is some kind of a big win. Unfortunately, the view emerging from the ground in Kosovo is not quite so rosy.

Further, the administration is pursuing policies that could ultimately endanger the chances for a long-term peace and stability in that region in my view and the view of others. Official U.S. policy toward Kosovo is in fact built upon three very uncertain principles: one, Kosovo should remain an ethnically diverse province; two, Kosovo should not become independent; and, three, the Kosovo Liberation Army, the KLA, should give up its arms and disband. These principles face serious challenges in the field, on the ground.

U.S. policy refuses to recognize even the possibility that the Kosovars will eventually vote to declare independence from Yugoslavia. That is a possibility that should not be discounted. Similarly, the administration is naively assuming that the KLA will simply roll over and disband. In my view, the U.S. has no end game strategy. For the sake of the Americans and our allies on the ground in Kosovo, I urge the administration to rethink our situation there and base decisions on fact, not on wishful thinking.

Mr. Speaker, as a member of the Cox Committee, I am satisfied with the provision in this legislation establishing a semiautonomous agency to run the weapons program at the Department of Energy under the Secretary's leadership. Critics have suggested that this change could cause the sky to fall with respect to public health, safety, and environmental matters. To the contrary, I say.

The Cox Report demonstrates that the sky has already fallen and our national security has been placed at great risk as a result. Given the deeply troubling circumstances surrounding reports of espionage at our national labs, I believe it is very proper for Congress to move expeditiously in enacting new safeguards.

Mr. Speaker, I am very pleased that the conference report also includes a provision based on an amendment I offered with the gentleman from New York (Mr. GILMAN) requiring an end to the permanent presence of U.S. troops in Haiti. As our defense leaders have made clear, the Clinton administration's insistence on maintaining a permanent troop presence in Haiti has strained an already overburdened military, has unnecessarily put our troops at risk there, and has focused on humanitarian projects more appropriately undertaken by nongovernmental organizations who are ready, willing and able to do the job.

In the face of our efforts to force a withdrawal by year's end, the Clinton administration has finally announced an end to the permanent presence of U.S. troops in Haiti, to be replaced with periodic deployments as needed, as is customary everywhere else in the Western Hemisphere. This action does not, I repeat, does not signal an end to U.S. military involvement or to U.S. support for the democratic process in Haiti but, rather, it is a more realistic policy to provide the help Haiti so desperately needs as our neighbor in the Caribbean.

Lastly, Mr. Speaker, Members should note that this legislation contains a significant increase in counterdrug funding for DOD. Once again, Congress has taken the lead to win the war on drugs, filling the vacuum left by a just-say-maybe message from the Clinton administration. And we are getting results, if you read the papers. This is a good bill. I urge its passage. I commend those involved.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in strong support of S. 1059, the National Defense Authorization Act for fiscal year 2000 and, of course, the rule. I would like to take a few minutes to tell our colleagues why.

First, I am pleased to report that in my opinion members were treated equitably. Members on our side of the aisle were given the same consideration as members on the other side. That is not to say everybody got everything they wanted. They did not. Neither did I.

Second, this conference report builds on the President's proposal to increase defense spending by $112 billion over the next 6 years. To redress shortcomings in recruiting and retention, this bill provides a 4.8 percent pay raise, pay table reforms for middle grade personnel and retirement reform in what may be the best compensation package for our military since the 1980s. The bill also addresses the budget shortfalls that have dogged the weapons research and development and procurement programs of the Department of Defense. In fact, by providing $4.6 billion in increases for weapons, related research and development and procurement, I believe we may have turned the corner and begun the long, steady recovery that is both needed and overdue. Particularly noteworthy is the emphasis on precision stand-off weapons that reduce risks to our troops and, at the same time, risks to innocent civilian populations.

Third, I am particularly pleased that we have rejected the status quo and begun the long and difficult task of management and accountability reforms for the national security functions of the Department of Energy. In my opinion, there is no disagreement as to whether such reforms are needed, and to delay starting the reform process while waiting on unanimity or drafting perfection would in my opinion be irresponsible. Admittedly, the provisions proposed in this conference report are not perfect, nor does everyone agree. But, on balance, they are a good first start on what will prove to be a long and difficult process in the years ahead.

More importantly, there is nothing in this bill that would amend existing environmental, safety and health laws or regulations, nor is there any intent to limit the States' established regulatory roles pertaining to the Department of Energy operations and ongoing cleanup activities. Thus, I do not believe the DOE reform provisions are antienvironmental nor do I believe they should be used as the basis for rejecting this conference report.

Finally, our naval forces have shrunk from nearly 600 ships in 1987 to 324 ships today. At the same time, the number of missions for these ships have increased threefold. Worse, the administration's budget would lead to a 200 ship Navy, well below the force level of 300 ships called for by the Nation's military strategy. This bill allows the Navy to dedicate more of its scarce shipbuilding dollars to the construction of needed warships by providing significantly more cost-effective acquisitions through the following measures:

The early construction of an amphibious ship for the Marines at a great price; procurement for the final large, medium speed roll-on/roll-off ship, LMSR, before the line closes; cost-saving expanded multiyear procurement authority for the DDG–51 destroyer program; long-term lease authority for the services of new construction, noncombatant ships for the Navy; and expanded authority for the National Defense Features program to allow DOD to pay reduced life-cycle costs of defense features built into commercial ships up-front.

Mr. Speaker, we all know that bills are compromises, and that good bills make good promise compromises. S. 1059 is such a bill. It is a balanced bill with good compromises. In the strongest terms, I urge the adoption of the conference report.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the time and I thank the gentleman from Virginia for pointing out a number of the important issues and details that are what this bill and conference report are about.

I rise in very, very strong support of our rule, of our military, and of this bill. The gentleman from Virginia and I just returned from a trip where we went to, among other places, North Korea. If our citizens in the Eighth District, home of Fort Bragg, would look at a city whose tallest buildings have missiles on top of them, where our Air Force base has patriot missile batteries on the ready 24 hours a day, where 14,000 pieces of artillery are trained on the South, 80 percent of which are aimed at Seoul only 40 kilometers away from the demilitarized zone, if they could see in the eyes of the young men and women who are standing face to face with the North Koreans every day as a deterrent to terrorism and rogue nations, there would be no question in their mind as to our continued and increased support for the military.

Kosovo and Bosnia have brought to our attention the need to correct imbalances and deprivations that the military has suffered because of budget shortfalls in recent years. This authorization is more than $8 billion over the administration's request, and an additional $18 billion over a greatly reduced budget for defense in 1999. The gentleman from Missouri (Mr. SKELTON) and members of both parties have worked diligently, courageously and with much forethought to rebuild our military. That is what this rule is about. We have a volunteer force. We should maintain a voluntary and not a draft force. In order to do that, we must do things that are included in this bill, increasing pay, improving health care benefits, restoring REDUX, doing things that we owe to our military to correct years of neglect.

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This bill beefs up and strengthens areas that have been eroded over a number of years. It addresses major issues that the gentleman from Virginia (Mr. SISISKY) has mentioned, but it also deals with such basics as ammunition and spare parts. So this is a broad-based, common-sense, very necessary piece of support for our men and women in uniform. In order for them to maintain the superiority, the commitment and to provide the protection for a world that is very, very dangerous, we should support them by unanimously passing this rule and this bill. They protect us; we need to support them.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, this is a rule which sanctifies bad behavior. There was no real conference held on this legislation. Members of the conference who were entitled to be present to participate were not invited and were informed when they showed up that there was no conference to be held, the matter had been disposed of, and that we could simply go our way.

Now let us look at what the rule does. The rule waives points of order on two things: One, germaneness and the other, scope of the conference. In each instance the conferees, without holding a meeting, contrived to concede the House rules on both points, so now they need a waiver. Why do they need a waiver? They need a waiver because they wrote something which is not germane, which was never considered in either body and which exceeds the scope of the conference.

Now I want to express respect for my friend, the gentleman from Missouri (Mr. SKELTON) who is a very decent and honorable Member of this body, but I want to say that what has been done here is, first of all, an outrage, and it is a gross abuse of the powers of the committee and a gross disregard to the rights both of other committees and of this body to know what is going on and to have an input into a matter of important concern.

Now let us talk about the substance. This proposal in its title 32 recreates essentially the Atomic Energy Commission, one of the most secretive, one of the most sneaky, and one of the most dishonest agencies in government. They lied to everybody, including themselves, and the Congress of the United States, the Executive Branch. They suppressed tracks, and they have created in every area over which they had jurisdiction a cesspool, environmentally and otherwise. The areas which they had jurisdiction over drip hazardous waste and are contaminated beyond belief. Mixed wastes, high-level and low-level nuclear wastes contaminate these areas because of the fact that they diligently suppressed all facts with regard to what they were doing and how they were doing it, and I will be glad to discuss in greater detail because I do not have time now the behavior of that agency.

We are now setting up an entity which will be totally exempt from the supervision of the Secretary and which will be totally exempt from the supervision of this body. What they are going to do is to create a situation where now they can lie in the dark, as they did before in the days of the Atomic Energy Commission, and efforts to control this agency will be brought to naught by the absolute power that is being invested in them to suppress the facts to everyone.

Now who is opposed to this? First of all, every environmental agency and every environmental organization; second of all, the administration; third of all, the National Governors' Association; and fourth of all, the Organization of Attorneys General, 46 of whom sent us a letter denouncing what is being done here with regard to State, Federal environmental laws and the splendid opportunity for severe and serious misbehavior by this new entity.

If my colleagues want to vote for the good things in the bill; and there are many good things, I supported this bill: pay raises and other things which would benefit us in terms not only of our concern for our military personnel, but also our concern for seeing to it that our defense needs are met; vote for the motion to recommit because the only thing it does is to strike title 32. The rest that it keeps are the good things that are in this legislation.

So I offer my colleagues a chance to undo what was done in a high-handed arrogance by the committee and in a rather curious and remarkable and unjustifiable rule, one which is going to deny everybody in this country an opportunity to know what is going on inside that agency.

Now if we are talking about security, let me just tell my colleagues that the security of the AEC stunk. I was over in a place called Arzamas-16, the place where the Russians made their nuclear and thermonuclear weapons. I saw there a bomb that looked exactly like the bomb the United States dropped on Hiroshima. I told the guy: That looks familiar. They said it is an exact copy of the bomb that was dropped in Hiroshima. So when they tell us that the recreation of the secrecy and the inbredness of the AEC and the secretiveness that this legislation will authorize is going to assure the national security, do not believe them. History is against it, and I would just ask my colleagues to understand the secrecy that they are talking about is not against the Russians or against anybody else. It is secrecy which they intend to use to prevent my colleagues, and I, and the Members of Congress, the Members of the Senate from knowing what is going on down there. If my colleagues want to see to it that we continue our efforts to protect the security of the United States, to see to it that things are done which need be done in terms of protecting the security interests of the United States, they can vote for my amendment and should, but if they want to protect the environment, then they you must vote for my amendment.

Mrs. MYRICK. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. THORNBERRY), my colleague.

Mr. THORNBERRY. Mr. Speaker, I share the respect that all Members of this House have for the dean of the House, and I always appreciate his willingness to stand up for what he believes in, as we recently saw when he led efforts to oppose gun control despite the sentiments of most of his party. As much as anyone in this body, the gentleman from Michigan is responsible over the years for the management structure of the Department of Energy, and he does not want to see that changed, and I think we can all understand someone coming from that position. But study after study, report after report, have reached a different conclusion. As a matter of fact, I know of at least 20 studies, reports and inhouse reviews in the Department of Energy that have all found that the Department of Energy management structure is a mess and hurts our security, safety, and national security.

I point to the President's own study which came out just this summer conducted by his foreign intelligence advisory board, and they concluded, quote, DOE's performance throughout its history should be regarded as intolerable, and they also found, quote, the Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself, end quote. Now what they went on to say is we can do one of two things. One is that we can take all the nuclear weapons program completely out of the Department of Energy and set up a whole new agency, or we can create a semi-autonomous agency inside DOE with a clear chain of command and hope to solve some of these problems. This conference report takes the President's own commission's recommendations and implements them down to the letter.

Now what that does is it gives the nuclear weapons agency two things that it has never had under DOE. One, it has a clear focus on its mission so that the same people who worry about refrigerator coolant standards and solar power and electricity deregulation day to day are not going to be interfering in the nuclear weapons work.

Secondly, it provides accountability so that we have for the first time a clear chain of command so that when an order is given it is followed; and if somebody messes up, they are held responsible and we can get rid of them. And that is one of the most important safeguards we can have to protecting the environment, to having a clear line of accountability and safeguards.

The gentleman from Michigan says, oh, this just goes back to the old Atomic Energy Commission. I would say that no more will we ever go back to some of the problems of the past any more than we are going to go back to pouring motor oil out on the ground or we are going to go back to allowing cars to create all the smog that they can create. We are not going to, and I personally, Mr. Speaker, am offended by the suggestion that the people who work at the Pantex plant in my district, who live in the area, whose children go to school in that area, are going to be so careless in disregarding the safety of the drinking water and the other things in that area that they are just going to pollute willy nilly.

Now I think there are some important points to be made on the environment. Number one, this bill says that every single standard, environmental standard, that applies before the bill applies after the bill; it does not change.

Secondly, this bill says that the Secretary of Energy can set up whatever oversight he wants by whoever he wants, and they can look at every single thing that goes on throughout the weapons complex, and they can make whatever policy recommendations they want to make, and the Secretary of Energy can order anything to happen dealing with the environment or any other subject. The only change is that these oversight people, unless they are within the new agency, cannot order things to be changed, they cannot implement the directions. Policy can be set by anybody that the Secretary wants, but the implementation goes down the clear chain of command.

Some of the concerns that have been raised to this bill have been by some attorneys general who are worried about some new court challenge on matters that have been already established under court rulings. Let me make it clear, this bill does not change any of the waivers of sovereign immunity that the attorneys general have been concerned about; and there is a letter that will be made part of the RECORD later in which the chairman of our committee and the chairman of the Senate committee clearly say we are not changing one single environmental standard. And I would also put as part of the RECORD at that time a letter from the attorney general of Texas who once he had a chance to look at the actual legislation and what the real intent is says he no longer has any concerns or objections, and I would suggest that if my colleagues have a chance to talk to all the attorneys general and tell them what is really going on, that any of those concerns certainly melt away.

Mr. Speaker, I just make two final points. Number one is that we have all been embarrassed and dismayed and shocked at the security headlines which we have seen across the papers this year. For us to walk away and say we cannot do anything about it, it is too complicated, we are just going to let DOE roll along its merry way, is an abdication of our responsibility to fix one of the greatest national security problems with which we have been confronted.

The second point I would like to make is this: The gentleman from Michigan's motion to recommit is not like an ordinary bill. It is a conference report. The only effect of the motion is to require us to open the conference back up. That means everything in the conference from the pay raise to the retirement reform to the V–22 to whatever my colleagues care about in this bill is jeopardized because we have got to open everything back up, go back into negotiations with the Senate, and all of the wonderful strides to improve our national security are threatened by the motion to recommit.

So I would suggest that it is our responsibility to fix DOE, it is our responsibility to make sure this bill goes forward unimpeded and to vote against the motion when it is offered.

OFFICE OF THE ATTORNEY GENERAL,
State of Texas, September 15, 1999.

Hon. FLOYD D. SPENCE, *Chairman,*
House Armed Services Committee,
Congress of the United States, Washington, DC.
Hon. JOHN WARNER, *Chairman,*
Senate Armed Services Committee,
Congress of the United States, Washington, DC.

DEAR CONGRESSMAN SPENCE AND SENATOR WARNER: I have received a copy of your September 14, 1999 letter to Michael O. Leavitt and Christine O. Gregoire addressing concerns regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for Fiscal year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites.

Your letter addresses my two principal concerns with Title XXXII of S. 1059:

That this legislation not supercede, diminish or set aside existing waivers of federal sovereign immunity; and that it be clear that under Title XXXII the National Nuclear Security Administration (NNSA) will comply with the same environmental laws and regulations to the same extent as before the reorganization.

After reading your letter, I am satisfied that this legislation was neither intended to affect existing waivers of federal sovereign immunity nor to exempt in any way the NNSA from the same environmental laws and regulations as applied before reorganization.

I also have been advised that your letter will be made part of the legislative history of Title XXXII of S. 1059 by being submitted during the conference debate on this legislation, thus being made part of the Congressional Record. As such, this letter will provide confirmation that this legislation leaves unaltered existing waivers of federal sovereign immunity as well as existing environmental laws and regulations.

Given the explanations made in your September 14, 1999, letter as well as the submission of your letter as part of the Congressional Record to be included in the legislative history of this statute, I have no continuing objection to this legislation. I appreciate your efforts to make the intent of Title XXXII of S. 1059 clear. Please do not hesitate to contact me if you have any further questions.

Sincerely,

JOHN CORNYN,
Attorney General of Texas.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, as a Member of the House Committee on Armed Services, I rise in strong support of the national defense authorization conference report, and I would like to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) and of course the staff of the committee for all the hard work that they put into this conference report. The report addresses the quality of life, the readiness and the modernization shortfalls that the men and the women in our Armed Forces are currently facing. The report also addresses the important issue of domestic violence in the military.

Mr. Speaker, as we all know, one occurrence of domestic violence is one too many, and unfortunately reports show that in 1994 in every 1,000 marriages 14 spouses were the victims of spouse abuse, and I am pleased that the conferees from both Chambers worked in a bipartisan manner to address this important issue. The language in the conference report gives the services the opportunity to take on the crime of domestic violence and to protect victims of domestic violence as they never have before. It gives the Department of Defense and the services the opportunity to develop relationships with non-military victims' community and to draw on the expertise of local domestic violence organizations to aid in designing their own programs.

Mr. Speaker, I encourage my colleagues to vote yes on the conference report.

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Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, I think every Member should be proud to vote for this conference report. I think this report is a great manifestation of our ability to work in a bipartisan manner and do something that is important for the country, and I want to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Virginia (Mr. SISISKY), my counterpart on the Subcommittee on Military Procurement, and all the Members, Democrat and Republican, who worked on this particular piece of legislation, because today we live in a very dangerous world. That is extremely clear now.

China is trying to step into the superpower shoes that have been left by the Soviet Union. Terrorism is becoming more deadly, more technologically capable, and we are seeing new challenges around the world; and against that backdrop we have cut defense dramatically.

The defense force structure that we have today is just about half of what it was in 1992. We have gone from 18 Army divisions to 10; 24 active fighter air wings to 13; and as the gentleman from Virginia (Mr. SISISKY) said, almost 600 ships down to 324 and dropping.

Unfortunately, the half that we have left is not as ready as the full force that we had in 1992. We have a $193 million shortage in basic ammo for the Marines; a $3.5 billion shortage in ammo for the Army. Our mission-capable rates have gone down almost 10 percent across the board in the services; that is the ability of an aircraft to take off from a carrier or from a runway, run its mission and come back and land safely. That is now down to an average of about 70 percent. That means about 30 of every 100 planes in our services cannot take off a runway and do their mission because of a lack of spare parts, a lack of maintenance, or just having a real old aircraft that has not been replaced.

In fact, we did have 55 crashes, peacetime crashes, last year with the military, resulting in over 50 deaths of our people in uniform. So we are flying old equipment, and we are having to take very valuable resources, these spare parts, the few spares and repair parts that we have, and our trained personnel who can still fix aircraft and other equipment and move them to the front lines when we run an operation like Kosovo.

So against that backdrop, we have put an additional $2.7 billion into the modernization accounts, and we put extra money in the pay raise. We have a 4.8 percent pay raise. We put money in readiness. Across the board, we have spent what I consider to be the bare minimum; but in this case, Mr. Speaker, the bare minimum is absolutely necessary. It would be a tragedy to defeat this bill for some reason, for some turf fight or some other reason that has nothing to do with national security.

Let me just say with respect to the DOE section of this bill and the reform that we did, let me just remind my colleagues about the tragedy that occurred a couple of years ago. After we had identified an individual who was identified as a spy in our nuclear weapons laboratory, and the head of the FBI, Mr. Freeh, had gone to the Assistant Secretary of Energy and a couple of weeks later to the Secretary of Energy and said, get this guy away from classified areas, take away his access to our nuclear secrets, 14 months later somebody turned around and said, is that spy still next to the nuclear weapons vault? And somebody went over and checked and, yes, he was.

We tried to figure out why he hadn't been fired, and there was such a mess and such a confusion that nobody was sure. Everybody thought the other guy was going to get the spy away from our nuclear secrets. Presumably he was upgrading for 14 months, over a year, the nuclear secrets that he had moved out earlier and nobody was there to stop him.

That was the confusion that we saw. That is the confusion that we fix. Let us pass this conference report.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this opportunity not to comment on this legislation but to comment on the Republican leadership's unwillingness to recognize reality in the scheduling of the House of Representatives.

As people may be aware, there is a hurricane headed toward this area, and yet the Republican leadership refuses to adjourn the House at the end of proceedings today, thereby forcing Members to attend a hurricane party here in Washington, D.C. in the capitol tomorrow.

It is very likely that the Washington, D.C. airports will be closed tomorrow if the hurricane does, in fact, continue on its path, thereby preventing Members from the southeast who may want to be with their constituents at the time of this national emergency from doing so, and preventing Members from other parts of the country who may actually want to be able to go home this weekend and spend time with their constituents from doing so.

I find it extraordinarily shortsighted on the part of the Republican leadership to recognize that there is a hurricane headed straight toward Washington, D.C. The House should be adjourned at the end of today so that Members will not be trapped in Washington and be unable to be with their constituents in the next 5 days.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, back to the debate, I yield such time as he may consume to the gentleman from California (Mr. DREIER), my distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding and congratulate her on her superb management of this rule.

Mr. Speaker, I have to respond to my friend from Dallas by saying that we obviously want to do everything that we can to ensure that people are able to get out of town in time, and I will say that we do not want to have to have a hurricane party here. I do not know that the hurricane is headed right towards Washington, D.C. We certainly hope that we do not see any loss of life and that it is, in fact, lessened.

But I am struck with the fact that my colleagues really go for everything they possibly can to attack the Republican leadership. We enjoy the fact that they are scraping for something more to criticize us on.

Let me say that I believe that this is a very important conference report. We are trying to get the people's work done here, and I am hoping very much that we will be able to have strong bipartisan support of not only the rule but the conference report itself.

It was 10 years ago this coming November 13 that the world celebrated the crumbling of the Berlin Wall, and many people argued at that point that we would be witnessing the end of history; that the demise of the Soviet Union and Communism, which took place in the following 3 years, was something that was going to change the world, and clearly it has.

I think that the leadership that Ronald Reagan and President George Bush have shown and, frankly, in a bipartisan way that we have provided for our Nation's defense capability, brought about that change; but as we mark, in the coming weeks, the 10th anniversary of the crumbling of the Berlin Wall, it is very important for us to note that there has been a dramatic change in the national security threat that exists in this country and for the free world.

It seems to me that we need to realize that over that period of time we have dealt with a wide range of challenges that exist throughout the world, and I am struck with a figure that I mentioned here several times before, the fact that during this administration we have deployed 265,000 troops to 139 countries around the world and that has taken place at a time when we have actually diminished our level of expenditures.

Since 1987, we have seen a reduction of 800,000 of our military personnel. We have consistently pursued this goal of trying to do more with less, and that is wrong. That is why when we, as Republicans at the beginning of the 106th Congress, set forth our four top priorities of making sure that we improve public education, which I am proud to say that we have done; provide tax relief for working families, which in just a couple of hours we are going to be enrolling the bill and sending it to the President, and I hope very much he does not veto that bill as he said he would on Friday; and saving Social Security and Medicare. Those are other priorities.

We also included, as a top priority, because of this changing threat, rebuilding our Nation's defense capability. I am happy that we have passed and that the President, reluctantly, but the President finally did sign the national ballistic missile defense bill. I am very happy that we were able to see the President come on board in some of our attempts to deal with these national security issues, and I hope that he will be able to sign this conference report when it gets to him.

It is clearly the right thing to do. We are going to be facing more challenges, but we have to make sure that the one issue which only the Federal Government can deal with, virtually every one of the other issues that we deal with can be handled by State and local governments, but our national security is the one issue that we are charged to dealing with. It is in the preamble of the U.S. Constitution, and it seems to me that we need to step up to the plate. That is why support of this conference report is very important.

I urge my colleagues to do it in a bipartisan way.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only point out to my friend, the gentleman from California (Mr. DREIER), that I am not trying to be overly critical of the Republican leadership.

Mr. DREIER. That would be a first, I have to say.

Mr. FROST. I am just appalled by the fact that they seem to have taken the position of, what hurricane? I mean, everybody in the country knows that the hurricane is heading up the East Coast, and by refusing to adjourn the House at the end of business today they are forcing the staff to try and get into work tomorrow. They are trapping Members in the Nation's capital who want to be home with their constituents. This is an extraordinary development.

Mr. DREIER. Mr. Speaker, if the gentleman will yield just for a moment, I would just like to thank him for his input and tell him that the recommendation that he has made will certainly be taken into consideration.

Mr. FROST. I have not yielded. I am sorry. I have not yielded.

The Republican leadership seems to be the only ones in the country that do not recognize the fact that a hurricane is moving up the East Coast, and that it is projected that it is going to come very close to Washington, D.C. tomorrow, and that we may have 5 inches of rain here tomorrow. I do not understand.

All I want them to do is to turn on their television sets and to listen to the news and to deal with reality so that Members can be treated in a fair way and so that the staff can be treated in a fair way. It is unrealistic and unfair to say we are going to be here tomorrow and everybody come on in, no matter what is happening.

They ought to face reality. They ought to adjourn the House at the end of today so that Members and staff will not be forced through the hardship of dealing with the hurricane in Washington, D.C. tomorrow.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Texas (Mr. FROST) has 11 minutes remaining. The gentlewoman from North Carolina (Mrs. MYRICK) has 1 minute remaining.

Mrs. MYRICK. Mr. Speaker, I would like to inquire of the gentleman from Texas (Mr. FROST) if he has any further speakers?

Mr. FROST. Mr. Speaker, I reserve the right to close for our side. We do not have any other speakers at this point.

Mrs. MYRICK. Mr. Speaker, if it is all right, the gentleman should go ahead and close because I have no more speakers either.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very good piece of legislation. This is legislation supported by a Democratic President, a Democratic administration, supported by the vast majority of Democrats in the House of Representatives. We all are pleased to stand for a strong national defense, to stand for efforts to help our troops, to increase morale, to make sure that we retain soldiers that we need and that we are able to recruit soldiers that our forces need for the future.

This is a good conference report. As a Democrat, I am pleased to support it, and I urge all of my colleagues to vote yes on final passage on this very important piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 288, I call up the conference report on the Senate bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

□ 1115

The SPEAKER pro tempore (Mr. Ewing). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 5, 1999, at page H7469.)

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. Spence) and the gentleman from Missouri (Mr. Skelton) each will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, with all respect for the chairman of the committee and all respect for my good friend, the gentleman from Missouri (Mr. SKELTON), I have been advised that the gentleman from Missouri supports the bill. I therefore ask, Mr. Speaker, is the gentleman from Missouri opposed to the bill, and therefore, is he entitled to time in opposition to the legislation?

The SPEAKER pro tempore. Is the gentleman from Missouri (Mr. SKELTON) in favor of the conference report?

Mr. SKELTON. Mr. Speaker, I absolutely support the bill.

The SPEAKER pro tempore. The gentleman from Missouri supports the conference report.

Pursuant to clause 8(d)(2) of rule XXII, time will be controlled three ways. The gentleman from South Carolina (Mr. SPENCE) will control 20 minutes; the gentleman from Missouri (Mr. SKELTON) will control 20 minutes; and the gentleman from Michigan (Mr. DINGELL) will control 20 minutes.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fiscal year 2000 defense authorization bill was reported out of the Committee on Armed Services back in May on a vote of 55-to-1, and it passed the House in June on a vote of 365-to-58. The conference report before us today enjoys equally strong bipartisan support, as all 36 Republican and Democrat committee conferees have signed the conference report. This is only the second time this has happened since 1981. It is truly a bipartisan report.

Mr. Speaker, the funding authorized in this bill is consistent with the increased spending levels set by the Congress in the budget resolution. As a result of this increased spending and a careful reprioritization of the President's budget request, we have provided the military services some of the tools necessary to better recruit and retain qualified personnel and to better train and equip them.

It is in this context that the conferees went to work, targeting additional funding for a variety of sorely needed quality of life, readiness, and equipment initiatives. However, despite the conferees' best efforts, we are not eliminating shortfalls, we are simply struggling to manage them. Absent a long-term, sustained commitment to revitalizing America's armed forces, we will continue to run the inevitable risks that come from asking our troops to do more with less.

This conference report also contains the most important and significant Department of Energy reorganization proposal since the agency's creation more than two decades ago.

Earlier this year, the bipartisan Cox-Dicks Committee released its report on the national security implications of our United States technology transfers to the People's Republic of China. The Cox Committee identified lax security at DOE nuclear laboratories as a critical national security problem, and unanimously concluded that China had obtained classified information on "every currently deployed thermonuclear warhead in the United States ballistic missile arsenal."

Following the Cox Committee report, President Clinton's own Foreign Intelligence Advisory Board chaired by former Senator Rudman, issued its report highly critical of DOE's failure to protect the Nation's nuclear secrets. The report of the President's Advisory Board concluded that DOD is, "a dysfunctional bureaucracy that has proven it is incapable of reforming itself."

The conference report would implement the recommendation of the President's Foreign Intelligence Advisory Board to create a semi-autonomous agency within DOE and vest it with responsibility for nuclear weapons research and protection. The reorganization will go a long way towards streamlining DOE's excessive bureaucracy and improving accountability, all in an effort to ensure that our Nation's most vital nuclear secrets are better managed and secured.

Mr. Speaker, some question has been raised in some quarters on the possible impact that the reorganization provisions could have on DOE's environmental programs and in particular, on the status of existing waivers of solving immunity agreements between the Federal Government and individual States. In a few minutes I plan to engage in a colloquy with the gentleman from Missouri (Mr. SKELTON) to clarify this point for the legislative record.

Mr. Speaker, I would like to insert into the RECORD following my statement a letter that Senator WARNER and I have jointly written to the National Governors Association and the National Association of Attorneys General that address these questions in more detail.

The bottom line is that this conference report does not impact or change current environmental law or regulation, and it does not impact or change existing waivers of sovereign immunity agreements. For the sake of time I will not repeat that statement, but it is true to the letter.

Mr. Speaker, this conference report is before the House today only as a result of the efforts of all conferees. In particular, I want to recognize the critical roles played by the Committee on Armed Services subcommittee and panel chairmen and ranking members. Their efforts, along with those of the gentleman from Missouri (Mr. SKELTON) made my job easier, and their dedication to getting the job done is clearly evident in this conference report.

Mr. Speaker, this is an important piece of legislation, and I urge all of my colleagues to support the conference report.

WASHINGTON, DC,
September 14, 1999.

Hon. MICHAEL O. LEAVITT,
Chairman, National Governors' Association, Hall of States, Washington, DC.
Hon. CHRISTINE O. GREGOIRE,
President, National Association of Attorneys General, Washington, DC.

DEAR GOVERNOR AND MADAM ATTORNEY GENERAL: We are aware that concerns have been raised regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for Fiscal Year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites. Title XXXII provides for the reorganization of the DOE to strengthen its national security function, as recommended by the House of Representatives, the Senate, and the President's Foreign Intelligence Advisory Board (PFIAB). In so doing, the NDAA would establish the National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department.

However, as the purpose of this effort was focused on enhancing national security and strengthening operational management of the Department's nuclear weapons production function, the conferees recognized the need to carefully avoid statutory modifications that could inadvertently result in changes or challenges to the existing environmental cleanup efforts. As such, Title XXXII does not amend existing environmental, safety and health laws or regulations and is in no way intended to limit the states' established regulatory roles pertaining to DOE operations and ongoing cleanup activities. In fact, Title XXXII contains a number of provisions specifically crafted to clearly establish this principle in statue.

NNSA compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements.

Concern has been expressed that Title XXXII could result in the exemption of the NNSA from compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements. We believe these concerns to be unfounded. First, Section 3261 expressly requires that the newly created NNSA comply with all applicable environmental, safety and health laws and substantive requirements. The NNSA Administrator must develop procedures for meeting these requirements at sites covered by the NNSA, and the Secretary of Energy must ensure that compliance with these important requirements is accomplished. As such, the provision would not supersede, diminish or otherwise impact existing authorities granted to the states or the Environmental Protection Agency to monitor and enforce cleanup at DOE sites.

The clear intent of Title XXXII is to require that the NNSA comply with the same environmental laws and regulations to the same extent as before the reorganization. This intent is evidenced by Section 3296, which provides that all applicable provisions of law and regulations (including those relating to environment, safety and health) in effect prior to the effective date of Title XXXII remain in force "unless otherwise provided in this title." However, nowhere in Title XXXII is there language which provides or implies that any environmental law, or regulation promulgated thereunder, is either limited or superseded. Therefore, we clearly intend that all existing regulations, orders, agreements, permits, court orders, or non-substantive requirements that presently apply to the programs in question, continue to apply subsequent to the enactment and effective date of Title XXXII.

Concern has also been expressed that the creation of the NNSA would somehow narrow or supersede existing waivers of sovereign immunity or agreements DOE has signed with the states. Title XXXII merely directs the reorganization of a government agency and does not amend any existing provision of law granting sovereign immunity or modify established legal precedent interpreting the applicability or breadth of such waivers of sovereign immunity. The intent of this legislation is not to in any way supersede, diminish or set aside existing waivers of sovereign immunity.

NNSA responsibility for environment, safety and health and oversight by the Office of Environment, Safety and Health.

Concern has been expressed that the NNSA would be sheltered from internal oversight by the Office of Environment, Safety and Health. In keeping with the semiautonomous nature of the proposed NNSA, the legislation establishes new relationships between the new NNSA and the existing DOE secretariat. Principally, it vests the responsibility for policy formulation for all activities of the NNSA with the Secretary and devolves execution responsibilities to the NNSA Administrator. However, there is clear recognition of the need for the Secretary to maintain adequate authority and staff support to discharge the policy making responsibilities and conduct associated oversight. For instance, Section 3203 establishes a new Section 213 in the Department of Energy Organization Act would provides that:

"(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section."

While some maintain that both of these provisions are redundant restatements of the Secretary's inherent authority as chief executive of his department, we recognized the importance of being abundantly clear on this point, particularly as it pertained to environmental, safety and health matters. Therefore, we fully expect that the Secretary will continue to rely on the Office of Environment, Safety and Health or any future successor entity to support his policy making and oversight obligations under the law.

To further clarify this point, the conferees also included a provision in Section 3261(c) that states that "Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs." This provision makes reference to the requirement that the NNSA Administrator ensure compliance with "all applicable environmental, safety and health statutes and substantive requirements." Once again, the conferees intended this future language to make it abundantly clear that the Secretary retains the authority to assign environmental compliance oversight to the Office of Environmental, Safety and health to support his responsibilities in this area.

Finally, concern has also been raised over the interpretation of the assignment of environment safety and health operations to the NNSA Administrator by Section 3212. This provision establishes the scope of functional responsibilities assigned to the NNSA Administrator and is not intended to, and does not, supersede the assignment of primacy for policy formulation responsibility to the Secretary of Energy for environment, safety and health or any other function.

Effect of Section 3213 on oversight by the Office of Environment, Safety and Health

Concern has also been raised that Section 3213 could be interpreted in a manner that would preclude oversight by the Office of Environment, Safety and Health. Section 3213 deals exclusively with the question of who within the Department of Energy holds direct authority, direction and control of NNSA employees and contractor personnel. As such, this provision establishes the operational and implementation chain of command in keeping with the organizing principle of the legislation to vest execution authority and responsibility within the NNSA. However, neither this principle nor Section 3213 would in any way preclude the Secretary from continuing to rely on the Office of Environment, Safety and Health for providing him with oversight support for any program or activity of the NNSA.

NNSA responsibility for environmental restoration and waste management

Concern has also been raised that Title XXXII somehow would extend to the NNSA responsibility for environmental restoration and waste management. We consider this concern to be unfounded and inaccurate. Contrary to some interpretations, Section 3291(c) grants no authority to the Secretary to move additional functions into the NNSA. Rather, Section 3291(c) recognizes the possibility that some future activity may present the need to migrate a particular facility, program or activity out of the NNSA should it evolve principally into an environmental cleanup activity. Therefore, this provision would allow such activity only to be transferred out of the NNSA.

Further, contrary to some expressed concerns, Title XXXII would not permit control of ongoing cleanup activities being carried out by the Office of Environmental Management to be assumed or inherited by the NNSA, thus ensuring that DOE's environmental responsibilities will not be overshadowed by production requirements. Finally, as previously noted, Section 3212, which assigns the functional responsibilities of the NNSA Administrator, is not intended to, and does not, establish responsibility to the NNSA Administrator for environmental restoration and waste management.

Oversight role of the Defense Nuclear Facilities Safety Board

Concern has been raised that the external oversight role of the Defense Nuclear Facilities Safety Board (DNFSB) will be impaired by the conference report language. This concern is without merit, since Title XXXII makes no change to the existing authority or role of the DNFSB. While there was some discussion during the conference of possibly expanding the role of the DNFSB to enhance external environmental and health oversight, this proposal was eventually dropped resulting in no change to the existing authority of the DNFSB.

We firmly believe that this legislation will result in much needed reforms to better protect the most sensitive national security secrets at our nuclear weapons research and production facilities and to correct associated long-standing organizational and management problems within DOE. However, we agree that these objectives should not weaken or undermine the continuing effort to ensure adequate safeguards for environmental, safety and health aspects of affected programs and facilities. More specifically, we believe that these objectives can be met without in any way limiting the established role of the states in ongoing cleanup activities. This legislation is fully consistent with our continuing commitment to the aggressive cleanup of contaminated DOE sites and protecting the safety and health of both site personnel and the public at large.

We appreciate your willingness to share your concerns with us and hope that this response will address them in keeping with our mutual objectives. In this regard, we look forward to continuing to work closely with you and your associations to ensure that this legislation is implemented in a manner that is consistent with the principles stated above and strikes the intended careful balance between national security and environmental, safety and health concerns.

Sincerely,

FLOYD D. SPENCE, *Chairman,*
House Armed Services Committee.
JOHN WARNER, *Chairman,*
Senate Armed Services Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this legislation. A good number of months ago I had the opportunity to be in Bosnia meeting and talking with the young men and young women in uniform who stand guard in that sad country doing their best and successfully doing their best to keep peace in that corner of the world. This morning, Mr. Speaker, I had breakfast with four bright young sailors who have been in the Navy only between one and two years. Both were in Bosnia when I was there. After the breakfast this morning with the young military folks, I asked myself, where, where do we find young people such as this: Dedicated, sincere, hard-working, patriotic.

Well, they come from small towns and farms and cities all across our country, and they do a superb job securing the freedoms that we enjoy. There have been problems, problems with recruitment and problems even more serious with retention. The old saying is, you recruit soldiers, but you retain families, and I think that is so true.

Mr. Speaker, this bill before us today is a historic landmark for the troops of America. This is the year of the troops. This is the year that the Committee on Armed Services, and I am pleased to say when the bill was reported out, it was reported out with a favorable vote of some 55-to-1. It has strong support among the committee and hopefully will have very, very strong support here on the floor. Because this year, we gave a pay increase, we reformed the pay tables which is geared towards those young men and young women who make the decision whether to stay in or get out at the 9, 10, 11, 12 year mark.

We reform in a very positive manner the pension system. We build new barracks, new family housing; we help fix the problems in TRICARE; we have done a superb job, and I am so pleased about it. In procurement, we have purchased and helped bring ourselves to the point where we have maintained that scientific edge. It is with a great deal of pleasure that I support this bill in its entirety, including the Department of Energy portions thereof.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 7½ minutes.

Mr. Speaker, it has been represented that Senator Rudman supports this. Let me read what he said about this with regard to the semi-autonomous weapons agency: "We do not believe that the environmental health issues should be stripped from where they are and put within the agency for nuclear support. I would not support that kind of change because I know what we went through back in the 1980s." I would commend this to the reading of the chairman of the committee.

Having said that, let us look who else is opposed to this outrage, the National Association of Attorneys General. The chairman sent them a letter, but they still oppose the bill: "We urge you to oppose the provisions of title 32 that would weaken the existing internal and external oversight structure for DOE's safety and health operations. Title 32 of the defense authorization bill would impair State regulatory authority, eliminate DOE's internal oversight of environmental safety and health, and transfer responsibility for waste management and environmental restoration to the entity responsible for weapons production and development." Forty six attorneys general.

What did the former Secretaries of Energy have to say about this? "This restructuring represents a return to the institutional conditions that resulted in almost 50 years of environmental safety health mismanagement at DOE facilities at an estimated cost of $250 billion, the largest environmental cleanup in the world. This restructuring is a step backward to the problems of the past."

Listen then to our governors, Mr. Speaker, and hear what they have to say. They say, specifically, "We are concerned that section 3261 would be interpreted as limiting existing waivers of sovereign immunity, leaving NNSA exempt from State environmental regulations, permits, orders, penalties, and agreements. We urge your thoughtful reconsideration of these provisions of title 32 that would weaken the existing oversight structure for DOE's environmental safety and health operations."

The Conference of State Legislatures has communicated their outrage and their opposition to this proposal. Heed these people.

Now, let me just quote, George Santiana said "He who does not learn from history is doomed to repeat it," and we are looking at a fine mess in just a few years, because we are doing away with all of the steps that have been taken by Secretary Richardson both to have control over the cleanup and to bring about a cleanup, but also to address the questions of secrecy. My friend, the chairman of the committee and the committee, in a rather remarkable conference which may or may not have occurred, because no notices were given to any of the conferees, and when I appeared as a witness, I was advised by the chairman of the committee that the conference is over, there is nothing to talk about.

Now, this is an extraordinary high-handed treatment of Members who were appointed as conferees. I think that what we should do is to do what the House in its wisdom did, and that is to pass the bill with all of the good provisions and strike title 32, which is mischievous.

□ 1130

Now, let us look at the problems title XXXII creates. It returns us to the dark, secretive days of the AEC, when people did not know what was going on, and when the AEC diligently lied to everybody, including the administration, the Congress, and even the Joint Committee on Atomic Energy. They created a hideous mess in terms of health, safety, and environmental degradation. Every facility owned by that agency is today a cesspool of high-level and low-level nuclear waste and of hazardous wastes and of mixed wastes. Why? Because they were answerable to no one and they hid all of their mistakes.

We spent years trying to open this process to see to it that the Congress and the Members of this body know what is going on so that we could protect our constituents against the rampages of that kind of agency in the future. This proposal simply recreates that outrage, and my colleagues and I will have cause to regret that day's work if we do not reject that provision and adopt the motion to recommit.

If we do not learn from history, we are going to repeat it. In just a few years the secrecy they are going to engage in, which will be practiced against this body and Members of the Senate and Members of the government and ordinary citizens, attorneys general and Governors, is going to lead to further abuses.

If Members think this is going to address the questions of protecting the national security, Members are very much in error. I watched the AEC for years, and the agency leaked like a sieve. I was over in a place called Chelyabinsk. It is the site of the Arzamas-16, the Russian nuclear thermonuclear generation facility. They showed me there a bomb. I said, it looks like the bomb the United States dropped on Hiroshima. They said no, it is an exact copy.

That agency leaked all kinds of information like that, technology and ability to the Russians and the Chinese and others to enable them to do what they have done.

Do not just think this is DOE, security is an ongoing problem. But at least with the Secretary in control of this matter, the Congress will have the ability to understand where rascality goes on, where there is threat to public property, where the responsibilities of the contractors to the taxpayers are dishonored, as they have been, where secrecy runs riot, and where environmental degradation reigns because of the secrecy and the refusal of the agency to properly police itself.

I urge my colleagues, let us drop title XXXII. It was never considered on the floor of the House. It was never considered in the Senate. As a matter of fact, my colleagues on the Committee on Armed Services had to go to the Committee on Rules to get themselves a funny rule. That funny rule protects them against points of order. It says that the fact that they went beyond the scope of the conference cannot be raised on this floor. It says that the fact that they disregarded the rule of germaneness cannot be raised on the floor, and the fact that they have written bad legislation is, to the best of the ability of the Committee of Armed Services and the Committee on Rules, protected against any serious challenge of wrongdoing and of hurt to the public interest.

The way this House should address this is to understand that here we have a question where legislation was written in secrecy by staff without consultation with the Members of the House or other committees which have jurisdiction, and that that legislation is seriously flawed. It is opposed by everybody, the President, the Secretary of the Department of Energy, the Governors, the attorneys general, the State legislatures, and 11 environmental organizations. They have said, do not pass this legislation with this kind of secrecy provision in it.

If Members want to continue an effective cleanup of the hideous mess that this kind of secrecy has made under the AEC, they must continue allowing this work to be done by the DOE in the open eye of daylight.

If Members want to see to it that the Nation is able to know when there are failures and when our security system is not working, allow DOE to do it. They are trying to clean it up. AEC participated actively in suppressing all acts and all information on this. This proposal reconstitutes the AEC and the practices which caused hideous abuses, both of the environment and of the national interest.

I will be offering a motion to recommit at the proper time. I urge my colleagues to listen to their Governors, listen to their attorneys general, listen to their legislators, listen to their president, their Secretary of DOE, and to the environmentalists, who tell us that this is the wrong way to go.

This is a dangerous way to go. This is insulating an agency from any proper supervision, and it is an attack not only upon the rest of government, but it is an attack on this body and the ability of Members of this body to know what is going on in the midst of a situation which may sacrifice the right of the public to know what is going on, and which will sanctify the kind of secrecy that sneaky bureaucrats have practiced on atomic energy, on safety, and upon other things which are important, including the protection of the national security of the United States. This should either be corrected by the motion to recommit, or the conference report should be rejected.

My friends and colleagues on the Committee on Armed Services attribute enormous risk to this situation. They conducted a meeting of the conferees in complete secrecy, permitted no one to participate, did not even allow us to ask questions about what it was they did.

Members are not going to tell me that they honestly fear on that committee that in some way some of the good provisions, and there are good provisions, and I supported them when this matter was in the House before, are in any jeopardy from that. Members of this body support those provisions, without exception.

Members of this body should know that they can reject the outrageous provisions and preserve the good. I will offer them an opportunity to do so. I urge them to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield myself 5½ minutes.

I would say to my colleagues, I respect the position of the gentleman from Michigan (Mr. DINGELL). I respect him. But if Members were to buy that position, I have a deal for them. I have a bridge I want to sell them.

Mr. Speaker, I would like to engage in a colloquy with the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the chairman for yielding to me, Mr. Speaker.

Mr. Speaker, some have raised concerns since the completion of the conference report regarding the possible impact that the Department of Energy reorganization provisions could have on the Department of Energy and environmental cleanup activities, and in particular, on the status of the existing waivers of sovereign immunity agreements between the Federal Government and the individual States.

I believe that the conferees did not intend to and in fact did not take any action that would limit or supersede any existing agreement that the Department of Energy has entered into with any State, including the Federal facility compliance agreements.

Is that the understanding of the chairman of the Committee on Armed Services?

Mr. SPENCE. The gentleman is correct. The conferees were particularly aware of and therefore careful to avoid changes in law that could inadvertently result in changes to existing environmental clean-up efforts. For this reason, the conference report contains a number of provisions specifically designed to make it clear that the semi-autonomous National Nuclear Security Administration will not only be subject to all existing environmental laws, regulations, and related requirements, but that the legislation would also not result in any reversal of existing environmental policies or practices within DOE.

As Senator WARNER and I stated in our September 14 letter to the National Governors Association and the National Association of Attorneys General, which had been submitted for the RECORD, and I quote, "We clearly intend that all existing regulations, orders, agreements, permits, court orders, or nonsubstantive requirements that presently apply to the programs in question continue to apply subsequent to the enactment and effective date."

Therefore, it was the clear intent and action of the conferees to not in any way supersede, diminish, or set aside existing waivers of sovereign immunity agreements between DOE and the States.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for the clarification, and I join him in underscoring the intent and action of the conferees on this very important matter.

I believe the record is clear on this point, and no one intends this legislation to serve as a vehicle or an attempt in any way to relitigate or reopen the Federal Facilities Compliance Act or the associated issues thereto.

Mr. SPENCE. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in strong support of H.R. 1059, the National Defense Authorization Act for fiscal year 2000.

I want to specifically address the provisions in the Act relating to military readiness.

First, I would like to express my personal appreciation to my colleagues on both the subcommittee and the full committee for the manner in which they conducted the business of the subcommittee during this session.

I want to express my appreciation to the gentleman from Virginia (Mr. BATEMAN), the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON), for the outstanding work and leadership they provided to the committee.

We had the opportunity to see readiness through the eyes of the brave soldiers, sailors, and airmen who are entrusted with the awesome responsibility of carrying out our national military strategy. We heard them talk about the shortage of repair parts, the extra hours spent trying to maintain old equipment, and the shortage of critical personnel. Fortunately, this year we were able to do something about their concerns.

Now, I had an opportunity to go to Korea and talk to our troops and their families. They know what this bill contains. They know that this bill contains a pay increase. They know that this bill does something for the shortage of housing. This is the reason we need to continue to support this conference report.

I do remain concerned about our inability to provide additional support for other critical elements of our readiness support activities. That includes the stability of our dedicated civilian employees who are also being asked to remain productive while facing the constant threat of the loss of their jobs. This area also deserves our attention.

Mr. Speaker, when I traveled up the coast of Thailand and visited the sailors assigned to the U.S.S. *Kitty Hawk*, they were so grateful because of the action that we had conducted right before recess. Let us not send them the wrong signal. I urge my colleagues to support the fine legislation in the conference report.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), the chairman of the Cox Commission.

Mr. COX. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, last January the Select Committee reached the unanimous and bipartisan conclusion that despite repeated People's Republic of China thefts of sophisticated U.S. nuclear weapons technology, security at our national weapons laboratories does not meet even minimal standards.

Just 2 weeks after the public release of the Select Committee's unclassified report, the President's Foreign Intelligence Advisory Board joined the Select Committee in condemning the wholly inadequate security structure at the weapons laboratories.

Last week the Administration's national intelligence estimate confirmed for the first time in public that the

People's Republic of China is developing three new long-range nuclear missiles that will target the United States, and that their new modern nuclear warheads will likely be influenced by classified American technology stolen from the United States through espionage.

Our security problems are serious, and their costs are very real. In June, this House took the first step toward fixing those egregious security problems by acting on the Select Committee's recommendations.

□ 1145

Twenty-eight of those recommendations offered to this House by the chairman and the gentleman from Washington (Mr. DICKS), ranking democrat of the Select Committee on U.S. Security and Military/Commercial Concerns with the People's Republic of China, are included in this bill and were approved by unanimous vote of the House on the floor. It is important that we see this through in to law to ensure that science at its best at our national laboratories is protected by security at its best.

Finally, let me say it is vitally important that we extend coverage of environmental safety and health statutes to the new National Nuclear Security Administration created in this legislation, and we do. That is exactly what this bill does. In fact, it raises environmental health and worker safety standards.

I would like to thank the members of the Select Committee, but more importantly thank the members of the Committee on Armed Services for their work on this very, very important bipartisan bill.

Mr. SKELTON. Mr. Speaker, may I inquire as to the amount of time that we have remaining, please.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from South Carolina (Mr. SPENCE) has 9 minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 14½ minutes remaining. The gentleman from Michigan (Mr. DINGELL) has 11 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE) who helped make the year of the troops a reality, who, together with his counterpart on the other side, the gentleman from Indiana (Mr. BUYER), have done monumental work for the troops in the field.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for those remarks.

Mr. Speaker, I want to pay particular tribute to the gentleman from Indiana (Mr. BUYER) and members of the Subcommittee on Military Personnel, and thank the gentleman from South Carolina (Mr. SPENCE) for the opportunity to work with him, and the rest of the committee members to help craft this bill.

Mr. Speaker, I understand that there are, perhaps, difficulties associated with any bill that does not measure up in every respect for all Members. But in this particular instance, it seems to me that the overall course of events associated with the Department of Defense bill, the authorization bill that we have before us, merits our support.

I will not recite it at great length other than to submit for the RECORD what we did with the Subcommittee on Military Personnel over and above the pay raise and the other issues that have been brought forward. I can say, I think, on behalf of the gentleman from Indiana (Mr. BUYER) as the chairman, that there are at least 17 specific issues associated with personnel measures that are a distinct advancement, some perhaps the best in 20 years. That is what is at stake with this bill.

I want to mention just one in particular, the Thrift Savings Plan, that we have put forward. How can we expect to have our federal employees, which in effect our military are, be absent from the opportunity to participate in the Thrift Savings Plan. This bill provides for that opportunity. This takes 1.4 million families in the military, it takes 1.4 million people in the guard and reserves and their families, and makes them equal partners with the rest of us in the progress of this Nation as we turn the corner and the century.

Mr. Speaker, I need go no further than to say that, as we go to East Timor, we will be calling up reservists to go to East Timor. We cannot conduct our deployments around the world without a guard and reserve component in conjunction with the act of military.

So whether it is in East Timor, whether it is in Kosovo, whether it is in Bosnia, or whether it is in the United States, the armed services of the United States, in all their aspects, deserves our full support.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of what will be offered as a motion to recommit.

Title 32 of this bill contains provisions which would restructure the Department of Energy to create a new National Nuclear Security Administration. I do not question the motivations of the proponents of this proposal. They simply want to protect national security at weapons production and development facilities.

However, past and recent allegations of inadequate worker and environmental protections in and around DOE labs and waste sites remind us that nuclear research poses very serious health hazards to workers and nearby residents. These concerns need to be considered when we reorganize the DOE.

Unfortunately, this legislation could have the unintended consequence of subordinating the State's legitimate environment, safety, and health concerns. In fact, 46 State Attorneys General wrote House and Senate leaders urging us to oppose the legislation and note that there have been no hearings held and there has been no opportunity for the States to provide their views to the Congress.

I would urge that we support the motion to recommit and change this provision so that it not stay in the final bill.

Similarly, the National Governors Association wrote the House conferees on September 9, stating their concerns that this legislation could be interpreted as [quote] "limiting existing waivers of sovereign immunity, leaving the [National Nuclear Security Administration] exempt from state environmental regulations, permits, orders, penalties, and agreements." [unquote]

Finally, this legislation is strongly opposed by environmental groups. The Natural Resources Defense Council, the U.S. Public Interest Research Group, the Alliance for Nuclear Accountability and other groups wrote the Members of the House on September 13 opposing this bill because it weakens accountability in the Department of Energy and because the state's ability to enforce environmental laws could be severely curtailed.

Mr. Speaker, despite the strengths in this legislation we need to send this legislation back to Committee and work out these provisions.

If you support the rights of states, if you support protecting the environment, you should support this motion to recommit.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BATEMAN), the chairman of our Subcommittee on Military Readiness.

Mr. BATEMAN. Mr. Speaker, I also rise to express my strong support for the recommendations of the conference committee with respect to our military forces. It is the responsibility of every Member of Congress to provide our military forces with the necessary resources to go in harm's way with the best equipment and training available. From testimony during hearings and visits to military installations by the Committee on Armed Services, it is clear that the readiness of our forces continues to slip below acceptable levels. Steps must be taken and now to restore our readiness posture.

The administration has continued to expect our military to do more with less by providing woefully inadequate military defense budgets. Our military is working harder and longer to keep up with peacetime as well as contingency mission requirements. Unscheduled deployments continue at a record pace. On average, units often experience long deployments only to return and face a breakneck pace of training and exercise requirements. There is little or no time for family commitments or educational opportunities.

The results of all this increased activity is that too many of our best and brightest are deciding against a career in the military, which will have an impact on our military in the future.

The conference report provides for significant increases in the readiness-critical accounts, such as training, facility maintenance, spare parts, and depot maintenance. These increases are absolutely necessary to ensure that our military remains the best trained, best equipped, and most effective in the world. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the service.

I would also like to comment that the Merchant Marine Panel, which I chair, has in this bill provided, at the President's request, funding for authorization for the Maritime Administration, plus $7.6 million additional for capital maintenance of the Merchant Marine Academy.

I wholeheartedly endorse the conference report and ask for its adoption.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the dedicated, hard working, and knowledgeable gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the ranking member for those nice comments.

Mr. Speaker, I rise in strong support of the defense authorization bill and urge my colleagues to oppose the motion to recommit and vote for passage of the bill.

This legislation, Mr. Speaker, will begin to prepare our Nation for the national security challenges of the 21st Century. It makes vital investment in military equipment, improves the readiness of our forces, and provides the military personnel with the pay and retirement benefits that they greatly deserve.

The defense authorization bill also dramatically reorganizes the Department of Energy. As we have seen in recent months, the Department of Energy is beset by management failure, bureaucratic morass, and a lack of accountability. Secretary Richardson has made some important improvements, but it is clear that the Department must be reorganized.

This DOE reorganization plan is not perfect, but we cannot maintain the status quo. Let us begin the process of reorganization today and work to make improvements as we move forward.

Mr. Speaker, I urge my colleagues to vote against the motion to recommit and for the defense authorization bill.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, some of my colleagues may not be aware of this, but for over 30 years, we had a special supersecret bureaucracy that ran our Nation's nuclear weapons programs. It was not subject to effective external oversight or accountability. It was called the Atomic Energy Agency. For years, the old AEC pursued a philosophy of production first, and public health and safety and environment be damned.

What was the AEC's legacy? It funded hundreds of unethical experiments on human beings using radioactive materials. It allowed workers to be exposed to radioactive substances in Paducah, Kentucky, and Fernald, Ohio. It allowed for the venting of gases from Hanford, Washington, to the Nevada test site, to Fernald, Ohio.

It wantonly and repeatedly dumped toxic wastes into the soil at its weapons production sites, buried radioactive materials in shallow, unlined pits: Rocky Flats; Savanna River; Los Alamos; Paducah, Kentucky.

We disbanded the Atomic Energy Agency and put it over into the Department of Energy so we could have some accountability.

What are we doing here today? What we are doing here today is we are going back to the bad old days where we are going to have an agency focused on making bombs hidden from public site, causing environmental havoc, public health catastrophes, and then the very same kind of a formula that allowed for the lying and concealment of actions from the public.

We should not be going back to those bad old days where this report barely even mentions the contractors that were responsible for much of what went wrong.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER), the chairman of the Subcommittee on Military Personnel.

Mr. BUYER. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPENCE) for his leadership and that of the gentleman from Missouri (Mr. SKELTON) for his leadership on this bill.

This is my eighth conference report; and I would say, of my years, I have not been here with the tenure that the gentlemen have, but this is a great bill. This is a bill that really would, in bold neon lights, focus on people.

A lot of times we focus on buying, whether it is the aircraft carriers, the munitions, the weapons systems. This one focuses on people. This one, this House, on behalf of the American people, are turning to those in our armed services and saying, "Thank you. And, oh, by the way, we respect your sacrifices so much, we increased your pay."

We take care of many different reforms. We reform the retirement system. We are going to address the recruiting and retention concerns. I have to agree with the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member on the Subcommittee on Military Personnel. There are so many initiatives that we have done in this bill, they are almost too numerous to even mention here.

I urge all of my colleagues to support this conference report.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT), a gentleman who is the ranking member on the Subcommittee on Military Research and Development.

Mr. PICKETT. Mr. Speaker, I rise in support of the conference report to accompany the National Defense Authorization Act for Fiscal Year 2000, and I want to talk in particular for a moment about the research and development provisions.

The conferees wisely included authorization for several leap-ahead technologies that will improve our military capabilities on land, in the air, and at sea. Additional investments are included for basic research, advanced sensors, improved radars, more sophisticated munitions, and state-of-the-art communication equipment.

The conferees also made sure that there are substantial funding increases in missile defense programs, to ensure that the development of both theater and national missile defense programs will not be funding constrained.

Mr. Speaker, our Nation's approach to military research investment is at a critical juncture. With so much change and uncertainty in the world, it is imperative that we insist upon maintaining our technological superiority.

Without the sustained fielding of more technological advance systems, our forces risk the chance of one day finding themselves confronted with a technological surprise for which they are not prepared and against which they may not prevail.

□ 1200

It is my hope that this body will join me, pass this measure today, and continue our commitment to field the most technologically superior military anywhere in the world.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I strongly support the vast majority of this bill, particularly the pay and retirement provisions. But this good bill is marred by some of the text, some of the provisions that set up the National Nuclear Security Administration as a semi-autonomous agency within the Department of Energy.

I have reservations about the way in which these provisions were inserted in the bill, a little discussion among members of the conference committee, consultation with the energy committee, and I have reservations about the substance of the provisions themselves and that is where I want to direct my attention.

I have heard people say that the existing Department is complicated, but what we have created is a bit of a complication, too.

In the title that we have added, 3216, section title 32, there are 18 different functions over which this new semi-autonomous agency, on page 458 and 457, will have virtually exclusive authority. Let me show some of the problems that are created by this.

This bill set up two different offices for counterintelligence, one of the places where we have really had a problem, two different offices, one under the Secretary and one under the Administrator. They have overlapping jurisdiction. The bill does not clearly define how they interface, who has authority over the other.

If we do not like the way counterintelligence is being conducted in the new administration, what do we do about it? Well, read on. Because if we read on, we will find that the bill says that the Secretary can only interact with this new administration through the administrator, no other way, he can only get the guy fired if he does not respond to his directives. There is no interface proscribed in the bill.

I do not think this was intended. This was a matter of haste and a matter of doing this without vetting it adequately both within the conference and outside the conference.

Here is another problem: We have established these 18 separate departments. As I said, the section 3213 severely hamstrings the Secretary's ability to use his staff to provide oversight because the act says explicitly, nobody who works for the administration "shall be responsible to and subject to the authority, direction, and control of" anybody in the Department of Energy except for the Secretary.

What was the criticism Warren Rudman made of this agency? That it has been arrogant, that it has not been responsive to criticism, that it has been insensitive. We are just enforcing that with this particular statute if it does not work.

This needs to be taken back to the drafting room. It needs to be reworked. We can do it in an afternoon or so. It is not a lot of work. But there are places in this bill that are going to give us problems in the future and if not addressed, indeed could worsen the very problems that we are dealing with right now. It duplicates bureaucracy. It undercuts the Secretary.

Do my colleagues think 46 attorney generals have an idle concern? Can we at least not relitigate this issue? They say that the Federal Compliance Act, which finally said that all of these nuclear weapons facilities were subject to RCRA and CERCLA and environmental laws. They say that it is undercut, that this is in doubt.

We at least should go back to the bill and dispel that and not relitigate this issue. It needs to be reworked. We will have an opportunity to vote on the motion to recommit, and I urge my colleagues to vote for it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON) the chairman of our Subcommittee on Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my distinguished chairman and the ranking member for their leadership on this issue.

I rise to say that I have the highest regard for my good friend from Michigan, and he knows that. We are good friends; but I have to oppose him on this issue, Mr. Speaker.

This bill is a good bill. In fact, it is an excellent bill. I understand the concerns about not involving the committee, and I empathize with that and think we do not do a good job in that regard. But I think it is also fair for Members to understand, this Congress could not get a major DOE reform bill through this body with the President's signature. It would not happen. It will happen as a part of this defense bill.

It is important that we understand a motion to recommit opens the entire conference up well beyond the scope of just this issue, and that is going to cause problems for every Member in this institution who has an interest in this bill, including issues like the pay raise. We just cannot say it is a free vote that we vote for the motion to recommit.

Mr. Speaker, there is a big problem here. It was the Secretary of Energy who, in 1993, did away with the FBI background checks. It was the Secretary of Energy in 1993 who changed the color-coded classifications status at our labs. It was the Secretary of Energy in 1994 who overruled the Oakland office and allowed an employee who had given away secrets to still work. And it was the Secretary of Energy who in 1994 gave away the warhead design for the W-87 warhead to a U.S. News and World reporter.

We need this bill and we need Members to vote "yes" on the bill and "no" on the motion to recommit.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON) a freshman who is doing an outstanding job.

Mr. LARSON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of this very important legislation. I want to thank the gentleman from South Carolina (Chairman SPENCE) and our great leader the gentleman from Missouri (Mr. SKELTON) for their hard work in putting together this important piece of legislation, important to the needs of the men and women in uniform.

As a freshman, I was honored to serve on the conference committee with Members of the Senate. The bill before us is maintaining a commitment made. The bill before us, as eloquently stated by the gentleman from Missouri (Mr. SKELTON) makes this truly a year of the troops. We have heard their needs. We have addressed them.

This bill provides our soldiers with a 4.8 percent pay increase, improves retirement benefits, and increases housing allowances for our military families. Most importantly for me, this bill and this committee has recognized the important and necessary role of the F-22 fighter in the Air Force Modernization and Readiness program by fully authorizing the Air Force request for $1.8 billion in procurement funds.

The authorization of the F-22, of course, is also supported by Defense Secretary Cohen, Joint Chiefs of Staff, and most important to me, by truly the Jedi warriors of this Nation, the men and women of the United States Air Force.

I want to commend my colleagues on the committee again, especially the gentleman from South Carolina (Chairmans SPENCE) and our great leader the gentleman from Missouri (Mr. SKELTON) for their strong leadership and bipartisan drafting of an excellent piece of legislation that addresses personnel, readiness, and the modernization needs of 21st century Armed Services and has truly made this a "year of the troops."

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise to praise the bill and to support the narrowly focused and enormously important motion to recommit.

The unintended consequences of the proposed semi-autonomous agency simply have not been adequately vetted. While it is important to shore up our Nation's labs, we cannot destroy hard-won environmental, safety, and health standards.

In the long struggle to make our Nation secure, we have allowed it to become dangerous to our own communities and citizens. If it had been that easy to change the culture of secrecy and drift, we would have done it. Instead, we have fought long and hard to make the Department of Energy responsible to the public; and it would be irresponsible to turn back the clock now.

In the 1980s, before many of the existing safety standards were adopted, the Fernald Uranium Processing Plant in Ohio went unchecked, leaving behind a wasteland of nuclear materials and at a cost of hundreds of millions of dollars to American taxpayers.

At the time, the DOE operated in secrecy, arguing that environmental and safety oversight would compromise national security. They promised to protect the safety of the workers and the environment in Fernald. However, DOE, prioritizing production goals and security over environmental and safety standards, did too little too late.

Creating an independent agency would turn back the clock. The problems of our Nation's labs are profound, and the importance of their work deserve a comprehensive solution.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the bill and oppose the motion to recommit.

I want to commend the gentleman from South Carolina (Chairman SPENCE), the gentleman from Missouri (Chairman SKELTON), and the gentleman from California (Mr. HUNTER) specifically for helping me keep my language in dealing with the problem of narcotics and terrorism on our borders.

My colleagues, 90 percent of all street crime is drug related. Fifty percent of all murder is drug related. Many of our health care costs are drug related. And our military is guarding the borders all over the world while ours are wide open.

It does not mandate it, but it is time that we wage a war on drugs. For the first time in 5 years, Congress is beginning to show some attitude against this oversupply of narcotics.

I appreciate it, and I ask all Members of Congress to support this bill. It is a great bill. I thank those Members who supported my amendment.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I rise today in strong support of this conference committee report.

I want to recognize the outstanding leadership of the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) who guided us to the point we are today.

This bill addresses the concerns of the Joint Chiefs of staff who told us earlier this year that the risk to our ability to meet our national military commitments was moderate to high.

Earlier this year, the gentleman from Missouri (Mr. SKELTON) urged our committee that this year be remembered as the "Year of the Troops," and I am very pleased that this historical conference committee report honors that pledge.

This bill contains the best compensation package for the military since the early 1980s. This bill also strengthens our national security by adding $368 million to develop and field effective theatre and national missile defenses to counter rapidly evolving ballistic missile threats.

The conference committee took action in response to the Cox Committee recommendation for reassessment of the adequacy of the current arrangements for controlling U.S. nuclear weapons securities.

When the Secretary of Energy disagreed with portions of the proposed reorganization, the committee listened to his concerns and yielded to him on several points.

On balance, I am confident the reorganization will result in improved accountability and improved security within our nuclear weapons programs and it deserves our support.

I urge our colleagues to support the conference committee report.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the DOE reorganization proposals in this bill. These proposals are simply bad government because they damage environmental protection worker health and safety and national security.

There were a number of points that were raised by the DOE to explain why these provisions are bad government. One was the Attorney General's letter which was mentioned.

Second, the bill could degrade effective public health and safety regulation of the nuclear defense complex by weakening the Secretary's ability to direct its regulation independent of the program's internal direction. The bill could isolate the Department's national security components for meaningful departmental oversight.

The bill could degrade national security by rolling back recent actions DOE has taken to identify and flex clear responsibility and accountability in all of the DOE's national security activities, including the counterintelligence functions that were strengthened by a recent presidential directive.

And last, the bill could lead to an erosion between the strong links between the weapons laboratories and DOE science programs, making recruitment of top scientists more difficult and uncertain, thereby jeopardizing the task of sustaining the nuclear deterrent testing.

That is why we should oppose these provisions.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I rise today in support of the Defense Authorization Conference Report.

Mr. Speaker, during the markup of H.R. 1401 by the Committee on Armed Services, I offered an amendment that would have conveyed real property at military installations closed under the BRAC at no cost to impacted communities.

This is an issue of fundamental fairness to me. Base closures can have a disastrous effect on the affected communities.

In my own district, my largest county may lose two out of every five jobs as a result of the closure of Ft. McClellan. The last thing we need to do is to kick these communities when they are down.

Mr. Speaker, I want to commend the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Colorado (Chairman HEFLEY) for addressing this important issue in the conference report. This language is terribly important to the communities in Alabama and across the country who continue to struggle to recover from the effects of a base closure.

Mr. Chairman, I appreciate the willingness to work with me on this important matter and urge my colleagues to support this conference report.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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Mr. ANDREWS. Mr. Speaker, I rise in strong support of the legislation and in opposition to the motion to recommit.

There are serious problems with the management and security of energy labs, and they need to be addressed and they are in this bill, perhaps not perfectly. But those who would support the motion to recommit say that we should wait on the rest of this bill to work those problems out. I respectfully and strongly disagree. We should not wait to reverse the unfounded, and, I think, ill-advised trend in the decline of defense spending. We should reverse that trend and increase it as this bill does. We should not wait to restore the spare parts in the airplanes and equipment that our men and women in uniform are using. We should certainly not wait to give the long overdue pay and retention benefit increases to those who serve their country.

There are serious issues that need to be worked out. There will be opportunities to work those issues out. The wise course today is to defeat the motion to recommit and enthusiastically approve the underlying legislation.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from South Carolina (Mr. SPENCE) will control 2 additional minutes.

There was no objection.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise today in support of the fiscal year 2000 defense authorization bill and in opposition to the motion to recommit. I want to commend the gentleman from South Carolina for his leadership on this very important legislation.

Mr. Speaker, I support this bill because of a simple principle. History is littered with the wars that everyone knew would never happen. Time and again, we have convinced ourselves that we are safe and secure in a world that is full of despots and danger, and time and again we have had to resort to blood and iron when words and good intentions failed us.

Among other things, this bill provides for better pay and better benefits for our men and women in uniform, and it allocates crucial money for our shortfalls in operations, training, and infrastructure maintenance. Finally, it will increase the pace at which our rapidly aging equipment is modernized or replaced.

Mr. Speaker, this is an important issue and this is an important bill. I urge my colleagues on both sides of the aisle to support our national defense, to support our troops and to support this bill. I urge them to vote against the motion to recommit so that we may move forward.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I want to appeal to all of my colleagues to pay attention to what is at stake right now. We are going to be asked by the gentleman from Michigan and several other folks to go with a motion to recommit and basically open up this entire bill and put off this entire bill. That means that we have to tell those men and women in uniform, including the people that are still in the Navy which is 18,000 sailors short, that they have to wait on a 4.8 percent pay increase. We have to tell the people who are not able to fly their planes in the top gun school because they have a lack of engines that that may be put off for a while. We have to tell the people that are waiting for a full ammo supply in the Army where they are $3.5 billion short of basic ammo that they are going to have to wait. We are going to have to tell the Marines, the 911 force, they are going to have to wait and maybe we really do not want to pass this bill today. This bill is the bare minimum and it is a mandatory necessity in this dangerous world to start to rebuild national defense.

Let me just say to my friends who have brought up the lawyer arguments that have been made by some attorneys general. I have read that language. It is very conditional. They say there may be problems with this bill. This thing passed 96–1 in the most environmentally conscious body we have got in this country, in the other body, the Senate. All of their lawyers scrubbed this thing. Nobody saw any intrusions in environmental law. I am looking at the sections right now that says that this new nuclear administration must comply with all applicable environmental, safety and health laws and substantive requirements, section 3261.

It says that the Administrator must develop procedures to meet the requirements and the Secretary, that means Bill Richardson, Secretary of Energy, must assure that the requirements, the environmental requirements, are met. The Secretary has total control, direction and authority over this new Administrator.

Let me just lastly say, we have lost a lot of nuclear secrets. This reform stems those losses and puts the nuclear complex back on safe footing. That is important.

Pass this bill.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

This motion to recommit is about worker safety, DOE accountability, environmental protection and public health and safety. It is not about the military side of this bill. I support the military pay raises, pensions and all the other good provisions in the bill. But I have two comments; one on the process. The process how we got these secrecy and semiautonomous agency provisions is outrageous. There was no conference, there was no consultation, these provisions were invented in the dark of night, no hearings, the public excluded. This is not how we ought to be legislating. Sunshine is the best disinfectant.

Number two, the predecessor agency to the DOE had an abysmal record on worker safety and environmental protection. If we adopt these provisions on autonomy, we are headed back to the old days of violations of worker safety, worker rights, environmental degradation and destruction.

Vote "yes" on the Dingell motion to recommit.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY), the ranking member of the Subcommittee on Military Procurement.

Mr. SISISKY. Mr. Speaker, this is a strange debate. We are debating a conference report that everybody seems to agree with. I have not found anybody that said the defense bill is a bad bill or even lacking something. The problem is on a motion to recommit from my learned friend. I think I am a little older than he is but he has been here a lot longer than I have.

But what is interesting is that most of the argument is being subsumed on the Atomic Energy Commission. Now, he remembers the Atomic Energy Commission. This has nothing to do with the Atomic Energy Commission. The Secretary of Energy still controls what we are doing here.

The other argument that they give, which is strange to me, and I know I am not the wisest guy in reading, but they keep bringing up the health and the environmental things. I am looking at page 467, section 3261, that has an outline of all the environmental things which makes the Secretary of Energy responsible. We could go into a lot of things here. Is it perfect? Probably not. But what we have done is a good start.

For one thing, we force DOE, we force them, to have a planning program, a budgeting cycle like any other agency of government. Is that not strange that they do not have it? We impose discipline so we really do not have funny money at the end of the year. It is in section 3252.

These are sensible, careful reforms. What worries me, we may not get these reforms if we vote for the motion to recommit.

Mr. Speaker, this is an important vote. Everybody agrees with the conference report that I have heard from. Let us be smart. Let us defeat the motion to recommit and give our people a bill that they are expecting and they should have.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) has 2 minutes remaining; the gentleman from Missouri (Mr. SKELTON) 1½ minutes; the gentleman from Michigan (Mr. DINGELL) 2½ minutes. Closing will be in the order of the gentleman from Michigan, the gentleman from Missouri, the gentleman from South Carolina.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I join the gentleman from Michigan (Mr. DINGELL), the gentleman from South Carolina (Mr. SPRATT) and others in opposing the reorganization of the DOE that is provided in this bill, creating a fiefdom of control of the nuclear establishment that does not include an authority line from the Secretary of Energy. It is a serious problem. Civilian control of our nuclear weapons production facilities is one of the most important responsibilities that we have here.

I speak with some experience. For nearly a decade, I helped run a DOE national laboratory. I have seen firsthand the legacy of the Atomic Energy Commission. And, as any manager will tell you, the best design for failure is to offer responsibility without authority. That is what we are doing with the Secretary of Energy here. Keeping the Secretary of Energy in the line of authority is the best way that we in Congress and that the citizens of this country can have accountable control of our nuclear establishment.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. DINGELL) for 1½ minutes.

Mr. DINGELL. Mr. Speaker, the motion to recommit is very simple. We have heard a lot of red herrings about how this is going to jeopardize the legislation. It is not. The chairman and members of the Committee on Armed Services could convene a conference, and we could have this matter back on the floor by early next week. That is not going to delay anybody getting a pay raise or anything else. What Members are going to do if they vote for the motion to recommit is to arrange a situation where we will clarify the Secretary's authority to oversee the new agency. The Secretary will be able to deal with both the questions of health, safety, environment, environmental protection and also to deal with the questions of secrecy. That is what we really want. What the motion to recommit does is to return us to a situation where we are very close to the bipartisan agreement that was expressed in the Senate legislation. If you want a quick way to resolve this problem, let us do that, because the Senate will accept this in the snap of a finger or the beat of a heart.

I would urge my colleagues to move in the direction of seeing to it that the Congress can control the behavior of DOE, the behavior of the secrecy mavens down there in that agency and to see to it that we have openness which prevails with regard to environmental safety, health, worker safety and questions of that kind and to see to it at the same time that we preserve and protect security.

This legislation as it is now constituted does nothing, nothing, to assure additional secrecy. As a matter of fact, it returns us to those curious days when the AEC leaked like a sieve and when there were major problems in terms of the Congress knowing what was going on down there.

Vote for the motion to recommit. It is good legislation, it is careful attention to process, and it will leave the public better.

□ 1230

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there is a popular television program entitled Jeopardy. Voting for the motion to recommit is entering into that game of Jeopardy because a motion to recommit that carries opens up the entire wonderfully written package for the troops should it go to conference.

I think that we should do our best to protect the pay raises, the pay table, the new barracks, the family housing, the specialty pay, the TRICARE additions. We should do our very best to protect this bill.

Mr. Speaker, it is the year of the troops. This is our tribute, the Congress of the United States' tribute to those young men and those young women who wear the American uniform and represent us so very, very proudly wherever they may be.

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. THORNBERRY).

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Texas (Mr. THORNBERRY) is recognized for 2 minutes.

Mr. THORNBERRY. Mr. Speaker, I think there are three points really that need to be made at the conclusion of this debate. Number one is that there is no narrow motion to recommit on a conference report. We cannot send it back with an amendment. All we can do is send it back to negotiate with the Senate, and everything that is in this conference report is vulnerable then, and there is no indication we can do any better. We may do worse by the gentleman from Michigan if we get back to the negotiations with the Senate, even on the provisions that he is concerned about. There is no free vote here.

Second point that has to be emphasized is we do not change the environmental standards one inch. There are several places in this bill we specifically say the same standards that apply before apply afterwards, and as a matter of fact, I would remind this body that the language on the environment was word for word what was adopted unanimously in the other body by an amendment by Senators DOMENICI, BINGAMAN, LEVIN, LIEBERMAN, and REED, hardly a bunch of environmental extremists as some may have portrayed.

I would also like to mention that the National Governors' Association, as opposed to what has been said, do not oppose these provisions. They have expressed some concerns, we have answered them in those concerns by the letter from the chairman, and both they and the Attorney Generals Association, once we talk to them and show them the language, are backing off, and we have that in the record.

I think what it comes down to, Mr. Speaker, is that the President's own commission studies this problem and says, "You have got one of two options. You can create a whole new agency, and there are a lot of folks on our side who would like to do that, put it under DOD or a completely separate agency. Or, we can have a semi-autonomous entity within the Department of Energy which the Secretary of Energy has complete control, authority, and oversight of. That is what we chose to do in this conference report. The more moderate recommendation of the President's own commission is exactly what is adopted in this conference report.

If my colleagues look at the responsibilities of this body to provide for the country's defense, I think we have no alternative but to vote against the motion to recommit and support the conference report.

Mr. Speaker, I rise in support of this conference report. It does a lot to improve the security of the United States, and it should be supported by all members.

Because of time limits I am only going to address one portion of the bill, which is Title XXXII, the title which reorganizes the management of the nuclear weapons program in the Department of Energy. Adopting Title XXXII gives us a chance to fix a 20 year problem which has plagued our nation since the Department of Energy was first created.

Mr. Speaker, hardly anyone argues today that there is not a significant problem in the Department of Energy. Study after study, report after report have analyzed the problems at DOE for 20 years. The bottom line is that the management structure at DOE is "dysfunctional," to quote the report of the President's Foreign Intelligence Advisory Board, which has caused enormous problems, including, to some degree, the recent security lapses. But in spite of the repeated warnings and efforts at reform, little actual reform has been made.

Some recent studies have focused on security and counterintelligence. And we owe Chairman Cox and his colleagues a debt of gratitude for their important, bipartisan report. Other studies have looked at DOE's problems with large construction projects. We read just last week of a cost overrun of $350 million and a delay of two years in the National Ignition Facility about which the Secretary of Energy was as surprised as anyone because he had been assured in June of this year that everything was on track. Other studies have focused on health and worker safety, but whatever the focus they all come back to the dysfunctional organization of DOE as a basic, fundamental problem, which has to be solved before other problems are resolved.

This bill gives us the opportunity to do something that virtually everyone who has studied the problem believes should be done, and yet no one has been able to do. It is an opportunity we should not let pass us by.

Title XXXII establishes a semi-autonomous agency within the Department of Energy called the National Nuclear Security Administration. The new NNSA will have two traits missing from DOE for the last 20 years—accountability and a clear mission.

The current situation was best described by Dr. Victor Reis, who served as the Assistant Secretary of Energy for Defense Programs from 1993 until last month. Dr. Reis testified, "The root cause of the difficulties at DOE is simply that DOE has too many disparate missions to be managed effectively as a coherent organization. The price of gasoline, refrigerator standards, Quarks, nuclear cleanup and nuclear weapons just don't come together naturally."

NNSA will have some measure of insulation from all of those other functions of DOE unrelated to national security. Thus, it can have a tighter focus on the essential work related to nuclear weapons.

Reis went on to describe the efforts of Secretary after Secretary to pull the Department together creating new cross-cutting organizations for environment, safety, health, security, information, policy, quality, and so on, but "because of all this multilayered cross cutting, there is no one accountable for the operation of any part of the organization by the Secretary, and no Secretary has the time to lead the whole thing effectively. By setting up a semi-autonomous agency, many of these problems go away."

Previously, no one below the Secretary has been in charge of the nuclear weapons complex; no one person had the authority to make something happen; no one could be held accountable for mistakes. Title XXXII establishes a clear chain of command with definite lines of responsibility and of accountability which are essential to accomplishing the core mission of the complex and also ensuring that security, health, safety, and other issues are handled appropriately.

There are some who argue that we cannot rely on the people who do the day to day work to look after health and safety too. It's like the fox guarding the chicken coop, they say. Frankly, I am offended by the idea that the people who work at the Pantex Plant in my district and who live in the area and whose children go to school there cannot be trusted to work safely. We just have to have a management system that makes it clear what is expected of them and who holds them accountable if they disregard it.

I would also remind my colleague that for more than 40 years the Naval Nuclear Propulsion Program has had full and complete responsibility for more nuclear reactors than the Nuclear Regulatory Commission. Any of their reactors can be pulled into virtually any port in the world with no concern to the environment or safety. That kind of record and that kind of commitment is what we need in the nuclear weapons complex, and this bill helps us to accomplish it.

Dr. Reis has testified that "[t]he mission of the nuclear weapons complex is national security at its most profound and long lasting." I agree. This is not a place to play political games or worry about turf. The only thing that matters is doing what's right for the security of our country and the freedom of our children. Title XXXII and this entire bill help ensure both.

Mr. Speaker, this Title is the result of a lot of hours and work by a number of people. Senators DOMENICI, KYLE, and MURKOWSKI and their able staffs carried the burden in the Senate. In the House, I want to express my appreciation to Chairman SPENCE and Chairman HUNTER for all of their work and support on this portion of the bill. I also want to thank my colleagues, Ms. WILSON and Ms. TAUSCHER for their tireless work and persistence in making sure that this reorganization was done right. Our committee staff, particularly Dr. Andy Ellis and Robert Rangel deserve special commendation for pushing this product through the conference process.

I also can't help but note that Dr. Victor Reis, who served this country with distinction for more than 30 years in key positions lost his job because he believed that we could not continue with business as usual at the Department of Energy. His courage and patriotism in telling the Administration what they did not want to hear should be commended, and I hope that future administrations can take advantage of Dr. Reis's skill, experience, and judgment, as well as his courage and love of country.

Finally, I want to single out Clay Sell of my staff for his work, not only on this Title in this bill, but for his work on the issue of DOE management reform over the past four years. I am very fortunate to work with many outstanding people every day, but none can outshine Clay for his hard work, intelligence, and, in this matter, pure persistence—all of which has been devoted toward enhancing the security of our nation.

Mr. SANDLIN. Mr. Speaker, I rise today in strong support for S. 1059, the Department of Defense Authorization Conference Report. I believe this bill is a step in the right direction—a step towards a strong military, heightened readiness, and a bolstered national security.

Among the bill's many critical provisions is a well-deserved and long-overdue pay raise for our military men and women in recognition of their hard work and dedication to their country. This bill provides for a 4.8 percent pay raise, .4 percent above the Administration's request. This critical pay raise provision will help ensure that increases are tied more to performance and promotion than years of service and will reduce the pay gap between military and civilian pay. Moreover, this salary increase is a step towards preventing the loss of the best and brightest men and women who find it increasingly difficult to manage on a military salary.

This legislation would also reform the military retirement system and provide service members an opportunity to choose which system better suits their individual needs. It would also extend pay and bonus authority, expand recruiting and retention, and add additional funds for military housing. In addition, this bill addresses our nation's veterans and recognizes their contribution to this country by guaranteeing their burial benefits, providing retirement flags for reservists and all the uniformed services, and restoring equity to widow's entitlement.

This conference report also adds $2.7 billion to the procurement account for weaponry modernization, a crucial increase for improving military readiness. It adds $2.8 billion in operations and maintenance and repair facilities and builds upon the President's proposal to increase defense spending by $112 billion over the next six years. It also restores procurement funding for the essential F–22 fighter jet, a critical part of ensuring our military forces maintain their air superiority.

The Defense Authorization Conference Report significantly increases funding for the procurement of weapons, ammunition, and equipment, and for military construction and will enable the armed forces to modernize while maintaining a high level of readiness and training. I urge my colleagues to cast their votes in favor of a strong defense and the protection of our national security. I urge you to cast your vote in favor of improving the standard of living for our service men and women. I urge you to cast your vote in favor of this conference report, and I urge the President to sign this essential legislation.

Mr. UNDERWOOD. Mr. Speaker, I join my colleagues today in support of this Conference Report for the FY 2000 Defense Authorization Bill. This effort was bi-partisan and long overdue. The Conferees worked long and hard to tie up the loose ends and smooth out the rough edges of the Defense Authorization Bill. While everything we wanted was not achieved in Conference, this is still a very fine effort that will go a long way to ensure that our troops will get much of the pay, equipment, and infrastructure they so badly need and deserve. This bill is essential to stemming the decay in readiness and ensuring the security of the United States and its territories.

Mr. Speaker, no doubt our citizens have by now grown accustomed to the oft repeated phrase, "we live in dangerous times." The global community is constantly erupting as it continues to adjust to the political realities of the post-Cold War structure. Africa is undergoing immeasurable suffering of disease, civil strife, and refugees crises. Asia is confronting economic calamities, unfinished revolutions, long standing rivalries, and emerging powers. South America is re-confronting Marxist guerrilla insurgencies and narcoterrorism. Europe has to deal with ethnic conflict, terrorism, and refugee influxes. The Middle East is faced with growing fundamentalist movements, terrorism, peace negotiations, and resource scarcities. The Pacific region is seeking political enfranchisement and issues of poverty. Faced with this menu of global concerns our military forces have been deployed in some 30-odd operations world-wide since the Persian Gulf War. At the same time our defense budget has been squeezed and capped arbitrarily without consideration or anticipation to the realities of America's security interests. To be sure, the time has come to re-assess the role the United States will play and to what extent our troops will be a part of that role.

Mr. Speaker, I applaud the efforts of Mr. SPENCE, Mr. WARNER, Mr. SKELTON and Mr. LEVIN in brokering a true bi-partisan bill that will begin to address many of the concerns that have been discussed here on Capitol Hill these past months.

Some of the measures that the people of Guam are concerned about have been included in this bill. In the realm of military construction, the military facilities located on Guam will benefit from over $100 million in new construction or improvements. Most notable are the MILCON projects for the Guam Army Guard Readiness Center and the U.S. Army Reserve Maintenance Shop—both desperately needed to maintain readiness and operational capabilities. Additionally, we were able to secure language that would allow the Guam Power Authority to upgrade two military transformer substations on Guam. I would like to thank MILCON subcommittee Chairman HEFLEY and Ranking Member TAYLOR, for their wise counsel and decision in recognizing the need for these vital military projects on Guam.

I worked closely with Readiness subcommittee Chairman HERB BATEMAN on language that would make a technical correction in the economic reporting requirement for A–76 competition studies. I also worked closely with several members from both sides of the isle to prevent the lifting of a moratorium on the outsourcing of DoD security guards. Additionally, I worked closely with Congressmen ABERCROMBIE and YOUNG to exempt Guam from any pilot program for military moving of household goods. This way Guam's small household moving market will be ensured of robust competition and protection from mainland conglomerates. We worked closely with members on both sides of the isle to include a refinement of the BRAC laws that will permit no cost conveyances of former military property to rural communities for economic development. On a matter of particular importance to Filipino-Americans, the threat to the return of the Bells of Balangiga was abated in a compromise measure between House and Senate conferees. This victory was no small feat and through our efforts we preserved the issue and permitted the dialogue to continue. For this effort I would like to thank, Senators INOUYE and LEVIN for their support. I thank my fellow House Armed Services colleagues particularly Mr. STUMP for his willingness to hear our concerns.

Mr. Speaker, the underlying bill contains an important provision directing the Maritime Administration to report on the incidents of overseas ship repairs of U.S. flagged vessels in the Maritime Security Fleet. This was in response to the Guam Shipyard's unfair experiences with subsidized foreign competition in ship repair. It appears that the Navy in concert with the Military Sealift Command has been flouting the intent of federal law created to protect American jobs and ship repair infrastructure. This reporting requirements places the Military Sealift Command on notice that Congress is watching and will respond if necessary to gross violations or misdirected policy. I worked closely with Chairman BATEMAN, on this initiative and would like to thank him for his foresight in including this important provision.

Mr. Speaker, the underlying bill included an amendment by Mr. BEREUTER to make permanent the waivers included in the FY 1999 Defense Authorization Act that allows the Asia-Pacific Center for Security Studies (which is a component of the Defense Department's U.S. Pacific Command) to accept foreign gifts and donations to the center, and to allow certain foreign military officers and civilian officials to attend conferences, seminars and other educational activities held by the Asia Pacific Center without reimbursing the Defense Department for the costs of such activities. This Center, led by retired Marine Corps Lt. General H.C. Stackpole, is a corner-stone in the engagement program of military-to-military exchanges through out the Asia-Pacific Region. This endeavor is a vital component in the goal of strengthening our ties with both our regional allies and potential allies. I strongly urge its adoption.

Finally, the Conference report strips the most offensive aspects of the DeLay amendment that was adopted on the floor that would have prohibited constructive military to military contacts between the U.S. and the People's Republic of China. The wiser temperaments of the Conferees saw fit to recognize the vital importance of America's engagement with China and ensure that these ties remain unbroken.

I want to thank all of the Committee staff for their tireless efforts in putting this bill together. I strongly urge my colleagues to vote "yes" on the Conference Report. In doing so a vote is being cast for a stronger, more robust military and improved benefits for our troops.

Mr. WELLER. Mr. Speaker, I would like to offer a statement in support of the Defense Authorization Conference Report which includes a provision which is very important to a project in my district, the redevelopment of the Joliet Arsenal.

First, I would like to thank all of my colleagues for the assistance they have offered on this project over the past five years, and again with this Conference Report. This Conference Report contains a provision which clarifies the original intent of Congress that Will County, Illinois be given 455 acres of federal land at no cost to Will County taxpayers to build a landfill to serve Will County residents and communities only. I gave this commitment back in 1996 when the original legislation was passed, and I am adhering to my commitment here today.

I will briefly repeat some historical points regarding the Joliet Arsenal redevelopment. When first elected to Congress in 1994, I continued the good work Congressmen O'Brien, Davis and Sangmeister had initiated to return the 23,000 acres of Arsenal property back to the Will County residents. Throughout the next year, I worked hard to pave the way for the Joliet Arsenal Ammunition Plant (JAAP) redevelopment legislation and was proud to obtain President Clinton's signature on this important bill in 1996. The redevelopment plan called for the creation of a 19,000 acre tallgrass prairie park, two industrial parks, a new national cemetery, and a county landfill.

As the author of the legislation, I embraced the vision of the original citizens Planning Commission which clearly intended for the landfill to be established as a local facility serving the needs of Will County only. It was only after a struggle that I was able to include a landfill into the redevelopment legislation at all. There were a number of Army officials and my colleagues in the Congress concerned about approving a landfill directly bordering a national park. In addition, the JAAP redevelopment was the first of several like projects around the country. Given the intense scrutiny this project was under, I assured those who had concerns that this landfill would be serving the residents of the County only. I am keeping this promise today.

Later, local officials commenced efforts to expand the Will County landfill far beyond the original Congressional intent as a County only landfill turning it into a regional landfill which would ultimately house Chicago trash. My position never waivered, as I had made many promises to my colleagues in this Congress that there would not be a regional or Chicago landfill placed next to the new home of the nation's largest veterans cemetery and the 19,000 Midewin National Tallgrass Prairie. The ultimate solution was to clarify the law to ensure that County only trash will be accepted at the landfill at the Joliet Arsenal.

Mr. Speaker, I am deeply committed to ensuring the entire Joliet Arsenal is redeveloped without delay or compromise. I am equally committed, though, to ensure the original plan is followed and the legislation's intent is carried forward. I am pleased that the provision submitted into the Defense Authorization Act will soon become law. Thanks to you and all of my colleagues for your assistance on this important project.

Mr. WELDON of Florida. Mr. Speaker, I rise in support of the conference report on S. 1059, National Defense Authorization Act for Fiscal Year 2000. I am pleased that the bill restores readiness and quality of life for our men and women in uniform.

In particular, I am pleased that the bill continues to reverse the Clinton-Gore Administration's neglect of our military. The current administration like none other has eroded morale, training, readiness, equipment, and quality of life. This bill reverses many of these trends and I commend the conferees for their actions to fulfill these commitments to our troops and military retirees.

This bill continues to add to the procurement budget to ensure that our troops are the best equipped. We add $2.7 billion above the Clinton-Gore Administration's request for weapons' procurement, which will build on the $15 billion in procurements additions we have made over the past four years. I am also pleased that the bill increases military pay by 4.8 percent, .4 percent more than requested by the administration. The move to restore retirement benefits to encourage good men and women to make a career out of the military is something I have been very supportive of and am pleased that this matter is addressed in the bill.

While I am very pleased and supportive of these and many other provisions in the bill and will vote for the bill because of these provisions, I am very concerned that the conferees chose to drop an amendment that was adopted by the House on a 303–115 vote. This amendment would have increased the capacity of our national launch ranges by about 20 to 30 percent. In other words, by choosing to spend only $7.3 million in additional money at our national launch ranges we could have prevented about nine satellite launches a year from leaving U.S. soil and instead going to China or Russia for launch.

I cannot understand why the conferees, and most notably the Armed Services Committee staff, chose to reject this modest proposal, a proposal that was supported by the Air Force, by NASA, and by a large majority of the space industry and its various associations. It was short-sighted of the committee and I am committed to having Congress revisit this issue until our launch infrastructure resources are properly attended to.

China and Russia have clearly demonstrated that they cannot be trusted with advanced technology. Just yesterday, this very House voted for a bill taking very strong action against Russia for transferring dangerous missile and weapons technology to Iran. The decision by the conferees to reject the House bill's provision that would have kept launches of U.S. built satellites on U.S. soil runs counter to the passage of the Iran Nonproliferation Act (H.R. 1883).

Furthermore, the Chinese government has proven to be no more responsible in handling advanced technology. It was the launch agreements that the Clinton Administration signed with the Chinese that lead to the Cox-Dicks Select Committee on China. It was this very decision to allow increased export of U.S. built satellites on Chinese vehicles that led to the transfer of advanced missile technology transfer to the communist military government in China. All my amendment says is let us maximize the use of our own launch facilities first. This is the best way to curb the transfer of advanced missile technology.

Mr. KUYKENDALL. Mr. Speaker, I rise in support of the Defense Authorization conference report. I had intended to engage the distinguished Chairman of the Research and Development Subcommittee, Congressman CURT WELDON, in a colloquy to clarify some language in the report, but the rules precluded it.

The Conferees authorized funds for low cost launch technology. The conference report specifically authorizes $10 million in funding for "Low Cost Launch, including Scorpius." The Scorpius program has many supporters in Congress, it is the most advanced low cost launch system under development, and it is meeting its goals within budget. The Cox Committee recommended that Congress should "encourage and stimulate" further expansion of the American space-launch capacity in the interest of national security. Funding the Scorpius program does this. Investment in Scorpius can lead to significant payoffs in the future in both technological efforts and cost reductions. A low cost launch capability in America will allow our nation's telecommunications companies to launch their satellites from the United States, reducing the security risks associated with overseas launches. I believe that authorizing and appropriating these funds to further develop Scorpius is money well spent.

Mr. COSTELLO. Mr. Speaker, I insert the following for the RECORD on the DOD Conference Report.

AUGUST 4, 1999.

The Honorable SPEAKER OF THE HOUSE,
Capitol, Washington, DC.

DEAR SPEAKER HASTERT: As the House and Senate move forward with conference negotiations on the Defense Authorization bill (S. 1059), I urge your continued support of external regulation of the Department of Energy (DOE) through the Nuclear Regulatory Commission (NRC). The State of Illinois has long supported this concept.

Specifically, I urge you to oppose the adoption of language that would place the regulation of DOE's safety programs in the hands of a quasi-independent agency that would ultimately report to DOE. We believe that the continued oversight of safety by DOE will continue to diminish worker safety as it has at several facilities throughout the country in recent years.

In conclusion, I urge you to follow the path that will allow for the transfer of authority over public health and safety so that of a truly external regulator, such as the NRC. Such action would thereby allow closer regulation by the State of Illinois which works closely and in conjunction with the NRC.

Thank you, in advance, for your consideration of this important matter. Should you need additional information please contact David Kunz in my Washington office.

Sincerely,

GEORGE H. RYAN, *Governor.*

Mr. HASTINGS of Washington. Mr. Speaker, as the House considers the conference report for the National Defense Authorization Act for FY–2000, I would like to restate my intent on a provision I authored in last year's Defense Authorization Act, which is currently being implemented by the Department of Energy. The provision (section 3139 of PL 105–261) created the Office of River Protection ("ORP") to be headed by a "senior" DOE official who would report directly to the Assistant Secretary for Environmental Management. This individual would manage "all aspects" of the tank waste cleanup program at the Handford site in my district. The provision also provided to the Manager of the Office of River Protection all resources "necessary" to manage the Handford tank privatization project in an "efficient and streamlined" manner.

As sponsor of this provision of law, my intent is that the Manager of ORP should be accorded full decision making authority for planning, budgeting, acquisition, contract administration, and line safety responsibility for managing cleanup of the legacy high-level radioactive tank waste threatening the Columbia River. These specific authorities should include the power to establish a separate budget control point for all funding required for the operation and construction of the Handford tank farm program and the privatized vitrification project. The Manager of ORP should also be delegated the authority as head of contract activities for the purposes of carrying out the duties of the Office of River Protection.

Failing to extend these basic budget and contracting authorities to the ORP manager is clearly at odds with the provision which bestowed responsibility for managing "all aspects" of the program on the ORP Manager and provided him all resources "necessary" to carry out the program. Further, the legislation expected him to report directly to the Assistant Secretary for Environmental Management.

Further, the provision in subsections (d) and (e) required reports to Congress with an integrated management plan and updates on progress. Semi-annual reports and regular briefings by the Manager of the Office of River Protection to the Congress are entirely consistent with the reporting requirements of last year's provision. The progress reports should address in the status of the ORP, cleanup progress, expenditures, and any other issues impeding implementation of the spirit and/or legal requirements of my provision from last year's defense authorization bill.

I would like to report to the Speaker that I have expressed this intent to the Assistant Secretary and she has expressed her agreement with this interpretation.

Mr. UDALL of Colorado. Mr. Speaker, I voted for the Defense authorization bill when it was debated earlier here in the House. I did that for a number of reasons, and especially because it provided for better compensation and benefits for the men and women of our armed services.

However, I have serious concerns about a number of changes that were made to the bill in the conference committee. In particular, I am concerned about Title 32, which would reorganize the Department of Energy. I am attaching letters on this subject from Secretary Richardson and from Colorado's Attorney General, Ken Salazar. The Secretary is concerned about the potential effect of this part of the conference report on the environment at and around DOE facilities across the country—a serious concern, and one I share.

But Attorney General Salazar's concern is even more pressing for those of us from Colorado, because it relates directly to the Rocky Flats site. As his letter says, our Attorney General is "concerned that the pending legislation would delay the closure of Rocky Flats and substantially drive up cleanup costs." I take that very seriously, because I think keeping Rocky Flats on tract for cleanup and closure at the earliest practicable date is a matter of highest priority for our State.

As you know, Mr. Speaker, Title 32 of the conference report is completely new. It was not part of the bill that was considered by the House. Under these circumstances, even though others may not fully share the Attorney General's concerns on this point—or the even more far-reaching concerns of Secretary Richardson—I think that the most prudent thing for us to do is to take longer to review these reorganization proposals. Accordingly, I will vote for the motion to recommit the conference report and, if that motion does not succeed, I will vote against the conference report.

STATE OF COLORADO, DEPARTMENT
OF LAW, OFFICE OF THE ATTORNEY
GENERAL,
Denver, Colorado, September 3, 1999.

Re Preserving Colorado's Authority Over Cleanup of Rocky Flats.

Hon. MARK UDALL,
Colorado Congressional Representative,
Washington, DC.

DEAR CONGRESSMAN UDALL: I am concerned that pending legislation to reorganize the Department of Energy (DOE) may inadvertently impair state regulatory authority over DOE facilities. The reorganization provisions are in the Department of Defense FY 2000 Authorization bill as reported by the conference committee. I wanted to take a moment to explain how this proposed legislation would specifically affect Rocky Flats.

As set forth in a letter from attorneys general of more than forty states and territories, section 3261 could be used by the federal government to try to undermine the broad waivers of sovereign immunity currently in environmental laws, and exempt the National Nuclear Security Administration (NNSA) from state environmental regulations, permits, orders, 'penalties, agreements, and "procedural requirements." If successful, such arguments would, among other things, partially repeal the Federal Facilities Compliance Act (FFCA), which states fought so hard to pass in 1992. The FFCA clarified the sovereign immunity waiver in the federal hazardous waste law, and ensured that federal agencies engaged in the management of hazardous waste would have to comply with local, state and federal hazardous waste laws in the same manner and to the same extent as private parties. This waiver governs the on-going state regulation of Rocky Flats pursuant to the Colorado Hazardous Waste Act.

Rocky Flats is not specifically named as one of the facilities that will be transferred to the NNSA. However, under §3291(a) of the Act, "national security functions and activities performed immediately before the date of . . . this Act" by the Office of Defense Programs, the Office of Nonproliferation and National Security, or the Office of Fissile Materials Disposition will be transferred. The terms, "national security functions and activities" are not defined in the Act; however, two of these offices are currently conducting activities at Rocky Flats. Therefore, based on our preliminary analysis, it appears that at least portions of the cleanup work would be automatically transferred to NNSA. These activities are not regulated under the state hazardous waste law.

In addition, national security functions and activities performed by "nuclear weapons production facilities" are also transferred. The definition in §3281(2)(F) of "nuclear weapons production facilities" includes "[a]ny facility of the Department of Energy that the Secretary of energy, in consultation with the Administrator and the congress, determines to be consistent with the mission of the Administration.'' "Mission" is defined extraordinarily broadly. Similarly, §3291(b) provides authority to the Secretary of DOE to transfer any "facility, mission, or function" that the Secretary, in consultation with Congress, determines to be consistent with the mission. Under these provisions, portions of the Rocky Flats cleanup, or the entire site could be transferred to NNSA jurisdiction through a simple administrative action.

Colorado has worked very hard over the years to ensure that it retains authority over the cleanup of Rocky Flats and other federal facilities. The federal government has shown time and again that it is not up to the task of regulating its own facilities. Obviously, the state has a substantial interest in ensuring that Rocky Flats is cleaned up in a manner that will protect the citizens of this state now and for centuries to come. Consequently, we are very concerned about any legislative change that could be construed to limit the regulatory authority we fought so hard to obtain through the Federal Facility compliance Act of 1992.

I am also concerned that the pending legislation would delay the closure of Rocky Flats, and substantially drive up cleanup costs. If work, or portions of work, at Rocky Flats are transferred to the NNSA, it will likely cause delays because of the need to coordinate actions between NNSA and the Office of Environmental Management. Coordination will be difficult because of NNSA's orientation toward weapons production and stockpile stewardship, and because of the NNSA's emphasis on secrecy. Delay means significant cost increases. It costs about $1.5 million a day just to keep Rocky Flats open. In addition, DOE facilities that Rocky Flats depends on to close will be transferred to the NNSA. The main one is the Nevada Test Site, where we send low-level waste for disposal. Again, coordination with the NNSA will be a problem.

If part or all of Rocky Flats is transferred to the NNSA, delay could also be anticipated as a result of reinvention of security measures. DOE and its current contractors have made considerable progress in reviewing national security interests and tailoring security measures to appropriately address risks actually posed by nuclear materials at the site. This painstaking review has streamlined cleanup efforts by ensuring that precious resources are not wasted in complying with outmoded security measures that were not related to actual risks. Any increased security requirements at Rocky Flats will dramatically increase the time and money it takes to conduct work in the industrialized Area at Rocky Flats.

Most environmental cleanup work at Rocky Flats is currently being deferred in favor of deactivating and decommissioning the buildings. Accelerating this "D&D" work is vital to minimizing total cleanup costs because of the high cost of maintaining buildings and security. But the result is that environmental contamination cleanup is delayed. Given the significant pressures on DOE's cleanup budget, it will become increasingly difficult to ensure continued funding for these lower-risk, but still very important, activities, especially if we fail to meet our commitment that Rocky Flats will be "done" in 2006.

For decades, DOE and its predecessors operated the nuclear weapons complex under a cloak of secrecy. The sad consequence of this culture is a $150 billion legacy of environmental contamination and aging facilities that pose risks to workers, the public and the environment. The clear intent of the reorganization provisions is to draw the cloak of secrecy over the operations of the NNSA. While we absolutely must ensure protection of national security, it would be folly to ignore the clear lesson of the past and to extend this cloak to cover DOE's environmental, safety, and health operations. Moreover, there is no threat to national security in retaining external state oversight of environmental, safety, and health operations. As we mentioned in our previous letter, Senator Rudman, in his Congressional testimony and in his Report to the President recommended that responsibilities for environment, health and safety functions remain with the DOE Offices of Environmental Management and Environment, Safety, and Health, and not be transferred to a new security administration. Undoubtedly, this recommendation was based on the Senator's awareness of the unfortunate "environmental mortgage" created by years of self-regulation by weapons complex.

I understand that it may not be possible to address these problems before the Defense Authorization bill is enacted. If that is the case, and the bill done become law, I urge you to ensure that these concerns are addressed at the earliest possible opportunity.

Sincerely,

KEN SALAZAR,
Attorney General.

THE SECRETARY OF ENERGY,
Washington, DC, September 14, 1999.

OPPOSE DOE REORGANIZATION PROPOSALS

DEAR MEMBER OF CONGRESS: The Department of Energy reorganization provisions in the conference agreement on the pending Defense Authorization bill damage environmental protection, worker health and safety, and national security. In short, the conference report vests sweeping and unprecedented authorities in a new agency (the National Nuclear Security Administration) purportedly within the Department of Energy, which makes it impossible for any Secretary to run the Department. While I have supported the concept of a semi-autonomous agency in the past, the provisions in the conference report go far beyond what constitutes a workable relationship between the Secretary of Energy and the new agency.

I hope you will oppose these reorganization proposals so that changes can be made.

The reasons for this recommendation are:

1. As noted in a September 3rd letter from 46 State Attorneys General, the bill jeopardizes the environment at, and around, DOE facilities by potentially exempting the new agency from State environmental requirements.

2. The bill could degrade effective public health and safety regulation of the nuclear defense complex by weakening the Secretary's ability to direct its regulation independent of the program's internal direction.

3. The bill could isolate the Department's national security components from meaningful Departmental oversight, thus adding further insularity to the institutional isolation and arrogance that were faulted on security grounds in the Rudman report.

4. The bill could degrade national security by rolling back recent actions we have taken to identify and fix clear responsibility and accountability in all the Department's national security activities, including the counterintelligence functions that were strengthened according to Presidential Decision Directive 61.

5. The bill could lead to an erosion of the strong links between the weapons laboratories and the Department's science programs, making recruitment of top scientists more difficult and uncertain, thereby jeopardizing the task of sustaining the nuclear deterrent without testing.

THE ENVIRONMENT

In the September 3, 1999, letter mentioned above, 46 State Attorneys General wrote the House leadership urging them to oppose DOE reorganization provisions, which "would impair State regulatory authority" and would "weaken the existing internal and external oversight structure for DOE's environmental, safety and health provisions." They claim that "under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the [new agency] exempt from State environmental regulations, permits, orders, penalties, agreements, and 'non-substantive requirements'."

They go on to state that the provisions in the conference report will undercut the following reforms:

The Federal Facility and Compliance Act, passed by Congress and President Bush in 1992, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup.

Creation of an internal oversight entity in DOE, the Office of Environment, Safety and Health.

Creation of DOE's Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities and to remediate its environmental contamination.

No one now questions that the weapons complex during the years of the Cold War left an enormous legacy of environmental damage. DOE now oversees the largest environmental cleanup program in the world. The Secretary of Energy—with direct accountability to the President and the public—should not be constrained in his ability to direct actions through his experts to address that legacy. Yet the conference report places numerous barriers between the Secretary and the new agency, making it next to impossible for the Secretary to fulfill the environmental responsibilities of the Department of Energy.

HEALTH AND SAFETY

You may have read articles in the press over the past month about possible worker exposure and environmental damage at DOE's Paducah, Kentucky, site, where enriched uranium for nuclear weapons has been produced. An issue there is whether thousands of workers unwittingly handled materials tainted with plutonium and other highly radioactive materials. This summer a container at Los Alamos lab blew up, spreading Technitium-99 all over a research room. Luckily the employees were on their lunch break and no one was contaminated. At DOE's Savannah River Site in late August plutonium contamination was detected on seven workers after a repackaging incident. And at DOE's Pantex plant in Texas a fire in a nuclear weapons disassembly facility led to a recent $82,000 civil penalty for the DOE contractor.

The Secretary of Energy must be held responsible for investigating these incidents and preventing accidents in the future, yet the DOE reorganization proposal severely undermines my ability to ensure basic health and safety protection for workers.

NATIONAL SECURITY

As you know, the Department of Energy is responsible for our nuclear weapons stockpile. A more profound responsibility you will not find in government. Yet the DOE reorganization proposal all but severs the connection between the Secretary of Energy and the program which oversees the stockpile. It is critical that there be a seamless policy and management connection between the President, the Secretary of Energy and the program which develops nuclear weapons.

COUNTERINTELLIGENCE AND SECURITY

Presidential Decision Directive 61, in which the President, after receiving extensively considered advice from the intelligence community, determined that the nation's intelligence, counterintelligence and security responsibilities regarding nuclear matters must be consolidated directly under the Secretary of Energy. The report of the Select Committee led by Chairman Cox and Ranking member Dicks on Chinese espionage emphasized that these responsibilities must be placed at the highest level in the Department. The DOE reorganization proposal would overrule these judgments by establishing counterintelligence and security offices in both the Department of Energy and the new agency. These dual offices would inevitably create confused lines of authority, undermining an aggressive, professional counterintelligence and security effort.

PROCESS

Finally these extensive reorganization provisions will be presented to the house for the first time in a conference report—no hearings, no floor debate during House passage and no conference debate. They were formulated and adopted behind closed doors by the conferees.

I hope you oppose these reorganization proposals in the Defense conference report. If you have any questions, please do not hesitate to call me.

Yours sincerely,
BILL RICHARDSON.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report to accompany S. 1059, the National Defense Authorization Act for fiscal year 2000. This legislation represents a significant improvement over the defense program presented to the Congress earlier this year by the Administration. It has been shepherded through the House and through the conference process by Republicans and Democrats with a deep desire to keep faith with the men and women in uniform who defend this Nation. Our bipartisan efforts have previously received overwhelming support in this House and this conference report also deserves such support.

This legislation will provide the military equipment, training, pay and benefits, and adequate living and working conditions that is required to support the Nation's defense effort.

As the Chairman of the Subcommittee on Military Installations and Facilities, I can assure the House that the conferees worked hard to address the impact of inadequate facilities and military housing on military retention and readiness. And, we have fully funded the most critical items for the coming year.

S. 1059, like the legislation that passed the House earlier this year, rejects the incremental funding of military construction projects proposed by the Department of Defense. That scheme clearly was not in the interest of the taxpayer. It would have led to a delay in the delivery of needed facilities and would certainly have increased their cost.

Frankly, the Department of Defense left the Congress with a broken military construction program for fiscal year 2000. To cite but one example, the conferees needed to add nearly $1.1 billion to the budget to adequately fund the Department's request to construct or renovate over 6,200 units of military family housing and begin the construction or renovation of 43 barracks, dormatories, and BEQs for the single enlisted—a requirement for which only $313 million was requested. This housing must be built and occupied as soon as possible and only full funding can accomplish that. In addition, the conferees agreed to fund an additional $136 million for 14 other military housing for both families and the single enlisted to further alleviate the continuing military housing crisis.

While we could not fix all of the problems associated with the unfunded military requirements that continue to pile up due to the broad inattention of the Department to critical infrastructure upgrades, we have produced a good bill.

From improving military infrastructure and ensuring continued access to critical military training areas, to a significant effort to enhance pay and benefits, to continuing our efforts to modernize the Nation's arsenal, and to protecting programs vital to the national security, S. 1059 is comprehensive defense legislation that meets the real needs confronted everyday by ordinary Americans who are asked by their country to do extraordinary things on an almost daily basis. The men and women who volunteer—and I stress volunteer—to defend the liberty of this Nation deserve this bill. They deserve your vote. I urge every member to see this bill for what it is—that is, a meaningful and serious effort to deal comprehensively with our defense problems. Republicans and Democrats stood together to develop this legislation and we should continue to stand together to send this legislation to the President for his signature.

Mr. SPRATT. Mr. Speaker, I strongly support the vast majority of this bill, particularly the pay and retirement provisions. But this good bill is marred by some of the text that sets up a National Nuclear Security Administration as a semi-autonomous agency within the Department of Energy. I have reservations about the way these provisions were inserted into the bill with little discussion among the Members of the Conference Committee, and I have reservations about the substance of some of these provisions.

I will not speak on the process of the conference at length, but I cannot dismiss it because I cannot remember the Congress acting on such an important matter with so little information and discussion among the Members of the conference committee. Neither the House nor the Senate Defense Authorization bill contained language requiring a comprehensive restructuring of the Department of Energy, yet we ended up with about 50 pages worth of text. We did have Senator Rudman testify before the committee prior to conference, but we did not take testimony from the Energy Department itself, or from the old senior statesmen of the labs and nuclear weapons complex, men like Johnny Foster or Harold Agnew. The legislation that the conference committee ultimately produced was not vetted in any meaningful manner among the Members, the Administration, or outside experts. This is not a good process for an important piece of national security legislation.

My first and foremost concern on the substance of the legislation is that we have blurred the lines of accountability when it comes to preventing and ferreting out future espionage at our nuclear labs and weapons complex. I think one thing we can all agree on is that counterintelligence requires a clear line of command and accountability. A clear chain of command was at the heart of Presidential Decision Directive 61, which the Cox Committee unanimously recommended be implemented. This legislation contradicts PDD 61 by setting up two different counterintelligence offices with overlapping responsibilities, and no clear direction on how the offices are supposed to interface with each other. The same problem exists in the respect to dual Inspectors General. I find it ironic that the restructuring provisions fail in what should have been its top priority: setting up clear lines of command and accountability on counterintelligence.

My second and more general concern is that the Secretary's ability to conduct oversight of the complex could be seriously hampered by this legislation. We already know that the price of no oversight is a legacy of contaminated sites that will cost hundreds of billions to clean up. Revelations about contamination at Paducah show that we cannot disregard the health and safety concerns for workers in the nuclear weapons complex and the communities that surround these sites. The history of the last few decades tells us that the nuclear weapon sites and activities of the Department of Energy require more sunshine, more scrutiny, more oversight, not less. Any Secretary of Energy must have strong oversight authority, and I fear that this legislation detracts from rather than adding to the Secretary's oversight powers.

Having criticized these provisions, let me say that I do not think they were drafted with bad intent. But they were drafted hastily, without adequate hearings, with no vetting among outside authorities, without the benefit of constructive criticism that comes in the mark-up process, and without any discussion among members of the conference committee. The best thing to do is to vote for this motion to recommit, cut out Title XXXII, and then pass the Authorization Act so that the pay raise for our troops is not delayed. We will have that opportunity when at the end of debate when Mr. DINGELL offers a motion to recommit. If we pass that motion, we can then rework the reorganization provisions in Title XXXII and bring them back to the House in a stand-alone bill, ensuring that our legislation will safeguard our nuclear security without returning us to the days when we operated a nuclear weapons complex with next to no responsible oversight.

Mr RYUN of Kansas. Mr. Speaker, American military personnel and their families are making great sacrifices to protect the freedoms of this nation. The increased pace of peacekeeping and humanitarian operations, combined with declining defense budgets, is severely degrading the quality-of-life of our military personnel.

Mr. Speaker, the current decline in the military's ability to recruit and retain quality personnel can be directly attributed to the armed forces' declining quality-of-life.

S. 1059, the Fiscal Year 2000 national Defense Authorization Act Conference report attacks the quality-of-life problems of today's military personnel by:

Providing a 4.8 percent across-the-board pay raise.

Improving retirement benefits by reforming and enhancing the retirement pay benefit.

Initiating a Thrift Savings Plan for active duty and reserve personnel.

Reducing out-of-pocket costs for housing by adding $225 million to the basic allowance for housing (BAH) account.

Ensuring that military personnel live and work in quality facilities by adding over $3 billion to the President's underfunded military construction programs.

Mr. Speaker, America's military personnel and their families are suffering from too many years of "doing more with less." Congress must help remove the pressures felt by America's military personnel who put their lives on the line everyday to protect this nation's freedoms. I urge my colleagues to vote Yes on the Conference Report to S. 1059.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT

Mr. DINGELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. DINGELL. Absolutely.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DINGELL moves that the conference report be recommitted to the committee of conference with instructions to the House conferees that they insist on striking all provisions within Title XXXII that limit any existing authority of the Secretary to supervise, manage and direct the National Nuclear Security Administration and all its personnel, to retain authority to delegate that authority to any officer or employee of the Department with respect to such particular subject matter areas and activities as the Secretary determines from time to time, to otherwise retain with respect to the National Nuclear Security Administration all management authorities provided by the Department of Energy Organization Act as though that Administration was established by that Act, to have authority to reorganize organizational units reporting directly to the Secretary governed by just the first sentence of section 643 of that Act (42 U.S.C. 7253), and to retain all authority previously provided by section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a) to determine governance of Special Access Programs, including waiver of congressional notification requirements as specified by law.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 139, nays 281, not voting 13, as follows:

[Roll No. 423]

YEAS—139

Ackerman
Baird
Baldwin
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Bliley
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hinchey
Holt
Hooley
Inslee
Jackson-Lee (TX)
John
Jones (OH)
Kanjorski
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Petri
Phelps
Porter
Rahall
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Sensenbrenner
Serrano
Slaughter
Spratt
Stabenow
Stark
Strickland
Stupak
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—281

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
King (NY)
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Clayton
Hastings (FL)
Jefferson
Kingston
McKinney
Millender-McDonald
Pelosi
Price (NC)
Pryce (OH)
Ros-Lehtinen
Shaw
Vitter
Waters

□ 1256

Messrs. GEJDENSON, RADANOVICH and SHAYS changed their vote from "yea" to "nay."

Messrs. BAIRD, DAVIS of Illinois, EVANS, MARTINEZ and Ms. JACKSON-LEE of Texas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. QUINN). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

The conference report was agreed to. Without objection the motion to reconsider was laid on the table.

There was no objection.

RECORDED VOTE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for a recorded vote.

Without objection, a recorded vote was ordered.

There was no objection.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 45, not voting 13, as follows:

[Roll No. 424]

AYES—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—45

Baldwin
Barrett (WI)
Barton
Bliley
Capuano
Conyers
Davis (IL)
DeFazio
DeGette
Dingell
Ehlers
Filner
Frank (MA)
Gutierrez
Holt
Jackson (IL)
Kucinich
Lazio
Lee
Lowey
Markey
McKinney
Minge
Nadler
Oberstar
Obey
Paul
Payne
Pelosi
Petri
Rangel
Rivers
Sabo
Sanders
Schakowsky
Sensenbrenner
Shays
Stark
Towns
Udall (CO)
Vento
Visclosky
Waxman
Weiner
Wu

NOT VOTING—13

Dunn
Edwards
Green (WI)
Hastings (FL)
Hulshof
Jefferson
Kingston
Millender-McDonald
Price (NC)
Pryce (OH)
Ros-Lehtinen
Roybal-Allard
Shaw

□ 1307

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 424, I was unavoidably detained on House business of critical importance to Wisconsin. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1655, DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for purposes of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Members may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. Speaker, for the purpose of the debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 289 would grant H.R. 1655, the Department of Energy Research, Development and Demonstration Authorization Act of 1999, an open rule. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

The rule provides that the bill shall be open to amendment by section, and it allows the Chairman of the Committee of the Whole to accord priority in and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the Department of Energy, Research Development and Demonstration Authorization Act of 1999 authorizes the civilian energy and scientific research and development programs of the Department of Energy for fiscal years 2000 and 2001. The bill was reported favorably by the Committee on Science by a vote of 31-to-1.

Basic scientific research is the source of the new technologies and industries that will drive our Nation's economy in the next century. If America is to continue to enjoy a rising standard of living and a healthy economy, the United States must continue to be a leader in basic scientific research. The Federal Government has long had an important role to play in supporting these research programs, many of which are far too expensive for any single company or institution to support. H.R. 1655 recognizes the need for an aggressive research effort at the department of energy which has the third largest basic research program in the Federal Government, exceeded only by the National Institutes of Health and the National Science Foundation.

Specifically, Mr. Speaker, over the next 2 years, the bill would authorize $885 million for research on energy supply; $5.2 billion for energy physics and science; $825 million for fossil energy research and development; and $1 billion for energy conservation research. Furthermore, it should be noted that the Committee on Science has provided clear direction to the Department of Energy that this funding be awarded based on merit and should be used to fund research, not departmental administration.

Finally, the Congressional Budget Office estimates that H.R. 1655 would cost approximately $8 billion in budget authority and $8.25 billion in outlays over the next 2 years.

The Committee on Rules was pleased to grant the request of the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science, for an open rule on H.R. 1655, and accordingly, I encourage my colleagues to support both H. Res. 289 and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule, and will allow full and fair debate on the Department of Energy Research, Development, and Demonstration Authorization Act of 1999.

As my colleague, the gentleman from Washington (Mr. HASTINGS) has described, this rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

The rule provides for amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill authorizes $8 billion in fiscal years 2000 and 2001 for the Department of Energy's civilian research and development programs. Our Nation depends on energy to move our cars, to light our houses, and to power the machines of commerce. By making energy more efficient and dependable, we increase opportunities to improve quality of life. That is why investing in energy technology is important to our Nation's future.

Recognizing the importance of renewable energy and energy efficiency, the President recommended a slight increase in spending on these research programs. Unfortunately, the committee bill kept spending for these programs at lower levels.

Renewable energy, including hydro power, solar, wind, geothermal, and biomass, amount to about 10 percent of total domestic energy production. Though these technologies have become more competitive with traditional energy sources, there is still a need for more research in these new areas. By keeping spending levels down, we are taking a risk that we do not develop the full potential of a renewable energy and achieve the full benefits.

However, this is an open rule, and Members will have a chance to offer amendments to improve the bill. The rule was adopted by a voice vote of the Committee on Rules, and I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, the new trade deficit figures are out: for the last 3-month period, $81 billion of trade deficits, averaging now $27 billion a month. I do not know who else may have noticed yesterday, but the Singer Sewing Machine Company filed for chapter 11 bankruptcy protection in New York City.

The roots of the Singer Sewing Machine Company are in New York City. Not anymore. They are located in Hong Kong, and they make and manufacture their sewing machines in Brazil, Taiwan, and Japan, and no one in Congress or Washington is even looking at this issue. Our Tax Code is chasing companies away. We are making great progress with the electronic phenomenon that will mature, and we are looking at a down side here, Mr. Speaker.

I have an amendment for each of these bills, when they spend money, requiring they comply with the Buy American Act and other provisions. I would hope that they would be accepted, but I would hope that Congress would begin to address a Tax Code that rewards imports, kills exports, and is destroying manufacturing jobs.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CIVIL AVIATION RESEARCH AND DEVELOPMENT AUTHORIZATION ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 290 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 290

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Members may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. For purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 290 would grant H.R. 1551, the Civil Aviation Research and Development Authorization Act of 1999, an open rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule provides that the bill shall be open to amendment by section, and allows the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

Finally, the rule provides 1 motion to recommit, with or without instructions.

Mr. Speaker, the Civil Aviation Research and Development Authorization Act of 1991 would authorize the Federal Aviation Administration to conduct research and development activities during fiscal years 2000 and 2001. The current authorization is scheduled to expire at the end of fiscal year 1999.

Our Nation's air traffic system has seen a dramatic increase in use in recent years. This legislation, introduced by the gentlewoman from Maryland (Mrs. MORELLA), makes it possible to keep pace with rising aviation volumes and maintain an effective air traffic system.

The FAA's research and development activities help produce the cutting edge technology necessary to ensure the safety, efficiency, and security of our national air transportation system. In addition, this bill makes it easier for Congress to track overall FAA research activities and to better assess priorities for modernization.

The Congressional Budget Office estimates that enactment of H.R. 1551 would cost approximately $1.32 billion in budget authority and $1.3 billion in outlays. Because the bill does not affect direct spending, pay-as-you-go procedures do not apply.

Mr. Speaker, the Committee on Rules was pleased to grant the request of the gentleman from Wisconsin (Chairman SENSENBRENNER) for an open rule on H.R. 1551, providing Members seeking to improve this bill the fullest opportunity to offer their amendments on the floor.

Accordingly, I urge my colleagues to support both House Resolution 290 and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule. It will allow for full and fair debate on H.R. 1551, which is the Civilian Aviation Research and Development Authorization Act of 1999.

As my colleague, the gentleman from Washington (Mr. HASTINGS) has described, this rule will provide for 1 hour of general debate. It would be equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill authorizes $1.32 billion in fiscal years 2000 and 2001 for the Federal Aviation Administration's civil aviation research and development programs. The bill funds a wide range of aviation-related research, including aircraft safety, communications, equipment, and facilities.

The bill also funds research aimed at reducing aircraft noise. Unfortunately, the FAA has not placed a sufficient priority on research to identify technologies that could be used to develop quieter aircraft, or to reduce the effects of aircraft noise on neighborhoods near airports.

In my district, residents of the city of Centerville, Ohio, have been plagued with aircraft noise ever since flight patterns were shifted over the city. This is a particular problem since many of the aircraft carry cargo at night or early in the morning. Daily between 4 a.m. and 7 a.m., when most people are trying to sleep, a plane flies overhead every few minutes. It is like sleeping under an aircraft superhighway.

The problems facing my constituents in Ohio are similar to problems all over America, and these will only get worse as the skies get more and more crowded nationwide. I urge the FAA to increase research aimed at reducing aircraft noise. I also urge the FAA to examine the ways that aircraft noise affects the health and safety of people who experience it on a regular basis.

In particular, I request that the FAA study the health effects of nighttime aircraft noise, such as the noise experienced by the citizens of Centerville. By working with citizens and government and industry as partners, we can address this problem.

Mr. Speaker, the funding in this bill is an investment in the future of our aviation transportation. As the representative from Dayton, Ohio, the home of the Wright Brothers, I am proud of America's leadership in aviation technology. This bill will help maintain our leadership role.

This is an open rule. It was adopted by a voice vote of the Committee on Rules, and I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Youngstown, Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I have a buy American amendment for this bill. I would like the Congress to know that the Chrysler Corporation that we bailed out, Chrysler Corporation of the United States of America, is the Chrysler-Daimler Corporation of Germany.

Some of our big banks are merging. They are not known as American banks anymore, they are moving to foreign countries. We are becoming a good colony, providing basic materials and buying other countries' products. No one is really paying attention.

What these amendments say is we have a buy American law. Let us comply with it, and do not put a fraudulent label on an import or you will not be able to do business with our government.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 290 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1551.

The Chair designates the gentleman from New Hampshire (Mr. SUNUNU) as Chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

□ 1330

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes, with Mr. QUINN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. QUINN). Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as chairman of the Committee on Science, I have worked with my friend and colleague, Mr. George E. Brown, Jr., of California for the past 2½ years to advance legislation that meets our Nation's research and development funding needs. Regrettably, Congressman Brown is no longer with us. I am pleased to say that this legislation continues that tradition, only this time we have a new ranking member, the gentleman from Texas (Mr. HALL).

H.R. 1551 authorizes the FAA to conduct research and development activities for fiscal years 2000 and 2001.

Shortly, I will offer a manager's amendment that was crafted in consultation with the Committee on Transportation and Infrastructure. The amendment strikes certain provisions of H.R. 1551 which were already authorized earlier this summer through House passage of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century.

As amended by my manager's amendment, H.R. 1551 authorizes $208 million in fiscal year 2000 and $223 million in fiscal year 2001 for the FAA to conduct research and development in the areas of air traffic, management, communications, navigation, weather, aircraft safety, system security, airport technology, and human factors.

The legislation fully funds the administration's fiscal 2000 request and allows a modest, but necessary, increase of 3 percent over fiscal year 1999 enacted funding level for the various research and development activities.

Mr. Chairman, the Committee on Science takes its oversight responsibilities very seriously. I am pleased that H.R. 1551 includes important provisions to ensure that our Nation's investments in aviation R&D are effectively utilized.

For instance, section 5 of the legislation implements recommendations by the Inspector General by requiring the FAA to work cooperatively with NASA to jointly prepare and transmit to Congress an integrated civil aviation safety R&D plan that clearly defines the rules and responsibilities of the two agencies.

Section 4 requires the FAA to implement strategic planning consistent with the Government Performance and Results Act in the development of aviation plans.

Finally, H.R. 1551 ensures accountability and public access to award information by requiring the FAA to post the abstracts related to all unclassified R&D grants and awards on the agency's Internet home page.

I would like to commend gentlewoman from Maryland (Mrs. MORELLA), the Chairman of the Subcommittee on Technology, and the gentleman from Michigan (Mr. BARCIA), the ranking member of the subcommittee, for their hard work they have done in crafting this legislation.

Mr. Chairman, H.R. 1551 is a good bill, and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1551. It is a bill that provides a 2-year authorization for research and development activities of the FAA. The gentleman from Wisconsin (Chairman SENSENBRENNER) has laid it out very succinctly.

The bill reported by the Committee on Science was developed in a rather unusual spirit of cooperation and bipartisanship. They really worked together on this. It took a little time to hammer it out.

But I certainly want to congratulate the gentlewoman from Maryland (Mrs. MORELLA), the chair of the Subcommittee on Technology for her good work, and the gentleman from Michigan (Mr. BARCIA), the ranking Democratic member, for the fine work in crafting this bill.

I also want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, for his efforts of bringing the bill forward and bringing it to the House for its consideration here today.

Mr. Chairman, the FAA, as my colleagues know, is responsible for the safe operation of a very complex transportation system. It now handles about 1½ million passengers per day. That continues to grow.

I think H.R. 1551 has been well described by the gentleman from Wisconsin (Chairman SENSENBRENNER). It does provide for research programs that is going to enable the FAA to modernize the Nation's air traffic system successfully. Because of the importance of air commerce to our economy, I certainly recommend this legislation to my colleagues and ask for their support and the passage of this bill.

Mr. Chairman, I rise in support of H.R. 1551, a bill which provides a two-year authorization for the research and development activities of the Federal Aviation Administration.

The bill reported by the Science Committee was developed in a spirit of cooperation and bipartisanship. I want to congratulate the Chair of the Technology Subcommittee, Mrs. MORELLA, and the Ranking Democratic Member, Mr. BARCIA, for their fine work in crafting the bill.

H.R. 1515 authorizes only a relatively small part of the FAA's budget. But the research that will be carried out in accordance with the bill will have a disproportionate influence on the ability of the agency to meet its responsibilities for management and operation of the national airspace system.

The FAA is responsible for the safe operation of a complex transportation system that now handles 1.5 million passengers per day and that continues to grow. The FAA's research and development programs must provide the underpinnings for the technology that will help increase the capacity and efficiency of operation of the airspace system, while ensuring its safety and security.

Pursuant to an agreement with the Transportation Committee, the Republican Manager of the bill will offer an amendment to modify the authorizations included in the bill, as it was reported from the Science Committee. Basically, some activities will be removed from the bill that were included in the main FAA authorization bill considered previously by the House.

There has been some confusion about the nature of the activities that the agency includes in its Facilities and Equipment appropriations account. Clearly, some of these activities are very similar to the kinds of R&D programs normally authorized by the Science Committee, and consequently, these are retained in H.R. 1551. Disagreements exist about the R&D content of some of the other activities, which the amendment deletes from the bill.

In order to ensure that a complete description of FAA's research programs is provided to Congress in future, H.R. 1551 requires the agency in its annual budget submission to report on all of its R&D activities. Specifically, the bill requires FAA to identify every program, regardless of the title of the budget category from which it is funded, that meets the definition of R&D, according to OMB's published guidelines.

H.R. 1551, as amended by the manager's amendment, endorses the administration's funding request for the R&D activities covered for FY 2000 and FY 2001. This request includes growth in the second year needed to reverse recent declines in the research side of the agency's R&D programs.

Because of the importance of air commerce to our economy, I recommend this legislation to my colleagues and ask for their support for its passage.

Mr. HALL of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. BARCIA), and I ask unanimous consent that he be permitted to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARCIA. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding the time and for his leadership in helping to bring this bill forward to the House. I also want to commend the gentleman from Michigan (Mr. BARCIA), the new ranking member of the Committee on Science, for his support throughout the process.

As chair of the Subcommittee on Technology, and on behalf of the distinguished gentleman from Michigan (Mr. BARCIA), our ranking member, I am pleased to offer H.R. 1551, which is entitled the Civil Aviation Research and Development Act of 1999, for its passage by the House today.

Overall, the legislation after acceptance of the manager's amendment will authorize $208 million in fiscal year 2000 and $229 million in fiscal year 2001 for the Federal Aviation Administration in order to have them conduct research and development activities that are helping to increase the efficiency and safety of aviation.

A safe and efficient air transportation system is essential to our Nation's economic prosperity, especially since aviation and related industries contribute $700 billion to the U.S. economy and encompass over 8 million jobs.

As I know very well from having worked closely with Administrator Jane Garvey on the FAA's year 2000 computer problem, safety remains the number one priority at the FAA.

Over the past 20 years, the aviation accident rate has dropped dramatically because of the introduction of new technologies and procedures that are developed through the collaborative research and development activities of both the FAA and the National Aeronautics and Space Administration, NASA.

As any frequent traveler can tell my colleagues, aviation congestion leading to delayed or canceled flights is becoming more common. The fact that aviation traffic is projected to double over the next 15 to 20 years compounds the problem. Investing in research and development today will give us the tools to meet the demands of the future.

Mr. Chairman, the authorization levels in H.R. 1551 ensure that the FAA has sufficient funding to carry out research and development in the areas of aircraft safety, system security, system capacity, and weather.

Also, H.R. 1551 allows the FAA to continue its work in human factors research. Human error is still the dominant cause of aviation accidents. As we continue to integrate automation into flying aircraft and controlling airspace, it is important that the FAA does a better job of understanding the changing human rules and responsibilities of pilots and controllers to provide them with equipment that better meets their needs.

Finally, I am pleased to point out that the legislation fully funds the administration's request for energy and environment research. This will allow the agency to continue working with NASA, to reach the goal they embarked on in 1992, to reduce aircraft noise by 80 percent in the year 2000.

Mr. Chairman, I also want to commend, again, the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, and the gentleman from Michigan (Mr. BARCIA), the ranking member of the Subcommittee on Technology for their assistance in crafting this bipartisan legislation.

The bill demonstrates a continued strong commitment to aviation research and development. I encourage all my colleagues to join me in supporting H.R. 1551. I also want to commend the staff who have worked very hard on this bill.

Mr. BARCIA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before beginning my remarks on H.R. 1551, I also would like to join the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Maryland (Mrs. MORELLA) in pointing out to our colleagues that this is the first piece of legislation that the Committee on Science has brought to the floor with the gentleman from Texas (Mr. HALL) as our ranking member. I look forward to working closely with the gentleman from Texas, and I am sure that I can speak for all members of the Committee on Science in wishing him the very best in his new role.

Mr. Chairman, I rise in support of H.R. 1551, which authorizes fiscal year 2000 and fiscal year 2001 funding for the research and development activities for the Federal Aviation Administration. This legislation was developed on a true bipartisan basis. As always, it has been a pleasure and a privilege working with the gentlewoman from Maryland (Mrs. MORELLA), chairman of the subcommittee, on this legislation. I also want to gratefully thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL), the ranking member, for their leadership and efforts to bring this legislation to the floor today.

The primary impression of the Federal Aviation Administration is that it is a regulatory agency responsible for maintaining the safety of air travel and operating the Nation's air traffic control system. However, the basis for both safety and air traffic control can be found in FAA's research and development activities.

The Federal Aviation Administration's small research and development budget supports efforts to improve the air traffic control system to develop the concept of free flight, to conduct research on aging aircrafts, and to perform weather-related research, just to highlight a few areas of the FAA's efforts. The results of this research translate directly to improved safety and increased capacity of the national airspace system.

Both the gentlewoman from Maryland (Mrs. MORELLA) and myself have been concerned that FAA's research and development budget submission does not present a comprehensive overview of its activities and priorities.

A letter earlier this year from the chairman of FAA's Research, Engineering and Development Advisory Committee supported our concerns. The chairman wrote:

> With the research and development funding and responsibilities for implementation separated into so many different pots, the R&D management focus and effort has been seriously compromised.

The gentleman from Wisconsin (Chairman SENSENBRENNER) will offer an amendment to modify the authorizations in H.R. 1551, and I fully support this modification. This amendment removes some activities from H.R. 1551 which were included in the overall FAA authorization bill already considered by the House.

As a member of both the Committee on Transportation and Infrastructure as well as the Committee on Science, I will continue to work with my colleagues on both committees to ensure that FAA's research and development is comprehensive and meets the needs of the aviation community and the safety of the flying public.

Mr. Chairman, H.R. 1551 funds important research programs that are necessary to the Federal Aviation Administration's efforts to modernize the national airspace system. I urge my colleagues to support this legislation.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time, knowing that he serves with me on the Committee on Transportation and Infrastructure.

An amendment that I will be bringing calls and requires the Federal Aviation Administration to do research on the laser visual guidance systems. That amendment is at the desk. I just want to say this: most of the fatalities in aircraft landings and aircraft fatalities are due to the fact that, in certain weather conditions, planes simply miscalculate and miss the runway. This would call for research into the laser visual guidance system. The gentleman is familiar with it, and I just wanted to apprise the committee of it.

Mr. BARCIA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in support of this bill, the Civil Aviation Research and Development Authorization Act, and to support research and development in the aviation industry.

Research and development is an important part of the aviation industry, bringing us safer and quieter planes. We have recently seen the implementation of Stage 3 planes, which are noticeably quieter than their earlier counterparts. However, as someone who lives close to an airport, I appreciate the need for further R&D to bring us quieter planes.

As a Representative of the 7th Congressional District of New York, containing LaGuardia Airport and its surrounding communities, I have pushed this Congress to press for the further study of Stage 4 aircraft.

Mr. Chairman, the airspace surrounding LaGuardia, JFK, and Newark airports is the busiest airspace in the world. The noise from the jets is deafening.

To quote one of my constituents, "The noise has become so loud that I cannot watch TV, take a phone call, or even sleep." It is my hope, Mr. Chairman that through R&D efforts such as those authorized in this bill, individuals or families living near airports can get a decent night's sleep.

To further help with the R&D effort, my fellow Congressman from New York, Anthony Weiner, and I have introduced the Silent Skies Act. The Silent Skies Act would mandate quieter aircraft engines and call on the Department of Transportation to set the standards for Stage 4 aircraft, the next generation of quieter engines.

It also mandates that all aircraft be in compliance with Stage 4 noise levels no later than the year 2012. Mr. Chairman, I am confident that Stage 4 technology will dramatically improve the quality of life for residents of Queens and the Bronx, like myself, who live near LaGuardia airport.

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I encourage all my colleagues to join as cosponsors of this important legislation to improve the quality of life for every constituent who lives near an airport.

In closing, I want to once again commend the aviation research and development process and urge the aviation industry and the Department of Transportation and this Congress to push for the development of quieter aircraft engines.

Mr. GARY MILLER of California. Mr. Chairman, I rise today in strong support of H.R. 1551, "The Civil Aviation Research and Development Act of 1999."

I would like to thank the sponsor of this bill, Congresswoman MORELLA, fof all of her hard work on this important piece of legislation.

This bill authorizes the Federal Aviation Administration to conduct research and development activities that will update aviation technology and knowledge to ensure safety, efficiency, and security for our national air transportation system.

Included in the manager's amendment is an amendment I proposed in the Science Committee which direct the FAA to expand its current aging aircraft research and development efforts to include non-structural components.

This provision is necessary because while aging aircraft may be structurally sound, several safety experts—including the National Transportation Safety Board and the White Commission on Aviation Safety and Security—have raised serious concerns about the performance and reliability of the various non-structural components of aging aircraft which includes electrical wiring, hydraulic lines, and other electro-mechanical systems.

This is an important bill for the safety of all who are involved in air travel. I urge my colleagues to support H.R. 1551.

Mr. BARCIA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Quinn). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Aviation Research and Development Authorization Act of 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) for fiscal year 2000, $647,538,400 including—

"(A) $17,269,000 for system development and infrastructure projects and activities;

"(B) $48,021,500 for capacity and air traffic management technology projects and activities;

"(C) $18,939,200 for communications, navigation, and surveillance projects and activities;

"(D) $15,765,000 for weather projects and activities;

"(E) $8,715,700 for airport technology projects and activities;

"(F) $39,639,000 for aircraft safety technology projects and activities;

"(G) $53,218,000 for system security technology projects and activities;

"(H) $26,207,000 for human factors and aviation medicine projects and activities;

"(I) $3,481,000 for environment and energy projects and activities;

"(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h) of this section;

"(K) $266,712,000 for En Route research and development projects and activities;

"(L) $58,900,000 for Terminal research and development projects and activities;

"(M) $3,000,000 for Flight Services research and development projects and activities;

"(N) $69,200,000 for Landing and Navigation research and development projects and activities; and

"(O) $16,300,000 for Equipment and Facilities research and development projects and activities; and

"(7) for fiscal year 2001, $675,706,795.".

SEC. 3. BUDGET DESIGNATION FOR RESEARCH AND DEVELOPMENT ACTIVITIES.

Section 48102 of title 49, United States Code, is amended by inserting after subsection (f) the following new subsection:

"(g) DESIGNATION OF ACTIVITIES.—(1) The amounts appropriated under subsection (a) are for the support of all research and development activities carried out by the Federal Aviation Administration that fall within the categories of basic research, applied research, and development, including the design and development of prototypes, in accordance with the classifications of the Office of Management and Budget Circular A–11 (Budget Formulation/Submission Process).

"(2) The Department of Transportation's annual budget request for the Federal Aviation Administration shall identify all of the activities carried out by the Administration within the categories of basic research, applied research, and development, as classified by the Office of Management and Budget Circular A–11. Each activity in the categories of basic research, applied research, and development shall be identified regardless of the budget category in which it appears in the budget request.".

SEC. 4. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking "and" at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new clause:

"(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980."; and

(2) in paragraph (3), by inserting "The report shall be prepared in accordance with requirements of section 1116 of title 31, United States Code." after "effect for the prior fiscal year.".

SEC. 5. INTEGRATED SAFETY RESEARCH PLAN.

(a) REQUIREMENT.—Not later than March 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation safety research and development plan.

(b) CONTENTS.—The plan required by subsection (a) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration, including a requirement that the FAA-NASA Coordinating Committee established in 1980 meet at least twice a year; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee, including a proposal for greater cross-membership between those 2 advisory committees.

SEC. 6. INTERNET AVAILABILITY OF INFORMATION.

The Administrator of the Federal Aviation Administration shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 7. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of title 49, United States Code, is amended by inserting ", including nonstructural aircraft systems," after "life of aircraft".

SEC. 8. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall exclude from consideration for grant agreements made by that Administration with funds appropriated pursuant to the amendments made by this Act any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

AMENDMENT NO. 4 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SENSENBRENNER:

Page 2, line 4, through page 3, line 25, amend section 2 to read as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) for fiscal year 2000, $208,416,100 including—

"(A) $17,269,000 for system development and infrastructure projects and activities;

"(B) $33,042,500 for capacity and air traffic management technology projects and activities;

"(C) $11,265,400 for communications, navigation, and surveillance projects and activities;

"(D) $15,765,000 for weather projects and activities;

"(E) $6,358,200 for airport technology projects and activities;

"(F) $39,639,000 for aircraft safety technology projects and activities;

"(G) $53,218,000 for system security technology projects and activities;

"(H) $26,207,000 for human factors and aviation medicine projects and activities;

"(I) $3,481,000 for environment and energy projects and activities; and

"(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h) of this section; and

"(7) for fiscal year 2001, $222,950,000.".

Mr. SENSENBRENNER. Mr. Chairman, as I mentioned in my opening statement, this manager's amendment is necessary to strike the authorization of certain FAA R&D activities from H.R. 1551.

By agreement with the Committee on Transportation and Infrastructure, the authorization of these specific activities were included in H.R. 1000, the Aviation Investment and Reform Act for the 21st Century when it successfully passed the House earlier this year.

Mr. BARCIA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just say that we support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any other amendments to be considered at this time.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

On page 8, at the end of the bill, add the following new section:

SEC. 9. LASER VISUAL GUIDANCE RESEARCH.

The Federal Aviation Administration is encouraged to conduct research on the laser visual guidance landing system.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. SENSENBRENNER. Mr. Chairman, reserving the right to object, the gentleman has two amendments. Does this relate to "Buy American"?

Mr. TRAFICANT. Mr. Chairman, if the gentleman would yield, no. This is the Laser Visual Guidance system. I have submitted a change to that amendment. I would like to read it.

Mr. SENSENBRENNER. Mr. Chairman, I would ask that the Clerk read the amendment.

The CHAIRMAN pro tempore. The Clerk will continue to read the amendment.

The Clerk continued reading the amendment.

Mr. TRAFICANT. Mr. Chairman, let me take a minute on this. I know there are no other mandates in the bill, and I will respect the distinguished chairman. But this is the system that is on our aircraft carriers. It is a laser system where the pilot hones in and that craft lands at the same spot all the time. It has been most successful in that very dangerous arena.

What is happening, such as the fatality in Arkansas, is they did not have the visibility to see the runway. That pilot found himself in a position where he thought he could bank in and land. He overshot the runway, hit a light tower, and is now history, this fatality.

This system can be seen as far out as 20 miles. And once they lock in on it, with no expense to the craft itself, they land on the same spot. It is absolutely a critical safety initiative that the Committee on Transportation and the Infrastructure has prioritized.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe that this amendment is a very positive addition to the bill and would urge the Members to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. 9. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 10. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator of the Federal Aviation Administration shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 11. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is the "Buy American" amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, it is a constructive "Buy American" amendment, and I would encourage everybody to support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mr. QUINN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes, pursuant to House Resolution 290, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1551.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 289 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1655.

The Chair designates the gentleman from New Hampshire (Mr. SUNUNU) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes, with Mr. SUNUNU (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1655, the Department of Energy Research, Development, and Demonstration Authorization Act of 1999, is the first stand-alone R&D energy bill to be considered on the floor of the House since 1988.

This bill authorizes $3.878 billion for fiscal year 2000 and $4.099 billion for fiscal year 2001 for the Department of Energy's Supply, Science, and Fossil Energy and Energy Conservation R&D programs.

Highlights of the bill's authorization for fiscal years 2000 and 2001 include the following: First, it boosts spending for solar and renewable energy technologies. Including the already authorized Hydrogen Research Program and related Office of Science Programs, the bill recommends $401.9 million in fiscal year 2000 for these programs, an increase of $26.8 million, or 6.7 percent above the amount appropriated for fiscal year 1999; and recommends $418.1 million for fiscal year 2001, an increase of $16.8 million, or 4.0 percent above the amount recommended for fiscal year 2000.

Second, the bill revitalizes the DOE's moribund Nuclear Energy Program and recommends $115.7 million in fiscal year 2000 for nuclear energy, an increase of $24.3 million, or 26.6 percent above the amount appropriated for fiscal year 1999 and $3.4 million above the administration's request; and recommends $127.3 million for fiscal year 2001, an increase of $11.5 million, or 9.9 percent above the amount recommended for fiscal year 2000.

Third, the bill preserves and strengthens the Nation's High Energy Physics program, fully funds U.S. participation on the Large Hadron Collider at CERN and prevents layoffs at the two premier U.S. High Energy Physics facilities, Firmi National Accelerator Laboratory, Fermilab, and the Stanford Linear Accelerator Center, SLAC.

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Fourth, the bill also preserves and strengthens the Nation's nuclear physics program, prevents the closure of MIT/Bates Accelerator Center, and increases operations at the two premier nuclear physics facilities, the Thomas Jefferson National Accelerator Facility and the Relativistic Heavy Ion Collider at Brookhaven National Lab in New York.

Fifth, the bill fully funds important biological and environmental research on the human genome and global climate change, as well as basic environmental research.

Sixth, the bill provides robust funding for basic energy sciences, including significant increases to the operating funds for the Nation's existing premier synchroton and neutron sources, and $100 million to initiate construction of the Spallation Neutron Source at Oak Ridge National Laboratory in Tennessee.

Seventh, the bill reinvigorates DOE's fusion energy sciences, and recommends $250 million in fiscal year 2000 and $275 million in fiscal year 2001 to allow increased operations at the Nation's three premier fusion energy facilities, the DIII–D at General Atomics, the Alcator-C Mod at MIT, and the Princeton Plasma Physics Lab, as well as accelerated exploration of advanced magnetic and inertial fusion energy concepts.

Eighth, the bill makes a strong commitment to ensuring the clean and efficient use of the Nation's plentiful supply of fossil fuels, and includes $25 million in fiscal year 2000 and $50 million in fiscal year 2001 for a fossil energy science initiative for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

And, ninth, the bill also maintains a strong commitment to energy efficiency, and also includes $25 million in fiscal year 2000 and $50 million in fiscal year 2001 for an energy efficiency science initiative for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

The bill also contains a number of funding limitations and prohibitions that address amounts of funds that may be reprogrammed; demonstration projects; general plant and construction projects; obligation of funds for the construction of the Spallation Neutron Source; U.S. participation in the international thermonuclear experimental reactor engineering design activities; travel costs for DOE and its contractors or subcontractors; noncompetitive financial assistance awards to trade associations and awards of management and operating contract for DOE civilian energy labs; awards, amendments, or modifications of contracts that deviate from the Federal acquisition regulation; and preparation or initiation of requests for proposals for unauthorized programs, projects or activities.

In addition, the bill also prohibits the Secretary of Energy from admitting to any classified area of any DOE-owned or -operated nonmilitary energy laboratory, except for specific laboratories, an individual who is a citizen of a nation that is named on the DOE list of sensitive countries, unless the Secretary waives the prohibition on a case-by-case basis if it is determined that such access is necessary for the furtherance of U.S. civilian science.

I commend the bill to the House for its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

First let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL), the chairman and the ranking Democrat of the full committee, as well as the gentleman from California (Mr. CALVERT), the chairman of the subcommittee, for bringing this bill to the floor today.

Mr. Chairman, I rise in support of the Department of Energy Research, Development, and Demonstration Authorization Act. We have been able to agree on many of the issues before coming to the floor today, and I appreciate the time all of those involved have taken to discuss our concerns and to make the necessary changes. However, I still have some concerns with this bill and hope to be able to address them on the floor today and in conference.

Unfortunately, too many of our science programs, good programs, necessary programs, are being underfunded. On one hand, we have the nuclear energy R&D, fossil energy R&D, and a number of the Office of Science programs which have fared well in this bill. On the other hand, we have the solar, renewables and conservation accounts, and the Spallation Neutron Source, which have been cut well below the President's request. Solar and renewable energy is down $84.4 million, energy conservation R&D is down $67.8 million and the Spallation Neutron Source is down $96.1 million. In total, H.R. 1655 is $200 million below the President's request.

This bill also contains draconian restrictions on foreign visitors to civilian laboratories that go far beyond the ones Congress has agreed to for the nuclear weapons laboratories. An amendment that I offered during the Committee on Science markup of another bill, as well as the language adopted in the DOD conference report, calls for a temporary moratorium on foreign visitors pending DOE and FBI certification. I believe this approach makes much more sense and I hope we can continue to work on this in conference. There have been small victories in the effort to put the bill on a more solid footing. In committee, there was an amendment offered by the gentleman from Tennessee (Mr. GORDON) to add $100 million to the Spallation Neutron Source which passed with the support of the chairman of the committee and the entire committee unanimously. However, the $100 million had to be offset within an underfunded bill. It is my hope that we can get the project on track for the funding it needs for the future.

The Spallation project is one project I worked with the gentleman from Wisconsin and the administration to move forward during the committee's consideration. I very much appreciate all of the efforts on behalf of the gentleman from Wisconsin and the contributions that he has made to that project. I was pleased with the ultimate cooperation that was exhibited on both sides of the Committee on Science and the Department on provisions to make sure that the project addresses some of its major problems while still moving forward. I agree that the Secretary should certify in writing to the Committee on Science in the House and the Committee on Energy and Natural Resources in the other body that qualified individuals have filled senior project manager positions for the project. I also agree that the Secretary should provide Congress a cost baseline and plans for revised project management structure. It is my hope that with continued progress, we can get the Spallation project back on track to fulfill its important scientific mission.

I am pleased as well that this bill includes the methane hydrates provision that I supported in the committee as well as increases in the fossil fuel research and development program which is especially important to my congressional district in southwestern and southern Illinois. The solar, renewable and conservation programs are important to ensuring that this country has a broad, clean, affordable and sustainable domestic energy portfolio as we enter the 21st century.

For example, DOE-funded research into the use of biomass to produce ethanol could one day enable us to turn agricultural waste into a cheap, clean and sustainable source of energy. The gentleman from Colorado (Mr. UDALL) will be offering an amendment to make sure these important programs are fully authorized. I urge my colleagues to support the Udall amendment.

While this bill is not a perfect piece of legislation, I look forward to working on its improvement during the conference with the Senate and ask my colleagues to support its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds. The leadership has informed me that unless we get this bill done by 2:45, we will rise and we might not come back. So I would implore the Members that we keep the chatter down to a minimum and have this bill on a fast track if it is at all humanly possible.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the subcommittee chairman.

Mr. CALVERT. Mr. Chairman, I thank the gentleman from Wisconsin, the distinguished chairman of the Committee on Science, for yielding me this time.

I would like to recognize also the efforts of my close friend, colleague and neighbor in California George Brown, who recently passed away, for all of his efforts on the Committee on Science and we certainly miss him.

Mr. Chairman, as the chair of the Subcommittee on Energy and Environment of the Committee on Science and the author of this legislation, I am proud to speak in support of H.R. 1655.

My bill, H.R. 1655, authorizes civilian energy and scientific research, development, demonstration and related commercial applications of energy technology at the Department of Energy for fiscal years 2000 and 2001.

But before I go on, I would like to thank the gentleman from Wisconsin for his hard work and leadership in bringing this important bill to the floor and certainly congratulate the gentleman from Texas (Mr. HALL) taking over as the ranking member and also thank the gentleman from Illinois (Mr. COSTELLO), the ranking member of the Subcommittee on Energy and Environment for his leadership on his side of the aisle. While we do not always agree on the issues at hand, we certainly agree it is very important to pass H.R. 1655 before 2:45 this afternoon.

Without getting into the statistics of this, we increase outlays for various renewable energy and other types of technology, certainly nuclear which is necessary, core scientific research, including high-energy physics and fusion energy. The budget funds these areas of big science that legitimately are in need of basic government support. It breathes new life into the fusion energy sciences program which has been struggling to stay afloat for a long, long time.

I believe that H.R. 1655 promotes the committee's priorities for the future. The bill provides strong support for solar and renewable energy and nuclear power R&D that is critical to the United States. I am happy to support this. This is a tremendous display of how much can be accomplished when we work in a bipartisan fashion.

I ask my colleagues for their support on this important authorization bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, although this bill has many admirable qualities, I am hopeful that we will amend this bill and extend its reach to areas of science and energy that deserve greater funding.

As a member of the House Science Committee, I am very interested in providing sufficient monies for the civilian research and development programs of the Department of Energy. This bill authorizes a total of $3.9 billion in FY 2000, and $4.1 billion in 2001, for certain Energy Department (DOE) civilian research and development programs including: energy supply, science, fossil energy research and development, and energy conservation research and development programs. Although most of these funds are well-placed, the bill in its current form does have a number of inadequacies.

While there are sufficient (i.e., at or above the President's request) funds for nuclear energy R&D, fossil energy R&D, and most basic energy science programs, I am concerned about the other vital programs in this authorization bill that are of particular importance to the administration (solar and renewable energy, energy conservation, and the Spallation Neutron Source).

The measure authorizes $432 million in FY 2000 and $453 million in FY 2001, for certain energy supply department programs and activities. Of this amount, the bill designates $317 million in FY 2000 and $325 million in FY 2001 for solar and renewable resources technologies, including $83 million in FY 2000 and $86 million in FY 2001 for photovoltaic energy systems; $75 million in FY 2000 and $78 million in FY 2001 for biopower/biofuels energy systems; $36 million in FY 2000 and $37 million in FY 2001 for wind energy systems; and $34 million in FY 2000 and $35 million in FY 2001 for geothermal programs.

The measure also provides that $116 million in FY 2000 and $127 million in FY 2001 of the energy supply studies authorization be used for nuclear energy programs, including $37 million each year for advanced radioisotope power systems.

I am hopeful that we will provide more funding for solar and renewable energy and energy conservation. The authorization bill woefully underfunds these programs, and they fall almost $85 million below the President's request. These programs help to develop environmentally friendly technologies for electricity generation using solar, wind, biomass or geothermal energy, and energy conservation technologies that save people money on their electricity bills, such as coatings for windows that keep heat inside in the winter. It is imperative that we continue to develop these technologies because we know that our natural resources are severely limited. We do not want a return to the dark ages because we lacked the foresight to fund alternative fuel sources and energy conservation projects. I hope that we will work together as a bipartisan body to ensure that we adequately fund programs under this budget item.

I am also pleased that the Spallation Neutron Source (SNS) is receiving funding. The SNS is a large research project involving 5 DOE national laboratories that will be located at the Oak Ridge National Lab in Tennessee. The SNS could lead to important developments in materials characterization. It is clear that the SNS would provide many practical advances in science that would be applicable in the ordinary household. For instance, neutron science is necessary for materials characterization, and this has important benefits to everything from improved CD's and shatter-proof windshields to nuclear weapons materials. The measure authorizes $100 million in FY 2000 for construction of the Spallation Neutron Source (SNS) project at the Oak Ridge National Laboratory in Tennessee.

However, it is clear that these funds will not be provided unless proper management is provided. Before any SNS funds could be obligated, however, the bill requires the department to provide Congress with project information and guarantees, including certification that senior project management officials have been filled by qualified individuals; a cost baseline and project milestones for each major construction and technical system activity; certification that any taxes and fees associated with having the SNS in Tennessee are not greater than if the project were located in another state containing a DOE lab. The measure also requires the department to include in its annual budget submission a report on the SNS project.

I also have reservations about the stringent moratorium on the nonnuclear weapons labs at DOE. This portion of the bill is far stricter than the Department of Defense bill that deals with visits to the nuclear weapons labs. A permanent moratorium on all visits by citizens of sensitive foreign countries to classified facilities of nonnuclear labs seems far too harsh. The only way a foreigner could visit such facilities is if the Secretary of Energy issues a waiver after determining that the proposed visit is found to be "necessary for the furtherance of civilian science interests of the United States."

Perhaps the approach found in the defense bill is more prudent. The defense bill simply states that all citizens of sensitive countries need to have background checks conducted before they can visit the nuclear weapons labs, and there is to be a temporary moratorium on such visits until the Secretary and the FBI certify to Congress that these visits do not pose a risk to national security.

In my mind, it makes no sense to require a permanent moratorium on visits to nonnuclear weapons labs when the moratorium on visits to nuclear weapons labs contained in the Defense Authorization bill is a temporary one. I hope we can address this issue as this bill moves forward, and change the language to reflect the less draconian approach that is contained in the Defense Authorization bill.

History tells us that science requires collaboration and cooperation. the Manhattan Project consisted of American and foreign scientists. German engineers taught us how to launch our astronauts beyond our horizon. By placing such a restrictive moratorium on foreign visits to civilian facilities, this bill could make ti much harder for the United States to maintain its lead in science, including the science that supports our nuclear weapons programs. The amendment would also make it much harder to recruit and retain high caliber personnel by cutting off collaboration with foreign peers, both working overseas and the many who work in U.S. academic institutions.

Foreign citizens make up a significant portion of the U.S. science and engineering graduate student population. Forty-one percent of graduate students in physics and 43 percent of graduate students in computer science are non-U.S. citizens. (Source: National Science Foundation) There are some areas in which foreign nationals by virtue of their education and training have unique skills to contribute to the Laboratories' programs.

Interactions between employees of Russian nuclear institutes and United States weapons labs are a critical part of nonproliferation efforts. If Congress no longer allows visitors from sensitive countries to enter DOE labs, Lab employees could be prevented from traveling to at-risk foreign nuclear facilities. Barring foreign nationals from DOE Laboratories would also prevent demonstrations of U.S. technology to handle nuclear materials more safely and more securely.

The National Laboratories are involved with two Federal programs, the Nuclear Cities Initiative (NCI) and the Initiatives for Proliferation Prevention (IPP), that provide collaborative project opportunities for nuclear weapons scientists from the newly independent states of the Soviet Union. The objectives of the program is to strengthen nonproliferation by keeping nuclear scientists employed in their current institutions instead of working for countries or groups interested in developing nuclear weapons. The language in this bill could undermine these important nonproliferation programs.

It is my hope that we will improve upon this bill and will provide an authorization bill that makes sense. I believe that we are close to a viable piece of legislation, but I urge my colleagues to work together to polish this measure.

Mr. HALL of Texas. Mr. Chairman, I rise in qualified support of the Department of Energy Research, Development, and Demonstration Authorization Act of 1999. This bill has a lot of good things in it and reflects the hard work of Chairman SENSENBRENNER at the full committee level and Chairman CALVERT and Ranking Member COSTELLO of the subcommittee.

My support is qualified because I realize the bill could have been better. The committee did well in the traditional energy areas, but the alternative energy sources of the future are short-changed. The Office of Science accounts fared well, but the Spallation Neutron Source is funded at half the level it needs.

Energy research may be out of style when energy prices are relatively low, but we should not be caught up in short-term thinking. Developing new energy sources and getting the most out of current ones takes time and money well in advance of when the energy is needed. I just hope that when the next energy crunch hits, we don't look foolish for not having made the necessary energy investments in fiscal years 2000 and 2001.

On a positive note, I'm pleased that the funds for nuclear energy R&D and fossil energy R&D are at or above the president's request. These programs are essential to maintaining a balanced energy portfolio. Most of our energy currently comes from fossil fuels and will continue to do so for our lifetimes. The fossil energy R&D programs help us get more oil and gas out of the ground, make our large coal resources more environmentally acceptable, and otherwise stretch our fossil energy resources further into the future.

Unfortunately, other programs authorized in this legislation did not fare as well. Some of the most striking cuts are to Solar and Renewable Energy, which is down $84.4 million, Energy Conservation R&D, down $67.8 million, and the Spallation Neutron Source, down $96.1 million from the President's request.

Even more distressing is how energy and other research programs have been faring in the appropriations process this year. We have watched a pattern of research cuts in one appropriations bill after another. How can we expect to have a strong economy in the future when our priorities are so misplaced in the present?

Last week in committee, we developed an important multiyear computing and information technology bill (H.R. 2086) which gives a real boost to understanding how to build bigger and faster computers and to use them to solve even larger problems than we can dream of tackling today. Yet, we have watched the Appropriations Committee make cuts in these programs, agency by agency, to the point that the program we have authorized can't be carried out as designed. We worked hard to make NASA lean and mean only to have the appropriators decide to slash another billion from NASA's hide.

Now today we are bringing forward a carefully thought-out budget for energy research which, while not perfect, comes close to doing the job. Unfortunately, our friends on the Appropriations Committee have cut $580 million from the administration's budget for environmental and energy research. When we reduce actual funding to these levels, how can we expect to gain the understanding we need of how energy use affects the environment we live in?

How will we reduce our dependence on foreign oil? What assurance do we have, if we are unwilling to make the investments, that new energy technologies will be there when we need them?

I hope that my colleagues support today's amendments. Even if you don't, I hope you support the bill.

Voting for H.R. 1655 is the best way we have of sending a message to our colleagues on the appropriations committees and the negotiators who will finalize next year's budget that research in general and energy R&D in particular are critical to maintaining a high-quality way of life well into the next century.

Mr. KILDEE. Mr. Chairman, I rise in support of the amendment by Representative STUPAK regarding the Department of Energy (DOE) shipment of weapons grade plutonium from Los Alamos, NM, to Chalk River, Canada. This proposed route passes directly through my district in Michigan, and it could expose millions of citizens in Michigan and other parts of the United States to dangerous health consequences.

I have serious concerns about the proposed route, and I am also concern about the process used to choose it.

No public hearing was held regarding the proposed route, nor were emergency officials alerted in order to ensure adequate response capability in case of an accident. This is particularly troubling when compared to the Canadian Government's effort to hold public meetings and inform local officials.

The route itself is also troubling. It is the second longest route based on the options considered by DOE, and it is the second riskiest route in terms of dose risk to the American public and with respect to potential cancer fatalities. In addition, the route crosses three of the Great Lakes over two bridges. This exposes the largest fresh water lake system in the world to potentially devastating contamination.

The department proposal includes no military or law enforcement escort in the United States. This is particularly troubling when compared to the Royal Mounted Police escort which is proposed in Canada.

All of these issues prove that an agency hearing should be held, because it is vital to ensuring the safety of American citizens. The department should consider the matter in a thorough and open matter, and this amendment will help ensure that process takes place.

Ms. STABENOW. Mr. Chairman, I rise in support of the Stupak amendment today and urge my colleagues to support it. Many of us in the Michigan delegation are concerned about the process followed by the Department of Energy (DOE) in choosing the route from Los Alamos, NM, to Chalk River, Canada, for the transportation of Mixed Oxide Fuel. I received notification of this route only 2 days before it was to be announced, and the distribution of an environmental assessment by the DOE to the citizens of Michigan was inadequate, totaling less than 60 families. The Stupak amendment merely requests that a hearing is held for public information purposes before the route is finalized. The purpose of our efforts is not to suggest the route is inherently unsafe, but to ensure that citizens near the route are given enough information about the project. Our constituents have a right to know the details, and a hearing would facilitate this process. Given that the Canadian Government balked at other proposed routes through key

Canadian industrial areas, and that this route would pass over three of the Great Lakes, the largest supply of fresh water in the world, it seems only appropriate that the DOE provide a wider forum for information on this issue. I appreciate the opportunity to address this matter, and thank Congressman STUPAK for bringing this amendment to the floor today. I again urge my colleagues to vote yes on the Stupak amendment.

Mr. COSTELLO. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. QUINN). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Research, Development, and Demonstration Authorization Act of 1999".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Department" means the Department of Energy; and

(2) "Secretary" means the Secretary of Energy.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) ENERGY SUPPLY.—There are authorized to be appropriated to the Secretary for Energy Supply civilian energy and scientific research, development, and demonstration and related commercial application of energy technology operation and maintenance and construction programs, projects, and activities for which specific sums are not authorized under other authority of law $432,366,000 for fiscal year 2000 and $452,577,000 for fiscal year 2001, to remain available through the end of fiscal year 2002, of which—

(1) $316,624,000 for fiscal year 2000 and $325,321,000 for fiscal year 2001 shall be for Solar and Renewable Resources Technologies, including—

(A) $3,708,000 for fiscal year 2000 and $3,819,000 for fiscal year 2001 for Solar Building Technology Research;

(B) $83,345,000 for fiscal year 2000 and $85,845,000 for fiscal year 2001 for Photovoltaic Energy Systems;

(C) $17,510,000 for fiscal year 2000 and $18,035,000 for fiscal year 2001 for Concentrating Solar Power, of which $2,000,000 for fiscal year 2000 and $3,000,000 for fiscal year 2001 shall be for experimental beamed power technology demonstrations;

(D) $75,396,000 for fiscal year 2000 and $77,658,000 for fiscal year 2001 for Biopower/Biofuels Energy Systems;

(E) $35,814,000 for fiscal year 2000 and $36,889,000 for fiscal year 2001 for Wind Energy Systems;

(F) $1,500,000 for fiscal year 2000 and $1,500,000 for fiscal year 2001 for the Renewable Energy Production Incentive Program;

(G) $6,000,000 for fiscal year 2000 and $6,000,000 for fiscal year 2001 for the International Solar Energy Program;

(H) $1,100,000 for fiscal year 2000 and $1,100,000 for fiscal year 2001 for the National Renewable Energy Laboratory;

(I) $33,500,000 for fiscal year 2000 and $35,000,000 for fiscal year 2001 for Geothermal, of which $4,000,000 for fiscal year 2000 and $4,615,000 for fiscal year 2001 shall be derived from amounts otherwise authorized under this subsection, from savings resulting from reductions in contractor travel pursuant to section 10(d);

(J) $3,348,000 for fiscal year 2000 and $3,448,000 for fiscal year 2001 for Hydropower;

(K) $41,303,000 for fiscal year 2000 and $42,542,000 for fiscal year 2001 for Electric Energy Systems and Storage; and

(L) $18,100,000 for fiscal year 2000 and $18,100,000 for fiscal year 2001 for Program Direction; and

(2) $115,742,000 for fiscal year 2000 and $127,256,000 for fiscal year 2001 shall be for Nuclear Energy, including—

(A) $37,000,000 for fiscal year 2000 and $37,000,000 for fiscal year 2001 for Advanced Radioisotope Power Systems;

(B) $6,070,000 for fiscal year 2000 and $6,070,000 for fiscal year 2001 for Test Reactor Area Landlord operation and maintenance;

(C) $1,430,000 for fiscal year 2000 and $1,944,000 for fiscal year 2001 for construction of Project 99–E–200, Test Reactor Area Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory;

(D) $1,500,000 for fiscal year 2000 and $2,500,000 for fiscal year 2001 for construction of Project 95–E–201, Test Reactor Area Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory;

(E) $13,500,000 for fiscal year 2000 and $16,000,000 for fiscal year 2001 for University Reactor Fuel Assistance and Support;

(F) $5,000,000 for fiscal year 2000 and $7,500,000 for fiscal year 2001 for Nuclear Energy Plant Optimization;

(G) $30,000,000 for fiscal year 2000 and $35,000,000 for fiscal year 2001 for the Nuclear Energy Research Initiative; and

(H) $21,242,000 for fiscal year 2000 and $21,242,000 for fiscal year 2001 for Program Direction.

(b) SCIENCE.—There are authorized to be appropriated to the Secretary for Science scientific and civilian energy research, development, and demonstration operation and maintenance and construction programs, projects, and activities for which specific sums are not authorized under other authority of law $2,657,761,000 for fiscal year 2000 and $2,691,465,000 for fiscal year 2001, to remain available until expended, of which—

(1) $715,090,000 for fiscal year 2000 and $753,110,000 for fiscal year 2001 shall be for High Energy Physics, including—

(A) $235,190,000 for fiscal year 2000 and $246,950,000 for fiscal year 2001 for High Energy Physics Research and Technology;

(B) $451,200,000 for fiscal year 2000 and $473,760,000 for fiscal year 2001 for High Energy Physics Facility Operations;

(C) $2,000,000 for fiscal year 2000 and $5,200,000 for fiscal year 2001 for construction of Project 00–G–307, Research Office Building, Stanford Linear Accelerator Center;

(D) $4,700,000 for fiscal year 2000 and $4,200,000 for fiscal year 2001 for construction of Project 99–G–306, Wilson Hall Safety Improvements Project, Fermi National Accelerator Laboratory; and

(E) $22,000,000 for fiscal year 2000 and $23,000,000 for fiscal year 2001 for construction of Project 98–G–304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

(2) $357,714,000 for fiscal year 2000 and $375,600,000 for fiscal year 2001 shall be for Nuclear Physics;

(3) $413,674,000 for fiscal year 2000 and $434,357,000 for fiscal year 2001 shall be for Biological and Environmental Research;

(4) $698,800,000 for fiscal year 2000 and $733,740,000 for fiscal year 2001 shall be for Basic Energy Sciences, including—

(A) $405,390,000 for fiscal year 2000 and $425,660,000 for fiscal year 2001 for Materials Sciences Research and Facilities Operations;

(B) $217,179,000 for fiscal year 2000 and $228,038,000 for fiscal year 2001 for Chemical Sciences Research and Facilities Operations;

(C) $18,820,000 for fiscal year 2000 and $19,761,000 for fiscal year 2001 for Engineering Research;

(D) $26,056,000 for fiscal year 2000 and $27,359,000 for fiscal year 2001 for Geosciences Research; and

(E) $31,355,000 for fiscal year 2000 and $32,923,000 for fiscal year 2001 for Energy Biosciences;

(5) $31,474,000 for fiscal year 2000 and $32,333,000 for fiscal year 2001 shall be for Computational and Technology Research, including—

(A) $17,174,000 for fiscal year 2000 and $18,033,000 for fiscal year 2001 for Mathematical, Information, and Computational Sciences; and

(B) $14,300,000 for fiscal year 2000 and $14,300,000 for fiscal year 2001 for Laboratory Technology Research;

(6) $1,000,000 for fiscal year 2000 and $1,000,000 for fiscal year 2001 shall be for Energy Research Analysis;

(7) $22,309,000 for fiscal year 2000 and $23,425,000 for fiscal year 2001 shall be for Multiprogram Energy Laboratories—Facility Support;

(8) $250,000,000 for fiscal year 2000 and $275,000,000 for fiscal year 2001 shall be for Fusion Energy Sciences, including $13,600,000 for fiscal year 2000 and $19,400,000 for fiscal year 2001 for Tokamak Fusion Test Reactor Decontamination and Decommissioning;

(9) $49,800,000 for fiscal year 2000 and $49,800,000 for fiscal year 2001 shall be for Science Program Direction;

(10) $17,900,000 for fiscal year 2000 and $13,100,000 for fiscal year 2001 shall be for Spallation Neutron Source research and development; and

(11) $100,000,000 for fiscal year 2000 shall be for construction of Project 99–E–334, Spallation Neutron Source, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

(c) FOSSIL ENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for Fossil Energy Research and Development civilian energy and scientific research, development, and demonstration and related commercial application of energy technology operation and maintenance programs, projects, and activities for which specific sums are not authorized under other authority of law $397,564,000 for fiscal year 2000 and $427,102,000 for fiscal year 2001, to remain available through the end of fiscal year 2002, of which—

(1) $126,609,000 for fiscal year 2000 and $126,614,000 for fiscal year 2001 shall be for Coal, including—

(A) $5,250,000 for fiscal year 2000 and $5,407,000 for fiscal year 2001 for Coal Preparation;

(B) $1,641,000 for fiscal year 2000 for Direct Liquefaction;

(C) $6,659,000 for fiscal year 2000 and $6,859,000 for fiscal year 2001 for Indirect Liquefaction;

(D) $2,200,000 for fiscal year 2000 and $2,310,000 for fiscal year 2001 for Advanced Clean Fuels Research Advanced Research and Environmental Technology;

(E) $3,000,000 for fiscal year 2000 for Advanced Pulverized Coal-Fired Powerplant;

(F) $7,010,000 for fiscal year 2000 and $7,220,000 for fiscal year 2001 for Indirect Fired Cycle;

(G) $38,661,000 for fiscal year 2000 and $39,821,000 for fiscal year 2001 for High-Efficiency-Integrated Gasification Combined Cycle;

(H) $15,077,000 for fiscal year 2000 and $15,529,000 for fiscal year 2001 for High-Efficiency Pressurized Fluidized Bed;

(I) $23,864,000 for fiscal year 2000 and $25,057,000 for fiscal year 2001 for Advanced Clean/Efficient Power Systems Advanced Research and Environmental Technology; and

(J) $23,247,000 for fiscal year 2000 and $24,410,000 for fiscal year 2001 for Advanced Research and Technology Development;

(2) $50,574,000 for fiscal year 2000 and $52,091,000 for fiscal year 2001 shall be for Oil Technology, including—

(A) $31,720,000 for fiscal year 2000 and $32,671,000 for fiscal year 2001 for Exploration and Production Supporting Research;

(B) $8,034,000 for fiscal year 2000 and $8,275,000 for fiscal year 2001 for Recovery Field Demonstrations; and

(C) $10,820,000 for fiscal year 2000 and $11,145,000 for fiscal year 2001 for Oil Technology Effective Environmental Protection;

(3) $107,916,000 for fiscal year 2000 and $108,831,000 for fiscal year 2001 shall be for Gas, including—

(A) $14,932,000 for fiscal year 2000 and $15,380,000 for fiscal year 2001 for Natural Gas Research Exploration and Production;

(B) $1,030,000 for fiscal year 2000 and $1,061,000 for fiscal year 2001 for Natural Gas Research Delivery and Storage;

(C) $41,808,000 for fiscal year 2000 and $41,808,000 for fiscal year 2001 for Natural Gas Research Advanced Turbine Systems;

(D) $9,330,000 for fiscal year 2000 and $9,610,000 for fiscal year 2001 for Natural Gas Research Emerging Processing Technology Applications;

(E) $3,108,000 for fiscal year 2000 and $3,201,000 for fiscal year 2001 for Natural Gas Effective Environmental Protection;

(F) $1,260,000 for fiscal year 2000 and $1,323,000 for fiscal year 2001 for Fuel Cells Advanced Research; and

(G) $36,449,000 for fiscal year 2000 and $36,449,000 for fiscal year 2001 for Fuel Cells Systems;

(4) $71,114,000 for fiscal year 2000 and $72,796,000 for fiscal year 2001 shall be for Program Direction and Management Support, including—

(A) $15,049,000 for fiscal year 2000 and $15,049,000 for fiscal year 2001 for Headquarters Program Direction; and

(B) $56,065,000 for fiscal year 2000 and $57,747,000 for fiscal year 2001 for Energy Technology Center Program Direction;

(5) $2,000,000 for fiscal year 2000 and $2,060,000 for fiscal year 2001 shall be for GP–F–100, Plant and Capital Equipment, at Energy Technology Center sites;

(6) $7,148,000 for fiscal year 2000 and $7,537,000 for fiscal year 2001 shall be for Cooperative Research and Development;

(7) $2,173,000 for fiscal year 2000 and $2,173,000 for fiscal year 2001 shall be for Fuels Conversion, Natural Gas, and Electricity;

(8) $5,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001 shall be for Advanced Metallurgical Processes; and

(9) $25,000,000 for fiscal year 2000 and $50,000,000 for fiscal year 2001 shall be for a Fossil Energy Science Initiative to be managed by the Assistant Secretary for Fossil Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to fossil energy. The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Fossil Energy Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to fossil energy.

(d) ENERGY CONSERVATION RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for Energy Conservation Research and Development civilian energy and scientific research, development, and demonstration and related application of energy technology operation and maintenance programs, projects, and activities for which specific sums are not authorized under other authority of law $490,212,000 for fiscal year 2000 and $527,626,000 for fiscal year 2001, to remain available through the end of fiscal year 2002, of which—

(1) $204,935,000 for fiscal year 2000 and $210,845,000 for fiscal year 2001 shall be for the Transportation Sector, including—

(A) $129,714,000 for fiscal year 2000 and $133,606,000 for fiscal year 2001 for Vehicle Technology Research and Development;

(B) $23,500,000 for fiscal year 2000 and $24,205,000 for fiscal year 2001 for Fuels Utilization Research and Development, of which $2,500,000 for fiscal year 2000 and $2,750,000 for fiscal year 2001 shall be for biodiesel fuel research and development;

(C) $5,196,000 for fiscal year 2000 and $5,352,000 for fiscal year 2001 for Technology Deployment;

(D) $38,599,000 for fiscal year 2000 and $39,757,000 for fiscal year 2001 for Materials Technology; and

(E) $7,925,000 for fiscal year 2000 and $7,925,000 for fiscal year 2001 for Management and Planning;

(2) $155,131,000 for fiscal year 2000 and $159,534,000 for fiscal year 2001 shall be for the Industry Sector, including—

(A) $59,180,000 for fiscal year 2000 and $60,955,000 for fiscal year 2001 for Industries of the Future (Specific);

(B) $87,600,000 for fiscal year 2000 and $90,228,000 for fiscal year 2001 for Industries of the Future (Crosscutting); and

(C) $8,351,000 for fiscal year 2000 and $8,351,000 for fiscal year 2001 for Management and Planning;

(3) $70,014,000 for fiscal year 2000 and $72,115,000 for fiscal year 2001 shall be for the Building Technology, State and Community Sector (nongrants), including—

(A) $55,870,000 for fiscal year 2000 and $57,546,000 for fiscal year 2001 for Building Research; and

(B) $14,144,000 for fiscal year 2000 and $14,568,000 for fiscal year 2001 for Building Technology Assistance (nongrants);

(4) $35,132,000 for fiscal year 2000 and $35,132,000 for fiscal year 2001 shall be for Policy and Management; and

(5) $25,000,000 for fiscal year 2000 and $50,000,000 for fiscal year 2001 shall be for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 4. GAS HYDRATE ENERGY AND SCIENTIFIC AND ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Fossil Energy, shall commence a program of gas hydrate energy and scientific and environmental research and development.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE.—The Secretary, acting through the Assistant Secretary for Fossil Energy, may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to conduct energy and scientific and environmental research, development, and demonstration programs on gas hydrate.

(2) PEER REVIEW.—Funds made available under paragraph (1) for initiating contracts, grants, cooperative agreements, interagency funds transfer agreements, and field work proposals shall be made available based on a competitive selection process and a peer review of proposals. Exceptions shall be considered on a case-by-case basis, and reported by the Secretary, acting through the Assistant Secretary for Fossil Energy, to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate 30 days prior to any such award.

(c) CONSULTATION.—The Secretary, acting through the Assistant Secretary for Fossil Energy, may establish an advisory panel consisting of experts from industry, institutions of higher education, and other entities as the Secretary considers appropriate, to assist in developing recommendations and priorities for the gas hydrate research and development program carried out under subsection (a).

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary, acting through the Assistant Secretary for Fossil Energy, for expenses associated with the administration of the program carried out under subsection (a).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or

the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) DEFINITIONS.—For purposes of this section:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) GRANT.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized under section 3(c)(3), $5,000,000 for fiscal year 2000 and $7,500,000 for fiscal year 2001 shall be available for carrying out this section.

SEC. 5. NOTICE.

(a) REPROGRAMMING.—The Secretary may use for any authorized activities of the Department under this Act—

(1) up to the lesser of $250,000 or 5 percent of the total funding for a fiscal year of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department; or

(2) after the expiration of 60 days after transmitting to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report described in subsection (b), up to 25 percent of the total funding for a fiscal year of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department.

(b) REPORT.—(1) The report referred to in subsection (a)(2) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 60-day period under subsection (a)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—In no event may funds be used pursuant to subsection (a) for a program, project, or activity for which funding has been requested to the Congress but which has not been funded by the Congress.

(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, not later than 15 days before any major reorganization of any civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department.

(e) COPY OF REPORTS.—The Secretary shall provide copies to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, of any report relating to the civilian energy or scientific research, development, or demonstration or related commercial application of energy technology programs, projects, and activities of the Department prepared at the direction of any committee of Congress.

SEC. 6. LIMITATION ON DEMONSTRATIONS.

The Department shall provide funding for civilian energy or scientific or related commercial application of energy technology demonstration programs, projects, and activities only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 7. LIMITS ON GENERAL PLANT PROJECTS.

If, at any time during the construction of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology project of the Department for which no specific funding level is provided by law, the estimated cost (including any revision thereof) of the project exceeds $2,000,000, the Secretary may not continue such construction unless the Secretary has furnished a complete report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, explaining the project and the reasons for the estimate or revision.

SEC. 8. LIMITS ON CONSTRUCTION PROJECTS.

(a) LIMITATION.—Except as provided in subsection (b), construction on a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology project of the Department for which funding has been specifically provided by law may not be started, and additional obligations may not be incurred in connection with the project above the authorized funding amount, whenever the current estimated cost of the construction project exceeds by more than 10 percent the higher of—

(1) the amount authorized for the project, if the entire project has been funded by the Congress; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(b) NOTICE.—An action described in subsection (a) may be taken if—

(1) the Secretary has submitted to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report on the proposed actions and the circumstances making such actions necessary; and

(2) a period of 30 days has elapsed after the date on which the report is received by the committees.

(c) EXCLUSION.—In the computation of the 30-day period described in subsection (b)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(d) EXCEPTION.—Subsections (a) and (b) shall not apply to any construction project which has a current estimated cost of less than $2,000,000.

SEC. 9. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department, the Secretary shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $750,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds for a construction project, the total estimated cost of which is less than $2,000,000.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) The Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project that is in support of a civilian energy or scientific research, development, and demonstration or related commercial application of energy technology program, project, or activity of the Department if the total estimated cost for such design does not exceed $250,000.

(2) If the total estimated cost for construction design in connection with any construction project described in paragraph (1) exceeds $250,000, funds for such design must be specifically authorized by law.

SEC. 10. LIMITS ON USE OF FUNDS.

(a) CONSTRUCTION OF SPALLATION NEUTRON SOURCE PROJECT.—None of the funds authorized by section 3(b)(11) may be obligated until—

(1) the Secretary certifies in writing to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that senior project management positions for the project have been filled by qualified individuals; and

(2) the Secretary provides the Committee on Science and the Committee on Appropriations of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, with—

(A) a cost baseline and project milestones for each major construction and technical system activity, consistent with the overall cost and schedule submitted with the Department's fiscal year 2000 budget, that have been reviewed and certified by an independent entity, outside the Department and having no financial interest in the project, as the most cost-effective way to complete the project;

(B) binding legal agreements that specify the duties and obligations of each laboratory of the Department in carrying out the project;

(C) a revised project management structure that integrates the staff of the collaborating laboratories working on the project under a single project director, who shall have direct supervisory responsibility over the carrying out of the duties and obligations described in subparagraph (B); and

(D) official delegation by the Secretary of primary authority with respect to the project to the project director; and

(3) the Comptroller General certifies to the Congress that the total taxes and fees in any manner or form paid by the Federal Government on the Spallation Neutron Source and the property, activities, and income of the Department relating to the Spallation Neutron Source to the State of Tennessee or its counties, municipalities, or any other subdivision thereof, does not exceed the aggregate taxes and fees for which the Federal Government would be liable if the project were located in any other State that contains a national laboratory of the Department. The Secretary shall report on the Spallation Neutron Source Project 99–E–334 annually, as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

(b) INTERNATIONAL THERMONUCLEAR EXPERIMENTAL REACTOR (ITER) ENGINEERING DESIGN ACTIVITIES (EDA).—None of the funds authorized by this Act may be used either directly or indirectly for United States participation in

International Thermonuclear Experimental Reactor (ITER) Engineering Design Activities (EDA).

(c) Office of Science.—None of the funds authorized by this Act may be used either directly or indirectly to fund the salary of an individual holding the position of Director or Deputy Director of the Office of Science, or Associate Director (except for the Office of Laboratory Policy and the Office of Resource Management), or Director, Office of Planning and Analysis within the Department's Office of Science unless such individual holds a postgraduate degree in science or engineering.

(d) Travel.—Not more than 1 percent of the funds authorized by this Act may be used either directly or indirectly to fund travel costs of the Department or travel costs for persons awarded contracts or subcontracts by the Department. As part of the Department's annual budget request submission to the Congress, the Secretary shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, that identifies—

(1) the estimated amount of travel costs by the Department and for persons awarded contracts or subcontracts by the Department for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;

(2) the major purposes for such travel; and

(3) the sources of funds for such travel.

(e) Trade Associations.—No funds authorized by this Act may be used either directly or indirectly to fund a grant, contract, subcontract, or any other form of financial assistance awarded by the Department to a trade association on a noncompetitive basis. As part of the Department's annual budget request submission to the Congress, the Secretary shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, that identifies—

(1) the estimated amount of funds provided by the Department to trade associations, by trade association, for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;

(2) the services either provided or to be provided by each such trade association; and

(3) the sources of funds for services provided by each such trade association.

(f) Reductions.—Notwithstanding any other provision of this Act—

(1) each of the amounts authorized by this Act for fiscal year 2000 shall be reduced by 1 percent;

(2) each of the amounts authorized by this Act for fiscal year 2000, as reduced pursuant to paragraph (1), shall be further reduced by .7674 percent, with such reduction representing a reduction in travel costs; and

(3) each of the amounts authorized by this Act for fiscal year 2000 for administrative expenses, including program management, shall be further reduced proportionately to achieve additional savings of $30,000,000.

SEC. 11. MANAGEMENT AND OPERATING CONTRACTS.

(a) Competitive Procedure Requirement.—None of the funds authorized to be appropriated by this Act for civilian energy or scientific research, development, and demonstration or related commercial application of energy technology programs, projects, and activities may be used to award a management and operating contract for a federally owned or operated civilian energy laboratory of the Department unless such contract is awarded using competitive procedures or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Congressional Notice.—At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report notifying the committees of the waiver and setting forth the reasons for the waiver.

SEC. 12. FEDERAL ACQUISITION REGULATION.

(a) Requirement.—None of the funds authorized to be appropriated by this Act for civilian energy or scientific research, development, and demonstration or related commercial application of energy technology programs, projects, and activities may be used to award, amend, or modify a contract of the Department in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Congressional Notice.—At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report notifying the committees of the waiver and setting forth the reasons for the waiver.

SEC. 13. REQUESTS FOR PROPOSALS.

None of the funds authorized to be appropriated by this Act may be used by the Department to prepare or initiate Requests for Proposals (RFPs) for a civilian energy or scientific research, development, and demonstration or related commercial application of energy technology program, project, or activity if the program, project, or activity has not been specifically authorized by Congress.

SEC. 14. PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.

None of the funds authorized to be appropriated by this Act may be used by any civilian energy or scientific research, development, and demonstration or related commercial application of energy technology program, project, or activity of the Department to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary determines that comparable articles or services are not available from a commercial source in the United States.

SEC. 15. ELIGIBILITY FOR AWARDS.

(a) In General.—The Secretary shall exclude from consideration for grant agreements for civilian energy and scientific research, development, and demonstration or related commercial application of energy technology programs, projects, and activities made by the Department after fiscal year 1999 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a program, project, or activity that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) Exception.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law or under circumstances permitting other than full and open competition under the Federal Acquisition Regulation.

(c) Definition.—For purposes of this section, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 16. INTERNET AVAILABILITY OF INFORMATION.

The Secretary shall make available through the Internet home page of the Department the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 17. FOREIGN VISITORS PROGRAM.

(a) Prohibition.—Except as provided in subsection (b) or (c), the Secretary may not admit to any classified area of any federally owned or operated nonmilitary energy laboratory any individual who is a citizen of a nation that is named on the Department of Energy List of Sensitive Countries.

(b) Waiver Authority.—(1) The Secretary may waive the prohibition in subsection (a) on a case-by-case basis with respect to individuals whose admission to a federally owned or operated nonmilitary energy laboratory is determined by the Secretary to be necessary for the furtherance of civilian science interests of the United States.

(2) Not later than 30 days after granting a waiver under paragraph (1), the Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report in writing providing notice of the waiver. The report shall identify each individual for whom a waiver is granted and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that individual to a federally owned or operated nonmilitary energy laboratory is necessary for the furtherance of civilian science interests of the United States.

(3) The authority of the Secretary under paragraph (1) may not be delegated.

(c) Application.—This section shall not apply to the Ames Laboratory, the Environmental Measurement Laboratory, the Ernest Orlando Lawrence Berkeley National Laboratory, the Federal Energy Technology Center, the Fermi National Accelerator Laboratory, the National Renewable Energy Laboratory, the Princeton Plasma Physics Laboratory, the Radiological and Environmental Sciences Laboratory, the Stanford Linear Accelerator Center, or the Thomas Jefferson National Accelerator Facility.

AMENDMENT NO. 3 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SENSENBRENNER: Page 27, lines 9 through 19, amend paragraph (3) to read as follows:

(3) The Comptroller General reports on the Congress, on the basis of available information, that the tax reimbursements that the Comptroller General estimates the Department would pay to its contractors as a cost of constructing the Spallation Neutron Source at Oak Ridge National Laboratory in Tennessee would be no more than the tax reimbursements it would pay if the same project were constructed at the Lawrence Berkeley National Laboratory in California, the Argonne National Laboratory in Illinois, the Los Alamos National Laboratory in New Mexico, or the Brookhaven National Laboratory in New York.

Page 36, line 5, insert "the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory," after "Accelerator Laboratory."

Page 36, lines 8 and 9, strike "Stanford Linear Accelerator Center, or the Thomas Jefferson National Accelerator Facility" and insert "Sandia National Laboratories, the Stanford Linear Accelerator Center, the Thomas Jefferson National Accelerator Facility, or the Y-12 Plant".

Mr. SENSENBRENNER. Mr. Chairman, this is a manager's amendment. It does two things. One, it clarifies the provisions for a GAO report on sales or use taxes for the Spallation Neutron Source, and, secondly, at the request of the Committee on Armed Services, the amendment adds Lawrence Livermore, Los Alamos and Sandia National Labs and the Y-12 Plant to the list of labs in the bill excluded from the provision that prohibits citizens of a nation on the DOE's list of sensitive countries from entering any classified area of a federally-owned or operated nonmilitary energy laboratory. This provision was included in the defense authorization bill that was approved earlier today. I know of no controversy on this amendment.

Mr. COSTELLO. Mr. Chairman, I rise in support of the manager's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. 18. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 19. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 20. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, before I offer the amendment, let me say to the gentleman from Wisconsin, I think it is very important under his leadership, I would like to make this statement briefly. It has been reported that the Department of Energy labs have been selling technologies developed by our lab scientists using American taxpayer dollars to companies in Japan and Germany and those companies then compete against American companies in the United States. I want to cite a couple of examples briefly. The Lawrence Livermore National Laboratory supposedly sold 10 of 30 licenses, I would like to have an answer to that, for micropower impulse radar technology to Japan and Germany; and the Idaho National Environment Engineering Lab just announced it was going to give away, no less, American technology funded by American dollars to an Italian agriculture equipment company. Not only should the Department be buying American, if they are they should stop selling out American companies.

This is a "Buy American" amendment that I have offered to every other bill.

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Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. ANDREWS:

Page 17, after line 10, insert the following new subsection:

(e) ADDITIONAL AUTHORIZATION.—The Secretary shall designate $2,000,000 of the amounts authorized by this section for each fiscal year for biometric technology security, including Iris Recognition Technology.

Mr. ANDREWS. Mr. Chairman, I want to first thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. CALVERT), the gentleman from Illinois (Mr. COSTELLO), and the gentleman from Texas (Mr. HALL) for their cooperation in bringing this amendment forward. It calls for the Secretary of Energy to designate $2 million for the development of iris and other biometric technology for identification. The amendment, I believe, has three virtues:

First, it will significantly enhance security at our labs and other facilities in the short run; second, it will have the results of that successful technology shared with our military, with our other federal agencies such as aviation; and third, it is a further investment in the new economy of this country that is generating new products, new jobs and new opportunities.

I very much appreciate the cooperation we have received, and I would urge the amendment's adoption.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say I support the amendment and will note that it is not an add on, but merely designates $2 million of the amounts in the account for this purpose. I think it is a constructive amendment and would urge the House to support it.

Mr. COSTELLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

Page 2, line 19, strike "$432,366,000" and insert "$482,266,000".

Page 2, line 20, strike "$452,577,000" and insert "$504,595,630".

Page 2, line 23, strike "$316,624,000" and insert "$366,524,000".

Page 2, line 24, strike “$325,321,000” and insert “$377,339,630”.

Page 3, line 1, strike “$3,708,000” and insert “$5,500,000”.

Page 3, line 2, strike “$3,819,000” and insert “$5,665,000”.

Page 3, line 4, strike “$83,345,000” and insert “$93,309,000”.

Page 3, line 5, strike “$85,845,000” and insert “$96,108,270”.

Page 3, line 7, strike “$17,510,000” and insert “$18,850,000”.

Page 3, line 8, strike “$18,035,000” and insert “$19,415,500”.

Page 3, line 13, strike “$75,396,000” and insert “$92,391,000”.

Page 3, line 14, strike “$77,658,000” and insert “$95,162,730”.

Page 3, line 16, strike “$35,814,000” and insert “$45,600,000”.

Page 3, line 17, strike “$36,889,000” and insert “$46,968,000”.

Page 3, line 19, strike “$1,500,000” and insert “$4,000,000”.

Page 3, line 20, strike “$1,500,000” and insert “$4,120,000”.

Page 4, line 1, strike “$1,100,000” and insert “$3,900,000”.

Page 4, line 2, strike “$1,100,000” and insert “$4,017,000”.

Page 4, line 12, strike “$3,348,000” and insert “$7,000,000”.

Page 4, line 13, strike “$3,448,000” and insert “$7,210,000”.

Page 4, line 17, strike “$18,100,000” and insert “$19,171,000”.

Page 4, line 18, strike “$18,100,000” and insert “$19,746,130”.

Page 14, line 18, strike “$490,212,000” and insert “$577,915,000”.

Page 14, line 19, strike “$527,626,000” and insert “$619,502,480”.

Page 14, line 21, strike “$204,935,000” and insert “$246,999,000”.

Page 14, line 22, strike “$210,845,000” and insert “$254,409,000”.

Page 15, line 1, strike “$129,714,000” and insert “$168,080,000”.

Page 15, line 2, strike “$133,606,000” and insert “$173,122,400”.

Page 15, line 10, strike “$5,196,000” and insert “$7,000,000”.

Page 15, line 11, strike “$5,352,000” and insert “$7,210,000”.

Page 15, line 16, strike “$7,925,000” and insert “$9,820,000”.

Page 15, line 17, strike “$7,925,000” and insert “$10,114,600”.

Page 15, line 19, strike “$155,131,000” and insert “$171,000,000”.

Page 15, line 20, strike “$159,534,000” and insert “$176,130,000”.

Page 15, line 22, strike “$59,180,000” and insert “$74,000,000”.

Page 15, line 23, strike “$60,955,000” and insert “$76,220,000”.

Page 16, line 4, strike “$8,351,000” and insert “$9,400,000”.

Page 16, line 5, strike “$8,351,000” and insert “$9,682,000”.

Page 16, line 7, strike “$70,014,000” and insert “$92,116,000”.

Page 16, line 8, strike “$72,115,000” and insert “$94,879,480”.

Page 16, line 11, strike “$55,870,000” and insert “$62,018,000”.

Page 16, line 12, strike “$57,546,000” and insert “$63,878,540”.

Page 16, line 14, strike “$14,144,000” and insert “$30,098,000”.

Page 16, line 15, strike “$14,568,000” and insert “$31,000,940”.

Page 16, line 17, strike “$35,132,000” and insert “$42,800,000”.

Page 16, line 18, strike “$35,132,000” and insert “$44,084,000”.

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. UDALL of Colorado. Mr. Chairman, I want to begin by thanking my colleague, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his interest in working on my amendment. I also want to express my thanks to my colleague from New York (Mr. BOEHLERT) for working with me as well on the amendment.

I will be brief.

The amendment is quite simple. It restores authorization levels for the Department of Energy solar and renewable energy and energy efficiency research programs to the levels of the fiscal 2000 year request.

Mr. Chairman, our colleagues have heard me speak about the reasons why we need to invest more in renewable energy and energy efficiency programs. They benefit our economy by stimulating private sector activity and adding jobs, they reduce our reliance on imported oil, and they have a positive impact on air and water quality.

I want to just provide a few examples for the record of what these increased levels will accomplish:

$10 million will go into research on photovoltaic energy systems. While sales of PVs are at a billion dollar level this year, these systems cannot reach their true potential until we learn how to reduce their cost and increase their efficiency.

Another $10 million will go to wind energy systems. These systems again have dropped in price by about 80 percent, but we still have another 40 to 50 percent to go before wind energy can compete economically with other forms of energy. We forecast in the long run over 100,000 megawatts created through this source alone.

$17 million of the increase goes to biopower and biofuels. The additional research will permit restoration of projects dealing with co-firing with coal and modular systems development.

And finally, almost $40 million will be put back into the program for next-generation vehicles. This program is showing major potential in increasing auto fuel efficiency while also meeting our stringent environmental requirements.

Clearly, Mr. Chairman, this is an area where federal investment can really make an enormous difference. Renewable energy and energy efficiency is all about an investment in our future, the future of our security, protecting our environment and enhancing our competitiveness internationally. The authorization levels in 1655 do not give us sufficient flexibility to utilize the potential benefits these programs can provide. This amendment would give us that flexibility, and I urge its adoption.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I am proud to cosponsor this amendment with my colleague, and I would point out that this amendment is very simple. We want to put the House on record clearly stating that solar and renewable energy programs and energy efficient and conservation programs are a priority. That is really one of the major reasons we take up authorization bills, to state as a matter of policy what kinds of programs and funding levels we should be striving to provide to meet national needs.

So the question then is why, as a matter of policy, are these programs a priority? Two reasons: national security, as my colleague has mentioned, and environmental protection, as we both strongly identify with. And, oh, a third: they have been proven to work.

I am proud to say that the chairman and the ranking member have worked constructively with us on this, and it is my understanding that the chairman and the ranking member are going to accept this amendment. I applaud them on their good judgment and their reasoning abilities.

Mr. Chairman, I rise in support of the amendment I have introduced with Mr. UDALL. The point of this amendment is simple: We want to put the House on record clearly stating that solar and renewable energy programs, and energy efficiency and conservation programs, are a priority.

That's really one of the major reasons we take up authorization bills—to state, as a matter of policy, what kinds of programs and funding levels we should be striving to provide to meet national needs. We must not be careless or unrealistic in setting authorization levels, but nor are we bound by the same strictures as we are in taking up spending bills or the budget. This bill is a policy assessment primarily, not a fiscal assessment.

So the question, then, is: Why, as a matter of policy, are these programs a priority? Two reasons: national security and environmental protection. Oh, and a third—they've been proven to work.

Let me talk about security first. As a member of the Intelligence Committee, I am acutely aware of the potential threats faced by our country. And one threat about which we have become far too complacent is the susceptibility of our energy supplies to foreign manipulation. Our nation is far more dependent on foreign oil than it was at the time of the oil shocks of the 1970s. We need to find more ways to wean ourselves from this supply.

Our long-term security will also be bolstered by making our economy more energy efficient, both by improving our overall competitiveness and by making us less vulnerable to changes in energy supply. Yet we waste far more energy than do many of our economic competitors.

The second reason to support these programs is environmental. Despite the progress that we have made over the past 30 years in cleaning our air and water, we still have a lot of work to do, and indeed we are in danger of backsliding. Electric generation is still a major source of pollutants—particularly of pollutants that poison lakes in regions like the Adirondacks in my area. Our long-term hope is to move to more environmentally friendly forms of generation.

In addition, if we take the threat of global climate change seriously—and I think we should—we need to redouble our efforts to find economical alternatives to fossil fuels. Now let me emphasize that these programs have nothing to do with the Kyoto Protocol and indeed they predate any concern with climate change. They are a good idea in and of themselves that also just happen to reduce carbon dioxide emissions as well.

And these programs do work. Technologies that have been supported by the Department of Energy have saved consumers billions of dollars through advances in building design, solar and renewable energy, lighting design and other areas.

But some will ask, "If this research is such a good idea, how come the private sector isn't doing more of it?" The answer is pretty obvious. At a time of low energy prices, there is little incentive for the private sector to plow money into advances whose initial benefits will be more societal than private. This is the classic, textbook case economists make for public research funding.

And yet the sad history of federal energy program funding is that the federal government—which is supposed to have the public interest at heart—is just as short-sighted as the private sector.

Federal energy funding has tended to go up in times of energy crisis and down once those crises have passed. It's time to break that absurd pattern and to invest when times are good, when funding is available, when there is still time to plan ahead and perhaps to forestall or even avoid the crises that we know full well lie ahead of us on our current path.

Now, the Committee has brought forward a reasonable bill, and I imagine some will say, "I agree with all your arguments, but the bill already has taken them into account." But I think we can do better.

First, the funding levels in H.R. 1655 for energy conservation and efficiency are actually below those the House passed last month as part of the Interior appropriations bill. And the figures in H.R. 1655 are below those in the Senate Interior appropriations bill as well.

In terms of solar and renewal energy programs, our amendment would indeed authorize more than has been appropriated. But we believe that, again, as a matter of policy, we ought to be making these programs a higher priority. The shape of our energy future will determine our future security, prosperity and environmental health.

All those Members concerned with our energy future—in particular, the 150 member of the House Renewable Energy Caucus, should vote for this amendment. All those Members concerned with our environmental future should vote for this amendment, which will be scored by the League of Conservation Voters. All those Members from the Northeast who are concerned with the power plant emissions that foul our air, should vote for this amendment. And indeed every Member should vote for this amendment because it makes clear that this House understands how critical energy policy is to our future and how inadequate that policy is today.

Let me close by quoting from a report issued by the President's Council of Advisors on Science and Technology—a report issued by a panel that included significant corporate, as well as academic representation.

The report concluded that DOE's program "are not commensurate in scope and scale with the energy challenges and opportunities the 21st century will present." I think we need to respond to those challenges and opportunities now—before there's an energy crisis, now—when times are good. I urge support for the Udall-Boehlert amendment.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am prepared to accept the amendment, but I do not think that it is fair to say that the Committee on Science has been parsimonious relative to solar renewable energy. The base bill recommends a 6.7 percent increase above appropriated 1999 levels to 401.9 million for fiscal 2000 and an additional 4 percent increase to $418.1 million for fiscal 2001. This amendment pluses those numbers up further at a time when we are operating under discretionary spending caps and under some severe budget constraints.

During my early years on the Committee on Science we, on a bipartisan basis, attempted to put some sense and some market forces into solar and renewable energy research because frankly the programs were overfunded following the 1979 oil crisis, and those efforts were successful; and I think we were able to better focus the money on it so that the taxpayers got more bang for the buck.

So I am going to tell my friends from Colorado and New York that there is going to be a little quid pro quo to my good judgment in support of this amendment, and that is going to be some vigorous oversight over the solar and renewable energy programs over the next year; and I hope that they will exercise equally good judgment to support that so that we do not go back to the morass of merely throwing money at the program like we did in the late 1970s and early 1980s, over two administrations, one a Democratic administration and one a Republican administration.

Mr. COSTELLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support the Udall of Colorado amendment.

Mr. Chairman, I rise in support of the Udall amendment to H.R. 1655.

This is not an appropriations bill, it's an authorization bill. If the appropriators do not have sufficient funds, then clearly all of these programs may have to be cut. All this amendment does is restore the authorization levels to the level of the President's request for these programs. Almost every other program authorized in this bill is at or above the President's request—why should these programs be any different?

H.R. 1655 only provides $75.4 of the $92.4 million requested for biopower and biofuels. These cuts will reduce R&D in areas that could lower the costs of producing ethanol. The ethanol industry currently provides 40,000 jobs, or $1 billion in household income. Displacing gasoline with ethanol in automobiles reduces carbon emissions by 95%; if you merely mix a 10% blend of ethanol with gasoline, you reduce emissions by 25–30%. Voting for the Udall amendment will help to continue the important R&D that could lead to the development of cheap, sustainable and clean energy sources such as ethanol.

I urge my colleagues to vote "yes" on the Udall amendment.

Mr. Chairman, I yield to the gentlewoman from California (Ms. WOOLSEY) who is a member of the committee.

Ms. WOOLSEY. Mr. Chairman, I would like to thank the gentleman from Wisconsin (Mr. COSTELLO) for accepting this amendment. I rise in support of the Udall of Colorado amendment.

I rise today in support of the Udall amendment. It is so important that we plan for our children's future, which includes making certain they have a clean environment and a sustainable energy source in years to come.

Our current dependence on foreign oil and fossil fuels can not continue indefinitely. Regrettably, this bill increases nuclear energy by $3.4 million above the President's request, but does not fully fund the Renewable Energy Program. This is an outrage.

How can we take care of our children and their future with such a short-sighted approach? Renewable Energy is efficient, cost effective, and unlimited in its capacity.

We need to capture these resources—wind, solar, biomass, and geothermal—and put them to better use. Not only do we solve our energy problem, but we save our environment as well so that our children and their children can grow up in a clean, safe and healthy world.

As a member of the Science Committee, I fought for this funding increase during our committee markup. It failed by a narrow margin. We can not let that happen again. I strongly urge my colleagues to vote "yes" on the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

Page 22, line 10, insert "(a) IN GENERAL.—" before "The Department shall".

Page 22, after line 15, insert the following new subsection:

(b) PARALLEX PROJECT.—The Secretary shall not, as part of the test and demonstration Parallex Project, select a route for the transportation of Mixed Oxide Fuel from Los Alamos, New Mexico, to Chalk River, Canada, without issuing a rule based on the record after an opportunity for agency hearing.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, as I begin, first let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. CALVERT), and the gentleman from Illinois (Mr. COSTELLO) for their help and understanding on this very important amendment, to the residents of my district and to a number of other congressional districts throughout the country.

It concerns the shipment of nuclear material containing weapons-grade plutonium from Los Alamos, New Mexico, to Chalk River, Canada. The Department of Energy has proposed to ship fuel rods manufactured from plutonium, formerly used in nuclear weapons, across the West and the Midwest including St. Louis, Chicago, and a number of other population centers.

Behind me is a map of the route DOE has chosen.

At the outset let me say that it is, it is in the United States strategic interests to decrease the oversupply of weapons-grade plutonium in this country and Russia. Furthermore, I agree that it is important to maintain a partnership with Russia to encourage the destruction of their plutonium. However the process, the process that has been used to determine a route which the MOX fuel will take has been completely inappropriate and without congressional or public input. The DOE prepared an environmental assessment, an EA, on the project which was distributed to only 52 residents in the State of Michigan for comment, none of whom live near the two bridges where the material will be transported.

Although DOE staff informed some congressional staff that more people were notified of the EA, they could provide no records of such input. The decision was made without a public hearing in Michigan. Even when the Michigan governor sought public hearing, DOE denied this request. None of the emergency response crews along the route have been notified of the shipment. One emergency response coordinator in my district stated there is no plutonium chapter in his disaster response manual.

Who has the responsibility, the jurisdiction, the liability and evacuation authority in case there is a transportation accident? The EA examined seven routes to Canada that would be appropriate for the transportation of this material.

DOE staff explained that the Canadian Government objected to two of the routes because they traveled through the golden triangle of heavily industrialized area in Canada. Canada objected to a third route due to concern that the police vehicle accompanying the fuel would not be allowed to transit an Indian reservation along the route. Canadians and the Canadian native tribes can object to the route, but U.S. citizens and Native American Indians cannot.

I would point out that the proposed route will travel over three of the five Great Lakes, the world's largest supply of fresh water and one of our country's greatest natural resources. The proposed route would pass along a minimum of four Native American tribes in my district. The DOE's own environmental assessment ranks the Sault Ste. Marie route, the one that is here on the map in the red, as both the second highest-risk route, the second highest exposure level and the second longest in distance of miles traveled.

Although the DOE argues that there is minimal amount of risk associated with the transport of this material, the risk was obviously high enough that the Canadian Government did not want it to go through their golden triangle. If the route is the second riskiest, then why is it chosen? Furthermore, the Mackinac Bridge where it will have to cross Lake Huron and Lake Michigan is undergoing maintenance, the same reason why the Blue Water Bridge in Port Huron, Michigan, was removed from consideration. If one route is chosen because a bridge is under repair, then why would DOE choose the Mackinac Bridge, the world's largest suspension bridge, which is undergoing maintenance as a suitable route?

My amendment would just simply delay the decision to choose the transportation route until there has been adequate opportunity for public comment on a particular route and the citizens, Members of Congress, governors and emergency response personnel have an opportunity to ask questions. The Canadian Government is affording their citizens the opportunity for comment, and we should demand our citizens have the same rights.

I agree it is important to dispose of the excess U.S. and Russian nuclear weapons material; however, I believe the process for determining the route should be made after, only after, the public has been notified of the proposed route and Department of Energy has solicited comments about the selection and to answer our questions.

I urge my colleagues, and I urge the leadership on this floor here today to support my amendment requiring, just requiring, a public hearing before choosing the route for this plutonium shipment.

Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. CALVERT), and the gentleman from Illinois (Mr. COSTELLO) for the opportunity to present this amendment.

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Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say, first of all, I want to thank the gentleman from Illinois (Mr. COSTELLO) and others for allowing us to present this amendment today. I want to commend my friend from Michigan (Mr. STUPAK). The gentleman's amendment, as he so articulately put it, would protect something that is extremely important: the right of the public to closely examine and respond to proposed shipments of radioactive plutonium through our communities.

This nuclear waste is, as one can imagine, inherently dangerous and proposals to ship it through our communities over the Great Lakes, the largest bodies of freshwater in the world, 20 percent of all the freshwater in the world, 95 percent of all the freshwater in our country, this has sparked a widespread concern about health and safety.

People in our region, the Great Lakes region, have many legitimate questions; and they have a right to know the risks to which their communities could be subjected. Are there alternative routes that would steer clear of major cities, towns, and avoid transporting this waste over water? How will it be shipped? What precautions will be taken to prevent an accident? Are such shipments vulnerable to theft and hijacking? What are the potential hazards if something goes wrong?

We need to answer these questions before we even consider any shipments that would put our families and our communities and our water at risk. Remember something. As I said, the freshwater in this region here represents 20 percent of the world's freshwater, which is in high demand given the fact that we have 6 billion people on this Earth, and it is exponentially increasing in demand, especially in Asia and other countries.

It is a serious problem, and this is a very fine resource. We cannot afford to put that resource at the risk of contamination.

Last year, I opposed a proposal to ship, as the gentleman from Michigan (Mr. STUPAK) pointed out, this weapons-grade plutonium through my district and across the Blue Water Bridge from Port Huron to Sarnia because the risks are too great.

I was just in my office now, and came down to the floor, talking to a member of the parliament, my counterpart across the way, Roger Gallaway, who expressed his dismay and his anger as well about these shipments potentially through our district.

Now the Department of Energy has come back with another route, this one passing through major cities like St. Louis, Chicago before crossing three of five of the Great Lakes. Then the new route would actually cross the Mackinac Bridge, the world's longest single-span suspension bridge, which stretches 5 miles over open water.

To make matters worse, the Department of Energy did not even bother to consult the emergency response team along the way. One would think that would be one of the first things that would be done here. Nor was there any public input that I have been able to ascertain. This proposed route is wrong and the people deserve to have their voice heard.

Here in this Congress we are accustomed to making laws, but there is another law out there that often takes precedence over what we do here, and it is called Murphy's Law: if something can go wrong, it probably will. So let us not take a chance with a truckload of radioactive plutonium spoiling our communities, poisoning our very precious resource, our water, our fresh water, and endangering our families.

The Stupak amendment establishes an important safeguard against such disasters by establishing an official public forum for exchange of information and for a careful scrutiny of any proposed shipment. It is necessary, it is a very necessary response, to a planning process that has been flawed from the beginning. I urge my colleagues to support the gentleman from Michigan (Mr. STUPAK) in his amendment.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am prepared to support this amendment, but I am absolutely shocked that an administration that was committed to preserving the environment would be planning such a thing. So perhaps we Republicans can help wake an administration that has been insensitive to environmental concerns such as those that the minority whip of the House of Representatives has brought to our attention to wake up. I urge support of the amendment.

Mr. COSTELLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we strongly support and commend the gentleman from Michigan (Mr. STUPAK) for his amendment and move its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. BERKLEY:

Page 36, after line 9, insert the following new section:

SEC. 18. NUCLEAR WASTE TRANSMUTATION RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall commence a program of research and development on the technology necessary to achieve onsite transmutation of nuclear waste into nonradioactive substances.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to conduct a research, development, and demonstration program on the technology necessary to achieve onsite transmutation of nuclear waste into nonradioactive substances in a manner consistent with United States environmental and nonproliferation policy. The Secretary shall not support a technology under this section that involves the isolation of plutonium or uranium.

(2) PEER REVIEW.—Funds made available under paragraph (1) for initiating contracts, grants, cooperative agreements, interagency funds transfer agreements, and field work proposals shall be made available based on a competitive selection process and a peer review of proposals. Exemptions shall be considered on a case-by-case basis, and reported by the Secretary to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate 30 days prior to any such award.

(c) CONSULTATION.—The Secretary may establish an advisory panel consisting of experts from indust4ry, institutions of higher education, and other entities as the Secretary considers appropriate, to assist in developing recommendations and priorities for the research, development, and demonstration program carried out under subsection (a).

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(c) DEFINITIONS.—For purposes of this section:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) GRANT.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized under section 3(a)(2)(G), $2,000,000 for fiscal year 2000 and $4,000,000 for fiscal year 2001 shall be available for carrying out this section.

Ms. BERKLEY. Mr. Chairman, I rise to offer an amendment to H.R. 1655. This amendment is intended to help America harness the brain power of top scientists in a quest to solve one of the great technological challenges facing our Nation, neutralizing, not merely storing, high-level nuclear waste.

I would like to thank the chairman of the Committee on Science and the ranking member for their support of this amendment.

My colleagues in this chamber are well aware of my views on the proposed plan to bury nuclear waste in my home State of Nevada. I am adamantly opposed to it. I am not here today, however, to debate the Yucca Mountain project. Rather, I offer an amendment that I hope will capture the imagination of my colleagues, whether my colleagues oppose or support the Yucca Mountain program.

Billions of dollars are being spent studying how to store high-level nuclear waste because it is deadly. No matter where it is put, it is deadly, and the United States and the rest of the world have produced hundreds of thousands of tons of it. Even if we build a repository within a few years, it will be over capacity. We would have to build another multibillion facility and another and another as the next century unfolds.

There would still be thousands of tons of waste at the reactors sites across the country. All of this waste is just as toxic as the day it was generated. Even if it was generated 40 or 50 years ago, it is still just as toxic. It takes 250,000 years to fully neutralize it. The scientists who unlocked the power of the atom in the 1940s knew about this problem and the Federal Government knew about it; but with no solution immediately at hand they simply put their trust in science itself, believing that a process would be invented to neutralize high level nuclear waste.

I urge support of my amendment to H.R. 1655. The time is overdue to accept responsibility of finding a technological solution to nuclear waste, ridding the Nation of this threat.

My amendment would establish a nuclear waste transmutation research and development program. The goal is to develop the technology we need to transmute nuclear waste right at the reactor sites. Transmutation is a process which turns radioactive waste into nonradioactive substances.

This amendment fully complies with environmental and nuclear nonproliferation policies. It prohibits development of technology that could isolate plutonium and uranium. This amendment instructs the Secretary of Energy to commence a program of research and development, and it authorizes the secretary to award grants or contracts to industries and universities.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. BERKLEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, we are very pleased to support this amendment and hope we can have a vote on it promptly.

Mr. COSTELLO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are in strong support of the amendment.

Mr. GIBBONS. Mr. Chairman, I rise in support of the Berkley amendment. As most of you know, I have spoken at length to explain the reasons why nuclear waste should not be sent to an interim or permanent storage facility in Nevada.

I have been asked many times what the alternative is to permanent burial of high level nuclear waste. The answer is transmutation.

The word transmutation originates from the goal of ancient alchemists to transform, or transmute base metals into gold. Today scientists seek ways, and have developed proven systems to transmute radioactive waste into nonradioactive elements, thereby eliminating the radiological hazards and waste disposal problems.

The first mistake this country made in regards to the problem of spent nuclear fuel occurred in 1977, when President Carter halted all U.S. efforts to reprocess spent nuclear fuel.

The concern was that when reprocessing occurs it could potentially create a smaller, but refined fuel that could be stolen and used in nuclear weapons. He argued that the United States should halt its reprocessing program as an example to other countries in the hope that they would follow suit.

As we can see today other countries did not follow our example and in the end harmed our efforts to deal with spent nuclear fuel.

Senator DOMENICI understands this problem well and has presented a solution, a solution that is supported by this amendment before you today. He stated in regards to the transmutation of nuclear waste:

> Let me highlight one attractive option. A group from several of our largest companies, using technologies developed at three of our national laboratories and from Russian institutes and their nuclear navy, discussed with me an approach to use that waste for electrical generation. They use an accelerator, not a reactor, so there is never any critical assembly.
>
> There is minimal processing, but carefully done so that weapons-grade materials are never separated out and so that international verification can be used—but now the half lives are changed so that it's a hazard for perhaps 300 years—a far cry from 100,000 years. This approach, called Accelerator Transmutation of Waste, is an area I want to see investigated aggressively.
>
> We are realizing some of the benefits of nuclear technologies today, but only a fraction of what we could realize. [W]e aren't tapping the full potential of the nucleus for additional benefits. In the process, we are shortchanging our citizens.
>
> While some may continue to lament that the nuclear genie is out of his proverbial bottle, I'm ready to focus on harnessing that genie as effectively and fully as possible, for the largest set of benefit for our citizens.

Senator DOMENICI is correct and we should not be shortchanging or endangering our citizens. And that is exactly what will happen if we fail to further the development and utilization of transmutation.

Let's not bury our hands in the sand, the same approach this country is currently taking with the permanent burial of our nuclear waste.

The alternative that we face is disastrous because the nuclear power industry has spent millions of dollars in their campaign to convince members of Congress that storage of high level nuclear waste in Nevada is sound science, fiscally responsible and poses no dangers to public health and safety.

Unfortunately, none of this is true. In 1987, in political haste, Congress arbitrarily selected Yucca Mountain, 95 miles northwest of Las Vegas (the fastest growing metropolitan city in the country), to host a permanent repository for high level nuclear waste.

Realizing that the Yucca Mountain project has become a failure and has needlessly expended millions of taxpayer dollars, the nuclear industry has now changed its focus to "interim storage."

This so-called interim storage lasts for over 100 years. Aside from the fact that Nevada has never benefitted from nuclear generated power, there are numerous reasons why this legislation is irresponsible, indefensible and wrong.

First, transporting nuclear waste recklessly endangers the rights of millions of private property owners across the United States and ignores over 20 years of environmental statutes. The private property implications could significantly add to the federal tab.

A precedent has already been set in New Mexico. In 1992, Mr. John Komis was awarded over $800,000 for the devaluation of his property because of the public's perceived fear of nuclear waste. The City of Santa Fe condemned 43 acres for construction of a highway to transport nuclear waste to the Waste Isolation Pilot Project site.

The District Court and the New Mexico Supreme Court both upheld a decision to award Komis the money because there was a perceived devaluation of land due to the transportation of nuclear waste adjacent to that land.

As this high level nuclear waste travels from the 109 nuclear reactors located primarily on the east coast to a facility in Nevada, the transportation routes cross 43 states and run through thousands of local communities across the country. Imagine the burden on the federal Treasury if all the property owners adjacent to these proposed transportation routes were awarded like Mr. Komis. The cost to the federal government would be staggering.

Second, permanent disposal clearly does not go far enough to protect our environmental and jurisdictional concerns. It still blatantly ignores many environmental and public health statutes, such as the Clean Water Act, Safe Drinking Water Act, and the Clean Air Act.

In addition, it completely ignores the public process that is specifically outlined in the National Environmental Policy Act of 1969, which requires federal agencies to consider alternatives, seek public comment and consider any and all environmental ramifications before proceeding with a major federal action.

Transportation of high level nuclear waste also warrants serious concern, because the consequences would be devastating. A 1985 DOE contractor report concluded that a severe, credible accident involving a single, current-generation rail cask could result in release of radioactive materials to the environment.

According to the study, release of only a small fraction of the cask's contents would be sufficient to contaminate a 42 square-mile area. The costs of cleanup after such an accident would exceed $620 million, and the cleanup effort would require 460 days, if it occurred in a rural area. Now imagine the cost of a similar cleanup in an urban area, realizing these costs cannot include the intangible cost of human life and health.

The environment and the health and safety of millions of people will be jeopardized because of political expediency.

With all the attention of the nuclear waste debate focusing on a solution that does not consider good, sound science, economic or social implications or health and safety or environmental issues it is easy to lose sight of possible solutions.

We need to shift the focus from concentrating on an industry wish list to a viable, realistic solution that considers these vitally important issues.

In truth, while we were developing the technology to transport the waste, we discovered and perfected the safest storage capability available. It is known as dry cask storage. The scientific, economic and safety arguments all result in dry-cask storage as the best solution to store high level nuclear waste. Articles in the San Francisco Chronicle and The Washington Post both aggressively support this approach to solving this dilemma.

This coupled with the technology of transmutation is truly the best long term solution for our country.

In the future, spent nuclear fuel could become a very valuable resource. With technology using transmutators with accelerators, we will be able to use spent nuclear fuel as an energy source and in the process drastically reduce the volume from approximately 90% unused nuclear fuel to less than 10% unused.

In addition, this substantially decreases the half-life of this dangerous substance. By keeping this spent fuel on site, it is the best environmental solution, and it is easily retrievable for the purpose of transmutation.

When taking a close look at the details, it is easy to see a realistic solution to the nuclear waste dilemma that the nation is facing. It is time to abandon the track of political expediency and look to sensible, responsible alternatives.

On-site, dry cask storage and transmutation does not bust the budget, does not endanger private property rights, public health and safety, nor does it roll back years of environmental statutes.

I urge my colleagues to support this amendment and support a common sense solution for our nations spent nuclear fuel.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 36, after line 9, insert the following new section:

SEC. 18. MINORITY RECRUITMENT AND EMPLOYMENT.

It is the sense of the Congress that the Department should increase its efforts to recruit and employ qualified minorities for carrying out the research and development functions of the Department.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to particularly thank the ranking member, the gentleman from Illinois (Mr. COSTELLO), and thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for allowing the dialogue on this amendment.

Let me emphasize that I am gratified that there has been some improvement because of the work of our Committee on Science on the idea of recruiting and employing qualified minorities, for carrying out the research and development functions of the Department of Energy.

We have spoken, as we move into the 21st century, of the importance of including and enforcing, or in emphasizing, diversity in our math and science technical and research areas. This amendment would ask or indicate that it was a sense of Congress that the Department of Energy would increase its efforts to recruit and employ qualified minorities for carrying out the research and development.

I would like to note in a visit that I had this past recess to Los Alamos National Laboratory, in reviewing the security issues I also asked questions about its diversity. Let me applaud them for the percentages of Hispanics that they have working in a number of their programs, but on the other hand they had very low numbers of American Indians, Asian Americans and African Americans.

If we are to move into the 21st century, it is crucial that in areas that produce income and research and advancement in science that it has a well-diversified population of researchers from American Indians, from African Americans, from Asians and Hispanics.

I could go on about the importance of this issue, but I would ask my colleagues to join me in supporting this amendment to emphasize diversity in research, one of the cutting stones of the 21st century, and the work of the 21st century, which is science and technology.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am very happy to support the gentlewoman's amendment and hope that it will be promptly voted upon, unanimously.

Ms. JACKSON-LEE of Texas. I thank the chairman for his support.

Mr. COSTELLO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, we strongly support the amendment and urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank both of my colleagues for their support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH), having resumed the chair, Mr. SUNUNU, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes, pursuant to House Resolution 289, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1655, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 291 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, that upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1445

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time is yielded for the purposes of debate only.

Mr. Speaker, the proposed rule before the House today provides for consideration of the Conference Report to accompany H.R. 2490, the Treasury, Postal Service and General Government Appropriations bill for fiscal year 2000. The proposed rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report will be considered as read.

Mr. Speaker, the underlying legislation, which makes the appropriations for the Treasury Department, United States Postal Service, the executive office of the President, and certain Independent Agencies, is important legislation. A large portion of the activities funded under this bill are devoted to the salaries and expenses of approximately 163,000 employees who are responsible for administering programs such as drug interdiction, collection of revenues, presidential protection, violent crime reduction, and Federal financial management. Through a judicious bipartisan process of hearings and testimony, the Committee on Appropriations arrived at the funding levels contained within this legislation. The funding levels are consistent with this Congress's policy of fiscal discipline, yet provide sufficient funding for agencies within the bill's jurisdiction to carry out those important statutory responsibilities.

Americans who have experienced frustration with the Internal Revenue Service will be pleased to know that this legislation also appropriates funds necessary to carry out the IRS reforms that were passed by the last Congress and stand to benefit taxpayers all across America.

This legislation was crafted in a bipartisan manner. The gentleman from Arizona (Mr. KOLBE), chairman of the Committee on Appropriations Subcommittee on the Treasury, Postal Service and General Government, along with the ranking member, the gentleman from Maryland (Mr. HOYER) deserve accolades for not only their hard work, but also for working together. This rule and conference report deserve bipartisan support today.

It is understandable that some Members may not feel this is the perfect appropriations legislation, but this legislation does represent a consensus, bipartisan agreement. Members should be reminded that the legislation maintains the fiscal restraints mandated in the Balanced Budget Act of 1997.

Mr. Speaker, I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for yielding me the customary half-hour.

Mr. Speaker, I want to congratulate my colleagues, the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, and the gentleman from Maryland (Mr. HOYER) for their hard work in bringing this bill to the floor. It has certainly had its ups and downs, and I am very happy to lend my full support to the bill that is before us today. The conferees that brought the Treasury-Postal appropriations bill back from the grave, and they are to be congratulated.

Once upon a time, Mr. Speaker, this bill contained some cuts that would have made it very hard for some of our major agencies to function. It was so bad, Mr. Speaker, that it passed the House by only one vote. But today, those cuts have been reversed. Today, this bill funds the Treasury Department at $12 billion; it includes funding for the new law enforcement agencies; it funds the office of national drug control policy to the tune of $460 million. Mr. Speaker, this bill also allows government agencies to use appropriated money to provide child care for lower-income Federal employees, which will help them make sure their children are well taken care of when they work.

Finally, Mr. Speaker, this bill makes sure that the Federal employees receive a 4.8 percent COLA, equal to that of the military. Mr. Speaker, these people work hard for a living, and at the very least their salaries should keep up with inflation.

Mr. Speaker, once again, I thank the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) for their hard work, and I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

What we see is that it is another example of bipartisan support of people who are working together in Washington, D.C., the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Arizona (Mr. KOLBE), the gentleman from Maryland (Mr. HOYER), myself, we are trying to work together on these important issues that are important not only to people, but people who anticipate and expect that Republicans and Democrats alike are able to craft our business in a way that we can be successful.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of both the rule and the bill because I appreciate the work that Chairman KOLBE and ranking member HOYER have done. I do want to note for the record my objections to one very unfortunate decision the conference made with respect to the issue of children's sleepwear.

In 1972, the Consumer Product Safety Commission adopted a rule which required clear understandable labeling for children's sleepwear, so before you put your infant to bed, you would have to know if the sleepwear was flame retardant or not. That is a standard that was lauded by emergency room physicians, nurses, arson investigators, firefighters around our country for a long time. It worked.

In 1996, for inexplicable reasons, that standard was loosened and weakened by the Consumer Product Safety Commission. Working with the gentleman from Pennsylvania (Mr. WELDON) and the gentlewoman from Connecticut (Ms. DELAURO), I was able to have included in the House version of this bill an amendment which effectively banned the import of children's sleepwear that did not have that safe labeling provision.

I appreciate the efforts of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) to cooperate with us in that respect and their efforts in conference. I regret the fact that the result of the conference was not satisfactory on that.

I will support this bill, nevertheless, because of its basic merits, but I would call upon the Speaker and others in leadership in this House to permit us to bring to the floor a freestanding bill that lets us have a fair debate as to whether or not this important children's sleepwear standard should, once again, become the law.

That is the proper forum for this. Just as strongly as I would urge passage of this bill, I would urge a fair procedure so that America's firefighters and arson investigators and nurses and emergency room physicians can be heard, and so that America's children can once again be protected.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to once again thank the gentleman from Arizona (Mr. KOLBE) not only for his judiciousness in the handling of this important matter, but also for making himself available if we needed him.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2490 and that I may include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONFERENCE REPORT ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. KOLBE. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report to accompany the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 291, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 14, 1999, at page H8201.)

The SPEAKER pro tempore. The gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today, along with the gentleman from Maryland (Mr. HOYER), to present to the House the conference report on the fiscal year 2000 Treasury and General Government Appropriations bill. This is a bill that not only meets the commitment we have made to the American people to reform modernize the Internal Revenue Service, but one that continues to strengthen our support for Federal law enforcement, to protect our borders against drugs, and to prosecute violations of our gun laws.

Mr. Speaker, before I begin, I would just like to say that I think that the staff always plays an essential role in preparing and supporting the committee at all stages of its annual appropriations bills, and I am surrounded today by the very valuable staff that has made this work very possible, and it is true also of the gentleman from Maryland (Mr. HOYER) whose staff is on the way.

I want to pay special tribute if I might to one individual, our congressional fellow, Clif Morehead, who leaves us at year end, having performed exemplary service for the House of Representatives. Clif has worked for this subcommittee for the past year, and after serving a year in the personal office of my distinguished ranking member, the gentleman from Maryland (Mr. HOYER), Clif will be leaving the committee to return to his work as a special agent with the U.S. Secret Service.

Clif has been a terrific asset to this subcommittee, bringing not only his experience and insight into Federal law enforcement from his Secret Service career, but also his understanding of how Congress and the Federal agencies operate from his previous work on defense issues, and as a Marine Corps officer.

□ 1500

Whether it has been preparing for the hearings, doing the in-depth research, briefings, planning and organizing committee travel, including a very informative trip that we participated in to review counterdrug efforts in the Andes earlier this year, to the drafting and negotiations of the bill and its report, Cliff has been an invaluable staff member. I am grateful for his hard work.

Mr. Speaker, the Treasury Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Clifton, D. Morehead, as he begins his next assignment as Special Agent for the U.S. Secret Service. Special Agent Morehead has proven himself to be tremendous asset to the work of this Subcommittee, bringing with him the experience he has gained with the Secret Service, as a business manager for Procter and Gamble, and as a Marine Corps officer. Clif began his fellowship in 1998 in the office of the distinguished ranking member of this subcommittee, STENY HOYER, where he served as his legislative assistant for defense policy and appropriations issues. Clif therefore arrived in this subcommittee with a strong background in the technical issues and folkways of the appropriations process.

Serving as a member of my subcommittee staff, Clif has brought a unique perspective to bear on many of the lively debates and sometimes convoluted issues we face as we craft this appropriation bill, and in overseeing the agencies and programs in our jurisdiction. In particular, Clif's insight and contribution has been invaluable on matters affecting law enforcement, national security, and management issues. Throughout his service here, Clif's unqualified professionalism, perceptiveness, great sense of humor and cool head have helped this Subcommittee and the Congress move forward on a wide range of policy and budgetary issues. His assistance in planning for and coordinating a complicated trip to the Andean countries to review the U.S. counternarcotics assistance programs there was of particular benefit to us.

Special Agent Morehead has served me, this subcommittee, and the House well: we are sorry to see him leave, and will miss him as a colleague and as a friend. Each of us on the Treasury Appropriations Subcommittee wish Clif all the best as he resumes his Secret Service career, and expect to see great things there.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding. I would like to join the chairman of the committee in commending the work of Clif Morehead. This is an extraordinarily valuable program for the Federal Government, these exchange programs. They give the Members of various different agencies a perspective on how the Congress operates, and other agencies, but how this process works.

Clif Morehead is an extraordinary young man who has contributed a great deal to the quality of our work during the past frankly 24 months, first working in my office, where he was an invaluable asset, and then in the committee office, as well.

I want to join the chairman in commending Clif Morehead. He is an extraordinary asset of the Secret Service, and has been an outstanding asset of ours. I join with the gentleman from Arizona (Chairman KOLBE) in wishing him the very best as he returns to his position as an agent in the United States Secret Service, where I know he will continue to prove to be a valuable asset to our country.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his kind remarks about Clif. Clif is on the floor with us today, and Clif, it is not our eulogy to you but rather a tribute to you, and we look forward to continuing to work with you.

Mr. Speaker, let me return to the conference report, if I might, and discuss for a moment some of the key parts about it.

This conference agreement provides $13.7 billion for agencies which come under the jurisdiction of this subcommittee. That is $240 million above the current fiscal year, an increase of less than 2 percent, but it is $220 million below what the President requested.

I am concerned to learn there are some Members who believe that this level of funding is both excessive and unnecessary. In fact, it is neither. Just to keep pace with inflation, the administration requested an increase of $600 million. That was before any of the initiatives, and before the mandatory requirements, such as Y2K readiness for the IRS, or workloads associated with the upcoming Presidential elections, the workload increase that will be caused during the upcoming Presidential election for the Secret Service, or for increases in the critical drug programs, such as the high-intensity drug trafficking areas or the Drug-Free Communities Act.

Mr. Speaker, a $240 million increase barely makes a dent towards putting together a bill that meets all of our current law enforcement responsibilities.

Clearly, this subcommittee was faced with a daunting task. I can tell the Members that without this funding level, the conference report before us now would not be pretty from anyone's perspective. The fact is, anything less than what is provided in the conference report would have fallen far short of our shared goals.

Mr. Speaker, on the one hand, I know my colleagues have concerns over these funding levels. On the other hand, I know that we all support the same things. We all support IRS restructuring and reform and improving customer service for our constituents. We all support hardening the borders against drugs and illegal contraband while improving the flow of legitimate commerce. We all support keeping our children off drugs and strengthening our communities and families. Finally, we all support keeping firearms out of the hands of criminals, adult and juvenile criminals, and giving State and local law enforcement officers the tools they need to enforce the firearms laws that we have adopted.

These are items which certainly ought not to be controversial. These are items that are funded within our conference allocation, and I think we can all agree they are not excessive, they are not unnecessary.

Finally, Mr. Speaker, let me address the issue of legislative items and the suggestion that somehow the conference agreement has put one over on some Members, including items which, for a variety of reasons, should not be included, or should not be in there in their present form.

Each year, this subcommittee is burdened with controversial legislative provisions that ultimately have to be negotiated in conference with the Senate. The fact is, once they are attached to the bill, we are responsible for negotiating differences with the Senate on behalf of the sponsors. So we did not put anything over on anybody in this conference report. The conferees negotiated to the best of their ability, and with nothing but the best of intentions. The conferees made every effort possible to accommodate the views of all Members, House and Senate, both sides of the aisle, on these different issues.

The agreement before us now reflects the very best intentions and the very best judgment of the conferees. I might add, it has received the unanimous and unqualified support of the House and Senate conferees. We have a bill that I believe can receive a majority of votes in both sides of the aisle, in both chambers, and one that I believe can and will be signed by the President of the United States.

I hope that, when some of my colleagues say they are threatening to vote against this measure because they disagree with the specifics of it or some of the controversial provisions, that they will reconsider that position. That would be a very shortsighted approach, and I urge Members to look at this conference report in its entirety.

This is an excellent conference agreement. It is strong on law enforcement, it is tough on drugs, and it continues our commitment to restructure and reform the IRS. I urge my colleagues to support this conference agreement.

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	123,151	134,630	134,206	133,168	134,034	+10,883
Salaries and expenses:						
Counterdrug (emergency funding)	1,500					-1,500
Y2K conversion (emergency funding)	1,238					-1,238
Y2K conversion (emergency funding)	1,890					-1,890
Automation enhancement:						
Y2K conversion (emergency funding)	37,403					-37,403
Y2K conversion (emergency funding)	2,762					-2,762
Y2K conversion (emergency funding)	12,500					-12,500
Y2K conversion (emergency funding)	6,731					-6,731
Department-wide systems and capital investments programs	28,690	53,561	31,017	35,561	43,961	+15,271
Office of Inspector General	30,678	32,017	30,716	30,463	30,716	+38
Inspector General for Tax Administration		112,207	112,207	111,340	112,207	+112,207
Treasury Buildings and Annex Repair and Restoration	27,000	23,000	23,000	15,000	23,000	-4,000
(Delay in obligation)	(-27,000)					(+27,000)
Financial Crimes Enforcement Network	24,000	28,418	29,656	27,681	27,818	+3,818
Violent Crime Reduction Programs:						
General programs authorized by section 190001(e):						
Bureau of Alcohol, Tobacco and Firearms	3,000	3,000	28,800	17,847	27,920	+24,920
United States Secret Service	22,628	3,196	4,200	21,950	4,200	-18,428
United States Customs Service	65,472	64,952	64,000	52,774	61,000	-4,472
Financial Crimes Enforcement Network	1,400	1,263		1,863	1,863	+463
Federal Law Enforcement Training Center				9,200	9,200	+9,200
Interagency crime and drug enforcement	24,000	49,716	27,000	28,366	14,817	-9,183
ONDCP	1,000					-1,000
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	1,500					-1,500
Special forfeiture fund				49,000		
Subtotal	119,000	122,127	122,000	181,000	119,000	
Grants authorized by section 32401:						
Gang Resistance Education and Training: Grants	13,000	10,000	10,000	13,000	13,000	
Total, Violent Crime Reduction Programs	132,000	132,127	132,000	194,000	132,000	
Federal Law Enforcement Training Center:						
Salaries and Expenses	71,923	86,846	82,827	80,114	84,027	+12,104
Antiterrorism (emergency funding)	3,548					-3,548
Acquisition, Construction, Improvements, and Related Expenses	34,760	21,000	24,310	21,611	21,611	-13,149
Total, Federal Law Enforcement Training Center	110,231	107,846	107,137	101,725	105,638	-4,593
Interagency Law Enforcement: Interagency crime and drug enforcement	51,900	26,184	48,900		61,083	+9,183
Financial Management Service	196,490	202,670	201,320	200,054	201,320	+4,830
Y2K conversion (emergency funding)	6,000					-6,000
Federal Financing Bank (debt liquidation)	(3,317,960)					(-3,317,960)
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses	546,074	584,859	567,059	570,345	565,959	+19,885
(Delay in obligation)	(-2,206)					(+2,206)
Rescission	-4,500					+4,500
Y2K conversion (emergency funding)	2,665					-2,665
Y2K conversion (emergency funding)	5,000					-5,000
Y2K conversion (emergency funding)	3,530					-3,530
Laboratory facilities and headquarters		15,000				
Total, Bureau of Alcohol, Tobacco and Firearms	552,769	599,859	567,059	570,345	565,959	+13,190
United States Customs Service:						
Salaries and Expenses	1,642,565	1,720,370	1,708,089	1,670,747	1,705,364	+62,799
(Delay in obligation)	(-9,500)					(+9,500)
Counterdrug (emergency funding)	106,300					-106,300
Y2K conversion (emergency funding)	10,200					-10,200
Y2K conversion (emergency funding)	1,701					-1,701
Subtotal	1,760,766	1,720,370	1,708,089	1,670,747	1,705,364	-55,402
Harbor Maintenance Fee Collection	3,000			3,000	3,000	
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	113,688	109,413	109,413	108,688	108,688	-5,000
Counterdrug (emergency funding)	162,700					-162,700
Subtotal	276,388	109,413	109,413	108,688	108,688	-167,700
Customs Services at Small Airports (to be derived from fees collected)	2,000	2,000	2,000	2,000	2,000	
Offsetting receipts		-2,000	-2,000	-2,000	-2,000	-2,000
Customs facilities, construction, improvements and related expenses (Counterdrug emergency funding)	7,000					-7,000
Total, United States Customs Service	2,049,154	1,829,783	1,817,502	1,782,435	1,817,052	-232,102

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Bureau of the Public Debt	172,100	177,819	176,919	176,983	177,819	+5,719
Y2K conversion (emergency funding)	1,000					-1,000
Payment of government losses in shipment		1,000	1,000	1,000	1,000	+1,000
Internal Revenue Service:						
Processing, Assistance, and Management	3,086,208	3,312,535	3,270,098	3,291,945	3,312,535	+226,327
(Delay in obligation)	(-130,000)					(+130,000)
Tax Law Enforcement	3,164,189	3,336,838	3,301,138	3,305,090	3,336,838	+172,649
Earned Income Tax Credit Compliance Initiative	143,000	144,000	144,000	144,000	144,000	+1,000
Information Systems	1,266,456	1,455,401	1,394,540	1,450,100	1,455,401	+188,945
Y2K conversion (emergency funding)	483,000					-483,000
Y2K conversion (emergency funding)	22,312					-22,312
Information technology investments	211,000					-211,000
(Delay in obligation)	(-211,000)					(+211,000)
Net total, Internal Revenue Service	8,375,165	8,248,774	8,109,774	8,191,135	8,248,774	-126,391
United States Secret Service:						
Salaries and Expenses	600,302	661,312	662,312	638,816	667,312	+67,010
(Delay in obligation)	(-5,000)					(+5,000)
Antiterrorism (emergency funding)	80,808					-80,808
Y2K conversion (emergency funding)	3,000					-3,000
Y2K conversion (emergency funding)	695					-695
Acquisition, Construction, Improvements, and Related Expenses	8,068	4,923	4,923	4,923	4,923	-3,145
Total, United States Secret Service	692,873	666,235	667,235	643,730	672,235	-20,638
Net total, title I, Department of the Treasury	12,637,225	12,376,130	12,189,648	12,214,649	12,354,616	-282,609
Appropriations	(10,714,759)	(12,376,130)	(12,189,648)	(12,214,649)	(12,354,616)	(+1,639,857)
Rescissions	(-4,500)					(+4,500)
Emergency funding	(963,483)					(-963,483)
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	100,195	93,436	29,000	29,000	29,000	-71,195
(Delay in obligation)	(-71,195)					(+71,195)
Advance appropriations, FY 2001			64,436	64,436	64,436	+64,436
Total	100,195	93,436	93,436	93,436	93,436	-6,759
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250	250	250	250	250	
Salaries and Expenses	52,344	52,444	52,444	52,444	52,444	+100
Executive Residence at the White House:						
Operating Expenses	8,691	9,260	9,260	9,260	9,260	+569
White House Repair and Restoration		810	810	810	810	+810
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,512	3,617	3,617	3,617	3,617	+105
Operating expenses	334	345	345	345	345	+11
Council of Economic Advisers	3,666	3,840	3,840	3,840	3,840	+174
Office of Policy Development	4,032	4,032	4,032	4,032	4,032	
National Security Council	6,806	6,997	6,997	6,997	6,997	+191
Office of Administration	28,350	39,198	39,448	39,198	39,198	+10,848
Y2K conversion (emergency funding)	12,200					-12,200
Y2K conversion (emergency funding)	7,666					-7,666
Y2K conversion (emergency funding)	9,925					-9,925
Office of Management and Budget	60,617	63,495	63,495	63,495	63,495	+2,878
Office of National Drug Control Policy:						
Salaries and Expenses	48,042	43,133	52,221	21,963	22,951	-25,091
Counterdrug (emergency funding)	1,200					-1,200
Counterdrug Technology Assessment Center				31,100	29,250	+29,250
Total	49,242	43,133	52,221	53,063	52,201	+2,959
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Prog.	184,977	185,777	192,000	205,277	192,000	+7,023
Special forfeiture fund	214,500	225,300	225,000	127,500	216,000	+1,500
Counterdrug (emergency funding)	2,000					-2,000
Unanticipated Needs	1,000	1,000	1,000		1,000	
Emergency funding	30,000					-30,000
Rescission	-10,000					+10,000
Total, title III, Executive Office of the President and Funds Appropriated to the President	670,112	639,498	654,759	570,128	645,489	-24,623
Appropriations	(617,121)	(639,498)	(654,759)	(570,128)	(645,489)	(+28,368)
Rescission	(-10,000)					(+10,000)
Emergency funding	(62,991)					(-62,991)

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase from People Who Are Blind or Severely Disabled	2,464	2,674	2,674	2,867	2,674	+210
Federal Election Commission	36,500	38,516	38,152	38,175	38,152	+1,652
Counterdrug (emergency funding)	243	....	....	....	....	-243
Federal Labor Relations Authority	22,586	23,828	23,828	23,681	23,828	+1,242
General Services Administration:						
Federal Buildings Fund:						
Appropriation	450,018	....	....	....	....	-450,018
Limitations on availability of revenue:						
Construction and acquisition of facilities	(492,190)	(102,194)	(8,000)	(76,979)	(74,979)	(-417,211)
Rescission of funds in P.L. 104-208	....	....	....	(-20,782)	(-20,782)	(-20,782)
Repairs and alterations	(668,031)	(664,869)	(559,869)	(607,869)	(598,674)	(-69,357)
(Delay in obligation)	(-161,500)	....	....	....	....	(+161,500)
Installment acquisition payments	(215,764)	(205,668)	(205,668)	(205,668)	(205,668)	(-10,096)
Rental of space	(2,583,261)	(2,782,186)	(2,782,186)	(2,782,186)	(2,782,186)	(+198,925)
(Delay in obligation)	(-15,000)	....	....	....	....	(+15,000)
Building Operations	(1,554,772)	(1,580,183)	(1,580,183)	(1,580,183)	(1,580,909)	(+26,137)
(Delay in obligation)	(-68,000)	....	....	....	....	(+68,000)
Repayment of Debt	(91,000)	(100,000)	(100,000)	(100,000)	(100,000)	(+9,000)
Total, Federal Buildings Fund	450,018	....	....	....	....	-450,018
(Limitations)	(5,605,018)	(5,445,100)	(5,245,906)	(5,362,885)	(5,342,416)	(-262,602)
(Rescission of limitations)	....	....	....	(-20,782)	(-20,782)	(-20,782)
Policy and Operations	109,594	122,158	110,448	120,198	116,223	+6,629
Y2K conversion (emergency funding)	12,701	....	....	....	....	-12,701
Y2K conversion (emergency funding)	4,800	....	....	....	....	-4,800
Y2K conversion (emergency funding)	5,002	....	....	....	....	-5,002
Y2K conversion (emergency funding)	18,796	....	....	....	....	-18,796
Y2K conversion (emergency funding)	7,108	....	....	....	....	-7,108
Office of Inspector General	32,000	33,917	33,317	33,858	33,317	+1,317
Allowances and Office Staff for Former Presidents	2,241	2,241	2,241	2,241	2,241	....
Supplemental general provision (P.L. 106-31)	1,700	....	....	....	....	-1,700
Total, General Services Administration	643,960	158,316	146,006	156,297	151,781	-492,179
Merit Systems Protection Board:						
Salaries and Expenses	25,805	27,586	27,586	27,422	27,586	+1,781
Y2K conversion (emergency funding)	66	....	....	....	....	-66
(Limitation on administrative expenses)	(2,430)	(2,430)	(2,430)	(2,430)	(2,430)	....
Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation	....	3,000	1,000	....	2,000	+2,000
Environmental Dispute Resolution Fund	4,250	1,250	1,250	....	1,250	-3,000
National Archives and Records Administration:						
Operating expenses	224,614	186,452	180,398	179,738	180,398	-44,216
(Delay in obligation)	(-7,861)	....	....	....	....	(+7,861)
Y2K conversion (emergency funding)	6,662	....	....	....	....	-6,662
Reduction of debt	-4,012	-5,598	-5,598	-5,598	-5,598	-1,586
Repairs and Restoration	11,325	13,518	13,518	21,518	22,418	+11,093
Records Center Revolving Fund	....	22,000	22,000	22,000	22,000	+22,000
National Historical Publications and Records Commission:						
Grants program	10,000	6,000	6,000	6,250	6,250	-3,750
(Delay in obligation)	(-4,000)	....	....	....	....	(+4,000)
Rescission	....	....	-4,000	-3,800	-2,000	-2,000
Total, National Archives and Records Administration	248,589	222,372	212,318	220,108	223,468	-25,121
Office of Government Ethics	8,492	9,114	9,114	9,071	9,114	+622
Office of Personnel Management:						
Salaries and Expenses	85,350	91,584	90,584	91,584	90,584	+5,234
Y2K conversion (emergency funding)	2,428	....	....	....	....	-2,428
(Limitation on administrative expenses)	(91,236)	(95,486)	(95,486)	(95,486)	(95,486)	(+4,250)
Office of Inspector General	960	960	960	960	960	....
(Limitation on administrative expenses)	(9,145)	(9,645)	(9,645)	(9,645)	(9,645)	(+500)
Government Payment for Annuitants, Employees Health Benefits	4,654,146	5,105,482	5,105,482	5,105,482	5,105,482	+451,336
Government Payment for Annuitants, Employee Life Insurance	34,576	36,207	36,207	36,207	36,207	+1,631
Payment to Civil Service Retirement and Disability Fund	8,703,180	9,120,872	9,120,872	9,120,872	9,120,872	+417,692
Total, Office of Personnel Management	13,480,640	14,355,105	14,354,105	14,355,105	14,354,105	+873,465
Office of Special Counsel	8,720	9,740	9,740	9,689	9,740	+1,020
Y2K conversion (emergency funding)	100	....	....	....	....	-100
United States Tax Court	32,765	36,489	36,489	34,179	35,179	+2,414
Total, title IV, Independent Agencies	14,515,180	14,887,990	14,862,262	14,876,384	14,878,877	+363,697
Appropriations	(14,399,368)	(14,887,990)	(14,866,262)	(14,880,184)	(14,880,877)	(+481,509)
Rescission	....	....	(-4,000)	(-3,800)	(-2,000)	(-2,000)
Emergency funding	(115,812)	....	....	....	....	(-115,812)

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Grand total	27,922,712	27,997,054	27,800,105	27,754,597	27,972,418	+49,706
Appropriations	(26,852,832)	(27,997,054)	(27,739,669)	(27,693,961)	(27,909,982)	(+1,057,150)
Rescissions	(-14,500)		(-4,000)	(-3,800)	(-2,000)	(+12,500)
Advance appropriations, FY 2001			(64,436)	(64,436)	(64,436)	(+64,436)
Emergency funding	(1,084,380)					(-1,084,380)
(Limitations)	(5,707,829)	(5,552,661)	(5,353,467)	(5,470,446)	(5,449,977)	(-257,852)
(Rescission of limitations)				(-20,782)	(-20,782)	(-20,782)
Scorekeeping adjustments:						
Bureau of The Public Debt (Permanent)	138,000	142,000	142,000	142,000	142,000	+4,000
Federal Reserve Bank reimbursement fund	126,000	128,000	128,000	128,000	128,000	+2,000
Trust fund budget authority	102,000	106,000	106,000	106,000	106,000	+4,000
US Mint revolving fund	15,000	11,000	11,000	11,000	11,000	-4,000
Sallie Mae	1,000	1,000	1,000	1,000	1,000	
Federal buildings fund	-30,000	4,000	-195,000	-97,000	-119,366	-89,366
Postal service advance appropriation, FY 2000	-71,195	71,195	71,195	71,195	71,195	+142,390
Postal service advance appropriation, FY 2001			-64,436	-64,436	-64,436	-64,436
General provision (sec. 408)	5,000					-5,000
Ethics Reform Act adjustment	-2,000					+2,000
Emergency funding	-1,084,380					+1,084,380
Outlay adjustment and BA adjustment			3			
GSA general provision (sec. 410)				-118,407		
Conveyance of land to the Columbia Hospital for Women (sec. 410)					-8,000	-8,000
NOAA retirement provision (sec. 654)					5,650	+5,650
Total, scorekeeping adjustments	-800,575	463,195	199,762	179,352	273,043	+1,073,618
Total mandatory and discretionary	27,122,137	28,460,249	27,999,867	27,933,949	28,245,461	+1,123,324
Mandatory	13,656,152	14,533,811	14,533,811	14,533,811	14,539,461	+883,309
Discretionary	13,465,985	13,926,438	13,466,056	13,400,138	13,706,000	+240,015

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to thank the the gentleman from Arizona (Chairman KOLBE) and his staff for their leadership and work on this bill. This has been in some respects a difficult bill, and in other respects a relatively easy bill. Within the 302(b) allocation level that had been provided to this subcommittee, this is a very good conference report. Even though we were not able to fund the courthouse construction within the constraints of this allocation, this report deserves bipartisan support.

Mr. Speaker, I was one, and I know the Chair shares my view, that believes we should be moving forward on courthouse construction. There is a backlog in the criminal justice system which certainly requires this, as does the civil side of the court dockets. Notwithstanding the fact that we have not been able to do that, the balance of the bill warrants the support of both sides of the aisle.

This conference report funds the Treasury Department at $12.355 billion, which is $21 million below the President's request. However, it is certainly sufficient to give to the Treasury the ability to do the job that we expect of them.

Included within this amount is $3.3, almost $3.4 billion for the Treasury's five important law enforcement agencies. Those agencies comprise, Mr. Speaker, 40 percent of law enforcement at the Federal level. In addition, I am happy to note that this bill fully funds the IRS at the requested level, providing for enhanced customer service and the restructuring of the IRS recently mandated by this Congress.

As my colleagues know, this is one of the major problems I raised with respect to the bill as it passed the House. I was very concerned that we were not providing the resources necessary to implement the reform program that we had adopted just a short time ago.

Happily, in conference, we have now provided the resources so that that reform can be fully implemented. I have talked personally, as I know the chairman has, to Mr. Rissotti, and he believes that, given the resources in this bill, that he will be able to meet the expectations that the Congress has to ensure that citizens are treated well and served effectively and efficiently by the Internal Revenue Service.

This bill also funds many drug activities, including $460 million for the Office of National Drug Control Policy. This important, yes, even critical office has the lead role in coordinating all of this government's efforts in the war against drugs.

Within this $460 million, $192 million is for the very successful high-intensity drug trafficking program, $185 million for the ONCDP, National Youth Antidrug Media Campaign, and $30 million for the third year of the Drug-Free Communities Act. I think the gentleman from Arizona (Chairman KOLBE) received a request from almost every Member of the Congress, it seemed, to fully fund this drug-free communities effort.

While we could not fully fund the General Services Administration within the 302(b) allocation, GSA is funded near the requested level, including funding for needed border stations in several States, and the first stage of the project to consolidate the Food and Drug Administration at White Oak, in Maryland.

This bill addresses the rate of increase also for Federal employees' compensation. Just a few minutes ago, maybe an hour ago or so, we passed the defense authorization bill, which authorizes a 4.8 percent level for the military. Happily, this bill, pursuant to the parity language adopted by this House on two different occasions this year, funds Federal employees at the same rate.

I thank the chairman for his leadership and assistance in accomplishing that objective. Both he, Senator CAMPBELL, and Senator STEVENS were very supportive of this objective, and I thank them for their efforts in that regard.

In addition, Mr. Speaker, we have extended the authority for voluntary early retirement for Federal employees in this bill, critical as we downsize in a smart way. Clearly an across-the-board RIF is very inefficient. It does not necessarily remove those employees who are no longer needed, and is, both from an efficiency standpoint and from an economic standpoint, a very poor way to manage our service.

This language, which gives permanent authority to OPM to authorize early outs, will be extraordinarily helpful, I think, in managing well the Federal Government.

Finally, Mr. Speaker, this conference report provides government agencies with the authority to use appropriated dollars to provide child care for low-income Federal employees. I know this has some controversy to it and I know that the chairman has indicated that he intends to have our committee very closely monitor this initiative, and I look forward to working with him on this effort.

Mr. Speaker, this is a good conference report. It deserves bipartisan support. Mr. Speaker, indeed, I would hope that every Member of the House, on both sides of the aisle, could support this report. I thank the chairman for his leadership and his work, and join him in his words of praise, again, for the competency and commitment of our staff in reaching this result.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Maryland (Mr. HOYER), the ranking member, for his kind comments, and I would say that it has also been a great pleasure for me and my staff to work with him. We do not always agree on everything, and we will not, that is the nature of this body, that is the nature of the legislative process. But it also is the nature of the legislative process experience on appropriations that we work together to solve problems, and work together to make sure that we have a government that functions for the best interests of all of our citizens.

I think that this bill reflects the very best of that process, and certainly both with his staff and with the ranking minority member and the other members of the subcommittee, I think we have achieved a result that we can all be quite proud of.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA), who has been very instrumental in working for child care provisions in legislation.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in very strong support of this conference report. I want to very much thank the gentleman from Arizona (Chairman KOLBE) for his leadership and hard work on this important bill. It has been inch by inch hard work, diligent work, every step of the way.

I also want to commend the ranking member, my colleague, the gentleman from Maryland (Mr. HOYER) for the work that he has done. He has done a yeoman's job, and it is a great product that has come about. I also want to thank my colleagues from both sides of the aisle for working with me to ensure that the legislation incorporates the provisions of my bill, H.R. 206, the Federal Employee Child Care Affordability Act.

This important and yet simple legislation would allow Federal agencies to use funds from their salary and expense accounts to help low-income Federal employees pay for child care. The legislation does not require any additional appropriations. It would be up to individual agencies to determine whether or not to use funds from their salary accounts to help provide child care. Agencies, not employees, would make payments to child care providers to help lower-income Federal employees pay for their child care.

One of the greatest challenges that families face is finding safe, affordable day care. America's lack of safe, affordable day care is not a new problem, but its consequences are becoming more dire. It does require new, innovative solutions.

In 1995, 62 percent of women with children younger than 6 and 77 percent of women with children between the ages of 6 and 17 were in the labor force. Federal employees working, for example, at the National Institutes of Health in my district face significant financial choices in paying for child care.

□ 1515

A GS–6 secretary earning $26,000 per year as a single parent of a 1-year-old child would have to pay $11,440, more than half of her after-tax salary, on child care alone. This is a personal example. Put simply, without help from her employer, she would not be able to afford to work and raise her child.

This legislation gives federal agencies the flexibility similar to that enjoyed by the Department of Defense to tailor their child care programs to meet the particular needs of their employees. The Department of Defense, writing in support of my legislation, stated that these provisions will help remedy the current situation creating "the 'have's and the have not's' between the Department of Defense and other federal agencies because other agencies lack the authority to subsidize personnel costs." That is a quote.

Mr. Speaker, I want to point out that these child care provisions do not grant regulatory authority to the Office of Personnel Management that could lead the way to federalized child care. Mr. Speaker, I am dismayed at the level of misinformation that is being spread against these common sense provisions. The conferees explicitly stated that any regulations promulgated by OPM pursuant to this authority "shall only address the use of appropriated funds to provide child care services and improve the affordability of child care for lower income employees."

Mr. Speaker, by empowering agencies to work as partners with employees to meet their child care needs, Congress truly will be encouraging family-friendly federal workplaces in higher productivity. Retaining our good civil servants is essential to the well-being of our democracy.

In addition to empowering our agencies to create family-friendly workplaces, I am pleased that the conference report provides a 4.8 percent pay increase for our federal civilian employees, equaling the pay increase provided for uniformed military personnel and other legislation.

I am encouraged that this legislation includes the victory that we won during the debate on the fiscal year 1999 Treasury, Postal bill providing for contraceptive coverage in the Federal Employee Health Benefits Program. Contraceptives help couples plan wanted pregnancies and reduce the need for abortions. This conference report ensures that we will continue treating prescription contraceptives the same as all other covered drugs in order to achieve parity between the benefits offered to male participants in FEHB plans and those offered to female ones.

Mr. Speaker, I am also pleased about the inclusion of language that would require federal agencies to have a policy in place to address sex discrimination and harassment. It is a provision that steps in the right direction to counter the roadblocks for women in federal employment and can only bring us closer to creating a highly effective work force as we face the challenges of the new millennium.

I think this conference report is important. I think it reflects a sensible compromise between multiple interests.

Again, I want to thank the gentleman from Arizona (Mr. KOLBE), and thank the gentleman from Maryland (Mr. HOYER), the ranking member, for the very good work. I encourage all of my colleagues to support these important provisions to help federal employees and their families.

Mr. Speaker, I include for the RECORD the following letter from the General Counsel of the Department of Defense:

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, May 18, 1999.

Hon. CONSTANCE A. MORELLA,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MORELLA: This is in response to your request for the views of the Department of Defense on H.R. 206, the Federal Employee Child Care Affordability Act, and how it would benefit the Department of Defense.

The Department of Defense has no objections to the proposed legislation and in fact will benefit from H.R. 206.

The Department of Defense is committed to providing quality affordable child care for both military and civilian employees of the Department. We also are active partners with both the Office of Personnel Management and the General Services Administration in trying to share "lessons learned" from the military child care experiences with the rest of the Federal government. One of the lessons we have learned is that quality child care costs more than most lower income and lower ranking members of our community, both military and civilian, can afford. Because of this, we established a policy where families pay child care fees based on their total family income. We pay the balance from funds appropriated to the Department of Defense for its operations and maintenance.

H.R. 206 would provide other Federal agencies the authority to lower the cost of child care for lower income families in a similar manner to how the Department of Defense has done this. The bill, if enacted, would make it easier for us to become partners with other Federal agencies when we are co-located in Federal buildings or leased facilities. For example, many of our military recruiting offices are located with other Federal agencies in buildings conveniently located for the communities they serve. Your legislation, if enacted, would permit us to offer more affordable care to these very critical personnel.

The current Federal child care policies create the "have's and the have not's" between the Department of Defense and all other Federal agencies because other agencies lack the authority to subsidize personnel costs. H.R. 206 would assist other Federal agencies in moving closer to the military in quality, cost and availability of child care by decreasing the gap in funding. Requiring any appropriated funds to be used to improve the affordability of child care for lower income employees would move other Federal child care programs closer to the military model which subsidizes child care for lower income employees. This sets the stage to make the entire Federal Government a model for the country in the provision of affordable child care.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

JUDITH A. MILLER.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to talk for a moment on language that is in the statement of managers for the conference report on the Treasury and General Government's appropriations bills. This deals with the issue of a report that is to be submitted to Congress on personal search inspections policies and practices of the U.S. Customs Service.

Because of the implications the personal search policy has for individual rights, Congress clearly needs to monitor proposed policies and their implementation. We have anticipated and we expect that Customs Service will prepare this report, a report that will cover changes being implemented, together with an action plan for further improvement in its personal search policies, and that they would submit this to the Secretary of the Treasury for approval and transmittal to the Committee on Appropriations.

Let me make note of the fact that Commissioner Kelly has taken steps that demonstrate his commitment to improving Customs' policy on personal search of international passengers at our airports. The search process has been made less invasive. Supervisors are being made more accountable by being more closely involved in decisions to conduct a personal search.

I think it is clear that the commissioner is committed to fairness in the processing of international passengers and making sure that there is no racial bias in selecting who is searched. But this does not diminish our responsibility as a Congress to oversee this issue and to make sure that individual rights are being protected.

Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Maryland (Mr. HOYER) if he would like to add any comments to this.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE), and I agree with him. Allegations of unfair treatment by Customs personnel toward minorities at international airports is certainly taken seriously by this committee. This is an area where we need to exercise our oversight responsibilities.

The United States Customs Service has taken these allegations seriously as well and has undertaken a thorough review of its policies. More importantly, an independent panel has been appointed to review the practices of personal searches at the Customs Service and by the Customs Service.

The Personal Search Review Commission is chaired by a widely respected individual, Ms. Constance Newman, and includes three esteemed officials from other agencies. As someone who has had the opportunity of working with Connie Newman over the years, I have full confidence in her fairness, in her thoroughness, and in her impartiality.

The collective experience, knowledge, and insight of the commission will provide a firm basis for an objective analysis of the Customs Service's methods for carrying out this aspect of their mission.

In addition, Mr. Speaker, Mr. Sanford Cloud, the President of the National Conference for Community and Justice, has been selected to be an independent advisor to the Commission of the Customs Service on personal search matters.

In this time of change at Customs, it is imperative that Congress be provided with the information to evaluate the modifications in personal search policy. That is why we intend for this report to be prepared by the Customs Service with the approval of the Secretary of Treasury and Under Secretary for Enforcement on the changes and its implementation.

I thank the chairman for allowing us to clarify this matter so that we fully understand the import of the language that is included in our bill.

Mr. KOLBE. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I thank the gentleman from Arizona (Chairman KOLBE) for yielding me the time, and I do want to express my appreciation to him and the gentleman from Maryland (Mr. HOYER). They had a difficult job this year within the parameters that were given to them. In the Treasury, Postal, there is no question of very key important facets to our Government agencies. I, however, wanted to speak, because I am adamantly opposed to this bill as it is written, and I wanted to spend a minute so that my colleagues can know why.

In this bill, we have a 4.8 percent increase for federal workers. A third of them will receive another 3 percent increase. That is a 7.8 percent increase. Now, as we look at what the average federal worker, and this comes from the Federal Government statistics, not my statistics, the average Federal Government worker who works in the D.C. area, Maryland, Virginia and the D.C. area, their present average salary is $57,371.

With this increase, which is four-tenths of a percent above what the President asked for, they will receive on average a $2,754 a year raise. That is $1.40 an hour is what the average federal employee is.

Now, I want to contrast with, we are going to give our seniors in Social Security a 1.8 percent increase. That is what we are going to give the seniors that are out there struggling to make it on their Social Security.

The money that is going to be used to enhance the federal employees far above the level of the other people's average salary, and if my colleagues look at the whole average federal employee salary in this country, $44,886, which is 2½ times the average family income in the State of Oklahoma, that is what the average federal worker's salary is, they will receive over $1 an hour increase.

The four-tenths of a percent increase above what the President requested, and do not get me wrong, I think we should increase the pay for federal employees, is a $330 million bill. Do my colleagues know where that money is going to come from? It is going to come dead out of Social Security. So not only are we not supplying our seniors with what they should have through an equitable Social Security system, but what we are doing is we are taking $330 million that ultimately will come from Social Security, because the agreement reached between the Congress and the President of the United States will be violated by the end of this year as far as the budget caps.

We just had the President say he is not going to pass the tax cut; and, yet, he is going to ask the Congress to spend more money. So if we are not going to give a tax cut to the American people and we are going to spend more money, then if we are going to do that, let us pony up a little bit more for the seniors. If we are going to steal their Social Security money anyway, why do we not give them more than a 1.8 percent cost of living adjustment that is not even covering their Medicare costs or their prescription drug costs.

There is a second reason that I am against this bill. I am not against child care. The Morella idea is a good idea. We should care for our children. But the extension of that idea will not work without ultimately what her bill, which will eventually be on the floor to authorize this, says, that there will be a federal mandated standard for federal child care centers.

The other thing about the Morella language that is in this bill is that it is discriminatory. Only can one have the federal benefit if one goes to a federally approved day care. If one wants one's neighbor to care for one's child, if one wants one's children to care for one's child, one does not get the benefit. So only if one comes to Big Daddy, Big Brother, will one get that benefit.

I would hope that the Members of this body will vote against this bill and put it back into perspective. We are not in position where we can give a $2,000 a year raise to every federal employee.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am inclined to debate at length the presentation of the gentleman from Oklahoma (Mr. COBURN), the last speaker, but I understand his point. I do not agree with it.

In fact, I would make the observation that we have a system whereby the federal employees are compared with comparable positions in the private sector. That report is done pursuant to the Bureau of Labor Statistics. In fact, for comparable work done in the regions of the country, it is done regionally so it is not over-inflated for high cost areas and low cost areas, but by region, our federal employees for comparable work done in the private sector are 20 to 30 percent behind.

Now, the reason the salaries sound high is because we have NIH scientists, we have NASA engineers, we have law enforcement officials that are skilled and, for instance, in FBI, college graduates, doing some of the most sophisticated criminal investigations possible and DEA and ATF and other agencies. We have at the IRS highly skilled and paid personnel to carry out very sophisticated financial responsibilities and analysis.

So that, yes, by comparison with the overall, they are high. But just as well, Michael Jordan's salary by comparison was high. I tell people that Abe Pollin could have gotten 100 people to apply for the Bullets at $250,000 a year. There would have been no lack of people applying to play.

Now, the fact of the matter is Abe Pollin would never have won a game because, at $250,000, which is a lot of money by our standards, by anybody's standards, he would not have gotten competitive ball players.

That is the nature of some of the things that we do in the federal service, very sophisticated, requiring highly skilled people. In the competitive market, one pays what the market pays.

As I pointed out before the gentleman from Oklahoma (Mr. COBURN) got here, we just passed the defense authorization bill, I obviously do not know whether he voted for or against it, in which we included 4.8 percent adjustment for military pay because we want to keep them and we want to be able to recruit. The law calls for parity, and that is what we are providing for in this bill.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman from Maryland from yielding me this time.

Mr. Speaker, I would like to commend the conferees for including in this conference report my amendment which provides funding for grants to local and State programs to combat money laundering. This program is the linchpin of the anti-money laundering strategy outlined by my bill, the Money Laundering and Financial Strategy Act of 1998.

We all know how the plague of drugs continue to rock this country. In the United States alone, estimates put the amount of drug profits moving through the financial system as high as $100 billion. We need to be serious about facing down this threat. Indeed, recent revelations about Russian organized crime laundering money through the Bank of New York shows us that we need to be serious. That means giving our State and local officials the tools they need to follow the money.

This appropriation will be used to stop those who bring drugs into our neighborhoods and into our kids' lives. Together with the national anti-money laundering strategy, which will soon be released, we are sending a strong message that the free ride is over.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just, if I might, respond to a few of the comments that were made by the gentleman from Oklahoma (Mr. COBURN).

□ 1530

Let me say that I have the greatest respect for the gentleman from Oklahoma (Mr. COBURN). He has been the conscience of this House, he has been a fiscal hawk, and he has forced those of us on the appropriations committees, and all the committees, to answer questions in a way that I think we need to have answers, not only to our colleagues but to the American people.

So I salute him for the work that he has done and I appreciate it. It may not have always have made my days easier, but it is okay. I think it makes for a better bill in the long-run.

But if I might, let me just talk about a couple of things that he mentioned. He talked about the fact that this is $240 million over last year. In my opening remarks, the gentleman from Oklahoma (Mr. COBURN) was not on the floor at that time, but I noted that that $240 million, which is less than a 2 percent increase over the current year, is considerably short of what we would need—$600 million—to maintain current levels. That is just to keep the current operations going.

Now, one can argue that we ought to make it more efficient, that we ought to be more productive, and that there ought to be ways to make Government do better with less. And I do not disagree with that. I think through the years, for example in the IRS, we have done that very substantially. We have brought the number of employees down in IRS by 20,000. We have brought the amount of money that we have spent in IRS substantially. We do have a much more efficient Internal Revenue Service.

But it, nonetheless, gives us a benchmark I think for where we can compare things. And clearly, the amount of money needed to make all the services that were in our bill last year stay just the same, keep on automatic pilot, would be $600 million. We are only taking $240 million over that from last year.

In just two accounts, IRS tax processing, for example, it would take $118 million more to maintain current levels. In tax law enforcement, it would take $137 million to maintain current levels. Those two accounts alone, and those are just two accounts of IRS, which is just one very large part of our entire bill, those two accounts alone require more than we are giving this bill just to maintain current services.

So it is clear we are not even maintaining current services with the proposed spending increases. We are doing it frankly by cutting out spending in other areas, and a lot of that comes in courthouse spending that we are not able to do this year.

So I would just make that note that I believe that we do need to have these additional resources if we are to have efficiencies in the Internal Revenue Service.

All of us on this floor, I believe all of us that are here at this moment, and I believe my colleague from Oklahoma, voted for the IRS modernization legislation, which requires much more consumer friendly, much more customer orientation on the part of the Internal Revenue Service. That costs money. We have shifted a lot of people over from IRS tax law enforcement to customer service. It requires more money and more time in order to do that.

That is one of the things that we did not do when we passed the bill on this floor in July. We were not able to give all the money we needed for the new initiatives that this body has authorized for the Internal Revenue Service. We attempted to do that with the money that has been restored in the conference committee. So I think it is reasonable.

I also think that this subcommittee has been very diligent in going after agencies to make sure that we are spending every dollar as wisely as possible.

Does that mean we cannot do more? No. We can do more. Does that mean we can do better? Yes, we can do better. The agencies can do better and the Office of Management and Budget can help us with that as they prepare the request for this next year. But I think this bill will stand the test of time.

Let me also just finally mention the issue of pay increases for Federal workers. The gentleman from Oklahoma (Mr. COBURN) said that he thought it was not fair that Federal employees were getting more than retirees were getting into their annual adjustment. We all know the difficulty that that poses for us from a fairness standpoint or from a political standpoint. But we also know that those two items are based on very different kinds of adjustments.

One for workers, as the gentleman from Maryland (Mr. HOYER) has pointed out, is based on an employment index, that has to do with what is the comparable pay on the outside for workers.

We are in a very tight labor market. Labor costs have been going up fairly dramatically in the last couple of years. Fortunately, inflation has not been going up as rapidly. So we find ourselves with this anomaly, and it is an anomaly based on historic conditions, where inflation remains very low, but thanks to productivity gains and other gains, we have been able to increase real wages more rapidly in the last couple of years.

Now, this was true last year. The difference was not as great, but it was true last year as well.

Many of us can remember going back 15, 16, 17 years ago to the early 1980s when Social Security recipients and Federal retirees were getting 12 and 13 percent COLA adjustments, while Federal workers were getting 3 and 4 percent pay increases. The difference was much more dramatic going the other direction.

So I would just say that these are based on two different indexes and we ought not to start to mix apples with oranges on that issue.

Finally, let me just say on the issue of the pay increase, the fact that this legislation mandates a 4.8 instead of the 4.4 percent that had been requested by the President.

The Members will remember that earlier this year we gave that larger increase to the military because it was felt that we needed to do that in order to try to catch up. There was a sense that the same kind of fairness needed to be given to civilian employees. And so, in the bill that was adopted here on the floor of the House of Representatives, we included a provision, a sense of Congress provision, that Federal civilian employees should get the same 4.8 percent increase.

Subsequently, after the President announced that he was going to agree to a 4.8 percent adjustment, we decided to write it into the bill. That is why we have a 4.8 percent increase in our legislation.

So I would just want to make those points at this time.

I respect what the gentleman from Oklahoma (Mr. COBURN) has suggested to us, but I think this bill does stand any test and I think it can be fully justified.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I value the Federal employees that work in my district. This is not about any individual employee. But the average Federal employee's salary in this country is greater than the average salary in this country by $4,000.

So they may be unlike comparisons, but there is an unfairness inherently when the average American makes $4,000 more than the average Federal employee. That is number one.

Mr. HOYER. Mr. Speaker, if my friend will yield for a question on that point, I ask him, how much does the average doctor make above the average salary?

Mr. COBURN. Probably significant. I do not know what the average doctor's salary is. But I also know that the average doctor has 8 years additional education and debt that the average Federal employee does not have, the average.

Mr. HOYER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I did not say the average Federal employee.

The gentleman does want to continue to compare apples to apples. The reason I use the NBA analogy is because they make far more than any of us contemplate ever making perhaps in our lifetime in a year.

Why do they do so? Because the marketplace demands that if an owner of an NBA team wants to have the opportunity of winning, he must hire the skill levels necessary to accomplish that objective. The skill level required, and the gentleman knows my point, is such that we need to pay more.

Now, I asked the question for doctors not because I think doctors should not be well compensated. They have to go through extraordinary difficulty to acquire the skills that I want in my doctor. I want my doctor to be highly skilled; and, therefore, I know in the marketplace, in a free market, I am going to have to pay that doctor, society is going to have to pay that doctor, commensurate with the skills required.

What I suggested during my response to the intervention of the gentleman was that we have the requirement for some highly skilled people in the Federal service. The Federal Government does some extraordinarily difficult, complicated things requiring high skills. NIH doctors. That goes into the average my colleague is talking about. But I will tell my colleague, the average NIH research doctor at NIH makes far less than his private sector counterpart. I think the gentleman would probably concede that.

So when we take the average across the country and compare not just average salaries but compare skill levels, the report of every report that has come out since I have been in Congress in 1989 when we had Ronald Reagan and George Bush and now Bill Clinton in office, it did not really vary in terms of administrations, was that there was a substantial pay gap between the private sector when we compare comparable duties and responsibilities with the public sector. That is my point.

So my colleague continues to say "average," and that is correct, but many of our people do not have average skills any more than a doctor has average skills.

Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would make two points.

I would concede that there is a difference in mix. I do not deny that. But I also say that if we look at the attrition from the Federal Government, it is one-fifth the rate of private industry today. So that, on an economic sense, says that they are not running away and that they are not being underpaid.

Mr. HOYER. Mr. Speaker, would the gentleman make that point again.

Mr. COBURN. Mr. Speaker, I said the attrition rate in the Federal Government versus private industry is about one-fifth.

Number two is, we did need to raise military pay, but we do not pay military on average anywhere close to what we are paying Federal civilian employees. And to say because we are trying to bring them up to retain when we do not have the retention problem in the rest of the government I think is not an accurate argument.

The final point I would make: In last year's appropriation there was over $400 million for buildings in this bill that are not in there this year. So the real expenditure that the American people needs to know is this bill has gone up $640 million. Because we are not buying $400-plus million worth of buildings this year. We are applying that to run the IRS and some of the other agencies that we run.

So even though the net is only up this additional $240 million, I think it is accurate to say that. And I am not saying we do not necessarily need to do that. My complaint was on the $330 million, Mr. Chairman, not the $240 million.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the conference report for H.R. 2490, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 2000.

The bill reported out of conference is a sound bill and a significant improvement over the House-passed version. Specifically, the $240 million that irresponsibly was cut from the House bill at the direction of the Republican leadership, was restored in the conference on the bill. As a result, this conference report is unanimously supported by the both the House and Senate conferees.

The conference report provides $13.7 billion dollars in funding for the important agencies and programs within the bill. The conference report includes increased funding for the Bureau of Alcohol, Tobacco, and Firearms to enforce our gun and tobacco laws and provides increases in funding for key drug control programs, such as a $10 million increase for the Drug Free Communities Act, a $5.5 million increase for the High intensity Drug Trafficking Areas program, and a small increase for the drug technology transfer program. Additionally, the conferees approved funding for a much-deserved 4.8% raise for our hard-working federal employees.

I am particularly pleased that the conference report contains two important measures for American families. The first is a provision that would ensure that mothers have the right to breastfeed their babies anywhere on federal property that they have a right to be. It may seem shocking that this legislation is actually needed. However, this provision was attached by Representative CAROLYN MALONEY in response to several instances in which women were asked to stop breastfeeding their babies or leave federal museums, parks, and galleries. preventing or discouraging mothers from nursing their babies is simply not acceptable. I am pleased that the federal government will now set an example for the country by encouraging the healthy and natural act of breastfeeding.

I am also pleased that Congresswoman MORELLA's provision that allows federal agencies to use their own funds to help low-income federal employees pay for child care was included in the conference report. With the severe shortage of affordable, high-quality child care in our country, this provision is critically needed.

While this is a good bill overall, the strict funding limitations our committee was forced to adhere to means it is certainly not a perfect bill. There are several agencies and programs in this bill that deserved and truly needed additional funding. Specifically, I am very concerned that new federal courthouse construction projects will receive no funding in this bill.

The federal war on crime and drugs has greatly increased the workload of the federal courts. Accordingly, the number of judges and court employees has grown. However, our court facilities have not even come close to keeping pace with this growth. I am particularly aware of this need for new courthouses because the proposed federal courthouse project in my district in Los Angeles is first on the General Services Administration's priority list for fiscal year 2000.

The Central District Court in Los Angeles is the largest district court in the nation, covering seven counties and over 17 million people. The court still operates out of the original courthouse, built over 60 years ago, in 1938. The existing facility lacks the adequate space to house the current court operations. In fact, according to the Judicial Conference, these facilities were officially "out of space" in 1995.

This lack of space has created delays, inefficiencies, and large backlogs of cases.

Moreover, security is insufficient to protect those who work in and utilize the court facilities. Among other problems, the Judicial Conference found that the current facilities in Los Angeles have "critical security concerns," including "life-threatening" security deficiencies documented by the U.S. Marshals service. These conditions are simply unacceptable.

In addition, not providing the funding needed to modernize our court facilities will only cost us more money in the long run. According to GSA delaying funding of new courthouse projects increases costs by an average of 3 to 4% annually, meaning that the 16 courthouses on GSA's priority list, which would cost $532 million in FY 2000, will cost the taxpayers significantly more in years to come. I sincerely hope that the Administration and my colleagues in Congress will not allow this short-sighted strategy regarding. out nation's courts to continue.

In closing, given the current budgetary constraints, the conference report on the Treasury, Postal and General Government Appropriations bill is a fair bill. Chairman KOLBE and Ranking Member HOYER deserve to be commended for crafting a sound bill under these adverse circumstances. As a new member of the Appropriations Committee, I am pleased to support this conference report and I urge my colleagues to do so as well.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this conference report.

Mr. Speaker, this bill is an example of bipartisan leadership at its best. And I want to commend Chairman KOLBE and Ranking Member HOYER for their tireless work on this bill.

I am particularly pleased that this bill includes strong language dealing with the Federal Election Commission.

Not only does this bill give the FEC its full funding request, but it also includes three sensible provisions that will help the FEC operate more efficiently.

Last night, I was proud to stand with my good friend and colleague from Maryland in supporting the Shays-Meehan campaign finance reform bill.

By passing this bill today, we will help the FEC—the agency that is charged with enforcing our campaign finance laws—operate in a more efficient manner and better enforce the law.

It is also worth noting that the FEC provisions in this bill are very similar to language that was included in the Thomas substitute debated last night.

At that time, the gentleman from Maryland very wisely suggested that we should pass the Thomas substitute tomorrow.

In this bill, he seems to be getting at least part of his wish.

So I applaud the gentleman from Maryland, and the gentleman from Arizona for their bipartisan leadership on this issue.

I am also happy to note that an expanded version of my Right to Breastfeed amendment was accepted by the Conference Committee.

This landmark bill will ensure a woman's right to breastfeed her child on any federal property. For too long, new mothers have been shooed away from federal buildings, national parks, national museums, and federal agencies simply because they were feeding a child.

Until now, they have had little recourse. Now, the law of the land will be clear: The federal government supports a woman's decision to breastfeed her child.

I want to thank my colleagues LUCILLE ROYBAL-ALLARD, CHRISTOPHER SHAYS, and CONNIE MORELLA, who worked closely with me on this bill.

I am pleased to see that the conference committee retained contraceptive coverage for federal employees provision from last year. This is a victory for women of reproductive age, who routinely pay 68% more than men in out of pocket health care costs. This will also go a long way toward reducing unwanted pregnancies and therefore reduce abortions.

I would also like to commend my good friend and colleague CONNIE MORELLA of Maryland, who has been a leader on child care issues, got a version of her bill, H.R. 206, included in this conference report.

I was very pleased to support this provision allowing executive branch agencies to use their existing funds to help provide child care service for their employees.

I congratulate her for that, and I applaud the conference committee for treating child care issues with such importance.

This bill shows how much we can accomplish for the American people when we work together on a bipartisan basis. I congratulate my colleagues on both sides of the aisle.

Mr. PASCRELL. Mr. Speaker, there is much in this bill that I find to be particularly worthy. Unlike last year, when the Members of this House fought for months over the details of this legislation, the conferees were able to return a final product to this House that a majority of people on both sides of the aisle could support. In particular, I am pleased that this Congress has finally provided our hard working federal employees a 4.8% pay raise. The pay gap between government workers that make this country function and white collar workers in the private sector grows every year. This situation, which failed to be redressed until this year, has negatively impacted the hundreds of thousands of households that are headed by government employees. As a result of the bipartisan agreement embodied by this conference report, thousands of government workers will have an easier time making ends meet.

The Conference Report on H.R. 2490 also contains several other important provisions. First, it makes good on the promise that this Congress made to the American people in the last Congress when we tried to make the Internal Revenue Service more consumer friendly. We do this by fully funding the I.R.S., which will use the funds to continue the administrative reforms necessary to fulfill the intent of H.R. 2676 (P.L. 105–206). It also continues to require health plans that cover federal employees to make contraceptives available as part of their prescription drug coverage. This will assist family planning and reduce abortions. I further applaud the provision in the section funding the United States Customs Service that requires our customs officers to curb the discriminatory treatment of minorities at agency check points, as well as the funding for the crucial fight against drug trafficking.

I could detail more provisions in this conference report that I support, but suffice it to say that I would have voted for this bill had it not been for one provision, the cost of living increase for Members of Congress. For that reason alone, I cast my vote against H.R. 2490.

When I was elected to Congress in 1996, I was, in essence, hired by the people of the Eighth Congressional District of New Jersey. Prior to Election Day 1996, I made an agreement with these people to take the salary of the job that they hired me to do. Implicit in this arrangement was my promise to neither vote for nor accept any pay raise prior to another election. When the Members of this House voted to increase our own salaries in 1997, I voted against it. When my paycheck demonstrated the effect of this pay raise, I returned it to the United States Treasury. My stance on this issue is intensely personal, and I have no expectation that others should follow my lead. It is simply a matter of keeping my word to those I represent.

Unfortunately, my colleagues in the 106th Congress have again deemed it necessary to raise their own pay. This deed was accomplished via the same tactic that was used last year, a procedural vote that I would contend that less than half of the people inside the Beltway understand, much less the American people. This is regrettable. If we are going to raise our own pay, it should be done via a straight up or down vote in circumstances that we can all understand. A pay raise should not be tucked in an appropriations bill that almost all of us could support without its presence. There is much here that I want to support. However, to do so would be to break the agreement that I made with the people of the Eighth Congressional District over two years ago. Many say that your word is your bond and I couldn't agree more. I am not willing to sacrifice mine to make a politically popular vote.

Mr. PORTMAN. Mr. Speaker, I rise in support of this conference report on the Treasury-Postal Appropriations bill.

I do so particularly because of two areas of funding in the bill—the first being the important anti-drug efforts of the National Youth Anti-drug Media Campaign and the Drug Free Communities Act. These are both measures that I strongly believe will make a difference in our fight against substance abuse by reducing demand for illegal drugs. These measures are the key to winning the so-called war on drugs.

I am also pleased that this conference report restores funding to reform the IRS. Last year, we passed this historic IRS Restructuring and Reform Act, the most dramatic reform in over 45 years. The Clinton Administration initially opposed the effort but ultimately agreed with a strong, bipartisan majority in this House that reform was needed.

Mr. Speaker, this appropriations bill honors the commitment to reforming the IRS that we made last year. It funds the very important customer service improvements that were mandated by the legislation we passed last year, including a dramatic taxpayer-friendly reorganization of the whole IRS that will improve customer service for every taxpayer—and including the very popular Tele-File program that lets taxpayers file their tax returns much more easily through the telephone.

Second, it funds the desperately needed computer modernization effort. Every Member of this House has heard horror stories, I know I have, from our constituents who have received erroneous computer notices where the left hand of the IRS does not know what the right hand is doing. I have been very critical of the IRS as have other Members. By investing in improved IRS technology, we will be protecting our constituents from the kind of computer problems we have all seen.

We also need to expand access to taxpayer-friendly electronic filing—and this funding will enable us to move forward on that front. Right now there is a 22 percent error rate on paper filing, compared to less than a 1 percent error rate on electronic filing. That is why we mandated that the IRS work hard on electronic filing and in fact we set a goal of 80 percent electronic filing for the IRS by 2007.

Finally, this funding will enable the IRS to complete its Y2K preparations during this calendar year. While the thought of IRS computers crashing may bring glee to the hearts of many, think about the consequences. Think about no refund checks. Think about erroneous IRS notices sent to innocent taxpayers who think they have paid their taxes in a timely way and in an appropriate way. Think about the unnecessary audits that might result. This appropriations bill gives the IRS the tools it needs to complete its Y2K preparations.

I believe we are making progress in reforming the IRS, and this appropriations bill gives Commissioner Rossotti the resources to continue these efforts. But make no mistake about it, Mr. Speaker. The Clinton Administration's continued failure to send a full slate of nominees for the new IRS Oversight Board to the Senate is a cause for very deep concern. I am deeply troubled by this continued failure—now eight months past the statutory deadline—and I believe it raises serious questions about this Administration's commitment to reforming this troubled agency. I strongly urge the Administration to stop delaying and send the IRS Oversight Board nominations to the Senate.

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Mr. HOYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KOLBE. Mr. Speaker, I urge Members to vote in favor of this conference report.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MURTHA. Mr. Speaker, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MURTHA moves to recommit the conference report on the bill, H.R. 2490, to the Committee of Conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. COBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 61, nays 359, not voting 13, as follows:

[Roll No. 425]

YEAS—61

Bartlett
Berkley
Boswell
Cannon
Carson
Chabot
Coburn
Condit
Costello
Cramer
Crane
Danner
Deal
DeMint
Deutsch
Duncan
Edwards
Fletcher
Goode
Goodlatte
Gordon
Graham
Green (TX)
Gutknecht
Hayworth
Hilleary
Hostettler
Inslee
John
Johnson, Sam
Jones (NC)
Kasich
Largent
Lucas (KY)
Luther
Manzullo
McIntosh
Miller (FL)
Murtha
Nadler
Pascrell
Pease
Pelosi
Phelps
Pickering
Salmon
Scarborough
Shadegg
Shows
Smith (MI)
Smith (WA)
Souder
Stabenow
Tancredo
Tanner
Taylor (MS)
Tiahrt
Tierney
Toomey
Turner
Udall (NM)

NAYS—359

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Cox
Coyne
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Udall (CO)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Clay
Etheridge
Hastings (FL)
Houghton
Istook
Jefferson
Kingston
McIntyre
McNulty
Price (NC)
Pryce (OH)
Ros-Lehtinen
Sanford

☐ 1612

Messrs. JACKSON of Illinois, PAUL, WALSH, Ms. GRANGER, Mrs. CLAYTON, Mr. MARTINEZ, Ms. WOOLSEY and Mr. DELAHUNT changed their vote from "yea" to "nay."

Messrs. TIERNEY, DUNCAN, EDWARDS, Ms. BERKLEY, and Messrs. MANZULLO, GUTKNECHT, GOODE, TURNER, FLETCHER, DEUTSCH, SHOWS, SMITH of Michigan, CONDIT, HOSTETTLER, COSTELLO and BOSWELL changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I rise to make an important announcement regarding the floor schedule for the rest of today and the balance of the week.

Mr. Speaker, it is very obvious that Members are concerned about the safety regarding making flights home before the arrival of the approaching storm. My office has been in contact with the major airlines flying out of both Reagan and Dulles airports, and they are warning us to expect delays and many cancellations beginning this evening and into tomorrow.

Mr. Speaker, in order to give the Membership the greatest window of opportunity to make flights back to their districts, we are concluding legislative business on the House floor after this next vote.

Mr. Speaker, we are further meeting with key appropriators who will be contacted by the Speaker's office in order for them to use this time to continue their work on the appropriations conference reports.

A notice with next week's legislative agenda will be delivered to all Members' offices later this week, and I wish all my colleagues safe travel home, and of course our prayers will be with all those affected by this hurricane.

The SPEAKER. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 292, nays 126, not voting 15, as follows:

[Roll No. 426]

YEAS—292

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clement
Clyburn
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hoyer
Hunter
Hyde
Isakson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Pickett
Pomeroy
Porter
Portman
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Snyder
Spence
Stark
Stenholm
Stupak
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—126

Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Berkley
Berry
Boswell
Canady
Carson
Chabot
Chenoweth
Coble
Coburn
Collins
Condit
Crane
Cunningham
Danner
Deal
DeFazio
DeMint
Deutsch
Doolittle
Duncan
Ehlers
Evans
Fletcher
Ford
Franks (NJ)
Gibbons
Goode
Goodlatte
Gordon
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kind (WI)
Kucinich
Largent
LoBiondo
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Mascara
McInnis
McIntosh
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Pascrell
Paul
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Radanovich
Ramstad
Riley
Rivers
Roemer
Rogan
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Schaffer
Sensenbrenner
Shadegg
Shays
Shows
Smith (NJ)
Smith (WA)
Souder
Spratt
Stabenow
Stearns
Strickland
Stump
Tancredo
Tanner
Taylor (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Udall (CO)
Udall (NM)
Watkins
Weldon (FL)
Weygand
Wise
Wu

NOT VOTING—15

Brady (TX)
Clay
Clayton
Etheridge
Hastings (FL)
Houghton
Jefferson
Kingston
McIntyre
McNulty
Price (NC)
Pryce (OH)
Ros-Lehtinen
Sanford
Slaughter

□ 1630

Mr. KUCINICH changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2824

Mr. BALDACCI. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2824.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

COMMUNICATION FROM THE HONORABLE ROSCOE G. BARTLETT, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Honorable ROSCOE G. BARTLETT, Member of Congress:

U.S. HOUSE OF REPRESENTATIVES,
September 13, 1999.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that my office has received a subpoena for documents issued by the Circuit Court for Baltimore City, State of Maryland.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

ROSCOE G. BARTLETT,
Member of Congress.

ADJOURNMENT TO FRIDAY, SEPTEMBER 17, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, September 17, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 17, 1999 TO TUESDAY, SEPTEMBER 21, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 17, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, September 21, 1999 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MANY REASONS TO OPPOSE H.R. 1402

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, what do the following groups have in common: The National Taxpayers Union and the Teamsters? The Consumer Federation of America and the AFL–CIO? Citizens Against Government Waste and the Snack Food Association? Newspapers from the New York Times and USA Today to the Washington Post to the Houston Chronicle?

Mr. Speaker, the answer is simple. All of these groups oppose the outdated milk pricing system currently in effect. And yet soon, Mr. Speaker, this House will take up legislation that will raise milk prices for consumers and will reimpose a Soviet-style dairy policy.

Now, the antireform dairy folks, those who are supporting this legislation, House Resolution 1402, I believe should be ashamed of themselves. Now, there is one thing that we agree upon, myself and those who support H.R. 1402. We agree that our dairy farmers are hurting. No one understands the plight of dairy farmers better than I, better than any of us who come from States like Minnesota and Wisconsin. In the last 10 years, my State of Wisconsin has lost more dairy farms than most States ever had.

Mr. Speaker, to drive the point home in a very real way, please realize this: that by this time tomorrow, by this time tomorrow, Wisconsin will have lost five more dairy farms.

But despite that fact, the fact that we do need to do something, H.R. 1402 is the wrong way to go. It is the wrong way to go because it pits farmer against farmer, region against region, State versus State, through an outdated pricing policy that gives producers more money for their fluid milk based upon their proximity to the City of Eau Claire, Wisconsin.

Second, H.R. 1402 is the wrong way to go because it is based on typewriter era technology. This system was created over 60 years ago, 60 years ago when we did not have the interstate transportation system, when we did not have refrigerated trucks. It is an outdated policy.

The third reason is if, as if we needed more reasons, the third reason to reject H.R. 1402, quite frankly, it is a tax on milk to consumers. As a result of H.R. 1402 and the system it seeks to reinforce and reimpose, our consumers, consumers all across America, working families, will pay more for their milk to the tune of hundreds of millions of dollars each and every year.

We should oppose H.R. 1402 because it is antitrade, antifree-market, anticompetitive. At the very time when we are pushing nations all around the world to open up their markets, to become more entrepreneurial, more free-market based, here in this country, this bill would reimpose and reinforce trade barriers. It would block the flow of dairy products between the States. That is wrong-headed.

Finally, we should oppose H.R. 1402 and the system it seems to reimpose because it is absurd. Can my colleagues imagine if we priced oranges based upon the proximity, their proximity of production to the city of Miami, or if we paid more for computer software based upon how far it was located and produced from the city of Seattle, or chocolate from Hershey, Pennsylvania. No, we cannot, because we would never have such an absurd system, and yet, that is exactly, that is precisely what we do for fluid milk. Producers get more for more fluid milk based upon how close they are to the City of Eau Claire.

It is time for reform; it is time to move into the 21st century using new technologies and market-based forces; it is the time now to reject H.R. 1402, to allow Secretary Glickman's reforms to go into effect.

FOREIGN OPERATIONS BILL CAN MAKE A DIFFERENCE IN PROMOTING PEACE AND PROSPERITY IN THE CAUCASUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, yesterday, this House voted to appoint Members to the House Senate Conference for the fiscal year 2000 foreign operations appropriations bill. This evening I want to call on the conferees to support certain key provisions to help the people of Armenia and Nagorno Karabagh and to promote the goals of peace and economic growth in the entire south Caucasus region.

During the August recess, several colleagues and I took part in a congressional delegation to the south Caucasus. Our itinerary included stops in Armenia, Nagorno Karabagh, and Azerbaijan. We met with the presidents and other political leaders, American business people and investors and aid workers implementing humanitarian assistance programs. We also had the opportunity to meet with people who had been victimized by the conflicts and the natural disasters that have struck the region.

I hope that our recent visit to Armenia, Nagorno Karabagh, and Azerbaijan has helped to generate added momentum for a negotiated settlement that could open up new avenues for greater regional integration and cooperation. I applaud the fact that the presidents of Armenia and Azerbaijan have met several times in the last few months in an effort to resolve the Karabagh conflict. In our meetings with all three presidents, we suppressed the importance of direct negotiations maintaining the 1994 cease-fire and other confidence-building measures.

The fiscal year 2000 foreign operations bill approved by the House and the Senate included a number of initiatives that will help to promote regional cooperation, security and economic growth in the southern Caucasus region. I appreciate the works of the appropriators and would ask the conferees to include the following items in the final version of this legislation.

First, Mr. Speaker, I hope the conferees will adopt the Senate earmark of $90 million for Armenia with a sub earmark of $15 million for the earthquake zone in the Gyumri area of northern Armenia which is still trying to recover from the devastating 1988 earthquake. It is important for the United

States to maintain our support and partnership with Armenia as that country continues to make major strides towards democracy as evidenced by the May 30 parliamentary elections, as well as market reforms and increasing integration with the west. U.S. assistance also serves to offset the difficulties imposed on Armenia's people as a result of the blockades maintained by Azerbaijan and Turkey. The needs in the earthquake zone particularly for new housing construction requires special assistance.

I also strongly support the language in the House version directing the Agency for International Development to expedite delivery of $20 million to the victims of Nagorno Karabagh, those victims residing in Nagorno Karabagh itself through September 30 of 2000. Last month in Stepanekart, I met with the organizations administering these aid programs and was impressed with their needs as well as their ability to deliver necessary services. This assistance previously appropriated, but not yet obligated, is as the House language makes clear not to be provided to the governments of Azerbaijan or Armenia.

I also urge the conferees to adopt the House language stating that the extent and timing of U.S. and multilateral assistance other than humanitarian assistance to the government of any country in the Caucasus region should be proportional to its willingness to cooperate with the Minsk Group and other efforts to resolve regional conflicts. The leaders of Armenia, Nagorno Karabagh, and Azerbaijan all understand the importance the U.S. places on progress being made with the peace process, and I stress the potential for a peace dividend in my discussions with the leaders in August and believe that all countries of the south Caucasus need to be mindful that U.S. assistance is dependent upon movement towards peace.

I also urge that the conferees adopt the House language supporting the confidence-building measures discussed in the April 1999 summit here in Washington in furtherance of a peaceful resolution of the NK conflict especially in the vicinity of Nagorno Karabagh. These measures include strengthening compliance with the cease-fire, studying post-conflict regional development such as transportation routes and infrastructure, establishing a youth exchange program and other collaborative initiatives to foster greater understanding among the parties, and reduce hostilities.

Finally, Mr. Speaker, I want to stress the importance of maintaining section 907 of the Freedom Support Act. There is a clear bipartisan support in both houses for preserving this law which restricts certain direct government-to-government assistance to Azerbaijan until that country lifts its blockades of Armenia and Nagorno Karabagh.

The bottom line is that the conditions for lifting section 907 have not been met, and I hope the government of Azerbaijan will recognize that it is in Azerbaijan's own interests to lift the blockades so that section 907 will no longer be necessary. In the meantime, Congress must be clear: until steps are taken by Azerbaijan to lift the blockade, section 907 stays.

LET US QUICKLY REJECT THE 13 MONTH FISCAL YEAR

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, from time to time, we hear some pretty wacky ideas in Washington, none wackier than a recent suggestion, apparently emanating from the other body that the Congress adopt a 13-month fiscal year so as to circumvent the budget caps we agreed to back in 1998 which, as I recall, was a standard 12-month year. What will we call the newly created 13th month? Taxember? Spenduary?

And what will our big government friends think of next in their ongoing fiscal assault on hard-working, taxpaying families. An 8-day week? A 30-hour day? With more time for everybody to work for the tax man?

I have a really unique suggestion. Let us keep our promises, stand by the commitment we made to the American people. Let us honor those spending caps that the Congress and the President agreed to only about a year ago. Let us give the American people something they are not accustomed to, a Congress and a President who keep their word. I guess that is something you see only once in a blue moon, or, as they say, only in a 13-month year.

REMEMBERING JIM "CATFISH" HUNTER, HALL OF FAME PITCHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, last week America lost a legendary figure in the game of baseball. The town of Hertford and the State of North Carolina lost a friend and a hero. Hall of Fame pitcher Jim "Catfish" Hunter passed away, just one year after being diagnosed with ALS, the same disease that took the life of former Yankee first baseman Lou Gehrig.

□ 1645

Mr. Speaker, Jim "Catfish" Hunter is a grand example of what a sports hero should be. He played baseball because he loved the game. The success he gained was secondary. During his career, no matter how impressive his accomplishments or how great the public recognition, he never forgot his family or his community. In fact, he lived the kind of life that movies are based on.

Jim Hunter was raised in rural eastern North Carolina as the fourth of eight children. As a boy, he excelled in sports. In high school, professional scouts began taking interest in his pitching skills. Hunter's natural talent and dedication to the game led to a remarkable career which elevated a young country boy to a national sports hero. He was given the name Catfish in 1964 when former Oakland A's Charlie Finley signed the 18-year-old to play baseball.

Hunter admitted that he enjoyed hunting and fishing, and the A's owner apparently insisted on the name Catfish. Jim Catfish Hunter went on to win five world championship rings and a plaque in baseball's Hall of Fame.

As an 8-time All Star, he pitched in 6 World Series, helping to win three championships in Oakland and two more with the Yankees. His 15-year baseball career ended in 1979, but not before he won 224 games, pitched a perfect game, and in 1974 received the American League's Cy Young Award.

Jim Catfish Hunter gained the kind of superstardom that could have changed most men, but he remained the same unassuming man he was when he left Eastern North Carolina. Mr. Speaker, John Ruskin once said, "The first true test of a truly great man is his humility." Mr. Speaker, if this is the test, then Catfish Hunter will certainly be remembered as a great man.

At age 33, Jim Catfish Hunter retired from baseball and moved back to North Carolina, not far from where he was raised, to concentrate on his family. He had married his high school sweetheart Helen, and together they had three children, sons Todd and Paul, and a daughter, Kim. Hunter has been quoted as saying he would have given up all of his money and fame for the health to watch his grandson Taylor grow.

But Jim Hunter was a fighter. Instead of shying away from the disease, he worked to raise awareness of his illness in hopes of finding a cure. In fact, last May, Hunter attended the opening of the Jim Catfish Hunter ALS Foundation in Hartford, North Carolina. The event fell on May 8, the 31st anniversary of his perfect game.

Mr. Speaker, we remember him as more than just a great ball player. He was a wonderful man who loved his family and his community. In fact, I imagine he would like to be remembered as Jim Hunter, the husband, father, grandfather, and friend, rather than Catfish Hunter, the Hall of Fame baseball pitcher.

Today we celebrate his life and the legacy that he has left for future athletes. Mr. Speaker, the Nation and the game of baseball are better off because Jim Catfish Hunter passed this way.

ON THE RELEASE OF FALN TERRORISTS BY THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, last week, as some Members of the body know and many Americans know, a number of terrorists that engaged in a reign of terror across this Nation during the seventies and eighties were part of a group known as the FALN, that were responsible and proudly claimed responsibility for 130 bombings, if not more, killing innocent people and maiming innocent people.

It became news in the last several weeks because they were offered clemency by the White House. Despite the fact that they rejected the initial offer of clemency because they thought conditions placed upon them were too humiliating, ultimately they agreed and now they are free, with the exception of two, who rejected the offer.

At the time, those of us who opposed the offer of clemency objected, for a number of reasons. One, these are evil people. They sought to hurt, kill, and maim innocent people. They sought, in a way, the overthrow of the United States government because they did not get their way through a civilized, normal democratic process known as the rule of law, known as elections.

They sought the independence of Puerto Rico. They did not get their way, so they resorted to bombs. They resorted to killing. They resorted to maiming. They were terrorists.

At the time, we brought forward some of the victims: A police officer was blinded for life, another who was blind in one eye, another who lost his leg, another whose husband was killed in the tavern bombing in 1975, another family who lost their father and husband in 1975. We said, we are sending the absolutely wrong signal to terrorists, because we are emboldening people around the world who are going to contemplate terrorism on our soil.

It did not take long, Mr. Speaker. Just a few days ago there was a statement put out by one Filiberto Ojeda Rios. He put out this statement: "If they," the United States, "start bombing Vieques again, and they threaten the island's population, or those carrying out acts of civil disobedience, they will have to face the consequences, because Los Macheteros will not remain with their arms crossed. You can be sure of that."

He added that Puerto Rico should take advantage of "this historic moment and battle against the revolutionary offenses being developed by the United States government, among others."

Why is this important? Because this gentleman was the leader of Los Macheteros, a ruthless terrorist organization that claimed responsibility for bombings and other acts of violence, along with the FALN, throughout the seventies and eighties. He emerged from a decade of hiding this week with this statement that I just read that was broadcast over radio.

One of the prisoners who has been released, who is now free, was a member of this organization. So here we have it, just several days after some of these terrorists were set free, after several days we sent the wrong signal that we are going to tolerate terrorists, negotiate with terrorists, coddle terrorists; just several days after, someone who has been in hiding for a decade rears his ugly head once again.

Yesterday in the other body there was a hearing, and in an effort to try to get to the bottom of what happened here, why the White House would reach this mind-boggling conclusion to release people who were part of a network, who had no remorse, offered no apologies, no contrition for this act that innocent people could be killed, and it could have been anywhere in this country, it could have been any American family just having lunch who could have been killed, the White House office of deputy counsel to the President responded that the reason why they were granted clemency, among other things, they do not pose a danger to society.

These are people who were videotaped making bombs. These are people who were proudly part of an organization that killed innocent people. These were people who were convicted of seditious conspiracy. Some of them at their trial said that they wanted to kill the sentencing judge. Some of them said that if they could, they would kill anybody. These are the people that this White House has chosen to send back into society.

To this very day, we do not know why. I would think the American people and the victims, especially, deserve to know.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 1875, CLASS ACTION JURISDICTION ACT OF 1999

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, this afternoon a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of September 20 to grant a rule for consideration of H.R. 1875, the Class Action Jurisdiction Act of 1999.

Yesterday the Committee on the Judiciary filed its report on this legislation, House Report 106–320. The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD.

In this case, amendments must be preprinted prior to consideration of the bill on the floor. Amendments should be drafted to the version of the bill ordered reported by the Committee on the Judiciary. Members should use the office of legislative counsel to ensure that their amendments are properly drafted, and should check with the office of the parliamentarian to be certain that their amendments comply with rules of the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–324) on the resolution (H. Res. 294) providing for consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders, which was referred to the House Calendar and ordered to be printed.

CONGRESS SHOULD REPEAL ANTIQUATED SHIPPING LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, U.S. shipping laws can add as much as $1 to the cost of a bushel of export wheat. These antiquated policies should be repealed, and the sooner, the better.

No sector of the U.S. economy is more susceptible to international trade barriers and foreign economic market conditions than agriculture. This fact has become increasingly evident for the past couple of years as Colorado's farmers and ranchers have struggled to market their goods to an ever-expanding global marketplace replete with faltering foreign economies and highly subsidized competitors.

Compounding these profound challenges is a package of special interest laws that have been preserved in America's law books for almost 80 years.

Along with my colleagues on the House Committee on Agriculture, I have worked extensively to pull these regulations out by their roots. U.S. shipping laws impose great costs and burdens on Colorado producers while providing the least benefits to our Nation. In many cases, these regulations have far outlived their original purpose, yet remain on the books, persistently chipping away at the profits and livelihoods of rural Americans.

The most onerous of these policies is one which former U.S. Senator Hank Brown of Colorado worked actively to eliminate during his service in the United States Senate, an outdated maritime law known as the Jones Act.

Passed in 1920 in an effort to strengthen the U.S. commercial shipping fleet, this law mandates any goods transported between two U.S. ports must travel on a vessel built, owned, manned, and flagged in the United States, no exceptions. Unfortunately, over the years the U.S. domestic fleet has languished under the Jones Act, because the Act itself has made it prohibitively expensive to build new ocean-going vessels in U.S. shipyards.

In fact, only two bulkers have been built in U.S. shipyards in the last 35 years, which has left our country with the oldest fleet in the industrialized world. To contract for a new ship would cost an American operator over three times the international non-subsidized rate, almost assuring that no new bulkers are built in the United States.

Still, those few carrier owners who operate U.S.-flagged vessels enjoy an absolute business monopoly. Effectively shielded from any form of international market competition by the U.S.-only policy, known as "cargo preference", operators charged artificially inflated shipping rates, fees and other expenses all underwritten by those who can still afford to ship their products.

Because of this, agricultural producers today do not have access to domestic deep sea transportation options available to their foreign competitors. There are no bulk carriers operating on either coast of the United States, in the Great Lakes, nor out to Guam, Alaska, Puerto Rico, or Hawaii. Colorado producers are thus placed at a competitive disadvantage. Foreign producers are able to ship their products to American markets at competitive international rates, whereas U.S. producers cannot.

Colorado producers also need access to deep sea transportation options because other modes of transportation are often expensive, unpredictable, or unavailable. The rail car shortage we experienced in 1997 could have been averted if just 2 percent of America's domestic agricultural production could have traveled by ocean-going vessel.

With continued record harvests anticipated across the West, and bottlenecks and congestion on rail lines, this could easily happen again. Colorado farmers are therefore vulnerable to artificially high rail rates at a time when commodity prices are already depressed. This in turn raises the cost of production, lowers income, and makes it more difficult for Colorado producers to compete against subsidized foreign products.

Finally, Mr. Speaker, while Congress continues fighting for open foreign markets, reducing unnecessary costs and regulations and promoting sales of American products abroad, the Jones Act continues to impose additionally artificial costs and burdens on Colorado's hard-working agriculture producers.

Senator Brown's fight to repeal the Jones Act was the right fight for Colorado farmers, and it still is.

□ 1700

GLOBAL DAY OF ACTION FOR WTO TURNAROUND RALLY

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this November, representatives from 135 Nations are meeting in Seattle to decide the all-important global trading agenda for the World Trade Organization.

Unfortunately, these trade bureaucrats and their army of attorneys are not going to discuss the overwhelming need to reform the World Trade Organization before expanding it. They are not going to talk about fighting the spread of AIDS in Africa or stamping out slavery in Thailand. They are not going to talk about Mexican workers who are paid pennies an hour to work in shiny American factories or Indonesian children who work 18-hour days for less than a dollar a day to make a pair of shoes that sell in this country for $120.

Rather than address the fact that so many of the world's people continue to live in grinding poverty and continue to barely survive, most of them on less than $1 a day, the trade bureaucrats in Seattle are going to discuss how to sell them compact discs and cellular phones.

My colleagues can count on this, our own United States Trade Representative is not going to mention that millions of American children are growing up in poverty while their parents continue to struggle to find jobs that pay a livable wage. Our own U.S. Trade Rep. is not going to mention that, even though Wall Street is booming, 90 percent of its benefits go to the richest 5 percent of Americans, and our own United States Trade Rep. will not mention that the living wage for most Americans has not increased appreciably in nearly 30 years.

The WTO has weakened the standards we erected to ensure our children are not exposed to imported foods soaked with the same pesticides we banned in the United States. The WTO has undermined the laws and regulations we created in Congress that were intended to protect our privacy, our health, and our environment. The WTO has made improving the lives of workers less important than improving the rights of property holders and intellectual property rights.

Instead of creating a global supermarket for America's goods and Services, we have created a system of rules that puts more emphasis on property rights than on human rights. So it is vital that we in Congress, that the American people, realize just what is at stake when the world's largest assembly of millionaires meets in Seattle this year.

We have got to keep fighting to make labor, standards, and environmental rights and human rights as important to our trade bureaucrats as intellectual property rights.

SECURITY ISSUES FACING OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to discuss security issues facing this country and to focus the bulk of my discussion on the issue that is going to be, I think, a major issue for the rest of this year and well into the Presidential elections next year, and that is a national debate on who lost Russia. What caused the current economic and political instability that is occurring in that nation that still possesses a vast supply of nuclear material, weapons, weapons of mass destruction, and pose a significant security threat to America?

Before I talk about Russia and present some perspectives, I would like to first of all commend the Congress, Members on both sides of the aisle, for the passage today of the final conference report on the defense authorization bill. This bill, which passed the House with an overwhelming margin, is a tribute to the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), the two leaders on defense issues in this Congress, and to all the Members who worked hard on giving our military the best possible support in terms of resources to meet the challenges and threats of the 21st Century.

I am concerned that the bill does not have enough in the way of resources to meet the level of deployments that have been entered into by this administration and by the President. In fact, the level of deployments over the past 7 years are now at 33, and that, in fact, compares to 10 deployments in the previous 40 years from World War II until 1990.

We cannot continue to have our troops stationed around the world, involved in harm's way in every possible place, from the Balkans and Kosovo to Macedonia and Somalia and Central America and now perhaps East Timor, and provide less resources to pay for all these deployments. That has been our big problem over the past several years.

So while this bill does not address all of our needs, it certainly is the best possible legislation that we can come up with given the amount of dollars that the administration made available and the amount that we in the Congress were able to plus up above the President's request. I would hope the President would sign this bill into law as quickly as possible.

There was some last-minute controversy raised because of provisions dealing with changes in the management of our Department of Energy-run laboratories. But I can say this, Mr. Speaker, that those changes are needed. They are important, and they are critical.

We could not have passed DOE reform legislation in my mind that the President would have signed had it been in a freestanding bill, and, therefore, including it as a part of our defense authorization bill was extremely important.

The second issue I would discuss briefly, Mr. Speaker, is an announcement that is going to be made tomorrow by the administration regarding a change in the policy over encryption. Encryption is the technology that we use in the information age to protect and secure transmissions of data.

Up until this point in time, we have had strict limitations on the type and capability of encrypted software that we allow our companies to sell overseas. The reason is that we do not want terrorist groups in rogue States to be able to get the capability to classify their communications so that our national security agency and intelligence community cannot get into the kinds of transmissions involving illegal activities and drug sales and arms transfers that is so important to our security.

For the past several years, it has been a stalemate. Many of the software companies have been pushing very hard to pass legislation to remove all limitations on being able to sell encryption software abroad at any bit strength, any capability.

Many of us in the Congress who are concerned about security issues and Members of the Permanent Select Committee on Intelligence on both sides of the aisle have raised our voices and have said we cannot just in one fell swoop wipe away the controls that allow us to maintain the kind of access to secure systems that allow America to protect our troops abroad as well as our homeland here.

In fact, in each of the last two sessions of Congress, I have offered successfully amendments in the Subcommittee on Defense to the encryption bill, overwhelmingly supported by Democrats and Republicans, to slow down this process and to force us to look at the security concerns.

We have said during our opportunities to amend this bill, both last year and most recently in July or August, this past summer, that we were looking for a compromise, that we were looking for a way that we, in fact, could allow our companies to maintain their market share worldwide but also, at the same time, provide mechanisms for the national security agency and the intelligence community to make sure that they were being consulted when this technology was being sold.

In a meeting I had with Deputy Secretary of Defense John Hamre just 1 hour ago in my office, he told me that tomorrow the administration will be announcing what I think will be a successful compromise that will allow industry to be happy but will allow those of us who have security concerns to be happy that we are, in fact, not giving away capability to our adversaries that may come back to haunt us.

This compromise which has yet to be worked out in terms of legislative language will do three things. It will allow a process to be kept in place to make sure that our intelligence and defense community have a process before an application is granted for an encrypted software to be sold overseas above the 64-bit strength capability. This gives our technical people the ability to monitor the kind of software encryption that we are selling so that they understand the implications of the sale.

Secondarily, the companies will certify the end user of this encrypted algorithm software so that we know where the encryption is going, to make sure it is not going near the hands of a terrorist group or perhaps a nation that is a direct opponent of the U.S., thus could cause security problems for us.

The third provision would allow the Defense Department and the administration and intelligence community to oppose the sale of this more capable encryption to a nation or to an entity that we feel would pose a security threat to America.

Based on these three conditions, the administration and Dr. Hamre are going to announce this change tomorrow, and I am convinced that this change would not have occurred were it not for the efforts of members of the national security committee, and Permanent Select Committee on Intelligences who stood up and cast very difficult votes.

The intense lobbying campaign by the private software companies who have significant PACs and who were having a significant influence on Republican and Democrat Members brought tremendous pressure to bear on many Members who wanted to make sure that our security was not being jeopardized.

In last year's vote in the House Subcommittee on Defense and last year's Permanent Select Committee on Intelligence and in this year's votes in the House Subcommittee on Defense and Permanent Select Committee on Intelligences, Democrats and Republicans stood together.

They said that we want to make sure, in spite of the tremendous pressure by these software companies, that we give every possible consideration to our security concerns. Those security concerns apparently are now being met. Tomorrow we will hear the outline of the specifics from the administration.

I have offered my support to Dr. Hamre to work to develop bipartisan legislation to amend the Safe Act, the Goodlatte bill, to provide for a compromised solution to what has been a stalemate in this country over the exportation of encrypted software.

I want to particularly thank the Members of Congress who were leaders in this effort and who, without their support, this compromise would not have occurred.

On the Committee on Armed Services in particular, I want to thank the gentleman from Virginia (Mr. SISISKY). He was the cosponsor of the amendment that I offered this year which passed in the committee with a vote of 46 to 8. Overwhelming support by Republicans and Democrats. That bipartisan support was obtained because of the leadership of the gentleman from Virginia (Mr. SISISKY) on the Democrat side.

I would also thank our distinguished ranking member the gentleman from Missouri (Mr. SKELTON) who took a leadership role in this effort in the committee, supported by the gentleman from South Carolina (Chairman SPENCE).

The other leaders on the Committee on Armed Services were the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from Nevada (Mr. GIBBONS). Each of these Members took the tough stand. They stood up under tremendous pressure and intense lobbying by private industry to say that we had to stand up for the security concerns of the intelligence community, the national security agency.

It is because of their efforts and the efforts of the leaders on the Permanent Select Committee on Intelligence, particularly the gentleman from Florida (Mr. GOSS) and the gentleman from Washington (Mr. DICKS) that we were able to reach this compromise which, hopefully, all of us can rally around legislatively. I am looking forward to working together to achieve a balance.

I have already discussed this in a very preliminary way with the gentleman from Virginia (Mr. GOODLATTE) who is the chief sponsor of this legislation. I want to applaud him for being responsive to our reaching out to try to find a way to deal with the concerns of industry and their economic success and the concerns that we have relative to America's security.

Mr. Speaker, the real topic that I wanted to address tonight is the beginning of what I think will be a major national debate over the next 14 months that should occur over the issue of who lost Russia.

Mr. Speaker, 8 years ago the people inside of the Communist-dominated Soviet Union were excited, were anxious, and were looking forward to what they saw coming: A major revolution of a Communist-dominated superpower, one of only two superpowers in the world at that time, that was repressive of their rights, that was repressive of the freedom of information and access to the kinds of freedoms we enjoy in America in free markets. The Soviet people were just chomping at the bit to throw off communism and become a free market democratic nation.

□ 1715

What happened? That revolution occurred. Gorbachev started it in a very heroic manner, followed by Boris Yeltsin, who, again in a very heroic manner, held the effort to lead the Soviet Union away from communism, away from a closed central economy to free markets and democracies.

Unfortunately, Mr. Speaker, here we are 8 years later, those Russian people who for 70 years were dominated by communism are today looking back and they are saying to America, where is the realization of the dream that you promised? Where is the success of our economy? Where are the freedoms from the kinds of oppression and criminal activity that we see all over our country today? Where is the growth of our country economically as a major player in the world's economy? Where is the economic benefit?

Instead, many of those same people are worse off today than they were under communism. Senior citizens, who rely on pensions, have seen inflation running up in the hundreds and thousands of percentage increases over the last 8 years, have looked at their savings dwindle to nothing. The people who have relied on job growth have not seen any significant job increase except for a very small percentage of Russians, many of whom were connected to Yeltsin's inner circle, members of the Intelligencia, or, ironically, members who were well connected to the communist leadership of the previous 70 years.

In fact, Mr. Speaker, the amount of dismay in Russia today is unbelievable. I think it was best summed up by a member of the Russian Duma who I had the pleasure of doing a press conference with at the height of our bombing of Kosovo, which the Russians found offensive and because it did not initially involve them, found the running contradictory to our trying to improve relations.

He said, for 72 years, the Soviet communist party spent billions of dollars to try to convince the Russian people that America and its people were evil. But the Russian people, the 95 percent who were never able to join the communist party, did not believe the propaganda, did not believe the rhetoric coming out of Moscow that America was an evil nation. They rejected the plea of the communists that America was their long-term enemy.

He went on to say that, in a matter of a few short months and years, we have managed to do what the Soviet communist party could not do in 70 years. Because of our failed policies, because of our situation involving Kosovo, we have, in fact, convinced many Russians that we are an evil nation, that we are the enemy of Russia, that the success that we guaranteed would occur with free markets and democracy has not occurred, and that we are, in fact, part of the reason why Russia is having the economic and political turmoil that exists in that country today.

Mr. Speaker, I do not think any one of us in this country can blame any one person for Russia's problems, but I can tell my colleagues they are severe.

It hit me 2 years ago when I was asked by the Speaker of the Russian Duma to attend a conference in Moscow representing the U.S. to talk about why more western companies were not investing in the Russian economy. I went over and represented America and was there joined by parliamentarians and ministerial leaders from 13 other western nations.

I was accompanied by representatives of the American Chamber of Commerce in Russia and the U.S. Russian-American Business Council, both groups representing the bulk of our American companies doing business in Russia. And I had to be given, in a very embarrassing way, the following statistic:

Since the Russians threw off communism and went to a democracy and a free market economy in 1991, there had been only $10 billion of western investment into the Russian economy. During that same period of time, there had been $350 billion of investment in the Chinese economy.

Now, I am not here to say that we should not invest in China. In fact, I have supported the normalization of our relations with China. But how is it that the reward for the world's only other superpower in transforming from a communist nation to its free democracy would have such little positive impact yet the reward for a nation that retains communist domination would be so much greater in terms of western and U.S. investment? Three hundred fifty billion to China, $10 billion to Russia, just in the 6 years from 1991 until 1997, which was when this conference occurred.

The Russian people throw up their hands and they ask the question, what went wrong? The members of the Duma, people who I have worked with for the past 5 years, friends of mine, all the factions, say to me, Congressman Weldon, how is it that America has guaranteed and helped support $20 billion of U.S. guaranteed IMF and World Bank funding, and actually it is much higher than that, and $1 billion a year of U.S. Treasury funding, taxpayer dollars, into our country and yet most, if not all, of that money has been siphoned off by crooks, by corrupt business leaders, by thugs, by friends of Boris Yeltsin, by people who are well connected in Moscow who took hard-earned American and western individuals' money through their taxes paid to their governments and put that money in Swiss bank accounts and U.S. real estate investments instead of benefiting the changes that were necessary for the Russian people?

Mr. Speaker, for those people, who I agree with, who say that, well, we cannot blame one person, we cannot blame Bill Clinton for the fiasco in Russia, I would agree. But I would say this, Mr. Speaker: There certainly is, in my opinion, a significant amount of responsibility that this administration must bear for where Russia is today.

Just 3 years ago, former Russian Ambassador Pickering, who is now the number-three person in the State Department, was touting around the world in speeches that within 3 years Russia will be a stable economy, it will be a world-class economy, it will solve its economic problems. And look at where we are today.

Last August, a major economic collapse, devaluation of the ruble, long lines at banks with Russian people trying to withdraw their savings, instability. Now we have revelation after revelation of Russian bankers, Boris Yeltsin's friends, friends of the establishment, who siphoned off hundreds of millions of dollars, western dollars designed to help build homes and bridges and schools and roads and to reform the coal industry, gone, evaporated, benefiting a few and leaving the Russian people in disarray and in dismay.

It is absolutely essential, Mr. Speaker, that this body conduct a thorough examination of what happened and what went wrong with our policies toward Russia since 1991.

Now, I am not going to be partisan and say that we should not look back to the Bush administration. Because we should, because that is when the reforms in Russia started. But, Mr. Speaker, I can say without any hesitation that there is no doubt in my mind that the policies of this administration, starting with the president and those of the chief Russian advisor to the President, Strobe Talbott, have had a direct impact on the destabilization of Russia's economy and their political situation.

Why would I make such statements, Mr. Speaker? Well, let me try to explain them. And in explaining them, let me look at where we have been, the kinds of decisions we have made, and perhaps what we should do in the future to change our position with Russia.

First of all, Mr. Speaker, our policy for the past 8 years has largely been focused around a president-to-president relationship. Everything focused on Bill Clinton and Boris Yeltsin. As long as those two men were cooperating, were trustworthy of each other, had a common understanding of the working relationship, that was the most important thing our country focused on, reinforcing Boris Yeltsin under any circumstance. And that was the policy of our State Department and that was and still is the policy of our administration.

When Boris Yeltsin called the Duma a bunch of rogues and crooks and thieves, which some of them are, what did our administration say? It did not disagree with Boris Yeltsin and say that we should help to build a more stable institution of a parliament. It remained silent. And those people in Russia mistook that silence as though somehow we were embracing Boris Yeltsin's notion that the parliament in Russia did not matter.

In fact, Mr. Speaker, last year I arrived in Moscow in September, the day that President Clinton was leaving; and one of the most respected members of the Russian Duma, the former Soviet ambassador to Washington, speaks fluent English, current chairman of the Committee on International Affairs, and a pro-Western leader, the Vladimir Luhkin, called me into his office and he said, Curt, I have some very disturbing news that is running through our Duma and you need to confront the administration to see if this happened.

I said, What is the matter, Vladimir? He said, We have received word that Boris Yeltsin and your president had discussions privately as to what the position of the U.S. would be if Yeltsin decided to disband and ignore the Duma completely, in direct violation of the Russian constitution. Vladimir Luhkin said to me, Curt, if that discussion took place, that is going to cause serious problems because our Constitution mandates that we have a balance of power, similar to what you have in America, and for your president to even engage in that kind of a discussion would be very destabilizing.

I went back to the administration and I raised that issue, and I was assured at that time that our President never had that discussion with Boris Yeltsin.

We will probably never know the answer to that, but I took the administration at face value. But I did believe, with no doubt in my mind, that all of our policy considerations for 7 years, 8 years, have been focused around the premise that under every circumstance we must make sure that Boris Yeltsin is strong. And if we follow that, a similar attitude prevailed in the relationship between Vice President Gore and Victor Chernomyrdin, the Gore-Chernomyrdin Commission, much of which I supported, was designed to focus on their relationship.

Where we failed, Mr. Speaker, was to reach out to the other power centers in Russia, to reach out to the other factions and the Duma.

Some of the administration officials would say to me, Well, wait a minute. What did you want us to do? Help the communist gain more power in Russia? Negotiate with the communists?

To that I say this, Mr. Speaker: How does the administration rectify that statement when the communists in Russia were, at least, elected in free and fair elections, when the administration has put so much effort into a government in China that is entirely communist with no free and fair elections?

So if their policy is that in Russia we will reinforce Yeltsin under any circumstance at any cost because we were fearful of the communists, what in the heck is our relationship with China, which is totally dominated by one party communist regime, with no free and fair elections and many concerns about human rights and access to markets?

So I do not buy that argument. But the policies of this administration, constantly reinforcing the notion that under any circumstance we could not let anything to happen to embarrass Boris Yeltsin, have contributed to where we are today and the instability in Russia today.

Let us look at the facts, Mr. Speaker. We have arms control agreements with Russia. Those arms control agreements require that when there is a violation, we hold those Russian entities accountable.

Yesterday, Mr. Speaker, on the House floor, in spite of a memo from the administration that the President would veto the bill, every Member of this body, every Republican and every Democrat who voted, voted in favor and against the President in favor of requiring the administration to impose sanctions on entities transferring technologies to Iran.

That is as direct a slap in the face of the policies of this administration as anything I have seen in the 13 years I have been here. It was not a partisan issue, because every Democrat joined every Republican.

Now, why would we have to resort to passing this legislation forcing the administration to impose sanctions when violations occur? The reason is, Mr. Speaker, because over the past 7 years we have seen time and time again violations of arms control agreements by Russia and China, and we have ignored them.

Mr. Speaker, I was in Moscow the December before the presidential election of Boris Yeltsin to his second term. The Washington Post had just reported a front page story that we had caught Russia transferring accelerometers and gyroscopes to Iraq.

□ 1730

Mr. Speaker, accelerometers and gyroscopes are the guidance systems that guide missiles. They are the devices that make missiles more accurate, the kind of missiles that killed our 28 young troops in Desert Storm when Saddam fired that Scud missile into the barracks, the kind of guidance system that North Korea wants for their missiles aimed at America and aimed at South Korea. The Washington Post reported in a front page story, above the fold, we have caught the Russian entities illegally transferring this technology.

I was in Ambassador Pickering's office in January of that year and I said, "Mr. Ambassador, I'm sure you saw the Washington Post article. What was the response of the Russians when you asked them to explain what we found them doing?"

And he said, "Congressman, I haven't asked the Russians yet."

I said, "Why would you not ask them? The Washington Post reported the story in December and they reported this transfer took place 6 months beforehand. Why wouldn't you ask the Russians? You're our representative here."

He said, "Mr. Congressman, that request has got to come from the White House."

So I came back to Washington and I wrote to President Clinton. I said, "Mr. President, you must have read the Washington Post story. This would be a gross violation of an arms control agreement, the Missile Technology Control Regime. If this occurred, what are you doing? And have you asked the Russians yet to explain what we have found?"

The President wrote me a three-page response in April of that year. "Dear Congressman Weldon," to paraphrase, "if what the Post said is true, you're right, it would be a gross violation of that treaty, and I assure you we will take aggressive steps to implement the requirements of that treaty."

But the President went on to say, "We have no evidence, we have no proof that it occurred."

Mr. Speaker, here is the proof. A Soviet accelerometer and a Soviet gyroscope, markings in Russian on both of them. These were clipped from Russian SSN–19 missiles that were on their submarines aimed at American cities. Evidently, as Russia decommissioned some of these nuclear devices and ICBMs, someone clipped off the guidance systems which only three countries manufacture, the U.S., Russia and China, although some European countries, but in terms of our relationship, the U.S., Russia and China, very expensive devices. Iran, Iraq, Syria, Libya, North

Korea cannot build this quality of device. This is the proof, Mr. Speaker. They are real. And it was not just one time and it was not just one set.

Mr. Speaker, we have in America over 100 sets of these devices. They are the ones we caught. And it did not happen once. It did not happen twice. We caught the Russians transferring these devices to Iraq three times. What did the administration do in spite of President Clinton's letter? We did nothing. When I questioned the administration, why did we not do anything when the President told me that we were going to hold Russian entities accountable? The response was very quietly, "Well, Congressman, we got assurances from Russia that they would conduct a criminal investigation and they would go after anyone they caught who had done this." That criminal investigation ended that year, Mr. Speaker. There were no sanctions filed. The devices were transferred, perhaps thousands of them, and these guidance systems then can be placed into missiles or redesigned or reverse engineered so Iran, Iraq, Syria, Libya and North Korea have better ways to aim their missiles with accuracy at American cities and American troops.

Now, why would we not impose sanctions that are required, Mr. Speaker, especially if this administration claims that arms control agreements are so important? In fact, Mr. Speaker, I did a floor speech 14 months ago, and people can get this from the CONGRESSIONAL RECORD at that time where I documented 37 violations of arms control agreements like this one by the Russians and the Chinese since 1991, since the President took office. In those 37 violations, we caught the Russians and the Chinese sending these kinds of devices to Iraq, sending other technology to Iran, sending chemical and biological and nuclear technology to Syria, Libya, Iran, Iraq, China, North Korea, Pakistan and India, 37 times. That was not my investigation. That research work was done by the Congressional Research Service, an agency that serves Republicans and Democrats, has no partisan nature to it, they simply do the work that we ask them to do. Their study documented 37 violations. How many times did we impose sanctions? Twice. The two times we imposed sanctions were when we caught China transferring M–11 missiles and ring magnets to Pakistan and then we waived the sanctions after 2 years.

Now, why would we not impose the required sanctions when we caught the Russian entities transferring technology? It gets back to the policy of this administration toward Russia. Boris Yeltsin was running for election as the President of Russia. We did not want to embarrass Boris Yeltsin. Every step of the way, the President gave Boris Yeltsin the benefit of the doubt. "We won't embarrass you, Mr. President, we won't do anything to undermine your leadership in Russia, even if you're allowing things to occur that we know are direct violations of these agreements."

In fact, Mr. Speaker, in a book that was written by Washington Times defense writer Bill Gertz called "Betrayal" which I encourage every one of our colleagues to read, in the back of that book is an irrefutable document. In the back of Bill Gertz' book "Betrayal" is the presidential memo cabled from Bill Clinton to Boris Yeltsin in the year he was running for reelection that basically said this and people can read it for themselves: "Mr. President, I'll make sure that we don't do anything to undermine your chances for reelection. I will make sure that we don't do anything to embarrass you as you embark upon your effort to be reelected."

Mr. Speaker, that has been our policy for 7 years, not just during the election year. We have been so enamored with the relationship between Bill Clinton and Boris Yeltsin that even when Yeltsin was not dealing with the problems that we knew were there, we ignored them, we pretended it did not happen, we made up excuses.

The same policy, Mr. Speaker, applied to a Navy lieutenant in what in my mind is the most outrageous story I have heard in the 13 years I have been in Congress. A 16-year career Navy officer by the name of Lieutenant Jack Daly, in our naval intelligence service, was assigned duty up in the Seattle area working with our Canadian military friends to monitor Russian trawlers that we knew were spying on our nuclear submarine fleet. Lieutenant Daly and his Canadian counterpart would fly helicopter missions and take photographs of these Russian trawlers that we knew were spying on our ships. We knew that because we had seen evidence in the trawlers of sonobuoys, devices that are used to put out in the water to monitor the routes of submarines. And we saw these ships coming into port with no cargo and leaving with no cargo. We knew they were spy ships for the Russians.

Mr. Speaker, Lieutenant Daly and his Canadian counterpart who were assigned to intelligence operations made a mistake. They did their job. They were flying in a helicopter, taking photographs of a Russian ship called the Kapitan Man. They were photographing the ship because it was a Russian spy ship spying on our submarines. They were taking photographs of the ship from their helicopter. The Russian ship saw the helicopter, and they activated a laser generator, aimed the laser at the helicopter and lasered the eyes of both of the individuals, Lieutenant Daly and his Canadian colleague.

They knew immediately they had some problem. They did not know what it was. They landed, they went to the medical site at their base there, and the doctors examined them and said, "You've had some kind of damage." They flew them down to our laser specialist in Texas at our military medical facility and they confirmed that he had been lasered by a laser that is not normally available anyplace that ordinary people can access. They were told that the laser came from that Russian ship.

Now, Mr. Speaker when they came back to shore from the helicopter and reported to the DOD command officers that they think something had happened, DOD immediately wanted to go on board the ship, to board it, to see whether or not they had been lasered. Bill Gertz in his book, Mr. Speaker, for every Member of this body to know and to read and to document, for the first time reveals the classified cables between the State Department and the Department of Defense and our embassy in Moscow and the Russians. An American was harmed, doing his job, and yet we find evidence that there were discussions by the man who is currently our ambassador in Moscow, Jim Collins, about how we have to control this situation, we do not want to offend Russia, we do not want to embarrass Boris Yeltsin. So the military was told, "Don't board the ship. Don't board the Russian trawler. Don't look for that device."

And the military said, "Wait a minute. We've had a career officer harmed. We want to go on board the ship." "Then fine," the State Department said, "you can only board the public areas of the vessel."

Mr. Speaker, how stupid are we? We are going to board a Russian trawler that we know is a spy ship, we are going to look for a laser generator, and we are telling the inspectors that they cannot go into the nonpublic areas? Where do we think the Russians are going to put the laser generator, on the front deck? I mean, cut me a break. Are we that stupid or naive?

No, Mr. Speaker, the point was we wanted to give Russia an out. We knew what happened. Again, the policy, "Don't do anything to embarrass Boris Yeltsin. Ignore the reality. Pretend it did not occur." That is what we did. But the worst part about that, Mr. Speaker, is Lieutenant Daly's career was ruined. He had had a stellar career up until that point in time, he was bypassed for two promotions, his superior officer told him this, and I want to quote what he said to him. He said, "Jack, you don't know the pressure I'm under to get rid of your case." Amazing, Mr. Speaker, in America, that a 16-year career naval intelligence officer who is harmed by a Russian laser generator, only trying to get the satisfaction of his country defending him, would be told by his superior officer, "Jack, you don't know the pressure I'm under to get rid of this case."

Finally, because of the pressure of NORM DICKS, a good friend on the Democrat side, and Members on this side, including myself who have raised a stink on this issue, who have told Secretary Cohen and the Navy that we will not tolerate this activity, just last week the administration announced they are now going to re-review whether or not Lieutenant Daly has been mistreated in his effort to secure a promotion to the next rank in the service, another indication of this overriding policy of reinforcing Yeltsin and that relationship under any circumstances.

But let us get to the real problem, and that deals with the IMF funding. Mr. Speaker, we had a golden opportunity. The reformers took over and when Yeltsin first started out, he was a Godsend. He was standing up, reinforcing Gorbachev, standing on top of those tanks and defying the Communists to take him out as Russia was moving toward democracy and free markets. All of us, and me included, stood behind him and said, "We want you to succeed." But we got mixed up along the way, Mr. Speaker. We got so enamored with Yeltsin that when he did stupid things, instead of saying, "Mr. President, these people that you're putting in charge of these state enterprises, these multibillion-dollar enterprises that are going to become your banking system, these people that are going to run your huge state enterprises, are not qualified. You're picking them on the basis of friendship and ties as opposed to what is best for your country." We set in motion the beginning, in my opinion, of the economic turmoil that Russia is experiencing today.

Mr. Speaker, all along the way, when we saw Yeltsin doing stupid things, when we saw the oligarchs, the seven oligarchs, most of whom were no more qualified to be the manager of a big bank than I am in Russia, we stood back and we did not engage, because we did not want to offend Boris Yeltsin, we did not want to offend the group of intelligentsia and the oligarchy that was running Russia, because we felt that was our solution.

For the first few years it worked, when Yeltsin was strong and Clinton was strong, the policy worked and our countries were making some progress but we were not willing to be candid. Where are we today? Yeltsin's popularity is less than 5 percent, our own President has his own problems, but in Russia, what are the Russian people saying? "America, you're not our friend. You saw these things occurring and you did nothing."

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You knew what was going on. How can the Russian people respect us today, Mr. Speaker? They saw what was happening. How can the members of the elected Duma respect us? The only time we came to them was when after the fact and all the economic problems occurred, and the IMF was very weary about putting more money into Russia. We said to the Duma, "You've got to pass tough legislation. You've got to reform your finance system. You've got to collect more taxes. You've got to make your people pay electric bills and water bills, which they never paid before under communism. You've got to get tough with your people or we're not going to give you more money."

And the Duma basically thumbed their nose at the IMF, they thumbed their nose at Yeltsin, and they thumbed their nose at America. Why? Because the Duma deputy said, and I think rightfully so, "Wait a minute. You now come to us in 1998 and 1999, and you ask us to pass tough reforms, but you did not involve us when all of this honey was being given out. You didn't involve us when you were sending Boris Yeltsin's friends the billions of dollars of IMF and World Bank money, when you were sending everything through central Moscow siphoned off by Yeltsin's crony friends instead of helping the Russian people, and now you want us to make the tough decisions. You want us to go to our constituents who see the turmoil in our country, and you want us to do the right thing."

Is there any wonder the Duma said, "No way"?

Mr. Speaker, our policies failed. We failed to help Russia establish a true democracy, a strong president, and Yeltsin could have been for the long term a strong President, ended up not being a strong President. And a strong parliament, one that could work in tandem, as we have in this country, a check and a balance.

Instead, we put all of our eggs into Yeltsin's basket, and we ended up with a basket of broken eggs, and now we are being asked to pay the price, and it is not small chicken feed, Mr. Speaker. Twenty billion dollars at a minimum into Russia's economy.

Is there any benefit to the Russian people? I would say no.

Three hundred million dollars for the coal industry to help Russian coal miners; where did that money go? It ended up lining somebody's pocket, building some residences on the French Riviera, buying real estate property in America, and leaving the Russian people holding the bag to pay all that money back.

And where was America? Where was America telling the Russians the tough things they had to hear?

When we saw the Russians transferring technology, we did not have to embarrass Boris Yeltsin. We simply had to offer him our help to work with him to identify the people selling this technology and to tell him we are going to take efforts to go after those companies. We do that in America all the time. If a company in America is illegally selling products to nations that are unstable, we make no hesitation about punishing them. I do not care if they are in my district or not. I want them punished. The same thing should have applied in Russia. If we had entities that we knew were violating arms control agreements, we should have punished them, and we should have been consistent, and we should have been fair, and we should have showed them that our goal was not to embarrass Yeltsin, it was not to embarrass Russia. It was to stop proliferation to nations like Iran, Iraq, Syria, Libya, and North Korea. That is the problem.

And when we saw the IMF money being drained away, we should have told President Yeltsin that we are not going to tolerate this, we are not going to stand for this. But what did we do? We turned our head. We turned our cheek.

There is a report running in the media that Vice President Gore was given at least one major CIA brief that linked Chernomyrdin directly to corruption in Russia. The Vice President is a good friend, was a good friend of Chernomyrdin, wrote across that document: Bull, and you complete the rest, and sent it back to the CIA. He did not want to hear it; he did not want to hear the facts.

We wonder why Russia is an economic and political basket case today, Mr. Speaker. Our policies encouraged the kind of disarray that we are currently seeing in Russia's economy.

There is an alternative way, Mr. Speaker, and as we begin hearings on who lost Russia, as we saw the New York Times 3 weeks ago on a front-page magazine story on who lost Russia and then followed that up with a Washington Post story this past weekend, and as the Congress begins to hold hearings on this whole issue, and by the way, Mr. Speaker, I think that Congress also has to bear some of the responsibility, and that includes my own party, and as I said before, some of these policies started under President Bush, so I am not saying it is all partisan, but I can tell you this President and his administration have exacerbated the problem unbelievably.

But how do we solve it? Well, there are some solutions.

Mr. Speaker, I am Russia's toughest critic, but I am Russia's best friend. I have been there 19 times. I know the Russian people; I know their leaders. When I saw the possibility that this Congress would not support more IMF funding and that Russia perhaps could have a meltdown, complete meltdown, with a major nuclear force still in place, more destabilized today than any point in time under communism because under communism they had discipline, they had the rule of law, they did not have the corruption they have today. Today they have corruption, they do not have the rule of law, and they have instability.

So I was concerned that I needed to get our colleagues to support the President even though I disagree with the positions he was taking in terms of IMF funding. So I went to Moscow and arrived the day the President left a year ago, and I took with me, Mr. Speaker, a set of eight principles because I knew the Duma was opposed to IMF funding just as the Congress was.

Now you might say why would the Russian Duma be against us putting another $4 billion in the Russian economy. Well, why? Because the Duma knew Yeltsin's cronies and friends, and they were going to be left to hold the bag to pay the bill, and they were going to be asked to pass the reforms and had no say in where the money was going or how it was being spent. That is why they opposed IMF funding.

So I said to my Duma friends, "Here are eight principles. Look at these eight principles. If you can agree with these principles, I will go back to Washington, to my leadership in Congress, and I'll see if they'll agree that you pass these principles in the Duma in the morning," since it was an 8-hour time difference, "and we'll pass these eight principles in the Congress in the afternoon on the same day. These principles will guide all funding going into your country from the west, international funding, World Bank funding, funding from the IMF and U.S. funding, a billion dollars a year going to Russia."

What are the eight principles? Here they are, Mr. Speaker, in summary. I will put the full eight principles in the CONGRESSIONAL RECORD.

Number one, Mr. Speaker, that we establish a joint U.S.-Russian legislative oversight commission of elected officials to monitor every dime of money going into Russia, not to say where it should go; that is up to administrations; but to monitor where it is going. Today there is no such capability, and much of the money is being siphoned off illegally, and the Russian Duma has no ability to monitor what Yeltsin does with the money or his people. So establish a legislative oversight commission, Democrats and Republicans joining with all the factions of the Duma and the Federation Council and monitor where the money is going.

Number two, to focus our resources on programs like housing mortgages that benefit and create a Russian middle class. If you look at America's economy, our success economically is because when housing starts are up, our economy is strong, and our housing starts are up when mortgage rates are low. Russia has no mortgage system. Three years ago, Charles Taylor and I went to Moscow and we said to the Russian leaders, "Work with us on a private mortgage program like our Freddie Mac and Fannie Mae, and if you agree to our tight discipline, we will go to the Congress and try to get some seed money." The Duma deputies agreed.

Here is the document we produced, Mr. Speaker, 2 years ago: Housing For Our People, a picture of the Capitol Building and the Duma. You know there is no White House in either picture? There is no Washington White House, and there is no White House where President Yeltsin works. It is the two capital buildings. It is where the two parliaments work, the parliaments of the Duma wanting to establish a private, western style housing mortgage financing system.

Our goal was in this second principle to say that programs that encourage a middle class are what we should be providing funds for.

Number three, that we should agree that western resources should be made available to reform-minded regional governments. Russia is a large Nation, over 60 States and oblasts, and many of the regions are doing good things. They are privatizing their property, they are collecting more taxes, they are having people pay for their utilities. But because all the money went through Yeltsin in Moscow, those regions were not being recognized and rewarded. The money was being siphoned off to Yeltsin's cronies, and the regions who are reforming were standing there saying, "We're doing the things you told us, America; when are you going to help us?" And the help never came, and our policy was let us focus on regions where they are doing good things and help them continue to do good things.

All around Russia, out in Siberia, Vladivostok, St. Petersburg, Nizhninovgorod, Samara, all around the country, the fourth principal: Deny Moscow-based institutions any additional funds where we know they have abused IMF World Bank and U.S. dollars. If we know a bank is corrupt, hard and fast rule, they get no more money. And in fact let us go after those perpetrators and try to collect the money they abused.

Number five, reform International Monetary Fund. This was a recommendation that I got after talking to George Soros in his office in New York to convene a blue ribbon task force that the IMF would then listen to that would tell it how to be responsive and make reforms to be more accountable to emerging economies like Russia.

Number six, and boy is this significant to put the horse in front of the cart. Reforms would precede and not follow. Resources. No reforms, no money. You make the reforms you have asked for, and then we will provide the resources you need, but no money until you do the reforms.

Number seven, have a 90-day plan to establish a relationship between CEOs of American companies and Russian enterprises, a one-on-one relationship so they can learn how we develop profits in America to make their companies more profitable in Russia, to learn how to motivate workers, how to manage their costs.

And the last item: To bring 15,000 young Russian students to America, undergraduate and graduate, have them attend our business, economic and finance schools all across the country, pay their way over, and get our schools to give them an education with the understanding they must go back to Russia to live. They cannot stay in America, in effect creating a new generation, the next generation of Russia's free market leaders.

Mr. Speaker, the Duma agreed to all eight principles, all eight principles. They said, "We'll do the reforms if you tell us that you're going to let us march to where the money's gone. If you let us have a say, if the regions are recognized, we'll do it," and they passed it.

It came back to Washington, and I went to Speaker Gingrich. Speaker Gingrich said, "Well, Curt, I don't know whether we want to do this, that is the administration's prerogative. Let me talk to the White House."

The White House said, "We don't need those guidelines. We don't need those principles.

The eight principles in their entirety are as follows:

JOINT STATEMENT OF PRINCIPLES GOVERNING WESTERN AND IFI ASSISTANCE TO RUSSIA

(Draft Prepared by Congressman Curt Weldon)

(1) Focus Western resources on programs—like housing—that will develop a Russian middle class

Funds flowing from Western governments and International Financial Institutions (IFI) should be directed to segments of the Russian economy where they will help develop a broad Russia middle class, who will in turn have an economic stake in democratic institutions and greater economic reform. One such sector is housing, where there is an overwhelming need for greater investment and the Russian people face tremendous shortages. A major impediment to a robust housing market is that all but the most wealthy Russians lack a mechanism to finance the purchase of a home. Development of a mortgage finance system, with longer term loans (20 to 30 years) and reasonable interest rates, would greatly strengthen the Russian economy, increasing employment, tax revenues, and economic and political stability.

(2) Make Western resources available to reform minded regional governments

Some significant portion of the funds from Western governments and IFIs should flow from the Russian central government to the Oblasts and Krais, which are the source of most of the economic reforms occurring in Russia. Tax reform, privatization, land reform are all areas where the regions have accomplished far more than the central government in Moscow. In determining the flow of these resources to the regions, priority should be given to those regions that have and are implementing the strongest reform programs. The criteria for evaluating the effectiveness of regional economic reform programs should be clearly identified, which will assure all regions that they are being treated equitably and provide the necessary incentives for regions to implement viable economic reform agendas.

(3) Deny corrupt Moscow-based financial institutions access to Western resources

Greater steps must be taken to ensure accountability for previous and future resources provided by Western governments and IFIs. The simple notion that any bank, government agency, regional government, or NGO that cannot account for previously supplied funding should be ineligible for future funds must be strictly enforced. This will have the practical effect of preventing the large, corrupt Moscow based banks from accessing future IFI resources.

(4) Establish a joint Russian—U.S. legislative oversight commission to monitor Western resources

Opposition to further assistance from IFIs run strong in both the U.S. Congress and the Russian Duma. One way to counter this tendency and promote a stronger Duma is to create a joint Russian-U.S. Legislative Oversight Commission, composed of Members of Congress and Duma Deputies and staffed by experts in both legislatures, to monitor the use of Western government and IFI funding to ensure that the designated end recipient, not only receives the resources but uses them for the intended purposes.

(5) Reform the International Monetary Fund (IMF)

Both the Congress and Duma should urge the International Monetary Fund to establish an International Blue Ribbon Commission composed of the most prominent financial experts to make recommendations for reforming the IMF to achieve greater transparency and more effective programs with less financial risk. If the IMF is unwilling to create such a commission, then the Congress and Duma should consider creating its own commission of experts and then press the IMF to implement the recommendations.

(6) Put the horse in front of the cart: make reforms precede—not follow—resources

In all too many cases, resources from IFIs come first and promised reforms come much later, if at all. It is time to make reform precede—not follow—important economic reforms at the national and regional levels. The Yeltsin administration, the Duma, and the financial oligarches have every incentive to promise reform prior to receiving financial assistance, but they have very little incentive to make good on the promises of reform, which in the short term are often difficult for the government to implement and painful for the Russian citizens to endure.

(7) Jointly develop a 90 Day Action Plan to reform de facto bankrupt industrial giants

Working the Congress and the Duma, the Administrations should empanel a group of international financial experts and give them 90 days to develop a comprehensive program to reform, privatize, or shutter the industrial behemoths that are essentially bankrupt and uncompetitive in a market economy but are kept limping along by subsidies because of local political imperatives and the fact that in many areas they represent the only source of employment. Many formerly state owned enterprises (for example—food processing plants, breweries, and confectionary enterprises) have made successful transitions which make products without government subsidies that compete with imported items—clear evidence that Russian enterprises can be competitive.

(8) Western government and IFI resources should go to civilian agencies and programs—not to prop up the Russian military industrial complex

Nothing could do more to endanger U.S.-Russian cooperation, especially in the eyes of the Republican Congress, than using funding from Western governments and IFIs to prop up the ailing military and military-industrial complex. Both the Administrations and the legislatures need to make sure that proper controls are put in place to prevent such an eventuality.

STATE DUMA

Commission of the State Duma for Monitoring of the Preparation and Realization of the Joint Program of the State Duma of the Federal Assembly of the Russian Federation and the Congress of the United States of America on Housing Construction in Russia "A Home for Our Family."

To the Deputies of the State Duma.
Federal Assembly.
Russian Federation.
From SD RF Deputy V.E. Tsoy.
From Member of the House of Representatives of the U.S. Congress Curt Weldon.

DEAR COLLEAGUES: The complicated socio-economic and political situation in which the population of Russia finds itself, allows us to address you with the following suggestions:

1. Concentrate Western resources on programs such as mortgage credit and housing construction, which will enable the development of a middle class in Russia.

Funds flowing from the U.S.A. and international financial institutions should be directed at those segments of the Russian economy which will enable broad development of a Russian middle class, which, in its turn, will have an economic interest in the existence of democratic institutions and the realization of more carefully thought out economic reforms in Russia. One such sector is housing, where larger investment is needed and where the population is confronted with an absence of additional sources of financing. The main obstacle in the path to a healthy housing market is that, for all but the most well-to-do Russians, there is no mechanism for financing the purchase of a home. Creation of a mortgage finance system with longer term loans (20–30 years) and reasonable interest rates would considerably strengthen the Russian economy—increasing employment, the growth of tax receipts for the budget, and economic and political stabilization.

2. Secure access to U.S. financial resources and the resources of international financial institutions for subdivisions of the Russian Federation that are disposed to carrying out reforms and which have a high ratio of investment attractiveness that meets the demands of the leading international financial credit institutions, or has the potential to meet them in the near future.

A significant part of the financial resources coming from the U.S.A. and international financial institutions should be directed to those Russian oblasts and krais in which real economic reforms are already occurring. Tax reform, privatizations, and land reform are all areas where the regions have accomplished far more than the central government in Moscow. In determining the distribution of these funds to the regions, priority should be given to those in which there are more serious programs of reform. The criteria for evaluating the effectiveness of regional economic reform programs should be clearly defined. This will allow the regions to be sure that they will be objectively evaluated and guarantee them the necessary incentives for the establishment of effective economic reform programs.

3. After auditing, stop the financing of those projects in which serious financial infractions were committed during their realization.

More decisive measures should be taken to ensure accountability for previously allocated funds provided by the U.S.A. and international financial institutions. Strict fulfillment of financing, agreements by banks, government organizations, regional governments, or non-governmental organizations that have not been able to account for previously provided financial funds should be required. In the future such establishments, should not receive financial resources. The return of allocated funds from unscrupulous matters needs to be achieved through joint efforts and these funds directed toward the realization of specific programs approved by the State Duma of the Russian Federation and the Federation Council. This will have the practical effect of preventing future access to Western governments' and international financial institutions' funds by large and unreliable banks and other organizations.

4. Create a joint Russian-American oversight commission to monitor expenditures allocated by the U.S.A. and by the international financial structures of Russia make up of 8 members of the U.S. Congress and 8 deputies of the State Duma of the RF, with 2 co-chairs.

The negative feelings to further aid from the international financial institutions are intensifying in both the U.S. Congress and the State Duma of the RF. One way to counter the tendency and strengthen the authority of the State Duma and the U.S. Congress is to create a joint Russian-American legislative commission on oversight for verification of funds flowing from the U.S.A. and international financial institutions. Ensuring the funds are used as intended by the end consumer is under the control of the aforementioned commission.

5. Reform of the International Monetary Fund.

The U.S. Congress and the State Duma of the RF should request that the International Monetary Fund create an International Expert Commission, composed of the most prominent financial experts, to draw up recommendations for reforming the IMF. These should be directed toward achieving more transparency in its structures and increasing the effectiveness of programs while decreasing financial risk. If the IMF does not want to create such a commission, then the U.S. Congress and the State Duma of the Russian Federation should think about creating a bilateral commission of experts for subsequent work with the IMF on its realization.

6. The financing of different reform programs in the Russian economy will be conducted only after the passing of a Federal law on a foreign borrowing program taking into account the position of the regions where these programs will be realized.

In the majority of cases, the funds from international financial institutions flow long before the promised reforms are advanced, if they are advanced at all. It's time to make it so that reforms precede and not follow the financing of important economic reforms at the federal and regional levels. The administration of RF President B.N. Yeltsin and the RF Government issued guarantees while not controlling the fulfillment of these obligations that have heavy consequences for the population of Russia.

7. In the course of 180 days a bilateral working group of members of the U.S. Congress and the State Duma of the Russian Federation will prepare a plan according to an expert evaluation of further operations on the issue of the bankrupt industrial enterprises of the Russian Federation.

The U.S. Congress, the State Duma, and the administrations of both countries should create a working group of international financial experts and give them 180 days to work out a comprehensive program to reform, privatize or shutter industrial enterprises which, in practice, are bankrupt and uncompetitive in market economy conditions. They continue to remain afloat due to subsidies connected with local political imperatives and the fact that, in many regions, they are the only sources of employment. Many former state enterprises (light processing industries, food, etc.) have made successful transitions and produce goods that compete with imported products without government subsidies. This is clear evidence that Russian enterprises can be competitive. That notwithstanding, the expert commission should prohibit financing of military-industrial complex enterprises from investment funds which have been attracted to accomplish social programs for the Russian population.

8. Development of an initiative for the organization of commercial and financial education.

In accordance with intergovernment agreements, 15,000 Russian students and graduate students should be enrolled in American colleges and universities in a regular course of study. All Russian students who take part in this program will return to Russian upon completion of their educational program. The goal of such a program is to ensure a qualified corps of specialists in Russia.

Respected colleagues, we ask you, after becoming acquainted with our suggestions, to express your opinions.

Sincerely,

V. TSOY,
Chair of the Commission, Deputy of the State Duma, Russian Federation.
C. WELDON,
Member of the House of Representatives, U.S. Congress.

[DISCUSSION DRAFT ON RUSSIAN HOUSING]

To propose principles governing the provision of International Monetary fund assistance to Russia.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Russian Economic Restoration and Justice Act of 1999".

SEC. 2. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

The Bretton Woods Agreements Act (22 U.S.C. 286-286mm) is amended by adding at the end the following:

"SEC. 61. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

"(a) CONDITIONS AND LIMITATIONS OF ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund—

"(1) to not provide any assistance to the government of the Russian Federation or of any political subdivision of the Russian Federation or to any other entity in the Russian Federation, until there is in effect a Russian federal law that implements the economic reforms described in subsection (b); and

"(2) to provide assistance to the Russian Federation or a political subdivision of the Russian Federation only to aid the implementation of such reforms.

"(b) ECONOMIC REFORMS.—The economic reforms described in this subsection are the following:

"(1) Land reform, including private ownership of land.

"(2) Further privatization of state-owned industrial enterprises.

"(3) Tax reform, including increased collection of tax obligations.

"(4) Development of effective commercial law, including the ability of individuals to seek enforcement of contracts by an effective judicial system.

"(5) Establishment of residential mortgage financing system for middle class individuals residing in the Russian Federation.

"(6) The development of criteria for evaluating the effectiveness of regional economic reform programs in the Russian Federation, and the use of such criteria to assure that Western resources are provided to the political subdivisions of the Russian Federation on an equitable basis, taking into account the necessity to provide incentives for political subdivisions to implement viable economic reforms and to reward those that have made progress in implementing such reforms.

"(7) The development of steps to make the recipients of Western resources in the Russian Federation accountable for the use of such resources."

SEC. 3. RUSSIAN-AMERICAN FINANCIAL OVERSIGHT COMMISSION.

(a) IN GENERAL.—The Speaker of the House of Representatives and the President of the Senate shall seek to enter into negotiations with the State Duma and the Federation Council of the Russian Federation for the establishment of a commission which would—

(1) be composed of 8 Members of the United States Congress and a total of 8 Deputies from the State Duma and Federation Council;

(2) monitor expenditures of the funds provided to the government of the Russian Federation or a political subdivision of the Russian Federation by the United States or the international community, for the purpose of evaluating that the funds are used for only for the purposes for which provided; and

(3) create a working group of financial experts tasked with developing a comprehensive program to reform, privatize, or close industrial enterprises in the Russian Federation that are bankrupt and are (or would be) not competitive under conditions of a market economy without significant government financial support.

(b) MEMBERSHIP.—On the successful conclusion of negotiations under subsection (a), the Speaker of the House of Representatives and the President of the Senate are jointly authorized to appoint 8 Members of Congress to the commission established pursuant subsection (a).

SEC. 4. SENSE OF THE CONGRESS ON ESTABLISHMENT OF JOINT UNITED STATES-RUSSIAN FINANCIAL EDUCATION PROGRAM.

It is the sense of the Congress that the United States and the government of the Russian Federation should conclude an agreement under which students in the Russian Federation would enroll in colleges and universities in the United States at undergraduate and graduate levels for the purpose of developing a network of financial specialists in the Russian Federation, and students so enrolled would, on completion of their studies in the United States, be required to return to the Russian Federation and work for the federal or a regional government in Russia.

SEC. 5. IMF REFORM COMMISSION.

The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund to create a commission, composed of prominent international financial experts, for the purpose of drawing up recommendations for reforming the Fund, with a view to achieving more transparency in the structures of the Fund and increasing the effectiveness of Fund programs while decreasing financial risk.

SEC. 6. RUSSIAN HOUSING LOAN PROGRAM.

(a) LOAN PROGRAM.—There is hereby established a pilot housing loan program for the people of Russia, with such funds as may be made available, as the means by which the average Russian citizen may attain affordable home ownership.

(b) RESTRICTIONS.—None of the funds under this section may be made available—

(1) for transfer to the Government of Russia; or

(2) for the purposes of providing Russian military housing.

(c) ESTABLISHMENT OF ADMINISTERING CORPORATION.—Funds appropriated under this section shall be administered in the following manner:

(1) Such sums as may be made available for this pilot Russian housing loan program shall be administered directly through a nonprofit corporation (hereinafter the "Corporation"), consisting of a 12-member Board of Directors, the members of which shall be:

(A) Former President George Bush or his designee.

(B) Former President Jimmy Carter or his designee.

(C) Two members appointed by the Speaker of the United States House of Representatives.

(D) One member appointed by the minority leader of the United States House of Representatives.

(E) Two members appointed by the majority leader of the United States Senate.

(F) One member appointed by the minority leader of the United States Senate.

(G) Two members appointed by the Chairman of the Russian State Duma.

(H) Two members appointed by the Chairman of the Russian Federation Council.

(2) A Chairman of the Board of Directors shall be selected from among the 12 board members. The chairman shall serve a single 2-year term. The entire Board of Directors shall serve a 2-year term and have the authority to select other officers and employees to carry out the purposes of the Fund and the program.

(d) LOAN SIZE AND TYPE.—Since it is the intent of the housing loan program to provide loans for the average middle-income potential Russian home buyer, loans shall range between the equivalent of $10,000 to $50,000 (U.S.). This amount shall be determined by the Corporation and shall fluctuate in accordance upon market conditions. Loans shall be for a term of 10 to 30 years and may be prepaid at any time without penalty. Loan payments shall be amortized on a basis of level monthly payments.

(c) WORKING GROUPS.—The Corporation shall have the authority to establish working groups comprised of Russian and American experts, for the purpose of making recommendations on topics essential to the success of the program, including, but not limited to—

(1) the preparation of the necessary legal and regulatory changes;

(2) the involvement of United States housing trade and labor associations in providing materials, training, and joint venture capital;

(3) ensuring adequate offsite infrastructure for new housing sites; and

(4) other issues as deemed appropriate by the Corporation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

“SEC. 62. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

“(a) CONDITIONS AND LIMITATIONS OF ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund—

“(1) to not provide any assistance to the government of the Russian Federation or of any political subdivision of the Russian Federation, or to any other entity in the Russian Federation, until there is in effect a Russian federal law that implements the economic reforms described in subsection (b); and

“(2) to provide assistance to the Russian Federation or a political subdivision of the Russian Federation only to aid the implementation of such reforms.

“(b) ECONOMIC REFORMS.—The economic reforms described in this subsection are the following:

“(1) Land reform, including private, ownership of land.

“(2) Further privatization of state-owned industrial enterprises.

“(3) Tax reform, including increased collection of tax obligations.

“(4) Development of effective commercial law, including the ability of individuals to seek enforcement of contracts by an effective judicial system.

“(5) Establishment of residential mortgage financing system to develop a middle class residing in the Russian Federation.

“(6) The development of criteria for evaluating the effectiveness of regional economic reform programs in the Russian Federation, and the use of such criteria to assure that Western resources are provided to the political subdivisions of the Russian Federation on an equitable basis, taking into account the necessity to provide incentives for political subdivisions to implement viable economic reforms and to reward those that have made progress in implementing such reforms.

“(7) The development of steps to make the recipients of Western resources in the Russian Federation accountable for the use of such resources.”.

SEC. 2. RUSSIAN-AMERICAN FINANCIAL OVERSIGHT COMMISSION.

(a) IN GENERAL.—The Speaker of the House of Representatives and the President of the Senate shall seek to enter into negotiations with the State Duma of the Russian Federation for the establishment of a bipartisan commission which would—

(1) be composed of 8 Members of the United States Congress representing both political parties, and 8 Deputies of the State Duma who are broadly representative of political interests;

(2) monitor expenditures of the funds provided to the government of the Russian Federation or a political subdivision of the Russian Federation by the United States or the international community, for the purpose of evaluating that the funds are used only for the purposes for which provided; and

(3) create a working group of financial experts tasked with developing a comprehensive program to reform, privatize, or close industrial enterprises in the Russian Federation that are bankrupt and are (or would be) not competitive under conditions of a market economy without significant government financial support.

(b) MEMBERSHIP.—On the successful conclusion of negotiations under subsection (a), the Speaker of the House of Representatives and the President of the Senate are jointly authorized to appoint 8 Members of Congress to the commission established pursuant subsection (a).

SEC. 3. SENSE OF THE CONGRESS ON ESTABLISHMENT OF JOINT UNITED STATES-RUSSIAN FINANCIAL EDUCATION PROGRAM.

It is the sense of the Congress that the United States and the government of the Russian Federation should conclude an agreement under which students in the Russian Federation would enroll in colleges and universities in the United States at undergraduate and graduate levels for the purpose of developing a network of financial specialists in the Russian Federation, and students so enrolled would, on completion of their studies in the United States, be required to return to the Russian Federation and work for the federal or a regional government in Russia.

Speaker Gingrich, my Republican leader, said,” I'm not going to bring that up, Curt, as a bill.”

So it is not just the Democrats' fault, Mr. Speaker. The President of the United States did not listen, Strobe Talbott thought he knew it all, and our Speaker did not respond either.

Speaker is gone now, Mr. Speaker, and I am asking this Congress to consider a new dialogue with Russia where we in the Congress, the Senate and the House, the Duma and the Federation Council come together and we take control of this relationship in setting out some basic parameters, not in dictating when and where money should be used, but laying out parameters like the ones that I negotiated and discussed with my Russian friends as the chairman of the Duma Congress initiative with the gentleman from Maryland (Mr. HOYER) and passed this in both bodies and tell whatever President wins election next year these are the parameters for our relationship with Russia in the future.

Mr. Speaker, I also developed what I call a new vision for Russia, a series of principles of how we can assist Russia in getting through these difficult times. I would also ask to insert in the RECORD at this time my new vision for Russia:

ESTABLISHING A NEW FRAMEWORK FOR U.S.-RUSSIAN RELATIONS

Working with my colleagues in the Duma, I have developed a joint statement of principles governing Western and IFI assistance to Russia. For too long, the United States has poured money into Russia without proper control or oversight. As a result, this money has lined the pockets of the wealthy, while average Russians have seen no improvement in their standards of living. Therefore, I am working on a bold new agenda so that this money will be made available to reform-minded regional governments. In order for financial assistance to make an effect on the lives of the Russian people, we must ensure that the system is reformed before the money is invested.

STABLIZING RUSSIA'S NUCLEAR ARSENAL

An original supporter of the Nunn-Lugar Cooperative Threat Reduction (CTR) program, I have worked tirelessly against proposed funding reductions in that effort—working to defeat amendments that would cut CTR funds and related amendments which would withhold CTR funds pending official reports and action from the Russian government. I was also instrumental in extending Nunn-Lugar assistance beyond dismantlement support to assisting former Soviet states with better protection of their nuclear assets, as well as establishing better systems of control and accountability.

EMPOWERING THE RUSSIAN STATE DUMA

In 1996, I created the Duma-Congress Study Group, an on-going parliamentary exchange between the U.S. Congress and the Russian Duma. The goal of the Study Group is to foster closer relations between our two legislatures so that we can help address key bilateral issues, across a wide range of substantive issues. The future of Russian's democracy is dependent on the strength of the Duma, and I hope that these continuing discussions on substantive issues will provide a basis upon which to continue building. I have also initiated a similar exchange program for staff members of the U.S. Congress and the Russian Duma in an effort to establish a personal and direct communication link for the staff support of our two countries' legislatures.

CREATING A RUSSIAN MIDDLE CLASS

A successful mortgage finance system will reduce unemployment, increase democratization, strengthen the banking system, create wealth for Russian families, encourage commercial reforms, and increase the housing stock. With mutual support between the Russian Duma and the United States Congress, I believe that these goals can be achieved. I remain committed to the establishment of a mortgage finance system, and I will continue to pursue legislation in this area in the U.S. Congress.

DEVELOPING RUSSIA'S ENERGY SECTOR

In 1992, recognizing that energy was the key to transforming the former Soviet republics, and that energy cooperation between the United States and the FSU could infuse much-needed hard currency into the three energy-producing republics of the former Soviet Union, I formed the United States-Former Soviet Union Energy Caucus. The group, composed of U.S. legislators, works with U.S. oil companies and Russian Duma and government counterparts to enable energy development projects in oil and gas-rich Russia. Development benefits Russians by ensuring economic development in their country and providing them with sorely-needed cash, and U.S. energy companies and the American people with new sources to meet our continuing energy needs.

ENCOURAGING INVESTMENT IN RUSSIA

In January of 1998, I was the U.S. representative to Speaker Seleznev's conference on Russian Economic Development. I have also been working actively in my home state of Pennsylvania to encourage U.S. companies to invest in Russia. My work in this arena has included the creation of the Pennsylvania-Russia Business Council which has, with my assistance, conducted five successful workshops on U.S. investment in Russia.

ASSURING RUSSIA'S SOCIAL NEEDS

Education is the key to the future. In order for Russia's democracy to succeed, a new generation of Russians must be educated in the tenets of freedom. I am currently advocating a program which would enroll 15,000 Russian students in American colleges and universities. Following their graduation from these programs, these students would be required to return to Russia and become part of a qualified corps of future leaders and specialists.

IMPROVING THE HEALTH OF THE RUSSIAN PEOPLE

Healthcare is rapidly becoming a global service. In Greater Philadelphia, the region which I represent, I am currently supporting an effort in which the hospitals have agreed to work cooperatively on a new initiative to jointly provide healthcare services for international patients. I am also working on a proposal to bring modular hospitals to Russia. These two unique efforts will provide increased access to quality healthcare for the Russian people.

DEVELOPING RUSSIA'S TECHNOLOGY

As Chairman of the House Military Research and Development Subcommittee, I have played a lead role in sustaining and expanding U.S.-Russian cooperative technology development programs. Not only have I worked to ensure funding for early warning sharing programs like RAMOS and APEX, but I established a separate line item in the missile defense budget specifically for cooperative work in this field. This year, the Clinton Administration has canceled the RAMOS program, suggesting that alternative cooperative projects be pursued. Recognizing the critical role of this program in establishing cooperative links on early warning sharing and in enabling pursuit of mutual defenses, I will lead the fight this year to preserve the RAMOS effort.

WORKING WITH RUSSIA'S SCIENTISTS

In an effort to sustain the work of Russian scientists and prevent proliferation of critical technologies, I have asked Academician Velikhov of the Kurchatov Institute to develop a proposal that would enable Russian scientists and engineers who developed missile technology comparable to that which was transferred to Iran for application in its Shabab-3 to work with the Ballistic Missile Defense Organization in identifying those technologies transferred to Iran and in helping the U.S. counter that technology. In addition, I am supporting other proposals that would ensure continued U.S. support for underemployed Russian scientists and engineers.

HELPING RUSSIA COMBAT RADIOACTIVE WASTE

I have been a leader in the U.S. Congress in raising awareness regarding the need to confront and cooperatively address the issue of radioactive waste dumping in the Arctic Ocean. I held hearings on this matter, and called Alexei Yablokov to testify on the findings of the Bellona Foundation, which documented volumes of evidence on Russian nuclear dumping which was previously unconfirmed. I have since worked to fund Navy research on this issue and worked through Global Legislators for a Balanced Environment (GLOBE) to encourage continued attention to and research on this problem. I have also supported U.S.-Russia collaboration on nuclear waste identification and cleanup work, holding several hearings on U.S. and Russian waste problems and potential cooperative projects, and securing funding through the Arctic Military Environmental Cooperation program in 1999 for sponsorship of a conference in Russia to address this issue.

And finally, Mr. Speaker, I would say that in dealing with Russia it is very simple, and you know I think Ronald Reagan had it right. Remember when Ronald Reagan called the Soviet Union "Evil Empire"? Well, you know something, Mr. Speaker? The 95 percent of the Russians who were not members of the Communist Party heard him and agreed with him. They knew that their country was the Evil Empire. They knew that it was abusing their rights. They knew the communism was not good for them. They respected Ronald Reagan because he spoke the truth.

Russians respect strength, they respect consistency, and they respect candor. When they see you turning your cheek, when they know that you know that things are going wrong, when they see you pretend things are not what they are, when they see you bolster up a man who is not doing what is in the best interest for Russia, they lose respect.

□ 1800

That is why the Russians today have no respect for us, in my opinion, Mr. Speaker.

We have to earn the respect of the Russians by being strong, by being candid, and by being transparent and consistent. If we do that, I am convinced Russia can be an equal, stable partner of us.

We have to ask the tough questions. We have to ask what Russia is doing building a multibillion underground complex in the Ural Mountains at Yamantau Mountain, the size of the Washington beltway, deep enough to withstand a nuclear first strike hit.

This administration has not been able to get the answer to that question because they will not pursue the issue. I work with the CIA on a regular basis; and I can say today, the administration knows no more about that project today than they did 5 years ago when I first raised it.

We do not have the respect of the Russians under the current relationship and policies. Therefore, I am convinced that this body needs to explore in great detail what we have done wrong, what we have done right and, most importantly, lay out a plan for the future, a plan that looks at where Russia is today; and what we can do as a Nation, working with the Russian people who are our friends, to build a new Russia, a strong Russia, a Russia with a freely elected president who works closely with our President and a new Duma that works with our Congress, a freely elected Duma, even if it includes Communists.

Remember what I said, Mr. Speaker. How can this administration say that we had to work with Yeltsin because of our fear of the Communists? At least the Communists in Russia were elected in free and fair elections, as much as we did not like it.

I wish I could say the same about the Communists in China, which this administration falls all over on a regular basis. If the Communists are those elected by the Russian people, we have to work with them. It does not mean we have to embrace them. It does not mean we do not want to help the pro-Western forces, the formers like the Apple party, the Yabloko party, the Nash Dom, the People's Power party. We still work with them, but we work with all factions in Russia.

My hope is, as we complete this first half of this session, the focus on Russia becomes a dominant focus. As we approach the presidential elections, this country needs to have a national debate in a constructive way over what happened, why did it happen, where did $20 billion go, what did we get for that investment, and why are the Russian people more negative about America today than they were when they were dominated by a Soviet Communist system?

THE BUDGET OF THE UNITED STATES

The SPEAKER pro tempore (Mr. FLETCHER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I want to say that the gentleman from Pennsylvania (Mr. WELDON) has had just a fascinating discourse on a subject which is of extreme importance. I want to commend him for the diligence in which he has pursued a subject that is every bit of importance to our country as he has indicated that it is, and he makes a lot of sense and this is one Member that looks forward to working with him in the days ahead in this very important area.

What I have taken this hour for, and I will be joined by several of our Blue Dog colleagues, is to once again talk about perhaps a little more mundane subject, the budget of the United States and the policies, or lack thereof. A lot of what the gentleman from Pennsylvania (Mr. WELDON) has talked about some of the shortcomings of the Congress and the administration in dealing with Russia, I think, can also be said of this body in dealing with the budget.

Today, I guess we had a little ceremony in which we have now sent the tax cut down to the President, which he will veto, as he should. One of the policy objectives that the Blue Dogs have suggested all year long is let us be conservative with our actions now as we enjoy the newness of dealing with surpluses.

We are for cutting taxes. Let no one be mistaken about that, but the Blue Dogs have suggested all along that there is a good way and a bad way to get to tax cutting. The bad way, we believe, is what the House and Senate concurring have said to the President, of having a tax cut with projected surpluses that may or may not materialize.

What the Blue Dogs have said, quite clearly, all year long, let us deal with Social Security and Medicare first. Let us have an open and honest debate on the floor of the House, with the best ideas winning, as to how we fix Social Security for the future, because everyone now knows and admits quite publicly that the future of Social Security is bleak unless we, this Congress, make some tough decisions and very, very soon.

We ducked on that one, and I must say that our President ducked on that one, which was unfortunate. Just because the President ducks is no sign that we in the Congress should duck. Here, at least some of us, the gentleman from Arizona (Mr. KOLBE) and I, and we have been joined by colleagues on both sides of the aisle now, a few, proposing a Social Security fix.

That is not what I am here to talk about tonight. What I am talking about tonight is the rhetoric that we continue to hear about why we need to have a big tax cut first before we deal with Social Security, before we deal with Medicare, before we deal with Medicaid, before we deal with these very important subjects.

These are projected surpluses and one of the dangers that some of us see, particularly the Blue Dog Democrats, and I suspect there are some on both sides of the aisle that see the same danger, spending a projected surplus before it is real can get very dangerous; just like in families. If they have built up a debt on their credit card or personal debt to where it is becoming difficult to pay the interest on that debt and suddenly come into some money, most families will pay down their debt first before they go out and reward themselves with a new car or reward themselves with new options.

That is not what the Congress has voted to do. That is not the issue today.

To those that say well, we are only returning your money to you, that is true but they conveniently overlook one fact. Not only is it your taxes that we talk about and every dime that we spend is your money, but also your debt of $5.6 trillion that we have built up, $4 trillion of it basically in the last 10 years, 15, it is your debt.

The Blue Dogs suggest that now is the time to be a little bit conservative with our children's and grandchildren's future. Instead of once again rewarding us, as this tax cut would do over the next 10 years, we say use this opportunity to pay down the debt so that our children and grandchildren will not have as much debt to pay and as much taxes to pay in order to pay the interest on that debt.

We think that makes a lot of sense. Unfortunately, we have not been able to convince a majority of the House and the Senate concurring that it does make sense, and we understand and we play by those rules and we also very strongly played by the rule that said if one is going to be critical of the other guy's proposal they better have something that they are for. The people back home in the 17th district that I represent, that is what they demand of me.

As we have discussed and asked the question over and over, what do you want to do with this surplus, most people openly and honestly say, pay down the debt.

I do not know why different Members get different answers to this question, except sometimes we ask it differently. If I ask the question, do you want to have a tax cut or do you want us to spend the money, you say tax cut. That would be my answer.

Then we get into another little problem because we have had a whole lot of rhetoric around this body over the last several weeks now, and we are still playing this giant game of chicken of who is going to blink first on the caps, who is going to be the first one to admit that already this year we are spending the Social Security trust fund?

Now, we have tried to outdo each other as to who has the best lockbox, who is going to do the best job of not touching Social Security trust funds next year. Well, I would say to my colleagues, let me share a little secret. We have already done it. This Congress has already dipped into the Social Security trust fund. No matter how we want to score it, it has already happened; little things like declaring the census an emergency, $4 billion; conveniently using OMB scoring when it suits our purpose of being able to score spending $16 billion cheaper.

I used to work with my friends on the other side of the aisle quite regularly on this argument when we finally got around to saying our scorekeeper is the Congressional Budget Office. The White House has the Office of Management and Budget. We have the Congressional Budget Office. It is bipartisan. It is our scorekeeper. Let us quit fussing about whose numbers and whose projections we are going to use. Let us agree on the Congressional Budget Office.

Every once in awhile we would say, where there is differences why do they not just add up the two and divide by two and take an average and that becomes something that we can use that is consistent.

Well, by conveniently thus far using $16 billion of OMB scoring, it allows us to spend money. Well, this might help us on the budget caps debate, but it does not change the bottom line when we finish the year.

Any spending for any purpose, whether it is an agricultural emergency, which we have, whether it is the health care emergency that we have in rural America, whether it is the short-changing of home health care, which we are doing under current law, unless we change it, all of these spending decisions are going to be real dollars. So somehow, some way I hope that we can find a way to accept what the gentleman from Texas (Mr. TURNER) and I and, if the gentleman from Texas (Mr. SANDLIN) does not get over here I have a statement that I want to put in for him, and if some of our colleagues who are perhaps here and are going to be joining us soon, we the Blue Dogs are both extending our hand to both the leadership of the House and to the President of saying take another look of what we propose and how we propose it and if they do not like what we are talking about, perhaps there is some compromises that can be reached.

One thing we feel very strongly about, that we should not spend projected surpluses for any purpose until they materialize. If they do and we pay down the debt, to me and to us, the best tax cut we can give all of the American people is to reduce the debt sufficiently that the Federal Reserve is convinced that we will maintain fiscal responsibility in our spending habits and instead of increasing interest rates over the next several months, as they have done twice in the last month, month and a half, if we can bring interest rates down we know that a 1 percent reduction in the interest rate that affects student loans, credit card bills, home mortgages, car auto loans, all of the things that all of working America use every day, it is estimated at $200 billion to $250 billion a year.

Why is that so difficult for our colleagues who continue to believe that the best tax cut is the one that they send to the President of which he is going to veto? I do not understand. We do not understand that.

To those that suggest spending, let me make this suggestion, and this is a Blue Dog suggestion. This has been in our budget proposal all year. Let us all acknowledge the fact that spending caps have worked. We, the last two, three, four Congresses, have done a fairly responsible job in reducing discretionary spending. In fact, we went a little too far in the area of defense and we are now having to put some of it back because this is no longer a safe world, and we heard the gentleman from Pennsylvania (Mr. WELDON) talking about a little different component of that.

The caps have worked. But why is it so difficult to admit that perhaps what we did in 1997, in which most people acknowledged then that it was going to be difficult to make those cuts because we back end loaded it, what does that mean in plain English?

□ 1815

It said, Congress, in 1997, chose not to make the tough decisions, we punted it to the 1999 Congress. That is why we are having such a difficult time.

Why do we not go back and do it the way we used to do it around here, 2 years ago, 3 years ago, 5 years ago, 10 years ago. Why do we not go back and have a new set of budget caps on appropriation bills that are set and will be agreed to by a majority on both sides of the aisle of what the new spending restraints ought to look like. As I answered a businessman's question earlier today in another meeting I was in, he said when in 1997 when the Congress did what you did, the markets reacted favorably, because they believed that you were going to get a fiscally responsible Congress for a change and markets react to that, and I said there is no reason why we cannot do that again. We can do the same thing again. We can have a new set of caps that we live with that will get us on track. Why is it so difficult for us to do?

Let me pause right now and recognize one of my colleagues, the gentleman from Texas (Mr. TURNER) for any comments that he might like to add at this time.

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding. I want to compliment the gentleman on his strong leadership that he has given to us in this Congress on fiscal issues. He has always stood for fiscal conservatism, and I think the issues that we are talking about today we need to have a full debate and discussion on them.

I had the opportunity over the last few weeks during our August recess to stop in 70 communities in my east Texas district, and I did a little coffee shop tour and I went around and visited with folks in those coffee shops where we all know they solve a lot of problems early in the morning. And I just talked to them about this tax reduction proposal that had just passed in the Congress, I talked to them a little bit about the national debt, and it was indeed refreshing to me to see how well the people of my district understand what is really going on here in Washington. A lot of folks up here have talked about a surplus, and we all know the truth of the matter is the surplus that is being talked about is merely a projection of what might happen over the next 10 years. In truth and fact, it is based on some assumptions that may not even turn out to be true. We really may never have a surplus.

In fact, I will not forget what one gentleman told me down in Willis, Texas at the first stop that I made at the Willis City Hall, and he said to me, after I began to talk about the surplus and the national debt, he raised his hand and he said, Congressman, he says, you all do not have any surplus in Washington, you have a $5 trillion national debt. You cannot have a surplus if you owe $5 trillion. And that makes a lot of sense.

It is hard to understand how, after the Federal Government spent more money every year for 30 years, ran up a $5.5 trillion national debt that we would come up here in this hallowed hall and declare we have a surplus, particularly when the surplus is only an estimate. It is not here yet; we have not seen it yet; it may never show up. And yet, the majority in this Congress saw fit to pass a $792 billion tax reduction over 10 years that absorbed all of the anticipated, hoped for, not here yet surplus in the general fund of the Federal budget.

Now, that was just irresponsible. The people of this country understand that it was irresponsible, and they understand that if one is fiscally conservative, one pays their debts. And now that we have a hope of better economic times in the Federal budget, what we ought to be doing is paying down that $5.5 trillion national debt.

The Blue Dog Democrats made a proposal on the floor of this House just before the recess when we were debating that $792 billion tax cut. We had an alternative that we voted for. In fact, most of the Democrats in this House voted for it. That was a very simple plan. It said, if we do have a surplus over the next 10 years, what we ought to do is dedicate half of it to paying down that national debt, and we ought to set aside 25 percent of it to be sure that we save Social Security and Medicare, both of which, by the way, are going into bankruptcy. After all, 30 years from now, they tell us there are going to be twice as many people over 65 in this country as we have today. And the projections have been before this Congress for months, for years, that Social Security and Medicare will be insolvent.

Mr. Speaker, we have been real lucky with Social Security for a long time. We put more money in the trust fund every year in payroll taxes than we took out in benefits. But to tell us that in 15 years when most of us baby boomers begin to retire, that is going to change. We are going to be paying out more money in benefits every year than we take in.

One of the reasons that we feel so strongly about paying down the national debt is that it will allow us to pay back that debt that we owe the Social Security Trust Fund, because somebody some years ago in this Congress decided it was a smart thing to do to use the surplus in the Social Security Trust Fund to run the rest of the government that was running in a deficit instead of borrowing it from the public. So it borrowed from Social Security. We are going to need that money in the Social Security Trust Fund real soon. It is time to start paying back that debt, and we can do that, by paying down the national debt, because $800 billion of that $5.5 trillion national debt is owed to the Social Security Trust Fund, and we need to pay it back.

We also think that it is important to dedicate 25 percent of any future surplus to save Social Security, to save Medicare, and the final 25 percent should be dedicated to reducing the taxes of the American people. That is a balanced plan; that is a plan that preserves the economic security of this country; it preserves the retirement security of all of us; it preserves our health care security. It is the right thing to do for America. It is not an irresponsible plan that would give away in a tax reduction plan all of a surplus that is not even here yet.

Now, there were some on the floor of this House that argued in favor of that tax cut and they said well, we cannot trust this Congress, because if they get a surplus, they are going to spend it. Well, that is pretty cynical, particularly when coming from folks that currently are in the majority. We have enough sense in this body, collectively, to save the surplus, to pay down the debt, to save Social Security, to save Medicare. We have that ability. We just need to sit down at the table together, work together in a bipartisan way and do the right thing.

The President is right to veto this $792 billion tax cut. It is the wrong thing to do for America, and if we pay down the debt, we can actually do more for working families than anything in this $792 billion tax cut. In fact, if we look at the tax cut closely, what we will find is that there is really no tax cut next year. The tax cut follows the anticipated surplus which, as I said, may never show up. But next year, under that tax plan, only six-tenths of

1 percent of the total tax cut would be realized, and most families would not even get anything. In fact, an average family making $50,000 a year would not see any significant tax reduction until the tenth year when they would see $300 in tax reductions.

Now, we can do more for working families in this country simply by paying down the national debt, because the economists tell us that paying down the national debt will reduce interest rates for all of us, and a mere 2 percent reduction in interest rates for a family that is paying off a $50,000 home mortgage would save that family over $800 in interest costs, almost three times what they would get out of this irresponsible tax cut in the tenth year of the plan.

So, Mr. Speaker, let us do the right thing. Let us lay it on the table. Let us be honest with the American people. They already understand that there is no surplus in Washington, and they understand that we need to pay down the national debt. That is the right thing to do.

I appreciate the gentleman from Texas (Mr. STENHOLM), and the leadership he has given, and the gentleman from Arkansas (Mr. BERRY), who has also worked very hard on this issue, and I think if we persist in our efforts, ultimately, both sides of the aisle will see the wisdom of doing the right thing.

Mr. STENHOLM. Mr. Speaker, I thank my friend for making those comments. Let me fill in a couple of blanks, or supply a little bit more information on Social Security before I recognize the gentleman from Arkansas (Mr. BERRY).

When we are talking about Social Security, I think it is important that everybody understands why some of us are as concerned about the tax cut. For example, a lot of folks have really questioned me quite personally when I have said on this floor, as I am about to say now, this tax cut that is going to the President is the most fiscally irresponsible bill to come before this Congress in the 20 years that I have been here. And I say that for one reason and one reason only, and that is, when we look at the effect of the proposed tax cut, at least the one that was talked about, not the one that was conferenced, because it is interesting, when we sunset a tax bill in 8 years, that one is interesting. But the effect of a tax cut literally explodes by about $4.5 trillion in the second 10 years.

Now, my colleague talked about the baby boom and the Social Security Trust Fund and it being exhausted, and the year is 2034. That is when the Social Security Trust Fund under current projections will be exhausted provided we do not do anything. Well, it is our hope and expectation that we will do something, and therefore, when we talk about this, there is no reason for anyone 65 years of age and older, in fact, 55 years of age and older to worry about that. That is a given.

But in 2014, that is only 14 years from now, that is when we will begin paying out more out of the Social Security Trust Fund than will be paid in. That is when the problem becomes a reality. It will take $7.4 trillion of money from somewhere between 2014 and 2034 in order just to meet the current obligations of the Social Security Trust Fund. And the Blue Dogs have said, why do we want to do that? Why would the Congress, for any reason, want to increase the liabilities on the ability of the Federal Treasury to make the commitments that we promise everyone on Social Security, why would we want to reduce the amount of revenue available to pay off those commitments at exactly the same time that the baby boomers are going to be retiring at the top of their numbers.

I do not understand that. I have never understood why the leadership of the House this year did not choose to fix Social Security first, but they did not, we did not. And therefore, we find ourselves in a position of having a bill go down to the President which he will veto, which he should veto; it is in the best interests of our country that he veto it. Then, it will be in the best interests of our country that we now begin to look at putting together the kind of a compromise piece of legislation that will fix Social Security, fix Medicare, deal with rural health problems, and I hope that my colleague, the gentleman from Arkansas (Mr. BERRY), since he has been the coordinator and the chairman in the Blue Dog effort dealing with health care might have a few comments about that, and I would recognize him at this time, the gentleman from Arkansas (Mr. BERRY), for any comments that he might like to add to this discussion.

□ 1830

Mr. BERRY. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Texas, for his great leadership on this matter. I do not know of any Member of this House that has worked harder or been more dedicated to the cause of seeing that this Nation is fiscally responsible than the gentleman from Texas (Mr. STENHOLM).

I also want to thank my other distinguished colleague, the gentleman from Texas (Mr. TURNER), for his efforts here this evening, and also all the time he has been in the House.

We are a great Nation. We have been unbelievably successful. The reason that we have been successful is because we have made good decisions over the years. We cannot be this successful without making good decisions. It is absolutely amazing to me that we are even having this discussion.

We all know, and as my colleague, the gentleman from Texas (Mr. TURNER) just talked about, as we were in the district over the August recess, we would go from one spot to the next and meet with people, and they are not up here dealing with this every day like we are, but they do not have to be. They know that this is a bad idea. They know that this tax cut, they know this surplus, is a fantasy. They know that the surplus does not exist. They know that if we do this tax cut, we are going to put ourselves in worse shape than we are already in.

They also understand very well what it takes for us to be successful. Certainly, the best thing that we could possibly do for our children and grandchildren, and those that come after us, would be to pay this debt off. Certainly we should not spend any surplus until it is there, and then we should pay the debt off and take care of social security and Medicare.

Mr. Speaker, my colleague, the gentleman from Texas, mentioned health care a few minutes ago. We have got a commitment to our senior citizens in this country that we made a long time ago, and it is the right thing to do, that we are going to provide them with health care in their senior years. That is a commitment that we cannot and should not walk away from. We should use the monies, while we have the opportunity, to take care of social security, to take care of Medicare, and be sure they are there for all of us for years to come. It is just unbelievable to me that we would talk about doing anything else.

Then we should pay this debt off, use any major portion of an accumulated surplus in these times of prosperity to increase the national savings by improving the financial integrity of the Federal Government. Reducing the national debt is the best long-term strategy for the U.S. economy.

Reducing our national debt will provide a tax cut for millions of Americans because it will restrain interest rates, saving them money on mortgages, new mortgages, auto loans, credit card payments. Each percentage point increase in interest rates would mean an extra $200 to $250 billion in mortgage costs to Americans.

Reducing the national debt will protect future generations from increasing tax burdens. Currently more than 25 percent of individual income taxes go to pay the interest on our national debt. Every dollar of lower debt saves more than $1 for future generations, a savings that can be used for tax cuts or for covering the baby boomers' retirement without tax increases.

Federal Reserve Board Chairman Alan Greenspan has repeatedly advised the Congress that the most important action we could take to maintain a strong and growing economy is to pay down the national debt. Earlier this year, Chairman Greenspan testified before the Committee on Ways and Means that debt reduction is a much better use of surplus than tax cuts.

He said,

> The advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public in its virtuous cycle on the total budget process is a value which I think far exceeds anything we could do with the money.

Virtually all mainstream economists agree that using the surplus to reduce the debt will benefit the economy and stimulate economic growth by increasing national savings and boosting domestic investment. Increasing national savings is vital to achieving the productivity growth that will be necessary to compensate for the reductions in the labor force in the next century.

All of this is very simple. It is not complicated. We are making it complicated to achieve political goals that will not last, and will cause us tremendous problems in the future.

Again, I want to thank my colleagues from Texas for their leadership in this matter. Certainly the gentleman from Texas (Mr. STENHOLM), as I said, has been a granite rock in this fight to see that we are fiscally disciplined. Again, I want to thank him for his leadership in this area, and challenge all of us to make good decisions to see that this country continues to be successful for the many, many years to come, and certainly for our children and grandchildren and those who come after us.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his comments and his leadership within the Blue Dog Coalition, trying to do that which we talk about today. We get accused of a lot of things in Congress. Some of it we deserve, some of it we do not deserve. But one thing that has kind of bugged us is the lack of serious attention to policy.

We spent about 4 hours today in the Committee on Agriculture dealing with agricultural problems, of which we have been a little derelict in dealing with our policy decisions. Decisions were made that have not quite worked out. When we make a decision that does not quite work out, what we do is change it. We have a budget of about $1,700,000,000,000, every dollar of which benefits somebody. It is important to somebody. It is our decision or our responsibility to decide which is the most important, and to be as frugal as we possibly can with our taxpayer dollars. That does not mean that we ignore real problems. When they are there, we deal with them.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, the gentleman from Arkansas (Mr. BERRY) and I have been in this Congress, in this House, a little over 2 years now, and the gentleman has been here over 20 years. I would be interested in the gentleman's observations about the impact of our budget situation on Medicare, Medicaid, particularly in light of the fact that so many of us have begun to hear from the health care providers, the hospitals in our district, that they are increasingly feeling the pinch of reductions in reimbursement rates under Medicare.

In fact, in Texas they estimate that there may be as many as 50 hospitals closed if we in the Congress fail to provide some additional funds for Medicare. We all know in this projected budget surplus, the assumption is that there will not be any increase in Medicare. In fact, it goes down under the Balanced Budget Act of 1997, and thereafter remains below the increase that would be necessary just to keep up with inflation.

I think a lot of our health care providers understand that, and they are warning us that unless we are going to be willing to act responsibly with regard to funding Medicare and Medicaid, that we may lose some of our hospitals. For those of us in rural areas of the country, to lose a hospital would virtually close down our communities.

Mr. STENHOLM. This is one subject, Mr. Speaker, that the gentleman in the Chair now, the gentleman from Louisiana (Mr. COOKSEY), if the rules would permit him to participate in the debate at this time, I believe we would have a four-way discussion of some of the needed changes as it pertains to Medicare.

The gentleman brings up a very good and valid point. The balanced budget agreement of 1997 was a good agreement. I supported it, and everyone who was here supported it, if Members claimed to be fiscally responsible, fiscally conservative.

Do I regret supporting it? No. That was the proper thing to do. There were compromises reached dealing with Medicare and Medicaid and other spending that needed to be done, and it was judged by the best judge of our actions, the market, to be responsible, because the market reacted favorably to what we did.

Unfortunately, there were some unintended consequences. Some of the proposals that were made and the changes in the delivery of health care have had unintended consequences. When we have unintended consequences, reasonably intelligent people make decisions to change that which we did not intend.

We have a unique situation today in which, because we have always done it this way, we reimburse some hospitals more than others. If you happen to be in a major metropolitan area, you can get reimbursed 30 percent or 40 percent more for doing the same thing than in that rural small town hospital.

We hear this, and a lot of times our constituents raise the flag of concern, and we react to them. Sometimes they are crying wolf when they ought not to be, or they are making it out worse than it really is.

But in this case, I do not think there is anyone out there today that suggests that the rural health care concerns are not very real. I always ask, whatever subject we are talking about, when somebody says they have a problem with the government and I am involved. I ask them to prove it to me, show me, give me some hard numbers.

I will not mention names, but I will use this example. There are two hospitals, one in my district, one I used to represent just outside my district, two hospitals 20 miles apart. One is in the Dallas-Fort Worth metropolitan area. The other is just outside. They brought me the hard evidence. The one in the rural area received $900,000 less last year for doing the exact same services, apples to apples. The only difference is the reimbursement area.

Mr. Speaker, I would hope that most folks, both at HCFA, health and human services, and we in the Congress in the relevant committees, would say, as we say privately, it seems, those with the responsibility, say, yes, that is wrong. It needs to be changed.

Here it is, September 15. I met with about 20 of my 24 hospitals when I was home during the August break, all of them with an urgency of the fact they are running in the red and they are having a difficult time, saying, when are you going to make some of these changes?

I hope next week. I hope we will truly bring this to the floor, to the relevant committees, deal with it in a responsible way. But that is the thing that gets overlooked from time to time here. We made a decision with the balanced budget agreement, but that is not written in stone, particularly if it is having unintended consequences and is not working as was intended.

I do not think any reasonable people, and I would like to believe that our colleagues, those who are in urban areas that are not having this problem of payment reimbursement for Medicare and Medicaid, I would wish they would not be adverse to taking a few cuts. We have taken them. But if not there, the least we can do is raise the reimbursement level to the doctors and nurses and hospitals in rural areas up to a level that will meet their expenses.

That is something that I guess we have always seen, and perhaps in my 20 years, but not too long ago we recognized that health care was spiralling out of control. We all acknowledged that we have to do something about that, and we have, in a bipartisan way. Not everything we have done has been bad. But sometimes you have unintended consequences.

Another one we have had now is dealing with home health care. We made some decisions on numbers that have had a very adverse effect on home health care delivery in rural areas. I would hope that we could change that, too.

Mr. TURNER. If the gentleman will continue to yield, Mr. Speaker, one of the other things that comes to my mind as a member of the Committee on Armed Services is the fact that all this projection about a surplus does not take into account the very serious and legitimate needs that we have for funding national defense.

I was a cosponsor of the legislation that we passed overwhelmingly in this House, and that has moved through the Senate and is now signed by the Senate, to create a national missile defense system for the United States to protect us against the growing threat of ballistic missile attack from nations like Iran, Iraq, North Korea.

Yet, there is absolutely nothing in that estimate of a surplus that would allow any funds to be spent to develop a national missile defense system.

I know the gentleman from Arkansas (Mr. BERRY) is very familiar with the problems being faced by agriculture, the problems of emergency expenditures. I know the gentleman certainly would be able to enlighten us some on the pressures on agriculture and the emergency spending that invariably we have to deal with that again is not accounted for in that estimate of surplus.

Mr. BERRY. That is absolutely right, Mr. Chairman, if the gentleman will continue to yield. We not only have emergency spending we are going to have to do for agriculture this year to keep it in business.

As my colleague, the gentleman from Texas, also just mentioned, these terrible shortfalls that we have in rural hospitals and all rural health care providers, home health care, all these things are creating a desperate situation in rural America.

We also had this shortfall in the way we pay the men and women that fight for this country and serve in our Armed Forces.

□ 1845

It is absolutely unconscionable that we would put them in a situation where they are putting their lives on the line every day, and, at the same time, they have to worry about whether or not their families back home are being taken care of. They know that their families are living below the poverty level, and we should not, a great Nation that we are, ask our men and women in uniform to make a sacrifice like that at the same time we are asking them to protect us.

All of these things just do not make any sense, and we know that we are going to eventually have to deal with them, and we should make allowances for that in how we spend our money and allocate our monies in this country.

Mr. STENHOLM. Mr. Speaker, the light of this conversation now between the three of us, if we were conducting a town hall meeting in the 17th District of Texas, someone would be just itching to stand up and say, "Yep, there you go. You are already talking about spending. That is why we need the tax cut so you will not spend it." To which my response is pretty simple: "If you do not believe that necessary spending on defense is a prudent expenditure of your dollars, you are right."

But last time I checked, one of the most important responsibilities that this Congress has is to maintain the national defense because, without a strong America, all of these other arguments will pale.

Mr. TURNER. Mr. Speaker, I know the gentleman from Texas and the gentleman from Arkansas (Mr. BERRY) have heard from our veterans. At many of our town meetings, I have heard veterans come and talk to me about the problems they have experienced in getting veterans care because of some of the reductions that have already been put in place.

Mr. STENHOLM. Mr. Speaker, what I say to that constituent of mine, okay, what we are saying in the Blue Dog budget, we are prepared to make the tough decisions and squeeze the budgets. We will work with our colleagues on both sides of the aisle to get the most fiscally responsible budget that we can possibly get. We submit that we have got one, and it has been proposed. I am sure that now that we are through this little exercise of the tax cut to the exclusion of everything else that we will get serious about this, and my colleagues will find that they will not find a more fiscally responsible budget that can get 218 votes than the one that we proposed 6 months ago.

Mr. TURNER. Mr. Speaker, I am very confident that, if we can bring both sides of this House together and get them down to the table, that we could come up with a plan that would look very much like the plan that the Blue Dog Democrats proposed months ago, which was, as the gentleman says, a balanced budget and one that took care of the legitimate needs that we face in this country.

One of the interesting subjects that I have heard the gentleman address before that I want to ask him about is the impact of a $794 billion tax cut that the President is going to veto here in just a few days. What that would do, not just on the short term, but the next 10 years, which is what we have been talking about, but what would happen in the out years if we were to take such an action as reducing taxes by that much when we do not even have a surplus to do it from.

Mr. STENHOLM. Mr. Speaker, that was the thing I was talking about a moment ago, which is why I call this the most fiscally irresponsible action because it is back-end loaded. We have had a little flury. I am not sure everybody in the country has seen this, but we had some folks in the other body suggest the way to get through this cap business is to increase by 1 month the number of months in a year. Apparently, they did it with a straight face.

Now, back home, folks would be laughing about that. But I thought for a moment that, well, maybe that is a good way to see how serious the Y2K problem is if we could just postpone it for 30 days. We can see what is going to happen in there. But that is what some folks have seriously talked about doing. Well, that is not a good way to do business.

The debt, $5.6 trillion, that is what we owe. We owe. The tax cut, $792 billion is projected, but they back-end loaded it. Instead of front-end loading, instead of moving spending, some are suggesting now let us spend it in the next 2 weeks because then it will not count against the caps next year. They conveniently overlook that spending is spending, and that is still going to come out of Social Security Trust Fund. Make no mistake about it. One cannot disguise the real numbers no matter how we debate it on the floor of the House.

But that tax cut literally explodes by $4.5 trillion from 2011 to 2020 in its effect on the drain of the Treasury which some people honestly want to do. They believe that is good policy. We tried that in the 1980s, and we participated. We were going to squeeze the revenue and balance the budget, and we borrowed $4 trillion trying out that little experiment. I do not want to do that.

Now, I am not going to be around the Congress in 2014, but I do not want the actions that we take or do not take this year to put that burden on the 2014 Congress.

The gentleman from Texas (Mr. TURNER) is young enough, he is probably going to be here. The gentleman from Arkansas (Mr. BERRY) is young enough, he is probably going to be here. But I am not going to be in the Congress in 2014, I do not believe for a moment. Why would we do that? That is why we have taken as strong a position as we have on the Social Security question, which is separate, but very important.

We are not quite there yet as far as getting a solution, but I have resolved that Cindy and I, my wife, and I have two grandchildren, Chase and Cole, 4 years old and 2 years old, and I resolved when they were born, my being in Congress, that I did not want them to look back 65 years from today and say, if only my granddad would have done what in his heart he knew he should have done when he was in the Congress, we would not be in the mess we are in today. That is the spirit in which we participate today.

That is why I have enjoyed my association with all of my Blue Dogs, the two that have joined us today, and all, in the policy discussions that lead us to be able to come to the floor and to say these things and not apologize to anybody.

We sincerely believe that paying down the national debt is the best thing that this Congress ought to do, with no exceptions. Then we believe that we ought to deal with the five priority areas that we outlined, and we have already talked about them: defense, agriculture, health care, education, and veterans.

In some of those instances, we are prepared to say we need to spend some additional dollars in the short term to make the investment so that our country will meet those obligations. But we do it within the spirit of all of the Social Security Trust Funds going against the debt, paying down the debt, half of any projected surpluses being set aside, and then meeting those priorities, including a tax cut with the other 50 percent of that debt. That is what we are here to talk about today.

Mr. Speaker, I yield for any additional comments. We have got a few more minutes. If we are through, I am always a great believer, once one has said everything that needs to be said, nothing else needs to be said, and we will let these folks go home.

Mr. TURNER. Mr. Speaker, I want to say that the gentleman from Arkansas (Mr. BERRY) and I appreciate the compliment about our age. I am not sure we deserve it. But it has been a pleasure to join the gentleman from Texas (Mr. STENHOLM) and the gentleman from Arkansas (Mr. BERRY) in this dialogue this evening.

Mr. BERRY. It certainly has, Mr. Speaker. I think that the point that the gentleman from Texas (Mr. STENHOLM) made about our grandchildren, grandparents love to talk about their grandchildren, but I think that the point that the gentleman makes, that I do not want to have to face my grandchildren 20 years from now and look them in the eye and let them ask me, "Why did you not do something when you had the chance?"

I think we all know what we need to do, and it is a matter of having the political will and the courage to do the right thing and see that we do not leave our children and grandchildren with this huge debt to pay off. I think that is the responsibility that we have.

We also have an obligation to the five areas that the gentleman just mentioned to see that they get taken care of, too. But, again, it has been a pleasure for me to join my colleagues this evening. I thank both of my colleagues for their leadership in this area.

Mr. STENHOLM. Mr. Speaker, lest anyone misunderstand, the main point that we have made regarding the tax cut, we totally acknowledge all taxes belong to the taxpayer. We acknowledge that. I have no difficulty with those that say, if there is a surplus, we are going to return it to you because you can better make the decision of how to spend it, unless we are talking about national defense, and I would question that statement.

But what we add to this, that simple statement is, also, it is your debt. The $5.6 trillion is current taxpayer debt of which you, if you are in your 30s, 40s, 50s, or 60s, you have enjoyed the fruits of the spending of this $5.6 trillion. Why not take some of your dollars to pay down that debt. The choice is to increase the debt and to pass it on to your children and grandchildren.

The Blue Dogs say that is wrong. We encourage the President to do that which he is going to do, that is veto the tax bill. Then we hope that we can settle down and deal in a responsible way with the budget that does what we have talked about today.

Mr. SANDLIN. Mr. Speaker, the American people have spoken. They do not want Republicans to jeopardize this country's economic growth by forcing through an irresponsible, reckless tax cut and ignoring the growing national debt.

I am a strong advocate of a sound budget and fiscally responsible tax cuts, but the best tax cut we can give the American people is a promise we will first pay down the national debt by setting aside some of the true surplus—the non-Social Security surplus.

Our first priority in a budget discussion should be debt reduction. However, the Republicans have chosen to ignore this fiscal necessity and make promises they can't fulfill. Our primary goal should be to maintain the strong and growing economy that has benefited millions of Americans. Using that simple objective as our guide, it is clear that the best course of action this body could take is to use any budget surpluses to start paying off the $5.6 trillion national debt. Reducing the national debt is clearly the best long-term strategy for the U.S. economy.

Economists from across the political spectrum agree that using the surplus to reduce the debt will stimulate economic growth by increasing national savings and boosting domestic investment. Paying down our debt will reduce the tremendous drain that the federal government has placed on the economy by running up a huge national debt.

Listen to the American public—our constituents are telling us to meet our obligations by paying down the national debt. The folks I represent understand that, when you have some extra resources, you pay your debts first. They don't understand how we can be talking about giving away money we don't have on tax cuts we can't afford. They want us to use this opportunity to pay down our debt.

We hear a lot of talk about "giving the American people their money back". We should start by paying off the debt. The best tax cut we could provide for all Americans, and the best thing that we can do to ensure that taxes remain low for our children and grandchildren, is to start paying down our $5.6 trillion national debt.

Reducing our national debt will provide a tax cut for millions of Americans by restraining interest rates. Lower interest rates will put money in the pockets of working men and women by saving them money on variable mortgages, new mortgages, auto loans, credit card payments, and other debts. The reduction in interest rates we have had as a result of the fiscal discipline over the last few years has put at least $35 billion into the hands of homeowners through lower mortgage payment considering that more than twenty five percent of all individual income taxes go to paying interest on our national debt. These economic realities should teach us a valuable lesson: fiscal discipline, demonstrated by paying down the debt, is the best way to keep putting money into the hands of middle class Americans and ensure that future generations can enjoy a prosperous, stable economy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PRICE of North Carolina (at the request of Mr. GEPHARDT) for today and the balance of the week on account of Hurricane Floyd hitting his district.

Mr. ETHERIDGE (at the request of Mr. GEPHARDT) for today after 1:30 p.m. on account of Hurricane Floyd hitting his district.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SHAW (at the request of Mr. ARMEY) for today until 3:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2488. An act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.

ADJOURNMENT

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Friday, September 17, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4161. A letter from the Director, Conservation Operations Division, Natural Resources Conservation Service, USDA, transmitting the Service's final rule—Technical Assistance (RIN: 0578–AA22) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4162. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Officials Not to Benefit Clause [DFARS Case 99–D018] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4163. A letter from the Director, Office of Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Multiyear Contracting [DFARS Case 97–D308] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4164. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Oral Attestation of Security Responsibilities [DFARS Case 99–D006] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4165. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Service (CHAMPUS); Prosthetic Devices [DOD 6010.8–R] (RIN: 0720–AA49) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4166. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Acquisitions for Foreign Military Sales [DFARS Case 99–D020] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4167. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1998 annual report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Banking and Financial Services.

4168. A letter from the Federal Register Liaison Officer, Regulations & Legislation Division, Office of the Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Letters of Credit, Suretyship and Guaranty [No. 99–34] (RIN 1550–AB21) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4169. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Amendment to the Bank Secrecy Act Regulations—Definitions Relating to, and Registration of, Money Services Businesses (RIN: 1506–AA09) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4170. A letter from the Acting, General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Truth in Savings—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4171. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Loan Interest Rate [12 CFR part 701] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4172. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operation of Federal Credit Unions—received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4173. A letter from the Acting Director, Mine Safety and Health Administration, transmitting the Administration's final rule—Health Standards for Occupational Noise Exposure (RIN: 1219–AA53) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4174. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety, & Health, Department of Energy, transmitting the Department's final rule—Radioactive Contamination Control Guide [DOE G 441.1–9] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4175. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0994] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4176. A letter from the Chairman, National Committee on Vital and Health Statistics, Department of Health and Human Services, transmitting the Second Annual Report to Congress on the Implementation of the Adminstrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104–191, section 263 (110 Stat. 2033); to the Committee on Commerce.

4177. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline Beyond December 31, 1999 [FRL–6432–1] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4178. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6431–2] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4179. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems [FRL–6433–1] (RIN: 2040–AD15) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4180. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: North Dakota; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerators; Correction [FRL–6421–9] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4181. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions for Six California Air Pollution Control Districts [CA 009–0143a; FRL–6420–4] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4182. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Bay Area Air Quality Management District, Kern County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, South Coast Air Quality Management District [CA 172–0157a; FRL–6420–3] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: California State Implementation Plan Revision; South Coast Air Quality Management District; Ventura County Air Pollution Control District; Mojave Desert Air Quality Management District [CA 126–163a; FRL–6419–9] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Reinforced Plastics Manufacturing [MD077a–3034; FRL–6419–1] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4185. A letter from the Special Assistant, to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cedar Key, Florida) [MM Docket No. 99–72 RM–9323] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4186. A letter from the Legal Counsel, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commissions Rules to Further Ensure That Scanning Receivers Do Not Receive Cellular Radio Signals [ET Docket 98–76, FCC 99–58] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4187. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule—Acquisition Regulation (NRCAR) (RIN: 3150–AF52) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4188. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—UNITA (Angola) Sanctions Regulations: Implementation of Executive Orders 13069 and 13098 [31 CFR Part 590] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4189. A letter from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Editorial Clarifications and Revisions to the Export Administration Regulations [Docket No. 990811216–9216–01](RIN: 0694–AB81) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4190. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports and Reexports of Commercial Changes and Devices Containing Energetic Materials [Docket No. 990811214–9214–01] (RIN: 0694–AB79) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4191. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Chemical Weapons Conventions; Revisions to the Export Administration Regulations; States Parties; Licensing Policy Clarification [Docket No. 990416098–9237–02](RIN: 0694–AB67) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4192. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4193. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4194. A letter from the Secretary, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar years 1996, 1997 and 1998, pursuant to 5 U.S.C. 552b(j): to the Committee on Government Reform.

4195. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Public Financing of Presidential Primary and General Election Candidates [Notice 1999–17] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4196. A letter from the Acting Assistant Secretary of the Interior, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule—Location, Recording, and Maintenance of Mining Claims or Sites [WO–620–1430–00–24] (RIN: 1004–AD31) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4197. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bearing Sea and Aleutian Islands Management Area [Docket No. 990304063–9063–01; I.D. 083199A] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4198. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 083099C] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4199. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 083099B] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4200. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Closure From Fort Ross to Point Reyes, CA; Inseason Adjustment from Cape Flattery to Leadbetter Point, WA [Docket No. 99043–913–01; I.D. 072299C] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4201. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 080599D] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4202. A letter from the Director, Bureau of Justice Assistance, Department of Justice, transmitting the Department's final rule—Public Safety Officers' Educational Assistance Program [OJP(BJA)–1216f] (RIN: 1121–A51) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4203. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Cost of Incarceration Fee [BOP–1079–F] (RIN: 1120–AA75) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4204. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Adding Portugal, Singapore and Uruguay to the List of Countries Authorized to Participate in the Visa Waiver Pilot Program [INS No. 2002–99] (RIN: 1115–AF99) received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4205. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Time of Designation and Using Agency for Restricted Area R–2211 (R–2211), Blair Lake; AK [Airspace Docket No. 99–AAL–13] (RIN: 2120–AA66) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4206. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mojave, CA [Airspace Docket No. 99–AWP–2] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4207. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amend Title of the Vancouver, BC, Class C & D Airspace, Point ROBERTS, Washington (WA) [Airspace Docket No. 99–AWA–11] (RIN: 2120–AA66) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4208. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amend Controlling Agency Title for Restricted Area R–7104, Vieques Island, PR [Airspace Docket No. 99–ASO–11] (RIN: 2120–AA66) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4209. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Parsons, KS [Airspace Docket No. 99–ACE–36] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4210. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airway; Columbus, NE [Airspace Docket No. 98–AGL–49] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4211. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grain Valley, MO [Airspace Docket No. 99–ACE 28] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4212. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airway; Rochester, MN [Airspace Docket No. 98–AGL–37] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4213. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Series Airplanes Equipped with Rolls-Royce 532–7 "Dart 7" (RDa–7) Series Engines [Docket No. 98–NM–364–AD; Amendment 39–11288; AD 99–18–22] (RIN: 2120–AA64) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4214. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–112–AD; Amendment 39–11287; AD 99–18–21] (RIN: 2120–AA64) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4215. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29708; Amendment No. 1946] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4216. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Lake Hood, Elmendorf AFB, and Merrill Field, AK Revision of Class E Airspace; Elmendorf AFB and Merrill Field, AK [Airspace Docket No. 99–AAL–16] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents [USCG–1997–2799] (RIN: 2115–AF49) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Qualification of Pipeline Personnel [Docket No. RSPA–98–3783; Amendment 192–86; 195–67] (RIN: 2137–AB38) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4219. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Year 2000 (Y2K) Reporting Requirements for Vessels and Marine Facilities; Enforcement Date Change [USCG–1998–4819] (RIN: 2115–AF85) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4220. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Redesign of Public Assistance Project Administration (RIN: 3067–AC89) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Consolidated Returns—Consolidated Overall Foreign Losses and Separate Limitation Losses [TD 8833] (RIN: 1545–AW08) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Boyd Gaming Corporation v. Commissioner [T.C. Docket Numbers 3433–95 and 3434–95] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4223. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Hospital Corporation of America and Subsidiaries v. Commissioner [109 T.C. 21 (1997)] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4224. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Internal Revenue Service V. Waldschmidt (In re Bradley) (M.D. Tenn. 1999), aff'g 222 B.R. 313 (Bankr. M.D. Tenn. 1998) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4225. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate of Mellinger v. Commissioner [112 T.C. 4(1999)] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4226. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Vulcan Materials Company and Subsidiaries v. Commissioner [Docket No. 11680–88] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4227. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—St. Jude Medical, Inc. v. Commissioner [Tax Ct. Dkt. No. 5274–89] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4228. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revision of the Tax Refund Offset Program [TD 8837] (RIN: 1545–AV50) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4229. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Inflation-Indexed Debt Instruments [TD 8838] (RIN: 1545–AU45) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4230. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—July—September 1999 BOND Factor Amounts [Rev. Rul. 99–38] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 28. A bill to provide for greater access to child care services for Federal employees (Rept. 106–323 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 294. Resolution providing for consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders (Rept. 106–324). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the committee on the Judiciary discharged from further consideration. H.R. 28 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 28. Referral to the Committee on the Judiciary extended for a period ending not later than September 15, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself, Mr. MCDERMOTT, and Mr. WU):

H.R. 2868. A bill to guarantee States and counties containing Federal forest lands consistent compensation for the loss of property tax revenues from such lands instead of a percentage of the declining revenues derived from timber sales; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 2869. A bill to authorize the Secretary of Transportation to carry out highway and bridge projects to improve the flow of traffic between the States of Nebraska and Iowa and to direct the Secretary to designate certain highways in those States as an Interstate System route; to the Committee on Transportation and Infrastructure.

By Mr. CAPUANO (for himself, Mr. CLAY, Mr. DELAHUNT, Mr. FROST, Mr. LAFALCE, Ms. LEE, Mr. GONZALEZ, Mr. MCGOVERN, Mr. MOAKLEY, Mr. OLVER, Mr. PASCRELL, Ms. PELOSI, Mr. TIERNEY, Mr. TOWNS, and Mr. WEINER):

H.R. 2870. A bill to amend title XVIII of the Social Security Act to provide for coverage of vision rehabilitation services under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself and Mr. POMEROY):

H.R. 2871. A bill to promote youth financial education; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 2872. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell grant from $3,125 to $7,000 over 3 fiscal years; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 2873. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions to education individual retirement accounts, to increase the amount which may be contributed to such accounts, to permit such accounts to be used to pay elementary and secondary education expenses and training expenses of older individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Mr. HANSEN):

H.R. 2874. A bill to amend the Wild Free-Roaming Horses and Burros Act to provide for delegation to States of the powers and duties under that Act regarding management of wild free-roaming horses and burros, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 2875. A bill to amend the Klamath River Basin Fishery Resources Restoration Act to provide for tribal representation on the Klamath Fishery Management Council, to clarify allocation of the annual tribal catch, and for other purposes; to the Committee on Resources.

By Ms. LOFGREN:

H.R. 2876. A bill to amend the Federal Rules of Evidence regarding testimonial privileges of parents, children, and members of the Secret Service; to amend title 18 of the United States Code to restrict prosecutorial conduct with respect to sexual activity not unlawful under Federal law, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 2877. A bill to amend title IV of the Social Security Act to coordinate the penalty for the failure of a State to operate a State child support disbursement unit with the alternative penalty procedure for failures to meet data processing requirements; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. Stark, Mr. Rush, Mr. Romero-Barceló, Mrs. Mink of Hawaii, Mr. Frost, Mr. Nadler, Ms. Slaughter, Mr. Lewis of Georgia, Mr. Frank of Massachusetts, Mr. Hinchey, and Mr. Weiner):

H.R. 2878. A bill to protect the privacy of health information in the age of genetic and other new technologies, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NORTHUP (for herself, Mr. Fletcher, Mr. Talent, Mr. Wolf, Mr. Dickey, Mr. Lazio, Mr. Bonilla, Mr. Pombo, Mr. Hastert, Mr. Portman, Mr. Oxley, Mr. Cox, Mr. Thomas, Mr. Shays, Mr. Moran of Kansas, Mr. Schaffer, Mr. Miller of Florida, Mr. Kolbe, Mr. Foley, Mr. Hayworth, Mrs. Morella, Mr. Gilchrest, Mr. Shimkus, Mr. Hastings of Florida, Mr. Meeks of New York, Mr. Brady of Pennsylvania, Ms. Eddie Bernice Johnson of Texas, Mr. Brown of Ohio, Mr. Manzullo, Mr. Houghton, Mr. McIntosh, Mr. Gutknecht, Mr. Hoekstra, Mr. Gibbons, Mrs. Kelly, Mr. Watts of Oklahoma, Mr. Etheridge, Mrs. Jones of Ohio, Ms. McKinney, Mr. Pastor, Mr. Hinchey, Mrs. Clayton, Mr. Wynn, Mr. Fattah, Mr. Greenwood, Mr. Hilliard, Mr. Cunningham, Mr. Engel, Mr. Spratt, Mr. Leach, Mr. Thompson of Mississippi, Mr. Armey, Mr. Tierney, Mr. Sandlin, Mr. Owens, Ms. Carson, and Mr. Traficant):

H.R. 2879. A bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. Matsui, Mrs. Johnson of Connecticut, and Mr. Tanner):

H.R. 2880. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2881. A bill to allow the collection of fees for the provision of customs services for the arrival of certain ferries; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 2882. A bill to regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services; to the Committee on Commerce.

By Mr. ISTOOK:

H.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule VII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. Brown of Florida.

H.R. 27: Mr. Goodlate.

H.R. 44: Mr. Cunningham.

H.R. 65: Mr. Coburn.

H.R. 303: Mr. Coburn and Mrs. Maloney of New York.

H.R. 354: Mr. Goss and Mr. Hall of Texas.

H.R. 383: Ms. Berkley.

H.R. 405: Mrs. Meek of Florida, Mr. Wamp, and Mr. LaHood.

H.R. 492: Mr. Sandlin.

H.R. 505: Mr. Blagojevich.

H.R. 528: Mr. Goode and Mr. Manzullo.

H.R. 534: Mr. Conyers, Ms. Dunn, Mr. Largent, Mr. Shadegg, Mr. Shimkus, Mrs. Northup, and Mr. Petri .

H.R. 673: Mr. Diaz-Balart.

H.R. 710: Mr. Blumenauer, Mr. Ewing, and Mr. Blunt.

H.R. 783: Mr. Pickering.

H.R. 792: Ms. Granger.

H.R. 804: Mr. Inslee and Mr. Moore.

H.R. 826: Mr. Davis of Illinois.

H.R. 828: Mr. Mollohan.

H.R. 860: Ms. Berkley.

H.R. 933: Mrs. Thurman.

H.R. 988: Mr. Baird.

H.R. 1070: Mr. Terry.

H.R. 1075: Mrs. Thurman.

H.R. 1076: Mrs. Thurman.

H.R. 1088: Mr. Doolittle.

H.R. 1102: Mr. Maloney of Connecticut.

H.R. 1142: Mr. Chambliss, Mr. Knollenberg, Mr. Pickering, Mr. Callahan, and Mr. Goodling.

H.R. 1160: Mr. Jefferson.

H.R. 1171: Mr. Vento, Mrs. Thurman, and Mr. Peterson of Minnesota.

H.R. 1221: Mr. Watt of North Carolina and Ms. Lee.

H.R. 1246: Mr. Price of North Carolina.

H.R. 1256: Mr. Blagojevich and Mr. Cannon.

H.R. 1272: Mr. Armey.

H.R. 1344: Mr. Edwards.

H.R. 1349: Mr. Lazio, Mr. McKeon, and Mr. Rohrabacher.

H.R. 1355: Mrs. McCarthy of New York.

H.R. 1488: Mr. Kucinich and Mr. Wexler.

H.R. 1495: Mr. Gejdenson.

H.R. 1625: Mr. Gilman and Mr. Traficant.

H.R. 1629: Mr. Sandlin, Mr. Lucas of Kentucky, and Mr. Hinojosa.

H.R. 1671: Mr. Levin.

H.R. 1686: Mr. Cook.

H.R. 1708: Mr. LaHood and Ms. Pryce of Ohio.

H.R. 1775: Mr. Delahunt.

H.R. 1776: Mr. Blumenauer, Mr. Norwood, Mr. Jenkins, Mr. Wu, Mr. Bass, and Ms. Lee.

H.R. 1785: Mr. Gutierrez, Ms. Schakowsky, Mr. Ford, and Mr. Clay.

H.R. 1787: Mr. Blumenauer.

H.R. 1857: Mr. Ford, Mr. Turner, and Ms. Kaptur.

H.R. 1858: Mr. Boucher.

H.R. 1871: Mr. McCollum.

H.R. 1887: Mr. Ney and Mr. Faleomavaega.

H.R. 2029: Mr. Tancredo and Mr. Doolittle.

H.R. 2121: Mr. Barrett of Wisconsin, Mr. McDermott, and Mr. Hinchey.

H.R. 2286: Mr. Sandlin.

H.R. 2339: Ms. Eshoo, Ms. Carson, and Ms. McCarthy of Missouri.

H.R. 2362: Mr. Weldon of Pennsylvania, Mr. Graham, Mr. Sessions, Mr. Hostettler, and Mr. DeMint.

H.R. 2366: Mr. Nussle.

H.R. 2389: Mr. Hayes, Mrs. Cubin, Mr. Norwood, Mr. Phelps, Mr. Berry, and Mr. Lucas of Kentucky.

H.R. 2418: Mr. Graham and Mr. Clement.

H.R. 2420: Mr. Weldon of Florida, Mr. Brady of Texas, Mr. Fletcher, Mr. Cook, Mr. Sawyer, Mr. Smith of Washington, and Mr. Goodling.

H.R. 2441: Mr. Barr of Georgia.

H.R. 2451: Mr. Pastor.

H.R. 2453: Mr. DeLay.

H.R. 2498: Mr. Luther and Mrs. Clayton.

H.R. 2505: Mr. Wu and Mr. Boucher.

H.R. 2539: Mr. Dixon and Mr. Becerra.

H.R. 2560: Mr. Tancredo.

H.R. 2573: Mr. Lantos, Mrs. Maloney of New York, Mr. Fattah, and Mrs. Meek of Florida.

H.R. 2626: Mr. Bachus and Mr. Conyers.

H.R. 2631: Mr. Filner, Mr. Baldacci, Mr. Pallone, Mr. Gordon, Mr. Wise, and Mrs. Mink of Hawaii.

H.R. 2635: Mr. Graham.

H.R. 2657: Mr. Lantos.

H.R. 2658: Ms. Jackson-Lee of Texas.

H.R. 2659: Mrs. Christensen.

H.R. 2708: Mrs. Jones of Ohio, Mr. Horn, and Mr. Ose.

H.R. 2719: Mr. Capuano.

H.R. 2725: Mr. Watkins.

H.R. 2809: Ms. Baldwin, Ms. McKinney, Mr. Meehan, Ms. Norton, Mr. Blagojevich, Ms. Eshoo, Mr. Olver, and Mr. Farr of California.

H.R. 2810: Mr. Forbes.

H.R. 2814: Mr. Young of Alaska, Mr. Gibbons, Mr. Schaffer, Mr. Hunter, and Mr. Peterson of Pennsylvania.

H.J. Res. 47: Mr. Gordon.

H. Res. 41: Mr. Blagojevich, Mr. Luther, and Mr. Vento.

H. Res. 89: Ms. Lee.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2824: Mr. Baldacci.

EXTENSIONS OF REMARKS

CONGRATULATIONS J.W. "SKIP" TINNEN UPON HIS RETIREMENT

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. DANNER. Mr. Speaker, my good friend and constituent, J.W. "Skip" Tinnen will soon be retiring from the board of directors of Saint Luke's Northland Hospital and I want to express my best wishes to him on this occasion.

Skip was first elected to the board of directors of the Spelman Memorial Hospital (which later became Saint Luke's Northland Hospital in 1978). He served as an active member of the board until January 1999, when he was elected to Emeritus status, and he continues to serve in this capacity. He is the first member of the board of Saint Luke's Northland or Spelman Memorial Hospital to serve in this role.

Skip has actively served on many committees of the hospital board including Finance Committee, Long Range Planning Committee, Joint Conference Committee, Public Relations & Personnel Committee and Strategic Planning Committee. During the years 1994 and 1995 he had a perfect attendance at hospital board meetings. He has been very active in the expansion of the hospital facility. Also, he has been an active supporter of the philanthropic efforts of the hospital which include the golf classic and serving as vice president of the Spelman Medical Foundation.

Not only has Skip served the local health care community, he is also active in many civic and community organizations. He is the owner of the Plattsburg Leader newspaper and is very active with the Northwest Missouri Press Association.

Skip Tinnen's contributions to Saint Luke's Northland Hospital, the community, the sixth Congressional District of Missouri and our Nation should not go unnoticed. For all his many efforts on behalf of that which is good in our country, I want to say "Thank you, Skip, job well done."

TRIBUTE TO HAMMOND CARPENTERS UNION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On September 18, 1999, in a salute to their workers' durability and longevity, the Hammond Carpenters Union Local 599 will recognize their members with 25 years or more of dedicated service. They will be recognized at a pin ceremony during their 100 year anniversary celebration banquet to be held this Saturday at the Operating Engineers Local 150 Hall in Merrillville, Indiana. These individuals, in addition to the other Local 599 members who have served Northwest Indiana so diligently for such a long period of time, are a testament to the proto-typical American worker: loyal, dedicated, and hardworking.

The Carpenters Local 599, which received its charter in 1899, will honor members for their years of devoted service. The members who will be honored for 60 years of service include: Frank E. Caise and Frank Rueth. The members who will be honored for 50 years of service include: Willard Rains and Wayne Verble. The members who will be honored for 45 years of service include: Ronald Carlson and Leo Ceroni. The members who will be honored for 40 years of service include: Ezequile J. Lopez and Walter Wisinski. The members who will be honored for 35 years of service include: Donald Archer, Robert L. Farkas, Paul Hornak, Joseph W. Komoroski, Robert Lowry, Harold G. McMillion, Bernard Ritchey, Edward T. Scheeringa, Darrell E. Sills, and John Verbeek. The members who will be honored for 30 years of service include: G.A. Argentine, Charles A. Gibbs, Raymond J. Maida, Rudy Medellin, and William R. Underwood. The members who will be honored for 25 years of service include: Daniel R. Brown, Timothy P. Foley, and John S. Perz.

As Orville Dewey said, "Labor is man's greatest function. He is nothing, he can be nothing, he can achieve nothing, he can fulfill nothing, without working." The men and women of Local 599, in addition to all of the local unions in Northwest Indiana, form the backbone of our economy and community. Without their blood, sweat, and tears, Indiana's First Congressional District would not be the place I love, nor would it be my proud home.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of the Hammond Carpenters Union Local 599, in addition to all the hard-working union men and women in America. The men and women of Local 599 are a fine representation of America's union men and women; I am proud to represent such dedicated individuals in Congress. Their hard labor and dauntless courage are the achievement and fulfillment of the American dream.

WAYS AND MEANS COMMITTEE BLOCKING RETURN TO WORK HELP FOR THE NATION'S DISABLED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. STARK. Mr. Speaker, important health care legislation to provide work incentives for the disabled was unanimously passed by the Senate on June 16, 1999 (S. 331) and approved by the House Commerce Committee on July 1st (H.R. 1180) this year. Since then, this bill which was jointly referred to the Ways and Means Committee has been stalled and blocked. The Ways and Means Committee has done nothing to move this legislation forward despite the fact that this bill is good policy and has widespread support (229 cosponsors in the House and 79 cosponsors in the Senate).

According to the Social Security Administration, 8 million people of working age now collect disability benefits under Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). While America's unemployment rate is the lowest in decades, the unemployment rate among working age adults with disability is nearly 75%. H.R. 1180 will help the disabled re-enter the workplace, yet Ways and Means refuses to act.

The current SSDI and SSI legislation forces the disabled to choose between work and health insurance coverage. The choice between being unproductive or uninsured is inherent to SSDI's and SSI's definition of disability which equates disability with unemployability. This is a distorted view in a world where individual worth and accomplishment are measured in the workplace.

Surveys show that most people of working age with disabilities want to work; however, they are fearful of losing health care coverage if they seek employment and then lose their job. The result is that less than half of one percent of SSDI beneficiaries and only about one percent of SSI beneficiaries ever actually leave the SSA disability rolls to return to work.

It is difficult to overstate the benefits associated with holding a job when you suffer from physical or mental impairment. The restoration of emotional wellbeing associated with feelings of self-worth and accomplishment causes a domino effect with a cascade of benefits that goes well beyond the monetary value of employment. It is well recognized that depression is endemic among the disabled and that depression frequently contributes to a downward spiral of hopelessness, helplessness and amplified symptoms. Doctors understand that there is no prescription in their medical bag that will remedy this vicious cycle; in the absence of a cure, what the patient really needs are the tools to adjust to chronic impairment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today's challenge in health care is to empower each individual to live productively in the face of impairment. We cannot delude ourselves that medicine through research and clinical excellence will master the problems of death and disability. We cannot look to new miracles to prevent, cure and effectively treat every ailment. The reality is that improving clinical practice is likely to increase, not reduce the ranks of the disabled. We bear the responsibility to integrate individuals with impairments as fully as possible into the fabric of our society. Indeed, we cannot afford to squander the skills and talents of these individuals.

The fact is we should not confuse the difference between impairment and disability. Unfortunately, impairment is common and frequently permanent. Disability occurs when impairment has serious functional consequences. Our governmental programs should promote the realization of the full potential of the impaired individual, thereby minimizing disability. Health-promoting legislation provides incentives to return to the marketplace, providing a secure safety net for those who require it.

The Work Incentive Improvement Act is one step in the right direction—empowering individuals with impairments by emphasizing new possibilities rather than lost potential. The Ways and Means Social Security and Health Subcommittees have lost their way if we do not grasp this important opportunity to acknowledge the value of disabled Americans.

IN RECOGNITION OF THE STUDENTS OF YOUTH TOGETHER AS THEY CELEBRATE THEIR "WEEK OF UNITY: ONE LAND, ONE PEOPLE"

HON. BARBARA LEE

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 15, 1999

Ms. LEE. Mr. Speaker, I rise today to pay special tribute to the students of the Ninth Congressional District as they return to their classrooms for the 1999–2000 school year. In particular, I wish to highlight a group of students who are working diligently to ensure peace and harmony in our schools.

Throughout the week of September 7 through 13, 1999, students from Berkeley, Castlemont, Fremont, Richmond, and Skyline High Schools, celebrated a "Week of Unity: One Land, One People." These students are members of the Youth Together Project, a multiracial violence prevention and social justice project which operates in each of the five high schools. The event is an attempt by Youth Together students and their allies—students, teachers, parents, and community leaders—to unite students of all races together to promote unity and peace on their school campuses. It is a concept of unity, reconnecting us to our ancestors and homelands, reminding us that we are all native/tribal people struggling in an urban environment. It is based upon the creation belief held by our Native American foremothers and fathers that we are all descendants of one land and one people.

The theme for this year's event was eloquently taken from a quote by Dr. Martin Luther King, "True peace is not merely the absence of tension: it is the presence of justice." Some of the many activities and initiatives held during the "Week of Unity" included: The Castlemont Unity Mural, honoring 17 Americans who have come to represent the struggle for recognition and inclusion in the ideal of a united community. The "Commitment To Peace Banner" which involved students and adults asking all students to sign a banner committing themselves to peaceful conflict resolution. In addition, a mentoring program has been proposed that would connect seniors and juniors with incoming ninth graders to help promote a safe and comfortable transition for new students.

The students hope to establish the "Week of Unity: One Land, One People" as an annual event at each of their campuses. The main objectives of the event are to prevent outbreaks of violence and to set a positive tone that will determine the environment for the rest of the school year. By taking leadership and ownership of their schools, students are demonstrating through action the vision of a united community based upon principles of respect, justice and peace. These and many other initiatives stand as incontrovertible evidence that the young people of Oakland, Berkeley, and Richmond have a clear understanding of the multicultural issues that exist in their communities and are not afraid to stand up and take the lead in combating problems where they exist.

In closing, Mr. Speaker, I would just like to say how proud I am that the students of Youth Together understand that Native Americans, African Americans, Latinos, Asian Pacific Islanders and whites must come together to work for peace and justice in our schools and communities. In addition, I believe that the work being done by students in my district proves to the world that our young people are for real in seeking peace and justice and are living and working each and every day the dream of Dr. Martin Luther King, Jr.

TRIBUTE TO JOSÉ CHARFAUROS NEDEDOG

HON. ROBERT A. UNDERWOOD

OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 15, 1999

Mr. UNDERWOOD. Mr. Speaker, it is with great sense of sadness that I acknowledge the passing of one of Guam's leaders. The Honorable José Charfauros Nededog, a member of the 4th Guam Legislature, recently passed away at the age of 79.

Senator Nededog was born on January 31, 1920, in the village of Agat—the son of Emilio Nededog and Carmen Charfauros Nededog. He attended Bishop Olaiz Elementary School in Agat and graduated from Seaton Schroeder High School in Agana. Prior to enlisting in the United States Navy, he attended Phillip Commercial School in Honolulu, HI. Having enlisted in the Navy, Senator Nededog took personnel supervision courses in Brooklyn, NY, and Naval Intelligence Courses at Pearl Harbor, HI. He served during World War II, attaining the rank of Chief Petty Officer in the Naval Reserve.

He was elected to represent the people of Guam and serve in the 4th Guam Legislature. His experience as a senator enabled him to further serve the people as a member of several governmental councils. He was a member of the Territorial Planning Commission, the Bureau of Planning Council, the Manpower Resource and Development Council, the Seashore Protection Agency, and the First Constitutional Convention. At various times, he served as Center Director, Program Director, and Executive Director of the Government of Guam's Office of Economic Opportunity. He also served as Executive Director of the 17th Guam Legislature.

In addition to his government service, Senator Nededog also worked in the private sector. He was the general manager of the Kaneohe Venetian Manufacturing Co. in Hawaii, the sales and promotion manager of the Marianas Electric and Supply Co., and the general manager of Universal Insurance and Realty Co.

The Senator was also active in community organizations. He was a member of the Veterans of Foreign Wars (VFW) Post at Pearl Harbor, HI. In addition, he was active with the Kaneohe Welfare Association and OEO, 9th District. In his desire to help the youth and be a role model, he worked with the Boy Scouts Committee, Troop 5 at Mount Carmel Parish in the village of Agat. He also served as Scout Master for Troop 113, St. Ann's Parish at Kaneohe, HI.

The passing of the late Senator José Charfauros Nededog is a loss felt by the whole island. On behalf of the people of Guam, I offer my condolences and join his widow, the former Josefina Torres, and their children, Joseph, George, Melvin, Franklin, Kathleen, and Jocelyn, in mourning the loss of a husband, a father, and fellow legislator and servant to the people of Guam. Adios, Senator Nededog.

INTERNET CONSUMER INFORMATION PROTECTION ACT

HON. BRUCE F. VENTO

OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 15, 1999

Mr. VENTO. Mr. Speaker, the age of the Internet has put more and more Americans on-line and is evolving faster than we could have ever imagined. Each day new companies and industries form out of the constant technological innovation that has come to symoblize this information superhighway. It has allowed average people sitting in their living rooms the opportunity to connect with a myriad of businesses and services. However, with this convenience there comes a growing concern that private information is being misused. Today, I am introducing the Internet Consumer Information Protection Act in an effort to address this problem.

The Internet Consumer Information Protection Act will allow people to regain control over their own personal information without unnecessarily hindering those services which collect data for legitimate purposes. Under this legislation, any customer data gathered by an entity could not be passed on to a third party unless: notice is provided, consumers are allowed an opportunity to direct that the information not be shared; and are given the opportunity, at no charge, to review, verify or correct any data compiled. Internet services would still be allowed to share information with affiliates and would also be allowed to supply data to third parties for the purpose of performing services or functions except for marketing purposes, provided that such entity would have an affirmative responsibility barring the use or sharing of such data.

Obviously, issues involving the internet are complex and constantly changing, and therefore deserve careful and thoughtful consideration. It is important to note that the focus of this legislation is not to stop the accumulation and transactional use of data, but to give consumers a sense of understanding and effective control over their own information. Also, such policy would function to ensure that such entities take responsibility to maintain the integrity of the information being used for intended purposes.

As the Internet becomes as integral part of our daily lives, it is imperative that we in Congress take a common sense approach, like this proposed legislation, to ensure that businesses are able to benefit from this technology while citizens are able to retain a voice and aren't asked to involuntarily sacrifice their own personal privacy in the name of an undefined information age. The preservation of privacy is a cherished freedom which unchecked technology must not be allowed to circumvent or exploit.

TRIBUTE TO MERVYN MOSBACKER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an outstanding young man and American who has dedicated his life to the pursuit of justice, Mervyn Mosbacker.

Mervyn is the new U.S. attorney for the Southern Judicial District of Texas. He is a native of Brownsville, TX, and an eminently qualified lawman. Last year, Mervyn was recommended unanimously, by members of the Texas Delegation who represent congressional districts in the Southern Judicial District of Texas, to fill the vacancy for the position of U.S. attorney for the Southern District of Texas in Houston.

The White House nominated him, and the Senate confirmed him in short order. Mervyn was an attractive candidate to us for his position for many reasons, not the least of which was the ease with which this clean-cut young lawyer already working in the U.S. Attorney's Office already would glide through the vetting process.

Mervyn was born in Mexico and his mother, who currently lives in Brownsville, is from Ciudad Victoria, Tamaulipas. He will bring a very unique understanding of the needs of this judicial district to the U.S. Attorney's Office. He knows what is important to us here in South Texas because of our shared experiences.

He is familiar with the issues that bring cases to the courts along the border such as drugs, trade law, international law, and illegal immigration. His tenure of service in the U.S. Attorney's Office brings a history of knowledge of how the office works.

The position of U.S. attorney is a sacred position of the public trust. This is the advocate of the interests of the taxpayers of South Texas. The U.S. attorney is the Federal representative for the interests of justice under our laws in local areas. It is an honor to hold this position, but it entails an enormous responsibility as well.

I am enormously confident that Mervyn Mosbacker will bring South Texas common sense to the Office of United States Attorney for the Southern District of Texas. I ask my colleagues to join me today in congratulating Mervyn today as he takes the oath of office as U.S. attorney.

TRIBUTE TO SHEET METAL WORKERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in northwest Indiana. On September 17, 1999, in a salute to their workers' durability and longevity, the Sheet Metal Workers Local #20, of Gary, Indiana, will honor their members with sixty, fifty, forty; and twenty-five years of continuous service. These individuals, in addition to the other Local #20 members who have served northwest Indiana so diligently for such a long time, are a testament to the prototypical American worker: loyal, dedicated, and hard-working.

The men and women of Local #20 are a fine representation of America's working families. I am proud to represent such dedicated men and women in Congress. The Sheet Medal Workers Constitution states, "* * * to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness, and security to which every citizen is entitled in return for his labor, from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay." For sixty years, Edward Shirnko and Denator Migliorini have followed this creed. For fifty years, the following individuals have followed this creed: Mike Busika, James Cameron, Earl Chance, Melvin Crook, Marvin Forsythe, Vernon W. Hoehn, Eugene Hornrich, James Kocman, Eugene Koontz, Richard McClelland, Marcus Meyer, Charles D. Meyers, James Moscato, Raymond Mueller, Joseph E. Mullholland, William D. Nielsen, Chester Nowak, Ray Ritthaler, William Singel, Joseph Zeman, and Thomas M. Zimmer. In 1959, Jack Bacon, J.B. Bugg, Melvin Earnhart, Willima K. Hart, Vernon W. Hoehn, Louis Holzli, James R. Hood, Dellis Ivers, Leroy Johnson, Homer Keller, Robert Kish, Gordon LaBounty, Frank Macewicz, Jr., Clyde Martin, Gilbert Mecchia, Terry Messenich, Donald O'Dell, Homer Rachford, Lorne Rearick, John Sisco, and Daniel Wracker began their forty years of service to northwest Indiana and membership in the Sheet Metal Workers trade union. In addition to the great service and dedication displayed by the sixty, fifty, and forty-year continued service members, the members with twenty-five years of continued service that will be honored include: Daniel Bajda, Frank Beigelbeck, Lloyd Bielski, Timothy Bolster, Joseph L. Byres, Dan Gross, James Hirschfelder, Ted Jones, Vincent Macielewicz, James Odle, Peter Nielson, Larry P. Long, Tom Lopez, Donald McAuliffe, James Moskalick, John Moskalick, Leo Plawecki, Glen Shanks, Benito Torres, David Towasnicki, Thomas D. Zimmer, Melvin Lolkema, and William J. Singel.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, upstanding members of the Sheet Metal Workers Local #20 for their hard work in fulfilling the American dream. I offer my heartfelt congratulations to these individuals, as they have worked arduously to make this dream possible for others. They have proven themselves to be distinguished advocates for the labor movement, and they have made northwest I a better place in which to live and work.

INTERNATIONAL COMPARISON OF PRESCRIPTION DRUG COVERAGE FOR THE ELDERLY SHOWS UNITED STATES LAGS FAR BEHIND MAJOR INDUSTRIALIZED NATIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. STARK. Mr. Speaker, my staff recently conducted an analysis of eight industrialized nations and found that the United States is the only country lacking government-sponsored prescription drug coverage for its senior citizens.

The chart I am submitting today clearly illustrates our Government's failure to provide pharmaceutical coverage for seniors who need it most.

Canada, the United Kingdom, Germany, Japan, France, Sweden, and the Netherlands all provide universal prescription drug coverage for the elderly. The UK and France fully exempt the elderly from copayments for certain prescription drugs. Sweden provides a similar exception, but in no case charges seniors more than a $10 copayment for prescription drugs or more than $200 in annual out-of-pocket expenses. The findings clearly show that elderly Americans are being denied a fair system of drug coverage.

Further, recent analyses show that drug prices in the United States are surging by 18 percent per year, with the result that more seniors will be unable to purchase needed medications. Yet the elderly have a particular need for prescription drug coverage, as seniors purchase one-third of all prescription drugs while they only comprise 12 percent of our population.

As employer-sponsored retiree health coverage in the United States rapidly erodes and Medicare HMO's pull out of many markets and lower existing drug benefits, it is time to recognize that the private sector will never be able to guarantee drug coverage for all seniors. In contrast, adding an outpatient drug benefit to Medicare would do exactly that.

If so many other industrialized nations can provide prescription drug coverage for their senior citizens, why can't we?

I urge you to support legislation to add a prescription drug benefit to Medicare. If we do not, we will do great harm to millions of seniors who lack any drug insurance to pay for medications their doctors prescribe.

Contrary to what the pharmaceutical industry would have you believe, the debate is not about price controls. The debate is about coverage.

GOVERNMENT SPONSORED PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

	Country—							
	United States	Canada	United Kingdom	Germany	Japan	Netherlands	France	Sweden
National Policy.	No outpatient prescription drug coverage for seniors under Medicare. Medicaid provides prescription drug coverage for some low-income seniors; policies vary by state.	All provinces provide prescription drug plans for senior citizens, with copayments that vary by province.	Prescription drug coverage with co-payments; exemptions from some copayments for people over age 60.	Copayments range from $5 to $7, depending on the prescription. Patients also pay the difference between government reimbursed price and the market price (typically the difference between generic and name brand.	Free medical care for all individuals over age 70 (over 65, if bedridden), with nominal co-payments. Free care includes "supply of medications" Additional nominal co-payment for individuals taking more than one, two to three, or six or more prescription drugs per day.	Patient cost sharing of 20 percent, up to a maximum level. In addition, patients pay difference between maximum reimbursed price and the market price, similar to Germany.	"Essential drugs" (e.g., cancer treatment) require no cost sharing; "Normal prescriptions" (e.g., antibiotics) require 30% cost sharing; "comfort" drugs (e.g., tranquilizers) require 60% cost sharing. Elderly individuals with a need for multiple drugs are reimbursed for all costs.	No charge for pharmaceuticals for treatment of chronic diseases. $10 co-payment for all other prescription drugs. Annual copayments capped at $200, for combination of prescription drugs, physician consultations, physical therapy, and hospital inpatient care
Does this coverage exist for non-elderly?.	No. Low-income individuals may be covered under Medicaid. Varies by state.	No. Extent of coverage varies by province.	Yes. However, coverage for elderly is more generous.	Yes	Yes. However, coverage for elderly is more generous.	Yes	Yes. However, coverage for elderly needing multiple drugs is more generous.	Yes

Source: The Boston Consulting Group, Inc. "Ensuring Cost-Effective Access to Innovative Pharmaceuticals: Do market Interventions Work?", April 1999. Graig, Laurene A., Health of Nations: An International Perspective of U.S. Health Care Reform. (Congressional Quarterly Inc. Washington, DC: 1999). Lassey, Marie L., Lassey, William, R., and Martin J. Jinks. Health Care Systems Around the World: Characteristics, Issues, Reforms. (Prentice Hall, New Jersey: 1997).

RECOGNIZING STANLEY M. CHESLEY UPON HIS RECEIVING THE SHALOM PEACE AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Stanley M. Chesley, a distinguished constituent, who will receive the prestigious Shalom Peace Award from the Jewish National Fund on November 6, 1999.

The Shalom Peace Award is given to those who have made outstanding contributions to Israel and peace. It has been presented to an individual only eight times in the 99 year history of the Jewish National Fund. In receiving the award, Mr. Chesley joins other esteemed recipients, including Elie Weisel, Lady Margaret Thatcher, General Colin Powell, and Jihan Sadat.

Stan Chesley was born on March 26, 1936 in Cincinnati. He received his B.A. from the University of Cincinnati in 1958 and his LL.B. in 1960. He was admitted to the bar in 1960, and joined the law firm that is now known as Waite, Schneider, Bayless & Chesley, L.P.A. Mr. Chesley currently serves as President of the firm. He is a member of the bars of the Supreme Court of the United States, the Supreme Court of Ohio, and the United States District Court of Appeals for the Second, Fourth and Sixth Circuits. For eight years, he served on the Supreme Court of Ohio's Board of Commissioners on Grievances and Discipline, and was Vice Chair for two years. He has been a lecturer and author for the American Bar Association and many other legal organizations.

While Stan Chesley is an accomplished and successful attorney, he also is well known for his dedicated public service. In 1995, he was appointed to the United States Holocaust Museum Council by President Clinton. He also serves on the National Board of Governors of Hebrew Union College, the National Executive Committee of the American Israel Public Affairs Committee, the National Board of Directors of the American Committee for the Weizmann Institute of Science, the Board of Trustees of the University of Cincinnati and Board of Directors of the University of Cincinnati Foundation. He generously gives of his time to these and many other worthwhile organizations and causes in Greater Cincinnati.

Cincinnati salutes Stan Chesley as he receives this well deserved recognition.

* * *

WELCOMING INTERNATIONAL WOMEN TO THE WOMEN, SPIRITUAL MIDWIVES OF THE MILLENNIUM CONFERENCE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. STABENOW. Mr. Speaker, this weekend women from across the world will gather in Windsor, Ontario to celebrate 300 years of international diversity at the "Women, Spiritual Midwives of the Millennium" Conference.

This weekend's conference will emphasize the important role women play in breaking down the walls of racism and will celebrate the differences that make each women unique. I would like to extend my enthusiastic support to the conference participants as they unite women from all corners of the world with their healing message of love and understanding.

Leading the conference will be two dynamic women whose strong spirituality has defined their careers, Marianne Williamson and Reverend Ortheia Barnes-Kennerly.

Marianne Williamson has earned international acclaim for her talents as an author and lecturer. Her words have motivated and inspired. Ms. Williamson co-founded The Renaissance Alliance, a non-profit organization applying spiritual principles to social and political issues, and is committed to causes benefitting people with life-threatening illness. In addition to her other accomplishments, Marianne Williamson is the spiritual leader of the Church of Today, the Unity Church of Warren, Michigan. Ms. Williamson is a role model for young women everywhere and an extraordinary example of the selflessness of the human spirit.

Reverend Ortheia Barnes-Kennerly's life has been defined by her commitment to diversity and spirituality. She and her husband, Robert E. Kennerly, founded the SpiritLove Ministries in Detroit. Through both words and song, Reverend Barnes-Kennerly has moved people of all colors and creeds to love and heal.

Today I recognize the efforts of Marianne Williamson and the Reverend Ortheia Barns-Kennerly and encourage them to continue to preach their messages of unity and strength.

* * *

TRIBUTE TO THE ACADEMY OF OUR LADY OF GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. UNDERWOOD. Mr. Speaker, fifty years ago, Bishop Apollinaris William Baumgartner laid the groundwork for the establishment of the Academy of Our Lady of Guam. With the assistance of my aunt, Sister Mary Inez Underwood, the Academy first opened its doors on September 8, 1949—the first class consisting of 36 freshmen who received classroom instruction from within a section of the Agana Cathedral Activities Hall. Within that hall, the students developed skills in the sciences, mathematics, language and fine arts under the able direction of the Sisters of Mercy.

Under Monsignor Felixberto Camacho Flores, the future Archbishop of Agana, construction of a permanent structure for the school commenced in 1960. Since then, the Academy has attained high standards of education and has been at the forefront in delivering quality educational services to the young women of Guam. From an initial enrollment of 36 students in 1949, the student body now consists of over 400 young women. In 1973, it became the first high school on Guam to receive full accreditation. Under the Western Association of Schools and Colleges, the Academy has gone through the accreditation process four times since—the last being in March of 1996.

Through the years, the Academy has distinguished itself as one of the finest college and career-bound preparatory schools on Guam and the Western Pacific. Due to the school's high academic standards, Academy students have brought honors to the island of Guam. As presidential scholars, national merit scholars and national and international sports competition champions, Academy students have garnered honors and brought them back to Guam. Today, we find the school's graduates in various leadership positions. The Academy has generated, among others, doctors, judges, lawyers, corporate executives, diplomats, and public officials.

As this fine Catholic institution celebrates its golden jubilee, I extend my sincerest congratulations to the administrators, faculty, staff, students, and alumnae of the Academy of Our Lady of Guam. For fifty years, the Academy has provided quality education and guidance to Guam's young women. As a result, the school's alumnae have made substantial contributions toward the transformation of Guam from an island ravaged by war in the forties to its present status as a political and economic center in the Western Pacific. I am confident that this institution of faith and learning will continue its commitment to excellence by providing a valuable educational opportunity to the young women of Guam.

HONORING THE RETIREMENT OF BILL PETERSON, MINNESOTA AFL-CIO SECRETARY-TREASURER

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VENTO. Mr. Speaker, I would like to bring to my colleagues attention the retirement of an individual who has committed his life as a tireless advocate for working men and women in Minnesota and our nation, Bill Peterson. Mr. Peterson has announced that he will retire from his nine years of service as the Minnesota AFL–CIO Secretary-Treasurer. Before that, Bill served as the Executive Secretary of the Minnesota Building Trades and business representative to the Iron Workers Local 512.

I have had the privilege of knowing Bill Peterson since his days as a "hand" on the job. In fact, he has had the benefit of working and associating with all of the Vento Boys (Dan, Frank, Kurt and myself) since he first started on his journey of the building trades leadership. He began as an Ironworker Business Representative, followed as the MN Building Trades Executive Secretary and eventually was elected to serve as the AFL–CIO Minnesota State Federation Secretary-Treasurer.

During his many years of service, Bill Peterson has worked to improve the quality of life for working families. His effectiveness during tough times as a spokesman for the Minnesota AFL–CIO has greatly benefited working people and educated more than one legislator. Under Bill Peterson, there have been great strides in the development of worker pension programs, the availability of year-round work for members of the building trades, the State Davis-Bacon law, the State Apprenticeship Council, and Union Labor Project contract agreements. Today and tomorrow, worker's conditions and wages will continue to evolve on the basis of the foundation established by building trade labor leaders like Bill Peterson.

There have also been some very tough events during Bill's tenure. One vivid event I'll always recall is when the tower antenna went down in Shoreview and iron workers lost their lives. While we grieved over their deaths, we also resolved not to let this accident go unnoticed. As a result, when Minnesota joined in the establishment of a worker's memorial day, it is events like this that are remembered. The Minnesota Building Trades have also been leaders for tough Occupational Health and Safety Act enforcement, with Bill Peterson in the forefront leading the fight for on the job safety and health.

Bill Peterson will best be remembered for his commitment to education and to the children of working men and women. When the federal commitment to State Apprenticeship programs was under attack, Bill Peterson rallied Congressional and national labor to keep this important training program in place. As a key elected state-wide Member of the University of Minnesota Board of Regents, Bill has been a strong voice for working families, advocating forcefully to keep a college education as a financially viable option for the children of working families and for working men and women seeking new careers.

In addition to his professional activities, Bill has been a volunteer extraordinaire, donating his time and talents for my benefit and that of many others. It is in that role that I will always remember Bill. While many will remember him working the halls of the State Capitol or speaking at the State AFL–CIO convention, I will always picture Bill in an apron carrying a pot of Minnesota corn at the annual Vento Corn Feed for 25 years.

Despite the health challenges that have been a part of his life from youth, Bill has done much more than this share as a professional and a volunteer. His life's work provides labor brothers and sisters the shoulders to stand upon as today's and tomorrow's Minnesota Union movement and views move into the future.

Bill Peterson is truly an example of those whose successful leadership has positively promoted rights for the workers and workers families in our community. We are all richer for his advocacy, his hard work and most importantly, his friendship. I, as many throughout the labor-political sphere, deeply appreciate his friendship, support and counsel through the years.

All my best to Bill and also to his family, who have provided support through the years: his wife Lolly, their three children and grandchildren. It is with heartfelt thanks that I wish Bill Peterson the best of health and a well-deserved retirement.

TRIBUTE TO OTTO McMATH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to one of the most committed, most dedicated and most courageous public interest advocates this country has ever known, Mr. Otto McMath.

Whereas, the Almighty God has called to his eternal rest, my friend and neighbor, Mr. Otto McMath; and whereas, for more than twenty years, Mr. Otto McMath was an integral part of the staying power of the South Austin Coalition Community Council; and whereas, the South Austin Coalition Community Council, is one of the most effective organizations of its kind; and whereas, Otto McMath and his neighbors have been instrumental in developing, promoting, and generating funds for the Low Energy Assistance Program, fighting back against redlining and other forms of economic discrimination and in developing community policing and neighborhood safety programs. As a member of SACCC, Mr. McMath's acts of heroism are legendary. He was never a limelighter; but could always be counted upon to rise to the occasion when the need presented itself.

Mr. McMath had a serious understanding of community interest and functioned with a high level of principle. He was never one to go along to get along or to make decisions on the basis of individual self interest or expediency. He was a true warrior, a true soldier and a true hero for the people.

I thank you Otto McMath. You knew how to live and you have died with dignity.

SPANISH PARKS WILDERNESS ACT OF 1999

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Ms.DEGETTE. Mr. Speaker, I rise in support of H.R. 898 to designate certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness". I believe wilderness designation for the Spanish Peaks is a critical first step toward preserving the unique, pristine wild lands in Colorado. In the last Congress, I cosponsored legislation introduced by Representative David Skaggs and cosponsored by Representative McINNIS which would have protected Spanish Peaks as wilderness.

This year's version is a good bill, but it contains a change which causes great concern. Unfortunately, a new provision in the bill allows the Forest Service to continue to permit motorized access to an off-road segment of the Wahatoya trailhead. This provision is both unnecessary and environmentally damaging. I hope the legislation will be amended to prevent such motorized use in this off-road segment.

With the introduction of H.R. 829, the Colorado Wilderness Act of 1999, and H.R. 898, I am heartened that we are having an active and thoughtful debate on wilderness. The majority of Coloradans believe that we must protect the forty-nine areas designated in my legislation as well as the Spanish Peaks. These areas constitute the backbone of our state's beauty and are essential in preserving our quality of life.

I commend my colleague for recognizing the importance of preserving lands like the Spanish Peaks Wilderness.

MARKING THE DAY THAT NGAWANG CHOEPHEL WAS DETAINED BY THE GOVERNMENT OF CHINA IN 1995

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. SANDERS. Mr. Speaker, today marks the day the Ngawang Choephel, a Tibetan musicology student at Middlebury College in Vermont, was detained by the Government of China four years ago. Ngawang Choephel studied musicology at Middlebury College on a Fulbright scholarship, and he was reported missing in 1995 while researching folk music in Tibet as part of his studies. It was more than a year before the Government of China acknowledged his arrest and imprisonment. He is currently serving an 18-year prison term in a remote area of China. His mother has not seen him in more than 3 years, and officials of the Government of China refuse to allow her to see him.

Mr. Speaker, the Government of China has never produced any evidence whatsoever that Ngawang Choephel engaged in any political or illegal activity. His imprisonment is part of the Government of China's brutal campaign of repression in Tibet, Choephel's home.

We must not let Ngawang Choephel be forgotten. We must continue to use all the means at our disposal to secure his release from an unjust imprisonment on trumped-up charges, and we must continue our efforts to keep human rights high on this country's foreign policy agenda. Until we see genuine progress on human rights in China, we should withhold the granting of Most Favored Nation trading status, and we should urge U.S. corporations to stop investing in China. This kind of effort helped topple apartheid in South Africa, and there is no reason to believe it would not have an effect on the human rights situation in China.

I urge my colleagues to hold the Government of China accountable for its human rights abuses, and hasten the day that Ngawang Choephel is free again.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. CROWLEY. Mr. Speaker, on September 9, 1999, I had to be in New York on official business and missed rollcall votes 399, 400, 401, 402, 403, and 404. I ask that the record reflects that had I been present, I would have voted "nay" on rollcall vote 399, "aye" on rollcall vote 400, "nay" on rollcall vote 401, "aye" on rollcall vote 402—the motion to recommit the VA/HUD Appropriations, "nay" on rollcall vote 403, the FY 99 VA/HUD Appropriations bill, and "nay" on rollcall vote 404, the DC Appropriations Conference Report.

ACKNOWLEDGE THE EXCELLENT WORK OF THE COOPERATIVE CENTER FEDERAL CREDIT UNION

HON. BARBARA LEE

OF CALIFORNIA

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. LEE. Mr. Speaker, we, Representatives BARBARA LEE and STEPHANIE TUBBS JONES, note that this week, the 29th Congressional Black Caucus Annual Legislative Confference will be taking place in Washington, D.C. An Issue Forum on Credit Unions is being held on September 16, 1999 to expand on the critical knowledge that "Credit Unions Bring Power and Wealth to the Community".

The impetus for, and the success of this Forum is largely the work of Ms. Carole Kennerly, Director of the Cooperative Center Federal Credit Union, and the team that she brought together to develop this issue forum.

Mr. Speaker, I want to acknowledge the work done, and congratulate the members, employees, staff, board of directors and committee volunteers of the Cooperative Center Federal Credit Union (CCFCU) for its initiative in proposing and holding the Credit Union Issue Forum on September 16, 1999 and for bringing it to the attention of the 29th annual legislative conference of the Congressional Black Caucus in Washington, D.C.

Special appreciation is expressed to these individuals:

National Chairperson: Carole Kennerly, CCD, Director, Cooperative Center Federal Credit Union.

Coordinators:

IfeTayo, T.L. Bonner-Payne, Supervisory Committee, Cooperative Center, FCU.

Shirley A. Sheffield, Member, Cooperative Center Federal Credit Union.

Kim Medley, Member, Cooperative Center Federal Credit Union.

Joseph Villa, Former President/CEO, Allen Temple Baptist Church Federal Credit Union.

Barry Kane, V.P., Central Region Branches, Governmental Affairs, Patelco Credit Union.

Chris Kerecman, V.P., Federal Governmental Affairs, California Credit Union League.

Odessa J. Woods-Mathews, member, Social Security Administration Federal Credit.

Dr. Gwendolyn Nurse-Wright, Paragon Federal Credit Union, Englewood Cliff, N.J.

Rosemary George, Communication Specialist, National Credit Union Administration.

Patricia Brownell, V.P., Credit Union Development, National Credit Union Foundation.

N. Sharifah Ibsan, graphic artist.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. STABENOW. Mr. Speaker, I rise today to explain my vote regarding H. Con. Res. 180, a resolution that expresses the sense of Congress that President Clinton should not have granted clemency to members of the FLAN. During my tenure in Congress, I have supported strong antiterrorism measures. I oppose the actions of the President and oppose the release of these prisoners. These acts of terrorism are obviously deplorable, and I am especially concerned about the lack of remorse shown by these prisoners. But I also oppose taking this vote before hearings are held and evidence is reviewed, given the fact that this resolution challenges the constitutional authority of the President. Thus, I have voted "present" on this bill.

RECOGNIZING NATIONAL POLLUTION PREVENTION WEEK

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. PORTMAN. Mr. Speaker, I would like to take this opportunity to recognize and support September 20–26 as National Pollution Prevention Week, which will be observed in the Second District of Ohio and throughout the Nation.

One of the most cost-effective ways to have clean streets, drinkable water, and breathable air is to focus on preventing pollution before it is created. Often, this is best achieved locally. The Greater Cincinnati Earth Coalition has done just that by forming a Regional Waste Reduction Group to focus on such things as energy conservation, plastics recycling, and generally reducing waste at the local level. The coalition is also actively involved in the implementation of a regional environmental education and information resource center.

Mr. Speaker, the objective to Pollution Prevention Week is to prevent pollution through education, cooperation, and voluntary recycling rather than through restrictive government regulations. It can encourage us to work for a cleaner environment while maintaining a competitive, prosperous business climate. These are goals we can all rally around, and I hope my colleagues will join me in recognizing Pollution Prevention Week.

SHOPPING FOR HEALTH CARE SHOULDN'T BE SO HARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. STARK. Mr. Speaker, we all know the problems that the high cost of health care causes for Americans. What is surprising is how hard it is for a patient/consumer to shop around for the price of a medical procedure.

Shopping for the best price on a standard medical procedure is extremely difficult when one is healthy. It becomes nearly impossible when one is sick. Medicare should lead the way in helping establish pricing information that could help consumer/patients make their health care dollar stretch.

Over the last few weeks, my staff has made calls to various hospitals and doctors' offices to find the cost of an Extracorporal Shock Wave Lithotripsy (ESWL) procedure. A lithotripsy procedure is one of the best ways to treat kidney stones, one of the more painful types of medical conditions that forces at least 100,000 Americans to require medical attention a year. Lithotripsy, an outpatient procedure which takes about an hour, uses a high energy machine to deliver shock waves to the kidney stone, smashing it to smaller pieces which then gradually pass out of the kidney, and then the body.

The data from these calls about the cost of lithotripsy were eye opening. Not only was the price difference between hospitals and facilities notable, but so was the difficulty in gathering the information, especially the cost of this procedure for Medicare enrollees.

For example, in the Greater Washington area, total cost of lithotripsy varied from approximately $5,400 at Johns Hopkins USA hospital to approximately $9,000 at George Washington University Hospital. The following chart lists other hospitals' and doctors' responses to the questions of cost for (1) someone without insurance and (2) someone with Medicare. What was as upsetting as the price differences was the difficulty in finding the cost to Medicare enrollees of this standard procedure. Staff was often told that hospital-using patients would be charged the 20% approved Medicare rate. In fact, patients often pay up to 50% of the Medicare Hospital Outpatient Department (HOPD) approved rate, which is a huge burden to the patient.

Along with the underquoting of a patients' future bill, staff at many hospitals were not able to supply information about what was the approved rate that Medicare would pay, which would make it impossible for patients to plan ahead for their future bill.

Mr. Speaker, Medicare is moving to a Prospective Payment System for Hospital Outpatient Department procedures. Under this new system, over time (unfortunately in many cases 20–30 years) the patient's share of the total bill will return from today's average of 50–50 to the normal Medicare co-payment of 20%. The establishment of this system will also make it easier for consumers to know what the price for a procedure at a particular institution really is. The calls by my staff show that, if one has a non-emergency medical need, some calling around can save literally thousands of dollars. But this information comparing costs between hospitals and other settings where the procedure can be done (such as an ambulatory surgical center where it is being proposed to allow lithotripsy to be done) should be more easily available.

I hope that in this age of the Internet and other easier information gathering sources that we will find ways to make this type of basic shopping less of a mystery. Other data will be able to tell us the quality of different providers. Together, this information can help us choose both the quality and the price of the service we seek. This type of information can help reduce some of the outrageous costs of the American health care system and push the overall system toward higher quality.

Name of provider	Approximate cost of facility fees	Approximate doctors cost	Approximate totals
1. Johns Hopkins USA (at Bayview):			
A. Self-Pay	$2200	$2100	Procedure $5300
B. Medicare			Price changed from call made previously—now is $5400. Medicare would cover 80% so patients pay $1080. Anesthesia is separate and very hard to determine—'can't answer,' because cost depends on individual procedure.
2. Bethesda, Maryland Urologist Group Practice:			
A. Self-Pay		Initially, office policy to not give price, but then quoted about $3000.	
B. Medicare		Medicare pays 80% of approved cost	
3. A Maryland Urologist	N/A	$3500	
4. University of VA Medical Center:			
A. Self-Pay	UVA is State hospital; one can get help/discounts eligible for financial assistance.		Estimate from $7000 to $10,000.
B. Medicare	Patient charged 20% of what is approved by Medicare	Said Medicare won't approve all of $10,000	Was "impossible" for hospital to get this information; patient must talk to Medicare about what is approved.
5. George Washington University Hospital:			
A. Self-Pay			$9000, 25% discount for payment up front—[25% discount is $2250, which lowers facility fee to $6750]. This is a flat fee-paid up front and there should be no additional fees, but doesn't include anesthesia. Anesthesia is approximately $409 an hour for this procedure. The non-prepaid rate is $630.
B. Medicare			Was directed to talk to Medicare about what they cover.
6. Georgetown University Medicare Center	Depends on hospital fees. It varies, but assume $2000 for each half-hour—so assume $4000–$5000 for hospital fees.	Fee during procedure is $3800	Despite repeated calls, could not get in touch with insurance/billing department to find out the cost for Medicare enrollees.
7. Urologic Surgeons of Washington:			
A. Self-Pay	N/A	Doctors cost: $3482	
B. Medicare		Medicare fee schedule brings down amount so patient ends up paying approximately $160.	
8. Duke University Medical Center:			
A. Self-Pay	Facility fees are approximately $6500	Doctors fees are approximately $2500	
B. Medicare	Hospital accepts what Medicare pays outside of deductible ($768).	Need to file claim first; then can tell cost of doctors' fee	
9. Midwest Stone Institution (Missouri)			Total costs run from $8000–12,000. Could not find out what Medicare approves.
10. American Kidney Stone Management, Ltd.	Cannot give cost without knowing which hospital is performing operation because there is "great difference between hospital costs.".		

TRIBUTE TO CENTRAL BAPTIST CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VISCLOSKY. Mr. Speaker, It is a great pleasure to congratulate Central Baptist Church in Hobart, Indiana, as it celebrates its 90th anniversary as a parish this Sunday, September 19, 1999. I would also like to take this opportunity to congratulate Reverend Webb, senior pastor, on this glorious occasion.

A church of humble beginnings, Central Baptist Church was established as First Baptist Church in 1909, and celebrated its first service on January 20, 1909, in the home of Mrs. Harriet Cathcart. The parish's first pastor, Reverend George Griffin, having caught a vision while visiting Mrs. Cathcart, helped in the organization of the church. During his six months of service with the church, Reverend Griffin was influential in the purchase of three lots for $950, which provided a suitable site for the church. After Pastor Griffin left in June 1909, the Indiana State Board (Northern Baptist) sent Reverend J.E. Smith to serve the congregation. The Women's Missionary Board of Indiana lent the church $5,000 to start constructing a building for the new church. Many parishioners contributed time, talent, money, and raw materials to help construct the First

Baptist Church. With the help of the parishioners, the first service was held in the new auditorium, which was a basement with dirt floors on December 9, 1909. The furnace was a coke salamander with no stack which regularly filled the room with smoke. In addition to this, the roof leaked when it rained and when the Aetna Powder Company blew up, there were no windows left. Conditions were bleak, but the ministry had survived its first year. Pastor Smith left in June of 1910. Several months passed without a pastor. The church, then made up of 50 members, decided to discontinue services until the Mission Board could send them a new shepherd.

On January 1, 1912, Reverend Wilson was sent to help revitalize the church. With the help of Reverend Wilson the attendance rose from 13 to 128 during the first year of his ministry. Because of the large number of Baptist families arriving to the area, a new building was started in August of 1912 and dedicated in September 23, 1913.

By 1920, the membership had grown to 350 parishioners under the direction of Pastor O.B. Sarber. The church was without a pastor for exactly one year when Pastor William Ayer came to Central Baptist Church in 1927. During Pastor Ayer's tenure with the church, he started a radio ministry and "The Little Brown Church" was mounted on a Ford and used for street meetings throughout Gary. In 1932, Pastor Ayer left a thriving church with more than 700 members.

Over the years, the church moved from Gary to Portage township due to a shift in population and was led by a variety of pastors. In spite of its many changes, the loyal parishioners continued to grow and prosper. The present facility, including the Sanctuary, was erected in stages. The first stage which included the gym, kitchen, and several classrooms was completed in May 1974 and phase two was completed in October of the same year. Ground was broken in April 1987 and the Hines Sanctuary was dedicated on January 9, 1983.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of Central Baptist Church, under the guidance of Reverend David Webb, as they prepare to celebrate their 90th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made out of the love and devotion they have displayed for their church throughout the past 90 years.

COMMEMORATING THE LIFE OF MS. ETHEL ROBERSON

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I submit the following for the RECORD.

Whereas, the Almighty God has called to her eternal rest, Ms. Ethel Roberson, and

Whereas, Ms. Ethel Roberson, for many years was an active resident of the Austin Community and openly participated in civic, community and political affairs; and

Whereas, Ms. Roberson was mild mannered, easy to interact with and did not often raise her voice, she was nevertheless, strong, effective and not to be taken lightly. Large urban inner city communities are often difficult places to live and have been difficult to save and maintain.

The Austin Community on the Westside of Chicago has been such an area; but today, it is strong, vibrant, struggling, fighting back and holding on because of people like Ms. Roberson.

Ethel, you have been a role model and your quiet spirit and determination shall continue to live on. We love, respect, bless and revere you.

WEST VIRGINIA'S NATIVE AMERICAN HERITAGE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. RAHALL. Mr. Speaker, West Virginia is not normally known for its Native American population, but former West Virginia State Senator Robert K. Holliday recently wrote a highly informative commentary on this matter in the July 19, 1999, edition of the Fayette Tribune. His article focuses in particular on the local Algonquin families in Fayette County and I submit it to be reprinted in the CONGRESSIONAL RECORD.

[From the Fayette Tribune, July 19, 1999]

FAYETTE COUNTY INDIANS KEEPING HERITAGE ALIVE

(Robert K. Holliday)

About eight Indian tribes (families) are formally organized in West Virginia, and one such family lineage is found in Fayette County. The familial group here was given a certificate officially on May 13, 1997, and was given a certificate of incorporation by Ken Hechler, secretary of state, under the name of Algonquin People.

Each of the family tribes in the state seek to bring about an understanding of Indian culture to the world. They undertake to portray the American Indian lore, musical and narrative, to form a record of the songs and legends of their race. Surely, such civilization of the native American tradition is of great value to the history of human race as well as the history of America.

National and state history books are so wrong to show only the brutal side of war when the Indians look out with reference upon the world of nature, and at all times invocationally to the hours of his or her birth and death, as being sacrosanct. They tell of their life in reverences and in symbol and ceremony. Their art is not the extravagance of daily living but it took centuries to evolve.

As in Judaism, Islam, and Christianity, the Indians always have had but one God. The Hindus may profess one God that is supreme but the sects have 350 million other gods. It is time that the forces of hate in America realize that all the religions and races have codes of high, decent morality.

Let's look a little more closely at the local Algonquin families, headed by a national chief, Stanley Miller of Beckwith, and Cindy Petty, sub-chief, of Oak Hill. In the Fayette-based organization three members come from Ohio, seven from Kentucky, six from North Carolina and eight from Nevada. About 465 are from West Virginia. They have been gathering together about every two months at the Fayette 4-H Camp, Beckwith.

Chief Miller reveals and contends that the Algonquins were here when Moses lived, the Egyptians were building the ancient pyramids and the New River was formed before the Nile River, thus substantiating that in itself exposes another reason why the New River was recognized by U.S. Senator Byrd and others as a national river or even could be established as something greater.

Algonquins believe in one God as the creator of the world, in spirit of their other spiritual angels. They pinpoint good and evil. They feel the U.S. government should do more for the Indians at their reservations, and more importantly in education and promoting their traditional culture.

The Algonquins love America and its Constitution. They do want the government to bring together men and women of all religions and races and strive to end hatred in our blessed land. They deplore the calling of Indians red men or their wives "squaws."

To be a member of the local families' tribe, a person may have as little as 1/16 Indian blood. Some of the tribe colonies are the Shawnee, Fox, Delaware, Sauk, Kickapoo, Miami, Cherokee, Mingo, Mohegan, Seneca and others may be adopted as well.

Even in Fayette I am compelled to know that the Indians were here a long, long time ago. With Gov. W.W. Barron and other archaeologists we went to the mouth of Armstrong Creek in 1963 where it was let out that perhaps about 35,000 B.C.E. that aboriginal people were buried there. It was the site of an Indian village of old. We even bored down into the graves to examine the remains and discover other findings. Around the shoulders on the mountain of Armstrong, much now destroyed by surface mining, are more aptly pointed to as Indian works but most often called "mystery walls" that have run a few miles.

It was of course not the white man that was here first. The date of man's arrival in America is open to discussion, though archaeological evidence from sites suggests many dates before and after 14,000 years ago. Homo sapiens sapiens (fully modern man) were the first to inhabit the Americas during the latter part of the Ice Age. Our real forefathers came over the Bering land bridge that was then formed by ice, and they migrated from Siberia to this land.

In Shawnee: Kechtalinnie.

ENSURING EQUAL EMPLOYMENT OPPORTUNITIES FOR VETERANS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. LEE. Mr. Speaker, I rise before you today to speak in favor of equal employment opportunities for our veterans.

Today, we are in a time of economic growth that our nation has not seen in more than thirty years. With each day that passes, our citizens are reaping the benefits of this growth, but our economic recovery has not benefitted everyone equally. Most Americans agree that every human being has basic rights, including the rights to life, liberty and the pursuit of happiness. The key to having these basic rights is economic opportunity. This includes the opportunity to have a good job that pays a livable wage.

Equal employment opportunity is when an employer treats its job applicants without regard to their race, color, religion, sex, national origin, disability, sexual orientation or veteran status.

If economic opportunity is the key to ensuring life, liberty and the pursuit of happiness, how do we ensure economic opportunity regardless of veteran status?

The U.S. Department of Labor's Office of Federal Contract Compliance Programs, the California Department of Veterans Affairs and the Employment Development Department, along with many other local and state agencies, are committed to ensuring that U.S. veterans gain access to equal employment opportunities and affirmative action programs.

A symposium to discuss these opportunities will take place today in San Francisco, California. The topics of this symposium will include federal requirements for employment solicitations, veteran preference in Federal and State employment vs. obligations as a Federal contractor, vocational rehabilitation and/or state rehabilitation, and service-connected disabilities vs. disabilities covered under the Americans with Disabilities Act and the Rehabilitation Act.

I am confident that the outcome of the topics discussed at this symposium will open economic and employment opportunities for our veterans like never before, so that they too can fully participate in our nation's economic growth.

TRIBUTE TO MICHAEL H. VINCENT AND BONNIE WORKMAN FOR THEIR SERVICE TO DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to two outstanding dedicated and caring Delawareans—Mike Vincent, President of the Delaware Volunteer Firemen's Association (DVFA) and Bonnie Workman, President of the Ladies Auxiliary of the DVFA. On behalf of the citizens of the First State, I would like to honor these two fine individuals for their tireless efforts at the DVFA and the Ladies Auxiliary of the DVFA.

Family, friends, volunteer firemen, and members of the Ladies Auxiliary of the DVFA can now take a moment to truly appreciate the hard work and dedication of these fine individuals during their many years of service. This type of dedication is rare among individuals, and I am happy to rise and commend them for it.

Delaware fire companies are comprised of outstanding, caring and dedicated men and women who unselfishly, day-after-day, year-after-year give their time and talents to help prevent fires, to battle fires, and to provide emergency medical services for our citizens. In 1999, President Vincent served on the Governor's EMS Improvement Committee and helped pass legislation to facilitate better EMS services for all Delawareans. In addition, President Vincent worked tirelessly for funds to improve training for first response to tragedies caused by weapons of mass destruction. Due to the leadership and commitment of President Vincent and President Workman, Delaware Fire and Emergency services have continued to be a strong and vital part of our community today.

I salute Mike and Bonnie for their truly exemplary record of public and community service and most importantly for their dedication to the cause of DVFA and the Ladies Auxiliary of the DVFA. Bonnie's efforts to raise funds for the DVFA scholarships have helped countless students reach their academic goals. Finally, Mike's success in raising the volunteer fire fighter and ladies auxiliary tax credit to $300 will reduce state income tax burdens—the least that can be done for those who risk their lives to protect us. Mike and Bonnie's leadership, teamwork and commitment will find a permanent place in Delaware volunteer fire service history.

Mr. Speaker, this week the gavel will fall opening the DVFA and the Ladies Auxiliary of the DVFA 1999 Conference to celebrate the anniversaries of their leadership and service to towns and communities throughout Delaware. It is important that this dedicated organization continue to be able to recruit and to retain young men and women who are committed to public service. As Delaware's Representative in Congress, I am proud to have this opportunity to extend my congratulations and best wishes for a successful conference. The support for the DVFA and the Ladies Auxiliary of the DVFA is strong and the tradition of service is solid. I hope they realize how deeply their efforts are appreciated.

THE TEXAS TECH UNIVERSITY MARCHING BAND RECEIVES THE NATION'S HIGHEST HONOR FOR COLLEGIATE MARCHING BANDS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. COMBEST. Mr. Speaker, I rise today to honor the Texas Tech University Marching Band. The "Goin' Band from Raiderland" has received the Sudler Intercollegiate Marching Band Trophy, the Nation's highest and most coveted award for college and university marching bands. This award is given annually to a college or university marching band "that has demonstrated particular excellence over a period of many years." It is appropriate to take a moment to acknowledge and celebrate the accomplishments of this distinguished group.

The "Goin' Band" consists of more than 400 members and is led by Mr. Keith Bearden, who is in his 19th year as director. The band was formed the year Texas Tech University opened its doors to students, and this year, the "Goin' Band from Raiderland" celebrates its 75th anniversary. The Sudler Trophy is an honor not only for the current band members but also for the band's alumni in recognition of many years of outstanding performances.

The Texas Tech marching band has received numerous invitations to perform throughout the world. In recent years, the "Goin' Band" has performed during halftime shows for the Dallas Cowboys, the Houston Oilers and the Denver Broncos. In addition, the marching band has performed at the All American, Cotton, Copper, Sun, Alamo, and Independence Bowls and was the lead band at the Battle of Flowers Parade for the Fiesta Celebration in San Antonio. The band has even marched in the inaugural parades of Governor Ann Richards and Governor George W. Bush.

All marching band directors in NCAA schools participated in the selection of the Sudler Trophy award by completing ballots. The ballots were then sent to a committee and the final decision was made during the Midwest Band & Orchestra Clinic in Chicago last December. The presentation of the award will be on Saturday, September 18 in conjunction with Alumni Band Day.

The "Goin' Band from Raiderland" has displayed dedication and commitment to excellence for many years. Through hard work and discipline, the band has accomplished much and is very deserving of this award. I would like to congratulate each member and alumni of the Texas Tech University Marching Band.

YOUTH FINANCIAL EDUCATION ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. POMEROY. Mr. Speaker, I am very pleased to join my colleague Representative DREIER in introducing the Youth Financial Education Act. This legislation provides grants to states to carry out youth financial education programs in elementary and secondary schools across the country.

Today's dynamic global economy demands more of our nation's young people than ever before. Children are making important financial decisions even before they enter the workforce. In order to make informed choices regarding personal finances, young people must have the skills, knowledge, and experience needed to manage their money and achieve general financial literacy. Financial education is critical to their ability to provide for their families and save for retirement.

Despite the importance of youth financial education, the average American high school senior lacks even very basic knowledge of personal financial affairs. A nationwide survey conducted in 1997 by the Jump$tart Coalition for Personal Financial Literacy examined the knowledge of 1,509 12th graders. On average, survey respondents answered only 57 percent of the questions correctly, and only 5 percent of the respondents received a "C" grade or better. It should come as no surprise, then, that personal bankruptcies are at an all-time high in this country, and the personal savings rate is currently in the negative for the first time in decades.

Mr. Speaker, our legislation would help improve the financial literacy of our youth by authorizing grants to states of at least $500,000 to carry out financial education programs in elementary and secondary schools. The legislation does not mandate that state or local education agencies teach personal finance; it merely encourages them to integrate financial education into existing courses, such as economics or mathematics. Most importantly, the bill provides states with the resources necessary to develop teacher training and professional development activities in personal financial education.

I would like to take this opportunity to express my appreciation to Chairman Dreier for his leadership in this effort. I would also like to personally thank Dara Duguay, executive director of the Jump$tart Coalition for Personal Financial Literacy, for her organization's critical role in the introduction of this legislation. I look forward to working with Jump$tart and its partners, as well as other member of the education and banking communities, as this legislation moves forward.

Mr. Speaker, all young adults should have the educational tools necessary to make informed financial decisions. This legislation will go a long way towards preparing our young people for their financial future, and I urge my colleagues to support it.

OPPOSING DELAY IN TAX BENEFITS TO WORKING POOR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, recently a trial balloon involving a delay in earned income tax credit refunds has been floated by the majority party. The balloon needs to be popped immediately so we can move on to more serious solutions.

The earned income tax credit is designed to provide a refund of payroll taxes to the working poor, thereby giving an income supplement as well as an extra work incentive. Under current law, most individuals receive an earned income credit in the form of a refund in May after they file their income taxes. The Republican proposal would single these refunds out to be paid over a 12-month period. This would result in a $7 billion saving for this fiscal year because about 25 percent of the total refund would be pushed into the next fiscal year. This $7 billion would then be used, reportedly, to offset spending in the Labor-HHS Appropriations Bill.

Mr. Speaker, I don't think it is fair for Republicans to deny working families a tax refund to pay for a shortfall of funds in an Appropriations Bill. I think there are better ways to find the money than to take refunds away from those who need them the most.

It is not the fault of the working poor that Republicans put together an unrealistic budget resolution this spring, and are now desperate to find some way to implement it. But to lash out against those who need their tax refund the most is unconscionable. We should stick this idea where it belongs, in the trash can, and start to implement a bipartisan budget that will win broad support in the House.

I would also note that given this time in the filing system, it is by no means clear that the changes necessary to delay earned income credit refunds for the working poor can be accomplished without significantly slowing down refunds for all other Americans. The current system does not distinguish between types of refunds, and it is possible that this proposal will result in all refunds having to be done manually, which will delay refunds for all. This is clearly not the intention, but bad proposals sometimes bring unexpected results and it would be better simply to move on to other solutions to our budget problems.

YOUTH FINANCIAL EDUCATION ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DREIER. Mr. Speaker, every day Congress is working to find ways to address our nation's high consumer debt, bankruptcy and low savings rate. A key piece in solving this puzzle is the lack of financial literacy—the ability to manage money—among the majority of our nation's citizens. I believe that educating our nation's youth about personal finance should be a top priority. That is why I am pleased to introduce today the Youth Financial Education Act, which would provide grants to states to support financial education programs in elementary and secondary schools across the country.

Our schools teach reading, writing, history, languages, mathematics, and science, among other subjects. But do we teach our children how to balance a checkbook? Do we instruct them on compounding interest, which allows one to save vast amounts of money over the long term for an education, or retirement, or to buy a home? Do we instruct them in avoiding the credit card trap of easy financing, only to be hit later with high finance charges? Do we train students to understand how to budget their money, and do they realize the relationship of taxes, spending, and investing? Too often, Mr. Speaker, we do not.

Today's dynamic global economy demands more of our nation's young people than ever before. Our young people make financial decisions today that will affect them for years to come. Financial education is critical to their ability to make wise decisions. Our youth must have access to the skills, knowledge and experience needed to manage their personal finances and achieve general financial literacy.

Despite the importance of youth financial education, the average American high school senior lacks basic skills in the management of personal financial affairs. A nationwide survey conducted in 1997 by the Jump$tart Coalition for Personal Financial Literacy examined the knowledge of 1,509 12th graders. On average, survey respondents answered only 57 percent of the questions correctly, and only 5 percent of the respondents received a "C" grade or better. It should come as no surprise, then, that personal bankruptcies are at an all-time high in this country, and the personal savings rate at an all-time low.

The Youth Financial Education Act would help improve the financial literacy of our youth by authorizing grants to states of at least $500,000 to carry out financial education programs in elementary and secondary schools. This legislation does not mandate that state or local education agencies teach personal finance; it merely encourages them to integrate financial education into existing courses, such as economics and mathematics. Most importantly, the bill provides states with the resources necessary to develop teacher training and professional development activities in personal financial education.

Additionally, I would like to thank Dara Duguay, executive director of the Jump$tart Coalition for Personal Financial Literacy, for her organization's efforts in the introduction of this legislation. I look forward to working with Jump$tart and its partners, as well as other members of the education and banking communities, as this legislation moves forward.

Mr. Speaker, we must make available to our nation's youth the tools they need to master the basic financial management skills vital to making informed financial decisions. This legislation provides an opportunity to prepare our young people for their financial future and I urge my colleagues to support it.

RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF BILL AND MILLIE DAVIS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to two remarkable individuals, Bill and Millie Davis and to recognize them for achieving an extraordinary milestone—their Golden Wedding Anniversary. I truly wish I were able to join with them as they gather with so many wonderful family and friends in Corte Madera to celebrate their 50th Wedding Anniversary.

Bill and Millie Davis have lived in the Congressional District I am privileged to represent for close to 40 years. Their first date was at the old Rose Bowl in Larkspur, California. And it is no wonder they chose to return and live in this community many years after they were married on September 11, 1949, in Berkeley, California. It is testament to them both that most all of their original wedding party will be on hand in Corte Madera to again celebrate this wonderful occasion 50 years later.

Bill and Millie are now residents of Rohnert Park, California. It seems like just yesterday that we were at their home helping to surprise Bill for his 70th birthday. On June 2, 1992, Millie had the great sense to have a birthday the very same day that I won my first primary election. You can be sure we were celebrating together that night.

Bill and Millie purchased their first home in Walnut Creek, California. Unfortunately, after an unusually wet winter flooded their new home they needed to move to San Francisco. Over the years, Bill and Millie designed and built two beautiful homes, one in Mill Valley, California, the other in Larkspur, California, where they raised their three children, Blake, Grant and Diane. They are also proud new grandparents, of Grace Louise Davis born on January 8, 1999. I had the pleasure of meeting their beautiful granddaughter when she was less than a month old at my home during my annual Chowder feed this year.

Prior to joining the faculty at City College of San Francisco, Bill taught junior high school in Pittsburg, California. He spent roughly 30 years teaching at CCSF, where he also helped to build the art department. Many of his fellow faculty members and several of his former students are also helping to celebrate this tremendous achievement. Since his retirement, Bill has researched and co-written, Manjiro, a colorful story about the first Japanese person to visit, and later open relations with the United States. He has produced a number of multi-media presentations and video documentaries. Most recently he started, "Gift of a Lifetime" in which he produces special personalized video biographies. Bill is also a real family man and as you see today, managed to capture many of our favorite moments on film.

Millie is truly a special, one-of-a-kind person who is constantly taking care of others. She has been a devoted mother and very involved in her community over the years. Besides volunteering on numerous campaigns, she has been quite involved in the Parent-Teachers Association and the American Association of University Women, to name just a few of her activities. After the children were in school she went back to work at the James Irvine Foundation in San Francisco, where she was the Executive Assistant to the President for over a decade.

After 50 years of marriage, Bill and Millie are life-long companions that truly complement each other. They are a wonderful example for others and an inspiration to us all. I would like to congratulate them both again on this truly significant achievement.

CELEBRATING THE REDEDICATION OF EL SEGUNDO MIDDLE SCHOOL

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to celebrate the rededication of the El Segundo Middle School. Closed for the last twenty years, the school's facilities have been repaired and upgraded and its doors are once again open to students and faculty.

El Segundo Junior High School first opened in 1965, but it closed shortly thereafter due to a decline in enrollment. The school was then leased to the Los Angeles Raiders to serve as a training facility for the professional football franchise.

In recent years the El Segundo community has experienced a significant growth in families and it soon became clear that another middle school was necessary. Through the vision and determination of local educators and parents, the El Segundo Middle School is being rededicated today.

I commend the citizens of El Segundo in recognizing the importance of their children's education and approving the school bond measures necessary for preparing the school for its reopening.

I congratulate the Board of Education, Superintendent Watkins, Assistant Superintendent Smith, and Principal Webb on the re-dedication of El Segundo Middle School. I wish the students of El Segundo much success during their years at El Segundo Middle School.

A MEMORIAL TRIBUTE OF THE HONORABLE JOHN MORENO

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mrs. NAPOLITANO. Mr. Speaker, as a former Member of the California Legislature, it is with particular sadness that I offer this Memorial Tribute to a pioneering colleague, the Honorable John Moreno, late a retired Member of the Assembly, 51st District from 1962–1964.

Assemblyman John Moreno was one of the first Latinos elected to the California Legislature in the 20th Century. A native son of Los Angeles, California, he won election in 1962 from what was then the 51st Assembly District, encompassing parts of East Los Angeles, Santa Fe Springs, Pico Rivera and Montebello. These same communities that I now proudly represent in my 34th Congressional District, were very honorably and well represented by my distinguished predecessor during a time of historic growth and achievement in the State of California.

One of Assemblyman Moreno's major accomplishments in office was winning passage of a bond issue to build Rio Hondo Community College in the 1960's after three earlier bond measures had failed. He also helped the college district avert bankruptcy through legislation that allowed it to prolong a tax override and complete construction of the campus in 1966.

Assemblyman Moreno demonstrated leadership on a host of important legislation including civil rights, aid to the aged and support for farm workers. He served on the state Compensatory Education Commission and co-authored a bill that funded special programs for disadvantaged students, including youths from migrant families and those who were learning English.

John Moreno began his political career as a member of the first City Council of the City of Santa Fe Springs, California. He was a driving force behind city incorporation in 1957 and later served as Mayor. Before entering the Assembly, he taught elementary and high school for 11 years in Pico Rivera, Whittier and Los Angeles. He served in the Navy during the closing months of World War II, then attended the University of Southern California, earning a Bachelors degree in 1951. After leaving the Legislature, he moved to Washington, D.C., where he taught school and opened a home improvement business. He later moved to New York City and ran his business there until retirement in 1992.

The Honorable John Moreno was one of just a few remarkable minority candidates to break through the heavy obstacles of institutional racism during an era when legislative districts were routinely gerrymandered to prevent Mexican-Americans and other minorities from holding elective office. He and his few Latino colleagues paved the way for future generations of Latino elected leaders, including myself, where today the Latino Legislative Caucus in the California Legislature numbers 7 state Senators and sixteen Members of the Assembly, including the past two consecutive Speakers of the Assembly.

John Moreno passed away August 19, 1999 at Mount Sinai Hospital in New York. He was 72 years of age. He is survived by his wife of 18 years, Judith Anderson, four daughters and two sons from a previous marriage, and two sisters.

Mr. Speaker, I join with his many friends and admirers, former constituents and the cities and communities of his Southeast Los Angeles County district in mourning his loss and paying tribute to his many outstanding accomplishments and dedicated service to others.

IN HONOR OF THE 60TH ANNIVERSARY OF THE FOREST CITY PARK CIVIC ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor and congratulate the Forest City Park Civic Association of Cleveland, Ohio on its 60th charter anniversary. The Civic Association marked its anniversary with a celebration on August 10, 1999.

The Civic Association dates back to May 11, 1939 when it was first chartered by the state of Ohio as a non-profit, non-political organization. It was the first group in southeast Cleveland to set up a vigorous Neighborhood Improvement Program which served to catalyze similar programs in other communities.

The Forest City Park Civic Association has also pioneered many other activities during its 60 years of existence. They have been involved in a Green Up campaign to plant trees and shrubs throughout the community along with civic participation in pollution control and abatement. Other activities of the Civic Association entail garden tours, picnics and street parties for the community.

Mr. Speaker, I would like to congratulate the members of the Forest City Park Civic Association on their anniversary and salute them for sixty years of civic service and continuing their dedication to the community.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF ST. HELENA HOSPITAL'S FIRST OPEN HEART SURGERY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize St. Helena Hospital as it celebrates its 25th anniversary of the first open heart surgery in the hospital's Cardiac Center. Located in my hometown of St. Helena in the Napa Valley, St. Helena Hospital is one of the country's premier medical facilities. But I don't say that just because this is the hospital where my mother, my father, one of my sons and I were born and where my wife, Janet, worked as a nurse in the Intensive Care Unit.

The St. Helena Hospital has an outstanding cardiac care facility. It began in May of 1974, when Wilfred Tam, M.D. performed the North Bay's first open-heart surgery at St. Helena Hospital. This made St. Helena Hospital one of the first community hospitals to perform the procedure. The surgery was just one in a series of firsts in the region for the hospital's Cardiac Center, which opened in 1972. Today, St. Helena Hospital's Cardiac surgery team has more than 68 years of combined surgical experience and has performed more than 15,000 open-heart surgeries.

Recognized as a pioneer and a leader in cardiac care, St. Helena Hospital has continued its tradition of high-tech innovation. In 1997, it was the nation's first hospital to purchase the Medtronic Octopus, a device that immobilizes the beating heart during minimally invasive bypass surgery.

Installed in 1993, St. Helena Hospital's digital by-plane cardiovascular catheterization suite was the first of its kind in the United States. Work is scheduled to begin this year to upgrade the hospital's other suite with new, state-of-the-art equipment.

To celebrate its quarter-century of excellence in cardiac care, St. Helena Hospital is hosting a community celebration on September 26, 1999 honoring the physicians and staff who make the Cardiac Center a leader in heart health, and also honoring the "Mended Hearts" for whom they have cared over the years.

Mr. Speaker, it is appropriate at this time that we acknowledge and honor the St. Helena Hospital Cardiac Center for its outstanding Cardiac Center and for its tremendous twenty-five year commitment to providing the very best in quality health care.

DRUG INTERDICTION OR DRUG SMUGGLING?

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend to you the attached article from earlier this summer written by Mr. Frank Calzon, entitled "Behind Castro: Money laundering, drug smuggling." Mr. Calzon is the executive director of the Center for a Free Cuba in Washington, D.C. and is a tireless fighter for democratic causes. I encourage my colleagues to learn from his insightful article.

BEHIND CASTRO: MONEY LAUNDERING, DRUG SMUGGLING

State Department and Coast Guard officials last week flew to Havana seeking "to improve U.S.-Cuban cooperation on drug interdiction."

If the Clinton administration would look to history, it would have known that it was a vain mission and would set about probing instead the relationship between Colombia's drug trade and the guerrilla movements over which Fidel Castro exercises inordinate influence.

Havana complains that it lacks resources to combat drug trafficking. But, even if one accepts this at face value, it is unclear how the United States should respond. Should we provide resources to the Cuban Ministry of the Interior—Havana's KGB-Gestapo? Do it while holding in federal custody Cuban spies charged with gathering information about military bases in Florida and linked to the shootdown of the Brothers to the Rescue pilots?

Havana has managed to purchase state-of-the-art radio-jamming equipment and foot the bill for thousands of foreigners to visit the island and condemn the U.S. embargo. Could it be that inadequate funding for drug interdiction is simply the result of Castro's misguided priorities?

In 1982 a federal grand jury indicted four high-ranking Cuba government officials, including a vice admiral of the Cuban navy and a former Cuban ambassador to Colombia. They were charged with facilitating the smuggling of drugs into the United States.

In 1983 then-President Ronald Reagan said that there was "strong evidence" of drug smuggling by high-level Cuban government officials. And in 1989 Castro executed several Ministry of the Interior officials and Cuba's most decorated army officer, Gen. Arnaldo Ochoa, allegedly involved in the drug trade. Castro did so after years of suggesting that U.S. accusations of drug smuggling were lies "concocted by the CIA." He has never explained how widespread Cuba's involvement with narcotrafficking was then or how a military and national hero such as Ochoa, with no oversight over Cuba's harbors or airspace, could have been involved.

Then there is the mystery of how several hundred million dollars appeared in the coffers of Cuba's National Bank. Castro's American supporters assert that $800 million is sent by the Cuban-American community every year to relatives. However, given the relatively small number of Cuban-American households who still have relatives in Cuba, it is mathematically impossible for that community to generate such funds. The amount is approximately equivalent to the income Cubs derived in 1997–98 from its main export: sugar. Money laundering and drug smuggling are the logical sources of this mysterious income.

It should be noted that, despite major narcotics charges brought against Ochoa and the other Interior Ministry officers, no accounting was ever presented of what should have been multimillion-dollar payoffs.

Claims of Castro's cooperation with U.S. anti-narcotics efforts are a rerun of the Noriega saga. Panamanian strongman Gen. Manuel Antonio Noriega currently is serving a long, federal sentence for his role in the drug trade. He had extensive ties to the Cuban dictator. Evidence was presented at his trial that Castro once mediated a dispute between Noriega and the Medellin drug cartel.

Nevertheless, Gen. Barry R. McCaffrey, the Clinton administration's drug czar, recently said that there is "no conclusive evidence to indicate that the Cuban leadership is currently involved in this criminal activity." The general seems to be unaware of a report released by his own office in March, titled "1998 Annual Assessment of Cocaine Movement." It states: "Noncommercial air movements from Colombia to the Bahamas were most prolific in 1998. Most flights fly either east or west of Jamaica, and subsequently fly over Cuban land mass." It adds that the cocaine flown over Cuban territory is dropped "in or near Cuban territorial waters."

Given Castro's sensitivity concerning unidentified aircraft flying over Cuba, as evidenced by the Brothers to the Rescue shootdown, it is inexplicable that not one drug-smuggling airplane has ever been shot down over the island.

There are those who believe that the Cuban leopard has changed his spots. Maybe. But the consequences of taking Castro at his word can be tragic. The impact of the drug epidemic on America's youth is far too important to allow the facts linking Castro to the drug trade to be swept under the rug.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

SPEECH OF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mr. BORSKI. Mr. Chairman, I rise in strong support of the Shays-Meehan Campaign Finance Reform Act and urge my colleagues to vote against all "poison pill" amendments that will be offered today. I am proud to cosponsor this bipartisan legislation, which represents the best, real opportunity to reform our broken campaign finance system.

The issue of campaign finance reform cuts to the essence of democracy. Our unique American political system will not survive without the participation of the average American citizen. Unfortunately, more and more Americans are dropping out—with each election, fewer Americans are voting. They are doing so because they no longer believe that their vote matters. As they see more and more money pouring into campaigns, they believe that their voice is being drowned out by wealthy special interests.

Despite the cynicism of the American public, Congress has failed to enact significant campaign finance reform legislation since 1974. In that year, in the wake of the Watergate Scandal, Congress imposed tough spending limits on direct, "hard money" contributions to candidates. Unfortunately, no one at that time forsaw how two loopholes in the law would lead to a gross corruption of our political system.

The first loophole is "soft" money—the unregulated and unlimited contributions to the political parties from corporations, labor unions, or wealthy individuals. "Soft" money allows wealthy special interests to skirt around "hard" money limits and dump unlimited sums of money into a campaign.

During the 1996 election cycle, approximately 30 percent of all large federal contributions came in the form of soft money to political parties. Both parties raised soft money at a 75 percent higher rate than four years ago. For the 2000 elections, it is estimated that soft money spending will exceed $500 million—more than double the total for the 1996 elections.

Soft money is used to finance the second loophole in campaign finance law: sham issue advertisements. This loophole allows special interests to spend huge sums of money on campaign ads advocating either the defeat or election of a candidate. As long as these ads do not use the magic words "vote for" or "vote against" they are deemed "issue advocacy" under current law and therefore not subject to campaign spending limits or disclosure requirements.

During the 1996 elections, the television and radio airwaves were flooded with these sham issue ads—many of which were negative attack ads. Americans who see or here these ads have no idea who pays for them because no disclosure is required. They drown out the voice of the average American citizen, and even sometimes of the candidates themselves. Without reform, we can certain expect a huge increase in these sham issue ads.

The Shays-Meehan bill begins to restore public confidence in our electoral system by closing these two egregious loopholes. The bill bans all contributions of soft money to federal campaigns. Specifically, it bans national party committees from soliciting, receiving, directing or spending soft money. The bill also prohibits state and local parties from spending soft money on federal election activity.

In an effort to ban campaign advertisements that masquerade is "issue advocacy," Shays-Meehan tightens the definition of "express advocacy" communications. Under the bill, any ad that is clearly designed to influence an election is deemed "express advocacy" and must therefore abide by federal contribution and expenditure limits and disclosure requirements. Shays-Meehan includes well crafted language that specifically exempts legitimate voter guides from the definition of "express advocacy."

The Shays-Meehan bill would not prevent public organizations from running advertisements, but it would ensure that ads clearly designed to influence an election are regulated under federal law. We have laws clearly designed to regulate and disclose campaign donations and expenditures, and no one should be allowed to evade them. Shays-Meehan would ensure that everyone involved in influencing elections plays by the same rules.

Opponents have argued that the Shays-Meehan bill undermines the First Amendment right of free speech. However, the Supreme Court has ruled that Congress has a broad ability to protect the political process from corruption and the appearance of corruption. It has upheld as constitutional the ability to limit contributions by individuals and political committees to candidates. The Supreme Court has also clearly permitted Congress to distinguish between issue advocacy on the one hand, and electioneering or "express advocacy" on the other.

The Meehan-Shays proposal will not cure our campaign finance system of all its evils—and I certainly support more far reaching restrictions on campaign contributions and expenditures. However, the bill will take a modest but significant first step toward restoring integrity in our political system. It will limit the influence of wealthy special interests and help to restore the voice of average American citizens in our political process. In short, enactment of this legislation is essential to the survival of American democracy.

EXPLANATORY STATEMENT ON H.R. 2756, "FAIR COMPETITION IN TAX-EXEMPT FINANCING ACT OF 1999"

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HALL of Texas. Mr. Speaker, in August I introduced H.R. 2756, the "Fair Competition in Tax-Exempt Financing Act of 1999", which has been referred to the Ways and Means Committee. As a general proposition I believe that governments should be cautious in their use of tax-exempt financing, particularly when it is used to provide services that can be obtained through the private sector.

Since I introduced the bill, I have learned that it may raise significant issues that could affect the tax-exempt bonds of municipal electric systems. It was certainly not my intent to do anything that would affect the ongoing debate on the private use restrictions on these tax-exempt bonds.

As the Ranking Minority Member of the Energy and Power Subcommittee of the Commerce Committee, which has electric restructuring legislation pending before it, I believe it is prudent that I remain neutral on this issue. In fact I have encouraged the investor-owned utilities and public power systems to reach an agreement on private use and offer it to the Congress as a solution to this important restructuring issue.

Mr. Speaker, in order to make my intentions completely clear, were I permitted to withdraw the bill, I would do so. However, the custom in the House is not to permit bills to be withdrawn. As a result of the information I have received and the concerns that have been expressed since the introduction of the bill, I have decided not to seek further action on this legislation.

CONGRATULATIONS TO MARILYN PRICE BIRNHAK AND J. ROBERT BIRNHAK ON 35 YEARS OF SERVICE AND LEADERSHIP TO THE GREATER PHILADELPHIA COMMUNITY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HOEFFEL. Mr. Speaker, my heartfelt congratulations to Mr. and Mrs. J. Robert Birnhak for being honored at the 35th anniversary celebration of Weight Watchers of Philadelphia on Saturday, September 18, 1999. Marilyn Price Birnhak along with the support of her husband J. Robert Birnhak founded Weight Watchers of Philadelphia thirty-five years ago. As founder and first president, she watched her group of eight members grow to roughly 20,000 members over the years, meeting in towns throughout the southeastern Pennsylvania and southwestern New Jersey areas.

Mr. and Mrs. Birnhak have also instilled in their children a sense of leadership, as their son John currently serves as the company's vice president of finance and their daughter Tracey is vice president of marketing and business development. All of their children are active in their communities.

The Birnhak family has contributed to Weight Watchers' tremendous growth in the Philadelphia area, as well as in the broader reaches of the franchise. Mr. Birnhak served as a past president of the Weight Watchers Franchise Association, and Mrs. Birnhak served first as vice president and then as president of the association.

In addition to their commitment to Weight Watchers, the Birnhaks have been leaders in the larger community as well. Mr. Birnhak has been active on the board of the Philadelphia Geriatric Center and Congregation Beth Sholom in Elkins Park, Pennsylvania. Both he and Mrs. Birnhak have been honored by the State of Israel Bonds, Jewish Theological Seminary and Ben Gurion University in Israel. Mrs. Birnhak is also on the board of directors of the Philadelphia Theatre Company.

Mrs. Birnhak has contributed significantly to numerous health panels, seminars and health fairs. She has lectured at medical colleges and universities and appeared on radio and television talk shows.

Through Weight Watchers the Birnhaks have participated in a myriad of charitable endeavors for the United Way, the American Heart Association, the March of Dimes, the Alzheimer's Association, the Hero Scholarship Fund, Weight Watchers of Philadelphia, Inc. Feeds the Hungry, the Kidney Foundation, among others. In particular, Weight Watchers of Philadelphia, Inc. is to be commended for being the single largest contributor to the Philadelphia Hero Scholarship Fund.

Once again, my congratulations to a wonderful couple and their family.

PERSONAL EXPLANATION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. LAZIO. Mr. Speaker, because I was unavoidably detained, I was absent for the vote on the Bereuter/Wicker amendment to H.R. 417. This amendment would prohibit campaign contributions to federal candidates from any individual other than a U.S. citizen or national. Had I been present, I would have voted in favor of the Bereuter amendment in part because it would have been consistent with my record. On July 14, 1998, I voted for a similar amendment offered by Representative VITO FOSSELLA (vote #276 of the Second Session of the 105th Congress) during last year's debate on campaign finance reform.

THOMAS PUGH HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a noted community leader, Mr. Thomas E. Pugh, as he is honored by the Ethics Institute of Northeastern Pennsylvania at their annual dinner. I am pleased to have been asked to join in this event.

A former CEO of the John Heinz Institute of Rehabilitation in Wilkes-Barre, Tom Pugh now works at Allied Services in Scranton. He began there as director of communications and served later as vice president of corporate services better assuming his current role as vice-president of rehabilitation.

Tom is a dedicated professional who is active on both the local and international scene. Since 1994, Tom has worked with the Litewska Children's Hospital in Warsaw, Poland as a consultant on hospital privatization and foundation formation. He conducts a corporate program that provides equipment to the Association of Disabled People of Lithuania. Tom also serves as a consultant to Trnava University Healthcare Management Education Project in the Slovakia Republic. Locally, Tom is active in the Arthritis Foundation, the James S. Brady Center, the Northeast Region Board of the Health Education Center, and the Northeast Regional Cancer Institute. He serves as Executive Vice-President of the Board of Pennsylvania Association of Rehabilitation Facilities.

Mr. Speaker, Tom Pugh is a dedicated professional and community leader. His commitment to improving the lives of the disabled both here and abroad is well known. The Ethics Institute of Northeastern Pennsylvania, which was established to increase the understanding of contemporary ethical issues in business, government, politics, health care and social issues, is wise to fete him. I send my sincere best wishes to Tom as he accepts this prestigious award.

TRIBUTE TO THE LUTKE FAMILY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. CAMP. Mr. Speaker, I rise today to honor the Lutke family of Marion, Michigan, whose farm was recently designated a Centennial Farm by Secretary of State Candice Miller and the Michigan Historical Commission.

This honor is bestowed on farms that have remained in the same family for 100 years or more. The Lutke farm was established in 1873. Today Harvey and Ruth Lutke harvest 280 acres of hay and corn.

The Centennial Farm designation recognizes the rich agricultural heritage of our great state. It pays tribute to the generations of families who have fed the world and passed on their legacy of hard work and determination to their children.

The Lutke family's success is a source of pride to Missaukee County, to Michigan, and our nation. I am pleased to have the opportunity to honor them today in the U.S. House of Representatives and I wish them many more generations of bounty.

GROWING DIGITAL DIVIDE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. LARSON. Mr. Speaker, today I rise to draw attention to our nation's growing digital divide. The nation's economy is surging to unprecedented levels. The productivity of small business start-ups, driven by technology and American ingenuity, is bursting with entrepreneurial capital and the creation of unparalleled wealth.

Yet amidst the euphoria, there is growing concern about the alarming trend of limited access to the benefits of this "digit" economy.

In its July report, "Falling Through The Net," the Department of Commerce confirmed these fears about the information "haves" and "have nots" citing a persisting "digital divide" between the information rich and the information poor. A divide characterized by a disparity of race, gender, wealth and geography that grows disturbingly further apart.

The great irony of this technology enterprise is that it's running out of a vital fuel source: skilled workers. American corporations are now in the position of asking Congress to help import a workforce from foreign countries.

Congress needs to reinforce a crucial pipeline for this needed fuel so that our technological enterprises can feel secure in their ability to grow. That pipeline has been and continues to be public education. Unfortunately, the pipeline is clogged because our policies are floundering with piecemeal, patch-worked solutions instead of a solidly constructed plan. We cannot meet the demands of a digital economy, with inadequate infrastructure, untrained teachers, resistant universities, indecisive government, and a private sector that thinks donating its old computers is the solution to the problem.

Congress must recognize a fundamental need to rethink how we deliver education in our classrooms. It needs to light up the desktops of our students and the blackboards of their teachers, and provide students with the training and skills they need to be contributing members of our future workforce. Specifically, it needs to bring the information superhighway into our schools and libraries, giving students the opportunity to participate in the global economy.

In order for this opportunity to be seized by Congress, it will take more than a thirty second sound bite. It will require a long term plan.

Congress must forge a new alliance of the nation's talented technological sector and leading academic and government agencies, to develop a strategic plan with appropriate implementation bench marks. The information infrastructure needed for classrooms and public libraries must be examined to ensure that it provides the most efficient and cost effective results. Yet, we must also realize that while a high-tech education system is critical, it won't work without trained professionals.

As a parent of three and a former teacher, I understand that no act of Congress ever reads to a child at night, tucks him in, or offers him the kind of nurturing growth that comes from caring parents. Similarly, no piece of technology can replace a highly trained teacher. There can be no high tech, without high touch.

According to U.S. Secretary of Education Richard Riley, over the next 10 years, this country will need two million new teachers. These new teachers must be digitally fluent and prepared to integrate technology into their daily lesson plans and curriculum. Our colleges and universities must be prepared to provide this outcome, and Congress must be prepared to provide incentives. These incentives would include tax credits for equipment purchases, tuition credits to acquire new skills, and incentives for business to buddy with teachers and adopt schools.

The third component of how Congress can integrate high-tech learning into our society, relates to creating a civic culture that will encourage young people with computer talent to share their knowledge with their community. The best way to make that happen will be through a youth technology corps.

A national tech corps starting in the fifth grade and continuing through high school, this youth technology corps will be of technological service to its peers and adults, and expose young people to the importance of community service. Learning the important lesson that serving is as important as being served.

Congress has a responsibility to leave no one behind in the digital economy. It must provide the opportunities needed to help Americans attain personal and financial security in a global economy. It can make this happen, or it can be remembered as the Congress that squandered an unprecedented educational moment.

HONORING REVEREND AMOS G. JOHNSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KILDEE. Mr. Speaker, I am honored to rise before you today on behalf of the congregation of New Bethel Missionary Baptist Church in Pontiac, Michigan. On Friday, September 17, the New Bethel family will gather to honor Reverend Amos G. Johnson for 42 years of dedicated service to the community in the name of the Lord.

Born in Mississippi, Reverend Amos Johnson was heavily influenced by his mother, whom he helped around the house as a young man, and his father, the Reverend Robert Johnson. In 1944, Mr. Johnson was called up to serve his country in the United States Army. It was there that he received his calling. The following year, Reverend Johnson enrolled in

American Baptist Theological Seminary, receiving his theology degree as well as a Bachelor of Arts degree from Jackson State College.

In 1957, Reverend Johnson left Mississippi for Michigan, and weeks later became the head of New Bethel Missionary Baptist Church. In those 42 years, the New Bethel congregation has grown from 50 to nearly 2,000 under Pastor Johnson's leadership. The church has moved from their original building to a beautiful new facility directly across the street. The original church still remains, in its new role as the New Bethel Outreach Ministry-Shelter for the homeless, servicing 161 families and 288 children.

Reverend Johnson's time with the ministry has allowed him to develop a strong support network that extends outside the church. The pastor has been affiliated with and has held leadership positions in groups such as the Greater Pontiac District Association, Wolverine State Congress, Oakland County Ministerial Fellowship, and the National Baptist Congress of Christian Education, to name a few. He has also been honored with an honorary degree from the Urban Bible Institute in Detroit.

Reverend Johnson's deeds in the name of the Lord are as remarkable as his deeds on behalf of God's children in the Pontiac community. In addition to the Outreach Center, he has served as chaplain at North Oakland Medical Center in Pontiac, and has worked tirelessly to aid those struggling with substance abuse. Counting strong relationships with young people as a major accomplishment, Reverend Johnson can often be found working with students and teachers in the Pontiac School District. Many public officials can be found seeking Reverend Johnson's guidance on pressing matters and issues.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of the 106th Congress to join me in saluting Reverend Amos Johnson. I also ask that you acknowledge the contributions made by Marjorie, his wonderful wife of 49 years, who has been with him every step of the way, as well as their two children. Self evident is their lifelong commitment to enhancing the dignity and nurturing the spirits of all people. Our community is a much better place because of the Johnsons.

SAN YSIDRO HEALTH CENTER—HONORING THE PAST, LOOKING TOWARD THE FUTURE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. FILNER. Mr. Speaker, I rise today to honor the San Ysidro Health Center and the 30 years it has been contributing to the health of my community. From humble beginnings as a volunteer grassroots program run out of a house on the property where the present 50,000-square foot medical center now operates, the center has grown with satellite clinics in Chula Vista and National City. It serves 37,000 people now and has a budget of $17 million.

Mr. Speaker, today is a day for looking back and honoring the pioneers who started this amazing caring center and the visionaries who use this firm foundation to provide even greater services to the people of the South Bay area of San Diego County.

Thirty years ago, Elena Savala and 10 other members of the Club de las Madres decided they needed more than one doctor to serve the 700 residents of San Ysidro at that time. Although they spoke little English and had little formal education, they approached the University of California at San Diego for assistance. In a little house that the City of San Diego donated, volunteer health care professionals began to offer services for the nominal fee of $1.

The eleven women formed the center's first Board of Directors. In 1972 they hired another forward-thinking and committed health care warrior, Gabriel Arce, to direct the center. Under his leadership, the health center moved from a small trailer to the original clinic, a modern building with six examining rooms. The center continued to grow and in 1980 made an historic leap—it created the Community Health Group, the only health maintenance organization (HMO) in the State of California with an all MediCal (Medicaid) caseload.

Today, the San Ysidro Health Center provides primary care, dental care, social services, nutrition counseling, laboratory services and a pharmacy. Beyond its three primary health care clinics in San Ysidro, Chula Vista and National City, its mental health component, the Behavioral Health Group, operates an extensive countywide mental health network that treats children, adolescents and adults in the communities of San Ysidro, Chula Vista, San Diego, Santee and San Marcos.

Of the center's 37,000 patients, 70 percent live at or below the poverty level, 77 percent are women, 30 percent are children under the age of 12 and 60 percent are on MediCal, Medicare or receive County Medical Services.

The grassroots flavor of the center remains alive—many patients later come to work for the center, inspired to pursue health-related careers by the care they see offered there.

That inspiration promises to continue. The current forward-looking Board of Directors, lead by President Macario Gutierrez, has involved the center in a partnership with Scripps Family Practice Residency Program. The residency program will be offered at the Chula Vista Family Clinic, one of the two satellite clinics. It is all of our hope that some of the San Ysidro Health Center's patients of today will become the doctors of tomorrow, inspired by the access to and commitment of this unique residency program.

This partnership is born out of the California Area Health Education Center Program. This program was established in 1972 to form partnerships between California's schools of medicine and local organizations throughout the state. The program established a special border outreach unit. The partnership with the San Ysidro Health Center allows the program to continue and expand its opportunities to emphasize care for our Latino population and the special demands of health care along the border. The program trains doctors to work in areas which do not have adequate health care coverage.

Mr. Speaker, I ask you join with me in honoring the vision, and quality health care that San Ysidro Health Center has offered over the past 30 years and that I am sure they will offer for the next 30 years with their special partners. The center's unique blend of commitment to our community and involvement of residents in providing the highest quality health care deserves to be emulated nationwide.

LATINA ACTION DAY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, on September 15, 1999, Hispanas Organized for Political Equality (HOPE) will host Latina Action Day in Washington, D.C. It is with great pleasure and pride that I commend them for their commitment to Latinas.

Since its founding in 1989, HOPE has remained dedicated to improving the educational, political and economic status of Latinas. HOPE has anchored itself by the principle that knowledge of the political process coupled with active participation will guarantee a more representative, democratic government.

HOPE, through its Latina Action Day in Washington, D.C., rallies several national community, business, and women's organizations to our nation's capitol for indepth dialogues and analysis of current issues impacting the community at large. September 15, 1999, marks the second year that Latina Action Day will be held in Washington, D.C. and continues to be an annual event that brings together hundreds of women for the purpose of educating and empowering Latinas in all phases of economic, cultural, and social structures.

As Latinas assume more leadership positions nationally, it becomes increasingly important to have firsthand knowledge of legislative issues and to participate in the political process.

I salute HOPE for recognizing the value in an educated citizenry and wish the continued success in forwarding their mission.

GROUNDBREAKING CELEBRATION FOR THE JOHN W. KIND SENIOR COMMUNITY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. PELOSI. Mr. Speaker, on September 16th, a wonderful event is taking place as we celebrate the groundbreaking on the John W. King Senior Community. Another wonderful event is taking place at the same time with the celebration of the 80th birthday of this important project's founder, inspiration, and guiding light—John W. King. It is appropriate for us to celebrate both of these events at the same time, because this groundbreaking is the culmination of Mr. King's vision and determination. Without him, this project would simply not exist.

John King's contributions to the quality of life in San Francisco are too numerous to list. Mr. King has worked tirelessly as an advocate for San Francisco's seniors, to ensure that they have access to affordable housing and services. The John W. King Senior Community is the latest addition to John's lifelong work. This innovative project will provide 91 one-bedroom apartments to serve low-income seniors in the City's Visitacion Valley. It will provide easy access to on-site support services, a transportation center and a nutrition center. The project also includes a child-care center, which helps to meet community needs and will provide opportunities for the senior residents to develop relationships with the youngest generation.

We can all be proud of the role of the federal government, particularly the Department of Housing and Urban Development, as well as the role of the City of San Francisco, and Catholic Healthcare West, in helping to finance the John W. King Senior Community, which is a joint project of the John W. King Senior Center, Mercy Charities Housing California, and Housing Conservation & Development Corporation.

We can be particularly proud of John King, whose vision, strength, determination and hard work are examples for us all. Happy Birthday, Mr. King. May you continue your good works for the next eighty years.

TRIBUTE TO EARLINE McCLAIN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DUNCAN. Mr. Speaker, Earline McClain, one of my constituents who has had a very distinguished career in education, has written a poem that I hope will be read by a great many people. It expresses some very important ideas about our Nation and how each of us has a responsibility to treat each other with respect and humility.

I have enclosed a copy of the poem, entitled "Think," and would like to call it to the attention of my colleagues and other readers of the RECORD.

THINK

Take a look at yourself. What's made you so bereft Of human concern? Why have you not learned That all people have worth and no one on this earth Has the right to heap scorn on any person ever born!

Label them as you may; call them black, trash, foreign, migrant or gay You have no right to say they are inferior, to feel superior; You are human, and so are they!

What's a migrant worker? Surely not a shirker But strangers in this land, doing all that they can To eke out a living. Others should be giving All that they can afford. Things are not ours to hoard!

Never should one deny others the chance to try To better their condition. When you are in a position to offer a helping hand, When you're called American, you must fully understand What makes up this "free" land. America's a melting pot And if you heat it up too hot, so anyone is scorched or burned. A painful lesson you'll learn, all people are God's concern!

When you don't give, but hoard, think of one born in a manger When your neighbor's ox is gored, your ass is in danger! You are your brothers' keeper and involved with him much deeper Than you may want to be. When another's plight you see,

Think: But for God's grace, that's me or His Grace may yet let me be, For He controls our destiny and how I treat others, He may treat me.

KENTUCKY SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of the efforts of the 4,279 women of the Kentucky Society of the Daughters of the American Revolution.

The Kentucky organization was founded 104 years ago to serve as an instrument of the National Society of the Daughters of the American Revolution and to further the DAR's dedication to the promotion of education among our nation's citizens, preservation of our historical treasures, and encouragement and recognition of patriotic endeavors among citizens of the United States.

Mr. Speaker, the State Board of Management of the Kentucky Society will meet in my hometown of Hopkinsville, Kentucky on Saturday September 18, 1999. This meeting will honor in remembrance the life and the Bicentennial of the death of our nation's Founding Father and First President, George Washington.

The Kentucky Society of the Daughters of the American Revolution provides innumerable patriotic services, including but not limited to caring for our veterans; providing citizenship manuals to prospective U.S. citizens; the creation of a DAR-supported school in Hindman, Kentucky to teach Dyslexic students to read and write; and the recognition of students in our Commonwealth's schools who have demonstrated good citizenship and service to country.

Mr. Speaker, Constitution Week, September 13–17 marks the Two Hundred Twelfth Anniversary of the signing of the Constitution.

The National Society of the Daughters of the American Revolution and the Kentucky Society of the Daughters of the American Revolution promote vigilance among all U.S. citizens to understand and protect the freedoms guaranteed to them by the Constitution. They deserve our respect and our gratitude for their efforts and I offer this statement in recognition of their superb and continuing patriotism.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mr. MOORE. Mr. Chairman, during the 1996 election cycle a Virginia-based organization called Triad Management spent hundreds of thousands of dollars in my home state of Kansas, as well as in Oklahoma and Louisiana, among other states. The money was spent on sham issue ads of dubious accuracy. I am including in the RECORD with my statement a copy of a New York Times article that recounts Triad's activities in this regard.

Rigorous debate is part of democracy in America, and free speech is a right and freedom that all of us cherish. When you and I stand up to exercise that right, not only to conduct the business of the people but also to run in partisan elections, we show our face. But there are those who enter the public debate anonymously, however, backed by funds, the source of which is unknown.

Mr. Chairman, this type of activity has two effects on American voters. The first is to cause outrage—and rightly so. After all, how can one expect justice and fair play from a system that has the appearance of being up for sale?

The second is apathy. Sadly, we know this to be true based upon recent voter turnout statistics. Average voters feel like they can't make a difference in our system of big bucks and anonymous contributions, and their response is to refuse to participate.

Mr. Chairman, you and I have both seen this outrage and apathy. Isn't it time we do something about it?

Triad is one of the many examples of this abuse of the system; abuses enactment of Shays-Meehan will end. By passing this bill, no one is telling the anonymous donors to Triad that they can't be a part of the public debate. Instead, it simply requires them to reveal themselves to the public and show their face, just like everyone else has to do.

Mr. Chairman, passing H.R. 417 is the one step Congress can take that will most contribute to restoring the public's loss of confidence in our political process. People have an absolute right to know who is trying to influence their vote and the vote of their elected representatives.

I urge my colleagues to pass H.R. 417 immediately so we can shine the light of day on this problem.

[From the New York Times]

A BACK DOOR FOR THE CONSERVATIVE DONOR

CONSULTANT USED PAC'S AND NONPROFITS TO OFFER MAXIMUM IMPACT

(By Leslie Wayne)

WASHINGTON, May 21—When Floyd Coates, an Indiana businessman and one-time candidate for Congress, decided to make some big campaign donations in the last election, he wanted to be sure that the $100,000 or so he planned to give would end up supporting his brand of conservative, free-market, pro-military, anti-abortion candidates.

"I wanted to do all I could," Mr. Coates said. "But I didn't want my money to go to the 5 to 10 percent of the Republican candidates who were too liberal, or to the 5 to 10 percent who didn't have a chance."

So, for guidance, Mr. Coates turned to Triad Management Services, a Washington political consulting concern headed by a former fund-raiser for Oliver L. North. Tapping into a network of conservative donors across the country, Triad funneled their money through nonprofit groups and political action committees to support conservative candidates in important races. By finding donors and advising them where to put their money, Triad pumped more than $5 million into last-minute negative television, advertisements that benefited Republican candidates and, in some cases, swayed elections.

A Democratic candidate for Congress in Kansas was described in an advertisement produced by Triad with money from conservative donors as supporting "special preferences for gays and lesbians." She lost. A Democratic Congressional candidate in Montana lost his slim lead, and the election, after a Triad advertisement portrayed him as a wife-beater.

In the hotly contested race for Bob Dole's Senate seat in Kansas, the Democratic challenger, who had been running neck-and-neck, lost after a last-minute $200,000 advertising blitz from Triad characterized her as a "liberal" from Massachusetts, the state she left 20 years ago.

Few people, least of all the Congressional candidates under attack, knew where the money for these advertisements came from: a little-known group taking advantage of loopholes in campaign finance laws on behalf of Republican candidates.

"Triad played the role of an orchestra leader," said Bill Hogan of the Center for Public Integrity, a nonprofit research group. "They had an ocean of money, and where it comes from and where it goes doesn't have to be disclosed. These organizations skirt the very fine print of the Federal regulations. It's secret money, and the level of it is worse today than during Watergate."

Working outside the confines of the Republican Party, Triad, a profit-making consulting group, came up with ways for conservative donors—including corporations, which are prohibited from giving directly to Congressional candidates—to get money to tight races where conservative Republicans stood a chance of victory. The money was often channeled into television advertisements through nonprofit organizations—including one headed by Lyn Nofziger, a former aide to President Ronald Reagan who was convicted of three felony ethics violations—in ways that make it impossible to trace the sources or the amounts of the donations.

In a year in which one new loophole after another in campaign finance law was being exploited, Triad carved out a unique role as a middleman and showed how nonprofits could be used to steer money into Congressional races. Triad did not collect campaign dollars itself. Rather, it advised individual donors on which candidates and political action committees to support. And it found donors, whose names were never disclosed, to contribute to nonprofit groups that used Triad to design attack advertisements.

In exchange for this, Triad collected a fee from the individual donors and took a portion of the money raised for the television advertisements. While there are many Washington consulting firms that advise candidates and parties, Triad is the rare one that advises donors.

For a fee, Triad would advise donors like Mr. Coates on which Congressional candidates and conservative political action committees to support. In doing so, Triad enabled conservative donors to maximize the impact of their dollars by coming up with back-door, but legal, ways for them to get money to Republican candidates in amounts above the $2,000 Federal contribution limits.

This happened when Triad donors gave to candidates and to political action committees that would, in all likelihood, make donations to the same candidates. Using Mr. Coates as an example, he and his wife, Anne, gave $5,000 to the Eagle Forum, a PAC headed by the anti-abortion leader Phyllis Schlafly, which gave money to candidates to whom the Coateses had already given.

For instance, the Coateses had already contributed $2,000 to Randy Tate, a Republican Congressional candidate in Washington. Eagle Forum's political committee gave him an additional $7,000. The Coateses gave $2,000 to Sam Brownback, a Republican running for Mr. Dole's vacant seat in Kansas. Eagle Forum gave $7,000. The Coateses gave $3,800 to Jean Leising, a Republican Congressional candidate in Indiana, and the Eagle Forum contributed $5,000.

Similarly, the Coateses gave $5,000 to something called the American Free Enterprise PAC, which in turn, gave $7,000 to Mr. Tate and $4,500 to Mr. Brownback. In all, the Coateses donated to 14 conservative political action committees and 21 Congressional candidates; 17 of those candidates received money from the PAC's that had received money from Mr. and Mrs. Coates.

"I turned to Triad for research, and I liked their recommendations," Mr. Coates said. "I mailed checks to PAC's and candidates that shared my pro-life Christian values. But what the PAC's did with that money, I had no idea. They got no direction from me."

The role of Triad is under scrutiny by the Senate Governmental Affairs Committee, headed by Senator Fred Thompson, Republican of Tennessee. Under prodding from the Democratic minority, the committee recently subpoenaed Triad and two nonprofit organizations hired by Triad to find donors and produce last-minute multimillion-dollar advertising blitzes attacking Democrats.

One nonprofit is Citizens for Reform, headed by Peter Flaherty, a one-time campaign manager for President Reagan. Citizens for Reform raised and spent $2 million from August to October 1996 on races in 10 states, with the most going to Kansas and California. Mr. Flaherty said in an interview that Triad had raised all the money for his group, which was founded last spring, and had spent it for him.

"We played a major role in the 1996 election, and we are quite happy with our results," Mr. Flaherty said. "Triad produced our television ads, drafted scripts and bought television time. They basically managed it and lined up vendors for a television campaign and for our direct mail and phone banks."

Citizens for Reform, as a nonprofit organization, is not required to disclose its donations. Because it engages in some lobbying, however, donations to it are not tax-deductible.

In fact, it is the promise of anonymity—as well as a sky-is-the-limit rule on donations—that makes these nonprofit groups popular among big donors. Unlike contributions to individual Federal office-seekers and PAC's, there are no limits on how much can be donated to a nonprofit. And corporations, which are barred from donating to Federal candidates, can give to nonprofits.

"Privacy is important to our donors," said Mr. Flaherty, who added that his nonprofit did not take foreign money. "Nondisclosure is something we definitely point out."

The lack of disclosure, however, troubles some. "This is completely invisible money," said Kenneth Gross, former enforcement chief for the Federal Election Commission. "At least soft money is disclosed. This money isn't. It's one thing to have money that is under the radar screen. Money from nonprofits isn't even close to the radar screen."

The second nonprofit Triad advised was Citizens for the Republic Education Fund, where Mr. Nofziger is a director. This group spent $2 million at the end of the 1996 election on advertisements produced and designed by Triad with money Triad had found for the nonprofit group. These spots focused on United States Senate races in Arkansas, especially against Winston Bryant, a Democrat who lost.

Mr. Nofziger declined to comment beyond saying, "As long as they are fiddling around with Senate hearings, it's best for me not to talk."

Triad's founder and president is Carolyn Malenick, a former fundraiser for Mr. North. She also heads Citizens for the Republic Education Fund. Ms. Malenick's commitment to the conservative cause is well known, as is her fund-raising prowess.

"Carolyn is a terrific fund-raiser," Mr. Flaherty said. "She has a Midas touch. She has a bigger vision than others. People were never asked to contribute at this level before."

Triad collects a management fee based on donations to the two non-profits—in essence, a cut of all the money they raise. In addition, Ms. Malenick charges some donors a fee for her advice, on a sliding scale.

"My clients are typically socially conservative businessmen and women," Ms. Malenick said in an interview. "I provide them with due diligence, or research, in the political environment. If you want to buy stocks, you go to a stockbroker and get research and advice. That's what I do in the political arena, which is heavily regulated.

"We don't dictate or tell my clients what to do. We say, 'Here are the campaign giving limits and here are the laws.' We say, 'Here are the candidates who are viable and who feel the way you do.'"

Mark Braden, former general counsel of the Republican National Committee and Ms. Malenick's lawyer, compared her to a corporate consultant. "Carolyn has taken a Fortune 500 activity, consulting, and moved it to a group of socially conservative rich folks," Mr. Braden said. "And it's worked well."

One group Ms. Malenick said she did not work with closely is the Republican Party, although Republicans like Senator Don Nickles of Oklahoma have appeared in her literature. "I'm not an agent of the Republican Party," Ms. Malenick said. "I don't work for them. We choose where to get involved, and there is no need to tell them."

Rich Galen, a spokesman for the National Republican Congressional Committee, confirmed that view but acknowledged social ties between Triad's principals and the party. "Lots of people in this town get seen in the same places," Mr. Galen said. "So I don't want you to think some of these people don't show up in the same place and have a drink. But we do not do any coordination with them. That would be improper."

As well as illegal. One of the questions Senate Democrats want answered involves the extent of coordination, if any, between Triad, the nonprofits and the Republican Party. If coordination is shown, then Triad's nonprofit organizations could face the same disclosure and spending limits as other political committees.

Those on the receiving end of Triad's advertisements said they had been stunned by the onslaught. Jill Docking, a Democrat, was in a dead heat with Mr. Brownback for the Kansas seat vacated by Mr. Dole. She saw her chances vanish after an advertising blitz.

"We couldn't figure out where the ads were coming from," said Ms. Docking, a Wichita stockbroker. "Even more frustrating was the massive deluge. The ads came at me in every direction in the last weeks. There were five or six of these ads to every one of mine. Our television looked pretty pitiful. It clearly swayed the election."

Those who benefited from Triad's activities, like Senator Brownback, said they did not have a hand in the advertisements.

Still, the spots did not hurt. Said David Kensinger, Mr. Brownback's deputy campaign manager, "Never look a gift horse in the mouth."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 16, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings on counterinsurgency vs. counter-narcotics issues in regards to Colombia.

SH-216

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on issues relating to hybrid pension plans.

SD-106

SEPTEMBER 22

9:30 a.m.

Indian Affairs

To hold hearings on Indian trust fund reform.

SR-485

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

10 a.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to receive testimony on the national security requirments and continued training operations at the Vieques Training Range.

SR-222

SEPTEMBER 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to explore the potential consequences of the year 2000 computer problem to the Nation's supply of electricity.

SD-366

10 a.m.

Environment and Public Works

To hold hearings on the nomination of Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission; the nomination of Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board; the nomination of Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642); the nomination of Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission; and the nomination of Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

SD-406

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SEPTEMBER 29

9:30 a.m.

Indian Affairs

To hold hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes.

SR-485

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.

SD-366

SEPTEMBER 30

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.

SD-366

OCTOBER 6

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR-485

SENATE—*Thursday, September 16, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. J.C. Williams, Martinez, GA.

PRAYER

The guest Chaplain, Rev. J.C. Williams, Chaplain Corps, U.S. Navy (Retired), offered the following prayer:

Let us bow our heads in prayer.

Almighty God, to whom we must account for all our powers and privileges, grant the Senators and their staffs strength to know and do Your will. Remind us this day that You are our chosen Leader and Lord, God of the way, the truth, and the life, who chose to journey with Abraham and Sarah, Joseph and Mary, and all the heroes and heroines of faith.

Loving God, we humbly pray that You will journey with this Nation and Your servants. Send Your guardian angel to be their guide as they perform their duties on behalf of all people of this great Nation. Preserve and defend these men and women and their families from every assault and insult, visible and invisible.

Dear God, in all the troubled moments, pressures of this day, and needs that are yet unmet, we seek Your presence, comfort, and wisdom. Merciful God, continue to keep the men and women in this sacred Chamber in peace and health; and may they hear You whisper to them, "Well done, well done, well done." Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. LOTT. I thank the Chair.

HURRICANE FLOYD

Mr. LOTT. It is always great to see our distinguished President pro tempore, Senator THURMOND, here and opening the Senate proceedings. We are thankful this morning that his State was spared the kind of devastation it seemed to be facing just a couple of days ago. It looks as if the hurricane has dropped in power and there has not been the damage and devastation that was expected from the hurricane, although certainly there are people this morning who are very uncomfortable without power and there have been some lives—I believe a couple—lost as a result of accidents.

I am from a hurricane-prone State, Mr. President. I have lived through three major ones, including one last September, so I know how difficult it can be for those who have had to endure this experience. So I don't take bad weather lightly. But we have been watching very closely the path of this hurricane and its strength and where it is headed. I spoke early this morning to the Sergeant at Arms, Mr. Ziglar, and to Senator BARBARA MIKULSKI. Typically, Senator MIKULSKI calls and says, "I am coming, unless you say don't come." I told her to come. We believe that while we are going to have some wind and rain today, the brunt of the hurricane has been diminished and it will go east of this area. So the Senate will go forward.

SCHEDULE

Mr. LOTT. Mr. President, this week we have some legislation we must complete because we do have a Jewish holiday Monday and Tuesday, with the first vote not occurring until next Tuesday at 5:30 p.m. Then we have to do the HUD and Veterans appropriations bill next week, which I am sure will take at least the remainder of that week, 3 days.

So here is what we have to do today and tomorrow if necessary. We will vote at 10:10 on the Treasury-Postal Service appropriations conference report. We hope to be able to stack at that time a second vote on the Transportation appropriations bill now pending before the Senate. Senator SHELBY is here and working on an amendment or amendments we may have to deal with. So we will just have to see how that is going to work out. But we want to complete all amendments and have final passage on the Transportation appropriations bill, and probably we need to have a recorded vote on that so we will not be faced with having to find time for a recorded vote after it comes back from conference.

Then we will probably move to the Defense authorization conference report which was completed by the House just yesterday. The conferees did a great job. This is a good bill, and we need to get that vote established.

We also have pending the District of Columbia conference report. I understand some time may be needed to talk about it and a recorded vote will be required, but we will do that today or tomorrow if that is necessary.

In addition, we are working to clear three judges. One of them may require some time, but we can do that today and tonight or tomorrow.

If the weather does become a concern later on in the day, midafternoon, and it is necessary for us to quit early because of the concern for safety, we will be back at 9:30 Friday to complete this list of items. I would like to be able to say let's take a rain day and go home, but we do not have the time to do that. I do not think it is really necessary. So we will begin immediate consideration of the Transportation appropriations bill, and when the amendments are worked out and a final vote can occur on final passage, we will notify the Members, but we will have a vote at 10:10. We do expect votes throughout the day. We will watch the weather. And we do have the option of being in from 9:30 until noon tomorrow.

I thank the Chair. I yield the floor. I understand we have some morning business requests.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2084 which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Mr. SHELBY. Mr. President, I want to announce to the Senate—a lot of Senators probably kept up with it over the evening's time—we have made considerable progress on the Transportation appropriations bill, and we are at that point in time—Senator LAUTENBERG and I and our staffs have been conferring with the majority leader and Democratic leader—if there is anyone who has an amendment they want to offer, they ought to come down and offer it so we can move on. We are nearly to the point—not quite—where we would like to go to third reading of the bill. So this should serve as a friendly notice that if you have an amendment, come down and pursue it or call us and let us know if you are going to do something else with it later.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1678

(Purpose: To increase penalties for involuntarily bumping airline passengers)

Mr. LAUTENBERG. Mr. President, I have an amendment that I send to the desk and ask unanimous consent that it be considered in order.

Mr. SHELBY. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1678.

Mr. LAUTENBERG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert:

SEC. . It is the sense of the Senate that the Secretary should expeditiously amend Title 14, Chapter II, Part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boarding and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

Mr. LAUTENBERG. Mr. President, I offer today a sense-of-the-Senate amendment on an issue that, unfortunately, is becoming more of a problem for American travelers; that is, the experience of passengers with paid reservations being bumped from overbooked plane flights.

Our skies are more crowded than they have ever been. People need to move quickly between different cities to do business and also for a wide variety of personal reasons. As this need has grown, people who fly find themselves increasingly at the mercy of casual airline booking practices. In such cases, airlines do not treat people as they should. These are passengers with paid reservations. They have a right to expect a seat on the flight they book, but too often they discover that having a ticket does not mean much when they get to the gate.

Nothing ruins a business trip, a vacation, or other trip more thoroughly than being bumped from a flight. It is sometimes impossible to make up for the lost hours and the lost opportunity, let's say, to attend the funeral of a friend or relative. That opportunity is never again presented. There is the frustration of rearranging longstanding business or personal plans or rearranging the connection that one takes from a city a couple hundred miles away from a major hub, and then missing a flight to Europe or to the Far East.

I understand the airlines have a problem. I respect that they would like to find a solution to the problem. They should not have to fly with empty seats without an opportunity to cover their costs. Perhaps a deposit on a flight reservation, or something of that nature, ought to be done. But it sure ought not to be simply at the whim of a gate attendant to decide who is going to fly and who is not.

On a personal note, I had that experience. I had paid for the tickets. I had a reservation number—with two tickets. I got to the airport, and they said: The flight is full. There was about 15 minutes left before departure, and they said: Well, sorry, just too many people showed up.

What happened is they oversold the flight. The airlines should not be able to act as an elitist business. They should have to treat their customers with respect. They are the only legitimate business I know of that deliberately sells a product that they know they can't deliver.

When people attend a sporting event or a concert or the theater, they know when they get there that they are going to have the seat for which they paid. They deserve the same assurance when they fly.

This sense-of-the-Senate amendment should encourage the airlines to act more responsibly, by allowing travelers who are bumped from a flight to receive greater amounts of compensation for the airline's casual action. The amendment calls for the applicable penalties to be doubled from those under current regulation.

The goal is to hold the airlines accountable when they put profits ahead of their friendliness and respect for their customer.

People who travel for business or personal reasons should not miss out on an event they planned because the airlines decided to treat them like baggage and said: Well, we can't take all this baggage.

So I plan to continue to fight to ensure that airlines are accountable to the American public.

I want to acquaint my colleagues with current regulations pertaining to passengers that are bumped involuntarily.

Currently on the books, an airline must first request passengers with paid reservations to voluntarily give up their seats. We know that.

If a passenger is involuntarily bumped and delayed less than an hour, the passenger is not entitled to any compensation—if you can make the trip within an hour from the scheduled time of departure.

Delays between 1 and 2 hours, the passenger can receive 100 percent of the cost of the remaining ticket to the destination but not more than $200; delayed more than 2 hours, the passenger can receive 200 percent of the cost of the remaining ticket but not more than $400.

Other details: Instead of cash, the airline can offer free or reduced air transportation at equal or greater value than the amount of the cash compensation.

So what we are doing is we are saying: A, these rules are not adequately enforced; B, the public is ignorant of what kind of redress they have if they get bumped off a flight and the airlines are not adequately informing them of what they are entitled to; and C, the airlines must act more responsibly, toward the passenger and be more concerned about what is happening with the passenger.

The airlines owe this to the public. They use our national resources. They use the nation's airspace. They use the FAA system. They use our taxpayer investments in airports. They are using public money all over the place. They ought to be more cognizant of what it is the flying public should have in return.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, is the pending business the Lautenberg amendment that was just offered?

The PRESIDING OFFICER. The Senator is correct.

Mr. SHELBY. We have examined it, and we have no problem with it.

Mr. LAUTENBERG. I thank the manager.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1678) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2490, which the clerk will report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490), have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 14, 1999.)

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate, equally divided, with the vote on adoption of the conference report to immediately follow.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I am pleased to bring before the Senate the conference report on H.R. 2490, the Treasury and General Government Appropriations Act, 2000.

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the following staff be accorded floor privileges during the consideration of this conference report: Tammy Perrin, Lula Edwards, Chip Walgren, and Dylan Presman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I urge the Senate to approve this conference report. Because of the budget constraints, we were not able to give everything that everyone wanted, obviously; but that is certainly what compromise is all about. It took us 6 weeks to get this report to conference, by the way.

At the outset, I thank the ranking member of the Treasury Subcommittee, Senator DORGAN, and his staff for all of their valuable assistance and support during that process.

The conference report provides a total of $28,239,811,000, of which $13,706,000,000 is discretionary spending. We have provided funding necessary for the Department of the Treasury, the United States Postal Service, the Executive Office of the President, and various independent agencies to move into the new millennium.

Here are some of the highlights of this conference report.

The conference provided $12.32 million to the Bureau of Alcohol, Tobacco and Firearms to Expand the Youth Crime Gun Interdiction Initiative. This is $1.12 million more than the requested level, and brings the total funding for this very effective program to $51.32 million.

The conference also provided $13 million to ATF for grants to State and local law enforcement to allow participation in the Gang Resistance Education and Training (GREAT) Program. The GREAT Program provides our youth with the tools they need to resist the powerful pull of gangs and has been highly successful as a deterrent to the growth of youth gangs.

The conference report provides funding for the continued operation and growth of the Federal Law Enforcement Training Center. We are still very much committed to the consolidation of training for Federal law enforcement officers at FLETC. After completion of the five-year construction master plan, FLETC will be better able to serve the training demands of most Federal law enforcement agencies.

For the Customs Service, the conference has provided $4.3 million for pre-hiring polygraph examinations and $2.5 million for the creation of the Office of Assistant Commissioner for Training to continue integrity efforts begun last year.

The conference has funded the Customs Cyber-Smuggling Center at $4 million, which is a $1.6 million increase over last year.

The conference has provided full funding for the Internal Revenue Service to allow them to fulfill the requirements of the Restructuring and Reform Act, to proceed with their much-needed organizational modernization plan, and to continue necessary improvements in customer service. This funding also provides $6 million for grants to low income taxpayer clinics.

The conference has increased funding for the very critical technology transfer program under the Drug Czar's Office. This $13.25 million program provides drug interdiction technology to State and local law enforcement. For fiscal year 2000, the funding was increased by more than $10 million over the administration's request.

The conference has provided $185 million for the continued operation of the national youth anti-drug media campaign, and $192 million for the popular and effective high intensity drug trafficking areas (HIDTA) Program. In addition, the conference has included funding for a management review of the Office of National Drug Control Policy (ONDCP) by an independent entity in an effort to strengthen the office's operations and programs.

The conference included a combined total of $2 million for the model state drug law conferences and the National Drug Court Institute, programs which assist State and local enforcement in combating the end results of drug addiction and resulting crimes.

Mr. President, again I say that everyone did not get everything, and certainly everybody doesn't agree with every provision of this bill. But I think it is a very worthy conference report, on balance, and I think we brought to the Senate an excellent product. It certainly deserves the support of the entire Senate and signature of the President.

I again thank my friend and coworker, Senator DORGAN, for his hard work, and also the staff we depended very heavily on this time around, including Pat Raymond, Tammy Perrin, Lula Edwards, of the majority staff, Barbara Retzlaf, who left a couple weeks to go to the Commerce Department, Chip Walgren, and Dylan Presman.

With that, I yield the floor.

Mr. GRAHAM. Will the Senator yield for a question?

Mr. CAMPBELL. Yes, I am glad to yield.

Mr. GRAHAM. I am concerned about how this appropriation fits into the overall caps on Federal expenditures for domestic discretionary programs that were adopted in 1997, and then the more recent recommendations of the Congressional Budget Office, which were the basis of the tax bill we passed earlier this summer. Could the Senator indicate, is this budget, in terms of its total appropriation, consistent with the 1997 Balanced Budget Act and the CBO recommendation of 1999?

Mr. CAMPBELL. Mr. President, first of all, I ask unanimous consent that an additional 5 minutes be added to the 10 minutes for any other debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I say to the Senator that we did try to stay within our allocation, as you know. We had many more requests than we were capable of dealing with and our allocation was raised by $100 million. So we did stay within that. We simply could not fit all of the requests in the original amount we were allocated.

Mr. GRAHAM. In relationship to the Congressional Budget Office recommendations of this summer, does the Senator know where this appropriation would be?

Mr. CAMPBELL. To my knowledge, we have a number of bills we still have to complete. I believe by the time we have finished, we will still be within the budget caps. But I have no way of telling before all the other bills are through.

Mr. GRAHAM. Thank you.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, with respect to the question offered by the

Senator from Florida, my understanding is that the caps established in the Balanced Budget Act represent aggregate caps and one can have individual subcommittees coming out with spending levels, and if those spending levels in the aggregate, with all the subcommittees, exceed the caps, you have a problem.

This particular subcommittee has worked very hard to try to produce an appropriations bill that is responsible. Nearly one-half of all Federal law enforcement is in this particular subcommittee. People do not understand that. But Customs, Secret Service, and a range of other law enforcement activities to fight drugs and crime exist in this bill.

Almost one-half of Federal law enforcement is in this piece of legislation.

I will not repeat what the Senator from Colorado described about what we did in the subcommittee. But I think it is responsible and thoughtful and most every Member of the Senate thinks it is a pretty good investment.

One of the things we didn't do in this piece of legislation is fund courthouse construction. Does there need to be some money invested in courthouses around the country to rehab some old courthouses and rebuild some? Yes, but we simply didn't have the money. We were short of resources. We had to make some difficult choices. That was one of them. It is not that the Senator from Colorado and I believe there is not a need; there is a need. But we just weren't able to respond to that.

I would like to add to his comments with respect to the work that has been done both in the Senate and in the House of Representatives on this bill.

On my staff, Chip Walgren, Barbara Retzlaff, and Dylan Presman did excellent work, and Pat Raymond, Tammy Perrin, and Lula Edwards of the majority staff have done wonderful work.

It has been a pleasure to work with Senator CAMPBELL. He is easy to work with. He is thoughtful and wants to do the right thing. It is a pleasure to work with someone with that kind of interest.

The subcommittee bill is a piece of legislation that strengthens the Government's commitment to fight drugs and crime, and the Department of the Treasury, as I indicated, has a critical law enforcement role. That is funded in this piece of legislation.

One of the pieces of legislation inside this bill is called the GREAT Program—Gang Resistance Education and Training Program.

One day not too long ago, I was invited to go over to Anacostia to a junior high school for a ceremony where some young kids were graduating from the GREAT Program, the Gang Resistance Education and Training Program. This is a school, by the way, that has had significant gang problems and a great deal of crime.

One of the police officers who is assigned to that school full time came to the meeting we had on Capitol Hill. He was describing the problems in that school—horrendous problems. We called to see if perhaps the GREAT Program could be taken to that school because they weren't participating. That program was taken over to the school, and the first graduates received their diplomas.

I went over that day with the commissioner. It was really quite remarkable. It is a wonderful program to invest in to try to educate young people about the dangers of gangs and drugs and crime.

Part of this legislation is to make the right kind of investments to prevent activities in this country that we know are destructive.

This piece of legislation continues to reform the IRS. It modernizes the Federal Election Commission. Several pieces we have put in this bill are the first steps in modernizing the FEC—the first steps that have been taken for a long, long while.

I commend this legislation to my colleagues. I hope my colleagues in the Senate will approve the work of this subcommittee. The conference with the House was difficult, but I think it produced a result that is fair and one that will merit the support of the Members of the Senate.

Again, I thank Senator CAMPBELL, who I think does a remarkable job, and his staff and the staff that has worked so hard on my behalf on the legislation.

I yield the floor.

• Mr. McCAIN. Mr. President, I want to thank the conferees of this bill for their work on this legislation which provides federal funding for many vital programs. However, I regret that this appropriations bill continues the unwise practice of including unacceptable levels of parochial projects. This year's Senate bill contained a little over $293.6 million in earmarked pork-barrel spending. This year's conference report is a drastic improvement in that it only contains $91.2 million in wasteful, pork-barrel spending. Although $91.2 million of waste is better than $293.6 million of waste, waste is still waste.

As my colleagues know, I have consistently fought Congressional earmarks that direct money to particular projects or recipients. I believe that such decisions are far better made through nationwide competitive, merit-based guidelines and procedures.

We must stop this destructive and irresponsible practice of earmarking special-interest pork-barrel projects in appropriations bills primarily for parochial reasons.

Where does all this pork go? This bill contains millions of dollars for court house construction and repairs. There is $1,600,000 earmarked for repairs and alterations to the Kansas City Federal Courthouse in Kansas City, Missouri, and $1,250,000 for repairs and alterations to the Federal Courthouse in New York, New York. Although these courthouses may need repair and modernization, are these particular projects more important than the other courthouses competing for funding? The process by which these two earmarks were added makes it impossible to evaluate the relative merit of these programs against other priorities.

In addition to earmarks for courthouses, this bill contains the usual earmarks of money for locality-specific projects such as $212,000 for renovations to the Louisville International Airport in Kentucky, and $250,000 to the Fort Buford Historic Site in North Dakota for research and cataloging of records of this Fort.

Then there are the many sections of the report which have language strongly urging various Departments of the Federal Government to recognize or participate in a joint-venture with a particular project in a state. While these objectionable provisions have no direct monetary effect on the bill, this not-so-subtle "urging" will have some financial benefit for someone or some enterprise in a Member's home state. For example, there is report language urging the continuation and expansion of the collaboration between the University of North Dakota and the Customs Service for rotorcraft training. There is also report language urging GSA to strongly consider the U.S. Olympic Committee's need for additional space and to give priority to the USOC's request to gain title or acquire the property located at 1520 Willamette Avenue in Colorado Springs, Colorado.

This bill also selects sites across the country for which the report language "urges" the Agency not to reduce its staff. For example, there is report language providing that no reorganization of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

Why are these facilities protected at a time when each agency is required to abide by the Government Program Reduction Act which mandates that they operate more efficiently with less bureaucracy? Even if these positions are critical, they should be prioritized in the normal administrative process.

Mr. President, although we have not yet done so, we are very close to breaking the spending caps. I hope my colleagues understand that merely because we can fund these programs of questionable merit within the spending caps, that does not entitle us to spend the taxpayers' hard-earned dollars irresponsibly.

The examples of wasteful spending that I have highlighted are only a few of the examples of earmarks and special projects contained in this measure.

There are many more low-priority, wasteful, and unnecessary projects on the extensive list I have compiled. I ask that the list be printed in the RECORD immediately following my remarks.

In closing, I urge my colleagues to develop a better standard to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests.

The list follows:

OBJECTIONABLE PROVISIONS CONTAINED IN THE CONFERENCE REPORT ON H.R. 2490, THE TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS BILL

BILL LANGUAGE

Department of the Treasury

$9,200,000 for the Federal Law Enforcement Training Center for construction of two firearms ranges at the Artesia Center in New Mexico.

$725,000 is earmarked for an agricultural economics program in North and/or South Dakota to conduct a research program on United States/Canadian bilateral trade of agricultural commodities and products.

$150,000 for official reception and representation expenses associated with hosting the Inter-American Center of Tax Administration (CIAT) 2000 Conference.

Independent Agencies

An earmark of $35,000,000 in Montgomery County, Maryland, for FDA Consolidation.

$8,263,000 is earmarked for new construction of a border station in Sault Sainte Marie, Michigan.

$753,000 for new construction of a border station in Roosville, Montana.

An $11,480,000 earmark for new construction of a border station in Sweetgrass, Montana.

$277,000 for new construction of a border station in Fort Hancock, Texas.

$11,206,000 for new construction of a border station in Oroville, Washington.

An earmark of $475,000 for the Plains States De-population symposium.

General Provisions

Language indicating that no funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993, popularly known as the "Buy American Act."

Language indicating that entities receiving assistance should, in expending the assistance, purchase only American-made equipment and products.

REPORT LANGUAGE

Report language directing the Director of Federal Law Enforcement Training Center (FLETC) to provide up to $300,000 to a graduate level criminal justice program in a Northern Plains State which can provide causal research on the link between youth and criminal activity in rural locations.

Report language that the "Acquisition, construction, improvements, and related expenses" account covers the current Master Plan construction, expanding the chilled water system, a counter terrorism facility, and completion of a new dormitory at the FLETC facility in Artesia, New Mexico.

An earmark of $212,000 for renovations to the Louisville International Airport in Louisville, Kentucky.

Report language directing Customs to report on the merits of designating both the Hector International Airport in Fargo, North Dakota, and The Manchester Airport in Manchester, New Hampshire, as International Ports of Entry.

Report language instructing Customs to maintain current staffing levels in Arizona in fiscal year 2000 and to report on what resources are necessary to reduce wait times along the Southwest border to twenty minutes.

Report language urging the continuation and expansion of the collaboration between the University of North Dakota and the Customs Service for rotorcraft training.

Report language providing that no reorganization of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

Report language directing that the Postal Service report, on an annual basis, on the placement of ethanol flexible fuel vehicles that it has announced that it will purchase and deploy over the next two years.

Report language instructing the Postal Service to issue a report after studying and evaluating the need for a post office in Hammondville, Alabama.

Report language encouraging the Director to consider convening a national conference on rural drug crime to include regional conferences in rural areas, such as those in South Carolina, Vermont, and Missouri, in order to assess the needs of rural law enforcement and the impact of drug related crimes.

An earmark of $1,600,000 for the repairs and alterations of the Kansas City Federal Courthouse at 811 Grand Avenue, Kansas City, Missouri.

$1,250,000 for repairs and alterations to the Federal Courthouse at 40 Center Street, New York, New York.

An earmark of $150,000 for the acquisition, lease, construction and equipping of the flexiplace telecommuting center in Winchester, Virginia.

$200,000 for the acquisition, lease, construction and equipping of the flexiplace telecommuting center in Woodbridge, Virginia.

$500,000 is earmarked for a GSA study and conceptual design of a combined federal, state, and local law enforcement facility in St. Petersburg, Florida.

$275,000 to study the feasibility of developing a Virtual Archive Storage Terminal.

Report language urging GSA to strongly consider the U.S. Olympic Committee's [USOC] need for additional space and to give priority to the USOC's request to gain title or acquire the property located at 1520 Willamette Avenue in Colorado Springs, Colorado.

A $900,000 earmark for design and the preparation of an environmental impact statement for a National Archives facility in Anchorage, Alaska.

An $8,000,000 earmark for the repair, alteration, and improvements of the Ronald Reagan Presidential Library and Museum in Simi Valley, California.

$250,000 to the Fort Buford Historic Site in North Dakota for research and cataloging of records at this Fort—a Lewis and Clark "Corps of Discovery" site.●

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, if there is no further discussion, I believe the yeas and nays have already been asked for, and I ask that we proceed to the vote on the conference report.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CAMPBELL. I, therefore, ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

The result was announced—yeas 54, nays 38, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—54

Akaka
Bennett
Bond
Boxer
Bryan
Byrd
Campbell
Chafee
Conrad
Coverdell
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Feinstein
Gorton
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich

NAYS—38

Abraham
Allard
Ashcroft
Baucus
Bayh
Bingaman
Brownback
Bunning
Burns
Cleland
Collins
DeWine
Edwards
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grams
Helms
Hutchinson
Hutchison
Inhofe
Kerrey
Leahy
Lincoln
Mack
McConnell
Robb
Roberts
Santorum
Schumer
Sessions
Smith (NH)
Snowe
Thomas
Wyden

NOT VOTING—8

Biden
Breaux
Cochran
Inouye
Kennedy
McCain
Warner
Wellstone

The conference report was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBACK. Mr. President, I rise to explain why I voted "no" on the Treasury Postal Appropriations conference report.

First, I am concerned that the contraceptive mandate included in the Treasury/Postal Appropriations bill is a precedent setting attempt to mandate coverage of abortifacients that have been approved—or will be approved in the future—by the Federal Food and Drug Administration.

Second, I am concerned that this mandate constitutes an attempt to eventually force providers who have either a moral or religious objection to abortion services to provide those services, or lose the ability to provide health care within the Federal Employee Health Benefit Plan. The FEHBP mandate does not have adequate conscience clause protection for sponsors of health plans and individual providers who are opposed to providing such drugs and devices. Conscience clause protection for individual providers needs to be clarified to protect any health care provider, including but not limited to physicians, nurses and physician assistants who object to providing these drugs or devices on the basis of religious beliefs or moral convictions.

Third, this misnamed "contraceptive" mandate is being used to help "mainstream" abortifacient drugs to which many health professionals, pharmacies, and patients have serious objections. It reduces federal employees' freedom to choose the health benefits they want; ignores health plans' potential moral objections; and increases pressure on health professionals to ignore their own conscientious convictions. All of this, ironically, is done in the name of "freedom of choice."

Fourth, I do not believe that the federal government should issue healthcare mandates. Mandating the FEHBP providers cover contraceptives as part of their health plan constitutes the first time in the history of the FEHBP that Congress has issued a mandate on a coverage.

Fifth, I am also concerned that this may be the first step by some in Congress to issue a similar mandate on private insurers. Such a mandate on private insurers will drive up costs and lead to uninsurance at the margins.

Therefore, because of the inclusion of this provision in the conference report I voted "no."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

CHANGE OF VOTE

Mr. AKAKA. Mr. President, I ask unanimous consent to be recorded as voting "nay" on yesterday's rollcall vote No. 274 related to the germaneness of a provision in the Shelby substitute amendment to H.R. 2084, the fiscal year 2000 Transportation appropriations bill. This will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am eager for this bill to be complete. I don't intend to offer an amendment, but I would like to say a couple of words.

I am somewhat taken by the fact that suddenly the Senate is made up of numerous Members who want to run the airlines. We have undertaken tremendous efforts to be elected to the Senate. In doing so, we have taken up a high calling. We have a responsibility in American Government.

But for some reason, yesterday and today, all of a sudden Members of the Senate have decided we ought to take it upon ourselves to tell the airlines in the United States how they ought to be run, and we want to do it without the inconvenience of having to go out and invest billions of dollars.

My point is a very simple point. That is, for some reason—I don't know if it is the weather, the change in the barometric pressure, whatever—suddenly Members of the Senate have become experts in running airlines, all without the inconvenience of having to go out and raise money or invest their own money and without the inconvenience of having to take responsibility if their plans go bad.

My basic view is that we have good airlines in America. All of us have had bad experiences on airlines: The weather went bad. We have had experiences where we bought a cheaper ticket and would have liked to have flown on a different flight. We wanted a cheap fare, but it would have been nice had they let us fly on the other flight.

The point is, we deregulated the airlines. We have benefited from a dramatic decline in the cost of air transportation. Millions of average Americans have moved out of the bus station and into the airport. Now all of a sudden it has become the popular mania in the Senate to want to start having the Congress—in this case, the Senate—run the airlines. I just didn't want it all to pass without making some comment on it.

I thank the Chair for the time.

AMENDMENT NO. 1679

(Purpose: To make available funds for the monitoring and reporting on the transfer of passenger air transportation tickets among airlines)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk on behalf of Senator DASCHLE, Senator WYDEN, and myself.

The PRESIDING OFFICER. Without objection, it is in order for the Senator to submit the amendment on behalf of the minority leader. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for Mr. DASCHLE, for himself, Ms. LANDRIEU, and Mr. WYDEN, proposes an amendment numbered 1679.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, line 22, before the period at the end of the line, insert the following ": *Provided*, it is the sense of the Senate That the funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another, including recommendations to develop a passenger-friendly and cost-effective solution to ticket transfers among airlines when seats are available.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I think my good friend, the distinguished Senator from Texas, might be referring to me and others, but I assure him that I have no intention of trying to run an airline. I am challenged at this moment to run my office. I am trying to do a good job at that and to represent the 4.5 million people who live in my State, which is the job of all Senators.

I come to the floor with great humility. The last thing I want to do is run an airline. I think the deregulation of the airlines has brought great benefits to our Nation and to this industry. I have no intention at all of moving the clock back.

I do think—because so many people now, and growing by leaps and bounds, use air travel in our Nation and the world to conduct their business, which is very dependent on the efficiency of the system, and because this is a very important industry in our Nation, and because the Senate is responsible for giving guidance to many industries—that my amendment is most certainly appropriate.

I have asked it to be a sense-of-the-Senate amendment to ask for a study to be done this year that would ask the airlines to find a cost-effective way and a passenger-friendly way for the transfer of tickets between airlines to facilitate the convenience of our constituents who live in Texas and in Alabama and Louisiana and Montana and Ohio and Hawaii and all of our States—and in Kansas, particularly in Kansas, right in the middle there, people need to get out and about and around.

I thank the Chair for the opportunity to present this sense-of-the-Senate amendment. I am sorry if there are others who will object, but I think it is an important amendment. I offer it in serious fashion for the Senate's consideration.

Senator GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I do object to this amendment.

Here is the issue in a nutshell. It happens all the time. Someone buys a discount ticket. They get a lower price. They get a lower price because they commit that they are going to use that ticket on that day and they are going to use it as a through ticket. If it is round trip, they commit they are going to use it going and coming.

What happens is, they get to the airport early. They find out there is another flight going exactly where they want to go that is getting there an hour earlier. So they go to that other airline and say: Will you take my excursion ticket or my discount ticket? The airline says: Yes, we have an empty seat; we would like to have the money. But they go on to say: The airline you bought the discount ticket from does not allow us to take this excursion ticket.

Now, why is that? Basically when they entered into a contract with the airline, they got the discount fare because they committed to fly on that plane on that day.

Now, they could have gotten a ticket that would have allowed them to change airlines, but they would have had to pay a higher price for it. Many people agonize constantly when they go on vacation and buy a discount ticket and have to lock in those tickets in advance. It can be misery wondering whether or not you are actually going to be able to leave that day. But the point is, the reason you are getting the lower rate is you are committing to use the full ticket.

So the original way the amendment was written is subject to rule XVI. The amendment was not filed at the desk prior to the deadline. I don't doubt anybody's intention, but it is not the sense of the Senate—at least this part of the Senate—that we ought to be getting into the business of trying to tell airlines how their ticket structure should be made. If you don't want to buy a discount ticket, don't buy it. But the idea that we are going to set up a study where we are going to have the Government recommend to Congress, and we are going to begin to try to change laws that say you can have a discount fare, and then you can do things that the discount fare is not based on, that violates the contract.

The contract you entered into with the discount ticket is a contract, whereby you agreed you are going to use that ticket on that day or you are going to lose it. It might be convenient to change the day. It might be convenient to fly on another airline, which would mean that the airline you entered into the discount fare with would lose their half of the fare to another airline. But the point is, that is a violation of the contract. I don't need the Government to study whether or not we ought to abrogate private contracts.

Therefore, I object to this amendment.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana—is the Senator making a point of order against the Senator's amendment?

Mr. GRAMM. I am. It was not timely filed at the desk.

The PRESIDING OFFICER. The Senator from Louisiana asked unanimous consent to offer her amendment on behalf of the distinguished minority leader, who does have a reserved amendment under the agreement. The Senator's amendment is a sense-of-the-Senate amendment. Therefore, it is not legislation; as such, rule XVI does not apply.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PILOT SHORTAGE

Mr. BURNS. Mr. President, I want to bring before the Senate my observations of a hearing that we held in Montana last Friday. It had to do with a pilot shortage in this country, something we have heard very little about but which some of us are quite concerned about.

The hearing examined the impending problem. After the hearing was over, I will say it is moving from impending to maybe an acute pilot shortage, with the factors that contribute to that possibility. I think the results of that hearing are very serious. I think it is certainly serious to the citizens of Montana and rural States on routes not heavily traveled.

Now, because the national economy has done fairly well, we have seen a tremendous expansion in airlines, the major airlines—the "transcons," we call them. When business is good, they expand. Of course, expansion means hiring more pilots at almost record numbers, it seems. That creates a problem because pilots who start to work for the majors usually are drawn from the pool of pilots who fly for the local service or regional airlines.

Now, what happens when these pilots are taken up? Regional and local service carriers get caught with fewer pilots, and that means, more times than not, canceled flights. We always wonder why they cancel a flight. Sometimes it is because we are just short of pilots. If this continues, then it is routes such as we find in rural areas in Montana that suffer—some of those routes might even be abandoned. So it doesn't take a doctorate in economics to figure out that the flights and routes that are canceled in these situations are those that are the least profitable; and the sad part, the less profitable a particular route tends to be for an airline, the more important it tends to be for the people who live in that region.

As you know, Montana is a very large State. I was struck the other day that in a new route that had been put in, nonstop, from Missoula, MT, to Minneapolis, MN, the flying time is 2 hours 5 minutes, and the first hour is all spent in Montana. So we understand distances. If a regional airline is the only carrier serving a particular community and it cancels that route, what are the residents of that community supposed to do then? Air service is an essential lifeline to many individuals and communities. In fact, we have communities that are essential air service communities that have no buses and they have no rails. There is no public transportation, other than the local service airline. So our participation in the EAS, the essential air service program, has been a solution to that issue in the case of smaller, isolated communities, but it is jeopardized by operators who want to operate the routes but we have a shortage of pilots.

Now, we talk about this business of the major airlines, and services, and the rights of passengers. Let's take a look at some of the basic problems. Maybe some of those problems are because of us. Who knows?

Historically, the military has always supplied many pilots to the industry. But a large number of pilots who were trained by the military during the Vietnam era are getting to the point where they have to retire because of Federal regulations.

Since the 1950s, airline pilots have had to retire when they reached the age of 60. I will tell you that some pilots aren't ready to retire at the age of 60. In fact, some pilots shouldn't be retired at 60. They are still able, physically fit, and mentally fit to fly airplanes past that age of 60. The age of 60 does not affect everyone the same way. In fact, I was thinking the other day that 65 doesn't sound nearly as old as it used to. But some pilots are fit enough to keep on flying.

I understand there is great opposition to changing that rule until I look around the world and see what is happening when we have pilots flying major airlines in American airspace that have no age limit at all. Eight countries that fly into and connect into the United States have no age limit at all. In other words, if that pilot is 65, and fit mentally and physically, he still is a captain of that airplane. I think we have to take a look at that.

Also, I find it disturbing that the Federal Government can apply a blanket regulation, such as the age of 60 rule, determining that a pilot exceeding that age is considered a hazard. I cannot accept that at all.

There is also some question about flight and duty time rules that could worsen the pilot shortage and impact air service to those rural areas. I want the Appropriations' Subcommittee on Transportation and the Subcommittee on Aviation of the Commerce Committee to be aware that I think this issue needs a hearing in Washington at the full committee level to make them aware that we may be overlooking some things at the route level that could help us in providing more air service to this country.

We all say our skies are full. Do you realize that commercial air service—basically 85 percent of the air service in this country—takes up only 5 percent of the airspace because of an old, outdated system that we have for vectoring and ITC across this country?

I think maybe we should look at that. I appreciate the time given me by the chairman and the ranking member this morning.

But that is the result of the hearing we had in Kalispell, MT. I think Senators should take a look at this and offer some comments. But I think we should have a hearing on this particular problem in Washington at the full committee level.

I thank the Chair. I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER (Mr. ALLARD). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we have a sense-of-the-Senate resolution by the Senator from Louisiana. She asked for a study, which in this place is a relatively harmless gesture. But what I hear in response is that suddenly the Senate wants to be an expert on airlines. No. I don't see it that way. What I see is that we are experts on protecting the public. That is our responsibility. That is why we are sent here—to take care of the public and not to take care of the airlines ahead of the public.

The airlines are wonderful companies. But they are not beyond criticism. They have what amounts to a very uneven playing field. They get their slots. The facilities are paid for by the airline passengers, not the airlines. The airlines have unlimited use of our nation's airspace. They get preferential treatment. They have an air traffic control system paid for by the taxpayers in this country.

There is an objection that I hear to this study that is proposed by the Senator from Louisiana.

When we get discount tickets, that is not a freebie. It is a marketing calculation. The airlines say you can buy a discount ticket, and we are going to make it up elsewhere, and make it up elsewhere they do. No one is objecting to that. That is their marketing scheme.

I have some objection to the fact that in one case flying down from the New York area costs, at a government rate, $165, and if you fly out of another airport right nearby it is $38. Why? Because one airline has a stranglehold on the traffic at the costlier airport.

I am going to relinquish the floor momentarily.

I want it abundantly clear that this Senator makes no apology for defending the public first before defending the airlines. I hope the public will take note of this debate.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator from Louisiana for working with me. I think we have worked out language that I can live with and which I think basically does what she wants, which is gather information, and then as a policy-making arm of government we could choose how to deal with it and what to do with it.

I will not object to the modification of her amendment. I think it deals with that problem.

I say to the Senator from New Jersey that it is a stormy Thursday and we all want to finish the bill. But my objection is for preserving private property with the sanctity of contracts and free enterprise. If the government could run airlines better we all would be trying to rebuild our airlines based on the Soviet model. It didn't quite work out that way. We had an empirical test in the world, and our approach won.

I am not trying to defend any interest here other than private property and contracting, and simply noting that for some reason on this stormy day all of a sudden everybody wants to run the airlines.

I want to especially thank the Senator from Louisiana. She has been very kind to me. Thank you.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I have a few observations. My friend, the distinguished Senator from Texas, makes a lot of sense a lot of times. I agree with him most of the time. I especially agree with him on this. We certainly don't want the Government running the airlines. We want the airlines to be as responsive as they can be to the public, which is their customer. That is all of us. We have benefited.

As the Senator from Louisiana said in her remarks, we have benefited immensely from the deregulation of the airlines. We want to keep it that way. I want to deregulate just about everything I can think of, or see, or feel, because I think there is a benefit.

The Senator from Texas is absolutely right. There is something in private enterprise and a contract, and we should respect that. We have to respect that. But I hope the airlines are getting the message that we are getting from the public that there is a lot of unrest out there. Maybe it is lack of communication with the public. But if I buy a ticket and if it is a special ticket, I know it is a special ticket. That is a contract. I know that if I don't use it, I guess I will lose it. I certainly can't skip around on it. Maybe that is a communications problem with whoever is purchasing it. But whatever we do, let's not ever have the Government running any business, especially the airlines.

The PRESIDING OFFICER. The Senator from Louisiana

Ms. LANDRIEU. Thank you, Mr. President. I appreciate the willingness of the Senator from Texas to work out the objection but to maintain a strong amendment in addressing the sense of the Senate to look into those issues because if there is a way this can be worked out that benefits the airlines and the passengers, I think we most certainly should be about doing that.

I thank the Senator from New Jersey for his comments because, while we all want to see the deregulation work, I think we can all agree it is not perfect and that we could make some good suggestions as to how to improve it to keep the private contracts between the airlines and to honor the sanctity of those private contracts and private arrangements. This is a very public business, as is all business. There is a private side and there is a public side. That is why we have a public sector that does the job we do and a private sector that does the job they do. When we work together, the public is served in the best way. That is all this amendment attempts to do.

I thank the Senator from Alabama, our distinguished leader on this issue, for helping work this out.

AMENDMENT NO. 1679, AS MODIFIED

I submit a modified amendment to the desk. I don't think it will be necessary for the yeas and nays.

The PRESIDING OFFICER. The amendment will be so modifed.

The amendment (No. 1679), as modified, is as follows:

On page 65, line 22, before the period at the end of the line, insert the following ": *Provided*, That it is the sense of the Senate funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1679), as modified, was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2561

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate considers the conference report to accompany the DOD authorization bill, the conference report be considered as having been read. I further ask that there be 2 hours for debate, to be equally divided between Senators WARNER and LEVIN or their designees, and following the conclusion or yielding back of time, the Senate proceed to vote on adoption of the conference report, without any intervening action or debate.

I further ask consent that the Senate consideration of the conference report not be in order prior to 5:30 p.m. on Tuesday, September 21, 1999.

Mr. CHAFEE. Mr. President, if I understand this correctly, what will happen now is there will be a period of 2 hours on DOD?

Mr. SHELBY. That starts Tuesday, September 21.

Mr. CHAFEE. How about on this Transportation legislation?

Mr. SHELBY. We are close to completing that. We are hoping to wind that up in the next few minutes.

Mr. CHAFEE. So we go to third reading.

Mr. SHELBY. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2587

Mr. SHELBY. Mr. President, I further ask unanimous consent that at 9:30 a.m. on Friday, September 17, the Senate proceed to the consideration of the conference report to accompany H.R. 2587, the D.C. appropriations bill, and it be considered as follows: The report be considered as read, and there be 30 minutes of debate equally divided in the usual form.

I further ask consent that following that debate the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed as in morning business for a few minutes, not very long.

Mr. THOMAS. Mr. President, I hope it could be limited to 5 minutes.

Mr. KERRY. Mr. President, it would be just about 5 minutes. If I could have a little leeway, I would appreciate it.

Mr. THOMAS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The time limit is 5 minutes.

The Senator from Massachusetts.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY and Mr. SARBANES pertaining to the introduction of S. 1594 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. SHELBY. Mr. President, we are trying to get to the end of the Transportation appropriations bill. I think we are close. Maybe we can wind it up in just a few minutes and get a vote. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1673, 1667, AND 1666, AS MODIFIED

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendments numbered 1673, 1667, and 1666, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. REID, proposes an amendment numbered 1673.

The Senator from Alabama [Mr. SHELBY], for Mr. THOMAS, for himself and Mr. ENZI, proposes an amendment numbered 1667.

The Senator from Alabama [Mr. SHELBY], for Mr. DURBIN, proposes an amendment numbered 1666, as modified.

The amendments (Nos. 1673, 1667, and 1666, as modified) are as follows:

AMENDMENT NO. 1673

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: "*Provided further*, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178."

AMENDMENT NO. 1667

At the appropriate place in the bill, insert the following new section:

SEC.   . For purposes of Section 5117(b)(5) of the Transportation Equity Act for the 21st Century, the cost sharing provisions of Section 5001(b) of that Act shall not apply.

AMENDMENT NO. 1666, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the need for reimbursement to the Village of Bourbonnais and Kankakee County, Illinois, for crash rescue and cleanup incurred in relation to the March 15, 1999, Amtrak train accident)

At the appropriate place, insert the following:

SEC.   . (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) The National Transportation Safety Board (NTSB) conducted a thorough investigation of the accident and opened the public docket on the matter on September 7, 1999. To date, NTSB has made no conclusions or determinations of probable cause.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities should consistent with applicable laws against any party, including the National Railroad Passenger Corporation (Amtrak), found to be responsible for the accident, be able to recover all necessary costs of rescue and cleanup efforts related to the March 15, 1999, accident.

Mr. SHELBY. Mr. President, these amendments have been cleared by both sides; therefore, I urge their immediate adoption.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1666, 1667, and 1673, as modified), en bloc, were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1680

Mr. SHELBY. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. LAUTENBERG, proposes an amendment numbered 1680.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 22, before the period, insert the following: ": *Provided further*, That the Secretary of Transportation shall use any surplus funds that are made available to the Secretary, to the maximum extent practicable, to provide for the operation and maintenance of the Coast Guard".

On page 18, lines 4 and 5, strike "notwithstanding Public Law 105–178 or any other provision of law,".

On page 18, line 24, insert after "Code:" insert the following: "*Provided further*, That $6,000,000 of the funds made available under 104(a) of title 23, United States Code, shall be made available to carry out section 5113 of Public Law 105–178:".

On page 19, lines 12 and 13, strike "notwithstanding any other provision of law,".

On page 20, lines 7 and 8, strike "notwithstanding any other provision of law,".

On page 20, line 12, strike all after "That" through "of law," on line 21.

On page 20, line 22, strike "not less than" and insert the following: "$5,000,000 shall be made available to carry out the National Differential Global Positioning System program, and".

On page 22, line 15, strike "Notwithstanding any other provision of law, for" and insert the following: "For".

On page 24, lines 4 through 8, strike: ": *Provided further*, That none of the funds made available under this Act may be obligated or expended to implement section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (42 U.S.C. 405 note)".

On page 40, between lines 14 and 15, insert the following: "Gees Bend Ferry facilities, Wilcox County, Alabama".

On page 40, between lines 16 and 17, insert the following: "Georgia Regional Transportation Authority, Southern Crescent Transit bus service between Clayton County and MARTA rail stations, Georgia".

On page 42, between lines 17 and 18, insert the following: "Jasper buses, Alabama".

On page 43, line 16, insert after "Lane County, Bus Rapid Transit" the following: "buses and facilities".

On page 44, between lines 12 and 13, insert the following: "Los Angeles/City of El Segundo Douglas Street Green Line connection".

On page 47, between lines 4 and 5, insert the following: "Newark intermodal center, New Jersey".

On page 48, between lines 14 and 15, insert the following: "Parkersburg intermodal transportation facility, West Virginia".

On page 56, strike line 18, and insert the following: "Dane County/Madison East-West Corridor".

On page 57, between lines 19 and 20, insert the following: "Northern Indiana South Shore commuter rail project;".

On page 59, line 10, strike "and the".

On page 59, line 11, after "projects" insert the following: "; and the Washington Metro Blue Line extension—Addison Road".

On page 61, strike lines 1 and 2, 11 and 12.

On page 62, strike lines 1 and 2.

On page 62, line 4, strike "and the" and insert: "Wilmington, DE downtown transit connector; and the".

On page 80, line 24, strike "; and" and insert ".".

On page 81, strike lines 1 through 8.

On page 90, strike lines 4 through 22, and insert the following:

"SEC. . (a) None of the funds in this act shall be available to execute a project agreement for any highway project in a state that sells drivers' license personal information as defined in 18 U.S.C. 2725(3) (excluding individual photograph), or motor vehicle record, as defined in 18 U.S.C. 2725(1), unless that state has established and implemented an opt-in process for the use of personal information or motor vehicle record in surveys, marketing (excluding insurance rate setting), or solicitations.

"(b) None of the funds in this act shall be available to execute a project agreement for any highway project in a state that sells individual's drivers' license photographs, unless that state has established and implemented an opt-in process for such photographs."

On page 91, between lines 9 and 10, insert the following:

"SEC. . Of funds made available in this Act, the Secretary shall make available not less than $2,000,000, to remain available until expended, for planning, engineering, and construction of the runway extension at Eastern West Virginia Regional Airport, Martinsburg, West Virginia: *Provided further*, That the Secretary shall make available not less than $400,000 for the Concord, New Hampshire transportation planning project: *Provided further*, That the Secretary shall make available not less than $2,000,000 for an explosive detection system demonstration at a cargo facility at Huntsville International Airport.

"SEC. . Section 656(b) of Division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

"SEC. . Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105–277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

"SEC. . For necessary expenses for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center, to become available on October 1 of the fiscal year specified and remain available until expended: fiscal year 2001, $20,000,000."

Mr. SHELBY. Mr. President, this managers' amendment has been cleared on both sides of the aisle.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1680) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STEVENSON EXPRESSWAY/WACKER DRIVE REHABILITATION

Mr. DURBIN. Mr. President, my colleague Senator FITZGERALD, and I would like to engage the distinguished chairman of the Transportation Appropriations Subcommittee, Senator SHELBY, in a brief colloquy regarding the Stevenson Expressway and the Wacker Drive rehabilitation projects.

Mr. FITZGERALD. Senator SHELBY knows both of these projects are vitally important to the Chicago metropolitan region's transportation system. The Stevenson carries 135,000 vehicles per day, including 24,000 heavy trucks, and is 15 years beyond its design life. Wacker Drive, in downtown Chicago, built in 1926, is also well beyond its design life. It carries 60,000 vehicles per day. Both projects are high priorities of the Illinois Congressional Delegation.

Mr. DURBIN. During congressional consideration of TEA–21 last year, these projects were partially funded and further identified as excellent candidates to receive funding from U.S. Department of Transportation discretionary funds. These projects have subsequently received some discretionary funding and are eligible to receive additional funds this year. Does the Senator agree that both of these projects are good candidates for discretionary funding in FY 2000?

Mr. SHELBY. I thank the Senators from Illinois for drawing attention to these projects. I agree that both the Stevenson Expressway and Wacker Drive rehabilitation projects are eligible for federal discretionary funds from the U.S. Department of Transportation under the approach adopted in the Senate bill.

Mr. FITZGERALD. We thank the chairman for his remarks.

UPPER CUMBERLAND AIRPORT

Mr. FRIST. I would like to thank the distinguished chairman of the Transportation Appropriations Committee, Senator SHELBY, for his willingness to discuss an important aviation issue for Tennessee. Specifically, the Upper Cumberland Regional Airport's critical need for taxiway and safety improvements.

Mr. SHELBY. I am aware of this project, and would like to strongly recommend that the FAA give priority consideration to this request for discretionary funding. The Grants-In-Aid for Airports program is designed to provide federal assistance to airports like the Upper Cumberland Regional Airport for vital safety enhancements and other improvements as my friend from Tennessee mentioned.

Mr. FRIST. The Senator's willingness to offer support for this project in Cookeville, Tennessee is greatly appreciated. I'm certain the FAA will take note of the Chairman's support and give this project every consideration.

MUSKEGON COAST GUARD SEASONAL AIR FACILITY

Mr. ABRAHAM. Mr. President, I rise today with my colleague from Michigan to engage the Chairman of the Transportation Appropriations Subcommittee in a colloquy regarding the Coast Guard's proposal to close the seasonal air facility in Muskegon, MI. On July 13th, we wrote the distinguished Chairman to seek his assistance on this issue and attempted to explain the necessity to keep this facility open.

Mr. President, in that letter, we described how on February 3rd of this year, we wrote the Commandant of the Coast Guard and the Secretary of Transportation asking for a detailed explanation of this proposal in light of what appeared to be a dramatic reversal on the Administration's part given its previous statements as to both the desirability of Muskegon and the overall need for a southern Lake Michigan seasonal facility.

THE PRESIDING OFFICER. Without objection, so ordered.

Mr. ABRAHAM. These letters, Mr. President, closely follow the letters the entire Michigan delegation sent the Chairs of both the House and Senate Appropriations bills. Although we have been briefed by the Coast Guard regarding this proposal, we have not received a formal response from the Commandant or the Secretary.

Mr. LEVIN. There are concerns within the Michigan delegation, Mr. President, that the proposal to close Muskegon may have been due to the Coast Guard's constrained funding and was not necessarily based on an analysis of the safety needs of boaters on Southern Lake Michigan.

Mr. President, it would appear premature to close the facility at Muskegon given the investment made by both the Coast Guard and the local community to establish this seasonal facility. In choosing to locate the facility in Muskegon in the first place, the Coast Guard projected large cost savings that would not be fully realized if the station were closed.

Mr. SHELBY. Mr. President, I am aware of this issue due to the diligence of the Michigan Senators, and I understand the concerns they have regarding Coast Guard's proposal. I have seen the amendment filed by colleagues from Michigan to ensure the continued search and rescue coverage from the Muskegon Air Station during the high-traffic summer season. While I would be concerned if the closure of this facility would cause a degradation of search and rescue capability, it is not possible at this point to incorporate such legislative directives to the Coast Guard given the large number of other legislative initiatives regarding Coast Guard facilities that have been presented to the Subcommittee.

Mr. ABRAHAM. Mr. President, I understand the difficulty the distinguished Chairman has in opening up such a panoply of Coast Guard issues to resolve this one problem. However, I would like to bring his attention to page 21 of House Report 106–180 to accompany JR 2084, the House Transportation Appropriations Act for FY 2000 where it directs that the Muskegon seasonal air facility operations continue through FY 2000.

Mr. SHELBY. Mr. President, I am aware of House action on this matter as well as the Senators' role in bringing about that action and of their steadfast commitment to improving boating safety. I can assure the Senators from Michigan that I will support directing the Coast Guard in the final Transportation Appropriations Act for FY 2000 to keep the Muskegon seasonal Air Facility open.

Mr. LEVIN. Mr. President, that assurance is important and welcome, and I believe I speak for the entire Michigan delegation in thanking the distinguished Chairman for his support and in committing our efforts to assist him in any way he may need to see this provision incorporated into the final Transportation Appropriations Act for FY 2000.

MIDDLE FORK SNOQUALMIE ROAD

Mr. GORTON. The Middle Fork Snoqualmie valley is 110,000 acres of forests, mountains, and rivers located just 45 minutes east of Seattle. Ninety-eight percent of the land is public ownership. In recent years, the valley has been plagued by dumping, indiscriminate shooting and general lawlessness. Strong efforts are being made, however, by federal agencies and conservation groups to turn the valley back into a place safe for recreationists. No other place in the Northwest presents such an opportunity to create a first-class recreation area so close to millions of people.

A key part of turning this valley back into an attractive place is providing better and safer access. The present road into the valley is unpaved, potholed and dusty. An improved, paved road would provide safer, more pleasant access and allow for better law enforcement.

The Federal Highways Administration, Western Federal Lands Division, currently has $5 million budgeted for a new Middle Fork highway. Local conservation groups in my state, however, feel that the kind of highway which the F.H.W.A. builds would amount to massive overkill. The F.H.W.A. is restricted by its design standards to build only one kind of road—a highway in every sense of the word, with huge cuts and fills, broad sweeping curves and a wide swath cleared of trees on both sides. Conservationists feel that such a highway would destroy the very qualities which make the Middle Fork valley an attractive place.

Mr. SHELBY. I understand the concerns of the Senator of Washington and his desire to provide adequate access to an important area in his state without disrupting its unique attributes. I would be happy to work with Senator GORTON, the Federal Highway Administration, and other interested parties to resolve this issue.

Mr. GORTON. I appreciate the Senator's interest and would like to explore a proposal submitted by my constituents interested in preserving and enhancing the Middle Fork Snoqualmie Valley. I believe an appropriate solution would be to transfer the monies appropriated to the Federal Highway Administration for this road project to the U.S. Forest Service, giving the U.S. Forest control over design of the road. The Forest Service is not so rigidly bound in its design standards as the Federal Highway Administration, and could construct a paved road which closely follows the alignment of the existing road and goes through the woods. Such a road would provide much improved access without compromising the valley's integrity. I look forward to working with my colleague from Alabama.

INTELLIGENT TRANSPORTATION SYSTEM

Mr. ABRAHAM. Mr. President, I rise today to engage the Chairman of the Transportation Appropriations Subcommittee in a colloquy regarding the Intelligent Transportation System program. Mr. President, I was very pleased that the report accompanying S. 1143, the Senate Transportation Appropriations bill for FY 2000, contained direction that Southeast Michigan receive no less than $4 million for ITS deployment projects. I was particularly pleased with that designation as I had requested the Transportation Appropriations Subcommittee provide $3.5 million for the Southeast Michigan Snow Information Management System, and wish to thank the distinguished Chairman of the Subcommittee for that designation. Does the Chairman believe such a further designation for this particular project would be in order?

Mr. SHELBY. Mr. President, I was pleased to support that designation in the drafting of S. 1143, and was particularly impressed that it is projected to reduce the cost of winter storm maintenance by 10% in Southeast Michigan, reduce weather-related accidents by 10%, as well as reduce by 5% the amount of salt used on those roads, while also creating a model for other states to improve their snow removal operations. Because of that, I believe that the Federal Highway Administration should consider the SEMSIM project as the top priority project within that $4 million distribution to Southeast Michigan.

Mr. ABRAHAM. I appreciate the Senator's support and clarification Mr. President, and join him in calling upon the FHWA to quickly provide this additional funding for the SEMSIM project as soon as the Appropriations Act is signed into law.

Mr. President, I would also like to take this opportunity to discuss what should be done with the remaining $500,000 within that $4 million distribution to Southeast Michigan. Mr. President, I would like the Chairman of the Subcommittee to know that after he had marked up S. 1143, I received a request from Wayne County in Michigan to support a Roads Infrastructure Management System project that will use Global Positioning Satellite system technology and data to geocode the existing infrastructure inventory over the county's 1,400 miles of roads, such as signage, lighting, bridges, and existing utility runs, so as to better identify where road improvements will be most efficiently executed, and provide the greatest improvements. The ultimate goal is to implement a travel routing system that can be accessed over the Internet by commuters and freight carriers. Having this geocoded inventory will permit the county to quantitatively assess and schedule road improvement projects and improve traffic flow.

The total cost of a comprehensive Geographic Information System is about $60 million, but Wayne County has already committed $14 million to building this base map, and to date, has completed all of it's digital ortho photography at the 6″ pixel resolution. The Roads Information Management System is one of the most costly applications within this project, and will cost the County $7.4 million. The County was originally seeking $5 million in federal funding, but I believe any portion thereof would further this worthy effort.

Mr. President, I would like to ask the distinguished Chairman of the Transportation Appropriations Subcommittee if he could support this project within the existing $4 million designation?

Mr. SHELBY. Mr. President, I agree that the RIMS project described by Senator ABRAHAM indeed appears to be worthy of federal funding, and I would recommend that the Federal Highway Administration provide funding for this project to the extent possible after fully funding the SEMSIM project discussed before. Furthermore, if the final appropriations bill will provide more ITS money for Michigan, I will press to have both of these projects funded as fully as possible, in accordance with the prioritization I have previously discussed.

Mr. ABRAHAM. I thank the Chairman for his considerable assistance on this matter, and look forward to working with him on this issue as it moves through to final passage.

THE INCREMENTAL TRAIN CONTROL SYSTEM (ITCS)

Mr. ABRAHAM. Mr. President, I rise to engage in a colloquy with the Manager of this Appropriations Bill regarding funding of specific projects under the Next Generation High Speed Rail Program.

Mr. President, I see that the FY 2000 Transportation Appropriations Bill provides a total of $7.3 million for various positive train control projects, and of that amount, $5 million is designated for the Alaska Railroad and $1 million for the Transportation Safety Research Alliance.

Now Mr. President, as the Chairman of the Transportation Appropriations Subcommittee is well aware, the Administration requested $3 million for the Incremental Train Control System (ITCS) along the Detroit to Chicago passenger rail corridor in its FY 2000 Budget Request. This project has previously received $6 million in federal funds, and I am very thankful for the designation the Chairman was able to convince the Conference Committee to provide this project last year even though my request came very late in the legislative process.

The reason I believe this project is worthy of specific funding is that it is a key component in the efforts by Amtrak as well as the Midwest High Speed Rail Coalition to allow for passenger rail service of up to 125 miles per hour, not only along the Detroit to Chicago corridor, but elsewhere as the $3 million requested by the Administration would complete the research of this project, and allow the technology to be applied to other rail corridors across the country.

Mr. President, I recognize the strict funding constraints the Subcommittee faced in drafting this appropriations bill, and the significant hurdles that had to be overcome in order to find this level of funding, but I wonder if the Chairman may be able to comment on the possibility that some level of funding could be found for the ITCS project.

Mr. SHELBY. Mr. President, I thank the Senator from Michigan for his comments, and he is correct, we did face significant constraints throughout this bill which impacted upon the Next Generation High Speed Rail program. Furthermore, the Administration's funding request for this specific program was funded in part with a recommendation to transfer Revenue Aligned Budget Authority from the State highway formula to this and other programs, a proposal which was rejected by the Congress. I believe the Senator from Michigan opposed the RABA transfer from the States in the Budget Committee.

However, I believe the unallocated portion of the train control demonstration program under the Next Generation High Speed Rail Program should be allocated to the Michigan ITCS project, and as we enter the Conference with the House, I will work to ensure adequate funding for this project.

Mr. ABRAHAM. Mr. President, I thank the Chairman for his support of this project, and for his efforts to provide the necessary funds for our transportation infrastructure as we enter the 21st Century. I look forward to working with him on this program as the bill moves to Conference.

PIPELINE SAFETY

Mrs. MURRAY. I rise to request a colloquy with my colleague from Washington State, Senator GORTON.

On June 10, 1999, 277,000 gallons of gasoline leaded from an underground pipeline in Bellingham, Washington. It ignited and exploded. Three people were killed: an 18-year-old young man and two 10-year-old boys. This is a tragedy.

The Office of Pipeline Safety, the National Transportation Safety Board, the FBI, the EPA and State agencies have spent the last four months trying to determine why this happened. We still don't know the direct cause and may not know for some time.

I wish I could say this was an isolated instance, but I can't. Recent pipeline accidents have occurred in other places. In Edison, New Jersey, one person died when a natural gas pipeline exploded. In Texas, two people lost their lives when a butane release ignited. In fact, last November the owner of the pipeline that exploded in Bellingham had an accident in another part of my State that took six lives.

These pipelines are potential threats. There are some 160,000 miles of pipelines in the U.S. carrying hazardous materials. Many of these pipes run under some of our most densely populated areas; under our schools, our homes, and our businesses.

I am disappointed that this year the Transportation Appropriations Subcommittee did not adequately fund the Office of Pipeline Safety, the authority governing interstate pipelines. I tried to get the appropriations in this year's bill to the level requested by the President. Unfortunately, we were unable to do so. It is my hope we can increase funding in next year's appropriations.

I am also committed to strengthening OSP's oversight of pipelines and commitment to community safety in next year's reauthorization of OPS.

I will be working with Senator GORTON, who is on the committee, to ensure greater OPS effectiveness and oversight of the industry.

I also want to point out U.S. Transportation Secretary Rodney Slater's prompt attention to this issue. Immediately following the accident, he met with me and granted my request to have a full-time OPS inspector stationed in Washington State. He has also been very helpful and informative as we've progressed through the investigation phase. I thank him. I know he will continue to work with us in the future on OPS's appropriations and next year's authorization.

Mr. GORTON. I would like to thank my colleague from Washington State.

She has been out front on this issue, and I commend her for her persistence.

I look forward to working with Senator MURRAY during the reauthorization of the Federal Office of Pipeline Safety, a piece of legislation in which I will fully engage when it comes before the Senate Commerce Committee next year. While the interstate transportation of hazardous materials in above and underground pipelines has proven to be the safest and most cost-effective means to transport these materials, the Bellingham tragedy has once again alerted us to its tragic potential. During the OPS reauthorization process I intend to ensure that the Federal law and the Federal agency are performing their jobs of ensuring that tragedies like the one in Bellingham are not repeated. I will work closely with Chairman MCCAIN, the Majority Leader and my Democratic colleagues to make this a top priority next year.

Mrs. MURRAY. I thank my colleague. I will also continue to push for reform. We must take a long hard look at the effectiveness of OSP's oversight activities; review ways to develop new technologies for detecting pipeline defects; consider the effect of aging pipelines on safety; review industry's influence on the regulation of pipelines; and focus on our training and testing procedures for inspectors and maintenance workers. I also intend to look at ways to treat environmentally sensitive and highly populated areas, recognizing the multitude of safety and ecological problems operating pipelines in these places can create.

Finally, I will work to strengthen communities' "right to know," so people are aware when there are problems with the pipelines that threaten their neighborhoods.

Mr. GORTON. I share the Senator's concerns and I am certain we will deal with those questions and ideas in the context of reauthorization legislation.

Mrs. MURRAY. Thank you.

LEWIS AND CLARK BICENTENNIAL CELEBRATION

Mr. BURNS. Mr. Chairman, I would like to address a matter important to my State's participation in the upcoming Lewis and Clark Bicentennial celebration. As you and other history buffs may know, the Corps of Discovery led by Meriwether Lewis and William Clark spent much of their travels in what is now my State of Montana. This celebration will have an enormous impact on the State's economy and infrastructure. We have a number of sites on the Missouri River that have retained historic ferry transportation. Currently, in the Fiscal Year 2000 Transportation Appropriations bill, the committee has included $2 million for the upgrade of the McClelland Ferry. A more fiscally responsible use of these funds would be to spread this funding level out over three ferry sites on the historic Missouri River. Those sites are the McClelland, Virgelle, and Carter Ferry sites. I would like to also indicate that is important to recognize that these upgrades should maintain all of the historic features of the traditional ferry site. It is not my intention to replace these historic ferries with bridge work or new ferries.

Mr. SHELBY. I appreciate my colleague bringing this issue to my attention and am interested in ensuring that scarce Federal transportation resources are used as efficiently as possible. I understand your concerns and look forward to working with you on this issue.

INCREASED FUNDING FOR U.S. ROUTE 2 IN NEW HAMPSHIRE

Mr. GREGG. U.S. Route 2 is an important travel and commerce thoroughfare in the New Hampshire North Country that runs through New Hampshire, Maine and Vermont. On January 11, 1999, the New Hampshire, Maine and Vermont Senate delegation sent a joint letter to Secretary of Transportation Rodney Slater. In this letter the delegation asked Secretary Slater to give consideration to a $13 million joint state grant application funded through TEA–21's National Corridor Planning and Development Program (NCPD) and Coordinated Border Infrastructure (CBI) for U.S. Route 2. The joint New Hampshire, Maine and Vermont application received a total of only $1.5 million in funding for U.S. Route 2. I am sure that the Senator from Alabama would agree that this funding level for U.S. Route 2 is completely inadequate. I ask the Senator from Alabama to join me in urging the Secretary of Transportation to allocate more funding through the NCPD and CBI for U.S. Route

Mr. SHELBY. I agree with the remarks of the Senator from New Hampshire, and I look forward to working with him on this issue in the future.

AOVCC

Mr. INHOFE. Mr. President, I would like to enter into a brief colloquy with the Chairman regarding some weather observation equipment for the FAA.

As the Chairman will remember, last year he was very helpful in getting money in the Department of Transportation Appropriation bill for FY 99 to begin testing of the Automated Observation for Visibility Cloud Height, and Cloud Coverage (AOVCC) system. Using high resolution digital imaging, laser ranging and high performance computing technology, the AOVCC system augments the current ASOS by adding the capability to detect fast-moving weather systems in a timely and representative manner. Is it my understanding that FAA is currently testing this equipment and it appears that AOVCC is performing up to expectations.

Would the Chairman agree that if testing of AOVCC is successful, FAA would make every effort to purchase the AOVCC system to enhance existing weather observation?

Mr. SHELBY. If the Senator will yield, this equipment appears to be a promising technology which has the potential to greatly enhance safety. I would concur with the Senator from Oklahoma that if FAA determines that the test of the AOVCC is successful, every effort should be made to purchase this equipment.

Mr. INHOFE. I thank the Chairman for his ongoing support of this important safety equipment.

BIG MOUNTAIN ROAD AND GREAT FALLS AIRPORT

Mr. BURNS. I would like to engage my colleague from Alabama on a number of issues relating to the Fiscal Year 2000 Department of Transportation Appropriations bill. Montana's roads and airports are inadequately funded. I would like to focus on a couple of projects that must be addressed in the state immediately or we will be facing serious economic loss as a result. The first is the Big Mountain Road. This is a forest service access road, private property access road and also provides access to Big Mountain Ski area. During the winter when conditions are worst, this steep road is traversed frequently and while the road is covered with snow and ice. Montana winter conditions are not friendly to our paved roads. I would like to express my support of funding for this road. In 1996, the state estimated reconstruction costs to be around $6.5 million. The road is presently one of the busiest roads in the state awaiting reconstruction. Mr. Chairman, this is no small matter—every year Montanans are either killed or injured in accidents on this dangerous road. The freeze thaw conditions we face make this road an important project in our state.

Mr. SHELBY. I understand your concerns and agree with you about the weather-related burdens on Montana's roads. Such conditions can be very harmful to a paved surface.

Mr. BURNS. I would also like to address another important matter in our state. The Great Falls Airport is the home to a Federal Express regional hub. Fed Ex employs numerous employees in the Great Falls area. Our problem originated when the FAA mandated the airport find another option for Fed Ex's operations. That mandate has required the airport to begin immediate construction of an apron to accommodate Fed Ex's Great Falls operations. I met with Jane Garvey on this issue and was appreciative of the interest she has taken. Although she and her staff have indicated their support of this project, the FAA is unable to provide funding considering the Airport Improvement Program has lapsed. Mr. Chairman, dirt has been turned on this project and we cannot afford to turn back at this time. Further delays will mean loss of revenue, possible job loss and increased funding requirements. Construction season in Montana is short and we must take action on this project immediately. I would like to request your assistance obtaining the $4.5 million required to solve this problem. We will need to address this problem immediately during this year and soon after the beginning of the 2000 Fiscal Year. Thank you Mr. Chairman.

Mr. SHELBY. We have many airports in need of increased funding. I understand the nature of your problem in Great Falls requires immediate concern. Thank you for bringing these issues to my attention.

BULLFROG CREEK BRIDGE

Mr. BENNETT. I want to bring to the Chairman's attention an issue that we would hope to address this year. In Garfield County, Utah, we have what is called the Boulder to Bullfrog Highway which goes from the tiny town of Boulder to the Bullfrog Basin Marina at Lake Powell. This road crosses some of the most rugged, scenic and roadless country in the southwest. Headed eastbound, a traveler will cross the Grand Staircase Excalante National Monument, Capitol Reef National Park, additional BLM lands and on into the Glen Canyon National Recreation Area. It is county-maintained road with a right-of-way crossing federal lands.

Sections of the road are classified as both improved and unimproved meaning that sections are paved in some places and are gravel or dirt in others. Despite this, it is heavily traveled by tourist and locals because it is the only east-west road for 60 miles north or south. During the spring and summer, flash floods often will wash out the road forcing its closure. This occurs most often near the Bullfrog Creek drainage, where it is not unusual to have a 100 yard section of the road washed out. When this happens, a detour of over 150 miles is required just to get to the other side of Capitol Reef National Park which would otherwise be roughly a 30 mile drive.

Clearly, there is an public interest in keeping the road open, yet every summer the County and the National Park Service expend considerable capital and manpower to keep the road open after every rain. This situation could be alleviated by placing a series of culverts or other type of structures over the Bullfrog Creek drainage to keep the road from washing out.

With this in mind, I ask the Chairman if he believes it would it be appropriate to provide Garfield County, Utah approximately $500,000 from the Federal Lands Highway account to install a structure to keep the road open throughout the year?

Mr. SHELBY. The Senator raises a very good point. Given the economic and public safety impacts on the County when the road is closed as well as the potential liabilities for the Federal Government, I will work with the Senator, the House and the Administration during conference on this bill to identify funds for the County to improve this small section of the road.

PUBLIC LANDS HIGHWAY PROGRAM

Mr. REID. I would like to engage my colleague, Senator SHELBY, the Chairman of the Transportation Subcommittee, in a brief discussion about an important program for my home state of Nevada.

As my colleagues know, Nevada is a state with a very large amount of federal lands. Nearly eighty-seven percent of the state is federal land. In fact, Nevada trails only Alaska in total acreage under federal control.

As such, Nevada qualifies for preference under the Public Lands Highway Discretionary Program portion of the Federal Lands Highway program, since, in the words of the law, its borders include "at least 3 percent of the total public lands in the nation". (The other states are Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah and Wyoming.) This factor, together with consideration of a state's need, are the only statutory instructions on the awarding of discretionary funds under Public Lands Highway Discretionary Program.

Is the Chairman aware that this body has historically not earmarked projects under Federal Lands Highway program. However, the other body has undertaken to heavily earmark the program this year even though this undercuts the basic intent of Congress in creating the discretionary program for states heavily impacted by federal land holdings.

In addition, this earmarking has the effect of reducing the federal agencies ability to utilize the program for very urgent needs on federal lands and for which there is simply no other source of federal funds. I have a copy of Nevada's submission to the FHWA for Public Lands Highways funding in FY 2000. Eight of the nine projects are submitted by federal agencies.

I hope that my good friend and colleague, Senator SHELBY, can address this problem in Conference, by reemphasizing the intent of the Congress with respect to this program.

Mr. SHELBY. My colleague is exactly right. The Public Lands Highway Program was indeed created to fulfill the long-neglected infrastructure needs of our nations vast holdings of federal lands. I share the Senator's commitment to ensuring that public lands states, such as Nevada, continue to receive the lion's share of funding under this program. I will also seek to address the Senator's concerns about earmarking of this program both in Conference this year and when drafting next year's Transportation Appropriation's bill.

Mr. REID. I thank my colleague.

MAINE'S ADVANCED WOOD COMPOSITES CENTER

Ms. COLLINS. Mr. President, I rise to engage the distinguished subcommittee chairman, Senator SHELBY, and the distinguished ranking member, Senator LAUTENBERG, in a brief colloquy in order to make clear the intent behind some language contained in the Senate Appropriations Committee's report accompanying S. 1143, the FY 2000 Transportation appropriations bill.

I want to first thank the distinguished managers of this bill for their assistance last year in securing approximately $1.2 million in FY 99 funding for advanced engineered wood composites for bridge construction to be conducted by the University of Maine's Advanced Wood Composite Center. As both Senator SHELBY and Senator LAUTENBERG may recall, the University of Maine is the institution that pioneered this technology and is currently working with the Federal Highway Administration (FHWA) in this area of research and development.

On page 95 of this year's Senate Appropriations Committee Report accompanying S. 1143, it states in part "The Committee is interested in research to develop advanced engineering and wood composites for bridge construction and has provided $1.2 million for that purpose within this program."

I want to inquire of the distinguished managers of this bill if it is their intent that the University of Maine's Advanced Wood Composites Center is to receive the funding referenced by this part of the Committee's report, in order that the University can continue to support FHWA's research in this vital area.

Mr. SHELBY. The distinguished Senator from Maine is correct. This report language is intended to convey that it is the Senate's intention for the FHWA to continue its advanced engineered wood composites research and development program begun last year at the University of Maine's Advanced Wood Composites Center. I thank the distinguished Senator from Maine for giving us the opportunity to clarify our intent on this matter.

Ms. COLLINS. I thank my colleague for making their intent in this respect clear, and I thank them for working with me on this important project both last year and this year. Mr. President, I yield the floor.

AIRLINE PASSENGER SAFETY

Mr. REID. I would like to engage my colleague, Senator SHELBY, the Chairman of the Transportation Subcommittee, in a brief discussion about several important programs that impact my home state of Nevada. While these projects and programs are not currently fully funded in this bill, I am pleased that my colleague, senator SHELBY, has indicated that he will seek to find resources in the final conference report.

The first two programs I would like to discuss today are cutting edge research and technology programs, ones where relatively small allocations of resources can pay huge long-term dividends to consumers.

The first research effort I would like to discuss is the Strategic Alliance for Passenger Airline Security. A consortium of local, state, and private entities, including the University of Nevada-Las Vegas, the University of California-Los Angeles, Alaska Airlines, and Certified Airlines Passenger Services, a Nevada-based company is working with the FAA to develop a decentralized baggage and check-in system that will allow passengers to check-in at various remote locations in the city of origin, such as hotels, shopping malls, or other aviation check-in points.

In a state as dependent upon tourist traffic as Nevada, the ability to more efficiently handle arrivals and departures is critical. As airports struggle in the coming years to cope with more and more passengers in facilities that are unable to expand, alternative, safe, technologies for keeping passenger and baggage traffic moving will become critical. I am grateful that my colleague, Senator **SHELBY** has recognized the merits of increased research and development in this area. I am looking forward to working with my Chairman on this issue in conference and during the upcoming fiscal year. Only by encouraging innovation can the FAA hope to keep our Nation's aviation system out of gridlock.

The second technology that I want to discuss to day is a Remote Certification and Maintenance system, a technology developed by Arcata, a Nevada-based company.

In the Committee-passed version of this bill Senators **SHELBY** and **LAUTENBERG** included language favorable to the remote certification and maintenance technology manufactured by Arcata. It is my understanding that the FAA has informed the Committee of their ability to deploy up to $5 million worth of this technology at remote radar centers throughout the nation. As this technology gives older generation radars advanced RMM capability, the cost savings alone make this a worthwhile investment of our nation's resources.

Finally, as all of my colleagues are aware, Nevada has been one of the fastest growing states in the nation for most of the last two decades. Southern Nevada attracts nearly 5,000 new residents per month. Given this colossal growth, it is no surprise that the demand for aviation infrastructure has sky-rocketed in recent years.

These increases in aviation traffic in the skies over Southern Nevada have make Contract Air Traffic Control Tower Service at Henderson Executive Airport absolutely critical.

A relatively small investment of resources at the third largest airport in Southern Nevada will solve what is becoming a sticky air traffic control issue for the Las Vegas Valley, especially in light of the county's decision to move the majority of Grand Canyon overflight tour operators from McCarran to the airports in Henderson and North Las Vegas.

Let me be clear, I am not asking for special treatment here. The Clark County Department of Aviation has recently received independent confirmation of a cost-benefit ratio of over 1.0 (specifically 1.16) and expects the FAA to verify that figure in the near future. Any rating over 1.0 makes a facility eligible for this funding. The cost-benefit ratio, coupled with Henderson's status as the third rung in a much more complex air traffic system, make funding for this service an easy choice for Congress to make. I am delighted to have your support for the Contract Tower Program and for the specific inclusion of Henderson Executive Airport in the program, Mr. Chairman.

I appreciate your consideration and look forward to working with you on these and other important issues in conference.

Mr. SHELBY. I thank my colleague for raising these important issues with me. Even in a tight budget year, such as this one, I agree that these programs and projects have merit and I will work diligently to secure funding for them in the House-Senate Conference or in whatever end-of-year mechanism we use to fund transportation in FY 00.

GEORGIA NOISE BARRIERS

Mr. COVERDELL. Will the distinguished Chairman of the Senate Appropriations Subcommittee on Transportation yield for a question?

Mr. SHELBY. I will be happy to yield to the senior Senator from Georgia for a question.

Mr. COVERDELL. As you know, there are several areas in my state of Georgia where the interstate expanded significantly around existing neighborhoods. The Georgia Department of Transportation wanted to put up noise barriers to address this situation. TEA-21 provided $750,000 for Type II noise barriers on I-75 in Clayton County and I-185 in Columbus, Georgia. It also provided $1.5 million for noise barriers along GA-400, and allowed federal highway funds to be used for noise barriers along I-285. Unfortunately, because of an error in drafting the provisions included in TEA-21, the Georgia Department of Transportation is not able to complete these noise barrier projects. I have proposed an amendment which would correct this problem and allow my state to use their apportioned federal highway funds to complete these noise barrier projects. Would you be willing to work with me to address this problem?

Mr. SHELBY. I will be happy to work with you on this matter during conference negotiations with the House. I understand that the Senator had secured a commitment that this matter will be affirmatively addressed by the Environment and Public Works Committee in the next authorizing legislation vehicle. I commend the Senator for his initiative, diligence, and hard work on this matter. I will continue to watch and work with the Senator on this important issue for his state.

Mr. COVERDELL. I thank the Chairman for his help. I yield the floor.

DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE

Mr. SPECTER. Mr. President, I have sought recognition to thank the Chairman of the Transportation Appropriations Subcommittee for having included language in the Senate report urging the Federal Highway Administrator to work with Drexel University to focus on the link between intelligent transportation systems and transportation infrastructure. As the Chairman knows, for the next several years the United States will be making massive investments in its transportation infrastructure, and, in view of the limited resources available for these investments, there has never been a greater need to be certain that these expenditures are wisely prioritized and based on sound assessments of the structural integrity of the existing infrastructure. In recent years, we have all been gratified to witness the revival of many of our major cities, but, while desperately needed, investments in the urban transportation infrastructure are especially costly.

Thankfully, we are finding that technology is coming to our aid as we seek to address the issue of transportation infrastructure investments in an urban environment. One especially gratifying example of the application of information technology—"smart" technology—to the management and maintenance of transportation infrastructure can be found in Drexel University's Intelligent Transportation Institute. In the passage of TEA-21 last year Congress specifically recognized the outstanding work of the Institute and included a special section of that bill—Section 5118—which authorized $10 million to "conduct research, training, technology transfer, construction, maintenance, and other activities to advance infrastructure research."

I would ask whether the Senator agrees with me that work such as that conducted at the Drexel Institute is essential for determining the actual structural integrity of urban transportation infrastructure—such as multimillion dollar bridges—monitoring their "health" in real-time, and determining cost-effective and innovative maintenance and operational strategies.

Mr. SHELBY. I agree with the Senator from Pennsylvania's assessment of the importance of smart technology and commend the work being done at Drexel University's Intelligent Infrastructure Institute. It is important that we continue to support the work of the Institute, and I look forward to working with the Senator during the conference with the House to see that this work is accomplished this year and in succeeding years.

UNALASKA PIER EXTENSION

Mr. STEVENS. The Senate Report on the FY2000 Department of Transportation bill allocates $8 million to the Coast Guard to pay for the costs of extending the Unalaska municipal pier to provide a dedicated berth for the agency's High Endurance cutters. The Coast Guard is currently forced to shift the High Endurance cutters when in port because the large vessels inadvertantly serve as obstacles to the commercial ship traffic, and the vessels' antennae have at times impeded commercial aviation service into Unalaska.

I have since been informed that the Coast Guard may not have sufficient capability to manage a dock extension project in this remote region of the Aleutian Islands. Since the City of Unalaska owns the main pier, I have asked the City to take on the responsibility of managing the pier extension through its municipal competitive procurement process and to assume the responsibility of maintaining the dock extension in exchange for being able to use the space when the High Endurance Cutters are not present. Such an arrangement would dramatically reduce any outyear operating expenses for the Coast Guard associated with the pier space. This arrangement would require a transfer of funds from the Coast Guard to the City at some point next year. While I am not offering an amendment today, we may find that such a Local-Federal cooperative endeavor may need specific legislative language in the final FY 2000 appropriation bill. Am I correct in my understanding that this issue will be evaluated and technical language may, if necessary, be considered in conference?

Mr. SHELBY. The Chairman is correct. I strongly concur that the Coast Guard should ask the City of Unalaska to use its own local knowledge and competitive procurement process to manage the pier extension. I also agree that the Congress should encourage an arrangement between the City and the agency to reduce the Coast Guard's operating costs associated with the long-term maintenance of any dedicated pier space. We will seek to address this in conference at the appropriate time.

SAVANNAH WATER TAXI

Mr. COVERDELL. Will the distinguished Chairman of the Senate Appropriations Subcommittee on Transportation yield for a question?

Mr. SHELBY. I will be happy to yield to the senior Senator from Georgia for question.

Mr. COVERDELL. As you know, last year your Committee provided $500,000 in federal funding for a water taxi service to and from Hutchinson Island, near Savannah, Georgia. This water taxi is vital to the overall success of the Georgia International Maritime and Trade Center located on the island. While I am disappointed that the Senate failed to include any additional funding for Savannah's water taxi service in the FY 2000 Transportation Appropriations Bill, it is my understanding that the House included $1 million to help complete this important project. Would the Chairman be inclined to recede to the House approved amount in the conference report?

Mr. SHELBY. I will be happy to work with the senior Senator from Georgia on this issue during conference negotiations with the House. I realize how important the establishment of a water taxi service in Savannah, Georgia is to you and the local community. I appreciate all your hard work and diligence on this project.

Mr. COVERDELL. I thank the Chairman for his help. I yield the floor.

NIOSH AVIATION SAFETY STUDY FUNDING

Mr. STEVENS. Mr. President, I wonder if the Subcommittee Chairman would be willing to discuss with me an Alaskan Aviation Safety Study the National Institute for Occupational Safety and Health, called—NIOSH, has proposed.

Mr. SHELBY. Yes, I would join the Appropriations Chairman.

Mr. STEVENS. Mr. President, I thank my friend from Alabama. As a licensed private pilot in Alaska, I am well aware of the challenges every pilot in my state faces every day. On some per capita basis, there are more pilots in Alaska than in any other state in the union. For many of the residents in my state, air travel is the only mode of intrastate transportation.

Alaska is one-fifth the size of the lower 48 with a population roughly the size of Montgomery County, Maryland. For many Alaskans, air travel is the only way to get there from here. We have some of the roughest terrain and weather on this continent. Very little flying in Alaska is done above 10,000 feet. Most flying is done in small, single and twin engine aircraft that have historically higher accident rates than high-flying multi-engine turbojets.

On average, in the last decade, there has been one aviation accident every other day in Alaska. One hundred pilots, and 266 others have died in aircraft crashes in Alaska since 1991. Every nine days, on average, we lose another Alaskan to an aircraft accident. And these statistics do not take into account four helicopter accidents since June of this year. This and other data compiled by the National Transportation Safety Board and NIOSH show that for the first time in our history, aviation accidents have become the leading cause of occupation-related fatalities in Alaska.

This is why I am asking the good Senator from Alabama to consider partial funding for a promising safety study that has been proposed by the Alaska Field Station of the National Institute for Occupational Safety and Health when his bill goes to conference. This study will bring together all the leaders in Alaska aviation. Industry, state and federal agencies and pilots themselves will all contribute to an intense examination of how to improve aviation safety in Alaska. The Federal Aviation Administration, the National Weather Service, and the National Transportation Safety Board are all enthusiastic supporters of the study. It is my hope that this study will foster common sense, industry-led safety initiatives—not promulgate increasingly burdensome federal restrictions and penalties.

Mr. SHELBY. I am aware of the Senator from Alaska's ongoing efforts to improve aviation safety in his home state. And I know he is particularly impressed with NIOSH's past record of initiating safety improvements without recommending more regulations—it is an impressive record. I have flown within the state of Alaska on many occasions and have witnessed firsthand the unique challenges Alaskan aviators face. The NIOSH study is a worthy project for my subcommittee's consideration when this bill goes to conference. I will work to find the funds to support this study.

Mr. STEVENS. I thank my friend from Alabama and remind him that I plan to ask the Subcommittee Chairmen of Commerce, Justice, State, the Judiciary, and Labor, HHS to also contribute funds to this study. For your committee's review and oversight, I have asked NIOSH to provide annual progress reports.

IMPROVEMENTS TO PROVIDE ACCESS TO THE BOYER CHUTE NATIONAL WILDLIFE REFUGE

Mr. KERREY. I realize that this year, you and Ranking Member LAUTENBERG, are facing a challenging appropriations season with tight budgetary constraints. However, I wanted to bring to your attention a very important project of mine regarding road improvements in Washington County, NE.

Mr. SHELBY. Can the Senator from Nebraska please describe your request in greater detail?

Mr. KERREY. Yes, it would be my pleasure. The State of Nebraska requires $2,432,000 for road improvements to provide access to the Boyer Chute National Wildlife Refuge near Fort Calhoun, Nebraska. Currently, the road that leads to Boyer Chute through Washington County is unpaved. This road is an important thoroughfare and is the most direct route to Boyer Chute. Boyer Chute has become an increasingly popular recreation area and tourist destination. Traffic on the current road has increased and will continue to increase as the National Wildlife continues its expansion next year.

Paving the road will greatly improve access to this national treasure—and will be of great benefit to Nebraskans.

Mr. SHELBY. I have noted the importance of this project and I hope to work with you further on this project during conference.

Mr. KERREY. I thank the chairman for his assistance. I appreciate his consideration of this very important project.

CLARIFYING PROJECT FLEXIBILITY

Mr. CRAIG. I rise to seek clarification from the Chairman concerning a provision relating to spending flexibility for high priority transportation projects.

As you know, action taken during the 105th Congress established that the states of Idaho, Alaska, and West Virginia can each "pool" the state's obligation authority for high priority projects—a flexibility provided to Minnesota under Section 1212(m) of TEA21(m) of TEA21 (later redesignated in technical corrections legislation as Section 1212[g]). This enables federal funds to be directed to the high priority project or projects in the state which are ready to go, rather than ration out obligation authority proportionately to all high priority projects in the state, whether or not ready to go.

Section 336 of S. 1143 would provide to New Jersey the same flexibility. However, on page 170 of the Senate Committee report on the bill (S. Rpt. No. 106–55), at the point where the report shows changes from existing law, only the states of Minnesota and New Jersey are mentioned as having this flexibility in obligating high priority project funds.

Is it the Chairman's understanding that the flexibility granted to Idaho, Alaska, and West Virginia under Section 1212(g) of TEA–21 is still in force and effect, does not require yearly reenactment, and is unchanged by the amendment contained in the Senate bill?

Mr. SHELBY. The Senator from Idaho is correct. Idaho, Alaska, and West Virginia have already each been granted flexibility under Section 1212(g) of TEA–21, to "pool" the state's obligation authority for high priority projects, as long as the total amount of funds authorized for any project for which the funds are allocated are not reduced. This flexibility does not have to be re-established legislatively on an annual basis, and nothing in the FY2000 Transportation Appropriations bill or report changes this flexibility.

SUPPORTING PUBLIC LANDS DISCRETIONARY PROJECT

Mr. CRAIG. I rise to engage the Chairman in a colloquy concerning the use of the Public Lands Program funds.

In its report, the Committee has raised serious concerns—supported by findings of the General Accounting Office—about how funds have been awarded under the Public Lands Program. To correct this problem, the report gives several specific directions to the Federal Highway Administration and a list of projects that should be funded by the Secretary.

I would like to draw the Chairman's attention to a request made by the state of Idaho for $6.0 million from this program to make needed improvements to U.S. 89 from West Forest Boundary to Bishoff Canyon.

This project would improve safety and capacity of the highway, which provides the only significant access into the Caribou National Forest in the region for hunting, fishing, mountain biking, hiking, camping, and snowmobiling. Of the total project distance of 8.3 miles, about 6.6 miles (80 percent) is located within the forest boundary. The highway and also provides connections to Jackson Hole, Yellowstone Park, and Bear Lake. Timber sales in the area require logging trucks to negotiate a very narrow and slow speed route, inconsistent with safety and the route's designation as a National Highway. The Idaho Highway Needs Report shows multiple deficiencies for this segment of roadway, including pavement width, foundation, drainage, shoulder condition, accident rate, and overall combined rating.

The requested $6.0 million will complete the work presented under the 1991 ISTEA Demonstration project, supplementing $18.0 million in demonstration funds. The limits and scope of the ISTEA demonstration project are not being expanded. Additional funds are requested to cover the cost of moving almost 2 million cubic yards of unanticipated earth and rock. In fact, without supplemental funds, the original demonstration project would need to be shortened and limited.

Mr. SHELBY. It is clear that the US 89 project, from West Forest Boundary to Bishoff Canyon in Idaho, is a critical priority for Idaho and the nation; and deserves to be funded. I assure the Senator from Idaho that we will work to include this project in any list of earmarks determined by the conference committee.

THE INDIAN ROADS PROGRAM

Mr. DOMENICI. Mr. President, I would like to engage the distinguished Senator from Alabama, the Chairman of the Subcommittee, in a colloquy.

I want to begin by commending you, Senator SHELBY for the hard work you have done in crafting this Transportation appropriations bill. You have done a fine job under difficult circumstances in funding the priorities identified by the Committee in this bill, and providing increased flexibility to the states.

As you know, one of the more important highway programs in this bill for my home state of New Mexico is the Indian Reservation Roads program. The program is directed to about 22,000 miles of Bureau of Indian Affairs roads serving tribal lands. Of these roads, only 11 percent of the paved roads are rated as being in good condition. Close to 90 percent of the unpaved roads are know to be in poor condition. Indian Reservation Roads funds are critical to improving transportation for Native Americans in New Mexico.

I understand that in putting together this bill, the Chairman adjusted the revenue aligned budget authority (RABA) allocation formula, and that programs under the Federal Lands Highways program will receive a total of $37.3 million less in funding under the Senate bill than they otherwise would under TEA–21. This will affect the Indian Reservation Roads program, which is part of the Federal Lands Highways program. Because of these changes to the RABA formula, Indian Roads will not receive an additional $14.5 million in funds it is authorized to under TEA–21. Thus, the Indian Roads program will receive $275 million, instead of the full $289.5 million that would be allocated under TEA–21. I am concerned about this and hope that the Chairman will work to improve the situation for Indian Roads in conference.

As this bill moves to conference, will the Chairman pledge to make every effort to sustain full funding as envisioned by TEA–21 for the Indian Reservation Roads program?

Mr. SHELBY. I am aware of the importance of the Indian Reservation Roads program to the Senator from New Mexico, and pledge to work for full funding of the Indian Reservation Roads program as provided in TEA–21.

Mr. DOMENICI. I thank the distinguished Chairman, and I yield the floor.

THE NATIONAL ENVIRONMENTAL RESPIRATORY CENTER

Mr. DOMENICI. Mr. Chairman, I would like to discuss with you an important transportation research initiative addressed in the report accompanying the FY 2000 Transportation Appropriations bill. I refer to the National Environmental Respiratory Center headquartered in Albuquerque, New Mexico, at the Lovelace Respiratory Research Institute.

Mr. SHELBY. I would be pleased to discuss the potential of this Center's research initiative as part of the FY 2000 Department of Transportation spending plan. The Committee has recognized funding for this initiative within our Committee report, both under the Department's multi-disciplinary research account and in the Federal Highway Administration.

Mr. DOMENICI. I appreciate the Subcommittee's support for the NERC Center, and I would like to highlight the potential of this Center's work as it would relate to the Department of Transportation's mission. The National Environmental Respiratory Center—NERC as it is called—is the only research program in the United States focused specifically on the increasingly troublesome issue of understanding the health risks of mixtures of air pollutants.

A major difficulty in moving forward in managing these residual health risks associated with air quality is the fact that no citizen ever breathes one pollutant at a time. Scientists are realizing that it is unlikely that any remaining effect of air pollution on health is actually caused by a single air pollutant acting alone. Clearly, the transportation sector is at least one significant factor in the relationship between air quality and public health. Therefore, it is essential that the Department of Transportation participate in the interagency, multi-disciplinary public-private NERC initiative. I thank the Committee for acknowledging this effort in the report accompanying the pending bill.

The National Environmental Respiratory Center was conceived as a joint government-industry effort to determine how to identify the contributions of individual pollutants and their sources to the health effects of complex mixtures of air contaminants. The work is well underway and broad recognition of its importance is manifested by the continually increasing support from industry. Continued support through this appropriations bill is essential to carrying out the Center's multi-year research strategy. Accordingly, Mr. Chairman, I am hopeful the U.S. Department of Transportation will take heed of our recommendation, and I look forward to working with you on this matter.

Mr. SHELBY. It does appear that the Center stands apart from other research programs by tackling the pollution mixtures problem directly. In my view, this effort is worthy of support by the Department. I will work with you as the FY 2000 spending plan for the Department is implemented to encourage the Agency to respond to our recommendation.

Mr. DOMENICI. I thank you, Mr. Chairman.

AMENDMENT NO. 1658

Mr. AKAKA. Mr. President yesterday, this body unanimously adopted the Helms amendment to H.R. 2084, the Department of Transportation and Related Agencies Appropriations Act. The Helms amendment expresses the sense of the Senate that the United States Census bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census. The marital status question currently appears only on the long form which will be distributed to one out of every six households, rather than to all households as the short form is distributed.

I agree with the importance of collecting information about marital status, and I know that by using modern statistical methods and the information obtained from the question on the long form, we will know how many Americans are married. Although I supported the amendment, I offer some explanation about the amendment, on behalf of the Census Bureau, about why the marital status question was moved to the long form rather than left on the short form. I would also like to respond to my colleague from North Carolina, who said that the U.S. Census Bureau "obviously no longer regards marriage as having any importance." This attitude should not be ascribed to the actions of the Census Bureau. This was hardly a frivolous decision. Rather, an explanation can be found in the agency's efforts to comply with Congressional mandates on the decennial census questionnaires.

In one of its many mandates imposed on the Census Bureau about conducting the 2000 census, Congress directed the agency to reduce the number of questions asked on decennial questionnaires. In response, the Census Bureau performed a review of each question on both the long form and the short form. From this review, the agency eliminated questions for which it found no statutory or legal requirement, including the marital status question. A major reason for excluding certain questions from the short form is that the short form must be processed immediately to provide timely information to States for redistricting purposes. In accordance, the questions not needed for redistricting purposes were eliminated from the short form and some were shifted to the long form. Some questions were eliminated altogether, for the sake of brevity. Marital status was determined as not necessary for State redistricting purposes, not because the Census Bureau regarded marriage as unimportant, and therefore was shifted to the long form.

Following the question review and elimination, the Census Bureau complied once again with long-standing Congressional mandate and provided the proposed questionnaire two years in advance of the decennial census. This submission was made on March 31, 1998, to the Governmental Affairs Committee and Majority Leader in the Senate, and the Subcommittee on the Census and Speaker in the other body. After this submission, the agency accepted and considered various concerns about the content of the form. The Census Bureau reports that no comments regarding content of the marital category were received. The Census Bureau then finalized the questionnaire content.

At present, 246 million of the 462 million forms for the 2000 decennial census have been printed. Redesigning and reprinting this quantity of questionnaires would be extremely costly and lead to deleterious delays. We are already within seven months of the questionnaire mail-out date. In addition, the FY 2000 Commerce-Justice-State Appropriations Bill that funds the Census Bureau has not yet passed, and the version of the bill produced by this body does not provide the full $4.6 billion request—our figure is $1.7 billion short. Therefore, even if the forms were reprinted, the Census Bureau would not have adequate funds to mail the forms.

Mr. President, the Census Bureau needs much more support than we are giving it if we expect a fair and accurate 2000 census. I feel that amendment #1658 provides us with a perfect opportunity to call on conferees on the Commerce-Justice-State Appropriations Bill to provide full funding for the 2000 census. I appreciate the opportunity to speak on this matter.

BUDGET COMMITTEE SCORING

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related Agencies Appropriations bill for fiscal year 2000.

I commend the distinguished chairman of the Appropriations Committee and the chairman of the Transportation Appropriations Subcommittee for bringing us a balanced bill within necessary budget constraints.

The Senate-reported bill provides $13.9 billion in a new budget authority (BA) and $17.5 billion in new outlays to fund the programs of the Department of Transportation, including federal-aid highway, mass transit, and aviation activities. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $12.8 billion in BA and $43.6 billion in outlays.

The Senate-reported bill is exactly at the Subcommittee's 302(b) allocation for budget authority, and the bill is $4 million in outlays under the Subcommittee's 302(b) allocation.

Mr. President, I support the bill and urge its adoption.

I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1143, TRANSPORTATION APPROPRIATIONS, 2000: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, $ millions]

	General purpose	Crime	Highways	Mass transit	Mandatory	Total
Senate-reported bill:						
Budget authority	12,034	....	....	....	721	12,755
Outlays	14,226	....	24,574	4,113	717	43,630
Senate 302(b) allocation:						
Budget authority	12,034	....	....	....	721	12,755
Outlays	14,226	....	24,574	4,117	717	43,634
1999 level:						
Budget authority	11,913	....	....	....	698	12,611
Outlays	13,797	....	20,379	4,402	665	39,243
President's request						
Budget authority	12,843	....	(376)	....	721	13,188
Outlays	14,842	....	23,774	3,560	717	42,893
House-passed bill:						
Budget authority	6,474	....	....	....	721	7,195
Outlays	9,479	....	24,599	4,113	717	38,908
SENATE-REPORTED BILL COMPARED TO:						
Senate 302(b) allocation:						
Budget authority	....	....	....	....	....	....
Outlays	....	....	....	(4)	....	(4)
1999 level:						
Budget authority	121	....	....	....	23	144
Outlays	429	....	4,195	(289)	52	4,387
President's request						
Budget authority	(809)	....	376	....	....	(433)
Outlays	(616)	....	800	553	....	737
House-passed bill:						
Budget authority	5,560	....	....	....	....	5,560
Outlays	4,747	....	(25)	....	....	4,722

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions. Prepared by SBC Majority Staff, July 16, 1999 01:16:52 p.m.

Mr. SHELBY. Mr. President, I understand there are no further amendments to the bill. Therefore, we are prepared for third reading.

I ask that the Senate now proceed to a vote on passage of the Transportation Appropriations bill.

I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "aye."

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—5

Breaux
Inouye
Kennedy
McCain
Wellstone

The bill (H.R. 2084), as amended, was passed.

[The bill will be printed in a future edition of the RECORD.]

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I now move the Senate insist on its amendments, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLARD) appointed Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUYE conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise not to delay the process at all but just to acknowledge the fact that we have passed a bill that took some time and an awful lot of work, I must say. I commend my colleague and my good friend from Alabama, Senator SHELBY, chairman of the subcommittee. We had some disagreements. This was not just sweetness and light; it was a good, solid debate. We called on the body to make decisions for us at times. That is the way it should be. So I thank Senator SHELBY for being so cooperative on issues and for understanding what we had to do. We went ahead and did it.

I also thank Senator CHAFEE and other members of the Environment and Public Works Committee for their cooperation. We had some questions that had to be answered, and it took time to thoroughly review them.

Also I want to say, without our respective staffs doing the work they did, this job would be a lot more complicated and would take even more time. I speak specifically about Wally Barnett, the chief of staff on the Republican side, and Peter Rogoff on our side, and the other members of the team: Joyce Rose, Paul Doerrer, Mitch Warren, Laurie Saroff, Denise Matthews, and Carol Geagley on our side, because they made it, if not easy, certainly in many cases they simplified the issues to get them down to digestible form. It did make it considerably easier. I thank them.

I thank my good friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend my friend and colleague, the former chairman of the committee, the ranking Democrat, Senator LAUTENBERG, and his staff. I believe, as he said, we worked a lot of hours, but our staff has put in, together, many more hours. I want to recognize and thank Wally Burnett, who is the staff director on the subcommittee, also Peter Rogoff whom Senator LAUTENBERG has just mentioned, Elizabeth Letchworth, Jay Kimmitt, Joyce Rose, Paul Doerrer, Steve Cortese, and all the others who contributed to this.

We think we have a pretty good bill. We have to go to conference and work it out. Let's hope we can do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 109, S. 625, the bankruptcy bill, and only relevant amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and on behalf of the Democratic leader, I must object to proceeding to the bill under those limitations which have not yet been cleared on this side of the aisle. I would be happy to work with the majority on that, but it has not been cleared, so I must object based on the limitations included in the request.

Mr. LOTT. Mr. President, I regret the objection from my Democratic friends on this bankruptcy reform package. We had hoped to get it considered earlier, but because appropriations considerations and some other bills have taken longer than we thought they would, it has been delayed. I find now that there is a growing number of nongermane issues that are being planned to be offered to this very important and vital piece of legislation which has broad support and bipartisan support.

Hopefully, we can get something worked out as to how we could proceed that would allow us to complete the bill in a reasonable period of time. Maybe this action will help cause that to happen.

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of S. 625.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I did not hear what the distinguished majority leader said.

Mr. LOTT. Our plan now is to proceed to the bankruptcy bill, and then I will file cloture on the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative assistant read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Notice of alternatives.
Sec. 104. Debtor financial management training test program.
Sec. 105. Credit counseling.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Violations of the automatic stay.
Sec. 204. Discouraging abuse of reaffirmation practices.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. **[211]** *212.* Priorities for claims for domestic support obligations.
Sec. **[212]** *213.* Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. **[213]** *214.* Exceptions to automatic stay in domestic support obligation proceedings.
Sec. **[214]** *215.* Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. **[215]** *216.* Continued liability of property.
Sec. **[216]** *217.* Protection of domestic support claims against preferential transfer motions.
[Sec. 217. Amendment to section 1325 of title 11, United States Code.
[Sec. 218. Definition of domestic support obligation.**]**
*Sec. 218. Disposable income defined.***]**
Sec. 219. Collection of child support.

Subtitle C—Other Consumer Protections

[Sec. 221. Definitions.
[Sec. 222. Disclosures.
[Sec. 223. Debtor's bill of rights.
[Sec. 224. Enforcement.**]**
Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. **[225]** *222.* Sense of Congress.
Sec. **[226]** *223.* Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Exemptions.
Sec. 308. Residency requirement for homestead exemption.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of the Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Treatment of certain earnings of an individual debtor who files a voluntary case under chapter 11.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Rolling stock equipment.
Sec. 402. Adequate protection for investors.
Sec. 403. Meetings of creditors and equity security holders.
Sec. 404. Protection of refinance of security interest.
Sec. 405. Executory contracts and unexpired leases.
Sec. 406. Creditors and equity security holders committees.
Sec. 407. Amendment to section 546 of title 11, United States Code.
Sec. 408. Limitation.
Sec. 409. Amendment to section 330(a) of title 11, United States Code.
Sec. 410. Postpetition disclosure and solicitation.
Sec. 411. Preferences.
Sec. 412. Venue of certain proceedings.
Sec. 413. Period for filing plan under chapter 11.
Sec. 414. Fees arising from certain ownership interests.
Sec. 415. Creditor representation at first meeting of creditors.
[Sec. 416. Elimination of certain fees payable in chapter 11 bankruptcy cases.**]**
Sec. **[417]** *416.* Definition of disinterested person.
Sec. **[418]** *417.* Factors for compensation of professional persons.

Sec. [419] *418.* Appointment of elected trustee.
Sec. 419. Utility service.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 421. Flexible rules for disclosure statement and plan.
Sec. 422. Definitions; effect of discharge.
Sec. 423. Standard form disclosure Statement and plan.
Sec. 424. Uniform national reporting requirements.
Sec. 425. Uniform reporting rules and forms for small business cases.
Sec. 426. Duties in small business cases.
Sec. 427. Plan filing and confirmation deadlines.
Sec. 428. Plan confirmation deadline.
Sec. 429. Prohibition against extension of time.
Sec. 430. Duties of the United States trustee.
Sec. 431. Scheduling conferences.
Sec. 432. Serial filer provisions.
Sec. 433. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 434. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 435. Payment of interest.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

Sec. 601. Audit procedures.
Sec. 602. Improved bankruptcy statistics.
Sec. 603. Uniform rules for the collection of bankruptcy data.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Effective notice to government.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Tolling of priority of tax claim time periods.
Sec. 706. Priority property taxes incurred.
Sec. 707. Chapter 13 discharge of fraudulent and other taxes.
Sec. 708. Chapter 11 discharge of fraudulent taxes.
Sec. 709. Stay of tax proceedings.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Amendments to other chapters in title 11, United States Code.
Sec. 803. Claims relating to insurance deposits in cases ancillary to foreign proceedings.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Bankruptcy Code amendments.
Sec. 902. Damage measure.
Sec. 903. Asset-backed securitizations.
Sec. 904. Effective date; application of amendments.

TITLE X—PROTECTION OF FAMILY FARMERS

Sec. 1001. Reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1004. Certain claims owed to governmental units.

[TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

[Sec. 1101. Definitions.
[Sec. 1102. Disposal of patient records.
[Sec. 1103. Administrative expense claim for costs of closing a health care business.
[Sec. 1104. Appointment of ombudsman to act as patient advocate.
[Sec. 1105. Debtor in possession; duty of trustee to transfer patients.]

TITLE [XII] *XI*—TECHNICAL AMENDMENTS

Sec. [1201] *1101.* Definitions.
Sec. [1202] *1102.* Adjustment of dollar amounts.
Sec. [1203] *1103.* Extension of time.
Sec. [1204] *1104.* Technical amendments.
Sec. [1205] *1105.* Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. [1206] *1106.* Limitation on compensation of professional persons.
Sec. [1207] *1107.* Special tax provisions.
Sec. [1208] *1108.* Effect of conversion.
Sec. [1209] *1109.* Allowance of administrative expenses.
[Sec. 1210. Priorities.
[Sec. 1211. Exemptions.]
Sec. [1212] *1110.* Exceptions to discharge.
Sec. [1213] *1111.* Effect of discharge.
Sec. [1214] *1112.* Protection against discriminatory treatment.
Sec. [1215] *1113.* Property of the estate.
Sec. [1216] *1114.* Preferences.
Sec. [1217] *1115.* Postpetition transactions.
Sec. [1218] *1116.* Disposition of property of the estate.
Sec. [1219] *1117.* General provisions.
Sec. [1220] *1118.* Abandonment of railroad line.
Sec. [1221] *1119.* Contents of plan.
Sec. [1222] *1120.* Discharge under chapter 12.
Sec. [1223] *1121.* Bankruptcy cases and proceedings.
Sec. [1224] *1122.* Knowing disregard of bankruptcy law or rule.
Sec. [1225] *1123.* Transfers made by nonprofit charitable corporations.
Sec. [1226] *1124.* Protection of valid purchase money security interests.
Sec. [1227] *1125.* Extensions.
Sec. [1228] *1126.* Bankruptcy judgeships.

TITLE [XIII] *XII*—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. [1301] *1201.* Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not at the request or suggestion" and inserting ", panel trustee or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 13 of this title," after "consumer debts"; and

(III) by striking "substantial abuse" and inserting "abuse"; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

"(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims in the case; or

"(II) $15,000.

"(ii) The debtor's monthly expenses shall be the applicable monthly (excluding payments for debts) expenses under standards issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent.

"(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

"(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; divided by

"(II) 60.

"(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

"(I) the total amount of debts entitled to priority; divided by

"(II) 60.

"(B)(i) In any proceeding brought under this subsection, the presumption of abuse may be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly total income. In order to establish special circumstances, the debtor shall be required to—

"(I) itemize each additional expense or adjustment of income; and

"(II) provide—

"(aa) documentation for such expenses; and

"(bb) a detailed explanation of the special circumstances that make such expenses necessary and reasonable.

"(ii) The debtor, and the attorney for the debtor if the debtor has an attorney, shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

"(iii) The presumption of abuse may be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) multiplied by 60 to be less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims; or

"(II) $15,000.

"(C)(i) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

"(ii) The Supreme Court shall promulgate rules under section 2075 of title 28, that prescribe a form for a statement under clause (i) and may provide general rules on the content of the statement.

"(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

"(A) whether the debtor filed the petition in bad faith; or

"(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.".

(b) Definition.—Title 11, United States Code, is amended—

(1) in section 101, by inserting after paragraph (10) the following:

"(10A) 'current monthly income'—

"(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 180-day period preceding the date of determination; and

"(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent);"; and

(2) in section 704—

(A) by inserting "(a)" before "The trustee shall—"; and

(B) by adding at the end the following:

"(b)(1) With respect to an individual debtor under this chapter—

"(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days before the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

"(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

"(2) The United States trustee or bankruptcy administrator shall not later than 30 days after receiving a statement filed under paragraph (1) file a motion to dismiss or convert under section 707(b), or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be [appropriate. If,] *appropriate, if* based on the filing of such statement with the court, the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

"(A) the highest national or applicable State median family income reported for a family of equal or lesser size, whichever is greater; or

"(B) in the case of a household of 1 person, the national or applicable State median household income for 1 earner, whichever is greater.

"(3)(A) The court shall order the counsel for the debtor to reimburse the panel trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

"(i) a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection; and

"(ii) the court—

"(I) grants that motion; and

"(II) finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified.

"(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

"(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

"(ii) determined that the petition—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

"(4)(A) Except as provided in subparagraph (B) and subject to paragraph (5), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee or United States trustee) under this subsection (including reasonable attorneys' fees) if—

"(i) the court does not grant the motion; and

"(ii) the court finds that—

"(I) the position of the party that brought the motion was not substantially justified; or

"(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

"(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

"(5) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have a total current monthly income equal to or less than the national or applicable State median family monthly income calculated on a monthly basis for a family of equal size.".

(c) Clerical Amendment.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 13.".

SEC. 103. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b)(1) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter I of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed under section 586 of title 28.

"(2) The notice shall contain the following:

"(A) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

"(B) A brief description of services that may be available to that individual from a credit counseling service that is approved by the United States trustee for that district.".

SEC. 104. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) Development of Financial Management and Training Curriculum and Materials.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall—

(1) consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors; and

(2) develop a financial management training curriculum and materials that may be used to educate individual debtors concerning how to better manage their finances.

(b) Test.—

(1) In general.—The Director shall select 3 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) Availability of curriculum and materials.—For a 1-year period beginning not later than 270 days after the date of enactment of this Act, the curriculum and materials referred to in paragraph (1) shall be made available by the Director, directly or indirectly, on request to individual debtors in cases filed during that 1-year period under chapter 7 or 13 of title 11, United States Code.

(c) Evaluation.—

(1) In general.—During the 1-year period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the report of the National Bankruptcy Review Commission issued on October 20, 1997, that are representative of consumer education programs carried out by—

(i) the credit industry;

(ii) trustees serving under chapter 13 of title 11, United States Code; and

(iii) consumer counseling groups.

(2) Report.—Not later than 3 months after concluding the evaluation under paragraph (1), the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs.

SEC. 105. CREDIT COUNSELING.

(a) Who May Be a Debtor.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the [90-day period] *180-day period* preceding the date of filing of the petition of that individual, received from an approved nonprofit credit counseling service described in section 111(a) an individual or group briefing that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit credit counseling services for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from those programs by reason of the requirements of paragraph (1).

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit credit counseling service, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition.".

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.".

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

"(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

"(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1).".

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§ 111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and a list of instructional courses concerning personal financial management that have been approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Credit counseling services; financial management instructional courses.".

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

"(i) If a case commenced under chapter 7, 11, or 13 [of this title] is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.".

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency acting on behalf of the debtor;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made in the 60-day period specified in paragraph (1)(B)(i).".

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).".

SEC. 203. VIOLATIONS OF THE AUTOMATIC STAY.

Section 362(a) of title 11, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) any communication (other than a recitation of the creditor's legal rights) threatening a debtor (for the purpose of coercing an agreement for the reaffirmation of debt), at any time after the commencement and before the granting of a discharge in a case under this title, of an intention to—

"(A) file a motion to—

"(i) determine the dischargeability of a debt; or

"(ii) under section 707(b), [to] dismiss or convert a case; or

"(B) repossess collateral from the debtor to which the stay applies.".

SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by inserting "and" at the end; and

(iii) by adding at the end the following:

"(C)(i) the consideration for such agreement is based on a wholly unsecured consumer debt; and

"(ii) such agreement contains a clear and conspicuous statement that advises the debtor that—

"(I) the debtor is entitled to a hearing before the court at which—

"(aa) the debtor shall appear in person; and

"(bb) the court shall decide whether the agreement constitutes an undue hardship, is not in the debtor's best interest, or is not the result of a threat by the creditor to take an action that, at the time of the threat, [that] the creditor may not legally take or does not intend to take; and

"(II) if the debtor is represented by counsel, the debtor may waive the debtor's right to a hearing under subclause (I) by signing a statement—

"(aa) waiving the hearing;

"(bb) stating that the debtor is represented by counsel; and "(cc) identifying the counsel[.] *;*"; [and]

(B) in paragraph (6)(A)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) not an agreement that the debtor entered into as a result of a threat by the creditor to take an action that, at the time of the threat, the creditor could not legally take or did not intend to take[.] *; except that*"; and

(C) in paragraph (6)(B), by striking "Subparagraph" and inserting "subparagraph"; and

(2) in subsection (d), in the third sentence, by inserting after "during the course of negotiating an agreement" the following: "(or if the consideration by such agreement is based on a wholly secured consumer debt, and the debtor has not waived the right to a hearing under subsection (c)(2)(C))".

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt

"(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt.

"(b) UNITED STATES DISTRICT ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION—The individuals referred to in subsection (a) are—

"(1) a United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

"(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall have primary responsibility for carrying out the duties of a United States attorney under section 3057.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt.".

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) Nothing in this section or in any other provision of this title shall preempt any State law relating to unfair trade practices that imposes restrictions on creditor conduct that would give rise to liability—

"(1) under this section; or

"(2) under section 524, for failure to comply with applicable requirements for seeking a reaffirmation of debt.

"(g) ACTIONS BY STATES.—The attorney general of a State, or an official or agency designated by a State—

"(1) may bring an action on behalf of its residents to recover damages on their behalf under subsection (d) or section 524(c); and

"(2) may bring an action in a State court to enforce a State criminal law that is similar to section 152 or 157 of title 18.".

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or such child's parent or legal guardian; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent or legal guardian, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent or legal guardian of the child for the purpose of collecting the debt.":

SEC. [211.] *212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.*

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated, by striking "Third" and inserting "Fourth";

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First, allowed *unsecured* claims for domestic support obligations to be paid in the following order on the condition that funds received under this paragraph by a governmental unit in a case under this title be applied *and distributed in accordance with applicable nonbankruptcy law*:

"(A) Claims that, as of the date of entry of the order for relief, are owed directly to a spouse, former spouse, or child of the debtor, or the parent *or legal guardian* of such child, without regard to whether the claim is filed by the spouse, former spouse, child, or [parent] *such child's parent or legal guardian*, or is filed by a governmental unit on behalf of that person.

"(B) Claims that, as of the date of entry of the order for relief, are assigned by a spouse, former spouse, child of the debtor, or the parent *or legal guardian* of that child to a governmental unit or are owed directly to a governmental unit under applicable nonbankruptcy law.".

SEC. [212.] *213.* REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

[(1) in section 1129(a), by adding at the end the following:

["(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that become payable after the date on which the petition is filed.";]

(1) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding in the end the following:

"(4) if the debtor is required by judicial or administrative order or statute to pay a domestic support obligation, unless the holder of such claim agrees to a different treatment of such claim, provide for the full payment of—

"(A) all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed; and

"(B) all amounts payable under such order before the date on which such petition was filed, if such amounts are owed directly to a spouse, former spouse, child of the debtor, or a parent or legal guardian of such child.";

(2) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the plan provides for the full payment of all amounts payable under such order or statute for such obligation that initially become payable after the date on which the petition is filed.";

(3) in section 1228(a)—

(A) by striking "(a) As soon as practicable" and inserting "(a)(1) Subject to paragraph (2), as soon as practicable";

(B) by striking "(1) provided" and inserting the following:

"(A) provided";

(C) by striking "(2) of the kind" and inserting the following:

"(B) of the kind"; and

(D) by adding at the end the following:

"(2) With respect to a debtor who is required by a judicial or administrative order or statute to pay a domestic support obligation, the court may not grant the debtor a discharge under paragraph (1) until after the debtor certifies that—

"(A) all amounts payable under that order or statute that initially became payable after the date on which the petition was filed (through the date of the certification) have been paid; and

"(B) all amounts payable under that order that, as of the date of the certification, are owed directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child, have been paid, unless the holder of such claim agrees to a different treatment of such claim.";

[(2)] *(4)* in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, [the debtor has paid] *the plan provides for full payment of* all amounts payable under such order for such obligation that become payable after the date on which the petition is filed."; and

[(3)] *(5)* in section 1328(a), in the matter preceding paragraph (1), by inserting ", and with respect to a debtor who is required by a judicial or administrative order to pay a domestic support obligation, *and with respect to whom the court* certifies that all amounts payable under such order or [statute that are due on or before the date] *statute that initially became payable after the date on which the petition was filed through the date* of the [certification (including amounts due before or after the petition was filed) have been paid" after "completion by the debtor of all payments under the plan".] *certification have been paid, after all amounts payable under that order that, as of the date of certification, are owed directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child have been paid (unless the holder of such claim agrees to a different treatment of such claim)," after "completion by the debtor of all payments under the plan".*

SEC. [213.] *214.* EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement of an action or proceeding for—

"(i) the establishment of paternity [as a part of an effort to collect domestic support obligations]; or

"(ii) the establishment or modification of an order for domestic support obligations; or

"(B) the collection of a domestic support obligation from property that is not property of the estate;";

[(2) in paragraph (17), by striking "or" at the end;

[(3) in paragraph (18), by striking the period at the end and inserting a semicolon; and

[(4) by inserting after paragraph (18) the following:

["(19) under subsection (a) with respect to the withholding of income under an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

["(20) under subsection (a) with respect to—]

(2) by inserting after paragraph (4) the following:

"(5) under subsection (a) with respect to the withholding of income—

"(A) for payment of a domestic support obligation for amounts that initially become payable after the date the petition was filed; and

"(B) for payment of a domestic support obligation for amounts payable before the date the petition was filed, and owed directly to the spouse, former spouse, or child of the debtor, or the parent or guardian of such child;";

(3) in paragraph (17), by striking "or" at the end;

(4) in paragraph (18), by striking the period at the end and inserting "; or"; and

(5) by inserting after paragraph (18) the following:

"(19) under subsection (a) with respect to—

"(A) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) [or with respect];

"*(B)* [to] the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"[(B)] *(C)* the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)), *if such tax refund is payable directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child*; or

"[(C)] *(D)* the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).".

SEC. [214.] *215.* NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

[(1) in subsection (a), by striking paragraph (5) and inserting the following:

["(5) for a domestic support obligation;";]

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;";

(B) in paragraph (15)—

(i) by inserting "or" after "court of record"; and

(ii) by striking "unless—" and all that follows through the end of the paragraph and inserting a semicolon; and

(2) in subsection (c), by striking "(6), or (15)" and inserting "or (6)"[; and.]

[(3) in paragraph (15), by striking "governmental unit" and all through the end of the paragraph and inserting a semicolon.]

SEC. [215.] *216.* CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));"; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or".

SEC. [216.] *217.* PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or".

[SEC. 217. AMENDMENT TO SECTION 1325 OF TITLE 11, UNITED STATES CODE.

[Section 1325(b)(2) of title 11, United States Code, is amended by inserting "(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law and which is reasonably necessary to be expended)" after "received by the debtor".

[SEC. 218. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

[Section 101 of title 11, United States Code, is amended—

[(1) by striking paragraph (12A); and

[(2) by inserting after paragraph (14) the following:

["(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title that is—

["(A) owed to or recoverable by—

["(i) a spouse, former spouse, or child of the debtor or that child's legal guardian; or

["(ii) a governmental unit;

["(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

["(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

["(i) a separation agreement, divorce decree, or property settlement agreement;

["(ii) an order of a court of record; or

["(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

["(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent solely for the purpose of collecting the debt.".]

SEC. 218. DISPOSABLE INCOME DEFINED.

(a) CONFIRMATION OF PLAN UNDER CHAPTER 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "for a child support, foster care, or disability payment for a dependent child made in accordance with applicable nonbankruptcy law" after "dependent of the debtor".

(b) CONFIRMATION OF PLAN UNDER CHAPTER 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a child support, foster care, or disability payment for a dependent child made in accordance with applicable nonbankruptcy law" after "dependent of the debtor".

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent *or legal guardian* of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(10), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. [654] *664* and 666, respectively) for the State in which the holder resides *for assistance in collecting child support during and after the bankruptcy procedures*; [and]

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor; and

"(III) with respect to the debtor's case, the name of each creditor that holds a claim *that—*

"(aa) [that] is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) [that] was reaffirmed by the debtor under section 524(c).

"(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last *known address of the debtor.*

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent or legal guardian of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (b)(7), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor; and

"(III) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent or legal guardian of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor; and

"(III) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

[(b)] *(d)* DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, [as amended by section 102(b) of this Act,] is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent *or legal guardian* of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (d)."; and

[(s)] *(2)* by adding at the end the following:

"(d)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666, respectively) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim; [and]

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; *and*

"(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor; and

"(III) with respect to the debtor's case, the name of each creditor that holds a claim *that—*

"(aa) [that] is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) [that] was reaffirmed by the debtor under section 524(c).

"(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

Subtitle C—Other Consumer Protections

[SEC. 221. DEFINITIONS.

[(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

[(1) by inserting after paragraph (3) the following:

["(3A) 'assisted person' means any person whose debts consist primarily of consumer debts and whose nonexempt assets are less than $150,000;";

[(2) by inserting after paragraph (4) the following:

["(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a proceeding under this title;"; and

[(3) by inserting after paragraph (12A) the following:

["(12B) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include any person that is any of the following or an officer, director, employee, or agent thereof—

["(A) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

["(B) any creditor of the person to the extent the creditor is assisting the person to restructure any debt owed by the person to the creditor; or

["(C) any depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1751)), or any affiliate or subsidiary of such a depository institution or credit union;".

[(b) Conforming Amendment.—Section 104(b)(1) of title 11, United States Code, is amended by inserting “101(3),” after “sections”.

[SEC. 222. DISCLOSURES.

[(a) Disclosures.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

[“§ 526. Disclosures

[“(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide the following notices to the assisted person:

[“(1) The written notice required under section 342(b)(1).

[“(2) To the extent not covered in the written notice described in paragraph (1) and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

[“(A) all information the assisted person is required to provide with a petition and thereafter during a case under this title shall be complete, accurate, and truthful;

[“(B) all assets and all liabilities shall be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset, as defined in section 506, shall be stated in those documents if requested after reasonable inquiry to establish such value;

[“(C) total current monthly income, projected monthly net income and, in a case under chapter 13, monthly net income shall be stated after reasonable inquiry; and

[“(D) information an assisted person provides during the case of that person may be audited under this title and the failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

[“(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or a substantially similar statement. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

[“‘IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

[“‘If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

[“‘The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

[“‘Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a “trustee” and by creditors.

[“‘If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

[“‘If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

[“‘If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

[“‘Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.’.

[“(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which may be provided orally or in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

[“(1) how to value assets at replacement value, determine total current monthly income, projected monthly income and, in a case under chapter 13, net monthly income, and related calculations;

[“(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

[“(3) how to—

[“(A) determine what property is exempt; and

[“(B) value exempt property at replacement value, as defined in section 506.

[“(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for a period of 2 years after the latest date on which the notice is given the assisted person.”.

[(b) Conforming Amendment.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525 the following:

[“526. Disclosures.”.

[SEC. 223. DEBTOR'S BILL OF RIGHTS.

[(a) Debtor's Bill of Rights.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by adding at the end the following:

[“§ 527. Debtor's bill of rights

[“(a)(1) A debt relief agency shall—

[“(A) not later than 5 business days after the first date on which a debt relief agency provides any bankruptcy assistance services to an assisted person, but before that assisted person's petition under this title is filed—

[“(i) execute a written contract with the assisted person specifying clearly and conspicuously the services the agency will provide the assisted person and the basis on which fees or charges will be made for such services and the terms of payment; and

[“(ii) give the assisted person a copy of the fully executed and completed contract in a form the person is able to retain;

[“(B) disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to proceedings under this title, clearly and conspicuously using the statement: ‘We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement; and

[“(C) if an advertisement directed to the general public indicates that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, lease eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt, disclose conspicuously in that advertisement that the assistance is with respect to or may involve proceedings under this title, using the following statement: ‘We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement.

[“(2) For purposes of paragraph (1)(B), an advertisement shall be of bankruptcy assistance services if that advertisement describes or offers bankruptcy assistance with a plan under chapter 12, without regard to whether chapter 13 is specifically mentioned. A statement such as ‘federally supervised repayment plan’ or ‘Federal debt restructuring help’ or any other similar statement that would lead a reasonable consumer to believe that help with debts is being offered when in fact in most cases the help available is bankruptcy assistance with a plan under chapter 13 is a statement covered under the preceding sentence.

[“(b) A debt relief agency shall not—

[“(1) fail to perform any service that the debt relief agency has told the assisted person or prospective assisted person the agency would provide that person in connection with the preparation for or activities during a proceeding under this title;

[“(2) make any statement, or counsel or advise any assisted person to make any statement in any document filed in a proceeding under this title, that—

[“(A) is untrue and misleading; or

[“(B) upon the exercise of reasonable care, should be known by the debt relief agency to be untrue or misleading;

[“(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, what services the debt relief agency may reasonably expect to provide that person, or the benefits an assisted person may obtain or the difficulties the person may experience if the person seeks relief in a proceeding under this title; or

[“(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of that person filing a proceeding under this title or in order to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a proceeding under this title.".

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by inserting after the item relating to section 526 of title 11, United States Code, the following:

["527. Debtor's bill of rights.".

[SEC. 224. ENFORCEMENT.

[(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by adding at the end the following:

["§ 528. Debt relief agency enforcement

["(a) Any waiver by any assisted person of any protection or right provided by or under section 526 or 527 shall be void and may not be enforced by any Federal or State court or any other person.

["(b)(1) Any contract between a debt relief agency and an assisted person for bankruptcy assistance that does not comply with the material requirements of section 526 or 527 shall be treated as void and may not be enforced by any Federal or State court or by any other person.

["(2) Any debt relief agency that has been found, after notice and hearing, to have—

["(A) negligently failed to comply with any provision of section 526 or 527 with respect to a bankruptcy case or related proceeding of an assisted person;

["(B) provided bankruptcy assistance to an assisted person in a case or related proceeding which is dismissed or converted because the debt relief agency's negligent failure to file bankruptcy papers, including papers specified in section 521; or

["(C) negligently or intentionally disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such debt relief agency shall be liable to the assisted person in the amount of any fees and charges in connection with providing bankruptcy assistance to such person that the debt relief agency has already been paid on account of that proceeding.

["(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating section 526 or 527, the State—

["(A) may bring an action to enjoin such violation;

["(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

["(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

["(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

["(5) Notwithstanding any other provision of Federal law, if the court, on its own motion or on the motion of the United States trustee, finds that a person intentionally violated section 526 or 527, or engaged in a clear and consistent pattern or practice of violating section 526 or 527, the court may—

["(A) enjoin the violation of such section; or

["(A) enjoin the violation of such section; or

["(B) impose an appropriate civil penalty against such person.

["(c) This section and sections 526 and 527 shall not annul, alter, affect, or exempt any person subject to those sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency.".

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by inserting after the item relating to section 527 of title 11, United States Code, the following:

"528. Debt relief agency enforcement.".

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", under the direct supervision of an attorney," after "who";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—

"(A) sign the document for filing; and

"(B) print on the document the name and address of that officer, principal, responsible person or partner.";

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.

"(B) The notice under subparagraph (A)—

"(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

"(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

"(iii) shall—

"(I) be signed by—

"(aa) the debtor; and

"(bb) the bankruptcy petition preparer, under penalty of perjury; and

"(II) be filed with any document for filing.";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) For purposes" and inserting "(2)(A) Subject to subparagraph (B), for purposes"; and

(ii) by adding at the end the following:

"(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer."; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking "(d)(1)" and inserting "(d)"; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

"(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

"(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

"(i) whether—

"(I) to file a petition under this title; or

"(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

"(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

"(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

"(iv) concerning—

"(I) the tax consequences of a case brought under this title; or

"(II) the dischargeability of tax claims;

"(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

"(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

"(vii) concerning bankruptcy procedures and rights.";

(6) in subsection (f)—

(A) by striking "(f)(1)" and inserting "(f)"; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking "(g)(1)" and inserting "(g)"; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(h)(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.";

(C) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by striking "Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a" and inserting "A";

(ii) by inserting "by the bankruptcy petition preparer shall be filed together with the petition," after "perjury"; and

(iii) by adding at the end the following: "If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).";

(D) by striking paragraph (3), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

"(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

"(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or

"(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

"(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

"(C) An individual may exempt any funds recovered under this paragraph under section 522(b)."; and

(E) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by striking

"or the United States trustee" and inserting "the United States trustee, or the court, on the initiative of the court,";

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

"(i) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, or United States trustee, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—";

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking "a violation of which subjects a person to criminal penalty";

(ii) in subparagraph (B)—

(I) by striking "or has not paid a penalty" and inserting "has not paid a penalty"; and

(II) by inserting "or failed to disgorge all fees ordered by the court" after "a penalty imposed under this section,";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, or the United States trustee.";
and

(11) by adding at the end the following:

"(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

"(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

"(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

"(B) advised the debtor to use a false Social Security account number;

"(C) failed to inform the debtor that the debtor was filing for relief under this title; or

"(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

"(3) The debtor, the trustee, a creditor, or the United States trustee may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

"(4) All fines imposed under this section shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this paragraph shall be available to fund the enforcement of this section on a national basis.".

SEC. [225.] 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. [226.] *223.* ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

(a) *In General.*—Section 507(a) of title 11, United States Code, as amended by section [211] *212* of this Act, is amended by inserting after paragraph (9) the following:

"(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.".

(b) *Vessels.*—Section 523(a)(9) of title 11, United States Code, is amended by inserting "or vessel" after "vehicle".

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) In General.—Section 522 of title 11, United States Code, as amended by section 215 of this Act, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.";

(C) in the matter preceding paragraph (2)—

(i) by striking "(b)" and inserting "(b)(1)";

(ii) by striking "paragraph (2)" both places it appears and inserting "paragraph (3)";

(iii) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)"; and

(iv) by striking "Such property is—"; and

(D) by adding at the end of the subsection the following:

"(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, as amended by section 214 of this Act, is amended—

(1) in paragraph (18), by striking "or" at the end;

(2) in paragraph (19), by striking the period and inserting "; or";

(3) by inserting after paragraph (19) the following:

"(20) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title;"; and

(4) by adding at the end of the flush material at the end of the subsection, the following: "Nothing in paragraph (20) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) Exceptions to Discharge.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; or"; and

(3) by adding at the end the following:

"(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title."

(d) Plan Contents.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(20).".

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking "by a court" and inserting "on a prisoner by any court",

(2) by striking "section 1915(b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(3) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

"(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease will terminate with respect to the debtor on the 30th day after the filing of the later case;

"(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

"(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors, if—

"(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

"(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

"(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

"(bb) provide adequate protection as ordered by the court; or

"(cc) perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 [of this title], or any other reason to conclude that the later case will be concluded—

"(aa) if a case under chapter 7 [of this title], with a discharge; or

"(bb) if a case under chapter 11 or 13 [of this title], with a confirmed plan which will be fully performed; and

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

"(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

"(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

"(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

"(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

"(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors if—

"(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

"(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.".

SEC. 303. CURBING ABUSIVE FILINGS.

(a) In General.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, as amended by section [213] *224* of this Act, is amended—

(1) in paragraph (19), by striking "or" at the end;

(2) in paragraph (20), by striking the period at the end; and

(3) by inserting after paragraph (20) the following:

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

"(22) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.".

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so redesignated *by section 105(d) of this Act*—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in an individual case under chapter 7 [of this title], not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor within 45 days after the first meeting of creditors under section 341(a)—

"(A) enters into an agreement with the creditor under section 524(c) with respect to the claim secured by such property; or

"(B) redeems such property from the security interest under section 722."; and

(C) by adding at the end the following:

"(b) [If the debtor] *For purposes of subsection (a)(6), if the debtor* fails to so act within the 45-day period specified in subsection (a)(6), the personal property affected shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11. United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking "(e), and (f)" and inserting "(e), (f), and (h)"; and

(B) by redesignating subsection (h), as amended by section 227 of this Act, as subsection (j) and by inserting after subsection (g) the following:

"(h)(1) Subject to paragraph (2), in an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim, or subject to an unexpired lease, if the debtor fails within the applicable period of time set by section 521(a)(2) to—

"(A) file timely any statement of intention required under section 521(a)(2) with respect to that property or to indicate therein that the debtor—

"(i) will either surrender the property or retain the property; and

"(ii) if retaining the property, will, as applicable—

"(I) redeem the property under section 722;

"(II) reaffirm the debt the property secures under section 524(c); or

"(III) assume the unexpired lease under section 365(p) if the trustee does not do so; or

"(B) take timely the action specified in that statement of intention, as the statement may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

"(2) Paragraph (1) shall not apply if the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate."; and

(2) in section 521, as amended by section 304 of this Act—

(A) in subsection (a)(2), as redesignated *by section 105(d) of this Act*—

(i) by striking "consumer";

(ii) in subparagraph (B)—

(I) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a)"; and

(II) by striking "forty-five day period" and inserting "30-day period"; and

(iii) in subparagraph (C), by inserting "except as provided in section 362(h)" before the semicolon; and

(B) by adding at the end the following:

"(c) If the debtor fails timely to take the action specified in subsection (a)(6), or in paragraph (1) or (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under that lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.".

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(i) the plan provides that—

"(I) the holder of such claim retain the lien securing such claim until the earlier of—

"(aa) the payment of the underlying debt determined under nonbankruptcy law; or

"(bb) discharge under section 1328; and

"(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and".

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

"For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the debt that is the subject of the claim was incurred within the 5-year period preceding the filing of the petition and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 6-month period preceding that filing.".

(c) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by section [221] *211* of this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or cooperative unit;"; and

(2) by inserting after paragraph (27), the following:

"(27A) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 307. EXEMPTIONS.

Section [522(b)(2)(A)] *522(b)(3)(A)* of title 11, United States Code, *as so designated by section 224 of this Act*, is amended—

(1) by striking "180" and inserting "730"; and

(2) by striking ", or for a longer portion of such 180-day period than in any other place".

SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 307 of this Act, is amended—

(1) in subsection [(b)(2)(A)] *(b)(3)(A)*, by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n) For purposes of subsection **(b)(2)(A)** *(b)(3)(A)*, and notwithstanding subsection (a), the value of an interest in—

"(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent such value is attributable to any portion of any property that the debtor disposed of in the 730-day period ending on the date of the filing of the petition, with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b) if on such date the debtor had held the property so disposed of.".

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13—

"(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

"(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.".

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

"(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

"(B) If within 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

"(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

"(3) In a case under chapter 11 [of this title] in which the debtor is an individual and in a case under chapter 13 [of this title], if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.".

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

[(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by inserting after section 1307 the following:

["§ 1308. Adequate protection in chapter 13 cases

["(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2), to—

["(i) any lessor of personal property; and

["(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

["(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

["(i) the creditor begins to receive actual payments under the plan; or

["(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

["(I) the lessor or creditor; or

["(II) any third party acting under claim of right.

["(2) The payments referred to in paragraph (1)(A) shall be the contract amount.

["(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount, and timing of the dates of payment, of payments made under subsection (a).

["(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

["(B) The amount of payments referred to in paragraph (1) shall not be less than the amount of any weekly, biweekly, monthly, or other periodic payment schedules as payable under the contract between the debtor and creditor.

["(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides for—

["(1) payments to a creditor or lessor described in subsection (a)(1); and

["(2) the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

["(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.

["(e) On or before the date that is 60 days after the filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide each creditor or lessor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.".

[(2) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 11, United States Code, is amended, in the matter relating to subchapter I, by inserting after the item relating to section 1307 the following:

["1308. Adequate protection in chapter 13 cases.".]

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by adding at the end the following:

"(iii) if—

"(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

"(II) the holder of the claim is secured by personal property the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or".

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Unless the court orders otherwise, the debtor shall—

"(A) commence making the payments proposed by a plan within 30 days after the plan is filed; or

"(B) if no plan is filed then as specified in the proof of claim, within 30 days after the order for relief or within 15 days after the plan is filed, whichever is earlier.

"(2) A payment made under this section shall be retained by the trustee until confirmation, denial of confirmation, or paid by the trustee as adequate protection payments in accordance with paragraph (3). If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

"(3)(A) As soon as is practicable, and not later than 40 days after the filing of the case, the trustee shall—

"(i) pay from payments made under this section the adequate protection payments proposed in the plan; or

"(ii) if no plan is filed then, according to the terms of the proof of claim.

"(B) The court may, upon notice and a hearing, modify, increase, or reduce the payments required under this paragraph pending confirmation of a plan.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

"(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

"(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 303(b) of this Act, is amended—

(1) in paragraph (21), by striking "or" at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

"(23) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

"(24) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law; or

"(25) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs.".

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking "six" and inserting "8"; and

(2) in section 1328, by adding at the end the following:

"(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.".

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

"(i) clothing;

"(ii) furniture;

"(iii) appliances;

"(iv) 1 radio;

"(v) 1 television;

"(vi) 1 VCR;

"(vii) linens;

"(viii) china;

"(ix) crockery;

"(x) kitchenware;

"(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

"(xii) medical equipment and supplies;

"(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

"(xiv) personal effects (including wedding rings and the toys and hobby equipment of minor dependent children) of the debtor and the dependents of the debtor.

"(B) The term 'household goods' does not include—

"(i) works of art (unless by or of the debtor or the dependents of the debtor);

"(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

"(iii) items acquired as antiques;

"(iv) jewelry (except wedding rings); and

"(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.".

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A)(A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228(a), 1228(b), or 1328(b), or any other provision of this subsection, if the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly created debt; *except that*

"(B) [except that] all debts incurred to pay nondischargeable debts shall be presumed to be nondischargeable debts if incurred within 70 days before the filing of the petition (except that, in any case in which there is an allowed claim under section 502 for child support or spousal support entitled to priority under section 507(a)(1) and that was filed in a timely manner, debts that would otherwise be presumed to be nondischargeable debts by reason of this subparagraph shall be treated as dischargeable debts);".

(b) DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (4), (3)(B), (5), (8), or (9) of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.".

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(2) by adding at the end the following:

"(d) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

"(e) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (d) with respect to a particular case.

"(f)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

"(2) No sanction under section 362(h) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 305 of this Act, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

"(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

"(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

"(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

"(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

"(vi) a statement of the amount of projected monthly net income, itemized to show how the amount is calculated; and

"(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;"; and

(2) by adding at the end the following:

"(d)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

"(2)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

"(B) The court shall make such plan available to the creditor who requests such plan—

"(i) at a reasonable cost; and

"(ii) not later than 5 days after such request.

"(e) An individual debtor in a case under chapter 7 or 13 shall file with the court—

"(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(f)(1) A statement referred to in subsection (e)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

"(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection [f]*(g)*.

"(g)(1) Not later than 30 days after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

"(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

"(3) Not later than 1 year after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

"(A) assesses the effectiveness of the procedures under paragraph (1); and

"(B) if appropriate, includes proposed legislation to—

"(i) further protect the confidentiality of tax information; and

"(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

"(h) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

"(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

"(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by section 315 of this Act, is amended by adding at the end the following:

"(*i*)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.”.

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

(a) HEARING.—Section 1324 of title 11, United States Code, is amended—

(1) by striking “After” and inserting the following:

“(a) Except as provided in subsection (b) and after”; and

(2) by adding at the end the following:

“(b) The hearing on confirmation of the plan may be held not later than 45 days after the meeting of creditors under section 341(a).”.

(b) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

“§ 1321. Filing of plan

“Not later than 90 days after the order for relief under this chapter, the debtor shall file a plan, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.”.

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Section 1322(d) of title 11, United States Code, is amended to read as follows:

“(d)(1) Except as provided in paragraph (2), the plan may not provide for payments over a period that is longer than 3 years.

“(2) The plan may provide for payments over a period that is longer than 3 years if—

“(A) the plan is for a case that was converted to a case under this chapter from a case under chapter 7, *or the plan is for a debtor who has been dismissed from chapter 7 by reason of section 707(b)*, in which case the plan shall provide for payments over a period of 5 years; or

“(B) the plan is for a case that is not described in subparagraph (A), and the court, for cause, approves a period longer than 3 years, but not to exceed 5 years.”.

SEC. 319. SENSE OF THE CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that Rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

“(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

“(B) that 60-day period is extended—

“(i) by agreement of all parties in interest; or

“(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.”.

SEC. 321. TREATMENT OF CERTAIN EARNINGS OF AN INDIVIDUAL DEBTOR WHO FILES A VOLUNTARY CASE UNDER CHAPTER 11.

Section 541(a)(6) of title 11, United States Code, is amended by inserting “(other than an individual debtor who, in accordance with section 301, files a petition to commence a voluntary case under chapter 11)” after “individual debtor”.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

“§ 1168. Rolling stock equipment

“(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

“(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

“(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

“(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

“(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

“(I) the date that is 30 days after the date of the default or event of the default; or

“(II) the expiration of such 60-day period; and

“(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

“(2) The equipment described in this paragraph—

“(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

“(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

“(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

“(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

“(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

“(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

“(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

“(1) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

“(2) the term ‘security interest’ means a purchase-money equipment security interest.

“(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term ‘rolling stock equipment’ includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.”.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

“§ 1110. Aircraft equipment and vessels

“(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

“(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

“(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

“(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

"(i) before the date of the order is cured before the expiration of such 60-day period;

"(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default; or

"(II) the expiration of such 60-day period; and

"(iii) on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

"(3) The equipment described in this paragraph—

"(A) is—

"(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

"(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

SEC. 402. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, *as amended by section 306(c) of this Act*, is amended by inserting after paragraph (48) the following:

"(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 311 of this Act, is amended—

(1) in paragraph (24), by striking "or" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (25) the following:

"(26) under subsection (a), of—

"(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

"(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

"(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements.".

SEC. 403. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.".

SEC. 404. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking "10" each place it appears and inserting "30".

SEC. 405. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

"(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

"(i) the date that is 120 days after the date of the order for relief; or

"(ii) the date of the entry of an order confirming a plan.

"(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.".

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: "On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders.".

SEC. 407. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(2) by adding at the end the following:

"(j)(1) Notwithstanding section 545 (2) and (3), the trustee may not avoid a warehouseman's lien for storage, transportation or other costs incidental to the storage and handling of goods.

"(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code.".

SEC. 408. LIMITATION.

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking "20" and inserting "45".

SEC. 409. AMENDMENT TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) by striking "(A) the; and inserting "(i) the";

(2) by striking "(B)" and inserting "(ii)";

(3) by striking "(C)" and inserting "(iii)";

(4) by striking "(D)" and inserting "(iv)";

(5) by striking "(E)" and inserting "(v)";

(6) in subparagraph (A), by inserting "to an examiner, trustee under chapter 11, or professional person" after "awarded"; and

(7) by adding at the end the following:

"(B) In determining the amount of reasonable compensation to be awarded a trustee, the court shall treat such compensation as a commission based on the results achieved.".

SEC. 410. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

"(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.".

SEC. 411. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

"(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

"(B) made according to ordinary business terms;";

(2) in paragraph (7) by striking "or" at the end;

(3) in paragraph (8) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.".

SEC. 412. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting ", or a nonconsumer debt against a noninsider of less than $10,000," after "$5,000".

SEC. 413. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking "On" and inserting "(1) Subject to paragraph (1), on"; and

(2) by adding at the end the following:

"(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

"(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.".

SEC. 414. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "but nothing in this paragraph" and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot, and until such time as the debtor or trustee has surrendered any legal, equitable or possessory interest in such unit, such corporation, or such lot, but nothing in this paragraph".

SEC. 415. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: "Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

[SEC. 416. ELIMINATION OF CERTAIN FEES PAYABLE IN CHAPTER 11 BANKRUPTCY CASES.

[(a) AMENDMENTS.—Section 1930(a)(6) of title 28, United States Code, is amended—

[(1) in the first sentence by striking "until the case is converted or dismissed, whichever occurs first"; and

[(2) in the second sentence—

[(A) by striking "The" and inserting "Until the plan is confirmed or the case is converted (whichever occurs first) the"; and

[(B) by striking "less than $300,000;" and inserting "less than $300,000. Until the case is converted, dismissed, or closed (whichever occurs first and without regard to confirmation of the plan) the fee shall be".

[(b) DELAYED EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. [417.] *416.* DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

"(14) 'disinterested person' means a person that—

"(A) is not a creditor, an equity security holder, or an insider;

"(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

"(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;".

SEC. [418.] *417.* FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3)*(A)* of title 11, United States Code, *as amended by section 409 of this Act*, is amended—

(1) in [subparagraph (D)] *clause (i)*, by striking "and" at the end;

(2) by redesignating [subparagraph (E)] *clause (v)* as [subparagraph (F)] *clause (vi)*; and

(3) by inserting after [subparagraph (D)] *clause (iv)* the following:

"[(E)] *(v)* with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field;".

SEC. [419.] *418.* APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

"(B) Upon the filing of a report under subparagraph (A)—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.".

SEC. 419. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

"(i) a cash deposit;

"(ii) a letter of credit;

"(iii) a certificate of deposit;

"(iv) a surety bond;

"(v) a prepayment of utility consumption; or

"(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

"(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

"(2) Subject to paragraphs (3) through (5), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 20-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

"(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

"(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

"(i) the absence of security before the date of filing of the petition;

"(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

"(iii) the availability of an administrative expense priority.

"(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.".

Subtitle B—Small Business Bankruptcy Provisions

SEC. 421. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) Notwithstanding subsection (b), in a small business case—

"(1) in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information;

"(2) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

"(3) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

"(4)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

"(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

"(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.".

SEC. 422. DEFINITIONS; EFFECT OF DISCHARGE.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, *as amended by section 402 of this Act*, is amended by striking paragraph (51C) and inserting the following:

"(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

"(51D) 'small business debtor'—

"(A) subject to subparagraph (B), means a person (including any affiliate of such person that is also a debtor under this title) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $4,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has appointed under section 1102(a)(1) a committee of unsecured creditors that the court has determined is sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $4,000,000 (excluding debt owed to 1 or more affiliates or insiders);".

[(b) EFFECT OF DISCHARGE.—Section 524 of title 11, United States Code, as amended by section 204 of this Act, is amended by adding at the end the following:

["(j)(1) An individual who is injured by the willful failure of a creditor to substantially comply with the requirements specified in subsections (c) and (d), or by any willful violation of the injunction operating under subsection (a)(2), shall be entitled to recover—

["(A) the greater of—

["(i) the amount of actual damages; or

["(ii) $1,000; and

["(B) costs and attorneys' fees.

["(2) An action to recover for a violation specified in paragraph (1) may not be brought as a class action.".

[(c)] *(b)* CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

SEC. 423. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of the enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 424. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

"(1) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(2) A small business debtor shall file periodic financial and other reports containing information including—

"(A) the debtor's profitability;

"(B) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(C) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(D)(i) whether the debtor is—

"(I) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(II) timely filing tax returns and paying taxes and other administrative claims when due; and

"(ii) if the debtor is not in compliance with the requirements referred to in clause (i)(I) or filing tax returns and making the payments referred to in clause (i)(II), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(iii) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 425. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy, and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 426. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Title 11, United States Code, is amended by inserting after section 1114 the following:

"§ 1115. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file within 3 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns;

"(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

"(C) subject to section 363(c)(2), establish 1 or more separate deposit accounts not later than 10 business days after the date of order for relief (or as soon thereafter as possible if all banks contacted decline the business) and deposit therein, not later than 1 business day after receipt thereof, all taxes payable for periods beginning after the date the case is commenced that are collected or withheld by the debtor for governmental units, unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances; and

"(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 11, United States Code, is amended by inserting after the item relating to section 1114 the following:

"1115. Duties of trustee or debtor in possession in small business cases.".

SEC. 427. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 90 days after the date of the order for relief, unless that period is —

"(A) shortened on request of a party in interest made during the 90-day period;

"(B) extended as provided by this subsection, after notice and hearing; or

"(C) the court, for cause, orders otherwise;

"(2) the plan, and any necessary disclosure statement, shall be filed not later than 90 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 428. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a small business case, the plan shall be confirmed not later than 150 days after the date of the order for relief, unless such 150-day period is extended as provided in section 1121(e)(3).".

SEC. 429. PROHIBITION AGAINST EXTENSION OF TIME.

Section 105(d) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)*(B)(vi)*, by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) in a small business case, not extend the time periods specified in sections 1121(e) and 1129(e), except as provided in section 1121(e)(3).".

SEC. 430. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by inserting after paragraph (6) the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 431. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, as amended by section 429 of this Act, is amended—

(1) in the matter preceding paragraph (1), by striking ", may";

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and"; and

(3) in paragraph (2), by striking "unless inconsistent with another provision of this title or with applicable Federal Rules of Bankruptcy Procedure," and inserting "may".

SEC. 432. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, is amended—

(1) in subsection (j), as redesignated by section 305(1) of this Act—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) against such entity shall be limited to actual damages."; and

(2) by inserting after subsection (j)[, as added by section 419 of this Act,] the following:

"(k)(1) Except as provided in paragraph (2), the filing of a petition subsection (a) only in an involuntary case involving no collusion by the debtor with creditors and in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

"(2) Paragraph (1) does not apply to the filing of a petition if the debtor proves by a preponderance of the evidence that—

"(A) the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(B) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 433. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2), in subsection (c), and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

"(A) it is more likely than not that a plan will be confirmed within—

"(i) a period of time fixed under this title or by order of the court entered under section 1121(e)(3); or

"(ii) a reasonable period of time if no period of time has been fixed; and

"(B) if the reason is an act or omission of the debtor that—

"(i) there exists a reasonable justification for the act or omission; and

"(ii)(I) the act or omission will be cured within a reasonable period of time fixed by the court, but not to exceed 30 days after the court decides the motion, unless the movant expressly consents to a continuance for a specific period of time; or

"(II) compelling circumstances beyond the control of the debtor justify an extension.

"(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, cause includes—

"(A) substantial or continuing loss to or diminution of the estate;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance;

"(D) unauthorized use of cash collateral harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under Rule 2004 of the Federal Rules of Bankruptcy Procedure;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee;

"(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan; and

"(O) termination of a plan by reason of the occurrence of a condition specified in the plan.

"(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee is in the best interests of creditors and the estate.".

SEC. 434. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of the enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General of the United States, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 435. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting ", notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary"; **[**and**]**

(2) by striking the last sentence; and **[**inserting the following:**]**

(3) by adding at the end the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section **[**901**]** *901(a)* of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560," after "557,".

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

SEC. 601. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following:

"(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

"(B) Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the **[**disctrict**]** *district* in which the schedules were filed; and

"(iv) include procedures for providing, not less frequently than annually, public information concerning the aggregate results of the audits referred to in this subparagraph, including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

"(2) The United States trustee for each district may contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

"(3)(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney under section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including commencing an adversary proceeding to revoke the debtor's discharge under section 727(d) of title 11.".

(b) AMENDMENTS TO SECTION 521 OF TITLE 11, UNITED STATES CODE.—Paragraphs (3) and (4) of section 521(a) of title 11, United States Code, as amended by section 315 of this Act, are each amended by inserting "or an auditor appointed under section 586 of title 28" after "serving in the case" each place that term appears.

(c) AMENDMENTS TO SECTION 727 OF TITLE 11, UNITED STATES CODE.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit performed under section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and any other papers, things, or property belonging to the debtor that are requested for an audit conducted under section 586(f).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district court shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 1999, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed under section 2075 and filed by those debtors;

"(B) the total current monthly income, projected monthly net income, and average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

"(III) of the cases under each of subclauses (I) and (II), the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed for failure to make payments under the plan; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the date of filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under Rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel and damages awarded under such rule.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 603. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by inserting after section 589a the following:

"§ 589b. Bankruptcy data

"(a) Within a reasonable period of time after the effective date of this section, the Attorney General of the United States shall issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

"(b) Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum practicable access of the public, by—

"(1) physical inspection at 1 or more central filing locations; and

"(2) electronic access through the Internet or other appropriate media.

"(c)(1) The information required to be filed in the reports referred to in subsection (b) shall be information that is—

"(A) in the best interests of debtors and creditors, and in the public interest; and

"(B) reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system.

"(2) In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(A) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system; and

"(B) economy, simplicity, and lack of undue burden on persons with a duty to file reports.

"(d)(1) Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall include with respect to a case under such title, by appropriate category—

"(A) information about the length of time the case was pending;

"(B) assets abandoned;

"(C) assets exempted;

"(D) receipts and disbursements of the estate;

"(E) expenses of administration;

"(F) claims asserted;

"(G) claims allowed; and

"(H) distributions to claimants and claims discharged without payment.

"(2) In cases under chapters 12 and 13 of title 11, final reports proposed for adoption by trustees shall include—

"(A) the date of confirmation of the plan;

"(B) each modification to the plan; and

"(C) defaults by the debtor in performance under the plan.

"(3) The information described in paragraphs (1) and (2) shall be in addition to such other matters as are required by law for a final report or as the Attorney General, in the discretion of the Attorney General, may propose for a final report.

"(e)(1) Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall include—

"(A) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(B) the length of time the case has been pending;

"(C) the number of full-time employees—

"(i) as of the date of the order for relief; and

"(ii) at the end of each reporting period since the case was filed;

"(D) cash receipts, cash disbursements, and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(E) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(F) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those that would not have been so incurred); and

"(G) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.

"(2) The information described in paragraph (1) shall be in addition to such other matters as are required by law for a periodic report or as the Attorney General, in the discretion of the Attorney General, may propose for a periodic report.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) it should be the national policy of the United States that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public subject to such appropriate privacy concerns and safeguards as the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs, and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(3).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(4).".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. EFFECTIVE NOTICE TO GOVERNMENT.

(a) EFFECTIVE NOTICE TO GOVERNMENTAL UNITS.—Section 342 of title 11, United States Code, as amended by section 315(a) of this Act, is amended by adding at the end the following:

"(g)(1) If a debtor lists a governmental unit as a creditor in a list or schedule, any notice required to be given by the debtor under this title, applicable rule, other provision of law, or order of the court, shall identify the department, agency, or instrumentality through which the debtor is indebted.

"(2) The debtor shall identify (with information such as a taxpayer identification number, loan, account or contract number, or real estate parcel number, if applicable), and describe the underlying basis for the claim of the governmental unit.

"(3) If the liability of the debtor to a governmental unit arises from a debt or obligation owed or incurred by another individual, entity, or organization, or under a different name, the debtor shall identify that individual, entity, organization, or name.

"(h) The clerk shall keep and update on a quarterly basis, in such form and manner as the Director of the Administrative Office of the United States Courts prescribes, a register in which a governmental unit may designate or redesignate a mailing address for service of notice in cases pending in the district. The clerk shall make such register available to debtors.".

(b) ADOPTION OF RULES PROVIDING NOTICE.—

(1) IN GENERAL.—Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference shall propose for adoption enhanced rules for providing notice to Federal, State, and local government units that have regulatory authority over the debtor or that may be creditors in the debtor's case.

(2) PERSONS NOTIFIED.—The rules proposed under paragraph (1) shall be reasonably calculated to ensure that notice will reach the representatives of the governmental unit (or subdivision thereof) who will be the appropriate persons authorized to act upon the notice.

(3) RULES REQUIRED.—At a minimum, the rules under paragraph (1) should require that the debtor—

(A) identify in the schedules and the notice, the subdivision, agency, or entity with respect to which such notice should be received;

(B) provide sufficient information (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit (or subdivision thereof) entitled to receive such notice to identify the debtor or the person or entity on behalf of which the debtor is providing notice in any case in which—

(i) the debtor may be a successor in interest; or

(ii) may not be the same entity as the entity that incurred the debt or obligation; and

(C) identify, in appropriate schedules, served together with the notice—

(i) the property with respect to which the claim or regulatory obligation may have arisen, if applicable;

(ii) the nature of such claim or regulatory obligation; and

(iii) the purpose for which notice is being given.

(c) EFFECT OF FAILURE OF NOTICE.—Section 342 of title 11, United States Code, as amended by subsection (a), is amended by adding at the end the following:

"(i) A notice that does not comply with subsections (d) and (e) shall not be effective unless the debtor demonstrates by clear and convincing evidence that—

"(1) timely notice was given in a manner reasonably calculated to satisfy the requirements of this section; and

"(2) either—

"(A) the notice was timely sent to the address provided in the register maintained by the clerk of the district in which the case was pending for such purposes; or

"(B) no address was provided in such list for the governmental unit and that an officer of the governmental unit who is responsible for the matter or claim had actual knowledge of the case in sufficient time to act.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

The second sentence of section 505(b) of title 11, United States Code, is amended by striking "Unless" and inserting "If the request is made substantially in the manner designated by the governmental unit and unless".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 511. Rate of interest on tax claims

"If any provision of this title requires the payment of interest on a tax claim or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be as follows:

"(1) In the case of secured tax claims, unsecured ad valorem tax claims, other unsecured tax claims in which interest is required to be paid under section 726(a)(5), and administrative tax claims paid under section 503(b)(1), the rate shall be determined under applicable nonbankruptcy law.

"(2)(A) In the case of any tax claim other than a claim described in paragraph (1), the minimum rate of interest shall be a percentage equal to the sum of—

"(i) 3; plus

"(ii) the Federal short-term rate rounded to the nearest full percent, determined under section 1274(d) of the Internal Revenue Code of 1986.

"(B) In the case of any claim for Federal income taxes, the minimum rate of interest shall be subject to any adjustment that may be required under section 6621(d) of the Internal Revenue Code of 1986.

"(C) In the case of taxes paid under a confirmed plan or reorganization under this title, the minimum rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

"511. Rate of interest on tax claims.".

SEC. 705. TOLLING OF PRIORITY OF TAX CLAIM TIME PERIODS.

Section 507(a)(8)(A) of title 11, United States Code, [as redesignated by section 212 of this Act,] is amended—

(1) in clause (i), by inserting before the semicolon at the end, the following: ", plus any time during which the stay of proceedings was in effect in a prior case under this title, plus 6 months"; and

(2) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax, was pending or in effect during that 240-day period, plus 30 days;

"(II) the lesser of—

"(aa) any time during which an installment agreement with respect to that tax was pending or in effect during that 240-day period, plus 30 days; or

"(bb) 1 year; and

"(III) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 6 months.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(9)(B) of title 11, United States Code, [as redesignated by section 221 of this Act,] is amended by striking "assessed" and inserting "incurred".

SEC. 707. CHAPTER 13 DISCHARGE OF FRAUDULENT AND OTHER TAXES.

Section 1328(a)(2) of title 11, United States Code, as amended by section [228] *314* of this Act, is amended by inserting "(1)," after "paragraph".

SEC. 708. CHAPTER 11 DISCHARGE OF FRAUDULENT TAXES.

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt for a tax or customs duty with respect to which the debtor—

"(A) made a fraudulent return; or

"(B) willfully attempted in any manner to evade or defeat that tax or duty.".

SEC. 709. STAY OF TAX PROCEEDINGS.

(a) SECTION 362 STAY LIMITED TO PREPETITION TAXES.—Section 362(a)(8) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: ", with respect to a tax liability for a taxable period ending before the order for relief under section 301, 302, or 303".

(b) APPEAL OF TAX COURT DECISIONS PERMITTED.—Section 362(b)(9) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(E) the appeal of a decision by a court or administrative tribunal which determines a tax liability of the debtor (without regard to whether such determination was made prepetition or postpetition).".

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end; and

(2) in subparagraph (C), by striking "deferred cash payments, over a period not exceeding six years after the date of assessment of such claim," and all that follows through the end of the subparagraph, and inserting "regular installment payments—

"(i) of a total value, as of the effective date of the claim, equal to the allowed amount of such claim in cash, but in no case with a balloon payment; and

"(ii) beginning not later than the effective date of the plan and ending on the earlier of—

"(I) the date that is 5 years after the date of the filing of the petition; or

"(II) the last date payments are to be made under the plan to unsecured creditors; and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description on an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by striking the semicolon at the end and inserting ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law;".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid when due in the conduct of business unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches, by the trustee of a bankruptcy estate, under section 554 of title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

"(2) before the due date of the tax, the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of a claim described in subparagraph (B) or (C);".

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i)—

(i) by inserting "or given" after "filed"; and

(ii) by striking "or" at the end; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following flush sentences:

"For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

The second sentence of section 505(b) of title 11, United States Code, as amended by section 703 of this Act, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by section [212] *213 and 306* of this Act, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by [adding at the end the following:] *inserting after paragraph (7) the following:*

"(8) if the debtor has filed all applicable Federal, State, and local tax returns as required by section 1309.".

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Chapter 13 of title 11, United States Code, as amended by section 309(c) of this Act, is amended by adding at the end the following:

"§ 1309. Filing of prepetition tax returns

"(a) Not later than the day before the day on which the first meeting of the creditors is convened under section 341(a), the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 3-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the first meeting of creditors is convened under section 341(a), the trustee may continue that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that first meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that first meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request has been timely made, according to applicable nonbankruptcy law.

"(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by clear and convincing evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to section 6020 (a) or (b) of the Internal Revenue Code of 1986, or a similar State or local law, or written stipulation to a judgment entered by a nonbankruptcy tribunal.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1308 the following:

"1309. Filing of prepetition tax returns.".

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d), the following:

"(e) Upon the failure of the debtor to file a tax return under section 1309, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss the case.".

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following ", and except that in a case under chapter 13 [of this title], a claim of a governmental unit for a tax with respect to a return filed under section 1309 shall be timely if the claim is filed on or before the date that is 60 days after that return was filed in accordance with applicable requirements".

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference should, within a reasonable period of time after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, a governmental unit may object to the confirmation of a plan on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1309 and 1325(a)(7) of title 11, United States Code; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1309 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a full discussion of the potential material, Federal, State, and local tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor domiciled in the State in which the debtor resides or has its principal place of business typical of the holders of claims or interests in the case," after "records"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by section 402 of this Act, is amended—

(1) in paragraph (25), by striking "or" at the end;

(2) in paragraph (26), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (26) the following:

"(27) under subsection (a), of the setoff of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, unless—

"(A) before that setoff, an action to determine the amount or legality of that tax liability under section 505(a) was commenced; or

"(B) in any case in which the setoff of an income tax refund is not permitted because of a pending action to determine the amount or legality of a tax liability, in which case the governmental unit may hold the refund pending the resolution of the action.".

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.
"1501. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"1502. Definitions.
"1503. International obligations of the United States.
"1504. Commencement of ancillary case.
"1505. Authorization to act in a foreign country.
"1506. Public policy exception.
"1507. Additional assistance.
"1508. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"1509. Right of direct access.
"1510. Limited jurisdiction.
"1511. Commencement of case under section 301 or 303.
"1512. Participation of a foreign representative in a case under this title.
"1513. Access of foreign creditors to a case under this title.
"1514. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"1515. Application for recognition of a foreign proceeding.
"1516. Presumptions concerning recognition.
"1517. Order recognizing a foreign proceeding.
"1518. Subsequent information.
"1519. Relief that may be granted upon petition for recognition of a foreign proceeding.
"1520. Effects of recognition of a foreign main proceeding.
"1521. Relief that may be granted upon recognition of a foreign proceeding.
"1522. Protection of creditors and other interested persons.
"1523. Actions to avoid acts detrimental to creditors.
"1524. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
"1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
"1527. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"1528. Commencement of a case under this title after recognition of a foreign main proceeding.
"1529. Coordination of a case under this title and a foreign proceeding.
"1530. Coordination of more than 1 foreign proceeding.
"1531. Presumption of insolvency based on recognition of a foreign main proceeding.
"1532. Rule of payment in concurrent proceedings.

"§ 1501. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) United States courts, United States Trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies if—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity identified by exclusion in subsection 109(b);

"(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

"(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970 (84 Stat. 1636 et seq.), a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1502. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title; and

"(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§ 1503. International obligations of the United States

"To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

"§ 1504. Commencement of ancillary case

"A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

"§ 1505. Authorization to act in a foreign country

"A trustee or another entity, including an examiner, may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§ 1506. Public policy exception

"Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§ 1507. Additional assistance

"(a) Subject to the specific limitations under other provisions of this chapter, the court, upon recognition of a foreign proceeding, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

"(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

"(1) just treatment of all holders of claims against or interests in the debtor's property;

"(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

"(3) prevention of preferential or fraudulent dispositions of property of the debtor;

"(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

"(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§ 1508. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 1509. Right of direct access

"(a) A foreign representative is entitled to commence a case under section 1504 by filing a petition for recognition under section 1515, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

"(b) Upon recognition, and subject to section 1510, a foreign representative shall have the capacity to sue and be sued, and shall be subject to the laws of the United States of general applicability.

"(c) Subject to section 1510, a foreign representative is subject to laws of general application.

"(d) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign representative in any

Federal or State court in the United States. Any request for comity or cooperation by a foreign representative in any court shall be accompanied by a sworn statement setting forth whether recognition under section 1515 has been sought and the status of any such petition.

“(e) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

“§ 1510. Limited jurisdiction

“The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

“§ 1511. Commencement of case under section 301 or 303

“(a) Upon recognition, a foreign representative may commence—

“(1) an involuntary case under section 303; or

“(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

“(b) The petition commencing a case under subsection (a) must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

“§ 1512. Participation of a foreign representative in a case under this title

“Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

“§ 1513. Access of foreign creditors to a case under this title

“(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

“(b)(1) Subsection (a) does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under section 507 or 726 shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

“(2)(A) Subsection (a) and paragraph (1) do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

“(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

“§ 1514. Notification to foreign creditors concerning a case under this title

“(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

“(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

“(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

“(1) indicate the time period for filing proofs of claim and specify the place for their filing;

“(2) indicate whether secured creditors need to file their proofs of claim; and

“(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

“(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

“SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

“§ 1515. Application for recognition of a foreign proceeding

“(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

“(b) A petition for recognition shall be accompanied by—

“(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

“(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

“(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

“(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

“(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

“§ 1516. Presumptions concerning recognition

“(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding as defined in section 101 and that the person or body is a foreign representative as defined in section 101, the court is entitled to so presume.

“(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

“(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

“§ 1517. Order recognizing a foreign proceeding

“(a) Subject to section 1506, after notice and a hearing an order recognizing a foreign proceeding shall be entered if—

“(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

“(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

“(3) the petition meets the requirements of section 1515.

“(b) The foreign proceeding shall be recognized—

“(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

“(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

“(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

“(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The case under this chapter may be closed in the manner prescribed for a case under section 350.

“§ 1518. Subsequent information

“After [the] the petition for recognition of the foreign proceeding is filed, the foreign representative shall file with the court promptly a notice of change of status concerning—

“(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

“(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

“§ 1519. Relief that may be granted upon petition for recognition of a foreign proceeding

“(a) Beginning on the date on which a petition for recognition is filed and ending on the date on which the petition is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

“(1) staying execution against the debtor's assets;

“(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation, or otherwise in jeopardy; and

“(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

“(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is decided upon.

“(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

“(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

“(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

“§ 1520. Effects of recognition of a foreign main proceeding

“(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

“(1) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

"(2) a transfer, an encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552; and

"(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

"(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

"(c) Subsection (a) does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

"(d) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§ 1521. Relief that may be granted upon recognition of a foreign proceeding

"(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

"(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities to the extent the actions or proceedings have not been stayed under section 1520(a);

"(2) staying execution against the debtor's assets to the extent the execution has not been stayed under section 1520(a);

"(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent that right has not been suspended under section 1520(a);

"(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

"(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

"(6) extending relief granted under section 1519(a); and

"(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, if the court is satisfied that the interests of creditors in the United States are sufficiently protected.

"(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

"§ 1522. Protection of creditors and other interested persons

"(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(2), to conditions that the court considers to be appropriate, including the giving of security or the filing of a bond.

"(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate the relief referred to in subsection (b).

"(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§ 1523. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) In any case in which the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 1524. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

"(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"§ 1527. Forms of cooperation

"Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a), and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

"In any case in which a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

"(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

"(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

"(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

"(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) Clerical Amendment.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) Applicability of Chapters.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ", and this chapter, sections 307, 304, 555 through 557, 559, and 560 apply in a case under chapter 15"; and

(2) by adding at the end the following:

"(j) Chapter 15 applies only in a case under such chapter, except that—

"(1) sections 1513 and 1514 apply in all cases under this title; and

"(2) section 1505 applies to trustees and to any other entity (including an examiner) authorized by the court under chapter 7, 11, or 12, to debtors in possession under chapter 11 or 12, and to debtors under chapter 9 who are authorized to act under section 1505.".

(b) Definitions.—Paragraphs (23) and (24) of section 101 of title 11, United States Code, are amended to read as follows:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;".

(c) Amendments to Title 28, United States Code.—

(1) Procedures.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.".

(2) Bankruptcy cases and proceedings.—Section 1334(c)(1) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 15 of title 11, nothing in".

(3) Duties of trustees.—Section 586(a)(3) of title 28, United States Code, is amended by inserting "15," after "chapter".

SEC. 803. CLAIMS RELATING TO INSURANCE DEPOSITS IN CASES ANCILLARY TO FOREIGN PROCEEDINGS.

Section 304 of title 11, United States Code, is amended to read as follows:

"§304. Cases ancillary to foreign proceedings

"(a) For purposes of this section—

"(1) the term 'domestic insurance company' means a domestic insurance company, as such term is used in section 109(b)(2);

"(2) the term 'foreign insurance company' means a foreign insurance company, as such term is used in section 109(b)(3);

"(3) the term 'United States claimant' means a beneficiary of any deposit referred to in subsection (b) or any multibeneficiary trust referred to in subsection (b);

"(4) the term 'United States creditor' means, with respect to a foreign insurance company—

"(i) a United States claimant; or

"(ii) any business entity that operates in the United States and that is a creditor; and

"(5) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

"(b) The court may not grant relief under chapter 15 of this title with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.".

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. BANKRUPTCY CODE AMENDMENTS.

(a) Definitions of Forward Contract, Repurchase Agreement, Securities Clearing Agency, Swap Agreement, Commodity Contract, and Securities Contract.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking "means a contract" and inserting "means—

"(A) a contract";

(ii) by striking ", or any combination thereof or option thereon;" and inserting ", or any other similar agreement;"; and

(iii) by adding at the end the following:

"(B) a combination of agreements or transactions referred to in subparagraphs (A) and (C);

"(C) an option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

"(D) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master netting agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B) or (C); or

"(E) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract, option, agreement, or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract, option, agreement, or transaction on the date of the filing of the petition;";

(B) by striking paragraph (47) and inserting the following:

"(47) 'repurchase agreement' and 'reverse repurchase agreement'—

"(A) mean—

"(i) an agreement, including related terms, which provides for the transfer of—

"(I) a certificate of deposit, mortgage related security (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loan, interest in a mortgage related security or mortgage loan, eligible bankers' acceptance, or qualified foreign government security (defined for purposes of this paragraph to mean a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development); or

"(II) a security that is a direct obligation of, or that is fully guaranteed by, the United States or an agency of the United States against the transfer of funds by the transferee of such certificate of deposit, eligible bankers' acceptance, security, loan, or interest;

with a simultaneous agreement by such transferee to transfer to the transferor thereof a certificate of deposit, eligible bankers' acceptance, security, loan, or interest of the kind described in subclause (I) or (II), at a date certain that is not later than 1 year after the date of the transferor's transfer or on demand, against the transfer of funds;

"(ii) a combination of agreements or transactions referred to in clauses (i) and (iii);

"(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii); or

"(iv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that such master netting agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), or (iii); or

"(v) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) do not include a repurchase obligation under a participation in a commercial mortgage loan;";

(C) in paragraph (48) by inserting ", or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission" after "1934"; and

(D) by striking paragraph (53B) and inserting the following:

"(53B) 'swap agreement'—

"(A) means—

"(i) an agreement, including the terms and conditions incorporated by reference in such agreement, that is—

"(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

"(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

"(III) a currency swap, option, future, or forward agreement;

"(IV) an equity index or an equity swap, option, future, or forward agreement;

"(V) a debt index or a debt swap, option, future, or forward agreement;

"(VI) a credit spread or a credit swap, option, future, or forward agreement; or

"(VII) a commodity index or a commodity swap, option, future, or forward agreement;

"(ii) an agreement or transaction that is similar to an agreement or transaction referred to in clause (i) that—

"(I) is currently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

"(II) is a forward, swap, future, or option on a rate, currency, commodity, equity security, or other equity instrument, on a debt security or other debt instrument, or on an economic index or measure of economic risk or value;

"(iii) a combination of agreements or transactions referred to in clauses (i) and (ii);

"(iv) an option to enter into an agreement or transaction referred to in this subparagraph;

"(v) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master netting agreement and without regard to whether such master netting agreement contains an agreement or transaction described in any such clause, but only with respect to each agreement or transaction referred to in any such clause that is under such master netting agreement; except that

"(B) the definition under subparagraph (A) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.";

(2) in section 741, by striking paragraph (7) and inserting the following:

"(7) 'securities contract'—

"(A) means—

"(i) a contract for the purchase, sale, or loan of a security, a mortgage loan or an interest in a mortgage loan, a group or index of securities, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

"(ii) an option entered into on a national securities exchange relating to foreign currencies;

"(iii) the guarantee by or to a securities clearing agency of a settlement of cash, securities, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

"(iv) a margin loan;

"(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

"(vi) a combination of the agreements or transactions referred to in this subparagraph;

"(vii) an option to enter into an agreement or transaction referred to in this subparagraph;

"(viii) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master netting agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(ix) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) does not include a purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;"; and

(3) in section 761(4)—

(A) by striking "or" at the end of subparagraph (D); *and*

[(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

[(C)] *(B)* by adding at the end the following:

"(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

"(G) a combination of the agreements or transactions referred to in this paragraph;

"(H) an option to enter into an agreement or transaction referred to in this paragraph;

"(I) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that such master netting agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

"(J) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition.".

(b) Definitions of Financial Institution, Financial Participant, and Forward Contract Merchant.—Section 101 of title 11, United States Code, *as amended by section 802(b) of this Act*, is amended—

(1) by striking paragraph (22) and inserting the following:

"(22) 'financial institution' means—

"(A)(i) a Federal reserve bank, or an entity that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity; and

"(ii) if such Federal reserve bank, receiver, or conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

"(B) in connection with a securities contract, as defined in section 741 of this title, an investment company registered under the Investment Company Act of 1940;";

(2) by inserting after paragraph (22) the following:

"(22A) 'financial participant' means an entity that is a party to a securities contract, commodity contract or forward contract, or on the date of the filing of the petition, has a commodity contract (as defined in section 761) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in any such agreement or transaction with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;"; and

(3) by striking paragraph (26) and inserting the following:

"(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest that is presently or in the future becomes the subject of dealing or in the forward contract trade;".

(c) Definition of Master Netting Agreement and Master Netting Agreement Participant.—Section 101 of title 11, United States Code, *as amended by subsection (b) of this section*, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) the term 'master netting agreement'—

"(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing; except that

"(B) if a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

"(38B) the term 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) Swap Agreements, Securities Contracts, Commodity Contracts, Forward Contracts, Repurchase Agreements, and Master Netting Agreements Under the Automatic Stay.—

(1) In general.—Section 362(b) of title 11, United States Code, as amended by section 718 of this Act, is amended—

(A) in paragraph (6), by inserting ", pledged to, and under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to, and under the control of," after "held by";

(C) by striking paragraph (17) and inserting the following:

"(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with a swap agreement that constitutes the setoff of a claim against the debtor for a payment or transfer due from the debtor under or in connection with a swap agreement against a payment due to the debtor from the swap participant under or in connection with a swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle a swap agreement;";

(D) in paragraph (26), by striking "or" at the end;

(E) in paragraph (27), by striking the period at the end and inserting "; or"; and

(F) by inserting after paragraph (27) the following:

"(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged or and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.".

(2) Limitation.—Section 362 of title 11, United States Code, as amended by section 432(2) of this Act, is amended by adding at the end the following:

"(l) Limitation.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17) of subsection (b) shall not be stayed by an order of a court or administrative agency in any proceeding under this title.".

(e) Limitation of Avoidance Powers Under Master Netting Agreement.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311 (104 Stat. 267 et seq.))—

(A) by striking "under a swap agreement"; and

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement"; and

(2) by inserting before subsection (i) (as redesignated by section 407 of this Act) the following new subsection:

"(h) Notwithstanding sections 544, 545, 547, 548(a)(2)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement (except under section 548(a)(1)(A)).".

(f) Fraudulent Transfers of Master Netting Agreements.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and";

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.".

(g) Termination or Acceleration of Securities Contracts.—Section 555 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) Termination or Acceleration of Commodities or Forward Contracts.—Section 556 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(i) Termination or Acceleration of Repurchase Agreements.—Section 559 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(j) Liquidation, Termination, or Acceleration of Swap Agreements.—Section 560 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting following:

"§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement";

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of a swap agreement"; and

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of a swap agreement".

(k) Liquidation, Termination, Acceleration, or Offset Under a Master Netting Agreement and Across Contracts.—Title 11, United States Code, is amended by inserting after section 560 the following [new section]:

"§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

"(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7 [of this title]—

"(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a), except to the extent that the party has [no] positive net equity in the commodity accounts at the debtor, as calculated under *such* subchapter IV; and

"(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements referred to in subsection (a).

"(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.".

(l) Ancillary Proceedings.—Section 304 of title 11, United States Code, is amended by adding at the end the following:

"(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms—

"(1) shall not be stayed or otherwise limited by—

"(A) operation of any provision of this title; or

"(B) order of a court in any case under this title;

"(2) shall limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11; and

"(3) shall not be limited based on the presence or absence of assets of the debtor in the United States.".

(m) Commodity Broker Liquidations.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) Stockbroker Liquidations.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(o) Setoff.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)[(19)]*(28)*, 555, 556, 559, or 560)" before the period; and

(2) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), [362(b)(19)] *362(b)(28)*, 555, 556, 559, 560,".

(p) Securities Contracts, Commodity Contracts, and Forward Contracts.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant";

(2) in section 546(e), by inserting "financial participant" after "financial institution,";

(3) in section 548(d)(2)(B), by inserting "financial participant" after "financial institution,";

(4) in section 555—

(A) by inserting "financial participant" after "financial institution,"; and

(B) by inserting before the period ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice"; and

(5) in section 556, by inserting ", financial participant" after "commodity broker".

(q) Conforming Amendments.—Title 11 [of the United States Code], *United States Code*, is amended—

(1) in the table of sections for chapter 5—

(A) by striking the items relating to sections 555 and 556 and inserting the following:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.

"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

(B) by striking the items relating to sections 559 and 560 and inserting the following:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(C) by adding after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 902. DAMAGE MEASURE.

(a) In General.—Title 11, United States Code, is amended—

(1) by inserting after section 561 the following:

"§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contraet (as defined in section 761) repurchase agreement, or master netting agreement under section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration."; and

(2) in the table of sections for chapter 5 by inserting after the item relating to section 561 the following:

"562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) Claims Arising From Rejection.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 561 shall be allowed under subsection (a), (b), or (c) of this section, or disallowed under subsection (d) or (e) of this section, as if such claim had arisen before the date of the filing of the petition.".

SEC. 903. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "or" at the end of paragraph (4);

(2) by redesignating paragraph (5) of subsection (b) as paragraph (6);

(3) by inserting after paragraph (4) of subsection (b) the following new paragraph:

"(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent that such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a); or"; and

(4) by adding at the end the following [new subsection]:

"(e) For purposes of this section, the following definitions shall apply:

"(1) The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer.

"(2) The term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities.

"(3) The term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto.

"(4) The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

"(5) The term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), irrespective, without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 904. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—This title shall take effect on the date of enactment of this Act.

(b) Application of Amendments.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS

SEC. 1001. REENACTMENT OF CHAPTER 12.

(a) Reenactment.—

(1) In general.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and amended by this Act, is reenacted.

(2) Effective date.—Subsection (a) shall take effect on [April 1, 1999] *October 1, 1999.*

(b) Conforming Amendment.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

"(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.".

SEC. 1003. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking "the taxable year preceding the taxable year" and inserting "at least 1 of the 3 calendar years preceding the year".

SEC. 1004. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) Contents of Plan.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

"(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

"(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

"(B) the holder of a particular claim agrees to a different treatment of that claim; and".

(b) Special Notice Provisions.—Section 1231(d) of title 11, United States Code, is amended by striking "a State or local governmental unit" and inserting "any governmental unit".

[TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

[SEC. 1101. DEFINITIONS.

[(a) Health Care Business Defined.—Section 101 of title 11, United States Code, as amended by section 1004(a) of this Act, is amended—

[(1) by redesignating paragraph (27A) as paragraph (27C); and

[(2) inserting after paragraph (27) the following:

["(27A) 'health care business'—

["(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

["(i) the diagnosis or treatment of injury, deformity, or disease; and

["(ii) surgical, drug treatment, psychiatric or obstetric care; and

["(B) includes—

["(i) any—

["(I) general or specialized hospital;

["(II) ancillary ambulatory, emergency, or surgical treatment facility;

["(III) hospice;

["(IV) health maintenance organization;

["(V) home health agency; and

["(VI) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), (IV), or (V); and

["(ii) any long-term care facility, including any—

["(I) skilled nursing facility;

["(II) intermediate care facility;

["(III) assisted living facility;

["(IV) home for the aged;

["(V) domicilary care facility; and

["(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

[(b) Health Maintenance Organization Defined.—Section 101 of title 11, United States Code, as amended by subsection (a), is amended by inserting after paragraph (27A) the following:

["(27B) 'health maintenance organization' means any person that undertakes to provide or arrange for basic health care services through an organized system that—

["(A)(i) combines the delivery and financing of health care to enrollees; and

["(ii)(I) provides—

["(aa) physician services directly through physicians or 1 or more groups of physicians; and

["(bb) basic health care services directly or under a contractual arrangement; and

["(II) if reasonable and appropriate, provides physician services and basic health care services through arrangements other than the arrangements referred to in clause (i); and

["(B) includes any organization described in subparagraph (A) that provides, or arranges for, health care services on a prepayment or other financial basis;".

[(c) Patient.—Section 101 of title 11, United States Code, as amended by subsection (b), is amended by inserting after paragraph (40) the following:

["(40A) 'patient' means any person who obtains or receives services from a health care business;".

[(d) Patient Records.—Section 101 of title 11, United States Code, as amended by subsection (c), is amended by inserting after paragraph (40A) the following:

["(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;".

[SEC. 1102. DISPOSAL OF PATIENT RECORDS.

[(a) In General.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

["§ 351. Disposal of patient records

["If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

["(1) The trustee shall mail, by certified mail, a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

["(2) If no appropriate Federal or State agency agrees to permit the deposit of patient records referred to in paragraph (1) by the date that is 60 days after the trustee mails a written request under that paragraph, the trustee shall—

["(A) publish notice, in 1 or more appropriate newspapers, that if those patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 60 days after the date of that notification, the trustee will destroy the patient records; and

["(B) during the 60-day period described in subparagraph (A), the trustee shall attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

["(3) If, after providing the notification under paragraph (2), patient records are not claimed during the 60-day period described in paragraph (2)(A) or in any case in which a notice is mailed under paragraph (2)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

["(A) if the records are written, shredding or burning the records; or

["(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.".

[(b) Clerical Amendment.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

["351. Disposal of patient records.".

[SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.

[Section 503(b) of title 11, United States Code, is amended—

[(1) in paragraph (5), by striking "and" at the end;

[(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

[(3) by adding at the end the following:

["(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee, including any cost or expense incurred—

["(A) in disposing of patient records in accordance with section 351; or

["(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business.".

[SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

[(a) IN GENERAL.—

[(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

["§ 332. Appointment of ombudsman

["(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman to represent the interests of the patients of the health care business.

["(b) An ombudsman appointed under subsection (a) shall—

["(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

["(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

["(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

["(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information.".

[(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

["332. Appointment of ombudsman.".

[(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

[(1) in the matter proceeding subparagraph (A), by inserting "an ombudsman appointed under section 331, or" before "a professional person"; and

[(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

[SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

[(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

[(1) in paragraph (9), by striking "and" at the end;

[(2) in paragraph (10), by striking the period and inserting "; and"; and

[(3) by adding at the end the following:

["(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

["(A) is in the vicinity of the health care business that is closing;

["(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

["(C) maintains a reasonable quality of care.".

[(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "and 704(9)" and inserting "704(9), and 704(10)".]

TITLE [XII] XI—TECHNICAL AMENDMENTS

SEC. [1201.] *1101.* DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section [1101] *1003* of this Act, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A) and (38), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property;";

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (55), including paragraph (54), as amended by paragraph (6) of this section, in entirely numerical sequence.

SEC. [1202.] *1102.* ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3), [707(b)(5),]" after "522(d)," each place it appears.

SEC. [1203.] *1103.* EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. [1204.] *1104.* TECHNICAL AMENDMENTS.

Title 11, [of the] United States Code, is amended—

(1) in section 109(b)(2), by striking "subsection (c) or (d) of"; *and*

[(2) in section 541(b)(4), by adding "or" at the end; and

(3)] *(2)* in section 552(b)(1), by striking "product" each place it appears and inserting "products".

SEC. [1205.] *1105.* PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys'".

SEC. [1206.] *1106.* LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. [1207.] *1107.* SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. [1208.] *1108.* EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. [1209.] *1109.* ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

[SEC. 1210. PRIORITIES.

[Section 507(a) of title 11, United States Code, as amended by sections 211 and 229 of this Act, is amended—

[(1) in paragraph (4)(B), by striking the semicolon at the end and inserting a period; and

[(2) in paragraph (8), by inserting "unsecured" after "allowed".

[SEC. 1211. EXEMPTIONS.

[Section 522(g)(2) of title 11, United States Code, as amended by section 311 of this Act, is amended by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".]

SEC. [1212.] *1110.* EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by section [229] *714* of this Act, is amended—

(1) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert [it] *such paragraph* after paragraph (14) of subsection (a);

[(2) in subsection (a)—

[(A) in paragraph (3), by striking "or (6)" each place it appears and inserting "(6), or (15)";

[(B) in paragraph (9), by striking "motor vehicle or vessel" and inserting "motor vehicle, vessel, or aircraft"; and

[(C) in paragraph (15), as so redesignated by paragraph (1) of this subsection, by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)"; and]

(2) in subsection (a)(9), by striking "motor vehicle or vessel" and inserting "motor vehicle, vessel, or aircraft"; and

(3) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. [1213.] *1111.* EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1), or that".

SEC. [1214.] *1112.* PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. [1215.] *1113.* PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting "365 or" before "542".

SEC. [1216.] *1114.* PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, *as amended by section 201(b) of this Act*, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (i)"; and

(2) by adding at the end the following:

"(i) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that pending or commenced on or after the date of enactment of this Act.

SEC. [1217.] *1115.* POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of";

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. [1218.] *1116.* DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. [1219.] *1117.* GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section [901(k)] *502* of this Act, is amended by inserting "1123(d)," after "1123(b),".

SEC. [1220.] *1118.* ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. [1221.] *1119.* CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. [1222.] *1120.* DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. [1223.] *1121.* BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. [1224.] *1122.* KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. [1225.] *1123.* TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.".

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by section 212 of this Act, is amended by adding at the end the following:

"(15) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

"(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. [1226.] *1124.* PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking "20" and inserting "30".

SEC. [1227.] *1125.* EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. [1228.] *1126.* BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the "Bankruptcy Judgeship Act of 1999".

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship positions.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: "Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.".

(e) TRAVEL EXPENSES OF BANKRUPTCY JUDGES.—Section 156 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) In this subsection, the term 'travel expenses'—

"(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

"(B) shall not include the travel expenses of a bankruptcy judge if—

"(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

"(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

"(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

"(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

"(B) The annual report under this paragraph shall include—

"(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

"(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

"(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

"(4)(A) The Director of the Administrative Office of the United States Courts shall—

"(i) consolidate the reports submitted under paragraph (3) into a single report; and

"(ii) annually submit such consolidated report to Congress.

"(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).".

TITLE [XIII] XII—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. [1301.] *1201.* EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided otherwise in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bankruptcy bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, a bill to amend title 11 of the United States Code, and for other purposes.

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry Craig, Orrin Hatch, Don Nickles, Conrad Burns, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on this motion at 5:30 p.m. on Tuesday, September 21, with the mandatory live quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. I know Senators are interested in the schedule for the remainder of the day. We believe we have worked out an agreement of a reasonable time for discussion on the District of Columbia appropriations conference report. Then that would be followed with a recorded vote. We would need to have a recorded vote under our arrangement where if we do not have a recorded vote on an appropriations bill when it goes through the Senate, then we do have a recorded vote on it when it comes back from conference. So we will need that recorded vote.

We hope to get the UC locked down, and hopefully, then, at around 2 or so we could get to final passage on the D.C. appropriations conference report. Therefore, then, there would not be the necessity, obviously, for there to be a vote on it at 10 o'clock on Friday.

JUDICIAL NOMINATIONS

Mr. LOTT. Mr. President, we have one other block of remaining issues of consideration, and that is judicial nominations. We had planned to go forward with three judges—two that have been cleared and one that may require time for discussion, and a vote on that at some point. There may need to be, as I said, time for discussion. I hope we can get a reasonable agreement on that.

I would not want to have to file cloture on Federal judges. I think it would be a bad practice if we began to have filibusters on Federal judicial nominations, requiring only 41 votes to defeat a judicial nomination. I guess that has been done in the past but not recently, not since I have been majority leader, that I know of.

So I hope we can work out an agreement on time, as we have done on the nomination of Mr. White of Missouri. We have a time agreement. At some point in the next 2 or 3 weeks that will be called up, and it will have a discussion period and a vote.

I hope that would be the case with any of these three that we had hoped to bring up. If we can't get an agreement of how to deal with all three of them, then we will not be able to move any of the three. But we are still working on that, and we hope to get it worked out.

Mr. LEAHY. Mr. President, will the distinguished leader yield on that point?

Mr. LOTT. Mr. President, I apologize.

Mr. LEAHY. Will the distinguished leader yield on that point?

Mr. LOTT. Surely.

Mr. LEAHY. Mr. President, there are one, two, three, four, five, six, seven judicial nominations on the calendar. I tell the distinguished leader that on this side of the aisle, at least, we are willing to agree to a time certain to vote on all of them—right now. We will be glad to enter into a time agreement to vote on each and every one of them. Obviously, our concern is that they all be considered and we suggest that they be in the order in which they appear on the calendar.

Mr. LOTT. Mr. President, I apologize again. I think the Senator is propounding a question. What I am trying to do is to move forward on judicial nominations. We have already cleared six, I believe, since we have been back. I believe we can move two more without any problem. That would be eight. Then it would be my intent to move in that block of three also the nomination of Mr. Stewart of Utah, Brian Theadore Stewart. It would be those three. If we could clear those three, that would be nine we have moved since we have been back from the August recess, leaving, I believe, only four on the calendar.

As I indicated, we have gotten tentative agreement on time on the nomination of White of Missouri, that we hope within the next week or so—at some point—when we find a window, in fact, we will call it up, and there will be a period of debate and a vote on that one, leaving only three judges on the calendar.

I understand the Judiciary Committee is moving toward reporting out other judges and will begin to move those right away who are not controversial and won't take time. If there is controversy, and we can get a time agreement, a limited time agreement and then a vote on some, then we would do that.

The three remaining on the calendar are Ninth Circuit judges, where there is considerable problem and concern about the size of the circuit, whether or not that circuit needs to be dealt with, whether it is split in two, and there are concerns about the judges themselves. So that is a complicated problem. I cannot give any indication of a time agreement at this point.

I call on the Senators on both sides of the aisle to allow me to continue to move forward. I have been showing good faith. Before the August recess, I tried to move some of these judges, and if I did not include certain judges, there was objection from that side. If I did not include certain other judges, there was objection on this side.

So what I said was: This is not reasonable. It does not make good sense. I am going to just start calling them up, one by one, and clearing them and getting them done. And by doing that, I have done six, and I am on the verge of doing three more. So I would hope we would get cooperation on that.

I think Judge Stewart of Utah is a qualified nominee. He is obviously supported by the Senator from Utah, the chairman of the Judiciary Committee, who has been working in good faith. He was not particularly happy with my plan to just go forward and start calling up judges. I assured him that after we had done several of them that had been cleared, his would be next. His is going to be next. He will be in this package of three.

I understand Senators may want to talk some more about this in the next few minutes. I don't want to file cloture on Judge Stewart. I will do that, and then we will start down this 41-vote trail, which I don't think is wise. Let's try to have some cooperation with each other and a modicum of good faith, and we will continue to work on them.

It takes a lot of time for the majority leader and the minority leader to clear these judges—a lot of time. I have to check with 54 other Senators before I can enter into any kind of agreement. Sometimes the objections are: I need time to think about it; I need to meet with this person or that person. Sometimes it is a legislative issue. Sometimes they say: Well, I have a problem; I am going to vote no. Sometimes they say: I need a lot of time.

I have to work through all that. I will withhold right now on these three, on either of the three. I urge Senator LEAHY, Senator HATCH, Senator FEINSTEIN, anybody else who is involved and interested, to talk this out. I will be back here in a couple of hours, and I will see if we can't work out a way we can move the two who have been cleared already and move Judge Stewart. I do think you will want to talk about it some and perhaps discuss it further with Senator DASCHLE. That would be fine, too.

UNANIMOUS CONSENT AGREEMENT—H.R. 2587 CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that at 2 p.m., the Senate turn to the conference report to accompany the D.C. appropriations bill under the same terms as outlined in the earlier consent, with a recorded vote to occur at approximately 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank the Senators, and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Mr. President, while the distinguished majority leader is still on the floor, I note I, too, do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41. In fact, the distinguished majority leader is perhaps aware of the fact that during the Republican administrations I rarely ever voted against a nomination by either President Reagan or President Bush. There were a couple I did.

I also took the floor on occasion to oppose filibusters to hold them up and believe that we should have a vote up or down. Actually, I was one of those who made sure, on a couple controversial Republican judges, that we did. That meant 100 Senators voted on them, 100.

In this case, unfortunately, we have at least one judge who has been held for 3 years by one or two or three or four Senators, not 41 but less than a handful. All I am asking is that we give them the fairness of having the whole Senate vote on them.

Unfortunately, in the last couple years, women and minorities have been held up longer than anybody else on these Federal judgeships. They ought to be allowed a vote up or down. If Senators want to vote against them, then vote against them. If they want to vote for them, vote for them. But to have two or three people, quietly, in the back room, never be identified as being the ones holding them up, I think that is unfair to the judiciary, it is unfair to the nominees, and, frankly, it demeans the Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, as a Senator representing California, who sits on the Judiciary Committee, I have to say a word or two on this subject.

First, I believe the chairman of our committee, Senator HATCH, has been very fair with respect to these judges. I believe he has tried his level best to move the calendar along.

I think what we on this side are encountering is the holding up of judges, particularly on the Ninth Circuit Court of Appeals, for years on end. That must stop. A nominee is entitled to a vote. Vote them up; vote them down. To keep them hanging on—the court has 750 cases waiting for a judge. These judges are necessary. If someone has opposition to a judge, which I believe to be the case in at least one, they should come to the floor and say that.

It is also my understanding and my desire to ask that there be some commitment from the other side as to when specifically the nominations of Judge Paez, Marsha Berzon, and Ray Fisher, pending on this calendar—Judge Paez pending for 4 years; Marsha Berzon through two sessions now—can at least be brought to the floor for a vote.

I am prepared to vote on the judges that the majority leader mentioned. I am prepared to vote affirmatively, but I can't do that unless I have some knowledge that judges who have stood on this calendar for years can be brought up before this body for a vote. I don't think that is too much to ask the other side to do.

What this does to a judge's life is, it leaves them in limbo—I should say, a nominee's life—whether they have a place to live, whether they are going to make a move. It is our job to confirm these judges. If we don't like them, we can vote against them. That is the honest thing to do. If there are things in their background, in their abilities that don't pass muster, vote no.

I think every one of us on this side is prepared for that. The problem is, we have a few people who prevent them from having a vote, and this goes on month after month, year after year.

The ranking member of the committee said something that I believe is concurred in on this side; that is, women and minorities have an inordinately difficult time having their nominations processed in an orderly and expeditious way. I don't think that befits this body.

What I am asking for, as a Senator from California, on these three judges, is to just tell us when we might see their nominations before the Senate for a vote up or down. I think there is also an understanding by the White House that will be the case as well.

I ask the majority party to please take this into consideration, allow us a vote up or down, and give us a time when this might happen.

Once again, I thank the ranking member and the chairman of the committee. I know the Senator from Utah has done everything he possibly can to move these nominations. I, for one, very much appreciate it. I am hopeful the leadership of his side will be able to give us some accommodation on this.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague's kind remarks. I support Mr. Stewart's nomination, and I urge my colleagues to do the same, and not to filibuster any nominee, let alone this nominee.

I am pleased, with regard to the judicial nominations that have been voted on so far this session—and there have been well over 300 since this President became President—that no one on our side, to my knowledge, has threatened to filibuster any of these judges. I think that is the way to proceed.

I think it is a travesty if we ever start getting into a game of filibustering judges. I have to admit that my colleagues on the other side attempted to do that on a number of occasions during the Reagan and Bush years. They always backed off, but maybe they did because they realized there were enough votes to stop a filibuster against Federal judges. I think it is a travesty if we treat this third branch of government with such disregard that we filibuster judges.

I also have appreciated the comments of the ranking member of the Judiciary Committee, Senator LEAHY, who stated on this floor in the past:

> I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported. . . .

The Republican leadership, the Democratic President, the Republican chairman, and the Democratic ranking member of the Judiciary Committee all support Mr. Stewart's nomination. The nomination should not be filibustered. As I understand it, the only reason there would be a filibuster is because some Senators want their judges up. They have no real reason to filibuster Mr. Stewart.

The only way I could ever see a filibuster would be justified is if a nominee is so absolutely unqualified to sit on the Federal bench that the only way to stop that person is a filibuster. I can understand it under those circumstances. Even then, I would question whether that should be done. If a person is so unqualified, we ought to be able to beat that person on the floor.

Even when I opposed a nominee of the current President, I voted for cloture to stop the filibuster of that nominee. That was for Lee Sarokin.

We are dealing with a coequal branch of government. We are dealing with some of the most important nominations the President, whoever that President may be, will make. We are also dealing, hopefully, with good faith on both sides of the floor. For years, I thought our colleagues on the other side did some reprehensible things with regard to Reagan and Bush judges—very few, but it was serious. By and large, the vast majority of them were put through without any real fuss or bother even though my colleagues on the other side, had they been President, would not have appointed very many of those judges. We have to show the same good faith on our side, it seems to me.

And unless you have an overwhelming case, then certainly I don't see any reason for anybody filibustering judges. I hope that we never get into that. Let's make our case if we have disagreement, and then vote. And I reach this conclusion after having been part of this process for over 20 years now and always trying to be fair, whoever is the President of the United States and whoever the nominees are.

It is important to not filibuster judicial nominees on the floor of the Senate. The fight over a nomination has to occur between honest people in the White House and honest people up here. And that is where the battles are. When they get this far, generally most of them should be approved. There are some we still have problems with in the Judiciary Committee, but that is our job to look at them. It is our job to look into their background. It is our job to screen these candidates.

We have had judicial nominees withdraw after we have approved them in the Judiciary Committee because something has come up to disturb their nomination. This was generally handled between the White House, the Senate, and the nominee. That is the way it should work.

We must remember that these are among the most important nominations that any President can make and that the Senate can ever work on. We should not play politics with them.

I have really worked hard on the Judiciary Committee to try to not allow politics. It is no secret that there are some on the right who decry the fact that I have put through Clinton judges. Some of them don't want any Clinton judges put through —some just because they are liberal. If we get to the point where we deny people a chance to serve because they are liberal or conservative, I think we will be in real trouble. Politics should not be played with judicial nominees. President Clinton did win this Presidency. He has a right to nominate these people, and we have an obligation to confirm them if they are qualified. In every case where we have confirmed them, they are qualified, even though there may be some questions in the minds of some.

In the case of Ted Steward, we have examined the whole record. The President has examined the whole record. The President and I and Senator BENNETT agree that Mr. Stewart is qualified to serve as an Article III, judgeship in Utah. The Judiciary Committee reported Mr. Steward's nomination favorably to the floor.

Now we have the unusual situation of a Democratic President and Republican Chairman and Democratic Ranking Member agreeing on a nomination, but certain Democratic Senators who really don't oppose Ted Steward's nomination want to hold the nomination hostage in order to get other judges up. The majority leader said he will try to do so in good faith, but he must consult with 54 other Senators on our side.

There is some angst on at least the background of two of the 9th Circuit Court judges on the part of some on our side. I could not disagree more with the threat of filibuster here. Unless there is an overwhelming case to be made against a judge that he or she is unqualified or will not respect the limited role which Article III prescribes for a judge, there should be no filibuster.

Mr. Steward is definitely qualified and will certainly respect the limited role that Article III provides for a federal judge. He will be a credit to the federal bench in Utah and throughout the country.

In sum, Mr. President, I oppose filibusters of judicial nominees as a general matter and I support Mr. Stewart's nomination in this specific case. I would like to see these three judges go through today because we put them through the Judiciary Committee. I would like to see all of those on the list have an opportunity to be voted up or down. I will work to try to do that.

On the other hand, I understand the problems of the majority leader and I hope my colleagues on the other side do. I hope colleagues on both sides of the aisle will not hold up the business of the Senate to play politics with Ted Stewart's nomination. I have to say that I think we do a great injustice if we do not support this nomination.

Having said all of that, let me conclude by saying I have been willing to and have enjoyed working with my distinguished friend from Vermont. He has done a good job as the Democrat leader on the committee. I just have to say that I hope he can clear his side on these matters and that we can get them through because I intend to put more judges out from the committee and to move forward with as much dispatch as I can.

Earlier, when I said there was some angst concerning the background of some Ninth Circuit nominees, I was referring to their legal background and some of the matters that came before the committee. Be that as it may, I was really referring to the Ninth Circuit Court of Appeals, which seems to be out of whack with the rest of the country. It is reversed virtually all the time by the Supreme Court. There is a great deal of concern that Ninth Circuit court has become so activist that it is a detriment to the Federal judicial system. Some on our side believe that to put any additional activists on that court would be a travesty and would be wrong. I am concerned about that, too.

All I can say is that it is important we work together to try to get these nominees through, both in the Judiciary Committee and in the Senate. Should we be fortunate enough to have a Republican President next time, I hope our colleagues on the other side will treat our nominees as fairly as I certainly did and the Senate Republicans as a whole treated the Democrat nominees who have been brought before the committee. We are going to keep working on them, and we will do the best we can to get as many of them through as we can. Thus far, I am proud of the record we have.

I yield the floor.

Mr. LEAHY. Mr. President, we have a number of highly-qualified nominees for judicial vacancies before the Senate and on the Executive Calendar. I want to be sure that the Senate treats them all fairly and accords each of them an opportunity for an up or down vote. I want to share with you a few of the cases that cry out for a Senate vote:

The first is Judge Richard Paez. He is a judicial nominee who has been awaiting consideration and confirmation by the Senate since January 1996—for over 3 and one-half years. The vacancy for which Judge Paez was nominated became a judicial emergency during the time his nomination has been pending without action by the Senate. His nomination was first received by the Senate almost 44 months ago and is still without a Senate vote. That is unconscionable.

Judge Paez has twice been reported favorably by the Senate Judiciary Committee to the Senate for final action. He is again on the Senate calendar. He was delayed 25 months before finally being accorded a confirmation hearing in February 1998. After being reported by the Judiciary Committee initially in March 1998, his nomination was held on the Senate Executive Calendar without action or explanation for over 7 months, for the remainder of the last Congress.

Judge Paez was renominated by the President again this year and his nomination was stalled without action before the Judiciary Committee until late July, when the Committee reported his nomination to the Senate for the second time. The Senate refused to consider the nomination before the August recess. I have repeatedly urged the Republican leadership to call this nomination up for consideration and a vote. The Republican leadership in the Senate has refused to schedule this nomination for an up or down vote.

Judge Paez has the strong support of both California Senators and a "well-qualified" rating from the American Bar Association. He has served as a municipal judge for 13 years and as a federal judge for four years.

In my view Judge Paez should be commended for the years he worked to provide legal services and access to our justice system for those without the financial resources otherwise to retain counsel. His work with the Legal Aid Foundation of Los Angeles, the Western Center on Law and Poverty and California Rural Legal Assistance for nine years should be a source of praise and pride.

Judge Paez has had the strong support of California judges familiar with his work, such as Justice H. Walter Crosky, and support from an impressive array of law enforcement officials, including Gil Garcetti, the Los Angeles District Attorney; the late Sherman Block, then Los Angeles County Sheriff; the Los Angeles County Police Chiefs' Association; and the Association for Los Angeles Deputy Sheriffs.

The Hispanic National Bar Association, the Mexican American Legal Defense and Educational Fund, the League of United Latin American Citizens, the National Association of Latino Elected and Appointed Officials, and many, many others have been seeking a vote on this nomination for what now amounts to years.

I want to commend the Chairman of the Judiciary Committee for his steadfast support of this nominee and Senator BOXER and Senator FEINSTEIN of California for their efforts on his behalf.

Last year the words of the Chief Justice of the United States were ringing in our ears with respect to the delays in Senate consideration of judicial nomination. He had written:

> Some current nominees have been waiting considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

Richard Paez's nomination to the Ninth Circuit had already been pending for 24 months when the Chief Justice issued that statement—and that was almost two years ago. The Chief Justice's words resound in connection with the nomination of Judge Paez. He has twice been reported favorably by the Judiciary Committee. It was been pending for almost 44 months. The court to which he was nominated has multiple vacancies. In fairness to Judge Paez and all the people served by the Ninth Circuit, the Senate should vote on this nomination.

Justice Ronnie White is another nominee who has been pending before the Senate without a vote for an exceedingly long time. In June I gave a Senate speech marking the 2-year anniversary of the nomination of this outstanding jurist to what is now a judicial emergency vacancy on the U.S. District Court for the Eastern District of Missouri. He is currently a member of the Missouri Supreme Court.

He was nominated by President Clinton in June of 1997. It took 11 months before the Senate would even allow him to have a confirmation hearing. His nomination was then reported favorably on a 13 to 3 vote by the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL, and DEWINE were the Republican members of the Committee who voted for him along with the Democratic members. Senators ASHCROFT, ABRAHAM and SESSIONS voted against him.

Even though he had been voted out overwhelmingly, he sat on the calendar last year, and the nomination was returned to the President after 16 months with no action.

The President renominated him and on July 22 the Senate Judiciary Committee again reported the nomination favorably to the Senate, this time by a vote of two to one.

Justice White deserves better than benign neglect. The people of Missouri deserve a fully qualified and fully staffed Federal bench.

Justice White has one of the finest records—and the experience and standing—of any lawyer that has come before the Judiciary Committee. He has served in the Missouri legislature, the office of the city counselor for the City of St. Louis, and he was a judge in the Missouri Court of Appeals for the Eastern District of Missouri before his current service as the first African-American ever to serve on the Missouri Supreme Court.

Having been voted out of Committee twice, he has now been forced to wait for more than two years for Senate action. This distinguished African-American at least deserves the respect of this Senate, and he should be allowed a vote, up or down. Senators can stand up and say they will vote for or against him, but let this man have his vote. Twenty-seven months after being nominated, the nomination remains pending before the Senate. I would certainly like to see Justice White be accorded an up or down vote.

I have been concerned for the last several years that it seems women and minority nominees are being delayed and not considered. I spoke to the Senate about this situation on May 22, June 22 and, again, on October 8 last year. Over the last couple of years the Senate has failed to act on the nominations of Judge James A. Beaty, Jr. to be the first African-American judge on the Fourth Circuit; Jorge C. Rangel to the Fifth Circuit; Clarence J. Sundram to the District Court for the Northern District of New York; Anabelle Rodriguez to the District Court in Puerto Rico; and many others.

In explaining why he chose to withdraw from consideration for renomination after waiting 15 months for Senate action, Jorge Rangel wrote to the President and explained:

> Our judicial system depends on men and women of good will who agree to serve when asked to do so. But public service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtues, but it also has its limits.

Last year the average for all nominees confirmed was over 230 days and 11 nominees confirmed last year took longer than 9 months: Judge William Fletcher's confirmation took 41 months—it became the longest-pending judicial nomination in the history of the United States; Judge Hilda Tagle's confirmation took 32 months, Judge Susan Oki Mollway's confirmation took 30 months, Judge Ann Aiken's confirmation took 26 months, Judge Margaret McKeown's confirmation took 24 months, Judge Margaret Morrow's confirmation took 21 months, Judge Sonia Sotomayor's confirmation took 15 months, Judge Rebecca Pallmeyer's confirmation took 14 months, Judge Ivan Lemelle's confirmation took 14 months, Judge Dan

Polster's confirmation took 12 months, and Judge Victoria Roberts' confirmation took 11 months. Of these 11, eight are women or minority nominees. Another was Professor Fletcher was held up, in large measure because of opposition to his mother, Judge Betty Fletcher.

In 1997, of the 36 nominations eventually confirmed, 9, fully one-quarter of all those confirmed, took more than 9 months before a final favorable Senate vote.

In 1996, the Republican Senate shattered the record for the average number of days from nomination to confirmation for judicial confirmation. The average rose to a record 183 days. In 1997, the average number of days from nomination to confirmation rose dramatically yet again, and that was during the first year of a presidential term. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

Unfortunately, that time is still growing and the average is still rising to the detriment of the administration of justice. Last year the Senate broke its dismal record. The average time from nomination to confirmation for the 65 judges confirmed in 1998 was over 230 days.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end. The Senate recesses with a sorry record of inaction on judicial nominations.

Another example of a longstanding nominee who is being denied a Senate vote is Marsha Berzon. Fully one-quarter of the active judgeships authorized for that Court remain vacant, as they have been for several years. The Judicial Conference recently requested that Ninth Circuit judgeships be increased in light of its workload by an additional five judges. That means that while Ms. Berzon's nomination has been pending, that Court has been forced to struggle through its extraordinary workload with 12 fewer judges than it needs.

Marsha Berzon is an outstanding nominee. By all accounts, she is an exceptional lawyer with extensive appellate experience, including a number of cases heard by the Supreme Court. She has the strong support of both California Senators and a well-qualified rating from the American Bar Association.

She was initially nominated in January 1998, almost 20 months ago. She participated in an extensive two-part confirmation hearing before the Committee back on July 30, 1998. Thereafter she received a number of sets of written questions from a number of Senators and responded in August of last year. A second round of written questions was sent and she responded by the middle of September of last year. Despite the efforts of Senator FEINSTEIN, Senator KENNEDY, Senator SPECTER and myself to have her considered by the Committee, she was not included on an agenda and not voted on during all of 1998. Her nomination was returned to the President without action by this Committee or the Senate last October.

This year the President renominated Ms. Berzon in January. She participated in her second confirmation hearing in June, was sent additional sets of written questions, responded and got and answered another round. I do not know why those questions were not asked last year.

Finally, on July 1 more than two months ago and before Mr. Stewart was even nominated, the Committee considered the nomination and agreed to report it to the Senate favorably. After more than a year and one-half the Senate should, at long last, vote on the nomination. Senators who find some reason to oppose this exceptionally qualified woman lawyer can vote against her if they choose, but she should be accorded an up or down vote. That is what I have been asking for and that is what fairness demands.

Unfortunately, the list goes on and on. In addition, there is the nomination of Timothy Dyk to the Federal Circuit. Tim Dyk was initially nominated in April 1998, and participated in a confirmation hearing last July. He was favorably reported to the Senate by a vote of 14 to 4 last September. His was one of the several judicial nominations not acted upon by the Senate last year before it adjourned. Instead, the Senate returned this nomination to the President without action.

The President proceeded to renominate Mr. Dyk in January 1999. Since then, his nomination, which had been favorably reported last year, has been in limbo. I raised his nomination at our first Committee meeting of the year in February and a number of times thereafter. Still, he is being held hostage in the Committee without action.

There are the nominations of Barry Goode to the Ninth Circuit, who was first nominated in June 1998 and is still patiently awaiting a confirmation hearing; of Julio Fuentes to the Third Circuit, has been pending three times longer than the Stewart nomination and is still awaiting his confirmation hearing; of Ray Fisher to the Ninth Circuit, who is an outstanding lawyer and public servant now Associate Attorney General of the United States Department of Justice and was reported by the Committee on a vote of 16 to 2 but remains held on the Senate Calendar. There are the nominations of Alston Johnson to the Fifth Circuit, James Duffy to the Ninth Circuit, and Elena Kagan to the D.C. Circuit, among others who were nominated before Mr. Stewart. There are the district court nominations of Legrome Davis and Lynette Norton in Pennsylvania, Virginia Phillips, James Lorenz, Dolly Gee and Frederic Woocher in California, Rich Leonard in North Carolina, Frank McCarthy in Oklahoma, Patricia Coan in Colorado, and William Joseph Haynes, Jr. in Tennessee, to name a few.

All together, there are more than 30 pending judicial nominations that were received by the Senate before it received the Stewart nomination and they need our attention, too. That is the point I am trying to make. I understand that nominations are not considered in lockstep order based on the date of receipt. I understand and respect the prerogatives of the majority party and the Majority Leader. I appreciate the interest of the Chairman of the Committee in filling vacancies in his State and want to work with him. I ask only that the Senate be fair to these other nominees, as well. In my view, Ted Stewart is entitled to a vote on his nomination and should get it, but these other nominees should be accorded fair treatment, as well. Nominees like Judge Richard Paez, Justice Ronnie White, and Marsha Berzon should be voted on up or down by the Senate. We are asking and have been asking the Republican leadership to schedule votes on those nominations so that action on all the nominations can move forward.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE DAMAGE IN NORTH CAROLINA

Mr. EDWARDS. Mr. President, I want to speak for a moment today about the hurricane and report to my colleagues on what we have learned about the damage Hurricane Floyd has done in North Carolina.

As most folks know, North Carolina, unfortunately, has borne the brunt of hurricanes over the last few years. I think this is the fifth major hurricane to hit North Carolina since 1996. What we know thus far is that four people have died in traffic-related accidents as a result of the hurricane.

First, of course, our thoughts and prayers go to the families of those folks who have lost loved ones. Secondly, we have had enormous flooding. That flooding will continue, and there will be some period of time before that flooding recedes. Wilmington has received over 18 inches of rain in the last approximately 48 hours, and other areas of eastern North Carolina have received enormous amounts of rain during the same period of time.

We have also had enormous problems with crop damage and injury and damage to our farms, particularly in eastern North Carolina. These farmers are already struggling and suffering and having a difficult time making ends meet. Now they have received a blow, which may very well be a death blow, to the crops they still have in the fields. As I said, these are people who are already teetering on the edge. Now these farmers and their families must deal with the damage that Hurricane Floyd has caused their farms.

We have also had roads washed out in eastern North Carolina. We know we have power outages all over eastern North Carolina, and we have and will continue to have enormous problems with increased erosion as a result of this hurricane hitting the coast of North Carolina.

Let me say, first, that I have been in regular contact with Governor Jim Hunt, the Governor of North Carolina, since this hurricane began to approach the southeastern coast of the United States in order to help prepare for what we knew was inevitable—that this would do great damage for our State. In addition, I have been in constant contact with mayors from eastern North Carolina whose counties have been hit the hardest by this hurricane. Yesterday afternoon, I spent some time at the FEMA headquarters with James Lee Witt looking at the FEMA operation—looking at what they were doing to prepare for the onslaught of this hurricane and their preparations for going in after the hurricane and dealing with destruction created by the hurricane.

I have to say, first of all, it was an incredibly impressive operation. James Lee Witt has done an extraordinary job of turning FEMA around. They are well prepared and well organized. I strongly suspect they will respond quickly and efficiently to the destruction this particular storm creates.

In addition to that, I talked to the Secretary of Transportation, Mr. Slater, about the problems with roads and roads being washed out, keeping in mind that North Carolina has just recently been hit with Hurricane Dennis, which washed out Highway 12 up on the Outer Banks of North Carolina, and now it has been hit again by a larger, more serious hurricane. We are going to have enormous problems with our roads in eastern North Carolina.

I have also spoken with Secretary Glickman, Secretary of Agriculture, because of our concern for the farmers in North Carolina. The tobacco farmers and the farmers of all kinds in eastern North Carolina are going to suffer enormous crop damage as a result of the devastation created by this hurricane.

As I mentioned earlier, these are folks who are already struggling, already suffering, and already under enormous financial stress. And now here comes Hurricane Floyd putting what for many of them, I am afraid, will be the final nail in the coffin. These folks are going to need our help.

The bottom line is that while this hurricane has now moved out of North Carolina, it has created enormous damage. I think the devastation will be extraordinary once we have had a chance to go in and assess exactly what the damage has been.

As we go through the process of passing these various appropriations bills that the Senate is working very diligently on, I have asked my colleagues to keep in mind that the people of North Carolina, including the farmers of North Carolina, are desperately going to need help. They need help quickly, and they need that help getting to them in time to respond to the devastation that Hurricane Floyd has created.

I ask my colleagues in the Senate to keep that in mind. We will be in regular touch with the folks involved in appropriations in order to make them aware of the specific problems that we have in North Carolina.

I also add that this injury and this damage is not limited to North Carolina. I am absolutely certain there is damage in Florida, Georgia, and South Carolina. As the storm moves north through Virginia and Maryland, I anticipate there will also be damage in those States.

I ask my colleagues not only from those States but all of my colleagues in the Senate to be prepared to respond and respond quickly to a devastating blow that has been dealt to my State of North Carolina and to the surrounding States that have been hit by Hurricane Floyd.

Finally, I would like to say just a word about the people of North Carolina and their response to this hurricane.

The people of North Carolina, fortunately, are very experienced in dealing with hurricanes. They have been hit time and time again. I have to say we have gotten way more than our fair share of hurricanes and hurricane damage. The response of folks in eastern North Carolina has been heroic. It was absolutely extraordinary to watch their discipline and preparation when they saw the storm coming, their organized and coordinated effort to evacuate the coast when those evacuations were necessary, and their preparation for what they knew was inevitable, which was that Hurricane Floyd was going to come through eastern North Carolina and wreak havoc and devastation.

I am so proud of the people of North Carolina who have responded so heroically and in such a well-organized way to what they knew was coming, and I expect that response will continue over the next weeks and months as we begin the efforts of cleaning up the devastation that has been created by Hurricane Floyd.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPERATION ALLIED FORCE: LESSONS RELEARNED

Mr. ROTH. Mr. President, over the couse of the next several months, countless "lessons learned" studies assessed Operation Allied Force will be conducted by NATO authorities as well as by our armed services, our own Committees here in Congress, and their counterparts found among our NATO allies.

What I wish to do today is to approach this matter of "lessons learned" from the vantage point of one who regards the NATO Alliance to be a vital interest of the United States. I want to ensure that NATO's experience in Kosovo contributes to an Alliance that is better prepared for the challenges it will face in the next millennium.

The conflict over Kosovo was NATO's first war, and the Alliance did win. Operation Allied Force forced the regime of Serbian Prime Minister Slobodan Milosevic to withdraw his forces from Kosovo. It thereby ended the systematic brutality that regime exercised against the province's Albanian population.

It was in many ways a military campaign of unprecedented success. Not a single NATO airman lost his or her life to enemy fire in the course of over 35,000 sorties. Despite a few tragic errors, the bombing campaign featured unmatched accuracy and precision.

However, while Operation Allied Force did attain victory, the accomplishment of its goals did not yield a shared sense of triumph and finality. This absence of triumph is the product of how NATO exercised its power in this war in light of the tremendous military advantages it had over its opponent, the forces of the Milosevic regime.

Among NATO's first and foremost objectives in this war was to stop the atrocities then being committed against Kosovar Albanians. Yet, in the course of Operation Allied Force, Milosevic accelerated and expanded his campaign of terror. Before the war was over, nearly 90% of Kosovar Albanians were driven from their homes by Serbian para-military and military forces.

Nearly one half were actually expelled from Kosovo.

Moreover, no less than 10,000 Albanians were executed by Milosevic's henchmen during the course of the NATO campaign. As we learn daily from the grim excavations of body-filled wells and mass graves, the actual figure is probably much, much higher. And then there were the countless rapes of Albanian women, which for cultural reasons will unfortunately never be fully reported—all occurring during the course of Operation Allied Force.

When assessing the lessons learned from the Kosovo war, we must not forget that the primary purpose of NATO's threats and then its bombing campaign was to prevent these tragedies from occurring.

Then there are the facts concern the balance of power between NATO and Serbia. It took the Alliance 78 days to force Milosevic from Kosovo, a region that size of Los Angeles County whose population was 90% Albanian—a population that wanted NATO's support and that would have warmly welcomed Alliance ground forces as was done when Operation Joint Guardian commenced.

That this campaign took 78 days is especially disturbing when one takes into account that, according to a Washington Post report, NATO was a standing force some 37 times larger than that fielded by Slobodan Milosevic and a combined economy that is 696 times larger than that of Serbia. These statistics do not come close to capturing the vast technological advantages NATO forces have over the Serbian military.

That NATO won the war is obvious. That in the course of Operation Allied Force, NATO demonstrated its awesome capabilities is indisputable. But, when assessing the lessons learned from this war, one cannot avoid the haunting fact that its results included an acute and brutal increase in the suffering of the Kosovar population, that an Alliance of such power and magnitude took over two months to defeat an exponentially far weaker foe, and that in the aftermatch of Operation Allied Force, the regime that created this crisis remains not only in place, but belligerent.

So what are the key lessons and issues raised by NATO's first war, a war that brought NATO victory yet, denied it triumph?

The first and foremost lesson concerns the Alliance's political cohesion. Many have stated that NATO's greatest success in this conflict was that its 19 members hung together.

There can be no doubt that this cohesion was rooted in the common values and interests that bind the 19 Allies. But in recognizing this, one must not overlook a central fact: The first lesson from Operation Allied Force is that the trust among Allied military personnel promoted by NATO is an invaluable reinforcer of the political cohesion binding NATO Allies. Allied unity in this war was never a given. Several allies floated proposals to temporarily halt the bombing campaign. Others publicly denied the use of their territory for forced entry into Kosovo or Serbia proper. NATO's political cohesion was vulnerable in an often very visible manner.

The trust and unity fostered among allied militaries through fifty years of joint planning, training, command and operations significantly buttressed the durability of Alliance cohesion during the conflict. Unfortunately, I fear that the significance of this military bond may never be fully appreciated. I am disturbed that French Defense Minister Alain Richard recently asserted that the experience of Operation Allied Force has only further legitimized Paris' inclination to remain outside of NATO's Integrated Military Command.

Quite the contrary, the war over Kosovo underscored the need for all Allies to become full members of that integrated command structure. It is an institution that facilitates and orchestrates more effective military operations by the NATO coalition. Its day-to-day operation is a cornerstone of trust and credibility that in times of crisis and war not only maximizes NATO's military effectiveness, but also its political unity.

As I just stated, numerous studies assessing the strategy behind Operation Allied Force are underway. Much attention will be directed, as it should, toward the factors that contributed to Milosevic's capitulation. These, of course, include that regime's intensified international isolation, the actual damage done to its military and civilian infrastructure, the role of the KLA, and the influence of slowly increasing NATO ground force deployments around Kosovo, among others.

We also need to ensure a fair and objective assessment of the Alliance's decision to tailor the bombing campaign around a strategy of gradual escalation. And, there has to be a thorough review of the decision to preclude the use of NATO ground forces for a forced entry into Kosovo. An important question will be whether a more severe and overwhelming application of force would have more effectively prevented the suffering that occurred in Kosovo over those 78 days.

Because so much attention will be directed toward these issues and others related to what went right and wrong in Kosovo, we must, however, avoid the mistake of making Kosovo a singular template for NATO's planning and preparations for future conflicts. As a matter of prudence, we have to assume that the future will present contingencies that are more demanding than that which we encountered over Kosovo.

Hence, the central focus of our assessments must be the following issue: Did Operation Allied Force demonstrate that NATO benefits from a force structure that can deploy on suitably short notice, be sustained over long distances, and readily provide Alliance leaders the option of swiftly delivering overwhelming force, be it from the sea, from the air, or from the ground?

These are not new standards. The Alliance's Strategic Concept of 1991, which was updated in the course of the Washington Summit last April, postulated a NATO force featuring "enhanced flexibility and mobility and an assured capability for augmentation when necessary." That same doctrine also called upon the Alliance to have available "appropriate force structures and procedures, including those that would provide an ability to build up, deploy and draw down forces quickly and discriminately." With this in mind, NATO established in 1991 its "Rapid Reaction Forces."

So after eight years, just how rapid and overwhelming are NATO's forces?

Operation Allied Force yielded a very mixed answer to this question. And, it generates concern on my part about the overall readiness of Allied forces, including those of our own country, and, thus, the overall health of the Alliance.

First, it is clear that the Alliance's ability to deliver devastating firepower from the air emerges almost solely from the United States. The U.S. provided 70% of the aircraft flown in Operation Allied Force. And, an overwhelming majority of the precision guided missions launched in the conflict were American.

While Allied Force demonstrated the awesome capacities of American air power, it also highlighted glaring shortfalls in European inventories, including: fighter-bombers; electronic jamming aircraft; advanced command, control, and communications capacities; intelligence capacities; and, precision-guided munitions.

Instead of becoming a symbol of NATO power, Operation Allied Force emerged as a symbol of the imbalance that exists between the military capabilities of the United States and its Allies. While it is true that our allies are bearing their share of responsibility in Operation Just Cause, we cannot ignore the unequal capabilities the Allies bring to the forward edge of NATO's sword.

The Alliance's singular dependence upon the United States is neither conducive to transatlantic unity nor is it the best way to provide an Alliance capability that is robust in the fullest sense of the term. An Alliance is simply not healthy if it is solely dependent upon the capabilities of but one member.

It is, thus, especially disturbing that both France and Germany announced planned cuts in their defense budgets just weeks after the end of Operation Allied Force. It raises questions as to how seriously they take this matter.

Second, the Kosovo war highlighted great gaps in inter-operability that divide Allied forces. No military commander has dedicated more time and focus on this urgent concern than General Klaus Naumann, who stepped down in April as Chairman of NATO's military Committee. He has repeatedly warned that "the growing gap of capabilities which we see inside NATO. . .will lead to an inter-operability problem."

Operation Allied Force showed that this inter-operability problem is not a matter of military theory, but that it is matter of real and urgent concern. As we all know, Serbian forces were given advance warning of Allied attacks, including specific targets, when Allied aircraft were forced to communicate over open and insecure radio channels because they did not benefit from suitably compatible and secure communications systems. This, needless to say, undercut the effectiveness of the bombing campaign. More importantly, it subjected Allied pilots to unnecessarily greater danger.

Third, the Kosovo war highlighted the limited mobility of Allied forces. In April, I was disturbed to hear our nation's premier military experts assert that it would take months for the Alliance to deploy a ground force in the Balkans suitable for a forced entry into Kosovo or Serbia. Considering the relative size and capability of Serbia's armed forces to that of NATO and the proximity of Kosovo to available staging grounds for such a forced entry, this assertion does not reflect well on the mobility of NATO military capacities.

This is a matter relevant not only to our European Allies, but also to the United States as well. As the Kosovo War demonstrated, not every conflict of the future will be like that of Operation Desert Storm where the United States was able to use literally months to build-up the offensive force necessary to expel Saddam Hussein from Kuwait. In 1991, NATO established its Rapid Reaction Corps. I repeat in 1991! Where was this corps and its rapidly deployable assets when NATO found itself confronted by a regime that was exponentially weaker and situated in its backyard, if not on its doorstep?

These are not new issues nor new conclusions. Burden-sharing has always been an acute thorn in the side of Alliance unity. For several years, numerous European and American commanders, in addition to General Naumann, have been warning of the growing technology gap between the armed forces of the United States and Europe. And, NATO's own Strategic Concepts have been urging the Alliance to field forces that are rapidly deployable and assets that can sustain these forces over long distances and long periods of time. What is disturbing is that after nearly a decade, the need for such forces has been so loudly reaffirmed by the Kosovo war.

Considering what can happen in war, Operation Allied Force provides a not-so-gentle reminder of the need to more seriously address these challenges. If one believes, as I do, that one has to assume that NATO will in the future face contingencies more challenging than that presented in Kosovo, it is imperative that NATO do more than study these issues. Alliance members must dedicate the resources necessary to overcome these shortcomings. To quote General Naumann again, what "we require [is] action, and not just more paper declarations."

In addition to reviewing and studying the insights provided by Operation Allied Force upon Allied military strategy and capabilities, we have to remember that NATO is first and foremost a political Alliance. The conduct and procedures used in the course of the Kosovo war by NATO's political authorities must also be reviewed and critiqued.

It was discomfiting, to say the least, to observe inter-Alliance disputes over target lists emerge on the public scene. NATO stumbled in the first phase of the campaign when individual NATO heads of state were personally reviewing and squabbling over daily targets lists.

These disputes, which concerned how to achieve ends through the use of force, raise a number of questions that must be addressed over the coming months. These include the following:

Was Operation Allied Force an example of coalition warfare or a "war by committee."

Should the Alliance establish procedures that will further separate the political and diplomatic decisions defining the objectives of war as well as the decision to go to war from those military decisions through which the war is executed?

In the course of Operation Allied Force, did the SACEUR benefit from the flexibility and freedom of action his office requires in the conduct of war? Are there alternative arrangements between the SACEUR and the NAC that the Alliance should consider?

Does the SACEUR have sufficient command and control over his subordinate commanders?

With regard to the last question, it has been widely reported that in the course of the NATO-Russia showdown over the Pristina airport, British Commander General Robertson refused an order from SACEUR General Clark to seize that airport prior to the arrival of the Russian battalion. General Robertson balked at the order and successfully appealed to his British senior political authorities to have that order rescinded. This example demonstrated the inherently political nature of NATO's multi-national command structures, one that warrants close examination.

The questions I have raised constitute the core issues of coalition warfare. They are central to the Alliance's ability to sustain unity in times of crisis and conflict. They are also core issues of civilian control over the military, a cornerstone of democracy.

While it is widely known that many NATO officers were not totally enamored of the political constraints they were dealt in Operation Allied Force, the evidence currently available indicates that they accepted and respected these constraints. They fully respected the authorities of their civilian leaders. That is another overlooked NATO success story in Operation Allied Force.

In posing the aforementioned questions, the intention is not necessarily to yield structural change, but to ensure a fuller understanding of what to expect and demand of our Alliance's political and military leadership in times of conflict. In doing so we may be better able, and I quote again General Naumann, "to find a way to reconcile the conditions of a coalition war with the principles of military operations such as surprise and the use of overwhelming force." That sustaining Allied unity was one of the success stories of Operations Allied Force is a fact that shows how NATO manages war is as important a matter as the capacities NATO brings to war.

The Kosovo war also yielded lessons about another issue of great importance to the Alliance, the relationship between NATO and Russia. Over the last decade the alliance has made great efforts to transform that relationship into one of partnership. Toward that end, it invited Russia to join its Partnership to Peace Program, and in 1997 the NATO-Russia Founding Act was signed establishing a unique consultative relationship between Brussels and Moscow. This effort to build a genuine partnership must be continued, but it also must be pursued with greater realism.

The Kosovo war was the first major test of the progress made in relations between the Alliance and Russia since the end of the Cold War. Moscow's conduct in the course of this conflict and its immediate aftermath demonstrated that while Russia may not be the protagonist it was in the Cold War, it is certainly not a partner, at least not today. To paraphrase Russia analyst Tom Graham, Russia is more often than not, sometimes purposely and sometimes inadvertently, a troublesome problem.

A brief review of Russia's role in the Kosovo conflict underscores this point. First, remember that Russia still calls for NATO's dissolution. Second, from the very start of Operation Allied Force, Moscow harshly condemned the bombing campaign and sided with Slobodan Milosevic. Russia continued oil transfers to Serbia despite a request by nearly all other European democracies to impose an embargo. So-called "Russian volunteers" operated with Milosevic's forces in Kosovo and Serbia and with the blessing of Moscow authorities. Third, Russia's successful dash to Pristina and its airport required a great deal of coordination with Serbian authorities. Moreover, let us not forget that Russian and Serbian soldiers jointly manned roadblocks in Kosovo that impeded the movement of Allied units in the initial days of Operation Just Cause.

Russia's conduct in the course of Operation Allied Force and its self-invited role in Operation Just Cause demonstrated the volatility that still characterizes Russia's foreign policy, particularly its approach to NATO. Russian participation in NATO diplomatic and military operations is a double-edged sword, and has to be treated as such, particularly when sensitive Alliance operations are at stake.

Engaging Russia should remain a significant priority of the Alliance. Introducing greater realism to this effort does not mean isolating Russia. It does involve recognizing the difficult challenge of simultaneously promoting cooperation and mutual accommodation while avoiding propitiating risk-taking behavior by Moscow, such as that which occurred in Pristina.

The lesson from Kosovo is that while we must engage Russia with the goal of creating partnership, greater realism and caution in this endeavor is more likely to yield more stable and enduring cooperation.

The Kosovo war demonstrated the continued centrality of NATO to transatlantic security. It has demonstrated the awesome power that emanates from allied unity. It underscored the profound political and military pay-off that comes from fifty years of intensive military consultation, cooperation, coordination, joint planning, joint training, and all the day-to-day activities the Allied militaries conduct to protect and defend our common values and interests and peace.

The war over Kosovo tangibly reminded us of the military and political challenges NATO will likely face in the future. It was a firm reminder of the need for the Alliance's force structure to become more mobile and more capable of rapid deployment. It was an urgent call for improvements in the inter-operability of Allied forces and in the balance of transatlantic military capabilities. And it provided the first test of NATO's ability to manage war in the post-Cold War era.

As Operation Allied Force was NATO's first war, it is essential that we ensure that it is comprehensively reviewed. In objectively assessing what went right and wrong, we must keep our eyes upon NATO's future. We must also work to ensure that the lessons learned and relearned from Operation Allied Force will not just reside in dusty reports but actually prompt decisions and actions that improve NATO's ability to decisively manage the political and military levels of war.

Mr. President, I have quoted General Klaus Naumann several times and wish to share with my colleagues the transcript of his farewell remarks of May 4, 1999, the last day of his tenure as Chairman of NATO's Military Committee. They provide sage advise concerning NATO's future from an experienced military commander, and I urge my colleagues to take the time necessary to review them. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF PRESS CONFERENCE

(By General Klaus Naumann, Chairman of the Military Committee)

GENERAL NAUMANN. Ladies and Gentlemen, first of all thank you very much for coming. I thought I should not hand over my Chairmanship of the Military Committee after three and a quarter years without having addressed you once again and giving you a little bit of I should say an up-date. Where do we stand at this point in time, after three and a quarter years which presumably will go down in history as the most turbulent years in NATO's 50 years of history, years in which the Alliance changed more profoundly than ever before.

I think it is best expressed by two political data which marked my tour, It started more or less with the Berlin Foreign Ministers meeting in June 1996 when the Alliance set sail to give itself a new set of missions, and it ended more or less with the Washington Summit a couple of days ago, where we published a number of documents in which all this progress which we made I think is really enshrined.

Of course you may be focused, as I am these days, on Kosovo. But I think we should not forget the bigger picture as well and I think I would like to bring to your attention a few points which belong to the bigger picture. When I assumed office as Chairman of the Military Committee, I had 14 nations sitting around the table—14. Then France joined, then Iceland, after 49 years, joined the Military Committee. And now we have three new members at the table. It is a clear indication that NATO maintains and has strengthened cohesion and achieved improvements.

One of the improvements which I would like to mention is the new command structure which hopefully over time will lead to marked improvements, particularly in the southern region of NATO, and I dare to say no Chairman of the Military Committee before me has invested so much time and devoted so much attention to the problems of the southern region, and in particular of southeastern Europe. And as a matter of fact we have made big progress in this area and we planted seeds which hopefully will produce over time a really big and powerful tree.

We also began to work in these three years in the EAPMC format. We got partners to contribute and to engage in a dialogue. This has been for me the most fascinating experience. We should never forget most of these partners were just 10 years ago in the camp of NATO's enemy, and now we are working together. And we got them in this new format of the EAPMC to contribute, to engage in dialogue, and I believe this instrument of the EAPMC has the biggest gross potential for crisis management and conflict prevention in Europe if we handle it properly. So this is something we should dwell on in the future.

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QUESTION. General, that was the first confirmation we have heard that the two planes lost by NATO were shot down. Can you reconfirm that they were shot down?

GENERAL NAUMANN. I think that we have said in previous statements that they were shot down.

QUESTION. And I have a follow-up. You have been a key player in the Kosovo operation since it started. How difficult is it going to be for somebody else to take over your position and how do you feel about it personally? Is it going to be difficult for you to be no longer operationally involved in something that you have been involved in from the beginning, and is there a risk of you turning into one of those people that you have criticised in the past, an armchair General, who will be advocating sending in ground troops the minute you take your uniform off?

GENERAL NAUMANN. Starting with your last point, I can assure you I will not join the league of armchair generals and I will refrain from any comment with regard to the activities of any of my successors. That is for me part of fair play. And I am pretty well aware that it is very easy to sit in an armchair and to make wonderful proposals since you do not feel the burden of responsibility on your shoulders. The only responsibility you have is to cater for the cheque you receive in some of the broadcasting stations for giving interviews, and I do not want to join that league.

Secondly, with regard to how I feel personally, well of course you are not entirely happy in such a situation. It is like leaving a group of friends aboard a ship which is in stormy seas and suddenly I am whisked away by a helicopter. I haven't ordered the helicopter and I am not entirely happy that I have to leave and pack, but there is no choice, that is not my choice.

And with regard to how I feel to be replaced, I think no-one is irreplaceable. Had I run my car into a tree yesterday night, they had to face the problem to replace me as well, or had I hit myself with a golf club by trying to have too good a swing, they may have a problem as well. So that is not a question, everyone is replaceable.

MARK LAITY (BBC). You are, not yet an armchair general so can I invite you to talk about ground forces? You have said in interviews that military doctrine states that air power has never yet won a war on its own so do you think this one can and if so why? And taking up your theme of the limitations of coalition warfare, do you think the lack of a ground option is a result of the limitations of coalition warfare and the lack of agreement on that?

GENERAL NAUMANN. First of all, it's true that military experience so far has suggested that an air campaign so far in history never won a war, that is true and we have mentioned this again and again. But as I said in my briefing, we see a real chance that we can make it and for that reason I think there is no necessity at this point in time to change strategy. We would give out all the wrong signals. We are making progress, we are nibbling away night by night and day by day at some of his military capabilities? Why should we change?

You should also not forget that this air campaign is after all, as far as I can see, presumably one of, if not the most successful one which we have seen so far. That is to some extent related to technology since we have many new assets in our inventory which we use successfully, and it is on the other hand related to the fact that we succeeded in winning the necessary air superiority in mid- to high-altitudes.

Furthermore, I should say this campaign was never planned without a ground force option at the end but the ground force option is based on a permissive environment. So that will come at the end of the campaign, and for that reason we still stick to military doctrine and, as you know, we are advised to keep all our plans under permanent review—which by the way is a good old military custom and experience. I hope with that I have answered the question.

MARK LAITY. Could you take up the point about whether coalition warfare is the problem here that has restricted your options regarding a non-permissive ground force?

GENERAL NAUMANN. I said earlier on that from my perspective we have seen really good co-operation between the military and the political sides in the planning and preparation of this campaign. For that reason, I simply cannot confirm the notion that the conditions of coalition warfare prevented us from taking up any options at all.

QUESTION. General, the strategy behind the air campaign has been criticized in that it limited the number of initial targets and that the phased nature of the campaign gave time to the Yugoslav forces to adjust. With the benefit of hindsight, what would you have done differently to make this campaign more effective?

GENERAL NAUMANN. First of all, I really dispute that the campaign is not effective. It is not working as quickly as perhaps many of you had expected. What I think, with hindsight, worth considering are the two points, which I made earlier when I spoke about the two principles of military operations, and that is surprise and overwhelming power. That of course is not possible as far as I can see under the conditions of coalition warfare and that makes a difference between a coalition facing a national state and a coalition facing another coalition. For that reason, I think we need to think through how we can make sure in future operations how we can achieve one or both of them.

QUESTION. General, there are assessments that the present operation would have been more effective if NATO had launched the whole operation sooner. Can you share this view?

I would come back again to the air campaign. Taking just a military point, what could we achieve just through an air campaign within the different time-scale?

And thirdly, if I may, how seriously has NATO/Russian military co-operation been damaged?

GENERAL NAUMANN. On the last point, better leave it to the judgement of our Russian colleagues. It is not we who have left co-operation, it is them, and so they have the onus to come back.

With regard to the air campaign, I believe that the air campaign is properly working but you should also take into account that we have conditions which we have to follow which are degrading to some extent the impact of the air campaign, most notably the conditions that we have to avoid collateral damage.

The Serb military forces are hiding their vehicles, their armour, their artillery in Kosovo next to civilian buildings, to churches, to mosques and what have you. We don't attack them under these circumstances, although we technically could do it, but this would destroy something which we don't want to destroy. I think we have the justified value of all of our society—after all in sharp contrast to Mr. Milosevic—that we don't like war, we the democracies hate war. And for that reason we have got the task of avoiding the loss of human life and I think you would have to look for quite a time in your history books to find an air campaign which lasted 41 days, being conducted in quite an impressive air-defense environment, without one soldier wounded let alone killed. It is not a bad result.

On the question of how long it will take us, I cannot give you an answer. There are two to tango and we have a lot of patience if he wants to challenge us.

QUESTION (New York Times). General Naumann, you said in your opening statement that an air campaign alone can't stop the ethnic cleansing operation.

GENERAL NAUMANN. Entirely, I said.

SAME QUESTIONER. Entirely. If President Milosevic doesn't change his mind and back down and accept the five points, is it possible do you think that ground forces would not be able to go in a permissive environment and get the refugees back home before the winter sets in, which comes early in Kosovo, at the end of September or October?

GENERAL NAUMANN. First of all, when I said "cannot entirely stop ethnic cleansing and killing from the air" I think I simply referred to the fact that if we have a policeman or one of these paramilitary thugs running around chasing unarmed civilians with rifles or threatening them with knives, you cannot stop this from the air. It is asking the impossible. But what we can do is to make life for these people so miserable that they will think twice whether they should continue. And then of course we should not speculate at this point in time under which conditions an implementation force will go in. Of course, we will see the impact of a continued air campaign and we will see how they will feel after a few more weeks, months or what have you of continuously pounding them into pieces.

QUESTION. General Naumann, I think you said, if I heard right, that President Milosevic's campaign of mass deportation is still achievable. Could you expand on that and tell us what you mean? Although there are still many hundreds of thousands of Albanians still in Kosovo, do you believe it is still achievable?

GENERAL NAUMANN. I think if he really wants to get them out and if he uses in the same way the brutal tactics he has used so far, he may have a chance to do this. I don't know how long they will be able to hide, how long they will be able to sustain their lives under very miserable conditions. And we should not forget what we have seen and statements we have seen of his brutal shelling of unarmed civilians with artillery and with tanks. This will have an impact over time and I only hope that the appropriate international bodies will take care of those who committed these crimes of war.

QUESTION (Newsweek Magazine). General Naumann, this seems to be a war in which we count the bodies of our friends and the people we're defending. We count them by the hundreds of thousands, the people we are defending, who have been thrown out of their country and we are proud that we have killed a couple of dozen of the enemy. Does this strike you, as a soldier, as ironic or as a good way to fight a war?

And why do we think that the Serbs will capitulate if they are left untouched while the people we are defending are massacred and deported en masse?

GENERAL NAUMANN. First of all, I think it is a wrong impression that they are untouched. What we do not know is how many casualties they have, but if I take the fact which presumably was briefed—I didn't have the time to follow the briefing this afternoon—of what result they achieved last night and during the day, if you take it that several tanks and artillery pieces were hit, this is not free of cost of life.

SAME QUESTIONER. But we don't count those, we are not given those numbers, we are only given the numbers of the people being deported.

GENERAL NAUMANN. We don't count—and we cannot count—since, as you all know and you can hear it day by day if you watch CNN when they issue their pictures from Serbia they mention after—I would appreciate it much more if they could do it in the beginning before they make their reports from Mr. Sadler—they mention that this has been censored and that they have to submit their film material to the Yugoslav authorities so that they can control what they are allowed to report. That is the daily statement which we hear on CNN and for me it is quite amazing as a military man that we have not heard one single statement about loss of military life from the Serb side. They mention buses, just the one yesterday which they alleged we had hit with an air bomb, but if you looked at the bus only a layman could believe that this was the impact of an air-delivered weapon, since the bus looks different if you hit it with a bomb as we have seen. But they get credibility for that and many of you take the story up and say: "This was NATO!"

I think you are all experts to some extent and I think many of you are capable of differentiating whether a bus was hit by a bomb or by something like infantry weapons and regarding this last one, I have seen buses which were hit by real weapons and they look different.

SAME QUESTIONER. But why are we so worried about Serb civilians in fact? Why are we worried so much—not the press—why are you so worried about killing Serb civilians when the Serb government that they support very strongly is massacring and deporting hundreds of thousands of people?

GENERAL NAUMANN. You may be right from a moral point of view but we have got the clear order to avoid civilian causalities and that order we execute. And so you should not be surprised if we regard it as a mistake if one civilian has been killed. And it is not our judgement to establish the moral balance. For us it is a deficiency if we kill innocent lives, and I leave aside what the inmates of this bus were doing. That doesn't matter for us. It is deplorable that we hit this bus—the one on the bridge I mean—and that people lost their lives since it was something we were told to avoid. But as I told you, the overall performance in executing this order I think is good and if I compare the number of approximately 15,000 pieces of ordnance dropped and six mishaps, I think it is really not a bad performance.

QUESTION (CBS News). General, you said just a few moments ago that there is no reason to change tactics, to bring in ground troops and then in the next breath you say that Milosevic, if he really wants to, can ethnically-cleanse all of Kosovo. We have had figures today of 90 percent of people thrown out of their homes, of killings, of rapes. Is that not reason enough?

GENERAL NAUMANN. You are asking a moral question, I understand you fully and from a moral point of view I also hate to see this news, but on the other hand, you can only do what is achievable and what is acceptable by our nations in this Alliance. And for that reason I have to tell you once again that we have no reason at this point in time to change the strategy which is focused to some extent on the philosophy of our democracies that we should avoid casualties, we should avoid the loss of life. That is the basic point. You may be morally dissatisfied with that but that is how life is.

QUESTION. General, you had the opportunity and the experience to meet Milosevic. You said before that we needed two to tango. Do you think that the international community can still ask Milosevic for a tango and make a political agreement with him? Secondly, according to your statement before, are the Albanians paying the price of an experiment which wants to show that the war can be won without ground troops?

GENERAL NAUMANN. No, to your last point definitely no. I think I explained to you where we stand in our societies and I think I also mentioned to you that we have to have consensus among 19 nations and that is something which you can't get on this critical issue. With regard to Milosevic and my personal experience of him, the only thing which I am really looking forward to in my imminent retirement is that this makes sure that I will never see him again!

QUESTION: General, you said that Milosevic was the best recruiting agent for the KLA but in fact it seems to me that NATO is really the best recruiting agent of the KLA since the air campaign which is taking place is partly to their benefit. You pointed out that it was impossible to eliminate the forces that merely clear villages and so on, two or three policemen could do that, but it was possible of course to degrade the Serb forces. Is in fact NATO, since there is no consensus of putting in forces in a non-permissive environment, basically hoping that the KLA will be able to do that job for them, thereby really becoming the KLA's air force?

GENERAL NAUMANN: We clearly do not want to become the KLA's air force. We have no intention of clearly siding with the KLA since we know pretty well what the political consequences may be and we still stick to the line—and I hope that President Milosevic will eventually understand it—that Kosovo should remain part of the FRY, that is part of the five points, and if he is really responsible with regard to his own people and the future of his own country, he would really grasp the opportunity.

QUESTION: General, how serious is the lack of deeds you mentioned in your statement that we need to see concerning the ESDI and the Combined Joint Task Forces. How serious is this lack in your opinion?

GENERAL NAUMANN: I have to tell you that if I read all these wonderful declarations on European Security and Defence Identity, I always admire the fantasy of those who are drafting but I am a very pragmatic, very simple-minded soldier, I would like to see something and then I compare what the Europeans can do in this present campaign and what they cannot do and for that reason for me the very simple conclusion is that they have got to do something. And there are very simple things which you can do that do not eat up a tremendous amount of money. I am not talking of launching a European satellite programme or what have you but you have deficiencies in the European forces which have to be corrected as a matter of urgency.

Many of our air forces, for instance, do not dispose of stand-off weaponry. They have to fly more or less over the target which is the most stupid thing you can do since you expose yourself to the enemy air defence.

Another essential capability, the capabilities of the Europeans with regard to combat search and rescue are not very impressive. That is not a thing which costs tremendous billions of dollars, it is not something which would make the armaments industry open the bottles of champagne but it is extremely important for the morale of the pilots and for them nothing counts more than the assurance "We'll get you out!" And for the morale of our pilots I think nothing was more important than these two successful search-and-rescue operations and that is something we need to do.

And if I look at the deplorably slow deployment of our forces to Albania and FYROM, had we something like a European transport aircraft capability then we could do better.

Take the example of the humanitarian effort. We looked into this but most of the European transport aircraft are two-engine aircraft and they cannot climb to an altitude where you can safely travel without being exposed to missile air defences.

These are all things which can easily be done and for that you don't need another voluminous conceptual paper—we Germans are very good at liking concepts, nothing without concepts. It buys you time by the way so you have a lot of time to talk of the concepts before you have to take action!—and that is what we need to avoid. And we can take decisions, we can take them now and it would not blow up the defence budgets of the nations.

Another point which from my point of view is really the core of the issue is that if we really want to do something in Europe then we have to start to harmonise the research and development programmes of our nations. The United States of America is spending $36 billion dollars per year for research and development, the Europeans all together—I think plus Canada—spend $10 billion dollars per year but in contrast to them, the European programmes are not co-ordinated. So what we see expressed in these facts is an ever-growing gap between the Europeans and the Americans, and this needs to be redressed. And for something like this you don't need a European summit, you need something like the will to decide.

QUESTION. Are we positive that the VJ is digging-in in Kosovo. Jamie Shea talked this afternoon about Maginot Line kind of works. What conclusions do you draw from that and do you have the impression that still quite a lot of the refugees in Kosovo are being kept there for tactical reasons? And did you solve the problem with spies when it was talked about. That the target list was known in Belgrade at the beginning of the campaign have you any news on that?

GENERAL NAUMANN. I do not wish to comment on such speculations like the last one. That the VJ is digging-in we have seen for the last couple of weeks. They are preparing for the defence of Kosovo and they follow the good old tactics which we learned in the days of the Cold War of the Soviet tactics of defence, so it is exactly what we have in our text books that we see right now. We are not surprised by that and by the way, the more they dig in the more fixed the targets will be, the easier to hit them.

QUESTION. For the last question, General, to sum up all this discussion, what would be your vision for the development of NATO's armed forces for the future?

GENERAL NAUMANN. First of all, I think we need to find ways in which we can achieve a complementary contribution between the United States and Europe. This does not mean competition but we need to harmonise our capabilities in such a way that they really complement each other. I think that is feasible and I think it is necessary since after all we will continue to be confronted with very scarce defence dollars or euros and so we have to follow the line which our American friends are expressing with the simple sentence: "We have to get the biggest bang possible for the buck!" That is something we are not doing right now.

Secondly, we need armed forces which are ready for quick deployment, which are capable of operating under austere conditions. Whether this will be inside or outside the NATO treaty is unimportant.

We need to have forces which have a mission effectiveness and by that I mean they have to be able to project power from a distance. This means in the initial phase presumably something like unmanned vehicles like the Cruise missile, or similar capabilities, but also it goes in the direction of stand-off weaponry for our air forces and for some of our ships.

Then we need the capability to command and control such forces wherever they will be employed. We need very mobile Command, Control and Communications (C3) and we need excellent intelligence.

And if we think added as a fifth point that we have to be able to sustain these forces then I think you have the description of the future alliance forces. This means employed only on their own territory, this does not fit into NATO's future pattern and we have too think this through. By the way that is not only a problem for Germany, it is a problem for many other countries in this Alliance but if politicians are serious about using their armed forces—which I think is presumably the proper answer to the security environment—then we have to be sure that the remaining forces are so flexible and so deployable that we will be able to defend an ever-increasing NATO treaty area with ever-decreasing forces.

The PRESIDING OFFICER. The Senator from Colorado.

TAX CUTS HELP AMERICAN FAMILIES

Mr. ALLARD. Mr. President, the Congress has just sent to the President a tax relief package. I believe very strongly that we can do three things: We can cut taxes, we can make substantial strides in paying down the debt, and we can save Social Security.

I do not think that asking for a tax cut of between 3 and 3.5 percent of the total anticipated budget spending in the next 10 years is being irresponsible. That is how this administration—the President and the Vice President, AL GORE—would like to characterize it. We have the highest tax burden since

World War II. I think this Congress is being responsible to the American people in saying: You deserve some relief, too.

I am very disappointed that the President is saying he is going to veto this tax-relief package. I have believed all along that he really does not support any tax cuts. I have believed all along that he really does not want to pay down the debt and that he really does not care that much about Social Security. I have believed all along that his real agenda is spending. As we move forward this fall with some of the debate, I think it will become more and more clear that the President's agenda is really spending, while the Republicans' agenda in the Congress—and I want to be part of that team—will be to fight to keep taxes down, will be to fight especially hard to pay down the debt, and to save Social Security.

I would like to take a moment to make some comments on tax cuts. I believe we took an important step toward addressing our Nation's future by passing the $792 billion tax cut package last month. We passed a bill that pays down the debt, ensures that our obligations to Social Security are met, and provides tax relief for millions of Americans.

This tax cut package returns the tax overpayment to those who paid it. I believe this is a far better option than the plans we have seen from the other side of the aisle that would merely spend the extra money. Under our plan, a middle-class family of four will receive over $1,000 a year in tax relief when the plan is fully implemented.

In addition to broad-based relief for all taxpayers, the tax bill provides relief in many important areas, including the marriage penalty, the alternative minimum tax, savings and investment, education, health care, the estate tax, and housing.

I, for one, believe in the "opportunity society." I believe in success and that people should not be punished when they succeed and prosper. The surplus belongs to those who are succeeding and paying record levels of taxes. When we cut taxes, people are motivated to work harder, and the economy does well. When the economy does well, everyone does well.

Some are trying to claim that the Republicans want to return money to the people instead of paying down the debt. Nothing could be further from the truth. In fact, in 2000, the Republican plan, along with a significant tax cut, leaves the public debt $220 billion less than the President's budget proposal. The Republican plan saves 75 percent of the total surplus, as compared to the President's plan which only saves 67 percent of the surplus.

I also point out that the Republican plan saves every penny of the Social Security surplus. The President's budget spends $29 billion of the Social Security surplus.

These numbers come from the Congressional Budget Office, which Members of Congress can rely on, on a nonpartisan basis, to provide us with accurate figures.

Clearly, the recent debate in the Senate was not about debt repayment. The debate was about what to do with the surplus money after addressing debt repayment. I happen to believe we should refund this overpayment to the taxpayers. Some of my colleagues believe we should spend it. I believe the American people are in a better position to know what they need than the Government, particularly the Government here in Washington. I believe we should let the people keep more of their own money to spend on their priorities, not Washington's priorities. I believe the tax package we passed will do just that.

By contrast, the President's budget increases taxes—I repeat that, increases taxes—by nearly $100 billion over 10 years. I find it interesting that the President claims we cannot afford $792 billion in tax cuts but believes we can afford $1 trillion in new spending.

Although some have tried to portray the tax-relief package as large and irresponsible, I have to disagree. The tax cuts only equal 3.5 percent of what the Congressional Budget Office projects the Federal Government will take in over the next 10 years. In light of the fact Federal tax receipts are already at a record high, I consider this tax cut to be extremely modest.

In response to the claim that tax cuts only help the rich, first of all, tax cuts are for taxpayers. If you do not pay taxes, you can't get a tax cut. Under the recently passed tax bill, every American who pays income taxes will get an income tax cut.

Our income tax system is progressive. The top 1 percent of earners make 16 percent of the income but pay 32 percent of the income taxes. The top 25 percent of earners pay 81 percent of the income tax, and the top half of earners pay nearly all of the income taxes.

Looking more closely at who pays the income taxes, as I noted, the top half of earners pay nearly all of the Federal income taxes. As taxpayers, they will be the ones to receive a tax cut.

I would like to examine who those socalled rich are. The rich are 62 percent of all homeowners; 66 percent of those between the ages of 45 and 64; 67 percent of those with a child in the home; 68 percent of those who have attended college, even just one quarter of college; 69 percent of married couples; and 80 percent of two-earner households.

I want to comment about the 80 percent of two-earner households. I believe most of those are young Americans who are trying to get started. They are young families, people who have just graduated from college, maybe just come from high school and have the first job. They are trying to buy a house, get a family started, and pay for a very expensive education. In order to do that, both the husband and the wife work. We are taking 80 percent of those two-earner households and we are taxing them at record levels. This particular tax bill is going to help young families getting started, future citizens of this country, the future leaders of this country.

I think this is a very good piece of legislation. I remind Senators, again, to remember when they hear our Democrat colleagues talk about the rich who benefit from those tax cuts, this is really who they are talking about.

I am pleased this body has taken steps to address tax relief for hardworking Americans. I will continue to support efforts to cut taxes and downsize Government. I believe Congress should reject new taxes and new spending in favor of meaningful tax relief. It is time we return Government money to the rightful owner—the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will state the conference report to accompany H.R. 2587.

The legislative assistant read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 9, 1999.)

Mrs. HUTCHISON. Mr. President, today I am pleased to bring to the Senate floor the conference report making appropriations for the Government of the District of Columbia for fiscal year 2000. The conference report endorses the District's $5.3 billion operating budget and its $1.4 billion capital budget, as adopted by the mayor, the District council, and the financial authority.

The conference report appropriates $429.1 million in Federal funds. In fact, having worked out this legislation with the House, the conference report is actually $18.3 million more than the President's request. This is a good bill for the residents of the District of Columbia and for the people of America, whose capital this is.

Let me list some of the positive provisions.

For education, we have provided $17 million in funding for a new and unique tuition program that will allow D.C. students to pay instate tuition rates at universities. The District is home to only one public university. This legislation will allow D.C. students the opportunity to attend universities outside the District of Columbia without having to pay exorbitant out-of-State tuition rates. This is a major advancement for D.C. students.

We have also provided equal funding for charter schools in the District of Columbia. Charter schools are holding great promise to improving education in the District. Just this week, I visited the Edison Friendship Charter School, less than a mile from the Capitol. This is a school that has school uniforms, teaches Spanish in kindergarten, provides take-home computers by the third grade, and every student there has doubled their test scores in 1 year. There are 700 students in the school, with 900 on the waiting list. I have to tell you, that was one of the most fun experiences I have had, seeing those bright, inquisitive kids who really love where they are. I asked one young girl, as I walked in, if she liked the school, and she said, "'Like' is not the right word." I said, "Do you love this school?" She said, "I love it."

Good education in the District is possible. We just have to allow good parents, teachers, and principals the flexibility to provide it without the top-down interference of the entrenched bureaucratic rule.

This conference report also addresses the issue of crime in the District. No one doubts that there is a drug problem in the District. At the request of Senator DURBIN, our bill provides an extra $1 million for the District police to wipe out open-air drug markets in the city.

The conference report also provides funds for drug testing people on probation in the District. We know from studies that when people on probation return to drug use, they also return to criminal behavior. This bill will get them off the streets if they flunk the drug test.

Another important part of the bill is continuing on a path of fiscal discipline for the city. The city's finances used to be a disaster. In fact, it was the reason the control board was created. There was a time when the city's debt was rated "junk" status by the bond-rating agencies. With the leadership of Mayor Anthony Williams, the control board, and the city council, working together, this situation has changed dramatically. I want to keep it that way. In fact, I want to make it better. The city's bond rating is still the lowest rank of investment-grade quality. I think it can be higher. The conference report provides that the District budget maintain a $150 million reserve—a true rainy day fund.

We have also required the District to maintain a 4-percent budget surplus. But we have provided the flexibility above that surplus to pay down the debt and spend more on services, should the District have funds. The triple combination of a strong reserve, a surplus budget, and the requirement above that surplus that half must go for debt reduction and half for increased spending will increase the bond rating of the District and reduce debt costs in the long run.

The economic revitalization of this city is also an important priority for me. For years, the city has lost population and many areas of the city have fallen into disrepair. In this conference report, I have included a program that I believe will be helpful for the District—a $5 million fund to be used for commercial revitalization. I have introduced legislation similar to this in Congress for other cities, and I believe it will provide an incentive to rebuild and refurbish blighted areas in low- and moderate-income neighborhoods, helping clean them up and make them more safe for the children and people who live there.

For the environment, the conference report provides $5 million to clean up the Anacostia River. It has been a polluted river. Cleaning it up will be a significant environmental advancement for the people of the District.

Finally, the conference report includes a provision that will allow the D.C. Superior Court to spend $1.2 million in interest from its fiscal year 1999 appropriation to pay the District's defense attorneys for indigents. Payment to these attorneys was halted by the Superior Court this week.

Until the conference report is signed into law by the President, these attorneys will not be paid salaries they have earned representing the District's indigent clients and children.

The administration has signaled Congress that the President could veto this bill because of certain riders. I hope the President will look at all of the provisions and realize that all of the so-called riders have been part of past D.C. appropriations bills he has signed.

This is a good conference report. It supports and strengthens the Mayor's new administration. It supports the council's tax cut provisions. It funds the District of Columbia Resident Tuition Support Program and it adds $18.3 million over and above the President's request for the District. It does not allow the legalization of marijuana, it does not allow needle exchanges, and it does not allow city expenditures to sue the United States for voting rights for Senators and Congress representatives.

I think it is a good bill. I hope the President will not choose to veto the bill because it doesn't allow for the legalization of marijuana and needle exchanges. I urge my colleagues to support this conference report so the District will have the funds in time to begin the new fiscal year.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

Today we are here to talk about the appropriations for the District of Columbia, a special city—the Nation's Capital—and our constitutional responsibility to oversee it.

As the Senator from Texas has already said, a substantial portion of tax dollars is involved in the D.C. budget, and for that reason and others, historically and legally, Congress has accepted the responsibility to oversee the budget of the District of Columbia. About 8 percent of the funds the District spends come from the Federal Government. As a result, we assume a responsibility in managing this city unlike any other city in America.

I have been puzzled over the years as I have dealt with this challenge about how many Members of Congress—House and Senate—who have never given a thought to running for mayor or city council anxiously play that role when it comes to the District of Columbia. I think that is unfortunate. I believe in home rule.

I have had some serious misgivings about policy changes made by the District of Columbia City Council—for instance, when it comes to tax cuts—but I have made those public. I have gone no further in this bill because I think it is their decision to make.

I also want to say at this moment that it has been a pleasure to work with my colleague from Texas, Senator HUTCHISON. It is the first time we have been in this role together in her position as the Chair of the subcommittee and mine as the minority spokesman. She has been honest, open, and professional in our dealings. Though we disagree on many issues, it has been a pleasure to work with her on this.

I also want to compliment her staff, Mary Beth Nethercutt and Jim Hyland for their cooperation.

I salute as well those on my side—Terry Sauvain, who is not only the minority clerk for this bill but who also serves as the minority deputy staff director for the Appropriations Committee. Our good friend and colleague, Senator ROBERT BYRD, was kind enough to lend Terry for our effort. And without him, we wouldn't be here today.

I also want to thank Marianne Upton, a member of my personal staff, who has been working on this tirelessly since we received this assignment.

Let me say a word or two about some others who are not members of the Senate staff but deserve recognition. My former House colleague, Congresswoman ELEANOR HOLMES NORTON has worked tirelessly for the District of Columbia. And a difficult job she has. Not being a voting Member of the House of Representatives, she has to use the powers of persuasion to be an advocate for the people of this city. I admire her greatly for the leadership she has shown. I also note that she opposes this conference report before us, as do many of the leaders in the District of Columbia.

Finally, let me say a word about the new Mayor. I have the greatest hope for this Mayor. I think he is an exceptional individual. I have known him for years in our professional relationship on Capitol Hill. He marks a real change in pace in the District of Columbia. I think he has done a great job to date with a very difficult assignment. I have the greatest hope that he will continue and be very successful in those efforts to make our Nation's Capital a source of pride for everyone in America.

When people come to the District of Columbia to visit as tourists, or from other countries, there are certain impressions they leave with. The beautiful buildings of our Nation's Capital, perhaps the workings of our Government, but, of course, an image of the city. I am sorry to say that image is not always positive. I have cautioned people from Illinois and members of my family when they visit the District of Columbia to be careful. There is a lot of crime here, a lot of violent crime. You have to take care where you might not at home. That is not to say this is the most dangerous city. That would be an overstatement. But it is an urban city with many urban crime problems. Frankly, I think we can and should do a better job in impressing them.

I also have to concede that there are problems in the District of Columbia that may not be obvious. But they go to the heart of these riders that have been put on the District of Columbia appropriations bills. Let me tell you what has happened.

Republican Members of Congress unable or unwilling to impose changes in legislation in their own home States or on the Nation use these appropriations bills as the happy hunting grounds for every extreme viewpoint you can find. It is the last recourse for scoundrels who will not impose on their own cities and States changes in the law but will do it to the District of Columbia.

Time and time again, limitations put on the District of Columbia are not being imposed on other States across the Nation. Members of Congress think they have free reign; it is a playground to introduce any amendment to any issue they would like knowing the District of Columbia is almost powerless in this process. They are victims of this congressional excess.

That is why the President should veto this bill and say to the Republican leadership and those on the Democratic side who have joined them that enough is enough. These riders are unfair to the people of the District of Columbia. Let me give you an example.

You may visit Washington, DC, and be impressed with many things. You probably would not know unless you were told that the District of Columbia faces a severe crisis. It has the highest rate of new HIV infections and deaths due to AIDS in the Nation. It is more than seven times the national average right here in Washington, DC.

Exhaustive scientific studies that have been underway by the National Institutes of Health and the Centers for Disease Control and Prevention, and others, have concluded that some programs can help to reduce the spread of AIDS and HIV in the District of Columbia.

One of those programs, controversial as it is, is a needle exchange program. This bill bans the District of Columbia from using any funds, Federal or local, to operate a program for needle exchange. To make it even worse, it says any entity which carries out such a program using private money is barred from eligibility for any Federal funding for any purpose.

I will tell you, there are 113 needle exchange programs across America. In virtually every instance they not only reduce the incidence of AIDS but they reduce the incidence of drug addiction.

I sat in that conference committee as my fellow colleagues in that conference said piously: We don't want to see this in the District of Columbia. I produced a map showing that many of these same Congressmen represent cities across America with similar programs and have never voted to bar or prohibit but they do in the District of Columbia where we have such a terrible epidemic of HIV and AIDS. That is sad.

Seventy-five percent of the babies born with HIV in the District of Columbia are due to the use of dirty needles by either their mother or their father. The District of Columbia has the highest rate of new HIV infections in the country. And yet we would put this provision in the law to stop even a modest effort to reduce this epidemic. I think that is awful. For that reason alone, I hope the President will veto this bill. But there are others.

There is also a ban in this bill to stop the use of any funds to implement a locally enacted law allowing District of Columbia employees to purchase health insurance or take family and medical leave to care for a domestic partner. The bill unfairly singles out the District of Columbia, discriminating against law-abiding citizens who happen to be unmarried but cohabitating.

Over 67 State and local governments, 95 colleges and universities, almost 70 of the Fortune 500 companies, and at least 450 other companies and not-for-profits and unions offer these same benefits. Not one Member of Congress is proposing to stop these programs anywhere other than the District of Columbia. That is basically unfair.

On the question of voting representation, another rider precludes the District of Columbia from using any funds, Federal or local, to finance a court challenge aimed at securing voting rights in the District of Columbia. This effectively means that the lawyers for the District of Columbia are prohibited from even reviewing legal documents on the question. I cannot imagine a Member of Congress or the Senate imposing a similar limitation on any municipality or unit of local government in their own State.

On the medical use of marijuana, I know it is controversial, but let me name some of the States which have decided if a doctor makes a decision that the operative chemical in marijuana is important for therapy, that it can be legal, if prescribed by a doctor. These States include the States of Washington, California, Oregon, Nevada, Alaska, and Arizona. All have voted for medical use of marijuana. Yet we have a situation where Members of Congress and the Senate have said to the District of Columbia: No, you cannot do the same. I think that is unfair.

There is a cap on attorney's fees in special education cases. If someone is trying to raise a child with a serious learning disability and wants that child in a special ed program, we have provisions in the law across America in terms of access to those programs and who will pay for the attorney's fees. It is only in the District of Columbia that some Members of Congress want to limit the amount paid to those attorneys to no more than $1,300 per case. It is basically unfair to do it only in the District of Columbia. The same Congressmen and Senators would never impose that limitation on their own States and districts.

My friends, those and many others are riders which I find objectionable. They are clear evidence of excess on the part of the conferees—primarily on the House side—who have insisted on keeping these provisions in place. I am going to vote against this bill. I refuse to sign the conference report. To my knowledge, I don't believe any Democratic Member did. Perhaps one did, I may be mistaken. For the most part, the Democrats decided this bill went entirely too far.

One thing I put in this bill which I hope will have some benefit if ultimately the President vetoes it and this provision survives is a requirement that the District of Columbia city council and mayor report to Congress on some very basic things which we think need to be addressed in the District of Columbia. The District of Columbia has decided they have so much money they will give away $59 million in tax cuts next year. They have declared a dividend in a city with a high murder rate, in a city with terrible public health services, a city overrun with rats in the street, and a city where the schools are deplorable. Despite all of these things, they have said: We have too many dollars. We are going to give them away, give them back, $100 to a family.

I think it is more important that families in the District of Columbia have protection in their homes, protection in their neighborhoods, that visitors to the city feel safe on the streets; that enough policemen are hired, and others are brought in to make certain that security is there. They are caught up in the notion that a $100 tax cut for each family will transform the District of Columbia. I think they should get to the basics first.

That is why I requested a quarterly report from the District of Columbia to Congress on very basic things, including the reduction in crime, providing the basic city services, the application and management of Federal grants, and most importantly, to deal with the problem that children in the District of Columbia have been graded by many foundations as being worse off than any children in the United States of America.

When it comes to the basics, low-birthweight babies, infant mortality, child death rate, rates of teen death, teen birth rates, these things, unfortunately, the District of Columbia is doing worse on than any other State in the Nation. Wouldn't it be better to take some of the $59 million tax cut and put it back for the benefit of these children? I hope this quarterly report will demonstrate that the mayor and city council have proven me wrong. If they have, I will gladly concede.

In the meantime, I urge my colleagues on the Democratic side to oppose this legislation, to vote no on this appropriations bill, to urge the Republican leadership to give a clean bill, send it to the President so it can be signed, and the District can continue in their efforts to reform this government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to highlight the points the Senator from Illinois raised and try to give the view of the majority on those points because I think there are some clear differences.

I appreciate the working relationship that Senator DURBIN and I have had on this committee. In the main, we have agreed on this bill. I think the very positive parts of the bill that I outlined earlier were agreed to and enhanced by our ability to work together. I do also want to thank the members of his staff, Terry Sauvain and Marianne Upton, for working with our staff, Mary Beth Nethercutt and Jim Hyland.

I think our disagreements have been very open and honest. I will address the points the Senator made. I think it should be understood why we are doing some of the things that are called riders in this bill.

The District of Columbia belongs to every American. This is our Capital City. Every American taxpayer pays for the upkeep of the city. We all point to this city, hoping that it represents the best that America is. The buildings in this city rival any, anywhere in the world. I am proud of the city. That is why, when I was chosen to be the chairman of the D.C. Subcommittee, I readily agreed because it is important to my constituents in Texas, just as much as it is to the people who live here full time. I think we do want to have standards that every American believes are the right standards for our Capital City.

Let me take the points that Senator DURBIN said he believes the President may veto the bill over because these points are in disagreement.

First, the needle exchange program. Yes, it is true we do not allow for Government funding or city funding of needle exchanges for clean needles for drug abusers. Barry McCaffrey, the drug czar of the United States, who is the President's appointee, said the following about clean needle exchanges:

> [General McCaffrey has] strongly objected to needle exchange programs.

In his words:

> The problem is not dirty needles, the problem is heroin addiction. The focus should be on bringing health to this suffering population, not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

That was in the Orlando Sentinel on March 13, 1996.

Janet Lapey, in the New York Times magazine, said this was probably not in the best interests of the people who are suffering from addictions. We do put a lot in the District budget to help people with drug addictions. We try to take the hard line on drug addiction so people who are doing criminal acts in addition to using drugs, some of which also are criminal acts in themselves, do not prey on innocent citizens.

In most of the drug needle exchange programs it has been shown that it has increased the use of illegal drugs. I think it would be a tragic mistake in our Capital City to have a federally funded or locally funded needle exchange program that gives any indication that we want to foster this habit. We want to help these people get off drugs, not make it easier for them to do it with clean needles.

Second, on the issue of marijuana, it is true this bill does ban legalization of marijuana in the District of Columbia for any purpose. I think it is important that we not have this become a haven for marijuana use, even for medicinal purposes, because I don't think we should take an illegal drug and allow it to be legalized in our Capital City. The majority on the conference committee agreed.

Last but not least, the other issue I think we have a legitimate disagreement on is the voting rights in the District. In the District of Columbia, the people do elect a city council and a mayor. We work with them because the Federal taxpayers do fund a good part of the District of Columbia budget. I think because this is our Capital City and because it was provided that the city not be in a State, but, rather be overseen by Congress in our Constitution, that most certainly we need to take those steps.

But the issue of having two Senators and a Congressman from the District of Columbia should not be decided in a D.C. appropriations bill. That is banned, using city funds for that purpose. I stand by that.

Mr. President, I think the time has expired.

Mr. DOMENICI. Mr. President, I rise in support of the conference report accompanying H.R. 2587, the District of Columbia Appropriations bill for FY 2000.

The bill provides $429 million in new budget authority and $389 million in new outlays for federal contributions to the District of Columbia government. When outlays from prior-year budget authority and other completed actions are taken into account, the Senate bill totals $429 million in budget authority and $393 million in outlays for FY 2000.

I commend the distinguished Chairman of the Senate Subcommittee, Senator Hutchison, for her hard work and diligence in fashioning this bill. The bill is exactly at the Senate Subcommittee's revised 302(b) allocation. The bill is $36 million in budget authority above the President's request, due in part to the inclusion of a tuition assistance program for D.C. students who attend out-of-state colleges. The Administration has requested these funds, however, through the Department of Education rather than directly to the District of Columbia.

Mr. President, I ask unanimous consent that the Senate Budget Committee scoring of the conference agreement on the District of Columbia Appropriations bill be placed in the RECORD at this point, and I urge my colleagues to support the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2587, D.C. APPROPRIATIONS, 2000—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Manda-tory	Total
Conference report:				
Budget authority	429			429
Outlays	393			393
Senate 302(b) allocation:				
Budget authority	429			429
Outlays	393			393
1999 level:				
Budget authority	621			621
Outlays	616			616
President's request:				
Budget authority	393			393
Outlays	393			393
House-passed bill:				
Budget authority	453			453
Outlays	448			448
Senate-passed bill:				
Budget authority	410			410
Outlays	405			405
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation:				
Budget authority				
Outlays				
1999 level:				
Budget authority	−192			−192
Outlays	−223			−223
President's request:				
Budget authority	36			36
Outlays				
House-passed bill:				
Budget authority	−24			−24
Outlays	−55			−55
Senate-passed bill:				
Budget authority	19			19
Outlays	−12			−12

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. DURBIN. Mr. President, I have an inquiry. Is there time remaining?

The PRESIDING OFFICER. All time has expired.

Mrs. HUTCHISON. The vote has been called for.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Idaho (Mr. CRAPO), and the Senator from Arizona (Mr. MCCAIN), are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from South Dakota (Mr. DASCHLE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Minnesota (Mr. WELLSTONE), are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "no."

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Conrad
Coverdell
Craig
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Cleland
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Shelby
Torricelli
Wyden

NOT VOTING—9

Breaux
Chafee
Crapo
Daschle
Inouye
Kennedy
Kerry
McCain
Wellstone

The conference report was agreed to.

Mrs. HUTCHISON. Mr. President, I thank my colleagues for this vote. I think it is important that we fund the District at a responsible level. I hope the President will look at the merits of this bill and let the District have the additional funding that is included. I think the vast majority of the people in the leadership of the District realize this is a giant step forward not only for the people of the District but for every American whose capital this is.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there now be a period for morning business for the remainder of the today's session, with Members permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

UPDATE ON CRIME CONFERENCE AND THE RELEASE OF REPORT "CRIME COMMITTED WITH FIREARMS"

Mr. HATCH. Mr. President, I want to comment briefly on the status of the youth violence bill conference. Conferees from the House and Senate had planned to meet later today to complete consideration of the conference report. Last night, conference staff met jointly with Administration officials. And discussions on firearms and culture related issues are moving forward. Chairman HYDE felt that his talks with Mr. CONYERS are going very well. Accordingly, I felt we should keep working. however, my hope and plan is to meet next week so we can complete action on this bill this month.

I also want to comment briefly on why this bill is so important. Too many violent crimes involve juveniles. According to the Justice Department, the number of juvenile arrests for violent crime, including crimes committed with a firearm, exceeds 1988 levels by 48 percent. Our youth violence problem is a compel problems that demand comprehensive solution. Our legislation makes our schools safer; it empowers parents; it recognizes the importance of prevention; and it emphasize the need for enforcement and getting tough on violent criminals. Part of any comprehensive solution to deal with crime must be a commitment to enforcing the laws on the books. Actions speak louder than words, whether we're talking about how the government deals with gun offenders or how it deals with terrorists.

I am deeply saddened by the news out of Texas concerning a crazed gunman's senseless, hate-for-religion rampage at a Forth Worth church which left seven innocent people dead and many others wounded. My prayers go out to the victims and their families and my energies will be all the more dedicated towards trying to reach a consensus on the youth violence bill. This event—and others like it in recent months—have energized a well-deserved and beneficial debate about the criminal use of firearms. Limiting criminal access to firearms, beefing up prosecutions, and responding to a popular culture which glamorizes firearms violence should all be parts of our response. But as I just noted, violent crime—violent juvenile crime, in particular—is a complex problem which deserves a comprehensive response.

In today's Washington Post, which appropriately reports on the Texas shooting on its front page, is buried an article about how a Maryland juvenile court judge released from custody—over the objections of prosecutors—a 16-year-old, confessed violent sex offender who had been sent to Maryland's maximum security prison. He was released because the he was not receiving "individualized counseling."—Washington Post, Sept. 16, 1999, B–7. According to the article, the judge's view is that the purpose of the juvenile justice system is to "rehabilitate rather than punish young offenders." The teenager in question—whose identity has been protected, by the way—was one of six teenagers who, in March of last year, lured a 15-year-old girl from a bus stop to a vacant apartment where they took turns raping, sodomizing, and beating her for three hours. Three teenagers who participated in the rape were sentenced to life but this offender has been set free by a soft-headed juvenile justice system. According to the article, this violent sex-offender (whose fellow offenders are serving life-terms) will live with his relatives in near-by Prince George's County and will be enrolling in High Point High School.

Where's the greatest threat to the public? Ask the parents of High Point High School this question. The greatest threat to the public is from criminals who are set free by a soft-headed justice system, be they rapists or terrorists. And criminals who commit crimes but are not prosecuted are left free to commit more crimes. yesterday, I released a report reported entitled "*Crimes Committed With Firearms—A report for Parents, Prosecutors, and Policy Markers*." Our report found that over 90% of criminals age 18 to 24 who had an substantial arrest record prior to being imprisoned are rearrested within three years for a felony or serious misdemeanor.

I mention this article and our report to illustrate, as I have said repeatedly, that this is a complex problem which demands a comprehensive solution. Simply passing more laws which get printed in DOJ's law books but which go unenforced will not nothing to fight violent crime, let alone violent juvenile crime. And legislation which fails to make meaningful reforms which promotes juvenile accountability and juvenile record disclosure—as the Hatch-Sessions bill does—will prove to be a hollow accomplishment.

In closing, we must do all we can to come together and resolve our differences and reach consensus. When I hear members drawing lines in the sand over specific provisions in the youth violence bill, I get concerned because it tells me that the politics of party are trumping the obligation to lead and do what's right.

That is what I intend to do in this juvenile justice conference. I hope we have the cooperation of everybody on both sides. I hope the rumors that some want to play this as a political matter are not true. I think we need to pass a juvenile justice bill this year, and we need to do the very best we can do in doing that. I intend to get that done, and I thank all those who cooperate in helping to get it done.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from California.

Mrs. BOXER. Thank you, Mr. President. For the benefit of my colleagues, I will be finished in 5 minutes.

FIT GUN CONTROL

Mrs. BOXER. Mr. President, I seek recognition because my comments follow on the same topic as the Senator from Utah, who I know wants very much to have a juvenile justice bill. But as I listened to his comments, I fear that perhaps we are not headed in the right direction with that legislation.

Yesterday, I know that all of us were shocked, as all Americans were, to hear about a gunman walking into the back of a church in Ft. Worth, TX, killing six people, wounding seven, and then killing himself.

I have a very simple message for my colleagues. If you can't feel safe from gun violence in the sanctuary of your church, where can you feel safe?

On Tuesday, in a story in my home State, not even widely reported, a man walked into the West Anaheim Medical Center and killed three hospital workers because he was grief stricken that his mother died in that hospital. He went on the hunt for particular nurses. If you can't feel safe from gun violence in a hospital in America, where can you feel safe?

What seems like yesterday is actually a couple of months now when in the Los Angeles region of California a crazed man walked into a Jewish center where there was a child care operation and shot his weapon. I will never forget the picture of the police holding the hands of that tiny little toddler as they tried to escape from the situation.

These are memories that are imprinted in our minds. If we don't do anything about it in this Senate, we do not deserve to call ourselves the Senate, let alone the greatest deliberative body in the world.

I feared, as I listened to the comments of the chairman of the Judiciary Committee, he seems to be saying that if we insist on modest gun control measures that are already in the Senate version, somehow we are playing politics.

I want to say right here in the most straightforward way I can that it is not playing politics to say we should keep guns out of the hands of criminals and people who are mentally disturbed and out of the hands of children. That is not playing politics. That is doing what needs to be done in America in 1999 going into the next century.

The modest gun control measures that we passed on this floor of the Senate—those modest measures that the Vice President cast the tie breaking vote for—are common sense and close the gun show loophole that allows criminals and mentally unbalanced people to walk into a gun show and immediately get a weapon. It is common sense to stop that.

Senator LAUTENBERG's amendment would do so.

Senator FEINSTEIN's amendment on banning the importation of high-capacity ammunition clips which are used in semiautomatic weapons—common sense.

Senator KOHL's amendment requiring that child safety devices be sold with every handgun—common sense.

My own amendment asking the FTC and the Attorney General to study the extent to which the gun industry markets to children—common sense.

The Ashcroft amendment making it illegal to sell or give a semiautomatic weapon to anyone under the age of 18—that is all we did in that bill.

Yet we have the chairman of the Judiciary Committee out here talking as if, my goodness, those measures were political.

Listen. I don't think the American people can stand this anymore.

In closing my remarks, I am going to mention some of the shootings that took place in 1999.

January 14, office building, Salt Lake City, Utah, one dead, one injured;

March 18, law office, Johnson City, Tennessee, two dead;

April 15, Mormon Family History Library, Salt Lake City, Utah, three dead, including gunman (who was shot by police), four injured;

April 20, Columbine High School, Littleton, Colorado, 15 dead, including the two teenage gunmen, 23 injured;

May 20, Heritage High School, Conyers, Georgia, six injured;

June 3, grocery story, Las Vegas, Nevada, four dead;

June 11, psychiatrist's clinic, Southfield, Michigan, three dead, including the gunman, four injured;

July 12, private home, Atlanta, Georgia, seven dead, including the gunman;

July 29, two brokerage firms, Atlanta, Georgia, 10 dead, including the gunman, 13 injured;

August 5, two office buildings, Pelham, Alabama, three dead;

August 10, North Valley Jewish Community Center, Los Angeles, California, five injured (Postal worker killed later);

September 14, West Anaheim Medical Center, Anaheim, California, three dead; and, just last night,

September 15, Wedgwood Baptist Church, Fort Worth, Texas, seven dead, including gunman, seven injured.

That is a partial list.

We have to do something. We have the opportunity. What are we waiting for? I have to say that if we cannot vote out these modest gun control proposals which are common sense, and if we cannot pick up some votes from the other side of the aisle, including the President who is sitting in the Chair, if we can't do that, we should be ashamed to go home and say we did the people's business.

Thank you very much.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you.

THE CONSERVATION AND REINVESTMENT ACT

Ms. LANDRIEU. Mr. President, I wish to take this opportunity to speak on issues that are of importance to us. I will take the next 5 minutes to speak about a subject that is important to many Members of this body—something that over 20 of us have been working on now very diligently on both the House side, as well as the Senate, Republican and Democrat, to bring closure to this year in this Congress.

I come to the floor very appropriately today as this terrible storm, Floyd, actually rages outside of this building. The wind and the rain have battered this building as we have worked through the day. Of course, we feel relatively blessed in that the storm damage has been kept to a minimum. It is quite a deadly storm and quite a tremendous threat.

There are schoolchildren and families at home throughout the entire eastern portion of our Nation because they have been unable to get to work, or to school, or to other places because of the storm.

I want to speak for a few minutes about the Conservation and Reinvestment Act and how it will help us deal not with the emergency of the storm, not necessarily with the specific preparation for a particular storm, but how this particular bill by rededicating a portion of our offshore oil and gas revenues could be used by States and counties and coastal areas throughout the United States to help repair damages from these particular storms.

I want to take a minute to thank some Governors and Senators and to read a few statements into the RECORD about some of their thoughts regarding this bill.

As this storm moves through the eastern part of our Nation today, and hopefully will dissipate over the next few hours, we have experienced tremendous damage. Since 1960, the United States has sustained over $50 billion in damage. From Florida to Louisiana, to Texas, to South and North Carolina, and Virginia, many coastal States have been battered over and over by hurricanes just since 1960.

In a major publication last week, one of the headlines was reminding us of the deadly storm that literally wiped out Galveston, TX, in the year 1900. It is now the 99th anniversary of one of the deadliest storms to ever hit the United States.

While some on this floor might argue, what is the reason for setting aside a specific amount of money to help coastal States, I suggest what we see on television now says it better than I could say it on the floor of the Senate. We see storms of this magnitude pounding the coast, we see them season after season, gulf coast to east coast, sometimes very big storms on the western coast, washing away our beaches, eroding our barrier islands, causing tremendous damage.

It is important for this Senate to act now, while we have the opportunity, to set aside a portion of our offshore oil and gas revenues, to join in partnership with our local officials, Governors and county commissioners, to help, whether the hurricane season is tough or not, whether we are in the mood for it or not, for Congress to provide a permanent source of revenue, year in and year out, to help with these matters. That is what S. 25 will provide. Hopefully, in a few weeks we will be marking up this bill.

I will read into the RECORD and specifically thank several Governors who have experienced over the last days the effects of Hurricane Floyd. I begin by thanking Governor Roy Barnes of the State of Georgia, whose State was spared the brunt of this particular storm but who did a beautiful job preparing the people of Florida, along with the emergency personnel.

I read from his letter:

> This legislation [referring to S. 25] would provide critically needed funding for a variety of wildlife-conservation, land conservation, and coastal-area projects in Georgia. I fully support this legislation and ask you to work for its passage.

Jim Hodges, Governor of South Carolina, who probably hasn't slept in the last 48 hours as his State has been battered by this storm, wrote a couple of months ago:

> South Carolina has a unique diversity of natural resources which we must strive to conserve for future generations.
>
> The current proposal which provides for a dedicated and secure funding source has long-term significance for both our natural resources and the people who enjoy all types of outdoor recreation. The plans embodied in CARA are high priorities for South Carolina. These include: coastal zone management and impact assistance, wetlands restoration, state and local outdoor recreation programs, fish and wildlife conservation, and environmental education.

He goes on to say:

> Congress enacted the Coastal Management Act in 1972 to preserve, restore and enhance the resources of the nation's coastal zone.

Mr. President, S. 25 is structured in such a way that it can build on that good work. I thank Governor Jim Hodges of South Carolina for having the forethought and not waiting for the hurricanes, for thinking ahead as to how we could provide some much needed dollars to minimize the cost of the damage that has been caused.

Governor Jim Hunt of North Carolina writes:

> We are making significant progress in North Carolina to enhance and protect our environment and public spaces. We have made historic commitments this year to the expansion of public lands in our western mountains, and we recognize the value of our public spaces for assuring a prosperous and livable future.

I thank these Governors for their leadership and acknowledge the fact that Governor Whitman, who was also prepared for the effects of this storm, was here in the Capitol not that many months ago stating her case for why we should come to the aid of States and local governments to help protect our coasts, to provide funding that will help to restore beaches, and to help with hurricane evacuation and the infrastructure necessary to provide for the fact that over two-thirds of the people in the United States live within 50 miles of a coast.

The State of Louisiana is happy to provide a lot of this money, or a great portion of it, from our oil and gas resources. I say thanks to Senator CAMPBELL from Colorado; to Senator BREAUX; to Senator COCHRAN; Senator KIT BOND; Senator TIM JOHNSON; Senator MIKULSKI; Senator SESSIONS from Alabama, a sister southern State; Senator CLELAND from Georgia; Senator LOTT; Senator MURKOWSKI, the chairman of our committee; Senator LINCOLN from Arkansas; Senator BUNNING; Senator BAYH; Senator COVERDELL; Senator FRIST; Senator ROBB; Senator TIM HUTCHINSON from Arkansas; Senator BOB KERREY from an interior State; and Senator ROBERTS from Kansas, another interior State. I thank these Senators for joining the broad coalition of Senators both from our coastal and interior States recognizing hurricanes are dangerous and can have devastating impact to life and to property.

While we have all sorts of programs in effect—flood insurance and emergency preparedness—if we could spend a small amount of money matching the efforts that States and local governments do year in and year out, we could help to preserve the precious resources that are literally washed away season after season.

I believe the American people want Congress to help. I believe they think we have the resources to do so. Mostly, I believe they think this is the year we should act. Let's not wait until another storm rips up another part of our coastline. Let's act in the next few months, as this Congress comes to a close, to adopt this important piece of legislation.

I thank these Senators for their hard work and acknowledge the work of Chairman MURKOWSKI and acknowledge the work of Members of the House, Chairman YOUNG and others in the House who are working on a similar proposal. I thank the Presiding Officer for his interest in this particular piece of legislation.

I ask unanimous consent to have printed in the RECORD several letters I discussed as well as the costs of hurricanes in this century.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
Atlanta, GA, February 10, 1999.

Hon. JACK KINGSTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KINGSTON: The U.S. Congress is presently considering some important conservation legislation that would benefit Georgia. The Conservation and Reinvestment Act was introduced in the Senate (S. 25) on January 19 and similar legislation is expected to be introduced in the House soon. This legislation would provide critically needed funding for a variety of wildlife-conservation, land conservation and coastal-area projects in Georgia. I fully support this legislation and ask you to work for its passage.

The Conservation and Reinvestment Act would dedicate 50% or more of annual revenues from offshore gas and oil leases-projected at $4.59 billion in the year 2000—into three separate funds. Georgia would receive a wide range of benefits from each of these titles as follows:

Title I would dedicate 27% of annual offshore oil and gas revenue to coastal states and local communities. For impact assistance, including environmental remediation and infrastructure needs. Georgia would receive approximately $5.8 million annually for air and water quality improvements, coastal zone management, beach replenishment and similar activities.

Title II would dedicate 16% in S. 25 or 23% in the 1998 House version of offshore oil and gas revenue for funding the Land and Water Conservation Fund and the Urban Park and Recreation Recovery Programs. Georgia's share would be roughly $8 million annually. I prefer the House version since more funding would come to the states.

Title III deals with Wildlife Conservation and Restoration. This section would dedicate 10% in the House version or 7% in S. 25 of offshore oil and gas revenue to fund state-level wildlife conservation, wildlife education and wildlife associated recreation projects, such as hiking trails, education centers and programs, and other wildlife conservation projects. Georgia's share of this money would be approximately $8 million annually in the House version which I favor.

These bills would provide a much needed, permanent funding source to meet a variety of environmental conservation needs that face our growing state. I encourage you to use your influence to help reconcile these bills in the House and Senate to ensure their passage. It is important that states receive as much of this funding as possible to address critical conservation needs here at home.

Thank you in advance for your support of the legislation.

Kindest regards.

Sincerely,

ROY E. BARNES.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, March 1, 1999.

Mr. R. MAX PETERSON,
Executive Vice-President,
International Association of Fish and Wildlife Agencies,
Washington, DC.

DEAR MR. PETERSON: It is with great pleasure that I write to you to endorse the principles embodied in "Conservation and Reinvestment Act of 1999 (CARA)," which was recently introduced in the U.S. Senate and the U.S. House of Representatives introduction in the near future. South Carolina has a unique diversity of national resources which we must strive to conserve for future generations.

The current proposal which provides for a dedicated and secure funding source has long-term significance for both our natural resources and the people who enjoy all types of outdoor recreation. The plans embodied in CARA are high priorities for South Carolina. These include: coastal zone management and impact assistance, wetlands restoration, state and local outdoor recreation programs, fish and wildlife conservation, and environmental education.

Congress enacted the Coastal Zone Management Act in 1972 to preserve, restore and enhance the resources of the nation's coastal zone. Title I of CARA will allow South Carolina to partner with the federal government in managing our coastal zone for the improvement of air and water quality, fish and wildlife habitat, and wetlands protection.

Title II will restore funding for the Land and Water Conservation fund, allowing a continuation of the process of building a national network of parks, recreation and conservation areas to touch all communities. This reinvests assets of lasting value for all Americans.

I am particularly pleased that Title III of the legislation includes the principles from the original "Teaming with Wildlife" initiative, and I trust that the language will ultimately provide the states with the means to protect and manage the vast majority of wildlife species which presently have no reliable source of funding. I am hopeful that the final bill will dedicate 10% of the annual revenue to Title III, as was proposed in the House version last year.

I am impressed by the strong bipartisan support in Congress for the CARA concept and I will be working with South Carolina's delegation to secure their support. As a newly elected governor, I have a clear vision of the legacy that I want to leave the citizens of South Carolina in general and our children in particular. A critical component of my campaign platform included increasing the quantity and quality of education opportunities in this state. This legislation will not only help conserve natural areas and enhance outdoor recreational opportunities, but also promote conservation education programs for coming generations.

Thank you for your efforts on behalf of our valuable natural resources.

Sincerely,

JIM HODGES,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, SC, December 8, 1998.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to congratulate you on your success with environmental initiatives in the past year, and to urge inclusion of a significant environmental and conservation funding package supported by offshore energy royalties in your FY 2000 Budget.

We are making significant progress in North Carolina to enhance and protect our environment and our public spaces. We have made historic commitments this year to the expansion of public lands in our western mountains, and we recognize the value of our public spaces for assuring a prosperous and livable future. We are aware of interest in Congress, among the conservation and environmental communities, and elsewhere in proposals for a truly significant recommitment of available offshore royalty revenues to preserve and enhance public lands, parks and recreation, wildlife habitat, coastal protections, and other vital natural concerns. This type of legislative package would put in place an ongoing source of funds to support federal and state needs and enable us to fulfill important environmental and conservation goals.

This would also be a fitting and winning follow up to your successes this year with the American Heritage Rivers Initiative and Clean Water Action Plan. I hope you can include this type of broad conservation initiative supported by offshore energy revenues in your priorities for the FY 2000 Budget.

My warmest personal regards.

Sincerely,

JAMES B. HUNT JR.

TESTIMONY OF GOVERNOR CHRISTINE TODD WHITMAN BEFORE THE U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, WASHINGTON, D.C., TUESDAY, APRIL 27, 1999

Thank you, Mr. Chairman.

I am pleased to have the opportunity to testify on the various legislative proposals before the Committee that address land and natural resources conservation.

States and local governments are leading the way in the preservation of land and natural resources, and we welcome federal efforts that build on and complement what we are already doing.

I want to applaud the Committee and the sponsors of the various bills for the bipartisan and inclusive process that recognizes the critical role of state and local governments in preserving and protecting natural resources.

Before I comment specifically on the federal legislation, I would like to briefly discuss what we have already done in New Jersey.

By way of background, New Jersey is a state of 8 million people living on 5 million acres. Ours is the most densely populated state in the country, yet it maintains five national wildlife areas, two national park areas, three nationally designated estuaries, the internationally recognized and environmentally sensitive New Jersey Pinelands, and 127 miles of ocean shoreline.

The Garden State has made consistent and aggressive efforts to preserve and protect its natural resources. In fact, between 1961 and 1995, our voters approved bond issues totaling more than $1.4 billion to acquire 390,000 acres of open space, protect 50,000 acres of farmland, preserve historic sites, and develop parks. And last November, by a 2-to-1 margin, New Jersey voters approved a long-term stable source of funding to preserve forever 1 million additional acres of open space and farmland.

Saving our precious land is the centerpiece of New Jersey's effort to build a future in which we can sustain both the strength of our economy and the integrity of our environment.

That effort includes directing future growth to areas that have the infrastructure already in place, such as our cities and town centers. In support of that effort, we are working hard to revitalize our cities as thieving centers of culture and commerce. We are also committing some of our preservation funds to protect and preserve our most significant historic treasures.

New Jersey's commitment to land preservation dates back to the 1960s. Since 1965, the Land and Water Conservation Fund and the Urban Park and Recreation Recovery program have provided New Jersey with over $145 million in matching funds to acquire open space and develop and maintain recreational facilities and urban parks.

Some recent projects the Land and Water Conservation Fund has supported include the first county park in Hudson County in 80 years and the development of Liberty State Park, one of New Jersey's most culturally and historically significant attractions.

Clearly, while my state will continue to make open space preservation a priority, the need to preserve land exceeds state and local funding levels, particularly given the federal government's decision in 1995 to stop the flow of land and water conservation funds to the states.

Restoring the stateside funding of the Land and Water Conservation Fund would assist New Jersey's open space and farmland preservation efforts by enhancing our ability to partner with local governments and nonprofit agencies in order to achieve our million acre goal.

Mr. Chairman, an important priority in New Jersey is preserving our farmland, and I would encourage the Committee to allow Land and Water Conservation Fund money to be used to purchase farmland conservation easements to assist us in this effort.

When it comes to wildlife, the reinvestment of Outer Continental Shelf revenues will enable states to ensure that we bequeath to our children and grandchildren healthy and abundant species populations with adequate habitat.

Federal funding would allow New Jersey to fully implement projects that protect critical wildlife habitats and species and encourage private landowners to do the same. We have saved the peregrine falcon and the osprey, and we have increased the number of nesting bald eagles from one pair in 1988 to 22 pairs in 1999. Increased revenue would allow New Jersey to continue these efforts and develop a strategic plan for the preservation of all species and their habitat.

Mr. Chairman, I also want to comment on the coastal impact assistance provision in your proposal. The New Jersey coast generates more than $20 billion per year. Supporting a thriving coastline is critical to our economy and our environment. Coastal impact assistance could be used for vital projects such as restoring beaches, dunes, and wetlands as well as state and local smart growth planning.

New Jersey does not have oil and gas exploration or production off our coast, and we support the existing moratorium on oil and gas production off New Jersey's coast.

Members of the Committee, I recognize that approving the proposals before you would require a shift in the budgets of other federal programs. It is important that funds provided to states under this legislation not come at the expense of other federally supported state programs.

I do believe, however, that since Outer Continental Shelf revenues come from a nonrenewable resource, it makes sense to dedicate them to natural resource conservation rather than dispersing them for general government purposes.

I would urge the Committee to give state and local governments maximum flexibility in determining how to invest these funds. In this way, federal resources can be tailored to complement state plans, priorities, and resources.

I look forward to continuing to work with you as this legislation moves forward. Thank you for this opportunity to testify on an issue of great importance to New Jersey and the nation. I would be happy to answer any questions.

THE COSTLIEST HURRICANES IN THE UNITED STATES, 1900–1996

Ranking: Hurricane	Year	Category	Damage (U.S.)
1. Andrew (SE FL/SE LA)	1992	4	$26,500,000,000
2. Hugo (SC)	1989	4	7,000,000,000
3. Fran (NC)	1996	3	3,200,000,000
4. Opal (NW FL/AL)	1995	3	3,000,000,000
5. Frederic (AL/MS)	1979	3	2,300,000,000
6. Agnes (NE U.S.)	1972	1	2,100,000,000
7. Alicia (N TX)	1983	3	2,000,000,000
8. Bob (NC and NE U.S.)	1991	2	1,500,000,000
9. Juan (LA)	1985	1	1,500,000,000
10. Camille (MS/AL)	1969	5	1,420,700,000
11. Betsy (FL/LA)	1965	3	1,420,500,000
12. Elena (MS/AL/NW FL)	1985	3	1,250,000,000
13. Gloria (Eastern U.S.)	1985	3	900,000,000
14. Diane (NE U.S.)	1955	1	831,700,000
15. Erin (Central & NW FL/SW AL)	1995	2	700,000,000
16. Allison (N TX)	1989	T.S.	500,000,000
16. Alberto (NW FL/GA/AL)	1994	T.S.	500,000,000
18. Eloise (NW FL)	1975	3	490,000,000
19. Carol (NE U.S.)	1954	3	461,000,000
20. Celia (S TX)	1970	3	453,000,000
21. Carla (TX)	1961	4	408,000,000
22. Claudette (N TX)	1979	T.S.	400,000,000
22. Gordon (S & Cent. FL/NC)	1994	T.S.	400,000,000
24. Donna (FL/Eastern U.S.)	1960	4	387,000,000

EDUCATION FUNDING

Mrs. LINCOLN. Mr. President, I rise, as did my other colleagues today, to talk about something of great importance to each Member individually. I think we have not taken full advantage to discuss what I think is our greatest blessing in this world, one of our greatest investments. That is our children.

Today I will discuss the importance of education funding and why it is imperative the Senate act quickly and responsibly on this issue. We have an opportunity to do something on behalf of our children, to give them the capability they need. We talk about the magnitude of education on behalf of our children, but we don't often talk about the timeliness that is needed here on this issue today.

I question the wisdom of delaying the vote on the appropriations bill that funds education, the Labor-HHS bill, until after we have completed the other 12 spending bills. I know for myself, as a working mother, and as do all of my colleagues here as working family individuals—we have to prioritize. We have to look at what is important and we make a list. We recognize what is important and then we go about accomplishing it. It seems our priorities are in the wrong place when we vote on the legislative appropriations bill before funding education, waiting until the last minute, the last issue, to try and drum up the necessary funding to educate our children for the future.

School has started all over this country. Kids are taking tests; they are turning in papers; they are getting grades. We, as parents, as aunts and uncles, as mentors to our children all over this country, are encouraging them to aim for the best, to work towards that A, to do what it is they can to accomplish their best, to work hard at their education because it will pay off for them in the end.

What are we doing? We are setting a very poor example. If this Congress was to be graded on its performance on prioritizing our children's education, it would be given a big red F.

I know there is always a contentious debate over how to fund education, but it seems our colleagues on the Republican side are out of touch with the American people on this issue. A recent survey of the American public found that 73 percent of Americans favor increased Federal investment in education and placed it as the highest priority among the 19 other issues they were asked about. Yet we in Washington have failed to act, and the situation is only getting worse.

During the August recess, instead of having townhall meetings, I set about having five back-to-school meetings across our State of Arkansas. I spent a great deal of time listening to parents, students, teachers, and school administrators at all of these different schools in these meetings that I organized across our State. One school superintendent told me that in his area, an enormously depressed area, they were starting the school year with 22 job openings; short 22 people in that school district. As a result, classrooms are overcrowded, teachers are overworked, and students are not receiving the kind of attention and education they deserve. We must send Federal money immediately to hire new teachers. We must look for incentives to get our young people into teaching.

Do you realize the enormous brick wall we will hit soon, as we are having fewer and fewer of our young people going into the teaching profession? It doesn't matter if we have smaller class sizes or if we have new school buildings; we are not going to have the teachers to put in them. That is essential.

We want to give our teachers the capability to be well qualified. We send our children to school 8 hours a day, 5 days a week. Teachers are some of the most important people in their lives, and they are not given the appropriate time to prepare nor are they receiving the reasonable accommodation in resources they need to be able to teach our children. We must send those Federal dollars to hire new teachers. Waiting until next year is not an option. Schools are already open this year. If we wait as planned, we will have missed an entire grade of children.

I have talked to my colleagues: Oh, we won't get to that this year, or we will do it next year, or we will do it in the next Congress. Think about those years. Think about those first graders from this year. They will be second graders next year and then third graders. By the time we have finally done something on their behalf, we will have missed the most critical stage in their educational process. How irresponsible on our part.

By the time the money is allocated and school districts can begin to make those hiring decisions, they have missed that opportunity. Our children will be the ones who suffer if we do not do the right thing in the Senate. I also think it is such a shame, as we look at the tax package that has been presented to the President, what it will do in robbing our children of the money that is needed to build new schools, hire new teachers, reduce class size, wire classrooms with the latest technology, and enhance the access to affordable higher education.

Under the Republican plan that has been presented to the President, education funding will be cut by 17 percent. How inexcusable is that, our greatest resource in this Nation, our children, our future, and not even anteing up what we need to do to meet those needs. That is an embarrassment.

It is in our Nation's long-term interest to give our children the very best, highest quality education that we can. But even if we would not do it for our children, should we not do it for our Nation? That is the future of our Nation, our children, their capability to compete with other children across this globe. We should make that a priority in the Senate. The American people have indicated to us that they have made it a priority on their wish list. They are the future of our workforce. They are the future of our country. If we fail our children, we have failed our Nation.

So I rise today to encourage my Senate colleagues to reconsider their priorities and to support public schools by restoring full funding to education and supporting efforts to hire more teachers, to build more schools, and to establish valuable afterschool programs. Now is the time to act—not next year, not next Congress, but right here and right now. Let's get over the partisan bickering and political posturing and get on with the people's work.

More important, let's move beyond the process posturing that the Senate is famous for and really reflect on our priorities, what our priorities should be, what is our greatest blessing, which I believe is our children. Their success is without a doubt the biggest measure of our Nation's success. I encourage my colleagues to do just as I am doing, and that is to talk about the education of our children and move this bill forward.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I compliment my colleague, the Senator from Arkansas, for a great statement on education. That is why I am taking the floor now, to talk about it and to lay out what has happened this year in education funding.

I think my colleague, my friend from Arkansas, has really encapsulated it. There should be no higher priority in our country than the education of our children. I thank my colleague. We will work together on this.

Education should not be a partisan issue. It should be bipartisan; it should have strong support from both parties. However, I am constrained to say at the beginning of this year, the Republican leadership said they were going to make education No. 1, the No. 1 priority. That is what the Senate majority leader said in January. That is what the chairman of the Budget Committee said. I am the ranking member on the appropriations subcommittee for education. When we got our initial allocation, we were then at a cut, in the beginning, of $8 billion below a freeze from last year.

I think my colleague, the chairman of our subcommittee, Senator SPECTER, has done a splendid job trying to get us moving forward. We were supposed to have a markup in May. That was postponed. This is for education. Then in June, postponed. Then we were supposed to mark up after the Fourth of July recess—postponed. They were supposed to do it before the August recess. We were supposed to have marked up last week—postponed. We were supposed to mark up this week—postponed. Why? Because the education subcommittee's funding has been raided to pay for other things. So I say to my friend from Arkansas, we have gone from No. 1 to No. 13. We can act on every other appropriations bill in the Senate, but education is dead last.

Talk about priorities. I do not run the floor. The Republican leadership runs this floor and how we bring up the bills. We have not even brought the education appropriations bill up yet. We have 14 days left in this fiscal year. We passed a bill today that includes a pay raise for all the Senators and Congressmen. We passed that. We had time for that. We had the money for that. We had the money for defense. We have had the money for everything else. But we do not seem to have the money for education.

What kind of a signal does that send? I said the other day, I feel sort of like that movie actor Bill Murray in "Ground Hog Day." We keep getting the promise we are going to mark up education and it never happens. It never quite gets there. We never quite get to that day.

So we have gone from 1st to 13th—dead last—in the Senate in terms of the priority for education.

So what happened this week? Again, the education budget was raided, with $7.5 billion taken out of the education budget for VA-HUD. I am all for veterans. We have to fund our veterans' programs and medical care and housing. But they had to take it out of our education budget. In fact, even as I speak right now, the Appropriations Committee is marking up the VA-HUD bill with money that ought to be in there for education.

So where does that leave us? That has left our Appropriations Subcommittee $15.5 billion below a freeze from last year. That translates into a 17-percent cut below last year.

What does that mean for education? When you factor out education from all the other things we have in our bill, that is a $5.6 billion cut in education below what we had last year. And education is the No. 1 priority of the Republican leadership? Say again? I do not understand this. We can fund everything else. We can pass every other bill. We can give huge increases to the Pentagon. But right now, as we stand here today, education is going to take a $5.6 billion cut.

That translates into real cuts—real cuts for teachers, for example. We figured this out. We had an initiative last year of reducing class sizes. Everyone agrees, reducing class sizes is a goal that we ought to be pursuing diligently. This year we funded reducing class sizes by $1.2 billion. If this cut, where it stands right now, goes through, we will have to fire 5,246 teachers we just hired will lose their jobs. So 5,000 teachers we hired for this school year, to reduce class sizes, will have to be let go with the 17-percent cut.

Then I looked to see what it would do in my own State of Iowa. In Iowa, for example, some of the things that are most meaningful in education, title I—the title I reading and math program will be cut $11.3 million with this 17-percent cut; special education, IDEA, will be cut $8.5 million; class size reduction—the one I just spoke about; cutting the teachers—will be cut $1.6 million in the State of Iowa; safe and drug-free schools will be cut $717,000 from a $3.6 million level. That is just in my State of Iowa.

I suggest to Senators that they might want to take a look at how much in each of their States' education funding will be cut where we are right now with that 17-percent across-the-board cut with what we have in our Education appropriations bill right now.

Check your State. Then go back and tell your Governors and tell your State legislators, tell your school boards, tell your principals and superintendents and teachers how much education is going to get cut and how much they are going to have to come up with in increased property taxes. I bet the Governors will love that in the States.

So right now education is dead last in the priorities in what is going on in the Senate. What does that say to our kids? What does that say to the people in general? We have increased defense spending. Oh, yes, we increased defense spending $16 billion. We have cut education by $5.6 billion. I guess we are going to have the strongest military in the world, and we are going to have a bunch of dummies in it or have more money in the military for remedial math and reading programs to bring them up to standards.

Mr. President, I end where I started. We went from first in priority to dead last. That is unacceptable. We have to turn it around for the future of this country.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank Senator HARKIN for his statement and his commitment to education and the tremendous job he is doing to do the right thing, to get education back as the top priority of this Senate and not the last priority. I very much appreciate his strong words and his work, and I look forward to working with him.

Mr. President, I remind my colleagues, at the beginning of this year,—as we were discussing budget priorities—virtually every Member of this Chamber—Republican and Democrat—came before you to say how important education is. I was proud to see that the issues that American families talk about around the kitchen table were finally being talked about here on the Senate floor.

As the year has progressed, however, we have seen that it was just that—a lot of talk and no action. Members have not matched their talk about education funding with actual funds.

For example, earlier this year, the budget chairman indicated he would increase funding for education and training by $5.6 billion. Including yesterday's actions on VA-HUD appropriations, we are now looking at—not an increase of $5.6 billion—but a decrease of more than $15 billion in education funding from last year.

How are we going to look the American public in the eye and honestly say that we are doing what we have promised?

This Congress has turned its back on the bipartisan commitment we made only last year. Schools in my State—and all across the country—are using the Federal money we appropriated last year to hire more teachers right now. And it is working. But the current budget process cuts this progress off at the knees.

A budget document is a statement of our values. When you look at the budgets that have come out this year, they show that Congress' values don't match Americans' values. How can we say that education is a priority if it receives only 1.6 percent of Federal spending?

I cannot in good conscience sit quietly as this Congress goes back on its word and ignores the priorities of the American public.

This is the most important discussion we can have right now. School is back in session, and people are talking about improving education. Only Congress is not listening.

Sometimes in this Chamber it is hard to hear what our actions sound like across the country. Let me tell you what it sounds like to my constituents. They have told me in no uncertain terms that education funding matters.

The people are speaking, but Congress is not listening.

The American people have said that our children should not sit in overcrowded classrooms. When a child's hand goes up in the classroom, we all want the teacher to be able to focus on that child's question.

What is Congress's reply? The Republican budget will cut education funding by more than 17 percent and guarantee that we keep our children in overcrowded classrooms.

The people are speaking, but Congress is not listening.

The American people have said that our teachers should be well-trained and have the most recent skills and resources to meet today's complex needs—including knowing how to use technology to boost student achievement.

What is Congress' reply? The Republican budget will cut education funding by more than 17 percent and guarantee that we cannot give our students the well-trained teachers they deserve. The people are speaking; Congress is not listening.

The American people have said they want their children to learn in modern schools, not schools where plugging in a computer blows all the electrical circuits. What is Congress' reply? The Republican budget will cut education funding by more than 17 percent and guarantee that we will not be able to modernize our aging schools. The people are speaking; Congress is not listening.

Over the past year, one place where our children should be the safest, our schools, has become a home to unspeakable acts of violence. At the end of last school year, we had tragedies in Colorado and Georgia. The American people have told us they want their children to be safe in school. What is Congress' reply? The Republican budget will cut education funding by more than 17 percent and guarantee that we take away resources for safe and drug-free schools now, when we need them the most. The people are speaking; Congress is not listening.

When my colleagues say they are listening to the American people, they must be listening with their hands over their ears because they aren't getting the message.

Let me be clear: Cutting education funding by more than 17 percent is not what the American people want. It is not what our students need, and it is not what this Congress said it would do.

Why do I feel so strongly about this? Because making sure that we invest in public education and prepare our students and our country for tomorrow is at the core of who I am and why I am a United States Senator. When I was raising my children and my State was about to cut a small but very essential preschool program, I started talking to people around me about how we could keep that program. It wasn't very long before I had 15,000 people behind me making their voices heard in my State capital to save that preschool program. We fought very hard over a very small program, and we prevailed. The program wasn't cut, and today it is still helping students as it has been for the past 40 years.

These same parents and parents like them from around my State have responded so deeply to the need to invest in education that they sent me to the school board, the State senate, and now to the United States Senate. I stand before you as a person with a mission—to make sure that policymakers across this country do not walk away from their responsibility to the future of America and that they understand the importance of the Federal education dollar.

Since I have been in the Senate, I have noticed a change. Because of the efforts of Members like myself, TOM HARKIN, TED KENNEDY, CHRIS DODD, BARBARA BOXER, JACK REED, and Republicans such as Senator JEFFORDS and others, this body is finally talking about education in a way that it never has before. This Chamber's discussion is more reflective of the discussions that go on around kitchen tables all over this country. But you don't get points for talk alone.

I am sure that after my remarks today, some Members of this body will come here to say our public schools are failing, and they will paint us all a picture of woe and despair. The truth is, our public schools are doing a good job educating our children, and they are doing that good work in the face of enormous challenges today.

I have to say it again because it has never been more clear: Our public schools have not failed us, but if we don't stop this Republican budget, we will be failing our public schools.

The American people say education should be the highest priority. This Congress is making it our last priority. The American people say education should be our first priority. This Congress made it the last bill we will debate, after all the dollars have been spent, and there is only a little bit of spare change left.

Some of the proposals out there would have you believe that we can solve everything just by making our Federal programs more flexible. We all want our programs to be flexible. But you can have all the flexibility in the world, and it won't solve our education problems. Our schools need resources and our schools need funding.

The education budget has been left for the last. When we go home in a month, how will we explain the resulting decisions to our constituents?

Which 17 percent of the kids are we going to say are not worth educating? To which 17 percent of the parents and families are we going to say: Sorry, we didn't have enough money to teach your child? Which 17 percent of schools are not worth making safe, secure, and drug free?

We cannot waste a single student. Even though it is very late in the game, and there is a lot of work to be done, we can turn this around. We can still decide to keep our word on education and to keep in step with the wishes of the American public.

It is not too late. I urge all of my colleagues to act now to increase education funding and do right by our children.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senator is correct.

BELLEVUE INTERNATIONAL'S INNOVATION IN EDUCATION AWARD

Mr. GORTON. Mr. President, today is National Student Day. In honor of this day, I would like to congratulate an outstanding group of students from my home state. Recently, the SAT scores for Washington state's graduating classes of 1999 were released. At the top of the public school list were the graduates of the International School of Bellevue, averaging 601 on verbal and 590 on math. Both scores surpassed the national averages by almost one-hundred points.

In my visits to hundreds of schools across Washington state, I have seen the benefits of countless innovative reforms and programs. The International School of Bellevue is an example of what local educators can do when they are given the freedom and flexibility to create new and better ways to educate.

The International School is a public school that was created approximately eight years ago by highly innovative teachers from the Bellevue School District. The founders' vision was to create a school in which a student would be placed in the classroom based on his or her ability—not his or her age. The founders also wanted to create an atmosphere in which each student would maintain close relationships with the teachers, and would gain clear understanding of how our country fits into today's world.

At the Bellevue International School, each student is required to take seven classes each year which include humanities, international studies, math, science, a foreign language, fine arts, and fitness. Even though this school serves grades 6–12, there are not specific grade levels. Each student takes his or her courses at the student's own performance level, starting at level one and ranging up to level seven for each of the seven courses.

The students are also encouraged to spend one month abroad at one of the International School's sister schools. While abroad, the students attend classes and are treated as regular students of their guest schools.

In order to attend the International School, students are not required to take an exam, submit test scores or previous grades. Any student with the desire and motivation to attend this school can submit his or her name into a lottery out of which names of the new students are chosen.

The Principal of the International School said that her students, "are not necessarily the smartest kids, but they have a terrific work ethic, converse with their teachers, and are highly resourceful and responsible for themselves and for others."

I applaud the International School's class of 1999 for its magnificent scores on the SAT. I also applaud the rest of the student body for its passion for learning and for taking advantage of this tremendous opportunity. I know that each student who graduates from the International School will leave with an outstanding education and greater understanding of our country, our world, and his or her place in it.

The International School's impressive performance on the SAT demonstrates that when given the flexibility to create a program, local educators will succeed. I believe that we must give control of federal education dollars to the states and local school districts because those who work with out children on a daily basis—their parents, teachers, principals, superintendents, and school board members—best understand the needs of our children and should have the most significant role in setting education policy and priorities in our schools.

Mr. President, I might be a bit disingenuous in sharing this praise with you if I were not to point out that my oldest grandchild, my granddaughter, Betsy Nortz, just won the lottery last spring and started last week as a sixth grader at Belleview International. Already, in just a few days, she reports great interest in the intellectual challenges to which she is subjected. She and I and her parents look forward to a fine career in the single school, I believe, in the State of Washington in the public system with the highest SAT scores.

The students and educators at the International School of Bellevue deserve our recognition and I hope my colleagues will join me in applauding their achievements.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

THE UNITED STATES COAST GUARD

Mr. DEWINE. Mr. President, I rise this afternoon to talk for a few moments about the Transportation appropriations bill we just passed and about one major component of that bill, and that is the U.S. Coast Guard.

I rise this afternoon to make one point very clear. The U.S. Coast Guard needs our help and needs our support. The future of the Coast Guard depends on a continued congressional commitment to provide adequate resources to the Coast Guard to carry out its very important mission.

Now, Congress—only in the last few years, with the leadership of a number of my colleagues—has begun to devote resources toward rebuilding the readiness of the Coast Guard. But we have to understand that this is a continuous process. These investments we have made have come at a time when we have seen the missions of this important agency increase and expand.

Let me pause to congratulate Senators SHELBY, LAUTENBERG, and the rest of the committee. They have been very supportive of the Coast Guard and have worked very hard to come up with the very scarce dollars that are needed for the Coast Guard. I appreciate their work. I understand very well that they know and understand the challenges the Coast Guard faces. They have supported investments in the Coast Guard and understand the important role it plays in fighting drug trafficking.

I also know that in crafting the Transportation appropriations bill, my colleagues were faced with very difficult budget constraints. It is essential, however, that our overall investment in the Coast Guard keeps pace with the demands we are now placing on the Coast Guard and that we build on the recent successes we have seen in regard to the Coast Guard. We simply, as a Congress and as a Nation, in very tough and difficult budget times, must make funding for the Coast Guard a top priority.

It is obvious why a Senator from Ohio would have an interest in the Coast Guard. In my home State of Ohio, the Ninth Coast Guard District performs many vital functions critical to human safety and economic development. With more than 2.3 million of

America's 11.5 million recreational boaters residing in the Great Lakes region, the Ninth Coast Guard District search and rescue units handle close to 7,500 cases annually, saving hundreds and hundreds of lives.

Further, to facilitate commerce on the Great Lakes during the winter months, Coast Guard cutters work closely with the Canadian Coast Guard to clear the way for approximately $62 million worth of commercial cargo annually. This Ninth District also maintains more than 3,300 buoys, navigational lights, and fixed aids throughout this critical shipping region.

In addition to this role of the Coast Guard in my State of Ohio, it plays a significant role in the international drug fight. This may not be what people have historically thought about regarding the Coast Guard, but let me tell you, based on my own experience in going out with the Coast Guard and seeing what they do, if we give them the money, if we give them the resources, they are not only capable but they are willing and eager to go out and fight our antidrug battle for us.

To quantify it, because of the Coast Guard, each year close to $3 billion worth of drugs never reach our neighborhoods, never reach our schools, and never reach our children. They are stopped before they get there, and they are stopped by our Coast Guard.

I have spoken on the Senate floor on several occasions in the past about U.S. counternarcotics policy. I have spoken about the Coast Guard's ability to enforce that policy. As I have said before, I believe we need a balanced program to attack the drug problem on all fronts. We need to invest in domestic reduction and law enforcement programs. But we also need to invest in international programs to increase interdiction and reduce production of illegal narcotics, and we need to do our best to stop drugs from ever reaching our shores.

A balanced program means international drug interdiction. It means domestic law enforcement. It also means prevention, education, and treatment. We have to do all of these, and we have to do all of them all the time.

Sadly, though, for the last 7 years this administration has pursued an antidrug strategy that I believe is clearly out of balance—a strategy that has failed to reverse a dramatic rise in youth drug use and a strategy that has allowed drug trafficking organizations to become a dominant source of political instability in Latin America and countries to our south.

Before the Clinton administration took office, almost a third of our entire antidrug Federal budget was committed to stopping drugs from ever getting into our borders—international drug interdiction and eradication. We invested in a 24-hour-a-day, 7-day-a-week antidrug operation in the Caribbean. It worked. Drug prices increased and drug consumption went down.

But tragically this all changed in 1993 when the Clinton administration came into power and began to change things. Our counternarcotics budget dedicated to international eradication and interdiction efforts went from one-third of the total budget in the late 1980s and early 1990s to less than 14 percent by 1995. This change in policy meant significant cuts in the Coast Guard. In fact, Coast Guard funding for counternarcotics decreased from $443 million in 1992 to $301 million in 1995, almost a one-third reduction. As a consequence, the number of ship days that were devoted to overall counterdrug activities declined from 4,872 in 1991 to 1,649 in 1994—a huge decrease.

As a result, with the reduced Coast Guard presence, more and more drugs are making their way into our country through the Caribbean. That is the main reason why drugs are more affordable. It is also one of the reasons why youth drug use in this country is dramatically higher now than at the beginning of the Clinton administration.

Last year, as I have shared with Members of the Senate before, I saw firsthand what the Coast Guard can do. I went with the Coast Guard to see the counterdrug operations off the coast of Haiti, off the coast of the Dominican Republic, and off the coast of Puerto Rico. These personal visits convinced me that the Coast Guard can do more if we simply provide the right levels of material and manpower to fight drug trafficking. They are ready to do it. They just need the resources. These visits also convinced me that this Congress had to address the state of drug-fighting readiness in our country.

Thanks to the majority leader, Senator LOTT, thanks to the Senate Appropriations Committee, and thanks to my colleagues, Senator COVERDELL, Senator GRAHAM of Florida, Congressman MCCOLLUM, and Speaker HASTERT, who all share my dedication to fighting drugs, we passed, last year, the Western Hemisphere Drug Elimination Act. This act authorizes a $2.7 billion, 3-year investment to rebuild our drug-fighting capability outside our borders to stop drugs, quite frankly, where it is easiest to stop them—at the source and in transit.

This new law that Congress passed is about reclaiming the Federal Government's sole responsibility to prevent drugs from ever reaching our borders. Last year, Congress made an $800 million downpayment for this initiative, including $375 million for the Coast Guard.

Why is it significant? It is significant because international drug interdiction—stopping drugs at the border, stopping them on the high seas, stopping them at the source—is the sole responsibility of the Federal Government. It is not a shared responsibility with the States or the local communities. Every other facet of our antidrug effort—whether it is treatment, prevention, education, or domestic law enforcement—are all shared responsibilities between us in Congress, the President, the Federal Government, and the local communities. But when we are talking about stopping drugs on the high seas, when we are talking about funding the Coast Guard, that is solely the responsibility of this body, the House, and the President of the United States.

This year, thanks to this added investment that Congress made last year for the Coast Guard, we are seeing results.

Just this week, the national media has focused, highlighted, and put considerable attention on the Coast Guard's successful use of force capability to disable the drug trade's "go-fast" boats. These are boats I have talked about before on the Senate floor. These "go-fast" boats are souped-up motorboats capable of outrunning most ships in the Coast Guard fleet. They now carry more than 85 percent of all maritime drug shipments—85 percent goes in these "go-fast" boats. These boats typically carry drug shipments from the northern coast of Colombia, for example, to the southern tip of Haiti, to the southern tip of that great island, Hispaniola. Drug traders use the boats along the coasts of the United States to pick up drugs dropped into the ocean by small aircraft.

The Coast Guard traditionally has been cautious in using lethal airpower to stop these boats due to the high likelihood of casualties. But thanks to a combination of technology and funding from this Congress, the Coast Guard has now demonstrated success in being able to target precisely the engines of "go-fast" boats and forcibly disable them, thus allowing the capture of the perpetrators and the ceasing of the illicit cargo, all while minimizing the risk to human life. It is because of these and other operations that cocaine seizures are now at an all-time high of 53 tons, with a street value of $3.7 billion.

We must continue to invest in Coast Guard readiness if we are to see this kind of success over the long run. It has been a challenge for Congress, given the fact the administration has not made readiness and well-being of the Coast Guard a national priority.

The fact is, despite the recent successes, readiness remains a problem. According to Adm. James Loy, Commandant of the Coast Guard, the Coast Guard is being stretched very thin. Aircraft deployments have more than doubled, with helicopter deployments increasing by more than 25 percent. These increases did not happen with extra manpower and resources. These increases were achieved by working existing crews harder. In some cases, crews were working continuous 72-hour shifts. The Pacific area alone increased its temporary duty travel by 70 percent just to maintain the pace of routine operations.

So what we are saying is that we are asking the Coast Guard to do more. We began to give them significant resources last year. They are doing more. They are having successes. But unless we continue to support the Coast Guard, unless we continue to give them the resources they need, they will not be able to do the job we are asking them to do. It is as simple as that.

In placing these additional demands upon our service members, we have to worry about safety. I understand lost workdays and shore injuries are up 29 percent and aircraft ground mishaps are up almost 50 percent from previous years. This is something we need to be concerned about. We are talking about human lives. Further, downtime of air and marine craft is on the rise.

The demands on the Coast Guard are simply not decreasing; they are increasing. They have to have our support. This is why I will continue to call for the strongest investment possible for our Coast Guard. I applaud my colleagues who worked with me, including the Senator from Georgia, Mr. COVERDELL, and the Senator from Florida, Mr. GRAHAM, who stepped up to the challenge to gain additional investments last year. They and others in the House and the Senate and our Appropriations Committee particularly in the Senate deserve a great deal of the credit for the recent successes we are seeing in drug interdiction. These successes simply would not have happened but for what Congress did last year.

However, this is not a one-shot deal. This is not something we can do in 1 year and think it is done. We have to continue year after year. The additional 1999 funding is simply not the sole cure. It is just the downpayment.

We must have a sustained, multiyear effort if we expect our Coast Guard to be able to meet daily challenges and if we expect them to provide the critical services the American people expect and demand. Unless we continue with the investments we began least year, we will be sending a signal to the drug lords that this is just a temporary, maybe even a headline-grabbing effort, a politically expedient exercise. In fact, the writing is on the wall. If we fail to maintain and build on our support for the Coast Guard, these drug dealers will not believe we are serious and the Coast Guard will not be able to continue the current level of counterdrug operations in the future.

The bottom line is we need to continue more resources. I applaud the efforts of my colleagues on the Appropriations Committee. I know they tried to allocate a more sizable portion of the budget. They were faced with daunting challenges. As a Congress and as a people we must do more. We have to. As further opportunities in this Congress present themselves, we must take those opportunities and try to provide additional funds. As I said, adequate funding for the Coast Guard should be a top national priority. So much hinges on it.

I urge my colleagues to join me in sending a message to all of the hard-working men and women of the U.S. Coast Guard that we do not take them for granted. We will continue to make sure they have the tools necessary to accomplish the many demanding missions we ask of them on behalf of our country.

AMAZING GRACE

Mr. DEWINE. Mr. President, I am troubled today. I am troubled because I find myself standing on the Senate floor once again raising an issue that cuts to the very core of human cruelty and moral disregard. I have stood here before, many of my colleagues have stood here before, repeatedly speaking about my strong belief that the partial-birth abortion procedure is wrong. Not only is it wrong, it is evil. The procedure is a reprehensible act of human violence, violence against a human being.

I recently stood here not too many weeks ago and told Members of the Senate about a helpless baby named "Hope." On April 6, 1999, Baby Hope's mother entered a Dayton, OH, abortion clinic with the intention of having her pregnancy terminated through a partial-birth abortion. However, the abortion did not succeed.

Here is what happened: Dr. Haskell, who we have heard so much about on the Senate floor, the infamous Dayton abortionist, started the procedure as usual by inserting instruments known as laminaria into the woman and by applying seaweed. This process is supposed to slowly dilate the cervix so the child eventually can be removed and killed. That is the procedure. That is what they do.

After this initial step, in this particular instance, Dr. Haskell sent the woman home because it usually takes 2 or 3 days before the baby can be removed from the womb and the abortion completed. Expecting to return in 2 or 3 days, this woman followed the doctor's orders and went home to Cincinnati.

Soon after she left the abortion clinic, her cervix started dilating too quickly, causing her to go into labor. Shortly after midnight, on the first day of the procedure, she entered the hospital and gave birth to a very much alive but very tiny baby. The neonatologist determined that Baby Hope's lungs were too underdeveloped to sustain life without the help of a respirator. Baby Hope, however, was not placed on a respirator. Instead, the poor, defenseless creature was left to die only a little more than 3 hours after birth.

I am back on the floor again today because we now, tragically, have another example of a partial-birth abortion in Ohio that did not go according to the abortionist's plan, this one occurring on August 19, a couple of weeks ago.

The Dayton Daily News reported this incident. The procedure was again at the hands of Dr. Haskell. Here, too, he started the barbaric procedure by dilating the mother's cervix. Similarly, this woman went into labor only 1 hour later, was admitted to Good Samaritan Hospital, and gave birth to a baby girl a short time later. This time, however, a miracle occurred. This little baby lived.

A medical technician appropriately named this precious little "Baby Grace." After her birth, she was transferred to a neonatal intensive care unit at Children's Hospital in Dayton. The Montgomery County Children's Services Board has temporary, interim custody of little Baby Grace. She likely will face months of hospitalization and possible lifelong complications, we don't know, all resulting from being premature and the induced abortion.

I am appalled and sickened by the fact that both of these partial-birth abortions occurred anywhere. I am particularly offended by the fact they occurred in my home State of Ohio. But wherever they occur, it is a human tragedy.

I have said this before and I will say it again; the partial-birth abortion should be outlawed. Partial-birth abortion should be outlawed in our civilized society.

When we hear about the brutal death of Baby Hope and we think about the miracle of Baby Grace, we have to stop and ask, to what depths have we sunk in this country? Partial-birth abortion is a very clear matter of right and wrong, good versus evil. It is my wish there will come a day, I hope and pray, when I no longer have to come to this Senate floor and talk about partial-birth abortions. Until that day arrives, the day when the procedure has been outlawed in our country, I must continue to plead for the protection of unborn fetuses threatened by partial-birth abortions.

In the name of Baby Hope, let's stop the killing. In the name of Baby Grace, let's protect the living.

I yield the floor.

PARTIAL-BIRTH ABORTION

Mr. NICKLES. Mr. President, first, I compliment my friend and colleague from Ohio for the statement he made. Frankly, the announcement he made that this tragedy called partial-birth abortion is happening today and it is happening very frequently—I appreciate him calling attention to it. I hope our colleagues listened and I hope our colleagues this year will pass a ban on that very gruesome procedure which is the murder of a child as it is being born.

I thank my friend and colleague. I hope and expect Congress will pass it this year. Maybe with the votes necessary to overturn the President's veto.

I thank him for his statement.

CORRECTING THE RECORD ON THE REPUBLICAN EDUCATION BUDGET

Mr. NICKLES. Mr. President, I would like to correct the record, because I know I heard a number of my colleagues say the Republican budget is slashing education, it's at the lowest end, it's the last appropriation bill we are taking up. Let me correct the record. Let me give you some facts.

One, the budget the Republicans passed earlier this year had an increase for education, not a decrease. The Appropriations Committee has yet to mark up the Labor-HHS bill. They are going to mark it up next week. I understand from Senator SPECTER and others they plan on appropriating $90 billion. The amount of money we have in the current fiscal year is $83.8 billion. So that is an increase of about $6.2 billion for FY2000. That is an increase of about 9 percent. That is well over inflation. I think it is too much. I think we should be freezing spending. We should not be increasing spending. But I just want to correct the record. It bothers me to think some people are trying to manipulate the facts, to build up their case.

The Democrats are well aware that the Appropriations Committee is going to be marking up a bill that is going to have at least as much money this year as we spent last year in education. I hope we change the priorities. I hope we follow the guidance of my colleague from Washington, the Presiding Officer, and give the States some flexibility. I haven't heard anybody say "Let's cut the total amount of funds going to education," but I have heard, "Let's give the States, Governors and school boards more flexibility so they can do what they need to do in improving quality education. Let's hold them accountable to improve the quality of education. Let's not just come up with more Federal programs."

I heard both of my colleagues say, "Boy, we need more Federal teachers or more school buildings." Is that really the business of the Federal Government? Are we supposed to make that decision that this school district or this school needs more teachers, or this school should be repaired, or this school should be replaced? Is that a Federal decision? I don't think so. It just so happens that within the last hour I met with the Governor of Oklahoma, the Governor of Nevada and the Governor of Utah. They say they have already reduced class size and some of them have already made significant investments in schools. But, they need more help. They want flexibility. They want to be able to use the money for individual students with disabilities. We should give them that flexibility. But our colleagues seem to think, "Oh, no, we have to have 100,000 Federal teachers. The Governor of Nevada said that in the city of Las Vegas alone they hire 18,000 new teachers every year. Why in the world should we be dictating? In last year's budget agreement we needed 30,000 teachers. Now we need to go to 100,000 teachers? Is that the Federal governments responsibility? I don't think so.

I don't think the Federal Government should be dictating that this State or this school district needs to hire more teachers or build more buildings or put in more computers. Let's give them the money we spend—and altogether the Federal Government spends over $100 billion on education—let's give the States the flexibility to spend that money in ways that will really improve the quality of education. Maybe that will go to increasing the number of teachers or to buildings and construction. Maybe it will be in computers and in training. Maybe it will be in retention or it will be in bonuses for the best teachers. Why should we be making that decision? We don't know those schools. We don't know those districts. We don't know those superintendents. We are not serving on those PTAs. This really should not be a Federal responsibility. Let's give that responsibility to the local school boards and to the States and not have more dictates and more Federal programs.

There are already over 760 Federal education programs to date. Our colleagues on the Democrat side would like to add even more programs, as if that is going to improve the quality of education. I don't think so.

Just a couple more facts: Labor-HHS funding, which is the appropriations bill we are talking about, has been rising and growing dramatically. Yet I hear, "Oh, they are slashing this bill by 17 percent." Wait a minute, let's get the bill on the floor before we start saying we are slashing the bill. What we passed and appropriated and spent in 1997 was $71 billion. In 1996, it was $64.4 billion. It went to $71 billion in 1997, that's over a 10 percent increase. From 1997 to 1998 it went from $71 billion to $80.7 billion, again well over a 10 percent increase. Last year it went from $80.7 to $83.9 billion, plus there were some advanced appropriations of about $6 billion.

So, again there was a big increase from last year and we are talking about increasing it even further for next year, for the year 2000. So this rhetoric by the Democrats that is designed to scare people and to get people activated on the education bill, is not substantiated by the facts.

I want to address a couple of other things we can do for education and for the American taxpayer. But the President has to help us do it by signing the tax bill that is now before him. We have $11 billion of tax relief targeted towards education in the tax bill. If the President wants to improve education he can sign the tax bill and I hope he will. We allow for student loans, greater deductions and we provide extended assistance for education. Right now, people can save $500 on educational savings accounts. We increase that to $2,000.

It is vitally important that the President sign the tax bill. In addition, we have a lot of relief for taxpayers in the bill. I will just mention a couple of them.

I have heard a lot of people, Democrats and Republicans, say the marriage penalty is unfair. It's unfair for the present day Tax Code to penalize a couple because they happen to be married. In other words, when they get married their combined tax load should not be greater then when they were single and paying separately. And it is. The marriage penalty averages out about $1,400. For the privilege of being married you have to pay an extra $1,400. A lot of us think that is grossly unfair. We want to change it.

The President can change it. We, in Congress, have changed it. We sent the bill to the President's desk. If he signs it we will be eliminating the marriage penalty, for all practical purposes, for almost all married couples.

We also want to give relief to individuals who, in many cases, are at the lowest end of the economic ladder in the tax bill. I have heard some people say, "Oh, that tax cut package, that's a tax cut for the wealthiest people." That's hogwash. We cut taxes for taxpayers, people who are in the lowest end of the income-tax schedule. They get a 7 percent reduction because we reduced the rate from 15 percent to 14 percent. It doesn't sound like much, but that is a 7 percent reduction for somebody on the lowest end of the economic ladder. That is a significant tax reduction.

Wait a minute, what are you doing for the wealthier people? We are reducing the rate from 39.6 to 38.6, and we do not do that until the outyears. That doesn't happen until several years later. That would amount to a little less than 3 percent. So we give a much greater percentage reduction in tax cuts to the people on the lower end of the scale. We actually make the tax schedule a little more progressive.

We provide a tax cut for taxpayers, and honestly it is not very much of one. Somebody says that's too much, you have cut taxes too much. Think about this for a second. When President Clinton was sworn into office in January of 1993, the maximum tax bracket for any American, personal income tax, was 31 percent. The Democrat controlled Congress, with a tie vote broken by Vice President Gore acting as President of the Senate—increased the maximum tax bracket from 31 percent to 39.6. So, at the end of 10 years we reduce that 39.6 to 38.6, wow, we have reduced it about one tenth as much as he increased it. And that is too much? We are being too fair to the rich? Wait a minute, they increased the rate from 31 percent to 39.6 percent; and we reduce it to 38.6 percent. It is still a whole lot higher than it was when President Clinton was elected. That is too much? The President claims that if you cut taxes that much, you won't be able to pay for all these programs.

We take two-thirds of the surplus and use it to pay down debt, to pay down our national debt by over $2 trillion. We take two-thirds of it and we pay down the national debt with the Social Security surplus. You cannot spend one dime of it for anything else.

In the President's original budget he said he wanted to spend billions for other things. We said, no we are not going to do that. We want to use 100 percent of the Social Security surplus to pay down the debt, period—no ifs and or buts about it. The President wanted to try to raid the fund and we said no.

Then we said, out of the surplus we want two thirds of it to pay down debt, one-fourth of it can go back to taxpayers. We do not want the taxpayers to have to send all of their hard earned money to Washington, DC. We certainly do not want to have to return it, we want them to keep it in the first place. It is theirs. It is not ours. It is not the Government's to spend. If they are sending in too much in taxes, let them keep it, why should they have to filter it through Washington, DC, and hope they get something back in the form of a so-called targeted tax cut?

President Clinton—his definition of "targeted" means: It applies to somebody—not you, not me, not anybody I know—so targeted that, in effect it is Government deciding who wins and who loses. It is Government making economic decisions. I think that is a mistake.

I would hope the President would sign the tax bill that we have on his desk that makes these changes and includes many more. I also believe we should be repealing this so-called death tax. I do not think it is right to have a death tax of 55 percent on somebody's estate that they worked their entire life on, and the Government comes in and says: Because you passed away, and you are trying to give this to your kids or grandkids, the Federal Government is entitled to take 55 percent of it. That is the present law.

If you have a taxable estate of $3 million, the Government gets 55 percent. So people who have those estates, they spend their lives trying to figure out ways to minimize this tax or get around this tax.

You do not have to be very wealthy to be paying a lot. You can have a taxable estate of $1 million, and the Government gets 39 percent. So that is 39 percent for a taxable estate of $1 million. Uncle Sam says: Hey, give me about half of it. This tax bill repeals that.

Mr. President, I urge you to sign this tax bill. I know you have said that you are going to veto it. I know you would rather spend the money. You think you can spend the money better than the taxpayers. I remember the statement you made in New York, in February I believe, that said: Well, wait a minute, I guess we could give it back to the taxpayers, and let them keep it, but what if they don't spend it right?

Obviously, there are lots of ways that this President wants to spend the money. There is no limit. And there is no doubt Congress will find lots of ways to spend the money as well.

A lot of us believe it is the people's money. They should be the ones making the decision. If they want to spend it on education, or if they want to spend it on housing, or if they want to spend it on a vacation, or if they want to spend it on helping their family in different ways, let people make that decision instead of Washington, DC. We think it would help the economy more and certainly be more pro-family. Let the families make those decisions, not politicians.

So, Mr. President, again, I urge you to sign this bill. I do not have any doubt you are going to veto the bill and the real losers are going to be the taxpayers.

I also remember we passed a tax cut in 1995. The President vetoed it. We came back in 1997 and passed another tax cut, and he eventually signed it. He did not want to sign it, but he did.

As a matter of fact, in that tax bill, in 1997, we reduced the capital gains from 28 percent to 20 percent. Secretary Rubin was against it and the President was against it although he eventually signed it. He did not want to increase the estate tax exemption. We had a small exemption rate from $650,000 to a $1 million. He was not in favor of it, but he eventually signed it. Those very things have helped the economy. They have helped grow the economy at a faster rate than people anticipated. And now we are in a position to make further gains.

In the bill we have on your desk, Mr. President, we cut capital gains from 20 percent to 18 percent, and index it for inflation in the future. That will help the economy. That will make the economy grow faster. That will increase jobs. That will probably raise more money for the Federal Government.

So, Mr. President, we once again, urge you to sign this tax bill. It will be a good thing for the economy. It will be a good thing for American taxpayers. It will be a good thing for American families.

Let's get rid of the marriage penalty. Let's get rid of the death tax. Let's cut taxes across the board for taxpayers. We do that in the tax bill and still save over two-thirds of the budget for debt reduction.

So, Mr. President, let's allow taxpayers to have one-fourth of the surplus. Let's let them keep it. I urge you to rise to the challenge and sign the bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. First, Mr. President, I thank Senator NICKLES, the assistant majority leader, for the speech he just delivered. Probably more of us should be making those points on the floor of the Senate today about the importance of the tax cut proposal, what it means to working Americans, and the fact that the President could sign it so it would become the law and we would have a fairer Tax Code. But if he vetoes it, it is going to be a real shame. I appreciate the specifics Senator NICKLES pointed out.

NOMINATION OF BRIAN T. STEWART TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH

Mr. LOTT. Mr. President, in an effort to continue to move forward on judicial nominations, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Brian Theadore Stewart to be a U.S. District Judge for the District of Utah.

The PRESIDING OFFICER. Is there objection?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. No objection to going to the measure.

Mr. LOTT. The Chair notes there was no objection to that?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that there be a time agreement on the pending nomination of not to exceed 2 hours under the control of Senator LEAHY and 30 minutes under the control of Senator HATCH.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, we have spent a lot of time talking about this issue.

I spoke to the chairman of the committee today. We really want to try to be helpful and move along these judicial appointments, including the one that is so important to the Senator from Utah, Mr. HATCH.

But we would ask the majority leader if he would modify his request to provide for the same time limitation for those nominees: Berzon, White, and Paez. Maybe having made this suggestion, modification of the time agreement, we could have all these done. We could do it probably in a morning or certainly with a little added time. In fact, we would even be willing to cut down the time or add to the time if the majority leader would agree.

Mr. LOTT. Mr. President, if I could respond to the Senator from Nevada on his proposal. If he can get this agreement I have just propounded worked out, we will be able to move not only this nomination of Mr. Stewart, we will also be able to move tonight the nominees, M. James Lorenz, of California, for the Southern District of California, and Victor Marrero, of New York, for the Southern District of New York.

With regard to the nomination of Ronnie L. White, of Missouri, for the Eastern District of Missouri, we do have a time agreement we had worked out earlier. I think it was for only 35 minutes. It might require more time than that since a lot of time has lapsed, but I am satisfied we will get a time agreement on that, and we will have a vote on that one.

I think there is a possibility we could get some sort of a time agreement to consider also the nominee, Raymond C. Fisher, of California, for the Ninth Circuit, which is a very controversial circuit. But I have not had an opportunity to check on the time on that one.

So I think if we could get an understanding, an agreement with regard to Mr. Stewart, we could, as a matter of fact, move as many as five judges—two in wrapup and three with time agreements and recorded votes. The other two—Berzon and Paez—I will have to go to all of my colleagues to check and see how we can handle those. I have not been able to get a time agreement as yet. I have to confess that I have not tried it lately because I have been trying to move the other judges where there was either not an objection or there were limited objections or we could get time agreements.

So I think this is a way to keep moving the process forward. I remind the Senate that we have moved six Federal judicial nominations over the last 2 weeks and that we have the opportunity tonight to move three more. We have the opportunity, within the next 2 weeks, to move three more. That is pretty good progress. I understand the Judiciary Committee is moving toward, reporting out a number of other nominations.

So I hope we will find a way to work through all this. Everybody knows that this nominee, Stewart, is important to the chairman of the Judiciary Committee. If we get into a situation where we are not going to move him until we get agreement on all others, then we will wind up with an all stop. I have been through that before. I wish we wouldn't do that. I don't think it is good for the people who have been nominated. Why hold up those who can be cleared or voted on and probably approved because we want to get others who are a major problem and we haven't been able to get cleared?

I will have to object at this time because I haven't had a chance to do a hotline to see how we could handle Raymond Fisher—I would have to check on all three of those. Having said that, I will have to object to that change.

Mr. REID. I say to the majority leader, I think this dialogue on the floor is constructive. I think the suggestion of the leader that we move some of these other people is something we need to do. We, of course, need to have more hearings. I see the ranking member of the Judiciary Committee, who has certainly been engaged in this and has spoken with the Senator from Utah, much more than either you or I, about this issue.

Mr. LOTT. I wish they would work this out, frankly. Then you and I wouldn't have to worry with it.

I did object. The Chair has heard objection?

The PRESIDING OFFICER. Objection was heard.

Mr. REID. We still have the leader's unanimous consent request pending though.

Mr. LOTT. I could make another one, but before I do, I am glad to yield the floor to the Senator.

Mr. LEAHY. If the distinguished majority leader will yield, the distinguished senior Senator from Utah and I have been in discussion within the last 2 or 3 minutes. We are trying to move this along and work it out. I understand the concerns the majority leader has.

As he knows, both the two times I have served here with the Democrats in the majority and the two times I have served with Republicans in the majority, I have always respected the majority leader's prerogatives in bringing things up.

My concern is not that this be a lockstep matter, but I say to my friend from Mississippi—and this is one of the things that concerns many people on this side of the aisle—there were 30 pending judicial nominations that were received by the Senate prior to the Stewart nomination coming, and they deserve our attention, too.

Obviously, I understand the special circumstances of the Stewart nomination. If we work out some of these other things, I expect to be voting for him. But there were 30 ahead of it, not all of which are on the calendar, but were received ahead of it and 6 in front of him on the Senate Executive Calendar. We have concern that they are going to get consideration, that each of them will be accorded a Senate vote. People should be fair to them all. Some of them have been there for 2 or 3 years, some for a matter of months. What I am trying to do with the distinguished Senator from Utah is work out some kind of understanding where we have Senate votes on the nominations on the Executive Calendar, will have the hearings that are needed to move others along. I was hoping we could work out some kind of a package that the distinguished Republican leader and the distinguished Democratic leader could agree to today, but I don't think we can.

Mr. LOTT. I just offered basically a package that could involve five judges.

Mr. LEAHY. I understand.

Mr. LOTT. I do want to make the point that, as the majority leader, I can nudge a chairman and/or his ranking member, but I am not chairman or ranking of Judiciary. The majority leader can only deal with the nominations that hit the calendar. With the proposal I just made, two would be on the calendar, at which point I would then have the time to see how those might be dealt with.

Mr. LEAHY. With all due respect, the last few years the Senate has moved slower on judicial nominations than any time I think I can remember in my time here. I have attended more judiciary hearings, voted on more judicial nominations, than virtually anybody in this body, with the exception of the distinguished President pro tem, who tells me he may have been doing them in Thomas Jefferson's time. But for the rest of us, I have. I have never seen it go quite so slowly. In 1996, 1997 and again this year the Senate has been moving slowly with respect to a number of judicial nominees.

We are trying to work that out. Obviously, it is not going to get solved today. I do not want to get having to invoke cloture on judicial nominations. I think it is a bad precedent. That may be necessary.

Mr. LOTT. If I could reclaim my time, I agree with you on that. I don't want to do that. I have discouraged it ever since I have been the majority leader. I don't believe we have had cloture on a Federal judge since I have been majority leader. The idea that we would begin defeating Federal judicial nominations with 41 of the 100 Senators' votes, that is a bad thing to start. I hope we will not do it.

I have to try to find a way to force us to some agreements and to force us into some action. I would be inclined to file cloture today. I want to emphasize, I would prefer to vitiate and not do that. I will go ahead and put it in place tonight, but if Senator HATCH and Senator LEAHY will come to me and say, we have something worked out here, or if we can work it out to move these five judges, I will be delighted to move to vitiate that and not go forward with it. Then we can keep this process moving.

Remember, right before the August recess, I was the one who tried to move judges. I would get an objection from the Democratic side, if I didn't include certain judges. Then, if I did it a different way, I would get objections from the Republican side because certain judges weren't included. The net result was, none of them were included.

When I came back, I called Senator DASCHLE and I called Senator HATCH. I said: I am going to start at the beginning. I am going to start with the easiest ones to get done, and if people are going to object, then they will have to object to them one by one. As a result of that, everybody kind of relaxed and we moved six of them. We are now ready to move at least two more, and I thought we could move three more. If we keep this thing going, it has a lubricating effect. When you act, you tend to act.

Let me say this about the vacancies, the number of judges appointed. This Sunday, I am going to be in Cleveland, MS, to attend the investiture of my college roommate, one of the finest men I have ever known in my life. He was nominated by President Clinton to be a Federal judge. He is going to be the North Mississippi Federal judge.

I guess on paper he is a Democrat, but aside from that, he is a great guy and will make a wonderful, ethical judge. But when I attend this meeting, I am going to be basically saying: My good friend, Judge Pepper, goodbye. I hope to see you again some day. You are going to the Federal bench.

I am glad he is going there. He is going to be a credit. But let me tell you, out there, there are not a lot of people saying: Give us more Federal judges. They just are not. For us to be pontificating about this and gnashing, how unfair, this appointment of more Federal judges, it is just not there.

I am willing to do my job. I know they deal with a lot of important issues. I know there is a problem when we don't have a full complement. Some people might argue that we have plenty of Federal judges to do the job. I hope they will do that. I am saying to you, I am trying to help move this thing along, but getting more Federal judges is not what I came here to do.

Mr. LEAHY. If the distinguished leader will yield on that point, I believe, of course, he is gaining himself a higher place in Heaven for the suffering he goes through with this—probably not made up by the office and the limo in the meantime. In Heaven, he will finally have his reward, I am sure.

Mr. LOTT. I look forward to that great day.

Mr. LEAHY. When you get there, you will be able to tell St. Peter that one of the trials you had on Earth was the senior Senator from Vermont, who is your friend, as you know. We have been friends for many years.

On the number of Federal judges, though, I do get letters from lawyers all over the country, and I believe even from the State of Mississippi, from their trial bar, in several cases where, having paid all kinds of taxes, they now have to hire arbitrators to hear the cases because the dockets are too full. I am hearing from Federal prosecutors all over this country this is a matter of some concern, that because of the speedy trial rules under the Constitution and practice, they are concerned about their cases. There aren't enough judges to try them. So there are some areas where we do have some serious problems. We know that the Chief Justice of the United States has criticized the lack of enough judges to do the work of the courts and the time it takes to get vacancies filled.

We have two judges we could voice vote right now—there would be no objection—James Lorenz and Victor Marrero, Calendar Nos. 213 and 214.

Mr. LOTT. I would be glad to move those. If we can get an agreement on Stewart, they will be moved immediately.

Mr. LEAHY. What I would suggest is this: Obviously, the distinguished leader can file cloture on any motion at any time. I think that is appropriate, and whoever is the majority leader should always have that right. I have always supported that. Such a vote would not ripen, it is my understanding, until Tuesday evening.

Mr. LOTT. Tuesday at 5:30. That would give you and us time to talk more tonight, or Tuesday.

Mr. LEAHY. The Republicans will probably be having a caucus, as we will be, in the normal course of business. Might I suggest to the leader that might be the thing to do. We would have an objection today, he can file the cloture today if he chooses, and still Senator HATCH and I will continue our discussions. He and the distinguished Democratic leader would continue theirs. I think there have been a number of times when the 4 of us, in 5 minutes off the floor, have accomplished more than we could in 5 hours on the floor. Then we can see where we are at that time. We may be in a situation where having prayed about it over the weekend and thought about it—and you have had the great feeling of being in Cleveland, and I didn't know there was a Cleveland, Mississippi.

Mr. LOTT. They don't have a professional football team, but they have an excellent college team, Delta State University.

Mr. LEAHY. I have been in Mississippi a number of times. I have gone down with your distinguished colleague, Senator COCHRAN, in different hearings. I have always enjoyed it. I have always eaten too much, and I have always felt I understood what Southern hospitality means. I tried to reciprocate with his colleague on a visit to Vermont, and it dropped to 30 below zero. He didn't think it was very good reciprocation, so he came back in the summertime.

Mr. LOTT. I would like to make one last point.

Mr. REID. Mr. President, I ask the leader this. I have listened to the two of you in your dialog. I have a different idea. I think that and I respectfully submit this—we would be better off if you did not file your motion for cloture. You can do that next week. I feel that, knowing the minority as well as I do, we would be better off. If things don't work out by Tuesday at this time, you can still file your motion to invoke cloture.

I don't think we should be filing motions to invoke cloture on these judges. I don't think we need to do that. Give us a little time to work this out. I respectfully submit to my dear friend that I think we would be making a mistake procedurally. I have only been to Mississippi once, and that was when I went to Senator John Stennis' funeral, a man who I had the pleasure of serving with years ago. I had great respect for him. I feel that, in the Stennis way of doing business, we need to do a little more deliberating and less pushing people's backs to the wall. I feel this motion would be the wrong thing.

As I say, I have spoken to the Senator from Utah. I know how badly he wants this judge to be approved. I think you have gone some way this evening in saying that you have mentioned four people that I think we can approve pretty quickly.

Mr. LOTT. Possibly a fifth one. I would have to get clearance on it.

Mr. REID. I say to my friend—and I am not begging; I don't want to do that—I think we would all be better off if the cloture motion were not filed today. If you need to do it, do it Tuesday. That is going to move along, and we are going to be around here next week and the week after. I think we would be better off. Let's not get into a motion to invoke cloture on judges. The big problem is with Ted Stewart from Utah. Let's see if we can work through that.

Mr. LOTT. Is there any possibility that we can get a time agreement on Stewart? I know Senators would like to make themselves heard, perhaps, on that nomination, or perhaps as it relates to other nominees. I have no desire to cut Senators off at will. Maybe the time I asked for was too short, with 2 hours for Senator LEAHY and only 30 minutes for Senator HATCH, where the nominee is from. We can go to 4 hours on each side.

Mr. REID. I respectfully submit that I don't think the time is the issue. I think we have to work our way through a little bit of the politics of this judicial appointment stuff. In my opinion, I think we could do it much easier if there weren't that cloture motion filed.

Mr. LOTT. I have a couple of problems: One, Senator HATCH, I think, feels that I embarked upon a strategy that has disadvantaged him because I started moving judges—6 of them. And now 2 more are ready to go. Then when we got to the ninth one, his judge, we are told, no. Even though you have 8 judges nominated by Democrats, we have one now that is supported by Senator HATCH, the chairman of the Judiciary Committee, and you can't do that unless we get an agreement to move 5 other judges.

So I understand what you are saying. I really prefer not to do this. But the problem I have now is that I told Senators who have now left that I would do this, and I believe we have told Senators we will have two votes at 5:30 Tuesday. This is one of them. That is my problem. Another problem is time. We are getting to the end of the fiscal year. If we don't do this now and get closure on Judge Stewart, with next week being a four-day week—assuming we can get the Senators to work 4 days—and with five the next week, which are the last 2 weeks of the fiscal year, we are not going to be able to get through any of these judges until October. I hope that we can go ahead and resolve the Stewart matter. I could vitiate the request, and then we could move five judges, I hope.

Mr. REID. The problem that I have, though—and you already touched upon it—we know where the votes are on this issue. We don't need to have a Federal judge decided on less than a majority vote. So why can't we just wait and see if we can work this out? I think it would be better. I think we are going to be forced into a vote here.

Mr. LOTT. Can you give me a commitment that we will get a vote next week on Judge Stewart?

Mr. REID. Well, the only problem with that is, if we can't work things out, then you will be stuck with the cloture motion. I think it would be better if that were done after we really saw, based upon the feelings that the Judiciary Committee chairman has on this——

Mr. LOTT. I want to pay a compliment to Senator REID. As always, he is persistent, and he is trying to find a solution. That is the way we have to work around here. I appreciate that attitude. I appreciate the way he has done his job since he has been the assistant Democratic leader and whip. So I weigh that carefully.

At this point, I think I will have to go forward with this. But I will be here tomorrow. I will be here all day Tuesday. Senator HATCH and Senator LEAHY will be working together. I will not let this happen without personal conversation with Senator DASCHLE. I talked with him briefly about it this morning. He won't be here tomorrow, but he will be back next Tuesday. It is a high holy day for the Jewish community. I believe he will be around during the day. We will try to work this out. I want to work this out. "I ain't got a dog in this fight," except I'm trying to do my job. So I want to do it in such a way that everybody is satisfied that we are being fair. I don't think it is fair that the nominees from California, New York, Utah, and Missouri all get balled up in this web. I hope we can avoid that.

Mr. LEAHY. Touching on another subject—and obviously the two leaders can determine what they want as far as the cloture point is concerned—on the timing on Mr. Stewart's nomination, in my experience and my judgment, I say to my friend from Mississippi that: If we had worked out an arrangement to vote on these judicial nominees on the calendar, the sort of thing we are talking about doing now, working out the amount of time to be taken on Stewart would be the least of our worries; it would be a relatively short time because it would be all part of the same package.

We could spend more time talking about how much time there will be on the floor than probably what there would be at that time. That is going to be the least of our problems. If we get some of these judges worked out and some idea of when other judges are coming up, that is going to be the easy thing to do.

Mr. LOTT. I may have an idea or the staff, as quite often is the case, may have come up with an idea.

Mr. LEAHY. We have a constitutional impediment to the staff, I say to the leader.

Mr. LOTT. Let me explain what it is. Then I will explain what it means.

First of all, I ask unanimous consent that notwithstanding rule XXII, it be in order for the majority leader to file a cloture motion on the pending nomination at 5:30 p.m. on Tuesday, and if that motion is filed, that vote occur on Tuesday immediately following the 5:30 p.m. vote. Needless to say, this will give all Members until 5:30 on Tuesday to discuss the nomination.

What I am asking for is an opportunity to not file it, but by getting this agreement, it will be the same as if I had filed it. If we get an agreement, no problem. If we don't, then there will be a vote at 5:30.

Mr. LEAHY. That is OK with me.

Mr. REID. No objection.

The PRESIDING OFFICER. The majority has a previous unanimous consent request. Does he withdraw that?

Mr. LOTT. I do, and I propound this one which I just read, and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator REID and Senator LEAHY very much for their cooperation.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, there will be no further rollcall votes today.

The Senate will be in pro forma session on Friday, and there will be no session on Monday in recognition of the Jewish holy day.

The next rollcall votes will occur at 5:30 p.m. on Tuesday in a back-to-back sequence, if there are two votes, with the first vote on cloture on the bankruptcy bill, and the second vote on the nomination of Ted Stewart, if one is required.

The Senate may also consider the Department of Defense authorization conference report under a 2-hour time limit.

Finally, the fiscal year is coming to an end. Therefore, Members should expect late sessions during next week, and they should anticipate being in session each day—Tuesday, Wednesday, Thursday, and Friday—so that we can complete action on the Department of Defense authorization conference report, the Interior appropriations bill, the HUD, and the Veterans' Administration appropriations bills, and any other actions that can be cleared.

I think we have made good progress today in spite of the rain and sometimes windy weather. I think we made the right decision to stay here. As a result of us staying and working today, we passed the Treasury and Postal Service appropriations conference report, the District of Columbia appropriations conference report, and the Transportation appropriations bill, and have put in place a process to move a number of Federal judicial nominations.

I thank my colleagues for their patience, and for being here today as we have made that effort.

AUGUST 1999 VISIT TO THE HAGUE, UKRAINE, ISRAEL, JORDAN, EGYPT, KOSOVO, AND ITALY

Mr. SPECTER. Mr. President, on August 14, I landed in Amsterdam, Holland, and proceeded directly to the War Crimes Tribunal in The Hague. There, I met with a team of the leading prosecutors/investigators at the Tribunal including John Ralston, Bob Reid, Graham Blewitt, and J. Clint Williamson. Ralston, Reid, and Blewitt are all Australians who got their start together hunting Nazis who had immigrated to Australia following World War II. They have been at War Crimes Tribunal since 1994. Williamson is an American who used to work for the Department of Justice.

Recently the prosecutors obtained a very important indictment against five individuals: Yugoslav President Slobodan Milosevic, the President of Serbia, the Serbian Interior Minister, the Deputy Prime Minister of Yugoslavia, and the Chief of Staff of the Yugoslav Army. They have been charged with crimes against humanity in the deportation of more than 700,000 ethnic Albanians from Kosovo and mass murder. Their theory of prosecution is that the atrocities in Kosovo were so systematic and widespread that they must have been orchestrated at the highest levels of the Yugoslav/Serbian government and military.

No arrests in connection with this indictment have been made to date. When I asked about the prospects of detaining Milosevic and bringing him to trial, my hosts told me that this will happen only when a new government comes to power in Yugoslavia. It is possible that such a government may quickly find that Milosevic is too great a liability and hand him over.

I also asked about the prospects of capturing another indicted war criminal, Radovan Karadzic, the leader of the Bosnian Serbs during the fighting in Bosnia. Karadzic is still in Bosnia and to date remains at large. Karadzic is believed to be in the French sector of Bosnia, and the French have shown no interest in arresting him. Unfortunately, the United States has also shown a lack of resolve on this issue. I believe that capturing Karadic and trying him before the War Crimes Tribunal would send a powerful signal to leaders around the world that they are not immune from prosecution, and that prosecution will not be limited merely to the troops on the ground. Had Karadzic been in custody in the Hague awaiting or standing trial, one wonders whether Milosevic would have acted as brazenly as he did in Kosovo.

The war crimes team all stressed that there was a great deal of work to do collecting evidence of the war crimes in Kosovo and that this work needed to be done prior to October, when winter weather would prevent further excavations until the Spring. They also told me that the work was particularly challenging because the Serbs had gone to great lengths to hide their crimes, including burning the bodies of their victims, bulldozing houses in which mass murders took place, and dispersing bodies from mass graves.

In early summer, the FBI sent a team of forensic experts to help collect evidence of war crimes in Kosovo, and the FBI was preparing to send a second team at the end of August. I had helped to get funding for these FBI missions, and was interested in hearing about what the FBI was doing. The team at the War Crimes Tribunal told me that the FBI had been sent to work at a number of massacre sights where most of the evidence had been destroyed, usually by burning the victims' corpses. Despite the difficulties, the FBI was able to find evidence, including bone fragments, blood stains, shell castings, and petrol cans used to start the fires. They have exhumed victim bodies and conducted autopsies. This evidence will prove invaluable when the individuals under indictment are finally brought to trial.

I asked my hosts if they needed any additional resources. Mr. Blewitt told me that resources continued to be a problem—the tribunal was currently borrowing against other areas of its budget in order to fund its Kosovo operations and would run out of money by early October. He mentioned that the $9 million dollars recently pledged by President Clinton would carry them through the end of 1999.

After leaving the War Crimes Tribunal, we proceeded to meet with General Wesley Clark, the Supreme Allied Commander of NATO forces. General Clark ran our war effort in Kosovo and continues to manage the day-to-day operations there, and is a valuable source of information about the situation on the ground.

I asked the General about the odds of capturing Milosevic and bringing him to trial. The General stated that he was optimistic that one day Milosevic and the others would indeed be captured and brought to justice. I also asked him about the chances of capturing Karadzic. He mentioned that Karadzic is in hiding, surrounded by guards, and goes to great lengths to avoid being located such as avoiding the use of cell phones. Still, I got the impression that if NATO were truly determined to capture him, they could do so.

I also asked General Clark about the Apache helicopters that were sent to Kosovo with much fanfare but were never used. He told me that the Pentagon had conducted a risk/benefit analysis and decided that the risk of losing one of these expensive helicopters outweighed the benefit that could be derived by their use. I expressed my view that there is no point in having all of this high priced machinery unless it is going to be used.

Our next stop was Kiev, the capitol of Ukraine. We arrived in Ukraine shortly before the celebration of its 8th Independence Day. During this short period, Ukraine has become an important country for U.S. foreign policy. After the dissolution of the Soviet Union, Ukraine was left with one of the largest nuclear arsenals in the world. Our work with Ukraine has eliminated all of these nuclear weapons. In addition, Ukraine is a young country making the difficult transition from totalitarian rule to democracy and from a planned economy to a market economy. If Ukraine succeeds, it can lead the way for Russia and other former Soviet Republics to follow. If Ukraine fails, it could revert to communism and possibly join Russia and others in a union that would once again seek to pursue global power through militarism. The United States has a lot at stake here.

During my stay in Ukraine, I met with the top leadership of the country including President Leonid Kuchma, Prime Minister Valeriy Pustovoitenko, Deputy Foreign Minister Oleksandr Chalyi, and Secretary Volodymyr Horbulyn, who is the head of the National Security and Defense Council. These meetings provided valuable information on the challenges facing Ukraine and the role the United States can play to help this country on the difficult path to democracy and free markets.

President Kuchma is up for reelection this October. He is generally considered to be a reformer and a man who will continue down the path towards democracy and free markets. His strongest opponents are the Communists and the Socialists, who have opposed Kuchma's market reforms.

I was curious to know what my hosts thought would be the major issues in the campaign. Both President Kuchma and Prime Minister Pustovoitenko agreed that one of the most important issues in the campaign would be unpaid pensions and government salaries. The government has missed a number of monthly payments of pensions and salaries this year and last. Naturally, people owed money are likely to vote for the party they believe is most likely to pay it to them.

Beyond the specific issue of back pay, the economy in general will also play a pivotal role in the campaign. My hosts told me that they felt threatened on economic issues, because there are many who believe that their lives were better under Communism and would therefore support the Communists. The Prime Minister noted that as an opposition party, the Communists have been criticizing President Kuchma's economic reforms and have blocked more meaningful reform. President Kuchma agreed that it is possible, although unlikely, that the Communists could come to power and return the country to totalitarian rule.

Although Kuchma is considered to be a reformer, there have been complaints that the pace of reform is too slow and that his initiatives have been too modest. When asked about the pace of reform, my hosts put the blame largely on the shoulders of the left wing parties. They told me that the Communists, Socialists and some others are blocking the most important reform legislation his government has introduced. They suggested that the pace of reform would pick up after the election, provided President Kuchma wins.

Prime Minister Pustovoitenko confirmed that Ukraine has eliminated all of the nuclear arms in the substantial arsenal it inherited from the Soviet Union. Today, of course, countries are competing in the most aggressive way to acquire nuclear arms. Being a member of the nuclear club gives a country great prestige and bargaining power in the world. It is for this reason that I find it truly remarkable that Ukraine had voluntarily given up its nuclear arsenal.

I asked my hosts why they would agree to do this voluntarily. President Kuchma mentioned that after the disaster at the Chernobyl nuclear reactor, which is in Ukraine, Ukrainians understand better than most people the danger posed by nuclear power and simply did not want them. Deputy Foreign Minister Chalyi also gave me an interesting answer. He told me that he and others decided that the best development model for Ukraine to follow was Japan, which disarmed and focused on building its economy. Nuclear arms do not bring prosperity.

Given Ukraine's voluntary disarmament, I was interested to know what my hosts thought about the Comprehensive Nuclear Test Ban Treaty and the failure of the U.S. Senate to ratify this treaty. All of the government officials I spoke with felt very strongly that the Test Ban Treaty was an extremely important way to seek to prevent the proliferation of nuclear arms and slow this dangerous arms race. Likewise, they all agreed that the failure of the U.S. to ratify this Treaty was a serious impediment to the goal of disarmament. As President Kuchma noted, ratifying the Treaty gives a country the moral right to pressure others to stop their testing and construction of nuclear arms. Prime Minister Pustovoitenko sounded a similar note when he said that the United States must set an example for the world when it comes to disarmament and would be in much stronger position to pressure other countries to stop their tests once they formally committed to stopping their own.

Deputy Foreign Minister Chalyi told me a very interesting story in response to my question about the Test Ban Treaty. Mr. Chalyi serves as the Chairman of the South Asia Taskforce, a group of Asian nations and their trading partners including China, Japan, Australia, Argentina and Brazil. He told me that during a visit to Pakistan, he urged his Pakistani counterparts to ratify the Treaty. A Pakistani official responded that he did not see why Pakistan should have to ratify the Treaty when the Americans had not.

While in Ukraine, I also had a meeting with representatives of the Ukrainian Jewish Community. Of the 6 million Jews killed in the Holocaust, 1.7 million came from Ukraine. After the War, the Holocaust, and continuing emigration, the Ukrainian Jewish community now numbers approximately 500,000. I feel special concern for this community since both of my parents were Ukrainian Jews.

I found these Jewish leaders to be upbeat, even optimistic, about the future of their community. They told me that since the break-up of the Soviet Union, the Jewish community has begun to develop rapidly. Rabbis are coming to the country, and many Jewish schools and camps are opening. They told me that there is religious freedom and opportunities for Jews in every sector of society.

During the Communist era, I was told, Ukraine was one of the most anti-Semitic republics in the Soviet Union. No Jew could hope to be a leader in politics or industry. In contrast, one of the Jewish leaders we met with was a successful businessman and an advisor to President Kuchma. I was informed that a former Prime Minister of Ukraine was Jewish. Another Rabbi from the Lubavitcher Hasidic movement told me that he has been walking back and forth to synagogue in his town for two years without any incident. This is certainly different from the days when the Cossacks used to ride up and down the streets of my father's town looking for Jews to harass.

The only complaint I heard was on the issue of communal property. Jewish property confiscated by the Nazis became government property under the Soviet Union. Now that Communism is gone, representatives of the Jewish community would like to retrieve Jewish communal property—graveyards, synagogues, schools, etc. Some feel that the government has not moved fast enough on this issue. Others stressed that this is a sensitive topic affecting many ethnic groups in Ukraine and feared that to push too loudly for restitution would lead to anti-Semitism.

A number of the leaders I met with, including President Kuchma, asked that the United States repeal the Jackson-Vanik Amendment as it applies to Ukraine. Jackson-Vanik was originally passed during the days of the Iron Curtain as a way of pressuring the Soviet Union to allow Jews and other religious minorities to emigrate. Today in Ukraine, there are open borders and free emigration. The Ukrainians don't understand why they must come to the U.S. every year and ask for a waiver from the Jackson-Vanik sanctions, and they believe that the repeal of the amendment would have great symbolic importance.

When I met with the Jewish leaders, I asked them about this issue. They agreed that there is free emigration from Ukraine and seemed open to the idea of repealing Jackson-Vanik. Some raised a concern, however, that today Jackson-Vanik applies to issues beyond emigration, such as the restoration of communal property, and should therefore not be repealed until the communal property issue is settled. The U.S. Congress should review this issue.

On my final night in Kiev, I met with a group of American businessmen living in Ukraine to hear their view of the Ukrainian economy and business climate. They all complained about the slow pace of reform, corruption and inefficiency. They contrasted Ukraine with countries such as Poland, which have converted well to capitalism. Ukraine, they argue, is still a state run economy in many important ways. Private firms have made progress in some consumer product fields such as brewing beer and making chocolates. But in major industries, the government-owned companies still dominate. Despite these problems, however, these Americans still believed in the potential of Ukraine and were devoting themselves to the task of developing their economy.

From Ukraine we flew to Israel where we had a series of meetings relating to the Mid-East peace process. Our first meeting was with Israeli Prime Minister Barak. I found the Prime Minister to be optimistic about the prospects for peace in the Middle East. He stated that Israel will resume implementation of the Wye Accords as soon as possible. When I asked him about the risks of peace making, Barak explained to me why he is seeking to make peace so quickly. If Israel does not make peace now, he said, then he is certain that there will be another war in the Middle East. While he is confident that Israel will win this war and survive, he knows that Israel will never win an unconditional surrender from her Arab neighbors. So after Israel and her neighbors have buried their dead and repaired their cities, they will sit down to negotiate exactly the same issues that are on the table now. The Prime Minister believes that by making peace now he will avoid this futile loss of life.

In addition, Barak believes that Israel is strong enough to take the risks inherent in pursuing peace. He drew a strong contrast between his view of Israel in the Middle East and the view of his predecessor, Binyamin Netanyahu. He noted that Netanyahu once analogized the situation of Israel in the Middle East to that of a carp in a tank of sharks. Barak rejected this analogy and stated that Israel is not a carp, but a "benign killer whale." His message was clear—Israel is strong enough that it does not have to fear making territorial concessions to its neighbors.

But the Prime Minister is also a realist and he stressed that Israel will only enjoy peace so long as it is stronger than its neighbors. He stated, I believe correctly, that there is no second chance for the weak in the Middle East. During the peace process, Israel must stay militarily strong and even supplement her strength to compensate for lost military assets, namely land and strategic depth. Towards this end, he stressed the importance of U.S. aid and the need to continue to provide the aid to help convince the Israeli public that the peace process will not jeopardize Israel's security.

Under the Wye River accords, the U.S. pledged to provide $1.2 billion in aid to Israel beyond the almost $3 billion it currently receives in annual economic and military assistance. This $1.2 billion is meant to pay for the costs of moving two military bases that are currently located in territory that will be handed over to the Palestinians under Wye. The money will also pay for additional missile defense deployments and research.

I told the Prime Minister that while there is support in Congress for such aid, there will be difficulties in procuring it. Because of the caps established under the '97 Budget Act, there is great difficulty in meeting existing requirements in the FY 2000 budget. Nevertheless, I told the Prime Minister that I believed the U.S. would ultimately provide the promised funds to implement the Wye Accord.

After leaving Prime Minister Barak's office, we drove directly to Ramallah, a city in the West Bank which is under the control of the Palestinian Authority. There we met with Chairman Yasser Arafat and a number of his deputies. Mr. Arafat had some complaints about the pace of negotiations with Israel, but he was still optimistic that there would be progress.

Some of Arafat's deputes seemed more pessimistic. Towards the end of my talk with Arafat, Saeb Erakat entered the room. Mr. Erakat is the Palestinians' chief negotiator with the Israelis over the terms for resuming implementation of the Wye accord, and he had just returned from a negotiating session with the Israelis. I asked Mr. Erakat how the negotiations went. He refused to go into details, but was clearly frustrated with the lack of progress. He complained that the Israeli settlers had too much influence and were refusing to compromise. The next day the papers reported that the Israeli-Palestinian talks had reached and impasse over the release of Palestinian prisoners in Israeli jails.

Under the Wye Accords, the U.S. agreed to provide $400 million in aid to the Palestinians. I asked Arafat how he would use this money. He told me that it would go towards a variety of projects, including building a road from Jenin to Nablus, building a high tech industrial zone, and funding programs to help establish the rule of law in the Palestinian Authority territories.

I also asked Chairman Arafat about Syria and the possibility that Syria would cease to harbor Palestinian groups still pursing terrorism against Israel. Mr. Arafat told me that some of these groups may abandon terrorism on their own initiative. He told me that he is conducting negotiations with two reductionist groups—George Habash's Poplar Front for the Liberation of Palestine and Nayef Hawatmeh's Democratic Front for the Liberation of Palestine about the terms for ending hostilities against Israel and entering the political arena. If these negotiations succeed, the only major Palestinian groups opposed to peace with Israel will be the fundamentalist groups such as Hamas and Islamic Jihad.

Despite rumors about his poor health and the lip tremors that have been evident for some time, Mr. Arafat met me at his office at 8:30 in the evening. When our meeting ended at 9:40 he walked me out the door and then, I'm sure, returned to work.

The next morning we drove to Tel Aviv for a meeting with Foreign Minister David Levy. Mr. Levy was born in Morocco and moved to Israel in his teens. He speaks French, Arabic and Hebrew, but no English, so we spoke with the assistance of a translator. Mr. Levy reiterated the Prime Minister's commitment to quickly resume implementation of the Wye Accords. On Syria, he sounded a less optimistic note than Prime Minister Barak had. He stated that Israel cannot accept Syria's precondition for resuming negotiations that Israel accept Syria' interpretation of where negotiations with Prime Minister Rabin left off. Foreign Minister Levy stressed that Barak would be a tougher negotiator.

After these meetings with Barak and Levy, I though it would be worthwhile to hear from someone who is opposed to the peace process they are pursing. Perhaps no Israeli politician has been more consistent in his opposition to territorial concessions that former Prime Minister Yitzhark Shamir. So we dropped by Mr. Shamir's office in Tel Aviv for a visit. True to form, Mr. Shamir dismissed Oslo and Wye as dangerous concessions by Israel to her implacable enemies. He said that the Palestinians are real enemies of the State of Israel and that Syria will never be able to change. Shamir added that he would like to see 5 million more Jews move to Israel, but that there would be no room for such an expansion if the proposed territorial concessions take place.

After finishing our business in Jerusalem, we drove to Amman for a brief stay in the Jordanian capitol. Each time I visit Amman, I notice that the city has grown and developed substantially since my last visit.

We met with he new King of Jordan, King Abdullah, at his palace. I express my condolences to the King on the loss of his father, King Hussein. King Hussein was truly a valuable force for peace in the Middle East, and I am hopeful that King Abdullah will fill the void his father's death left behind.

The King was upbeat about the situation in the Middle East. He believed that Ehud Barak was sincere about pursuing peace and making the sacrifices it entailed. He was also optimistic that President Assad would be flexible about negotiating with Israel and would relent on its insistence that the peace talks pick up exactly where he believes they left off with Rabin. He told me that Syria is prepared to accept all of Israel's requests regarding security arrangements in exchange for the Golan.

I also asked the King about the Comprehensive Test Ban Treaty and the failure of the U.S. to ratify it. He expressed his view that this was an important treaty for the safety of the world and told me that he hoped that the United States would ratify it.

From Amman we flew to Alexandria, Egypt, a teeming city on Egypt's Mediterranean Coast. Egypt's leaders often spend the hot summer months by the sea in Alexandria. When I met with President Mubarak in Washington this past June, he told me that he, too, would be in Alexandria for much of the summer.

President Mubarak shared the optimism of the other leaders I met that the Israeli-Palestinian track was going in the right direction. He was less sanguine about the Israel-Syria track, but felt that progress with the Palestinians would help bring the Syrians along. He suggested that Syria is looking to receive more from the Israelis than the Egyptians received in their peace treaty to justify the 20-year delay in making peace.

President Mubarak also stressed that it is essential that Israel and the Palestinians reach a peace agreement while Yasser Arafat is still alive. Mubarak fears, for good reason, that after Arafat's death there will be a power struggle among various Palestinian factions for control of the Palestinian Authority, and that terrorism against Israel will become a feature of this competition.

I asked Mubarak about reports that he wanted to hold a summit on terrorism. He told me that he does intend to hold such a summit, and that he would like the focus of this summit to be terrorism and weapons of mass destruction. I think this is an excellent idea and encouraged President Mubarak to proceed with his plans.

I asked the President his opinion of the situation in Iran and what the U.S. policy towards Iran should be. Mubarak was not optimistic that Iran would abandon its extremism any time soon. He told me that the Iranians have named a street in Teheran after the man who assassinated President Sadat. When President Mubarak complained about this, the Iranians placed a large mural of the assassin above the street that bears his name.

I next asked President Mubarak when he would warm up his relations with Israel. Mubarak blamed the cold peace with Israel on Prime Minister

Netanyahu. He told me that prior to Netanyahu, things were warming up and economic cooperation was beginning. When I asked him if Egypt's relations with Israel would warm up now that Netanyahu was out of office, he responded that this would "take time." I reminded President Mubarak that a lot of time has already passed since Egypt and Israel signed their peace treaty.

From Alexandria we flew to Skopje, Macedonia, where we met representatives of the U.S. army for a one-day tour of neighboring Kosovo. We were flown by helicopter from Skopje to Prishtina, the major city in Kosovo. On the way, we flew over a number of Kosovar villages and towns. In almost every village, we saw the burnt-out remains of houses that once belonged to the Kosovo Albanians.

In Prishtina, we met with Bernard Kouchner, the UN's top official in Kosovo. Mr. Kouchner told us that he has witnessed some positive developments since coming to Kosovo. Most importantly, he noted that the large majority of Albanians who fled Kosovo during the war have already returned home. In addition, the Kosovo Liberation Army appears willing to accept the transition from paramilitary force to civil service. KLA members will be given approximately 2,500 places in the UN-sponsored Kosovo police force.

The return of the Kosovo Albanians to Kosovo is creating challenges for the UN. Mr. Kouchner told us that 60,000 homes were destroyed in Kosovo during the war, and that the UN would not be able to provide sufficient housing for all of the returnees prior to winter. The UN is going to have to rely on winterized tents and rehabilitating damaged homes to make up for the shortfall.

Mr. Kouchner told us that the major challenge facing the UN in Kosovo is protecting the Serbian community from Albanian retribution attacks. While he felt he was making some progress in this area, Mr. Kouchner noted that there were still a number of attacks taking place on a daily basis, including assault, arson, and murder.

I asked Mr. Kouchner how long the UN would have to stay in Kosovo. He estimated that it would take "several years" until the UN could leave.

From Prishtina we flew by helicopter to Camp Bondsteel, the base for the U.S. contingent in NATO's Kosovo Force. There we were briefed by Brigadier General Peterson and his staff on the Army's mission in Kosovo. Although U.S. forces had only been in the country for 63 days, we saw a small city coming to life with rows of tents and some more permanent structures being built.

Although the war may be over, our forces still face great danger in Kosovo. General Peterson told us that up until 6 nights prior to our visit, U.S. forces had taken hostile fire every night since their arrival, mostly in the form of sniper and mortar fire at U.S. positions. Although there have been no fatalities from these attacks, some U.S. soldiers have been injured.

Our briefers confirmed that almost all of the Kosovar Albanians who left the U.S. sector during the fighting have since returned. Echoing what the UN's Kouchner told us, the soldiers said that one of the major problems they are now confronting is protecting the Serb population from retribution attacks by Albanians. Since some Albanians have sought to prevent the Serbs from harvesting their crops by targeting Serbian farmers, the U.S. must provide protection to Serbian farmers in the fields.

I asked the soldiers how long they thought the U.S. Army would need to be in Kosovo. They refused to hazard a guess. They pointed out that the region is less complex than Bosnia, since there are only two nationalities fighting each other in Kosovo, as opposed to three in Bosnia. On the other hand, they told me that by time the U.S. entered Bosnia, the Bosnians were exhausted from fighting and ready to lay down their arms. It is not clear that the parties in Kosovo have exhausted their will to fight.

Next we flew to the Kosovar village of Vlastica to view the sight of a massacre that took place during the war. As we entered the village, a large crowd of Albanian villagers came out to greet us. These people were clearly grateful for what the U.S. had done for them, and they were excited to hear that we wanted to help them rebuild and wanted to bring the war criminals to justice.

As we walked through the village, we passed a number of burned-out houses. Even the village mosque had been burned. We stopped at the charred remains of a home where 13 Albanians had been killed in one night. There, we met a 13-year-old girl named Vlora Shaboni. Vlora used to live in the house with her family, and she was at home the night the Serb soldiers came. She told us that the Serbs broke down the door and ordered everyone in the house to line up with their hands above their heads. Then they shot everyone with automatic weapons. To hide the evidence of this massacre, the Serbs set the house on fire and bulldozed the remains.

That night, Vlora saw the Serbs kill her mother and her brother. Vlora herself was shot in her face and the bullet lodged in her jaw, but she remained conscious and was able to escape before the house burned down. Vlora told me that she did not know her attackers but that she would be able to recognize them if she ever saw them again.

Vlora told her story with an anxious tremble in her voice and the frightened, downcast eyes. I don't know where she found the strength to talk about what happened that night at all.

The burnt remains of the victims of this massacre were left in the house, and have been recovered by a Canadian forensic team. That evidence, together with the statements of Vlora and others, will help the War Crimes prosecutors in The Hague prove their theory that Serbia's leaders orchestrated the systematic and widespread destruction of Albanian life in Kosovo.

From Skopje we flew to Naples, Italy, to visit the headquarters of Allied Forces Southern Europe, or "AFSouth," which is NATO's southern command. There we were briefed by Lieutenant General Jack Nix, Jr., the Chief of Staff of AFSouth, and members of his staff. AFSouth is responsible for the region surrounding the Mediterranean and Black Seas. This region includes a number of hot spots such as the Middle East and the Balkans. AFSouth has been responsible for operations in both Bosnia and Kosovo.

We were briefed on the details of the air war in Kosovo. The allied bombing campaign was effective in Kosovo, and only 12% of bombing targets escaped without some damage. Still, our hosts agreed that there were problems with the air campaign. Most importantly, they noted that our forces were largely incapable of mounting the air campaign during bad weather. This experience convinced these soldiers that the U.S. must develop all-weather munitions that will free our forces from these weather-related limitations.

I asked if any broader military lessons could be learned from the Kosovo campaign. I noted that during the debate over whether to authorize the air campaign, some military experts had argued that a war can never be won by air power alone. Did Kosovo prove these experts wrong? My hosts responded that, in fact, our forces did not win in Kosovo by air power alone. Ground forces played a pivotal role in the conflict—they just weren't NATO ground forces. Towards the end of the conflict, the Kosovo Liberation Army began major ground operations against Serbian positions. These operations pinned down large numbers of Serb troops in concentrated groups. These concentrations made the Serbian forces vulnerable to Allied air attacks for the first time in the war, and they sustained large numbers of casualties during this period. Had the KLA not undertaken this campaign, Serbian forces would have remained spread out and largely invulnerable to air attack.

During the air campaign, AFSouth was in charge of Operation Allied Harbor, which provided shelter to the hundreds of thousands of refugees who fled Kosovo. My hosts told me that during the height of the crisis, AFSouth actually exhausted the world's supply of tents in its effort to provide shelter for all the refugees. Now AFSouth is overseeing the repatriation of the Kosovar refugees to Kosovo. Our briefers confirmed what we heard in Kosovo—that most of the Kosovar Albanians who fled Kosovo during the war have already returned home. All of the refugees camps in Albania have been shut down. Among the small percentage of refugees who have not returned to Kosovo are the 20,000 who were brought to the United States and will most likely choose to remain here.

On August 26, I returned from Rome to Philadelphia.

THE NEED FOR MEDICARE COVERAGE OF PRESCRIPTION DRUGS

Mr. SARBANES. Mr. President, in the coming weeks, the Finance Committee will begin consideration of legislation to reform the Medicare program. While I am not a member of that Committee, I would like to urge my colleagues to take this opportunity to address one of the most widespread problems facing senior citizens today—the lack of prescription drug coverage under the Medicare program.

Providing access to prescription medication is essential to ensuring our older Americans receive the health care they need. Today more than ever, medical treatment is focused on the use of drug therapies. Prescription drugs are an effective substitute for more expensive care or surgery, and they are the only method of treatment for many diseases.

Medicare beneficiaries are particularly reliant on prescription medication. Nearly 77 percent of seniors take a prescription drug on a regular basis. Consequently, although seniors make up only 14 percent of the country's population, they consume about 30 percent of the prescription drugs sold. However, the Medicare program, the national program established to provide seniors with vital health care services, generally does not cover prescription drug costs.

Medicare beneficiaries can obtain some coverage for drugs by joining Medicare HMOs. However, these HMOs are not available in many parts of the country, particularly in the rural areas. As we have learned in Maryland, where 14 of our rural counties will no longer be served by any Medicare HMO as of next year, private companies cannot be relied upon to provide a benefit as crucial to the health of our older Americans as prescription drug coverage. Drug coverage must be added as a core element of our basic Medicare benefits package.

Beneficiaries may also purchase drug coverage through a Medigap insurance policy. However, these plans are extremely expensive and generally provide inadequate coverage. In addition, for most Medigap plans, the premiums substantially increase with age. Thus, just as beneficiaries need drug coverage the most and are least able to afford it, this drug coverage is priced out of reach. This cost burden particularly affects women who make up 73 percent of people over age 85.

Those with access to employer-sponsored retiree health plans do generally receive adequate drug coverage. However, only about one quarter of Medicare beneficiaries have access to such plans. Thus, although most beneficiaries have access to some assistance, only a lucky few have access to supplemental coverage that offers a substantial drug benefit. Moreover, at least 13 million Medicare beneficiaries have absolutely no prescription drug coverage.

To make matters worse, the cost of prescription drugs has been rising dramatically over the past few years. Pharmaceutical companies claim that today's higher drug prices reflect the growing cost of research and development. However, recent increases in drug prices have also resulted in large part from the enormous investment the industry has made in advertising directly to the public.

Moreover, recent studies have shown that seniors who buy their own medicine, because they do not belong to HMOs or have additional insurance coverage, are paying twice as much on average as HMOs, insurance companies, Medicaid, Federal health programs, and other bulk purchasers. Medicare beneficiaries are paying more as the pharmaceutical industry is facing increasing pressures from cost-conscious health plans to sell them drugs at cheaper prices. In addition, the industry offers lower prices to veterans' programs and other Federal health programs because the price schedule for these programs is fixed in law. Apparently, pharmaceutical companies are making up the revenues lost in bulk sales by charging exorbitant prices to individual buyers who lack negotiating power.

Despite these market pressures and increased research and development costs, the prices being charged to seniors and other individual purchasers are hardly justified when financial reports show drug companies reaping enormous profits.

Many seniors live on fixed incomes, and a substantial number of them cannot afford to take the drugs their doctors prescribe. Many try to stretch their medicine out by skipping days or breaking pills in half. Many must choose between paying for food and paying for medicine.

In the context of the budget resolution debate, proposals were made to provide for the added cost of including prescription drug coverage in the Medicare program. I voted for an amendment to create a reserve fund of $101 billion over 10 years to cover the cost of Medicare reform including the addition of a prescription drug benefit. This provision was included in the final version of the Senate budget resolution. However, legislation creating the drug benefit still must be enacted before coverage could be extended.

Helping senior citizens get the prescription drugs they need should be one of our top priorities this session. Unfortunately, the Majority is more interested in enacting deep and unreasonable tax cuts that largely benefit the wealthy. Just before the August recess, Congress passed the Majority's FY 2000 budget reconciliation bill. I voted against this bill because it would spend nearly all of the on-budget surplus projected to accrue over the next ten years and would use none of this projected surplus to protect the Social Security System, to shore up Medicare, or to give senior citizens the prescription drug benefit they so desperately need.

I am pleased that the Finance Committee will be focusing on Medicare reform, and I hope that the legislation they develop will establish a prescription drug benefit for our older Americans. Providing seniors with drug coverage is essential to ensuring they receive quality health care. I believe that access to quality health care is a basic human need that in my view must be a fundamental right in a democratic society.

THE ABCs OF GUN CONTROL

Mr. LEVIN. Mr. President, students in Detroit are now back in school, just like their peers across the river in Windsor, Ontario. Each classroom of students is going through virtually the same routine. They are writing about their summer vacations, obtaining textbooks, signing up for sports teams, and trying to memorize locker combinations. They are figuring out bus routes, testing new backpacks and worrying about that third period teacher who assigns too much homework. There is just one major difference between the students in Detroit and those in Windsor. Students in Detroit have to worry about guns in school.

In the United States, another classroom of children is killed by firearms every two days. That doesn't mean that every few days, there is another Columbine mass murder. But statistics show that each day 13 children die from gunfire, and every two days, the equivalent of a classroom of American children is struck by the tragedy of gun violence. In Windsor, the Canadian town that borders Detroit, there were only 4 firearm homicides in 1997. In Detroit, for that same year, there were 354 firearm homicides. If the population of Detroit and Windsor were equal, the number of firearm deaths would be nearly eighteen times higher in Detroit, a city less than 1,000 yards away.

I'd like to include in the RECORD, an op-ed printed in the USA Today, showing the differences between Canadian and American death rates involving firearms, and specifically the differences between Windsor and Detroit. If there's one thing Congress needs to study this school year, it's how to rewrite the books and end the senseless slaughter of our school children.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the USA Today, Aug. 30, 1999]

CANADA SHOWS GUN RESTRICTIONS WORK

(By Paul G. Labadie)

I was crossing the bridge that spans the one-half mile of the Detroit River, a physical buffer separating Detroit from Windsor, Ontario. The lineup at the Canadian Customs checkpoint was unusually long. Inching forward, I finally arrive at the custom agents' booth.

"Citizenship?" he asks.

"United States," I reply.

"Are there any firearms in the vehicle or on your person?"

"No."

The customs agent shined a flashlight behind the seats as he circled my car.

"You're sure, no long guns, handguns, shotguns?"

"No, none."

"No ammunition, bullets?"

"None," I replied.

After a search of my trunk and a last looking over, he waved me through.

I later found out the reason for the guard's concerns. Someone had been caught with a gun in Windsor.

In Canada, that's all it takes. Its strict policies on gun ownership are strongly enforced and get progressively tougher, with even more stringent laws set to go into effect in the year 2001. To argue against the results of their efforts would be foolhardy, as the statistics are too impressive.

In 1997, Detroit had 354 firearm homicides. Windsor, 1,000 yards away, had only 4. Even taking into account the population difference (Windsor's population is about one-fifth of Detroit's) the comparison is still staggering. And as of July, with Detroit opening its first casino, both cities have legalized gambling. It will be elementary for gamblers to calculate on which side of the river the better odds lie of reaching your car in the parking lot unscathed.

To many Americans, the Canadian solution of handgun bans and restrictions is, at the least, unpalatable and, at the most, unconstitutional. Instead of dealing with the situation directly and restricting civilian ownership of handguns, it has become fashionable to pick the group of one's choice and point the j'accuse-atory finger: the NRA, profiteering gun manufacturers, absentee parents, genetically flawed children, paranoid gun owners, lazy teachers, a fast and loose legal system, and a society of victims. A multiple-choice public indictment of blame, in which, since everyone is at fault, no one is accountable.

The recent school shootings in Colorado and Georgia have many laying blame on the media, pointing to television and movies that glorify violence and gunplay, and music that is designed to incite a riot of anger, resentment and sarcasm in youths who are barely off their training wheels.

But if these mediums are to blame, then how do the youths of Windsor have such immunity? They watch the same TV stations, go to the same movies, listen to the same music as Detroit youths, and yet they have a juvenile crime rate that is a fraction of Detroit's. The lack of availability of handguns certainly must play a role.

According to the Office of Juvenile Justice, in the States between 1983 and 1993, juvenile homicides involving firearms grew 182%. By contrast, only a 15% increase was seen among homicides involving other types of weapons. In the U.S. from 1985 to 1995, 52% of all homicides involved handguns, compared with 14% for Canada.

Canada's willingness to accept gun restrictions might rise from its history. The settlement of Canada's "Wild West" was far different from the settlement of the United States'. In Canada, wherever settlers moved west, law and order was already in place in the form of the Hudson's Bay Company. From that spawned a culture that was more structured, less creative, less violent and more likely to look to established authorities for the settlement of disputes. In the United States, however, as the settlers moved west they found virtually no law existed, causing them to take matters into their own hands. Thus a culture was spawned that was more independent, more creative, more violent and more likely to settle disputes themselves. And when an abundance of numerous and easily available firearms are factored in, the results can be bloody.

According to statistics, Canada in 1997 had 193 homicides by firearms. The United States had 12,380. It is hard to change a culture, but clearly the easy access to firearms has to be addressed before we can expect any significant drop in our homicide rate.

I used to be a member of the National Rifle Association. I had the logo on my car, was skilled in the parry and thrust of debates, and was saturated with persuasive data from this organization, which covets statistics more than major league baseball. I am not a member anymore, not because of any complete, radical shift in beliefs, but more from a weariness, a battle fatigue of being caught in the No Man's Land among the immutable NRA, the anti-gun lobby and the evening news, lately filled with terrified schoolchildren, emergency-response crews and black-clad SWAT teams. Perhaps the time has come to lose our "Wild West" roots and, at the least, look to put the same restrictions on our guns that we put on our automobiles and the family dog: licensing and registration.

On my way back to Detroit, I stopped at the American Customs booth. I faced a U.S. customs agent.

"Citizenship?" he asks.

"United States," I reply.

He waves his hand to pass me on.

And I could not help but wonder whether the next students getting diplomas would be the "Class of 2000" or the "Class of .357."

FISCAL YEAR 2000 VA HEALTH CARE FUNDING

Mr. CONRAD. Mr. President, today I was informed of the concern of two North Dakotans who have distinguished themselves on behalf of veterans and their families regarding FY' 2000 funding for VA medical care-incoming National Commander of the Disabled Veterans of America Michael Dobmeier of Grand Forks, North Dakota and Lorraine Frier, National President of the Ladies Auxiliary to the Veterans of Foreign Wars of West Fargo. Let me take this opportunity to warmly congratulate Mike and Lorraine on their recent election to these important national offices, and to thank them for their many years of distinguished service to our country.

Yesterday, the Senate VA–HUD Subcommittee reported an appropriations measure for the Department of Veterans Affairs that will provide $18.4 billion for medical care for veterans. This figure is $1.1 billion above the Administration's budget request of $17.3 billion earlier this year, however, more than $600 below House appropriations recommendation of $1.7 billion for veterans medical care. The House action would increase VA medical care funding to $19 billion.

While the House action does not meet the recommendations from the Independent Budget, Fiscal Year 2000 of $20.2 billion, the funding level does come closer to ensuring that the VA may not have to curtail medical services, close community-based clinics or layoff critical health care workers. Earlier this week, the Veterans of Foreign Wars warned that unless the Senate approves funding close to the House level of $19 billion, "scores of community-based clinics will have to be closed, veterans will wait longer for care and some 8,500 health care workers laid off".

Mr. President, the crisis in funding for veterans medical care is shameful, particularly in light of the strong economic news that we have received almost daily over the past few months. How can a nation that has experienced such strong economic growth during the past few years, witnessed stock market growth beyond all expectations and discussed how to spend the Federal surplus, deny veterans the very best health care. How can we justify making veterans wait for months for specialized health care, closing outpatient clinics or reducing VA staffing levels. In my state of North Dakota, we have been working for several years to secure funding for $10 million in critical patient privacy and environmental improvements at the Fargo VA Medical Center—a medical center more than 70 years old.

Earlier this year when the Senate, during consideration of the budget resolution, failed to increase funding for VA medical care as recommended in the Independent Budget, Senator DORGAN and I introduced legislation, S. 1022, to authorize an emergency appropriation of $1.7 billion, above the Administration request, for veterans health care. In view of VA–HUD Subcommittee action in the Senate this week, we must work together to find additional funding for VA health care to bring that level closer to the recommended level in the Independent

Budget. We must do better for our veterans; we can do no less for the sacrifices they and their families have made on our behalf.

MEASURE READ THE FIRST TIME—H.R. 17

Mr. LOTT. Mr. President, I understand that H.R. 17 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 17) to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide great assurances for contract sanctity, and for other purposes.

Mr. LOTT. I now ask for its second reading, and object to my own request.

The PRESIDING OFFICER. Objection is heard.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 106–10

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 16, 1999, by the President of the United States:

1997 Amendment to Montreal Protocol (Treaty Document 106–10).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the "Montreal Protocol"), adopted at Montreal on September 15–17, 1997, by the Ninth Meeting of the Parties to the Montreal Protocol. The report of the Department of State is also enclosed for the information of the Senate.

The principal features of the 1997 Amendment, which was negotiated under the auspices of the United Nations Environment Program (UNEP), are the addition of methyl bromide to the substances that are subject to trade control with non-Parties; and the addition of a licensing requirement for import and export of controlled substances. The 1997 Amendment will constitute a major step forward in protecting public health and the environment from potential adverse effects of stratospheric ozone depletion.

By its terms, the 1997 Amendment was to have entered into force on January 1, 1999, provided that at least 20 states had deposited their instruments of ratification, acceptance, or approval. However, because this condition was not met until August 12, 1999, the 1997 Amendment will enter into force on November 10, 1999.

I recommend that the Senate give early and favorable consideration to the 1997 Amendment to the Montreal Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1999.*

NATIONAL HOME EDUCATION WEEK

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 183, and the Senate proceed to consideration of this bill, which is a resolution designating the week beginning September 19, 1999, and ending September 25, 1999, as National Home Education Week.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 183) designating the week beginning on September 19, 1999, and ending on September 25, 1999, as "National Home Education Week."

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 183

Whereas the United States is committed to excellence in education;

Whereas the United States recognizes the importance of family participation and parental choices in pursuit of that excellence;

Whereas the United States recognizes the fundamental right of parents to direct the education and upbringing of their children;

Whereas parents want their children to receive a first-class education;

Whereas training in the home strengthens the family and guides children in setting the highest standards for their lives which are essential elements to the continuity of morality in our culture;

Whereas home schooling families contribute significantly to the cultural diversity important to a healthy society;

Whereas the United States has a significant number of parents who teach their own children at home;

Whereas home education was proven successful in the lives of George Washington, Patrick Henry, John Quincy Adams, John Marshall, Robert E. Lee, Booker T. Washington, Thomas Edison, Abraham Lincoln, Franklin Roosevelt, Woodrow Wilson, Mark Twain, John Singleton Copley, William Carey, Phyllis Wheatley, and Andrew Carnegie;

Whereas home school students exhibit self-confidence and good citizenship and are fully prepared academically to meet the challenges of today's society;

Whereas dozens of contemporary studies continue to confirm that children who are educated at home score exceptionally well on nationally normed achievement tests;

Whereas a March 1999 study by the Educational Resources Information Center Clearinghouse on Assessment and Evaluation at the University of Maryland found that home school students taking the Iowa Test of Basic Skills or the Tests of Achievement and Proficiency scored in the 70th to 80th percentiles among all the students nationwide who took those exams, and 25 percent of home schooled students were studying at a level one or more grades above normal for their age;

Whereas studies demonstrate that home schoolers excel in college with the average grade point average of home schoolers exceeding the college average; and

Whereas United States home educators and home instructed students should be recognized and celebrated for their efforts to improve the quality of education: Now, therefore, be it

Resolved, That the week beginning on September 19, 1999, and ending on September 25, 1999, is designated as National Home Education Week. The President is authorized and requested to issue a proclamation recognizing the contributions that home schooling families have made to the Nation.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 178, which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:.

A resolution (S. Res. 178) designating the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 178

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK".

The Senate—

(1) designates the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mr. LOTT. Mr. President, I should note that the principal sponsor of this legislation is the venerable Senator THURMOND of South Carolina.

But I also want to note on behalf of my own State, where we have some outstanding historically black colleges and universities, I think it is appropriate that we have this week for Alcorn State University, Jackson State University, and Tougaloo in my own State, and we have outstanding academic institutions which have done a wonderful job over a long period of time.

I commend Senator THURMOND for doing this.

DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res 158, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 158) designating October 21, 1999, as a "Day of National Concern About Young People and Gun Violence."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 158

Whereas every day in the United States, 14 children under the age of 19 are killed with guns;

Whereas in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun;

Whereas in 1995, nearly 8 percent of high school students reported having carried a gun in the past 30 days;

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 21, 1999, as a "Day of National Concern about Young People and Gun Violence" will allow students to make a positive and earnest decision about their future in that such students will have the opportunity to voluntarily sign the "Student Pledge Against Gun Violence", and promise that they will never take a gun to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21, 1999, as a "Day of National Concern about Young People and Gun Violence"; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

FAMILY FRIENDLY PROGRAMMING ON TELEVISION

Mr. LOTT. Mr. President, I ask unanimous consent that S. Con. Res. 56 be discharged from the Commerce Committee, and further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) expressing the sense of Congress regarding the importance of "family friendly" programming on television.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 56

Whereas American children and adolescents spend between 22 and 28 hours each week viewing television;

Whereas American homes have an average of 2.75 television sets, and 87 percent of homes with children have more than 1 television set;

Whereas there is a need to increase the availability of programs suitable for the entire family during prime time viewing hours;

Whereas surveys of television content demonstrate that many programs contain substantial sexual or violent content;

Whereas although parents are ultimately responsible for appropriately supervising their children's television viewing, it is also important to provide positive, "family friendly" programming that is suitable for parents and children to watch together;

Whereas efforts should be made by television networks, studios, and the production community to produce more quality family friendly programs and to air those programs during times when parents and children are likely to be viewing together;

Whereas members of the Family Friendly Programming Forum are concerned about the availability of family friendly television programs during prime time viewing hours; and

Whereas Congress encourages activities by the Forum and other entities designed to promote family friendly programming, including—

(1) participating in meetings with leadership of major television networks, studios, and production companies to express concerns;

(2) expressing the importance of family friendly programming at industry conferences, meetings, and forums;

(3) honoring outstanding family friendly television programs with a new tribute, the Family Program Awards, to be held annually in Los Angeles, California;

(4) establishing a development fund to finance family friendly scripts; and

(5) underwriting scholarships at television studies departments at institutions of higher education to encourage student interest in family friendly programming: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and honors the efforts of the Family Friendly Programming Forum and other entities supporting family friendly programming;

(2) supports efforts to encourage television networks, studios, and the production community to produce more quality family friendly programs;

(3) supports the proposed Family Friendly Programming Awards, development fund, and scholarships, all of which are designed to encourage, recognize, and celebrate creative excellence in, and commitment to, family friendly programming; and

(4) encourages the media and American advertisers to further a family friendly television environment within which appropriate advertisements can accompany the programming.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations that were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF DRAFT LEGISLATION ENTITLED: "CYBERSPACE ELECTRONIC SECURITY ACT OF 1999" (CESA)—MESSAGE FROM THE PRESIDENT—PM #57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit for your early consideration and speedy enactment a legislative proposal entitled the "Cyberspace Electronic Security Act of 1999" (CESA). Also transmitted herewith is a section-by-section analysis.

There is little question that continuing advances in technology are changing forever the way in which people live, the way they communicate with each other, and the manner in which they work and conduct commerce. In just a few years, the Internet has shown the world a glimpse of what is attainable in the information age. As a result, the demand for more and better access to information and electronic commerce continues to grow—among not just individuals and consumers, but also among financial, medical, and educational institutions, manufacturers and merchants, and State and local governments. This increased reliance on information and communications raises important privacy issues because Americans want assurance that their sensitive personal and business information is protected from unauthorized access as it resides on and traverses national and international communications networks. For Americans to trust this new electronic environment, and for the promise of electronic commerce and the global information infrastructure to be fully realized, information systems must provide methods to protect the data and communications of legitimate users. Encryption can address this need because encryption can be used to protect the confidentiality of both stored data and communications. Therefore, my Administration continues to support the development, adoption, and use of robust encryption by legitimate users.

At the same time, however, the same encryption products that help facilitate confidential communications between law-abiding citizens also pose a significant and undeniable public safety risk when used to facilitate and mask illegal and criminal activity. Although cryptography has many legitimate and important uses, it is also increasingly used as a means to promote criminal activity, such as drug trafficking, terrorism, white collar crime, and the distribution of child pornography.

The advent and eventual widespread use of encryption poses significant and heretofore unseen challenges to law enforcement and public safety. Under existing statutory and constitutional law, law enforcement is provided with different means to collect evidence of illegal activity in such forms as communications or stored data on computers. These means are rendered wholly insufficient when encryption is utilized to scramble the information in such a manner that law enforcement, acting pursuant to lawful authority, cannot decipher the evidence in a timely manner, if at all. In the context of law enforcement operations, time is of the essence and may mean the difference between success and catastrophic failure.

A sound and effective public policy must support the development and use of encryption for legitimate purposes but allow access to plaintext by law enforcement when encryption is utilized by criminals. This requires an approach that properly balances critical privacy interests with the need to preserve public safety. As is explained more fully in the sectional analysis that accompanies this proposed legislation, the CESA provides such a balance by simultaneously creating significant new privacy protections for lawful users of encryption, while assisting law enforcement's efforts to preserve existing and constitutionally supported means of responding to criminal activity.

The CESA establishes limitations on government use and disclosure of decryption keys obtained by court process and provides special protections for decryption keys stored with third party "recovery agents." CESA authorizes a recovery agent to disclose stored recovery information to the government, or to use stored recovery information on behalf of the government, in a narrow range of circumstances (e.g., pursuant to a search warrant or in accordance with a court order under the Act). In addition, CESA would authorize appropriations for the Technical Support Center in the Federal Bureau of Investigation, which will serve as a centralized technical resource for Federal, State, and local law enforcement in responding to the increasing use of encryption by criminals.

I look forward to working with the Congress on this important national issue.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1999.*

MESSAGE FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 417. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

H.R. 1551. An act to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes.

H.R. 1665. An act to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes.

MEASURES REFEREED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1551. An act to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1665. An act to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 17. An act to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5184. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated August 25, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources; to the Committee on Environment and Public Works and to the Committee on Foreign Relations.

EC–5185. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "OMB Sequestration Update Report to the President and Congress for Fiscal Year 2000" transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–5186. A communication from the Director, Congressional Budget Office, transmitting, pursuant to law, a report entitled "Sequestration Update Report for Fiscal Year 2000" transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–5187. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Draft Economic Incentive Program Guidance"; to the Committee on Environment and Public Works.

EC–5188. A communication from the Chief Justice of the Supreme Court, transmitting a report relative to the October 1999 Term of the Court; to the Committee on the Judiciary.

EC–5189. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–5190. A communication from the Acting Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Debt Collection" (RIN2550–AA07), received September 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5191. A communication from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5192. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the audited fiscal years 1998 and 1997 financial statements of the U.S. Mint; to the Committee on Banking, Housing, and Urban Affairs.

EC–5193. A communication from the Board, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the budget request for fiscal year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–5194. A communication from the Chairman, National Science Board, transmitting, pursuant to law, a report entitled "Environmental Science and Engineering for the 21st Century: The Role of the National Science Foundation"; to the Committee on Commerce, Science, and Transportation.

EC–5195. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Federal agency drug-free workplace plans; to the Committee on Appropriations.

EC–5196. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Delaware Bay and River (CGD05–99–080)" (RIN2115–AA98) (1999–0006), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5197. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; City of Yonkers Fireworks, NY, Hudson River (CGD01–99–154)" (RIN2115–AA97) (1999–0058), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5198. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Periphonics Corp. 30th Anniversary Fireworks, New York Harbor, Upper Bay (CGD01–99–152)" (RIN2115–AA97) (1999–0057), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5199. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, AK (COTP Western Alaska 99–012)" (RIN2115–AA97) (1999–0056), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5200. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mystic River, CT (CGD–99–159)" (RIN2115–AE47) (1999–0041), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5201. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gowanus Canal, NY (CGD–99–156)" (RIN2115–AE47) (1999–0040), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5202. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Chevron Oil Company Canal, LA (CGD–08–99–055)" (RIN2115–AE47) (1999–0042), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5203. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks, 100YR Anniversary for Architect Society, Boston Harbor, Boston, MA (CGD–01–99–147)" (RIN2115–AA97) (1999–0059), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5204. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report relative to the proliferation of missiles and essential components of nuclear, biological, and chemical weapons for the period December 1, 1997 through December 31, 1998; to the Committee on Foreign Relations.

EC–5205. A communication from the President of the United States, transmitting, pursuant to law, the annual report on foreign economic collection and industrial espionage; to the Select Committee on Intelligence.

EC–5206. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Fair Housing Complaint Processing; Plain Language Revision and Reorganization" (RIN2529–AA86) (FR–4433–F–02), received September 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5207. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Drug Elimination Program Formula Allocation" (RIN2577–AB95) (FR–4451–F–04), received September 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5208. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Tenant-Based Assistance Programs Statutory Merger of Section 8 Certificate and Voucher Programs; Correction" (RIN2577–AB91) (FR–4428–C–03), received September 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5209. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance" (RIN2501–AB57) (FR–3482–F–06), received September 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5210. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation relative to the Working Capital Fund; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–349. A joint resolution adopted by the Legislature of the State of Wisconsin relative to tobacco settlement funds; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION 15

Whereas, the state of Wisconsin, together with 45 other states, has initiated litigation against the tobacco industry seeking damages and other relief for the alleged misconduct of the tobacco industry; and

Whereas, the claims against the tobacco industry include the recovery of damages for the violation of consumer protection and antitrust laws, for common law conspiracy and for the expenditure of public funds for health care services; and

Whereas, the tobacco industry has agreed to a proposed settlement of the states' litigation, which includes the states' recovery of substantial money damages; and

Whereas, the states, which initiated the litigation and settlement of legal claims for the violation of a number of state laws by the tobacco industry, should recover the full amount of damages in the proposed settlement without any offset or withholding by the federal government; and

Whereas, the federal department of health and human services does not and should not have a claim to any portion of the funds agreed to in the tobacco settlement as payments to the states for damages, based on receipt by the states of federal funds for Medicaid costs; now, therefore, be it

Resolved by the assembly, the senate concurring, That the members of the Wisconsin legislature request that the Congress of the United States enact legislation that would specify that no portion of the money received by the states as part of the tobacco settlement or of any other resolution of the tobacco litigation may be withheld, offset or claimed by the federal government or by any agency of the federal government; and, be it further

Resolved, That the assembly chief clerk shall provide copies of this joint resolution to the members of this state's congressional delegation, the clerk of the U.S. house of representatives and the secretary of the U.S. senate.

POM-350. A resolution adopted by the Assembly of the Legislature of the State of New Jersey relative to funding for the Clean Water State Revolving Fund Program; to the Committee on Appropriations.

Assembly Resolution 163

Whereas, the proposed Federal Fiscal Year 2000 budget contains a cut of $535 million in funding for the Clean Water State Revolving Fund (Clean Water SRF) program established pursuant to the federal Clean Water Act in 1987, which, if allowed to stand, will have a significant negative impact on New Jersey's ability to enhance water quality conditions, protect the public health and safety and preserve and maintain the State's surface and ground water resources; and

Whereas, since the federal government ended the Construction Grants Program in the 1980's, the Clean Water SRF program has been the only significant source of federal funds for addressing the severe water pollution problems that continue to plague this State and our Nation; and

Whereas, addressing the State's water pollution problems, preserving clean water and enhancing water quality conditions are essential to the public health and safety, and are fundamental requirements for a thriving economy, in particular New Jersey's tourism industry, the second largest in the State, which is heavily dependent on our reputation for clean ocean waters and beaches; and

Whereas, since 1987 the New Jersey Environmental Infrastructure Trust and the Department of Environmental Protection have leveraged the federal moneys in the Clean Water SRF to enable the investment of more than $1.5 billion in wastewater treatment and other water pollution abatement strategies under the New Jersey Environmental Infrastructure Financing Program, a consolidated approach to federal and State clean water, drinking water and stormwater management project financing; and

Whereas, the New Jersey Environmental Infrastructure Financing Program, which has been the primary source available for either federal or State funding to assist local governments in financing necessary wastewater treatment and water quality improvements, may justifiably be characterized as an unqualified success and, without exaggeration, is genuinely considered one of the most successful Clean Water SRF programs in the country; and

Whereas, it is altogether fitting and proper that the Legislature memorialize Congress to restore funding for the Clean Water State Revolving Fund program in the proposed Federal Fiscal Year 2000 budget, as the uninterrupted full-funding for, and unimpaired continuation of, New Jersey's thriving Clean Water SRF program is in the public interest; now, therefore,

Be It Resolved by the General Assembly of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to restore the $535 million cut in funding for the Clean Water State Revolving Fund program in the proposed Federal Fiscal Year 2000 budget.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of the United States Environmental Protection Agency, the Commissioner of the Department of Environmental Protection, the Chairman of the New Jersey Environmental Infrastructure Trust, and each member of Congress from the State of New Jersey.

POM-351. A joint resolution adopted by the Legislature of the State of California relative to the export of cryptographic products; to the Committee on Banking, Housing, and Urban Affairs.

Assembly Joint Resolution No. 10

Whereas, current United States export control laws governing cryptographic products are adversely affecting California and American companies; and

Whereas, with California poised to greatly benefit from the rapid growth of electronic commerce, which is predicted to amount to as much as $200 billion per year by the year 2000, outdated cryptographic provisions dating back to World War II and the Cold War retard the ability of California producers of cryptographic products to compete and succeed in the global market; and

Whereas, there exists a tremendous worldwide market for cryptographic products incorporating secure encryption features; and

Whereas, foreign competitors of data-scrambling technology, unfettered by strict government export controls on cryptographic products, are able to successfully develop, market, and sell sophisticated encryption systems well above the United States limit; and

Whereas, any benefit to American law enforcement or national security realized by American export controls on cryptographic products has been minimized by the rapid availability of strong, robust cryptographic systems produced by non-American companies and even by the ability to lawfully import these systems into the United States; and

Whereas, the Computer Systems Policy Project estimates that if the current outdated policy remains in effect, the cost to American companies could be up to $96 billion by the year 2002 and the loss of over 200,000 high-skill, high-wage jobs by the year 2000; and

Whereas, the National Research Council of the National Academy of Sciences has concluded after exhaustive study that United States export controls on cryptography may be causing American software and hardware companies to lose a significant share of a rapidly growing market, with losses of at least several hundred million dollars per year; and

Whereas, the current administration supports a "key recovery" system that would force computer users to give the government access to their encryption keys, thus allowing the federal government to monitor an individual's communications and on-line transactions without that individual's knowledge or consent; and

Whereas, there is pending in the United States Congress H.R. 850, which will substantially ease or eliminate current federal export controls on American cryptographic products, and other legislation related to cryptography and export controls is being introduced and considered in the Congress; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That there be greater discussion between industry, government, and the public in this policy area; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to act immediately to consider the relaxation of current United States export control laws governing cryptographic products and to discourage the implementation of a federally mandated "key recovery" program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-352. A joint resolution adopted by the Legislature of the State of California relative to special education funding; to the Committee on Appropriations.

Assembly Joint Resolution No. 12

Whereas, the Congress of the United States enacted the Education for All Handicapped Children Act of 1975 (P.L. 94-142), now known as the Individuals with Disabilities Education Act (IDEA), to ensure that all children with disabilities in the United States have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

Whereas, since 1975, federal law has authorized appropriation levels for grants to states under the IDEA at 40 percent of the average per-pupil expenditure and public elementary and secondary schools in the United States; and

Whereas, Congress continued the 40-percent funding authority in Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997; and

Whereas, Congress has never appropriated funds equivalent to the authorized level, has never exceeded the 15-percent level, and has usually only appropriated funding at about the 8-percent level; and

Whereas, the California Master Plan for Special Education was approved for statewide implementation in 1980 on the basis of the anticipated federal commitment to fund special education programs at the federally authorized level; and

Whereas, the Governor's Budget for the 1999–2000 fiscal year proposes $2.2 billion in General Fund support for the state's share of funding for special education programs; and

Whereas, the State of California anticipates receiving approximately $410,500,000 in federal special education funds under Part B of IDEA for the 1999–2000 school year, even though the federal authorized level of funding would provide over $1.8 billion annually to California; and

Whereas, local educational agencies in California are required to pay for the underfunded federal mandates for special education programs, at a statewide total cost approaching $1 billion annually, from regular education program money, thereby reducing the funding that is available for other education programs; and

Whereas, the decision of the Supreme Court of the United States in the case of Cedar Rapids Community Sch. Dist. v. Garret F. ((1999) 143 L.Ed 2d 154), has had the effect of creating an additional mandate for providing specialized health care, and will significantly increase the costs associated with providing special education services; and

Whereas, whether or not California participates in the IDEA grant program, the state has to meet the requirements of Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701) and its implementing regulations (34 C.F.R. 104), which prohibit recipients of federal financial assistance, including educational institutions, from discriminating on the basis of disability, yet no federal funds are available under that act for state grants; and

Whereas, California is committed to providing a free and appropriate public education to children and youth with disabilities, in order to meet their unique needs; and

Whereas, the California Legislature is extremely concerned that, since 1978, Congress has not provided states with the full amount of financial assistance necessary to achieve its goal of ensuring children and youth with disabilities equal protection of the law; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to provide the full 40-percent federal share of funding for special education programs so that California and other states participating in these critical programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on Budget, to the Chair of the House Committee on the Budget, to the Senate Committee on Appropriations, to the Chair of the House Committee on Appropriations, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Education.

POM-353. A petition from a citizen of the state of Pennsylvania relative to prisons; to the Committee on the Judiciary.

POM-354. A resolution adopted by the Board of Education of the Baldwin Park, California, Unified School District relative to special education funding; to the Committee on Appropriations.

POM-355. A resolution adopted by the Board of Supervisors of Florence County, Wisconsin, relative to the Forest Plan Revision of the Ten Year Plan for the Nicolet National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

S. 1214: A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes (Rept. No. 106–159).

By Mr. ROTH, from the Committee on Finance: Report to accompany the bill (S. 1389) to provide additional trade benefits to certain beneficiary countries in the Caribbean (Rept. No. 106–160).

By Mr. BOND, from the Committee on Appropriations, without amendment:

S. 1596: An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–161).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 178: A resolution designating the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself and Mr. FEINGOLD):

S. 1593. A bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; to the Committee on Rules and Administration.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. BINGAMAN, Mr. SARBANES, Mr. LEVIN, and Mr. CLELAND):

S. 1594. A bill to amend the Small Business Act and Small Business Investment Act of 1958; to the Committee on Small Business.

By Mr. KYL (for himself and Mr. McCAIN):

S. 1595. A bill to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 1596. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. KERREY:

S. 1597. A bill to amend the Internal Revenue Code of 1986 to provide enhanced tax incentives for charitable giving, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS:

S. 1598. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1599. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1600. A bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 1601. A bill to amend title XVIII of the Social Security Act to exclude small rural providers from the prospective payment system for hospital outpatient department services; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself and Mr. FEINGOLD):

S. 1593. A bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; to the Committee on Rules and Administration.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

Mr. McCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bipartisan Campaign Reform Act of 1999".

SEC. 2. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

"(a) NATIONAL COMMITTEES.—

"(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

“(2) Applicability.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

“(b) State, District, and Local Committees.—

“(1) In general.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

“(2) Federal election activity.—

“(A) In general.—The term ‘Federal election activity’ means—

“(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

“(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

“(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

“(B) Excluded activity.—The term ‘Federal election activity’ does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

“(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

“(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

“(iii) the costs of a State, district, or local political convention;

“(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

“(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

“(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

“(C) Generic campaign activity.—The term ‘generic campaign activity’ means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.

“(c) Fundraising Costs.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

“(d) Tax-Exempt Organizations.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section).

“(e) Candidates.—

“(1) In general.—A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more candidates or individuals holding Federal office, shall not—

“(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

“(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

“(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

“(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

“(2) State law.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

“(3) Fundraising events.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.”.

SEC. 3. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) Contribution Limit for State Committees of Political Parties.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C)—

(A) by inserting “(other than a committee described in subparagraph (D))” after “committee”; and

(B) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.”.

(b) Aggregate Contribution Limit for Individual.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking “$25,000” and inserting “$30,000”.

SEC. 4. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

“(d) Political Committees.—

“(1) National and congressional political committees.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

“(2) Other political committees to which section 323 applies.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in subparagraphs (A) and (B)(v) of section 323(b)(2).

“(3) Itemization.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

“(4) Reporting periods.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).”.

(b) Building Fund Exception to the Definition of Contribution.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

SEC. 5. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

“(h) Nonunion Member Payments to Labor Organization.—

“(1) In general.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

“(2) Objection procedure.—The objection procedure required under paragraph (1) shall meet the following requirements:

“(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

"(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

"(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

"(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

"(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures; and

"(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

"(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.".

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. BINGAMAN, Mr. SARBANES, Mr. LEVIN and Mr. CLELAND):

S. 1594. A bill to amend the Small Business Act and Small Business Investment Act of 1958; to the Committee on Small Business.

COMMUNITY DEVELOPMENT AND VENTURE CAPITAL ACT OF 1999

Mr. KERRY. Mr. President, the bill that I am sending to the desk is the Community Development and Venture Capital Act of 1999. I am pleased to share the introduction of this with Senators WELLSTONE, BINGAMAN, SARBANES, LEVIN, and CLELAND as cosponsors of it. This small business legislation is designed to promote economic development, business investment, productive wealth, and stable jobs in new markets.

It establishes a New Markets Venture Capital program that is part of President Clinton's New Markets Initiative that he mentioned in the "State of the Union Address" and promoted on a 4-day tour this summer.

New Markets are our country's low- and moderate-income communities where there is little to no sustained economic activity but many overlooked business opportunities. According to Michael Porter, a respected business analyst who has written extensively on competitiveness, ". . . inner cities are the largest underserved market in America, with many tens of billions of dollars of unmet consumer and business demand." Many rural areas also contain low- and moderate-income communities.

Think of the inner-city areas of Boston's Roxbury or New York's East Harlem, or the rural desolation of Kentucky's Appalachia or Mississippi's Delta region. These are our neediest communities—urban and rural pockets that are so depleted that no internal resource exists to jump start the economy. These are places where there have been multi-generations of unemployment and abandoned commercial centers and main streets.

To get at this complex and deep-rooted economic problem, this legislation has three parts: a venture capital program to funnel investment money into our poorest communities, a program to expand the number of venture capital firms that are devoted to investing in such communities, and a mentoring program to link established, successful businesses with businesses and entrepreneurs in stagnant or deteriorating communities in order to facilitate the learning curve.

The center piece is the New Markets Venture Capital Program. Its purpose is to stimulate economic development through public-private partnerships that invest venture capital in smaller businesses that are located in impoverished rural and urban areas or that employ low-income people.

Both innovative and fiscally sound, this legislation creates a new venture capital program within the Small Business Administration that is built on two of the agency's most popular programs. It is financially structured similar to the Agency's successful Small Business Investment Company program, and incorporates a technical assistance component similar to that successfully used in SBA's microloan program.

However, unlike the SBIC program which focuses solely on small businesses with high-growth potential and claims successes such as Staples and Calloway Golf, the New Markets Venture Capital program will focus on smaller businesses that show promise of financial and social returns—what we call a "double bottomline." These businesses tend to be higher risk, need longer periods to pay back money, need intensive, ongoing financial, management and marketing assistance, and have more modest prospects for return on investment than SBIC investments. For example, the returns on investments typically range from five to ten percent for community development venture capital funds versus SBIC's expected 20 to 30 percent rates of returns.

To balance out the equation, they also provide quality, stable jobs, create productive wealth in and among our neediest communities and need a smaller equity investment. Equity investments for community development investment funds will range from $50,000 to $300,000 versus the $300,000 to $5 million of typical deal sizes in the Agency's SBIC program.

Among other conditions, in order for an organization to be eligible to participate and approved as a New Markets Venture Capital company, it must have a management team with experience in community development financing or venture capital financing, be able to raise at least $5 million of non-SBA money for debentures, and raise matching funds for SBA's technical assistance grants.

Community development venture capitalists, we should be reminded, use all the discipline of traditional venture capitalists.

At the Small Business Committee roundtable we held in May on the Agency's SBIC program and other venture capital proposals, community development venture capital groups from Massachusetts to Minnesota to Kentucky talked about profit. Like traditional venture capital funds, community development funds have to make prudent investments to earn profits in order to attract and keep investors. But they balance that with social objectives. One of the most important social goals for Boston Community Venture Fund is job creation and job quality.

Elyse Cherry, who is President of the Boston Community Venture Fund, invited me, former Treasury Secretary Robert E. Rubin and former Congressman Joseph P. Kennedy II and others to tour a company her Fund invested in called City Fresh Foods. Located in Roxbury, one of Boston's neediest neighborhoods, Glynn and Sheldon Lloyd started a company that manufactures prepares African-American and Hispanic meals for the community and corporate clients. And through the Meals-on-Wheels program, this company serves the elderly in Roxbury and Dorchester districts. In addition to providing a needed service, City Fresh Foods has created 20 jobs, hires from the community, pays its employees from $8 to $16 per hour, and offers training and opportunity for them to move from entry-level jobs to supervisory positions.

There are more success stories like this around the country. The Community Development Venture Capital funds across the country have a proven track record in making smart, responsible investments in small businesses in their communities, but the capital needs of firms in economically distressed areas far outweigh the existing capacity of these organizations. Compared to the more than 1,143 traditional and SBIC venture capital firms in the U.S., only some 40 funds nationwide concentrate on investing in companies that show promise of financial and social returns. We simply need more community development venture capital funds to reach more of these underserved communities.

The second component of this bill, the "Community Development Venture Capital Assistance Program," recognizes that need and is designed to increase the number and expertise of community development venture capital funds, such as New Markets Venture Capital companies, around the country. A Community Development Venture Capital organization has a primary mission of promoting community development in low-income communities through investment in private businesses.

Senator WELLSTONE has carried the water on community development venture capital concept and deserves special credit for educating the Small Business Committee about this important economic development tool. He introduced this initiative in March. It is virtually identical to the bill he introduced in the last Congress and passed the full Senate as part of a comprehensive small business bill, H.R. 3412.

First, the Community Development Venture Capital Assistance program would authorize $15 million for SBA grants to private, nonprofit organizations with expertise in making venture capital investments in poor communities. These organizations would use these grants to provide hands-on technical assistance to spawn and develop new and emerging CDVC or NMVC companies. The intermediary organizations would match the grants dollar-for-dollar with non-Federal sources.

Second, this program would provide $5 million in SBA grants to colleges, universities, and other firms or organizations—public or private—to create and operate training and intern programs, organize a national conference, and fund academic research and studies dealing with community development venture capital.

Finally, to complement the venture capital investments and the program to foster the emergence and growth of more community development venture capital companies, this legislation would build on the BusinessLINC grant program. Already a successful public-private partnership that the SBA and Department of Treasury launched last June, it encourages larger businesses to mentor smaller businesses, enhancing the economic vitality and competitive capacity of small businesses located in the targeted areas. This Act will authorize $3 million a year to further promote and expand this program.

It's easy to stare past the broken inner cities and boarded up rural towns to the intrigues and fantasies of a booming Wall Street, flourishing suburbs and record-low national unemployment. But as we trumpet the successes of our economy, we must be smart and leverage that prosperity to jumpstart and strengthen our communities that are struggling. This legislation aims to do just that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOSTON COMMUNITY CAPITAL,
Boston, MA, July 16, 1999.

Hon. JOHN F. KERRY,
Ranking Member, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: I am writing to you as president of Boston Community Venture Fund, an affiliate of Boston Community Capital, and as a Board Member of the Community Development Venture Capital Alliance (CDVCA), in strong support of your leadership regarding the Administration's New Markets Venture Capital legislative proposal. I appreciate your positive public remarks concerning New Markets, including at your Committee's recent "roundtable." It is my understanding that you plan to introduce the administration's proposal soon, and I will be extremely pleased and proud to have you as our leading advocate in the Senate. CDVCA has worked closely with the Small Business Administration as they have drafted their proposal, and I have enjoyed working with Patty Forbes of your Small Business Committee staff, as well.

As you know, a New Markets Venture Capital program would help to direct private, equity financing to small, high-potential growth firms in economically distressed urban and rural areas. As the nation's leading practitioners of community development venture capitalism, the Alliance and its member organizations have begun to establish a strong record of effectively promoting such investment through what we call social entrepreneurship—equity investing with a "double bottom-line" mission of creating jobs and wealth among economically disadvantaged populations.

CDVCA strongly supported the Senate's action last year in passing community development venture capital "capacity-building" legislation. Unfortunately, that effort, initiated by Senator Wellstone, did not pass in the House before the end of the last Congress. We continue to believe that capacity-building assistance for the community development venture capital field would be crucial to the success of a New Markets program at SBA. We urge you to consider adding a provision to incorporate this capacity-building, or "Wellstone," concept into any bill you might introduce.

CDVCA also believes that a New Markets Venture Capital program could be more workably and effectively targeted if the Administration's discussion draft were modified. CDVCA's member-organizations all have a primary mission of serving low-income people. Indeed, we would prefer that such a mission be a requirement for eligibility for applicants to become New Markets Venture Capital companies in the bill. However, even as our organizations pursue that mission, none of our member-funds restricts itself to investing within geographical bounds as narrow as those suggested by the Administration. Serious pockets of poverty exist outside the census tracts which are the primary basis for that Administration proposal's geographical targeting. We have provided your staff with suggestions for amending that provision, and we would appreciate it if you could consider such changes before introducing a bill.

We strongly support the Administration's proposal, and we are especially hopeful regarding its prospects for enactment following the President's important recent tour of low-income urban and rural communities. I look forward to continuing to work with you and your office, and I hope you will feel free to contact me or Bob Rapoza, who represents our Alliance in Washington, should you have any questions. Bob's number is 292-393-5225.

Thank you for your attention to this issue. I hope to be discussing it further with you in the very near future.

Sincerely,

ELYSE D. CHERRY,
President,
Boston Community Venture Fund.

SEPTEMBER 15, 1999.

DEAR MEMBERS OF CONGRESS: We urge you to support the President's proposal for a "New Markets Venture Capital Companies" program to be administered by the Small Business Administration. The program would help establish 10–20 new venture capital investment funds with a mission of creating good jobs and new businesses in economically distressed communities across America.

The remarkable prosperity now enjoyed by much of the country unfortunately is leaving large numbers of Americans behind. One reason is lack in many urban and rural communities of the needed equity capital and technical assistance which are key to starting and expanding new businesses.

An emerging industry of community development venture capitalists is addressing this need. Committed to a "double bottom-line" of rigorously promoting profit-making growth companies while also creating large numbers of good jobs in low-income communities, these funds have demonstrated impressive results. The same model of business development that has driven economic expansion in the Silicon Valley and Route 128 in Massachusetts, coupled with a focus on poor communities and job creation, is beginning to make a powerful difference in areas such as rural Appalachia, Minnesota's Iron Range, inner-city Baltimore, Boston and elsewhere.

We need to build on the success of this grassroots model to help ensure that all of America's communities have a chance to participate in current growth. A modest public investment, leveraging significant private capital, would yield tremendous national benefits.

The Administration's proposal is contained in the President's FY 2000 budget request. Bills to be introduced by Senator John Kerry and Representative Nydia Velazquez, the Ranking Members of their respective Small Business Committees, faithfully embody the same concept. We are very hopeful that this idea, grounded in local self-help principles and targeted to where it is most needed, can be enacted as a bipartisan legislative accomplishment.

A New Markets Venture Capital program would allow participating funds to issue SBA-guaranteed debentures for urgently needed equity capital and to receive matching technical assistance grants to allow the intensive, hands-on management and direction which is key to the success of community development venture capital. A $45-million Federal investment would match other sources on a dollar-for-dollar basis and be directed over 10 years to generate hundreds of millions of dollars in economic activity.

All this would take place in communities that currently have the most trouble attracting private investment, despite numerous potential business opportunities with good returns and outstanding social benefits. Participation would be on a competitive basis and geared toward funds with a combination of a strong financial track record and a mission of community development. The program would be community-based to meet the specific needs of each area in which it operates.

Community development venture capital funds are proving that the tools of venture capital can fuel business creation and expansion, create good jobs and improve the lives of people in low-income communities. We hope you can give a boost to this extremely promising new tool for genuine economic development by supporting and passing New Markets Venture Capital legislation this year.

Sincerely,

African-American Venture Capital Fund, LLC, Louisville, KY
Alternatives Federal Credit Union, Ithaca, NY
Appalachian Center for Economic Networks, Athens, OH
Arkansas Enterprise Group, Arkadelphia, AR
Association for Enterprise Opportunity, Chicago, IL
Banc of America SBIC Corporation, Charlotte, NC
Bank One, Chicago, IL
Boston Community Capital, Boston, MA
Carras Community Investment, Inc, Fort Lauderdale, FL
Cascadia Revolving Fund, Seattle, WA
CDFI Coalition, Philadelphia, PA
CEI Ventures, Inc, Portland, ME
Center for Community Self-Help, Durham, NC
Commons Capital, Nantucket, MA
Community Loan Fund of Southwestern Pennsylvania, Inc, Pittsburgh, PA
Development Corporation of Austin, Austin, MN
DVCRF Ventures, Philadelphia, PA
Enterprise Corporation of the Delta, Jackson, MS
Enterprise Foundation, Columbia, MD
First Nations Development Institute, Fredricksburg, VA
Gulf South Capital, Inc, Jackson, MS
Illinois Facilities Fund, Chicago, IL
Impact Seven, Inc, Almena, WI
Intrust USA, Wilmington, DE
J.P. Morgan Community Development Corporation, New York, NY
Kentucky Highlands Investment Corporation, London, KY
Karen H. Lightman, Senior Policy Associate, Carnegie Mellon University Center for Economic Development, Pittsburgh, PA
Local Economic Assistance Program, Inc, Oakland, CA
LEAP, Inc, Brooklyn, NY
Millennium Fund, LLC, Seattle, WA
Minnesota Investment Network Corporation, Minneapolis MN
Mountain Ventures, Inc, London, KY
MSBDFA Management Group, Inc, Baltimore, MD
National Association of Affordable Housing Lenders, Washington, DC
National Community Capital Association, Philadelphia, PA
National Congress for Community Economic Development, Washington, DC
National Cooperative Bank Development Corporation, Washington, DC
National Council of LaRaza, Washington, DC
New York City Investment Fund, New York, NY
New York Community Investment Company L.L.C. New York, NY
Northern Community Investment Corporation, St. Johnsbury, VT
Northern Initiatives, Marquette, MI
Northeast Ventures Corporation, Duluth, MN
Pioneer Human Services, Seattle, WA
Resources for Human Development, Philadelphia, PA
The Roberts Enterprise Development Fund, San Francisco, CA
Rural Development & Finance Corp, San Antonio, TX
Silicon Valley Community Ventures, San Francisco, CA
Southern Development Bank, Arkadelphia, AR
Southern Tier West Regional Planning and Development Board, Salamanca, NY
Sustainable Jobs Fund, Durham, NC
Woodstock Institute, Chicago, IL
Vermont Community Loan Fund, Inc, Montpelier, VT
Virgin Islands Capital Resources, Inc, St. Thomas, USVI

NORTHEAST VENTURES,
Duluth, MN, September 16, 1999.
Senator JOHN F. KERRY,
Small Business Committee/Democratic Staff, Washington, DC.

DEAR SENATOR KERRY: I am writing in support of the New Markets Venture Capital bill, which I understand you are introducing today. I serve as chair and chief executive officer of Northeast Ventures, a $12 million community development venture capital firm investing in northeastern Minnesota, a restructured iron mining area of the country. Over the last ten years, we have invested almost $10 million in 21 growth companies which would not exist but for the presence of our equity capital. We apply market disciplines along side a frankly stated social purpose of intervening in this distressed area.

I also serve as chair of the Community Development Venture Capital Alliance, a national alliance of community development venture capital funds. We have 40 funds throughout the United States and eastern Europe. All these funds have a mission of poverty alleviation through the disciplined use of venture capital in distressed areas and among distressed populations.

The New Markets Venture Capital legislation has the potential of providing significant additional funding and catalyzing the creation of a significant number of new funds for this important purpose.

We thank you very much for your support. Nothing could be more important than job and wealth creation in the most distressed urban and rural areas of our country.

Respectfully submitted,

NICK SMITH,
Chairman.

● Mr. SARBANES. Mr. President, we have spent a lot of time in the Senate praising the booming American economy and low unemployment rates. I, like the rest of the colleagues, am proud to see our country benefitting from such prosperity, but all Americans are not participating in these benefits.

In reality, Americans that live in low income areas, either in cities or rural areas, are not experiencing today's prosperity. This is largely because they do not have the economic infrastructure in their communities to take advantage of it. Poor communities frequently lack local businesses to employ residents and provide services, creating no point of entrance for participation in the larger American economy.

It is for these reasons that I am cosponsoring the Community Development and Venture Capital Act of 1999 introduced by Senator KERRY. This legislation is part of President Clinton's New market Initiatives Proposal. As my colleagues know, I have already introduced America's Private Investment Companies Act of 1999, or APIC, which is another part of the New Market initiative.

The Community Development and Venture Capital Act makes a three pronged effort to infuse capital into distressed communities, and establish small businesses in our nations most needy neighborhoods. First, the bill will use federal money to leverage private funding for venture capital companies with a commitment to community development, referred to as New market Venture Capital Companies (NMVC). This will help to nurture new businesses in poor areas. The companies funding by this bill will function much like the successful SBIC program that the Small Business Administration sponsors, but will focus on businesses in targeted neighborhoods that need more patient, long term capital funding, and added technical assistance to ensure success.

Furthermore, the bill will increase the number of community development venture capital funds so that more communities can be served by the program and expand the successful business mentoring program, BusinessLINC, already in place.

I have long argued that the best social policy is a job. This legislation, combined with the APIC bill and the New markets Tax Credit introduced by Senator ROCKEFELLER, will be a catalyst to the creation of new businesses and the jobs and economic opportunities they bring in those areas most in need.●

By Mr. KERREY:

S. 1597. A bill to amend the Internal Revenue Code of 1986 to provide enhanced tax incentives for charitable giving, and for other purposes; to the Committee on Finance.

ENHANCED INCENTIVES FOR CHARITABLE GIVING ACT OF 1999

● Mr. KERREY. Mr. President, I am introducing legislation today to provide enhanced incentives for charitable giving.

I very much believe that we ought to do what we can to encourage those who are doing so well in this economy to give generously to organizations who serve those who have been left behind in these prosperous times. I worked to have a number of charitable giving provisions included in the Senate version of the tax bill we passed earlier this year and was delighted that those provisions were included in that bill. Regrettably these provisions were deleted from the final version of the tax bill, something which contributed to my decision to vote against the conference report on that bill. The bill I am introducing today is a stand-alone version of the charitable giving provisions that I was proud to have worked to include in the Senate version of the tax bill.

The purpose of this bill is simple: to provide powerful incentives for those who have more to give to those who have less.

The first provision in this bill would allow taxpayers some extra time to decide to make donations to low-income schools in a given tax year. Under current law individuals can already take charitable deductions for contributions to public and private schools. Clearly, wealthier schools, where parents have the resources to make these contributions, benefit most from this tax treatment.

What this provision attempts to do is highlight the fact that a charitable deduction can be taken for these types of donations generally while providing an incentive for giving to low-income private and public schools in particular. Since the parents in these schools are low-income, this provision is not aimed at getting them to give—it is aimed at getting taxpayers outside of these low-income schools to help the children in those schools. Wealthier public and private schools already get these contributions, this provision attempts to get some contributions going to schools where more than half of the children are economically disadvantaged.

This provision tracks the way we allow contributions to Individual Retirement Accounts, IRAs, to be made. Under current law, taxpayers can make contributions to an IRA up until the date their taxes are due—April 15—and still have those contributions qualify for the previous taxable year. This provision would simply allow contributions to low income elementary and secondary schools to be made up until April 15—thereby highlighting and encouraging taxpayers to make these contributions.

The second provision in this bill allows taxpayers who do not itemize their deductions, to take a small deduction for charitable contributions. Across the country, seventy-three percent of all taxpayers do not itemize and therefore are not able to take a charitable deduction. In Nebraska, that number is even higher, a full seventy-eight percent of Nebraska's taxpayers do not itemize. This bill would allow a single taxpayer who does not itemize a $50 deduction and taxpayers filing jointly a $100 charitable deduction. While this provision may not cover all of the charitable giving that these individuals and families make, it recognizes and encourages charitable giving by people who may not give a million dollars, but give donations that are meaningful nonetheless to good causes like their church or synagogue, or their children's PTA, or the Girl Scouts or the Salvation Army. We ought to encourage that giving and provide a small incentive to do so. That is the purpose behind this provision.

The legislation I am introducing today also raises the percentage amount of income that an individual may deduct in a given year from 50 percent of their adjusted gross income to 75 percent. It also raises the limits on gifts of capital gain property to charities from 30 percent to 50 percent. In addition, this bill increases the corporate charitable deduction limit from 10 to 20 percent of taxable income.

These provisions are designed to encourage those who give a lot, to give even more. While I recognize that those who receive these tax benefits are apt to be higher-income taxpayers, I also recognize that the charities that will receive these increased donations are apt to use these donations to help low-income individuals. In short, I'm not overly troubled by distributional tables on a policy which will induce those with more to give to those who need help the most.

And finally, this bill contains an important reform of what is known as the excess business holdings rule. That rule limits the ability of a private foundation to hold more than twenty percent of a corporation's voting stock for more than five years. At present, I believe this rule discourages potential donors with major stockholdings in publicly-trade corporate stock from making significant contributions of these holdings to charitable foundations. This is just the opposite of what we should be doing, particularly at a time when we are expecting more, not less, from organizations with charitable purposes. The proposal I have included in this bill would allow private foundations to increase their holding in publicly traded stock of a corporation received by bequest from 20 percent to 49 percent.

Taken together I believe these proposals do much to encourage people to give more. I urge my colleagues to support this legislation and hope that it will be included in any broad tax legislation that we consider.

I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Incentives for Charitable Giving Act of 1999".

SEC. 2. CHARITABLE CONTRIBUTIONS TO CERTAIN LOW INCOME SCHOOLS MAY BE MADE IN NEXT TAXABLE YEAR.

(a) IN GENERAL.—Section 170(f) of the Internal Revenue Code of 1986 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

"(10) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—

"(A) IN GENERAL.—At the election of the taxpayer, a qualified low-income school contribution shall be deemed to be made on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof). The election may be made at the time of the filing of the return for such table year, and shall be made and substantiated in such manner as the Secretary shall by regulations prescribe.

"(B) QUALIFIED LOW-INCOME SCHOOL CONTRIBUTION.—For purposes of subparagraph (A), the term 'qualified low-income school contribution' means a charitable contribution to an educational organization described in subsection (b)(1)(A)(ii)—

"(i) which is a public, private, or sectarian school which provides elementary or secondary education (through grade 12), as determined under State law, and

"(ii) with respect to which at least 50 percent of the students attending such school are eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 3. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of—

"(1) the amount allowable as a deduction under subsection (a) for the taxable year, or

"(2) $50 ($100 in the case of a joint return).".

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(2) DEFINITION.—Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).".

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 4. INCREASE IN LIMIT ON CHARITABLE CONTRIBUTIONS AS PERCENTAGE OF AGI.

(a) IN GENERAL.—

(1) INDIVIDUAL LIMIT.—Section 170(b)(1) of the Internal Revenue Code of 1986 (relating to percentage limitations) is amended—

(A) by striking “50 percent” in subparagraph (A) and inserting “the 75 percent”, and

(B) by striking “30 percent” each place it appears in subparagraph (C) and inserting “50 percent”.

(2) CORPORATE LIMIT.—Section 170(b)(2) of such Code is amended by striking “10 percent” and inserting “20 percent”.

(b) CONFORMING AMENDMENTS.—Section 170(d)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “50 percent” each place it appears and inserting “75 percent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 5. LIMITED EXCEPTION TO EXCESS BUSINESS HOLDINGS RULE.

(a) IN GENERAL.—Section 4943(c)(2) of the Internal Revenue Code of 1986 (relating to permitted holdings in a corporation) is amended by adding at the end the following new subparagraph:

“(D) RULE WHERE VOTING STOCK IS PUBLICLY TRADED.—

“(i) IN GENERAL.—If—

“(I) the private foundation and all disqualified persons together do not own more than the 49 percent of the voting stock and not more than the 49 percent in value of all outstanding shares of all classes of stock of an incorporated business enterprise,

“(II) the voting stock owned by the private foundation and all disqualified persons together is stock for which market quotations are readily available on an established securities market, and

“(III) the requirements of clause (ii) are met,

then subparagraph (A) shall be applied by substituting ‘49 percent’ for ‘20 percent’.

“(ii) REQUIREMENTS TO BE MET.—The requirements of this clause are met during any taxable year—

“(I) in which disqualified persons with respect to the private foundation do not receive compensation (as an employee or otherwise) from the corporation or engage in any act with such corporation which would constitute self-dealing within the meaning of section 4941(d) if such corporation were a private foundation and if each such disqualified person were a disqualified person with respect to such corporation,

“(II) in which disqualified persons with respect to such private foundation do not own in the aggregate more than 2 percent of the voting stock and not more than 2 percent in value of all outstanding shares of all classes of stock in such corporation, and

“(III) for which there is submitted with the annual return of the private foundation for such year (filed within the time prescribed by law, including extensions, for filing such return) a certification which is signed by all the members of an audit committee of the Board of Directors of such corporation consisting of a majority of persons who are not disqualified persons with respect to such private foundation and which certifies that such members, after due inquiry, are not aware that any disqualified person has received compensation from such corporation or has engaged in any act with such corporation that would constitute self-dealing within the meaning of section 4941(d) if such corporation were a private foundation and if each such disqualified person were a disqualified person with respect to such corporation.

For purposes of this clause, the fact that a disqualified person has received compensation from such corporation or has engaged in any act with such corporation which would constitute self-dealing within the meaning of section 4941(d) shall be disregarded if such receipt or act is corrected not later than the due date (not including extensions thereof) for the filing of the private foundation's annual return for the year in which the receipt or act occurs and on the terms that would be necessary to correct such receipt or act and thereby avoid imposition of tax under section 4941(b).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to foundations established by bequest of decedents dying after December 31, 1999.●

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1599. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest; to the Committee on Energy and Natural Resources.

BLACK HILLS NATIONAL FOREST LEGISLATION

Mr. DASCHLE. Mr. President, today I am introducing legislation to authorize the Black Hills National Forest to sell or exchange property it owns in order to acquire new property for the purpose of constructing two new district offices for the forest. The legislation is cosponsored by my colleague from South Dakota, Senator JOHNSON.

On February 27, 1998, the Forest Service approved the consolidation of the Black Hills National Forest's seven Ranger Districts into four districts. As a result, the Pactola/Harney and Spearfish/Nemo Ranger Districts are each currently managed by one District Ranger, but utilize two offices each. Combining these four separate offices into two district offices would save money in the long-term, be more efficient, and ensure good customer service for users of the forest.

One of the new district offices would be located on federally-owned property in Spearfish Canyon and house the Spearfish/Nemo Ranger District employees. The other new district office would be located on property to be procured near Rapid City, and would house the Pactola/Harney Ranger District and the Rapid City Research Station employees.

It is important to note that this legislation is particularly necessary given the extraordinarily poor working conditions experienced by the employees of the Rapid City Research Station. Their building is literally falling apart and fails to meet basic safety standards. In fact, due to a lack of proper ventilation and a failure to meet fire codes, the fire marshal has prohibited the research station from carrying out any of the chemical analysis critical to its mission. As a result, that work must be contracted out, using funds that could more appropriately be spent elsewhere.

Much of the resources necessary for the implementation of this legislation can be gained by selling property that will be made unnecessary by the construction of the new offices. However, the legislation does authorize any additional funds that may be necessary to complete this important project.

I have worked carefully with the Forest Service to develop this legislation. I believe it is a sensible and efficient way to ensure that the agency can meet the needs of the public. I urge my colleagues to give it their support.

By Mr. BAUCUS:

S. 1601. A bill to amend title XVIII of the Social Security Act to exclude small rural providers from the prospective payment system for hospital outpatient department services; to the Committee on Finance.

SMALL RURAL PROVIDER ACT OF 1999

Mr. BAUCUS. Mr. President, I rise today to introduce the Small Rural Provider Act of 1999.

Small, rural hospitals have always played a vital role in ensuring access to quality health care. Today, rural hospitals are as important as ever. Half of all American hospitals are in rural areas, and these institutions account for fully one-quarter of the hospital beds in our country. And rural hospitals across America are expanding and improving their services, from disease prevention to rehabilitation to outpatient surgery.

But if the outpatient prospective payment system (PPS) goes into effect as currently proposed, rural hospitals in Montana and across the nation will lose millions of dollars in Medicare payments each year. Some of our smallest hospitals—the ones we should be supporting the most—will lose more than half of their current payments. That's just not right, and we should pass legislation to fix it.

Why does the outpatient PPS pose such a threat to small, rural hospitals? As you know, Mr. President, instead of reimbursing hospitals for the actual costs that they incur, a PPS would pay hospitals on a fixed, limited rate. That might make sense for a large hospital in Chicago or New York City that sees thousands of patients every day. But it doesn't make sense for a small hospital that doesn't enjoy the same economies of scale. It certainly doesn't make sense for Madison Valley Hospital, in Ennis, Montana, which would face an estimated 62.6 percent cut in outpatient payments under PPS.

Mr. President, how can small, rural hospitals, already struggling to improve their services with limited funds, survive and operate with half as much money? How can hospitals that rely on Medicare patients for most of their revenue endure a 50 percent pay-cut? The simple answer is: they cannot.

And let's remember, Mr. President, many of these hospitals are home to skilled nursing facilities (SNFs) and home health agencies (HHAs). These are the same SNFs and HHAs that have already been harmed by new prospective payment systems of their own.

This is a very simple bill. It would allow small, rural hospitals to opt out of the outpatient PPS. Without this bill, hospitals all across rural America will face devastating shortfalls in the coming year—and the quality of our country's health care will suffer. With this bill, the small hospitals that serve rural Americans throughout the nation can continue to improve the quality of their services.

Passing this bill is the right thing to do, and I urge my colleagues to join me in supporting it.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Rural Provider Act of 1999".

SEC. 2. EXCLUSION OF SMALL RURAL PROVIDERS FROM PPS FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) IN GENERAL.—Section 1833(t)(1) of the Social Security Act (42 U.S.C. 1395l(t)(1)) is amended—

(1) in subparagraph (B), by striking "For purposes of this" and inserting "Subject to subparagraph (C), for purposes of this"; and

(2) by adding at the end the following:

"(C) EXCLUSION FOR SERVICES FURNISHED BY SMALL RURAL PROVIDERS.—The term 'covered OPD services' does not include services furnished by a—

"(i) medicare-dependent, small rural hospital, as defined in section 1886(d)(5)(G)(iv);

"(ii) a critical access hospital, as defined in section 1861(mm)(1);

"(iii) sole community hospital, as defined in section 1886(d)(5)(D)(iii); or

"(iv) a hospital (determined as of the date of enactment of the Small Rural Provider Act of 1999) that—

"(I) has less than 50 beds; and

"(II) performed less than 5,000 outpatient procedures during the 12-month period ending on such date;

if such hospital, within the 180-day period beginning on the date of enactment of the Small Rural Provider Act of 1999, requests the Secretary to exclude services furnished by such hospital from the prospective payment system established under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

ADDITIONAL COSPONSORS

S. 386

At the request of Mr. GORTON, the names of the Senator from Utah (Mr. HATCH) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 391

At the request of Mr. KERREY, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 635

At the request of Mr. MACK, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 693

At the request of Mr. HELMS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 708

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 897

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 897, a bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1053

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1091

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1091, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 1172

At the request of Mr. BURNS, his name was withdrawn as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1175

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1175, a bill to amend title 49, United States Code, to require that fuel economy labels for new automobiles include air pollution information that consumers can use to help communities meet Federal air quality standards.

S. 1242

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. BOND) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1414

At the request of Mr. MACK, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1414, a bill to amend title XVIII of the Social Security Act to restore access to home health services covered under the medicare program, and to protect the medicare program from financial loss while preserving the due process rights of home health agencies.

S. 1473

At the request of Mr. ROBB, the names of the Senator from Indiana

(Mr. BAYH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1547

At the request of Mr. BURNS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 158

At the request of Mr. CRAIG, his name was added as a cosponsor of Senate Resolution 158, a resolution designating October 21, 1999, as a "Day of National Concern About Young People and Gun Violence."

SENATE RESOLUTION 178

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 178, a resolution designating the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Mr. SARBANES), the Senator from Nebraska (Mr. KERREY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

SENATE RESOLUTION 180

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. HAGEL), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Resolution 180, a resolution reauthorizing the John Heinz Senate Fellowship Program.

SENATE RESOLUTION 183

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

LAUTENBERG AMENDMENT NO. 1678

Mr. LAUTENBERG proposed an amendment to the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the appropriate place in the bill, insert:

SEC.   . It is the sense of the Senate that the Secretary should expeditiously amend Title 14, Chapter II, Part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

DASCHLE (AND OTHERS) AMENDMENT NO. 1679

Ms. LANDRIEU (for Mr. DASCHLE (for himself, Ms. LANDRIEU, and Mr. WYDEN)) proposed an amendment to the bill, H.R. 2084, supra; as follows:

On page 65, line 22, before the period at the end of the line, insert the following ": *Provided it is the sense of the Senate*, That the funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another, including recommendations to develop a passenger-friendly and cost-effective solution to ticket transfers among airlines when seats are available.

SHELBY (AND LAUTENBERG) AMENDMENT NO. 1680

Mr. SHELBY (for himself and Mr. LAUTENBERG) proposed an amendment to the bill, H.R. 2084, supra; as follows:

On page 7, line 22, before the period, insert the following: ": *Provided further*, That the Secretary of Transportation shall use any surplus funds that are made available to the Secretary, to the maximum extent practicable, to provide for the operation and maintenance of the Coast Guard".

On page 18, lines 4 and 5, strike "notwithstanding Public Law 105–178 or any other provision of law,".

On page 18, line 24, insert after "Code:" insert the following: "*Provided further*, That $6,000,000 of the funds made available under 104(a) of title 23, United States Code, shall be made available to carry out section 5113 of Public Law 105–178:"

On page 19, lines 12 and 13, strike "notwithstanding any other provision of law,".

On page 20, lines 7 and 8, strike "notwithstanding any other provision of law,".

On page 20, line 12, strike all after "That" through "of law," on line 21.

On page 20, line 22, strike "not less than" and insert the following: $5,000,000 shall be made available to carry out the Nationwide Differential Global Positioning System program, and".

On page 22, line 15, strike "Notwithstanding any other provision of law, for" and insert the following: "For".

On page 24, lines 4 through 8, strike: ": *Provided further*, That none of the funds made available under this Act may be obligated or expended to implement section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (42 U.S.C. 405 note)".

On page 40, between lines 14 and 15, insert the following: "Gees Bend Ferry facilities, Wilcox County, Alabama".

On page 40, between lines 16 and 17, insert the following: "Georgia Regional Transportation Authority, Southern Crescent Transit bus service between Clayton County and MARTA rail stations, Georgia".

On page 42, between lines 17 and 18, insert the following: "Jasper buses, Alabama".

On page 43, line 16, insert after "Lane County, Bus Rapid Transit" the following: "buses and facilities".

On page 44, between lines 12 and 13, insert the following: "Los Angeles/City of El Segundo Douglas Street Green Line connection".

On page 47, between lines 4 and 5, insert the following: "Newark intermodal center, New Jersey".

On page 48, between lines 14 and 15, insert the following: "Parkersburg intermodal transportation facility, West Virginia".

On page 56, strike line 18, and insert the following: "Dane County/Madison East-West Corridor".

On page 57, between lines 19 and 20, insert the following: "Northern Indiana South Shore commuter rail project;".

On page 59, line 10, strike "and the".

On page 59, line 11, after "projects" insert the following: "; and the Washington Metro Blue Line extension—Addison Road".

On page 61, strike lines 1 and 2, 11 and 12.

On page 62, strike lines 1 and 2.

On page 62, line 4, strike "and the" and insert: "Wilmington, DE downtown transit connector; and the".

On page 80, line 24, strike "; and" and inserts".".

On page 81, strike lines 1 through 8.

On page 90, strike lines 4 through 22, and insert the following:

"SEC.   . (a) None of the funds in this act shall be available to execute a project agreement for any highway project in a state that sells drivers' license personal information as defined in 18 U.S.C. 2725(3) (excluding individual photograph), or motor vehicle record, as defined in 18 U.S.C. 2725(1), unless that state has established and implemented an opt-in process for the use of personal information or motor vehicle record in surveys, marketing (excluding insurance rate setting), or solicitations.

"(b) None of the funds in this act shall be available to execute a project agreement for any highway project in a state that sells individual's drivers' license photographs, unless that state has established and implemented an opt-in process for such photographs."

On page 91, between lines 9 and 10, insert the following:

"SEC.   . Of funds made available in this Act, the Secretary shall make available not less than $2,000,000, to remain available until expended, for planning, engineering, and construction of the runway extension of Eastern West Virginia Regional Airport, Martinsburg, West Virginia: *Provided further*, That the Secretary shall make available not less than $400,000 for the Concord, New Hampshire transportation planning project: Provided further, That the Secretary shall make available not less than $2,000,000 for an explosive detection system demonstration at a cargo facility at Huntsville International Airport.

"SEC.   . Section 656(b) of Division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

"SEC.   . Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105–277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

"SEC.   . For necessary expenses for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center, to become available on October 1 of the fiscal year specified and remain available until expended: fiscal year 2001, $20,000,000.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 16, 1999, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, September 16, 1999 beginning at 10 a.m. in room 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 16, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 16, for purposes of conducting a hearing, Subcommittee on Forests and Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony on the Administration's Northwest Forest Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee, Subcommittee on International Security, Proliferation, and Federal Services be permitted to meet on Thursday, September 16, 1999, at 2 p.m. for a hearing on the annual report of the Postmaster General.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be permitted to meet on Thursday, September 16, 1999, at 9:30 a.m. for a hearing entitled "Day Trading: An Overview."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcomimttee on Public Health, be authorized to meet for a hearing on Children's Health during the session of the Senate on Thursday, September 16, 1999, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. SHELBY. Mr. President, the Subcommittee on Youth Violence of the Committee on the Judiciary requests unanimous consent to conduct a hearing on Thursday, September 16, 1999 beginning at 2 p.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PROMOTING RESPONSIBLE FATHERHOOD

• Mr. BAYH. Mr. President, I respectfully request that the attached statement delivered by Governor Pedro Rosselio, of Puerto Rico, before the Human Resources Committee of the National Governors' Association be printed in the RECORD. This statement was made in reference to S. 1364, the Promoting Responsible Fatherhood Act of 1999.

The statement follows.

REMARKS BY THE HONORABLE PEDRO ROSSELLÓ, GOVERNOR OF PUERTO RICO AND CO-LEAD GOVERNOR ON FATHERHOOD IN THE NATIONAL GOVERNORS' ASSOCIATION, DELIVERED AT A MEETING OF THE COMMITTEE ON HUMAN RESOURCES OF THE NATIONAL GOVERNORS' ASSOCIATION, SAINT LOUIS, MISSOURI, AUGUST 8, 1999

Thank you, Mister Chairman.

Governor Tom Ridge and I are extremely enthusiastic about the duties we have been discharging as the N–G–A's Lead Governors on Fatherhood.

And in that regard, I certainly want to acknowledge the superb collaboration that we have received from the colleagues who serve with us as fellow members of the Governors' Task Force on Fatherhood Promotion.

As has been documented by the N–G–A Center for Best Practices, the efforts we've been undertaking have yielded a rich harvest.

That harvest encompasses: An intensification of public awareness campaigns—in nearly all of the states and territories—to promote positive father involvement; a sharper focus for programs, throughout the nation, that are aimed at developing the parenting skills of new fathers; and better targeted support services for disadvantaged or noncustodial fathers, so that they can learn how to improve their relationships with their children.

During this past year, our Task Force also expanded its outreach, while joining with the National Fatherhood Initiative, as a co-sponsor of the 1999 National Summit on Supporting Urban Fathers.

At the event 2 months ago, we helped spearhead the creation of a brand new Mayors' Task Force on Fatherhood Promotion.

As a result, Governors and Mayors are now pooling their resources and putting their heads together on multi-sectoral approaches that can meet the challenge of promoting responsible fatherhood in those urban communities where absenteeism and neglect place very large numbers of children at risk.

We Governors can take considerable satisfaction in the progress we have made since we last gathered to discuss the need for an aggressive campaign to foster conscientious fatherhood.

Nevertheless, it remains a fact that we still have a long way to go in this important quest to improve the home environments and—by extension—the learning environments of countless thousands of girls and boys and teenagers . . . all across America.

And with that in mind, I strongly recommend that this Committee renew its support for N–G–A Policy H–R 28, on the subject of Paternal Involvement in Child-Rearing.

However, I would also submit that we must go further.

In addition to re-committing ourselves to a policy statement which underscores our collective determination to enter the new millennium with stronger families and a brighter future for the nation's young people, we must likewise re-commit ourselves to a partnership with other elected officials who share those indispensable aspirations.

So it is that I hope each and every one of us will emphatically endorse Congressional enactment of the Responsible Fatherhood Act of 1999.

This bill, introduced less than a month ago by Senators EVAN BAYH and PETE DOMENICI, will empower states and communities with new tools to encourage the formation—and the maintenance—of two-parent households, as well as the acceptance by absent fathers of personal responsibility for their children. This bipartisan legislation will provide states and communities with flexible funding to promote responsible fatherhood, through alliances with news media, charities, community-based organizations and religious institutions.

The bill will also amend the "high-performance bonus" that was created by the 1996 Federal welfare reform statute; the amendment will establish that the formation and maintenance of two-parent families shall henceforward be taken into account as one of the factors considered when granting bonuses to states that are successful in obtaining private-sector jobs for welfare recipients.

These and other provisions of the Responsible Fatherhood Act of 1999 will lend tangible support to our own pioneering efforts on behalf of fatherhood promotion.

And I am confident that the initiatives contemplated under this bill can be put into effect without jeopardizing any of the existing appropriations that mean so much to our states and communities.

In summary, then, I invite your attention and your allegiance to both the renewal of our N–G–A Policy-Plank, H–R 28, and to this very promising new Federal legislation measure.

That concludes what I hope we can agree has been a report that was at once brief and to the point.

Thank you very much, Mr. Chairman.●

NATIONAL PAYROLL WEEK

● Mr. COVERDELL. Mr. President, I rise today to acknowledge the efforts of thousands of hard-working Americans who are members of the American Payroll Association. As you may know, this week, September 13 through 17, has been designated National Payroll Week, a time to take note of the efforts of our nation's payroll professionals.

Payroll taxes are the largest source of revenue for the federal government. While I for one would like to see these rates reduced, we should not let this detract from the hard work which payroll professionals put into their efforts. Payroll work is also a vital component of facilitating child-support payments. It is my understanding that more than 60 percent of all child support collections are derived from payroll deductions for this purpose.

While many of us here often make note of Americans working in the factories, in our retail outlets, and on our farms, many times we overlook those who monitor the systems that ensure Americans receive their wages quickly and efficiently. I encourage my colleagues to also acknowledge our nation's payroll professionals during this week.●

CONDEMNATION OF PREJUDICE AGAINST INDIVIDUALS OF ASIAN AND PACIFIC ISLAND ANCESTRY

● Mr. AKAKA. Mr. President, I am a cosponsor of S. Con. Res. 53, a sense of Congress resolution relating to the recent allegations of espionage and illegal campaign financing that have brought into question the loyalty of individuals of Asian Pacific ancestry.

Mr. President, I am concerned about the negative impact that the recent investigation of Wen Ho Lee, a scientist at Los Alamos, New Mexico, is having on the Chinese American community. Certain recent media coverage of this investigation has chosen to portray Chinese and Chinese Americans with a broad brush, using loaded words that are offensive and implying that certain people should be treated with suspicion solely because of their ethnicity or national origin. Cartoons exaggerate and poke fun at physical appearances of individuals by depicting slanted eyes and buck teeth.

In one particularly offensive example, a recent editorial in a Santa Fe, New Mexico, newspaper made fun of Asian accents, unnecessarily referred to the "Fu Manchu" character, and tried to link the allegations of stolen nuclear secrets and the bombing of the Chinese embassy in Belgrade.

Mr. President, Asian Pacific Americans are an important part of our body politic. They have made significant contributions to politics, business, industry, science, sports, education, and the arts. Men and women like the late Senator Sparky Matsunaga, Olympic Champion Kristi Yamaguchi, Architect I.M. Pei, Maxine Hong Kingston, Ellison Onizuka, and many others have enhanced and invigorated the life of this nation.

Asian Americans have played a fundamental part in making this country what it is today. Asian immigrants helped build the great transcontinental railroads of the 19th century. They labored on the sugar plantations of Hawaii, on the vegetable and fruit farms of California, and in the gold mines of the West. They were at the forefront of the agricultural labor movement, especially in the sugarcane and grape fields, and were instrumental in developing the fishing and salmon canning industries of the Pacific Northwest. They were importers, merchants, grocers, clerks, tailors, and gardeners. They manned the assembly lines during America's Industrial Revolution. They opened laundries, restaurants, and vegetable markets. They also served our nation in war: the famed all-Nisei 100th/442nd combat team of World War II remains the most decorated unit in U.S. military history.

Despite their contributions, Asian immigrants and Asian Pacific Americans suffered social prejudice and economic, political, and institutional discrimination. They were excluded from churches, barber shops, and restaurants. They were forced to sit in the balconies of movie theaters and the back seats of buses. They attended segregated schools. They were even denied burial in white cemeteries; in one instance, a decorated Asian American soldier killed in action was refused burial in his hometown cemetery. Rather than receive equal treatment, Asians and Pacific Islanders were historically paid lower wages than their white counterparts, relegated to menial jobs, or forced to turn to businesses and industries in which competition with whites was minimized.

For more than 160 years, Asians were also denied citizenship by a law that prevented them from naturalizing, a law that remained in effect until 1952. Without citizenship, Asians could not vote, and thus could not seek remedies through the Tammany Halls or other political organizations like other immigrant groups. The legacy of this injustice is seen today in the relative lack of political influence and representation of Asian Americans at every level and in every branch of government.

Mr. President, as a member of the Energy Committee and governmental Affairs Committee, where I am Ranking Member on the International Security, Proliferation, and Federal Services Subcommittee, I have expressed my concern about the unfair and unwarranted negative impact this issue is having on the image of the Asian Pacific American community. We need to move quickly beyond the search for ethnic scapegoats. This is the lesson of the recent concern over national security leaks. We should not overreact.

Mr. President, I applaud President Clinton's executive order of June 7, 1999, to establish a commission to study and suggest ways to improve the quality of life for Asian Pacific Americans. President Clinton rightfully stated that many Asian Pacific Americans are underserved by federal programs. The order outlines steps to ensure that federal programs, especially those that gather data on health and social services, are responsible to Asian Pacific Americans needs. It's a step in the right direction and it may focus on some of the more compelling issues involving Asian Pacific Americans in terms of improving the quality of their lives.●

TRIBUTE TO WILLIAM B. GREENWOOD ON COMPLETION OF TERM AS PRESIDENT OF INDEPENDENT INSURANCE AGENTS OF AMERICA

● Mr. BUNNING. Mr. President, I rise today to commend a fellow Kentuckian and my friend, William B. Greenwood of Central City, who is completing his highly successful term as president of the Independent Insurance Agents of America (IIAA)—the nation's largest insurance association—later this month in Las Vegas. Bill is president of C.A. Lawton Insurance, an independent insurance agency in Central City.

Bill's career as an independent insurance agent has been marked with outstanding contribution and dedication to his clients, community, IIAA, the Independent Insurance Agents of Kentucky, and his independent agent colleagues.

Bill began his service to his industry colleagues with the Independent Insurance Agents of Kentucky. He served as president of the State association in

1983, and was named its Insuror of the Year in 1986. He was Kentucky's representative to IIAA's national board of State directors for seven years beginning in 1985.

Bill also was very active with IIAA activities before moving into the organization's leadership structure. He was chairman of its communications and membership committees as well as chairman of the future one communications task force. Bill was elected to IIAA's executive committee in 1992 as an at-large member. Since that time, he has exhibited a spirit of tireless dedication to and genuine concern for his 300,000 independent agent colleagues around the country.

In addition to his outstanding work with IIAA and the Kentucky association, Bill also is involved with numerous Central City-area community activities. He is a past recipient of the Kentucky Chamber of Commerce Volunteer of the Year Award. He is on the boards of directors for the Leadership Kentucky Foundation, Kentucky Audubon Council Boy Scouts of America, and Central City, Main Street, Inc.

In the past, Bill served on the board of directors of the Muhlenberg Community Theatre, the Everly Brothers Foundation, and the Central City Main Street and Redy Downtown Development Corporation. Also, Bill is past president of the Central City Chamber of Commerce and the Central City Lions Club.

I laud Bill for leading the Independent Insurance Agents of America with distinction and strong leadership over the past year. Even though Bill will step aside as IIAA president soon, he will remain actively involved with the association because he is a concerned leader and wants to continue helping his colleagues build for the new millennium.•

THE COMMUNITY DEVELOPMENT AND VENTURE CAPITAL ACT OF 1999

• Mr. WELLSTONE. Mr. President, I speak today in support of the Community Development and Venture Capital Act of 1999 introduced today by Senator KERRY. I am proud to be an original cosponsor of this measure which, if enacted, will make a real difference in the growth of small business, and the creation of quality jobs, in underdeveloped areas around the country.

I think the critical issue in communities which experience enduring poverty is job creation through promotion of business opportunities and entrepreneurship. This has been my experience when I have traveled to places like rural Appalachia, inner city Minneapolis or Chicago or the Iron Range in Minnesota. I also believe that an area can be made as pro-business as possible though tax policies and zoning ordinances, but at some point businesses simply need capital so that they can grow and create good jobs.

No business can grow without infusions of capital for equipment purchases, to conduct research, to expand capacity, or to build infrastructure. At some point all successful ventures outgrow incubation in the entrepreneur's garage or living room; additional staff must be hired and the complexity of managing supply and demand increases. Yet it is clear that throughout the country there are small business owners who are being starved of the capital necessary to take this step. They have viable businesses or ideas for businesses but cannot fully transform their aspirations into reality because of this financial roadblock.

Businesses can secure capital through loans, but there is a limit to the amount of debt that a business can safely carry and lenders are wary of businesses with low equity. Equity investment also differs from lending in that the equity investor acquires an ownership stake in the business. The fortunes of the investor rise and fall with the success of the venture. This means making an equity investment is riskier than making a loan, and it also means that the investor has a greater vested interest in promoting healthy growth. Investment of equity capital into an enterprise has a multiplier effect in that it allows the business owner to access necessary credit.

Traditional venture capital firms are not meeting the need for equity capital in disadvantaged communities. In addition, the Small Business Administration's Small Business Investment Companies program—with a few exceptions—has not reached into the most economically backward communities in the country. Such investments are risky in the best of circumstances, but they can and do succeed with adequate time and attention. These communities need patient investors who are willing to work closely with small business owners to realize a financial return over the long term. Often, the investments needed are smaller than those made by traditional sources.

There is no question that the lack of access to equity capital in disadvantaged areas around the country is a prime reason why those communities have been left behind by the historic economic expansion that the rest of the nation has enjoyed. But there are success stories in many states which I believe that we can emulate and build on to allow distressed communities to reach their full potential.

Throughout America, organizations known as Community Development Venture Capital funds are making these kinds of equity investments in communities and are producing excellent results. CDVC funds make equity investments in small businesses for two purposes: to reap a financial return to the fund, and to generate a social benefit for the community through creation of well paying jobs. This "double bottom line" is what makes CDVC funds unique. There are around 40 CDVC funds currently operating throughout the country, in both rural and urban areas. These funds are demonstrating the success of socially conscious investment and entrepreneurial solutions to social and economic problems.

My own state of Minnesota is home to a good example of a seasoned, and successful CDVC fund: Northeast Ventures Corporation of Duluth. NEV serves a seven country rural area and focuses on creating good jobs in high value-added industries. NEV targets 50% of the jobs created through investments to women, and to low-income and structurally unemployed persons.

In 1990 a group a entrepreneurs approached Northeast Ventures about setting up a car wash equipment manufacturing facility in Tower, a town of 508 people, in one of the poorest parts of northeastern Minnesota. While NEV thought that the market opportunity was attractive, the company, called Powerain, had an incomplete business plan and lacked a Chief Operating Officer. NEV also felt that the business provided a good opportunity to create jobs and bring some economic vitality to an area that needed it badly.

Other assistance was needed before NEV could provide financing for the effort. Northeast worked closely with Powerain's founders to revise the business plan and identify a strong CEO candidate for the company. Northeast also invested $200,000 in equity into the business.

NEV staff conducted the strategic planning sessions of Powerain and continue to be essential in developing the company's strategic plan. They assist in identifying the need for key personnel; recruit the necessary staff; and are integral in qualifying the short list of candidates. Over a multi-year period, NEV has talked daily with the Powerain CEO regarding subjects as diverse as sales, distributor relationships and the financial structure of loans. Over an eight year period, NEV has assisted Powerain in all subsequent rounds of financing totaling $826,932.

Powerain had a record sales year in 1998 and is expecting another record year in 1999. The company currently employs 20 full-time people, and expects to increase that number significantly in the future. The company provides ongoing training to its staff and entry level positions begin at $8 an hour—with full benefits. Most employees earn well in excess of $10 per hour.

The Community Development and Venture Capital Act of 1999 is designed to build on the successful CDVC model by promoting equity investment in economically distressed communities. The first title of this legislation would create the New Market Venture Capital

Companies Program, a new program within SBA that will fund at least ten venture capital companies dedicated to new markets—low- and moderate-income communities. $15 million in annual appropriations would support a $100 million program level for SBA-guaranteed debentures, and $30 million in matching technical assistance grants.

Title II of the bill basically consists of legislation I introduced last year, and again this year, entitled the Community Development Venture Capital Assistance Act. Last year, the Senate passed this legislation as part of a SBA technical amendments bill. This title is intended to build the capacity of the existing CDVC industry through technical assistance and SBA grants to colleges, universities, and other firms or organizations—public or private—to create and operate training programs, intern programs, a national conference, and academic research and study dealing with community development venture capital.

Title III would build on the BusinessLINC grant program which is a public-private partnership that the SBA and Department of Treasury launched last June. It encourages larger businesses to mentor smaller businesses, promoting the viability of small businesses located in disadvantaged areas.

I think this legislation speaks to the heart of reversing persistent poverty in America by promoting entrepreneurship, and encouraging responsible equity investment. The small business growth sparked by this legislation would in turn create jobs and wealth in those communities which have heretofore been overlooked. It is an absolutely essential addition to the SBA's current program offerings and I urge my colleagues to support it.•

HISPANIC HERITAGE MONTH

• Mr. McCAIN. Mr. President, as Co-Chair of the Senate Republican Task Force on Hispanic Affairs, I am pleased to note Hispanic Heritage month which began on September 15. During the month, we will focus on the vibrant Hispanic community that has made tremendous contributions to our nation and to my state of Arizona for many generations.

Projected to soon be the country's largest minority, this colorful and proud community is incredibly rich in culture and diverse in backgrounds. All too often, the various groups that make up "Hispanics" are lumped together and some forget the dynamic differences between Mexicans and Puerto Ricans, or Salvadorans and Chileans, for example. But when Hispanics come together—tied by social and cultural similarities—they form a powerful group to whom we must listen.

Much has been said lately about the Hispanics' burgeoning economic and political power. This group's contribution to the economy is significant. Their buying power has increased at an annual rate of 5.5 percent, far outdistancing inflation. This has resulted in an explosion of Hispanic advertising dollars. According to Hispanic Business Magazine, from 1997 to 1998, ad budgets targeting the Hispanic market jumped 21 percent to $1.71 billion. And study after study indicate that Hispanic businesses are the fastest growing segment of the small business community.

Politically, Hispanics are becoming a great force. They are voting in ever-larger numbers, projected as high as 5.5 million in the 2000 elections, up from 4.2 million in 1992. Currently, however, only one in every 20 votes is cast by a Hispanic, even though one in nine Americans is Hispanic. Unfortunately, low voter turnout, because of political cynicism, is a trend that is not only affecting the Hispanic community.

It is important that the political voice of Hispanics is not drowned out by money from special interests. When I look down the list of soft money donors to both political parties, I see corporate giants; I see large labor unions; I see the Fortune 500. I don't see the name of my friend Victor Flores, who started a small bakery in the town of Guadalupe, Arizona, and labored hard for years to feed the community and support his family. I don't see Victor's name or, frankly, the majority of Americans who deserve the attention, access and priority representation that only a select few can afford under today's corrupt campaign finance system. I will continue to fight for campaign finance reform, because without it, we will not achieve the other reforms that have a direct bearing on better quality of life for Hispanic Americans and all who make up the great American tapestry.

In today's global economy, education is essential for success. If the Hispanic high school dropout rate remains stubbornly high, resulting in a lack of needed job skills for the 21st century, income gaps will grow and our poverty rates will rise. This is bad for America. We must work harder on these issues.

Knowledge of English is as important as education in order to succeed. However, I will consistently oppose positions that are divisive, such as "English-Only" laws. There is no need to abandon the language of your birth to learn the language of your future. Hispanics should use and cherish both.

Finally, I wish to recognize the outstanding contributions Americans of Hispanic descent have made to our national defense. In 1997, I was pleased to successfully co-sponsor legislation to grant a Federal charter to the American G.I. Forum, the largest association of Hispanic veterans in the United States. I remain terribly proud that our Armed Forces, in which I was privileged to serve many years ago, today reflect the composition of American society better than any other institution. Hispanic Americans have sacrificed enormously to secure the liberties many of us take for granted today; their service honors all of us.

Hispanic Americans are honest, hard working patriots, who want and deserve the equal opportunity that is our nation's promise. Hispanics have distinguished themselves in every walk of life. This month, let's recognize their contributions that exemplify the American Dream.•

U.S. BORDER INFRASTRUCTURE, FEDERAL OFFSHORE DRILLING ROYALTIES AND THE McGREGOR RANGE

• Mr. GRAMM. Mr. President, at the request of the Honorable Elton Bomer, Secretary of State for Texas, I rise today to bring to the attention of my colleagues House Concurrent Resolutions 2, 59 and 133, as passed by the 76th Legislature of the State of Texas. House Concurrent Resolution 2 urges the United States Congress to provide funding for infrastructure improvements, additional personnel and extended hours of operation at border crossings between Texas and Mexico. In order for all Americans to fully enjoy the economic benefits of trade, we must ensure that the Customs Service obtains the resources necessary to reduce delays, promote commerce and combat illicit drug trafficking. The Senate recently passed the Customs Authorization Act of 1999—largely based on legislation I crafted to facilitate trade along the Southwest border—which authorizes the funds necessary to improve our border infrastructure and stem the flow of illegal drugs into the United States.

Secondly, House Concurrent Resolution 59 urges the United States Congress to pass legislation allocating a portion of federal offshore drilling royalties to coastal states and local communities. I believe coastal states deserve more than the 5 percent of the $120 billion they helped generate during the past 43 years. States and local communities are more qualified than bureaucrats in Washington to allocate resources to address their specific local needs, and should be given the freedom to do so. By passing this resolution, the Texas Legislature has sent a clear message, and it is time for Congress to act. Common sense invites it, and fairness demands it.

In addition, House Concurrent Resolution 133 supports the United States Congress in ensuring that the critical infrastructure for the United States military defense strategy be maintained by withdrawing from public use the McGregor Range land beyond the year 2001. The Military Lands Withdrawal Act of 1986 requires that the withdrawal from public use of all military land governed by the Army, including the McGregor Range, must be terminated on November 6, 2001, unless the withdrawal is renewed by an Act of Congress. As my colleagues may know, the McGregor Range at Ft. Bliss is America's principal training facility for air defense systems, maintaining our military readiness in air-to-ground combat by providing the highest level of missile defense testing for advanced missile defense systems. Texas has a long and impressive history of supporting America's defense, both at home and on the front lines, and I strongly believe that no state contributes more to the defense of our nation than Texas. I look forward to working to ensure that if the lion and the lamb lie down together in this world, that the United States of America always be the lion.

Mr. President, I commend the Texas Legislature for passing these resolutions and ask that they be printed in the RECORD.

The material follows:

THE STATE OF TEXAS,
OFFICE OF THE SECRETARY OF STATE,
Austin, TX, August 20, 1999.

Hon. PHIL GRAMM,
U.S. Senator,
Washington, DC.

DEAR SENATOR GRAMM: Enclosed is an official copy of Senate Concurrent Resolution 2, as passed by the 76th Legislature, Regular Session, 1999, of the State of Texas, wherein the 76th Legislature of the State of Texas respectfully urges the United States Congress to provide funding for infrastructure improvements, more customs inspection lanes and customs officials, and 24-hour customs operations at border crossings between Texas and Mexico.

The 76th Legislature of the State of Texas requests that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States.

Sincerely,

ELTON BOMER,
Secretary of State.

SENATE CONCURRENT RESOLUTION NO. 2

Whereas, Bottlenecks at customs inspection lanes have contributed to traffic congestion at Texas-Mexico border crossing areas, slowing the flow of commerce and detracting from the economic potential of the North American Free Trade Agreement (NAFTA); and

Whereas, Smuggling of drugs inside truck parts and cargo containers compounds the problem, necessitating lengthy vehicle searches that put federal customs officials in a crossfire between their mandate to speed the movement of goods and their mandate to reduce the flow of illegal substances; and

Whereas, At the state level, the Texas comptroller of public accounts has released a report titled *Bordering the Future*, recommending among other items that U.S. customs inspection facilities at major international border crossings stay open around the clock; and

Whereas, At the federal level, the U.S. General Accounting Office is conducting a similar study of border commerce and NAFTA issues, and the U.S. Customs Service is working with a private trade entity to review and analyze the relationship between its inspector numbers and its inspection workload; and

Whereas, Efficiency in the flow of NAFTA commerce requires two federal customs-related funding commitments: (1) improved infrastructure, including additional customs inspection lanes; and (2) a concurrent expansion in customs personnel and customs operating hours; and

Whereas, Section 1119 of the federal Transportation Act for the 21st Century (TEA-21), creating the Coordinated Border Infrastructure Program, serves as a funding source for border and infrastructure improvements and regulatory enhancements; and

Whereas, Domestic profits and income increase in tandem with exports and imports, generating federal revenue, some portion of which deserves channeling into the customs activity that supports increased international trade; and

Whereas, Texas legislators and businesses, being close to the situation geographically, are acutely aware of the fixes and upgrades that require attention if NAFTA prosperity is truly to live up to the expectations of this state and nation; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to provide funding for infrastructure improvements, more customs inspection lanes and customs officials, and 24-hour customs operations at border crossings between Texas and Mexico; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

THE STATE OF TEXAS,
OFFICE OF THE SECRETARY OF STATE,
Austin, TX, July 28, 1999.

Hon. PHIL GRAMM,
U.S. Senator,
Washington, DC.

DEAR SENATOR GRAMM: Enclosed is an official copy of House Concurrent Resolution 59, as passed by the 76th Legislature, Regular Session, 1999, of the State of Texas. In this resolution the 76th Legislature of the State of Texas urges the United States Congress to pass legislation allocating a portion of federal offshore drilling royalties to coastal states and local communities.

The 76th Legislature of the State of Texas requests that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States.

Sincerely,

ELTON BOMER,
Secretary of State.

HOUSE CONCURRENT RESOLUTION NO. 59

Whereas, One of Texas' richest and most diverse areas is that of the Gulf Coast; the Coastal Bend abounds with treasures for all, and every year thousands of visitors flock to its beaches and wetlands to enjoy the sun, fish the waters, appreciate its unique scenery and wildlife, and bolster their spirits simply by being near such awe-inspiring beauty; and

Whereas, In addition to $7 billion per year generated by coastal tourism, the area is also home to half of the nation's petrochemical industry and over a quarter of its petroleum refining capacity; and

Whereas, Coastal tourism, the petrochemical and petroleum industries, a robust commercial and recreational fishing trade, and significant agricultural production make this region a vital economic and natural resource for both the state and the nation; and

Whereas, Like other coastal states located near offshore drilling activities, Texas provides workers, equipment, and ports of entry for oil and natural gas mined offshore; while these states derive numerous benefits from the offshore drilling industry, they also face great risks, such as coastline degradation and spill disasters, as well as the loss of nonrenewable natural resources; and

Whereas, Although state and local authorities have worked diligently to conserve and protect coastal resources, securing the funds needed to maintain air and water quality and to ensure the existence of healthy wetlands and beaches and protection of wildlife is a constant challenge; and

Whereas, The federal Land and Water Conservation Fund was established by Congress in 1964 and has been one of the most successful and far-reaching pieces of conservation and recreation legislation, using as its funding source the revenues from oil and gas activity on the Outer Continental Shelf; and

Whereas, The game and nongame wildlife resources of this state are a vital natural resource and provide enjoyment and other benefits for current and future generations; and

Whereas, The federal government has received more than $120 billion in offshore drilling revenue during the past 43 years, only five percent of which has been allotted to the states; it is fair and just that Texas and other coastal states should receive a dedicated share of the revenue they help generate; and

Whereas, Several bills are currently before the United States Congress that would allocate a portion of federal offshore drilling royalties to coastal states and local communities for wildlife protection, conservation, and coastal impact projects; and

Whereas, States and local communities know best how to allocate resources to address their needs, and block grants will provide the best means for distributing funds; and

Whereas, These funds would help support the recipients' efforts to renew and maintain their beaches, wetlands, urban waterfronts, parks, public harbors and fishing piers, and other elements of coastal infrastructure that are vital to the quality of life and economic and environmental well-being of these states and local communities; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to pass legislation embodying these principles; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and tot all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

THE STATE OF TEXAS,
OFFICE OF THE SECRETARY OF STATE,
Austin, TX, July 28, 1999.

Hon. PHIL GRAMM,
U.S. Senator,
Washington, DC.

DEAR SENATOR GRAMM: Enclosed is an official copy of House Concurrent Resolution

133, as passed by the 76th Legislature, Regular Session, 1999, of the State of Texas. In this resolution, the 76th Legislature of the State of Texas supports the United States Congress' efforts to ensure that the critical infrastructure for the United States military defense strategy be maintained by withdrawing from public use of the McGregor Range land beyond 2001.

The 76th Legislature of the State of Texas requests that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States.

Sincerely,

ELTON BOMER,
Secretary of State.

HOUSE CONCURRENT RESOLUTION NO. 133

Whereas, Future military threats to the United States and its allies may come from technologically advanced rogue states that for the first time are armed with long-range missiles capable of delivering nuclear, chemical, or biological weapons to an increasingly wider range of countries; and

Whereas, The U.S. military strategy requires flexible and strong armed forces that are well-trained, well-equipped, and ready to defend our nation's interests against these devastating weapons of mass destruction; and

Whereas, Previous rounds of military base closures combined with the realignment of the Department of the Army force structure have established Fort Bliss as the Army's Air Defense Artillery Center of Excellence, thus making McGregor Range, which is a part of Fort Bliss, the nation's principal training facility for air defense systems; and

Whereas, McGregor Range is inextricably linked to the advance missile defense testing network that includes Fort Bliss and the White Sands Missile Range, providing, verifying, and maintaining the highest level of missile defense testing for the Patriot, Avenger, Stinger, and other advanced missile defense systems; and

Whereas, The McGregor Range comprises more than half of the Fort Bliss installation land area, and the range and its restricted airspace in conjunction with the White Sands Missile Range, is crucial to the development and testing of the Army Tactical Missile System and the Theater High Altitude Area Defense System; and

Whereas, The high quality and unique training capabilities of the McGregor Range allow the verification of our military readiness in air-to-ground combat, including the Army's only opportunity to test the Patriot missile in live fire, tactical scenarios, as well as execute the "Roving Sands" joint training exercises held annually at Fort bliss; and

Whereas, The Military Lands Withdrawal Act of 1986 requires that the withdrawal from public use of all military land governed by the Army, including McGregor Range, must be terminated on November 6, 2001, unless such withdrawal is renewed by an Act of Congress; now, therefore, be it

Resolved, that the 76th Legislature of the State of Texas hereby support the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from public use of the McGregor Range land beyond 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.•

NATIONAL IDENTIFICATION CARD

• Mr. SMITH of New Hampshire. Mr. President, I rise to join with Senator SHELBY in supporting the repeal of the provisions in Federal law creating a National ID card. I am pleased that the managers have decided to accept this amendment.

Mr. President, the American people strongly oppose the institution of a national identification card.

And, I share their opposition.

The establishment of a national system of identification seriously threatens our personal liberties. It would allow Federal bureaucrats to monitor movements and transactions of every citizen.

It's Big Brother on an immense scale. It's even possible, perhaps more probable, that Federal officials could even punish innocent citizens for failure to produce the proper papers.

The authority was given for a national I.D. card in Section 656 of the Immigration Reform Act of 1996. That section sets the stage for the establishment of Federal standards for drivers' licenses, thus transforming drivers' licenses into a de facto national ID card.

Let me go through what Section 656 does.

It expands the use and dissemination of the Social Security Account number.

It requires Federal agencies to accept only documents that meet the standards laid out in the section, thus creating a de facto national identification card.

It preempts the traditional state function of issuing driver's licenses and places it in the hands of the National Highway Traffic Safety Administration.

In a time when we are trying to give control back to the states, the establishment of Federal standards for drivers' licenses usurps the states constitutionally-protected authority to set their own standards for drivers' licenses.

Only 7 states require the social security account number to be displayed on driver's licenses. 9 states have repealed their requirement that drivers license display the number since 1992.

The National Conference of State Legislatures is very concerned about the Federalizing of State drivers' licenses and has written letters to Congress calling for the repeal of Section 656. They rightly understand that, although the National Highway Transportation Safety Administration is not proceeding with any rulemaking at this time, the law is still on the books, the potential is still there.

Mr. President, in 1998, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, contained a provision that prohibits the National Highway Transportation Safety Administration from issuing a final rule on National identification cards as required under section 656.

Today we have an opportunity, with my amendment, to prohibit the establishment of a national identification card by denying funding for Section 656.

Mr. President, let me read from a letter that was written by 13 groups in opposition to Section 656 and this national ID system.

This letter is from: The National Conference of State Legislators, the National Association of Counties, the American Civil Liberties Union, the American Immigration Lawyers Association, Concerned Women for America, Eagle Forum, Electronic Frontier Foundation, Free Congress Foundation, National Asian Pacific American Legal Consortium, National Council of La Raza, National Immigration law Center, Traditional Values Coalition, and the U.S. Catholic Conference.

It is addressed to Speaker HASTERT.

DEAR SPEAKER HASTERT, We represent a broad-based coalition of state legislators, county officials, public policy groups, civil libertarians, privacy experts, and consumer groups from across the political spectrum.

We urge Congress to repeal Section 656 of the Immigration Reform and Immigration Responsibilities Act of 1996 that requires states to collect, verify, and display social security numbers on state-issued driver's license and conform with federally-mandated uniform features for drivers license.

The law preempts state authority over the issuance of state driver's licenses, violates the Unfunded Mandate Reform Act of 1994, and poses a threat to the privacy of citizens. Opposition to the law and the preliminary regulation issued by the National Highway Traffic Safety Administration has been overwhelmingly evidenced by the more than 2,000 comments submitted by individuals, groups, state legislators, and state agencies to NHTSA.

The law and the proposed regulations run counter to devolution. The law preempts the traditional state function of issuing driver's licenses and places it in the hands of officials at NHTSA while imposing tremendous costs on the states that have been vastly underestimated in the Preliminary Regulatory Evaluation.

The actual cost of compliance with the law and the regulation fax exceeds the $100 million threshold established by the Unfunded Mandate Reform Act.

In addition, the law and proposed regulation require states to conform their drivers' licenses and other identity documents to a detailed federal standarde.

Proposals for a National ID have been consistently rejected in the United States as an infringement of personal liberty.

The law raises a number of privacy and civil rights concerns relating to the expanded use and dissemination of the Social Security Number, the creation of a National ID Card, the potential discriminatory use of such a card, and the violation of federal rules on privacy.

The law and proposed rule require each license contain either in visual or electronic form the individual's Social Security Number unless the state goes through burdensome and invasive procedures to check each individual's identity with the Social Security Administration.

This will greatly expand the dissemination and misuse of the Social Security Number at a time that Congress, the states, and the public are actively working to limit its dissemination over concerns of fraud and privacy.

Many states are taking measures to reduce the use of Social Security Numbers as the driver's identity number. Only a few states currently, require the Social Security Number to be used as an identifier on the driver's licenses.

While the impact of Section 656 may not have been fully comprehended in 1996, we urge the Congress now act swiftly to repeal this provision of law that has between challenged by many diverse groups.

Mr. SMITH of New Hampshire. Mr. President, I also have a letter from the Association of American Physicians and Surgeons:

I am writing today to express the support of the Association of American Physicians and Surgeons, a group of thousands of private physicians in the United States concerned about patient/physician confidentiality for repealing Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

In our system of government, not everything that people do or think is presumed to be within the government's right to know. By repealing the law establishing a national ID scheme, you help protect the threatened liberty of all Americans from a dangerous precedent, which allows bureaucrats the ability to inappropriately monitor private details.

As a doctor, I cannot allow the privacy of my patients to be at risk.

Sincerely,

JANE ORIENT, MD.

Mr. President, the Republican Party Platform, states clearly and unequivocally, "We oppose the creation of any national ID card."

Mr. President, let me read from a paper compiled by a group called Privacy International, entitled, "ID Cards: Some Personal Views from around the world."

I ask that this paper by Privacy International be printed in the RECORD at this point.

The material follows:

ID CARDS: SOME PERSONAL VIEWS FROM AROUND THE WORLD

In 1994, in an attempt to discover the problems caused by ID cards, Privacy International compiled a survey containing reports from correspondents in forty countries. Amongst the gravest of problems reported to Privacy International was the overzealous use or misuse of ID cards by police—even where the cards were supposed to be voluntary. One respondent wrote:

"On one occasion I was stopped in Switzerland when walking at night near Lake Geneva. I was living in Switzerland at the time and had a Swiss foreigner's ID card. The police were wondering why I should want to walk at night to look at the Chateau de Chillon. Really suspicious I suppose, to walk at night on the banks of the lake to look at an illuminated chateau (I am white and dress conservatively). I had to wait for 20 minutes whilst they radioed my ID number to their central computer to check on its validity."

Correspondents in most countries reported that police had powers to demand the ID card. A correspondent in Greece reported:

"In my country the Cards are compulsory. If police for example stop you and ask for identification you must present them the ID or you are taken to the police department for identification research."

Police were granted these powers in the late 1980s, despite some public misgivings. Non European countries reported more serious transgressions, In Brazil, for example:

They are compulsory, you're in big trouble with the police if they request it and you don't have one or left home without it. The Police can ask for my identity card with or without a valid motive, it's an intimidation act that happens in Brazil very, very often. The problem is not confined to the police. Everybody asks for your ID when you are for example shopping, and this is after you have shown your cheque guarantee card. We also had other similar cards. Nobody trusts anybody basically.

Predictably, political hot-spots have seen widescale abuse of the card system:

One problem that Afghans encountered carrying these "tazkiras" (ID cards) was during the rule of the communist regime in Afghanistan where people were stopped in odd hours and in odd places by the government's Soviet advisors and their KHALQI and PARCHAMI agents and asked for their "tazkiras". Showing or not showing the "tazkira" to the enquiring person at that time was followed by grave consequences. By showing it, the bearer would have revealed his age upon which, if it fell between 16-45, he would have been immediately taken to the nearest army post and drafted into the communist army, and if he refused to show, he would have been taken to the nearest secret service (KHAD) station and interrogated as a member of the resistance (Mujahideen), imprisoned, drafted in the army or possibly killed.

Many countries reported that their ID card had become an internal passport, being required for every dealing with people or institutions. In Argentina, according to this correspondent, the loss of the ID card would result in grave consequences:

"I got my first personal ID when I turned seven. It was the Provincial Identity Card. It looked like the hardcover of a little book with just two pages in it. It had my name, my photograph, the fingerprint of my right thumb, and some other personal data. I never questioned what was the logic about fingerprinting a seven-year old boy. It was suggested that identification was one of the major purposes for the existence of the Police of the Province which issued the card. It was required for enroling in the Provincial School I attended. Attending the primary school is compulsory, hence everybody under twelve is indirectly forced to have the Card. Well, this Book was required for any sort of proceedings that the person wanted to initiate, e.g. enrol at school, buy a car, get his driving license, get married. Nobody could do anything without it. In addition, it became a prerogative of the police to request it at any time and place. Whoever was caught without it was customarily taken to jail and kept there for several hours (or overnight if it happened in the evening) while they "checked his personal record". In effect, Argentine citizens have never been much better off than South-African negroes during the Apartheid, the only difference is that we Argentinians did not have to suffer lashings if caught without the pass cared. As for daily life without the ID, it was impossible.

Of greater significance is the information that ID cards are commonly used as a means of tracking citizens to ensure compliance with such laws as military service. Again, in Argentina:

"The outrage of the military service was something that many people was not ready to put up with. Nevertheless, something forced the people to present themselves to be drafted. It was nothing more or less than the ID. In fact, if somebody did not show up, the army never bothered to look for them. They just waited for them to fall by themselves, because the ID card showed the boy to be on military age and not having the necessary discharge records by the army. Provided that in the country you could not even go for a walk without risking to be detained by the police, being a no-show for military duty amounted to a civil death."

Another respondent in Singapore noted that many people in his country were aware that the card was used for purposes of tracking their movements, but that most did not see any harm in this:

"If that question is put to Singaporeans, they are unlikely to say that the cards have been abused. However, I find certain aspects of the NRIC (ID card) system disconcerting. When I finish military service (part of National service), I was placed in the army reserve. When I was recalled for reserve service, I found that the army actually knew about my occupation and salary! I interpreted this as an intrusion into my privacy. It might not be obvious but the NRIC system has made it possible to link fragmented information together."

The consequences of losing ones card were frequently mentioned:

"A holiday in Rio was ruined for me when I was robbed on the beach and had to spend the rest of the brief holiday going through the bureaucracy to get a duplicate issued. One way round this (of dubious legality) is to walk around with a notarized xerox copy instead of the original."

The Brazilian experience shows that the card is often misused by police:

"Of course violent police in metropolitan areas of Sao Paulo and Rio de Janeiro love to beat and arrest people (especially black/poor) on the pretext that they don't have their ID card with them."

In some countries, denial of a card means denial of virtually all services:

ID cards are very important in Vietnam. They differentiate between citizens and noncitizens. People without an ID card are considered as being denied of citizenship and all the rights that come with it. For example, they cannot get legal employment, they cannot get a business license, they cannot go to school, they cannot join official organizations, and of course they cannot join the communist party. They cannot travel either. (Even though in practice, they bribe their way around within the country, they would face big trouble if got caught without ID card.)

The same problem occurs in China:

I personally feel that the card has the following drawbacks: It carries too much private info about a person. We have to use it in almost every situation. Such as renting a hotel room, getting legal service from lawyers, contacting government agencies, buying a plane ticket and train ticket, applying for a job, or getting permit to live with your parents, otherwise your residence is illegal. In a lot of cases, we are showing too much irrelevant information to an agency or person who should not know that. The card is subject to police cancellation, and thus without it, one can hardly do anything, including traveling for personal or business purposes, or getting legal help or obtaining a job. The government has been using this scheme too often as a measure against persons who run into troubles with it socially or politically. The identity card is showing your daily or every short-term movement, and can be used to regularize and monitor a person's behavior and activity.

One Korean professor reported that the national card was used primarily as a means of tracking peoples activities and movements:

"If you lose this card, you have to report and make another one within a certain period. Since it shows your current address, if you change your address then you must report and make a correction of the new address. If you go to a military service or to a prison, then the government takes away this identity card. You get the card back when you get out. You are supposed to carry this card everywhere you go, since the purpose is to check out the activity of people. There are fines and some jail terms if you do not comply. If you board a ship or an airplane, then you must show this card to make a record. You need to show this card when you vote. Former presidential candidate Kim, Dae Joong could not vote for his own presidential election because his secretary forgot to bring Kim's card. He had to wait for a while until somebody bring his card. Many government employees make lot of money selling information on this card to politicians during election season. Police can ask you to show this card and check whether your identity number is on the wanted list or not. There is a widespread prejudice between the people of some local areas. This card shows the permanent address of you. And it allows other people to successfully guess the hometown of your parents."

One Portuguese man studying in the United States reported an obsession with identity in his country:

"I keep losing my ID. card, and people keep asking for it. It seems like it's needed for just about everything I want to do, and I should really carry it around my neck or have it tattooed on my palm. The information on it is needed for everything. Many buildings, perhaps most, will have a clerk sitting at a "reception desk" who will ask you for your id. They will keep it and give it back to you when you leave. Few people seem bothered with this, but then they don't keep loosing they're cards like I do. So I usually threw a little tantrum "Are we under curfew? Why do I have to carry my id with me anyway?" Our tolerant culture invariably leads the clerk to take whatever other document I happen to be carrying—usually my bus pass, which I loose less often. After a while I surrender and go get myself a new id. card. It take ½ a day or more to do this and—guess what—you need your old id. card. It's more complicated if you've lost it. Then finally I am legal again for a while. It's partly due to the Portuguese obsession with identity. Everyone carries both they're mother's and father's last names."

Others confirmed the traditional problem of counterfeiting:

It costs only 300 rupees ($10) to get a counterfeit ID card. The system hardly works. We all know how fake IDs (one guy's photo, another one's name) can be obtained so people can have their friends take GREs and TOEFLs (national tests) for them.

Mr. SMITH of New Hampshire. Mr. President, when my colleagues come down here to vote, I want you to look around at some of the statues and portraits in this building.

What would some of these great men, Washington, Jefferson, Adams—our founding fathers—what would they think about the government they created setting up a system requiring every law-abiding citizen to carry a national ID card.

Is this what the Constitution intended?

Does the Tenth Amendment allow the Federal Government to dictate what information state governments must put on their drivers' licenses?

For the sake of nabbing a few illegal aliens—which a national ID card will not do—is it worth inconveniencing tens of millions of law-abiding American citizens and costing Federal, state, and local governments millions of dollars?

Mr. President, I again thank the managers for accepting this amendment to protect the rights of all Americans by opposing this misguided section in the law creating a National ID Card.•

THE INGHAM COUNTY WOMEN'S COMMISSION 25TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge and congratulate the Ingham County Women's Commission, as they celebrate their 25th Anniversary.

The Ingham County Women's Commission has taken great strides to meet the needs of women since it was founded in 1974. The commission, originally established to serve as a study and research center focusing on the issues concerning women in the county, was restructured in 1976 and took on an advisory role to the Board of Commissioners. They now focus on issues that impact the women of the county. They have continued their efforts in researching better ways to meet the needs of women through county resources.

What is truly remarkable about this select group is their dedication to helping enrich the lives of women. They work closely with the Equal Opportunity Commission to overcome discrimination against women. The commission also provides many important and beneficial services to women. Their greatest accomplishments include involvement with the New Way In and Rural Emergency Outreach and the provision of acquittance rape education for high school students. Additionally, they have experienced vast success in helping raise awareness of women's issues by developing a sexual harassment policy for county employees, sponsoring the Ingham County Sexual Assault Task Force and the Michigan Council of Domestic Violence.

This important group of women are to be commended for their accomplishments over the last 25 years. Their hard work and dedication to conveying the importance of women's issues will benefit many women for years to come.•

WITHDRAWAL OF COSPONSORSHIP

• Mr. BURNS. Mr. President, I rise today to withdraw my name as a cosponsor of Senate bill S. 1172, the Drug Patent Term Restoration Review Procedures Act of 1999. After much research and thought I have decided to do this for the senior citizens of Montana.

When I signed on this bill I believed that it was the right thing to do. Helping companies that have invested millions of dollars in research and development, only to see their property protections eroded by administrative delays, concerned me and I felt it was a good bill to help sponsor.

After many meetings, lots of research and careful thought I have now come to a different conclusion. I now believe that there is already an established patent extension process to compensate brand companies for regulatory delays. I feel that by allowing brand companies to seek additional patent life for so-called "pipeline drugs," this bill will deprive consumers, and especially the elderly with their limited incomes, the opportunity to purchase the more affordable generic drug equivalent. Generic drugs are often priced 25–60% below the brand name product.

Mr. President, I feel that this is a good bill, but if I continue to support S. 3372 I would be blocking patient access to generic medicines for three more years, forcing millions of Americans to pay inflated prices for these drugs. I cannot do this to the senior citizens in my great state. They are having a tough time getting by as is. Higher drug prices just add to their problems.•

ORDERS FOR FRIDAY, SEPTEMBER 17 AND TUESDAY, SEPTEMBER, 21, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. on Friday, September 17, for a pro forma session only. No business will be transacted during Friday's session of the Senate, and immediately following the pro forma session, the Senate will stand in adjournment until 2:15 p.m. on Tuesday, September 21.

I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there be a period for morning business until 5:30 p.m., with Members permitted to speak for up to 10 minutes each, with the following exceptions: the time from 2:15 to 3:15 to be under the control of Senator DURBIN or his designee; the time from 3:15 to 4:15 to be under the control of Senator THOMAS or his designee.

I further ask that the time from the conclusion of the THOMAS time until the 5:30 p.m. cloture votes be equally divided between Senator HATCH and Senator TORRICELLI or their designees.

Mr. LOTT. I also ask consent that it be in order for committees to file reported items from 10 a.m. to 11 a.m on Friday, September 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will reconvene on Friday. As I said, it is a pro forma session. The Senate will not be in session Monday in order to honor the holy day of Yom Kippur. The Senate will reconvene at 2:15 on Tuesday and conduct morning business until 5:30.

At that time, there could be possibly two back-to-back rollcall votes. There will be at least one. The first vote is on a motion to invoke cloture on the bankruptcy bill. The second, if necessary, will be on the judicial nomination.

I also remind Members, the fiscal year is coming to an end, and they will be expected to be here next week so we can complete action on the HUD-VA appropriations bill by the close of business next Friday.

Mr. REID. Mr. President, I ask the majority leader if he would amend his unanimous consent request to include the Senator from Wisconsin, Mr. FEINGOLD, being allowed to speak on a matter dealing with East Timor, and then we would automatically go out of session.

Mr. LOTT. On Monday?

Mr. REID. Right now.

Mr. LOTT. Yes.

How much time does the Senator require?

Mr. FEINGOLD. Mr. President, I first have a unanimous consent and, pending the outcome, I ask to speak for up to 5 minutes.

Mr. LOTT. Reserving the right to object, is the Senator making a unanimous consent request?

Mr. FEINGOLD. I ask if it is appropriate to make my unanimous consent request?

Mr. LOTT. Mr. President, I want to make sure I understand what the Senator is asking. I have to object, if you want to make that request.

Mr. FEINGOLD. I ask unanimous consent that the Senate Foreign Relations Committee be discharged from consideration of S. 1568; that S. 1568 be taken up; that the amendment being offered by myself, Mr. HELMS, and Mr. HARKIN be adopted, and I ask unanimous consent to pass S. 1568, as amended.

Mr. LOTT. Mr. President, I object. I say to the Senator, this came at the last moment. I have not had a chance to check it out. I have Senators gone for the day with whom I have to check. I am sure we will work with the Senator on this tomorrow or next week.

At this time, I object.

The PRESIDING OFFICER. The objection is heard.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order, following the remarks of Senator FEINGOLD of Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, reserving the right to object, I know Senator REED of Rhode Island would also like to address this issue briefly. So I ask he also, if he could, be allowed 5 minutes to address this issue after my remarks.

Mr. LOTT. Mr. President, I certainly will accommodate any Senator who wishes to speak. I have been the one who has kept us here all day. I will note one thing. The wind is picking up, the rain is coming in from the west, it is going to get worse, and it is 5:20. We do need to allow Senators and staff to go home. They have been very diligent to be here today but, again, please within reason I hope you will accommodate that, and I amend my remarks to say we will terminate the business following the remarks of Senator FEINGOLD and Senator REED, if he so wishes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The Senator from Wisconsin.

EAST TIMOR SELF-DETERMINATION ACT OF 1999

Mr. FEINGOLD. Mr. President, I sought a few minutes ago to get unanimous consent to have the Senate pass the East Timor Self-Determination Act of 1999, and I am extremely pleased with the support we received from both sides of the aisle on it. Apparently, there was some objection to taking this step by unanimous consent today. Time is clearly of the essence with regard to this very important legislation, in light of the situation in East Timor. We must send a strong statement from the Senate. We have to send a clear message to Jakarta that the Government of Indonesia must live up to its commitment to the people of East Timor. So I will again seek, along with Senator REED, Senator HARKIN, Senator LEAHY and others, early next week when we come back, to have this passed.

I especially thank the Senator from Rhode Island, Mr. REED, the Senator from Vermont, Mr. LEAHY, and the Senator from Iowa, Mr. HARKIN, for their longstanding commitment to realize self-determination for people of East Timor. I especially thank the chairman and the ranking member of the Senate Committee on Foreign Relations and the chairman and ranking member of the Subcommittee on East Asian and Pacific Affairs, Mr. THOMAS and Mr. KERRY, for their work to ensure swift passage of this important legislation by the Senate.

I reiterate, the chairman, Senator HELMS, has been enormously helpful in getting this bill through the committee, discharged from committee, and out to the Senate floor. This legislation is crucial to maintaining pressure on the Indonesian Government to live up to the obligations it has made to the people of East Timor and to the international community, including its commitment to admit and cooperate with an international peacekeeping force in East Timor. The bill suspends all military and most economic assistance to the Government of Indonesia, including assistance still in the pipeline, until the President determines the Government of Indonesia is cooperating with the efforts by the international community to establish a safe and secure environment in East Timor and is taking a series of specific, significant steps to that end.

I also take this moment to applaud the U.N. Security Council on its passage of a resolution authorizing the deployment of a multinational force to East Timor, and to commend the nation of Australia and other countries in the region that have agreed to provide troops for that force.

I reiterate what I believe are the next crucial steps that have to be taken so the people of East Timor can finally realize the independence they so clearly on August 30 expressed a desire to have.

The international peacekeeping force must be deployed as rapidly as possible. We must quickly and concisely define the scope of a limited U.S. role in the peacekeeping mission. The international community must keep pressure on Indonesia, pressure that will be brought to bear by this legislation. The peacekeepers, humanitarian workers, and war crimes investigators must be allowed full access to East Timor.

Again, it is my hope this will be taken up quickly next week.

Mr. President, I ask unanimous consent the text of the amendment which Senator HELMS and I and Senator HARKIN have offered as a substitute be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "East Timor Self-Determination Act of 1999".

SEC. 2. FINDING; PURPOSE.

(a) CONGRESSIONAL FINDING.—Congress recognizes that the Government of Indonesia took a positive and constructive step by agreeing on September 12, 1999, to the deployment of an international peacekeeping force to East Timor.

(b) PURPOSE.—The purpose of this Act is to encourage the Government of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the United Nations Assistance Mission in East Timor (UNAMET) can fulfill its mandate and implement the results of the August 30, 1999, vote on East Timor's political status.

SEC. 3. SUSPENSION OF ECONOMIC ASSISTANCE.

(a) MULTILATERAL ECONOMIC ASSISTANCE.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Indonesia.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the international financial institutions should withhold the balance of any undisbursed approved loans or other assistance to the Government of Indonesia.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS DEFINED.—In this subsection, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Asian Development Bank.

(b) RESTRICTION ON BILATERAL ECONOMIC ASSISTANCE.—Except as provided in subsection (c), none of the funds appropriated or otherwise made available to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to economic support fund assistance) of the Foreign Assistance Act of 1961 may be available for Indonesia, except subject to the procedures applicable to reprogramming notifications under section 634A of that Act.

(c) EXCEPTION.—Subsections (a) and (b) shall not apply to the provision of humanitarian assistance (such as food or medical assistance) to Indonesia or East Timor.

(d) CONDITIONS FOR TERMINATION.—The measures described in subsections (a) and (b) shall apply until the President determines and certifies to the appropriate congressional committees that the Government of Indonesia is cooperating with efforts by the international community to establish a safe and secure environment in East Timor and is taking significant steps to—

(1) end the violence perpetrated by units of the Indonesian armed forces and by armed militias opposed to the independence of East Timor;

(2) enable displaced persons and refugees to return home;

(3) ensure freedom of movement within East Timor, including access by humanitarian organizations to all areas of East Timor; and

(4) enable UNAMET to resume its mandate, without threat or intimidation to its personnel.

SEC. 4. SUSPENSION OF SECURITY ASSISTANCE.

(a) PROHIBITIONS ON COOPERATION AND SUPPORT.—

(1) ASSISTANCE.—None of the funds appropriated or otherwise made available under the following provisions of law (including unexpended balances of prior year appropriations) may be available for Indonesia:

(A) The Foreign Military Financing Program under section 23 of the Arms Export Control Act.

(B) Chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance).

(C) Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training assistance).

(2) LICENSING.—None of the funds appropriated or otherwise made available under the following provisions of law (including unexpended balances of prior year appropriations) may be available for licensing exports of defense articles or defense services to Indonesia under section 38 of the Arms Export Control Act.

(3) DELIVERIES.—No defense article or defense service may be exported or delivered to Indonesia or East Timor by any United States person (as defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. app. 2415) or any other person subject to the jurisdiction of the United States except as may be necessary to support the operations of an international peacekeeping force in East Timor or in connection with the provision of humanitarian assistance.

(b) CONDITIONS FOR TERMINATION.—The measures described in subsection (a) shall apply with respect to the Government of Indonesia until the President determines and certifies to the appropriate congressional committees that—

(1) a generally safe and secure environment exists in East Timor, including—

(A) an end to the violence perpetrated by units of the Indonesian armed forces and by armed militias opposed to the independence of East Timor;

(B) the ability of displaced persons and refugees to return home;

(C) freedom of movement within East Timor, including access by humanitarian organizations to all areas of East Timor; and

(D) the ability of UNAMET to resume its mandate, without threat or intimidation to its personnel;

(2) the armed forces of Indonesia clearly—

(A) have ceased engaging in violence in East Timor;

(B) have ceased their support and training of armed militias opposed to the independence of East Timor; and

(C) are withdrawing their forces from East Timor in cooperation with a United Nations-supervised process of transferring sovereignty from Indonesia to an independent East Timor; and

(3) significant steps have been taken to implement the results of the August 30, 1999, vote on East Timor's political status, which expressed the will of a majority of the Timorese people.

SEC. 5. MULTILATERAL EFFORTS.

The President should continue to coordinate with other countries, particularly member states of the Asia-Pacific Economic Cooperation (APEC) Forum, to develop a comprehensive, multilateral strategy to further the purposes of this Act, including urging other countries to take measures similar to those described in this Act.

SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

Mr. FEINGOLD. Mr. President, I received a note that Senator REED will not be able to join us on this short notice, according to his staff. I do want to take this last moment to say Senator REED has been an extremely devoted Senator with regard to this issue, in fact, taking what I consider to be the rather courageous and difficult step of going to East Timor just prior to the election. Of course, we all know what happened subsequently.

I express my admiration and thanks to Senator REED of Rhode Island for his work on this issue. I am sure he will address this at a future time.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 10 a.m., Friday, September 17, 1999.

Thereupon, the Senate, at 5:25 p.m., adjourned until Friday, September 17, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1999:

THE JUDICIARY

KATHLEEN MCCREE LEWIS, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE CORNELIA G. KENNEDY, RETIRED.

ENRIQUE MORENO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE WILLIAM L. GARWOOD, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. VIVIEN S. CREA, 9704.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. KENNETH T. VENUTO, 2213.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES W. UNDERWOOD, 8189.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES C. OLSON, 7892.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JOHN W. HENDRIX, 7900.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEVIN P. BYRNES, 7639.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES C. RILEY, 6688.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN A. VAN ALSTYNE, 3328.

SENATE—*Friday, September 17, 1999*

The Senate met at 10 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GREGG thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 2:15 P.M. TUESDAY, SEPTEMBER 21, 1999

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand adjourned until 2:15 p.m., Tuesday, September 21, 1999.

Thereupon, the Senate, at 10 o'clock and 26 seconds a.m., adjourned until Tuesday, September 21, 1999, at 2:15 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Friday, September 17, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 17, 1999.

I hereby appoint the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Katherine Davis:

Let all things now living
A song of thanksgiving
To God the creator triumphantly raise,
Who fashioned and made us,
Protected and stayed us,
Who still guides us on to the end of our days.
God's banners are o'er us,
His light goes before us,
A pillar of fire shining forth in the night,
Till shadows have vanquished
And darkness is banished,
As forward we travel from light into light. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. ROHRABACHER) come forward and lead the House in the Pledge of Allegiance.

Mr. ROHRABACHER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes."

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes."

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 299. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 401. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. Con. Res. 56. Concurrent resolution expressing the sense of Congress regarding the importance of "family friendly" programming on television.

The message also announced that Mr. LEAHY is added as a conferee, on the part of the Senate, to the bill (H.R. 2670) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes."

The message also announced that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, reappoints Robert C. Khayat, of Mississippi, to the Advisory Committee on Student Financial Assistance for a term beginning October 1, 1999, and ending September 30, 2002.

The message also announced that pursuant to Public Law 93-415, as amended by Public Law 102-586, the Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, announces the appointment of Charles Sims, of Mississippi, to serve as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice William Keith Oubre.

SPECIAL ORDERS

TECHNOLOGY AND WEAPONS TRANSFERS TO CHINA AND THE SITUATION IN PANAMA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, today I would like to speak on an issue which I have, indeed, spoken about before, but I have some startling new information for the American people.

It is no surprise to anyone that I am deeply concerned about America's relationship with Communist China. In this body, we have votes on the trading status with Communist China, and this administration is operating under policy guidelines that deal with Communist China in a certain way.

In fact, the United States Congress, the House of Representatives, and the Senate have voted for normal trade relations, or what used to be called most-favored-nation status for China, and a majority of Members of this body on my side of the aisle have voted to treat Communist China in terms of our trade relations as we do normal trade relations with other societies; that, of course, with a large number of people on the other side supporting most-favored-nation status, normal trade relations as well.

The Clinton administration has gone beyond this. Perhaps those of us in this House believe that trading relations with another country, even a dictatorship like that on the mainland of China, will in some way help that society evolve into a more peaceful, more benevolent, more democratic situation.

I consider that to be wishful thinking. I disagree with that concept. I personally believe in free trade between free people, and it is better to give dictatorships and people who live under dictatorships the incentive to reform and the incentive to move towards democracy, rather than giving them the fruits of a positive trade relationship with this, the strongest economy in the world.

I would treat Communist China differently than I would treat the government of Belgium or Italy or other democratic societies in trying to determine what our trade policy should be.

Again, this is based on wishful thinking. However, it is beyond my realm and my ability to understand how this administration has been able to move forward with its policies toward Communist China over these last 6 years.

The President of the United States has insisted time and again that Communist China be considered a strategic partner of the United States. Those are the words that this administration has insisted upon, Communist China a strategic partner of the United States.

A few moments ago we pledged our allegiance to the flag of the United States of America. Our flag, as I noted before we said the pledge, stands for freedom and justice. How can a country which is based not on some ethnic background, as our country has no ethnicity that we are supposedly protecting. as in other countries, their national identity stems from that, from an ethnic or racial homogeny among the people, but we have no religious belief that binds all of our people together. In fact, we have every race and every ethnic group from every part of the world, people who have come here to America; and we have every religion in America.

What binds Americans together is our love of liberty and our love of justice and our love of freedom. That is the foundation, that is the basis of our country. How can we, if we believe that to be true, consider the world's worst human rights abuser as our strategic partner?

Yes, having a trading relationship with a dictatorship such as China is wishful thinking. It is also exploitation on the part of various business interests in the United States, business interests that, I might add, could care less about the working people in our country, often closing up factories here in order to set up factories in China, in order to sell the products that were made in China back here in the United States because we have such a low tariff on Chinese goods, although the Chinese tariff on our goods is very high.

But if we stand for freedom and justice, how can we have not just a trading relationship but a strategic partnership with Communist China?

It is my contention, Mr. Speaker, that this nonsense, this almost surrealistic policy on the part of the Clinton administration, has already yielded a horrible bounty of threats and jeopardy to the United States of America.

Let me make this very clear. The Clinton policy of treating Communist China as a friend, as a benevolent country, as a strategic partner, has resulted in putting the United States in grave danger.

There are two things that I will talk about today. First, I have spoken about this before, and it is well known in the public, although it is being denied through the liberal media over and over and over again now, and that is, the weapons and technology of mass destruction that Communist China has managed to obtain because of our lax policies towards the Communist China regime; and number two, I would like to speak today about dramatic information that I have uncovered in Panama.

During a recent trip to Panama, I spent time investigating the situation, spoke to people who were in hiding, who were afraid for their lives, spoke to others who were firsthand observers of corruption and firsthand observers of a strategic maneuver on the part of the Chinese that is moving forward and putting the United States in great danger.

So I will be speaking first about the technology and missiles that have found their way and been upgraded, the Chinese missiles that have been upgraded with American technology; and then I would like to talk a little bit about what I discovered in Panama.

It is most disturbing to me, Mr. Chairman, that after 2 years we still have press reports from the likes of Bob Scheerer of the Los Angeles Times. And why the Los Angeles Times feels that it has to always tout the far left line, I do not know. I do not understand that. I do not understand how a major newspaper in the United States can continually take the side of those left-wing regimes, and downplay any threat to the United States that these left-wing regimes around the world pose to the United States of America.

But now, Mr. Scheerer in the L.A. Times and others in the media and this administration, through an orchestrated maneuvering, is trying to suggest that there was no validity to the Cox report and that the Chinese really have not, through underhanded means, obtained information that permits them to develop weapons of mass destruction that threaten millions of Americans.

This I assert today is a truism. Over the last 7 years, the Communist Chinese have been able to obtain and start putting into their weapons systems technology that cost the American people, the American taxpayer, billions of dollars to develop.

The Communist Chinese have been able to use American technology to leapfrog ahead by decades, farther ahead than what they would be if it was not for the fact that they had American technology at their disposal, which permits them to build weapons of mass destruction that threaten every American city, that threaten tens of millions of Americans with nuclear incineration. They have atomic weapons that are based on American technology, and they obtained them from the United States in some way.

Mr. Speaker, I would say today that the American people need to pay attention. I would alert the American people that something is wrong with the taxpayer dollars that they have spent by the billions which are now being put in the hands of people like those who are in charge of the regime in Beijing, the Communist Chinese regime.

There is something wrong when those billions of dollars that we spent during the Cold War now find their way, the technology that was developed finds its way to a power like Communist China. And no amount of words, it is hard to even describe the process of the mangling of the language and word games that is being played by this administration in order to call China our strategic partner; to call Communist China, the world's worst human rights abuser, our strategic partner.

□ 1015

This has resulted in several things. Number one, this body had to act on its own to force the Clinton administration to discontinue military exchange programs with the Communist Chinese regime.

Let us make this very clear. Communist China is the world's worst human rights abuser. It is a Communist dictatorship. Their leadership still claims to their own Communist congresses in Beijing that the United States is the enemy and that they will destroy us. But yet we have had a policy in the last 5 years of military exchanges in which we are teaching them our military secrets and we permit their top military brass to observe our troops and how they act and the game plans that we use during our warfare, our potential warfare with any adversary.

At the same time, we have been taking these military exchange programs, and what have we been doing? We have been teaching the Communist Chinese how to run a logistics system, how to supply troops in the field, how to transport troops. This we are doing with the military of the world's worst human rights abuser, a country that threatens our own national security.

What sense does that make? The people of Tibet are still suffering under a genocidal policy by the Communist regime in Beijing. There are Muslims in the far reaches of western China who are also suffering a genocidal attack. Believers in God, Christians, who refuse to register with the government are being brutally suppressed, thrown into concentration camps, they call it the laogai system of prisons. Now we hear that a Buddhist sect made up of middle-aged and senior citizens of China who practice nothing more than kind of a breathing exercise, an exercise program in the morning that helps the soul as well as the body, even this little Buddhist religious sect is now coming under severe repression.

This is not a normal regime. This is not like Belgium or the Netherlands or even Mexico, which is struggling to try to have free elections. There are no free elections, there are no parties, there is no freedom in China. But yet we are training the military in China on how to be more effective.

And what will that military do? It will either be used to repress their own people and participate in destroying the culture and the people of Tibet or these other repressed minorities in China, or it will be used in aggression against their neighbors. Already Burma has become nothing more than a fiefdom for China. We see in the Spratly Islands the Communist Chinese trying to bully their neighbors and grab these islands so that they can control the Malacca Straits where so much of the world's commerce goes through that one little strait there in South Asia. They may use that military training that we are providing them in that type of activity. Or they may use the military training that we are providing them to kill Americans.

This is insanity. It is an insane policy to call this type of regime our strategic partner. And it is threatening the lives and the well-being of millions of Americans. Every time we turn around, we are finding out that our country is more in jeopardy because of conscious decisions on the part of the Clinton administration to treat Communist China as a benevolent power.

This is not only insanity, this is a crime against the American people, especially against the youth of our country. The American people who are trying to raise their family sacrificed, America sacrificed during the Cold War. America sacrificed in order to make a more peaceful world and to protect the cause of human freedom. And yet now with the Cold War over, we are finding that our young people, our children, are going to be in as great a danger 10 years from now as they were at the height of the Cold War. Why is that? Because we have a policy that makes no sense, that is contrary to our interests in dealing with a regime on the mainland of China that hates everything that the United States stands for.

Let me make this clear about the regime that controls the mainland of China. These are gangsters, these are people who hate the United States of America because they believe that we are the only power that stands in their way of their destiny. Just as Japan during the 1920s believed that it was the destiny of Japan to control all of Asia and into the Pacific Basin, the Japanese knew that the United States was the only power that stood in their way, that we were the only ones that could stop them from their destiny, these militaristic gangsters who ran Japan at the time. That same attitude now is what we find in Beijing.

When we let their scientists go to our laboratories, when we train their military, they do not say, Oh, the United States of America must be our friends. Otherwise they would not be so open. They are not saying that. They are saying, The United States of America is weak. They are saying that the people of the United States of America are permitting weapons technology to come into our possession and we hate them. That must mean the Americans are cowards.

That is what is going on. We are laying the foundation for a bitter future for our young people, because 10 years from now when the Communist Chinese have taken the technology that they have stolen from us and obtained through our openness with them, they will be put into weapons systems that will threaten the lives of our young people when they reach adulthood.

And sometime and someday in the future we will send an aircraft carrier into the Pacific and thousands of American lives will be lost if we get into a confrontation because the Chinese will have the technology to sink our aircraft carriers and murder our military personnel. And when we look back, we will find that that technology was developed by the American taxpayers during the Cold War and offered on a plate to the Communist Chinese.

This is a sinful policy. It is sinful because it ignores the fundamental values of our country and it is sinful because we the Government, and we are the Government, the United States of America, we the people, we are supposed to be watching out for the people's interest, especially the interest of future generations of Americans.

This acknowledgment of the type of technological disaster that we are in right now started 2 years ago. As chairman of the Subcommittee on Space and Aeronautics, which is my primary responsibility here in the House of Representatives, I went to a meeting of aerospace workers to find out what projects they are working on and to get a firsthand look and feel for our aerospace industry in the United States.

During that meeting, one of the employees of the aerospace industry that I was talking to was talking about the project that he had just been involved in; he had just come back from China. He was saying, Congressman, those Chinese rockets, they do not even work. They do not have right-stage separation technology. We are trying to put our satellites up with those rockets and they will not work and they can only carry one payload. They can only carry one satellite. So I have spent the last year over there helping them try and correct these problems.

I could not believe what I was hearing. Finally when he was done, I said, Let me get this straight. Your company has used this technology that we paid for, that the taxpayers paid for, you are using that technology and your expertise and your company, every means that your company has, to improve the capability and the reliability of the rocket systems over in China?

He says, Why, yes. Their stage separation, he repeated that, they do not have the exploding bolts, the stage separation that they need and they blow up right after it takes off.

I looked at that aerospace worker and I said, You know, I think it is a good thing when Communist Chinese rockets blow up. And all of a sudden he said, Oh, you are thinking about the national security implications.

And I said, Yes. Yes, I am. I am thinking about that. It is something we should think about.

He said, Do not worry. We have a waiver from the White House.

Well, that made me feel real good about that. I spent the next 6 months, Mr. Speaker, researching this issue. I went to the major aerospace firms and talked to them. I went to the subcontractors. I went to the aerospace employees, and I researched this issue myself before I made a speech on the floor of the House of Representatives.

What I found was a verification that our companies, some of our major corporations, were over in China providing them with the technology they needed to make sure their rockets did not explode when the stages separated, to make sure that the rockets in China could carry more than one payload. When we are talking about payloads, we are not just talking about a peaceful satellite here. If you can carry more than one satellite, you can carry more than one warhead. More than one warhead means if they send a missile to the United States that does not explode because the stage separation now works with American technology, that it can carry two atomic bombs, or three, or four, and wipe out tens of millions of people in the United States rather than just a million people.

This was not a secret to this administration that this was going on. In fact, when alarm bells went off, this administration put their thumb right on top of those civil servants throughout the administration who were supposed to be watching out for our security. We found that especially to be true in how this administration has been running our national laboratories.

For those who do not understand, we have laboratories where we have developed these weapons of mass destruction that can either be used to protect freedom and preserve the peace or if that technology gets into the hands of monsters like Hitler or the militaristic Japanese or the Communist Chinese regime in Beijing, those weapons would threaten humankind.

Because China has to be told that they are our strategic partner, we had a policy of letting these scientists from the People's Republic of China do their experiments in our laboratories, in our weapons laboratories. Over and over again, we have found during this investigation, we have found that those people who sounded the alarm, career civil servants, civil service people, were repressed by this administration, were told to shut up or get out.

We have had hearings on this and documented this over and over again. Now, what has this resulted in? What are we talking about here? We are talking about missile technology, and we are talking about technology that has permitted them to build weapons that can kill millions of Americans, probably the size of that little desk down there, that little table right there, put into a Chinese rocket that can kill millions of Americans, or millions of Tibetans or millions of Japanese or millions of South Koreans.

That technology has been taken, obtained from the United States, from our scientists and now is in the hands of a regime that is in the middle of committing genocide in Tibet, repressing their own people and involved in a great military expansion, a country that is being provided by our own policies with 50 to $60 billion of hard currency surplus because we are permitting them the trade status of a benevolent, friendly country.

We will pay dearly for this nonsense. Our young people will face a threat that they should not have to face because of this indefensible, totally indefensible policy. But it is worse. Mr. Speaker, after my investigation into the original charges about the use of technology to upgrade and to perfect Communist Chinese rockets, the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) were made the heads of a select committee; and they conducted their own investigation with people with much more expertise than I have.

Specialists went in and confirmed this horrible, horrible transfer of technology to the Communist Chinese. And now the Clinton administration and the news media is trying to get the American people to relax, forget about it, pretend it does not exist. In fact, Robert Scheerer of the L.A. Times is trying to claim it never happened. Yes, the Communist Chinese just simply found the plans for the W–88 warhead, atomic warhead. They found those plans under their pillow one night because the tooth fairy must have left it there.

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I am sure that is what must have happened. It was either the tooth fairy or it was a policy by this administration that ended up with a transfer of that technology. The American people can decide which one of those scenarios actually happened.

By the way, this is not the first time such things have happened. There have been transfers of technology in the past. There are reports that in the 1930s, Howard Hughes designed a fighter aircraft that was a superior fighter aircraft for its day and that our Government did not follow through on his offer to produce these fighter aircraft.

The story is that the Japanese got a hold of the blueprints for that and Howard Hughes was the one who actually designed the Japanese Zero, which resulted in the death of so many Americans during World War II. I do not know if that is true. I have heard that report over and over again. It may not be true, but we do know that Hughes Electronics certainly is one of the companies that has been involved in transferring rocket technology to the Communist Chinese in order to perfect their rocket systems.

Also, some people do not know that during the post-war period after World War II, the English decided to prove to Josef Stalin that they were his friends and so the English shipped to Joe Stalin, this bloody dictator in Russia, they shipped to him a complete Rolls Royce jet engine which at that time was the utmost, that was the ultimate in all weapons technology, a jet engine for an airplane.

Know what? That did not make Josef Stalin any more benevolent. It did not make Josef Stalin more inclined to trust the West and become more democratic and open. No. Josef Stalin used that jet engine, that Rolls Royce jet engine, not to build passenger planes that could help tie Russia with the rest of the world. Josef Stalin used that Rolls Royce engine, which was copied, every little bit of it, and mass produced in Russia. He used it in the MiG fighters that shot down American planes in Korea.

Josef Stalin launched a war in Korea and used the technology that the English had given him to produce airplanes that we could not shoot down, and thousands of American lives were lost because of it. The British just thought that they were trying to do something that would prove that they were friendly.

When will the free people of the world understand that when dealing with a gangster or a bully or a dictator, we must do so from strength or that dictator will perceive a weakness?

The Communist Chinese regime is no more benevolent, no more peaceful today. In fact, there are signs that it has become worse in these last 10 years.

With all due respect to my colleagues in this body that vote for Most Favored Nation status over and over again, I think the Communist Chinese would have to bomb the capitol of the United States before they would quit voting to provide this very lucrative trade status to the Communist Chinese regime; and the Chinese continue, as I say, their aggressive action.

About 6 months ago, I flew over the Spratly Islands. It took me 2 years to get to the Spratly Islands because our State Department did not want me to see what was going on there.

What was going on there? The Chinese communists are taking the islands. These islands are just about 100 miles off the Philippines. Yet they are 800 miles off the coast of China, and the Chinese communists are building fortifications.

When I finally got out to the Spratly Islands, I was in an old C–130, an old propeller-driven airplane that the Philippine Air Force provided me; and as soon as we got through the clouds, there were three Chinese war ships right there in the lagoon of, which is one of the Spratly Islands.

Not only were there three Chinese war ships, but the Chinese construction workers were feverishly trying to complete a fortification on those islands. We could see their welding torches. Even as our plane dipped down to take a low pass over those islands, we could see the torches at work, and they were building their fortifications.

This is very similar, very similar, to the situation in the 1920s and 1930s when the Japanese fortified the Pacific Islands, and in this case the Chinese are trying to grab these islands from the Philippines, a democratic country with very little military, trying to grab these islands in order to what? In order to bracket the water passages between the mainland of China and the Spratly Islands, which will then give them a strangle hold on 50 percent of the commerce of Asia, a strangle hold and also a grip on America's ability to defend Asia.

Something else is going on right now, and this is where I would like to lead in to my talk on Panama. The Communist Chinese regime is also involved in a strategic maneuver. Here is our strategic partner involved in a strategic maneuver. One would think if they were our strategic partner that maneuver would be something that we would like, because they are our partners, are they not? No, they are involved in a strategic maneuver to strangle the United States of America, and it is very clear that they have targeted areas in which the United States is most vulnerable. The Panama Canal happens to be one of those areas.

Let me make clear, Panama is where the two major oceans of the world come together, the Pacific and the Atlantic Oceans. It is where the two great continents of the Western Hemisphere come together, the Northern Hemisphere and the Southern Hemisphere. This is one of the choke points of the world, this, and the Suez Canal and the Straits of Gibralter; this and the Molucca Straits near the Spratly Islands.

What do we find? What do we find? We find that the United States of America has removed all of its military personnel from Panama.

I was down, as I say, in Panama a very short time ago, a month ago; and I was shocked to see ghost towns in what had been only a short time ago American military bases. Panama, of course, has no military of their own. They have no military, and they have always relied on the United States military to protect the canal against any type of aggression.

So when I traveled to Panama, and having been there many times in the past and seen many American military persons there to protect Panama and protect our national security interests and protect the canal, I was shocked when I saw they were gone. They are all gone. It is like this hall of Congress now. I am the only Member standing here. When one goes down to Panama where there used to be tens of thousands of American troops, Navy, Air Force, Marines, Army, they were always there; they are gone, and there is no Panamanian military force to take up the slack.

Now, what does that mean to us? Well, that means to us that there is a vulnerability there. There are two vulnerabilities: number one, there is a war going on next door in Colombia and already the narco terrorists, who are allied with Fidel Castro and the people who hate the United States, already those guerrillas have infiltrated into the Panamanian military. There is nothing standing between them and the Panama Canal. That alone should cause alarm bells to go off because the Panama Canal is vulnerable to sabotage. I will not go into detail, but it is incredibly vulnerable to sabotage.

What concerns me more is the overwhelming evidence of a Chinese presence and even domination of Panama in the Panama Canal, something that is in the process of happening. That, to me, was even more frightening because I know that we can blink our eyes and this magnificent achievement of the United States, a canal between the two oceans, something that we rely on in times of international emergency so we can send our ships from one ocean to the other and take off days, actually a week, of travel around the Horn in South America, that that Panama Canal now is totally vulnerable and is slowly coming under the domination of the Communist Chinese.

Now, let me say what I mean. There is a company called Hutchison Whampoa, run by a man named Li Ka-Shing. He is part of the clique, he is part of Beijing's inner circle, he is a front man, and his company is a front for the Chinese Government. The Chinese Government, in fact, owns over 30 percent outright of his company.

This company is tied, not closely but tied totally within the small circle of elite of the Beijing regime. This company now has won the contract which provides them control of all of the port facilities on both ends of the canal.

Now, to be fair about it, there are some other new port facilities further away that are being built but on both ends of the canal, directly outside of the canal. Those port facilities are now under control of this Communist Chinese front company.

Now, how did that happen, and what does that mean? When I went to Panama, the first thing I did was try to go down to those areas that are now under lease arrangement. By the way, it is not a 10-year lease, not a 25-year lease. The lease is giving them up to 50 years of control of these strategic positions on both sides of the canal. By the way, the lease agreement also gives them concessions on certain ways of how the Panama Canal will be run, the piloting of the ships, et cetera.

They are also in negotiations and are trying to, and I am not sure if this is part of the lease or not, to get control of one of the air bases in Panama, the Howard Air Base, as well as some of the other military facilities that we left behind.

Now, how did that happen? What has gone wrong here? What is happening? How can a country that is considered to be belligerent, and many people are trying to have a realistic policy, considered to be belligerent and hostile to the United States, end up with a commanding position in the Panama Canal and a position to dominate this strategic waterway? How did that happen? Where was our intelligence? Where was the NSA? Who were they listening to? Where was the CIA?

I think the CIA and the NSA probably did their job. The trouble is that they are reporting to the Clinton administration; and everywhere in the world where we look, where America's national security has been put in jeopardy by the Communist Chinese, the fingerprints of the Clinton administration are all over the crime scene. The people who are supposed to be protecting our interests are not protecting our national security interests.

So I went down and I met with the ambassador, the ambassador to Panama from the United States. I asked the ambassador, I said, Mr. Ambassador, how did they get this contract? I said, In fact, I have even heard that there might have been some bribery involved here.

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He says, oh, we do not know if there is any corruption involved in this. I said, what do your intelligence reports say? He said, what intelligence reports? I said, what does the NSA say when they are listening in on the conversations involved with the people involved in these negotiations? Well, I do not know, I have not seen those reports, if there are any.

What does your station chief, the head of the CIA there, what does he say? I have not seen any report by him. This is the most important thing that has happened in the past 10 years in Panama, and the ambassador has not bothered to read the intelligence reports of how that contract came into being.

So I said, well, Mr. Ambassador, this is really an important thing. Do you not think you ought to check up on it? And he says, oh, I guess maybe I should. Well, come to find out that there are certain people who work for the government whose job is not to see any evil, not to go looking for those reports.

Our ambassador to Panama happens to have been who? It happens to have been the man who was the chairman of President Clinton's reelection campaign in Florida the last time around. I am not saying that he has done anything corrupt or wrong, I am just saying that he has not looked at these intelligence reports, and he is a political appointee who is highly politically involved with the President's personal political ambitions. Somebody is not watching out for the national security interests of the United States.

So I went out after meeting the ambassador. By the way, the CIA station chief was conveniently not available when I was in Panama, conveniently not available. So I went out to try to find things on my own. I am sorry to report today to my colleagues and to whoever is listening or reading the CONGRESSIONAL RECORD on this speech that I was able to find out information that has indicated to me that the lease arrangement, the contract arrangement with this Communist Chinese front company was obtained through bribery of high-level Panamanian officials.

I talked to people who were directly involved with the negotiations, directly involved with the bidding process, and I was told, and these people are afraid to say so publicly, but they told me privately that there were bribes in the millions of dollars that were paid to the former president of Panama, Balladares, for the lease agreement with the Hutchison Whampoa company, and it was again repeated to me over and over again that Hutchison Whampoa did not offer the best bid for those port facilities on either side of the Panama Canal, yet they were awarded that lease agreement, and the only explanation is that millions of dollars of bribes were provided to high-level Panamanian officials.

President Balladares, who was president at the time and recently stepped down, it is important for us to note that the Panamanian Constitution prevents a president of Panama from running for reelection. President Balladares wanted to change the Constitution so that he could run for reelection.

The Chinese certainly bankrolled that campaign, and guess who was down there running the referendum to try to change the Panamanian Constitution so this man who helped give away the Panama Canal would have the right to run again for office? Who was down there running that campaign for him? James Carville, that is who. Who is he? Every time you turn around, the President's inner circle is involved with something that is undercutting America's national security.

I am recommending to our colleagues that we pay attention to Panama. Up until now, the reason these things are happening is that we have left it to the administration, and Panama has been off of the radar screen of the United States of America.

It cannot be. If we let foreign policy be the purview only of the government and only of the executive branch, our country will suffer, as it has been put in great jeopardy by our relations with Communist China.

Just one other note. When I went to Panama, the head of the Panamanian CIA, that is their central intelligence agency, was in hiding. Her name was Samantha Smith. Samantha Smith was in hiding, and our embassy did not know where she was, they did not know what was happening, how to get hold of her. There was no report on Samantha Smith, of how we could talk to her.

The head of the Panamanian CIA was in hiding for this reason, because there had been information that she had been involved in a smuggling ring of Communist Chinese aliens, Chinese residents of the mainland of China, who had paid $30,000 a head to President Balladares of Panama in order to go through Panama into the United States of America, hundreds of them.

This woman, the head of the CIA, was the one who signed off on this operation. But she had signed off on it because her president had ordered her to sign those documents, those requests from these Chinese coming from the mainland.

First of all, I want to know who these people were, who these Chinese were who could afford to pay $30,000 to be smuggled into the United States through Panama. Chinese farmers do not have that kind of money. I do not know if they are saboteurs, I do not know who they are, but I want to know who they are.

The head of the Panamanian CIA, when she realized she was going to be the fall person, she was going to be blamed when this became known, went into hiding. Guess what our? Our embassy just could not find her. They had not had contact with her. But guess what, within one day, I found her.

Within one day, I had a meeting with this head of their Panamanian intelligence. She just told me everything about how the President had forced her to sign these documents, ordered her, even above her objection; and how these Chinese would come in, these illegal Chinese would come in, land in Panama, and there would be a special escort officer that would take them on the second floor at the airport in Panama and take them around, and then take them where she did not know; and how she had protested to the President, but the president of Panama, Balladares, had ordered her to do so.

This is the man who also, fascinatingly enough, provided the contract for Hutchison Whampoa, the Chinese front company that now controls both ends of the canal.

Let me tell the Members something that I consider to be even another little bit of evidence that we should not miss. Supposedly, our government has been negotiating with the Panamanian government, the government of Balladares, for what? We have been negotiating to try to maintain some type of military presence in Panama to protect the Panama Canal.

Polls indicate now that from 70 to 80 percent of the Panamanian people love the United States and want to see a military presence of the United States in Panama. We left. They told us to leave, and we left. Now they know we have been serious all these years, that we believe they have the right and freedom to control their own country. We are not like Russia, China. If the people do not want us, we do not stay there and brutalize the people in order to maintain our military bases. We got out. That just reconfirmed for the people of Panama, hey, the Americans are good people after all. They really do believe in democracy. We want them back.

Although the polls showed 70 to 80 percent of the Panamanian people wanted us there, our State Department could not negotiate a contract and a deal that would permit us, an agreement that would permit us to have an American military presence in Panama. They could not do it.

Something is wrong. Something is wrong here. Of course, it was President Balladares who was the head of that country, and of course our own ambassador had not read any of the intelligence reports. I do not guess he has read any intelligence reports on any instructions Balladares might have had with those negotiators, or any contact that he might have with the Communist Chinese.

All I know is, we are depending on an administration to defend our country, to make sure our children are not put in jeopardy, and that administration is treating the Communist Chinese as a strategic partner, and we are being put in danger.

We have to reverse this situation. It is up to the Congress of the United States to act, and it is up to the American people to demand action and to get involved in this process. If we want our children to be safe, we cannot do so by giving the Communist Chinese leverage on future generations of Americans. We will not be safe if the Communist Chinese have weapons based on American technology that could murder tens of millions of our people. That is not the kind of world we want to leave our children. In 10 years, that is the kind of world they are going to have, unless we act.

The first step, we have to quit treating Communist China as a friend and be realistic. I am not saying we should go to war with them. We should not. But we must be tough and we must be strong, and we must demand a trade relationship that is mutually beneficial, and certainly not one that gives them $70 billion in hard currency and puts the American people out of work.

I am introducing legislation today, and I have approximately 25 cosponsors at this time. I am introducing legislation now. I ask people to call their Congressman to join the resolution, the Panama resolution, offered by the gentleman from California (Mr. ROHRABACHER). That is me. I am asking them to call their Members of Congress and ask them to join me in a resolution that does three things in Panama.

Number one, it asks the new government that defeated the Balladares regime, President Moscoso, who is a woman, a wonderful person and a ray of hope for the United States government, that we do our best, and we call on President Moscoso to cancel this lease with this Chinese front company, cancel it, and to investigate how that lease came about. That is what we are asking the President of Panama to do in this resolution.

We are asking also that the United States move forward with an investigation, as well as with the government of Panama, into these charges of corruption on how that lease was issued in the first place. When they cancel this lease, we are asking that they institute a new system that is open and fair and transparent, as they say, so there will be honest bidding for those port facilities in the Panama Canal. Also, we should investigate how that last contract happened.

Number three, we should negotiate with this new government in Panama, President Moscoso, some type of arrangement where we can work together with Panama for the security of Panama and also the security of the Panama Canal.

These are things that we need to do. It is part of my resolution. As a sense of Congress, we are calling for those things. I would hope that all of my colleagues come back here next week and that we get a number of cosponsors on this, and that this moves through the system very rapidly.

We need to send a message to this administration, to the people of Panama, and to the Communist Chinese that Congress will not permit the security interests of the United States to be jeopardied because of some fantasy by the President that we are in a strategic partnership with the communist regime in Beijing.

Mr. Speaker, I would like to leave people with this one thought. My father was a marine pilot. He was a 20-year career man, a lieutenant colonel. When I was a young boy we lived in Japan, and my father flew intelligence missions along the Chinese coast. We lived in a small compound outside of Iwakuni, Japan, which is a Navy base there.

My father would fly, along with other pilots, right along the coast and photograph the coast of China. This is in the 1950s. He did so at great personal risk. In fact, my next-door neighbor, this is when I was 10 years old, my next-door neighbor was shot down by a Communist Chinese plane. Thank God that that person was not shot down and murdered by the Communist Chinese plane, and there was not any question, they were not using American technology to shoot down our neighbors, this American pilot.

In the future, when they shoot down American pilots, that we will haunt us, did we provide the technology necessary to kill those Americans?

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I remember that very vividly. I remember the tears and the sorrow of my next-door neighbor, my playmates, and the sense of hopelessness of the wife who was now left with the two children, on her own, to raise these kids and live her life without a loving husband. I remember that very well.

I also remember that when a few years later my father, he is passed away now, perhaps one of the great things he did for our country was that he helped develop the Navy way of dropping the atomic bomb. To make this clear, what happens is before, if you drop a bomb from a plane like this, a small plane cannot do it because it will blow up the plane. But my father developed the system that the plane goes down, a small jet aircraft can come down like this and loft the bomb ahead as the plane pulls around and heads in the opposite direction. That was a most important development, because after that was perfected, America's aircraft carriers became strategic weapons, and the formula in the Cold War changed dramatically in favor of the United States because we now could deliver nuclear weapons throughout the world. That did not just happen.

My father was taken out of a hospital bed when he described that to a general and given command of a squadron of hotshot pilots, that they were going to develop that as soon as they could, perfect that system with all speed because it meant so much to the security of our country. He put his team together. During that time period, they worked and they pushed the limits and they pushed beyond the limits in order to perfect that system so that other American pilots would be safe when they delivered their weapons.

My mother told me something recently. When my dad passed away about 11 months ago, at the funeral my mother told me how during that time period my father was operating in total secrecy, as was his whole operation, and four young pilots lost their lives in developing this system, four young pilots who were pushing the envelope beyond what they could, flew too low, flew too fast, lost their lives. One of these young pilots who died, my mother remembers going to his home and his wife was there, and it was their first wedding anniversary, and they stood there, my mother and my father, telling this young wife, the candlesticks on the table, that her husband would never come home and they were never able to tell that wife why her husband had died. The mission was top secret. They could not let her know that her husband died developing a system that was so important to the national security of our country, because it was that secret.

I do not know who that man was. I do not know the names of the people who died during the Cold War like that. But there were many of them. My next-door neighbor in Japan, these four young men, they died protecting our country from communism and especially from the Communist Chinese. We do not know their names and we owe them a great deal.

It is up to us to keep faith with those people. We cannot let our country be in jeopardy after they paid so much of a price, so dear a price for our security. And to let some fantasy like a strategic partnership with the Communist Chinese put our country in jeopardy when so many people have sacrificed for our safety is a sin against our people.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 299. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources; in addition to the Committee on Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; to the Committee on Resources; in addition to the Committee on Ways and Means for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; in addition to the Committee on Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes; to the Committee on Resources.

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; to the Committee on Resources.

S. 944. An act to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma; to the Committee on Resources.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 380. An act to reauthorize the Congressional Award Act.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On September 15, 1999:

H.R. 2488. To provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, September 21, 1999, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4231. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Review of Exchange Disciplinary, Access Denial or Other Adverse Actions Review of NFA Decisions Corrections—received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4232. A letter from the Under Secretary for Food, Nutrition and Consumer Services, Department of Agriculture, transmitting the Department's "Major" final rule—Food Stamp Program: Food Stamp Provisions of the Balanced Budget Act of 1997 (RIN: 0584–AC63) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4233. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Buprofezin; Extension of Tolerance for Emergency Exemptions [OPP–300907; FRL–6096–3] (RIN: 2070–AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4234. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Fiscal Year 2000 Contract Action Reporting Requirements [DFARS Case 99–D011/98–D017] received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4235. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—HUD Acquisition Regulation; Miscellaneous Revisions [Docket No. FR–4115–1–01] (RIN: 2535–AA24) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4236. A letter from the Assistant Secretary, Employment Standards Administration, Wage and Hour Division, Department of Labor, transmitting the Department's final rule—Industries in American Samoa; Wage Order—received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4237. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0570] received August 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4238. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0571] received August 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4239. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Over-the-Counter Drug Products Containing Colloidal Silver Ingredients or Silver Salts [Docket No. 96N–0144] received August 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Arizona [AZ 014–MSWa; FRL–6440–2] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4241. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: California [CA 013–MSWa; FRL–6439–9] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4242. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Nevada [NV 015–MSWa; FRL–6440–4] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4243. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision of Standards of Performance for Nitrogen Oxide Emissions from New Fossil-Fuel Fired Steam Generating Units—Temporary Stay of Rules as They Apply to Units for which Modification or Reconstruction Commenced after July 9, 1997 [FRL–6437–1] (RIN: 2060–AE56) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4244. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision [CO–001–0032a; FRL–6410–7] received August 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4245. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Large Municipal Waste Combustors (MWCs) [PA118–4080a; FRL–6426–1] received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4246. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implemtation Plans (SIP); Interim Final Determination that Louisiana Continues to Correct the Deficiencies of its Enhanced Inspection and Maintenance (I/M) SIP Revision [LA–49–1–7411; FRL–6422–3] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4247. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina [SC–36–1–9932a; FRL–6426–8] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4248. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Eagle Transportation Permits for American Indians and Public Institutions (RIN: 1018–AB81) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4249. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 990304063–9063–01; I.D. 083099D] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4250. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No. 990506119–9236–02; I.D. 040799B] (RIN: 0648–AM66) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4251. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quotas for the 1999–2000 Fishing Year [Docket No. 990823233–9233–01; I.D. 072799C] (RIN: 0648–AM20) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4252. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 090899C] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4253. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 090899B] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4254. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 071399A] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4255. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 1999 Fisheries [Docket No. 990422103–9209–02; I.D. 031099B] (RIN: 0648–AL75) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4256. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 090199C] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4257. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 090199D] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4258. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 090299A] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4259. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel to Vessels Using "Other Gear" in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 990304063-9063-01; I.D. 090399A] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4260. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Disaster Assistance for Northeast Multispecies Fishery Failure [Docket No. 990520139-9221-02; I.D. 050799B] (RIN: 0648-AM68) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4261. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 072999A] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4262. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Removal, Revision and Redesignation of Miscellaneous Regulations [STB EX Parte No. 572 (Sub-No. 1) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 1993. A bill to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes; with amendments (Rept. 106-325). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROHRABACHER (for himself, Mr. JONES of North Carolina, Mr. COOKSEY, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. HUNTER, Mr. TIAHRT, Mr. HAYES, Mr. SAM JOHNSON of Texas, Mr. GOODLATTE, Mrs. EMERSON, Mr. BURTON of Indiana, Mr. WELDON of Florida, Mrs. BIGGERT, Mr. MANZULLO, Mr. TRAFICANT, Mr. WELDON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. MCINTOSH, Mr. WICKER, Mr. CUNNINGHAM, Mr. SWEENEY, Mrs. CHENOWETH, Mr. DEMINT, Mr. TANCREDO, and Mr. STEARNS):

(H. Con. Res. 186). A concurrent resolution expressing the sense of the Congress regarding a continued United States security presence in the Panama Canal Zone and a review of the contract bidding process for the Balboa and Cristobal canal ports; which was referred to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 363: Mr. RODRIGUEZ.

H.R. 728: Mr. BLILEY.

H.R. 1248: Mr. LARSON.

H.R. 1484: Mr. DAVIS of Illinois.

H. Res. 292: Mr. ROHRABACHER, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. FRANK of Massachusetts, and Mrs. LOWEY.

EXTENSIONS OF REMARKS

INTRODUCING THE MEDICARE VISION REHABILITATION COVERAGE ACT OF 1999

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1999

Mr. CAPUANO. Mr. Speaker, on Wednesday, September 15, 1999, I filed the Medicare Vision Rehabilitation Coverage Act of 1999 which would reimburse, under Medicare Part B, vision rehabilitation professionals for services provided. September 15 is also National Vision Rehabilitation Day, established to raise awareness of the services available to those suffering from visual impairment. Currently 6.6 million Americans over the age of 65 report some level of vision impairment.

My own mother, who suffers from vision impairment, benefited tremendously from the rehabilitation services provided by the Greater Boston Aid to the Blind. The training and therapy she received helped her to avoid the injuries and loss of independence that often accompany vision impairment. Unfortunately, Medicare does not currently cover programs like this and not all seniors can afford the services on their own. This legislation is designed to ensure that this situation is not repeated.

Statistics provided by the American Council of the Blind project that by 2005, 1 out of every 6 Massachusetts residents over the age of 60 will either suffer from blindness or from partial impairment. Vision rehabilitation services teach seniors who suffer from permanent vision impairment how to continue living independently with this loss. Examples of services covered include independent living skills and training in safe methods of travel.

Medicare beneficiaries who are blind or whose vision difficulties cannot be addressed by surgery, medication or corrective lenses could be eligible for services provided by certified vision rehabilitation professionals under the legislation.

According to the National Vision Rehabilitation Cooperative, age-related visual impairment is second only to arthritis/rheumatism as a cause of disability. However, due to a lack of awareness about the services available as well as a lack of funding, only 2% of the visually impaired have benefited from vision rehabilitation services.

Visual impairment is one of four major conditions contributing to a senior's loss of independence. The nonprofit Alliance for Aging Research has determined based on data from the Medicare Current Beneficiary Survey that a loss of independence by older adults costs the United States an additional $26 billion a year.

The type of vision rehabilitation covered under this legislation could save the Medicare program millions of dollars in costs associated with injuries such as broken bones which are often caused by vision impairment. A person suffering from an injury such as a hip fracture is eligible for reimbursable therapeutic services. Why shouldn't a person who suffers from irreversible vision loss be afforded the same type of therapeutic services under Medicare?

Loss of vision can be a devastating disability for seniors, who value independence foremost. Wonderful new therapies like vision rehabilitation not only save money, but more importantly give people back their quality of life.

TRIBUTE TO HARVEY CURLEY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1999

Mr. LEVIN. Mr. Speaker, I rise to honor Mayor Harvey Curley of the City of Eastpointe, Michigan, who will retire in November 1999 after a distinguished career serving his community over the last twenty-five years.

Beginning in 1975, Harvey Curley was elected to the East Detroit Board of Education, serving as its President from 1978–1983. He also served two years on the Zoning Board of Appeals and as Councilman from 1985 to 1987. He has stood at the helm of elected city government since 1987 when he began his three terms as Mayor.

During Harvey Curley's tenure as Mayor, he was responsible for the re-development of the southwest corner of Gratiot and Nine Mile, transforming that area into a thriving commercial strip. In addition, many Municipal Facility Construction Projects were developed under his leadership: the New Parks Garage at Public Works Complex, the New Municipal Court Building, and the New Community Center.

Harvey Curley approached his public service with pride in his community, devotion to its continued improvement, enthusiasm, patience and a tireless commitment to projects small or large. It was always a pleasure to work alongside him on issues important to Eastpointe and the State of Michigan.

Mr. Speaker, I ask my colleagues to join me in thanking Mayor Harvey Curley for all that he has done to make Eastpointe a better place to live and work, and to send him every good wish for good health and happiness in the future.

MOUNT LEBANON BAPTIST CHURCH CELEBRATES 100 YEARS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1999

Ms. NORTON. Mr. Speaker, in November 1899, The Reverend Theodore Williams, a recent graduate of the School of Theology at Howard University was inspired by God to establish a mission which was named High Street Baptist Church. The mission worshiped in an old jail, a former detention center for runaway slaves, on High Street, now Wisconsin Avenue, NW, in Georgetown. Later, the church held worship services at the Seventh Street Baptist Church—which is now named Jerusalem.

Mr. Speaker, on July 22, 1901, a recognition council was called, and High Street Baptist, which now had thirty-four members, was recognized as a regular Baptist Church. The congregation continued to grow, and in November 1904 purchased and relocated to a new site at 814 25th Street, NW, and was renamed Mount Lebanon Baptist Church. An all-day service was held on Sunday, November 19, 1908, in thanksgiving for the completion of the work of renovating this property. Six years later (1914), the congregation demolished that building and constructed a new building, to the glory of God, on the same site. The mortgage for the new building was burned in 1919. In April 1923, after 24 years of inspired and zealous leadership and service as pastor, Reverend Williams was called to his reward. He was succeeded by the Reverend John Ford, who served as pastor from 1924 until 1932 when he left to accept a new charge.

In November 1932, the Reverend Edgar Newton was installed as pastor. His motto was "Follow me as I follow Christ." Much was accomplished during his leadership of almost thirty-nine years. New clubs (ministries) and a building fund were established, significant growth in membership was accomplished, two properties adjacent to the church were purchased, services to members and the community were expanded, and the site of the present church was purchased. In addition, three mortgages were burned—two at the 25th Street site and one at the present site, 1219 New Jersey Avenue, NW, to which the congregation relocated on January 27, 1963. Reverend Newton retired in June 1971; and on June 18, 1974, he was called from service to reward.

The Reverend Vernon C. Brown, a son of the church, succeeded Reverend Newton to the pastorate on November 12, 1972, and served faithfully until his retirement on December 31, 1991. Under his leadership, programs of services to members and the community were expanded, including services to senior citizens and a "feed the hungry" program providing balanced hot meals at least once per week. His motto was "The family that prays together stays together."

From the time of Reverend Brown's retirement until November 1992, pastoral duties were shared by three sons of the church, the Reverend Norman King, the Reverend Benjamin C. Sands, and the Reverend William O. Wilson.

In November 1992, the Reverend H. Lionel Edmonds became the fifth pastor of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

church. Pursuant to his vision of "building the beloved community", great strides have been made including nearly quadrupling the membership and the establishment of new ministries to meet the spiritual, physical, and intellectual needs of members and the community. These include a Cedars Discipleship Institute (Christian education); Sons of Simeon (men's ministry); Daughters of Miriam dance classes; boys' basketball and football teams; classes to develop job skills in computers, lock smithing and electricity; health and beauty workshops; aerobics classes; and a soon-to-be-opened child development center. All services are open to the community as well as to members of the church.

Mount Lebanon's community service extends beyond its immediate environs. Through very active involvement in the Washington Interfaith Network (WIN), an interdenominational coalition of churches from all eight of the city's wards, it also participates in other citywide programs to provide low-cost housing for families and after school care for children, reduce crime, provide education/job skills to citizens, and to assure a living wage for all persons employed in the city.

Mr. Speaker, through worship and community service, Mount Lebanon carries out its slogan, "We serve a great God; we are a great people; and we are about a great work."

Mr. Speaker, I ask that the members of this body join me in congratulating the Mount Lebanon Baptist Church, and celebrating the spiritual understanding that has guided their path for 100 years.

VERY REVEREND NAHAS HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Very Reverend Herbert G. Nahas from Northeastern Pennsylvania. This month, Rev. Nahas will observe the 50th Anniversary of his ordination at a community-wide celebration on September 19. I am pleased to have been asked to participate in this tribute.

Born in Pawtucket, Rhode Island, Rev. Nahas is the son of Rev. George Nahas and Elizabeth Kassab. He graduated from Brown University. Before entering the priesthood, he served his country in Army Intelligence for five years. Because of his fluency in both French and Arabic, young Herbert Nahas accompanied General Martin G. Eddy, of the Ninth Infantry Division in the invasion of North Africa, and was later assigned to the staff of General Eisenhower in Algeria.

Rev. Nahas' interest in theology began at an early age as he served and studied the church under his father. He later studied with Father Wakeem Dalack of St. Nicholas Cathedral in Brooklyn.

Rev. Nahas came to our area in 1951, spending 47 of his 50 years as a priest at St. Mary's Antiochian Orthodox Church in Wilkes-Barre. Celebrating its 95th anniversary this year, St. Mary's holds the distinction of being one of the oldest Antiochian Churches in the nation. In 1961, Bishop Anthony made Revered Nahas an Archpriest with the title of "Exarch." Shortly thereafter, the Reverend began to raise funds for a new church and the new building was completed and dedicated by 1968.

In addition to serving his parishioners, Rev. Nahas has also served the Wyoming Valley community. He has served on numerous local boards, including those of the United Way and American Heart Association. He organized "Father Nahas' Senior Citizens Organization." After Wilkes-Barre was inundated by tropical Storm Agnes in 1972, Rev. Nahas opened his parish hall for use as a shelter for displaced flood victims. He is a much sought-after speaker, frequently addressing the local Rotary, Kiwanis, and Lions clubs.

Mr. Speaker, Rev. Herbert Nahas is an icon in Northeastern Pennsylvania. He and his wife, Alice, raised three children here and now enjoy five grandchildren. His commitment to his parish and the community is legendary. He is loved by all those who have been fortunate enough to have been touched by his spiritual guidance and kindness over the years. I am proud to join with the community in sending my very best wishes to the Very Reverend Herbert G. Nahas on this momentous occasion.

CONFERENCE REPORT ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

SPEECH OF

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. THOMAS. Mr. Speaker, I want, first of all, to complement the distinguished gentleman from Arizona, the Chairman of the Treasury-Postal Appropriations Subcommittee, Mr. KOLBE, for his work on this legislation.

I want to particularly complement the Chairman for the inclusion in this bill of three key and much needed reforms of the Federal Election Commission. They are a requirement that campaign reports be filed electronically, a simplified administrative penalty process for campaign reporting violations, and a change in the campaign reporting period from a calendar year to an election cycle basis.

As Chairman of the Committee on House Administration, I want to say that we have worked closely with the Appropriations Committee on the development of these legislative items. I believe we have taken an important step towards improving our election process.

These reforms may not make headlines, but they are the most significant legislative changes in the operation of the FEC we have seen in 20 years. These reforms were originally recommended in the January 29, 1999 report of the Independent Audit of the FEC. That Audit was authorized by the Committee on Appropriations in consultation with the Committee on House Administration.

The adoption of these reforms has been recommended on a bipartisan basis by the Members of the FEC itself. They were all included in H.R. 2668, the Campaign Reform and Election Integrity Act of 1999, reported favorably to the House floor by the Committee on House Administration on August 2, 1999.

Virtually everyone agrees these reforms would be good for the House and good for the American public.

Electronic filing would substantially speed up the transmission of information from campaigns to the general public, and ensure that information filed with the FEC is legible and more easily subject to analysis once filed. A campaign could not hide or delay the disclosure of its donors. Reports filed electronically with the FEC can be posted on the Internet almost instantly, eliminating processing time that can delay the release of information for short, but critical periods, especially as election day nears.

Allowing the FEC to impose administrative fines for reporting violations without the lengthy procedural steps required in a normal enforcement case will free critical FEC resources for more important disclosure and enforcement efforts. The rights of those under these regulations are protected by preserving the option of appeal to a U.S. District Court, for those who believe the FEC erred.

Saving taxpayer dollars, cutting costs for the regulated community, and ensuring speedier resolution of cases are all a net gain for the voter and our electoral system.

Finally, the seemingly minor, but highly significant change from a calendar year to an election cycle reporting period will make it easier for candidates to avoid inadvertent receipt of contributions in excess of allowable election cycle limits, and provide more information to the public about the level of fundraising and campaign spending at any given point in an election cycle. Reports will show how much money a candidate has raised and spent from the end of the last election to the present, rather than from the end of the last calendar year. This recommendation will save money in enforcement costs and provide more relevant information to the public.

These reforms are the kind of legislation we should see more of from the U.S. House of Representatives. Without impairing the right of free speech, without the expenditure of large amounts of taxpayer funds, we have improved the level of information, and the quality of enforcement in our political process.

TRIBUTE TO FRANK GARRISON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1999

Mr. LEVIN. Mr. Speaker, on Tuesday, September 21, 1999, a dinner will be held in honor of Frank Garrison, President of Michigan AFL–CIO.

The dinner will mark the more than four decades of Frank Garrison's public service. The chairs of the dinner will include two former Governors, William Milliken and James Blanchard. The sponsorship of two leaders from different political parties is a reflection of the broad nature of Frank Garrison's activities. During his service as the legislative director for the UAW in the 1970s and early 1980s, he was a key player in a wide variety of efforts, including the lobbyist disclosure law enacted in 1976, the Open Meetings Act, and the Essential Insurance Act and other insurance reforms that protected consumers' access to insurance at fair prices. He also fought for measures to bring health care to more of Michigan's citizens.

An equal, if not greater passion, was that of participation in the political process in general and the Democratic Party in particular. I first came to know Frank well when I was running for Governor in the 1970s. There were many a plant gate that we visited together, often in the dark wee hours of the early morning. We were determined to meet voters face to face, often ourselves facing the obstacles of climbing around, and a few times over plant gates to reach incoming or outgoing workers, not always reaching our destination with complete ease.

Of all Frank Garrison's public passions, however, the greatest was the labor movement. He delved deeply into its efforts to represent Michigan's workers and give them a fair share of the economic pie. He deeply believes that the reforms of the 1930s giving workers the right to organize and be heard was one of the key ingredients of the success of American capitalism. He has fought to unite labor movement and to make certain that it was a vital participant in all facets of the public arena.

As Frank Garrison retires, I join his many friends in saying to him how much we admire his years of service, often at very considerable sacrifice for himself, his wife Dora and their three daughters. He can leave and move on to the next challenge with an inner feeling of true accomplishment

HOUSE OF REPRESENTATIVES—*Tuesday, September 21, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 21, 1999.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2084) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUYE, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

ELIMINATION OF MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, I have the privilege of representing a very diverse district. I represent the south side of Chicago, south suburbs, and Cook and Will counties, industrial communities like Joliet, a lot of corn fields and farm towns too.

When one represents such a diverse constituency, cities, suburbs, and country, one learns to listen and listen for those common concerns and common questions that are brought forward, whether by suburbanites or city dwellers or our farm folk.

I find that in the district that I have the privilege of representing in Illinois that the common concerns are pretty simple, that folks want us to work together, they want us to solve our challenges, they want us to find solutions, and they want us to change how Washington works.

As I look back over the last 5 years, I am pleased that we have worked to find those solutions, solutions to the challenges today of balancing the budget, of cutting taxes, and reforming our welfare system and we did change how Washington works.

As I look back over the last 5 years, I am proud to say that we balanced the budget for the first time in 28 years, 3 years ago. We are now working on our third balanced budget in a row. We did such a great job that now we have all this extra money of three trillion surplus dollars projected over the next 10 years.

We cut taxes for the middle class for the first time in 16 years, and three million Illinois children are going to benefit from the $500 per child tax credit. We reformed welfare for the first time in a generation.

I am proud to say that in Illinois the welfare roles have been cut in half. In my home county of Grundy, our welfare roles have dropped by 84 percent. We also tamed the tax collector, shifting the burden of proof off the backs of the taxpayer and onto the IRS. Those are fundamental changes, balancing the budget, cutting taxes, reforming our welfare system, and taming the tax collector.

People often say, well, what is next? What other solutions is Congress going to find to the challenges that we face? Our agenda is simple. We want to strengthen our local schools. We want to lower the tax burden and make it fair for working families. We want to strengthen Social Security and Medicare. And we also want to pay down the national debt that was run up over 30 years of deficit spending.

I often hear common questions in the district I represent, whether at a union hall or the VFW or the Chamber of Commerce or a coffee shop or a grain elevator. People often say, when are you folks in Washington going to stop raiding the Social Security Trust Fund?

I am proud to say this Republican Congress is putting a stop to that. In fact, this year we are walling off the Social Security Trust Fund, setting aside a hundred percent of Social Security for the first time in 30 years for Social Security only.

The President says he wants to set aside 62 percent. We believe in a hundred percent of Social Security for Social Security. That means $200 billion more to strengthen Social Security and Medicare.

I am often asked, people never also talk about that huge national debt that was built up over the 30 years of deficit spending beginning in the 1960s. I am proud to say that, under the Republican balanced budget, we pay down $2.2 trillion of the national debt, the public debt, over the next few years; and that is about $200 billion more than the President would under his proposal.

The question that I am also often asked is when are we going to do something about the tax code. People of course are fed up that 40 percent of the average family's income goes to Washington and the State capital and the county courthouse and the local government, and that tax burden is the highest in peacetime history. But they are also frustrated about the complexity of our tax code and the unfairness of our tax code.

Over the last couple of years I have often asked this question in the well of the House, and that is, is it right, is it fair that under our tax code married working couples pay more in taxes? A husband and wife who are both in the workforce pay more in taxes than an identical couple that live outside of the marriage. Is it right, is it fair that under our tax code that 21 million married, working couples pay on average $1,400 more in higher taxes just because they are married? Of course not. It is wrong that under our tax code that 21 million married, working couples pay $1,400 more just because they are married.

I have a photo here of a young couple in Joliet, Illinois, one of the communities that I represent, Michelle and

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Shad Hallihan. They are public school teachers in the Joliet public school system. They just had a baby. They are celebrating the birth of a child. They suffer the marriage tax penalty because they are both in the workforce. And under our tax code this young couple who just had a baby, who is just starting their life together as a family, pays higher taxes just because they chose to get married.

Now, had they chose to live together outside of marriage they would not pay those higher taxes. I am proud to say the House and Senate passed legislation which will eliminate the marriage tax penalty for the majority of those who suffer it. It is a key part; it is an essential part of the Financial Freedom Act, legislation that will lower the tax burden as well as simplify the tax code and bring fairness to the tax code.

The question of the day is, Mr. President, are you going to join with us eliminating the marriage tax penalty to help hard-working, young Americans, actually Americans of every age, because seniors suffer the marriage tax penalty, but people like Michelle and Shad Hallihan who suffer the marriage tax penalty?

Our legislation eliminates the marriage tax penalty for a majority of those who suffer it. It should be a bipartisan effort. We ask the President to join with us, sign the tax cut, sign the Financial Freedom Act, and eliminate the marriage tax penalty.

INS REIMBURSEMENT TO GUAM AND COMPACT-IMPACT AID FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today I want to talk about a couple of issues that are vitally important to the people of Guam and as we face the prospect of trying to deal with the remaining appropriations measures and face the possibility of some protracted negotiations between the leaders of both the House and Senate and the Administration, and these two issues pertain to the reimbursement for costs that have been incurred in Guam as a result of unrestricted immigration as well as recent experience, in particular this year with the onset of the arrival of many illegal immigrants coming from the People's Republic of China.

Since the beginning of this year, Guam has been marked by some of the smugglers inside the People's Republic of China as the newest target for Chinese criminal organizations smuggling human cargo from the PRC.

In the past 4 months alone, Guam has been the recipient of more than 700 illegal aliens seeking political asylum in the United States. These figures have already surpassed the total of 1998 of over 600. It is further suspected that many more undocumented arrivals have hit Guam that have not been counted.

As the U.S.'s westernmost border, Guam is perhaps the most attractive destination to enter the United States from the PRC. Guam is the closest American jurisdiction to China. The full application of the INA, the Immigration and Nationality Act, applies to Guam. Because of this, what has happened is that these people come to Guam and apply for some form of political asylum and then they are allowed to move on.

Through very protracted negotiations involving the White House and particularly the National Security Council, as well as INS officials, we have been able to slow down this process by using the Northern Marianas as the place where they could also be taken. Interestingly, in the Northern Marianas, the full weight of the INS does not apply so, as a consequence, they were more easily repatriated back to the PRC.

Guam is a very small place, only 212 small miles and a small population of 150,000. The real problem here for the people of Guam is that despite all of the guarantees of the Federal Government, the cost of housing these people has fallen on the Government of Guam. As a matter of fact, leading up until last month, the total cost is well over $7 million this year alone. And there continues to be over 500 of these individuals remaining in Guam facilities, in Guam Department of Correction facilities; and the prospect is that they may be there another year or 2 years at the rate of approximately $50,000 a day.

Now, we had hoped that this reimbursement would come through in the process of the appropriations as the administration has asked for that, but it has not come to pass.

Last week, however, our neighbors to the north, who have a much smaller bill presented to the Federal Government, the INS surprisingly announced that they were satisfying that bill from the Northern Marianas to the amount of $750,000.

So today, certainly I call upon the INS to get moving on this issue to try to find the resources to reimburse the people of Guam and to reimburse the local coffers for this cost, which is not our doing and which was entered into as a result of good-faith negotiations between the Government of Guam and federal officials.

Secondarily, there is also the issue of compact-impact assistance. This is as a result of the unrestricted migration of citizens from the newly independent states, the so-called freely associated states, primarily the federated states of Micronesia.

This has been a continuing source of debate. There is a federal law which says that any social and educational costs as a result of this unrestricted migration, they are the only independent countries in the world that have no quotas, no visa requirements; they can freely migrate into any part of the United States, that as a result of any social or educational costs, the Federal Government will reimburse the territories.

Well, because Guam is near these areas, these people have gone to Guam and continue to utilize social and educational resources, which we estimate amount to anywhere between $15 million and $20 million a year.

As I speak today, in 1996, we were able to get an amendment to the Interior Appropriations Act to get a stream of roughly $4.6 million to Guam every year since then. But we certainly look forward to balancing those books a little bit more.

The President's request put in $10 million for the upcoming year. And certainly it is my hope that as we continue the process of vetting the appropriations measures that these two important items, obligations of the Federal Government will be met.

WHY WE NEED TO MAKE AED'S MORE AVAILABLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, today I want to share with my colleagues why I believe passage of the cardiac arrest survival act is so important to this country.

If this bill becomes law, it would have the potential of saving thousands and thousands of lives each year. Passage of this act would go a long way towards making the goal of saving the lives of people who suffer sudden cardiac arrest possible. It would ensure that what the American Heart Association refers to as a "cardiac chain of survival" could go into effect.

While defibrillation, which is number three on the list, is the most effective mechanism to revive a heart that has stopped, it is also the least accessed tool we have available to treat victims suffering from heart failure.

Let me tell my colleagues about an experience about a Navy commander, John Hearing's experience. He is a cardiac arrest survivor. On October 9, 1997, stationed in Fallon, Nevada, Navy Commander John Hearing was swimming as part of a semi-annual physical readiness test when he suddenly felt ill. He went to the base clinic and collapsed inside, where Corpsmen immediately started CPR.

Although there was a hospital defibrillator available in the clinic, the emergency medical technicians were not trained to use it. So, of course, they called for help. A doctor arrived and defibrillated him.

After 8 months of limited duty, he was cleared to return to active duty and is currently assigned to the Office of Secretary of Defense.

Commander Hearing's outcome could have been tragic if the doctor had not been available. If the doctor had not been available, the EMTs, who were not equipped with an automated external defibrillator, AED, would have likely watched Commander Hearing die.

Commander Hearing knows how lucky he is today. His experience stands in contrast to another incident at the Pentagon in March of 1998.

□ 1245

Army Colonel Mike Moake was exercising in the Pentagon Athletic Club early one morning when he experienced a sudden cardiac arrest. Paramedics were called, and bystanders performed CPR on Colonel Moake. Medics arrived more than 20 minutes after his collapse and defibrillated him. They started his heart, but by that time Colonel Moake had suffered irreversible brain damage. Unfortunately, he died 2 weeks later.

If an automated external defibrillator had been available in this case, Colonel Moake's chances of survival would have improved immeasurably. Partly as a result of Colonel Moake's tragic death, the Pentagon is procuring and installing several AEDs. After Commander Hearing's experience in Fallon, Nevada, the Navy procured AEDs for the clinic and ambulances at several other military bases.

The American Heart Association and American Red Cross objective is to advance legislation like the Cardiac Arrest Survival Act so others do not have to die or barely escape death before AEDs are made accessible to them.

Bob Adams also had a dramatic experience that I also would like to share, Mr. Speaker, with my colleagues. This occurred on July 3, 1997. Bob Adams was walking through Grand Central Station in New York City when his heart suddenly stopped and he collapsed. He was 42 years old, a lawyer in a firm of 450 people, a husband, and a father of three young children. He was in perfect health and always had been. From the time he played collegiate basketball at Colgate College up to his current avocation as a NCAA basketball referee, health was a nonissue to him.

Nevertheless, without warning, without any history of heart disease, he went into cardiac arrest the day before a holiday weekend, in a location through which half a million people pass every day.

For Bob, timing was everything. On July 2, the day before he collapsed, the automated external defibrillator that the Metro North Commuter Railroad had ordered for use in Grand Central Station had arrived and the staff had been trained in its use.

Bob's heart was stopped for approximately 5 minutes while the AED was put in place. It was unpacked from its shipping box and everyone hoped it had come with charged batteries. Thanks to the trained staff at the station and an EMT who happened to be present, his life was saved.

Doctors have never discovered what happened to his heart. It simply stopped. Whatever it was, he and his wife Sue, along with their three children, Kimberly, Ryan and Kyle, are very glad there was an AED at Grand Central Station.

Please join with me in cosponsoring H.R. 2498, the Cardiac Arrest Survival Act, and help save lives.

TWO FLOODS AND YOU ARE OUT

The SPEAKER pro tempore (Mr. PETRI.) Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the goal of livable communities is to make our families safe, healthy, and economically secure. Witnessing the devastation that has occurred this last week in the southeastern United States is painful to watch. Thirty-five known dead; others still unaccounted for. Imagine the suffering and disruption of lives and business. It has shown us once again how vulnerable millions of Americans are to natural disaster. The worst floods in years, unforgettable images of disaster, entire families wiped out. We need to help those who are suffering now, but we also need to take steps to prevent suffering like this in the future because it will happen again.

Hurricane experts suggest we are emerging from a relatively calm weather period to a more active destructive one. Increasing development pressures are resulting in building homes in flood plains around rivers, lakes, and on our coasts. One does not have to believe in global warming to know we have a problem, and it is getting worse.

We have to begin to deal with this in a sensible fashion. We need to look at where we build on coasts and developments in wetlands. We need to look at how we build. Even now there is a battle raging in North Carolina, ironically, about their building codes, arguing over, for instance, whether there should be protections for windows—like storm shutters.

When we have already built, we need to look at how we can best protect property and lives from the devastating impact of natural disaster. Government, in fact, bears some responsibility for allowing and indeed facilitating homes in harm's way by subsidizing repeated flood losses through the National Flood Insurance Program.

Along with the gentleman from Nebraska (Mr. BEREUTER), I have proposed legislation to provide significant new assistance for those who are most at risk to provide $400 million additional from the years 2001 to 2004 to help flood-proof or relocate people who are facing the greatest risk from repetitive flood loss, the people most in harm's way.

If an offer of mitigation or relocation would be refused under our proposal, then at least the residents who decide to stay in harm's way would be at least required to pay the full cost of their flood insurance, as those who already live in homes that were built or substantially improved starting in 1975 already do. The intent here is not to punish but is to take away the incentive that people are given by the Federal Government to continue to live in hazardous circumstances.

The bill's name, Two Floods and You Are Out—of the Taxpayers' Pocket, might be a bit provocative but the issue goes far beyond money. The goal of the two floods bill is not to eliminate the flood insurance but, rather, the goal is to protect the lives of Americans who live in the path of frequent flooding, to protect the flood insurance program for the 4 million current policyholders, and to protect the American taxpayer.

The flood insurance program cannot continue as it is now. There is a deficit right at this moment of almost three-quarters of a billion dollars and it is climbing. Two percent of the policyholders have claimed 40 percent of all flood insurance payments since 1978. Many of them have chosen to live, sadly, in these areas of greatest conflict.

There is a home in Texas that has received over $806,000 of flood insurance in 16 different events in less than 20 years, and the home is worth only $114,000.

The question then becomes, should the Federal Government be in the business of providing an incentive for a small number of people to stop and continuously risk not just their property but their lives and those of their families and their neighbors.

Nicholas Sparks in this Sunday's New York Times Magazine suggests that, well, maybe the answer is yes. He plans to rebuild in a hurricane devastated sand dune on the Carolina coast.

I think that the majority of Americans would disagree. If there is a compassionate way to provide an incentive for people to move out of harm's way, that is what we should consider. If there is a way to provide that incentive while also protecting the flood insurance program and the American taxpayer, then that approach should be implemented as soon as possible.

There are ways to protect lives: The flood insurance program and the taxpayer. The Two Floods bill would provide assistance to those who are most in danger to help them move to higher ground or to flood-proof their home. The money spent to move them from harm's way protects the lives of families that live by them and protects the health of the flood insurance program by ending the danger of repeated damage claims.

Putting people, their families, and their neighbors who try to save them at risk does them no favor. Encouraging people we know to suffer repeated loss and threat is a waste of more than taxpayers' money. The loss of property, business, and human life is a tragedy we can help prevent. I urge my colleagues to support reform of the national flood insurance program.

TRIBUTE TO FELIX TRINIDAD, A NATIVE SON OF PUERTO RICO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I would like to take this opportunity to congratulate Felix "Tito" Trinidad, a native son of Puerto Rico, on his tremendous victory in the world welterweight title fight this past Saturday, September 18. Tito's victory over his talented and worthy opponent, Oscar De La Hoya, has touched off one of the largest and most passionate celebrations in the long and storied history of sports in Puerto Rico.

Both fighters brought impressive credentials to this bout. Each one was undefeated, with Trinidad having won 35 straight matches and De La Hoya 31 straight victories. Public interest for a bout between these two ran high and once the match was set, anticipation reached a fevered pitch; and the fans who watched this clash on Saturday night were treated to a tremendous spectacle.

De La Hoya fought confidently and appeared to have a lead midway through the fight, but Tito showed the heart of a champion by coming back to win the later rounds and, with them, the bout. His perseverance against a great opponent and the tenacity he showed in overcoming the deficit he faced was an inspiration for all of us.

Nowhere is Tito's victory appreciated more than in Puerto Rico. We are intensely proud of our native son who has brought us great honor. Even before his victory on Saturday, Tito was recognized as one of the heroes of the long and storied history of sports in Puerto Rico.

Of course, Puerto Rico's sports history focuses heavily on America's national pastime, baseball, a game that Puerto Ricans have embraced with an unrivaled passion. Our heroes include the legendary Roberto Clemente, known as much for his acts of humanitarian compassion as for his baseball skills, and such current stars as Juan Gonzalez, Ivan Rodriguez, Roberto and Sandy Alomar, Edgar Martinez, and Bernie Williams, to name a few.

Tito's victory on Saturday night adds another significant chapter to the great history of Puerto Ricans distinguishing themselves in the world of sports.

I hope other Members of this body will join me in congratulating Felix Trinidad on his great victory over his outstanding opponent, Oscar De La Hoya, on Saturday night. All of Puerto Rico is proud of you, Tito, and so are your fellow American citizens who saw your outstanding display of courage and tenacity. You show the true mettle of a champion, the stuff heroes are made of. You are an example to our youth in Puerto Rico and to all the youth across the Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Reverend David N. Morrell, St. Martin's Lutheran Church, Houston, Texas, offered the following prayer:

Let us pray. Gracious and eternal God, as these men and women who have been elected by the people of this Nation to represent them gather today, we ask Your blessing upon them. Grant that they be open to Your divine will and the guidance of Your Holy Spirit as they discuss, debate, and decide the issues before them.

On this new day, guide the leadership, the Members, and their staff that their efforts for equality, justice, mercy, and compassion will bear fruit in this Nation and in Your world.

In faith and hope we pray, in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. CALVERT) come forward and lead the House in the Pledge of Allegiance.

Mr. CALVERT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 16, 1999 at 3:10 p.m. and said to contain a message from the President whereby he transmits to the Congress proposed legislation entitled, the "Cyberspace Electronic Security Act of 1999."

With best wishes, I am
Sincerely,
JEFF TRANDAHL.

CYBERSPACE ELECTRONIC SECURITY ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–123)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and the Committee on Government Reform and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your early consideration and speedy enactment a legislative proposal entitled the "Cyberspace Electronic Security Act of 1999" (CESA). Also transmitted herewith is a section-by-section analysis.

There is little question that continuing advances in technology are changing forever the way in which people live, the way they communicate with each other, and the manner in which they work and conduct commerce. In just a few years, the Internet has shown the world a glimpse of what is attainable in the information age. As a result, the demand for more and better access to information and electronic commerce continues to grow—among not just individuals and consumers, but also among financial, medical, and educational institutions, manufacturers and merchants, and State and local governments. This increased reliance on information and communications raises important privacy issues because Americans want assurance that their sensitive personal and business information is protected from unauthorized access as it resides on and traverses national and international communications networks. For Americans to trust this new electronic environment, and for the promise of electronic commerce and the global information infrastructure to be fully realized, information systems must provide methods to protect the data and communications of legitimate users. Encryption can address this need because encryption can be used to protect the confidentiality of both stored data and communications. Therefore, my Administration continues to support the development, adoption, and use of robust encryption by legitimate users.

At the same time, however, the same encryption products that help facilitate confidential communications between law-abiding citizens also pose a significant and undeniable public safety risk when used to facilitate and mask illegal and criminal activity. Although cryptography has many legitimate and important uses, it is also increasingly used as a means to promote criminal activity, such as drug trafficking, terrorism, white collar crime, and the distribution of child pornography.

The advent and eventual widespread use of encryption poses significant and heretofore unseen challenges to law enforcement and public safety. Under existing statutory and constitutional law, law enforcement is provided with different means to collect evidence of illegal activity in such forms as communications or stored data on computers. These means are rendered wholly insufficient when encryption is utilized to scramble the information in such a manner that law enforcement, acting pursuant to lawful authority, cannot decipher the evidence in a timely manner, if at all. In the context of law enforcement operations, time is of the essence and may mean the difference between success and catastrophic failure.

A sound and effective public policy must support the development and use of encryption for legitimate purposes but allow access to plain text by law enforcement when encryption is utilized by criminals. This requires an approach that properly balances critical privacy interests with the need to preserve public safety. As is explained more fully in the sectional analysis that accompanies this proposed legislation, the CESA provides such a balance by simultaneously creating significant new privacy protections for lawful users of encryption, while assisting law enforcement's efforts to preserve existing and constitutionally supported means of responding to criminal activity.

The CESA establishes limitations on government use and disclosure of decryption keys obtained by court process and provides special protections for decryption keys stored with third party "recovery agents." CESA authorizes a recovery agent to disclose stored recovery information to the government, or to use stored recovery information on behalf of the government, in a narrow range of circumstances (*e.g.*, pursuant to a search warrant or in accordance with a court order under the Act). In addition, CESA would authorize appropriations for the Technical Support Center in the Federal Bureau of Investigation, which will serve as a centralized technical resource for Federal, State, and local law enforcement in responding to the increasing use of encryption by criminals.

I look forward to working with the Congress on this important national issue.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1999.*

SALUTE TO GERARD GAUTHIER, EDWIN KUHLMANN, AND ROBERT STUMPF UPON RECEIPT OF POW MEDALS AT NELLIS AIR FORCE BASE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise in honor of three POWs, and I recall the words of President John F. Kennedy who once said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility. I welcome it."

Mr. Speaker, I can think of no better words to describe three former World War II POWs from Nevada who were honored with POW Medals at Nellis Air Force Base last Friday.

Gerard Gauthier, Edwin Kuhlmann, and Robert Stumpf did not shrink from their responsibilities, indeed they welcomed them, ultimately enduring the greatest test of fighting men and women, as captives of our enemies.

Just as the Soldiers' Code of Conduct now says, these men never forgot that they were American fighting men, responsible for their actions and dedicated to the principles which made our country free.

I stand here to honor these men, men of one of the greatest generations for providing the fighting men and women that followed in their footsteps the bedrock for returning with honor. As a veteran of two of our Nation's wars, I salute their sacrifices and services. They are our heroes. They are our Nation's heroes. I thank them for their patriotism, their courage, and their inspiration.

SPIES FROM RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, first it was China, and now it is Russia. The FBI said Russia is spying on America. If that is not enough to tax one's vodka.

The FBI says that 50 percent of all Russian diplomats in America are likely to be spies. Unbelievable. The White House gives billions of dollars to Boris. Boris uses our money to spy on us.

Now, Mr. Speaker, I thought we always gave billions of dollars to Russia because they were so poor they could not even afford toilet paper. I say it is time to put Boris on a cash diet. Maybe when he runs out of toilet paper, he will stop spying on us.

Mr. Speaker, I yield back the Charmin.

REPUBLICAN TAX CUT IS FAIR, PRUDENT AND BALANCED

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let us set the record straight this afternoon about the Democrat accusations that the Republican tax relief package is huge, massive, gigantic, irresponsible.

It starts very slowly, as a matter of fact, and it only goes forward if we have surpluses.

Here are some figures that my colleagues will not hear from the Democrats: The tax cut for the first year, the fiscal year 2000, it is $5.3 billion. Now, out of an $8 trillion economy, that is not massive.

The next year, 2001, it is $1.1 billion. Now, that is not huge. In the year 2002, it is $34.7 billion. In the year 2003, it is $53.1 billion. In the year 2004, it is $61.7 billion.

So, Mr. Speaker, over the next 5 years, the tax cuts will total about $156 billion. That is not risky. That is not irresponsible. These are the numbers, and these are the facts.

This approach by the Republicans is balanced, fair, prudent, and a great tax cut for the American people.

CALL FOR LIBERALS TO EXPLAIN WHY TAX RELIEF PROPOSAL IS SO OFFENSIVE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, liberal Democrats do an awful lot of railing against the Republican tax proposal that the President has promised to veto. The funny thing is they never tell us exactly what parts of the tax proposal they find so offensive.

Are they against the part that would make it easier for parents to save for their children's education? Are they against the part that would make it easier for workers to obtain health insurance? Are they against reducing the marriage penalty? Are they against doing away with the death tax? Or are they against the part which reduces the tax on capital gains, the part of the tax code which has perhaps the greatest impact on whether the American economy is a job-producing machine.

Who will come forth and explain what part of the Republican tax proposal offends liberal sensibilities? Let me tell my colleagues I think all of it offends them because they want every penny they can get for more government and bigger government.

I am not surprised that a liberal President wants to veto this true tax relief package.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

VETERANS' MILLENNIUM HEALTH CARE ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Millennium Health Care Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to title 38, United States Code.

TITLE I—ACCESS TO CARE

Sec. 101. Extended care services.
Sec. 102. Reimbursement for emergency treatment.
Sec. 103. Eligibility for care of combat-injured veterans.
Sec. 104. Access to care for military retirees.
Sec. 105. Benefits for persons disabled by participation in compensated work therapy program.
Sec. 106. Pilot program of medical care for certain dependents of enrolled veterans.
Sec. 107. Enhanced services program at designated medical centers.
Sec. 108. Counseling and treatment for veterans who have experienced sexual trauma.

TITLE II—PROGRAM ADMINISTRATION

Sec. 201. Medical care collections.
Sec. 202. Health Services Improvement Fund.
Sec. 203. Veterans Tobacco Trust Fund.
Sec. 204. Authority to accept funds for education and training.
Sec. 205. Extension and revision of certain authorities.
Sec. 206. State Home grant program.
Sec. 207. Expansion of enhanced-use lease authority.
Sec. 208. Ineligibility for employment by Veterans Health Administration of health care professionals who have lost license to practice in one jurisdiction while still licensed in another jurisdiction.

TITLE III—MISCELLANEOUS

Sec. 301. Review of proposed changes to operation of medical facilities.
Sec. 302. Patient services at Department facilities.
Sec. 303. Report on assisted living services.
Sec. 304. Chiropractic treatment.
Sec. 305. Designation of hospital bed replacement building at Ioannis A. Lougaris Department of Veterans Affairs Medical Center, Reno, Nevada.

TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

Sec. 401. Authorization of major medical facility projects.
Sec. 402. Authorization of major medical facility leases.
Sec. 403. Authorization of appropriations.

(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ACCESS TO CARE

SEC. 101. EXTENDED CARE SERVICES.

(a) REQUIREMENT TO PROVIDE EXTENDED CARE SERVICES.—(1) Chapter 17 is amended by inserting after section 1710 the following new section:

"§ 1710A. Extended care services

"(a) The Secretary (subject to section 1710(a)(4) of this title and subsection (c) of this section) shall operate and maintain a program to provide extended care services to eligible veterans in accordance with this section. Such services shall include the following:

"(1) Geriatric evaluation.

"(2) Nursing home care (A) in facilities operated by the Secretary, and (B) in community-based facilities through contracts under section 1720 of this title.

"(3) Domiciliary services under section 1710(b) of this title.

"(4) Adult day health care under section 1720(f) of this title.

"(5) Such other noninstitutional alternatives to nursing home care, including those described in section 1720C of this title, as the Secretary considers reasonable and appropriate.

"(6) Respite care under section 1720B of this title.

"(b)(1) In carrying out subsection (a), the Secretary shall provide extended care services which the Secretary determines are needed (A) to any veteran in need of such care for a service-connected disability, and (B) to any veteran who is in need of such care and who has a service-connected disability rated at 50 percent or more.

"(2) The Secretary, in making placements for nursing home care in Department facilities, shall give highest priority to veterans (A) who are in need of such care for a service-connected disability, or (B) who have a service-connected disability rated at 50 percent or more. The Secretary shall ensure that a veteran described in this subsection who continues to need nursing home care shall not after placement in a Department nursing home be transferred from the facility without the consent of the veteran, or, in the event the veteran cannot provide informed consent, the representative of the veteran.

"(c)(1) The Secretary, in carrying out subsection (a), shall prescribe regulations governing the priorities for the provision of nursing home care in Department facilities so as to ensure that priority for such care is given (A) for patient rehabilitation, (B) for clinically complex patient populations, and (C) for patients for whom there are not other suitable placement options.

"(2) The Secretary may not furnish extended care services for a non-service-connected disability other than in the case of a veteran who has a service-connected disability rated at 50 percent or more unless the veteran agrees to pay to the United States a copayment for extended care services of more than 21 days in any year.

"(d)(1) A veteran who is furnished extended care services under this chapter and who is required under subsection (c)(2) to pay an amount to the United States in order to be furnished such services shall be liable to the United States for that amount.

"(2) In implementing subsection (c)(2), the Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran described in subsection (c) is liable. That methodology shall provide for—

"(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

"(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

"(C) allowing the veteran to retain a monthly personal allowance.

"(e)(1) There is established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Extended Care Fund (hereinafter in this section referred to as the 'fund'). Amounts in the fund shall be available, without fiscal year limitation and without further appropriation, exclusively for the purpose of providing extended care services under subsection (a).

"(2) All amounts received by the Department under this section shall be deposited in or credited to the fund.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710 the following new item:

"1710A. Requirement to provide extended care.".

(b) REQUIREMENT TO INCREASE EXTENDED CARE SERVICES.—(1) Not later than January

1, 2000, the Secretary of Veterans Affairs shall develop and begin to implement a plan for carrying out the recommendation of the Federal Advisory Committee on the Future of Long-Term Care to increase, above the level of extended care services which were provided as of September 30, 1998—

(A) the options and services for home and community-based care for eligible veterans; and

(B) the percentage of the Department of Veterans Affairs medical care budget dedicated to such care.

(2) The Secretary shall ensure that the staffing and level of extended care services provided by the Secretary nationally in facilities operated by the Secretary during any fiscal year is not less than the level of such services provided nationally in facilities operated by the Secretary during fiscal year 1998.

(c) ADULT DAY HEALTH CARE.—Section 1720(f)(1)(A) is amended to read as follows:

"(f)(1)(A) The Secretary may furnish adult day health care services to a veteran enrolled under section 1705(a) of this title who would otherwise require nursing home care."

(d) RESPITE CARE PROGRAM.—Section 1720B is amended—

(1) in subsection (a), by striking "eligible" and inserting "enrolled";

(2) in subsection (b)—

(A) by striking "the term 'respite care' means hospital or nursing home care" and inserting "the term 'respite care services' means care and services";

(B) by striking "is" at the beginning of each of paragraphs (1), (2), and (3) and inserting "are"; and

(C) by striking "in a Department facility" in paragraph (2); and

(3) by adding at the end the following new subsection:

"(c) In furnishing respite care services, the Secretary may enter into contract arrangements.".

(e) CONFORMING AMENDMENTS.—Section 1710 is amended—

(1) in subsection (a)(1), by striking "may furnish nursing home care,"; and

(2) in subsection (a)(4), by inserting ", and the requirement in section 1710A of this title that the Secretary provide a program of extended care services," after "medical services".

(f) STATE HOMES.—Section 1741(a)(2) is amended by striking "adult day health care in a State home" and inserting "extended care services described in any of paragraphs (4) through (6) of section 1710A(a) of this title under a program administered by a State home".

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Subsection (c)(2) of section 1710A(a) of title 38, United States Code (as added by subsection (a)), shall take effect on the effective date of regulations prescribed by the Secretary of Veterans Affairs under subsections (c)(2) and (d) of such section. The Secretary shall publish the effective date of such regulations in the Federal Register.

(3) The provisions of section 1710(f) of title 38, United States Code, shall not apply to any day of nursing home care on or after the effective date of regulations under paragraph (2).

SEC. 102. REIMBURSEMENT FOR EMERGENCY TREATMENT.

(a) AUTHORITY TO PROVIDE REIMBURSEMENT.—Chapter 17 is amended by inserting after section 1724 the following new section:

"§ 1725. Reimbursement for emergency treatment

"(a) GENERAL AUTHORITY.—(1) Subject to subsections (c) and (d), the Secretary may reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment furnished the veteran in a non-Department facility.

"(2) In any case in which reimbursement is authorized under subsection (a)(1), the Secretary, in the Secretary's discretion, may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment directly—

"(A) to a hospital or other health care provider that furnished the treatment; or

"(B) to the person or organization that paid for such treatment on behalf of such veteran.

"(b) ELIGIBILITY.—(1) A veteran referred to in subsection (a)(1) is an individual who is an active Department health-care participant who is personally liable for emergency treatment furnished the veteran in a non-Department facility.

"(2) A veteran is an active Department health-care participant if the veteran—

"(A) is described in any of paragraphs (1) through (6) of section 1705(a) of this title;

"(B) is enrolled in the health care system established under such section; and

"(C) received care under this chapter within the 12-month period preceding the furnishing of such emergency treatment.

"(3) A veteran is personally liable for emergency treatment furnished the veteran in a non-Department facility if the veteran—

"(A) is financially liable to the provider of emergency treatment for that treatment;

"(B) has no entitlement to care or services under a health-plan contract;

"(C) has no other contractual or legal recourse against a third party that would, in whole or in part, extinguish such liability to the provider; and

"(D) is not eligible for reimbursement for medical care or services under section 1728 of this title.

"(c) LIMITATIONS ON REIMBURSEMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary, shall—

"(A) establish the maximum amount payable under subsection (a);

"(B) delineate the circumstances under which such payments may be made, to include such requirements on requesting reimbursement as the Secretary shall establish; and

"(C) provide that in no event may a payment under that subsection include any amount for which the veteran is not personally liable.

"(2) Subject to paragraph (1), the Secretary may provide reimbursement under this section only after the veteran or the provider of emergency treatment has exhausted without success all claims and remedies reasonably available to the veteran or provider against a third party for payment of such treatment.

"(3) Payment by the Secretary under this section, on behalf of a veteran described in subsection (b), to a provider of emergency treatment, shall, unless rejected and refunded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.

"(d) INDEPENDENT RIGHT OF RECOVERY.—(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section when, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

"(2) Any amount paid by the United States to the veteran (or the veteran's personal representative, successor, dependents, or survivors) or to any other person or organization paying for such treatment shall constitute a lien in favor of the United States against any recovery the payee subsequently receives from a third party for the same treatment.

"(3) Any amount paid by the United States to the provider that furnished the veteran's emergency treatment shall constitute a lien against any subsequent amount the provider receives from a third party for the same emergency treatment for which the United States made payment.

"(4) The veteran (or the veteran's personal representative, successor, dependents, or survivors) shall ensure that the Secretary is promptly notified of any payment received from any third party for emergency treatment furnished to the veteran. The veteran (or the veteran's personal representative, successor, dependents, or survivors) shall immediately forward all documents relating to such payment, cooperate with the Secretary in the investigation of such payment, and assist the Secretary in enforcing the United States right to recover any payment made under subsection (c)(3).

"(e) WAIVER.—The Secretary, in the Secretary's discretion, may waive recovery of a payment made to a veteran under this section that is otherwise required by subsection (d)(1) when the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'emergency treatment' means medical care or services furnished, in the judgment of the Secretary—

"(A) when Department or other Federal facilities are not feasibly available and an attempt to use them beforehand would not be reasonable;

"(B) when such care or services are rendered in a medical emergency of such nature that delay would be hazardous to life or health; and

"(C) until such time as the veteran can be transferred safely to a Department facility or other Federal facility.

"(2) The term 'health-plan contract' includes any of the following:

"(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j).

"(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

"(D) A workers' compensation law or plan described in section 1729(a)(2)(A) of this title.

"(E) A law of a State or political subdivision described in section 1729(a)(2)(B) of this title.

"(3) The term 'third party' means any of the following:

"(A) A Federal entity.

"(B) A State or political subdivision of a State.

"(C) An employer or an employer's insurance carrier.

"(D) An automobile accident reparations insurance carrier.

"(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.".

(b) Conforming Amendments.—(1) Section 1729A(b) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

"(6) Section 1725 of this title.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1724 the following new item:

"1725. Reimbursement for emergency treatment.".

(c) Effective Date.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(d) Implementation Reports.—The Secretary of Veterans Affairs shall include with the budget justification materials submitted to Congress in support of the Department of Veterans Affairs budget for fiscal year 2002 and for fiscal year 2003 a report on the implementation of section 1725 of title 38, United States Code, as added by subsection (a). Each such report shall include information on the experience of the Department under that section and the costs incurred, and expected to be incurred, under that section.

SEC. 103. ELIGIBILITY FOR CARE OF COMBAT-INJURED VETERANS.

(a) Priority of Care.—Chapter 17 is amended —

(1) in section 1710(a)(2)(D), by inserting "or who was injured in combat" after "former prisoner of war"; and

(2) in section 1705(a)(3), by inserting "or who were injured in combat" after "former prisoners of war".

(b) Definition of Injured in Combat.—Section 1701 is amended by adding at the end the following new paragraph:

"(10) The term 'injured in combat' means wounded in action as the result of an act of an enemy of the United States or otherwise wounded in action by weapon fire while directly engaged in armed conflict (other than as the result of willful misconduct by the wounded individual).".

SEC. 104. ACCESS TO CARE FOR MILITARY RETIREES.

(a) Improved Access.—(1) Section 1710(a)(2) is amended—

(A) by striking "or" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(H) who has retired from active military, naval, or air service in the Army, Navy, Air Force, or Marine Corps, is eligible for care under the TRICARE program established by the Secretary of Defense, and is not otherwise described in paragraph (1) or in this paragraph.".

(2) Section 1705(a) is amended—

(A) by redesignating paragraph (7) as paragraph (8);

(B) by inserting after paragraph (6) the following new paragraph (7):

"(7) Veterans who are eligible for hospital care, medical services, and nursing home care under section 1710(a)(2)(H) of this title."; and

(C) in paragraph (6), by inserting "(other than subparagraph (H) of such section)" before the period at the end.

(b) Interagency Agreement.—(1) The Secretary of Defense shall enter into an agreement (characterized as a memorandum of understanding or otherwise) with the Secretary of Veterans Affairs with respect to the provision of medical care by the Secretary of Veterans Affairs to eligible military retirees in accordance with the amendments made by subsection (a). That agreement shall include provisions for reimbursement of the Secretary of Veterans Affairs by the Secretary of Defense for medical care provided by the Secretary of Veterans Affairs to an eligible military retiree and may include such other provisions with respect to the terms and conditions of such care as may be agreed upon by the two Secretaries.

(2) Reimbursement under that agreement shall be in accordance with rates agreed upon by the Secretary of Defense and the Secretary of Veterans Affairs. Such reimbursement may be made by the Secretary of Defense or by the appropriate TRICARE Managed Care Support contractor, as determined in accordance with that agreement.

(3) In entering into the agreement under paragraph (1), particularly with respect to determination of the rates of reimbursement under paragraph (2), the Secretary of Defense shall consult with TRICARE Managed Care Support contractors.

(4) The Secretary of Veterans Affairs may not enter into an agreement under paragraph (1) for the provision of care in accordance with the amendments made by subsection (a) with respect to any geographic service area, or a part of any such area, of the Veterans Health Administration unless—

(A) in the judgment of that Secretary, the Department of Veterans Affairs will recover the costs of providing such care to eligible military retirees; and

(B) that Secretary has certified and documented, with respect to any geographic service area in which the Secretary proposes to provide care in accordance with the amendments made by subsection (a), that such geographic service area, or designated part of any such area, has adequate capacity (consistent with the requirements in section 1705(b)(1) of title 38, United States Code, that care to enrollees shall be timely and acceptable in quality) to provide such care.

(5) The agreement under paragraph (1) shall be entered into by the Secretaries not later than nine months after the date of the enactment of this Act. If the Secretaries are unable to reach agreement, they shall jointly report, by that date or within 30 days thereafter, to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives on the reasons for their inability to reach an agreement and their mutually agreed plan for removing any impediments to final agreement.

(c) Depositing of Reimbursements.—Amounts received by the Secretary of Veterans Affairs under the agreement under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202.

(d) Phased Implementation.—(1) The Secretary of Defense shall include in each TRICARE contract entered into after the date of the enactment of this Act provisions to implement the agreement under subsection (b).

(2) The amendments made by subsection (a) and the provisions of the agreement under subsection (b)(2) shall apply to the furnishing of medical care by the Secretary of Veterans Affairs in any area of the United States only if that area is covered by a TRICARE contract that was entered into after the date of the enactment of this Act.

(e) Eligible Military Retirees.—For purposes of subsection (b), an eligible military retiree is a member of the Army, Navy, Air Force, or Marine Corps who—

(1) has retired from active military, naval, or air service;

(2) is eligible for care under the TRICARE program established by the Secretary of Defense;

(3) has enrolled for care under section 1705 of title 38, United States Code; and

(4) is not described in paragraph (1) or (2) of section 1710(a) of such title (other than subparagraph (H) of such paragraph (2)), as amended by subsection (a).

SEC. 105. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting "(A)" after "proximately caused"; and

(2) by inserting before the period at the end the following: ", or (B) by participation in a program (known as a 'compensated work therapy program') under section 1718 of this title".

SEC. 106. PILOT PROGRAM OF MEDICAL CARE FOR CERTAIN DEPENDENTS OF ENROLLED VETERANS.

(a) In General.—(1) Chapter 17 is amended by inserting after section 1713 the following new section:

"§ 1713A. Medical care for certain dependents of enrolled veterans: pilot program

"(a) The Secretary may, during the program period, carry out a pilot program to provide primary health care services for eligible dependents of veterans in accordance with this section.

"(b) For purposes of this section:

"(1) The term 'program period' means the period beginning on the first day of the first month beginning more than 180 days after the date of the enactment of this section and ending three years after that day.

"(2) The term 'eligible dependent' means an individual who—

"(A) is the spouse or child of a veteran who is enrolled in the system of patient enrollment established by the Secretary under section 1705 of this title; and

"(B) is determined by the Secretary to have the ability to pay for such care or services either directly or through reimbursement or indemnification from a third party.

"(c) The Secretary may furnish health care services to an eligible dependent under this section only if the dependent (or, in the case of a minor, the parent or guardian of the dependent) agrees —

"(1) to pay to the United States an amount representing the reasonable charges for the care or services furnished (as determined by the Secretary); and

"(2) to cooperate with and provide the Secretary an appropriate assignment of benefits, authorization to release medical records, and any other executed documents, information, or evidence reasonably needed by the Secretary to recover the Department's charges for the care or services furnished by the Secretary.

"(d)(1) The health care services provided under the pilot program under this section may consist of such primary hospital care services and such primary medical services as may be authorized by the Secretary. The Secretary may furnish those services directly through a Department medical facility or, subject to paragraphs (2) and (3), pursuant to a contract or other agreement with a non-Department facility (including a health-care provider, as defined in section 8152(2) of this title).

"(2) The Secretary may enter into a contract or agreement to furnish primary health care services under this section in a non-Department facility on the same basis as provided under subsections (a) and (b) of section 1703 of this title or may include such care in an existing or new agreement under section 8153 of this title when the Secretary determines it to be in the best interest of the prevailing standards of the Department medical care program.

"(3) Primary health care services may not be authorized to be furnished under this section at any medical facility if the furnishing of those services would result in the denial of, or a delay in providing, access to care for any enrolled veteran at that facility.

"(e)(1) In the case of an eligible dependent who is furnished primary health care services under this section and who has coverage under a health-plan contract, as defined in section 1729(i)(1) of this title, the United States shall have the right to recover or collect the reasonable charges for such care or services from such health-plan contract to the extent that the individual or the provider of the care or services would be eligible to receive payment for such care or services from such health-plan contract if the care or services had not been furnished by a department or agency of the United States.

"(2) The right of the United States to recover under paragraph (1) shall be enforceable with respect to an eligible dependent in the same manner as applies under subsections (a)(3), (b), (c)(1), (c)(2), (d), (f), (h), and (i) of section 1729 of this title with respect to a veteran.

"(f)(1) Subject to paragraphs (2) and (3), the pilot program under this section shall be carried out during the program period in not more than four veterans integrated service networks, as designated by the Secretary. In designating networks under the preceding sentence, the Secretary shall favor designation of networks that are suited to serve dependents of veterans because of—

"(A) the capability of one or more medical facilities within the network to furnish primary health care services to eligible dependents while assuring that veterans continue to receive priority for care and services;

"(B) the demonstrated success of such medical facilities in billings and collections;

"(C) support for initiating such a pilot program among veterans in the network; and

"(D) such other criteria as the Secretary considers appropriate.

"(2) In implementing the pilot program, the Secretary may not provide health care services for dependents who are children—

"(A) in more than one of the participating networks during the first year of the program period; and

"(B) in more than two of the participating networks during the second year of the program period.

"(3) In implementing the pilot program, the Secretary shall give priority to facilities which operate women veterans' clinics.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1713 the following new item:

"1713A. Medical care for certain dependents and enrolled veterans: pilot program.".

(b) GAO Review and Recommendations.—(1) Beginning six months after the commencement of the pilot program, the Comptroller General, in consultation with the Under Secretary for Health of the Department of Veterans Affairs, shall monitor the conduct of the pilot program.

(2) Not later than 14 months after the commencement of the pilot program, the Comptroller General shall submit to the Secretary of Veterans Affairs a report setting forth the Comptroller General's findings and recommendations with respect to the first 12 months of operation of the pilot program.

(3)(A) The report under paragraph (2) shall include the findings of the Comptroller General regarding—

(i) whether the collection of reasonable charges for the care or services provided reasonably covers the costs of providing such care and services; and

(ii) whether the Secretary, in carrying out the program, is in compliance with the limitation in subsection (d)(3) of section 1713A of title 38, United States Code, as added by subsection (a).

(B) The report shall include the recommendations of the Comptroller General regarding any remedial steps that the Secretary should take in the conduct of the program or in the billing and collection of charges under the program.

(4) The Secretary, in consultation with, and following receipt of the report of, the Comptroller General, shall take such steps as may be needed to ensure that any recommendations of the Comptroller General in the report under paragraph (2) with respect to billings and collections, and with respect to compliance with the limitation in subsection (d)(3) of such section, are carried out.

(5) For purposes of this subsection, the term "commencement of the pilot program" means the date on which the Secretary of Veterans Affairs begins to furnish services to eligible dependents under the pilot program under section 1713A of title 38, United States Code, as added by subsection (a).

SEC. 107. ENHANCED SERVICES PROGRAM AT DESIGNATED MEDICAL CENTERS.

(a) Findings.—Congress makes the following findings:

(1) Historically, health care facilities under the jurisdiction of the Department of Veterans Affairs have not consistently been located in proximity to veteran population concentrations.

(2) Hospital occupancy rates at numbers of Department medical centers are at levels substantially below a level needed for efficient operation and optimal quality of care.

(3) The costs of maintaining highly inefficient medical centers, which were designed and constructed decades ago to standards no longer considered acceptable, substantially diminish the availability of resources which could be devoted to the provision of needed direct care services.

(4) Freeing resources currently devoted to highly inefficient provision of hospital care could, through contracting for acute hospital care and establishing new facilities for provision of outpatient care, yield improved access and service to veterans.

(b) Enhanced Services Program at Designated Medical Centers.—The Secretary of Veterans Affairs, in carrying out the responsibilities of the Secretary to furnish hospital care and medical services through network-based planning, shall establish an enhanced service program at Department medical centers (hereinafter in this section referred to as "designated centers") that are designated by the Secretary for the purposes of this section. Medical centers shall be designated to improve access, and quality of service provided, to veterans served by those medical centers. The Secretary may designate a medical center for the program only if the Secretary determines, on the basis of a market and data analysis (which shall include a study of the cost-effectiveness of the care provided at such center), that the medical center—

(1) can, in whole or in part, no longer be operated in a manner that provides hospital or other care efficiently and at optimal quality because of such factors as—

(A) the current and projected need for hospital or other care capacity at such center;

(B) the extent to which the facility is functionally obsolete; and

(C) the cost of operation and maintenance of the physical plant; and

(2) is located in proximity (A) to one or more community hospitals which have the capacity to provide primary and secondary hospital care of appropriate quality to veterans under contract arrangements with the Secretary which the Secretary determines are advantageous to the Department, or (B) to another Department medical center which is capable of absorbing some or all of the patient workload of such medical center.

(c) Medical Center Plan.—The Secretary shall, with respect to each designated center, develop a plan aimed at improving the accessibility and quality of service provided to veterans. Each plan shall be developed in accordance with the requirements for strategic network-based planning described in section 8107 of title 38, United States Code. In the plan for a designated center, the Secretary shall describe a program which, if implemented, would allow the Secretary to do any of the following:

(1) Provide for a Department facility described in subsection (b)(2)(B) to absorb some or all of the patient workload of the designated center.

(2) Contract, under such arrangements as the Secretary determines appropriate, for needed primary and secondary hospital care for veterans—

(A) who reside in the catchment area of each designated center;

(B) who are described in paragraphs (1) through (6) of section 1705(a) of title 38, United States Code; and

(C) whom the Secretary has enrolled for care pursuant to section 1705 of title 38, United States Code.

(3) Cease to provide hospital care, or hospital care and other medical services, at such center.

(4) If practicable, lease, under subchapter V of chapter 81 of title 38, United States Code, land and improvements which had been dedicated to providing care described in paragraph (3).

(5) Establish, through reallocation of operational funds and through appropriate lease arrangements or renovations, facilities for—

(A) delivery of outpatient care; and

(B) services which would obviate a need for nursing home care or other long-term institutional care.

(d) Employee Protections.—(1) In entering into any contract or lease under subsection (c), the Secretary shall attempt to ensure that employees of the Secretary who would be displaced under this section be given priority in hiring by such contractor, lessee, or other entity.

(2) In carrying out subsection (c)(5), the Secretary shall give preference to providing services through employee-based delivery models.

(e) Required Consultation.—In developing a plan under subsection (c), the Secretary shall obtain the views of veterans organizations, exclusive employee representatives, and other interested parties and provide for such organizations and parties to participate in the development of the plan.

(f) Submission of Plan to Congress.—The Secretary may not implement a plan described in subsection (c) with respect to a medical center unless the Secretary has first submitted a report containing a detailed plan and justification to the appropriate committees of Congress. No action to carry out such plan may be taken after the submission of such report until the end of a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session. For purposes of the preceding sentence, continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of any period of continuity of session any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

(g) Implementation of Plan.—In carrying out the plan described in subsection (c), or a modification to that plan following the submission of such plan to the appropriate committees of Congress, the Secretary—

(1) may, without regard to any limitation under section 1703 of title 38, United States Code, contract for hospital care for veterans who are—

(A) described in paragraphs (1) through (6) of section 1705(a) of title 38, United States Code; and

(B) enrolled under subsection (a) of such section 1705;

(2) may enter into any contract under section 8153 of title 38, United States Code;

(3) shall, in exercising the authority of the Secretary under this section to contract for hospital care, provide for ongoing oversight and management, by employees of the Department, of the hospital care furnished such veterans; and

(4) shall, in the case of a designated center which ceases to provide services under the program—

(A) ensure a reallocation of funds as provided in subsection (h); and

(B) provide reemployment assistance to employees.

(h) Funds Allocation.—In carrying out subsection (g)(4), the Secretary shall ensure that not less than 90 percent of the funds that would have been made available to a designated center to support the provision of services, but for such mission change, shall be made available to the appropriate health care region of the Veterans Health Administration to ensure that the implementation of the plan under subsection (g) will result in demonstrable improvement in the accessibility, and quality of service provided, to veterans in the catchment area of such center.

(i) Specialized Services.—The provisions of this section do not diminish the obligations of the Secretary under section 1706(b) of title 38, United States Code.

(j) Report.—Not later than 12 months after implementation of any plan under subsection (b), the Secretary shall submit to Congress a report on the implementation of the enhanced service program.

(k) Residual Authority.—Nothing in this section may be construed to diminish the authority of the Secretary to—

(1) consolidate, eliminate, abolish, or redistribute the functions or missions of facilities in the Department;

(2) revise the functions or missions of any such facility or activity; or

(3) create new facilities or activities in the Department.

SEC. 108. COUNSELING AND TREATMENT FOR VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) Extension of Period of Program.—Subsection (a) of section 1720D is amended—

(1) in paragraph (1), by striking "December 31, 2001" and inserting "December 31, 2002"; and

(2) in paragraph (3), by striking "December 31, 2001" and inserting "December 31, 2002".

(b) Mandatory Nature of Program.—(1) Subsection (a)(1) of such section is further amended by striking "may provide counseling to a veteran who the Secretary determines requires such counseling" and inserting "shall operate a program under which the Secretary provides counseling and appropriate care and services to veterans who the Secretary determines require such counseling and care and services".

(2) Subsection (a) of such section is further amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) (as amended by subsection (a)(2)) as paragraph (2).

(c) Outreach Efforts.—Subsection (c) of such section is amended—

(1) by inserting "and treatment" in the first sentence and in paragraph (2) after "counseling";

(2) by striking "and" at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph (2):

"(2) shall ensure that information about the counseling and treatment available to veterans under this section—

"(A) is revised and updated as appropriate;

"(B) is made available and visibly posted at appropriate facilities of the Department; and

"(C) is made available through appropriate public information services; and".

(d) Report on Implementation of Outreach Activities.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of paragraph (2) of section 1720D(c) of title 38, United States Code, as added by subsection (c). Such report shall include examples of the documents and other means of communication developed for compliance with that paragraph.

(e) Study of Expanding Eligibility for Counseling and Treatment.—(1) The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall conduct a study to determine—

(A) the extent to which former members of the reserve components of the Armed Forces experienced physical assault of a sexual nature or battery of a sexual nature while serving on active duty for training;

(B) the extent to which such former members have sought counseling from the Department of Veterans Affairs relating to those incidents; and

(C) the additional resources that, in the judgment of the Secretary, would be required to meet the projected need of those former members for such counseling.

(2) Not later than 16 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(f) Oversight of Outreach Activities.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall submit to the appropriate congressional committees a joint report describing in detail the collaborative efforts of the Department of Veterans Affairs and the Department of Defense to ensure that members of the Armed Forces, upon separation from active military, naval, or air service, are provided appropriate and current information about programs of the Department of Veterans Affairs to provide counseling and treatment for sexual trauma that may have been experienced by those members while in the active military, naval, or air service, including information about eligibility requirements for, and procedures for applying for, such counseling and treatment. The report shall include proposed recommendations from both the Secretary of Veterans Affairs and the Secretary of Defense for the improvement of their collaborative efforts to provide such information.

(g) Report on Implementation of Sexual Trauma Treatment Program.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under section 1720D of title 38, United States Code, as amended by this section. The report shall include the following with respect to activities under that section since the enactment of this Act:

(1) The number of veterans who have received counseling under that section.

(2) The number of veterans who have been referred to non-Department mental health facilities and providers in connection with sexual trauma counseling and treatment.

TITLE II—PROGRAM ADMINISTRATION

SEC. 201. MEDICAL CARE COLLECTIONS.

(a) Limited Authority To Set Copayments.—(1) Section 1722A is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(B) by inserting after subsection (a) the following new subsection (b):

"(b) The Secretary, pursuant to regulations which the Secretary shall prescribe, may—

"(1) increase the copayment amount in effect under subsection (a);

"(2) establish a maximum annual pharmaceutical copayment amount under subsection (a) for veterans who have multiple outpatient prescriptions; and

"(3) require a veteran, other than a veteran described in subsection (a)(3), to pay to the United States a reasonable copayment for sensori-neural aids, electronic equipment, and any other costly item or equipment furnished the veteran for a nonservice-connected condition, other than a wheelchair or artificial limb."; and

(C) in subsection (c), as redesignated by subparagraph (A)—

(i) by striking "this section" and inserting "subsection (a)"; and

(ii) by adding at the end the following new sentence: "Amounts collected through use of the authority under subsection (b) shall be deposited in Department of Veterans Affairs Health Services Improvement Fund.".

(2)(A) The heading of such section is amended to read as follows:

"§1722A. Copayments for medications and certain costly items and equipment".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1722A. Copayments for medications and certain costly items and equipment.".

(b) OUTPATIENT TREATMENT OF CATEGORY C VETERANS.—(1) Section 1710(g) is amended—

(A) in paragraph (1), by striking "the amount under paragraph (2) of this subsection" and inserting "in the case of each outpatient visit the applicable amount or amounts established by the Secretary by regulation"; and

(B) in paragraph (2), by striking all after "for an amount" and inserting "which the Secretary shall establish by regulation.".

SEC. 202. HEALTH SERVICES IMPROVEMENT FUND.

(a) ESTABLISHMENT OF FUND.—Chapter 17 is amended by inserting after section 1729A the following new section:

"§1729B. Health Services Improvement Fund

"(a) There is established in the Treasury of the United States a fund to be known as the 'Department of Veterans Affairs Health Services Improvement Fund'.

"(b) Amounts received or collected after the date of the enactment of this section under any of the following provisions of law shall be deposited in the fund:

"(1) Section 1713A of this title.

"(2) Section 1722A(b) of this title.

"(3) Section 8165(a) of this title.

"(4) Section 104(c) of the Veterans' Millennium Health Care Act.

"(c) Amounts in the fund are hereby available, without fiscal year limitation, to the Secretary for the purposes stated in subparagraphs (A) and (B) of section 1729A(c)(1) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729A the following new item:

"1729B. Health Services Improvement Fund.".

SEC. 203. VETERANS TOBACCO TRUST FUND.

(a) FINDINGS.—Congress finds the following:

(1) Smoking related illnesses, including cancer, heart disease, and emphysema, are highly prevalent among the more than 3,000,000 veterans who use the Department of Veterans Affairs health care system annually.

(2) The Department of Veterans Affairs estimates that it spent $3,600,000,000 in 1997 to treat smoking-related illnesses and that over the next five years it will spend $20,000,000,000 on such care.

(3) Congress established the Department of Veterans Affairs in furtherance of its constitutional power to provide for the national defense in order to provide benefits and services to veterans of the uniformed services.

(4) There is in the Department of Veterans Affairs a health care system which has as its primary function to provide a complete medical and hospital service for the medical care and treatment of such veterans as can be served through available appropriations.

(5) The Federal Government, including the Department of Veterans Affairs, has lacked the means to prevent the onset of smoking-related illnesses among veterans and has had no authority to deny needed treatment to any veteran on the basis that an illness is or might be smoking-related.

(6) With some 20 percent of its health care budget absorbed in treating smoking-related illnesses, the Department of Veterans Affairs health care system has lacked resources to provide needed nursing home care, home care, community-based ambulatory care, and other services to tens of thousands of other veterans.

(7) The network of academically affiliated medical centers of the Department of Veterans Affairs provides a unique system within which outstanding medical research is conducted and which has the potential to expand significantly ongoing research on tobacco-related illnesses.

(b) ESTABLISHMENT OF TRUST FUND.—(1) Chapter 17 is amended by inserting after section 1729B, as added by section 202(a), the following new section:

"§1729C. Veterans Tobacco Trust Fund

"(a) There is established in the Treasury of the United States a trust fund to be known as the 'Veterans Tobacco Trust Fund', consisting of such amounts as may be appropriated, credited, or donated to the trust fund.

"(b) If the United States pursues recovery (other than a recovery authorized under this title) from a party or parties specifically for health care costs incurred or to be incurred by the United States that are attributable to tobacco-related illnesses, there shall be credited to the trust fund from the amount of any such recovery by the United States, without further appropriation, the amount that bears the same ratio to the amount recovered as the amount of the Department's costs for health care attributable to tobacco-related illnesses for which recovery is sought bears to the total amount sought by the United States.

"(c) After September 30, 2004, amounts in the trust fund shall be available, without fiscal year limitation, to the Secretary for the following purposes:

"(1) Furnishing medical care and services under this chapter, to be available during any fiscal year for the same purposes and subject to the same limitations (other than with respect to the period of availability for obligation) as apply to amounts appropriated from the general fund of the Treasury for that fiscal year for medical care.

"(2) Conducting medical research, rehabilitation research, and health systems research, with particular emphasis on research relating to prevention and treatment of, and rehabilitation from, tobacco addiction and diseases associated with tobacco use.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729B, as added by section 202(b), the following new item:

"1729C. Veterans Tobacco Trust Fund.".

SEC. 204. AUTHORITY TO ACCEPT FUNDS FOR EDUCATION AND TRAINING.

(a) ESTABLISHMENT OF NONPROFIT CORPORATIONS AT MEDICAL CENTERS.—Section 7361(a) is amended—

(1) by inserting "and education" after "research"; and

(2) by adding at the end the following: "Such a corporation may be established to facilitate either research or education or both research and education.".

(b) PURPOSE OF CORPORATIONS.—Section 7362 is amended—

(1) in the first sentence, by inserting "and education and training as described in sections 7302, 7471, 8154, and 1701(6)(B) of this title" after "of this title"; and

(2) in the second sentence—

(A) by inserting "or education" after "research"; and

(B) by striking "that purpose" and inserting "these purposes".

(c) BOARD OF DIRECTORS.—Section 7363(a) is amended—

(1) in subsection (a)(1), by striking all after "medical center, and" and inserting "as appropriate, the assistant chief of staff for research for the medical center and the associate chief of staff for education for the medical center, or, in the case of a facility at which such positions do not exist, those officials who are responsible for carrying out the responsibilities of the medical center director, chief of staff, and, as appropriate, the assistant chief of staff for research and the assistant chief for education; and";

(2) in subsection (a)(2), by inserting "or education, as appropriate" after "research"; and

(3) in subsection (c), by inserting "or education" after "research".

(d) APPROVAL OF EXPENDITURES.—Section 7364 is amended by adding at the end the following new subsection:

"(c)(1) A corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

"(2) The Under Secretary for Health shall prescribe policies and procedures to guide the expenditure of funds by corporations under paragraph (1) consistent with the purpose of such corporations as flexible funding mechanisms.".

SEC. 205. EXTENSION AND REVISION OF CERTAIN AUTHORITIES.

(a) READJUSTMENT COUNSELING PROGRAM.—Section 1712A(a)(1)(B)(ii) is amended by striking "2000" and inserting "2003".

(b) COMMITTEE ON MENTALLY ILL VETERANS.—Section 7321(d)(2) is amended by striking "three" and inserting "five".

(c) COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.—Section 110 of Public Law 98-528 (38 U.S.C. 1712A note) is amended—

(1) in subsection (e)(1), by striking "March 1, 1985" and inserting "March 1, 2000"; and

(2) in subsection (e)(2), by striking "February 1, 1986" and inserting "February 1, 2001".

(d) EXTENSION OF AUTHORITY TO MAKE GRANTS.—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking "September 30, 1999" and inserting "September 30, 2002".

(e) AUTHORITY TO MAKE GRANTS FOR HOMELESS VETERANS.—Section 3(b)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking "and no more than 20 programs which incorporate the procurement of vans as described in paragraph (1)".

SEC. 206. STATE HOME GRANT PROGRAM.

(a) GENERAL REGULATIONS.—Section 8134 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the matter in subsection (a) preceding paragraph (2) and inserting the following:

"(a)(1) The Secretary shall prescribe regulations for the purposes of this subchapter.

"(2) In those regulations, the Secretary shall prescribe for each State the number of nursing home and domiciliary beds for which assistance under this subchapter may be furnished. Such regulations shall be based on projected demand for such care 10 years after the date of the enactment of the Veterans' Millennium Health Care Act by veterans who at such time are 65 years of age or older and who reside in that State. In determining such projected demand, the Secretary shall take into account travel distances for veterans and their families.

“(3)(A) In those regulations, the Secretary shall establish criteria under which the Secretary shall determine, with respect to an application for assistance under this subchapter for a project described in subparagraph (B) which is from a State that has a need for additional beds as determined under subsections (a)(2) and (d)(1), whether the need for such beds is most aptly characterized as great, significant, or limited. Such criteria shall take into account the availability of beds already operated by the Secretary and other providers which appropriately serve the needs which the State proposes to meet with its application.

“(B) This paragraph applies to a project for the construction or acquisition of a new State home facility, to a project to increase the number of beds available at a State home facility, and a project to replace beds at a State home facility.

“(4) The Secretary shall review and, as necessary, revise regulations prescribed under paragraphs (2) and (3) not less often than every four years.

“(b) The Secretary shall prescribe the following by regulation:”;

(3) by redesignating paragraphs (2) and (3) of subsection (b), as designated by paragraph (2), as paragraphs (1) and (2);

(4) in subsection (c), as redesignated by paragraph (1), by striking “subsection (a)(3)” and inserting “subsection (b)(2)”; and

(5) by adding at the end the following new subsection:

“(d)(1) In prescribing regulations to carry out this subchapter, the Secretary shall provide that in the case of a State that seeks assistance under this subchapter for a project described in subsection (a)(3)(B), the determination of the unmet need for beds for State homes in that State shall be reduced by the number of beds in all previous applications submitted by that State under this subchapter, including beds which have not been recognized by the Secretary under section 1741 of this title.

“(2)(A) Financial assistance under this subchapter for a renovation project may only be provided for a project for which the total cost of construction is in excess of $400,000 (as adjusted from time to time in such regulations to reflect changes in costs of construction).

“(B) For purposes of this paragraph, a renovation project is a project to remodel or alter existing buildings for which financial assistance under this subchapter may be provided and does not include maintenance and repair work which is the responsibility of the State.”.

(b) APPLICATIONS WITH RESPECT TO PROJECTS.—Section 8135 is amended—

(1) in subsection (a)—

(A) by striking “set forth—” in the matter preceding paragraph (1) and inserting “set forth the following:”;

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (9);

(C) by striking the comma at the end of each of paragraphs (1) through (7) and inserting a period; and

(D) by striking “, and” at the end of paragraph (8) and inserting a period;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Any State seeking to receive assistance under this subchapter for a project that would involve construction or acquisition of either nursing home or domiciliary facilities shall include with its application under subsection (a) the following:

“(A) Documentation (i) that the site for the project is in reasonable proximity to a sufficient concentration and population of veterans who are 65 years of age and older, and (ii) that there is a reasonable basis to conclude that the facilities when complete will be fully occupied.

“(B) A financial plan for the first three years of operation of such facilities.

“(C) A five-year capital plan for the State home program for that State.

“(2) Failure to provide adequate documentation under paragraph (1)(A) or to provide an adequate financial plan under paragraph (1)(B) shall be a basis for disapproving the application.”; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “for a grant under subsection (a) of this section” in the matter preceding subparagraph (A) and inserting “under subsection (a) for financial assistance under this subchapter”;

(B) in paragraph (2)—

(i) by striking “the construction or acquisition of” in subparagraph (A); and

(ii) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) An application from a State for a project at an existing facility to remedy a condition or conditions that have been cited by an accrediting institution, by the Secretary, or by a local licensing or approving body of the State as being threatening to the lives or safety of the patients in the facility.

“(C) An application from a State that has not previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home.

“(D) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a great need for the beds to be established at such home or facility.

“(E) An application from a State for renovations to a State home facility other than renovations described in subparagraph (B).

“(F) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a significant need for the beds to be established at such home or facility.

“(G) An application that meets other criteria as the Secretary determines appropriate and has established in regulations.

“(H) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a limited need for the beds to be established at such home or facility.”; and

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

“(A) may not accord any priority to a project for the construction or acquisition of a hospital; and”.

(c) TRANSITION.—The provisions of sections 8134 and 8135 of title 38, United States Code, as in effect on June 1, 1999, shall continue in effect after such date with respect to applications described in section 8135(b)(2)(A) of such title, as in effect on that date, that are identified on the list that (1) is described in section 8135(b)(4) of such title, as in effect on that date, and (2) was established by the Secretary of Veterans Affairs on October 29, 1998.

(d) EFFECTIVE DATE FOR INITIAL REGULATIONS.—The Secretary of Veterans Affairs shall prescribe the initial regulations under subsection (a) of section 8134 of title 38, United States Code, as added by subsection (a), not later than April 30, 2000.

SEC. 207. EXPANSION OF ENHANCED-USE LEASE AUTHORITY.

(a) AUTHORITY.—Section 8162(a)(2) is amended—

(1) by striking “only if the Secretary” and inserting “only if—

“(A) the Secretary”;

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and realigning those clauses so as to be four ems from the left margin;

(3) by striking the period at the end of clause (iii), as so redesignated, and inserting “; or”; and

(4) by adding at the end the following:

“(B) the Secretary determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(b) TERM OF ENHANCED-USE LEASE.—Section 8162(b) is amended—

(1) in paragraph (2), by striking “may not exceed—” and all that follows and inserting “may not exceed 75 years.”; and

(2) by striking paragraph (4) and inserting the following:

“(4) The terms of an enhanced-use lease may provide for the Secretary to—

“(A) obtain facilities, space, or services on the leased property; and

“(B) use minor construction funds for capital contribution payments.”.

(c) DESIGNATION OF PROPERTY PROPOSED TO BE LEASED.—(1) Subsection (b) of section 8163 is amended—

(A) by striking “include—” and inserting “include the following:”;

(B) by capitalizing the first letter of the first word of each of paragraphs (1), (2), (3), (4), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period; and

(D) by striking subparagraphs (A), (B), and (C) of paragraph (4) and inserting the following:

“(A) would—

“(i) contribute in a cost-effective manner to the mission of the Department;

“(ii) not be inconsistent with the mission of the Department;

“(iii) not adversely affect the mission of the Department; and

“(iv) affect services to veterans; or

“(B) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(2) Subparagraph (E) of subsection (c)(1) of that section is amended by striking clauses (i), (ii), and (iii) and inserting the following:

“(i) would—

“(I) contribute in a cost-effective manner to the mission of the Department;

“(II) not be inconsistent with the mission of the Department;

“(III) not adversely affect the mission of the Department; and

“(IV) affect services to veterans; or

“(ii) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(d) USE OF PROCEEDS.—Section 8165(a) is amended—

(1) by striking paragraph (1) and inserting the following:

"(a)(1) Funds received by the Department under an enhanced-use lease and remaining after any deduction from those funds under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title. The Secretary shall make available to the designated health care region of the Veterans Health Administration within which the leased property is located not less than 75 percent of the amount deposited in the fund attributable to that lease."; and

(2) by adding at the end the following new paragraph:

"(3) For the purposes of paragraph (1), the term 'designated health care region of the Veterans Health Administration' means a geographic area designated by the Secretary for the purposes of the management of, and allocation of resources for, health care services provided by the Veterans Health Administration.".

(e) REPEAL OF TERMINATION PROVISION.—(1) Section 8169 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8169.

(f) REPEAL OF OBSOLETE PROVISIONS.—Section 8162 is amended—

(1) by striking the last sentence of subsection (a)(1); and

(2) by striking subsection (c).

SEC. 208. INELIGIBILITY FOR EMPLOYMENT BY VETERANS HEALTH ADMINISTRATION OF HEALTH CARE PROFESSIONALS WHO HAVE LOST LICENSE TO PRACTICE IN ONE JURISDICTION WHILE STILL LICENSED IN ANOTHER JURISDICTION.

Section 7402 is amended by adding at the end the following new subsection:

"(f) A person may not be employed in a position under subsection (b) (other than under paragraph (4) of that subsection) if—

"(1) the person is or has been licensed, registered, or certified (as applicable to such position) in more than one State; and

"(2) either—

"(A) any of those States has terminated such license, registration, or certification for cause; or

"(B) the person has voluntarily relinquished such license, registration, or certification in any of those States after being notified in writing by that State of potential termination for cause.".

TITLE III—MISCELLANEOUS

SEC. 301. REVIEW OF PROPOSED CHANGES TO OPERATION OF MEDICAL FACILITIES.

Section 8110 is amended by adding at the end the following new subsections:

"(d) The Secretary may not in any fiscal year close more than 50 percent of the beds within a bed section (of 20 or more beds) of a Department medical center unless the Secretary first submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report providing a justification for the closure. No action to carry out such closure may be taken after the submission of such report until the end of the 21-day period beginning on the date of the submission of the report.

"(e) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, not later than January 20 of each year, a report documenting by network for the preceding fiscal year the following:

"(1) The number of medical service and surgical service beds, respectively, that were closed during that fiscal year and, for each such closure, a description of the changes in delivery of services that allowed such closure to occur.

"(2) The number of nursing home beds that were the subject of a mission change during that fiscal year and the nature of each such mission change.

"(f) For purposes of this section:

"(1) The term 'closure', with respect to beds in a medical center, means ceasing to provide staffing for, and to operate, those beds. Such term includes converting the provision of such bed care from care in a Department facility to care under contract arrangements.

"(2) The term 'bed section', with respect to a medical center, means psychiatric beds (including beds for treatment of substance abuse and post-traumatic stress disorder), intermediate, neurology, and rehabilitation medicine beds, extended care (other than nursing home) beds, and domiciliary beds.

"(3) The term 'justification', with respect to closure of beds, means a written report that includes the following:

"(A) An explanation of the reasons for the determination that the closure is appropriate and advisable.

"(B) A description of the changes in the functions to be carried out and the means by which such care and services would continue to be provided to eligible veterans.

"(C) A description of the anticipated effects of the closure on veterans and on their access to care.".

SEC. 302. PATIENT SERVICES AT DEPARTMENT FACILITIES.

(a) SCOPE OF SERVICES.—Section 7803 is amended—

(1) in subsection (a)—

(A) by striking "(a)" before "The canteens"; and

(B) by striking "in this subsection;" and all that follows through "the premises" and inserting "in this section"; and

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—(1) Paragraphs (1) and (11) of section 7802 are each amended by striking "hospitals and homes" and inserting "medical facilities".

(2) Section 7803, as amended by subsection (a), is amended—

(A) by striking "hospitals and homes" each place it appears and inserting "medical facilities"; and

(B) by striking "hospital or home" and inserting "medical facility".

SEC. 303. REPORT ON ASSISTED LIVING SERVICES.

Not later than April 1, 2000, the Secretary of Veterans Affairs shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the feasibility of establishing a pilot program to assist veterans in receiving needed assisted living services. The Secretary shall include in such report recommendations on—

(1) the services and staffing that should be provided to a veteran receiving assisted living services under such a pilot program;

(2) the appropriate design of such a pilot program; and

(3) the issues that such a pilot program should be designed to address.

SEC. 304. CHIROPRACTIC TREATMENT.

(a) ESTABLISHMENT OF PROGRAM.—Within 120 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs, after consultation with chiropractors, shall establish a policy for the Veterans Health Administration regarding the role of chiropractic treatment in the care of veterans under chapter 17 of title 38, United States Code.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "chiropractic treatment" means the manual manipulation of the spine performed by a chiropractor for the treatment of such musculo-skeletal conditions as the Secretary considers appropriate.

(2) The term "chiropractor" means an individual who—

(A) is licensed to practice chiropractic in the State in which the individual performs chiropractic services; and

(B) holds the degree of doctor of chiropractic from a chiropractic college accredited by the Council on Chiropractic Education.

SEC. 305. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT IOANNIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

SEC. 401. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Renovation to provide a domiciliary at Orlando, Florida, in a total amount not to exceed $2,400,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation.

(2) Surgical addition at the Kansas City, Missouri, Department of Veterans Affairs medical center, in an amount not to exceed $13,000,000.

SEC. 402. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an outpatient clinic, Lubbock, Texas, in an amount not to exceed $1,112,000.

(2) Lease of a research building, San Diego, California, in an amount not to exceed $1,066,500.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 and for fiscal year 2001—

(1) for the Construction, Major Projects, account $13,000,000 for the project authorized in section 401(2); and

(2) for the Medical Care account, $2,178,500 for the leases authorized in section 402.

(b) LIMITATION.—The project authorized in section 401(2) may only be carried out using—

(1) funds appropriated for fiscal year 2000 or fiscal year 2001 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2116.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2116, the Veterans' Millennium Health Care Act, is an important bill that is strongly supported by veterans and their service organizations.

This bill would improve access to long-term health care for our most severely disabled veterans. It would authorize the VA to pay reasonable emergency care costs for service-connected disabled veterans who have no health insurance or other medical coverage. It would impose new requirements that the VA must follow to further consolidate or realign facilities. It also increases the health care priority provided for combat-injured veterans and for military retirees choosing to use the VA health services. It would expand VA's flexibility to generate new revenue and spend it on health care for veterans.

H.R. 2116 also extends the VA's authority to make existing grants to homeless veterans.

I urge my colleagues to support the legislation on H.R. 2116, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois (Mr. EVANS), the ranking Democratic member of the Committee on Veterans' Affairs, has been unavoidably detained, so I will be managing the bill on his behalf this afternoon.

Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act, H.R. 2116. I thank the gentleman from Arizona (Chairman STUMP); the gentleman from Illinois (Mr. EVANS); the ranking member, the gentleman from Florida (Chairman STEARNS); and the gentleman from Illinois (Mr. GUTIERREZ), the ranking Democratic member of the Subcommittee on Health for their fine work on this measure and their support in incorporating certain provisions.

The gentleman from Illinois (Mr. EVANS) has long supported in this important bill the issues that are very important and vital for our veterans.

This is an ambitious, but realistic bill. It recognizes recent disturbing trends in funding for veterans health care, notwithstanding the committee's support of significant funding increases.

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This bill will better assure Congress that the VA is continuing to meet vital needs for long-term care services for our veterans. It gives Congress better assurance that the Veterans' Administration will plan effectively for ways to continue treating veterans, regardless of the health care setting.

It will also allow high-priority veterans, who regularly use the VA system, to receive reimbursement for emergency care services. The millennium plan establishes a good baseline for meeting veterans' needs for long-term health care. It provides that veterans with the highest priority for care, those with health care conditions due to military service, receive all of the long-term care that they actually need.

This measure also contains a report-and-wait requirement. This responds to the concerns that VA is dismantling its inpatient programs without adequately planning to fulfill veterans' needs in outpatient or community settings.

This measure also further allows the Veterans' Administration to reimburse certain enrolled veterans for medical emergency expenditures. Veterans who rely on the Veterans' Administration for their health care have been financially devastated by medical emergencies which require them to seek care from the closest available health care facility. Veterans have been told by the VA staff to go to the closest health care facility for emergency care; but once the bills come, the VA has refused repeatedly to reimburse these veterans. The VA should not abandon these veterans when they have a health care emergency.

This millennium bill will also require the Veterans' Administration to work with chiropractors to develop a policy that will allow veterans better access to chiropractic services within the Veterans' Administration. It is abundantly clear that the VA is not operating in a world of unlimited resources. I believe that this bill has many positive gains for veterans while not imposing unreasonable new costs onto an already fiscally strapped system. I endorse this ambitious bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman of the Committee on Veterans' Affairs, and I rise in support of H.R. 2116, as amended.

Mr. Speaker, I believe we will one day look back and note on September 21, 1999, that the House took two historic actions on behalf of our American veterans. First, it added $1.7 billion for veterans' medical care; and, second, it adopted the Veterans' Millennium Health Care Act, H.R. 2116.

This important legislation tackles some of the major challenges facing the VA health care system. In doing so, Mr. Speaker, it offers a blueprint to help position the Veterans Administration for the future. Overall, the bill has four central themes: first, to give VA much needed direction for meeting veterans' long-term care needs; second, it expands veterans' access to health care; third, it closes gaps in current eligibility law; and, fourth, it makes needed reforms that will further improve the VA health care system.

Foremost among vast challenges are the long-term care needs of aging veterans. That challenge has gone unanswered, Mr. Speaker, for too long. This legislation would put a halt to the steady erosion we have seen in the VA long-term care program, and it would establish a framework for expanding access to needed long-term care services.

The bill tackles the challenge posed by the General Accounting Office audit which found that VA may spend billions of dollars in the next 5 years to operate unneeded buildings. In testimony before my subcommittee, the GAO stated that one of every four VA medical care dollars is spent in maintaining buildings rather than caring for patients.

It is no secret that the VA is discussing hospital closures and, in some locations, in some locations, that may be appropriate. The point is that the VA has closure authority today and, my colleagues, has already used it. We should not let tight budgets drive such decisions, however. This bill, instead, requires that decisions on hospital missions must be based on comprehensive studies and planning. The process must include veterans' organizations and the employee groups.

In short, the bill puts in place numerous safeguards to help and protect veterans. Most important, it would specifically provide that the VA cannot simply stop operating a hospital and walk away from its responsibility to those veterans. It must "reinvest" savings in a new, improved treatment facility or improved services in the area.

This is a very reasonable approach. The VA health care system has certainly improved significantly in the last 4 years. This comprehensive bill, my colleagues, continues the VA on the course towards improving veterans' access to needed care. I am proud that this bill breaks new ground. It is a bold step forward for our veterans in the area of long-term care, emergency care coverage, military retirees' care, and placing the VA health care system on a sounder footing.

Now, we have worked closely with veterans' organizations in developing this legislation. It was not done in a vacuum. And they have recognized the important advances this bill would establish. It is important that the two largest veterans' organizations, representing millions of veterans, the American Legion and Veterans of Foreign Wars, have endorsed this bill. Many other organizations also support the bill, including AMVETS, the Vietnam Veterans of America, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Retired Enlisted Association and, Mr. Speaker, the 26 organizations making up the Military Coalition.

So I urge my colleagues to join with me and others here in passing this bill and supporting it on the House floor.

Mr. REYES. Mr. Speaker, I yield 6 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I wish to thank my colleague, the gentleman from Texas (Mr. REYES), for managing the bill, and for the committee and their work on both sides of the aisle on this very important subject matter. I also wish to echo the statements by the gentleman from Florida (Mr. STEARNS) in regards to the fact of the appropriation being $1.7 billion for veterans' health care.

I wish to address, Mr. Speaker, the Millennium Health Care Act; and I rise in support of the provisions, most of the provisions in the bill, but there is a section of the bill which I would like to be able to address today, and that is section 206 of the bill. I hope to be able to work with the chairman and the ranking member and the committee as they go to conference to further ensure that rural areas and rural health care needs are addressed.

I think that the amendment that was put forward by the gentleman from Vermont (Mr. SANDERS), that was unanimously approved by a voice vote in regards to the VA-HUD appropriations, which states that the House supports improvements in health care services for veterans in rural areas, was very important. I think we all agree this is an important priority, and I think it extends to the long-term residential care and nursing home care as well as other forms of health care.

The needs of veterans in my State cannot be reasonably met by setting up a single facility in one area of the State. The second district of Maine, which I represent, is the largest physical district east of the Mississippi. I represent 32 rural health clinics in my district, a very sparsely populated 22 million acres of land, and with a large population of veterans versus the whole State-wide population of 1.2 million, a veteran population of 154,000 people.

So the rural aspects of my State and the challenges that those represent impact upon the access to health care. The difficulties of veterans and families in traveling long distances to facilities are compounded by varied terrain and, often, inclement weather.

Just this past weekend I was in Lubec, Maine, which is the easternmost point in the United States, where the sunrises in Sunrise County, and it required landing far away and taking a cutter across the bay and taking further transportation to get to Lubec in order to be able to put on a benefit for a restoration in the community. I would hate to think that the requirements that were being forced upon veterans in Downeast Maine would cause them those same kind of requirements.

One of the things that always interests me in every veterans' ceremony I go to in every community in the second district is the length and breadth of the town's honor roll which recognizes the veterans in that community that have not only been part of the military service but usually have been enlisted and have felt the responsibility to serve of their own volition to continue to ensure the freedoms for all Americans. And the length of that list in some very small towns is remarkable.

We always talk about Joshua Chamberlain and the 20th Maine; but there are many other veterans, up until even Gary Gordon, who is from Lincoln, Maine, who is a Congressional Medal of Honor winner who risked and lost his life in trying to save others. But they are all throughout Maine in their willingness to become part of the military service in this country to preserve the freedoms and foundation which we all enjoy.

Mr. Speaker, I hate to think that we put obstacles in their way, in their families' way, in terms of getting the care, and health care, that we really owe them as a country and a Nation.

The issue in terms of section 206, in establishing the new priorities and criteria and how it impacts on rural health care and the availability of that care, I seek to work with Members on both sides of the aisle. Maine currently has preapproval for four projects that will be placed on the priority list by the end of October. These four projects are to add beds to existing homes. The current occupancy rate at our existing homes is 94.5 percent. This is far above the national average and demonstrates the great need for this care in my State.

I hope that we will be able to assure States that have made the commitment to put up the matching funds for these projects, that the promise for those crucial Federal dollars will be met. I am concerned that this legislation does not adequately protect the hard work that States have done to get their projects listed and that many will be forced to start all over again. I am also concerned about the criteria used for new construction and its push toward renovation.

Washington County, Downeast Maine, is looking for a residential care facility. There is no structure there now. Recognizing there are others who wish to speak, Mr. Speaker, I would just like to be able to offer for the RECORD some of the facts that have been presented in terms of occupancy rates and meeting that level and other information that is being presented by the State of Maine.

In closing, I would just like to again thank the chairman and the ranking members of the committee for their dedication that they have exhibited in addressing the long-term care issues, and I look forward to working with them on this as we try to serve our veterans throughout the country.

The information I just alluded to, Mr. Speaker, is as follows:

MAINE VETERANS' HOMES DAILY CENSUS

[Sept. 16, 1999]

Facility	Total beds	Veteran vs. non-veteran status					Payor source							Occupancy (percent)
		Veteran	Percent	Non-vet	Percent	Total	Private	Percent	Medicaid	Percent	Medicare	Percent	Total	
Augusta	120	81	71.7	32	28.3	113	38	33.6	67	59.3	8	7.1	113	94.2
Bangor	120	78	67.8	37	32.2	115	17	14.8	83	72.2	15	13.0	115	95.8
Caribou	40	28	75.7	9	24.3	37	3	8.1	34	91.8	0	0.0	37	92.5
Scarborough	120	91	62.0	20	18.0	111	31	27.9	73	65.8	7	6.3	111	92.5
So. Paris	90	63	72.4	24	27.6	87	19	21.8	66	75.9	2	2.3	87	96.7
NF	62	41	68.3	18	31.7	50	17	28.0	41	68.3	2	3.3	80	95.8
Res. Care	28	22	31.8	5	18.5	27	2	7.4	25	92.5	0	0.0	27	95.4
Totals	490	341	73.7	122	26.3	463	108	23.3	323	69.8	32	6.9	463	94.5

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume to assure the gentleman from Maine, representing a district of 50,000-some square miles, I will be more than happy to work with him on rural health care issues, and especially on the State Veterans Home Program. This is probably one of the most efficient and one of the best programs we have in the VA, and we look forward to working with him on any problems he may have.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP), for yielding me this time, and I applaud him for bringing this bill to the floor. I also want to thank the gentleman from Florida (Mr. STEARNS) for his efforts on this bill.

Today, Mr. Speaker, I rise in support of the Veterans' Millennium Health Care Act of 1999. The gentleman from Florida (Mr. STEARNS) was kind enough to include as a provision of this legislation my bill, H.R. 430, the Combat Veterans Medical Equity Act. Due to a broad base of support, my bill gained 177 cosponsors and was endorsed by the Military Order of the Purple Heart.

Most people are unaware that under current law combat wounded veterans do not always qualify for medical care at VA facilities.

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This bill would change the law to ensure combat wounded veterans receive automatic access to treatment at VA facilities. It sets the enrollment priority for combat-injured veterans for medical service at level three, the same level as former prisoners of war, and veterans with service-connected disabilities rated between 10 and 20 percent.

We, as a Nation, owe a debt of gratitude to all of our veterans who have been awarded the Purple Heart for injuries suffered in service to our country. I would like to thank the gentleman from Florida (Chairman STEARNS) for including my legislation, the Combat Veterans Equity Act in this important legislation.

I also would like to congratulate the Military Order of the Purple Heart for their hard work and advocacy on behalf of our Nation's combat-wounded veterans.

The Veterans Millennium Health Care Act of 1999 is long overdue. I am proud to support this bill for our Nation's veterans, and I urge a "yes" vote.

Mr. REYES. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Texas (Mr. REYES) has 11 minutes remaining.

Mr. REYES. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank very much the gentleman from Texas (Mr. REYES) and the gentleman from Florida (Mr. STEARNS) and the gentleman from Arizona (Mr. STUMP), et al, for allowing me to say just a few words on behalf of the Veterans Millennium Health Care Act, H.R. 2116.

I would anticipate that every Member of this House would be enthusiastically supportive of the Veterans Millennium Health Care Act in that they have veterans in all 50 States of the United States.

I applaud the bipartisan effort that led to the creation and movement of this innovative legislation. I want to specifically point out the section that deals with sexual harassment and domestic violence that is incorporated in H.R. 2116.

In the wake of several allegations of sexual harassment in the Armed Services, H.R. 2116 would reauthorize until December 31, 2002, a VA program that provides counseling and medical treatment to veterans who were sexually abused or raped while serving in the military. It is estimated that 35 to 50 percent of all female veterans have reported at least one incident of sexual harassment while serving in the military.

I enthusiastically encourage and urge each Member of this august body to vote in favor of the Veterans Millennium Health Care Act.

Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act, H.R. 2116, and encourage all of my colleagues to add their support for this measure that will take veterans health care into the 21st century.

I applaud the bipartisan effort that led to the creation and movement of this innovative legislation.

This bill tackles some of the most pressing issues facing the VA, including the VA long-term care challenge, and provides a blueprint to help position VA for the future.

This bill opens the door to an expansion of long-term care, to greater access to outpatient care and to improve benefits including emergency care coverage. The measure improves access to care through facility realignment, eligibility enhancement for military retirees and veterans injured in combat, and ensures that the VA offers nursing home care to the highest priority veterans.

One provision of this bill would require the VA to maintain long-term care programs and increase both home and community-based long-term care and respite care. The VA also would be required to provide long-term care for 50-percent service-connected veterans, and veterans needing care for a specific service-related condition. Another provision would require other veterans receiving long-term care to make co-payments, based on ability to pay. The revenues from co-payments would support expanded long-term benefits.

This bill would set conditions under which the VA could close an obsolete, inefficient hospital and reinvest savings in new outpatient clinics and other improved services for the veterans affected. It also extends VA's authority to make grants to assist homeless veterans, and reform the criteria for awarding grants for building and remodeling State veterans' homes.

The measure also would extend the length of time the VA could lease facilities, space or land to private companies from 35 years to 75 years. This extension would raise the incentive to foster private-public relationships between the VA and local hospitals, nursing homes and clinics, allowing VA to contract out under-utilized property.

The eligibility provisions include specific authority for VA care of veterans who were awarded the Purple Heart for injuries sustained in combat, and authority for VA care of TRICARE-eligible military retirees not otherwise eligible for priority VA care. Under this provision, DOD would reimburse VA for such care at rates to be negotiated by the Departments.

Another measure authorizes VA to establish and make payments for emergency care of service-connected and low-income veterans who have no health insurance or other medical coverage and rely on VA care.

H.R. 2116 also would generate revenues by authorizing VA to increase copayments on prescription drugs and establish copayments on hearing aids and other costly items provided for nonservice-connected conditions. Such new revenues would be earmarked to find VA medical care.

In the wake of several allegations of sexual harassment in the armed services, H.R. 2116 would reauthorize, until December 31, 2002, a VA program that provides counseling and medical treatment to veterans who were sexually abused or raped while serving in the military. It is estimated that 35 percent to 50 percent of all female veterans have reported at least one incident of sexual harassment while serving in the military.

These initiatives cover the broad spectrum of programs long sought by veterans and would ensure that this Nation is responsive to those who have served in armed conflicts for almost a century. Further it would send a powerful signal to those now serving that their extraordinary sacrifices are appreciated and that the health care they have earned through years of dedicated service will be available when or if they need it.

Caring for America's veterans is an ongoing cost of war. As a nation, if we fail in this obligation, how can we justify sending more and more young service members into harm's way? How might we expect our children and grandchildren to volunteer for military service in the future, if we are not prepared to keep promises to disabled veterans today?

Additionally, our failure to appropriately fund the VA will mean that veterans may not receive the health care they need and the level of service they deserve. Appropriate funding is vital to keeping the promise that was made to our veterans when they joined the Armed Forces and made their promise to serve their country. Only with this funding can we begin to meet the long-term care needs of our aging veterans. We owe more to the men and women who served our Nation in battle.

H.R. 2116 is a good bill with very important provisions that have been endorsed by major veterans groups. It passed by an overwhelmingly majority in the full Committee on Veterans Affairs. I urge all my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I want to commend the gentleman from Arizona (Mr. STUMP) on bringing this bill to the floor of the House. This is one of the really serious issues, veterans and retirees' health care both. We are dealing with veterans' health care here, but both are very, very important.

As I go around to these various military bases, and I am sure my colleagues have the same experience, one of the things that the young recruits express concern about is that recruits before them were promised certain health care benefits that they do not feel they are getting today.

I think the bill that my colleague is proposing today goes a long way towards meeting that concern or, at least, takes giant steps in that direction. I think it will help in recruitment, it will help in retention.

It is an extremely important thing that we ask people to go and lay their necks on the line for America and, by golly, we need to take care of their health care needs; and I think my colleague goes a long way towards that. I thank the gentleman for yielding me the time and for bringing this bill to the floor.

Mr. REYES. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, there are many ways that we can express our gratitude to those who answered their Nation's call and have made such great sacrifices for their country, sacrifices that protect our country and our people and ensure that we embody the highest aspirations of human endeavor to allow each individual to conduct a life with freedom and with dignity.

I rise in support of this legislation, which not only extends long-term care services but also attempts to extend an additional degree of dignity to our veterans that comes with home- and community-based health care options that are recommended in this bill.

The legislation recognizes that even though the Veterans Administration operates the largest health care system in the United States, there are still many communities that desperately lack resources for our veterans.

Central Texas, which I represent, is experiencing a rapid growth in the number of veterans that are retiring there; and many of these folks are entitled to medical services that just simply are not available nearby at our local Veterans Outpatient Clinic or at other local health care facilities.

If a woman in Travis County, for example, needs a mammogram, she has to drive 60 to 70 miles to get one. Despite all the orthopedic doctors in Austin, Texas, veterans must make the same long drive past those clinics and to a VA Hospital because none of the services are available locally.

So I am pleased that the committee is exploring new ways for the Veterans Administration to spread its resources. For instance, the bill allows the Veterans Administration to enter into long-term leases to improve services.

The veterans health care system is facing considerable budget pressures as it attempts to deal with an aging veterans population and escalating pharmaceutical costs. But while we must maintain fiscal discipline, it is important that our veterans who defended our freedom do not bear a disproportionate share of the burden.

Mr. Speaker, in August, the New York Times reported on an audit of the Veterans Health Administration by the General Accounting Office, the investigating arm of Congress, under the headings "Audit of VA Health Care Finds Millions Are Wasted," and says "Money That Could Improve Treatment Goes to Operate Unneeded Buildings." That report noted that the Veterans Administration "Spends more than $1 million a day to operate unneeded hospital buildings, where a dwindling number of veterans receive care in under-populated wards," and that of the "more than $17 billion that the Veterans Administration receives each year to provide health care to veterans, it spends about one-fourth of the money caring for 4,700 buildings around the country."

The Austin American-Statesman editorialized similarly "Veterans Hospitals Monuments to Waste." The General Accounting Office itself noted that the Veterans Health Administration "could enhance veterans' health care benefits if it reduced the level of resources spent on underused, inefficient, or obsolete buildings and reinvested these savings, instead, to provide health care more efficiently in future facilities at existing locations or new locations closer to where veterans live."

That is certainly what we need in Central Texas. And the advice seems pretty reasonable. It reminds me of the baseball legend Wee Willie Keeler who, when asked the secret to hitting, replied "hit it where they ain't." Well, I believe the Veterans Administration needs to provide more services where our veterans are rather than simply maintaining under-utilized buildings and making people come to them.

I believe that today's legislation represents a modest step in that direction.

We should pledge ourselves to the fulfillment of our obligations to those who have suffered in the defense of our country. To do less would be to sell short the very principles we profess to value so highly as a nation.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

As a Nation, Mr. Speaker, we are seeing a growing population of older veterans whose health care needs are increasingly complex and, in some cases, serious. Moreover, these veterans are entering a system which is in transition, moving toward a greater outpatient and community-based treatment.

At the same time, the VA is suffering under straining and insufficient budgets, this bill is vital as it restores security and confidence in veterans' health care in this changing environment. Therefore, as a member of the Committee on Veterans Health Affairs, I am proud that this bill focuses on important priorities, including long-term services and reimbursement for emergency care services to our veterans.

In addition, I am pleased that this bill requires input and planning as the Veterans Administration attempts to restructure and modernize its facilities so that the VA will continue to treat veterans regardless of their health care provider.

In addition, I am proud of the provisions which strengthen long-term care. We have seen reduced levels of long-term care as veterans are prematurely discharged from long-term care facilities. Inadequate time in long-term care is a short-sighted method of trying to care for larger numbers of aging veterans.

This bill attacks this problem by assuring that veterans with health care conditions due to military service can obtain long-term care for as long as they need it.

Also, I am pleased that that bill makes sure that veterans are reimbursed for emergency care no matter where they get that treatment. Veterans and their families deserve to know that they can obtain emergency care and not later be financially strapped or devastated because the VA refuses to reimburse them.

This bill rectifies this situation, following the request of the VA and the President's Patients' Bill of Rights. It also allows VA to reimburse any high priority enrolled veterans for medical emergencies.

In summary, this millennium bill is the most comprehensive health care bill for veterans in the past 5 years. It provides a framework that better ensures that the views of veterans, employees, and veterans' advocates are taken into account and that the VA finds the best way to care for our Nation's veterans.

Health care for our veterans should not be compromised. With this bill, we are taking important steps to ensure that we meet our needs and our obligations to these proud Americans who have sacrificed so much for our country.

I, therefore, am pleased and proud to support this bill, and I ask all my colleagues to join in passing this important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), ranking member of the full committee; as well as the chairman of the Health Subcommittee, the gentleman from Florida (Mr. STEARNS); and also the gentleman from Texas (Mr. REYES) for all their hard work in bringing this bill to the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act and I compliment my colleagues Mr. SUTMP and Mr. EVANS for bringing this bill to the floor today.

Mr. Speaker, we can all agree that we have not done right by our Veterans. Over and over we have told our young men and women that if they answered their country's call to serve, we would provide for their health for the rest of their lives. But, sadly, this has not been done. We have instead, continued to reduce spending for veterans services and at the same time narrowly classify the eligibility for veterans to receive this limited services.

It is because of this why I am pleased to support the Veterans Millennium Health Care Act because it begins to reverse this unfair treatment towards veterans and responds to some of their pressing needs.

Some of the bills key provisions include the requirement that the VA increase both home and community-based long term care particularly for veterans who are 50% service-connected and veterans needing care for a service-related condition. This provision is particularly important to the veterans in my Congressional District who have to travel, at their own expense, to the neighboring island of Puerto Rico for their care.

I am likewise very pleased that the bill would also authorize the VA to pay reasonable emergency care cost for service-connected, low-income and other high priority veterans who have no health insurance of other medical coverage, authorize an increase in the copayment on prescription drugs and extend the VA's authority to make grants to assist homeless veterans.

Mr. Speaker, in my previous life as a Family Physician, I counted many of our local veterans as my patients. I got to know many of them very well and came to understand the disappointment that feel about their apparently reneging on the promises that were made to them when they enlisted. It is time that we begin to do right by our veterans and H.R. 2116 is a good beginning.

I urge my colleagues to support this important bill.

Mr. GILMAN. Mr. Speaker, I reluctantly rise in opposition to H.R. 2116, the Veterans Millennium Health Care Act.

I say reluctantly because the majority of H.R. 2116 contains provisions that expand services to veterans and provide many vitally needed benefits. These include: requiring the VA to provide long term care to veterans with service connected disabilities of 50% or greater, lifting the six month limit on VA adult day health care, providing Purple Heart recipients with the same priority as POWs in regards to health care, expanding services for homeless veterans, grants higher priority access to VA medical services for military retirees, extends authority for the VA to provide counseling for sexual trauma victims, and expands VA's authority to lease unneeded property.

My primary objection to this legislation is with regard to section 107, which sets out conditions under which VA medical facilities can be closed and veterans sent to local hospitals for care.

VA medical facilities represent a unique resource. There are many who would argue that their maintenance costs could be best used in other areas, and for this reason they should be closed if they are being underutilized. I do not agree with that assessment.

If these facilities are being underutilized, as the critics would claim, it is through no fault of the veteran. There has been a concentrated drive underway in recent years in the VA to increase the amount of health care provided on an outpatient basis. This is commendable, and necessary to hold down costs, as everyone knows outpatient care is often more efficient and cheaper to provide that traditional inpatient care.

However, this drive towards efficiency has left far too many of our veterans in its wake. Not all veterans can be best treated in an outpatient setting. The ironic fact is that those who are most in need of traditional inpatient care: the elderly, the immobile, the paralyzed, the mentally ill, the homeless and the substance abuser, are the individuals who could best use the existing "underutilized" facilities that many are eager to close.

My congressional district has a large percentage of elderly veterans, as does most of the northeast. There is an increasing demand for long term care for the elderly in New York, which the VA cannot presently address. Likewise, New York City has a very large population of homeless veterans who continually fall between the cracks in the current system.

Rather than these proposals to close existing VA medical facilities that have seen their traditional inpatient population decrease over time, we need to explore what other needs these facilities could be used for.

As I noted, these facilities are a unique resource. Once they are closed down and sold off, they are gone forever. The Government will never be able to procure a similar piece of real estate for an affordable price should the need arise in the future.

We should not squander the irreplaceable resource found in our VA medical centers while so many veterans are not having their needs fully addressed.

As I stated earlier, there is much in this bill that is sorely needed and worthy of our support. However, as a Member from the VA VISN that has suffered the deepest cuts in its health care budget, I cannot bring myself to vote for a bill that would further reduce their VA medical options.

In the interim, I will continue to work with the distinguished chairman of the House Veterans Committee (Mr. STUMP), to ensure that adequate funds are diverted from the VA emergency reserve to VISN #3 for FY'00. Moreover, both Chairman STUMP and I will request the VA to revisit its VERA formulas used to determine funding levels for northeastern VISNS, particularly those in New York which have been the hardest hit under VERA.

In closing, I want to thank our distinguished Veteran's Committee Chairman for his agreement to designate lower New York as a demonstration site should Medicare subvention legislation pass the Congress, as well as for his working with me to ensure that the VA explores the possibility of turning unused space at VISN #3 medical facilities into long term nursing home care units for veterans through the expanded use of the enhanced lease authority.

Mr. SMITH of New Jersey. Mr. Speaker, the Veterans' Millennium Health Care Act addresses the future of VA health care in the 21st century. The legislative package which we are considering today is an ambitious and very necessary undertaking. It forces the VA to step up to the challenges posed by the aging of our society. It will also ensure that the VA's long term care services reflect the health needs of America's veterans. It puts important checks and balances in place so that critical VA decisions regarding health care delivery are made with the input of veterans, health care staffers, and Congress.

The Veterans' Millennium Health Care Act includes the following key components: it requires the VA to provide long term care to veterans who are either 50% service connected or in need of such care for a service connected condition; it requires the VA to operate and maintain long term care programs including geriatric evaluation, nursing home care, domiciliary care, adult day health care, and respite care; and it restores the ability of Purple Heart recipients to automatically use VA health care facilities.

One component of this package is especially important to me: respite care. Earlier this year, I introduced H.R. 1762, legislation which expands the definition of respite care within the VA's health care system. For the first time, this legislation allows the VA to contract with home care professionals to provide care for our aging veteran population, as well as provide care services through non-VA facilities when appropriate. Currently, veterans and their care givers who are in need of respite care must travel to the closest VA nursing home—even if it is just for temporary relief—when a bed becomes available. By providing respite care in the home, the VA will relieve a veteran's spouse or adult child of such duties as preparing meals, doing laundry, or changing bed linens.

The current policy places a tremendous burden on the care giver, be it a spouse, an adult child, family member, or friend. The closest VA nursing home or state facility may be hours away. My legislation instead allows the VA to either send someone to the veterans' home to relieve the caregiver or to make arrangements and pay for other short-term options.

H.R. 1762 has been endorsed by the American Legion, the VFW, Eastern Paralyzed Veterans of America, Vietnam Veterans of America, and the Disabled Paralyzed Veterans Association. All of these groups know that if it were not for the loving care being provided by spouses and adult children, the VA long term care system would be in dire straits. I cannot underscore how crucial it is for our veterans that we provide assistance for these caregivers and enable them to continue their good works.

Providing caregivers with the occasional day off so that they might attend to their own lives for a few hours or days will significantly improve the lives of our veterans and unquestionably save the VA money in the long run. Most Americans want to remain in their own homes for as long as possible. Expanding the VA's ability to use respite care as well as other long term care services reflects the flexibility that America's seniors demand and have come to expect.

A few years ago, I got a first-hand education about the need for respite care when I watched my parents suffer from cancer. My wife, Marie, provided my mother with around the clock care—so our family knows how emotionally consuming it can be. This is why I am a passionate believer in expanding the VA's ability to provide respite care. This provision of the bill is much needed by our Nation's veterans and their care givers.

As a Co-Chair of the Congressional Alzheimer's Disease Task Force, I know that unless we begin building the framework for dealing with long-term care issues in our VA system, a demographic tidal wave—the aging of our veterans—will crash into the system and cause serious damage. The VA should lead the way.

For example, persons aged 85 and above are the fastest growing age category in the country, and half of those persons will contract Alzheimer's disease. Cases of Alzheimer's are expected to more than quadruple from 4 million to 18 million by the year 2050. We need to take measures to accommodate families caring for Alzheimer's patients, and the respite care provisions in the Millennium Health Care Act are the right policy at the right time.

In a California statewide survey taken by the Family Caregiver Alliance, 58% of the caregivers showed signs of clinical depression. When asked, they responded that their two greatest needs were emotional support and respite care. On average, they are providing 10.5 hours of care per day. According to the Caregiver Assistance Network, family and volunteer caregivers provide 85% of all home care given in the United States. These husbands and wives, sons and daughters, are willing to make the sacrifices necessary to ensure that their loved one—who have served our Nation in the Armed Forces—are able to remain at home in their time of need.

Besides Alzheimer's, many of our veterans suffer from the aftermath of a stroke, Parkinson's disease, and other adult onset brain-impairing diseases and disorders. By contracting out for respite care services, the VA will make a real difference in the day to day quality of life for a veteran and his or her family member.

Another important provision in the Veterans Millennium Health Care Act is that the bill puts in "speed bumps" for the VA as it examines its physical facilities and their future use as we enter the next century. Last month, House Veterans' Affairs Committee staff along with my veterans aide traveled to New Jersey to see first hand how our state and the VA network which it is part of, is dealing with the President's budget cuts. They were pleased to find out that there is a strong level of commitment and dedication among the staff in spite of much belt tightening that has resulted under the Veterans Equitable Resource Allocation (VERA) formula. And yet, VA officials told Committee staff that future cuts will cut into the bone. As a result, veterans in New Jersey and throughout the Northeast have been concerned about closure of hospitals, nursing homes, and clinics. I know that at the Brick Clinic located within my Congressional district, we have successfully fought to restore specialty services for our veterans. To not do so would force them to travel an hour and a half in the car to the VA's facility in East Orange. This is unacceptable and we were able to successfully persuade the VA to rethink their health care strategy for Central New Jersey.

Recognizing veterans' concerns about their facilities, H.R. 2116 puts in place several mechanisms that will prevent the VA from an arbitrary closure or realignment of a facility. For instance, under H.R. 2116, the VA must conduct a study before it can even consider changing a hospital's mission. Any realignment plan put forth must include the participation of federal employees and veterans. Furthermore, VA employees will be given preference in future hiring. Any savings from a mission change must be retained within the local area and reinvested in new services for veterans, insuring improved access to care. Finally, and most importantly, Congress will be given a minimum of 45 days to review any VA recommendations on potential changes.

This provision, and the overall Millennium Health Care Act, does come with a price tage—but it is one that our veterans both need and deserve. Enhancing eligibility for veterans on a variety of levels requires that both Congress and the President find the necessary funds for long term care and eligibility expansion. Earlier this month, the House approved a $1.7 billion increase for veteran's health care.

I urge all of my colleagues to join me in voting for passage of this bill which is integral to the health and well being of America's veterans.

Mr. FILNER. Mr. Speaker, I rise in support of the Veterans' Millennium Health Care Act. This bill improves the VA health care system in many ways. For example, it will extend long term care and emergency care services, provide sexual trauma counseling, expand care and treatment for veterans who have been recognized by the award of the Purple Heart.

In addition, I am especially pleased that this legislation ensures that the Veterans Administration (VA) will work with licensed doctors of chiropractic care to develop a policy to provide veterans with access to chiropractic services. Even though chiropractic is the most widespread of the complementary approaches to medicine in the United States, serving roughly 27 million patients—and even though Congress has recognized chiropractic care in other areas of the federal health care system (Medicare, Medicaid, and federal workers compensation), VA has chosen not to make chiropractic routinely available to veterans. This bill changes that.

As a Member representing a portion of San Diego County, I am also pleased that H.R. 2116 includes a biomedical research facility for the VA San Diego Healthcare System to accommodate current and pending research programs on diabetes, immunology, hypertension, Parkinson's Disease, AIDS, and memory.

I encourage my colleagues to support and vote in favor of the Veterans' Millennium Health Care Act.

Mrs. KELLY. Mr. Speaker, I rise today in opposition to H.R. 2116, the Veterans Millennium Health Care Act, in its present form. This is a position I take after a great deal of deliberation and review of the effects of some of the provisions in this legislation.

I want to begin by recognizing the many positive initiatives contained in this legislation that will truly benefit our veterans population, such as the requirement for long term care for veterans with 50 percent or greater service connected disability. This issue is one of my highest priorities in Congress and is the reason I introduced H.R. 1432, the Veterans Long Term Care Availability Act, which requires, essentially, the very same thing. Additionally, the provisions that provide coverage for emergency care services to veterans, priority care for Purple Heart recipients and expansion of the enhanced use lease authority available to VA facilities with extra unused space are all good initiatives that I wholeheartedly support.

Unfortunately, these good provisions are coupled with two problematic provisions that we should be given the opportunity to offer amendments to correct. By suspending the rules to pass this bill we are unable to offer amendments to correct some of the bill's problems. For instance, Section 107 of this legislation, entitled "Enhanced services program at designated medical centers," sounds like a good program. In reality, however, this section stipulates the conditions under which a VA hospital can be closed. This is a very important process before us now that entails a great deal of controversy that should be debated on its merits. I have to question why we would want to put into place a procedure for closing VA hospitals in a time when we are facing unprecedented growth of the health care needs of veterans. One of the stipulations of this section is that Congress gets 30 in session days to review the VA's findings. I believe this period should be longer. We all know that Congress was intentionally created to be a very deliberative body. If we are going to have an opportunity to review such a report we will need more than 30 days to do so.

Additionally, Section 201 entitled "Medical care collections," would enable the VA to raise co-payments that veterans would be required to pay on their prescription drug benefits. Veterans I have spoken to in my area are frustrated enough with the current co-payments they are required to pay. The typical veteran from New York is poorer, sicker and older than the rest of the nation. The current prescription drug benefits that veterans have are one of the few benefits that genuinely helps them. If we need more money we should appropriate it, not charge veterans.

Finally, the question that comes to my mind is the cost of this legislation. CBO testified before the House Veterans Affairs Committee that this bill would cost $1.4 billion a year to implement. Where are we going to get this money. The last thing Congress should do is pass costly mandates upon the VA without passing appropriate funding. If we fail to pass appropriate proper funding, the VA will be forced to cut back or end other services in order to comply with these new mandates. This year the House has passed a VA–HUD Appropriations Act that increases VA spending by $1.7 billion. This level is currently in question and I wonder if we will be able to achieve it. With the funding requirements this bill would incur, where is the money going to come from? Do we have a commitment to provide a $1.4 billion increase next Congress? This is one of the questions that must be answered before we pass such a large bill. We cannot afford to short change veterans.

Finally, the supporters of this bill speak of the many endorsements H.R. 2116 has received from national veterans groups. I have contacted these groups and found that many of them agree with my concerns. Let me quote from a letter from Richard Esau, Jr., the National Commander of the Military Order of the Purple Heart.

> H.R. 2116 was "the topic" of conversation at our Convention. We concur completely with your evaluation of this bill. Yes, we need long term care for veterans with service connected disability of 50 percent or greater. Yes, we need VA provided emergency care services and most assuredly we need priority care for Purple Heart recipients and military retirees. If a percentage of these funds is to be recovered via the Federal tobacco lawsuit, so be it. I can't ever remember a C-ration package that didn't have a cigarette pack in it.
>
> Congresswoman, we couldn't agree more with your concerns about the bill's procedures for closing VA hospitals. You have only to look at the State of Maine to see how the laissez faire attitude of federal bureaucrats is working a hardship on thousands of veterans who soon will have to travel from their homes (some on the Canadian border) to Boston, Massachusetts for treatment. Further, we wouldn't want the VA Secretary to have the authority to increase prescription co-payments for veterans with service connected disabilities of less than 50 percent. Too often, the VA Secretary is a political animal who has never had a shot fired at him in anger. This type of Secretary just doesn't seem to understand how important medicines are to older vets and what a slap in the face it is to require them to pay more rather than less for this service. Do other Members of Congress realize a plurality of these veterans are on fixed incomes?
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> I personally would like to see your bill, H.R. 1432, taken out of committee and debated on the floor of the House. I am, however, a realist who knows that "half a loaf" is better than none. Therefore, along with my fellow patriots, I support passage of H.R. 2116 and ask you, Sue Kelly, to continue your watchdog activities to ensure vets have their medicines at reasonable prices and needed "old" VA facilities stay open.

As we see from this letter, veterans are ready to take the good portions of this bill along with the bad portions of this legislation. We should pass the best bill possible, not a good and bad bill. We should allow for a full and open debate of these provisions and take H.R. 2116 off the suspension list and allow amendments. It is only through the full open democratic process that we can ensure that all sides are properly represented. If this bill fails tonight when the full House votes, I pledge to do everything in my power to ensure that this bill is given the proper time for full House consideration of all germane amendments.

I am joined in opposition by members who want only the best for our veterans and the Eastern Paralyzed Veterans Association. I urge members on both sides of the aisle to carefully consider these issues before casting their vote on this all too important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2116. This bill makes a number of important changes to veterans' health care programs.

The bill directs that the VA operate and maintain a national program of extended care services, including geriatric evaluations, nursing home care, adult day health care, domiciliary care and respite. The measure requires the VA to develop and begin to implement by January 1, 2000 a plan for carrying out the recommendation of the Federal Advisory Committee on the Future of Long Term Care. The VA was directed to increase home and community based care options as well as the percentage of the medical care budget dedicated to such care. The bill mandates the VA to provide needed extended care services in the case of veterans who are 50% service connected or in the need of such care for a service connected condition; and provide such veterans highest priority for placement in VA nursing homes.

Although the calendar year indicates that we honor these men and women on Memorial Day and Veteran Day, I believe that we should pause everyday to thank them for their sacrifice. The collective experience of our 25 million living veterans encompasses the turbulence and progress America has experienced throughout the twentieth century. This nation's veterans have written much of the history of the last hundred years. They have served this nation without reservation or hesitation during its darker moments.

Their unwavering devotion to duty and country has brought this nation through two World Wars and numerous costly struggles against aggression. From World War I to the Gulf War, America's veterans have been leading this nation against those who have threatened the values and interests of our nation.

Only today are the accomplishments and sacrifices of our veterans being fully appreciated by historians and the public. These genuine heroes have often been ignored and denied their proper place in America's melting pot. We need to remember that America owes these men and women the best it can offer because they have given us the best they could when America was in need.

Mr. Speaker, I am fortunate to have The Houston Department of Veterans Affairs Medical Center located in my congressional district. Having just celebrated fifty years of service to the veterans in the Houston community. Some 1,646,700 veterans live in the State of Texas alone. The Houston VA Medical Center expects to receive and serve over 50,000 veterans in this year alone. I expect this measure to improve the quality of life for all our veterans who so proudly served our nation.

Mr. Speaker, this bill is important not only because it provides for the needs of our veterans today but because it sends an important signal to the men and women serving our nation in places like Bosnia, Kosovo, Germany, Korea, Japan and other far off places around the world. That message is simple, that when you serve our nation we will answer the plea of President Lincoln "to care for him who shall have borne the battle."

I urge my colleagues to vote yes on H.R. 2116 and care for the men and women who have borne the battle.

Mr. PORTMAN. Mr. Speaker, I rise to support H.R. 2116, the Veterans' Millennium Health Care Act of 1999, which is designed to address the long-term health care needs of veterans of the 21st century.

However, I want to express my seniors concerns with a provision of the bill that may unfairly impact a vital nursing home facility proposed to serve veterans in southern Ohio. Specifically, I am concerned with Section 206, the State Home Grant Program, which would only allows projects to be funded in FY 2000 that are on the VA's approved list as of October 29, 1998. The effect of this could be to prevent the federal matching funds next year for a facility in Georgetown, Ohio in Brown County. Ohio's application for the Brown County facility was submitted to VA earlier this summer.

Ohio has a shortfall of more than 4,000 VA nursing home beds and is vastly underserved. In fact, the only VA nursing facility Ohio is located in Sandusky in the northern part of the state, and there are 160 veterans on the waiting list for admission. Of the Sandusky VA facility's 650 residents, only 8 are from southern Ohio. As a result of this shortfall and the need to better serve veterans in southern Ohio, the state committed $4.5 million for the Brown County project as its share of the construction money in Ohio's FY 2000 budget. The state has also committed $500,000 for various administrative expenses to see the project to completion for a total of $5 million in state funds. The federal share needed for the facility is $7.8 million.

The State of Ohio's financial commitment to the Brown County facility was signed into law by the Governor on June 30, 1999. Ohio's application was submitted to VA on July 22, a month ahead of VA's August 15 deadline for receiving FY 2000 funding applications. As you know, the House recently approved $90 million for the State Homes Construction Grant program in the FY 2000 VA, HUD, Independent Agencies bill—a $50 million increase over the President's request which I had worked for in the Appropriations Committee and supported. I am told that a similar amount is expected to be included in the Senate bill. It is my understanding that Ohio's application should be sufficiently high in priority that the VA, HUD Independent Agencies appropriation would provide the federal funds needed for the Brown County facility in FY 2000. Unfortunately, I am advised by the State of Ohio officials and the VA, that the October 29, 1998 cutoff date in H.R. 2116 will automatically make Ohio's application ineligible for funding next year.

Ohio has acted in good faith to provide the needed $5 million state match and has spent an additional $154,000 to prepare the application, which was submitted well within the timetable for FY 2000 funding under VA's current guidelines. I want to add that Brown County has spent $186,000 of its own funds for land acquisition, an environmental impact study and for other expenses, so there has been a considerable state and local investment in this project.

Of course, the VA still must approve the Brown County application based on its merits. However, it is unfair to change the rules in the middle of this year's application process and preclude Brown County's facility from being funded in FY 2000 as would happen under the current language of H.R. 2116. It is my hope that an equitable solution to this unfortunate situation can be worked out in conference, and I look forward to working with Chairman STUMP, Chairman STEARNS, ranking members

EVANS and GUTIERREZ and the Senate to ensure that the veterans in southern Ohio are treated fairly in this process.

Mr. STUPAK. Mr. Speaker, I speak today in support of H.R. 2116, the Veterans Millennium Health Care Act. I would like to commend Chairman STUMP and Ranking Member EVANS on their hard work on this bill, and their work on behalf of America's veterans.

I have a small VA medical facility in my district, Iron Mountain Veterans Medical Center. Under existing law, VA could arbitrarily close this facility, and have come close to doing so in the past. H.R. 2116 would provide protections not available under current law. It would require VA to involve veterans' service organizations, employee unions, and other interested parties. It would require VA to submit the plan and justification to Congress and allow a waiting period of 45 days. These provisions provide for far greater protection than under current law, and allow for the community and individual input which is lacking in current proceedings.

Other notable provisions in H.R. 2116 address issues which have been neglected for too long. Long-term care is expanded; VA's authority to make grants to assist homeless veterans is extended; the criteria for awarding grants to building and remodeling state veteran's homes has been reformed; VA is directed to cover emergency costs for uninsured veterans; it provides for sexual trauma counseling; provides for chiropractic care; it will give the VA access to a portion, if funds are recovered from tobacco companies, to compromise for its costs of tobacco-related illnesses; and it establishes a new health care enrollment category for non-disabled military retirees eligible for Tricare which essentially guarantees these military retirees health care.

The innovative provisions in this bill which make it so responsive to those veterans who have served our country so well is deserving of our support, and I urge my colleagues to vote for the Veterans Millennium Health Care Act.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the Veterans Millennium Health Care Act of 1999. I commend the efforts of the Chairman and Ranking Member of the VA Committee, along with the Chairman and Ranking Member of the Health Subcommittee and their staff, of developing this needed piece of legislation.

This health care bill offers many positive improvements, including the expansion of care for long-term nursing, mental health services, emergency and other needed care. It represents a comprehensive and necessary change to keep our VA health care facilities and services in tune with the needs of veterans and the changing health care industry. I urge the Senate to act quickly in passing this bill so we can have it enacted into law this year.

A more fundamental problem we face lies in the funding of such programs, especially for the discretionary health care budget. We can authorize all we want for VA health care. But based on the budget caps set by the House leadership, veterans will be lucky just to avoid having cutbacks in fiscal year 2001 and could face much more drastic cuts in future years. We all want HR 2116, and authorizing bills like it, to expand health care and benefits to veterans and their families. But we must be prepared to bite the bullet and give adequate funding for all veterans services.

Mr. SMITH of Texas. Mr. Speaker, I strongly support H.R. 2116, the Veterans Millennium Health Care Act.

Health care as we know it is changing. New technology allows for better treatment, better diagnosis and greater opportunities than ever before.

But as we approach the 21st century, the Veterans Administration must also change to address the needs of our veterans. This bill accomplishes that objective.

Mr. Speaker, my district contains one of the highest concentrations of veterans in the country. I have held town meetings across my district to listen to their concerns. The veterans I represent have advocated many of the provisions contained in this bill.

From requiring the VA to enlist the help of veterans organizations in developing enhanced service plans, to allowing the VA to contract for needed hospital care, the provisions contained in H.R. 2116 will benefit the VA for years to come.

Mr. KOLBE. Mr. Speaker, I welcome this legislation to meet the health care needs of our veterans and rise to express my support for the Veterans' Millennium Health Care Act. This is the kind of act that will help restore accountability and credibility to the government's reputation with regard to keeping our promise to take care of our nation's veterans.

In Tucson, we eagerly await the ground breaking of the Tucson VA Medical Center's new outpatient facility. This legislation complements that effort to insure the policy as well as the infrastructure is in place to provide appropriate care for Southern Arizona veterans. Outpatient care delivers more care to greater number at a lower cost. I am pleased to see outpatient care further supported in this bill. With the World War II generation and their sons and daughters entering the later half of their lives, these improvements to long term care is timely and needed.

This represents Congress responding to real needs of the people. The broad support within the House of Representatives shows that we put the people we serve first and we are using the best of our collective experience to implement the most responsible policies. Again, I thank the members of the Committee and fellow Arizona member BOB STUMP for is diligent efforts and leadership in serving our veterans.

Mr. BUYER. Mr. Speaker, I rise in strong support of the Veterans' Millennium Health Care Act. This bill will directly address the veterans' concerns regarding the availability of long-term care, improving access to VA health care, and provide many military retirees access to a VA Health Care system that, in the past, has been closed to them.

In addition, this bill finally addresses the issue of allowing VA to reimburse service-connected veterans and low income veterans for emergency care that they may have received at a non-VA facility. Equally important, the Veterans' Millennium Health Care Act provides VA the authority to generate much needed revenues by establishing copayments on hearing aids and other extremely high cost items for nonservice-connected conditions, and allow VA to earmark these revenues specifically for medical care.

Lastly, this bill provides veterans and their families a voice in the future of their health care system by requiring the VA to consult with the veterans community about the realignment of any VA facilities. Mr. Speaker, this bill is good for VA, and more importantly good for veterans.

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 2116, as amended, the Veterans' Millennium Health Care Act. Before I comment on some of the specific provisions of this bill, I want to thank Chairman STUMP, Chairman STEARNS, and the Ranking Democratic Member of the Health Subcommittee, Mr. GUTIERREZ, for working with me to incorporate certain provisions I have long-supported in this important bill.

This is an ambitious bill, but it is a bill that works in a realistic context. It takes cognizance of some disturbing trends we have seen in funding for veterans' health care, notwithstanding the Committee's support of significant funding increases. It is a bill that will better assure Congress that VA is continuing to meet veterans' vital needs for long-term care services. It is a bill that gives Congress better assurance that VA will plan effectively for ways to continue to treat veterans regardless of the health care setting. Finally, it is a bill that will allow veterans who regularly use the VA system to receive reimbursement for emergency care services.

The bill also contains a "report and wait" requirement which responds to a concern I raised that VA is dismantling its inpatient programs without adequate planning to fulfill veterans' needs for these programs in outpatient or community settings. The provision follows other efforts Congress has put in place to ensure that important services and programs remain available to veterans as it restructures under what may be an austere budget.

Since decentralizing its management, VA has closed acute inpatient beds at a pace that I believe has taken many by surprise. The hardest hit have been the beds for psychiatric, rehabilitation, and other services of a "longer term" nature. Unfortunately there are some indications that, instead of planning effectively to continue to meet the needs of these vulnerable patients on an outpatient basis, their care is slipping through the cracks.

Long-term care remains an area of concern as VA continues to tighten its belt. Last month, I presented findings from a report done at my request to assess recent changes in VA's long-term care delivery efforts to veterans. My staff surveyed VA's Chiefs of Staff to see how VA was responding to veterans' growing need for long-term care. Survey findings indicated that there were substantial erosions in the long-term care program—VA may be treating more veterans, but it is discharging them after much shorter stays that may not satisfy their need for ongoing care. The Report concluded with several recommendations to improve VA Long-Term Care that the Millennium Plan addresses. The findings and recommendations of this report were instrumental in shaping this legislative plan for addressing long-term care in VA.

The Millennium Plan establishes a good baseline for meeting veterans' needs for long-term care. We believed it was best to guarantee that veterans with the highest priority for care—those with health care conditions due to military service—receive all of the long-term care they need.

The bill also requires VA to maintain its long-term care program and enhance the services it provides in the home and community. VA is under enormous financial pressure and long-term care is expensive. The survey identified some disturbing changes in VA's long-term care program that obviously stemmed from financial pressure. it is time to give VA clear direction about whom we expect VA to treat and what services we will require it to offer.

I have had a long-standing interest in emergency care reimbursement. I introduced two bills in the last Congress and this year I introduced H.R. 135, the "Veterans Emergency Health Care Act". H.R. 135 allows VA to reimburse enrolled veterans for expenditures made during medical emergencies. Veterans who rely on VA for their health care have been financially devastated by an emergency health care episode. Veterans who try to reach VA during a health care crisis have been told by VA staff to go to the closest health care facility for treatment, but once the bills came, the VA refused to reimburse them. It seems unconscionable that VA would abandon these veterans during their greatest health care crises, but I know it happens.

I also know VA wants to fix this problem. Asked to identify legislation it needs to comply with the President's "Patient Bill of Rights", VA indicated it would need authorization to reimburse emergency health care for the veterans it enrolled. The President ordered federal agencies to comply with the bill, yet a proposal contained in the President's budget only partially addressed VA's request for this authority. The Millennium Bill goes farther by allowing VA to reimburse any high-priority enrolled veteran for emergency care services.

I have also advocated allowing more veterans to choose chiropractic care in VA. Last year I introduced a bill to establish a chiropractic service in VA which was supported by the American Chiropractic Association and the International Chiropractors Association. The Millennium Bill will require that VA work with chiropractors on a policy that will allow veterans' better access to their service within VA. Veterans deserve the opportunity to choose chiropractic care.

The Millennium Bill contains provisions that will authorize VA to increase copayments for drugs, neurosensory devices and certain other prosthetics, and extended care. I believe the Committee must offer leadership in addressing some of these difficult issues head on. I want to make sure that VA can maintain services for veterans that rely on it for their health care—the best way we can do this is by requiring some veterans to contribute more to their health care. VA's costs for pharmaceuticals have doubled over the last ten years; allowing more veterans to acquire hearing aids and eyeglasses from VA has also put a tremendous strain on VA's ability to acquire prosthetics. We need to ask some veterans to chip in for these benefits which are not provided by most health care insurers—it's still a significant benefit for veterans.

The bill addresses facility realignment which has been an understandable concern for some. Mr. Speaker, it is important to realize that VA currently has the authority to realign its medical resources, including closing hospitals. Since the VA has allowed so much of its decision making to take place in its 22 networks, Congress' ability to ensure that VA is going through a fair process in determining the need for facility closures has diminished considerably. In this bill, we provide VA with a framework that better ensures that the views of veterans, employees and other interested parties are taken into account and that VA finds the least disruptive means of continuing to care for the veterans it serves. While I do not view this legislation as supportive of such closures, I do not believe it will lead to a more constructive process for planning for major restructuring.

It is abundantly clear that VA is not operating in a world of unlimited resources. I believe this bill has many positive gains for veterans while not imposing unreasonable new costs onto an already fiscally strapped system. I endorse this ambitious bipartisan legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for the Veterans' Millenium Health Care Act, a bill which I have cosponsored.

As we enter the dawn of a new millenium, we are faced with a nation of aging veterans. These men and women, who protected our national security, now need us to ensure their long-term health care security.

This bill quite literally changes the face of the current VA hospital system. Under this Act, veterans' health care will shift from one where veterans must go to a designated center to one that will become more accessible to veterans through outpatient clinics, long-term care and community care centers. This is the prescription for medical care that northern New Mexico veterans have been waiting for.

With only one major VA center in New Mexico, hundreds of miles from where my constituents live, veterans are dependent on the limited care provided by rural health care centers. This bill will ensure these rural health care clinics have the resources available to give our veterans the full medical treatment they require.

This is a commonsense bill that provides veterans in rural communities the same type of treatment that veterans in other communities already receive and I urge my colleagues to pass it immediately.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2116, as amended.

The question was taken.

Mrs. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL HISTORIC PRESERVATION FUND AUTHORIZATION

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act (16 U.S.C. 470 and following; Public Law 89–665) is amended as follows:

(1) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is amended to read as follows:

"(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947), consistent with the purposes of its charter and this Act.".

(2) Section 102 (16 U.S.C. 470b) is amended by redesignating subsection (e) as subsection (f) and by redesignating subsection (d), as added by section 4009(3) of Public Law 102–575, as subsection (e).

(3) Section 107 (16 U.S.C. 470g) is amended to read as follows:

"SEC. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds. For the purposes of this Act, the exemption for the United States Capitol and its related buildings and grounds shall apply to those areas depicted within the properly shaded areas on the map titled 'Map Showing Properties Under the Jurisdiction of the Architect of the Capitol,' and dated November 6, 1996, which shall be on file in the office of the Secretary of the Interior.".

(4) Section 108 (16 U.S.C. 470h) is amended by striking "1997" and inserting "2005".

(5) Section 110(a) (16 U.S.C. 470h–2(a)) is amended as follows:

(A) In paragraph (1) by deleting the second sentence.

(B) In paragraph (2)(D) by deleting "and" at the end thereof.

(C) In paragraph (2)(E) by striking the period at the end thereof and inserting "; and".

(D) By adding at the end of paragraph (2) the following new subparagraph:

"(F)(i) When operationally appropriate and economically prudent, when locating Federal facilities, Federal agencies shall give first consideration to—

"(I) historic properties within historic districts in central business areas; if no such property is suitable; then

"(II) other developed or undeveloped sites within historic districts in central business areas; then

"(III) historic properties outside of historic districts in central business areas, if no suitable site within a historic district exists;

"(IV) if no suitable historic properties exist in central business areas, Federal agencies shall next consider other suitable property in central business areas;

"(V) if no such property is suitable, Federal agencies shall next consider the following properties outside central business areas;

"(VI) historic properties within historic districts; if no such property is suitable; then

"(VII) other developed or undeveloped sites within historic districts; then

"(VIII) historic properties outside of historic districts, if no suitable site within a historic district exists.

"(ii) Any rehabilitation or construction that is undertaken affecting historic properties must be architecturally compatible with the character of the surrounding historic district or properties.

"(iii) As used in this subparagraph:

"(I) The term 'central business area' means centralized community business areas and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

"(II) The term 'Federal facility' means a building, or part thereof, or other real property or interests therein, owned or leased by the Federal Government.

"(III) The term 'first consideration' means a preference. When acquiring property, first consideration means a price or technical evaluation preference.".

(6) The first sentence of section 110(l) (16 U.S.C. 470h–2(l)) is amended by striking "with the Council" and inserting "pursuant to regulations issued by the Council".

(7) The last sentence of section 212(a) (16 U.S.C. 470t(a)) is amended by striking "2000" and inserting "2005".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 834 reauthorizes the National Historic Preservation Fund until the year 2005. The bill also amends the National Historic Preservation Act of 1966 to include a larger area of exemption under the jurisdiction of the Architect of the Capitol and modifies the way Federal agencies consider historic properties for carrying out their responsibilities.

H.R. 834 reauthorizes funds for the National Historic Preservation Act which established a general policy of Federal support and funding for the preservation of the prehistoric and historic resources of the Nation.

This policy directs the Secretary of the Interior to maintain a national register of historic places, to encourage State and local historic preservation through State historic preservation officers, authorizes a grant program under the Historic Preservation Fund to provide States monies for historic preservation projects and to individuals for the preservation of properties listed on the national register.

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Lastly, the policy established the advisory counsel on historic preservation which reviews the policies of federal agencies in implementing the Historic Preservation Act. We need this policy to continue in order to protect our valued historic treasures.

Mr. Speaker, it seems to me that one of the principle purposes of the government is to preserve the cultural fabric of the Nation. Since 1966, one way this Nation has tried to accomplish that goal is through the National Historic Preservation Act. The bill before us reauthorizes that act, as I said, through 2005 at its present level. I think it is a tribute to the program that it has achieved enormous success in spite of the fact that it has never received its full authorization.

State historic preservation agencies have used these federal funds to attract over three times the amount of State and private investment. The bill also codifies and clarifies Executive Order 13006 regarding historic properties by federal agencies. H.R. 834 includes a check list agencies must run through to ensure that wherever possible federal agencies will first make use of adjacent historic properties before seeking to build or buy new buildings.

The bill maintains the exemptions for the Capitol, as I stated earlier. It is hoped that the requirement that the Architect of the Capitol report the area of his jurisdiction will bring awareness to the Federal Government that it should abide by the same laws it passes for the citizenry. That has not always been the case, particularly here in the District of Columbia.

Finally, this bill provides as authorization by which the Interior Department may administer grants to the National Trust for Historic Preservation. This does not mean we are putting the trust back on the public payroll. Rather it allows Interior to respond quickly to emergency situations such as hurricanes or flooding.

In conclusion this bill makes most sweeping changes, only incremental changes to what has become a mature and, I think, a very successful program. There is an element of urgency in passing this legislation since the program has been without authorization for 3 years.

So I would hope that all my colleagues would support this very sound, very solid legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 834 reauthorizations funding for the National Historic Preservation Fund and the Advisory Council on Historic Preservation. The bill also makes several minor changes to the National Historic Preservation Act. The National Historic Preservation Act enacted in 1966 established a comprehensive program through which federal, State, tribal, and local historic resources have been protected. This successful program shows what can be done when governments at each level are willing to work together for a common cause, the protection and preservation of our culture and our history.

And sometimes new nations forget, do not pay that much attention to preserving their culture and preserving their history, and when we travel abroad and we see the preservation of the culture and the history in so many other countries, we realize how important it is; and when we come back, we make sure that we preserve ours for future generations.

And H.R. 834 would extend the authorization of funds for the Historic Preservation Fund and the Advisory Council on Historic Preservation through fiscal year 2005. We wholeheartedly support extending this authorization. H.R. 834 goes on to make two other minor changes to the National Historic Preservation Act as well. These changes clarify the applicability of historic preservation laws to the Architect of the Capital and codify the executive order dealing with consideration by federal agencies to using historic properties.

In addition, the committee adopted an amendment to the bill that contained the suggested changes of the General Services Administration to the section of the bill dealing with federal agency use of historic properties. While the language embodied in these suggested changes was somewhat convoluted, we did not oppose the amendment. During committee consideration we offered, but subsequently withdrew, an amendment to provide for a study by the Secretary of the Interior of the preservation and restoration needs of historic buildings and structures located on the campuses of historic Hispanic-serving institutions of higher learning.

Within the area I represent is the University of Puerto Rico, the largest Hispanic-serving institution of higher learning in the country. The university has significant historic resources that would benefit along with the other educational institutions from such an assessment. In lieu of the amendment, the Committee on Resources has included a report language on the bill expressing support for the study and strongly encouraging the Secretary of the Interior to undertake such a study using existing authorities.

The Department of the Interior has experienced in doing such studies and having completed in several years a very similar study of historically black colleges and universities. Such a study will provide Congress and the public with useful information in which to assess the historic preservation needs of these educational institutions.

Mr. Speaker, we support H.R. 834, as amended, and would encourage our colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, with the appointment of Alan M. Hantman as the new Architect of the Capitol, Congress has a chance to begin a new era and build a partnership with the citizens of Washington, DC. The land that houses the nation's congressional offices, the Botanical Garden and several of the administrative offices is under the stewardship of the

Architect of the Capitol. In the past, Congress has exempted the Architect of the Capitol from meeting the same building, design, and community notification guidelines it requires other builders in the city and nation to meet. These exemptions have not worked to the public's benefit nor have they encouraged Congress to set the example of being good partners with the surrounding community.

In the early 1960's Congress spent over $100 million to build the Rayburn House Office Building. It was designed by the Architect of the Capitol of the time, J. George Stewart. The building sits on 50 acres and is considered a waste of precious space. Only 15 percent of the building is used for hearing rooms and offices. Forty-two percent is used for parking. The appearance and design of the building since its inception has been considered architecturally void and barely functional with its hallways that end without warning.

Again, in 1997 the Architect of the Capitol, without consulting the public, demolished an historic row house built in 1890 to construct a $2 million day care center. The location was bitterly opposed by residents and local groups. The Architect demolished the historic house and constructed a new structure with what appeared to be of very little coordination with the people who lived in the neighborhood.

Fortunately, Representative Joel Hefley's bill H.R. 834 takes steps to curb the Architect of the Capitol's influence on the surrounding neighborhoods. I am hopeful the mistakes of the past will not be repeated due to the building guidelines in this bill and other efforts currently in process by my office. The Architect of the Capitol needs to update their services by including the public in their decision making process and by following building guidelines established by Congress.

In addition, I would like to add that H.R. 834 successfully addresses the codification of Executive Order 12072 and 13006. These Executive Orders require federal buildings to locate in downtown areas. Over the last several decades the federal government has been drawing investment away from our cities and helping the elements of urban sprawl by building outside of our downtown. Sprawling development leads directly to traffic congestion, decreased air quality, loss of farm and forest land, decreased water quality and the need for costly new infrastructure. As land development continues to press further and further out, many of our older suburbs have begun to deteriorate as well.

I am pleased that there appears to be one agency within the federal government that is restructuring its programs so it can take the lead in making our communities more livable. Earlier this year, the General Service Administration established the Center for Urban Development and Livability. G.S.A. is the nation's largest real estate organization, and the 3,000 location, planning, design and construction decisions that they make every year have a tremendous impact on urban vitality in the more than 1,600 communities around the country where they control federal property. The establishment of the Center for Urban Development and Livability has been created to take advantage of opportunities to leverage federal real estate actions in ways that bolster community efforts to encourage smart growth, economic vitality and cultural vibrancy.

I am hopeful that Congress and the new Architect of the Capitol will follow G.S.A.'s example and modify programs to actively seek the public's opinion with their building and renovations to make Capitol Hill and downtown D.C. more economically viable and to help create a more livable community.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill to reauthorize the National Historic Preservation Fund, H.R. 834. The National Historic Preservation Fund is a part of the National Park Service that preserves America's significant historic and archeological sites. The Preservation Fund helps to preserve our national history.

As we approach the end of this century, it is fitting that we seek to preserve our past. This bill will ensure that we preserve the legacy of this century for the generations to come.

The Historic Preservation Fund (HPF) assists states, territories, Indian Tribes, and the National Trust for Historic Preservation in their efforts to protect and preserve properties listed in the National Register of Historic Places.

The preservation services include American Battlefields, Historic Buildings, National Historic Landmarks, Historic Landmarks, and Tribal Preservation. Each of these initiatives preserves an important aspect of American culture and history.

For example, the Tribal Preservation Program works with Native American tribes, Alaska Native Groups, Native Hawaiians and other national organizations to protect resources that are important to Native Americans. This program seeks to preserve language, traditions, religion, objects and sites especially because of the massive destruction Native American cultures have experienced in the past 500 years.

The National Historic Landmarks Assistance Initiative preserves the nation's most historic and archeological places. There are now more than 2,200 sites that have been designated by the Secretary of the Interior as places of national significance.

The funding we provide to these programs and initiatives are necessary to preserving and protecting our nation's irreplaceable heritage. Therefore, I support this reauthorization bill and I urge my colleagues to vote in support of America's heritage.

Mr. HEFLEY. Mr. Speaker, I do not believe I have other requests for time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 834, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 834, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SANCTUARIES AND RESERVES ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1243) to reauthorize the National Marine Sanctuaries Act, as amended.

The Clerk read as follows:

H.R. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sanctuaries and Reserves Act of 1999".

TITLE I—NATIONAL MARINE SANCTUARIES

SEC. 101. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 102. FINDINGS; PURPOSES AND POLICIES.

(a) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by inserting "cultural, archaeological," after "educational,";

(2) in paragraph (4) by inserting "as national marine sanctuaries" after "environment";

(3) in paragraph (5) by inserting "of national marine sanctuaries managed as the National Marine Sanctuary System" after "program"; and

(4) in paragraph (6) by striking "special areas" and inserting "national marine sanctuaries".

(b) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431) is amended—

(1) in paragraph (1) by inserting before the semicolon at the end the following: ", and to manage these areas as the National Marine Sanctuary System"; and

(2) in paragraph (4) by inserting before the semicolon at the end the following: "and of the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System".

SEC. 103. DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended as follows:

(1) Paragraph (2) is amended by striking "Magnuson Fishery" and inserting "Magnuson-Stevens Fishery";

(2) Paragraph (6) is amended by striking "and" after the semicolon at the end of subparagraph (B), and by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary for the destruction or loss of, or injury to, a sanctuary resource;".

(3) Paragraph (7) is amended by inserting ", including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(4) In paragraph (8) by inserting "cultural, archaeological," after "educational,".

(5) In paragraph (9) by striking "Fishery Conservation and Management".

(6) By striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end the following:

"(10) 'person' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government; and

"(11) 'System' means the National Marine Sanctuary System established by section 303.".

SEC. 104. ESTABLISHMENT OF NATIONAL MARINE SANCTUARY SYSTEM; SANCTUARY DESIGNATION STANDARDS.

(a) Establishment of National Marine Sanctuary System.—Section 303 (16 U.S.C. 1433(a)) is amended by striking the heading for the section and all that follows through "(a) Standards.—" and inserting before the remaining matter of subsection (a) the following:

"SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.

"(a) Establishment of System; Sanctuary Designation Standards.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.".

(b) Sanctuary Designation Standards.—Section 303(b)(1) (16 U.S.C. 1433(b)(1)) is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's value as a site for marine resources monitoring and assessment activities; and

"(K) the value of the area as an addition to the System.".

(c) Repeal.—Section 303(b)(3) (16 U.S.C. 1433)(3))is repealed.

SEC. 105. PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) Submission of Notice of Proposed Designation to Congress.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.".

(b) Sanctuary Designation Documents.—

(1) In general.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) Sanctuary designation documents.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B)(i) A resource assessment report documenting present and potential uses of the area proposed to be designated as a national marine sanctuary, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses.

"(ii) The Secretary, in consultation with the Secretary of the Interior, shall draft and include in the report a resource assessment section regarding any commercial, governmental, or recreational resource uses in the area under consideration that are subject to the primary jurisdiction of the Department of the Interior.

"(iii) The Secretary, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator, shall draft and include in the report a resource assessment section that includes any information on past, present, or proposed future disposal or discharge of materials in the vicinity of the area proposed to be designated as a national marine sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:.

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the proposed sanctuary.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

"(v) The proposed regulations referred to in paragraph (1)(A).

"(D) Maps depicting the boundaries of the proposed sanctuary.

"(E) The basis of the findings made under section 303(a)(2) with respect to the area.

"(F) An assessment of the considerations under section 303(b)(1).

"(G) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.".

(2) Conforming amendment.—Section 302(1) (16 U.S.C. 1432(1)) is amended by striking "304(a)(1)(C)(v)" and inserting "304(a)(2)(C)".

(c) Terms of Designation.—Section 304(a)(4) (16 U.S.C. 1434(a)(4)) is amended in the first sentence by inserting "cultural, archaeological," after "educational,".

(d) Withdrawal of Designation.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting "or System" after "sanctuary" the second place it appears.

(e) Federal Agency Actions Affecting Sanctuary Resources.—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

"(4) Failure to follow alternative.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction or loss of or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.".

(f) Limitation on Designation of New Sanctuaries.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

"(f) Limitation on Designation of New Sanctuaries.—

"(1) Funding required.—The Secretary may not prepare any sanctuary designation documents for a proposed designation of a national marine sanctuary, unless the Secretary has published a finding that—

"(A) the addition of a new sanctuary will not have a negative impact on the System; and

"(B) sufficient resources were available in the fiscal year in which the finding is made to—

"(i) effectively implement sanctuary management plans for each sanctuary in the System; and

"(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10-year period.

"(2) Limitation on application.—Paragraph (1) does not apply to any sanctuary designation documents for a' Thunder Bay National Marine Sanctuary.".

SEC. 106. PROHIBITED ACTIVITIES.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting "for any person" after "unlawful";

(2) in paragraph (2) by inserting "offer for sale, purchase, import, export," after "sell,"; and

(3) by amending paragraph (3) to read as follows:

"(3) interfere with the enforcement of this title by—

"(A) refusing to permit any officer authorized to enforce this title to board a vessel subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

"(B) forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

"(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or".

SEC. 107. ENFORCEMENT.

(a) Powers of Authorized Officers To Arrest.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).".

(b) Criminal Offenses.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

"(c) Criminal Offenses.—

"(1) Offenses.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

"(2) Punishment.—Any person that is guilty of an offense under this subsection—

"(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

"(B) in the case a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.".

(c) Subpoenas of Electronic Files.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting "electronic files," after "books,".

SEC. 108. RESEARCH, MONITORING, AND EDUCATION.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) In General.—The Secretary shall conduct, support, and coordinate research, monitoring, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

"(b) Research and Monitoring.—

"(1) In general.—The Secretary may—

"(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

"(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

"(C) support, promote, and coordinate research on the cultural, archaeological, and historical resources of national marine sanctuaries.

"(2) Availability of results.—The results of research and monitoring conducted or supported by the Secretary under this subsection shall be made available to the public.

"(c) Education.—

"(1) In general.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and public uses of national marine sanctuaries.

"(2) Educational activities.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

"(d) Interpretive Facilities.—

"(1) In general.—The Secretary may develop interpretive facilities near any national marine sanctuary.

"(2) Facility requirement.—Any facility developed under this subsection must emphasize the conservation goals and public uses of national marine sanctuaries by providing the public with information about the natural, biological, ecological, and social functions and values of the national marine sanctuary, including its public uses.

"(e) Consultation and Coordination.—In conducting, supporting, and coordinating research, monitoring, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal agencies, States, local governments, regional agencies, or other persons, including the National Estuarine Reserve System.".

SEC. 109. SPECIAL USE PERMITS.

Section 310 (16 U.S.C. 1441) is amended—

(1) in subsection (b)(4), by inserting ", or post an equivalent bond," after "general liability insurance";

(2) by amending subsection (c)(2)(C) to read as follows:

"(C) an amount that represents the fair market value of the use of the sanctuary resources.";

(3) in subsection (c)(3)(B), by striking "designating and";

(4) in subsection (c) by inserting after paragraph (3) the following:

"(4) Waiver or reduction of fees.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the use of sanctuary resources."; and

(5) by amending subsection (e) to read as follows:

"(e) Notice.—The Secretary shall provide public notice of any determination that a category of activity may require a special use permit under this section.".

SEC. 110. AGREEMENTS, DONATIONS, AND ACQUISITIONS.

(a) Agreements and Grants.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

"(a) Agreements and Grants.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.".

(b) Use of Resources From Other Government Agencies.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

"(e) Use of Resources of Other Government Agencies.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services or facilities of such agency on a reimbursable or non-reimbursable basis, to assist in carrying out the purposes and policies of this title.

"(f) Authority To Obtain Grants.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.".

SEC. 111. DESTRUCTION OF, LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

(a) Venue for Civil Actions.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting "(1)" before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking "in the United States district court for the appropriate district"; and

(3) by adding at the end the following:

"(2) An action under this subsection may be brought in the United States district court for any district in which—

"(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

"(B) the vessel is located, in the case of an action against a vessel; or

"(C) the destruction of, loss of, or injury to a sanctuary resource occurred.".

(b) Use of Recovered Amounts.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Response costs.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

"(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

"(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

"(2) Other amounts.—All other amounts recovered shall be used, in order of priority—

"(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archaeological, historical, and cultural sanctuary resources;

"(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

"(C) to restore degraded sanctuary resources of other national marine sanctuaries.".

(c) Statute of Limitations.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

"(e) Statute of Limitations.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.".

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—

"(1) to carry out this title, $26,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

"(2) for construction projects at national marine sanctuaries, $3,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.".

SEC. 113. ADVISORY COUNCILS.

Section 315(a) (16 U.S.C. 1445a(a)) is amended by striking "provide assistance to" and inserting "advise".

SEC. 114. USE OF NATIONAL MARINE SANCTUARY PROGRAM SYMBOLS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(4) by striking "use of any symbol published under paragraph (1)" and inserting "manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,";

(2) by amending subsection (e)(3) to read as follows:

"(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or"; and

(3) by adding at the end the following:

"(f) Collaborations.—The Secretary may authorize the use of a symbol adopted by the

Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.".

SEC. 115. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking "Merchant Marine and Fisheries" and inserting "Resources":

(1) Section 303(b)(2)(A) (16 U.S.C. 6 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(3) Section 314(b)(1) (16 U.S.C. 1445(b)(1)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—

Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking "Fishery Conservation and Management".

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking "UNITED STATES" and inserting "UNITED STATES".

TITLE II—NATIONAL ESTUARINE RESERVES

SEC. 201. POLICIES.

(a) DECLARATION OF POLICY.—Section 303 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1452) is amended by striking "and" after the semicolon in paragraph (5), by striking the period at the end of paragraph (6) and inserting a semicolon, and by adding at the end the following:

"(7) to use Federal, State, and community partnerships developed through the system established by section 315 to improve the understanding, stewardship, and management of coastal areas; and

"(8) to encourage the development, application, and transfer to local, State, and Federal resources managers of innovative coastal and estuarine resources management technologies and techniques that promote the long-term conservation of coastal and estuarine resources.".

SEC. 202. NATIONAL ESTUARINE RESERVE SYSTEM.

Section 315 of such Act (16 U.S.C. 1461(b)) is amended to read as follows:

"NATIONAL ESTUARINE RESERVE SYSTEM

"SEC. 315. (a) ESTABLISHMENT OF THE SYSTEM.—(1) There is established the National Estuarine Reserve System. The System shall consist of—

"(A) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

"(B) each estuarine area designated as a national estuarine reserve under subsection (b).

"(2) The purpose of the System and of each national estuarine reserve is to improve the understanding, stewardship, and management of estuarine and coastal areas through a network of areas protected by Federal, State, and community partnerships that promotes informed management of such areas through integrated programs in resource stewardship, education and training, and scientific understanding.

"(3) Each estuarine sanctuary referred to in paragraph (1)(A) is hereby designated as a national estuarine reserve.

"(b) DESIGNATION OF NATIONAL ESTUARINE RESERVES.—The Secretary may designate an estuarine area as a national estuarine reserve if—

"(1) the Government of the coastal state in which the area is located nominates the area for that designation; and

"(2) the Secretary finds that—

"(A) the estuarine area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

"(B) the law of the coastal state provides long-term protection for reserve resources to ensure a stable environment for research, education, and resource stewardship;

"(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for education, interpretation, training, and demonstration projects to improve coastal management; and

"(D) the coastal state in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

"(c) ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP GUIDELINES.—(1) The Secretary shall develop guidelines for the conduct of research, education, and resource stewardship within the System that shall include—

"(A) a mechanism for identifying, and establishing priorities among, the coastal management issues that should be addressed through coordinated research, education, and resource stewardship within the System;

"(B) the establishment of common principles and objectives to guide the development of research, education, and resource stewardship programs within the Systems;

"(C) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

"(D) the establishment of performance standards upon which the effectiveness of the research, education, and resource stewardship efforts and the value of reserves within the System in addressing the coastal management issues identified in subparagraph (A) may be measured; and

"(E) the consideration of sources of funds for estuarine research, education, and resource stewardship in addition to the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

"(2) In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research, education, and resource stewardship community.

"(d) PROMOTION AND COORDINATION OF ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—(1) The Secretary shall take such actions as are necessary to promote and coordinate the use of the System for research, education, and resource stewardship purposes.

"(2) Actions under this subsection shall include the following:

"(A) Requiring that research, education, and resource stewardship activities administered or supported by the Secretary and relating to estuaries give priority consideration to activities that use the System.

"(B) Consulting with other Federal and State agencies to promote use of one or more reserves within the System by such agencies when conducting estuarine research, education, and resource stewardship activities.

"(C) Establishing partnerships with other Federal and State estuarine management programs to coordinate and collaborate on estuarine research, education, and resource stewardship.

"(e) FINANCIAL ASSISTANCE.—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

"(A) to a coastal state—

"(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

"(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

"(iii) for purposes of conducting educational or interpretive activities; and

"(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

"(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal states to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

"(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or $5,000,000, whichever amount is less.

"(B)(i) Except as provided in clause (ii), the amount of the financial assistance provided under paragraph (1)(A)(ii) and paragraph (1)(B) may not exceed 70 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

"(ii) The amount of financial assistance provided for education and interpretive activities under paragraph (1)(A)(iii) or research and monitoring activities under paragraph (1)(B) may be up to 100 percent of any costs for activities that service the System as a whole, including System-wide monitoring equipment acquisition, data management, and data synthesis, and administration and synthesis of System-wide research programs.

"(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance.

"(4)(A) The Secretary may—

"(i) enter into cooperative agreements or contracts, with, or make grants to, any nonprofit organization established to benefit a national estuarine reserve, authorizing the organization to solicit donations to carry out projects, other than general administration of the reserve or the System, that are consistent with the purpose of the reserve and the System; and

"(ii) accept donations of funds and services for use in carrying out projects, other than general administration of a national estuarine reserve or the System, that are consistent with the purpose of the reserve and the System.

"(B) Donations accepted under this paragraph shall be considered as a gift or bequest to or for the use of the United States for carrying out this section.

"(f) EVALUATION OF SYSTEM PERFORMANCE.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including coordination with State programs established under section 306, education and interpretive activities, and the research being conducted within the reserve.

"(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research, education, or resource stewardship being conducted within the reserve is not consistent with the guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

"(3) The Secretary may withdraw the designation of an estuarine areas a national estuarine reserve if evaluation under paragraph (1) reveals that—

"(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

"(B) a substantial portion of the research, education, or resource stewardship conducted within the area, over a period of years, has not been consistent with the guidelines developed under subsection (c).

"(g) REPORT.—The Secretary shall include in the report required under section 316 information regarding—

"(1) new designations of national estuarine reserves;

"(2) any expansion of existing national estuarine reserves;

"(3) the status of the research, education, and resource stewardship program being conducted within the System; and

"(4) a summary of the evaluations made under subsection (f).

"(h) DEFINITIONS.—In this section:

"(1) The term 'estuarine area' means an area that—

"(A) is comprised of—

"(i) any part or all of an estuary; and

"(ii) any part or all of any island, transitional area, and upland in, adjoining, or adjacent to such estuary; and

"(B) constitutes, to the extent feasible, a natural unit.

"(2) The term 'System' means the National Estuarine Reserve System established by this section.".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 318(a) of such Act (16 U.S.C. 1464(a)) is amended by striking "and" after the semicolon at the end of paragraph (1)(C), and by striking paragraph (2) and inserting the following:

"(2) for grants under section 315—

"(A) $7,000,000 for fiscal year 2000;

"(B) $8,000,000 for fiscal year 2001;

"(C) $9,000,000 for fiscal year 2002;

"(D) $10,000,000 for fiscal year 2003; and

"(E) $11,000,000 for fiscal year 2004; and

"(3) for grants for construction projects at national estuarine reserves designated under section 315 and land acquisition directly related to such construction, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.".

SEC. 204. CONFORMING AMENDMENT.

Section 304(8) of such Act (16 U.S.C. 1453(8)) is amended to read as follows:

"(8) The term 'national estuarine reserve' means an area that is designated as a national estuarine reserve under section 315.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 1243 to reauthorize the National Marine Sanctuary Program. National Marine sanctuaries are essential components in our efforts to protect and manage this Nation's marine resources. I strongly support the program and believe that this legislation will strengthen the management of our existing sanctuaries.

The National Marine Sanctuaries Act of 1992 allows the Secretary of Commerce to designate and manage areas of marine environment with nationally significant and aesthetic, ecological, historical, or recreational values as national marine sanctuaries. The primary purpose of this law is to protect marine resources such as coral reefs and sunken historical vessels while facilitating all compatible public and private uses of those resources.

Twelve marine areas have been designated as national marine sanctuaries to date. They range in size from less than a quarter of a mile to over 5,300 square miles and include near-shore coral reefs, open ocean habitat, and ship wrecks. One additional area, Thunder Bay on Michigan's Lake Huron, is an active candidate for designation. These sanctuaries support valuable commercial activities such as fishing and kelp harvesting and provide areas for recreational boating, diving, snorkeling, and sports fishing opportunities.

The biggest hurdle facing the sanctuary program has been and continues to be inadequate funding for basic management research and outreach activities. This is a serious problem and one that is addressed by H.R. 1243. This bill limits the designation of new sanctuaries until sufficient funds have been made available to improve operations at existing sanctuaries.

I would like to make it clear, Mr. Speaker, that I am not opposed to creating new sanctuaries. They are desirable and useful, and there is a need for additional sanctuaries. However, I am concerned that NOAA has been unable to meet the management and conservation needs of the current sanctuaries, and until NOAA meets its management goals, it is inappropriate to spend scarce federal dollars to expand the system.

NOAA was concerned about the breadth of sanctuary moratorium language. H.R. 1243 addresses NOAA's concerns and requires that before establishing a new sanctuary the Secretary must find that the new sanctuary, one, will not have a negative impact on the management of existing sanctuaries; and two, will not interfere with NOAA's ability to complete sanctuary resource surveys for all sanctuaries within a 10-year period.

This important measure reauthorizes the National Marine Sanctuary Program for 5 years at $29 million a year to operate, maintain, and provide facilities at the sanctuaries. This level of funding is identical to the administration's fiscal year 2000 request and will allow the program to get on the right track.

I strongly support partnerships between sanctuaries, local entities, and volunteers. H.R. 1243 builds upon existing cooperative arrangements and authorizes the sanctuaries to enter into partnerships with local universities, aquaria, and other groups to develop visitor centers and to promote the scientific, educational, and research values of the sanctuary.

Finally, title II reauthorizes another important research element, the National Estuarine Reserve System for 5 years. The national estuary system, reserve systems, are systems of 25 research reserves that form effective partnerships between the state and Federal Government and are designed to investigate real world problems. I am very proud of the work being done, for example, at the Jacques Cousteau Reserve, which is located near my home. It is an important public educational resource for the residents of coastal New Jersey, and the research conducted there has provided new insights into how estuaries function.

This legislation is an essential step forward in improving the operation and maintenance of our Nation's underwater park system. I urge the adoption of this important environmental measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank the gentleman from Alaska (Mr. YOUNG), the chairman of our Committee on Resources, and also the ranking Democrat of our Committee on Resources, the gentleman from California (Mr. MILLER), for their support and their assistance in making this legislation be brought before the floor. And I especially want to thank the chairman of our subcommittee, the gentleman from New Jersey (Mr. SAXTON), for his efforts in bringing this bill, the reauthorization of the National Marine Sanctuaries Act this year.

Many of the provisions of this bill were developed cooperatively with the administration, and I appreciate the majority's willingness to work constructively on these issues and produce sensible legislation.

Mr. Speaker, our national marine sanctuaries are precious for their biological wealth and ecological complexity, yet regrettably we have only now begun to comprehend their true significance and understand how some of our own activities such as global warming, marine debris, water pollution, and overfishing may be causing irreparable damage to these areas.

To paraphrase the noted marine biologist and National Geographic Society's explorer in residence, Dr. Sylvia Earle who is now heading up the society's sustainable seas expeditions to explore our national marine sanctuaries, she said and I quote, "With understanding comes appreciation, and with appreciation comes protection," end of quote.

Mr. Speaker, with this legislation Congress again acknowledges that it appreciates the incredible asset that is our system of national marine sanctuaries. We have known for years that the marine sanctuaries program has been underfunded. Importantly, this legislation provides for substantially increased funding levels to support fuel operations, exploration, and research.

Clearly it is our intention to get more dollars out to the sites, especially to those sanctuaries in the Pacific which have been little increased in their budget allotments over the past few years. I look forward toward working collaboratively with the chairman of our subcommittee, the gentleman from New Jersey (Mr. SAXTON), and our colleagues on the Committee on Appropriations to fully fund these authorized levels. Increased funding and other helpful improvements contained in this bill should strengthen the future of this entire system of marine-protected areas.

However, Mr. Speaker, I and the other members, Democratic members of the Committee on Resources, continue to be troubled with the inclusion of title II of this bill. The problem is not with the substance of the provision. We support the reauthorization of the National Estuarine Research Reserve System, but we contend that it rightfully belongs in another bill, one to reauthorize the Coastal Zone Management Act.

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Mr. Speaker, since its inception, the National Estuarine Research Reserve System has always been part of the Coastal Zone Management Act. In fact, the National Estuarine Research Reserve System reauthorization is also included in H.R. 2669, the chairman's bill, the legislation of the gentleman from New Jersey (Mr. SAXTON) to reauthorize the Coastal Zone Management Act.

That bill was reported from the Subcommittee on Fisheries Conservation, Wildlife and Oceans on August 5, which is last month. Unfortunately, the bill of the reauthorization has not yet been scheduled for markup and it is my sincere hope that we will be able to provide a markup for this legislation in the near future.

Mr. Speaker, I worry that tacking the Reserves provision onto the marine sanctuary bill will remove any incentive for the majority to pursue reauthorization of the Coastal Zone Management Act. This procedure sends a strong signal that the majority may have no intention whatsoever of moving the Coastal Zone Management Act bill in this Congress. I have heard this very same concern raised by several State coastal managers who are greatly concerned about what this move means to the Coastal Zone Management Act program funding for this year.

I am very concerned that our committee cannot report this as a clean bill to the Coastal Zone Management Act. This statute was reauthorized by unanimous vote only 3 years ago by my good friend in the Republican majority of the Congress. It authorizes a widely popular voluntary Federal/State partnership program that embodies many of the very same principles of government that the majority usually extols.

Mr. Speaker, I strongly support the reauthorization of the National Marine Sanctuary Program. In addition, I support the reauthorization of the National Estuarine Research Reserves, but urge that it be included as part of the Coastal Zone Management Act, where it belongs, in statute as well as in practice.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no speakers at this time, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, it is my pleasure to rise in strong support of the National Marine Sanctuaries Enhancement Act of 1999. I commend the gentleman from New Jersey (Mr. SAXTON) and the ranking member, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for their efforts to move this important legislation through committee and on to the floor so expeditiously.

The National Marine Sanctuary Program is vital to protect and manage our Nation's outstanding marine areas. It protects over 18,000 square miles of our Nation's most unique marine resources. The National Marine Sanctuary Program is the equivalent of our national parks. It identifies, designates, and protects these areas of the marine environment deserving special protection and recognition.

It is an extremely popular and strategic program and currently supports 12 designated sanctuaries, covering areas on both coasts, the Gulf of Mexico, Hawaii, and American Samoa. I am proud to have one of these sanctuaries in my district in California, the Channel Islands National Marine Sanctuary. As the only program designed to manage these important and ecologically sensitive areas, the sanctuaries protect our marine heritage for generations to come. They also help sustain critical resources and vibrant economies for our coastal communities which impacts the country as a whole.

Last year marked the International Year of the Ocean, which brought increased attention to the National Marine Sanctuary Program. The legislation we are considering today builds upon this momentum and is the underlying commitment toward our oceans.

The Marine Sanctuary Program has also spurred a number of innovative programs. One such program that I am particularly excited about was announced by the vice president earlier this month. It is a program to train and employ commercial fishing folk in research efforts at our Channel Islands National Marine Sanctuary. After all, it is the fishermen and women who are the experts on the resources of the waters on which they rely for their livelihood and on which we rely for our enjoyment and our food. It is programs like this that make our National Marine Sanctuary Program so vital.

In addition to passing this bill today, we must also ensure appropriate funding for the Marine Sanctuary Program. I urge my colleagues to join me in this vital effort. Full funding of our sanctuaries is imperative to fulfill its important mandate. I urge all colleagues to come together in fully supporting our National Marine Sanctuary Program. A commitment to our oceans is a commitment to the quality of life for all Americans.

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to commend the gentlewoman from California (Mrs. CAPPS) for her eloquent statement. She certainly has been one of the outstanding leaders certainly of this body concerning the environment.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker. I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding me this time.

Mr. Speaker, I rise in strong support of the bill of the gentleman from New Jersey (Mr. SAXTON). I am here to really praise the chairman of the committee. He is an avid supporter of ocean issues and coastal issues and sanctuary issues and it is very pleasing that we have one of the bills that relates to that issue here on the floor today, the reauthorization of the National Marine Sanctuaries Act.

We have 12 national marine sanctuaries, as the chairman indicated. One of those, the biggest one in the whole system, is in my district in Monterey Bay, and it goes almost down to the home of the gentlewoman from California (Mrs. CAPPS) in Santa Barbara and up to San Francisco.

It is a bottom's up process. The people in the local community decided they wanted to have one of these designations, and it has worked very well. In fact, we celebrated the anniversary of the system just last weekend.

I would be remiss in standing and praising the action of the committee and the support for this legislation without pointing out to my colleagues and particularly my colleagues on the other side of the aisle, the chair of the full committee and the Republican leadership in this House, that we cannot talk about an ecosystem such as a sanctuary without talking about what is also related, which is the ocean on the outer side and the coastal zone which is on the inland side.

What we are seeing here is a politic that is cherry picking, it is taking that which is very popular with the people and certainly noncontroversial, like the National Marine Estuary and Reserve Program, which belongs in another jurisdiction but is being removed and put into this bill because this bill is going to pass. What we ought to be dealing with is really two major comprehensive pieces of legislation. One is the oceans in general. We had a national oceans conference, a bipartisan support of that conference in California last year.

This Congress is remiss. I mean, the last time we asked for interest in the oceans, to ask a professional body to come back and make recommendations to this, was when the Stratton Commission was created, 33 years ago.

So our policy on the oceans seems to be ranking that long ago, and we ought to be updating that with a new type of Stratton Commission.

I have introduced a bill. It is in the Committee on Resources. It remains stagnant there because the committee does not want to take up oceans bills. It does not want to take up coastal zone management bills. But it does, and I am proud of that, it is taking up the marine sanctuary bill. Let us get on with the whole program. We just cannot fix the ocean by essentially saying all the land in America can be fixed by just saving a few national parks and the rest of it could all go to naught.

So if we do not pay attention to the whole system, even the marine sanctuaries will not survive.

Fifty percent of the Nation's population lives within 50 miles of a coastal zone. The coastal zone is where the land and water meet. It is the freshest of our ecosystems. It has half of the Nation's threatened and endangered species living in that coastal area. The Food and Agricultural Organization, known as the FAO, concludes that most of our fish stocks are fully fished, over fished, or depleted or recovering. So we are living on the ocean. We are taking stuff out. We are dumping what we do not want into it, and we are not solving the whole big program.

Thank God, Congress invented a program called the National Marine Sanctuaries Program because at least we can pay attention to 12 zones of the ocean in the entire continental United States and do something about it, but the rest of it we ought to get on with the more important bigger pieces of legislation, both the Coastal Zone Management Act and the Oceans Act. And I commend the chairman for his interest and hope that he can release those other bills from full committee as soon as possible.

I thank the chairman very much, thank him for his good work. I look forward to working with him.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. FARR) for his statement in support of this legislation. I want to say to the gentleman, as a former member of our Committee on Resources and certainly a champion of the oceans, along with the gentleman from Pennsylvania, I believe that they have worked very well in alerting the Members of the importance of our oceans, and I know and sincerely hope that my good friend, the chairman of our subcommittee, that we will be taking up the legislation concerning oceans some time in the near future.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to thank and commend the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as the gentleman from California (Mr. FARR), and gentlewoman from California (Mrs. CAPPS) for their great support on this bill. It is through teamwork like this that we do move forward together on important matters such as this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill because it reauthorizes both the National Marine Sanctuaries and National Estuarine Research Reserve programs for five years (through FY 2004)—authorizing a total of $145 million for the Marine Sanctuaries program ($29 million in FY 2000) and $105 million for the National Estuarine Reserve program ($19 million in FY 2000).

The measure authorizes a total of $145 million through FY 2004 ($29 million per year) for the National Marine Sanctuaries program. Within this total, $26 million is authorized each year for NOAA administration and operations at marine sanctuaries, and $3 million is authorized for construction activities.

The bill consolidates the 12 existing individual national marine sanctuaries into a new National Marine Sanctuary System, so that these resources may be managed on a more coordinated, systematic basis.

The measure clarifies and streamlines procedures under which NOAA may designate marine sanctuaries, but it prohibits the agency from designating any additional sanctuaries unless NOAA certifies that the addition of a new sanctuary will not have a negative impact on the sanctuary system, and that sufficient funding is available to implement management plans and complete site characterization studies within 10 years.

The bill is vitally important because it makes it illegal to "offer to sell," to buy, or to import or export sanctuary resources (currently, it is only illegal to actually sell such resources), and it establishes criminal penalties—including fines and imprisonment—for persons who interfere with marine sanctuary enforcement actions (currently, civil penalties may be imposed for certain other infractions). Specific actions for which such criminal penalties may be imposed include refusal to allow authorized searches of vessels, forcibly assaulting or resisting an officer, and knowingly and willfully submitting false information.

The bill authorizes NOAA to initiate, in any federal district court in which a defendant is located, civil actions against vessel owners for damages caused by vessels to marine sanctuaries, and it allows NOAA to recover "response costs" against such defendants.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 1243, which reauthorizes the National Marine Sanctuaries Act and the National Estuarine Research Reserve System.

The National Marine Sanctuaries Program is our nation's underwater park system. This is a good bill that will improve the operation of the program. I strongly support the provision that limits NOAA's ability to designate new National Marine Sanctuaries until the management plans at existing sanctuaries are implemented and significant progress has been made toward completing on-site studies. With limited funding, it is inappropriate to spend scarce dollars to expand the system while management of the existing sanctuaries consistently falls short.

Title II reauthorizes the National Estuarine Reserve System, a program which establishes Federal-state partnerships for managing and enhancing our estuaries. The program is supported with matching funds provided by the states and the Federal Government, and much of the day-to-day management of the reserves is left to the state or local partner. The National Estuarine Reserve Program is not a regulatory program, but rather maintains a mission of research, monitoring and education. One of the newest reserves is located in Kachemak Bay, Alaska, which is contiguous with the southeastern entrance of Cook Inlet. This reserve encompasses nearly 365 thousand acres of aquatic habitat. This reserve is managed in cooperation with the Alaska Department of Fish and Game, and provides an area for researching and monitoring important Pacific salmon habitat. I believe that the Kachemak Bay Reserve serves an important function for monitoring coastal resources and maintaining healthy fish stocks.

I urge the adoption of H.R. 1243.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1243, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to reauthorize and amend the National Marine Sanctuaries Act, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1243, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1431) to reauthorize and amend the Coastal Barrier Resources Act, as amended.

The Clerk read as follows:

H.R. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Reauthorization Act of 1999".

SEC. 2. ADDITIONS TO COASTAL BARRIER RESOURCES SYSTEM.

(a) VOLUNTARY ADDITIONS.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by adding at the end the following:

"(d) VOLUNTARY ADDITIONS TO SYSTEM.—The Secretary may add any parcel of real property to the System, if—

"(1) the owner of the parcel requests that the Secretary add the parcel to the System; and

"(2) the parcel is a depositional geologic feature described in section 3(1)(A).".

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1) by striking "one hundred and eighty" and inserting "180";

(ii) in paragraph (2) by striking "subsection (d)(1)" and inserting "paragraph (1)"; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—Section 4(f) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note) is repealed.

(c) NOTICE REGARDING ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by adding at the end the following:

"(f) NOTICE REGARDING ADDITIONS TO SYSTEM.—The Secretary shall—

"(1) publish in the Federal Register a notice of any addition of property to the System under this section, including notice of the availability of a map showing the location of the property;

"(2) provide a copy of that map to the State and local government in which the property is located and the Committee on Resources of the House of Representatives; and

"(3) revise the maps referred to in subsection (a) to reflect the addition of the property to the System.".

(d) CONFORMING AMENDMENT.—Subsection (a) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking ", which shall consist of" and all that follows through the end of that subsection and inserting the following: ", that—

"(1) shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the set of maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as such maps may be modified, revised, corrected, or replaced under subsection (c), (d), or (e) of this section, or any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, correction, or replacement; and

"(2) includes areas added to the System in accordance with subsections (d) or (e).".

SEC. 3. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking "Effective October 1, 1983, such" and inserting "Such"; and

(2) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note) is repealed.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10 and amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act $2,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.".

SEC. 5. DIGITAL MAPPING PILOT PROJECT.

(a) REQUIREMENT TO UNDERTAKE PROJECT.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Director of the Federal Emergency Management Agency, shall undertake a pilot project to determine the feasibility and cost of creating digital versions of the Coastal Barrier Resources System maps referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act. The pilot project shall include the creation of digital maps for at least 5 units of the System.

(2) USE OF EXISTING DATA.—(A) To the extent practicable, in completing the pilot project under this subsection, the Secretary shall use existing digital spatial data including digital orthophotos; shoreline, elevation, and bathymetric data; and electronic navigational charts in the possession of other Federal agencies, including the United States Geological Survey and the National Oceanic and Atmospheric Administration.

(B) The head of any Federal agency that possesses digital spatial data referred to in subparagraph (A) shall promptly provide that data to the Secretary at no cost upon request by the Secretary.

(3) OBTAINING ADDITIONAL DATA.—If the Secretary determines that data necessary to complete the pilot project under this subsection does not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary any digital spatial data required to carry out this subsection.

(4) DATA STANDARDS.—All digital spatial data used or created to carry out this subsection shall comply with the National Spatial Data Infrastructure established by Executive Order 12906 and any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget Circular A–16.

(5) DIGITAL MAPS NOT CONTROLLING.—Any determination of whether a location is inside or outside of the System shall be made without regard to the digital maps prepared under this subsection.

(6) REPORT.—(A) Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(B) The report shall include a description of—

(i) the cooperative agreements entered into by the Secretary with other Federal agencies to complete the pilot project and cooperative agreements needed to complete digital mapping of the entire System;

(ii) the availability of existing data to complete digital mapping of the entire System;

(iii) the need for additional data to complete digital mapping of the entire System; and

(iv) the funding needed to complete digital mapping of the entire System.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $500,000 for each of fiscal years 2000, 2001, and 2002 to carry out the pilot project required under this section.

SEC. 6. CORRECTIONS TO MAPS RELATING TO UNIT P19–P.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map relating to unit P19–P entitled "Amendment to the Coastal Barrier Resources System" and dated September 16, 1998.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled "Coastal Barrier Resources System", dated November 2, 1994; and

(2) relates to unit P19–P of the Coastal Barrier Resources System.

SEC. 7. REPLACEMENT OF MAPS RELATING TO UNITS NC–03P AND L03.

(a) IN GENERAL.—The 7 maps included in the set of maps entitled "Coastal Barrier Resources System" and referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act, relating to the portions of Coastal Barrier Resources System units NC–03P and L03 located in Dare County, North Carolina, are hereby replaced by other maps relating to that unit that are entitled "DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC–03P" or "DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC–03P, Hatteras Island Unit L03" and dated July 1, 1999.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 8. CORRECTIONS TO MAP RELATING TO UNIT DE-03P.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled "Cape Henlopen Unit DE-03P".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress approved the Coastal Barrier Resources Act in 1982 to protect certain coastal areas by establishing a system of barrier units that are precluded from receiving Federal development assistance.

I introduced H.R. 1431 to reauthorize and improve the Coastal Barrier Resources Act. The system is administered by the Fish and Wildlife Service. Maps depicting the various units are adopted by Congress and any changes to the boundary systems units require legislative action.

The system was greatly expanded in the Coastal Barrier Improvement Act of 1990 and now includes 585 system units and 274 otherwise protected areas, covering nearly 1.3 million acres and 1,200 shoreline miles around the Great Lakes, the Atlantic Ocean, and the Gulf of Mexico.

The Coastal Barrier Resources System is unique because it does not regulate or restrict the use of private lands in these coastal barrier areas. Instead, lands within the system are simply not eligible to receive Federal development assistance, including Federal flood insurance. H.R. 1431 would reauthorize the Coastal Barrier Resources System for 5 years, and it is supported by the administration. I am aware there is one minor outstanding issue regarding how to depict the boundary of the unit known as L03, and I would like to assure my colleagues on the other side of the aisle that I remain committed to making these maps as accurate as possible. This minor discrepancy, however, should not hold up the passage of this legislation today; and we will continue to work with the minority to resolve this one issue.

Mr. Speaker, I believe that H.R. 1431 addresses the needs of the Coastal Barrier Resources System; and I strongly urge passage of this important environmental legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to thank the gentleman from New Jersey Mr. (SAXTON) again, the chairman of Subcommittee on Fisheries Conservation, Wildlife and Oceans for yielding. Let me say from the start, Mr. Speaker, that I very much appreciate the cooperation of the gentleman from New Jersey (Mr. SAXTON) and his staff for working with the minority in shaping this legislation.

Mr. Speaker, I do not oppose the minor changes that have been made in the bill since it was reported by the Committee on Resources. Certainly the bill falls short of what I think could be done to strengthen and protect the Coastal Barrier Resources System. Nonetheless, I believe we have effectively eliminated the most problematic provisions to arrive at a fair consensus, and I urge Members of this body to support the bill.

□ 1515

Mr. Speaker, this legislation would reauthorize the Coastal Barrier Resources Act.

When Congress passed the Coastal Barriers Act in 1982, it declared that the purpose of the act was to, and I quote, "minimize loss of life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with coastal barriers by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers."

Mr. Speaker, this innovative policy has made good sense since 1982, and it continues to make good sense even today. Hurricane Floyd, as we have recently seen, again demonstrates the wisdom and benefits of discouraging development in some of the most dangerous, hazard-prone coastal areas of our Nation.

Mr. Speaker, most importantly, this legislation will begin the long overdue process of modernizing Coastal Barrier Resource System maps. Section 5 of this bill would direct the Secretary of the Interior to conduct a pilot study to determine the feasibility and costs of creating a digitized series of Coastal Barrier maps. Current maps were prepared in the 1980s by using primarily color infrared aerial photography and U.S. Geological Survey quadrangle sheets. Hand-rendered delineations of coastal barriers were drawn upon these sheets in order to produce the inventory of coastal barrier maps.

However, Mr. Speaker, major technological advancements such as the new digital spatial data, global positioning systems, computerized geographic information systems, and the new cartographic and survey methods make far greater detail and accuracy now possible. It is essential for the Fish and Wildlife Service to investigate how these new information systems and mapping technologies might enhance the accuracy, usability and transferability of existing coastal barrier maps. We will be looking for the Fish and Wildlife Service to expedite completion of this pilot study as soon as possible.

Mr. Speaker, I am, however, disappointed that we were not able to consider more creative ways to increase the amount of undeveloped coastal barriers in the system, and I suspect that the Congress will have to revisit this matter at a later time. This legislation does authorize the voluntary donation of private property for inclusion in the system. However, it remains doubtful that any significant tracts of additional private land will be forthcoming in the absence of any new inducements to encourage donations. Nevertheless, we encourage the Fish and Wildlife Service to pursue aggressively opportunities for donations should they become available.

Mr. Speaker, I am also compelled to express my sense of concern with the inability of the Fish and Wildlife Service to complete and submit to the Congress a study of undeveloped coastal barriers along the Pacific coast. The Secretary of the Interior was directed in 1990 under section 6 of the Coastal Barrier Improvement Act to prepare and submit a study "which examines the need for protecting undeveloped coastal barriers along the Pacific Coast south of 49 degrees north latitude through inclusion in the System."

The Secretary of the Interior was also directed to "prepare maps identifying the boundaries of those undeveloped coastal barriers of the United States bordering the Pacific Ocean south of 49 degrees north latitude." All deliverables were to be provided to the Congress not later than 12 months after the date of enactment of the 1990 law.

Well, Mr. Speaker, the Fish and Wildlife Service has failed to provide Congress with either a final report, or the maps. This 8-year delay is plainly unacceptable, Mr. Speaker. I am greatly concerned that the pace and growth of the new developments along the Pacific Coast may have significantly reduced the number of coastal areas that meet the section 31 definition of "undeveloped coastal barrier." I urge the Fish and Wildlife Service to complete this directive as soon as possible.

Finally, Mr. Speaker, I would be remiss if I did not restate the minority's long-standing concern with the majority's decision to include three other separate technical correction bills as section 6, 7, and 8 in this reauthorization bill. These provisions would change existing boundaries for three different otherwise protected areas in Florida, North Carolina, and Delaware.

Bills of this type are complicated, Mr. Speaker. Certainly, they are not technical corrections in the traditional sense. All of the proposed boundary changes tacked on to this bill deserve close inspection prior to congressional approval. I do appreciate the patience and willingness of the chairman to work with me and the staff on our side to ensure that these proposed changes are given appropriate scrutiny. Yet, even today, we are still awaiting additional information from the Fish and Wildlife Service concerning the boundaries of a coastal barrier unit adjacent to the Cape Hatteras National Seashore.

Mr. Speaker, it is my understanding from the chairman that we will continue to work in good faith to resolve issues concerning this final boundary. Consequently, we have agreed to move forward with this reauthorization bill at this time. However, should this boundary issue not be resolved to our satisfaction, we do reserve our right to reconsider support of this legislation in conference should the Senate successfully pass a companion bill. I am hopeful, Mr. Speaker, that we will find an amicable agreement in this case, but it will remain our preference that all boundary changes be addressed in separate legislation to avoid such circumstances in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. I will not take long, but just for the record, I would like to say two things. First, I would like to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his fine and great cooperation in working out what some have seen as difficulties to this bill, and I think that with the one exception that I noted in my opening statement, those difficult issues have been worked out.

I would just like to say secondly for the record that wanting to make sure that we do this on as bipartisan a basis as possible, we endeavored to obtain the support of the United States Department of the Interior and were successful in doing that. Just for the record, I have a letter here from the Assistant Secretary for Fish, Wildlife and Parks, Donald Barry, and he was kind enough to answer questions that we posed to him in our letter to him.

For example, for the record we asked, where this map makes changes to the boundaries of the existing OPA, do those changes conform to the boundary of P–19P, to the boundary of the Cayo Costa State Park. This is an important question, because the underlying law required that wherever possible, these boundaries conform to State park boundaries; and his answer is, yes, the new boundary, that is the change in the boundary that is included in this bill, follows the boundary of the Cayo Costa State Park. We asked him, does the Department support the changes made by the map? And the answer is yes, the Department supports the changes to P–19P.

So I will not take the time to go through the other areas of agreement, but the Secretary has indicated broad agreement. Finally, he noted in answer to a question, How many acres are removed from the coastal barrier system, how many are added, what is the net acreage change that results from these boundary changes through the amendments, and his answer, and I will read it in its entirety, "The changes to the three OPAs, North Captiva, Cape Hatteras, and Cape Henlopen, will remove 272 acres from the coastal barrier resources system. The number of acres added, 3,390, and the net change as a result of these amendments is in addition to 3,118 acres to the system."

So I wanted to make sure that was on the record, Mr. Speaker, because I would not want any misunderstanding in this room or among Members of the public that we are removing or in some way denigrating or taking actions that would denigrate the system.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time.

I identify with many of the comments the gentleman made in his initial comments. However, I have some reluctance in having us come forward with this proposal today. The backdrop of the hurricane that is taking place, the devastation that is going up and down the East Coast, and we are taking a critical piece of legislation, the coastal barrier resources system, where we should be looking at ways to strengthen the legislation. We should be looking at areas to add land that are protected, and instead, we revisiting it again on a piecemeal basis, adding additional land, in some cases in dispute. I am sorry, it may be that it is flooded and we cannot find where it is. I find a great deal of irony that we would be having this today, not even being able to know what it is precisely that we are talking about.

Mr. Speaker, this is a piece of environmental legislation that came forward in the Reagan administration. It was focused on making sure that the federal taxpayer was not subsidizing inappropriate development. I am one that feels that it is entirely appropriate for government on the State, federal, and local level to perhaps exercise a little more discretion about where we do permit and encourage development. But at a minimum, the federal taxpayer ought not to be in a position of subsidizing development that is environmentally not sound.

We are whittling away, bit by bit, pulling land out of this. We do not have clear and convincing criteria to guide what is going on. It seems to me that this is again wildly inappropriate, given the backdrop of what is going on to serve as a reason for why we should insist that this be done properly. We ought not to have a series of confusing directives from the Fish and Wildlife Service, something that is submitted to potential political manipulated. We should be strengthening this system today, adding integrity to the decisionmaking process, by having Congress codify the development criteria into law, once and for all. And we ought to be very clear that we know exactly what we are voting on, especially when this is coming forward on a suspension calendar.

With all due respect, I do not feel comfortable moving forward like this. I feel very strongly that it is time to be evaluating the West Coast lands for inclusion. It has been trapped in limbo now for years. We should be as a Congress moving forward with the administration to make sure that we are not having inappropriate federal subsidies for development on the West Coast lands, along with other remaining undeveloped coastal barriers among the East, the Gulf and the Great Lakes region.

Mr. Speaker, it is frustrating for me when I think Congress has a role to be a good partner with the private sector, with State and local governments, to make sure that we are promoting sound environmental developments and livable communities. I am frustrated that the Federal Government is aiding and abetting some of the disaster that we are seeing right now in the Carolinas because we have not had a thoughtful approach frankly to our flood insurance; and we give money to people who are repeatedly flooded out of areas and they move back in. This is another example of where we are not taking advantage of a comprehensive approach.

With all due respect, I would urge that this legislation not move forward today, that we come forward with a comprehensive approach to the system, that we deal with the West Coast that is in limbo, and for heaven's sakes, we do not come forward with areas to withdraw additional land when we do not know what we are talking about and we are hoping that something is going to be taken care of in a never, never land in a conference committee.

Mr. Speaker, I strongly urge rejection of the proposal before us today.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise with concerns on this bill. It is obviously a very smart idea. Congress decided to set aside resources along the coastal areas, the barriers and said look, it does not make any sense for us to put a lot of federal aid in there like flood insurance for the private developers to go in and develop and then come back and ask that the risk for development in these highly sensitive areas should be borne by the general taxpayer.

□ 1530

So we set aside these resources, and we asked the Department of the Interior to draw the maps for us, and those maps yet have not been completed. At the same time, people who have developed, because one can develop in the barrier areas privately, but with that private development they also have private risk, not federally-supported risk. So people are coming in and saying, we are developed now. Now we want to back out of the barrier area because we want this Federal flood insurance and coastal protection kinds of issues, where Federal money comes in.

We ought to stick to our guns of the original intention, that there are sensitive areas on the coast of the United States of America, including Alaska, that should not be developed. We ought not to give resources to encourage development along those zones. The Act does not buy the land, it says people can put their land in voluntarily.

The problem is, when we get to dealing with it, really they have been short on anything on the Pacific coast, where the majority of the population lives. So in 1990, the Secretary of the Interior directed Congress to map the boundaries of undeveloped coastal areas along the Pacific coast south of 49 degrees latitude, and to examine the need for protecting these areas. Yet, 9 years later we do not even have the final maps.

So this bill is well-intentioned and has been brought to the floor for good reasons, but it certainly raises a lot of concerns that Members are hearing from us today. I just commend the chairman of the committee because he is in a tough position. I appreciate the politics that he has had and that he has been able to bring these coastal zone bills to the floor. I hope the rest of them can come, as well.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say basically, in response to my good friends, the gentlemen from Oregon and California, with regard to their concerns on this legislation, I want to commend the gentleman from New Jersey (Mr. SAXTON), our chairman, that we have worked very, very closely in trying to alleviate some of the problems and concerns that the Members have addressed earlier.

I think the situation for us to bear in mind is that we have to start somewhere. The fact is that 10 years ago, the technology and getting the proper mappings, maybe it needs putting a little stronger wording in the language of the legislation to get the Fish and Wildlife Service to be responsive to the concerns that we have here in the Congress.

I think as a whole the legislation should move forward. I think at the proper time in conference if the concerns are still not addressed, certainly the chairman is very sensitive to this issue, and I, for one, would certainly like to see that legislation pass.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just try to answer some questions that were raised, or at least respond to them.

Subsequent to the original legislation which passed in 1982, the Department of the Interior was charged with the responsibility that can generally be described as mapping, and to set aside areas to be included in the system.

As one might expect, because the people who were doing the mapping were human beings, there was perhaps less precision with the original mapping than there might have been.

Frankly, all this bill does as far as this part of the activity is concerned, or as far as this part of the language in the bill is concerned, is to try to correct some mistakes that were made subsequent to the 1982 bill, during the mapping process. In making those corrections, we were actually adding over 3,000 acres to the system, not removing. We are adding over 3,000 acres to the system, while removing only approximately 270 that were included as an error.

So I share with my friends the desire to strengthen the system, but a system that has incorrect lines in it, incorrect areas included and areas that have not been included that should have been included, is not a system with a lot of integrity. So I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for understanding this, and for agreeing to and having demonstrated the ability to work with me and our staffs together and with the Department of the Interior to make these corrections. So again, I want to emphasize how important I think this is.

Mr. Speaker, some of us spend a lot of time around the water, some of us spend a lot of time on the water. Some of us have for years and years been distressed by the high rate of development in coastal areas.

We are currently attempting to reauthorize the Coastal Zone Management Act, and that act is intended to, among other things, protect, enhance coastal areas, and in almost every instance, by slowing down growth.

I can remember 35 years ago sailing, and all Members who are here know that Barnegat Bay is in my district, I can remember many years ago beginning at the top of Barnegat Bay, the north end, and sailing south, and looking to my right and left and seeing a few houses dotting the skyline here and there, but by and large a lot of greenery. That was 35 years ago. I would love to take Members on the same trip today and let them look to the right and left and see the houses and the commercial establishments and the restaurants.

Certainly this bill and the provisions in it and the history of it have been a very important part of protecting those open space areas, wetlands, and other types of habitat that are so important to coastal areas. So while we are trying to carry out our very important objectives, while we are trying to put in place Federal, State and local policy that makes sense in terms of protecting the environmental integrity of these areas, where inconsistencies and mistakes are found, they need to be corrected. Those corrections are what have caused the concern on the part of some of the previous speakers.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for yielding to me.

I do want to commend my good friends, the gentlemen from Oregon and from California, for giving their expressions of concern to the legislation, especially coming from Pacific coastal States like Oregon and California.

But I want to assure my good friends that the ranking member of our committee, the gentleman from California (Mr. MILLER), is very conscious and very understanding of the situation, and Members will note also that the committee report points out those very concerns that we have.

But at the same time, I want to say to my friends from Oregon and California that our ranking member, the gentleman from California (Mr. MILLER) nevertheless would like to see this legislation move forward, and that at an appropriate time, if things still are not being able to be worked out, both with the majority as well as with the administration, then of course we will not have the legislation.

But I think the most difficult situation for us to consider now is that we have to start somewhere. If, rather, the option is that we kill this bill, then we might not have any legislation at all. I think that would be a terrible situation.

Mr. Speaker, I would like to respectfully ask my colleagues to support this bill, given the reservations expressed in the committee report. It does have the support of the ranking member, the gentleman from California (Mr. MILLER), and other members of this committee. I would like to urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 1431 reauthorizes the Coastal Barrier Resources Act for five years and corrects mapping errors in three units of the System.

The Coastal Barrier Resources System prohibits Federal development assistance on undeveloped coastal barriers and it is a sound natural resource management policy. The Act does not prohibit private development on private lands. However, it requires the landowner, not the Federal Government, to shoulder the burden of cost and assume the risks when developing dynamic barrier islands.

Regrettably, the Federal Government has been known to make mistakes from time to time. This is the case with the System units that are addressed in H.R. 1431. Three otherwise protected areas—one in Florida, one in Delaware, and one in North Carolina—were mapped incorrectly when these units were created in 1990. At the time these otherwise protected areas were delineated, the Fish and Wildlife Service incorrectly included private lands that were not held for conservation purposes into the otherwise protected areas, in direct contradiction to the intent of the Act. This mistake effectively cut off Federal flood insurance for many existing homes. Similarly, the 1990 maps did not include all of the public lands that should have been included in the otherwise protected areas. H.R. 1431 makes changes to the maps to reflect the true boundaries of the underlying conservation areas, and it results in a net addition of more than 2,000 acres for the System.

I urge my colleagues to support this legislation, which will correct mapping errors that have adversely affected several private landowners for nearly a decade.

H.R. 1431 is a good bill and I urge an aye vote.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1431, as amended.

The question was taken.

Mr. BLUMENAUER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1431, the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, as amended.

The Clerk read as follows:

H.R. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) REQUIREMENT TO CONVEY.—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) consists of (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetery; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) to talk about the bill.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Speaker, I rise to ask my colleagues to support the bill, H.R. 1231. This bill will convey two small acres of land, of Forest Service land to Elko, Nevada for the permanent and continued use as a cemetery.

The cemetery is located in Jarbidge, Nevada, a small rural community in Elko County. Known historically for its contribution to Nevada's mining industry, this community is surrounded by National Forest Service lands and the Jarbidge Wilderness Area.

Within this vast public land is a small cemetery under the administration of the Forest Service where generation after generation of residents of this historic mining community have been laid to rest. The earliest tombstones, Mr. Speaker, are dated in the very early 1900s, and some members of the Jarbidge community claim this land was used as a cemetery long before it was designated as Forest Service land.

Since 1915, the Jarbidge Cemetery has been operated under a permit to Elko County by a special use authorization, which runs periodically for 10 and occasionally 20 years. In an effort to remove the uncertainty about the continued existence of this cemetery and to resolve the operational responsibilities, the residents of Jarbidge have long expressed an interest in having the cemetery conveyed to the county so they might have a permanent and private cemetery. This is why I introduced H.R. 1231.

Mr. Speaker, I urge my colleagues to understand that the residents are asking for conveyance of this land because they, and I would agree, and I think it is reasonable, feel that it is not right to pay for the graves of Nevada's parents and grandparents. Many of those buried at Jarbidge are miners and their families, and in fact are the founders of the small Elko County community.

Given the hundreds of thousands of acres administered by the Forest Service in this region and their oversight of the Jarbidge wilderness area, the conveyance of two acres for the purpose of allowing the residents to privately own the resting place of their relatives seems to be both rational and fair, keeping in mind, of course, that we are talking about a cemetery, the final resting place for people, the Nevadans and their loved ones.

Furthermore, I believe that it is our government's civic duty, the duty to do what is right on behalf of the American people and our constituents, to convey without cost these two small acres. I am sure if we took a national poll, the vast majority of people, if not all Americans, would agree that the conveyance of these two acres free of charge would be in the best public interest of any good use of our public land.

Therefore, I would like to ask all my colleagues to support this commonsense and fair legislation.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1231 directs the Secretary of Agriculture to convey without consideration 2 acres of National Forest land to Elko County, Nevada. The land conveyance would include a historic cemetery and a road and bridge leading to it on the Humboldt-Toiyabe National Forest.

It is our understanding that a private individual had offered to provide for the maintenance of the cemetery as long as the land was conveyed to the county. At the hearing, the Forest Service expressed concerns that this bill was inconsistent with laws that require the Secretary of Agriculture to obtain fair market value for exchange or sale of National Forest Service land.

While we share these agency concerns and generally support a policy of obtaining fair market value for the sake of disposition of public resources, the lands in this case are certainly de minimis. We anticipate that Elko County will be a good steward of the cemetery, and we certainly support this bill.

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Mr. Speaker, I want to commend the gentleman from Nevada (Mr. GIBBONS). His gentlemanliness both in committee and on the floor makes it a pleasure to work in both places.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1231, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

TERRY PEAK LAND TRANSFER ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

The Clerk read as follows:

H.R. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terry Peak Land Transfer Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Certain National Forest System land located in the Black Hills National Forest in Lawrence County, South Dakota, is currently permitted to the Terry Peak Ski Area by the Secretary of Agriculture pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(2) The National Forest System land comprises only 10 percent of the land at the Ski Area, with the remaining 90 percent located on private land owned by the Ski Area operator.

(3) As the fractional Forest Service land holding at the Ski Area is also encumbered by ski lifts, ski trails, a base lodge parking lot and other privately owned improvements, it serves little purpose in continued public ownership, and can more logically be conveyed to the Ski Area to unify land management and eliminate permitting and other administrative costs to the United States.

(4) The Ski Area is interested in acquiring the land from the United States, but the Secretary does not have administrative authority to convey such land in a nonsimultaneous land exchange absent specific authorization from Congress.

(5) The Black Hills National Forest contains several small inholdings of undeveloped private land with multiple landowners which complicate National Forest land management and which can be acquired by the United States from willing sellers if acquisition funds are made available to the Secretary.

(6) The proceeds from the Terry Peak conveyance can provide a modest, but readily available and flexible, funding source for the Secretary to acquire certain inholdings in the Black Hills National Forest from willing sellers, and given the small and scattered nature of such inholdings, and number of potential sellers involved, can do so more efficiently and quickly than through administrative land exchanges.

(7) It is, therefore, in the public interest to convey the National Forest System land at Terry Peak to the Ski Area at fair market value and to utilize the proceeds to acquire more desirable lands for addition to the Black Hills National Forest for permanent public use and enjoyment.

(b) PURPOSE.—It is the purpose of this Act to require the conveyance of certain National Forest System lands at the Terry Peak Ski Area to the Ski Area and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

(2) The term "selected land" means land comprising approximately 41.42 acres and generally depicted as government lots 6 and 11, section 2, township 4 north, range 2 east, Black Hills meridian, on a map entitled "Terry Peak Land Conveyance", dated March 1999.

(3) The terms "Terry Peak Ski Area" and "Ski Area" mean the Black Hills Chairlift Company, a South Dakota Corporation, or its successors, heirs and assigns.

SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVISIONS.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey the selected land to the Terry Peak Ski Area at fair market value, as determined by the Secretary.

(b) APPRAISAL.—The value of the selected land shall be determined by the Secretary utilizing nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards For Federal Land Acquisitions (1992), the Uniform Standards of Professional Appraisal Practice, and other applicable law. The costs of the appraisal shall be paid for by the Ski Area.

(c) COMPLETION OF CONVEYANCE.—It is the sense of Congress that the conveyance to the Ski Area required by this Act be consummated no later than 6 months after the date of enactment of this Act, unless the Secretary and the Ski Area mutually agree to extend the consummation date. Prior to conveying the selected land to the Ski Area, the Secretary shall complete standard predisposal analyses and clearances pertaining to threatened and endangered species, cultural and historic resources, wetlands and floodplains, and hazardous materials.

(d) USE OF PROCEEDS BY THE SECRETARY.—All monies received by the Secretary pursuant to this Act shall be considered monies received and deposited pursuant to Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be utilized by the Secretary to acquire replacement land from willing sellers for addition to the Black Hills National Forest in South Dakota. Any lands so acquired shall be added to and administered as part of the Black Hills National Forest and, if any such land lies outside the exterior boundaries of the Forest, the Secretary may modify the boundary of the Forest to include such land. Nothing in this section shall be construed to limit the authority of the Secretary to adjust the boundaries of the Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521; commonly known as the Weeks Act).

(e) CONVEYANCE SUBJECT TO VALID EXISTING RIGHTS, EASEMENTS.—The conveyance to the Ski Area required by this Act shall be subject to valid existing rights and to existing easements, rights-of-way, utility lines and any other right, title or interest of record on the selected land as of the date of transfer of the selected land to the Terry Peak Ski Area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2079, the Terry Peak Land Transfer Act of 1999, was introduced by the gentleman from South Dakota (Mr. THUNE), our esteemed colleague.

H.R. 2079 is a non-simultaneous land transfer bill that would require the Secretary of Agriculture to convey certain lands in the Black Hills National Forest in South Dakota to the Terry Peak Ski Area at fair market value. All monies for the transaction would later be used to purchase replacement land from willing sellers for the Black Hills National Forests.

Not only does the Forest Service support the bill, but the bill shares tremendous local support among such groups as the Lawrence County Commissioners, the Deadwood Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, the Terry Valley Landowners Association, and the Black Hills Group of the Sierra Club.

I urge my colleagues to support the passage of the Terry Peak Land Transfer Act under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

KILDEE. Mr. Speaker, H.R. 2079 directs the Secretary of Agriculture to convey for fair market value approximately 41 acres of land in the Black Hills National Forest to the Black Hill Chairlift Company, a local ski operator.

The tract is encumbered by ski lifts, ski trails, a parking lot, and other privately owned improvements so that transfer to private ownership would improve land management and eliminate administrative costs.

Furthermore, proceeds from the sale would be used to acquire small and scattered parcels around the National Forest.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me.

Let me say, Mr. Speaker, that H.R. 2079, the Terry Peak Land Transfer Act of 1999, is a responsible common sense and straightforward bill that will allow the Federal Government and a private interest to manage precious land resources in a very thoughtful and effective manner.

Terry Peak is a popular ski resort in the Black Hills of South Dakota. For years, Terry Peak has been a wintertime destination enjoyed by individuals and families in South Dakota and out-of-state visitors. The resort is situated in Lawrence County, South Dakota, and is near the communities of Deadwood and Lead. Today, 90 percent of the resort's land is privately owned. Ten percent of the land is federally owned and administered by the Black Hills National Forest.

The land administered by the Black Hills National Forest comprises of approximately 41 acres and has been permitted to Terry Peak pursuant to section 3 of the National Forest Ski Area Permit Act of 1986. Substantial improvements unique to Terry Peak's operation, such as parking lots, chair lifts, and a ski lodge have also been made to the land.

These improvements, the relatively small size of the parcel of land, and the land's isolation make this exchange a sensible action. As it stands, the land is no longer useful for the mission of the Black Hills National Forest and results in significant administrative cost to the Forest Service.

As a result of these factors, the Forest Service in the Black Hills National Forest engaged in conversations with officials of Terry Peak to consider the latter's acquisition of the 41-acre parcel administered by the Black Hills National Forest. These parties have spent a great deal of time and effort to construct the proposed transaction, ensure broad public support, and draft legislation agreeable to both parties to the transaction. The result of that hard work is found in the bill before the House today.

H.R. 2079 would require Terry Peak to pay full market value, as determined by the Secretary of Agriculture for the land. According to the report accompanying the bill, the sale of the land would generate approximately $125,000 in offsetting receipts. The Black Hills National Forest could then use those receipts to acquire more useful lands from willing sellers and add those lands to the forest system.

The legislation, therefore, recognizes the benefits of the private interest, Terry Peak, and to the public interest, the Black Hills National Forest. Terry Peak and Black Hills National Forest would both be able to acquire land that is most useful and consistent with each entity's mission.

As the gentleman from Pennsylvania (Mr. SHERWOOD) indicated, the transaction does enjoy broad support from outside parties. The Black Hills Group of the Sierra Club, the Deadwood Area Chamber of Commerce, the Lawrence County Commissioners, the Lead Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, and the Terry Valley Landowners Association all support the transaction and have encouraged its completion.

Additionally, the Senate has before it a companion bill, S. 953, the Terry Peak Land Conveyance Act of 1999, which would achieve the same end.

Because the Forest Service does not have the administrative authority to convey the land to Terry Peak in the manner both parties wish, Congress must grant authority for the change. It is for that reason that I introduced the Terry Peak Land Transfer Act of 1999 and ask for my colleagues' support of the bill today.

Mr. Speaker, I would like to thank the gentlewoman from Idaho (Mrs. CHENOWETH), chairman of the Subcommittee on Forests and Forest Health; the gentleman from Washington (Mr. SMITH), the ranking member; as well as the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources; and the gentleman from California (Mr. GEORGE MILLER), ranking member, for taking quick action on this bill.

I again thank the gentleman from Pennsylvania (Mr. SHERWOOD) for yielding me this time today and the gentleman from Michigan (Mr. KILDEE) for working with us on this legislation.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 2079.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area, as amended.

The Clerk read as follows:

H.R. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Helena Island National Scenic Area Act".

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) PURPOSE.—The purposes of this Act are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan, and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) ESTABLISHMENT.—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the "scenic area").

(c) EFFECTIVE UPON CONVEYANCE.—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3948).

SEC. 3. BOUNDARIES.

(a) SAINT HELENA ISLAND.—The scenic area shall comprise all of Saint Helena Island, in

Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9).

(c) PAYMENTS TO LOCAL GOVERNMENTS.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—Within 3 years of the date of enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management plan for the Hiawatha National Forest. Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) PUBLIC ACCESS.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this Act.

(2) ROADS.—After the date of enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) DOCKAGE.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) SAFETY.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) CONSULTATION.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 5. FISH AND GAME.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 7. ACQUISITION.

(a) ACQUISITION OF LANDS WITHIN THE SCENIC AREA.—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) ACQUISITION OF OTHER LANDS.—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) ACQUISITION OF LANDS.—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 7.

(b) OTHER PURPOSES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 468, the Saint Helena Island National Scenic Area, was introduced by the gentleman from Michigan (Mr. KILDEE), our esteemed colleague. This legislation would establish the area known as the Saint Helena Island in the State of Michigan as a National Scenic Area to be included in the Hiawatha National Forest.

The owners of Saint Helena Island have put it up for sale, and legislation is necessary to preserve and protect its outstanding resources. The Subcommittee on Forests and Forest Health held a hearing on H.R. 468, and the bill was ordered favorably reported, as amended, from the Committee on Resources by voice vote.

I urge my colleagues to support passage of the Saint Helena Island National Scenic Area under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on February 25, 1999, I introduced H.R. 468, the Saint Helena Island National Scenic Area Act, and I am pleased that several of my colleagues from Michigan from both parties joined me as cosponsors of this effort.

First of all, I would like to thank the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from Alaska (Mr. YOUNG) for their help in bringing H.R. 468 to the floor of the House. I also appreciate the work of the ranking members of the committees.

During committee consideration, I was pleased to work with both the majority and minority to make technical and clarifying amendments, and I believe this resulted in a good piece of legislation worthy of bipartisan support.

We have a wonderful opportunity to protect a beautiful island in the Straits of Mackinac in Lake Michigan. Owned by willing sellers, Saint Helena Island is located approximately 2 miles from the northern shore of Lake Michigan with a beautiful view of Mackinac Bridge.

In addition, the Island contains a historic lighthouse which is listed on the National Register of Historic Places. The two acres on which the lighthouse sits were recently conveyed via quitclaim from the Coast Guard to the Great Lakes Lighthouse Keepers Association. This bill would authorize purchase of the remainder of the island.

My legislation is simple, Mr. Speaker. It authorizes the purchase of Saint Helena Island from the willing sellers, the Brown and Hammond families. The island would become part of the Hiawatha National Forest, which would manage the island as a National Scenic Area, and the island would be open to the public for recreational use.

The island's ecosystem is home to over 300 species of plants, almost a quarter of which are not native to Michigan. Numerous birds and animals can also be found on the island.

Saint Helena also has a rich history, Mr. Speaker, as it was once home to a small port that serviced ships passing through the Straits of Mackinac. Although no permanent residents live on the island today, Saint Helena acts as a classroom for school groups, scout troops, lighthouse enthusiasts, and other citizens attracted to its beauty and diverse ecosystem.

I look forward to working with members of both houses of Congress to ensure passage of this legislation into law.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Michigan (Mr. KILDEE) for his bipartisan efforts to work for the common good and thank him for all of his help on our committee.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the legislation offered by my good friend and colleague from Flint, Michigan. As the Michigan Delegation's representative to the House Resources Committee, DALE KILDEE has been done a superb job as our advocate for better parks and recreational opportunities, while serving as a seasoned voice for strong natural resources policies.

It should be no surprise, then, that the House is today considering my colleague's bipartisan bill to establish the Saint Helena Island National Scenic Area in Lake Michigan. The need is simple: to preserve and protect a place along the Great Lakes' shores where all Americans can appreciate primitive recreation opportunities, fish and wildlife habitat, vegetation, and the historic and cultural resources of a small but unique island near the Straits of Mackinac.

The people of Michigan value greatly the natural heritage and rugged beauty of our Great Lakes shoreline, particularly in this quiet, peaceful part of what we affectionately refer to in my District up "Up North." The acquisition has the support of the current landowners and local government, and the U.S. Forest Service has indicated it is prepared to manage the new Scenic Area once it is acquired. I have no doubt that Saint Helena is a wise investment by the Federal government for the preservation of a very special place, and the recreational enjoyment of this and future generations of Michiganders.

It is my hope that H.R. 468 will move swiftly to the President's desk, and that sufficient Land and Water Conservation funding will be found in the near future to secure this national treasure between our two peninsulas.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 468, as amended.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1231, H.R. 2079, and H.R. 468.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 1999

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2367) to reauthorize a comprehensive program of support for victims of torture, as amended.

The Clerk read as follows:

H.R. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Reauthorization Act of 1999".

SEC. 2. FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President $10,000,000 for fiscal year 2001, $10,000,000 for fiscal year 2002, and $10,000,000 for fiscal year 2003 to carry out section 130 of the Foreign Assistance Act of 1961.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 3. DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out subsection (a) of section 5 of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152) $10,000,000 for fiscal year 2001, $10,000,000 for fiscal year 2002, and $10,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 4. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 for "Voluntary Contributions to International Organizations" pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated for a United States contribution to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) FISCAL YEAR 2001.—For fiscal year 2001, $5,000,000.

(2) FISCAL YEAR 2002.—For fiscal year 2002, $5,000,000.

(3) FISCAL YEAR 2003.—For fiscal year 2003, $5,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

SEC. 5. REPORTING REQUIREMENT.

Not later than 90 days after the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the specialized training for foreign service officers required by section 7 of the Torture Victims Relief Act of 1998 (Public Law 105-320). The Report shall include detailed information regarding—

(1) efforts by the Department of State to implement the specialized training requirement;

(2) the curriculum that is being used in the specialized training;

(3) the number of foreign service officers who have received the specialized training as of the date of the Report; and

(4) the nongovernmental organizations that have been involved in the development of the specialized training curriculum or in providing the specialized training, and the nature and extent of that involvement.

SEC. 6. TECHNICAL AMENDMENTS RELATING TO THE SECOND SECTION 129 OF THE FOREIGN ASSISTANCE ACT OF 1961.

(a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—The second section 129 of the Foreign Assistance Act of 1961, as added by section 4(a) of the Torture Victims Relief Act of 1998 (Public Law 105-320), is redesignated as section 130.

(b) AMENDMENT TO TORTURE VICTIMS RELIEF ACT OF 1998.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 is amended by striking "section 129 of the Foreign Assistance Act of 1961, as added by subsection (a)" and inserting "section 130 of the Foreign Assistance Act of 1961 (as redesignated by section 6(a) of the Torture Victims Relief Reauthorization Act of 1999)".

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

□ 1600

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume to explain the bill.

I rise in strong support of H.R. 2367, the Torture Victims Relief Reauthorization Act. Let me point out to my colleagues that on June 29, the Subcommittee on International Relations and Human Rights held a hearing on U.S. policy toward the victims of torture. The testimony that was presented that day emphasized the continuing and compelling need for this legislation. Those who suffer the unspeakable cruelty of torture at the hands of despotic governments bear physical, emotional and psychological scars for the rest of their lives. Often, the ordeal of torture does not end with the victim's release from a gulag, laogai, or prison. Without professional help and rehabilitation, many torture victims will never get their lives back.

United States law, Madam Speaker, regarding torture victims took a giant step forward on October 30, 1998, with the enactment of Public Law 105–320, the Torture Victims Relief Act. I am proud to have been the principal sponsor of that act, which was cosponsored by 30 of our colleagues on both sides of the aisle. It authorized $12.5 million over 2 years for assistance to torture victim treatment centers in the United States and another $12.5 million for assistance to treatment centers in other countries around the world. It also authorized a U.S. contribution in the amount of $3 million per year to the U.N. Voluntary Fund for Torture Victims. Finally, it required specialized training for State Department personnel in the identification of torture and its long-term effects, techniques for interviewing torture victims, and related subjects.

To continue the good work that that law began, I, along with the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), the gentlewoman from Georgia (Ms. MCKINNEY), our ranking member on the subcommittee, and the gentleman from California (Mr. LANTOS), introduced H.R. 2367, the Torture Victims Relief Act Reauthorization. It will extend and increase the authorizations of last year's act through fiscal year 2003.

For each of the 3 fiscal years it covers, the reauthorization act authorizes $10 million for domestic treatment centers. The Center for Victims of Torture estimates that there are as many as 400,000 victims of foreign governmental torture in the United States. At present there are only 14 domestic treatment centers which are able to serve only a small fraction of the torture victim population here in this country. Because many of their clients do not have health insurance, the centers must bear most of the costs of treatment. Our hope is that the money authorized by H.R. 2367 will support these existing efforts and perhaps even enable the Department of Health and Human Services' Office of Refugee Resettlement to establish much needed new centers.

Madam Speaker, the bill also authorizes $10 million per year for international treatment centers. According to the International Rehab Council for Torture Victims, the IRCT, the leading international nongovernmental organization engaged in treating victims of torture, $33 million is needed in 1999 alone for international rehab centers. Currently there are about 175 torture victim treatment centers around the world.

The bill also authorizes $5 million per year for a United States contribution to the U.N. Voluntary Fund for Victims of Torture. I am pleased to note that the administration greatly increased the U.S. contribution to the fund this year to $3 million, the full level authorized by the Torture Victims Relief Act. We should continue this trend, and I believe we should expand our effort for this worthwhile multilateral effort.

Finally, the bill requires, as it did before, that the State Department report on its efforts to provide specialized training to foreign service officers, as mandated by the Torture Victims Relief Act. It is important that our personnel who deal with torture victims be able to identify evidence of torture and its long-term effects, and that they learn techniques for interviewing torture victims who may still be suffering trauma from their experiences.

At our recent subcommittee hearing, it became apparent that the State Department has not yet implemented the training required by the act. This reporting requirement will serve as a wake-up call to prompt the Department to fulfill its statutory obligations.

Madam Speaker, for the RECORD I am inserting correspondence between the gentleman from New York (Mr. GILMAN) and the gentleman from Virginia (Mr. BLILEY), of the Committee on Commerce, regarding the jurisdictional aspects of this bill, and I greatly appreciate the willingness of the gentleman from Virginia to accede to consideration of this measure on the suspension calendar. I hope all Members will support this legislation.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 1999.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives.

DEAR TOM: I am writing to thank the Committee on Commerce for its willingness to waive consideration of H.R. 2367, the Torture Victims Relief Reauthorization Act of 1999. As you correctly note, the Committee on International Relations and the sponsors of the bill believe it is important to bring this legislation before the House as expeditiously as possible.

I am writing to confirm our understanding, upon which your agreement to waive Committee consideration of the bill was premised:

Although I am hopeful that the Senate will pass the bill as passed by the House, I agree to support the appointment of Commerce Committee conferees, should a conference be convened on this legislation.

I will gladly include your September 10, 1999 letter as part of the record during consideration of the bill by the House.

Thank you again for your prompt attention to this time-sensitive matter. Do not hesitate to contact me with any additional questions or suggestions you may have.

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 10, 1999.

Hon. BENJAMIN A. GILMAN,
Chairman, House Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR BEN: On September 9, 1999, the Committee on International Relations ordered reported H.R. 2367, the Torture Victims Relief Reauthorization Act of 1999. H.R. 2367, as ordered reported by the Committee on International Relations, reauthorizes programs for the support and treatment of torture victims through a variety of sources. As you know, the Committee on Commerce was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction over health and health facilities under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner and will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 2367. In addition, the Committee on Commerce reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Committee on Commerce for conferees on H.R. 2367 or related legislation.

I request that you include this letter as a part of your committee's report on H.R. 2367 and as part of the RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, I yield myself such time as I may consume.

This is a very serious subject we are addressing this afternoon, and I just want to say for the record that I was supportive of my friend from New Jersey's request for additional time. I am glad, however, that we will not have to use that, for the sake of the other business here today.

Madam Speaker, I rise in strong support of H.R. 2367, and I just want to address the House for a number of minutes. The legislation before the House today authorizes critically important domestic and international programs that provide relief to victims of torture. Specifically, the bill increases from $7.5 million to $10 million the annual authorization for AID to provide assistance to treatment centers and programs in foreign countries regarding the physical and psychological rehabilitation of victims of torture.

These funds support programs in countries like South Africa, Liberia, and Rwanda that meet the medical and psychological needs of traumatized and tortured civilians. This assistance has been particularly important to the children of Africa, because many of them have witnessed or experienced unspeakable horrors as child soldiers in the civil strife that has wracked these countries.

USAID is also training health providers and trauma counselors to deal with the enormous psychological and medical needs in Kosovo. One of the most devastating accounts was that of an 8-year-old boy in Kosovo who was forced to listen to the screams of his 2-year-old sister as she was burned alive when the Serbs set fire to his house after killing the rest of his family. He was unable to help his younger sister because the Serbs had shot him also.

The legislation also increases from $7.5 million to $10 million the annual authorization for HHS to provide relief activities domestically. The U.S. is working to meet the needs of refugee survivors of torture living in the United States by training community service providers who work with refugees to recognize survivors of torture and provide appropriate mental health referrals for them.

This bill also increases the annual authorization for the U.S. contribution to the U.N. Voluntary Fund for Victims of Torture from $3 million a year to $5 million. In recent years, the United States has been the single largest contributor to the United Nations Voluntary Fund, established by the U.N. General Assembly in 1981. The U.N. fund provides worldwide humanitarian assistance to meet the medical and psychological needs of torture victims and their families.

One center receiving assistance from the U.N. fund is the Center for Victims of Torture based in Minnesota. This center established an innovative training program for school teachers whose students are survivors of torture or who have family members who are survivors. There are now nearly 200 centers supported by the U.N. fund working to meet the unique needs of survivors of torture around this world.

Finally, the legislation expresses the sense of Congress that the United States should support, one, the U.N. Voluntary Fund to find new ways to rehabilitate victims of torture; two, the work of the Special Rapporteur on Torture and Committee Against Torture; and, three, the establishment of a country rapporteur or similar mechanism to investigate human rights violations in any country that has been found to have a systematic practice of torture.

The United States has been in the forefront of providing assistance to torture victims, including through the many centers in the United States that address the dreadful effect of these barbarous practices. This legislation will ensure that the U.S. continues to play this vital leadership role.

While it is unusual for Congress to authorize funds in advance, as this bill does, it will send a message that this committee believes that a stable funding base is necessary for these important programs to work and to continue.

Madam Speaker, let me add that it is unfortunate that this legislation is needed at the dawn of the year 2000 in the 21st century; that humankind can be as cruel today in many respects as it was during the time of the Spanish inquisition and Nazi Germany, when torture became institutionalized. Hot spots today include Rwanda, Burundi, Algeria, Colombia, Kosovo, East Timor, just to mention a few. And they are not just governments, but militias and rebel groups that are also involved in acts of torture. They are engaging in torture to produce a political outcome beneficial to their cause.

Madam Speaker, I urge my colleagues to support H.R. 2367; and I thank my good friend, the gentleman from New Jersey (Mr. SMITH), for his work on this legislation; the gentleman from New York (Mr. GILMAN) for his work, our ranking member, the gentleman from New Jersey (Mr. GEJDENSON), the gentleman from California (Mr. LANTOS), and the many, many others who were involved in creating this legislation and seeing it pass today.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume, and I want to thank my good friend from New York for his excellent statement and his good work on the subcommittee.

I would like to point out, Madam Speaker, that it is not the intention of the supporters, the prime sponsor of the bill or anyone else that this legislation should result in any decrease whatsoever in the resources available to other programs of the Office of Refugee Resettlement.

I would also note for the RECORD that Lavinia Limon, Director of the Office of Refugee Resettlement, is doing an outstanding job. She testified before our subcommittee. She did the work at Fort Dix as the ethnic Albanians were making their way during the Kosovo crisis.

We have to make sure that the money that is available by way of HHS, that the money be found so that this is not a zero-sum game. We have to make sure, and I would encourage our appropriators to make sure, that this money is in addition to and does not take away from the other good work that the Office of Refugee Resettlement does.

Mr. LANTOS. Madam Speaker, I rise in strong support of H.R. 2367—the Torture Victims Relief Reauthorization Act of 1999. I am pleased to be a cosponsor of this legislation.

First, Madam Speaker, I want to pay tribute to our distinguished colleague and my friend, the gentleman from New Jersey, Congressman, CHRIS SMITH. He has shown outstanding leadership on this issue, and I want to express my appreciation to him for the direction and focus he has given this important legislation.

It is critical that we continue this program to provide assistance to the unfortunate individuals who have been victims of torture. I am pleased that our country has been in the forefront in providing assistance to those who suffer from these barbarous practices.

Madam Speaker, while it is unusual to provide in legislation authorizing funds in advance as this bill does, it is important to send the message that the Congress believes that a stable funding base is essential for these important programs to assist the unfortunate victims of torture.

Madam Speaker, this legislation authorizes a number of critically important domestic and international programs to provide relief to the victims of torture. The bill increases from $7.5 million to $10 million the annual authorization for the Agency for International Development (AID) to provide assistance to treatment centers and programs in foreign countries which deal with physical and psychological rehabilitation of victims of torture. The legislation also authorizes five million dollars in contributions to the U.N. Voluntary Fund for the Victims of Torture, an increase from the three million which is currently authorized.

Just a few weeks ago, Madam Speaker, I hosted a reception here on Capitol Hill honoring Dr. Inge Genefke and the Center for the Victims of Torture. In 1979 Dr. Genefke established a clinic in her native Copenhagen, Denmark, which was the first such facility anywhere in the world devoted specifically to treating victims of torture. Now, I am happy to report, that facilities exist in a number of countries—including several in our own country—which provide this kind of specialized medical care. It is very reassuring to see the progress that is being made in dealing with the tragic victims of repressive regimes which carry out or tolerate this horrendous violation of human rights.

This legislation is important in our stand for human rights, Madam Speaker, and I strongly urge my colleagues to vote for it.

Mr. GILMAN. Madam Speaker, I want to commend Chairman SMITH and the Ranking Minority Member Ms. MCKINNEY of the Subcommittee on International Operations and Human Rights for crafting this timely initiative which addresses a critical area of our efforts to combat human rights abuses—treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and oppostion.

The resolution rightly recognizes the importance of treating victims of torture in order to combat the long-term devastating effects that torture has on the physical and psychological well-being of those who have undergone this pernicious form of abuse. Torture is an extremely effective method to suppress political dissidence, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture can provide a bulwark against popular opposition.

This measure authorizes funding at the level of $10 million a year for the next three fiscal years for treatment centers in the United States and overseas. It also authorizes the State Department to contribute $5 million in fiscal years 2001, 2002 and 2003 to the United Nations Voluntary Fund for Victims of Torture.

Political leaders of undemocratic societies still find torture useful because its aims are the destruction of the personality. It attempts to rob those individuals who would actively involve themselves in opposition to oppress their self-confidence and other characteristics that produce leadership. I quote from a speech by Dr. Inge Genefke, who is a founder of the international treatment movement, "Sophisticated torture methods today can destroy the personality and self-respect of human beings. . . . Many victims are threatened with having to do or say things against his ideology or religious convictions, with the purpose of attacking fundamental parts of the identity, such as self-respect and self-esteem. Torturers today are able to create conditions which effectively break down the victim's personality and identity and his ability to live a full life later with and amongst other human beings."

Accordingly, I urge all my colleagues to join in approving this legislation.

Mr. HOYER. Madam Speaker, I rise in strong support for H.R. 2367, the Torture Victims Relief Act reauthorization.

I also want to commend my colleagues, Representative CHRIS SMITH and Representative JOSEPH CROWLEY, who serve on the International Relations Committee, for bringing this bill to the floor, today.

The Center for Victims of Torture is one of over 175 centers which treats and supports victims of politically-motivated torture. It was established in 1985 and is the first of its kind in the United States.

The Center helps to rehabilitate survivors by addressing their physical and psychological needs in order to reintegrate them back into society. The treatment program assists their families who also suffer the effects of the torture. They have provided services for survivors from more than 45 countries and all continents. And the center treats American victims of torture overseas.

According to the Center for Victims of Torture, "The debilitating nature of torture makes it extremely difficult for survivors to hold down jobs, study for new professions, or acquire other skills needed for a successful integration into the culture and economy. Torture is a crime against humanity; as a strategic tool of repression, it is the single most effective weapon against democracy. Its purpose is to control populations by destroying individual leaders and frightening entire communities. Torture is rarely used to extract information from someone."

I am a strong supporter of this program and am pleased that both the House and the Senate Foreign Operations Appropriations bills have provided $3 million for the United Nations Voluntary Fund for Victims of Torture and $7.5 million for the Foreign Treatment Centers for Torture Victims.

As a member of the Labor, HHS Appropriations Subcommittee, I am hopeful that once we draft our legislation, it will reflect the President's FY 2000 request of $7.5 million for Domestic Centers for Victims of Torture.

John F. Kennedy once said, "I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for victories or defeats in battle or in politics, but for our contribution to the human spirit." This program does just that. It works to rebuild the human spirit that was broken as an act of war and repression.

Again, Madam Speaker, I support this legislation and encourage full funding for these programs. Because democracy is neither easy nor simple. It is, however, a goal that we must boldly pursue.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. R. 2367.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CROWLEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2367, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO MISSOURI-NEBRASKA BOUNDARY COMPACT

Mr. GEKAS. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 54) granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

The Clerk read as follows:

H.J. RES. 54

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Missouri-Nebraska Boundary Compact entered into between the States of Missouri and Nebraska. The compact reads substantially as follows:

"MISSOURI-NEBRASKA BOUNDARY COMPACT

"ARTICLE I

"FINDINGS AND PURPOSES

"(a) The states of Missouri and Nebraska find that there are actual and potential disputes, controversies, criminal proceedings and litigation arising or which may arise out of the location of the boundary line between the states of Missouri and Nebraska; that the Missouri River constituting the boundary between the states has changed its course from time to time, and that the United States Army Corps of Engineers has established a main channel of such river for navigation and other purposes, which main channel is identified on maps jointly certified by the state surveyors of Missouri and Nebraska and identified as the "Missouri-Nebraska Boundary Maps", which maps are incorporated in this act and made part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska.

"(b) It is the principal purpose of the states of Missouri and Nebraska in executing the compact to establish an identifiable compromise boundary between the state of Missouri and the state of Nebraska for the entire distance thereof as of the effective date of the compact without interfering with or otherwise affecting private rights or titles to property, and the states of Nebraska and Missouri declare that further compelling purposes of the compact are—

"(1) to create a friendly and harmonious interstate relationship;

"(2) to avoid multiple exercise of sovereignty and jurisdiction including matters of taxation, judicial and police powers and exercise of administrative authority;

"(3) to encourage settlement and disposition of pending litigation and criminal proceedings and avoid or minimize future disputes and litigation;

"(4) to promote economic and political stability;

"(5) to encourage the optimum mutual beneficial use of the Missouri River, its waters and its facilities;

"(6) to establish a forum for settlement of future disputes;

"(7) to place the boundary in a location which can be identified or located; and

"(8) to express the intent and policy of the states that the common boundary be established within the confines of the Missouri River and both states shall continue to have access to and use of the waters of the river.

"ARTICLE II

"ESTABLISHMENT OF BOUNDARY

"The permanent compromise boundary line between the states of Missouri and Nebraska shall be fixed at the center line of the main channel of the Missouri River as of the effective date of the compact, except for that land known as McKissick's Island as determined by the Supreme Court of the United States to be within the state of Nebraska in the case of Missouri v. Nebraska, 196 U.S. 23, and 197 U.S. 577, all of which is identified on maps jointly prepared and certified by the state surveyors of Missouri and Nebraska and identified as the 'Missouri-Nebraska Boundary Compact Maps', incorporated in this act and made a part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska. This center line of the main channel of the Missouri River between the states is also described in this act by metes and bounds on the 'Missouri-Nebraska Boundary Compact Maps' incorporated in this act by reference and made a part of this act. This center line of the main channel of the Missouri River as described on such maps shall be referred to as the 'compromise boundary'.

"ARTICLE III

"RELINQUISHMENT OF SOVEREIGNTY

"The state of Missouri hereby relinquishes to the state of Nebraska all sovereignty over all lands lying on the Nebraska side of such compromise boundary and the state of Nebraska hereby relinquishes to the state of Missouri all sovereignty over all lands lying on the Missouri side of such compromise boundary except for that land known as McKissick's Island which is identified on the 'Missouri-Nebraska Boundary Compact Maps' incorporated in this act by reference and made a part of this act.

"ARTICLE IV

"PENDING LITIGATION

"Nothing in the act shall be deemed or construed to affect any litigation pending in the courts of either of the states of Missouri or Nebraska as of the effective date of the compact concerning the title to any of the lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska or by the state of Nebraska to the state of Missouri and any matter concerning the title to lands, sovereignty over which is relinquished by either state to the other, may be continued in the courts of the state where pending until the final determination thereof.

"ARTICLE V

"PUBLIC RECORDS

"(a) The public record of real estate titles, mortgages and other liens in the state of Missouri to any lands, the sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Missouri, by the courts of the state of Nebraska.

"(b) The public record of real estate titles, mortgages and other liens in the state of Nebraska to any lands, the sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Nebraska, by the courts of the state of Missouri.

"(c) As to lands, the sovereignty over which is relinquished, the recording officials of the counties of each state shall accept for filing documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of such documents for filing shall have no bearing upon the legal effect or sufficiency thereof.

"ARTICLE VI

"TAXES

"(a) Taxes lawfully imposed by either Missouri or Nebraska may be levied and collected by such state or its authorized governmental subdivisions and agencies on land, jurisdiction over which is relinquished by the taxing state to the other, and any liens or other rights accrued or accruing, including the right of collection, shall be fully recognized and the county treasurers of the counties or other taxing authorities affected shall act as agents in carrying out the provisions of this article; provided, that all liens or other rights arising out of the imposition of taxes, accrued or accruing, shall be claimed or asserted within five years after the compact becomes effective and if not so claimed or asserted shall be forever barred.

"(b) The lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall not thereafter be subject to the imposition of taxes in the state of Missouri from and after the effective date of the compact. The lands, sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall not thereafter be subject to the imposition of taxes in the state of Nebraska from and after the effective date of the compact.

"ARTICLE VII

"PRIVATE RIGHTS

"(a) The compact shall not deprive any riparian owner of such riparian owner's rights based upon riparian law and the establishment of the compromise boundary between the states shall not in any way be deemed to change or affect the boundary line of riparian owners along the Missouri River as between such owners. The establishment of the compromise boundary shall not operate to limit such riparian owner's rights to accretions across such compromise boundary.

"(b) No private individual or entity claims of title to lands along the Missouri River, over which sovereignty is relinquished by the compact, shall be prejudiced by the relinquishment of such sovereignty and any claims or possessory rights necessary to establish adverse possession shall not be terminated or limited by the fact that the jurisdiction over such lands may have been transferred by the compact. Neither state will assert any claim of title to abandoned beds of the Missouri River, lands along the Missouri River, or the bed of the Missouri River based upon any doctrine of state ownership of the beds or abandoned beds of navigable waters, as against any land owners or claimants claiming interest in real estate arising out of titles, muniments of title, or exercises of jurisdiction of or from the other state, which titles or muniments of title commenced prior to the effective date of this compact.

"ARTICLE VIII

"READJUSTMENT OF BOUNDARY BY NEGOTIATION

"If at any time after the effective date of the compact the Missouri River shall move or be moved by natural means or otherwise so that the flow thereof at any point along the course forming the boundary between the states occurs entirely within one of the states, each state at the request of the other, agrees to enter into and conduct negotiations in good faith for the purpose of readjusting the boundary at the place or places where such movement occurred consistent with the intent, policy and purpose hereof that the boundary will be placed within the Missouri River.

"ARTICLE IX

"EFFECTIVE DATE

"(a) The compact shall become effective on the first day of January of the year after it is ratified by the general assembly of the state of Missouri and the legislature of the state of Nebraska and approved by the Congress of the United States.

"(b) As of the effective date of the compact, the state of Missouri and the state of Nebraska shall relinquish sovereignty over the lands described in the compact and shall assume and accept sovereignty over such lands ceded to them as provided in the compact.

"(c) In the event the compact is not approved by the general assembly of the state of Missouri and the legislature of the state of Nebraska on or before October 1, 1999, and approved by the Congress of the United States within three years from the date of such approval, the compact shall be inoperative and for all purposes shall be void.

"ARTICLE X

"ENFORCEMENT

"Nothing in the compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under the compact or the enforcement of any of its provisions.

"ARTICLE XI

"AMENDMENTS

"The compact shall remain in full force and effect unless amended in the same manner as that by which it was created.".

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the 2 states.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Missouri (Ms. DANNER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on the joint resolution presently under consideration, H.J. Res. 54.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume.

This resolution, I say to the Members, is an exercise of constitutional authority, really a constitutional mandate. When two States, two or more States, enter into agreements in their mutual interest, those kinds of agreements, the compact, must gain the approval of the Congress. That was a salient feature of our constitutional process from the very beginning, and we find ourselves here today in sorting out the difference that existed between the mindsets in Missouri and Nebraska on an avulsion and accretion of the Missouri River which affected their boundaries.

The Congress has reviewed it, held hearings on it in our committee, and we are prepared today to signify the Congress' approval of the compact entered into by the legislatures of the States of Missouri and Nebraska.

□ 1615

This problem, as I understand it, will be more fully explained by the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Missouri (Ms. DANNER). But this does date back historically, and would I like the record to completely reflect the fact that Lewis and Clark were the first to observe the problem that the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Missouri (Ms. DANNER) are fixing today.

Madam Speaker, I reserve the balance of my time.

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 54.

Madam Speaker, in 1864, the poet Longfellow wrote "All things come round to him who will but wait." Well, those are prophetic words for me because I have, first as a Missouri State senator and now as a Member of Congress, waited 7 years for this agreement on the exact location of the boundary between our States of Missouri and Nebraska.

More importantly, the people of Missouri and Nebraska have waited patiently, or I should say perhaps impatiently, since the 1930s, when the Army Corps of Engineers straightened and channelized the Missouri River and disputes over the proper border began to emerge.

Despite a number of costly court efforts, the exact location of the border could not be agreed upon; and, so, for decades both Missouri and Nebraska considered land compact legislation to resolve an issue that had plagued both our States since the last century.

However, each time one State adopted a version, the other State would refuse to accept that version. Thus, as a State senator, after hearing from many of my constituents who were facing taxation by both Missouri and Nebraska, I sponsored legislation in the Missouri Senate creating the Missouri Boundary Commission which was charged with resolving this matter.

Subsequently, the Missouri Boundary Commission, joined by the Nebraska Boundary Commission, reached the agreement that is before us in the House of Representatives today.

In July of this year, the Missouri Department of Natural Resources completed the survey of the new border and the State of Nebraska has seen and approved this survey. This new boundary will follow the centerline of the Missouri River design channel with the exception of an area of land known as McKissick's Island, which is east of the Missouri but has been ruled part of Nebraska by the Supreme Court of the United States. Now that Missouri and Nebraska have agreed on the exact border, all that remains is congressional approval and the matter will be finally settled.

This legislation reflects not only the joint effort of the Missouri and Nebraska legislatures but the cooperation between the gentleman from Nebraska (Mr. BEREUTER) and me. Our bipartisan approach and our commitment to working together has ensured the rapid movement of this bill, which will result in many benefits for the affected citizens of our respective States.

Thus, I wish to thank the congressman, the members of the Missouri and Nebraska Boundary Commissions, and all those who have been involved in implementing this compact.

Today I am very hopeful that the waiting Mr. Longfellow spoke of so many, many years ago will result in the passage of House Joint Resolution 54.

Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Madam Speaker, I want to thank the gentleman for yielding me this time.

Madam Speaker, I rise in support, of course, of H.J. Res. 54.

I would like to begin by expressing my appreciation to the chairman of the committee, the gentleman from Illinois (Mr. HYDE), and the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the committee, but especially to the gentleman from Pennsylvania (Chairman GEKAS) for expediting this legislation as well as the ranking member, the gentleman from New York (Mr. NADLER).

This Member is pleased to be a cosponsor of this legislation which was introduced by our distinguished colleague, the gentlewoman from Missouri (Ms. DANNER). I have heard about her long experience with this legislation, beginning as a State senator.

The land affected is exclusively in the congressional district of the gentlewoman and this Member. I appreciate the kind of cooperation and good spirit and reliability and good humor and everything else about the gentlewoman in moving ahead with this problem. And I look forward to cooperating with her on the improvement of the Rulo Bridge, as a matter of fact, between our districts.

House Joint Resolution 54 will provide, as the chairman indicated, approval of the land compact which was previously approved by the State legislatures of Missouri and Nebraska. The only exception, which will be on the other side of the river, will be McKissick's Island, which, as the gentlewoman has mentioned, has already been spoken to by the U.S. Supreme Court.

I think this is likely to be the last time that this issue needs to come before the Congress because of the stabilization and the channels work that has been completed by the Corps of Engineers.

The problems necessitating this compact have been around for a long time. As observed by Lewis and Clark, they saw how reckless and rambunctious the Missouri River was in moving around its channel during the spring rise and the winter flood season as it broke into spring.

I would think that there is a sense of urgency because of the confusion regarding taxation of farmland into the disputed areas. In some cases, farmers and other landowners are receiving tax notices from both States. With the agriculture community facing such times, the last thing a farmer needs is to pay taxes twice or to be charged, at least, twice.

This summer I held a town hall meeting in Fall City, Nebraska, one of the counties on the Missouri River border. And the superintendent of schools of the Fall City Public School District came to me and objected to the legislation. Indeed, in this land swap arrangement, some political subdivisions, some school districts, some counties, some other types of political subdivisions will be winners in terms of valuation, real estate added or subtracted, and some are losers. According to the superintendent, Fall City is a loser.

But it is an issue which the Nebraska legislature has concentrated their attention and finally taken action, in concert with similar action that had taken place over in Jefferson City.

I would say to this distinguished superintendent of schools that he needs to go to his State senator, possibly to Senator Wehrbein, the sponsor of the legislation, State Senator Wehrbein, and seek legislative redress if in fact the Fall City public schools is a substantial loser in terms of valuation for that district.

I believe the resolution is there. The Nebraska legislature spoke unequivocally on this issue, and it is our responsibility, I think, to discharge the remaining constitutional requirements.

The people of Nebraska and Missouri will have occasional disagreements about important matters, such as football and baseball, and they will be playing that out in a stadium this week in Columbia. But with enactment of H.J. Res. 54, at long last, at least we are going to have solved the boundary dispute to the satisfaction of both State governments.

Again, I thank the chairman for expediting legislation. I thank my distinguished colleague for her crucial role in the Missouri legislature and here in the House. I urge my colleagues to support H.J. Res. 54.

The center of the Missouri River formed the original boundary between Nebraska and Missouri. However, the boundary disputes originated from the shifting Missouri River which cut new channels and created avulsions. This natural process was greatly halted when the U.S. Army Corps of Engineers began efforts to stabilize the river in the 1930s. Since then, the river has generally maintained its current channel.

The problems necessitating this compact have been around for decades and it is now time to settle this troublesome matter. This Member also believe there is a renewed sense of urgency because of the confusion regarding the taxation of farmland in the disputed areas. In some cases, farmers are receiving tax notices from both Nebraska and Missouri. With the agricultural community facing such difficult economic times, the last thing a farmer needs is to pay taxes twice on the same land.

In addition to taxation concerns, there are also jurisdictional problems related to law enforcement and the delivery of services. It is currently possible, for example, that because of jurisdictional uncertainties, an individual could escape punishment if a crime is committed in the disputed areas. Clearly, these are serious problems that would be resolved by this legislation.

In certain cases, costly litigation is needed to determine the true and correct boundary line. In some instances, a Missouri court may determine that the land should be located in Missouri, while a Nebraska court will find that the same land belongs to Nebraska. It is in the best interests of both states, as well as those landowners affected by this uncertainty, to have these disputes handled in a formal manner which makes sense. The compact is intended to do just that.

Ms. DANNER. Madam Speaker, I yield back the balance of my time.

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume only to add a note to the CONGRESSIONAL RECORD that in this and many other issues that come before our committee our legal staff, Ray Smitanka and Jim Harper, Susan Conklin, and others have helped immensely from beginning to end. I want, in his absence, to also commend Demetrios Kouzoukas, who acted as and was an intern in our office and worked specifically on this piece of legislation, and I want the record to indicate our gratitude to him for his efforts there.

I urge support and passage of this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 54.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONSENT OF CONGRESS TO BOUNDARY CHANGE BETWEEN GEORGIA AND SOUTH CAROLINA

Mr. GEKAS. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 62) to grant the consent of Congress to the boundary change between Georgia and South Carolina

The Clerk read as follows:

H.J. RES. 62

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent of Congress is given to the establishment of the boundary between the States of Georgia and South Carolina.

(b) NEW BOUNDARY.—The boundary referred to in subsection (a) is the boundary—

(1) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996;

(2) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution;

(3) agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996, and agreed to by the State of Georgia in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution; or

(4) agreed to by the States of Georgia and South Carolina in Acts approved by each of their Governors not later than 5 years after the date of enactment of this joint resolution.

(c) COMPACT.—The Acts referred to in subsection (b) are recognized by Congress as an interstate compact pursuant to section 10 of article I of the United States Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Missouri (Ms. DANNER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.J. Res. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume.

Just as in the previous matter, we are given the duty and responsibility now of giving our stamp of approval to the States of Georgia and South Carolina to an agreement that they have reached relative to a boundary problem that has existed for a long time between those two States. This goes back, as I understand it, historically to the Beaufort Convention of 1787, even before the Constitution as we now know it came into existence.

But, in any event, whatever the nature of those disputes were, we have come to a point now where, in seeking the approval of the Congress, those two States are conforming to the constitutional process and we find no impediment at all in granting consent by the Congress to those two States for the proposition which they have brought to us.

More fully will be discussed, I am certain, this whole set of circumstances by the gentleman from Georgia (Mr. LINDER).

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.J. Res. 62. With this legislation, we fulfill our constitutional obligation to review and grant our consent to compacts between States.

I will not belabor the details of this matter. They will be more fully stated by my colleague from Georgia.

The States of Georgia and South Carolina have worked out their border dispute to their mutual satisfaction, and it deserves our support.

The bill was reported by the Committee on the Judiciary by unanimous consent, and I am aware of no opposition.

I urge the adoption of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. Madam Speaker, I yield such time as he might consume to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I appreciate this opportunity to speak to my colleagues on House Joint Resolution 62, a resolution to ratify an interstate compact that corrects a long-standing border dispute between the States of Georgia and South Carolina.

It is not every day that Congress deals with borders between States. Sometimes it seems that borders are some of the only constants in the changing social and political landscape of America.

Nevertheless, Georgia and South Carolina come to Congress today to settle a dispute that has gone as high as the United States Supreme Court concerning their common border where the Savannah River meets the sea.

The issue at hand is essentially a product of time and geography. The original line between the States was set in 1787 at the Beaufort Convention. Much of the interior of the two States had not been surveyed, and officials had not even dreamed of the precise coordinate systems of today.

Therefore, the delegates to the Convention used the natural landmarks they have available and set the boundary as the northern branch of the Savannah River, reserving all islands to Georgia. This line has stood in question for 140 years until 1922, when the Supreme Court clarified the line in a case between Georgia and South Carolina involving the stage of the river that should be used to determine the boundary.

In this decision, the Court stated that where there were islands in the Savannah River, the boundary would fall at the midpoint between the island's bank and the South Carolina bank at normal stage. Where there were no islands, the border would fall at the midpoint between the two banks at normal stage.

In the years following this decision, the obvious question arose concerning whether islands that had formed since the Beaufort Convention automatically belong to Georgia or to the State in whose territory the islands would have fallen at the time of the Convention.

Dredging performed by the Army Corps of Engineers in the Savannah River and additional questions involving the mouth of the river further complicated the border dispute.

The expansion of the Port of Savannah and the economic interests in the region began to be disrupted by the confusion.

□ 1630

Finally, Madam Speaker, in 1990 the Supreme Court decided the issue by assigning the particular set of islands in dispute, the Barnwell Islands, to South Carolina. Further, the Court found that the Beaufort Convention did not control the islands formed in the river since its ratification. The Court directed the States to draw up new boundary agreements based on these principles. The two States have worked with the National Oceanic and Atmospheric Administration, using the best mapping and surveying equipment available to set a boundary that is in keeping with the Court's findings.

It is this new agreement that we bring before the House today. H.J. Res. 62 ratifies the boundary agreed upon by both States and codified into law by both State legislatures. The line runs roughly along the center of Savannah River and incorporates the findings of the Supreme Court in its latest decision. I understand that there are some discrepancies between the authorizing bills from the two States, but I believe that this resolution will allow Congress to approve the agreement while giving the States the flexibility to make any final corrections that may be necessary.

I would like to thank the gentleman from Pennsylvania (Mr. GEKAS) for his hard work on this legislation and the gentlewoman from Missouri (Ms. DANNER). This joint resolution satisfies the Constitution's requirement that Congress ratify all interstate compacts. I hope that the House will look favorably on our States' efforts to legally clarify our borders using today's sophisticated mapping technology, and I appreciate this opportunity to address the Nation that uniquely affects the people of my State.

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

In closing, I would like to add my personal appreciation, vote of thanks, to the gentleman from Pennsylvania (Mr. GEKAS). As my colleagues know, a number of people are not involved, and this legislation is perhaps not terribly important to great numbers of people, millions of people, but to those people to whom this does apply this is a very important piece of legislation, and I want to express publicly my appreciation to the chairman of the committee for all he has done to bring this bill forward in such a timely manner; and we are deeply appreciative, and we thank you so much.

Madam Speaker, I yield back the balance of my time.

Mr. GEKAS. Madam Speaker, I yield myself such time as I might consume only to allow the RECORD to reflect that we also appreciate the efforts of the gentleman from New York (Mr. NADLER), the ranking minority member on our committee, who helped to shepherd this whole issue to both the hearing stage in our subcommittee and to the point where we now seek the final approval of the Congress of the compact in question, and also to David Lachman and to other staff members, some of whom are better known than others to us, but nevertheless to whom we are all grateful.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 62.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2084, be instructed to provide maximum funding, within the scope of conference, for the functions and operations of the Office of Motor Carriers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

(Mr. SABO asked and was given permission to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion is very straightforward. The House bill includes $70.484 million for the functions and operations of the Office of Motor Carriers. Senate bill provides $57.418 million, and this motion to instruct simply instructs the House conferees to provide the maximum amount possible for motor carrier safety operations.

Mr. Speaker, I want to particularly commend the gentleman from Virginia (Mr. WOLF), the chair of the subcommittee, for his ongoing effort to make sure that we maximize our ability to monitor and inspect and make sure we have the safest motor vehicle safety program in this country and in particular his focus on drug safety, and I commend his leadership, and I just think we should follow his leadership and provide the funding that is provided in the House bill.

Mr. Speaker, this Motion to Instruct is very straightforward. The House bill includes $70.484 million for the functions and operations of the Office of Motor Carriers. The Senate bill provides $57.418 million. This Motion to Instruct simply instructs the House conferees to provide the maximum amount possible for motor carrier safety operations.

Mr. Speaker, I want to commend the gentleman from Virginia, Mr. WOLF, for his efforts over the past two years in shining a bright light on the serious deficiencies in the Department of Transportation's oversight of truck safety. Nearly every driving American has had the unpleasant experience of looking in his or her rear view mirror at a very large truck speeding down the highway.

Nearly 5,400 deaths occurred from large truck accidents in 1997—the most recent year available. This is the equivalent of a major airline crash with 200 fatalities every 2 weeks. And, regardless of the cause of these accidents, it is nearly always the occupant in the car involved that loses,

One out of every four large trucks that get inspected each year are so unsafe that they are pulled off the roads. That is the safety record of those trucks that are inspected—a large number are never even inspected.

Over 6,000 motor carriers received a less than satisfactory safety rating between 1995 and 1998 and many of these carriers continue to operate.

The number of compliance reviews OMC performed has declined by 30% since FY 1995, even though there has been a 36% increase in the number of motor carriers over this period. Nearly 250 high-risk carriers recommended for a compliance review in March 1998 did not receive one.

Only 11% of more than 20,000 motor carrier violations in 1998 resulted in fines, and the average settlement per enforcement case decreased from $3,700 to $1,600 from 1995 to 1998.

The General Accounting Office and the DOT Inspector General have issued several highly critical reports on the Motor Carrier Office. A third independent review commissioned by the Department of Transportation and led by former Congressman Norm Mineta also concluded that DOT motor carrier safety operations need to be improved and more effectively managed.

Mr. Speaker, this Motion does not address the issue of where the Office of Motor Carriers should be located within the Department of Transportation. Last year, the distinguished gentleman from Virginia was thwarted in his efforts to transfer the Office of Motor Carrier Safety from the Federal Highway Administration to the National Highway Traffic Safety Administration. Last year, we passed a bill to do just that, but the provision was deleted in conference. This year, various proposals have been introduced to create a new Motor Carrier Administration within DOT. I do not know precisely what the right answer is on how this office should be organized in DOT.

I do know, however, that the safety of the American traveling public is at stake, and that the public interest—not special interests—should govern federal oversight of truck safety. Regardless of how we change the boxes on the organizational chart, we need real reform in the Office of Motor Carriers that focuses on increased truck inspections, more safety reviews and compliance audits; improved accident data collection and information systems; increased border inspectors; additional research; and stronger accountability. Additional resources are needed to do the job.

This Motion to Instruct simply recognizes that getting dangerous, speeding and unsafe trucks off the roads should be one of the highest priorities in this bill and we must provide the funding needed to ensure that the DOT has an aggressive safety and enforcement program. I urge the adoption of the Motion to Instruct and I reserve the balance of my time.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. SABO) for the motion because I think if it is carried and it is followed through, it will end up saving a lot of lives.

Mr. Speaker, I rise in support of the motion offered by the gentleman from Minnesota (Mr. SABO) that instructs the conferees to provide maximum funding within the scope of conference for the Office of Motor Carriers. As the body knows, the House-passed bill provides 70.5 million for motor carriers operations. The level is more than 17 million over the fiscal year 1999 enacted level and 15 million more than the Senate passed bill. These funds are needed for critical improvements in crash data, safety system/data base modernization, census information, incident management, and post accident training.

In addition, these funds will provide for additional inspectors to better the enforcement and compliance program and improve motor carrier safety. And lastly, the funds will provide additional resources to address the delay in the backlog of critical safety regulations including those relating to hours of service.

In short, these funds are needed, and I thank the gentleman from Minnesota for his leadership to improve the safety of the motoring public and to eliminate unsafe trucks in the Nation's highway. However, Mr. Speaker, this subcommittee has been concerned now for over a year that the Office of Motor Carriers in its current structure and placement in the Federal Highway Administration is not performing an aggressive enforcement and compliance program. It cannot do so within the Federal Highway Administration.

A recent Inspector General report found that only 2.5 percent of the interstate motor carriers were reviewed and 64 percent of the Nation's carriers did not have a safety rating. The number of compliance reviews has fallen by 30 percent, 30 percent, since 1995. The amount of fines from unsafe trucking companies has fallen to the lowest level in 1992.

Without a more aggressive and effective program, the General Accounting Office predicts fatalities. People will die. It could rise as high as 6,000 next year. Trucking fatalities reached a decade high of nearly 5,400 in 1997 and remained essentially flat in 1998. This equates to a major airline accident every 2 weeks with about 200 fatalities.

In comparison, other modes of transportation have seen a decline in fatalities, a rising tide of deaths; and lax oversight of the trucking industry are partially a result of the Office of Motor Carrier Placement within the Federal Highway Administration. Their primary mission, Federal Highway, is to award some 25 billion in highway construction funds to the States not to improve safety. Federal Highway is skilled at building and maintaining roads but done a poor job with regard to an effective and forceful truck safety program.

Eclipsed by the agency of over 2,400 staff and 50 division offices, several regional office centers, the Office of Motor Carriers and its safety mission will act as strong focus and is subjugated to second-class status in the Federal Highway Administration. Some personnel within the Office of Motor Carriers have become too close to the trucking industry once they have been charged with regulating. In fact, earlier this year the Inspector General found out the personnel had solicited the trucking industry to generate opposition.

It is for these reasons that the committee also included in its version of the bill section 2335 that prohibits funds in the act from being used to carry out the functions and operations of the Office of Motor Carriers within Federal Highway. The Department of Transportation Inspector General, the chairman of National Transportation Safety Board, trucking representatives, the enforcement community, and safety advocates all agree that the Office of Motor Carriers should be moved from the Federal Highway Administration. The committee has included this provision so that the appropriate authorizing committees could report legislation that reforms the Office of Motor Carriers.

In closing, Mr. Speaker, the House passed this provision in June. Here it is September 21, and regrettably neither the House nor the Senate has yet to pass a comprehensive reform of the Office of Motor Carriers. Time is running out. More than 18 months have passed since the subcommittee sounded the alarm that the Office of Motor Carriers needed to be reformed. The American public has waited too long.

So when we are conferencing with the Senate, we will ask that the conferees seek the highest level of funding, as the gentleman from Minnesota (Mr. SABO) wisely has sought for the Office of Motor Carriers and also insist on the House position, section 335, to ensure the funding for the Office of Motor Carriers is spent effectively and reduces the deaths on the highways.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. SABO) for this and for all of his efforts with regard to safety on FAA, but particularly on this one, and I support the motion.

Mr. SABO. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, Ms. GRANGER, Messrs. YOUNG of Florida, SABO, OLVER, PASTOR, Ms. KILPATRICK, and Messrs. SERRANO, FORBES and OBEY.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 5 o'clock and 4 minutes p.m.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–127)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 1999, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospect for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military campaigns.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2506, HEALTH RESEARCH AND QUALITY ACT OF 1999

Mr. REYNOLDS. Madam Speaker, last Friday a "Dear Colleague" letter was sent to all Members informing them that the Committee on Rules is planning to meet this week to grant a rule for the consideration of H.R. 2506, the Health Research and Quality Act of 1999.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to consideration of the bill on the floor.

Amendments should be drafted to the version of the bill reported by the Committee on Commerce.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 294

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3 of rule XIII or section 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

House Resolution 294 provides for the consideration of H.R. 1402, a bill to require the Secretary of Agriculture to implement the Class I milk price structure noted and known as Option 1–A.

The Committee on Rules met last week and granted a structured rule for H.R. 1402. This is a fair and balanced measure.

The Committee heard testimony from numerous witnesses and considered 39 amendments. Members offering amendments were able to combine similar amendments and the committee made a total of 9 in order.

The rule provides for 1 hour of general debate to be equally divided by the chairman and the ranking minority member on the Committee on Agriculture.

The rule waives clause 3 of rule XIII, requiring the inclusion in the report of a CBO cost estimate and a statement on certain budget matters if the measure includes new budget or entitlement authority, and section 308A of the Congressional Budget Act requiring a Congressional Budget Office estimate in the committee report on any legislation containing new budget authority against consideration of the bill.

The rule makes in order the Committee on Agriculture amendment in the nature of a substitute as an original bill for purpose of amendment, modified by the amendments printed in part A in the report on the Committee on Rules accompanying the resolution.

Those amendments fix the budget problem. With the amendment, the bill actually saves money as opposed to spending it.

The rule further provides that the amendment in the nature of a substitute be considered as read and waives clause 7 of rule XVI, prohibiting nongermane amendments against the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in part B of the Committee on Rules report accompanying the resolution.

In addition, the rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for revision of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report.

Additionally, the rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule allows one motion to recommit, with or without instructions.

Madam Speaker, during an address in Peoria, Illinois, President Dwight Eisenhower remarked that "farming looks mighty easy when your plow is a pencil and you are a thousand miles from the cornfield."

And so it is with the business of America's dairy farms.

With images of athletes and celebrities donning milk mustaches, and an abundance of dairy products at the neighborhood grocer, it is easy for us far removed from the farm to forget the plight of the farmer.

Madam Speaker, H.R. 1402 is a critical measure that targets a unique market: our Nation's independent and family-owned dairy farms.

Unlike other businesses that have the flexibility to get the best prices for their product, dairy farmers cannot stop milking cows if the price of raw milk suddenly drops. They must sell their product at the going price. Further, they are unique in a volatile market because they produce an extremely perishable product.

As President Kennedy once remarked, "The farmer is the only man in our economy who buys everything he buys at retail, sells everything he sells at wholesale, and pays the freight both ways." And as the son of an agri-businessman, having represented vast family farmlands throughout my career, and having grown up and around the farm and the dairy industry, I know how true President Kennedy's words ring, even today.

□ 1715

That is why Congress carefully crafted the Freedom to Farm bill in 1996. While this law set many important provisions in place, it did not strictly define consolidating milk orders. Subsequently, the administration proposed two options, and then opted for one that the majority in the House and Senate and the vast majority of the dairy community opposed.

Congress and the dairy community support Option 1A. This Class 1 pricing option is based on sound economic analysis by the USDA Price Structure Committee. Among other factors, it takes into account transportation costs for moving fluid milk, and the costs of producing and marketing milk.

Option 1A is currently the best alternative for our Nation's family dairy farms. This plan reforms the Federal Order system through a variety of means that include consolidating the 31 current Orders into 11, including previously unregulated areas into the plan, and reclassifying milk products.

In addition, by keeping in place price differentials, a system that has proven effective over many years, Option 1A diminishes market volatility and ensures that there will continue to be plenty of fresh milk in all markets of this country.

Our Nation's family-owned dairy farms are in a crisis. In New York alone, our State has seen a dramatic decrease in the number of dairy farmers and cows. From 1997 to 1997, the number of dairy farms decreased by 41 percent, and the number of cows by 15 percent.

Other areas of the United States have seen a similar decline, which takes away both a way of life that dates back to the birth of our Nation, and hundreds of thousands of jobs nationwide. H.R. 1402 will go a long way towards fixing the current pricing inequity.

In fact, this bill is critical for the long-term viability of dairy farming in most States, including my own State of New York, which is the third largest dairy State in the country.

In New York, I represent Wyoming County, a community rich in agricultural history, and our State's most productive dairy county.

Further, Option 1A does not economically discriminate against one or more milk-producing regions of the country to benefit another. It is based on factors that recognize the importance and value of having fresh supplies of milk produced locally.

Our great Nation has a long tradition in family-owned businesses, especially in agriculture. America's independent and family-owned farms give our Nation the unique ability to provide for the needs of our people.

In order to maintain and allow the dairy industry and family-owned dairy farms to grow, we need to enact Option 1A.

More than 250 years ago, George Washington wrote, "I know of no pursuit in which more real and important services can be rendered to any country than by improving its agriculture."

Madam Speaker, by adopting this rule and its underlying bill, we can improve our Nation's agriculture and the lives of our men and women of America's dairy farms.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this rule, and strongly support the bill, H.R. 1402. This bipartisan bill is brought to the House floor by the Committee on Agriculture chairman, the honorable gentleman from Texas (Mr. COMBEST), and the ranking minority member on the Committee on Agriculture, the honorable gentleman from Texas (Mr. STENHOLM).

I am pleased that Midwestern Members will be able to articulate their opposition to this bill and offer amendments highlighting their difference of opinion under this rule.

Madam Speaker, H.R. 1402 would require the Secretary of Agriculture to implement the Class 1 milk price structure known as Option 1A as part of the final rule to consolidate Federal milk marketing orders. H.R. 1402 would essentially maintain minimum farm milk prices close to the current levels. The bill would also extend the Federal dairy price support program by 1 year.

This legislation is necessary to prevent the USDA from moving forward with proposed changes that would be devastating for dairy farmers, not only in New York but across the country. Nationwide, dairy farmers would lose $200 million under the USDA proposal scheduled to go into effect October 1. In the Northeast, dairy farm income would be reduced by $84 million annually. In my State of New York alone, dairy farmers would lose $30 million a year. Just as milk does the body good, H.R. 1402 does the dairy farmer and the economy good.

The critics of the legislation argue that farmers overwhelmingly voted to approve the USDA charges, milking this argument for all it is worth. What they do not point out is that farmers would have risked the loss of all Federal price supports in their region. Essentially, farmers had a choice between a flood or a drought when what they really wanted was a long soaking rain.

So the opponents of H.R. 1402 in the upper Midwest claim that the Administration's final rule helps to balance out a system that they claim results in lower prices to farmers in their region.

But a Hoard's Dairyman study shows that in 1998, the mailbox prices, the actual dollar amount that a farmer receives in the upper Midwest, were among the highest in the country. Despite this fact, the modified Option 1B that the Secretary of Agriculture has proposed actually further raises the prices in the upper Midwest while lowering prices paid to producers in most of the rest of the country.

Opponents also argue that the 1996 farm bill required USDA to develop a new, more market-oriented Federal Order system. However, Option 1A, also developed by USDA, is a more market-oriented system, yet will not result in concentrating milk production into one small region of the country.

If this concentration occurred, not only will thousands of dairy farmers be forced out of business, but consumers will also suffer increased prices as a reflection of forced transportation costs.

Some critics of H.R. 1402 have argued that this bill would mandate higher milk prices, milking the consumers' fears for all they are worth. The USDA even says that consumers would not pay more than 1 percent per gallon more for milk. An independent analysis conducted for the House Committee on Agriculture by the University of Missouri's Food and Agriculture Policy Research Institute, one I am sure the chairman knows well, also supports this finding. This means, in the worst case scenario, an average American will pay no more than 24 cents a year. That is less than one cup of coffee.

Opponents also argue that this bill will affect the cost of other milk products, such as cheese. But the provisions of H.R. 1402 that affect milk used to produce cheese, Class III, will not increase prices paid for this milk, and therefore will not affect the price of cheese to consumers.

In addition, a 1-year extension of the dairy price support program will actually reduce the cost of the dairy program by over $100 million. That is according to the Congressional Budget Office.

Very simply, taxpayers will not see increased costs because of the bill, farmers did not have a choice when the referendum was held, and consumers will not see savings if the bill is defeated.

Madam Speaker, I urge my colleagues to support the bipartisan H.R. 1402 and this rule.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), the distinguished chairman of the Committee on Agriculture.

Mr. COMBEST. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, while we will see tomorrow how contentious debate on dairy policy can be, I want to make a brief statement this evening about the process that we have followed.

From the beginning, the Committee on Agriculture has tried to ensure a process that was fair and open to all Members. We announced our schedule well in advance, we provided an opportunity for all Members to offer their amendments, and we gave everyone an opportunity to vote on the policy option that they preferred.

I commend the Committee on Rules for continuing in this spirit. While not all of the amendments were made in order, it is my belief that the more than 6 hours of debate time that is permitted under this rule gives every Member an opportunity to make their case and cast their votes.

This is a fair rule, Madam Speaker. I urge its adoption so we can proceed with this much-anticipated debate, and I thank the Committee on Rules for the work they have done.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I will admit that the distinguished chairman has done a good job in terms of providing us with opportunities to offer amendments and to debate this bill. However, we need to go back to what happened when we passed the last farm bill and review that a little bit.

Madam Speaker, I am a member of the committee who has dealt with this all through the process. If Members will remember, back in 1995–1996 we tried to overhaul legislatively the dairy system in this country. We were told at that time that it is too complicated, that we did not have enough input for the public, so we should put this over to the Department and let them go through a process so everybody in the country could be heard.

That is what ended up happening. Since that time, the Department has gone out and held hearings all over this country, taken thousands of pages of testimony, taken letters and e-mails and telephone calls from all over the country, listened to lots of folks, studied the best economists in the country, and have ended up with this rule which we in the Midwest think moves us in the right direction, but we would like to see go frankly even further towards a more market-oriented, sensible dairy policy.

So we feel like the bargain that we struck to have this go through the process within the Department is now being violated by bringing this rule forward and by bringing this bill forward, because we entered into this in good faith, and we feel like now we are being a little bit blind-sided.

People need to understand, as I said, that the Department put a lot of time into this. They did not come up with this out of thin air. They took the Cornell model, which is, by all of the dairy folks, determined to be one that best understands how this milk pricing system works in this country.

They have tried to set up a system whereby we do not use the Federal Government's power to distort the way milk is produced in this country.

Members have to remember that we are operating under a system on the fluid milk side that was developed by Tony Coelho in this body in 1985, which is basically a legislative, political fix that was put in place, and there never was any real economics put into that.

What we are trying to do today is more closely mirror the economics of the dairy industry. In this rule, they took into account how much it takes, how much money it takes to move milk from one area of the country to the other. They have tried to establish a system that does not price fluid milk above what it is actually worth, so those parts of the country that have these higher differentials end up producing more milk that gets dumped into manufacturing markets like Minnesota and other parts of the country.

Probably a lot of people do not even realize that in this rule is a new Class III and Class IV milk pricing system which, in my opinion, is more important than the fluid milk part of this bill, but hardly anybody talks about it.

This bill that is before us only addresses the Class I fluid milk part of that rule. It is the thing that we have been concerned about. Again, in summarizing, we feel that people have gone back on their word. I would encourage us to not support this rule and not support this bill.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, this bill, H.R. 1402, is an attempt to force this Congress to continue to operate an antiquated system of price-fixing that violates the free market principle.

What we are talking about today, and the legislation we are bringing to the floor tomorrow, should this rule pass, is basically this. In 1937 we started with a milk pricing system that said, the farther away from Eau Claire, Wisconsin, you live, the higher you get a price for milk.

We have this in law today. In 1937, we did not have an interstate highway system. We did not have refrigerated trucks or railcars to ship milk around. Wisconsin was the only surplus-producing milk State at that time.

That was 1937. This is 1999. We have interstates, we have very good highways, we have refrigerated milk trucks. Yet, we have an antiquated, socialistic style milk-pricing system that says if you live farther away from Eau Claire, Wisconsin, you are going to get more for your production of milk.

This is a system that is anti-free market, it is anti-free market principles that we all espouse to support, but more importantly, it comes right at the bottom line of upper Midwest dairy farmers.

□ 1730

This is a system, should this rule pass and should this bill pass, that will stop the USDA from implementing very modest reforms that they are proposing to implement 9 days from now.

So let us make this very clear. What we are about to do here is pass the bill, if this passes, that blocks the USDA from putting together modest reforms on behalf of all Nation farmers, all of our farmers so that they can go back to farming regardless of where they live in this country.

I urge a "no" vote on this rule, and I urge a "no" vote on final passage on H.R. 1402.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, for the last 10 years, we have had a lot of people on this House floor demanding that Russia move from a Marxist market system to a free market system. Yet, they are going to come to the floor tomorrow and support this bill which says that we must keep in place the most Soviet-style pricing system in the history of this country. That is what the existing status quo is.

What they are saying is, if it was good enough for us in 1937, it is good enough for us right now. With all due respect, I disagree. What existing law says and what this bill seeks to continue is that, if one produces 100 pounds of milk in one place in this country, one is mandated by the government to get $2 to $3 more for 100 pounds of milk than one would if one produced that same amount of pounds of milk someplace else in the country. That is nuts. That is absolutely nuts.

So what we are trying to do is to have this Congress live up to the promise it made a few years ago. When the Freedom to Farm bill was on this floor a few years ago, Congressman Gunderson, Republican, chairman of the dairy subcommittee, was trying to get on this floor an amendment to change the existing system. He was told by his own party leadership, "Sorry, you are not going to get a legislative remedy. You are going to have to rely on what USDA does." So that is what we did.

Under that limited authority, USDA tried in a modest way to make the system more equitable. Now that the folks who denied us the legislative remedy 3 years ago do not like what the administrative remedy has produced, they are now flipping their word. Now what they are saying is, oh, forget what we said about doing it administratively, we are now going to overturn the USDA and impose our own will.

What does that mean? It means this decision will not be made on the basis of economics. It will not be made on the basis of economic fairness. It will be made on the basis of raw political power. Simply put, that is what the issue is before us. That is why this rule should be defeated. That is why this bill should be defeated.

The folks who are defending the status quo told us, Rely on the fair shake that we can get from USDA. We did it. Now they are trying to bust the deal. That is not the way the people's house is supposed to work.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I would agree with my colleague that the chairman of the Committee on Rules, I think, did a good job in trying to balance the opportunities for Members to make comment. But I think the larger issue is that we should not even be here today. We should not be here in this House today taking up this rule or taking up H.R. 1402 tomorrow.

The gentleman from Minnesota (Mr. PETERSON), I think, has eloquently talked about the institutional history here about the fact that bringing this bill up breaks a deal that was struck across the Nation some years ago when this institution was floundering over dairy reform, unable to reach a consensus.

So it was agreed to refer this to an outside observer. Now that that outside observer, the USDA, has come forward, it seems as though a number of Members want to take their marbles and go home.

Also, as the gentleman from Wisconsin (Mr. OBEY) has said, consideration of this bill contradicts our work in the international community. At the very time that we are preaching the gospel of free trade, forcing nations all across the world to break down barriers, to lower tariffs, we are poised in this House to reinforce and reimpose those very trade barriers between the States.

Late last week, USDA Secretary Glickman has disclosed or did disclose that he was recommending a Presidential veto.

So why are we taking this bill up? Why are we taking on another fight with the White House at the very time that our constituents want us to get down to work and do the people's business, tax cuts, saving Social Security, not to get once again bogged down in these regional interests?

Finally, let us not forget who opposes H.R. 1402. A coalition ranging from Americans for Tax Reform to the AFL-CIO, Citizens Against Government Waste, the Teamsters, group after group is telling us this is the wrong thing to do, and, yet, this House wants to move forward.

I urge a "no" vote on the rule and a "no" vote on the bill.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank the gentlewoman from New York for yielding me this time.

Madam Speaker, I rise today urging my colleagues for a "no" vote on the rule and a "no" vote on H.R. 1402. We are going to have plenty of time over the next day, 24 hours, to talk about the policy merits of H.R. 1402, the bad policy implications involved with it.

I think we can all stipulate that family farmers across the country, no matter what region they happen to be living and working in, are going through some very tough times. The farmers in western Wisconsin who I represent and one of the largest dairy producing districts in the Nation do not want any further hardship to fall on any other family farmer, in any other aspect of the country.

They are not looking for any special advantage. All they are asking for is a level playing field and the ability to compete fairly in our own domestic market when it comes to making a living on a dairy farm. That is all they want.

We will have time to get into the policy implications behind H.R. 1402, but I think the Members should vote against H.R. 1402 because this legislation should never have been brought to the floor to begin with. I believe that the institutional integrity of this place is on the line with the introduction of this legislation in the 11th hour.

Let me explain. Back in 1996, my predecessor, Steve Gunderson, who was chairing the dairy subcommittee was going to legislate in the Freedom to Farm bill some corrective changes on the milk pricing system, a system that was in place during the Great Depression, a stopgap, short-term measure in order to deal with the problems that this country was experiencing during the Great Depression.

But sometimes one of the hardest things to change in this place is the status quo. But instead of allowing Representative Gunderson and his supporters to go forward with legislation in Freedom to Farm, they said, no, instead, let us let the regulatory and rulemaking process at the Department of Agriculture deal with this. They have through that mandate in Freedom to Farm.

Over the last few years, they have held countless hearings across the country. They have taken testimony from experts in the field, from the dairy producers, public comments through e-mail, letters, personal testimony even from Representatives of Congress.

They have come forward with a proposed reform that is due to take effect on October 1, a reform that was voted by over 96 percent of the dairy producers in this country, to take effect on October 1.

Now, in the 11th hour, regardless of the agreement that was reached back in 1996 in the Freedom to Farm debate, this legislation is coming to the floor; and that is wrong.

I fear to think what this place will become if people's words do not count for anything anymore, if agreements do not matter. I believe that is what is at stake here. Besides the fairness and the policy implications behind reforming the milk pricing system, if we cannot reach agreements in this body and live up to those agreements in future years, then I shudder to think what this environment is ultimately going to look out.

So I would encourage my colleagues vote against the rule, to vote against final passage, and cast a vote in favor of the institutional integrity of this House of Representatives.

Mr. REYNOLDS. Madam Speaker, will the Chair please inform me how much time is remaining on both sides.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) has 16½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 16 minutes remaining.

Mr. REYNOLDS. Madam Speaker, because this rule is so fair, we want to continue to allow the debate even though we have taken warning of the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture, that we will see some of that debate tomorrow. I am sure it will spill over in some of our rule today, but we will continue on the debate.

Madam Speaker, I yield to the gentleman from Wisconsin (Mr. RYAN) for 2 minutes.

Mr. RYAN of Wisconsin. Madam Speaker, I thank the gentleman from New York for his inherent fairness.

But what is unfair is the current milk pricing system we have in this country today. The farmers of Wisconsin, the farmers of my district, the First District of Wisconsin, are suffering because they live too close to Eau Claire, Wisconsin. They are not suffering because they run a shoddy operation or it is inefficient. No, they are suffering because they live too close to Eau Claire, Wisconsin. Does that make sense to anybody?

We are losing more family farms in Wisconsin than many of my colleagues have in their States in totality. The USDA reform initiative is a small step to alleviate a situation that has been plaguing dairy farmers in the midwest for far too long. This system needs to be reformed not because it unfairly penalizes the midwest dairy farmers but because it hurts taxpayers and consumers.

They are being asked to subsidize inefficiencies in the production of dairy product. They are being asked to pay for a program that continues to waste their taxpayer dollars. They are being asked to pay higher prices at the supermarket.

We are no longer giving farmers in certain areas of the country an incentive to produce milk. We are now giving them an incentive to overproduce milk. That is where we are today.

This type of system does not provide an incentive for farmers to operate efficiently or produce items that are natural to their agricultural environment.

If this bill passes, we will be silencing the voices of millions of farmers around the country who have already been heard on this issue by the USDA and deserve a right to vote on this reform. This reform in this August was supported by over 95 percent of farmers nationwide. If we pass this bill, we are rolling back that mandate. I urge a "no" vote on this bill.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Madam Speaker, while this rule makes in order several amendments, it does not make in order any amendments that focus on the negative impact that the underlying bill has on taxpayers and consumers, especially low-income families.

This bill would scrap the very modest market-oriented reforms put forward by the Department of Agriculture. In fact, instead of just leaving the current pricing scheme in place, which is still terribly unfair to upper Midwestern dairy farmers, the bill actually raises prices of milk beyond the current pricing structure in some locations. The increase in milk prices given to some dairy farmers will be passed on to consumers. It is an economic reality. Low-income families will be hurt most because they spend a higher proportion of their income on food.

For example, the Women, Infants, and Children program, commonly known as WIC, provides assistance to low-income families to buy nutritious food. But under this bill, because of the increased cost of purchasing milk, a nutritious staple food, the WIC program will be short over $10 million per year. The WIC program is not an entitlement. So without additional tax dollars put into this program, H.R. 1402 could squeeze about 3,700 women, infants, and children out of the program every year.

Madam Speaker, this bill is unfair to Midwestern dairy farmers, to taxpayers, to consumers.

I am sorry that the rule did not permit consideration of an amendment to protect consumers and taxpayers from the effects of H.R. 1402.

I urge a "no" vote on the underlying bill.

Mr. REYNOLDS. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I rise today in support of this well-crafted rule which would allow us to consider legislation that is vital to dairy farmers throughout the vast majority of the country.

Support for the bill, H.R. 1402, for which this rule is being considered, is overwhelming. Irregardless of what we have just heard in the last few minutes, let us look at the numbers. Two hundred twenty-nine Members of Congress representing 43 States have cosponsored H.R. 1402.

□ 1745

One of those represented States is my home State of Pennsylvania. We are the fourth largest producer of fluid milk in the country, behind California, Wisconsin, and New York. Now, of those top four States, not to mention all the other 43 States, the only one that would benefit by Dan Glickman's mistake would be Wisconsin. And if we cannot in this House correct a mistake that the Secretary of Agriculture made, what are we here to do?

All these scare tactics about the raise in the price of milk and people on WIC and so forth are just that. The biggest scare would be that we do not have farm fresh, locally produced milk in all areas of the country from our family farm system. If we do not pass this bill, we will sacrifice the family farm on the altar of agribusiness and a few large cooperatives in the upper Midwest.

Madam Speaker, I will leave my colleagues with one final statistic. According to the dairy farmers of America, 25 percent of the dairy farms in the United States have ceased to exist in the last 6 years. We must stop this unacceptable trend by passing this rule and then passing the bill H.R. 1402 offered by my esteemed colleague, the gentleman from Missouri (Mr. BLUNT).

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. Sanders).

Mr. SANDERS. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong support of our Nation's dairy family farmers, strong support for this rule, and strong support for H.R. 1402, without the poison pill amendments.

What this legislation is about is protecting family farms all over this country. I have heard some discussion tonight that what we are doing here is not democratic. Well, when we have 229 Members who are cosponsoring this legislation, I think that is democratic. If we have legislation which protects family farmers in 45 out of 50 States, I think that that is democratic. And I think we should pass this rule and pass the legislation.

This legislation would implement the Class I milk price structure known as Option 1-A as part of the final rule to consolidate federal milk marketing orders. It will protect family dairy farmers in Vermont and throughout this country from the drop in fluid milk prices that is expected in just 9 days if the proposal introduced by Secretary Glickman and the United States Department of Agriculture is implemented.

I understand that there is some confusion about the recent referendum results on USDA's federal milk market order reform plan. I have heard from many dairy farmers in Vermont saying that they had no choice. I have heard about Soviet-style legislation. This is what Soviet style legislation is: either you vote for it or you vote for nothing. And that is why the Soviet rulers always used to get 96 percent of the vote, which is what I gather this legislation has gotten. Well, the farmers in Vermont want something, not nothing, and what they want is 1-A. They want a fair price for their product.

In my State, and in virtually every State in this country, a great tragedy is occurring in rural America. It is heartbreaking and it is terrible for consumers, terrible for the environment, and terrible for the economy. What we are seeing throughout this country in rural America are family farmers, many whose families have owned the land generation after generation being driven off the land.

And if the opponents of this legislation think that it is a good idea that a handful of agribusiness corporations will control the production and the distribution of dairy products in this country, they are dead wrong. It will not be good for the consumer. The best thing that we can continue to have and to expand is family farming all over this country; to know that in our own communities, in our own States there will be family farmers producing fresh dairy products and other commodities that we desperately need.

This is a life and death issue for family farmers all over this country. I urge support of the rule and support of the legislation.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding me this time and for bringing this issue to the floor today for this rule to be voted on.

I, of course, encourage that the rule be approved. I think it does give plenty of opportunity to debate the issue and a number of amendments that the will of the House will be known on. As my colleague from Vermont just said, there are 229 cosponsors of this legislation. A handful or more Members contacted me in the last 2 weeks, after it was too late, to cosponsor and ask what could they do to join this legislation.

One of the things that prompted them to want to become part of this was the calls they were getting, the frustrated calls they were getting from their dairy farming families who saw the choice they had of no milk marketing structure at all or 1-B as the choice between capital punishment and cutting off their hand. Well, given those two choices, you will always vote to cut off your hand. That is what American dairy farm families felt like they did as they cast those votes. They are overwhelmingly for the 1-A marketing structure. They overwhelmingly believe that the mapping consolidation, where we have now 11 orders, is a good thing.

But this is about families. It is about dairy farming families and whether they continue to be able to have a family farm, a family dairy farm. It is about American consuming families and whether they continue to have a fresh supply, a locally produced supply of milk, something that this Government and State governments have been committed to for a long time.

This is about families, and it is about dairy farming families that would lose its estimated $200 million every single year if 1-B goes into effect. If 1-B had been a hurricane, it would be in the top 10 most destructive hurricanes in the history of the country. Well, let us not let American dairy farming families be hit by Hurricane Dan. Let us get to work and let us pass this rule today, have this debate for American families tomorrow and pass this legislation.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Madam Speaker, I rise in opposition to the rule, and I rise also in opposition to the bill.

It was back in 1933, during the depths of the Great Depression, that Secretary of Agriculture Henry Wallace introduced our farm programs with the statement that these are temporary solutions to deal with an emergency. Well, here we are, almost 70 years later, and we are still utilizing some emergency solutions, temporary solutions, to deal with a different time and a different era.

The reason why we should oppose this legislation is it does not embrace the modest reforms that the Secretary of Agriculture put in place that would move our dairy industry in a more market-oriented direction, a direction that would ensure that dairy families, farming families, in an area that had a relative advantage, maybe because of climate, maybe because of feed cost, would be able to recognize that relative advantage.

It is a step away from an old program that put in place arbitrary differentials, which means that we have the Government dictating that some dairy farmers in a particular region of the country are going to be getting more income, not because they are more efficient producers, but only because they live a further distance away from Eau Claire, Wisconsin. That does not make any sense.

It might have made sense in the 1930's, when we did not have refrigeration. But it is remarkable, today every house in America has a refrigerator. We did not have refrigerated trucks back then that could transport milk products to make sure that we could have an adequate supply of fluid milk in every region of the country. But today we have refrigerated trucks. We even have an interstate system today that allows us to ship milk from Wisconsin to parts of the country that, unfortunately, because of climate conditions and feed costs cannot be competitive in the marketplace with producing milk.

Does this mean that we are attacking family farms? Nonsense. It means that we are ensuring that those family farmers that have an opportunity to be most cost effective, that have a relative advantage, will be able to recognize that.

Where else in this economy do we dictate that we are going to have a Government program that ensures that we are going to have something produced in a particular region? Where else do we dictate by the Government that we are going to ensure that we have the production of a particular product in an area which might not have the level of efficiencies? This is a wrong policy to embrace. We need to move forward. We are making these modest reforms that ensure that we are not prejudicing those family farmers that do have the advantage.

I would also like to state that there will be one amendment that I am going to offer that is going to do something that is very simple, that can make this bill much better, and that is to ensure that a dairy farmer can enter into a contract with a private processor, something that every businessperson in America can do today.

It is a reform that will ensure that a dairy farmer will have the ability to manage the volatility and prices, to manage the risk that is incumbered upon them by fluctuating milk prices, and is something that will make this bad bill a little better. I hope people will support my amendment to Stenholm-Pombo.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Madam Speaker, I thank the gentleman for yielding me this time, and, Madam Speaker, I rise in strong support of this fair rule, and I rise in strong support of 1402.

Over the past 3 years, the Department of Agriculture has undertaken a biased march toward implementing a new program which will slash upwards of $300 million per year in on-farm revenue to dairy farmers nationally. It is $30 million to the dairy farmers in New York State.

In 1996, during the farm bill debate, a battle was waged over dairy policy, and in that debate efforts to scale back and eliminate the federal milk marketing order program were convincingly defeated on this floor in favor of the preservation of the milk marketing order program. Yet today, here we are again listening to some of those same arguments, as if that debate never took place.

H.R. 1402 is an effort on the part of a bipartisan majority of this House to reaffirm the intent of Congress in the 1996 farm bill to preserve dairy farm income and to hold the Department of Agriculture accountable for ignoring the will of Congress and the best interest of nearly all of the many dairy producing regions in this country, 45 out of the 50 States, as my colleague, the gentleman from Vermont (Mr. SANDERS), pointed out.

This debate is very simple. Do you support a balanced program that is responsive to all regions of the country, or do you seek to pull the rug out from under the farmers in those 45 States? Let me repeat, 45 States lose money under the USDA plan.

The federal dairy program is a reasonable industry-funded safety net that ensures fair treatment of farmers throughout the country, even in the upper Midwest. That is why farmers, by over 90 percent, voted in support of the system. We have an obligation to ensure that it is preserved.

The dairy program may be complex, and many Members will claim they do not understand it; but my colleagues should know that their farmers understand very well the impacts these policies have on their livelihoods. They know without passage of 1402 the dairy industry will become a monopolized disaster, unfair to consumers and farmers.

I urge strong support for this rule and support for 1402.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Madam Speaker, I thank the gentlewoman for yielding me this time.

I understand where many of the Members of this chamber feel they have to stand up for their farmers. They feel this is a bill that is in the best interest of their farmers. But it reminds me a little bit of a holiday coming up in the next month, and that is Halloween. We have a situation at Halloween where little kids are going around trick or treating. Some of the little kids realize there are bigger kids who are getting all the candy, and this is wrong. They feel they have to do something so that they get more candy. Now, they can do one of two things. They can go after the bigger kids to get the candy, or they can pick on other little kids.

Make no mistake about it, that is exactly what is going on in this bill. Little kids who feel that they have been picked on have decided to pick on other little kids. Does that make it right? Absolutely not. In fact, that is even worse than anything else that can be done.

The people that we are talking about here, these horrible people, are small dairy farmers in the Midwest and other parts of this country. They are not huge conglomerates. In fact, in many parts of this country farms are being destroyed on a daily basis.

□ 1800

But the solution is not to come in and destroy more farmers. And when I hear people say, well, there are Members of this chamber from 43 different States or 45 different States supporting this, that does not make it right. Because you can have 45 bullies picking on five little kids and it does not make it right.

Notwithstanding that, what is amazing about this bill, as the gentleman from California (Mr. DOOLEY) and others have pointed out, that we are in an economy right now where people are talking about let us have open trade around the world.

I may not agree with all of that, but it blows my mind that in our own country we have picked out one product, one product alone, and said we are not going to have open trade when it comes to dairy products.

Name another product in this country where we will penalize someone for doing a good job of producing that product. That is not the American way and all it does, all it does is pick on small farmers in the Midwest, California, and other parts of this country.

This bill may pass today, but it should not pass. It is bad for farmers, and it is bad for the American public.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I want to thank my colleague from New York for yielding me the time.

Obviously, we have having a little disagreement here on the floor today. It is obviously not partisan because we have got Members from both sides of the aisle on different sides of this fight.

The fact is that, as much as I would rather not be here debating this bill tonight and tomorrow, the fact is a majority of the House wants to debate it, we have moved it through the committee, and we are going to debate it. And the fact is, I think the Committee on Rules did a nice job in putting the rule together, I think it is fair, it gives us an open debate, and then we can have at it with our differences fairly.

But when I hear Members up here talking about the USDA making a mistake and how they went about putting this rule together, let me remind the Members that in the 1996 farm bill we tried for almost a year to bring some reform to the dairy program. We were unable to come to an agreement except that we were able to get some language into the bill agreed to by all parties that there would be a consolidation of these marketing orders and that we would allow the Secretary to implement this most modest of reforms.

The Secretary went around the country and had hearings, listened to dairy farmers around the country, came up with two options, option 1(a)/option 1(b), had comments from around the country, a comment period; and then the Secretary made a decision to go with a modified option, somewhere between 1(a) and 1(b), that is supposed to go into effect next week. What is underway here is an effort to stop that.

The fact of the matter is, when we look at the numbers, whether it is 1(a) or 1(b), it does not make a dime's worth of difference to almost any farmer in America. Nobody here is against the dairy farmer. The question is how do we best help the dairy farmer. Many of us believe that if we allow the market to work, that we get rid of this antiquated system in effect since 1937, we can actually help the farmers.

Let us pass this rule and have the debate tomorrow.

Ms. SLAUGHTER. Madam Speaker, at this time I have no other requests for time on this rule, but I would like to yield 1 minute to the gentlewoman from California (Ms. LOFGREN) to speak out of order.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

(Ms. LOFGREN asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

"Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that,

(1) includes a loophole-free system that assures that no criminals or other prohibited purchasers, (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers and batterers) obtain firearms from non-licensed person and federally licensed firearm dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers)."

While I understand that House Rules do not allow Members to co-offer motions to instruct, I would like to say that the gentlewoman from New York (Mrs. MCCARTHY) supports this motion and intends to speak on its behalf tomorrow.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank my colleague for generously yielding me additional time.

Madam Speaker, I want to make an important point here. We have heard a lot this evening about how dairy farms all across America are hurting. And that is true. I agree with the speakers who have made that point. But let me direct everyone's attention to our situation in the upper Midwest.

In the State of Wisconsin, by the time this bill comes up for a vote tomorrow, we will have lost five more dairy farms. We are losing five farms a day. In the last 10 years, we have lost more dairy farms than nearly every other State ever had.

So when we are talking about alleviating the pain and suffering of our dairy farmers, clearly 1402 is not the answer.

Understand that as each of us gets up here and talks about the pain that our farmers are facing, 1402 is the current system. We should not be here voting on 1402.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Madam Speaker, I thank the gentleman from New York for yielding me the time and for the good work that he has done on this bill.

This is a good bill, and it is a good rule. I have been listening to the debate; and with several few exceptions, all of the opponents to this rule and this bill has been from Minnesota and Wisconsin, the home of some of the finest dairy farmers in America and some of the best legislators in America. They are so good, they are trying to convince the rest of the country that we should lose at what they say is to the benefit of their farmers.

Why would anyone pass a Federal dairy policy that hurts the rest of the country to try to prop up two States? As I understand it, this option 1(b) takes $200 million out of the pockets of dairy farmers all across the country and does not really help Minnesota or Wisconsin. Whereas, the option 1(a) that I support holds everyone harmless.

Now, what is the sense of passing a reform that hurts 90 percent of the country when we could pass a reform that keeps everybody whole and in fact helps stabilize prices and ensures that there is a fresh supply of milk all across the country? It does not make sense.

Mr. REYNOLDS. Madam Speaker, I yield 2½ minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I had not intended to speak today on this rule because I think it is a good one, a fair one. But in the hopes of perhaps injecting some reality and facts into the debate tomorrow, I want to rise and just make a few points.

First of all, my friend from Minnesota, and he is my friend, spoke about the good faith of the Department of Agriculture's policy and development of 1(b). And frankly, that is the problem. It was a total lack of good faith by the Secretary that brings us to this point here today.

How do I know? Well, frankly, as they listened as we have heard today to so many farmers, the hearing record shows that in response to the 1(a)/1(b) proposal, 4,217 total comments were received. Of those, 3,579 supported 1(a). How many supported 1(b)? 436. Eighty-five percent of the hearing record supported 1(a). The lack of good faith is evident.

Not only that, Madam Speaker, we must remember that the Secretary's own dairy price structure committee, the internal organization, the experts in the Department of Agriculture assigned to make these kinds of decisions supported 1(a), as well.

The other thing I wanted to mention is we have heard about market orientation in Eau Claire, Wisconsin and such. It may not be nice to hear but the facts are H.R. 1402 as well as 1(b), in fact, change and make adjustments to the current system so that the Eau Claire pricing system is no longer applicable. And, in fact, under 1(b), 408 counties in 10 States will have class 1 differentials equal to or lower than Eau Claire, Wisconsin.

So it is not an issue of Eau Claire and it is not an issue of market orientation because, indeed, both of the plans operate in essentially the same way.

Lastly, modest reforms, $200 million. The Congress spoke as to the wiseness of this policy when we debated the 1996 farm bill. As my colleague from Vermont so eloquently stated, we spoke when we wrote to the Secretary of Agriculture on this issue. We have to now take the matter back into our hands into this, the people's House, where the answers lie. We have to pass this rule and support H.R. 1402.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, we continue to hear how Wisconsin dairy farmers got a raw deal back in the 1985 farm bill and how the dairy farmers in other parts of the country are doing better at their expense. But it is interesting, the Department of Agriculture records show dairy farmers' take-home pay is higher in Wisconsin than in the majority of farmers in the rest of the country.

I urge all of us to support this bill, to support fair play for dairy farmers in all 50 States by voting for the option 1(a) proposal in H.R. 1402.

Ms. SLAUGHTER. Madam Speaker, I believe we have heard from everybody from Wisconsin on our side, and I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I urge my colleagues to support this fair rule and the underlying bill, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

The votes will be taken in the following order:

H.R. 2116, by the yeas and nays;

H.R. 1431, by the yeas and nays; and

H.R. 468, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

VETERANS' MILLENNIUM HEALTH CARE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 2116, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2116, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 46, not voting 18, as follows:

[Roll No. 427]

YEAS—369

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis

Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—46

Ackerman
Andrews
Conyers
Crowley
Delahunt
Engel
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gilman
Hinchey
Holt
Houghton
Hoyer
Kelly
Kennedy
King (NY)
Kucinich
Lazio
LoBiondo
Lowey
Maloney (NY)
McCarthy (NY)
McGovern
McNulty
Meeks (NY)
Menendez
Nadler
Olver
Pallone
Pascrell
Payne
Rothman
Roukema
Sanders
Sanford
Saxton
Serrano
Slaughter
Sweeney
Tierney
Towns
Waters
Weiner
Weygand

NOT VOTING—18

Bass
Buyer
Clay
Clayton
Clement
Dingell
Fowler
Hall (TX)
Hunter
Jefferson
McKinney
Moakley
Paul
Rush
Scarborough
Thompson (MS)
Velazquez
Wamp

□ 1836

Messrs. LoBIONDO, PAYNE, ANDREWS, SAXTON, KING, NADLER, WEYGAND, ENGEL, TOWNS, DELAHUNT, McGOVERN, WEINER, ACKERMAN, OLVER, and TIERNEY changed their vote from "yea" to "nay."

Mr. GEJDENSON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE.) Pursuant to clause 8 of rule XX, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1431, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1431, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 309, nays 106, answered "present" 1, not voting 17, as follows:

[Roll No. 428]

YEAS—309

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Farr
Foley
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez

Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—106

Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Bereuter
Berkley
Blumenauer
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson
Chenoweth
Clyburn
Conyers
Costello
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Engel
Evans
Fattah
Filner
Fletcher
Ford
Gejdenson
Gonzalez
Hilleary
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Kanjorski
Kennedy
Kind (WI)
Kleczka
Klink
Larson
Lee
Lewis (GA)
Lowey
Luther
Maloney (CT)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Meeks (NY)
Menendez
Minge
Moakley
Nadler
Napolitano
Neal
Oberstar
Olver
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pombo
Pomeroy
Rivers
Roemer
Rothman
Ryan (WI)
Sabo
Sanders
Sanford
Schakowsky
Shays
Slaughter
Snyder
Stark
Stearns
Stupak
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Vento
Waters
Weiner
Weygand
Wu

ANSWERED "PRESENT"—1

Johnson, E. B.

NOT VOTING—17

Bass
Buyer
Clay
Clayton
Clement
Dingell
Fowler
Hunter
Jefferson
Leach
McKinney
Paul
Rush
Scarborough
Thompson (MS)
Velazquez
Wamp

☐ 1844

Messrs. HINCHEY, BROWN of Ohio, NADLER, WEINER, PETERSON of Minnesota, and Mrs. LOWEY changed their vote from "yea" to "nay."

Mrs. NORTHUP and Mr. FRANK of Massachusetts changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 468, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 468, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 21, as follows:

[Roll No. 429]

YEAS—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Hostettler
Sanford

NOT VOTING—21

Bass
Buyer
Chenoweth
Clay
Clayton
Clement
Dingell
Fowler
Hunter
Jefferson
Kilpatrick
McKinney
Paul
Pickett
Portman
Rush
Scarborough
Sisisky
Thompson (MS)
Velazquez
Wamp

☐ 1851

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STEWART B. MCKINNEY HOMELESS EDUCATION ASSISTANCE IMPROVEMENTS ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, being without a home should not mean being without an education. Yet, that is what homelessness has meant for far too many of our children and youth today; red tape, lack of information, and bureaucratic delays that result in their missing school and missing the chance at a better life.

That is why I rise today to introduce the McKinney Homeless Education Assistance Improvements Act of 1999. This legislation reflects the best ideas of some of the most dedicated people throughout Illinois and nationwide: homeless advocates, educators and experts at the U.S. Department of Education.

When we say the word "student," what kind of individual do we envision? More than likely, the images of a youngster sitting at a desk, taking an exam, or sitting at the kitchen table doing his homework. What we do not imagine is a student who is homeless, living in a shelter or living in a car. Yet, an estimated 1 million children and youth will experience homelessness this year, a situation that has a devastating impact on their educational advancement.

Congress recognized the importance of school to homeless children by establishing in 1987 the Stewart B. McKinney Education of Homeless Children and Youth Program. This program is designed to ensure that homeless children have the opportunity to enroll in and attend and succeed in school, and it has made a positive difference. Yet, today, more than 10 years after the passage of that important program, inadequacies in the Federal law inadvertently are acting as barriers to the education of homeless children.

There is no better time for Congress to renew our commitment to homeless children. As the 106th Congress pushes to reauthorize our federal K through 12 education programs, we must act to ensure that all homeless children remain in school so that they acquire the skills needed to escape poverty and lead productive lives.

This legislation will incorporate into federal law provisions and practices that remove the educational barriers faced by homeless youth. Several of these provisions are derived from the Illinois Education for Homeless Children State Act, which many consider to be a model for the rest of the Nation. This bill will ensure that a homeless child is immediately enrolled in school. Our bill helps to ensure that red tape does not make children miss school.

The bill also allows homeless children to remain enrolled in the school they originally attended or to enroll in the one that is currently nearest to them. Homeless families move frequently because of limits on length of shelter stays, extended searches for affordable housing or employment, or to escape an abusive situation. It allows the States to select a liaison to provide resource information and resolve disputes relating to homelessness. Because many schools do not currently have a point of contact for homeless students, these children frequently go unseen and unserved.

Finally, this bill strengthens the quality of local programs by making subgrants more competitive and by enhancing State and local coordination. This bill also strengthens the quality and collection of data on homeless students at the Federal level. This is particularly crucial as the lack of a uniform method of data collecting has resulted in unreliable national data and a likely underreporting of the numbers of homeless students.

Mr. Speaker, Congress must take advantage of this window of opportunity to renew its commitment to helping provide homeless children with a quality education. I am a strong supporter of local control of education and believe the McKinney Homeless Education Improvements Act of 1999 meets this principle while making the best use of limited federal resources.

Regrettably, homelessness is and will likely be for the immediate future a part of our society. However, being homeless should not limit a child's opportunity to learn.

In closing, let me take a moment to thank Illinois State Representative Cowlishaw, as well as Sister Rose Marie Lorentzen and Diane Nilan and the Hesed House in Aurora, Illinois for bringing this issue to my attention and for their tireless work on behalf of the homeless. I also want to thank Barbara Duffield with the National Coalition for the Homeless for her help in putting together this bill; and the gentleman from California (Mr. OSE), the gentlewoman from New York, (Ms. SLAUGHTER), and the gentlewoman from Illinois (Ms. SCHAKOWSKY), my friends and colleagues, for being original cosponsors.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this bill.

Mr. Speaker, I insert the following letters for printing in the RECORD.

MARYLAND STATE
DEPARTMENT OF EDUCATION,
Baltimore, MD, August 20, 1999.

Hon. JUDY BIGGERT,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in Maryland. These issues still challenge our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Maryland to ensure homeless children and youth's access to and success in school.

In Maryland, The State Board of Education will publish on August 27, 1999 in the Maryland's Register, a set of regulations to cover programs for Homeless children. These regulations provide a standard that all school systems in Maryland must follow.

I thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or need more information.

Sincerely,

WALTER E. VARNER,
Specialist, Homeless Education and Neglected and Delinquent Programs, State Coordinator for Homeless Education.

DEPARTMENT OF EDUCATION,
Des Moines, IA, August 17, 1999.

Hon. JUDY BIGGERT,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in Iowa. These issues still challenge our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Iowa to ensure homeless children and youth's access to and success in school.

Presently, Iowa is experiencing just over twenty-six thousand homeless individuals per year and 53% of those are children. We do not have enough support under the McKinney Act to assist all the communities wanting to improve services for the homeless. We are now very busy trying to assist schools to develop school improvement plans that address the homeless. More and more needs are surfacing as we work on this issue. We are trying to direct existing resources to assist the homeless and also develop new resources.

I thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or need for more information.

Sincerely,

Dr. ROY MORLEY,
Iowa Dept. of Education.

Texas Homeless Network,
Austin, TX, August 18, 1999.
Hon. Judy Biggert,
U.S. House of Representatives,
Washington, DC.

Dear Representative Biggert: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

Texas has significantly strengthened its state laws regarding the enrollment of children in homeless situations, but we believe there is still room for improvement. In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in our state. These issues still challenge a number of our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Texas to ensure homeless children and youth's access to and success in school.

The Texas Homeless Network is actively involved in helping local homeless service providers across the state form active, effective coalitions that meet the needs of those experiencing homelessness. In my work with both established and forming coalitions, I have seen and heard reports that homelessness is on the rise for families and unaccompanied youth, in spite of Texas' robust economy. A recent estimate by the Texas Office for the Education of Homeless Children and Youth puts the number of school age children in homeless situations at over 125,000 per year. A little over $2 million in McKinney funds is available to assist these children, but it is simply not enough.

I thank you for your leadership on this critical issue and applaud your efforts to assist children and families in the most dire circumstances. Please do not hesitate to contact me should you have any questions or need more information.

Sincerely,

Kathy Reid,
Executive Director.

Coalition on Homelessness
and Housing in Ohio,
Columbus, OH, August 19, 1999.
Hon. Judy Biggert,
U.S. House of Representatives,
Washington, DC.

Dear Representative Biggert: I would like to take this opportunity to voice support for your efforts to strengthen the McKinney Education for Homeless Children and Youth (EHCY) Act, by amending it to include provisions based upon the Illinois State Education for Homeless Children Act. Homeless children's access to education has significantly improved as a result of the McKinney EHCY program, however, many obstacles persist. Obstacles to the enrollment, attendance, and success of homeless children in school still exist, nearly twelve years after the EHCY Act was established.

The provisions of the Illinois law relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration of homelessness, would be of great benefit to homeless children in the State of Ohio.

The aforementioned issues continue to challenge our public schools, as they try to meet the educational needs of homeless children and youth. A stronger EHCY Act built around the Illinois law, would go a long way toward assisting the efforts of schools, service providers, and families in Ohio to ensure that homeless children and youth have access to a quality education.

In Ohio, as in most other states, children are by most accounts the fastest growing segment of the homeless population. The State Department of Education estimates that in 1998, some 27,000 children in the twelve McKinney funded districts experienced homelessness. The numbers for the non-McKinney funded school districts are just as staggering. It is estimated that as many as 90,000 school-aged children in these districts experienced homelessness in 1998. In the coming years, these figures are likely to increase if proactive steps are not taken now. This is why your efforts to strengthen the Education for Homeless Children and Youth Act are of the utmost importance. "School is one of the few stable, secure places in the lives of homeless children and youth; a place where they can acquire the skills needed to help them escape poverty."

Again, thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or require additional information.

Respectfully,

Rick Taylor,
Supportive Housing Director.

□ 1900

HURRICANE FLOYD

The SPEAKER pro tempore (Mr. Aderholt). Under a previous order of the House, the gentleman from North Carolina (Mr. McIntyre) is recognized for 5 minutes.

Mr. McINTYRE. Mr. Speaker, eastern and southeastern North Carolina have been decimated by the recent hurricanes which have come through our area. Thousands of homes are under water as we speak right now, or have been destroyed. Roads are closed. The State's agriculture industry has been severely hit, and our beautiful beaches have been eroded.

Congress' help is greatly needed in order for the citizens of our State to begin rebuilding their lives once more. I urge my colleagues not to delay in working with us from the North Carolina delegation and our colleagues up and down the East Coast to pass a relief package.

Let me give the Members a sense of what has happened alone in my district, the Seventh Congressional District of North Carolina, the southeastern part of our State where this terrible storm came ashore, Hurricane Floyd, last week when we adjourned to go and work with our citizens in this part of our country.

Brunswick County has estimated damage amounts of more than $100 million for the 200 homes along the ocean. Local landfills have been closed. Piers have been destroyed.

In Columbus County, 2,300 homes have water and septic problems. There has been extensive damage to sweet potato and corn crops.

In Duplin County, millions of hogs, turkeys, and chickens have been lost, creating severe environmental concerns. The southern area of this county has had several incidents of stranded persons requiring helicopter and boat assistance. Rescue workers have been working around the clock, and are experiencing danger to themselves. There have been reports of persons in the flood area with guns threatening others. Two thousand acres of the tobacco crops for our farmers have also been lost while still in the field.

People's homes have become islands in all three of these counties, Brunswick, Columbus, and Duplin, that I have just described.

In New Hanover County, Wilmington, North Carolina, near where the storm came ashore at Cape Fear near Bald Head Island, contamination of surface water has occurred from the heavy rainfall. The county in that area recommends no swimming or other bodily contact with all coastal and inland water areas until further notice. Residents in many areas have to boil or drink bottled water. There have been contaminated wells.

People have been stranded in rural areas. Even Interstate 40, one of our premier new superhighways in eastern North Carolina, has been closed because of heavy flooding. Eighty feet of beach have been lost in areas such as Bald Head Island near Cape Fear.

In Robeson County, my home county, and in my hometown, Lumberton, North Carolina, damage estimates have been at $20 million.

Bladen and Pender Counties have suffered almost immeasurable damage with regard to people's homes, businesses, farms, and livestock. The Black River has caused extensive flooding from this terrible storm.

Sampson and Cumberland Counties have also suffered from this vicious storm, especially with regard to agriculture.

Other needs throughout this area include more than 400 roads that have been impassable due to flooding, nearly 600 sections of highway washed out, ten bridges and drainage systems destroyed, many more under water and not yet accessible, and 600 pipelines damaged.

Water and sewage systems have bacteria, nitrates, and other pollutants that have contaminated them and many wells in the area. We are facing agricultural losses of more than $577 million in crops and $230 million in rural development needs. Forestry, 40,000 acres of trees have been blown down or destroyed, and 400,000 acres of our forest area is flooded. More than 30,000 homes have been flooded. Nearly 6,500 people are still in shelters.

The problems for health include raw sewage and animal waste. We have found dead animals on dry land attracting diseases and attracting flies, spreading disease. Our rivers and estuaries are facing raw and untreated sewage.

Our beaches, of course, have obviously faced significant erosion, thus adding and complicating the problem of future damage, as this area alone in the last 3 years has unfortunately seen five hurricanes.

This is a disaster of truly gargantuan proportions. The quick response by State and Federal emergency agencies has been tremendous. Once we know the full extent of the damage which we are even now assessing, it will be imperative that our fellow colleagues join us here in the U.S. Congress together to pass an emergency relief bill to address the devastation to our fellow American citizens, and especially those who have suffered such dire consequences in North Carolina.

We need help. I reach out to my colleagues from across the Nation. I rushed out of here last Wednesday as the hurricane was getting ready to strike. As I went home and saw again the devastation that our area and our homeland has faced in North Carolina, we are asking for help.

We are grateful for those who have responded personally with time and treasure and talent, for the help that we have seen come across the country, from electrical power workers to rescue workers to those in military positions to those who have given of their own food, and sent water to people who do not even have clean water to drink, much less to bathe in. This is a disaster that has affected everyone.

We ask for help, we ask for common sense, and we ask for encouragement to help those who have suffered so much.

THE MINING INDUSTRY IS SUFFERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, America's mining industry is suffering. The obvious culprits are predictable in a market economy. They include rising costs, declining profits, and increasing competition. However, there is one more obstruction that is not predictable, surmountable, or logical. That is, the United States Department of the Interior.

Even though mining is a basic national economic activity supplying strategic metal and minerals essential to agriculture, construction, and manufacturing, it may be dealt a fatal blow by the agenda of a hostile Washington bureaucracy. Instead of moving to bolster the mining industry, the Department of the Interior is hastening mining's demise.

Several recent opinions by the Department of the Interior's Solicitor herald a new era of bureaucratic bullying by unelected, unaccountable Federal administrators.

The first, unilateral, untouchable decision by Solicitor Leshy reinterprets the 1916 Organic Act, allowing the National Park Service to block mining activity if it can prove waters flowing into the park will be impacted. This will have the immediate effect of ending all prospecting for lead in southwest Missouri, which accounts for 85 percent of all U.S. lead production.

The second, more far-reaching and devastating Solicitor opinion reinterprets the Magna Carta mining law, the 1872 Mining Act. In this instance, the Solicitor reversed over 125 years of history and precedent with the stroke of a pen, declaring the 1872 Mining Law restricts the number of 5-acre millsites to one per lode claim. Previously, the 1872 law allowed as many five-acre millsites as necessary for the safe and practical operation of a mine. If left unchanged, this opinion will effectively end mine operation and public land exploration nationwide.

Although the decision is currently blocked by legislative action, there is no guarantee that our prohibition will remain in place.

Unfortunately, Mr. Speaker, matters get worse. The Bureau of Land Management, BLM, another Interior Department agency, has issued new hardrock mining regulations, in direct violation of congressional intent.

The BLM was directed by Congress to postpone new directives until a report by the National Academy of Sciences was issued regarding the need to revise 43 CFR, subpart 3809, concerning hardrock mining operations. Of course, the BLM pushed forward, lacking demonstrable need, with proposed regulations that will go into effect November 1 of this year.

Incorporating flawed science and flouting the will of Congress, these regulations may end any chance for mining to exist in America.

While Congress is considering a stay on this blatant power grab, we should take a moment to consider the commonsense recommendations the General Assembly of the State of Colorado has expressed in Colorado's House Joint Resolution 99-1023, sponsored by State Representative Carl Miller and State Senators Ken Chlouber and Doug Lamborn.

I submit for the RECORD the official position of the State of Colorado regarding BLM's proposed revisions to hardrock mining regulations.

Furthermore, I urge my colleagues to act favorably upon the instruction offered by the great State of Colorado.

House Joint Resolution 99-1023 is as follows:

HOUSE JOINT RESOLUTION 99–1023

Whereas, The mining industry is vital to the economy of Colorado, with direct and indirect contributions to the state's economy that exceed $7.7 billion annually; and

Whereas, Hardrock miners are the highest paid industrial workers in Colorado, earning average annual wages of approximately $60,000; and

Whereas, The producers of gold, silver, lead, zinc, molybdenum, gypsum, and other minerals located under the general mining laws provide a source of high paying jobs in rural areas of Colorado whose economies are highly dependent upon resource extraction; and

Whereas, Lower mineral commodity prices and other economic factors continue to challenge this industry making it important that state and local governments fashion regulatory programs that are cost effective and yet sufficient to regulate the environmental impacts of hardrock mining activities on public and private lands; and

Whereas, The "Federal Land Policy and Management Act of 1976" requires that mineral activities on federal lands protect the environment and prohibits any mining activity that would result in unnecessary and undue degradation of these areas; and

Whereas, The Bureau of Land Management within the United States Department of the Interior implements the mandate of federal law through regulations codified at 43 C.F.R. subpart 3809, and these laws and regulations are among the many laws that require mineral producers to protect air, water, cultural, historic, fish, wildlife, and other resources; and

Whereas, The division of minerals and geology in the Colorado department of natural resources, though a cooperative agreement with the Bureau of Land Management, is the lead agency responsible for regulating mining activity on both public and private lands; and

Whereas, Colorado effectively regulates mining operations pursuant to the "Colorado Mined Land Reclamation Act", part 1 of article 32 of title 34, Colorado Revised Statutes, that sets forth very comprehensive permitting, bonding, environmental management, monitoring, and reclamation requirements for hardrock mining activities on both public and private lands; and

Whereas, The Colorado General Assembly strengthened this law in 1993 requiring that mining operators using certain toxic chemicals in mineral extraction meet more stringent standards before receiving authorization to mine; and

Whereas, The United States Department of the Interior, through the Bureau of Land Management, has announced its intention to propose revisions to 43 C.F.R. subpart 3809, that would preempt, conflict with, and duplicate the very effective state program now in place, and replace, it with a plenary federal program that may well lessen the environmental protections available under state law; and

Whereas, In 1998 the United States Congress enacted legislation directing the National Academy of Sciences to perform a study of the adequacy of state and federal laws governing hardrock mining on public lands and submit its findings and recommendations before the Department of the Interior's Bureau of Land Management may finalize changes to regulations under 43 C.F.R. 3809; and

Whereas, Notwithstanding the express mandate of Congress, the Bureau of Land Management proposed revisions to the regulations promulgated under 43 C.F.R. subpart 3809, in February, 1999, before the National Academy of Sciences has concluded, much less submitted, its study and recommendations, and the Bureau of Land Management has failed to consider the National Academy of Sciences' findings or process in fashioning the various regulatory revisions currently awaiting public comment; and

Whereas, Any changes to the regulations promulgated under 43 C.F.R. subpart 3809 must be based upon sound science and compelling policy reasons, and must take into account the findings and recommendations of the National Academy of Sciences' study before the Bureau of Land Management submits its proposal for public comment, yet the comment period on the proposed rules is set to expire on May 10, 1999, before the National Academy of Sciences completes its study of existing laws; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

1. That the General Assembly calls upon the United States Department of the Interior and the Bureau of Land Management to withdraw the current proposal to amend the federal regulations, 43 C.F.R. subpart 3809 and published at 64 F.R. 6422 on February 9, 1999, governing hardrock mining activity.

2. That the General Assembly calls upon the Bureau of Land Management to await completion of the study currently underway by the National Academy of Sciences of the adequacy of hardrock mining regulations, which must be completed prior to July 31, 1999, and that the Bureau of Land Management refrain from publishing any further changes to the existing rules before it has fully considered the results of the study.

3. That the General Assembly calls upon the Bureau of Land Management, if it decides that further revisions to 43 C.F.R. subpart 3809 are necessary, to fully explain in the preamble to the new regulations how it fashioned its proposals in response to the anticipated findings and conclusions of the National Academy of Sciences' study and give the public at least 90 days to comment on the proposed changes.

4. That the General Assembly opposes changes to 43 C.F.R. subpart 3809 that would preempt the existing Colorado regulatory program or that would duplicate permitting and other requirements.

5. That the General Assembly calls upon the United States Department of the Interior to consider that the mining industry is one of the most heavily regulated industries in the United States and that unreasonable delays in obtaining permits are a significant disincentive to the location of new mines or expansion of existing mines in the United States.

6. That the General Assembly opposes the concept developed as a result of 43 C.F.R. subpart 3809 of using the "Most Appropriate Technology and Practices" which allows the Bureau of Land Management to dictate what type of equipment and technologies are employed by mining operators. Using the "Most Appropriate Technology and Practices" would replace the existing regulatory scheme that requires mining operators to meet performance standards, but allows the individual operators to decide how the individual operator will meet environmental standards.

7. That the General Assembly calls upon the Bureau of Land Management to consider the economic impact on mining and the communities dependent upon mining in Colorado and other states.

8. That the Bureau of Land Management specifically consider the conclusions in the Fraser Report that found that Colorado and many other states were ranked low in investment attractiveness due, in part, to the burden that government regulation imposes on the industry. Colorado received a score of only 24 out of a possible 100 in the Fraser Report.

9. That the General Assembly calls upon the Congress of the United States to impose a moratorium on any appropriations for the continuation or completion of the current rulemaking until the Department of the Interior withdraws the current rulemaking and agrees to fully consider the findings and recommendations of the National Academy of Sciences' study.

Be it further resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the President of the United States, the Vice-president of the United States, the Secretary of the United States Department of the Interior, the Director of the Bureau of Land Management, and each member of the Colorado Congressional delegation.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to call attention to a devastating storm that hit eastern North Carolina just in the last few days. People in North Carolina urgently need the help of this Congress to respond to one of the worst disasters to hit our State in recent memory.

Hurricane Floyd devastated much of eastern North Carolina from I–95 east, and some even west of it. Much of it was in my district, but some was in four other congressional districts in eastern North Carolina.

Tonight people are in shelters. Their homes are under water. For some of those people, they have lost everything that they own. Some of them are living on the edge. Others have lost their crops, all their crops for this year.

I have had the occasion to visit farms. I went into homes today, I went into one home of a lady where everything she had was on the street. She was inside her house seated in a lawn chair. That was all she had left. She had lost everything she had.

I went to a businessman who had worked all of his life, today. He had five feet of water from a stream that was not in the flood plain. He had paid his taxes all of his life, and tonight he has lost everything, but he was there cleaning out his business.

It is time for this Congress to face up to our obligations. We have helped people around the world. We have helped others in America. We now call on this Congress to help the people in North Carolina and along the Eastern Seaboard who have suffered one of the worst disasters in recent years.

Some parts of our State had as much as 20 inches of water. Tonight that water is still rising in eastern North Carolina. Some Members may have seen on national TV the carcasses of dead animals floating, and homes under water. It is not over. As many as 1 million poultry may be dead and floating, and they are saying now there may be 100,000 or more hogs.

Some of the finest prime farmland in America is in eastern North Carolina. There happens to be a large portion in my district, and a large portion in the district of the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from North Carolina (Mr. MCINTYRE) who spoke a few moments ago, and the gentleman from North Carolina (Mr. JONES).

Just yesterday we had the opportunity to travel over eastern North Carolina with the President and a number of his cabinet members, the gentleman from North Carolina (Mr. PRICE), the gentlewoman from North Carolina (Mrs. CLAYTON), and others. We saw the utter destruction and the anguish on people's faces. Yet, they still have hope. They are waiting for us to act.

The latest numbers I have show that we have over 40 people that are now known dead. Yesterday we heard, as the gentlewoman will remember, in one of the conversations that people went out in the boat checking houses and heard a knock on the roof. They cut a hole in the roof of a house and rescued 11 people and saved their lives. We may find many others who are dead.

That is unfortunate, but the loss in agricultural commodities and to the farm life of our farmers is extensive.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ETHERIDGE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, it was a source of encouragement to our State for the President to come to North Carolina yesterday, as the gentleman has said, and to have Secretary Rodney Slater there from the Department of Transportation, to have our small business administrator, Ms. Alvarez, with us; to have, from the Department of Agriculture, the chief of the National Resources Service, Pearlie Reed.

The President brought a message of hope and of solidarity, pointing out that we are all in this together. This is the kind of disaster that makes us realize we are all one community.

As the gentleman said, the agricultural aspect of this is particularly devastating. The U.S. Department of Agriculture there on the scene in North Carolina has come up with some preliminary figures, now well over $1 billion in damage estimates. That includes everything from housing to community facilities to watershed protection efforts to emergency conservation programs and crop disaster assistance. It comes to $1.19 billion, the estimates from North Carolina at this moment. And of course the water has not even receded yet.

Mr. ETHERIDGE. Mr. Speaker, that number does not even approach the number, if we look at the houses that are lost, the businesses that are under water, and it is still rising.

□ 1915

HURRICANE FLOYD

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, one aspect of this that is going to confront us in the weeks ahead is the environmental disaster that this represents. When we were in the helicopter flying down to Tarboro where the President spoke and where we met with community leaders and people who have been displaced by this disaster, we went to a shelter where people were talking about how difficult it was. They are, of course, happy to be alive; but it is tough in those shelters. The kids get restless. The situation is uncertain. People have no home to go back to in many cases.

But going down there, looking from the air, the unholy stew of hog waste overflows and municipal systems being overflown and storage tanks, gasoline storage tanks being uprooted, spilling, it is an awful environmental disaster. The people cannot drink this water. People cannot, of course, have any drainage or any sewage systems.

So it is a disaster that is going to be with us for a long time to come. The cleanup is going to take a long time. It is going to be very expensive. We are going to need our colleagues here to help us with disaster assistance. As this agricultural aid goes through, this very definitely needs to be a part of it.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman will yield, this photograph here I think is one of the photographs taken in eastern North Carolina. The gentlewoman from North Carolina (Mrs. CLAYTON) is here with us, and she was with us yesterday as we went down to Tarboro. I went back today and visited Wilson, parts of Wilson, and into Rocky Mount again and Smithfield.

But in Tarboro yesterday, it was heartening to see people's courage, but it was also heart wrenching to see what they had gone through, the whole town of Smithfield, Tarboro with no water, no sewer, no telling when it will be back up because water has not yet gone down.

Mrs. CLAYTON. Mr. Speaker, if the gentleman from North Carolina (Mr. PRICE) will yield to me, I agree and thank my colleagues for coming to the floor, and I just thank my colleagues for what they are doing so often.

I also visited Wilson today and visited Halifax. I have a map of the 301 that at least a home of 5,000 feet could get in. The railroad was having to be rerouted. The water for schools. I saw at least 50 homes destroyed. I am just coming back from Wayne County where the water has not crested yet.

They are wondering how much they are going to release from the Neuse on Wednesday. They are fearful that the water is going to crest tomorrow. If it released 6,000 cubic feet of water, that goes where? It goes to Wayne County. So we want our colleagues to understand this.

Mr. ETHERIDGE. Mr. Speaker, on the news this morning in Goldsboro, I heard this morning on the news along that point, 14 feet flood stage. The Neuse was supposed to crest today without any release of water right at 30 feet, more than twice flood stage. Water is everywhere. I agree.

Mr. PRICE of North Carolina. Mr. Speaker, reclaiming my time, people talk about 100-year flood. In some areas, this is a 500-year flood. There are areas flooded now that in no one's memory have ever been flooded before. It is unbelievable the extent of devastation, far beyond what could have reasonably been predicted.

Mrs. CLAYTON. Mr. Speaker, I want to just share with my colleagues, the word came from Greenville today that it had to cut all the water off. There are about 65,000 people that pump there; they were going to lose their utilities. Again, they have not crested. They expect to crest tonight.

What it reaffirms is that we are so interdependent on each other. Someone always lives downstream from somewhere else. So those who are living downstream are beginning to see the manifestation of what it means to have the water come.

There are just thousands of people who are in shelters in Halifax. In fact, there are about 6,000 in Pitt County, about 5,000 in Edgecombe County. I visited today in Wilson, as the gentleman did. Some of the people in Wilson are actually taking people from Greene county as well as Pitt. We find neighbors helping neighbors.

We want to convey to our colleagues we need that same sense of compassion and generosity. By the way, this flood goes all the way to New Jersey.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, there are heart-rending tales. We spoke with many, many people in Tarboro who have gone through things no one should ever have to endure in losing their homes, losing their possessions, and, in some cases, losing the lives of family members.

But it is also at the same time inspiring to see the way people are working together and to see the spirit and the spunk. Also, I think we should pay tribute here, I think we all feel this, to the cooperative effort that governmental agencies are making.

Our governor, Jim Hunt, has been tireless in his work. Our Secretary of Crime Control and Public Safety, Richard Moore, has been on the scene. State agencies, local law enforcement, the National Guard, and the Federal Government is holding up its end of the bargain.

I must say the work of the Small Business Administration and FEMA. James Lee Witt was with us there yesterday, and he is working with us at this moment on how we can craft a disaster assistance package.

So we are very grateful for what has already happened, but we are going to have to be in this for the long haul.

Mr. ETHERIDGE. Mr. Speaker, if the gentlewoman from North Carolina will yield just a moment on that point, not only are we getting tremendous help, but I think FEMA has done an outstanding job. I would echo that. James Lee Witt has been outstanding. All of our agencies at every level. But a lot of our individuals have come forth to do so much.

I was in Rocky Mount, a district that the gentlewoman from North Carolina (Mrs. CLAYTON) and I share. Thirty of the public service people in Rocky Mount were out helping others. They had no home to go home to. They were out helping.

Same thing was true in Tarboro yesterday. Two business people, Bob Barnhill who owns a construction company, and Steve Woodsworth, who has another business, they were there providing food and shelter and helping seniors, moving them out in Tarboro out of the Arbermal building when their homes had water in them. But they were there helping.

People of North Carolina have responded, but we still have a long way to go before we are through this. As the gentlewoman said, people are in shelters, are going to be there for several more days before they can even go to temporary quarters.

Mrs. CLAYTON. Mr. Speaker, let me just read a couple of statements that I have, because the pictures reflect that.

In the driving wind and rain last Thursday morning, Mr. Ben Mayo attempted to save his family. Concerned by the rapid rise of the river, he ushered his family of four out of bed and loaded them into a small boat. Reaching out to his neighbors, he also loaded eight of them into the same small boat. The boat capsized. Six of the persons from the boat were able to reach higher ground.

But Mr. Ben Mayo, his wife, his daughter, and granddaughter, Teshika Vines, were swept away by the raging waters.

I had a picture of her because the picture came in our local paper, right, on her horse.

Mr. Mayo's body was later found stuck in a drain pipe. But little Teshika, shown here on a pony, has yet to be found.

The water, an element that we all rely upon to preserve life took a life away.

In North Carolina, we are facing the worst natural disaster in the history of our State.

But like all of my colleagues have said, this traumatic and devastating story is replaying itself over and over. But conversely to that, people's generosity, if there is anything redemptive about this taking of life and this disaster, it is the generosity of people coming together, the governments working together to make that.

We want to convey that we in North Carolina want to join with our colleagues in Maryland or New Jersey or New York who also were devastated by this, and that we do need to craft a bill that would be responsive in a comprehensive way so that we can not only take care of the disaster in terms of the housing and the business but also the health needs that are just so traumatic.

We do not even begin to understand what it means to have more than a million chickens in the water, more than 100,000 hogs, horse farms, goat farms, all of these. I was in Wilson and the Department of Health director warning people about the water, but also warning people about the rodents and the snakes, the mosquitos that we will have happen and the disease.

So we are in for a long haul. What we want to commend people for is their generosity, but we also want to encourage their patience, because it will take patience with people working together. We want to push our governments to be as responsive as possible. But we know we cannot restore them as quickly. So temporary housing is needed.

Mr. Speaker, in the driving wind and rain last Thursday morning, Mr. Ben Mayo attempted to save his family. Concerned by the rapid rise of the river, he ushered his family of four out of bed and loaded them into a small boat.

Reaching out to his neighbors, he also loaded eight of them into that same small boat. The boat capsized. Six of the persons from the boat were able to reach higher ground. But, Ben Mayo, his wife, his daughter and granddaughter, Teshika Vines, were swept away by the raging waters.

Mr. Mayo's body was later found, stuck in a drainpipe. Little Teshika, shown here on a pony, has yet to be found.

The water, an element that we all rely upon to preserve life, took her life away. In North Carolina we are facing the worst natural disaster in the history of our state.

The winds and water of Hurricane Floyd hit land some days ago, and have left a swath of death and destruction and despair, unprecedented in North Carolina history. Towns have become rivers, and rivers have become towns. Thirty-six are known dead. Many more are unaccounted for, still missing.

A State of Emergency has been declared in 26 counties, and the President has issued a disaster declaration for 60 counties. The Tar, Neuse, Cape Fear and Lumber Rivers are all above the flood stage.

Thousands of homes remain underwater. Evacuation orders were issued in seven counties. More than 300 roads, in 43 counties are closed, and that's down from the original 500 that were closed.

Power remains out in nearly 50,000 households, down from the 1.5 million who were initially without electricity. Water and sewer systems are in disrepair. Shelters are housing thousands of citizens.

One hundred thousand hogs have been lost, 2.4 million chickens and 500,000 turkeys. Disease and contamination is a real and dangerous threat as animal carcasses clutter the roads.

Coffins, dredged up by the flooding, have been seen floating in Goldsboro and Wilson. According to the Charlotte Observer, Floyd is the worst flood in North Carolina, in 500 years.

Rivers have become towns. Towns have become rivers. Yet, among all of this tragedy, there are bright spots.

The President has released another $528 million to FEMA, to address immediate needs. And, we appreciate the efforts of FEMA to provide "Meals Ready to Eat," Ice, blankets, water and emergency generators.

We also appreciate the hundreds of individuals, on the ground, who are helping out. The Red Cross has opened 49 shelters. The Salvation Army has 31 mobile kitchens. Yet, much more help and support will be needed.

That is why, Mr. Speaker, I intend to join with Members of Congress from other impacted states to try to send a legislative package for further relief to the President for signing.

As part of that package, we need to update the law so that farmers can be treated on equal footing with other families and businesses. We will also need more resources, and that will also be a part of the legislative package.

The people of North Carolina are resilient, and we will bounce back from this situation. But, we will need the help of all Americans.

The winds will go, the rain will go, the rivers will crest, the clean-up will begin and the restoration will take place. The spirit of North Carolina will return, Mr. Speaker, with your help and the help of our colleagues.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, first allow me to convey my sincerest condolences and sympathies to the people of North Carolina. This has been such a terrible natural disaster, unprecedented in anyone's memory. I can only imagine the suffering that the people of North Carolina have already experienced and what lies ahead for them. Our prayers are with my colleagues and the people they represent, and we will do our part here in this body to assist my colleagues in assisting them.

But, Mr. Speaker, I want to talk a little bit about the effect of Floyd's fury that was felt in my State of New Jersey. We are now in the process of rebuilding our lives in the Garden State, lives that almost without exception were touched by Floyd.

In my district alone, it was not just the people who live near bodies of water. Virtually every single body of water, whether it was a lake or a stream or river overflowed its banks in unprecedented ways. There are countless tens of thousands of homes all through my district where basements were flooded, first levels were flooded, no, not much loss of life, thank God, but tremendous suffering, heartache, loss of worldly possessions, yes, but thank goodness not much loss of life.

But our people will be spending a great many weeks and months rebuilding their lives as they try to come to terms with what happened in the wake of Floyd.

I will tell my colleagues what they say the amount of damage in New Jersey just in northern New Jersey alone, $500 million worth of damage.

In addition to the flooding of the homes and businesses and towns washed out, phone service was out. In my neck of the woods in northern New Jersey, a million people were without phone service beyond just their own little towns, more than a million people. Thirty-five thousand people had no phone service whatsoever.

There was no wireless cell phone service which we rely on a great deal in northern New Jersey, no fax machines, no ATM machines.

Now my colleagues can say, well, why did this happen. We had families who were unable to check in on their loved ones, whether children checking in on their parents or vice versa if they lived out of town. We had patients unable to find their doctors, doctors unable to reach their patients. We had businesses unable to communicate with their customers, the customers with their businesses, suppliers with businesses.

How could this have happened? Well, I have asked that we undertake a Federal inquiry into how a vital industry, a vital utility such as the phone company, could have permitted or how they handled in fact Floyd's aftermath with so many million people and more without phone service for 3, 4, 5 days.

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Tens of millions of dollars were lost in terms of business alone, notwithstanding all of the heartache and emotional isolation felt by so many in my communities.

Well, the switching facility is apparently located near a body of water that had flooded and overflowed its banks in 1977. We are going to learn more about the details, but it is critical that in the year 1999 we find out why there was no redundancy, no duplication of switching devices, which would have prevented all together this tremendous lack of telephone service and the lack of disruption and damage to people's lives and businesses.

I am meeting with representatives from the phone company tomorrow. And we have a great many dedicated men and women who work for the telephone companies who did their utmost to prevent disruption, but I am afraid that there may need to be a new way of thinking on behalf of those planning for the worst. Y2K, the year 2000, is coming upon us. There are always the potentialities for accidents or, God forbid, terrorist incidents. If we are not prepared in the metropolitan area of New York and New Jersey for these kinds of disasters, natural and humankind, what can we look forward to around the country? That is why we are conducting a federal investigation and will hold hearings on what could have been done to prevent that kind of tragedy.

As my time runs out, I just want to say to the people of New Jersey that we are fighting here in Congress for them, and I ask my colleagues to join me.

Mr. Speaker, I ask unanimous consent to proceed for an additional minute.

The SPEAKER pro tempore (Mr. ADERHOLT). The Chair is unable to recognize that request.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SISISKY) is recognized for 5 minutes.

Mr. SISISKY. Mr. Speaker, I commend my friend, Congresswoman CLAYTON, for taking time to discuss these terrible floods.

I saw her on television with the President when they visited some of the devastated areas in North Carolina.

Late last week, I visited southeast Virginia with our Governor, where we witnessed identical devastation.

I have to confess, I've never seen anything like it. To be faced with back-to-back drought and flood is simply overwhelming.

But our job is to see that these rural areas, communities, families, and businesses are not overwhelmed.

That is going to be a very big job.

Most of the rivers in and along my district are either right at flood stage or significantly over.

The upper Nottaway River was just below flood stage at Rawlings.

But by the time it got to the town of Stony Creek, 25 miles away, it was twelve feet above flood stage.

West of Petersburg, in Matoaca, the Appomattox was holding steady right at flood stage.

The Meherrin River was right at flood stage in Lawrenceville, but over two feet above flood stage by the time it got to Emporia.

I think most of you have seen news reports from Franklin, in the center of my district, where the Blackwater River crested about sixteen feet over flood stage and left most of the city completely under water.

And the effects of this flood have hurt communities like Portsmouth in ways that defy description.

Thankfully, the water is back on, and the same goes for communities in the Petersburg area.

With all this flood water spilling into water treatment facilities, not only were we warned to boil water, Portsmouth was warned to not drink the water even if it was boiled.

I think all of you know, it's one thing to lose electricity. That's bad enough.

But it's a whole different animal to lose your water over an extended period of time.

And in addition to electricity and water, we lost many major highways. Well over two hundred roads, along with interstates, were closed across southside Virginia.

And they stayed that way over the weekend as we waited for rivers and streams to crest, and then subside, so crews could remove debris.

Interstates 64 and 95 were closed, preventing travel to Hampton Roads and North Carolina.

The major highway across my district, U.S. 460, was under several feet of water in several locations.

Interstate 264 was open around Portsmouth, but with some ramps closed due to flood water.

Even highways that are open, like U.S. Routes 13 and 17, were closed at the Carolina border.

And in counties and communities where you can at least get around: Suffolk, Surry, Sussex, Southampton and Greensville, traffic was limited so cleanup crews could get in to make essential repairs.

Many streets in Chesapeake are still flooded.

I'm not going to belabor this any more—but as of today, the Internet list of closed roads is five pages long.

On top of that, we've got phone systems out and simply can't always call, even to check on loved ones.

That brings me to one thing I've got to say: Thank you and God bless all the emergency workers, from the Federal Emergency Management Agency folks and other Federal employees, to the State agencies, especially the National Guard—from the logistics operations to the helicopter pilots, and the VA Department of Transportation, to the local sheriffs and police and fire departments and rescue squads.

And I would also be remiss not to mention Red Cross and the hundreds of volunteers working with them and similar organizations.

I'm afraid we sometimes take these people for granted, but I doubt that anyone in Southside or North Carolina will ever make that mistake again.

Mr. Speaker, if the rain ever stops, we'll need to think about the future.

Drying out and restoring homes and communities will take time and a lot of hard work.

If the Federal, State and local partnership we've seen in the face of this emergency continues over the long term, we'll be in good shape.

One thing we need to do is make sure that in addition to the families, homeowners and businesses in our cities and towns, we remember the devastation this inflicts on rural areas and farmers and agribusiness.

It is my understanding that a Presidential Disaster Declaration carries far more weight than a Secretarial Declaration.

And I'm talking USDA, not FEMA.

I have already contacted the White House to request that areas affected by these floods receive all Federal assistance possible.

If that means we need a full-scale Presidential Disaster Declaration from USDA, that's what I want.

After the President went down there yesterday, I'm sure they would have done that anyway.

But this thing is just so big, so unbelievable, we need to do all we can to help these people get back on their feet.

As I said, this will take a lot of work over a long period of time, but now is the time to begin.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I would be happy to yield a moment to my colleague from New Jersey if he has more to add.

Mr. ROTHMAN. Mr. Speaker, I thank my friend and colleague, the gentleman from New Jersey (Mr. HOLT).

I just wanted to say that we have people without drinking water who must boil their drinking water and still people without power or phone service. So this is, as my colleague knows, because he has spent so much time over the last few days working on this, this is a real tragedy. The local people, the police, fire, ambulance, emergency services, the people in the power companies and phone companies have done their best to rally.

Mr. Speaker, I thank my colleague for the time. Together, we in Congress can help these people and rebuild our communities.

Mr. HULSHOF. My colleague is absolutely right, and I thank him for those remarks, and I am sure the people of New Jersey appreciate it.

Our hearts do go out to victims in other States. New Jersey has been hard hit. Many States in the East have been hard hit. As the flood waters receded across New Jersey, the death toll from Hurricane Floyd increased in our State. Surging flood waters caused hundreds of millions of dollars of damage and claimed four lives.

As officials struggled to cope with the thousands of refugees and families left to deal with contaminated drinking water and total devastation, in many cases, of their homes, we also have to deal with highway closures and lingering phone and power outages, which interfere with the ability to deal with the problems that families face.

Eight of the counties hardest hit by Floyd have been declared federal disaster areas, including three counties in my district in Central New Jersey, including Middlesex, Mercer, and Somerset Counties. In a number of places the flooding exceeded the boundaries of the hundred-year flood.

Over the past few days, I have seen firsthand the damage that the hurricane has caused. In Lambertville, for example, I toured the middle school, where water had flowed through the school. Mud covered the floors. There were floating school supplies and overturned and floating desks through the building. Officials there told me they expect the cleanup effort to cost up to $1.5 million just in that one school.

In Branchburg, I have watched as families shoveled mud from their living areas, their shops, their basements, their belongings ruined, and homes permanently damaged. There was water everywhere but none to drink, as flooding contaminated drinking water sources. Still many people are without drinking water. They are advised to boil water. More than 200,000 residents in my district were found without water.

The scenes of devastation, however, did bring forth tails of heroic rescues. Many men and women devoted many exhausting hours to the rescue efforts, and they are to be commended. In this time of devastation, it gives us some comfort to think of the men and women of New Jersey who thought first of their neighbors. This inextinguishable spirit of the citizens of New Jersey has burned brightly in the days of this disaster, and it will continue to burn brightly. But that will not restore the damage caused by Hurricane Floyd.

There will be time in the coming weeks to talk about lessons learned from the flooding, and there are lessons to be drawn from this, lessons about the effect of loss of open space on flooding. But for now our attention goes to assisting the victims of the flood and to extolling the work of the rescue and repair efforts of those involved in those efforts.

While the federal disaster declaration is a substantial step forward in helping central New Jersians start to put their lives back together, more assistance is necessary. I urge my colleagues to join me in supporting a legislative package to provide relief to the citizens that have been hurt and whose lives have been turned upside down by Hurricane Floyd.

MANAGED CARE REFORM

The **SPEAKER** pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Well, Mr. Speaker, it is a sobering time to be here on the floor and to listen to my colleagues describe the natural disaster that has occurred all along the East Coast from Hurricane Floyd. On behalf of the people of Iowa that I represent, and the entire State of Iowa, we extend our condolences and our sympathies.

We remember very well 6 years ago when we had the floods of the century in our State. I represent Des Moines, Iowa, and we were without water, drinkable water for over 3 weeks. So we understand the problems that people are having, and our hearts go out to the families of people who were lost in this terrible storm.

My State received a lot of help from States around the country, including those on the East Coast. I am sure that we have plans to reciprocate that generosity, and we certainly received our share of federal help in terms of FEMA disaster aid when we had our floods, and I will certainly support helping our neighbors on the East Coast with their terrible problems as well.

Mr. Speaker, I want to speak a little bit about managed care reform tonight. I was very pleased when on this Friday past the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), said that we will have a debate here in the House of Representatives the week of October 3. I would say that it is about time.

We had a very abbreviated debate last year on patient protection legislation. Really only had about an hour of debate on each of the bills. It was not a debate that did this House a lot of credit, and I hope that the debate we will have in 2 weeks will be a much better one and a fair one as well.

I do not expect that it will be easy for those of us who want to see comprehensive managed care reform pass the House. I suspect we will see a lot of amendments. There will be a lot of debate on alternatives. But I firmly believe that a vast majority of the Members of the House of Representatives want to pass a strong patient protection piece of legislation.

We watched the debate that occurred in the other House a few months ago, and a large number of us were very disappointed that the other House did not pass a more substantive bill. We are going to get our chance here in the next couple of weeks.

Why is this important? Well, for months I have been coming to the floor at least once a week to talk about the need for managed care reform. I have talked about a lot of different cases. And as I think about the people that have appeared before my committee, the Committee on Commerce, or that have appeared before other committees, victims of managed care abuses. I think about a family from California, where a father and his children came. Their mother was not with them because she had been denied treatment by her HMO, and it had cost her her life.

I think about a young woman who fell off a cliff, just 60 or so miles from Washington. She lay at the foot of that cliff with a broken skull, broken arm, and broken pelvis. She was air-flighted to a hospital, and then the HMO denied payment because she had not phoned for prior authorization.

I think about a young mother who was taking care of her little infant, a 6-month-old boy, who had a temperature of 104 or 105. And she did all the things she was supposed to with her HMO. She phoned the HMO. And the HMO spokesperson said, well, we will authorize you to take little Jimmy to an emergency room, but the only one we are going to authorize is 60, 70 miles away.

So little Jimmy's mother and father were driving him to a hospital. They had only been authorized to go to one hospital. They had to pass three other hospital emergency rooms enroute, and then he had a cardiac arrest and his mother tried to keep him alive as his dad was driving frantically to the emergency room.

They got him to the emergency room and a nurse runs out, and the mother leaps out of the car with her little baby and screams, Help me, help me. The nurse starts mouth-to-mouth resuscitation, and they put in the IVs and they start the medicines. They managed to save his life. But because of that HMOs decision, they were not able to save all of him. He ended up with gangrene of his hands and his feet and they had to be amputated. All because of that decision that that HMO made that prevented them from going to the nearest emergency room.

My colleagues, under federal law, that health plan which made that medical decision is responsible for nothing other than the cost of his amputations.

Yes, Mr. Speaker, I remember a lot of people who came before our committee and other committees. I remember a young woman who, with her husband sitting next to her, broke down in tears in describing how when, she had been pregnant, towards the end of her pregnancy, and she had a high-risk pregnancy, her doctor said that she needed to be in the hospital so that they could monitor her little baby, who was yet unborn. And the HMO said, Oh no, no, that is not medically necessary. You don't need that. We are not going to pay for it. You go on home. You go home, and we will get you a nurse to sit with you part of the day. And at a time when the nurse was not there, the baby went into fetal distress and died.

And I can remember Florence Corcoran crying before our committee. But, Mr. Speaker, under federal law, that HMO which made that decision on medical necessity, they are liable for nothing.

There are lots of reasons and lots of people that have come before us, before Congress, in the last few years that have pointed out the need to do some real managed care reform. I remember one lady in particular who appeared before our committee. Her name was Linda Peeno. She was a claims reviewer for several health care plans, and she told of the choices that plans are making every day when they determine the medical necessity of treatment. I am going to tell my colleagues her story.

She started out by saying, I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred, I was rewarded for this. It brought me an improved reputation in my job and contributed to my advancement afterwards. Not only did I demonstrate I could do what was expected of me, I exemplified the "good company" employee. I saved a half a million dollars.

Well, Mr. Speaker, her anguish over harming patients as a managed care reviewer had caused this woman to come forth and bear her soul in a tearful and husky-voiced account. And the audience, I remember very well, Mr. Speaker, the audience started to shift uncomfortably, because there were a lot of representatives from the managed care industry sitting there listening. And the audience grew very quiet. And the industry representatives averted their eyes. And she continued.

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She said,

> Since that day, I have lived with this act and many others eating into my heart and soul. For me a physician is a professional charged with the care of healing his or her fellow human beings. The primary ethical norm is "do no harm." I did worse, she said, I caused death.

She went on, she said,

> Instead of using a clumsy bloody weapon, I used the simplest, cheapest of tools, my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience.

She was like that voice at the other end of the line of that young mother phoning about her child. "Like a skilled soldier," she said,

> I was trained for this moment. When any moral qualms arose, I was to remember I was not denying care; I was only denying payment.

Well, Mr. Speaker, I put this proviso in that. For the vast majority of these people, when an HMO denies payment, that is a denial of care because most people cannot afford the care if their insurance company denies it.

She went on.

> At the time, this helped me avoid any sense of responsibility for my decisions. But now I am no longer willing to accept the escapist reasoning that allowed me to rationalize that action. I accept my responsibility now for that man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused.

At that point, Ms. Peeno described many ways managed care plans deny care. But she emphasized one in particular, Mr. Speaker, and that is going to be an issue that is going to be debated here in about 2 weeks; and that issue is one of the crucial issues of managed care reform, and that is the right to decide what care is medically necessary.

Under Federal law, employer plans can decide what is medically necessary. This is what Ms. Peeno had to say about that.

> There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard, traditional clinical process. It is rarely standardized across the field. The criteria are rarely available for prior review by the physicians or the members of the plan.

Then she closed with this statement that brought chills to a lot of people's spines because she invoked something that happened about 50 years ago. She said,

> We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry.

Well, Mr. Speaker, I have spoken many times on this floor about how important it is for patients to have care that fits what we would call "prevailing standards of medical care." Let me give my colleagues one example.

One particularly aggressive HMO defines "medical necessity" as the "cheapest, least expensive care."

So what is wrong with that, my colleagues say? Well, before I came to Congress, I was a reconstructive surgeon and I took care of a lot of children born with birth defects, like cleft lips, cleft palates. A cleft palate is a hole that goes right down the roof of the mouth. The child is born with this defect. They cannot eat properly. Food comes out their nose. They cannot speak properly because the roof of their mouth is not together.

The standard treatment for that, the prevailing standard of care, is a surgical repair. But under this HMO's definition of "medical necessity," they say the cheapest, least expensive care is what we define as "medically necessary."

Do my colleagues know what that could mean? That could mean that they could say, hey, this kid does not get an operation. We are just going to provide him with a little piece of plastic to shove up into that hole in the roof of his mouth. After all, that will kind of help keep the food from going up into his nose.

Of course he will not be able to learn to speak properly. It would be a piece of plastic like an upper denture, and that certainly would be cheaper than a surgical repair. But I tell me colleagues what, Mr. Speaker, that does not speak much to quality.

Well, on this floor in a couple of weeks we are going to see a bill introduced by my colleague and friend, the gentleman from Ohio (Mr. BOEHNER) from Ohio, and I guarantee my colleagues that it will have in it a definition of "medical necessity" that will allow an HMO to continue to define "medical necessity" in any way that it wants to.

I would advise my colleagues to maybe talk to the mother of this little boy who no longer has any hands or feet about definitions of "medical necessity" or speak to this family from California whose mother is no longer alive because the plan arbitrarily defined "medical necessity" in a way that did not fit prevailing standards of care. Or maybe they ought to speak to Florence Corcoran about how now she does not have a beautiful, little baby because of a decision that her HMO made on "medical necessity."

Mr. Speaker, common sense proposals to regulate managed care plans do not constitute a rejection of the market model of health care. In fact, they are just as likely to have the opposite effects. I think if we pass strong, comprehensive, common sense managed care reform that we will be preserving the market model because we will be saving it from its most destructive tendencies.

Surveys show that there is a significant public concern about the quality of HMO care; and if these concerns are not addressed, Mr. Speaker, I think it is likely that the public will ultimately reject the market model. But if we can enact true managed care reform, such as embodied in the Norwood-Dingell-Ganske-Berry bill, then consumer rejection of the market model is less likely.

Mr. Speaker, this is not a novel situation. Congress has stepped in many times in the past to correct abuses in industries. That is why we have child labor laws and food and drug safety laws. That is why Teddy Roosevelt broke up the trusts. Those laws, in my opinion, help preserve a free enterprise system. And Congress would not be dealing with this issue were it not for past Federal law.

For a long time Congress had left health insurance regulation to the States; and, by and large, they have done a good job. But Congress passed a law called the Employee Retirement Income Security Act some 25 years ago in order to simplify pension management and, almost as an afterthought, employer health plans were included in the exemption from State law. Unfortunately, nothing was substituted for effective oversight in terms of quality, marketing, or other functions that State insurance commissioners or legislatures have effectively done. That that lack of oversight, coupled with lack of responsibility for the medical decisions that they make, has resulted in the abuses for people like little Jimmy Adams or Florence Corcoran or a number of others.

Under current Federal ERISA law, if they receive their insurance from their employer and they have a tragedy, like their little boy loses his hands and feet because of an HMO decision, their health plan, their HMO, is liable for nothing, nothing, other than the care of cost of the treatment, i.e., the cost of the amputations. Congress made this law 25 years ago. Congress should fix it.

The bipartisan Managed Care Reform Act of 1999 would help prevent a case like little Jimmy Adams and it would help make health plans responsible for their actions. To my Republican colleagues, I call out.

We talk about people being responsible for their actions. We think a murderer or a rapist should be responsible for his actions. We think an able-bodied person should be responsible for providing for his family and for his children. Well, my fellow Republicans, HMOs should be responsible for their actions, too. Let us walk the talk on responsibility when it comes to HMOs just as we do for criminals and for deadbeat fathers.

Now, the opponents to real managed care reform always try to inflate fears that the legislation is going to cause premiums to skyrocket, that people would be priced out of coverage. I say to that, not so.

Studies have shown that the price of managed care reform would be modest, probably less than $35 a year for a family of four. In fact, the chief executive officer of my own Iowa Blue Cross/Blue Shield Wellmark plan told me they are implementing HMO reforms and they do not expect to see any premium increases from those changes.

Now, the HMO industry last year spent more than $100,000 per congressman lobbying on this issue and they have been running ads all around the country in the last 2 months. Well, take their numbers with a grain of salt. The industry took an estimate of last year's Patients' Bill of Rights, which was scored by the CBO at a 4-percent cumulative increase over 10 years, but the industry in its ads reported the increase as if it were 4 percent annual instead of 4 percent over 10 years.

The HMO industry also conveniently ignored page 2 of the Congressional Budget Office summary, which said that only about two-thirds of that 4 percent over 10 years would be in the form of raised premiums.

HMOs predict our consequences if Congress passes a bill like the bipartisan managed care bill. They say lawsuits will run rampant. They say costs will skyrocket. They say managed care will shrink. And I say, baloney.

These Chicken Littles remind me of the opponents to the clean water and clean air regulations a decade ago. They all said the sky will fall, the sky will fall if that legislation passed. Instead, today we have cheap air, and we have clean water except for those victims of the hurricane right now.

Let us look at the facts. In the State of Texas, after a series of highly publicized hearings during which numerous citizens told of injury or death resulting of denial of treatment from their HMOs, the Texas Senate passed a strong HMO reform bill making HMOs liable for their decisions by a vote of 25–5. The Texas House of Representatives passed the bill unanimously, and Governor George W. Bush allowed it to become law. And he told me recently, he said, You know what Greg, I think that law is working pretty darn good.

Recently the House Committee on Commerce heard testimony from Texas that refutes those dire predictions by the HMO industry. A deluge of lawsuits? There has been one lawsuit in 2 years since passage of the Texas Managed Care Liability Act.

That lawsuit, Plocica versus NYLCare, is a case in which the managed care plan did not obey the law and a man died. This case exemplifies accountability at the end of the review process. Mr. Plocica was discharged from the hospital suffering from severe acute clinical depression. His treating psychiatrist told the plan that he was suicidal and he needed to stay in the hospital until he could be stabilized. Texas law required an expedited review by an independent review organization prior to discharge, but such a review was not offered to the family or to the man.

Mr. Plocica's wife took him home. That night he drank half a gallon of antifreeze, and he died a horrible painful death because of that HMO's decision.

Now, this case shows that an external review and liability go hand-in-hand. Without the threat of legal accountability, HMO abuses like those that happened to Jimmy Adams and Mr. Plocica will go unchecked. But the lesson from Texas is also that lawsuits will not go crazy.

In fact, when HMOs know that they are going to be held accountable, there will be fewer tragedies like this. And just as there has not been a vast increase in litigation, neither has there been a skyrocketing increase in premiums in Texas.

The national average for overall health costs increased 3.7 percent in 1992, while the Dallas and Houston markets were well below average at 2.8 percent and 2.4 percent respectively. Other national surveys show Texas premium increases to be consistent with those of other States that do not have the extensive patient protection legislations that were passed by the Texas legislature. And the managed care market in Texas certainly has not dried up.

In 1994, the year prior to the Texas managed care reforms, there were 30 HMOs in Texas. Today there are 51. In a recent newspaper article, ETNA CEO Richard Huber referred to Texas as "the filet mignon" of States to do business in when he was asked about ETNA's plan to acquire Prudential that has a large amount of Texas business.

None of these facts support the HMO's accusations that Texas patient protection laws would negatively impact on the desire of HMOs to do business in Texas.

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Mr. Speaker, it is time for Congress to get off its duff and fix this problem that it created, and I call on my Republican colleagues to join with us in a bipartisan effort in a couple weeks here to pass this bill.

Mr. Speaker, let me talk for a few minutes about the uninsured, because we are going to hear a lot of debate in 2 weeks about various provisions on the uninsured and how we should not pass patient protection legislation, we should really be dealing with the uninsured.

Now I think, Mr. Speaker, that we definitely need to do something about the uninsured in this country, and let me give you some thoughts on this:

First of all, who is the uninsured? Well, there are about 43 million people without any form of health insurance in this country. About 25 percent of the uninsured are under the age of 19, 25 percent are hispanic, 25 percent are legal noncitizens, 25 percent are poor, which is noteworthy because 46 percent of the poor do not have Medicaid even though they qualify for Medicaid; and these groups overlap so that if you are below the age of 19, you are Hispanic, you are poor and a legal noncitizen, your chances of being uninsured are very, very high.

A significant percentage, however, are not poor. They have incomes of more than two times the national poverty level, and these people tend to be aged 19 to 25. Fewer than 15 percent, Mr. Speaker, fewer than 15 percent of those older than 25, are uninsured, uninsured.

So, if we know these facts, a few solutions kind of leap out at us on how to fix this problem of the uninsured.

First, there are 11 million uninsured children living in this country. One-quarter of the uninsured, about 5 million of these people, qualify for Medicaid, or they qualify for the Children's Health Insurance Program. But they are not enrolled. Hispanic Americans represent 12 percent of the under-65 population, but 24 percent of the uninsured. The income of many Hispanics qualify them for Medicaid, but they, too, frequently are not getting the coverage that they qualify for.

Why is this? Well, Mr. Speaker, a lot of times it is because the Government has not made it particularly easy to access the system. In my own State of Iowa, the application is not only long, but a Medicaid recipient must report his income each month in order to get Medicaid. In Texas, to be eligible for Medicaid, the uninsured must first apply in person at the Department of Human Services, which is usually located way off the beaten track and way out of range of public transportation.

If even one of the receipts to prove eligibility is forgotten, the applicant has to spend another day traveling and waiting in line. In California the uninsured person who is poor must first fill out, and get this, a 25-page application for Medicaid, often in a language they can barely speak or barely read, and many times English is a second language.

So, Mr. Speaker, the first thing we can do to reduce the number of uninsured is to make sure that the poor who qualify for Medicaid are covered. How do you do that? Simplify forms, reach to Hispanic and other ethnic communities, oversee the CHIP program to see why more people who qualify are not taking advantage. In many cases, Mr. Speaker, it is as simple as the fact that the people who qualify do not even know about the programs.

Now are we going to hear much debate on the floor of Congress here in 2 weeks on doing these things? Or are we going to see some debate on some truly screwy ideas that could hurt the risk pool, and I will talk about that in a minute.

Well, what about those who are aged 19 to 23? Many of these people are in college. This is a healthy group. It should not be expensive to cover. Some colleges say they can cover these young people for only $500 a year for a catastrophic coverage. That is a small price to pay compared to tuition. Why have we not made a commitment to health care coverage for this group? Maybe we should look at tieing student loans to health coverage, and I believe that tax policy also determines to some extent whether an individual has health insurance.

Businesses get 100 percent deductibility for providing health care to employees. Individuals purchasing their own insurance get about 40 percent. That is not fair; let us fix it.

In trying to address the uninsured, however, Congress should be careful not to increase the number of uninsured through unintended consequences of potentially harmful ideas such as I am sure we are going to debate on the floor in about 2 weeks, ideas like health marts and association health plans.

Let me explain my concern, and I hope my colleagues are listening to this:

Under court interpretations of the Employee Retirement Income Security Act of 1974, State insurance officials cannot regulate health coverage by self-insured employers. This regulatory loophole, as I have said before, created many of the problems with association health plans. The benefit of being able to create a favorable risk pool motivated many to self-insure; but since they were exempt from State insurance oversight, many of these association health plans became insolvent during the 1970s and the early 1980s and left hundreds of thousands of people without coverage.

Some of these plans went under because of bad management and financial miscalculations, and others were simply started by unscrupulous people whose only goal was to make a quick buck and get out without any concern about the plight of those who were covered under those association plans.

I would encourage my colleagues to read Karl Polzer's article, Preempting State Authority to Regulate Association Plans, Where It Might Take Us. It is in National Health Policy Forum, October 1997.

Mr. Speaker, we have said this before many times on the floor: those who do not know history are bound to repeat it. Those rash of failures for association health plans led Congress in 1983 to amend ERISA to give back to States the authority to regulate self-insured, multiple-employer welfare associations or association health plans. Only self-insured plans established or maintained by a union or a single employer remained exempt from insurance regulation; and now there are those who want to ignore the lessons of the past and repeat the mistakes of pre-1983. If anything, some mismanaged and fraudulent associations continue to operate. Some associations try to escape State regulation by setting up sham union or sham employer associations; self-insure and then they claim they are not an EWA.

To quote an article by Wicks and Meyer entitled, Small Employer Health Insurance Purchasing Arrangement, Can They Expand Coverage?, it says: "The consequences are sometimes disastrous for people covered by these bogus schemes,".

Well, Mr. Speaker, if anything, Congress should crack down on these fraudulent activities. We should not be promoting them, but we are going to have a debate on this floor in 2 weeks where there are going to be people standing here in this well promoting those screwy ideas. I would encourage them to go back and look at history and not repeat the mistakes that were corrected in 1983.

Wicks and Meyer summarized the two big problems with expanding ERISA exemption to more association health plans.

First, if they bring together people who have below-average risk and exclude others and are not subject to State small-group rating rules, then they draw off people from the larger insurance pool, thereby raising premiums for those who remain in the pool. Mr. Speaker, I hope my colleagues are listening. If they vote for association health plans' expansion, your vote could result in an increase of premiums for many individuals in your States.

Second, if they are not subject to appropriate insurance regulation to prevent fraud and ensure solvency and long-run financial viability, they may leave enrollees with unpaid medical claims and no coverage for future medical expenses. Mr. Speaker, that would not help the problem of the uninsured.

Mr. Speaker, I recently asked a panel of experts that appeared before the Committee on Commerce if they agreed with these concerns about association health plans; and they unanimously did, and that panel even included proponents of association health plans.

Mr. Speaker, let us pass real HMO reform. Let us learn from States like Texas. After all, is it not Republicans who say the States are the laboratories of democracy? Well, let us address the uninsured by making sure that those who qualify for the safety net are actually enrolled; and, yes, let us have equity in health insurance tax incentives, but let us also be very leery and wary of repeating past mistakes with ERISA.

Now we are also going to have a debate on the floor here about some substitutes, and I just want to commend my Republican colleagues from Oklahoma (Mr. COBURN) and Arizona (Mr. SHADEGG). They have been forthrightly for health plans being held liable for their negligence, and all of us who have worked on this issue appreciate that. However, I want to advise my colleagues that there is a provision in their bill, H.R. 2824, that is very problematic, and it goes like this:

"Before a patient could go to court, an external appeal entity would have to certify whether a personal injury had been sustained or whether an HMO was the proximate cause of injury." A finding for the HMO ends the lawsuit, according to this provision. A finding for the patient would not prevent the patient from making the same argument in court.

So therefore, before a patient could hold a managed care company responsible for wrongfully denying care, he or she would first have to go through an internal appeal, an external review and a secondary external review. That is not a very timely process for a sick patient. And furthermore, the Supreme

Court has recently made clear that the Seventh Amendment means the right to have a jury decide all factual issues. In the case Feltner v. Columbia Pictures Television, in the Coburn-Shadegg bill the external entity would decide the elements of horror, the proximate cause and the breach of due care. In short, the entire case except damages.

Well, the Supreme Court in a decision, Grandfinanciere, S.A., v. Nordberg, ruled that Congress may not evade the Seventh Amendment simply by transferring the adjudication of private claims from federal courts to tribunals like this one that do not have juries; and furthermore, the gentleman from Oklahoma (Mr. COBURN) envisions those tribunals to be composed of doctors who probably would not be expert in State or federal law.

So why should this be a problem for anyone in this body? Well, let me give my colleagues an example.

Many in Congress are interested in the rights of the unborn. Case law is developing in State courts on pre-birth and even pre-conception torts, and a majority of States allow for the recovery of pre-birth injuries.

Now these sensitive policy decisions are being made by State legislatures and State courts in case law. They should not be left to private bodies who are not accountable to anyone, which is what would happen under this provision of the Coburn-Shadegg bill. There would be nothing to prevent an external appeal entity from reverting to the notion that a fetus is not a person, and therefore there was no personal injury for birth defects or other harm occurring before birth.

And furthermore, this medical eligibility scheme would be imposed on non-ERISA plans. It is unfair to patients. That provision is one sidedly in favor of HMOs, and it is unconstitutional; and when you get a chance, vote against that provision, and I would point out about 14 States where case law confirms the Supreme Court decisions as well.

Mr. Speaker, 275 groups have cosponsored H.R. 2723, the Bipartisan Managed Care Consensus Reform bill. I will insert the list of these endorsing organizations into the RECORD:

SUPPORT FOR H.R. 2723 IS GROWING EXPONENTIALLY

WHY DON'T YOU JOIN THE MEMBERS OF THE FOLLOWING 275 GROUPS BY COSPONSORING H.R. 2723 TODAY?

Academy for Educational Development; Adapted Physical Activity Council; Allergy and Asthma Network-Mothers of Asthmatics, Inc.; Alliance for Children and Families; Alliance for Rehabilitation Counseling; American Academy of Allergy and Immunology; American Academy of Child and Adolescent Psychiatry; American Academy of Emergency Medicine; American Academy of Facial Plastic and Reconstructive Surgery; American Academy of Family Physicians; American Academy of Neurology; American Academy of Opthalmology; American Academy of Otolaryngology-Head and Neck Surgery; American Academy of Pain Medicine; American Academy of Pediatrics; American Academy of Physical Medicine & Rehabilitation; American Association for Hand Surgery; American Association for Holistic Health; American Association for Marriage and Family Therapy; American Association for Mental Retardation; American Association for Psychosocial Rehabilitation; American Association for Respiratory Care; American Association for the Study of Headache; American Association of Clinical Endocrinologists; American Association of Clinical Urologists; American Association of Hip and Knee Surgeons; American Association of Neurological Surgeons; American Association of Nurse Anesthetists; American Association of Oral and Maxillofacial Surgeons; American Association of Orthopaedic Foot and Ankle Surgeons; American Association of Orthopaedic Surgeons; American Association of Pastoral Counselors; American Association of People with Disabilities; American Association of Private Practice Psychiatrists; American Association of University Affiliated Programs for Persons with DD; American Association of University Women; American Association on Health and Disability; American Bar Association, Commission on Mental & Physical Disability Law; American Board of Examiners in Clinical Social Work; American Cancer Society; American Chiropractic Association; American College of Allergy and Immunology; American College of Cardiology; American College of Foot and Ankle Surgeons; American College of Gastroenterology; American College of Nuclear Physicians; American College of Nurse-Midwives; American College of Obstetricians and Gynecologists; American College of Osteopathic Surgeons; American College of Physicians; American College of Radiation Oncology; American College of Radiology; American College of Rheumatology; American College of Surgeons; American Council for the Blind; American Counseling Association; American Dental Association; American Diabetes Association; American EEG Society; American Family Foundation; American Federation of State, County, and Municipal Employees; American Federation of Teachers; American Foundation for the Blind; American Gastroentrological Association; American Group Psychotherapy Association; American Heart Association; American Liver Foundation; American Lung Association/American Thoracic Society; American Medical Association; American Medical Rehabilitation Providers Association; American Medical Student Associatoin; American Medical Women's Association, Inc.; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options And Resources; American Nurses Association; American Occupational Therapy Association; American Optometric Association; American Orthopaedic Society for Sports Medicine; American Orthopsychiatric Association; American Orthotic and Prosthetic Association; American Osteopathic Academy of Orthopedics; American Osteopathic Association; American Osteopathic Surgeons; American Pain Society; American Physical Therapy Association; American Podiatric Medical Association; American Psychiatric Association; American Psychiatric Nurses Association; American Psychoanalytic Association; American Psychological Association; American Public Health Association; American Society for Dermatologic Survey; American Society for Gastrointestinal Endoscopy; American Society for Surgery of the Hand; American Society for Therapeutic Radiology and Oncology; American Society of Anesthesiology; American Society of Cataract and Refractive Surgery; American Society of Dermatology; American Society of Echocardiography; American Society of Foot and Ankle Surgery; American Society of General Surgeons; American Society of Hand Therapists; American Society of Hematology; American Society of Internal Medicine; American Society of Nephrology; American Society of Nuclear Cardiology; American Society of Pediatric Nephrology; American Society of Plastic and Reconstructive Surgeons, Inc.; American Society of Transplant Surgeons; American Society of Transplanation; American Speech-Languge-Hearing Association; American Therapeutic Recreation Association; American Urological Association; Americans for Better Care of the Dying; Amputee Coalition of America; Anxiety Disorders Association of America; Arthritis Foundation; Arthroscopy Association of North America; Association for Ambulatory Behavioral Healthcare; Association for Education and Rehabilitation of the Blind and Visually Impaired; Association for Persons in Supported Employment; Association for the Advancement of Psychology; Association for the Education of Community Rehabilitation Personnel; Association of American Cancer Institutes; Association of Education for Community Rehabilitation Programs; Association of Freestanding Radiation Oncology Centers; Association of Maternal and Child Health Programs; Association of Subspecialty Professors; Association of Tech Act Projects; Asthma & Allergy Foundation of America; Autism Society of America; Bazelon Center for Mental Health Law; California Access to Specialty Care Coalition; California Congress of Dermatological Societies; Center for Patient Advocacy; Center on Disability and Health; Child Welfare League of America; Children & Adults With Attention Deficit/Hyperactivity Disorder; Citizens United for Rehabilitation of Errants; Clinical Social Work Federation; Communication Workers of America; Conference of Educational Administrators of Schools and Programs for the Deaf; Congress of Neurological Surgeons; Consortium of Developmental Disabilities Councils; Consumer Action Network; Consumers Union; Cooley's Anemia Foundation; Corporation for the Advancement of Psychiatry; Council for Exceptional Children; Council for Learning Disabilities; Crohn's and Colitis Foundation of America; Diagenetics; Digestive Disease National Coalition; Disability Rights Education and Defense Fund; Division for Early Childhood of the CEC; Easter Seals; Epilepsy Foundation of America; Evangelical Lutheran Church in America; Eye Bank Association of America; Families USA; Family Service America; Federated Ambulatory Surgery Association; Federation of Behavioral, Psychological & Cognitive Sciences; Federation of Families for Children's Mental Health; Friends Committee on National Legislation; Goodwill Industries International Inc.; Guillain-Barre Syndrome Foundation; Helen Keller National Center; Higher Education Consortium for Special Education; Huntington's Disease Society of America; Infectious Disease Society of America; Inter/National Association of Business, Industry and Rehabilitation; International Association of Jewish Vocational Services; International Association of Psychosocial Rehabilitation Services; International Dyslexia Association; Joseph P. Kennedy, Jr. Foundation; Learning Disabilities Association;

Lupus Foundation of America, Inc.; Medical College of Wisconsin; National Alliance for the Mentally Ill; National Association for Medical Equipment Services; National Association for Rural Mental Health; National Association for State Directors of Developmental Disabilities Services; National Association for the Advancement of Orthotics and Prosthetics; National Association of Children's Hospitals; National Association of Developmental Disabilities Councils; National Association of Medical Directors of Respiratory Care; National Association of People with AIDS; National Association of Physicians Who Care; National Association of Private Schools for Exceptional Children; National Association of Protection and Advocacy Systems; National Association of Psychiatric Treatment Centers for Children; National Association of Public Hospitals and Health Systems (Qualified Support); National Association of Rehabilitation Research and Training Centers; National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Special Education, National Association of State Mental Health Program Directors; National Association of the Deaf; National Black Women's Health Project; National Breast Cancer Coalition; National Center for Learning Disabilities; National Coalition on Deaf-Blindness; National Committee to Preserve Social Security and Medicare; National Community Pharmacists Association; National Consortium of Phys. Ed. And Recreation For Individuals with Disabilities; National Council for Community Behavioral Healthcare; National Depressive and Manic-Depressive Association; National Down Syndrome Society; National Foundation for Ectodermal Dysplasias; National Hemophilia Foundation; National Mental Health Association; National Multiple Sclerosis Society; National Organization of Physicians Who Care; National Organization of Social Security Claimants' Representatives; National Organization on Disability; National Parent Network on Disabilities; National Partnership for Women & Families; National Patient Advocate Foundation; National Psoriasis Foundation; National Rehabilitation Association; National Rehabilitation Hospital; National Therapeutic Recreation Society; NETWORK: National Catholic Social Justice Lobby; NISH; North American Society of Pacing and Electrophysiology; Opticians Association of America; Oregon Dermatology Society; Orthopaedic Trauma Association; Outpatient Ophthalmic Surgery Society; Pain Care Coalition; Paralysis Society of America; Paralyzed Veterans of America; Patient Advocates for Skin Disease Research; Patients Who Care; Pediatric Orthopaedic Society of North America; Pediatrix Medical Group: Neonatology and Pediatrics Intensive Care Specialist; Physicians for Reproductive Choice and Health; Physicians Who Care; Pituitary Tumor Network; Public Citizen* (Liability Provisions Only); Rehabilitation Engineering and Assistive Technology Society of N. America; Renal Physicians Association; Resolve: The National Infertility Clinic; Scoliosis Research Society; Self Help for Hard of Hearing People, Inc.; Service Employees International Union; Sjogren's Syndrome Foundation Inc.; Society for Excellence in Eyecare; Society for Vascular Surgery; Society of Cardiovascular & Interventional Radiology; Society of Critical Care Medicine; Society of Gynecologic Oncologists; Society of Nuclear Medicine; Society of Thoracic Surgeons; Spina Bifida Association of America; The Alexandria Graham Bell Association for The Deaf, Inc.; The American Society of Dermatophathology; The Arc of the United States; The Council on Quality and Leadership in Support for People with Disabilities (The Council); The Endocrine Society; The Paget Foundation for Paget's Disease of Bone and Related Disorders; The Society for Cardiac Angiography and Interventions; The TMJ Associations, Ltd.; Title II Community AIDS National Network; United Auto Workers; United Cerebral Palsy Association: United Church of Christ; United Ostomy Association; Very Special Arts; World Institute on Disability.

Mr. Speaker, 275 endorsing organizations, nearly all the patient advocacy groups in the country: American Cancer Society, National MS Society. I could go down the list. Nearly all the consumer groups in the country, Consumers Union. You look through the whole list of this; nearly all the provider groups, the physicians, the nurses, the physical therapists, the podiatrists, the opticians. And you know what? This is a patient protection bill.

□ 2015

There is nothing in this bill that provides an advantage for a provider, other than being able to be an advocate for your patient.

This is about letting people solve problems with their HMOs in a timely fashion, through a due process, that gives them a chance to reverse an arbitrary decision of medical necessity by their plan. We should not hesitate about having HMOs be responsible for their decisions.

Surveys show that there is a significant public concern about the quality of HMO care. Despite millions of dollars of advertising by HMOs over the last 8 years, a recent Kaiser survey showed no change in public opinion. Seventy-seven percent favor access to specialists; 83 percent favor independent review; 76 percent favor emergency coverage; and more than 70 percent favor the right to sue an HMO for medical negligence; and 85 percent of the public thinks that Congress should fix these HMO problems.

Mr. Speaker, in a few weeks we are going to get a chance, I hope in a fair way, to debate managed care reform, patient protection legislation. It is none too soon. While we have been dillydallying around for a couple of years now, patients have been injured because of arbitrary decisions by HMOs; and some of them have lost their lives. We need to address this issue soon, and we can do it in a bipartisan fashion. And I would encourage Members on both sides of the aisle to fight off the poison pill amendments that we are going to see under the rule, fight off the substitutes, some of which will be like the ones from the Senate which are really HMO protection bills, and join with us, 275 endorsing groups, millions and millions of people out in the country who are calling on Congress to pass H.R. 2723, the bipartisan consensus managed care reform bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1875, INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106–326) on the resolution (H. Res. 295) providing for consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106–327) on the resolution (H. Res. 296) providing for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, which was referred to the House Calendar and ordered to be printed.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I must say that I am so pleased to be following the special order of my colleague, the gentleman from Iowa (Mr. GANSKE), because he addressed the same issue that I would like to address this evening and that is the need for HMO reform and the need to bring legislation to the floor of this House which we refer to as the Patients' Bill of Rights because it provides protection for Americans who are patients who happen to be members of HMOs or managed care organizations; and those protections are needed right now.

They were needed a long time ago, but it is really time that the Republican leadership of the House of Representatives allow this bill to come to the floor to be debated, and I believe it will pass overwhelmingly.

I must say, I have been on this floor many times over the last year, or even beyond, asking that the Republican leadership allow the opportunity for the Patients' Bill of Rights to come to the floor, and we were told last Friday for the first time that the Speaker has set the week of October 4, approximately 2 weeks from now, for that opportunity.

Although I have to say that I am suspicious of the way that this will be brought to the floor and the procedure and the rules that will be followed; and I know that my colleague, the gentleman from Iowa (Mr. GANSKE), mentioned that as well. I must say that I am pleased that we will be debating HMO reform and that one of the bills that we have been promised by the Speaker that will be brought to the floor is the Patients' Bill of Rights.

I really need to emphasize this evening, as I have so many other times on the floor and this well, that there are differences between the various managed care reform proposals that have been proposed here and that even though it is true that the Republican leadership now says that they will allow debate on the Patients' Bill of Rights, they have also made it quite clear that they are going to favor bills other than the Patients' Bill of Rights and that there may and certainly will be an effort to pass alternative legislation to the Patients' Bill of Rights.

I need to urge my colleagues not to fall into the trap of thinking that anything other than the new bipartisan Patients' Bill of Rights is acceptable, not only to us but to the American people.

I wanted to point out that it has been very interesting. Really, just last Wednesday, I guess, September 13, in the New York Times, there was an article that talked about how the GOP leadership was very cool on our patients' rights plan and how they were sort of scouring and looking at all kinds of ways of avoiding passage of the Patients' Bill of Rights. And I just wanted to, if I could, either summarize or read through some of the interesting aspects of this article because, as we know back in August, just before the summer break, in the first part of August, this was on August 6, just before we left for the summer recess, at that point the Speaker indicated that he was going to allow a Republican group, a group of Republicans, to put together a bill that he and the Republican leadership would find acceptable in terms of HMO reform.

There was no question in my mind that this was a bill, this was an effort by the Republican leadership, to essentially bypass or kill the bipartisan Patients' Bill of Rights that had been drafted by my colleague, the gentleman from Georgia (Mr. NORWOOD); the gentleman from Michigan (Mr. DINGELL), who has long been an advocate and who formulated the original Patients' Bill of Rights; the gentleman from Iowa (Mr. GANSKE); myself; and others, who had basically come up with a bipartisan Patients' Bill of Rights that would have achieved real HMO reform. At the time on August 6, the Speaker said, well, I am not in favor of that bill, the Patients' Bill of Rights, but I will let the gentleman from Oklahoma (Mr. COBURN) and a few other Members of Congress on the Republican side see what they can come up with for us to consider in September that perhaps the Republican leadership would support.

As we know, and I am again referring to this article in the New York Times, when the gentleman from Oklahoma (Mr. COBURN), who is a physician from Oklahoma, and the gentleman from Arizona (Mr. SHADEGG), who is a Republican Member, disclosed the text of their bill last week when we came back after the August break, Speaker HASTERT had no comment. Senior House Republicans, including the chairmen of several committees and subcommittees, expressed grave reservation about the bill that theoretically they had asked the gentleman from Oklahoma (Mr. COBURN) and others to put together as their alternative to the Patients' Bill of Rights.

The gentleman from Texas (Mr. ARMEY), who is the House majority leader, described the Coburn-Shadegg bill as the least worst way to do the wrong thing, and he said the provisions of the bill authorizing patients to sue HMOs for injuries caused by the negligence of a health plan still bothered him.

The gentleman from Virginia (Mr. BLILEY), the chairman of our House Committee on Commerce, said he too was reluctant to create a new right to sue.

Basically, what we see here is the Republican leadership once again backing off a bill which theoretically they had asked their own Members to put together, and the reason clearly was because they saw the Coburn-Shadegg bill as too much like the Patients' Bill of Rights, the bipartisan Patients' Bill of Rights, particularly with regard to the liability provisions.

Now we read, or we find out, that even though the Speaker has said that he is going to allow managed care reform to come to the floor on the week of October 4, that not only will the Patients' Bill of Rights be an option, not only will the Coburn-Shadegg bill be an option, but it is very possible that another bill, which I think really expresses what the leadership wants, and this is the bill that came out of the House Committee on Education and the Workforce, and it was sponsored by the gentleman from Ohio (Mr. BOEHNER), basically what his bill does is, I think, take a piecemeal approach to HMO reform that is totally unacceptable and shows very dramatically where the Republican leadership is going on the important issue of HMO reform.

I think what is going to happen, and we are basically seeing indications of that, is that the House Republican leadership will endorse the Boehner bill and try to get that through the rules that they will use to bring this legislation to the floor as the bill that we finally vote on as opposed to the Patients' Bill of Rights or even the bill that the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Arizona (Mr. SHADEGG) have come up with.

I want to stress this evening that if that is what happens, if in fact the procedures that come out of the Committee on Rules that are set forth and the procedures by which we debate HMO reform on this floor the week of October 4 basically allow the Boehner bill to be the order of the day and that is the bill that the leadership supports, then we will have achieved nothing effectively in terms of HMO reform and this whole effort to try to come up with something that will help and protect the average American will have actually done the opposite, and HMO reform will be killed.

I just want to explain, if I could briefly, where the Boehner bill is such a bad bill by comparison to the Patients' Bill of Rights that my colleague, the gentleman from Iowa (Mr. GANSKE), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), and so many others of us who care about HMO reform have put forward on a bipartisan basis.

The Boehner bills leave out most Americans. The bills cover only people who obtain health insurance through their employer. The bills fail to extend needed patient protections to the millions of people that purchase health insurance individually; and what we are basically saying, and the Boehner bills do not do, is that the protections that we are seeking through the Patients' Bill of Rights, those protections should apply to all health plans, regardless of whether it is employer sponsored, whether it is individually purchased, whether it is ERISA, whether it is Medicare, whatever it happens to be, all health plans should have these same basic protections from HMOs or managed care.

The other thing and this is most important, if we look at the Boehner bills, they pretend to secure patients' rights but they contain no way to enforce those rights other than the weak penalties currently available under ERISA, and enforcement is so important. It is not that those of us who support the Patients' Bill of Rights want everybody to sue. In fact, the example in Texas, which is one State that has passed, as the gentleman from Iowa (Mr. GANSKE) has mentioned, a very progressive Patients' Bill of Rights in Texas, where there is the ability to sue now and there has been for 2 years, only one or two lawsuits have actually been filed. Because once those patient protections are in place, there is no reason to file a lawsuit because there are basic protections under the law.

So what we are saying is, even though we would provide for a right to sue, even though we would have an external review and a procedure for that, it is only because we want the practical enforcement to be there, to guard against the abuses of HMOs.

What the Boehner bills do is it is basically a very narrow, piecemeal approach. For example, H.R. 2043, which is supposed to protect against the so-called gag clauses, does not prohibit plans from retaliating against doctors who discuss the plan's financial incentives. One of the worst offenses right now with HMOs is the fact if the plan does not cover a particular procedure, the doctor is gagged and cannot say anything about that procedure. A lot of HMOs right now have that kind of rule, gagging, not allowing a doctor to say what procedure a person needs because they will not cover it. What a terrible thing, and there is no protection against that in the Boehner bills.

Let me just give a few other indications of the inadequacies in the Boehner bills and why I dread the fact that the House leadership, the Republican leadership, may try to have this be the final product of this debate the week of October 4.

The Boehner bills require direct access to physicians only for routine OB-GYN care. They do not allow persons with chronic or serious medical conditions to have direct access to specialists. Nor do the Boehner bills permit persons with conditions requiring ongoing care to obtain standing referrals to a needed specialist. The bills do not include a requirement that a plan have a provider network with a sufficient number and variety of providers who are available and accessible in a timely manner. In addition, there is no requirement that a plan cover the services of a specialist who is not in the plan's network if the network lacks the provider expertise or capacity to treat the enrollee's condition.

One of the biggest concerns that I hear from my constituents with HMOs is inadequate access to specialists. We need to provide for that and that is what the Patients' Bill of Rights does. That is what the Boehner bills do not do.

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Continuity of care. The Boehner bills do not protect patients from abrupt changes in ongoing treatment when their provider is dropped from the plan's network or their employer changes health plans. They have no provision to limit excessive provider financial incentives arrangements. This is another big complaint. Right now, there are incentives in a lot of HMOs for one's doctor not to provide health care in many cases, or not to provide treatment in certain instances, because there is a financial incentive if he provides less care. Now, this is not always true, but it is one of the abuses that we find from time to time, and we do not want it to be there; we want to make sure it does not happen, that there is no such financial incentive.

Another thing in the Boehner bills: emergency care. One of the biggest complaints I hear about HMOs is that if I have to go to an emergency room because I feel the necessity, I have chest pain, I feel I have to go to a hospital, oftentimes I need prior authorization, or I can only go to an emergency room for a hospital that is maybe 50 miles away instead of the one that is down the street. Well, that has to be changed. But H.R. 2045, one of the Boehner bills, fails to insure that people can obtain emergency care when and where the need arises without fear of excessive charges.

Under this bill, if a plan and the emergency room physician disagree on what emergency care is necessary, the patient can be stuck holding the bill. I use the example of severe pain. Severe pain does not count as an emergency if an individual with severe chest pains risks having to pay for services out of pocket, or if he or she goes to an emergency room without getting prior authorization. So again, one does not have protection that one can make sure that if one has severe pain and thinks they are having a heart attack, they can go to an emergency room down the street and they do not have to worry about prior authorization.

I just want to mention one more thing about the Boehner bills because I think the enforcement aspect is so important. What we are saying about the patients' bill of rights and really the two things that are the hallmark of the patients' bill of rights, the bill that should pass this House, and I hope that it does, one is the definition of "medical necessity," what is necessary, what kind of operation is necessary, how long one has to stay in the hospital, whether one has a particular procedure or a particular operation. That definition of what is "medically necessary" is made by the physician and the patient, not by the insurance company.

The second hallmark of the patients' bill of rights is that if one has been denied care, one can go to an outside panel or an outside review board that is not influenced by one's HMO and ultimately, if that fails, that one can bring suit in court.

Well, under the Boehner bills, H.R. 2089, they purport to create an independent external appeals system, but it is biased against the patients and allows the health plans to control virtually all aspects of the external review process. The bill requires external reviewers to uphold plans as long as the plans follow their own definitions, no matter how arbitrary the definitions. A plan could define "medical necessity" to be nothing more than care defined under whatever treatment guidelines and utilization protocols the plan adopts, even if the guidelines and protocols are not backed by any clinical evidence or good professional practice.

What we say in our patients' bill of rights is the decision about what is medically necessary is made by the doctor and the patients. How we effectuate that is that we use the standards of care that are applicable for that particular specialty. So if the Board of Cardiology has certain procedures which they consider the norm in the practice of cardiology, those are the procedures that apply in terms of determining what is medically necessary. But under the Boehner bills, it is up to the HMO to decide that. They do not have to make reference to the local Board of Cardiology; they do not have to make reference to any studies at all. They just define what is "medically necessary" on their own based, on whatever cost containment is beneficial to them, in many cases.

That is what we do not want. We do not want the external review process to be limited to what the HMO defines as medically necessary. Of course, we want to make sure that there is an outside external review, unbiased, not under the influence of the HMO, and that ultimately one has the right to sue.

Mr. Speaker, I could talk more this evening about what is important in our patients' bill of rights and why it is so much preferable to the Boehner bills and other bills that might come to the floor; but I think the most important thing is that if the Republican leadership is really serious about allowing the opportunity for a full and fair debate during the week of October 4 on patient protections, they have to craft the rule in such a way that there is a clear opportunity for us and for the majority of this House to support the patients' bill of rights. I am fearful that that is not going to happen.

I will be watching, as my colleague from Iowa mentioned, over the next few weeks to see what kind of rule comes out of the Committee on Rules, but we are going to be very careful to monitor that, because if there is going to be a promise that we have an opportunity to bring real protections to this floor, then it has to be a promise that is fulfilled pursuant to the rules of this House. I hope that that is the case, and I will continue to look at it over the next 2 weeks.

ISSUES OF IMPORTANCE IN THE REPUBLIC OF ARMENIA

Mr. PALLONE. Mr. Speaker, I wanted to turn briefly, if I could tonight, to a couple of international issues unrelated to the issue of HMO reform. As many of my colleagues know, I am very much involved in both the Armenia caucus as well as the India caucus that we have here in the House of Representatives, and I wanted to take a few moments initially to talk about the anniversary, if you will, of Armenia's independence, and then I would like to talk a little bit about some issues relative to India that will be coming up in the next few weeks in the context, most likely, of some of the appropriations bills and conference reports that we will be considering here on the floor of the House.

Mr. Speaker, if I could turn initially to the Republic of Armenia. Today, Tuesday, September 21, is actually the eighth anniversary of the independence of the Armenian Republic, and it is celebrated by the citizens of Armenia, as well as people of Armenian dissent here in the United States and around the world.

The United States, as the leader of the free world, has welcomed the arrival of Armenia into the family of democratic nations, and I am proud that this Congress has consistently voted to provide humanitarian and economic development assistance to help Armenia preserve democracy and the institutions of civil society and to continue the transition to a free market economy. I am proud that our administration has made a priority of achieving a negotiated settlement to the Nagorno Karabagh conflict, which is vital to bringing stability and economic integration to the southern Caucasus region.

However, I believe there is a lot more that America can do to help Armenia achieve its rightful place as a free nation with a secure future, and to do so is not only in Armenia's interests. The United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values.

Mr. Speaker, I had the opportunity to visit the Republic of Armenia as well as Nagorno Karabagh and Azerbaijan with a bipartisan group of Members of Congress last month, in August. We saw firsthand the outstanding progress Armenia has made in fostering democracy and in promoting economic growth.

Mr. Speaker, the Republic of Armenia may be a very young country, but the Armenian nation is one of the world's most ancient and enduring. The story of the Armenian people, a nation whose history is measured not in centuries, but in millennia, the first to adopt Christianity as its national religion, is an inspiring saga of courage and devotion to family and nation. It is also an epic story of a triumph of a people over adversity and tragedy.

Early in this century in one of history's most horrible crimes against humanity, 1.5 million Armenian men, women, and children were massacred by the Ottoman Turkish Empire. Every April, Members of this House join in commemoration of the Armenian genocide, and we can never relent, and will never relent, in our efforts to remind the world that this tragedy is a historic fact and to make sure that our Nation and the whole world community and, especially the Turkish nation, come to terms with and appropriately commemorate this historic fact.

After the collapse of the Ottoman Empire, the people of Armenia established an independent state on May 28, 1918. But unfortunately, the fledgling nation was not able to overcome the simultaneous pressures of the forces of Ataturk's Turkey and the Russian Communists. Ultimately, the lands of eastern Armenia were occupied by the Soviet Red Army, and Armenia became one of the Soviet Union's constituent republics in 1936.

During 5½ decades under Soviet rule, at least some Armenian cultural presence was maintained, even if the political shots were called in Moscow. However, the predominantly Armenian region of Nagorno Karabagh was placed under the jurisdiction of Azerbaijan under an arbitrary decision by the dictator Stalin.

Mr. Speaker, in the late 1980s, the tumultuous changes rocking the Soviet Union were strongly felt in Armenia. In 1988, a movement of support began for the Karabagh Armenians to exercise their right to self-determination. The movement for the freedom of Karabagh helped to rekindle the struggle for freedom for all the Armenian people.

That same year, a devastating earthquake struck northern Armenia and its destruction continues to be in evidence. In 1990, the Armenian National Movement won a majority of seats in the parliament and formed a government; and on September 21, this day, in 1991, 8 years ago, the Armenian people voted overwhelmingly in favor of independence in a national referendum.

Since then, Mr. Speaker, the Armenian people have worked to reestablish a state and a nation to create a society where their language, culture, religion, and other institutions are able to prosper. The progress made in 8 short years by the Republic of Armenia has been an inspiration, not only for the sons and daughters of the Armenian Diaspora, but for Armenians and freedom-loving people everywhere. Having survived the genocide and having endured decades under the domination of the Soviet Union, the brave people of Armenia have endeavored to build a nation based on the principles of democracy and opportunities for all.

Mr. Speaker, as they have for so much of their history, the Armenian people have accomplished all of this against daunting odds. The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors, Turkey and Azerbaijan, who have imposed blockades that have halted the delivery of basic necessities. Yet independent Armenia continues to persevere. While democracy has proven to be an illusive force in much of the Soviet bloc, Armenia held multiparty presidential elections last year; and on May 30 of this year, parliamentary elections were held once again.

As the founder and chairman, with the gentleman from Illinois (Mr. PORTER) of the Congressional Caucus on Armenian Issues, I consider U.S.-Armenia relations to be one of our key foreign policy objectives. Support for Armenia is in our practical interests. Helping to support stabilization is strategically important in an often unstable part of the world. Standing by Armenia is also consistent with Armenia's calling to support democracy and human rights and to defend free peoples throughout the world.

Mr. Speaker, I want to emphasize that the people of Armenia want good relations with their neighbors and the entire world community; and I believe the moral, political, and economic power of the U.S. could go a long way towards helping Armenia achieve that goal.

Finally, Mr. Speaker, I would like to say that the reality of daily life for the people of the Republic of Armenia continues to be difficult. I saw that, once again, with my colleagues when we visited Armenia in August. But the commitment to working for a better future is remarkably strong in all the men, women, and young people of Armenia, especially.

I just want to take this occasion to wish the Armenian people well on the occasion of their independence day and, more important, in their ongoing effort to establish a free republic so that their children may prosper in the homeland of their ancestors.

INDIA-U.S. RELATIONS

Mr. PALLONE. Mr. Speaker, I would like now to turn lastly to the issue, some of the issues relative to India-U.S. relations, and there are basically three topics that I would like to mention which I think are relevant, particularly in light of some of the appropriations bills that are now going to conference and which will be coming to the floor within the next week or two.

First, I did want to start out by saying with regard to India-U.S. relations that there has been, I noticed in the last week or two, since we came back from the August break, an effort by Pakistan once again to internationalize the Kashmir conflict by trying to bring in the United States as a mediator. I think many of us know, my colleagues know, that India maintains that the Kashmir conflict should be addressed on a bilateral basis with Pakistan under established frameworks agreed to by both countries.

Now, thus far, the Clinton administration has widely resisted Pakistani attempts to internationalize the Kashmir conflict; and certainly that was the case after the last conflict where President Clinton specifically said that he was not going to act as a mediator and that the two nations basically had to sit down together and work out their differences. However, I understand that some of my colleagues, Democrats and Republicans, in the House are now circulating once again letters urging that the administration break with this long-standing precedent and intervene in this bilateral dispute in Pakistan.

□ 2045

I think such a development would not contribute to peace and stability in South Asia. Rather than seeking this what I consider reckless change of policy, it is important for Members of Congress to encourage the administration to maintain its current prudent approach.

I believe President Clinton's July 4 meeting with Prime Minister Sharif of Pakistan succeeded in bringing about a Pakistani withdrawal of troops from India's side of the line of control. I welcome that. There is absolutely no question that President Clinton played a major role in the ultimate withdrawal, if you will, of Pakistan back to the line of control, so now we have relative peace in Kashmir.

But, unfortunately, Pakistan is still trying to drag the United States into this conflict as an international mediator. This is really nothing more than a strategic ploy to enhance Pakistan's position in the conflict.

India has made it clear that it does not favor third party mediation. Pakistan has earned its recent international isolation, given its destabilizing actions in Kashmir. Pakistan must not be rewarded with gains at the negotiating table in light of its costly gambit in Kashmir, a policy that has militarily failed and has strategically failed. They should not be given some propaganda advantage by having this Congress suggest that the United States should intervene.

Mr. Speaker, as part of this special order I include for the RECORD the text of a letter I sent to President Clinton back in July before the break, where I urged him to resist Pakistan's efforts to bring the United States into its bilateral conflict with India.

I think this letter was appropriate in July, and it is still appropriate today.

The letter referred to is as follows:

JULY 7, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my support for your efforts to effectuate a withdrawal of Pakistani forces from India's side of the Line Of Control in Kashmir, and to respectfully urge that the Administration continue to resist Pakistan's efforts to internationalize its bilateral dispute with India by drawing in the United States as a mediator.

In the aftermath of your Independence Day meeting with Prime Minister Nawaz Sharif, I was very encouraged by the published reports indicating that Administration officials believe that yielding to Pakistan's desire to bring the U.S. in as an international mediator would be to side with Pakistan, given India's long-standing position that the issue should be resolved bilaterally.

I welcome your meeting with Prime Minister Sharif with the goal of getting Pakistan to withdraw its forces from India's side of the Line of Control (LOC). I was somewhat concerned by Mr. Sharif's characterization, in the Pakistani media, of the talks at the White House, suggesting that you will play a more active mediating role in Kashmir. I hope this was merely an exercise in spin control by Mr. Sharif. But I would urge that you and the Administration maintain the current, limited approach of achieving a Pakistani withdrawal, while allowing India and Pakistan to resolve the Kashmir issue on a bilateral basis, pursuant to the framework set forth in the Simla Accords and, more recently, in the Lahore Declaration. The bottom line is that India is fighting to defend its territory against an armed infiltration. Under those circumstances, the U.S. must maintain a clear policy of opposing armed aggression and not rewarding Pakistan with gains at the negotiating table.

I am also encouraged by indications that you will travel to South Asia later this year. For the reasons that I've stated above, it is important that the trip not be a vehicle for the U.S. to play a mediator role in Kashmir.

I have written to you previously urging that you visit India, the world's largest democracy. I cannot emphasize enough how valuable it would be in bringing the U.S. and India closer together.

Thank you for your attention to this matter and for your continued leadership on this and other urgent foreign policy priorities.

Sincerely,

FRANK PALLONE, Jr.

U.S. SENATE,
Washington, DC, July 21, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We commend your timely intervention to help defuse the immediate crisis in Kashmir. Particularly important is your commitment to take a personal interest in encouraging the Prime Ministers of India and Pakistan to resume and intensify their dialogue, begun in Lahore in February, to resolve all issues between them, particularly Kashmir.

Kashmir is the most dangerous nuclear flashpoint in the world today. As President Richard Nixon noted 25 years ago, nuclear powers have never fought each other, but the clash between Muslim Pakistan and Hindu India over disputed Kashmir territory could erupt into the world's first war between nuclear powers. To avert this possibility, the dispute over Kashmir's unresolved status must be settled promptly and peacefully.

The United States should help break the stalemate over Kashmir to reduce the chance of nuclear war in the Asian subcontinent. Therefore, we urge you to: (1) consider appointment of a Special Envoy who could recommend to you ways of ascertaining the wishes of the Kashmiri people and reaching a just and lasting settlement of the Kashmir issue; and (2) propose strengthening the UN Military Observers Group to monitor the situation along the Line of Control.

We await your prompt response and stand ready to support these diplomatic initiatives.

Sincerely,
JIM JOHNSON.
—— ——.
—— ——.
ROBERT G. TORRICELLI.

The second issue I want to mention relative to India relates to the foreign operations appropriations bill, on which I believe tomorrow the House and Senate conferees will meet to hammer out the differences between the two bills in the two Houses with regard to the Foreign Operations Appropriations Act.

What I am asking is that the conferees not adopt a Senate provision which could affect India. Section 521 of the Senate fiscal year 2000 foreign operations bill reads or talks about special notification requirements.

It says in section 521 that, "None of the funds appropriated in this Act shall be obligated or intended for Colombia, India, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo, except as provided through the regular notification procedures of the Committee on Appropriations."

What this section does, what this Senate provision will do, is to require the administration to notify the House and Senate appropriations committees whenever the fiscal year 2000 foreign aid is allocated to India. The Committee on Appropriations, as required by law, would have 15 days to approve or disapprove the allocation.

But I would point out to my colleagues, Mr. Speaker, that this procedure is not imposed on all countries that receive U.S. foreign aid. It is used to closely monitor countries that receive U.S. foreign aid only if there is concern on the part of the Committee on Appropriations.

The House bill, the House Foreign Operations Act, contains a similar provision, but it does not include India as one of the countries that come under this provision. I want to commend the House appropriators for recognizing that there is no reason to include India along with these other countries that are mentioned.

I say that and I urge the conferees not to adopt the Senate language and to adhere to the House language because India is a democracy. India is a market economy. India has become increasingly close to the United States. It has a huge market for U.S. goods and trade.

I think it would be a mistake to label India as a pariah in this fashion for any limited U.S. assistance that the State Department or the USAID may try to provide to India through humanitarian or development assistance. We provide very little aid to India. It is relatively insignificant. But the point is that India should not be painted as the sort of pariah these other countries that require this notification are.

I know some of my colleagues will say, well, Pakistan is included as one of these nations. But the fact that Pakistan is included on this list for prior notification does not mean that India should be included. If the recent conflict in Kashmir that I just pointed out showed anything, it was that India acted responsibly, whereas Pakistan instigated a military incursion that could have led to a wider war. Let us not reward, if you will, Pakistan by saying that India should be included on this notification list when there is absolutely no reason to do that.

In a similar vein, and lastly, with regard to U.S.-India relations this evening, Mr. Speaker, I wanted to mention the fiscal year 2000 defense appropriations bill, which is also in conference at this time.

There is a provision in the Senate bill that would suspend for 5 years certain sanctions against India and Pakistan. I support this provision wholeheartedly. There is no reason for us to continue these sanctions against both nations because the only country that is suffering for it is the United States, because of limitations on our exports and our trade and our business opportunities in India and Pakistan.

I want to say that while I strongly support the end of the sanctions and the suspension of the Glenn amendment sanctions against these two South Asian nations, there is another critical provision in the Senate language that would, in my opinion, be a grave mistake. That is the Senate language to repeal the Pressler amendment, which bans U.S. assistance to Pakistan.

I have already spoken out on the floor previously and explained the reasons why we should not repeal the Pressler amendment. Again, a lot of this goes back to what has been happening the last few months, the Kashmir conflict; the fact that Pakistan continues a policy of nuclear proliferation, which is not what India is doing.

We were reminded about why the Pressler amendment was needed because of the way that Pakistan carried out this war in Kashmir over the summer and instigated the war, many times with regular Pakistan army troops.

Pakistan has also repeatedly been implicated, along with China, Iran, and North Korea, in the proliferation of nuclear weapons and missile technology. India's nuclear program, by contrast, is an indigenous program, and India has not been involved in sharing in technology with unstable regimes.

I want to mention one more thing tonight that is new in this regard. That is that this month, in September, the CIA issued its annual national intelligence estimate on missile threats reported. In this annual report, they reported that Pakistan has obtained M-11 short-range missiles from China and medium-range missiles from North Korea. The CIA's assessment is that both missiles may have a nuclear role, and there have been calls in Congress for new sanctions to be imposed on China in light of these latest revelations, a step that I would certainly be prepared to support.

But besides imposing sanctions on countries that transfer this type of technology, like China, I believe we should also hold the countries who receive these weapons systems accountable. We certainly should not reward countries like Pakistan by lifting the existing sanctions on military transfers in light of the information that has recently come to light in this CIA report.

So I would once again say, Mr. Speaker, that this is yet another reason why we should not support repeal of the Pressler amendment. I would say again that I hope that the conferees, and I would urge the conferees to not repeal the Pressler amendment, even as I support the idea of eliminating the Glenn amendment sanctions against both India and Pakistan.

ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House tonight to address my colleagues again on what I consider one of the most important topics facing Congress and the American people, and that is the problem of illegal narcotics in this country, not only the problem of illegal narcotics as it affects us as far as our role as Members of Congress in providing funding for various programs, but the effects of this dreaded plague on our country that have many significant dimensions.

Tonight I would like to again talk to the House about this topic and discuss a number of areas, and first of all provide my colleagues and the American people with an update on some of the recent happenings as to how drugs and illegal narcotics destroy lives and affect the lives of people, not only in my district but across this Nation.

I will talk a little bit about the situation and the policies that got us to where we are today with the problem of illegal narcotics. Then I would like to talk a little bit about Colombia, which is in the news.

The President of Colombia is now in the United States and addressed the United Nations. He has made proposals, along with this administration, about resolving some of the difficulties that relate directly to illegal narcotics trafficking in our neighbor to the south.

I would also like to talk a little bit about the history of the policy as it developed relating to Colombia, and some of the proposals that are on the table now to resolve the conflict that has been created again by these failed policies.

But tonight I would like to start out by first providing an update to my colleagues on the cost of the problem of illegal narcotics. I always start at home and the news from my district.

I come from Central Florida. I represent the area just north of Orlando to Daytona Beach, probably one of the most prosperous areas in the Nation. We do have our problems: problems of growth, problems of expansion, problems of providing education. We are very fortunate that we have a very high education level, high income level, a very low unemployment level, so we are indeed one of the 435 districts of the country that has had fortune shine upon us in many ways.

We have also been the victim of the problem of illegal narcotics and hard drugs and the terror that they have rained not only, again, across the Nation, but on our district in Central Florida. Many people equate Orlando in Central Florida to Disney World and entertainment and fun. But unfortunately, we have been the victims, like, again, many other areas across the Nation, of the ravages of illegal narcotics.

Let me read from an Orlando Sentinel story just in the last few hours that was released. It says, "Deaths this past weekend brought the numbers of confirmed and suspected heroin-related deaths in Orange and Osceola Counties to 34." Orange and Osceola Counties are around the Orlando metropolitan area.

"At the current rate, Central Florida likely will break last year's record of 52 heroin-related deaths." Many of these deaths are among our young people. In fact, the 52 deaths in just Central Florida, in that little small geographic area, I found outnumber the number of deaths in some countries from heroin. It is really an astounding figure.

Again, unfortunately, Central Florida is not the only area that is experiencing both the numbers of deaths and the tragedies that we have experienced.

The article goes on and puts a human face on what happens in some of these cases. It says, "Early Friday a 12-year-old boy found his 46-year-old father lifeless at their home on Bayfront Parkway near Little Lake Conway," near the south of Orlando. "A packet of heroin, a syringe, a spoon and matches were found near the body, according to sheriff's records."

More news from my county, also on Friday. "A 34-year-old Orange County man collapsed from a suspected overdose of opiates, the Medical Examiner's Office reported. He died on Sunday," this past Sunday.

On Saturday, "A 30-year-old woman from Orlando died in a vacant house on Gore street." That is in the downtown area. "She collapsed about 8:30 a.m. after she had smoked crack cocaine, a friend told deputies."

Again, the misfortunes of Central Florida are felt across this Nation. We have had over 14,000 drug-related deaths last year, and that is just the reported deaths in this country. Unfortunately, many deaths related to narcotics do not even get reported.

Let me point out, if I may, just a news article that appeared in the past month that was in the Los Angeles Times. This dealt with the bus crash that killed 22 people on Mothers Day. Twenty-two elderly individuals were killed in New Orleans, and it now is made public, according to this news report, that the driver, who died of a heart attack, used marijuana 2 to 6 hours before his full bus of mostly elderly women veered off a highway and smashed into a concrete abutment.

These elderly victims probably will not have it listed in their cause of death as being drug-related, but here we have an instance of supposed casual drug use and the taking of 22 lives.

□ 2100

Another instance that does put a human face on the tragedy of illegal narcotics must be the news report that we had in the last week coming out of Tampa. I know several years ago people from around our state and our area and the Nation were all bereaved when they heard the news of a 5-month old baby supposedly taken from its parents, Baby Sabrina the child was known in many media accounts.

It now appears that investigators had taped the family after the disappearance, and part of the conversation was released in the media. This is in the Orlando Sentinel, September 10, a few days ago. The conversation, according to a Federal prosecutor, included this quote, "I wished I hadn't harmed her. It was the cocaine." This statement was allegedly made in the recording by the father.

We see so many tragedies of child abuse, of child neglect, spouse abuse, deaths. I am not sure how this child, this infant's death will be listed in the final investigation. Again, these are alleged facts, but again surfacing as the problem of illegal narcotics.

The problem of illegal narcotics across our country reaches just every segment of activity. It is not just folks in the ghetto areas. It is not folks in the lower income, socioeconomic income. This problem of illegal narcotics use and its impact on our society is reaching all aspects of our American population.

There is a report from the Associated Press last week that I want to quote from. Seven in 10 people who used illegal drugs in 1997 had full-time jobs. This is a recent report that stated also, about 6.3 million full-time workers age 18 to 49 or 7.7 percent of the workers admitted in 1997 using illegal drugs in the preceding month. Workers in restaurants, bars, construction, and transportation were more likely than others to use drugs, the report said.

Forty-four percent of drug users were working for small businesses, those with fewer than 25 employees down from 57 percent in 1994, but still the largest category.

So whether, again, we see social problems such as child abuse, such as murder, such as robbery, theft, we also see in common ordinary working Americans the problem of illegal narcotics use. That does have a dramatic impact.

In fact, the statistics are somewhere around a quarter of a trillion dollars. That is over $250 billion in lost productivity, cost to society, cost to our judicial system, incarceration. In fact, today we have nearly 2 million Americans behind bars and there because of some drug-related offenses.

I know many people who I come into contact with say that we should release these folks because it is not good to have casual drug users behind bars. But, in fact, every statistic, every report that we have seen, every charge that we have looked behind finds that these aren't casual drug users that are in our Federal prisons and state prisons.

These, in fact, are individuals who have committed felonies while either under the influence of narcotics or committed a crime while attempting to secure money or drugs and committing illegal acts. So there is a real myth.

In fact, we had before my Subcommittee on Criminal Justice, Drug Policy and Human Resources one of the authors of a recent study in New York, which debunked the theory that we have people who are casual drug users, in fact, behind bars. In fact, the report indicated that one really had to try hard, one had to commit a number of felonies to be incarcerated in New York and behind bars and involved with illegal narcotics.

So the facts do not support that casual drug users are behind bars, that in fact serious offenses are committed, whether again it is murder, whether it is a crime to obtain drugs or cash. Again, there is tremendous costs on our society, somewhere around a quarter of a trillion dollars a year.

In addition to the problems that I have cited about illegal narcotics and some of the myths that surround illegal narcotics, I wanted to also talk about another myth that I heard repeatedly during the August recess and even during the past weeks.

I hear these media accounts that the drug war has failed, that the war on drugs is a failure. I do not think that people really understand what happened when we had a war on drugs and when we closed down the war on drugs.

It is absolutely incredible that people do not realize that during the Reagan administration, we began a real war on drugs. That was continued into the Bush administration when we had a real war on illegal narcotics.

What happened in 1993 with the election of the Clinton-Gore administration was basically a close down of the war on illegal narcotics, the war on drugs as we have known it. The phrase was coined in the 1980s, and it was indeed a war on drugs. It was a multifaceted war against illegal narcotics.

I served as an aide in the U.S. Senate under Senator Paula Hawkins, and she was involved with the development of various laws, legislative strategies, working along with them, at that time the Vice President and members of the Reagan administration, in developing administrative approaches and programs to deal with, at that time, cocaine that was coming into the United States.

That program, in fact, those efforts and that war on drugs were, in fact, very successful. There was dramatic decrease in the use of illegal narcotics among our teens. The Vice President, at that time it was George Bush, created a task force on illegal narcotics.

The ANDEAN strategy was developed to interdict and to stop drugs at their source, which must really be the most cost effective way of stopping illegal narcotics. If we know where they are grown, if we know where they are produced, and we can stop them at the source, then in fact we can do it very cost effectively. That has been proven, and that has been done. It was done in the war on drugs in the 1980s, and in fact it worked.

Then, of course, we had national leadership which we have not had since 1993 on the issue of illegal narcotics. Even the First Lady she took a national lead, developed a program that was really ingrained in our young people. It was a simple message, "Just Say No."

The President appointed Drug Czars who helped formulate policy and programs that actually went after illegal narcotics. We had a tough enforcement policy. We had a tough interdiction policy. We began for the first time to utilize the military in the war on drugs. The Coast Guard was also employed and other United States resources committed in a war on drugs.

Now, all that stopped, for the most part, in 1993 with the beginning of the Clinton-Gore administration. Let me just put up this chart, if I may. This first chart does not show back before 1989, but as my colleagues can see in this chart, this is 12th grade drug use. It shows lifetime, annual, and also 30-day in these colors, use by 12th graders.

What is interesting is we can see from the start of the chart here in 1989 that there is a decline in drug use. This is, again, when we had a war on drugs, when we had a national message against illegal narcotics. Among our teenagers and our young people, if we took this chart out, we would see this dramatic decline to 1992, 1993.

Then we had the election of this President. No emphasis on national leadership. The first thing that this President did was in fact fire almost everyone. There were only a few folks left in the Drug Czar's office. In fact, the first thing President Clinton and Vice President GORE did was cut the staffing at the National Office of Drug Control Policy. It was cut 80 percent. The exact figures, which are public record, are from 147 Drug Czar employees and staff to 25.

That was the beginning of the end of the war on drugs. There is a line here that delineates a success and the beginning of a failed policy. It could not be more graphic than this chart displays.

I will show some even more telling graphic descriptions of what has taken place in just a few minutes. But, again, the leadership was lost. The opportunity was lost.

What is interesting if we come back and look at this, the Democrats controlled the House, the United States Senate, and the White House in this period. They very purposely dismantled all of the war on drugs in a number of areas, and I will point each of them out.

But my colleagues can see, up until when the Republicans took over the House and the Senate in 1995 here, 1996 my colleagues see the first leveling off. We have seen that, under the leadership provided first by Mr. Zeliff, who lead the House effort to begin to restart the war on drugs, and then Speaker Hastert who was Chairman of the Subcommittee on National Security, Veterans Affairs and International Affairs. I served with the gentleman from Illinois (Mr. HASTERT) at that time.

We see this leveling off on the beginning of a decline with, again, the Republicans taking over the issue and providing the leadership and trying to get a war on drugs restarted. There is no question, again, but this multifaceted effort of eradication, interdiction, tough enforcement, and also education and treatment, and I will talk about the education program, too, that we have started, which is unprecedented, all of these things have made a difference in a restart. This is in a shutdown.

So anyone who tells my colleagues that we have had a war on drugs, please tell them that it stopped in 1993 with the Clinton-Gore administration.

Now, that chart is interesting to show what has happened among our young people. This chart is labeled International Spending. I brought this chart out tonight because it graphically shows again the end of the war on drugs in 1992, 1993.

This is where, again, the Democrats took over the House and the Senate and the White House. Of course they controlled the House before that, but they controlled all three bodies. They did incredible damage in a very short period of time.

This chart is labeled Federal Spending: International. Now, this is, this goes back to the source country programs, international programs are source country programs; that is, stopping drugs at their source and in the fields where they are grown and going into the country and working with the country in a very cost effective manner to stop illegal narcotics.

□ 2115

The war on drugs stopped in 1992, 1993. And if we look at the drug use, the chart went up this way as spending on international went the other way. So the war on drugs, my point is, stopped. Again there were not the programs that were started in the 1980s under President Reagan. And this would be the Andean strategies, the international strategies.

They cut the money and funding going into Colombia, and we will talk about the consequences of not assisting Colombia and the wrong policy adopted, the cost-effective programs of putting a few dollars into them. And these are actually very few dollars. If we look at 1991 and 1992, we are spending about $660 million, $650 million, in that range of dollars. In a $17 billion drug budget, that is a very small amount.

Actually, if we look at what Clinton and GORE did, and again with the control of this Congress, they reduced spending greater than 50 percent. It gets down to $290, which is certainly less than half of the $633. So they reduced spending on international programs; cut these international program's spending to cost-effectively stop illegal narcotics at their source. So this is one part of the ending of the war on drugs, and exactly how they did it.

The next part would be interdiction. And first of all, we talked about international and source country programs stopping drugs very cost effectively with a few dollars; working with other countries and stopping them at their source. Our next opportunity to stop illegal narcotics is as they leave the source country. And we try to get the illegal drugs before they even get near our border.

Here again is a very telling chart. Again we can see in 1992, 1993, with the beginning of the Clinton-Gore administration, the interdiction programs. The war on drugs. If we want to talk about our war on drugs, it ended right in this 1993 period, just as the international programs ended, just as involvement in interdicting drugs at their source ended. Now, they cut the money, and that did a tremendous amount of damage. Because what it did was it allowed drugs to come from the source to our borders.

We had previously been using the military, the Coast Guard, other assets that we have out there anyway involved in stopping drugs before they reach our borders in a cost-effective manner. What was even more damaging, not only did the Democratic-controlled Congress and the White House do this damage in stopping the war on drugs, but they did even more damage. They adopted policies which have caused incredible damage. And there is no other way to describe it.

One of the policies they adopted, for example, was to stop information-sharing to our South American allies who were working with us, Colombia, Perú, and Bolivia. And the United States has great capabilities, with U2, with surveillance, with forward-operating locations, to obtain information. We can tell when a plane takes off. We can track trackers on the ground. We can really get incredible amounts of intelligence and information about what is going on with illegal narcotics.

Well, one of the first shutdowns as far as policy in this war on drugs, and this is funding, closing down financially the war on drugs, was sharing that information with these countries. So we stopped some of that information sharing. We also stopped information that allowed these countries to identify these aircraft, warn these aircraft as they took off from these clandestine strips; and then these countries, some of them, adopted shootdown policies. They were to identify themselves. If they did not identify themselves, they were given warnings, warning shots were fired, and, finally, they were shot down.

Of course, with the Clinton-Gore administration, we destroyed the first part of the policy and then the second part of the policy. And just in Colombia in the last year have we begun to restore that effort. So when someone says that the war on drugs is a failure, the war on drugs was a success, and it started in the 1980s under Ronald Reagan and it went through George Bush. The shutdown on the war on drugs took place in 1992, 1993. The financial reports identify this. The charts, as far as drug use among our children, identify this.

This administration also destroyed what was known as the drug czar's office in dramatically cutting 80 percent of the staffing. Not only did they gut the drug czar's office, again closing down the war on drugs, but they appointed an individual by the name of Joycelyn Elders as the chief health officer of the United States. Not much more damage in the policy that I described, closing down on the war on drugs, could be done then to hire as a chief health officer for the country an individual who told our young people “just say maybe” to illegal drug use. Eventually, the individual was replaced, but a tremendous amount of damage was done.

And the damage, again, is right here. This is not a chart I just pulled out of a hat. We can see Joycelyn Elders, the close-down on the war on drugs, just say maybe, and the skyrocketing of illegal narcotics use among our teenagers. So, again, to people who say that the war on drugs has been a failure, I say there had been a war on drugs until 1993. Not only have we had a liberal approach from this administration on the subject of illegal narcotics, a total lack of national leadership, a close-down of the major problems, taking the military out of the war on drugs, stopping the cost-effective source country programs, if that was not enough damage in all of those ways; but they also had allies in this war on drugs.

I hear so many people say, well, let us legalize drugs. It does not matter. Let kids smoke dope; let people use heroin, have needle exchanges. We need to be more liberal, more tolerant. Everybody does it. A third of Americans have used some kind of illegal narcotics at some time. Just go ahead and do it. If it feels good, do it. This liberal policy has caused this situation that we are in now, with my area experiencing 52 heroin deaths this past weekend. I just cited three more drug overdoses, two heroin, one cocaine. We have epidemic methamphetamine use.

We had 14,000 Americans who died last year in drug-related deaths, and thousands and thousands more, as I pointed out just from a couple examples tonight, who have met their maker as a result of murder, mayhem, or whatever, committed under the influence of illegal narcotics. That alone is one reason to continue this effort.

But let me tell my colleagues the vision of America under this liberal policy of if it feels good, do it, and drugs are no harm, and needle exchange programs, and we have to make everybody happy on drugs. This weekend my wife and I had an opportunity to visit Baltimore. The ranking member, when I chaired the Subcommittee on Civil Service, is a fine gentleman, the gentleman from Maryland, (Mr. CUMMINGS), who represents Baltimore. I have had many discussions with him about his community. I really was impressed by Baltimore and the people that I saw when I was there Saturday. A wonderful community. It seems vibrant on the surface, but that does not tell all of the story. I have heard some of the problems described by the gentleman from Maryland (Mr. CUMMINGS) and the great empathy he has for his city. But Baltimore is a city, and fortunately the mayor, whose name is Schmoke, is leaving, but he adopted a liberal policy towards illegal narcotics.

This particular little chart was provided to me by a former United States drug enforcement administrator, Tom Constantine. He made this in a presentation to our subcommittee, my Subcommittee on Criminal Justice, Drug Policy and Human Resources. It is a very telling story about liberalization of illegal narcotics. And, again, it can set the stage for what can happen in countless other cities as they look towards liberalization and our country looks towards liberalization of illegal narcotics.

In 1950, the population of Baltimore was 949,000. In 1996, the population dropped to about two-thirds of that, to 675,000. In 1950, there were 300 heroin addicts in Baltimore, and that was one heroin addict per 3,100 individuals in that community. In 1996, there are 38,985 heroin addicts with a population of 675,000, or one out of 17. Now, this is the figure that Mr. Constantine showed and gave us. The gentleman from Maryland (Mr. CUMMINGS) has told me that he believes the figure is closer to 60,000 heroin addicts.

I have a news report from Time magazine of just last week, the beginning of September here, and let me read from that about the liberal approach, the liberal policy and what it can do, what it has done for Baltimore and what it can do for the rest of America:

“Maryland's largest city seems to have more razor wire and abandoned buildings than Kosovo. Meanwhile, the prevalence of open-air drug dealing has made ‘no lotering’ signs as common as stop signs. Baltimore, which has a population now of 630,000,” it shrunk again, “has sunk under the depressing triple crown of urban degradation: middle income residents are fleeing at a rate of 1,000 a month; the murder rate has been more than three times as high as New York City's; and 1 out of every 10 citizens,” there is the latest we have from 1999, “is a drug addict.”

This Time article from just a week ago says: “Government officials dispute the last claim of 1 out of 10 citizens in Baltimore being a drug addict. It is more like,” and I am quoting, “it is more like 1 in 8, says veteran city councilman Rikki Spector, and we've probably lost count.”

This is a city that adopted a liberal narcotics policy, needle exchange, do it if it feels good. And if the results are not evident, I do not know what can be. Again, the toll in human tragedy in Baltimore is incredible. In 1950, there were 81 murders in the City of Baltimore with a population of nearly a million people.

□ 2130

In 1997, there were 312 murders in Baltimore. And again the estimates of drug users in that city are now one in eight by the estimate of one of their council members. This is again the pattern that people say we should go toward. The liberal policy to allow illegal narcotics and needle exchanges really promotes addiction and treatment. And again the social costs, the economic costs of this has to be dramatic but it could be if we tried hard enough repeated throughout the United States.

By contrast, we have the city of New York. In the 1980s, when I was a staffer for Senator Hawkins, I had an opportunity to work with an individual who is the Associate Attorney General of the United States. He was not well-known at that time. He was from New York. It was a fellow by the name of Rudy Giuliani. I remember sitting down many times with Rudy Giuliani, in fact flying to Florida with him.

Florida, as my colleagues may recall, in the 1980s had a terrible problem with illegal narcotics, which President Reagan and President Bush dealt with and developed policies toward. And the individual who helped develop some of those policies was the Associate Attorney General of the United States, Rudy Giuliani.

He was tough on illegal narcotics and crime in the early 1980s. He helped develop policies that changed the direction of crime and illegal drugs during the Reagan administration. And again you saw the dramatic figures, the decline in drug use and abuse among our young people.

Rudy Guiliani, of course we all know, went on to be mayor of New York. As opposed to the Baltimore model, which was liberal, providing again almost accommodation to illegal drug use, the mayor of New York City, who was elected in recent history here, and we have got an entire history of the murder rate of New York City, but with the election of Rudy Guiliani, this graphically shows the decline in the city's murder rate.

And we will just take from 1990 to 1992, they were averaging about 2000 murders. Through a zero tolerance policy, through a tough enforcement policy, through again a conservative approach as opposed to the Baltimore liberal approach, we have seen in that period of time dramatic decreases. The murder rate in New York dropped dramatically. The number of murders dropped from an average of 2,000 now down to the 600 level.

In a dramatic reversal of crime, drug use, and in this instance murder, I do not think we could have a more graphic display of how a zero tolerance, tough enforcement, and I will also say alternative program, some of which we have looked at that New York has adopted more effective programs in treatment, giving those who are found with an offense the opportunity and access to treatment and other programs that we examined that are very effective. But it all starts from a conservative and tough enforcement policy as opposed to the Baltimore model.

So again we find this pattern repeated in the United States in jurisdictions where they have a tough zero tolerance policy, and we find the Baltimore model repeated, in fact, where we have a liberal policy.

In addition to talking about what took place with the Clinton-Gore Administration and the ending of the war on drugs and with the election of this President and Vice President, it is important that we not only look at successes and failures as far as our communities but what has taken place in the larger picture.

Right now, as I pointed out, visiting the United States is a close ally of the United States, president of Colombia, President Andres Pastrana. He is here asking assistance, and the reason he is here asking for assistance is because of the failed drug policy and foreign policy of this administration.

I pointed out the dramatic decreases in source country programs under the Clinton Administration. Let me put that chart back up if I can. Again, the most effective way to stop illegal narcotics, if possible, is to stop them at their source.

This administration and again this chart shows that this dramatically cuts spending in international or source country programs. No country suffered more as a result of those cuts and that policy than the country of Colombia. Colombia is an international disaster zone. The statistics on Colombia make Kosovo look like a kindergarten operation.

Just in 1 year over 300,000 people were dislocated. Over a million have been dislocated from their homes in Colombia. The tragedy and total in deaths in Colombia is incredible. Over 40,000 individuals have been slaughtered in the civil war there just in the last decade. That includes 4,700 National Police, hundreds and hundreds of members of Congress, judges, Supreme Court members, journalists, prominent individuals who have spoken out have been slaughtered in Colombia.

Colombia could be a very remote problem for the United States if it did not have as a result of the conflict some serious consequences to our Nation.

First of all, as far as international security and strategic location, Colombia is at the heart and center of the Americas. A disruption in Colombia is a disruption in this hemisphere. Colombia was one of the most thriving economies of South America until the narcoterrorists or guerilla Marxist forces began their insurgency against the legitimately elected Government of Colombia and began the slaughter, which is now spreading even beyond the borders of Colombia. It is disrupted again not only with tens of thousands of deaths in Colombia, but the entire region has the potential for destabilizing Central America. Now some of the Marxist narco-terrorist guerillas are intruding further into Panama. Panama is at risk because the United States, as we know, has been kicked out of the canal zone. And that action will be complete in just a few more months.

All of our drug forward operations closed down May 1. All flights ended there. We have lost access to the naval ports and those went out on legitimate tenders and now Chinese interests control both of the ports in Panama. But one of the greatest threats to Panama now is the disruption in Colombia. So we have a disruption in our normal access to the canal and that strategic area of the hemisphere.

Additionally, we have the disruption of Colombia, which Colombia and that region supplies about 20 percent of the United States' daily oil supply. So from a strategic mineral and strategic resource to the United States as far as military accesses also in the war on illegal narcotics, Colombia is now a disaster zone.

How did we get into the mess in Colombia? That is an interesting history. Again in 1992, 1993, in closing down the war on drugs, one of the first victims of the Clinton-Gore Administration was Colombia. This administration, first of all, decertified Colombia in the war on drugs.

Now, Colombia may have deserved decertification, but having been involved in the development of that law, the law is a simple law. It says that the State Department and the President will certify each year to Congress what countries are cooperating with the United States to stop the production and trafficking of illegal narcotics, a simple law. And if a country is decertified it is not eligible for foreign aid for trade and financial benefits, again a simple law linking their cooperation in the war on illegal drugs to our United States benefits, benefits of this government.

Having helped draft that law in the 1980s again when Ronald Reagan was president, it was a good law that helped tie our aid and our efforts to these countries and ask them for their assistance in combatting illegal narcotics, again in return for specific benefits.

The law was developed with a national interest waiver provision that the President of the United States could have used to make certain that Colombia got the assistance it needed to continue combatting illegal narcotics. Unfortunately, President Clinton, through bad foreign policy and a bad interpretation of the certification law, decertified Colombia without a national interest waiver. And what we saw was the beginning of the end of Colombia as we know it.

The disruption in that country went from a horrible situation to the current situation which may not be repairable. The failure to provide a few dollars then in strategic assistance is now bringing the United States on the verge of tremendous financial commitment requested by this administration to help bring stability to Colombia and that region.

We are now talking the latest figure we had when General McCaffrey appeared before my subcommittee probably talking close to $1 billion in foreign assistance being requested.

But that is only the tip of the iceberg. Again, I have described tonight how we have not had a war on drugs, how we closed down the war on drugs. And no place has had a more direct impact as far as a failed policy or a closing down on the war on drugs than Colombia. Again, aid was cut off through a policy.

Also, as I mentioned, the strategic information that was provided to Colombia under the prior administrations in combatting illegal narcotics and even in combatting narco-terrorism and terrorist acts was withheld from Colombia.

Colombia, in 1992–1993, produced almost zero cocaine. It actually was a transit country. It was a country that processed from the coca from Peru and Bolivia, and that cocaine came into Florida and the United States in the 1980's.

In fact, let me put that little chart that shows the trafficking pattern from Colombia in the early 1990s.

□ 2145

Again cocaine was not grown, coca was not grown in Colombia before the 1990's in any quantities. It all came from Peru and Bolivia.

The policy of the Clinton-Gore administration managed to change that since 1993, and we have reports now in the last year. Colombia is now the largest producer of cocaine in the world. That, again, is a direct link to a policy of stopping assistance, resources, equipment getting to Colombia during this period.

In 1992 to 1993, Colombia produced almost zero poppies or the base product for heroin. The Clinton-Gore administration in, again, closing down the war on drugs and stopping the aid and assistance to Colombia has turned, in 6 or 7 years, Colombia into the largest source of heroin now in the United States.

Remember, in 1992 to 1993 there are almost no poppies or heroin produced in that country. Clinton-Gore administration stopped the aid, the assistance. That is why President Pastrana is here asking for that to be restarted.

The source of heroin, we know from this 1997 signature program; heroin can be traced just like DNA can trace a source through blood. We can trace through this heroin signature program the source almost to the fields where the heroin is grown. In 1997, 75 percent of the heroin entering the United States came from South America, almost all of that from Colombia. There is some Mexican, another 14 percent; and Mexico was also off the charts in 1992 to 1993. Almost all of the heroin was coming in through southeast Asia.

So in 6 or 7 years through a failed policy of this administration, we have managed to turn Colombia into the biggest producer of cocaine, the biggest producer of heroin, into an international disaster zone, 30 to 40,000 people killed, 5,000 police, complete disruption of the region, a million refugees in our own backyard; and this was done again through very direct policy decisions of the United States.

The cost, as we will see this week as President Pastrana meets with myself, with President Clinton, with other leaders in Washington, the initial price tag that we have been given is a billion dollars. In addition, we have been given a price tag; we will probably spend another fifth of a billion on replacing Panama, our forward-operating locations which we got kicked out of after our negotiators failed to come up with allowing our forward-surveillance drug flights to continue from that Howard Air Force base in Panama. So we are up to 1.2 billion to move, again 200 million probably, to move from Panama to Manta, Ecuador, and to the Curacao and Aruba stations in the Antilles region.

The cost of these failed policies continues to mount. We are left as a Congress with no other alternative but to probably pick up the pieces, try to put Humpty Dumpty back together again.

But the point of my special order tonight has been that indeed there are direct consequences when you close down a war on drugs. Since 1993 with the Clinton-Gore administration there has not been a war on drugs. The source country programs have been cut. The interdiction programs using the military, the Coast Guard, other assets have been cut. The aid that was promised to Colombia repeatedly, not only after Congress begged the administration and approved funding for equipment and resources to go down to Colombia to fight the war on illegal narcotics and the narco-terrorists' disruption of that region, the equipment, the resources did not get there.

All of these actions, all of these failed policies have consequences. The price tag is now, as I said, 1.2 billion and mounting. We hope to hear from President Pastrana this week on his initiatives. He has taken some very strong initiatives to develop an antinarcotics force. 50 U.S. personnel have been training that force; but he does need the equipment. The equipment sat on tarmacs here until just recently. Six Huey helicopters were finally delivered. Then to add insult to injury, when they were delivered, they were not delivered with all the equipment that made them usable in this effort.

We have heard repeatedly in the media that Colombia is now our third largest recipient of aid. The Congress, in fact, appropriated $287 million under the leadership of the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, who was chairman of the drug policy subcommittee that was then titled National Security and International Affairs. I inherited that responsibility. It is now Criminal Justice and Drug Policy. He started really the restart of the war on drugs with those funds.

What is absolutely amazing, in checking, most of that $287 million still has not gotten to Colombia, and they are knocking at our door for more funds.

We do have a responsibility as a Congress to carefully review why the administration has not gotten the resources, why the policies of this administration have blocked equipment, resources, assistance to Colombia, how we have gotten ourselves into this international pickle. It would almost seem humorous if it did not have such incredibly damaging effects, and as I started out tonight speaking, the deaths in my hometown where a 12-year-old found his father dead from a heroin overdose, where another woman was found, a young woman in Orlando, dead of an overdose of cocaine.

Most people do not even realize the problem that we face with the heroin and the cocaine coming into the United States today. Ten to 15 years ago that heroin, that cocaine had a very low purity. Today it is deadly, 80 to 90 percent. It provides death and destruction. We must turn this situation around.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of official business.

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of a family medical emergency.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. MCINTYRE, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Mr. SISISKY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. GANSKE) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, September 22, and September 28.

Mr. EHRLICH, for 5 minutes, September 22.

Mr. SCHAFFER, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2490. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2587. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 22, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4263. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products [Docket No. 94-015N] (RIN: 0583-AB82) received August 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4264. A letter from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Electronic Benefit Transfer Benefit Adjustments [Amdt No. 378] (RIN: 0584-AC61) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4265. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, USDA, Department of Agriculture, transmitting the Department's final rule—High-Temperature Forced-Air Treatments for Citrus [Docket No. 96-069-4] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4266. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—1998-Crop Peanuts, National Poundage Quota, National Average Price Support Level For Quota and Additional Peanuts, and Minimum Commodity Credit Corporation Export Edible Sales Price for Additional Peanuts (RIN: 0560–AF 81) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4267. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Fiscal Period Change [Docket No. FV99–955–1 IFR] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4268. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridate; Pesticide Tolerances for Emergency Exemptions [OPP–300905; FRL–6094–7] (RIN: 2070–AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4269. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Desmedipham; Extension of Tolerances for Emergency Exemption [OPP–300908; FRL–6096–7] (RIN: 2070–AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4270. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Extension of Tolerances for Emergency Exemption [OPP–300912; FRL–6097–8] (RIN: 2070–AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4271. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal, Loan Policies and Operations; FCB Assistance to Associations (RIN: 3052–AB80) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4272. A letter from the the Comptroller General, the General Accounting Office, transmitting a report of a deferral of budget authority, pursuant to 2 U.S.C. 686(a); (H. Doc. No. 106–126); to the Committee on Appropriations and ordered to be printed.

4273. A letter from the the Director, the Office of Management and Budget, transmitting a request to make available emergency appropriations for the Federal Emergency Management Agency and the Small Business Administration for the needs of the victims of Hurricane Floyd; (H. Doc. No. 106–125); to the Committee on Appropriations and ordered to be printed.

4274. A communication from the President of the United States, transmitting a notification of an appropriation of budget authority for the Federal Emergency Management Agency's Disaster relief program; (H. Doc. No. 106–124); to the Committee on Appropriations and ordered to be printed.

4275. A letter from the Department of Defense, transmitting notification that the Commander of Air Combat Command is initiating a multi-function cost comparison of the base operating support functions at Beale Air Force Base (AFB), California, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4276. A letter from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting a Plan For Full Utilization of Military Technicians (Dual Status) On and After September 30, 2007; to the Committee on Armed Services.

4277. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 98–D306] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4278. A letter from the Department of Defense, Acquisition and Technology, transmitting a report to Congress entitled "DoD Demonstration Program to Improve the Quality of Personal Property Shipments of Members of the Armed Forces"; to the Committee on Armed Services.

4279. A letter from the Secretary of Defense, transmitting the approved retirement of Admiral J. Paul Reason, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

4280. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers (Regulation T): List of Foreign Margin Stocks—received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4281. A letter from the Acting Assistant, Secretary, Department of Education, transmitting Final Regulations—Projects With Industry, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4282. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4283. A letter from the Secretary of Health and Human Services, transmitting the 1999 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control and Prevention, pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Commerce.

4284. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Substantial Evidence of Effectiveness of New Animal Drugs [Docket No. 97N–0435] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4285. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 96F–0145] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4286. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 98F–0871] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4287. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 91F–0399] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4288. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, Sanitizers [Docket No. 99F–0459] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4289. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 89F–0338] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4290. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, FDA, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 99F–0299] received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4291. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6427–2] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4292. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [ND–001–0006a; FRL–6426–5] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4293. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California [CA–81–167; FRL–6427–4] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4294. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, Ventura County Air Pollution Control District [CA 224–0166a; FRL–6425–5] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4295. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 217–0170a; FRL–6423–1] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4296. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Air Quality Implementation Plans; Massachusetts; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Nitrogen Oxide Requirements at Municipal Waste Combustors [MA-35-1-6659a; A-1-FRL-6425-4] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4297. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Contracting by Negotiation [FRL-6428-3] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4298. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire General Conformity [NH039-7166a; A-1-FRL-6416-2] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4299. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 207-156; FRL-6409-4] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4300. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [WI191-01-7322a; FRL-6414-7] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4301. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [AD-FRL-6419-9] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4302. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Approval of National Low Emission Vehicle Program [R1-052-7211a; A-1-FRL-6417-5] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4303. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-6439-7] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6437-9] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Direct Final Rule Revisions to Emissions Budgets Set Forth in EPA's Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone for the States of Connecticut, Massachusetts and Rhode Island [FRL-6437-3] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulation: Consumer Confidence Reports: Correction [FRL-6437-6] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4307. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cherry Valley and Cotton Plant, Arkansas) [MM Docket No. 98-223; RM-9340; RM-9481; RM-9482] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4308. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Oraibi and Leupp, Arizona) [MM Docket No. 98-179; RM-9344] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4309. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section, 73.202(b), Table of Allotments, FM Broadcast Stations. (Kensett, Arkansas; Somerton, Arizona; Augusta, Kansas; Wellton, Arizona; Center, Colorado; La Veta, Colorado; Walsenburg, Colorado; Taft, California; Cimarron, Kansas) [MM Docket No. 99-99, RM-9484; MM Docket No. 99-100, RM-9491; MM Docket 99-101, RM-9494; MM Docket No. 99-102, MM-9495; MM Docket No. 99-105, RM-9508; MM Docket 99-107, RM-9510; MM Docket No. 99-109, RM-9512; MM Docket No. 99-111, RM-9539; MM Docket No. 99-113, RM-9544] Received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4310. A letter from the Director, Office of the Congressional Affairs, Office of the State Programs, Nuclear Regulatory Commission, transmitting the Commission's final rule—State of Ohio: Discontinuance of Certain Commission Regulatory Authority Within the State—received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4311. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Requirements for Those Who Posses Certain Industrial Devices Containing Byproduct Material to Provide Requested Information (RIN: 3150-AG06) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4312. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: (HI-STAR 100) Addition (RIN: 3150-AG17) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4313. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4314. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a biographical sketch of potential nominee of Ambassador to the People's Republic of China; to the Committee on International Relations.

4315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Report on Religious Freedom; to the Committee on International Relations.

4316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-132 "Closing of a Public Alley in Square 454, and Square 455, S.O. 98-194, Act of 1999" received September 3, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4317. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

4318. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

4319. A letter from the General Counsel, Executive Office of the President, transmitting the reports on vacancies in Senate confirmed positions; to the Committee on Government Reform.

4320. A letter from the Comptroller General, General Accounting Office, transmitting the Research Notification System Report through August 3, 1999; to the Committee on Government Reform.

4321. A letter from the Deputy Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Revisions to the Public Financial Disclosure Gifts Waiver Provision (RIN: 3209-AA00) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4322. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues where a refund or recoupment is appropriate, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4323. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for Lake Erie Water Snakes (Nerodia sipedon insularum) on the Offshore Islands of Western Lake Erie (RIN: 1018-AC09) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4324. A letter from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—General Grant Administration Terms and Conditions of the Coastal Ocean Program [Docket No. 990713192-9192-01; I.D. No. 080399-D] (RIN: 0648-ZA67) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4325. A letter from the Deputy Assistant Administrator, National Ocean Service, Estuarine Reserves Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Graduate Research Fellowships in the National

Estuarine Research Reserve System for FY 2000 (RIN: 0648–ZA66) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4326. A letter from the Director, Bureau of Justice Assistance, transmitting a report of the Bureau of Justice Assistance entitled, "Fiscal Year 1998 Annual Report to Congress," pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

4327. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's Final Rule—Fair Housing Complaint Processing; Plain Language Revision and Reorganization [Docket No. FR–4433–F–02] (RIN: 2529–AA86) received September 15, 1999; to the Committee on the Judiciary.

4328. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Debt Collection (RIN: 2550–AA07) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4329. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Compliance Procedures for Affirmative Fair Housing Marketing; Nomenclature Change; Final Rule (RIN: 2529–AA87) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4330. A letter from the Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 1998, pursuant to Public Law 88–449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

4331. A letter from the Director, Office of General Counsel & Legal Policy, Office of Government Ethics, transmitting the Department's final rule—Civil Monetary Penalities Inflation Adjustments for Ethics in Government Act Violations (RIN: 3209–AA00 and 3209–AA13) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4332. A letter from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209–AA07) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4333. A letter from the Attorney Advisor, Office of the Chief Counsel, FHA, Department of Transportation, transmitting the Department's final rule—Truck Size and Weight; Definitions; Nondivisible [FHWA Docket No. FHWA–98–4326] (RIN: 2125–AE43) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4334. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Research and Special Programs Administration [Docket No. RSPA–98–4185 (HM–215C)] (RIN: 2137–AD15) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4335. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 97–NM–03–AD; Amendment 39–11271; AD 99–18–05] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4336. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes [Docket No. 99–CE–55–AD; Amendment 39–11280; AD 99–18–14] (RIN: 2120–AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4337. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes [Docket No. 97–NM–49–AD; Amendment 39–11224; AD 99–15–05] (RIN: 2120–AA64) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4338. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kansas City, MO [Airspace Docket No. 98–ACE–34] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4339. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sikeston, MO [Airspace Docket No. 99–ACE–43] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4340. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Orlando Class B Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area, Sanford, FL [Airspace Docket No. 95–AWA–4] (RIN: 2120–AA66) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4341. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Malden, MO [Airspace Docket No. 99–ACE–42] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4342. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29733; Amendment No. 1948] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4343. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Extensions of Application Period for Temporary Housing Assistance (RIN: 3067–AC82) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4344. A letter from the General Counsel, Federal Emergency Management Agent, transmitting the Agency's final rule—Disaster Assistance; Factors Considered When Evaluating a Governor's Request for a Major Disaster Declaration (RIN: 3067–AC94) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4345. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis—received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4346. A letter from the Acting Assistant Secretary for Import Administration, Department of Commerce, International Trade Commission, transmitting the Department's final rule—Regulation Concerning Preliminary Critical Circumstances Findings [Docket No. 9908128228–9228–01] (RIN: 0625–AA56) received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4347. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Sports Franchises—received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4348. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 7702 Closing Agreements [Notice 99–47] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4349. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Section 43 Inflation Adjustment [Notice 99–45] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolutions 295. Resolution providing for consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity juridiction to interstate class actions (Rept. 106–326). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 296. Resolution providing for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906 (Rept. 106–327). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. LAHOOD, Mr. PAUL, Mr. NETHERCUTT, Mr. KUYKENDALL, and Mr. SHAYS):

H.R. 2883. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States; to the Committee on the Judiciary.

By Mr. BLILEY:

H.R. 2884. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; to the Committee on Commerce.

By Mr. HORN (for himself, Mr. Waxman, Mr. Walden of Oregon, Mr. Turner, Mrs. Biggert, and Mr. Davis of Virginia):

H.R. 2885. A bill to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency and quality of Federal statistics and Federal statistical programs by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Government Reform.

By Mr. HORN (for himself, Mr. Barrett of Nebraska, Mr. Pomeroy, Mr. Bliley, Mrs. Mink of Hawaii, Mr. Frost, Mr. Berman, Ms. Schakowsky, Mr. Barrett of Wisconsin, and Mr. Sandlin):

H.R. 2886. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 2887. A bill to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. Ose, Ms. Slaughter, and Ms. Schakowsky):

H.R. 2888. A bill to provide funds to assist homeless children and youth; to the Committee on Banking and Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 2889. A bill to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. Blagojevich, Mr. Serrano, and Mr. Romero-Barcelo):

H.R. 2890. A bill to amend the Puerto Rican Federal Relations Act to transfer jurisdiction over Federal land in and around the island of Vieques to the Government of Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. DAVIS of Virginia (for himself and Mr. Moran of Virginia):

H.R. 2891. A bill to provide reasonable and non-discriminatory access to buildings owned or used by the Federal Government for the provision of competitive telecommunications services by telecommunications carriers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. Inslee, Mr. Metcalf, Mr. Baird, Mr. Hastings of Washington, Mr. Nethercutt, Mr. Dicks, Mr. McDermott, and Mr. Smith of Washington):

H.R. 2892. A bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 2893. A bill to provide that adjustments in rates of pay for Members of Congress may not exceed any cost-of-living increases in benefits under title II of the Social Security Act; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 2894. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mrs. Lowey, Mr. Brown of Ohio, Mr. Delahunt, Mr. Farr of California, Ms. Eshoo, Mr. McGovern, Mr. Faleomavaega, Ms. Pelosi, and Mr. Smith of New Jersey):

H.R. 2895. A bill to impose an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. McCollum, Mr. LaFalce, Mrs. Roukema, Ms. Waters, Mr. Bereuter, Mr. Baker, Mr. Lazio, Mr. Bachus, and Mr. Castle):

H.R. 2896. A bill to combat money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. Shows, Ms. DeLauro, Mr. Frost, Ms. Norton, Mr. Sandlin, Ms. Millender-McDonald, Mr. Foley, Mr. McGovern, Mr. Underwood, and Ms. Schakowsky):

H.R. 2897. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 2898. A bill to amend the Internal Revenue Code of 1986 to reduce to age 21 the minimum age for an individual without children to be eligible for the earned income credit; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2899. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. Boehlert, Mr. Olver, Ms. DeLauro, Mr. Hinchey, Mr. Lewis of Georgia, Ms. McKinney, Mr. Farr of California, Mr. Vento, Mr. Kennedy of Rhode Island, Mr. McGovern, Ms. Schakowsky, Mr. Jackson of Illinois, Mr. Moran of Virginia, Mr. Lantos, and Mr. Kucinich):

H.R. 2900. A bill to reduce emissions from electric powerplants, and for other purposes; to the Committee on Commerce.

By Mr. PITTS (for himself, Mrs. Bono, Mrs. Myrick, Mrs. Emerson, Mrs. Northup, Ms. Ros-Lehtinen, Mrs. Chenoweth, Mr. DeLay, Mr. Canady of Florida, Mr. DeMint, Mr. Fletcher, Mr. Barcia, Mr. Smith of New Jersey, and Mr. Gary Miller of California):

H.R. 2901. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS (for himself and Mr. Hinchey):

H.R. 2902. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986 with respect to amendments resulting in defined benefit plans becoming cash balance plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 2903. A bill to assist in the conservation of coral reefs; to the Committee on Resources.

By Mr. SCARBOROUGH:

H.R. 2904. A bill to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. Vento, Ms. Velazquez, and Mr. Hinchey):

H.R. 2905. A bill to eliminate money laundering in the private banking system, to require the Secretary of the Treasury to take certain actions with regard to foreign countries in which there is a concentration of money laundering activities, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WATTS of Oklahoma (for himself, Mr. Payne, Mr. Tancredo, Mr. Markey, and Mr. Wolf):

H.R. 2906. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 2907. A bill to amend the child and adult care food program under the National School Lunch Act to revise the eligibility of private organizations under that program; to the Committee on Education and the Workforce.

By Mr. BEREUTER (for himself, Mr. Lantos, Mr. Gilman, Mr. Gejdenson, Mr. Hastings of Florida, Mr. Royce, Mr. Payne, Mr. Ackerman, Mr. Rohrabacher, Mr. Smith of New Jersey, Mr. Berman, Mr. Brown of Ohio, Mr. Hoeffel, and Mr. Ortiz):

H. Res. 297. A resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

222. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 38 memorializing the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from the public use of the McGregor Range land beyond 2001; to the Committee on Armed Services.

223. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 75 memorializing the United States Congress to qualify the contributions made by the State of Texas for eligible inpatient hospital services provided by contract in the Lower Rio Grande Valley for federal matching funds under the Medicaid disproportionate share hospital program; to the Committee on Commerce.

224. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 59 memorializing the Congress of the United States to pass legislation that improves the quality of life and economic and environmental well-being of the Gulf Coast; to the Committee on Resources.

225. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 142 memorializing the Congress of the United States to authorize and to urge the Governor of the State of Louisiana to support the development of the "Comprehensive Hurricane Protection Plan for Coastal Louisiana"; to the Committee on Transportation and Infrastructure.

226. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 141 memorializing the Congress of the United States to maintain its commitment to the veterans of America and their families; to the Committee on Veterans' Affairs.

227. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 102 memorializing the Congress of the United States to ensure the future of the Kerrville Veterans Administration Medical Center; to the Committee on Veterans' Affairs.

228. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 249 memorializing the Congress of the United States and urging the President of the United States to refrain from inclusion of mandatory Social Security coverage for presently noncovered state and local government employees in any Social Security reform legislation; to the Committee on Ways and Means.

229. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 7 memorializing the Congress of the United States to maintain its commitment to America's military retirees over the age of 65; jointly to the Committees on Armed Services and Government Reform.

230. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 2 memorializing the Congress of the United States to provide funding for infrastructure improvements between Texas and Mexico; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI (by request) introduced a bill (H.R. 2908) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. McCollum and Mr. Jenkins.

H.R. 88: Ms. Schakowsky, Mr. Filner, Mr. Larson, Mr. Wu, Mr. Moore, Mrs. Maloney of New York, and Mr. Blagojevich.

H.R. 175: Mr. Bartlett of Maryland and Mrs. Wilson.

H.R. 205: Mr. Sandlin.

H.R. 220: Mr. Walden of Oregon.

H.R. 269: Ms. Pelosi.

H.R. 270: Ms. Pelosi, Mr. Weiner, Mr. Pallone, and Mr. Brown of Ohio.

H.R. 303: Mr. Engel.

H.R. 354: Mr. Petri, Mr. Chabot, and Mr. Gary Miller of California.

H.R. 382: Mr. Kucinich, Mr. English, and Mr. Serrano.

H.R. 425: Mr. Dixon.

H.R. 443: Ms. Carson.

H.R. 488: Mr. Clyburn.

H.R. 505: Mrs. Mink of Hawaii.

H.R. 516: Mr. Tiahrt.

H.R. 531: Mr. Upton and Mr. Hutchinson.

H.R. 534: Mr. Dicks, Mr. Bentsen, Mr. Brady of Texas, Mr. Barcia, Mrs. Emerson, and Mr. Simpson.

H.R. 583: Mr. Maloney of Connecticut.

H.R. 595: Mr. Cummings.

H.R. 628: Ms. Pryce of Ohio.

H.R. 648: Mr. Diaz-Balart.

H.R. 692: Mr. Sensenbrenner.

H.R. 701: Mr. Scarborough, Mr. LaHood, and Mr. Canady of Florida.

H.R. 721: Mrs. Cubin, Mr. Watts of Oklahoma, Mr. Smith of Michigan, and Mrs. Meek of Florida.

H.R. 728: Mr. McInnis.

H.R. 730: Mrs. Napolitano and Mr. Udall of New Mexico.

H.R. 750: Mr. Snyder, Mr. Horn, and Mr. Bentsen.

H.R. 783: Mr. Hastings of Washington, Mr. Luther, and Mr. Moore.

H.R. 798: Mr. Berman.

H.R. 826: Mr. Romero-Barcelo and Mr. Evans.

H.R. 860: Mr. Kennedy of Rhode Island.

H.R. 886: Mr. DeFazio.

H.R. 888: Mr. Berman, Ms. Eshoo, Mr. Udall of New Mexico, Mr. Weiner, Mr. Hall of Ohio, Mr. Davis of Illinois, Mr. Martinez, Mr. Maloney of Connecticut, and Mr. Klink.

H.R. 915: Mr. Hostettler.

H.R. 920: Mr. McGovern.

H.R. 932: Ms. Lee.

H.R. 1083: Mr. Berry.

H.R. 1102: Mr. Peterson of Minnesota.

H.R. 1115: Mr. Larson, Mr. Sessions, Mr. Turner, Mr. Wamp, Mr. Duncan, Mr. Gibbons, Mr. Bartlett of Maryland, Mr. Hyde, Mrs. Lowey, Mr. Weiner, Mr. Bryant, and Mr. Strickland.

H.R. 1123: Mr. George Miller of California, Mr. DeFazio, Mr. Weiner, and Ms. Schakowsky.

H.R. 1129: Mr. Davis of Illinois.

H.R. 1144: Mr. Foley and Mr. Sandlin.

H.R. 1187: Mr. Minge and Mrs. Fowler.

H.R. 1221: Ms. Ros-Lehtinen, Mr. Sandlin, Mr. Gejdenson, Mr. McIntosh, Mr. Wu, Mr. Hutchinson, and Mr. Bachus.

H.R. 1222: Ms. Kaptur.

H.R. 1237: Mr. Foley and Mr. Pascrell.

H.R. 1274: Mrs. Morella, Mr. Rahall, Mr. Smith of New Jersey, and Ms. Lee.

H.R. 1300: Mr. Pickett, Mr. Boswell, Mr. Phelps, Mr. Gary Miller of California, Mr. Sununu, and Ms. McCarthy of Missouri.

H.R. 1317: Mr. Hostettler and Mr. Sam Johnson of Texas.

H.R. 1322: Mr. Doyle.

H.R. 1358: Mr. LaHood and Mr. Cramer.

H.R. 1387: Mr. Barcia and Mr. Coyne.

H.R. 1388: Mr. Wexler, Ms. Berkley, Mr. Nethercutt, and Mr. Evans.

H.R. 1413: Mr. Goode.

H.R. 1485: Mr. Ford.

H.R. 1579: Mr. Packard, Mr. Wolf, Mr. Serman, Mr. Hunter, Mr. Evans, Mrs. Thurman, Mr. Matsui, Mr. Dreier, Mr. Metcalf, Mr. Hastings of Florida, Mr. Boehner, Mrs. Capps, Mr. Chabot, Mr. Moran of Virginia, Mr. Castle, and Mr. Wu,

H.R. 1675: Mr. Fattah.

H.R. 1708: Mr. Canady of Florida, Mr. Doyle, and Mr. Hostettler.

H.R. 1760: Mr. English., Mr. Smith of New Jersey, Mr. Moore, Mr. Greenwood, and Mr. Lazio.

H.R. 1777: Mr. DeFazio and Mr. Oxley.

H.R. 1788: Mr. Sensenbrenner, Mr. Pascrell, Mrs. Maloney of New York, and Mr. McGovern.

H.R. 1795: Mr. Borski, Mr. Hayworth, Mr. Moakley, Ms. Stabenow, Ms. Lee, Mr. Etheridge, and Mr. Smith of New Jersey.

H.R. 1816: Mr. Frank of Massachusetts, Mr. Shows, Mr. McNulty, Mr. Ford, and Mr. Doyle.

H.R. 1837: Ms. Woolsey, Mr. DeMint, Mrs. Lowey, Mr. Shadegg, Mr. Stearns, and Mr. Murtha.

H.R. 1841: Mr. Capuano.

H.R. 1842: Mr. Udall of New Mexico.

H.R. 1876: Mr. Turner, Mr. Moran of Kansas, Mr. Manzullo, Mr. Lewis of Kentucky, Mr. Traficant, Mr. Royce, Mr. Watkins, and Mr. Packard.

H.R. 1885: Mr. Cramer.

H.R. 1899: Mr. Horn and Mr. Pascrell.

H.R. 1926: Mr. Engel and Mr. Packard.

H.R. 1933: Mr. Hastings of Washington and Mr. Ryun of Kansas.

H.R. 1998: Mr. Tancredo.

H.R. 2049: Mr. Moran of Virginia.

H.R. 2102: Mr. Menendez.

H.R. 2129: Mrs. Northup, Mr. Doolittle, Mr. Foley, and Mr. Pombo.

H.R. 2130: Ms. STABENOW.

H.R. 2171: Ms. MCCARTHY of Missouri.

H.R. 2200: Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mr. UNDERWOOD.

H.R. 2221: Mr. WALDEN of Oregon.

H.R. 2233: Mr. JEFFERSON and Mr. FROST.

H.R. 2241: Mr. SMITH of Washington, Mr. LAHOOD, Mr. GUTIERREZ, Mr. BASS, Mr. TURNER, and Mr. WATT of North Carolina.

H.R. 2247: Mr. GIBBONS and Mr. POMBO.

H.R. 2258: Mr. FALEOMAVAEGA.

H.R. 2260: Mr. LAZIO.

H.R. 2262: Mr. LAZIO.

H.R. 2263: Mr. LAZIO.

H.R. 2264: Mr. LAZIO.

H.R. 2282: Mr. TANCREDO.

H.R. 2295: Ms. HOOLEY of Oregon.

H.R. 2332: Mr. ROEMER, Mr. LATOURETTE, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Mr. DINGELL, Mr. KLECZKA, Mr. BONIOR, Mr. GUTKNECHT, Mr. SABO, Mr. JACKSON of Illinois, Ms. STABENOW, and Mr. EHLERS.

H.R. 2341: Mr. NEY, Ms. STABENOW, Ms. DELAURO, Mr. BARCIA, Mrs. KELLY, Mr. OLVER, Mr. THOMPSON of California, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Mr. JACKSON of Illinois, Mr. FLETCHER, Mr. WEYGAND, Mr. TAUZIN, Mr. CHAMBLISS, Mrs. JOHNSON of Connecticut, Mr. MASCARA, Mr. BILIRAKIS, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. STRICKLAND, Mr. GOSS, Mr. DINGELL, Mr. BONIOR, Mr. RANGEL, Mr. STARK, Mr. DOOLEY of California, Mr. HILL of Montana, Mrs. JONES of Ohio, Mr. SHIMKUS, Mr. FARR of California, Mr. BLAGOJEVICH, Ms. HOOLEY of Oregon, Mr. RADANOVICH, and Mr. SMITH of Washington.

H.R. 2357: Mr. BARCIA.

H.R. 2366: Mr. BAKER, Mr. CUNNINGHAM, Mr. DEMINT, Mr. LEWIS of California, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. PITTS, Mr. TALENT, Mr. HILL of Montana, Ms. PRYCE of Ohio, Mr. HOBSON, Mr. GOODE, and Mr. MCCOLLUM.

H.R. 2386: Ms. CARSON, Mr. LUTHER, Mr. NADLER, and Mr. FOLEY.

H.R. 2413: Mr. EHLERS, Mr. COOK, Mr. EWING, and Mr. GUTKNECHT.

H.R. 2419: Mr. WYNN, Mr. BILBRAY, Ms. HOOLEY of Oregon, Mr. GONZALEZ, Mr. PAUL, Mr. LEWIS of Kentucky, Mrs. MCCARTHY of New York, Ms. GRANGER, Mr. HALL of Texas, Mr. BAKER, and Mr. FLETCHER.

H.R. 2436: Mr. DELAY and Mr. BARTON of Texas.

H.R. 2439: Mrs. MINK of Hawaii.

H.R. 2451: Mr. NEY.

H.R. 2453: Mr. GOODE.

H.R. 2495: Ms. ESHOO and Mr. LANTOS.

H.R. 2498: Mr. WALSH, Mr. GOODLING, Mr. INSLEE, and Mr. BURR of North Carolina.

H.R. 2499: Mr. HOLT, Mr. FRANKS of New Jersey, and Mr. HINCHEY.

H.R. 2538: Ms. SCHAKOWSKY and Mr. BERMAN.

H.R. 2546: Mr. FROST, Mr. SANDLIN, and Mr. RUSH.

H.R. 2576: Mr. SENSENBRENNER.

H.R. 2593: Mr. MATSUI.

H.R. 2619: Mr. KOLBE, and Mrs. NAPOLITANO.

H.R. 2628: Mr. RAHALL and Ms. GRANGER.

H.R. 2631: Ms. CARSON.

H.R. 2650: Mr. BROWN of Ohio.

H.R. 2655: Mr. HILL of Montana.

H.R. 2719: Mr. MCDERMOTT.

H.R. 2720: Mr. GILMAN, Mr. KUYKENDALL, Mr. KILDEE, Mr. SAWYER, and Mr. KUCINICH.

H.R. 2725: Mr. ALLEN.

H.R. 2726: Mr. PICKETT, Mr. DOYLE, Mr. BARTLETT of Maryland, Mr. ENGLISH, Mr. NUSSLE, Mr. BRADY of Texas, Mr. FROST, Mr. KOLBE, and Mr. SUNUNU.

H.R. 2728: Mr. COSTELLO, and Mr. SNYDER.

H.R. 2750: Mr. HINCHEY and Mr. NEY.

H.R. 2786: Mr. BURR of North Carolina and Mr. WYNN.

H.R. 2809: Mr. KUCINICH, Mr. BROWN of Ohio, Mr. CONYERS, Mr. ANDREWS, and Ms. PELOSI.

H.R. 2814: Mr. OSE, Mrs. BONO, and Mr. MCINNIS.

H.R. 2828: Mr. WU, Ms. ESHOO, Ms. RIVERS, Mrs. MALONEY of New York, Mrs. CAPPS, Mrs. MEEK of Florida, Mr. LEVIN, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. DEGETTE, Ms. WOOLSEY, Mrs. NAPOLITANO, and Mr. RUSH.

H.R. 2843: Mr. BOUCHER and Mr. JONES of North Carolina.

H.R. 2882: Mr. FROST.

H.J. Res. 55: Mr. MCINNIS.

H.J. Res. 65: Mr. BILIRAKIS, Mr. BAKER, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. PETERSON of Minnesota, Ms. CARSON, Ms. BERKLEY, Mr. MORAN of Kansas, Mr. GILMAN, Mr. HALL of Texas, Mr. DINGELL, Mr. DOYLE, Mr. SHOWS, Mr. HANSEN, Mr. BUYER, Mr. MCKEON, Mr. HAYWORTH, and Mr. BALLENGER.

H. Con. Res 17: Mr. BARRETT of Wisconsin.

H. Con. Res. 124: Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mr. SPRATT, Mr. BEREUTER, and Mr. WELDON of Pennsylvania, and Mr. SCOTT.

H. Con. Res. 132: Mr. SANDERS, Mr. GEORGE MILLER of California, and Ms. ESHOO.

H. Con. Res. 139: Mr. BILIRAKIS, Mr. PICKETT, and Mr. SAM JOHNSON of Texas.

H. Con. Res. 152: Mrs. MCCARTHY of New York, Mr. SHAYS, Mr. GUTIERREZ, Mr. BLAGOJEVICH, and Mr. OWENS.

H. Con. Res. 166: Mr. MARTINEZ.

H. Con. Res. 186: Mr. DELAY, Mr. BARR of Georgia, Mr. ROGAN, Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. SCHAFFER, and Mr. HUTCHINSON.

H. Res. 278: Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. SHOWS, Mr. SPENCE, Mr. KING, Mr. WATT of North Carolina, Mr. FORBES, Mr. LAZIO, Mr. KUYKENDALL, Mr. CAPUANO, Mr. COBURN, Mr. HINCHEY, Mr. TOOMEY, Mr. BENTSEN, Mr. EHRLICH, Mr. FOLEY, Ms. HOOLEY of Oregon, Mrs. FOWLER, Mr. ETHERIDGE, Mr. FRANKS of New Jersey, Mr. MCINTYRE, Mr. CROWLEY, Mr. SANDLIN, Mr. FROST, Mr. NEY, Mr. THOMPSON of California, Mrs. NORTHUP, Mr. DOYLE, Mr. BROWN of Ohio, Mr. BLUNT, and Mrs. EMERSON.

H. Res. 287: Mr. SHIMKUS, Mr. BENTSEN, Mrs. LOWEY, Mrs. KELLY, Mr. COOKSEY, Mr. GREENWOOD, Mr. FROST, Mr. WATTS of Oklahoma, Mr. GONZALEZ, Mrs. MINK of Hawaii, Mrs. NORTHUP, and Mr. SANDLIN.

H. Res. 292: Mr. OLVER and Mr. DELAHUNT.

PETITIONS, ETC.

Under clause 3 of rule XII,

49. The SPEAKER presented a petition of the Municipal Assembly of Morovis, relative to Resolution #6 petitioning the President of the United States to immediately withdraw the Navy from Vieques; which was referred to the Committee on Armed Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1875

OFFERED BY MR. DOGGETT

AMENDMENT NO. 1: Page 5, insert the following after line 13 and redesignate the succeeding paragraphs accordingly:

"(3) Paragraph (1) shall apply to a State only if such State, on or after the date of the enactment of the Interstate Class Action Jurisdiction Act of 1999, enacts a statute that—

"(A) is adopted in accordance with procedures established by that State's constitution for enactment of a statute;

"(B) does not conflict with that State's constitution, as interpreted by that State; and

"(C) declares that paragraph (1) shall apply to that State.

Page 7, insert the following after line 23 and redesignate the succeeding paragraphs accordingly:

"(1) APPLICABILITY TO STATES.—This section shall apply to a State only if such State, on or after the date of the enactment of the Interstate Class Action Jurisdiction Act of 1999, enacts a statute that—

"(A) is adopted in accordance with procedures established by that State's constitution for enactment of a statute;

"(B) does not conflict with that State's constitution, as interpreted by that State; and

"(C) declares that this section shall apply to that State.

H.R. 1875

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 2: Page 9, strike line 6 and all that follows through page 10, line 2, and insert the following:

(e) PROCEDURE AFTER REMOVAL.—Section 1447 is amended by adding at the end the following new subsection:

"(f) If, after removal, the court determines that any aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall remand that aspect of the action to the State court from which it was removed. In such event, that State court may certify the action or any part thereof as a class action pursuant to its State law and such action cannot be removed to Federal court unless it meets the requirements of section 1332(a).".

H.R. 1875

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption.".

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) TOBACCO PRODUCTS.—(A) This section shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption.".

H.R. 1875

OFFERED BY: MR. NADLER

AMENDMENT NO. 4: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986.".

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) FIREARMS OR AMMUNITION.—(A) This section shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986.".

H.R. 1875

OFFERED BY: MR. NADLER

AMENDMENT NO. 5: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5) Paragraph (1) shall not apply to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought.".

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) HEALTH PLANS, HEALTH INSURANCE ISSUERS, ETC.—This section shall not apply to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought.".

H.R. 1875

OFFERED BY: MS. WATERS

AMENDMENT NO. 6: Page 10, line 4, strike "The" and insert "(a) IN GENERAL.—The".

Page 10, lines 5 and 6, strike "date of the enactment of this Act" and insert "date certified by the Judicial Conference under subsection (b)".

Page 10, insert the following after line 6:

(b) CERTIFICATION BY JUDICIAL CONFERENCE.—The Judicial Conference of the United States shall certify in writing to the Congress the first date on or after the date of the enactment of this Act on which the number of vacancies of judgeships authorized for the United States courts of appeals, the United States district courts, and the United States Court of Federal Claims, is less than 3 percent of all such judgeships.

H.R. 1875

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 7: Page 7, line 10, strike "before or".

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 1: Page 4, line 9, strike "'(c)" and all that follows through "the Director shall" on line 11 and insert the following:

"(c) REQUIREMENTS WITH RESPECT TO SPECIAL POPULATIONS.—There is established within the Agency an office to be known as the Office on Special Populations, which shall be headed by an official appointed by the Director. The Director, acting through such Office, shall".

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Page 4, line 14, insert "in inner-city areas and" after "health services".

SENATE—*Tuesday, September 21, 1999*

The Senate met at 2:15 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Father Paul Lavin, pastor of St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Dr. Paul Lavin, offered the following prayer:

In the words of Saint Paul's letter to the Romans we hear:

For by the grace given to me I tell everyone among you not to think of himself more highly than one ought to think, but to think soberly, each according to the measure to faith that God has apportioned. For as in one body we have many parts, and all the parts do not have the same function, so we, though many, are one body in Christ and individually parts of one another. Since we have gifts that differ according to the grace given us, let us exercise them: if prophecy, in proportion to the faith; if ministry, in ministering, if one is a teacher, in teaching; if one exhorts, in exhortation; if one contributes, in generosity; if one is over others, with diligence; if one does acts of mercy, with cheerfulness.

Let us pray.

Direct, O Lord all our actions by Your inspiration and carry them on by Your assistance so that every prayer and action may begin in You and by You be happily ended. Glory and praise to You for ever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Utah, Mr. BENNETT, is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, today the Senate will be in a period of morning business until 5:30 p.m. Under a previous order, the time between 4:15 and 5:30 is equally divided between Senators HATCH and TORRICELLI.

DIVISION OF TIME

I now ask unanimous consent that the time be equally divided between Senators HATCH and LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. There will be at least one vote on a motion to invoke cloture on the bankruptcy bill, with the possibility of a second vote on a motion to invoke cloture on the judicial nomination of Ted Stewart.

Following the votes, the Senate may begin consideration of the Department of Defense authorization conference report. Under the order, there are 2 hours of debate which may begin tonight, with a vote occurring tomorrow morning.

For the remainder of the week, the Senate will begin consideration of the HUD–VA appropriations bill and complete action on the Interior appropriations bill.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR

Mr. BENNETT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 17) to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

Mr. BENNETT. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will go to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 3:15 shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Who seeks recognition?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, will the Senator from Iowa yield for a moment to allow me to propound a unanimous consent request?

Mr. HARKIN. I yield.

UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. DORGAN. Mr. President, I ask unanimous consent that on the bankruptcy bill which is before the Senate all first-degree amendments must be filed by 3:15 p.m. and second-degree amendments be filed by 5:30 p.m. My understanding is both the majority and minority have cleared this unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

EDUCATION FUNDING

Mr. HARKIN. Mr. President, on January 6 of this year, the majority leader stood on the Senate floor and told us that education would be a high priority for the Senate. This is exactly what he said:

> Education is going to be a central issue this year. Democrats say it is important and it will be a high priority. Republicans say it will be a high priority.

I am sorry to say Republicans cannot make that claim today. I want to take a few moments this afternoon, along with some of my colleagues, to assess where education is on the leadership's priority list.

We have less than 7 legislative days, and that is counting Mondays and Fridays—we do not do much on Mondays and Fridays—before the end of the fiscal year. There is one Education bill that must be enacted, and that is the Education appropriations bill.

Despite proclamations that education will be a top priority, the Senate has been working on all but 1 of the 13 appropriations bills. We have done at least some work on 12 appropriations bills. We have 1 left. Dead last: education. This is a list of all of the appropriations bills:

Military construction, No. 1 on the list—the President has already signed that—leg branch; Treasury; District of Columbia; Transportation; Defense; energy and water; Commerce-Justice-State; Interior; Agriculture; and VA-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HUD, the full committee approved VA-HUD last week, and it will be on the floor this week. Education, no action taken. It is dead last on that list, and education is supposed to be a high priority with the leadership in the Senate? Those are wrong priorities. Education should be at the top of this list, not at the bottom of the list.

Despite a valiant effort by the chairman of our subcommittee, Senator SPECTER, the Education appropriations bill has not even been written. Senator SPECTER has fought every day to move this bill forward. He tried in June, July, August, and September. He tried again last week, and we cannot even meet to mark up the bill.

If that is not bad enough, the leadership has robbed the Education bill to pay for other bills. As a result, we are looking at deep cuts in all of the programs funded by the Labor, Health and Human Services, and Education appropriations bill.

Not only is education dead last on the calendar, it is dead last for resources. Our subcommittee started with an allocation, an allocation we received earlier this year, substantially below a freeze from last year. If that is not bad enough, it is even worse now.

Last week, the leadership staged another raid on education and took $7.276 billion in budget authority, $4.969 billion in outlays, from education and other essential priorities in the bill so they can get the VA-HUD bill to committee.

Our subcommittee allocation is $15.5 billion below a freeze. That means we are facing a whopping 17-percent cut in education.

This chart illustrates that. In fiscal year 1999, the year we are in right now, we had slightly more than $89 billion. This year, where we stand right now, we have $73.6 billion. That is a 17.3-percent cut that will be across the board.

What does that impact? A lot of things. Here is one: That cut will impact reducing class size and improving teacher quality. This cut will force communities to lay off 5,246 newly hired teachers. These are the the teachers hired this year, for whom we put money in, for reducing class size. They will have to be let go after just 1 year.

Funding will be cut for the Teacher Quality Enhancement Program for 24 States and 52 partnerships to improve recruitment and training of teachers. That is where we are right now.

We came to the Chamber last Thursday and talked about this issue. Later on in the day, the assistant majority leader, Senator NICKLES, came to the Chamber and said:

> I would like to correct the record, because I know I heard a number of my colleagues say the Republican budget is slashing education, it's at the lowest end, it's the last appropriation bill we are taking up. Let me correct the record.

He says:

> One, the budget the Republicans passed earlier this year had an increase for education. . . .

The budget. We are not talking about the budget. We are talking about actual money. I do not care what the budget said. I want to know where the real money is. When that budget got to our appropriations bill, we were cut below a freeze for last year, and certainly the leadership ought to know that.

Then he said:

> The Appropriations Committee has yet to mark up the Labor-HHS bill.

Our Education bill. Not that we have not tried. Senator SPECTER tried in June, July, August, and September to bring it up, and we are not allowed to bring it up. We are not allowed to mark it up.

Mr. NICKLES said:

> I understand from Senator SPECTER and others they plan on appropriating $90 billion. The amount of money we have in the current fiscal year is $83.8 billion.

That is off a little bit.

He says:

> So that is an increase of about $6.2 billion. . . . That is an increase of about 9 percent. That is well over inflation.

I am quoting Senator NICKLES. Our assistant majority leader says:

> I think it is too much. I think we should be freezing spending.

He is talking about education. He says it is too much. He says we have $90 billion. That is not so. Right now we have a total of $73.6 billion for our committee. That is it. If Mr. NICKLES has $90 billion, I wish he would show me the money. We would love to mark it up. We would love to give education an increase.

With all due respect to my friend from Oklahoma, the assistant majority leader, I wholeheartedly disagree with him that we freeze at last year's level of funding for education. I will go into that a little bit later, but we need an increase in education because of what is happening around the country.

Mr. NICKLES said:

> I think we should be freezing spending.

That says it all. The leadership is not committed to increased investments in education. If they had their way, according to the assistant majority leader, they would freeze funding for education.

We need additional investments in education. Why? Let's look at it this way: The average school building in the United States is 42 years old; 14 million children attend classes in buildings that are unsafe or inadequate. Enrollment is booming. There are more children in U.S. schools than at any time in our history. Class sizes are expanding. It is not unusual for elementary schools to have 30 to 35 kids in a class.

Our schools are literally bursting at the seams to accommodate the 53.2 million students enrolled in public schools. These students need teachers; they need the latest technology; they need computers in the classrooms if we are going to compete in the next century, in the next millennium.

So when the assistant majority leader says he wants to freeze education funding at last year's level, that says it all. They are not going to make education a priority. They do not care what is happening with the burgeoning classroom sizes.

There are priorities and there are priorities. The leadership found $16 billion more for the Pentagon. It is interesting that this is $4 billion even more than what the Pentagon asked for. Having spent a number of years myself in the military and having been on the Appropriations Committee for a number of years, I can say, without any fear of contradiction, I have never seen, nor do I think I will live long enough to ever see, the Pentagon ask for less money than they actually need. They always ask for more money than they need. Yet the leadership said that is not even enough; we are going to give you $4 billion more.

I have heard one plan after another for how we are going to fund education. The assistant majority leader said we have $90 billion, but we only have $73 billion. I do not know where he found this money. I challenge the assistant majority leader to come on the floor and tell us where we get the $90 billion. I would like to see it.

They are talking about delaying the earned-income tax credit for poor working Americans. How about that for funding education. Talk about robbing Peter to pay Paul.

Then there is talk about cutting Medicaid, or a large across-the-board cut in the bill.

Then we have heard talk about extending the fiscal year; we are going to have another month. We are not going to have 12 months in a year. We are now going to have 13 months in a year. I have even heard grade school kids laughing about that one. That does not pass the laugh test around here.

All I can say is President Clinton sent us a budget that increased funding for education programs which had the offsets necessary so we did not have to raid Social Security and Medicare. It was not as much of an increase as I would like to have seen, but at least it is an increase and not a 17-percent cut. He had the offsets there, too.

In fact, whenever the leadership so deigns that our education subcommittee can meet and mark up our bill, I will propose an offset that will deal with raising $5.9 billion next year for cutting teen smoking, which has been fully calculated by the CBO to raise that much money. So we get two things: We will cut teen smoking and raise some money for education.

Over the past 5 years, we have had many legislative fights over the education budget. In 1995, the Republican leadership was so insistent on cutting education they shut down the Federal Government to make their point. The American people made their views well known at the time. They said: Do not cut education. As a result, the cuts were restored and additional investments were made. I must say that since 1996, education investments have increased, although the leadership has been dragged, kicking and screaming, to the table every single year. And this year is no exception.

The American people understand this. They are telling us loudly and clearly to make education a top priority. A recent ABC News poll found that three out of four Americans say improving education will be very important in the next election. Another poll, done by the University of Chicago, found that 73 percent of Americans favor increasing Federal investment in education. Yet our assistant majority leader says we need to freeze it. Someone is out of step with the American people.

Lastly, there is one other chart I want to show about what is happening. I continually hear from my constituents in Iowa and from Iowa legislators, and others, that property taxes keep going up all the time. Property taxes are going up. State legislators are feeling the pinch about putting more and more money into education. They are wondering what is happening. This chart shows what is happening.

In fiscal year 1980, of all the money spent in this country on elementary and secondary education, the Federal Government provided 11.9 percent. In 1998, last year, the Federal Government provided only 7.6 percent of the total funding for elementary and secondary education.

The Federal Government, through the 1980s—the Reagan and Bush years and on into this decade—had been cutting the amount of Federal support for elementary and secondary education. This gap from about 11.9 percent to 7.6 percent is made up in property taxes. It is made up in local taxes and State taxes—where they have been asked and see the need to fill in that gap. So we have failed in our responsibility to adequately help our States and local communities fund education.

I see my friend from Hawaii is here. I just want to make one other short comment and I will yield the floor to him.

Last Thursday, the assistant majority leader said something about teachers. He said:

> I heard both of my colleagues say—

Being me since I was the one speaking—

> "Boy, we need more Federal teachers or more school buildings."

Then Senator NICKLES said:

> Is that really the business of the Federal Government?

I never said we need more Federal teachers. But I did say we need more local teachers. We need more teachers to help reduce the size of classes. I believe that is a legitimate Federal responsibility, going out and helping our local communities. Not a one of those teachers we hired this year to reduce class size works for the Federal Government. They work for local school districts. But we are doing our part in helping.

To say that we need more school buildings is right. There are more children in U.S. schools than at any time in our history—53.2 million students. The average age of our buildings is 42 years old.

Yes, Mr. NICKLES, we need some newer schools, more schools, and we need some more computers in classrooms; we need more qualified teachers and more teachers to reduce class size. But, again, education is last on the list.

Last, we are facing the end of the year. We have a 17-percent cut where we stand right now in education—dead last. So much for Republican priorities on education.

I yield the floor.

Do I control the time, Mr. President?

The PRESIDING OFFICER. The time was allocated to the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. HARKIN. I ask unanimous consent that I be allowed to yield whatever time he may consume to the Senator from Hawaii.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to add my voice to others who are calling for increases in education funding. Our investment in the education of future generations that will someday run this country cannot be undervalued. We must ensure the best education for our young people. However, this will not happen if we undermine education as a priority by cutting funding for schools, classrooms, and students. This funding would be deeply reduced for years to come without a veto of the tax bill, as President Clinton has promised. In addition, we may see reductions in fiscal year 2000 funding if we do not give greater emphasis to education as a priority in the current appropriations process.

This is the challenge before us today. Education's share of the Federal budget has declined, and it did not start out at a significant percentage to begin with. Education makes up 2 percent of the fiscal year 1999 budget. Compare this 2 percent with about 15 percent for defense, 22 percent for Social Security, 11 percent for Medicare, and 13 percent for interest on the debt. These numbers are reported by the Committee for Education Funding.

In addition, the Federal share of education funding has declined, falling from 14 percent for elementary and secondary programs in fiscal 1980 to 6 percent in fiscal year 1998. For higher education, the Federal share fell from 18 percent to 12 percent from 1980 to 1998. Because Federal dollars leverage more support for education from other sectors of the economy, we cannot allow the Federal share to dwindle.

We can scarce afford to continue this way and shrink the education dollar if we look at what lies ahead. According to the recent Baby Boom Echo Report from the U.S. Department of Education, total public and private school enrollment in this country has risen to a record 53 million students. Furthermore, between 1989 and 2009, elementary school enrollment will have increased by 5 million children, secondary enrollment by almost 4 million students, and college by 3 million students.

The report lists Hawaii among the top 15 states in enrollment growth. For public elementary and secondary enrollment, in a decade, Hawaii will have 26,000 more students in its schools, reaching 227,000 students. This means 13 percent more students will be in Hawaii's classrooms in 2009 than are there today. Many States are facing similar projections, and there seems to be no end in sight to this growth.

There will be tremendous repercussions from this Baby Boom Echo. One example is in the need for school construction and modernization. Mr. President, in Hawaii, about three in every four schools need to upgrade or repair buildings to good overall condition. More than half of schools report at least one inadequate building feature, whether the roof is leaking, plumbing is not functioning well, or windows are inadequate. In addition, four out of five schools report at least one unsatisfactory environmental factor, such as air quality, ventilation, or lighting. We will need to attend to some or all of these conditions soon as Hawaii continues to feel the impact of increasing enrollments.

Over the next decade, the Hawaii Department of Education estimates that it will need $1.5 billion for capital improvements. This will include 15 new elementary schools; 2 new intermediate schools, and 2 new high schools. The figure also accounts for 400 new permanent classrooms and $120 million for building replacement.

In addition, class size will need to be reduced before learning is stifled altogether—this will be had to do with more students in schools. Hawaii's average class size is already in the mid-20s, while the recommended size is 18. These are only a few examples of the need in our public schools that will be heightened by rising enrollments.

It is easy to see shy I cannot condone the education cuts that would result if the tax bill became law. I am not opposed to tax cuts, but committing $792 billion to tax cuts at this time would lead to serious neglect of this country's greater priorities. In an era of budget surplus, we would have to hang our heads in shame for using funds for tax breaks when problems loom large: Social Security and Medicare need to be made solvent for future decades; the amount we are putting toward interest on the debt must be reduced; and our domestic priorities, including education, most be boosted.

However, the majority's tax plan calls for about 50-percent cuts in nondefense discretionary programs. For education, this means: 6 million children denied extra academic support under Title I funds for the disadvantaged, including 25,000 students in Hawaii; almost 800,000 students denied a Pell grant, including 2,000 in Hawaii; and nearly $3 billion less in IDEA funding to States, including $9 million intended for special education in Hawaii. The tax bill would mean a giant step backward for education.

Now, it appears that the majority is going after education funding for the next fiscal year. It is bad enough that the Labor-HHS-Education appropriations bill is often left for last, which means that it picks up "leftovers" after other appropriations bills have been taken care of. This is how we treat a bill that contains programs for the most vulnerable Americans.

We are currently tangling with an even bigger problem with this bill caused by low allocations for the Labor-HHS bill—something which could have been avoided in this era of surplus. In their zeal to keep the budget surplus sacred for tax cuts, my colleagues in the majority capped the Labor-HHS bill at $73.6 billion. This would translate into a 17-percent cut in overall education funding.

We know that this 17-percent cut will be felt by State and local education agencies, school districts, schools, and classrooms. Its impacts will go directly to our children. The Safe and Drug Free Schools Program will be cut almost $80 million from current funding, which means a cut of more than $375,000 from programs in Hawaii's school- and community-based drug education and prevention activities. Looking at title I for the disadvantaged once again, Hawaii would lose more than $3 million. Hawaii's schools cannot afford this loss in funding. There are additional cuts I could list. The bottom line is that it would be a travesty to see this Congress ravage education funding.

Mr. President, I stand here not only as a Senator representing the people of Hawaii. I stand here as a former teacher, vice principal, principal, and administrator in Hawaii's school system. I remember what it is like to be at the front of a classroom with young faces and bright eyes eager to learn and looking for guidance. I listened to parents' concerns at PTA meetings. I talked to individual students about a poor academic record, spotty school attendance, or disruptive behavior that made it difficult for others in the class to learn. I remember what it was like being on the front lines of education.

I cannot see any good for the future of our country coming out of these large education cuts. We bemoan problems facing our schools today such as unexpected and shocking incidents of violence. Let us put muscle behind our rhetoric and treat education as a priority by preventing this 17-percent cut.

I ask my colleagues to join me in restoring education as a priority and calling for increases, not huge decreases, in the investment in our country's future. I thank my colleagues for this opportunity to speak on an issue that is near and dear to my heart, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALITY TEACHERS FOR ALL ACT AND THE TECHNOLOGY FOR TEACHING ACT

Mr. BINGAMAN. Mr. President, during the next couple of weeks, I plan to introduce a series of education bills for consideration in the context of reauthorization of the Elementary and Secondary Education Act (ESEA). As you know, one of the most important issues facing America today is improving the quality of our public school system. Improving the quality of education in America requires a comprehensive approach. I believe the basis for that approach must be raising standards and achieving greater accountability. This approach cannot focus on any one facet of our education system but must address all facets. The bills that I will introduce address three key areas; these bills raise standards and improve accountability for our teachers, for our schools and for our students. Today, I am pleased to introduce two bills, which I believe will go a long way towards raising standards for teaching in America's schools—the Quality Teachers for All Act and the Technology for Teaching Act.

Improving teacher quality continues to be one of my top priorities in the Senate, because research demonstrates that teacher quality is the single most important factor in student achievement. The Quality Teachers for All Act will improve instructional quality by ensuring that teachers in Title I classrooms possess the subject matter knowledge, teaching knowledge and teaching skills necessary to work effectively in our nation's classrooms. The Technology for Teaching Act, which I introduce today on behalf of myself, Senator PATTY MURRAY and Senator COCHRAN, will improve the quality of instruction by providing teachers with necessary training in the use of technology in the classroom.

I am a strong supporter of the hard-working teachers in American classrooms. As the son of two teachers, I know that the profession is extremely challenging and meaningful. I also know that the vast majority of our teachers are dedicated, professional and competent. Far too many schools in America, however, allow classrooms to be led by teachers with insufficient training and qualifications to teach. Unfortunately, it is the schools and classrooms with the neediest children who often have the greatest number of unqualified teachers. During a time when we are demanding increased levels of performance for our schools and our children, we also must set high standards for all our teachers, including those instructing students who will have the greatest hurdles to overcome in the learning process.

Improving teacher quality is one of the most important changes we need to make to our educational system—especially if we are serious about improving the education of low-income and minority children. Good teachers are so important that almost half of the achievement gap between minority and white students would be erased if minority children had access to the same quality of teachers, according to recent research published by the Education Trust. Parents, business leaders, and the public at large rank teacher quality as a top concern because it just makes sense that a student's teacher would have a dominant effect on his or her education. The need for further progress in improving teacher quality was recently highlighted in two 1999 studies—one from the Secretary of Education, the other from Education Week.

Over 30 percent of all math teachers are teaching outside of their field of academic preparation—with even higher percentages in other academic areas and in high-poverty schools. Almost 15 percent of the new teachers hired in high-minority districts lack full teaching credentials, which usually involve passing tests to demonstrate needed skills and knowledge. In my home State, during the past school year, 1,074 people were teaching in New Mexico's schools with substandard licenses. Another 737 of New Mexico's teachers were teaching subjects they weren't certified to teach.

The Quality Teachers for All Act addresses this problem by requiring that all teachers in schools receiving Title I funds be fully qualified. This means possessing necessary teaching skills and demonstrating mastery in the subjects that they teach. By ensuring quality teachers in every classroom, we will be empowering our children by providing one of the most important resources for academic achievement. Under the Quality Teachers for All Act, an elementary school teacher must have State certification, hold a bachelor's degree and demonstrate subject matter knowledge, teaching knowledge and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other elements of a liberal arts education. Middle school and secondary school instructional staff must have state certification, hold a bachelor's degree, and demonstrate a high level of competence in all subject areas in which they teach. This demonstration of competence may be achieved by a high level of performance on a rigorous academic subject area test, completion of an academic major (or equal number of courses, or in the case of mid-career professionals, a high level of performance in relevant subject areas through employment experience.

Recognizing that some areas have difficulty attracting qualified teachers, the Quality Teachers for All bill addresses this problem by allowing school districts to use funds authorized under the bill to provide financial incentives for fully qualified teachers, such as signing bonuses. In addition, the bill supports efforts to recruit new teachers by providing alternative means of certification for highly qualified individuals with college degrees, including mid-career professionals and former military personnel. The bill also provides support for State efforts to increase the portability of teachers' pensions, certification and years of experience so that qualified teachers can have greater mobility and districts can fill unmet needs for qualified teachers more easily. School districts also may use the funds to support new teachers to ensure that we retain the qualified teachers that start in the profession.

The bill also empowers teachers by providing financial support for programs designed to assist teachers currently working in the system to achieve the qualifications required under the bill. The bill will provide grants to assist States and LEAs to provide necessary education and training to teachers who do not meet the necessary qualifications. The forms of assistance can include tuition for college or university course work.

Recognizing the critical role played by parents and the need to make them a partner in our efforts to raise teaching standards, this bill requires districts and schools to provide parents with information regarding their child's teacher's qualifications. This effort builds on provisions I authored which became part of the Higher Educations Act of 1998. Those provisions require a national report card on teacher training programs. By reporting this information, the public as well as the schools can assess the strengths and weaknesses of teacher training programs. Likewise, the parental right-to-know provision in the Quality Teachers for All Act will empower parents by informing them of the strengths and weaknesses of their children's teachers and help them to provide support for increased teacher quality efforts.

If our educational system is going to prepare our children for the 21st Century, we must do a better job at preparing our teachers and our students to use the tools of the 21st Century—technology. We also must use this valuable resource to improve instruction and expand access to learning. Therefore, efforts to raise standards for teaching also must include greater incorporation of technology into our teacher training programs and our classrooms. In response to this need, I—along with Senators MURRAY and COCHRAN—are proud to introduce the Technology for Teaching Act. If enacted, this bill will build on existing efforts to improve teacher training in the use of technology in the classroom and provide resources to develop innovative uses of technology in the classroom.

Education technology can enlarge the classroom environment in ways that were unimaginable only a decade ago and can empower students to develop as independent thinkers and problem-solvers. Teachers deserve the skills needed to bring these extraordinary resources and opportunities into the classroom. Without these skills, America's teachers will find it increasingly difficult to meet the rising international standards of educational excellence. We also must provide for research and development, as well as evaluation of existing uses of technology, in order to ensure that the most effective education-related technology is in place in our nation's schools. In addition, we must close the digital divide by making technology available to all students, during the school day and outside the school day.

The Technology for Teaching bill will provide federal support to: (1) provide training to teachers to assist them to integrate technology into their classrooms; (2) evaluate the role of technology in the classroom; (3) stimulate the development and use of innovative technologies to assist students to achieve high academic standards; and (4) narrow the "digital divide" by providing high-need communities and students with greater access to technology.

Experts say that we should invest at least 30 percent of our technology budget in training. Nationally, we are now investing less than one-third that amount. Only 15 percent of teachers had 9 or more hours of technology instruction in 1994. Trained teachers help make computers useful to students, connect school to the home and community, and help prevent misuses of technology. Most of all, trained teachers can improve student achievement by applying the technology to academic content areas. The Technology for Teaching Act establishes two teacher training programs, administered by the Office of Education Technology in the Office of the Deputy Secretary of Education, to make competitive grants to State Departments of Education. One program promotes the inclusion of education technology in the initial undergraduate preparation of new teachers; the other focuses on ongoing professional development of current teachers.

Schools of education that train new teachers will be eligible to apply to State Departments of Education for grants to improve their programs in education technology. Grant support would require and enable schools of education to work in collaboration with local K–12 school districts and the education technology private sector. Through these partnership activities, schools of education will improve and expand the ways in which they prepare future teachers to use technology in the classroom.

Local K–12 Education Agencies (LEAs) will be eligible to apply to State Departments of Education for grants to improve their professional development programs in education technology. In applying for grants, LEAs will be required to develop consortia that include one or more schools of education, education technology companies, and other partners able to help improve their professional development programs. These consortia will provide LEAs and teachers with access to the latest education research and the most current education technology available. The results of these partnership activities will be new and innovative programs for teacher professional development.

The question of whether education technology is an effective tool in the classroom is already being answered in part by solid peer-reviewed studies which show a significant improvement in student performance and attitude in all age groups and all subject areas through better use of technology. This research demonstrates what advocates have believed all along: if used correctly, technology in the classroom produces measurable improvement in student achievement and enthusiasm. A new $25 million research and evaluation program at the National Science Foundation will provide even more insight into the positive impact of education technology. The need for a larger scale research and coordination initiative remains. The Technology for Teaching Act requires the Secretary of Education to evaluate existing and anticipated future uses of educational technology. The Secretary may conduct long-term controlled studies on the effectiveness of the use of educational technology; convene experts to identify uses of technology that hold the greatest promise for improving teaching and learning and to identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software.

We also must continue to support research and development efforts to explore new uses for technology to improve instruction. The bill provides for grants to stimulate the development of innovative technology applications. The Secretary awards competitive grants to consortia of public and private entities developing innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online learning resources. For example, grants could be awarded to projects seeking to develop web-based instruction to provide access to challenging content such as Advanced Placement courses.

Reduces inequities in access to computers and the Internet must continue to be a main function of federal education technology programs. Education technology can engage students, provide much-needed employment skills, and open up a world of learning and experiences. But like well-trained teachers and new school buildings, these resources tend to flow to wealthier school districts. If we believe that no child should be too poor to have a quality teacher, a safe classroom or textbook, the same should hold true for access to computer technology. The federal government ha always been the great equalizer between the haves and have-nots. Therefore its main mission with respect to education technology should be to do what it does best—level the playing field so all students can acquire the computer skills to function in today's world. the bill targets existing technology grants and the new grant funds authorized by this bill to high-poverty, low-performing schools. The bill also supports the development and expansion of community technology centers to serve disadvantaged residents of high-poverty communities. The centers provide access to technology and training for community members of all ages.

By ensuring high-quality, well-prepared teachers in our classrooms, we empower our educational system and our nation to meet the challenges of an increasingly complex and challenging world. I know that most, if not all, of my colleagues agree that a critical first step in improving our nation's schools is to support efforts to raise standards for teaching in our poorest and most challenged schools and to prepare our teachers and our children in the use of technology, while also capitalizing on the benefits of technology as an educational tool. We made great progress in our efforts to improve the quality of instruction by raising standards for teacher quality in the higher Education Act last year and through existing program supporting the use of education technology in schools. I urge my colleagues to continue to support these efforts by supporting passage of the Quality Teachers for All Act and the Technology for Teaching Act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I hope our colleagues pay careful attention to the excellent presentation that has been made by my friend and colleague from New Mexico. I think all Members who are fortunate enough to serve on the Education Committee know Senator BINGAMAN has been tireless in addressing the issue of enhancing the quality of education for the children of this country. This afternoon he outlined very important, thoughtful steps that I think ought to draw strong bipartisan support. He has certainly urged our colleagues to try to find ways in which we can work together in support of those proposals. I join with him in urging our colleagues to do so.

For the number of years I have been in the Senate, the issue of education has never been a partisan issue. I think for the first 15 years I was in the Senate on the Education Committee, we never had a single vote that divided Republicans and Democrats on issues of education—not that we always got it right, but we always attempted to find ways of working closely together.

We recognize there are limited resources we can provide for education, probably 7 cents out of every $1, but what the American people are looking for is a partnership to try to find ways we can enhance educational opportunities to children.

I rise somewhat reluctantly to draw attention to the fact that we are in a very desperate situation as we come to the end of this session in regards to addressing the issues of education. I think many of us remember the early January speeches by our Republican leader. Senator LOTT said, "Education is going to be a central issue this year. The Democrats say it's important and it should be a high priority. Republicans say it's a high priority." Many were hoping this was the clarion call for all to come together and work together. We had similar statements by our good friend, the chairman of the Budget Committee, Senator DOMENICI, who said, "I'm going to recommend the Republicans say it's time to quit playing around the edges and dramatically increase the amount of money that we put in public education." This was enormously encouraging.

At the outset, I will say just allocating resources is not always the answer to the challenges we are facing in education. It is a pretty clear indication of what our Nation's priorities are. We heard from the leadership in the Senate the rhetoric that this was going to be the education Congress and the education year.

It is appropriate that we look back over this past year and over the past few years to find out exactly what our record has been under this leadership in the areas of education. I can remember right after the 1994 elections with the new leadership elected in the House and the Senate of the United States Congress, one of the first things we had was not an appropriation of additional funding in the areas of education, but we had a recision.

What does a recision mean? It means it is the judgment of the House, the Senate, and the President to allocate certain resources in the education programs. In my hand I have the conference report, the 1995 recisions: $1.7 billion in the House of Representatives. Those were programs, for example, such as the Title I program to help some of the neediest children; it was cut back almost a third; the Eisenhower Professional Development Programs, which enhance teacher qualities for math and science in our high schools, cut $100 million; the Safe and Drug Free Schools, cut $472 million.

We air a great deal of rhetoric on the floor of the Senate about how we will make our schools more safe and secure. Going back to 1995, we find the attempted recisions in the areas of education. Then in 1996—I have the report on the appropriations, the request from the House appropriations which is $3.9 billion below the 1995 figures. That is under the Republican leadership in the House of Representatives—$3.9 billion below.

Does this sound as if it is beginning to be a pattern?

Wait just a moment, and we will find out what happened in 1997. I have the committee report on appropriations for 1997. This was $3.1 billion below the President's request.

Now we have 1995, we have 1996, we have 1997; we have 1998, $200 million below the President's total; and now, 1999, $2 billion below the President's request.

That is a fearsome record in terms of the allocation of scarce education resources. Now we see this happening again this year. That is why Democrats are so concerned.

We have seen under the Republican leadership a recommendation of a 17 percent cut in education that would be represented by a $15 billion cut this year in the education programs on an appropriation that we cannot even have sent here to the Senate. We find that somewhat distressing and disturbing.

What has happened in the past when the Republican leadership had responsibilities? The education proposal in 1995 came in 7 months after the end of the fiscal year. In 1997, the final agreement was not passed until the final day of the old fiscal year, September 30, 1996. In 1998, it was passed 1 week after the end of the fiscal year. In 1999, it was passed 3 weeks after the end of the fiscal year.

There is a pattern here—cutting back on education resources and doing it at the very end, the last business for the Congress.

If a political party wants to put education at the top of the American agenda, it doesn't come last, it comes first. It doesn't come with the greatest kinds of cuts we have seen in any appropriations bill in recent times; it comes after due deliberation of these very needs and requirements and then the support for those programs. That is the way we deal with it.

That is what we find as we come into the last weeks—the enormous frustration of many in this body who believe very deeply, as the American public does, that if we are going to meet our responsibilities in education, we ought to have the opportunity to debate these issues in a timely way and not have the efforts that have been made on 17 different occasions when we tried to bring up various amendments, to have those amendments either immediately tabled or immediately effectively ignored, virtually denying Members the opportunity of having a full and complete debate on what are our fundamental and basic responsibilities for a national Congress and a President of the United States in education.

So I believe the Republican leadership bear grave responsibilities in this area. We will over these next few days point this out in very careful detail, about what these particular cuts and programs are, and how they have really affected and adversely impacted the opportunities for children to move ahead. That is the record. It is one of great discouragement, and it is one I hope our Republican friends will be willing to address.

MINIMUM WAGE AND BANKRUPTCY

Mr. KENNEDY. Mr. President, last Thursday the majority leader filed a cloture motion on S. 625, the Bankruptcy Reform Act of 1999. If the Senate adopts cloture, an amendment to increase the minimum wage could not be offered to the bill. Some Senators may support cloture because they believe the minimum wage is not relevant to the bankruptcy debate, but I disagree. Raising the minimum wage is critical to preventing the economic free-fall that often leads to bankruptcy, and many of us have sponsored the Fair Minimum Wage Act of 1999 to begin to right that wrong.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Is that all 15 minutes?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator from Massachusetts.

Mr. KENNEDY. Then I yield to myself just 4 of the last 5 minutes, please.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. I thank the Chair.

Mr. President, invoking cloture would deny us the opportunity, on the floor of the Senate, to offer a minimum wage amendment that will raise the minimum wage 50 cents next January and 50 cents the year after and provide some $2,000 of purchasing power for minimum wage workers. In all, over 11 million Americans will benefit from an increase in the minimum wage.

We seek to raise the minimum wage at a time of virtual price stability, at a time of virtual full employment, and at a time when the ink is not even dry on the vote by the Members of the Senate to give themselves a pay increase of over $4,000 this year. I will say, at least the Democrats who voted in support of that increase would also vote in support of an increase in the minimum wage. But why should we be denied that opportunity? Why should we be denied the opportunity to have a vote on this particular issue? It makes such a difference to families that work 40 hours a week, 52 weeks of the year.

We believe raising the minimum wage is relevant to the bankruptcy issue. The threat of bankruptcy is related to the availability of resources. The fewer financial resources individuals have, the more difficult it is for them to meet their economic challenges. We do not have the opportunity, at least at this time, to get into all of the reasons so many individual Americans are going into bankruptcy. But we find half of the women are in bankruptcy because their husbands refuse to pay child support. Of workers who are over 55, the greatest percentage of those in bankruptcy are there because they don't have health insurance. Many in bankruptcy are workers dislocated from their jobs because of mergers, who find themselves caught in a downward economic spiral.

We should have an opportunity to address those issues. Why does the Republican leadership deny us the chance to have a fair vote on raising the minimum wage, providing hard working Americans with an extra $2,000? That might not seem like a lot to many here, but it is about 7 months' worth of groceries for a family, or 5 months of rent. It will pay for almost two years of tuition for a worker or her son or daughter to attend a community college. It is a lot of money for many hard-working Americans.

Finally, the minimum wage is a children's issue because the children of workers who earn minimum wage are impacted by their parents' scarce resources. It is a women's issue, because the majority of minimum wage workers are women. It is a civil rights issue because one-third of minimum wage workers are African-American or Hispanic. It is basically and most fundamentally a fairness issue. At the time of the greatest prosperity in the history of this country, are we going to continue to deny our brothers and sisters, Americans who are working hard, 40 hours a week, 52 weeks of the year, the opportunity to have a livable wage?

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Kathy Curran, a Labor Department detailee, be granted the privilege of the floor during today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois has 1 minute remaining.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts, as well as the Senators from Hawaii and Mexico, for joining in our message.

My fear is, in the closing weeks of this session, if the Members of the Senate were accused of having passed legislation this year to help the families of America, we could not gather enough evidence to prove the charge. We are about to leave town in a few weeks emptyhanded, having done little or nothing on education, little or nothing on minimum wage, little or nothing on health care. Frankly, I think the American people sent us to this body to do things to make life better for families across America. The Senator from Massachusetts speaks about minimum wage and education. There are so many other items on the agenda that should be addressed by a Congress listening to the American people.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the time until 4:15 shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Wyoming is recognized.

LEGISLATIVE ACCOMPLISHMENTS

Mr. THOMAS. Mr. President, I appreciate the opportunity to visit a little bit about the remaining weeks in this session. I have a little different view of what has happened from that of my friends who are just leaving the floor, who suggest nothing has been done. They did not mention Ed-Flex, one of the most important education bills that has been passed in this Congress, which allows families and school boards and States to have more say in education. They didn't talk about the tax bill which provides an opportunity for families to invest and save their money so it can be used for education. They did not talk about standards and accountability, the fact we are going to take up these bills, the elementary school and secondary education bill, or Social Security, where we have done something about the proposal there, or the Taxpayer Bill of Rights.

It is interesting; when they talk about some of the things they would like to see happen, they somehow forget about the things we have done. I guess that indicates we do have a different view. It is proper. It is perfectly legitimate to have a different view about how we accomplish the things we are about.

Mr. President, I yield to the Senator from Oklahoma such time as he may consume.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator from Wyoming for yielding.

THE IMPORTANCE OF VIEQUES

Mr. INHOFE. Mr. President, I do want to talk about some of the tax ramifications, today's subject. I think it is very significant.

Prior to doing that, though, we have an issue that is current, rather sensitive, and is rather serious in terms of our Nation's security.

Tomorrow, the committee I chair, the Readiness Subcommittee of the Senate Armed Services Committee, will be holding a hearing to review the national security requirement for continued training operations of the naval facility off the island of Puerto Rico called Vieques. It is a very important issue, military readiness, with the lives of military personnel on one side of the debate and the interests of the local community on the other.

At this point, I remind the President that for 57 years we have used this island of Vieques, an island that is approximately 20 or 25 miles wide, one small area way over on the east end of this island as a range, a bombing range—57 years. During that time, we have lost the lives of one person, who was a civilian employee working for the Navy. This happened last April and created quite a bit of hysteria. There are many people trying to use this as an excuse to close down the range that is so vital to our interests.

We have seen all the press reports outlining the concerns of those who oppose the military's use of the island. We have also witnessed the introduction of legislation to close this range. Unfortunately, far less attention has been given to the national security requirement for continued access to the training provided by this range. In fact, I have not heard anyone address the increased risk to our Nation's youth who serve in uniform and what they will face if we send them into combat without the benefit of the training that is offered only at Vieques Island. The subcommittee will be meeting tomorrow to explore the requirements of this language.

It is my hope that once the panel, appointed by the Secretary of Defense to review this matter and make recommendations for appropriate resolution, issues its report, the committee will be able to then meet to review those recommendations and hear from the people of Puerto Rico as well as the military.

The Secretary of the Navy recently released a report, prepared by two of its senior officers, which examines our training activities on Vieques and explores potential alternative training sites. Although no alternative site has yet been identified that would replace the training Vieques provides, I understand the panel appointed by the Secretary of Defense and by the President continues to seek a resolution to this issue.

I will read a couple paragraphs out of the Navy report prepared by those individuals. I think it is very significant:

> The Inner Range at Vieques is the only range along the Atlantic seaboard that can accommodate naval gunfire, the only range at which strike aircraft are afforded the use of air-to-ground live ordnance with tactically realistic and challenging targets and airspace which allows the use of high altitude flight profiles.

This is very similar to what we witnessed in Kosovo, and they were very successful. Even though to begin with we should not have been involved, it was necessary to use high-altitude bombing to be out of the range of surface-to-air missiles. We did that successfully, and they received their training at Vieques. I do not know what the degree of success would have been otherwise.

Continuing from the report:

> It is the only range at which live naval surface, aviation and artillery ordnance can be delivered in coordination. Additionally, Vieques is the only training venue that can accommodate amphibious landings supported by naval surface fires. . . .

It continues and talks about how this is the only facility we have, and if we do not have this facility, we are going to be deploying troops into areas without proper training. One of the conclusions of the report is:

> This study has reaffirmed that the Vieques Inner Range provides unique training opportunities vital to military readiness, and contributes significantly to the ability of naval expeditionary forces to obtain strategic objectives. This study examined alternative plausible sites and concluded that none, either in existence or yet undeveloped, would provide the range of training opportunities at Vieques Inner Range.

The U.S.S. *Eisenhower* is going to be deployed in February to the Arabian Gulf and to the Mediterranean to do just this type of exercise and will be called upon to do something to defend this country when they will not have had the proper training from Vieques because right now there is a moratorium and the U.S.S. *Eisenhower* has not had the opportunity to have that training.

Any resolution must provide the military with the ability to achieve the same level of proficiency that the training operations at Vieques currently provide. Any proposal to move operations to a phantom or an unidentified site as of yet is unacceptable. Before any decision is made to move operations from Vieques, a specific alternative site must be identified and all actions necessary to make it functional, from environmental studies to military construction, must be completed. Failure to identify a specific site and make it available will simply prove the validity of the Navy's position that no viable alternative exists. Therefore, any decision to continue the use of Vieques, but at a reduced level of operations, must still allow the military to perform the training necessary to meet the required wartime proficiency.

I fear that a decision is going to be made based on politics rather than national security. I am concerned that this administration may take action that will place at risk the lives of sailors and marines simply to court the popular vote in favor of candidates with close ties to this President.

One only has to look back at the recent decision to release terrorists from prison to fully appreciate the extent to which this President is willing to place American lives and interests at risk in order to garner votes for his friends and family. The inappropriate politicization of the issue has already been demonstrated by the Justice Department and the U.S. attorney's office in Puerto Rico which have refused take necessary action to protect the lives of American citizens.

As many of my colleagues already know, as we speak today, there are protesters over there, some four groups of protesters, who are on the live range with live ordnances. I had occasion to spend a good bit of the recess looking at this. I have been over every inch of the island either by helicopter or by car or on foot. I have seen the protesters out there throwing around live ordnances. Just imagine, in 57 years, how much is out there. One particular individual came out carrying a live ordnance and tried to get on a commercial aircraft, which would have killed everybody on the aircraft.

It is a very serious thing, and I cannot believe our Justice Department has refused to enforce the laws of trespassing on Federal military Government property. I hope these explosives do not fall into the hands of some of the terrorists the President recently released from prison.

One thing about this issue is certain. The primary mission of Roosevelt Roads is to support training operations at Vieques. If military access to Vieques is eliminated, the value of Roosevelt Roads will be greatly reduced, and those functions, other than supporting this range, can be performed very well in other areas where there is excess capacity.

The U.S. military cannot afford to fund a base that provides little or no benefit to national security. Therefore, today I have introduced S. 1602, legislation which will close naval station Roosevelt Roads at such time as the military terminates military operations at Vieques, if that should become a reality.

I have seen this. I have become convinced. Our hearing tomorrow will either disprove or prove what I am saying today—that it is absolutely necessary to have the benefits of this range and that there is no place else we have in our arsenal, no other range, that provides the type of training that will save American lives. If we send in our troops, as we are preparing to do right now on the U.S.S. *Eisenhower*, and they get involved in some kind of a problem and do not have the benefit of the training at Vieques as those who participated in Kosovo, it could certainly cost American lives, and we will be sending our troops at far greater risk, which I weigh and measure in terms of human life.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. INHOFE. I am happy to yield to the distinguished chairman of the Armed Services Committee.

Mr. WARNER. Mr. President, I thank my colleague, the chairman of the subcommittee of jurisdiction over this issue, for spending the time on a careful analysis of this very important problem. We will have the hearing tomorrow. We consulted on this, and I am hopeful that he will consider a follow-on hearing, because as I look over tomorrow's agenda, given the time we have, it is my view that we will need a subsequent hearing on this.

Mr. INHOFE. Let me respond to the chairman. In the subcommittee, we are only going to address what alternatives there are, why it is critical. There are far more things to consider. It is my hope the full committee that my colleague chairs will hold a hearing.

Mr. WARNER. Mr. President, I agree that we will look at the policy issues involved. At the moment, we need to have a record before the Senate on the absolutely vital nature of this range to the very safety of individual service persons, primarily those flying aircraft, but in every respect those in the Marine Corps doing amphibious work.

Mr. President, we cannot send, as the Senator from Oklahoma said, these individuals into harm's way without adequate training. We are doing that with the next battle group, as you pointed out.

So I think we should advise the Senate of the hearing tomorrow, the importance of that, the subsequent hearing, maybe at the subcommittee level, depending on further readiness aspects, and then the full committee on a policy issue.

Mr. INHOFE. I agree with the Senator.

Mr. WARNER. I thank the Senator.

I had the opportunity last night to be with the President—Senator DOMENICI and I—with regard to the debate that we will have tonight on the conference report of the authorization bills of the Senate and the House, and I brought this subject up.

I ask unanimous consent that at the conclusion of the colloquy with the Senator from Oklahoma my letter to the President, which I discussed with him last night on the VA issue, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. I am sure you mentioned that across the board the uniformed side of the Department of Defense stands foursquare with the comments that you have made today. I have had consultations, as you have had, with the Chief of Naval Operations, the Commandant of the Marine Corps, General Shelton, the Chairman, and others, on this issue.

This is an issue that I have had considerable familiarity with for many years—when I was the Under Secretary and Secretary of the Navy in 1968, 1969, 1970, 1971, and 1972. We had recurring problems of this nature down at Vieques. We constantly worked with the political structure at that time to resolve the problems.

But I think you are absolutely correct. At the moment, we have to regain control of this range for training purposes. I hope the commission—the several officers looking at this—will come forward with a program that will indicate to the Puerto Ricans we want not to be offensive to the people of Puerto Rico but to indicate the need for this area and, hopefully, to have some program by which we can meet the desires of all parties to work it out in some way.

At this moment, I am not prepared to indicate what the workout should be. I want to study the report of this commission. The Senator from Oklahoma and I should have private consultation with the Secretary of Defense and others. But let's see what we can do to meet the requirements of all parties involved but focusing on the essential nature of this range to America's readiness of its Naval and Marine Corps forces and embarking periodically to trouble spots in the world from the East Coast.

I thank the Senator.

Mr. INHOFE. I thank the Senator from Virginia.

I would only say that it is not very often you get total agreement from all of the commanders in the field, all of the CINCs in the field, as well as all the chiefs. All four chiefs are on record right now saying this is absolutely necessary to have as part of our training.

One of the things I have been trying to do is to quantify in terms of American casualties when you go from low to high to very high risk—what that means. There is no question there is not one who will not say if we send our troops in there without this very valuable training that they can only get at the Vieques, it is going to be at a higher risk, which means American lives.

I certainly hope the people of Puerto Rico understand we are talking about their lives, too. So we should all be focused on the same thing.

Mr. WARNER. I presume you include in your remarks direct reference to the Navy and Marine Corps aviators who flew missions in Kosovo, who are flying tonight and tomorrow and for the indefinite future missions with regard to the containment of Iraq, in many instances in hostile fire. Tonight, tomorrow, and the next day——

Mr. INHOFE. Yes.

Mr. WARNER. For the indefinite future, we are asking them to endure this hostile fire. And from time to time they have to drop live ordnance to protect themselves in fulfillment of this containment mission over Iraq.

Mr. INHOFE. I did allude to that.

I suggest to the Senator from Virginia also the fact that the successes we had in Kosovo were directly related to the Vieques. The last place they got training before going into Kosovo was at the Vieques.

Mr. WARNER. I thank the Senator.

Mr. INHOFE. I yield the floor, Mr. President.

EXHIBIT NO. 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 20, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR. MR. PRESIDENT: As Chairman of the Senate Armed Services Committee, I write to express my grave concern over the future of the United States Navy's training facility located on the Puerto Rican Island of Vieques. Ever since I was the Secretary of the Navy, I have worked to keep this facility available to the Department of Defense.

The last two east coast carrier battlegroups which deployed to the Adriatic and Arabian Gulf, completed final integrated live fire training at Vieques. Both battle groups, led by the carriers U.S.S. *Enterprise* and U.S.S. *Theodore Roosevelt*, saw combat in Operations Desert Fox (Iraq) and Allied Force (Kosovo) within days of arriving in theater. Their success, with no loss of American life, was largely attributable to the realistic and integrated live fire training completed at Vieques. This island is unique in character, both in terms of its geography, with deep open water and unrestricted airspace, and its training support infrastructure. The training range is absolutely vital to our readiness, and there is no replacement facility available.

Without a doubt, America enjoys the best trained, best equipped and most motivated military force in the world. But combat skills, practiced at Vieques, are perishable. Aviators must hone targeting and weapons delivery skills; ammunition leaders and flight deck personnel must coordinate weapons assembly and leading; naval surface fire support teams must integrate calls for fire support with ground units; gunfire spotters must refine targeting skills; and ground units must practice the seamless transfer of command ashore. The Armed Forces have learned these lessons well. Untrained forces are exposed to higher casualty rates and experience less mission success.

Mr. President, I urge you to take no action which limits or degrades our Armed Force's ability to properly and thoroughly prepare for the challenges they face in today's world.

The Chairman of the Joint Chiefs of Staff, General Shelton, who testified before the Senate Armed Services Committee last week, confirmed the continuing requirement for live fire training operations at Vieques.

Due to the moratorium on training on Vieques, the next carrier battlegroup is deploying with reduced combat readiness in its airwing and naval surface fire support capability. I encourage you to now signal your support for all the men and women of our Armed Forces by allowing the critical live fire training at Vieques to continue.

With kind regards, I am,

Respectfully,

JOHN WARNER,
Chairman.

COMANDER IN CHIEF,
U.S. ATLANTIC COMMAND,
August 27, 1999.

Hon. WILLIAM S. COHEN,
Secretary of Defense, 1000 Defense Pentagon, Washington, DC.

DEAR MR. SECRETARY, I can appreciate the difficulty of adjudicating the competing desires of groups for the use of Vieques Island. It is important to me to be clear . . . Vieques training area is not just nice to have . . . it is part of the complex training regime that allows us to send our men and women into harms way with a clear conscience. As I mentioned to you in my July Quarterly Issues and Activities Report, the moratorium on this live fire training will have an impact on the readiness of military forces assigned to U.S. Atlantic Command and on the quality of the joint forces that I provide worldwide to the other CINCs.

Continued access to the Vieques training area, because of its geographic location and access to base support, provides us with a unique ability to conduct year-round integrated live fire training. The island is one of the few locations in the world where carrier battle groups can conduct high volume ordinance training, from "magazine to target." It is the only East Coast facility that offers a live fire land target complex with unencumbered access to airspace and deepwater sea space. Shifting portions of this training to other locations would degrade the quality of training while increasing the OPTEMPO for our East Coast forces.

I firmly believe that we have a critical need for this live fire and combined arms training to fulfill my responsibility of providing trained and ready joint forces worldwide. Part of the equation in this complex case must be, I believe, a requirement to identify a suitable alternative before we restrict this realistic training in any way.

I support the effort to retain the Vieques training area and to continue this mission essential training. Combined and integrated live fire training on the island is a valid joint warfighting requirement. I am willing to assist in any way necessary to resolve this readiness issue.

Very respecfully,

H.W. GEHMAN, Jr.,
Admiral, U.S. Navy.

CENTRAL COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
Macdill Air Force Base, FL.

Gen. HENRY H. SHELTON, USA,
Chairman of the Joint Chiefs of Staff, 9999 Defense Pentagon, Washington, DC.

DEAR GENERAL SHELTON: As the issue of the Vieques Island Training Range continues to be debated, I wanted to offer the CENTCOM perspective. Live fire training at the Vieques Training Range is vital to the readiness of naval forces assigned to U.S. Central Command. As you know, the Vieques training range is the only Atlantic Fleet live-fire range where land, sea, and air forces can practice combat operations. Although the range closure potentially affects several warfighting areas, the most serious and immediate degradation would occur in our ability to conduct precision air to ground strike.

If the Vieques Training Range does not reopen soon, we can anticipate less effective air to ground weapons delivery accuracy in the early stages of our newly deploying battle groups. Vieques is the only U.S. range that can support the kind of high altitude TACCAIR ordnance delivery that we regularly employ in Operation Southern Watch. It is the only Atlantic Fleet range with airspace and facilities that can support full air to ground and Naval Surface Fire Support (NSFS) training from planning, to execution, to debrief. This training is an absolute necessity to prepare our ships, aircraft, and aircrews for ongoing operations (Southern Watch), short-notice contingencies or MTW operations.

Although we have not recently seen the use of naval gunfire in surface engagements or in support of forces ashore, it is a capability our ships do and should routinely exercise. NAVCENT will experience the first effects of not having this training when U.S.S. *John Hancock* in-chops on 18 October. The degradation of this ship is not significant in terms of present operations and can be partly mitigated by other means, however this shortcoming will continue to grow and will degrade our standard of readiness for combat operations.

It is imperative that Atlantic Fleet ships and Navy and Marine Corps aircraft have access to realistic training ranges in support of their NSFS and air to ground qualifications. Forces deployed to the CENTCOM AOR have faced the very real potential for combat operations everyday. These forces must be prepared to fight and win upon arrival in theater. The Commander, Marine Corps Forces, Atlantic, and Commander, Second Fleet have always provided me, and other Unified Commanders, with battle ready forces essential to the successful execution of our mission. Short of development of a fully functional alternative range or training process, we must reopen Vieques and allow our forces to receive this critical training prior to facing real world operations and contingencies in our theater.

Respecfully,

A.C. ZINNI,
General, U.S. Marine Corps.

Gen. HENRY H. SHELTON,
Chairman of the Joint Chiefs of Staff, Pentagon, Washington, DC.

AUGUST 23, 1999.

DEAR GENERAL SHELTON, I have followed with interest and concern recent events in Vieques and Puerto Rico and their potential impacts on Southern Command and fleet readiness. This controversy has come at a crucial time for SOUTHCOM as our components depart Panama and activate their new Headquarters on Puerto Rico. Fortunately, up to this point unit relocations and Vieques ranges have been treated as separate issues on the island and by the press here in Miami which has considerable influence in San Juan.

By virtue of past assignments, I am familiar with the importance of Vieques to Fleet and Fleet Marine Force readiness. Working through contacts on Puerto Rico, I have tried to assist the Navy by creating increased awareness of the unique and vitally important nature of the training that is conducted on Vieques. While doing so, I have emphasized the creative steps the Navy has taken or is considering to ensure the health and safety of Vieques residents and to promote the economic development of the island. Unfortunately, I have yet to receive an encouraging response from even our most consistent and energetic supporters. I have also followed closely efforts to identify alternative training sites to Vieques Island. Thus far, no suitable alternative has surfaced.

Though Southern Command has a minimal stake in the training that is conducted on Vieques, I am compelled to voice my support for the Navy/Marine Corps cause. I have followed closely efforts to identify alternative training sites to Vieques Island. Due to a variety of hydrographic, geographic and other considerations these efforts have not yet borne fruit.

Whether the solution is Vieques or some other site in the SOUTHCOM AOR, I am prepared to assist in any way that I can as we strive to ensure that our forward-deployed forces maintain their combat edge.

Very respectfully,

C.E. WILHELM,
General, U.S.M.C., Commander in Chief, U.S. Southern Command.

COMMANDER IN CHIEF,
U.S. EUROPEAN COMMAND,
August 16, 1999.

Gen. HENRY H. SHELTON.
Chairman of the Joint Chiefs of Staff, Pentagon, Washington, DC.

DEAR GENERAL SHELTON: Wanted to take this opportunity to address an issue of importance to the readiness on naval forces assigned to the European command—live fire training at Vieques Island, Puerto Rico.

Concerned that with the current moratorium on training at Vieques, the naval forces that will be assigned to EUCOM in the future may not be fully combat ready to perform their assigned missions. As you know, during the recent conflict in the Balkans the U.S.S. *Theodore Roosevelt* battlegroup arrived on station, and within hours of arrival was conducting sustained combat operations. The level of precision and low collateral damage achieved by naval forces during the Kosovo conflict was possible primarily due to the realistic live fire strike warfare training the carrier battlegroup completed at Vieques just before their deployment.

Similarly, the 26th MEU assigned to the U.S.S. *Kearsarge* Amphibiouis Ready Group also performed flawlessly during the Kosovo conflict. Although Marines were not committed ashore in an opposed battlefield environment, our Marines were fully prepared to conduct force entry operations if the situation would have required an amphibious capability under combat conditions. Clearly, the coordinated and integrated operational training that they received in a live fire environment at Vieques was instrumental in preparing our Marines for Kosovo and the combat conditions they encountered as they entered Yugoslavia. Remain deeply appreciative of the efforts of Commander, Second Fleet and Commander, Marine Forces Atlantic to provide me, and the other Unified Commanders with the most battle ready force possible, one that is combat ready and can win on the sea, in the air, and on the ground.

Firmly believe that there is an enduring need for live fire training. We fight like we train, and a great measure of the success our forces achieved in Kosovo can be directly attributed to the realistic training environments in which they prepared for combat. The live fire training that our forces were exposed to at training ranges such as Vieques helped ensure the forces assigned to this theater were "ready on arrival" and prepared to fight, win, and survive. To provide our Soldiers, Sailors, Marines, and Airmen with less than this optimum training in the future would be unconscionable, cause undue casualties, and place our nation's vital interests at risk.

Realistic training under live fire conditions is a necessity to ensure our men and women are afforded every possible advantage over their potential adversaries.

Sincerely,

WESLEY K. CLARK,
General, USA.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Has the Senator from Virginia concluded his comments?

Mr. WARNER. Correct.

Mr. THOMAS. I yield to the Senator from New Hampshire as much time as he needs.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Senator from Wyoming for his courtesy in yielding to me.

OUR DOMESTIC TERRORISM POLICY

Mr. GREGG. I rise today to talk about the recent clemency decision, pardon decision by the President, relative to 16 Puerto Rican terrorists. This occurred on September 10.

There has been a lot of discussion in the newspapers and amongst people generally as to the reasons for this, as to the background of why this occurred, and as to the political implications within the election cycle as to what were the real causes. But that is not what I want to talk about.

What I want to talk about is the effect of this action by the President on our domestic terrorism policy and our preparedness to deal with domestic terrorism. The committee that I chair, the Commerce-State-Justice Committee, has spent a great deal of time trying to build an infrastructure to address the threat of terrorism.

Regrettably, we know as a nation that some time in the coming years we will be subjected to another terrorist attack. That is the nature of the times that we live in. Regrettably, it is even possible that such an attack may be a chemical or biological attack or an even more threatening attack.

We have attempted over the last 3 years to develop a coherent, thoughtful strategy for how to get ready for, to anticipate, and to hopefully interdict an attack and, should an attack occur, to respond to such a terrorist event. We have set up a system of developing a policy of addressing the issue of terrorism as a result of that.

The decision by the President to free these terrorists who were jailed for terrorist activity has fundamentally undermined this effort at reforming and preparing for the terrorist threat in the United States.

Stated simply, the question has to be: How can you claim you are being tough on terrorism if you free terrorists from your jails?

Today, we held a hearing in my committee, in the committee that I chair. We heard from the director at the FBI, Neil Gallagher, the director of the bureau dealing with terrorism. He is their expert on it. And we heard from Patrick Fitzgerald, the head of the terrorism bureau in the U.S. attorney's office in the city of New York. These two individuals talked about the policy implications and the effect of the decision by this President to free these terrorists.

I want to review a little bit of what the testimony was because it was startling and it was serious, and it shows that the implications of this decision by the President could have a very broad-reaching impact on the lives of Americans.

First off, we discussed the issue of what type of terrorist act these folks participated in relative to the decision for clemency. The decision for clemency has been represented in the press by the White House public spokespersons as having been made because these people were not actually involved in a violent act or, if they were involved in a violent act, they were not charged with participating in a violent act; therefore, they really were not that bad is essentially the defense that the administration makes for giving clemency to these 16 terrorists.

First off, it should be pointed out the FBI agent recited that these individuals participated in activities which led to the death of five different individuals as a result of bombings and terrorist attacks, which also led to the injury of 83 individuals, many of them U.S. service people who were directly attacked by the organization, the FALN, that also represented millions of dollars of property damage and spanned a period of approximately 10 years of violent action against the United States, citizens of the United States, and military and police personnel of the United States, leading to the death and the maiming of American citizens by the actions which were participated in by these 16 individuals. Yes, they were charged and convicted, in most instances, of something less than actually pulling the trigger—no question about that.

So I asked the U.S. attorney from New York, what was Sheik Abdul-Rahman, who was the orchestrater of the World Trade Center bombing, charged with? Was he present at the scene? Did he pull the trigger? Did he light the fuse that blew up the World Trade Center?

Of course, the U.S. attorney said, no, he was not there. He is blind. He was charged with seditious conspiracy—the same thing that the Puerto Rican terrorists from the FALN were charged with.

Then I asked him: What was Terry Nichols charged with, who was not at the scene of the explosion in Oklahoma City where so many Americans were killed but, rather, who aided the individual who undertook that specific act? And he said he was charged with seditious conspiracy.

Then I asked, if we bring to trial Osama bin Laden—and an indictment has been brought back against Osama bin Laden—who perpetrated the attacks on the American embassies in Kenya and Dar es Salaam—and that indictment is not for lighting the fuse or being at the scene of the crime but for conspiracy to participate in the crime—all of these major terrorists who have caused huge harm to American citizens and to the American institution of Government, to our free democratic form of government were not on the scene of the crime any more than were the Puerto Rican terrorists, at least as they were charged and convicted. Rather, they were all, with the exception of Bin Laden because he wasn't American, he wasn't on American soil. But the tenor of the charges being, they were all essentially charged with seditious conspiracy—all 16, I believe, FALN members, the sheik, Mr. Nichols, and Bin Laden.

So if the logic of the White House is—the logic of the President is—well, these aren't such bad people because they weren't convicted of actually killing the police officers, of actually maiming the police officers, of actually undertaking the heist of the armored cars, of actually attacking the U.S. Navy personnel and killing them, of actually killing the individual, Mr. Connor, in Chicago, of actually maiming the 83 other people who had been injured by these folks, because they weren't actually charged and convicted of that, and therefore they should be given clemency because their charge is a lesser charge, then the White House and the President are going to have to explain why the White House, why the President, is not giving clemency to Sheik Abdul-Rahman, Terry Nichols, and why they are even going forward with the prosecution of Bin Laden.

The defense of the White House on that point simply does not stand. These people participated in acts of terrorism, orchestrated acts of terrorism, and should not be let out early as a result of having not been convicted of actually being physically on the site of the terrorist event any more than we should let out Sheik Abdul-Rahman, Terry Nichols, or Bin Laden should we be successful in prosecuting and convicting him.

That was the first point. But it flows into the second point, which is, What is the effect of these clemencies on our ability as a nation to defend ourselves against other terrorist acts?

The U.S. attorney from New York made a lot of excellent points. He said they are going to keep working hard, they are going to keep trying to prosecute, and they will aggressively prosecute to the fullest extent of their ability any terrorist they can charge and convict. And I congratulate them for that. But he also made the point, he said, you know, their decision could be misconstrued in foreign capitals around the world, and this decision for clemency could have an impact on how trials are undertaken of terrorists in our country.

So I followed that up. I asked Agent Gallagher: What impact will this have on our ability to deal with foreign countries?

A great deal of our capacity to be successful in terrorism interdiction requires that our FBI agents overseas—and we have been expanding our FBI presence overseas, and our CIA and our State activities overseas—have the confidence of the countries they are dealing with—the police officers in those states, the law enforcement agencies in those states—that when they are given information which may lead to them having the capacity to act against a terrorist group by bringing them to trial and maybe extraditing them to the United States, that foreign official or country has the confidence that our legal system and our political system is going to handle this terrorist aggressively and they aren't going to let that person out so that someday they may come back to that country and take retribution for having had that country assist us in capturing them.

This is a huge issue for our law enforcement agencies because without that sort of confidence, they can't get the cooperation they need in order to get the intelligence they need in order to capture these people before they act against us, against our country.

The U.S. attorney, supported essentially by Agent Gallagher of the FBI, said essentially many countries may misread this decision on clemency—a generous way to say it. What they were really saying was: Yes, this has now created a problem for us; when our agents go overseas to try to interdict terrorists, we are going to have to deal with that foreign government, with that foreign official saying to us: Why should we cooperate with you? Your President frees terrorists for political reasons. Why should we cooperate with you and put our political system at risk by maybe having that terrorist return to our streets as a result of your President's clemency action?

Then the U.S. attorney made another point: In the trial of terrorists, I do expect that the defense attorneys will use this decision on clemency in their defense of their clients, which is only reasonable. If you were a trial attorney and you were representing Sheik Omar Abdul-Rahman, or you were representing Terry Nichols, or you were about to try the Bin Laden case, you would say they were charged with the same crime for which the President just released 16 people. So why should my client have to go to jail when the President just let 16 of these people out for the same crime, seditious conspiracy?

Although it may not be definitive, it will certainly have an impact on the trial activity. And this point was made rather bluntly.

Another question that comes to mind is: When the decision was made to proceed with clemency, since these folks had not been convicted of actually pulling the trigger which killed the 5 individuals involved here, or maimed the 83 others, or caused the robbery of the armored car, or did the other millions of dollars' worth of damage to places such as the Fraunces Tavern that they blew up—I think there were 70 different incidents of bombings—before these people were released, did the White House have the courtesy to come to the FBI or any other law enforcement agency and say: Hey, we are going to give these folks clemency, but why don't you go talk to them and find out what really happened and who really is responsible. And if there is anybody out there on the street we should be picking up and arresting for the actual event, is there anybody we missed? Is there any intelligence we could gain?

This is very typical. This is not an unusual situation. Before you release someone on parole, you expect that person to be cooperative. There is usually a quid pro quo in a parole situation. Since clemency is a much broader event of freedom than parole, you don't answer to anyone in any instance of clemency. I am not sure what the rules were which were set down on this, but I suspect there is very little oversight, considering how the White House handled these individuals. Shouldn't they have at least afforded the FBI and the other law enforcement agencies the opportunity to talk to these individuals before they freed them, so the FBI would have the opportunity to find out the intelligence necessary to go after some of the other people who were bad actors?

For example, there is a fellow named Morales—I think that is his name—who escaped from jail, who was part of their group and showed up at the rally, supposedly, in Puerto Rico to celebrate their return and in between went to Mexico and allegedly killed someone in Mexico. One wonders, if the FBI had been given an opportunity to try to track this fellow down through some information from these folks, whether that wouldn't have been helpful to the cause of law enforcement.

Much more information could also have been obtained by the FBI if they had a chance to talk to these people maybe a little bit before the clemency occurred, which one would think is just good elementary law enforcement.

Although the FBI did not specifically answer this question because they felt it was a matter of executive privilege, communications with the White House specifically stated that they had not interviewed these felons, these terrorists; since the time of their incarceration, the terrorists had not agreed to talk to them and they had therefore not been able to talk to them.

So one assumes that the opportunity was not afforded by this White House to talk to these people and try to find out a little bit more about what was going on—a little information that might help save a few American lives down the road when we get another terrorist from this group, or their ancillary groups. In fact, it is discouraging.

Another point that Agent Gallagher made was that on September 13, 3 days after clemency was ordered for these people, the FBI received a communication from another activist-independence group in Puerto Rico that an individual, whose name I have forgotten, unfortunately, said essentially that they were going to turn to armed activity to make their point relative to the military base—I think earlier being discussed here—on an island off Puerto Rico unless they got their way.

So within 3 days of clemency, you actually have the threat of further terrorist action occurring by a sister or brother organization of the FALN. The threat was directed not only against the military but against the FBI.

The President was able to buy 3 days of peace with this clemency decision and at the same time turn 16 people loose who had participated in the most heinous crimes against American citizens.

I asked what the standard of pardon petitions was in making this decision. Unfortunately, these folks do not specialize in this. They wouldn't know the answer to that question. But I want to read into the RECORD that Presidential pardons are subject to a certain standard. There is a set standard for them.

Under section 1–2.112 of the Standards for Considering Pardon Petitions, there is a sentence that says:

> In the case of a prominent individual or a notorious crime, the likely effect of the pardon on law enforcement interests or upon the general public should be taken into account.

I asked these folks if they felt it was taking into account the effect on law enforcement interests to not advise law enforcement or not give the law enforcement community the ability to interview these individuals. Obviously, it wasn't. Obviously, that standard of pardon was clearly not met—probably wasn't even considered. It didn't have anything to do with politics.

But the most devastating statement made this morning—and I know it took courage to say this because there probably will be some reaction to it, but I think it was a very appropriate thing for Agent Gallagher to say because it is his job to protect us. And when he sees the American people at risk, or when the FBI sees the American people at risk, I think they have to speak up, even if it may affront the sensibilities of the President and the White House.

His summation of the present status of the FALN was: "As of today, they represent a threat to the United States." "Today they represent a threat to the United States."

And more importantly, or equally important, the action of this President in granting pardons to these 16 terrorists has impacted our policy on terrorism and fighting terrorism dramatically. It has literally shredded that policy.

We find ourselves now with a terrorism policy which has two standards: Once you are convicted of seditious conspiracy, which is the key offense in terrorism, you may be freed if you have political friends; you will stay in jail if you don't have political friends. If you are a terrorist, go out and find some political friends. It means foreign countries will no longer have the confidence to deal with our law enforcement agencies in releasing information or even physically releasing terrorists to our control for prosecution because they will believe that person could potentially be returned to their shores.

It means trials of terrorists will now be tainted—when the charge of seditious conspiracy is included—by a clemency for 16 people who committed violent acts against the United States and were charged with seditious conspiracy.

It has undermined the morale of those who work on our front lines to protect us from terrorism. And all for what purpose? I see none that can justify this action. I think we should condemn it. I hope we, as a nation, do not have to pay a dear price because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

APPROPRIATIONS AND OVERSIGHT

Mr. THOMAS. Mr. President, I thank the Senator from New Hampshire for sharing the results of the hearing he had this morning. It is one of the real serious issues before the Senate, as is the case with the Senator from Oklahoma when he talks about the military problems in Puerto Rico. We have a lot of things with which to deal.

Most importantly, of course, is finishing our appropriations work. The end of the fiscal year occurs within 2 weeks. We will have at that time all the appropriations bills to the President. We intend to do that. It is difficult, of course, to go through the appropriations process and stay within those boundaries we have given ourselves, to stay within the boundaries of the caps, to stay within the boundaries of available funds and, maybe most important, to stay within spending limits without reaching into Social Security funds, which I think everyone is committed not to do.

There is a great difference of philosophy about how we do this. It seems to me we need to continue to think. There are those who legitimately want to see more government, more Federal Government, more involvement, more programs, and others who believe there ought to be a limited Federal Government—that, indeed, the role of the Federal Government is limited.

I had the opportunity yesterday to celebrate with four junior highs in my hometown of Casper, WY, the 212th anniversary of the signing of the Constitution. These were 9th graders. It was great fun. Some of them had on Uncle Sam suits in red, white, and blue. They all signed their own copy of the Constitution. One of the issues talked about by these 9th graders was the 10th amendment. The 10th amendment says the Federal Government's duties are spelled out in the Constitution. If they are not, they are left to the States or the people. It was interesting to talk about that. These young people who read that say: What are some of the things that our Government is doing? Of course, there is a legitimate debate about that.

Each year, as we come into the appropriations process, it seems to me we miss an opportunity to have evaluated where we want to go, what we legitimately want to do, and then fund it. Unfortunately, we get into the funding proposition before we have decided what it is we want to do; maybe more importantly, before we have had the opportunity to measure the effectiveness of what is in place.

That is one of the reasons many Members are seeking to have a biennial budget—so that the appropriations process only takes place every other year. In that case, agencies have a longer time to know what their budget is.

The key is that the Congress has oversight responsibility. Indeed, it should be looking at the expenditures; it should be looking at programs and setting priorities; it should be decided how effective they are and what the expenditures have been.

We had a little example this morning. About a year ago, three Members asked the GAO to do an examination of the cost of Presidential travel. They came in with their primary report yesterday. Even though there are a great many trips to be made, this President has made more trips than any other President in recent history. We asked that three trips be examined—a trip to Chile, a trip to China, and a trip to Africa—to see what it cost taxpayers.

The trip to Chile. Chile is not too far. There were a couple of stops. It cost $10.5 million; 592 people traveled with the President, 109 from the White House. That was the least expensive trip.

The trip to China last year was almost $19 million; 510 people traveled, 123 from the White House.

These are the type of things at which we need to look. I think it is perfectly legitimate for the President to travel. Is it legitimate to have these costs?

Africa. There was contact with six countries. It cost nearly $43 million to visit Africa. Mr. President, 1,300 people traveled with the President, 205 from the White House.

These are the kind of expenses we should evaluate. These are the things at which we ought to look. These are the areas we ought to say: Yes, there ought to be trips, but $43 million for a trip to Africa is a bit expensive and a little extensive.

That is what the oversight is all about. I think we need to be sure we evaluate those things. We need to see if programs now in place, programs that are now being funded, are still as necessary as they were when they began, or do they need to be changed. There is a constituency that builds up around programs. Any change is resisted. That is not how to run any other business. We have to take a look to see if it is still effective, see what the mission is, see if that mission is being carried out, see if the dollars could be spent more efficiently somewhere else. That is what the budget process is about.

Now we are faced with having put together a budget some time back, about 3 or 4 years ago, and finding ourselves being pushed hard to break through the budget caps put in place at that time, largely through emergency spending. It is legitimate when we have emergencies such as we have had this year with weather.

We are committed not to go into Social Security money. The President has been saying for 4 years: Save Social Security. But he doesn't have a plan. We have a plan to save Social Security. We are going to do our work towards implementing that plan so the dollars that come in have a place to go so they, indeed, are kept for Social Security.

I think the key is the idea of individual accounts, which is what we propose to do. People under a certain age would have an individual account crediting a portion of the money they paid into Social Security. It would be their account, their money, invested in the private sector to return a much higher yield, to ensure that benefits are available. In that way, the money would not be spent for other things, as has been in the past.

It also deals with the fact that such changes have taken place. I mentioned we have to look at programs from time to time. When Social Security began, I think there were 150 people working for every beneficiary. It came down to 30. Now there are about three workers for every beneficiary and headed towards two. The choices in that program have become simple: We have to raise taxes, and most people don't want to do that; reduce benefits, and most people don't want to do that; or we can increase the return on revenue, increase the return on the money that is in the account—in this case, your individual account.

These are the kinds of things that seem to me to be part of the appropriations process, part of the budgeting process. That is what we are facing. It will be difficult to complete that task, but we are dedicated to doing it.

As I indicated, there is a legitimate difference of philosophy. I understand that. We see some of it every day. There are those who believe more spending, more government is better. There are those who believe in the 10th amendment, that more government ought to be closer to the people; that States and communities, and in the case of schools, school districts, have the best opportunity to make the decisions that affect their children. I believe in that strongly. I think most on this side of the aisle do.

There was a long discussion about education today. Education is important to all Members. I think also there was an interesting set of polling done which indicated that for the most part, people do want to make the decisions at the local level, to make the decisions where the kids are, to make the decisions where the families are.

There is quite a difference between what needs to be done in Jugwater, WY, or Philadelphia. So the one-size-fits-all kind of program does not fit. We want to have the flexibility to make the changes that are necessary to do that.

Unfortunately, our bills will go to the President. The President has, of course, vowed to veto the tax relief bill that we have sent. I do not believe there will be much opportunity to negotiate the basis for that. That is too bad. As we project, there will be excesses. We think they ought to go back to the taxpayers. In fact, the President wants to spend more money, indeed, increase some taxes—for instance, 55 cents on cigarettes that would be there to offset more spending.

So these are the kinds of things with which we must deal. We must do that soon. I believe we are headed in the right direction to have the budget that does reflect our needs, that does deal with patients' health care. We passed a bill. We will do that and we will move forward and complete our work by the end of September.

Mr. President, I think we have taken nearly all of our time. I yield the remainder of our time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The time between now and 5:30 is equally divided between the Senator from Utah and the Senator from New Jersey.

Mr. HATCH. Mr. President, this bill is a bipartisan bill, drafted jointly by Senators GRASSLEY and TORRICELLI. This legislation has been developed in a fair and inclusive manner.

The reforms proposed in this bill have been carefully studied and have been deliberated upon at length. Indeed, Congress has been engaged in the consideration of this issue now for several years. The National Bankruptcy Review Commission spent two years comprehensively examining the bankruptcy system. The findings and opinions of the Commission, which were reported to Congress, have proved helpful in identifying the problems in the bankruptcy system and in finding appropriate solutions.

Furthermore, the Subcommittee on Administrative Oversight and the Courts, which is chaired by Senator GRASSLEY, has held numerous hearings on the issue of bankruptcy reform. The subcommittee heard extensive testimony on the subject from dozens of witnesses. Again, I would like to thank Senators GRASSLEY and TORRICELLI for their leadership in this important consumer bankruptcy reform, and also last session's ranking member of the Administrative Oversight and the Courts Subcommittee, Senator DURBIN, along with other members of the Senate, for their hard work on this issue.

Throughout the process of consideration of this bill, at both the subcommittee and full committee level, changes suggested by the minority were included in the bill. During this entire process, I have expressed my willingness to work to address any remaining concerns the minority has about the bill. It is apparent, however, that efforts are underway to defeat this important legislation by attaching irrelevant, extraneous "political agenda" items to it, such as minimum wage, guns, abortion and tobacco, to name a few.

I am open to full debate on relevant issues. Nevertheless, some of my friends on the other side of the aisle continue to tie up consideration of this bill for what appears to be political points.

Despite the efforts of those in opposition, I remain hopeful and optimistic that we will be able to pass legislation this year that provides meaningful and much-needed reform to the bankruptcy system.

The House of Representatives passed a much more stringent bankruptcy reform bill by an overwhelming bipartisan majority earlier this spring. The time has come for us to rise above politics and to do what is right for the American people. It is time for meaningful and fair bankruptcy reform.

I urge my colleagues to vote for cloture so we may consider the substance of this important legislation and make our bankruptcy system better for all Americans.

The Bankruptcy Reform Act of 1999 closes many of the loopholes in our bankruptcy system that allow unscrupulous individuals to use bankruptcy as a financial planning tool rather than as a last resort.

Despite the White House's statement of opposition to the House's bankruptcy reform bill, H.R. 833, the House of Representatives realized that the time has come to restore personal responsibility to our nation's bankruptcy system. House Democrats and Republicans alike recognized that if we do not take the opportunity to reform our broken system, every family in my own State of Utah and throughout the country, many of whom struggle to make ends meet, will continue to bear the financial burden of those who take advantage of the system. As a result, the House bill passed by an overwhelming margin of 313 to 108. Half of the House Democratic Caucus joined with every House Republican to support the bill. And notably, the House bankruptcy reform bill is more stringent in its reforms than the Senate bill before us today.

More than three decades ago, the late Albert Gore, Sr., then a Senator, commented on the moral consequences of a lax bankruptcy system. He said:

> I realize that we cannot legislate morals, but we, as responsible legislators, must bear the responsibility of writing laws which discourage immorality and encourage morality;

> which encourage honesty and discourage deadbeating; which make the path of the social malingerer and shirker sufficiently unpleasant to persuade him at least to investigate the way of the honest man. (Cong. Rec. 905, January 19, 1965.)

I too believe that the complete forgiveness of debt should be reserved for those who truly cannot repay their debts. S. 625 provides us with the opportunity to prevent people who can repay their debts from "gaming the system" by using loopholes that are presently in place.

Mr. President, S. 625 provides a needs-based means test approach to bankruptcy, under which debtors who can repay some of their debts are required to do so. It contains new measures to protect against fraud in bankruptcy, such as a requirement that debtors supply income tax returns and pay stubs, audits of bankruptcy cases, and limits on repeat bankruptcy filings. It eliminates a number of loopholes, such as the one that allows debtors to transfer their interest in real property to others who then file for bankruptcy relief and invoke the automatic stay. And, the bill puts some controls on the ability of debtors to get large cash advances on their credit cards and to buy luxury goods on the eve of filing for bankruptcy.

At the same time, the Senate bill provides many unprecedented new consumer protections. It imposes penalties upon creditors who refuse to negotiate in good faith with debtors prior to declaring bankruptcy. Also, it imposes penalties on creditors who willfully fail to properly credit payments made by the debtor in a chapter 13 plan, and for creditors who threaten to file motions in order to coerce a reaffirmation without justification. Moreover, the bill imposes new measures to discourage abusive reaffirmation practices.

Mr. President, S. 625 addresses the problem of bankruptcy mills, firms that aggressively promote bankruptcy as a financial planning tool, and often end up hurting unwitting debtors by putting them in bankruptcy when it may not be in their best interest. The bill also imposes penalties on bankruptcy petition preparers who mislead debtors.

Importantly, the bill makes major strides in trying to break the cycle of indebtedness. It educates debtors with regard to the alternatives available to them, sets up a financial management education pilot program for debtors, and requires credit counseling for debtors. I must commend Senator SESSIONS for his leadership on these important credit counseling provisions.

I am proud that the bill also makes extensive reform to the bankruptcy laws in order to protect our children. I have authored provisions of the bill to ensure that bankruptcy cannot be used by deadbeat dads to avoid paying child support and alimony obligation. Under my provisions, the obligation to pay child support and alimony is moved to a first priority status, as opposed to its current place at seventh in line, behind attorneys fees and other special interests. My measures also ensure the collection of child support and alimony payments by, among other things, exempting state child support collection authorities from the "automatic stay" that otherwise prevents collection of debts after a debtor files for bankruptcy, and by exempting from discharge virtually all obligations one ex-spouse owes another. A new amendment will make changes to a number of provisions in the bill to clarify that the provisions are not intended, directly or indirectly, to undermine the collection of child-support or alimony payments.

The bill includes a provision that I offered, which was accepted in the Judiciary Committee, which creates new legal protections for a large class of retirement savings in bankruptcy, a measure which is supported by groups ranging from the AARP, to the Small Business Council of America and the National Council on Teacher Retirement.

Rampant bankruptcy filings are a big problem. In 1998, 1.4 million Americans filed for bankruptcy. That was more Americans than graduated from college, were on active military duty, or worked in the post office. Indeed, more people filed for bankruptcy in 1998 than lived in the states of Alaska, Delaware, Hawaii, Idaho, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, or Wyoming.

Last year, about $45 billion in consumer debt was erased in personal bankruptcies. Let me give this number some context. Forty-five billion dollars is enough to fund the entire U.S. Department of Transportation for a year. Losses of this magnitude are passed on the American families at an estimated cost—if we use low estimates—of $400 to every household in America every year. That $400 could buy every American family of four: five weeks worth of groceries, 20 tanks of unleaded gasoline, 10 pairs of shoes for the average grade-school child, or more than a year's supply of disposable diapers.

Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. Currently, our bankruptcy system is devoid of personal responsibility and is spiraling out of control. This is our opportunity to do something about it.

As noted scholars Todd Zewicky of George Mason Law School and James White of the University of Michigan Law School recently wrote:

> Current law requires a case-by-case investigation that turns on little more than the personal predilections of the judge. This chaotic system mocks the rule of law, and has resulted in unfairness and inequality for debtors and creditors alike. The arbitrary nature of the process has also undermined public confidence in the fairness and efficiency of the consumer bankruptcy system.

I am proud to be proposing several enhancements to the bill that primarily are designed to protect consumers and further provide incentives for consumers to take personal responsibility in dealing with debt management.

In the area of domestic support, as I indicated earlier, Senator TORRICELLI and I intend to build upon the new legal protections we created, as part of the underlying bill, for ex-spouses and children who are owed child support and alimony payments. The changes will further strengthen the ability of ex-spouses and children to collect the payments they are owed, and will make changes to a number of existing provisions in the bill to clarify that they will not directly or indirectly undermine the collection of child support or alimony payments.

In the area of education, Senator DODD and I, along with Senator GREGG, have developed an amendment that will protect from creditors contributions made for education expenses to education IRAs and qualified state tuition savings programs. This is a significant protection for those who honestly put money away for the benefit of their children and grandchildren's educational expenses. The potential that education savings accounts will be abused in bankruptcy is addressed by the amendment's requirement that only contributions made more than a year prior to bankruptcy are protected. I believe that protecting educational savings accounts is particularly important because college savings accounts encourage families to save for college, thereby increasing access to higher education. Nationwide, there are more than a million educational savings accounts, meaning there are more than a million children who would benefit from this amendment. As much as I believe that the bankruptcy laws need to be reformed to prevent abuse and to ensure debtors take personal responsibility, the ability to use dedicated funds to pay the educational costs of children should not be jeopardized by the bankruptcy of their parents or grandparents.

I have also developed a debt counseling incentive provision, which builds on the credit counseling provisions currently in S. 625. It removes any disincentive for debtors to use credit counseling services by prohibiting credit counseling services from reporting to credit reporting agencies that an individual has received debt management or credit counseling, and establishes a penalty for credit counseling services that do. Debt management education is vital to reducing the number of Americans who, because of poor financial planning skills, are forced to declare bankruptcy. Providing crediting counseling—instruction regarding personal financial management—to current and potential filers will help curb bankruptcy filing.

In addition, I intend to offer an amendment that is designed to curb fraud in filing. This amendment puts in place new procedures and provides new resources to enhance enforcement of bankruptcy fraud laws. It will require No. 1 that bankruptcy courts develop procedures for referring suspected fraud to the FBI and the U.S. attorney's office for investigation and prosecution and No. 2 that the Attorney General designate one assistant U.S. attorney and one FBI agent in each judicial district as having primary responsibility for investigating and prosecuting fraud in bankruptcy.

I also plan to offer an amendment that will allow a victim of a crime of violence or drug trafficking offense or another party in interest to petition the bankruptcy court to dismiss a petition voluntarily filed by a debtor who was convicted of the crime of violence or drug trafficking offense. In order to protect women and children who may be owed payments by such a debtor, however, the amendment would still allow the bankruptcy petition to continue if the debtor can show that the filing of the petition is necessary to ensure his ability to meet domestic support obligations. Bankruptcy is not an entitlement—it is a process by which certain qualifying individuals with substantial debts may cancel their debts and obtain a "fresh start." Under this amendment, violent criminals and drug traffickers—individuals who have chosen to engage in serious, criminal conduct—would be precluded from availing themselves of the benefits of bankruptcy protection.

Again, I thank Senator GRASSLEY, the distinguished chairman of the Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, for his leadership and dedication to this effort, and look forward to working with him and the subcommittee's ranking member, Senator TORRICELLI, in passing this legislation.

Let's look at a couple of other charts. This one is done by Penn, Schoen and Bergland Associates, Inc.: 83 percent of the American people favor an income test in bankruptcy reform. Only 10 percent oppose it and 7 percent don't know. So we should have an income test in bankruptcy reform.

Americans agree that bankruptcy should be based on need. Ten percent believe an individual who files for bankruptcy should be able to wipe out all their debt regardless of their ability to repay that debt. Only 10 percent of our society believe that, and I am surprised that many people believe that. If somebody has the ability to pay a debt, why should they stiff other people with their debts and why shouldn't they have to live up to paying off their debts?

Four percent refused to answer this. But 87 percent believe an individual who files for bankruptcy—all of this yellow—should be required to repay as much of their debt as they are able and then be allowed to wipe out the rest.

That makes sense. Otherwise, we have people who are using the bankruptcy laws as an estate planning device. We have people who every 5 years file for bankruptcy after running up all kinds of bills and enjoying the life of Riley during those intervening years. What we want to do is have people realize there are some disincentives for doing that and that they have to pay some of these bills themselves.

These particular charts show that the American people have their heads screwed on right, except for about 10 percent of them. If an individual has the ability to repay some of the debt, they ought to be able to and they ought to want to, they ought to do what is right, and 87 percent of the American people believe that is the case. Only 10 percent believe they should be able to wipe out any debts at any time by going into bankruptcy.

I hope we can get people to vote for cloture on this matter so we can proceed and so we will not have any further delay in passing what really will be one of the most important bills in this particular session of Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Time will be charged to both sides. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will speak briefly in opposition to cutting off debate on S. 625, the Bankruptcy Reform Act of 1999. I say to my colleagues, the entire concept of the bill is wrong. It addresses a "crisis" that appears to be self-correcting. It rewards the predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by promoting economic security for working families.

To support, if you will, my case on the floor, I will talk about a couple of amendments I intended to offer to this bill which I think will make a huge difference. Let me give a couple of examples.

One amendment will prevent claims in bankruptcy on high-cost credit transactions in which the annual interest rate exceeds 100 percent, such as pay-day loans and car title pawns. Payday loans are intended to extend small amounts of credit, typically $100 to $500, for an extremely short period of time, usually 1 week or 2 weeks.

These loans are marketed as giving the borrower a little extra until pay day, hence the term "pay-day" loan. The loans work like this:

The borrower writes a check for the loan amount plus a fee. The lender agrees to hold the check until an agreed-upon date and gives the borrower the cash. On the due date, the lender either cashes the check or allows the borrower to extend the loan by writing a new check for the loan. In any case, the annual interest rate can get as high as 391 percent.

We ought to do something about that, Mr. President. I have an amendment that will make a difference. I believe I would win if I offered this amendment to address this problem.

Another amendment I want to offer is about making sure banks offer low-cost banking services to their customers. For about 12 million Americans, having a checking account is a simple convenience which they cannot afford. Why? Because quite often there is a large minimum or you have fees that are really too high, and therefore people cannot even have these accounts. I want to make sure these banks are responsive to low-income citizens as well.

Mr. President, I was on the floor last week for several hours talking about the crisis in agriculture. I said that those of us from the farm States want an opportunity to pass legislation that would change the course of policy and prevent our family farmers from being driven off the land and prevent, really, what is right now the devastation of our rural communities.

The minority leader, Senator DASCHLE, has an amendment to get the loan rate up, to get prices up, which I support. I have an amendment—and Senator DORGAN will join me—which basically says we are going to—for 18 months, until we pass some antitrust action—put a moratorium on a lot of these mergers and acquisitions. We want to have some competition in the food industry.

I think I can get a lot of support from Republicans as well as Democrats. I think there will be a lot of support on the floor of the Senate for these amendments that try to do something about changing farm policy so our producers—whether they be in Minnesota, whether they be in Idaho, whether they be in the Midwest, or whether they be in the South—are able to make a living and support their families.

In all due respect—I hate to say this—bankruptcy is all too relevant to what these family farmers are going through. I have an amendment that says we ought to do some policy evaluation if we are going to be talking about bankruptcy and we are not going to do a darn thing to deal with the predatory policies of these credit companies, that we are not going to do a darn thing about the ways in which they hook people in who have precious little consumer protection, that if we are going to talk about low-income citizens, I would like to see some policy evaluation.

I would like to see us have some understanding about what is going on in welfare. Where are these mothers and children who are no longer on the rolls? What are their wage levels? Is there affordable child care? Do these families have health care coverage or do they not have health care coverage?

It is also the case that my colleague who sits right next to me, Senator KENNEDY, has an amendment he wants to offer to raise the minimum wage. I find it interesting that what we have here is a piece of legislation that does nothing by way of providing consumer protection, does nothing by way of challenging these credit card companies, and does absolutely nothing to prevent the bankruptcy in the first place.

We have the evidence that shows that very few people—maybe 3 percent—have abused the law. And because of that, we are passing a draconian, harsh piece of legislation which imposes enormous difficulties on the poorest families, on working-income families. Yet when some of us say we want to bring some amendments to the floor that deal with exorbitant interest rates, to make sure that low-income people have access to banking services, and to make sure we do something about the economic security for working families—and I include family farmers who are going bankrupt—we are told by the majority leader we are going to be shut out from being able to offer amendments, and therefore the majority leader files cloture.

We will have a cloture vote. I am going to vote against cloture; I am sure many of my colleagues are going to vote against cloture, and then I am sure the majority leader is going to pull the bill. If he pulls the bill, that will be actually a plus for Americans. This is a deeply flawed piece of legislation—great for the credit companies, terrible for consumers.

But if he pulls the bill, also that is basically a message to those of us who for weeks now have been saying we want to come to the floor with substantive amendments, to fight for the people we represent, to do something about making sure they have a decent chance—and I am talking in particular about family farmers. Basically what I am hearing from the majority leader is: Anytime you say you are going to come to the floor with these amendments, I am going to pull the legislation. I am not going to give you a vehicle. We are not going to have an up-or-down vote on minimum wage.

Apparently, a lot of my colleagues on the other side do not want to be on record; we are not going to have an up-or-down vote on getting farm prices up; we are not going to have an up-or-down vote on a moratorium dealing with these mergers and acquisitions; We are not going to have an up-or-down vote on amendments that really do deal with these payday loans, with these exorbitant interest rates, making sure again that low-income people have access to banking services.

I think there will not be enough votes for cloture. I do not think there should be enough votes for cloture. I want to say today on the floor of the Senate, especially to the majority leader—not so much to my colleague from Utah—if each and every time, as a Senator from an agricultural State, I am going to be shut out from having any vehicles whereby I can bring some amendments to the floor to change farm policy so these producers do not go under in my State, then I am going to have to look for whatever leverage I have as a Senator to force some cooperation on the other side so we can have a genuine, substantive debate about a lot of issues that are important to people's lives.

Let's talk about raising the minimum wage. Let's talk about what is happening to family farmers. Let's talk about health care policy. Let's talk about consumer protection.

This effort on the part of the majority leader—and I guess, therefore, the majority party—to shut us out from introducing substantive legislation that would make all the difference in the world to the people we represent is just simply unacceptable. I do not think this is any way for us to operate as a Senate. I urge my colleagues to vote against cloture.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield 7 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 7 minutes.

Mr. SESSIONS. I thank the Senator from Iowa and appreciate his steadfast leadership on this issue. I also thank the distinguished chairman of the Judiciary Committee, Senator HATCH, for his leadership.

We have worked over the past several years to produce a much needed piece of legislation, a reform of Federal bankruptcy law. Bankruptcy is provided for in the U.S. Constitution, and we have seen some remarkable changes in the last few years that demand that we reform the system.

Last year there were over 1.4 million bankruptcies filed in America. That comes out to almost 4,000 filings every day of the year. Since 1990, personal bankruptcies are up 94.7 percent. This dramatic increase in personal bankruptcies occurred in spite of the fact that over that same period business bankruptcies fell 31 percent and the country enjoyed a healthy and expanding economy. These statistics demonstrate there is need for reform immediately.

Bankruptcy exists to provide relief as a last resort for the most debt-ridden individuals. It is not a financial planning device. This bill was needed last year, but it did not pass due to the same kinds of partisanship and political tactics we have seen here today.

This year, I think Congress will pass this bill. I hope we will proceed to it today for a final vote. The majority leader of the Senate and the Members of this Senate have a lot of work to do this year. We have quite a number of critical appropriations bills, including the Defense appropriations that may come up later tonight. We have to consider those bills.

We cannot have a bankruptcy bill like the one that passed this Senate last year with 97 votes—a very similar bankruptcy bill which almost every single Senator voted for. That bill turned into a Christmas tree of amendments on every kind of unrelated issue that any Senator wanted to bring up, and I am afraid that the same thing might happen today.

Why is this happening? I will tell you why. Some Senators do not want this bill to pass, but they are afraid to vote against it straight up, and so they offer amendment after amendment, and they tell the majority leader: We won't have any limit. We want to offer as many amendments as we can on a number of unrelated subjects—international affairs, economics, whatever they want to bring. This means we could be here for weeks on a bill that has been debated for the last 2 years with great intensity. The Senate does not need that. The majority leader cannot allow that to happen. We will have to not proceed with it, I assume, if we cannot get cloture today.

A bankruptcy bill similar to this passed the House earlier this year 313-108. Senator GRASSLEY's bill came out of the Judiciary Committee 14-4. So I am proud to be a key sponsor of this. I think it makes the kind of changes we need without changing the fundamental principles that if a person is over their head in debt, helplessly unable to pay their debts, they ought to be able to wipe out those debts and start over. We have no dispute with that principle. That is a fundamental, historic principle.

I know it makes a lot of people mad to think that somebody does not have to pay their debts, that they can just go to court and wipe out their duly signed contract. But this country has always adhered to the view that if your debts reach a certain level and you cannot pay them, you can start afresh.

We do not have debtors' prisons. And I certainly agree with that. But we do have a growing trend in America in which people making $60,000, $80,000, $100,000 a year owe a significant—but not great—debt and just go into court and file straight bankruptcy under chapter 7. If they make $100,000 a year and they owe $60,000 that they could easily pay off in a period of years, they can go into bankruptcy court and wipe out their debt. These individuals can file under Chapter 7 and just not pay their debts—whether it is the guy next door, the garage mechanic, the automobile car dealer, the credit card bank note—that debt can simply be wiped out. There is no way a court can stop this behavior right now. It is not being stopped. And it is going on regularly.

What Senator GRASSLEY's legislation does is say to the courts: You have a duty to look at the debtor's income, to analyze what a person's income is. If they are able, over a reasonable period of time, to pay back a significant portion of their debt, they ought to pay it back. Why? Because it is a moral question. And the moral question is this: The man making $100,000, who owes $60,000 in debt—$2,000 of that may be to the mechanic who fixed his car—who ought to be paying that?

Who ought to get the money? The man who did the work for him and fixed his car or fixed the roof on his house? Should he be paid, or should this man be able to live in his house bankrupt and not pay his debt to the people who helped fix it for him? It is just that simple. It is a question of justice and right and wrong.

One provision that I worked hard to put into this bill that I think is good and very innovative is a requirement that people at least consider an approach to credit counseling before they actually file for bankruptcy. There are a number of excellent credit counseling agencies in America. They can sit down with people and negotiate with their creditors and get them to reduce the interest rates. They can help people make payment plans. They help the family put a budget together. If somebody is addicted to gambling, these credit counseling agencies can get them in Gamblers Anonymous. If they have mental health problems, they can help with that. The agencies can help them decide which debts ought to be paid first, such as the ones with the highest interest. They can negotiate on behalf of their clients delays in certain debt so they can pay others first.

I visited for virtually a full day at a credit counseling agency in my hometown of Mobile. I was extraordinarily impressed with what they do and the services they offer. This bill would require that, before you file for bankruptcy, you ought to at least talk to one of these credit counseling agencies.

We have seen what is happening today before. Senator GRASSLEY saw this at just about this time last year. We had a bill that came up and cleared the committee by an overwhelmingly bipartisan vote—a bill that we got through this body with an overwhelming vote. I believe 97 Senators voted for it. Yet when it came back up, we had just these kinds of dilatory tactics designed to delay and put the bill off to avoid a vote. I don't know why that is true.

There is nothing but fairness and justice and improvement in this bill. It is time for us to respond to this growing rush of people who are claiming bankruptcy, many of whom don't deserve or need the protections of the judicial system to address their debts. We want bankruptcy to be available for those who truly need it but not for those who view it as an easy way to wipe out debts that they could pay.

I think we have made some real progress with this bill. I hope politics doesn't enter into the Senate's consideration of these reforms. If it does, I hope the American people will understand and look through the political tactics and the manipulation to see right through this.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, before the Senator from Alabama leaves, he needs to be thanked for the outstanding work he has done to help put this compromise piece of legislation together that came out of committee by a bipartisan vote of 14–4, and also during the remarks he just presented for laying out the history of this legislation last year in which the bill passed 97–1. He very accurately stated what the situation is.

He also now raises the question, which is a legitimate question: What has gotten rotten in Denmark, so that all of a sudden a bill that passed 97–1 about a year ago is being filibustered in the effort to bring it up, if some people aren't playing some sort of game?

I thank the Senator from Alabama for his work on this bill.

I also thank him for reminding the Senate of what that situation was a year ago and raising the question of what has changed. Not much has changed. It is just that some people want to use tactics behind the scenes to keep a bill from coming out in the open when they wouldn't express those same views in a vote on the floor of the Senate.

Also, there was a previous speaker on the other side, a friend of mine, who recently spoke against the cloture motion to bring debate on this bill to a halt on the motion to proceed and then immediately get to the bill; he expressed a view that there ought to be opportunity to offer nongermane amendments on the issue of agriculture.

Normally, I am sympathetic to those opportunities to bring to the floor of the Senate the complaints and concerns of an economic crisis such as we are facing in agriculture. But I think there are opportunities available to do that other than messing up an opportunity to bring needed reform to the bankruptcy code.

Besides, during my remarks today, I am going to point out to the Senator from Minnesota how there are opportunities in this very bankruptcy bill to help the family farmer. They relate directly to the permanent reauthorization of chapter 12 bankruptcy. If that is not authorized in this bill—in fact, if this isn't done by the 1st of October—there is no chapter 12. Then, instead of using a chapter of the bankruptcy code that is written to the special needs of agriculture, the farmers are going to have to file for bankruptcy under chapter 11. That was written for corporate America. That doesn't fit the needs of agriculture. They are going to find, unlike chapter 12's existence for reorganization of farmers where 88 percent of them are still able to farm and maintain the family farming operation, that there will be a very high percentage of farmers forced to file under chapter 11, the chapter friendly to corporate structure, and they are not going to be farming anymore at all. They won't be farming as family farmers, if they farm.

Mr. President, we are coming soon to a cloture vote on the bankruptcy bill. If cloture is not invoked, it will be very unfortunate. I've worked very closely with the minority and with Senator TORRICELLI, who is the ranking member on the Subcommittee on Administrative Oversight and the courts, to fashion a bill which contains many changes and modifications requested by Democrats. For instance, the means-test is looser than I would personally prefer. But I have made this change to respond to concerns raised by the other side of the aisle.

I think we're in this situation because we have Members from the minority party who want to offer an unlimited number of amendments on subjects totally unrelated to bankruptcy. This, of course, is a delay and stalling tactic by imposing these nongermane amendments upon a very important bill, a bill that will pass this body by an overwhelming margin, if we get it up for a vote, but a bill that can be stalled by people who maybe don't want this bill to pass and don't want to face it head on, because this bill passed by a 97–1 vote in the last Congress.

From my conversations with the Republican leadership, I think it's fair to say that we are willing to accommodate a few unrelated amendments from the minority. But, it appears that some Members of the minority want to turn the bankruptcy bill into a Christmas tree for everything you can think of. Obviously, that's not acceptable. So here we are. At some point, I hope that this situation is resolved. We Republicans stand ready to be reasonable.

I want to take this opportunity to talk about what is being delayed. The bankruptcy bill contains some very important provisions that are vital for family farmers, especially Midwestern family farmers, and particularly with this economic crisis even in my State of Iowa.

As we all know from recent debate on the emergency agriculture appropriations bill, which is in conference this very night to iron out the differences between the House and Senate, many of America's farmers are facing financial ruin. We have some of the lowest commodity prices in 30 years. Pork producers have lost billions of dollars—not just in income but in equity. The price of corn is currently well under the cost of production. And the cash market for soybeans has reached a 23-year low. This is all in addition to the poor weather conditions in parts of the Midwest and the drought in the 10 States of the Eastern United States.

Just last week, I sent a letter with a number of farm State Senators from both parties, including the Democratic leader, Senator DASCHLE, signing it, to all Senators, discussing the needs for reauthorization of chapter 12, which is done in this all-encompassing bankruptcy reform legislation.

As you can imagine, these difficult financial circumstances have sent many farming operations into a tailspin. Clearly, we need to make sure that the family farmers continue to have bankruptcy protection available during this difficult period. But bankruptcy protection won't be available if this bill is blocked by turning it into a Christmas tree.

I don't pretend to talk about bankruptcy being needed by the family farmers as a substitute for anything that can be done here in the Congress or what can be done through the marketplace to bring profitability because that is what is absolutely necessary. But under any circumstances, in good times or bad times, some farmers are going to need to have the protection of chapter 12, just as corporations in America have the protection of chapter 11. And farmers are entitled to a chapter that fits the needs of agriculture, the same way corporate America is entitled to a chapter that fits the needs of corporate America.

Title X of this bill makes chapter 12 permanent and makes several changes to chapter 12 to make it more accessible for farmers and to give farmers new tools to assist in reorganizing their financial affairs.

As things stand now, chapter 12 will cease to exist by September 30 unless we get this bill through the Senate, through conference, and on the President's desk. It would be a supreme act of irresponsibility if we let chapter 12 die and we leave our farmers without a last ditch protection against foreclosure and forced auctions.

Make no mistake about it. By delaying this bill, Senators who vote against cloture will leave family farmers across America exposed to forced auctions and foreclosures. That is what I urge the Senator from Minnesota to be cognizant of as he votes against cloture, as he indicated he would do.

Back in the mid-1980s, when Iowa was in the midst of another devastating farm crisis, I wrote chapter 12 to make sure family farmers would receive a fair shake in dealing with the banks and the Federal Government as a lender of last resort. At that time I didn't know if chapter 12 was going to work or not, so it was only enacted on a temporary basis. Chapter 12 has been an unmitigated success. As a result of chapter 12, many farmers in Iowa and across the country are still farming and contributing to the American economy. With a new crisis in the farm country, we need to make chapter 12 a permanent part of Federal law. This bankruptcy bill provides for permanency for farmers.

Chapter 12 worked in the mid-1980s and it should be made permanent so family farmers in trouble today or any time in the future can get breathing room and a fresh start. This statement that chapter 12 works for farmers is backed up by an Iowa State University study of farmers who used chapter 12 during the 1980s. Mr. President, 88 percent of those farmers were successfully farming at the time of the study.

The Bankruptcy Reform Act doesn't just make chapter 12 permanent; the bill makes improvements to chapter 12 so it will become more accessible and helpful for farmers. First, the definition of a family farmer is widened so more farmers can qualify for chapter 12 bankruptcy protections. Second, and perhaps more importantly, my bankruptcy bill reduces the priority of capital gains tax liabilities for farm assets sold as a part of a reorganization plan. This will have the beneficial effect of allowing cash-strapped farmers to sell livestock, grain, and other farm assets to generate cash-flow when liquidity is essential to maintaining a farming operation. Together, all of these suggested reforms will make chapter 12 more effective in protecting America's family farms during this difficult period. These reforms will never happen if the bill is continually blocked by Senators offering unrelated and nongermane amendments.

It is imperative we keep chapter 12 alive. Before we had chapter 12, banks held a veto over reorganization plans. They wouldn't negotiate with farmers and the farmer would be forced to auction off the farm, even if the farm had been in the family for generations. The fact is that fire-type sales under these circumstances actually drive down prices at those auctions so both the creditor and the debtor end up with less. Now, because of chapter 12, the banks are willing to come to terms.

We must pass this bankruptcy reform bill to make sure America's family farms have a fighting chance to reorganize their financial affairs. Unless things change, this bill may be set aside because of stalling tactics by some Members on the other side of the aisle.

I ask unanimous consent to have printed in the RECORD a letter signed by five Members, including Senator JOHNSON of South Dakota, Senator BROWNBACK of Kansas, Senator Bob KERREY of Nebraska, and Senator Tom DASCHLE of South Dakota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 13, 1999.

SUPPORT BANKRUPTCY PROTECTIONS FOR FAMILY FARMERS

DEAR COLLEAGUE: As the Senate returns to work for the final months of the first session of the 106th Congress, we will likely consider S. 625, "the Bankruptcy Reform Act." We are writing to ask your support for Title X of S. 625, which contains vital protections for America's family farmers.

By now, we are sure that you are aware that the agricultural sector of our economy is experiencing severe distress. Due to grain, livestock, cotton, rice, and commodity indexes plunging to record lows this summer, many family farmers are in the midst of an economic crisis. Farmers across the nation are suffering some of the lowest farm commodity prices in 30 years. Pork producers have lost billions of dollars in equity, the price of corn is currently well under the cost of production and the cash market for soybeans has reached a 23 year low. This is all in addition to the poor weather conditions in parts of the Midwest.

In the midst of desperate times in farm country, we believe that the important reforms contained the Title X of S. 625 are essential. Title X makes Chapter 12 of the bankruptcy code permanent. As it stands now, Chapter 12 will expire at the end of this fiscal year. If that happens, millions of family farms may face foreclosure and forced auctions. We believe that Congress has an affirmative responsibility not to leave financially troubled family farmers without the protections of Chapter 12.

Title X also alters Chapter 12 to make it more accessible and helpful for farmers. First, the definition of family farmer is widened so that more farmers can qualify for Chapter 12 bankruptcy protections. Second, Title X also reduces the priority of capital gains tax liabilities for farm assets sold as a part of a reorganization plan. This will have the effect of allowing cash-strapped farmers to sell livestock, grain and other farm assets to generate cash flow when liquidity is essential to maintaining a farming operation. Together, we believe that these reforms will make Chapter 12 even more effective in protecting America's family farms during this difficult period.

While floor debate may focus on other provisions of S. 625, we ask that you support Title X.

CHUCK GRASSLEY.
TIM JOHNSON.
SAM BROWNBACK.
BOB KERREY.
TOM DASCHLE.

Mr. GRASSLEY. I yield the floor and ask unanimous consent that a quorum call I suggest be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I will say a few words about the cloture vote we will have shortly on the bankruptcy bill, S. 625. I understand many in this body want to pass bankruptcy legislation this year. Certainly, the credit card industry is eager for the Senate to act. I want to be able to vote for what I consider a balanced bankruptcy bill.

Hardball tactics of this kind will not move this body closer to that goal. By filing a cloture motion a few seconds after he brought up the bill, the majority leader is predetermining the outcome. Cloture, I am glad to say, will not be achieved this afternoon. Cloture should not be achieved until Senators have a chance to offer amendments to the bill.

Bankruptcy is, of course, a very complicated area of the law. We have not had real bankruptcy reform and change since 1978. It has an impact upon millions of American consumers and businesses. Unfortunately, S. 625 is a very one-sided piece of legislation. I have found an amazing virtual unanimity among all the experts on bankruptcy. Whether talking to academics or judges or trustees and even practitioners—of course you expect to hear this from debtors' attorneys but also from many creditors' attorneys—they all say this bill as it stands today should not pass.

The only way to make it work, the only way to improve it, is to amend it. However, many of the amendments we want to offer—and they are very much relevant to the bankruptcy issue—could not be offered if we invoke cloture today.

So I am hopeful and believe Democrats will vote today against cloture, to protect their right to offer bankruptcy amendments to this bankruptcy bill.

Let me also take a moment to remind my colleagues that this body passed a bankruptcy reform bill last year by a vote of 97 to 1. I voted for it. We had nearly a unanimous vote for a bill. That bill could have become law if the conference committee had not disregarded the wishes of the Senate. Let me just be clear, in response to the comments a few minutes ago of the Senator from Iowa, there is nothing fishy going on here. It is not as if the same bill that passed 97 to 1 is before us. It is very much the opposite. This is the hard nosed, one-sided legislation that in my mind is the fantasy of the other body in this institution. It is not the bill I was comfortable voting for and was pleased to vote for last year.

This bill is not the balanced approach that the Senate came up with last year. So amendments, many amendments, frankly, are needed. The way to reduce the number of amendments is to accept some of them. Many of the amendments I and my colleagues are going to offer on this bill are reasonable, moderate, and widely supported. They will make this a more fair and balanced piece of legislation.

I urge my colleagues to vote "no" on cloture. And even more, I urge the majority leader and the proponents of this bill to simply face the honest policy disagreements that need to be resolved either through amendments or through negotiations. Strong-arm tactics like filing for cloture right off the bat on a bill of this magnitude and complexity are not going to work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Mr. President, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, today there was an announcement by the Commerce Department about this country's monthly trade deficit. This month our trade deficit in goods and services surged to a high of $25.2 billion just for the month. If you are just worried about manufactured goods, it's much higher than that; but for goods and services, the trade deficit was $25.2 billion just this month. It is the 7th consecutive month. We have a very serious trade deficit problem and nothing seems to be being done about it.

I want to show my colleagues a chart that describes what is happening with both exports and imports in this country. Incidentally, this will be met with a large yawn tomorrow in the newspapers. I assume the daily papers here in Washington, DC, will go to the same so-called experts for comments about what is causing the trade deficit. They will give the same comments they have given month after month, year after year. In fact, in the old days they used to say that the reason we have a trade deficit is because we have a fiscal policy deficit and as soon as we get rid of the budget or fiscal policy deficit, we will not run a trade deficit. Of course that is not the case. The trade deficit continues to grow at an alarming pace, even when the Federal budget deficit is largely erased.

The question is whether this Congress and this administration will decide that the current trade policy, which is drowning this country in red ink, will be changed and if so how it will be changed. I find it interesting that we are now headed towards a World Trade Organization meeting in Seattle, in late November and early December. During that first week of December, our trade officials will go to Seattle and talk with representatives from other countries around the world, talking about our trade policies. If ever there was a need for this country to decide its current trade strategy is unworkable, it is now, at this moment.

I thought it would be interesting to talk a little bit about what our trade officials have been doing while this huge trade deficit continues to explode. Recently, this country got angry with the European Union for, among other things, the European Union's refusal to lower barriers to the import of bananas into Europe. We do not produce bananas, but large American companies produce bananas in the Caribbean. They wanted to ship these bananas into Europe, but Europe didn't want their bananas.

This got us upset, so this country is taking tough action against Europe. We said, Europe, if you don't shape up this is what we are going to do. We are going to impose 100 percent tariffs on your products and selected the products we want to impose 100 percent tariffs on.

We went through a similar dispute with the European Union over imports of beef with growth hormones. And we imposed 100 percent tariffs on selected products. Let me show you what they are, among others: Roquefort cheese. That is getting tough, imposing a 100 percent tariff on Roquefort cheese. Goose livers—that's going to scare the devil out of the Europeans, a 100 percent tariff on goose livers. How about chilled truffles? That is getting tough. And animal bladders.

So this country cranks up all its energy because we can't get bananas we don't produce into Europe. In our dispute over beef hormones, we decide that we are going to clamp down on goose livers, truffles, and animal bladders. That is a trade strategy? I don't think so. If down at Trade Ambassador's office, down at Commerce or elsewhere, you want to do something to help this country's trade balance, then get serious about it. Do something to stand up for this country's producers. Force open foreign markets and demand—literally demand—other countries to stop the dumping of products into our marketplace below their acquisition cost, injuring our producers.

I have talked for a moment about goose livers, truffles, Roquefort cheese and animal bladders. Let me talk about something that is a bit different—durum wheat that is being hauled into this country from Canada in record supply. In North Dakota we produce 80 percent of all the durum produced in America. Durum, by the way, is ground into semolina flour and then turned into pasta. If you eat pasta, you are likely eating something that came from a field in North Dakota. Guess what is happening? Our farmers are losing money hand over fist, and at the same time Canadian farmers are dumping massive quantities of durum wheat into our marketplace, undercutting our farmers and injuring them badly.

What are we doing about it? Nothing. We don't lift a finger. We are willing to go to war over truffles and goose livers. We are willing to take tough action against the Europeans with Roquefort cheese. Do you think anybody will go to the northern border and decide to stop unfair trade coming into this country, injuring our family farmers? No. Not with this trade strategy.

This Congress and this administration need to understand that this is a very serious problem. Today's announcement of a $25.2 billion trade deficit for the month of July suggests again that we must take additional action. As we head towards the December meeting of the World Trade Organization, and as we see this morning's announcement about the trade deficit, I hope meetings here in the Congress, and with the administration, will allow us to develop a trade strategy that better represents this country's economic interests, stands up for this country's producers, and demands open foreign markets.

Mr. President, I know the Senator from Vermont wants to speak on the bill that is going to be pending so at this point let me yield the floor.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time situation? I thank the Senator from North Dakota for yielding.

The PRESIDING OFFICER. The minority has 12 minutes and 38 seconds remaining.

Mr. LEAHY. So the Senator from North Dakota was speaking on my time?

Mr. DORGAN. I was speaking in morning business.

Mr. LEAHY. No, I think the Senator from North Dakota had assumed he was speaking in morning business. I ask unanimous consent the time he was using was as in morning business and that I be given the full time I had available at the time he began speaking.

Mr. DORGAN. Mr. President, if I might inquire, I had sought consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. The Senator is correct. The Senator spoke under morning business.

The Senate was in a period of morning business. The Senate was not on the bill, and the time until 5:30 is controlled.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that I have 15 minutes.

The PRESIDING OFFICER. Acting in my independent capacity as a Senator from Kansas, I object.

Mr. LEAHY. So the Senator from North Dakota effectively used my time? Is that what the Presiding Officer is saying?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I understand.

Mr. President, I was on the floor last week when the majority leader brought up S. 625, the Bankruptcy Reform Act of 1999, but then he immediately filed for cloture on the bill. I was rather surprised by the action, since, on behalf of the Democratic leader, I did not object to proceeding to the bankruptcy bill. Indeed, my side of the aisle was ready for a reasonable and fair debate on passing bankruptcy reform legislation. But when you file for cloture within seconds of bringing the bankruptcy reform bill up for debate on the Senate floor, that is not reasonable or fair. A cloture motion is for the express purpose to bring to a close debate but this was saying we will bring to close the debate before we even have the debate. It is as if we were in Alice in Wonderland. Cloture first, then debate.

Mr. President, every American agrees with the basic principle that debts should be repaid. The vast majority of Americans are able to meet their obligations. But, for those who fall on financial hard times, bankruptcy should be available in a fair and balanced way.

Our country's founders felt this principle was so important that it should be enshrined in the Constitution.

Article I, section 8 of the Constitution explicitly grants Congress power to establish uniform laws on the subject of bankruptcies throughout the United States.

We in Congress have a constitutional responsibility to oversee our nation's bankruptcy laws. The Senate should now take that constitutional responsibility seriously.

Unfortunately, this premature cloture motion to cut off debate before it even started on this bill is not a serious effort.

If we are going to respect the fact we are dealing with a constitutional issue here we should not start off the debate by stopping the debate. We know there is a rise in bankruptcies and people are abusing the system. Fine, let's close any loopholes in the bankruptcy code. But there are some other issues we should look at. What about credit cards? Last year we had a very balanced reform bill which passed 97 to 1 in the Senate. We had consumer credit card reforms in that bipartisan bill. Now we do not any consumer credit card reforms in this bill before us today. Should we not have some debate on whether we should get those reforms back in this bill to add balance to any reform measure?

As the Department of Justice stated in its written views on this bill: The challenge posed by the unprecedented level of bankruptcy filings requires us to ask for greater responsibility from both debtors and creditors. Credit card companies must give consumers more and better information so that they can understand and better manage their debts.

The Administration has made it clear that for the President to sign bankruptcy reform legislation into law it must contain strong consumer credit disclosure and protection provisions. I wholeheartedly agree.

The credit card industry must shoulder some responsibility for the nationwide rise in personal bankruptcy filings. Last year, the credit card lenders sent out 3.4 billion solicitations. That is more than 12 credit card solicitations a year for every man, woman and child in America.

I have an example of one of these credit card solicitations. Let me show you what happens in some of these credit card solicitation. Here is one for a Titanium Visa card. It was passed out after the movie: "Austin Powers: The Spy Who Shagged Me." You get some kid coming out, he's handed this, it's "titanium, baby." They will give one for you and one for Mini-me, I guess, at the movie theater. It calls its credit card "titanium, baby." It has an introductory rate of only 2.9 percent. How could any 13-year-old coming out of that movie not want that great credit card?

Besides, it comes in three versions. Especially attractive to the 10-year-olds who might be getting one of these credit cards: "Groovy Flowers," "Shagadelic Swirls," and, of course, for their older siblings who might be 16 or 17, and more staid, you have "Traditional."

The next chart shows the second page of this credit card solicitation. They are now called, I can't quite do it like Austin Powers, but they are "smashing baby." But then look at the small print: "2.9 percent introductory," you teenagers, you cannot do better. Of course that's available only for the 5 billing cycles. Then the interest rate goes to 10.99 percent. Getting awful close to 11 percent. However, that is not quite the full story. You have an annual interest rate for cash advances that is 19.99 percent.

We are now up to 20 percent. Oh, no, wait. There is another little insy-binsy-winsy-tiny print in this solicitation. That is, if you have two late payments during any 6-month period, whoops, you are up to 22.99 percent.

Can you imagine, as the kids get these Austin Powers credit card applications as they are walking out of the theaters for 2.9 percent, all of a sudden they are up to 22.99 percent?

It is not all bad, and I want to speak in favor of the credit card companies. Most people seeing this would figure they are really out to shaft you; they are taking advantage of you; they are being unfair to you; they are being usurious; they are being greedy; they are being mean; they are being sneaky; they are trying to loop these people in. I know most people say that about the credit card companies, but I want to be fair to them because if you apply for this, you get the chance to receive two free tickets to the movie, one medium popcorn, and two small drinks.

I hope Senators who thought, because these credit card companies were deceiving these teenagers into something to give them a 22.9-percent rate, those credit card companies were being mean feel badly about that. After all, you forgot about the medium popcorn and the two small drinks and the two free movie tickets.

There are billions of credit card solicitations like this sent to Americans every year, and that has increased the number of personal bankruptcies. If cloture is invoked, then the Senate will be prevented from adding any credit industry reforms to this bill because the amendments will not be germane. That is not a reasonable or fair.

Senator TORRICELLI and Senator GRASSLEY negotiated with the credit card industry to craft a managers' amendment that incorporates many of the credit industry reforms proposed by Senators SCHUMER, REED, DODD, SARBANES, and others. It is a bipartisan effort, and I commend them. I am pleased to cosponsor this amendment to add more balance to the bill. But we cannot even hear about this bipartisan effort if we invoke cloture.

Senator KENNEDY plans to offer an amendment to increase the minimum wage over the next 2 years from $5.15 to $6.15 an hour. I am proud to be a cosponsor of that amendment. Maybe if we had a decent minimum wage we would have a lot less bankruptcies. It is more than appropriate to help working men and woman earn a livable wage on a bill related to bankruptcy.

These minimum wage workers are some of the same Americans who are struggling to make a living everyday and might be forced into bankruptcy by a job loss, divorce or other unexpected economic event. More than 11 million workers will get a pay raise as a result of a $1 increase in the minimum wage. We should all agree to help millions of hard working American families live in dignity.

But the Senate would be prevented from considering any amendment to raise the minimum wage if cloture is invoked on this bill now—on the first day of debate on bankruptcy reform. That is not reasonable or fair.

As we move forward with reforms that are appropriate to eliminate abuses in the system, we need to remember the people who use the system, both the debtor and the creditor. We need to balance the interests of creditors with those of middle class Americans who need the opportunity to resolve overwhelming financial burdens.

I welcome Senator TORRICELLI, the new Ranking Member of the Administrative Oversight and the Courts Subcommittee, to the challenges this matter presents. I know that he and his staff have been working hard and in good faith to improve this bill.

As the last Congress proved, there are many competing interests in the bankruptcy reform debate that make it difficult to enact a balanced and bipartisan bill into law. Unfortunately, Congress failed to meet that challenge last year after the Senate had crafted a bill that passed 97–1.

I look back to what Senator DURBIN did, with heroic efforts, last year in crafting a bill that passed 97–1, and then it fell apart in a partisan conference. This is not a matter that should be partisan. Every one of our States has people who are facing bankruptcy. Every one of our States has the kind of shoddy practices shown here where we have these credit card applications passed out to kids coming out of a movie. They are almost designed to get them to go from this 2.9 percent interest to 23 percent interest as fast as they possibly can.

But if we are going to go into bankruptcy reform, let's do it right. I think we should. I worked hard in the Judiciary Committee on this bipartisan bill. Let's do it in a way that we look at all aspects of it, and let's ask some of the credit card companies and others if they are not doing as much to create the problem as anybody else.

I can give a lot of other examples. I could show you a member of my office whose 6-year-old son received a preapproved credit application for $50,000. All he had to do was sign it. I do not know about kids today, but when I was 6 years old, if I had a credit card with $50,000 worth of credit in my pocket, I could have thought of a lot of things I would have liked to have bought.

This may not be the spy that shagged us; it may well be the credit card companies that shagged the Senate. We ought to pay attention to the fact that when they are asking kids to pay 22.99 percent interest, there is more than one reason why we have bankruptcies in this country.

I am hopeful that this year Republicans and Democrats in the Senate can work together to pass and enact into law balanced legislation that corrects the abuses by both debtors and creditors in the bankruptcy system.

But this partisan attempt to prematurely cut off debate before we even started to consider this bill does not bode well for that effort.

I hope that once this cloture motion is defeated, the Senate will begin a reasonable and fair debate on bankruptcy reform legislation that reflects a balancing of rights between debtors and creditors.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

NOMINATION OF BRIAN T. STEWART TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH

CLOTURE MOTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Brian Theadore Stewart to be a U.S. District Judge for the District of Utah.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 215, the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah Vice J. Thomas Greene, Retired.

Trent Lott, Orrin Hatch, Mike Crapo, Wayne Allard, Ben Nighthorse Campbell, Charles Grassley, Peter G. Fitzgerald, Connie Mack, Chuck Hagel, Rod Grams, Pat Roberts, Conrad Burns, Judd Gregg, Larry E. Craig, Robert F. Bennett, and Mike DeWine.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, under the order, this vote on the motion to invoke cloture on the Stewart nomination will occur immediately following the vote that is scheduled to begin momentarily. The first vote is on the bankruptcy reform cloture motion. The second vote would be on this cloture motion on the nomination of Brian Theadore Stewart to be U.S. District Judge for the District of Utah.

There could be one or two procedural motion votes that would follow after that, so Members should be on notice there could be up to four votes in succession here.

I yield the floor.

BANKRUPTCY REFORM ACT OF 1999—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, a bill to amend title 11 of the United States Code, and for other purposes:

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry Craig, Orrin Hatch, Don Nickles, Conrad Burns, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII is waived.

The question is, Is it the sense of the Senate that debate on S. 625, a bill to amend title 11 of the United States Code, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 45, and one Senator responded "present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

ORDER OF PROCEDURE

Mr. THOMAS. I ask unanimous consent the remaining votes in the series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF BRIAN THEADORE STEWART, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on the minimum wage and ask for its immediate consideration.

The PRESIDING OFFICER. The Senate is not on that bill.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 215, the nomination of Brian Theadore Stewart, of Utah, to be United States district judge for the district of Utah vice J. Thomas Greene, retired:

Trent Lott, Orrin Hatch, Mike Crapo, Wayne Allard, Ben Nighthorse Campbell, Charles Grassley, Peter G. Fitzgerald, Connie Mack, Chuck Hagel, Rod Grams, Pat Roberts, Conrad Burns, Judd Gregg, Larry E. Craig, Robert F. Bennett, and Mike DeWine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah, be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 281 Ex.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEAHY. Mr. President, I deeply regret that we have reached this point in connection with the nomination of Brian Theadore Stewart to the District Court for Utah. Please understand that Democrats are prepared to vote on this nomination, as we are on all of the judicial nominations pending on the Senate Executive Calendar. This impasse is caused not by Democrats' refusals to vote on that nomination but by Republican refusals to allow a vote on the nominations of Judge Paez or Ms. Berzon. If we can vote on the Stewart nomination in less than 2 months, we should be able to vote on the Paez nomination within 4 years and the Berzon nomination within 2 years.

This debate is about fairness. The Senate needs to be fair to all people in this country. For too long nominees—judicial nominees like Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and Executive Branch nominees like Bill Lann Lee— have been opposed in anonymity through secret holds and delaying tactics. They have been forced to run a gauntlet of Senate confirmation. Those strong enough to survive are being dealt the final death blow not by being defeating in a fair up or down vote on the nomination but through a refusal of the Republican leadership to call them up for a vote. These nomination are being killed through neglect and silence, not defeated by a majority vote.

Today we are not asking for any Senator's vote for any nomination. Instead, I am asking the Senate recognize that its responsibility is to vote on all the judicial nominations on the calendar. We can vote for them or against them, we can vote them up or vote them down, but after 44 months or 27 months or 20 months, after completing every step in what is a long, tortuous confirmation process, the nominations of Judge Richard Paez, Justice Ronnie White and Marsha Berzon are as entitled to a Senate vote as the nomination of Ted Stewart.

I do not begrudge Ted Stewart a Senate vote. Despite strong opposition from many quarters from Utah and around the country, from environmentalists and civil rights advocates alike, I did not oppose the Stewart nomination in Committee and I expect to vote for his final confirmation here on the floor of the United States Senate. I have been supportive of Chairman HATCH in his efforts to expedite Committee consideration of the Stewart nomination with the expectation that these other nominees who have been held up so long, nominees like Judge Richard Paez, Marsha Berzon and Justice White, were to be considered by the Senate and finally voted on, as well. The Chairman and I have both voted for Judge Paez and Justice White each time they were considered by the Committee and we both voted for and support Marsha Berzon.

I have tried to work with the Chairman and with the Majority Leader on all these nominations. I would like to work with those whom the Majority Leader is protecting from having to vote on the Paez and Berzon nominations, but I do not know who there are. In spite of what was supposed to be a Senate policy that did away with anonymous holds, we remain in a situation where I do not even know who is objecting to proceeding to schedule a vote on the Paez and Berzon nominations, let alone why they are objecting. In this setting I have no ability to reason with them or address whatever their concerns are because I do not know their concerns. That is wrong and unfair to the nominees.

I do not deny to any Senator his or her prerogatives as a member of the Senate. I have great respect for this institutions and its traditions. Still, I must say that this use of anonymous holds for extended periods that doom a nomination from ever being considered by the United States Senate is wrong and unfair.

Again, I say that this debate is about fairness and about the Senate being fair to all nominees and to other Senators and to the American people. If we can vote on the Stewart nomination within 4 weeks in session, we can vote on the Paez nomination within 4 years and the Berzon nomination within 2 years. That is the point that the distinguished Democratic Leader was making by moving to proceed to consider those nominations this evening. The Republican majority has refused to debate those nominations and continues its steadfast refusal to vote on them after years of delay.

I do not want to see any judicial nomination held up without a vote, but the Republican leadership is not being fair to the other judicial nominees on the calendar. We ask only for a firm commitment that they will each get an up or down vote, too. The Republican Majority refuses to make even that commitment to a vote before the end of the session on these qualified nominees.

In my statement last week I detailed the path that each of these nominees has traveled to the Senate. All are now available for a vote on confirmation by the Senate. All should be accorded an up or down vote.

Judge Richard Paez is an outstanding jurist and a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed to the federal court bench several years ago and is currently a Federal District Court Judge. He has twice been reported to the Senate by the Judiciary Committee and has spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in January 1996, 44 months ago.

Justice Ronnie White is an outstanding member of the Missouri Supreme Court and has extensive experience in law and government. He is the first African American to serve on the Missouri Supreme Court. He has also been twice reported favorably to the Senate by the Judiciary Committee and has spent a total of 7 months on the floor calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in June 1997, 27 months ago.

Marsha Berzon is one of the most qualified nominees I have seen in 25 years. Her legal skills are outstanding, her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Nominated for a judgeship within the Circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, Ann Aiken, Margaret McKeown and Susan Oki Mollway—she, too, is listed ahead of the Stewart nomination on the floor calendar. Ms. Berzon was first nominated in January 1998, 20 months ago, and a year and one-half before Mr. Stewart.

It is against this backdrop that we are asking the Senate to be fair to these judicial nominees and all nominees. I do not want to see votes delayed on any nominee. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations from even getting a vote. That is wrong.

The Chief Justice of the United States Supreme Court wrote in January last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

Let us follow the advice of the Chief Justice. Let the Republican leadership schedule up or down votes on the nominations of Judge Paez, Justice White and Marsha Berzon so that we can vote them up or vote them down. And so that we can proceed on all the judicial nominations that our federal courts need to do their job of administering justice. Let us be fair to all.

Mrs. BOXER. Mr. President, I voted against cloture on the Stewart nomination because the process that brought us to this vote has, to date, prevented the Senate from even considering the nominations of several other judicial nominees who have been waiting far longer than has Mr. Stewart.

Richard Paez and Marsha Berzon, two nominees for the 9th Circuit, have both been reported by the Judiciary Committee and have been on the Senate Executive Calendar since July. But, more important, their nominations have been pending in the Senate for years—2 years in the case of Ms. Berzon and three years for Judge Paez!

It is patently unfair to ignore these fine nominations while moving forward on the Stewart nomination. I have no problem with Mr. Stewart, as far as I know. But this is an important process question, and I simply had no choice but to vote no on cloture on Stewart until we are assured of also moving ahead with those nominations which have been pending far longer.

Mr. KOHL. Mr. President, Ted Stewart, as any other nominee, deserves a vote. And eventually, I expect to vote for him, because I respect the judgment of my friend ORRIN HATCH and of the President. But there is a long line of qualified nominees ahead of him and, at least at this point, it's not right for him to "cut" in line.

For example, just compare Mr. Stewart's path with that of another qualified candidate, Tim Dyk, a nominee for the Federal Circuit. Mr. Dyk was first nominated 18 months ago, came out of Committee with strong bipartisan support, then stalled on the floor in the last days of the session because of a "secret" hold. He was nominated again eight months ago, and he has still never been placed on the agenda.

As for Mr. Stewart, he was nominated less than two months ago, and it took him just 48 hours to go from nomination, to hearing, to Committee approval. Now Mr. Stewart is up for a full Senate vote just 53 days after he was nominated. Meanwhile, five hundred and two days after Tim Dyk was nominated, he seems to be going nowhere fast.

That makes no sense to me or, I suspect, to Chairman HATCH, who also supports this nominee.

Mr. President, as with Mr. Stewart, Mr. Dyk will, I predict, be confirmed with bipartisan support. He's a first-rate intellect. He passed this Committee by a 14 to 4 vote last year, and all of us know that the Federal Circuit would be lucky to have someone of his caliber.

Like Tim Dyk and Ted Stewart, there are many other deserving nominees out there. Let's not play favorites. These nominees, who have to put their lives on hold waiting for us to act, deserve an "up or down" vote. And, more importantly, the American people deserve prompt action, so that our courts can stay on top of their workload, and continue putting criminals behind bars.

So, Mr. President, I expect to support Ted Stewart, but don't think he alone should get the timely consideration that all nominees—including Tim Dyk, Marsha Berzon and Richard Paez—deserve. So I hope we can get an agreement to move forward not only Mr. Stewart, but also other deserving nominees. Thank you.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, under the previous consent agreement, I ask the Chair to lay before the Senate the conference report to accompany the DOD authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1059), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1999.)

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate Democratic leader.

FAILURE OF REGULAR ORDER IN THE SENATE

Mr. DASCHLE. Mr. President, I wanted to have the opportunity to talk about the next four votes because it is critical that everyone understand what really is at stake tonight. Many Democratic Senators are in favor of the bankruptcy bill. Many of us have indicated publicly we support a bankruptcy bill. But we also support debate on a bankruptcy bill.

We support the opportunity to take up a bill under the regular rules of the Senate, regular order, have a good debate, have amendments offered, do what we should do in the Senate tradition, and have the kind of full and open debate we have not had on a bill since last May.

We have not brought a nonappropriations bill to the Senate floor since last May under the normal Senate rules.

Every single bill that has come before us since May has been under unanimous-consent agreements that circumvent, if not completely eliminate, the use of the normal Senate rules.

I had a clear understanding, as early as last summer, that when we brought the bankruptcy bill up, it would come up under normal Senate rules. I understand times change and circumstances change, but it is regrettable—although not surprising—that once again cloture was filed preemptively and without good cause.

Keep in mind, when one files cloture, it calls for the end of all debate. It is amazing to me that tonight we are voting on a motion to end all debate before we have even had any debate. Not a word of debate has been uttered on the bankruptcy bill.

We find ourselves in an amazing Orwellian circumstance in which we are ending debate before it begins, calling it a debate, filing cloture, and calling it quits. We cannot do that.

Time after time, I have indicated that many of us have opportunities to stop legislation, and we will be inclined to do that if we have no opportunity to bring up amendments, as regular order would allow. Again, many of us support bankruptcy reform and want to see a bankruptcy bill, but we also want to be able to offer amendments.

If cloture is invoked tonight, many of the amendments we had agreed to prior to bringing the bill to the floor will fall—amendments that both sides agree will improve the bill. Cloture will actually prevent those relevant amendments from being considered.

I do not know why any colleague would vote to eliminate even relevant amendments, amendments for which there is agreement. We have a managers' amendment to make improvements to the bill, but under cloture it would be subject to a point of order.

We want to go to bankruptcy. I want to see if we can reach some agreement on going to bankruptcy, but we cannot continue to gag Senators and prevent them from using the normal rules of the Senate in offering amendments.

Second issue: Cloture on Mr. Stewart. I have indicated publicly that even though I have some misgivings about Mr. Stewart, I will support him. This issue is not about Mr. Stewart. This issue is about the 45 nominations that are still pending, awaiting Senate action a few weeks before the end of the session. This issue has to do with 38 nominations in committee, 24 district, 13 circuit, and 1 International Trade Court judge. This issue has to do with nominees who have been waiting for the Senate to act now since January of 1996.

Judge Richard Paez, who is currently a U.S. district court judge, was first nominated in January of 1996. Judge Paez has been waiting 3½ years for a Senate vote—3½ years. That is half a Senate term. He has been waiting half a Senate term for the Senate to act. He has been waiting for more than 1,300 days for the Senate to vote, or 25 times longer than Mr. Stewart. Mr. President, 1,300 days is a long time to wait for the Senate to act. Judge Paez is a patient man, but I do not think it is too much to ask that, up or down, we let him get on with his life, up or down he have the opportunity to have a vote, up or down we say yes or no, you will be a circuit judge.

Justice Ronnie White, the first African American to serve on the Missouri Supreme Court, was originally nominated on June 26 of 1997. He was actually put on the calendar in this Congress on July 22 of 1999, but he has waited for a total of over 7 months on the calendar in this and in previous Congresses.

Marsha Berzon was first nominated in January of 1998. Her nomination has been pending over 10 times longer than Ted Stewart's nomination.

There are 64 vacancies in the Federal judiciary today. Chief Justice Rehnquist has noted that and has urged the Senate to act. We have 45 nominations pending in the Senate right now awaiting action either in the committee or on the floor. There are seven nominations on the Executive Calendar. Only 17 judges have been confirmed to date.

Some might claim: We have seen that happen before. I hate to say "when we were in the majority," but when we were in the majority, during the first session in 1991, the last year we were in the majority in a nonelection year, we confirmed 57 judges; in 1992, an election year, we confirmed 66 judges. In the election year 1994, the last election year where we were in the majority, we had 101 judges confirmed.

All one has to do is look back at past precedent. All one has to do is look at the terrible unfairness of someone having to wait 1,300 days, 25 times longer than Ted Stewart, months and months—10 times longer than Ted Stewart in the case of Marsha Berzon—to see how unfair this system is.

I want to find a way to work through this. I know Senator HATCH, the chairman of the Judiciary Committee, wants to find a way through it. I am hopeful we can find a way through it within the next few days. Tonight I will move to proceed to the nominations of Judge Paez and Ms. Berzon, and we will have an opportunity to express ourselves on the importance of these judges. We will vote. I hope the majority will not oppose moving to proceed to those two judges: Ms. Berzon, an exceptional nominee for the ninth circuit; and Judge Paez, a sitting district court judge, a Hispanic American, also fully qualified, a nominee for the Ninth Circuit. I hope we can find a way to resolve our differences and move forward.

I felt strongly about the importance of having these votes. I feel equally strongly about the importance of trying to resolve this impasse. We will make every effort to do so. I believe my colleagues will support an effort to break this impasse, recognizing that, as important as this is, we cannot go home leaving all of this work undone.

I hope we can do so this week. I know the majority leader has indicated a willingness to perhaps even hotline Judge Paez and Ms. Berzon. I hope that will happen this week. If that happens, we will be in a better position to know just how much opposition there is. We have to move on. We have to have these votes. We have to confirm these nominations. We have to ensure we can pass a good bankruptcy bill. There is so much more we can and ought to do. That will take working together, and I stand ready to do so.

NOMINATION OF MARSHA L. BERZON OF CALIFORNIA TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—MOTION TO PROCEED

Mr. DASCHLE. I now move to proceed to executive session to consider calendar No. 159, Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to executive session to consider the nomination of Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

McCain

The motion was rejected.

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—MOTION TO PROCEED

Mr. DASCHLE. I move to proceed to executive session to consider Executive Calendar No. 208, Richard A Paez, to be a U.S. Circuit Court Judge for the Ninth circuit. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BENNETT). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to executive session to consider the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Helms
McCain

The motion was rejected.

Mr. HATCH. Mr. President, I must begin by confessing my disappointment that the minority would refuse to avoid a filibuster of one of the nominees of its own administration, when the record of this Senate so dramatically proves the deference this Senate has shown to this administration's judicial nominees. But that is what has just happened this evening, and in the face of this blatant double standard by the minority, I will only say that I will continue to work in good faith to secure a vote on the merits on the President's nomination of Ted Stewart to be a Federal district court judge.

When I speak of the traditional deference the Senate has shown to the executive in matters of Federal judicial nominations, I believe I speak with considerable experience. Since the time I was first sworn into the Senate in 1977, I have participated in and witnessed the confirmation of 1,159 judges and Justices, and have voted in favor of almost all of them.

I have personally presided over the confirmation of 321 of President Clinton's judicial appointments. This accounts for almost a quarter of the entire Federal judiciary. And this session alone, I have held 4 judicial confirmation hearings, and reported 24 nominees out of committee.

This evening's cloture vote concerns me all the more because I had publicly stated, in response to some of my colleagues' concerns about moving forward with other judicial nominations, that we would hold another hearing in this month of September, yet another in October, and, if the Senate continued in session throughout November, that it had been my hope to hold yet another hearing during that time.

With these plans, we would have been on track to equal or exceed the historical average for first-session judicial confirmations by the Senate. And so I find it incredible that this distinguished body resorted to the unfounded criticism that we are not doing as much as we should to fill the ranks of the Federal judiciary.

And now, in light of today's vote on cloture, we shall have to reexamine the best way to move forward on judicial nominees so that we eliminate the double standard that has been applied tonight.

To take a step back, and apply some perspective to the matter at hand, I want to emphasize that I have made every effort to promote a fair nominations process, recognizing the defference a President is traditionally accorded in nominating judges akin to his political philosophy. I have done as much notwithstanding the sometime heated criticism of interest groups opposed to President Clinton's nominations.

Even nominees attacked by interest groups as liberal and controversial have received my support in the Judiciary Committee and on the Senate floor. In fact, since I have been chairman, I have never voted against any of the 31 Clinton judicial nominations for whom there has been a roll call vote. I have supported these nominees not because I agreed with their philosophies, but because I have always believed that the judicial nominations process should be as free from politics as possible.

But let me offer some specifics. I have supported getting out of committee controversial nominees such as Judge William Fletcher, Judge Richard Paez, Judge Lynn Adelman, and Marsha Berzon, even though I would not have nominated them had I been President. Rather, so long as a nominee is qualified and capable of serving with integrity in a position, and I have his/her assurance that they will follow precedent, I believe they deserve to be confirmed.

Judge Fletcher, Judge Paez, and Ms. Berzon were opposed by a number of conservative organizations; yet, I supported their report by the committee to the floor. Now, Mr. Stewart is being unduly attacked by liberal groups. In this same spirit of bipartisanship with which I have supported this administration's nominees, it had been and continues to be my hope that the Democrats would support the nomination of Ted Stewart.

I ultimately want this body to recognize that, in the same manner that I have been fair to this administration's nominees in the face of severe opposition, trust must be placed in the judgment of home State senators for a nominee whose jurisdiction would be confined wholly to that senator's State. So now, as I expect we will soon be considering Ted Stewart, I will ask you to extend your deference to President Clinton's choice and the Judiciary Committee's ranking member's support, but also to extend your trust to the judgment of both senators from Utah.

Ted is a good, honorable person, who has been deemed qualified for a position as District judge of the District of Utah and who will make a wonderful District Court Judge. I urge the Democrats to stop playing politics with this nomination and allow a vote expeditiously.

I ask unanimous consent to have printed in the RECORD pertinent charts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Status of article III judicial nominations

Total number of Clinton judges appointed, 1993-present	321
Clinton nominees confirmed during the 106th Congress:	
U.S. Circuit Court Judge	3
U.S. District Court Judge	14
Total confirmed	17
Vacancies in the Federal judiciary:	
U.S. Circuit Court	23
U.S. District Court	40
USIT	1
Total number of vacancies:	64
Percent vacant	7.6
Vacancies with no nominee slated to fill position:	
U.S. Circuit Court	7
U.S. District Court	14
Total number of vacancies without nominee	21
Nominations Pending:	
U.S. Circuit Court Judge	16
U.S. District Court Judge	28
USIT Judge	1
Total number of nominees	45
Nominees pending on the Senate floor	7
Nominees pending in committee w/hearing	6
Nominees pending in committee w/o hearing	32

HISTORICAL VACANCY AND CONFIRMATION RATES OF JUDICIAL NOMINEES

101ST CONGRESS

[Republican President (Bush)—Democrat Senate (Biden)]

	Convened—Jan. 3, 1989		Adjourned—Oct. 28, 1990		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	1	9	0
Court of Appeals	168	10	22	168	7
District Court	575	26	48	575	25
Court of International Trade	9	1	0	9	1
Total	761	37 (4.9%)	71	761	33 (4.3%)

102ND CONGRESS

[Republican President (Bush)—Democrat Senate (Biden)]

	Convened—Jan. 3, 1991		Adjourned—Oct. 8, 1992		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	1	9	0
Court of Appeals	179	18	20	179	16
District Court	636 (+13T)	107	101	636 (+13T)	79
Court of International Trade	9	1	1	9	2
Total	846	126 (15%)	123	846	97 (11.5%)

103RD CONGRESS

[Democrat President (Clinton)—Democrat Senate (Biden)]

	Convened—Jan. 5, 1993		Adjourned—Dec. 1, 1994		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	2	9	0
Court of Appeals	179	17	19	179	15
District Court	636 (+13T)	90	107	636 (+13T)	46
Court of International Trade	9	2	0	9	2
Total	846	109 (13%)	128	846	63 (7.4%)

104TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 3, 1995		Adjourned—Oct. 3, 1996		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	0	9	0
Court of Appeals	179	16	11	179	18
District Court	636 (+13T)	52	62	636 (+11T)	46
Court of International Trade	9	2	2	9	1
Total	846	70 (8.3%)	75	844	65 (7.7%)

105TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 7, 1997		Adjourned—Oct. 21, 1998		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	0	9	0
Court of Appeals	179	22	20	179	14
District Court	636 (+10T)	62	79	636 (+10T)	35
Court of International Trade	9	1	2	9	1
Total	843	85 (10.1%)	101	843	50 (5.9%)

106TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 4, 1999	
	Judgeships	Vacancies
Supreme Court	9	0
Court of Appeals	179	17
District Court	636 (+10T)	41
Court of International Trade	9	1
Total	843	59 (7.0%)

Mr. LEAHY. Mr. President, the distinguished Senator from South Dakota, Mr. DASCHLE, stated the case very well this evening about the unprecedented sequence of three votes on judicial nominations. As I look at the Senate floor now, I have served in this body longer than anybody presently on the floor. In 25 years, I have not seen an instance where we have had such a series of votes.

We certainly have had times when Republicans have been in control of the Senate and times when Democrats have been in control of the Senate where nominees were sometimes voted down and sometimes were voted up, which is the way it should be. When the President is of a different party from the party controlling the Senate, that does not mean that the President's nominee, the man or woman he nominates for whatever position, automatically has to be voted against because one party controls the Senate and a different party is in the White House.

I look at two of my very distinguished, dear friends on the floor—the Senator from Virginia and the Senator from Michigan—both of whom have voted many times for nominees of the President of the other party in a whole lot of areas, certainly within their expertise on armed services but also for ambassadors and judicial nominations.

I am sure that if the distinguished Senators sitting here were to go back and search their memories, they could think of a number of people for whom they voted who were confirmed and who were not the persons they would have nominated had they been President. They might have picked somebody else. They might have picked somebody with a different political bent or ideology. But I think they have given the President of the United States the benefit of the doubt, and if the person is otherwise qualified, he or she gets the vote.

We have come to a difficult situation with judges. There continue to be a large number of vacancies, and there are a lot of nominees who are not being voted on. There are some that have waited for several years to be voted on. We talked about Judge Paez and Marsha Berzon who have been waiting for years to be voted on. We should either vote for or against them.

The distinguished chairman of the Senate Judiciary Committee deserves great credit for having gotten these nominees through our committee, notwithstanding opposition from some members of his own party, and for having gotten them onto the floor and on the calendar. I compliment the distinguished senior Senator from Utah, Mr. HATCH, for what he has done.

I have worked closely with him to help him get matters out of that committee. There were some matters with which I disagreed and that I voted against. But he was chairman, and I thought he should have as much leeway as possible in setting the agenda. I made it possible through various procedural actions for him to get his legislation out of committee.

Tonight we had a situation born out of the frustration, possibly mistakes, and, unfortunately, some unnecessary partisanship—although not partisanship between the distinguished chairman of the committee and myself. I intend to vote for his recommended nominee for district judge from Utah, Mr. Stewart. I intend to vote for him as I did in the committee.

I also intend to vote for Marsha Berzon. I intend to vote for Judge Richard Paez, Justice Ronnie White, and, for that matter, for all of the other judicial nominees who are on the Executive Calendar. I intend to vote for every one of them.

I hope we will have a chance to vote on them, not just in committee where I have voted for each one of them, but on the floor of the Senate. That is what the Constitution speaks of in our advise and consent capacity. That is what these good and decent people have a right to expect. That is what our oath of office should compel Members to do—to vote for or against. I do not question the judgment or conscience of any man or woman in this Senate if they vote differently than I do, but vote.

We have just a very few people, a small handful of people stopping these nominees from coming to a vote. Basically, the Senate is saying we vote "maybe"—not yes or no—we vote maybe. That is beneath Members as Senators.

We are privileged to serve in this body. There are a quarter of a billion people in this great country. There are only 100 men and women who get a chance to serve at any time to represent that quarter of a billion people in this Senate. It is the United States Senate. No one owns the seat. No one will be here forever. All will leave at some time. When we leave, we can only look back and say: What kind of service did we give? Did we put the country's interests first? Or did we put partisan interest first? Did we put integrity first, or did we play behind the scenes and do things that were wrong?

I hope my children will be able to look at their father's representation in this body as one of honor and integrity, as many of my friends on both sides of this aisle have done.

I hope what happened tonight was something we will not see repeated. I understand the distinguished majority leader in going forward with his motion. I understand and support the motion of the distinguished Democratic leader.

Now that this has happened, can it be like the little escape valve on a pressure cooker? The distinguished Presiding Officer and I are from a generation that remembers the old pressure cookers prior to the age of microwaves. Certainly, my wife and I as youngsters saw a pressure cooker now and then in the kitchen. Let us hope that maybe tonight's votes will act as a little valve and let the pressure off.

I do not want to infringe on the kindness of the distinguished chairman and ranking member of the Armed Services Committee, two of the very best friends I have ever had in the Senate and two Senators whom I respect and like the most here.

Let me close with this: Maybe the pressure cooker has allowed its pressure to be released now. I suggest that the distinguished majority leader, the distinguished Democratic leader, the distinguished Senator from Utah, Mr. HATCH, and I now sit down and perhaps quietly, without the glare of publicity and the cameras, try to work out where we go from here. It may be necessary for the four of us to meet with the President. But let us find a way to tell these nominees they will get a vote one way or the other.

I am not asking anybody how they should or should not vote but allow nominees to have a vote. All the people being nominated are extremely highly qualified lawyers and judges. They have to put their lives on hold and the lives of their family on hold while they wait. They are neither fish nor fowl as a nominee. In private practice, all your partners come in and throw a big party and say it is wonderful, we are so proud of you, could you move out of the corner office because we want to take it now. And you cannot do anything while you wait and wait and wait.

Vote them up, vote them down.

Now that we have done this, let the cooler heads of the Senate prevail so the Senate can reassure the United States we are meeting our responsibility. Again, each Member is privileged to be here. There are only 100 Members, with all our failings and all our faults, to represent a quarter of a billion people. Let us represent that quarter of a billion people better on this issue.

The distinguished Senator from Utah, Mr. HATCH, and I have a close personal relationship. We will continue to have that. We will continue to work together, but the Senate has to work with us.

JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, for several months, many of us have been concerned about the Senate's continuing delays in acting on President Clinton's nominees to the federal courts. Since the Senate convened in January, we have confirmed only 17 judges and 43 are still waiting for action. These delays can only be described as an abdication of the Senate's constitutional responsibility to work with the President and ensure the integrity of our federal courts.

At the current rate it will take years to confirm the remainder of the judicial nominees currently pending before the Judiciary Committee. This kind of partisan, Republican stonewalling is irresponsible and unacceptable. It's hurting the courts and it's hurting the country. It's the worst kind of "do nothing" tactic by this "do nothing" Senate.

The continuing delays are a gross perversion of the confirmation process that has served this country well for more than 200 years. When the Founders wrote the Constitution and gave the Senate the power of advice and consent on Presidential nominations, they never intended the Senate to work against the President, as this Senate is doing, by engaging in a wholesale stall and refusing to act on large numbers of the President's nominees.

Currently, there are 61 vacancies in the federal judiciary, and several more are likely to arise in the coming months, as more and more judges retire from the federal bench. Of the 61 current vacancies, 22 have been classified as "judicial emergencies" by the Judicial Conference of the United States, which means they have been vacant for 18 months or more.

The vast majority of these nominees are clearly well-qualified, and would be confirmed by overwhelming votes of approval. It would be an embarrassment for our Republican colleagues to vote against them. It should be even more embarrassing for the Republican majority in the Senate to abdicate their clear constitutional responsibility to do what they were elected to do.

The delay has been especially unfair to nominees who are women and minorities. Last year, two-thirds of the nominees who waited the longest for confirmation were women or minorities. Already, in this Congress, the Senate is on track to repeat last year's dismal performance. Of the 11 nominees who have been waiting more than a year to be confirmed, 7 are women or minorities. On the 50th anniversary of President Truman's appointment of the first African American to the Court of Appeals—Judge William Hastie—the Republican leadership should be ashamed of this record, particularly given the caliber of the distinguished African American, Latino, and female nominees waiting for confirmation.

For example, Marsha Berzon, Richard Paez, and Ronnie White have waited too long—far too long—for a vote on the Senate floor. Ms. Berzon is an outstanding attorney with an impressive record. She has written more than 100 briefs and petitions to the Supreme Court, and has argued four cases there. When she was first nominated last year, she received strong recommendations and had a bipartisan list of supporters, including our former colleague, Senator Jim McClure, and Fred Alvarez, a Commissioner on the Equal Employment Opportunity Commission and Assistant Secretary of Labor under President Reagan. Her nomination is also supported by major law enforcement organizations, and by many of those who have opposed her in court.

Ms. Berzon was first nominated in January 1998—20 months later, the Senate has still not voted on her nomination.

The Senate is also irresponsibly refusing to vote on two other distinguished nominees—Judge Ronnie White, an African American Supreme Court judge in the state of Missouri, and California District Court Judge Richard Paez. Judge White was nominated to serve on the District Court for the Eastern District of Missouri more than two years ago. Judge Paez was first nominated three years ago—three years ago—to serve on the Court of Appeals for the Ninth Circuit.

It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote "yes" or "no." These nominees and their families deserve a decision by the Senate. Parties with cases, waiting to be heard by the federal courts deserve a decision by the Senate. Ms. Berzon, Judge White, and Judge Paez deserve a decision by this Senate.

While Republican leaders play politics with the federal judiciary, countless individuals and businesses across the country are forced to endure needless delays in obtaining the justice they deserve. Justice is being delayed and denied in courtrooms across the country because of the unconscionable tactics of the Senate Republican majority.

It is long past time to act on these and other nominations. I urge my Republican colleagues to end this partisan stall and allow the President's nominees to have the vote by the Senate that they deserve.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, there are now 2 hours for debate on the DOD authorization conference report. I ask unanimous consent the vote occur on adoption of the conference report at 9:45 a.m. on Wednesday and there be 15 minutes equally divided prior to the vote for closing statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Therefore there will be no further votes this evening. The next vote will occur at 9:45.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. WARNER. Mr. President, the distinguished majority leader has laid before the Senate the DOD authorization bill, and I inquire of the Chair if that is the pending business.

The PRESIDING OFFICER. That is the pending business.

Mr. WARNER. Mr. President, I am prepared to stay here for the remainder of the evening. This is a very important subject. I am joined by the distinguished ranking member, Mr. LEVIN.

However, I observed our distinguished colleague from New Mexico in the Chamber. It was my understanding he desired to lead off the comments on this bill tonight since the bill incorporates a very important provision which was sponsored by Senator DOMENICI, Senator MURKOWSKI, and Senator KYL. Seeing Senator DOMENICI I yield the floor to him.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, this bill is a very important bill. The part I worked on is very small. It has to do with reforming the Department of Energy as it pertains to the handling and maintenance of nuclear weapons and everything that goes with them.

I compliment those who prepared the overall bill. It is a very good bill for the defense of our Nation, and it deserves the overwhelming support of the Senate.

We had no other way to accomplish something very important with reference to a Department of Energy that was found to be totally dysfunctional, not by those who have tried over the years to build some strength into that Department, some assurance that things would be handled well, but rather by a five-member select board that represented the President of the United States, headed by the distinguished former Senator Warren B. Rudman.

Those five members of the President's commission, with reference to serious matters that pertain to our national security, concluded that the Department of Energy could not handle the work of maintaining our weapons systems, maintaining them safe from espionage and spying, and could not handle an appropriate counterintelligence approach because there was no one responsible and, thus, everybody pinned the blame on someone else and we would get nowhere in terms of accountability.

I ask unanimous consent that the names of the five members of that board be printed in the RECORD, with a brief history of who they are and what they have done in the past.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PANEL MEMBERS

The Honorable Warren B. Rudman, Chairman of the President's Foreign Intelligence Advisory Board. Senator Rudman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison. From 1980 to 1992, he served in the U.S. Senate, where he was a member of the Select Committee on Intelligence. Previously, he was Attorney General of New Hampshire.

Ms. Ann Z. Caracristi, board member. Ms. Caracristi, of Washington, DC, is a former Deputy Director of the National Security Agency, where she served in a variety of senior management positions over a 40-year career. She is currently a member of the DCI/Secretary of Defense Joint Security Commission and recently chaired a DCI Task Force on intelligence training. She was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community.

Dr. Sidney D. Drell, board member. Dr. Drell, of Stanford, California is an Emeritus Professor of Theoretical Physics and a Senior Fellow at the Hoover Institution. He has served as a scientific consultant and advisor to several congressional committees, The White House, DOE, DOD, and the CIA. He is a member of the National Academy of Sciences and a past President of the American Physical Society.

Mr. Stephen Friedman, board member. Mr. Friedman is Chairman of the Board of Trustees of Columbia University and a former Chairman of Goldman, Sachs, & Co. He was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community and the Jeremiah Panel on the National Reconnaissance Office.

PFIAB STAFF

Randy W. Deitering, Executive Director; Mark F. Moynihan, Assistant Director; Roosevelt A. Roy, Administrative Officer; Frank W. Fountain, Assistant Director and Counsel; Brendan G. Melley, Assistant Director; Jane E. Baker, Research/Administrative Officer.

PFIAB ADJUNCT STAFF

Roy B., Defense Intelligence Agency; Karen DeSpiegelaere, Federal Bureau of Investigation; Jerry L., Central Intelligence Agency; Christine V., Central Intelligence Agency; David W. Swindle, Department of Defense, Naval Criminal Investigative Service; Joseph S. O'Keefe, Department of Defense, Office of the Secretary of Defense.

Mr. DOMENICI. Mr. President, I am just going to address three issues as it pertains to the reform of the Department of Energy as it pertains to nuclear weapons development.

Mr. WARNER. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. WARNER. You opened by saying that this was a way to have the Senate address this important subject. Of course, the Senator is aware that the Armed Services Committee oversees about 70 percent of the budget of the Department of Energy, so this is a very logical piece of legislation on which to put the important provision. And, of course, you and I worked together on it.

Mr. DOMENICI. Absolutely.

Mr. President, what I want to do is dispel any notion that the amendment that created a semiautonomous agency within the Department, to be headed by an assistant secretary who would be in charge of everything that has to do with nuclear weapons development—and they would do things in a semiautonomous way, not in the way that the rest of the Department of Energy does its business—is taking away the authority of the Secretary; that is, the Secretary of Energy.

The Department of Energy is an amorphous Department put together at a point in history when a lot of things were dumped in there. Some have no relationship to other matters in the Department. And, yes, we put the nuclear defense activities in that Department.

No one could contend that if the Congress of the United States, and the President concurring, wanted to take all of the nuclear weapons out of that Department and put them in an independent agency—which was one of the recommendations of the five-member panel—that that would be unconstitutional, illegal. And there would be no Secretary of Energy involved at all.

The other suggestion was, rather than make it totally independent, to leave it within the Department and make it semiautonomous. We did that.

The Secretary, and some of those arguing on behalf of a different approach, chose to say that the Secretary does not have enough to do and enough say-so about nuclear weapons development, and therefore it is wrong.

I want to read from the bill's two provisions.

> In carrying out the functions of the administrator—

That is the new person in charge of the semiautonomous agency—

> the undersecretary shall be subject to the authority, direction, and control of the Secretary.

Second:

> The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

It goes on with two other provisions assuring that the overall policy is under the jurisdiction of the Secretary.

But I remind everyone, had we chosen not to do that, it would have been legal. We could have taken it all out and had no Energy Secretary involved. We chose not to. We chose to say: Leave it there so there can be some cross-fertilization between the Energy Department's work and the nuclear activities on behalf of our military and our defense.

We got this finished, and we made accommodation on the floor of the Senate with reference to the environment. Never was it intended that the semiautonomous agency would be immune from any environmental law. In fact, the first writing of this bill had a legal opinion that if you do not mention it, it is subject to all environmental laws.

We came to the floor and some Members on the other side, I think quite properly, said: Why don't you specifically mention that the new semiautonomous agency is subject to the environmental laws? We did that. In fact, it says:

> The administrator shall ensure that the administration complies with all applicable environmental, safety, health statutes, and substantive requirements. Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that compliance occurs.

Because we wrote it in, some quibble with the words that we used to write it in. Now they are saying: Are you sure you included everything? We thought we included everything by mentioning nothing; then we tried to include everything verbally and some said: You have to change the words because you really don't mean it.

There is nothing to indicate that we have exempted or immunized any of our environmental laws in this statute. They are totally applicable. It is just that the new administrator applies them to the nuclear weapons department separate and distinct from the rest of the activities of the Department of Energy—and it is high time, in my opinion.

There are some letters from attorneys general, and I just want to say I read some of them. I have no idea how they came to their conclusions. I will just cite one. The attorney general of Texas, in responding after he received an explanation of the bill from the distinguished chairman, Senator WARNER, wrote a letter saying:

> After reading your letter, I am satisfied that this legislation was neither intended to affect existing waivers of Federal sovereign immunity nor to exempt in any way the NSAA—

The new semiautonomous agency—

> from the same environmental laws and regulations applied before the reorganization.

For those attorneys general who are worried about Hanford out on the west coast—and it might be difficult for attorneys general in the States to be involved—let me remind them that facility does not even come under the jurisdiction of the new semiautonomous agency. It is not considered to be part of the current ongoing nuclear weapons activities.

In closing, I just want to make sure that my fellow Senators understand that some people working in the Department of Energy will say almost anything about us trying to reform it. Secretary Richardson is doing a good job for a department that is dysfunctional. He wakes up every week with something that has gone wrong.

We ought to start fixing it with the passage of this bill with a new semiautonomous agency in control. But there is a general that was hired named Habiger. He is the Secretary's czar for the Department right now. He went to the State of New Mexico and said—I am paraphrasing: I never involve myself in politics. Those are secret and private between me and my wife. However, in this case, I suggest that the creation of this semiautonomous agency is political.

I tried to find out who was playing politics. Was it the five-member commission that I just cited, headed by Warren Rudman, with one of the members, Dr. Sidney Drell, one of the most refined and articulate and knowledgeable people on this whole subject matter? Were they playing politics? Was the Senate playing politics when we got an overwhelming vote? What is the politics of it?

If you think the only way to preserve and maintain our nuclear weapons development and to maximize the opportunity for accountability and less opportunity for spying is to have a Secretary of Energy who runs that part of it, then you will not be happy. Because the truth of the matter is, the Secretary will be in charge overall, but there will be a single administrator in charge of this department in the future, with everything that has to do with nuclear, including its security; although in counterintelligence we have agreed with the administration, with the Secretary, and have permitted the counterintelligence to be in two places. There is a czar under the Secretary, and there will be somebody running the counterintelligence within the new semiautonomous agency.

I ask unanimous consent that the story in the Albuquerque Journal regarding the distinguished general, who I suggested knows nothing about the Department of Energy—he has been there 3 or 4 months, and maybe he ought to learn a little more about it before he goes to New Mexico and elsewhere and mouths off about the independent semiautonomous agency—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Sept. 17, 1999]

SECURITY CHIEF PANS NEW NUKE AGENCY

(By Ian Hoffman)

The Security chief for the U.S. Department of Energy says legislation creating a new nuclear-weapons agency inside DOE is being driven by politics and could impair, rather than promote, tighter security at the nation's nuclear weapons labs.

Gen. Eugene Habiger, the new DOE security czar, acknowledges the Energy Department needs reform to fix "organizational disarray" and a longstanding lack of accountability.

But the latest version of a bill to create the new National Nuclear Security Administration actually will insulate the new weapons agency from oversight of security for nuclear secrets, he said.

"What you're doing is creating a bureaucracy within a bureaucracy that's going to perpetuate the problems of the past—lack of focus on security, lack of awareness of security and lack of accountability," Habiger said Thursday at Sandia National Laboratories while presiding over hearings on proposed polygraph testing for weapons workers.

House lawmakers approved the new weapons agency Wednesday by voting overwhelmingly in favor of the 2000 Defense Authorization Bill. Congress has billed the new agency as a way to increase security and accountability in the wake of China's alleged theft of U.S. nuclear-warhead designs.

The new agency is largely the handiwork of Sen. Pete Domenici, R–N.M., but the original legislation underwent changes last month in a closed-door conference of select Senate and House members. Habiger sees some of the changes as dramatically reducing his authority to ensure security at the nuclear-weapons labs.

"I'm not political. Nobody knows my politics except my wife," said Habiger, former commander in chief over the U.S. Strategic Command. "What's going on now—It's not about security. It's about politics."

He declined to speculate on the political motivations in Congress behind the new agency.

Habiger's comments add to mounting criticism of the legislation, which is being promoted by its authors as the answer to lax security and poor accountability in the U.S. nuclear-weapons program.

The leading critics are states that host DOE facilities, environmental watchdog groups and Energy Secretary Bill Richardson.

The National Governors Association and the National Association of Attorneys General urged Congress earlier this month to reconsider the legislation as written. They were joined by 46 state attorneys general, including New Mexico's Patricia Madrid. They say the bill stands to harm the environment and the safety of workers and the public by curtailing or eliminating oversight by the states, as well as by the remainder of DOE itself.

The bill would package DOE weapons work into its own semi-autonomous agency, with its own internal security, environmental and safety apparatus. As such, the bill codifies a more independent and insulated version of DOE's Office of Defense Programs, a politically well-connected office renowned for its resistance to outside oversight of security, safety and environmental protection.

In separate letters to Congress, the governors' association and the attorneys general said the new agency would preserve the self-regulation of the nuclear weapons complex that has left a legacy of more than 10,000 contaminated sites. Cleanup or fencing off of those sites could take 75 years, at a DOE estimated cost of at least $147 billion.

"For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health," the attorneys general wrote. "Over the past 12 years or so, the disastrous consequences of this self-regulation have become plain . . . Much of this land and water will never be cleaned up."

To date, many of the nation's toughest environmental and safety laws and regulations still contain explicit exemptions for the U.S. nuclear-weapons complex, its wastes and worker safety.

Richardson forced the resignation in May of former Assistant Secretary for Defense Programs Vic Reis, partly for Reis' role in pressing lawmakers for the new agency and partly for his failure to attend to security at the weapons labs.

Habiger took Richardson's offer to become director of DOE's newly formed Office of Security and Emergency Operations on several conditions. Habiger insisted he work directly with Richardson and report solely to him. He also requested full control of the department's security apparatus and its entire $800 million security budget.

The new bill transfers emergency operations to the deputy administrator of the new weapons agency. And it provides the agency with its own security and counterintelligence authority and funding, Habiger said.

The changes threaten to roll back the tightened security measures that he and Richardson have taken in recent months, Habiger said.

"Unfortunately, the National Nuclear Security Administration Act would derail this progress," he said. "The bill would negate the president's ability to hold the Secretary of Energy responsible for managing the nation's nuclear defense and production complex. It would strip the secretary's responsibility to determine and manage sensitive classified programs. And it would shield DOE's nuclear defense work from the rest of the department's regimens, insulating it from secretarial oversight, supervision and scrutiny. . . . To continue our work, we need expanded oversight at the nuclear labs, not the insulated system this bill proposes."

Mr. DOMENICI. With that, I yield the floor and say I hope the Senate, by bipartisan, overwhelming majorities, passes this bill with this amendment on it, which is going to be good for America, good for nuclear weapons, and it will diminish the chances for spying and counterintelligence to work against our nuclear weapons in the secrets that are so imperative. Let's look back on this day and say we finally did something to move in the right direction.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have had the real privilege of working with Senator DOMENICI on this particular amendment from its inception. Together with Senators MURKOWSKI and KYL, we crafted this very carefully.

The original concept was adopted by the Senate in the consideration of the intelligence bill. We then incorporated it in our bill, and we worked it with the House. I will go into further details.

Throughout, Senator DOMENICI has been really the leader of this effort. The Senate owes Senator DOMENICI a deep debt of gratitude for his perseverance on this provision. I am sure that America will recognize that service because it is in the best interests of the country. It was not motivated by politics. It was crafted carefully on the report of our distinguished colleague, Senator Rudman, who, of course, is one of the principal advisors to the President on intelligence and other matters. He was selected by the President to do this report. So we thank you, I say to the Senator.

Last night, Senator DOMENICI took the initiative of going down to see the President. I was privileged to accompany him and join in that meeting. We were going to have a meeting for, I suppose, 20 minutes or so. The President had just arrived. He still had a little mud on his boots from visiting a flood area and was in his clothes from the trip, his casual clothes. He was preparing his address to the United Nations.

But he stopped to take the time to carefully evaluate the concern of the Senator from New Mexico, and a meeting of 20 minutes lasted well over an hour on this and other subjects. But primarily he has a grasp of the issues. He asked specific questions. And the Senator from New Mexico, together with his able staff member, Alex Flint, who was also there with us, responded.

The Senator from New Mexico talked to one question tonight. But I wanted to raise the second question and put it in the RECORD.

He will recall the concern he had about the split provision and where it was. I went back, researched, and found in our record a letter dated July 29 from Jacob Lew, Director of the Executive Office of the President, Office of Management and Budget. Mr. Lew wrote me the following:

> I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

We carefully tried to take into consideration Mr. Lew's, concerns. We drafted that provision for that specific reason. So we were trying to follow the directions of the Director of Budget.

I ask unanimous consent that there be printed in the RECORD a short letter from me to the President thanking him for the meeting last night, containing a copy of this letter and explaining just how we arrived at that provision. But I think it would be helpful for the record if the Senator from New Mexico were to expand on the President's question and the response of the Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 21, 1999.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Thank you for meeting with Senator Domenici and me last night to discuss the Department of Energy (DOE) reorganization provisions in the National Defense Authorization Act for Fiscal Year 2000 Conference Report.

You expressed concern last night with the organization of counterintelligence functions within DOE and the National Nuclear Security Administration (NNSA). The provisions in the conference report were crafted in response to a July 29, 1999, letter from Office of Management and Budget Director, Jacob Lew, which stated that the Administration would oppose language that does not "ensure that the Secretary is provided sufficient authority to assure proper policy development for, and oversight of, the new organization

. . .". The letter identified "counterintelligence, intelligence, security, and environment, safety and health compliance activities" as the organizational areas of concern.

Chairman Spence and I took Director Lew's letter very seriously and modified the conference report specifically to address the concerns in his letter. We modified the conference report by establishing the Office of Counterintelligence, which would be responsible for establishing all counterintelligence policy for the Department and for integrating such policies across organizational lines. I would point out that the Senate-passed DOE reorganization framework placed all responsibility for counterintelligence in the National Nuclear Security Administration.

Mr. President, let me again convey the importance of the Defense Authorization Act to the men and women in uniform. The soldiers, sailors, airmen, marines, their families and veterans are aware of the increased benefits in the conference report and are looking to you to follow through on your promises to them. I strongly encourage you to sign the bill when it is sent to you.

Respectfully,

JOHN WARNER.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 29, 1999.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

Sincerely,

JACOB J. LEW, DIRECTOR.

Mr. DOMENICI. Mr. President, I will not take much time because there are so many people who want to speak to this bill and its many other ramifications.

My assessment was that the President was concerned about the environmental provisions. We went through it very carefully. I believe the President was satisfied that what we had done was intended to keep this semi-autonomous agency totally within the purview of every environmental law of this land.

The second issue, obviously, had to do with counterintelligence because the Department under Bill Richardson had gone to a great deal of effort to create a policymaking mechanism for counterintelligence and had appointed somebody to be in charge of it. The amendment in its original form did not account for that. It put all of the counterintelligence within the new, semi-autonomous agency.

That issue was raised with Chairman Rudman as he testified, and, as the distinguished chairman of the full committee indicates, it was raised to the committee by Mr. Lew from the OMB. Perhaps the good point was made. I think it could have gone either way. But I am certain that everybody involved in security will say it is all right the way it is.

Secretary Richardson made the point that there are some counterintelligence issues that are broader and apply in different places within the Department than just in the nuclear weapons part. You shouldn't have two kinds of policies developed on counterintelligence. So we said the policy will be developed in the Office of the Secretary and it will be implemented and carried out in toto for the nuclear part by the semiautonomous agency, and the Assistant Secretary, or administrator—whichever we choose to call him—implements this provision.

I believe those are the most important issues of which we spoke.

I think the President clearly understood that you could manage a nuclear weapons system without a Secretary of Energy. You could do it similar to NASA, with perhaps a board of directors, and he even commented that certainly would not be illegal. But the point is, we want to leave it in the Department. But when you leave it there, you have to make it somewhat autonomous or you haven't changed anything. I think by the time we were finished that was well understood.

I believe we have a good bill with reference to reforming this Department. I think within a couple of years you will see security in a much better shape. I think you will see "accountability" as a word of which you will not only speak but you will know who is accurate. And it is high time, in my opinion.

I thank the distinguished Senator, Mr. WARNER, for involving me again here tonight.

I think I have said enough. I yield the floor. I hope the Senate passes this tomorrow overwhelmingly.

Mr. WARNER. Mr. President, I thought it very important and as a courtesy to the President that this be a part of the legislative history of this bill. Senator DOMENICI has given an excellent explanation.

So this part of the RECORD contains all the information that is pertinent, I ask unanimous consent that my letter to the attorneys general, to which our distinguished colleague, Mr. DOMENICI, referred, likewise be printed in the RECORD so that those studying this issue will have in one place all of the pertinent material.

I thank the Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 14, 1999.

Hon. MICHAEL O. LEAVITT,
Chairman, National Governors' Association Hall of States,
Washington, DC.

Hon. CHRISTINE O. GREGOIRE,
President, National Association of Attorneys General,
Washington, DC.

DEAR GOVERNOR AND MADAM ATTORNEY GENERAL: We are aware that concerns have been raised regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for fiscal year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites. Title XXXII provides for the reorganization of the DOE to strengthen its national security function, as recommended by the House of Representatives, the Senate, and the President's Foreign Intelligence Advisory Board (PFIAB). In so doing, the NDAA would establish the National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department.

However, as the purpose of this effort was focused on enhancing national security and strengthening operational management of the Department's nuclear weapons production function, the conferees recognized the need to carefully avoid statutory modifications that could inadvertently result in changes or challenges to the existing environmental cleanup efforts. As such, Title XXXII does not amend existing environmental, safety and health laws or regulations and is in no way intended to limit the states' established regulatory roles pertaining to DOE operations and ongoing cleanup activities. In fact, Title XXXII contains a number of provisions specifically crafted to clearly establish this principle in statute.

NNSA COMPLIANCE WITH EXISTING ENVIRONMENTAL REGULATIONS, ORDER, AGREEMENTS, PERMITS, COURT ORDERS, OR NON-SUBSTANTIVE REQUIREMENTS

Concern has been expressed that Title XXXII could result in the exemption of the NNSA from compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements. We believe these concerns to be unfounded. First, Section 3261 expressly requires that the newly created NNSA comply with all applicable environmental, safety and health laws and substantive requirements. The NNSA Administrator must develop procedures for meeting these requirements at sites covered by the NNSA, and the Secretary of Energy must ensure that compliance with these important requirements is accomplished. As such, the provision would not supersede, diminish or otherwise impact existing authorities granted to the states or the Environmental Protection Agency to monitor and enforce cleanup at DOE sites.

The clear intent of Title XXXII is to require that the NNSA comply with the same environmental laws and regulations to the same extent as before the reorganization. This intent is evidenced by Section 3296, which provides that all applicable provisions of law and regulations (including those relating to environment, safety and health) in effect prior to the effective date of Title XXXII remain in force "unless otherwise provided in this title." However, nowhere in Title XXXII is there language which provides or implies that any environmental law, or regulation promulgated thereunder, is either limited or superseded. Therefore, we clearly intend that all existing regulations, orders, agreements, permits, court orders, or non-substantive requirements that presently apply to the programs in question, continue to apply subsequent to the enactment and effective date of Title XXXII.

Concern has also been expressed that the creation of the NNSA would somehow narrow or supersede existing waivers of sovereign immunity or agreements DOE has signed with the states. Title XXXII merely directs the reorganization of a government agency and does not amend any existing provision of law granting sovereign immunity or modify established legal precedent interpreting the applicability or breadth of such waivers of sovereign immunity. The intent of this legislation is not to in any way supersede, diminish or set aside existing waivers of sovereign immunity.

NNSA RESPONSIBILITY FOR ENVIRONMENT, SAFETY AND HEALTH AND OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has been expressed that the NNSA would be sheltered from internal oversight by the Office of Environment, Safety and Health. In keeping with the semi-autonomous nature of the proposed NNSA, the legislation establishes new relationships between the new NNSA and the existing DOE secretariat. Principally, it vests the responsibility for policy formulation for all activities of the NNSA with the Secretary and devolves execution responsibilities to the NNSA Administrator. However, there is clear recognition of the need for the Secretary to maintain adequate authority and staff support to discharge the policy making responsibilities and conduct associated oversight. For instance, Section 3203 establishes a new Section 213 in the Department of Energy Organization Act which provides that:

"(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

(c) The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section."

While some maintain that both of these provisions are redundant restatements of the Secretary's inherent authority as chief executive of his department, we recognized the importance of being abundantly clear on this point, particularly as it pertained to environmental, safety and health matters. Therefore, we fully expect that the Secretary will continue to rely on the Office of Environment, Safety and Health or any future successor entity to support his policy making and oversight obligations under the law.

To further clarify this point, the conferees also included a provision in Section 3261(c) that states that "Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs." This provision makes reference to the requirement that the NNSA Administrator ensure compliance with "all applicable environmental, safety and health statutes and substantive requirements." Once again, the conferees intended this further language to make it abundantly clear that the Secretary retains the authority to assign environmental compliance oversight to the Office of Environment, Safety and Health to support his responsibilities in this area.

Finally, concern has also been raised over the interpretation of the assignment of environment safety and health operations to the NNSA Administrator by Section 3212. This provision establishes the scope of functional responsibilities assigned to the NNSA Administrator and is not intended to, and does not, supersede the assignment of primacy for policy formulation responsibility to the Secretary of Energy for environment, safety and health or any other function.

EFFECT OF SECTION 3213 ON OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has also been raised that Section 3213 could be interpreted in a manner that would preclude oversight by the Office of Environment, Safety and Health. Section 3213 deals exclusively with the question of who within the Department of Energy holds direct authority, direction and control of NNSA employees and contractor personnel. As such, this provision establishes the operational and implementation chain of command in keeping with the organizing principle of the legislation to vest execution authority and responsibility within the NNSA. However, neither this principle nor Section 3213 would in any way preclude the Secretary from continuing to rely on the Office on Environment, Safety and Health for providing him with oversight support for any program or activity of the NNSA.

NNSA RESPONSIBILITY FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Concern has also been raised that Title XXXII somehow would extend to the NNSA responsibility for environmental restoration and waste management. We consider this concern to be unfounded and inaccurate. Contrary to some interpretations, Section 3291(c) grants no authority to the Secretary to move additional functions into the NNSA. Rather, Section 3291(c) recognizes the possibility that some future activity may present the need to migrate a particular facility, program or activity out of the NNSA should it evolve principally into an environmental cleanup activity. Therefore, this provision would allow such activity only to be transferred out of the NNSA.

Further, contrary to some expressed concerns, Title XXXII would not permit control of ongoing cleanup activities being carried out by the Office of Environmental Management to be assumed or inherited by the NNSA, thus ensuring that DOE's environmental responsibilities will not be overshadowed by production requirements. Finally, as previously noted, Section 3212, which assigns the functional responsibilities of the NNSA Administrator, is not intended to, and does not, establish responsibility to the NNSA Administrator for environmental restoration and waste management.

OVERSIGHT ROLE OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Concern has been raised that the external oversight role of the Defense Nuclear Facilities Safety Board (DNFSB) will be impaired by the conference report language. This concern is without merit, since Title XXXII makes no change to the existing authority or role of the DNFSB. While there was some discussion during the conference of possibly expanding the role of the DNFSB to enhance external environmental and health oversight, this proposal was eventually dropped resulting in no change to the existing authority of the DNFSB.

We firmly believe that this legislation will result in much needed reforms to better protect the most sensitive national security at our nuclear weapons research and production facilities and to correct associated long-standing organizational and management problems within DOE. However, we agree that these objectives should not weaken or undermine the continuing effort to ensure adequate safeguards for environmental, safety and health aspects of affected programs and facilities. More specifically, we believe that these objectives can be met without in any way limiting the established role of the states in ongoing cleanup activities. This legislation is fully consistent with our continuing commitment to the aggressive cleanup of contaminated DOE sites and protecting the safety and health of both site personnel and the public at large.

We appreciate your willingness to share your concerns with us and hope that this response will address them in keeping with our mutual objectives. In this regard, we look forward to continuing to work closely with you and your associations to ensure that this legislation is implemented in a manner that is consistent with the principles stated above and strikes the intended careful balance between national security and environmental, safety and health concerns.

Sincerely,

FLOYD D. SPENCE,
Chairman, House Armed Services Committee.
JOHN WARNER,
Chairman, Senate Armed Services Committee.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, September 3, 1999.

Re Department of Energy Reorganization.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.
Hon. RICHARD GEPHARDT,
Minority Leader, U.S. House of Representatives,
Washington, DC.

DEAR SENATORS LOTT AND DASCHLE; AND REPRESENTATIVES HASTERT AND GEPHARDT: We write to express our serious concerns with certain provisions of the Department of Defense ("DOD".) Authorization bill as reported by the House/Senate conference committee on August 4, 1999. Title XXXII of the bill would create a new, semi-autonomous entity within the Department of Energy ("DOE") called the National Nuclear Security Administration ("NNSA"). We recognize the need to ensure national security at DOE, and acknowledge the strong Congressional interest in restructuring DOE to address these concerns. However, any such restructuring must not subordinate the states' legitimate environment, safety, and health concerns to weapons production and development. We fear that the proposed bill will have this unintended consequence. We urge you to oppose those provisions of Title XXXII that would weaken the existing internal and external oversight structure for DOE's environmental, safety and health operations.

For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health. Over the past twelve years or so, the disastrous consequences of this self-regulation have become plain. DOE now oversees the largest environmental cleanup program in the world. DOE has contaminated thousands of acres of land, and billions of gallons of groundwater. Much of this land and water will never be cleaned up. Instead, states and the federal government will have to ensure these contaminated areas remain isolated or contained for hundreds or thousands of years. Achieving even this sad legacy will cost $147 billion, according to DOE's most recent estimates. As recent revelations about worker health and safety at DOE's Paducah, Kentucky, plant further demonstrate, we should not return to the era of self-regulation.

Congress and President Bush responded to these concerns in 1992 by passing the Federal Facility Compliance Act, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup. DOE also made internal reforms. It created an internal oversight entity in the Office of Environment, Safety, and Health. It also created the Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities, and to remediate its environmental contamination.

Title XXXII of the Defense Authorization bill would undercut each of these reforms. It would impair State regulatory authority, eliminate DOE's internal oversight of environment, safety and health, and transfer responsibility for waste management and environmental restoration to the entity responsible for weapons production and development. The following provisions of the bill are particularly troubling:

Under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the NNSA exempt from state environmental regulations, permits, orders, penalties, agreements, and "non-substantive requirements."

Sections 3212(b)(8) and (9) make the NNSA responsible for environment, safety and health operations, and section 3291(c) clarifies that this includes environmental restoration and waste management. Under this arrangement, environmental concerns would likely take a back seat to production.

Together, sections 3202, 3213(a) and 3213(b) provide that the NNSA's employees and contractors would not be subject to oversight by the Office of Environment, Safety, and Health.

Section 3296, intended as a savings clause, will not preserve application of existing laws and regulations because of the introductory phrase "unless otherwise provided in this title."

Against these provisions, section 3211's unenforceable exhortation that the Administrator shall ensure the NNSA's operations are carried out "consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce" is of little comfort.

Enhancing national security does not have to be inconsistent with protecting environment, safety, and health. But as set forth in Title XXXII, it is. Unfortunately, there have been no hearings where states could comment on the language of this bill. The provisions we are concerned about surfaced in the conference committee. We urge you to oppose the DOE reorganization provision, Title XXXII, as proposed in the Defense Reauthorization bill. If Congress believes that reorganization is necessary to resolve security issues at DOE, such changes should be accomplished through the regular legislative process, with hearings that provide an opportunity for states and others who are concerned about the environmental, safety and health consequences to have their views heard before a final vote.

Sincerely,

Christine O. Gregoire, Attorney General of Washington, President, NAAG.
Carla J. Stovall, Attorney General of Kansas, Vice President, NAAG.
Ken Salazar, Attorney General of Colorado.
Andrew Ketterer, Attorney General of Maine, President-Elect, NAAG.
Mike Moore, Attorney General of Mississippi, Immediate Past President, NAAG.
Bruce M. Botelho, Attorney General of Alaska.
Mark Pryor, Attorney General of Arkansas.
Richard Blumenthal, Attorney General of Connecticut.
Robert A. Butterworth, Attorney General of Florida.
John Tarantino, Acting Attorney General of Guam.
Janet Napolitano, Attorney General of Arizona.
Bill Lockyer, Attorney General of California.
M. Jane Brady, Attorney General of Delaware.
Thurbert E. Baker, Attorney General of Georgia.
Earl Anzai, Attorney General Designate of Hawaii.
Alan G. Lance, Attorney General of Idaho.
Jeffrey A. Modisett, Attorney General of Indiana.
A.B. "Ben" Chandler III, Attorney General of Kentucky.
Tom Reilly, Attorney General of Massachusetts.
Mike Hatch, Attorney General of Minnesota.
Jim Ryan, Attorney General of Illinois.
Tom Miller, Attorney General of Iowa.
J. Joseph Curran, Jr., Attorney General of Maryland.
Jennifer Granholm, Attorney General of Michigan.
Jeremiah W. Nixon, Attorney General of Missouri.
Joseph P. Mazurek, Attorney General of Montana.
Philip T. McLaughlin, Attorney General of New Hampshire.
Patricia Madrid, Attorney General of New Mexico.
Michael F. Easley, Attorney General of North Carolina.
Maya B. Kara, Acting Attorney General of the Northern Mariana Islands.
Frankie Sue Del Papa, Attorney General of Nevada.
John F. Farmer Jr., Attorney General of New Jersey.
Eliot Spitzer, Attorney General of New York.
Heidi Heitkamp, Attorney General of North Dakota.
Betty D. Montgomery, Attorney General of Ohio.
W.A. Drew Edmondson, Attorney General of Oklahoma.
D. Michael Fisher, Attorney General of Pennsylvania.
Paul Summers, Attorney General of Tennessee.
Jan Graham, Attorney General of Utah.
Hardy Myers, Attorney Myers, Attorney General of Oregon.
José A. Fuentes-Agostini, Attorney General of Puerto Rico.
John Cornyn, Attorney General of Texas.
William H. Sorrell, Attorney General of Vermont.
Darrell V. McGraw, Jr., Attorney General of West Virginia.
Gay Woodhouse, Attorney General of Wyoming.
James E. Doyle, Attorney General of Wisconsin.

Mr. DOMENICI. Mr. President, I want to say for the RECORD that there are so many people who have worked hard on this legislation. I don't want the RECORD to even imply that I was more responsible than others. Maybe I worked earlier than some. But Senator KYL worked very hard. Senator MURKOWSKI conducted some marvelous hearings on the subject. Both the chairman and ranking member of the Committee on Intelligence were greatly involved and, in fact, participated in helping us with this and supported it wholeheartedly.

The Senators on the floor from the Armed Services Committee, Senator BINGAMAN and Senator LEVIN, contributed to some positive things on the floor that were changed as a result of their concerns. I think altogether we have a bill that will work.

Mr. WARNER. Mr. President, again I thank Senator DOMENICI.

The RECORD should reflect the valuable contributions by the staff members who worked on this amendment: Alex Flint of Senator DOMENICI's staff, John Roos of Senator KYL's staff, Howard Useem of Senator MURKOWSKI's staff, and Paul Longsworth of my staff, and the Armed Services Committee staff.

PRIVILEGES OF THE FLOOR

Mr. WARNER. I ask unanimous consent Clint Crosier, a fellow from Senator SMITH's office, be granted floor privileges during the DOD authorization debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I also ask unanimous consent that staff members of the Committee on Armed Services on the list I send to the desk be extended privileges of the floor during consideration of this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

ARMED SERVICES COMMITTEE STAFF

Romie L. Brownlee, Staff Director.
David S. Lyles, Staff Director for the Minority.
Charles S. Abell, Professional Staff Member.
Judith A. Ansley, Deputy Staff Director.
John R. Barnes, Professional Staff Member.
Christine E. Cowart, Special Assistant.
Daniel J. Cox, Jr., Professional Staff Member.
Madelyn R. Creedon, Minority Counsel.
Richard D. DeBobes, Minority Counsel.
Marie Fabrizio Dickinson, Chief Clerk.
Kristin A. Dowley, Staff Assistant.

Edward H. Edens IV, Professional Staff Member.
Shawn H. Edwards, Staff Assistant.
Pamela L. Farrell, Professional Staff Member.
Richard W. Fieldhouse, Professional Staff Member.
Mickie Jan Gordon, Staff Assistant.
Creighton Greene, Professional Staff Member.
William C. Greenwalt, Professional Staff Member.
Joan V. Grimson, Counsel.
Gary M. Hall, Professional Staff Member.
Shekinah Z. Hill, Staff Assistant.
Larry J. Hoag, Printing and Documents Clerk.
Andrew W. Johnson, Professional Staff Member.
Lawrence J. Lanzillotta, Professional Staff Member.
George W. Lauffer, Professional Staff Member.
Gerald J. Leeling, Minority Counsel.
Peter K. Levine, Minority Counsel.
Paul M. Longsworth, Professional Staff Member.
Thomas L. MacKenzie, Professional Staff Member.
Michael J. McCord, Professional Staff Member.
Ann M. Mittermeyer, Assistant Counsel.
Thomas C. Moore, Staff Assistant.
David P. Nunley, Staff Assistant.
Cindy Pearson, Security Manager.
Sharen E. Reaves, Staff Assistant.
Anita H. Rouse, Deputy Chief Clerk.
Joseph T. Sixeas, Professional Staff Member.
Cord A. Sterling, Professional Staff Member.
Madeline N. Stewart, Receptionist.
Scott W. Stucky, General Counsel.
Eric H. Thoemmes, Professional Staff Member.
Michele A. Traficante, Staff Assistant.
Roslyne D. Turner, Systems Administrator.

Mr. WARNER. Mr. President, this evening we consider the conference report to accompany S. 1059, the National Defense Authorization Act for fiscal year 2000.

I am pleased to report for the first time in 15 years—I want to repeat that and let it sink in, 15 years—the defense budget before the Senate represents a real increase above the normal allowance we make for inflation. This is above inflation for defense spending.

I rejoice in that as all members of our committee do. I am hopeful that all Members of the Senate, likewise, do. We authorize $288.8 billion in defense funding for next year, which is $8.3 billion above the President's budget request, and a 4.4-percent real increase in spending from last year.

I acknowledge the roles particularly of the Members of the Joint Chiefs of Staff who appeared before the Armed Services Committee on two occasions. We have a longstanding tradition in our committee that when these individuals are confirmed before our committee, we obtain from them a commitment that at any time the committee desires to receive their personal, professional, military opinion on matters, and those issues could be contrary to the policies of the administration which they proudly serve, they will be received.

These individuals testified to the needs of their respective services which were over and above the dollar figures, the budget allocations set by OMB and, indeed, the administration. That gave the foundation of evidence that enabled Members, first in committee, and then before this body, in passing the bill to get the increased sums I have just referenced—$8.3 billion above the President's budget request.

The President himself this year took an initiative to get additional defense spending. To the credit of our former colleague, Senator Cohen, he, likewise, was very supportive of the President and took the initiative that led to the President increasing the defense budget. However, our committee was of the opinion, again, based largely on the testimony of the Joint Chiefs, that we needed dollars above the President's figure and we obtained them.

First, a quick review of the precarious international situation. Remember, much of the budget consideration started with the problems in Bosnia, the problems with reference to Kosovo. All during that timeframe, the committee was holding hearings and working on its budgets. Most recently, the crisis in East Timor. Incidentally, in consultation with the President, I indicated I supported the action of sending U.S. troops as a part of the security force under the U.S. auspices to save the people of East Timor.

But I mention this is a very troubled world. It is a far different one than when I first came to the Senate 21 years ago, when it was a bipolar world dominated by the Soviet Union, at that time, and the United States as the two superpowers. We didn't realize the degree of stability we had during that period of the two superpowers in a bipolar world, but we appreciate it in today's world where we see so many ethnic, religious, and racial tensions which have now come to the forefront and have exploded into strife in various areas of the world. Russia evolved from that sort of crisis. But it does not remain, of course, as a superpower.

Many nations, therefore, and the United Nations, have turned to the United States as the sole remaining superpower to solve new types of conflicts and tensions around the world. We are called upon to be—to use a phrase which I dislike, but it is well ingrained in the media—the world's policeman. We are not the world's policeman. Our President—in my judgment too many times, but nevertheless by and large I have supported him on most of the occasions, such as East Timor—has directed our Armed Forces beyond our shores more times than any President in the history of the United States of America. All this to say that is justification for the additional defense spending, justification for the very significant sum of money embraced in this bill.

It is fascinating to pause and go back and examine just what has transpired in a very brief period of time in our history. We face and bear these new developments with a force that is overstretched around the world and operating on a shoestring. Over the past decade, our military manpower has been reduced by one-third, from 2.2 million men and women in uniform to now 1.4 million in uniform. At the same time, during that decade, those very young, magnificently trained, dedicated, committed young men and women were involved in 50 military operations worldwide. At the same time that we came down in force structure, up rose the number of occasions in which the Commander in Chief—successively, three Commanders in Chief—have deployed them throughout the world.

By comparison, let's look at another chapter of history. From the end of the war in Vietnam, 1975, until 1989, U.S. military forces were engaged in only 20 military operations. What a sharp contrast, and it is reflected by the ever-increasing threat from weapons of mass destruction; that is, weapons composed of fissile material, biological material, and chemical materials.

All of the ethnic and religious and racial tensions that are breaking out all over the world—that is the reason the President has had to send for our troops to meet these crises, but troops which are diminishing overall in numbers. It is critical the funding and the authorities contained in this conference report be quickly enacted into law so we can send a very clear message—we, the Congress of the United States—send a very clear message to our troops: We are behind you. We recognize that you are stretched. We recognize the hardships on your families. We recognize the risks you are taking. And we, the Congress, have responded by increasing the defense budget, by increasing the money for your salaries, increasing the money so that your salaries can begin to move up—and I carefully say move up—towards salaries commensurate with those in the private sector.

A sergeant in our military today with, say, 4 or 5 years of service and training in a specialty can command a much higher salary in the private sector. How well we know that because they are not staying. Our retention of those well-trained people is at levels below the needs of the military. That is why, sergeant, we are raising your salary. That is why, captain, major, we are raising your salary. Because we know you are at that juncture in your career where you have to make a decision for yourself—and your family, in most cases—as to whether to stay at this current salary or go into the private sector where you can get a 10, 15, 20, 30, 100 percent increase in salary. We recognize your commitment to your country, your selflessness to serve your Nation, and joined with your family, we give you this recognition in this bill of a very significant pay raise, together with certain retirement benefits which more nearly meet your long-term projected goals.

This is personnel reform. I thank Senator LOTT, who initiated correspondence with the President of the United States just as soon as this session of the Congress began and pointed out to the President the need for certain personnel reforms. In weeks thereafter, he was joined by other Senators—Mr. MCCAIN, Mr. ROBERTS—and the committee, in every respect that we could, followed the goals those three individuals laid down in devising this pay and benefits and retirement bill.

The result of this conference report is to aggressively close the gap between military and private sector wages by providing a 4.8-percent pay raise and ensuring military personnel will be compensated more equitably. We did not get it all the way up to where they can draw a line equal to the private sector, but we came a long way.

The military retirement system will be reformed by providing military personnel with a choice. They will be allowed to choose to revert to the previous military retirement system or accept a $30,000 bonus and remain under the Redux system. This may not be clear to all those who are not familiar with it, but I assure you this retirement system was derived by our committee and legislated by the Senate as a whole and adopted by the conference after the closest consultation with the senior uniformed personnel, as well as all grades and ranks, to make sure we got it right this time. I am pleased to give my colleagues that assurance. We did get it right.

Military members will also be given the opportunity to participate in the Federal Thrift Savings Program; again, an incentive for them to remain in the military.

During the course of our review, the committee found the single most frequent reason departing service members cite is that of family separation, occasioned most often by the back-to-back deployments of the uniformed member who has family, be it a male or a female, to the various parts of the world to meet the requirements of 50 deployments in this past decade. That puts a strain on families. For us, those who have the relative enjoyment of being with our families at all times, it is hard to understand. You are given orders: In 72 hours you are going to be aboard that plane or that ship and you have to leave your family and go abroad for, most often, an indefinite period of time.

Let every young wife and let every child put themselves in the place of a military family where your father, or, indeed, your mother as the case may be, comes home and says: My orders read I must leave in 72 hours and I am not sure when I will be back. That is a tough lifestyle. But these young people are accepting it. I hope as a consequence of this bill, greater numbers will elect to retain their current positions and continue to advance and serve this country in their expertise.

In addition to enhancing the quality of life for military personnel, this bill focuses on providing our Armed Forces the tools they need to meet their commitments worldwide. For example, this year the bill provides for $1.5 billion increased funding above the President's request for military readiness. This includes an additional $939 million to reduce equipment and infrastructure maintenance backlogs, $179 million for ammunition, and $112 million for service training centers.

The conference report also stresses the problem of aging infrastructure by fully funding $8.5 billion in military construction projects, which is $3 billion above the administration's request. Much of this additional funding is targeted for housing and other projects that will enhance the quality of life of the men and women in the Armed Forces—just really meeting the basic requirements for a standard and a quality of life that they have earned many times over.

The conference report also contains additional information about the modernization and specific provisions covering modernization and research and development funding to provide the requirement capabilities for the future. We try to look out a decade. What are the likely adversaries we will have 10 years from now, and what will be their military capabilities in terms of hardware? What is it the United States needs, to begin now or to continue research and development on, so as to meet those threats 10 years out and meet and exceed the capabilities of the military equipment likely to be in the possession of our adversaries a decade hence.

The F-22 is a clear example of that. Senator STEVENS, with whom I was consulting earlier this evening, is doing the very best he can to restructure, with the House of Representatives, that program so we can continue to develop that vital aircraft. I say vital because this Nation has adopted so many, if not all, of its military plans for combating an enemy on the concept of air superiority.

We have had air superiority since the Korean war, in which I played a very modest role as a communications officer in the First Marine Air Wing. That was the last war—in Korea—in which we lost airmen as a consequence of aerial combat. Our distinguished colleague, Senator Glenn, who retired last year, was very much involved in that. That is the last time we experienced a threat in air-to-air combat from military aircraft of any great significance.

There has been an isolated case here and there. I know at one point in time several planes took off during the Kosovo operation, but they were quickly knocked down and sent back to their bases. The same thing happens in Iraq today. Periodically, Saddam Hussein sends them up. They make a U-turn and scatter back home very quickly. Again, the reason they scatter back home quickly is the reason Milosevic was unsuccessful in his aircraft: Because we have air superiority. That is in air-to-air.

Where we must stay abreast in air superiority is in what we call ground-to-air missiles. That is an entirely different threat and one that, every day that goes by, other nations are getting capability to shoot from the ground into the air, at almost all the altitudes at which our aircraft operate, very dangerous missiles to knock down our aircraft. It is for that reason we have to have the F-22 and other modern aircraft which provide for our men to maintain air superiority.

The bill authorizes $55.7 billion in procurement funding, $2.7 billion more than the President's request, and $36.3 billion in research and development spending, $1.9 billion more than the President's request. In considering where to add money, the conferees focused on those items contained in the service chiefs' list of critical unfunded requirements.

We did not just go straying off. We said to the chiefs: We recognize the President set a budget target within which you had to do your budgeting; but in the event the coequal branch of our Government—the legislative branch, the Congress—comes along and makes a determination that more money should be added to this budget, then where, in your professional judgment, should that money be added: In the Department of the Army? The Department of the Navy? The Department of the Air Force? That is what we used as guidance in adding moneys over and above the President's request to specific programs.

Our Nation is facing very real threats from the proliferation of weapons of mass destruction, international terrorism, information warfare, and drug trafficking. These are the dangerous threats that keep our Nation's leaders up at night and that require substantial investments to counter. To meet these challenges, the Emerging Threats Subcommittee—under the superb leadership of Senator ROBERTS—pursued a number of initiatives that were adopted by the conference including authorizing 17 new National Guard RAID Teams to respond to terrorist attacks in the United States; initiating better oversight of DOD's program to combat terrorism; and establishing an Information Assurance Initiative to strengthen DOD's information security program.

Now let me discuss the provisions in the bill that would reorganize the national security functions of the Department of Energy. A degree of controversy has arisen over these provisions and I wish to outline for my colleagues what the conference report does and, specifically, what it does not do.

The conference report includes a subtitle that would restructure the Department of Energy by consolidating all of its national security functions under a single, semi-autonomous agency within DOE, known as the National Nuclear Security Administration. This action represents the first significant reorganization of DOE in over 20 years and is in direct agreement with the June 1999 recommendation from the President's Foreign Intelligence Advisory Board, which called for the creation of "a new semiautonomous Agency * * * whose Director will report directly to the Secretary of Energy."

There have been countless other reports that have questioned the management structure of the Department. But by far, the President's own Foreign Intelligence Advisory Board had the most damming assessment. This report states that "the Department of Energy, when faced with a profound public responsibility, has failed." The report goes on to say that "the Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself".

It has been asserted that the conference report could diminish the role of the States in DOE cleanup actions and blur the authority of the Secretary of Energy to manage the national security function of the Department. Let me state clearly that each of these accusations are wholly untrue.

Language to maintain environmental protection was included that is identical to the language in the amendment offered by Senators LEVIN, BINGAMAN, and others in the Senate. This amendment was included in the DOE reorganization provision which overwhelmingly passed the Senate by a vote of 96–1 as part of the Intelligence Authorization Act. This vote on a very similar reform package as contained in the conference agreement demonstrated the clear intent of Congress that the current management structure at the Department was broken and was in need of reform.

With regard to the authority of the Secretary of Energy, the conferees were very careful and could not have been clearer in retaining the authorities of the Secretary necessary to manage, direct, and oversee the activities of the new Administration. I and most of the other conferees believe this new DOE organizational framework will dramatically streamline the management of our Nation's nuclear weapons labs, establish clear accountability, and ensure full compliance with the Secretary of Energy's direction and all applicable environmental laws.

Energy Secretary Bill Richardson, however, has indicated that this new organizational framework would make it "impossible for any Secretary of Energy to run the Department." Let me say, with all due respect to my good friend Mr. Richardson, I disagree. I was a Secretary of a military department and know what is required to make an organization work. I believe that the organizational structure that is created in this conference report could be successfully managed by a strong Secretary of Energy—and he should step up to this challenge.

In conclusion, I want to thank all the members and staff of the conference committee for their hard work and cooperation. This bill sends a strong signal to our men and women in uniform and their families that Congress fully supports them as they perform their missions around the world with professionalism and dedication. Many organizations including The Military Coalition and The National Military and Veterans Alliance, two consortiums of nationally prominent military and veterans organizations representing millions of current and former members of the uniformed services, their families and survivors, strongly endorse enactment of this bill.

I am confident that enactment of this bill will enhance the quality of life for our service men and women and their families, strengthen the modernization and readiness of our forces and begin to address newly emerging threats to our security. I urge my colleagues to adopt the recommendations of the conference committee.

I ask unanimous consent that letters from supporting organizations and a list of the staff members of the Armed Services Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
201 NORTH WASHINGTON STREET,
Alexandria, Va. September 15, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition, a consortium of nationally prominent veterans organizations representing more than five million members of the uniformed services plus their family members and survivors, is grateful to you and the Armed Service Committee for your leadership in crafting the FY 2000 National Defense Authorization Act. The Coalition strongly supports enactment of S. 1059.

S. 1059 contains numerous initiatives to improve retention and the quality of life of members of the uniformed services and their families, including pay raises and enhancements in the post-1986 retirement system—both imperative to reverse the serious degradation in personal readiness the services are now experiencing. In addition, it addresses recruiting shortfalls, spare parts shortages, training accounts and deteriorating infrastructure.

Favorable floor action on the pay, retirement and quality of life initiatives in S. 1059 will send a powerful signal to the men and women in the uniformed services and their families that this Nation fully appreciates the sacrifices they are making and recognizes the vital role they play in ensuring a strong national defense.

The Military Coalition has urged every members of the Senate to vote in favor of this important legislation when if comes to the floor.

Sincerely,

THE MILITARY COALITION.

Air Force Association.
Air Force Sergeants Association.
Army Aviation Assn. of America.
Assn. of Military Surgeons of the United States.
Assn. of the US Army.
Commissioned Officers Assn. of the US Public Health Service, Inc.
CWO & WO Assn. US Coast Guard.
Enlisted Association of the National Guard of the US.
Fleet Reserve Assn.
Gold Star Wives of America, Inc.
Jewish War Veterans of the USA.
Marine Corps League.
Marine Corps Reserve Officers Assn.
Mililary Order of the Purple Heart.
National Guard Assn. of the US.
National Military Family Assn.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Assn.
Naval Reserve Assn.
Navy League of the US.
Reserve Officers Assn.
Society of Medical Consultants to the Armed Forces.
The Military Chaplains Assn. of the USA.
The Retired Enlisted Assn.
The Retired Officers Assn.
United Armed Forces Assn.
USCG Chief Petty Officers Assn.
US Army Warrant Officers Assn.
Veterans of Foreign Wars of the US.
Veterans Widows International Network, Inc.

NATIONAL MILITARY AND
VETERANS ALLIANCE,
September 13, 1999.

Hon. JOHN W. WARNER,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Military Veterans Alliance (NMVA)—a group of 20 military and Veterans organizations with over 3 million members and their 6 million supporters and family members—strongly supports the Defense Authorization Act for FY 2000.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NMVA appreciates the fine work of your Committee on this important legislation which provides for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this conference report.

Sincerely,

Grant E. Acker, National Legislative Director, Military Order of Purple Heart; Deirdre Parke Holleman, Gold Star Wives of America; James Staton, Executive Director, Air Force Sergeants Association; Mark H. Olanoff, Legislative Director, The Retired Enlisted Association; Bob Manhan, Veterans of Foreign Wars; Robert L. Reinhe, Class Act Group; Doug Russell, President, American Military Society; Richard D. Murray, President, National Association for Uniformed Services; Frank Ault, Executive Director, American Retirees Association; Arthur C. Munson, National President, Naval Reserve Association; Richard Johnson, Executive Director, Non Commissioned Officer Association; J. Norbert Reiner, National Service Director, Korean War Veterans Association; Dennis F. Pierman, Executive Secretary, Naval Enlisted Reserve Association; Brian Baurnan, Director, Tragedy Assistance Program for Survivors.

COMMISSIONED OFFICERS ASSOCIATION OF THE U.S. PUBLIC HEALTH SERVICE,
September 14, 1999.

Hon. JOHN W. WARNER,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Commissioned Officers Association (COA) of the United States Public Health Service, a private, nonprofit, professional organization comprised of officers of the Commissioned Corps of the Public Health Service. My purpose in writing is to commend you for your leadership in crafting S. 1059, the conference report on the National Defense Authorization Act for Fiscal Year 2000.

More than any legislation in recent memory, this legislation focuses on "people", providing substantial enhancements to the quality of life of our men and women in uniform. In addition, the conference report addresses the critical issues of readiness and modernization, placing this country's national defense capacity on a more solid footing as we enter the next century.

COA deeply appreciates your efforts and your personal resolve to ensure the highest standard of readiness for all seven of our country's uniformed services. We stand ready to assist you with passage of this very important piece of legislation.

Sincerely,

MICHAEL W. LORD,
Executive Director.

NAVY LEAGUE OF THE UNITED STATES,
Arlington, VA, September 16, 1999.

Hon. JOHN WARNER,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 70,000 members of the Navy League of the United States, I want to thank you and the members of the Senate Armed Services Committee for your leadership and hard work regarding S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As you know, S. 1059 contains several initiatives that are critical to improving the quality of life and retention of our highly trained men and women in uniform, particularly the 4.8 percent pay raise, and a restructuring and restoration of the military retirement system. Additionally, the bill begins to address the serious shortfalls in recruiting, spare parts, training accounts and deteriorating infrastructure that is confronting our armed forces.

Quick passage of S. 1059 will send a strong signal to our service members and their families that Congress and our Nation support and recognize the hard work and long hours they endure to guarantee our safety and freedom.

The Navy League, as a civilian patriotic organization, is dedicated to the support of America's sea services and enthusiastically encourages every member of the Senate to vote in favor of this bill when it comes up for final consideration.

With best regards.

Sincerely,

JOHN R. FISHER,
National President.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, September 13, 1999.

Hon. JOHN W. WARNER,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Association for Uniformed Services (NAUS) represents all grades, all ranks, and all components for the seven uniformed services to include family members and survivors as well as over 500,000 members and supporters.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. We appreciate the fine work of your Committee on this important legislation. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NAUS strongly supports final passage of this important legislation to provide for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this legislation.

Sincerely,

RICHARD D. MURRAY,
Major General, U.S.A.F., Retired,
President.

ARMED SERVICES COMMITTEE STAFF

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David S. Lyles, Staff Director for the Minority.
Charles S. Abell, Professional Staff Member.
Judith A. Ansley, Deputy Staff Director.
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Eric H. Thoemmes, Professional Staff Member.
Michele A. Traficante, Staff Assistant.
Roslyne D. Turner, Systems Administrator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I commend my good friend from Virginia for his work on this bill and his leadership in the committee. It is a bipartisan style of leadership, and it is very productive. I commend him on it. It sets the kind of style which I hope will permeate this body in all the things we do, but it is absolutely essential in the national security area that we act in this way. He carries on a great tradition in doing so.

The conference report for the national defense for the fiscal year 2000 is a good bill, with one problem, and that problem is the provisions relating to the reorganization of the Department of Energy nuclear weapons complex. Because of the deficiencies in the DOE reorganization provisions, I declined to sign the conference report on this bill, but, at the time, I stated I would decide how to vote on the bill after a more careful analysis and a public airing of the provisions.

Back to the Department of Defense side of the bill because this is almost two bills but one conference report. We have a Department of Defense authorization bill, in its more traditional style, addressing the issues which we typically address, and we have this new kid on the block, this Department of Energy reorganization part of this bill, which is the problematic part.

The Department of Defense portion of the bill is a good agreement. It was reached through bipartisan and cooperative discussion among ourselves in the Senate and with our House colleagues. This conference report should go—and will go, in my judgment—a long way to meet the priorities established for our military by Secretary Cohen and the Joint Chiefs of Staff.

I very much agree with our good friend, Senator WARNER, as to what he said about this part of the bill and the priorities it sets, how it spends the additional funds. In accordance with the fiscal year 2000 budget resolution, the bill includes an $8.3 billion increase in budget authority above the level provided in the President's budget. Unlike the budget increases in past years, the added money in this bill will be spent in a manner in which the Department of Defense indicates it has the highest priorities.

That is a very important point. The chairman made the point in his remarks that, relative to the additional funds, we solicited from the Department what their highest priorities are and tried to reflect those priorities.

The bottom line is that this bill will go a long way to improve the quality of life for our men and women in uniform, it will improve the readiness of our military, and it will continue the process of modernizing our Armed Forces to meet the threats of the future.

Some of the add-ons, as I have indicated, the so-called increases, represent the highest-priority readiness items identified by the Joint Chiefs of Staff, including an added $788 million for real property maintenance, something we frequently neglect and delay but which is essential—real property maintenance is not a glamorous item, but it is very important to quality of life and to readiness—$380 million was added for base operations; $172 million for ammunition; $112 million for training center support; $151 million for depot maintenance. These are items that too frequently get shortchanged. In each case, these items will significantly enhance the ability of our Armed Forces to carry out their full range of missions.

As far as the members of the military are concerned, this is probably the most important Defense Authorization Act in recent years because of the improvements it will make in pay and benefits for the women and men in uniform.

The bill includes the triad of pay and retirement initiatives sought by Secretary Cohen and the Joint Chiefs: A 4.8-percent military pay raise for fiscal year 2000, reform of the military pay table to increase pay for midcareer NCOs and officers, and changes to the military retirement system. These changes should go a long way in addressing recruiting and retention problems in the services. My greatest disappointment in this area is that we were not able to enact the GI bill improvements that were proposed by Senator CLELAND this year.

I think every Member of this body wants to do everything they can to ensure the men and women in uniform receive fair compensation for the service they provide to their country. Secretary Cohen and the Joint Chiefs of Staff made a persuasive case that the military is facing real recruiting and retention problems and that improvements in pay and benefits in the conference report are a critical element of any plan to address the recruiting and retention problems.

There are other important provisions in this bill as well. For example, the bill reported by the Armed Services Committee provides full funding for the DOD Cooperative Threat Reduction Program with Russia and other countries of the former Soviet Union, although it would terminate work on the Russian chemical weapons destruction facility. Unfortunately, two of the three companion programs at the Department of Energy, the initiative for proliferation prevention and the nuclear cities initiatives, received less funding than requested by the administration.

The bill also contains some unfortunate restrictions on those two programs at the Department of Energy which are going to limit the effectiveness of these programs. Nonetheless, the Cooperative Threat Reduction Program and those related Department of Energy programs are a cornerstone of our relationship with Russia, and although the DOE programs were not funded at the level requested, nonetheless they are funded at a significant level and these programs play an important role in our national security by reducing the threat of proliferation of weapons of mass destruction from Russia and rogue nations with which Russia may form closer ties in the absence of those programs.

There were other disappointments as well. In addition to the reduction of the requests for the DOE programs that I mentioned, Senator WELLSTONE's amendment to provide some relief for a group of veterans who contracted serious illnesses after being exposed to radiation while participating in nuclear tests or while serving at Hiroshima or Nagasaki after the war, adopted in the Senate, was not accepted in conference because when we got to conference, the House conferees said the amendment would increase the so-called mandatory or entitlement spending, and they had no jurisdiction on that issue. As a result, they would not agree to include this provision in the conference report. That is a disappointment. It is a disappointment to me, and I think it will be a disappointment to those veterans who were so exposed.

But the conference report, again, has so many important provisions that we should look at the whole DOD report and weigh that as a whole. When we do that, it seems to me the Department of Defense portion of this bill makes a very large contribution to national security and the effective management of the Department of Defense—including other provisions such as the provision establishing new procedures to protect the military's access to essential frequency spectrum; such as the provision requiring the Department to establish specific budget reporting procedures for all funds to combat terrorism, both at home and abroad; such as a series of provisions to improve the effectiveness and efficiency of health care provided to service men and women under the TRICARE program; such as provisions promoting reform of the Department of Defense financial management systems; such as the provisions promoting more effective management of the defense laboratories and test and evaluation facilities; such as provisions extending the Department's small disadvantaged business goals and its mentor-protegee program for small disadvantaged businesses for 3 years.

As I indicated, this conference report is really two bills. It is a DOD authorization bill, but it is also a reorganization of the entire Department of Energy nuclear weapons complex. It does the latter in a way which is inconsistent with the bill that was passed by the Senate by a vote of 96–1 earlier this year, inconsistent in a number of important ways.

It goes beyond anything that has even been considered by the House of Representatives. While there is a broad consensus that we need to address the management and accountability programs at DOE, particularly in the areas of security and counterintelligence, the provisions in this bill could undermine Secretary Richardson's efforts to secure our nuclear secrets and make the Department even more difficult to manage than it is today.

That is the question we struggle with and that I and a number of the members of our committee have struggled with, and I know Members of this body are struggling with that as well—the final provisions that were put in the conference report to try to analyze: What is the difference, if any, between these provisions in the conference report and the Senate provisions which we adopted to implement the semiautonomous agency recommendation of Senator Rudman?

So I wrote a letter to the Congressional Research Service requesting an independent assessment of the impact of the conference report on the ability of the Secretary of Energy to manage the Department's nuclear weapons programs. The CRS memorandum prepared in response to my letter this month raises serious questions about the impact of the Department of Energy reorganization provisions in this conference report.

The CRS concluded that the Secretary's authority over the new National Nuclear Security Administration "may be problematic in view of the overall scheme of the proposed legislation." For instance, the CRS memorandum raises the question about "whether it is possible, or desirable in practice, to split policy and operations in organizational terms"; and asks whether the practice of insulating administration staff offices from departmental staff offices "effectively vitiate[s] the meaning of the earlier provisions assigning the Secretary full authority and control over any function of the Administration and its personnel."

The CRS memorandum also points out the legislation would permit the administrator of the new National Nuclear Security Agency to "establish Administration-specific policies, unless disapproved by the Secretary of Energy." And the CRS points out that "This procedure reverses the general practice in the departments and to the extent that the Secretary is not the issuing authority, a major tool of management and accountability is shifted to a subordinate office."

If this legislation were interpreted, as the CRS indicates it could be interpreted, to undermine the authority of the Secretary, it would have the perverse effect of diffusing responsibility in the Department, leaving reporting channels even more "convoluted, confusing, and contradictory" than those observed by the Rudman Commission.

I supported the Rudman recommendation and still do. The Rudman recommendation recommends a semiautonomous entity inside the Department of Energy. But what the CRS report does is raise questions about whether or not this language—which is different from the Senate language which was overwhelmingly adopted—in this conference report goes beyond semiautonomous.

None of the models of a semiautonomous agency cited by the Rudman Commission in its report—the National Reconnaissance Office; the National Security Agency; the Defense Advanced Research Projects Agency, or DARPA; or the National Oceanographic and Atmospheric Administration, NOAA—limit the authority of the Cabinet Secretary responsible for the agency as much as these provisions seem to do.

However, the ambiguities in this bill may leave open another choice. We are dealing with ambiguities in language. So we have to look at: Are there other interpretations, other choices which may be available in light of these ambiguities?

In particular, there is language which can be construed to give authority to the Secretary which might allow him to run this agency, called the Department of Energy, in a way which will provide accountability in the Secretary because he is the one to whom we must look to be accountable. We want him to be able to run the agency.

That is why it is called a semiautonomous entity in the Rudman report. They do not recommend an autonomous entity. They recommend a semiautonomous entity. They cite models, the ones I have just indicated, which allow the Secretary of the agency in question to run his agency, including all parts of it, including the semiautonomous parts.

There is language in this conference report which remains which does point towards the ability of the Secretary to run his entire agency, to be accountable and responsible for it.

I want to just read some of that language.

For instance, the new administration—this new entity—is established "within the Department of Energy", and is therefore subject to the direction and control of the Secretary.

The Secretary of Energy, in this conference report—not the head of the new entity, the under secretary, but the Secretary of Energy—is responsible for "developing the security, counterintelligence, and intelligence policies of the Department" under section 214.

For instance, the Department's counterintelligence chief, not his subordinate in the new administration, is "responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities", under section 215.

Another example of language pointing toward accountability in the Secretary—where we want it, ultimately, in this Department or any Department—is that the Secretary of Energy, not the new under secretary but the Secretary of Energy himself, is given continuing responsibility for the security and counterintelligence problems within the Department's nuclear energy defense programs by sections 3150, 3152, 3154, and 3164 of the bill.

Other language which may give some comfort to those of us who are concerned about the diffusion of accountability in this new language—not adopted by the Senate, not adopted by the House, but put into the conference report—other language which may hopefully give some comfort is that the Secretary of Energy, not the new under secretary, is given the responsibility for appointing the Chief of Defense Nuclear Counterintelligence and the Chief of Defense Nuclear Security within the new administration.

I think one can fairly argue that the authority to establish Department-wide policies carries with it the authority to ensure that such policies are carried out. On that basis and on the basis of these other provisions I have just quoted, this legislation could be interpreted to give the Secretary of Energy continuing authority to manage the Department, including the authority to direct and control the new National Nuclear Security Administration.

So while it is unfortunate that this bill has confused reporting relationships and blurred lines of authority, I believe a strong Secretary of Energy may be able to overcome these difficulties and address the Department's problems in an effective manner. He should not have to be confronted with these difficulties, but he may be able to overcome them. We will need to continually reexamine these provisions and modify them as appropriate to ensure that the Secretary and the Department have the tools they need to ensure the security of our nuclear deterrent.

The National Association of Attorneys General has raised an important concern about this legislation. In two letters dated September 3, 1999, to the President and the congressional leadership, the National Association of Attorneys General states that the DOE reorganization provisions in this bill "would weaken the existing internal and external oversight structure for DOE's environment, safety, and health operations."

Here again, the Secretary of Energy may be able to overcome the ambiguities in the bill and exercise strong independent oversight over the new administration, ensuring that applicable laws, regulations, and agreements protecting health, safety, and the environment continue to be enforced. This legislation then may be ratified by the courts consistent with its intent—which we put in the Senate version of this bill—to make no change to existing substantive and procedural mechanisms for enforcing such laws, regulations, and agreements.

I wish these flawed DOE reorganization provisions had not been added in conference. As a matter of fact, adding extraneous material in this way is a dubious legislative practice that too often results in unsound legislation. The concerns raised by attorneys general should serve as a reminder to all of us of the hazards of trying to legislate on complex issues in a conference committee convened to deliberate on unrelated matters.

I am going to vote for this bill because I believe it is possible that the DOE reorganization provisions can be interpreted in a manner that will permit the sound management of the Department of Energy and because the provisions are a part of what is otherwise a good bill. If the DOE reorganization mandated by this bill proves to create problems, we will then have to consider solutions to those problems in the future. We are going to need to monitor this bill closely as it is implemented.

We don't know if the President will or will not veto this bill. Perhaps the President indicated to my good friend from Virginia last night at the meeting. But we do not have any indication as to whether or not the President will veto this bill.

Mr. WARNER. Mr. President, if the Senator will allow me to make clear for the record, while I addressed the President about the importance of the bill as a courtesy to him, I never tried to elicit that response. But I certainly left that meeting with the impression, No. 1, that the President has given a lot of study to the issues that my distinguished good friend and colleague, Senator LEVIN, has raised tonight. He is carefully briefed on it. His questions were very precise on it.

Senator DOMENICI and I provided responses which I hope were quite informative to the President. But I in no way wish to indicate that he likewise indicated what he would do.

I certainly have the impression from that meeting and from everything else I gained that there is not as much fervor down at the White House for a veto, and I am confident that Secretary Cohen likewise contributed his views to the President on this. I am confident he urged the President to sign. He is the principal Cabinet officer involved.

With regard to Secretary Richardson, he has always been, I think, well received by the Members up here who have listened to his overtures on this question. I spoke with him about 10 days ago in my office. I told him at that time precisely what the Senator from Michigan just said—that I thought, to the extent there are ambiguities, together with valuable legal counsel—and I also mentioned this to the President last night—I am confident he can run this Department. If he has the desire and the commitment to do so, he can operate this Department. The Constitution provides for separate branches of Government. The President has the administration of the executive branch. He delegates certain responsibilities to his Cabinet officers. It was not the intention of the Congress to take away from the President's authority.

I am very pleased, if I may say to the President and to the Senator from Michigan, that I learned tonight the Senator from Michigan will vote in favor of this bill. I was terribly concerned that at the time he couldn't sign the conference report. But he, too, has fought the good battle in terms of his views about this reauthorization. I take those to heart.

Let us look at this in a positive light—that this Secretary will take the reins and look at this statute. It challenges him to run a strong Department. It is my expectation that he will do it and that in a period of reasonable time he will have proven not only to his Department but to all of us in the executive branch and the legislative branch that this can be done.

Thank you, Mr. President, and my colleague, because I value our work and relationship. We came to the Senate together 21 years ago. We have been through many struggles. And for the foreseeable future we have certainly another year to work together to devise a bill.

Mr. LEVIN. I thank my good friend from Virginia. We are, indeed, not only old colleagues but dear friends.

Mr. President, as I indicated, I will be voting for this bill tomorrow. I believe it is again possible that the reorganization provisions of the Department of Energy can be interpreted in a manner that will permit the Department to be managed soundly. It is my hope that that will be the case.

If in fact the President decides to veto this matter—we do not know what he will do—then obviously I, for one, will be willing to consider any arguments and reasoning that might be proposed. But I have no reason to know that that is forthcoming. We just have no indication that in fact a veto is or is not forthcoming. We simply have to do what we, in our best judgment, believe is best. Of course, we are always willing to consider any thoughts or reasoning of the President if and when a veto message is received.

Finally, I want to again thank our good chairman. He has put together a bill with provisions in it that are going to make a real difference for the men and women in our military. As the ranking member of this committee, I have worked very closely with him. Republicans and Democrats on this committee don't always agree, but we surely agreed on the end point, which is that the well-being of the men and women in our military and the security of this country has to be first and foremost. It is not a partisan issue. The constructive leadership which our chairman has always provided on so many issues has been part of a great tradition of the Armed Services Committee.

As he rightfully points out, our staffs are essential to that contribution. We all strive to make a bipartisan contribution to the security of this Nation. We succeed at times. I am sure we don't succeed at other times, as hard as we try. But we would not succeed to the extent we do but for the staffs who also work on a bipartisan basis. Dave Lyles, Les Brownlee, and all of our staff under their leadership are essential to the successes that we have.

I, like the chairman, want to thank our subcommittee chairman and all the members of our committee for their work during the past year, starting with the subcommittee hearings this spring and the good work in this bill that is aimed at improving the quality of life for men and women in the military. Their readiness and their support will indeed have that impact and will have that positive effect we so fervently wish for.

I yield the floor.

Mr. WARNER. Mr. President, I thank my good friend and colleague for these many years. It is a personal privilege and a pleasure to work with him. He represents so many of the values and traditions which make this institution great. I know full well his dedication to the men and women of the Armed Forces. I have never known a Senator who more conscientiously goes into every issue—I don't want to use the word "agonizes," but can he give me a better word?

Mr. LEVIN. I wish I could.

Mr. WARNER. To explain the endless hours in which he and his staff go over the most minute details. Indeed, we owe a great debt of gratitude to our staff.

I would like to make one recommendation to my good friend from Michigan. You need a deputy director. I have Judith Ansley. If the Senator from Michigan had a magnificent deputy director like her to help him curtail the top hands—Les Brownlee and David Lyles—it would be great, and I would see to it that the Senator got a little money from the budget for that.

Mr. LEVIN. I was just going to say that sounds like an invitation to a budget request, and tomorrow morning we will surely try to have one on the chairman's desk.

Mr. WARNER. Mr. President, we have done our job.

I can't tell the Senator from Michigan the great respect that I have for him. I know how difficult this provision on the Energy reorganization has been. It is on our bill for valid reasons. We have somewhere between two-thirds and 70 percent of the funds that go into that Department under our overview. We do careful overview on the weapons program.

But the fact that the Senator from Michigan has announced tonight that he will support that bill is very important. I think it will be important to the President as he carefully deliberates such petitions as may be before him by the Secretary of Energy and others on this issue.

Mr. President, I think we have concluded. I thank the Chair and the staff of the Senate.

Mr. THURMOND. Mr. President, I rise in support of the Conference Report on S. 1059, the National Defense

Authorization Bill for Fiscal Year 2000. As the Chairman Emeritus of the Armed Services Committee, I know the challenges faced by Chairman WARNER in reaching a consensus between the House and the Senate on the National Defense Authorization Bill. Therefore, I congratulate the Chairman on his leadership and his tenacity on behalf of our national security and the men and women who have dedicated themselves to protecting our Nation. This is a superb bill that provides for a strong national defense, and, more importantly, includes significant provisions to provide for the welfare of our soldiers, sailors, airmen and Marines and their families.

Mr. President, first and foremost, the Conference Report increases the President's budget request by more than $8.0 billion. This increase is based on last September's testimony by our most senior military leaders who identified a need for an additional $18.5 billion to resolve the most critical readiness issues. Although the increase provided for in the conference report is still short of the Chiefs' identified needs, it, coupled with other improvements in the report, will provide the necessary resources to resolve the most critical readiness issues.

Following closely in importance to the readiness funding are the provisions that improve the quality of life and welfare of our military personnel. They include a 4.8 percent pay raise, reform of the military pay tables, and annual military pay raises one-half percent above the annual increases in the Employment Cost Index. Additionally, the conference report makes major changes to the retirement system and allows both active and reserve component personnel to participate in the same Thrift Savings Plan that is available to other federal employees. These provisions are important steps toward increasing retention and resolving the current recruiting crisis.

Mr. President, the Nation owes its military personnel the best it can provide. In these times between crisis, the Nation tends to forget their sacrifices and contributions to the Nation's security. During the September 1998 hearing, General Shelton eloquently described the quality and service of our military personnel when he stated:

> It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.

The conference report recognizes these contributions.

Mr. President, I am confident that everyone in this Chamber will agree that the security issues in the Department of Energy identified by the various congressional committees, the Cox Committee and the President's Foreign Intelligence Advisory Board, chaired by our former colleague Senator Rudman, mandated measures to improve the management of the nuclear weapons complex. The Conference Report directs the establishment of the National Nuclear Security Administration, a semi-autonomous agency within the Department of Energy. This agency would be responsible for nuclear weapons programs and the security, counterintelligence, and intelligence as they relate to the weapons programs. Contrary to what some allege, the agency would be under the direct control of the Secretary of Energy and he would retain ultimate responsibility for what the Administration does or fails to do.

Mr. President, this is a prudent step that is long overdue. It will streamline the bureaucracy and the process which ensures the reliability of our nuclear weapons. More importantly, it will provide the security oversight that will preclude any further loss of sensitive nuclear information. This is a sound provision that will assist the Secretary of the Energy in carrying out his critical national security role.

Mr. President, this is a good Conference Report that reflects the dedication and leadership of Chairman WARNER, Senator LEVIN, Chairman SPENCE, Representative SKELTON and all the conferees. It provides for the critical national security needs of our Nation and especially for the needs of the men and women who proudly wear the uniforms of our Army, Navy, Air Force, and Marines. I urge its adoption and strong support.

Thank you, Mr. President.

Mr. KYL. Mr. President, I rise today in support of the Defense authorization conference report. The debate on this bill comes at time when our nation faces a host of new national security challenges, like the growing missile threat, the spread of weapons of mass destruction, terrorism, potential information warfare attacks on our critical infrastructure, and aggressive espionage directed at our nuclear laboratories.

It also comes at a time when our armed forces are facing critical shortfalls in readiness and recruitment and retention. Our men and women in uniform are stretched to the limit, with deployments around the globe to places such as Kosovo, Bosnia, East Timor, the Persian Gulf, the Sinai Peninsula, South Korea, and the list goes on and on.

Senator WARNER and his colleagues on the Armed Services Committee have produced a good bill that begins to address some of these problems.

First, the bill authorizes a total of $288.8 billion for DoD and the national security programs at the Energy Department—$8.3 billion more than the President's request. It also increases funding for readiness by $1.5 billion and procurement by $3 billion above the President's request.

The bill provides a 4.8% pay raise for our men and women in uniform, reforms the military pay tables, and improves the retirement system, which should help with recruitment and retention problems.

It authorizes $403 million over the President's request for missile defense, $150 million more than requested for the protection of DoD's computer networks, and authorizes and fully funds 17 new National Guard rapid response teams to respond to terrorist attacks in the U.S.—12 more than requested by the Administration.

And finally, this bill contains a series of provisions to reorganize the Department of Energy in order to improve security and counterintelligence. Over the past few months, we have all heard the sobering news about how our nation's security has been damaged by China's theft of America's most sensitive secrets. Earlier this year, the declassified version of the bipartisan Cox Committee report was released, which unanimously concluded that China stole classified information on every nuclear warhead currently in the U.S. arsenal, as well as the neutron bomb—literally, the crown jewels of our nuclear stockpile.

An interagency group established by CIA Director Tenet, with representatives from each of the U.S. intelligence agencies, also prepared a damage assessment, which unanimously concluded that "China obtained through espionage classified U.S. nuclear weapons information," including "design information on several modern U.S. nuclear reentry vehicles," and "information on a variety of U.S. weapon design concepts and weaponization features."

After the effects of China's espionage came to light, the President asked his Foreign Intelligence Advisory Board, led by former Senator Rudman, to look into the matter. The board released its findings in June, calling for sweeping organizational reform of DOE to address what it described as "the worst security record on secrecy" that the panel members "have ever encountered."

The bipartisan panel cited as the root cause of DOE's poor security record "organizational disarray, managerial neglect, and a culture of arrogance. . . [which] conspired to create an espionage scandal waiting to happen." Terrible problems were uncovered during the panel's investigation. For example, employees at nuclear facilities compared their computer systems to automatic teller machines allowing top secret withdrawals at our nation's expense.

The Rudman report pulled no punches, noting that, "The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . The long traditional and effective method of entrenched DOE and lab bureaucrats is to defeat security reform initiatives by waiting them out."

Although Energy Secretary Richardson announced several new initiatives to change management and procedures at DOE, the Presidential panel's report states, "we seriously doubt that his initiatives will achieve lasting success," and notes, "moreover, the Richardson initiatives simply do not go far enough." It is because of these problems that the Presidential panel recommended that Congress act to reorganize the Department by statute, so that the bureaucracy could not simply wait out another Secretary of Energy.

In response to the reports of security problems at our nuclear facilities, Senator DOMENICI, Senator MURKOWSKI, and I drafted legislation to implement the recommendations of the Rudman panel. Our legislation gathered all the parts of our nuclear weapons programs under one semi-autonomous agency within DOE, with clear lines of authority, responsibility, and accountability, with one person in charge, called the Administrator, who will continue to report to the Energy Secretary. Our legislation, which was offered as an amendment to the intelligence authorization bill, was passed by the Senate on July 21st by an overwhelming vote of 96 to 1. I want to thank Senator WARNER for working with us to include this legislation in the Defense Authorization Conference Report.

A semiautonomous agency, created by statute, is the only way we are going to solve the problems with DOE's management of the nuclear weapons complex, that are long-standing, systemic, and go to the very heart of the way the Department is managed, structured, and organized. To begin with, this semi-autonomous agency will establish a clear mission for the organization, by separating the management of the nuclear weapons programs at DOE from the rest of the Department that is responsible for a broad range of unrelated tasks like setting energy efficiency standards for refrigerators. The provisions of the Conference Report also establish a clear chain of command for our nuclear weapons programs and facilities to establish accountability—something that the Rudman report said was "spread so thinly and erratically [at DOE] that it is now almost impossible to find."

Since the conference report was filed in August, some opponents of DOE reorganization have charged that this legislation would exempt the new semiautonomous agency from environmental and safety laws and regulations—a charge which is simply false. Section 3261 of the bill, which I would note is identical to the language in the amendment passed by the Senate 96 to 1, states, "The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements." Furthermore, section 3261 states, "Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs."

I would also note, that section 3211, which establishes the mission of the new agency clearly states, "In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration."

Some critics have also falsely charged that this legislation would narrow or supercede existing waiver of sovereign immunity agreements with the states and undercut the Federal Facility and Compliance Act, which clarified that states have regulatory authority over hazardous waste management and clean-up. Mr. President, I would point out that Federal Facility Compliance Agreements are based on waivers of sovereign immunity established under applicable federal environmental statutes, which are *not* affected by this bill. As section 3296 makes clear, "unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the effective date of this title. . . shall continue to apply to the corresponding functions of the Administration."

It is well past time to correct the chronic security problems at our nuclear facilities. Earlier this year, four committee's in the Senate held six hearings specifically on the legislation Senator DOMENICI, Senator MURKOWSKI, and I proposed. The time has come to act. Great harm to our nation's security has already been done, and if we want to prevent further damage, we must act to reform the way we manage our nuclear weapons programs and facilities to create accountability and responsibility. Our most fundamental duty as Senators is to protect the safety and security of the American people. They deserve no less than our best in this regard. I urge my colleagues to support the passage of this important bill.

Mr. MURKOWSKI. Mr. President, I rise in support of the conference report on the Defense Authorization Act for fiscal year 2000. The conference report includes provisions to address the chronic security problems at the Department of Energy nuclear weapons laboratories.

We need to make major organizational changes to the Department of Energy in order to protect the national security—to keep our nuclear secrets from falling into the wrong hands. There is no question that the U.S. has suffered a major loss of our nuclear secrets. According to the House Select Committee's report, the Chinese have succeeded in stealing critical information on all of our most advanced nuclear weapons. I repeat: The House report shows that we lost critical information on all of our advanced nuclear weapons! That is unacceptable!

The extensive Senate hearing record—in both open and closed meetings held by the Energy and Natural Resources Committee, the Armed Services Committee, the Intelligence Committee and the Governmental Affairs Committee—makes clear that we lost these secrets due to poor management by the top levels of the Department of Energy—which led to lax security and a lack of accountability and responsibility.

Let me quote from the report of the President's foreign intelligence advisory board—the Rudman report—titled "Science at its best: Security at its worst."

> Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.
>
> The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.
>
> Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.
>
> Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority.
>
> Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons.
>
> Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security.

I ask unanimous consent that additional excerpts from the Rudman report be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See Exhibit 1.]

Mr. MURKOWSKI. Despite this damming criticism by the President's own foreign intelligence advisory board to date not a single high level bureaucrat at DOE—or the FBI or the Justice Department, for that matter—has been removed, demoted or disciplined over this massive failure. Only a very few low-level DOE employees have suffered—including the person who first blew the whistle.

The problem is clear. The question is: Do we want this to continue, or are we going to fix the problem?

One thing we can not discuss in open session, is the extent of this problem.

We can say that this problem is much more extensive than has been reported. We can also say that it is a continuing problem. And we can say that it is not just espionage by China, it is also espionage by other countries that we must stop.

The Administration is against fixing the problem; DOE Secretary Richardson is opposed to the provisions Conference Report. When this was last debated in the Senate, Secretary Richardson sent two letters threatening veto by the President—and he continues to voice his opposition to this legislation. However, the President's own independent and nonpartisan Foreign Intelligence Advisory Board agrees with our legislative solution—creating a semi-autonomous agency within DOE is the way to fix the problem.

Again, let me quote from the Rudman report:

> The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture.
>
> To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

Under the current DOE organization structure everyone is in charge, but no one is responsible—no one is accountable. This legislation changes that. This legislation establishes accountability and responsibility at the Department of Energy. It does so by establishing a new semi-autonomous "National Nuclear Security Administration" inside the Department of Energy.

The Nuclear Security Administration will be a self-contained organization that will be fully in charge of all aspects of our nuclear weapons program—and fully accountable.

This new agency will be headed up by a new Under Secretary of Energy. The new Under Secretary will be responsible for all aspects of our nuclear weapons program, including the DOE weapons labs. If there is a problem in the future we will know who to point the finger at—a single agency with a single person heading it in charge of all aspects of the nuclear weapons program.

As further evidence for the need for this legislation, I would like to quote the testimony of Mr. Vic Reis, the former Assistant Secretary of Energy for Defense Programs, just before he was forced out by Secretary Richardson for disagreeing with the Secretary's position on the need to create a semi-autonomous agency. Mr. Reis said:

> You may recall at a previous hearing, Mr. Chairman, you noticed me in the audience and you asked for my opinion as to who, or what was to blame for the security issues at the national laboratories. I responded that I didn't think you would find any one individual to blame, but that the organizational structure of the DOE was so flawed that security lapses are almost inevitable.
>
> The root cause of the difficulties at DOE is simply that DOE has too many disparate missions to be managed effectively as a coherent organization. The price of gasoline, refrigerator standards, Quarks, nuclear cleanup and nuclear weapons just don't come together naturally.
>
> Because of all this multilayered cross-cutting, there is no one accountable for the operation of any part of the organization except the Secretary, and no Secretary has the time to lead the whole thing effectively. By setting up a semi-autonomous agency, many of these problems go away.

The way to stop espionage at the DOE laboratories then is to vote for the conference report.

Before I yield the floor I want to mention one element of DOE's defense programs that we do not reorganize, although it is made part of the new National Nuclear Security Administration. That is the Naval Nuclear Propulsion Program.

The Conference report language was very carefully and specifically crafted to ensure that the organization, responsibilities and authorities of the Naval Nuclear Propulsion Program are not diminished or otherwise compromised. The Naval Nuclear Propulsion Program, referred to as "Naval Reactors" in the Department of Energy, has long been a model of excellence, efficiency and integrity. Naval Reactors has provided safe, reliable, long-lived and militarily-effective nuclear propulsion plants for our Nation since U.S.S. *Nautilus* went to sea in 1955. These nuclear propulsion plants are found in our largest ships, the *Nimitz* class nuclear aircraft carriers with over 5,500 personnel on board. They are also found in one of our smallest ships, the NR-1 deep-submergence research and ocean engineering vehicle with a crew of only five to ten. These nuclear propulsion plants also are crucial to the ability of our Nation's exceptional ballistic missile and attack submarine fleets to perform their national security missions.

Under the conference report, Naval Reactors will continue to maintain clear, total responsibility and accountability for all aspects of Naval nuclear propulsion, including design, construction, operation, operator training, maintenance, refueling, and ultimate disposal, plus associated radiological control, safety, environmental and health matters, and program administration. The Program's structure will continue to include roles within both the Navy and the DOE, with direct access to the Secretaries of Navy and Energy. The success of the Program is due in part to its simple, enduring, and focused structure set forth in Public Law 98-525, which is not changed by the Conference Report.

Also of great importance are the Program's clear and simplified lines of authority, and the culture of excellence in technical work, as well as managerial, fiscal, and security matters. These too are unaffected by the Conference Report.

With fifty-one years of unparalleled success, Naval Reactors has amassed a record that reflects the wisdom of its structure, policies, and practices. Naval nuclear propulsion plants have safely steamed over 117 million miles—over 5,000 reactor-years of safe operations. Moreover, there has never been a naval reactor accident, or any release of radioactivity that has had a significant effect on the public or environment.

For these reasons, the Conference Report makes it clear that this exceptional national asset will in no way be hindered from maintaining its record of excellence. The language creating the new National Nuclear Security Administration in the Department of Energy in no way changes the management or operations of Naval Reactors. I am confident Naval Reactors will remain a technical organization unequaled in accomplishment throughout the world, and a crown jewel in our Nation's security.

EXHIBIT 1

Seclected excerpts from the President's Foreign Intelligence Advisory Board report: Science at its Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.

FINDINGS (PP. 1–6)

As the repository of America's most advanced know-how in nuclear and related armaments and the home of some of America's finest scientific minds, these labs have been and will continue to be a major target of foreign intelligence services, friendly as well as hostile. p.1

More than 25 years worth or reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs. p.2

—Critical security flaws . . . have been cited for immediate attention and resolution . . . over and over and over . . . ad nauseam.

The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades. p.2

—The DOE and its weapons labs have been Pollyannaish. The predominant attitude toward security and counterintelligence among many DOE and lab managers has ranged from half-hearted, grudging accommodation to smug disregard. Thus the panel is convinced that the potential for major leaks and thefts of sensitive information and material has been substantial.

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen. pp.2–3

Among the defects this panel found:

Inefficient personnel clearance programs.

Loosely controlled and casually monitored programs for thousands of unauthorized foreign scientists and assignees.

Feckless systems for control of classified documents, which periodically resulted in thousands of documents being declared lost.

Counterintelligence programs with part-time CI officers, who often operated with little experience, minimal budgets, and employed little more than crude "awareness" briefings of foreign threats and perfunctory and sporadic debriefings of scientists. . .

A lab security management reporting system that led everywhere but to responsible authority.

Computer security methods that were naive at best and dangerously irresponsible at worst.

—DOE has had a dysfunctional management structure and culture that only occasionally gave proper credence to the need for rigorous security and counterintelligence programs at the weapons labs. For starters, there has been a persisting lack of real leadership and effective management at DOE.

The nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the weapons labs in particular. p.3

Despite widely publicized assertions of wholesale losses of nuclear weapons technology from specific laboratories to particular nations, the factual record in the majority of cases regarding the DOE weapons laboratories supports plausible inferences—but not irrefutable proof—about the source and scope of espionage and the channels through which recipient nations received information. pp.3–4

—The actual damage done to U.S. security interests is, at the least, currently unknown; at worst, it may be unknowable.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. p.4

—Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Reorganization is clearly warranted to resolve that many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department. p.4

—Convoluted, confusing, and often contradictory reporting channels make the relationship between DOE headquarters and the labs, in particular, tense, internecine, and chaotic.

The criteria for the selection of Energy Secretaries have been inconsistent in the past. Regardless of the outcome of ongoing or contemplated reforms, the minimum qualifications for an Energy Secretary should include experience in not only energy and scientific issues, but national security and intelligence issues as well. p. 5

DOE cannot be fixed with a single legislative act: management must follow mandate. The research functions of the labs are vital to the nation's long term interest, and instituting effective gates between weapons and nonweapons research functions will require both disinterested scientific expertise, judicious decision making, and considerable political finesse. p. 5

—Thus both Congress and the Executive Branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

The Foreign Visitor's and Assignments Program has been and should continue to be a valuable contribution to the scientific and technological progress of the nation. p. 5

—That said, DOE clearly requires measures to ensure that legitimate use of the research laboratories for scientific collaboration is not an open door to foreign espionage agents.

In commenting on security issues at DOE, we believe that both Congressional and Executive branch leaders have resorted to simplification and hyperbole in the past few months. The panel found neither the dramatic damage assessments nor the categorical reassurances of the Department's advocates to be wholly substantiated. pp. 5–6

—However, the Board is extremely skeptical that any reform effort, no matter how well-intentioned, well-designed, and effectively applied, will gain more than a toehold at DOE, given its labyrinthine management structure, fractious and arrogant culture, and the fast-approaching reality of another transition in DOE leadership. Thus we believe that he has overstated the case when he asserts, as he did several weeks ago, that "Americans can be reassured: our nation's nuclear secrets are, today, safe and secure."

Fundamental change in DOE's institutional culture—including the ingrained attitudes toward security among personnel of the weapons laboratories—will be just as important as organizational redesign. p. 6

—Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority. Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons. Particularly egregious have been the failures to enforce cyber-security measures to protect and control important nuclear weapons design information. Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security, as DOE's bureaucracy tried to do with the Presidential Decision Directive No. 61 in February 1998.

The best nuclear weapons expertise in the U.S. government resides at the national weapons labs, and this asset should be better used by the intelligence community. p. 6

REORGANIZATION—PP. 43–52

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management. We strongly believe that this cleaving can be best achieved by constituting a new government agency that is far more mission-focused and bureaucratically streamlined than its antecedent, and devoted principally to nuclear weapons and national security matters. p. 46

The agency can be constructed in one of two ways. It could remain an element of DOE but become semi-autonomous—by that we mean strictly segregated from the rest of the Department. This would be accomplished by having the agency director report only to the Secretary of Energy. The agency directorship also could be "dual-hatted" as an Under Secretary, thereby investing it with extra bureaucratic clout both inside and outside the Department. p. 46

Regardless of the mold in which this agency is cast, it must have staffing and support functions that are autonomous from the remaining operations at DOE. p. 46

To ensure its long-term success, this new agency must be established by statute. p. 47

Whichever solution Congress enacts, we do feel strongly that the new agency never should be subordinated to the Defense Department. p. 47

Specifically, we recommend that the Congress pass and the President sign legislation that: pp. 47–49

—Creates a new, semi-autonomous Agency for Nuclear Stewardship (ANS), whose Director will report directly to the Secretary of Energy.

—Streamlines the ANS/Weapons Lab management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries.

—Mandates that the Director/ANS be appointed by the President with the consent of the Senate and, ideally, have an extensive background in national security, organizational management, and appropriate technical fields.

—Stems the historical "revolving door" and management expertise problems at DOE. . . .

—Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

—Abolishes the Office of Energy Intelligence.

—Shifts the balance of analytic billets . . . to bolster intelligence community technical expertise on nuclear matters.

Mr. ROBERTS. Mr. President I rise to add my voice to the support of the Defense authorization bill that we soon vote on.

It has been my honor this year to serve as the Chairman of the Armed Services Committee's new subcommittee on Emerging Threats and Capabilities. The chairman wisely established this subcommittee to provide a focus on the Department of Defense's efforts to counter new and emerging threats to vital national security interests.

This subcommittee has oversight over such threats as the proliferation of weapons of mass destruction, international terrorism directed at U.S. targets both at home and abroad, information warfare, and narco-trafficking. In addition, the subcommittee has budgetary oversight of the defense science and technology program—which will provide for the development of the technology necessary for the U.S. military to meet the challenges of the 21st century.

A key element of the subcommittee's responsibilities is the changing role of the U.S. military in the new threat environment, with an examination of emerging operational concepts and non-traditional military operations. In this connection, the subcommittee has oversight of the procurement and R&D programs of the Special Operations Command.

I would like to briefly highlight the initiatives included in this bill to address emerging threats and the future capabilities of our armed forces:

Protection of our homeland and our critical information infrastructure are two of the most serious challenges facing our Nation today. In the area of Counter-Terrorism, the bill includes full funding for the five Rapid Assessment and Initial Detection (RAID) teams requested by the administration, and an increase of $107 million to provide a total of 17 additional RAID teams in fiscal year 2000. We required the Department to establish specific budget reporting procedures for its combating terrorism program. This will give the program the focus and visibility it deserves while providing Congress with the information it requires to conduct thorough oversight over the Department's efforts to combat the threat of terrorism attack both inside and outside the U.S.

The bill includes a $150 million Information Assurance Initiative to strengthen the defense information assurance program, enhance oversight and improve organizational structure. This initiative will also provide a testbed to plan and conduct simulations, exercises and experiments against information warfare threats, and allow the Department to interact with civil and commercial organizations. The provision encourages the Secretary of Defense to strike an appropriate balance in addressing threats to the defense information infrastructure while at the same time recognizing that DOD has a role to play in protecting critical infrastructures outside the DOD.

In the area of nonproliferation, we have authorized full funding for the Cooperative Threat Reduction Program to accelerate the dismantlement of the former Soviet Union strategic offensive arms that threaten the U.S. And for the DoE programs—Initiatives for Proliferation Prevention and the Nuclear Cities Initiative—we have authorized an increase of $5.0 million over the FY99 funding levels and have recommended several initiatives to enhance the overall management of these programs.

We have included in the bill a legislative package to strengthen the defense science and technology program. This legislation will ensure that the science and technology program is threat-based and that investments are tied to future warfighting needs. The legislation is also aimed at promoting innovation in laboratories and improving the efficiency of these RDT&E operations.

Other budgetary highlights include: a $271 million increase to the defense science and technology budget request; an additional $10.0 million for Joint Experimentation exercises; $14.0 million in targeted increases in the Chemical and Biological Defense Program to advance research in chemical and biological agent detector technologies and procurement; and an additional $164.7 million to meet unfunded requirements of the Special Operations Forces.

Although I have highlighted some of the key successes of the Emerging Threats and Capabilities subcommittee, I am very proud of the total package we are voting on today. I think we have done an excellent first step in helping the men and women in the military receive fair compensation for their sacrifice for this nation.

I thank the Chairman for his vital and impressive leadership this year, along with the Senator from New Mexico, Mr. BINGAMAN, and the majority staff. I urge my colleagues to support the Defense authorization bill.

Mr. SMITH of New Hampshire. Mr. President I rise today to signal my strong support for the fiscal year 2000 Defense Authorization Act and conference report. I would also like to publicly thank Chairman WARNER for his leadership, wisdom, and commitment to doing what is right for America as chairman of the Armed Services Committee.

As a member of the Armed Services Committee, and chairman of the Strategic Forces Subcommittee, I have a strong interest in the state of our Armed Forces, and the needs of its people.

Under the present administration, the Defense budget has declined by 40 percent since the end of the cold war, and total personnel strength has been cut by 30 percent. At this same time, this administration has also increased the military's deployment rate by 300 percent.

There are very few businesses in this country who could survive a 40 percent budget cut, and 30 percent personnel cut while still meeting a 300 percent increase in production. But that's what we have asked of our men and women in uniform—and they have delivered every single time. The time is long overdue for us to give something back—to stop the hemmorrhaging—to give them the money the need, the equipment they need, the resources they need, and most importantly the people they need. We still have a long way to go, but this authorization bill is the first step in the right direction—the first of many I will continue to fight for.

I am extremely proud of the pay package contained in this bill. It contains the largest pay raise since 1982 and will stop the erosion of a double-digit pay gap that's been growing for 20 years. Restoring previously reduced retirement benefits to their original levels shows a commitment to our veteran's long-term security and the value of a career of honorable service. These two provisions are critical to solving our recruiting and retention crisis.

As chairman of the Strategic Forces Subcommittee, I am also extremely proud of the strategic provisions in this bill.

In written testimony before the Armed Services Committee in February of this year, the Director of the Defense Intelligence Agency, Lt. Gen. Hughes, testified in his written statement,

> Weapons of mass destruction and theater missile delivery means has become the greatest direct threat to US forces deployed and engaged worldwide.

With that critical focus I am proud to announce that this bill includes an increase of $212 million over the President's budget request for the patriot PAC-3 theater missile defense system, and an increase of $90 million over the President's budget for the Navy theater wide missile defense program.

Gen. Dick Myers, Commander of U.S. Space Command, testified before my subcommittee in March that the space-based infrared system [SBIRS] was Space Command's No. 1 priority due to its critical role in missile warning and national missile defense. This bill contains an increase of $92 million to speed the deployment of the SBIRS constellation and directly increase the security of our Nation.

As the next decade unfolds, the United States is becoming increasingly reliant on space to meet our national security needs, as well as our daily economic needs. This bill also provides for an increase of $25 million to develop the space maneuver vehicle which will significantly reduce the cost and increase the speed at which we can launch payloads into space. And an increase of $15 million for the Air Force and Army's space control technology programs which will be critical to ensuring our freedom of access to space in the next decade.

This bill also includes a provision establishing a commission to assess U.S. national security space organization and management, to address the critical need to truly focus on spacepower and its role in national security.

In response to a thorough review and examination of security problems at the Department of Energy's nuclear labs, this conference report also includes legislation to consolidate all national security functions under a single, semi-autonomous agency known as the National Nuclear Security Administration. As demonstrated by the Cox Commission report, and the President's own Foreign Intelligence Advisory Board, this reorganization is crucial to our national security and safeguarding our nuclear labs, and has my strongest support.

There are many other provisions in this bill that are imperative for our troops, and our nation, but I don't have time to discuss them all. But the bottom line is this: our troops deserve the best, and the American people deserve the best.

This bill represents a huge victory for our troops, but it's only the first step on a tough road to correcting our long-term readiness problems. The Clinton administration has cut military spending every year since he took office—and turned a deaf ear to the critical problems it has caused. Year after year the administration denied there were any problems and refused to increase spending. Only now that we're starting to come apart at the seams have they admitted there's a problem, and the Joint Chiefs told us in testimony that the administration's plan for fixing it was still $40 billion short. We have added an extra $8 billion in this budget, the first increase in defense spending in more than a decade, but there's still a long way to go. I am committed to our troops and to halting this erosion, and this bill is the start.

Mr. President, I strongly support this bill, and I encourage my colleagues to do the same.

I would like to thank Chairman WARNER again for his leadership on this critical issue, and I yield the floor.

Ms. SNOWE. Mr. President, I rise in strong support of the fiscal year 2000 Defense authorization conference report.

The bill emerges in the turnmoil of a post-cold-war world—one demanding a U.S. military that can face transnational developments such as weapons proliferation, regional tyrants such as Saddam Hussein or Slobodan Milosevic, and emerging powers such as China.

As a result, the authorization cycle of the last few months allowed Congress to bring the Pentagon's budget into alignment with the changing Armed Services on which the nation will rely to deter a broad spectrum of global threats to U.S. national security.

I caution my colleagues not to confuse the unpredictable nature of these threats with the disappearance of serious global challenges to the security of the United States and its key allies.

The former menace of imperial communism has yielded to a less detectable, but still destructive, gallery of aggressors: the cyber-terrorist, the rogue dictator, the narcotics lord, and violent dissidents throughout the world with ideological resentments against the culture and prosperity of the West.

A brief tour of the global horizon furthermore alerts us to the ongoing requirement for a robust and flexible national defense.

The burned and bloodied streets of East Timor warn the United States that the world's fourth most-populous country, guarding the sea lanes between the Pacific and Indian Oceans, faces an anxious period of political and military strife.

Saddam Hussein still hopes to strangle the Arab-Israeli peace process and hold the oil reserves of the Persian Gulf hostage to his lust for warfare.

China wants to build a nuclear and naval force to counter the United States and Japan as a major power among the trading states of Western Asia.

The North Koreans and the Iranians quietly try to siphon weapons of mass destruction out of a chaotic Russia. India and Pakistan have intensified their grim nuclear standoff, and the rumbling Balkans undermine stability and economic development from the Caucuses to the Mediterranean Basin.

The Senate, therefore, should embrace a Defense authorization conference report that increases the President's request by more than six billion dollars to a total of $288.8 billion. Almost one-half of the eight billion dollar increase goes towards procurement—the keystone of force modernization—and keeps the Pentagon on schedule to level this account at $60 billion next year, as Secretary Cohen proposed in February 1998.

Beyond the numbers in the budget, however, this bill takes care of the needs of our Service people. The Conference Report, Mr. President, recognizes the human dimension of military readiness by approving an across-the-board 4.8% pay increase for uniformed personnel—the largest since 1982. It also equalizes retirement benefits, extends bonuses for second and third-term re-enlistments, and gives troops the same chance that civilians have to achieve financial security by making thrift saving plans available, for the first time ever, to the Total Force.

This legislation furthermore takes the bold step of re-organizing the Energy Department of fight the emerging threat of nuclear proliferation through reformed intelligence and security systems. Our statutory effort on this front reflected the chilling fact that the Department, as it exists, cannot adequately safeguard the secrets that give nuclear arsenals their range and mobility.

An alarming flood of evidence produced by two distinguished panels this year, the Cox and Rudman Commissions, uncovered a fractured and apathetic DoE bureaucracy that failed over the course of twenty years to protect the design plans for America's most sophisticated warheads against foreign espionage. As a result, the conference report mandated the creation of a new semi-autonomous organization within the Energy Department, accountable directly to the Secretary, that will streamline reporting procedures and tighten security at the country's national weapons laboratories.

In addition, as Chairman of the Senate Armed Services Seapower Subcommittee, I was honored to join my colleagues in forging an FY 2000 budget authorization that enhances the nation's naval power projection, force protection, and strategic lift capabilities. I want to thank Senator KENNEDY, the ranking minority member of the Subcommittee, along with the panel's other members, Senators JOHN MCCAIN, BOB SMITH, JEFF SESSIONS, CHUCK ROBB, and JACK REED, for both their hard work on this year's bill and their support of me as the Chairman.

The conference report approves the President's request for authorization of six new construction ships, including $2.681 billion for three DDG-51 *Arleigh Burke*-class destroyers, $1.508 billion for two LPD-17 *San Antonio*-class amphibious ships, and $440 million for one ADC(X), the first of a class of auxiliary refrigeration and ammunition supply ships.

It also authorizes the President's advance procurement request of $748.5 million for two SSN-774 *Virginia*-Class attack submarines, and $751.5 million for the CVN-77, the last *Nimitz*-class aircraft carrier.

These budget levels will enable the Navy to set the stage for a planned increase in annual ship construction rate from six per year today to eight per year between FY 2001 and FY 2004 and nine per year beginning by FY 2005. As the Assistant Service Secretary for Research, Development, and Acquisition, Dr. Lee Buchanan, testified to the Subcommittee on March 24, 1999, a yearly production rate of between eight and ten vessels is essential to the maintenance of a Fleet within the range of 300 ships over the next 35 years.

Beyond the procurement priorities of today, the subcommittee supported the Navy's revolutionary research efforts to shape a 21st century fleet of greater speed, precision, and maneuverability for littoral operations near coastal waters. According to the Navy's official definition, littoral engagements requires forces to deploy "close enough to influence events on shore if necessary."

This post-Soviet mission connects our force structure to our security interests since by 2010, 80 percent of the world's population will live within 300 miles of the shorelines known as the littorals. And as our maritime Service, Mr. President, the Navy operates as the first and most significant force of relief and response in the littoral waterways.

In the realm of ship research, development, testing, and evaluation, the conference report approves $270 million for the DD–21 next-generation land attack destroyer, $205 million to advance the post-*Nimitz* aircraft carrier program known as CVN(X), and $116 million for SSN–774 *Virginia*-class attack submarines. These initiatives will help the fleet in meeting one of its core force structure goals for the years ahead: the deployment of ships with intensified firepower and lower life-cycle costs.

The sailors and marines of tomorrow, Mr. President, will also require worldwide mobility to bring American power to the shores of conflict or instability. Towards this end, our bill extends the Pentagon's core tactical and strategic lift programs, including the C-17 airlifter and the MV–22 Osprey helicopter.

The seapower portion of the conference report includes a number of legislative provisions allowing the Pentagon to take advantage of the most cost-effective acquisition strategies to sustain a fleet of at least 300 ships—the bare minimum, according to the testimony of senior officials before the Seapower Subcommittee this year, that the Navy needs to meet its forward-deployed operational requirements.

These legislative provisions extend the multi-year procurement authority to include fiscal years 2002 and 2003 in the DDG-51 production program, and authorize advance procurement and construction funding for both a new LHD-8 amphibious assault ship and an additional large, medium-speed roll on/roll off ship.

We also authorize the Secretary of the Navy to enter into auxiliary ship leases for 20 or more years. This initiative should give service leaders more flexibility to invest resources into complex war fighting ships by relying more on qualified commercial ship owners to build and maintain the supply fleet.

Finally, Mr. President, long-range fleet planning will prompt the naval leadership to concentrate on developing a broad force structure to execute the National Security Strategy. For this reason, the conference report directs the Department of Defense to submit a report next February detailing the Navy's shipbuilding schedule and needed maritime capabilities through fiscal year 2030.

In summary, the fiscal year 2000 Defense authorization conference report address the key acquisition, research, hardware, and operational challenges that will provide the nation with a flexible and responsive 21st century fleet. I urge my colleagues to uphold a valuable tradition of the United States Senate by voting on a strong bipartisan basis in favor of this landmark legislation.

Mr. ROBERTS. The final version of S. 1059 also contains a provision, sponsored by the distinguished chairman and myself, requiring the President to certify whether the new Strategic Concept of NATO—the latest alliance blueprint for future operations adopted at the recent NATO summit here in Washington—contains new commitments and obligations for the United States. This body's experience with U.S. deployments to the Balkans bears out the fact that you better force the administration to be candid when it comes to the potential and actual use of American troops, particularly in regards to objectives, strategy, and timetable. It follows, therefore, you better formally require this administration to be candid about the defense planning and defense budget implications of the new Strategic Concept of NATO. I think the chairman and I have tried to do that with our provision and I look forward to the President's certification, due thirty days from the date S. 1059 becomes law.

Mr. INHOFE. Mr. President, a number of significant developments have occurred since the passage of last year's authorization conference report—some good, some less so. The best news is that this year's defense budget reverses a precipitous decline in defense spending.

For the first time in 15 years, we have finally passed an increase in defense spending, in real terms.

We have also included a 4.8 percent pay raise for our overburdened troops. These steps are long overdue, and we have been blocked at many turns by the Administration.

As many of our colleagues know, our forces are deployed in farflung places, many with little national interest or military requirement at stake. Yet, unfortunately, we have also had a hemorrhaging in the ranks, due to deep cuts from the Administration.

The numbers are staggering. In just the last six years, the following are among the forces which have been eliminated from the U.S. inventory: 709,000 regular service soldiers, 293,000 reserve troops, 8 standing Army divisions, 20 Air Force wings with 2,000 combat aircraft, 232 strategic bombers, 13 strategic ballistic missile submarines with 3,114 nuclear warheads on 232 missiles, 500 land-based intercontinental ballistic missiles with 1,950 warheads, 4 aircraft carriers, and 121 combat ships and submarines along with their support bases and shipyards.

When Bill Clinton took office in 1993, the United States devoted 4.5 percent of its gross domestic product (GDP) to national defense.

Today, defense outlays account for just 3 percent of GDP—their lowest level since the end of World War II.

By Inauguration Day 2001, defense spending is projected to have plummeted to 2.8 percent of GDP.

Mr. President, this is a good bill. It has a number of important components to it, most of all the overall spending hike and pay raise. As the Chairman of the Readiness and Management Support Subcommittee Infrastructure, we were able to address a number of important issues this year.

Milcon: We authorized $8.49 billion for milcon, $3.06 billion above the Administration's request, with a strong emphasis on family housing and decaying infrastructure.

Range Withdrawal: we have allowed critical readiness training to occur for the next 25 years on some of our critical ranges in the West.

Spectrum: the spectrum was protected from a corporate takeover, allowing crucial bandwidth to be maintained by the military.

At the same time, this bill simply does not go far enough. Under no proposed budget currently on the table is there a substantial increase in defense spending, like we need. In a budget approaching $2 trillion, we ought to be able to find the less than $100 billion it would take to truly restore our readiness.

It is time to reverse these trends. It is time to take prudent steps to rebuild our defenses to protect our people, our values and our country. I look forward to working toward that goal as a major priority in the year ahead.

Mr. ALLARD. Mr. President, before I begin my remarks concerning the specifics of the conference report, I want to congratulate Chairman WARNER and Senator LEVIN, for all their hard work on this bill. I believe we have a strong bill which makes dramatic improvements for our military men and women.

Also, I want to say that I feel honored to be a part of the Armed Services Committee. It is not too often that a first year member of the committee becomes a Subcommittee Chair. It has been a learning experience but one that I have enjoyed as much as any time during my years in office.

We rightly began the year with S.4, the Soldiers, Sailors, Airmen, and Marines Bill of Rights and this has been our guide which brought us to this point. And, I am proud of the many achievements in this conference report.

Specifically, the Personnel Subcommittee held four hearings in preparation of this important bill. Through these hearings, we explored recruiting, retention, pay and compensation, military and civilian personnel management and the military health care system.

During these hearings, particular emphasis was put on readiness, the retention of highly trained people and the inability of the military services to achieve their recruiting goals.

General Shelton and the Service Chiefs urged the President and the Congress to support a military pay raise that would begin to address inequities between military pay and civilian wages, and to resolve the inequity of the "Redux" retirement system.

This conference report will provide military personnel a four-point-eight percent pay raise on January 1, 2000, and will require that, for the next six years, military pay raises be based on the annual increase in the Employment Cost Index plus one-half a percent.

The bill restructures the military pay tables to recognize the value of promotions and to weight the pay raise toward mid-career NCOs and officers where retention is most critical.

The Joint Chiefs testified that there is a pay gap between military and private sector wages of 14 percent. This bill moves aggressively to close this gap and ensure military personnel are compensated in an equitable manner.

The conference report includes over $250 million specifically to reduce the out-of-pocket housing expense for military personnel and their families.

The conference report provides military personnel who entered the service after July 31, 1986 the option to revert to the previous military retirement system that provided at 50 percent multiplier to their base pay averaged over their highest three years and includes full cost-of-living adjustments; or, to accept a $30,000 bonus and remain under the "Redux" retirement system.

The Joint Chiefs testified that the "Redux" retirement system is responsible for an increasing number of mid-career military personnel deciding to leave the service. The conference report will offer these highly trained personnel an attractive incentive to continue to serve a full career.

We have authorized a Thrift Savings Plan that will allow service members to save up to five percent of their base pay, before taxes, and will permit them to directly deposit their enlistment and re-enlistment bonuses, up to the limits established by the IRS, into their Thrift Savings Plan.

The bill authorizes Service Secretaries to offer to match the Thrift Savings Plan contributions of those service members serving in critical specialities for a period of six years in return for a six year service commitment. This is a powerful tool to assist the services in retaining key personnel in the most critical specialities.

In addition to the pay increase, the re-engineering of the military retirement system and the Thrift Savings Plan, we have taken dramatic steps to assist military recruiters and re-enlistment NCOs by authorizing new and increased bonuses and incentives to attract high quality young men and women to join the military services and to stay once they become trained and experienced professionals.

We targeted these incentives and bonuses at those critical specialities which the services are having difficulty filling.

The Committee has found that the single most frequent reason departing service members cite when asked why they decided to leave the military is excessive time on deployment—too much time away from home and family.

We are all well aware that the Clinton administration has deployed military personnel more than at any previous time in our history.

The conference report includes a provision that will require the military services to manage the deployment of military personnel within strict time lines. The provision does provide the Secretary of Defense board waiver authority to ensure that military readiness or national security will not be compromised. However, during normal operations, the services will be required to minimize the impact of deployments and track the details that separate a service member from his or her family. This provision will be an important step toward retaining the trained and experienced personnel the services are now losing at an alarming rate.

I am sure each Senator has received complaints from constituents regarding the TRICARE health care system. The original Senate bill and the conference report take important steps towards improving the TRICARE health care system of the military services.

The conference report directs a totally revamped pharmacy benefit, improves access to care and claims processing, reduces the administrative burden on beneficiaries, enhances the dental benefits, and requires the establishment of a beneficiary advocate to assist service members, retirees and their families who are experiencing difficulty with the TRICARE system.

While this conference report has taken a number of important steps toward resolving the most frequent complaints against TRICARE, during the next year the Chairman and I intend to continue to pursue ways to further improve and streamline the military health care system.

I have described just a few of the many personnel related provisions in this conference report. As we are all aware, recruiting and retention in the military services is suffering. We simply cannot allow the best military force in the world wither away.

As I and other Members of the Senate have visited military bases here in the United States, in Bosnia and in other deployment areas, we have found that our young service men and women are doing a tremendous job, under adverse conditions in many cases.

We should move quickly to pass this conference report in order to permit military personnel and their families to make the decision to continue to serve and will assist the military services in recruiting the high quality force we have worked so hard to achieve.

There are many other issues outside of the personnel area that I wish I could touch on but there is just not enough time. However, I would like to mention one in particular and that concerns Rocky Flats.

The conference Report has four very important provisions which will help ensure that the Rocky Flats Environmental Technology Site will close safely and efficiently by the year 2006.

First, the bill authorizes $1.1 billion for all closure projects, with Rocky Flats receiving an extra $15 million above the President's request to help ensure closure by 2006. Second, there is a three year pilot program (FY 2000–2002) authorizing the Secretary of Energy to allocate up to $15 million of prior year unobligated balances in the defense environmental management account for accelerated cleanup at Rocky Flats. This provision could provide $45 million extra for Rocky Flats through the year 2002. Third, we are requiring the Secretary of Energy to provide a proposed schedule for the shipment of waste from Rocky Flats to the Waste Isolation Pilot Plant in New Mexico, including in the schedule a timetable for obtaining shipping containers. And fourth, the Comptroller General (GAO) must report on the progress of the closure of Rocky Flats by 2006.

Again, I want to state that I am proud of this Conference Report and what it provides for our military.

In conclusion, I want to recognize and thank the Staff Director of the Personnel Subcommittee Charlie Abell. He is a tremendous asset to me and my staff, the Armed Services Committee, and this Senate. Also, I want to let Senator CLELAND know how much I enjoy having him as my partner and ranking member of the Subcommittee. He is an American hero whose commitment in improving the lives of our military personnel is to be commended. And lastly, I want to thank the Chairman for this time to speak and I want to thank him for his commitment to the bill and to our brave and honorable men and women in uniform.

Mr. President, I yield the floor.

Mrs. HUTCHISON. Mr. President, I commend Armed Services Committee Chairman Senator JOHN WARNER and Ranking Member Senator CARL LEVIN for bringing this important bill to the floor. With the passage of this bill, we will begin to seriously address our military readiness problems. It is a good start. This bill includes many of the provisions of S.4, one of the first bills introduced in the Congress back in January and passed February 24, 1999. With the military having its worst recruiting year since 1979, the Congress needs to send a strong message of support to those who serve. The bill does just that by: Increasing pay for our service members by 4.8 percent, increasing and creating special incentive pays, improving retirement benefits, and improving benefits and management of the military health care program.

In am particularly pleased this bill includes two provisions I offered. The first concerns military health care and the second the current high operations tempo of our forces.

In February we emphatically recognized our commitment to these dedicated men and women when we passed 100–0 my Military Health Care Improvement Amendment to S.4, the Soldiers', Sailors', Airmen's, and Marine's Bill of Rights.

The message is loud and clear from my constituents: The military care benefit is no longer much of a benefit. I have no doubt my colleagues in the Senate have also heard equally valid complaints about access to care, unpaid bills, inadequate provider networks, and difficulties with claims.

The promise seemed fairly simple—in return for military service and sacrifice, the government would provide health care to active duty members and their families, even after they retire. But of course it's more complicated than that. In the past 10 years, the military has downsized by over one third and the military health care system has downsized with it. While hospitals and clinics have closed, the number of personnel that rely on the system hasn't really changed. Today, our armed forces have more married service members with families than even before. In addition, those who have served and are now retired were promised quality health care as well. The system these individuals and families have been given to meet their needs is called "TRICARE." TRICARE is not health care coverage, but a health care delivery system that provides varying levels of benefits depending largely on where a member of the military or a retiree lives. Unfortunately, what we find in practice is that the TRICARE program often provides spotty coverage.

The point I want to make clear is that regardless of the complications, the promise remains and we must deliver on the promise. When we passed my amendment 100–0, we sent a signal that we care and that we will be vigilant in pursuing this issue. Our purpose is not to throw out the TRICARE system but to fix the problems and improve the health care benefits under the TRICARE program. I am happy to report that the Authorization bill before us today addresses all the issues that were in my amendment to improve access to health care and management under the TRICARE program. These include: Minimizing the authorization and certification requirements imposed on beneficiaries, reducing claims processing time and providing incentives for electronic processing, improve TRICARE management and eliminate bureaucratic red tape, authorize reimbursement at higher rates where required to attract and retain qualified providers, compare health care coverage available under TRICARE to plans offered under the Federal Employees Health Benefits Program (FEHBP), allow reimbursement from third-party payers to military hospitals based on reasonable charges, and reporting to Congress on each of these initiatives.

One of the promises that we made to our forces is to provide quality medical care to those who serve and their families. General Dennis Reimer, the former Chief of Staff of the Army, spoke at the most recent conference on military health care. General Reimer provided a soldiers' perspective of how important health care is to those who serve. He said, "this is about readiness and this is about quality of life linked together. We must ensure that we provide those young men and women who sacrifice and serve our country so well, and ask for so very little, the quality medical care that is the top priority for them . . . we must help them or else we're not going to be able to recruit this high quality force."

During the past year I visited our troops in the Balkans and toured every single military installation in Texas. The visits provided marvelous snapshots of our armed forces today and the many challenges they face. At each stop I met with our soldiers, sailors, airmen, and their leaders and discussed their concerns. Health care for them and their families was at the top of their list. We have some truly wonderful young people serving in the armed forces who are very patriotic and ask very little of us in return. But frankly, we haven't done enough for them. I am pleased that the Senate Leadership and the Senate Armed Services Committee have made this a top priority this year.

Mr. President, the health care provisions in this bill will go a long way toward breaking down the bureaucracy that exists in the current system. I know that there is no single solution or quick fix to this problem, but we must begin now to ensure we honor our commitments. This is a critical issue to recruiting and retaining qualified people in the military—which is critical to the security of our country.

My second provision, addresses another issue, which we passed as part of our Defense Authorization Bill. Pay and benefits increases are an important beginning, but we cannot ignore the high operations tempo and its impact on our readiness. Recently the Center for Strategic and International Studies completed a survey of over 11,000 military personnel from the Army and Coast Guard on the subject of military culture in the 21st Century. I participated as an advisor on this study and was just briefed on some of the key findings.

The really good news is that those surveyed told us: They were proud to serve, they believe the military is important in the world and the jobs they do are important to the mission, they have a deep personal commitment to serve, they believe the military is right to expect high standards of personal conduct off-duty, and they are prepared to lay their lives on the line.

Those responses are indicative of the kind of wonderful young people we have serving today in out armed forces, and we have a duty and an obligation to provide them with the equipment and the training and the quality of life they deserve.

But they also told us they felt strongly that: Their pay is inadequate, their unites have morale problems, units are often "surprised" by unexpected missions, they are "stressed out" from the frequent deployments, and they often don't have the resources they need to do their jobs.

These responses from soldiers in the field should not come as a surprise to anyone here. We know our troops are dedicated and committed and we also know they are stretched too thin. Secretary Cohen admitted as much last Spring in testimony before the Defense Appropriations Subcommittee when he said "we have to few people and too many missions." That fact is beginning to show in wear and tear on our forces and equipment.

There are too many deployments that never seem to end. We have troops coming home from a short tour in Korea and heading straight to Bosnia. At Fort Bliss recently one sergeant told of coming off a one year tour in Korea and then spending three short deployments of 5 months, 3 months and one month in Saudi Arabia . . . all in less than two years and she is now scheduled to return to Korea for another one-year tour. Fortunately this young sergeant was single and was not leaving a spouse and children behind, but for others these frequent deployments mean they must choose between the army and their family. The military has a saying—"you enlist a soldier—you reenlist a family." We are having a retention crisis because the families aren't reenlisting. And no wonder. They are jerked from one place to another because we are trying to do it all.

We will soon begin the fifth year of our supposedly "one-year" mission in Bosnia. U.S. troops have just spent their eighth summer in the deserts of southwest-Asia, we have troops in Kosovo and now East Timor. Thankfully, the mission to Haiti will soon end.

But these frequent deployments are having a devastating impact on our military readiness and jeopardizing our ability to respond where our national security interests may be threatened in Southwest Asia or the Koran peninsula.

We are seeing the effects of this over deployment on our equipment as well as on our forces. We hear of Air Force planes sitting idle for lack of spare parts. Navy ships that deploy without full crews. The Army and Marine Corps are forced to cannibalize equipment to field front-line units. These are not isolated incidents, these problems point to a larger readiness crisis affecting our military forces.

the recent Center for Strategic and International Studies' survey tells us that our military is comprised of dedicated and committed young men and women who tell us they are willing to lay down their lives for their country. We in the Congress must ensure that the missions on which they are asked to serve are important national security interests and represent the best use of our forces.

To begin to help us meet this responsibility, my provision included in this bill says it is a sense of Congress that the readiness of our military forces to execute the national security strategy is being eroded from a combination of declining defense budgets and expanded missions. It says to the President that we must have a report that prioritizes ongoing global missions. It must distinguish low-priority missions from high-priority missions. That is the basis to effectively manage our commitments, shift our resources, consolidate missions, and end low-priority missions.

It is time to assess where we are in the world and why, and to ask the President to prioritize all of these missions. Then Congress can work with the President to determine if we need to ramp up our military personnel strength or ramp down the number of deployments that we have around the world. The testimony of Secretary Cohen and the other Chiefs matches what I have seen and heard myself from our dedicated troops. The answer is one or the other, because the current situation is overextending our armed forces.

I am pleased to support this bill and acknowledge the effort and hard work of the members of the Armed Services Committee and their staff in bringing this bill to the floor. It is my hope that this bill will represent a turning point in arresting the decline of our military readiness.

Mr. HUTCHINSON. Mr. President, I rise today to express my support for overwhelming passage of the conference report to accompany S. 1059, the National Defense Authorization Act for Fiscal Year 2000. I would like to express my sincere appreciation and thanks to Chairman WARNER and ranking Member LEVIN for their efforts in crafting this important legislation.

This bill authorizes for the military the funds they need to adequately defend our country and protect our vital interests worldwide, $288.8 billion, which is $8.3 billion more than the President's inadequate request. After years of declining budgets and increased deployments, this legislation provides the military with their first funding increase since the end of the Cold War.

This bill carefully addresses a variety of important issues, from pay raises for our soldiers to restructuring the nation's nuclear laboratories in order to prevent any further espionage at our nation's nuclear laboratories.

While the Clinton Administration has over-extended and under-funded our military and has provided inexplicably slow and ineffective responses to Chinese spying, this Committee and the Congress as a whole has stepped up to face these challenges, and protect our national interests.

I would now like to take the opportunity to highlight some of the important provisions ohampioned by the three subcommittees I serve on.

Subcommittee on Readiness and Management Support.—Before I had even joined the Armed Services Committee in January of this year, tangible evidence of a debilitating readiness crisis had emerged, a crisis that threatened the well being of America's armed forces.

On September 28th of last year, General Shelton confessed:

> I must admit up front that our forces are showing increasing signs of serious wear. Anecdotal and now measurable evidence indicates that our current readiness is fraying and that the long term health of the Total Force is in jeopardy.

I would note that General Shelton is not a soldier prone to hyperbole.

For their excellent work to combat the "fraying of readiness" described by General Shelton, Senators INHOFE and ROBB, respectively the Chairman and Ranking member of the Readiness and Management Support Subcommittee, deserve congratulations for the excellent work they have done in this area.

They have added more than $1.46 billion to the primary readiness accounts including funds for ammunition, training, base operations and essential infrastructure repairs including $380 million for base operations, $788 million for real property maintenance, and $172.9 million for training and war reserve ammunition.

In the area of military construction, the Subcommittee adopted significant changes to the law on economic development conveyances of base closure properties. Rural communities that have suffered through the closure of a military installation will no longer have to pay the government for the privilege of redeveloping their economies.

The Readiness Subcommittee also correctly rejected the President's irresponsible budgetary maneuvering which would have incrementally funded military construction projects.

Subcommittee on Strategic Forces.—The Subcommittee on Strategic Forces, capably led by Chairman SMITH of New Hampshire and Senator LANDRIEU of Louisiana, worked hard to ensure that American soldiers deployed overseas and American citizens asleep in their beds will be a little safer from the threat of ballistic missile attack.

The Subcommittee authorized an increase of $212 million for the Patriot PAC–3 anti-ballistic missile system to complete research and development and begin production soon.

If I can take a minute, I would like to repeat the last portion of that sentence and proudly brag about a product built by hundreds hardworking employees in my home state of Arkansas. The Patriot PAC–3 was the first dedicated, hit-to-kill, Theater Missile Defense (TMD) system that has successfully destroyed a target in a test.

But I digress. The Subcommittee authorized an additional $112 million for upgrades to the B–2 bomber system, which I would note for the benefit of the program's detractors, performed brilliantly during Operation Allied Force.

The Subcommittee also included a provision regarding DOD's theater missile defense upper-tier strategy, which would require that the Navy Upper Tier and THAAD systems be managed and funded as separate programs. The Administration must be reminded that it has repeatedly testified before this Committee that these programs are not interchangeable. They are complementary, both urgently needed, and must be treated as such.

But perhaps most importantly, it is within the Strategic Forces Subcommittee that the Armed Services Committee took the several important legislative actions to address the criminally lax security at our nation's nuclear laboratories. Lax security that allowed the People's Republic of China to steal the secrets produced by billions of dollars and four decades worth of taxpayer funded nuclear research.

Among the provisions recommended by the Subcommittee: The establishment of a semi-autonomous National Nuclear Security Administration within DOE under which all national security functions will be consolidated. Create a new Under Secretary of Energy to head the new Administration.

Created a new counterintelligence office reporting directly to the Secretary. Established clear lines of management authority for national security missions of the department. Protected the authority of the Secretary to ensure full compliance with all applicable environmental laws.

As millions of Americans woke up this year to be repeatedly confronted by the shocking truth of the Clinton Administration's casual, almost lackadaisical response to the systematic theft of highly classified nuclear secrets as reported in the Cox Committee's unanimous report, I hope they will find at least a little comfort in the knowledge that this Committee was ready to step forward, accept a challenge and shoulder the responsibility for our nation's nuclear security that this Administration repeatedly forfeited.

Subcommittee on AirLand Forces: Subcommittee Chairman RICK SANTORUM and Ranking Member JOSEPH LIEBERMAN also rolled up their sleeves, tackling the difficult readiness and modernization challenges posed by years of Clinton Administration neglect.

Most significantly, the Subcommittee fully authorized the budget request for the development and procurement of the F–22 Raptor aircraft. This aircraft is absolutely essential if Air Force is to continue its proud record of air-dominance over far away battlefields. America's military should never be forced by its Congress to fight a fair fight. When this nation must bear arms to protect its interests, it should always be aiming for a lopsided victory.

Also focusing on unfunded requirements identified by each of the services, the AirLand Forces Subcommittee made a number of changes to the President's request, addressing, among others, Army aviation shortfalls and night vision equipment shortfalls.

To conclude, I would like to again thank Chairman WARNER, and his dedicated, tireless staff, for their leadership and dedicated service.

Mr. President, I urge each of my colleagues to support this important legislation which contains many provisions which are vital to our nation's military. And I urge the President to sign this legislation into law as soon as he receives it. This bill will make needed improvements in the areas of military readiness, quality of life and modernization, and I hope the U.S. Senate will send a strong, bipartisan message in support of our men and women in uniform.

Mr. SESSIONS. Mr. President, I rise this evening in support of Chairman WARNER and the Senate Armed Services Committee Department of Defense Authorization bill S. 1059, which will be voted on tomorrow morning. This is a bill I strongly encourage my colleagues to support. It sends a powerful message to military men and women worldwide, that this body respects what they do for America each and every day, as they carry out a hundred different operations, in as many nations. We heard their voices and have done something positive in improving their quality of life and that of their families. We believe they deserve the best equipment American technology can produce.

The statements made by our Service Chiefs on our state of military readiness provided an azimuth for the committee back in January, and some 70+ hearings later we have a product which provides a funding level for new budget authority of $288.8 Billion, which is $8.3 Billion above the President's budget request.

The crisis in the Balkans followed this plea for more funding and Chairman WARNER responded with over 15 hearings on Kosovo and related activities. We learned of the shortfalls in our planning, and were proud to learn of the exploits of our men and women in uniform who have never let us down. We are, however, left to ponder the problems inherent in coalition warfare, and the direction of the new strategic concept in NATO.

Chinese Espionage too took us in yet another direction and the committee has responded with a real change in organization of the Department of Energy so that we do not fall once again into sloppy security awareness. This was truly a vexing problem that no doubt will haunt this nation for years to come. I hope the President will not hesitate in accepting these considered changes. This is a tough issue that warrants a firm solution.

Mr. President, this bill is just part of the work that lies ahead as we restore America's Defense to the status it deserves. I feel we are committed, on the Senate Armed Services Committee, to investigating the problems associated with: Cyber/Information warfare; WMD Proliferation; Chemical and Biological weapons; Organized Crime and Narco-terrorism.

Our troops are doing a great job the world over! They are truly the best led and trained in the world, and they deserve the best equipment, the best support and the most funding we can provide them.

To this end, I am please that Chairman WARNER accepted my amendment to this bill which calls for the Secretary of Defense to make the positions of the Chiefs of the Reserves and the two National Guard Directors hold three star rank. This bill mandates, it seems to me, that these key leaders, who do so much every day to help us keep the peace world-wide, must hold three star rank. I hope they soon will.

I again congratulate Chairman WARNER on bringing us so far in what certainly seems a short period of time. S. 1059 is a great bill. It needs all our support. I thank the Chair.

BAND 9/10 TRANSMITTERS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with our distinguished Chairman concerning the conference report that accompanies the fiscal year 2000 National Defense Authorization Act. It has come to my attention that page 526 of House Report 106–301 notes that the conferees to the bill agreed to authorize an increase of $25.0 million for the procurement of additional band 9/10 transmitters for the EA–6B tactical jamming aircraft. In reality, during conference negotiations, conferees agreed to authorize an additional $25.0 million for the procurement of modified band 9/10 transmitters.

Mr. WARNER. My distinguished colleague from Pennsylvania, the chairman of our air/land subcommittee, is absolutely correct. Committee records were reviewed, and the conferees to the fiscal year 2000 National Defense Authorization Act did, in fact, agree to increase the EA–6B authorization by $25.0 million for the procurement of modified band 9/10 transmitters. An error in the printing process was made, and the Government Printing Office will be preparing an errata sheet to correct this error.

Mr. SANTORUM. I thank the chairman for his assistance in clarifying this matter.

Mr. WARNER. Mr. President, I know of no further business on this bill. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. By previous order, the distinguished majority leader has indicated that at the hour of 9:45 tomorrow morning, this will be the pending business for the purpose of the recorded rollcall vote.

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELK HILLS RESERVE

Mrs. FEINSTEIN. Mr. President, I was dismayed to learn that the Senate Interior Appropriations budget has zeroed out funding to the State of California for its share of the Elk Hills Naval Petroleum Reserve Settlement. By right, the State should receive $36 million this year. This is the money that California gives to retired teachers whose pensions have been most seriously eroded by inflation.

Here is the brief history of the issue: In 1996, Congress authorized the sale of Elk Hills Naval Reserve. However, a portion of the property consisted of more than 1300 acres of school lands owned by the state of California. Until the California's land claims were resolved, the sale could not go forward. Ultimately the Federal Government reached an agreement with California in which the state released its claim in exchange for installment payments over a seven-year period.

The settlement allowed the federal government to sell the reserve for $3.65 billion. California kept its part of the bargain. Now the Federal government must meet its obligations. Last year the first installment of the $36 million was paid. But six years of installments remain.

Actually, the money needed to compensate the state had been waiting in escrow.

The House has properly allocated $36 million in the House Interior Appropriations Bill.

I am hopeful that the Senate will also recognize the importance of keeping the Federal government's end of the bargain. I look forward to working with my colleagues to ensure that the House appropriation of $36 million be upheld in Conference.

THE WILDERNESS ACT

Mr. BINGAMAN. Mr. President, I rise today to commemorate the 35th anniversary of the Wilderness Act. Specifically, I would like to speak about the invaluable contribution of New Mexico Senator Clinton P. Anderson in steering the wilderness legislation through Congress and securing final passage. I also will describe how the Gila Wilderness in New Mexico came to be created, the first such designation in the world, forty years prior to enactment of the Wilderness Act. Finally, in my remarks today, I will mention a related bill that I recently introduced,. S. 864, the "Earth Day" Act.

On September 3, 1964, President Johnson signed the Wilderness Act into law creating the national wilderness preservation system. In order to assure that some lands will be protected in their natural condition, Congress declared a policy of securing for present and future generations of Americans "the benefits of an enduring resource of wilderness." Certain provisions of the Wilderness Act are unique among the U.S. Code because they read more like poetry than the fodder of legislators and lawyers. For example, the Act defines wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

Why celebrate the anniversary of the Wilderness Act? Since its enactment, the national wilderness preservation system has grown from 9 million acres to 104 million acres—I believe these figures reflect the popularity of and support for wilderness. There are many compelling reasons for preserving wilderness. Wilderness areas protect watersheds and soils, serve as wildlife and plant habitat, and give humans the opportunity to experience solitude in nature. I think Clinton Anderson best described the meaning of wilderness in this eloquent statement:

> Conservation is to a democratic government by free men as the roots of a tree are to its leaves. We must be willing wisely to nurture and use our resources if we are going to keep visible the inner strengths of democracy.
>
> For as we have and hold dear our practices of conservation, we say to the other peoples of the world that ours is not an exploitative society—solely materialistic in outlook. We take a positive position—conservation means that we have faith that our way of life will go on and we are surely building for those who we know will follow . . .
>
> There is a spiritual value to conservation and wilderness typifies this. Wilderness is a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say—this we will leave as we found it.
>
> Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich nation, tending to our resources as we should—not a people in despair scratching every last nook and cranny of our land for a board of lumber, a barrel of oil, or a tank of water.

Senator Anderson's words are particularly meaningful because of his role as the tenacious and determined leader in Congress who secured passage of the Wilderness Act as many years ago. In fact, former Forest Service Chief Richard McArdle stated that, "Without Clinton Anderson there would have been no Wilderness Law."

In his first substantive act as the new Chairman of the Committee on Interior and Insular Affairs, on January 5, 1961, Clinton Anderson introduced a bill to establish and maintain a national wilderness system. Although similar wilderness bills had been introduced in previous Congresses, it was Senator Anderson's bill that was first reported by the Committee and, later that year, the first to pass the Senate. The vote on his bill was decisive, 78 to 8. Senator Frank Church wrote to Senator Anderson that:

> The fact that you were chief sponsor of the bill was in large measure responsible for the big endorsement it received on final passage.

Unfortunately, the House was not yet ready to seriously consider a wilderness bill and the 87th Congress adjourned without enactment of the Wilderness Act.

In 1963, Senator Anderson introduced the Wilderness bill once again. Successfully steering the bill through Committee consideration, the full Senate overwhelmingly passed the bill three months into the term of the 88th Congress. He then crafted the legislative trade that ultimately resulted in House passage of the wilderness bill—key House members wanted legislation creating the Public Land Law Review Commission. Both pieces of legislation were signed in 1964.

Upon signing the Wilderness Act into law, President Johnson gave Senator Anderson special commendation by stating that he had been "in the forefront of conservation legislation since he first came to the House in 1941."

In recalling the 35th anniversary of the passage of the Wilderness Act, it is fitting to observe that this year is also the 75th anniversary of Federal wilderness protection.

On June 3, 1924, the Forest Service designated 755,000 acres of national forest land in New Mexico as the Gila Wilderness. This unprecedented act took place forty years prior to passage of the Wilderness Act and was the first such designation in the world. It all began through the foresight and leadership of a young Forest Service manager in New Mexico named Aldo Leopold. He had worked for the Forest Service in the Southwest in a variety of different positions, including as a Ranger on the Gila National Forest.

Leopold felt that preservation had been neglected on the national forests. He foresaw the importance of preserving the biological diversity and natural systems giving way to development.

Leopold once wrote that "a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community."

He argued against the proposed expansion of a road system into the back country of the Gila National Forest and proposed instead that a large area be left roadless and preserved for wilderness recreation.

Today the Gila Wilderness is inhabited by bear, deer, elk, beaver, bobcat, mountain lion, antelope, and wild turkey. It is a favorite destination for hikers, backpackers, and anglers who enjoy its 19 miles of fishing streams.

The Gila Wilderness contains the cliff dwellings of the ancient Mogollon civilization as well as the campsites and battlegrounds of the Apache and the U.S. Cavalry. In fact, John Murray wrote in his book, "The Gila Wilderness: A Hiking Guide," that "no other wilderness area in the Southwest so much embodies and reflects this national history and natural philosophy as does the Gila." He went on to note that "many of the important events in the development of the region, from the first expedition of Coronado in 1541 to the more recent raids of Geronimo, occurred either directly in the Gila Wilderness Area or in the immediate vicinity."

Leopold would go on to become one of America's greatest naturalists. His accomplishments include publication of "A Sand County Almanac," one of the most influential books ever written about the relationship of people to their lands and waters.

Our nation continues to need opportunities to reflect on the importance of preserving our national world. The celebration of Earth Day each year on April 22nd is an effective way to remind us of the significance of the environment and of accomplishments such as the Wilderness Act. S. 864, the "Earth Day Act", is a bill that I introduced last April along with Senator CHAFEE. It has since gained nine additional bipartisan cosponsors. The purpose of S. 864 is to officially and permanently designate April 22nd as Earth Day.

The first Earth Day was 29 years ago, in 1970, and was first conceived of by our former colleague, Senator Gaylord Nelson. That first Earth Day involved some 20 million Americans. Since then, Earth Day has focused the attention of the country and the world on the importance of preserving and maintaining our environment. I believe the nation owes a great debt of gratitude to Senator Neslon for his leadership in creating Earth Day, and that we should recognize the importance it has assumed in our nation's life.

It is my sincere hope the Senate Judiciary Committee will hold hearings on S. 864, and that the Senate will pass the bill by the end of this year. It is my goal to have the President sign S. 864 into law by the time Earth Day 2000 arrives. I invite all of my colleagues to cosponsor this bill.

GOVERNMENT LAND PURCHASES

Mrs. FEINSTEIN. Mr. President, I wish to thank Senator GORTON and Senator BYRD for all their hard work on the Appropriations Interior Subcommittee for bringing this bill to the floor.

In 1994, I authored the Desert Protection Act, which created two new national parks, Joshua Tree and Death Valley along with the Mojave National Preserve and 100 wilderness areas; thereby promising to protect more than 6 million acres of desert property. However, these parks and wilderness areas still contain hundreds of thousands of acres of private inholdings.

Earlier this year, the Wildlands Conservancy, a California non-profit, negotiated a one-time deal whereby nearly 500,000 acres of these inholdings, many of which are owned by the Catellus Corporation would be purchased by matching $36 million in funds from the Federal Land and Water Conservation Fund with $26 million in private donations.

Catellus, the Wildlands Conservancy, and the U.S. Bureau of Land Management subsequently signed a letter of intent to sell to the Federal Government up to 437,000 acres of California desert owned by Catellus. An additional 20,000 acres of property owned by others within Joshua Tree National Park would be bought and preserved.

All told, up to 483,000 acres of private inholdings in the California Desert will be acquired, ensuring public access to over 4 million acres of Federal national parks and wilderness areas in the California Desert.

The location of these particular inholdings are significant because this area serves as the gateway for both private landowners and for people who wish to use the public portions of the preserve. Acquiring this checkerboard of inholdings is the only to assure public access for the lands provided for in the California Desert Protection Act.

If the government does not purchase these lands the Historic Mojave Road and the East Mojave Heritage Trail are likely to be closed and it is also possible that there will be no more public access to large portions of the Mojave!

Government acquisition of these lands will protect endangered species habitat, keep the fragile Desert ecosystem intact, and improve recreation opportunities and access for millions of Americans.

This proposal enjoys overwhelming support from community activists, conservationists, private industry, elected officials, Democrats, Republicans, and everyone who recognizes what a great deal this is for the U.S. Government. In fact, even most opponents of the California Desert Protection Act support this appropriation because of the issue of public access. If these lands are not purchased by the government, 1,500 miles of roads will be closed off to hunters, recreationists and the general public.

This Interior Appropriations bill contains a line item of $15.1 million for the phase 1 purchase of these lands. Presently, there is no allocation in the House Interior Appropriations bill to fulfill the Federal Government's end of the bargain. These purchases have been held hostage in the House as a result of an unrelated U.S. Army expansion. Although this military issue does not directly affect any of the Catellus land holdings, it is preventing the appropriation of the necessary funding to execute these land purchases.

I look forward to working with my colleagues in the Conference committee to ensure that the government follow through on its commitment to purchase these lands.

1999 NATIONAL MINORITY MANUFACTURER FIRM OF THE YEAR

Mr. NICKLES. Mr. President, I rise today to recognize an outstanding Oklahoman, John Lopez, whose achievements have just earned him a major award—his firm, Lopez Foods, has been selected by the U.S. Department of Commerce as the 1999 National Minority Manufacturer Firm of the Year.

John spent several years honing his business skills as an independent owner-operator of four thriving McDonald's restaurants. Seven years ago, he sold his restaurants and purchased controlling interest in the company that now bears his name. John is Chairman and CEO of Lopez Foods, an Oklahoma City meat producer that is among the select few beef and pork suppliers for McDonald's 25,000 restaurants.

John took a struggling company and turned it into a vital force in Oklahoma's economy. He has had tempting offers to relocate to other states but has remained steadfastly loyal to Oklahoma and his workers. Leveraging his understanding of McDonald's standards and management philosophy, he has continually expanded and modernized his operation, bringing it to the forefront in food safety, worker conditions, and diversity. Today, a $160 million business with over 300 employees, Lopez Foods is ranked third among all U.S. Hispanic-owned manufacturing companies.

A long time champion of minority employment opportunities, he has strengthened his diversity program, such that minorities now make up nearly 55 percent of his workforce. John was selected by the National Hispanic Employees' Association as its 1997 Entrepreneur of the Year.

John also actively supports charitable endeavors that give back to the community, notably the Ronald McDonald House Charities. The United Way and the Jim Thorpe Rehabilitation Foundation benefit from his support as well.

Mr. President, the Commerce Department's award is a fitting tribute to a dynamic Oklahoman who continues to make a difference for our state and our nation. Congratulations to John Lopez, community leader, compassionate citizen, and founder and head of the National Minority Manufacturer Firm of the Year.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry treaties which were referred to the appropriate committees.

REPORT ON THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT—PM 58

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 1999, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospect for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military campaigns.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

NOTICE—CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA

On September 26, 1993, by Executive Order 12865, I declared a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of the National Union of the Total Independence of Angola (UNITA), prohibiting the sale or supply by United States persons or from the United States, or using U.S. registered vessels or aircraft, or arms, related materiel of all types, petroleum, and petroleum products to the territory of Angola, other than through designated points of entry. The order also prohibits the sale or supply of such commodities to UNITA. On December 12, 1997, in order to take additional steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13069, closing all UNITA offices in the United States and imposing additional sanctions with regard to the sale or supply of aircraft or aircraft parts, the granting of take-off, landing and overflight permission, and the provision of certain aircraft-related services. On August 18, 1998, in order to take further steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13098, blocking all property and interests in property of UNITA and designated UNITA officials and adult members of their immediate families, prohibiting the importation of certain diamonds exported from Angola, and imposing additional sanctions with regard to the sale or supply of equipment used in mining, motorized vehicles, watercraft, spare parts for motorized vehicles or watercraft, mining services, and ground or waterborne transportation services.

Because of our continuing international obligations and because of the prejudicial effect that discontinuation of the sanctions would have on prospects for peace in Angola, the national emergency declared on September 26, 1993, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond September 26, 1999. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to UNITA.

This notice shall be published in the Federal Register and transmitted to the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2490. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2587. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

S. 380. An act to reauthorize the Congressional Award Act.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and place on the calendar:

H.R. 17. An act to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contrast sanctity, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5211. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received September 13, 1999; to the Committee on Governmental Affairs.

EC–5212. A communication from the Deputy Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Public Financial Disclosure Gifts Waiver Provision" (RIN3209–AA00), received September 9, 1999; to the Committee on Governmental Affairs.

EC–5213. A communication from the Acting Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Telecom Act of 1996: Telecom Carriers' Use of Customer Proprietary Network Info and Other Customer Info; Implementation of the Local Competition Provisions of the Telecom Act of 1996; Provision of Directory Listing Info Under the Telecom Act of 1934, As Amended" (FCC No. 99–227) (CC Docs. 96–115, 96–98, 99—273), received September 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5214. A communication from the Deputy Assistant Administrator, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Grant Administration Terms and Conditions of the Coastal Ocean Program; Notice for Financial Assistance for Project Research Grants and Cooperative Agreements" (RIN0648–ZA67), Received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5215. A communication from the Senior Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases (Notice of Effective and Compliance Dates)" (RIN2105–AC10) (1999–0003), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5216. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Information Security Oversight Office; Classified National Security Information" (RIN3095–AA92), received September 14, 1999; to the Committee on Governmental Affairs.

EC–5217. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Electronic Benefit Transfer Benefits Adjustments" (RIN0584–AC61), received September 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5218. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Exchange Disciplinary, Access Denial or Other Adverse Actions; Review of NFA Decisions; Corrections", received September 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5219. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports and Reexports for Syrian Civilian Passenger Aircraft-Safety of Flight" (RIN0694–AB92), received September 14, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5220. A communication from the Deputy Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reexports to Libya of Foreign Registered Aircraft Subject to EAR" (RIN0694–AB94), received September 14, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5221. A communication from the Director, Corporate Policy and Research Department, Pension Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received September 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5222. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Eagle Transportation Permits for American Indians and Public Institutions" (RIN1018–AB81), received September 14, 1999; to the Committee on Environment and Public Works.

EC–5223. A communication from the Attorney Advisor, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Truck Size and Weight; Definitions; Nondivisible" (RIN2125–AE43), received September 9, 1999; to the Committee on Environment and Public Works.

EC–5224. A communication from the Director, Defense Procurement, Department of

Defense, transmitting, pursuant to law, the report of a rule entitled "Manufacturing Technology Program" (DFARS Case 98–D306), received September 13, 1999; to the Committee on Armed Services.

EC–5225. A communication from the Assistant General Counsel For Regulatory Law,. Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Quality Assurance Management System Guide" (DOE G 414.1–2), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC–5226. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Sealed Radioactive Source Accountability and Control Guide" (DOE G 441.1–13), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC–5227. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Portable Monitoring Instrument Calibration Guide" (DOE G 441.1–7), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC–5228. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Integrated Safety Management System Guide (Vols. 1 and 2)" (DOE G 450.4–1A), received September 1, 1999; to the Committee on Energy and Natural Resources.

EC–5229. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna: Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days" (I.D. 0729992), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5230. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna: Harpoon Category Closure" (I.D. 071399A), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5231. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel to Vessels Using "Other Gear" in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5232. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Pelagic Shelf Rockfish", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5233. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Pacific Ocean Perch", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5234. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Northern Rockfish", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5235. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska", received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5236. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Western Regulatory Area of the Gulf of Alaska", received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5237. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance Program for the Northeast Multispecies Fishery Failure" (RIN0648–AM68), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5238. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quota for 1999–2000 Fishing Year" (RIN0648–AM20), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5239. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Approved Provisions of a Regulatory Amendment Prepared by the Gulf of Mexico Fishery Management Council in Accordance with the Framework Procedures for Adjusting Management Measures of the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico" (RIN9548–AM66), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5240. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Advance Notice of Proposed Rulemaking; Notice of a Control Date for the Purposes of Controlling Capacity or Latent Effort in the Northeast Multispecies and Atlantic Sea Scallop Fisheries" (RIN9548–AM99), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5241. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: deHaviland Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 Airplanes; Docket No. 97 CE–10 (8–31/9–2)" (RIN2120–AA64) (1999–0324), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5242. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Models SD3–SHERPA, SD3–SHERPA, SD3–30, and SD3–60 Series Airplanes; Docket No. 99 NM–12 (9–1/9–2)" (RIN2120–AA64) (1999–0330), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5243. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Models SD3–30 Series Airplanes; Docket No. 99 NM–349 (8–31/9–2)" (RIN2120–AA64) (1999–03230), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5244. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Models SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 Series Airplanes; Docket No. 98–NM–369 (8–31/9–2)" (RIN2120–AA64) (1999–0319), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5245. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas MD–30 Series Airplanes; Docket No. 98–NM–69 (9–3/9–9)" (RIN2120–AA64) (1999–0337), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5246. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas DC–9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes; Correction; Docket No. 97–NM–49 (9–10/9–13)" (RIN2120–AA64) (1999–0341), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5247. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Model 172R Airplanes; Request for Comments; Docket No. 99–CE–55 (9–1/9–2)" (RIN2120–AA64) (1999–0333), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5248. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 Series Airplanes; Docket No. 98–NM–112 (9–3/9–9)" (RIN2120–AA64) (1999–0338), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5249. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 Series Airplanes; Docket No. 96–NM–113" (RIN2120–AA64) (1999–0332), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5250. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Mark 050 Series Airplanes; Request for Comments; Docket No. 99–NM–224 (8–31/9–2)" (RIN2120–AA64) (1999–0323), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5251. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Series Airplanes Equipped with Rolls Royce 532–7 'Dart 7' (Rda–7) Series Engines; Docket No. 98–NM–364 (9–3/9–9)" (RIN2120–AA64) (1999–0339), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5252. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6–50, –80A1/A3, and 80C2A Series Turbofan Engines; Docket No. 98–ANE–54 (9–3/9–9)" (RIN2120–AA64) (1999–0336), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5253. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6–80A1/A3 and CF6–80C2A Series Turbofan Engines, Installed on Airbus Industrie A300–0 and A310 Series Airplanes; Request for Comments; Docket No. 99–NE–41 (9–3/9–9)" (RIN2120–AA64) (1999–0340), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5254. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dowly Aerospace Propellers Model R381/–123–F/5 Propellers; Request for Comments; Docket No. 99–NE–43 (9–1/9–2)" (RIN2120–AA64) (1999–0331), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5255. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, Inc. Model 205–A–1 and 205B Helicopters; Docket No. 98–SW–2 (8–31/9–2)" (RIN2120–AA64) (1999–0329), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5256. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatial Model ATR42–300 and ATR2–320 Series; Docket No. 98–NM–201(8–31/9–2)" (RIN2120–AA64) (1999–0329), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5257. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models C90A, B200, B300, and 1900A Airplanes; Request for Comments; Docket No. 99–CE–56 (8–31/9–2)" (RIN2120–AA64) (1999–0321), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5258. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, Ltd. Model 1124 and 1124A Series Airplanes; Docket No. 99–NM–332" (RIN2120–AA64) (1999–0322), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5259. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to the Legal Description of the Riverside, March Air Force Base (AFB), Class C Airspace Area: CA; Docket No. 99–AWA–1" (RIN2120–AA66) (1999–0285), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5260. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations; Correction" (RIN2120–AG19) (1999–0002), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5261. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change Using Agency for Restricted Areas R–2510A and R–2510B; El Centro, CA; Docket No. 99–AWP–18 (9–2/9–8)" (RIN2120–AA66) (1999–0300), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5262. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Title of the Vancouver, BC Class C 7 D Airspace, Point Roberts, WA; Docket No. 99–AWA–11 (9–1/9–9)" (RIN2120–AA66) (1999–0294), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5263. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Name Change of Guam Island, Agana NAS, GU Class D Airspace Area: Final Rule, Correction and Delay of Effective Date; Docket No. 99–AWP–9 (9–2/9–9)" (RIN2120–AA66) (1999–0297), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5264. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Controlling Agency Title for Restricted Area R–7104, Vieques Island, PR; Docket No. 99–ASO–11 (9–1/9–9)" (RIN2120–AA66) (1999–0293), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5265. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation and Using Agency for Restricted Area R–2211 (R–2211), Blair Lakes, AK; Docket No. 99–AAL–13 (9–2/9–9)" (RIN2120–AA66) (1999–0296), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5266. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airway; Rochester, MN; Docket No. 99–AGL–37 (9–7/9–9)" (RIN2120–AA66) (1999–0289), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5267. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airway; Columbus, NE; Docket No. 98–AGL–49 (9–7/9–9)" (RIN2120–AA66) (1999–0290), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 1602. A bill to require the closure of Naval Station Roosevelt Roads, Puerto Rico upon termination of Armed Forces use of training ranges on the island of Vieques, Puerto Rico, involving live munitions impact; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. 1603. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mrs. MURRAY, and Mr. COCHRAN):

S. 1604. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements with respect to certain teacher technology provisions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. 1605. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1606. A bill to reenact chapter 12 of title 11, United States Code, and for other purposes; read the first time.

By Mr. ASHCROFT:

S. 1607. A bill to ensure that the United States Armed Forces are not endangered by placement under foreign command for military operations of the United Nations, and for other purposes; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself, Mr. CRAIG, and Mr. SMITH of Oregon):

S. 1608. A bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBERTS, Mr. BURNS, and Mr. HAGEL):

S. 1609. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. ROBB):

S. 1610. A bill to authorize additional emergency disaster relief for victims of Hurricane Dennis and Hurricane Floyd; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 1605. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE WOMEN AND CHILDREN'S RESOURCES ACT

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that offers compassionate choices for women facing unplanned pregnancies. This bill, the Women and Children's Resources Act, establishes an $85 million formula grant program to provide pregnant women with alternatives to abortion.

The Women and Children's Resources Act (WCRA) is modeled after a successful program in Pennsylvania, Project Women In Need (WIN). This program was created under the Administration of former Governor Robert Casey and implemented during the current Administration of Governor Tom Ridge. Project WIN has filled a critical void for women seeking support during this confusing and uncertain time. The centers often receive 500 calls per week.

This legislation is designed to meet the needs of women facing one of the most important decisions of their lives. WCRA is intended to link women to a network of supportive organizations who are ready and willing to offer assistance in the form of pregnancy testing, adoption information, prenatal and postpartum health care, maternity and baby clothing, food, diapers and information on childbirth and parenting. Women can also receive referrals for housing, education, and vocational training. This bill seeks to provide compassionate choices to women; it is an effort to reach out to women and let them know they do not have to face this decision alone.

The bill directs federal funding to states through a formula based on the number of out-of-wedlock births and abortions in a state as compared to this sum for the nation. Upon receipt of this grant, states will select their prime contractors from the private sector to administer the program. The prime contractor will distribute Women and Children's Resources Grants to crisis pregnancy centers, maternity homes, and adoption services on a fee-for-service basis. Faith-based providers may also participate in the program, but they may not proselytize. Further, state-wide toll-free referral systems and other methods of advertisement will be established to make these services readily available to pregnant women and their children. Low-income women will be given priority for these services.

Because WCRA seeks to offer alternatives to abortion, contractors and subcontractors which receive funding under this bill cannot promote, refer, or counsel for abortion. Further, these entities must be physically and financially separate from any entity which promotes, refers, or counsels for abortion.

Mr. President, not every woman facing an unplanned pregnancy knows that supportive services exist. Many believe that the future they had planned is no longer achievable. They feel alone and abandoned. Often, they mistakenly believe that abortion is their only real choice. For this reason, WCRA offers compassionate, life-affirming choices and support. I urge my colleagues to join me in supporting this legislation.

Finally, I ask unanimous consent that the text of this legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women and Children's Resources Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) Women confronted with unplanned or crisis pregnancy often are left with the impression that abortion is the only choice that they have in dealing with their difficult circumstances.

(2) Women often lack accurate information, supportive counseling and other assistance regarding adoption and parenting alternatives to abortion.

(3) Organizations that provide accurate information, supportive counseling and other assistance regarding adoption and parenting alternatives to abortion often lack sufficient resources to reach women in need of their services and to provide for their needs.

(b) PURPOSE.—The purpose of this Act is—

(1) to promote childbirth as a viable and positive alternative to abortion and to empower those facing unplanned or crisis pregnancies to choose childbirth rather than abortion;

(2) to carry out paragraph (1) by supporting entities and projects that provide information, counseling, and support services that assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children; and

(3) to maximize the effectiveness of this Act by providing funds only to those entities and projects that have a stated policy of actively promoting childbirth instead of abortion and that have experience in providing alternative-to-abortion services.

SEC. 3. FORMULA GRANTS TO STATES FOR ALTERNATIVE-TO-ABORTION SERVICES PROGRAMS.

In the case of each State that in accordance with section 6 submits to the Secretary of Health and Human Services an application for a fiscal year, the Secretary shall make a grant to the State for the year for carrying out the purposes authorized in section 4(a) (subject to amounts being appropriated under section 11 for the year). The grant shall consist of the allotment determined for the State under section 7.

SEC. 4. ESTABLISHMENT AND OPERATION OF STATE PROGRAMS TO PROVIDE ALTERNATIVE-TO-ABORTION SERVICES; ADMINISTRATION OF PROGRAMS THROUGH CONTRACTS WITH ENTITIES.

(a) IN GENERAL.—Grant funds provided under this Act may be expended only for purposes of the establishment and operation of a State program (carried out pursuant to contracts under subsection (c)) designed to provide alternative-to-abortion services (as defined in section 9) to eligible individuals as described in subsection (b).

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Subject to paragraph (2), an individual is an eligible individual for purposes of subsection (a) if—

(A) the individual is pregnant (or has reasonable grounds to believe she may be pregnant);

(B) the individual (male or female) is the parent or legal guardian of an infant under 12 months of age; or

(C) the individual is the spouse or other partner of an individual described in subparagraph (A) or (B).

(2) PRIORITY FOR LOW-INCOME INDIVIDUALS.—Grant funds provided under this Act shall be awarded only to States that submit a grant application that assures that the State program—

(A) will give priority to serving eligible individuals who are from low-income families; and

(B) will not impose a charge on any eligible individual from a low-income family except to the extent that payment will be made by a third party (including a government agency) that is authorized or is under legal obligation to pay such charge.

(c) ADMINISTRATION OF PROGRAMS THROUGH CONTRACTS WITH EXPERIENCED ENTITIES AND SERVICE PROVIDERS.—Grant funds provided under this Act shall be awarded only to States that submit a grant application that assures that the State program will be established and operated in accordance with the following:

(1) ESTABLISHMENT AND OPERATION OF PROGRAM.—

(A) PRIME CONTRACTOR.—The State shall enter into a contract with a nonprofit private entity that, under the contract, shall be designated as the "prime contractor" and shall have the principal responsibility for administering the State program, including subcontracting with service providers.

(B) SUBCONTRACTS WITH SERVICE PROVIDERS.—The prime contractor shall enter into subcontracts with service providers for reimbursement of alternative-to-abortion services provided to eligible individuals on a fee-for-service basis, as provided in paragraph (2)(C)(ii).

(C) EXPENDITURES OF GRANT.—The prime contractor shall be authorized to expend funds to administer the State program, reimburse service providers, and to provide additional supportive services to assist such providers in providing alternative-to-abortion services to eligible individuals consistent with the purposes of this Act, including providing for a toll-free referral system, advertising of alternative-to-abortion services, purchase of educational materials, and grants for new sites and new project development.

(D) REQUIREMENT FOR PRIME CONTRACTORS.—An entity may not become a prime contractor unless, consistent with the overall purpose of this Act, it has a stated policy of actively promoting childbirth instead of abortion.

(E) ADDITIONAL REQUIREMENTS FOR PRIME CONTRACTORS.—An entity may not become a prime contractor unless—

(i) for the 5-year period preceding the date on which the entity applies to receive the contract, it has been engaged primarily in the provision of core services or it has operated a project that provides such services;

(ii) it already serves as a prime contractor pursuant to a State appropriation designed to fund alternative-to-abortion services; or

(iii) it is a subsidiary of an entity that meets the criteria under clause (i) or (ii).

(F) REQUIREMENTS FOR SUBCONTRACTORS.—An entity may not become a service provider unless—

(i) it operates a service provider project that has a stated policy of actively promoting childbirth instead of abortion;

(ii) its project has been providing alternative-to-abortion services to clients for at least 1 year; and

(iii) its project is physically and financially separate from any entity that advocates, performs, counsels for or refers for abortion.

(G) RESTRICTION.—No prime contractor or service provider project may perform abortion, counsel for or refer for abortion, or advocate abortion.

(2) EXPENDITURES UNDER THE PROGRAM.—

(A) EXPENDITURES FOR START-UP COSTS.—For the first full fiscal year in which a State program has received grant funds pursuant to this Act, the State shall disburse grant funds to the prime contractor for start-up costs, in an amount not to exceed 10 percent of the total amount of the grant made to the State for that fiscal year.

(B) EXPENDITURES FOR ADMINISTRATIVE COSTS.—For the first full fiscal year in which a State program has received grant funds pursuant to this Act and for the 2 subsequent fiscal years, the State shall disburse grant funds to the prime contractor for administrative costs, in an amount not to exceed 20 percent of the total amount of the grant made to the State for those fiscal years. For all other fiscal years, the State shall disburse grant funds for administrative costs, in an amount not to exceed 15 percent of the total amount of the grant made to the State for the fiscal year.

(C) EXPENDITURES FOR SERVICE COSTS.—

(i) DISBURSEMENT TO PRIME CONTRACTOR FOR SERVICE COSTS.—For each fiscal year, the State shall disburse to the prime contractor for service costs all remaining grant funds not expended on permissible administrative or start-up costs.

(ii) SERVICE PROVIDER REIMBURSEMENT RATES.—The prime contractor shall reimburse service providers for alternative-to-abortion services provided to eligible individuals at the following fee-for-service rates:

(I) $10 for every 10 minutes of counseling for eligible individuals.

(II) $10 for every 10 minutes of referral time spent.

(III) $20 per individual per hour of class instruction provided.

(IV) $10 for each self-administered pregnancy test kit provided.

(V) $10 for every pantry visit.

For fiscal year 2001 and subsequent fiscal years, each of the dollar amounts specified in this clause shall be adjusted to offset the effects of inflation occurring after the beginning of fiscal year 2000.

(d) ADDITIONAL RESTRICTIONS REGARDING EXPENDITURE OF GRANT FUNDS.—A State applying for a grant under this Act shall provide assurances, in its grant application, as follows:

(1) No grant funds will be expended for any of the following:

(A) Performing abortion, counseling for or referring for abortion, or advocating abortion.

(B) Providing, referring for, or advocating the use of contraceptive services, drugs, or devices.

(2) No grant funds will be expended to make payment for a service that is provided to an eligible individual if payment for such service has already been made, or can reasonably be expected to be made—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(3) No grant funds will be expended—

(A) to provide inpatient hospital services;

(B) to make cash payments to intended recipients of services;

(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility; or

(D) to satisfy any requirement that non-Federal funds be expended as a precondition of the receipt of Federal funds.

SEC. 5. SERVICES PROVIDED BY RELIGIOUS ORGANIZATIONS.

(a) PURPOSE.—The purpose of this section is to allow States to contract with religious organizations pursuant to section 4(c) on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of eligible individuals served under the State program.

(b) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—Religious organizations are eligible, on the same basis as any other nongovernmental organization, as contractors to provide services under a State program described in section 4(c) so long as the program is implemented consistent with the Establishment Clause of the United States Constitution. Neither the Federal Government nor a State receiving a grant under this Act shall discriminate against an organization which is or applies to be a contractor under section 4(c) on the basis that the organization has a religious character.

(c) RELIGIOUS CHARACTER AND FREEDOM.—

(1) RELIGIOUS ORGANIZATIONS.—A religious organization receiving a contract under section 4(c) shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State receiving a grant under section 2 shall require a religious organization to—

(A) alter its form of internal governance; or

(B) remove religious art, icons, scripture, or other symbols;

in order to be eligible for a contract under section 4(c).

(d) EMPLOYMENT PRACTICES.—

(1) TENETS AND TEACHINGS.—A religious organization that provides services under a program described in section 4(c) may require that its employees providing assistance under such program adhere to the religious tenets and teachings of such organization, and such organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

(2) TITLE VII EXEMPTION.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the receipt of a contract under section 4(c).

(e) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

(1) IN GENERAL.—If an eligible individual has an objection to the religious character of the organization from which the individual receives, or would receive, alternative-to-abortion services, the State shall provide such individual within a reasonable period of time after the date of such objection with the names and addresses of alternative service providers that offer a range of services similar to those offered by the original service provider.

(2) NOTICE.—A State receiving a grant under this Act shall ensure that notice is provided to individuals described in paragraph (1) of the rights of such individuals under this section.

(f) NONDISCRIMINATION AGAINST BENEFICIARIES.—A religious organization shall not discriminate against an eligible individual in regard to providing alternative-to-abortion services on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

(g) FISCAL ACCOUNTABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization receiving a contract under section 4(c) shall be

subject to the same regulations as other contractors to account in accordance with generally accepted accounting principles for the use of such funds under this Act.

(2) LIMITED AUDIT.—If such organization segregates funds received under this Act into separate accounts, then only such funds shall be subject to audit by the government.

(h) COMPLIANCE.—Any party which seeks to enforce its rights under this section may assert a civil action for injunctive relief exclusively in an appropriate State court against the entity or agency that allegedly commits such violation.

(i) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No grant funds obtained pursuant to this Act shall be expended for sectarian worship, instruction, or proselytization.

(j) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of a State constitution or State statute that prohibits or restricts the expenditure of State funds in or by religious organizations.

(k) TREATMENT OF SERVICE PROVIDERS.—This section applies to awards under section 4(c) made by prime contractors to service providers to the same extent and in the same manner as this section applies to awards under such section by States to prime contractors.

SEC. 6. STATE APPLICATION FOR GRANT.

An application for a grant under this Act is in accordance with this section if—

(1) the State submits the application not later than the date specified by the Secretary;

(2) the application demonstrates that the State program for which grant funds are sought will be established and operated in compliance with all of the requirements of this Act; and

(3) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines are necessary to carry out this Act.

SEC. 7. DETERMINATION OF AMOUNT OF STATE ALLOTMENT.

(a) IN GENERAL.—The allotment of funds to be granted to each State for a fiscal year is to be the State-calculated percentage of the total amount available under section 11 for the fiscal year.

(b) STATE-CALCULATED PERCENTAGE.—The State-calculated percentage shall be determined by dividing—

(1) the number of children born in the State to women who were not married at the time of the birth plus the number of abortions performed in the State; by

(2) the number of children born in all States to women who were not married at the time of the birth plus the number of abortions performed in all States as last reported by the Centers for Disease Control and Prevention.

(c) UNALLOTTED FUNDS FOR FIRST THREE FISCAL YEARS.—For the first 3 fiscal years for which funds are appropriated under section 11, if excess funds are available due to the failure of any State to apply for grant funds under this Act, such excess funds shall be allotted to participating States in an amount equal to a percentage of the excess funds determined by dividing—

(1) the number of children born in the participating State to women who were not married at the time of the birth plus the number of abortions performed in the participating State; by

(2) the number of children born in all participating States to women who were not married at the time of the birth plus the number of abortions performed in all participating States as last reported by the Centers for Disease Control and Prevention.

(d) UNALLOTTED FUNDS FOR SUBSEQUENT FISCAL YEARS.—For years subsequent to the first 3 fiscal years for which funds are appropriated under section 11, if excess funds are available due to the failure of any State to apply for grant funds under this Act, such excess funds shall be allotted to participating States in an amount equal to a percentage of the total excess funds determined by dividing—

(1) the amount of service costs expended by an individual participating State under this Act during the previous calendar year; by

(2) the total amount of service costs expended by all participating States under this Act during the previous calendar year.

SEC. 8. BIENNIAL REPORTS TO CONGRESS.

The Secretary shall submit to the Congress periodic reports on the State programs carried out pursuant to this Act. The first report shall be submitted not later than February 1, 2001, and subsequent reports shall be submitted biennially thereafter.

SEC. 9. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE COSTS.—The term "administrative costs" means expenditures for costs associated with the administration of the State program by the prime contractor, including salaries of administrative office staff, taxes, employee benefits, job placement costs, postage and shipping costs, travel and lodging for administrative staff, office rent, telephone and fax costs, insurance and office supplies, professional development for administrative staff and ongoing legal, accounting, and computer consulting for the program. Such term does not include expenditures for start-up costs or service costs.

(2) ALTERNATIVE-TO-ABORTION SERVICES.—The term "alternative-to-abortion services" means core services and support services as defined in this section.

(3) CORE SERVICES.—The term "core services" means the provision of information and counseling that promotes childbirth instead of abortion and assists pregnant women in making an informed decision regarding the alternatives of adoption or parenting with respect to their child.

(4) LOW-INCOME FAMILY.—The term "low-income family" has the meaning given such term under section 1006(c) of the Public Health Service Act (42 U.S.C. 300a-4(c)).

(5) SUPPORT SERVICES.—The term "support services" means additional services and assistance designed to assist eligible individuals to carry their child to term and to support eligible individuals in their parenting or adoption decision. These support services include the provision of—

(A) self-administered pregnancy testing;

(B) baby food, maternity and baby clothing, and baby furniture;

(C) information and education, including classes, regarding prenatal care, childbirth, adoption, parenting, chastity (or abstinence); and

(D) referrals for services consistent with the purposes of this Act.

(6) PANTRY VISIT.—The term "pantry visit" means a visit by an eligible individual to a service provider during which baby food, maternity or baby clothing, or baby furniture are made available to the individual free of charge.

(7) REFERRAL TIME.—The term "referral time" means the time taken to research and set up an appointment on behalf of an eligible individual to secure support through a referral.

(8) REFERRALS.—The term "referrals" means action taken on behalf of an eligible individual to secure additional support from a social service agency or other entity. Referral may be for services, items and assistance regarding physical and mental health (prenatal, postnatal, and postpartum), food, clothing, housing, education, vocational training, and for other services designed to assist pregnant women and infants in need.

(9) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(10) SERVICE COSTS.—The term "service costs" means expenditures for costs incurred by the prime contractor to provide support for service provider projects, including salaries for technical support staff, taxes, employee benefits, job placement costs, professional development and ongoing training, educational and informational material for eligible individuals and counselors, advertising costs, operation of a toll-free referral system, travel for technical support staff, billing and database computer consulting, seminars for counseling training, meetings regarding program compliance requirements, minor equipment purchases for service provider projects, new project development, and service provider reimbursements for alternative-to-abortion services.

(11) SERVICE PROVIDER.—The term "service provider" means a nongovernmental entity that operates a service provider project and which enters into a subcontract with the prime contractor that provides for the reimbursement for alternative-to-abortion services provided to eligible individuals.

(12) SERVICE PROVIDER PROJECT.—The term "service provider project" means a project or program operated by a service provider that provides alternative-to-abortion services. All service provider projects must provide core services and may also provide support services.

(13) START-UP COSTS.—The term "start-up costs" means expenditures associated with the initial establishment of the State program, including the cost of obtaining furniture, computers and accessories, copy machines, consulting services, telephones, and other office equipment and supplies.

(14) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 10. DATE CERTAIN FOR INITIAL GRANTS.

The Secretary shall begin making grants under this Act not later than 180 days after the date on which amounts are first appropriated under section 11, subject to the receipt of State applications in accordance with section 6.

SEC. 11. FUNDING.

For the purpose of carrying out this Act, there is authorized to be appropriated $85,000,000 for each of the fiscal years 2000 through 2004.

SEC. 12. OFFSET.

It is the sense of the Senate that overall funding for the Department of Health and Human Services should not be increased under this Act.

By Mr. WYDEN (for himself, Mr. CRAIG, and Mr. SMITH of Oregon):

S. 1608. A bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes; to the Committee on Energy and Natural Resources.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

• Mr. WYDEN. Mr. President, it is time for Congress to enact a new program that combines secure funding for county services with a fresh approach to the management of federal lands in rural communities. Under our legislation counties will be connected to federal lands not just through the cutting of timber but also through important road maintenance projects, watershed improvements and programs that promote tourism and recreation.

Since 1908, natural resource dependent communities have received federal funds for schools, roads and basic services based on the level of federal timber programs. The Forest Service cuts timber and the counties receive revenue. This has long constituted the traditional relationship between the counties and federal land management.

Now, as a result of changes in natural resource policies causing declines in timber production, many of our rural communities are finding it almost impossible to fund essential programs for school children, infrastructure and other needs.

There is a crisis in rural, timber-dependent America that must be addressed now. This crisis can be addressed now and in the future by providing secure, consistent funding to counties, and by encouraging a new cooperative relationship between these communities and federal land managers.

Congress must promptly enact a new program that combines traditional funding for county services with creative new policies that provide real connections between rural communities and the federal lands they cherish.

Senator CRAIG and I have been discussing how this might be accomplished because we realize that no pending proposal addressing the county payment issue has won the support of both the Congress and the Clinton administration.

In an effort to break this gridlock, we have developed the Secure Rural Schools and Community Self-Determination Act bill.

Our proposal would work as follows:

Counties will receive a consistent payment amount each year totaling 75% of the average of the top three federal land revenue years for their area between 1985 and the present, tied to the Consumer Price Index for rural areas. That consistent payment amount will be a combination of traditional 25% payments from the Forest Service and 50% payments from the Bureau of Land Management plus money from the general treasury where the traditional revenue stream does not rise to the level of the necessary consistent payment amount.

Counties would receive an additional 25% of the average amount described above from the general treasury to use for projects recommended by local community advisory committees and approved by the Forest Service or the Bureau of Land Management. These projects could include watershed restoration, road maintenance, or timber harvest, among other opportunities, as long as the project is in compliance with all applicable forest plans and environmental laws.

The Forest Service and Bureau of Land Management would be required to certify that a local consensus of environmental, industry, and other stakeholders exists, as well as approve the proposed project as environmentally sound. If consensus proposals cannot be developed in a particular county, then the money would be made available to counties that have developed such proposals. It bears repeating that all projects would have to comply with all environmental laws and regulations, as well as all applicable forest plans.

We believe that this bill has the potential to break the impasse on the county payment issue on Capitol Hill. But even more important, it represents an opportunity to forge a new charter for federal/county government cooperation, to encourage local citizens to seek consensus-based solution for resource conflicts, and to make critical investments in the stewardship of our federal lands.

This proposal will not please the proponents favoring pure decoupling of payments from timber harvest. It will also be opposed by those who are prepared to hobble the Forest Service or the Bureau of Land Management if they feel the timber harvest levels are not high enough. Our objective is to break the gridlock on federal support of counties, while bringing the nature of the relationship between the federal land managers and public land dependent communities into the twenty-first century. This bill provides a foundation to help rural counties through their immediate crisis, and down a path that will make sense in the next century.•

• Mr. CRAIG. Mr. President, I rise today with my colleagues from Oregon, Senator WYDEN and Senator SMITH of Oregon to introduce the Secure Rural Schools and Community Self Determination Act of 1999.

Perhaps as much as any other state, our counties have suffered as federal forest lands have been beset with conflict, and as the receipts promised to counties for educational purposes have decreased dramatically. Senator Wyden's counties are also suffering, as are other counties throughout the West and the country as a whole. Today, we wish to propose a solution to this problem.

When the National Forests were withdrawn from the Public Domain at the turn of the century, they were established with a basic commitment to local governments. Gifford Pinchot and other visionary conservationists of that day persuaded often-skeptical Federal and local government officials that retention of lands by the Federal Government, the creation of forest reserves, and the sustainable management of these forests would be good for local people, good for local governments, good for the country, and good for the environment.

Pinchot and his peers based these assurances on the proposition that the proceeds from the sustainable management and sale of the fiber, forage, and other resources from these reserved Federal lands would be shared between the local and Federal Governments. Consequently, cooperative management between local governments and Federal land managers—both the Forest Service and the Bureau of Land Management—has been a hallmark of good intergovernmental cooperation in many of our states, including Oregon and Idaho. In many cases, local governments have incurred costs from increased police, search and rescue, and fire protection associated with federally owned lands.

Our Federal forests have been crucial to the education of our children. Receipts from the sale of Federal timber and other commodities have been a vital component of county school and road budgets. In many cases, these funds have supported school lunches, special education, and a variety of assistance measures for disadvantaged children. In a very real sense, the bounty of our forests has allowed us to give a hand to our most needy rural children, including Native Americans and Hispanics. So this should be the one federal program through which concerns for the "environment and education" can be fulfilled by the same thoughtful actions.

However, we live in a different time, and federal forest management policies have become a source of considerable controversy. Timber sales have been reduced. Revenues both to the Federal treasury and the counties have decreased precipitously. Consequently, our rural school systems are in crisis.

Unfortunately, rather than coming together to forge a solution to these problems, the extremes on both sides of the equation are moving further apart. And they are placing our school children in the center of the controversy. One group seems to want to hold our school children hostage—to use the diminishing receipts and the deteriorating school systems as leverage to advantage their side of the forest management debate, favoring increased timber harvests. The other extreme would make our rural school children orphans—sending them out into the wilderness with no secure financial support in order to expedite the achievement of their goal of eliminating federal timber sales.

Senator WYDEN and I reject both of these extremes. We reject the notion that we cannot provide the school systems with additional support, without increasing timber harvesting. At the same time, we reject the proposition that we should completely "decouple" the support for rural schools from any responsibility on the part of the federal land management agencies, thereby totally separating local concerns from federal land management.

Gifford Pinchot articulately outlined the responsibility that the Federal Government generally, and the Forest Service and BLM specifically, assumed when the Federal forests were withdrawn from disposal or later retained in Federal ownership. In its simplest terms, this is a responsibility to provide local governments with a source of revenue that they are otherwise denied as a consequence of their inability to tax federal lands. That responsibility is still as relevant today as it was at the turn of the century or during the Depression. It is still relevant today, irrespective of what options we choose for how to manage our Federal forests.

Indeed, the most telling flaw in the proposal to decouple county payments from timber receipts is the notion that this responsibility—willing assumed by the Forest Service at the turn of the century and BLM during the Depression—should be transformed into either the sole responsibility of the federal taxpayer, or no one's responsibility as it becomes another entitlement program which the Federal Government and taxpayers feel free to eliminate or reduce as their needs dictate.

Our proposal starts by establishing a set payment amount with which the counties can provide support for rural school systems. This set payment is based upon an average of representative years of timber receipts. In this respect, this proposal is similar to that offered by the Clinton Administration, and to H.R. 2389 being considered in the House.

But here is where the similarity stops. We would not establish a separate appropriations line—which in all likelihood would be underfunded like the existing Payment in Lieu of Taxes System. Nor would we impose the responsibility to meet this payment on the Forest Service's or the BLM's annual budget.

Instead, we provide the Forest Service and the BLM with the authority to use any available receipts to meet these payments, and—only if these receipts fall short—to make up the difference from unobligated funds in the General Treasury. The intent here is to retain an obligation on the part of the Forest Service and the BLM, but to provide some flexibility in meeting this obligation.

Based upon our experience with the Quincy Library Group, the Applegate Partnership, and elsewhere, we have come to conclude that the best, recent decisions concerning federal resource management have enjoyed significant, local input. That is why our proposal contains a unique element—Senator WYDEN's idea, actually—to foster both local consensus and federal accountability around the management of federal lands.

Only 75 percent of the money to be given to the counties is provided for the traditional school and road programs. The remaining 25 percent would be provided to the counties for federal land management investments. The counties may fund either commercial or noncommercial projects on the federal lands at the recommendation of local advisory groups, and with the agreement of federal land managers. Projects must comply with all environmental laws and regulations, and must be consistent with the applicable land management plan. Any proceeds from revenue generating projects will be split equally between the affected county and the federal land management agency. The county share will go to supporting schools and roads, while the federal share will go to infrastructure maintenance or ecosystem restoration. Any funds left-over because of a lack of local agreement will be reallocated to counties where agreement on resource stewardship priorities has been reached.

This proposal is as value-neutral concerning the resource debate as we could make it. It neither encourages nor discourages a particular resource management outcome. But it does have a very heavy prejudice that Senator WYDEN and I have become very passionate about. We are in favor of people of goodwill reasoning together to improve the quality of their lives and the quality of our environment. We cannot legislate an end to conflict. But we can use the legislative process to create an environment in which people are motivated to resolve their differences. That is what we think this bill does.●

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBERTS, Mr. BURNS, and Mr. HAGEL);

S. 1609. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Finance.

THE AMERICAN HOSPITAL PRESERVATION ACT OF 1999

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my colleagues Senators ABRAHAM, BENNETT, ROBERTS, BURNS, and HAGEL, the American Hospital Preservation Act of 1999.

Mr. President, the single biggest Medicare dollar issue facing hospitals today is a recently enacted reduction in the annual inflation adjustment for inpatient hospital payments. Prior to 1997, Medicare provided an annual inflation adjustment for the PPS (prospective payment system) payments it makes to hospitals, according to the patient's diagnosis. The inflation update is calculated using the projected increase in the hospital market basket indicator (MBI), which is just a way to calculate the overall inflation rate for hospital costs.

To achieve savings in the Medicare program, the 1997 balanced budget agreement between Congress and the President included a tightening of the MBI to ensure after-inflation savings in Medicare.

The bill I am introducing today will ease that tightening somewhat to reflect the savings we've made beyond our original estimate. Specifically, the bill will restore .5 percent of those scheduled reductions in the MBI for FY '00 through '02.

This restoration will bring inpatient reimbursement rates closer in line to actual health care inflation, which is necessary given the significant reductions in government and private health insurance plans that providers are increasingly experiencing. The bill will also serve to help hospitals and other institutional providers to adjust to new outpatient payment systems as well as greater than anticipated costs stemming from Y2K compliance, prescription drugs, and blood supplies. Y2K compliance alone is estimated to cost hospitals between $7 billion and $8 billion. To make matters worse, the Health Care Finance Administration (HCFA) has been making cuts in its payments to hospitals and other Medicare providers that are even beyond the savings Congress originally called for.

My bill will provide a temporary shot in the arm to hospitals already hard hit by overall Medicare provider reimbursement cuts, and particularly cuts in outpatient services. As hospitals learn to adjust to the new reimbursement system for outpatient services, continuing to receive inflation adjustments might just mean the difference between disaster and survival.

This bill also reflects the recommendation made by the Medicare Payment Advisory Commission (MedPAC) to provide the ½ percent restoration to the inpatient MBI.

This legislation is particularly justified considering that, far from the $115 billion originally envisioned to be saved through FY '02, the Medicare system is now projected to be in about $200 billion better shape than anticipated. Savings in Medicare from hospitals alone are estimated to be $20 billion more than first estimated.

Mr. President, rural hospitals, and all hospitals for that matter, operate on very slim margins yet manage to bring cutting-edge medical care to the communities they serve. But changes in Medicare payments to hospitals have put many institutions in a bind. Others are fighting for their lives.

Rural communities across Texas have felt the impact of hospital closures for more than a decade now. When a rural hospital closes, local residents lose access to routine, preventative care, not to mention emergency services that can save life and limb. Doctors and other highly trained professionals move away. Then people must drive a hundred miles or more in some cases to get the care city dwellers take for granted. Local economies suffer when jobs are lost. Existing businesses may have to move, and new businesses won't locate in places where health care is unavailable. Hospital closure can be a death-kneel for struggling towns.

Other rescue efforts are moving forward to preserve the ability of our nation's hospitals and other Medicare providers to provide adequate health care to their patients. I am cosponsoring a number of bills that have been introduced to strengthen hospitals' financial position. one would limit hospitals' losses under the new outpatient reimbursement system; another would increase the reimbursements made to rural hospitals for seniors in Medicare Choice-Plus (managed care) plans.

Finally, my successful effort to ensure that states' tobacco settlement funds stay in our state and out of the clutches of the federal government has meant that many hospitals across the country are receiving a financial boost. As a result, hospitals across Texas and health care systems across the country are in line to receive the lion's share of $246 billion in state tobacco settlement payments over the next 25 years and beyond.

America's hospitals aren't out of the woods yet, but first aid is on the way.

Thank you, Mr. President, and I urge my colleagues to support and pass the American Hospital Preservation Act of 1999.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Hospital Preservation Act of 1999".

SEC. 2. REVISION OF PPS HOSPITAL PAYMENT UPDATE.

(a) IN GENERAL.—Section 1886(b)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XV), by striking "1.8 percentage points" and inserting "1.3 percentage points"; and

(2) in subclause (XVI), by striking "1.1 percentage points" and inserting "0.6 percentage point".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 655

At the request of Mr. LOTT, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 665

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 665, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 935

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1070

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1086

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1232

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1232, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1300

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1308

At the request of Mr. MURKOWSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1308, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear power plants.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1473

At the request of Mr. ROBB, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. DODD), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1548

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1548, a bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

SENATE JOINT RESOLUTION 30

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Nebraska

(Mr. KERREY) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of "In Memory" Day.

SENATE RESOLUTION 69

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Resolution 69, a resolution to prohibit the consideration of retroactive tax increases in the Senate.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ROBB), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Michigan (Mr. LEVIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENT NO. 1658

At the request of Mr. HELMS the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 1658 proposed to H.R. 2084, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

BANKRUPTCY REFORM ACT OF 1999

BAUCUS AMENDMENT NO. 1681

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Section 353(e)(2) of the Consolidated and Rural Development Act (7 U.S.C. 2001(e)(2)) is amended)—

(1) by striking "Shared" and inserting the following:

"(A) IN GENERAL.—Shared"; and

(2) by adding at the end the following:

"(B) REPAYMENT OF RECAPTURE AMOUNT.—The borrower may repay the recapture amount to the Secretary over a period not to exceed 25 years at an interest rate equal to the applicable rate of interest of Federal borrowing, as determined by the Secretary.".

KOHL AMENDMENTS NOS. 1682–1684

(Ordered to lie on the table.)

Mr. KOHL submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1682

At the appropriate place in title III, insert the following:

SEC. 3 . LIMITATION.

Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.".

AMENDMENT NO. 1683

On page 96, strike all through page 97, line 11.

AMENDMENT NO. 1684

On page 97, strike all language from line 4, beginning with "if the debt," through line 9, ending with "use of the debtor, or". Additionally, on page 97, line 10, strike the word "other".

LIEBERMAN (AND DODD) AMENDMENT NO. 1685

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. . INDIVIDUALS' RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICARE.

(a) AMENDMENT TO SOCIAL SECURITY ACT.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

"INDIVIDUALS' FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS

"SEC. 1897. (a) DEFINITIONS.—In this section:

"(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means the non-therapeutic use of a medication that—

"(A) is unrelated to the patient's medical condition; and

"(B) is imposed for disciplinary purposes or the convenience of staff.

"(2) PHYSICAL RESTRAINT.—The term 'physical restraint' means any mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, and other methods involving the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the patient from falling out of bed or to permit a patient to participate in activities without the risk of physical harm to the patient.

"(3) PROVIDER OF SERVICES.—The term 'provider of services' has the meaning given that term in section 1861(u), except that for purposes of this section the term includes a psychiatric hospital but does not include a home health agency or skilled nursing facility.

"(4) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population when he or she desires.

"(5) SENTINEL EVENT.—The term 'sentinel event' means an unexpected occurrence involving an individual in the care of a provider of services for treatment for a psychiatric or psychological illness that results in death or serious physical or psychological injury that is unrelated to the natural course of the individual's illness or underlying condition.

"(b) PROTECTION OF RIGHT TO BE FREE FROM RESTRAINTS.—A provider of services eligible to be paid under this title for providing services to an individual entitled to benefits under part A or enrolled under part B (including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C) shall—

"(1) protect and promote the right of each such individual to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints or involuntary seclusion imposed for purposes of discipline or convenience;

"(2) impose restraints—

"(A) only to ensure the physical safety of the individual or other individuals in the care or custody of the provider, a staff member, or others; and

"(B) only upon the written order of a physician or other licensed independent practitioner permitted by the State and the facility to order such restaint or seclusion that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

"(2) submit the reports required under subsection (d).

"(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

"(d) REPORTS.—

"(1) REPORTS TO AGENCIES OR ENTITIES WITH OVERSIGHT AUTHORITY.—

“(A) IN GENERAL.—A provider of services shall report each sentinel event that occurs to an individual while the individual is in the care or custody of the provider to—

“(i) in the case of a provider of services participating in the program established under this title or the medicaid program under title XIX as a result of accreditation by a national accrediting body, the national accrediting body for that provider; and

“(ii) in the case of all other providers of services, the Secretary or, upon agreement between the Secretary and the relevant State, the State agency designated by the Secretary.

“(B) INVESTIGATION AND FURTHER REPORTING OF SENTINEL EVENTS.—Upon receipt of a report made pursuant to subparagraph (A), the agency or entity with oversight authority shall—

“(i) ensure that the provider—

“(I) conducts an investigation of the sentinel event reported;

“(II) determines the root cause or causes of the sentinel event; and

“(III) establishes a time-limited plan or strategy, that allows the agency or entity with oversight authority to review and approve the analyses and any corrective actions proposed or made by the provider of services, to correct the problem or problems that resulted in the sentinel event, and to lead to risk reduction; and

“(ii) prepare and submit the reports required under paragraph (2).

“(2) REPORTS TO THE SECRETARY.—

“(A) IN GENERAL.—Subject to subparagraph (D), the agency or entity with oversight authority shall submit a report containing the information described in subparagraph (B) to the Secretary in such form and manner, and by such date, as the Secretary prescribes.

“(B) INFORMATION TO BE REPORTED.—

“(i) IN GENERAL.—The report submitted under subparagraph (A) shall be submitted to the Secretary at regular intervals, but not less frequently than annually, and shall include—

“(I) a description of the sentinel events occurring during the period covered by the report;

“(II) a description of any corrective action taken by the providers of services with respect to the sentinel events or any other measures necessary to prevent similar sentinel events from occurring in the future;

“(III) proposed systems changes identified as a result of analysis of events from multiple providers; and

“(IV) such additional information as the Secretary determines to be essential to ensure compliance with the requirements of this section.

“(ii) INFORMATION EXCLUDED.—The report submitted under subparagraph (A) shall not identify any individual provider of services, practitioner, or individual.

“(C) ADDITIONAL REPORTING REQUIREMENTS WHEN A PROVIDER HAS BEEN IDENTIFIED AS HAVING A PATTERN OF POOR PERFORMANCE.—

“(i) IN GENERAL.—In addition to the report required under subparagraph (A), the agency or entity with oversight authority shall report to the Secretary the name and address of any provider of services with a pattern of poor performance.

“(ii) DETERMINATION OF PATTERN.—The agency or entity with oversight authority shall determine if a pattern of poor performance exists with respect to a provider of services in accordance with the definition of pattern of poor performance developed by the Secretary under clause (iii).

“(iii) DEVELOPMENT OF DEFINITION.—The Secretary, in consultation with national accrediting organizations and others, shall develop a definition to identify a provider of services with a pattern of poor performance.

“(D) AUTHORITY TO WAIVE REPORTING REQUIREMENT.—The Secretary may waive the requirement to submit a report required under this paragraph (but not a report regarding a sentinel event that resulted in death required under paragraph (3)) upon consideration of the severity of the sentinel event.

“(3) ADDITIONAL REPORTING REQUIREMENTS FOR SENTINEL EVENTS RESULTING IN DEATH.—In addition to the report required under paragraph (1), a provider of services shall report any sentinel event resulting in death to—

“(A) the Secretary or the Secretary's designee;

“(B) the State Attorney General or, upon agreement with the State Attorney General, to the appropriate law enforcement agency;

“(C) the State agency responsible for licensing the provider of services; and

“(D) the State protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the State in which the event occurred.

“(4) RESPONSIBILITIES OF THE AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—Upon receipt of a report of a sentinel event that resulted in death, the agency or entity with oversight authority shall, in addition to the requirements of paragraph (2)—

“(A) determine whether the death was related to the use of restraints or seclusion; and

“(B) notify the Secretary of the determination.

“(5) SANCTIONS FOR FAILURE TO REPORT.—

“(A) IN GENERAL.—The Secretary shall establish sanctions, including intermediate sanctions, as appropriate, for failure of a provider of services or an agency or entity with oversight authority to submit the reports and information required under this subsection.

“(B) REMOVAL OF AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—The Secretary, after notice to an agency or entity with oversight authority of a provider of services, as determined in paragraph (1), and opportunity to comply, may remove the agency or entity of such authority if the agency or entity refuses to submit the reports and information required under this subsection.

“(6) LIABILITY FOR REPORTING.—An individual, provider of services, agency, or entity shall be liable with respect to any information contained in a report required under this subsection if the individual, provider of services, agency, or entity had knowledge of the falsity of the information contained in the report at the time the report was submitted under this subsection. Nothing in the preceding sentence shall be construed as limiting the liability of an individual, provider of services, agency, or entity for damages relating to the occurrence of a sentinel event, including a sentinel event that results in death.

“(7) NONDISCLOSURE OF ANALYSIS.—Notwithstanding any other provision of law or regulation, the root cause analysis developed under this subsection shall be kept confidential and shall not be subject to disclosure or discovery in a civil action.

“(d) ESTABLISHMENT OR DESIGNATION OF SENTINEL EVENTS DATABASE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish or designate a database of information using the reports submitted under paragraphs (2) and (3) of subsection (d) (in this subsection referred to as the ‘Sentinel Events Database’).

“(2) CONTENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Sentinel Events Database shall include the following:

“(i) The name and address of any provider of services that is the subject of a report submitted under subsection (d)(3), if the agency or entity with oversight authority has determined that the death was related to the use of restraints or seclusion.

“(ii) The information reported by the agency or entity under subparagraphs (B) and (C) of subsection (d)(2).

“(B) CONFIDENTIALITY.—The Secretary shall establish procedures to ensure that the privacy of individuals whose treatment is the subject of a report submitted under paragraph (2) or (3) of subsection (d) is protected.

“(3) PROCEDURES FOR ENTRY OF INFORMATION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) prior to entry of information in the Sentinel Events Database, disclose the information to the provider of services that is the subject of the information; and

“(ii) establish procedures to—

“(I) resolve disputes regarding the accuracy of the information; and

“(II) ensure the accuracy of the information.

“(B) NO DELAY OF SANCTIONS.—Any sanction to be imposed by the Secretary against a provider of services or an agency or entity with oversight authority in relation to a sentinel event shall not be delayed as a result of a dispute regarding the accuracy of information to be entered into the database.

“(4) ACCESS TO THE DATABASE.—

“(A) AVAILABILITY.—The Secretary shall establish procedures for making the information maintained in the Sentinel Events Database related to a sentinel event resulting in death, and any reports of sentinel injuries arising from those providers of services with a pattern of poor performance identified in accordance with subsection (d)(2)(C), available to Federal and State agencies, national accrediting bodies, health care researchers, and the public.

“(B) INTERNET ACCESS.—In addition to any other procedures that the Secretary develops under subparagraph (A), the information in the Sentinel Events Database shall be accessible through the Internet.

“(C) FEES FOR DISCLOSURE.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish or approve reasonable fees for disclosing information maintained in the Sentinel Events Database.

“(ii) NO FEE FOR FEDERAL AGENCIES.—No fee shall be charged to a Federal agency for access to the Sentinel Events Database.

“(iii) APPLICATION OF FEES.—Fees collected under this clause shall be applied by the Secretary toward the cost of maintaining the Sentinel Events Database.”.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1897(d) of the Social Security Act, as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

(b) INDIVIDUALS' RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICAID.—

(1) STATE PLANS FOR MEDICAL ASSISTANCE.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (65), by striking the period and inserting "; and"; and

(B) by adding at the end the following:

"(66) provide that the State will ensure that any congregate care provider (as defined in section 1905(v)) that provides services to an individual for which medical assistance is available shall—

"(A) protect and promote the right of each individual to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience;

"(B) impose restraints only—

"(i) to ensure the physical safety of the individual or other individuals; and

"(ii) upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

"(C) submit the reports required under subsection (d) of section 1897 (relating to sentinel events) in the same manner as a provider of services under that section is required to submit such reports.".

(2) DEFINITION OF CONGREGATE CARE PROVIDER.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v) The term 'congregate care provider' means an entity that provides hospital services, hospice care, residential treatment centers for children, services in an institution for mental diseases, inpatient psychiatric hospital services for individuals under age 21, or congregate care services under a waiver authorized under section 1915(c).".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1902(a)(66)(C) of the Social Security Act (42 U.S.C. 1396a(a)(66)(C)), as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

FEINGOLD AMENDMENTS NOS. 1686–1688

(Ordered to lie on the table.)

Mr. FEINGOLD submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1686

At the end of title X, insert the following:

SEC. . PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) IN GENERAL.—Section 1225(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B), those amounts equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.".

(b) MODIFICATION.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

"(d)(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan.

"(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification.

"(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification.".

AMENDMENT NO. 1687

At the appropriate place in the bill, insert the following:

SEC. . DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A) by—

(A) striking "$1,500,000" and inserting "$3,000,000"; and

(B) striking "80" and inserting "50"; and

(2) in subparagraph (B)(ii) by—

(A) striking "$1,500,000" and inserting "$3,000,000"; and

(B) striking "80" and inserting "50".

AMENDMENT NO. 1688

On page 7, line 15, strike "(ii)" and insert "(ii)(I)".

On page 7, between lines 21 and 22, insert the following:

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor for care and support of a household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent.

DODD AMENDMENT NO. 1689

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC.——. PROTECTION OF TUITION AND EDUCATION SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended by adding at the end the following:

"(o)(1) Notwithstanding section 541 of this title or any other provision of this section, an individual debtor may exempt from property of the estate the debtor's aggregate interest in funds (including any amount earned on the funds) to the extent that—

"(A) the funds are in a qualified tuition program described in section 529(b) of the Internal Revenue Code of 1986 or an education individual retirement account as defined in section 530(b)(1) of such Code;

"(B) the amount the debtor contributed to the program or account for each designated beneficiary, as defined in section 529(e)(1) of such Code, does not exceed the lesser of the maximum total contribution permitted under section 529(b)(7) of such Code by the State specified in subsection (b)(2)(A) of this section; and

"(C) a contribution that the debtor made within 1 year before the date of the filing of the petition did not exceed 15 percent of the debtor's gross annual income for the year in which the contribution was made and was consistent with the practices of the debtor in making such contributions.

"(2) Subsection (l) of this section applies to any exemption claimed under this subsection.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting '522(o),' after '522(d),' each place it appears.".

DODD (AND KENNEDY) AMENDMENT NO. 1690

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent, legal guardian, or spouse of the consumer, or any other individual having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.".

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

DODD AMENDMENT NO. 1691

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONSUMER CREDIT.

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

"(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the credtior shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the credtior shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.".

(b) Civil Liability.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to in subsections (a) and (b) of section 127, a credtior shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b).".

DODD (AND LANDRIEU) AMENDMENT NO. 1692

(Ordered to lie on the table.)

Mr. DODD (for himself and Ms. Landrieu) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 7, line 15, strike "(ii)" and insert "(ii)(I)".

On page 7, between lines 21 and 22, insert the following:

"(II) The expenses referred to in subclause (I) shall include—

"(aa) taxes and mandatory withholdings from wages;

"(bb) health care;

"(cc) alimony, child, and spousal support payments;

"(dd) expenses associated with the adoption of a child, including travel expenses, relocation expenses, and medical expenses;

"(ee) legal fees necessary for the debtor's case;

"(ff) child care and the care of elderly or disabled family members;

"(gg) reasonable insurance expenses and pension payments;

"(hh) religious and charitable contributions;

"(ii) educational expenses not to exceed $10,000 per household;

"(jj) union dues;

"(kk) other expenses necessary for the operation of a business of the debtor or for the debtor's employment;

"(*ll*) utility expenses and home maintenance expenses for a debtor that owns a home;

"(mm) ownership costs for a motor vehicle, determined in accordance with Internal Revenue Service transportation standards, reduced by any payments on debts secured by the motor vehicle or vehicle lease payments made by the debtor;

"(nn) expenses for children's toys and recreation for children of the debtor;

"(oo) tax credits for earned income determined under section 32 of the Internal Revenue Code of 1986; and

"(pp) miscellaneous and emergency expenses.

On page 83, between lines 4 and 5, insert the following:

SEC. 225. TREATMENT OF TAX REFUNDS AND DOMESTIC SUPPORT OBLIGATIONS.

(a) Property of the Estate.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (a)(5)(B) by inserting "except as provided under subsection (b)(7)," before "as a result"; and

(2) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (5) the following:

"(6) any—

"(A) refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed under section 32 of such Code for such year; and

"(B) advance payment of an earned income tax credit under section 3507 of the Internal Revenue Code of 1986;

"(7) the right of the debtor to receive alimony, support, or separate maintenance for the debtor or dependent of the debtor;

"(8) refund of a tax due to the debtor under a State earned income tax credit; or

"(9) advance payment of a State earned income tax credit.".

(b) Protection of Earned Income Tax Credit and Support Payments Under Bankruptcy Repayment Plans in Chapter 12.—Section 1225(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting "(A)" before "For purposes";

(2) by striking "(A) for the maintenance" and inserting "(i) for the maintenance";

(3) by striking "(B) if the debtor" and inserting "(ii) if the debtor"; and

(4) by adding at the end the following:

"(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

"(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

"(ii) any advance payment for an earned income tax credit described in clause (i); or

"(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.".

(c) Protection of Earned Income Tax Credit and Support Payments Under Bankruptcy Repayment Plans in Chapter 13.—Section 1325(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting "(A)" before "For purposes";

(2) by striking "(A) for the maintenance" and inserting "(i) for the maintenance";

(3) by striking "(B) if the debtor" and inserting "(ii) if the debtor"; and

(4) by adding at the end the following:

"(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

"(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

"(ii) any advance payment for an earned income tax credit described in clause (i); or

"(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.".

(d) Exemptions.—Section 522(d) of title 11, United States Code, as amended by section 224 of this Act, is amended in paragraph (10)—

(1) in subparagraph (C), by adding "or" after the semicolon;

(2) by striking subparagraph (D); and

(3) by striking "(E)" and inserting "(D)".

On page 92, line 5, strike "personal property" and insert "an item of personal property purchased for more than $3,000".

On page 93, line 19, strike "property" and insert "an item of personal property purchased for more than $3,000".

On page 97, line 10, strike "if" and insert "to the extent that".

On page 97, line 10, after "incurred" insert "to purchase that thing of value".

On page 98, line 1, strike "(27A)" and insert (27B)".

On page 107, line 9, strike "and aggregating more than $250" and insert "for $400 or more per item or service".

On page 107, line 11, strike "90" and insert "70".

On page 107, line 13, after "dischargeable" insert the following: "if the credtior proves by a preponderance of the evidence at a hearing that the goods or services were not reasonably necessary for the maintenance or support of the debtor".

On page 107, line 15, strike "$750" and insert "$1,075".

On page 107, line 17; strike "70" and insert "60".

Beginning on page 109, strike line 21 and all that follows through page 111, line 15, and insert the following:

SEC. 314. HOUSEHOLD GOOD DEFINED.

Section 101 of title 11, United States Code, as amended by section 106(c) of this Act, is amended by inserting before paragraph (27B) the following:

"(27A) 'household goods'—

"(A) includes tangible personal property normally found in or around a residence; and

"(B) does not include motor vehicles used for transportation purposes;".

On page 112, line 6, strike "(except that," and all that follows through "debts)" on line 13.

On page 112, strike lines 19 and 20.

On page 112, line 21, strike "(3)" and insert "(2)".

On page 112, line 24, strike "(4)" and insert "(3)".

On page 113, between lines 3 and 4, insert the following:

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended—

(1) in subsection (c), by inserting "(14A)," after "(6)," each place it appears; and

(2) in subsection (d), by striking "(a)(2)" and inserting "(a) (2) or (14A)".

On page 263, line 8, insert "as amended by section 322 of this Act," after "United States Code,".

On page 263, line 11, strike "(4)" and insert "(5)".

On page 263, line 12, strike "(5)" and insert "(6)".

On page 263, line 13, strike "(6)" and insert "(7)".

On page 263, line 14, strike "(4)" and insert "(5)".

On page 263, line 16, strike "(5)" and insert "(6)".

MURRAY AMENDMENT NO. 1693

(Ordered to lie on the table)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, add the following:

TITLE —TIME FOR SCHOOLS ACT OF 1999

SEC. 1. SHORT TITLE.

This title may be cited as the "Time for Schools Act of 1999".

SEC. 2. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) DEFINITIONS.—In this paragraph:

"(i) FAMILY LITERACY PROGRAM.—The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) LITERACY.—The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) SCHOOL.—The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE.—In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 3. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) In this paragraph:

"(i) The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the emplpyee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 4. EFFECTIVE DATE.

This title takes effect 120 days after the date of enactment of this Act.

SARBANES AMENDMENT NO. 1694

(Ordered to lie on the table)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONSUMER CREDIT.

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) REPAYMENT TERMS.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

"(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.".

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this subsection.

(b) CREDIT CARD SECURITY INTERESTS UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) SECURITY INTERESTS CREATED UNDER AN OPEN END CONSUMER CREDIT PLAN.—During the period of an open end consumer credit plan, if the creditor of that plan obtains a security interest in personal property purchased using that credit plan, the creditor shall provide to the consumer, at the time of purchase, a written statement setting forth in a clear, conspicuous, and easy to read format the following information:

"(1) The property in which the creditor will receive a security interest.

"(2) The nature of the security interest taken.

"(3) The method or methods of enforcement of that security interest available to the creditor in the event of nonpayment of the plan balance.

"(4) The method in which payments made on the credit plan balance will be credited against the security interest taken on the property.

"(5) The following statement: 'This property is subject to a security agreement. You must not dispose of the property purchased in any way, including by gift, until the balance on this account is fully paid.'".

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(h) of the Truth in Lending Act, as added by this subsection.

(c) STATISTICS REPORTED TO BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM AND TO CONGRESS.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(i) REPORTS TO THE BOARD AND TO CONGRESS.—

"(1) REPORTS TO THE BOARD.—Any creditor making advances under an open end credit plan shall, using model forms developed and published by the Board, annually submit to the Board a report, which shall include—

"(A) the total number of open end credit plan solicitations made to consumers;

"(B) the total amount of credit (in dollars) offered to consumers;

"(C) a statement of the average interest rates offered to all borrowers in each of the previous 2 years;

"(D) the total amount of credit granted and the average interest rate granted to persons under the age of 25; and

"(E) the total amount of debt written off voluntarily and due to a bankruptcy discharge in each of the 2 years preceding the date on which the report is submitted.

"(2) REPORTS TO CONGRESS.—The Board shall annually compile the information collected under paragraph (1) and submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking and Financial Services of the House of Representatives, a report, which shall include—

"(A) aggregate data described subparagraphs (A) through (E) of paragraph (1) for all creditors; and

"(B) individual data described in paragraph (1)(A) for each of the top 50 creditors.".

(d) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to in subsections (a), (b), and (h) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h).".

(e) TREATMENT UNDER BANKRUPTCY LAW:—

(1) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended by adding at the end the following: "The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor who has failed to make the disclosures required under section 127(h) of the Truth in Lending Act in connection with such claim, unless a creditor required to make such disclosures files with the court, within 90 days of the date of order for relief, a proof of claim accompanied by a copy of such disclosures that is signed and dated by the debtor.".

(2) REAFFIRMATION.—Section 524(c) of title 11, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) in a case concerning a creditor obligated to make the disclosures required under section 127(h) of the Truth in Lending Act, the agreement contains a copy of such disclosures that is signed and dated by the debtor.".

FEINSTEIN (AND BIDEN) AMENDMENT NO. 1695

(Ordered to lie on the table)

Mrs. FEINSTEIN (for herself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. 322. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2) by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4) by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

FEINSTEIN AMENDMENT NO. 1696

(Ordered to lie on the table)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. . ISSUANCE OF CREDIT CARDS TO UNDERAGE CONSUMERS.

(a) APPLICATIONS BY UNDERAGE CONSUMERS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE OBLIGORS.—

"(A) PROHIBITION ON ISSUANCE.—Except in response to a written request or application to the card issuer that meets the requirements of subparagraph (B), a card issuer may not—

"(i) issue a credit card account under an open end consumer credit plan to, or establish such an account on behalf of, an obligor who has not attained the age of 21; or

"(ii) increase the amount of credit authorized to be extended under such an account to an obligor described in clause (i).

"(B) APPLICATION REQUIREMENTS.—A written request or application to open a credit card account under an open end consumer credit plan, or to increase the amount of credit authorized to be extended under such an account, submitted by an obligor who has not attained the age of 21 as of the date of such submission, shall require—

"(i) submission by the obligor of information regarding any other credit card account under an open end consumer credit plan issued to, or established on behalf of, the obligor (other than an account established in response to a written request or application that meets the requirements of clause (ii) or (iii)), indicating that the proposed extension of credit under the account for which the written request or application is submitted would not thereby increase the total amount of credit extended to the obligor under any such account to an amount in excess of $1.500 (which amount shall be adjusted annually by the Board to account for any increase in the Consumer Price Index);

"(ii) the signature of a parent or guardian of that obligor indicating joint liability for debts incurred in connection with the account before the obligor attains the age of 21; or

"(iii) submission by the obligor of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

"(C) NOTIFICATION.—A card issuer of a credit card account under an open end consumer credit plan shall notify any obligor who has not attained the age of 21 that the obligor is not eligible for an extension of credit in connection with the account unless the requirements of this paragraph are met.

"(D) LIMIT ON ENFORCEMENT.—A card issuer may not collect or otherwise enforce a debt arising from a credit card account under an open end consumer credit plan if the obligor had not attained the age of 21 at the time the debt was incurred, unless the requirements of this paragraph have been met with respect to that obligor.

"(6) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—In addition to the requirements of paragraph (5), no increase may be made in the amount of credit authorized to be extended under a credit card account under an open end credit plan for which a parent or guardian of the obligor has joint liability for debts incurred in connection with the account before the obligor attains the age of 21, unless the parent or guardian of the obligor approves, in writing, and assumes joint liability for, such increase.".

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section.

(c) EFFECTIVE DATE.—Paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section, shall apply to the issuance of credit card accounts under open end consumer credit plans, and the increase of the amount of credit authorized to be extended thereunder, as described in those paragraphs, on and after the date of enactment of this Act.

REID AMENDMENT NO. 1697

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by striking "180" and inserting "30".

WELLSTONE (AND MURRAY) AMENDMENTS NOS. 1698–1699

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mrs. MURRAY) submitted two amendments intended to be proposed by them to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1698

At the end, add the following:

TITLE —EMPLOYMENT PROTECTION FOR BATTERED WOMEN

SEC. 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This title may be cited as the "Battered Women's Employment Protection Act".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

SEC. 2. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under section 5 of the 14th amendment to the Constitution, as well as under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States—

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by—

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employers;

(2) to promote the purposes of the 14th amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women for employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs, caused by domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2), and (3) in a manner that accommodates the legitimate interests of employers.

SEC. 3. UNEMPLOYMENT COMPENSATION.

(a) UNEMPLOYMENT COMPENSATION.—Section 3304 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting "; and"; and

(C) by inserting after paragraph (19) the following:

"(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence."; and

(2) by adding at the end the following:

"(g) CONSTRUCTION.—

"(1) IN GENERAL.—For purposes of subsection (a)(20), an employee's separation from employment shall be treated as due to circumstances directly resulting from the individual's experience of domestic violence if the separation resulted from—

"(A) the employee's reasonable fear of future domestic violence at or en route to or from the employee's place of employment;

"(B) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

"(C) the employee's need to recover from traumatic stress resulting from the employee's experience of domestic violence;

"(D) the employer's denial of the employee's request for the temporary leave from employment authorized by section 102 of the Family and Medical Leave Act of 1993 to address domestic violence and its effects; or

"(E) any other circumstance in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee's family.

"(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.—For purposes of subsection (a)(20), if State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the employee—

"(A) sought protection from, or assistance in responding to, domestic violence, including calling the police or seeking legal, social work, medical, clerical, or other assistance;

"(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

"(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the employee or the employee's family's safety.

"(3) ACTIVE SEARCH FOR EMPLOYMENT.—For purposes of subsection (a)(20), if State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be treated as met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety for the employee or the employee's family, or relief for the employee, from domestic violence, including—

"(A) going into hiding or relocating or attempting to do so, including activities associated with such hiding or relocation, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee's family;

"(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings; or

"(C) participating in psychological, social, or religious counseling or support activities to assist the employee in coping with domestic violence.

"(4) PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.—In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an employee is requesting unemployment compensation by reason of subsection (a)(20) may require the employee to provide—

"(A) a written statement describing the domestic violence and its effects;

"(B) documentation of the domestic violence, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects, as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); or

"(C) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

All evidence of domestic violence experienced by an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available by reason of subsection (a)(20) shall be retained in the strictest confidence by such State unemployment agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of protecting the safety of the employee or a family member of the employee or of assisting in documenting domestic violence for a court or agency.".

(b) SOCIAL SECURITY PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting after paragraph (3) the following:

"(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employee separations stemming from domestic violence are reliably screened, identified, and adjudicated, and full confidentiality is provided for the employee's claim and submitted evidence; and".

(c) DEFINITIONS.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(u) DOMESTIC VIOLENCE.—The term 'domestic violence' includes acts or threats of violence, or acts of extreme cruelty (as such term is referred to in section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a)), not including acts of self-defense, committed by—

"(1) a current or former spouse of the victim;

"(2) a person with whom the victim shares a child in common;

"(3) a person who is cohabiting with or has cohabited with the victim;

"(4) a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim;

"(5) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or

"(6) any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.".

SEC. 4. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR NON-FEDERAL EMPLOYEES.

(a) DEFINITIONS.—Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term 'addressing domestic violence and its effects' means—

"(A) being unable to attend or perform work due to an incident of domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding, related to domestic violence;

"(D) obtaining services from a domestic violence shelter or program or rape crisis center as a result of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) participating in any other activity necessitated by domestic violence that must be undertaken during the hours of employment involved.

"(15) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term in section 3306 of the Internal Revenue Code of 1986.".

(b) LEAVE REQUIREMENT.—Section 102 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.";

(2) in subsection (b), by adding at the end the following:

"(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an eligible employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken."; and

(3) in subsection (d)(2)(B), by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(c) CERTIFICATION.—Section 103 (29 U.S.C. 2613) is amended—

(1) in the title of the section, by inserting before the period the following: "; confidentiality"; and

(2) by adding at the end the following:

"(f) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

"(1) a written statement describing the domestic violence and its effects;

"(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

"(g) CONFIDENTIALITY.—All evidence provided to the employer under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

"(1) protecting the safety of the employee or a family member or co-worker of the employee; or

"(2) assisting in documenting domestic violence for a court or agency.".

SEC. 5. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(1) at the end of paragraph (5), by striking "and";

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) the term 'addressing domestic violence and its effects' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); and

"(8) the term 'domestic violence' has the meaning given the term in section 3006 of the Internal Revenue Code of 1986.".

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.";

(2) in subsection (b), by adding at the end the following:

"(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken."; and

(3) in subsection (d), by striking "(C), or (D)" and inserting "(C), (D), (E), or (F)".

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in the title of the section, by adding at the end the following: "; **confidentiality**"; and

(2) by adding at the end the following:

"(f) In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employing agency of an employee may require the employee to provide—

"(1) a written statement describing the domestic violence and its effects;

"(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or other damaged property.

"(g) All evidence provided to the employing agency under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employing agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

"(1) protecting the safety of the employee or a family member or co-worker of the employee; or

"(2) assisting in documenting domestic violence for a court or agency.".

SEC. 6. EXISTING LEAVE USABLE FOR DOMESTIC VIOLENCE.

(a) DEFINITIONS.—In this section:

(1) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term "addressing domestic violence and its effects" has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611), as amended in section 4(a).

(2) EMPLOYEE.—The term "employee" means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(3) EMPLOYER.—The term "employer"—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs individuals, if such person is also subject to the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) or to any provision of a State or local law, collective bargaining agreement, or employment benefits program or plan, addressing paid or unpaid leave from employment (including family, medical, sick, annual, personal, or similar leave); and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to any employee, and includes a public agency, who is subject to a law, agreement, program, or plan described in subparagraph (A), but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) EMPLOYMENT BENEFITS.—The term "employment benefits" has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PARENT; SON OR DAUGHTER.—The terms "parent" and "son or daughter" have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) PUBLIC AGENCY.—The term "public agency" has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(b) USE OF EXISTING LEAVE.—An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, shall be permitted to use such leave for the purpose of addressing domestic violence and its effects, or for the purpose of caring for a son or daughter or parent of the employee, if such son or daughter or parent is addressing domestic violence and its effects.

(c) CERTIFICATION.—In determining whether an employee qualifies to use leave as described in subsection (b), an employer may require a written statement, documentation of domestic violence, or corroborating evidence consistent with section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by section 4(c).

(d) CONFIDENTIALITY.—All evidence provided to the employer under subsection (c) of domestic violence experienced by an employee or the son or daughter or parent of the employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son or daughter or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

(1) protecting the safety of the employee or a family member or co-worker of the employee; or

(2) assisting in documenting domestic violence for a court or agency.

(e) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against an individual for opposing any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(A) has filed any charge, or had instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(f) ENFORCEMENT.—

(1) PUBLIC ENFORCEMENT.—The Secretary of Labor shall have the powers set forth in subsections (b), (c), (d), and (e) of section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) for the purpose of public agency enforcement of any alleged violation of subsection (e) against any employer.

(2) PRIVATE ENFORCEMENT.—The remedies and procedures set forth in section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)) shall be the remedies and procedures pursuant to which an employee may initiate a legal action against an employer for alleged violations of subsection (e).

(3) REFERENCES.—For purposes of paragraph (1) and (2), references in section 107 of the Family and Medical Leave Act of 1993 to section 105 of such Act shall be considered to be references to subsection (e).

(4) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer to an employee for harm suffered relating to the employee's experience of domestic violence pursuant to any other Federal or State law, including a law providing for a legal remedy.

SEC. 7. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title or the amendments made by this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or other employment benefits program or plan that provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this title or such amendments.

(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for employees under this title or the amendments made by this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

SEC. 8. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this title and the amendments made by this title take effect 180 days after the date of enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.—

(A) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by section 3, the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning after the earlier of—

(i) the date the State changes its statutes or regulations in order to comply with the amendments made by section 3; or

(ii) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall the amendments made by this title apply before the date that is 180 days after the date of enactment of this Act.

(B) SESSION DEFINED.—In this paragraph, the term "session" means a regular, special, budget, or other session of a State legislature.

AMENDMENT NO. 1699

At the appropriate place, insert the following:

TITLE —VICTIMS OF ABUSE INSURANCE PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the "Victims of Abuse Insurance Protection Act".

SEC. 02. DEFINITIONS.

In this title:

(1) ABUSE.—The term "abuse" means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) HEALTH CARRIER.—The term "health carrier" means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—The term "insured" means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) INSURER.—The term "insurer" means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third party administrators. The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) POLICY.—The term "policy" means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) SUBJECT OF ABUSE.—The term "subject of abuse" means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

SEC. 03. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) PROHIBITION ON LIMITATION ON CLAIMS.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) PROHIBITION ON TERMINATION.—

(1) IN GENERAL.—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) PAYMENT OF PREMIUMS.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant's or insured's status as a family member, employer, or associate, person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant's or insured's location or telephone number or the location and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) AUTHORITY OF SUBJECT OF ABUSE.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

SEC. 04. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

SEC. 05. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

SEC. 06. LIFE INSURANCE.

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

SEC. 07. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. 08. ENFORCEMENT.

(a) FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) CEASE AND DESIST ORDERS.—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this

title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses.

(3) STATUTORY DAMAGES.—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of $5,000 for each violation.

SEC. 09. EFFECTIVE DATE.

This title shall apply with respect to any action taken on or after the date of enactment of this Act, except that section 04 shall only apply to actions taken after the expiration of 60 days after such date of enactment.

WELLSTONE AMENDMENTS NOS. 1700–1703

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1700

At the appropriate place, insert the following:

SEC. . EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(i) IN GENERAL.—Not later";

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv)." after the period; and

(3) by adding at the end the following:

"(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

"(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

"(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—Measures of changes in income of a longitudinal sample of current recipients of assistance under the State program funded under this title (or of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

"(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

"(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

"(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

"(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

"(VII) DEFINITIONS.—In this clause:

"(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

"(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

"(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

"(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

"(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

"(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

"(v) LIMITATION OF APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (II), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

"(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

"(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

"(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

"(i) employment status;

"(ii) job retention;

"(iii) changes in income or resources;

"(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

"(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

"(vi) accessibility of child care and child care cost;

"(vii) the percentage of families in poverty receiving child care subsidies;

"(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

"(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

"(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

"(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

"(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

"(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.".

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria and the child care criteria described in subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)) shall apply to each of fiscal years 2002 and 2003.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1701

At appropriate place, insert the following:

SEC. . DISALLOWANCE OF CERTAIN CLAIMS; PROHIBITION OF COERCIVE DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end of the following:

"(10) such claim arises from a transaction—

"(A) that is—

"(i) a consumer credit transaction;

"(ii) a transaction, for a fee—

"(I) in which the deposit of a personal check is deferred; or

"(II) that consists of a credit and a right to a future debit to a personal deposit account; or

"(iii) a transaction secured by a motor vehicle or the title to a motor vehicle; and

"(B) in which the annual percentage rate (as determined in accordance with section 107 of the Truth in Lending Act) exceeds 100 percent.".

(b) UNFAIR DEBT COLLECTION PRACTICES.—

(1) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended—

(A) in the first sentence, by striking "A debt collector" and inserting the following:

"(a) IN GENERAL.—A debt collector"; and

(B) by adding at the end the following:

"(b) COERCIVE DEBT COLLECTION PRACTICES.—

"(1) IN GENERAL.—It shall be unlawful for any person (including a debt collector or a creditor) who, for a fee, defers deposit of a personal check or who makes a loan in exchange for a personal check or electronic access to a personal deposit account, to—

"(A) threaten to use or use the criminal justice process to collect on the personal check or on the loan;

"(B) threaten to use or use any process to seek a civil penalty if the personal check is returned for insufficient funds; or

"(C) threaten to use or use any civil process to collect on the personal check or the loan that is not generally available to creditors to collect on loans in default.

"(2) CIVIL LIABILITY.—Any person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under section 813 for failure to comply with a provision of this title.".

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking "808(6)" and inserting "808(a)(6)".

AMENDMENT NO. 1702

At appropriate place, insert the following:

SEC. . LOW-COST BASIC BANKING ACCOUNT.

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than $200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms "appropriate Federal banking agency" and "insured depository institution" have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

AMENDMENT NO. 1703

At appropriate place, insert the following:

SEC. . LOW-COST BASIC BANKING ACCOUNT.

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than $200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms "appropriate Federal banking agency" and "insured depository institution" have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

FEINSTEIN AMENDMENTS NOS. 1704–1705

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 625, supra, as follows:

AMENDMENT NO. 1704

At the appropriate place, insert the following:

SEC. . PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

AMENDMENT NO. 1705

At the appropriate place, insert the following:

SEC. . PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

LEAHY (AND MURRAY) AMENDMENTS NO 1706

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 7, line 21, insert after the period "In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as defined under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court.".

LEAHY AMENDMENTS NOS. 1707–1709

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1707

On page 115, line 23, strike all through line 2 on page 116.

On page 116, line 3, strike "(v)" and insert "(iv)".

On page 116, line 8, strike "(vi)" and insert "(v)".

On page 116, line 11, strike "(vii)" and insert "(vi)".

On page 117, strike lines 5 through 20, and insert the following:

"(e) An individual debtor in a case under chapter 7 or 13 of this title shall file with the court at the request of any party in interest—

"(1) all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and".

AMENDMENT NO. 1708

On page 294, between lines 11 and 12, insert the following:

SEC. 11 . TOBACCO MULTI-STATE ACCOUNTABILITY.

(a) PURPOSE.—The purpose of this section is to provide that tobacco companies and their parent corporations may not use Federal bankruptcy law to escape their liability for the debts arising from the settlement of certain litigation by State attorneys general to hold the tobacco industry accountable for its prior actions.

(b) CONFIRMATION OF PLAN DOES NOT PROVIDE FOR DISCHARGE OF CERTAIN DEBTS ARISING FROM TOBACCO-RELATED LITIGATION.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

"(6)(A) The confirmation of a plan does not discharge a debtor that is a covered corporation from any debt arising under the applicable tobacco settlement.

"(B) In this paragraph:

"(i) The term 'covered corporation' means any manufacturer of a tobacco product (as determined under an applicable tobacco settlement) and its parent corporation, as of the date of the execution of the applicable tobacco settlement.

"(ii) The term 'tobacco settlement' means—

"(I) the Master Settlement Agreement and the Smokeless Tobacco Master Settlement Agreement executed by the applicable State Attorneys General on November 23, 1998, and any subsequent amendments thereto;

"(II) the separate settlement agreements executed by the Attorneys General of the States of Florida, Minnesota, Mississippi, and Texas in 1997 and 1998, concerning their litigation against the tobacco industry; and

"(III) the National Tobacco Growers Settlement Trust executed by the applicable State Attorneys General.

"(iii) The term 'State' means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.".

AMENDMENT NO. 1709

On page 124, insert between lines 14 and 15 the following:

SEC. 322. BANKRUPTCY APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking out "Subject to subsection (b)," and inserting in lieu thereof "Subject to subsections (b) and (d)(2),"; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following new paragraph:

"(2) A court of appeals that would have jurisdiction of a subsequent appeal under paragraph (1) or other applicable law may authorize an immediate appeal to that court, in lieu of further proceedings in a district court or before a bankruptcy appellate panel exercising appellate jurisdiction under subsection (a) or (b), if the district court or bankruptcy appellate panel hearing an appeal certifies that—

"(A) a substantial question of law or matter of public importance is presented in the appeal pending in the district court or before the bankruptcy appellate panel; and

"(B) the interests of justice require an immediate appeal to the court of appeals of the judgment, order, or decree that had been appealed to the district court or bankruptcy appellate panel.".

(b) PROCEDURAL RULES.—

(1) IN GENERAL.—Until rules of practice and procedure are promulgated or amended under chapter 131 of title 28, United States Code, relating to appeals to a court of appeals exercising jurisdiction under section 158(d)(2) of title 28, United States Code, as added by this Act, the provisions of this subsection shall apply.

(2) CERTIFICATION.—A district court or bankruptcy appellate panel may enter a certification as described under section 158(d)(2) of title 28, United States Code, on its own or a party's motion during an appeal to the district court or bankruptcy appellate panel under section 158 (a) or (b) of such title.

(3) APPEAL.—Subject to paragraphs (1), (2), and (4) through (8) of this subsection, an appeal under section 158(d)(2) of title 28, United States Code, shall be taken in the manner prescribed under rule 5 of the Federal Rules of Appellate Procedure.

(4) FILING BASED ON CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, the petition shall be filed within 10 days after the district court or bankruptcy appellate panel enters the certification.

(5) ATTACHMENT OF CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, a copy of the certification shall be attached to the petition.

(6) APPLICATION TO BANKRUPTCY APPELLATE PANELS.—When an appeal is requested in a case pending before a bankruptcy appellate panel, rule 5 of the Federal Rules of Appellate Procedure shall apply by using the terms "bankruptcy appellate panel" and "clerk of the bankruptcy appellate panel" in lieu of the terms "district court" and "district clerk", respectively.

(7) APPLICATION OF FEDERAL RULES.—When a court of appeals authorizes an appeal, the Federal Rules of Appellate Procedure apply to the proceedings in the court of appeals, to the extent relevant, as if the appeal were taken from a final judgment, order, or decree of a district court or bankruptcy appellate panel exercising appellate jurisdiction under section 158 (a) or (b) of title 28, United States Code.

GRAMM AMENDMENT NO. 1710

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. . MAXIMUM HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended—

(1) in subsection (b)(3)(A), by striking "subsection (n)" and inserting "subsections (n) and (o)"; and

(2) by adding at the end the following:

"(o) Notwithstanding any other provision of law, for purposes of subsection (b)(3)(A), the maximum exemption under applicable State law from the property of the estate of a debtor of the value of an interest of the debtor in any real or personal property or cooperative described in paragraph (1) or (2) of subsection (n) shall not exceed **$100,000**, if the debtor acquired the interest—

"(1) during the 2-year period preceding the date of the filing of the petition; and

"(2) No such exemption shall be available during the 5-year period preceding the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor.".

SPECTER AMENDMENTS NOS. 1711–1712

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1711

On page 12, strike lines 20 through 22.

On page 12, line 20, insert "finds that the action of the counsel for the debtor in filing under this chapter was frivolous."

AMENDMENT NO. 1712

At the appropriate place in title XI, insert the following:

SEC. 11 . BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay the fee in installments.".

McCONNELL AMENDMENT NO. 1713

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . COMPENSATION OF TRUSTEES IN CERTAIN CASES UNDER CHAPTER 7 OF TITLE 11, UNITED STATES CODE.

Section 326 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case that has been converted under section 706, or after a case has been converted or dismissed under section 707 or the debtor has been denied a discharge under section 727—

"(1) the court may allow reasonable compensation under section 330 for the trustee's services rendered, payable after the trustee renders services; and

"(2) any allowance made by a court under paragraph (1) shall not be subject to the limitations under subsection (a).".

HATCH AMENDMENTS NOS. 1714–1718

(Ordered to lie on the table.)

Mr. HATCH submitted five amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1714

On page 28, line 7, after "**debt**", insert "**and materially fraudulent statements in bankruptcy schedules**".

On page 28, line 12, after the period, insert "In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.".

On page 28, line 25, strike the quotation marks and the second period.

On page 28, after line 25, insert the following:

"(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.".

On page 29, strike the item between lines 3 and 4 and insert the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.".

AMENDMENT NO. 1715

On page 14, between lines 14 and 15, insert the following:

(c) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, as amended by subsection (a) of this section, is amended by adding at the end the following:

"(c)(1) In this subsection—

"(A) the term 'crime of violence' has the meaning given that term in section 16 of title 18; and

"(B) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18.

"(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, or at the request of a party in interest, shall dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

"(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.".

On page 14, line 15, strike "(c)" and insert "(d)".

AMENDMENT NO. 1716

On page 83, between lines 4 and 5, insert the following:

SEC. 2 . PROTECTION OF EDUCATION SAVINGS.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "or" at the end;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following:

"(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

"(B) only to the extent that such funds—

"(i) are not pledged or promised to any entity in connection with any extension of credit; and

"(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

"(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

"(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

"(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

"(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000; or"; and

(2) by adding at the end the following:

"(f) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

"(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).".

AMENDMENT NO. 1717

On page 124, between lines 14 and 15, insert the following:

SEC. 3 . DEBTOR'S TRANSACTIONS WITH ATTORNEYS.

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "Any attorney" and inserting "Subject to subsection (c), any attorney"; and

(2) by adding at the end the following:

"(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.".

AMENDMENT NO. 1718

On page 20, between lines 2 and 3, insert the following:

(c) FRESH START CREDIT COUNSELING.—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

"(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

"(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.".

On page 20, line 3, strike "(c)" and insert "(d)".

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

"(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

"(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.".

On page 20, line 23, strike "(d)" and insert "(e)".

On page 21, line 12, strike "(e)" and insert "(f)".

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following:

"(b)(1) In this subsection, the term 'credit counseling service'—

"(A) means—

"(i) a nonprofit credit counseling service approved under subsection (a); and

"(ii) any other consumer education program carried out by—

"(I) a trustee appointed under chapter 13; or

"(II) any other public or private entity or individual; and

"(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

"(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

"(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

"(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

"(i) any actual damages sustained by the debtor as a result of the violation; and

"(ii) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.".

On page 22, line 4, strike "(f)" and insert "(g)".

On page 22, before line 1, insert the following:

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

"(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

"(B) includes any recommendations for Congress.".

On page 22, line 1, strike "(2)" and insert "(3)".

SESSIONS AMENDMENT NO. 1719

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

S. 625, the "Bankruptcy Reform Act of 1999" is amended in the following manner.

SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(1) On page 25, line 1, insert "with a debtor" after "communication".

(2) On page 25, line 6, strike "of an intention to—" and all that follows through line 13 and insert "to take an action which the creditor could not legally take."

(3) On page 25, line 20, strike "or does not intend to take,".

(4) On page 27, line 15, strike "or did not intend to take".

SMITH AMENDMENTS NOS. 1720–1721

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1720

Strike all after the first word, and insert the following:

. NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: ", or for injury resulting from the provision of abortion services."

The provisions of this section shall take effect one day following enactment.

AMENDMENT NO. 1721

At the appropriate place, insert the following:

SEC. . NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: ", or for injury resulting from the provision of abortion services."

ROBB AMENDMENTS NOS. 1722–1723

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1722

On page 51, strike line 24 and insert the following:

section (d); and

"(7) provide information relating to the administration of cases that is practical to any not-for-profit entity which shall provide information to parties in interest in a timely and convenient manner, including telephonic and Internet access, at no cost or a nominal cost.

An entity described in paragraph (7) shall provide parties in interest with reasonable information about each case on behalf of the trustee of that case, including the status of the debtor's payments to the plan, the unpaid balance payable to each creditor treated by the plan, and the amount and date of payments made under the plan. Neither a trustee nor a creditor shall be liable to the debtor or to any other party in interest if the information provided in the manner required by paragraph (7) is not accurate and the party claiming not to be liable acted in good faith in providing or relying upon information the entity made available under paragraph (7) or this paragraph. The trustee shall have no duty to provide information under paragraph (7) if no such entity has been established."; and".

AMENDMENT NO. 1723

On page 106, line 16, insert "and not yet due and owing" after "previously paid".

KERRY AMENDMENTS NOS. 1724–1725

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1724

On page 155, line 10, strike all through page 157, line 8.

AMENDMENT NO. 1725

On page 155, line 16, strike "90" and insert "180".

On page 155, strike through lines 18 and 19.

On page 155, line 20, strike "(B)" and insert "(A)".

On page 155, line 22, strike "(C)" and insert "(B)".

On page 155, line 24, strike "90" and insert "300".

Beginning on page 156, line 22, strike through page 157, line 8.

Redesignate sections 430 through 435 as sections 429 through 434, respectively.

On page 159, lines 13 and 14, strike ", as amended by section 429 of this Act,".

On page 250, line 17, strike "432(2)" and insert "431(2)".

COLLINS (AND OTHERS) AMENDMENT NO. 1726

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KERRY, Mrs. MURRAY, Mr. STEVENS, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place insert the following:

SEC. . FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

"(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

"§ 1232. Additional provisions relating to family fishermen

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.".

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen.".

(e) Nothing in this title is intended to change, affect, or amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, et. seq.).

DEWINE AMENDMENT NO. 1727

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 53, insert between lines 18 and 19 the following:

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

"(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

"(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

"(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;".

HATCH AMENDMENT NO. 1728

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 6, line 12, insert "11 or" after "chapter".

On page 6, line 24, insert "11 or" after "chapter".

On page 14, strike lines 8 through 14 and insert the following:

"(C)(i) Only the judge, United States trustee, panel trustee, or bankruptcy administrator, shall bring a motion under section 707(b) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly income which when multiplied by 12, is equal to or less than the national or applicable State median household monthly income (subject to clause (ii)) of a household of equal size.

"(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus $583 for each additional member of that household.".

On page 14, in the matter between lines 18 and 19, insert "11 or" after "chapter".

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning—

(A) the utilization of Internal Revenue Service standards for the purpose of section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike "103" and insert "104".

On page 15, line 12, strike "104" and insert "105".

On page 17, line 19, strike "105" and insert "106".

On page 20, between lines 2 and 3, insert the following:

(c) FRESH START CREDIT COUNSELING.—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

"(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

"(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.".

On page 20, line 3, strike "(c)" and insert "(d)".

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

"(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

"(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.".

On page 20, line 23, strike "(d)" and insert "(e)".

On page 21, line 12, strike "(e)" and insert "(f)".

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following:

"(b)(1) In this subsection, the term 'credit counseling service'—

"(A) means—

"(i) a nonprofit credit counseling service approved under subsection (a); and

"(ii) any other consumer education program carried out by—

"(I) a trustee appointed under chapter 13; or

"(II) any other public or private entity or individual; and

"(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

"(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

"(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

"(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

"(i) any actual damages sustained by the debtor as a result of the violation; and

"(ii) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.".

On page 22, before line 1, insert the following:

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

(B) includes any recommendations for Congress.

On page 22, line 1, strike "(2)" and insert "(3)".

On page 22, line 4, strike "(f)" and insert "(g)".

On page 30, line 11, insert ", including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title," after "under this title".

On page 30, lines 14 and 15, strike "or legal guardian; or" and insert ", legal guardian, or responsible relative; or".

On page 30, line 21, strike "or legal guardian".

On page 31, line 10, strike "or legal guardian" and insert ", legal guardian, or responsible relative".

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.".

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding in the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed."; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under

such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan".

On page 37, strike lines 10 and 11 and insert "amended by striking paragraph (2) and inserting the".

On page 37, lines 14 and 15, strike "of an action or proceeding for—" and insert "or continuation of a civil action or proceeding—".

On page 37, line 16, insert "for" after "(i)".

On page 37, line 19, insert "for" after "(ii)".

On page 37, line 21, strike "or".

On page 37, between lines 21 and 22, insert the following:

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

"(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

"(i) for amounts that first become payable after the date the petition was filed; and

"(ii) for amounts that first became payable before the petition was filed;

"(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

"(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

"(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).";

On page 38, line 12, strike all through page 39, line 25.

On page 40, line 4, insert "as amended by section 1110(1) of this Act," after "Code,".

On page 40, between lines 13 and 14, insert the following:

(i) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

On page 40, line 14, strike "(i)" and insert "(ii)".

On page 40, line 16, strike "(ii)" and insert "(iii)".

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 40, line 20, strike "(6)" and insert "(5)".

On page 41, line 4, strike "(5)" and insert "(4)".

On page 41, line 7, strike "(5)" and insert "(4)".

On page 41, line 12, strike "(5)" and insert "(4)".

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 44, line 14, strike "for support" through line 16, and insert "for a domestic support obligation,".

On page 45, line 23, strike "and".

On page 45, between lines 23 and 24, insert the following:

"(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike "(III)" and insert "(IV)".

On page 46, line 2, strike "(2), (4), or (14A)" and insert "(2), (3), or (14)".

On page 46, strike lines 6 through 11 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike "(b)" and insert "(a)".

On page 46, line 20, strike "(5)" and insert "(6)".

On page 46, line 22, strike "(6)" and insert "(7)".

On page 47, strike lines 1 through 6 and insert the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 47, line 8, strike "(b)(7)" and insert "(a)(7)".

On page 48, line 7, strike "and".

On page 48, insert between lines 7 and 8 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 48, line 8, strike "(III)" and insert "(IV)".

On page 48, line 11, strike "(4), or (14A)" and insert "(3), or (14)".

On page 48, strike lines 15 through 20 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 50, line 16, strike "and".

On page 50, insert between lines 16 and 17 the following:

"(III) the last recent known name and address of the debtor's employer; and".

On page 50, line 17, strike "(III)" and insert "(IV)".

On page 50, line 20, strike "(4), or (14A)" and insert "(3), or (14)".

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

On page 52, line 24, strike "and".

On page 52, after line 24, add the following:

"(III) the last recent known name and address of the debtor's employer; and".

On page 53, line 1, strike "(III)" and insert "(IV)".

On page 53, line 4, strike "(4), or (14A)" and insert "(3), or (14)".

On page 53, strike lines 8 through 13 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 76, line 15, strike "523(a)(9)" and insert "523(a)(8)".

On page 82, strike lines 4 through 9 and insert "title 11, United States Code, is amended by adding at the end the following:".

On page 82, line 10, strike "(19)" and insert "(18)".

On page 91, line 23, strike "105(d)" and insert "106(d)".

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike "(b)" and insert "(c)".

On page 93, line 3, strike "(2)" and insert "(3)".

On page 94, line 25, strike "105(d)" and insert "106(d)".

On page 95, line 16, strike "(c)" and insert "(d)".

On page 109, line 13, strike "by adding at the end" and insert "by inserting after subsection (e)".

On page 111, strike lines 16 and 17 and insert the following:

SEC. 314. DISCHARGE PETITIONS.

On page 111, line 18, insert "(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—" before "Section".

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike "(4)" and insert "(3)".

On page 112, line 20, strike "(3)(B), (5), (8), or (9) of section 523(a)" and insert "(4), (7), or (8) of section 523(a)".

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

"(a) In this section:

"(1)(A) The term 'debtor identifying information' means—

"(i) the debtor's name, address, and Federal taxpayer identification number; and

"(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

"(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy

Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

"(2) The term 'notice' includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

"(3) The term 'effective notice' with respect to an entity means that notice has been served on the entity—

"(A) at the address specified under subsection (e); or

"(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable nonbankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case"; and

(D) by adding after subsection (c), as redesignated, the following:

"(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any rule promulgated under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

"(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

"(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

"(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

"(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

"(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

"(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

"(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

"(B) Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

"(2) Subject to paragraph (4), if effective notice of the commencement of the case was not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

"(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

"(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

"(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

"(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

"(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

"(i) except as provided in paragraph (ii), when effective notice is given the entity; or

"(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

"(I) the date of actual knowledge; or

"(II) the date on which such notice should otherwise have been provided.

"(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

"(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

"(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

"(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

"(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

"(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

"(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

"(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

"(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

"(II) the creditor will not be prejudiced by being included in the case at the present time.

"(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

"(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

"(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

"(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph.".

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on, behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking "(a)(3), or (a)(8) of this section," and inserting "or (a)(7) of this section, section 342 of this title";

(iii) in subsection (c)(1), by striking "Except as provided in subsection (a)(3)(B) of this section," and inserting "Except as provided in section 342(f),"; and

(iv) in subsection (c)(2)—

(I) by striking "(a)(4), (a)(6), or (a)(11)" and inserting "(a)(3), (a)(5), or (a)(10)"; and

(II) by striking "subsection (a)(3)(B) of this section" and inserting "section 342(f)".

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking "section 523(a)(5)" and inserting "section 523(a)(4)".

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking "section 523(a)(4) or 523(a)(6)" and inserting "section 523(a) (3) or (5)".

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding "or" after the semicolon;

(ii) in subsection (a)(2)(B), by striking "or" after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with ", other" through "subsection".

On page 116, line 16, strike "(d)(1)" and insert "(e)(1)".

On page 117, line 5, strike "(e)" and insert "(f)".

On page 118, line 1, strike "(A) beginning" and insert the following:

"(A) beginning".

On page 118, line 5, strike "(B) thereafter," and insert the following:

"(B) thereafter,".

On page 118, line 8, strike "(f)(1)" and insert "(g)(1)".

On page 118, strike line 23 and insert the following: "subsection (h)".

On page 118, line 24, strike "(g)(1)" and insert "(h)(1)".

On page 119, line 21, strike "(h)" and insert "(*i*)".

On page 120, line 11, strike "(*i*)" and insert "(j)".

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§ 1115. Property of the estate

"In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate.".

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is neeessary for the execution of the plan, except that the provision of such payment under this paragraph shall not be a required part of the plan.".

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.".

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payments under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable.".

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.".

On page 124, between lines 14 and 15, insert the following:

SEC. 322. DEBTOR'S TRANSACTIONS WITH ATTORNEYS.

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "Any attorney" and inserting "Subject to subsection (c), any attorney"; and

(2) by adding at the end the following:

"(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.".

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: "On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))). The court shall increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))) upon the request of the small business concern, if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.".

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).".

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert "and other required government filings" after "returns".

On page 150, line 19, insert "and other required government filings" after "returns".

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike "1115" and insert "1116".

On page 153, line 7, strike "3" and insert "7".

On page 154, line 9, strike the semicolon and insert "and other required government filings; and".

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike "150" and insert "175".

On page 156, line 20, strike "150-day" and insert "175-day".

On page 158, strike line 2 and insert "the end and inserting a semicolon; and".

On page 162, strike lines 14 through 20 and insert the following:

"(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike "reason is" and insert "grounds include".

On page 162, line 22, strike "that".

On page 162, line 23, insert "for which" before "there exists".

On page 163, line 1, strike "(ii)(I)" and insert "(ii)".

On page 163, line 1, strike "that act or omission" and insert "which".

On page 163, line 3, strike ", but not" and all that follows through line 8 and insert a period.

On page 163, line 22, insert after "failure to maintain appropriate insurance" the following: "that poses a risk to the estate or to the public".

On page 164, line 3, insert "repeated" before "failure".

On page 165, line 2, strike "and".

On page 165, line 3, insert "confirmed" before "plan".

On page 165, line 4, strike the period and insert "; and".

On page 165, between lines 4 and 5, insert the following:

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

On page 165, line 23, insert "or an examiner" after "trustee".

On page 167, after line 21, insert the following:

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking "penalty rate or provision" and inserting "penalty rate or penalty provision".

On page 169, line 6, insert "as amended by section 430 of this Act," after "Code,".

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after "by" through line 8 and insert "striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'.".

On page 266, line 13, insert "**and family fishermen**" after "**farmers**".

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);";

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm

equipment, or property of a commercial fishing operation (including a commercial fishing vessel)”; and

(5) by adding at the end the following:

“§ 1232. Additional provisions relating to family fishermen

“(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

“(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

“(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

“(b) A lien described in this subsection is—

“(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

“(2) a lien under applicable State law (or the law of a political subdivision thereof).

“(c) Subsection (a) shall not apply to—

“(1) a claim made by a member of a crew or a seaman including a claim made for—

“(A) wages, maintenance, or cure; or

“(B) personal injury; or

“(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

“(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.”.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

“12. Adjustments of Debts of a Family
Farmer or Family Fisherman with
Regular Annual Income .... 1201”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

“1232. Additional provisions relating to family fishermen.”.

On page 281, line 21, strike “714” and insert “315”.

On page 282, line 11, strike “(a)(9)” and insert “(a)(8)”.

On page 282, line 13, strike “and”.

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking “paragraph (5)” and inserting “paragraph (4)”; and

On page 282, line 14, strike “(3)” and insert “(4)”.

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) For a case commenced—

“(A) under chapter 7 of title 11, $160; or

“(B) under chapter 13 of title 11, $150.”.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

“(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;”;

(2) in paragraph (2) by striking “one-half” and inserting “three-fourths”; and

(3) in paragraph (4) by striking “one-half” and inserting “100 percent”.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931” and inserting “under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title”.

HATCH (AND TORRICELLI) AMENDMENT NO. 1729

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 30, line 11, insert “, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title,” after “under this title”.

On page 30, lines 14 and 15, strike “or legal guardian; or” and insert “, legal guardian, or responsible relative; or”.

On page 30, line 21, strike “or legal guardian”.

On page 31, line 10, strike “or legal guardian” and insert “, legal guardian, or responsible relative”.

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

“(1) First:

“(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

“(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.”.

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

“(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.”;

(2) in section 1208(c)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(3) in section 1222(a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.”;

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

“(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;”;

(5) in section 1225(a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.”;

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting “, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed,

but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding in the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semiçolon:

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed."; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan".

On page 37, strike lines 10 and 11 and insert "amended by striking paragraph (2) and inserting the".

On page 37, lines 14 and 15, strike "of an action or proceeding for—" and insert "or continuation of a civil action or proceeding—".

On page 37, line 16, insert "for" after "(i)".

On page 37, line 19, insert "for" after "(ii)".

On page 37, line 21, strike "or".

On page 37, between lines 21 and 22, insert the following:

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

"(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

"(i) for amounts that first become payable after the date the petition was filed; and

"(ii) for amounts that first became payable before the petition was filed;

"(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

"(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

"(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).";

On page 38, line 12, strike all though page 39, line 25.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

On page 40, line 14, strike "(i)" and insert "(ii)".

On page 40, line 16, strike "(ii)" and insert "(iii)".

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 44, line 14, strike "for support" through line 16, and insert ";for a domestic support obligation,".

On page 45, line 23, strike "and".

On page 45, between lines 23 and 24, insert the following:

"(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike "(III)" and insert "(IV)".

On page 46, strike lines 6 through 11 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike "(b)" and insert "(a)".

On page 46, line 20, strike "(5)" and insert "(6)".

On page 46, line 22, strike "(6)" and insert "(7)".

On page 47, strike lines 1 through 6 and insert the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 48, line 7, strike "and".

On page 48, insert between lines 7 and 8 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 48, line 8, strike "(III)" and insert "(IV)".

On page 48, strike lines 15 through 20 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 50, line 16, strike "and".

On page 50, insert between lines 16 and 17 the following:

"(III) the last recent known name and address of the debtor's employer; and".

On page 50, line 17, strike "(III)" and insert "(IV)".

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

On page 52, line 24, strike "and".

On page 52, after line 24, add the following:

"(III) the last recent known name and address of the debtor's employer; and".

On page 53, line 1, strike "(III)" and insert "(IV)".

On page 53, strike lines 8 through 12 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 82, strike lines 4 through 9 and insert "title 11, United States Code, is amended by adding at the end the following:".

On page 82, line 10, strike "(19)" and insert "(18)".

On page 165, line 2, strike "and".

On page 165, line 4, strike the period and insert "; and".

On page 165, between lines 4 and 5, insert the following:

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

GRASSLEY (AND OTHERS) AMENDMENT NO. 1730

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. LEAHY) submitted an amendment intended to be proposed to the bill, S. 625, supra; as follows:

Redesignate titles XI and XII as titles XII and XIII, respectively.

After title X, insert the following:

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 1003(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) PATIENT DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (a) of this section, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any person who obtains or receives services from a health care business;".

(c) PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (b) of this section, is amended by inserting after paragraph (40A) the following:

"(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;".

(d) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§ 351. Disposal of patient records

"If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall—

"(A) publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 90 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the 90-day period described in subparagraph (A), attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

"(2) If after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 90-day period a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

"(3) If, after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described in paragraph (1)(A) or in any case in which a notice is mailed under paragraph (1)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

"351. Disposal of patient records.".

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business.".

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

"§ 332. Appointment of ombudsman

"(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman with appropriate expertise in monitoring the quality of patient care to represent the interests of the patients of the health care business. The court may appoint as an ombudsman a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq. and 3058 et seq.).

"(b) An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

"(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

"(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

"(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information.".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

"332. Appointment of ombudsman.".

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting "an ombudsman appointed under section 331, or" before "a professional person"; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care.".

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "704(2), 704(5), 704(7), 704(8), and 704(9)" and inserting "704(a) (2), (5), (7), (8), (9), and (11)".

SEC. 1106. ESTABLISHMENT OF POLICY AND PROTOCOLS RELATING TO BANKRUPTCIES OF HEALTH CARE BUSINESSES.

Not later than 30 days after the date of enactment of this Act, the Attorney General of the United States, in consultation with the Secretary of Health and Human Services, shall establish a policy and protocols for coordinating a response to bankruptcies of health care businesses (as that term is defined in section 101 of title 11, United States Code).

SEC. 1107. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking "or" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (28) the following:

"(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.).".

GRASSLEY (AND OTHERS) AMENDMENT NO. 1731

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. SPECTER, Mr. FEINGOLD, and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 145, between lines 15 and 16, insert the following:

SEC. 420. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor whose income is less than 125 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved is unable to pay that fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual with an income at a level described in paragraph (2) is unable to pay that fee in installments.".

• Mr. GRASSLEY. Mr. President, I'm submitting several amendments at this time in order to comply with the unanimous-consent agreement requiring the filing of amendments. The amendments I'm filing now are indications of what I intend to offer when the Senate is cleared to consider the bankruptcy bill later this year. As such, each amendment is a work in progress. I would therefore caution my colleagues not to view these amendments as cast in stone. In particular, Senator TORRICELLI and I are negotiating with the chairman of the Banking Committee on the details of the credit card disclosure amendment.•

GRASSLEY (AND TORRICELLI) AMENDMENT NO. 1732

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 6, line 12, insert "11 or" after "chapter".

On page 6, line 24, insert "11 or" after "chapter".

On page 12, lines 21 and 22, strike "was not substantially justified" and insert "was frivolous".

On page 14, strike lines 8 through 14 and insert the following:

"(C)(i) No judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest shall bring a motion under section 707(b)(2) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national or applicable State median household monthly income calculated (subject to clause (ii)) on a semiannual basis of a household of equal size.

"(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus $583 for each additional member of that household.".

On page 14, in the matter between lines 18 and 19, insert "11 or" after "chapter".

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike "103" and insert "104".

On page 15, line 12, strike "104" and insert "105".

On page 17, line 19, strike "105" and insert "106".

On page 40, line 4, insert "as amended by section 1110(1) of this Act," after "Code,".

On page 40, line 20, strike "(6)" and insert "(5)".

On page 41, line 4, strike "(5)" and insert "(4)".

On page 41, line 7, strike "(5)" and insert "(4)".

On page 41, line 12, strike "(5)" and insert "(4)".

On page 46, line 2, strike "(2), (4), or (14A)" and insert "(2), (3), or (14)".

On page 46, line 19, strike (b)" and insert "(a)".

On page 47, line 8, strike "(b)(7)" and insert "(a)(7)".

On page 48, line 11, strike "(4), or (14A)" and insert "(3), or (14)".

On page 50, line 20, strike "(4), or (14A)" and insert "(3), or (14)".

On page 53, line 4, strike "(4), or (14A)" and insert "(3), or (14)".

On page 76, line 15, strike "523(a)(9)" and insert "523(a)(8)".

On page 91, between lines 18 and 19, insert the following:

(c) MODIFICATION OF A RESTRICTION RELATING TO WAIVERS.—Section 522(e) of title 11, United States Code, is amended—

(1) in the first sentence, by striking "subsection (b) of this section" and inserting "subsection (b), other than under paragraph (3)(C) of that subsection"; and

(2) in the second sentence—

(A) by inserting "(other than property described in subsection (b)(3)(C))" after "property" each place it appears; and

(B) by inserting "(other than a transfer of property described in subsection (b)(3)(C))" after "transfer" each place it appears.

On page 91, line 23, strike "105(d)" and insert "106(d)".

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike "(b)" and insert "(c)".

On page 93, line 3, strike "(2)" and insert "(3)".

On page 94, line 25, strike "105(d)" and insert "106(d)".

On page 95, line 16, strike "(c)" and insert "(d)".

On page 109, line 13, strike "by adding at the end" and insert "by inserting after subsection (e)".

On page 111, strike lines 16 and 17 and insert the following:

SEC. 314. DISCHARGE PETITIONS.

On page 111, line 18, insert "(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—" before "Section".

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike "(4)" and insert "(3)".

On page 112, line 20, strike "(3)(B), (5), (8), or (9) of section 523(a)" and insert "(4), (7), or (8) of section 523(a)".

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

"(a) In this section:

"(1)(A) The term 'debtor identifying information' means—

"(i) the debtor's name, address, and Federal taxpayer identification number; and

"(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

"(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy

Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

“(2) The term ‘notice’ includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

“(3) The term ‘effective notice’ with respect to an entity means that notice has been served on the entity—

“(A) at the address specified under subsection (e); or

“(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable nonbankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case”; and

(D) by adding after subsection (c), as redesignated, the following:

“(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any rule promulgated under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

“(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

“(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

“(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

“(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

“(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

“(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

“(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

“(B). Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

“(2) Subject to paragraph (4), if effective notice of the commencement of the case was not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

“(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

“(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

“(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

“(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

“(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

“(i) except as provided in paragraph (ii), when effective notice is given the entity; or

“(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

“(I) the date of actual knowledge; or

“(II) the date on which such notice should otherwise have been provided.

“(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

“(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

“(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

“(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

“(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

“(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

“(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

“(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

“(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

“(II) the creditor will not be prejudiced by being included in the case at the present time.

“(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

“(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

“(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

“(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph.”.

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking "(a)(3), or (a)(8) of this section," and inserting "or (a)(7) of this section, section 342 of this title";

(iii) in subsection (c)(1), by striking "Except as provided in subsection (a)(3)(B) of this section," and inserting "Except as provided in section 342(f),"; and

(iv) in subsection (c)(2)—

(I) by striking "(a)(4), (a)(6), or (a)(11)" and inserting "(a)(3), (a)(5), or (a)(10)"; and

(II) by striking "subsection (a)(3)(B) of this section" and inserting "section 342(f)".

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking "section 523(a)(5)" and inserting "section 523(a)(4)".

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking "section 523(a)(4) or 523(a)(6)" and inserting "section 523(a) (3) or (5)".

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding "or" after the semicolon;

(ii) in subsection (a)(2)(B), by striking "or" after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with ", other" through "subsection".

On page 116, line 16, strike "(d)(1)" and insert "(e)(1)".

On page 117, line 5, strike "(e)" and insert "(f)".

On page 118, line 1, strike "(A) beginning" and insert the following:

"(A) beginning".

On page 118, line 5, strike "(B) thereafter," and insert the following:

"(B) thereafter,".

On page 118, line 8, strike "(f)(1)" and insert "(g)(1)".

On page 118, strike line 23 and insert the following: "subsection (h)".

On page 118, line 24, strike "(g)(1)" and insert "(h)(1)".

On page 119, line 21, strike "(h)" and insert "(*i*)".

On page 120, line 11, strike "(*i*)" and insert "(j)".

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§ 1115. Property of the estate

"In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate.".

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.".

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.".

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payment under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable.".

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.".

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: "On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.".

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).".

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert "and other required government filings" after "returns".

On page 150, line 19, insert "and other required government filings" after "returns".

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike "1115" and insert "1116".

On page 153, line 7, strike "3" and insert "7".

On page 154, line 9, strike the semicolon and insert "and other required government filings; and".

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike "150" and insert "175".

On page 156, line 20, strike "150-day" and insert "175-day".

On page 158, strike line 2 and insert "the end and inserting a semicolon; and".

On page 162, strike lines 14 through 20 and insert the following:

"(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike "reason is" and insert "grounds include".

On page 162, line 22, strike "that".

On page 162, line 23, insert "for which" before "there exists".

On page 163, line 1, strike "(ii)(I)" and insert "(ii)".

On page 163, line 1, strike "that act or omission" and insert "which".

On page 163, line 3, strike ", but not" and all that follows through line 8 and insert a period.

On page 163, line 22, insert after "failure to maintain appropriate insurance" the following: "that poses a risk to the estate or to the public".

On page 164, line 3, insert "repeated" before "failure".

On page 165, line 3, insert "confirmed" before "plan".

On page 165, line 23, insert "or an examiner" after "trustee".

On page 167, after line 21, insert the following;

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking "penalty rate or provision" and inserting "penalty rate or penalty provision".

On page 169, line 6, insert "as amended by section 430 of this Act," after "Code,".

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after "by" through line 8 and insert "striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'.".

On page 266, line 13, insert "**AND FAMILY FISHERMEN**" after "**FARMERS**".

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);";

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquiculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

"§ 1232. Additional provisions relating to family fishermen

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46, United States Code, without regard to whether that lien is recorded under section 31343 of title 46, United States Code; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46, United States Code.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.".

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the

item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen.".

On page 281, line 21, strike "714" and insert "315".

On page 282, line 11, strike "(a)(9)" and insert "(a)(8)".

On page 282, line 13, strike "and".

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking "paragraph (5)" and inserting "paragraph (4)"; and

On page 282, line 14, strike "(3)" and insert "(4)".

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2) by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4) by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

CRAIG AMENDMENT NO. 1733

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by adding at the end the following—

"(6) any interest of the debtor in property where the debtor has pledged or sold tangible personal property or other valuable things (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

(i) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

(ii) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law, in a timely manner as provided under state law and Section 108(b) of this title.".

GRAHAM AMENDMENT NO. 1734

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

Beginning on page 289, line 4, strike all through page 290, line 12 and insert the following:

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the central district of California.

(B) One additional bankruptcy judgeship for the eastern district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) One additional bankruptcy judgeship for the southern district of Mississippi.

(E) One additional bankruptcy judgeship for the northern district of New York.

(F) One additional bankruptcy judgeship for the eastern district of New York.

(G) One additional bankruptcy judgeship for the southern district of New York.

(H) One additional bankruptcy judgeship for the eastern district of North Carolina.

(I) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(J) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(K) One additional bankruptcy judgeship for the district of Puerto Rico.

On page 294, insert between lines 11 and 12 the following:

(f) PERMANENT JUDGESHIPS.—The table under section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to Delaware by striking "1" and inserting "2";

(2) in the item relating to New Jersey by striking "8" and inserting "9";

(3) in the item relating to Maryland by striking "4" and inserting "7";

(4) in the item relating to the eastern district for Virginia by striking "5" and inserting "6";

(5) in the item relating to the western district for Tennessee by striking "4" and inserting "5";

(6) in the item relating to the central district for California by striking "21" and inserting "24";

(7) in the item relating to the southern district for Georgia by striking "2" and inserting "3"; and

(8) in the item relating to the southern district for Florida by striking "5" and inserting "7".

WELLSTONE (AND DORGAN) AMENDMENT NO. 1735

(Ordered to lie on the table.)

Mr. WELLSTONE. (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following:

DIVISION 2—MORATORIUM ON LARGE AGRIBUSINESS MERGERS

SEC. 01. SHORT TITLE.

This division may be cited as the "Agribusiness Merger Moratorium and Antitrust Review Act of 1999".

SEC. 02. DEFINITIONS.

In this division:

(1) BROKER.—The term "broker" means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser.

(2) COMMISSION MERCHANT.—The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(3) DEALER.—The term "dealer" means any person (excluding agricultural cooperatives) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising.

(4) PROCESSOR.—The term "processor" means any person (excluding agricultural cooperatives) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing for human consumption, except a person who manufactures (including slaughters) any product of any livestock or poultry owned by such person.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—MORATORIUM ON LARGE AGRIBUSINESS MERGERS

SEC. 11. MORATORIUM ON LARGE AGRIBUSINESS MERGERS.

(a) IN GENERAL.—

(1) MORATORIUM.—Until the date referred to in paragraph (2) and except as provided in subsection (b)—

(A) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000; and

(B) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 if the acquiring person would hold—

(i) 15 percent or more of the voting securities or assets of the acquired person; or

(ii) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(2) Date.—The date referred to in this paragraph is the earlier of—

(A) the effective date of comprehensive legislation—

(i) addressing the problem of market concentration in the agricultural sector; and

(ii) containing a section stating that the legislation is comprehensive legislation as provided in section 11 of the Agribusiness Merger Moratorium Act of 1999; or

(B) the date that is 18 months after the date of enactment of this Act.

(b) Waiver Authority.—The Attorney General shall have authority to waive the moratorium imposed by subsection (a) only under extraordinary circumstances, such as insolvency or similar financial distress of 1 of the affected parties.

TITLE II—AGRICULTURE CONCENTRATION AND MARKET POWER REVIEW COMMISSION

SEC. 21. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the Agriculture Concentration and Market Power Review Commission (hereafter in this title referred to as the "Commission").

(b) Purposes.—The purpose of the Commission is to—

(1) study the nature and consequences of concentration in America's agricultural economy; and

(2) make recommendations on how to change underlying antitrust laws and other Federal laws and regulations to keep a fair and competitive agriculture marketplace for family farmers, other small and medium sized agriculture producers, generally, and the communities of which they are a part.

(c) Membership of Commission.—

(1) Composition.—The Commission shall be composed of 12 members as follows:

(A) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Agriculture, Nutrition, and Forestry.

(B) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Agriculture, Nutrition, and Forestry.

(C) Three persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Agriculture.

(D) Three persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Agriculture.

(2) Qualifications of members.—

(A) Appointments.—Persons who are appointed under paragraph (1) shall be persons who—

(i) have expertise in agricultural economics and antitrust or have other pertinent qualifications or experience relating to agriculture and agriculture industries; and

(ii) are not officers or employees of the United States.

(B) Other consideration.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross sector of agriculture and antitrust perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and impacts of concentration in agriculture industries and sectors.

(d) Period of Appointment; Vacancies.—

(1) In general.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) Vacancies.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) Initial Meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) Meetings.—The Commission shall meet at the call of the Chairperson.

(g) Chairperson and Vice Chairperson.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) Quorum.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) Voting.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. 22. DUTIES OF THE COMMISSION.

(a) In General.—The Commission shall be responsible for examining the nature, the causes, and consequences concentration in America's agricultural economy in the broadest possible terms.

(b) Issues To Be Addressed.—The study shall include an examination of the following matters:

(1) The nature and extent of concentration in the agricultural sector, including food production, transportation, processing, distribution and marketing, and farm inputs such as machinery, fertilizer, and seeds.

(2) Current trends in concentration of the agricultural sector and what this sector is likely to look like in the near and longer term future.

(3) The effect of this concentration on farmer income.

(4) The impacts of this concentration upon rural communities, rural economic development, and the natural environment.

(5) The impacts of this concentration upon food shoppers, including the reasons that Depression-level farm prices have not resulted in corresponding drops in supermarket prices.

(6) The productivity of family-based farm units, compared with corporate based agriculture, and whether farming is approaching a scale that is larger than necessary from the standpoint of productivity.

(7) The effect of current laws and administrative practices in supporting and encouraging this concentration.

(8) Whether the existing antitrust laws provide adequate safeguards against, and remedies for, the impacts of concentration upon family-based agriculture, the communities they comprise, and the food shoppers of this Nation.

(9) Such related matters as the Commission determines are important.

SEC. 23. FINAL REPORT.

(a) In General.—Not later than 12 months after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a final report which contains—

(1) the findings and conclusions of the Commission described in section 22; and

(2) recommendations for addressing the problems identified as part of the Commission's analysis.

(b) Separate Views.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

SEC. 24. POWERS OF COMMISSION.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different agriculture regions of the United States.

(b) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 25. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 26. SUPPORT SERVICES.

The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 27. APPROPRIATIONS.

There are appropriated $2,000,000 to the Commission to carry out the provisions of this title.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1736

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. GRASSLEY, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following new title:

TITLE —CONSUMER CREDIT DISCLOSURE

SEC. 01. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: .'.

"(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: .'.

"(C) In the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: .'.

"(D) Notwithstanding subparagraph (B) or (C), in complying with either such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent.

"(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

"(F) The toll-free telephone number disclosed by a creditor under subparagraph (A) or (B) may be a toll-free telephone number established and maintained by the creditor or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B) by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

"(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

"(H) The Board shall—

"(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance and the approximate total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

"(ii) establish the table required under clause (i) by assuming—

"(I) a significant number of different annual percentage rates;

"(II) a significant number of different account balances;

"(III) a significant number of different minimum payment amounts; and

"(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

"(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section. Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under this subsection shall not take effect until the later of 18 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board shall conduct a study to determine whether consumers have adequate information about borrowing activities that may result in financial problems.

(2) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (1), the Board shall, in consultation with the Secretary of the Treasury and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the minimum payment under open end credit plans;

(D) consumers are aware that making only minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Before the end of the 2-year period beginning on the date of enactment of this Act, the Board shall submit to Congress a report containing the findings of the Board in connection with the study required by this subsection.

(d) REGULATIONS.—The Board shall, by regulation promulgated pursuant to its authority under the Truth in Lending Act, require additional disclosures to consumers regarding minimum payment features, including periodic statement disclosures, if the Board determines, as part of its final report to Congress under subsection (c), that such disclosures are necessary, based on the findings set forth in that report. Any such regulations shall not take effect until 12 months after the publication of such regulations by the Board.

SEC. 02. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISOR.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.".

(b) Non-Open End Credit Extensions.—

(1) Credit applications.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) Credit advertisements.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.".

(c) Effective Date.—This section and the amendments made by this section shall become effective 12 months after the date of enactment of this Act.

SEC. 03. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) Additional notice concerning 'introductory rates'.—

"(A) In general.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation, for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear in the same type size and type style used to state the temporary annual percentage rate;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that would apply if the introductory period ended on the date on which the application or solicitation was printed.

"(B) Exception.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) Conditions for introductory rates.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) any and all circumstances or events that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the annual percentage rate that would apply if the temporary annual percentage rate was revoked on the date on which the application or solicitation was printed.

"(D) Definitions.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than the annual percentage rate of interest that will apply if the introductory period ended on the date on which the application was printed; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) Relation to other disclosure requirements.—Nothing in this paragraph may be construed to supersede any disclosure required by paragraph (1) or any other provision of this subsection.".

SEC. 04. INTERNET-BASED CREDIT CARD SOLICITATIONS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) Internet-based applications and solicitations.—

"(A) In general.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the disclosures described in paragraph (6).

"(B) Form of disclosure.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) Definitions.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.".

SEC. 05. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a charge is to be imposed due to the failure of the obligor to make payment on or before a required payment due date the following shall be stated prominently in a conspicuous location on the billing statement:

"(A) The date that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment charge to be imposed if payment is made after such date.".

SEC. 06. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) Prohibition on Certain Actions for Failure To Incur Finance Charges.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.".

SEC. 07. DUAL USE DEBIT CARD.

(a) Study Required.—The Board shall conduct a study of existing consumer protections provided to consumers at the time of the study to limit the liability of consumers for unauthorized use of a debit card or similar access device.

(b) Considerations.—In conducting the study under subsection (a), the Board shall consider—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the study, and the implementing regulations promulgated by the Board to carry out that section

provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to provide adequate protection for consumers concerning unauthorized use liability.

(c) REPORT AND REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Board shall make public a report on its findings with respect to the adequacy of existing protections afforded consumers with respect to unauthorized use liability for debit cards and similar access devices. If the Board determines that such protections are inadequate, the Board, pursuant to its authority under the Electronic Fund Transfer Act, may issue regulations to address such inadequacy. Any regulations issued by the Board under this paragraph shall not become effective before the end of the 36-month period beginning on the date of enactment of this Act.

SEC. 08. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit referred to in paragraph (1) is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 09. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner that may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

HUTCHISON AMENDMENT NO. 1737

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

Notwithstanding and other provision of law, any Federal homestead exemption shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.".

BROWNBACK AMENDMENT NO. 1738

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

In lieu of the language proposed to be included, insert the following:

SEC. . LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A)—

"(A) by a family farmer for the principal residence of that family farmer, without regard to whether the principal residence is covered under an applicable homestead provision referred to in subparagraph (B); or

"(B) by a farmer (including, for purposes of this subparagraph, a family farmer and any person that is considered to be a farmer under applicable State law) for a site at which a farming operation of that farmer is carried out (including the principal residence of that farmer), if that site is covered under an applicable homestead provision that exempts that site under a State constitution or statute.".

HUTCHISON AMENDMENT NO. 1739

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

On page 91, strike lines 15 through 18 and insert the following:

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case in addition to the prior case.".

SESSIONS AMENDMENT NO. 1740

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 1, line 3, strike all through line 10 on page 2.

HUTCHISON AMENDMENTS NOS. 1741–1743

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted three amendments intended to be proposed by her to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1741

At the end of the amendment add the following: "The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors who are 65 years or older.".

AMENDMENT NO. 1742

In lieu of the matter proposed to be inserted, insert the following:

SEC. . STUDY OF EFFECTS OF THE HOMESTEAD EXEMPTION.

The Comptroller General shall conduct a nationwide study and report to Congress any findings and recommendations not later than 1 year after the date of enactment of this Act regarding—

(1) the utilization of State homestead exemption in States where there is no limitation on the homestead exemption or in States where the limitation exceeds $100,000 to determine the income level of the debtors utilizing the homestead exemption in those States; and

(2) the extent to which those individuals who have utilized the homestead exemption in those States are prohibited from doing so by the provisions in this Act—

(A) restricting utilization of the homestead exemption to those who have resided in the State for at least 2 years (section 303);

(B) providing for enhanced judicial scrutiny of any asset transfers to the homestead within 2 years of the date of filing bankruptcy (section 303); and

(C) the presumption against allowance of filing for chapter 7 (liquidation of assets) for certain high-income individuals (section 102).

AMENDMENT NO. 1743

At the end of the amendment add the following: "The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 22, 1999 at 9:00 a.m. in Room SR–301 Russell Senate Office Building, to mark up S. Res.

172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 22, 1999 at 10:00 a.m. to conduct a hearing on S. 1587, a bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control and; S. 1589, to amend the American Indian Trust Fund Management Reform Act of 1994.

The hearing will be held in room 485, Russell Senate Building.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 23, 1999 in SH–216 at 9:00 a.m. The purpose of this meeting will be to (1) To examine the impact of electronic trading on regulation and (2) to consider the nominations of Paul Riddick to be Assistant Secretary of Agriculture for Administration and Andrew Fish to be Assistant Secretary of Agriculture for Congressional Relations.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 29, 1999 at 9:30 a.m. to conduct a hearing on S. 1508, a bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes.

The hearing will be held in room 485, Russell Senate Building.

Please direct any inquiries to Committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Hybrid Pension Plans" during the session of the Senate on Tuesday, September 21, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 21, 1999, at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE P. CROUNSE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the life of George P. Crounse, who passed away on August 22, 1999. His death marked the end of a five-decade career of entrepreneurship, community building, and philanthropy in Paducah, Kentucky.

A native of Minneapolis, Minnesota, George worked for the Tennessee Valley Authority and then Arrow Transportation Company, an Alabama firm. George served his country in the U.S. Navy during World War II, and came to Paducah in 1945, to work for Igert Towing. George realized the potential of his new hometown as a crossroads of the nation's major river ways, and Crounse Corporation began operations in 1949, when its first towboat, The *Alice*, began operation on the Ohio River. This was the beginning of George's dream to have his own company.

Crounse Corporation continued to grow over the years, and expanded operations to other parts of the inland waterway system. From that single boat, the *Alice*, grew one of the nation's largest towing companies which presently operates 25 towboats and 750 barges. Even more amazing, the only time George borrowed money for his operation was the $60,000 he borrowed to help construct that first boat. Aside from that initial loan, the Crounse Corporation balance sheets never showed debt. George continued to run the company as its chairman until only a few weeks prior to his death.

George led not only his own company to prosperity, but helped establish Paducah as a major center for river shipping, bringing economic growth and jobs to the area. His business acumen also was highly sought out in other areas such as banking. George was a firm believer in the principle of giving back to the community that had been so good to him, his family, and business. Entities such as the Paducah Public Library, Tilghman High School, and the new River Heritage Museum benefitted from George's generosity and guidance. We will probably never know the true extent of George's work to better the lives of all those in his community, and that's just the way George, a humble and modest man, would have wanted it.

George Crounse perhaps will best be remembered as a dogged advocate for education. In 1968, as a board member of Paducah Junior College, he helped bring the school into the statewide network of the University of Kentucky Community College System. George made sure that PJC retained ownership of the property and buildings, making it the only community college in Kentucky controlled by the local community. When it appeared that the area was handicapped by the lack of an engineering school to serve college students in the area, George worked to establish an extension of the UK engineering school in Paducah. In fact, George and his wife, Eleanor, gave $4 million to help build a suitable facility to house the program. Though George was reluctant, the building was named Crounse Hall to acknowledge his leadership and generosity in bringing the dream to reality.

George's passing leaves a great void is left in Western Kentucky. His was truly a life well lived. I offer condolences to his wife of many years, Eleanor, and the entire Crounse family. I ask that my colleagues join me in honoring the achievements and contributions of this outstanding Kentuckian, and that an article from the Paducah Sun be printed in the CONGRESSIONAL RECORD.

The article follows.

CROUNSE'S LEGACY ONE OF GENEROSITY

(By Joe Walker)

People who knew barge company mogul George P. Crounse Sr. remember him for his ceaseless giving to the Paducah area and helping mold it into a hub of the nation's river industry.

"I was honored to be able to tell people that George Crounse was my friend," said Paducah Community College President Len O'Hara. "He was a wise, visionary and generous man. There's no doubt that he did more to shape the face of the college—both Paducah Community College and Paducah Junior College—than any other individual."

Mr. Crounse, 86, died at 8:24 p.m. Sunday at Western Baptist Hospital. Friends may call at Roth Funeral Chapel from 5 to 8 p.m. today.

Memorial services will be at 11 a.m. Wednesday at First Presbyterian Church, where he was a member. The Rev. Lynn Shurley will officiate. Burial will be private.

He was founder and past chairman of Crounse Corp., which he built from a single, leased boat to one of the nation's largest barge lines. He started the firm in 1948 after having worked with the Tennessee Valley Authority and seen how its dams improved navigation on the Tennessee River. He also knew Paducah was ideally situated near the confluence of two major rivers.

"I had learned earlier that the Tennessee (river) is a side street," be once wrote, "and the Ohio and Mississippi are the main highways."

About a month ago, in failing health, Mr. Crounse became chairman emeritus of the firm, making way for President Bill Dibert to take over as chairman. Mr. Crounse's son, Avery, a noted filmmaker, assumed the role of vice chairman.

My father was the first to show us to always plan for the inevitable," said Avery Crounse, who returned to Paducah to help run the business while continuing to make films. "We've often said that no one will fill his shoes, but several of us will try to do that."

The same is true for Paducah, which will miss Mr. Crounse immeasurably, said

O'Hara. "People don't have any idea how much he's given to this community, not only with his mind, but also contributions of money."

In 1968, as a member of the Paducah Junior College Board of Trustees, Mr. Crounse fashioned the legal structure that brought the school into the University of Kentucky community college system while maintaining local ownership.

"He made sure PJC retained ownership of the property and buildings, so the community still owns the college," O'Hara said. "It's the only one in the nation that is locally owned."

Mr. Crounse, who told O'Hara repeatedly that higher education was Paducah's greatest need, and his wife, Eleanor, gave $4 million toward the PCC engineering school. But O'Hara said Mr. Crounse was reluctant to publicize the gift or have the school named after him and his wife.

"I told my staff this morning that I'm so happy to have been able to get it finished and for it to become a community icon before his passing," O'Hara said.

Because of Mr. Counse's modesty, Paducahans will never know the real extent of his beneficence, O'Hara said.

"The (public) library owes a great deal to George Crounse. Paducah Tilghman High School does, too, and a lot of other less visible charities," he said. "He was very quiet about it and didn't want his named passed around, but he was always there."

In the 1960s, Mr. Crounse used his business savvy to boost the growth of Peoples First Corp., which became a large, regional banking firm before merging with Union Planters last year Aubrey Lippert, head of Union Planters' Paducah operation, was executive vice president when Mr. Crounse was a Peoples board member.

"He was probably one of the best thinkers I've seen in being able to put together business plans and concepts and then methodically talk through how you would execute them," Lippert said. "He was always very quiet, but as we used to say around our board table, when Mr. Crounse speaks, you need to listen because he always has his thoughts in order."

Lippert said Mr. Crounse's generosity began when he came to Paducah in 1948 and continued throughout his life.

"He was a fine family man, had a great family and I have great admiration for Eleanor," Lippert said. "He was the kind of citizen that you would love to have as many of as you could possibly have in the community. We'll sure miss George Crounse."

A native of Minneapolis, Mr. Crounse worked for TVA and later Arrow Transportation, a river towing company in Sheffield, Ala. After serving in the U.S. Navy in World War II, he joined Igert Towing in late 1945 and moved to Paducah. All along, he had a desire to form his own company.

That happened three years later when Mr. Crounse put down $40,000 in cash and borrowed $60,000, which he said gave him $88,000 to build his first towboat and $12,000 for working capital. He rented a towboat to get started.

In 1949, Mr. Crounse finished construction. The Alice, named after his aunt, and immediately starting towing chemical barges on the Ohio River. Steady growth of the company led to purchasing barges in 1951 and finishing a second towboat. The Louise, in 1952. By then, coal was the main cargo.

John Cathey remembers working on The Alice and becoming pilot of The Louise, named after Mr. Crounse's mother. As the firm added towboats, Mr. Crounse ran out of family names and began naming vessels after the wives of employees like Cathey's wife, Hazel.

"That was a real honor at that time," Cathey said. "He was a really smart man, and he had a good relationship with all the employees. There were times when people came in off the boats and were troubled, and he'd talk to them."

Cathey saw the firm grow gradually, expanding to the Green River in 1956 and buying Clifton Towing Co. in 1959. Renamed Southern Barge Line Corp., the Clifton operation remained a subsidiary until 1980.

In June 1965, Crounse Corp., moved from a converted residence into its current headquarters at 2626 Broadway. In 1969, Mr. Crounse completed another major expansion by opening a branch in Maysville in eastern Kentucky to serve the upper Ohio River.

Cathey remained with Crounse Corp. for nearly 30 years, retiring as senior vice president. Aside from his initial loan to build The Alice, Mr. Crounse ran the firm in the black, Cathey said.

"One of the things I always admired him for was, we never went into debt," he said. "We paid as we went.

Mr. Crounse is survived by his wife Eleanor Buchanan Crounse; his son, Avery Crounse of Paducah; his sister, Barbara Kleet of Naples, Fla.; nine grandchildren; and eight great-grandchildren.

He was preceded in death by a son, George P. Crounse Jr.; and his daughter, Virginia Cramp. His parents were Avery Fitch Crounse and Louise Ray Crounse.

Expressions of sympathy may take the form of contributions to the Paducah Cooperative Ministry, 1359 S. 6th St., Paudcah, KY 42001; Paducah Junior College Board, P.O. Box 7380, Pducah, KY 42002; or First Presbyterian Church, 200 N. 7th St., Paudcah, Ky 42001.•

TRIBUTE TO JUDGE SAMUEL J. ERVIN III

• Mr. EDWARDS. Mr. President, I rise to honor the life of a remarkable North Carolinian. Judge Sam Ervin III died last Saturday, September 18, 1999 at the age of 73. His passing has left a void—his family and friends have lost a wonderful, caring man, North Carolina has lost one of its finest citizens, and our nation has lost an honorable and respected jurist.

Judge Ervin devoted his life to public service. Born March 2, 1926 in Morganton, North Carolina to the late Senator Sam Ervin, Jr. and Margaret Bruce Ervin, Judge Ervin studied at Davidson College. He interrupted his undergraduate education for two years to serve in the U.S. Army during World War II. After attending Harvard Law School, he returned to the Army, attaining the rank of colonel while serving in the Judge Advocate General's Corps. In 1952, Judge Ervin returned to practice law in Morganton, where he would remain for the better part of the rest of his life. Judge Ervin served in the North Carolina General Assembly between 1965 and 1967, when Governor Dan Moore appointed Judge Ervin to the North Carolina Superior Court bench.

Judge Ervin was considered among the ablest Superior Court Judges of his time. Lawyers trusted that Judge Ervin would afford all litigants a full and impartial hearing and would ground his decision in the law. He was often selected by the Chief Justice of the North Carolina Supreme Court to preside over controversial trials from which local judges recused themselves.

After thirteen years as a trial judge, Judge Ervin was sworn in on May 25, 1980 as a judge on the Fourth Circuit Court of Appeals of the United States. When he was elevated to the chief judgeship of the Fourth Circuit in 1989, he became only the second North Carolinian to occupy this important position. Supreme Court Justice Lewis Powell, Jr. once described Judge Ervin as "the very model of what a judge, especially the presiding judge of a great court, should be."

Judge Ervin left his mark in hundreds of decisions. He always was fair and principled. He approached cases with a deep understanding of the law, but never forgetting the common sense he developed growing up in Morganton. Just last year, he participated in two important decisions affecting elections in North Carolina. In the middle of the election year, the district court issued an opinion striking down North Carolina's campaign finance statute. Judge Ervin issued a stay on the decision until the election season ended to prevent the election from devolving into confusion. Similarly, he participated in a decision to keep the primary election on May 5, 1998 for all offices except for the U.S. House, which was subject to a redistricting lawsuit, to minimize disruption for the other candidates and the electorate.

Judge Ervin had the courage to stand up for his beliefs, which he always did in his typical gracious manner. In February 1997, as a witness in a congressional hearing about proposed legislation to reduce the number of judgeships on the Fourth Circuit, he politely took issue with the Chairman of the hearing. He believed that the court's ability to render swift and certain justice would be enhanced by the filling of two long vacant positions, not by eliminating them. He stated that the degree of delegation by circuit court judges was greater than ideal and that he would like to be able to devote greater personal attention to the matters that came before him.

Because he was such a remarkable person and a dedicated jurist, he earned the lifelong admiration of dozens of young people who clerked for him over the years. He also earned the respect of his peers in the legal profession, as well as many honors over the years. Just this year, the North Carolina Bar Association accorded him its Liberty Bell Award for "strengthening the American system of freedom under law" and the North Carolina Academy of Trial Lawyers presented him its Outstanding Appellate Judge Award.

The Judge cherished his family, which is nothing they do not already know. What he knew about the important, everlasting things in life, he said that he learned from his parents, his wife Elisabeth, his two sons, Jim and Robert, and his two daughters, Betsy and Margaret. I send my heartfelt condolences to Elisabeth and their children. Please know that you are in my prayers.

In his commencement speech at Campbell University this past spring, he told the graduates, "[I]f you seek truth, if you keep faith, and have courage, life will release you from the little things and give you peace of mind and heart." Judge Ervin left this world released of the little things with peace of mind and peace of heart because throughout his life, he never stopped searching for truth, he kept faith in God, and he repeatedly demonstrated courage.●

TRIBUTE TO AMY ISAACS

● Mr. WELLSTONE. Mr. President, I rise in recognition of the 30th anniversary of Amy Isaacs' association with Americans for Democratic Action (ADA), the nation's oldest independent liberal advocacy organization dedicated to individual liberty and building economic and social justice at home and abroad.

Ms. Isaacs has been a driving force within the organization, shaping its agenda for three decades, working on a broad range of issues affecting domestic, foreign, economic, social and environmental policy. She began her career at ADA as an intern in 1969 and has moved up through the ranks serving ably as Director of Organization, Executive Assistant to the Director, Deputy National Director and currently, as ADA National Director. On the domestic front, she has focused the organization's attention on such pressing issues as preserving social security, fighting for full civil rights and quality health care for all, and working to pass campaign finance reform legislation.

Throughout her life Ms. Isaacs has worked tirelessly at home and abroad to raise awareness of the injustice of all forms of discrimination. She is a graduate of the American University in Washington, DC, attended classes at the University of Cologne in Germany and was a delegate to the Young Leaders Conference for the American Council on Germany. She also served as a member to a bipartisan observer delegation to the Liberal International Party Congress in Stockholm, Sweden.

Ms. Isaacs has been a true champion for social and economic justice. Pursuing these ideals comes as naturally to Amy as breathing. She is a gifted and wonderfully compassionate and committed human being and I am pleased to congratulate her on her thirty years of service to the ADA.●

THE MARRIAGE OF PATRICK JOHN McGONIGLE AND JENNIFER BRAVO

● Mr. MOYNIHAN. Mr. President, I rise to note briefly the union of two talented and beloved people, Mr. Patrick John McGonigle and Miss Jennifer Bravo. On this Saturday past, following a nine-year courtship begun at their alma mater, Saint Louis University, the couple were wed in resplendent fashion among friends and family in New Orleans.

Mr. President, over my twenty-three years in the United States Senate, it has become increasingly acceptable to decry the loss of virtue in our young—to suggest that television, popular culture, et al., have conspired and, indeed, triumphed over American values. Anyone who knows Patrick and Jennifer and their loving families or fortunate enough to attend their beautiful ceremony would surely dispute such a view.

Mr. President, I extend my sincerest congratulations to the newlyweds and wish them the greatest luck as they embark this most cherished journey.●

TRIBUTE TO JACK WARNER

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Jack Warner, the former Chairman and CEO of Gulf States Paper Corporation. I recognize him for the contributions that he and his wife, Elizabeth, have made to Tuscaloosa and the surrounding community.

A man of strong character and a wealth of old-fashioned common sense, Jack Warner has persevered and triumphed no matter what the challenge; through wars, labor strikes, and tough financial and personal circumstances. Through it all, he has remained steadfast in his beliefs and a pioneer from which others might draw inspiration. He has made tough business decisions over the years, and through it all has kept Gulf States Paper privately owned, a challenging endeavor when so many other companies have felt the pressure to go public. His gritty determination has led to financial success, which has helped him to pursue his many philanthropic interests and also allowed him to give back to the Tuscaloosa community.

It was through many obstacles and achievements that Jack Warner developed the strong character and firm convictions that are with him today. A graduate of Culver Military Academy in Culver, Indiana in 1936, he moved on to college at Washington & Lee University to pursue a degree in business administration. Following graduation, he promptly enlisted in the U.S. Army to perform what he saw as his duty to serve the country. As a commissioned officer with the Mars Task Force in the Burma theater of operations, he served the United States in exemplary fashion. Assigned in the Army's last horse-mounted unit, his calvary outfit was sent to India to pack supplies along the Burma trail. Once there, Jack Warner's unit was confronted with difficulties and obstacles which would have taken the spirit out of most men. Jack persevered, however, and his regiment ended up making a significant contribution to the War effort. This short episode in the life of Mr. Warner encapsulates his great spirit and will. He has always demonstrated persistence through adversity, and a commitment to get the job done right.

Perhaps it is this quality which has led to the astonishing success of Jack Warner's business endeavors. During his tenure as President and Chairman of the Board of Gulf States Paper Corporation, the company experienced enormous growth. The business which has become synonymous with his name today enjoys a very healthy portfolio. This success has paved the way for many other business ventures and activities for Jack. He is the past director of the American Paper Institute, the past chairman and three-term president of the Alabama Chamber of Commerce, the past two-term president of the Greater Tuscaloosa Chamber of Commerce, a Director of the First Alabama Bank of Tuscaloosa, a past director of the Alabama Great Southern Railroad Company, a past director of the First National Bank of Tuscaloosa, just to name a few. He is truly a fixture in the Tuscaloosa business community.

Jack Warner has not taken his tremendous business success for granted. In fact, he has used his position in the community to become actively involved in the growth and development of Tuscaloosa. Through his efforts, he has made a tremendous impact on Tuscaloosa and the surrounding area. His numerous civic activities attest to his unyielding commitment towards improving the community in which he lives. A few of his current civic activities include membership in the Mount Vernon Advisory Committee, the Decorative Arts Trust Board of Governors, active Director of the University Club of Tuscaloosa, Commodore of the North River Yacht Club, as well as Elder in the First Presbyterian Church of Tuscaloosa. His former activities include a term as the Chairman of the Alabama Council on Economic Education, President of the YMCA of Metropolitan Tuscaloosa, President of the Druid City Hospital Foundation, as well as a member of the National Board of the Smithsonian Institution in Washington, D.C. He has received numerous honors and awards for his efforts, including the Distinguished Achievement Award from the President's Cabinet at the University of Alabama, the Frances G. Summersell Award from the University of Alabama, the Lifetime Achievement Award from the Alabama State Council on the Arts, the Lifetime Achievement Award from the Greater Tuscaloosa Chamber of Commerce, the Lifetime Preservation Achievement Award from the Tuscaloosa County Preservation Society, and induction into the Alabama Business Hall of Fame.

Jack Warner has truly been an integral part in all aspects of the Tuscaloosa community. It is with great pleasure that I recognize his efforts and rise in tribute to all that he has done for Tuscaloosa and the state of Alabama. His commitment and sense of civic duty is greatly appreciated.●

A TRIBUTE TO LENNY ZAKIM

● Mr. KERRY. Mr. President, I want to pay tribute to one of the most inspirational and unifying individuals I have had the privilege of knowing and working with. Today, in Boston, people from all over Massachusetts are gathering to recognize and celebrate the contributions of Lenny Zakim, Executive Director of the New England Regional Office of the Anti-Defamation League, and I join them in honoring this important friend. This evening's ceremony, though, has a purpose far deeper and broader than his notable leadership at the ADL. Tonight is a reflection of the love that has flowed from this man to the people of Boston, and now, is flowing back to him as he confronts enormous personal challenges.

For over 20 years, Lenny Zakim has courageously traveled the world, reading a message of tolerance and respect. Through hundreds of meetings, conferences and visits to the countless places of worship, Lenny has turned racial and cultural divides into bonds among people and built bridges between communities. Mr. President, one of this country's greatest inspirational figures, Helen Keller, said in 1890, "We could never learn to be brave and patient if there was only joy in the world," and I believe that this quote captures the values and goals that have guided Lenny Zakim's life. What Helen Keller was saying is that our true nature only surfaces when we are confronted with adversity, and, time and time again, Lenny has turned ignorance into enlightenment, crisis into opportunity, and hostility into support.

Groundbreaking collaborations with the Ten Point Coalition and Cardinal Bernard Law illuminate the often-overlooked common ground that we quietly cherish but celebrate together far too infrequently. His public meditations on subjects such as the Middle East, relationships between African Americans and the Jewish Community, and Judeo-Christian values in a modern world elevate our public dialogue and focus our attention on some of the most compelling issues of the day. On global issues he has worked with Hosni Mubarak, Menachem Begin, Yitzak Shamir, and Shimon Peres. I am fortunate to share his vision of a Middle East with a sustainable peace, a vision that he sculpted and shared with my predecessor, Paul Tsongas.

Beyond the global dimension of his work, perhaps his most expansive and wisest endeavors have been those with children and young adults. He is one of the founders of A World of Difference, an anti-bias education project that has had over 350,000 teachers participate in lessons that bring the lessons of tolerance and cooperation to classrooms for thousands of children every day. He also started Team Harmony, the nation's largest annual, interracial gathering of youth. Every year, thousands of young adults from Greater Boston come together and pledge to end bigotry and celebrate diversity and inclusion. These two programs will allow Lenny's vision of a peaceful and respectful world to reach far beyond those that he meets directly. I have witnessed firsthand how A World of Difference and Team Harmony will help build a better world for all our citizens.

Tonight's event will bring together Lenny's hundreds of friends and supporters to raise funds for the completion of the Zakim Center for Integrated Therapies at the Dana Farber Cancer Institute. Collectively, we thank Lenny for all of his work, and most importantly for the good he has brought out in all of us and our communities.●

INSTALLATION OF WILLIAM M. HOUSTON AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

● Mr. ALLARD. Mr. President, I rise today to commend a fellow Coloradan, William M. Houston of Denver, who will be installed as President of the nation's largest insurance association—the Independent Insurance Agents of America (IIAA)—later this month in Las Vegas. Bill is branch manager of Riedman Insurance Corporation, an independent insurance agency located in Denver.

Bill began his volunteer service within the insurance industry at the local and state levels. He served on numerous committees of both the Independent Insurance Agents of Denver and the Independent Insurance Agents of Colorado, including serving as president of both organizations. In 1976, Bill was awarded the Local Board President of the Year Award and in 1987 was honored as Colorado Insuror of the year. Bill was elected to IIAA's Executive committee in October 1994 and was honored by his peers when they named him President-Elect of the Association last fall.

While on this Association leadership panel; he was worked to strengthen the competitive standing of independent insurance agents by helping to provide the tools they need to run more successful businesses. Over the years, Mr. Houston has been active on several IIAA committees, and has represented the state of Colorado as its representative to IIAA's National Board of State Directors for six years.

Aside from his professional volunteer work, Bill also has distinguished himself as an active and concerned member of his community. He is past president of both the Gyro Club and the University Club of Denver, and Trustee (Director) of the National Sports Center for the Disabled in Winter Park, Colorado.

Currently, Bill serves on the Board of Directors for the Denver Rotary Club and as an elder in the Wellshire Presbyterian Church. Bill also proudly served his country in the U.S. Marine Corps, initially as a first lieutenant on active duty and as a captain in the Marine Corps Reserves.

I am proud of my fellow Coloradan's accomplishments and bid him a successful year as president of the Independent Insurance Agents of America. As his past accomplishments show, Bill will serve his fellow agents with distinction and strong leadership as he leads IIAA into the new millennium. I wish him and his lovely wife, Jane, all the best as IIAA President and First Lady.●

25TH ANNIVERSARY OF WOMEN'S ADVOCATES

● Mr. WELLSTONE. I speak today in recognition of the 25th anniversary of Women's Advocates, Inc., our Nation's first battered women's shelter, located in St. Paul, MN.

It is with gratitude and with pride that I recognize the unyielding dedication of the staff, the volunteers and the supporters of Women's Advocates. It was in 1974 that the doors of this shelter first opened to women and their children seeking respite from domestic violence. At a time when it took great courage and strength, women stood together to say that violence in our homes must end. Today, having provided advocacy, shelter and support services to over 25,000 women and children, and having spent countless hours teaching our school children and community members about the impact of domestic violence, Women's Advocates stands as a pillar of grace and triumph in the great state of Minnesota.

So today we hail Executive Director, Lisbet Wolf, and the courageous women at Women's Advocates, who 25 years ago, gave women and children's safety a permanent place in our nation's history.●

NATIONAL POW/MIA RECOGNITION DAY

• Mr. LUGAR. Mr. President, Friday, September 17th was National POW/MIA Recognition Day. On this day, we remember, give tribute to, and stand in solidarity with the loved ones and families of the thousands of Soldiers, Sailors, Marines and Airmen who became Prisoners of War and Missing in Action.

These Americans swore an oath to support and defend the Constitution and carried that promise through to great sacrifice for their nation. While thousands died, many others endured years in starved, tortured, isolated misery before regaining their freedom. Their perseverance, integrity and heroism are shining examples of the core values on which this nation was founded and became great.

As a former Navy officer, I feel strongly that the United States Government must fulfill its commitments to the men and women who serve in the Armed Forces. One of these commitments is ensuring the return of POWs and MIAs at the end of hostilities. The vigorous pursuit of this commitment must continue through on-site investigations being undertaken in Indochina and through a fuller examination of records in the United States, Russia, and Southeast Asia.

Through much diligence and hard work, and gradually improving relations with various nations since 1973, 529 American servicemen, formerly listed as unaccounted-for, have been recovered, identified and returned to their families. However, 2054 Americans remain unaccounted-for from the war in Southeast Asia, with 1,530 in Vietnam. We have focused, and rightly so, many of our efforts on Southeast Asia, but we must also honor those who were held prisoner and who are missing in action in other remote parts of the globe. More than 80,000 Americans remain missing and unaccounted for from World War I, World War II and the Korean conflict, and countless others from the Cold War.

Since the end of the Cold War, I have visited Russia and other states of the former Soviet Union on several occasions. During meetings with high level Russian government personnel and members of the Russian military, I have made it clear that Russian cooperation in these areas is a necessity.

I am hopeful that American efforts will lead to information and/or evidence of the fates of U.S. servicemen still missing from conflicts during the Cold War. I likewise encourage my colleagues who interact with officials of Laos, Cambodia, Korea, Vietnam and others to press for the same commitment from those officials.

Headway is being made, but there is still a long way to go before we have the fullest possible accounting of all POW/MIA personnel. Our great and free Nation owes eternal gratitude to all POW/MIAs and their families for their supreme sacrifice, but we in the Senate shall not rest until all are accounted for. I urge you the administration, the Departments of Defense and State, the Joint Chiefs of Staff and the National Security Agency to redouble our efforts.•

BOYS OF SUMMER

• Mr. TORRICELLI. Mr. President, I rise today in recognition of the achievements of the Toms River East Little League baseball team, who overcame great odds to return their team to the National Little League final for the second year in a row.

The Toms River squad, known as the "Beast of the East", were Little League world champions in 1998. This year, they sought to be only the second American team ever in the fifty-three year history of the Little League World Series to repeat as world champions. Unlike professional sports, where champions often repeat using much the same lineup from one year to the next, Toms River attempted to repeat as champions using almost an entirely new roster, with ten of the twelve players new to the team for the 1999 season. Although they fell one game short of returning to the Little League World Series, the fact that Toms River advanced to the national final in 1999 is an impressive accomplishment in its own right.

In the aftermath of their exciting run last year, I had the opportunity to meet many of the players and parents involved with the team. I was impressed not only by the skill, poise, and manners with which the team conducted itself on and off the field, but also by the way that the entire community of Toms River rallied around the team. The true character of the squad was demonstrated this year, when even in defeat, they displayed the good sportsmanship and class that is a hallmark of the Toms River community.

Truly, these "boys of summer" have given us another August to remember with their fine play and tremendous love of the game. I am proud to recognize the accomplishments and contributions of Steve Bernath, Jeff Burgdorff, Eric Campesi, Dave Cappello, Mike Casale, Bobby Cummings, Chris Cunningham, Zach Del Vento, Derrick Egan, Chris Fontenelli, Casey Gaynor, and RJ Jones and I know they will continue to make New Jersey proud for years to come.•

TRIBUTE TO SHERMAN HENDERSON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to a fine businessman, family man and all-around great Kentuckian, Sherman Henderson.

Sherm is a man who exudes the kind of enthusiasm and spunk everybody wants to possess. He has a genuine zest for life. Sherm's energy has helped him found and run one of the countries top 20 fastest-growing private companies, UniDial Communications, Inc. Sherm founded UniDial just six years ago with six employees and, in that short time, has turned UniDial into a 600-employee operation and an unbelievable success story.

Some of the most successful businessmen become great because they see an untapped market and make it theirs—and that is what Sherm has done with the communications industry in UniDial. Intuitively picking up on emerging opportunities in the communications field after the telephone industry was deregulated, Sherm dove into the business head first. He started by investing in other telecommunications companies, and then founded the now-booming UniDial in 1993.

As well as being a great businessman, Sherm has always been a good friend and family man. He boasts a terrific wife, two wonderful children, and two (soon-to-be-three) much-doted-upon grandchildren. Sherm, on behalf of my colleagues and myself, I express my heartfelt admiration for your accomplishments, congratulate you on your success, and wish you the best in your future endeavors. Thank you for creating hundreds of jobs for your fellow Kentuckians, and for making such a significant contribution to our state's economies and communities.

Mr. President, I ask that a copy of an article that ran in the Louisville Voice-Tribune on August 25, 1999, be printed in the RECORD following my remarks.

The article follows.

MAKING A BIG SPLASH

(By Susan McDonald)

Sherman Henderson says a lot of people have trouble understanding what he does for a living, but he must do it pretty well.

UniDial Communications Inc., the company he founded with half a dozen employees only six years ago, is now among the 20 fastest-growing private companies in the country, according to Inc. magazine. That's not bad for a company Henderson conceived over breakfast one August morning at a local Denny's restaurant.

UniDial is now poised for still more growth. The company, which built its business primarily as a reseller of long-distance telephone service and other communications products, is expanding to meet the growing demand for technology, Henderson said. UniDial recently announced plans to build its own nationwide telecommunications network, called xios, to offer integrated data, voice, Internet and other telecom services. Its new 75,000-square-foot building at Eastpoint Business Center will soon be followed by more new facilities.

But although UniDial has become a familiar name, its business remains a mystery to many, Henderson said.

"It's hard for people to understand what we do," he said. "We're a communications company. We communicate, and we have all kinds of vehicles to do it with, whether it's a fax machine, a voice over a hard line, data transmission, videoconferencing, conference calls, or whatever."

EMBRACING TECHNOLOGY

Henderson and Unidial have capitalized on people's hunger for more communication and information, he said. Although Americans are inundated with mail, voice messages, and e-mail, they want more, said Henderson who can quote a wealth of facts, figures and statistics about the fast pace of technology and the factors that drive it.

Still, Henderson, who is in his 50s, said it's difficult for members of his generation to keep up with the quick pace of technological advancements.

"My generation has two problems," he said. "We're not educated in the field of technology because we didn't grow up with it. The second strike against our generation is our habits. We don't embrace technology because we all have gray hair. To keep up is tremendously tough, even for me, and I'm in the business."

Henderson does keep up, though, making extensive use of the Internet to conduct business, make travel arrangements, shop and more.

"I do a lot of fun things, like seeing where the Rolling Stones are playing next, or where is Elton John playing, or get information about golf courses," he said.

FROM DIAPERS TO HIGH TECH

Henderson's experience in the telecommunications industry isn't much older than UniDial itself. Before starting the company, his varied business experience included real estate development, sales and marketing, and a stint at Proctor & Gamble, where he "was the original Pampers guy," he said.

"I was one of the three guys on the team that actually developed the product back in the 1960s," Henderson said. "Actually, we didn't create a product. We created an industry because there was no disposal diaper at that time."

Henderson began to see the opportunities that emerged after deregulation of the telephone industry, and he owned other telecom companies before starting UniDial in 1993. He has since become a national leader in the industry and is currently chairman of the Telecommunications Resellers Association, a 700-member trade organization for businesses reselling long distance and other services.

Although UniDial is continuing to grow in national prominence, Henderson, a native of Louisville, said he is most proud that the company is a home-grown product.

"The neat thing about this company is that it was founded here and it was built here," he said. "It was built by Louisville employees, and it's turned into a nationwide deal."

And although the company could operate from anywhere , its headquarters will stay in Louisville, he said.

"The opportunity we have as a company is to lead Kentucky and this part of the country into a development stage for all these young kids who are coming out of school," said Henderson. "We want them to stay here and help us build what is going to be the future, and the future is in technology and media."

ENERGY TO SPARE

Henderson's energy seems boundless, manifesting itself in foot-tapping and leg-wagging when he is forced to sit down. During a recent meeting with a group of local business leaders, "They were astounded by my energy," Henderson said. "They said, 'You know, Sherm, you're not a young puppy anymore,' and it's true, but energy comes from your environment and from the environment that you allow in your mind."

Henderson finds outlets for that energy in golf, spending time with his wife, two children and two grandchildren (with another on the way), and promoting his beloved Florida State University Seminoles. Since attending the school on a swimming scholarship, Henderson has remained active in alumni activities, including a recently completed stint as chairman of the Florida State Seminole Boosters. Football coach Bobby Bowden is a golf partner and someone from whom Henderson said he has learned a great deal.

"He's a winner, and you learn from winners," Henderson said. "If you keep pushing for whatever your objective is, if you get 80 to 85 percent of that, you win."

Judging from UniDial's dramatic success, Henderson has learned some secrets of winning. He gets to know the company's nearly 600 employees at monthly small-group lunches, gives managers plenty of autonomy, and tells colleagues not to be afraid to make mistakes and "use both ends of the pencil," he said. He has also developed a simple personal philosophy to help him keep things in perspective.

"I wake up every day and say this to myself: God first, family second, and the rest will happen."●

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

On September 16, 1999, the Senate amended and passed H.R. 2084, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2084) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,900,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $600,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,900,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,700,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,870,000, including not to exceed $45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $18,600,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,800,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,110,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $560,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,100,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,200,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $3,300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $169,953,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: Provided further, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the

Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,772,000,000, of which $534,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: Provided further, That the Secretary may transfer funds to this account, from Federal Aviation Administration "Operations", not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That the United States Coast Guard will reimburse the Department of Transportation Inspector General $5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems: Provided further, That the Secretary of Transportation shall use any surplus funds that are made available to the Secretary, to the maximum extent practicable, to provide for the operation and maintenance of the Coast Guard.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $370,426,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $123,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $33,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $52,726,000 shall be available for other equipment, to remain available until September 30, 2002; $63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; $52,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and $44,200,000 shall be deposited in the Deepwater Replacement Project Revolving Fund to remain available until expended: Provided, That funds received from the sale of HU-25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: Provided further, That the Commandant of the Coast Guard is authorized to and may dispose of by sale at fair market value all rights, title, and interests of any United States entity on behalf of the Coast Guard in and to the land of, and improvements to, South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and, Aids to navigation team Huron, Ohio: Provided further, That there is established in the Treasury of the United States a special account to be known as the Deepwater Replacement Project Revolving Fund and proceeds from the sale of said specified properties and improvements shall be deposited in that account, from which the proceeds shall be available until expended for the purposes of replacing or modernizing Coast Guard ships, aircraft, and other capital assets necessary to conduct its deepwater statutory responsibilities: Provided further, That, if balances in the Deepwater Replacement Project Revolving Fund permit, the Commandant of the Coast Guard is authorized to obligate up to $60,000,000.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,450,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $14,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $730,327,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: Provided, That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $17,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,857,450,000 from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That the Secretary may transfer funds to this account, from Coast Guard "Operating expenses", not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General $19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems: Provided further, That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,045,652,000, of which $1,721,086,000 shall remain available until September 30, 2002, and of which $274,566,000 shall remain available until September 30, 2000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 104–205, $17,500,000 are rescinded: Provided, That of the amounts provided under this heading in Public Law 105–66, $282,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, and for administration of such programs, $1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $2,000,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That discretionary grant funds available for noise planning and mitigation shall not exceed $60,000,000: Provided further, That, notwithstanding any other provision of law, not more than $47,891,000 of the funds limited under this heading shall be obligated for administration.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

The obligation limitation under this heading in Public Law 105–277 is hereby reduced by $290,000,000.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 2000.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $370,000,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided further, That $55,418,000 shall be available to carry out the functions and operations of the office of motor carriers: Provided further, That $14,500,000 of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration operations and research to carry out the provisions of chapter 301 of title 49, United States Code, part C of subtitle VI of title 49, United States Code, and section 405(b) of title 23, United States Code: Provided further, That of the $14,500,000 made available for traffic and highway safety programs, $8,300,000 shall be made available to carry out the provisions of chapter 301 of title 49, United States Code and $6,200,000 shall be made available to carry out the provisions of part C of subtitle VI of title 49, United States Code: Provided further, That $7,500,000, of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration, Highway Traffic Safety Grants, for "Child Passenger Protection Education Grants" under section 405(b) of title 23, United States Code: Provided further, That $6,000,000 of the funds made available under section 104(a) of title 23, United States Code, shall be made available to carry out section 5113 of Public Law 105–178: Provided further, That, the Federal Highway Administration will reimburse the Department of Transportation Inspector General $9,000,000 from funds available within this limitation on obligations for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: Provided, That within the $27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $391,450,000 shall be available for the implementation or execution of programs for transportation research (Sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (Section 1218 of Public Law 105–178) for fiscal year 2000, of which not to exceed $500,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (Section 111 of title 49, United States Code) for fiscal year 2000: Provided further, That of the funds made available in fiscal year 2000 to carry out section 144(g)(1) of title 23, United States Code, $10,000,000 shall be made available to carry out section 1224 of Public Law 105–178: Provided further, That within the $211,200,000 obligation limitation on Intelligent Transportation Systems, $5,000,000 shall be made available to carry out the Nationwide Differential Global Positioning System program, and the following sums shall be made available for Intelligent Transportation system projects in the following specified areas:

ITS deployment projects	Committee recommendation
Southeast Michigan	$4,000,000
Salt Lake City, UT	6,500,000
Branson, MO	1,500,000
St. Louis, MO	2,000,000
Shreveport, LA	2,000,000
State of Montana	3,500,000
State of Colorado	4,000,000
Arapahoe County, CO	2,000,000
Grand Forks, ND	500,000
State of Idaho	2,000,000
Columbus, OH	2,000,000
Inglewood, CA	2,000,000
Fargo, ND	2,000,000
Albuquerque/State of New Mexico interstate projects	2,000,000
Dothan/Port Saint Joe	2,000,000
Santa Teresa, NM	1,500,000
State of Illinois	4,800,000
Charlotte, NC	2,500,000
Nashville, TN	2,000,000
Tacoma Puyallup, WA	500,000
Spokane, WA	1,000,000
Puget Sound, WA	2,200,000
State of Washington	4,000,000
State of Texas	6,000,000
Corpus Christi, TX	2,000,000
State of Nebraska	1,500,000
State of Wisconsin rural systems	1,000,000
State of Wisconsin	2,400,000
State of Alaska	3,700,000
Cargo Mate, Northern NJ	2,000,000
Statewide Transcom/Transmit upgrades, NJ	6,000,000
State of Vermont rural systems	2,000,000
ITS deployment projects	Committee recommendation
State of Maryland	4,500,000
Washoe County, NV	2,000,000
State of Delaware	2,000,000
Reno/Tahoe, CA/NV	1,000,000
Towamencin, PA	1,100,000
State of Alabama	1,300,000

ITS deployment projects	Committee recommendation
Huntsville, AL	3,000,000
Silicon Valley, CA	2,000,000
Greater Yellowstone, MT	2,000,000
Pennslyvania Turnpike, PA	7,000,000
Portland, OR	1,500,000
Delaware River, PA	1,500,000
Kansas City, MO	1,000,000:

Provided further, That, notwithstanding Public Law 105–178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000. Of these funds to be apportioned under section 110 for fiscal year 2000, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation and air quality improvement program in the same ratio that each State is apportioned funds for such programs in fiscal year 2000 but for this section: Provided, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 "Widen I–15 in San Bernardino County", section 1602 of Public Law 105–178.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,300,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For necessary expenses to carry out 49 U.S.C. 31102, $50,000,000 to be derived from the Highway Trust Fund and to remain available until expended: Provided, That no more than $155,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, $105,000,000 is for payment of obligations incurred in carrying out 49 U.S.C. 31102 to be derived from the Highway Trust Fund and to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, to be derived from the Highway Trust Fund, $72,900,000 for traffic and highway safety under chapter 301 of title 49, United States Code, of which $48,843,000 shall remain available until September 30, 2001: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding Public Law 105–178 or any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000 to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $152,800,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $10,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $8,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,500,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,750,000 of the funds made available for section 410, and not to exceed $223,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $91,789,000, of which $6,700,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: Provided further, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General $1,000,000 for costs associated with audits and investigations of all rail-related issues and systems: Provided further, That the Administrator of the Federal Railroad Administration is authorized to transfer funds appropriated for any office under this heading to any other office funded under this heading: Provided further, That no appropriation shall be increased or decreased by more than 10 percent by such transfers unless it is approved by both the House and Senate Committees on Appropriations.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $22,364,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $20,500,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $14,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by U.S.C. 24104(a), $571,000,000, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000, to remain available until expended: Provided, That no more than $60,000,000 of budget authority shall be available for these purposes: Provided further, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General

$9,000,000 for costs associated with audits and investigations of all transit-related issues and systems.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: Provided, That no more than $3,098,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: Provided, That no more than $107,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): Provided further, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, $1,500,000;

Electric vehicle information sharing and technology transfer program, $1,000,000;

Portland, ME independent transportation network, $500,000;

Wheeling, WV mobility study, $250,000;

Utah advanced traffic management system, transit component, $3,000,000;

Project ACTION, $3,000,000;

Trans-Hudson tunnel feasibility study, $5,000,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,500,000;

Gloucester, MA intermodal technology center, $1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $3,000,000; and

Advanced transit systems and electric vehicle program (CALSTART), $1,000,000.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,638,000,000, to remain available until expended of which $4,638,000,000 shall be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $1,960,800,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: Provided, That no more than $2,451,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000; and there shall be available for new fixed guideway systems $980,400,000: Provided further, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the following projects here listed:

2001 Special Olympics Winter Games buses and facilities, Anchorage, Alaska

Adrian buses and bus facilities, Michigan

Alabama statewide rural bus needs, Alabama

Alameda-Contra Costa Transit District Project, California

Albany train station/intermodal facility, New York

Albuquerque SOLAR computerized transit management system, New Mexico

Albuquerque Westside transit maintenance facility, New Mexico

Albuquerque, buses, paratransit vehicles, and bus facility, New Mexico

Alexandria Union Station transit center, Virginia

Alexandria, bus maintenance facility and Crystal City canopy project, Virginia

Allegheny County buses, Pennsylvania

Altoona bus testing facility, Pennsylvania

Altoona, Metro Transit Authority buses and transit system improvements, Pennsylvania

Ames transit facility expansion, Iowa

Anchorage Ship Creek intermodal facility, Alaska

Arkansas Highway and Transit Department buses, Arkansas

Arkansas state safety and preventative maintenance facility, Arkansas

Armstrong County-Mid-County, PA bus facilities and buses, Pennsylvania

Atlanta, MARTA buses, Georgia

Attleboro intermodal transit facility, Massachusetts

Austin buses, Texas

Babylon Intermodal Center, New York

Baldwin Rural Area Transportation System buses, Alabama

Ballston Metro access improvements, Virginia

Bay/Saginaw buses and bus facilities, Michigan

Beaumont Municipal Transit System buses and bus facilities, Texas

Beaver County bus facility, Pennsylvania

Ben Franklin transit buses and bus facilities, Richland, Washington

Billings buses and bus facilities, Montana

Birmingham intermodal facility, Alabama

Birmingham-Jefferson County buses, Alabama

Blue Water buses and bus facilities, Michigan

Boston Government Center transit center, Massachusetts

Boston Logan Airport intermodal transit connector, Massachusetts

Boulder/Denver, RTD buses, Colorado

Brazos Transit Authority buses and bus facilities, Texas

Brea shuttle buses, California

Bremerton multimodal center—Sinclair's Landing, Washington

Brigham City and Payson regional park and ride lots/transit centers, Utah

Brockton intermodal transportation center, Massachusetts

Buffalo, Auditorium Intermodal Center, New York

Burlington ferry terminal improvements, Vermont

Burlington multimodal center, Vermont

Cambria County, bus facilities and buses, Pennsylvania

Cedar Rapids intermodal facility, Iowa

Central Ohio Transit Authority vehicle locator system, Ohio

Centre Area Transportation Authority buses, Pennsylvania

Chattanooga Southern Regional Alternative fuel bus program, Georgia

Chester County, Paoli Transportation Center, Pennsylvania

Chittenden County Transportation Authority buses, Vermont

Clallam Transit multimodal center, Sequim, Washington

Clark County Regional Transportation Commission buses and bus facilities, Nevada

Cleveland, Triskett Garage bus maintenance facility, Ohio

Clinton transit facility expansion, Iowa

Colorado buses and bus facilities, Colorado

Columbia Bus replacement, South Carolina

Columbia buses and vans, Missouri

Compton Renaissance Transit System shelters and facilities, California

Corpus Christi Regional Transportation Authority buses and bus facilities, Texas

Corvallis buses and automated passenger information system, Oregon

Culver City, CityBus buses, California

Dallas Area Rapid Transit buses, Texas

Davis, Unitrans transit maintenance facility, California

Dayton, Multimodal Transportation Center, Ohio

Daytona Beach, Intermodal Center, Florida

Deerfield Valley Transit Authority buses, Vermont

Denver 16th Street Intermodal Center

Denver, Stapleton Intermodal Center, Colorado

Des Moines transit facilities, Iowa

Detroit buses and bus facilities, Michigan

Dothan Wiregrass Transit Authority vehicles and transit facility, Alabama

Dulles Corridor park and ride, Virginia

Duluth, Transit Authority community circulation vehicles, Minnesota

Duluth, Transit Authority intelligent transportation systems, Minnesota

Duluth, Transit Authority Transit Hub, Minnesota

Dutchess County, Loop System buses, New York

El Paso Sun Metro buses, Texas

Elliott Bay Water Taxi ferry purchase, Washington

Erie, Metropolitan Transit Authority buses, Pennsylvania

Escambia County buses and bus facility, Alabama

Essex Junction multimodal station rehabilitation, Vermont

Everett transit bus replacement, Washington

Everett, Multimodal Transportation Center, Washington

Fairbanks intermodal rail/bus transfer facility, Alaska

Fairfield Transit, Solano County buses, California

Fayette County, intermodal facilities and buses, Pennsylvania

Fayetteville, University of Arkansas Transit System buses, Arkansas

Flint buses and bus facilities, Michigan

Florence, University of North Alabama pedestrian walkways, Alabama

Folsom multimodal facility, California

Fort Dodge, Intermodal Facility (Phase II), Iowa

Fort Worth bus and paratransit vehicle project, Texas

Fort Worth Transit Authority Corridor Redevelopment Program, Texas

Franklin County buses and bus facilities, Missouri

Fuel cell bus and bus facilities program, Georgetown University, District/Columbia

Gainesville buses and equipment, Florida

Galveston buses and bus facilities, Texas

Gary, Transit Consortium buses, Indiana

Gees Bend Ferry facilities, Wilcox County, Alabama

Georgia Regional Transportation Authority buses, Georgia

Georgia Regional Transportation Authority, Southern Crescent Transit bus service between Clayton County and MARTA rail stations, Georgia

Georgia statewide buses and bus-related facilities, Georgia

Gloucester intermodal transportation center, Massachusetts

Grand Rapids Area Transit Authority downtown transit transfer center, Michigan

Greensboro multimodal center, North Carolina

Greensboro, Transit Authority buses, North Carolina

Harrison County multimodal center, Mississippi

Hawaii buses and bus facilities

Healdsburg, intermodal facility, California

Hillsborough Area Regional Transity Authority, Ybor buses and bus facilities, Florida

Honolulu, bus facility and buses, Hawaii

Hot Springs, transportation depot and plaza, Arkansas

Houston buses and bus facilities, Texas

Huntington Beach buses and bus facilities, California

Huntington intermodal facility, West Virginia

Huntsville Airport international intermodal center, Alabama

Huntsville Space and Rocket Center intermodal center, Alabama

Huntsville, transit facility, Alabama

Hyannis intermodal transportation center, Massachusetts

I–5 Corridor intermodal transit centers, California

Illinois statewide buses and bus-related equipment, Illinois

Indianapolis buses, Indiana

Inglewood Market Street bus facility/LAX shuttle service, California

Iowa City multi-use parking facility and transit hub, Iowa

Iowa statewide buses and bus facilities, Iowa

Iowa/Illinois Transit Consortium bus safety and security, Iowa

Isabella buses and bus facilities, Michigan

Ithaca intermodal transportation center, New York

Ithaca, TCAT bus technology improvements, New York

Jackson County buses and bus facilities, Missouri

Jackson J-TRAN buses and facilities, Mississippi

Jacksonville buses and bus facilities, Florida

Jasper buses, Alabama

Juneau downtown mass transit facility, Alaska

Kalamazoo downtown bus transfer center, Michigan

Kansas City Area Transit Authority buses and Troost transit center, Missouri

Kansas Public Transit Association buses and bus facilities, Kansas

Killington-Sherburne satellite bus facility, Vermont

King Country Metro King Street Station, Washington

King County Metro Atlantic and Central buses, Washington

King County park and ride expansion, Washington

Lackawanna County Transit System buses, Pennsylvania

Lake Tahoe CNG buses, Nevada

Lake Tahoe/Tahoe Basin buses and bus facilities, California

Lakeland, Citrus Connection transit vehicles and related equipment, Florida

Lane County, Bus Rapid Transit buses and facilities, Oregon

Lansing, CATA buses, Michigan

Las Cruces buses and bus facilities, New Mexico

Las Cruces intermodal transportation plaza, New Mexico

Las Vegas intermodal transit transfer facility, Nevada

Las Vegas South Strip intermodal facility, Nevada

Lincoln County Transit District buses, Oregon

Lincoln Star Tran bus facility, Nebraska

Little Rock River Market and College Station transfer facility, Arkansas

Little Rock, Central Arkansas Transit buses, Arkansas

Livermore Amador Valley Transit Authority buses, California

Livermore automatic vehicle locator program, California

Long Island, CNG transit vehicles and facilities and bus replacement, New York

Los Angeles/City of El Segundo Douglas Street Green Line connection, California

Los Angeles County Metropolitan transportation authority buses, California

Los Angeles Foothill Transit buses and bus facilities, California

Los Angeles Municipal Transit Operators Coalition, California

Los Angeles, Union Station Gateway Intermodal Transit Center, California

Louisiana statewide buses and bus-related facilities, Louisiana

Lowell performing arts center transit transfer facility, Massachusetts

Lufkin intermodal center, Texas

Maryland statewide alternative fuel buses, Maryland

Maryland statewide bus facilities and buses, Maryland

Mason City Region 2 office and maintenance transit facility, Iowa

Massachusetts Bay Transportation Authority buses, Massachusetts

Merrimack Valley Regional Transit Authority bus facilities, Massachusetts

Miami Beach multimodal transit center, Florida

Miami Beach, electric shuttle service, Florida

Miami-Dade Northeast transit center, Florida

Miami-Dade Transit buses, Florida

Michigan State University campus boarding centers, Michigan

Michigan statewide buses, Michigan

Mid-Columbia Council of Governments minivans, Oregon

Milwaukee County, buses, Wisconsin

Mineola/Hicksville, LIRR intermodal centers, New York

Missoula buses and bus facilities, Montana

Missouri statewide bus and bus facilities, Missouri

Mobile buses, Alabama

Mobile waterfront terminal complex, Alabama

Modesto, bus maintenance facility, California

Monterey, Monterey-Salinas buses, California

Monterey, Monterey-Salinas transit refueling facility, California

Montgomery Moulton Street intermodal center, Alabama

Montgomery Union Station intermodal center and buses, Alabama

Mount Vernon, buses and bus related facilities, Washington

Mukilteo multimodal terminal ferry and transit project, Washington

New Castle County buses and bus facilities, Delaware

New Hampshire statewide transit systems, New Hampshire

New Haven bus facility, Connecticut

New Jersey Transit alternative fuel buses, New Jersey

New Jersey Transit jitney shuttle buses, New Jersey

New Mexico State University park and ride facilities, New Mexico

New York City Midtown West 38th Street Ferry Terminal, New York

New York, West 72nd St. Intermodal Station, New York

Newark intermodal center, New Jersey

Newark Passaic River bridge and arena pedestrian walkway, New Jersey

Newark, Morris & Essex Station access and buses, New Jersey

Niagara Frontier Transportation Authority buses, New York

North Carolina statewide buses and bus facilities, North Carolina

North Dakota statewide buses and bus-related facilities, North Dakota

North San Diego County transit district buses, California

North Star Borough intermodal facility, Alaska

Northern New Mexico Transit Express/Park and Ride buses, New Mexico

Northstar Corridor, Intermodal Facilities and buses, Minnesota

Norwich buses, Connecticut

OATS Transit, Missouri

Ogden Intermodal Center, Utah

Ohio Public Transit Association buses and bus facilities, Ohio

Oklahoma statewide bus facilities and buses, Oklahoma

Olympic Peninsula International Gateway Transportation Center, Washington

Omaha Missouri River transit pedestrian facility, Nebraska

Ontonagon buses and bus facilities, Michigan

Orlando Intermodal Facility, Florida

Orlando, Lynx buses and bus facilities, Florida

Palm Beach County Palmtran buses, Florida

Palmdale multimodal center, California

Park City Intermodal Center, Utah

Parkersburg intermodal transportation facility, West Virginia

Pee Dee buses and facilities, South Carolina

Penn's Landing ferry vehicles, Pennsylvania

Pennsylvania Commonwealth combined bus and facilities, Pennsylvania

Perris bus maintenance facility, California

Philadelphia, Frankford Transportation Center, Pennsylvania

Philadelphia, Intermodal 30th Street Station, Pennsylvania

Philadelphia, PHLASH shuttle buses, Pennsylvania

Philadelphia, SEPTA Center City improvements, Pennsylvania

Philadelphia, SEPTA Paoli transportation center, Pennsylvania

Philadelphia, SEPTA Girard Avenue intermodal transportation centers, Pennsylvania

Phoenix bus and bus facilities, Arizona

Pierce County Transit buses and bus facilities, Washington

Pittsfield intermodal center, Massachusetts

Port of Corpus Christi ferry infrastructure and ferry purchase, Texas

Port of St. Bernard intermodal facility, Louisiana

Portland, Tri-Met bus maintenance facility, Oregon

Portland, Tri-Met buses, Oregon

Prince William County bus replacement, Virginia

Providence, buses and bus maintenance facility, Rhode Island

Reading, BARTA Intermodal Transportation Facility, Pennsylvania

Rensselaer intermodal bus facility, New York

Rhode Island Public Transit Authority buses, Rhode Island

Richmond, GRTC bus maintenance facility, Virginia

Riverside Transit Agency buses and facilities, California

Robinson, Towne Center Intermodal Facility, Pennsylvania

Sacramento CNG buses, California

Salem Area Mass Ttransit System buses, Oregon

Salt Lake City hybrid electric vehicle bus purchase, Utah

Salt Lake City International Airport transit parking and transfer center, Utah

Salt Lake City Olympics bus facilities, Utah

Salt Lake City Olympics regional park and ride lots, Utah

Salt Lake City Olympics transit bus loan project, Utah

San Bernardino buses, California

San Bernardino County Mountain area Regional Transit Authority fueling stations, California

San Diego MTD buses and bus facilities, California

San Francisco, Islais Creek maintenance facility, California

San Joaquin buses and bus facilities, Stockton, California

San Juan Intermodal access, Puerto Rico

San Marcos Capital Area Rural Transportation System (CARTS) intermodal project, Texas

Sandy buses, Oregon

Santa Barbara Metropolitan Transit district bus facilities, California

Santa Clara Valley Transportation Authority buses and bus facilities, California

Santa Clarita buses, California

Santa Cruz metropolitan bus facilities, California

Santa Fe CNG buses, New Mexico

Santa Fe paratransit/computer systems, New Mexico

Santa Marie organization of transportation helpers minibuses, California

Savannah/Chatham Area transit bus transfer centers and buses, Georgia

Seattle Sound Transit buses and bus facilities, Washington

Seattle, intermodal transportation terminal, Washington

SMART buses and bus facilities, Michigan

Snohomish County, Community Transit buses, equipment and facilities, Washington

Solano Links intercity transit OTR bus purchase, California

Somerset County bus facilities and buses, Pennsylvania

South Amboy, Regional Intermodal Transportation Initiative, New Jersey

South Bend, Urban Intermodal Transportation Facility, Indiana

South Carolina statewide bus and bus facility.

South Carolina Virtual Transit Enterprise, South Carolina

South Dakota statewide bus facilities and buses, South Dakota

South Metro Area Rapid Transit (SMART) maintenance facility, Oregon

Southeast Missouri transportation service rural, elderly, disabled service, Missouri

Springfield Metro/VRE pedestrian link, Virginia

Springfield, Union Station, Massachusetts

St. Joseph buses and vans, Missouri

St. Louis, Bi-state Intermodal Center, Missouri

St. Louis Bi-state Metro Link buses

Sunset Empire Transit District intermodal transit facility, Oregon

Syracuse CNG buses and facilities, New York

Tacoma Dome, buses and bus facilities, Washington

Tennessee statewide buses and bus facilities, Tennessee

Texas statewide small urban and rural buses, Texas

Topeka Transit offstreet transit transfer center, Kansas

Towamencin Township, Intermodal Bus Transportation Center, Pennsylvania

Transit Authority of Northern Kentucky (TANK) buses, Kentucky

Tucson buses, Arizona

Twin Cities area metro transit buses and bus facilities, Minnesota

Utah Transit Authority buses, Utah

Utah Transit Authority, intermodal facilities, Utah

Utah Transit Authority/Park City Transit, buses, Utah

Utica Union Station, New York

Valley bus and bus facilities, Alabama

Vancouver Clark County (SEATRAN) bus facilities, Washington

Washington County intermodal facilities, Pennsylvania

Washington State DOT combined small transit system buses and bus facilities, Washington

Washington, D.C. Intermodal Transportation Center, District/Columbia

Washoe County transit improvements, Nevada

Waterbury, bus facility, Connecticut

West Falls Church Metro station improvements, Virginia

West Lafayette bus transfer station/terminal (Wabash Landing), Indiana

West Virginia Statewide Intermodal Facility and buses, West Virginia

Westchester County DOT, articulated buses, New York

Westchester County, Bee-Line transit system fareboxes, New York

Westchester County, Bee-Line transit system shuttle buses, New York

Westminster senior citizen vans, California

Westmoreland County, Intermodal Facility, Pennsylvania

Whittier intermodal facility and pedestrian overpass, Alaska

Wilkes-Barre, Intermodal Facility, Pennsylvania

Williamsport bus facility, Pennsylvania

Wisconsin statewide bus facilities and buses, Wisconsin

Worcester, Union Station Intermodal Transportation Center, Massachusetts

Yuma paratransit buses, Arizona:

Provided further, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:

Alaska or Hawaii ferries;

Albuquerque/Greater Albuquerque mass transit project;

Atlanta North Line Extension;

Austin Capital Metro Northwest/North Central Corridor project;

Baltimore Central Light Rail double tracking project;

Boston North-South Rail Link;

Boston Piers Transitway phase 1;

Charlotte North-South corridor transitway project;

Chicago Metra commuter rail extensions;

Chicago Transit Authority Ravenswood and Douglas branch line projects;

Cleveland Euclid Corridor;

Dallas Area Rapid Transit North Central LRT extension;

Dane County/Madison East-West Corridor;

Denver Southeast Corridor project;

Denver Southwest LRT project;

Fort Lauderdale Tri-Rail commuter rail project;

Galveston rail trolley extension project;

Houston Regional Bus Plan;

Lahaina Harbor, Maui ferries;

Las Vegas Corridor/Clark County regional fixed guideway project;

Little Rock River Rail project;

Long Island Rail Road East Side Access project;

Los Angeles Metro Rail—MOS 3 and Eastside/Mid City corridors;

MARC expansion programs: Silver Spring intermodal center and Penn-Camden rail connection;

Memphis Area Transit Authority medical center extension;

Miami East-West Corridor project;

Miami North 27th Avenue corridor;

New Orleans Airport-CBD commuter rail project;

New Orleans Canal Streetcar Spine;

New Orleans Desire Streetcar;

Newark-Elizabeth rail link project;

Norfolk-Virginia Beach Corridor project;

Northern Indiana South Shore commuter rail project;

Northern New Jersey—Hudson-Bergen LRT project;

Orange County Transitway project;

Orlando I-4 Central Florida LRT project;

Philadelphia Schuykill Valley Metro;

Phoenix—Central Phoenix/East Valley Corridor;

Pittsburgh Airborne Shuttle System;

Pittsburgh North Shore—Central Business District corridor;

Pittsburgh State II light rail project;

Port McKenzie-Ship Creek, AK ferry project;

Portland Westside-Hillsboro Corridor project;

Providence-Boston commuter rail;

Raleigh-Durham—Research Triangle regional rail;

Sacramento South Corridor LRT project;

Salt Lake City South LRT Olympics capacity improvements;

Salt Lake City South LRT project;

Salt Lake City/Airport to University (West-East) light rail project;

Salt Lake City-Ogden-Provo commuter rail project;

San Bernardino MetroLink extension project;

San Diego Mid Coast Corridor;

San Diego Mission Valley East LRT extension project;

San Diego Oceanside-Escondido passenger rail project;

San Francisco BART to Airport extension;

San Jose Tasman LRT project;

San Juan—Tren Urbano;

Seattle Sound Move Link LRT project;

Spokane South Valley Corridor light rail project;

St. Louis—St. Clair County, Illinois LRT project;

Tacoma-Seattle Sounder commuter rail project;

Tampa Bay regional rail system;

Twin Cities Transitways Corridors projects; and the

Washington Metro Blue Line extension—Addison Road.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for alternatives analysis and preliminary engineering:

Atlanta—Lindbergh Station to MARTA West Line feasibility study;

Atlanta MARTA South DeKalb comprehensive transit program;

Baltimore Central Downtown MIS;

Bergen County, NJ/Cross County light rail project;

Birmingham, Alabama transit corridor;

Boston North Shore Corridor and Blue Line extension to Beverly;

Boston Urban Ring project;

Bridgeport Intermodal Corridor project, Connecticut;

Calais, ME Branch Rail Line regional transit program;

Charleston, SC Monobeam corridor project;

Cincinnati Northeast/Northern Kentucky rail line project;

Colorado—Roaring Fork Valley Rail;

Detroit—commuter rail to Detroit metropolitan airport feasibility study;

El Paso—Juarez international fixed guideway;

Girdwood, Alaska commuter rail project;

Harrisburg-Lancaster Capitol Area Transit Corridor 1 commuter rail;

Houston Advanced Transit Program;

Indianapolis Northeast Downtown Corridor project;

Jacksonville fixed guideway corridor;

Johnson County, Kansas I–35 commuter rail project;

Kenosha-Racine-Milwaukee rail extension project;

Knoxville to Memphis commuter rail feasibility study;

Miami Metrorail Palmetto extension;

Montpelier-St. Albans, VT commuter rail study;

Nashua, NY-Lowell, MA commuter rail project;

New Jersey Trans-Hudson midtown corridor study;

New London waterfront access project;

New York Second Avenue Subway feasibility study;

Old Saybrook—Hartford Rail Extension;

Philadelphia SEPTA commuter rail, R–3 connection—Elwyn to Wawa;

Philadelphia SEPTA Cross County Metro;

Salt Lake City light rail extensions;

Santa Fe/El Dorado rail link;

Stamford fixed guideway connector;

Stockton Altamont Commuter Rail;

Virginia Railway Express Woodbridge transit access station improvements project;

Washington, D.C. Dulles Corridor extension project;

Western Montana regional transportation/commuter rail study;

Wilmington, DE downtown transit connector; and the

Wilsonville to Washington County, OR connection to Westside.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND, MASS TRANSIT ACCOUNT)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: Provided, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,496,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $30,752,000, of which $575,000 shall be derived from the Pipeline Safety Fund, and of which $3,500,000 shall remain available until September 30, 2002: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,104,000, of which $4,704,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; and of which $30,000,000 shall be derived from the Pipeline Safety Fund, of which $16,500,000 shall remain available until September 30, 2001: Provided, That in addition to amounts made available for the Pipeline Safety Fund, $1,400,000 shall be available for grants to States for the development and establishment of one-call notification systems and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: Provided, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $48,000,000, of which $43,000,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration: Provided, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: Provided further, That, it is the sense of the Senate, for purposes of the preceding proviso, the terms "unfair or deceptive practices" and "unfair methods of competition" include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible: Provided further, That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: Provided further, That, it is the sense of the Senate, for purposes of the preceding proviso, the terms "unfair or deceptive practices" and "unfair methods of competition" mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication: Provided further, That, it is the sense of the Senate, funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with nonrefundable tickets from one carrier to another.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $15,400,000: Provided, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board *shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That any fees received in excess of $1,600,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.*

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,500,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $51,500,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of the Transportation Equity Act for the 21st Century (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to

transportation research programs carried out under chapters 3 and 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for a section set forth in subsection (a)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $60,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $169,953,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's Federal aid-highway account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. TEMPORARY AIR SERVICE INTERRUPTIONS. (a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

SEC. 322. Section 3021 of Public Law 105–178 is amended in subsection (a)—

(1) in the first sentence, by striking "single-State";

(2) in the second sentence, by striking "Any" and all that follows through "United States Code" and inserting "The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code and sections 133 and 149 of title 23, United States Code".

SEC. 323. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 324. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 325. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 326. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 327. Capital Investment grants funds made available in this Act and in Public Law 105–277 and in Public Law 105–66 and its accompanying conference report for the Charleston, South Carolina Monobeam corridor project shall be used to fund any aspect of the Charleston, South Carolina Monobeam corridor project.

SEC. 328. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 329. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 330. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 331. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $950,000, to remain available until September 30, 2001: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 332. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 333. None of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 334. For purposes of funding in this Act for the Salt Lake City/Airport to University (West-East) light rail project, the non-governmental share for these funds shall be determined in accordance with Section 3030(c)(2)(B)(ii) of the Transportation Equity Act for the 21st Century, as amended (Public Law 105–178).

SEC. 335. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after "Committee on Banking, Housing, and Urban Affairs of the Senate" the following: "and the House and Senate Committees on Appropriations".

SEC. 336. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105–178), as amended, is amended—

(1) in the subsection heading, by inserting "and New Jersey" after "Minnesota"; and

(2) by inserting "or the State of New Jersey" after "Minnesota".

SEC. 337. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the "fractional ownership" concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability, can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: Provided, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): Provided further, That the Secretary shall report to the House and Senate Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twenty-four months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision.

SEC. 338. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the "University") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or

(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed the national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 339. (a) None of the funds in this Act shall be available to execute a project agreement for any highway project in a State that sells drivers' license personal information as defined in 18 U.S.C. 2725(3) (excluding individual photograph), or motor vehicle record, as defined in 18 U.S.C. 2725(1), unless that State has established and implemented an opt-in process for the use of personal information or motor vehicle record in surveys, marketing (excluding insurance rate setting), or solicitations.

(b) None of the funds in this Act shall be available to execute a project agreement for any highway project in a State that sells individual's drivers' license photographs, unless that State has established and implemented an opt-in process for such photographs.

SEC. 340. Notwithstanding any other provision of law, from funds provided in the Act, $10,000,000 shall be made available for completion of the National Advanced Driving Simulator (NADS).

SEC. 341. Notwithstanding any other provision of law, section 1107(b) of Public Law 102–240 is amended by striking "Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD" and inserting in lieu thereof the following: "For improvements to Bottom Road Bridge, Vinegar Hill Road Bridge and Southampton Road Bridge, Harford County, MD".

SEC. 342. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM. It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

SEC. 343. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

SEC. 344. It is the sense of the Senate that the Secretary should expeditiously amend title 14, chapter II, part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

SEC. 345. For purposes of section 5117(b)(5) of the Transportation Equity Act for the 21st Century, the cost sharing provisions of section 5001(b) of that Act shall not apply.

SEC. 346. (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) NTSB INVESTIGATION.—The National Transportation Safety Board (NTSB) conducted a thorough investigation of the accident and opened the public docket on the matter on September 7, 1999. To date, NTSB has made no conclusions or determinations of probable cause.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities should, consistent with applicable laws against any party, including the National Railroad Passenger Corporation (Amtrak), found to be responsible for the accident, be able to recover all necessary costs of rescue and cleanup efforts related to the March 15, 1999 accident.

SEC. 347. Of funds made available in this Act, the Secretary shall make available not less than $2,000,000, to remain available until expended, for planning, engineering, and construction of the runway extension at Eastern West Virginia Regional Airport, Martinsburg, West Virginia: Provided, That the Secretary shall make available not less than $400,000 for the Concord, New Hampshire transportation planning project: Provided further, That the Secretary shall make available not less than $2,000,000 for an explosive detection system demonstration at a cargo facility at Huntsville International Airport.

SEC. 348. Section 656(b) of division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

SEC. 349. Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105–277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

SEC. 350. For necessary expenses for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center, to become available on October 1 of the fiscal year specified and remain available until expended: fiscal year 2001, $20,000,000.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2000".

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 106–11, 106–12, AND 106–13

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 1, 1999, by the President of the United States: Tax Convention with Italy (Treaty Document No. 106–11); Tax Convention with Denmark (Treaty Document No. 106–12); and Protocol Amending the Tax Convention with Germany (Treaty Document No. 106–13).

I further ask that the treaties be considered as having been read for the first time, that they be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Italian Republic for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fraud or Fiscal Evasion, signed at Washington on August 25, 1999, together with a Protocol. Also transmitted are an exchange of notes with a Memorandum of Understanding and the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty-shopping or certain abusive transactions.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 21, 1999.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on August 19, 1999, together with a Protocol. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

It is my desire that the Convention and Protocol transmitted herewith be considered in place of the Convention for the Avoidance of Double Taxation, signed at Washington on June 17, 1980, and the Protocol Amending the Convention, signed at Washington on August 23, 1983, which were transmitted to the Senate with messages dated September 4, 1980 (S. Ex. Q, 96th Cong., 2d Sess.) and November 16, 1983 (T. Doc. No. 98–12, 98th Cong., 1st Sess.), and which are pending in the Committee on Foreign Relations. I desire, therefore, to withdraw from the Senate the Convention and Protocol signed in 1980 and 1983.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty-shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 21, 1999.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation with Respect to Taxes on Estates, Inheritances, and Gifts signed at Bonn on December 3, 1980, signed at Washington, December 14, 1998. The Protocol provides a pro rata unified tax credit to the estate of a German domiciliary for purposes of computing U.S. estate tax. It allows a limited U.S. "marital deduction" for certain estates of limited value if the surviving spouse is not a U.S. citizen. In addition, the Protocol expands the United States jurisdiction to tax its citizens and certain former citizens and long-term residents and makes other changes to the treaty to more closely reflect current U.S. treaty policy.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 21, 1999.*

MEASURE READ FOR THE FIRST TIME—S. 1606

Mr. WARNER. I understand that S. 1606, which was introduced by Senator GRASSLEY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes.

Mr. WARNER. Mr. President, I now ask for its second reading, and I object to my own request of the second reading.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 22, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 22. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date and the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 15 minutes of debate equally divided in the usual form for closing statements on the Department of Defense authorization conference report, with a vote occurring following the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I further ask that immediately following the vote on the defense authorization conference report, the Senate proceed to consideration of the VA/HUD appropriations bill and, further, no call for the regular order serve to displace the VA/HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will convene at 9:30 a.m. and immediately begin 15 minutes of debate on the Department of Defense authorization conference report, with a vote immediately following. Therefore, Senators can expect the first vote at approximately 9:45 a.m. tomorrow. Following the vote, the Senate will begin consideration of the VA/HUD appropriations bill. Amendments are expected to be offered, and therefore Senators can anticipate votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, September 22, at 9:30 a.m.

EXTENSIONS OF REMARKS

REPUBLIC OF GABON DELEGATION VISIT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. RANGEL. Mr. Speaker, I rise to say that during the week of July 12 through 16, the Congress was privileged to have a delegation from the National Assembly of the Republic of Gabon visit with members of both the House and Senate. The delegation was headed by President Guy Nzouba-Ndama and included members of the opposition party. It was the hope of this delegation that this visit would strengthen their understanding of democracy and political leadership in the U.S. and strengthen ties between their National Assembly and our Congress. It is by coincidence that the delegation was here in Washington during our consideration of the Africa Trade Bill. As many members suggested during the debate on this legislation, it's time that we take another look at our policies toward Africa.

The Republic of Gabon is a good example of the changes occurring across Africa. The Republic of Gabon achieved its independence in 1960 and became a democratic republic with three branches of government; the executive, legislative, and judicial branches. President Omar Bongo became the leader of Gabon following the death of President Leon Mba, Gabon's first president, in 1963 and has served as President since that time. After the 1993 election, political parties supporting the President and the major opposition parties negotiated the "Paris Accords" in October 1994. These agreements included reforms to amend electoral procedures, inclusion of opposition leaders in government, and assurances of greater respect for human rights. In July 1995, the Paris Accords were approved by a national referendum. President Bongo was reelected to a seven-year term in December of 1998.

The National Assembly of Gabon is composed of 120 members and is elected by direct popular vote to serve a five-year term. The first multiparty elections were held in 1991 and the former ruling party, the Gabonese Democratic Party (GDP), retained a large majority in the National Assembly. In the 1996 elections, the PDG secured 100 of the 120 seats. The Senate's 91 members were last elected in 1997.

The Gabonese government and its leadership have taken important strides in implementing a populist democracy. Gabon is also fortunate to have a high level of prosperity and is developing an expanded middle class. President Bongo, with the assistance and cooperation of legislative leaders, is taking strides to increase economic opportunity for the Gabonese people by privatizing state-owned industries and improving the countries infrastructure.

We support the efforts the Gabonese government and its leadership has undertaken to increase their knowledge of the democratic process as practiced in the United States. We also encourage the Gabonese political leadership to continue its positive strides and understand that true democracy does not occur overnight. We also understand that an expanded middle class and economic development are important elements of a vibrant democracy. I look forward to building and expanding our nation's ties to Gabon. We should do everything in our power to ensure this nation's continued growth.

THE SOUTHWEST DEFENSE COMPLEX AND MILITARY SUPERIORITY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. THOMAS. Mr. Speaker, I hope our House colleagues will support the Southwest Defense Complex, a proposal to consolidate defense research, development, testing, evaluation, and training in the Southwest United States. This proposal would link as many as 12 bases in 5 states (California, Utah, Nevada, New Mexico, and Arizona) to work to ensure our armed forces' technical superiority. Moreover, at a time of diminishing defense budgets, we must enhance the performance of military weaponry at lower costs. The consolidation of defense resources made possible by the Complex will help the Department of Defense achieve optimum use of its facilities.

The threats to our national security around the world are rapidly changing, unpredictable, but extremely dangerous. Americans in uniform are clearly going to need accurate and secure information systems, and high impact weapons with extreme precision. We need to develop new systems to meet the challenges of warfare in the 21st century to remain the best military in the world. Yet, conflicting demands and competing interests for dwindling defense dollars has spurred inefficiencies in military research, development, training, and evaluation that threaten our long-term combat readiness. The Complex proposal offers a strategy of consolidation that is cost-effective and affordable and most important, allows us to redirect needed funds to military needs.

The objective of the Southwest Defense Complex is to remedy the inefficiencies that hinder Department of Defense research, development, testing, and evaluation programs from strengthening our military superiority. The Department of Defense currently spends $80 billion annually to maintain an inefficient defense logistic infrastructure. Each service maintains facilities that are expensive and perform redundant capabilities with little regard for cost-efficient coordinated investment.

Underutilized and non-competitive infrastructure must be eliminated if we are to get the maximum value for our defense dollars. We must equip our soldiers with the right equipment to protect our national security and deter any potential threats. It is our research and training infrastructure that ensures that our armed forces are strong.

The advantages of the Southwest Defense Complex are numerous. First, bases in the Southwest United States are already becoming electronically linked and a number of them cooperate in solving problems and using facilities. In fact, western research and training facilities are already cooperating on sharing optical sensors between the Navy and Air Force for aircraft tracking devices, testing the weaponry of the F-15 at Edwards Air Force Base against drones at the Navy's Pt. Mugu range, and developing the Global Positioning Systems with shared information from all western facilities. Second, it is the only area in the U.S. where advanced technology can be used and tested in a realistic, high fidelity environment with minimal impact upon the general population. Third, the area provides ideal weather conditions for testing and training operations largely free of commercial activity. Fourth, the Southwest provides the physical space necessary for the testing and training that uses advanced technology. It is a region that offers 335 million acres of federally owned land. Over 490 thousand square miles of air space; and 484 thousand square miles of sea that can be used for training personnel. No other area in the country can offer these benefits.

The Southwest is a critical area to develop a stronger defense for our nation. The coordination of western facilities can allow for an effective and streamlined system to replace the status quo. The land, air and sea ranges available in the west will permit new technology to be developed, tested in the field, improved in the lab, and evaluated in a combat simulated environment. The most cost-effective way to test and adapt commercial technology for military purposes is to have facilities in the vicinity of where the field tests were held.

The Department of Defense has taken the first step in changing the way it researches, develops, and tests new technologies and trains personnel with the recommendation of the Western Test Range Command. The next step should be creation of the Southwest Defense Complex. Such a complex can provide long-term solutions to current military inefficiencies to develop, test, and deploy new weapon systems. I urge my colleagues to join me in supporting the Southwest Defense Complex to strengthen our national security in the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING JONELLE SUZANNE GARO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Jonelle Suzanne Garo, recently ordained Associate Pastor for Christian Education at California's Oldest Armenian Church.

The Presbytery of San Joaquin also ordained Jonelle Suzanne Garo, M.Div. as a Minister of the World and Sacraments on Sunday, June 13.

A native of Fresno, Garo received her early education at Carroll Baird Elementary School, Tenaya Middle School, and Bullard High School, where she lettered in varsity soccer and softball. She matriculated at California State University, Fresno for 2 years, reported for the Armenian Studies Newspaper, and played on the CSUF Women's Club Soccer Team.

In 1990, Garo transferred to Westmont College in Santa Barbara and earned a bachelor of arts degree in sociology 2 years later. She worked here way through undergraduate school as a nanny for actress Jane Seymour, construction worker, retail associate sales, and food service/catering assistant, among other things.

In 1994, Garo was admitted to Princeton Theological Seminary, the oldest Presbyterian graduate school in America. During her course of study, Garo was a member of the Theological Students Fellowship and cochaired the Charles Hodge Society and Friday Night Fellowship. She served as a ministry intern at the Armenian Martyrs Congregational Church of Havertown, Pennsylvania and as a chaplain at the University of Pennsylvania and as a chaplain at the University of Pennsylvania Medical Center.

Garo conducted youth ministries in New England and Canada under the auspices of the Armenian Evangelical Union of North America. She also engaged in missions work in the inner city of Newark and in the Republics of Mexico and Armenia. Upon her graduation in 1997, Garo undertook a 1-year Christian Education internship/practicum at her childhood church, the First Armenian Presbyterian Church of Fresno.

Garo is the daughter of Philip and Elaine (Karabian) Garo of Fresno, married Kalem Kazarian of Fowler, CA, on July 24, 1999.

Mr. Speaker, I rise to honor Jonelle Suzanne Garo Kazarian for her accomplishments as an ordained associate pastor for Christian Education in the oldest Armenian church. I urge my colleagues to join me in wishing Ms. Garo many more years of continued success.

TRIBUTE TO CITIZENS AGAINST LAWSUIT ABUSE

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. BILBRAY. Mr. Speaker, on behalf of California's 49th Congressional District, I would like to recognize the efforts of the 6,700 members of San Diego's Citizens Against Lawsuit Abuse organization in promoting California's fourth "Lawsuit Abuse Awareness Week" from September 20–24, 1999.

Citizens Against Lawsuit Abuse (CALA) is a respected and effective organization that works to educate consumers about the human and financial costs associated with frivolous lawsuits. This organization has led successful efforts to protect MICRA (the Medical Injury Compensation Reform Act) in the State of California, to limit the liability of Y2K lawsuits, and to inform the public of the true threats of lawsuit abuse which burden our local economy.

CALA in San Diego is recognized locally for their distinctive billboard signs, "Gavel of Justice" cable network program, and for providing crucial educational information exposing the true financial effects that lawsuits have upon each and every one of us—in the pocketbook through higher insurance and medical charges.

I support CALA in their efforts to secure support for civil justice reform. I have been delighted to work with CALA in the past, and look forward to working with them in the future.

Mr. Speaker, CALA should be commended during this important "Lawsuit Abuse Awareness Week".

IN HONOR OF ROBERT F. BUSBEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Robert F. Busbey and in recognition of Cleveland State University naming their natatorium the Robert F. Busbey Natatorium on October 2, 1999. I am honored to have been invited to this dedication ceremony.

Beginning with his enrollment in 1946 to Fenn College, later Cleveland State University, Robert F. "Bob" Busbey has contributed more to the history of Cleveland State athletics than any other single individual. As a four-sport athlete (swimming, baseball, track, and fencing), he was Fenn College's first All-American and achieved this honor in both 1948 and 1949.

After graduation, Mr. Busbey served as the head swimming coach at Cleveland State for 30 years. During his coaching tenure, Mr. Busbey was named the assistant swimming coach for the 1964 U.S. Olympic Team, served as chairman of the NCAA Swimming Committee, served as Cleveland State's athletics director, and was responsible for bringing five NCAA swimming championships to the Cleveland State natatorium.

Robert Busbey's accomplishments led to his receiving the 1982 National Collegiate and Scholastic Swimming Trophy, one of the sport's highest awards. Mr. Busbey served as the athletic director until 1990, developing a program of 18 intercollegiate sports and was a prime force in the planning and building of CSU's Physical Education Building, housing the world class natatorium. After serving as Cleveland State's Director of Athletics, Mr. Busbey served as the associate vice president for athletic affairs until his retirement in 1994. In recognition of his outstanding athletic legacy and generous support, Cleveland State University is honoring him by naming the natatorium the Robert F. Busbey Natatorium.

Mr. Speaker, I would like to congratulate Mr. Busbey on his many accomplishments and commemorate him for his continuous support of Cleveland State University.

TRIBUTE TO EMILIO TORRES

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Mr. Emilio Torres of San Antonio, TX, upon his retirement after 51 years of Federal Government service.

Mr. Torres began serving his country on May 4, 1948, with a tour of duty in the U.S. Navy. After his service with the Navy, Mr. Torres spent his remaining years of Federal Government service at Kelly Air Force Base in San Antonio. Throughout those years of service, Mr. Torres held positions in Kelly Flight Test and in the Quality Assurance Division of the Directorate of Maintenance. Mr. Torres also served as chief of the Quality Evaluation Team and as chief of Administration Services for the Directorate of Maintenance. In addition, Mr. Torres was assigned to the San Antonio-Air Logistics Center as a special projects officer.

As an artist, Mr. Torres has made a number of significant contributions to Kelly Air Force Base. Mr. Torres is the designer of the Veteran's Monument at Kelly Air Force Base, and his efforts were instrumental in establishing the Kelly Air Force Base Heritage Museum. Mr. Torres has also received wide recognition and acclaim for his historical carton depiction of Kelly Air Force Base, a piece which appeared in the San Antonio Express News, the San Antonio Light, and the Kelly Observer.

Mr. Torres' artistic contributions have been recognized by the city of San Antonio, and his works have been presented to many distinguished officials including the Pope, the Queen of England, the King of Spain, all U.S. Presidents beginning with President Kennedy, and a number of secretaries of the Air Force, Governors, State senators, and other visiting dignitaries.

In his final duty for the Federal Government, Mr. Torres has been assigned to the San Antonio-Air Logistics Center Commander's Action Group. In this capacity, Mr. Torres manages the special projects function which aids the commander in support of distinguished visitors, briefings, tours, displays, and orientations.

The efforts of Emilio Torres merit recognition, not only for his years of dedicated service, but also for the indelible imprint that his artistic works have left on the San Antonio community.

A TRIBUTE TO BILL ROLEN

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. EVANS. Mr. Speaker, it is with great sadness that I inform my colleagues of the recent death of John William "Bill" Rolen on September 14, 1999.

Bill is perhaps best known for his outstanding advocacy on behalf of our Nation's former prisoners of war. Since March 1994, Bill served as the Executive Director of the American Ex-Prisoners of War. In this important position, with outstanding support from his wife Mary, Bill Rolen had a major role in assisting the Congress to respond more effectively to America's servicemen and women who were prisoners of war, their dependents and survivors.

After graduation from high school in Sevierville, Tennessee, Bill entered the U.S. Army in October 1943 and spent four months in basic training at Camp Blanding, Florida. Bill subsequently joined the 45th Division in March 1944 at Anzio Beach, Italy, participated in the liberation of Rome and the invasion of Southern France. Following six months of combat, Bill was captured and spent seven months in a prisoner-of-war camp. He was awarded the Combat Infantry Badge, the European Campaign Ribbon with three battle stars, and the Prisoner of War Medal for his distinguished military service.

At the end of World War II, Bill returned to Tennessee, then later trained at Coyne Electrical Training School in Chicago, Illinois. In 1950, Bill moved to Washington, DC and began his successful 34-year career with the Army Strategic Communication Command at the Pentagon.

Following retirement in 1984, Bill organized the first American Ex-Prisoners of War Chapter in Northern Virginia. He continued his service to his fellow POWs throughout the remainder of his life, serving on the National Legislative Committee of the National Capitol Office for many years.

Bill continued his dedicated work on behalf of POWs and their families until his last days. When the House approved H.R. 2280, the Veterans Benefits Improvement Act of 1999, on June 29th, this bill included a provision which would allow surviving spouses of former prisoners of war to qualify for dependency and indemnity compensation (DIC) benefits without requiring that the veteran have been 100% service-connected for ten years prior to death. This provision was recommended to the Committee by Bill Rolen and, as a result of his committed and articulate advocacy, an inequity in law which unintentionally penalizes spouses of former POWs will be corrected when this measure is enacted into law.

I am proud to have known Bill Rolen and we are better for his dedicated service to his Nation and his fellow veterans. We will miss Bill Rolen and extend our condolences to his wife Mary, his children and grandchildren.

JIMMIE ICARDO, KERN COUNTY FAIR'S AGRICULTURIST OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. THOMAS. Mr. Speaker, on Thursday, September 23rd the 1999 Kern County Fair will name Mr. Jimmie Icardo as the Fair's 1999 Agriculturist of the Year. Jimmie Icardo's contributions to Kern County agriculture have helped make California farming the competitor it is today.

When you look at agriculture across the United States, California's ability to turn out and export quality crops is exemplary. It is through the efforts of Kern County farmers like Jimmie Icardo and the quality goods they have consistently introduced into the market place that California is now one of the world's foremost suppliers of quality produce.

Jimmie Icardo represents a generation of farmers who sought to put out the best product they could. Successful in real estate, oil and gas and other ventures, Jimmie remains first and foremost a farmer. He did want to be the best farmer he could and his long standing reputation for quality melons, cotton, carrots and other produce says he achieved that goal. His work, along with the work of other farmers who also sought to be the best at the business, has given Kern County agriculture the reputation for quality the state enjoys today throughout the world.

HONORING THE VERY REVEREND FATHER KOURKEN YARALIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute The Very Reverend Father Kourken Yaralian who passed away December 17th 1998.

Born Garo Yaralian on July 9, 1931, in Kessab, Syria, Der Hayr received his primary education at Ousoomnasiratz Miatzyal Varjaran. At age 14, he entered the seminary in Antelias, Lebanon, where he received his secondary diploma. After graduation, he returned to Kessab and taught children at the same school he previously attended. From this point on, youth education would become a vital aspect of his priestly responsibilities throughout his life.

In 1954, he returned to the seminary to enter the priesthood, and in 1955 he married his only sweetheart, Anoush Hovsepian. On July 8, 1956, he was ordained Der Kourken.

Der Kourken's first parish was St. Mary's in Beirut, and in 1959, the catholicos sent him to the United States to assist in the consecration and to become the first pastor of Sts. Vartanatz Armenian Church in Ridgefield, NJ. There he organized the church choir and established the Sunday School and Nareg Armenian Saturday School. Knowing the importance of assimilating into the American culture, he attended Fairleigh Dickinson University, where he furthered his English language skills. He was then accepted into the Master's program of Columbia University's Union Theological Seminary where he received his degree in Sacred Theology in 1963. During the Great Ecumenical movement, he was the first Armenian priest to receive membership in the World Council of Churches.

After serving the Armenian community in New Jersey for nearly 8 years, Der Kourken was asked to preside as pastor for the parish of Holy Trinity Armenian Apostolic Church in Fresno, and with Yeretzgin Anoush and their five children, he moved the family to California in 1966.

At Holy Trinity, Der Kourken raised funds and brought new parishioners that would secure the church's financial future. He then set out to meet and seek the support of his peers and colleagues from other faiths with the hope to establish cooperation and support between the major churches and temples in Fresno. Together these religious leaders wove the fabric of the community.

Der Kourken continued to be active in the local and Armenian community, and with the Sisters of Saint Agnes Hospital, he established the first hospice program in the San Joaquin Valley. Responding to the needs of Vietnam and other veterans of war, he served as Chaplain of Veterans Hospital for several years and provided counseling services in the hospital's drug and alcohol rehabilitation clinic.

Der Kourken's influence extended into the political arena, supporting Armenian candidates for both local and State government offices. Of his many accolades, he was proud to be recognized by the Fresno County Board of Supervisors for his achievements in both civic and religious contributions to the Fresno Community at large.

Of his major accomplishments, the one that gratified him most was the inception 22 years ago to establish the first Armenian Community Day School in the United States. He was recognized as the school's Founding Father.

Always striving to better the Armenian community and to make the Armenian Church Services more accessible to the Church youth, Der Hayr devoted an immense effort in the translation, transliteration and final publications of The Sacred Music and Divine Liturgy of the Armenian Apostolic Church. The texts are now widely used in Armenian Churches throughout the U.S.

Der Kourken also made major strides in promoting Armenian culture and religious music throughout the country. In 1984, in conjunction with the Music Department of San Francisco State University he initiated an accredited course in Armenian Church Music and Hymns, where he assisted in the music workshop instruction for the two semester course.

In 1980, he established the first Armenian Church in Vancouver, BC; in 1984, the first Armenian Church in Salt Lake City; followed by the first Armenian Church in Boulder, CO, in 1985.

Der Kourken passed away in his home Thursday, December 17, 1998.

Mr. Speaker, I rise to pay tribute to The Very Reverend Father Kourken Yaralian for his accomplishments and services to his community, the United States, and internationally.

I urge my colleagues to join me in extending my condolences to the Yaralian family.

TRIBUTE TO THE FAIRFAX COUNTY URBAN SEARCH AND RESCUE TEAM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to welcome home the members of the Fairfax County Urban Search and Rescue Team, and to salute their heroic efforts to rescue survivors in Izmit, Turkey in the aftermath of the country's worst earthquake in history. Called Virginia Task Force One, this highly trained team of rescue specialists are a credit to our nation both as ambassadors and humanitarians.

On August 17, 1999 at 3 a.m., Turkey was shook by a catastrophic earthquake recorded at a magnitude of 7.4. The ground's rumbling came in the still of the night while most people were sleeping, and sent others running out into the streets in a panic. In just 45 seconds 60,000 buildings crumbled to the ground, entombing at least 20,000 and perhaps as many as 40,000, with another 30,000 people injured, and 600,000 people left homeless.

Just a few hours after this tragedy hit, the 72 operational members of the Virginia Task Force team, comprised of urban search and rescue technicians, cave-in experts, canine teams, physicians, paramedics, logistician, and command and control personnel, prepared for one of their toughest missions. They brought with them 56,000 pounds of specialized equipment and supplies, including thermal imaging cameras, listening devices, advance life support medical equipment and supplies, communications equipment, food and water. They soon joined rescue teams from France, Germany, Switzerland, Italy, Japan and Israel to work round the clock to uncover victims buried under the once protective walls of their home.

Amid the tragedy and destruction of Turkey's massive earthquake, the Virginia Task Force courageously searched in perilous conditions for signs of life. More than 1,000 aftershocks continued to shake the earth and rain pelted against them creating muddy quagmires which complicated their efforts to clear debris and rescue survivors. Yet they demonstrated exemplary perseverence in their mission and successfully pulled four survivors from the twisted ruins. The first rescue was a frightened seven-year-old boy who had been trapped in bed for more than two days when his apartment building collapsed around him. Miraculously, he was not injured. After 4½ hours of chipping, shoveling and sawing through 15 feet of rubble, they saved the life of a vivacious 24-year-old woman in surprisingly high spirits. Another 8 hours of digging uncovered a second woman who had been entombed in the rubble. And 64 hours after the quake struck, miraculously they saved the life of Ayse Cesen, 46, whose brother had given up hope and brought a coffin to collect his body.

I join the country of Turkey in offering our heartfelt thanks to each and every member of the Virginia Task Force Team who selflessly demonstrated their invaluable skills and knowledge to locate survivors and recover victims. I salute the valiant efforts of Anthony MacIntyre, James M. Strickland, Barry Anderson, William Baker, William M. Bertone, Bernard D. Bickham, Donald C. Booth, Edward M. Brinkley, Jon P. Bruley, Gary B. Bunch, Gregory A. Bunch, Carlton G. Burkhammer, John Chabal, James M. Chinn, Brian Cloyd, David P. Conrad, Dean W. Cox, Kevin R. Dabeny, Michael B. Davis, Jeffrey L. Donaldson, Robert C. Dube, Benjamin A. Dye, Garrett L. Dyer, Thomas P. Feehan, Thomas H. Galvez, Thomas J. Griffin, Dan Hafling, Sonja Heritage, Kit R. Hessel, Andrew J. Hubery, Michael A. Istvan, Gerald Jakulski, Joseph M. Kaleda, Joseph E. Knerr, Elizabeth Kreitler, Randal A. Leatherman, Evan J. Lewis, Jeffery S. Lewis, Mark F. Lucas, Ramond Lucas, Craig S. Luecke, Michael J. Marks, Christopher M. Matsos, John C. Mayers, Shawn K. McPherson, Charles Mills, Susan Mingle, Gerard Morrison, Dewey H. Perks, Mark J. Plunkett, Thomas W. Reedy, Michael P. Regan, Michael T. Reilly, Jerome A. Roussillon, Charles S. Ruble, Dean A. Scott, William E. Shugart, Dallas L. Slemp, Frank Stoda, Rex Strickland, Michael Tamillow, David L. Taylor, William E. Teal, Scott Tezak, Dean Tills, James H. Tolson, Jack Walmer, James J. Walsh, Peter West, Charles A. Williams, Kea A. Zimmerman, and Robert J. Zoldos.

The Virginia Task Force Team and their families deserve the highest praise possible for the sacrifices they have made to come to the aid of the grief-stricken people of Turkey. As they have proven in the past, Fairfax County rescue workers are among the best trained in the world. The expertise they bring to such devastating scenes helps shine a ray of hope on an otherwise desperate situation.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Ms. DELAURO. Mr. Chairman, I rise in strong support of this amendment. At a time when our economy is at its strongest in a generation, we should be working to ensure that working Americans can afford a roof over their heads. Unfortunately, the bill the Republicans chose to bring to the floor would leave 128,000 families out in the cold.

By failing to fund the President's request for 100,000 new Section 8 housing vouchers, Republicans will leave 128,000 families out in the cold.

This bill undermines low and moderate income Americans struggling to make ends meet. It fails to fund the President's request for 100,000 new Section 8 vouchers, cutting the legs out from under people making the transition from welfare to work. And it comes at a time when the number of people in need of rental assistance is at an all-time high of 12.5 million–nearly half of whom are children and the elderly.

Mr. NADLER's amendment would help move us back toward investing in affordable housing opportunities for working Americans by funding 50,000 new Section 8 vouchers. We should not leave working Americans out in the cold to help pay for a tax cut that the American people don't want and that our children's future can't afford. I urge members to support this amendment.

RECOGNIZING THE WESTERN MASS. PIONEERS, NATIONAL CHAMPIONS D3 PROFESSIONAL SOCCER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the exciting achievement of the Western Mass. Pioneers soccer team. On Saturday, September 11, 1999, the Pioneers defeated the South Jersey Barons 2–1 in the National Championship match of the D3 Professional Soccer League. The Pioneers organization became the national champion in just its second year of existence and was also awarded Franchise-of-the-Year status.

Western Massachusetts has long been a hotbed of soccer in America. Immigrants from countries such as Portugal, Poland, Italy, and Ireland brought their passion for the world's game with them as they settled in places like Ludlow, Chicopee, the South End, and Hungry Hill. The fan support at Lusitano Stadium in Ludlow, MA, the home field of the Pioneers, can only be described as phenomenal. The raucous, yet knowledgeable crowd numbered 5,223 for the final game. In their final three matches, the Pioneers had an average attendance of 4,478, setting a new record each night. Clearly evident of the faces of both the young and the old were the passions of the old countries, as well as the growing American soccer pride.

The strength of Western Massachusetts soccer can be seen on the roster as well, as seven members of the champions are local products. These players include starting goalkeeper John Voight, starting defenders Paul Kelly and Brad Miller, starting midfielder Chris Legowski, defenders Greg Kolodziey and Nate Allen, and backup keeper Danny Pires. Voight was named Championship match MVP, and Kelly was named to the 1999 All D3 Pro League All-Star First Team, as was forward Rob Jachym.

As Champions of the D3 League, the Pioneers may be considered for promotion to the A-League, the division two of American professional soccer. Whether they choose to pursue promotion or to remain in the D3, the Pioneers, led by general manager Rick Andre, have plenty to be proud of this year. Mr. Speaker, once again I am proud and honored to recognize and congratulate the Western Mass. Pioneers, the 1999 National Champions of the D3 Professional Soccer League.

SMALLER SCHOOLS ARE SAFER SCHOOLS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. DUNCAN. Mr. Speaker, we have done a very good job in this Nation bringing class sizes down. But we have made a bad mistake going to large, centralized schools and closing down thousands of small neighborhood and community schools particularly at the high school level.

This point was made in a very articulate way in a letter entitled "Smaller Schools are Safer Schools" in the August 30th issue of the Christian Science Monitor. I commend this letter by Michael Klonsky to my colleagues and other readers of the RECORD.

SMALLER SCHOOLS ARE SAFER SCHOOLS

> Regarding "Safer Places of Learning" (Aug. 20): The new "militarization" of schools may do more harm than good. Tens of millions of dollars are now being spent, without much thought or planning, on security cameras, metal detectors, and police may make school violence the expected norm.
>
> This trend also shifts the responsibility for teaching children away from teachers to counselors and police. When the shootings first took place, there was some serious discussion about the size and culture of schools. All the shootings occurred in large schools where kids outside the mainstream could easily fall through the cracks. Teachers and administrators claimed ignorance of the threat from neo-Nazi gangs and antisocial cliques.
>
> But now the discussion has shifted almost entirely toward militarization and regimentation of schools and side issues of student dress codes.
>
> Calling on students to eat lunch with kids they don't normally eat with is a nice idea but it avoids many of the responsibilities that adults should bare, like school restructuring.
>
> Over the next decade we will spend billions in the construction of new gigantic high schools and junior highs. This is a recipe for more Littletons.
>
> If we are serious about safe schools, one of the first things we need to consider is the creation of smaller communities of teachers and learners where kids are known by the people charged with educating them.

CALIFORNIA'S AGRICULTURAL EXPORT STRENGTH AND IT'S SIGNIFICANCE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. THOMAS. Mr. Speaker, in spite of all the jobs produced by foreign trade in California and the opening of a new round of agricultural trade negotiations expected during the World Trade Organization Ministerial meeting this fall, there continue to be those who claim the U.S. should not undertake new negotiations. I believe what we need are more ways to sell overseas so California farmers can take advantage of their ability to produce quality products.

Exports are vital to California's agricultural industry as well as the California economy. California's agriculture accounts for almost $7 billion in exports every year. Cotton and almonds, which account for one quarter of California's agricultural exports, are the two largest exports with 83 percent and 55 percent of the crops respectively being sold to foreign markets. We have also seen a booming increase in wine exports, which have grown 80% since 1995. Wine is now the third largest California agricultural export. One third of all California's agriculture output goes to foreign markets.

The three leading export markets for California are Japan, Mexico, and Hong Kong. Japan still offers the largest growth potential in value added products. Mexico is recovering from the effects of the peso devaluation and has resumed its position as the largest market for California's farm agricultural exports. Hong Kong plays a key role as the gateway to Asia for exports. Thanks to the North American Free Trade Agreement (NAFTA), tariffs between two of California's major markets, Mexico and Canada, are being phased out or have already been eliminated. These markets are not the only ones in which growth is expected.

California has the real possibility of making inroads into new emerging markets with long term potential. Many Asian markets were largely closed to foreign trade until this decade. Latin American nations also have potential to become important long-term importers of California's agricultural products.

Another contributing factor to California's agricultural export strength is the motivation to adopt useful latest technology. Approximately 90,000 farms in California currently have Internet access and the number of farms "on line" has doubled from 23% to 46% in the last two years. Using this tool, farmers have access to commodity prices, weather, news on the latest technology, advice from the USDA and market conditions. This improved access to information will give farmers more control over production and marketing.

In fact, California agriculture has demonstrated remarkable flexibility in marketing its products during the last ten years. Anyone who shops for produce is familiar with the bagged, ready-to-eat salad and vegetable products packed for consumers. Storage techniques have improved to the point where many types of produce are available for months after harvest with the same quality we have come to expect from fresh-picked products. Having perfected these techniques at home, Californians are positioned to offer foreign buyers high quality goods as well.

While California has grown to be the biggest agricultural producer and exporter in the U.S., we should remember that our farmers also have the ability to offset unfair trade restrictions or obtain time to adjust to new market conditions. For example, American lamb producers recently obtained a 3-year recovery program to battle the recent drastic increase in lamb imports. This tariff-rate quota system will impose high tariffs on any lamb imports exceeding a specified amount. This will give our domestic lamb market the ability to recover competitiveness.

Agricultural exports from California continue to grow and support our economy by creating jobs, revenue, and increasing our own economic stability. By continuing trade with our current customers, as well as researching new and emerging markets, California's agricultural production and value will continue to grow. We know we can prosper through trade. What we need to do most is pursue new places and means of trading with other countries.

HONORING SAN DIEGO COUNTY'S 1999 TEACHERS OF THE YEAR

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. CUNNINGHAM. Mr. Speaker, as a strong advocate of excellence in education, I am honored today to give recognition to four men and women who have been named San Diego County Teachers of the Year.

These are: Alma Hills, O'Farrell Community School; Karen O'Connor, Sunset Hills Elementary School; Jan Patrick Mongoven, San Marcos High School; and Gualter do Rego Moura, Mission Bay High School.

Excellent education begins at home with strong families. It continues in the classroom, with teachers who do their jobs well, whose lives are dedicated to the children and the young people that they enrich and inspire. As a former teacher and coach, I understand that teaching is a difficult job whose rewards are not always immediately evident. But nothing that is truly rewarding in life comes easily. And the dedication and commitment shown by San Diego County's finest teachers exemplifies the best of our schools, the best of our communities, and the best of America.

Because education is the passport to the American dream, I want for all of our Nation's young people to have the finest teachers. And while San Diego County has recognized these four for Teacher of the Year honors, eligible for further recognition at the State and national levels, the truth is that there are hundreds and thousands more outstanding teachers where these came from—in public and private schools, in public charter schools, and in home schools across our country. As we work to do better, we can learn from the best.

Let the permanent RECORD of the Congress of the United States note the contributions that

San Diego County's 1999 Teachers of the Year have made to the lives of young people in our community, the high standards of professionalism that they exemplify, and their love of teaching and learning.

I commend to my colleagues two news articles describing San Diego County's Teachers of the Year. The first is from the San Diego Union-Tribune of September 19, 1999, and the second is from the Escondido (Calif.) North County Times, of the same date.

[From the San Diego Union Tribune, Sept. 19, 1999]

FOUR SALUTED AS TEACHERS OF THE YEAR

(By Angélica Pence)

Four teachers were saluted last night with the San Diego County Teacher of the Year Award for the creative and dedicated ways in which they bring out their students' potential.

Those honored were Alma Hills of O'Farrell Community School, Karen O'Connor of Sunset Hills Elementary School, Jan Patrick Mongoven of San Marcos High School and Gualter do Rego Moura of Mission Bay High School.

This year's winners were announced at a Salute to Teachers ceremony that was broadcast live on Cox Communications Channel 4. The event was held at San Diego's Civic Theatre and co-sponsored by the county Office of Education.

Thirty-one educators throughout the county were nominated by their peers and school districts. Given its size, the county submits four candidates for consideration for the state honor. The award is the first steppingstone to state and national Teacher of the Year awards.

Candidates are selected on the basis of student achievement, professional development, community involvement and accountability. A nominee's teaching philosophy, personal style, knowledge of educational issues and trends, and promotion and development of the teaching profession are also considered.

For this year's crew of favorites, tapping into each student's talents is a key to their success.

Hills, a language arts and social studies teacher of O'Farrell, has helped prepare hundreds of teen-agers for high school and beyond.

"I live and constantly work with the anticipation that children can grow up to be productive adults in our society," the seventh-grade teacher wrote in her contest application. "I am very anxious about my responsibility to children and society, and so I teach with a sense of urgency and determination."

Hills received a master's degree in teaching in 1989 from the University of California San Diego. The 13-year veteran is earning administrative credentials from National University.

"Alma believes that a child's education is a journey, not a race," wrote William Rose, O'Farrell's school programs coordinator. "And as their teacher, she has the obligation to monitor, encourage and support every child under her care to succeed on this journey."

Hills, who has worked at 1,490-student O'Farrell for eight years, was the San Diego Unified School District's Teacher of the Year for 1999.

"I have not found the solution to getting every student where he or she need to be academically," Hills admitted. "But I am clear that I must never stop trying and I must never grow weary in my pursuit."

O'Connor, a third-grade teacher at San Diego's Sunset Hills Elementary, decided to take on teaching later in life than most.

"Because I came to the teaching profession at a relatively late date, I had more times than most to decide what I wanted to be when I grew up," she wrote. "My decision to be a teacher wavered at times, but I knew when I had children of my own and began volunteering at school that I had rediscovered my early desire to teach."

She earned a master's degree in curriculum and instruction, with honors, from Chapman University. This year her school, the Poway Unified School District and Wal-Mart each recognized her as Teacher of the Year.

O'Connor's ability to see each child as an individual is what sets her apart from other educators, said Sunset Hills principal Steve Hodge.

"I've watched her coach a highly gifted writer into making those subtle improvement that make a good piece of work," Hodge wrote. "Literally 30 seconds later, she's skillfully guiding a severely handicapped student into a learning game with his classmates."

Mongoven's chosen career, on the other hand, is a family tradition.

"One could say I was born into teaching," wrote Mongoven, who teaches genetics and a biotech lab to juniors and seniors at San Marcos High. "The first person to cuddle me and murmur soothing words into my ear was a teacher—my mother. The first person to lift my tiny being into the air and safely return it to the ground was another teacher—my father."

In 1994, Mongoven graduated from National University with a master's in counseling psychology, all the while earning a molecular biology workshop certification from California State University San Marcos.

A two-time National Teacher of the Year nominee, Mongoven was awarded 1999 Teacher of the Year honors in the San Marcos Unified School District.

But he counts his students' achievements, not his awards, among his greatest accomplishments.

"I feel so proud upon hearing that a former student has become a nurse, doctor, lab tech, chiropractor, research scientist or marine biologist," wrote Mongoven, who has been teaching for a quarter-century. Among them, "I proudly recall Karin Perkins (genetics class of '86) saying she was off to Stanford University as a graduate student to work on the Human Genome Project."

Moura, a Portuguese immigrant, learned early on to love and respect education.

"In Portugal, I learned that school is everything," he wrote. "Teachers were highly regarded—like demigods. Their words were the Golden Rule."

Since then, Moura has worked hard to pass his respect for learning to his students.

"My greatest success in teaching is instilling the belief in students that they can accomplish anything they desire," wrote Moura, who has taught mathematics at Mission Bay High for six years. "I must help students realize and recognize their potential and help the formation of an appreciation for mathematics."

Moura has degrees and teaching credentials from National University, San Diego State University and Mesa College. During the 1998–99 school year, he was named Teacher of the Year by his school as well as the San Diego Unified School District.

"Gualter Moura is a man for all seasons!" wrote Donna Bullock, head counselor at Mission Bay High. "He is one who is able to deal with the exceptional math students as well as the student who (has) difficulty with language. The counselors occasionally assign students to his classes who are unable to achieve in another environment."

[From the Escondido (Calif.) North County Times, Sept. 19, 1999]

2 LOCAL TEACHERS NAMED BEST IN COUNTY

(By Joseph Gimenez)

SAN DIEGO.—Two North County teachers were among the four educators who received San Diego County Teacher of the Year awards Saturday night.

Jan Mongoven, a science teacher at San Marcos High School, and Karen O'Connor, a third-grade teacher who specializes in writing instruction at Poway's Sunset Hills Elementary School, joined two San Diego Unified District teachers as the honorees at a banquet at the San Diego Civic Theatre. O'Connor accepted her award, saying: "I can't believe this. Thank you so much."

"They told us to have a 15-second speech ready in case we won, but I didn't," she said. "It has been a humbling experience." Mongoven thanked his parents and family. "I couldn't stand up without the support of my wife and my sons," he said.

Moura of Mission Bay High School and Alma Hills of O'Farrell Community School also received the Cox Communications-sponsored awards at Saturday's 26-year-old ceremony.

Each school district in the county selects a Teacher of the Year who can apply for the county award. Saturday's four winners were among 10 finalists who advanced to the awards ceremonies after interviews and screenings. The 10 finalists selected from 31 nominees included two other North County teachers: Mary Lou Schultz of Pacific View School in Encinitas and Giff Asimos of Ramona High School.

O'Connor has taught third- and fourth-graders in Poway since 1986. She is a San Diego State University graduate who earned teaching credentials from the University of San Diego and a master's degree in curriculum and instruction at Chapman University.

"One thing that really sets Karen apart is her incredible ability to see each child as an individual and to know exactly what each child needs to succeed," Sunset Hills Principal Steve Hodge wrote in a background package for the nominees.

"I've watched her coach a highly gifted writer into making those subtle improvements that make a good piece of writing a great piece of work. Literally 30 seconds later, she's skillfully guiding a severely handicapped, fully included student into a learning game with his classmates. But, most remarkably, she knows exactly what that average child, the one who does average work and demands little attention, needs to move to the next stage in his or her development."

O'Connor also assists the district with its proprietary writing programs and assessments.

Mongoven has been a teacher and athletic coach at San Marcos High School since 1974. He attended San Diego State University, where he earned his bachelor of science degree in zoology and his teaching credentials.

He earned his master's degree in counseling psychology at National University in 1994. In his application letter, Mongoven credited his parents, who had six decades of teaching experience between them, and other instructors who inspired him.

"I have indelible memories of my finest teachers," Mongoven wrote.

"Hoisting me by the back of the shirt collar, Mr. Bradford dangled this would-be class clown like a mortified Howdy Doody in front of his sixth-grade chums (saying) 'Jan, I expect more of you.'"

San Morcos District Superintendent Larry Maw praised Mongoven's professionalism in a letter to the county selection committee. "Jan is an expert in his subject matter of biology and genetics, and is recognized throughout the county and state as a leader in his field," Maw wrote.

"His unique courses provide students the opportunity to experience a college-level course while still on the high school campus. ...The high success rate of his students reflects his philosophy of presenting material in a way so that all students will succeed in his classroom."

All four of Saturday's honorees qualify to compete for the state's Teacher of the Year award. The four were each presented $1,000 in cash, etched crystal apples, and an all-expenses-paid trip for two to Washington, D.C. Hewlett-Packard is donating computer equipment to the schools of all 10 finalists this year.

O'Connor joins four other Poway district teachers—Robert Pacilio, Linda Foote, Lori Brickley and Kristie Szentesi—in winning the county award since 1995. Five other Poway district teachers won the awards in the '70s and '80s. Mongoven joins Carol Scurlock, who won the award in 1993, as the two San Marcos district teachers to win the award since 1974.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. SENSENBRENNER. Mr. Speaker, the following is the agreement reached between Chairman SPENCE, Chairman BLILEY, and myself in regard to the respective jurisdictions of each of our committees over the newly created National Nuclear Security Administration.

STATEMENT OF UNDERSTANDING CONCERNING JURISDICTIONAL IMPLICATIONS OF TITLE XXXII OF S. 1059, THE CONFERENCE REPORT FOR THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000, SEPTEMBER 14, 1999

This statement addresses the intent and understanding of the undersigned as it pertains to the impact of title XXXII (National Nuclear Security Administration Act) of S. 1059, the conference report for the National Defense Authorization Act for Fiscal Year 2000, on the jurisdiction of the Committees on Armed Services, Commerce, and Science of the House of Representatives.

The adoption of the conference report is not intended, and should not be construed as an attempt, to modify, expand, or diminish the jurisdiction of the Committees on Armed Services, Commerce, or Science over the Department of Energy, or any of its subordinate entities, programs, functions, or activities pursuant to Rule X of the Rules of the House. We agree that futures legislative referrals and other related matters shall remain consistent with referrals made under the Rules of the House of Representatives and the Speaker's understanding of applicable precedents.

Consistent with these principles and section 3211(a) of S. 1059, which establishes a new National Nuclear Security Administration within the Department of Energy, the Committee on Commerce shall maintain jurisdiction over the general management and public health aspects of the Department of Energy.

Further, the adoption of the conference report is not intended to modify or diminish the existing jurisdiction of the Committee on Science over all energy and scientific research, development, and demonstration, and projects thereof, commercial application of energy technology, and environmental research and development programs, projects, and activities conducted at the facilities to be included within the new National Nuclear Security Administration. In addition, the enactment of Title XXXII is neither intended to modify or diminish the existing jurisdiction of the Committee on Science over all federally owned to operated nonmilitary energy laboratories.

FLOYD D. SPENCE,
Chairman, Committee on Armed Services.
TOM BLILEY,
Chairman, Committee on Commerce.
F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science.

ANOTHER PRIEST MURDERED IN INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. DOOLITTLE. Mr. Speaker, another Christian missionary has been murdered in India, according to recent press reports. According to India West, the priest, whose name was Aruldoss, was killed on September 2 with poison arrows by a Hindu mob in the village of Jambani in the state of Orissa.

This is the same region where Graham Staines, an Australian missionary, and his 8-year-old and 10-year-old sons were set on fire and murdered by a Hindu mob allied with the ruling party while they were sleeping in their van. The mob surrounded the van and kept anyone from getting to the Staines family, chanting "Victory to Lord Ram" while the Staines family was burning to death. Now the government has designated a single individual in the mob to take the fall in order to protect the government's allies.

Apparently, Aruldoss has been involved in conversions of Hindus to Christianity. According to the Hindu fundamentalists who run the government and their allies, virtually all conversions are called "forced" conversions. One of the ministers in the Orissa government, Ajit Tripathy, claimed that Christians were causing all the trouble by "trying to separate families after converting tribals and others, which is leading to social tensions." This kind of religious intolerance and excuse for mob violence has no place in a country that proudly labels itself "the world's largest democracy."

Authorities have said that the mob was angry about the observance of a religious festival. While the Hindus in the region were celebrating the festival of Nuakhai, the local Christians were holding a festival of their own. Remember that in 1997, a Christian festival was broken up by police gunfire.

There is a disturbing pattern of religious intolerance in India, not only towards Christians, but towards Muslims and Sikhs as well. None of these groups can enjoy full religious or political rights, and they are among the 17 freedom movements within India. The Indian government's response to these efforts to achieve freedom is bloodshed. Thousands are being held in Indian jails as political prisoners without charge or trial. Some have been there for 15 years.

I would like to submit the India West article on this event into the RECORD to inform my colleagues about the kind of country that India really is.

ORISSA PRIEST MURDERED, LINKED TO CONVERSIONS

BHUBANESHWAR—Unidentified assailants killed a Christian missionary with poisoned arrows in a remote village in Orissa, a senior government official said Sept. 2.

"Preliminary reports say that a Christian . . . was attacked and killed by poisoned arrows last night," Orissa state chief secretary Sahadeva Sahoo told Reuters by telephone.

Police said Sept. 3 that an incident linked to the religious conversions of Hindus may have led to the murder of a Christian priest in a remote eastern Indian village this week.

"Local issues seem to have led to the killing," Pradeep Kapoor, police chief of Mayurbhanj district in Orissa, told Reuters. He was speaking by telephone from Karanjia town near the village where the priest, identified only as Aruldoss, was killed Sept. 2.

"It was a dispute over the observing of some festival," Sahoo said, without giving details.

"It is a very remote, inaccessible jungle area. Information is not coming easily. Even the ministers couldn't go there because helicopters cannot land within 5 km (3 miles) of the jungle area," Sahoo said.

Assailants shooting bows and arrows killed the missionary in Jambani, a hamlet of only 12 families in Mayurbhanj district.

Christian groups and Prime Minister Atal Behari Vajpayee have condemned the killing, which took place in the region where an Australian missionary, Graham Staines, and his two young sons were burnt to death in January as they slept in their jeep.

"There was a dispute over the celebration of Nuakhai, a Hindu festival. The (Christian) converts separately held the festival which might have angered the nearby villagers," Kapoor said.

"Several people have been rounded up for interrogation but no one has been arrested so far," he said.

Sahoo said earlier that two people had been arrested but gave no details.

Ajit Tripathy, the Orissa home secretary, said priests were causing tension in the area.

"Catholic priests are trying to separate the families after converting tribals and others, which is leading to social tension," Tripathy said.

Mayurbhanj district chief R. Balakrishnan said 10 of the 12 families in the hamlet had been converted recently by the slain missionary.

Christian missionaries had ignored warnings by authorities after the killing of

Staines not to visit remote villages without informing them, he said.

Staines also worked in the districts of Mayurbhanj and Keonjhar.

An inquiry into Staines' murder blamed a lone religious fanatic wanted by police. It exonerated a Hindu group considered close to Vajpayee's ruling Hindu nationalist Bharatiya Janat. Party to which fingers of suspicion were initially pointed.

Hindu activists accuse Christian missionaries of using coercion or economic incentives to force religious conversions in remote tribal areas of India. Christian missionaries deny the charge.

Meanwhile, the Election Commission Sept. 5 rejected the Orissa government's proposal to shift general of police Dilip Mohapatra in the wake of his reported controversial remarks on the killing of the priest.

Chief Election Commissioner M.S. Gill told PTI: "We are in the midst of elections which will end by October 10. Therefore, the commission desires that Mohapatra, who is a key functionary, be not be shifted till October 10."

Gill made it clear that the Orissa chief secretary, home secretary and the DGP should under no circumstances be disturbed in any manner till the conclusion of the poll process.

The state government had sought the commission's permission to transfer and revert Mohapatra to the rank of additional DGP for his reported remarks linking Catholic priest Aruldoss's killing to "forced conversions."

Chief Minister Giridhar Gamang faced an angry outburst from church leaders Sept. 4, who demanded immediate suspension of home secretary Ajit Kumar Tripathy as well over his reported statement that Catholic priests were trying to split families through conversions.

Gamang had gone to attend the funeral of the slain priest at Balasore.

HONORING EDWIN L. BEHRENS ON HIS CAREER WITH PROCTER & GAMBLE COMPANY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to honor Edwin L. Behrens, Director of National Government Relations with the Procter & Gamble Company, who is retiring after 38 years with the company.

Ed began his career with Procter & Gamble in 1961 in Cincinnati, Ohio, after receiving both his Bachelor's and Master's degrees in chemical engineering from the University of Wisconsin in Madison. Ed also holds an M.B.A. from Xavier University in Cincinnati. Ed held positions in technical brand management, consumer research; and state and federal government relations. In 1967, Ed was awarded a patent for detergent formulations.

In 1976, Ed transferred to Procter & Gamble's Washington, DC office to represent the company at the federal level. He was appointed Director of National Government Relations in 1992. Ed actively advanced federal "risk assessment" regulatory reform policy. In 1979, Ed was instrumental in initiating a pioneering study by the National Academy of Sciences, Risk Assessment in the Federal Government: Managing the Process. This year, Ed participated in the Academy's reorganization and a second seminal study, Science, Technology and the Law.

Currently, Ed is responsible for Procter & Gamble's federal policy on advertising, energy, the environment, labor, research and development and telecommunications. His principal focus has been on Internet privacy policy. He serves as Chairman of the BBB Online Steering Committee, overseeing the development of self-regulatory privacy approach for American industry.

Ed and his wife, Wanda, live in Great Falls, Virginia, and have two sons. Both Ed and Wanda are committed to their community. Ed chairs the University of Wisconsin Foundation in the Washington, DC area. Wanda is a leader in the Susan G. Komen Breast Cancer Foundation's annual "Race for the Cure."

Mr. Speaker, we salute Ed Behrens as he completes 38 years of service to the Procter & Gamble Company.

WOMEN AND CHILDREN'S RESOURCES ACT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. PITTS. Mr. Speaker, I am pleased today to introduce a bill that is about solutions. About solutions for women in need. It's called the Women and Children's Resources Act and it is truly seeking to improve women's health and offer a woman compassionate choices when she finds herself facing an unplanned pregnancy.

This is legislation that can frankly bring pro-life and pro-choice together to offer real solutions to women—on common ground. If today's women need choices we must offer them real choices. We must offer them compassion. To truly respect women and to respect the value and uniqueness of all human life—both mother and child—we need to meet their needs in a holistic way. This is the essence of caring for women.

We all rejoice when we hear that the abortion rate is dropping in America. We rejoice because we know that it is due in part to the compassionate services and alternatives that are being offered to today's women.

Indeed, as Frederica Mathewes-Green has said so well, many women would choose not to have an abortion if only they knew that other options were available to them.

Alternatives like adoption services, maternity home stays, crisis pregnancy centers, caring extended church families and religious communities, even para-church organizations.

I'm pleased to have representatives from some of these organizations here today. It is each of you who provide the time-intensive, long-term, compassionate assistance to women—women who may be scared, poor, lonely, even confused. Thank you.

The Women and Children's Resources Act takes a successful model—the Pennsylvania model—and expands it for all 50 states. In Pennsylvania, because of a fee-for-service funding stream that goes directly to crisis pregnancy centers, maternity homes, and adoption services, small organizations that meet these needs are helping hundreds more women than they would have been able to otherwise.

At the federal level, the 85 million dollar grant that would be set up through the Women and Children's Resources Act will provide a helping hand to such organizations all over the United States—organizations meeting essential needs of women, through: Testing for pregnancy; follow-up services; prenatal and postpartum health care; health and nutritional needs of pregnant and postpartum women; and essential information on childbirth, parenting, and pregnancy during adolescence.

For thousands of women, unfortunately, unplanned pregnancy is a reality. We are here today because we care about women in these situations.

Even as funding for Title X continues to grow, small organizations like crisis pregnancy centers, maternity homes, and adoption agencies rely almost solely on contributions from concerned citizens just to keep their shoestring budgets afloat.

Mother Teresa showed us that the most important thing we can do is to meet the needs of those in our midst, those on our street corner, those in our cities and towns, those who come to us for help.

The Women and Children's Resources Act empowers those who are making a tangible difference in the lives of women facing an unplanned pregnancy. This is a critical part of offering choices. And this is the very essence of compassion. And this is something on which pro-choice and pro-life people can agree: that women facing crisis pregnancies need compassionate assistance.

MODEL TEACHER: CHARLOTTE RAY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. FLETCHER. Mr. Speaker, as a member of the Committee on Education and the Workforce, I have heard hours of testimony on the failure of our nation's public education system. Far too often, we fail to recognize the success stories, and the thousands of men and women that dedicate their lives to the education of our children. Next to parents, I believe the most important factor in whether or not a child succeeds academically is the quality of the teacher in the classroom. With that in mind, today I rise in recognition of a model teacher from Lexington, Kentucky—the kind of teacher that every child in Kentucky, and across the nation, deserves to have standing in front of the chalkboard.

Fayette County Public Schools recently honored Charlotte Ray as high school teacher of the year. During her twenty-seven years as a ninth grade chemistry and physics teacher, she has touched the lives of hundreds of children by showing them that there is much more to science than what can be found in a textbook. With an energy level that rivals her students, Mrs. Ray uses the entire school as her laboratory and through hands-on experimentation teaches students that learning can be both interesting and fun.

Mrs. Ray is also a teacher that enjoys her job. In her acceptance speech, she said, "My family encouraged me at the end of last year to think about retiring. Perhaps they were optimistic for better meals, or for ironed shirts. I'm not a very good cook and I sure don't want to iron. I'm still having a great time in the classroom." Her enthusiasm is contagious, so contagious that she was nominated not by her principal, or a group of her peers, but by the parent of a former student. She has also benefited from the school system in which she serves. A product of Kentucky public education, she graduated from Bryan Station High School in Lexington, and went on to receive a Bachelor's Degree from Eastern Kentucky University, followed by a Master's Degree from the University of Kentucky.

As the students and faculty of Lafayette High School celebrate Charlotte Ray's award, I would like to commend her on this achievement, and encourage all of us to look to her as an example of one of education's brightest stars.

BRIGADIER GENERAL JOHN P. GEIS: 30 YEARS OF HONOR, DUTY AND SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the career of Brigadier General John P. Geis, who is retiring after 30 years of honorable service in the United States Army. On October 6, 1999, General Geis will be stepping down after one year as commander of the Army Armament Research, Development and Engineering Center (ARDEC) at Picatinny Arsenal in New Jersey.

General Geis was born in Jonesboro, Arkansas on January 31, 1947, and later attended Arkansas State University. He completed the Reserve Officers Training Corps program there, and graduated as a Second Lieutenant in 1969 with a Bachelor of Science degree in Business Administration. He went on to earn a Master of Arts degree in Logistics Management from Central Michigan University, and received additional training through a number of advanced military courses, including the Army War College.

General Geis developed his expertise in weapons systems as a result of his extensive involvement with the Army's research and development programs. Prior to his service as commander of TACOM–ARDEC, General Geis served as Commanding General of U.S. Army Simulation, Training and Instrumentation Command (Florida); Executive Office to the Assistant Secretary of the Army (Research, Development and Acquisition); Project Manager, Advanced Field Artillery System/Future Armored Resupply Vehicle; Project Manager, Future Armored Resupply Vehicle; Director for Program Integration, ASA (RDA); Chief, Logistics Plans and Operations, Combined Field Army, Korea; Commander, 27th Main Support Battalion, 1st Cavalry Division; Logistics Staff Officer, ODCSLOG, HQDA; and Chief, Weapons Systems Assessments, HQ Army Material Command.

While serving as Picatinny Arsenal's commanding officer, General Geis has exercised calm and caring leadership to help move the base ahead in a time of downsizing, realignment and change. During General Geis' tenure at Picatinny, TACOM–ARDEC has received numerous awards for its work on the Army's weapons of the future, including the Crusader Self-Propelled Howitzer, the Lightweight 155 Towed Howitzer, the Objective Individual Combat Weapon (OICW), and the Precision Guided Mortar Munition (PGMM).

Under General Geis' command, the awards bestowed upon Picatinny include the Army Communities of Excellence, Chief of Staff of Army Award; the New Jersey Quality Achievement Award; the U.S. Army R&D Organization of the Year; and the U.S. Army R&D Excellence Award. These awards acknowledge what I have long known, that the men and women working at Picatinny Arsenal are the recognized experts in munitions technology.

Mr. Speaker, I again commend General Geis for his 30 years of service to his country. I wish him and his wife Lee all the best in the years to come as they embark on their new life in Virginia.

UNFETTERED LEGISLATIVE DEBATE MUST TAKE PRECEDENCE OVER A WITCH HUNT FOR GAYS IN THE MILITARY—LETTER TO THE PRESIDENT INITIATED BY CONGRESSMAN BARNEY FRANK AND TOM CAMPBELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. LANTOS. Mr. Speaker, I rise today to express my strongest support for the efforts of our distinguished colleagues and my friends, the gentleman from Massachusetts, Congressman BARNEY FRANK, and the gentleman from California, Congressman TOM CAMPBELL, for their principled commitment to the sanctity of unfettered legislative debate. These two colleagues—one a Democrat and the other a Republican—acted quickly and responsibly by sending a letter to the President in the matter of Arizona State Representative Stephen May, who is facing possible discharge from the Army Reserves because he discussed his sexual orientation within a relevant context during an official debate in the Arizona House of Representatives.

Like my colleagues, I find it absolutely intolerable that a duly elected States legislator should be punished by the military for appropriate comments which he made during the course of an official debate in the Arizona State Legislature. Taking action against a State representative for what he said in debate as elected legislator is a violation of the spirit of the "speech and debate clause" of the United States Constitution. The overwhelming majority of my colleagues, on both sides of the aisle, have strongly defended the democratic privilege of American legislators to speak freely, without having to fear that they will be prosecuted for comments they choose to make during official, public debate.

Mr. Speaker, Congressman FRANK and Congressman CAMPBELL have written an eloquent defense of the principle of legislative debate to the President of the United States. I thank them both for their leadership on this issue, and I ask that the full text of their excellent letter by placed in the RECORD. Mr. Speaker, I urge all of my colleagues to join in signing this excellent letter to the President.

HOUSE OF REPRESENTATIVES,
Washington, DC

Hon. WILLIAM J. CLINTON,
President, The White House
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to honor the tradition of full and unfettered legislative debate in America by instructing the Defense Department to drop charges against State Representative Stephen May of Arizona.

As you know, Representative May now faces potential discharge from the military because in his capacity as a member of the Arizona Legislature, during formal debate on legislative matters, he alluded to his sexual orientation in a context in which such an allusion was fully relevant.

The signers of this letter have varying views on the merits of the "Don't Ask, Don't Tell" policy regarding the military. But we do not write this letter as a commentary on that policy. Rather, we are writing because we as elected representatives believe strongly in that principle embodied in the "speech and debate clause" of the American Constitution which seeks to extend full protection to members of legislative bodies from any sanction for comments they legitimately make in the course of legislative debate.

We recognize, of course, that the speech and debate clause does not technically apply to members of State Legislatures. If it did, presumably this letter would be unnecessary. But we do believe in the policy embodied in that clause—namely that only when elected legislators are confident of their ability to speak out freely without any fear of external sanction from outside the legislative body can the process of representative government flourish.

As a student of Constitutional history, you know that this clause made its way into the United States Constitution in reaction to the harassment of members of the British Parliament that occurred in the 16th, 17th and 18th centuries. There was then a tradition of members of the House of Commons in particular suffering penalties for speaking freely in the course of legislative debate. Thus, the speech and debate clause as it is known says "and for any speech or debate in either House, they shall not be questioned in any other place."

The purpose of this is so that members of legislative bodies in fulfillment of their duty fully to represent their constituents need not fear that members of the Executive, or Judicial branches will penalize them for comments of which they disapprove. What is being proposed regarding Representative May is for the federal Executive Branch to punish an elected member of the Arizona State Legislature because of comments he chose to make that were fully relevant to a public policy debate in the legislature to which he was duly elected. We find it difficult to believe that you, as a believer in the importance of full legislative debate, would permit the Executive Branch over which you preside to punish an elected legislator for remarks made in the course of legislative debate.

As we noted earlier, we realize that the Constitutional clause protecting Members of Congress does not apply to State Legislators. But obviously the justification for that clause—preserving full freedom of debate—applies very strongly. Indeed, we believe there is an added policy reason why you should not allow your Executive Branch to penalize Representative May for comments made in the course of legislative debate. That is the respect that the federal government ought to show for the democratic process within the states. The speech and debate clause says that no Members of Congress shall be made to answer "in any other place". Surely that applies with strong logical force to a situation in which the federal Executive Branch would reach down and take punitive action against an elected member of the Arizona Legislature. Certainly the Arizona Legislature ought to be considered by the federal Executive Branch competent to run its own affairs, and we believe that you will be setting a terrible precedent if you allow the military to go forward with its proposed against Representative May.

While some have suggested that no Members of Congress, for example, should serve in the Reserves, that has not been our policy. The military clearly has strong views about many issues. And the general rule is that members of military are not to take issue with official policy. Are federal and state legislators who serve in the Reserves now to begin to censor their comments in relevant legislative debates lest they face sanctions imposed by the federal Executive Branch?

As you know, Members of Congress have long treated the "speech and debate clause" as a matter of high Congressional privilege, embodying a principle essential to the functioning of our democracy. Our history is replete with examples of the overwhelming majority of both Houses of Congress, including the bi-partisan Congressional leadership of both Houses, coming to the defense of legislators who are faced with potential sanction for remarks which they made in debate, even in cases where the overwhelming majority of legislators strongly disagreed with the remarks in question. If Representative May is to be subjected to the severe sanction of expulsion from the military, where he has served with such distinction and without any negative marks on his record, the principle that legislators must be free from having to answer in any other place for comments they choose to make in public debate will have been more seriously eroded than in any other single instance that we can recall in recent times.

We prepared to debate the Don't Ask, Don't Tell policy among ourselves in our contexts. But here, we ask you to show the respect for unfettered legislative debate that has long been a hallmark of American democratic practice and drop any effort to punish a duly elected member of a state legislature for comments made during the course of debate.

HONORING JOHN SEPULVEDA FOR HIS DEDICATED SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Ms. DELAURO. Mr. Speaker, it is a great honor for me to rise today to join with the New Haven Hispanic community as they gather this evening to pay tribute to my dear friend, John U. Sepulveda. I regret that I am unable to join this evening's celebration though I am proud to convey my sincere congratulations to John as he is honored by Casa Otonal and the Hispanic community.

Before setting his sights on our nation's capitol, John was an active member of the New Haven community. A graduate of Yale University, member of the Board of Education, and serving as a special assistant to former U.S. Representative Bruce Morrison, John was a driving force in revitalizing the economy and development of New Haven.

Perhaps his most distinguished service to the New Haven community was his tenure as Executive Director of the Hill Development Corporation. Hill Development is a non-profit corporation located in the Hill neighborhood that works to provide low-income housing and other services to some of our community's most vulnerable families. John's tenure as the Executive Director began at a time when the agency was struggling financially and lacked essential community support. John's dedication and unparalleled commitment brought community support to the Hill Development Corporation and the direction needed to ensure its success. Today, the Hill Development Corporation is one of the city's most successful non-profit agencies—an achievement made possible through John's leadership and vision.

As you may know, John is now the Deputy Director of the United States Office of Personnel Management. He has also served the Special Assistant to the Assistant Secretary for the Federal Housing Administration and as Director of the Federal Housing Administration's office of Insured Health Care Facilities at the United States Department of Housing and Urban Development. It is great to know that what John and his wife, Awilda, were able to achieve at the local level in New Haven, they are now able to do on a national scale. My congratulations to both of them.

It is an honor for me to take this opportunity to join the New Haven Hispanic community to offer my most sincere thanks to my good friend, John Sepulveda, for the many contributions he has made to the City of New Haven.

ST. MARY'S CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues St. Mary's Polish National Catholic Church in Duryea, Pennsylvania. The parish will celebrate its Centennial Anniversary with a banquet this month and I am proud to have been asked to participate in this event.

In the nineteenth century, many immigrants from Eastern Europe flocked to Northeastern Pennsylvania to pursue the American dream of religious and economic freedom. In 1897, a group of Polish immigrants in the area found a true leader in a young priest named Francis Hodur. He guided them spiritually and, under his leadership, a "mother church" was founded in Scranton. Today, this beautiful church is known to all as St. Stanislaus Cathedral.

A year later, another group of Polish Catholics invited Father Hodur to help them organize their own parish. They applied for a charter and in September of 1899, a charter was granted to Saint Mary's Polish National Catholic Church. Through the hard work and dedication of the parish, a new church was built and dedicated by 1908. While renovating and improving the original church building over the years, the parish has striven to keep and restore the beautiful original statues, altars, and other church artifacts.

Mr. Speaker, this proud parish in Duryea has much to celebrate. The hard working, dedicated parishioners at this beautiful church contribute to the fine quality of life that we enjoy in Northeastern Pennsylvania. Father Thadeusz Klucek and the church's members help to continue the traditions of the country of their ancestors so that generations to come will feel the spirit and dedication of the small group of Polish immigrants who founded St. Mary's. I am pleased to have had this opportunity to bring this proud church's history to the attention of my colleagues and send my heartiest congratulations and best wishes to everyone at St. Mary's Polish National Catholic Church.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. PITTS. Mr. Speaker, today we are considering an excellent FY 2000 Defense Authorization Conference Report, and I thank the conferees in the House and Senate for their leadership in bringing this bill to the floor.

With rapidly growing threats worldwide to our national security, we must begin to rebuild our military from years of decimation and escalating deployments. Mr. Speaker, this authorization responds to these concerns.

As a former navigator of a B–52 bomber in the Air Force and a Vietnam veteran, I am particularly excited about the upgrades and procurement of Air Force and Navy aircraft, especially for the EA–6B Prowler—our military's only radar support jammer for all the services, including joint air operations. Further, the pilot retention reforms contained in the Authorization, including enlistment bonus and special pay reform, are essential. We have the best Air Force in the world—no country comes close. Yet we have trouble holding on to the best pilots because we simply do not take care of them.

We frequently ask our men and women in the military to leave their families, fight for our national security, and even die for our freedom and liberty. Yet, we do not provide our service personnel with the pay or equipment it takes to get the job done right. It is appalling that even one of these families must seek welfare just to put food on the table and buy clothes for their children. I honestly believe that the authorization we have before us today will go a long way in correcting this problem.

I urge my colleagues to support this conference report, which will prove a boon to the dedicated soldiers in our armed services.

SIDNEY PEERLESS, M.D., TO RECEIVE AMERICAN JEWISH COMMITTEE HONOR

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. PORTMAN. Mr. Speaker, the American Jewish Committee's Cincinnati Chapter will soon give special recognition to one of my most distinguished constituents and a good friend, Sidney Peerless, M.D. On October 9, Dr. Peerless will be presented with the prestigious Community Service Award.

Dr. Peerless, an otolaryngologist and plastic surgeon, is well known and respected as a physician. He has directed the otolaryngology department at both Providence and Jewish Hospitals, and he was president of the medical staff at Jewish Hospital. Dr. Peerless is a clinical professor at the University of Cincinnati, and was recently honored by the University for his contributions to teaching.

A committed community leader, Dr. Peerless has been a member of the boards of the Jewish National Fund; Bonds for Israel; the Cincinnati Zoo; Children's Hospital; Shaare Zedek Hospital; and Jewish Hospital. Dr. Peerless has received numerous awards, including the Cincinnati Academy of Medicine's Daniel Drake Award for service to the Cincinnati community and to patients, and an honorary Doctor of Humane Letters degree from Hebrew Union College.

Dr. Peerless was born in Cincinnati and graduated from the University of Cincinnati. He has five children and fourteen grandchildren.

All of us in the Cincinnati area congratulate Dr. Peerless on receiving this prestigious and well deserved award, and we commend him for his lifelong dedication to his patients and his community.

IN HONOR OF AMERICAN MUSLIM ALLIANCE ON THE OCCASION OF THE 4TH ANNUAL AMA NATIONAL CONVENTION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. KUCINICH. Mr. Speaker, I rise to congratulate the leadership of the American Muslim Alliance (AMA) and all the convention participants on the occasion of the Fourth Annual AMA National Convention being held in Orlando, Florida.

Political participation in the electoral process is important for every American. I commend the participants of AMA for its activity in gaining knowledge and making the necessary contacts for full involvement in the American political process.

I commend the AMA for its ability to rise above basic participation to motivating American Muslims to become active participants in public office. AMA local and national organizers, through leadership training sessions held in several states, have set the groundwork for American Muslims themselves to run for elected positions. By encouraging Muslims to run for public office, the AMA has brought political participation among the Muslim community to a higher level.

It is evident that AMA has played a crucial role in training and educating American Muslims nationwide about the political process. My colleagues, please join me in honoring AMA and its convention participants for this conference that will hopefully motivate more Muslims to consider a future in public service.

SALUTE TO TERRY AND CAROLE YORK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Terry and Carole York, who are being honored this year by the Boys & Girls Club of San Fernando Valley as the recipients of their Golden Hands Award. Terry and Carole have, for decades, given unstintingly of their time, talents and resources to worthy organizations throughout the San Fernando Valley. Their dedication and sense of compassion, especially where children are concerned, know no bounds and their altruism and community spirit serves as a shining example.

The Yorks have been among the strongest boosters of the Boys & Girls Club of San Fernando Valley for over 25 years. During that time their support has enabled the club to assist hundreds of youth from underprivileged backgrounds get a fresh start with their lives.

Terry and Carole have also been strong supporters of the City of Hope, American Cancer Society, March of Dimes, and a myriad of other civic, charitable, and humanitarian causes. On her own, Carole has worked as a volunteer with Penny Lane, a home for girls in need, and has been involved with Olive View Medical Center.

While contributing tirelessly to their community, the Yorks have raised a close and devoted family of four. Carole paints, gardens and loves to spoil her two grandchildren. Terry is a successful and distinguished businessman. Within 5 years, he moved from file clerk to general manager and part owner of an auto dealership. Today there are 10 franchises in the Terry York Automotive Group. His best sale, he loves to say, was to his future wife, over 30 years ago.

I ask my colleagues to join me in saluting Terry and Carole York, who have made a positive difference in the lives of so many. I wish the best to both of them, their children, Todd, Natalie, Tom, and Tiffany, and their two grandchildren, Logan and Weston.

REFLECTING ON THE 150 NEW YEARS OF THE SAN FRANCISCO JEWISH COMMUNITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. LANTOS. Mr. Speaker, in recent days, Jews around the world have celebrated the High Holy Days of Rosh Hashanah and Yom Kippur. As these religious holidays have been commemorated, the Jewish community of San Francisco has marked a particular milestone—the 150th anniversary of the Jewish community of San Francisco. The contributions that its members have made to the civic, charitable, and economic well-being of the Bay Area are truly extraordinary, and the history of Jewish life in San Francisco merits both our attention and our admiration.

Mr. Speaker, 150 years ago, during the brief interval between the Mexican-American War and the Civil War, pioneers and risk-takers from around the world descended upon San Francisco. These individuals represented every imaginable race and ethnic origin, united only by their desire to find gold in their mining pans and win an instant fortune. Some 100,000 fortune-seeking "Forty Niners" arrived in the Bay Area in the year after President James K. Polk announced the discovery of gold at Sutter's Fort in his State of the Union address in December 1848.

Among the multitude drawn to San Francisco was a small number of Jews, some from the eastern states of our country and other from as far away as Poland, Prussia, and Bavaria. They joined the dynamic melting pot of people with a great diversity of backgrounds and views, and helped to create the uniquely diverse cultural life that flourishes in San Francisco to this day.

In recognition of the critical contributions of the Jewish community to the City of San Francisco and to the entire Bay Area, I would like to place in the RECORD a September 10, 1999, article by Don Lattin of the San Francisco Chronicle which details the birth of Jewish life in the Bay Area 150 years ago. This article is part of a series of articles that have appeared over the past year in connection with the sesquicentennial of the discovery of gold in California and the events connected with California's accession to the Union in 1850 as the 31st state.

[From the San Francisco Chronicle, Sept. 10, 1999]

SAN FRANCISCO JEWS' 150 NEW YEARS

(By Don Lattin)

San Francisco's Gold Rush brought adventure seekers and fortune hunters from around the world, and the "Israelites," as they were called at the time, were no exception.

One-hundred fifty years ago this month, 30 pioneer Jews from Poland, Prussia, Bavaria and the Eastern United States gathered in Lewis Franklin's tent store on Jackson Street to commemorate Rosh Hashanah, the Jewish New Year.

Franklin, 29, had come to the booming town from Baltimore. In a prophecy that would come to pass for many Gold Rush immigrants, he read from the Book of Ecclesiastes: "These shining baubles may lure the million," he read, "but they will take unto themselves wings, and flee from thee, leaving thou as naked as when thou were first created."

Those communal prayers, the first public Jewish worship service known to have been held in the West, led to the founding of San Francisco's two leading Reform movement synagogues, Congregation Emanu-El and Congregation Sherith Israel.

Less than 2 years after that first citywide Rosh Hashanah, in April 1851, ethnic disputes and class differences had spawned rival houses of worship, with the more traditional Poles establishing Sherith Israel and the more liberal Germans founding Emanu-El.

"German Jews came from refined society. It was the height of European culture," said Rabbi Stephen Pearce, the current spiritual leader of Emanu-El. "German Jews were more liberal and among the leading citizens of the city, people like Levi Strauss."

This month, as both congregations begin a year-long series of mostly separate anniversary events, echoes of that Gold Rush rivalry remain. Differences in leadership styles and a recent price war over membership dues have replaced ethnicity and ancient arguments over Jewish ritual as the bones of contention.

But Rabbi Martin Weiner, who has led Sherith Israel for 27 years, prefers to play down the differences and avoid discussing whatever rivalry remains.

"Every synagogue had slightly different traditions, but those divisions have faded," he said. "Both have served the community well."

This Sunday, on the second day of Rosh Hashanah, Weiner and Cantor Martin Feldman, a Sherith Israel fixture since 1960, will lead a traditional Rosh Hashanah service in the shadow of the TransAmerica Building. That is only a block from where the city's first Yom Kippur service was held, on Sept. 26, 1849, ending the city's first services for the High Holy Days.

Actors in period costumes will be featured this Sunday, along with the traditional sounding of the shofar, or ram's horn.

As it did for many of San Francisco's first religious congregations, fires and earthquakes kept the pioneer Jewish community on the move.

Sherith Israel's first quarters, at Merchants Court on Washington Street between Montgomery and Sansome streets, was destroyed by the great fire of 1851, as was the congregation's next home on Kearny Street.

The cornerstone of the congregation's present building at California and Webster streets was laid on Feb. 22, 1904. The interior of the landmark edifice, designed by Albert Pissus, retains an old world flavor with magnificent mahogany woodwork.

Members of Congregation Emanu-El have worshiped beneath their graceful dome at Lake and Arguello streets since 1926, when they abandoned and razed their twin-towered synagogue on Sutter Street. That edifice, on the side of Nob Hill above Union Square, had towered over the city scape since 1866, even after it lost its two onion-shaped domes in the great 1906 earthquake.

Congregation Emanu-El began its 150th anniversary celebration last month with an architectural exhibit, running through January 2, entitled "Emanu-El—Image on the Skyline, Impact on the City." It brings together photographs, maps, drawings and blueprints to tell the tale of San Francisco's largest and most prosperous synagogue.

In 1854, Julius Eckman was hired as the first rabbi to preside over Emanu-El's original house of worship, a neogothic synagogue built on Broadway for $35,000. A scholarly graduate of the University of Berlin, Eckman lasted only a year at the Reform-minded congregation.

Many of Congregation Emanu-El's early members were Gold Rush merchants, including some who went on to establish great fortunes, like the Levi Strauss clothing empire. Jesse Seligman, the son of a poor Bavarian farmer, founded a dry goods business in San Francisco in 1859, using that as a springboard into international investment banking.

Another Bavarian Jew who prospered as a Gold Rush merchant, 25-year-old August Helbing, arrived here from New Orleans in 1849. He founded the Eureka Benevolent Society, which is celebrating its 150th anniversary in its current incarnation, Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties.

In founding the charity, Helbing sought to care for "the Israelites landing here, broken in health or destitute in means."

Indeed, the Gold Rush is full of stories about people going from rags to riches, and back to rags. In their book, "Pioneer Jews—A New Life in the Far West," Harriet and Fred Rochlin tell the story of Morris Shloss, who docked in San Francisco on September 25, 1849, amid the first High Holy Day services.

Shloss, a 20-year-old Polish merchant, made his first sale right on the dock. In New York, he had paid $3 for a large wooden box to carry his wagon with him to San Francisco. Keeping the wagon, he sold the box for $100 to a cobbler who wanted to use it as a workshop and bedroom.

The enterprising Shloss used that money to buy stationery, reselling it at a makeshift stand for a handsome profit. He worked at night as a fiddler at the El Dorado, a gambling hall at Washington and Kearny, getting an ounce of gold, worth $16, for each three-hour gig. He soon managed to rent a tiny store next to the El Dorado for $400, where he bought trunks from miners eager to lighten their loads before heading up the gold fields.

In just two months, he had earned between $5,000 and $6,000. Then, on Christmas Eve, he lost it all when a fire in an adjacent hotel leveled his store.

Destitute, he sailed off to follow another purported Gold Rush outside Eureka, which turned out to be a hoax. He survived for four months on clams and crackers until a schooner brought him back to San Francisco. He started two more businesses in 1852 and 1853, both of which were destroyed by fire. His brother was killed in a shipwreck after coming out to help him. Nevertheless, Shloss started another business and soon made enough money to bring his fiancee to San Francisco.

Most of the city's pioneer Jews, the Rochlins wrote, "bore the imprint of centuries of European oppression: pogroms, expulsions, segregations, exploitative taxes and barred occupations."

But in the wide-open West, they "Americanized and regionalized with speed, energy and elan."

"Most Jews who responded to the glittering promises of the far western frontier and rose to its awesome obstacles were intrepid, resourceful and individualistic," the Rochlins write. "For the most part, they were also literate, sober and drive to prove themselves."

HONORING TOMAS REYES FOR HIS DEDICATED SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to join the New Haven Hispanic community to thank my dear friend, Tomas Reyes, for his commitment and dedication to our community. I regret that I am unable to join the friends, family, and community members who will gather this evening at Casa Otonal's annual celebration to pay tribute to Tomas for his many years of service to the City of New Haven.

An icon in the city for nearly two decades, Tomas Reyes recently announced his retirement as President of New Haven's Board of Aldermen. As Alderman of the 4th Ward, Tomas spent his 18 year tenure making sure the City of New Haven was able to meet the many challenges that have faced our city. Under his membership and direction of the Board, programs such as Headstart, Latino Youth Development, Inc., New Haven Family Alliance, Youth Fair Chance, and the Hill Development Corporation were implemented to meet the changing needs of our residents. Tomas was an avid and vocal supporter of city funding for these programs because they provide much needed services to our city's neediest families.

Tomas once said that he wanted to be actively involved in politics in order to change his neighborhood. He challenged himself to meet a variety of needs, and he succeeded. Tomas has served the City of New Haven with integrity and has improved the quality of life for many.

As the only Latino elected to the Board of Aldermen in 1981, his initial efforts were focused on strengthening representation of the Hispanic community and encouraging the Latino community to become involved in city politics. His strong character and enthusiasm have motivated New Haven's Hispanic community to be both active and vocal. Tomas has long been involved with young people in our community and continues to support many programs and projects designed to assist the children of less fortunate families. As cofounder of Latino Youth Development, Inc., he created a venue for inner-city kids to develop the skills necessary to be successful in today's technological society.

I am fortunate enough to call Tomas a close friend not only in the political arena but personally as well. He has been a long-time colleague of my mother, Louisa, on the Board of Aldermen, and a dear friend to us both. His energy and conviction have been a source of inspiration—not only to myself but to the entire community.

It is with great pleasure that I rise today and join the New Haven Hispanic community to honor my very good friend, Tomas Reyes for his many years of dedicated service and his continued commitment to the improvement of our community. I know that Tomas and his wife Norma will continue to make great contributions to our community. I would like to express my sincerest congratulations and heartfelt thanks for all that he has given to the residents of New Haven.

IN HONOR OF THE LATE BOB McMENEMY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the memory of Robert J. McMenemy, who passed away last week at the age of 59 in Plantation, FL. I am saddened by this tragic loss: South Florida has lost a truly great community leader.

For the past 35 years, Bob McMenemy was a strong presence at labor meetings, political club events, and civic activities throughout Broward County, FL. He was a fixture at Democratic campaign rallies, candidate fundraisers, and political dinners, known among politicians and elected officials as someone who could quickly motivate others to participate in the political process. Demonstrating his large influence on South Florida politics, Bob was the labor committee chairman and a vice chairman of the county Democratic Party, as well as former vice president and president of the Plantation Democratic Club.

Though very active in politics, Bob was perhaps best known for his leadership in South Florida's union. He was a passionate advocate for better pay for workers on public projects, and significantly strengthened the labor movement in Broward County. He was a leader of the International Union of Operating Engineers Local 675, representing the workers who drove construction cranes and other heavy equipment. Bob also served as the political action chairman and legislative director before becoming the union's president. In honor of his extraordinary dedication and work, the Broward AFL–CIO presented Bob with the "Labor Leader of the Year" award. This award was truly deserved, representing all that Bob stood for.

It is important to note that Bob McMenemy did not simply focus all of his attention on political and labor issues. Throughout the course of his life, Bob was especially devoted to social issues as well. He was specifically known for his involvement in assisting people who suffered from drug and alcohol addictions. Bob served as the director of the Broward AFL–CIO's member assistance program, chairman of the Broward Alcohol and Drug Abuse Advisory Board, and a board member of the House of Hope and Stepping Stones treatment programs. He strongly believed that people with drug and alcohol problems deserved a chance to recover, and he worked tirelessly to assist them in this important fight.

On a more personal level, Bob McMenemy, with his deep Irish roots, invested his time in the Emerald Society, a group that promotes Irish heritage. He was, in fact, honored by the society at one of the annual St. Patrick's Day breakfasts in Fort Lauderdale. Most importantly, however, Bob McMenemy was a devoted husband, father, and son, who is survived by his wife, his two daughters, and his mother. No matter what calling one obeys in life, I can think of nothing more important than one's relationship with their family.

Mr. Speaker, while Bob McMenemy's passing is a tremendous loss for the South Florida community, I can say without hesitation that his memory lives on through the work of the many organizations to which he dedicated his life. We will dearly miss Bob, but for the thousands of lives he touched, we thank and praise him for his hard work, his leadership, and his compassion for others.

IN HONOR OF SHILOH BAPTIST CHURCH IN CELEBRATING 150 YEARS OF SERVICE AND WORSHIP IN CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Shiloh Baptist Church in celebration of 150 years of service and worship in Cleveland.

Shiloh Baptist Church is the first African American Baptist Church in the city of Cleveland. Since its founding in 1849 Shiloh Baptist Church has developed and maintained a unique link to the city of Cleveland. During the time when Cleveland was a small rural community, a merchant by the name of Michael Gregory owned a dwelling storefront that became a meeting place for the settlers. It was there that seeds for the need of a church were planted and soon after Shiloh Baptist Church was the magnificent blossom. Through the years, Shiloh's development was insured by the dedication and care of several ministers, deacons, and members. Today, under the pastorate of Rev. Alfred M. Walker, more than 1,300 new members have joined Shiloh Baptist Church. Leading under the theme "Exalting Jesus, the Christ", Rev. Walker has adopted the main task of: "Recognizing Evil and doing something about it; and seeking to know the Truth and be willing to speak and act in its defense".

Considered to be the Mother Church in Cleveland, Shiloh Baptist Church has been responsible for the organization of many other churches in the surrounding area. Through Shiloh's maternal link with the Cleveland community the congregation has continued to grow. Shiloh Baptist Church has managed to nourish and nurture the community for 150 years through its various organizations and activities. This great church offers the people of the community a chance to work together with the church in grand synopsis form which has produced men and women who have made many significant contributions to the economic and social development of the city and the state.

I am pleased to congratulate Shiloh Baptist Church on the 150th anniversary in addition to its being designated a historical landmark by the Heritage Society of Cleveland and the Cleveland Restoration Society. It is an honour to recognize the Shiloh Baptist Church on the floor of the U.S. House of Representatives.

RECOGNITION OF THE RETIREMENT OF FRANK GARRISON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. BONIOR. Mr. Speaker, today I rise to honor a good friend of mine, Michigan State AFL–CIO President Frank Garrison upon his retirement. Frank Garrison has been standing up for working men and women for over 40 years—beginning with his membership in Saginaw Steering Gear Plant UAW Local 699, and ending as the Michigan State AFL–CIO's second longest serving president. Every day during that forty years, the working families in Michigan have had a champion in Frank Garrison. The legislative and political battles Frank has fought in Lansing have had a direct impact on the standard of living for the working people in our state.

Upon returning from two years in the U.S. Army in 1955, he immediately became active in his local. He held posts ranging from alternate committeeman to financial secretary before being appointed in 1972 as the UAW international representative assigned to the Education Department and the Michigan CAP program. In January 1976, he joined the UAW–CAP legislative office as a lobbyist. Less than a year later, he became the Legislative Director for the UAW in Lansing.

In 1982, Frank was appointed Executive Director of the Michigan UAW–CAP for four years, until being elected president of the AFL–CIO on December 12, 1986. Since his election Frank has been active in the Democratic Party as a member of the Democratic National Committee Executive Board, and President Clinton's National Commission for Employment Policy. He has served on several Governor's Councils and, in 1993, received an honorary Doctorate of Law degree from Michigan State University. Frank sits on more boards and councils than the CONGRESSIONAL RECORD has room to list.

Frank Garrison has dedicated his life to the betterment of the working men and women of the state of Michigan. I don't know anyone who has earned the right to a little time off and a few more Michigan State University football games as much as Frank Garrison. We all know, however, that Frank's passion for politics and his dedication to working families will not let retirement take him from the causes he believes in and has fought for all his life.

Please join me in honoring the career of one of Michigan's working heroes as Frank Garrison completes his final term as Michigan State AFL–CIO President. Frank, we wish you all the best.

TRIBUTE TO THE 1999 RETIREES OF THE STERLING HEIGHTS FIRE FIGHTERS UNION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. LEVIN. Mr. Speaker, I rise to honor Battalion Chief Dennis Foster and Battalion Chief Dale Monnier who will be honored on their retirement from the Sterling Heights Fire Fighters Union at their Annual Dinner/Dance on September 24,1999.

It is my privilege to recognize these two firefighters for their outstanding contributions to public service. Beginning their service in 1974, Battalion Chiefs Foster and Monnier continually sought to further their knowledge and experience in the field of public safety, always committed to providing their community with the best service.

Their participation in community events have made these gentlemen an integral part of their city, and their acts of heroism have made Sterling Heights a safer and better place to live.

Mr. Speaker, I ask my colleagues to join with me, the citizens of Sterling Heights and the Fire Department in recognizing these outstanding firefighters for the dedication and accomplishments they have provided to the people's welfare in Sterling Heights. I wish them good health and happiness in their future endeavors.

TRIBUTE TO DR. BENJAMIN BARNES GRAVES OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to an intellectual treasure of my district, Dr. Benjamin Graves of Huntsville, AL. Dr. Graves has excelled in all facets of academia. As a student, he cultivated a love of learning through his time at the University of Mississippi, Harvard University, University of Chicago and Louisiana State University. His 50-year career in industry and education includes professorships at Louisiana State University, University of Virginia, University of Mississippi, Pennsylvania State University, University of Alabama at Huntsville and University of North Carolina at Charlotte. He served as president of Millsaps College from 1964–1969 and the University of Alabama at Huntsville from 1969–1978. His distinguished reputation as an academian is supported by the presentation of approximately 300 of Dr. Graves' papers to various audiences over 15 states in the course of the last 20 years.

In honor of Dr. Graves' extraordinary service to the Huntsville community, he will be awarded the 1999 James Record Humanitarian Award by the Arthritis Foundation on September 21st. The description of the award "given to a citizen devoted to promotion of human welfare as well as the advancement of social and cultural reform" illustrates the essence of this man.

Dr. Graves served his country in the U.S. Navy first on active duty from 1942–46 and then in the reserve from 1946–1955. On active duty during World War II, he served as a supply officer aboard three naval ships in the Atlantic and Pacific theaters. I believe this CONGRESSIONAL RECORD tribute is fitting for one who has given so much for both the defense of his nation and for the betterment of countless students across the Southeast.

His love of learning is infectious. Dr. Graves carried his intimate and unparalleled knowledge of higher education to other countries when he was selected by the American Association of State Colleges and Universities to be a part of a study team to China and Taiwan. In addition to his exceptional professional contributions to our area, Dr. Graves has given of himself, establishing scholarships at both Millsaps and UAH and serving in his church, First United Methodist of Huntsville as a lecturer and administrative board member.

Throughout his life, Dr. Graves has set a great example of how one person can make a huge difference in his community. I want to congratulate him on his well-deserved honor as the 1999 James Record Humanitarian Award and I want to commend him for his tireless efforts for the students of North Alabama.

U.S. DISTRICT COURT FINDS PATTERN OF RACKETEERING BY PALESTINIANS AGAINST U.S. FIRM IN GAZA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. TRAFICANT. Mr. Speaker, in 1995 the United States and the Palestinian Liberation Organization (PLO) signed the Gaza-Jericho Agreement to encourage American investment in Gaza and the West Bank, as a follow-on to the Oslo Peace Accord between Israel and the PLO. Bucheit International Limited, a 90-year-old, family-owned business based in Youngstown, OH, agreed to be the model company for U.S. investment in Gaza under the Builders for Peace program.

After investing $4.4 million in the area, however, Bucheit has experienced a myriad of problems, including: transportation and standards barriers, a mismanaged regulatory system, and unethical, if not illegal, activity, which have resulted in Bucheit's default on a $1.1 million loan from the Overseas Private Investment Corporation (OPIC) loan. Furthermore, Bucheit International has experienced numerous unethical and questionable activities in its dealings with Cairo Amman Bank of Gaza. For example, Bucheit has discovered that corporate accounts were opened without proper corporate documentation; corporate checks denominated in dollars were endorsed and cashed by individuals, without first being deposited into the corporate account; canceled checks were not returned; corporate funds in excess of $100,000 were used to guarantee an overdraft facility of a private individual, without knowledge or approval by the corporation; and a letter of guarantee was written by a bank without notifying Bucheit, in violation of Bucheit management's strict instructions. In addition, Bucheit's plant and equipment were stolen and continue to be operated illegally. Moreover, the Palestinian Authority (PA) has pocketed Bucheit's value-added-tax (VAT) reimbursement from Israel as well as kept the income tax deducted from Bucheit's payments. Without access to its funds or equipment, Bucheit is currently in default of the $1.1 million OPIC loan.

Recently, Bucheit filed a civil RICO (Racketeering, Influence and Corrupt Organizations) complaint against the Cairo Amman Bank in Gaza for misappropriating loan proceeds advanced to Bucheit from OPIC. On August 17, 1999, U.S. District Judge Kathleen McDonald O'Malley found that the Cairo Amman Bank engaged in a pattern of racketeering activity that caused the failure of Bucheit's precast concrete plant in Gaza. Specifically, the court ruled that there existed an "enterprise" made up of the Bank, Bank employees, an influential Bank customer and other persons, and the Bank knowingly participated, directly and indirectly, in the conduct of the affairs of the "enterprise" through a pattern of wire fraud. Judge O'Malley awarded Bucheit roughly $15 million in damages. Included in that amount is the $1.4 million due OPIC.

I find it troubling that the House-Senate conferees on the Foreign Operations Appropriations for Fiscal Year (FY) 2000 are considering the addition of $400 million for the Palestinian Authority, while an American investor and the United States government have been blatantly ripped off. To date, the Palestinian Authority has neither authorized an official, internal investigation into the existing "enterprise," nor has it meted out proper punishment to the individuals involved.

As a result, I have requested that the House-Senate Conferees on the Foreign Operations Appropriations for FY 2000 withhold the $15,206,403 owed Bucheit International, which includes a $1,436,837 loan repayment for OPIC, from the $400 million appropriation for the Palestinian Authority.

Unpunished, the guilty parties will continue with their illegal and unethical behavior to the injury of future American investors, the U.S. government and the Palestinian people. To create jobs, growth and higher income, a nation must convince its own citizens as well as foreigners that they can safely invest: fair tax laws and fair enforcement, independent courts enforcing the law consistently and upholding contract rights, strong banks that safeguard savings, and vigilance against hidden ties between government and business interests that are inappropriate.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. SPRATT. Mr. Speaker, I want to elaborate on the remarks I made on September 15, 1999, regarding certain provisions of S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As I noted during floor debate, I strongly support the vast majority of this bill, particularly the pay and retirement provisions. But this good bill is marred by some of the text that sets up a National Nuclear Security Administration (NNSA) as a semi-autonomous agency within the Department of Energy (DOE). I have reservations about the way these provisions were inserted in the bill—with little discussion among the Members of the Conference Committee—and I have reservations about the substance of some of these provisions.

I will not speak on the conference process at length, but I cannot dismiss it because I cannot remember the Congress acting on such an important matter with so little information and so little discussion among the Members of the conference committee. Neither the House nor the Senate Defense Authorization bill contained language requiring a comprehensive restructuring of the Department of Energy, yet we ended up with about 50 pages worth of text. We did have former Senator Warren Rudman testify before the committee prior to conference, but we did not take testimony from the Energy Department itself, or from the senior statesmen of the labs and nuclear weapons complex, men like Johnny Foster or Harold Agnew. The legislation that the conference committee ultimately produced was not vetted in any meaningful manner among the Members, the Administration, or outside experts. This is not a good process for an important piece of national security legislation.

My first and foremost concern on the substance of the legislation is that we have blurred the lines of accountability when it comes to preventing and ferreting out future espionage at our nuclear labs and weapons complex. I think one thing we can all agree on is that counter-intelligence requires a clear line of command and accountability. A clear chain of command was at the heart of Presidential Decision Directive (PDD) 61, which the Cox Committee unanimously recommended be implemented. This legislation contradicts PDD 61 by setting up two different counterintelligence offices with overlapping responsibilities, and no clear direction on how the offices are supposed to interface with each other. As a member of the Cox Committee, I find it disturbing and ironic that the restructuring provisions fail in what should have been its top priority: setting up clear lines of command and accountability on counterintelligence.

My second and more general concern is that the Secretary's ability to conduct oversight of the complex could be seriously hampered by this legislation. We already know that the price of no oversight is a legacy of contaminated sites that will cost hundreds of billions to clean up. Revelations about contamination of workers at Paducah show that we cannot disregard the health and safety concerns for workers in the nuclear weapons complex and the communities that surround these sites. The history of the last few decades tells us that the nuclear weapon sites and activities of the Department of Energy require more sunshine, more scrutiny, and more oversight, not less. Any Secretary of Energy must have strong oversight authority, and I fear that this legislation detracts from rather than adding to the Secretary's oversight powers.

Having criticized these provisions, let me say that I do not think they were drafted with bad intent. But they were drafted hastily, without adequate hearings, with no vetting among outside authorities, without the benefit of constructive criticism that comes in the mark-up process, and without any discussion among members of the conference committee.

A good example of the type of confusion that arises from these hastily-drafted provisions is the work of the Energy Department's non-weapons facilities—the science labs. The science labs perform a great deal of work for almost every element designated as part of the new National Nuclear Security Administration. This is especially true for the current Offices of Non-Proliferation and National Security (NN), Fissile Materials Disposition, Naval Reactors, and the Office of Intelligence. The language of the conference report, though, raises the question of whether the current cooperation between the science labs and weapons facilities will be allowed to continue, or be prohibited by the language separating the weapons labs from the rest of the DOE complex.

For the Office of Non-Proliferation and National Security for example, the science labs provide a significant portion of the technologies and expertise for such programs as Materials, Protection, Control and Accountability (MPC&A), a program I helped establish. This is also true for the Nuclear Cities Initiative, in which a science lab (Pacific Northwest National Laboratory, or PNNL) co-chairs the U.S. effort in one of the first three Russian nuclear cities selected. That arrangement is especially fruitful because PNNL is the only U.S. lab with real-life experience making the transition from a closed U.S. "nuclear city," Hanford, which produced key nuclear materials for the WWII-era nuclear weapons, to a non-weapons community in which such scientific expertise is put to more peaceful use.

The science labs play a major role in providing technical expertise and collaboration for the Initiatives to Prevent Proliferation (IPP) program, attempting to develop self-sustaining, U.S. and Russian scientific collaborations that are mutually beneficial. The science labs provide valuable technologies and expertise of the NN efforts in Safeguards and Transparency regarding Russian nuclear warheads. Science lab personnel, in fact, chair important working groups in that effort, and have developed technologies that will be used in identifying and securing Russian warhead materials.

The science labs are vital parts of all of DOE's efforts to build lab-to-lab relationships and programs that enhance U.S. national security by applying American eyes and know-how to the potentially dangerous situations in the weapons of mass destruction (WMD) complex of the former Soviet Union. The science labs also play a critical role in the NM arms control programs, providing vital technologies for verifying compliance with arms control agreements (reductions, dismantlement, production, testing, safeguard and storage, etc.) and detecting the attempted proliferation of WMD materials. Such technologies are proving useful in terms of all WMD materials—chemical, biological and radiological.

Science labs also make major contributions to the efforts of the Office of Fissile Materials Disposition (MD). A science lab leads the U.S. effort in the International Nuclear Safety Program. Of course, the science labs will continue to contribute a great deal to the DOE offices outside the NNSA, on matters, for example, of energy, the environment and nuclear cleanup. Also, like the weapons labs, have the authority and expertise to "work for others," and often perform important work for other agencies such as the Department of Defense, Justice, State, and the Central Intelligence Agency.

The science labs' contribution to the offices that are scheduled to be in the NNSA is clear, and I do not believe the conferees had any intention of scuttling these contributions by implying that the science labs could not work for NNSA offices. However, the language contained in the conference report is not clear on this question. Title XXXII concentrates solely on the three nuclear weapons laboratories and production facilities, and while it makes specific provision for those weapons labs to perform work for other agencies and for DOE offices outside the new, semi-autonomous administration, it is silent on the role of the non-weapons labs. Such ambiguity breeds confusion and illustrates the flaws in the process of drafting the DOE reorganization title and inserting it into the conference agreement. I served on the conference committee and I was involved in negotiating some of the conference report. I do not think that it was the intention of the conferees for this legislation to impede the continuation of these services in any way.

CONGRATULATIONS TO THE AMERICAN COLLEGE OF RADIOLOGY ON ITS FIRST 75 YEARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. STARK. Mr. Speaker, among the greatest advances of medicine in this century has been the development and professionalization of radiology. Therefore, I rise today to congratulate the American College of Radiology and its 31,000 members on its 75th anniversary.

While the numbers of diagnostic radiologists, radiation oncologists and medical physicists comprising the college have changed dramatically, the ACR's main objective has not. Through the years, working with Members of Congress, key Federal, State, and local agencies and a wide variety of health care and consumer organizations, the college has worked tirelessly to improve the quality of patient care.

The American College of Radiology has met this objective through numerous programs. Beginning with mammography, ACR has initiated several national accreditation programs designed to assure high quality performance from both health care professionals and imaging equipment. In addition to mammography, accreditation programs are in place for ultrasound, radiation oncology, stereotactic needle breast biopsy, magnetic resonance imaging, ultrasound-guided breast biopsy.

ACR's groundbreaking mammography accreditation program, which began as a voluntary effort in 1987, now has become a nationally mandated program. In part, as a result of this program and other breast cancer early detection promotion efforts, the National Cancer Institute has recorded, for the past few years, the first declines in mortality from breast cancer.

In addition to accreditation, the ACR has improved the quality of care through its Performance Standards™, Appropriateness Criteria™, life-saving research through clinical trials and medical continuing education programs for members.

The performance standards are principles for delivering high quality radiological care. They are revised and expanded every year. The standards cover a wide variety of procedures. The Appropriateness Criteria™ ensure that the most appropriate examination is done in the most appropriate setting at the most appropriate time. More than 500 medical experts have assisted in developing these criteria.

The college also offers numerous continuing education seminars each year.

ACR manages the federally funded Radiation Therapy Oncology Group (RTOG). This organization carries out multidisciplinary cancer trials nationwide. RTOG has gathered numerous medical facilities in providing state-of-the-art treatment for a wide variety of cancers.

As a complement to RTOG, the college also operates the Radiological Diagnostic Oncology Group (RDOG). This program evaluates current and emerging imaging technologies used in the management of patients with malignant disease. NCI funds RDOG so that the group may provide a timely approach for the cost-effective use of new technologies.

Even before the ACR initiated its quality improvement and research programs, radiologists were deeply involved in working to improve patient care. World War I, for example, presented a great need and a great opportunity for radiology. One of the founders of the college, Dr. Edwin Ernst, recalls how using a table built by German prisoners, and a rolling floor fluoroscopic gas tube, he pinpointed the location of bullet fragments. And radiologists in general played a major role in treating and diagnosing patients in those rugged field hospitals.

Later, in the 1920's the International Radiological Congress helped to standardize measurement. The ACR also worked to secure financing of the x-ray equipment at the Bureau of Standards.

It was also in the 1920's that the American College of Radiology was born as two dozen radiologists gathered for the first time officially to transact the business of the college: to plan ways to improve their profession's expertise.

When the United States entered World War II, radiologists mobilized to serve their country. The college volunteered to handle radiology manpower issues for the Army. The growth and development of radiology after World War paralled post-war growth of the Nation.

In the early 1950's, three dedicated members of the college—Drs. Eddie Ernst, Wally Wasson and Ben Orndoff—began to cajole, badger and convince their fellow radiologists into preserving the history of their profession. In 1955 they gathered for the first time as the Gas Tube Gang. The gas tube was the symbol of the early imaging technology.

Through their efforts the college's archive's was created and today it is filled with gas tubes, other early radiological devices, mementos from Dr. Roentgen, Madame Curie and other pioneers, and pages and pages of rich history of the ACR and the field of radiology.

So it is with all of this history in mind and the great contributions the ACR has made to the practice of medicine that I wish the American College of Radiology well on its 75th and continued success in the years to come.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. ETHERIDGE. Mr. Speaker, on Thursday, September 16, Hurricane Floyd slammed into North Carolina, bringing heavy winds and torrential rains to my state, including my Second Congressional District. I have been helping my constituents who are struggling to overcome this devastating disaster, and as a result, I was absent from the Chamber for rollcall vote No. 425 and rollcall vote No. 426. Had I been present, I would have voted "yes" on No. 425 and "no" on No. 426.

IN RECOGNITION OF AGUSTÍN RIVERA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to recognize the efforts of an extraordinary member of my community. For the past decade, Agustín Rivera has demonstrated time and again his commitment and his vision for his community.

Mr. Rivera was a founding member of Música Against Drugs, a Puerto Rican and Latino, client-driven, community-based agency created to serve the needs of individual and families affected by the HIV/AIDS and drug addition epidemics in the Brooklyn, New York communities of Williamsburg, Greenpoint and Bushwick. Mr. Rivera's skills, talent, and energy helped the late Manny Maldonado, the founder of Música, establish a program to fulfill a desperately acute need. For several years they, like too many who were on the vanguard battling the pandemic of AIDS, worked very hard with very little money.

After three years of volunteer organizing, Música received its first public grant. This gave Mr. Rivera the opportunity to become stipend/outreach worker and, later, Outreach Coordinator. He then became the first program director of an innovative nutritional program, La Cocina del Pueblo, which provides nutritional services to people with HIV/AIDS. Subsequently, he became the Volunteer and Outreach Coordinator and, most recently, the Director of the Community Prevention Project.

Even while giving his all—and then some—to Música, Mr. Rivera found the time for some other impressive accomplishments as well. He was a founding member of the Williamsburg, Greenpoint, Bushwick HIV CARE Network. Last and hardly least, he is married to Marilyn Echevarría, and has an 11-year-old son, Austin.

Robert F. Kennedy once said, "It is from the numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Mr. Speaker, Mr. Rivera has gained the respect of all who have had the privilege of knowing him, and all who have been blessed by experiencing his dedication and compassion. He has saved lives, and he has made lives better, all by his example that life is to be lived. He is a ripple of hope, and this world is a better place for his being in it.

NORTH KOREA SANCTIONS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. HALL of Ohio. Mr. Speaker, on Friday, President Clinton announced his decision to lift some sanctions against North Korea. This is an historic move that comes at a time of real opportunity in United States-North Korea relations, one that does as much to ensure a lasting peace in Korea as any diplomatic initiative taken in the past 50 years.

In the past 3 years, I have spent considerable time on the challenges that North Korea represents. I have made five visits there to see first-hand the famine that has claimed 2 million lives, according to most experts. I have met countless times with aid workers, with Korea-Americans, with experts on North Korea, and with officials from U.N. organizations and other nations. I have struggled to understand why North Korea acts as it does, and, like many of our colleagues, I have worried about the threat North Korea's military poses to the 37,000 American service men and women stationed in South Korea.

Mr. Speaker, my experiences convince me that President Clinton's action stands a better chance than any other alternative in helping the people of North Korea, and in safeguarding peace on the Korean Peninsula.

In the long run, I expect it will bring more freedom and less poverty—as we have seen happen in other communist states that open up to market forces. In the short term, this initiative will help maintain peace on the Korean Peninsula—a peace that South Korea's people and our troops depend upon. And, by removing an obstacle to President Kim Dae Jung's bold and innovative initiative to improve relations with North Korea, it lends support to efforts to encourage "the Hermit Kingdom" to become a responsible member of the international community.

Since I first began visiting North Korea in 1996, its leaders have said they want trade—not aid. I have rarely seen any people who work as hard as Koreans, and I am confident that North Korea's people can work their way out of the terrible difficulties of recent years and end their reliance on international aid.

Friday's action was a bold step by President Clinton, but it was not the first in U.S. DPRK relations:

Under President Reagan that we first began serious efforts to improve relations with North Korea. His administration's "Modest Initiative" envisioned a gradual increase in contacts; unfortunately, that did not succeed.

A similar effort during President Bush's tenure also failed.

In 1994, the Agreed Framework again attempted to pave the way for better relations, while freezing nuclear production. Without that agreement, which has come under considerable criticism by Congress, North Korea probably would have dozens of nuclear weapons today. But while it succeeded in freezing nuclear production, the 1994 deal also foundered without achieving its other diplomatic goals.

This latest action is the culmination of countless hours of work by a talented group of diplomats headed by Ambassador Charles Kartman. It won needed attention with the assistance of Dr. William Perry and his insightful team. But what may make the outcome of this initiative different from its predecessors' is the dramatic change in North Korea's circumstances, and the actions of the unsung Americans who responded to the humanitarian crisis that resulted.

Mr. Speaker, I have visited many famine-stricken countries. When their crisis ends, some of them throw out the leaders who presided over the famine; some of them don't. But one thing that witnesses to a famine have in common is this: they remember. They remember who helped them in their time of need; they remember who found excuses to do too little as their loved ones suffered and died.

Sadly, North Koreans now know first-hand the sorrows of famine. But they also know that America was there with our food and our aid workers, doing what we could to help ease the suffering of those most vulnerable in any famine. No one better exemplifies their dedication and willingness to make extraordinary efforts than Ells Culver, of Mercy Corps International. Ells and his colleagues are among the real heroes of efforts to better understand North Korea, and to create a lasting peace on the Korean Peninsula.

With their continued efforts, and the talents of our diplomats, we have an historic opportunity within our grasp. It is essential that this first step not be the last one. It makes sense for the President to maintain some sanctions, and I know our colleagues will need to see results before they can support lifting other sanctions. But 1999 ought to be the last time we allow a situation on the Korean Peninsula to reach a crisis point before we at least try to defuse it.

To secure the promise of this bold move, I hope the President will move quickly on other recommendations made by the Perry report, including the nomination of a senior-level envoy and the normalization of diplomatic relations. An American presence in North Korea will help ensure our policy stops careening from crisis to crisis, and it will provide Americans with consular protection.

Mr. Speaker, I hope that Congress will give this initiative a chance. We all heard South Korea's president when he addressed a joint meeting of Congress earlier this year, and when I met with him a few weeks ago he again urged the United States to do what the President did last week.

Throughout South Korea's history, the U.S. Congress has played an important role in ensuring its national security and assisting it achieve democracy. Now is the time for Washington to again support Seoul as it charts a new course in relations with its neighbor. The President cannot play this supporting role alone, nor can he succeed in improving United States-North Korea relations without congressional support.

I appreciate the concerns that some of our colleagues have expressed about North Korea. I believe that congressional insistence on a review of U.S. policy safeguarded our national security and probably helped to avert a new crisis with North Korea. But I also know that now is the time for Congress to respect the recommendations of former Defense Secretary Bill Perry, and the many requests of our ally in Seoul.

This is an historic opportunity for peace. The cold war that still lingers in this last corner of the world is not yet over, but the end is within our grasp. I urge my colleagues to lend whatever momentum we can to this initiative, and to the efforts of the many good people working to improve the situation for the ordinary people in North Korea. With luck, and the continuing efforts of the many people who share my concerns about their well-being, they will be the biggest beneficiary of this new policy. And they will remember this turning point.

A TRIBUTE TO GRADY OWENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of one of the most remarkable individuals my 20th Congressional District of New York has ever produced. Grady Owens was one of those quiet individuals who never made headlines nor stirred controversy, and yet made a deep impact on the quality of our lives, most especially on those dear to him.

Grady Owens first came to Orange County, NY, as a young man in 1947. His uncle was the owner of the King's Lodge in Otisville, which was renamed the Betty Shabazz Retreat Center in 1998. King's Lodge was a well respected business which especially catered to people of color. Grady eventually came to be the third generation owner of the Lodge, at which he hosted some of the most famous and respected people of our time, including the beloved husband and wife acting team Ossie Davis and Ruby Dee, and the renowned poet, Maya Angelou.

Grady became well known throughout our region as a person who would always go out of his way to say hello, to inquire about the health of the people he encountered, and to render this opinions on the issues of the day. Columnist Barbara Bedell, in reporting on Grady's passing in the Times Herald Record, noted that: "when he'd go to the post office for mail or run an errand around Middletown, you'd think he was running for office. Everyone knew him and he'd spend time conversing with each and every person as though he had all the time in the world."

Grady left Orange County for eight years, from 1961 to 1969, as a U.S. Marine, and was stationed in the deep south. During those years, he was refused a bus ticket because he refused to stand in the line reserved for "colored" people. In another incident, a bottle of ketchup was poured onto his head at a lunch counter which was not yet integrated. Despite these humiliating experiences, Grady refused to bear malice against those who practiced such hate. He heeded Rev. Dr. Martin Luther King, Jr.'s advice that the only way to conquer hate is through love, and that in fact hate is more harmful to the hater than the hated.

I had the privilege of membership in the Middletown (NY) Chapter of the NAACP during the years Grady was its president. He often recounted his own sad experiences with racism—always with regret rather than vengeance—and urged us to work to make certain that our children and future generations would not have to ever again bear such indignities.

Grady was married for over 30 years to the former Judy Joyiens of Queens. Judy reminisced that he was the kind of man that, when they were married, his former girl friends attended the ceremony.

Grady, who was only 61 years old when we lost him earlier this week, had lived the last 6 years of his life with a transplanted liver. Regrettably, his long struggle to regain his health did not succeed, but he remained an active and highly visible member of our community right up until the past few weeks.

In addition to his affiliation with our NAACP chapter, Grady was a member of the Lion's Club, the Board of Directors of the Horton Medical Center, and was active on the advisory board of Orange County Community College (of which he was a graduate), and served on the editorial board of the Times Herald Record.

Grady also attended Mt. St. Mary College in Newburgh, NY.

In addition to his wife, Judith, Grady is survived by his five children: Diane Fulston of Atlanta, GA; Robin Anderson of Middletown, NY; Keith L. Taylor of the Bronx; Erin Beth Owens, also of the Bronx; and Grady Dennis Owens, Jr., of Monroe, NY.

Grady leaves behind three sisters, one brother, three grand-children, and many aunts, uncles, nieces and nephews. While no words can help ease the grief that his large, loving family is experiencing, hopefully the knowledge that many of us in what Grady considered his "extended family" share their deep sense of loss, and the realization that we have truly lost a remarkable individual will be of some consolation.

Mr. Speaker, I urge our colleagues to join in extending our deepest sympathies to all of Grady Owen's many loved ones, with our sincerest regrets that this man who set a fine example for all of us in the 20th century will not be joining with us as we enter the new millennium.

TRIBUTE TO KIYOSHI PATRICK OKURA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. MATSUI. Mr. Speaker, I rise today to honor Kiyoshi Patrick Okura on the occasion of his 88th birthday and the 10-year anniversary of the Okura Mental Health Leadership Foundation. It is my great pleasure to count Pat as a personal friend, as well as one of the most esteemed members of the Japanese-American community.

Mr. Speaker, Pat Okura is not one to rest on the accolades of his exceptional list of accomplishments and contributions. In fact, even at age 88, he continues to contribute enormously to those around him. But I would like to take time now, in honor of the celebration of himself and his successes, to commend his constant efforts to improve all the communities he has lived in, and his willingness to serve the public.

Pat's leadership in the Asian American community, both local and national, has led to incredible gains in Asian American participation in Government. As the National President of the Japanese American Citizens League, Pat expanded the JACL's tradition of political engagement and brought the organization his message of empowerment. There are very few leaders who impress upon the younger members of a community the importance of engaging the political world as well as Pat. But when he shares his experiences as a Japanese American, his heartfelt encouragement and strength inspires youth with a remarkable motivation.

Pat's dedication to his country and his community shows through in his more than 50-years of work for government and service organizations. Perhaps even more dramatic than his career and volunteer work, however, was Pat's firm commitment to this nation and his personal ideals when he was threatened with slander, racism, and ignorance.

Early in his career, Pat distinguished himself as the first Japanese American to work for the City of Los Angeles' Civil Service Department. The leadership Pat displayed in his job was used against him, however, during the hysteria following the outbreak of the War in the Pacific. Despite his U.S. citizenship and years of working in public service, a writer from the Los Angeles Times falsely accused Pat of plotting espionage against the United States. Eventually Pat, his wife, their families, and thousands of other Japanese Americans, spent 9 months living in horse stables as internees at Santa Anita racetrack before being taken into internment camps.

In spite of the injustices thrust upon he and his family during the War, Pat continued to demonstrate his steadfast desire to help other people, becoming a psychologist at Father Flanagan's Boys Homes in Boys Town, Nebraska—a position he held for seventeen years.

Years later, Pat focused his leadership and compassion on winning reparations for the Japanese Americans arrested during World War II. Pat's efforts combined with other leaders in Asian American community and on all levels of government to win reparations and an apology to more than 120,000 Japanese Americans.

Ten years ago, Pat and his wife Lily founded the Okura Mental Health Leadership Foundation. During the past decade, the Foundation has raised awareness for the very specific mental health issues in the Asian American community. Each year, the Foundation brings Asian Americans to Washington, D.C., to meet with health professionals and learn how to work with federal and state agencies to improve the health of their patients and community.

Mr. Speaker, this Sunday at the Ft. Myer's Army Base Officer's Club in Arlington, Virginia, there will be a very special event in Pat's honor. Pat and Lily will be joined by many of the dozens of young men and women who have benefited from their time as Okura Fellows, as well as many other well-wishers, to celebrate Pat's 88th birthday and commemorate his many accomplishments. As a friend of Pat's it gives me great joy to add to their voices in commending him on his tireless efforts and his well-earned successes. He has been a true leader for so many generations and communities who will always owe their heartfelt gratitude for his life's work.

A TRIBUTE TO MORTON COLLEGE FOR THEIR SEVENTY-FIFTH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a distinguished community college located in my district, Morton College. Morton College, the second oldest community college in Illinois, recently celebrated their seventy-fifth anniversary.

Morton College is a pioneer in the community college concept. Morton College serves various communities in my district, including Lyons, Berwyn, Cicero, McCook, and Stickney, Illinois. It was the people of these communities who in 1924 took note of the national movement towards junior colleges and established Morton College. It was originally housed on the third of floor of Morton High School in Cicero and came close to closing on various occasions, but was saved by the community residents. Since its creation, Morton College has grown from its enrollment of 76 students to 5,000 students.

Morton College has shown its gratitude to the community by providing working-class students with an affordable, home-based access to a university degree. The school's nighttime, weekend, and summer courses allow students to have part-time and full-time jobs and is especially convenient for new immigrants, working parents, and those wishing to go "back to school." Morton College's mission statement begins: "As a comprehensive Community College, recognized by the Illinois Community College Board, Morton College has the mission to cultivate a dynamic learning environment for its students and the community * * *" Morton College has continuously met and exceeded this high standard of excellency.

Mr. Speaker, I am proud to celebrate Morton College's fine educational achievements and wish them continued success in the future. Please join me in recognizing and congratulating them on their seventy-five years of dedicated service.

CELEBRATING THE APPOINTMENT OF LYNNE UNDERDOWN AS THE NEW CHIEF PATROL AGENT FOR THE MIAMI BORDER PATROL SECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise to congratulate Lynne Underdown on her appointment as the new Chief Patrol Agent for the Miami Border Patrol Sector and also to commend INS Commissioner Doris Meissner on Ms. Underdown's groundbreaking appointment.

Ms. Underdown will serve as one of 23 Chief Patrol Agents nationwide in the U.S. Border Patrol, the largest uniformed federal law enforcement organization. Ms. Underdown will be the first female chief in the 75 year history of the Border Patrol, the uniformed enforcement arm of the Immigration and Naturalization Service with more than 8,000 officers charged with protecting our Nation's borders.

I would like to share with my Colleagues the attached News Release from the Immigration and Naturalization Service announcing Ms. Underdown's appointment and detailing her wide-ranging professional experience.

Mr. Speaker, the Border Patrol performs a critical mission—to facilitate legal immigration and commerce and prevent illegal traffic in people and contraband, while ensuring the safety of those living in border communities. In Miami, our frequent and unhappy experience with immigrant smuggling makes it particularly essential that the Border Patrol and all immigration-related agencies discharge their responsibilities professionally and with sensitivity for the people involved.

I am sure that Ms. Underdown's wide-ranging background and experience with detention and deportation issues will serve her well in her new position. Hopefully, her appointment also will promote the development of additional professional opportunities for women in all branches of law enforcement.

NEWS RELEASE, SEPTEMBER 21, 1999

INS NAMES NEW CHIEF PATROL AGENT FOR MIAMI SECTOR

WASHINGTON—Immigration and Naturalization Service (INS) Commissioner Doris Meissner today named Lynne Underdown, currently the Director of INS in New Orleans, as the new Chief Patrol Agent for the

Miami Border Patrol Sector. Underdown will be the first female chief in the 75-year history of the U.S. Border Patrol, the uniformed enforcement arm of INS charged with protecting the nation's borders.

"Lynne Underdown brings 19 years of distinguished service to the job. Her appointment underscores my continuing commitment to appoint the best-qualified applicants to key positions throughout the agency. It is a special pleasure that for Miami the result is our first female chief," said Meissner.

The Miami Sector has 55 Border Patrol Agents and 36 support staff stationed in Florida. In addition, the sector has jurisdiction over North Carolina, South Carolina and Georgia.

"I have great respect for the hard working and dedicated agents for the Miami Sector. They have accomplished a great deal when faced with extraordinary challenges. It will be my privilege to represent them," said Underdown.

Underdown began her career with INS in 1980 as a Border Patrol agent in San Diego. While in San Diego, she served as a field agent and also worked as Field Training Officer, Sector Training Officer and Recruiting Officer.

In 1987, Underdown was promoted to Supervisory Border Patrol Agent in Yuma Sector, where she was supervisor of the Criminal Alien (BORCAP) unit. She also supervised Employer Sanctions, the K-9 Tactical Unit and all Sector recruiting activities.

In 1990, Underdown transferred to the El Paso Sector, where she was stationed in Carlsbad, New Mexico and continued her work with the Criminal Alien unit and employer sanctions. She also handled outreach activities with the community and local employers.

In 1992, Underdown was promoted to Assistant District Director for Detention and Deportation in the New Orleans District. She was responsible for supervising one of the largest and most complex detention and deportation operations in the country, covering a five-state jurisdiction and the Oakdale Federal Correctional Institution for criminal aliens. She was promoted to District Director in New Orleans in June 1998.

Born and raised in Chicago, Underdown has a brother on the Chicago police force and another brother who works for the Cook County Sheriff's Department. Her father was a 30-year veteran of the Chicago Police Department. "I come from a law enforcement family and I am proud to carry on that tradition," said Underdown. She currently resides in New Orleans with her two children and her husband, who is Chief Patrol Agent of the New Orleans Border Patrol Sector.

Underdown will serve as one of 23 Chief Patrol Agents nationwide in the largest uniformed federal law enforcement organization. The U.S. Border Patrol was officially established on May 28, 1924 by an act of Congress passed in response to increasing illegal immigration. The initial force of 450 officers was given the responsibility of combating illegal entries and the growing business of alien smuggling. The Border Patrol now numbers more than 8,000 well-trained and well-equipped officers.

While the Border Patrol has changed dramatically since its inception 75 years ago, its primary mission remains unchanged—to detect and prevent the unlawful entry of aliens into the United States and to apprehend those persons found in the United States in violation of immigration laws. Together with other INS officers, the Border Patrol helps maintain borders that work—facilitating the flow of legal immigration and goods while preventing the illegal traffic of people and contraband and ensuring the safety of all those living in border communities.

SENATE—*Wednesday, September 22, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Craig Barnes, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Craig Barnes, senior pastor, National Presbyterian Church, Washington, DC, offered the following prayer:

Let us pray.

Almighty God, before any more work is done this day, before anyone stands up in leadership over the Nation, we bow our heads in humble confession that we are completely dependent upon You.

Even the greatest among us is but flesh, and lighter than a breath in Your holy presence. So use our leaders this day, not because they are necessary, but because in Your hands they can become instruments for building Your holy kingdom on Earth.

When our leaders are tempted to despair, give them Your hope. When they are hurt, give them Your protecting angels. And when they are discouraged, give them great visions and dreams of that coming day when, throughout the land, we shall all do justice, love kindness, and walk humbly with You, our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL FRIST, a Senator from the State of Tennessee, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator is recognized.

SCHEDULE

Mr. WARNER. Mr. President, today the Senate will immediately begin debate on the Department of Defense authorization conference report with the vote on adoption ordered to take place at approximately 9:45 a.m.

Following the vote, the Senate will begin consideration of the VA-HUD appropriations bill. It is hoped that Senators who have amendments to the bill will work with the chairman and ranking member so that they may offer those amendments in a timely fashion. Senators can expect votes throughout the day in an effort to make significant progress on this legislation.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—S. 1606

Mr. WARNER. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. FRIST). The clerk will read the bill for the second time.

The bill clerk read as follows:

> A bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes.

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar under rule XIV.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying S. 1059, which the clerk will report.

The bill clerk read as follows:

> Conference report to accompany S. 1059 to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate equally divided in the usual form prior to the vote on the conference report.

Mr. WARNER. Mr. President, the Senate worked well into the evening last night, and we had about an hour and a half of deliberations regarding this bill. We are prepared this morning, the distinguished ranking member and myself, to conclude that debate.

Once again, I pay my heartfelt tribute to my distinguished ranking member and the staff of the committee for a job well done. We have produced a work product in which I believe this institution can take great pride.

Mr. President, the Senate is a constant learning experience, and although I have been privileged to have represented the Commonwealth of Virginia for some 21 years in the Senate, I experienced last night an event which I shall always remember. We had concluded our debate, and I was proceeding to do the wrapup on behalf of the majority leader, and when the Senate concluded its work, I was suddenly surrounded by the pages, shaking hands, and expressing their great appreciation. It then took me a minute to realize that we had concluded debate beyond the hour of 9 p.m., thereby foreclosing any requirement that they perform their homework. That was a tribute that I shall long remember.

The other experience last night was my distinguished good friend and ranking member, the senior Senator from Michigan, announcing that he would support this bill. I recognize it has been a serious struggle for him and others occasioned by the amendment on the bill regarding the reorganization of the Department of Energy.

I feel very strongly that the Senate did its duty on behalf of the country and put on that bill legislation in the course of the conference that is badly needed to reorganize that Department. I am confident the current Secretary has the ability within this statute to lead that Department, restructuring it in a manner that it can continue to serve the United States and at the same time protect the vital security matters that come before that Department.

The bill before us now marks a necessary turning point in reversing the dangerous trends that we have witnessed in our military after 15 years of declining defense spending. While the world has changed in many ways since the end of the cold war, what has not changed is that America's Armed Forces are bearing our commitments as they have always done. There are, however, limits to that commitment by the men and women who proudly serve in uniform. Our forces are clearly overstressed in commitments throughout the world, the most recent being East Timor, where there was clear justification for U.S. participation.

Over the past decade, our military manpower has been reduced by one-third, from 2.2 million to 1.4 million, and during this same period our troops have been involved in 50 military operations worldwide. As the force levels have been brought down, as the defense spending in that same period was brought down, up went the number of times that President Clinton and, indeed, President Bush sent our troops beyond our shores—50 times. Compare that period of 10 years to the end of the Vietnam war, in 1975, when we had a bipolar world—the Soviet Union and the United States. In that period from 1975 until roughly 1990, a 15-year period, U.S. military forces were engaged in only 20 deployments beyond our shores. Therein is the reason why our committee, with the strong support of the leadership—certainly Senator LOTT initiated the correspondence that began to bring to the attention of the President, and indeed this body, the need for increased defense spending. Eventually the President did recognize that need and indicated a willingness to increase that spending.

Our committee, I am very proud to say, even went beyond the President's number for defense spending. We did so with the very able help and assistance of the members of the Joint Chiefs of Staff. On two occasions they came before our committee and clearly told us their own personal views regarding the need for additional pay for the men and women in the Armed Forces, additional money for research and development and procurement, and, indeed, it was their testimony that laid the solid foundation on which we come before the Senate today, proudly, with a bill, for the first time in 15 years, increasing defense spending.

I yield the floor at this time to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, let me thank again the very able, very distinguished chairman of our committee for the bipartisan approach with which he leads our committee. It has been a consistent pattern for him since he has been in the Senate. We came here together, so we have a lot of knowledge and awareness of each other. He has really made an extraordinary contribution to this body and to the well-being of the Nation. I commend him for it.

This bill is an important bill. It is really two bills. It is the Department of Defense bill, an authorization bill, but it is also a Department of Energy reorganization bill. It is the second bill that is the troubling one. I have resolved to vote for this bill because I believe, on balance, it is at least possible that the reorganization can be workable and that the Secretary of the Department of Energy will be able to manage the Department and we will be able to hold him accountable. I am going to go into that a little more in a few moments, but before I do, I want to talk a bit about the Department of Defense part of this bill because, as the chairman says, this is a very important contribution to the security of this Nation.

By increasing pay, by improving retirement, by enhancing retention, we are making, we hope, a significant contribution to the security of this Nation. The morale of our troops will be given a boost when they see a bigger pay raise than they expected. The morale of our troops will be boosted when they see a better retirement package than they previously had. The morale of our troops, and indeed of all of our citizens, should be boosted when they see that the readiness of our forces is given a boost from this bill. So the defense part of this bill, I believe, makes a significant contribution to the well-being of the men and women in the military and to the security of this Nation.

The problem we had on this bill came from the DOE reorganization because the conference report is significantly different from what passed the Senate. What passed the Senate, after a great deal of debate, was a reorganization of the Department of Energy which reflected the recommendation of the Rudman panel that there be a semiautonomous Department of Energy. I think most of us favored that. I surely do. But in a number of respects, this conference report goes beyond what the Senate passed by an overwhelming vote. And when we referred the language in the conference report to the Congressional Research Service and asked them to do an analysis for us, to tell us what the differences were and whether or not they really were relevant, whether or not they really were significant, whether or not they really limited the ability of the Secretary of Energy to run his Department, the CRS gave us their objective view of the conference report language. There are some parts of that CRS review which should make us all pause, and which made me pause.

The Congressional Research Service concluded, for instance, that the Secretary's authority over this new nuclear security administration, "may be problematic, in view of the overall scheme of the proposed legislation."

The CRS said the language in the conference report raises questions about "whether it is possible, or desirable in practice, to split policy and operations in organizational terms." And the CRS report asks whether the practice of insulating the staff offices of this new entity from the departmental staff offices "effectively vitiate[s] the meaning of the earlier provisions assigning the Secretary full authority and control over any function of the Administration and its personnel."

Those are significant questions and potentially significant problems. On the other hand, there is language in this conference report which says that this new entity is established "within the Department of Energy," and therefore it is subject, obviously, to the direction and control of the Secretary. The conference report says that the Secretary of Energy—not the new head of this entity, an Under Secretary, but the Secretary himself—is responsible for "developing the security, counterintelligence, and intelligence policies of the Department."

The conference report says that the Secretary of Energy—not the new head of the entity, who is an Under Secretary, but the Secretary—is given continuing responsibility for the security and counterintelligence problems within the Department's nuclear energy defense programs. And there are a number of other provisions similar to that.

So it seems to me one can at least fairly argue that, given that authority to establish policies, one will then have the authority to ensure that policies are carried out. So we are going to have to monitor very carefully this new entity as it is implemented, assuming the President, of course, does not veto it. If the President does veto it, there is no certainty by any stretch of the imagination that the veto would be sustained. I am voting for this bill. I am always open to the argument of a President, if he decided to veto it, as to why the veto, in fact, was dealt.

But based on what is before us, it seems to me there is at least a reasonable prospect that the Secretary of Energy will be able to manage this Department. We intend to create a semiautonomous entity—not a semi-accountable entity but a semiautonomous entity. We intend to create here a semiautonomous entity, not a semiaccountable Secretary of Energy. We want that Secretary to be fully accountable, which means he must be able to manage, control, and direct his Department, the policies in that Department, and the implementation of those policies.

So I close by thanking our staff. I will not thank the pages since they apparently owe us one, since we kept them here late enough last night so they were relieved from some other duties. But I thank our staff for their great work in making this bill a reality.

I shall vote for this bill. I, again, thank the chairman for his reaching out to all members of the committee for contributions.

I yield the floor.

Mr. WARNER. Mr. President, I thank my distinguished colleague. This is a committee that works together as a team under our joint leadership.

The House of Representatives sent a strong signal which I hope, within the next 30 minutes, will likewise be sent by the Senate. That signal went worldwide to the men and women of the Armed Forces, many of whom are serving in harm's way to defend the very flag to which we pledged our allegiance today. That vote was 375 to 45. I urge all Senators to give, likewise, support to this bill.

As I close my remarks and say that this bill is for those men and women of the Armed Forces, I take note of the presence on the floor of our distinguished former chairman, Senator

THURMOND. There is no braver soldier who ever served in the Senate than our distinguished chairman.

Mr. THURMOND. Thank you very much.

Mr. WARNER. He will, I assume, be casting one of the very first votes for this bill.

I yield the floor.

Mr. BINGAMAN. Mr. President, I rise to offer my views on this year's Defense authorization conference report. I plan to vote for the conference report. It is a bill that, like other defense bills of the past, contains a great many excellent provisions that enhance our military capability and the quality of life for our service personnel and their families. My normal enthusiasm for the Defense bill this year is tempered, though, by a number of provisions that, in my view, do not serve the interest of national security well. I would like to review the positive aspects of the conference report first, though, before discussing its troubling aspects.

As a member of the Armed Services Committee, I have worked very hard to see that issues and programs that I care about were addressed in this conference report. I am pleased to say that many of the concerns that I raised in subcommittee, full committee, the floor, and finally, in conference have been met.

A few examples are worth emphasizing:

This conference report does a lot of very good things for the men and women in the military and their families. The services reported difficulties in recruiting and retaining key personnel during the past year—raising concerns that this might grow more serious in years to come.

In response, the conference report includes a 4.8 percent pay raise for military personnel, and raises the annual increase for service people by a half a percentage point above increases in the cost of living over the next five years. That's good news.

The conference report extends, and, in some important instances, increases special pay and bonuses for key skill categories that were due to expire at the end of this year.

Of particular interest to many New Mexico families at our Air Force bases at Holloman, Kirtland, and Cannon, junior and mid-career Air Force aviation officers could qualify for additional bonuses of $25,000 for each year they promise to extend active duty service. That is good news in our State and for the Nation.

The conference report also increases authority for re-enlistment bonuses from $45,000 to $60,000.

For retirees and folks in the military contemplating retirement, the conference report fixes the inequity that penalized those who came under the Redux system after 1986. Those military personnel may now elect to transfer to the old system, or to accept a $30,000 bonus while remaining under the Redux program. Recent retirees and those soon to retire in New Mexico enthusiastically welcome this provision.

Veterans and their families will also benefit from a very important measure in this year's conference report—a change that have been advocating for the last couple of years. Any veteran's family seeking an honor guard at the funeral of one of our veterans is now guaranteed to have one. Uniformed personnel, the presentation of an American flag, and the playing taps will be provided in recognition for service to the nation whenever requested. That is good news for our veterans community.

There is another initiative for veterans that I strongly support in this conference report. It could lead to authorization for veterans to use National Guard armories to receive services and counseling regarding a wide spectrum of veterans' benefit programs. This measure could go a long way toward making it easier for our veterans to receive the benefits that they are due.

That is a bit about the "people part" of the conference report—an area where I think it has quite a bit to offer.

The conference report also makes some important contributions on key policy matters—for example, programs that have to do with preventing the proliferation of weapons of mass destruction, particularly through cooperative programs with Russia and other countries of the Newly Independent States.

The conference report includes, for example, $475 million for the Cooperative Threat Reduction Program to accelerate the disarmament of Russian strategic weapons, assist in chemical weapons destruction, and support efforts to increase security for Russian nuclear materials in order to prevent them from being smuggled aboard. I urge the Congress to fully support this program through authorization and appropriation of the necessary funds. It remains fully in our own security interests to do so.

There is also funding for programs to prevent Russian weapons scientists from selling their skills to the higher bidder. The Initiatives for Proliferation Prevention and the Nuclear Cities Initiative will help us to keep that from happening, while at the same time building important people to people relationships that we hope will sustain improved relations between our nations during coming decades.

Again, although I believe these programs are worthy of more funding than they received, I am pleased that funding has been authorized and I urge the Congress to appropriate those funds as well.

This conference report also authorizes funds for another important cooperative program that will serve our security interest well—the Russian-American Observation Satellite program (RAMOS). RAMOS is being designed to take the uncertainty out of early warning of missile attacks. It is meant to ensure that in case a missile firing is detected, a military order to respond with nuclear missiles is not made in error. Fully funding a robust RAMOS program will greatly serve our nation's nuclear security. I urge the defense appropriators to ensure that those funds are available.

Looking toward the future of the Nation's military capability, this conference report includes funding for basic science and technology research in accordance with my hopes and intentions to increase that level of funding by 2 percent in real terms. That level of funding was not won without a fight, however, and I remain concerned that future defense budgets may fall short in this area. If that happens, the technological advantages that we have witnessed in the Persian Gulf and in the Balkans will erode quickly, and international military challenges could result in significant casualties and losses of expensive military equipment.

As you know, the conference report also authorizes funding for defense programs within the Department of Energy (DOE). This bill authorizes $4.5 billion for DOE weapons programs including the science-based stockpile stewardship that enables the Department to certify the safety and reliability of our nuclear weapons without having to test them.

Stockpile Stewardship is providing challenging science to a new generation of scientists employed at the labs that will not only certify the stockpile, but assure the nation that the best scientific talent available continues to support science programs at our national laboratories such as those in my State, Sandia and Los Alamos.

These aspects of the Defense conference report are all very favorable, and normally I would vote for such a report with the greatest enthusiasm. My enthusiasm, though, is diminished by the provisions of the conference report dealing with the management of the Department of Energy. These provisions cause me deep concern, as I believe they will be damaging to our national security in the long term.

These troublesome provisions are largely found in Title 32 of the conference report. This is a wholly new Title that was inserted in conference. It was not part of the original Defense bill passed by the Senate or by the House. It differs substantially, in a few crucial respects, from the DOE reorganization proposals considered and agreed to by the Senate in the intelligence authorization bill.

Title 32 contains the most sweeping revisions in DOE organization since the founding of the agency in 1977. Yet, there was not a single Members' meeting throughout the entire conference to discuss its provisions. When you consider the importance of our nuclear arsenal, the lack of a role for Members in fixing the terms of its reorganization is striking and very hard to justify.

The result is a statute that, in my view, will be exceptionally difficult to implement. Coping with the ambiguities and internal contradictions of Title 32 will needlessly distract the new administration and the Department of Energy from the mission of maintaining the safety and reliability of the nuclear stockpile. This is not just my personal view. The ranking member of the Senate Armed Services Committee commissioned a study of title 32 from the experts in law and government organization at the Congressional Research Service (CRS), after the conference report was filed. The CRS produced a sobering assessment of this new title, highlights of which my colleague has shared with us. I have also received an expression of deep concern from 43 State attorneys general about the impact of the changes that were made in Title 32 on the applicability of the Federal Facilities Compliance Act to the new administration. Their concern merits our attention, and I hope that the Armed Services Committee arranges for hearings at which they can present their views directly for our consideration.

In addition to these issues, the new title 32 creates what looks to me to be a complete muddle in the area of counterintelligence and responsibilities and authorities. The problems that the conference report create for DOE counterintelligence programs can best be described by looking at before-and-after organizational charts of counterintelligence responsibilities related to one of DOE's facilities, the Los Alamos National Laboratory.

Chart 1 shows the current flow of responsibility and authority for counterintelligence at DOE and Los Alamos. It is very simple, and Secretary Richardson is to be commended for putting it in place. The DOE Chief of Counterintelligence, Ed Curran, is in charge. He has hire-and-fire authority over the Chief of Counterintelligence at DOE facilities like Los Alamos. If we discover a loss of classified information at Los Alamos tomorrow, we know where to look for answers.

Chart 2 depicts the lines of authority that will exist under title 32. Secretary Richardson's reforms will be completely reversed. Under title 32, DOE will have two competing centers of control over counterintelligence in the nuclear weapons complex. Which of these individuals is in charge of counterintelligence? If you define "being in charge" as being able to issue direct commands to the labs, where the counterintelligence threat exists, it would appear that neither person is in charge.

The Director of DOE-wide Counterintelligence is statutorily forbidden from exercising any direct control over the laboratories. He can issue policy pronouncements, and has to go up through the Secretary of Energy and then down through 4 layers of bureaucracy to get in touch with a lab like Los Alamos.

And the Chief of Defense Nuclear Counterintelligence is not in a much better position, either. He also has to go up through his boss and down through a lateral chain of command to impose his will on anyone at the laboratories. He can talk to everyone, hence the dotted lines, but he cannot tell anyone anything definitive on his own authority.

The lack of clarity for counterintelligence responsibility in title 32 is perhaps the most ironic and distressing aspect of the whole DOE reorganization scheme. Right now, these responsibilities in the Department are clear, thanks to Secretary Richardson's reforms. When we started debating changes to DOE organization, the one change that everyone seemed to agree on was the need to have clarity on matters of counterintelligence. Yet, after this Defense bill is enacted, we will be back to the days of diffuse responsibility for counterintelligence.

I have no illusions that we are going to vote down this conference report because of the defects in title 32. There are too many other important things that got done right in this bill. But we have created a real muddle at the Department of Energy in the area of nuclear weapons and their management. We will have to come back in next year's Defense bill to fix it.

There is one other issue that we will have to address next year. That is the issue of polygraphs. The section on counterintelligence polygraphs in the conference report is a slight improvement over the corresponding provision in the Senate-passed Defense bill. But there are still fundamental problems with what we are asking DOE to do. We are asking DOE to use polygraphs as a screening tool—the one application where the scientific validity of polygraphs is most suspect. I don't have a big problem with using some forms of polygraphs in the context of an investigation, where there is already evidence of wrongdoing. There is scientific support for that sort of polygraph test. But polygraphs as a screening tool have little or no track record in the scientific literature. We shouldn't be using them in the nuclear weapons complex. And the way that DOE has proposed to use polygraphs in its recent Federal Register notice goes beyond what we actually call for in this bill. I have taken a public position in opposition to this proposed DOE rule on polygraphs, because it is not based on sound science and does not represent reasoned decision making, in my view.

I hope that DOE will rethink its proposed rule. This conference report, although it encourages the use of screening polygraphs, also gives DOE the flexibility to study the matter further. I hope that DOE will seek review from the National Academy of Sciences on the reliability of the types of polygraph screening it plans to implement. I also recommend that the DOE reconstitute and reconvene the Chiles Commission to study the rule's likely impact on the critical human resources needed to ensure the safety and reliability of the nuclear weapons stockpile. The Senate could, in my view, profit from such studies in revisiting this issue in next year's Defense bill.

In the end, then this year's conference report is more of a mixed bag than in most years. What we have done through the normal committee and conference process, on a bipartisan basis, has been done well, and we can be justly proud of it. What was done in a rushed and less cooperative fashion is much less satisfactory. I support the conference report overall, and I expect that the problems that have been needlessly created will manifest themselves for corrective action in fairly short order. I hope that when they do arise, we are able to address them in a more bipartisan and thoughtful way.

Mrs. MURRAY. Mr. President, I am very concerned about the provisions in this bill reorganizing the Department of Energy. In particular, I fear we are returning to the days of DOE "self regulation", which has historically translated into "no regulation" for environment, health and safety laws.

Senator WARNER and I will enter into a colloquy later that I hope will clarify the intent of this legislation regarding provisions critical to the safety of our workers and communities. We are particularly concerned about the autonomy of the newly-created, largely independent "National Nuclear Security Administration." We fear the creation of NNSA will recreate the institutional conditions that resulted in 50 years of environmental, safety, and health mismanagement at DOE facilities—estimated to cost up to $200 billion to clean up. Hanford alone now receives appropriations of about $1 billion/year to clean up the legacy left from decades of the Atomic Energy Commission and/or Department of Energy self-regulation.

I am heartened by Senator DOMENICI's statements in the press that we have little to fear in this regard. He is quoted in USA Today (9/16/99) as saying: "Nowhere does the legislation waive the application of environment or safety laws. What this legislation changes is not the statutory requirements, just the management structure responsible for complying with them." I will take him at his word that that is the intent. I ask unanimous consent to have the USA Today article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Sept. 16, 1999]

NUCLEAR SECURITY SCARE COULD PUT SAFETY SECOND—DRIVEN BY SPY SCANDAL, LEGISLATION WOULD TAKE WEAPONS SITES OUT OF THE HANDS OF REGULATORS

[By Peter Eisler]

WASHINGTON.—U.S. nuclear weapons plants and labs, notorious as toxic and radioactive polluters, could be left outside the reach of environmental, health and safety regulators under management changes Congress is pushing to deal with security concerns.

Spurred by a spy scandal at the Los Alamos (N.M.) National Laboratory that highlighted security problems at weapons facilities nationwide, the House passed legislation Wednesday to put eight of the Energy Department's plants and labs under a new, semi-autonomous National Nuclear Security Administration (NNSA). Senate approval is expected soon.

The plan aims to free the sites from a mammoth Energy Department bureaucracy criticized for diluting protections against spies, thieves and saboteurs.

But it also leaves the NNSA largely on its own to make sure plants and labs meet environmental, health and worker safety laws. Federal oversight programs set up in the late '80s to address longtime contamination problems would lose virtually all jurisdiction over the facilities. And the states, which also have gained regulatory power over the weapons sites in recent years, complain that they, too, could lose authority.

The plan is reviving debates that have burned since the first atomic bombs rolled out of Los Alamos in 1945.

On one hand, recent reports that Chinese spies penetrated key facilities to steal an array of U.S. nuclear secrets highlight the program's need for secrecy and insularity. On the other, the program has a record of poisoning workers and communities with toxic and radioactive material when left on its own.

"For over four decades, (the nuclear weapons program) operated with no external and little internal oversight of environment, safety and health . . . (with) disastrous consequences," says a recent letter to lawmakers from the attorneys general of 45 states. "We should not return to (that) era."

The National Governors' Association and former Energy officials from the Clinton and Bush administrations also oppose the reorganization plan. And Energy Secretary Bill Richardson says he probably will urge a presidential veto.

But a veto would be politically and practically difficult, in large part because the plan is folded into a bill authorizing unrelated but popular defense programs, including a military pay raise. President Clinton would have to reject the entire bill, and aides concede that would be a tough call.

"The bottom line is we have a 20-year-old problem" with security at weapons plants and labs, says Rep. Mac Thornberry, R–Texas, a chief backer of the reorganization plan. Those problems, he says, lie in Energy Department management that is "cluttered up worrying about refrigerator coolant standards" and other missions—not about weapons production and safeguarding secrets.

"I don't think the Congress or the administration wants to end this year without making some reforms," Thornberry says.

CHANGING MISSIONS

In the scramble to win the Cold War arms race, the U.S. nuclear weapons program operated largely in secret, churning out warheads with a doggedness that left little room for environmental, health and safety concerns. With almost no outside supervision, weapons facilities put workers in harm's way without telling them and illegally dumped millions of tons of toxic and radioactive waste on and around their sites.

In communities from Richland, Wash., to Oak Ridge, Tenn., soil and groundwater contamination is widespread. Several communities have sued the Energy Department, claiming health problems.

Since the United States halted nuclear arms production in 1989, the focus at many sites has shifted to environmental restoration. Even those facilities still doing weapons work—refining the current nuclear arsenal and disassembling weapons eliminated by global treaties—spend up to half their money on cleanup. The work is expected to take decades and cost up to $200 billion.

Beginning in the late '80s, environmental, health and safety officials who oversee that work gained far more sway over the plants and the labs. States, in particular, picked up vast new powers in 1992, when Congress stripped weapons sites' immunity from local regulation.

Now, the spy scandal that erupted this spring at Los Alamos raises questions about whether weapons sites lost track of security concerns amid their changing missions.

A congressional report in May suggested that China stole information throughout the 1980s and perhaps into the early '90s on every U.S. warhead. Los Alamos scientist Wen Ho Lee was pegged as a suspect and fired for alleged security violations, though no criminal charges have been filed and he denies wrongdoing.

The episode drew attention to security problems at weapons facilities nationwide, leading to a damning investigation by a presidential board.

"Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information related to nuclear weapons," the President's Foreign Intelligence Advisory Board reported.

Throughout the '90s, senior management at the Energy Department failed repeatedly to act on security officials' reports that budget cuts and institutional inattention were weakening safeguards at weapons sites.

Supporters of Congress' restructuring plan say the problem is a lack of clear responsibility for facilities' security and argue that the weapons sites must be put on their own, for everything from security to environmental restoration, so they're clearly accountable for all aspects of their operation.

The plan puts the new weapons agency on its own with the Energy Department, giving it autonomy in key areas:

All policy matters, including personnel, legal affairs and budget decisions; security, intelligence and counterintelligence operations; and environmental, health and safety programs.

"Nowhere does the legislation waive the application of environment or safety laws," says Sen. Pete Domenici, R–NM., a chief sponsor. "What this legislation changes is not the statutory requirements, just the management structure responsible for complying" with them.

BAD OMENS

Opponents of the congressional plan note that weapons plants and labs have been on their own before, and their environmental, health and safety records were abysmal.

"Production of nuclear weapons has always been their whole role in life; everything else is secondary," says Leo Duffy, assistant Energy secretary in the Bush administration.

"All the environmental damage, the jeopardy to employees' safety and health, almost none of this was identified until 1988," when outside regulators went in, says Duffy, who ran those early oversight programs.

Duffy and other critics of Congress' plan suggest the answer is to set up clearer responsibility for security within the Energy Department. But they say oversight on environmental, safety and health matters should remain outside the purview of those running weapons programs. They also want the legislation's language to more clearly retain states' jurisdiction over the sites.

Proponents dismiss such concerns as unfounded. And they note that many of the plants and labs with the worst records on pollution and worker safety no longer do much weapons work, so Congress' plans wouldn't necessarily change their oversight.

Among them: the Hanford nuclear reservation in western Washington, where poorly stored waste has fouled water supplies; the Rocky Flats plant outside Denver, where large tracts of land suffer from radioactive contamination; and uranium processing plants in Cincinnati and Paducah, Ky., where workers were unknowingly exposed to radioactivity.

But sites that would come under new management also have their share of problems.

Just this month, for example, the Department of Energy's office of environment, safety and health cited the Los Alamos lab for two incidents in which workers were exposed to radioactive material that wasn't stored or handled properly. In 1998, the Lawrence Livermore lab was forced to shut down a plutonium storage facility after repeated failures to follow procedures meant to prevent an uncontrolled nuclear reaction.

Congress' plan to have those sites regulated by an agency primarily devoted to weapons work "would undermine over a decade of progress to improve environment and safety standards," Richardson says.

The reorganization would leave the Energy secretary with power to fire the head of the weapons agency, but neither he nor any other Energy officials would have direct control over operations.

If the secretary suspected wrongdoing at a facility, he could assign outside inspectors and order the agency director to implement their recommendations. But if the director refused, the secretary's only recourse would be to replace him, a proposition that would require congressional consent and could take months.

The Congressional Research Service, Congress' nonpartisan research arm, reported last week that such an arrangement "may be problematic" because it "tends to make secretarial authority less direct."

Sen. Carl Levin, D–Mich., who requested the study, wants Congress to rework the plan.

Officials in the states also want changes, arguing that the legislation's language could return weapons plants and labs to the pre-1992 era when they were immune from state environmental and safety laws.

The bill's proponents say it does no such thing, suggesting that foes are nitpicking the plan simply because they don't want to oppose it outright.

"This is a chance to fix a serious (security) problem," says Thornberry, "and I don't think turf disputes or jurisdictional disputes should get in the way."

Mrs. MURRAY. Unfortunately, 46 State Attorneys General have written voicing their "serious concerns" with many of this bill's provisions. They fear title XXXII of the bill would "weaken the existing internal and external oversight structure for DOE's environmental, safety and health operations."

I am very concerned about the DOE restricting provisions of this bill and so am tempted to vote against it. However, there are many provisions in the DOD authorization bill that will strengthen our country, our national defense, and our cleanup programs at DOE sites. I am particularly proud to support our belated efforts to increase the pay of our military personnel.

In addition, I very much appreciate Chairman WARNER's agreement to enter into the colloquy that follows. Therefore, I will support this bill in the hopes that this colloquy and the public comments made by drafters of title XXXII will ensure continuing compliance with environment, safety, and health laws and orders by the NNSA.

I hope we can go back to the drawing board on the DOE restructuring provisions either through a veto of the bill this year or a new attempt to craft a better solution next year.

Thank you, again, Chairman WARNER for your work on the overall bill and your colloquy with me on the important subject of protecting our communities and environment at DOE facilities.

TITLE XXXII

Mrs. MURRAY. Mr. President, I would like to enter into a colloquy regarding Title XXXII of the bill regarding Department of Energy restructuring. I understand the intent of this title was to improve security at Department facilities. Unfortunately, I am concerned that some of the language might cause confusion with regard to the obligation of the National Nuclear Security Administration to comply with environmental laws. From remarks I have seen in the popular press, I understand this was not the author's intent and I would like to clarify several provisions.

Mr. WARNER. I thank the Senator for her interest in helping clarify these important provisions. I agree we must continue to protect the environment, safety and health at DOE facilities.

Mrs. MURRAY. First, Title XXXII of the Defense Authorization bill has not been drafted to impair state regulatory authority or to eliminate DOE's internal oversight of environment, safety and health. Correct?

Mr. WARNER. That is correct. Section 3261 provides: "COMPLIANCE REQUIRED.—The Administrator [of the National Nuclear Security Administration] shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements. PROCEDURES REQUIRED.—The Administrator shall develop procedures for meeting such requirements. RULE OF CONSTRUCTION.—Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs." Section 3261 was included to make clear NNSA's obligation to continue to comply with environmental laws and DOE environmental orders.

Mrs. MURRAY. It is clear then that this provision does not affect the obligation of the Administrator of the NNSA and the Secretary of Energy, to comply with existing environmental laws and DOE environmental orders. Indeed, it makes explicit NNSA's legal obligation to comply with all applicable environmental laws and regulations, and provides that the Administrator of the NNSA has primary responsibility and accountability for environmental compliance programs at NNSA facilities. Furthermore, Section 3261 does not affect or abrogate existing waivers of sovereign immunity in environmental laws. Finally, Section 3261 retains the Secretary of Energy's existing authority over environmental compliance issues at the nine sites that will be incorporated into the NNSA. If compliance problems arise, the Secretary may investigate them, which can include requesting the assistance of staff from DOE's Environmental Management or Environmental, Health & Safety programs, and impose corrective actions when the Secretary identifies deficiencies. Is this a correct interpretation?

Mr. WARNER. This is the correct interpretation of Section 3261. Retaining Secretarial authorities over environmental compliance is an essential element of Title XXXII.

Mr. DOMENICI. Mr. President, I rise in support of the National Defense Authorization Act for Fiscal Year 2000 Conference Report before us today. Chairman WARNER and his Committee have done an excellent job in prioritizing available funds to provide for our national defense.

Any deficiencies in this authorization bill are a result of overall budget constraints and expanded commitments rather than inattention to our nation's vital security needs. I appreciate the Committees efforts to bring direct spending under control in this bill and conform to the Budget Act limitations.

As Chairman of the Budget Committee and a member of the Defense Appropriations Subcommittee I know how difficult the exercise of prioritizing funds is. Every year all of the Congressional Defense Committees face tough choices as to how to best allocate funding so as to meet our immediate defense needs without sacrificing our future. As budgets shrink and global commitments swell, this task becomes increasingly difficult.

Mr. President, I would like to underscore the problems Congress currently faces. Here my message is two-fold: first, we do not live in a peaceful world; and, secondly, we cannot defend our national interests if we are not committed to a strong military.

I, and many of my colleagues, believe that U.S. prosperity rests on a strong, dedicated military. Everyone has heard the phrase "peace through strength." Perhaps some believe that having been coined during the Cold War, this adage is anachronistic. I strongly disagree.

Continued economic growth and the absence of a tangible, imminent threat to our security breed complacency. Complacency characterizes the current attitude toward our national security.

As victors of the Cold War we appear to have a false sense of security about this new era. Thus far, the results of U.S. military intervention have not offered evidence that we should worry.

However, our current military superiority is a product of the massive investments made during the Cold War. This Administration has not sustained the necessary investments. At the same time, they've increased U.S. military commitments overseas—often without clearly defining the strategic objective of those deployments.

Complacency regarding our nation's strategic interests sends a message that ripples through every level of our national security apparatus—from our current inability to recruit the requisite talent to the trained pilots, technicians, and mid-career military professionals leaving for private sector jobs.

Although diffuse and more difficult to discern, threats to our national security do exist.

Instability in numerous regions throughout the world create security risks with adverse economic, and potentially strategic, impact. Proliferation of weapons of mass destruction also presents a grave threat. NATO intervention in Kosovo further aggravated potential threats to our national security—specifically, damage to our relations with Russia and China. In addition, Kosovo deployments will stretch an already overextended military to its limits—not to mention a limited, but not insignificant, contribution to peacekeeping efforts in East Timor.

Peace through strength is still an appropriate theme. Complacency erodes our potential. If we demonstrate a strong commitment to the men and women in uniform, they will have a good reason to join and to stay.

Mr. President, with those thoughts in mind, I would like to briefly discuss the work of Senator WARNER's Committee on the Conference Report before us today.

First, a critical initial step in meeting our commitment to the men and women in uniform is found in the pay raises, incentive pay, and pension reforms found in this bill. As of January 1 next year, all members of the uniformed services will receive a 4.8% increase in their monthly pay. Furthermore, pay increases beyond that date will be one half a percent above inflation.

The Conference Report outlines special incentive pay and enlistment bonuses to a variety of needed specialists or highly-trained personnel in our armed forces.

Lastly, improvements to military retirement pay and eligibility in the Thrift Savings Plan will provide additional reasons to join and continue serving in our military services.

According to a GAO study requested by myself and Senator STEVENS military pay and retirement packages are not the core reasons for our retention problems. However, these improvements offer an important first step toward addressing quality of life shortfalls in the lives of our military men and women.

The Committee also increased readiness funding beyond the Administration's request. In addition to the $2.25 billion of emergency money, this conference report adds about $1.6 billion in readiness-related accounts.

The President's budget only included $5.4 billion in military construction to fund $8.5 billion worth of projects. This "split funding" approach was to be a one-time accounting gimmick to create room for other spending and still remain under the budget caps. I applaud the Authorization Committees' decision not to use this approach for military construction.

The pay and pension reforms as well as additional funding for military readiness and military construction will alleviate some of the problems in the immediate term.

Necessary still is to address the foreign policy decisions that have led to the high operational tempo. More money cannot resolve questions regarding overseas operations or the organizational ability of any one military branch to respond to post-Cold War deployments.

These are systemic problems borne of both domestic and foreign policy decisions. Unless and until we clarify the U.S. position and responsibilities in this new era, we will not know the rules for engagement or intervention. This dilemma has profound implications for the size, structure, and capabilities of our military.

There are several items of significant impact on the state of New Mexico included in this authorization bill. I would like to briefly discuss a few of them.

Although foremost a matter of national security, the provisions on the Department of Energy restructuring also will have a substantial impact on thousands of workers in New Mexico. These provisions ensure that brilliant science and tight security are compatible within our nuclear weapons infrastructure.

Mr. President, I remind my colleagues that the President's Foreign Intelligence Advisory Board (PFIAB) Report demanded legislative changes. It clearly stated, "The Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself." The PFIAB Report's specific recommendations included:

Creation of a new, semi-autonomous Agency for Nuclear Stewardship.

Streamline the Nuclear Stewardship management structure.

Ensure effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

I and my colleagues, Senator KYL and Senator MURKOWSKI, followed these recommendations closely in drafting the legislation for DOE restructuring. The creation of a semi-autonomous agency for our nuclear weapons work will implement a true "Chain of Command" approach, with all the discipline this entails. I truly believe that this approach, if it had been used in the past, may have avoided some of these security problems and will help us avoid them in the future.

These changes are desperately needed at the Department of Energy, and they must be made now.

Another national defense issue that has substantial implications for New Mexico is the McGregor Range withdrawal.

McGregor Range is one of six military parcels withdrawn from public domain in 1986. These parcels comprise nearly 30 percent of the Department of Defense's 25 million acres. McGregor Range comprises nearly 700,000 of Fort Bliss's 1.12 million acres. The Fort Bliss garrison is adjacent to El Paso, Texas, but McGregor Range is located entirely in New Mexico.

McGregor range is vital to military training and readiness. Fort Bliss has a critical role as a national center for air defense, and McGregor Range is essential for fulfilling that role. McGregor Range is the only range in the United States capable of training America's air and missile defense forces. Because all CONUS Patriot forces are stationed at Fort Bliss they depend on McGregor for the training needed to ensure their full readiness prior to deployment.

There is strong regional support for this renewal. 176 public comments expressed support for the Army's preferred alternative. An additional 26 expressed support for one of the other alternatives. The provisions in this bill will continue historic non-military uses of the range which include livestock grazing and hunting for 25 years.

Military training and testing requirements for McGregor Range are foreseen for at least the next 50-years based on weapons systems that are either currently fielded or are planned for fielding in the near future. For this reason, the Army's Environmental Impact Statement preferred a 50-year withdrawal.

My amendment to the Senate Defense Appropriations bill includes a 50-year withdrawal. I am pleased with the work of the Authorization Committee, but I still firmly believe that 25 years is not an adequate period of time for withdrawal of the McGregor Range.

Many important programs for the Air Force Research Laboratory at Kirtland were authorized by the conferees. Aerospace propulsion programs at Phillips were increased by $6 million. An increase of $28.6 million above the $116.3 million budget request was authorized for Phillips' Exploratory Development programs. Advanced Spacecraft Technology programs received an additional $19.5 million authorization, including $5 million for the Scorpius Low-Cost Launch program.

Directed energy programs comprise a substantial proportion of New Mexico's defense related research, development, and testing initiatives. Different services are working on a variety of laser weapons to achieve better and cheaper cost-per-kill defenses against missiles. Chemical lasers development for the Airborne and Space Based Laser programs are authorized at almost $500 million annually. The pioneering work and ongoing basic research for these systems is at Phillips in Albuquerque.

With a view toward the future of laser weapons, this conference report requires the Secretary of Defense to develop a unified DoD laser master plan. The objective is to maximize the return on our investment in these important technologies by coordinating these efforts across the services and provide a roadmap for future development. I strongly support this effort.

The conferees also provided an additional $20 million authorization for solid state laser development and $10 million for the Tactical High Energy Laser (THEL), programs which are tested at the High Energy Laser Test Facility (HELSTF) at White Sands Missile Range. HELSTF is also designated as the Army's Center of Excellence for all Army test and evaluation activities.

An additional $4 million is authorized for the Counterterror Technical Support program. This funding will support the cutting-edge research in blast mitigation materials and structures at New Mexico Tech.

Although the President's request included no funding for military construction at New Mexico's defense installations, the conferees added $9.8 million to renovate 76 units of housing at Holloman Air Force base and $14 million to replace cracked and deteriorating airfield ramps at Kirtland. Another $8.1 million is authorized to repair one of the main runways at Cannon Air Force base. In addition, the New Mexico Air National Guard's Composite Support Complex at Kirtland is authorized at $9.7 million. All of these projects address quality of life or operational needs of the utmost importance to personnel at these installations.

Mr. President, again, I would like to thank Senator WARNER and the members of his Committee for their diligent work in allocating tight resources in the best feasible manner.

At the same time, I would like to reiterate my view that many of the problems we currently face in our Defense Committees result from inadequate definition of U.S. interests.

The systemic problems—retention, readiness, operational tempo—are a product of domestic and foreign policy decisions. We have neither clarified the U.S. position in the current international environment nor have we established relevant rules for U.S. engagement. Instead, we rely more and more on our military to compensate for failed diplomacy. Or we ask our soldiers to play referee in regions of the world teeming with ethnic conflict and territorial disputes.

Without first defining our national interest in this new era, we cannot pretend to downsize, right-size, or structure our military to adequately defend U.S. interests throughout the world. More importantly, without a clear picture of the appropriate military structure and necessary force capabilities we cannot answer the $280 billion question: How much is enough?

Mr. KENNEDY. Mr. President, I support the Department of Defense authorization conference report for fiscal year 2000, and I congratulate our new chairman, Senator JOHN WARNER, on completing this first conference report as chairman. While I am disappointed that some provisions in the Senate version of the bill were dropped, on the whole it is an excellent piece of legislation and I am pleased to support it.

My most important concern is over the changes made in Title 32, which establishes the National Nuclear Security Administration and reorganizes the Department of Energy's nuclear laboratories. When we first considered this issue on the intelligence authorization bill in July, the Senate passed the Kyl amendment, which reorganized these nuclear labs by a vote of 96–1. Unfortunately, during conference deliberations, these provisions were substantially rewritten. Secretary Richrdson has expressed his strong objections to these provisions, and states that they will make it more difficult for the Secretary of energy to oversee the labs. I hope that the Armed Services Committee will work with Secretary Richardson to address his concerns in the fiscal year 2001 Defense authorization bill.

America has faced many global challenges this year that have re-emphasized the need for our Nation to maintain a well-trained and well-equipped military. This year's crisis in Kosovo was particularly challenging and required the Nation's Armed Forces to perform a wide variety of duties, including peacekeeping and humanitarian activities, in addition to sustained combat operations. Our service men and women performed superbly in all that was asked of them, and I commend them on their dedication, professionalism, and unwavering devotion to duty. Without their skill, we would not be as close to peace in the Balkans as we are today.

It is the duty of Congress to ensure that we provide our military with what is needs to meet the international challenges common in the post-cold-war era. America must be ready, when necessary, to protect its vital interests and encourage global stability. The fiscal year 2000 Defense conference report is a positive step toward ensuring that the Nation's military is prepared to meet the challenges of the years ahead.

The cornerstone of the military's preeminence rests on its most critical component, its people. Without adequate number of men and women willing to serve in the military, the Nation would not be able to respond to crises around the globe. We need cutting-edge weapon systems, but we also need dedicated men and women to operate these systems. The conference report contains many new initiatives and constructive changes in personnel policies that will help to ensure that we adequately provide for our servicemen and women and their families.

Specifically, the conference report provides a fully-funded and well-deserved 4.8 percent pay raise for military personnel, as well as expanded authority to offer additional pay and other incentives to retain service members in critical military specialties. The conference report also improves retirement benefits by addressing service members' concerns with the current system and approving their participation in the Thrift Savings Plan.

I am very disappointed, however, that Senator CLELAND's amendment to improve and expand GI bill benefits for servicemen and women was not included in the conference report. The Montgomery GI bill has been a very successful and important program for the military. But, in order for the GI bill to continue to be a valuable program, it must evolve as our military forces evolve. Access to higher education is an increasingly important issue for our servicemen and women in today's all-volunteer, professional military. Senator CLELAND's GI bill provisions, included in the Senate version of the bill, made needed improvements in the GI bill that would have enhanced the program's value and benefit to our troops, and would have improved its effectiveness as a recruiting tool. I commend Senator CLELAND on his leadership on these provisions and I urge my colleagues to reconsider these innovative ideas next year.

The DOD authorization conference report also reauthorizes and enhances the very successful Troops-to-Teachers program. Over the next ten years, the Nation's schools will need to hire two million new teachers to fill their classrooms. Troops-to-Teachers is helping to meet that challenge by recruiting and training servicemen and women to become teachers in public schools. This program was established by Congress in 1993 and has already placed over 3,000 servicemen and women in elementary and secondary schools in 48 states. The conference report also provides for the transfer of this program to the Department of Education, so that it will be coordinated with other federal education programs that are helping communities to improve their public schools.

Concern for our military personnel doesn't end with the active duty servicemember, but with the whole military family. Well over half of the members of today's military are married, and in many cases both parents are employed. The military also contains many single mothers and fathers. All of these individuals have unique characteristics and needs that must be recognized so that we can encourage their continued service and careers in the armed forces.

The conference report contains a provision, which I strongly supported, authorizing the Secretary of Defense to provide financial assistance for child care services and youth programs for members of the Armed Forces and their families. These expanded child care provisions will ensure that many more military families have access to quality childcare and after-school care for their children.

Also, military families are not immune to the epidemic of domestic violence that confronts the rest of America. We have a responsibility to military families to help prevent domestic violence, and to protect the victims when abuse occurs.

An important provision in this year's conference report requires the Secretary of Defense to appoint a military-civilian task force to review military policies on domestic violence. This task force, comprised of military, DOD, law enforcement personnel, and civilian advocates for battered women and children, will work with the Secretary of Defense to establish Department-wide standards for combating domestic violence.

These initiatives will include standard formats for memorandums of understanding between the armed services and local law enforcement authorities for responding to domestic violence; a requirement that commanding officers must provide a written copy of any no-contact or restraining order to victims of abuse; standard guidance for commanding officers on considering criminal charges in cases of domestic violence; and a standard training program for all commanding officers on domestic violence.

This provision also requires the Department to establish a database, the contents of which will be annually reported to Congress. The information will include each domestic violence incident reported to military authorities and how that incident was resolved. This provision also requires the military-civilian task force to report to Congress annually about the progress made in combating domestic violence in the military.

The conference report also takes a number of worthwhile steps to address equipment modernization requirements that have been deferred for too long. The chairwoman of the Seapower Subcommittee, Senator SNOWE, took the lead this year in advocating a strong shipbuilding budget, as well as a strong research and development budget, for the Navy and Marine Corps. It was a privilege to work with her this year, and, I am pleased that this conference report takes these important steps to ensure that the Navy has the ships, submarines, and other equipment needed to sustain its operations throughout the world.

The conference report authorizes the extension of the DDG–51 Destroyer multi-year procurement into fiscal years 2002 and 2003 and increases the number of ships to be built from 12 to 18 ships. The conference report also authorizes the Navy to enter into a five-year multi-year procurement contract for the F/A–18E/F Super Hornet, and increases the number of Marine Corps MV–22 Osprey tilt-rotor aircraft from 10 to 12. These are all strong steps in strengthening the readiness of the Nation's Navy-Marine Corps team.

Procurement isn't the only area where we need to strengthen our investment. We also need to strengthen investment in science and technology. Last year, the Defense authorization bill called for a 2 percent annual increase, above inflation, in military spending on science and technology from 2000 to 2008. Unfortunately, the Department's proposed fiscal year 2000 budget reduced spending on science and technology programs. The Air Force alone was slated for $95 million in cuts in science and technology funding. Such a decline would have been detrimental to national defense, particularly when the battlefield environment is becoming more and more reliant on high technology.

Fortunately, thanks in great part to the chairman of the Emerging Threats and Technology Subcommittee, Senator ROBERTS, and his ranking member, Senator BINGAMAN, Congress restored much of this Air Force science and technology funding. This restoration will help to ensure that high quality scientists and engineers are available to conduct research to address the Department's technology needs for the future. Congress has taken a clear position in support of maintaining sound investments in Defense science and technology programs. I urge the Department to request a strong science and technology budget next year, one that will ensure the future of these important programs.

One of the most significant of these science and technology fields is cybersecurity. The growing frequency and sophistication of attacks on the Department of Defense's computer systems are cause for concern, and they highlight the need for improved protection of the nation's critical defense networks. This conference report includes a substantial increase in research and development for defenses against cyber attacks, and this increase will greatly improve the Department's focus on this emerging threat.

Existing threats from the cold war are also addressed in this legislation. Financial assistance to the nations of the former Soviet Union for nonproliferation activities such as the Nunn-Lugar Comprehensive Threat Reduction programs is essential for our national security. I commend the administration's plans to continue funding these valuable initiatives, and I commend a Congress' support for them.

One of the most serious threats to our national security is the danger of terrorism, particularly using biological, chemical or nuclear weapons of mass destruction. We must do all we can to prevent our enemies from acquiring these devastating weapons, and do all we can to keep terrorists from being able to conduct an attack on our nation. Significant progress has been made to strengthen the nation's response to such attacks, but more must be done. The conference report strengthens counter-terrorism activities and increases support for the National Guard teams that are part of this important effort.

Again, I commend my colleagues on the Armed Services Committee for their leadership on these important national security issues. This conference report is essential for our national security in the years ahead, and I urge the Senate to approve it.

Mr. DEWINE. Mr. President, I rise today to discuss a very important issue concerning the Department of Energy and its ability to secure nuclear information. Nuclear security is imperative to this nation, and after the scandals in the last year, Americans have questioned the ability of the Department of Energy to keep nuclear information secure. As a result, Senator WARNER, Chairman of the Armed Services Committee and Ranking Member LEVIN included legislation in the Defense Authorization Conference Report that creates a new division within the Department to restore nuclear security. I applaud their efforts.

However, Mr. President, I am concerned about the potential for unintended consequences as a result of the Department of Energy reorganization. Specifically, the attorneys general of 46 states, including the State of Ohio, wrote to Congress stating that the 1992 Department of Energy reforms which clarify that states have regulatory authority of the Department of Energy's hazardous waste management and cleanup could be undermined by this legislation. The attorneys general believe that this legislation could allow the Federal Government to abandon its commitment to "environmental, health and safety requirements" at Energy Department facilities nationwide. This is troubling for the State of Ohio, which has three former Department of Energy nuclear facilities—the Portsmouth Gaseous Diffusion Plant, Fernald, and the Mound Nuclear Facility. Each facility is at a different stage of cleanup, and recent revelations of plutonium contamination at the Portsmouth facility only emphasize the need for strong environmental, health, and safety requirements at these DOE facilities.

While I have heard the concerns of the attorneys general, I am assured by the Armed Services Committee that the intent of this legislation is not to exempt nuclear facilities from state environmental regulations and requirements or worker safety and health regulations. I am further assured that if there are any unintended consequences, Congress will rectify these problems.

Mr. ROBB. Mr. President, the Conference Report on the National Defense Authorization Act before us today makes a healthy increase of over $8 billion to the President's request. This reflects concerns by the Congress that readiness has eroded to a point where our military is having to take significant risks in its day-to-day operations.

Many of our colleagues are aware that we have sized our armed forces to engage not only in two major theater wars that break out nearly simultaneously, but also to handle the Bosnias, Kosovos and other smaller-scale contingencies that challenge our interests overseas. For the first time since we adopted our 2-war strategy not long after the end of the Cold War, the commanders in charge of our warfighting forces are warning the Congress—again for the first time in the post Cold War era—that the risks in our ability to fight in that second theater have gone from moderate to high.

This risk is not merely some esoteric metric that only some military strategist can comprehend. Rather, the dangers are that we will lose an unacceptable number of men and women in battle, that we will lose excessive territory in the initial phases of battle, and that battles will last much longer than they would with a more capable force.

This is a serious warning—not one we should take lightly. The military challenges to the U.S. in the decades ahead are ill-defined and very difficult to predict. While the Chairman of the Joint Chiefs has signaled a significant drawdown in Bosnia in the near future, while our commitment of troops to Kosovo is relatively small compared to those of our European allies, and while signs of progress on the Korean peninsula are making news this week, we also see the tragedy in East Timor, renewed Chinese threats against Taiwan, and rebel action in Russia, all of which remind us of the extraordinary instabilities that we will face in the next century.

Whether we will see more or less conflict is unclear, but the growing competition for fixed resources in impoverished regions where populations grow unabated suggests that civil and interstate strife will only worsen. These strains will also spawn terrorists—including those embittered by their harsh circumstances and in particular those who feel they have nothing to lose.

Decisive action, as we saw by the U.S. and others in Bosnia and Kosovo, will, we hope, deter future conflicts and gross human rights violations. But the speed with which the tragedy in East Timor developed on the heels of NATO's victory in Kosovo tempers such optimism. Ultimately, a combination of resolute determination to defeat aggression, strong support for democracies, and effective means for improving the quality of life for all is the best path to ensure we don't have to send our young men and women into harm's way repeatedly in the twenty first century.

This conference report goes a long way toward ensuring we will be ready in the years to come. It invests in new weapons to the tune of three billion dollars over the FY 2000 Administration's request, and looks to the distant future with an increase for research and development of almost two billion dollars over the request. Readiness is increased by about 1.5 billion dollars. More importantly, this bill focusses on our greatest asset—our soldiers, sailors, airmen and marines—that ultimately make the defining difference between victory and defeat. With a significant pay raise and retirement reforms, the bill meets head on a continuing crisis in recruiting and retention. I was particularly pleased that the Senate and conferees agreed to provisions I had included in an earlier bill, S. 4, to focus pay increases on specialties—such as aviators—where retention and recruiting problems are particularly severe.

At a time when we are watching every defense dollar so closely, I am disappointed that we did not do much more in this bill to rid the Department of Defense of so many wasteful expenditures. Across the nation, we are now obligating in excess of 3 billion dollars a year to pay for utilities, to maintain buildings and roadways, and to operate equipment on bases that are unneeded by our military. We are likewise spending billions on weapons and research programs that the Department of Defense did not request but was forced to pursue by the Congress. We watch the Department waste hundreds of millions of dollars due to misguided acquisition policies, poor oversight of inventories, and service duplication of effort. These are difficult problems to fix—due either to political inertia or sheer organizational complexity, but nonetheless we should and can do much more.

Finally, Mr. President, I want to comment briefly on this bill's attempt to reorganize the entire Department of Energy. While PRC espionage has severely damaging consequences for long-term U.S. security, rushing to restructure a department with such vital responsibilities is not, in my view, prudent oversight on our part. In short, had the changes included here been instituted two decades ago, it is unclear that these changes would have had any impact on the PRC's ability to garner intelligence on our nuclear weapons. Indeed, one might even make the case that the bill will worsen this situation. I intend to track this matter closely in the years ahead and to support necessary modications of this language as the reorganization proceeds.

Mr. President, on balance, this is a very good bill that does much to fix military readiness and other problems. I support its passage and urge my colleagues to support it as well.

Mr. McCAIN. Mr. President, I would like to take this opportunity to offer some comments in support of the National Defense Authorization Act for Fiscal Year 2000. Since Operation Desert Storm in 1991, I have been extremely concerned with the drastic decline in funding for our Armed Services. We have all watched as the military lost more and more of its highly trained warriors, as the equipment aged year after year with few spare parts and no replacements, and as the infrastructure at our military bases fell into disrepair. Today, I am cautiously optimistic that we have finally, if belatedly, recognized serious readiness shortfalls and are taking steps to correct them. That this bill represents a 4.4 percent increase over the current fiscal year's level is a step in the right direction.

I am most heartened by the package of personnel benefits that are incorporated in this bill. Several identified shortcomings in pay and retirement benefits have been addressed. Pay table reform brings the focus of the pay raises to the middle leadership in both the officer and enlisted ranks. Repealing REDUX brings equity across the military for retirement benefits. Securing higher annual pay raises takes the first step to closing the pay gap between military personnel and their civilian counterparts. Implementing a Thrift Savings Plan for military personnel will help retain our dedicated soldiers, sailors, airmen, and marines.

Two critical areas of our military that begin to be addressed in this bill are the shortage of spare parts and the lack of replacement equipment. In every branch of the service, examples abound of equipment being utilized far in excess of its intended service life. In many cases the equipment is older than the operator and costs more and more each year to maintain. This bill funds spare parts programs to allow our equipment to be fully combat ready, and funds many follow-on systems that will directly benefit the war fighter.

This trend must continue in the years to come. Maintaining a viable military is a commitment, not a once-a-decade afterthought.

While I applaud the effort to bolster some of the areas of our military that have been under funded for the last 10 years, I am disheartened that, yet again, Congress has failed to take two of the most meaningful steps to free more dollars for our defense budget. The first of these is the continued and reprehensible practice of spending billions of dollars on programs that the armed services did not ask for and, in many cases, do not need. Allocating funding from an already tight budget for programs added primarily for parochial reasons continues to undermine honest efforts to adequately provide for the national defense.

I applaud the Committee chairman's effort to minimize the number of member adds not reflected on service Unfunded Priority Lists. Committee staff should be commended for their great efforts in carefully drafting legislation and checking amendments with the Service's Unfunded Priority Lists and the Future Years Defense Plan—ensuring that, in most cases, the Services' priorities were funded. There is no question, however, that enormous sums continue to be earmarked as much for political as for operational reasons. In fact, my concern about the continued viability of the Unfunded Priority Lists has grown in the face of questionable inclusions on those lists, such as executive and tactical airlift aircraft that clearly expand on existing inventory surpluses, and programs from the Future Years Defense Plans that are moved ahead more to accommodate powerful members of Congress than to address pressing funding shortfalls. That there is more than $3 billion in questionable spending added by members for parochial reasons illustrates that the scale of the problem remains unacceptably high.

I also continue to find incomprehensible Congress's unwillingness to permit the military to divest itself of excess infrastructure. Literally billions of dollars can be saved over the course of a FYDP if the services are authorized to close unneeded installations and facilities. And let there be no mistake: Congressional opposition to another round of base closures is not predicated upon specious arguments about the supposed lack of cost savings and operational requirements that defy simple economics and common sense; this opposition grows solely out of the desire on the part of members of this body to avoid the politically painful process of defending hometown installations.

As one who saw a major installation in my state closed during the 1991 BRAC round, I can sympathize with that reluctance to undertake an unpleasant task. As one who also saw the rejuvenation of a community previously dependent upon that military installation after it was turned over to local authorities, and as one more than a little concerned about our inability to fully address vital readiness and modernization problems, I must respectfully disagree with those who oppose another round of base closures.

The elimination of excess infrastructure is vital to allow the Department of Defense to focus resources on necessary support facilities rather than base structure from the Cold War era. Savings from previous BRAC rounds have been validated in the billions of dollars by every conceivable research foundation. There is just no excuse for continuing to require taxpayers to pay for infrastructure we do not need.

I am also distressed that the bill does not address a personnel issue I find an embarrassment and a tragedy. With over 12,000 military families on food stamps, and the potential of more than double that number eligible for the program, I cannot reconcile the lack of attention to this issue in this bill. I have been open to all suggestions for solutions to this problem. I have hoped for and worked toward a bipartisan response that would satisfy the Administration, Congress, and the Department of Defense. Although the Senate approved my legislation, I was greatly disappointed when this measure was rejected by conferees from the House of Representatives despite the strong support of Admiral Jay Johnson, the Chief of Naval Operations, and General Jim Jones, the Marine Corps Commandant.

I find it an outrage that enlisted families line up for free food and furniture while we pour hundreds of millions of dollars into C–130J, automatic grenade launcher, anti-ship decoy, hyperspectral research, and free electron laser programs. The insertion into the budget of hundreds of millions of dollars for an amphibious assault ship that the Navy does not want and that the Secretary of Defense specified diverts dollars from higher priority programs is difficult to reconcile with our professed concern for the welfare of military families.

What we have here is a situation in which certain members of the House are apparently unconcerned about having tens of thousands of military families eligible for food stamps. Yet, they raise no opposition to funding a gymnasium at the Naval Post-Graduate School or a $15 million Reserve Center in Oregon that were not in the department's budget request. In fact, a vast majority of unrequested items costing many millions of dollars were added to the bill by the same body that opposed the food stamp provision. Sadly, politics, not military necessity, remains the rule, not the exception.

Although my legislative proposal would have been funded for the Department of Defense at approximately $6 million annually, the Congressional Budget Office found that it actually would have represented a savings to taxpayers, since it would save more in the Agriculture Department by removing service members from the food stamp rolls. I am at a loss to understand or explain how such a straightforward measure could be so easily rejected by the House of Representatives, particularly in a year when Congress voted to increase its own pay and also included a 15% annual pay raise for generals and admirals.

I will continue to press forward to resolve this tragic problem, and I believe that most Americans will support my effort. I will not stand by and watch as our military is permitted to erode to the breaking point by the President's lack of foresight and the Congress' lack of compassion. These military men and women—our soldiers, sailors, airmen, and Marines—are the very same Americans that the President and Congress have sent into harm's way in recent years in Somalia, Bosnia, Haiti, Kosovo, and currently East Timor. Our service members deserve better. They deserve our continuing respect, our unwavering support, and a living wage.

On another matter, I am very pleased that the bill contains provisions for the renewal of the withdrawal of the Goldwater Range.

The Goldwater Range is one of the most important military training ranges in the country, supporting activities of all services. It currently comprises approximately 2.7 million acres of desert land in southwest Arizona, with climate and weather conditions that allow flight and other training over 360 days a year. This range is vital to the continued military readiness of our Armed Forces.

It is also located in the heart of the Sonoran desert and contains one of the most undisturbed desert ecosystems in North America. The Sonoran desert ecosystem on the Goldwater Range is one of the few places in the nation that contains virtually all of the plant and animal species that were present before the continent was discovered by Europeans. The dozen mountain ranges and arid bajadas of the range are home to the desert bighorn sheep, the critically endangered Sonoran pronghorn antelope, and dozens of plant species found almost nowhere else in the U.S.

The challenge is to provide for necessary national defense training while protecting this natural treasure. In 1986, the Congress passed the Military Lands Withdrawal Act which formally authorized the Barry M. Goldwater Range. Included within the range was more than 860,000 acres of the Cabeza Prieta National Wildlife Refuge managed by the U.S. Fish and Wildlife Service and more than 1.8 million acres of lands administered by the Bureau of Land Management. The withdrawals established under the 1986 Act were for 15 years and were due to expire unless extended in 2001.

While the approach to the withdrawal of the Goldwater Range in this bill is different from what we did in 1986, the provisions will ensure the continued availability of this range for vital military training, while protecting and preserving the unique cultural and natural resources of this part of Arizona.

The withdrawal provisions included in the conference report are based on the Administration's proposal. Because of the environmental protections included in the Administration's proposal and additional provisions added in the conference agreement, I am comfortable with the plan to transfer management of the natural and cultural resources within the range to the Air Force and the Navy, a decision which is fully supported by both the Interior Department and the President's Council on Environmental Quality. In practical effect, the Air Force and Marine Corps have been performing the management functions at the Goldwater Range for many years, and doing a superb job of it, according to most observers, while the efforts of the Bureau of Land Management and Interior Department have been widely criticized. In fact, the Department of Defense already dedicates significant resources to land and resource management of the Range. The decision to formally transfer management recognizes the superior fiscal and manpower resources available to the military Services, who also have the most compelling interest in maintaining future training access to the range, which can only be accomplished by effectively addressing environmental concerns regarding its use.

The Cabeza Prieta will no longer be included in the military lands withdrawal, and it will continue to be protected and managed by the Interior Department and the Fish and Wildlife Service as one of our Nation's crown jewels of wilderness areas.

President Franklin D. Roosevelt established the Cabeza Prieta refuge in 1939 in recognition of the tremendous natural resources of the area. Congress—with my strong support—designated about 803,000 acres of the 860,000-acre Refuge as wilderness in the Arizona Desert Wilderness Act of 1990, making it the largest and one of the most pristine wilderness areas managed by the U.S. Fish and Wildlife Service in the lower 48 states. I am very proud to have been a part of the effort to protect this unique wilderness area. The management of Cabeza Prieta should set the highest standard for the protection of wilderness and wildlife values.

This bill ensures that military aviation training can continue over the refuge pursuant to the Memorandum of Understanding in place between the Fish and Wildlife Service and the Air Force but ensures that the wildlife and wilderness conservation purposes of the refuge remain unaltered. The bill does not seek to add new purposes to the Refuge's management mandate.

Under the 1990 wilderness act, the Air Force was allowed to maintain a small number of ground instruments on the refuge within the Cabeza Prieta Wilderness. Man-made structures are not generally allowed within wilderness areas. The bill before us allows the Air Force to upgrade, replace, or relocate the structures but only if doing so will have a similar or less impact on the wilderness and the environment than the existing structures.

The legislation also requires the Defense and Interior Departments to jointly develop a comprehensive integrated natural and cultural resources management plan for the Range, and to conduct a full environmental review, with public comment, every five years, including submission of a report to Congress. The Secretary of the Interior is given unilateral authority to take back the responsibility to manage the Range lands if the Secretary determines that the military is failing to adequately protect them. If at any time this authority is exercised, or if any of the five-year reports indicate degradation of the natural and cultural resources on the range, the Congress could and should take prompt action to redress those problems. I would certainly support such action.

The conference agreement also directs the Department of the Interior to work with all affected parties, including state, local, and tribal governments, to determine how best to manage and protect the natural and cultural resources of the four parcels of land, totaling 112,179 acres, that will no longer be withdrawn from public use for military utilization. The study will examine whether such lands can be better managed by the Federal Government or through conveyance of such lands to another appropriate entity. The prompt completion of this study will give the Department of the Interior an opportunity to plan for the most appropriate management strategies for these lands, which, because of the withdrawal, have not been subject to mining, livestock grazing, or heavy recreation use for a half-century. These lands include the spectacular, 83,554-acre Sand Tank Mountains area. I expect that the Department of the Interior will explore a number of management options for management of the Sand Tank Mountains (and the other parcels) including transfer to Native American peoples, as well as the potential to protect the important natural values of the area through the designation of qualifying lands as wilderness, or through the limiting of livestock grazing and mining. This area is home to the highly endangered Sonoran pronghorn antelope and I expect that the study will include provisions for this and other threatened and endangered species. The study is to be completed within one year from the date of enactment of this bill.

Finally, the bill establishes an Intergovernmental Executive Committee of federal, state, and tribal representatives for the purpose of exchanging information, views, and advice relating to the management of the natural and cultural resources of the range. I fully expect that this body will conduct its meetings in public, and will provide ample opportunity for the public to participate in meetings and to review and comment on any proposals for the administration of the area that may be discussed by the committee.

I am very disappointed that the conferees did not include language for a comprehensive study of alternative management plans for the Goldwater Range. A proposal was made earlier this year to designate the range as a park or preserve, managed by the National Park Service, while permitting continued military training. In addition, several environmental groups registered concerns about the Administration's proposal for DOD management of the range and expressed concern that the military would be an ineffective manager of the natural resources at issue.

In response, I worked with the concerned individuals and groups to develop language directing the Department of the Interior to make recommendations on management of the range, including possible designation as a park, a preserve, a wilderness area, a nature conservation area, or other similar protected status. Simply studying alternative management schemes would not interfere with military training activities for which the range is essential. Rather, a comprehensive study would provide information to guide the Administration and the Congress in taking appropriate action to ensure that the cultural and natural resources on the range are preserved and protected.

It is incomprehensible that anyone could object to a study, but, unfortunately, significant opposition was raised by outside conferees on the House side. I will continue to pursue other avenues in this matter, because I am uncomfortable with the idea of locking in the Administration's proposal without ensuring that we could revisit that decision if the experts determined after studying alternative suggestions that some other form of management would be more appropriate.

In July, I wrote to the Secretaries of Interior and Defense, requesting that they independently undertake an assessment of alternative management plans for the Goldwater Range. They have the authority to do so, and I have urged them to begin a study immediately. In addition, I proposed an amendment to the FY 2000 Interior Appropriations bill to require such a study, and I am working to ensure such a study is included in legislation pending before the Energy and Natural Resources Committee to authorize new park areas. Once an alternative management study is completed, I will ensure that any recommendations for improved management of the Goldwater Range are considered and acted on, as necessary, by the Congress.

Despite shortfalls in the conference report before us today, I urge my colleagues to support its passage. On the whole, it is a step in the right direction toward resuscitating an armed force suffering from the diverging pattern of expanding commitments and contracting resources. It includes tangible incentives for the men and women who defend our nation day and night, 365 days a year, at home and overseas. It paves the way for better equipment and higher equipment availability rates. It is imperfect, as, I suppose, a bill of this magnitude is destined to be, but our armed forces deserve the good that is included in it, even if they must also suffer the bad.

Mr. President, the full list of unquested adds will be available on my website.

Mr. TORRICELLI. Mr. President, I rise today in strong support of the FY 2000 Defense authorization bill. This legislation demonstrates a strong commitment to America's defense and to our ability to meet future military challenges.

I am particularly pleased by the committee's inclusion of $176.1 million to purchase 17 UH-60L Blackhawk helicopters. A coalition of eight companies in my state manufacture critical components for the Black Hawk, which is the Army's premier tactical transport helicopter. First produced in 1977, it is used for combat assault, combat resupply, battlefield command and control, electronic warfare and medical evacuation. This year, the Black hawk provided critical support functions for our armed services in the Kosovo. This funding will ensure that our military has the ability to continue its current operations and sustain readiness for future dangers.

I am also pleased by the committee's support for high school ROTC programs. The additional $32 million for high school ROTC program will make a particular impact in my State where many programs have been approved for participation in ROTC but remain unfunded. Clark High School is an example of one such program which has remained on a waiting list of approved ROTC program but has been unable to participate because funding has not been available. I am hopeful that this funding will be appropriated, allowing the Department of Defense to immediately utilize this funding so that unfunded programs, like Clark High School, can begin operating as soon as possible.

Additionally, the additional benefits for all members of the military included in this bill deals with serious concerns I have had regarding quality of life and morale of our soldiers. The pay raise of almost five percent addresses serious inequities between military pay and civilian wages. In addition, the legislation creates a civilian-style 401(k) by allowing military personnel to contribute up to 5 percent of their pre-tax to a tax-shelter investment fund. These benefits will go a long way toward reaching our goals of recruiting and retaining highly trained personnel. Most importantly, it will give our soldiers and their families the quality of life they deserve.

I am also pleased by the $10 million in procurement funding for secure terminal equipment for the military services and defense agencies. This versatile equipments is the cornerstone of our multi-media secure digital communication. The new generation of secure terminal equipment, produced by a defense company in my State, is more effective technology and generates significant operations and maintenance cost savings.

Finally, I am extremely pleased by the committee's inclusion of a provision regarding the Economic development conveyance of base closure property. When an installation is recommended for closure, it is imperative that the transfer of property benefit the local community. This provision will accomplish this goal by allowing a more efficient transfer of property to the local re-development authority for job creation and economic development.

I again thank Chairman WARNER, Ranking Member LEVIN and Ranking Member INOUYE for their commitment and attention to these important issues.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. GORTON (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 93, nays 5, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—5

Boxer
Feingold
Harkin
Kohl
Wellstone

ANSWERED "PRESENT"—1

Gorton

NOT VOTING—1

McCain

The conference report was agreed to.

(Mr. VOINOVICH assumed the chair.)

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, as the RECORD shows, I voted present during the rollcall vote on passage of the FY2000 Defense Authorization Conference Report. My decision to cast this vote was prompted by Section 651 of the Conference Report, which would repeal the reduction in retired pay for U.S. military retirees who are employed by the federal government or hold federal office. As a retired U.S. Air Force Reserve officer, I stand to be benefitted by this provision when it is signed into law by the President. It is for this reason I voted present.

Mr. BOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair is anticipating a unanimous consent agreement to move forward with the VA–HUD appropriations.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. BOND. Mr. President, I ask unanimous consent H.R. 2684 be discharged from the Appropriations Committee and the Senate proceed to its consideration. I further ask that all after page 2, line 9, over to and including line 3 on page 95 be stricken, and the text of S. 1596 be inserted in lieu thereof, that the amendment be considered as original text for the purpose of further amendments, that no points of order be waived, and that any legislative provision added thereby be subject to a point of order under rule XVI.

Again, the Senate is now on the HUD–VA appropriations bill. No call for the regular order with respect to the bankruptcy bill is in order. It is my hope substantial progress can be made, that the leadership can agree to an arrangement where all first-degree amendments be submitted to the desk by a reasonable time. I will discuss this further with my counterpart, the Senator from Maryland.

I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I am pleased to present the fiscal year 2000 VA–HUD-independent agencies appropriations bill to the Senate. This legislation provides a total of $90.9 billion in budget authority, including $21.3 billion in mandatory budget authority and $82.3 billion in outlays, while covering a variety of Federal interests from veterans, housing, the environment, basic research, to advances in space.

This has been a very tough year, as I believe all our colleagues know. We have waited a long time to bring this bill to the consideration of the full Senate. I express my sincerest thanks to my chairman, Senator STEVENS, the ranking member of the full committee, Senator BYRD, and to my colleague, the ranking member from Maryland, for their hard work and commitment to ensuring that the VA-HUD appropriations subcommittee has enough funding to meet the minimum needs of our many important programs.

However, with 2 weeks before the end of the fiscal year, we are on a forced march to complete Senate action and provide a conference agreement to the Senate for consideration. I believe the bill before the Senate is a good bill under the constraints imposed by budgetary limitations and a fair bill with funds allocated to the most pressing needs we face.

Let me emphasize we balanced our funding decisions away from new programs and focused instead on the core primary programs in our bill on which people depend. We listened very carefully to the priorities of our colleagues in this body. While not everyone is happy, nor could they be, we believe the bill is equitable.

Clearly, we were not able to provide fully what each Member requested. Let me note that we received some 1,400 requests from Members of this body, but we attempted to meet the priority needs. Before describing what is included in this legislation for each agency, I wish to extend my sincerest thanks to Senator MIKULSKI, the ranking member of the VA-HUD appropriations subcommittee, for all her hard work and cooperation in putting this bill together. It is not possible, without the good working relationship that we have, to deal with such a complicated bill.

Let me add at the beginning, and I will repeat it again, my sincere thanks also to Senator MIKULSKI's staff, Paul Carliner, Jeannine Schroeder, Sean Smith, as well as my staff, Jon Kamarck, Carrie Apostolou, Cheh Kim, and Joe Norrell. The contributions of the staff to this process have been invaluable. Anybody who has watched the staff work on a major bill knows how much time, effort, energy, pain and suffering is endured at the staff level to bring a bill to the floor.

The VA-HUD fiscal year 2000 appropriations bill is crafted to meet our most critical needs for veterans, housing, the environment, basic scientific research, and advances in space. As I noted, total spending in this bill is $69.6 billion in budget authority and $82.3 billion in outlays. This is roughly the same as the President's overall request in the VA-HUD appropriations subcommittee but distributed with some significant differences.

Unlike the President's budget, the highest priority in the recommendations before the Senate is VA medical care. In the bill before the Senate, we have increased this amount by $1.1 billion above the President's request. Many Members have heard from veterans for some time about their concerns about the VA budget. They have been hearing their local VA hospital may terminate critical services, increase waiting times for appointments, maybe even shut down altogether. Members have expressed concerns about the need for additional medical care funding.

The Vice President recently told our Nation's veterans they wished to provide more money, but so-called Priority 7 veterans were not going to get care any more. We asked VA to do an indepth field survey to find out what the President's budget as originally submitted would mean. We found there would be major cutbacks in services, denial of services for some veterans, closing of facilities, reductions in force totaling as many as 13,000 employees and, what is most important, denial of critically needed care to thousands of veterans. We are absolutely not going to let that happen. It is wrong.

Overall, the VA budget totals $43.75 billion, an increase of $1.1 billion more than the President's request. In addition to medical care, funds were added to the veterans State home and State cemetery grant programs to meet the tremendous backlog in these programs and ensure that we meet the needs of our aging veterans, honoring those who are deceased in a dignified and respectful manner.

VA's full request for additional funds for the Veterans Benefits Administration includes ensuring much-needed improvements to the processing and delivery of veterans' benefits. We are, as we speak, working to find additional funding for veterans' medical care, and we expect to be able to present an amendment very shortly on that particular matter that we think will further lighten the burdens and stresses placed on the Veterans' Administration and ensure it can continue to provide top quality medical care to those who have put their lives on the line for the peace and security of all and for the freedom of the United States.

Moving on to the other major elements in this bill, we have funded the Department of Housing and Urban Development at $27.16 billion, which is some $2.35 billion over last year's level and which should allow HUD to be on very solid ground. Because of the priority needs of our veterans, we had to make tough choices. In HUD's case, that meant not funding HUD's requested 19 new programs and initiatives. Instead, we focused on funding HUD's core programs such as public housing, CDBG, home and drug elimination grants, homeless assistance, and section 202 housing for the elderly. These are the key housing and community development programs that make a critical difference in people's lives. They are programs with a proven track record.

Also, unlike last year when we funded 50,000 new incremental vouchers, we do not have the funds to provide incremental section 8 assistance this year. Frankly, against my better judgment, because we do not have funds in our allocation to meet the funding needs of our key programs, I have accepted the administration's budget proposal to defer $4.2 billion of section 8 budget authority for fiscal year 2000 expiring contracts until fiscal year 2001. In other words, the budget authority will be appropriated for the amounts to be expended on section 8 certificates in fiscal year 2001 to the fiscal year 2001 budget. The good news is we were able to continue funding this year. But the bad news means we will have to find $8 billion more in section 8 budget authority in fiscal year 2001 for a total of some $14 billion in budget authority in order to renew all expiring section 8 contracts in fiscal year 2001.

Permit me to emphasize and call to your attention several issues of particular importance in this bill.

First, I introduced the Save My Home Act of 1999 earlier this year to require HUD to renew expiring below market section 8 contracts at a market rate for elderly and disabled projects, and in circumstances where housing is located in a low-vacancy area such as rural areas or high-cost areas.

We have heard from too many States around this country where tenants in section 8 projects have been thrown out because the landlord in a tight market thought higher rents could be obtained at market rate. While this is certainly an understandable move, it deprives the citizens who have depended upon section 8 of the vitally needed services that they must have. So, despite our request, there has not been effective action to deal with those expiring section 8, or the so-called opt-out programs where landlords leave the section 8 program.

This bill provides new authority for section 8 enhanced, or sticky vouchers, to ensure that families and housing for which owners do not renew their section 8 contracts will be able to continue to live in their homes with the Federal Government picking up the additional rental cost of the units.

We think it is essential to preserve this housing, and we have therefore included $100 million in new section 8 assistance to ensure that there is adequate funding for renewing these section 8 contracts. We believe this strong direction to HUD will ensure that the appropriate steps—and there are other steps that are preferable to sticky vouchers, but we have given them a wide range of tools to use in ensuring those who live in opt-out housing are not deprived of housing.

We are disappointed about some of the reactions we have heard to this budget. We believe we are doing our job and doing it responsibly. We have heard objections from HUD. But we are funding HUD's program in a responsible, no-nonsense way.

Under this appropriations bill, unlike the course that the administration is on, no one will lose their housing, and in many cases the funding will ensure new low-income housing and home ownership opportunities.

We are concerned more and more about HUD's capacity to administer its programs. As I said, HUD has raised a red flag on many issues. We funded the primary programs mostly at the President's level—and a number above that level. I also do not believe that new programs at HUD should be a priority in part because of funding pressures but also because HUD does not have the capacity to administer effectively its programs. And we do not wish to bring in new programs without the benefit of the authorizing committee's approval on it.

HUD remains a high-risk agency, as designated by the General Accounting Office—the only agency ever designated on a department-wide basis. I do not believe it needs additional responsibility until it corrects its significant problems.

I hope every single Member understands what I am saying because people have reported to me concerns they have had with HUD. We have not been able to approve HUD's request. They need to understand that it is only one of eight major agencies that depend on the VA-HUD subcommittee allocation for their funds, and we have attempted to do our best to assure adequate funding for the core programs that are vitally important.

Moving on to other agencies, for EPA, we included a total of $7.3 billion, an increase of about $100 million over the request of the administration. We thought we needed to restore the President's $550 million cut to the clean water State revolving fund. The Clean Water Program and the Safe Drinking Water Program are critical to assure success in restoring and protecting our Nation's water bodies. It is a matter of the environment. It is also a vital matter of public health.

As we see problems in this country brought about by hurricanes and floods, everybody realizes that contaminated water supplies is one of the greatest health problems we face. This clean water State revolving fund allows States day in and day out to move forward in assisting local communities to clean up their wastewater to make sure we are not polluting the environment and endangering the health of our citizens. There is still a great deal to do in this area. We have provided as much assistance as we can.

EPA has been revising its estimate of the nationwide need for water infrastructure financing upward. It is now about $200 billion. That is why I find it a little difficult to understand why the proposal was to cut this program by 40 percent. We think that is the wrong choice. We reverse the cut.

The highest priorities, in my view, in EPA must include State grant programs and those activities geared to addressing the biggest environmental risk we face. We had to cut out some new programs—some critical programs—to protect fully EPA's core programs. In addition, we added funding for grants to States to enhance their environmental data system. That is a critical need and should help improve the integrity of EPA's data system.

Moving on to the other agencies, FEMA funding totals $85 million of which $300 million is for disaster relief. While we were unable to accommodate the full budget request, there are additional funds we believe are high priorities added for important initiatives such as antiterrorism training, enhancing the fire training program, and emergency food and shelter grants. Despite the damage caused by Hurricane Floyd, FEMA has adequate reserves on hand—approximately $1 billion at this time—to meet their anticipated obligations in the near future. We are going to be monitoring these needs closely, of course, and we will take whatever steps are necessary to ensure adequate funds are on hand to respond as needed to this and other disasters that inevitably occur.

We commend FEMA's efforts in hurricane-ravaged areas. Our hearts and prayers go out to the victims of these natural disasters, and our thanks go to the very strong response that the people of FEMA, and all of the related emergency agencies—both government and private sector agencies—have been able to provide.

Next, moving on to the National Aeronautics and Space Administration, this bill fully funds NASA at the President's request of $13.6 billion, including full funding for the international space station and the shuttle. I know NASA was a huge concern for many members of the committee and the Congress as a whole because the House, due to its shortened allocation, was forced to reduce funding by some $900 million.

This bill makes a major structural change to the NASA accounts by providing separate funding for the international space station and the space shuttle. We believe this account change is necessary because of NASA's continuing problems in controlling spending on the space station, especially enhanced by Russia's unreliability in meeting its obligations as an international partner to the space station. We have, however, provided transfer authority to allow space station funds to be used to meet any needed safety upgrades for the shuttle.

The only other major change in NASA funding is we have reduced the funding for space by $120 million from the President's budget request in part to fund new launch and space transportation technologies designed to reduce the cost of space transportation and to open up commercial opportunities in our universe.

Many Members have been interested in this program, and these funds are authorized in both the House and Senate NASA authorization bills. I know the occupant of the Chair has been a very strong advocate for this kind of research and development.

For the National Science Foundation, the bill includes over $3.9 billion, which matches the administration's request. The NSF allocation is over $250 million more than last year's enacted level, about a 7-percent increase. The increase in funding continues our commitment and support for our Nation's basic research and education needs.

On a personal note, I was very pleased we were able to meet the President's request for NSF because of the tremendous amount of exciting and potentially beneficial work that is being funded through the National Science Foundation. Truly, this is a national priority. I only wish more funds were available to add because this is our scientific future. This is the future for our economy, for the well-being of the people of the United States, and for our continued progress.

Some of the major highlights of this allocation include $126 million in additional funds for computer and information science and engineering activities, some $60 million for the important Plant Genome Program, and $50 million for the administration's "Biocomplexity" initiative. The bill also includes $423 million for the incorporation for national and community service. This is near last year's level.

Let me be clear, funds totaling $80 million were rescinded from the prior year's appropriations for the program which are currently sitting in reserve. The inspector general tells us they are not needed. It is our understanding this rescission will have no programmatic impact, but it is necessary for us to meet the other priorities in our budget. We intend to assure the Corporation continues at the level from last year, and we believe this budget allocation allows us to do so.

Mr. President, I am pleased to yield the floor to my colleague and good friend, the Senator from Maryland.

Ms. MIKULSKI. Good morning, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. I ask unanimous consent that Ms. Jeannine Schroeder, a detailee from HUD working in my office on this bill, be able to come to the floor and have floor privileges, limited only to the VA-HUD consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, once again we come to the floor of the Senate to discuss the appropriations for the VA-HUD appropriations bill. This is a very exciting time because this appropriation is really the bridge between the old century and the new century. I think our bill does reflect, in its funding levels, that we intend for it to be a bridge between the old century and the new century.

First of all, a word about the old century. We know that our American veterans, because of their bravery, their gallantry, and their self-sacrifice, saved America and saved Western civilization. That is why this subcommittee fought so hard to save their health care—a bridge from the old century, but a bridge to the new century.

We also, during this century, realized that in addition to the ravages of war, there were terrible ravages to our environment. Once again, in our legislation, we make a significant commitment to the protection of not only the environment of the American people but also of the whole world—again, a bridge from the old century to the new century.

It was in this century that America moved forward economically, first in its industrial age, and now toward the information age. But in the course of this century, we not only made a commitment to the progress of a few, we made a commitment to the progress of many. Through programs such as housing and urban development, we have continued to work to create a real opportunity structure for our American citizens.

What is the hallmark of the American opportunity structure? One is home ownership. Through the VA mortgage program, the FHA program, and other key programs, we create a wider opportunity for people to be able to own a home in the United States of America.

The other hallmark of the bridge from the old century to the new century is our passion for education. It was we, in the United States of America, whose continual social inventions created opportunities for people to pursue higher education.

When my great grandmother came from Poland, she certainly could read, but she wanted us to be able to do more than to be able to read the newspaper or read our scriptures. She wanted us to have a real education. It was out of the American people inventing night school, a community college, a GI bill of rights, that we were able to make sure ordinary people had access to higher education. This is why we continue to be so enthusiastic about AmeriCorps. Right this very minute, there are young people working in communities all over the United States of America, in public education, public safety, and other areas, to ensure that we help our communities. But they are earning a voucher that they can use to pay for their higher education. Once again, a bridge from the desires of the old century to the new century.

What, too, is the hallmark of the genius of the American people? It is our resourcefulness, our ingenuity, and our innovation. America is the nation of science and technology. It was in our great Federal laboratories that some of the greatest advances were made in the old century. We want to be sure we position them for the new century. Therefore, this appropriation continues to stay the course in science and technology, particularly in the environment, in NASA—our national space agency—and also in the National Science Foundation.

That is really what this bill is all about. When we rise on the floor and talk to our colleagues about numbers and data, we sometimes sound like an annual report. But when we talk about what we want the Senators to vote on, we have to remember what our mission is. I believe the mission of the VA-HUD bill is to honor the old century, make sure we deal with the ravages and problems of the old century, and continue to position our country and our people for the new century.

This takes me, then, to some of the specifics of the bill. I really thank Senator KIT BOND, the chairman of the subcommittee, and his staff, for all of the collegial consultation we had during the preparation of this bill.

I say to my colleague from Missouri and to all Senators listening, that we know this is not a perfect bill, but it is a very good bill. We had the will but we did not have the wallet to be able to do what we wanted to do for the various agencies and programs. Hopefully, as we move through conference and as the issues around spending caps are resolved, new opportunities might occur that would allow us to meet funding levels that we think are appropriate. This bill is a work in progress, but the bill we bring here today is one that I feel satisfied to bring to the Senate.

A special thanks to Senators STEVENS and BYRD, who really foraged to find another $7.2 billion in budget authority and another $5 billion in outlays to be able to move this bill, with bipartisan support, to the Senate floor today.

The timing of this bill is noteworthy. Right now, a significant approach that we have with this bill is to make sure we fund the Federal Emergency Management Program. From Maine to Florida, and particularly with key residents in North Carolina, New Jersey, and in my own State of Maryland, we worry right now about the ravages of Hurricane Floyd. But in this bill, we continue our commitment to FEMA, and we include an additional $300 million for disaster relief funding. This means that FEMA is ready to help those communities recover from this devastating storm. Should the administration request additional funding for disaster relief, we will also be ready.

Let's go to VA. First of all, our obligation to our veterans is this: promises made need to be promises kept. What does the American veterans community want? They want to make sure that for the older veteran and the Vietnam and Korean war veteran, we continue to provide them with quality health care. But we need to make sure that VA, as it always has, continues to be a door of opportunity, particularly through the GI bill, for home ownership and education. I would hope that one day the VA benefit would be a tool for lifetime learning and the subject of a new century discussion.

We have increased funding for VA by over $1 billion to a total of $18 billion for veterans' health care. This was really the recommended level that came from the Government Accounting Office. We know that the VA medical care could always be funded additionally, but right now that is what we bring, and we are now looking at an amendment with proper other resources to fund it.

Also, another significant part of the VA budget is that we maintain the funding for VA medical research at $316 million. The Veterans' Administration continues to play a very important role in medical research for the special needs of our veterans, including areas such as geriatrics, Alzheimer's, Parkinson's, and orthopedic research. The benefits of VA medical research are not limited to veterans. The entire Nation benefits because of VA medical research.

We continue to provide funding to treat something called Hepatitis C, a growing problem among the veteran population, particularly our Vietnam vets. We want to be sure that we help them with their problem and also do all we can to ensure that it is not spread in the wider population.

In addition, we have increased the funding for State veterans homes by $50 million over the President's request to $90 million. This is the same as last year. Why are the State homes so important? We know that long-term care is a growing issue, particularly with our World War II vets and our Korean vets. We believe in Federal and State partnerships.

No one jurisdiction of Government can carry the burden of long-term care by itself; and therefore, the additional funding for State veterans homes enables that wonderful partnership to occur between the Feds and the States and the veterans themselves.

We also come to a discussion on HUD.

The whole point of the Housing and Urban Development Agency is to be able to help communities in terms of being able to have economic development and for individuals to have economic empowerment. That is it. It is to fund primarily self-help initiatives or to reward self-help initiatives. Therefore, what we wanted to do in HUD was to stay the course for the community development block grant money, which goes directly to local communities with local decisionmaking. With this funding, mayors, county executives, or commissioners can decide for themselves what the best way to revitalize their communities is, and not have cookie-cutter solutions coming out of Washington.

At the same time, we wanted to be sure the poor have a way to a new life, particularly with the significant success of our Welfare-to-Work Program. This is why we have a program called HOPE VI where we took down the high rises, which were ZIP Codes of poverty, to really create a new opportunity. We want to do the same thing for section 8 so we do not continue to have the concentrations of poverty that we have.

This year, working together with the authorizers, we were able to be sure that everyone who has a section 8 contract—meaning a Government subsidy for housing—will continue to get their subsidy. This is no small matter. We have a lot of section 8's that are expiring. We wanted to be sure that if you had a section 8, and you were living in a neighborhood, moving from welfare to work, trying to get job training, you would not lose your subsidy. This was indeed a significant accomplishment in this bill.

Last year, working with the authorizers, we also added 50,000 new vouchers. The administration would like to add 100,000 new vouchers. I personally would like very much to do that. But right now, as I said, we do not have the wallet. I am working with the administration to find an appropriate offset not only to pay for new vouchers now, but to insist that anything new has to have a sustainable revenue stream in the future. This is important because we are concerned that though we have started, we want to be able to continue it. That is a big yellow flashing light for me, and we need to be aware of that.

Another area that is very special to me is housing for the elderly. Once again, working on a bipartisan basis, we have been able to increase the funding for the elderly and disabled by $50 million. This will be very important as we also look at new ways to help the population as they age in place.

I am particularly appreciative of cooperation on developing some new concepts on assisted living and service coordinators to help aging seniors with their unique housing needs.

We also help increase the funding for the homeless and do other important things, which I want to discuss later.

With regard to NASA, I was extremely troubled by the House version of the bill. I was troubled because they cut NASA by $1 billion.

At the same time, I was also troubled that the House seemed to focus a lot of those cuts in my own home State. I do not take it personally, but it certainly was convenient for them, knowing I am the ranking member, to know that I would also mount a rescue mission for the programs in my State.

But it is in that State that we have mounted the rescue missions on Hubble and in other areas. I really appreciate the collegial support of Senator BOND to look at where we need to put our resources for a national purpose. This isn't about Maryland.

We have the great Federal laboratories in Maryland. I do not count NIH as only a Maryland Federal laboratory. It is a national Federal laboratory, and so is Goddard. The Goddard Space Flight Center is the flagship NASA center for Earth and science research. We want to make sure it continues to be able to do that. With the help of this subcommittee, we know we will continue to have those jobs. They will continue to fix Hubble, have the next generation space telescope, and provide us with new opportunities in terms of protecting the environment.

I would like to also go on to National Service, which is funded at $423 million—a reduction from last year. I hope this funding can be increased as the bill moves forward. National Service has been a success. It has enrolled over 100,000 volunteers in a wide array of community programs.

I know the management and oversight is less than what is desired. I thank the Senator from Missouri for his limited patience; my patience is also limited. But we have to remember that the mission is working, even though the management and oversight could certainly be improved.

I also want to comment on the National Science Foundation. We are so proud of the National Science Foundation. We really do appreciate it, and it is funded at $3.9 billion in the bill, which is an addition of $250 million.

What is important about the National Science Foundation is that it was created to respond to be sure that America did not fall behind Russia in science and technology. America continues to lead the world in science and technology, particularly in information technology that has revolutionized the world. This is truly the information age. I appreciate the fact that, working together, we have increased the funding, particularly in those areas that will enhance research and development in the field of information technology.

Let me conclude by saying that I will talk more about this bill as we go on. That is the thumbnail sketch. But I do want to just say a couple more things in closing about this bill.

First of all, I am very appreciative that we have had the bipartisan support to continue the funding for the Chesapeake Bay Research Program. This was started by my very dear predecessor Senator Mac Mathias, and we all worked together on it. In fact, I was in the House when he started it.

But we had the support of four Presidents: Jimmy Carter, Ronald Reagan, George Bush, and Bill Clinton. That is exactly what we need—bipartisan support to come up with solutions.

But the other thing I am really proud of in this bill is how we help our country continue to cross the digital divide. Bill Gates says we are at the digital divide. We will either be on one side or the other—whether you are a nation, whether you are a community, or whether you are a citizen.

I want to be one of the Senators who helps America and all of its citizens, particularly paying attention to rural communities and constituencies that have been left out and left behind, cross that digital divide.

In this bill we are doing it. Our funding for NASA helps us do this. The funding we have for the National Science Foundation puts the money in the Federal checkbook to make sure that we come up with the new ideas for the new products that will be part of continuing to cross the digital divide.

The Senate knows that one of my greatest passions in public life is to enable the poor to move out of poverty and into self-sufficiency. In this bill, through HUD, we fund something called the Neighborhood Networks Initiative—it has already been in operation; 500 residential computing centers have been established. These Neighborhoods Networks bring together local businesses, community organizations, and other partners. Right this minute in public housing, where we want to make sure people move from welfare to work and children have opportunities for a different way of life, we are creating little e-villages. In these communities, if you work hard, through either structured school activities or daytime use for adults, you can learn to use the computers. This newfound computer knowledge will help residents find good jobs at living wages well into the future.

Again, there are many things I could say about this bill and I will say them as we move along. I think we have a very good bill. We are working very closely with Senator BOND, with the leadership of our two parties in the Senate and with our administration. Hopefully, we will pass this bill sometime today, move to conference, and then move forward with the bridge from the old century to the new century.

Mr. President, I believe the VA-HUD bill is about four things: meeting our obligations to our veterans; serving our core constituencies; creating real opportunities for people, and advancing science and technology.

The VA-HUD bill takes care of national interests and national needs. This has been a tough year for the VA-HUD Subcommittee. Due to the budget caps, our original 602(b) allocation was billions of dollars below what we needed. Senator BOND and I agreed that we would not move a bill until we had a sufficient allocation. But thanks to Senators STEVENS and BYRD, we now have an additional $7.2 billion in discretionary budget authority and nearly $5 billion in outlays. This has allowed us to move this bill with bipartisan support to the Senate floor today.

Mr. President, the timing of this bill is noteworthy. Just last week, residents along the Eastern U.S. experienced the wrath of Hurricane Floyd. Everyone from Maine to Florida was affected by this storm, including my own State of Maryland. Many people, including the residents of North Carolina and New Jersey, are still without power and flooded from their homes.

Mr. President, the Federal Emergency Management Agency has $1 billion in the disaster relief fund to help state and local governments recover from this storm. The bill we present to the Senate today includes an additional $300 million for the disaster relief fund. That means FEMA is ready to help those communities recover from this devastating storm. Should the administration request additional funding for disaster relief, we will provide whatever is necessary to help those in need.

Mr. President, our first obligation is to keep the promises we have made to our Nation's veterans. I am proud to say that in this bill, we have kept those promises to the veterans and the VA employees. I am proud of the men and women who serve our veterans. From the in-patient hospitals to the out-patient clinics, the employees of the VA work long hours and sometimes under difficult conditions. We have increased funding for veterans healthcare by $1.1 billion over the President's request to a total of $18.4 billion for veterans healthcare. Some have argued that we should spend more on veterans healthcare. I consider the $18.4 billion we have provided in this bill to be a funding floor, rather than a funding ceiling. The General Accounting Office generally agreed with this approach as a starting point.

In a recent analysis of the VA healthcare budget for our subcommittee, the GAO concluded that a $1.1 billion increase over the President's request should be sufficient—assuming the VA's cost cutting program is successful. Nonetheless, I will continue to work with my colleagues to ensure VA has more than sufficient funding for our veterans healthcare needs. In addition, we have maintained funding for VA medical research at $316 million, the same as fiscal year 1999.

The VA plays a very important role in medical research for the special needs of our veterans such as geriatrics, Alzheimers, Parkinson's, and orthopedic research. The benefits of VA medical research are not limited to veterans. The entire nation benefits from VA medical research—particularly as our population continues to age. We also provide full funding to treat Hepatitis C, a growing problem among the veterans population, particularly for our Vietnam veterans.

We have increased funding for the State veterans homes by $50 million over the President's request to $90 million, the same as last year. The State homes serve as our long term care and rehabilitation facilities for our veterans. They represents a uniquely successful partnership between the Federal and State governments. By increasing funding in this area, we keeping our promises to our veterans and meeting a compelling human need.

We have also made sure that we take care of our working families—by funding housing programs that millions depend upon. Our bill provides $10.8 billion to renew all existing section 8 housing vouchers. That means those who have vouchers, will continue to receive them. Unfortunately, we were unable to provide additional funding to add 100,000 new vouchers at this time. We simply could not find an additional $600 million in budget authority to cover the cost of 100,000 new vouchers. Many of my colleagues will remember that we added 50,000 new vouchers last year. But a tight allocation simply did not give us enough room to add more vouchers at this time. We maintained level funding for other critical core HUD programs.

Funding for housing for the elderly has been increased over last year. Funding for the elderly and disabled is $904 million, a $50 million increase over last year. We have including additional funding for assisted living and service coordinators within the section 202 program. This has always been a top priority of mine and Senator BOND. We will always make sure that the housing needs of our elderly are met. We also must recognize that the housing needs of the elderly are changing—the elderly are aging in place. That's why we included additional funding for assisted living and service coordinators to help our aging seniors with their unique housing needs.

Homeless assistance grants are funded at the Presidents's request. In a time of prosperity, we will not forget those who are truly in need. In addition, we have funded drug elimination grants and Youthbuild at least year's level.

The Community Development Block Grant Program is funded at $4.8 billion. This is an increase of $50 million from last year and $25 million over the President's request. The CDBG program has been a very successful program targeting federal funds for economic development—with local control. In addition, I have included report language that directs HUD to continue its efforts to bridge the information technology gap in communities through its "Neighborhood Networks Initiative." The Neighborhood Networks Initiative brings computers and internet access to HUD assisted housing projects in low income communities. This will help us to ensure that every American has the ability to cross what Bill Gates has called the "digital divide."

With regard to NASA funding, I was extremely troubled by the House version of the bill. The House bill included devastating funding cuts to America's space agency. The Goddard Space Flight Center in my home state of Maryland, and the Wallops Flight Facility on Virginia's Eastern Shore both took a significant hit in the House bill. The House funding levels would mean the loss of over 2,000 jobs at Goddard and Wallops. The bill before the Senate today will save 2000 jobs at Goddard and Wallops.

NASA if fully funding in this bill, at $13.5 billion, which is the President's request. Funding for shuttle, space station, and the critical science programs are funded at the President's request. This will allow us to maintain this country's or science and technology leadership and reflects the Senate's commitment to science and technology as we enter the next millennium.

National Service is funded at $423 million, a slight reduction from last year. I hope this funding can be increased as the bill moves forward. National Service has been a success, enrolling over 100,000 volunteers in a wide array of community services.

With regard to the EPA, the subcommittee has provided $7.3 billion in total funding, an increase of $115 million over the President's request. The subcommittee has increased funding for most of EPA's major environmental programs: the bill provides $825 million for the drinking water state revolving fund; and $1.3 billion for the clean water revolving fund. Taking care of local communities infrastructure needs has always been a priority for this committee.

Superfund is funded at $1.4 billion, down slightly from last year, but brownfields is funded at $90 million, the same as last year. I know there is some concern over EPA's salary and expense account, and I hope we can address these concerns as the bill moves forward.

The subcommittee has also provided funding at or above the President's budget request for important FEMA programs: Emergency Management and Planning, Anti-Terrorism Programs, and the Disaster Fund. We will await any further administration request for disaster assistance in light of Hurricane Floyd.

The National Science Foundation is funded at $3.9 billion, which is $250 million more than fiscal year 1999. This funding level will allow us to make critical investments in science and technology into the next century. The funding increases for NSF is an important step for maintaining our science and technology base.

With regard to the Selective Service, we have restored funding for Selective Service at the President's request. The House eliminated funding for the Selective Service.

Mr. President, I recognize that there may be certain provisions that members may disagree with or oppose. I acknowledge the validity of their concerns, but I hope we can move the bill forward and resolve these differences along the way. I believe the VA-HUD bill that we present to the Senate today, keeps the promises to our veterans, helps our core constituencies, creates real opportunities and makes investments in science and technology. I urge my colleagues to support this bill.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I think we have seen the legislative equivalent of Newton's second law: For every action, there is a necessary reaction. When our colleagues in the House cut the earth sciences program, it was predictable that with the leadership of Senator MIKULSKI, that money would be restored. The law works, and I commend Senator MIKULSKI for being a very effective and persuasive advocate for earth science.

I am prepared to offer a committee leadership amendment, but the distinguished chairman of the authorizing committee for housing has other commitments, and I now defer to him to make a statement on the bill, after which I expect the leaders of the committee to join us in offering an important committee amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I thank the chairman for granting me time to make a few comments on the bill. As the relatively new chairman of the Subcommittee on Housing and Transportation of the Banking Committee, I view my relationship with the authorizing committee as a very good relationship, and I know the chairman of the Appropriations Committee has made sure there have been staff at our hearings. I really do appreciate that. I have made a very special effort to make sure I have staff at his hearings, not only his hearings but hearings on the House side. I come to my new responsibilities as chairman of the Subcommittee on HUD to look for change. I think change needs to occur in that agency. I think working together in a bipartisan manner, as well as working between authorization and appropriations, is the way to bring about that change.

Mr. President, I thank Senator BOND for giving me the opportunity to make a statement on the VA-HUD Appropriations bill.

I appreciate this chance to share my thoughts as chairman of the authorizing subcommittee for the Department of Housing and Urban Development. I look forward to continuing to work with Senator BOND in our joint effort to closely monitor and improve the operations of HUD.

This is particularly important when we are dealing with a Federal agency that has repeatedly been designated "high risk" by the General Accounting Office. The Department of Housing and Urban Development is the only cabinet level agency that is "high risk." This means that the management deficiencies of the Department pose a significant risk to both taxpayers and the individuals served by HUD programs.

The GAO is not alone in its assessment of HUD. The Department's own inspector general has repeatedly reported on management deficiencies at HUD. There are two positive provisions in this bill concerning the General Accounting Office and the inspector general and I want to commend the chairman for including them. The first requires the GAO to certify quarterly on the cost of time attributable to the failure of HUD to cooperate with any GAO investigation and to reimburse GAO for these costs.

The General Accounting Office is the investigative arm of the Congress, and we expect HUD and other agencies to cooperate fully in the investigations that the Congress requests. The second provision is an increase in funding for the Office of Inspector General. The IG is an independent voice within HUD. The present IG is a tremendous watchdog over HUD programs and a valuable resource to the Congress and to the taxpayers. This is clearly an agency that needs a strong and well funded inspector general's office.

Let me comment on several other important provisions in the bill. The first terminates a portion of the Community Builders program. In my view, the Community Builders program is a misallocation of the Department's resources. Nearly 10 percent of the Department's personnel are now Community Builders. As best we can tell these positions are largely public relations positions. The Community Builders are among the highest paid employees at HUD, with the program consuming a disproportionate share of travel and training resources.

At a time when HUD is considered "high risk" the focus should not be on public relations, it should be on ensuring adequate personnel to police HUD programs. As a result of our concerns with the Community Builders program, the Housing Subcommittee will hold an oversight hearing of this program in early October. The hearing will focus on the upcoming inspector general's audit of the program and the views of career HUD employees on the merits of the program.

I also want to comment on the section 8 "opt-out" issue. This legislation once again grants HUD the authority to renegotiate section 8 contracts and where necessary adjust the contracts up to market rents. This is essentially the same authority given to HUD 2 years ago. Earlier this year, the Housing Subcommittee held a hearing on this very issue. We found that HUD has moved very slowly in utilizing this authority. Hopefully, the language in this bill will once again make clear that HUD has the authority to work with section 8 owners who want to remain in the program and adjust the contracts to the local market rents.

Finally, I want to reiterate a point made by the Appropriations Committee in the committee report regarding unauthorized programs. This year HUD requested funding for a number of new programs that have never been authorized by the Congress. The GAO identified 19 new programs with total funding of over $700 million. The administration continues to propose funding for new programs that have little or no relationship to affordable housing. This diverts precious resources from those most in need. If the administration wants new programs, it should make its case before the authorizing committee, not the Appropriations Committee, and I appreciate Senator BOND's recognitiion of this fact.

In recent years the Congress has enacted a great deal of housing legislation—including both a major restructuring of public housing and the section 8 program. It has been my view that the Congress should refrain from passing more housing laws until we can determine whether the laws that we have already passed are being properly implemented and whether the Department is being properly managed.

Mr. President, I thank my colleagues. In closing, I ask unanimous consent to have printed in the RECORD an outline of some of the findings from the oversight hearings conducted by the Senate Housing and Transportation Subcommittee this year.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

1999 OVERSIGHT FINDINGS OF THE SENATE SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

The Subcommittee's first hearing of the year explored the fact that the General Accounting Office once again determined in 1999 that HUD is a "high risk" agency. The "high risk" designation means that HUD's programs and management systems are failing to adequately carry out the Department's mission and that there is significant risk to taxpayer dollars. The GAO has placed HUD on the "high risk" list since 1994 and it is presently the only full Cabinet level agency on the "high risk" list. The Subcommittee found that the HUD Inspector General shares the GAO view that HUD is "high risk." The IG has issued a number of reports that are highly critical of HUD management. The IG has alleged that she has been the victim of continued efforts by HUD management to undermine her office and authority. The GAO is currently investigating allegations of efforts to undermine the IG and the Subcommittee will continue to explore this topic.

The Subcommittee conducted a hearing to explore in detail HUD's grants management system. This is one example of HUD's alleged mismanagement. This computerized system (IDIS) is supposed to track the expenditure of $6 billion of HUD grants each year. These are grants distributed to cities and states through the Community Development Block Grant program and similar programs. Unfortunately, the Subcommittee heard testimony from GAO and several local government officials that the IDIS computer system does not work. The system uses outdated and cumbersome computer technology and at this point cannot be used to effectively monitor the performance of communities receiving HUD grants.

The Federal Housing Administration is an important part of HUD, and the Subcommittee finds that it is critical that the Congress keep a close eye on the solvency of the FHA fund. The FHA provides a federal insurance guarantee on hundreds of billions of dollars worth of housing. The Subcommittee conducted a hearing to review the rise in the level of delinquency on FHA insured loan payments. This is of particular concern at a time when the economy is so healthy, and at a time when the delinquency rate on non-FHA insured loans is not rising. Recently, it was announced that the delinquency rate on adjustable rate mortgages is now 10 percent, an historic high.

The Subcommittee conducted a hearing on the Low Income Housing Tax Credit and how it is utilized to develop affordable housing in a number of states. This program appears to be successful in developing affordable housing. The program is strong because it leverages tax credits to involve the private sector in the development of affordable housing. The program is administered by the states (which allocate the credits) and has little to do with HUD.

The Subcommittee conducted two hearings concerning the Section 8 program. The Subcommittee found that HUD has been particularly slow in dealing with the Section 8 opt-out crisis. Section 8 property owners are developers who have entered in to 20 year contracts with HUD to provide affordable housing. At the end of the contract term, these owners may opt-out of the system and take their properties to the private market. Many property owners are exercising this option and many more contracts will come up for renewal in the next several years. In an attempt to keep owners in the program, Congress granted HUD the authority to mark up Section 8 rents in areas where the contracts were clearly below market. HUD was given this authority in the Fall of 1998 and is just now issuing the notice to field staff that will implement the program (nearly two years after the authority is granted). HUD has responded slowly to the crisis and as a result many properties may be lost to the Section 8 program. The Subcommittee's second hearing addressed the Section 8 mark-to-market program enacted by Congress nearly two years ago. The legislation enacted made clear that HUD was to give state housing finance authorities priority in the restructuring of Section 8 contracts in their states. While some progress has been made in signing up the states, much more needs to be done. HUD must resist the temptation to continue federal control of the restructuring where states are willing and able to do the job.

Mr. ALLARD. Mr. President, that concludes my comments. I thank the chairman, again, for working with my committee. I look forward to a very positive relationship with him in the future.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Colorado. His active involvement, through his committee and with his staff in helping us deal with these problems, has been of significant benefit. We truly appreciate the close working relationship we have with members on both sides of the authorizing committee. As I indicated before, this is a very difficult set of questions that deal with HUD. They do involve and require the participation and guidance of the authorizing committee. We are most grateful to the Senator from Colorado for all his assistance.

AMENDMENT NO. 1744

(Purpose: To provide an additional $600,000,000 for the Veterans Health Administration for medical care and to designate such amount as an emergency requirement)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. BYRD, for himself, Mr. BOND, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JOHNSON, Mr. SPECTER, Mr. MURKOWSKI, Mr. WELLSTONE, Mr. SMITH of New Hampshire, and Mr. HOLLINGS, proposes an amendment numbered 1744.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, beginning on line 23, strike "$18,406,000,000" and all that follows through "*Provided*," and insert "$19,006,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $600,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress: *Provided further*,".

Mr. BOND. Mr. President, I am very pleased to offer this amendment with the leadership of the committee on both sides. Senator MIKULSKI and I are very pleased to have the support of Senator STEVENS, Senator BYRD, and also chairman of the Budget Committee, Senator DOMENICI, to add $600 million for VA medical care. In addition to the committee-reported bill, there will be a total of $1.7 billion above the President's request for veterans' health care; in other words, $19 billion for veterans' health.

These funds will enable VA to ensure full care to all 3.5 million veterans being currently cared for by the VA. They will also allow VA to provide care to thousands of additional veterans, significantly reduce waiting times for appointments, and initiate new activities to improve veterans' health. They will also enable the VA, upon enactment of authorizing legislation, to fund emergency care treatment in non-VA facilities for veterans. We do need authorizing assistance for that.

According to the GAO, there are still many opportunities to make VA health care more cost effective. These include improved procurement practices, consolidation of certain services, eliminating excess management layers and administration, and shifting more care to outpatient settings. We cannot afford to maintain the status quo at the VA. The GAO recently testified that the VA is wasting $1 million a day on operations and maintenance of buildings and monuments that could better be used on health care for veterans, and 25 percent of the medical care budget is spent on maintaining VA infrastructure, including 4,700 buildings on 22,000 acres.

The VA has been moving to community-based care, outpatient-based care. That has been dictated by the needs of the veterans. We are in a position where we must provide the care the veterans need. We have to support the VA in restructuring the entire system, consistent with the health care needs of veterans, rather than devoting ourselves to maintaining buildings in the old regime. Monuments are not what the veterans need in health care; they need good health care.

Not only is it the trend in general medicine outpatient-based care, but the veterans population is declining. The VA projects a 36-percent decline by 2020. By adding funds to the VA's budget, we in no way suggest that the VA has done all it can to improve its use of health care dollars.

I have been and continue to be a very strong supporter of VA transformation. When the Veterans' Administration started the process, one of the first surgical centers they shut down was in my State. It was tough to explain, but it is, I believe, clear that the veterans get better care when we have appropriate facilities—not keeping open a surgical center, for example, where they do not perform enough surgeries to maintain the proficiency they need to provide top-quality care. The funds we are adding today are for veterans' health, not maintaining buildings, not maintaining excessive management layers.

Over the past 5 years, the VA has made dramatic and much-needed changes. We congratulate them on these difficult processes. We want to work with them and continue to assure sound oversight. The system has begun a major transformation that has resulted in more of VA's appropriations going to health care. Today, VA is serving more veterans and the quality of care has improved. In the past 3 years, VA has served an additional one-half million veterans, in part by opening almost 200 new community-based clinics.

It is my strong hope that the transformation will continue to go forward and additional funds will improve the quality of VA health care. I might note that Senator GRASSLEY has asked to be a cosponsor of this amendment.

I yield to the Senator from Maryland.

Ms. MIKULSKI. I thank the chairman. I note that Senator BINGAMAN also wants to be added as a cosponsor of the pending veterans amendment.

I am pleased to join with several of my colleagues to cosponsor this amendment to increase funding for VA medical care by $600 million. I appreciate especially Senator BYRD's continued, steadfast support for our veterans. We could not be offering this amendment without Senator BYRD and Senator STEVENS. Earlier, I talked about how pleased I was with the bill—promises made, promises kept. But we wanted to do more. We had the will, but we didn't have the wallet. This is exactly an example of what I was talking about. We had the will to be able to provide a safety net for veterans' medical health care.

We know that the cost of health care continues to be rising. We know that the discussion on how to reform Medicare is a work in progress within this institution and our colleagues in the House. It will have a tremendous impact on our veterans. We also know that the need for prescription medication among our veterans is escalating. Those wonderful breakthroughs we have are expensive. We want to make sure that if you have arthritis or if you are facing prostate cancer, you have the medical resources that are needed. So, yes, the amount we currently have in the bill meets minimum, spartan levels.

This $600 million will help us tremendously. It will benefit our veterans to assure that there will be no need to close VA clinics around the country. They will be sure that no inpatient facilities will close and ensure that veterans continue to get access to the quality health care they deserve.

First of all, I know that all over America the Veterans' Administration is analyzing what they should keep open, what they should close, and what should go to part time. The fact is, we can't have uncertainty. Why? We want continuity of care for the vets and the ability to retain good and excellent staff. If you don't know today that your VA medical center might be gone tomorrow, those nurses, technicians, lab people, facility managers, who now have great opportunities in the private sector, are being attracted and recruited to leave. We have to show certainty in terms of being able to provide care and give assurance to the personnel that we value them and we want to be able to fund them at the appropriate level.

So I really thank Senator BYRD and Senator STEVENS for identifying a way we could assure that inpatient and outpatient needs are met. I support this amendment. I am going to support it here and in conference. Once again, I thank the Chair.

I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I have come to the floor to make a simpler amendment. It is an amendment in the number of dollars, $600 million, bringing it up to $1.7 billion, as 51 Senators agreed to earlier in a letter. But I have not been given a copy of the amendment itself. I don't know what the offset is and I don't know, therefore, whether the offsets affect other programs within this appropriations matter that would be harmful. I ask either the ranking member or the leader if I could have a copy of the amendment so I could simply see what it says. The numbers we agree on, but where is the offset coming from, et cetera?

Mr. BOND. Mr. President, if I may answer my colleague, that is a good question. The committee leadership and the Budget Committee have agreed we should provide this as an emergency authorization now. The allocation will be handled in the conference committee. So we are asking to include this as an emergency. There is no offset in this bill. There will have to be funds provided in the conference. The House had already provided the $1.7 billion additional. They took it out of NASA. We are not going to take it out of NASA. We have the assurance of the bipartisan committee leadership that we will be able to handle this allocation in the conference.

So the simple answer at this point is there is no offset.

Mr. ROCKEFELLER. I appreciate what the Senator from Missouri said. But I would further ask, I notice in the amendment it says it is an emergency requirement but it requires a transmittal by the President to the Congress, which would clearly say if the President doesn't—at least I would interpret it—ask for that, then it might not happen. Am I nit-picking at words or is that a fact which is of concern?

Mr. BOND. Mr. President, we do not believe that the emergency designation will have to be continued past the conference. We believe we can deal with the allocation questions and provide additional moneys so we will be able to drop the emergency designation. It is our hope we can do so should it be necessary. I believe there is sufficient bipartisan support in both bodies to prevail upon the President should we be required to obtain an emergency designation.

Mr. STEVENS. Mr. President, will the Senator yield?

Let me assure the Senator from West Virginia that this is sort of a current emergency in terms of the allocation process under 302(b). We are working this out. The House has the $1.7 billion. We believe because of the reaction from the veterans community we ought to assure that this wasn't intentional all the time to meet the House level in the conference. But by the time this got to conference we believed we would have the 302(b) situation straightened out so we would know where the emergency decision should be made and whether there would be advance appropriations.

This is a temporary emergency concept. We are asking the Senate to help us get this bill to conference with the emergency designation on the $600 million, and we assure the Senate that this will not be an emergency coming out for this item unless it is absolutely necessary, which I don't see right now. But we would like it in the bill in conference. When we made the 302(b) allocation to this bill by, in effect, borrowing money from the Health and Human Services bill, we thought it was best to try to have some negotiating stance with the House on some items in the bill. But we never intended to negotiate this item. I conveyed that to the managers of the bill this morning and asked that we take this issue out of contingency in the conference.

But this is the best way to do it. I hope the Senate will agree with us. It is an emergency designation that is necessary under the circumstances, but it is not a permanent emergency designation.

Mr. ROCKEFELLER. I appreciate very much and have enormous respect for the chairman of the full committee. Then it is my understanding it will come back after the bidding point from the conference.

Mr. STEVENS. If I may respond, Mr. President, I have to say the managers of the bill wanted the $1.7 billion to start with. Senator BYRD wanted $1.7 billion. As chairman I found it impossible to make that allocation at the time. But we are saying right now it was always our intention to accommodate the decision made by the managers of the bill that it should be $1.7 billion. This $600 million will meet that objective, and I hope the Senate will adopt it as we suggested.

Mr. ROCKEFELLER. And any new request by the President of the United

States would not be necessary? This simply would be the workings of the Congress.

Mr. STEVENS. That is correct. If we come back to conference with an emergency designation, it will be subject to the President's approval. We would, in effect, be making a request to the President that it be declared an emergency. I do not think this has reached the emergency stage. The House has it without an emergency, and I think we can accommodate that position.

Mr. ROCKEFELLER. I am very appreciative and grateful to the chairman of the full committee, and the ranking member and minority member of the subcommittee, for this.

I am, therefore, very happy with the permission of the Chair, to add myself as a cosponsor to the amendment, as well as Senators CONRAD, AKAKA, KERREY, BIDEN, BINGAMAN, LEAHY, BOXER, HAGEL, and MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I would like to make a few comments, if I might, on this legislation. I cannot tell you how happy I am that Senator BOND and Senator MIKULSKI, under the leadership of Senator STEVENS and Senator BYRD, made this adjustment, because I came down here with a 17-page speech ready to raise all kinds of trouble. Now I don't have to because the appropriators have understood very clearly what was wrong with the GAO reform which was asked for. The appropriators at one point asked for a GAO report, and we went and looked at that report very carefully. We tried to find out what we could about it. We discovered the GAO report, which was recommending the $600 million cut, was based upon the question that had been asked: What would happen if the veterans budget was flatlined? So it wasn't. Where are there efficiencies that can be achieved? It was the presumption that there would be the $600 million shortfall, and, assuming that, how would the VA make the cuts? That is different than asking where might there be efficiencies? This was saying, what are you going to do, assuming you get this cut?

They came back with this list based upon a flatlined budget. The VA managers, in fact, were told to hit a dollar target. The simple fact is that most of the cuts they suggested would reduce access to care would reduce everything that is useful in the veterans budget.

The GAO really had no basis to reach the conclusion they reached. They didn't review any of the items on the list to determine what impact they would have on patient care—not one single item. It is extraordinary. You would assume the GAO is going to do that kind of thing. They simply didn't. They reacted as automatons—having been given the figure they have to cut to, they would go ahead and do it. The cuts would have been absolutely extraordinary.

We knew Members wanted to have $1.7 billion added, and 51 Senators, as I indicated, have already gone ahead and proposed this. The GAO with sort of an ax went through what they were going to close: the dialysis unit in Salem, VA; they were going to close all in-patient beds at the Beckley, WV, hospital—something those people there have been living in fear of for years because there have always been rumbles and rumors, and all of that. That was going to happen up until a few moments ago, until the two Senators made this amendment. That was going to happen. All in-patient care at Beckley was going to be closed. That would be something obviously this Senator and others could not go ahead with.

Salem, VA, was going to lose its PTSD, along with a lot of other things.

There were going to be a lot of abolishments.

All psychiatric beds in the entire New Jersey VA health care system were going to be closed. That is beyond my comprehension. If we have to get down to a certain number, we tend to do that kind of thing. This has nothing to do with a national understanding of how to save money when we need $3 billion to make the health care system. The $1.7 billion is what I was going to make my amendment for; it has been made already, and I am happy to join as a cosponsor.

I am very grateful this amendment was made by the two people who can do the most with the full committee chairman answering questions and asserting his insistence on this. I am happy about that.

I point out, in closing, it may surprise some to learn that over the last 20 years while VA health care costs have risen 269 percent—which is a lot—the comparable rise for non-VA health care is almost 800 percent. I think that is interesting for my colleagues to think about: a 270-percent increase in the VA health system for health care; in the non-VA health care, an 800-percent increase. That says a lot about efficiencies being practiced within the VA system.

I thank the Senator from Missouri and the Senator from Maryland, both stalwarts in their efforts to protect our veterans. I am happy to add my name as a cosponsor, along with a number of others who are going to join in my amendment which I now do not need to make.

I yield the floor.

Ms. MIKULSKI. Mr. President, I thank the ranking member of the veterans authorizing committee for his support for this amendment. Most of all, I thank him for his advocacy. He has continued to speak up on what are the contemporary needs of the Veterans' Administration, particularly in health care. The Senator has been very clear in the need to recruit and retain new personnel, to move to new methods of service delivery, how we can be both high tech and high touch. I thank the Senator for his support for this amendment and also thank the Senator for his advocacy. I look forward to working with the Senator not only in moving the bill but moving our agenda to help veterans and doing it together.

Mr. BOND. Mr. President, I thank the Senator from West Virginia for his strong words in support of the VA. He has been a champion of the veterans affairs activities and his role in the authorizing committee is very important.

I have been asked by the chairman of the Committee on Veterans' Affairs, Senator SPECTER, to be added as a cosponsor. I also ask unanimous consent Senator MURKOWSKI be added as a cosponsor. I ask consent that Senator MIKULSKI and I be permitted to add cosponsors to this amendment after it is adopted. We sense there is a strong feeling of interest and support for this issue.

Before I conclude, let me say we have worked very closely with the General Accounting Office in this area. The GAO has been to every one of the VA's 22 networks over the last few years. They have been closely involved in the VA's transformation. I strongly support continued improvements in the use of VA health care funds. These funds need to be spent on veterans' care, not on monuments.

I believe we are ready to accept this amendment on voice vote.

Mr. WELLSTONE. Very quickly, I ask to have my name included as a cosponsor. I say to my colleagues, I appreciate this effort. I have done a lot of work with this around the country. I believe we can do better. I will have an amendment I will introduce shortly to deal with that question.

I thank my colleague from Missouri.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the initiatives that GAO said would make for efficiencies. I think that ought to be in the RECORD. As my colleagues see these efficiencies, they are going to be rather stunned.

Second, the head of the health part of the VA, Dr. Thomas Garthwaite, has written a letter in which he says many of the proposals are inconsistent with law and VA policies—that is, the GAO suggestions—and could not be implemented. He said he was personally concerned some would result in a negative impact on quality of care and level of services.

I ask unanimous consent to have both of these printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF VETERANS AFFAIRS,
UNDER SECRETARY FOR HEALTH,
Washington, DC, September 22, 1999.
Hon. JOHN D. ROCKEFELLER IV,
Ranking Minority Member, Senate Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR ROCKEFELLER: As requested by your staff, we have reviewed the list of efficiencies reported by GAO in their September 14, 1999 report on Veterans Health Care: Fiscal Year 2000. GAO obtained the information in their report from preliminary network scenarios prepared in May 1999. Many of these proposals are inconsistent with law and VA policies; therefore, could not be implemented. Further, I am personally concerned that some would result in negative impact on quality of care or level of service.

The list does not represent VA plans.

Sincerely,

M. L. MURPHY,
(For Thomas L. Garthwaite, M.D.)

SUMMARY OF VA MANAGEMENT INITIATIVES [1] INCLUDED IN GAO ESTIMATE OF POTENTIAL EFFICIENCY SAVINGS

Count	VISN		(In thousands)
1	12	Share Transcription Srvcs/Med.Media/Electronic Library/Switchboard	($225)
2	6	VAMC Asheville reduce Rx cost	($1,100)
3	15	Clinical Pharmacy Savings—example polypharmacy	($4,000)
4	17	Consolidate Wards	($748)
5	17	Reduce usage of Medical Physician Contracts	($875)
6	3	Eliminate lab at FDR	($215)
7	8	Close acute care beds	($17,500)
8	22	Long Beach—Inc CMOP activity	($1,000)
9	11	Implement network wide Care Management Program	($1,100)
10	17	Refer vascular, neurosurgery and neurology to other VAMCs	($500)
11	16	Blanket Purchase Agreements/Consolidated Contracts	($950)
12	9	Improve Prescribing Patterns	($3,000)
13	15	Consolidation of Mental Health Management	($500)
14	17	Usage of other sources of employment (contract, CWT, IT, etc.)	($1,350)
15	6	VAMC Hampton Reduce 2 Librarians	($117)
16	12	Further Integration VAMC Chicago	($3,000)
17	9	Convert Capital Accounts to .01	($9,214)
18	2	Commodity Standardization & Other All Other Cost Savings	($600)
19	6	Restructure Dental Services	($100)
20	17	Establish Polypharmacy procedures	($310)
21	3	Centralize Pharmacy	($300)
22	9	Revise Huntington Dietetics/food prod processes/incr. prepared food use.	($194)
23	8	Inpatient to outpatient cost avoidance	($5,900)
24	14	Tele pathology/radiology—Nebraska	($250)
25	3	Reduce Radiology	($2,237)
26	1	Restrict Pharmacy formulary/polypharmacy	($1,350)
27	9	Restructure Murfreesboro Prosthetics/Orthotic Service	($200)
28	15	Maximize Telemedicine	($300)
29	15	Consolidation of selected laboratory functions	($2,000)
30	14	Adjust RN, LPN, NA mix @ Iowa City	($375)
31	2	Standardize Chemistry Equipment resulting in "All Other" cost savings	($250)
32	9	Close/Contract for Memphis Inpatient Neurosurgery	($1,093)
33	6	Hampton Replace 2 Podiatrists with Fee Basis	($100)
34	22	Loma Linda—Decrease Medical Media capabilities	($500)
35	6	VAMC Durham close Cardiac Cath Laboratory	($1,915)
36	11	Close unused buildings at Battle Creek, NIHCS and Danville	($900)
37	6	VAMC Hampton REDUCE 1 PATHOLOGIST	($183)
38	3	Close Int Care(Lyons)	($7,555)
39	6	VAMC Fayetteville Administrative staff reductions	($413)
40	9	Close Leestown Division of Lexington VAMC	($2,500)
41	16	Consolidation of Imaging Services	($1,100)
42	8	Convert capital to operating funds	($6,273)
43	6	VAMC Salem eliminate ENT contract	($80)
44	9	Move Veterans Community Care Center to VA space at Murfreesboro	($61)
45	7	Renovation of Ambulatory Care	($235)
46	3	Merge two Long Term Care Psych Wards	($1,500)
47	20	Equipment funding conversion	($5,000)
48	20	Standardization	($2,000)
49	21	Enhance referrals of Contract Dialysis patients to community resources	($587)
50	6	VAMC Fayetteville Close Orthopedics—surgery and clinic	($300)
51	9	Implement Centralized Controls over Fee Basis Expenditures	($250)
52	22	VISN-wide: reduce acute inpatient census	($1,219)
53	20	Consolidated Contracting	($2,000)
54	3	Convert EMS to VI workers	($702)
55	22	Long Beach—Ward closure	($1,250)
56	11	Standardize and consolidate procurement of medical supplies	($1,000)
57	14	Adjust indirect/direct Fte mix @ central Iowa	($400)
58	6	VAMC Fayetteville Close Intermediate Care Ward	($1,479)
59	10	Administrative Program Integration between Medical Centers	($3,129)
60	4	Reduce Management Layers (Overhead)	($9,000)
61	17	Advance Tray Delivery System	($850)
62	16	Laboratory Standardization	($1,000)
63	17	Eliminate Intermediate Beds	($534)
64	10	Consolidate Fee Basis Program Administration to central location	($450)
65	6	VAMC Salem reduce Administrative Services	($530)
66	22	Network Business Center—consolidated contracting/purchasing	($3,000)
67	3	Reduce respiratory therapist	($220)
68	22	VISN-wide: reduce .01 expenditures on NRM & station projects	($3,000)
69	6	VAMC Salisbury convert PTSD to residential care	($600)
70	19	Cheyenne-Denver Integration, eliminate Cheyenne Management Triad	($350)
71	18	VISN Contracts (bulk purchases)	($1,000)
72	1	Exchange 80% of anticipated Equipment and NRN funding	($28,748)
73	17	Reduce usage of Fee Basis Salary Account	($1,000)
74	9	VISN Negotiations to Control Cost of State Nursing Home medications	($349)
75	15	Tele-radiology coverage sharing	($500)
76	18	Conversion of NRM and Equipment multi-year funds	($3,000)
77	10	Considate Contracting Functional Responsibility	($506)
78	14	Pharmacy cost avoidance	($3,000)
79	12	Expand BioMedical Equip. Risk pool (Reduce equip. maint. contracts)	($150)
80	14	Consolidate Nuc Med @ Iowa City	($48)
81	9	Dietetics Efficiency Improvements at Memphis	($577)
82	3	Reduce "excessive" bed days of care	($12,000)
83	9	Adjust provider mix for more efficient ratio of physicians to support staff	($5,000)
84	3	Close Med Ward	($1,762)
85	3	Close Medicine (Lyons)	($1,850)
86	4	Restructure Depart. and Wrk Routines (Cont'd Input to Altern. Care)	($17,000)
87	6	VAMC Durham close Dialysis	($1,504)
88	18	Limit Station Level Projects	($300)
89	3	Convert long term Psych ward to residential	($1,000)
90	17	Eliminate Surgery Service at a tertiary care facility	($2,500)
91	6	VAMC Durham close Emergency Room	($849)
92	3	Limit Non-Formulary request for drugs	($250)
93	1	Boston Healthcare System	($10,000)
94	8	Energy Savings contract	($500)
95	19	Eliminate heart transplant program (SLC)	($512)
96	3	Network-Wide Home Health Contract	($500)
97	19	Eliminate fire department—City coverage (Sheridan)	($346)
98	21	Pharmacuetical pre-buys	($1,500)
99	7	Improve C&P Efficiencies	($500)
100	17	Reduce the usage of temporary positions	($450)
101	17	Contract out Misc Services	($4,410)
102	3	Close Psych Ward	($1,500)
103	15	Adj Staffing mix	($2,000)
104	22	Long Beach—Consolidate dietetics w/GLA	($1,500)
105	19	Eliminate cardiothorasic surgery (SLC)	($600)
106	7	Reduction of BDOCs	($1,441)
107	3	Transfer Acute Psych (Lyons) to Medical School	($4,277)
108	15	Energy Savings	($100)
109	5	Shift to Outpatient Care—hlth maint. residential care & community clinics	($2,334)
110	18	Energy Savings	($600)
111	9	Close Nashville Sleep Lab	($100)
112	20	Consolidate Laboratory Services	($3,000)
113	15	Closure of selected inpatient beds	($9,000)
114	22	VISN-wide: PACS/Teleradiology Implementation	($1,000)
115	19	Title 38 Adjustment, RN staff reduced, backfill with LPNs	($300)
116	3	Reduce Station projects	($1,250)
117	9	Reduce Huntington Research Support by Facility and Plant Management	($66)
118	17	Eliminate Psychogeriatric Nursing Units	($1,282)
119	15	Integrate Eastern Kansas-Topeka & Leavernworth	($11,000)
120	1	Integrate Sub Region 2, White River Jct. and Manchester	($2,000)
121	11	Standardize lab Cost per test agreement across network	($1,500)
122	11	ESPC—NIHCS	($750)
123	16	Pharmacy Benefits Management	($2,000)
124	6	VAMC Durham reduce Clinical Service Supervisors	($116)
125	17	Close small VAMCs except for Outpatient Care	($12,745)
126	7	Management initiatives to improve prosthetic services	($234)
127	20	Consolidate Fee Payments/Reduce Variation in Payment	($1,000)
128	1	Ntwrk Consolidated Lab transportation contract savings	($425)
129	10	Close 3 Wards converting to O/P P/S	($3,759)
130	11	Convert Equipment and NRM funding	($20,600)
131	7	Automation Of Pharmacy	($235)
132	4	Implement Clinical Guidelines	($2,520)
133	9	Integrate Murfreesboro Inpatient Surgery w/ Nashville	($2,886)
134	22	VISN-wide: Implement posthetics service line	($1,000)
135	2	Bio-Med Maintenance Contract Risk Pool	($1,500)
136	10	Energy Savings Performance Contract	($100)
137	6	VAMC Hampton REDUCE 2 SURGEONS	($338)
138	18	Convert MOD coverage from contract to VA MD (rotate coverage)	($500)
139	17	Close psychiatry care at a tertiary care facility	($2,200)
140	7	Improve Pharmacy by actively reviewing prescriptions (polypharmacy)	($335)
141	8	Advanced Food Prep	($1,000)
142	11	Standardize and consolidate procurement of prosthetic supplies	($1,500)
143	8	Integration opportunity (services & functions)	($2,200)
144	20	Close Inpatient Beds (including dorm) through centralization of services	($8,000)
145	19	VISN 19 Network Acquisition Service Center (NASC)—Contract Savings	($3,750)
146	14	A–76 Knoxville laundry	($500)
147	5	Reduction in Average Length of Stay	($5,090)
148	18	Discontinue Women's Clinic and merge with Primary Care	($360)
149	12	Implement Advance Food Prep and Delivery System	($1,200)
150	3	Network Home Oxygen Contract	($100)
151	3	Reduce Interior Design Budget	($300)
152	19	Close Inpatient Beds (Cheyenne)	($3,003)
153	6	VAMC Durham close Open Heart (DRG 104–107)	($4,259)
154	12	Maximize laundry production via reducing purchase of disposible items	($200)
155	19	Eliminate admitting office, emerge room contract (SLC)	($600)
156	6	VAMC Asheville eliminate Cancer/Oncology Program	($1,800)
157	19	Eliminate Lab contract provide in-house (SOCO HCS)	($150)
158	22	VISN-wide: Increase Bio-med. M&R risk pool for equip	($250)
159	1	Med/Surg Prime Vendor contract	($550)
160	8	Consolidate/streamline staffing	($4,000)
161	6	VAMC Salisbury close Med/Surg ICU	($200)
162	9	Prosthetics Centralized Purchasing on Mandated Contracts	($4,747)
163	14	equip/nrm funding conversion	($5,053)
164	14	(Integrate all Iowa sites	($250)
165	3	Reduce Pathology & Lab	($4,541)
166	9	Restructure Memphis Rehabilitation Service	($1,705)
167	1	Exchange CASCA Funds anticipated to be $8,500	($8,500)
168	16	In-house Radiation Therapy Referral	($900)
169	1	Establish Prosthetic Service Line (10% Savings)	($2,000)
170	21	Consolidate wards	($1,400)
171	7	Reorganization	($234)
172	9	VISN Protocols in Management or Reproductive Care	($1,774)
173	18	Consolidate services (e.g., IRM, mental health/primary/specialty care)	($375)
174	8	Bio Med Risk Pool	($1,000)
175	6	VAMC Hampton REDUCE 1 NURSE ANSTHETIST	($126)
176	8	Consolidate contracts	($2,400)
177	3	Close Lt Psych—NOHCS & Northport Transfer to HVHCS & Case Mgmt	($24,323)
178	6	VAMC Salem eliminate Medical Media Service	($259)
179	3	Consolidation of ICUs	($459)
180	17	Reduce usage of Fee Dental	($600)
181	9	Fee out remaining Memphis BPC program	($478)
182	9	Restructure Psych Pgms/Regionalize Inpatient/More Community Care	($4,500)
183	6	VAMC Becidey close all acute care inpatient beds	($3,557)
184	6	VAMC Salem FTSD inpatient to outpatient	($268)
185	6	VAMC Salem eliminate Cancer/Oncology	($233)
186	10	All Other costs associated with ward closures	($3,956)
187	7	Improve Cost Efficiencies	($19,491)
188	6	VAMC Hampton administrative efficiencies	($668)
189	11	Reductions of FTEE from program reallocations and integrations	($9,800)
190	7	Renovation of NHCU Efficiencies	($796)
191	2	Change in Provider Mix RN to LPN	($1,000)
192	9	Contract Murfreesboro Fire Fighter Services to city of Murfreesboro	($122)
193	9	Close/Contract for Memphis Inpatient Neurology	($418)
194	14	Implement multi sidebed workers—Nebraska	($50)
195	21	Prosthetic adjustment (bring contract prosthetic in-house)	($1,738)
196	3	Re-Org SCI Program—HVHCS	($2,000)
197	16	Conversion from IDCU to VISN-wide WAN PR	($1,100)
198	10	Laboratory Svc. Consolidation	($1,000)
199	14	Efficiencies in COJ—Nebraska	($150)
200	19	Energy Savings Performance Contract (ESPC)	($75)
201	7	Increase Occupancy Rates	($934)

SUMMARY OF VA MANAGEMENT INITIATIVES[1] INCLUDED IN GAO ESTIMATE OF POTENTIAL EFFICIENCY SAVINGS—Continued

Count	VISN		(In thousands)
202	11	Implement Pharmacy Benefits Management Initiatives across network	($1,600)
203	17	Consolidate Admin Services	($502)
204	22	VISN-wide: Reduce utility costs, ESPC and deregylation	($750)
205	9	Integrate Nashville Inpatient Psychiatry w/ Murfreesboro	($1,800)
206	1	Convert Inpatient Psych to Outpatient Psych Residential Care	($700)
207	3	Energy Savings Contract-Bronx	($250)
208	9	Restructure Mgn Home Substance Abuse/HCMI/IPCC	($850)
209	9	Reorganization Mtn Home Physical Medicine & Rehab	($300)
210	14	Integrate all Nebraska sites	($1,000)
211	17	Close substance abuse at a tertiary care facility	($1,548)
212	3	Consolidate anesthesiology leadership	($234)
213	14	Enhanced partnering—Nebraska	($50)
214	14	Adjust RN, LPN, NA mix @ Des Moines	($236)
215	8	Reduce diagnostic costs/patient	($2,000)
216	19	Convert FY9/0 to .01 funds	($3,978)
217	9	Convert Inpataient Psych to Outpatient Psych Residential Care	($5,678)
218	15	Convert Medicine-Consolidate readings to VAMC St. Louis	($500)
219	15	Implement Business Office	($3,000)
220	7	Improve efficiency of Coronary Care services within VISN	($1,480)
221	1	Standardized Supplies	($2,000)
222	7	Contract out Housekeeping Services	($478)
223	9	Improve LTC utilization/Regionalization of Long Term Psych	($7,175)
224	2	Network Pre-Authorization for Fee services/Impact of CBOCs on Fee	($500)
225	6	Convert 40% of $23.8 million in 9/0 Equipment funds to .001 All Other	($9,537)
226	5	3YR Infrastructure pgm on NRM projects reduced	($3,400)
227	6	VAMC Salem eliminate Orthopedics contract	($200)
228	6	Establish Prosthetic Service Line (10% Savings)	($500)
229	15	Standardization of Supplies and Services	($3,000)
230	3	Network Transcription Contract	($179)
231	3	Reduce prescription practices	($60)
232	9	VISN Protocol in Management of Hepatitis C workload	($4,119)
233	4	Advanced Food prep/Tray delivery Systems	($644)
234	11	CMOP	($3,000)
235	5	VAMC Fayetteville Discontinue contract for ENT services	($30)
236	7	Increase Mentral Health Occupancy	($9,070)
237	17	Reduce usage of Fee Medical	($600)
238	3	Achieve svgs thru drug procurement and excessive scripts	($9,808)
239	15	Advance CMOP Equipment funding to be paid back as reduction in cost	($1,000)
240	14	Laboratory cost avoidance	($195)
241	9	MOD for Non-Admin Hours Management Strategy	($968)
242	6	VAMC Salem eliminate Vocational Rehab	($379)
243	11	Divest of Allen Park facility	($1,000)
244	3	MICA to residential care	($1,000)
245	1	Phase out Medical Surgical Beds	($5,569)
246	15	Reduction of fee basis costs due to improvement mgt. of specialist time	($750)
247	2	Increase Efficient Drug Utilization	($500)
248	6	VAMC Salem eliminate Clinical pharmacists	($292)
249	6	Convert 50% of NRM funds to .001 All Other	($4,484)
250	6	VAMC Durham reduce Administrative Service Supervisors	($160)
251	3	Reduce "All Other" costs due to efficiencies	($1,000)
252	9	Establish Prosthetic Service Line (10% Savings)	($750)
253	6	VAMC Asheville elimination Cardiac Surgery Program	($2,400)
254	9	Improve Murfreesboro Food Production Efficiency	($320)
255	12	Further reduction of BDOC/1000	($13,100)
256	6	VAMC Fayetteville Contral point reductions from current level	($140)
257	21	Fee-Basis program review and adjustment	($2,614)
258	12	Outback on administrative support (research, education, etc.)	($339)
259	6	VAMC Hampton RIF (Completion of Re-organization)	($1,186)
260	9	Integrate Nashville Intermediate Medicine w/ Murfreesboro	($1,200)
261	6	VAMC Asheville consolidate laundry operations	($200)
262	19	Eliminate cardiac surgery contract, perform in-house (Grand Function)	($400)
263	6	Energy Savings Performance Contract—Task Oder #1	($1,500)
264	21	Relocation CMOP activity to less costly CMOP	($1,349)
265	1	Transportation Service Line. (10% Savings)	($700)
266	6	VAMC Fayetteville Discontinue contract for Dermatology services	($228)
267	15	Expansion of Food Service and VCS integration	($500)
268	3	Acute MDS	($700)
269	6	Restructure Administrative Services	($1,000)
270	22	VISN-wide: reduce .01 expenditures on equipment	($3,000)
271	3	Establish Facility Business Offices	($1,250)
272	9	Reorganize Mtn Home Engineering Workshops	($300)
273	18	Clinical Imprvmnts (e.g., telemedicine, dialysis, home oxygen, outsource)	($250)
274	16	Energy Savings Performance Contract	($750)
275	1	Phase out Tertiary Contract	($3,000)
		Total Savings and Reductions	($610,043)

[1] Management initiatives and dollar savings estimates are stated as included in VA's budget planning document entitled, "FY 2000 Financial Projection and Operating Strategies."

Mr. GRASSLEY. Mr. President, I am pleased to co-sponsor this amendment to increase the appropriation for veterans medical care by $600 million over the amount reported by the committee.

This additional $600 million will bring the appropriations for veterans health care in both the House and the Senate to a total of $1.7 billion over the amount requested by the President. This increase should help stabilize veterans health care services in Iowa.

Iowa is in Network 14, which includes most of Nebraska, part of Illinois, and parts of Kansas, Missouri and Minnesota. Network 14 is one of those which has steadilly lost funding under the Veterans Equitable Resource Allocation System, the funding system which, several years ago, changed the way VA monies are distributed around the country.

In addition, as my colleagues know, the VA health care system, following developments in the rest of the nation's health care system, has been emphasizing care in outpatient settings where appropriate. In keeping with this policy, the network including Iowa has developed outpatient clinics in several communities around the State, as well as health screening activities around the State.

In many respects, this shift to an outpatient focus is good policy. Certainly care should be given at the most medically appropriate level. Veterans can receive that care closer to home than might otherwise be the case if sufficient community clinics can be created. It is also probably the case that more veterans can be served by such an approach to health care services. This has certainly been the case in Iowa. Between 1996 and 1998 the total number of veterans served in Iowa has increased from 43,856 to 47,225, an increase of 3,369. Veterans treated on an inpatient basis declined from 7,615 to 5,204 over that period, but veterans treated on an outpatient basis increased from 36,241 to 42,021.

Unfortunately, the combination of the shift of funding away from States like mine to the south and southwest, and tight Federal budgets for veterans health care has resulted in a squeeze on the budget for Network 14. Although the network has been able to continue to serve the category 7 veterans, I regularly hear complaints about very long waits for service, and, occasionally, about episodes of poor quality service which seem linked to too few staff.

I hope that this increase of $1.7 billion beyond what the President requested will help ease the budget squeeze of Iowa and Network 14, and will help prevent any further deterioration in access to services for Iowa's veterans. I am aware, of course, that the VA will be providing a 4.8 percent increase for VA employees, and this will come from the appropriation for VA programs. And health care costs continue to inflate. Nevertheless, this increased appropriation should help us in Iowa.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1744) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1747

(Purpose: To increase the amount appropriated for the Veterans Health Administration of the Department of Veterans Affairs by $1,300,000,000)

Mr. WELLSTONE. Mr. President, I thank my colleagues. I will send an amendment to the desk shortly.

Let me speak about this amendment. It is on the same subject matter. My colleague from West Virginia did a good job of outlining problems with the flatline budget. What we have had the last several years is a budget that has led to a decline, unfortunately, in the quality of health care for veterans. The presiding Chair has been a real leader in this area. I think he is very familiar with this.

Part of the problem is that the budget not only does not deal with gaps in veterans' health care, or the need to deal with a lot of veterans who are homeless—I think it is a shameful statistic when, some believe, maybe up to one-third of the homeless population are veterans—or the need not to do better for drop-in centers for veterans as an alternative to institutionalized care.

I say to my colleague from Maryland, perhaps the biggest gap is an everaging veteran population and the fact this carries with it very real challenges in delivering care to this part of the veteran population in a humane and dignified manner.

What this amendment which I will send to the desk does, it is consistent with the veterans independent budget. It will call for an increase of an additional $1.3 billion. I say this to my colleagues: This amount of resources for veterans' health care does not come out of thin air. This is based upon an independent budget which was produced by major veterans organizations—VFW, Disabled American Veterans, Paralyzed Veterans, and the Vietnam Vets.

What this budget does is something that I think is terribly important. It corroborates the findings of a report I was able to issue on the floor of the Senate not that long ago called "Flatline Veterans Health Care and Fiscal Year 2000 Budget." I sent a copy out to all of my colleagues. Let me summarize the conclusion of this report.

> Without a doubt, the men and women of the VA health care system will continue their effort to provide quality health care regardless of what future budgets hold. However, the majority of the 22 VA directors report without a significant infusion of new funds, the future is one of fewer staff, offering fewer services and treating fewer veterans.

Let me be clear about what is at stake. I appreciate the amendment we just passed, but the truth of the matter is it does not meet the needs. I want all of my colleagues to understand I came out with this amendment with Senator JOHNSON and 99 Senators voted to increase the amount of veterans' resources, to increase the budget, by exactly this amount of money. We have squeezed about as much money out of this as we can. The VA health care system is desperately short of resources. I think we absolutely have to do better.

This amendment means the difference between an aging World War II veteran driving 6 hours to a hospital for care and the same veteran visiting an outpatient clinic in his own community. The amendment could mean the difference between a week's wait and several months for an appointment at a mental health clinic for veterans suffering from PTSD. The amendment could be the difference between cost-effective and humane care instead of responding to a crisis.

Again, I want to make this clear. My colleagues are on record: 99 Senators voted to support an extra $3 billion above the President's request for the VA. That is exactly what this amendment calls for. This was an amendment to the budget resolution offered by my friend from South Dakota, Senator JOHNSON. It passed the Senate 99–0 and raised the Senate budget to the level recommended by the independent budget. I think it is now time to make good on that vote.

Finally, let me be clear. I think there is a powerful claim that veterans can make. I say to my colleague from Missouri, I will read from this study and what I have heard from the regional directors. It is unbelievable. They are making it clear with an additional $500 million or $600 million there are still huge gaps. If we are really serious about dealing with these gaps, if we are really serious about adequately funding VA health care—and I think the veterans have a moral claim—I think this is a commitment we made to our veterans, this amendment for the additional $1.3 billion brings us to the level that really will deal with these glaring gaps. As a matter of fact, again we had a 99–0 vote to increase the funding to exactly the level called for in this amendment.

I want to be clear. I have been critical of our President, Democratic President. I felt the flatline budget in the original budget proposal that came from the White House was no way to say thanks to the veterans. I have tried to work with colleagues on all sides of the aisle on this question. But in many ways I am on fire on this question. I really believe we have to live up to a commitment we have made.

Let me read from a "Dear Colleague" letter that I think brings this into sharp focus:

> DEAR COLLEAGUE: We invite you to join us in honoring a commitment to our Nation's veterans, a commitment that we feel is being neglected in their time of need. We are concerned that funding for the fiscal year 2000 Department of Veterans Affairs contained in the fiscal year 2000 VA–HUD appropriations bill is inadequate in addressing the health care needs of our veterans' population.
>
> During consideration of the budget resolution, we offered an amendment that increased veterans' health care in fiscal year 2000 by $2 billion above the level contained in the budget resolution. The U.S. Senate accepted the Johnson-Wellstone amendment by a 99–0 vote. Many of our Nation's veterans' organizations endorsed our efforts to increase veterans' health care.

Unfortunately, this appropriations bill only contains a $1.1 billion increase. Now we have added an additional $600 million to that, which is a step in the right direction. Therefore, we will be offering an amendment which would now provide for an additional $1.3 billion to make the total increase for veterans' health care up by $3 billion.

> The VA budget has been flatlined for the past 3 years and this catchup effort is badly needed.

Mr. President, I want to marshal the evidence why I believe it is critically important my colleagues support this amendment. On June 15, 1999, I sent a letter to 22 of the veterans integrated service networks—that is what we mean when we are talking about the VISNs—asking them for data as to what they were dealing with, what were the effects of flatline funding. Each director was asked to provide specific information about the impact on veterans' health care of the Clinton administration's fiscal year 2000 proposal and possible congressional appropriations levels.

By July 12, it was amazing. All 22 directors had provided a response to my office. I want to summarize some of what they had to say.

By the way, some of what they have said, some of the data, is deeply troubling. They made it clear that then-Under Secretary for Health Kenneth Kaiser's words in an internal memo earlier this year, that the President's proposed budget posed "very serious financial challenges," was no exaggeration.

We have made some improvement with this amendment that Senator BOND has introduced. But let me go on with the amendment I have introduced, which my colleague from New Hampshire, Senator SMITH, also wants to cosponsor. I ask unanimous consent he be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, 20 of these VISNs would have funding shortfalls under the Clinton budget. Twenty out of 22 VISNs reported that the Clinton administration's fiscal year 2000 budget would result in a shortfall of funds necessary to provide either current services or current services combined with new mandates and demands.

As many as 10,000 employees would be cut under the Clinton budget. Nineteen of the 22 VISNs indicated that staff reductions would be necessary under this budget. Altogether, the VISNs reported that staffing levels would have to be reduced by as many as 10,000 employees through a combination of attrition, furloughs, buyouts, and reductions.

Ten of these would reduce patient workload under the President's budget; 71,000—and then I will get to my colleague's improvement to talk about why I think it is an improvement but falls short of what we should be doing—71,129 fewer veterans would be served under this budget.

Let me go to the negative impact of the Clinton budget, plus the additional $500 or $600 million that we have here.

I asked them on the $500 million, the majority of VISNs reported on the budget $500 million above the President's proposal. It is $500 million above, which is not quite the level that my colleague from Missouri has proposed.

Again, here is what we hear: 12 reported they would experience shortfalls in providing services; 13 talked about reduced staffing; and, again, 38,000 fewer veterans would be served. And over and over and over again what I heard from these directors, which reflected the independent budget report by these veterans organizations, is: Senators, if you want to honor your commitment to veterans, if you want to say thanks to us, then you have to recognize the impact, the dramatic negative impact of these flatline budgets.

I say to my colleagues on the floor, I am being scrupulously, if you will, nonpartisan in my critique. The President's budget was woefully inadequate. But what these veterans organizations did, since we have been saying to them for years, "Stop being so negative; tell us what you need," is they got together in an excellent coalition effort. They put together this independent budget, and they talked about what we would need to do to help an increasingly aging population, what we would need to do to make sure we had adequate staff, what we would need to do to make sure that staff wasn't doubling up on hours, what we would need to do to make sure there were not longer waiting lines, what we would need to do to get more community-based care not only to elderly veterans but to veterans who are struggling with posttraumatic stress syndrome—what we would need to do to honor our commitment.

This amendment by our colleague is a step in the right direction. It is what the House has called for, but it is not what Disabled American Veterans, Paralyzed Veterans of America—let me simply read from this letter from PVA, and then I say to my colleague from New Hampshire, if he wants to speak on this amendment, I will finish up.

> DEAR SENATOR WELLSTONE,
>
> On behalf of the Paralyzed Veterans of America, I am writing to urge you to provide a $3 billion increase for veterans' health care. The $1.7 billion increase provided by the House of Representatives—

Which is now what we have here—

> is inadequate and would only serve to maintain the continuing deterioration in health care provided to veterans. The $1.1 billion increase provided in the bill provided by the Senate Appropriations Committee does not even reach the level of inadequacy.

In fact, the $1.7 billion increase represents a net increase of only $300 million. The Administration's budget proposal not only flat-lined veterans' health care for the fourth year in a row but called for $1.4 billion in "management efficiencies"—cuts in personnel and health care. Once these cuts are averted, veterans' health care will be left with a $300 million net increase. If the increase of $1.1 billion provided in S. 1596 is maintained, the VA will suffer a net decrease of $300 million.

> The Independent Budget identified the resource needs—

This is the operative language—

> of the VA, as requiring a $3 billion increase. This was also the same amount identified by the Senate Committee on Veterans' Affairs in its "Views and Estimates" —

That is our Senate Committee on Veterans' Affairs—

> which stated:
>
> VA requires over $3 billion in additional discretionary account funding in FY 00 to support its medical care operations.

Mr. President, what I am simply saying to my colleagues is that if, in fact, we have DAV and VFW and Paralyzed Veterans and Vietnam Veterans of America who do their own analysis, present this budget, say we need to go up $3 billion from the President's request, and in addition we came out with an amendment, Senator JOHNSON and I and every colleague—99 Senators voted for this increase—then why in the world are we not going to vote for an appropriation of money that will, in fact, deal with these gaps, that will, in fact, make a huge difference?

So I send my amendment to the desk, which would increase the amount appropriated for the Veterans Health Administration of the Department of Veterans Affairs by $1.3 billion. I send this amendment to the desk on behalf of myself, Senator JOHNSON, and Senator SMITH.

I see Senator JOHNSON and Senator SMITH on the floor. But let me just summarize.

I thank my colleague from Missouri.

The PRESIDING OFFICER. If the Senator would suspend, the clerk will report.

The bill clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. JOHNSON, and Mr. SMITH of New Hampshire, proposes an amendment numbered 1747.

Mr. WELLSTONE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 17, between lines 14 and 15, insert the following:
>
> SEC. 108. The amount appropriated or otherwise made available by this title under the heading "VETERANS HEALTH ADMINISTRATION" is hereby increased by $1,300,000,000.

Mr. WELLSTONE. I just simply say to my colleagues, we are on record supporting this increase in funding. We voted for it 99–0. In addition, I have three pieces of evidence to support this.

Our own Senate Veterans' Committee said this is really what we need. That is what our Senate Veterans' Committee said. I sent out, because I could not get a straight story from the Veterans' Administration, a survey to all these different VISNs, and 22 directors responded. They said: This is what we need. And they talked about staff reductions and longer waiting lines and what they really needed.

Finally, the veterans organizations themselves spent a considerable amount of time studying the needs of veterans and came up and said: Listen, this is the shortfall. If you really want to make a commitment to us, if you really want to deal with some of these deficiencies, if you really want to deal with some of these gaps in health care, if you really want to say thanks to us, whatever money you are going to have in the surplus—which will go wherever—you ought to at least honor your commitment to us.

That is what this amendment asks my colleagues to do. I hope there will be a strong vote for it.

Mr. JOHNSON. Mr. President, if I might ask my colleague a question.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has not yielded the floor.

Mr. WELLSTONE. I am pleased to take a question.

Mr. JOHNSON. Yes.

Let me say first, while I am very grateful for the effort that our colleague from West Virginia and our colleague from Missouri have undertaken to try to better fund the VA budget, I commend my colleague from Minnesota, Senator WELLSTONE, for clarifying and making it very clear that in fact while the budget picture is difficult—we know that—at the same time, if we were to fully fund everything that really ought to be done, it would require a $3 billion infusion, given the 3 years of flatline budget that the VA health care budget is already suffering through.

Certainly, I applaud the effort to bring the VA health care budget up $1.7 billion instead of $1.1 billion. I think that is a very positive thing. But it does concern me that when we talked about the full $3 billion increase, we were talking then about the opportunity, as I understand it—if the Senator agrees with me—that that would have been sufficient then to fund the hepatitis C screenings, emergency care services, and 54,000 new patients in 89 outpatient clinics around America. This is the kind of agenda we would have been able to proceed with if we had been able to secure the full $3 billion instead of $1.1 billion—or certainly $1.7 billion.

So I applaud again my friend, Senator WELLSTONE, recognizing we worked together on the budget resolution earlier this year to secure House agreement with a $3 billion increase. And we have been fighting ever since to try to hold the number as high as we can get it, recognizing that when it comes to veterans' health care, would the Senator agree with me, this ought to be the kind of budget priority that comes at the head of the line rather than one that we fund with whatever is left over after everything else has been concluded.

In fact, these are the individuals who put their lives on the line, who disrupted their families, who did their duty, who gave their service to our Nation and made it possible for our liberty to be protected, for our democracy to be preserved. Yet, too often, when it comes to living up to the obligations that our Government has made to the health care of our veterans and their families, we cry poverty when in fact virtually everything else in the budget has already been taken care of.

It would seem to me that we do have a need to continue to put veterans' health care concerns among our very first priorities—in fact, right up there with our national security funding itself. I think that veterans' health care funding—if the Senator would agree with me—is part and parcel of our national defense strategy—at least it ought to be regarded in that respect—because it is part of what keeps so many of our best and brightest young people interested in a military service career at a time when we have too many people leaving the military, where we have retention problems.

It would seem to me that one of the reasons we have that problem is, we have too often reneged on and neglected our obligations on such fundamental things as veterans' health care and veterans' benefits in the past.

So again, I appreciate the effort to try to raise the visibility of our obligations to our veterans and to secure the best possible funding we can possibly get out of this conference report.

Mr. WELLSTONE. Mr. President, I say to my colleague from South Dakota, first of all, I appreciate his support and his work, as I do the support of my colleague from New Hampshire.

I remind my colleague from South Dakota that when we started out working on this and brought the amendment before the Budget Committee, where colleagues voted to what would now raise this $1.3 billion above the amendment from my colleague from Missouri up to the $3 billion difference between what the administration had and what the veterans independent budget said we needed, we were doing this on the basis of just lots of meetings and conversations with veterans.

My colleague gives some very good examples. It is not a question of political strategy. I was very moved by this letter from PBA. One of the things they say to me and say to us, I say to Senator JOHNSON, is they point out that the VA requires this is the amount—this is a report from the Senate Committee on Veterans' Affairs, views and estimates. This is the summary of our own Veterans' Committee of what we need.

> VA requires over $3 billion in additional discretionary account funding in FY 00 to support its medical care operations: an additional $1.26 billion to meet unanticipated spending requirements; an additional $853.1 million to overcome the effects of inflation and "uncontrollables" in order that it might maintain current services; and at least $1 billion—

This is the way they break it down—

> in additional funding to better address the needs of an aging and increasingly female, veterans population.

Mr. JOHNSON. Would the Senator agree, with this fiscal year ending with the estimated $14 billion surplus over and above that required for Social Security, that we ought to be able to, with the $14 billion surplus, find some additional room to address the problems of veterans' health care?

Mr. WELLSTONE. I say to my colleague from South Dakota that given the surplus and given the record economic performance, I am in complete agreement with him.

I again say to all of my colleagues, Democrats and Republicans—who I think support this and are on record supporting this additional investment—that we get in my office back in Minnesota more constituent calls from veterans than any other group. All too often these are veterans who fall between the cracks.

I was a cosponsor of the Bond amendment. I think it is a step in the right direction. But we are on record saying we know we have to do a better job. We have the Senate Veterans' Committee on record in its own report. We have the veterans independent budget that identifies gaps in all these needs.

In addition, I have a survey that I did with a lot of these visiting directors in which they say they will need these resources. If we are going to say on the floor of the Senate we are for the veterans, if we are going to say we are for improving veterans' health care, then I think this is an additional improvement to the amendment we have just passed. This is an amendment that does the job. This is the amendment that many veterans organizations are saying we ought to fight for.

Again, I say to my colleagues, 99 colleagues are on record. I hope we will get a very strong vote for it.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Missouri.

Mr. BOND. Mr. President, for the information of all Senators, I hope the leadership will be able to clear an agreement that all first-degree amendments in order to this bill be submitted to the desk by 3 p.m. today. That will help ensure swift passage of this HUD-VA bill. In addition, let me clarify, the call for regular order with respect to the HUD-VA bill only applies to the bankruptcy bill. Therefore, Members can expect a late night this evening in order to make progress on the bill.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. Mr. President, I ask unanimous consent that Senator JEFFORDS and Senator HAGEL be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask that Senator SARBANES be added as a cosponsor to our $600 million VA amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I join with my colleague from Missouri in asking all those on my side of the aisle, please cooperate with the committee, have those first-degree amendments in by 3, so we can expeditiously move this bill.

I also ask my colleagues on my side, those who want to speak about aspects of the bill, come forward and be prepared to speak. We have already been on the bill for 2 hours and haven't had one quorum call. I hope, in order to move expeditiously, we don't have big, empty spaces.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I should clarify that I was not asking unanimous consent that all amendments be in by 3 p.m. I am hoping the leadership will be able to clear an agreement establishing a time. This was an expression of hope. I am sure my distinguished colleague from Maryland has the same hope burning in her heart that I do in mine, but it is not ripe to propound as a unanimous consent at this time.

I was not asking unanimous consent on the 3 p.m. for filing all amendments. We hope we can get a reasonable time.

The distinguished ranking member of the full committee wishes to speak. I need to make just a few quick points about the Wellstone amendment.

We have, as everyone knows, been working for some time to determine how much VA needs in its budget. We knew that the budget submitted to us was entirely inadequate, and we know that the VA's own Under Secretary issued a memorandum last February indicating his concerns about it. There were no details in the President's budget. So in our committee, where we have responsibility for preparing a budget, we take requests, and these requests we judge in good faith.

We have the responsibility of allocating the scarce dollars. We asked the VA and its networks to put together plans as to how they would operate. That is where we learned about the closures, cutbacks in care, reduction of 13,000 employees. We saw that was a disaster. We asked VA about the proposed management efficiencies that networks said could be implemented, and should be implemented, to improve the efficiency of VA care, and they said about half of them could be. So they are finding money by making savings within their budget.

The things that they are doing are commonsense, good practices, such as bulk purchasing, improving prescription patterns, centralizing certain functions, closing unused buildings, and so forth. We are going to have to do more of that.

To be clear, we expect continuing reforms. We want to see good health care for veterans. In many instances in the past, that has not been accomplished purely by throwing in more money. We need to make sure the money is effectively spent. We have provided an additional $600 million to make sure they have the funds adequate to ensure the health care dollars do deliver to the needs of veterans.

The amount we have agreed to, this addition of $1.7 billion, is, I understand, the highest increase ever for VA medical care. The amount we have agreed to in the budget of $19 billion will allow VA to provide more care and better care to our veterans. Also, I should note that the Veterans Affairs budget has not been flatlined. We have been adding about $100 or $200 million a year, and we think that this increase, a very significant one, is vitally important.

The proposal the Senator from Minnesota made would not take money from the surplus. It would take money from Social Security. We are working within very tight budget constraints to provide an additional $600 million. Any dollars above that will come straight out of Social Security. The $14 billion is onbudget, non-Social Security funds and has been used up in emergency spending for agriculture, the census, and other emergencies. There is no free money floating out there. That is one of the constraints under which we must operate on the Appropriations Committee. That is why the leadership of the Senator from West Virginia, the Senator from Alaska, and the Budget Committee has been so important to make that we could provide additional funds.

I know the distinguished Senator from West Virginia has some comments.

Mr. WELLSTONE. Mr. President, might I respond to what my colleague said, if I could ask my colleague from West Virginia.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, is time under control?

The PRESIDING OFFICER. Time is under control.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I will only speak briefly. I was in an appropriations conference meeting when Mr. BOND so graciously called up the amendment on my behalf and on his behalf and on behalf of Senator STEVENS, Senator MIKULSKI, and others. I express my appreciation to Senator BOND for doing that. I express my appreciation to Senator STEVENS for helping us in the Appropriations Committee to have increased allocations for the various subcommittees. And particularly with reference to the Subcommittee on VA, HUD, and Independent Agencies, the Senator from Missouri, Mr. BOND, and the Senator from Maryland, Ms. MIKULSKI, have performed an extremely important job and have done it well, with the limited amount of funds that have been available to them.

In the committee, we recently increased the amount for veterans' health care by $1.1 billion. We did it because Mr. STEVENS and I were able to find ways to add monies for the VA-HUD subcommittee. On the floor earlier today, the Senate agreed to the amendment offered by Mr. BOND on my behalf and on his behalf and the others whose names I have already mentioned.

I am sure that each of us would like to do more. I have been in Congress now, this is my 47th year. I have always supported the interests of our veterans. I was a member of the Senate when we did not have a Senate Veterans' Affairs Committee. The Rules Committee, on which I served, made it possible for the Senate to consider and agree to the proposal that there be a standing committee of the Senate entitled the Veterans' Affairs Committee. I was a Senator who was on the Rules Committee then and who stood up for the veterans. We received a lot of mail at that time from veterans all over the country in support of having a standing committee of the Senate designated the Senate Committee on Veterans' Affairs.

So, I have been very supportive of the veterans and their families, and legislation and appropriations that affect their welfare and their well-being.

Now, the House has approved a figure of $1.7 billion as an increase over the amount that was in the President's budget. The Senate committee approved an increase of $1.1 billion. That left us $600 million short of where the House of Representatives stood. I think it would be very important to the veterans if the Senate were able to go to the House, in conference, with a figure that matched the higher figure the House has already agreed upon. That is one reason why Senator STEVENS, Senator BOND, Senator MIKULSKI, and I thought it was very important to increase the amount by $600 million.

I want to thank our veterans organizations also. Many of us can only imagine how difficult it must be for a soldier to be awakened in the depths of the night by the startling sound of shell explosions or small arms gunfire, to be on the other side of the world from where one's family and friends make their homes, to wade through muddy water up to one's shoulders, to carry 50 pounds of ammunition and supplies on one's back, not knowing if one will live to see the sunset at the end of the day.

Our veterans have gone into harm's way time and time again in order to preserve the freedoms that we Americans enjoy and that our friends and allies have also fought and died to protect. There are many Americans who have dared to know the horror of war in service to this country. I am not one of those. I am not a veteran. I worked in the shipyards and helped build the *Victory* ships and *Liberty* ships to convey men and supplies to our military forces overseas. So I did my part. But I did not serve in any of the military forces.

Unfortunately, as the veteran population begins to reach an age where they need more health care, too many American veterans are facing the stark circumstances wherein it may appear that the Nation they faithfully and honorably served is turning its back on them in time of need. We do not intend to do that. We don't intend to do that on the VA-HUD subcommittee. We don't intend to do that on the full Appropriations Committee of the Senate.

So we think we have responded as best we could under the budgetary restrictions that confront us. We have caps that are set in statute. We would like to do more in many areas where appropriations are concerned, but we are restricted by the budgetary caps. I have been in favor of lifting those caps, but they are not lifted as of now.

I think it is our duty to honor our debt to the veterans who, in the spirit of those patriots of the Revolution, dared much, risked much, and sacrificed much that we might enjoy the blessings of freedom.

I also will take a moment here to say I was very supportive of our veterans when I was chairman of the Appropriations Committee. I helped to appropriate funds and to allocate funds to the VA-HUD subcommittee in order that we might add clinics, add space in various veterans hospitals around the country. We did it in my own State of West Virginia, in Huntington, Beckley, Clarksburg, Martinsburg. I can remember when I helped to provide $76 million for a new veterans hospital in Martinsburg to replace the old Newton D. Baker Hospital. I have been in this fight a long time. I am not a veteran, but I think I have been true to my duties and responsibilities here, one of which duties is to see that our veterans are taken care of, treated fairly, and that their services are respected, appreciated, and remembered.

Therefore, I was happy today to provide the amendment that was offered by Mr. BOND and cosponsored by Mr. BOND, Mr. STEVENS, Ms. MIKULSKI, and an additional 20 or more Senators.

I thank the distinguished Senator from Missouri for yielding this time.

I have to go back to another appropriations conference. This time, I want to take up the battle for our drought-stricken areas of West Virginia and other States in the eastern United States, stretching from Tennessee up to Vermont. Again, that is with respect to the drought and the problems it has created for our livestock farmers. I want to go there and fight their battle. For the moment, I have been delighted to come to the floor. I also appreciate the support of other Senators on this amendment. I express my appreciation to Senator STEVENS, who is not on the floor, and to Senator BOND, and Senator MIKULSKI for the excellent leadership they continue to give in this extremely important bill.

I thank all the cosponsors to the amendment which would provide an additional $600 million for veterans' medical care, including Senators BOND, DOMENICI, STEVENS, MIKULSKI, GRASSLEY, BINGAMAN, JOHNSON, SPECTER, MURKOWSKI, WELLSTONE, SMITH of New Hampshire, HOLLINGS, ROCKEFELLER, AKAKA, CONRAD, KERREY, BIDEN, LEAHY, BOXER, HAGEL, MURRAY, JEFFORDS, SARBANES, HUTCHINSON, REID, KERRY, ROBB, BUNNING, BRYAN, KENNEDY, ROBERTS, ASHCROFT, SNOWE, COLLINS, COVERDELL, HARKIN, ABRAHAM, DORGAN, DURBIN, THURMOND, MCCAIN, LEVIN, LANDRIEU, FRIST, and others.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I know my colleague from New Hampshire wishes to speak. I thank Senator BYRD, and I agree with what he said. I want to go over the evidence that in fact we can do better and we have to. I support Senator BOND's effort. But in terms of all of the data we have on veterans' health care, I think the amendment meets that.

I ask unanimous consent I be able to follow Senator SMITH. I will only take 5 minutes.

Mr. BOND. I object, Mr. President. We don't have the time.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I want to say that I support the efforts of the committee in increasing by some $600 million the money for the benefits to veterans that was not in the bill. I commend them for their leadership in doing it. I agree with my colleague from Minnesota that this is simply not enough.

I think my colleague is correct. I want to say to my colleague from Minnesota that not only do I appreciate his efforts on the floor in behalf of our Nation's veterans, but I support those efforts.

I am proud to be a cosponsor of this amendment because I believe we have heard horror story after horror story after horror story in all of our offices year after year after year. It seems as if we always have money for everything. Lord knows I have been down here many times opposing that "money for everything." Indeed, I have an amendment that I will offer very shortly. My colleague from Minnesota might disagree with me, but it increases money for veterans but takes it out of the AmeriCorps Program, which he probably will oppose me on.

But on this amendment, I want to say that we agree. The veterans of this country need more help. They shouldn't have to beg for it. They deserve it; they earned it. We have heard it time and time again—whether it is the American Legion, the VFW, DAV—whomever you spoke to. In meeting after meeting in my office, we hear the same thing.

I think my colleague from Minnesota will agree with me on this. We drive to work into Washington, especially in the winter, and nothing is more painful than seeing a veteran lying on a grate in this city. This happens all over America. I have seen this now for 15 years. I have fought for 15 years to try to correct it.

I am just determined now that I am going to do whatever I have to do on this floor to see that it stops.

There is no way this country, as great as it is and as rich as it is, should tolerate that. Enough is enough. It has happened in Democratic administrations. It has happened in Republican administrations. Enough is enough.

Whatever we have to do to help these veterans get off those grates, whatever we have to do to help veterans get the health care and shelter and things they need, then I am prepared to do it. I am prepared to sacrifice somewhere else in the budget to do it—whatever it takes, whatever we have to do.

I say to my colleague from Minnesota that I appreciate his leadership on this. I am proud to support him on it. I will continue to support any efforts that he should author, or perhaps he may support some that I may author, in terms of helping to get this mess straightened out so that we don't have to continually hear these horror stories of veterans being denied care.

I know the Senator from Minnesota has, as I have, gone to veterans homes. You see some of the conditions they have to endure. It is outrageous.

We give them the best. We try to give them the best when they go to serve, wherever that may be. We ask them to go all over the world—too much in my view. Then when they come back, they deserve the best, as well, in terms of care. I think with good intentions we try to do that, but we have failed. We have come up short in a lot of areas. I think the Senator's amendment will help to address that.

I think everybody on the floor supports our Nation's veterans. I don't in any way insinuate that any of my colleagues who are offering another amendment of a lesser amount don't support veterans. But we clearly have not addressed this problem. The Senator from Minnesota pointed out that there was a 99–0 vote on exactly what the Senator is proposing. I see no reason why we can't step forward. It is a shame that we have to have another vote. I think it ought to be in the legislation. It ought to be in the bill.

But I am going to stand here no matter how many times it takes, as often as possible, and as long as possible to make these points.

I am more than happy to join my colleague in doing this to help our Nation's veterans.

Mr. President, parliamentary inquiry? Are we on the Wellstone amendment at this point?

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. Could I ask a question of the manager? Is it the manager's intention to have a vote on this amendment? I have one I would like to offer. I would be happy to offer it and have it set aside, or have this one set aside. I don't know what the intention of the manager is.

Mr. BOND. Mr. President, we are busily working to get a unanimous consent order as to the timing for the vote on this issue to accommodate a number of our colleagues. We are working busily right now. The reason I asked that I be able to regain the floor after the Senator from New Hampshire spoke was to be able to propound that unanimous consent request. I am still hoping that momentarily we will have the unanimous consent request.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, while we are waiting to fine-tune the unanimous consent on this amendment, I would like to comment on this amendment.

I also would like to take this opportunity to ask unanimous consent that Senator HARRY REID be a cosponsor of the $600 million VA amendment offered by Senators BYRD, STEVENS, BOND, and MIKULSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, first I thank the Senator from West Virginia, Mr. BYRD, for his assistance on this bill and his advocacy for veterans. We would not have even been able to move this bill to the floor had it not been for Senator STEVENS and Senator BYRD identifying the $600 million. We need to look at where we were 6 weeks ago.

Veterans' health care under the spending caps was down $1 billion. Thanks to the advocacy and ingenuity, I might add, of the chairman of the Appropriations Committee and the ranking member, we were able to come to the floor. That is why I also said in my opening statement that we had the will, but we didn't have the wallet.

Again, with Senator BYRD and Senator STEVENS identifying a window or a particular technique to declare $600 million in emergency, we will be able to ensure that nothing is closed.

I don't dispute the comments of the Senator from Minnesota about the need for more. I also don't dispute his comments about the need for better. The Senator from Minnesota is well known for his advocacy for veterans. We particularly congratulate him for his steadfastness in continuing to bring to our attention the plight of veterans with posttraumatic stress syndrome.

I also remember him speaking for the nuclear vets—those who were exposed to nuclear radiation where that trauma was not compensated for or identified.

I thank the Senator for what he has done, but I have to say his amendment violates the Budget Act. It breaks the spending caps. He and I know the Budget Act leaves much to be desired. The budget policy leaves much to be desired because the spending caps have prohibited us from meeting compelling human needs.

I know that some time this week President Clinton will be vetoing the tax bill. I am glad he is going to do that because then maybe we can get down to serious business about how we can fund Social Security, extend the solvency of Medicare, and meet compelling human needs.

I say to the Senator that I support what he wants to do in principle, but I will not be able to support his amendment because it violates the budget caps. But, again, the points that he has made are very well taken.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, just for the information of all Senators, we have been working on a time for the vote on this amendment. There seems to be a consensus, although I am not in a position to ask unanimous consent, that most of the colleagues will be back and prepared to vote at 2 p.m.

For the information of all Senators, I will propose to raise a Budget Act point of order at 2 p.m. I believe the Senator may wish to make a motion to waive that Budget Act point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if my colleague eventually propounds this, I wonder if I might have a few minutes after he speaks to waive it—5 minutes.

Mr. BOND. Mr. President, if we are able to have a unanimous consent agreement to establish it at 2 o'clock, I will ask for 4 minutes equally divided prior to that time to discuss the Wellstone amendment. I did not understand we were ready to have that unanimous consent agreement. Without the unanimous consent agreement, we cannot assure the Senator he will have that time because raising the Budget Act point of order triggers the activities resulting in potentially an immediate vote.

Apparently, we are not ready to propound a unanimous consent request, so I urge the Senator sometime before 2 o'clock to make his comments in support of waiving the Budget Act.

Ms. MIKULSKI. If the Senator will yield, isn't it safe to say we will have no votes before 2 o'clock, to protect Members?

Mr. BOND. It is the wish of the bipartisan leadership we not have any votes prior to 2 o'clock. I assure all Senators if we conclude debate on this amendment, it might be possible for the amendment to be set aside and others to be considered. There will be no votes before 2 o'clock.

Mr. WELLSTONE. Mr. President, I want to go, first of all, to the substance of what has been said about veterans' health care. Then I will talk to staff about how we might debate my motion to waive the Budget Act.

Let me, first of all, say my good friend from Missouri said we didn't have a flatline budget. If we increase the budget $100 million, $200 million a year, compared to medical inflation, that is a flatline budget. Spend time with veterans anywhere and one knows it did not work. The budget ran way behind health care needs. That is to what the amendment tries to speak.

Second, I ask my colleagues, deciding what we need to do by way of making sure we are providing good health care for veterans, my colleague talks about what the Veterans' Administration has said to him. They have to deal with OMB and the bean counters. Or are you going to pay some attention to this independent budget put together by many veterans organizations, which calls for the need for an additional $3 billion above the President's proposal, which is now, my amendment, $1.3 billion. We are getting there because the veterans community has organized and the veterans community has been heard. I am glad they have done so.

Here is a list of independent budget endorsers: National Coalition for Homeless Veterans, Veterans of the Vietnam War, Vietnam Veterans of America, Retired Officers Association, Military Order of the Purple Heart, Disabled American Veterans, Paralyzed Veterans. There are 40 different organizations that endorse this budget.

It is interesting to me; we have been saying to the veterans: You have to stop complaining. Tell us what the needs are.

They did the research. They put this budget together. They say: Here are the gaps; here are the needs; here is what it will take. My colleagues come to the floor on a budget resolution and 99 of them vote for exactly what this amendment calls for. Then I cite as evidence our own Senate veterans committee, Committee on Veterans' Affairs, which I serve. Its views and estimates are the VA will require over $3 billion in additional discretionary spending to meet the needs of the aging, to meet the needs of an increasingly female veteran population. That is what we say we need to do.

We have an independent budget, our own Senate veterans committee, saying this is what we need. In addition, I sent this letter to the VISN directors and asked what was happening—I do not get the straight story—the same people my colleague from Missouri says on whom we are relying.

I supported the amendment of the Senator from Missouri. I did not second degree. I think it is a step in the right direction.

However, I ask my colleagues this question: Aren't we going to live up to the commitment we made in a vote not that long ago?

Then I am told this is going to come out of Social Security. This comes out of the surplus the same way your additional expenditures for defense come out of the surplus, the same way your tax cuts come out of the surplus. Why don't you put as high a priority on veterans as you do on additional defense expenditures or in tax cuts? My colleague, Senator SMITH, obviously does. I think other colleagues will, too, when it comes time to vote.

Mr. President, I ask unanimous consent Senator JOHNSON be included as an original cosponsor, if he is not.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask that Harold R. Holmes, an intern with me, be given floor privileges during consideration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, on the caps and this whole question of breaking the caps, maybe I should be one of the first Senators to come to the floor of the Senate and say why not be straightforward about this. We keep doing all the emergency expenditures. I didn't vote for the caps. I didn't vote for the budget agreement. I didn't vote for the budget caps. I find it a little surprising that a lot of people say: Oh my gosh, the Medicare reimbursement is struggling; our rural hospitals are toppling; what is happening to our producers who are struggling to survive? Home health care providers are struggling to survive, and our teaching hospitals and medical schools are struggling to survive. All of this is true.

Everybody knows we will eventually get beyond these caps. We are saying to the veterans, there is a surplus but we use it for defense, we will use it for tax cuts, we will vote for $3 billion more—which is now $1.3 billion—because we increased it. But we are going to say this violates the Budget Act, and we are going to use that as a reason not to vote for this?

I will try to say this in a very substantive, quiet way. I appreciate what the Senator from Maryland said, and I thank her. I haven't heard any Senator come to the floor and disagree with any statements I have made about the gaps in veterans' health care, about the needs, and about what we really need to do to live up to our commitment. I haven't heard anybody refute the case that I have made on the floor of the Senate.

By the way, I say to my colleague from Maryland, I will have it filed by 3 o'clock. We have had various atomic votes. Every time I pass this on the floor of the Senate, it is taken out in conference committee. I will be back with an amendment on this bill. I am sure I will be told this is in violation of some kind of budget agreement. People who go to Nevada, ground zero, with no protective gear, and the Government doesn't tell them they are in harm's way. It is a nightmare what these people have been through because of their exposure to radiation—and their children and their grandchildren. We still don't want to provide compensation. Everybody says they are for it, they don't want to vote against it, and they take it out in conference committee.

I come to the floor of the Senate and I say here is our own Senate Committee on Veterans' Affairs saying we will need this $3 billion, which is now the $1.3 billion. Then I talk about my own research and survey to the VISN directors. Same conclusion. Then I say to my colleague from Missouri and others: Who do you want to believe? Do you want to believe the Veterans' Administration and OMB or some 30 or 40 different veterans organizations that have endorsed this independent budget?

I say to my colleagues, you voted for this additional investment. We have come a long way, I say to the veterans community. I thank the veterans community for standing up for themselves and speaking for themselves. We have come a long way from the President's original budget proposal. We have gone on a long ways from what was originally proposed in the House and the Senate. My colleague from Missouri does a good job helping us to really make some improvement here.

But in all due respect, I do not see how we can say to veterans: Here is the evidence. We know this is what you need. We know these are the gaps. We know what the problems are. We made a commitment to you. We have gone on record supporting this. But now, with your amendment, we are going to basically say it violates the Budget Act, these caps, phony caps of this Budget Act which everyone knows we are not going to live by. Everybody knows they are going to be busted. Everybody knows at the very end we are going to be spending more on key domestic needs.

What are we going to do? Cut Head Start and child nutrition and child care and all the rest by 30 percent, or 20 percent, or 25 percent? We are not going to do that. So why not just be honest about it? We have an emergency here, and we have an emergency there, and we figure out other ways to do it. We are spending the money.

Then, too many of my colleagues were all too ready to take some money out of the surplus for defense and tax cuts. Now all of a sudden, I come out here with an amendment on veterans' health care that speaks directly to what the evidence tells us we need to do to really improve veterans' health care, and my colleagues are going to vote against it and say it is a violation of the Budget Act?

I will conclude this way. I think we ought to do what is right for veterans. I think we are on record calling for exactly the investment this amendment calls for. I think there is not a shred of evidence that suggests we should do anything less for veterans. And I do not think we should be hiding behind the Budget Act. I do not think we should be hiding behind these phony caps that we all know are not going to be operative when we finish up this session. So if I get to be the first person to come to the floor of the Senate and say that and say it directly, so be it. If the test case is on veterans' health care, so be it. But I am determined to fight for what I think is right and to see whether we can improve upon what my colleague from Missouri has done.

I hope my colleagues, Democrats and Republicans, will vote for this amendment. You have supported it in the past, you are on record supporting it, and I hope you will support the same investment of resources for veterans' health care again.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the enthusiasm of the Senator from Minnesota. I think we are all concerned about what has happened with veterans. I certainly congratulate the Senator from Maryland and the Senator from Missouri for their excellent effort to try, in the context of a strict budget structure, to do the most that is available for us for veterans.

But I do think in a philosophical discussion here we need to make something clear. "Caps" is not some euphemism that just gets thrown out and has no meaning to it. It is not just a term of art. In substance, it is a statement of the difference between spending money that we raise from revenues in the general fund versus spending money that is raised by taxes paid to the Social Security fund.

If we exceed the caps—and I am not going to argue the point; I think the Senator from Minnesota and a lot of other folks in this body are intent upon exceeding the caps, either with emergency spending in agriculture or with emergency spending for Kosovo or with advance funding gimmickry or with, possibly, in this case, an amendment that significantly increases funding under this bill over the caps that are available to it. But I think it has to be pointed out that when that occurs, that money comes from the Social Security trust fund. There is no other place for it to come from. Every dollar the caps are exceeded in this budget cycle—this may not be true next year—but every dollar that the caps are exceeded by in this budget cycle is going to be dollars that come out of the Social Security trust fund because we have already spent the onbudget surplus for emergency funds, emergency obligations. Those are already committed. So there are not really any onbudget surplus funds available to us.

So when these amendments come forward like this, I think there has to be some integrity in the debate. There has to be some statement of what the implications are of these types of amendments. The implication of this amendment is that the Social Security trust fund and Social Security itself will be hit for the amount this amendment exceeds the caps because the onbudget surplus that is non-Social Security has already been spent. That is the way it is.

It is easy to come to the floor and say we have to get rid of the caps because "caps" is a term of art nobody really understands. What that really means, a more honest statement would be, we have to take money out of the Social Security trust fund. We have to take money out of the Social Security trust fund. We have to take money out of the Social Security trust fund. That is the proposal. That is where we are. This Congress, this Senate, is going to have to make that decision.

Right now, there is a lot of effort to try to avoid that, and I am strongly committed to trying, to avoid that event. I chaired a subcommittee, and I had the same problem the chairman of this subcommittee had. We were able, as was Chairman BOND, to bring in a bill that was under the caps, as the Presiding Officer now presiding over the Senate was also able to do with his bill on military construction. We brought it in at the cap level or under the cap level. It was difficult, very difficult, because we had the census in our bill. That was new spending which we had not really any money to pay for. So we have the same problem.

But the reality is that "caps" is not some arbitrary event here. It is not some term of art that has no meaning. There is significant meaning to the event "breaking the caps." If we are going to have integrity in the debate, instead of using this term "breaking the caps," we ought to say what the event is. The event is using the Social Security trust fund to fund whatever amendments are proposed to break the caps. That is the way it stands because there is not any onbudget surplus available beyond what has now already been committed for emergency funds, primarily to agriculture. So we are left only with Social Security surplus money.

So, yes, it pits this amendment against Social Security recipients. That is a public policy decision this Congress is going to have to make though, because on all these amendments that come forward that are not cap related, that are exceeding the cap, what we are basically doing is invading the Social Security trust fund.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I say to my colleague, in the appropriations bills, it is not true we don't have any onbudget surplus. The President has only signed two appropriations bills. There is still money in the surplus.

Mr. GREGG. Will the Senator yield?

Mr. WELLSTONE. I am pleased to.

Mr. GREGG. The Senator knows the President has not signed all the bills. The Senator also knows this Senate has committed significant dollars to, and I suspect the Senator voted for, the agriculture emergency. That takes out the onbudget surplus. So I think the Senator can say: Yes, the President has not signed the bills; therefore, the money has not been spent. The fact is, the Congress has spent the money. It is just that the President hasn't agreed to it.

Mr. WELLSTONE. I say to my colleague, what we have here, I think, is a philosophical debate. But actually it is more on the lines of what the other Senator from New Hampshire said. It is a matter of where veterans fit in. Apparently, they come in last. We have this arcane rule that I am supposedly in violation of with this amendment which, by the way, makes it easy for my colleagues to go with tax cuts, it makes it easy for my colleagues to put much more into defense, and makes it easy for my colleagues to then come out on the floor and say there is no more money left for veterans.

Veterans should not come last. With all due respect, if Senators want to vote, cast a vote that says this amendment, which provides the resources we need for veterans' health care, is in violation of this arcane rule. That is the fact. The reality here is, we have this arcane rule, all part of this agreement that we had which is not working, and everybody here knows it is not working, and we still went forward with all the money for tax cuts and we still put more into defense.

I say to my colleagues, again, the President has only signed two appropriations bills. But now what we are told is, the veterans are last. All of a sudden, there is no money for the veterans. All of a sudden, the veterans are to be pitted against Social Security. It does not mean a thing.

Let me tell you what the facts are. The facts are that there are a lot of elderly veterans. It is an aging population. And we are nowhere near where we should be in terms home-based health care for them, and we are nowhere near where we should be when it comes to institutional nursing home care for those who need to be in nursing homes.

The facts are, as my colleague from New Hampshire mentioned earlier, that we have a scandal of maybe as many as a third of the homeless population being veterans.

The facts are that we have long waits in too many places. We have staff working double time. We have veterans who do not have the accessibility to the specialty services they need. We have a VA medical system that is not working the way it should work for veterans.

Those are the facts.

Next set of facts: My colleagues are on record in this budget resolution calling for exactly the same expenditure I call for in this amendment.

Next fact: The veterans independent budget, put together by veterans, not the VA, talks about these gaps and what we need and comes up with this investment that is in this amendment.

Next fact: Our own Senate Veterans' Committee admits that this is what we need if we are going to fill these gaps.

Next fact: Since I could not get a straight answer from the VA—where are you now, Jesse Brown, when we need you?—I sent out my own questionnaire to all these different VISNs and directors, and 22 of them responded; and they talked about the gaps, and the need, and what kind of investment it would take to get our veterans' health care system up to where it should be for veterans, if you really want to say thank you to veterans.

Those are the facts.

Last fact: I voted for Senator BOND's amendment. I think it is good. It helps, but it still is inadequate. It is not what we should be doing. We all talk about how much we care for the veterans. We all talk about how we are for the veterans. Then we ought to match the rhetoric with the resources.

I do not think my colleagues should be able to vote against this, arguing that it is in violation of this arcane Budget rule that we have. I do not think that means a thing to veterans. I do not think it means a thing to them. I think what means something to veterans is whether or not they are going to have the health care they thought they were promised, whether or not our Government is going to live up to its commitment. That is what this amendment calls for us to do. I hope my colleagues will vote for this amendment.

I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to temporarily lay aside the Wellstone amendment in order to offer another amendment on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Wellstone amendment is laid aside.

AMENDMENT NO. 1757

(Purpose: To provide an additional $209,500,000 for Medical Care for the Veterans Health Administration, an additional $5,000,000 for the Homeless Providers Grant and Per Diem (GPD) program, and an additional $10,000,000 for grants for construction of State extended care facilities for veterans, and to provide an offsetting reduction of $224,500,000 in amounts available for the AmeriCorps program)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. SMITH of New Hampshire] proposes an amendment numbered 1757.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 23, strike "$19,006,000,000" and insert "$19,215,500,000".

On page 8, line 10, insert after the colon the following: "*Provided further*, That of the funds made available under this heading, $5,000,000 shall be available for the Homeless Providers Grant and Per Diem (GPD) program:".

On page 14, line 21, strike "$90,000,000" and insert "$100,000,000".

On page 73, line 22, strike "$423,500,000" and insert "$199,000,000".

On page 74, beginning on line 9, strike "*Provided further*," and all that follows through "section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)):".

Mr. SMITH of New Hampshire. Mr. President, the amendment I am proposing will increase funding for our veterans by transferring funds from the Corporation for National and Community Service, also known as AmeriCorps. So what we have here, in addition to the amendment that passed, the increase of $600 million and the other proposed by Senator WELLSTONE, is an additional sum of money beyond that to be taken from the AmeriCorps program and placed in veterans programs.

I think, here again, it is a question of priorities. We will need to decide whether we are going to pay volunteers—a little interesting; pay volunteers—or whether we are going to pay our Nation's veterans. That is the crux of the matter.

It is going to be a test of our priorities. It is going to enable Members of this body, who are concerned about our veterans, to basically put their money where their mouth is. That is the bottom line. This vote will be a test of our seriousness about whether we are going to provide our veterans with the care they need or not. It is a clear-cut choice.

There is nothing complicated about this amendment. It is AmeriCorps and paid volunteers versus veterans. That is it, pure and simple. It is between a big Government program that is paying volunteers—I will talk about that in a minute, whether there is such a thing as a paid volunteer—and our sacred responsibility to care for those who have sacrificed so much for our Nation.

My colleagues know we have debated the question of AmeriCorps funding before. They know I have always opposed this program. That is no secret. I opposed it in principle when it was proposed, and my concerns only grew when I saw how it worked or did not work in practice. I think the time has come to face the fact that this is money that could be better spent caring for those who fought for our liberty and in many cases were wounded for our liberty.

The rhetoric of AmeriCorps supporters is certainly stirring. The goals they profess are goals with which no one would disagree. But the rationale for using Federal taxpayer dollars—hard-earned taxpayer dollars—to fund this program always breaks down when we come back to the fundamental oxymoron it is based on. And it is an oxymoron. Some say perhaps more "moron" than "oxy"—my view—but it is an oxymoron because it says "paid volunteers."

Where I grew up, if you volunteered, you did not get paid. So I do not know what a "paid volunteer" is. But in this city of Washington, now we have come up with this new definition of a paid volunteer—only in Washington. It is like here in Washington we also have floors below the basement in the elevators, here in the Senate. Those people who come and visit know what I am talking about. You can take an elevator to the basement, and then you can go to the subbasement if you want to, or G, one below the basement. It is just too complicated to have the basement be the bottom floor, I guess.

Now we have come up with this paid volunteer, and it is being sold to the American people.

I checked, before I came to the floor today, in my American Heritage College Dictionary. I must confess, I probably did not look at it enough when I was in college and do not look at it an awful lot now. But I was puzzled by this term, so I looked up the term "volunteer." The American Heritage College Dictionary defines a "volunteer" as a person who performs or offers to perform a service of his or her own free will, or to do charitable or helpful work without pay.

This is the definition I always grew up with. It is the definition I always understood. And I believe it is the definition that most Americans would also say is correct.

But now the President of the United States is rewriting the definitions in the American Heritage College Dictionary. He is rewriting the rules for federalism with his executive orders. He has awesome powers. Now he is redefining the word "volunteer." These are the volunteers whom Americans see in their communities every day. For the past few years, the AmeriCorps bureaucracy has sprinkled thousands of so-called volunteers across America's 50 States—so-called volunteers.

But meanwhile, 90 million Americans truly volunteer in some capacity each year. These are the real volunteers. These are the Americans our speeches should be honoring.

We do not need a Government program to honor volunteers because volunteers do not get paid. When true volunteers offer their time and energy, they expect and receive nothing but the satisfaction of serving their neighbors.

What can AmeriCorps' so-called volunteers expect? Here is what they can expect. They can expect a salary supplemented by a grant for education expenses, and they can expect health and child care benefits.

I might just ask anybody out there in America listening right now, if you went down and volunteered, perhaps somewhere in North Carolina where the hurricane hit, and you were throwing sandbags up there, most likely you did it because you wanted to help your neighbors; I do not think you would be asking whether or not you got health care benefits or child care or a salary.

If you received a hot meal and a thank-you, I think you would be very appreciative of that and no more, and you would be glad to do it. That is what voluntarism is. Now we have changed the definition. We are now paying volunteers under this President. Work compensated by a salary and benefits isn't volunteer work; it is a job. Look up the word "job" in the dictionary. I think you will find that is what it says.

There is a difference between being a volunteer and having a job. They are both worthwhile, but let us not try to blend together something that is quite different.

In a past year's oversight hearing on this program, a very prominent and distinguished Member of this body claimed that the traditional notion of voluntarism has changed. Now voluntarism is no longer voluntarism; it is the notion of voluntarism. The implication is that volunteer work, the type performed by the 90 million Americans who are putting sandbags up and protecting their neighbors' homes in the midst of a hurricane, is obsolete. That it is gone. Now the wave of the future is the AmeriCorps volunteer, the paid volunteer, the person who gets health care, child care. That is what this President has said, and that is what this bill is sanctioning, about $225 million worth of sanctions, I might add, of paid volunteers.

I hope it is not the case, after all the Executive orders this President has signed and all the things we have seen him do in redefining—he redefined NATO to be an offensive rather than a defensive organization; he redefined our military to be a 911 response team rather than a military; he has taken Executive orders and redefined federalism—that we are going to allow this President to continue moving us toward a society in which volunteer service can be offered only by professional volunteers and only with the assistance and permission of a Washington bureaucracy.

My goodness, have we really come to that? Only in Washington, only in some government budget or in some government bill could we possibly ever come up with anything as stupid as this. But we have done it. Boy, are we good at it.

I hope we are not going to send our children a message that anyone who volunteers should expect a salary and benefits in exchange for serving his or her community. Is that what we are saying?

Honestly, that is what we are saying. I have to wonder if we are serious when we say the era of big government is over. I have heard our Vice President say that. Maybe he should take over Jay Leno's slot because that is about the funniest thing I have ever heard, to say that the era of big government is over and then talk about having $225 million placed in a bill to pay volunteers. The era of big government is over? Somebody needs to explain that to me.

If we allow this program to become a permanent fixture of the Federal Government, we are going to send a message that the era of big government is just getting started, not over. For when we allow government to intrude on the voluntary sector, we guarantee the further erosion of civil society, the area of community life that falls outside the purview of government. Frankly, we insult the millions, the 90 million or so Americans who do volunteer in charity after charity after charity—cancer, Humane Society, helping friends in times of earthquakes and floods; they volunteer and do it willingly, and they don't get paid. There is no such thing as a paid volunteer. Very bluntly and very frankly, I don't care if you are a Republican or a Democrat or Independent or what you are, male or female. You should not sanction it by funding paid volunteers. It is wrong. We ought to eliminate it, and we ought to take this money out. We ought to take it out, period. But I am not even asking Members to do that. I am asking them to take it out of there and give it to our Nation's veterans.

I know opponents of my amendment are going to claim they simply want to use big government to help the volunteer sector. We are going to help the volunteer sector. How many times do we have to go down this road? We let the Federal Government set up a program to help in an area of American life that has survived without government help, but we are going to put up a program now to help volunteers and pay them. The government program always starts small and always gets bigger.

Remember the Department of Education. That started in the mid-1970s at about $3 billion. It is getting up there close to $60 billion now—not bad in 20 or 25 years. Soon the government funding is supplemented with government mandates, and then we find that something that used to be a function of civil society is now a function of big government in everything but name. When we try to slow its growth, we are told that the loss of government funds will be fatal. You will destroy the arts. You will destroy the humanities. You will destroy the charities that serve the poor. These are areas that once functioned without government aid. Now we have set up government monies to help them. If we take it away, we are accused of not wanting to help the humanities or the arts or help with charities.

Now the people who work in these areas will tell us government is indispensable. We have to keep it here. We have to have it. We can't have volunteers now unless we have them paid.

The question is—and this is all my amendment is about—Do we want to have the volunteer sector dependent on Big Brother or not? I say we should not. Even in the short lifetime of the Corporation for National and Community Service, otherwise known as AmeriCorps, we have seen the influence of big government corroding the ethic of service that animates our voluntary sector. We have seen massive administrative costs. We have seen large numbers of AmeriCorps' so-called volunteers deployed in Federal agencies to staff big government, and in some cases, to lobby for its continued expansion. That is right, paid volunteers to lobby us for the continued expansion of what they are doing. We have seen the promise that private sector sources would match Federal funds fall by the wayside.

Let me make one thing clear: Good work has been done under the auspices of this program. I don't doubt it. If you pay somebody, you hopefully can get work out of them, and maybe something beneficial will come of it. A lot of this has been done in my own State of New Hampshire. I have met with some people of AmeriCorps. I salute their desire to offer service to their communities. No one is disputing that.

But I am concerned that by cultivating direct links between voluntary service organizations and big government, we risk sending some of our most selfless young people the message that public employment is the only avenue available for serving their communities. That is not true. The American people know it is not true, but that is what we are doing.

We risk sending true volunteers a message that their efforts are no longer necessary. That is not going to be the case with people who have volunteered all their lives, but look at young people today. Do you want to go down and help Ms. Brown mow her lawn and not get paid? Do you want to go collect money for the charity of your choice, perhaps the Cancer Society, and not get paid? Or do you want to go work for the Federal Government as a paid volunteer and get paid and get benefits? What message are we sending to our young people? We have just redefined the word "volunteer."

We just redefined the whole word "voluntarism." This amendment I am suggesting is far more than $225 million. It is far more than providing money from AmeriCorps to veterans. Both of those are admirable, in my view, but it is more important than that. We are sending a cultural, moral message to the young people in our country by supporting this amendment, and that is: You volunteer; you don't get paid. You volunteer because you want to. That is the message I want to send.

Now, you cannot compare AmeriCorps and the veterans. There is no comparison. On the one hand, we have the health and well-being of brave men and women whose sacrifices have ensured our continued freedom. And you talk about volunteers. Many, if not most, of the people who have made those sacrifices did so as volunteers. They volunteered for their country to serve in time of war. Some were drafted, but many would have gone whether drafted or not.

When we called upon these Americans to serve their country, we took on certain obligations. This is a sacred obligation, one that we can't shirk and should not shirk. On the other hand, with AmeriCorps we take on another new obligation.

As I have made clear, the task of manning the voluntary sector will be performed whether or not we appropriate Federal taxpayer funds for the Corporation for National and Community Service. On the other hand, the job of addressing the pressing medical needs of America's heroic veterans is one that only we in the Federal Government can do.

Now, Senator BOB SMITH does not stand down here at any time and promote additional Government funds where it is not constitutional to do so. I don't support unconstitutional spending, and I have cited example after example on the floor of this Senate over a number of years. It is constitutional, it is right, it is just, and it is our obligation to support our Nation's veterans with whatever it is they need. This amendment says those needs are more important than paid volunteers.

This amendment will add funding to critical resources in the VA budget. The funding would go toward three areas: long-term care, medical care, and combating homelessness. I propose increasing funding for State veterans nursing homes out of this $225 million to allow our veterans to age with dignity and with the care they deserve. We know how desperately the VA health care system needs additional funding just to stay afloat. I also propose increasing funding to the Homeless Providers Program and Per Diem Program. This would help to build programs that would get veterans off the grates, if they are homeless, and help get them back on their feet.

Even the amounts I am proposing to be transferred here only scratch the surface of what we need. But we have to start somewhere, and this is where we need to draw the line.

So let me summarize and conclude by saying this: It is a simple amendment; $225 million is in the bill for AmeriCorps, paid volunteers, young people who are good young people. We are telling them we are going to pay you and call you a "volunteer" to do X, Y, or Z. We can do that or we can send another message, which is that homeless veterans on grates and inadequate care facilities is wrong, and we are going to fund those entities. Maybe it would even be a more powerful message if we would ask those AmeriCorps volunteers—paid volunteers—to suspend the payments and say: No, thank you, Mr. President, I am not interested in your benefits or your salary. Just tell me where the nearest veterans home is or the nearest VA hospital, and I will go there and give my time to those veterans who did so much.

Isn't that a better message to send to America? What is wrong with this country? What is happening to this country? That is what I want to know. Day after day, we fund this stuff, and half of the time we don't talk about it. It just slips in there and goes by—with good intentions, not always bad, but it is wrong. We are sending the wrong message to our people.

I taught school. Once you are a schoolteacher, you are always a schoolteacher. You are never a former teacher. We are sending the wrong message to our kids. We have sent wrong messages for the last several years.

Starting in February, we said right here on the floor that the President of the United States can commit crimes and not have to be held accountable for them. We said that. That is what we told our young people. We have told our young people that it is OK to do whatever you want. Do your thing. Shoot your friends and colleagues in school, and then blame somebody else. Blame innocent gun owners who have done nothing except exercise their constitutional right to own a firearm. But blame somebody else; don't blame ourselves. We abort our young children every day, and we say: Johnny, go off to school, and, Mary, go off to school, be a good little girl and boy, and we will abort your brother or sister while you are going to school being a good kid. That is the message we are sending. We do it every day.

So, you see, that is what is wrong with America. It is the greatest country in the world, but we need to change it. The structure is there. We just need to change a few people and a few places, get reality back, and bring this country back to what it should be and what it can be and what it must be, what our Founders wanted.

Do you think for one minute that Thomas Jefferson, if he could stand here today or James Madison or George Washington or Sam Adams or Patrick Henry—do you think for one minute they would stand up here and defend paid volunteers? These are the people who picked up the weapons, put on the militia uniform, and went to Concord Bridge in Lexington and fought the British, sometimes never getting paid, not knowing whether they were going to be paid, nor caring whether they would get paid. These are the people who brought us our liberty. We disgrace what they did for us by standing on the Senate floor and even proposing to pay somebody to be a volunteer.

It is the wrong message, folks. It is the wrong message. I hope somebody out there might be listening. It doesn't happen often around here that we listen to each other's speeches, but I hope somebody listens because we need to change the culture of this country, the attitude. All we can do on the Senate floor is single out things which are wrong and point them out—not to attack anybody. I am not attacking the motives of anybody. But I am saying it is wrong. Let's accept that it is wrong and change it so that we don't tell America's young people that paid volunteers are more important than our Nation's veterans, more important than the people who sacrifice for their country, more important than those who are, today, barely able to move or speak —some not able to move or speak—in veterans homes across America, who are being neglected. By the way, they are taken care of by nonpaid volunteers, in many cases, who come and visit.

This is what is wrong with America. This is why America will perish, if we don't stop. I don't want to see that happen. I want my kids or grandkids someday to say: I read old grandpa's speeches when he had the time to serve on the Senate floor. He stood up and said paid volunteers were wrong, and I am glad he did because we changed it. We don't have paid volunteers anymore and we don't have veterans lying helpless on grates freezing to death. We don't have veterans who are no longer able to get the help they need and the care and the shelter they need. We don't have that anymore because old grandpa stood up on the Senate floor and said it was wrong, and we changed it. That is what I would like.

"Do you want to leave a legacy?" People ask you that all the time. If they write that about me, I will be happy. Nothing else. That is all. This is Daniel Webster's desk right here, one of the greatest Senators of all time. This desk belongs to the senior Senator from New Hampshire, and I am not going to give it up.

I think all the time about the fact that he stood here and that we are just temporary stewards. We are just here for a blip on the radar screen of history, trying to do our job. As great as Webster was, he is off the stage, as the founders are and as are so many great orators and Senators who have spoken in this great body. But you try to make a difference. You try to make a difference. You have to speak up and try to make a difference.

I urge my colleagues, ask yourself, are volunteers whom you are paying more important than veterans who gave their limbs, and their lives in some cases, not to mention the suffering of the families—more important than those veterans? I don't think so. I am asking you to vote to take $225 million from paid volunteers and give it to our Nation's veterans. There is the offset. It is not adding any more money anywhere. It is not costing the taxpayers another dime. That is all I am asking you to do.

Let me conclude on a couple of points about veterans because I think we need to personalize this a little bit so we understand it.

I mentioned earlier in the debate with Senator WELLSTONE that driving to work in the morning, especially in the winter, and seeing those veterans on the grates—they are not all veterans. There are about 750,000 homeless people, they tell me, in America. But they say a third of them are probably veterans. What happened? How did that happen? Why are they there? It is pretty disgraceful, really, when you stop and think about it, because somewhere at some point they reached out and asked for help, and they didn't get it or they wouldn't be homeless.

I can't help but think of something that Johnny Cash immortalized so very well with "The Ballad of Ira Hayes," the Indian, one of the people who raised the flag at Iwo Jima Hill. He was an Indian who was discriminated against when he came back but hung out around the reservation and became an alcoholic and died in a ditch. He was one of the ones who held that flag up at Iwo Jima Hill. Why did that happen? Because something slipped through the cracks.

There are thousands of Ira Hayeses out there in America right now, lying on those grates, looking for hope. This is one of the most affluent cities in the world. You can't go around the block without running into some function where they serve caviar, shrimp, steak, or something, day in and day out. And yet, homeless veterans have no place to live, nothing to eat, and are lying on grates, freezing to death. Let's take $220 million, help them, take it away from paid volunteers, and send the right message to America.

Homeless veterans start showing up 10 years after they are discharged. Ten years after they have served this country, many times in combat, they start showing up. That is why, within the past 10 years, the veterans homeless problem has increased. They don't give the veterans a fair share of the money that is designated for the homeless because somehow when they move out of the service and back into society, they slip through the net. Who knows what it is? Posttraumatic stress? I don't know. But they are slipping through the net.

This is not meant as a criticism of anybody or any agency or anybody else. But let's tighten the net. Let's rethread the net. We can do a lot of rethreading of the net with that $220 million.

In my State, a veteran from northern New Hampshire who needs an MRI has to take at least two van trips to have this simple test done. That is why we need to change that. The median age of homeless veterans is 45. It is not a way to treat our heroes.

This is just one small way to try to make a difference, one moral lesson to send to the people of America, and to the children of America, that we are not going to fund paid volunteers until we fund our Nation's veterans. Then if you want to talk about paid volunteers, fine. But at least be honest; let's just call them paid workers instead of paid volunteers.

That is all I am asking for with this amendment. That is all I am asking.

Mr. President, at this point for the sake of the RECORD, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SMITH of New Hampshire. I will withhold. I see the manager on the floor. I am prepared to yield the floor or go to a quorum call.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it is my hope that we will be able to have a vote on the Smith amendment immediately following the Wellstone amendment. There are a number of people who want to speak. The Senator from Ohio wants to speak. I know the Senator from Maryland is coming back to speak. But that means we only have about 35 minutes to get discussion on all of these.

Since there is no time agreement, we depend upon the good graces of our colleagues to wrap all of the discussions up prior to 2 o'clock. I will then move to table the Smith amendment.

Mr. SMITH of New Hampshire. Mr. President, I again ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BOND. I move to table the Smith amendment and ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. BOND. Mr. President, I see the Senator from Ohio who has been waiting.

The PRESIDING OFFICER. Is the Senator withdrawing his motion to table?

Mr. BOND. I withdraw that motion. I see the Senator from Ohio is on the floor. I will address the amendments afterwards.

Mr. SMITH of New Hampshire. Mr. President, I again renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BOND. I move to table the amendment, and ask for the yeas and nays and ask that the vote be withheld.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I ask unanimous consent that the vote be withheld to follow the vote on or in relation to the Wellstone amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to oppose the amendment to the Veterans' Affairs-HUD appropriations bill that was submitted by the Senator from Minnesota.

This morning, I had the privilege of presiding over the Senate to hear the presentation of the Senator from Missouri and the Senator from Maryland in what they tried to do to put together a very fair VA-HUD appropriations bill.

One of the things that was emphasized was the fact that after reviewing the needs of this country, particularly the health care needs of our veterans, they inserted in the appropriations bill another $1.1 billion for health care for our veterans. Subsequent to that, Senator BYRD and Senator STEVENS came to the floor with an amendment to provide another $600 million for emergencies.

The reason I rise to oppose the request of the Senator from Minnesota for another $1.3 billion is the fact that we are reaching the end of the appropriations cycle. We are getting down to the nitty-gritty. The fact is, when anyone comes to this floor and asks for additional money over and above what the appropriators have appropriated, they should stand and point out where the money is going to come from to fund whatever it is they are asking for.

First of all, in this particular case, I think the committee did its very best to deal forthrightly with the needs of our veterans' health.

It seems to me from a logic point of view, the person who proposed this amendment should have laid out clearly where the money, the $1.3 billion, was coming from, what programs would be cut in order to come up with the money or, in the alternative, to explain which taxes will have to be raised to pay for the funding of the program. Last but not least, explain that it is not coming from Social Security.

I have noticed around here so many of the spending programs ultimately would be paid for out of Social Security. I believe anyone who looks at what the Appropriations Committee did in terms of this issue would think they did the very best they could under the circumstances. No one advocates taking money out of Social Security to pay for another $1.3 billion for health care for our veterans.

I think we have reached the point where we have to come clean on the fact that we will have a difficult time dealing with this budget. If we are not going to dip into Social Security, if we are not going to raise taxes, if we are not going to be fiscally irresponsible, we need to explain how we will be paying for these additional programs.

I urge my colleagues to reject the amendment of the Senator from Minnesota for the additional $1.3 billion because the money to pay for that is just not there. If we don't find the money, it means we will end up using our Social Security pension funds.

I remind Members we have a $5.7 trillion debt. Part of that is because over the years we continued to use our Social Security funds to pay for things for which we weren't willing to pay. Today in this country out of every $1 we are spending, 14 cents is being paid for interest. In fact, we are spending more money in this country on interest than we pay for Medicare. It is time to be fiscally responsible. It is time for truth in budgeting. We have a wonderful opportunity in this session of Congress to forthrightly deal for the first time in anyone's memory with the financial responsibility of the fiscal things we need to do in this country to enter the new millennium, in what I refer as an "intellectually honest" way in terms of our budget.

Mr. BOND. I thank the Senator from Ohio for cogent and knowledgeable comments. We appreciate his assistance. I thank the Senator for his statements.

Let me make a couple of brief points about the two amendments before the Senate. This year, 51 Senators wrote me in support of a $1.7 billion increase in the veterans' medical care budget. The budget resolution which passed this body assumed a $1.7 billion increase for VA medical care. We have worked hard to meet the needs that we believe are responsibly identified for veterans' medical care. We would love to have more money but we are at the end of our available stream of funds.

We have increased funding for homeless assistance for the veterans by $40 million. That is why I cannot support either of these amendments.

With respect to Senator SMITH's amendment, I have had significant concerns about the operations of AmeriCorps. I have worked closely with the inspector general to clear up some of the agency's management problems. There was a problem with $31 million that was lost. We are very much concerned about it. The battle over whether we ought to have an AmeriCorps program or not is over. It has been decided. It is authorized. It is funded. It is in place in communities in my State and across the Nation. There are people who are providing valuable services. There is strong support.

We have attempted to continue AmeriCorps at the existing level. We did rescind $80 million because the inspector general identified that money as not needed. However, we have to develop a bill that will be signed by the President. The President has already threatened to veto any bill that cuts AmeriCorps. It is that simple. If you want the additional funding we provided for veterans, the additional $1.7 billion above the President's request, then we have to have the bill signed. It is a rather simple matter. If this bill is vetoed over AmeriCorps, then we can't get the money for veterans. To ensure that the operations of AmeriCorps are properly addressed, we boosted the inspector general's budget from $3 million to $5 million to oversee the work of AmeriCorps. The concept has already been approved. It is in place. It is ongoing.

For the information of all Senators, we expect to have a vote at 2 o'clock on a motion to waive the budget point of order, followed by a tabling motion on the Smith amendment. We are hoping everybody who has first-degree amendments will get them in by 4 o'clock. We have not propounded a unanimous consent request. People are busily working on amendments. I do not want to discourage Members from doing that. We want to see an end to the process.

I have had a number of colloquies provided to me. I appreciate that people get them in. Colloquies sometimes explain the difficult and complex parts of a bill. If a Member has a colloquy which they want included, I ask Members to get those colloquies in by 5 o'clock this afternoon. We do have to review them. Sometimes we need clearance from the authorizing committee.

If we are hit with a rush of colloquies at the last moment, we may simply not be able to deal with them and get them read and approved. In order to get colloquies in, I hope Members will bring them to the ranking member or me prior to 5 o'clock to review them.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator TED KENNEDY be added as a cosponsor to the Byrd-Bond-Stevens-Mikulski VA amendment for $600 million additional funds for VA medical care.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this is a sad state of affairs. This last amendment offered by the Senator from New Hampshire is particularly troubling. We all agreed that we need to fund veterans' medical care. We all agreed that we needed to fund more. We all agreed when we worked in the full committee, in the Appropriations Committee, we wanted to do more. We had the will but we didn't have the wallet.

Working on a bipartisan basis, the chairman and ranking members of the Appropriations Committee found a way to add $600 million more to VA medical care. It is absolutely a good idea. We intend to support it.

Also, the chairman and ranking member, along with Senator BOND and myself, know that declaring it an emergency is a temporary technique because we are in a situation where we are operating under such tough spending caps.

The Senator from Minnesota has offered an amendment that violates the Budget Act because it busts the caps. We will oppose that.

The Senator from New Hampshire, a well-known advocate for veterans, a staunch supporter for the return of the MIAs, now offers an amendment. However, he takes it out of the Corporation for National Service, otherwise known as AmeriCorps. This is a sad state of affairs, that while we are trying to meet the compelling human need of our veterans, we are going to further reduce a self-help opportunity program for higher education, which is exactly what our veterans want Members to support. I will go into that in a minute.

I will oppose the amendment of the Senator from New Hampshire and support the tabling motion of the Senator from Missouri. Why? Not because I don't want to help veterans; we are helping the veterans in this bill. But we are now pitting one good program against another good program in terms of its mission and purpose. Both veterans' medical and AmeriCorps leave a lot to be desired in the management area. But at the same time, if we stick to the mission, we can continue this bill.

I strongly believe in the importance of National Service and voluntarism. I helped create the original bill. I believe we need to do all we can to maintain an opportunity structure for access to higher education and also to teach the values of the habits of the heart—that for every right there is a responsibility, for every opportunity there is an obligation.

The National Service does that. Right now, there are 66,000 people who have participated in the program. They are out there doing very important community service, leveraging other volunteers. For that, they are earning a voucher toward their higher education. I do not think anyone can dispute the merits of a program that shows for every opportunity there is an obligation, for every right there is a responsibility. That is one of the core values for which our vets fought so hard. But the corporation has already taken a cut in funding. It is now being funded below last year's level and below the President's request.

The corporation was established to enhance those opportunities available for national and community service and to provide these educational awards for those who participate. Through the corporation, we help not only communities but those who volunteer as well. National Service participants may receive educational awards that can be used for full-time or part-time education, vocational ed, or job training. This is great. I know how much the Senator from Ohio believes in the great American opportunity structure. But this is not a giveaway; you have to do sweat equity in the community.

National Service does have its problems within its organization. Its oversight and its management do need to be improved. But we should not further reduce the funding of National Service; we should find a way to deal with the spending caps. This program is a success, and it must be maintained.

Earlier today we adopted that amendment to increase veterans' health care by $600 million. With this, it means that veterans' health care will be funded at $1.7 billion over the President's request. Senator BOND and I agree, the President's request was too skimpy. We agree with that. So we added in a billion in the committee. Now we are adding another $1.6 billion. So we believe we are working, as a work in progress, to meet the needs of veterans' health care.

But I do not want to see these generational issues here. I do not want to see old, sick vets pitted against young Americans who are willing to be working in disaster relief, tutoring people, and also serving the homeless—pitted against that.

Guess one of the other things that National Service is doing. We talk about it in our own report. The National Service volunteers are helping the homeless. They also have a particular outreach program to homeless vets. So it should not be either/or. National Service right now, as we speak—as we speak, there are over 10,000 volunteers providing tutoring in elementary schools. The Civilian Corps is a 10-month program on disaster relief. They are right there now in North Carolina. They are helping clean up other parts of our country. But we are saying no, we are not going to fund these programs because we want to fund veterans' health care? I think the vets would say: We need our health care; we need our facilities open, with the best of the staff and the supplies and the prescription drugs we need. We agree with that. But I do not think they would want it at the expense of these young people. I really do not believe it.

One of the things National Service is doing is not only helping the community but it is called values. What do our vets stand for? Patriotism. Our young people are out there serving America. They stand for loyalty. These young people are learning loyalty and the habits of the heart.

Our veterans stood for self-sacrifice, neighbor helping neighbor, and the defense of the Nation. These young people are part of a national defense effort, eliminating poverty, illiteracy, helping the homeless. At the end of their 2-year program, they go on to school and they get on with their lives. Just as the Peace Corps, they are forming alumni associations, and they keep on giving, and they keep on recruiting people who give, many of whom will visit veterans' nursing homes.

So let's not pit one generation of Americans against the other. Let's make sure we follow a wise and prudent course to honor our veterans and to make sure that our young people have access to higher education, earning a voucher through their own sweat equity, but learning the values of the greatest generation that ever existed, those who fought for us in World War II.

I yield the floor.

Mr. KENNEDY. Mr. President, I oppose the amendment offered by Senator SMITH of New Hampshire. I am a strong supporter of AmeriCorps and the positive changes that Corps members have made and continues to make in communities across this country AmeriCorps members are doing an outstanding job helping children in schools. Over two and one half million children have been taught, tutored or mentored in the nation's schools, and half a million children have been served in after-school programs through AmeriCorps.

AmeriCorps members give a year of their life to tackle critical problems like literacy, crime and poverty. After their year of service, AmeriCorps members receive education awards to help finance college or pay back students loans. AmeriCorps enables its volunteers to improve their communities while improving themselves.

In Massachusetts, the Service Alliance distributes $13 million in grants a year to more than 200 service and volunteer programs across the state. More than 180,000 citizens have contributed 3.5 million hours of service—mentoring young people, helping the homeless, and cleaning up neighborhoods. Through programs like City Year, Habitat for Humanity and Boys and Girls Clubs, volunteers have a wide choice in activities and are bringing their talent and enthusiasm to communities across the state.

I urge the Senate to reject this amendment and maintain strong bipartisan support for these important programs.

Several Senators addressed the Chair.

Mr. BOND. I have an amendment that will strike several sections of the bill.

I ask unanimous consent the pending amendments be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760

(Purpose: Strike provisions that would amend the Fair Housing Act)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND) proposes an amendment numbered 1760.

On page 112, strike line 3 and all that follows through line 4 on page 113.

Mr. BOND. Mr. President, as you can see, it is a simple amendment. It strikes sections 427 and 428. They were put in the bill to amend the Fair Housing Act to provide a 72-hour cooling off period for newspapers that had been accused of having published an item that was alleged to have been discriminatory. The two major publishers in my State and publishers around the country presented to us what they thought was a very unfair situation. We thought we could accommodate them with this provision in the bill.

However, Senators KENNEDY and HARKIN have raised substantive concerns and pointed out that this amendment would violate rule XVI. I therefore offer this amendment to strike these provisions so we do not have to have a battle over rule XVI.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1760) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, since we are nearing 2 o'clock, I ask unanimous consent that at 1:55 the Senator from Minnesota be recognized to make 2 minutes of closing statements on his amendment, that I be recognized to make opposing comments and raise the point of order, and that he may ask that it be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take this time to speak. I want to make a couple of compelling points for my colleagues.

First, our own Senate Veterans' Affairs Committee has gone on record saying, if we really want to fill these gaps in veterans' health care, we require what this amendment calls for above what we have spent, which is $1.3 billion more.

Second, I cite as evidence this independent budget put together by many different veterans organizations. We asked the veterans to really look at veterans' health care and come up with recommendations.

Third, I cite as evidence, again, a study my office conducted when we really could not get good straight information from the VA, called Veterans Health Care and Fiscal Year 2000 Budget Flat-Line.

Fourth, I want to again remind my colleagues that all of us, on an amendment in the budget resolution, have been on record, in a 99–0 vote, saying we ought to make this additional investment. I think that is extremely important.

My second point is, what is at stake? We have traveled a long way from where this budget once was. The President's budget was inadequate. I think what the House and the Senate were doing was inadequate. Colleagues have stepped forward. I am glad to see we have made some progress. The veterans community, I think, has spoken up and has made it clear to us that they want to see us respond to their needs and the circumstances of their lives.

What I am saying in this amendment is that what is at stake is the quality of care. It is just simply true. There is not enough good care for elderly veterans, and many veterans are living to be 80 and 85 years of age. There is not enough good care for those veterans struggling with posttraumatic stress syndrome. The waits for care are too long. Too many of our facilities are understaffed. I do not know why we would not go forward with what we have already gone on record saying we are committed to. I do not think that is acceptable.

What is being used against this amendment is that it is in violation of this arcane rule of the Budget Act. But I say to my colleagues—this is the point I want to make; and I will make it in the last 2 minutes if Senator JOHNSON is not here—we have, whatever it is, $15 billion in surplus. We know darn well we are going to be breaking these caps and we are going to be spending that money. We know that. Every single Senator knows we are going to be spending that money. We are going to be spending that money later on.

When we do that later on, and we invest that money in whatever areas we invest in, then you are going to have to come back and tell the veterans why you voted against this amendment. If you do not believe that we are going to break the budget caps and spend that additional surplus money on some important domestic needs, then I guess you could vote against this amendment. But if you know in your heart of hearts what everybody I think in the Senate knows, that we are going to spend that money, we are going to break the caps, then why would you want to put veterans at the bottom of the list? Why wouldn't you up front vote for the additional resources that we need for veterans' health care?

I thought maybe we would have an up-or-down vote, maybe it would be a vote to table the amendment. I did not realize we were going to have this budget debate.

But I think now we have two issues. No. 1, are we going to follow through on the commitment we made to veterans? We are all on record saying we need to make this additional investment. No. 2, are we going to sort of play this game, knowing full well we are going to spend the surplus, we are going to spend this $15 billion surplus? We know that. We are going to break the caps and do that.

We have too many glaring needs in this country, too many draconian cuts that are mean-spirited in their effects on many citizens—vulnerable citizens, children. Start with children. What are we going to cut? Low-income energy assistance? Are we going to cut Head Start? Early Head Start? Child care? What exactly do people think we are going to do with these budgets we have with these caps?

I say to my colleagues, you know we are going to spend that surplus. And if you know that, and later on you are going to vote to spend it, as you should, on some of these needs, then why wouldn't you vote for it right now for veterans?

This is really a test case about whether or not we are going to follow through on a commitment. It is also a test case not just about a commitment to veterans and doing what we need to do to get the resources to veterans' health care—I believe so strongly about that question—but now I have come to believe as strongly about the other question, which is: Let's be honest about this in terms of where we are at in this budget process.

We cannot live within these caps. Our appropriators are two great Senators—I do not know why the Senator from Missouri is wrong on so many issues, but he is a darn good Senator, there is no question about it—and they are trying to deal with this in housing for veterans. It is a nightmare. So I do not accept this, even though they are two colleagues who I respect.

I do not accept this argument. I do not accept this argument that we are going to use this arcane rule, we are going to use these caps, we are going to use this budget rule as a reason for not voting for the investment in resources that would make a huge difference in the quality of health care for veterans in this country, especially when we know we are going to go into this surplus and use this surplus on some critical needs in our country. I am here to argue this is a critical need—veterans' health care.

Mr. President, I yield the floor. I know we have 5 minutes left for wrapup.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Minnesota for his kind words and note with gratitude that he did point out we disagree. This is a great relief to many of my constituents. I thank him for that acknowledgement.

But seriously, this very important amendment, the Wellstone amendment, would eat into the Social Security reserve. It ignores the fact that a majority of Members of this body wrote me in support of a $1.7 billion increase. I therefore state that the pending amendment, No. 1747, offered by the Senator from Minnesota, increases spending in excess of the allocation to the Appropriations Committee; therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I move to waive the Budget Act.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. WELLSTONE. Mr. President, I think that I can do it in 1 minute because my colleagues have been gracious enough.

Again, I cite as evidence our vote on the budget resolution calling for this additional investment that is in this amendment; second, the independent budget from the veterans; third, our own Senate veterans' health care committee, which said we need to spend the additional $3 billion, this gets us up to that point; fourth, the study where I sent a questionnaire out to all the VISN directors, when I could not get the straight information from the VA about the needs; fifth, I translated this into human terms, in terms of the not adequate care for elderly vets, not adequate care for vets struggling with PTSD, not adequate home-based care, longer lines than there should be, longer waits, not the access to specialists. This is important if we want to fill these gaps.

Finally, I say to my colleagues, I am being told this violates the budget caps, but everybody knows we are going to take that $15 billion in surplus and spend it. We know that. There are too many glaring needs in this country. If later on you are going to vote to spend it on something, then why would you put veterans' needs at the very bottom? Why wouldn't you vote for veterans' health care right now?

I think we ought to be straightforward and honest about what we are doing. I think that has to do with the budget, but I also think it has to do with what we need to do to try to make sure veterans' health care is as high a quality as possible. We have a long ways to go. This amendment takes us far in that direction.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Let's be honest. There was a budget surplus. We spent it. It is gone. It is done. We had the increased spending for defense because we made commitments in many areas around the world and we have to defend and support our fighting men and women when we ask them to put their lives on the line for us. We have to remedy the shortfall that every one of the Joint Chiefs of Staff said the President's budget has caused. We are spending it on agriculture. We approved a $7-plus billion ag relief bill that came out of this body. It is now in conference. We have to put money in for the census. We have spent the money. It is gone.

So what this amendment seeks to do is to take an additional $1.3 billion out of Social Security. The Senator says we have to provide priorities for veterans. We just added $1.7 billion over the President's request for veterans' medical care—the largest increase in veterans' medical care in history—to allow expanded care to thousands of veterans, initiating new programs for veterans, helping homeless veterans, providing for inflationary increases, enabling the VA to treat the veterans who have hepatitis C with a new therapy.

The Veterans' Administration is making cuts, increasing efficiencies, good business practices that will enable them to serve more. The money we have already provided should assure good quality care for the next year in the health care facilities for our veterans.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 30, signed by 51 of our colleagues, to Chairman STEVENS and Senator BYRD asking for the $1.7 billion to be provided by the Appropriations Committee for veterans' health.

There being no objection the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 30, 1999.

Hon. TED STEVENS,
Hon. ROBERT C. BYRD,
Senate Committee on Appropriations, Washington, DC.

DEAR TED AND SENATOR BYRD: We write to urge the Appropriations Committee to follow the recommendations set forth in the Budget Resolution pertaining to the Department of Veterans Affairs (VA) discretionary health care appropriation.

Veterans' health care funding has been held virtually constant for four years. The additional $1.7 billion, recommended by Congress, will allow the Veterans Health Administration (VHA) to help fulfill the country's obligation to provide health care to our military veterans. The funding will also help VHA address newly emerging health care challenges such as the high incidence of hepatitis C among veterans, emergency care, technological advances in medicine, and patient safety, as well as long-term and end-of-life care. Additionally, the new funding may enable VA to avoid some of the recently announced personnel reductions that prompted the Senate Committee on Veterans' Affairs to hold a hearing on April 13.

Once again, America is facing a situation that has focused enormous attention on the importance of our Armed Forces. These men and women, who have answered the call of our nation, may someday call on the Department of Veterans Affairs' to come to their aid. An increase in the VA health care appropriations account for FY 2000 will go a long way to demonstrate that not only is America committed to be there for the veterans of today, but we are prepared to handle the veterans of tomorrow as well.

We believe it is imperative for the future viability of the VA health care system that the Appropriations Committee follow through with the recommendations set forth in the Budget Resolution. We look forward to working with you and the other members of the Committee to achieve this goal.

Thank you for your attention to this matter.

Sincerely,

Arlen Specter, John D. Rockefeller IV, Daniel K. Akaka, Jack Reed, Harry Reid, Kent Conrad, Pete V. Domenici, Mary L. Landrieu, Trent Lott, Tom Daschle, Tom Harkin, Pat Roberts, Larry E. Craig, John Edwards, Strom Thurmond, John Warner.

Dianne Feinstein, John F. Kerry, Slade Gorton, Patty Murray, Bob Smith, Carl Levin, Chuck Grassley, Jim Bunning, Bill Frist, Charles Schumer, Peter G. Fitzgerald, Richard H. Bryan, Jim Jeffords, Barbara Boxer.

John Breaux, Max Cleland, Russ Feingold, Joe Biden, Patrick Leahy, Rick Santorum, Tim Hutchinson, Tim Johnson, Paul Sarbanes, Jeff Bingaman, Bob Kerrey, Frank H. Murkowski, Robert G. Torricelli, Bill Roth.

Daniel Moynihan, Susan Collins, Paul Coverdell, John Chafee, Chuck Hagel, Mike Crapo, Jeff Sessions, Olympia Snowe.

The PRESIDING OFFICER (Mr. GREGG). All time has expired. The question is on agreeing to the motion to waive the Budget Act in relation to the Wellstone amendment No. 1747. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 63, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—36

Akaka
Baucus
Biden
Bingaman
Boxer
Campbell
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Grassley
Harkin
Hutchinson
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Leahy
Lieberman
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Schumer
Smith (NH)
Smith (OR)
Snowe
Specter
Wellstone
Wyden

NAYS—63

Abraham
Allard
Ashcroft
Bayh
Bennett
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Chafee
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Roberts
Roth
Sarbanes
Sessions
Shelby
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this question, the yeas are 36, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1757

The PRESIDING OFFICER. The question now is on agreeing to the motion to table amendment No. 1757. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—61

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—38

Abraham
Allard
Ashcroft
Brownback
Bunning
Burns
Coverdell
Craig
Crapo
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Gregg
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
Murkowski
Nickles
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

McCain

The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1744

Mr. BOND. Mr. President, I ask unanimous consent to have added as cosponsors to amendment No. 1744: Senators ROBERTS, ASHCROFT, SNOWE, COLLINS, COVERDELL, and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the chairman of the appropriations subcommittee, Senator BOND, and my colleague and close friend from Maryland, the ranking member of the VA-HUD appropriations subcommittee, Senator MIKULSKI, for their good work in developing this bill under extremely difficult circumstances.

All of us should recognize that due to the steadfastness of these two Senators, many important programs that had otherwise been scheduled for the cutting block, programs that had, indeed, been severely damaged by the House bill, have been largely preserved in the legislation that is before us this afternoon.

My colleagues, Senator BOND and Senator MIKULSKI, working with the strong support of Senator STEVENS, the chairman of the full committee, and Senator BYRD, the ranking minority member of the full committee, worked hard to prevent deep House cuts from being carried forward in their bill.

So I very much appreciate the efforts by the chairman and the ranking member, for example, to preserve the affordable housing stock and to provide tenant protections in cases where owners insist in opting out of their assisted housing contracts. That is important progress, and I thank them for their hard work.

There is always the "but." While recognizing and applauding the work of the subcommittee, I do not want to lose sight of the continuing, pressing affordable housing needs and the efforts that we must continue to make beyond the floor consideration of this legislation today as a Congress and as a nation.

Today, in the midst of the longest peacetime economic expansion in our Nation's history, we are faced with the largest number of our citizens facing "worst case housing needs." Let me explain briefly what that phrase means. Families with "worst case housing needs" are those who pay over half their income in rent or live in severely substandard housing, housing that fails to meet basic standards of safety and decency.

For families paying so much of their income for rent, homelessness is only one bout of unemployment away. For those families, an unexpected medical bill brought on by a sick child or an elderly parent, a broken down car that makes it impossible to get to work, or any modest financial disruption in life's routines that most people could absorb, any of those activities can lead to eviction. Today, there are almost 5.5 million families who live with this sword of Damocles just over their heads.

Work in and of itself is not a solution. A recent study indicates that people working for the minimum wage, a full-time working family earning the minimum wage, would have to work in excess of 100 hours a week at the minimum wage in order to pay the rent for a two-bedroom apartment.

In other words—and the HUD statistics support this data—the fastest growing segment of the population with worst case needs are families. So there is this big gap between what working at the minimum wage brings in and what it costs on average for a modest apartment.

This underscores, in my opinion, the need to increase the stock of affordable housing. It also underscores, of course, the need to address the minimum wage as well. But this legislation before us now deals with housing.

We need to increase the stock of affordable housing. The fastest way to do that is by funding additional section 8 rental vouchers. This is very much the issue I hope will be addressed in conference.

Last year, we worked together to authorize 100,000 vouchers for fiscal year 2000 in the public housing bill. The budget the President submitted included the 100,000 vouchers in the proposal. In the current year, we funded 50,000 vouchers.

I make this point fully understanding the constraints under which Senators BOND and MIKULSKI worked to bring this bill to the floor today. As I have indicated, they did a good job within those constraints. But it is the responsibility of all of us now to consider how we can move beyond those constraints so we can start to meet the needs of the millions of working families, the millions of poor families, and the elderly that desperately need housing assistance just in order to make ends meet. I very much hope we can start to address this problem in the conference. I encourage both of my colleagues to place this issue of section 8 rental vouchers high on their priority list as they go to conference.

Let me add two other brief points. Last year we passed important new public housing legislation, working successfully in a bipartisan way with Senators MACK, BOND, MIKULSKI, and D'Amato. That new law holds real possibilities for strengthening our public housing stock by giving more flexibility to local housing authorities while at the same time providing important protections for the poor. To make this law work, however, we must provide adequate funding. We need to give the housing authorities adequate operating subsidies to run their programs effectively on a day-to-day basis.

Furthermore, these housing authorities are public agencies that cannot opt out of the program, as many of their private counterparts do. We must provide them the capital necessary to maintain and upgrade their units so we can begin to build the kind of economically diverse communities we know are healthier for all residents. I very much hope this issue will also be kept in mind as my colleagues go to conference.

Finally, I note my concern with the provisions of the bill that eliminate the Community Builders Program entirely this coming February. In fact, many of these employees are the sole HUD workers in various State or local HUD offices. Surely, a more measured approach to addressing these concerns is possible. Eliminating these positions will result either in offices being closed or HUD being forced to shuffle employees around in ways that simply may not be optimal. From all reports, the community builders are doing a good job. They have been well received. I hope we allow them to continue with their efforts.

In closing, I again thank my colleagues for their work on this bill. Many improvements were made possible by their resolve and their many efforts even before the bill was marked up, but there is still much to be done. I look forward to working with both of them, and the other members of the Appropriations Committee, as the bill moves to conference in the hope and anticipation that we may be able to move beyond some of the constraints under which they were laboring and to address these issues which I have outlined and, certainly, this very pressing need for affordable housing all across the country.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Rhode Island.

Mr. REED. Mr. President, I join my colleague, Senator SARBANES, and commend both Senator BOND and Senator MIKULSKI for their extraordinary work in trying to fashion an appropriations bill under very difficult fiscal constraints and to meet the demands for so many different programs.

I, too, am concerned that the amount of resources devoted to the Department of Housing and Urban Development is not sufficient to meet the demands for all Americans for adequate and safe housing. I am also concerned that some of the reductions in staffing may impair the operations of HUD in the delivery of effective services to Americans throughout the country.

Again, I recognize the extraordinary conflicting demands that both Senator BOND and Senator MIKULSKI faced and the remarkable job they have done in fashioning the bill to date. It is my hope that as we go into conference, we can find additional resources to address two critical issues. First and foremost is access to affordable housing for all of our citizens. There is, in fact, an affordable housing crisis throughout this country. The second issue, as I mentioned before, is related to the issue of staffing at HUD.

Let me talk about the crisis that many Americans face with regard to affordable housing. As Senator SARBANES articulated, there is a request within the President's budget for 100,000 new vouchers that will allow individuals to move into adequate, decent, and safe housing. It is estimated that there are 5.3 million households in the United States that suffer from worst-case housing needs. These needs, as has previously been explained, are either the fact that the family is paying more than 50 percent of their income for housing or that they are living in very substandard housing. This is not an academic problem anywhere in the United States; it is a real problem. In Rhode Island, for example, it is estimated that there are 23,000 families suffering worst-case housing needs. They are spending a huge amount of their income simply to find a place to live. Sometimes these places are inadequate. Others are in places in which, frankly, we would not live, nor would we want to see anyone else live. So we do have a problem. This problem is worsening.

We used to build affordable housing units at a fairly substantial rate. Between 1979 and 1980, we built a significant number of houses. That was a trend that had begun all through the 1970s. In the 1980s, we essentially stopped building affordable housing throughout this country. In 1995, the Government went further and stopped issuing any additional rental vouchers for needy Americans. So as a result, predictably and understandably, we have a shortage of decent, affordable housing throughout the United States.

This problem of a lack of supply has been further exacerbated by a booming economy that is driving up the price of everything, including the price of houses. So we have limited housing stock and increased demands. We have accelerating prices. We have families that are in crisis.

Last year we authorized 100,000 new vouchers—I commend the leadership for doing that—but still there are more than 1 million Americans on waiting lists for public housing or for section 8 vouchers. They are not waiting for days or weeks; the average waiting time for section 8 vouchers in our country is 28 months. In most large cities, the waiting time is much longer. For example, in Philadelphia, the waiting time is 11 years. In Cincinnati, it is 10 years. In Los Angeles, it is 8 years. In my own home State of Rhode Island, the average waiting time for public housing is not quite that severe, but it is still 7 months. That is a long time for a family to wait to get into public housing. In addition, there is a long waiting list and waiting period for section 8 vouchers. That is estimated to be months and months, if not years.

So we have a problem we have to address. In light of this great problem, we should this year, once again, authorize at a minimum 100,000 new rental assistance vouchers. We haven't done that. We haven't been able to do that in this particular appropriations bill. I hope in the conference we can, in fact, achieve that objective. Even if we do that, we will not be totally satisfying the tremendous housing needs of the American people, but at least it will be another forward step in that appropriate march to a goal of adequate, safe, decent, and affordable housing for all of our citizens.

The second issue I will mention is the issue of staffing in the Department of HUD; in particular, the Community Builders Program. My colleague, Senator SARBANES, mentioned the concerns that I, too, share. This is a program which is now, under this legislation, scheduled to be eliminated. It has only been in operation for about a year. We haven't given it a chance to operate. If, in fact, we eliminate this program, not only will we miss the opportunity to truly and effectively evaluate this program, we will also take away many of the workers who are doing all the work in some of the regional and district offices of HUD. We will effectively impair the ability of HUD to deliver their services, and that is not something we want to do.

There are reports already that the cuts HUD has made in their staffing—and they have been significant over the last several years—have reached a point where both GAO and the IG at HUD are questioning whether or not HUD has reduced too many employees. In this context, where they have already made significant reductions and where we have a new program that shows some promise, although there has been some criticism, I think it is premature to eliminate the Community Builders Program.

I hope we will study it carefully, evaluate it objectively, make changes, if necessary, but certainly not at this juncture eliminate a program that deserves, I think, additional time to prove its worth and merit.

Let me conclude by thanking Senators BOND and MIKULSKI for their extraordinary work. Also, I will work with them over the next several weeks and months in conference to see if we can find and dedicate these resources to addressing many of the issues I have raised.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Maryland, Mr. SARBANES, and the Senator from Rhode Island, Mr. REID, for their compliments. I particularly want to thank the Senator from Maryland, my very dear and esteemed colleague. We have a wonderful alignment in Maryland with Senator SARBANES, the ranking member on authorizing and I on housing appropriations. I thank him for all of the work he has done in terms of our housing and our urban economic development initiatives, and also for being concerned to make sure that HUD serves not only urban America but our rural and suburban communities as well. I thank him for his steadfast belief that the American dream is home ownership and for his desire to promote home ownership. I am particularly grateful for that, and we have done that in this bill. Also, he is a champion for the homeless, which, again, I believe we address in this bill.

Then there is the in-between group, those people working for self-help, working very hard to move from welfare to work. They often qualify while they are working for certain subsidies, be they food stamps and, in some cases, section 8 housing, essentially making work worth it. If you are willing to work hard every day, we are willing to at least subsidize housing for you and your family. So his presentation about the need for more section 8 vouchers, I believe, was an excellent one and one with which I am in complete agreement.

I say to my colleague from Maryland that this bill is a work in progress. To be able to find an offset or a new revenue stream to meet the need for new vouchers now and to be able to sustain them in the future is a set of actions I wish to take. I am working closely with the administration to find an offset that would be both reliable and sustainable, and I look forward to our continued working relationship. I welcome his ongoing support and collaboration. Again, this bill is a work in progress. I really do thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, let me begin where others have also begun by complimenting the distinguished chair and ranking member. They have an extraordinary working relationship. They are excellent partners in moving this important bill. I commend them both for their work.

This has not been easy, especially this year, but they have demonstrated once again what happens when two people of intelligence and determination can work together to achieve the product that we have before us. I certainly hope that our colleagues will recognize that work and will be as supportive as I hope we can be on a bipartisan basis.

If there is one area where I hope we can take another look in conference it is section 8 and the question of public housing. The affordable housing crisis, as many know, is now at record levels. But we are in a situation where very little is available in the form of new vouchers to deal with millions of children and senior citizens who are currently at risk, not because we don't have the desire but because we haven't had the resources.

We have considered the demand for section 8 housing. We have looked at public housing in many ways but have not funded it adequately because we have felt the need to fund other priorities. In fact, we have used section 8 as an offset to fund other programs. That offset has now been completely depleted.

But 5.3 million American households suffer from the worst-case housing situations—defined as paying more than 50 percent of their income in rent or living in substandard conditions. I believe Senator SARBANES mentioned that.

In my home State of South Dakota, the average waiting list for public housing is now 9 months for section 8. It is a very serious problem even in a rural State such as ours where one wouldn't think that the availability of public housing is nearly as much of a problem as it might be in some of the larger cities.

But we have seen a half decade of a budget freeze on housing assistance. From 1977 to 1994, the number of HUD-assisted households grew by 2.6 million—an average of 204,000 additional households each year from 1977 through 1983, and an additional 107,000 households per year from 1984 to 1994. But in 1995 we saw a reversal of that policy—a freeze on new housing vouchers despite the growing need.

In 1999, we saw the first new vouchers in 5 years. The President has made a modest request for fiscal year 2000 of 100,000 for this year. Last year we made available 50,000 new section 8 vouchers, the first in 5 years. In my own State, again, 321 families would receive section 8 assistance with appropriations of 100,000 new vouchers. To provide no new vouchers is, frankly, a flaw in what is otherwise a very important bill. I hope we can begin to work on it much more constructively.

In some areas, housing costs have risen faster than incomes of low-income working families. In addition, due to the aging and gentrification of older housing, the number of affordable rental units has actually declined.

The section 8 housing voucher program clearly provides one of the only means—if not the only means—to subsidize the rents of apartments that families locate on the private rental markets. They don't give families a free ride. I think everyone hopefully understands that. There is no free ride for families. They still must find the resources to pay between 30 and 40 percent of their incomes for rent. They have to take some responsibility in their own right. Without vouchers, many low-income working families simply are unable to secure affordable housing.

Another problem, of course, related to public housing and section 8 housing is the Community Builder Program. The bill currently would require the firing of 410 HUD employees, which would eliminate local service in almost two dozen communities, including South Dakota. That also would be a problem.

I realize our distinguished colleagues had to make some very tough choices. I applaud them for making many of the choices they did and coming up with as fair and comprehensive a bill as we have before the Senate. I intend to support it strongly and enthusiastically. I do hope, though, when we get to conference, we can address the section 8 and public housing programs. I believe that is the one area where, as good as this bill is, we still can demonstrate real progress.

Failing that, I am very concerned about the implication for housing for low-income people across this country, in South Dakota, in rural areas, as well as in urban areas that I know are commonly associated with public housing programs. This is not just an urban problem; it is a rural problem as well. I know the distinguished ranking member understands that and is very knowledgeable and cognizant of that issue and problem. I hope we can do better in resolving it once we get to conference.

I congratulate my colleagues and yield the floor.

Mr. BOND. Mr. President, I add another cosponsor to amendment No. 1744. I ask that Senator ABRAHAM be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, let me first thank the distinguished minority leader for his kind comments. I share his concern about the availability of affordable housing. At an appropriate time, I want to discuss some of the problems in a little more detail. I recognize his concern and the concerns raised by the Senator from Maryland, the Senator from Rhode Island, and others. There is a bigger problem, and we will discuss that later.

We have been in quorum calls for almost the last hour. We have an amendment Senator MIKULSKI will offer shortly on behalf of Senator INOUYE. However, we are open for business. This is daylight. This is a good time to present amendments, to argue amendments, with great coverage. Everybody is paying attention; everybody is awake. We beg and plead with our colleagues to come down and get going so we can finish this up at an early hour.

I see the distinguished junior Senator from North Carolina who wants to share some views on the very serious problem caused by the hurricane in his State.

I yield the floor.

Mr. EDWARDS. Mr. President, I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE FLOYD

Mr. EDWARDS. Mr. President, I am here to talk about the terrible devastation that has occurred in my State of North Carolina, which most of my colleagues, I know, are aware of, and to give them an update on a report I gave last week.

The people of North Carolina are suffering in a way they have never suffered before. This is absolutely the worst disaster that has ever hit the State of North Carolina. There has been tragedy, and there have been acts of heroism. It has been an extraordinarily difficult situation, particularly for the people of eastern North Carolina. Thus far, we have 37 confirmed deaths as a result of the hurricane. We have four additional North Carolinians at this point presumed dead. We expect, as the waters recede, as FEMA officials and other local folks are able to get into houses that have been covered by water, that we will find additional North Carolinians who have lost their lives as a result of this flood. Let me give one example.

We have one entire family that was wiped out by this flood—six members of the family. This happened in Pinetops, NC, which is one of the worst hit areas of eastern North Carolina. Ben and Vivian Mayo, Keisha Mayo, and Cabrina and Destiny Flowers were all killed as they tried to escape in a small boat but the boat capsized. Yesterday, rescue team members who were working in the area discovered another member of the family, Teshika, who was 50 feet from her grandparents' home at the time of her death. She was 5 years old. That is six members of this family who died in the course of this hurricane. This is a terrible tragedy. I ask all of my colleagues and the American people as a whole to please give their thoughts and prayers to these families as they go through an extraordinarily difficult time.

We had business losses that we have never had in the history of North Carolina. An example is Jamie Milliken's family who operated an electric supply company in Brunswick County. As a result of the flood, they have lost $2 million worth of merchandise. They had no flood insurance. Some of the hardest hit businesspeople in eastern North Carolina are the farmers.

The bottom line is—and I will talk in a little more detail about this in a few minutes—there are many farmers in eastern North Carolina who will be put out of business. They were already struggling, already having a very difficult time making ends meet. This has been a year where they have been hit and hit again: Hit by drought, hit by low crop prices, hit by low livestock prices. And then, when they are teetering on the edge, they get the final nail in the coffin, which is the effect of this hurricane on their businesses and on their farms. The effect has been devastating.

We have also had enormous problems with housing and homelessness. The truth is, we have people who are desperate. For example, we got a call in my office from a mother whose daughter is stranded in New Hanover County, where Wilmington is located. She lost everything: Her home, her car, all of her possessions, and her job. Her mother says her daughter has absolutely no idea how she will go about rebuilding her life and she can't stop crying. Every time she calls her, she is crying. She has no idea how she will deal with the situation.

We have about 10,000 people in eastern North Carolina who still remain in shelters, who cannot get to their homes because of the floodwaters, and they have nowhere to go except the shelters. Mr. President, 50,000 homes have been affected by this hurricane. We expect that number actually to go up as we have more time to go in and see what damage has been caused.

I might add, I spoke with the Director of FEMA, James Lee Witt, a bit ago. He pointed out to me something that the people in North Carolina have already thought about. When the floodwaters recede, because the water has been contaminated by a variety of things, including wastewater treatment plants being flooded, including dead livestock, including any of a variety of things, the water is contaminated that has gone into people's homes. When that water recedes, folks are going to want to go home. They have been out of their homes for a long time now, living in shelters. They will want to go home. The problem is, their houses will be contaminated. They will have enormous health threats as a result of the contamination caused by the floodwaters. We will be confronted with a situation of trying to decontaminate the houses, and in some cases that may be impossible. It may be required that the houses simply be torn down and rebuilt.

I might add, many of these people whose houses have been flooded had no flood insurance. To be fair to them, they had no reason to have flood insurance. They didn't live in a floodplain. They didn't live in an area that had ever been flooded. They had no reason to believe their homes would ever be flooded. They are the victims of this hurricane.

Water supplies. We have thousands of people in eastern North Carolina who have no clean water. Many people who had wells as the source of their drinking water, the water they use on their farm, the water they use to bathe—the wells are gone.

In Greenville, which is probably the largest city in eastern North Carolina, they are facing an entire shutdown of their water supply due to a break in the water main. If this occurs, every restaurant, every business, will have to close and it will affect every resident in the area.

We have about 120 million gallons of hog waste caused by broken and flooded lagoons spilling into floodwaters. Water is flowing directly from our sewage systems into these floodwaters, which are contaminating homes, contaminating businesses, contaminating farms.

We also have a problem with our roads. We have more than 900 roads that have been washed out where floods have been recorded. One example of this is Interstate 95. You can just see the extent to which Interstate 95 has been flooded. It is totally impassable. We still have, I might add, many sections of Interstate 95 and Interstate 40 which are still impassable. We have 10 bridges that have been destroyed during the course of this.

I mentioned earlier our farms and our agriculture in eastern North Carolina. These folks have been devastated. They have been through extraordinarily difficult times. Now the bottom line is their farms are underwater.

Just some examples of the crop losses we expect to be incurred: Cotton, we expect to lose 80 percent of the cotton crop in North Carolina; soybeans, 75 to 80 percent; peanuts, 75 to 80 percent; sweet potatoes, to date, about 25 percent of that crop has been harvested. We expect to lose anywhere from 75 to 80 percent and possibly greater of the sweet potato crop. Mr. President, 50 percent of the tobacco crop, which we all know is an enormously important economic crop in North Carolina, has been lost.

Livestock: I just finished meeting a few minutes ago with livestock farmers, hog farmers from eastern North Carolina, and they have been totally devastated. They have virtually no insurance. A lot of these farms have lost many thousands of dollars. In fact, the average amount of equipment that is located on these farms is worth $500,000. That equipment is not insured and it has been largely destroyed because the people had to leave their farms so quickly when the water started to rise. There have been more than 100,000 hogs that have been drowned so far; about 3 million poultry. Widespread starvation is facing many of the animals that still are in eastern North Carolina because they are cut off from feed sites and they are cut off from rescue efforts.

The fishing industry has suffered a great deal so far, and they are going to continue to suffer. Many fishermen have lost their boats, and we expect many of the environmental results of this hurricane's devastation in eastern North Carolina to cause problems with our fishing reserves for many years to come.

Finally, debris and contaminated water has done enormous damage to the soil of eastern North Carolina, of which our farmers are so proud and have relied upon for so long.

I can show just a couple of other examples of the flooding that exists in eastern North Carolina. Many folks have seen these photographs from some of the television stories. But here is an example of the level of the flooding in a rural area in eastern North Carolina. These are people who never had water on their property. They never had any notion they had to be worried about that.

Here is an example of what I saw when I traveled this past weekend over eastern North Carolina. What is shown in this photograph I saw all over eastern North Carolina. You can see that it is not just flooding. The flooding is up to the roofs of these houses and it is extensive and you see it over and over and over. It is all over the areas of eastern North Carolina. Can you imagine the folks who spent their lives living in these homes and the devastation this has created for them? Everything they own and spent their lives putting together is in these homes that have been flooded.

Finally, I made mention of the farming operations. Here is a farm in eastern North Carolina. Everything we see underwater in these sections is all farmland; all had crops on them, all a total loss, 100 percent total loss. This scene is repeated over and over. I spent hours in a helicopter going over eastern North Carolina and landing in various places. I can't tell you the human tragedy associated with this for people who have spent their lives here. For these folks who farm this land and who live in eastern North Carolina, this is not just a place they live. This is a way of life for them, and they have now lost it. This is something that is going to be difficult, if not impossible, for the people of eastern North Carolina to ever recover from.

Having said all of this, there are a number of people we need to thank because the reality is there have been and there will continue to be acts of heroism as a result of this catastrophe in eastern North Carolina.

First, FEMA; FEMA has done an extraordinary job so far. I expect them to continue to do an extraordinary job. Their Director, James Lee Witt, has been on top of this problem. He has been in regular contact with all the people who are involved, including myself and Governor Hunt. The American Red Cross has been omnipresent in eastern North Carolina and will continue to be so. They have done a wonderful job.

The Salvation Army and the Marine Corps have done a wonderful job. The Army, the troops who are located in eastern North Carolina, the Coast Guard, the Navy, the National Guard have all worked extraordinarily hard to deal with this problem.

I might add, our mayors and our State and local officials have done a wonderful job. I include in that group our Governor, Jim Hunt, who has been on top of this situation from the very beginning. I am proud of the job he has done.

I am also proud of the job that has been done by many of the folks in eastern North Carolina. The bottom line is North Carolina has been devastated in a way that we have never been devastated before. We have people who are struggling, who are confronting situations they never in their lifetimes thought they would have to confront. People's lives have been lost, people's futures have been lost, and their businesses have been lost. There are farmers who spent their lives farming this land who will have a very difficult time getting back to the place where they can farm their land again.

What we ask is simply for the prayers and support of my colleagues in the Senate and of the American people because the reality is we are in a difficult situation. We need their help. We know the American people will respond in the way they always have to this kind of tragedy, which is to support us.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, let me express my gratitude to the Senator from North Carolina for outlining the tragic situation he faces in his State. As one who has faced similar circumstances in my State, seeing nothing but the tops of flooded buildings, I can tell you I was very grateful for then-chairman of the committee, Senator MIKULSKI, who came to my State and worked with us during the floods of 1993. I know there is nothing more important to these people who have lost everything than to know that somebody is trying. There is no way we can make them whole. We intend to see that FEMA meets their needs.

I have already discussed with the senior Senator of North Carolina some of the needs. I assure both Senators that we on the committee will do whatever is necessary to make sure FEMA has the resources needed. We believe they have adequate reserves right now, but we are going to continue to work on this problem and follow FEMA's activities. We look forward to working with the Senators from North Carolina to make sure we do have adequate resources available.

I join with the Senator from North Carolina in saying we appreciate and congratulate James Lee Witt and the entire FEMA operation for what appears to be a very prompt response to a disaster situation.

Mr. HELMS. Mr. President, I am grateful for the courtesy of the distinguished manager of the bill, Mr. BOND, for his willingness to work with me to make sure that FEMA is fully prepared to respond to the needs of victims of flooding caused by Hurricane Floyd. I do not exaggerate when I say that North Carolina is facing the worst flooding in its history.

There is no need for me to catalogue the details of the enormous suffering caused by this storm because I know that Senators understand and share my dismay in hearing the incredible damage reports still coming in from my home state. I am so very grateful for the kind words of my colleagues who have told me they are thinking of—and praying for—the people of Eastern North Carolina, and I know they join in pledging that the federal government will do its part to alleviate their suffering.

So, Mr. President, I genuinely appreciate Senator BOND's efforts to assure that FEMA is currently funded at a level to respond to the developing situation in Eastern North Carolina. I hope it is understood that this is a serious and ongoing situation and that state and local officials are still scrambling to grasp the enormity of the loss to life and property. North Carolinians have become gratefully familiar with the splendid work FEMA does in the wake of natural disasters, but our familiarity does not minimize the heartfelt gratitude we feel for the dedicated public servants who are helping the victims of flooding.

I have the utmost faith in Senator BOND and his fine staff, and I appreciate their willingness to consider any additional needs that FEMA may identify as this bill goes to Conference. At the same time, I certainly understand that there will be an effort to make an accurate accounting of the funding—if any—that FEMA needs and I pledge that I do not intend to make unreasonable demands upon appropriators. It is important that we do not act heedlessly in our understandable haste to help those in desperate need, and I will certainly make every effort to make sure that any aid requested is genuinely necessary.

Mr. BOND. Mr. President, I certainly appreciate the diligence of Senator HELMS and his willingness to work with me as we both seek to make sure FEMA is ready to help the victims of Hurricane Floyd. I know how deeply he cares for his constituents, and I join him in sending my thoughts to the people of Eastern North Carolina—as well as those suffering in other affected states—as they begin the hard work of recovering from this very serious natural disaster.

I certainly intend to work with him every step of the way to make sure that FEMA has the financial resources it needs to continue the important work already underway in North Carolina.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, wish to, first of all, express my support for the people of North Carolina. I believe the way we express our support and our concern is not only with kind words, which we would like to say many, but with deeds. Right now James Lee Witt and other emergency management people are responding with gallantry and are trying to get a swift assessment of damage. We want to work with you, Senator HELMS and Governor Hunt, to really be able to get emergency assistance to the communities and to do it in a way that is swift, helpful, and also affordable.

I, too, have been hit by damage in my State. Senator BOND is right. One of the first things we did together was to be in Missouri because they had been hit by floods. A short time later we were hit by ice storms and floods.

You know what is so heartbreaking: After the floods and the waters come, then the water goes down, and you just see broken dreams, the hard work of lifetimes just washed away. You go into a home, and there is the tattered photograph of the wedding picture, there is the mud-saturated picture of the graduation, and the appliances when you open the door. I think what I remember also, most of all, in addition to the tears, is the mud, the smell, and so on.

The first thing is that it breaks your heart. We want to make sure it does not break their pocketbook. That is what we can work on.

Hurt hearts. I believe the people of North Carolina will have so many communal ways that those hearts will be healed. But the immediate thing we can do is to make sure that the devastation to the pocketbook is not permanent and that they have the opportunity to restore a way of life.

So I just say to the Senator from North Carolina, Mr. EDWARDS, that he is not alone nor are those thousands and thousands of people. We have been thinking about you. We have been praying for you. Our hearts are filled with sadness that people have lost their lives. We really do not want to see the loss of their way of life.

Mr. EDWARDS. Will the Senator yield for a moment?

Ms. MIKULSKI. Yes.

Mr. EDWARDS. I want to take a moment to thank the Senator from Maryland and the Senator from Missouri for their very kind comments. I know they will, as they always have, step to the front and help the folks in North Carolina who need help so desperately.

I would add to that, I say to Senator BOND, that Senator HELMS is working very hard, the senior Senator from North Carolina, on this problem. He and I have talked about it on a couple of occasions already. We will continue to talk about it. He is working very hard on this problem. So is our Governor.

We appreciate very much your help and support. I appreciate your thoughts and prayers. This is one of those times where we need all the help and support we can get, I can promise you.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. BOND. I am prepared to enter into a colloquy with the distinguished Senator from Maine who has a matter of great importance in her State.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by praising the terrific work done by the Senator from Missouri and the Senator from Maryland in putting together this appropriations bill. I know a lot of the issues are very difficult. They have worked together in a bipartisan way to come up with a bill that is responsible fiscally and yet meets some urgent needs of many people in our Nation. I commend them both for their efforts in this regard.

I appreciate the Senator from Missouri giving me this opportunity to engage him in a discussion on an issue of great importance to Maine and the Nation as a whole. That is the issue of providing fair Federal assistance to our homeless men, women, and children, regardless of where they live. Senator BOND and Senator MIKULSKI have been leaders in addressing housing issues affecting underserved and vulnerable populations, especially our Nation's homeless population.

Under their leadership, the Department of Housing and Urban Development homeless assistance grants have increased from $823 million in fiscal year 1998 to $975 million in fiscal year 1999. I am very pleased to note that the appropriations bill that is before us now would further increase funding for vital homeless assistance grants by providing a little more than $1 billion for these critical programs.

Senator BOND's continued dedication to this vital and often forgotten issue has served the public well, as has the commitment of the Senator from the State of Maryland. I salute them for their effort to direct the funding of the resources to those most in need.

Mr. BOND. I thank the Senator from Maine for her kind words. I know of her personal commitment to helping the homeless. I strongly support these important programs which do benefit the homeless men and women in America. I hope we can come up with a permanent solution to homelessness, especially for those persons with mental disabilities.

Ms. COLLINS. Although Congress has done a good job in recognizing the need for more funding in this area to serve this very vulnerable population, I have become extremely concerned about the process that the Department of Housing and Urban Development has used to award a particular kind of homeless grant, and that is the continuum of care grant. This has been a real problem in my State, and I suspect the Senator from Missouri has heard from other States as well.

Mr. BOND. Unfortunately, we have had a number of Members express to us their concern about the continuum of care grant award process. Many believe that the HUD process has proven to be confusing for applicants and perhaps even incomprehensible to anyone outside the HUD compound.

Ms. COLLINS. I note that has been exactly the very unfortunate experience in my State. Let me give you a little background.

The needs of the homeless population in Maine have increased in recent years. Often when we think of the homeless, we think of large cities. In fact, there are homeless people throughout this Nation, including in rural States such as Maine.

From 1993 to 1996, Maine's homeless population grew by almost 20 percent. It is estimated that more than 14,000 people are homeless in my home State today. Despite this great and growing need, however, the Department of Housing and Urban Development denied both the applications from the State of Maine for continuum of care funding last year. In effect, the HUD competitive homeless assistance funding distributed to the State of Maine went from $3.7 million to zero. You can imagine the impact on my State.

Moreover, we were stunned by HUD's decision because Secretary Cuomo, in 1998, had awarded Maine's programs with the HUD "best practices" awards of excellence.

A vigorous public campaign by people in Maine and repeated efforts by the congressional delegation ultimately compelled HUD to provide $1 million to the city of Portland to renew certain projects. This money, though welcomed, was far from sufficient to allow the State to meet the needs of its homeless population.

That is the experience I wanted to share with the Senator from Missouri and the Senator from Maryland.

Mr. BOND. What happened to Maine, and other States, in the competitive award process simply should not have occurred. To me, it is quite puzzling. As many of us know, the problem of rural homelessness is complicated; it is pervasive. I live in a rural area. Rural areas have higher poverty rates and a higher percentage of the population living in inadequate housing, which are key factors contributing to homelessness. Providing service to the rural homeless is not easy. It is complicated by distance, isolation, and lack of effective communication.

Ms. COLLINS. It seems to me that HUD needs to understand the impact on the homeless, on the very people we are trying to serve, of simply shutting States out from the housing award process. HUD needs to take greater care to work with States where funding may be in peril in order to ensure that we are not hurting the homeless people of our Nation.

Contrary to what HUD seems to think, homeless men and women do not disappear. Their needs do not disappear when funding is cut off. In fact, their desperate needs still exist.

To address these problems, I have introduced a Senate bill which would require a minimum distribution of continuum of care homeless assistance funding to each State. I realize that I cannot offer that on this bill because of the rule XVI issue, but I hope the chairman and the ranking minority member will agree with me that this is an important issue.

Would the chairman agree that the goal of HUD should be to make every effort to ensure that every State can receive some homeless grant funding because every State has homeless people, unfortunately?

Mr. BOND. I certainly agree with the sentiments expressed by the Senator from Maine. I am very sympathetic to the intent of the bill. As she has pointed out, we are not able to accept it on this bill. But I do look forward to working with the Senator from Maine, and the many other Senators who expressed their concerns, to ensure that HUD does meet the homeless needs of every State.

In the past, I have been a strong supporter of using block grant approaches to the States, which I think can best serve the needs of the homeless. We look forward to working with the Senator and the authorizing committee to solve the current HUD award process problems.

I thank the Senator from Maine for bringing this very real and very compelling problem to our attention. I assure her we will continue to work to resolve the problem.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, a comment on the remarks made by the junior Senator from Maine. I, too, share her concern to ensure that the needs of the homeless are recognized, and we try to do that in our bill. As she knows, under this bipartisan coalition, we increased funding for the homeless by $45 million. We have to talk about not only more but how it is distributed.

I share the Senator's concern about the rural homeless because it is not only isolated but it is often invisible because of distance and the very culture of small towns and also, I might add, in Maine, that Yankee spirit of "we take care of our own," not wanting "to turn to charity," yet at the same time facing very rugged winters, some of which now, with fall weather, are on their way. So when we think about Maine, it is not all L.L. Bean catalogs and fall foliage. It is some very serious problems.

We want to work with the Senator on it. Know that we face some of these same rural issues in our own home States. I thank the Senator for bringing even more heightened visibility in our debate.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank both my colleagues for their assurances. I hope we have sent a very clear signal to HUD that it needs a funding process that ensures the needs of our homeless men and women and children, no matter where they live, are being met. It is particularly important in a State such as Maine, where our winters can be quite severe, that we provide that kind of shelter and assistance in helping people not only get a bed for the night but to put their lives back together.

I thank my colleagues very much for their assistance in this matter, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I begin my brief comments this afternoon by complimenting our colleagues, Senators BOND and MIKULSKI, for a fine piece of work on this legislation under what were less than ideal circumstances, I am sure. I know they have labored long and hard to craft a bill that will meet the needs of our fellow constituents across the country. I, for one, appreciate their labors.

I rise in the spirit of making this product even better. In particular, I rise in support of what I understand will be an amendment offered by Senator KERRY in the area of section 8 housing. I do so not only because I believe the merits of his amendment warrant our support, but also because I believe the American dream of quality affordable housing should be extended to every citizen across our country because I believe in the emphasis that we have been placing upon personal responsibility. Along with that must go the tools to ensure that every person has a chance to make personal responsibility become successful, and no one can deny that quality affordable housing is one of those basic building blocks of opportunity in our society.

Finally, I rise in support of this prospective amendment because I believe in fiscally responsible solutions to the challenges that face America. Few can argue that quality affordable housing is a challenge that continues to face our great country.

For well nigh a generation, there was a bipartisan consensus across our land for quality affordable housing for all Americans. This consensus was interrupted in 1995, when additional section 8 housing opportunities were frozen in place after more than 2 million Americans had been helped over the previous 18 years. Starting this fiscal year, we began to see a thaw in the freeze, but unfortunately the legislation now before this body would reinstitute that freeze. It is ironic that at a time of unparalleled prosperity for so many Americans we should see a freezing of the opportunities in the area of affordable housing. While 1 million elderly are finding themselves in a position where more than 50 percent of their disposable income is spent on rent or substandard housing, 2 million families with children find themselves in this position. More than 22,000 Hoosier families in my capital city of Indianapolis alone find themselves in a position of devoting a majority of their household income to rent or to substandard housing.

As we gather, 1 million Americans find themselves on waiting lists. The question before us is, How long must they wait. In some cities—Philadelphia, Los Angeles and others—families find themselves in a position of waiting for years, waiting with dreams deferred, hopes delayed, opportunities lost, this at a time when our robust economy and market conditions are driving rents up, pricing too many American families out of the market for quality affordable housing.

My answer to the question of how long they must wait is that the time is now to act. The time is now to act to extend the opportunity of quality affordable housing to every corner of the land, to prevent this from becoming the first generation of Americans to be divided into classes of haves and have-nots. Now is the time to put flesh on the bones of personal responsibility, to ensure every family that is willing to work hard, play by the rules and save has a chance to get ahead and realize the American dream of quality affordable housing.

Now is also the time to put into place fiscally responsible solutions to the challenges that face our great land. This proposed amendment by Senator KERRY is fiscally responsible. We will be taking money that was saved from this year's budget in unused welfare-to-work vouchers and using it for 50,000 new section 8 vouchers, which are also important for making the welfare-to-work process a success.

I add my voice as strongly as I know how to Senator KERRY, to the Secretary of Housing, to Senator MIKULSKI, and my other colleagues who believe if we are to be a great nation, and not just a prosperous one but a compassionate one, we must address the unmet needs of housing for those who are less fortunate across our land. I conclude my remarks by saying: If not now, when our land is filled with plenty, then when?

I urge the adoption of this amendment. Again, I thank Senators BOND and MIKULSKI for their yeoman's work. I think we can make a good bill even better by adopting this amendment.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise in support of the VA-HUD appropriations bill. I am a member of the Subcommittee on VA, HUD, and Independent Agencies, and I know the severe funding challenges faced by Senator BOND, our chairman, and Senator MIKULSKI, our ranking member.

They and their staffs have done an outstanding job in meeting the many priorities of this bill: critical health care services for veterans, homeless assistance funding for continued research in space, and funding for important environmental infrastructure projects along the United States-Mexico border.

I can't adequately describe the pride I feel in the committee's decision to make veterans programs the highest priority in the bill. The committee provided $1.1 billion above the President's budget request for medical care for veterans. This increase will help address newly emerging health care challenges, such as the high incidence of hepatitis C among veterans, emergency care, technological advances in medicine, patient safety, and long-term and end-of-life care. I appreciate the commitment and sacrifices made by the men and women who served our country in wartime. This increase is worthy of them and worthy of the Senate.

I am proud of the committee's decision to fully fund NASA at $13.6 billion. The House dealt NASA a devastating blow in their VA-HUD bill, cutting the programs by almost $1 billion. The funding provided in this bill underscores the Senate's ongoing support for exploration of the final frontier, including the space shuttle and the international space station.

The international space station is the most ambitious scientific project ever undertaken. The efforts and resources of 14 nations are involved in the design, construction, and operation of the orbiting laboratory. Assembly of the international space station has already begun. We expect the international space station to provide unparalleled scientific research opportunities. It will enable advances in medicine, materials science and earth observation, new technologies developed in a microgravity environment, and accelerate the technology and engineering in Earth-based industries. Quite simply, the space station will maintain U.S. global leadership in space science and technology. And its successes will be felt by all of us here on Earth. The space shuttle's capabilities and versatility are unmatched by any spacecraft in the world. The space shuttle has been, and will continue to be, a critical element in space exploration well into the 21st century. The shuttle is also the vital transportation link in the assembly and utilization of the international space station. With plans, upgrades, and improvements by both NASA and industry, the space shuttle will continue to play a major role in future space exploration.

Finally, we are providing the ongoing support of the Senate for the poorest part of our Nation, the United States-Mexico border. This bill provides $50 million for critical water and wastewater projects on the southwest border, most of which will be administered by the North American Development Bank.

As an aside, when I first came to the Senate, I brought up the critical issue of environment and diseases on the border. It was at that time when the now ranking member, Senator MIKULSKI, was the chairman of the subcommittee and she said, "This is outrageous in America and we are going to do something about it." That was the first funding that we got for the colonias on the border, where citizens of our country are living in filth. I appreciate that. We have added to that $50 million every year since I have been in the Senate, and now under the leadership of Chairman BOND.

Washington, DC, is a long way from the border. Recently, I visited colonias—these colonies—along our border that have no infrastructure. I visited colonias near Laredo and McAllen, TX. On rainy days, the unpaved streets in these colonias wash out, making it impossible for schoolbuses to enter the neighborhood. Children walk to school on mud-filled streets and yards, sometimes flooded with human waste that is overflowing from inadequate septic systems. Texas has nearly 1,500 of these subdivisions, with a population of nearly 350,000 people. The numbers in the other southwest border States are equally as staggering.

The $50 million we provide in this bill, added to the $300 million that has accumulated in years past, continues the commitment we have made to end this national shame. No person in the United States should live as do the people in these colonias. I appreciate Senators BOND and MIKULSKI working with me to give this matter the proper attention in our subcommittee.

I also want to mention we are working on another amendment that would deal with the phase II stormwater sewer regulations that are so important to our smaller counties around the country. I hope the EPA will work with us to try to make sure we don't put regulations on these smaller counties that they can't possibly accept and do not have the funding to do.

The VA-HUD appropriations bill is good for our Nation. I thank the chairman and ranking member for their hard work and sensitivity to the critical issues in this bill.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEWINE and Mr. HAGEL pertaining to the introduction of S. 1617 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

Mr. President, first I would like to ask unanimous consent that Senator DICK DURBIN be added to amendment No. 1744, the Byrd, Stevens, Bond, Mikulski $600 million VA-HUD amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1777

(Purpose: To make an amendment with respect to a special purpose grant for the community of Kohala in the County of Hawaii)

Ms. MIKULSKI. Mr. President, I wish to propose a technical amendment in behalf of Senator INOUYE. This amendment is simply a technical and correcting amendment. It makes a technical correction to a HUD grant previously awarded to Hawaii. It has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Maryland (Ms. MIKULSKI), for Mr. INOUYE, proposes an amendment numbered 1777.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

Ms. MIKULSKI. Mr. President, as I commented, it is technical and correcting and has been cleared on both sides.

Mr. BOND. Mr. President, we accept the amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1777) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, this is a good time to do a couple of things. We started off with a good pace and had a major amendment approved by voice vote. Then we had votes on two more amendments. We have had some wonderful speeches and some great colloquies. We are open for business. It is daylight. We want to get people here because we face a tremendous deadline with the end of the fiscal year approaching. We need to get this bill passed this week to make sure we keep these agencies funded. I ask colleagues on both sides of the aisle, please, if you have amendments, colloquies, or items we need to deal with, please bring them. Otherwise, I am ready to go to third reading in the not too distant future.

Something has been brought up which I hope we can spend some time discussing. A number of my colleagues have talked about the tremendous need for housing. They have equated that with the need for additional section 8 incremental or additional assistance.

I want to go through some of the difficult problems we face. Perhaps as I straighten out in my own mind the complexity of section 8, my colleagues will understand why we came to this point. This bill does not provide any of the 100,000 incremental section 8 vouchers requested by the President. The addition of these vouchers to the bill would cost an additional $578 million per year. Last year, we agreed to the President's absolutely necessary request for 50,000 additional section 8 vouchers. We pointed out at the time that this caused a real problem, and we would need additional money to fund them in future years. The representatives of the administration assured Members they would make provisions for that additional required budget authority.

What did we get this year from the administration? We received a request that we defer $4.2 billion in budget authority to the following fiscal year. In other words, they were not able in their budget presentation to fund existing certificates, the section 8 vouchers, before we added the incremental, and they asked that $4.2 billion be deferred. In other words, their recommendation to us was $4.2 billion less than is needed to renew section 8 vouchers on a full-year basis in fiscal year 2000. That ought to demonstrate there is a problem.

Let me explain as best as I understand it what the problem is. The section 8 account is one of the most difficult accounts for funding in the bill. Not only would the administration's request for 100,000 new incremental vouchers result in an annual cost of almost $600 million each year, it does not acknowledge or address the long-term funding needs of this account. Let me be specific. We currently fund some 3 million section 8 vouchers or assisted living units, as well as 1.5 million public housing units. Much of the cost of these 3 million units is hidden, meaning the annual cost in outlays is some $20 billion. In other words, we are paying out this year $20 billion in section 8 vouchers. We appropriate around here on budget authority. Most of the costs were accounted for in previous year's budgets when the Congress approved long-term 15-year and 20-year section 8 contracts.

Now, the budget authority was committed in future years, but they said OK, Congress, you are going to have to pay out all that money each year in outlays. What is even worse, the budget authority requirement each year goes up because as contracts expire, we renew contracts on a year-to-year basis. We have to put that budget authority in each year's budget. As these contracts expire, we have to pay for the expiring contracts as an annual recurring cost in the section 8 account.

Let me show you a chart. This is how the budget for section 8 has gone up. In fiscal year 1997, we only had to appropriate $3.6 billion in budget authority to cover the $20 billion or so, almost $20 billion in section 8 vouchers. The next year, we had to come up with budget authority of $11.1 billion. In the current year we would have had to come up with $12.8 billion, but we have adopted, because of the tight budget, the administration's proposal to defer $4.2 billion of that into fiscal year 2001.

Guess what happens. We are coming into fiscal year 2001 about $8 billion short in budget authority. If we are to fund the existing contracts next year, we are going to have to come up with $8 billion more in budget authority. The news does not get any better. The next year, we would have to come up with $15.6 billion, the next year $17.0 billion, the next fiscal year 2004, $18.2 billion.

This year, the administration has requested and we have proposed deferring $4.2 billion. So we took the easy out. The only easy out was deferring that $4.2 billion in budget authority for those portions of the section 8 vouchers which would actually have to be funded, actually outlayed in fiscal year 2001.

That is confusing. I have worked on it for a long time. I am happy to work with any of my colleagues who have questions about it. With the help of staff, I think we can explain it. However, we made long-term commitments in budget authority. Each year, we have been spending outlays at a very high level. However, we can't get the budget authority to rise to the level needed to maintain those outlays.

What is worse, in the HUD budget submitted by OMB—this is their 10-year budget. This is the budget projection they sent us—for this year, they said budget authority is right about what is needed, close to $14 billion. But for the coming year, the next year, they have lowered that to $11.3 billion for BA.

Here is the BA need creeping up each year. Each year, it increases. The long-term projection of OMB, the President's budget, the budget of the Department of HUD, is to keep that budget authority at a flat level of $11.3 billion. What would happen if that occurred? Very simply, 1.3 million families or elderly or disabled would have to be kicked out of section 8 housing over the 10-year period. We do not have the budget authority, we do not have the funds, to continue supporting those residents who depend upon section 8 housing. That, to me, is a major problem. We have been forced, out of necessity, to defer $4.2 billion in section 8 assistance until 2001.

While we have adopted this proposal—some would call it a gimmick—let's say, because everybody seems to agree on it, this necessary budget tool for the year 2000, we have done so unwillingly and with the great concern that this will create a nearly untenable budget hole for next year, 2001, when we have to fund section 8 contract renewals by an increase of some $8 billion, for a total of $14 billion.

In fiscal year 2000, some $6.8 billion was needed for section 8 contract renewals, but in 2001 we have to make up the $2.2 billion in advance appropriations. So we are going to have to find some way to get an additional $6.8 billion and still defer the budget authority for outlays in future years to those future years.

I am extremely worried about how HUD is handling this very complicated and difficult problem. We understand that HUD has underestimated renewal needs for this year and is close to running out of section 8 renewal funds. We are very concerned that we will not be in this position when that happens next year.

The problem is, as I said in my opening statement, that HUD is a high-risk area designated by the General Accounting Office, the only Department so designated. HUD's management deficiencies are particularly acute in the section 8 area.

Part of the problem is that HUD loses some $900 million per year in its public and assisted housing programs due to fraud and abuse in the collection of rent in the assisted housing program. If HUD and its agents were able to collect this $900 million, some 135,000-plus additional low-income families could receive section 8 assistance annually. That is why we have added $10 million in this budget for the inspector general to hire outside professional help to try to identify where those funds are being lost and to find some means of recovering those because that is a tremendous loss.

Let me explain another problem. A major problem with section 8 is, while section 8 is one of the most important Federal housing programs, it is not a panacea for providing affordable housing for low-income families. While vouchers do provide choice in housing for low-income families, the fair market rent restriction is currently set at the 40th percentile of the housing market, and therefore it severely curtails housing choice. As a practical matter, this has created market distortions in the availability of section 8 housing, leaving many low-income assisted families in very-low-income neighborhoods living in substandard housing.

In a number of areas, families with vouchers are unable to use their vouchers to obtain affordable housing. I am told in St. Louis County their public housing authority has to release 100 vouchers to get 50 vouchers that are actually used because half the people who are given the vouchers cannot find housing. The lack of choice can also result in de facto redlining.

HUD has also suggested that incremental vouchers will mean the construction of new low-income housing units. I disagree. There is absolutely no evidence that incremental 1-year section 8 assistance will ever leverage construction funding. When we went from the 15- or 10-year down to 1-year, we took away the financing incentives and the basis for constructing low-income housing to fulfill section 8 needs.

I agree with HUD in that we do not have enough low-income housing units. We need to develop a housing production program with deeper targeting than the low-income housing tax credit program. This should be a theme in the next Congress. We need to continue to fund HOME and CDBG, which are used by communities to provide additional housing. We need the additional funds we put in section 202 housing to build housing for the elderly. We need to continue to work with organizations that are present in every State, and which we celebrated in Missouri on Monday with the 100,000th home through the Enterprise Foundation. Enterprise, Enlist and others are building affordable homes. Habitat for Humanity does a great job of rebuilding homes.

But, frankly, there are many problems with the availability of affordable housing that go far beyond the availability of incremental section 8 vouchers. We have not identified the means to pay for the section 8 vouchers that we have already. Unless and until we do, I fear it is a hollow promise, to add incremental vouchers when we cannot assure that those people who now have them will be able to continue to get the vouchers and continue to get that housing assistance in the future.

I assure you, this committee, and I believe everybody in Congress, wants to continue them. We are going to do everything we can to assure renewal, but right now it is a huge financial and budgetary task. We do not have the answers on how we are going to do it. Before we start adding incremental housing, I ask that somebody sit down and work with us on how we will pay for them next year, the year after, and the year after.

We are going to be revisiting this issue frequently on the floor. I wanted to give that background so people will know what I am talking about when I say we have a tremendous wave of needs coming in for budget authority for section 8. We do not have the money. There is no projection we are going to get it. Before we continue to increase that outyear bow wave, we need to have some assurance we will be able to fund it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1778

(Purpose: To increase funding for lead hazard control)

Mr. REED. Mr. President, I have an amendment at the desk which I ask be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, and Mr. TORRICELLI, proposes an amendment numbered 1778.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 12, strike "$80,000,000" and insert "$100,000,000".

At the appropriate place in title II, insert the following:

SEC. . (a) There is appropriated out of any money in the Treasury that is not otherwise appropriated for fiscal year 2000 for expenses necessary to carry out section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $20,000,000.

(b) Each amount appropriated or otherwise made available for each program, project, or activity relating to salaries, expenses, and program management under title I, II, or III of this Act (other than this section) that is not required to be appropriated or otherwise made available by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated for such programs, projects, or activities by $20,000,000.

Mr. REED. Mr. President, let me thank my colleague, Senator FEINGOLD from Wisconsin, who was here before but graciously allowed me to go ahead to introduce this amendment.

Also, having come to the floor earlier today and not only commended Chairman BOND and ranking member MIKULSKI for their valiant efforts to reach priorities in very limited financial circumstances, I will announce up front I am going to propose this amendment which would increase lead funding as a means to talk about the issue, but I will withdraw the amendment in recognition of not only the serious efforts the chairman and ranking member have made, but also in recognition that last year when I came to the floor, both Senator BOND and Senator MIKULSKI were instrumental in increasing the appropriation by $20 million and, indeed, holding that appropriation at conference. So I am very confident, with their efforts, they will continue to work hard to make sure this remains a critical priority.

The problem of lead exposure to children in the United States is something that I believe is critical, one that we must address. I have been supported in that opinion by many of my colleagues.

Earlier this year, 14 of my colleagues joined me in a letter urging the chairman and the ranking member to do all they can to increase appropriations for lead abatement in this appropriations bill. Those colleagues include Senators JEFFORDS, SPECTER, LEAHY, LAUTENBERG, CHAFEE—my colleague from Rhode Island—SCHUMER, DODD, LIEBERMAN, KERRY, BOXER, KOHL, SNOWE, TORRICELLI, and DURBIN. All of them from across this country recognize the critical need to eliminate lead exposure, particularly with respect to children.

But there are two of my colleagues who deserve particular praise. Senator COLLINS and Senator TORRICELLI are cosponsors of this amendment. Senator COLLINS has been a strong and very effective advocate for this program of lead abatement.

I was pleased to join her in Providence, RI, several weeks ago for a hearing of the Public Health Subcommittee, where we looked at lead paint exposure to children in Rhode Island. It was a very good hearing. I am pleased to say I will be able to join Senator COLLINS in Maine in a few weeks to have a similar hearing.

Senator TORRICELLI and myself have been very active not only with respect to this issue but also with respect to the issue of appropriate screening and treatment for children who have elevated levels of lead in their blood systems.

I admit that over the last 20 years we have made significant progress in our society with respect to exposure to lead principally because we have banned lead paint, we have banned lead solder in food cans, and we have deleaded gasoline. This has resulted in significant reductions.

But, nevertheless, nearly a million children enter kindergarten each year with elevated levels of lead in their blood. This is a preventable problem. This is a problem, if it is not prevented, that causes serious cognitive development problems with children. This is also a problem that is not exclusive to one part of the country.

In fact, if you look at cities across the country, you will see there are elevated blood lead levels in children.

In Baltimore, for example, there is a lead poisoning rate of 27.9 percent. Almost 30 percent of the children who are tested have elevated lead levels. In Milwaukee, 22.5 percent; St. Louis, 23 percent; Chicago, 20.6 percent; Philadelphia, 38 percent; and Memphis, 12.1 percent. This is a nationwide problem. The major cause of this exposure is lead paint in the homes of these children.

Indeed, children who are in low-income circumstances, particularly children who are living in housing that was constructed before 1974, are significantly vulnerable to lead exposure and lead poisoning.

More than half the U.S. housing stock was built prior to 1978, so as a result we have thousands and thousands of units that still contain lead paint which is the source of contamination for these young children.

In fact, it has been estimated that 20 million housing units throughout the United States contain hazardous levels of lead paint.

In my home State of Rhode Island, it is estimated that about 90,000 units present moderate to high lead paint exposure risks to children who live there.

This is a very difficult and expensive problem to deal with. It has been estimated that to modify and to remediate all these homes in my own home State, it would cost about $300 million. To deal with every seriously contaminated residential unit in the United States would cost something on the order of $500 billion. But those costs also must be measured against the cost of doing nothing, the cost of allowing children to be exposed to lead paint, and those costs are dramatic and severe.

Many educators point to lead paint exposure as one of the reasons why special education costs are so high. In fact, it has been estimated that children with elevated levels of lead in their blood are seven times more likely to drop out of school before finishing high school. These costs are significant and severe. I think we have the obligation to try to remedy this problem before these children are exposed, before their academic, intellectual, and emotional development is impaired by exposure to lead.

Since 1992, the Office of Lead Hazard Control in HUD has been dealing with this issue, principally through their Lead-Based Paint Hazard Control Grant Program. They have been able, since 1993, to provide $435 million to the States—31 States and the District of Columbia—to deal with this issue.

These States have used the money for testing young people for exposure, inspecting and testing homes, modifying homes; in fact, to even relocate children who are exposed and the home cannot be modified.

I have seen the results in Rhode Island.

Since 1993, in Rhode Island, we have been able to perform lead abatement in more than 500 homes. But it costs money, the kind of resources that we need to incorporate in this bill, the kind of resources that are necessary to address a problem that spans this Nation.

My amendment would propose an increase of $20 million for the Office of Lead Hazard Control. It would be offset by an across-the-board cut in salaries, expenses, and other program management budget items in the HUD budget.

AMENDMENT NO. 1778, WITHDRAWN

Recognizing the severe constraints that the chairman and the ranking member are laboring under, recognizing the fact they are already demonstrating a commitment to provide for these resources, I withdraw this amendment in the hopes that as we go to conference, under the leadership of Senator BOND and Senator MIKULSKI, we can find additional resources to address this extremely important and critical issue that affects the health and welfare of our children.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. REED. I again thank the chairman and the ranking member and yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

FEDERAL DAIRY POLICY

Mr. FEINGOLD. Mr. President, I rise today to discuss possible legislation that would devastate family dairy farmers throughout the Upper Midwest.

I understand that the Agriculture appropriations conference committee may report a bill that contains poison pill dairy amendment that threaten the livelihood of dairy farmers throughout the United States.

I call them poison pills because they threaten to scuttle the entire Agriculture appropriations bill.

It is my duty to my constituents as a Senator from the great dairy State of Wisconsin to make my colleagues aware of these possible actions, and their insidious effects on America's dairy industry, and the effect they may have on our ability to move legislation in these waning days of the 104th Congress.

Our current system is hopelessly out-of-date, and completely out-of-touch with reality. Fortunately for our farmers—and I am grateful for this—the USDA has proposed a rule that would begin to modernize our antiquated system.

According to the Secretary of Agriculture, the new system "more accurately reflects the current market condition, is fairer to farmers and consumers alike, modernizes and reforms an antiquated system sorely in need of streamlining and revision."

In fact, according to the USDA, dairy farmers would have earned 87 cents per hundredweight more for Class I milk under USDA's reforms than under the current system.

For 60 years, America's dairy policy has both imposed higher costs on taxpayers and consumers, and at the same time destroyed tens of thousands of family farms.

This destructive policy has to go. We need to restore equality to milk pricing, stop regional bickering, and work to ensure that all of our Nation's dairy farmers get a fair price for their milk. My message is simple: our Federal dairy policy is hopelessly out of date, fundamentally unfair, and in dire need of reform.

Congress created the current Federal dairy policy 60 years ago when the upper Midwest was seen as the primary producer of fluid milk. During the Great Depression, many worried that consumers in other parts of the country, including young children, did not have access to fresh milk because of inadequate refrigeration and transportation technology.

To address these concerns, Congress at that time set up the so-called Eau Claire system, under which producers were reimbursed according to their distance from the small town—I shouldn't say small town; it is a pretty good-size town for Wisconsin—the great town of Eau Claire, WI, in my home State. It is a little unfair to call this the Eau Claire system because it is a lousy system and Eau Claire is a great town. I like calling it the anti-Eau Claire system. My daughter is happily ensconced at the University of Wisconsin at Eau Claire, a huge fan of Eau Claire. But it is generally called the Eau Claire system. So be it.

This is how it works. The farther away a farmer lives from Eau Claire, WI, the more he receives for his fluid milk. Under this system, Eau Claire, WI, geographically, is ground zero when the fallout of artificially low prices lands most harshly on Wisconsin dairy farmers and their neighbors in the upper Midwest.

Back in the days of the Great Depression, apparently this system seemed to be a great idea. But like delivery in old metal milk cans, the current system is obsolete, failing to meet the needs of either producers or consumers. Six decades ago, the poor condition of America's infrastructure and the lack of portable refrigeration technology prevented upper Midwest producers from shipping their fresh milk to other parts of the country. In order to ensure an adequate milk supply in distant regions, Congress authorized higher fluid milk prices outside the upper Midwest. These higher prices are referred to as class I differentials. Let's take a look at how this system rewards producers in different parts of the country.

This chart illustrates the class I differential received by dairy farmers throughout the United States. In Eau Claire, WI, the class I differential is $1.20 per hundredweight. You will notice that it is $1.40 in Chicago. It is $1.92 in Kansas City, MO, and $3.08 in Charlotte, NC. Our friends in Florida receive $3.58 in Tallahassee and $4.18 per hundredweight in Miami for the exact same amount of milk that we produce in Wisconsin. So class I differentials are an arbitrary measure of the cost of milk production.

In fact, in recent years, when our dairy farmers have tried to sell their milk in Chicago—in Chicago, a very close distance to Eau Claire and the other Wisconsin communities compared to other places in the country—when they have tried to sell their milk in Chicago, they have been beaten out of that market by milk from the South and the Southwest. That is a sign of an archaic system. This archaic system was designed to make these regions produce milk for their own needs so children in Texas could have fresh milk, not so their producers could unfairly compete against Wisconsin dairy farmers in Chicago. Unfortunately, this system worked too well. The chief result of this system, the only real result of this system, as far as I am concerned, is that our Midwestern farmers are now subsidizing farmers in the Southeast and in the Northeast through these higher class I differentials.

Of course, a great deal has changed since the creation of the current system. We can now easily and safely transport perishable milk and cheese products between the States and throughout the country. The industry has perfected the system to such a degree that we can export cheese to countries all over the world. It seems almost comical that in an age when you can order milk through the Internet, our Federal milk pricing system continues to be based on an irrelevant factor. That factor, again, is a producer's distance from this wonderful Wisconsin community of Eau Claire, WI. That is what this whole thing is based on, how far the farmer is from Eau Claire, WI.

Unfortunately, the current system's effects on farming communities are anything but common. The current milk pricing system has been putting family dairy farms out of business at an alarming rate. Since 1980, my home State of Wisconsin has sadly lost nearly one-half of its dairy farms. This isn't starting with 2,000 or 3,000 dairy farmers. This is starting with 45,000-plus dairy farmers. We are below 25,000 now. That is since 1980 that we have experienced that kind of loss.

The trend is accelerating. Between 1990 and 1998, in those 8 to 9 years, Wisconsin lost 11,000 dairy farmers. So the overwhelming message I hear from family dairy farmers in Wisconsin and Minnesota and throughout the Midwest is that we need milk marketing order reforms. We desperately need a new dairy policy, one that does not arbitrarily penalize the Midwest and devastate the small farmer. We must replace this outdated Depression-era system with a new policy that ensures our Nation's dairy farmers get a fair price for their milk.

Ironically, one of the few changes, one of the only changes, we have had at all to Federal dairy policy over the last 60 years has accelerated the attack on small farmers. It has made it worse. Of course, I am referring to the now infamous Northeast Dairy Compact.

During the consideration of the 1996 farm bill, Congress sought to make changes in the unjust Federal pricing system by phasing out the milk price support program and reducing the inequities between the regions. Unfortunately, it didn't work. Unfortunately, because of backdoor politicking during the eleventh hour of the conference committee, America's dairy farmers were stuck with the devastatingly harmful Northeast Dairy Compact. It could happen again. The temporary fix of the compact may yet be extended again. We in the upper Midwest cannot stand for that or any change that further disadvantages our dairy farmers, the ones who are left, not the over 20,000 who are gone but the less than 25,000 who remain. We are determined to keep them in business.

The Northeast Dairy Compact accentuates the current system's inequities by authorizing six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut—to establish a minimum price for fluid milk, higher even than those established under the Federal milk marketing order. The compact not only allows these six States to set artificially high prices for their producers, it permits them to block entry of lower-priced milk from producers in competing States. Further distorting the markets are subsidies given to processors in these six States to export their higher-priced milk to noncompact States.

Despite what some have argued, the Northeast Dairy Compact doesn't even help small Northeast farmers. Since the Northeast first implemented its compact in 1997, small dairy farms in the Northeast, where this is supposed to help, have gone out of business at a rate of 41 percent higher than they had in the previous 2 years—41 percent higher. In fact, compacts often amount to a transfer of wealth to large farms by affording large farms a per-farm subsidy that is actually 20 times greater than the meager subsidy given to small farmers.

Fortunately for America's dairy farmers, the 1996 farm bill also included language requiring the U.S. Department of Agriculture to replace the current depression-era milk pricing system with a much simpler regulatory plan. After 3½ years of study and thousands of comments from America's dairy farmers, the USDA published a final rule that consolidates the complex web of Federal milk marketing orders and also reforms the price of class I milk.

Mr. President, 59,000 dairy farmers—59,000—participated in a recent referendum, and over 96 percent of them voted in favor of USDA's final ruling.

While the USDA's reforms are a welcome improvement, they are only a modest first step in improving the current system.

Let's take a look, then, at the final rule's effect on the different milk marketing orders. This chart illustrates the producer class I benefits under the current system, and the USDA's Federal milk marketing order rule. This benefit simply multiplies the class I differential with the utilization rate, or the percentage of class I milk produced in that region. As you can see, upper Midwest producers will continue to get the short end of the stick. They will receive a 38-cent-per-hundredweight benefit under the new rule. In contrast, Northeast producers will continue to receive a high per hundredweight benefit of $1.20, and producers in Florida will receive a whopping $3.95 per hundredweight class I benefit.

Unless we follow-up on these reforms and lower the class I differentials, we will continue to lose small dairy farms throughout the United States. Loss of these farms has already devastated rural America for far too long, especially in the upper Midwest.

Mr. President, unfortunately, our Nation's dairy farmers are not out of the woods yet. Some in Congress believe that they know better than America's dairy farmers and wish to prevent these moderate reforms, or to circumvent the entire rulemaking process altogether. Who in this Congress knows more about dairy farming than 96 percent of America's dairy farmers?

As Congress considers any future dairy reforms, I urge my colleagues to recognize the national nature of milk marketing, the corrosiveness of artificial regional pricing schemes, and the need for comprehensive reforms. We must recognize the inequalities inherent in our current system and work to ensure that our Nation's dairy farmers get a fair price for their milk.

If Congress does not act quickly, our Nation's family dairy farms will continue to suffer. Let me be clear. I will use every means available to a Senator to ensure that these necessary reforms go forward and that compacts do not. America's dairy farmers deserve nothing less.

After all, approving USDA's final rule is a moderate first step to arresting the devastating effects of the current Federal milk marketing order system.

Dairy compacts are simply no way to legislate a national dairy policy. I would like to make my colleagues aware of some of the effects the dairy compacts can have on consumers and taxpayers.

Let me begin by citing from an article called "Dairy Compacts A Sour Deal For All U.S. Farmers." The subheadline is, "The Agreements Threaten to Undermine Export Growth For The Rest Of American Agriculture," by Dennis T. Avery, of the Hudson Institute. It says:

> Enthusiasm for "dairy compacts" is sweeping America. Nearly 30 states now seem likely to pass legislation for such compacts, which are designed to bar dairy products from outside a state or region.
>
> The U.S. government has already authorized such a dairy compact for New England, and dairy farmers recently staged a Washington fly-in to rally congressional support for expanding the concept.
>
> Supporters of these compacts are trying to recreate a dairy industry of price supports and supply management. Such a vision is incompatible with reducing tariffs on other farm commodities or ending Europe's price-depressing export subsidies.
>
> Europe dumps huge amounts of dairy products, along with wheat, foodstuffs and meat, onto the world market at prices far below cost, depressing world markets.
>
> U.S. dairy compacts threaten to undermine export growth for the rest of American agriculture and fly in the face of liberalizing farm trade.
>
> Free farm trade can't be arranged one commodity at a time. What U.S. dairy farmers are considering could limit the potential for lowering trade barriers on beef, pork, corn, wheat, soybeans and poultry.
>
> Although dairy farmers have never seen themselves as exporters, perhaps they should start. After all, this is an era of high-value cheese markets, chilled concentrated and ultra-heat-treated milk, and rising demand in industrializing countries like India.
>
> Moreover, South Korea's bonds have regained investment status, after a year of being classified as lower-rated "junk bonds." Over the next three years the South Koreans will lead a parade of Asian countries back into the realm of economic growth.
>
> At the moment, however, dairy farmers are willing to write off export markets. Producers of other commodities can't do that—exports are their only path to prosperity.

Mr. President, I also want to make my colleagues aware of the effects on consumers and taxpayers. The Washington Post said it well in an April 6, 1999, editorial entitled "The Price of Milk":

> The government sets the price of milk in this country. That's not all bad. Prices are somewhat higher than they would be if left to the market, and some inefficient dairy farmers are kept in business. But supplies of the perishable product are adequate, and small producers are protected against what otherwise might be the predatory and harmful tactics of large buyers.
>
> Agriculture Secretary Dan Glickman has just completed a congressionally required review of the system whereby the government plays God in the market. He has proposed some changes that would rationalize it in certain respects. But he has found the basic balance between the interests of producers and consumers about right. There may be a lesson in that as Congress struggles with the question of how much to support the prices of other commodities or the incomes of their producers.
>
> In the 1996 farm bill, a new Republican Congress acted according to conviction, and against political interest as conventionally defined, to put farm supports on a declining path. The theory was that if farmers grew for the market rather than for the government, they and the consuming public alike would be better off. The rollback worked well for a couple of years, while prices and supports were both still high. Now, both have fallen, and even some sponsors of the legislation, if not quite wondering whether they went too far, are busily seeking extra aid.
>
> Compelling points can be made on both sides of this argument. The economists are right that artificial price supports are costly in that they shelter inefficient producers. But supports when not excessive also protect against swings in price and production that can harm consumers and producers alike. Costs are involved in going too far in either direction.
>
> That's more or less where Mr. Glickman came out on milk. There was a fight about milk marketing orders in the context of the 1996 bill. Midwesterners thought—still think—that their region is disadvantaged by the system in that their efficient dairymen could undersell producers in competing regions were it not for the artificially high minimum prices that the marketing orders impose. They wanted to abolish the system unless it was radically reformed in their favor. Congressmen from less efficient areas were equally determined to preserve it, even members who in other contexts were devout free-marketeers. In the end the two sides compromised by booting the issue to the secretary.
>
> Mr. Glickman has proposed modernizing the inherited system in a number of respects, particularly with regard to the price differentials between various regions. On average, he would lower the price of milk by a couple of cents a gallon. But in general he would support the system as fair to both buyers and sellers of milk. If supports should not be excessive, neither should they be so low as to leave both sides in the milk transaction total prey to the market. That may not be an intellectually elegant standard, but it's probably right.

The dairy industry is an integral part of our Nation's culture in history.

Let's take a look at that role, if we can.

Before I do that, let me quote briefly from the New York Times article from Sunday, April 11.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. FEINGOLD. Mr. President, I will yield for a question without relinquishing my right to the floor.

Mr. KERRY. Mr. President, for those of us who are trying to bring up amendments on this bill, will the Senator, perhaps, give us an idea of how long he might proceed?

Mr. FEINGOLD. Mr. President, I am not certain how long I will be proceeding at this point. It will be for a while.

Mr. KERRY. I thank the Senator. I thank the Chair.

Mr. FEINGOLD. Mr. President, the New York Times has written a piece about "Bringing Markets To Milk," "A Pricing Policy Was Confusing. It Still Is," by Mr. Weinstein. I would like to read some portions of that. He writes:

> Ponder a perverse question: What public policies would pummel the poor? Here is one answer: Impose a levy that falls more heavily on them than on the rich, singling out a staple in the diet of poor families and driving up its price.
>
> No one would seriously entertain such an idea—no one, that is, except members of Congress.
>
> Federal milk-pricing rules dating from the 1930's drive up the price that consumers pay for milk, in effect taking money from urban parents, among others, and handing it over to rural dairy farmers.
>
> Proponents say the rules stabilize milk prices, thereby assuring reliable supplies across the country. But opponents say the system is archaic, Byzantine and unnecessary—a giveaway to the dairy farm lobby. And it's regressive: poor families spend about twice as much of their income on milk as do other families, on average.
>
> Consumer advocates took heart three years ago when Congress told the Agriculture Department to improve the program. But their hopes were dashed recently when the department released its proposals, scheduled to go into effect on Oct. 1.
>
> The new rules, the department said, would be "simpler, more market-oriented." But rather than taking a mallet to the program, the department wielded a toothpick. John M. Schnittker, an economist at Public Voice for Food and Health Policy, a nonprofit research group in Washington that plans to merge with the Consumer Federation of America, estimates that the current program raises the cost of milk an average of 18 cents a gallon. The department says its plan will cut prices by about 2 cents—a trim Mr. Schnittker calls "almost an insult."
>
> The current rules impose a complex set of minimum prices that processors are requited to pay farmers in each of the 31 marketing regions.
>
> The department starts by setting a base price for milk used in the manufacture of products like cheese from a survey of prices in Minnesota and Wisconsin. Then it tacks on additional charges, mostly reflecting location, to set the minimum price for so-called fluid milk.
>
> Kenneth C. Clayton, deputy administrator of the agency that runs the system, says the controls stop milk prices from gyrating wildly and make sure that milk flows from areas where there are surplus supplies, like upstate New York and Wisconsin, to areas where there is scarcity, like Boston and Chicago.
>
> But he concedes that those flows would occur without Government guidance. What the rules do, he says, is "divide up the pie—insuring that dairy farmers capture more of the dollar that consumers pay to processors." Another set of complex rules dictates how the processors' payments are divided among farmers.
>
> Many economists challenge Mr. Clayton's benign interpretation. Processors operate in reasonably competitive markets, the economists say, so if they are forced to pay more for milk, they have little choice but to pass on the added cost to customers. Mr. Schnittker points to studies that show consumer prices rising along with Government-imposed charges on processors.
>
> He also challenges another rationale for the milk-pricing rules: Preservation of the family farmer. "Two-thirds of milk production comes from only about a quarter of the nation's dairy farmers," he said. "The milk-pricing rules overwhelmingly line the pockets of mega dairy farms."
>
> The government's overhaul would simplify things by collapsing the 31 regions into 11. But it would also make the system more complicated, by setting the base price for milk use in manufactured products according to surveys around the country, rather than just the Midwest, and by adjusting the price to take into account the milk's protein content and other qualities using complex mathematical formulas.
>
> Add charges to take account of location and some transition rules, and out come 600-plus pages of regulations. Some economists suggest that the rule-making would fit comfortably in the playbook of the former Soviet Union.
>
> And though the proposal would bring down average milk prices a small amount, it would leave most of the high prices intact. Indeed, the proposal would actually raise the minimum price in some places, like Chicago, a decision more political than economic.
>
> Critics point out that this is not the first time the Agriculture Department has sided with dairy farmers over consumers. It also approved the creation of a dairy cartel among farmers in the Northeast that blocks low-price imports. Milk prices in New England rose about 20 cents a gallon after the compact went into effect in July 1997.

Ms. MIKULSKI. Mr. President, will the Senator yield for a question?

Mr. FEINGOLD. Mr. President, I will yield without relinquishing my right to the floor for a question.

Ms. MIKULSKI. Mr. President, recognizing the right of the Senator to continue to hold the floor, we are trying to figure out how we are going to manage the VA–HUD bill, which was the pending business until we yielded for the Senator's unanimous consent. Would the Senator share with me approximately how long he will continue to speak so we can organize our other speakers and amendments?

Mr. FEINGOLD. Mr. President, the answer to the question is, I intend to speak for a fair amount of time.

Ms. MIKULSKI. What is the operational definition of that?

Mr. FEINGOLD. Mr. President, that may be determined more by factors that I can't control than my own intentions.

Ms. MIKULSKI. What is the Senator talking about—5 minutes or 5 hours?

Mr. FEINGOLD. Somewhere in between, probably.

Ms. MIKULSKI. Senator, I really do need senatorial courtesy because there are 99 other Senators trying to figure out what we are going to do with the rest of the evening. If the Senator would just share that with me, if the Senator wants to talk 5 hours, that is his business. If he wants to talk 10 hours, that is his business. But the pending VA–HUD bill is my business.

Mr. FEINGOLD. My pending business that I think needs to be addressed by the Senate and the Congress is the outrageous treatment of Wisconsin dairy farmers.

Ms. MIKULSKI. Is the Senator not going to answer my question?

Mr. FEINGOLD. Mr. President, my answer to the Senator's question is that this needs to be addressed, and that is why I am here.

Mr. President, I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Mr. President, since the question has been raised, I think it is time to review what has happened on the floor of the Senate and in the Congress on this issue in the past.

What has happened on this issue is that we have fought this battle fair and square in the Senate, won the battle, and then every time we get to conference committee, somehow the will of this body is undone. In 1996, we had the only rollcall vote on the issue of the New England Dairy Compact, the Northeast Dairy Compact. I remember staying up until late at night lobbying Members, and we had a vote fair and square on whether or not we were going to set up this actually absurd notion of a New England Dairy Compact.

So what did we do? We won the vote fair and square. I think it was something like 50–46. I remember the wonderful help and support I received from the distinguished majority leader at the time, Senator Dole, in feeling it was a tough battle—one of these tough inter-regional battles—not a Republican or Democrat issue but that we had won fair and square. The House had not voted on the issue, but then they go over to the conference committee, and in the middle of the night, without any basis from the action of either House, they just stick in the conference committee the idea that the Secretary of Agriculture could create a region in New England that would establish an artificially high price for milk for only one part of the country to the disadvantage of farmers everywhere else.

That is how we got here. This was part of the so-called Freedom to Farm Act.

We had hopes that the Secretary of Agriculture, Dan Glickman, for whom I have great regard and have enjoyed working with, would understand what a mistake it would be to create this compact in the first place. We did everything we could to persuade him not to go down this road—that it wouldn't make sense; that it wouldn't save northeastern dairy farmers; that it wouldn't help consumers, and, in fact, would hurt consumers; that it would drive up production artificially in a way that would reduce prices for dairy farmers. I believe that is exactly what happened.

Secretary Glickman is a bright guy, and he has an open mind. He watched this for a year and a half. He concluded that the New England Dairy Compact was not a good idea and proposed, along with his suggestions on changing the milk marketing order system, that we not have it anymore, that it expire.

We pointed out on the floor of the Senate on many occasions how this notion of a dairy compact, a regional economy for milk, could be applied in other situations. Perhaps we should say all the maple syrup in Vermont and States in that region should be sold, bought, and consumed in that one area and not exported to the rest of the country. Others have said we could do the same thing with blueberries. There would be a southern or Georgia peanut region, and all the peanuts grown there would have to be sold and consumed there. There would be an artificially high price for peanuts there but not anywhere else. Others carried it further. Since we associate the great city of Seattle, the State of Washington, with computers, why not have computers sold in the Northwest?

I found even more interesting the notion that country music should only be marketed in States such as Tennessee and Kentucky. I happen to be a fan of country music, so I find that troubling, although some of my younger staffers would be delighted if we had that kind of limitation on country music. I don't think they like it.

That is what this is, an artificial corruption of what should be a national dairy system. I don't mean corruption in the sense of impropriety; I mean in the sense of undercutting the notion of free enterprise in which the dairy industry should be able to participate. The Secretary reviewed it, and he concluded we shouldn't have this anymore.

There has been an effort on the Senate floor and throughout the summer on and off to attach the New England Dairy Compact to other bills, including the agricultural appropriations bill. It was a hard fought battle. I give credit to those who want to preserve the New England Dairy Compact for their willingness to continue and to fight for their cause. They thought they were going to have 60 votes. They thought they had the votes to force this on to the bill. They did not, frankly, come very close at all. As I recall, they came some seven votes short of the goal rather than one or two.

It was a decisive statement that made many in Wisconsin hope that finally, instead of just the politics of this, people would listen to the Secretary of Agriculture and realize this was not a good idea. We figured it was done. We knew we couldn't be sure because of what was done in 1996 in the conference committee. But we had hopes that this would not happen again. However, this is, unfortunately, now what is happening or what we fear could be happening.

In the conference committee, which I had a chance to observe last week for a while, there is a real possibility that the Secretary's reasonable recommendations to modify to some extent the milk marketing order systems and to discontinue the Northeastern Dairy Compact—those items may be reversed and placed in the agricultural appropriations bill even though there has been no vote in the Senate or in the House to continue the dairy compact.

Although I certainly regret having to come to the floor and proceed in this manner, I essentially have no choice. My farmers expect me to come to Washington and fight for their rights. It won fair and square on the floor. Yet somehow in conference committee these fair votes are taken away. Once again, as has been the case over and over again, dairy farmers in the upper Midwest are given the short end of the stick. It is only because these mistakes were made in terms of putting this compact together. Even the person who approved them, the Secretary of Agriculture, now sees it was not a very good idea and should be discontinued.

I say to the Senators whose bill is up—and it is an important piece of legislation—it is a matter of what is going on in the conference committee now that forces me to come to the floor and explain in more detail to my colleagues just what is at stake. I don't know how many times I will repeat this. I have already mentioned it. We had over 45,000 dairy farmers in Wisconsin around 1980. Only about 19 years later, we have fewer than 25,000. That is a huge loss not only of a way of life but of an economic base in our State. It is a tragedy for our State to have this trend continue.

Let me discuss a bit about the way the dairy industry is an integral part of our Nation's culture and history. We will look at that role.

Cheese, unlike its ancient cousin, yogurt, is not a novel food to Americans. It came over to America with the earliest settlers who made Cheddar cheese in their own homes.

Like yogurt, though, the popularity of cheese has been steadily growing. One of the most natural and oldest of food products, dating back to the domestication of animals, about 9000 B.C., cheese was once so highly esteemed it was even used as a medium of exchange. It traveled with Greeks, the Romans and with the armies of Genghis Khan. During the Middle Ages, monks in the French monasteries developed a soft-ripened cheese, starting a cheese renaissance. Centuries later, in 1851, Jesse Williams built the first commercial cheese factory in America. Herkimer, in upstate New York, grew into the cheese center of the United States until the westward expansion of the country resulted in Wisconsin gradually exceeding New York in total annual production. As pioneer wagons moved west, boats continued to carry others from across the ocean. The immigrants introduced their own favorite cheeses to America and contributed to the "melting (cheese) pot."

As the number of cheeses available in the United States has enlarged, so has the consumer demand. The consumption of cheese in 1975 was 14.2 pounds per person compared to 9.1 pounds in 1965.

Natural cheese is a product of milk that has been heated, pressed, and cured. In the United States, cheese is made from pasteurized cow's milk. While milk is generally used except for some varieties such as cottage cheese which uses skim milk. When milk is heated, usually with a starter of some kind, rennet or bacterial culture, it separates into soft curd and liquid whey.

After the milk has been heated, but before it has started to ripen, the soft curd may be separated from the whey and with some additional treatment made into a fresh natural unripened cheese.

Unripened cheeses contain relatively high moisture and do not undergo any curing or ripening. They are sold fresh and should be used within a few days after purchase. The gjetost and primost, however, because they contain very low moisture, may be kept refrigerated for several weeks or even months.

Cottage cheese, is low calorie cheese, is made in different sized curds. The small-curd type is usually used in salads because it holds its shape better than the larger curds which are suitable for all other purposes. To prepare creamed cottage cheese, fresh cream is mixed with the curd to give it additional moisture and flavor.

Cream cheese is of American origin and is one of our most popular soft cheeses. It is a mixture of milk and cream that is coagulated but unripened.

Unripened cheese may also be divided into soft or firm types.

Cream cheese and cottage cheese are examples of a soft unripened cheese. An example of firm unripened cheese is mozzarella.

To make natural ripened cheese, the soft curd is taken from the liquid whey and then cured by holding it at a certain temperature and humidity for a specified period of time.

Natural ripened cheeses may also be classified according to their degree of hardness. Authorities generally group natural cheese into four distinct groups of hardness: soft, semi-soft, firm, and very hard. Hardness has to do with moisture. The older the cheese, the lower its moisture content.

Brie and Camembert, both of which originated in France, are ripened by mold. The curd is not cut nor is it pressed. Cheese lovers all over the world hold these two cheeses in the highest of esteem.

Brie is considered to be the Queen of Cheeses. There are probably more literary references to Brie than to any other cheese. Its descriptions are often accompanied by superlatives but it is a difficult cheese to buy satisfactorily because it goes from under ripened to over ripened in a matter of a few days.

It is at its peak when it has a consistency of a heavy slow-pouring liquid and a yellow sheen. Under ripe Brie is flaky and chalky. Overripe Brie is very soft and has an off-order like ammonia.

Camembert is a popular cheese in France and is widely known in the United States. It has as devoted a following as Brie and also the same ephemeral quality of being ripe for only a very short time.

Limburger and Liederkranz are examples of bacteria-ripened cheeses. The different bacteria used in the ripening process are responsible for their characteristic flavor and odor.

Included in this category are the blue-veined cheeses. There are now over fifty varieties of blue cheeses made all over the world. However, the best known and most highly prized are Roquefort, Stiliton, and Gorgonzola.

Blue cheeses are called the "king of cheeses." They are made from cow's milk. Roquefort is the exception. It is made from sheep's milk and is cured in the cool damp caves of southwestern France.

Bel Paese is a popular, all purpose cheese made in Italy and under license in the United States—Wisconsin, of course. It is a table cheese as well as cooking cheese.

Brick is an original American Cheese whose name derives from either the shape of the cheese or, perhaps, from the brick originally used in pressing the curd. It is softer than Cheddar and less sharp. It is a strong cheese, but not as strong as Limburger.

Muenster, as made in France where it is very popular, is strong cheese. It is used as table cheese. However, the American kind is much more bland and is suitable for cooking as well as for a table cheese.

Port du Salut originated in a Trappist monastery in France. The French import is usually mellow with a slight edge.

The hard or firm cheese list includes the two most popular cheeses in the United States, Cheddar and Swiss.

Cheddar cheese accounts for almost half of all the cheese consumed in America. It ranges from a very mild cheese to a very sharp one depending upon how long it's been aged. A versatile cheese, suitable for most cheese dishes, it melts well.

Canadian Cheddar is imported into the United States, but English Cheddar, by law, is not. The English relative to Cheddar, the famous Cheshire is imported.

More American Cheddar cheese is made in Wisconsin than any other state. There are variations to different kinds of cheese. Colby is primarily made in the Midwest while Monterey (Jack) and Tillamook is processed on the West Coast. Colby is not as compressed as the other cheddars and it has a higher moisture content. Monterey is also a milder cheddar and has a higher moisture content. There is a more aged Monterey called "dry Monterey" that can be used for grating.

A large amount of Cheddar cheese sold in the United States is sold as processed American cheese.

Provolone and Cacciocavalle are spun cheeses. The curd is placed in either hot water or hot whey and then stretched into its desired shape or size. They are an important ingredient in Italian cooking. The Provolone is usually smoked.

The Edam and Gouda cheeses are the most popular cheeses imported from the Netherlands. Similar in flavor, the Edam is made from partly skim milk and the Gouda from whole milk.

In the category of very hard cheeses, Parmesan has a mild to sharp piquant flavor and is famous as a seasoning in cooking. It has the natural ability of enhancing the flavor of foods. The imported Italian Parmesan is a highly prized cheese and is used as a table cheese as well as for seasoning. The domestic varieties are primarily grated for seasoning and for cooking.

Romano is a sharper cheese than Parmesan. In Italy it is usually made from sheep's milk instead of from cow's milk. It is primarily a grating cheese but the less sharp cheese may be used as a table cheese. The domestic variety is primarily a grating cheese.

Sap Sago is a grating cheese from Switzerland to which has been added dried clover. It is made by mixing whey and skim cow's milk.

I would like to say a little more about the process of making cheeses, butter, cream, and yogurt at home.

Although animals have been milked by man almost from the dawn of civilization, there are Egyptian paintings showing cattle being milked around 2000 B.C., the use of liquid milk was almost unknown until comparatively recently.

Until the beginning of the 17th century, milk drinking was considered quite injurious to health and, in view of the low standards of dairy hygiene, the incidence of cattle plague, and the fact that milk contained dangerous pathogenic factors, especially the germs of tuberculosis and typhoid, this was probably right at the time.

It reminds me of a dairy farmer who came to see me after I was elected to the Senate. I met him in the reception area outside the Chamber. He told me he was going over to some of the former Soviet Republics to try to help farmers there learn some of the skills we have in dairy farming. He told me his goal was to make sure that the milk in one of these former Soviet Republics could not walk to the market by itself. I understood what he was saying. If you do not do this right, as we do in America, in Wisconsin, then we have to be concerned. That is one of the reasons milk might have gotten off to sort of a slow start in some of these countries, given the risks.

The fact is, many children died of tuberculosis of bovine origin up until the late 19th century. It was not until the 1930s, when pasteurization and refrigeration of milk became accepted, and when concentrated efforts were inaugurated to eradicate the disease of bovine tuberculosis, that milk became safe and acceptable. I can tell you, growing up in Janesville, WI, we were taught about pasteurization as one of the most important events in human history. When you are from Wisconsin, that is a big deal, as it is almost anywhere.

Mr. GRAMS. Will the Senator yield for a question?

Mr. FEINGOLD. Without yielding my right to the floor, I am happy to yield for a question.

Mr. GRAMS. I heard the Senator earlier talking about what is going on in the conference committee now, dealing with agricultural appropriations. The Senator talked about the Northeast Dairy Compact. As mentioned, we had a full and open debate, had a floor vote, and were able to defeat the compact—as we did 2 years ago, by the way. Also, we talked about farmers across the country, dairy farmers, recently voting for a compromise on milk marketing orders, the new orders that were put out by the USDA. It was not everything everybody wanted, but it was a compromise between the 1–B and the 1–A. But now we find out again, as happened in 1997, people are working actively inside the conference to try to insert language to basically overturn those issues that have had widespread solid support, both among the dairy farmers across the country and also Members on the floor of the Senate.

I was wondering why is this going on in the conference, in the Senator's opinion?

Mr. FEINGOLD. I thank the Senator from Minnesota for his question. I note the presence of the senior Senator from Minnesota. Minnesota has fewer dairy farmers than Wisconsin, but it has a whole lot. Together, our two States comprise a tremendous percentage of dairy production in the country. We are adamant in this effort to try to stop what the Senator from Minnesota correctly points out is the same old trick. We won fair and square in 1997. There was not a vote in the House. They did not have a vote: should we have a New England Dairy Compact or not. We did. It was a tough vote.

I tell you, this is a tough issue, a hard issue. One thing I like about it is that it is not about Republicans versus Democrats. It is one of those rare times when everyone in the body is open to be for something not based on their party but based on what is best for their area and what is best for the country.

So we had quite a debate. We all worked together on it. As I pointed out earlier, it was a close vote, but we won—I hope I am not given the wrong number—I think with roughly a 50–46 bipartisan vote where we voted not to have the compact. It went to conference.

I was in the State legislature in Wisconsin for 10 years. We had conference committees. They were often not the most attractive moments, of course, as things that go on in conference committees get a little rough. But there was a basic understanding that unless there was some basis from one house or the other for the outcome, it could not be done.

That is not what was done in this conference committee in 1996. Without any justification, this compact, or the permission to allow the Secretary of Agriculture to put the compact into effect, was placed in. And yes, I fear—although I hope it does not happen—that is exactly what is happening again.

There was an attempt here to force the compact continuation or extension on to the Ag appropriations bill. All three of us and Senator KOHL and others worked together and many other Senators from across the country, and they did not even come close to getting the 60 votes.

So that is my concern. That is why I am out here.

Mr. GRAMS. I would like to follow up my question.

I know Senator WELLSTONE would like to be part of this debate and ask a question as well.

But I know we have some differences on the Freedom to Farm, but one thing Freedom to Farm did not do is pit one region of farmers against another, whether it was dealing with corn or soybeans or any of the other commodities. But somehow when it comes to dairy, an antiquated system, as you mentioned, needs to be changed.

We are looking at something that basically says we are going to have some winners in this country—when it comes to dairy—but we are going to have some losers. In other words, the dairy farmers in Wisconsin and Minnesota have the Government with an antiquated dairy program standing on their necks and saying: You are not going to be able to succeed because we are going to put limits on you. Yet we are going to give tremendous advantages to others.

All we are asking for is fairness, a level playing field. We are not asking for farmers in the Northeast or the Southwest to be disadvantaged. But we sure cannot support a program that says: You are going to have some farmers who are winners and some who are losers.

So how do we work this into a new dairy bill coming out of this session that is going to give our farmers just an opportunity to compete, which is all they ask for?

Mr. FEINGOLD. To answer the excellent question of the Senator from Minnesota, this makes no sense. You and I have views on the Freedom to Farm Act. I strongly oppose it. I thought it was a bad idea. In fact, the results of it are shocking.

No one has been more eloquent about this than the senior Senator from Minnesota, who has pointed out the enormous tragedy that has occurred with many farmers around the country because of that law.

But what is bizarre about it, as you point out, is that in one area, instead of going the Freedom to Farm route, they voted to keep not just Government regulation but to put in place a system of regulation and marketing that only dealt with one small region of the country where there are only a few thousand dairy farmers, when there are some 25,000 in Wisconsin and a substantial number in Minnesota. It is a complete opposite of the notion of a free market national system.

Even for those of us who oppose the Freedom to Farm Act, those of us who oppose the Freedom to Farm Act are not proposing for wheat or corn or pork or beef or anything else that there be regional markets. Whatever philosophy you have, whether it be Government supports to guarantee our farmers do not fall below a certain level, or whether you believe in a complete freedom to farm or freedom to fail, some would say—either way—this idea of a regional market for a particular commodity is an example of ridiculous Federal interference.

We need a national dairy market. Upper Midwestern farmers will do fine in a national dairy market. But one that is unfairly skewed for one region, when the underlying system is already terribly unfair, is a double whammy that has cost us far too many lives and far too many livelihoods of farmers in Wisconsin and Minnesota and throughout the upper Midwest.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FEINGOLD. I am happy to yield to the Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Minnesota, Senator GRAMS, for his questions and his work on this issue. He has really been tireless in his advocacy for dairy farmers in Minnesota.

I actually have two questions for the Senator from Wisconsin to which I would like him to respond.

The first question is whether or not the Senator, since he is out here on the floor right now, could translate this debate about the dairy compact in personal terms. In other words, there is a reason why you must be out here. If you could give other Senators a feel for what it has been like to be out at dairy farms, meet with dairy farmers, and what is happening to the families in Wisconsin and Minnesota.

My second question would be, since the Senator is out here—and I don't know what is the period of time; I know the Senator from Maryland wants to get some clarity on that, and I imagine the Senator will do what he needs to do and then move on with this bill, with the VA–HUD bill—I want to ask the Senator the other question, which is, again, the particular concern that he has about the nature of this process in the conference committee.

You are out here to basically sound an alarm. You are out here to say: Listen, I want to make it clear that in no way, shape, or form should you be able in conference committee—which is almost behind the scenes basically—to negate a vote we had already.

So I wonder whether you could deal with those: In personal terms, what this is about for dairy farmers in our States; and second, the particular point you intend to make right here on the floor of the Senate about what is happening right now in conference.

You said it before, but I think it needs to be repeated.

Mr. FEINGOLD. I thank the Senator from Minnesota.

I say no one has made it more his business to articulate what has happened to American farmers in general, particularly in the last few years. He was an inspiration to me in that regard before I got to this body. We are proud in Wisconsin, but not too proud to look west to Minnesota for that kind of inspiration at times.

Let me start with the second question. The first one involves, as you know, a lot of memories: 17 years of working with farmers.

But the second question really is always a hard one. People say to me: How can it be that you have a vote, fair and square, in the body in which you have been elected to serve, and there was no vote in the other House, and somehow this committee that is appointed to get together to resolve the differences between the Houses ends up coming up with the exact opposite of what the Senate had resolved?

You can say: Well, that's the way things always are. But that does not satisfy people. There are supposed to be some rules, both formal and informal, about the way business is done. It has always been my understanding, unless there is some basis in one House or the other for putting something into the conference committee, it should not be put in there.

It sounds like, as they say, inside baseball. But what it really is is a cynicism that what we do out here is irrelevant to what happens in the conference committee.

So I am sounding the alarm, as you suggested. I know people hate to lose. I hate to lose. I hated to lose when we won fair and square 2 years ago. I hated to lose when we begged the Secretary of Agriculture to not do this because we thought it was a lousy idea. He did not agree. Now he admits it is not a very good idea.

I think it is time for those on the other side to understand that sometimes you win and sometimes you lose. There are rules, there is fairness, and there is no fairness to this process when we win this vote time and again on the floor of the Senate, and somehow we are still stuck with this thing because of a few people in the conference committee.

I hope it does not happen, I say to the Senator from Minnesota, but I am worried about it. I certainly feel bad that I am compelled to do this in light of the wishes of the Senator from Maryland and people who are bringing this bill forward. It is a terribly important piece of legislation. We have to act on behalf of our dairy farmers and because of what has happened in the past. Because of the fact that fairness is not applied to our issue, we have no choice but to speak. The reason I feel so strongly is that I have watched the decimation of Wisconsin's dairy farmers. I became a State senator in 1982, just 2 years after the year I like to mention as sort of the benchmark, when we had over 45,000 dairy farmers in Wisconsin. I grew up in a family and am old enough to remember, we didn't get our milk and our eggs at the store. The milk was delivered every morning by the milkman, and we got the eggs once a week by going out to farms in the area. That, to me, was the way it was done. We knew personally many of the family farmers in our area, and they were good friends of our family. It was part of our community.

There was no question in my mind, when I was elected to the Wisconsin State Senate, representing a largely rural area, that at the very top of my list had to be making sure these folks who had been providing food for us forever could continue to live. I would have been stunned and horrified to know that 17 years later I would be out here with about half of Wisconsin dairy farmers being lost.

I can trace it for the Senator from Minnesota, if he would like, through the hundreds of conversations I have had. I had them as a State senator, and I have had them as a U.S. Senator. I go to every 1 of Wisconsin's 72 counties every year and hold a town meeting. We open the door, and whoever wants to come to the town hall can come in. And in every 1 of Wisconsin's 72 counties, except for possibly Milwaukee, a farmer has come in or many farmers have come in and told me about the pressure on them because of this pricing system and, in the last couple of years, because of the overproduction that this New England Dairy Compact has caused. It varies. Sometimes they are just concerned.

But I say to the Senator from Minnesota, in the last 2 years I have had farmers I have known for 17 years, proud men and women, come to my town meetings and begin their presentation clearly, concisely, politely, but near the end of their presentation they have started to cry because they are sick and tired of not being able to pass on that farm to their kids.

That is not a very fun thing to watch—to watch a 70-year-old man who is still working his farm take the time to come to my town meeting and to try to say how he felt and to be unable to complete the presentation and to probably feel embarrassed, but it is that bad.

The hardest thing for me to hear is the farmer who says: I wanted my kids to go into farming, to go into dairy, but I cannot tell them it is a good idea. That is usually the point at which one of the farmers just can't go on. His dream, a lot of times the dream of his son or daughter, is actually to continue the family tradition, and they can't because the Federal Government is meddling in having a fair and open dairy market, the kind in which they would have done very well.

That is a brief answer, and I could go on and on.

Mr. WELLSTONE. Will the Senator yield for one final question?

Mr. FEINGOLD. I am happy to yield.

Mr. WELLSTONE. The Senator has talked about his indignation about what might happen in conference committee, and we are on the floor trying to make it clear that it will be unacceptable and we will fight it all the way, if there should be an effort to undo the vote of the Senate.

The Senator has talked in personal terms. I want to say to him as a friend—I am not trying to get psychological here—but he spoke differently than I have ever heard him speak on the floor of the Senate when he talked about some of the farmers and conversations and how people start out very eloquent and rational and then just break down crying. I have had the same thing going on right now with many of our producers, dairy and crop and livestock, across the board. That is the convulsion in agriculture right now. It is awful. We have to change it.

Could the Senator explain for people the connection between this fight, the plight of dairy farmers, and the national interests. Could he make a linkage as to why he thinks it is in the interest of our country not to have these compacts and to make sure that dairy farmers in Wisconsin and Minnesota have a fair shake and have the opportunity to be able to earn a decent living.

In other words, I can see how some would say, he is out here doing it for Wisconsin—we are doing it for our States—but what is the connection to the rest of us?

Mr. FEINGOLD. I say to the Senator from Minnesota, that really is the fundamental question. It relates closely to what he has done such an excellent job of talking about. This isn't just about whether or not we are going to have a higher price for dairy farmers in New England or somewhat lower price in Wisconsin and the age-old regional battles. Something happens that is very dangerous to our democracy when we lose these small farms. We lose the ability to have people who own their own property produce our food. I think that is dangerous.

What is happening in every sector of the economy, especially in agriculture, is the consolidation of the control of the food supply into a few hands. I think the Senator from Minnesota knows the statistics better than I do, but I think in grain, I was told that one company is going to control something like 95 percent of the grain.

The Senator from Missouri, who was on the floor before, has made the point in meetings that we have a problem in this country when we go to the store and we buy some ham and we pay more for it than the farmer was getting for the whole pig for awhile. Somebody is making the money. It is not the small farmer. Dairy is only one example of this trend.

What happens is, when you lose these small farms in places like Minnesota and Wisconsin, of course, milk is still being produced, but it tends to be produced in these very large corporate operations, whether they are in Wisconsin, but more likely in other places. I remember flying into a western State that I won't name and flying into an airport saying: What is that down there? It looked similar to the General Motors plant in Janesville. Somebody told me it was a dairy farm.

This isn't the dairy farming that I grew up to believe not only was basic to our economy but basic to our culture, basic to our democracy, and, yes, control of our own food supply. If big corporations and multinational corporations own our land and our food supply, isn't this even a question of national security? I think it is an element of national security if we own our own food product. The best way to keep owning it is to have small, individual producers all over this country continue to survive.

To me, I don't know if that is exactly what the Senator from Minnesota was getting at, but it is a fair point that this isn't just about the upper Midwest versus New England and so on. What it is really about is, can these small operators who live in Wisconsin and Minnesota continue to exist?

Mr. WELLSTONE. Mr. President, if the Senator is going to continue to speak, then that is one thing. I don't want to hold up deliberations. I think the Senator from Maryland has a question to ask. I will just simply defer.

Ms. MIKULSKI. Mr. President, I was prepared to go on to discuss the VA-HUD bill, and I am prepared to continue to discuss the VA-HUD bill.

Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Mr. President, let me say, because the Senator from Maryland has been very patient, I am sorry I had to delay this important legislation to this point. I am going to conclude for now. Again, I regret that this is necessary. However, as a Senator from the great State of Wisconsin, I will continue to fight for a fair national dairy policy as we await the outcome of the conference and in the days to follow.

Obviously, in taking this unusual step, I am merely signaling to the Senate that there certainly will be more discussions of the same kind if this goes forward.

Before I yield the floor, I see the Senator from Minnesota. I wonder if he wanted to ask me one more question.

Mr. GRAMS. I wanted to ask a quick question if I could. What we are asking for doesn't cost money. This is not a request to give farmers in Minnesota or Wisconsin more money but to allow them the ability to compete on a level playing field. That is all we are asking for, as far as this dairy policy goes.

As you mentioned, and very well have laid out the problem, this is a program set up in 1930, completely outdated. If we were going to begin a new milk marketing program today, it would not look like anything debated in the committees at all. This is an unfair system, outdated. It has no rhyme or reason to markets or regions or producers or our dairy farmers. So we have a system now, and all we are asking for is legislation or a program that would allow our farmers to compete. We are willing to compete with anybody in any part of the country and let the chips fall where they may.

At the same time, this program will cost consumers additional money, whether it is low-income, whether it is school lunch programs, or whatever it is. So this program has a lot of negatives to it, and all we are asking for is a level playing field and competition. Is that what the Senator says?

Mr. FEINGOLD. Yes. I thank both Senators from Minnesota for joining me. Of course, the Senator is absolutely right. This is not about a guaranteed price for the farmers. It is not about any kind of legislation, some of which I might support. This is an attempt to prevent the continuation of an absurd distortion of our dairy market in the New England Dairy Compact. We are looking for fairness both in terms of the policy and the procedure of this institution. I thank the Senator from Minnesota. Again, I thank the Senator from Maryland for, I hope, understanding.

I yield the floor.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator CARL LEVIN and Senator JOHN KERRY be added as cosponsors to the Bond-Byrd-Mikulski-Stevens VA health care amendment, No. 1744.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, as you know, we intended to have an extended conversation about the VA-HUD bill. Obviously, I appreciate the Senators' needs to defend their constituents' interests, and the plight of people losing businesses, of course, is significant to us all. I wish I would have known the time so we could have been better able to organize and plan our amendments.

I know the leadership of both parties is now consulting on what is the best way to proceed for the rest of the evening in terms of amendments to be offered. I know there are amendments that are being drafted, and I also know the two leaders are discussing what is the best way to come to closure on the number of amendments to be offered. So right this minute, because we missed a certain window to offer two important amendments, we are now involved in a process. But I am reluctant to yield the floor except to Senator BOND because I am going to stick on VA-HUD, and with all of the compelling issues in that bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my very able ranking member for her efforts to move the bill forward. We certainly intend to do so. I have a clarifying amendment, a technical correction amendment.

AMENDMENT NO. 1779

(Purpose: To clarify the prohibition on using Federal funds for lobbying or litigating. This is a technical correction)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1779.

On page 111, beginning on line 4, strike out "or be used" and all that follows through "litigation activity" on line 5.

Mr. BOND. Mr. President, this is simply a technical correction the experts have told us is necessary to assure that the provisions in the law at that point are properly phrased. I know of no controversy on it. It is technical in nature. I believe it has been cleared on both sides.

Ms. MIKULSKI. Mr. President, I think we are in agreement on this amendment. I am prepared to accept it.

Mr. BOND. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1779) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I thank the Chair and all our colleagues. We have been making great progress. We are ready to move forward on several matters relating to the housing section of the bill.

I am sorry that it appears we are not ready to do so.

I renew my request to all Members who have amendments. We welcome the opportunity to look at them. On some of these amendments, we find we can work them out in a way that is very easy to accommodate the reasonable requests of our colleagues. We want to do so in every possible way. But as I believe we have said many other times, we are facing a real time deadline.

We need to get this measure passed out of the Senate, I hope, no later than tomorrow. Then we can go to conference committee and get it back and send the conference report to the President prior to September 30 so this measure will not have to be included in the continuing resolution. To do so would relieve a tremendous amount of burdens from the agencies that are covered and would certainly move forward the work of this body. We have had good discussions, and we have had very helpful discussions from a number of Members who have not offered amendments. We are not looking for more amendments, but if there are Senators who have either colloquies they wish us to include or amendments they wish to offer, we would be happy to consider them at this time.

Ms. MIKULSKI. Mr. President, I wish to convey to the Senator from Missouri that we are trying to reach the Senator from Massachusetts about his amendment. As you know, he was prepared to offer them and then he moved on to other constituent meetings because we didn't know if we were in a filibuster or not. I didn't even know, and we are sorry that we could not pinpoint the time.

I say to the Senator from Missouri, just another few moments of patience. We are contacting Senator KERRY to see if he can break free from the meetings and come to the floor to offer his amendment within the next 20 minutes or so, or shorter. In the meantime, we also know the Senator is anxious, as I am, for a unanimous consent to be hotlined with a deadline for amendments to be filed.

As I understand it, we are waiting for the majority leader to see if he is in agreement with the UC as proposed by the Democratic leader. We are waiting, one, for Senator LOTT on the UC, and Senator JOHN KERRY, the Senator from Massachusetts, to come this evening. If he can, we will keep on going. If not, I am not quite sure what the other amendments are. I know the Senator from Missouri has a whole group of constituents who are a special affinity group for him that he is anxious to get to.

Mr. BOND. Mr. President, I thank the Senator from Maryland for her help.

AMENDMENT NO. 1780

(Purpose: To require a report on the effect of the allocation of funds under Veterans Equitable Resource Allocation (VERA) formula on the rural subregions of the health care system administered by the Veterans Health Administration)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Missouri [Mr. BOND], for Ms. SNOWE, proposes an amendment numbered 1780:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

Mr. BOND. Mr. President, I have let the clerk read the entire sense-of-the-Senate resolution because I think it makes the point. I believe there is nothing further I can add to the terms of that Senate resolution. It simply requires VA to undertake a study of rural subregions. I urge its adoption.

Ms. MIKULSKI. Mr. President, I concur with its adoption and want to congratulate the Senator from Maine, Ms. SNOWE, for this amendment. Her criteria on Veterans Equitable Resource Allocation—nicknamed VERA—is absolutely right. I hope the VA uses it as a model for looking at the delivery generally: Travel time to veterans' health care, waiting time for appointments, costs associated with additional community-based outpatients, and also not only the waiting period but what we heard in other debate is, sometimes they wait and then they are sent home, sending them back another 150 miles and coming back another 150 miles. I believe our veterans have marched long enough and they shouldn't have to march to get their health care.

This side of the aisle accepts this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1780) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, thank you very much. I thank my colleague from Maryland. I believe it is a very good amendment.

We are at this moment waiting to find out from others what the schedule will be for this evening and whether there are additional amendments to be offered.

At this point, we intend to stay on the bill. I see the Senator from Nevada is ready to speak on the bill. I withhold my suggestion on the quorum.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I rise today to talk about two important components of the legislation before us today that would severely impact the state of public housing both in my home state of Nevada and throughout our nation.

The distinguished chairman and ranking member of the subcommittee have undoubtedly worked hard to provide the needed funding for a number of critical programs in the VA–HUD appropriations bill. I commend them for their efforts. Nevertheless, I am forced to say that I am disappointed that this bill falls far short in continuing our commitment to provide affordable, quality housing to low and moderate income families.

Of particular concern, Mr. President, is the lack of funding for any new section 8 housing vouchers despite the considerable demand and need for such assistance in communities throughout the nation.

The section 8 program provides vital assistance to American families.

In 1998, 1.4 million Americans were receiving assistance under this program and countless more have been on waiting lists for months and sometimes years for this needed assistance.

Who receives assistance under the Section 8 program? According to CRS, recipients of section 8 vouchers are typically single-parent households with children under the age of 18. Most participants have income well below the poverty level, and the average household income of a recipient is well below $10,000.

Mr. President, we are all aware that the American economy has been roaring for the last few years, and we are all delighted that inflation and unemployment numbers are at record lows and job growth and housing starts are at record highs. But lost in this economic expansion and prosperity are millions of Americans who continue to struggle to make ends meet and adequately provide for their families.

The section 8 program has historically served as a lifeline to low income households, providing needed assistance to those American families seeking to raise their children in quality, affordable homes in safe, livable communities.

Last year we were successful in providing almost 100,000 new section 8 vouchers to address the substantial shortage in affordable housing, the first new vouchers in five years.

As my colleagues will recall, the authorizing legislation passed by the Senate last year authorized 100,000 new section 8 housing vouchers for the upcoming fiscal year.

And yet the legislation before us provides no new vouchers despite the growing gap between the public housing assistance needed and assistance available.

As an example of how disconcerting this issue has become in my own state of Nevada, low and moderate income families in Las Vegas, Reno and numerous other communities currently have to wait for a period of over 8 months for public housing—8 months, Mr. President.

The wait for section 8 vouchers in Nevada is even worse. That delay is over 50 months, Mr. President. Over four years for a section 8 voucher. And yet the legislation before inexplicably does not provide any additional funding for section 8 housing vouchers despite this substantial increase in demand.

It is my understanding that there will be an amendment to this bill to provide additional vouchers along the lines of the administration's request and I look forward to supporting that effort.

Let me address another issue that I believe was inadequately addressed in the bill and that I regret to say in my view is a setback.

I was also disappointed to learn that the underlying legislation before us today seeks to zero-out HUD's highly effective Community Builders Program.

Let me say parenthetically that during the recently concluded August recess my staff and I had the chance to visit with some of the community builders to learn about their effectiveness, and in the very short time that this program has been in existence I have heard considerable feedback from local officials, community leaders, and others throughout our State in praise of the Community Builders Program.

By way of example, the eight community builders working in HUD's Las Vegas regional office have been able to bring HUD officials and community leaders together to solve local problems by developing strategies that draw resources from a multitude of Federal programs. All who are familiar with the Federal bureaucracy know it can be very difficult to bring together all the various programs with all of their intricacies and requirements and to meld those together to develop an effective program for the housing needs of our communities.

During the brief existence of this program, we have witnessed a number of success stories in both the southern and northern parts of Nevada. Let me share some recent accomplishments of the program in the Las Vegas area. Community builders in Las Vegas have partnered with southern Nevada's local office of the Bureau of Land Management to facilitate the conveyance of a large tract of vacant BLM land to the city of Las Vegas for the development of affordable housing for low-income and moderate-income residents.

Community builders are working with several housing partners to develop two to four units of single-family detached housing using technologically advanced materials and building processes to show how technology can reduce the cost and improve the quality of single-family housing.

Community builders are undertaking the first phase of development of a new 400-unit mobile home park in Pahrump, NV. Pahrump, NV, is located in my county and one of the 10 fastest growing counties in the entire country. This is being done at the same time by streamlining housing code compliance to ensure safety and yet also to reduce the cost.

Community builders in Las Vegas are working to develop a lender certification program designed to assist in the extension of mortgage programs and products to an increased number of low- and moderate-income families and individuals. These success stories in the southern part of our State have also been mirrored in northern Nevada.

For example, when BHP Copper Mine in Ely shut down mining operations, more than 400 individuals representing 12 percent of the area's workforce were laid off, dealing a devastating blow to a struggling community. The community builders in Reno immediately went to work, joining with local officials in organizing a community partnership forum with community leaders and representatives from many Federal, State, and nonprofit agencies. This effort resulted in the development of an action plan that identified solutions and opportunities for mitigating the adverse economic and housing effects caused by these massive layoffs. This initiative is being held up as a model throughout rural Nevada for rural communities to develop comprehensive local strategies responsive to economic downturns in the mining industry and the longer-term need for greater economic diversification.

I might add as an aside, we learned from two of our counties, Humboldt and Lander Counties, two counties I visited and spent time in with their county commissioner and citizens in August, those counties have also been affected as a result of a series of layoffs in the mining industry. They, too, are buffeted by worsening economic conditions.

Once again, the community builders are being called into action to assist community leaders in finding ways to stabilize rural economies and housing markets in the face of falling gold prices in the global market.

In sum, the Community Builders Program strikes me as a smart and cost-effective way to do business. By breaking down the old bureaucratic hurdles that often hinder customer service and working at the grassroot levels with communities ranging from the sprawl of Las Vegas to a rather small community such as Ely, NV, the Community Builders Program has proven highly effective in finding solutions to critical challenges facing our urban and rural communities.

It is my hope that before this legislation is passed by the Senate, these two critically important and highly successful programs are addressed in a way that will allow the Federal Government to continue its commitment to providing affordable housing to the millions of Americans who depend upon such assistance and to allow the Community Builders Program to continue its work in building successful partnerships within our communities to solve local problems.

I yield the floor.

Mr. BOND. Mr. President, I appreciate the kind words the Senator from Nevada shared. We did appreciate working with the Senator on these very important bills. I thank him for his interest.

With respect to the new vouchers, I believe I have already addressed at some length why we have not recommended any new vouchers. We do not have the resources identified to maintain the ones we have. In fact, there are $40 million worth of additional vouchers for the disabled. We put in $100 million for the Opt Out Program to protect the residents in section 8 housing where the landlords are choosing to get out of the program. We are also working through HOME and CDBG to provide additional housing facilities. I have stated those points before. I will not reiterate them at any length.

With respect to community builders, we will address this in conference. The bill would terminate HUD's Community Builders Program for all external community builders. We were originally told there were supposed to be about 200 staff. It is now up to 800. The program represents about 9 percent of the HUD staff. In fiscal year 1999, HUD is expecting to spend as much in funds for staff and support costs for this program as they will spend for the HUD's community planning and development staff, which is responsible for administering programs such as CDBG and the homeless.

I believe investing in 2-year terms for employees hired out of the normal practices of HUD is a questionable use of scarce resources. What does it say about the capabilities of existing HUD staff when the Secretary says we have to bring in people who are hired for a 2-year term outside of the normal hiring practices to explain HUD programs? It says something is going on.

Before the community builders' staff was hired, the roles were not adequately defined by HUD. It is still in the process of developing and defining the role, even though most of the positions have been filled for several months. According to the information we have from the IG, 76 percent of the external community builders' initial hiring was not in accordance with Federal selection rules. The hiring appeared to be political despite the assurances to the contrary.

The FHA Commissioner in charge of the multifamily housing has written:

> Community Builders in certain areas have misinterpreted or overstepped their role in dealing with HUD's identified multifamily projects.

In his letter, the Commissioner states:

> It cannot be stressed too strongly that the Community Builders must communicate with the appropriate HUD staff.

In my view, community builders are not acting as HUD staff. They are acting in the capacity of lobbyists or public affairs representatives for HUD. HUD already has a public affairs office. The public affairs office is providing the direction to these people. The Department recently directed the community builders to reach out to the media to voice strong opposition to the House of Representatives appropriations fiscal year 2000 budget. I can state that they are also reaching out to lobby Congress to keep the community builders. I don't need to fund a group of people whose job it is, in addition to all the other normal functions of HUD, to lobby me and tell the news media how valuable they are when they are only on for 2 years and, according to the information we have, have not even in some instances been able to define the job of HUD and the roles and the programs of HUD adequately.

I don't believe there is an amendment pending. We will have more to say about that at length if it is brought up in the form of the amendment.

AMENDMENT NO. 1785

(Purpose: To provide a period of time for consultation and evaluation of any realignment plan for the VISN 12 health care delivery system)

Mr. BOND. On behalf of Senators FITZGERALD and DURBIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The Senator from Missouri [Mr. BOND], for Mr. FITZGERALD, for himself, and Mr. DURBIN, proposes an amendment numbered 1785.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place, insert the following:
>
> SEC.   . Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has (a) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented, and (b) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

Mr. BOND. Mr. President, this amendment has been cleared on both sides. There had been great concern in the Chicago area about the realignment of the VA facilities. This measure simply assures appropriate procedures are followed so all parties involved have an opportunity to express themselves.

This has been a longstanding concern with the VA. We do believe they should continue to move forward, as we said before, in closing unneeded facilities. But in doing so, it is vitally important they go through the proper processes which allow those affected to have a say and a stake in the process.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, I thank Senator BOND for working with the Senator from Illinois, Mr. DURBIN. I know Senator FITZGERALD also had a keen interest in this particular issue. I am ready to also accept this amendment and wish to note, though, this seems to be a pattern with VA, where our colleagues in the Congress have to keep giving them commonsense criteria on how to decide what is the best way to serve veterans.

We know we are in the veterans' health care business. We know we are not in the veterans' real estate business. But surely, clear criteria and talking with the people most affected would go a long way.

There was a saying in the early Polish Parliament that said:

> Nothing about us without us.

I think that is the way the veterans feel. That is the way the Members of the Senate feel: Hello, Veterans Administration. Please, get to work on these criteria and follow what the Senate is telling you.

I am happy to accept this amendment and urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1785) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we thank the Senators from Illinois for working with us on what we think is a very positive step forward that will allow the VA to perhaps shift resources to serve veterans better. We are very pleased we could fashion an appropriate format for developing criteria to make sure the process is done in a fair and equitable manner.

I see the Senator from Ohio. I believe he has two amendments to offer.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1782

(Purpose: To prohibit the use of funds by the National Aeronautics and Space Administration for the establishment at any field center of a research capability that would duplicate a research capability that exists at another field center)

Mr. DEWINE. Mr. President, I send amendment No. 1782 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1782.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 113, between lines 16 and 17, insert the following:
>
> SEC. 431. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of establishing at a field center of the Administration any research capability that would duplicate a research capability that currently exists at another field center of the Administration.

Mr. DEWINE. Mr. President, let me first thank my friend from Missouri, Senator BOND, and my colleague from Maryland, Senator MIKULSKI. They have produced, I believe, under some very tough, difficult circumstances, a very excellent, very fair, and very balanced bill. Members of the Senate are certainly indebted to them for the tremendous work they have put in and the product they have produced.

The amendment I have just sent to the desk is a very commonsense amendment. In fact, I believe it really builds upon the very commonsense language included in the VA–HUD appropriation bill committee report. That part of the committee report states the committee is concerned about the duplication of work being performed throughout the NASA field centers. It instructs NASA, by April 15 of the year 2000, to produce a preliminary action plan to map out what each of the field center's future roles and responsibilities will be.

The most important part of this report language states:

> NASA should identify where a center has or is expected to develop the same or similar expertise and capacity as another center, including justification for this need.

I do not believe, at a time when NASA's overall funding is increasing, NASA should be duplicating any capabilities that already exist at one center at a different center. It just makes no sense. This really defies logic. My amendment would simply prevent NASA from spending any money to duplicate capabilities that already exist.

Let me say in conclusion, I appreciate that the authors of this bill are willing to accept this amendment. Let me pledge to the authors of the bill, I will continue to work with them and continue to work with NASA to resolve this issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend the Senator from Ohio on his staunch support and advocacy of the programs at the Glenn Space Center. Because of his very strong advocacy, we included funds for the future launch program and other things that we think are vital to the long-term interests of NASA. We expect those programs will go forward. My view is, I am willing to accept this amendment and the additional amendment he proposes to ensure that NASA preserves the integrity of the mission of the Glenn Space Center.

Having said that, I have some problems. The amendment, if finally adopted into law, would be too constraining and might result in unintended consequences. We need to call NASA's attention to these problems but also give them needed flexibility that might not be there.

That said, I expect NASA to operate in good faith in maintaining the programs at the Glenn Space Center. This is critical. I expect NASA can resolve the concerns of Senator DEWINE so these provisions can be dropped in conference. I might note for my colleagues, the Senate report for NASA already states that "each NASA center be vested with specific responsibilities and activities."

I think we are all moving in the same direction. I believe the Senator's admonitions included in this amendment that will be accepted here should suffice.

So I urge we accept the amendment. I will urge we accept the second amendment as well.

Ms. MIKULSKI. Mr. President, I concur with the analysis offered by Senator BOND. Rather than simply repeat, I concur in his comments. I say that to the Senator from Ohio.

You have the Ames Research Center in Ohio. It has served the Nation well. It needs to be respected for what it has given to the Nation. As we look to the future of NASA, there needs to be the kind of analysis we talked about. So I concur with both the comments and the strategy offered by the Senator from Missouri.

Mr. DEWINE. Mr. President, I ask unanimous consent Senator VOINOVICH be added to this amendment and the subsequent amendment I will offer in a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I think we are ready to vote on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1782) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1781

(Purpose: To prohibit the use of funds by the National Aeronautics and Space Administration for the transfer of research aircraft from Glenn Research Center, Ohio, to any other field center)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1781.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. 431, None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of transferring any research aircraft from Glen Research Center, Ohio, to another field center of the Administration.

Mr. DEWINE. Mr. President, again the chairman and ranking member have indicated they accept this amendment. I appreciate their consideration very much.

I want to say in regard to the previous amendment, I appreciate the comments. I am sure this is a matter that can be resolved in consultation with NASA. We are all trying to achieve the same thing. I fully expect this will be done.

Mr. BOND. With the same caveat added on the first amendment, this side is willing to accept the amendment. I commend the Senator for dealing with this very real concern, and I trust this will send the appropriate message to NASA.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1781) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. As though in morning business?

Mr. SCHUMER. It is on this bill. I don't need to ask unanimous consent, do I?

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. What a great body.

Mr. President, I rise today to share my concerns about the VA-HUD appropriations bill. I first thank the chairman and the ranking member for their efforts on the bill. This is a bill with many important programs that are very popular which has a limit to funding. I know how hard it is to please everybody on this bill. Under the budget caps, it is next to impossible to find the money to do what is necessary. So I appreciate that.

But I do rise to voice my concerns. I will support the amendment to be offered by the Senator from Massachusetts, Senator KERRY, if he should offer it, to add an additional 50,000 section 8 affordable housing vouchers, because this amendment is a step in the right direction. I hope the Senate will adopt the amendment and work with the House to ensure that it is part of any package sent to the President.

New York City and New York State have a severe housing shortage. It is not just in New York City. In New York City, there are over 400,000 people who need homes. In Rochester, there are nearly 20,000 families with severe housing needs. In New York City, there are over 150,000 families on public housing waiting lists alone; and 220,000 families waiting for section 8 help. The waiting list is as long as 8 years in each case.

In Syracuse, families must wait 2 and a half years before they get section 8 help. In Rochester, there are 1,700 families waiting for public housing, and 4,500 are waiting for section 8. The bill will make these families wait even longer.

The bill adds no new section 8 vouchers, and the public housing is dramatically underfunded.

New York State Comptroller Carl McCall—our excellent comptroller—issued a report in July highlighting that New York City's public housing needs over $7 billion in major repairs.

Under this bill, I fear these properties will further deteriorate, threatening the health and safety of children and seniors, the disabled and veterans who live in these communities who depend on this Congress to meet our obligations.

Our Nation has invested over $90 billion to house the poorest Americans. This bill, I believe, uses these investments as spare parts for other parts of the budget. Let's put a face on the budget.

Many of those who are helped by the housing programs that are underfunded by this budget are the most vulnerable in our society. About half of section 8 beneficiaries are children. Over 40 percent of those in public housing are children.

Last year, Congress did take a step forward. We authorized 100,000 additional section 8 vouchers in the public housing reform bill. We made progress by adding 50,000. This year, however, the Senate and the House decided the Nation does not need any more.

The hundreds of thousands of New Yorkers, and many more other Americans, waiting for safe and affordable housing need more than the bill offers.

About 5 and a half million families spend more than half their income on housing. Many of those are in New York State. Recent studies have indicated that for many of these families the situation is getting worse. The Kerry amendment will help them.

The section 8 vouchers that this amendment funds will help Congress fulfill its promise to working families, particularly families leaving welfare. If we are committed to strong communities and want to shrink the welfare rolls, new section 8 authority can only help.

If the bill was absolutely perfect for veterans, but shortchanged housing, I would be a little happier. Although I feel strongly about section 8 public housing, the bill also achieves only a bear minimum for veterans.

As other Senators have pointed out, 99 of us are on record that a full $3 billion over the President's request is needed. I agree with this and I am disappointed that the Wellstone amendment failed.

Veterans hospitals across my State have laid off hundreds of staff this year alone. Despite promises from the Department of Veterans Affairs, I believe that even more staff will have to go if this bill goes through.

So, in conclusion, I appreciate the job, the difficult job that the chairman and the ranking member face. It is not easy when there are so many important needs and so few funds. I just wish either we could find the extra money or at the very least the priorities were a little different because of housing and veterans needs that are so pressing in my State.

I thank the chairman and ranking member for their courtesy.

I yield back the remainder of my time.

Mr. BOND. Mr. President, I thank the Senator from New York for his very moving comments. I agree with him that we need more housing. I stated earlier my concerns that section 8 is not providing more housing. This is a long-term problem on which we must work. There are many challenges in the section 8 program, not the least of which is, as I said earlier, being able to continue the section 8 assistance for those who have it. So I will not pursue this discussion any longer. We will have an opportunity to do so tomorrow.

I believe we are winding up.

Mr. President, I do have one other amendment I would like to offer which simply calls on the GAO to conduct a study of possible revisions to the capital structure of the Federal Home Loan Bank System and report to the Congress not later than 1 year after the date of enactment of this act.

I am sure everybody is looking forward to having another study from GAO.

AMENDMENT NO. 1786

I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1786.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . GAO STUDY ON FEDERAL HOME LOAN BANK CAPITAL.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the capital structure of the Federal Home Loan Bank System, including the need for—

(A) more permanent capital;

(B) a statutory leverage ratio; and

(C) a risk-based capital structure; and

(2) what impact such revisions might have on the operations of the Federal Home Loan Bank System, including the obligation of the Federal Home Loan Bank System under section 21B(f)(2)(C) of the Federal Home Loan Bank Act.

(b) REPORT TO CONGRESS—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a).

Mr. BOND. It is a simple amendment. I urge the adoption of the amendment.

Ms. MIKULSKI. Mr. President, this side has reviewed the amendment. We think a GAO study on this topic will definitely be in the national interest. I am willing to accept the amendment.

Mr. BOND. I thank the Senator.

I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1786) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I wish to convey to the chairman of the subcommittee that the Senator from Massachusetts said he would be ready to go first thing in the morning. So I know of no other amendments this evening where the Senators are ready to offer them. My suggestion would be that we close out this evening and begin bright and early with the Kerry of Massachusetts amendments on section 8 and also the issue of housing for AIDS patients.

Mr. BOND. Mr. President, I share the Senator's hope. It does appear there will not be any further business on this bill tonight. We are awaiting the final OK from the leadership.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that all remaining first-degree amendments, other than one for each leader and a manager's package and a measure relating to Y2K by Senators DODD and BENNETT, to the HUD-VA appropriations bill be relevant or sense-of-the-Senate language. I further ask unanimous consent that all second-degree amendments be relevant to the first-degree amendment they propose to amend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I take the floor to commend my friends, the chairman and the ranking member, for their efforts in coming forward with a bill that provides valuable funding for veterans and key housing programs.

However, I urge my colleagues to provide additional funding for section 8 vouchers. We have talked a lot about this. In my State of Hawaii, there is a 20-month wait for public housing and a 44-month wait for section 8 vouchers. Without additional funding for these programs, Hawaii's residents will only see an increase in the waiting period for public housing and section 8 vouchers. We must ensure that adequate funding is provided for these important programs which benefit so many people.

Lastly, I wish to also urge my colleagues to revisit the Community Builders Program and provide HUD with the ability to continue this valuable program. In my State, this program has provided a valuable service for Hawaii's low-income families.

Once again, I commend the chairman and ranking member for making very tough decisions in crafting this legislation. I know it was not easy, and I am pleased the committee sought additional funding for our Nation's veterans' health care system. But I hope we also understand the need for affordable housing, and I urge the committee to revisit this issue in conference.

I yield the floor.

Mr. BOND. Mr. President, I thank my good friend from Hawaii for his perceptive comments. We will be happy to discuss those issues. We appreciate the insights and look forward to working with him to attempt to deal with the specific problems he finds in his beautiful State. I do appreciate his coming to share with us his views.

Mr. LEAHY. Mr. President, I would like to take this opportunity first to applaud Senator BOND and Senator MIKULSKI for the tremendous job they have done balancing the demands of some of our most important programs with a very limited budget. The Fiscal Year 2000 VA-HUD and Independent Agencies appropriations bill which they have crafted is a good bill and stands in stark contrast to the House passed bill which included some devastating cuts to a number of very important housing and community development programs. The Chairman and Ranking Member were very responsive to my requests and concerns with the bill as were their staffs.

I do remain concerned about funding for several HUD programs and I hope that there will be an opportunity in conference to revisit these accounts and provide some additional funding. In particular, the failure to fund incremental section 8 vouchers will cause a real hardship for the thousands of families across the country on wait lists for rental assistance. In Vermont alone the wait for Section 8 rental assistance can stretch for years and some lists have been closed completely because of the extensive wait. The booming economy is great for business but not so good for low-income families who are finding themselves priced out of the housing market. More and more people in Vermont and throughout the country are paying more than 30 percent of their income for housing. Last year Congress authorized 100,000 vouchers for FY 2000. The Administration has included those vouchers in their budget request. We should include funding for those vouchers in the FY 2000 VA-HUD Appropriations bill.

I would also like to voice my concern for the funding provided for the Youthbuild program and for the Neighborhood Reinvestment Corporation. Youthbuild is a wonderful example of a program that is helping develop leadership skills in at-risk youth while providing much needed affordable housing. The program has been an unqualified success in Vermont where Youthbuild participants have constructed and rehabilitated affordable housing in Burlington's Enterprise Community. From weatherizing homes to building single and multi-family housing, Youthbuild Burlington has proven the value of this program in investing at-risk youth in their communities while building skills for the future, and meeting the critical need for quality affordable housing in Burlington. Earlier this year I joined 49 of my colleagues in a letter to Senator BOND and Senator MIKULSKI supporting a $75 million appropriation for the Youthbuild program. Unfortunately the bill we are considering includes only $42.5 million for this valuable program. The Department's ability to offer grants to new Youthbuild programs or provide additional support for existing programs would be greatly reduced by this funding level. I hope that we will be able to increase funding for Youthbuild in Conference.

The Neighborhood Reinvestment Corporation (NRC) is another important HUD program which received a significant funding cut. This bill reduces funding for the NRC by a third. The NRC has been an invaluable partner in the drive to increase home ownership in Vermont and throughout the nation. Four homeownership centers in Vermont are currently implementing the Neighborworks model of "full cycle lending" which has made such a difference in bringing the opportunity of homeownership to lower income families in my state. Time after time, these homeownership centers have allowed families who would not otherwise have been considered by commercial lenders, to secure mortgages for affordable homes, and helped families who would otherwise have suffered foreclosure remain in their homes. The level of funding proposed in the Senate bill would prevent 12,000 families currently in the pipeline from receiving further assistance, and would result in 8,700 fewer families realizing the dream of homeownership and 80,000 families not receiving homebuyer or foreclosure prevention counseling. I hope that we can prevent those results by providing additional funding for this valuable program in conference.

Finally, I would like to once again express my support for the Community Development Financial Institutions (CDFI) program. The Senate bill provides $80 million for this important program, $15 million below last year's level and $45 million below the President's request. The CDFI Fund is an economic development initiative that was adopted with overwhelming bi-partisan support several years ago. The program is an important investment tool for economically distressed communities. CDFI leverages private investment to stretch every Federal dollar. This program is working effectively in communities across the country, and I believe additional resources are needed to maximize the value of this important federal investment.

I look forward to working with Senator MIKULSKI and Senator BOND during conference to secure additional funding for these programs.

Mrs. FEINSTEIN. Mr. President, I rise to draw attention to FEMA's proposed Public Assistance Insurance Rule that is currently pending at the Office of Management and Budget. The rule is referenced in the report language of both the House and Senate VA-HUD Appropriations bills.

I support FEMA's efforts to reduce the costs of federal disasters. However, the proposed rule, in its current form, would require public institutions to purchase "all hazard" insurance for public buildings. This includes local school districts, cities, non-profit hospitals, universities and other non-profits.

California risk managers and insurance brokers have told me there currently is no insurance available to public institutions. They would be unable to obtain, at any price, the coverage required by the FEMA rule.

Even if insurance were to be available, it is highly unlikely that the individual insurers would be able to pay out in the event of a catastrophic earthquake. The financial implications for California are enormous and should be considered before implementing the proposed FEMA rule.

During Committee markup, I was told by Senator BOND that cities and counties that could not obtain hazard insurance would be exempt from the FEMA rule. FEMA says this is not the case. I believe the FEMA proposal is ambiguous in many areas and it needs to be more thoroughly examined. I am concerned that FEMA may be rushing to implement this regulation without a thorough understanding of its true impact.

The House VA-HUD bill requests a GAO study of this issue before moving forward with the proposed rule. The Senate bill makes no mention of a GAO study, and supports the proposed rule change. It is my sincere hope that we can work together to develop an approach similar to that of the House. I believe that we must have an independent analysis of this important and potentially costly issue before it is finalized.

KYOTO PROTOCOL

Mr. CHAFEE. Mr. President, pages 78 and 79 of the fiscal year 2000 VA, HUD and Independent Agencies Appropriations bill and page 83 of the accompanying Committee Report contain language regarding implementation of the Kyoto Protocol. During the debate on this appropriation last year, we agreed that EPA should not use appropriated funds for the purpose of issuing regulations to implement the Kyoto Protocol, unless and until such treaty is ratified by the United States. We also agreed that our intent was not to interfere with important and on-going voluntary energy conservation and climate change related programs and initiatives—such as the Climate Challenge program, Green Lights, Energy Star, the Partnership for a New Generation of Vehicles. These programs have reduced greenhouse gas emissions by increasing energy efficiency across a broad range of domestic industrial sectors. These programs make sense for other reasons as well, including saving consumers and businesses money, creating export opportunities, reducing our dependence on foreign oil, and addressing local air pollution problems.

I ask the distinguished manager of the bill, Senator BOND, whether the language in the bill and the report this year maintain the agreement that we reached last year on this issue?

Mr. BOND. The Senator is correct. The language cited by the Senator reflects the agreement reached on this issue during the conference last year. Previously funded, ongoing projects and voluntary initiatives can go forward. We expect the agency to spend the money in an effective and appropriate manner.

Mr. CHAFEE. I thank the Senator.

BETHUNE-COOKMAN

Mr. MACK. Mr. President, I rise today with my friend from Florida, Senator GRAHAM, to engage the distinguished Chairman, Senator BOND, in a colloquy. Specifically, I wish to make the Chairman aware of an important priority for the State of Florida which was not funded in this bill. Last year, the public housing reform act passed by Congress contained authorization for the construction of a community services student union building at Bethune-Cookman College in Daytona Beach, Florida. Accordingly, we included this project as one of our important priorities for the legislation before us today.

Mr. GRAHAM. I join my friend from Florida in support of this project. The building will serve as a full-service facility not only for the college's 2,300 students, but also the 28,000 citizens of West Daytona Beach. The facility would allow the college to expand its long record of exemplary service to low-income and disadvantaged residents in the community. I would appreciate the Chairman working with his colleagues on the conference to find funding for this important project in FY 2000.

Mr. BOND. Mr. President, I thank my friends from Florida for their comments and I appreciate their support for the facility. Should this matter come before the conference, you can be assured I will give it due consideration. I thank my friends for bringing this matter to my attention.

Mr. MACK. I thank the Chairman for his assurances.

REUSABLE AND ALTERNATIVE WATER PROJECTS

Mr. MACK. Mr. President, I rise today with my friend from Florida, Senator GRAHAM, to engage the distinguished Chairman, Senator BOND, in a colloquy. Specifically, I wish to make the Chairman aware of two critical projects in Florida that did not receive funding in this bill. The first is the City of West Palm Beach's water reuse project. This wetlands-based potable water reuse program is critical not only to the water supply of the City of West Palm Beach but also to the Everglades restoration effort.

During dry season, the City takes water from Lake Okeechobee which is a critical primary source of water for the Everglades. West Palm Beach is attempting to eliminate this water use through their innovative water reuse project. The City has received federal support in each of the past three fiscal years. Work is progressing on schedule, but a final installment of federal funding is needed to complete the work and bring the project on line.

I would point out to the Chairman that this project is funded in the House VA-HUD and Independent Agencies appropriations bill. I would urge the Chairman to work with our House colleagues during the upcoming conference to ensure that funding for this critical project is completed in this fiscal year.

Mr. BOND. Mr. President, I appreciate the comments of my friend from Florida and understand the importance of this project to his State. I will do all I can with my colleagues in the House to secure funding for this project during the conference.

Mr. GRAHAM. Mr. President, if I could have the attention of the Chairman for a moment to address another important project to the State of Florida, the Alternative Water Source Projects. These central Florida water projects are providing valuable assistance to local governments in devising alternative and expanded water supplies for the region. To date, the federal government has provided $46.6 million toward this important effort. This project was also funded in the House of Representatives but did not receive funding in this bill. I would also appreciate the Chairman's consideration of Florida's ongoing water-related needs as this bill goes to conference with the House.

Mr. BOND. Mr. President, I thank my friend from Florida for his comments and understand the merits of this project. I would like to assure both my colleagues that I will do my best to work with the other members of the conference to provide funding for this project.

Mr. MACK. I thank the Chairman for his assurances.

WATER TREATMENT

Mr. MACK. Mr. President, I rise today with my friend from Florida, Senator GRAHAM, to engage the distinguished Chairman, Senator BOND, in a colloquy. Specifically, I wish to make the Chairman aware of an important priority for the State of Florida which was not funded in this bill. The city of Sarasota, Florida has long been working with the federal government to address its water treatment system problems. Many of the city's residents are still on septic tanks and the federal government has been interested in addressing this problem because of polluted runoff into the Sarasota Bay National Estuary.

Mr. GRAHAM. I would agree with the comments of my Florida colleague and add that the federal government has been working through the National Estuary Program to help it address this problem in previous years. During this year's appropriations process, we requested a grant out of the State and tribal assistance grant portion of this bill to continue this process. It would be my hope that the Chairman would work with us and with the other members of the upcoming conference committee to find funding for this project. It has the full support of Florida's House delegation and I would appreciate the Chairman's support as we move toward the next stage of the process.

Mr. BOND. Mr. President, I thank my friends from Florida for their comments and I am familiar with this project from previous years. If an opportunity arises in the conference to fund it, I will work with my colleagues from the House to do so. I thank my friends for bringing this matter to my attention.

Mr. MACK. I thank the Chairman for his assurances.

NORTHEAST STATES FOR COORDINATED AIR USE MANAGEMENT

Mr. LEAHY. Mr. President, I would like to engage the Chairman in a colloquy. First, let me thank the Senator from Missouri for his diligence in balancing funding for the wide variety of programs within the VA-HUD Appropriations bill under very difficult budget constraints. Under these constraints, you were able to increase funding for the Environmental Programs and Management over Fiscal Year 1999. However, one very important organization in the Northeast was not funded this year. For more than a decade, this body has supported an organization called the Northeast States for Coordinated Air Use Management or (NESCAUM) with a modest $300,000 line item. NESCAUM is a non-profit organization that provides technical assistance to the Northeast states and the nation on a host of important air quality issues. By providing recommendations for consistent regional action, NESCAUM helps both states and regulated industry avoid a costly patchwork of differing regulatory requirements. While I know that this is a very difficult year, I believe that NESCAUM provides a valuable service and is strongly supported by the Senators from our region. At a minimum, I believe the Environmental Protection Agency should be encouraged to allocate $300,000 from the Environmental Programs and Management account to NESCAUM.

Mr. BOND. I recognize that we have provided NESCAUM this support for many years. The same can be said for several entities that do not receive line-item funding in this year's legislation. However, recognizing the broad support for NESCAUM's activities from a number of states, I concur in supporting encouraging EPA that it seek to provide NESCAUM with $300,000 of general support consistent with previous years.

Mr. LEAHY. I thank the Chairman and look forward to working with him and the Environmental Protection Agency to continue the good work of this organization. It has been a model of state collaboration. Most recently, its efforts to develop market-based approaches to air quality improvement have helped move our region toward specific steps to reduce emissions within our states.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I opposed the District of Columbia appropriations conference report for a number of reasons but the reason I speak out today is my grave concern with provisions in the report that continue to prohibit the government of the District of Columbia from engaging in needle exchange programs. These valuable programs curb the spread of HIV/AIDS by allowing injecting drug users to exchange their used, potentially contaminated needles for sterile ones. Yet, the District of Columbia appropriations conference report not only banned the use of Federal funds but prohibited the District from using its own monies to support this valuable program.

We in the Senate wisely did not include such a provision in the DC appropriations bill that passed this body, and it should not have been in the conference report.

Therefore, I opposed the conference report because it was an attack on this city's public health. AIDS is the leading cause of death for D.C. residents ages 30 to 44, an AIDS death rate seven times the national average. What this conference report did to needle exchange programs was both unnecessary and unjustifiable. Indeed, including a needle exchange prohibition in this conference report is a hazard to the public health.

The prohibition in this report is unnecessary because there was already a ban on Federal funding for needle exchange programs. This ban dates to 1989, when Congress declared that no Federal funds could be spent to support needle exchange programs until there was scientific evidence that the programs, first, could reduce the spread of HIV and, second, did not encourage drug use. There are thus two main questions facing us as we decide the fate of federal needle exchange program funding: Do these programs achieve their public health purpose of slowing the spread of a deadly, infectious disease? And do these programs compromise our drug abuse prevention efforts by encouraging illicit drug use? Science has provided answers to these questions.

A preponderance of evidence shows that needle exchange programs cause a decrease in HIV infection rates. The National Institutes of Health found that needle exchange programs reduce risk behaviors by as much as 80 percent in injecting drug users while reducing HIV infection rates by an estimated 30 percent. In addition, a 1997 study published in Lancet, the respected British medical journal, compared HIV seroprevalence over time among injecting drug users in 29 cities with needle exchange programs and 52 cities without needle exchange programs. While seroprevalence increased by 5.9 percent per year in the 52 cities without needle exchange programs, it decreased by 5.8 percent per year in the 29 cities with programs.

Similarly, in the city of Baltimore, HIV infections among IV drug users have declined 30 percent since the start of its needle exchange in 1993 while the infection rate has increased 5 percent in Baltimore County, which has no exchange program. Numerous studies also show that needle exchange programs decrease needle sharing; decrease unsafe disposal of syringes; decrease re-use and passing of syringes; and increase needle disinfection.

Needle exchanges also do not encourage drug use—they compliment our efforts to stop drug use. Needle exchange programs can be linked with greater entry of addicts into drug treatment. After using a needle exchange program for more than 6 months, 58 percent of participants report having enrolled in detox or drug treatment. In New Haven, Connecticut, drug treatment entries doubled in the three years following the opening to its needle exchange. In Tacoma, Washington, needle exchange programs constitute the largest referral source for drug treatment, accounting for 43 percent of treatment participants.

In addition, injection drug users referred by needle exchange programs are more likely to enter drug treatment and to be retained, even in the face of the greater severity of drug use and psychosocial problems common among this population. Needle exchanges therefore supply a valuable opportunity to provide additional preventive services to difficult-to-reach individuals. Furthermore, studies show that needle exchange programs decrease the frequency of injection among participants and do not tempt individuals to begin using drugs.

These overwhelmingly conclusive results have fostered wide support for improving access to sterile needles. Groups supporting needle exchange programs include: the American Medical Association, the National Institutes of Health, the National Academy of Sciences, the U.S. Department of Health and Human Services, the Centers for Disease Control and Prevention, the American Foundation for AIDS Research, the American Public Health Association, the National Association of County & City Health Officials, and the U.S. Conference of Mayors. As a National Institutes of Health Consensus Statement concludes "There is no longer any doubt that these programs work, yet there is a striking disjunction between what science dictates and what policy delivers. . . . Can the opposition to needle exchange in the United States be justified on scientific grounds? Our answer is simple and emphatic—no."

Because of this evidence I believe policies that inhibit the creation and expansion of needle exchange programs are unjustifiable. I am baffled and outraged by such policies. We all come to Washington to make laws that help the American people, that combat social ills and that raise the quality of life in our country. We all want to win the war on drugs. We all want to stop the spread of HIV. So then why, when we have evidence that needle exchange programs work, do we continue to put millions of citizens at unnecessary risk? Cutting funding to these programs is a death sentence to thousands of men, women, and children.

I want you all to think for a moment about those children. It is imperative to realize that needle exchange programs go far beyond aiding addicts; they protects the partners and children of addicts. 70 percent of cases of women of childbearing age with HIV are directly or indirectly linked to IV drug use, causing 75 percent of the cases of babies born HIV positive to be the result of the use of dirty needles. For this reason, the American Academy of Pediatrics supports needle exchange programs as a means of reducing the spread of HIV to infants, children and adolescents. These programs are pro-family and pro-child.

We should not be undermining the District of Columbia's local control of pubic health decisions and to setting a dangerous precedent for the many states and localities that fund needle exchange programs through a combination of local, state, and private funds. Right now more than 110 communities in 30 states use needle exchange programs to slow the spread of HIV. Despite continued lack of federal funding, needle exchange programs have expanded in terms of the number of syringes exchanged, the geographic distribution of programs, and the range of services offered. Needle exchange programs were able to do this because they are supported by two-thirds of the American people as well as many state and local governments.

In Minnesota, needle exchange programs are an important component of efforts to decrease the transmission of HIV and to end drug use. Minnesota has two successful needle exchange programs. One program, Women with a Point, has exchanged approximately 63,000 syringes in the past 18 months while providing on-site HIV testing, referrals for chemical abuse recovery programs, information on risk reduction techniques and Hepatitis C, and case management for HIV positive injection drug users. The other, Minnesota AIDS Project, has also exchanged thousands of needles and provided users with HIV testing, needle disinfection kits, numerous services for HIV positive individuals, and information about risk reduction techniques.

We must face the reality that the second most frequent reported risk behavior for HIV infection is injecting drug use. Data from the Centers for Disease Control and Prevention indicate that approximately one-third of AIDS cases in the United States are directly or indirectly associated with injecting drug use. Moreover, according to a report in the American Journal of Public Health, 50 percent of new HIV infections are occurring among injection drug users.

We know that lowering the rate of injection-related HIV infections requires increasing the availability of drug treatment and increasing access to clean needles. We have scientific evidence that broad implementation of needle exchange programs would aid us in our battle against HIV.

In other words, we have scientific evidence that legal impediments to clean needle possession encourage high-risk behavior and do nothing to reduce drug use. We should not therefore be passing legislation that further hinders the establishment and expansion of needle exchange programs. We should instead of pushing for the removal of the Federal ban on funding—not enacting legislation that prohibits local governments, like the District of Columbia, from adopting good public health practices, practices that have been shown in communities across the United States to reduce the circulation of contaminated needles and the rate of HIV infection.

My colleagues in the Senate, President Clinton has threatened to veto this conference report because of its unwarranted intrusion into the public health of the citizens of the District of Columbia. And he is right. Colleagues, I ask you to avoid that veto, and to send this report back to the conference committee so this intrusion can be eliminated. Please join me and vote "no" on this conference report as it now reads.

EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES ACT

Mr. DORGAN. Mr. President, I rise today to let my colleagues know that I am a cosponsor of S. 1473, the Empowerment Zones and Enterprise Communities Act. I believe this bill is an important step in the right direction, though I still have serious concerns about the discrepancy of funding levels between rural and urban Empowerment Zones.

First, let me say I strongly support the Empowerment Zones/Enterprise Community concept. Areas that are designated as Empowerment Zones and Enterprise Communities combine tax credits and social service grants to promote long-term economic revitalization. These communities take a grassroots approach to revitalization by building partnerships with local government, non-profit groups and the private sector—thus allowing the federal government to support the work done on a local level.

The problem, Mr. President, is that Round II Empowerment Zones are not fully funded and are not receiving the same tax benefits as Round I Empowerment Zones. Will Rogers once said, "I don't make jokes. I just watch the government and report the facts." I'm afraid this holds all too true for those who have struggled to see the Round II Empowerment Zones live up to their expectation. When the Griggs/Steele Empowerment Zone in eastern North Dakota was designated a Round II Empowerment Zone last year, the federal government made a commitment to help leaders in these communities create jobs and economic opportunity. Unfortunately, however, this Empowerment Zone still hasn't received one dime of federal funding. Those who live in the Griggs/Steele Empowerment Zone are now beginning to question the commitment of the federal government to make good on its promises.

I am co-sponsoring this bill because I think Congress has a responsibility to do the right thing and fully fund Round II Empowerment Zones and Enterprise Communities throughout this country. Having said that, I am very concerned about the discrepancy in funding between rural and urban areas. Like far too many proposals we debate here in Congress, this bill disproportionately grants much more funding for urban areas than rural areas. Of the $1.75 billion this legislation would provide over 9 years, urban areas receive almost 86% of the total funding. Although I recognize that we've made some progress and narrowed the gap that existed between rural and urban areas in the original proposal, I hope we can do more to help rural areas of this country currently facing so many challenges to economic prosperity.

Despite my concerns about the bill on these grounds, I am cosponsoring this legislation because I recognize that Empowerment Zones and Enterprise Communities need this funding in a timely manner to accomplish the economic revitalization the federal government promised. I will continue to work to ensure that rural Round II EZ/ECs receive the full funding and tax benefits they deserve.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 21, 1999, the Federal debt stood at $5,634,836,758,964.63 (Five trillion, six hundred thirty-four billion, eight hundred thirty-six million, seven hundred fifty-eight thousand, nine hundred sixty-four dollars and sixty-three cents).

One year ago, September 21, 1998, the Federal debt stood at $5,510,750,000,000 (Five trillion, five hundred ten billion, seven hundred fifty million).

Five years ago, September 21, 1994, the Federal debt stood at $4,685,969,000,000 (Four trillion, six hundred eighty-five billion, nine hundred sixty-nine million).

Fifteen years ago, September 21, 1984, the Federal debt stood at $1,566,880,000,000 (One trillion, five hundred sixty-six billion, eight hundred eighty million) which reflects a debt increase of more than $4 trillion—$4,067,956,758,964.63 (Four trillion, sixty-seven billion, nine hundred fifty-six million, seven hundred fifty-eight thousand, nine hundred sixty-four dollars and sixty-three cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills and joint resolutions in which it requests the concurrence of the Senate:

H.R. 468. An act to establish the Saint Helena Island National Scenic Area.

H.R. 834. An act to extend the authorization for the National Historic Preservation fund, and for other purposes.

H.R. 1231. An act to direct the Secretary of Agriculture to convey certain national forest lands to Elko County, Nevada, for continued use as a cemetery.

H.R. 1243. An act to reauthorize the National Marine Sanctuaries Act.

H.R. 1431. An act to reauthorize and amend the Coastal Barrier Resources Act.

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

H.R. 2116. An act to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs.

H.R. 2367. An act to reauthorize a comprehensive program of support for victims of torture.

H.J. Res. 54. Joint resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

H.J. Res. 62. An act to provide that the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties, shall not have any legal effect.

The message also announced that the House disagrees to the amendment of the Senate to the bill, H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Ms. GRANGER, Mr. YOUNG of Florida, Mr. SABO, Mr. OLVER, Mr. PASTOR, Ms. KILPATRICK, Mr. SERRANO, Mr. FORBES, and Mr. OBEY as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

At 4:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed forces, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 468. An act to establish the Saint Helena Island National Scenic Area; to the Committee on Energy and Natural Resources.

H.R. 834. An act to extend the authorization for the National Historic Preservation Fund, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1231. An act to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; to the Committee on Energy and Natural Resources.

H.R. 1243. An act to reauthorize the National Marine Sanctuaries Act; to the Committee on Commerce, Science, and Transportation.

H.R. 1431. An act to reauthorize and amend the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota; to the Committee on Energy and Natural Resources.

H.R. 2116. An act to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.J. Res. 54. Joint resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact; to the Committee on the Judiciary.

H.J. Res. 62. Joint resolution to grant the consent of Congress to the boundary change between Georgia and South Carolina; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1606. A bill to reenact chapter 12 of title 11, United States Code, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 22, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 380. An act to reauthorize the Congressional Award Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5268. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting a report relative to a cost comparison of Multiple Support Functions at Sheppard Air Force Base, Texas; to the Committee on Armed Services.

EC–5269. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting a report relative to a cost comparison of Multiple Support Functions at Keesler Air Force Base, Mississippi; to the Committee on Armed Services.

EC–5270. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report entitled "Plan to Ensure Visibility of In-Transit End Items and Secondary Items"; to the Committee on Armed Services.

EC–5271. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–5272. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Saddam Hussein's Iraq"; to the Committee on Foreign Relations.

EC–5273. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to counternarcotics assistance for Columbia, Peru, Ecuador, and Panama; to the Committee on Foreign Relations.

EC–5274. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "October 1999 Applicable Rates" (Revenue Ruling 99–41), received September 21, 1999; to the Committee on Finance.

EC–5275. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99–40, Interest on Underpayments of Tax" (Rev. Rul. 99–40), received September 16, 1999; to the Committee on Finance.

EC–5276. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-46, 1999 Marginal Production Rates", received September 10, 1999; to the Committee on Finance.

EC–5277. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements" (Docket No. FV99–923–1 FIR), received September 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5278. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Modoc and Siskiyou Counties, California and all Counties in Oregon, except Malheur County: Temporary Suspension of Handling Regulations and Establishment of Reporting Requirements" (Docket No. FV99–947–1 FIR), received September 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5279. A communication from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations; Submission of Policies and Provisions of Policies, and Rates of Premium" (RIN0563–AB15), received September 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5280. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,6-Diisopropylnapthalene; Temporary Exemption from the Requirement of a Tolerance" (FRL #6381–7), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5281. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance" (FRL #6381–9), received September 17;

to the Committee on Agriculture, Nutrition, and Forestry.

EC-5282. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazone; Pesticide Tolerances for Emergency Exemptions" (FRL #6097-8), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5283. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebucanozole; Extension of Tolerances for Emergency Exemptions" (FRL #6381-6), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5284. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Benzoic Acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2(4-ethylbenzoyl)hydrazide; Pesticide Tolerances" (FRL #6380-1), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5285. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Late Season Migratory Bird Hunting Regulations" (RIN1018-AF24), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5286. A communication from the Administrator, General Services Administration, transmitting a report relative to the Fiscal Year 2000 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-5287. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to employment and training programs for veterans during program year 1997 and fiscal year 1998; to the Committee on Veterans' Affairs.

EC-5288. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Arkansas Abandoned Mine Land Reclamation Plan" (SPATS # AR-029-FOR), received September 17, 1999; to the Committee on Energy and Natural Resources.

EC-5289. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report entitled "Report of Royalty Management and Delinquent Account Collection Activities" for fiscal year 1998; to the Committee on Energy and Natural Resources.

EC-5290. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, a report entitled "Attacking Financial Institution Fraud: Fiscal Year 1997 (First Quarterly Report)"; to the Committee on the Judiciary.

EC-5291. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Docket No. 99F-0299), received September 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5292. A communication from the Director, National Institute on Alcohol Abuse and Alcoholism, transmitting, pursuant to law, a letter relative to the triennial report on alcohol and health; to the Committee on Health, Education, Labor, and Pensions.

EC-5293. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks" (RIN1550-AB07), received September 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5294. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Pre-Disaster Mitigation Loans" (FR Doc. 99-23051, published on September 3, 1999, 64 FR 48275), received September 16, 1999; to the Committee on Small Business.

EC-5295. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999-2000 Late Season" (RIN1018-AF24), received September 21, 1999; to the Committee on Indian Affairs.

EC-5296. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for July 1999; to the Committee on Governmental Affairs.

EC-5297. A communication from the Secretary of Energy transmitting a draft of proposed legislation relative to the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

EC-5298. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation relative to the Big Thicket National Preserve; to the Committee on Energy and Natural Resources.

EC-5299. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting a draft of proposed legislation relative to U.S. textile and apparel rules of origin; to the Committee on Finance.

EC-5300. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation relative to civil penalties for persons who harm animals used for official inspections by the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5301. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, transmitting, pursuant to law, on behalf of the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration the report of Federal Acquisition Regulation rules entitled "Federal Acquisition Circular 97-14" (FAC 97-14), received September 17, 1999; to the Committee on Governmental Affairs.

EC-5302. A communication from the Comptroller General, transmitting, pursuant to law, a report relative to the President of the United State's third special impoundment message relating to the United States Emergency Refugee and Migration Assistance Fund transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget; and to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-356. A resolution adopted by the City Council of Park Ridge City, Illinois relative to power plants in the State of Illinois; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT (for Mr. McCAIN), from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers (Rept. No. 106-162).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of committee was submitted:

By Mr. MURKOWSKI, for the Committee on Energy and Natural Resources:

Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly consisted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LOTT (for Mr. McCAIN):

S. 1611. A bill to amend the Internet Tax Freedom Act to broaden its scope and make the moratorium permanent, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERREY (for himself and Mr. HAGEL):

S. 1612. A bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1613. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Victory of Burhnam;* to the Committee on Commerce, Science, and Transportation.

S. 1614. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Lucky Dog;* to the Committee on Commerce, Science, and Transportation.

S. 1615. A bill to authorize the Secretary of transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Enterprize;* to the Committee on Commerce, Science, and Transportation.

Mr. LOTT (for Mr. MCCAIN):

S. 1616. A bill to require the Secretary of Veterans Affairs to develop within the Department of Veterans Affairs a system for collecting payments under the Medical Care Cost Recovery Program that utilizes collection practices similar to private collection practices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEWINE (for himself, Mr. VOINOVICH, and Mr. MCCONNELL):

S. 1617. A bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, MR. CHAFEE, Mr. BRYAN, Mr. ROCKEFELLER, and Mr. KERRY):

S. 1618. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LOTT, Mr. AKAKA, Mr. INOUYE, Mr. ROBERTS, Mr. HAGEL, Mr. BUNNING, Mr. VOINOVICH, Mr. DORGAN, and Mr. CONRAD):

S. 1619. A bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act; to the Committee on Finance.

By Mr. GORTON:

S. 1620. A bill to direct the Secretary of Agriculture to convey certain land to Federal Energy Regulatory Commission permit holders; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 1621. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Ponchartrain Basin, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. LINCOLN (for herself, Mr. FRIST, Ms. LANDRIEU, Mr. HUTCHINSON, Mr. BREAUX, and Mr. DURBIN):

S. 1622. A bill to provide economic, planning, and coordination assistance needed for the development of the lower Mississippi river region; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for Mr. MCCAIN):

S. 1611. A bill to amend the Internet Tax Freedom Act to broaden its scope and make the moratorium permanent, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNET TAX FREEDOM ACT OF 1999

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation today which will ensure that Internet commerce remains free from burdensome, anti-consumer taxation. Simply, this bill would make permanent the moratorium on sales and use taxes for e-commerce, and would encourage the Administration to urge our world trading partners to do the same.

I believed that this was the right approach last year. However, others were concerned about the impact on so-called "main street business" if such a prohibition against taxation of e-commerce was implemented. Therefore, I agreed to a temporary moratorium to allow more information to be gathered and those issues to be further considered. I now believe that additional information and further analysis of Internet taxation issues confirms that indeed a complete moratorium is the right approach, and we should act now to protect the engine of our economy from unnecessary regulation and taxation.

In addition to the discussion here in the United States, protection of the Internet against international tariffs is also a topic of interest to our trade partners. It is important for us to set the tone for discussion with the international Internet community by establishing the Internet as a world-wide "tax-free zone."

Conslusions included in a recent study completed by the respected auditing and consulting firm Ernst & Young supports passage of this legislation. The report found that the total sales and use taxes not collected by state and local governments from Internet e-commerce transactions amounted to only "one-tenth of one percent of total state and local sales and use tax collections."

Further, Ernst & Young determined that the small effect of commerce transaction on sales and use tax revenues is due to several factors, including the fact that "an estimated 80% of current commerce is business-to-business sales that are either not subject to sales and use taxes or are effectively subject to use tax payments by in-state business purchasers," "an estimated 63 percent of e-commerce sales are for intangible services, such as travel and financial services, or exempt products, such as groceries and prescription drugs" which are not subject to tax in most states.

As a result, ". . . only 13% of total e-commerce retail sale have potential sales and use tax collection issues." Thus, the nearly infinitesimal effect on local revenues is not causing a financial crisis for either states or local communities.

Mr. President, what is clear is that the issues raised in relation to e-commerce transactions are really broader policy issues related to a fair and equitable tax policy in this country. Debate on this larger issue needs to take place. The discussion includes not just Internet sales or even catalog sales, but all of the ramifications of taxing sales of goods across state and international boundaries.

We must look at the costs to small businesses of administering different tax policies for each location in which it conducts business. We need to look at the effects of taxation on consumers. And, we need to consider how taxes affect the United States' position as the world leader in technology application.

I look forward to the report in April from the panel commissioned last year by Congress to explore these issues. Recent media accounts suggest that they may not reach agreement on a plan to propose to Congress. I think it is important to move forward on ensuring that the default position absent a consensus proposal is not to lift the moratorium, but to place the burden of proof on those advocating taxation of e-commerce. This places the burden on those who support taxation to provide both the rationale and a workable methodology. I will be skeptical of both, but invite them to make their case and allow the debate. This bill ensure, however, that we don't provide an incentive for inaction. This bill confirms that the right answer is to not tax unless there is a good reason to, and unless there is a fair mechanism for doing so.

I look forward to debate on what is a fair tax system in the United States, at both the national and state levels. However, while we continue that debate, we must also ensure that we do not perpetuate the problems currently ingrained in our tax system by applying them to the Internet.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORATORIUM MADE PERMANENT; SCOPE.

Section 1101(a) of the Internet Tax Freedom Act is amended—

(1) by striking "during the period beginning on October 1, 1998, and ending 3 years after the date of the enactment of this Act—" and inserting "after September 30, 1998:";

(2) by striking "and" after the semicolon in paragraph (1);

(3) redesignating paragraph (2) as paragraph (3); and

(4) inserting after paragraph (1) the following:

"(2) sales or use taxes for domestic or foreign goods or services acquired through electronic commerce; and".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that United States representatives to the World Trade Organization, and any other multilateral trade organization of which the United States is a member, should resolutely advocate that it is the firm position of the United States that electronic commerce conducted via the Internet should not be burdened by national or local regulation, taxation, or the imposition of tariffs on such commerce.

By Mr. KERREY (for himself and Mr. HAGEL):

S. 1612. A bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; to the Committee on Energy and Natural Resources.

THE MISSOURI RIVER BASIN, MIDDLE LOUP DIVISION PROJECT FACILITIES CONVEYANCE ACT

Mr. KERREY. Mr. President, today I am joined by Senator HAGEL in introducing the Missouri River Basin, Middle Loup Division Project Facilities Conveyance Act.

The bill provides for the transfer of title of irrigation project facilities and lands from the Bureau of Reclamation, U.S. Department of Interior to the Middle Loup Division irrigation districts in central Nebraska. These districts have operated the facilities there for over 35 years.

The project facilities are part of the Missouri River Basin Project, and provide water from the Middle Loup River to over 64,000 acres of irrigable land, as well as providing recreating and fish and wildlife benefits. Principal features of the projects include the Sherman Dam and Reservoir, the Arcadia Diversion Dam, the Milburn Diversion Dam, irrigation canals and laterals, drains and pumping plants.

Crops grown on these irrigated lands primarily include alfalfa, small grains, sugar beets, and corn to provide feed for a thriving livestock-feeding economy in my state of Nebraska, which includes beef cattle, hogs, and poultry.

In 1995, the Vice President indicated that the Bureau of Reclamation of the U.S. Department of Interior should transfer titles to allow local ownership of irrigation projects such as this. The Bureau has indicated to me that this project is a top candidate for title transfer to be achieved. This transfer also has the support of Nebraska's Game and Parks Commission as well as the Middle Loup Public Power and Irrigation District. When this legislation passes, Nebraska will become the first state where title transfer efforts have been successful.

Two trust funds are to be created: one by the Districts and one by Nebraska Game and Parks Commission. Those two trusts will be equally funded from the proceeds of the transfer. Details of those two trusts are as follows:

First, a "Nebraska-Middle Loup River Community Environmental Trust" will be created by the Districts and will be funded with the proceeds of the transfer from the power producers share of the total payments. That fund will be administered and used by the Districts for environmental and conservation enhancements, to protect lands and facilities in the area of the River Basin in which the project facilities exist, and $500,000 of the funds will be used expressly for drainage work required in the Middle Loup River valley near Loup City. The funds cannot be used for routine operation and maintenance of the project facilities.

And second, a "Nebraska-Middle Loup River Game and Parks Trust" will be created by Nebraska Game and Parks Commission and will be funded by the proceeds of the transfer from the District's share of the total payments. That fund will be administered and used by the Game and Parks Commission to improve and enhance fisheries and recreation opportunities and to expand knowledge of water and land resources for enhancing project operations and improving the service of project purposes. Like the other trust, funds cannot be used for routine operations and maintenance of project facilities.

The irrigation projects and facilities were constructed between 1955 and 1966 under authorities of the Flood Control Act of 1944, and are currently operated and maintained under contracts between the Bureau and the irrigation districts and power producers. The transfer will provide for total repayment of all outstanding obligations on behalf of the irrigation districts and power producers, while retaining all current uses and purposes for the projects.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missouri River Basin, Middle Loup Division Facilities Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of Reclamation.

(2) DISTRICT.—The term "District" means—

(A) the Farwell Irrigation District, a political subdivision of the State of Nebraska;

(B) the Sargent Irrigation District, a political subdivision of the State of Nebraska; and

(C) the Loup Basin Reclamation District, a political subdivision of the State of Nebraska.

(3) DISTRICT TRUST.—The term "District Trust" means the Nebraska-Middle Loup River Community Environmental Trust established under section 5(a)(2)(B)(v).

(4) GAME AND PARKS COMMISSION TRUST.—The term "Game and Parks Commission Trust" means the Nebraska-Middle Loup River Game and Parks Commission Trust established under section 5(a)(2)(B)(vi).

(5) PROJECT.—The term "Project" means Sherman Reservoir, Milburn Diversion Dam, Arcadia Diversion Dam, related canals and other related lands, water rights, acquired land, distribution and diversion facilities, contracts, personal property, and other associated interests owned by the United States and authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665), and the Act of August 3, 1956 (70 Stat. 975, chapter 917).

(6) REPAYMENT AND WATER SERVICE CONTRACTS.—The term "Repayment and Water Service Contracts" means all repayment and water service contracts between the Commissioner and the District relating to the Project.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) TRUST.—The term "Trust" means—

(A) the District Trust; and

(B) the Game and Parks Commission Trust.

SEC. 3. CONVEYANCE OF THE PROJECT.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Districts, by quitclaim deed, assignment, or patent, the interest of the United States in the Project, in consideration of payment to the Secretary—

(A) by the Districts, of an amount not to exceed $3,000,000, determined in accordance with the Bureau of Reclamation document entitled "Framework for Title Transfer" and the memorandum of agreement between the Commissioner and the Districts under section 5; and

(B) by the Western Area Power Administration, of $2,000,000.

(2) TIMING.—The conveyance under paragraph (1) shall be made concurrently with the making of the payment under paragraph (1)(A), but the payment under paragraph (1)(B) shall be made from capacity and energy charges at Pick-Sloan Missouri Basin Program firm power rates received in fiscal year 1999 or any subsequent fiscal year in which the amount of power sale revenue received exceeds the amount of interest and operation and maintenance obligations of the Western Area Power Administration by at least $2,000,000, to the extent of the excess.

(3) SATISFACTION OF OBLIGATIONS AGAINST THE PROJECT.—The payment under paragraph (1)(A) shall constitute full and complete satisfaction of all obligations against the Project, the Districts, and the Western Area Power Administration existing before the date of the conveyance or thereafter relating to the Project, including—

(A) future obligations for additional drainage under section 5(a)(2)(iv);

(B) obligations under any contracts entered into between the United States, the Districts, and the Western Area Power Administration or its predecessors; and

(C) any obligation that may have been required by the Act of December 22, 1944 (58 Stat. 887, chapter 665) or other related Federal law.

(4) SATISFACTION OF OBLIGATIONS FOR IRRIGATION BENEFITS.—The conveyance of the Project and the payment of the consideration under paragraph (1) shall constitute full satisfaction of any and all obligations of the Districts or of the Pick-Sloan Missouri

Basin Program firm power users or the Western Area Power Administration for irrigation benefits of the Project or for any other benefits conveyed to the Districts.

(b) CONTAMINATED PROPERTY.—

(1) REMEDIAL ACTION.—The Secretary shall convey the Project without regard to whether all necessary remedial action required under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) on any part of the Project has been completed.

(2) CONTINUING OBLIGATION TO COMPLETE REMEDIAL ACTION.—Notwithstanding any law to the contrary, the United States shall remain during and subsequent to the conveyance obligated, at the expense of the United States, to complete any required remedial action.

(c) EXTINGUISHMENT OF OBLIGATIONS BETWEEN THE COMMISSIONER AND THE DISTRICTS.—Effective on the date of the conveyance, all obligations between the Commissioner and the Districts relating to the Project and the Repayment and Water Service Contracts are extinguished.

(d) PAYMENT OF NEPA STUDY COSTS.—The Commissioner and the Districts shall each pay 50 percent of the costs associated with compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(e) CREDITING OF CERTAIN ITEMS TOWARD PAYMENT UNDER SUBSECTION (a)(1)(A).—There shall be credited toward the payment under subsection (a)(1)(A)—

(1) the amount of any payment made by the Districts before the date of the conveyance for compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) in excess of 50 percent of the cost of compliance;

(2) the amount of any payments made by the Districts under contracts with the Commissioner between January 1, 1999, and the date of the conveyance;

(3) the present value of future operation and maintenance costs required for historic preservation on Project land at Sherman Reservoir; and

(4) any other amount specified in the memorandum of agreement between the Commissioner and the Districts under section 5.

(f) ADDITIONAL DRAINAGE.—

(1) IN GENERAL.—Of the $2,000,000 paid by the Western Area Power Administration under subsection (a), $500,000—

(A) shall be deposited in the fund referred to in section 5(a)(3); and

(B) shall be available for additional drainage projects.

(2) NONREIMBURSABILITY.—The amount deposited under paragraph (1) shall be nonreimbursable and nonreturnable.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $500,000 for the additional drainage projects.

SEC. 4. LIABILITY.

Effective on the date of conveyance of the Project, the United States shall not be liable for claims, costs, damages, or judgments of any kind arising out of any act, omission, or occurrence related to the Project except for such claims, costs, or damages arising from acts of negligence committed by the United States or by employees, agents, or contractors of the United States before the date of conveyance for which the United States is liable under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

SEC. 5. COMPLETION OF CONVEYANCE.

(a) IN GENERAL.—The Secretary shall not make the conveyance under section 3 until the following events have been completed:

(1) Compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Execution of—

(A) memoranda of agreement between the Commissioner and the Districts describing the purchase price and other terms and conditions of the conveyance consistent with this Act; and

(B) an agreement by the Districts to manage the Project in a manner substantially similar to the manner in which the Project was managed before the conveyance and in accordance with applicable Federal and State laws, including—

(i) preserving on a permanent basis the right of the State of Nebraska Games and Parks Commission to develop, provide, and protect the public interest in Project fish, wildlife, and recreation facilities related to the Projects;

(ii) providing for protection of cultural resources at the Project after the conveyance consistent with applicable law that authorizes the Districts or others with responsibility to protect significant historic features in situ or otherwise;

(iii) providing that the Districts shall annually make payments to local governments in the amounts in which the Commissioner made payment to the local governments under chapter 69 of title 31, United states Code (commonly known as "payments in lieu of taxes") for fiscal year 1999;

(iv) providing for—

(I) a plan for additional drainage work in the Middle Loup Valley as specified in the memoranda of agreement under paragraph (1); and

(II) the funding of the additional drainage work;

(v) providing for the establishment by the Districts of an organization to be known as the "Nebraska-Middle Loup River Community Environmental Trust" and to be organized under State law to preserve, protect, enhance, and manage the Project by—

(I) stabilizing surface and ground water supplies;

(II) conserving water and land resources;

(III) carrying out essential drainage projects using funds deposited under section 3(f); and

(IV) expanding knowledge of water and land resources for enhancing Project operations and improving the service of Project purposes; and

(vi) providing for the establishment by the Nebraska Game and Parks Commission of an organization to be known as the "Nebraska-Middle Loup River Game and Parks Trust" and to be organized under State law to—

(I) improve and enhance fisheries and recreational opportunities; and

(II) expand knowledge of water and land resources for enhancing Project operations and improving the service of Project purposes.

(3) DEPOSITS IN THE DISTRICT TRUST.—On receipt of the payments under section 3(a)(1), the Secretary shall deposit in the District trust—

(A) $2,000,000 of the amount received under section 3(a)(1); and

(B) the entire amount received under section 3(a)(2).

(4) NO TAX; NO EFFECT ON RATES.—No payment under this Act—

(A) shall be subject to Federal or State income tax; or

(B) shall affect Pick-Sloan Missouri Basin Program firm power rates in any way.

(5) USE OF FUNDS.—

(A) FUNDS DEPOSITED UNDER SECTION 3(F).—The Trusts shall by their charters prohibit the use of any funds deposited under section 3(f) for routine operation and maintenance work by the Districts, the Game and Parks Commission, or any of the participating agencies of the Trusts.

(B) OTHER FUNDS.—Funds received by a Trust from a District or any other source may be used for any purpose.

(6) ASSISTANCE FOR DRAINAGE WORK.—The Game and Parks Commission Trust shall provide for direct priority assistance to the Districts for drainage work in the Middle Loup River Valley under conditions requiring greater trust fund investments than are available from the Trust.

(b) REPORT.—If the conveyance under section 3 is not substantially completed on or before December 31, 2000, the Secretary and the Districts shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the status of the conveyance describing the matters remaining to be resolved before completion of the conveyance and stating the anticipated date for the completion of the conveyance.

(c) FUTURE BENEFITS.—

(1) IN GENERAL.—Effective on the date of the conveyance under section 3, the Districts shall not be entitled to receive any further benefits under reclamation law not otherwise available attributable to its status as a reclamation project under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(2) NO FLOOD CONTROL COMPONENT.—After the date of the conveyance under subsection 3, the Project shall no longer have a flood control component.

By Mr. LOTT (for Mr. MCCAIN)

S. 1616. A bill to require the Secretary of Veterans Affairs to develop within the Department of Veterans Affairs a system for collecting payments under the Medical Care Cost Recovery Program that utilizes collection practices similar to private collection practices, and for other purposes; to the Committee on Veterans' Affairs.

BETTER MEDICAL COST COLLECTIONS

Mr. MCCAIN. Mr. President, I am introducing legislation today to increase the funding available to the Department of Veterans Affairs (VA) without requiring an additional appropriation from the Congress for that chronically short-changed agency. The bill would improve VA's ability to collect insurance costs from third-party providers, generating new financial flows to the VA and benefiting all American veterans.

My colleagues are well aware that the President's budget request for the VA—scandalously, the fourth year in a row of effectively flat budget requests for the agency—falls fully $3 billion short of what is needed for veterans' medical care in fiscal 2000, according to some of our most prominent veterans service organizations. Congress has tried to make up for this shortfall, but budget caps and competing priorities have made that effort exceedingly difficult. I previously wrote to the Chairman of the VA-HUD Appropriations Subcommittee and the Chairman of the

Appropriations Committee to urge them to add fully $3 billion in funding for veterans medical care. Nonetheless, I congratulate the Appropriations Committee for adding $1.1 billion in new money for veterans medical care.

The 1997 Balanced Budget Act gave VA the authority to retain collections from private insurers for veterans health care as part of an agreement to free VA funding. However, VA has proven incapable of effectively collecting these private insurance payments. In fiscal 1996, VA sought recovery of about $1.6 billion it was owed by private insurers but recovered only $563 million, or 35 percent of the billed amount and a 3 percent decrease in collections from the previous year. That decline continued in fiscal 1997, when collections totaled $524 million, and in fiscal 1998, when collections totaled about $562 million. A 1998 Coopers and Lybrand study comparing VA and private-sector cost-recovery confirmed that VA's medical collection program is ineffective confirmed that VA's medical collection program is ineffective and delinquent. In short, the VA loses hundreds of millions of dollars in revenue every year that could be used to provide enhanced services to America's veterans, rather than be written off by government book-keepers.

The Independent Budget prepared by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars explicitly calls for Congress to give VA the authority to privatize its Medical Care Cost Recovery (MCCR) program. This legislation would mandate that VA privately contract for those collections for a period of three years, during which the VA would develop an internal process to improve medical cost recovery.

I am open to suggestions from other Members of Congress and our veterans service organizations regarding other means to improve VA cost collection firm private insurers, and I note the Appropriations Committee's requirement for a VA study on this issue. However, I believe this legislation offers a near-term way to collect these much-needed funds.

Our veterans are being short-changed by their government, which pledged to support and care for them in exchange for their honorable service. I was proud when the Senate passed legislation Senator Wellstone and I sponsored to add $3 billion in budget authority for the VA earlier this year. Unfortunately, we could not come up with a matching appropriation, although I applaud the increased funding for VA health care contained in the VA–HUD Appropriations bill. But we can empower the VA to improve its Medical Care Cost Recovery program in a way that increases VA revenues, thereby enhancing care for America's veterans. I hope every Member of Congress would agree that they have earned it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEVELOPMENT WITHIN DEPARTMENT OF VETERANS AFFAIRS OF SYSTEM OF COLLECTIONS UNDER MEDICAL CARE COST RECOVERY PROGRAM USING PRIVATE COLLECTION PRACTICES.

(a) DEVELOPMENT OF PROPOSAL.—(1) The Secretary of Veterans Affairs shall develop a proposal for a system within the Department of Veterans Affairs for the collection of payments from third party payers under the Medical Care Cost Recovery Program of the Department which system shall, to the maximum extent practicable, utilize procedures for the collection of payments from third parties similar to the procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(2) In developing the proposal, the Secretary shall consider a variety of procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(b) USE OF PRIVATE COST-RECOVERY ENTITIES DURING DEVELOPMENT.—(1) Notwithstanding any other provision of law, the Secretary shall, during the period referred to in paragraph (3), provide for the collection of payments from third party payers under the Medical Care Cost Recovery Program solely through appropriate private entities with which the Secretary contracts for that purpose.

(2) The fee paid a private entity for the collection of payments under a contract under this subsection shall be a contingent fee based on the amount of payments collected by the entity under the contract.

(3) The period referred to in this paragraph is the period beginning as soon as practicable after the date of the enactment of this Act and ending on the date that is six months after the date on which the Secretary commences collections under the Medical Care Cost Recovery Program through a system within the Department under this section.

(c) SAFEGUARDS.—The Secretary shall take appropriate actions to ensure that any collection practices utilized under this section do not impose unwarranted financial or other burdens upon veterans who receive medical care from the Department of Veterans Affairs.

(d) SUBMITTAL OF PROPOSAL.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the proposal developed under subsection (a). The report shall include—

(1) a description of the system covered by the proposal; and

(2) an assessment by an appropriate entity independent of the Department of the potential effectiveness of the collection procedures under the system in comparison with the effectiveness of the collection procedures of the private entities utilized under subsection (b).

(e) IMPLEMENTATION OF PROPOSAL.—The Secretary shall implement the system covered by the proposal submitted under subsection (d) commencing 90 days after the date on which the Secretary submits to Congress the proposal on the system under that subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated for the Department of Veterans Affairs such sums as may be necessary for purposes of developing the proposal for a system required by subsection (a) and implementing the system under subsection (e).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. BRYAN, Mr. ROCKEFELLER, and Mr. KERRY):

S. 1618. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes; to the Committee on Finance.

MEDICARE WELLNESS ACT

Mr. GRAHAM. Mr. President, I rise today, along with my colleagues, Senator JEFFORDS, Senator CHAFEE, Senator BRYAN, Senator ROCKEFELLER, and Senator KERRY to introduce the Medicare Wellness Act. The Medicare Wellness Act represents a concerted effort by myself and my distinguished colleagues to change the fundamental focus of the Medicare program.

It changes the program from one that simply treats illness and disability, to one that is also proactive. It enhances the focus on health promotion and disease prevention for Medicare beneficiaries.

Mr. President, despite common misperceptions, declines in health status are not inevitable with age. A healthier lifestyle, even one adopted later in life, can increase active life expectancy and decrease disability. This fact is a major reason why the Medicare Wellness Act has support from a broad range of groups, including the National Council on Aging, Partnership for Prevention, American Heart Association, and the National Osteoporosis Foundation.

The most significant aspect of this bill is its addition of several new preventative screening and counseling benefits to the Medicare program. The benefits being added focus on some of the most prominent, underlying risk factors for illness that face all Medicare beneficiaries, including: screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing loss, expanded screening and counseling for osteoporosis, and screening for cholesterol.

The new benefits added by the Medicare Wellness Act represent the highest recommendations for Medicare beneficiaries of the U.S. Preventive Services Task Force—recognized as the gold standard within the prevention community. Attacking these prominent risk factors will reduce Medicare beneficiaries' risk for health problems such as stroke, diabetes, osteoporosis, heart disease, and blindness.

The addition of these new benefits would accelerate the fundamental shift, that began in 1997 under the Balanced Budget Act, in the Medicare program from a sickness program to a wellness program. Prior to 1997, only three preventive benefits were available to beneficiaries: pneumococcal vaccines, pap smears, and mammography.

Other major components of our bill include the establishment of the Healthy Seniors Promotion Program. This program will be led by an interagency work group within the Department of Health and Human Services. It will bring together all the agencies within HHS that address the medical, social and behavioral issues affecting the elderly and instructs them to undertake a series of studies which will increase knowledge about and utilization of prevention services among the elderly.

In addition, the Medicare Wellness Act incorporates an aggressive applied and original research effort that will investigate ways to improve the utilization of current and new preventive benefits and to investigate new methods of improving the health of Medicare beneficiaries.

Mr. President, this latter point is critical. The fact is that there are a number of prevention-related services available to Medicare beneficiaries today, including mammograms and colorectal cancer screening. But those services are seriously underutilized.

In a study published by Dartmouth University this spring (The Dartmouth Atlas of Health Care 1999), it was found that only 28 percent of women age 65–69 receive mammograms and only 12 percent of beneficiaries were screened for colorectal cancer. These are disturbing figures and they clearly demonstrate the need to find new and better ways to increase the rates of utilization of proven, demonstrated prevention services. Our bill would get us the information we need to increase rates of utilization for these services.

Further, our bill would establish a health risk appraisal and education program aimed at major behavioral risk factors such as diet, exercise, alcohol and tobacco use, and depression. This program will target both pre-65 individuals and current Medicare beneficiaries.

The main goal of this program is to increase awareness among individuals of major risk factors that impact on health, to change personal health habits, improve health status, and save the Medicare program money. Our bill would require the Medicare Payment Advisory Commission, known as MedPAC, to report to Congress every two years and assess how the program needs to change over time in order to reflect modern benefits and treatment.

Shockingly, this is information that Congress currently does not receive on a routine basis. And this is a contributing factor to why we find ourselves today in a quandary over the outdated nature of the Medicare program. Quite frankly, Medicare hasn't kept up with the rest of the health care world.

While a vintage wine from the 1960s may be desirable, a health care system that is vintage 1965 is not. We need to do better.

Our bill would also require the Institute of Medicine (IOM) to conduct a study every five years to assess the scientific validity of the entire preventive benefits package. The study will be presented to Congress in a manner that mirrors The Trade Act of 1974.

The IOM's recommendations would be presented to Congress in legislative form. Congress would then have 60 days to review and then either accept or reject the IOM's recommendations for changes to the Medicare program. But Congress could not change the IOM's recommendations.

This "fast-track" process is a deliberate effort to get Congress out of the business of micro-managing the Medicare program. While limited to preventive benefits, this will offer a litmus test on a new approach to future Medicare decision making.

In the aggregate, The Medicare Wellness Act represents the most comprehensive legislative proposal in the 106th Congress for the Medicare program focused on health promotion and disease prevention for beneficiaries. It provides new screening and counseling benefits for beneficiaries, it provides critically needed research dollars, and it tests new treatment concepts through demonstration programs.

The Medicare Wellness Act represents sound health policy based on sound science. Before I conclude, I have a few final thoughts.

There are many here in Congress who argue that at a time when Medicare faces an uncertain financial future, this is the last time to be adding new benefits to a program that can ill afford the benefits it currently offers.

Normally I would agree with this assertion. But the issue of prevention is different. The old adage of "an ounce of prevention is worth a pound of cure" is very relevant here.

Does making preventive benefits available to Medicare beneficiaries "cost" money? Sure it does. But the return on the investment, the avoidance of the pound of cure and the related improvement in quality of life is unmistakable.

Along these lines, a longstanding problem facing lawmakers and advocates of prevention has been the position taken by the Congressional Budget Office, as it evaluates the budgetary impact of all legislative proposals.

Only costs incurred by the Federal government over the next ten years can be considered in weighing the "cost" of adding new benefits. From a public health and quality of life standpoint, this premise is unacceptable.

Among the problems with this practice is that "savings" incurred by increasing the availability and utilization of preventive benefits often occur over a period of time greater than 10 years. This problem is best illustrated in an examination of the "compression of morbidity" theory developed by Dr. James Fries of Stanford University over 20 years ago.

According to Dr. Fries, by delaying the onset of chronic illness among seniors, there is a resulting decrease in the length of time illness or disability is present in the latter stages of life. This "compression" improves quality of life and reduces the rate of growth in health care costs. But, these changes are gradual and occur over an extended period of time—10, 20, even 30 years.

With the average life expectancy of individuals who reach 65 being nearly 20 years—20 years for women and 18 years for men—it only makes sense to look at services and benefits that improve quality of life and reduce costs to the Federal government for that 20 year lifespan.

In addition to increased lifespan, a ten year budget scoring window doesn't factor into consideration the impact of such services on the private sector, such as increased productivity and reduced absenteeism, for the many seniors that continue working beyond age 65. The bottom line is, the most important reason to cover preventive services is to improve health.

As the end of the century nears, children born now are living nearly 30 years longer than children born in 1900.

While prevention services in isolation won't reduce costs, they will moderate increases in the utilization and spending on more expensive acute and chronic treatment services.

As Congress considers different ways to reform Medicare, two basic questions regarding preventive services and the elderly must be part of the debate.

(1) Is the value of improved quality of life worth the expenditure? And,

(2) How important is it for the Medicare population to be able to maintain healthy, functional and productive lives?

These are just some of the questions we must answer in the coming debate over Medicare reform.

While improving Medicare's financial outlook for future generations is imperative, we must do it in a way that gives our seniors the ability to live longer, healthier and valued lives. I believe that by pursuing a prevention strategy that addresses some of the most fundamental risk factors for chronic illness and disability that face seniors, we will make an invaluable contribution to the Medicare reform debate and, more importantly, to our children and grandchildren.

Finally, Mr. President, I would be remiss in pointing out that the Medicare Wellness Act represents the first time in this Congress that Republicans and Democrats have gotten together in support of a major piece of Medicare reform legislation. This bill represents a health care philosophy that bridges political boundaries. It just makes sense. And you see that common sense approach today from myself and my esteemed colleagues who have joined me in the introduction of this bill.

Mr. President, I encourage my colleagues to join us on this important bill and to work with us to ensure that the provisions of this bill are reflected in any Medicare reform legislation that is debated and voted on this year in the Senate.

Mr. JEFFORDS. Mr. President, I am pleased to join my colleague, Senator GRAHAM, to introduce the Medicare Wellness Act of 1999. This legislation will modernize Medicare benefits and improve the preventive care received by our nation's seniors.

The Medicare program was designed in 1965 to provide seniors with access to the same health care services enjoyed under private health insurance plans. Medical science has grown by leaps and bounds in the decades since that time. Most of the private sector acted swiftly to cover preventive benefits when they realized that it is cheaper to screen for an illness and treat its early diagnosis than to pay for drastic procedures in a hospital later on. Congress has been too slow in extending to Medicare beneficiaries the same advances in quality care enjoyed throughout the rest of the health care system.

The Medicare Wellness Act adds to the Medicare program those benefits recommended by the U.S. Preventive Services Task Force. These include: screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing loss, expanded screening and counseling for osteoporosis, and cholesterol screening. These are some of the most prominent risk factors facing Medicare beneficiaries. If these symptoms are addressed regularly, beneficiaries will have a head start on fighting the conditions they lead to, such as diabetes, lung cancer, heart disease, blindness, osteoporosis, and many others.

Beyond the eight new preventive benefits under this bill, the Institute of Medicine (IOM) will conduct a study every five years to assess the scientific validity and cost-effectiveness of the preventive benefits package. When presented to Congress, the study will recommend what, if any, preventive benefits should be added, or removed from the Medicare program. By facing such regularly scheduled considerations of preventive benefits, Congress will do a much better job of keeping the Medicare program up to date with the rapid advances in medical science.

The Medicare Wellness Act also instructs the Secretary of Health and Human Services to coordinate with the Centers for Disease Control and Prevention and the Health Care Financing Administration to establish a Risk Appraisal and Education Program. This program will target both current beneficiaries and individuals with high risk factors below the age of 65. Outreach to these groups will offer questions regarding major behavioral risk factors, including the lack of proper nutrition, the use of alcohol, the lack of regular exercise, the use of tobacco, and depression. State of the art software, case managers, and nurse hotlines will then identify what conditions beneficiaries are at risk for, based on their individual responses to the questions, and inform them of actions they can take to lead a healthier life.

Any modern health care professional can tell you that effective health care addresses the whole health of an individual. A lifestyle that includes proper exercise and nutrition, and access to regular disease screening ensures attention to the whole individual, not just a solitary body part. It is time we reaffirm our commitment to provide our nation's seniors with quality health care.

I want to thank my colleagues, Senators GRAHAM, CHAFEE, BRYAN, ROCKEFELLER, and KERRY for their dedication to the idea of changing Medicare from a sickness program to a wellness program.

Mr. President, I yield the floor.

By Mr. DEWINE (for himself, Mr. LOTT, Mr. AKAKA, Mr. INOUYE, Mr. ROBERTS, Mr. HAGEL, Mr. BUNNING, Mr. VOINOVICH, Mr. DORGAN, and Mr. CONRAD):

S. 1619. A bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act; to the Committee on Finance.

CAROUSEL RETALIATION ACT OF 1999

Mr. DEWINE. Mr. President, I rise this afternoon on behalf of my colleague, Senator HAGEL, as well as Majority Leader LOTT, Senator AKAKA, Senator INOUYE, Senator ROBERTS, Senator BUNNING, Senator VOINOVICH, Senator DORGAN, and Senator CONRAD, to introduce the Carousel Retaliation Act of 1999. This bill would create a powerful mechanism to protect our Nation from illegal foreign trade practices.

These are the facts. Today, our Nation is being injured by the refusal of some foreign countries to comply with World Trade Organization, WTO, dispute settlement rulings. Let me repeat that. Other countries are failing to comply with the rulings of the WTO. As many of my colleagues know, the WTO has a very detailed process for handling trade disputes between member nations. Unfortunately, some member nations are simply undermining this entire process by refusing to comply with the final dispute settlement decision, even after losing their cases on appeal.

Noncompliance with dispute settlement rulings severely undermines open and fair trade. As many of our farmers, cattle ranchers, and large and small businessowners know firsthand, this is having a devastating impact on their efforts and attempt to maintain or gain access to important new international markets.

In an effort to secure compliance, the dispute settlement process provides the winning nation the authority to retaliate. The winning nation, after a decision has been made, can legally retaliate. That is what the provision is; they can retaliate against that losing nation. They can do so if, at the end of a reasonable period of time, the losing country does not abide by the final decision. Retaliation usually begins with the estimation of damages caused by the refusal, followed then by WTO authorization to impose penalty duties on the offending country's exports. However, even with retaliation, some nations are still refusing to comply.

The European Union has made it clear that it is willing to live in perpetuity with the present U.S. retaliation lists, which is why the WTO ruled in both the pending beef and banana trade cases that the United States can impose retaliatory tariffs on European imports. We are doing that. Moreover, they are entertaining the possibility of subsidizing their affected domestic targets to counter our WTO-authorized action. Not only are they ignoring what the ruling was, not only are they ignoring our retaliation, now they are turning around and preparing to subsidize these particular products. Both of these trade cases that I have mentioned took several long years to work through the dispute settlement system and were undertaken, frankly, at great expense to the U.S. Government and to the private sector in our country.

The European Union's actions are establishing a very dangerous precedent. If they are successful, then other nations can be expected to follow a similar course. Something simply must be done. Something must be done to increase the likelihood of compliance, or we risk losing more than a WTO case; we risk losing American jobs. Therefore, it is important that the WTO's dispute settlement process be strengthened. That is what this bill does, and that is what we are talking about today.

Our proposed Carousel Retaliation Act will help ensure the integrity of the WTO settlement dispute process because it will provide a powerful mechanism that will place considerable pressure on noncompliant countries to comply. The measure will shake these noncompliant countries up and it will complicate any effort they undertake to counter U.S. retaliatory measures. Specifically, our bill would amend the U.S. Trade Act of 1974 by requiring the U.S. Trade Representative to periodically carousel—or rotate—the list of goods subject to retaliation when a foreign country or countries have failed to comply with a WTO ruling. Let me add that this is very clearly consistent with WTO rules.

Under our bill, the retaliation list would be carouseled, or rotated, to affect other goods 120 days from the date the first list is made, and then every 180 days thereafter. The bill provides the U.S. Trade Representative the authority to make exceptions. The representative would not have to do this if, 1, it could be determined that compliance is imminent; or, 2, if both the U.S. Trade Representative and the affected petitioners agree that carouseling in that particular case is not necessary. Currently, the U.S. Trade Representative has the authority to carousel retaliation lists, but is not required to do so. What our bill does is change the law and requires the Trade Representative to do this.

The WTO is one of the most important means for American businesses and producers to open foreign markets, liberalize commerce, resolve disputes, and ensure more open and fair trade. American farmers and agribusiness, for example, are major net exporters, posting exports of more than $57 billion in 1997. But frankly we can do more and better, and we must. Of the nearly 50 complaints filed by the United States in the WTO, almost 30 percent involved agriculture. If countries fail to comply with WTO rulings, American agriculture and other U.S. sectors in need of trade relief will suffer greatly. The American Farm Bureau Federation, the National Cattlemen's Beef Association, the American Meat Institute, the U.S. Meat Export Federation, and the Hawaii Banana Industry Association support the bill.

The "Carousel Retaliation Act," candidly, is tough, but it is meant to be tough. It is the right response to chronic noncompliance with WTO rules.

Again, I commend my colleague, Senator HAGEL, who is on the floor at this moment, and Senators LOTT, AKAKA, INOUYE, ROBERTS, BUNNING, VOINOVICH, DORGAN, and CONRAD for their dedication to this issue.

I urge my colleagues to join this effort to protect our Nation from illegal foreign trade practices and cosponsor the "Carousel Retaliation Act."

I thank the Chair.

I see my colleague from Nebraska is on the floor. I suspect he would like to talk about this bill as well.

Thank you very much. I yield the floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION.

Section 306(b)(2) of the Trade Act of 1974 (19 U.S.C. 2416(b)(2)) is amended—

(1) by striking "If the" and inserting the following:

"(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the"; and

(2) by adding at the end the following:

"(B) REVISION OF RETALIATION LIST AND ACTION.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in section 301(c)(1) (A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

"(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

"(I) the Trade Representative determines that implementation of a recommendation made pursuant to a dispute settlement proceeding described in clause (i) by the country is imminent; or

"(II) the Trade Representative together with the petitioner involved in the initial investigation under this chapter (or if no petition was filed, the affected United States industry) agree that it is unnecessary to revise the retaliation list.

"(C) SCHEDULE FOR REVISING LIST OR ACTION.—The Trade Representative shall, 120 days after the date the retaliation list or other section 301(a) action is first taken, and every 180 days thereafter, review the list or action taken and revise, in whole or in part, the list or action to affect other goods of the subject country or countries.

"(D) STANDARDS FOR REVISING LIST OR ACTION.—In revising any list or action against a country or countries under this subsection, the Trade Representative shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding. The Trade Representative shall consult with the petitioner, if any, involved in the initial investigation under this chapter.

"(E) RETALIATION LIST.—The term 'retaliation list' means the list of products of a foreign country or countries that have failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.".

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I wish to thank my distinguished colleague and friend from Ohio for his leadership on the "Carousel Retaliation Act."

I am a free trader, but I am also a fair trader. Trade is our economic future. It is especially so in agriculture. Trade is our strongest engine of economic growth.

I, as have many of my colleagues, have fought for legislative reform on unilateral sanctions policies that hurt our trade, trade reform, fast-track authority for the President, and other trade-related legislation.

Free trade is a two-way street. Unfortunately, throughout the world the instinct for protectionism still remains strong. If trading partners take advantage of us, we can't simply remain passive and permit American exporters—especially farmers and ranchers—to continue to take a beating in foreign markets.

Trade is a two-way street. Free, fair, and open trade is a two-way street. Access to markets improves all people's standard of living. Some of our trading partners believe this. Some people talk about it, and some people actually do something about it. Unfortunately, many of our trading partners' rhetoric is stronger than their actions. That is why I am an original cosponsor of this bill.

As you heard from my colleague, Senator DEWINE, this bill would require the U.S. Trade Representative to periodically review a retaliation list of foreign products from countries that fail to comply with the World Trade Organization rulings or do not reduce trade barriers against the United States. Different products would be rotated on and off the list every few months until the offending countries made the right changes in trade policy.

That is what we as a community of nations of civilized people decided to do when we formed the World Trade Organization. That is what the World Trade Organization is about—to sort through disputes in trade. If we cannot rely on the World Trade Organization to make tough decisions, settle those disputes, and then enforce the WTO rulings, then what good is the organization?

If the members of the World Trade Organization find some rulings against their own self-interest and not in compliance with what they think is right, or if they believe they must pick and choose which WTO rulings they will enforce and live with, then we don't have much of an open, fair, and free trade organization that today is known as the World Trade Organization. It is a myth and it is a charade unless we all comply with the WTO rulings and enforce the rulings. That is the only way it will work.

The policy of targeted tariffs is prompted, quite honestly, by the European Union's ban on American beef. There is no scientific evidence to support the European Union's contention that using growth-enhancing hormones in cattle poses any health threat to humans. There is no scientific evidence at all.

But yet, even though we have won case after case in the World Trade Organization, the European Union continues to walk through this charade of artificial tariffs and barriers. The hormone argument is a very flimsy excuse, at best, for straight out, raw protectionism. The WTO's recent position vindicating their position was essentially a slap on the wrist for the EU, and still the EU is trying to delay compliance with even this token penalty.

If the EU keeps playing games with the United States in the hormone-enhancing beef issue, this policy of targeted tariffs will provide us with a flexible, effective way to respond. No one wants to take this kind of action. But each one of us in this body represents hard-working constituents who seek to improve their communities, enhance the growth of their families, give the world opportunities, and playing by the rules. That is what we are talking about here—playing by the rules straight out, to be honest.

Again, I don't look forward to working on this bill to implement it if, in the interest of open, fair, and free trade, we must resort to this kind of activity. American farmers and ranchers are hurting partly because of weak export markets. It is not because they are not producing quality products. We produce quality products. But it is because of politics and protectionism.

I strongly support this bill. I am proud to be an original cosponsor. I am sorry we have to take this measure, but it is necessary. And the world must understand that the United States will do whatever it takes to support our producers and to assure, as best we can, that the world improves all people's lives, all people's standard of living, hope, opportunity, and economic growth if we continue to make progress with free, open, fair trade.

By Mr. GORTON:

S. 1620. A bill to direct the Secretary of Agriculture to convey certain land to Federal Energy Regulatory Commission permit holders; to the Committee on Energy and Natural Resources.

MOUNT BAKER SNOQUALMIE NATIONAL FOREST LEGISLATION

• Mr. GORTON. Mr. President, in recent years, I have become increasingly frustrated with the inability of the Forest Service to complete work on several small hydroelectric projects located on the Mount Baker/Snoqualmie National Forest in my State. The Service's inability to make important decisions on these renewable energy resources is based on an inaccurate interpretation of the President's Northwest Forest Plan ("ROD") which has stopped these projects from going forward.

The President's Northwest Forest Plan states clearly that multipurpose uses of the federal forests are not precluded, and that the plan must follow existing law applying to such uses. Yet, since its adoption in 1994, the Forest Service has and continues to paralyze the development of small hydroelectric projects by ignoring laws applying to multipurpose. This inaction has delayed and stifled review of such projects by the Federal Energy Regulatory Commission—the agency responsible for issuing federal licenses for hydroelectric projects.

Forest Service interpretation of the ROD intrudes directly on the ability of the Commission to perform its hydroelectric licensing function of balancing development and nondevelopment issues. Both the Commission, when determining consistency with the purpose of a national forest under Section 4(e) of the Act, and the Forest Service, when determining whether to issue a special use permit, must apply existing law fairly. Forest Service inaction on pending projects (some of which have been under review for over a decade) prevents FERC from completing its licensing responsibilities.

In terms of federal forest management, the six small hydroelectric projects proposed for the Mount Baker/Snoqualmie National Forest are virtually inconsequential. All are located well above areas affecting anadromous fish, and would occupy a total of 10 to 40 acres each, with most of the sites being untouched except for the portions needed for project facilities. Adverse impacts to fish, wildlife or other environmental resources are subject to mitigation by FERC and the Forest Service.

Project proponents in my state have spent millions of dollars to secure approval of six projects located in the Mount Baker/Snoqualmie National Forest, including project design and environmental analysis necessary to gain approval from the Forest Service and FERC. In spite of the fact that the 1994 ROD instructs the Forest Service to use "transition" provisions to approve pending projects, it has not done so, and continues to add project review requirements not allowed by the ROD or existing law. As a result, the Forest Service is stopping FERC from making timely licensing decisions on these projects. Shifting standards of review and delay by the Forest Service have deprived project proponents of their right to rely upon clear standards for project approval before expending funds in reliance on such standards.

Many aspects of these projects were found to be in compliance with prior forest regulations and other environmental laws, and are being subjected to duplicative and inconsistent review. Provisions of the ROD developed for application to extremely large-scale timber harvest are not meant to impact small-scale hydroelectric projects. Timber management regulations are totally disproportionate with the scale of any potential environmental impacts of small scale hydroelectric facilities. In fact, the ROD itself explicitly recognizes that uses other than timber harvest do not require the same level of restrictions.

The Forest Service continues to use the ROD as a reason for imposing new study requirements, increasing mitigation demands, and ignoring agreements on project compliance with forest plan standards and FERC requirements. Each new requirement adds onerous financial burdens on project proponents, delays project approval, and undermines the regulatory need for an end to project review so a final licensing decision can be made by FERC.

Actions by the Forest Service have placed that agency in direct conflict with FERC, a result not intended by the ROD. FERC's jurisdiction over hydroelectric project licensing is unaltered by the ROD, which itself calls for increased interagency cooperation, not confrontation.

Mr. President, I have tried in recent years through my position as Chairman of the Senate Interior Appropriations Subcommittee, responsible for funding the Forest Service's annual budget to get some answers from this agency as to why it was holding up these hydroelectric projects. In 1995, I inserted language directing the Forest Service to "conduct an expeditious review" of projects covered by the ROD. In subsequent hearings, I have continued to ask agency witnesses for a status report. To date, none of the responses from the Forest Service have satisfied my concerns or adequately addressed this issue.

For this reason, I am introducing legislation today that would expedite the hydroelectric project review process. It will require the Forest Service to convey to permit holders and license applicants for these projects at fair market value the parcels of land necessary for development of these projects. While I would prefer and am still hopeful that this issue can be resolved in negotiations between the project proponents and the agency, clearly this process is broken and needs to be fixed. This legislation should serve as a catalyst for resolving outstanding hydroelectric project review issues. Project proponents deserve at least that much.•

By Ms. LANDRIEU (for herself and Mr. BREAUX)

S. 1621. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake

Pontchartrain Basin, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

THE LAKE PONTCHARTRAIN BASIN RESTORATION ACT OF 1999

• Ms. LANDRIEU. Mr. President, today I rise on behalf of myself and my colleague, Senator JOHN BREAUX to introduce legislation that would restore and maintain the ecological health of the Lake Pontchartrain Basin—one of the largest estuarine systems in the United States. Known for its slow flowing rivers and bayous, tranquil swamps and lush hardwood forests, the Pontchartrain Basin contains the most diverse topography in the State of Louisiana.

The Pontchartrain Basin is a 5,000 square mile watershed encompassing 16 parishes in southeast Louisiana and 4 Mississippi counties. The vast wetlands and marshes that surround the Basin's waters provide essential habitat for countless species of fish, birds, mammals, reptiles and plants. At the center of the Basin is the 630 square mile Lake Pontchartrain, which is surrounded by 1.5 million residents, making it the most densely populated area in Louisiana. Lake Pontchartrain is just one part of a vast ecological system called the Pontchartrain Basin. The Basin also includes Lake Maurepas and Lake Borgne. These three contiguous water bodies make up the largest estuary system in the Gulf Coast region, and their wetland fisheries contribute over $35 million to the local economy and provide the abundance of fresh seafood that has made southeastern Louisiana famous.

Since the 1940's, increased population, urbanization, and land use changes have altered or destroyed much of the Pontchartrain Basin's valuable ecological resources. The Lake's south shore—once a famous gathering ground for swimmers, has been closed since the late 1960's because of pollution and other conditions caused by stormwater and wastewater discharges, oil and gas development and some agricultural activities. Natural occurrences such as shoreline erosion, hurricanes, and land subsidence combined with sea level rise also have harmed the Basin's sensitive ecology.

Mr. President, we introduce the "Lake Pontchartrain Basin Restoration Act of 1999," with the purpose of restoring and maintaining the unique ecology of this nationally significant watershed. This important legislation would establish a well coordinated and technically sound management program for the restoration and sustainable health of the Pontchartrain Basin ecosystem.

This legislation would also: coordinate the restoration efforts of federal, state and local agencies and organizations in the restoration of the Basin; authorize and provide resources for restoration projects in the Pontchartrain Basin; and establish a Lake Pontchartrain Basin Restoration Program within the U.S. Environmental Protection Agency.

We believe this is a nationally significant watershed restoration effort that deserves our support. The Pontchartrain Basin is the center of Southeastern Louisiana's unique cultural heritage—providing valuable habitat for wildlife and countless recreation opportunities for sportsmen and other outdoor enthusiasts. The area is brimming with a diverse population of people bound by a common interest: The desire for clean and healthy waters in the Pontchartrain Basin. Over the last decade, the restoration of the Lake Pontchartrain Basin has become one of the strongest grassroots watershed clean-up efforts in the nation.

Mr. President, I would also like to publicly acknowledge the Lake Pontchartrain Basin Foundation, the University of New Orleans and the Regional Planning Commission for the Louisiana parishes of Orleans, Jefferson, St. Bernard, St. Tammany and Plaquemines, for their efforts in developing this important legislation. We strongly urge our colleagues to support this measure as well.•

By Mrs. LINCOLN (for herself, Mr. FRIST, Ms. LANDRIEU, Mr. HUTCHINSON, Mr. BREAUX, and Mr. DURBIN):

S. 1622. A bill to provide economic, planning, and coordination assistance needed for the development of the lower Mississippi River region; to the Committee on Environment and Public Works.

THE DELTA REGIONAL AUTHORITY ACT OF 1999

Mrs. LINCOLN. Mr. President, today I am introducing the Delta Regional Authority Act of 1999, which is aimed at improving the economy of the Mississippi Delta region, the poorest region in the country.

The lower Mississippi Delta region, following the course of the Mississippi River, stretches from southern Illinois to the Delta of the Mississippi and the Gulf of Mexico. According to the latest Census figures, communities in the Delta region of seven States—Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana—face a poverty rate of 22 percent while the national average is 12 percent.

This legislation seeks to build on efforts begun more than a decade ago, when Congress created the Lower Mississippi Delta Development Commission. Under the leadership of former Arkansas Senator Dale Bumpers, the Commission was charged with studying the unique problems of the Delta region and recommending a course of action. I refer my colleagues to Senator Bumpers' statement, which appears on page S25689 of the September 27, 1988 CONGRESSIONAL RECORD, in which he introduced legislation authorizing the Commission. The Commission submitted its report, "Realizing the Dream . . . Fulfilling the Potential," in 1990. The Chairman of the Commission, former Arkansas Governor Bill Clinton, called the report a "handbook for action."

The report highlighted problems facing the Delta, whose economy has traditionally been based on agriculture. The report noted the Delta faced high unemployment, low levels of income and education, welfare dependency, poor health care and housing, along with serious shortcomings in transportation infrastructure. Unfortunately, a decade after the report was issued, these problems still exist. While Congress took one bold step toward solving these problems when we passed welfare reform, there is still much to be done.

In particular, this bill seeks to improve the infrastructure of the Delta region. It is common knowledge that when industries seek to expand and build new facilities, they look at the availability of roads, water systems and other infrastructure. The Federal Government has tried to foster development in these areas by providing Federal grant monies, but we haven't approached the economic problems in the region with an appropriate understanding of the unique demographic and geographic challenges that face the Delta.

Education programs are available, but if there's no technical assistance to help people actually access the grant resources, then the programs are essentially wasted. We can encourage young folks to pursue higher education and start their own businesses, but if there is no basic infrastructure, if transportation and other resources are inadequate, how can they succeed? For instance, in many areas of the Arkansas Delta there are no copy shops, computer repair stores, or office supply stores. These basic offerings that we take for granted in larger cities simply are not available and that is why creating a central location for technical assistance is so vital. We may not be able to put copy shops in place, but we can provide help that will be only a phone call or an e-mail away.

Currently, many communities in the Delta have problems gaining federal grants for two reasons. First, they often don't have the technical expertise to complete the grant applications. Second, they often don't have enough money to meet the local matching requirement. The Delta Regional Authority created by this legislation will be authorized $30 million annually to provide technical assistance in the grant application process. In effect, local communities across the seven state region will have one-stop shopping when they need assistance completing grant applications and accessing resources for economic development. Second, the Delta Regional Authority will be authorized to provide money to help grant applicants meet the federal match. Certainly the matching dollar requirement in the grant application process is important to demonstrate the community's commitment to the project, but we shouldn't exclude the very communities who need grant assistance the most.

The Delta Regional Authority will function along the same lines as the Appalachian Regional Commission. But it will operate entirely independently of the ARC. The Delta Regional Authority's mission will be to help create jobs, attract industrial development and grow the local economies by improving infrastructure, training the workforce and building local leadership.

I would like to thank staff of the Appalachian Regional Commission, who worked very closely with us in drafting this legislation. Special thanks also is due to the National Association of Development Organizations, the Lower Mississippi Delta Development Center and many local economic development groups who provided suggestions and input. Last, but certainly not least, I would like to commend Representative MARION BERRY, who represents my home in the First Congressional District of Arkansas, who has introduced companion legislation in the House of Representatives. I certainly hope that today's introduction of legislation is the first step toward making the Delta Regional Authority a reality.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delta Regional Authority Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the lower Mississippi River region (referred to in this Act as the "region"), though rich in natural and human resources, lags behind the rest of the United States in economic growth and prosperity;

(2) the region suffers from a greater proportion of measurable poverty and unemployment than any other region of the United States, resulting in a drain on the national economy and diminishing national wealth;

(3) the greatest hope for economic growth and revitalization in the region lies in the creation of jobs, the expansion of businesses, and the development of entrepreneurial local economies;

(4) the economic progress of the region requires an adequate physical infrastructure, a skilled and trained workforce, enhanced local leadership and civic capacity, and greater opportunities for enterprise development and entrepreneurship;

(5) a concerted and coordinated effort among Federal, State, and local agencies, the private sector, nonprofit groups, and community-based organizations is needed if the region is to share in the prosperity of the United States;

(6) economic development planning on a regional or multicounty basis offers the best prospect for achieving the maximum benefit from public and private investments; and

(7) improving the economy of the region requires a special emphasis on those of the region that are most economically distressed.

(b) PURPOSES.—The purposes of this Act are—

(1) to promote and encourage the economic development of the region—

(A) to ensure that the communities and people in the region have the opportunity to participate more fully in the prosperity of the United States; and

(B) to ensure that the economy of the region reaches economic parity with that of the rest of the United States;

(2) to establish a formal framework for joint Federal-State collaboration in meeting and focusing national attention on the economic development needs of the region;

(3) to assist the region in obtaining the basic infrastructure, skills training, local leadership capacity, and opportunities for enterprise development that are essential for strong local economies;

(4) to foster coordination among all levels of government, the private sector, community organizations, and nonprofit groups in crafting common regional strategies that will lead to broader economic growth;

(5) to strengthen efforts that emphasize regional approaches to economic development and planning;

(6) to encourage the participation of interested citizens, public officials, groups, agencies, and others in developing and implementing local and regional plans for broad-based economic and community development; and

(7) to focus special attention on areas of the region that suffer from the greatest economic distress.

SEC. 3. DELTA REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle F—Delta Regional Authority

"SEC. 382A. DEFINITIONS.

"In this subtitle:

"(1) AUTHORITY.—The term 'Authority' means the Delta Regional Authority established by section 382B.

"(2) REGION.—The term 'region' means areas in the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined under section 4 of the Lower Mississippi Delta Development Act (Public Law 100-460; 42 U.S.C. 3121 note).

"(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in—

"(A) acquiring or developing land;

"(B) constructing or equipping a facility; or

"(C) carrying out other community or economic development or economic adjustment activities.

"SEC. 382B. DELTA REGIONAL AUTHORITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Delta Regional Authority.

"(2) COMPOSITION.—The Authority shall be composed of—

"(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

"(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

"(3) COCHAIRPERSONS.—The Authority shall be headed by 2 cochairpersons, which shall be—

"(A) the Federal member, who shall serve—

"(i) as the Federal cochairperson; and

"(ii) as a liaison between the Federal Government and the Authority; and

"(B) a State cochairperson, who—

"(i) shall be a Governor of a participating State in the region; and

"(ii) shall be elected by the State members for a term of not less than 1 year.

"(b) ALTERNATE MEMBERS.—

"(1) STATE ALTERNATES.—Each State member may have a single alternate, appointed by the Governor from among the members of the cabinet or the personal staff of the Governor.

"(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

"(3) QUORUM.—A State alternate shall not be counted toward the establishment of a quorum of the Authority in any instance in which a quorum of the State members is required to be present.

"(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (b), and no voting right of any Authority member, shall be delegated to any person—

"(A) who is not a Authority member; or

"(B) who is not entitled to vote in Authority meetings.

"(c) VOTING.—

"(1) IN GENERAL.—Except as provided in section 382I(d), decisions by the Authority shall require the affirmative vote of the Federal cochairperson and of a majority of the State members (not including a member representing a State that is delinquent under subsection (g)(2)(C).

"(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

"(A) a modification or revision of a Authority policy decision;

"(B) approval of a State or regional development plan; and

"(C) any allocation of funds among the States.

"(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

"(A) a responsibility of the Authority; and

"(B) conducted in accordance with section 382I.

"(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the State or Federal representative for which the alternate member is an alternate.

"(d) DUTIES.—The Authority shall—

"(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

"(2) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional outcome targets);

"(3) provide for an understanding of the needs and assets of the region through research, demonstration, investigation, assessment, and evaluation of the region, in cooperation with Federal, State, and local agencies, universities, local development districts, and other nonprofit groups, as appropriate;

“(4) review and study, in cooperation with the appropriate agencies, Federal, State, and local public and private programs in the region;

“(5) recommend any modification or addition to a program described in paragraph (4) that could increase the effectiveness of the program;

“(6) formulate and recommend interstate compacts and other forms of interstate cooperation;

“(7) work with State and local agencies in developing appropriate model legislation;

“(8) encourage the formation of, build the capacity of, and provide support for, local development districts in the region;

“(9) encourage private investment in industrial, commercial, and other economic development projects in the region;

“(10) serve as a focal point and coordinating unit for region programs;

“(11) provide a forum for consideration of problems of the region and proposed solutions for those problems; and

“(12) establish and involve citizens, special advisory councils, and public conferences to consider and resolve issues concerning the region.

“(e) INFORMATION.—In carrying out the duties of the Authority under subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute the proceedings and reports on actions by the Authority as the Authority considers appropriate,

“(2) authorize, through the Federal or State cochairperson, or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony shall be taken or evidence shall be received under oath; and

“(3) arrange for the head of any Federal, State, or local department or agency to furnish to the Authority such information as may be available to or procurable by the department or agency;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of Authority business and the performance of Authority functions;

“(5) request the head of any Federal department or agency to detail to the Authority such personnel as the Authority requires to carry out functions of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State department or agency or local government to detail to the Authority such personnel as the Authority requires to carry out functions of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, cooperative agreements, or any other arrangement with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State); or

“(C) any person, firm, association, or corporation;

“(10) establish and maintain a central office and field offices at such locations as the Authority may select; and

“(11) take such other actions and incur such other expenses as are necessary or appropriate.

“(f) FEDERAL AGENCY COOPERATION.—Federal agencies shall—

“(1) cooperate with the Authority; and

“(2) provide such assistance in carrying out this subtitle as the Federal cochairperson may request.

“(g) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Administrative expenses of the Authority shall be paid—

“(A) by the Federal Government, during the period beginning on the date of enactment of this subtitle and ending on September 30, 2000; and

“(B) after September 30, 2000 (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government)—

“(i) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

“(ii) by the States in the region represented on the Authority, in an amount equal to 50 percent of the administrative expenses.

“(2) STATE SHARE.—

“(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

“(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A) to determine the share of administrative expenses of the Authority to be paid by a State.

“(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

“(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

“(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

“(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

“(3) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Authority.

“(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

“(ii) the Authority.

“(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

“(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(ii) EXCEPTION.—Compensation described under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative functions of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision thereof) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment;

has a financial interest.

“(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

“(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

"(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

"(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

"SEC. 382C. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

"(a) IN GENERAL.—The Authority may approve grants to States and public and nonprofit entities for projects, approved in accordance with section 382I—

"(1) to assist the region in obtaining the job training and employment-related education, leadership, business, and civic development (with an emphasis on entrepreneurship), that are needed to build and maintain strong local economies;

"(2) to provide assistance to severely distressed and underdeveloped counties that lack financial resources for improving basic services;

"(3) to fund—

"(A) research, demonstrations, evaluations, and assessments of the region; and

"(B) training programs, and construction of necessary facilities, and the provision of technical assistance necessary to complete activities described in subparagraph (A); or

"(4) to otherwise achieve the objectives of this subtitle.

"(b) FUNDING.—

"(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

"(A) entirely from appropriations to carry out this section;

"(B) in combination with funds available under another Federal or Federal grant program; or

"(C) from any other source.

"(2) PRIORITY OF FUNDING.—To best build the foundations for long-term, self-sustaining economies and to complement other Federal and State resources in the region, Federal funds available under this subtitle shall be focused on the activities in the following order or priority:

"(A) Basic infrastructure in distressed counties.

"(B) Job-related infrastructure.

"(C) Job training or employment-related education.

"(D) Leadership and civic development.

"(E) Business development, with emphasis on entrepreneurship.

"(3) FEDERAL SHARE IN GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines to be appropriate.

"SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

"(a) FINDING.—Congress finds that certain people, States, and local communities of the region, including local development districts, are unable to take maximum advantage of Federal grant programs for which the people are eligible because—

"(1) they lack the economic resources to supply the required matching share; or

"(2) there are insufficient funds available under the applicable Federal grant law authorizing the program to meet pressing needs of the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (c), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by the applicable law, not to exceed 80 percent of the costs of the project except as provided in section 382F(b).

"(c) CERTIFICATION.—

"(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

"(A) meets the applicable requirements of the applicable Federal grant law; and

"(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

"(2) CERTIFICATION BY AUTHORITY.—

"(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this subtitle in accordance with section 382I—

"(i) shall be controlling; and

"(ii) shall be accepted by the Federal agencies.

"(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

"SEC. 382E. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

"(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term "local development district" means an entity that is—

"(1) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit and citizen groups to contribute to the development and implementation of programs in the region;

"(2) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

"(A) by the Governor of each State in which the entity is located; or

"(B) by the State officer designated by the appropriate State law to make the certification; and

"(3) is—

"(A) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

"(B) a nonprofit agency or instrumentality of a State or local government;

"(C) a nonprofit agency or instrumentality created through an interstate compact; or

"(D) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subparagraphs (A) through (C).

"(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

"(1) IN GENERAL.—The Authority may make grants for administrative expenses of local development districts.

"(2) CONDITIONS FOR GRANTS.—

"(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

"(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

"(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—Local development districts—

"(1) shall operate as lead organizations serving multicounty areas in the region at the local level; and

"(2) shall serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

"(A) are involved in multijurisdictional planning;

"(B) provide technical assistance to local jurisdictions and potential grantees; and

"(C) provide leadership and civic development assistance.

"SEC. 382F. DISTRESSED COUNTIES AND ECONOMICALLY STRONG COUNTIES.

"(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this subtitle, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

"(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped;

"(2) as economically strong counties, counties in the region that are approaching or have reached economic parity with the rest of the United States; and

"(3) as isolated areas of distress, areas located in an economically strong county that have high rates of poverty or unemployment.

"(b) DISTRESSED COUNTIES.—

"(1) IN GENERAL.—The Authority shall allocate at least 50 percent of the appropriations made available under section 382N for programs and projects designed to serve the needs of distressed counties in the region.

"(2) FUNDING LIMITATIONS.—The funding limitations under section 382D(b) shall not apply to projects providing basic services to residents in 1 or more distressed counties in the region.

"(c) ECONOMICALLY STRONG COUNTIES.—

"(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this subtitle for a project located in a county designated as an economically strong county under subsection (a).

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 382E(b).

“(B) MULTICOUNTY PROJECTS.—The Authority may approve additional exceptions to the funding prohibition under paragraph (1) for—

“(i) multicounty projects that include participation by an economically strong county; and

“(ii) any other type of project, if the Authority determines that the project could bring significant benefits to areas of the region outside an economically strong county.

“(C) ISOLATED AREAS OF DISTRESS.—

“(i) IN GENERAL.—An isolated area of distress shall be eligible for assistance at the discretion of the Authority.

“(ii) DETERMINATION.—A determination of eligibility of an isolated area of distress for assistance shall be supported—

“(I) by the most recent Federal data available; or

“(II) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

“SEC. 382G. DEVELOPMENT PLANNING PROCESS.

“(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit on such schedule as the Authority shall prescribe a development plan for the area of the region represented by the State member.

“(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall—

“(1) reflect the goals, objectives, and priorities identified in the regional development plan under section 382B(d);

“(2) describe—

“(A) the organization and continuous process for development planning of the State, including the procedures established by the State for the participation of local development districts in the development planning process;

“(B) the means by which the development planning process of the State is related to overall State-wide planning and budgeting processes; and

“(C) the method of coordinating planning and projects in the region under this subtitle and other Federal, State, and local programs;

“(3)(A) identify the goals, objectives, priorities, and expected outcomes of the State for the region, as determined by the Governor;

“(B) identify the needs on which those goals, objectives, priorities are based; and

“(C) describe the development strategy for achieving and the expected outcomes of those goals, objectives, and priorities; and

“(4) describe how strategies proposed in the plan would advance the objectives of this subtitle.

“(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

“(1) consult with—

“(A) local development districts;

“(B) local units of government; and

“(C) citizen groups; and

“(2) take into consideration the goals, objectives, priorities, and recommendations of the entities identified in paragraph (1).

“(d) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

“(2) REGULATIONS.—The Authority shall develop guidelines specifying minimum goals for public participation described in paragraph (1), including public hearings.

“SEC. 382H. PROGRAM DEVELOPMENT CRITERIA.

“(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance presented to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

“(1) the relationship of the project or class of projects to overall regional development;

“(2) the per capita income and poverty and unemployment rates in the area;

“(3) the financial resources available to the applicants for assistance seeking to carry out the project;

“(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

“(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic and social development of the area served by the project; and

“(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

“(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist a person or entity in relocating from 1 area to another.

“(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced so as to substitute funds authorized by this subtitle.

“SEC. 382I. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

“(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed for approval by the Authority in accordance with section 382B(e)(3).

“(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

“(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member and the Federal cochairperson that the application—

“(1) reflects an intent that the project comply with any applicableState development plan;

“(2) meets applicable criteria under section 382H;

“(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

“(4) otherwise meets the requirements of this subtitle.

“(d) VOTES FOR DECISIONS.—The certification by a State member of an application for a grant or other assistance for a specific project under this section shall, when joined by an affirmative vote of the Federal cochairperson for the application, be considered to satisfy the requirements for affirmative votes for decisions under section 382B.

“SEC. 382J. CONSENT OF STATES.

Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

“SEC. 382K. RECORDS.

“(a) RECORDS OF THE AUTHORITY.—

“(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority financed with Federal funds.

“(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States (including authorized representatives of the Comptroller General).

“(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—Recipients of Federal assistance under this subtitle shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Authority.

“(2) AVAILABILITY.—All records described in paragraph (1) shall be available for audit by the Comptroller General of the United States and the Authority or their duly authorized representatives.

“SEC. 382L. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

“SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle $30,000,000 for each of fiscal years 2001 through 2005, to remain available until expended.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) shall be used for administrative expenses.”.

ADDITIONAL COSPONSORS

S. 391

At the request of Mr. KERREY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 407

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 407, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 486

At the request of Mr. ASHCROFT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 562

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 702

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 702, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 736

At the request of Mr. LIEBERMAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Virginia (Mr. ROBB), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 736, a bill to amend titles XVIII and XIX of the Social Security Act to ensure that individuals enjoy the right to be free from restraint, and for other purposes.

S. 1028

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1035

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1035, a bill to establish a program to provide grants to expand the availability of public health dentistry programs in medically underserved areas, health professional shortage areas, and other Federally-defined areas that lack primary dental services.

S. 1197

At the request of Mr. ROTH, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CRAPO), the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. GRAMM), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1446

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1449

At the request of Mr. CONRAD, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1449, a bill to amend title XVIII of the Social Security Act to increase the payment amount for renal dialysis services furnished under the medicare program.

S. 1459

At the request of Mr. MACK, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1473

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mrs. MURRAY), the Senator from Ohio (Mr. VOINOVICH), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Resolution 118, A resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. ASHCROFT), the Senator from Maine (Ms. SNOWE), the Senator from Ohio (Mr. VOINOVICH), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

BYRD (AND OTHERS) AMENDMENT NO. 1744

Mr. BOND (for Mr. BYRD, for himself, Mr. BOND, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BINGAMAN, Mr. JOHNSON, Mr. SPECTER, Mr. MURKOWSKI, Mr. WELLSTONE, Mr. SMITH of NH, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. AKAKA, Mr. CONRAD, Mr. KERREY, Mr. BIDEN, Mr. LEAHY, Mrs. BOXER, Mr. HAGEL, Mrs. MURRAY, Mr. JEFFORDS, Mr. SARBANES, Mr. HUTCHINSON, Mr. REID, Mr. KERRY, Mr. ROBB, Mr. BUNNING, Mr. BRYAN, Mr. KENNEDY, Mr. ROBERTS, Mr. ASHCROFT, Ms. SNOWE, Ms. COLLINS, Mr. COVERDELL, Mr. HARKIN, Mr. ABRAHAM, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, Ms. LANDRIEU, and Mr. FRIST) proposed an amendment to the bill (H.R. 2684) A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 7, beginning on line 23, strike "$18,406,000,000" and all that follows through "*Provided*," and insert "$19,006,000,000, plus reimbursements: *Provided* That of the funds made available under this heading, $600,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress: *Provided further*,".

TORRICELLI (AND OTHERS) AMENDMENT NO. 1745

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. MOYNIHAN, and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, H.R. 2684, supra; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4 . STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(b) AREAS OF STUDY.—The study shall examine—

(1) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(2) the threshold of noise at which health impacts are felt; and

(3) the effectiveness of noise abatement programs at airports around the United States.

(c) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

TORRICELLI AMENDMENT NO. 1476

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4 . RIGHT TO KNOW ABOUT AIRPORT POLLUTION.

(a) FINDINGS.—Congress finds that—

(1) the serious ground level ozone, noise, water pollution, and solid waste disposal problems attendant to airport operations require a thorough evaluation of all significant sources of pollution;

(2) the Clean Air Act (42 U.S.C. 7401 et seq.)—

(A) requires each State to reduce emissions contributing to ground level ozone problems and maintain those reductions; and

(B) requires the Administrator of the Environmental Protection Agency to study, in addition to other sources, the effects of sporadic, extreme noise (such as jet noise near airports) on public health and welfare;

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) establishes a regulatory and enforcement program for discharges of wastes into waters;

(4) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) establishes primary drinking water standards and a ground water control program;

(5) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) regulates management and disposal of solid and hazardous waste;

(6) a study of air pollution problems in California—

(A) has determined that airports are significant sources of air pollution; and

(B) has led to the creation of an airport bubble concept; and

(7) the airport bubble concept is an approach that—

(A) treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a range of pollutants, including air, noise, water, and solid waste; and

(B) seeks, by implementation of specific programs or regulations, to reduce the pollution from each source within the bubble and thereby reduce the overall pollution in that area.

(b) PURPOSE.—The purpose of this section is to require the Administrator to conduct—

(1) a feasibility study for applying airport bubbles to airports as a method of assessing and reducing, where appropriate, air, noise, water, and solid waste pollution in and around the airports and improving overall environmental quality; and

(2) a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AIRPORT BUBBLE.—The term "airport bubble" means an area—

(A) in and around an airport (or other facility using aircraft) within which sources of pollution and levels of pollution from those sources are to be identified and reduced; and

(B) containing a variety of types of air, noise, water, and solid waste sources of pollution in which the aggregate of each type of pollutant from the respective sources is regulated as if the various sources were a single source.

(d) STUDY OF USING AIRPORT BUBBLES.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine the feasibility of regulating air, noise, water, and solid waste pollution from all sources in and around airports using airport bubbles.

(2) WORKING GROUP.—In conducting the study, the Administrator shall establish and consult with a working group comprised of—

(A) the Administrator of the Federal Aviation Administration (or a designee);

(B) the Secretary of Defense (or a designee);

(C) the Secretary of Transportation (or a designee);

(D) a representative of air quality districts;

(E) a representative of environmental research groups;

(F) a representative of State Audubon Societies;

(G) a representative of the Sierra Club;

(H) a representative of the Nature Conservancy;

(I) a representative of port authorities of States;

(J) an airport manager;

(K) a representative of commanding officers of military air bases and stations;

(L) a representative of the bus lines that serve airports who is familiar with the emissions testing and repair records of those buses, the schedules of those lines, and any problems with delays in service caused by traffic congestion;

(M) a representative of the taxis and limousines that serve airports who is familiar with the emissions testing and repair records of the taxis and limousines and the volume of business generated by the taxis and limousines;

(N) a representative of local law enforcement agencies or other entities responsible for traffic conditions in and around airports;

(O) a representative of the Air Transport Association;

(P) a representative of the Airports Council International–North America;

(Q) a representative of environmental specialists from airport authorities; and

(R) a representative from an aviation union representing ground crews.

(3) REQUIRED ELEMENTS.—In conducting the study, the Administrator shall—

(A) collect, analyze, and consider information on the variety of stationary and mobile sources of air, noise, water, and solid waste pollution within airport bubbles around airports in the United States, including—

(i) aircraft, vehicles, and equipment that service aircraft (including main and auxiliary engines); and

(ii) buses, taxis, and limousines that serve airports;

(B) study a statistically significant number of airports serving commercial aviation in a manner designed to obtain a representative sampling of such airports;

(C) consider all relevant information that is available, including State implementation plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and airport master plans;

(D) consider the air quality implications of airport and ground and in-flight aircraft operations, such as routing and delays;

(E) assess the role of airports in interstate and international travel and commerce and the environmental and economic impact of regulating airports as significant sources of air, noise, water, and solid waste pollution;

(F) propose boundaries of the areas to be included within airport bubbles;

(G) propose a definition of air pollutant emissions for airport bubbles that includes hydrocarbons, volatile organic compounds, and other ozone precursors targeted for reduction under Federal air pollution law;

(H) develop an inventory of each source of air, noise, water, and solid waste pollution to be regulated within airport bubbles and the level of reduction for each source;

(I) list and evaluate programs that might be implemented to reduce air, noise, water, and solid waste pollution within airport bubbles and the environmental and economic impact of each of the programs, including any changes to Federal or State law (including regulations) that would be required for implementation of each of the programs;

(J) evaluate the feasibility of regulating air, noise, water, and solid waste pollutants in and around airports using airport bubbles and make recommendations regarding which programs should be included in an effective implementation of airport bubble methodology; and

(K) address the issues of air and noise pollution source identification and regulation that are unique to military air bases and stations.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(e) STUDY OF EMISSION STANDARDS FOR AIRPLANE ENGINES.—

(1) IN GENERAL.—The Administrator shall conduct a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(f) PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the reports under subsections (d) and (e) are submitted, the Administrator shall submit to Congress a report that details the progress being made by the Administrator in carrying out subsections (d) and (e).

(g) FUNDING.—The Administrator shall carry out this section using existing funds available to the Administrator.

WELLSTONE (AND OTHERS) AMENDMENT NO. 1747

Mr. WELLSTONE (for himself, Mr. JOHNSON, and Mr. SMITH of New Hampshire) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. The amount appropriated or otherwise made available by this title under the heading "VETERANS HEALTH ADMINISTRATION" is hereby increased by $1,300,000,000.

CONRAD AMENDMENT NO. 1748

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a)(1) The amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS" is hereby increased by $12,000,000.

(2) Of the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS", as increased by paragraph (1), $12,000,000 shall be available for renovations and environmental improvements at the Department of Veterans Affairs Medical Center in Fargo, North Dakota.

(b) Notwithstanding any other provision of this Act, the aggregate of the amounts appropriated or otherwise made available by this Act for the travel expenses of the departments, agencies, commissions, corporations, and offices covered by this Act is hereby reduced by $12,000,000.

CLELAND AMENDMENTS NOS. 1749–1754

(Ordered to lie on the table.)

Mr. CLELAND submitted six amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1749

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a)(1) The amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS" is hereby increased by $12,400,000.

(2) Of the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS", as increased by paragraph (1), $12,400,000 shall be available for renovations and environmental improvements at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

(b) The aggregate amount appropriated or otherwise made available by this Act, other than the amount appropriated under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS", is hereby reduced by $12,400,000.

AMENDMENT NO. 1750

On page 31, line 17, strike "$110,000,000" and insert "$112,000,000".

On page 31, line 23, insert before the period the following: ", and including $2,000,000 for the expansion and modernization of the Tubman African American Museum in Macon, Georgia".

On page 76, line 8, strike "$5,000,000" and insert "$3,000,000".

AMENDMENT NO. 1751

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a)(1) The amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "NATIONAL CEMETERY ADMINISTRATION" is hereby increased by $1,500,000.

(2) Of the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "NATIONAL CEMETERY ADMINISTRATION", as increased by paragraph (1), $1,500,000 shall be available for the construction of a national cemetery in the Atlanta, Georgia, metropolitan area.

(b) The amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "OFFICE OF INSPECTOR GENERAL" is hereby reduced by $1,500,000.

AMENDMENT NO. 1752

On page 31, line 17, strike "$110,000,000" and insert "$112,000,000".

On page 31, line 23, insert before the period the following: ", and including $2,000,000 for the National Institute for Community Empowerment in Atlanta, Georgia".

On page 44, line 15, strike "$95,910,000" and insert "93,910,000".

AMENDMENT NO. 1753

On page 83, line 12, strike "$3,250,000,000, to remain available until expended," and insert "$3,259,200,000, to remain available until expended, of which $9,200,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available to the Atlanta region for modeling and monitoring of combined sewer overflows as part of the comprehensive watershed restoration strategy, and".

AMENDMENT NO. 1754

On page 31, line 17, strike "$110,000,000" and insert "$112,770,000".

On page 31, line 23, insert before the period the following: ", and including $2,770,000 for the demolition and environmental mitigation of the Swift Building in Moultrie, Georgia".

On page 44, line 15, strike "$95,910,000" and insert "93,140,000".

KERRY (AND OTHERS) AMENDMENT NO. 1755

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. CHAFEE, Mr. BROWNBACK, Ms. SNOWE, Mr. LIEBERMAN, Mr. LEAHY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, H.R. 2684, supra; as follows:

On page 78, line 20, strike "$1,885,000,000" and insert "$1,897,000,000".

On page 78, line 21, before the colon, insert the following: ", and of which not less than $12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available for the Montreal Protocol Fund".

KERRY AMENDMENT NO. 1756

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 28, line 2, strike "$225,000,000" and insert "$239,000,000".

On page 44, line 15, strike "$95,910,000" and insert "$81,910,000".

SMITH (AND OTHERS) AMDNDMENT NO. 1757

Mr. SMITH of New Hampshire (for himself, Mr. NICKLES, and Mr. INHOFE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 7, line 23, strike "$19,006,000,000" and insert "$19,215,500,000".

On page 8, line 10, insert after the colon the following: "*Provided further*, That of the funds made available under this heading, $5,000,000 shall be available for the Homeless Providers Grant and Per Diem (GPD) program:".

On page 14, line 21, strike "$90,000,000" and insert "$100,000,000".

On page 73, line 22, strike "$423,500,000" and insert "$199,000,000".

On page 74, beginning on line 9, strike "*Provided further*," and all that follows through "section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)):".

FEINSTEIN AMENDMENTS NOS. 1758–1759

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1758

At the appropriate place, insert the following:

SEC.   . UNDERGROUND STORAGE TANKS.

Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

Amendment No. 1759

At the appropriate place, insert the following:

SEC. . UNDERGROUND STORAGE TANKS.

Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

BOND AMENDMENT NO. 1760

Mr. BOND proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 112, strike line 3 and all that follows through line 4 on page 113.

KERRY AMENDMENT NO. 1761

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 18, line 3, strike "$10,855,135,000" and insert "$10,566,335,000".

On page 18, line 4, strike "$6,655,135,000" and insert "$6,366,335,000".

On page 18, line 19, insert before the colon the following: ": *Provided further*, That of the total amount provided under this heading, $288,800,000 shall be made available for incremental section 8 vouchers under section 558 of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2614): *Provided further* That the Secretary of Housing and Urban Development may not expend any amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, for tenant-based assistance under the United States Housing Act of 1937 to help eligible families make the transition from welfare to work until March 1, 2000".

BINGAMAN AMENDMENT NO. 1762

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 84, line 10, insert after "(S. 1596)" the following: ", of which $500,000 shall be available to the City of Bayard, New Mexico, to construct a new wastewater treatment facility for the City of Bayard, the Village of Santa Clara, and the Fort Bayard State Hospital".

KERREY AMENDMENTS NOS. 1763–1765

(Ordered to lie on the table.)

Mr. KERREY submitted three amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

Amendment No. 1763

On page 78, line 21, after "studies." insert the following, ": *Provided*, That within funds available, $120,000 shall be provided to the Fontenelle Forest Association for the Missouri River Ecology Institute."

Amendment No. 1764

On page 31, line 23, after "Act", strike "." and insert in lieu thereof ": *Provided further*, That within the funds provided, $1,500,000 shall be available for the North 27th Street Project in Lincoln, Nebraska".

Amendment No. 1765

On page 31, line 23, after "Act", strike "." and insert in lieu thereof ": *Provided further*, That within the funds provided, $750,000 shall be made available for Project Jericho in Omaha, Nebraska."

SMITH AMENDMENT NO. 1766

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

At the appropriate place in the bill, insert: "The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days."

STEVENS AMENDMENT NO. 1767

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 28, line 25 after the word "Council," insert "$4,000,000 for the Special Olympics 2001 World Winter Games".

SPECTER AMENDMENTS NOS. 1768–1769

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

Amendment No. 1768

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) The amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS" is hereby increased by $14,500,000.

(b) Of the amount appropriated or otherwise made available for the Department of Veterans Affairs under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS", as increased by subsection (a), $14,500,000 shall be available for construction of a long term facility at the Department of Veterans Affairs Medical Center in Lebanon, Pennsylvania.

Amendment No. 1769

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) Using amounts available under subsection (b), the National Cemetery Administration shall provide for the construction of a national cemetery in Southwestern Pennsylvania in an amount not to exceed $12,000,000.

(b) The amounts available to the National Cemetery Administration for purposes of subsection (a) are the amounts appropriated under the heading "DEPARTMENTAL ADMINISTRATION" under the subheading "CONSTRUCTION, MAJOR PROJECTS" and allocated for the advance planning fund of the Department of Veterans Affairs.

GRAMM AMENDMENT NO. 1770

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 45, line 9, strike "$16,000,000" and insert in lieu thereof, "$19,493,000".

HUTCHISON AMENDMENT NO. 1771

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROMULGATION OF STORMWATER REGULATIONS.

(a) FINDING.—The Senate finds that the Administrator of the Environmental Protection Agency has not sufficiently addressed the concerns of local governments concerning the Phase II stormwater regulations that are scheduled to be promulgated on October 29, 1999.

(b) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the regulations described in subsection (a) until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold);

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the

Federal Water Pollution Control Act (33 U.S.C. 1342); and

(5) a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

McCAIN AMENDMENT NO. 1772

(Ordered to lie on the table.)

Mr. BOND (for Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) DEVELOPMENT OF PROPOSAL.—(1) The Secretary of Veterans Affairs shall develop a proposal for a system within the Department of Veterans Affairs for the collection of payments from third party payers under the Medical Care Cost Recovery Program of the Department which system shall, to the maximum extent practicable, utilize procedures for the collection of payments from third parties similar to the procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(2) In developing the proposal, the Secretary shall consider a variety of procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(b) USE OF PRIVATE COST-RECOVERY ENTITIES DURING DEVELOPMENT.—(1) Notwithstanding any other provision of law, the Secretary shall, during the period referred to in paragraph (3), provide for the collection of payments from third party payers under the Medical Care Cost Recovery Program solely through appropriate private entities with which the Secretary contracts for that purpose.

(2) The fee paid a private entity for the collection of payments under a contract under this subsection shall be a contingent fee based on the amount of payments collected by the entity under the contract.

(3) The period referred to in this paragraph is the period beginning as soon as practicable after the date of the enactment of this Act and ending on the date that is six months after the date on which the Secretary commences collections under the Medical Care Cost Recovery Program through a system within the Department under this section.

(c) SAFEGUARDS.—The Secretary shall take appropriate actions to ensure that any collection practices utilized under this section do not impose unwarranted financial or other burdens upon veterans who receive medical care from the Department of Veterans Affairs.

(d) SUBMITTAL OF PROPOSAL.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the proposal developed under subsection (a). The report shall include—

(1) a description of the system covered by the proposal; and

(2) an assessment by an appropriate entity independent of the Department of the potential effectiveness of the collection procedures under the system in comparison with the effectiveness of the collection procedures of the private entities utilized under subsection (b).

(e) IMPLEMENTATION OF PROPOSAL.—The Secretary shall implement the system covered by the proposal submitted under subsection (d) commencing 90 days after the date on which the Secretary submits to Congress the proposal on the system under that subsection.

SNOWE AMENDMENT NO. 1773

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary on means of modifying the VERA formula, or implementing other reforms, in order to improve the access of veterans to health care in rural areas.

LEVIN AMENDMENTS NOS. 1774–1776

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1774

On page 77, line 21, after "$642,483,000", insert the following: "of which not less than $3,000,000 shall be available to gather data and conduct studies relating to agriculture, recreation, economic development, human health, ecological impacts, and other land use issues for the Kalamazoo River watershed revitalization project,".

AMENDMENT NO. 1775

On page 77, line 21, strike "$642,483,000" and insert "$641,483,000".

On page 84, line 6, strike "$100,000,000" and insert "$101,000,000".

On page 84, line 10, before the semicolon, insert the following: ", of which $1,000,000 shall be available for the renovation and replacement of the water system of the city of Benton Harbor, Michigan".

AMENDMENT NO. 1776

On page 31, line 17, strike "$110,000,000" and insert "$111,000,000".

On page 31, line 23, insert before the period the following: ", and including $1,000,000 for the Muskegon, Michigan Housing Commission for use in developing duplex units".

INOUYE AMENDMENT NO. 1777

Ms. MIKULSKI (for Mr. INOUYE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC.   . Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

REED (AND OTHERS) AMENDMENT NO. 1778

Mr. REED (for himself, Mrs. COLLINS, Mr. TORRICELLI, and Mr. CHAFEE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 42, line 12, strike "$80,000,000" and insert "$100,000,000".

At the appropriate place in title II, insert the following:

SEC.   . (a) There is appropriated out of any money in the Treasury that is not otherwise appropriated for fiscal year 2000 for expenses necessary to carry out section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $20,000,000.

(b) Each amount appropriated or otherwise made available for each program, project, or activity relating to salaries, expenses, and program management under title I, II, or III of this Act (other than this section) that is not required to be appropriated or otherwise made available by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated for such programs, projects, or activities by $20,000,000.

BOND AMENDMENT NO. 1779

Mr. BOND proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 111, beginning on line 4 strike out "or be used" and all that follows through "litigation activity" on line 5.

SNOWE (AND OTHERS) AMENDMENT NO. 1780

Ms. SNOWE (for herself, Ms. COLLINS, and Mr. HAGEL) proposed and amendment to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency, without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

DEWINE (AND VOINOVICH) AMENDMENTS NOS. 1781–1782

Mr. DEWINE (for himself and Mr. VOINOVICH) proposed two amendments to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1781

On page 113, between lines 16 and 17, insert the following:

SEC. 431. None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of transferring any research aircraft from Glenn Research Center, Ohio, to another field center of the Administration.

AMENDMENT NO. 1782

On page 113, between lines 16 and 17, insert the following:

SEC. 431. None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of establishing at a field center of the Administration any research capability that would duplicate a research capability that currently exists at another field center of the Administration.

CRAIG AMENDMENT NO. 1783

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. 4 . PESTICIDE TOLERANCE FEES.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 30939, or any similar proposals.

SESSIONS AMENDMENT NO. 1784

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 77, line 21, after "$642,483,000,", insert the following: "of which not less than $175,000 shall be available for a study conducted by the Geological Survey of Alabama of the fracturing of coalbed methane reservoirs in Alabama,".

FITZGERALD (AND DURBIN) AMENDMENT NO. 1785

Mr. BOND (for Mr. FITZGERALD (for himself and Mr. DURBIN)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has (a) consulted with veterans organizations, medical school affilittes, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented, and (b) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

BOND AMENDMENT NO. 1786

Mr. BOND proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . GAO STUDY ON FEDERAL HOME LOAN BANK CAPITAL.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the capital structure of the Federal Home Loan Bank System, including the need for—

(A) more permanent capital;

(B) a statutory leverage ratio; and

(C) a risk-based capital structure; and

(2) what impact such revisions might have on the operations of the Federal Home Loan Bank System, including the obligation of the Federal Home Loan Bank System under section 21B(f)(2)(C) of the Federal Home Loan Bank Act.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a)."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 22, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Government Affairs Committee be permitted to meet on Wednesday, September 22, 1999 at 10:00 a.m. for a hearing regarding the Department of Justice's Investigation of Charlie Trie.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 22, 1999 at 10:00 a.m. to conduct a hearing on S. 1587, a bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control and; S. 1589, to amend the American Indian Trust Fund Management Reform Act of 1994.

The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 22, 1999 at 9:00 a.m. to mark up S. Res. 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 22, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet at 10:00 a.m. on Wednesday, September 22, 1999, in open session, to receive testimony on the National Security requirements for continued training operations at the Vieques Training Range.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF COUNCIL BLUFFS, IOWA EAGLE SCOUT AWARDS

• Mr. GRASSLEY. Mr. President, I recognize and congratulate the following young men who recently achieved the rare and honored distinction of being presented the Eagle Scout Award. The wide range of knowledge that they have gained in earning this award reflects dedication and accomplishment in many different fields of human endeavor that will benefit the Council Bluffs, Iowa community in which they live.

These new Eagle Scouts include Joshua Reinders, son of Greg and Jackie Reinders; Paul McGrath, son of Ray and Marsha McGrath; Steven DeLong, son of Don and Melissa Delong; Gregory Versch, son of Mark and Rebecca Versch; and Roland Whitt, son of Tillman and Susan Whitt.

All of these young men and their families are to be commended for their community involvement and service.●

THE LIFE OF FREDERICK P. ROSE

● Mr. MOYNIHAN. Mr. President, I rise to celebrate the life of Frederick P. Rose who died last week at the fine age of seventy-five, after a life that enhanced the lives of so many others. He was, of course, a member of the celebrated Rose family which rose, if you like (and he would have done!) with New York City itself, ever upwards and onwards. His craft was building—he was a graduate engineer—his art was friendship, but his genius lay in the way he would use his own wealth and epic energies to engage the support of legions of friends in the widest range of civic enterprise. The range was exceptional, from the New York Public Library, to the American Museum of Natural History, to Yale University. As his richly-detailed obituary in The New York Times records, most often his gifts were anonymous, although eventually most were known, for how could we not notice how things changed around him.

He was for all this rather a private person, devoted to family, his wife Sandra, their children and grandchildren, his brothers Daniel and Elihu. These and also the musicians and chess players and plain fun-loving folk with whom he cavorted through three-quarter's century of the life of New York with a grace rarely imagined and yet more rarely attained.

We whom he leaves behind take consolation in Yeats' lines:

> Think where man's glory most begins and ends,
> And say my glory was I had such friends.

I ask unanimous consent to have his full obituary printed in the RECORD.

The obituary follows:

[From the New York Times, Sept. 16, 1999]

FREDERICK P. ROSE, 2D-GENERATION BUILDER AND A MAJOR PHILANTHROPIST, IS DEAD AT 75

(By Charles V. Bagli)

Frederick P. Rose, a highly successful builder who poured his energy into two dozen major apartment projects and an equal number of institutions that adorn the New York skyline, from Lincoln Center to Rockefeller University and the Children's Aid Society, died Tuesday night. He was 75.

He died at his home in Rye, N.Y., after a brief illness, his family said.

A second-generation member of a New York real estate dynasty, Mr. Rose could be found until earlier this year supervising construction of a 50-story apartment house, the Belvedere, at 29th Street between Fifth and Madison Avenues.

It was the latest project for Rose Associates, which owns or manages 12,000 apartments in New York and four million square feet of commercial space.

At the same time, and with equal enthusiasm, he was overseeing construction of the $150 million Frederick Phineas and Sandra Priest Rose Center for Earth and Space at the American Museum of Natural History, the giant sphere that houses the new Hayden Planetarium. Mr. Rose not only wrote a $20 million check for the planetarium but also was the project leader for the trustees.

"He was a builder in every sense of the word, not just of buildings, but of institutions," said Ellen Futter, president of the American Museum of Natural History.

Over the years, Mr. Rose also donated $5 million to the Metropolitan Museum of Art, $15 million to the New York Public Library and $18 million to Lincoln Center; in all, he gave away more than $95 million.

A forceful man with a reputation for keeping his word, Mr. Rose could breeze into a meeting, as he did earlier this year with his longtime friend and partner, Charles Benenson, and within minutes size up the situation and agree to a $24 million real estate deal for land on 44th Street, near Third Avenue, for a 51-story apartment house.

Mr. Rose was still building tall buildings while his nephew, Joseph B. Rose, current chairman of the New York City Planning Commission, labored to change the zoning laws to bar oversized towers in Manhattan.

Although the Rose family's buildings were known more for efficiency than architectural detail, Mr. Rose was most proud of building two towers that won awards for design: the Bankers Trust Building at 280 Park Avenue, near 48th Street, and a 40-story apartment house at 45 East 89th Street.

His interests ranged widely.

Mr. Rose always carried a stack of foreign currency and American dollar bills, which he would fold into intricate origami figures of birds, cows and walruses and present to his delighted friends.

At the end of a stuffy board meeting at Lincoln Center, Mr. Rose would often stroll over to a piano and play a few songs for the amusement of the other directors. He played golf up to four times a week and, last year hired a national chess champion to sharpen his skills.

Mr. Benenson, who had been a partner in many of Mr. Rose's real estate deals since the early 1960's, said he called his friend two months ago, suggesting that they raise $100,000 from each of 10 people for the refugees in Kosovo.

The next day, Mr. Benenson recalled, the developer called back and said, "O.K., we'll do it through the American Jewish Committee, because we want to show the world that Jewish people are helping Muslims."

"Two or three days later," Mr. Benenson concluded, "we had $1.4 million."

An engineer by training, Mr. Rose wrote in a 1994 journal commemorating the 50th anniversary of his graduation from Yale University that the central focus of his life had been his family. He wrote that he had been on the boards of 35 organizations, from Con Edison to Yale University. He took pride in being a builder.

Finally, he wrote: "I don't read trash, watch TV or have an interest in spectator sports. This leaves time for active participation in things I enjoy: music, chess, tennis, golf, travel, skiing and friendship."

Mr. Rose's insistence on providing advice and hiring consultants for projects to which he had contributed sometimes rankled other developers, but institutions and their directors embraced him.

Until recently, Mr. Rose was chairman of the real estate company started by his father, Samuel B. Rose, and his uncle, David Rose, in the Bronx around the time he was born, in 1923. The two brothers built small apartment houses in the Bronx before moving into Manhattan a decade later. Samuel had three sons, Daniel, Elihu and Frederick, all of whom joined the company after World War II. Frederick's son, Adam, is now president of Rose Associates.

Mr. Rose married his teen-age sweetheart, Sandra Priest of Rye, in the early 1940's. She survives him, along with a daughter, Deborah Rose; two sons, Jonathan F. P. Rose and Adam R. Rose, both of New York; two brothers, Daniel and Elihu, and three grandchildren, Ariel, Rachael and Sarah.

Mr. Rose served in the construction battalions of the Navy Seabees during World War II, rising to the rank of lieutenant before he returned to New York and Rose Associates. He took charge of design and construction, while Daniel did the planning and finances and Elihu took over management of the family's apartment houses.

Mr. Rose built more than 2,000 units of middle-income housing under the state's Mitchell-Lama program, as well as the family's first office tower, at 200 Park Avenue.

But unlike some developers who showed up in the gossip columns during the 1980's and 1990's, Mr. Rose and his family avoided publicity. He usually contributed money to charities anonymously, and word of the donations rarely leaked out until years later.

"He built good-quality housing and he was devoted to community service," said Robert I. Shapiro, a real estate broker who knew Mr. Rose.

A longtime opponent of rent control, Mr. Rose converted more than 3,000 apartments in Manhattan during the early 1990's to condominiums and co-ops. Many people in the industry thought it was a risky move, given the recession.

But unlike many landlords at the time who were struggling with enormous loans, the Rose family had buildings that were largely free of debt, and the conversion went off without a hitch.

"He secretly believed he was the finest construction superintendent in the city," said his brother Daniel, who is now chairman of Rose Associates. "He liked to kick the bricks."

Mr. Rose applied the same energy enthusiasm and discipline to his philanthropic work as his professional work, his brother said. When Mr. Rose, along with his wife, gave $15 million to Lincoln Center, he also helped engineer the construction of the Rose Building, a 31-story tower that houses rehearsal space and dormitories for the Juilliard School of Music and offices for the School of American Ballet and the New York Philharmonic.

"He had a mercurial mind and it was fun trying to keep up with him," said Beverly Sills, the chairwoman of Lincoln Center. "He was a man of the world in every sense of the word. I'm really going to miss him."●

ORDER FOR RECESS

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Thursday, September 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow at 9:30 a.m. On Thursday morning, it is expected the Senate will resume consideration of the Interior appropriations bill to complete the last remaining issue on that legislation prior to final passage. In order to resume the oil royalties issue, it may be necessary to have several procedural votes in the morning. All Senators should be prepared for early morning votes on Thursday in order to complete the Interior appropriations bill. Again, those votes are expected to begin shortly after 9:30 a.m.

In addition, the Senate will resume consideration of the VA-HUD appropriations bill, with the hope of finishing that legislation as well. Votes will, therefore, occur early tomorrow morning and throughout the day.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOND. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:04 p.m., recessed until Thursday, September 23, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 1999:

DEPARTMENT OF THE TREASURY

GREGORY A. BAER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE RICHARD SCOTT CARNELL, RESIGNED.

DEPARTMENT OF STATE

MARY CARLIN YATES, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

THE JUDICIARY

JOEL A. PISANO, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY VICE MARYANNE TRUMP BARRY, ELEVATED.

JAMES M. LYONS, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN P. MOORE, RETIRED.

ALLEN R. SNYDER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE PATRICIA M. WALD, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 8036:

To be lieutenant general

MAJ. GEN. PAUL K. CARLTON, JR., 8132.

HOUSE OF REPRESENTATIVES—*Wednesday, September 22, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 22, 1999.

I hereby appoint the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that all the good values of daily living will come to us and nurture us along the way. While we pray for the wonders of faith and hope and love, our prayer is that our lives will be encouraged by the marvelous gifts that have come from You, our creator and redeemer, and from the lives of those near to us.

May we, O God, so live our lives in response to these blessings that our words and deeds will be marked by a spirit of thanksgiving and praise, of appreciation and adoration for all the wondrous benedictions we have received and for the kindness and generosity of our colleagues, our family and our friends.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LEE) come forward and lead the House in the Pledge of Allegiance.

Ms. LEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

WORLDWIDE HEROIN CRISIS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the world is now awash in deadly heroin. Last week, the New York Times reported that Afghanistan now produces three-quarters of the world's supply of opium, the basic ingredient for heroin. Production is soaring under Taliban control, and another 270 tons of heroin may be available from the coming bumper opium crop in Afghanistan.

In addition, we have Burmese heroin aplenty, and here at home we are awash in Colombian heroin that is purer, cheaper, and ever more deadly than we all have seen in the past.

Today, the United States heroin market, especially along the East Coast, is dominated by this Colombian heroin, while Europe is facing the massive Asian flood of heroin; and with a recent new twist, our European friends are also seeing more and more Colombian cocaine as well.

All of this opium and heroin production flourishes, especially where there is no government or weaker, ineffective government unable or unwilling to control illicit narcotics. This is a collective challenge for the international community which must and has an obligation to face collectively for the benefit of our children.

NEW WORLD BILL COLLECTORS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the U.N. says we owe them a billion dollars and if we do not pay we will lose our vote. The U.N. also said they accepted three new member countries. All three are smaller than the hometowns of my colleagues. One has 8,000 people.

Now, if that is not enough to tax our peacekeeping, check this out. These three countries will have three votes. We will still have one vote.

Beam me up, Mr. Speaker. The truth is the United Nations owes Uncle Sam $6 billion for saving their international assets year in and year out.

I say it is time for Congress to tell these New World bill collectors to shove their debt up their charter. Think about that.

I yield back the big vote we will lose at the United Nations.

BROAD-BASED TAX RELIEF IS BEST ANSWER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the average working family in Nevada toiled until May 14 of this year just to pay their tax bill. Now, this seems not only unbelievable but unconscionable, as well. However, it is true, and here is why:

Mr. Speaker, Americans are paying a record-high 21 percent of their gross domestic product in taxes, the highest since World War II according to the Congressional Budget Office.

The average U.S. household will pay approximately $5,307 more in taxes to their Government than it needs over the next 10 years according to the Congressional Research Service.

The typical American working family pays more than 38 percent of its income in total taxes, more than it spends on food, clothing, and shelter combined. The average household pays $9,445 in federal income taxes alone, which is twice what it paid in 1985.

Is it any wonder that Americans feel as though they are working harder than ever but cannot seem to get ahead?

Broad-based tax relief is the best answer. Working families should not be working for Washington. Rather, Washington should be working for families.

I yield back any change we have in our pockets.

GUN SAFETY LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, another week in America, another mass shooting. Seven people killed at Ft. Worth, Texas, four of them children. Every day 13 children are killed by guns in America. Yet, this Congress does nothing.

Opponents to gun safety laws say that no law could have prevented the Ft. Worth tragedy. They may be right. But just because we cannot save all of the children does not mean we should not try to save any of our children.

Hundreds of children have died since the tragedy at Columbine High School, when Congress promised to act.

Today I join my colleagues to pay tribute to some of those children and to urge the congressional leadership to pass gun safety legislation in their memory.

April Bonita Turner, age 18, killed by gunfire on April 20, 1999, Washington, D.C.; Courtney Bradley, age 18, killed by gunfire on April 22, 1999, St. Louis, Missouri; James Walton, age 16, killed by gunfire on April 22, 1999, St. Louis, Missouri; Pierre David, age 18, killed by gunfire on April 28, 1999, Detroit, Michigan; Sheldon Jones, age 17, killed by gunfire on April 28, 1999, Washington, D.C.; Tonetta Smith, age 16, killed by gunfire on April 29, 1999, Washington, D.C.

NATIONAL MINORITY ENTREPRENEURS OF THE YEAR

(Mrs. WILSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON. Mr. Speaker, tonight in Washington, D.C., the country will recognize nine national minority entrepreneurs of the year. Of those nine, two come from Albuquerque, New Mexico.

Miguel Rios started Orion International Technologies in 1985 and has grown that company to 140 employees and $9 million in revenue providing engineering and systems integration services for lasers at White Sands Missile Range and Air Force Research Laboratory. He is one of the Nation's top Hispanic high-tech firms.

Tito Bonano started Beta Corporation in 1993 to provide radioactive waste management services and has branched into computer services, as well. Both of these national minority entrepreneurs of the year formerly worked at Sandia National Laboratories in Albuquerque, and Tito has also had his business named as one of the top 10 of New Mexico's Flying 40, the fastest growing high-tech firms.

We are all proud of them as Americans and as New Mexicans and we honor them today.

YOUTH VIOLENCE PLAGUES OUR INNER CITIES

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, youth violence has plagued our inner cities for years. Legislators, community activists, parents, and teachers have all called for a comprehensive solution.

Homicide is the leading cause of death among black males age 15 to 24. Unfortunately, now gun violence is now happening everywhere. We must pass gun safety legislation now. Access to guns by children and criminals should end.

Let us remember all children who have been killed by gunfire. I call to the attention of my colleagues those who have been killed since the Columbine tragedy:

Pablo Vega, age 18, killed by gunfire on May 4, 1999, Detroit, Michigan; Ernest Troche, age 17, killed by gunfire on May 8, 1999, Bridgeport, Connecticut; Salvador Galioto, Jr., age 13, killed by gunfire on May 9, 1999, Milwaukee, Wisconsin; Tyquan Miller, age 9, killed by gunfire on May 16, 1999, Richmond, Virginia; Brad Crouse, age 15, killed by gunfire on May 19, 1999, Hillsboro, Wisconsin; Edward Belton, age 18, killed by gunfire on May 21, 1999, St. Louisiana, Missouri; George Camacho, age 14, killed by gunfire on May 22, 1999, San Bernardino, California.

PRESIDENT RELEASES FALN TERRORISTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week the President of the United States released the FALN terrorists from prison onto the streets. These terrorists committed heinous crimes and were convicted of robbery, sedition, and conspiracy. We even have pictures of them actually making bombs. The President somehow trusts these terrorists that they will now do the right thing.

Mr. Speaker, when it comes to the American taxpayers deciding for themselves how to spend their own money, the President does not trust them. The President prefers to continue letting the bureaucracy in Washington dictate how Americans' hard-earned money is spent.

This is what President Clinton said earlier this year: "So the question is, what do we do with the surplus? We could give it all back and hope you spend it right."

How about that? The President can only hope the American people would do the right thing. That is outrageous, Mr. Speaker. The President trusts FALN terrorists. He trusts the federal bureaucracy here in Washington. But he does not trust the American people with their own money.

What is next? The Unabomber on the street?

GUN SAFETY LEGISLATION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, in my hometown of Evanston, Illinois, I have been to three funerals in recent months. I have cried with grieving parents bearing their children because of senseless gun violence. To honor the memories of those children, I pledge my support for gun safety legislation and continue the roll call of names of children who have been killed by gunfire since Columbine:

Susie King, age 11, killed by gunfire on May 23, 1999, West Lampeter, Pennsylvania; Lee Brown, age 16, killed by gunfire on May 27, 1999, Forest Park, Georgia; Armando Garcia, age 16, killed by gunfire on May 28, 1999, San Bernardino, California; Angela Yglesias, age 18, killed by gunfire May 28, 1999, Detroit, Michigan; Antonio Munoz, age 17, killed by gunfire on May 30, 1999, Providence, Rhode Island; Iris Turull, age 3, killed by gunfire on May 31, 1999, Bronx, New York; Daron Mitchell, age 18, killed by gunfire on May 31, 1999, Akron, Ohio; Allen Darrington, age 17, killed by gunfire on June 1, 1999, Kansas City.

ELIMINATION OF THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, is it right, is it fair that under our tax code married working couples pay more in taxes just because they are married? Is it right, is it fair that 21 million married working couples pay higher taxes than identical couples with identical incomes who live together outside of marriage? Of course it is wrong.

Let me introduce to my colleagues Michelle and Shad Hallihan, public school teachers from Joliet, Illinois. They suffer the marriage tax penalty. Twenty-one million married working couples pay an average $1,400 more in higher taxes just because they are married.

Now, $1,400 in Joliet, Illinois, where Shad and Michelle live, is one year's tuition at Joliet Junior College. It is 3 months of day-care at a local child care center. It is also several months' worth of car payments.

This Republican Congress believes we should eliminate the marriage tax penalty. We passed legislation as part of the Financial Freedom Act, our tax cut, to eliminate the marriage tax penalty for a majority of those who suffer it, people like Michelle and Shad Hallihan.

My colleagues, the question is will the President join with us? Does he want to spent the money here in Washington, or does he want to eliminate the marriage tax penalty?

Mr. President, sign the tax cut. Let us eliminate the marriage tax penalty for Michelle and Shad Hallihan.

HOW MANY MORE CHILDREN'S LIVES WILL END BY GUNFIRE?

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, how many more children's lives will be ended by gunfire? How many more tears will parents shed?

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Mr. Speaker, it is time to act. We must pass gun safety legislation now.

Mr. Speaker, I am here to continue the roll of names of children who have been killed by gunfire since Columbine:

Dominic E. Johnson, age 16, killed by gunfire on June 1, 1999, St. Louis, Missouri;.

A.J. Flores, age 13, killed by gunfire on June 2, 1999, Grand Prairie, Texas;.

William Floyd, age 18, killed by gunfire on June 2, 1999, Washington, D.C.;.

Ricky Salizar, age 12, killed by gunfire on June 2, 1999, Roswell, New Mexico;.

Rodney Nelson, age 17, killed by gunfire on June 3, 1999, Detroit, Michigan.

DEFEAT H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, for 62 years dairy farmers in the upper Midwest have been placed at a competitive disadvantage. For 62 years we have received less for our milk simply because we are closer to Eau Claire, Wisconsin. No other product in America is priced based on where it comes from and what it goes into, only milk.

In response to this, a couple of years ago Congress authorized the Secretary of Agriculture to come up with modest reforms. Dairy farmers have spoken. They voted in a plebescite to endorse Secretary Glickman's modest proposal.

Mr. Speaker, out in the Midwest we have an expression: A deal is a deal; and a bargain is a bargain.

The farmers have spoken, but unfortunately we are going to have a great debate today to undo those modest reforms.

Mr. Speaker and colleagues, please as we listen to this debate today, we should vote our consciences, not the special interests, defeat H.R. 1402.

THIS CONGRESS WILL NOT PASS REAL GUN SAFETY LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I stand here to offer the names of dead children, the names of children who were killed by guns since Columbine. I represent the mothers whose tears will not dry and the fathers who have broken hearts because of the loss of their children because this Congress will not pass real gun safety reform.

So this morning, Mr. Speaker, I am here to continue the roll of our dead children:

Robert J. Prough, age 13, killed by gunfire on June 4, 1999, Beaver Dam, Wisconsin;

Maurice Jiles, age 18, killed by gunfire on June 5, 1999, Gary, Indiana;

Joseph Sweeney, age 18, killed by gunfire on June 5, 1999, Washington, D.C.;

Lawanza Robinson, age 18, killed by gunfire on June 16, 1999, Detroit, Michigan;

Blaine Reeves, age 15, killed by gunfire on June 9, 1999, Atlanta, Georgia;

Raphael Rivera, age 14, killed by gunfire on June 10, 1999, Harrisburg, Pennsylvania;

Shannon Smith, age 14, killed by gunfire on June 14, 1999, Phoenix, Arizona;

Brandon Williams, age 3, killed by gunfire on June 15, 1999, Hollywood, Florida.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. A study from the General Accounting Office reveals that President Clinton's trips last year to Africa, China, and Chile cost more than $72 million. The President's six-nation tour of Africa required advanced, 10 separate advance, trips to arrange the itinerary, 1300 military and civilian officials, more than 200 White House aides, 13 helicopters and enough equipment to require 98 air cargo missions, all at a cost of $43 million. A 10-day trip to China costs nearly $19 million, and a 4-day regional summit in Chile had a $10.8 million price tag. Of the 72.1 million total for these three trips, 84 percent was charged to the Defense Department.

At a time when Bill Clinton is gutting defense budgets and asking for military personnel to do more with less it is offensive that he draws tens of millions of dollars for presidential trips that yield very little. Instead of perpetuating the 13-year downward defense spending cycle this administration has continually promoted, Clinton should build up America's military that he so readily uses.

Does not it appear excessive to pin $72 million on three trips billed as goodwill tours? Bill Clinton gets my "Porker of the Week Award."

WHO WOULD HAVE THOUGHT THERE WOULD EVER BE A CONGRESS LIKE THIS ONE?

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, who would have thought that our country would ever see so much gun carnage? Who would have thought that the killings would spread from districts like mine to districts of all my colleagues? Who would have thought there would ever be a Congress like this one who would have done nothing about the killing of children like those whose names I read killed since Columbine?

Lee Martindale, age 14, killed by gunfire on June 17, 1999, St. Louis, Missouri;

Roshon Hollinger, age 5, killed by gunfire on June 20, 1999, Atlanta, Georgia:

Darryl Hall, age 13, killed by gunfire on June 22, 1999, Jacksonville, Florida;

Khari Bartigan, age 18, killed by gunfire on June 23,1999, Boston, Massachusetts;

Deslond Glenn, age 17, killed by gunfire on June 24, 1999, Fort Worth, Texas;

Fred Warren, age 18, killed by gunfire on June 25, 1999, Miami-Dade County, Florida;

Chau Tran, age 17, killed by gunfire on June 26, 1999, Lansing Michigan;

Richard Rogers, age 16, killed by gunfire on June 29, 1999, Fort Wayne, Indiana.

PUTTING EVERYDAY AMERICANS AHEAD OF BIG GOVERNMENT

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, government confiscates too much money from the American family. In my view, the Republican tax relief package currently sitting on the President's desk improves the fairness of the Tax Code.

For example, it reduces the marriage tax penalty which seems to me an obvious step in the right direction. It also gets rid of the estate tax, or as it is commonly known, the death tax. It will also make it easier for people to keep the family farm or the family business when an owner dies. It also makes it easier for people to obtain health insurance, a measure that will make a real difference in the lives of millions. It will also make it easier for families to save for their children's education, certainly something that should warm the hearts of those who wanted greater fairness in a tax code.

The Tax Code is unfair, but the President has threatened to veto our tax relief package maybe even today. I hope he will reconsider, Mr. Speaker, and put the everyday Americans ahead of big government.

WHILE REPUBLICANS ARE TAKING CARE OF BILLIONAIRES, WHO IS TAKING CARE OF OUR CHILDREN?

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, there are other ways to take care of our children as well as gun control. The Republicans have tried for the past month to sell their $792 billion tax package to the American people, but American people are smarter than that. They know that the Republican tax plan is designed mainly to take care of billionaires. What American people want to know is: Who is taking care of our children?

They also know that our Republican colleagues are not taking care of our children. Our children do not need tax breaks for the wealthiest 1 percent of Americans, they do not need corporate tax breaks. Our children need the surplus invested in their future by protecting Medicare, Social Security, and paying down our national debt. They also need gun control for their safety.

So I ask my Republican colleagues, while they are taking care of billionaires, who is taking care of our children?

THEY TALK ABOUT GUN CONTROL BUT CONSISTENTLY REFUSE TO DO ANYTHING ABOUT CRIME CONTROL

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, first I want to say to my friends on the other side of the aisle who have been reading a list of names: I think that is entirely appropriate that we remember the names of children who died by gun violence at the hands of criminals. But that tells part of the story. Perhaps it would be appropriate today if we also read the names of liberals in this Chamber who have consistently voted against building more prisons to house violent criminals; the names of liberals who consistently vote against tough-on-crime measures, the names of liberals who today support a President of the United States who grants clemency to terrorists.

We ought to read the names of innocent victims who have defended themselves against gun violence over the years. Let us read the names of women who have defended themselves against rape, or defended children in their home. Let us remember the names of the Founding Fathers who intended every law-abiding American to have that right of defense against gun violence. Let us hold people accountable for illegal actions, and let us hold politicians accountable that talk about gun control out of one side of their mouth, then consistently refuse to do anything about crime control.

MOO DOO ECONOMICS

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I am pleased to announce today the creation of a new Federal program that will subsidize aqua farmers that raise lobsters to sell to consumers, and the amount of the subsidy will depend on the distance these lobster farmers are from Boston and Maine. Sound silly and ridiculous? Well, it is of course, but welcome to the world of our Federal dairy policy. Milk is the only product produced in this country that faces price discrimination based on where it happens to be produced and what it is used for, and that distance is based on a city in the heart of my congressional district, Eau Claire, Wisconsin.

But today, Members of Congress have the ability to allow reform, much needed, long overdue reform, of that antiquated, depression-era policy to go forward by voting no on 1402 and saying good-bye finally to the "old moo-doo" economics that we have been operating under since the great depression.

AMERICANS WANT THEIR CHANGE BACK

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, recently I was in Wichita, Kansas, at a fast food restaurant, and the person in line ahead of me ordered $4 worth of food. He handed over a $5 bill to the cashier, and they expected their change back, as would every American. They overpaid their food order, and they expected their change.

Mr. Speaker, America has overpaid the cost of government, and they expect their change. What the Republicans have done is pay for the cost of the Federal Government, lock up all Social Security payments, protect Medicare payments, pay down the publicly-held debt, and after we have spent all that money and set aside all that money we still have overpaid the cost of government.

Mr. Speaker, America deserves their change back, and that is exactly what our tax relief package does. It gives America back their change.

Mr. Speaker, I hope the President will not veto Americans right to get their change back, from their overpaid bill.

MORE TAX RELIEF FOR THE RICH

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to support the President's veto of the Republican tax proposal because it is a disgrace.

We hear the Republicans come up and say we want tax relief for Americans, but when we look at the facts and when we go behind the rhetoric, what we find is that this is more tax relief for the rich. Over 60 percent of the benefits in this tax package go not to the average American, not to the school teachers and the policemen, but they go to the very wealthy. They go to the people who are already doing very well in this society, the people who are making a killing on the stock market. The 20 percent of the wealthiest Americans in this country will get the lion's share of the benefits. That is not right.

We will hear my Republican colleagues talk about the marriage penalty, and we should not penalize married couples. Mr. Speaker, I agree with that, but what about the tax relief for the rich and the estate tax? Only 2 percent of Americans pay estate taxes, the wealthiest 2 percent in America. They have to have an estate over a million dollars in order to get estate tax relief, and that is who they want to give a tax break to.

Look further. What do we find? More special interest tax breaks throughout this $800 billion monstrosity.

We can have reasonable tax relief, but we should pay down the debt, improve Medicare, provide prescription drugs, and invest in education not give more tax relief for the rich.

□ 1030

ILLEGAL DRUGS SHOULD REMAIN ILLEGAL, EVEN IN OUR NATION'S CAPITAL

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, some are urging President Clinton to veto the fiscal year 2000 D.C. appropriations bill, not because it spends too little, not because it spends too much, but, get this, because it simply contains a provision that says the District of Columbia can take no steps to legalize mind-altering drugs.

Now we know that about 70 percent of D.C. voters want to legalize drugs, including the current and, of course, the former mayor. That comes as no surprise. What would come as a surprise is if President Clinton vetoes this bill because it simply says illegal drugs remain illegal in our Nation's capital. Hopefully, the President, rather than listen to these folks, will listen to America's parents, police officers and his own drug policy head, General Barry McCaffrey; sign this D.C. appropriations bill and remind the District of Columbia that it remains part of the Union and subject to federal antidrug laws.

EMERGENCY FARM ASSISTANCE

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, over the past several months, I have traveled my district, the 8th District of North Carolina, and spent dozens of hours listening to farmers and ranchers tell me about the state of the farm economy.

In February, I, with the help of the gentleman from Illinois (Mr. EWING) and the Committee on Agriculture, hosted a field hearing in Laurinburg to learn farmers' concern about the current crop insurance program and what changes they felt needed to be implemented to achieve meaningful reform.

The Committee on Agriculture took the comments of my farmers and the comments from other farmers around the country and passed a bill which addresses their concerns and will strengthen crop insurance and provide better risk management tools for farmers and ranchers.

Crop insurance is just one recent example of how the Committee on Agriculture takes a grass-roots approach in learning about a problem and then, with a bipartisan effort, efficiently works to solve it.

Congress is once again being called upon to listen to what is going on in farm country and respond in a timely and effective manner. After hearing from my farmers, I introduced a bill last week, H.R. 2843, the Emergency Assistance for Farmers and Ranchers Act of 1999. In addition, I call on Members to help pass the emergency spending bill necessary for flooding and drought in crop areas this week.

WHEN TAX DOLLARS ARE USED FOR MORE GOVERNMENT PROGRAMS, THE LIBERALS ARE SILENT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, if Republicans want to provide tax relief to American families, the liberals are outraged. What about the national debt, they shout? But when it comes to more Washington spending, suddenly, the liberals are silent. Not a word is spoken by the liberals about the debt when more spending and bigger government is being debated. Suddenly, it is as if the national debt never existed.

This feigned concern about fiscal discipline and the national debt by the same people who have spent the past 40 years expanding government and accumulating that debt is obviously insincere. Tax relief never, but more government spending, sure. That is the pattern and we see it day in and day out. The less revenue the Government takes in, the less social engineering, the less redistribution of wealth and the fewer new Government programs the left can oversee. That is why they hate tax relief so much.

THE GOVERNMENT SHOULD NOT KOWTOW TO SPECIAL INTERESTS, INCLUDING DAIRY CARTELS

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, the price Americans pay for a gallon of milk is dependent upon how far they live from Eau Claire, Wisconsin. Now, this is moodoo economics. In 1996, Congress passed and I supported the Freedom to Farm Act, which directed the Department of Agriculture to create a more market-oriented dairy program. Yet today some in Congress want us to take a step backwards away from reform.

Today's bill would create a costly, burdensome bureaucracy. Dairy cartels are economically inefficient. They are protectionist. They are unfair. They cost the consumer $1 billion a year. Government should not be subsidizing businesses. We do not do it for computer chip factories or convenience stores. So instead of protecting dairy cartels, we ought to protect America's 250 million American taxpayers and consumers, and I urge my colleagues to oppose H.R. 1402. Stop milking our taxpayers. Do not kowtow to special interests.

IF THE PRESIDENT VETOES THE REPUBLICAN TAX BILL, HE RAISES THOSE TAXES BACK TO THE LEVEL THEY WERE BEFORE

(Mr. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS. Mr. Speaker, I ask, Is today the day the President is going to raise taxes on married couples, increase the income tax rates, tax educational savings, tax families who want to keep family members in their home who are now of senior age, those who want to purchase health insurance, those who want to purchase long-term care insurance? Is today the day he is going to reinstate the death tax, the alternative minimum tax?

That is right, Mr. Speaker. The Congress has lowered the tax burden on American families, American workers and American business by $792 billion. If the President vetoes that tax bill, he raises those taxes back to the level they were before the Congress lowered taxes on American workers, American families, and American businesses.

CONSOLIDATION OF MILK MARKETING ORDERS

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 294 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1402.

□ 1036

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders, with Mr. HASTINGS of Washington in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as all Members know, dairy policy debates are contentious and are characterized more often than not by regional as opposed to ideological differences.

The House Committee on Agriculture has endeavored to provide Members on all sides of this issue ample notice and a fair process in which to debate their views and represent the interests of their constituents.

H.R. 1402, as reported, addresses several perceived weaknesses of the final decision of the U.S. Department of Agriculture as well as current law. During committee consideration, several amendments were included to deal with concerns over price volatility, manufactured product formula pricing, and price support.

Mr. Chairman, I know Members are split on dairy policy. I am also aware that there is no great sense of camaraderie within the industry on this issue. This is a modest bill which makes some modest changes in the federal dairy program. I urge all Members to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1402.

Mr. Chairman, we have a considerable variety of federal programs meant to guarantee a healthy agricultural sector for our Nation. Year after year, Congress has reaffirmed its commitment to build, redesign and improve policies that promote it. The more I think about these different programs and their purposes, the more I come to the conclusion that the key to a strong system for farming and ranching is the maintenance of policies that support cooperative effort.

I am very excited that we have the opportunity to debate this issue today. Because whether we are talking dairy or cotton or sheep or hogs or corn, the problem is price. We have to find ways for our producers to get more of the agricultural dollars, and the long-term solution from the producer standpoint is cooperation, cooperation in the traditional sense of cooperatives and cooperation now soon to be in a nontraditional sense in which corporate America recognizes it is in their best interest to do whatever is necessary to see that more of the consumer dollars go to the producer's pocket.

Mr. Chairman, dairy farmers are extremely vulnerable as stand-alone price-takers. Being a highly perishable commodity, raw milk can be kept on the farm for only so long before it becomes worthless. This fact is what has given rise to the need for a federal pricing system. The federal milk marketing order system promotes the opportunity for dairy producers to get a fair deal from the processor and does so without setting strict, unaltered minimums. Instead, regulated prices fluctuate each month according to changes in the market. The key benefit of the program then is not in price enhancement but in the promise of uniformity that takes away the processor's opportunity to play one producer off against another.

Mr. Chairman, this program promotes producer cooperation. Without that cooperation, the producer has little chance of bargaining for a fair deal with a processor who can wait while the milk deteriorates in the tank. With cooperation, we have a shot at a healthy dairy sector and we will continue to have a safe, abundant and reliable supply of milk.

While most processors would not choose to conduct business in that way, and do not, the program then and the enhanced cooperation that results from situations in which some do is the problem we attempt to address today. The program then, and the enhanced cooperation that results, works to the benefit of the processor and of the consumer, as well as of the men and women who go out to the barn two and three times a day to get the cows milked.

Mr. Chairman, in marking up this bill, the committee adopted an amendment to require forward pricing under the order program. While I opposed that amendment, it has become even more clear to me, since the committee acted, that the provision is a very fundamental challenge to the milk marketing system, and one that will undermine cooperative effort at the very time that we should be promoting it. At the appropriate time, I will offer an amendment to limit the program in a way that will allow forward contracting to go forward without crippling the system.

Mr. Chairman, discussions of federal milk marketing orders nearly always divide along regional lines, and the rulemaking we debate today is no exception. The gentleman from Texas (Mr. COMBEST), and the gentleman from California (Mr. POMBO), chairman for the Subcommittee on Livestock and Horticulture, have done an excellent job of facilitating a fair debate on this matter; and I am grateful for their leadership in bringing the bill to the floor.

Mr. Chairman, USDA did a great deal of work in developing the rule on milk marketing order reform. The farm bill required little more than a consolidation of orders, a reform which by itself was considered to be an important step at the time. In addition to providing for order consolidation, the Department has used this rulemaking as an opportunity to base manufacturing class prices on milk components rather than on Grade B prices, and it establishes several surplus production regions as basing points for determining minimum prices.

H.R. 1402 is designed to preserve all of these reforms and to make reasonable adjustments to Class I price differentials. It represents responsible progress towards an improved system and should be viewed as such against the backdrop of our current program.

I want to thank the chairman for allowing me the time to address the committee regarding this important legislation, and I am grateful for his assistance in helping move this bill forward.

In spite of these accomplishments, there are two areas where USDA badly missed the mark. We need to pass H.R. 1402 to complete the reform process in a manner that does not adversely affect our nation's existing milk marketing system.

Mr. Chairman, this bill is supported by dairy farmers from much of the United States because it is so important to ensuring a successful completion of the milk marketing order reform process directed by the 1996 Farm Bill. By requiring USDA to use Option 1A price differentials in implementing order reform, H.R. 1402 will fulfill the Farm Bill's mandate. It is clear that important portions of the Final Rule issued by the Administration lack the Congressional and public support needed to be sustainable.

Mr. Chairman, this point was made abundantly clear by communications from Congress and public views filed during the comment period. Last year, nearly 240 Members of the House wrote to USDA expressing their support for Option 1A. According to USDA documents of the 4,217 public comments that were received regarding the Class I pricing structure, 3,579 of them were in favor of Option 1A.

In spite of these overwhelming expressions of public sentiment, USDA did not listen. Its decision gives rise to the need for Congress to act further.

Mr. Chairman, in understandable efforts to simplify a complex issue, many have characterized Option 1B—the option chosen by the Department—as reform, and Option 1A as the status quo. This characterization is simply incorrect.

Mr. Chairman, Option 1A is not the status quo. For many years, it was a goal of Upper Midwest dairy organizations to encourage a consolidation of milk marketing orders—so much so that the Farm bill's requirement for consolidation was that region's main accomplishment in the Dairy section of that bill. Option 1A would accomplish that goal to the same degree as Option 1B. Under the old rhetoric then, even with Option 1A, the Final Decision would be a significant accomplishment. But apparently the debate has shifted and we are faced with a new measure of success.

It was also a goal of the Upper Midwest to bring an end to the accepted notion that each Order's Class I differential is related to its distance from Eau Claire, Wisconsin. Option 1A recognizes three surplus zones as the basis for determining Class I prices. In Texas, this result itself means a significant lowering of the differential and therefore of prices received by producers. Option 1A will reduce income for Texas Producers as well as producers in many other parts of the nation. So, again, under the old rhetoric and the old standards of success for the Upper Midwest, Option 1A represents a significant victory and a change from the status quo.

Mr. Chairman, producers who are supporting Option 1A were prepared to accept these changes in Federal Orders that would have made the system more equitable for the Upper Midwest. The Final Decision, however, will result in a substantial negative impact on dairy producer income in Texas and in many other areas. In short, the Final Decision goes too far and unduly threatens the value of dairy farm investment in the United States.

Mr. Chairman, in addition to focussing on Class I differentials, I have devoted considerable attention to another controversy relating to the Final Rule: the manufacturing milk pricing formulas. Several witnesses at the Subcommittee on Livestock and Horticulture's hearings this year raised concern that these formulas will have a significant negative impact on all producer prices. For this reason, I offered an amendment that was adopted by the Agriculture Committee to provide an interim solution to this problem. Section 2 of the Committee substitute requires that USDA initiate a new rulemaking for developing Class III (cheese) and Class IV (butter & nonfat) pricing formulas. While that rulemaking is pending, the Final Decision's formula is modified in a manner that will partially ease the negative impact of the Final Rule's formula on dairy farmer income.

Mr. Chairman, for many years, a problem with the Federal order system has been its incompatibility and risk management tools known as forward contracts. Such contracts are often used by producers of other agricultural commodities. In an effort to maintain a sensitivity to market forces, Federally regulated milk prices are reset each month in response to market movements. Finding a way to allow producers and handlers the option to enter into log-term price relationships without undermining that system has been a great challenge.

During the Committee's consideration of H.R. 1402, Mr. DOOLEY offered an amendment that was adopted by the Committee to require USDA to allow forward pricing. I opposed the amendment at the time because I did not feel it contain sufficient safeguards, however I have been working closely with Chairman POMBO to develop improvements. To that end, we have developed an amendment that will allow forward pricing to go forward on a limited basis. Under the amendment, the forward pricing program would expire as of December 31, 2004, and would apply only to non-Class I milk. The amendment also requires USDA to submit an interim report to Congress on the operations of the program.

Mr. Chairman, USDA did a great deal of work in developing the rule on milk marketing order reform. The farm bill required little more than a consolidation of orders—a reform which, by itself, was considered to be an important step at the time. In addition to providing for order consolidation, the Department has used this rulemaking as an opportunity to base manufacturing class prices on milk components rather than on Grade B prices, and to establish several surplus production regions as basing points for determining minimum prices. H.R. 1402 is designed to preserve all of these reforms and to make reasonable adjustments to Class I price differentials. It represents responsible progress towards an improved system and should be viewed as such against the backdrop of our current program.

Again, Mr. Chairman, thank you for allowing me the time to address the Committee regarding this important legislation. I am grateful for your assistance in helping move this bill forward.

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. POMBO), chairman of the subcommittee which has jurisdiction over dairy policy.

Mr. POMBO. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST) for yielding me this time.

Mr. Chairman, I would like to just take a couple of minutes to hopefully try to explain to my colleagues how we arrived at the position that we are in in terms of this legislation. A couple of years ago when we passed the Freedom to Farm Act, as part of that legislation, as part of the farm bill, we directed USDA to go in and look at the dairy program, to redo the milk marketing orders and the rules that we play by, and they spent a considerable amount of time in public hearings, in internal work, to try to come up with a plan that they felt would work.

I think all of my colleagues realize that the current dairy program is extremely complicated. A lot of times it does not make a lot of sense to a lot of Members, and to those of us that have spent a huge amount of time working on dairy policy it does not make a lot of sense to us either. It has been extremely difficult to work our way through 60 years of dairy policy and try and come up with something that is going to operate, something that is going to work and something that will be a transition period for America's dairy farmers to go away from a command-and-control, government-knows-best dairy policy into a more free-market policy, which I believe is the majority of our goal that we would like to achieve.

□ 1045

That transition that we are in the middle of right now, USDA came out with their recommendation, and some people cheered it and others were extremely opposed to it because of the changes that they made. What the Committee attempted to do was to come up with a compromise piece of legislation, legislation that would give us the ability to transition away from the government-run dairy policy into a more free market dairy policy.

The bill that we will have before us today is part of that transition. I do not like everything that is in the legislation. In fact, there are many things in there that I dislike. But I do believe it is a reasonable transition.

One of the important things in our part of this legislation that the gentleman from Texas (Mr. STENHOLM) talked about before was the ability to do forward contracting. I do believe that this is part of the future of dairy in this country, and it is an important tool that our dairy farmers ought to be able to use. Mr. Chairman, with the gentleman from Texas (Mr. STENHOLM), I am introducing an amendment that I believe puts safeguards into that particular part of the legislation. I urge my colleagues to support that amendment.

Mr. PETERSON of Minnesota. Mr. Chairman, I ask unanimous consent to control the time previously controlled by the gentleman from Texas (Mr. STENHOLM).

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, following the gentleman from California (Mr. POMBO), I am one of those that has been down on the Subcommittee on Livestock and Horticulture working on this issue over the last number of years, and it has been frustrating, to say the least. I would just like to say to my colleagues, I understand they are getting a lot of pressure from farmers and co-ops and so forth, but for those that believe in the free market and believe in free trade and pushed the GATT and NAFTA, I would just say to them, how can they continue to defend a system whose time has passed.

There was a good reason back in 1937 why we set up the system we have now, because we wanted to keep fluid milk close to the population centers, but times have changed. We have interstate highways, we have refrigeration, we have a lot of things that we did not have back in 1937, and because of that, it is time to change this policy.

The Department has done a good job, they have gone out across the country, listened to everybody, put together a program that I do not like completely because it does not go far enough, but it is a step in the right direction, and that is what we asked them to do back in 1996. So we ought to follow through on that commitment, and we ought to not pass this bill and let the work that the Department put together become the law of the land.

The other thing that people ask me all the time is why is it that it looks like Minnesota and Wisconsin against the rest of the country on this. Well, people need to understand that this bill focuses on the class 1 differentials, which are just part of the picture in dairy farming. In the Midwest, 85 percent of the milk that we produce goes into manufacturing. The reason that we are concerned about this current policy is that it is not based on economics.

The current Class I differentials were put in place when Tony Coelho, who was the head of the Dairy Subcommittee, legislated them and basically locked all of the dairy industry in a room in 1985 and forced them to come up with these legislative Class I differentials that are in the statute. What we are trying to do here is to change those differentials so that they require more what the economics of the dairy industry are.

What our concern in the Midwest is that we are a manufacturing market and when the government pushes people to produce more because of government policies, that excess milk gets dumped into our manufacturing market and it affects our price, and that is why we are concerned about this.

The other thing that is an issue in all of this is that California has had their own system, which is similar to a compact that was set up in the northeast area, and they have entered into this because this new system is going to make the manufacturing price of milk closer to what their price is, and they have been using this as an advantage to lure some of the manufacturing industry to their State because of the way the Federal policies have been set up in the past, and they are outside of that Federal system.

So what we are trying to do with this is get the whole industry more on a level playing field, get it to more mirror economics, and it is the right direction to go. I understand where some of the co-ops and farmers are coming from because the economics of the current situation favors their business structure, but it is not the right thing for the country. Again, I say to people, if they are supporting this, if they believe in the free market and free trade, how can we set up a system where we are going to put up barriers within this country and favor one farmer over another, or price milk based on how it is going to be used at one price or another. This is what the Soviet Union tried, it did not work, and it is not the best thing for this country.

So I urge that we defeat this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I thank my colleague from Texas for yielding me this time.

I would say to my colleagues that the gentleman from Minnesota (Mr. PETERSON) and I have spent 9 years almost on the Committee on Agriculture, on the Subcommittee on Livestock and Horticulture, trying to make some sense and bring this order to the Federal milk market order system; trying, we believe, to allow farmers to have the chance to succeed by getting the Federal Government out of their way. But, for 62 years, we have had this program that sets up milk cartels, 34 of them currently, around the country, and part of the reform that is going into place in the next couple of weeks will reduce the number of marketing orders to 11. As we get into this process, there are certainly changes that will occur in the differential.

Mr. Chairman, H.R. 1402, which we are debating today, seeks to derail these long overdue reforms to the milk market order system. But let me be honest, these are the most modest of reforms that are being blocked today. For decades, the U.S. dairy policy has discriminated against some dairy producers based on their distance from Eau Claire, Wisconsin. I think it is time to say enough is enough.

We looked at data, the Committee on Agriculture did, to show that some 60 percent of dairy producers in this country would benefit from the reforms the USDA is about to put in place, and there are all types of numbers around, but this is a consensus of the numbers. So why do we want to stand in the way of some 60 percent of U.S. producers who are likely to gain from this change in this order?

As we, most of us, believe in free trade, asking countries around the world to tear down trade barriers, we in this country have one of the largest trade barriers within our own country, and that is this Federal milk market order system. I just cannot understand how my colleagues can continue to defend this depression-era system that says that milk is going to be priced based on its distance from Eau Claire, Wisconsin, and that we are going to pay producers a different amount of money, depending upon how the milk that they sell is used.

So today we will have a chance to debate this, and I am looking forward to a healthy debate.

Mr. PETERSON of Minnesota. Mr. Chairman, could I inquire as to how much time we have remaining on our side?

The CHAIRMAN. The gentleman from Minnesota (Mr. PETERSON) has 21 minutes remaining.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KIND), who has been a leader on this issue.

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise to urge my colleagues to oppose H.R. 1402 on final passage. This is a debate, quite frankly, that I am sure no one has looked forward to. It seems to be a perennial thing that goes through this United States Congress, and it is unfortunate in many respects. I think this is bad legislation based on policy reasons, but also based on procedural reasons.

First, the procedure, Mr. Chairman. Back in 1996, my predecessor, Steve Gunderson, who was then chairing the Dairy Subcommittee, was going to write some legislation in the Freedom to Farm bill to reform this depression-era milk-pricing system that exists in this country. But there was an agreement reached, an understanding reached back then that instead of having legislation go forward under Freedom to Farm, they were going to let the regulatory and rule making process at the Department of Agriculture take its course. Over the next few years, the Department of Agriculture held countless hearings across the country, took testimony from experts in the field, from dairy producers, and proposed a reform that is due to take effect on October 1.

This is a very small, gradual reform, but a reform that heads in the right direction in leveling the playing field and creating a fair and more equitable dairy policy for all of the producers in this country. But now, here we are in the eleventh hour, just a few short days before that reform is to take effect, with this legislation that would effectively stop that reform. This is unfortunate, because I believe people's words in this House should stand for something, and agreements should count for something. I am afraid that if we cannot rely on each other's promises and agreements that are reached, I shudder to think what the environment is going to be like in this chamber on a whole host of other issues.

But there are policy reasons to oppose this as well. Milk is the only product that faces price discrimination in this country based on where it is produced and what it is used for. There is no other product that faces this same type of discrimination, and under the current policy, that subsidized rate is based on distance from a beautiful city in the heart of my congressional district, Eau Claire, Wisconsin. It does not make any sense.

For those Members, especially rural Members, who constantly complain about the disparity in reimbursement rates under the Medicare formula, how can they continue to defend a dairy program that effectively does the same thing, based on geography in this country. For those Members who are strong advocates of fair trade with other countries around the world, how can they continue to defend a dairy policy that effectively creates trade barriers within our own country. It is comparable to setting up a new Federal program that would subsidize aqua farmers for raising lobsters based on distance from Boston and Maine or farmers that are growing oranges and get a higher subsidized rate based on how far they are from Florida or even high-tech companies, giving them a competitive advantage because they are further away from the Silicon Valley.

The point is that under our current economic system, there are going to be comparative advantages for producers, especially in agriculture, that the government should not interfere with.

Mr. Chairman, if my colleagues cannot vote "no" on H.R. 1402, I am going to be offering an amendment today which will stop pitting region against region, farmer against farmer, family against family. It is a pooling program where the Class I differentials, what the farmers get for the milk they produce for drinking purposes, would be pooled and then distributed equally and fairly to all of the producers around the country, regardless of where they happen to be producing that milk. I think that is a fair, equitable and a common sense approach which would finally end this constant regional fighting and civil war over dairy policy that we have in this chamber all too often.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who is very involved in agriculture policy.

Mr. GUTKNECHT. Mr. Chairman, I thank the Speaker for allowing us to have time to debate this on an equal footing.

Mr. Chairman, today we are engaged in a great debate on a Federal policy that defies rational economic policy and just plain common sense just as Anton Scalia a couple of years ago described the Federal milk marketing order system as "byzantine."

I doubt if there are more than a handful of Members on the floor of this House, in fact, I think if we had a quiz, I suspect all would fail if we were asked to describe in detail exactly how the milk marketing order system works. But we do know that it defies any logical or economic sense.

Currently, the gentleman from Wisconsin (Mr. KIND) and myself, as well as some other Members, have Russians who are visiting in our districts, and we are going to be hearing today about the milk marketing order system being almost a Soviet-style price scheme.

But it is interesting that even in Russia today they are allowing markets to set the price of milk, and yet we are engaged in this debate today as to whether or not we will allow some modest reforms that Secretary Glickman came up with to go into effect.

□ 1100

Mr. Chairman, we are going to hear some interesting things today. Among them, some people are claiming this is going to cost the milk industry $200 million. That is not what the USDA said. That is not what the consensus of economists who have looked at that have said. They say at maximum it is going to cost dairy farmers $3 million. That is the worst it is going to be.

Let me read a quote from the USDA. If the modest reforms the Secretary wants to put in place October 1 were in effect this year, let me read this quote, "Over all Federal orders, the average blend price would have averaged 15 to 20 cents per hundred weight higher if Federal Order reform had been in place over the last 12 months and nearly all farmers would have been better off."

Mr. Chairman, we are not talking about making bold changes that are going to drive dairy farmers in some parts of the country out of business, we are talking about modest reforms we are going to allow to go into place. The current policy is indefensible. We should defeat H.R. 1402. We should allow the reforms to go into effect.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a new Member who has been a real leader on this issue.

Ms. BALDWIN. Mr. Chairman, for nearly 6 decades Wisconsin dairy farmers have been victims of a discriminatory pricing system that devalues their product, destroys their economic well-being, and threatens their very way of life. There are literally thousands of dairy farmers that I could tell Members about, but I would like to tell Members a little bit about one family farm, Dwayne and Janet.

Dwayne and Janet operate a family farm in northern Green County in my congressional district. Dwayne's family has operated a dairy farm for four generations, over 100 years. Dwayne, Janet, and their sons work hard to manage their herd of 45 cows. They work between 90 and 100 hours per week. They do not take vacations.

They are very worried about their future. Dwayne and Janet have watched farming decline in their township for the last 20 years. The number of dairy farmers in their township has declined from 55 to now 29. All Dwayne and Janet want is a level playing field. Dwayne and Janet know that other dairy farmers in other parts of the Nation are getting more for their milk simply by virtue of how far they live from Eau Claire, Wisconsin.

Dwayne and Janet still count themselves as lucky so far, but because they have seen their neighbors go out of business, they wonder if they are next.

H.R. 1402 is bad for Dwayne and Janet and all other Wisconsin dairy farmers. The Department of Agriculture has offered a fair reform plan. It is not everything we want, but it is a step in the right direction toward a more fair system, a system which can offer some hope for family farms and to people like Dwayne and Janet.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the original author of H.R. 1402.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am glad we are dealing with this issue today. It clearly is an issue that the House has been divided on for some time, but it has been overwhelmingly divided in favor of H.R. 1402. Last year, 238 Members of the House and 62 Senators wrote the Secretary and asked the Secretary to stay with the Option 1A pricing structure. The Secretary ignored that and came back with a different structure.

This year 228 Members have joined me as cosponsors of this legislation. This House is overwhelmingly supportive of commonsense dairy policy for American farming families.

My good friend, the gentleman from Minnesota, just said, I believe, that the USDA estimates that there would be maybe a $3 million loss to American farming families. The estimates that I see are $200 million, and in fact, in my district alone, the Seventh District of Missouri, in southwest Missouri, most of our milk is marketed on the fluid market. The Secretary's rule would reflect a 49 cent per hundred weight decrease in fluid milk. This means that in the Seventh District, there would be a $4 million loss. If we have a $4 million in the Seventh District of Missouri, which is not any longer in the top 10 dairy-producing districts of the country, even though for years and for generations it was, there is no way we are going to have a $3 million loss nationwide.

Mr. Chairman, this is the difference in farming families continuing to farm in the majority of our States. Forty-five States are negatively affected. An average dairy farm in those 45 States, a small dairy farm of around 100 cows, would lose between $6,000 and $15,000 a year, depending on the other market factors.

On dairy farm after dairy farm, the difference in $6,000 a year to $15,000 a year is the difference in whether they continue to maintain that farm, whether their family continues to be in this business, whether there is a fresh supply of milk produced reasonably close to consumers.

There is a reason that every bottle of milk has a date on it. The reason is that this is a highly perishable product. It does not have tremendous shelf life. It needs to be produced close to the people that consume it. Option 1A continues that policy that continues that kind of production. I urge my colleagues to support this bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN), a member of the Committee on Agriculture and the Subcommittee on Livestock and Horticulture, and a leader on this issue.

Mr. HOLDEN. Mr. Chairman, I rise today in support of H.R. 1402, legislation to mandate the implementation of Option 1A of the Federal Milk Marketing Order System.

In Pennsylvania, dairy is the largest agricultural enterprise, representing a $1.5 billion industry. Pennsylvania is the fourth largest dairy State in the country. Dairy is important to Pennsylvania and the entire Northeast because of the particular contribution it makes in both dollars and jobs.

Over the past 2 years, I have worked with a majority of my colleagues in support of replacing the Federal Milk Marketing Order System with what is known as Option 1A. That is why I strongly opposed the rule proposed by the Secretary, a modified Option 1B. If implemented, it penalizes dairy producers to the tune of at least $200 million per year. In Pennsylvania alone, that loss will be about $20 million a year, based on a reduction in Class 1 differentials.

It discriminates in providing a fair and equitable price to dairy farmers in most regions of the country. In both the short and long run, it will hurt consumers by reducing supplies of locally-produced fluid milk and drive up prices at supermarkets.

The bill before us today will implement a widely-supported Option 1A which will provide equitable pricing for fluid milk, ensure affordable dairy products to consumers, and prevent the further erosion of the economic well-being of many small communities. It will ensure that our Nation's dairy farmers receive a fair pricing system and consumers have an adequate supply of fresh dairy product.

I encourage my colleagues to join the 229 cosponsors and vote in support of H.R. 1402.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT), a member of the committee.

Mr. CALVERT. When I was in the restaurant business, Mr. Chairman, I had to work hard to get the lowest prices, the best workers, and the most bang for my buck. If I was not competitive I risked going out of business, plain and simple. This is the American way. H.R. 1402 would revert us back to a dairy market system that is quite simply anti-American, anti-business, and anti-consumer.

I have some of the most efficient and successful dairy farmers in this country, probably the largest dairy district in the United States. They watch their expenses, they make a great product, and if given the chance, they would be highly successful in an unregulated market.

We are just talking about a modest change here today, Mr. Chairman. We are just trying to change a system that prices milk based upon the distance from Eau Claire, Wisconsin. What business in America would do that? I would encourage all Members to take a close look at this.

With current technology and transportation, it has changed this country and we no longer need to run a system that way. Oppose H.R. 1402 and let us get back to the American way.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS), who has also been a leader in dairy policy.

Mr. SANDERS. Mr. Chairman, I thank my friend, the gentleman from Minnesota, for yielding time to me.

Mr. Chairman, I rise in strong support of our Nation's dairy farmers, in strong support of H.R. 1402, and in strong opposition to the poison pill amendments that have been offered.

This legislation is critical for the survival of dairy farms in the State of Vermont and all over this country. It would implement the Class 1 milk price structure known as Option 1A as part of the final rule to consolidate Federal Milk Marketing orders. It would protect family farmers all over America who in recent years have seen a significant drop in the price that they get for their milk.

In fact, today in terms of inflation-accounted for prices, farmers today are receiving 35 percent less in real dollars than they received 15 years ago, which explains why all over America we are seeing family farms going out of business, we are not seeing young people getting into farming, and we are seeing the industry becoming dominated by larger and larger agribusiness corporations, rather than small family-owned farms.

Option 1A is supported by 229 Members of the House. The reason for that is that the economics is very clear that Option 1A will help 45 out of the 50 States.

Let me suggest to Members the options that we have. If present trends continue, in my view, what dairy agriculture will look like 10 years from today is that a handful of agribusiness corporations will control the production and distribution of dairy products. The alternative is to maintain, as best we can, family-owned farms all over this country who protect our environment, who protect our rural economies, who provide fresh product to the people in the various communities.

Does America really want a handful of corporations to determine the price of dairy product? Does America really want to lose family farms all over the country and see our green land converted into parking lots, or are we going to fight as hard as we can to protect family farmers, who provide us with fresh, high quality product?

I would urge Members of the House, the 229 who are supporting this excellent legislation, to stand firm against the amendments that are being offered which would ultimately undermine the goals of this legislation. Let us stand with the family farmers who work 7 days a week, 12 hours a day, producing the quality of food that we desperately want and need to maintain.

Mr. COMBEST. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH), a member of the committee.

Mr. SMITH of Michigan. Mr. Chairman, I am a dairy farmer from Michigan. I am supportive of H.R. 1402. It implements one of USDA's proposals known as Option 1A.

Briefly, let me try to explain to our nondairy Members roughly what we are talking about. We started pricing milk back in 1937 because there was unfair bargaining between dairy farmers and the processors of milk. The processors of milk had the bargaining advantage and could rip off those dairy farmers simply because milk is perishable and is lost if not purchased. They could do anything they wanted to with you because your milk will spoil if not picked up, so the dairy processor had monopoly power over the individual dairy farmer. So government became involved in pricing milk.

It is interesting that today there are still about 200 dairy farmers producers for every one processor as there was in 1937, so some pricing structure needs to stay in place if we are to continue producing an adequate supply of milk in this country. These two changes USDA came up were their two top proposals on how to involve the government; namely, Option 1A and Option 1B. Option 1A has less change from the current system; Option 1B has a more dramatic change.

But I would suggest to Members, there are already very dramatic changes that include going from 31 milk marketing orders to 11 orders in this country. Also both proposals dramatically change the way we price milk and change the way we classify milk. It is very important, I think, in making this transition that we go with the less drastic change that is Option 1A.

Members ask why roughly 87 percent of our milk is sold through cooperatives. It is because dairy farmers are over the barrel and do not have the ability to bargain effectively as individuals. They do have cooperative bargaining rights that will be helped with the passage of this bill. I think it is very important that we pass this bill and go with Option 1A.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

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Mr. SHOWS. Mr. Chairman, our dairy farmers are not numbers and statistics to be shuffled around like a spreadsheet without care and concern. Our dairy farmers are part of the American farm family. They are men and women who work hard every day. Farming is not as much a career as it is a way of life. It is a way of life that touches every life in America.

In my district, in the 4th District of Mississippi, we have over 300 dairy farmers, more than 24,000 dairy cows, and a total value of agricultural crops and livestock products of over half a billion dollars. Dairy farming matters to the communities and towns and lives of Mississippians.

All Americans, whether in the big cities, main streets of our towns, or roads of the countryside are touched by the hard work and care given to supplying fresh and wholesome milk to our tables.

Milk does not just appear on the refrigerator shelves of our markets. It gets there through hard work.

The American Government is wrong in attempting to enact policy that is not fair and equitable to all our dairy farmers. It is wrong to suggest some places matter more than others. All our farmers work hard, pay their dues, and give back to their communities and supply us with the highest quality, safest, best, and most economical food supply on the planet.

Fairness across the board must prevail. Let us pass H.R. 1402 today and move forward as one American farm family serving one America.

I would like to remember the 1–A and 1–B. 1–B stands for bad. Let us remember 1–A.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in common sense tripartisan opposition to the bill before us today.

Mr. Chairman, we need to cut to the chase and listen to Minnesota's governor, Jesse Ventura, who body slammed this bill during recent testimony before the House Committee on Agriculture.

Governor Ventura, in his common sense, no-nonsense direct way put it best when he said, "What we need, without question, is to end the nonsense that has the price of milk tied to how far the cow is from Eau Claire, Wisconsin. Now that there are refrigerated trucks" in America, "it makes sense to abandon 50-year-old thinking and find a new way to look at the 'millennium' dairy industry, one that reflects today's economic realities and is at least fair."

Governor Ventura is absolutely right, and we all know it. If H.R. 1402 passes, it would derail long-overdue reforms to our Nation's Depression-era milk pricing regulations. As Governor Ventura further explained, and as we all know, Secretary Glickman has come up with a plan to correct some of the 50-year-old problems, but H.R. 1402 would torpedo that plan.

The current system, as has been said today, is based on outdated realities of milk production, consumption, and transportation; and it has caused drastic distortions in milk production in this country.

I urge my colleagues to be fair, use Norwegian horse sense on this dairy policy, use Jesse Ventura common sense. Vote for a level playing field across America. Vote no on H.R. 1402.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY), a member of the Subcommittee on Livestock and Horticulture, and a real leader on this issue.

Mr. DOOLEY of California. Mr. Chairman, I rise in strong opposition to H.R. 1402, and I do so because it is time for us to move in a direction that takes us away from a program that was developed during the depths of the Great Depression.

As I have often said, it was Secretary of Agriculture Henry Wallace that introduced this program, many our farm programs, as a temporary solution to deal with an emergency. We no longer have an emergency in the dairy industry.

We have some of the highest milk prices that we have seen in history, yet, we are still trying to promulgate and continue a policy that is not going to allow this industry to become increasingly competitive so we can provide consumers with a lower cost product and allow U.S. dairy farmers to become more competitive internationally.

When we get right down to it, the issues are very simple. When we look at the cost of production of milk in the United States, there is a great disparity. If we look in the southeast of this country, it costs about $17.50 a hundred-weight to produce milk. We go to the northeast, it is in the $14, $14.50 a hundred-weight. We go to Wisconsin and Minnesota, they can produce milk at $12.25 a hundred-weight. We go to the Pacific Coast, they can produce it out there for a little over $11 a hundred-weight.

We have in the United States, family farmers, dairy farmers that are able to produce milk at a third of the cost as other parts of the country. Yet, we are continuing a policy that is not going to allow those dairy farmers in those areas where they have a relative advantage to realize that advantage and opportunity.

There is no other sector of our economy, no other agriculture commodity that we are growing that we have a farm policy that dictates that we are going to require consumers and processors to pay more for milk that does not have any direct correlation to market prices. That is what we are doing here.

If we do not oppose H.R. 1402, we are going to ensure a policy where the Government is dictating what consumers and processors are going to have to pay for milk. When we are moving into a world which we understand and we have to become increasingly market oriented, we ought to allow the marketplace to dictate where milk is going to be produced.

We should not have a federal policy that is going to ensure that we are going to have cows in the southeast where it is a very high cost of production when we know that there are family farmers in other regions of the country that can provide the same product at a lower price that can deliver that product to consumers through transportation of other means. Government should not be prejudicing whether or not a producer, a dairy farmer, is going to be supplying milk to a particular market because of the fact of how far they live from Eau Claire, Wisconsin.

This policy is out of date; it is time to move on. It is time to allow the dairy farmers of this country which had the greatest opportunity and ability to produce milk at the lowest prices to realize that advantage, to realize that opportunity, and allow the marketplace to work.

Mr. COMBEST. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of H.R. 1402 which would direct the Secretary of Agriculture to implement the Class I milk marketing structure known as Option 1-A that will put some sense back in the system that they are trying to change that has worked for so long.

If my colleagues look at my diagram, they will see what bleeds red, almost the whole part of the country, except some parts of California and the upper Midwest. Although I have great respect for my colleagues on the other side of the debate, in this case, they are dead wrong.

This map was made by the Department of Agriculture. The red part of the map, which is the vast majority of the country, shows the farmers that get hurt. If we do not pass H.R. 1402, we will have all the milk in this country produced in a couple areas.

The next thing they will be asking us to do is reconstitute it so they can ship it. Mr. Chairman, do my colleagues know the difference between fresh orange juice and concentrate? That is where we are going in the milk business if we do not pass H.R. 1402.

We have had in my area one hauler that went from 140 stops to 40 stops. That is what is happening to the family farm. Option 1-A of H.R. 1402 will help us delay that.

I had a lady come into a meeting that I was at a while ago and she said, I came and I had to go home. Her son sent me a little letter. His mom had told him I could vote on this. He said, "Mr. Voterman, my mom says you can help us. Please help my Grandpa Jack's cows."

The CHAIRMAN. The Chair would advise Members that the gentleman from Texas (Mr. COMBEST) has 14 minutes remaining. The gentleman from Minnesota (Mr. PETERSON) has 6½ minutes remaining.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI), a member of the Committee on Agriculture.

Mr. BALDACCI. Mr. Chairman, there are a lot of formulas, there is a lot of gobbledegook, and a lot of things that maybe a lot of people have a hard time understanding. But the basic fact is that this legislation would preserve the present system. Under the alternative that the Department has promulgated and that the detractors of this legislation are presenting, it would take $200 million out of the pockets of dairy farmers. It would take $200 million out of those dairy farmers pockets.

It would be there to help people who are further up the chain other than the dairy farmer in the family farms that are spread throughout this country.

So one thing is very clear. If my colleagues support the current level of funding that is going on and the arrangements that are in place right now, then they will support this legislation. If they want to support taking $200 million away from those dairy farmers and further jeopardizing their livelihoods, because we all know whatever we want to call it, people are working off the farm to stay on the farm. They are trying to raise their kids in a quality of life situation that not too many people have an opportunity for.

In our State of Maine, $95 million a year is coming from dairy revenues. We are down to 600 small farms now. We used to have twice that number. Most people are telling me, John, the only thing that is constant in the business is how much we get for our milk. Everything else is going up by telegraph. Everything that we get is staying flatline, and we are having a hard time struggling to stay there.

That is where most of the dairy farmers are in our State of Maine and throughout the northeast. Nobody is getting rich at the present formula that is put in place.

But one thing is very clear. If my colleagues want to take $200 million, which is what the Department has estimated would come from the implementation of their policies, would reduce farm income by $200 million, then vote against this legislation.

If my colleagues support the small dairy farmers throughout this country and they support family farms, then they are going to vote for this legislation which has over 228 Members that are supporting this in a bipartisan fashion to support the implementation of the 1–A program that has been supported by over three quarters to almost 80 percent of the dairy farmers throughout this country. That has been the support that has really registered here in Washington and something that we need to reinforce.

So I am proud to be one of the cosponsors of this legislation, and I encourage my colleagues to support this.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Texas (Chairman COMBEST) for so graciously providing this opportunity for balanced debate.

I would ask those watching today and listening to remember three points as this debate takes place: number one, we are going to hear a lot today about how family farms in general and dairy farmers in particular are hurting. No one knows that better than I. In the district that I represent, we have seen a massive decline in dairy farming. By this time tomorrow, Wisconsin will have lost five dairy farms. We have lost more dairy farms in the last 10 years than nearly every other State ever had.

I understand that our farmers are hurting. But as we hear about how dairy farmers are hurting, do not forget that they are hurting under the current system, the system which the supporters of H.R. 1402 seek to reimpose. It will not help them one iota.

Point number two to remember, we are going to hear a lot about numbers and about losses. The supporters of H.R. 1402 are going to have their charts. Remember this: the USDA has debunked every one of those numbers. The USDA just recently came out with a report which shows what would have happened if the Secretary's proposed reforms had been in effect over the last year. The doomsday scenarios that we are hearing about are false. They are badly misleading.

Point number three, we are going to hear a lot about the coalition of Members who support this bill, and it is broad, and it is bipartisan. It is 229 Members. Would this be the first time that people inside the Beltway have been wrong? I ask my colleagues, just because they have 229 Members does not make them right.

I do not put my faith inside the Beltway. I put my faith in a different coalition, a broad coalition, a coalition that spans every part of the spectrum. Those standing against H.R. 1402 range from Americans for Tax Reform to the AFL–CIO, Citizens Against Government Waste to the Consumer Federation of America, the Teamsters, the Caucus of Black State Legislators, the Grocers Association, the Food Marketing Institute.

We have had newspapers from every part of the country opining against raising the price of milk which is what H.R. 1402 would do.

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We have heard from the Washington Post, The New York Times, the Chicago Tribune, paper after paper, group after group outside the beltway is saying do not do this. Do not raise the price of milk that consumers have to pay. Do not push farmers out the door.

I urge my colleagues to stand today not within the beltway but with groups outside the beltway opposed to 1402.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a member of the committee.

Mr. ETHERIDGE. Mr. Chairman, I thank the ranking member for yielding me this time.

This morning I am proud to join my colleagues in this final push to pass legislation that will allow dairy farmers to survive and to ensure that consumers have access to a fresh milk supply, a fresh supply of milk at the local level.

Enough is enough. It is time that Congress do what a majority of the Members have demonstrated they want done, and that is pass Option 1–A. Every step of the way we have proven that we have the support to do the right thing for the dairy farmers of this country and the consumers of America by passing Option 1–A.

Folks, we are at a crossroads in America today for agriculture. Consolidation is killing the American farmer, and enough is enough. Consumers are going to feel the pain when a few corporations control agricultural production in this country. Too many people today think that food comes from the grocery store. They fail to realize that whatever the product may be, it is produced by a farmer somewhere in this country.

I know that I speak for many Members of this House when I say we are committed to ensuring that these hardworking Americans and their children have an opportunity to succeed in agriculture in the 21st century. But, first, we must bring stability to the national dairy policy.

Option 1–A provides a modest reform for the national system of pricing fluid milk that is fair both to the producer and to the consumers throughout this country. The Department's proposal, on the other hand, would, in my opinion, substantially lower prices for farmers that they get for their fluid milk in about 41 States in this country, forcing many of the dairy farmers out of business. No matter what we hear, that is true. And when farmers go out of business, competition declines and consumers pay. That is a fact, no matter how we want to change it.

Option 1–A is fair both to consumers and to the farmers. And I am tired of folks who keep telling me to let the free market system work. It is not working for the farmer. They are going broke. We have just heard my colleague from Wisconsin saying they are going out of business, and that is a State that has a lot of dairies. In my State we have so few left we can hardly find them. We have to do something to stop it, and this morning we have an opportunity to do something.

We are probably going to pass a $10 billion relief package in some form for our farmers before this year is out, I trust.

But folks, dairy compacts and option 1–A is the disaster relief package my dairy farmers need to survive, and that's a relief package that won't cost the taxpayers one dime.

I want to commend the gentleman from Missouri and the Chairman and the Ranking Member of the Agriculture Committee for their hard work in bringing this bill to the floor, and I urge my colleagues to support this important bill for our nation's dairy farmers.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, we have heard more rhetoric today about everything that is going on here. I have heard one of my colleagues get up this morning and say that if we all took a quiz on this that we would all fail. This is probably one of the more simple things that I have had to deal with since I have been up here.

We have a program in place today that allows most of the producers of milk in this country to receive essentially the same price, but there is a wide variance in the cost of production. So what we are trying to do today is overturn a program that says if it costs, as my friend from California said a moment ago, $17 to produce milk in the Southeast and $12 to produce it in the upper Midwest, what we are trying to do is overturn a program that says that the place that has the cheapest cost of production, we are going to give a dollar per hundred-weight raise; and where it costs more to produce it, we are going to ask for a decline in the price. It makes absolutely no sense to do what we are doing.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, a lot of folks have been calling our office, other Members that do not represent dairy States, asking what is going on here. Well, I would like to give Members who do not represent dairy States a little insight as to what this whole pricing formula is all about. If Members think our Tax Code is complicated, wait until they look at dairy.

Out of the Code of Federal Regulations the method for determining the basic formula price for milk and the blend price is as follows:

The basic formula price for milk equals last month's average price paid for manufacturing grade milk in Minnesota and Wisconsin plus current grade AA butter price times 4.27 plus current nondry milk price times 8.07 minus current dry-buttermilk price times 0.42 plus current cheddar cheese price times 9.87 plus current grade A butter price times 0.238 minus last month's grade A butter price times 4.27 plus last month's nondry milk price times 8.07 plus last month's dry-buttermilk price times 0.42 minus last month's cheddar cheese price times 9.87 plus last month's grade A butter price times 0.238 plus present butter fat minus 3.5 times current month's butter price times 1.38 minus last month's price of manufacturing grade A milk in Minnesota-Wisconsin times 0.028.

That is the basic formula price. Now let us go to the blend price, which gets us closer to what the farmer actually gets.

The blend price is the basic formula price plus .12 times percent of milk used for cheese and powder and butter plus basic formula price plus .30 times percent of milk used for ice cream and yogurt plus the basic formula price plus 1.04 plus .15 times the distance from Eau Claire, Wisconsin, divided by 100 times the percent of milk used for fluid milk.

My colleagues, this is the pricing formula set in law 62 years ago; and this is what we are living under now. The USDA is proposing very modest reforms toward a market-based system so that farmers can farm based on their own merit, not based on where the 'heck they live in proximity to Eau Claire, Wisconsin.

This is the formula. This is how they determine how a farmer basically gets the price for milk. This is more complicated than our U.S. Tax Code, yet the proponents of H.R. 1402 want to keep this price system in place. That is what this debate is about. When we listen to these numbers about $200 million being lost, those are bogus numbers. The USDA, the Food and Agricultural Policy Research Institute concluded on consensus numbers that, at worst, farmers are going to lose $2.8 million a year but, on average, 60 percent of America's dairy farmers are going to do better under the USDA's plan.

So this $200 million figure, Members should not believe the hype. At worst they are going to lose $2.8 million. The decimal point needs to be moved a couple slots to the left.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in strong support of H.R. 1402. It is a Federal response to a national problem, and it reflects what Congress had intended when it required milk market order reform.

In 1996 through the Freedom to Farm Bill, Congress voted to reform the milk marketing order program. Congress directed the Secretary to reduce the number of marketing orders and phase out the Federal product purchase without compromising the basic pricing structure on which dairy farmers depend.

Again in 1998, a majority of Members from the House and Senate signed letters to Secretary Glickman appealing to him to implement a Federal milk pricing policy that did not significantly lower milk producer prices. Unfortunately, the administration ignored the will of Congress and the desire of the majority of dairy producers and announced the final dairy plan that drastically phases down the Federal pricing program, costing producers nationwide millions in lost farm revenue.

Dairy producers are expected to lose $200 million or more annually when the administration's plan, the modified Option 1–B Class I price differential is enacted. I urge my colleagues to support the 1–A option and to support this bill.

Today, Congress has the opportunity to show support for agriculture and an interest in improving farm income during a time of financial turmoil for farmers by voting for H.R. 1402.

Simply put, Option 1–A reforms the milk marketing order system, reduces volatility, and continues to assure there will be enough fresh milk in all markets of our nation. It does so by keeping in place transportation differentials, a system that has worked for many years, guaranteeing us an adequate supply of fresh, wholesome milk. As the government withdraws from the purchase of dairy products to balance the market, we need to leave in place those mechanisms that assure us a continued supply.

Some may argue that the producers themselves voted for the Administration's plan through the producer referendum in August and we should honor their wishes. In no way should the producers affirmative vote be considered as support for the lower Federal Order Class prices proposed by Secretary Glickman. It was a vote under duress. The Secretary gave the producers no choice. It was either his way or no way at all. Producers voted for his plan in efforts to keep the Federal Order system intact as producers await the enactment of H.R. 1402.

Farmers from across the country are counting on our support. More than 225 members of the House have promised their dairy farmers their support in Congress. Don't be fooled by misleading tactics. This is simply a bill to keep our farmers in business. I urge every member to support H.R. 1402.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me this time, and in this short time I have, Mr. Chairman, we have heard a lot of comment on what support there is and what expert evidence there is and support for Option 1–A.

I just want to point out four simple facts, and they are this: That since the passage of the 1996 farm bill, the Secretary of Agriculture has ignored all of the experts, and has been on a biased march to debunk the dairy marketing process in the United States.

Consider that USDA took public comments on many proposals it put forth; and, in the final analysis, comments filed by the dairy industry and dairy experts ran better than 8 to 1 in favor of Option 1–A. The Department empowered a price structure committee composed of many industry experts to make recommendations to the Secretary. This committee recommended Option 1–A. They were ignored.

The Department's own internal dairy division experts recommended Option 1–A. They were overruled. Option 1–B was then advanced. Three hundred Members of the House and Senate sent a letter, concerned about the path USDA was pursuing, wrote to the Secretary and told him that they supported Option 1–A. They were ignored as well.

Experts in the industry and out of the industry know that Option 1–A is the fair and equitable way.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I have been here 17 years. If I am here 1700 years, I will not be able to explain the complexities of dairy pricing. But I can tell my colleagues this, the supporters of 1402 are not willing to stand idly by while others would relegate the family farm to the status of forgotten Americans.

Let me tell my colleagues about the consumers, because we are all vitally interested in the consumers. If we do nothing, if we allow this present trend to continue, pretty soon we will have the production of milk concentrated in the hands of just a very few. And when that happens, just watch what happens to the price.

We have an obligation in this House, in this Congress, to provide some assistance to the family dairy farms, and Option 1–B would rob them of $200 million of income. That is totally unacceptable.

Let me give my colleagues another twist on this. Why is the environmental community so sensitive to the plight of the family dairy farms? It is not just because they are an endangered species, which they are, but it is because if we witness the demise of the family dairy farms, we will have more of that scourge of America urban sprawl, and that is not healthy for anybody.

This bill is about protecting our struggling family farmers and ensuring that they get a fair price for the milk they produce for the benefit of us all.

USDA's modified Option 1–B would reduce what return dairy farmers see for their investment at a time when many dairy farmers are already struggling. The dairy farmers' share of consumer dollars spent for milk has been decreasing since 1980. In fact, the percent of the consumer milk dollar going to farmers dropped approximately 20% from 1980 to 1997.

Dairy farmers nationwide stand to lose $200 million a year if the Agriculture Department's Modified Option 1–B pricing plan is for fluid milk is adopted. While farmers would see a reduction in income under the modified Option 1–B plan, this change would have little effect on the price consumers pay for milk because processors and grocery stores are unlikely to reduce prices.

The number of dairy farms and farmers has been declining over the last several years. New York has lost approximately 6,000 dairy farms in the last ten years. Any reduction in farmers' incomes will mean that more producers leave the farm.

Farmers are vulnerable to volatile market conditions because milk is perishable; farmers can't just tell the cows to stop producing milk in order to wait out low prices. Option 1–A gives dairy producers more stability and helps to ensure that they receive a fair price for milk.

Milk prices under the modified Option 1–B will be insufficient to cover the cost of producing milk on many family-sized farms, forcing many of these farmers out of business and leaving few producers with control of the dairy market. This will result in greater concentration of the dairy industry in the hands of a few and higher prices for the consumer.

I urge my colleagues to vote for Option 1–A and H.R. 1402.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. OBERSTAR), the dean of the Minnesota delegation and a leader on dairy issues.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

The existing policy is doing exactly what the preceding speaker said, driving the family farm out of existence. We have lost half of the dairy farms of East Central Minnesota in the last 10 years because of policies that are in place, and that would be changed by the Secretary's order.

It is time to end the milk cartels, the regional dairy compacts. It is time to free up the most productive dairy farmers in America, those in the Minnesota-Wisconsin milksheds. It is time to reduce the milk marketing orders from 31 to 11, as USDA proposes. It is time to vote for fair trade at home in the dairy sector and preserve the family dairy farm.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Chairman, I thank the gentleman for yielding me this time.

Perhaps some very troubling but, I think undeniable, important facts. As my colleague, the gentleman from New York (Mr. SWEENEY) suggested, the Department had hearings but the Department did not listen. Of the 4,217 comments placed into the hearing record, 3,579, nearly 85 percent of them, supported 1–A. Again, as my colleague so correctly noted, the industry, the Ag Department's own internal price structure committee accepted and recommended 1–A.

□ 1145

As well, the Congress has voted on this time and time again. During the 1996 farm bill, we considered proposals that would have dramatically altered the price structure and the market order system, but we rejected each and every one of those.

To my friends that say that Congress is now reneging on the deal, let me read the report language from the 1996 farm bill: "The minimum price for class I fluid milk shall be the same or substantially similar to those set forth in the 1985 farm bill." This 1402 is totally consistent with congressional intent.

Let me just make a couple of other points. I am pleased to let Governor Ventura know that, under 1402, or 1–B, neither uses Eau Claire, Wisconsin, as the sole basing point for Class I differentials. So he can go to bed happy tonight.

Also, when we talk about market orientation, both 1–B, the Department's plan, and our bill, 1402, use the market price of cheese as the driving force for class I. So that my opponents here and other opponents can continue not to worry about that, as well.

Also, the Ag Department's analysis, the Secretary's analysis, was totally debunked by every reputable economist and organization that analyzes the dairy industry. They used a totally false premise with respect to class III prices when they came up with the calculation of $2.2 million. I wish it were true, quite honestly. Otherwise, we would not have to be here.

1402 is consistent with congressional intent. It is good for dairy farmers across this country. The House needs to adopt the bill today.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just would say to my colleagues one more time, we have got a pretty good debate here today, but for those of my colleagues that have supported free trade, that believe in the free market, I just say to them, how can they defend a system where we are benefiting one farmer in America over another farmer? We are setting up barriers in this country where we are saying we should take them down in the world. So I would say, how can they defend a program that does that?

The second thing I would say, we have had a lot of talk today about how we are losing family farmers. And that is true. We are leaving them in every area of this country. But we need to understand that we have been losing those farmers under the existing program which House File 1402 continues. So how in the world are we going to save family farmers if we are going to keep the same program that has caused us to lose them up to this point?

Mr. COMBEST. Mr. Chairman, I yield the balance of our time to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the chair of the Committee on Agriculture for yielding me the time.

Mr. Chairman, earlier the gentleman from Pennsylvania (Mr. SHERWOOD) had a chart and he said, if this thing is defeated, these areas are going to be bleeding red. But if we think about it, what it really says is that for 62 years they have had an advantage and our farmers in the upper Midwest have been bleeding red.

The gentleman from Alabama (Mr. RILEY) said that in some areas it costs more to produce milk and so we have to have big differentials. But in some areas of the country it costs more to grow wheat. In some areas it costs more to grow corn. And if it costs too much, they do not produce corn in those areas. But in no other area does the Federal Government step in and artificially try to set the prices.

Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. RYAN) because I think what he read just made my point. In fact, I rest my case. Can anyone in this room, can anyone in this body, can anyone in this country say that they honestly understand the way milk marketing orders are set? Can anyone honestly say that it makes any sense, either economic or policy or politically, can anyone honestly defend this price-fixing cartel?

Shortly after the Soviet flag came down for the last time over the Kremlin, an editorial was written here in the United States and the headline was "Markets are more powerful than armies." What a beautiful line.

Let us take a small step away from this Soviet-style pricing scheme. Let us listen to common sense. Let us listen to our farmers, not to special interests. Let us defeat H.R. 1402.

Mr. GILMAN. Mr. Chairman, I commend Mr. BLUNT for bringing this legislation to the floor today, and giving me the opportunity to speak on behalf of our Nation's dairy farmers, in support of H.R. 1402.

In my home State of New York, agriculture is the largest industry with an annual farm value of products over $3 billion. The State's dairy industry, over 8,000 farmers, accounts for approximately 60 percent of the farm receipts.

With abundant rainfall, productive soil, and proximity to the Nation's largest markets, the outlook for the future of New York's dairy farmers is one of great potential.

However, in a recent meeting with Brian Ford, a dairy farmer from Orange County, NY, it was once again made clear to me, that our Nation's farmers continue to struggle; a struggle made even harder by the inability of the Department of Agriculture to respond to their needs, by moving forward with a plan that reduces farm income in 45 States.

Although our Nation's dairy farmers overwhelmingly support reform, the present class 1 pricing formula will force them to lose at least $200 million annually.

Accordingly, H.R. 1402 will require the Secretary of Agriculture to implement the class 1 milk price structure known as option 1–A, as part of the implementation of the final rule to consolidate Federal milk marketing orders.

A strong agricultural industry is not only beneficial to the farm and food industry, but to the economy of every State, hundreds of local communities, and our consumers. America's small family farms rely on us to provide them with a strong foundation. Since 1993, the United States has lost 25 percent of its domestic dairy operations; a trend that must be stopped.

Accordingly, I urge my colleagues to support H.R. 1402.

Mr. HAYES. Mr. Chairman, over the past few months, I have traveled around my district and listened to farmers and ranchers tell me about the state of the farm economy—low commodity prices, drought, hurricanes. I also heard from my dairy farmers telling me of their dwindling dairy industry in North Carolina. A business which once thrived with as many as 400,000 milk cows, is now down to 75,000 cows—losing 5,000 in the last 3 years alone.

I tell you these things about our dairy industry in North Carolina to give you some insight into our current situation. I want you to know, however, that while it is becoming increasingly difficult for our dairy farmers, there are still 478 farms employing hundreds of people and providing consumers in North Carolina with fresh milk every day.

I come to the floor today to voice my strong support for H.R. 1402. Option 1–A is not only vital to the survival of the dairy industry in many regions, it is also good for consumers. Economic studies show that locally produced milk is cheaper for consumers because they don't have to pay the cost of shipping milk from surplus areas. Option 1–A is also good for consumers because it ensures that milk will get quickly from the cow to the consumer; therefore, it will have a longer shelf-life.

The bottom line here is that North Carolinians want and deserve fresh milk. I, along with 230 of my colleagues, believe that the freshest milk is the milk that doesn't have to travel a thousand miles to get to our constituents. By voting against option 1–A, Members would be voting to put hundreds of more dairy farmers out of business—ensuring that milk will indeed have to be transported in year-round from farms all over the United States.

I urge you to vote in favor of option 1–A and in favor of fresh milk and the family farm.

Mr. VENTO. Mr. Chairman, I rise in vigorous opposition to H.R. 1402. This legislation threatens to keep this Nation's dairy system shrouded in an antiquated, Depression-era policy that discriminates against our Nation's dairy farmers because of the area in which they produce milk products.

Mr. Chairman, this bill should not have reached the floor today. It flies in the face of a commitment that we made in the 1996 Freedom to Farm bill that granted the Secretary of Agriculture limited authority to develop a market based policy for our Nation's dairy farmers. Since the majority failed to let this House address this issue legislatively, we left it upon the Secretary of Agriculture to replace the current 70-year-old pricing structure whose original goal was to facilitate milk production across the nation when the United States lacked the intricate transportation network and modern refrigeration technology that we possess today.

Because this Nation lacked the ability to reach all areas of the country within a day, it was necessary to guarantee dairy farmers a minimum price within 31 regions for the fluid milk they produced in order to encourage milk production in regions that otherwise would not have a regular milk supply. The minimum milk prices paid to producers were based on the producers distance from Eau Claire, WI. This curious pricing scheme accounted for the regional inequities experienced by producers. If it ever made any sense, events and developments have long rendered this law useless for achieving equity.

This may have worked for farmers 70 years ago, but today this Byzantine dairy policy is punishing our small dairy farmers. Under current law and under this legislation, small dairy farmers who live in an area of traditionally high milk production are being put out of business because of a government requirement that other dairy farms must be paid a higher price for the same identical product based on their geographic location. I find it incomprehensible that the greatest nation on earth, the center of freedom and democracy, is maintaining such a market place disparity to farm producers, the very family farmers who are responsible for allowing us to put food on our tables.

H.R. 1402 not only forces more dairy farmers out of business, it also places the United States at a disadvantage at the upcoming World Trade Organization Ministerial meeting in which the United States hopes to achieve its trade objectives during multilateral trade negotiations. At a time when the U.S. trade deficit is at an all time high, the United States cannot afford to extend this competitive disadvantage that our farmers already experience at home to markets abroad. How can we as a nation negotiate with our trading partners for free and open markets when we persistently refuse free trade between regions within our own country? Our farmers and our Nation cannot afford to maintain this protectionist method of structuring the milk market in this progressive era of global trade. A vote for this legislation means stunting the growth and development of this nation all in the name of regionalism and money for parochial interests.

This should not be a regional issue. This should be an issue of equity. Equity for all our dairy farmers. Times are tough in the agricultural industry today, and we are only exacerbating these problems by following the creed of divide and conquer. It is my sincere hope that Members today can show a degree of fairness, look at this issue as it affects the Nation as a whole and vote against this legislation.

Mr. NUSSLE. Mr. Chairman, I rise today in strong opposition to H.R. 1402. This legislation would deny dairy farmers in my congressional district and throughout the Upper Midwest much-needed, free-market-oriented reforms and would continue to threaten their ability to do business while giving an unfair advantage to other dairy farmers throughout the country.

Rreforms of this Nation's Depression-era milk pricing regulations are long overdue. The current system, which H.R. 1402 would preserve, is based on outdated realities of milk production, consumption, and transportation, and has caused drastic distortions in milk production, as a result.

Currently, U.S. dairy policy discriminates against Upper Midwestern dairy producers based on the region where they produce their milk. Specifically, federal pricing regulations dictate the price of fluid milk based on distance from Eau Clair, WI. In the days before modern refrigeration, interstate highway systems, and other innovations, this policy made sense. Those days are gone, and today, this policy makes about as much sense as Microsoft pricing computers based on how far an individual resides from its corporate headquarters in Redmond, WA.

The USDA's final rule makes modest steps toward pricing equity and toward a system that would allow producers to compete more fairly in the domestic marketplace. The nation's leading dairy economists, at the request of the House Agriculture Committee, conducted an analysis of USDA's pricing reforms and showed that about 60 percent of the nation's dairy producers would fare better under USDA's final rule than they would under the status quo, which would be mandated by H.R. 1402.

Additionally, H.R. 1402, if enacted, would cost consumers as much as $1 billion annually in higher milk and dairy product prices. That cost is regressive, falling most heavily on low-income consumers, who use more of their income for food and more of their food budget for dairy products. USDA estimates that the federal nutrition programs, such as WIC, Food Stamps, and the School Lunch Program will take at least a $190 million hit over 5 years under H.R. 1402, and likely more.

Further, while the United States continually encourages the World Trade Organization to open agricultural markets to increased competition, our domestic dairy policies are being attacked as anti-competitive and trade-distorting.

In summary, I believe there are numerous reasons to oppose this bill. H.R. 1402 continues a system that props up dairy farmers in some regions of the country at the financial expense of efficient dairy farmers in Iowa and the Upper Midwest in a pricing manner that does not exist for any other product in the United States. This legislation is an added burden to taxpayers and a regressive tax increase on low-income families. Finally, this legislation represents a twisted one-size-fits-all federal mandate and a pro-isolationist trade policy which could lock U.S. dairy farmers out of the world market. For all of these reasons, I oppose H.R. 1402 and I hope my colleagues will vote to allow dairy farmers to produce for the market, and not for government programs.

Mr. LARSON. Mr. Chairman, I rise today in strong support of H.R. 1402, which would require the Secretary of Agriculture to implement the new Federal Milk Marketing Order proposal known as Option 1–A.

As you know, the 1996 Farm bill mandated the Department of Agriculture to reform the Federal Milk Marketing Orders, which determine the price of most dairy products. In response, USDA issued two proposed reforms, known as option 1–A and option 1–B. During consideration of this rule, USDA heard directly from more than 200 members of this body supporting the implementation of option 1–A. Their Final Rule published on March 28, 1999, noted that the 4,217 comments received since the change was proposed, more than 3,500 of them were in support of option 1–A.

We are here today because despite clear and overwhelming support for option 1–A, USDA has chosen to move forward and implement a plan that would devastate small dairy farmers throughout the country. The proposal put forward by USDA would specifically cost dairy farmers in my district more than $360,000 per year, representing a loss of 66 cent per hundredweight on class I fluid milk and a loss of 24 cents per hundredweight on class III milk. In Connecticut, and in most of New England, our dairy farms are small family run businesses, and vital to our region's economy.

In New England, we have even banded together to form the Northeast Interstate Dairy Compact, twice approved by this body, to foster this shrinking industry and to address the unique problems of dairy production in the region. Protecting these small family businesses has also been an integral part of protecting open space and local communities' conservation and environmental reclamation programs. Many other states in the Mid-Atlantic, Southeast, and Southwest have followed New England's lead and begun ratifying their own compacts. If USDA moves forward and implements option 1–B, few if any of these dairy producers would survive.

I have heard repeatedly from other members and the USDA that there was overwhelming support among dairy producers for their reform proposal in their recently conducted referendum. But I have also heard from the dairy community that they felt cornered into that vote, forced to support the Federal Order system at the risk of termination rather than the proposed change.

So I rise in support of this bill, to protect small American farmers, and in support of the Stenholm/Pombo amendment, which would clarify language about forward contracting for dairy producers. I urge my colleagues to support this bill, and oppose any poison pill amendments that may be offered as attempts to prevent fair and meaningful dairy reform.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to H.R. 1402. Frankly, I find it ridiculous that we are even discussing this bill here today. We all know that free markets are far preferable to out-dated government price control schemes, yet we are discussing a bill to block even modest market-oriented dairy policy reforms.

The free market has served American producers and consumers exceptionally well. Car prices are not determined according to the distance that they are manufactured from Detroit, software prices are not set by the distance that they are produced from Silicon Valley, and orange prices are not established according to the distance from Florida to where they are grown. Instead, the free market is allowed to determine the prices for these products. Not coincidentally, these industries are thriving. Conversely, milk prices are determined by the distance of the producer from Eau Claire, Wisconsin, and small dairy farmers across the country are struggling to survive. It should be clear that the free market provides the best system for determining prices in America, no matter the product.

The Department of Agriculture's milk marketing order reforms, though certainly less market-based than I had hoped, represent a common-sense step toward simplifying the pricing of milk. Dairy farmers across the country voted in support of this reform by 97 percent. Ignoring this vote, H.R. 1402 would essentially maintain the status quo in milk pricing and force dairy farmers to continue to struggle under the current antiquated government restraints. For the sake of farmers and consumers, I urge you to oppose H.R. 1402 and support market-oriented dairy reforms.

Mr. BALLENGER. Mr. Chairman, today we will have the unique opportunity to cast a vote which will save the family dairy farmer, while ensuring that Americans continue to enjoy the highest possible quality of milk. H.R. 1402, which would require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1–A, will ensure that tens of thousands of American family dairy farms are not put out of business. Option 1–A does this by extending for one year the dairy price support program, as well as maintaining current minimum prices for fluid-use farm milk. H.R. 1402 will enable the American family dairy farmer to survive and hopefully prosper in the years ahead.

While most industry in the United States continues to ride the wave of the largest economic boom in history, in my district, many family dairy farmers have been forced to give up their 4th and 5th generation farms. This is deplorable. Without the enactment of this legislation, more will go out of business—and for what reason—so all the milk produced in this nation will be produced by large Midwestern dairies. Fewer producers will mean less competition and higher prices. Don't believe the numbers that are being circulated by our upper Midwestern colleagues—Option 1–B will cost consumers in quality and price down the road.

Let me give you some numbers which point to the huge significance of this legislation for my state. Last year in North Carolina, the dairy industry generated an estimated $572 million in economic activity. North Carolina has 10 Grade A milk processing plants. The total milk produced in the state last year amounted to 146 million gallons. As of July 1, 1998, there were 478 commercial dairy farms in the state. Cash receipts for the sale of milk by dairy farmers amounted to $187 million. Last year, there were 75,000 milk cows in the state, each producing an average of 1,947 gallons of milk. And Iredell county, which is part of my congressional district, has 71 farms which produced almost 5 million gallons of milk in the month of December last year, making it far and away the largest milk producing county in the state.

Without H.R. 1402, the economy of North Carolina faces a loss of over half a billion dollars in economic activity, a loss of almost 500 dairy farms, and the devastation of commercial and family farming. Don't vote to devastate the livelihoods of these farmers by opposing H.R. 1402. Please support H.R. 1402 to ensure more low cost, high quality milk production in North Carolina and in the United States.

Mr. McGOVERN. Mr. Chairman, I rise today in support of H.R. 1402—a bill which requires the Secretary of Agriculture to implement the Class I milk price structure. This price structure, known as Option 1–A, is important to dairy farmers in Massachusetts, and I am proud to cosponsor this legislation. While the volume of dairy production in Massachusetts does not come close to equaling the production of some of the Midwestern states, dairy is an important industry in my state and district, and I fully support this effort to provide a stable pricing structure for this volatile industry.

The U.S. Department of Agriculture will soon issue a final Class I milk price structure. The USDA proposed price structure, Option 1–B, will cost dairy farmers at least $200 million annually, placing an even greater burden on an industry that is already reeling from drought. H.R. 1402 would keep the Class 1 differentials at levels similar to those today. These levels were established to assure an adequate supply of milk for fluid use and guarantee a minimum price for producers based on supply and demand conditions. Despite overwhelming support from dairy producers and the Members of Congress who represent these farmers, USDA has continued with its planned implementation of Option 1–B. This bill will ensure that our dairy producers are not forced into bankruptcy because of a flawed price structure dictated by the large farms in Midwestern America.

At this point, I would like to insert into the record a letter from Massachusetts State Representative Michael J. Rodrigues, who represents the Fall River/Westport region. This letter documents the importance of the Option 1–A pricing structure to the dairy producers in Massachusetts.

Mr. Chairman, this bill is important not only to dairy farmers in Massachusetts, but also to those throughout the Northeast and Southeast. Without the stability of this pricing structure, dairy production in these areas will decline until the business is unprofitable and ceases to exist except on large dairy farms in the Midwest. H.R. 1402 will help prevent these closures by setting a minimum price for milk for these regions. This bill gives dairy farmers a chance to succeed and prosper. I urge my colleagues to support H.R. 1402 and vote for this important bill.

COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
Boston, MA, September 20, 1999.
Congressman JAMES MCGOVERN,
Cannon Building,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: The dairy industry is moving through a period of great change. The 1996 FAIR Act has been the key impetus to this change and is the result of fundamental changes in the agricultural sector of the economy. A significant part of these changes is the greater volatility in milk prices farmers receive.

Volatility in prices creates difficulties not only for dairy farmers but also for those who purchase milk for manufacturing product. From a business perspective, price volatility presents difficulties in financial planning. If a farmer or a company cannot depend on a stable price, financial planning becomes much more difficult.

Often not considered in the debate is the impact on manufacturers of dairy products such as ice cream, cheese, and butter. Massachusetts has a considerable amount of dairy product manufactures. For example, Massachusetts consistently ranks second or third in the country in the manufacture of ice cream. Part of the reason for this high ranking is a stable milk supply, which is the result of stable milk prices to dairy farmers. Of course, the other reason is that Baystaters enjoy a good bowl of high quality ice cream.

With one of the highest costs of production in the country, Massachusetts dairy farmers, and indeed, Northeastern dairy farmers, face an uncertain future. The Northeast Dairy Compact has offered that safety net which, for many farmers, is the make-or-break factor in whether or not to sell out to developers. If the Northeast Dairy Compact is not reauthorized, many Massachusetts dairy farmers will likely sell out. As the local supply of milk declines, dairy product manufactures will likely move to areas of more available milk supplies and with this move, jobs will move as well.

Your support of the Northeastern Dairy Compact is critical to the viability of the dairy product manufacturing industry not to mention the vitality of the dairy farmers in Massachusetts, who work so hard not only to produce milk, but also to maintain the open space and aesthetic qualities that are so important to the character of Massachusetts as a New England state.

Sincerely,

MICHAEL J. RODRIGUES,
State Representative.

Mr. CRANE. Mr. Chairman, having spent quite some time on a farm in my earlier years, I can certainly understand the concerns of those who are advocating enactment of H.R. 1402. With all the risks and uncertainties agricultural producers face on a regular and not-so-regular basis, it is hardly surprising that dairy farmers would rather not add another unknown quantity to the list of things with which they must concern themselves. Also, there is a natural tendency to fear the unknown simply because it is unfamiliar.

But while it may be tempting to think that the devil you know is preferable to one that you don't, there is a problem with that line of reasoning in this instance. Should it prevail today, members of this body may have a devilishly difficult time explaining, much less justifying, it in the future. That being the case, I would urge my colleagues to consider some facts and figures before they cast their vote on H.R. 1402.

Most obvious, not to mention significant, is the fact that our current system of milk marketing orders and price differentials is over 60 years old, a relic born long before the interstate highway system came into being or refrigeration trucks made their presence felt. Back then, the argument went as follows: for America's children to be able to drink wholesome fresh milk every day, dairy farmers had to be in business nearby. But now the circumstances are entirely different. Not only can milk be shipped safely over long distances but, in many cases, it can be obtained from out-of-state more cheaply than from neighboring sources. As a consequence, what once may have benefited youngsters now adds to the price their parents pay for their milk.

Estimates of the cost of the present milk pricing system to consumers start at $674 million per year, with several approaching or even exceeding $1 billion annually. Not only that, but if milk price supports are extended for another year, as H.R. 1402 now provides, and the existing milk pricing system is essentially retained, America's taxpayers will be adversely affected as well. Because those provisions of H.R. 1402 will keep the price of milk consumed by participants in this nation's food stamp, child nutrition and supplemental feeding programs, they will not realize approximately $53 million a year in savings that should result from implementation of the USDA's Final Rule on milk marketing orders and price differentials. Also, there is evidence that dairy farmers themselves would not benefit as much as they might expect if H.R. 1402 becomes law. According to a recent estimate extrapolated from data developed by the University of Iowa's Farm and Agricultural Policy Research Institute (FAPRI), 59% of America's dairy farmers would fare better if the USDA's Final Rule takes effect.

That last figure, in particular, is a telling statistic. But it is by no means the only reason it would be best to reject H.R. 1402 for the sake of America's dairy farmers. Even more compelling, to my way of thinking, is the potentially negative impact enactment of H.R. 1402 could have on the prospects for enhancing the export of American agricultural products in the years ahead.

As I need hardly remind my colleagues, this nation's agricultural producers have been disproportionately disadvantaged by foreign trade barriers for many years now. That being the case, a key objective in the next round of trade negotiations is to achieve greater market access for all United States exports of agricultural commodities and value-added foods. But how successful can we be in achieving that objective if we are perceived to be asking other nations to do things we are unwilling to do ourselves?

Let me be a bit more specific. From my vantage point as chairman of the Trade Subcommittee of the House Ways and Means Committee, it appears that the provisions of H.R. 1402 run directly counter to the negotiating objectives of the United States in those upcoming trade talks which get underway in Seattle on November 30th of this year. Instead of telling our would-be trading partners that we practice what we preach, those provisions would give them ammunition they could use to resist opening their markets to our exports. In the past, countries with the most troublesome trade barriers have tried to shield their unfair trade practices by continuing to define them as being within the "blue box" category of export subsidies that are beyond the reach of multilateral disciplines. If we insist on maintaining market distorting pricing mechanisms and commodity subsidies of our own, as H.R. 1402 would do, those countries will see little reason—and have no incentive—to change their position. The result: markets for American agricultural products will not open up as we would like, the promise of the 1996 Freedom to Farm Act will not materialize as we have hoped, and American farmers will not be as well off as they have expected.

Mr. Chairman and colleagues, I trust we will not make that mistake. For the sake of the consumer, the taxpayer and, yes, the dairy farmer himself or herself, I hope we will not go down the antiquated, out-of-date, inconsistent with the free market path that H.R. 1402 would take us. Rather than cling to a past that was not all that kind to dairy farmers anyway, let us look to the future and to the prospect of larger, more efficient markets, not just for dairy products, but for all the exportable agricultural goods produced in this country.

We have the land, the skill, the experience and the technology to feed not just ourselves, but people all over the world at prices, few, if any others, can match. Indeed, we are truly blessed and it would be a shame if we did not count our blessings and put them to the best possible use, not exclusively to serve the interests of agricultural producers, but also to benefit those who process, distribute, sell, prepare and/or consume all kinds of agricultural commodities.

Mr. Chairman, I urge my colleagues to vote "no" on H.R. 1402 so that the USDA's Final Rule on milk marketing orders can take effect on October 1st of this year. That Rule may not be perfect, but compared to status quo alternative contemplated by H.R. 1402, it is a significant step in the right direction.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a sub-. stitute printed in the bill, modified by the amendments printed in Part A of House Report 106–324, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRED USE OF OPTION 1A AS PRICE STRUCTURE FOR CLASS I MILK UNDER CONSOLIDATED FEDERAL MILK MARKETING ORDERS.

(a) Use of Option 1A.—In implementing the final decision for the consolidation and reform of Federal milk marketing orders, as required by section 143 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7253), the Secretary of Agriculture shall price fluid or Class I milk under the orders using the Class I price differentials identified as Option 1A "Location-Specific Differentials Analysis" in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4809), except that the Secretary shall include the corrections and modifications to such Class I differentials made by the Secretary through April 2, 1999.

(b) Effect on Implementation Schedule.—The requirement to use Option 1A in subsection (a) does not modify or delay the time period for actual implementation of the final decision as part of Federal milk marketing orders specified in section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277; 112 Stat. 2681–30).

(c) Implementation of Requirement.—

(1) Expedited implementation.—The Secretary of Agriculture shall comply with subsection (a) as soon as practicable after the date of the enactment of this Act. The requirement to use the Option 1A described in such subsection shall not be subject to—

(A) the notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the notice and comment provisions of section 553 of title 5, United States Code;

(B) a referendum conducted by the Secretary of Agriculture pursuant to subsections (17) or (19) of such section 8c;

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(D) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(2) Effect on minimum milk prices.—If the Secretary of Agriculture announces minimum prices for milk under Federal milk marketing orders pu4rsuant to section 1000.50 of title 7, Code of Federal Regulations, before the date on which the Secretary first complies with subsection (a), the minimum prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the months for which the prices have been announced.

SEC. 2. NECESSITY OF USING FORMAL RULEMAKING TO DEVELOP PRICING METHODS FOR CLASS III AND CLASS IV MILK; MODIFIED MANUFACTURING ALLOWANCE FOR CHEESE.

(a) Congressional Finding.—The Class III and Class IV pricing formulas included in the final decision for the consolidation and reform of Federal milk marketing orders, as published in the Federal Register on April 2, 1999 (64 Fed. Reg. 16025), do not adequately reflect public comment on the original proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802), and are sufficiently different from the proposed rule and any comments submitted with regard to the proposed rule that further emergency rulemaking is merited.

(b) Formal Rulemaking.—

(1) Required.—The Secretary of Agriculture shall conduct rulemaking, on the record after an opportunity for an agency hearing, to reconsider the Class III and Class IV pricing formulas included in the final decision referred to in subsection (a).

(2) Implementation.—A final decision on the formula shall be implemented not later than 10 months after the date of the enactment of this Act.

(3) Effect of court order.—The actions authorized by this subsection are intended to ensure the timely publication and implementation of new pricing formulas for Class III and Class IV milk. In the event that the Secretary is enjoined or otherwise restrained by a court order from implementing the final decision under paragraph (2), the length of time for which that injunction or other restraining order is effective shall be added to the time limitations specified in paragraph (2) thereby extending those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is effective.

(c) Failure To Timely Complete Rulemaking.—If the Secretary of Agriculture fails to implement new Class III and Class IV pricing formulas within the time period required under subsection (b)(2) (plus any additional period provided under subsection (b)(3)), the Secretary may not assess or collect assessments from milk producers or handlers under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, for marketing order administration and services provided under such section after the end of that period until the pricing formulas are implemented. The Secretary may not reduce the level of services provided under that section on account of the prohibition against assessments, but shall rather cover the cost of marketing order administration and services through funds available for the Agricultural Marketing Service of the Department.

(d) Effect on Implementation Schedule.—Subject to subsection (e), the requirement for additional rulemaking in subsection (b) does not modify or delay the time period for actual implementation of the final decision referred to in subsection (a) as part of Federal milk marketing orders, as such time period is specified in section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277; 112 Stat. 2681–30).

(e) Modified Manufacturing Allowance for Cheese.—

(1) Modification of allowance.—Pending the implementation of new pricing formulas for Class III and Class IV milk as required by subsection (b), the Secretary of Agriculture shall modify the formula used for determining Class III prices, as contained in the final decision referred to in subsection (a), to replace the manufacturing allowance of 17.02 cents per pound of cheese each place it appears in that formula with an amount equal to 14.7 cents per pound of cheese.

(2) Expedited implementation.—The Secretary of Agriculture shall implement the modified formula as soon as practicable after the date of the enactment of this Act. Implementation and use of the modified formula shall not be subject to—

(A) the notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the notice and comment provisions of section 553 of title 5, United States Code;

(B) a referendum conducted by the Secretary of Agriculture pursuant to subsections (17) or (19) of such section 8c;

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(D) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) Effect on minimum milk prices.—If the Secretary of Agriculture announces minimum prices for milk under Federal milk marketing orders pursuant to section 1000.50 of title 7, Code of Federal Regulations, before the date on which the Secretary first implements the modified formula, the minimum prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the months for which the prices have been announced.

SEC. 3. ONE-YEAR EXTENSION OF CURRENT MILK PRICE SUPPORT PROGRAM.

(a) Extension of Program.—Subsection (h) of section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended by striking "1999" both places it appears and inserting "2000".

(b) Continuation of Current Price Support Rate.—Subsection (b)(4) of such section is amended by striking "year 1999" and inserting "years 1999 and 2000".

(c) Elimination of Recourse Loan Program for Processors..—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is repealed.

SEC. 4. DAIRY FORWARD PRICING PROGRAM.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new section:

"SEC. 23. DAIRY FORWARD PRICING PROGRAM.

"(a) In General.—Not later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall establish a program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

"(b) Minimum Milk Price Requirements.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy all regulated minimum milk price requirements of paragraphs (A), (B), (C), (D), (F), and (J) of subsection (5), and subsections (7)(B) and (18), of section 8c.

"(c) Application.—This section shall apply only with respect to the marketing of federally regulated milk (regardless of its use) that is in the current of interstate or foreign commerce or that directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.".

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in Part B of that report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider Amendment No. 1 printed in Part B of House Report 106–324.

AMENDMENT NO. 1 OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 1 offered by Mr. GREEN of Wisconsin:

Page 3, beginning line 3, strike section 1 and insert the following new section:

SECTION 1. REQUIREMENTS APPLICABLE TO REFERENDA REGARDING FEDERAL MILK MARKETING ORDERS.

(a) NATIONAL BASIS OF REFERENDUM.—Section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new sentence: "In the case of the issuance or amendment of an order relating to milk or its products, the referendum required by this subsection shall be conducted on a nationwide basis among all milk producers operating in areas covered by Federal milk marketing orders and the results of the referendum shall be tallied on a nationwide basis.".

(b) TERMINATION OF BLOC VOTING.—Section 8c(12) of the Agricultural Adjustment Act (7 U.S.C. 608c(12)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new sentence: "In the case of a referendum relating to milk or its products, a cooperative association of producers may not vote in the referendum on behalf of milk producers who are members of, stockholders in, or under contract with, such cooperative association of producers.".

(c) APPLICATION OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall apply with respect to the referendum required by subsection (d) and any other referendum relating to milk or its products commenced under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, on or after the date of the enactment of this Act.

(d) REFERENDUM ON USE OF OPTION 1A OR OPTION 1B.—

(1) REFERENDUM REQUIRED.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall conduct a referendum among dairy producers whose operations are located within areas covered by Federal milk marketing orders to determine whether producers would prefer that the Secretary price fluid or Class I milk under the orders using the Class I price differentials identified as Option 1A or Option 1B in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4809), including such corrections and modifications to such options made by the Secretary through April 2, 1999.

(2) IMPLEMENTATION OF RESULTS.—The Secretary shall implement the favored option in the referendum as part of each Federal milk marketing order (other than any order covering the State of California).

The CHAIRMAN. Pursuant to House Resolution 294, the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Texas (Mr. STENHOLM) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the problems with the debate that we are going to have today is that, as my colleagues may have already heard, we are going to be dealing with a very complex, very difficult subject, milk marketing orders. A lot of terms and a lot of images are going to be tossed around, and a lot of Members and a lot of interest groups are going to be arguing that they know what is in the best interest of a family dairy farm.

This amendment, the amendment that I offer today, will ensure that, whatever we do today, it is supported by the dairy farmers themselves, not co-ops, not manufacturers, not associations, not Members of Congress, not inside-the-beltway interests, but the dairy farmers themselves.

As we will also hear reference to today, back in August, dairy producers all across America were asked to vote up or down on the modest, very modest reform plan offered by Secretary Glickman. Overwhelming results: over 95 percent of the dairy producers today and over 90 percent in each region of the Nation said that they favor the Glickman reform.

So why are we here? I would argue that farmers have spoken loud and clear. They want reform. Well, my colleagues, we are here because the large co-ops and some regional money interests do not like the results, and they seek today to overturn those results and overturn what the farmers I believe really want.

Now, to cover themselves they offer a weak excuse. They say that the vote that they cast in August was not a true vote and it was not a true vote because they did not have a choice between 1–A and 1–B. Instead, it was up or down on the Glickman reform, it was either the Glickman reform or termination of milk marketing orders.

Well, where have they been for the last 6 decades? That has been the system in place since 1937. Those of us who oppose 1402 did not create it. These are not our rules. These are the rules that we have had to play by for 60 years. The votes have always been cast in such a fashion.

But today we have an opportunity through this amendment to take the anti-reformers at their word. This amendment that I offer creates democracy. It asks dairy farmers their opinion. It turns to them for votes.

This amendment says that before this all-seeing, all-wise Congress overturns the result of the August referendum and reimposes its Soviet-style dairy system, we must have a real vote of dairy farmers.

What a radical idea, no taxation without representation.

Secondly, this amendment turns the vote over to dairy farmers themselves, all the dairy farmers covered by milk marketing orders. Instead of having an order-by-order vote, which is patchwork voting, this amendment recognizes that all dairy farmers, and we are going to hear this over and over again, all dairy farmers, all consumers have an interest, have a national stake in what we do today.

Third, this terminates block voting. A dirty secret in this process is that farmers actually do not have the vote. Instead, co-ops do. Co-ops have the right to vote their members. Just like feudal lords had the right for centuries to vote their tenants, husbands had the right to vote for their wives, co-ops have the right to vote for their member farmers. Lord forbid that our dairy farmers get to express their own opinion.

Fourth, this amendment does precisely what the supporters of 1402 say they want, a true choice, a true vote. We allow dairy farmers, under this amendment, to choose either 1–A or 1–B.

We have heard a lot of rhetoric about dairy farmers not getting a real vote in August. Today, with this amendment, we have the opportunity to give them a real vote, a real choice.

I do not rely on the Members out here, the 229 Members inside the Beltway, to make these choices. I put my faith in dairy farmers. I ask my colleagues to support this.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we have heard some statements made that are not very factual. To suggest that dairy farmers have not already voted on this because their cooperatives have expressed themselves totally ignores two main facts. One, of all of the milk produced in the United States, 82 percent of it is produced by farmers who belong to cooperatives.

It is very true that there are a few cooperatives that differ with this legislation, and they happen to be mostly from one region of the country; and I understand that. I hate to hear people continue to suggest that we are maintaining Soviet-style legislation because that is not true either under 1–A or 1–B, which is the argument today. That is not a true statement.

Is it a Government program? Absolutely. Has it worked perfectly? Absolutely not. But it is the overwhelming consensus of opinion by those who commented on this some 4,217 dairy farmers and their organizations, 3,579 supported 1402.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN) who has had a major effect in this debate, and been a major force.

Mr. RYAN of Wisconsin. Mr. Chairman, it really comes down to this: proponents of H.R. 1402 are saying that the vote that happened in August was a cooked vote, that it was not an honest vote, that they did not get all the choices to vote on what they wanted.

Well, that is what we are trying to give. Let us be very clear about what 1402 does with the latest self-executing amendment. It denies the farmer any choice as to their fate. It says that H.R. 1402, the status quo, will be crammed down their throat with no say-so, no plebiscite, no choice from the farmer.

What this amendment simply does is it lets every individual farmer, not the co-ops, not the processors, not the big businesses, the farmers get to choose do they want it.

Well, the vote that took place in August was one that passed with overwhelming majority. It was a choice between the USDA's rule and Option 1–B. I understand the proponents of 1402 disregard this vote, so we are coming to them with another vote.

If 1402 is what my colleagues think all the farmers in this country want, then they should not be afraid of letting them decide themselves whether they want it. Let us move this debate beyond the Beltway, beyond the co-ops and go directly to the people.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe the gentleman from Wisconsin (Mr. RYAN) unintentionally misspoke concerning the vote that occurred. The farmers had a choice of the Secretary's proposal of 1–B or nothing was the choice that was voted on.

Mr. Chairman, I yield to the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, yes. I apologize. I thought that is what I had said.

The point is it is understandable that the proponents of H.R. 1402 disregard the vote that just took place by the farmers in August. So what we are simply saying is, okay, let us have a real vote; let us have a vote with the dairy farmers to choose whether or not they want 1402 before it is implemented, before it is passed down on to the farmers with no say-so.

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Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, as my colleagues know, I find the arguments of the sponsors of this amendment to be a little suspect. These gentleman, I believe, have every good intention, but they will also speak today on behalf of the Boehner amendment, an amendment which the dairy farmers have voted on. The dairy farmers overwhelmingly, 90 percent of them, in August rejected that proposal which would gut the milk marketing order; so, I am very skeptical of their position on this.

But let me say this: At a time when we should be empowering farmers to work together through cooperatives to get better prices, this amendment directly undercuts cooperative bargaining. This amendment would implement Option 1–B while another referendum is conducted by the Department of Agriculture.

Farmers join cooperatives to increase the size and effectiveness of their voice, and block voting on the part of cooperatives is representative democracy at its best. In a time of agricultural crisis, we should not be advocating ways to limit the ability of cooperatives to speak for its members, whether it be in the marketplace or in the regulatory impacts. This amendment would be a bad precedent, and I urge a "no" vote on Green-Ryan.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this amendment seeks to pull the mask off the antireformers, and we are hearing a bit of that in the rhetoric of my colleague from New York. Either my colleagues respect the overwhelming vote of dairy farmers in August, those that we all say we are here to serve, or they should change that voting system to get the real voice of dairy farmers. This amendment seeks to do that. It seeks to give us what many of us here are calling for, a real choice.

As my colleagues know, so many of us here pay lip service to the family farm. We say we want to save it, we want to save Americana, we want to protect the family farm as a part of our economy and our culture; and yet apparently, we do not trust those same family farmers we say we want to protect. We do not trust them to have a voice. Instead we take the voice away from them.

One wonders if perhaps those who do not support this amendment are afraid of what they might hear. They are afraid of what the farmers may tell them.

This is the moment of truth, this amendment: Who lines up for dairy farmers and who lines up for others, for special interests? Who really wants to hear from dairy farmers and give them the opportunity to decide what is best for them, and who believes that they know better?

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me attempt to make it as clear as we possibly can what that vote was in August, approved by from 90 percent to 100 percent of those who were voting in various referenda. Dairy farmers voted to impose upon themselves the Federal market order system. That was the vote, because if they had voted no, they would have joined with those who will later today and in some of the rhetoric already today are suggesting that dairy farmers do not want a Federal milk marketing order system.

What most of this discussion is about is whether we have 1–A or 1–B, and I readily admit that the intricacies and the complexity of dairy market order makes for great fun on the floor of the House, but it does work for the purpose of which it was intended and that is to provide a stabilizing force for dairy products all over the United States.

Now the issue of whether to have another vote, I hope we will not forget for a moment somebody will have to pay for that and that the people that will pay for that will again be dairy farmers through the system of which we will be asking to vote. Under normal circumstances, I would be in favor of that; but we have already voted. This is an amendment by those who oppose 1402, attempting to muddy the waters somewhat in a very sincere way, and I would just say to my colleagues:

I hope that they will oppose this amendment, it is well-intended, it is unnecessary, it is costly, and it is being slightly misrepresented by those who advocate it from the standpoint of that vote in August because dairy farmers were confronted there with a vote of approving 1–B and the recommendation of USDA or having no Federal order in their region. Given that choice, they voted for the Federal order and support us in our endeavor to pass 1402 today.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

I find it interesting that my esteemed colleague is against this amendment because holding a referendum of dairy farmers would prove costly, and yet my colleague and the supporters of 1402 seek to overturn a referendum we have already paid for. Apparently that one was not so costly; it was worth throwing away to them.

My colleagues cannot have it both ways. Either we are going to turn to our dairy farmers or we are not. Either we are going to respect the results of a referendum or we are going to change the referendum to get a true vote.

Remember this: 1402 not only reverses the results of the August referendum, but it would take away the right to vote by dairy farmers before this change takes place.

Dairy farmers have had the right to vote on the Federal order system since 1937. We are taking the step, those who support 1402 and vote against this amendment, they are taking the step for the first time in 62 years imposing a system without giving dairy farmers the right to vote. I think that is outrageous.

Wherever one stands on 1402, wherever one stands on 1–A, 1–B, Glickman reform, to take away the right to vote before we do so is wrong. It is antifarmer, it is anti-family farmer, it is a slap in the face of family farms all across this Nation, those who would benefit and those who would be hurt by 1402.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding this time to me. I rise in opposition to the amendment. Even though I agree with many of the arguments of my colleague from Wisconsin (Mr. GREEN) makes, his amendment is not all that simple. There are many major changes that are made in the system by this particular amendment that I do not agree should be done by an amendment on the House floor without the full knowledge and without the hearing process, without everything that it takes to rewrite dairy policy.

This has been a very difficult bill to get through because it does make major changes and has been very hard because there are so many different ideas region to region across the country. One of the most difficult things in all this is to hear from people, to get the members educated on that so they understand what they are voting on. This particular amendment makes major changes in dairy policy in a so-called simple amendment that is being added onto this bill. Because of that, I rise in opposition to this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. COMBEST), chairman of the full House Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, I understand very much the gentleman's concerns about the dairy policy, the proponents of this amendment, and I would say that the committee, now the full House, is considering basically whether to implement 1–A or not. I believe we know where our constituents stand on this issue, I believe we know how they have spoken with us. I do not believe it is necessary to implement what we believe is a strong majority of the House by holding another referendum. Either Members support 1–A or they do not. It is not necessary to go through some bureaucratic procedure in order to get to the end point.

So, Mr. Chairman, I would oppose the amendment.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

I would urge our colleagues to strongly oppose this amendment. Listen to the chairman of the full committee, the chairman of the subcommittee, me as the ranking member of the committee. The committee has acted on this. We recommend very strongly 1402, an overwhelming vote, not a unanimous vote. So I would urge the opposition to this amendment.

Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. GREEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GREEN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. GREEN) will be postponed.

It is now in order to consider amendment No. 2 printed in part B of House Report 106–324.

AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 2 offered by Mr. STENHOLM:

Page 7, strike line 19 and all that follows through line 10 on page 8, and insert the following:

"SEC. 23. DAIRY FORWARD PRICING PILOT PROGRAM.

"(a) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall establish a temporary pilot program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

"(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy—

"(1) all regulated minimum milk price requirements of paragraphs (B) and (F) of subsection (5) of section 8c; and

"(2) the requirement of paragraph (C) of such subsection regarding total payments by each handler.

"(c) MILK COVERED BY PILOT PROGRAM.—The pilot program shall apply only with respect to the marketing of federally regulated milk that—

"(1) is not classified as Class I milk or otherwise intended for fluid use; and

"(2) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

"(d) DURATION.—The authority of the Secretary of Agriculture to carry out the pilot program shall terminate on December 31, 2004. No forward price contract entered into under the program may extend beyond that date.

"(e) STUDY AND REPORT ON EFFECT OF PILOT PROGRAM.—

"(1) STUDY.—The Secretary of Agriculture shall conduct a study on forward contracting between milk producers and cooperatives and milk handlers to determine the impact on milk prices paid to producers in the United States. To obtain information for the study, the Secretary may use the authorities available to the Secretary under section 8d, subject to the confidentiality requirements of subsection (2) of such section.

"(2) REPORT.—Not later than April 30, 2002, the Secretary shall submit to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing the results of the study.".

The CHAIRMAN. Pursuant to House Resolution 294, the gentleman from Texas (Mr. STENHOLM) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. POMBO) be permitted to control 10 minutes of the time in support of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment Mr. POMBO and I offer today represents a step into forward contracting for dairy industry producers and handlers. At the outset, I want to point out to my colleagues that if the Pombo-Stenholm amendment is not adopted, then forward pricing will not likely come soon to the dairy industry. The committee's bill provision allows for a wide experiment where a more modest effort is justified. With the modifications we offer producer acceptance for the program can be secured. If the Pombo-Stenholm modifications are not adopted, producers will abandon forward pricing, and there will be no program.

Mr. Chairman, by failing to make special account of the coordination challenges, the provisions reported by the Committee on Agriculture fails to fully take account of the milk marketing order system and the need of dairy producers to rely on cooperative effort to maximize their income.

Mr. Chairman, dairy farmers are extremely vulnerable as stand alone price takers. Their product is uniquely perishable, and the system we have has grown out of the fact that the processing industry has the unique advantage where negotiations with producers are concerned. While one can say what they want about the appropriateness of the particulars of the milk market order system, one fact is clear, that milk marketing orders give dairy farmers an opportunity they would otherwise lack to engage in mutually beneficial cooperative action for price.

Mr. Chairman, much of the debate of this bill focuses on the class 1 differentials. While the differentials matter in terms of promoting geographically diverse milk production, the key to the success of the milk marketing order program is it is focused on uniform prices. The idea that the orders promote the establishment of market-based prices that are paid uniformly to each producer regardless of the use to which his or her milk is put.

Mr. Chairman, put quite simply, the committee's bill's provisions regarding forward pricing represents a fundamental threat to the uniform pricing feature of the Federal milk marketing order system. This development is troubling to me because without uniform pricing, producers will have little choice but to abandon the cooperative effort that has sustained the dairy production industry.

Consider the situation where dairy producers have a choice between selling to a producers' cooperative or selling to a proprietary fluid milk processor. With the marketing system we have today, the producer can make a rational choice given the best opportunities available considering the farm's location and the location of the facilities. Because of uniform pricing there is an inducement to join the cooperative, consolidating with other producers in a manner that gives them the strength of common marketing. As a co-op, they together bear the additional costs of being prepared to process milk into a storable farm by building plants, of finding new markets, and of creating opportunities in other ways.

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If a fluid plant were permitted to use the forward-pricing provisions, however, then it could begin to offer prices that are below the Class I price required under the order system but above the price the cooperative pays, the cooperative which bears those costs which make it effective in strengthening the producer's market position.

Mr. Chairman, it is easy to see what happens next. The rational producer has to do what is best for his or her operation, processors are restored to the position of being able to play each producer off against the other, and our system's effectiveness in promoting cooperative effort collapses.

Mr. Chairman, I agree that forward pricing can be an important risk management tool. Our amendment is designed to allow its use by producers and handlers on milk other than Class I for 5 years. We believe this is a reasonable compromise. I urge my colleagues to oppose the Dooley amendment and support the Stenholm-Pombo amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. RYAN) is recognized for 20 minutes.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. RYAN) for yielding me this time.

Mr. Chairman, the issue is one of free markets, in my view. Will we allow producers on a volunteer basis to enter into a private contract with a private processor? The Stenholm amendment says that if one happens to be a producer selling to a fluid milk bottler, the answer to that question is no.

The underlying bill, H.R. 1402, would increase the power basically of dairy cartels and, in the long run, the underlying bill not only would hurt producers because of over-supply, in my view, but it also hurts consumers, and it would do so through higher prices, and it would do so through higher price volatility.

Subsidies create excess production. Creating surplus dairy products eventually will create products that will be dumped into the markets and ultimately the Government will be asked to step in and buy surplus dairy products, and Congress did just that over a decade ago in the 1980s; and it cost Americans $17 billion, causing many to say that we should stop milking our taxpayers.

The Dooley amendment, if adopted, would help alleviate basically this situation by allowing producers and processors to contract for price and supply. Under that type of an arrangement, in my view, everyone is a winner, including the consumer. So let us work to implement free market reforms.

There is a reason why Citizens Against Government Waste, why groups like Americans for Tax Reform and Taxpayers for Common Sense oppose the underlying legislation, and I urge my colleagues to do the same and to oppose this amendment as it is currently drafted.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment has been put together as an effort to bring forward contracting as a tool, as an option, to America's dairy farmers. The original bill that was introduced to allow forward contracting for dairy farmers in this country was a bill that we introduced, and I have always been a big supporter of that because I believe that forward contracting is an extremely important tool that our Nation's dairy farmers should have.

They should have the ability to contract with someone on the outside, some corporation, some business, some processor out there, to contract for the sale of their milk over a long period of time to manage their risk on their particular operation. I believe that very strongly. I think the future for America's dairy farmers will include the ability to do forward contracting.

As we move forward with this particular bill, it became very apparent that a number of our producers, a number of our dairy farmers throughout the country, were dead set opposed to doing forward contracting. They did not want that tool, they did not want that ability, and our opportunity to bring forward contracting to America's dairy farmers, I believe, was very threatened.

I salute the gentleman from Texas (Mr. STENHOLM) for working with me over the past couple of months to come up with this amendment that is, in some ways, a compromise that allows us to bring forward contracting to two-thirds of the dairy producers that are out there, to give them the opportunity to manage their risk with doing forward contracting.

It is not perfect. It is a pilot program. It gives us the ability to try this over the next couple of years and prove that it will work. I believe it will work, but without this amendment passing we will not have forward contracting as part of the ultimate bill; and I believe that that will be a bigger risk for America's dairy farmers.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to the Stenholm-Pombo measure and would also like to speak in support of my amendment to theirs.

What we are trying to do here is to provide dairy farmers with a risk-management tool, a tool that will allow them to manage some of the wide fluctuations in milk prices that occur throughout a year. This is an important opportunity that would allow a dairy farmer to voluntarily enter into a contract with a private processor.

Now that sounds like something that is very reasonable, because as a farmer myself that is something I do almost every day, is I enter into a contract with someone that is going to purchase my cotton, my alfalfa, or whatever else I might be producing. It is somewhat remarkable that in our dairy laws today we have a prohibition that actually makes it illegal for a dairy farmer to enter into a private contract voluntarily in order to set a price.

This amendment that we are dealing with at the current time is one that is a step in the right direction because it allows us to have a pilot program that will allow dairy farmers to contract forward on the milk that they are going to sell for manufacturing purposes. If we are, in fact, going to have a legitimate and comprehensive pilot program, we ought to expand it to all classes of milk. Why should we limit it solely to that milk that is going to be used for cheese or other manufacturing purposes? We ought to also be allowing the dairy farmer the option to manage his risk, if he is going to sell his milk to be used for fluid purposes; and that is what is at stake here, and that is why we ought to oppose Stenholm-Pombo, because I think it is important that as policymakers that we really do define what the appropriate role of Government is.

How can we, in good conscience, say that the appropriate role of Government is to preclude dairy farmers from voluntarily entering into a contract with a processor of their choice? It just does not make any sense.

So for all my colleagues that do not know a lot about dairy policy, that are listening, this is a very simple amendment. I ask my colleagues to oppose Pombo-Stenholm and support my amendment.

I would also say that this is a measure that makes so much sense that all the dairy cooperatives in the United States already are using forward contracting. In fact, I have some letters here that are put out by Dairy Farmers of America that talk about the benefits of forward contracting. They say that the benefits of forward contracting is to protect profit margins. It establishes a known price for future production. It allows management of income in volatile markets.

Now, if we have the dairy cooperatives of the United States that are already promoting to their producers the use of forward contractors why, again, would we as Members of Congress decide that it is inappropriate and it in fact should be illegal to allow dairy farmers to enter into a forward contract for the sale of fluid milk to a private processor? That makes no sense.

Vote against Stenholm-Pombo. Vote for the Dooley substitute.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from California (Mr. POMBO) for yielding me this time.

Mr. Chairman, let me start out by saying if one supports co-ops, and most all of the dairy farmers in this country sell their milk through co-ops, then you should support the Stenholm-Pombo amendment.

Eighty-seven percent of our milk in this country is sold through the cooperative system. The reason buyers of milk from the farmers would like us to vote down the Stenholm-Pombo amendment is simply because they can undercut the effectiveness of the cooperative to help farmers. What this amendment helps correct is an amendment passed in committee on a vote of 20 to 23, with 6 Members absent. A very close vote in committee. Some were convinced by the philosophical debate that the gentleman from California (Mr. DOOLEY) puts forward.

It sounds good on the surface but what it does, is undercut the effectiveness of the co-ops by letting the manufacturers and the purchasers of the milk go around the co-op, to buy milk directly from the farmers. Thus they have better negotiating power with the co-op, by getting several farmers to leave the co-op and sell directly to the dairy by promises of benefits. A dairy that does not have to deal directly with the co-op for a significant amount of milk increases their bargaining power and reduces the co-op's ability to serve the majority of the people that they represent in getting a fair price for their milk.

Help keep farmer cooperatives strong and vote against the Dooley secondary amendment and for Pombo-Stenholm.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. RYAN) for yielding time.

Mr. Chairman, I rise in opposition to the Pombo amendment and in favor of the Dooley amendment. I believe that my dairy farmers should have the right to forward contracting with the processors. I believe that they have to have this tool to manage the risks of fluctuating prices. Those who support this amendment seek to, as my colleague just alluded to, reverse the results of the Committee on Agriculture.

Secondly, I find it interesting that those who are supporting the Pombo amendment say that farmers are vulnerable with respect to processors. That is interesting because farmers in Classes II, III, and IV can already engage in forward contracting. Apparently they are not vulnerable but somehow those in Class I are.

It is also interesting that farmers are suddenly vulnerable with respect to the processors, but they are not vulnerable with respect to the co-ops. We heard in the debate on the previous amendment that they were not vulnerable with the co-ops; they had strengths with the co-ops in their bargaining. Suddenly they are vulnerable.

Quite frankly, in response to the previous speaker, I am not worried about the large co-ops. I think the votes today prove that the large co-ops can take care of themselves very well. They do not need our protection. Our dairy farmers do.

I think the ones who are really vulnerable today are the dairy farmers, not vulnerable with respect to the co-ops, not vulnerable with respect to the processors, but vulnerable with respect to us here inside the beltway as we seem poised to overturn the results of the August referendum and reimpose a Soviet-style system.

Mr. STENHOLM. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas (Mr. STENHOLM) has 6 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to repeat some of what the gentleman from Michigan (Mr. SMITH) mentioned a moment ago because he was right on target. If we ask any farmer today, and we are going to talk a lot about this over the next several days and weeks, about the problem we are having with the price we are receiving, now I have done a lot of analyzing of what can farmers do to enhance price and it comes down to a pretty simple question.

Either we farmers, whether it is dairy we talk about today or whether it is fruit, vegetables, beef producers, hog producers, the only thing that producers can do is to bind themselves together in order that they might become an economic unit that can have market power in this tremendously changing marketplace.

My dairymen at home are telling me, the large dairies are saying, if the Dooley amendment should pass, we will have no choice but to do what the advocates of this amendment want done: allow a few producers to go cut their own deals to the expense of everybody else. That can already be done. That is the American system. But why should we make it the legal system more than it already is? That is the fundamental question.

The proponents of this amendment really honestly believe that is what they want to do and I respect that. I respect that, but then I come back to the problem of which we are going to be called on to spend billions of dollars in a few days supplementing the income of corn producers, rice producers, cotton producers, wheat producers. Why? Because the price is too low.

□ 1230

That is the fundamental choice; and why I point out to my colleagues, to those that want to forward contract under current law, they can already do so and they will be able to do so. It is called the future's market. Any producer that believes they would like to forward price because it is better may do so every day today. If one chooses to do that as an individual because one believes one can get a better price, one may do so.

The problem with allowing one to do as this amendment suggests ignores the fact that our cooperatives play a very vital role for their dairy community that often gets overlooked by those who choose to contract out. It is called market balancing. Whenever one gets short-term surpluses of milk in any given regional order, somebody has to take that and move it some place at whatever cost it takes. That is what gets overlooked if this amendment should pass in the form in which they propose it to those who oppose the amendment. It will do irreparable harm to the dairy industry's quest at price enhancement, of taking what we now have and allowing dairy farmers to work with the processors, not against them, to get more of the consumers' price into the dairy farmers' pockets.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Wisconsin for yielding me this time.

Mr. Chairman, I rise today in opposition to the Stenholm amendment and in support of the Dooley amendment. I truly believe that if we really want to do everything we can to enable our dairy farmers to survive in current market conditions, we need to do two things, one of which is to allow us to move forward this reform from USDA that moves us to a more market-oriented pricing system rather than a government price-controlled system. Even though it is very incremental, it is a step in the right direction.

The other important thing, we can do is to do everything within our power to empower the individual producer with more risk-management tools so that they have more control over their own destiny. There is a very important risk-management tool that is available to farmers that have the luxury of dealing with co-ops and that is called forward contracting. In fact, we have a pilot options program taking place right now in a variety of counties throughout Wisconsin that allow producers to enter into options or future contracts. The concept is simple. If they can lock in on a predictable price and a revenue return that they can rely upon, then they will not be subject to the vagaries of the marketplace and the wild, cyclical ride that we have seen throughout the dairy industry and throughout most of the agriculture industry, with drastic price fluctuations. This risk-management tool gives those individual producers who are willing to crunch their own numbers and determine what their individual cost of production is, to enter into private contracts placed on future prices.

Now, if they know that their cost of production is say 11 bucks per hundredweight and they can lock in on a future contract of 12 bucks per hundredweight, they are going to be making a buck profit per hundred-weight. And that is a tool that our farmers in the region are just now starting to utilize. That is why I am in favor of the Dooley amendment. It would expand future contracting beyond cooperatives.

I think we should be empowering these farmers regardless of the access they have to co-ops. There are many producers around the country that do not have access to co-ops. In Wisconsin, we have roughly a little more than 80 percent of our dairy farmers that do have co-ops that they can forward contract with. But there are roughly 20 percent that want to be able to do this with private entities, and that is more true in other parts of the region that do not have a lot of co-ops to join and forward contract with.

So if we are really going to help our family farmers today, I would encourage my colleagues to oppose the Stenholm amendment, support the Dooley amendment, and allow forward contracting for producers, regardless of where they happen to be producing and regardless of whether or not they can join a co-op or deal directly with a private entity.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Wisconsin (Mr. RYAN) has 10½ minutes remaining; the gentleman from California (Mr. DOOLEY) has 6½ minutes remaining; the gentleman from Texas (Mr. STENHOLM) has 3 minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to the Stenholm amendment and in support of the Dooley amendment. The Stenholm amendment is a bad idea. It takes away something that we just put into this legislation to give every dairy farmer in the country something they badly need to do.

Farmers across the country complain about their inability to manage risk, to deal with the fluctuation in prices. Forward contracting allows them to do that. It allows processors to offer producers or their cooperatives a predetermined price for their milk over a specified period of time. Producers can voluntarily accept a price based on the processor's offer or continue to pay prices based on Federal milk order prices set each month in their order. This is simply another risk-management tool that should be offered to all farmers. There is nothing that says a producer must take a processor's offer or that he cannot continue to be paid for his milk the way his grandfather's father was paid. The forward contracting provisions in this bill are completely voluntary.

The amendment to exclude fluid milk from the forward contracting provisions of this bill will leave the majority of my dairy-producing constituents without the same risk-management tools that others have. I represent a heavy Class I utilization area. I hear my farmers' complaints about price volatility very frequently. If they are not offered the same ability to forward contract as other dairy producers, they will be severely disadvantaged in their ability to manage their risk and lock in a price for their product.

Dairy cooperatives can offer their producers forward contractors, but the Agriculture Marketing Agreements Act of 1937 severely limits proprietary processors from offering producers forward pricing. This legislation is necessary to enable all dairy processors, cooperative and proprietary alike, to offer forward contracts.

Class I milk must be included in this bill's forward contracting provisions if we are to put the entire industry on an equal footing in helping farmers manage their operations profitably.

Oppose the Stenholm amendment and support the Dooley amendment.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. GUTKNECHT) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1059) "An Act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

CONSOLIDATION OF MILK MARKETING ORDERS

The SPEAKER pro tempore. The Committee will resume its sitting.

The Committee resumed its sitting.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a champion in the milk marketing reform debate.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to see if I can put this into terms that more Members can understand. Last year, I was at the Houston County Fair, and I have done this at other fairs, but this was a specific example where I was meeting with some dairy farmers and we were talking about dairy prices and I asked some of them, well, how much was your milk check last month. If you ask the farmers themselves, many times they do not know. But if you ask the farm wives, they can tell you. They know how much that milk check is month to month. What this debate is about is are we going to allow some of those people to take some of the bumps out of the road.

The reason I tell the story is last year and then again this year, we have seen prices go from $20 a hundredweight down to about $12 a hundredweight, and depending on the circumstances, either side of those two numbers. They are happy when the price is $20 a hundred-weight, but they are all hurting when the price is $12. We have seen this roller coaster ride.

What we are talking about is a risk-management tool whereby the dairy farmers, and let us talk about those farm wives, the ones who get the checks, who pay the bills, they are the ones who really know what is happening with the business end of most dairy farms; let us let them have that option, whether they go to the co-ops or whether they go to a for-profit producer or processor. Let us let them have the option of contracting.

So I rise in opposition to the Stenholm amendment; I rise in support of the Dooley language, because all we are saying is whether one sells their milk to a co-op or whether one sells their milk to a for-profit, they ought to have the option of taking some of those bumps out of the road. I say to my colleagues, the co-ops, in my opinion, have done a miserable job of advancing this basic notion. I think if people begin to understand it is available and if there is a competitive pressure out there, both the co-ops and the for-profits are going to move to help farmers utilize this risk-management tool.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, once again, I just want to touch on a few of the arguments that some of the supporters of this amendment have made in terms of it undermining the ability of farmers to participate in cooperative efforts.

I think as a Member of Congress, I probably am a member of more agriculture cooperatives than any other member of the 435 in our body. I market my cotton through a cooperative. We market a whole host of other products through cooperatives. I believe in the cooperative system.

But I also believe very strongly that as a farmer, I should have the right to voluntarily enter into a contract to market my product. And when we talk about this is undermining the cooperative system, there is nothing in the proposal that I am advancing that would undermine that.

What we are undermining, if we pass the Stenholm-Pombo legislation, is we are undermining the right of a farmer; we are undermining the right of a farmer to voluntarily enter into a contract in order that they may be better able to manage the risks associated with the volatility in milk prices.

Now, that makes so much common sense that I, quite frankly, am surprised we are even having a debate on this issue. Why should we think that it is the appropriate role of government, once again, to deny farmers the right to enter into a contract. Could we imagine going into another sector of our industry and saying that we are going to deny the producer of orange juice or oranges the ability to enter into a forward contract with Sunkist who is a cooperative or Minute Maid and say, it is your right to enter into a forward contract if your oranges are going to be used for a fruit cocktail mix or something like this, but it is against the law for you to enter into a forward contract if you are going to sell your oranges for juice that is going to end up in the bottle for fluid consumption.

That is absolutely absurd. But yet, that is what we are trying to do with this amendment is that we are going to say that it is all right for a farmer to voluntarily contract to sell their milk for cheese or butter or powder but if they want to enter into that same contract to sell their milk as fluid production to end up in a bottle, we are saying it is against the law.

The Federal Government has no right to intercede in the affairs of a private entity and a farmer from entering into voluntarily a contract.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from California (Mr. DOOLEY) has 30 seconds remaining.

Mr. DOOLEY of California. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, if I could follow along from the conversation of my colleague from California was having. Understand that under current law, dairy farmers cannot go out and sell their milk, because the Federal program, the Federal milk market order system says that one can only sell one's milk within a particular region for a particular price to a particular buyer. That is the first problem.

Then, with the amendment that we have on the floor currently we are saying that if one wants to have forward contracting, one can have it if one has Class II or III milk, but if one has fluid milk, one cannot forward contract. So we are forcing dairy farmers into a position where they only have one place to sell their milk and that is through their co-ops.

I am a big supporter of co-ops. I think they do an awful lot to help farmers of all different types. But we have corn producers, soybean producers, vegetable producers all over this country who do what every single day? They forward contract with buyers for their commodities.

Now, if it is good enough for all of these other commodities, why is it not good enough to allow dairy farmers the freedom to go out and contract on their own?

Mr. POMBO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would have to agree with the statement that the gentleman from Ohio (Mr. BOEHNER) just said, but I think it needs to be expanded upon a little bit so that all of my colleagues can understand the problem that we have.

Right now, it is not possible for a dairy farmer to go out and forward contract their milk with anyone except for their co-op.

□ 1245

What this amendment is doing is it is saying that two-thirds of the milk that is being produced, they will be able to go out and forward contract with anyone that they want.

The debate that we are having, and the Dooley amendment will bring up later, is whether or not to make it 100 percent of the milk or two-thirds of the milk. The problem that we have is that we do have a 60-odd-year-old law that the dairy farmers have become used to, that they have become dependent upon, and a certain amount of dependency has grown up around that current law that is on the books, so obviously there is a lot of fear when we get into any major change in the way milk is marketed.

If Members truly believe that forward contracting is part of the future for marketing milk in this country, then they have to support this amendment, because by doing it as a pilot program, by doing it on a somewhat limited scale is the only way we are going to be able to use this program, prove it works, prove to the dairy farmers that it is a tool that they need, that they should use for the future.

I believe that the only way we are going to see forward contracting in the future is if Members support this amendment and if they oppose the Dooley amendment later.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me address some of the points my colleague, the gentleman from California, just mentioned. The current law we have, which has been in place for 62 years, has been the primary reason why we have lost 11,000 dairy farmers in Wisconsin since 1990.

We have heard a lot over the last few months about giving farmers the ability to manage their own risk. Farming is a very volatile industry. There are ups and there are downs, and we need to help farmers have the ability to manage their own risk, to make sure that they can survive from year to year.

This is what it comes down to. The coops can forward contract, so a farmer in a coop has that ability. The coops have a government-sanctioned competitive advantage over all other processors: They can forward contract. If we look at the coop literature, we will see they promote forward contracting as a wonderful tool of risk management.

What the Stenholm-Pombo amendment seeks to achieve is to stop anybody else from offering forward contracts. The coops want to keep their competitive advantage, so they are the only ones who can give forward contracts to the dairy farmer. What we are trying to achieve by defeating the Stenholm-Pombo amendment and by passing the Dooley amendment is simply this: Let the farmer decide if they want to or who they want to forward contract with.

If for one reason or another a farmer does not join a coop, a right they have today, why should we be denying them the ability to forward contract, which is the best management tool they have in their arsenal? What we are doing if we pass the Stenholm-Pombo amendment and defeat the Dooley amendment is basically telling that dairy farmer who for one reason or another is not in a coop, you are out of luck. You cannot forward contract. Forward contracting, as I think everyone is acknowledging here on the floor debate, is an excellent tool of risk management.

The coops are very big and they are getting bigger. I support coops. I have many in my district that I represent. However, as we are going to discuss in a future amendment, coops are not required to pay the minimum price for milk to their producers. So we have a system whereby the coops have a competitive advantage, being the only ones who can offer forward contracting, but it is also very interesting to note that the coops do not have to pay the minimum price of milk to their own producers.

So our farmers are being put into a catch-22. If they want this risk management tool, they have to join the coop. If they join the coop, they very well will not get the minimum price of milk. They might get prices below the minimum prices.

What we are trying to do is liberalize and give more freedom to the dairy farmer, give them the chance to self-contract, forward contract, on their own.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Wisconsin is accurate in one aspect, and that is that current dairy policy is responsible for, one, putting a lot of dairy farmers out of business, and two, for keeping a lot of dairy farmers in business. It is inefficient. It has, I believe, all of the bad elements of what happens when government gets involved with regulating private business.

But having said that, I believe that it is extremely important that we continue on with the transition between a government-run, regulated dairy industry into a free market industry. One of the ways of doing that is by allowing forward contracting, by allowing individual dairy farmers to go out and contract for the future how much they are going to get for their milk.

I truly believe that the only way that we are going to advance that debate further, that we are going to advance the ability for dairy farmers to have the chance to forward contract on their milk, is by passing this amendment.

Having said, I ask my colleagues to support the Stenholm-Pombo amendment and to oppose the Dooley amendment.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think one key point needs to be made. To all of those who oppose my amendment because of the complexities, because of the continuation of the Federal Market Order System, to those who also were interested in another referendum in the previous vote that we will be taking in just a moment, let me remind all of our colleagues, if they are concerned about what dairy farmers want us to do today, dairy farmers voted 90 percent plus in August to support the Federal Milk Marketing Order System, warts and all.

I repeat, if Members are concerned about what dairy farmers want us to do today, they preferred Option 1B with the Federal order system versus nothing, which the advocates will have an amendment to eliminate all of the dairy program as the last amendment today.

But the relevant point on this amendment, if Members are concerned about what dairy farmers in all regions of the country have already spoken loudly and clearly on in a referendum, in a vote, in which every dairy farmer, through their cooperative, had a chance to vote, they said, we prefer the Federal Market Order System versus nothing. That was the choice that was made.

That point needs to be indelibly in our minds today because a lot of the rhetoric we have heard today is talking about something that somebody other than dairy farmers would like to see done. That is something that I hope we will keep in mind as we support my amendment.

Personally, I am very nervous about even my amendment, the effect, but I am willing to try. That was the deal that I made with the gentleman from California (Mr. DOOLEY). I was willing to have an experiment, time-limited, to see whether or not we could use, in all milk other than Class 1, we could use forward contracting to enhance producer income.

I am still willing to try that. I hope my colleagues will join with me in support of my amendment, oppose the Dooley amendment, and let us get on with passing H.R. 1402, which is the overwhelming opinion of the overwhelming majority of dairy farmers in the United States what we should do today.

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

AMENDMENT NO. 3 OFFERED BY MR. DOOLEY OF CALIFORNIA TO AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

Mr. DOOLEY of California. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Part B amendment No. 3 offered by Mr. DOOLEY of California to Part B amendment No. 2 offered by Mr. STENHOLM:

On page 2 of the amendment, beginning line 3, strike "that—" and all that follows through "is in" on line 6 and insert "that is in".

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from California (Mr. DOOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a simple matter of fairness. The authority in the bill reported by the Committee on Agriculture for dairy farmers to enter into private contracts with processors is completely voluntary. If the farmer decides they want to enter into a contract, it is agreeable to both sides, they can do so, completely voluntary.

According to the experts within the Department of Agriculture, it may be impossible to implement a forward contracted program if fluid milk is excluded. Therefore, I do support the Dooley amendment to the Stenholm-Pombo amendment.

Specifically, Mr. Chairman, the amendment that was offered by my colleague, the gentleman from Texas, seeks to make the authority to forward contract a pilot study. I can support that. Unfortunately, the amendment also says that unlike the farmers who sell their milk for manufactured dairy products, if they sell their milk to a bottler, fluid milk bottler, they cannot negotiate for a better price.

If the goal is to establish a pilot, I do not believe that it is wise to prohibit the farmer participation based on how that product will be sold. The authority for a farmer to contract for the sale of their product guarantees their income and ultimately reduces price volatility that has plagued this industry and consumers. I do support the Dooley amendment, and if it passes, I support the underlying amendment.

Mr. Chairman, I believe it is responsible for us to give all of the possible options of marketing to all of our farmers to best provide them the best risk management they can possibly have in times of very depressed agricultural conditions.

The CHAIRMAN pro tempore. Does any Member seek time in opposition to the amendment offered by the gentleman from California (Mr. DOOLEY)?

Mr. STENHOLM. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume. Let me make another point for all of our colleagues here. There is nothing in my amendment that precludes any dairy farmer or any cooperative from negotiating a better price for fluid milk. Nothing in the amendment keeps them from doing that. What they cannot do is negotiate a price that is less than, less than the order price. That is why I oppose the Dooley amendment.

I will make a few observations. This is interesting to me, because California dairy producers do not vote in Federal referenda because they have a much better referendum in California, or at least that is what California dairy farmers say. Again, we have a very divided industry, and we have been through this for a long time. It is split almost fifty-fifty, between dairy farmers in California that have a different opinion.

But it is interesting, when we heard a moment ago that the price of milk can be produced for $11 in California, and we talk about consumers, well, the consumer price for milk in Los Angeles is $2.99 as of September 22, 1999. In Dallas, Texas, it is $2.50. In Minneapolis, Minnesota, it is $2.99.

Again, we have been hearing all about this profit, the pricing, and what we can and cannot let dairy farmers do. But the bottom line from the consumer standpoint, we cannot make a logical argument that the consumer is benefiting from the California price to the dairy farmer, but the dairy farmers in California that object to their system because they feel like they are being penalized is a valid one.

Again, let me remind my colleagues that the order and the rules of the Federal order that we are discussing were overwhelmingly approved in every region of the country. California did not vote because they are not a part of the Federal order system.

□ 1300

But every other region, 90 percent of the dairy farmers agreed that the federal order system, as imperfect as most of them believe it is, under the bill that we attempt to correct today or the order of the USDA recommendation, 96 percent, 98 percent in the southeast, in the northeast 90.5 percent, 93.1 percent of the producers all across the Nation agree. They agree with the basic tenet of the amendment that I offer of a pilot project. As the chairman said, we are willing to try this to see whether or not it might work, but to do it in a limiting way.

To the argument of suggesting that this does not make sense, separating Class I and other classes, let me again remind my colleagues that the purpose of which I offer my amendment and the purpose of which the gentleman from California (Mr. DOOLEY) offers his are diabolically opposed.

I feel very strongly that if we allow individuals to contract in dairy, which is much different than we have in cotton, and I belong to a few cooperatives myself, but in dairy, if one has a large number who choose to contract out for another extra nickel, and one has a balancing problem in one's region in which suddenly one has milk that has to be moved somewhere at a loss, the folks that have made the contract benefit from this, and every other dairy farmer within the cooperative will be hurt accordingly.

Now, maybe that is not right. Some would say, and I guess the argument of those today and the proponents to my amendment say, that is the way it ought to be. But it is a fundamental change. I would submit to my colleagues, if they are concerned about dairy farmers, they cannot ignore the vote in August in which they said overwhelmingly we accept the warts of this because we believe doing without the program will do us more harm.

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLEY of California. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, as has been pointed out earlier in this conversation, one of the real needs for farmers of all types in the current economic environment is better risk-management tools. One of the things we tried to do over the last couple of years and we will consider before this year is over is an expanded crop insurance package.

But what we are talking about in this amendment is empowering dairy farmers by giving them risk-management tools so that they can better manage the risk and the fluctuations in price on their own farm.

Now, the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. POMBO) who have the underlying amendment are saying, well it is okay if one sells one's milk for cheese or for powder. We are going to allow one to forward market and contract that particular product. But if one is going to sell one's milk for fluid consumption to a bottler, let us say a supermarket down the street, that is not okay.

Now, it defies me to understand why it is okay to have forward marketing for cheese and powder but not for fluid milk.

Now, we happen to be in a situation today where farmers last year, the dairy farmers, got probably, overall, the highest prices they ever received. This year, they are likely to get the second highest prices they have ever received.

What we are saying with this amendment is, even though we have got high prices, and maybe a dairy farmer would like to go out and lock in that higher price with his local supermarket, he is unable to do that under current law and under the underlying amendment.

That is why the amendment being offered by the gentleman from California (Mr. DOOLEY) I think makes all the common sense in the world. At a time of higher prices, why do we not empower dairy farmers themselves to go out and lock in a price for a substantial length of time if they want?

What we are basically saying with the underlying amendment is that dairy farmers are not capable of doing this on their own. Well, I think they are. They have done a marvelous job in surviving under a complex system for 62 years. If we begin to unleash the shackles that the Federal Government has put around them, my guess is that dairy farmers are going to have a great opportunity to succeed even more.

So I rise in support of the Dooley amendment and congratulate the gentleman from California (Mr. DOOLEY) for offering it, along with the chairman of the committee, in saying that let us empower farmers, let us make this common-sense reform that allows a dairy farmer to go out and protect himself and his family and most importantly his farm.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from California (Mr. DOOLEY) and the gentleman from Texas (Mr. STENHOLM) each have 30 seconds remaining. The gentleman from Texas (Mr. STENHOLM) has the right to close.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge the strongest opposition to the Dooley amendment: It is basically whether my colleagues are going to vote with dairy farmers, as they have already told us by a 90 percent vote that they agree with my basic amendment, they oppose the Dooley amendment. I hope my colleagues will stick with the dairy farmers of America all across this Nation overwhelmingly. Ninety percent say let us stick with my amendment. Oppose the Dooley amendment. Support H.R. 1402.

Mr. DOOLEY of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I just ask my colleagues just to apply a little common sense in their votes on this amendment. All we are asking for is to allow dairy farmers the ability and the right to enter into a voluntary contract to sell their fluid milk.

One cannot have a more compelling argument than was put in the information that was put out by the Dairy Farmers of America, one of our largest co-ops, when they were promoting forward contracting. They said, "For the first time in history, you can manage future price risks on your dairy using the same proven tools that have been available to other commodities for many years."

This amendment, the Dooley amendment, is going to provide those tools, those risk-management tools to dairy farmers. Let us give them the ability to manage prices in a volatile market.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. DOOLEY) to the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 294, further proceedings on the amendment No. 3 offered by the gentleman from California (Mr. DOOLEY) to the amendment No. 2 offered by the gentleman from Texas (Mr. STENHOLM) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Part B Amendment No. 1 offered by the gentleman from Wisconsin (Mr. GREEN), Part B Amendment No. 3 offered by the gentleman from California (Mr. DOOLEY), and Part B Amendment No. 2 offered by the gentleman from Texas (Mr. STENHOLM).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GREEN OF WISCONSIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Wisconsin (Mr. GREEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 323, not voting 8, as follows:

[Roll No. 430]

AYES—102

Armey
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Bereuter
Berkley
Biggert
Blagojevich
Blumenauer
Boehner
Boswell
Brown (OH)
Calvert
Carson
Chabot
Cox
Crane
Davis (IL)
Davis (VA)
Delahunt
DeMint
Dooley
Dreier
Evans
Ewing
Frank (MA)
Ganske
Goss
Green (WI)
Gutknecht
Hall (OH)
Hobson
Hostettler
Hyde
Jackson (IL)
Johnson, Sam
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Leach
Linder
Lipinski
Luther
Maloney (NY)
Manzullo
Markey
Matsui
McDermott
McIntosh
Meehan
Menendez
Miller (FL)
Minge
Moakley
Napolitano
Nethercutt
Nussle
Oberstar
Obey
Pallone
Pascrell
Payne
Peterson (MN)
Petri
Pomeroy
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanford
Sawyer
Schakowsky
Sensenbrenner
Sessions
Shays
Shimkus
Souder
Spratt
Strickland
Stupak
Sununu
Tancredo
Thune
Vento
Visclosky
Weller
Wu

NOES—323

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Olver
Ortiz
Owens
Oxley
Packard
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryun (KS)
Salmon
Sanders
Sandlin
Saxton
Schaffer
Scott
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Stabenow
Stark
Stearns
Stenholm
Stump
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Coble
Dickey
Doolittle
Fowler
Ose
Scarborough
Tauzin
Weygand

☐ 1331

Messrs. FARR of California, GEORGE MILLER of California, RILEY, QUINN, BUYER, DIXON and CANADY of Florida changed their vote from "aye" to "no."

Messrs. ROGAN, RUSH and EWING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. OSE. Mr. Chairman, I was inadvertently detained and was therefore not present to vote today for rollcall No. 430. Had I been present, I would have voted "no."

PARLIAMENTARY INQUIRY

Mr. COMBEST. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman will state his inquiry.

Mr. COMBEST. Mr. Chairman, I just wanted to make sure because there is some confusion. The next vote occurs on the Dooley amendment to the Stenholm amendment?

The CHAIRMAN pro tempore. The gentleman is correct. The next vote occurring will be a vote on the Dooley amendment to the Stenholm amendment.

AMENDMENT NO. 3 OFFERED BY MR. DOOLEY TO AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 3 offered by the gentleman from California (Mr. DOOLEY) to Amendment No. 2 offered by the gentleman from Texas (Mr. STENHOLM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 270, not voting 8, as follows:

[Roll No. 431]

AYES—155

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bereuter
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Callahan
Calvert
Campbell
Canady
Capps
Carson
Chabot
Clay
Clement
Combest
Conyers
Costello
Cox
Crane
Cummings
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLay
DeMint
Dixon
Doggett
Dooley
Dreier
Duncan
Ehlers
Evans
Ewing
Frank (MA)
Gallegly
Ganske
Goodlatte
Goss
Granger
Green (WI)
Gutierrez
Gutknecht
Hefley
Hilleary
Hobson
Hostettler
Hyde
Inslee
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Largent
LaTourette
Leach
Linder
Lipinski
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Miller (FL)
Minge
Moakley
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Ose
Oxley
Pallone
Pascrell
Paul
Payne
Pease
Peterson (MN)
Petri
Porter
Portman
Pryce (OH)
Ramstad
Regula
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanford
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Smith (NJ)
Smith (WA)
Souder
Stupak
Sununu
Tancredo
Terry
Thune
Tierney
Traficant
Vento
Visclosky
Wamp
Waters
Waxman
Weller
Wilson
Wu
Wynn
Young (AK)

NOES—270

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bateman
Bentsen
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Camp
Cannon
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clayton
Clyburn
Coburn
Collins
Condit
Cook
Cooksey
Coyne
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doyle
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Norwood
Olver
Ortiz
Owens
Packard
Pastor
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Shadegg
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

NOT VOTING—8

Coble
Dickey
Doolittle
Fowler
Latham
Metcalf
Scarborough
Tauzin

☐ 1340

Mr. BENTSEN changed his vote from "aye" to "no."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LATHAM. Mr. Chairman, on rollcall No. 431, I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 4 printed in Part B of House Report 106–324.

☐ 1345

AMENDMENT NO. 4 OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GILLMOR). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 4 offered by Mr. GUTKNECHT:

Add at the end the following new section:

SEC. . LIMITATION ON BLENDING OF PROCEEDS FROM THE COLLECTIVE SALES OR MARKETING OF MILK AND MILK PRODUCTS.

Notwithstanding section 8c(5)(F) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(F)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the consolidation of Federal milk marketing orders pursuant to section 143 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7253), effective beginning on the date of the enactment of this Act, the Secretary of Agriculture shall prohibit a cooperative marketing association referred to in such section 8c(5)(F) from blending the net proceeds attributable to Federal minimum prices of all sales or marketings of milk and its products in all markets in all use classifications in order to make distributions in accordance with the contract between the association and its producers. The prohibition does not prohibit the blending of market-based premiums.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Minnesota (Mr. GUTKNECHT) and a Member opposed to the amendment each will be recognized for 20 minutes.

Does the gentleman from Maine (Mr. BALDACCI) seek the time in opposition?

Mr. BALDACCI. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Maine will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume.

The amendment that I am offering, I think the short title we should use: The Truth in Milk Marketing Amendment, and I do not think most Members, and I know that speaking for myself, I was not aware until just a few months ago that in fact, even though we have a milk marketing order system, that many dairy farmers around the United States, and I have a chart here, and this is a chart provided by the USDA; this is not a chart that we made up, but it talks about the average 1998 Federal order in the mailbox prices by the Federal milk marketing order system, and what it shows is, for example, in places like the Southeast and the Southwest, even though the FMMO blended price was supposed to be one thing, the actual price, the average price, that dairy farmers in those regions was something less.

Let me just share with my colleagues some of the numbers. For example, in the middle Atlantic States, the price was supposed to be an average of $15.17, but actually was only $14.90. In Carolina, it was supposed to be $16.14, but the price they got in the mailbox was $16.08. Go down into the Southeast, and we start to see the real differences. For example, in the Southeast the FMMO price was supposed to be $16.13, but actually the dairy farmers in that area got an average mailbox price of only $15.36.

Now, Mr. Chairman, I think that that is evidence that there is something wrong with the system, and let me explain what is wrong with the system. In effect the co-ops are exempt from paying the minimum milk marketing order price.

All I am saying with my amendment is that whether one is a for-profit or they are a co-op, they have to pay the minimum blend price, and I think this is a consummately fair amendment. In fact, I would say not only do most Members not know that this is happening, I suspect that most dairy farmers do not know. I think if those of my colleagues are from different regions, if they ask their dairy farmers are they getting what the milk market order price is, most of them would say, well, of course. But in truth in their mailbox they are not actually getting it.

Reblending is not transparent. Producers do not know what happens to the money, how it is used, or what costs underlie the reblending amount.

Mr. Chairman, this is an important amendment. If my colleagues really care about the dairy farmers in our areas, then they ought to at least vote for this amendment and say that we are going to have truth in milk marketing whether they sell their milk to a co-op or they sell their milk to a for-profit processor.

Mr. Chairman, I reserve the balance of my time.

Mr. BALDACCI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment takes away the right of farmer-owned cooperatives to re-blend net revenues before distributing the proceeds of sales to cooperative members.

Dairy producers who join cooperatives do so in order to have a secure, reliable market for their milk 365 days a year. They look to the cooperative to market their milk and to build whatever facilities are needed to accomplish this, whether it be cheese, butter, or powder plants. The facilities either manufacture the farmers' milk into products or receive and store the milk for a day then ship to bottlers when it is needed. These facilities are part of the total marketing plan of cooperatives.

Mr. Chairman, dairy producers own these cooperatives lock, stock and barrel, expect the cooperatives to pay them what is left after the marketing and processing costs are covered both monthly and the milk check and any profits derived are paid at the end of the year in a thirteenth check. This sometimes is called reblending, meaning the cooperative may not always pay above the Federal order price in a given month but does pay out the dividends after all the marketing costs are covered.

Farmers give the right to reblend their cooperative because they want the cooperative to be a financially sound and viable business entity that can guarantee that market year round in times of surplus production as well in times that are tight. This right of reblending is vital to the type of cooperative dairy supply marketing and other entities. Mr. Chairman, taking away the right of the cooperatives to reblend, which this amendment does, severely restricts and limits the ability of the cooperative to assure the members of a secure market for their product.

This amendment interferes with the ability of a cooperative to run its business and pay its members. A similar proposal was defeated by a three to one ratio in the Committee on Agriculture during the markup of 1402.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I am pleased to join my colleague on a bipartisan basis in supporting this amendment. This amendment illustrates one of many very complex, Byzantine features of dairy policy in the United States. There is probably no other area of Federal agricultural policy which has the flawed fundamental unfair characteristics that exist in the dairy programs. It is archaic, it flows from economic conditions that existed 65 years ago, it flows from problems that we had with refrigeration and transportation 65 years ago that do not exist today.

How can we in America be urging the rest of the world to engage in a market-oriented, free trade policy when we fail to recognize this policy in the dairy sector in our own country? It is absolutely crazy, it is shameless, and we have the same people in this Chamber that have been strong advocates and supporters of programs ranging from NAFTA, to GATT, to opening up trade with China, normal trade relationships with that country, even with Cuba, that are staunchly defending archaic dairy policies that are a throwback to almost the last century.

The time has come that we have to forthrightly address the problems of dairy policy in the United States, and when we tried to do that in Congress, we were told wait, let us give the administration the chance to do this, it would not be as political, we would not be forced to vote on the basis of our constituencies.

So we gave the administration this option, and what has happened? The administration has come back with a policy, and now in this bill we are trying to defeat that policy.

Again, it is crazy, and what else is crazy about this? We see Members of Congress representing dairy farmers. The gentleman from Minnesota (Mr. GUTKNECHT), myself from Minnesota, the gentleman from Maine (Mr. BALDACCI) representing dairy farmers; we are squabbling with one another. And at the same time, people throughout this country know that American agriculture is in deep trouble; and this includes our dairy farmers.

Mr. Chairman, the economics of farming are destructive. They are consuming tens of thousands of American families every year, and here we are forced to scrap over the scraps.

If we expect to have a dairy policy and a food policy that serves the best interests of this Nation, Mr. Chairman, it is time to get rid of this archaic program, it is time to take amendments like that from the gentleman from Minnesota (Mr. GUTKNECHT) and pass them in this Chamber.

Mr. BALDACCI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SMITH), a member of the committee.

Mr. SMITH of Michigan. Mr. Chairman, things are seldom what they seem. I mean everybody talking from both sides of the aisle wants to help our dairy farmers. Sometimes we see a difference between different areas of the country. That is why we argue about 1A and 1B.

On this amendment I would like to suggest that it may be well intentioned but what it does in effect is to prohibit co-ops from subtracting their cost of doing business as a co-op from the proceed of total co-op milk sales and then take what is left and distribute it to farmers.

So when the gentleman from Minnesota (Mr. GUTKNECHT) suggests we should have an amendment that forces every co-op to pay the Federal order price, then the question must be asked: How are the co-ops going to manage their affairs; how are they going to pay for the expenses of that cooperative? The effect on co-ops that do not enjoy an over-order price, (those co-ops that have not been able to negotiate a higher price than the Federal order price), would be to disallow the co-op from paying for their cost of doing business from milk sale receipts.

So by passing this amendment, we are going to put some co-ops out of business or otherwise jeopardize the co-op operation. The way it has been working for the last 40 years is to allow these co-ops to subtract their cost of doing business, and then divide up what is left to their members. It is a reasonable way for these co-ops to continue to operate efficiently. I hope we vote down the amendment and keep co-ops strong.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my colleague for yielding time.

In response to the gentleman who spoke just before me, he pleaded with Members to keep co-ops strong; I think co-ops are doing just fine. I think that has become very clear today.

My colleagues are hearing a few recurring themes today. One of them is they are hearing over and over again through the amendments that are being brought forward, they are seeing a distinction between those who choose to stand up for family dairy farms and those who choose to stand up for large dairy interests.

Earlier today, we took away from dairy farmers the right to vote on this change in milk marketing orders, a right that they have had for 62 years. Today we took that away.

□ 1400

Just a little while ago, we denied to farmers, with respect to Class I fluid milk, the right to forward contract, the risk-management tool that so many other businesses have, that nearly every other commodity has. We have done that.

Today, with this amendment, what we are learning is that some co-ops, not all by any means, I am a supporter of co-ops, but at least some co-ops are underpaying family dairy farmers. That is the dirty little secret.

In fact, according to USDA, I am reading from a USDA publication here, farmers from New England, southeast Texas, and the Southwest plains were paid on average 80 cents less than the minimum milk price in their respective regions, solely because their co-ops are not required to pay producers the minimum price for their milk.

So what we are seeing today, at a time when we are all talking about how much family dairy farms are hurting, we are seeing that we have an opportunity to help them, to protect them.

Now those who sponsor and support 1402, they say that family farmers are in need of protection from food processors. They say that family farmers are in need of protection. The supporters of 1402 also say that family farmers need protection from the right to vote for themselves, but apparently they do not need protection from a few large co-ops which by every reasonable measure are underpaying them.

Mr. Chairman, if there were a movie theme to this vote today, it would be the Empire Strikes Back, because a few large interests are thwarting the needs, the concerns and the wishes of family dairy farms all across America.

Mr. BALDACCI. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Maine (Mr. BALDACCI) has 16 minutes remaining.

Mr. BALDACCI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will just take a few minutes of that 16 minutes and basically discuss the value of a cooperative. We have placed market forces in the world economy on top of small farmers. We have allowed small farmers to group together in terms of being able to get into a cooperative where similar farmers can pool their resources to be able to add value to their natural resources so that they can come up with additional resources so that they can stay on the farms and stay in farming. Those are the cooperatives that are giving small farms an opportunity to stay in business. Those cooperatives are not the empire strikes back. Those cooperatives are small, family independents getting together to pool their resources and to try to be able to compete in a processing world where they are adding value to those natural resources, something that we support.

We just had a small farms commission report come back and tell us that a lot of our policies that have been a part of our Federal Government over the years have encouraged farms to get bigger and bigger and bigger or get out of business.

This is one of the few areas in the recommendations, of 146 recommendations, that they said to work with farmer-owned cooperatives, to give them the tools and resources so that they can band together to add value to their natural resources, so they are not just dependent on fluid milk, so that they can try to process, add value to it; to compete in a global world market force and not just to allow individual farmers to go out on their own; to be able to negotiate prices with a dairy interest and large corporations, in some cases multinational corporations; to think that they are somehow going to get a fair deal and to purport that the small cooperatives, farmer-owned cooperatives, are somehow going to destabilize those market forces is not being accurate.

What we are referring to here is more like a credit union, in the international finance world, in allowing them to be able to have at least some opportunities to take care of the small farmers and be able to allow them to group together. That is what is being attacked today. The ability of them to be able to group together, to band together in cooperatives, to improve their marketing position is being attacked.

Milk receipts are the only source of revenue for farmer-owned dairy cooperatives; and under the amendment cooperatives would be unable to make investments such as milk trucks and milk processing equipment. This similar amendment was dealt with in the committee, and I wish that the House would concur and vote down this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, this amendment does not seek to do anything against the co-ops. It is not an anti-co-op amendment. It is a pro-farmer amendment. Since 1995, since we have been reporting mailbox prices, the following areas have consistently received less than the federal order blend price; the Southeast, the Southwest plains, Texas and the Great Basin regions. In most cases of these underpayments, they occur in an area where there is little competition for milk. In other words, there is basically one predominant cooperative. This is especially the case in the Southeast, in Texas and the Southwest plains where producers have few, if any, alternative markets.

Now, as cooperatives continue to consolidate there is a greater likelihood that dairy producers will receive less than the blended price, less than the price at the minimum. Now, this is the case. The gentleman from Maine (Mr. BALDACCI) is right in saying that sometimes farmers do not have any choice but to go to a co-op.

Well, that monopoly and the ability to pay less the minimum price is precisely what is going on at the bottom line of American dairy farmers who are in the co-ops. So what we have in place today is a system where the beautiful irony of this bill, where we are trying to raise differentials for the very farmers in these co-ops, we have the co-ops who are paying below the minimum prices. It is because the farmers have nowhere else to go but to the co-op.

All we are saying with this amendment is, make sure the farmer who is in the co-op, who has nowhere else to go but the co-op, gets at least the minimum price for the milk they produce.

Now, the co-ops will say they need to pay below minimum prices for other needs, for other expenditures. Well, that is a very fuzzy, very gray area. We do not know where that money is going. We do know that that money is not going to the farmers who are enrolled in these co-ops.

The beautiful irony is this: this debate is about trying to fight for more money, more differentials, for dairy farmers in the co-ops. Yet we are supporting a system today that allows them to get less than the minimum price in the co-ops.

Mr. GUTKNECHT. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for yielding additional time.

Mr. Chairman, in just a few days, or a week or two, this Congress will likely pass a multibillion dollar bill designed to intervene and help struggling farmers. Yet, we have right before us, right now, an amendment that is a simple way to intervene on behalf of some farmers, those who have relatively weak bargaining power with respect to their large co-op. This is a simple, easy way to intervene and to make their lot better. It does not cost billions. It is not going to grab headlines, but it is a way that we can help out, a direct way, a simple way.

Let me also return to a discussion or a focus on the vote itself on this amendment. This is one of those amendments, in my view, that dairy farmers all across America will be watching closely when they see the results, because this is one of those amendments that really distinguishes a voting Member on which side they are on.

This one says whether one is on the side of a small dairy farmer with relatively weak bargaining power or whether or not one is on the side of a large co-op. In many cases, as my colleague from Wisconsin has pointed out, where they essentially have a monopoly, it cannot be both ways. My colleagues are for one or for the other, and when this vote is cast, dairy farmers will know.

Mr. BALDACCI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, oftentimes when we get into discussions like we have been going through on this amendment, I am reminded of the infamous words of Will Rogers when he observed that it ain't people's ignorance that bothers me so much. It is them knowing so much that is the problem.

When we start talking about the advantages and disadvantages of various dairymen in various regions, the numbers just do not hold up.

Several times today we have had it pointed out that the problem is with the Class I differentials. In the average mailbox price, which is what farmers put in their pockets every week, the average mailbox price last year for the whole year of 1998, in the upper Midwest, was $15.29 in the region where the gentlemen who offered this amendment do reside, $15.29; in the area of Texas where they object to the system of which we have a different advantage, $14.82, 47 cents less.

Now, there are all kinds of different reasons for this. The complexities of the federal order have been discussed and quite amusedly because it is very complex, designed to be so because it is designed to do one thing and one thing only and that is price milk fairly, component by component, so that the farmers and the consumers within an order are treated fairly by something that can be repetitive week after week, month after month, year after year.

I am well aware that there will always be some of us farmers that will feel like that we are being wronged by our cooperative, and that is true. Sometimes cooperative management is like individual farm management in which they do not make all the right decisions; but I really question, and I guess my opposition to this amendment as to most of the amendments today and something that we offer, as the gentleman said, when this vote is cast dairy farmers will know and recognize who is on their side.

Most of the dairy farmers in the region in which the gentlemen are talking have already spoken loudly and clearly in a referendum that they prefer the federal order system, works and all, they prefer 1–B over 1–A; but the bottom line is if farmers anywhere, any time, in the future, are going to do anything about price, it is going to have to come through cooperative effort, in the traditional sense in which cooperatives will do a better job of working for our dairy farmers than they currently are and in a nontraditional sense in which those of corporate America who have opposed parts of this legislation today are going to have a change of heart and to realize that cooperative effort can also mean them working with dairy farmers in order to see that the efficiencies of the marketplace will reward the producers as it does the consumers today.

That is what this is all about. I hope we will oppose this amendment, as we did the previous Dooley amendment, and we will continue in the quest of passing 1402.

Mr. GUTKNECHT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment is just about basic fairness. If everyone has to play by the same rules and the rules are known upfront, business practices will change, and everyone will play by the rules. The problem with the system as it is today, we have one set of rules for the for-profits and another set of rules for co-ops. I do not know of any other game in America, baseball, football, pick the game, where some of the participants play by one set of rules and other participants play by a different set of rules. I think that is just unfair.

I do not care who is right or who is wrong. What I am just simply saying is that this is wrong, and I have to say to my friend and colleague, the gentleman from Maine (Mr. BALDACCI), I do not know how anyone can go back to their constituents and say last year the federal milk marketing order price that should have been received was $15.61 on average; but if milk was sold to a co-op, it was only $14.89. I do not know how that is explained. I cannot explain that.

The same is true in Texas. I would say to the gentleman from Texas (Mr. STENHOLM), last year the average Texas milk producer should have received $15.37; but because of a different set of rules, they received an average of only $14.72. That is a difference of 65 cents per hundred-weight. Now, that may not seem like much to those of us here in Washington, D.C.; but I will say if someone is out there milking 60 cows and getting up every day 365 days a year, 65 cents on average over an entire year is a lot of money, and that is the difference.

□ 1415

It gets even worse. In some parts of the country, the difference is as much as $1.07 per hundred-weight of milk. Now, maybe people can go home and explain that. Maybe we can go home and say well, I know you are getting less for your milk than you should be under the milk marketing order system, but maybe one day you will get even, maybe one day you will get fair.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, it is the marketplace that makes the difference between Texas and the upper Midwest. It is the marketplace. It is not the Federal order that does that.

Mr. GUTKNECHT. Mr. Chairman, reclaiming my time, we are not talking about the difference between Texas and the upper Midwest. That is the big issue. We are talking about what the milk marketing order price is supposed to be in Texas as opposed to what actually farmers got in their mailbox.

The gentleman from Maine (Mr. BALDACCI) made the comment, well, we are talking about small, farmer-owned co-ops. I just want to disabuse people of that notion. We are talking about very large co-ops. We are talking about co-ops with 40,000 plus members, co-ops that have assets of billions and billions of dollars. So we are not talking about small little creameries operating in the Midwest, we are talking about big businesses, and they are not paying the farmers the price that they are supposed to.

Mr. Chairman, the co-ops today control 82 percent of all of the milk processed in America today. This is not small business, this is big business.

This is really about fairness. It is about truth. It is about truth in milk marketing; and if we really believe in the milk marketing order system, I cannot understand why one could not vote for this amendment to make certain that every farmer, whether one lives in Texas or Maine or Minnesota, whether one sells their milk to a for-profit processor or whether one sells their milk to a co-op, one is going to get at least the minimum milk marketing order price.

It is basic fairness. It is saying the rules are going to be the same and that everybody is going to play by the same set of rules.

Mr. Chairman, I hope people will support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BALDACCI. Mr. Chairman, I yield myself such time as I may consume.

Just to go over the points that were made earlier in the debate, a cooperative is farmers banding together so that they have a place in the marketplace. Farmers individually do not have the strength that they do collectively. If farmers are going to be able to stay on their farmland and continue to do what they are going to be doing, all of the research shows us that we have to encourage farmer-owned opportunities of value-added in processing their products for a world marketplace. And we have to encourage farmers to band together and form cooperatives, so that they have an opportunity very similar to a credit union. The strength of the cooperatives is in the individual members.

This amendment seeks to destabilize that relationship and allow each member to fractionalize and go off on their own, and they are destabilizing the cooperative relationships and the financial soundness of that cooperative. We want to strengthen cooperatives. They are not forcing farmers to join them. Farmers do not have to join them if they do not want to join them. It only seeks to weaken the cooperatives, and this is the one opportunity that farmers have to stay on the farm and be able to raise their families in a quality of life that is second to none. This is something that farmers want to be able to do. This amendment seeks to weaken that.

I would encourage the membership in this body to vote down this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. BALDACCI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT) will be postponed.

It is now in order to consider Amendment No. 5 printed in Part B of House report 106–324.

AMENDMENT NO. 5 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 5 offered by Mr. KIND:

Add at the end the following new section:

SEC. . NATIONAL POOLING OF CLASS I RECEIPTS UNDER FEDERAL MILK MARKETING ORDERS.

Notwithstanding the terms of Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture shall provide for the national pooling of receipts from fluid or Class I milk.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am offering an amendment that is very common sense and straightforward. None of us here today relishes having a debate where we have to pit region against region in this country, farmer against farmer, family against family. It should not be that way.

My amendment would establish a different way of approaching our national dairy policy, recognizing that there is going to be a need for support for small family farmers because of the volatility of the current marketplace. But it also recognizes there is no economic justification for a price differential based on any location of the country, and also based on what the milk is used for.

So what I am proposing in my amendment is a national pooling of the Class 1 differentials, what farmers receive for the milk they produce for consumption purposes. Class I differentials would be pooled and then equitably and fairly distributed to all of the producers, regardless of what region of the country they happen to be producing in. That would eliminate the need for this regional conflict, the constant struggle that we face perennially here in this Congress, of pitting farmer against farmer, and I think it is probably the fairest and most practical approach.

Mr. Chairman, I understand why the system was created during the Great Depression in 1937, to deal with milk shortages in other regions, but now with the interstate transportation system and refrigerated cars, we can transport milk across the country with relative ease so there is no further economic justification to continue the depression-era, government-controlled policy.

So, in an attempt to try to eliminate this regional conflict as it exists today and to treat all producers equitably and fairly, I am offering this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment which would do even further damage to farmers across the Nation than the Option 1–B does. It ignores one of the most important benefits of the milk marketing order program, and that is to ensure a stable supply of locally produced milk.

This is an important aspect of dairy policy since milk is very difficult to preserve over long periods of time, to ship over long distances, so the idea is to incent farmers in areas throughout the country where there is a need for Class I fresh fluid milk. Milk is very bulky, very expensive to ship long distances. Shipping milk over 1,000 miles would add approximately 30 cents a gallon to the cost, 25 percent of the average raw milk cost.

Also, it is important to note that regions of the country with the lowest Class I milk differentials like the upper Midwest have the highest farm milk prices, so that while, when we look at the price that the farmer receives throughout the country, on paper, it looks like the Northeast, Southeast receive higher differentials, and they do. The actual mailbox price that the farmer receives is highest in the Midwest. So this would further skew the payment to the farmer and to the detriment of farmers throughout the country.

So I would urge my colleagues to oppose this amendment, to stay with the base bill. It is a good approach to this issue. It has been demonstrated with the other amendments and the other votes we have had earlier today, there is strong support for H.R. 1402, and I would urge my colleagues to reject this amendment, stay with the main bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I just want to refer to the comments of my colleague from New York just a few moments ago. I agree with virtually every point he made except the last one, and I do want to make a slight correction there. Let me also say at the outset, it is unfortunate that at the time when we really need dairy farmers working together to find new markets, new opportunities and more revenue, at the very time we should be working together, we have region pitted against region.

I just want to point out, the gentleman made mention of the fact that the average mailbox price in the upper Midwest is the highest in the country. That is not exactly correct. Our average price last year in the mailbox in the upper Midwest was $15.27. In some areas, for example in Florida, the average mailbox price was $17.43.

So there are differences. But here is what we are talking about, and this gets very complicated, and I am not sure I completely understand it. But we have 4 different classifications for milk. Class I milk is fluid milk that goes into bottles or containers that is milk for drinking. Class II is spoonable milk. That goes into ice cream and yogurt. Class III is cheese, and Class IV is powdered milk.

Now, we talked earlier today about why many of us think the system is unfair because it still is based on how far it comes from Eau Claire, Wisconsin. I mean we can argue about that, but when we look at the chart, that is basically the way that the various categories come out. Worse than that, it is also priced on what it goes into. Now, because 85 percent of the milk we produce in the upper Midwest ultimately goes into Class III or cheese, we get a lower price. So we are closer to Eau Claire, Wisconsin and it goes into cheese, so we are punished twice.

Now, we are very efficient and the demand in the competition is higher in the upper Midwest, so in terms of mailbox we come out a little better than we would under the milk marketing order price system. But this is really about saying whether one's milk goes into cheese or whether it goes into yogurt or whether it goes into fluid milk, one ought to reblend those prices nationwide so that everybody gets the benefit of being next to a large market and the fluid market.

I think this is a fair amendment. I think it is reasonable, and I hope that we will adopt it.

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM), a member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, here again, it is important that we stay focused on the bill. When we talk about one basing point, Eau Claire, Wisconsin, in the bill in both 1–A and 1–B, we change that, for the reasons of which the gentleman has accurately expressed that it no longer is applicable. That is done. That is what the Secretary recommended. We are changing the basing point to 3 in order that the Federal order and the manner in which it, as the gentleman has just accurately described, Class I, II, III, IV milk is priced fairly region-to-region, with some consideration being given to distances in order that the market system may work fairly for each of our 50 States. That is what this is all about.

The amendment of the gentleman from Wisconsin is another what we call a gutting amendment, because it attempts to undo that. It attempts to say that we are going to have one giant, big order, and for those that believe that that is the way it ought to be, I respect that. It is a very logical feeling from those that somehow believe that they are being unfairly treated with the current system.

But I would encourage the dairy farmers in the upper Midwest to listen carefully to their leadership, to look carefully as to whether or not if they should win, would they truly be better off? I think the answer is a clear no, a clear no. But, those who offer the amendment believe that it is a clear yes, and that is why we have votes on this floor.

I remind my colleagues again, particularly those from the upper Midwest, your dairy farmers voted 96.1 percent to accept the Federal order. Now, many of them perhaps prefer 1–B over 1–A, and that is a perfectly logical position for some to have in that region, given what they think they believe. But I will submit to you that there is very little proof anywhere that individual dairy farmers anywhere in the United States will do better if we vote this system out or particularly if we support this amendment.

□ 1430

So I would encourage a "no" vote on this amendment. The base bill takes into consideration most of what is being discussed and desired by this amendment, but not all. I would urge a no vote.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a freshman Member of this House and someone who has distinguished herself as a real champion of family farmers.

Ms. BALDWIN. Mr. Chairman, the Kind amendment could end the regional fighting that we have endured for too long in dairy pricing. It would help every dairy farmer in every region of the country equally.

The amendment is simple. It would take all of the different prices that dairy farmers receive for their milk, depending on how far away they are from Eau Claire, Wisconsin, and combine those different prices into a pool. That pool would then be divided in equal parts and provided to each dairy farmer who participates in milk marketing orders.

Debate on this underlying bill has been painful. Every Member is trying to do what is right for the dairy farmers that they represent. I certainly respect that. We are pitted region against region in what could be called a dairy Civil War.

I sympathize with my colleagues whose States have seen their dairy farmers go out of business. My farmers are no different. In Wisconsin, we have lost 7,000 dairy farms in the last 6 years.

I have strong interest in assisting those from the Northeast, those in the South, fighting for the survival of the family dairy farm, but this underlying bill helps their farmers and harms mine, and that is simply wrong. The Kind amendment would end the unfairness of the underlying bill, allowing all dairy farmers, no matter where they live, to benefit equally in the Federal milk market order program.

We are the United States. We should not be the divided States when it comes to dairy policy. I urge support of the Kind amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I listened closely to the gentleman from Texas (Mr. STENHOLM), who I had the pleasure of serving with on the Committee on Agriculture when he chaired the Subcommittee on Livestock and Horticulture. He understands this issue as well as anyone does.

He is right, the underlying bill does not benefit the rest of the country at the expense of the upper Midwest. This is basically a status quo bill that allows each section of the country to continue to garner the price for milk that they are receiving.

I do not understand how we got to this point, quite frankly. Regionalism has always been an aspect of dairy policy, because the cost of making milk in one part of the country is different from the other, so we try to overlay a Federal policy, and the same policy affects everyone differently, so this regionalism has always been there.

But what we have been reduced to this time around is that we have 48 States or at least 40 States being harmed to the benefit of two, if we do not accept the underlying bill. It makes no sense. It makes no sense at all. We have been interested in perhaps allowing compacts to be created. Thus far we have the Northeast compact, and no States have been allowed to join. The Southeast would like to form a compact, but that is not law.

We hear this cry of cartels, that they are collaborating to fix prices and harm the consumer. That is not true. The idea is to keep the price down in those areas with the consumers involved making the decisions, as opposed to two or three or four large processing companies setting the price of milk in a region. The idea is to provide that there is a fresh supply of fluid milk so that all areas of the country can grow their own, produce their own, and have it available on a fresh basis.

For years, for years the Northeast and the Southeast and West and Southwest suffered under a policy that allowed a small group, I refer to them as the Green Bay cabal, a small group of cheesemakers, to set the price. Every year we would get or every month we would get our farm report, and we would have to look to see what the MW price is to determine what the price of milk was going to be.

I asked somebody, this MW price, how is it created? Well, it was created when a group of five or six cheese manufacturers got together for coffee and doughnuts in Green Bay, Wisconsin, once a month, and set the price. How fair is that? So the idea here is to make sure that each area of the country has their own supply of milk. I do not think this amendment helps it.

I would urge my colleagues to support the underlying bill and reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KIND. Mr. Chairman, I think it is altogether appropriate that I yield 2 minutes to my friend and colleague, the gentleman from Green Bay, Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I appreciate my colleague yielding me the time.

Mr. Chairman, with reference to the cheese exchange, the interesting thing is, guess what, we did away with the cheese exchange, something that the supporters of H.R. 1402 will not do. We agree with them, that system was unfair. We ended it. I challenge the supporters of H.R. 1402 to do the same today, to join us in reforming this system.

This place is locked in a time warp. This place is using a milk marketing order system that was created in the era of the manual typewriter. This place is voting on a system that ignores any modern technology since then: the interstate highway system, refrigerated trucks, for Lords' sakes. Times have changed out in the marketplace, except with respect to dairy policy.

Nowhere in this country are dairy farmers hurting more than in Wisconsin and in Minnesota. But what we recognize is the system that pits farmer against farmer, State against State, region against region, cannot be the answer ever to America's challenges, America's problems. Those who seek to turn back the clock to 1937 belong to the Flat Earth Society. They fear the marketplace. They are afraid of the marketplace. They are afraid of competition. They are afraid of breaking down the Soviet-style pricing system.

Members are right, we did have a cheese exchange. We ended the cheese exchange. I would say here today that the supporters of H.R. 1402 should do the same thing, end this outdated system. Let the marketplace rule. We in Wisconsin do not fear it, we welcome the marketplace.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

Mr. KIND. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I believe my amendment accurately reflects the position that the dairy farmers in the upper Midwest have on this whole issue. They are not looking for any special advantage. They are not looking for any competitive advantage over the rest of the country. They certainly do not want to visit any additional hardship on family farms, regardless of what region they happen to be living and working, breathing, and dying in.

But they have not heard to this day any economic justification for maintaining this Depression era policy which, as this map shows, is based solely on geography and distance from Eau Claire, Wisconsin, which is a beautiful city located in the heart of my congressional district. With today's modern transportation system, we can ship fluid milk around the country with relative ease.

That is what this amendment is meant to do, to end the regional fighting, to end the constant struggle where we pit farmer against farmer and family against family in this country, when it does not have to be that way.

We should support this amendment and have a national pooling mechanism in which the Class 1 differentials will be pooled and then distributed fairly and equally to each producer in the country, regardless of where they happen to be living and producing the milk. That is why I brought this amendment forward, Mr. Chairman. I think it really gets to the crux of the whole debate that we have been having here. It certainly speaks to our producers' position back home, where they are not looking for an advantage anywhere, just the level playing field and the ability to compete fairly in our own domestic market without these artificial trade barriers prohibiting a free flow of goods within our own border.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The amendment was rejected.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in Part B of House Report 106–324.

AMENDMENT NO. 6 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. RYAN of Wisconsin:

Add at the end the following new section:

SEC. . MAXIMUM CLASS I MILK PRICE DIFFERENTIAL.

Notwithstanding the consolidation and reform of Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, effective October 1, 1999, the Class I milk price differential for all Federal milk marketing orders may not exceed $2.27 per hundredweight.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman for saying this is a status quo bill. That is exactly right, this is a status quo bill. I would like to briefly explain what my amendment seeks to accomplish.

What my amendment does, it would simply limit the amount of disparity between the highest and the lowest-paid producers in this country. This legislation would say that no producers would be entitled to a differential of more than $2.27 per hundred-weight Class 1 fluid milk. This amendment would try to restore some of the fairness and equity of the USDA's proposed reforms. The $2.27 is a simple average differential in the final rule proposed by the others, which is supposed to become effective October 1, 1999.

Now, while I cannot support forcing dairy farmers in my State and nationwide to live with the status quo, as H.R. 1402 would do, I believe that this amendment would make an inequitable system more livable for the dairy farmers of the upper Midwest.

The farmers in the State of Wisconsin and the Midwest have lived far too long under a system that rewards inefficiency in low productive regions and discourages production in regions that are best-equipped to produce dairy products. It is a nonsensical system that served a purpose during the Depression era, when we had the horse and buggy, but does not work in today's era, when we actually have a car.

If we are going to ask farmers in my State and other upper Midwest States to continue living with this antiquated system, we have to give them some glimmer of hope that their hard work that went into reforming this system is not all for naught. These dedicated individuals should not be told that the work of the farmers in other parts of the country matters more than the work that they do.

Wisconsin has seen the departure of 11,000 dairy farms between 1990 and 1998. I was talking to a colleague of mine just at the last vote who was from New York who was complaining that over the last 8 years that person lost 20 dairy farmers. Well, Mr. Chairman, in Wisconsin we lost 20 dairy farmers in the last 5 days. Family farms are at stake here more than ever in Wisconsin and Minnesota.

Mr. Chairman, this amendment sends basically a strong message. It sends the message that farmers throughout this country should be rewarded with reasonable, equitable differentials. Currently, producers in Florida are rewarded with the differential payments that are twice as much as producers, say, in Minnesota are being paid.

How can this kind of a system be justified? A farmer in, say, south Florida, outside of Miami, is going to get twice the differential that a farmer doing the same job, having the same kind of herd, is doing in Minnesota?

If we really believe that in Florida it costs twice as much to milk a cow than it does in Minnesota, we owe it to the consumers of America to explain why this Congress would support paying a farmer in Florida twice as much to stay in business. This makes about as much sense as it would paying farmers in my district four times as much as the Florida orange growers to raise oranges. But we do not grow oranges in Wisconsin because we know we have tough winters, and it would not be a good idea. It makes about as much sense as paying Wisconsin farmers $3 extra per pound over the growers in Georgia for peanuts.

Out of fairness and equity, I would ask my colleagues to support my amendment. It does not completely throw out the order system, it simply provides reasonable limits for differential payments set at the average differential of $2.27, so there will be differences. There will be more in some regions, versus in others. It is just not an incredible amount.

Mr. Chairman, I reserve the balance of my time.

□ 1445

The CHAIRMAN pro tempore (Mr. GILLMOR). Does the gentleman from Alabama (Mr. RILEY) seek to claim the time in opposition to the amendment?

Mr. RILEY. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Alabama (Mr. RILEY) is recognized for 10 minutes.

Mr. RILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, here we go again. We have debated this same proposal over and over and over again today. I do not know that anyone is going to add anything new and exciting to this debate. But this debate literally comes down to, last year, in the upper Midwest, farmers got in their mailbox a price of $15.38 cents per hundred-weight for their milk. In Alabama, they got $15.34. Under this proposal, we would take a 43 cent per hundred-weight reduction in addition to a 98 cent reduction.

Mr. Chairman, if we want to tell all of the Southeastern producers, all of the Texas producers that we are literally going to put them out of business, that this amendment would cause all of the farmers in the Southeast over the next year or so to die a very slow and agonizing death, then it would be much more simple just to say we are going to produce all of the milk in the upper Midwest and ship it all over the country. That is essentially what this legislation is trying to do.

I appreciate the attempt of the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Wisconsin (Mr. GREEN) to help their dairy farmers in their State, but they are doing it at the expense of every other dairy farmer in the United States.

My next-door neighbor is in the dairy business. I cannot go home and tell this man that we are going to reduce his price and allow the people in the upper Midwest to have an increase in price even though his cost is almost 30 to 40 percent more than theirs. It makes no sense.

I appreciate the gentlemen's attempt, but this amendment is a poison pill. We need to concentrate again on the base bill. This would destroy that bill. It makes no sense to do it.

Of everything that I have dealt with since I have been in Congress, I do not know of a single issue where regions are pitted against each other to the point that we are going to tell a full region of the country that we are going to put them out of business; and that is essentially what this amendment does.

So I would urge all my colleagues to concentrate on the base bill and reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, first, in response to the previous speaker, he complains that Secretary Glickman's reform might put some farmers out of business. Again, we have heard it over and over again: by this time tomorrow, five farmers in Wisconsin will be put out of business by the system that this legislation would reimpose.

He says it would be a terrible thing if one region of the Nation might produce most of the milk. I hope he will support me in my legislation to create a mandated government-supported citrus industry in northern Wisconsin. After all, we should not have citrus all coming from one or two regions.

Let me boil things down here. I am not going to tell my colleagues that this bill or the Secretary's reforms are going to make a huge difference to the dairy farmers in any region of the Nation because they will not, and those who would suggest that I think are probably misreading this.

Our farmers are not expecting favoritism. They are hard working. They have an uphill battle. They face Wisconsin winters. They face losing football seasons. They are a tough lot, absolutely. They are not looking for favoritism.

But my farmers look at this; and they say that, if they cannot get the very, very modest reforms that are shown by Secretary Glickman, then perhaps they will lose all hope. Maybe that is why the Ag commissioner from Minnesota, when testifying before the Committee on Agriculture, said recently that people of Minnesota have given up hope on Congress. They have said that they actually have considered trying to physically relocate the city of Eau Claire to the West Coast, because it might be easier to do than to get a reform done here in Congress. Well, we will see today. They may well be right.

Mr. RILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman from Wisconsin (Mr.

GREEN), the last speaker, and again I appreciate his concern, but 50 percent of the dairy farmers in Alabama have already gone broke. This will reduce the remaining 50 percent to zero. I think that applies all across this country in different regions.

We cannot destroy an industry to benefit a few States. Let me give an example of what happens. Dairy farmers in the Southeast will lose $42 million, States like Alabama, Georgia, Tennessee, Mississippi, Louisiana, and Arkansas; $23 million to the dairy farmers in Texas; $22 million will be lost by the dairy producers in North Carolina and South Carolina; $24 million in New York, New Jersey, and Delaware; $22 million with all of the New England States; $16 million a year loss in Maryland, Virginia, and in eastern Pennsylvania.

Mr. Chairman, this is bad policy, and this amendment fully guts the underlying bill. This is not something that I think most of the proponents of small farms that are throughout this country could begin to attempt to support.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to just add a correction to the gentleman from Alabama (Mr. RILEY). The Southeast mailbox price is higher than the upper Midwest mailbox price. The Southeast mailbox price is $15.36, and the Midwest mailbox price is $15.27. Also, with due respect to the farmers in Alabama, we have already lost 50 percent of our farmers in Wisconsin. This has already gone.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of the Ryan amendment. This amendment would cap milk market differentials at $2.27. That means that the maximum that any dairy farmer in any region of the country could receive under market orders would be $2.27 above the basic formula price for milk.

This amendment may not increase the differential for the upper Midwest dairy farmers who receive the lowest price for their milk compared to every other region of the country. But the amendment would bring more fairness to a very unfair bill.

For example, under current milk marketing orders, dairy farmers near Miami, Florida receive $4.18 per hundred-weight of milk above the basic formula price. In comparison, the dairy farmers I represent in Wisconsin only receive $1.20 per hundred-weight of milk above the basic formula price. That means, for every 8 gallons of milk, my dairy farmers receive nearly $3 less than dairy farmers near Miami, Florida.

The Ryan amendment would make this foolish system a little less foolish. Instead of giving dairy farmers that live the farthest away from Eau Claire, Wisconsin, the most money for their milk, the amendment would take the average of all differing orders, milk marketing orders, $2.27, and cap the maximum at that. Although this would still allow some differences in regional milk prices, it would greatly improve a very flawed system.

Mr. Chairman, I know that my dairy farmers do not want to hurt other dairy farmers in this country. But for over 60 years they have been receiving less for their milk than any other farmers in the Nation. They just want fairness, and this amendment brings us one step closer to fairness.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. GREEN), the other cosponsor of this amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, a lot of numbers are getting tossed around here today. I have something very interesting that we just got. These are the USDA figures just released for the month of October. This is what they use to send out paychecks to farmers.

What it says is the loss here, if this goes forward, is 57 cents nationwide. The gloom and doom that my colleague and friend puts forward is just not borne out by the numbers. Again, changes that we are pushing for are extremely modest. H.R. 1402, contrary to what it said, we will lose. Farmers everywhere will lose.

Mr. RILEY. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Alabama (Mr. RILEY) has 5½ minutes remaining. The gentleman from Wisconsin (Mr. RYAN) has 1 minute remaining.

Mr. RILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just in response to the last two speakers, in 1998, Chicago had a mailbox price of $15.38 cents. Alabama had $15.34. Under option 1–B, Alabama would be reduced by 38 cents. Chicago's mailbox prices would go up by 60 cents. That is 98 cents per hundred-weight.

Now, if that is not disproportionate, I do not know what would be. Under this amendment, we would take another further reduction of 43 cents per hundred-weight.

There has been testimony brought forward time and time again today about the efficiencies of the upper Midwest. I agree. They do produce milk much cheaper than we can in the Southeast. But it makes absolutely no sense when one looks at it logically for a national program, this is not to remove the program, this is to adjust the program, that we are going to take the high-cost areas and reduce their price to increase the price in low-cost production areas.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be very brief since I have 1 minute. The States that will not be affected by this amendment which fall at or below the $2.27 differential are California, Colorado, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, North Dakota, Nebraska, New Mexico, Nevada, much of New York, Ohio, Oregon, much of Pennsylvania, South Dakota, Utah, Washington, Wisconsin, West Virginia, and Wyoming.

Now, the point is this, Mr. Chairman: what this amendment seeks to do is get a little bit of fairness in the system. If H.R. 1402 is going to pass, it will perpetuate the status quo, a system based on horse-and-buggy 1937 economics. We are simply saying let us at least put a little limit on the damage because one lives far away from Eau Claire, Wisconsin, one is going to get a higher price. One is still going to get a higher price the farther away from Wisconsin under my amendment; it is just going to cap it at the national average of the differential.

The USDA said the national average under the USDA's plan will be $2.27. That is what this amendment seeks to achieve. Differences will still exist; they just will be limited.

Mr. RILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, in understandable efforts to simplify a complex issue, many continue to characterize Option 1–B, the option chosen by the Department, as reform and Option 1–A as the status quo. This characterization is simply incorrect. Option 1–A is not the status quo.

For many years, it was the goal of the upper Midwest dairy organizations to encourage a consolidation of milk marketing orders, so much so that the farm bills requirements for consolidation was that region's main accomplishment in the dairy section of that bill.

Option 1–A would accomplish that goal to the same degree as Option 1–B. Under the old rhetoric, then, even with Option 1–A, the final decision would be a significant accomplishment.

But apparently the debate has shifted, and we are faced with a new measure of success. It was a goal of the upper Midwest to bring an end to the accepted notion that each orders Class I differential is related to its distance from Eau Claire, Wisconsin.

Option 1–A recognizes three surplus zones as the basis for determining

Class I prices. In Texas, this result itself means a significant lowering of the differential and, therefore, prices received by producers. Option 1–A will reduce income from Texas producers as well as producers in many other parts of the Nation.

□ 1500

So, again, under the old rhetoric and the old standards of success for the upper Midwest, Option 1–A represents a significant victory and a change from the status quo.

Now, the gentleman from Alabama is totally correct. The intent of this amendment is, for some reason, the folks in the upper Midwest continue to believe that it will help them to take away something from producers in the South or other regions of the country. I do not understand the logic of that because it will not work that way. Even if they should be successful, the marketplace will not allow that to happen.

So I would encourage our colleagues to vote down this amendment, another amendment, well-intentioned, and the representatives from the upper Midwest are doing an excellent job of representing that particular interest. The rest of the dairy industry in the whole United States happens to differ and disagree with them, but that is what this floor is for. That is what we are here for. That is what the Committee on Agriculture did, we debated this amendment and we defeated it overwhelmingly in the Committee on Agriculture.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, here is some fresh data we have from the USDA. Looking at the entire country, on average, if the USDA reforms go through, comparing the USDA reforms to the current status quo, they gain 57 cents, so the country, on average, not just the upper Midwest.

Mr. STENHOLM. Reclaiming my time, Mr. Chairman, I would ask the gentleman who gains?

Mr. RYAN of Wisconsin. Almost all regions in this country gain. On average, in this country, according to the fresh data we just got 15 minutes ago, we gain as a Nation.

Mr. RILEY. Mr. Chairman, I yield myself such time as I may consume.

I do not know how much more can be said in this debate that has not already been said, but let me just close by saying we have farmers who have invested a lifetime of work that are struggling every day throughout this country just to keep their heads above water. If we are going to do anything that will push their heads under and hold them under, this amendment will do it.

This body has already spoken today and said that we want to go back to Option 1–A. I think that is a clear mandate of this Congress. This amendment would gut that. This is a poison pill amendment, and I would encourage all of my colleagues to vote against it.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. RYAN) will be postponed.

It is now in order to consider Amendment No. 7 printed in Part B of House Report 106–324.

AMENDMENT NO. 7 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. MANZULLO:

Add at the end the following new section:

SEC. ___. CONDITIONAL IMPLEMENTATION OF ACT.

(a) EFFECTIVE DATE; ROLE OF UNITED STATES TRADE REPRESENTATIVE.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act, except that the Secretary of Agriculture may not carry out this Act or implement any amendment made by this Act unless and until the United States Trade Representative notifies the Secretary that this Act and the amendments made by this Act present no risk of interference with any international trade negotiation to which the United States is currently a party or with the achievement of the trade policy objectives of the United States.

(b) CONTINUING ASSESSMENT OF EFFECT ON TRADE.—If this Act and the amendments made by this Act are implemented as provided in subsection (a), the United States Trade Representative shall periodically assess the effect of the implementation of this Act and the amendments made by this Act on international trade negotiations to which the United States is a party and the trade policy objectives of the United States.

(c) TERMINATION.—If, as a result of an assessment under subsection (b), the United States Trade Representative determines that this Act or any amendment made by this Act presents a risk of interference with any international trade negotiation to which the United States is a party or with the achievement of the trade policy objectives of the United States, the United States Trade Representative shall notify the Secretary of Agriculture of the determination. Upon receipt of the notification, the Secretary shall cease to carry out this Act and amendments made by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have filed an amendment to this bill for the purpose of trying to infuse the free trade system into this incredible archaic system of dairy marketing orders. The Manzullo-Dooley amendment has as its goal that when we leave the House of Representatives and the bill passes the Senate and is signed by the President that the USTR, the United States Trade Representative, would have the ability to review the language and pass upon whether or not it complies with our ability to compete internationally and meet the requirements of Nunn subsidies and the relief thereof in the WTO.

This is important. It is extremely important for the following reasons. We cannot have it both ways. Either we support free trade for our farmers or we do not. Every agricultural interest group has come to my office saying that they want to thank me for my votes on free trade. And it is extremely important in the new rounds that are coming up in Seattle that when we are there as a representative of Congress, which I will be, along with several other Members from this body and the other body, that we are going to be pressing the issue of making sure that overseas subsidies and Nunn tariff barriers are taken away so that our farmers can be on a more even playing field and, thus, be more able to export our agricultural commodities.

Illinois exports about 47 percent of its agricultural commodities. The entire farming industry nationwide is in trouble; and one of the ways to bring it out of this incredible recession, if not depression, is to bust open the foreign markets to make it easier for us to sell the fruit of the labor of the American farmer overseas.

It is amazing. The American Farm Bureau Federation says technical trade barriers hold up $5 billion worth of U.S. commodity sales to 63 countries. The U.S. Department of Agriculture estimates that free farm trade would mean about 25 to 30 percent higher commodity prices for U.S. farmers and ranchers, and some speculate it could go as high as 50 percent. Yet I see where the American Farm Bureau is part of a coalition opposing the Manzullo-Dooley amendment which would ensure free trade for our farmers.

That is what this amendment is about. It is very simple.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Texas (Mr. COMBEST) claim the time in opposition?

Mr. COMBEST. I rise to claim the time in opposition, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 20 minutes.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume. I would like to join those many others who thanked the gentleman from Illinois (Mr. MANZULLO) for his votes on free trade, however, I do rise in opposition to the amendment.

The Manzullo amendment would prevent the Secretary of Agriculture from carrying out the provisions of H.R. 1402 and thereby the United States dairy policy once it was approved by Congress and signed into law. The amendment says that the Secretary of Agriculture may not implement the law passed by Congress unless the U.S. Trade Representative says that this law does not present a risk of interference with international trade agreements or trade policy objectives of the United States. If this amendment is adopted, the House of Representatives will be allowing the USTR to set U.S. dairy policy.

The amendment of the gentleman from Illinois (Mr. MANZULLO) sets no time frame for consideration by the USTR, which could delay indefinitely its determination of the dairy policy compliance with trade agreements. The USTR evaluation of H.R. 1402 could take years, and U.S. dairy farmers will suffer while other countries continue their subsidies unchecked.

Additionally, the Manzullo amendment requires the USTR to evaluate U.S. dairy policy to determine whether there is a risk of interference with international trade agreements or with the trade policy objectives of the United States which has no force of law. The risk that should be evaluated is whether the European Union or the Canadian dairy policy is in accord with international trade rules.

Right now, the European Union spends over $40 billion in domestic support to subsidize its farmers. That is eight times as much as is spent by the United States for its farmers. On top of that, the European Union spends $8 billion on export subsidies, keeping the U.S. agriculture out of many markets around the world. And that is a representation that is 16 times as much as is spent by the United States on export subsidies.

I would urge Members to oppose the Manzullo amendment. The Congress should determine dairy policy with the concurrence of the President. Unchecked bureaucrats should not determine what U.S. dairy policy is.

Mr. Chairman, I reserve the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my colleague for yielding me this time.

This amendment points to, I think, a broader question, and I ask this question only somewhat seriously. Do not Members of this institution feel at least a little hypocritical here today? At the very time that we are urging, no, insisting that nations around the world open up their economies and tear down trade barriers, at the very time we do that, we seek to reimpose and reinforce those very trade barriers between the States in this country.

We are holding press conferences, special orders, we are even holding strikes when nations try to do precisely what 1402 seeks to do. We send trade missions all around the world. We send representatives from the IMF, from the World Bank, all over as missionaries of trade and capitalism, yet in this House we practice a very different religion. Maybe we should put together a letter directing the U.S. Trade Representative to come back home, to come to Congress, the flat Earth society, to come back here and try to preach the gospel of capitalism and trade.

Some time ago, I reluctantly voted for NTR for China. I was very reluctant; had some misgivings about it. But I voted for it, because I believed at the very time that we are trying to tell our farmers to move to market-based, to management-style policies that we cannot deny them potentially the largest market in the world. Yet, I am ashamed to say that today a majority is going to go one step further and close off some markets here at home. Today, much of the logic behind NTR comes crashing down as far as I am concerned.

Let me plead with my colleagues from around the Nation. Do not be afraid to compete. Do not be afraid to compete with the dairy farmers of the upper Midwest or anywhere. Do not be afraid to compete. Do not reerect trade barriers because of the large co-ops and trade organizations. Do not.

This is a defining moment. We are either going to be a pro-trade Congress or we are not. Up to now, I thought we were a pro-trade Congress. I was wrong. At least I believe that I will be shown wrong later on today.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO), the subcommittee chairman.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment.

I believe that it does what the gentleman from Illinois (Mr. MANZULLO) wants it to in terms of the way it is drafted, but I believe it does a whole lot more than quite simply making this abide by current international trade agreements.

If we read the actual amendment, it says the U.S. Trade Representative has to notify the Secretary that the act and amendments made by the act present no risk of interference with any international trade negotiation to which the United States is current a party or the achievement of trade policy objectives.

So not only do we have to agree with international agreements but any trade negotiation that we are currently negotiating with anyone or that we achieve someone's trade policy objectives. And the U.S. Trade Representative's office has the ability to look at this and decide whether or not it meets these, what I believe are very fuzzy goals, and has the ability to stop this legislation from being implemented.

Now, we have already, as a Congress, many times, abdicated our responsibility when it comes to trade agreements, but this goes even one step further than that. We are now going to abdicate our responsibility in terms of dairy policy. We are now going to give that to the U.S. Trade Representative.

And I would like to ask the sponsor of the amendment or either of the sponsors of the amendment a question. If the United States Trade Representative's office decides this is somehow not with the achievement of the trade policy objectives of the United States, and this does not become law, what then becomes the law in terms of dairy policy in this country? Do we go back to the 1937 generic act, do we go back to the 1995 act, or do we go back to the 1985 act?

Exactly what becomes law in this country if the new secretary of agriculture at the U.S. Trade Representative's office decides that this does not meet somebody's objectives?

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Illinois.

Mr. MANZULLO. It would be 1–A modified that would go into effect on October.

Mr. POMBO. Reclaiming my time, Mr. Chairman, I would have to say that I believe the gentleman is inaccurate to say it would be 1–A modified. Because after this has passed and become the law, what the gentleman is doing is going back to whatever was the law underneath the generic law.

I believe what this legislation would do, if the U.S. Trade Representative decided that we were not achieving somebody's trade policy objectives, that we would then go back to the 1937 act as the generic act. I do not think, in fact, I know there is no one in this place that can explain what the 1937 act is because nobody can explain what the 1996 act is.

Mr. MANZULLO. Mr. Chairman, if the gentleman will continue to yield, what we can explain is the fact that we have regional socialism that is destroying the American dairy industry, and that is exactly what this amendment is about.

Mr. POMBO. I will not debate the gentleman on the merits of the current dairy policy in this country.

Mr. MANZULLO. But that is exactly why we are here.

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I believe that the current policy is wrong. I believe the current policy is not good policy. And it was not my bill. It was not the bill of the Committee on Agriculture. It was a creation of a lot of the people that are pushing this stuff right now.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY), the cosponsor of this amendment.

Mr. DOOLEY of California. Mr. Chairman, I rise in support of this amendment. I do so because, as a farmer and as a Member of Congress, and certainly as a member of the Committee on Agriculture, when I look to the future and where the market opportunities for U.S. agriculture are, they are certainly outside our borders. I mean, it is no secret that when we start looking at world demographics, the world's population, that we only have 4 percent of it which lives within the United States. Ninety-six percent of the consumers live outside of our borders.

So it has been appropriate that this administration and past administrations have been diligent in trying to expand our opportunities to access those markets. But if we are going to make that one of our highest priorities, it is also very important that we have our domestic agriculture programs be consistent with achieving that outcome.

I mean, already today we have over a third of our acreage which is devoted to the production of commodities which are exported, and that is going to increase. When we look at the potential opportunity in the developing countries and others, over 50 cents of every dollar in every developing country, every 50 cents of every dollar increase in per capita income goes to the purchase of food stuffs.

That is the opportunity for U.S. dairy farmers, for U.S. cotton farmers, grain and wheat also. So it is important for us when we pass any type of policy that pertains to our domestic agricultural policy that it in fact be consistent with the trade agreements that we have entered into and have negotiated.

The objective of the Manzullo-Dooley amendment is very simple. It is to ensure that USTR has the opportunity to review it, to ensure that it does in fact maintain a consistency with the trade agreements that we have already negotiated.

I would say in terms of the trade objectives that our trade objectives are to reduce domestic interference and markets, whether they be with our trading partners or internally. We think that is important. Because if we are going to try to make our good-faith arguments in a consistent manner when we are bringing issues in front of the WTO and other trade dispute panels, resolution panels, we have to make sure that we are on the moral high ground too.

If we are in fact putting forth a dairy program that is in fact interfering or is inconsistent with trying to move in a more market-oriented direction that is ensuring that there is not undue Government interference in the marketplace, we are in fact being inconsistent with the same policies that we are trying to advocate and trying to see implemented internationally.

This measure I think is an important amendment. It is one which I think can just provide an additional level of oversight to ensure that we are advancing policies in Congress that are consistent with our overall international trade objectives and ensuring, too, that our domestic policies are going to ensure that we are rewarding those dairy families and farming families that have the relative advantage in our country to produce the highest quality product at the least cost.

I urge support of this amendment.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me the time, and I join in the chairman's opposition to this amendment.

It is interesting that we have those who support free trade who stand here and say we are for free trade and fair trade but also who consistently fight that Congress might have a determination over whether or not our policy mixes or matches with what other countries are doing suddenly come with an amendment that says that the ultimate judge of this will be the U.S. Trade Representative. I find that very interesting.

But my opposition to the amendment stems from the practical side of the argument that they make. If in fact we are somehow calling this bill that we have today an anti-trade agreement, it would have already been discussed in the House Committee on Agriculture. Because, to the best of our ability, we bring no legislation to this floor that is not consistent with laws which we support. Because just as the chairman of the subcommittee, myself, the gentleman from California (Mr. DOOLEY), and the gentleman from Illinois (Mr. MANZULLO) support free trade, that is not the argument today.

The argument on this amendment and why it ought to be opposed is who are we going to allow to make that determination. If we in fact were concerned about the spirit of this amendment, what we ought to have done is pass Fast Track so we could be negotiating in Seattle in a few weeks because this House has chosen not to do that, not the President, not the Senate. This House has voted we do not want to negotiate.

Now, my feelings are very, very strong on trade. I would like to see freer and fairer trade. I want to see it negotiated at Seattle. I want to be part of it. We will be part of it. Under the chairman's leadership, the House Committee on Agriculture will be part of it. And we in fact will see that whatever is negotiated that we conform to it. But we are going to do it a little differently this time I hope.

I hope that at this time that instead of us waiting to see or negotiating first and then adjusting to it that we do it a little bit differently; that whatever is negotiated this time, I hope we will conform our legislation to the spirit of that so that our producers, in this case our dairy producers, will have our Government standing shoulder to shoulder with them.

To those that make the argument that somehow this bill is anti-free trade or hypocritical, have they taken a look at the Canadian dairy system, their neighbors just to the north, and see what they do, and then suggest that what we are doing today is anti-free trade? They are aiming their guns at the wrong target.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, the United States filed a complaint and a panel was installed on the Canadian dairy system, and we won that round. It is being appealed by Canada right now.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, that is my point.

Mr. MANZULLO. Mr. Chairman, if the gentleman would further yield, that is the whole point. We have got something just as ridiculous and we are suing the Canadians because of theirs.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I beg to differ with the assessment of the gentleman of the bill that we have in this country.

Mr. COMBEST. Mr. Chairman, I yield myself 1 minute to engage the ranking member for a moment, if I might.

Is it not true that in all other agricultural policy in regards to what is compliant or noncompliant with U.S. and international trade rules that the Department of Agriculture makes the ruling on those?

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, that is certainly my understanding, and that is the way in which I believe this body would have wanted us to progress.

Mr. COMBEST. Mr. Chairman, I reserve the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, it is interesting here that we are talking about the U.S. Department of Agriculture having authority over trade and their wanting to keep that, but the ones making the argument are the same ones that are saying the U.S. Department of Agriculture should not have the ability to pass 1–a modified and let the farmers choose for themselves.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am going to do something that is fairly rare here on the House floor, and that is read a passage of the U.S. Constitution.

Now, the gentleman from Illinois (Mr. MANZULLO) in his amendment is raising a very, very valid point. Let us go back to the Constitution. Everybody who is here in this body swore an oath to protect the Constitution.

So in Article I, section 9, "No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. Nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

The point is this: this is unconstitutional. We are already setting up protectionist barriers within this country based on this antiquated dairy system.

Now, the question about export, world trade with other countries, is a very, very valid question. But that goes to the heart of the issue, which is, we are already doing things that seem extraordinarily contrary to the Constitution that we are here to uphold.

Now, I know I am a new Member, and I know it is very novel that we bring this to the floor, but the point is this: what we are already doing is, in many people's opinion, including my own, is unconstitutional. What we are doing is violating the very principles we try to export to other countries.

Mr. MANZULLO. Mr. Chairman, I yield 15 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, let us assume for a moment the gentleman is correct. I am not a constitutional lawyer myself, but I will assume for a moment that he is correct.

Would it not be the proper forum to determine that at the Supreme Court and not the United States Trade Representative?

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, that is a very, very good question.

In my opinion, I think Members of Congress, who swear to uphold the Constitution, should do that as well. We should debate the constitutionality of the bill as we try to propose so we do not logjam the courts heaping the responsibility over there. We should be the first check on the Constitution here in the legislative branch of the Government.

Mr. COMBEST. Mr. Chairman, would the Chair inform the Members as to the amount of time remaining.

The CHAIRMAN. The gentleman from Illinois (Mr. MANZULLO) has 8½ minutes remaining. The gentleman from Texas (Mr. COMBEST) has 11½ minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the distinguished gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment and certainly in support of H.R. 1402.

I come from Arkansas. We have a rich dairy tradition in northwest Arkansas. I have heard from my dairy farmers, and they need help; they need assistance. This is designed to give some relief and a flow of milk for our consumers in the United States.

But the amendment that is being offered I think does raise a serious constitutional question, and I appreciate my good friend from Wisconsin reading from the Constitution. I think he should be here frequently and reading from the Constitution. But one thing I hear from my constituents is that this body assigns too much authority to other agencies of Government.

What this amendment does is it delegates the United States Trade Representative and gives so much authority and power to that body to override, in essence, what we believe is important in setting policy for our dairy farmers and this industry.

So I think that this takes us in totally the wrong direction. We look at the issue of trade, and I believe we need to expand trade and do everything that we can to move in that direction. But as the gentleman from Texas was discussing, other countries always have some type of program to help their agricultural community or some different industry that they are concerned about. And our responsibility overall is to make sure that our support system is at a minimum that does not interfere substantially with our trade.

What we are doing is we will be singling out the dairy farmer and telling the United States Trade Representative that they have got to watch this particular element, they have got to watch our dairy farmers, they have got to watch the flow of milk here, and it puts us in a weak position in negotiating trade agreements with our other countries.

I do not believe that this in any way would undermine our trade policy of the United States, but it would undermine our negotiating position. And there is a huge distinction there.

So I fully support the bill. I would ask my colleagues to oppose the amendment.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois (Mr. MANZULLO), my friend and my next-door neighbor, and the gentleman from California (Mr. DOOLEY).

A little more than 2 months from now, the U.S. will host a ministerial meeting of the World Trade Organization, the first of its kind to be held in this country.

A primary goal for American farmers is the successful launch of a new round of multilateral trade negotiations at this important meeting. The United States possesses the most efficient and competitive agriculture sector in the world. Agricultural goods accounted for $88 billion in total two-way trade during 1998, up 14 percent from 1993. U.S. agricultural exports alone stood at about $52 billion in 1998.

Because domestic food consumption is projected to remain relatively stable, the further elimination of trade barriers and development of new export opportunities is essential to the economic health of American farmers.

United States objectives for the next round of trade negotiations are to abolish export subsidies, phase out tariffs, and reform and eliminate domestic support programs.

It is never easy to achieve liberalization of agricultural trade because farming is the most sensitive and politically powerful sector in almost every country. But this difficult objective becomes impossible if the United States, the avowed champion of open trade and agriculture, takes additional steps to distort markets and increase protection for our own favored commodities.

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H.R. 1402 increases market-distorting subsidies, penalizes consumers, and invites our trading partners to take similar steps. H.R. 1402 enables the European Union to justify and maintain its protectionist agricultural policies which represent the single largest impediment to expanded agricultural trade worldwide.

The Manzullo-Dooley amendment requires USTR to assess whether implementation of H.R. 1402 would undermine the trade negotiating objectives of the United States. Implementation of the bill's market-distorting subsidies, Mr. Chairman, would end if USTR made an affirmative finding.

Mr. Chairman, as the important WTO meeting in Seattle approaches, it is completely counterproductive to U.S. negotiating objectives to pass legislation like H.R. 1402. The United States

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I believe that the current policy is wrong. I believe the current policy is not good policy. And it was not my bill. It was not the bill of the Committee on Agriculture. It was a creation of a lot of the people that are pushing this stuff right now.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY), the cosponsor of this amendment.

Mr. DOOLEY of California. Mr. Chairman, I rise in support of this amendment. I do so because, as a farmer and as a Member of Congress, and certainly as a member of the Committee on Agriculture, when I look to the future and where the market opportunities for U.S. agriculture are, they are certainly outside our borders. I mean, it is no secret that when we start looking at world demographics, the world's population, that we only have 4 percent of it which lives within the United States. Ninety-six percent of the consumers live outside of our borders.

So it has been appropriate that this administration and past administrations have been diligent in trying to expand our opportunities to access those markets. But if we are going to make that one of our highest priorities, it is also very important that we have our domestic agriculture programs be consistent with achieving that outcome.

I mean, already today we have over a third of our acreage which is devoted to the production of commodities which are exported, and that is going to increase. When we look at the potential opportunity in the developing countries and others, over 50 cents of every dollar in every developing country, every 50 cents of every dollar increase in per capita income goes to the purchase of food stuffs.

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If we are in fact putting forth a dairy program that is in fact interfering or is inconsistent with trying to move in a more market-oriented direction that is ensuring that there is not undue Government interference in the marketplace, we are in fact being inconsistent with the same policies that we are trying to advocate and trying to see implemented internationally.

This measure I think is an important amendment. It is one which I think can just provide an additional level of oversight to ensure that we are advancing policies in Congress that are consistent with our overall international trade objectives and ensuring, too, that our domestic policies are going to ensure that we are rewarding those dairy families and farming families that have the relative advantage in our country to produce the highest quality product at the least cost.

I urge support of this amendment.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me the time, and I join in the chairman's opposition to this amendment.

It is interesting that we have those who support free trade who stand here and say we are for free trade and fair trade but also who consistently fight that Congress might have a determination over whether or not our policy mixes or matches with what other countries are doing suddenly come with an amendment that says that the ultimate judge of this will be the U.S. Trade Representative. I find that very interesting.

But my opposition to the amendment stems from the practical side of the argument that they make. If in fact we are somehow calling this bill that we have today an anti-trade agreement, it would have already been discussed in the House Committee on Agriculture. Because, to the best of our ability, we bring no legislation to this floor that is not consistent with laws which we support. Because just as the chairman of the subcommittee, myself, the gentleman from California (Mr. DOOLEY), and the gentleman from Illinois (Mr. MANZULLO) support free trade, that is not the argument today.

The argument on this amendment and why it ought to be opposed is who are we going to allow to make that determination. If we in fact were concerned about the spirit of this amendment, what we ought to have done is pass Fast Track so we could be negotiating in Seattle in a few weeks because this House has chosen not to do that, not the President, not the Senate. This House has voted we do not want to negotiate.

Now, my feelings are very, very strong on trade. I would like to see freer and fairer trade. I want to see it negotiated at Seattle. I want to be part of it. We will be part of it. Under the chairman's leadership, the House Committee on Agriculture will be part of it. And we in fact will see that whatever is negotiated that we conform to it. But we are going to do it a little differently this time I hope.

I hope that at this time that instead of us waiting to see or negotiating first and then adjusting to it that we do it a little bit differently; that whatever is negotiated this time, I hope we will conform our legislation to the spirit of that so that our producers, in this case our dairy producers, will have our Government standing shoulder to shoulder with them.

To those that make the argument that somehow this bill is anti-free trade or hypocritical, have they taken a look at the Canadian dairy system, their neighbors just to the north, and see what they do, and then suggest that what we are doing today is anti-free trade? They are aiming their guns at the wrong target.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, the United States filed a complaint and a panel was installed on the Canadian dairy system, and we won that round. It is being appealed by Canada right now.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, that is my point.

Mr. MANZULLO. Mr. Chairman, if the gentleman would further yield, that is the whole point. We have got something just as ridiculous and we are suing the Canadians because of theirs.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I beg to differ with the assessment of the gentleman of the bill that we have in this country.

Mr. COMBEST. Mr. Chairman, I yield myself 1 minute to engage the ranking member for a moment, if I might.

Is it not true that in all other agricultural policy in regards to what is compliant or noncompliant with U.S. and international trade rules that the Department of Agriculture makes the ruling on those?

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, that is certainly my understanding, and that is the way in which I believe this body would have wanted us to progress.

Mr. COMBEST. Mr. Chairman, I reserve the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, it is interesting here that we are talking about the U.S. Department of Agriculture having authority over trade and their wanting to keep that, but the ones making the argument are the same ones that are saying the U.S. Department of Agriculture should not have the ability to pass 1-a modified and let the farmers choose for themselves.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am going to do something that is fairly rare here on the House floor, and that is read a passage of the U.S. Constitution.

Now, the gentleman from Illinois (Mr. MANZULLO) in his amendment is raising a very, very valid point. Let us go back to the Constitution. Everybody who is here in this body swore an oath to protect the Constitution.

So in Article I, section 9, "No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. Nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

The point is this: this is unconstitutional. We are already setting up protectionist barriers within this country based on this antiquated dairy system.

Now, the question about export, world trade with other countries, is a very, very valid question. But that goes to the heart of the issue, which is, we are already doing things that seem extraordinarily contrary to the Constitution that we are here to uphold.

Now, I know I am a new Member, and I know it is very novel that we bring this to the floor, but the point is this: what we are already doing is, in many people's opinion, including my own, is unconstitutional. What we are doing is violating the very principles we try to export to other countries.

Mr. MANZULLO. Mr. Chairman, I yield 15 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, let us assume for a moment the gentleman is correct. I am not a constitutional lawyer myself, but I will assume for a moment that he is correct.

Would it not be the proper forum to determine that at the Supreme Court and not the United States Trade Representative?

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, that is a very, very good question.

In my opinion, I think Members of Congress, who swear to uphold the Constitution, should do that as well. We should debate the constitutionality of the bill as we try to propose so we do not logjam the courts heaping the responsibility over there. We should be the first check on the Constitution here in the legislative branch of the Government.

Mr. COMBEST. Mr. Chairman, would the Chair inform the Members as to the amount of time remaining.

The CHAIRMAN. The gentleman from Illinois (Mr. MANZULLO) has 8½ minutes remaining. The gentleman from Texas (Mr. COMBEST) has 11½ minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the distinguished gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment and certainly in support of H.R. 1402.

I come from Arkansas. We have a rich dairy tradition in northwest Arkansas. I have heard from my dairy farmers, and they need help; they need assistance. This is designed to give some relief and a flow of milk for our consumers in the United States.

But the amendment that is being offered I think does raise a serious constitutional question, and I appreciate my good friend from Wisconsin reading from the Constitution. I think he should be here frequently and reading from the Constitution. But one thing I hear from my constituents is that this body assigns too much authority to other agencies of Government.

What this amendment does is it delegates the United States Trade Representative and gives so much authority and power to that body to override, in essence, what we believe is important in setting policy for our dairy farmers and this industry.

So I think that this takes us in totally the wrong direction. We look at the issue of trade, and I believe we need to expand trade and do everything that we can to move in that direction. But as the gentleman from Texas was discussing, other countries always have some type of program to help their agricultural community or some different industry that they are concerned about. And our responsibility overall is to make sure that our support system is at a minimum that does not interfere substantially with our trade.

What we are doing is we will be singling out the dairy farmer and telling the United States Trade Representative that they have got to watch this particular element, they have got to watch our dairy farmers, they have got to watch the flow of milk here, and it puts us in a weak position in negotiating trade agreements with our other countries.

I do not believe that this in any way would undermine our trade policy of the United States, but it would undermine our negotiating position. And there is a huge distinction there.

So I fully support the bill. I would ask my colleagues to oppose the amendment.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois (Mr. MANZULLO), my friend and my next-door neighbor, and the gentleman from California (Mr. DOOLEY).

A little more than 2 months from now, the U.S. will host a ministerial meeting of the World Trade Organization, the first of its kind to be held in this country.

A primary goal for American farmers is the successful launch of a new round of multilateral trade negotiations at this important meeting. The United States possesses the most efficient and competitive agriculture sector in the world. Agricultural goods accounted for $88 billion in total two-way trade during 1998, up 14 percent from 1993. U.S. agricultural exports alone stood at about $52 billion in 1998.

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It is never easy to achieve liberalization of agricultural trade because farming is the most sensitive and politically powerful sector in almost every country. But this difficult objective becomes impossible if the United States, the avowed champion of open trade and agriculture, takes additional steps to distort markets and increase protection for our own favored commodities.

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H.R. 1402 increases market-distorting subsidies, penalizes consumers, and invites our trading partners to take similar steps. H.R. 1402 enables the European Union to justify and maintain its protectionist agricultural policies which represent the single largest impediment to expanded agricultural trade worldwide.

The Manzullo-Dooley amendment requires USTR to assess whether implementation of H.R. 1402 would undermine the trade negotiating objectives of the United States. Implementation of the bill's market-distorting subsidies, Mr. Chairman, would end if USTR made an affirmative finding.

Mr. Chairman, as the important WTO meeting in Seattle approaches, it is completely counterproductive to U.S. negotiating objectives to pass legislation like H.R. 1402. The United States must stand foursquare for free market reforms and for free trade policy, a policy rather that benefits our farmers, processors and our consumers. We must continue to provide the international leadership for free markets that has traditionally come from America.

Mr. Chairman, I urge a yes vote on the Manzullo-Dooley amendment, and I urge a no vote on H.R. 1402.

Mr. COMBEST. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding this time to me, and my colleague, the gentleman from Wisconsin (Mr. RYAN) a moment ago, speaking of the constitutional authority, I am sure has forgotten that the rules of the House determine that every committee that brings a bill to the floor of the House must determine that the act is constitutional before it is eligible under the rules to come to the floor of the House, and on page 16 of the report the committee, the Committee on Agriculture, finds the constitutional authority for this legislation in Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress.

So we have made that determination in the committee bringing the bill to our colleagues so they can feel a little better about their concerns.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me, and to add on to the gentleman from Texas' explanation for the constitutional provision which allows the U.S. Congress to do what we are doing now, which is basically a more equitable distribution of the funds, not an inequitable distribution of the funds, and I will quote from Oliver Wendell Holmes. I was going to make this comment to the gentleman from Wisconsin who originally brought up the idea of the Constitution. Oliver Wendell Holmes, chief justice, said that the Constitution was made for people with fundamentally differing views. And what we see here today is a reflection of people on this House floor with fundamentally differing views. And at this particular point, my colleague with whom I have great respect, the gentleman from Illinois (Mr. MANZULLO), I would oppose his amendment.

We talked about free and open markets. We need to have access to foreign markets. Well, in the state of the world today, especially when we consider the agricultural community in the United States, who are we going to sell our agricultural products to in the near term?

Is it going to be Russia? I do not think so.

Is it going to be China? I do not think so.

Is it going to be Japan? So our markets right now with the international situation are somewhat restricted.

Can the agricultural community in the United States wait until the Russian economy improves, or China opens its markets, or Japan opens its markets, or Canada opens its markets? I do not think so. We are talking about a free market system.

What I would like to remind my colleagues who are in favor of this particular amendment is, Mr. Chairman, that if they look at General Motors, they operate whether it rains or whether it does not rain. They can operate in a free, open-market economy without much interference from anybody. They do not have to worry about floods; they do not worry about droughts; they do not worry about disease; they do not worry about insect infestation. But the U.S. agricultural community worries about all of those things every single day of the year, and the U.S. agriculture industry operates on a very slim weather margin.

So I would ask my colleagues to oppose this amendment.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Illinois for yielding this time to me.

Let us come back to the spirit in which this amendment is offered, and that is to highlight the trade implications that this amendment is meant to address, and there are many.

If our dairy farmers, farmers generally across the country, are to survive in the future, it is going to depend in large part on the ability to export products beyond our borders. Agriculture already is our number one export industry. We have an opportunity south of our border to take advantage, if we position ourselves correctly, of an emerging dairy market. That has proved more and more difficult because of policies of outside nations, especially the European Union. If anyone today is under the illusion that what we do on 1402 does not have an effect on our trade policy in the agricultural sector, Mr. Chairman, they do not understand how other countries are viewing what we are doing here today.

Last December, I had an opportunity along with the gentleman from California (Mr. DOOLEY), Senator PAT ROBERTS, a few other representatives, to go over to Brussels and speak with members of the European Commission and European Parliament in regards to the reforms that they are looking at over their common agricultural policy. I raised the issue that in the European Union they have some of the highest state-subsidized dairy policies in the world, and they have a competitive advantage over us because of that high state subsidy. They turned to me and said: "Listen. Until you are able to get your own house in order, who are you to come over here and lecture to us about lowering trade barriers and moving to a more free trade market system?"

That is what is at stake here.

We have another round of WTO discussions coming up this fall. If we are incapable of tearing down trade barriers that exist domestically over in the dairy policy, it is going to be very difficult for our trade representatives to have the moral authority and the credibility to engage in those WTO talks to convince other countries to move to a more free trade market system around the globe and give our farmers the opportunity to compete fairly and effectively.

That ultimately is going to determine the success or the failure of our family farmers.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, as my colleagues know, we all are interested in ensuring that the agriculture industry grows and becomes healthy. But granting veto authority to our trade representative in domestic policy issues is a terrible precedent that relinquishes our congressional role in oversight of trade agreements.

This amendment would essentially put our dairy programs on the trading block. That is not good for our family farmers. That cannot be good for our family farmers.

As my friend and colleague, the gentleman from Arkansas (Mr. HUTCHINSON) pointed out, we always should question the wisdom of delegating veto authority to Federal agencies. That is what we are elected to do here. Agriculture has been compromised too many times already by our trade representatives, and all agricultural sectors have been effected by the shortcomings of those agreements.

I urge my colleagues to vote "no" on what is another amendment intended to bust 1402, a strong bipartisan measure.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding this time to me.

This amendment is leading by example.

Now right now dairy products, the amount that we export into international markets of dairy products, represents about only 2 percent of the dairy product we produce. So it is not a big item, Mr. Chairman, but it is an example.

Now go to soybeans, for example, and one out of every two rows of soybeans grown in the State of Minnesota ultimately winds up in export markets.

As my colleagues know, the fundamental fact about agriculture in America today is that we cannot eat all that we can grow. If we do not have export markets, do my colleagues know what happens? Prices drop like a rock. The biggest reason that we have a farm crisis in America today is that we have lost $11 billion worth of exports. That is $11 billion that has come right out of the pockets of our farmers whether they produce milk or whether they produce pigs or whether they just grow corn or beans, whatever they grow. We have to export if we are going to have a strong agricultural economy.

Now several years ago, the Reverend Jesse Jackson said something that I think is very important, and it really underscores what the gentleman from Wisconsin (Mr. KIND) just said. He said, "If you want to change the world, you got to first change your neighborhood, and if you can't change your neighborhood, at least be a good example."

This is an amendment about being a good example. If we are going to lead the world in exports, if we are going to get back that $11 billion of lost export markets, at least let us be a good example.

This is an important amendment, Mr. Chairman. I hope my colleagues will join me in supporting it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Chairman, I thank the gentleman for yielding this time to me.

The more I listen, the less I learn. There are things being said here on the floor today with respect to this amendment that I think draws two conclusions:

Number one, that somehow a Federal order system for milk is an improper and illegal restraint of trade. In fact, my colleagues, Mr. Chairman, that is an issue that has been well adjudicated. It was an issue that was extensively discussed during the last trade negotiations under GATT. It was an issue that was determined in the trade negotiations under GATT that Federal orders have no effect on trade. So, Mr. Chairman, that is not the core issue here.

The second assumption or the second claim that is being made is that something in H.R. 1402 or something in the current law and current dairy policy restricts any farmer from exporting in America today. That is totally false. It is totally incorrect. If my friends in Wisconsin want to export, go ahead, they can do that. The current world price for milk is about $9 a hundredweight. I do not think many farmers in America, be they in Wisconsin or any other part of the country, would want to export into that kind of market because it would be unaffordable, it would cause even wider bankruptcies.

What we have here is a difference of not what should be done, but who should benefit. Every single Member who is in support of this amendment today voted earlier to try to impose and to keep a system that preserves the market order structure. What it does not do in their mind is direct enough money to them.

So I think we have to keep reality in focus here, Mr. Chairman. We need to explore trade opportunities. There is nothing in H.R. 1402 that would prohibit that. There is nothing in the Federal order system that in any way precludes that. It is common sense; it is constitutional; and it is something that has been discussed time and time again.

So when we go to the floor and vote on this amendment, I hope we keep reality in mind because it is rather important.

Mr. COMBEST. Mr. Chairman, I reserve the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, it is really interesting, the statement was just made by the gentleman from New York (Mr. McHUGH) that nothing is to stop the people in the Midwest from exporting. Well, it is interesting because, if the dairy farmers try to export their product to the northeast dairy compact, they have to pay a special tax on it. I cannot think of anything that is more trade distorting than that. And let me finish, and, if I have time, I will be glad to yield on that, but that is what this is about.

This is about regionalism in this country. It is also about fairness. It is also about the ability of this body to come together and to come up with a fair solution, and we had something several years ago when nobody could determine in this body how to close down the military bases, so the Military Base Commission was established in order to do the right thing for America. The Members of Congress said let us appoint somebody, an independent panel, to do an evaluation as to determine exactly what is the best thing to do, and that is exactly how that commission works.

Well, Mr. Chairman, in the Freedom to Farm Act that took place in this body several years ago, this body voted to allow the U.S. Department of Agriculture to come up with a solution to the socialism that has been going on in this country since 1937, and they did. They came up with a final rule, and the very people who embodied the U.S. Department of Agriculture now say:

"Whoa, we don't like the solution that we gave you the authority to come up with; so now therefore we're going to come back into this body again and impose regional socialism on this country."

Mr. Chairman, that is outrageous. It is outrageous for farmers from one part of this country to send their products to another part of this country and end up paying the equivalent of a tariff or a duty. It is outrageous when farmers in this country, based upon their geographic location to Eau Claire, Wisconsin, that determines the price they get for their milk. That is pure insanity. That does not make sense, Mr. Chairman. There is not anything, anything in the laws of this country, that give any justification to having that type of a system.

Mr. Chairman, our amendment simply tries to make this unfair system a little bit more fairer under the circumstances.

Mr. COMBEST. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Chairman, my friend, the gentleman from Illinois (Mr. MANZULLO), number one, he will be delighted to hear, and apparently he was not on the floor earlier when I noted that H.R. 1402, as the modified one, B, also does, no longer uses Eau Claire, Wisconsin, as its basing point in determining class I differentials; so, we have taken care of that for him.

Number two, New York is not part of the northeast dairy compact, but the gentleman's statement that farmers have to pay a tax is absolutely incorrect. Any farmer can ship into the northeast, as my farmers do. What it does require, that farmer receives the same equitable prices as every other member.

☐ 1545

Mr. COMBEST. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to make a few points, if I could, about trade policy since the trade policy and subsidization of our domestic producers and domestic producers in other countries has been brought up.

All of the subsidies, supports or whatever we may call them, fit within the trade laws. There is a process by which if that is questioned that can be adjudicated; but I would just say and remind people what I said in my opening statement, the European Union spends eight times as much in domestic support for their farmers as the United States does. It spends 16 times as much in export subsidies as does the United States.

Mr. Chairman, our farmers can compete with any farmers in the world, but our farmers should not be forced to compete with other governments. I will be with my friend from Wisconsin and others when we begin to lead the fight worldwide to reduce subsidization and supports; but the idea that we should set an example and unilaterally disarm the American farmer, I think, is a ludicrous statement.

I will be with everyone else when we do this worldwide, but I will be the last to suggest that we start it in this country when all other countries are still doing it at many levels above what we are doing it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MANZULLO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 4, printed in part B, offered by Mr. GUTKNECHT of Minnesota; Amendment No. 6, printed in part B, offered by Mr. RYAN of Wisconsin; and Amendment No. 7, printed in part B, offered by Mr. MANZULLO of Illinois.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. GUTKNECHT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Minnesota (Mr. GUTKNECHT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 8, as follows:

[Roll No. 432]

AYES—112

Armey
Baldwin
Barrett (WI)
Becerra
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Calvert
Capps
Carson
Chabot
Conyers
Cox
Crane
Davis (IL)
Delahunt
DeMint
Dixon
Dooley
Dreier
Ehlers
Evans
Ewing
Frank (MA)
Ganske
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hefley
Hill (IN)
Hobson
Hoekstra
Hostettler
Hyde
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Linder
Lipinski
Luther
Manzullo
Markey
Matsui
McDermott
Meehan
Menendez
Miller (FL)
Minge
Nussle
Oberstar
Obey
Ose
Pallone
Pascrell
Payne
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Regula
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanford
Sawyer
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Smith (WA)
Souder
Strickland
Stupak
Sununu
Tancredo
Terry
Thune
Tierney
Vento
Visclosky
Waxman
Weller
Wu

NOES—313

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
King (NY)
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Owens
Oxley
Packard
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Salmon
Sanders
Sandlin
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Coble
Diaz-Balart
Dickey
Fowler
Herger
Istook
Moore
Scarborough

□ 1609

Messrs. SMITH of Texas, WYNN, and BATEMAN changed their vote from "aye" to "no."

Ms. EDDIE BERNICE JOHNSON of Texas and Messrs. KINGSTON, HEFLEY, and ROTHMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 294, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 6 OFFERED BY MR. RYAN OF WISCONSIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 6 offered by the gentleman from Wisconsin (Mr. RYAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 318, not voting 6, as follows:

[Roll No. 433]

AYES—109

Armey
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Bereuter
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Calvert
Campbell
Carson
Chabot
Cox
Crane
Davis (IL)
Davis (VA)
Delahunt
DeMint
Dixon
Dooley
Dreier
Eshoo
Evans
Ewing
Frank (MA)
Ganske
Goss
Green (WI)
Gutierrez
Gutknecht
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hyde
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
Matsui
McDermott
McIntosh
Meehan
Menendez
Miller (FL)
Minge
Nussle
Oberstar
Obey
Pallone
Pascrell
Paul
Payne
Pease
Peterson (MN)
Petri
Pomeroy
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Souder
Stupak
Tancredo
Terry
Thune
Tierney
Upton
Vento
Visclosky
Waxman
Weller
Wu

NOES—318

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Coble
Dickey
Fowler
Istook
Scarborough
Tauzin

□ 1619

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MANZULLO

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 315, not voting 5, as follows:

[Roll No. 434]

AYES—113

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Calvert
Campbell
Capps
Carson
Chabot
Cox
Crane
Davis (IL)
DeGette
Delahunt
DeMint
Dixon
Dooley
Dreier
Eshoo
Evans
Ewing
Frank (MA)
Goss
Green (WI)
Gutierrez
Gutknecht
Hefley
Herger
Hostettler
Hyde
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Linder
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Matsui
McDermott
McInnis
McIntosh
Meehan
Menendez
Miller (FL)
Minge
Northup
Nussle
Oberstar
Obey
Oxley
Pallone
Pascrell
Payne
Peterson (MN)
Petri
Pomeroy
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanford
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Souder
Stupak
Sununu
Tancredo
Tauscher
Terry
Thune
Tierney
Toomey
Vento
Visclosky
Waxman
Weller
Wu

NOES—315

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy

Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Olver
Ortiz
Ose
Owens
Packard
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Coble
Dickey
Fowler
Isakson
Scarborough

□ 1627

Mr. BECERRA changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 8 printed in Part B of House Report 106–324.

AMENDMENT NO. 8 OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. BOEHNER:

Strike sections 1 and 2 and insert the following new section:

SECTION 1. TERMINATION OF MILK MARKETING ORDERS ON JANUARY 1, 2001.

(a) TERMINATION.—Effective January 1, 2001, section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking paragraphs (5) and (18) relating to milk and its products. On that date, the Secretary of Agriculture shall terminate all existing Federal milk marketing orders issued under such section.

(b) PROHIBITION ON SUBSEQUENT ORDERS REGARDING MILK.—Section 8c(2) of the Agricultural Adjustment Act (7 U.S.C. 608c(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by striking "Milk, fruits" and inserting "Fruits"; and

(2) by inserting "milk," after "honey," in subparagraph (B).

(c) CONFORMING AMENDMENTS.—(1) Section 2(3) of the Agricultural Adjustment Act (7 U.S.C. 602(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking ", other than milk and its products,".

(2) Section 8c of such Act (7 U.S.C. 608c) is amended—

(A) in paragraph (6), by striking ", other than milk and its products,";

(B) in paragraph (7)(B), by striking "(except for milk and cream to be sold for consumption in fluid form)";

(C) in paragraph (11)(B), by striking "Except in the case of milk and its products, orders" and inserting "Orders";

(D) in paragraph (13)(A), by striking ", except to a retailer in his capacity as a retailer of milk and its products"; and

(E) in paragraph (17), by striking the second proviso, which relates to milk orders.

(3) Section 8d(2) of such Act (7 U.S.C. 608d(2)) is amended by striking the second sentence, which relates to information from milk handlers.

(4) Section 10(b)(2) of such Act (7 U.S.C. 610(b)) is amended—

(A) by striking clause (i);

(B) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(C) in clause (i) (as so redesignated), by striking "other commodity" in the first sentence and inserting "commodity".

(5) Section 11 of such Act (7 U.S.C. 611) is amended by striking "and milk, and its products,".

(6) Section 715 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103–111; 107 Stat. 1079; 7 U.S.C. 608d note), is amended by striking the third proviso, which relates to information from milk handlers.

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2001.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

□ 1630

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) be allowed to control 15 minutes of the proponent's time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think everybody knows, when one lets milk sit around too long, it spoils, and it goes bad. It really is not any different for U.S. dairy policy that, after 62 years of a federally government-imposed marketing system for dairy in America, that maybe it is time to take a very serious look at it.

Today we have had a very healthy debate about dairy policy, and I am sure some of our colleagues are tired of hearing about this policy. But I think we now get to the core, the real debate about what ought to happen in the future.

The gentleman from Wisconsin (Mr. OBEY) and I have an amendment that says very simply that we ought to eliminate the milk market order system for dairy farmers in America.

We all know that, over the last 5 years, the last 10 years, the last 20 years, probably over the last 20, half of the dairy farms in America have gone out of business. Mr. Chairman, there is only one constant, only one constant that has been out there over those last 20 years as dairy farmers have gone out of business, and that is a federally mandated milk market order system.

Yes, it is the Federal Government that has controlled prices, not allowed dairy farmers to succeed, and literally pushed small farmers right out of the market. Until we get out of the way and let the market begin to set prices, fair prices for all farmers, regardless of where they are in America, I think until we do that, we are making a big mistake.

Today on the floor, we talked about the 34 marketing orders that are going to 11 marketing orders. Members probably heard about four different classes of milk depending upon how it is used. Why would the Federal Government want to decide how many different classes of milk that we have?

My colleagues have heard about four separate pricing schemes that we have for milk in our country. They have heard about differentials, the fact that we price milk based on how far it is from Eau Claire, Wisconsin. What a bizarre notion, in 1999, that the Federal Government in Washington, D.C. knows how to price milk for a farmer in Vermont or a farmer in Idaho. Why would we not let the market determine it?

We have also heard today about the USDA bureaucracy. Think of how many thousands of employees we have sitting right down the street determining how these prices should work, how these pricing schemes should work, and how it should be "fair" for all dairy farmers.

My colleagues have heard about pooling, pooling different prices from around the country so that we can determine what the fair price to the dairy farmer is. They have heard about forward contracting. We wanted to actually give farmers the ability to go out and contract on their own, if they wanted to. Why cannot we allow farmers to do it? But, no, the House said no and did not vote that way.

We have heard about the mailbox price for milk as compared with the federal milk market order blend price. Now, when we start to look at the complexity of the milk marketing order system, I point all of my colleagues to this chart, this chart that says how we price milk in America. This is how we do it: from the laws that we pass here to the bureaucracy at the USDA to the different marketing orders and the pooling and every month that we have to determine what is the fair price for our farmers.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. All persons in the gallery are here as guests of the Chamber. Quiet is requested.

Mr. BOEHNER. So why do we have all of this, Mr. Chairman? We have this because, in 1937, in the midst of the Depression, we had a serious problem affecting dairy farmers. The Federal Government decided on an emergency basis we were going to set up this program to try to ensure that we kept dairy farmers on the farm and we were able to get fresh milk to the marketplace.

Now, that was 1937. This is 1999. Interstate highways, refrigerated trucks. My goodness, we have come a long way. I think it is time for all of us to take a big view of what has happened today, get out of the minutia of whether it is 1–A or 1–B, because either way, it is not going to make a dime's worth of difference to any dairy farmer. Then look at what we really can do to help the family farmer in America.

What we can do to help that family farmer is to get rid of this, get rid of this convoluted 62-year-old program that has failed the farmer and has failed our consumers in this country.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does a Member wish to claim the time in opposition to the amendment?

Mr. BLUNT. Mr. Chairman, I rise to claim the time in opposition, and I ask unanimous consent that, in my absence, the gentleman from Texas (Mr. COMBEST) be permitted to control the time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we just saw a chart on how we price milk. What we did not see is a chart on why we price milk, why that has been seen as an important and significant role of both the Federal Government and for the health of the country for the last several years.

Market orders ensure a fresh local supply of milk. This is a perishable product, unlike most other products on the farm. I was raised on a dairy farm. I still live on a small farm. Most of the things on the farm one can have some control over. One can put them in an elevator. One can leave them on pasture a little longer. One cannot do that with what happens every day at the dairy barn. That has a very short life.

It is a hard product to recreate. If one sees people going out of the dairy business, one seldom sees them go back in. Once there are not local dairies, it is pretty hard to imagine there will ever be local production of that product again.

The 2 or 3 days of transportation does matter. In terms of what farmers would like to see, they just had the option of voting on a plan that I am convinced they did not like, 1–B or no market order at all; and they clearly said they did not want market orders.

The letters we received from farmers, the various articles that Members have seen on this issue indicated that many people voted for an option they did not like because the option that they thought absolutely would not work if one is a family farmer, if one is a dairy farmer, was the option of having no marketing system for milk in this country.

So I rise in opposition to this amendment, and I have a number of my colleagues who want to speak in opposition to the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, this is, to my infinite wisdom, parochial as it may be, not a complicated issue. I used to be in business. I produced the product. The laws of supply and demand worked. We abided by them. We did not want to have any government inference, no marketing orders, no anything. It had worked.

This is different. The laws of supply and demand simply do not work in this business. It has been proven over and over again. That is number one.

Number two, if one tries to sell something and one's customer does not want it, it is not a very good deal. As the gentleman from Missouri (Mr. BLUNT) was saying, 96 percent of the farmers voted against eliminating marketing orders. To me, that is a very clear message.

So we can sit here; we can intellectualize what is best for the American family and what is best in terms of food supply. If the customers do not want it, we should not try to sell it.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would ask Members of the House, when is the last time they have seen the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin agree on anything? It has been a long time.

The reason we are here is because of Old Bossy. Old Bossy is a Holstein cow. Now, if one is Farmer Jones, and one milks Old Bossy in Oklahoma, the Government says one gets a bonus of $1.40 for every hundred pounds of milk one can get from Old Bossy in comparison to what one would get if one milks that same Old Bossy in the State of Illinois.

Now, if my colleagues can convince me that that makes sense, I would nominate them for the Pulitzer Prize in any field they want to name. I would nominate them for the Nobel Prize or any other prize they want. But I do not think they can convince me. I do not think they can convince the members of the press. I do not think they can convince farmers. And I do not think they can convince the general public that that system makes very much sense.

Now, the market does not dictate that difference in price; the law does. That is what makes it even crazier. Welcome back, Henry Wallace. Things have not changed since 1937, except for 1985, when this whole system got even crazier. Because in 1985, a fellow by the name of Tony Coelho, my good friend and colleague, came to this floor; and he decided that those bonuses were not big enough. He was going to make them even bigger. So he did.

Now, we could have lived, I guess, with the original differentials, as bad as they were, because they were at least determined by agricultural economists who were trying to balance the needs of all regions fairly. But in 1985 that system was changed, and it was switched to a straight decision based on raw political power.

Now, 3 years later, Steve Gunderson, then Chair of the dairy subcommittee, tried to get reform pushed through. He was told by the leadership of this House, Sorry, you cannot have a legislative remedy. All we are going to do is give you an opportunity for an administrative remedy. Let the USDA decide what is fair. So we said okay.

That is what USDA did. They brought forth modest, and I mean modest, reforms. Now what has happened, the very folks who said we could not have a legislative remedy are now saying, oh, gee whiz, we do not like what the administrative remedy was. So we are going to overturn it through this legislation.

That is why my colleagues have the gentleman from Ohio (Mr. BOEHNER) and I united today. Because I for one have concluded that, while I prefer supply management, dairy is the only industry in the world I know of where one does not cut back supply in order to meet demand. But if one cannot get supply management, then one ought to have a reasonable government program that dictates how this is handled.

But we do not have a reasonable government program. We have a totally arbitrary program based on how many votes one can get on this floor, not based on the legitimate economic needs of every farmer in the country regardless of where they come from.

That is why I have reluctantly concluded, if we cannot get a square deal out of this Congress, then let us not have any deal at all. Let the market deal it. Then at least we will not have politicians to blame for the ridiculous situation you have across this country when it comes to dairy prices. That is why I support this amendment. I urge my colleagues to support it along with us.

Mr. BLUNT. Mr. Chairman, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time.

Mr. Chairman, I agree with the gentleman from Wisconsin (Mr. OBEY) that what we need is strong supply management, and I am a strong advocate of a two-tier supply management system. I also agree with the gentleman from Wisconsin (Mr. OBEY) that the current system is far from perfect. But I strongly disagree with him in saying that we have got to junk the whole system because what we have now is not perfect.

The fact of the matter is that, just last month, dairy farmers all over this country had the option of essentially voting for the Boehner-Obey point of view. They had the option of saying, well, the current system is not perfect. They had the option of voting for 1–B, which, in my view, is strongly flawed, or letting the current system expire and have nothing. But farmers who knew that the current system is not perfect said overwhelmingly by 96 percent that we need to have federal milk price supports, and that is what they voted for.

☐ 1645

Mr. Chairman, there is no question in my mind, none whatsoever, that at a time when all over this country, in Wisconsin, in Vermont, in the Midwest, all over, when family farmers are going out of business, when today family farmers are receiving, in terms of inflation accounted for dollars, much, much less than they received 15 or 20 years ago, when they are struggling just to keep their heads above water, there is no doubt in my mind that if we approved this measure and did away with all price supports that what we would see is a rapid acceleration in the decline of family farms all over this country, especially the small farms.

Mr. Chairman, during the last 6 years alone, we have seen a decline to the tune of 26 percent of dairy farms in this country. And what we are also seeing is that while the small farms go under, in terrible numbers, in Vermont, in Wisconsin, all over this country, that the larger farms are becoming larger and gaining a greater share of the market. For example, in 1978, farms with 50 cows or less produced 40 percent of the milk supply. By 1997, that same size farm produced only 12 percent of the milk in our country. And the trend is very clear: Fewer and fewer large farms produce more and more of the milk, while small farms are rapidly going out of business.

If the Boehner-Obey amendment were to pass, this process would rapidly accelerate, and I will tell my colleagues what this country will look like in 20 years. What we will have, literally, is a handful of giant agri-business corporations controlling the production and distribution of dairy products all over this country. And that would be a disaster not only for rural America and the economies of rural America, that would be a disaster not only for the environment and keeping our land green, it would be a disaster for consumers as well.

I have, I believe, one of the strongest pro-consumer voting records in the House of Representatives, and I will challenge anyone who thinks that the consumer benefits when a handful of giant corporations will control the production and distribution of dairy products. So if my colleagues are for the consumer, if they are for the family farmer, if they are for the environment, they will vote against this amendment and vote for final passage. Let us do what little we can to protect the family farmer.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I want to refute two of the points that have come up. I grew up on a farm in South Carolina, and we raised tomatoes and shrimp. Yet we have been told in this debate so far that milk is different, it is a perishable product. How many of my colleagues want to buy spoiled tomatoes or rotten shrimp? Nobody.

So there are a lot of other goods that somehow miraculously make their way from the farm to the grocery store without a price-fixing system in place. I would make that one point.

The second point that I would make would be if we had a price-fixing system on the farm that I grew up on for shrimp or for tomatoes, would we want to leave that system in place? Absolutely. But to say that those farmers who voted for that, those few that happened to benefit, that that should be the barometer by which we judge this amendment, I think, would be a big mistake.

Lastly, if we are going to go this route, why do we not adopt the ideas of pricing software based on its distance from Redmond, Washington, or the idea of pricing timber based on its distance from the Southeast. This does not make sense. This amendment does.

Mr. BLUNT. Mr. Chairman, I yield myself 10 seconds to point out that the USDA requires that milk be off the farm in one day. That is the case for no other product, and I am confident, I am sure it is not the case for either tomatoes or shrimp.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to the amendment and in support of the underlying bill.

The issue really here is about food supply and food quality, but it is also about the quality of life in America. Farms preserve open space; they provide living evidence of man's dependence on the Earth and our responsibility for sound management of our environment.

In 1996, Congress recognized that we needed to reform the milk marketing order system; not that we needed to repeal it, but that we needed to reform it. And, in fact, the Option 1–A, just as the Option 1–B, was compiled by economists and professional staff of the USDA's agricultural marketing service. It takes into account more realistically transportation costs for fluid milk, regional supply and demand issues, costs of both producing and marketing milk, and the need to assure that milk can be produced in all the regions of the United States.

It is simply a fairer option. It is real reform. The system will be simpler, but it will be also sensitive to regional issues. That is why it is in everyone's interest to support the 1–A option in the underlying bill.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Boehner-Obey amendment and in opposition to H.R. 1402.

I do agree with many supporters of 1402 that we must do everything in our power to help small farmers who are suffering. The dairy industry is vitally important to my home State of New York, and I would be proud to support 1402 if it represented targeted relief that would help New York's small family dairy farms. But we should not preserve an antiquated milk pricing system that punishes consumers throughout New York, both upstate and downstate, while doing little to help the farmers who need the help most.

Mr. Chairman, most of the debate today has focused on the impact of this legislation on farmers, but let us not forget how this legislation will affect consumers, including the families in my district and throughout this country. According to even the most conservative estimates, consumers will pay at least $200 million more each year under this bill. Now, I know some of my colleagues may say that the price increases brought about by this bill may be small, but small increases in price can make a big difference to a working family struggling to get by, or to a struggling mother trying to make ends meet, or to programs such as WIC, food stamps, and the school lunch programs which are impacted tremendously by the price of milk.

Mr. Chairman, if we pass H.R. 1402, we are undoing USDA's very modest reforms and preserving a depression-era system that benefits no one. Over 300 Members of this body voted for the Freedom to Farm Bill that was based on the principle that we should have a free market for agriculture. But that bill exempted dairy and, instead, required USDA to implement the new milk marketing orders that we are here discussing today. This bill today threatens to undo even those modest reforms.

Rather than preserving this outdated system, we should continue to move to a free market for milk that is fair to both farmers and consumers. I urge my colleagues to support the Boehner-Obey amendment and to oppose 1402.

It has been noted that this will result in an increase of 22 cents a gallon by the change in the differential. That is a lot of money to a lot of people, and that will increase the price of milk.

Mr. Chairman, I yield back the balance of my time to the gentleman from Wisconsin (Mr. OBEY) to continue speaking up for consumers across this country. We should not make it harder on consumers and help big, large farmers.

Mr. BLUNT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, milk was left out of Freedom to Farm for a reason. Milk is different than wheat, and it is different than corn. As the gentleman from Wisconsin (Mr. OBEY) was talking about milking Bossie, that has to be done twice or three times a day 365 days a year. And that milk has to have a market. And no one dares to be able to take advantage of that little producer because they know he has to sell it right then.

This is a pretty good system that has been working since 1937, and the legislation here would change it greatly. I am as free market, free enterprise a person as there is in this Congress. I never asked the government for a thing in my business. Milk is different. Dairy farming is different. What we need is a supply of fresh, wholesome milk so that WIC can have it, so poor families can have it, so we can all have it.

There is not a better system of milk distribution in the world than we have in the United States right now. The farmers voted to preserve it, it is working well, and I am in very much opposition to the amendment of my friend, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I rise today in support of the amendment by the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin (Mr. OBEY) and in opposition to the underlying bill.

Passage of this bill would undermine the course that Congress set just 3 years ago towards agriculture reform. In the 1996 farm bill, Congress made a commitment to allow the USDA to make modest reforms to the controversial dairy price program after 3 years of public hearing process. Now that we have the final rule on milk marketing order reforms, people are trying to renege on that original goal of trying to reform with a simple modest plan.

As far as I am concerned, the proposal is not far enough, and that is the reason I am supportive of the Boehner-Obey amendment. It does not matter whether we are talking about milk, oranges, wheat, or sugar. We need to make our agricultural programs come into the 21st century and not go back to the 19th century. We have a real opportunity for real dairy reform today and we are doing a disservice to everyone if we do not pass this amendment to go to a free market type of plan.

Mr. Chairman, we cannot open up markets to our agricultural products to advocate free trade while we maintain the barriers on dairy. I advocate the support of the Boehner amendment.

Mr. BLUNT. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. POMBO), the subcommittee chairman that deals with these issues.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in opposition to the amendment, not because I do not think that one day this amendment will be necessary and will come true, because I believe the gentleman from Ohio (Mr. BOEHNER) is right. I believe that this is the direction that we will ultimately end up going with American dairy.

But the problem that I have with this amendment at this time is that in 1996, when we started on the path of deregulating American agriculture, we said that there had to be a transition period, there had to be a period of time when we went from a heavy-handed, government-regulated bureaucracy that dictated everything that happened in American agriculture to a time of free market. And I believe that that transition is taking place. It has been sometimes topsy-turvy, sometimes very difficult, but it is happening.

It is happening much slower than some people would like to see, including a dairyman that I just had lunch with not too long ago from my district. He told me that he knows that one day we will have an unregulated dairy economy, that we will not have the Federal Government setting prices. He said he knows that one day that is going to happen and that he looks forward to that day happening. But what will happen if this amendment passes today is that it would send the dairy economy into chaos immediately. And, unfortunately, we just cannot handle that right now.

I support what the gentleman from Ohio (Mr. BOEHNER) is trying to do in the aspect that the Federal Government should not be involved with how many cows somebody milks, how many pounds of milk they produce, and where they sell that. I do not want dairymen having to come back to Washington, D.C. to ask us for something, for some change on dairy policy. It should not happen. But we need an orderly transition to be able to go from this government-run bureaucracy that was handed to us before we pass a farm bill to a free market economy.

□ 1700

That transition is going to take place.

Now, the gentleman from Ohio (Mr. BOEHNER) held up a poster that had policies in place for going from the Congress to the cow and everything that had to happen in order for those prices to be set. That is the exact reason why this amendment cannot pass today.

So much dependency has grown up around that system that it is going to take some time to unwind all of that, and it is going to take some time to create a system that the American dairy farmers can understand and use, and eventually we will do that.

I would also like to say we have heard a lot of reasons why this amendment is not good, and a lot of those reasons are no longer relevant today.

American dairy farmers are the most efficient dairy farmers in the world. We have the most efficient delivery system of anywhere in the world, and we have the ability to compete with any dairy farmers in the world.

But in doing so, we need to take the time that is necessary to transition away from the dependency that has grown up around a bureaucratic government program to the free market.

I urge my colleagues to reject this amendment today. I pledge to my friend, the gentleman from Ohio (Mr. BOEHNER), to continue to work with him to see that his vision one day comes true.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in support of the Boehner-Obey amendment.

Mr. Chairman, as my colleagues can see from this chart, eliminating milk market orders, which is what the Boehner-Obey amendment would do, would save approximately $80 million every year.

The current, yet antiquated, milk marketing system, which would in essence remain in place under 1402, gives dairy farmers more money the farther away they are from Eau Claire, Wisconsin. This was a wise policy back in the 1930s because there were not refrigerated vehicles and there were no interstate transportation systems to ensure that all areas of the country received an adequate supply of milk.

In the 1930s, it was proper to provide incentives to farmers to milk in traditionally nondairy areas. But as we approach the new millennium, taxpayers should no longer prop up an unfair system that compensates farmers depending on where they live. It is wasteful and it makes no sense to taxpayers and consumers.

Now, let us be clear. Under H.R. 1402, more taxes would be needed to keep very important nutrition programs from having to cut needy families off their rolls. Take the WIC program for example. The Consumer Federation of America estimates that under 1402, unless additional taxes are provided, 3,700 women, infants and children could be kicked off the WIC rolls every year and more federal dollars would be needed to keep the food stamp program, the school lunch and breakfast program, and nutrition programs for the elderly at their current assistance levels.

Mr. Chairman, why should consumers and taxpayers subsidize dairy farmers based solely on where they milk their cows?

I urge support of the Boehner-Obey amendment.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY.)

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we have been here all day debating this issue, and we have heard arguments on both sides and recurring arguments on both sides.

A minute ago I heard a colleague mention that what this amendment proposed by the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin (Mr. OBEY) will do is reaffirm a commitment made in 1996 by this Congress that would allow for the Department of Agriculture to modestly adjust the milk marketing orders and reflect more readily the marketplace. We refuted that a couple of hours ago when we pointed out that it is not a modest adjustment when we are going to cost dairy farmers in excess of $2 million to $400 million annually.

We have seen evidence presented throughout the last several years to the United States Department of Agriculture and input from all experts within the dairy community that said very clearly that Option 1–A was the option that we ought to pursue. Yet here we are with our final amendment before what I hope is final passage, and the Boehner-Obey amendment really operates under the premise that the milk marketing order system is an outdated system that does not reflect the marketplace at all, and we know that simply is not true as well.

To establish the prices that are used, the Department of Agriculture surveys the wholesale market prices of milk and milk products such as cheese and translates those prices into a fair market-based price for raw milk sold at the farm level.

We have heard throughout the day the discussions about why we need to do this with milk and why it is important, and I find it ironic that many of the same Members who are going to stand and speak and indeed vote for this amendment are the same folks who earlier today were trumpeting the results of the August daily referendum, were 95 percent of dairy farmers said they supported this system.

I urge my colleagues to support this safety net. I urge my colleagues one more time in the next vote to defeat an amendment that is intended to gut 1402.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I thank my colleague from Ohio for yielding me the time.

Mr. Chairman, the managers of well-run businesses periodically survey their operations. They take a hard look at everything they are doing and they ask a simple question, and that is: If we were not already doing this, would we start it up today? If not, it should probably be stopped.

Well, let us apply that same approach to the dairy program. If we were not already running this program today, would we even consider starting anything remotely like it? Would any sane person start a dairy program like the one we have today? If the answer is, no, and I believe it is at least, heck, no, then common sense tells us we should stop it.

To my colleagues who profess a belief in market economics, this is a test. Please vote their principles and support this amendment. To my colleagues who represent urban consumers, this is also a test. Please vote their constituents' clear interest, not some special interest, and support this amendment. To my colleagues who represent dairy farmers outside the Midwest, do not fear the free market. There were dairy farmers in all regions before the dairy program began, and there will be efficient dairy farmers in all regions after we end it. There will always be an advantage in proximity to local markets for fresh milk.

It is way past time for all of us to unite and cast off this horrible relic. I urge all my colleagues to support the amendment of the gentlemen.

Mr. COMBEST. Mr. Chairman, could the Chair tell us the remaining time.

The CHAIRMAN. The gentleman from Texas (Mr. COMBEST) has 14¾ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 7 minutes remaining. And the gentleman from Wisconsin (Mr. OBEY) has 6 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, to restate the issues that have been before us all day is that the issue of the 1–A, 1–B option before us is a developmental plan that was put forward by the Department of Agriculture and gone across the country in 11 different regions in trying to elicit and get support and get materials presented in regards to those options.

Those options are not going to cost consumers any more money than already is into the system now. The money that is being purported in terms of coming from different departments is money that is already going to the dairy farmers right now.

What is on issue now is that the 1–B option in the elimination of this marketing program will take away $200 million from dairy farmers. It will take this money from the dairy farmers, and it will revert back to the industries or to wherever; but it is not going to be benefiting to the dairy farmers.

The formula is based on use. It is based on a weight between those uses of whether it is milk or ice cream or butter or cheese, and then they factor into a distance the further they are away from the market for transportation costs. And those issues have all been articulated.

The Department designed the options that we have before us; and in doing so, when we passed the reforms and seeing the impact of the reforms on our farmers, we only need to look at the billions of dollars that we are spending in agricultural assistance each year for the last 2 years to recognize that the freedom to farm has not been the success that many wanted it to be and the exemption of milk in that freedom to farm may have been a blessing in disguise and allows for more cooperation and more time and thoughtfulness to develop a system which maintains a floor for the dairy farmers, at the same time giving them the tools to be able to be successful in a more market-oriented economy, which 1–A would allow, which was designed by the Department.

The Department was not charged to reduce the farm income by $200 million to dairy farmers and what was going to dairy farmers. It was asked to reform it and to make it more market oriented, which 1–A would do.

Mr. COMBEST. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. POMBO) be able to manage the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Wisconsin for yielding me the time.

Mr. Chairman, I, quite frankly, am flabbergasted to understand where this $200 million lost figure comes from because it just belies the facts.

In fact, USDA released an analysis over the past year what the basic formula price, what the producers would get through class I differentials under the reform proposals that they have announced and which will take effect on October 1.

Virtually every region in the country under the more free market-oriented pricing system actually sees more income in their pockets rather than less.

The Boston region, 38 cents per hundred-weight; Des Moines, $1.22 more; New York 23 cents more; Philadelphia, they lost 2 cents this past year; St. Louis, 96 cents more; El Paso, 27; Atlanta, 69; Seattle, 42; Kansas City, 85; Cleveland, 87; Tampa, $1.19 more; Louisville, 71; Boise, 82; Minneapolis, $1.27.

In fact, the figures just released for the month of October this year, the first month when the reform takes effect, shows that on a national average the producers get 57 cents more per hundred-weight class I than they would under the 1402.

So the issue is simple. We can vote for passage of 1402 and by doing so we would be taking money out of, rather than putting more money into, the pockets of the producers over this past year and for the month of October.

Now, I commend my colleagues who are in support of 1402 for their desire to help the small family farmers. But if there has been one common denominator in this entire debate regardless of the region is that we can all stipulate that our family farm earnings have been suffering badly and they have been suffering for some time under the current system. But I submit that the continuation of the status quo with the government-set price differentials only encourages large corporate farms to produce for the mailbox and the Government check, rather than for basic economic principles of supply and demand.

Look at the increase of large corporate farms in these regions that see a higher price differential. They in turn put the squeeze on the small family farmers. So if we want to help the family farmers, let us support this amendment; let us have some confidence that they can compete under the principles of supply and demand, that we do believe in the marketplace, and that we are not going to create these artificial price systems which will only encourage the larger operations to go into that because of the price differentials and ultimately hurt our small family farmers.

That is the direction that we should be going in, and that is why I support the Boehner-Obey amendment and would ask my colleagues to vote no on final passage.

Mr. MANZULLO. Mr. Chairman, I represent five of the eight top dairy counties in the State of Illinois; and they are losing 10 to 15 percent of the dairy farmers each year.

If we are to sit around and wait for all these reforms to take place that the gentleman from California (Mr. POMBO) talks about over a period of time, there will not be any dairy farmers left in northern Illinois.

Mr. Chairman, the difference really is between milk and something like peaches, for example. The price that the dairy farmer gets is based upon how far his production is from Eau Claire, Wisconsin. The price that the peach grower gets is not based upon where his farm is in relation to somewhere in the State of Georgia.

What we are asking for here under the Boehner amendment is the last opportunity for the American dairy farmer to participate in the free market system. The Boehner amendment would allow that and, hopefully, will stop the elimination of all the dairy farmers in the district that I proudly represent.

Mr. POMBO. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 6 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining. The gentleman from California (Mr. POMBO) has 12¾ minutes remaining.

□ 1715

Mr. BOEHNER. Mr. Chairman I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to just point out, which we did earlier today, what this is about.

This is about the status quo of the market, and I would like to go through what the status quo is because a lot of Members around here do not exactly know how the price of milk is determined.

So, under the status quo, let me read how the price of milk is determined. There is the basic formula price, and there is the blended price.

Here is the basic formula price:

The BFP equals, basic formula price, equals last month's average price paid for manufacturing grade milk in Minnesota and Wisconsin plus current AA grade butter times 4.27 plus current nondry milk price times 8.07 minus current dry-buttermilk price times .42 plus current cheddar cheese price times 9.87 plus current grade A butter price times .238 minus last month's grade A butter price times 4.27 plus last month's nondry milk price times 8.07 plus last month's dry-buttermilk price times .42 minus last month's cheddar cheese price times 9.87 plus last month's grade A butter price times .238 plus present butterfat minus 3.5 times current month's butter price times 1.38 minus last month's price of manufacturing grade milk in Minnesota and Wisconsin, times .028.

That is the basic formula price.

Mr. OBEY. Mr. Chairman, would the gentleman repeat that?

Mr. RYAN of Wisconsin. I will repeat it to the gentleman from Wisconsin (Mr. OBEY) after this, Mr. Chairman.

The blend formula price now takes that basic formula price, which I just mentioned plus .12 times the percent of milk used for cheese, powder, and butter plus the basic formula price, that formula I mentioned a second ago, plus .30 times the percent of milk used for ice cream and yogurt plus the formula price, the basic formula price, plus 1.04 plus .15 times the distance from Eau Claire, Wisconsin, divided by a hundred, all times the percent of milk used for fluid.

That is the current milk pricing system. That is the choice my colleagues are making, to perpetuate that if they vote for H.R. 1402.

If my colleagues want to scrap this 1937 abomination, Mr. Chairman, they should vote for the Boehner amendment, vote against 1402.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I just feel like I have heard Jay Leno's monolog for about the fifth time. It was amusing the first time, but the fact of the matter is what we are doing here today is going to have a profound impact on dairy farming in America.

Talk about turning a deaf ear to the will of the very people we are trying to help, Mr. Chairman. In August, we just had a referendum. Ninety-six percent of the farmers said they want to continue milk marketing orders.

Now I know we sometimes cannot resist the temptation to create chaos out of order, Mr. Chairman, but I would suggest that if we eliminate the milk marketing orders, that is exactly what we would be doing.

I do not want to identify with that effort. I want to identify with looking realistically at the plight of dairy farmers in America, and I must admit it, being a little bit selfish, I am particularly concerned with the plight of dairy farmers in beautiful upstate New York. They are in crisis. They need some help, and I want to help. This amendment would not help, Mr. Chairman; 1402 would.

Mr. POMBO. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me, and what I want to try to explain up here in the 2-minute time frame that I have is what is happening with the present amendment by my good friend from Ohio (Mr. BOEHNER) and the bill that I hope all my colleagues will vote for.

If the bill, if the amendment, passes by the gentleman from Ohio (Mr. BOEHNER), it will have a significant impact on the type of farming over a period of years that we have in the United States. Right now we have a mix of farming. We have some corporate farms, we have some family farms, and we have a mix of corporate family farms. We have some really big farms that are family farms. We have mega farms that are corporate farms that take in tens of thousands, hundreds of thousands of acres whether it is poultry, dairy, grain; just name it.

Right now though, we have a relatively pretty good mix of small family farms, big family farms, and pretty big corporate farms. If we vote for the gentleman from Ohio's amendment, what will happen is the shift will go from family farms, big family farms, to corporate farms, and it will shift from being all across the United States, whether one is a dairy farmer in New York, New England, South Carolina, California, Oklahoma, Montana, Ohio. The consolidation of agriculture then will go to corporate agriculture, and a consolidation of the dairy industry will go to the Midwest.

If I could draw just very briefly a map of the United States? Now, right now the Midwest is a big producer of dairy products. We have other dairy regions in the Northeast, the mid-Atlantic States, the Southeast, virtually all across the country. But with Mr. BOEHNER'S amendment, the focus of the dairy industry, the corporate dairy industry, will be concentrated in the Midwest.

Now there are several problems with that, but one of the problems is suppose this is a severe drought in the future, a concentration of dairy in the Midwest, without it in other areas of the country. If we had a drought, if we had an increase of pests, if we had an increase of disease, if we have floods, we do not have the safety net of the diversity of agriculture that we have right now.

So I will urge my colleagues to vote against the amendment and vote for the bill.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my colleague for yielding this time to me.

I would like to just briefly shift our focus away from the family dairy farm. If this were merely a debate between dairy interests, it would not be as bitter as it is, and it would not be as important as it is.

Make no mistake. It is important because it affects nearly every aspect of our economy.

A quick reality check looking outside the Beltway. Heard a lot about the support for 1402 in this House, but when we go outside this House, and we turn to beyond the Beltway, the coalition against 1402 and the pricing scheme, it has ranged from the National Restaurant Association to the Teamsters; yes, the Consumer Federation of America, Americans for Tax Reform, the Snack Food Association, the AFL–CIO.

There is very little that could unite such a group. They are united in their opposition to 1402 and to this outdated pricing scheme. They view it as a tax on milk. It artificially increases the price of milk to consumers. Not only a tax, but a regressive tax because it hits those who can least afford it; and if we know anything about principles of taxation, we know this regressive tax will drive down the consumption of milk.

Can we afford that as a Nation? No. We want to increase consumption of milk and healthy products.

Finally, this will also hurt many of our antipoverty programs. The WIC dollars will not go as far, food stamps will not buy as much, all caused by this outdated pricing scheme, the very pricing scheme that 1402 seeks to reimpose.

End this. End the tax on milk. Introduce market forces. Free up dairy farmers to produce and to compete. Support the Boehner amendment and oppose 1402.

Mr. POMBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to respond to the last speaker for just a moment when we start talking about this as a tax. Let me give my colleagues some mailbox prices. That is what dairymen have been receiving, average, for the first 5 months of this year.

Dallas, Texas or Texas order, $14.13; the current retail price for milk in Dallas is $2.50. In Minneapolis, Minnesota, the mailbox price was $13.52, which is 51 cents less than Texas. But guess what? The retail price of milk in Minnesota as of today is $2.99. In fact, New York City today, the price of milk, $2.79. The farmers' mailbox price, $14.43.

We can go right down the line on any of the mailbox prices that are determined through the Federal milk market order system that can be made to sound very complicated, which it is, but it accomplishes a very important goal for the dairy industry in that it provides a stabilizing way of pricing milk.

There is no one that can say that what the price the farmer gets is affecting what the consumer pays to the degree that the previous speaker said it.

As my colleagues know, one of the things that I have said over and over in this debate, somehow, some way we have got to get away from this idea that only the dairy farmer or the corn farmer or the cotton farmer or the rice producer or the peanut producer has to constantly produce for less in order that the consumer might pay less when everyone in between does not do that. Remember, last December, there was an article in the Washington Post that stated their commodities winners and losers, and the losers were producers and consumers. And the article there had to do with cereal, and the price of cereal went up last December by 9 percent. Why did the cereal prices go up? Because the cost of advertising and marketing for the cereal manufacturers went up. Now that means that somebody's television contract went up, and it was judged important enough for the processors of cereal to increase their price to the consumer at the same time we were seeing the lowest prices to producers of grain since the Depression.

Now the tone and tenor of the argument today, and I know the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin (Mr. OBEY) have good intentions, I know that they believe that if we can just eliminate Federal market orders that the dairy industry would be better off in their regions or in the country as a whole. And I assume it is the country as a whole.

But to that argument, let me point out again dairy farmers in their regions and in every region had a chance to vote on whether they wanted to eliminate the Federal milk order last August, and from 90 to 99 percent of the dairy producers said, no, a resounding no, to the Boehner-Obey amendment. Why did they say that? If they believe that things are going to be better for dairy farmers, did they not vote it out when they had a chance? That is a question for this body to answer.

Now my colleagues will hear, already heard, the gentleman from Wisconsin mentioned a moment ago, that the latest figures, October, show that under the new pricing system that dairy farmers are going to get more money. That is true compared to the old, but it is irrelevant to whether or not we deal with 1402 or whether we deal with 1–B.

□ 1730

It is irrelevant. We are making changes. In spite of the fact that speaker after speaker after speaker said it is a decision or a choice between status quo, it is not. We said when we passed the farm bill that we wanted to reduce the number of orders. We are going from 31 to 11. When we went from

31 to 11, that meant we had to have another vote so the dairy farmers could say they agree with what Congress told USDA to do, and they voted overwhelmingly, not because they approved of everything. They have a difference on 1–A and 1–B, and that is what this is all about.

While it may be true that under current conditions Class I prices will be higher in the USDA decision than under the current system, this effect is the result of changes in the calculations of manufacturing milk prices that Class I differentials are added to.

In spite of the fact that we continue to talk about milk being priced in one spot, Eau Claire, Wisconsin, that is not true. I do not know how many times we have to say, those of my colleagues arguing the other, that that was changed. We are not keeping the status quo. We do recognize that this system, the federal market order system, needed to be improved and we are doing that, whether we go 1–A or 1–B.

Mr. Chairman, I hope we will all oppose very strongly this amendment and support 1402. That is what the dairy farmers of America believe is in the best interest of their futures. Then I hope that we can get on with some more serious type of discussions as to how we deal with the real problem, the fact that prices for all agricultural commodities are too low. That is what it is all about.

Mr. OBEY. Mr. Chairman, could I inquire how much time is remaining for all parties.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 2 minutes remaining, and the gentleman from California (Mr. POMBO) has 3¼ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Chairman, not to further muddy the waters but in this last speech by the distinguished ranking member he brought up an issue that I do not think has been talked about enough today and that is that we have a new way of establishing the manufacturing price of milk in the current rule that will go into effect on October 1.

What a lot of people have not focused on is in this bill we actually change what USDA recommended for the new manufacturing price. We legislate a make-allowance that was done just in the committee, and then we ask them to go back to rulemaking and take another look at the manufacturing price.

One of the reasons that some of us have argued that this is a better system is because it is not just the Class I differential; it is a combination of this whole system.

I have here the prices for Class I milk that are going to be announced by the Department as determined by the rule that is going to go into effect October 1 if this Congress does not change that rule prior to that time.

In every order area, there is an increase in Class I milk over the current system. So those of my colleagues that are going to vote for 1402, they ought to take a look at this because the price of Class I milk, which is what everybody is concerned about, and I will admit that it is based on the new manufacturing price, but what the prices are going to be in southeastern Florida, for example, they are going to get $1.32 more per hundred-weight. All through this system there is more money that is going to be available for farmers. And people ought to look at this before they vote on 1402.

Mr. OBEY. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the question before us is very simple. Should the highest cost producers in this country get a special bonus from the taxpayers in order to drive up the overall supply of milk which drives down the price that all farmers in the country receive? That is the issue.

The USDA, in contrast to those of us who have regional biases, and that is all of us on this floor, the USDA is supposed to be neutral. What the USDA estimates is that if the modest reforms under Option 1–B had been in effect last year, over all dairy farmers throughout the country would be better off by 87 cents per hundred-weight for Class I milk and dairy earnings would be 15 to 20 cents per hundred-weight higher. That means a farmer with 50 cows, each producing 20,000 pounds of milk, would be $1,500 to $2,000 better off with the dairy reform preferred by USDA.

Dairy farmers nationwide, according to USDA, would have received $300 million in additional income. They are not going to receive that if this legislation passes today. Since it appears that it is, then I would urge Members, as an alternative, to support the Boehner-Obey amendment because if Government is going to involve itself, it needs to do so in a fair manner.

It is clear that involvement is not fair in this instance, and that is why no involvement is better than unfair involvement.

Mr. Chairman, I yield back the balance of my time.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to close by saying that I urge my colleagues to stick to the transition period that we all approved in the 1996 farm bill. That is the only fair way to take dairy from a regulated bureaucratic business into a free market economy, and I urge opposition to the bill.

Mr. Chairman, I yield back the balance of my time

Mr. BOEHNER. Mr. Chairman I yield myself the balance of the time.

Mr. Chairman, I realize that the amendment that the gentleman from Wisconsin (Mr. OBEY) and I are offering comes to the floor today with some controversy, but I do appreciate all of my colleagues on the Committee on Agriculture that have been here all day debating this issue, and I really appreciate the fact that we have had a quality debate on the future of dairy.

Now, I have had all my colleagues down here though defending the status quo, do nothing, do not let the USDA changes go into effect; yet out of the other side of their mouths they are describing the plight of dairy farmers in their region.

Now if the plight of dairy farmers is so great in their region, why do we not do something to help them? Why do we want to come to the floor today and preserve the status quo? That is why the gentleman from Wisconsin (Mr. OBEY) and I have this amendment because, in fact, today, the co-ops, where 76 percent of the milk in this country comes from, have taken the place of the Federal Government.

The co-ops are strong entities who are well equipped to go out and negotiate on behalf of their members with processors around the country. Why do we need a dual system where we have a government system in place, a co-op system in place, where the dairy farmer himself has no ability on his own to make decisions for himself?

The amendment we offer today will in fact help those dairy farmers achieve real success, because for 62 years we have never given them the chance to succeed, never given them a chance to succeed because they can only sell their milk based on the complicated price scheme that the gentleman from Wisconsin (Mr. RYAN) pointed out earlier.

How can my colleagues defend this antiquated, Depression-era, Soviet-style socialism in dairy that traps our farmers in a system that is never going to work? The fact is, let us help our farmers. Let us give them a chance to succeed by passing the Boehner-Obey amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 302, not voting 7, as follows:

[Roll No. 435]

AYES—124

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Barton
Berkley
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Brown (FL)
Buyer
Calvert
Campbell
Capps
Chabot
Coburn
Cox
Crane
Davis (IL)
Davis (VA)
Delahunt
DeLay
DeMint
Doggett
Doolittle
Dreier
Duncan
Evans
Ewing
Frank (MA)
Ganske
Goodlatte
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Herger
Hobson
Hostettler
Hyde
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Leach
Lee
Lipinski
Luther
Maloney (NY)
Manzullo
Markey
Martinez
McDermott
McIntosh
Meehan
Meek (FL)
Menendez
Miller (FL)
Minge
Moran (VA)
Northup
Nussle
Oberstar
Obey
Ose
Oxley
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanford
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Souder
Stark
Stupak
Sununu
Tancredo
Terry
Thune
Tiahrt
Tierney
Toomey
Vento
Visclosky
Wamp
Waxman
Weller
Wu

NOES—302

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Olver
Ortiz
Owens
Packard
Pastor
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Bono
Coble
Dickey
Fowler
Jefferson
Scarborough
Thomas

□ 1802

Ms. LOFGREN and Mr. GREENWOOD changed their vote from "aye" to "no."

Messrs. JACKSON of Illinois, ROTHMAN, WAMP, and MENENDEZ, Mrs. JONES of Ohio, and Mr. MEEHAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. THOMAS. Mr. Chairman, on rollcall vote No. 435, I was unavoidably detained. Had I been present, I would have voted "nay."

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. Thornberry, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders, pursuant to House Resolution 294, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COMBEST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 140, not voting 8, as follows:

[Roll No. 436]

AYES—285

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley

Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Larson
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Metcalf
Mica
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Norwood
Olver
Ortiz
Packard
Pastor
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Sanchez
Sanford
Sawyer
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Souder
Stark
Stupak
Tancredo
Tauscher
Terry
Thune
Tierney
Toomey
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Waxman
Weller
Wu
Young (FL)

NOT VOTING—8

Berman
Bono
Coble
Dickey
Ford
Fowler
Jefferson
Scarborough

NOES—140

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Brown (OH)
Buyer
Calvert
Campbell
Capps
Carson
Chabot
Chenoweth
Clay
Conyers
Cox
Crane
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLay
Dixon
Doggett
Dooley
Doolittle
Dreier
Ehlers
Eshoo
Evans
Ewing
Frank (MA)
Gallegly
Ganske
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hefley
Herger
Hobson
Hostettler
Hyde
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Lantos
Largent
Latham
LaTourette
Leach
Lee
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
Matsui
McDermott
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Minge
Moore
Moran (VA)
Ney
Northup
Nussle
Oberstar
Obey
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon

□ 1823

Mrs. MEEK of Florida changed her vote from "aye" to "no".

Ms. PELOSI changed her vote from "no" to "aye".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1402, the bill just passed.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill (H.R. 1402), the Clerk be authorized to correct section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE SUPPLEMENTAL REPORT ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 1999

Mr. COMBEST. Mr. Speaker, I ask unanimous consent for the Committee on Agriculture to file a supplemental report to accompany H.R. 2559, the Agricultural Risk Protection Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, LEWIS of California, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, and MESSRS. BISHOP, SISISKY, CONDIT, ROEMER and HASTINGS of Florida.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

Messrs. SPENCE, STUMP and ANDREWS.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2506, HEALTH RESEARCH AND QUALITY ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–328) on the resolution (H. Res. 299) providing for consideration of the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that—
>
> (1) includes a loophole-free system that assures that no criminals or other prohibited

purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers, and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers).

The SPEAKER pro tempore. Under clause 7 of rule XX, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 13 children a day are being killed by gun violence. Perhaps we have repeated this statistic so frequently that we do not fully feel it anymore that these are children, and that is a shame.

I ask the Members here in this Chamber and listening to this discussion in their offices, how we can possibly ignore any legislative measure that could help protect these children?

I ask the Members on all sides of this issue to agree with me that, whatever else we do, we agree we shall not pretend we are making children safer at the same time we are building into our legislation weasel worded modifiers and exceptions that make the promised protections meaningless.

After I gave notice of this motion to instruct the conferees last night, the Associated Press was told there was a compromise being circulated by the chairman of the Committee on the Judiciary. I wish to make that A.P. article a part of this RECORD.

Since the A.P. article was received in my office this afternoon, I have asked the chairman for a copy of his proposal so I can determine for myself whether it is, indeed, a compromise I could embrace; and I am hopeful that I can get a copy of the proposal. I have had members of the press call my office about this proposed compromise, and I am all the more concerned that we not offer some proposal that might have loopholes.

□ 1830

That is why I thought it was necessary to propose this motion to instruct.

Since there has been no joint meeting of the conference or staff since early August, and I have had to read the AP wire to learn what is going on, even as a conferee, I ask the Members of this body to instruct the conference:

One, not to include loopholes that favor the wrong people getting guns, those who have been arrested, those who have restraining orders, and those who have been adjudicated mentally ill;

Two, not to weaken current gun safety laws;

And, three, not to compromise the ability of law enforcement officers to find those criminals who use guns in the crimes that they commit.

First, my colleagues may ask what loopholes I am worried about. I am worried we are going to define gun shows or gun vendors in such a way to make the Lautenberg gun show provision ineffective, if not meaningless. I am worried that we are not going to define background checks in such a way as to exclude some persons we really should be concerned about.

Second, my colleagues may wonder how we could weaken current gun safety laws. Would anyone in this chamber want to permit the interstate shipment of firearms by mail again? Do we want to repeal the Lee Harvey Oswald gun provision?

Third, my colleagues may wonder what could compromise law enforcement's ability to fine those criminals who use guns in the crimes they commit. Well, suppose the records to run the gun check on the purchaser were destroyed immediately after the check was run. And suppose the gun show vendor did not have to retain the serial number of the gun? How would law enforcement follow the trail to the bad actor who bought that gun?

There are those in this House who prefer that we do nothing. The NRA's chief lobbyist says, and I quote, "Nothing is better than anything." That is what this House did only a few month ago. The House majority whip made his position crystal clear when he was quoted in The Washington Post as saying that killing the gun safety bill was "a great personal victory." Does the majority whip really want this House to do nothing when it comes to the safety of our children? Does the majority prefer to release its proposal to the press rather than to the conferees? In other words, does the majority really prefer to have a news story rather than a legislative solution? I hope not, and I trust not.

I ask my colleagues to support this motion to instruct as a further guarantee that this Congress does something, that it does something meaningful, that it does something soon, and that it does it in a bipartisan way, in the best interests of the mothers and children of this country.

Mr. Speaker, the Associated Press article I referred to earlier is included for the RECORD herewith.

Hyde Floats Compromise Proposal on New Gun Controls

(By David Espo)

WASHINGTON (AP).—The chairman of the House Judiciary Committee is circulating a proposal designed to break a months-long deadlock over the sale of weapons at gun shows, congressional officials said Tuesday night.

The officials, who spoke on condition of anonymity, said Rep. Henry Hyde, R–Ill., is proposing a two-step system of background checks. Most gun show sales could be cleared within 24 hours but others could be delayed for up to three additional business days for additional investigation.

Republican and Democratic aides said Hyde's proposal includes a ban on importing certain large capacity ammunition clips as well as a requirement for the sale of safety devices with handguns.

It also includes a lifetime ban on the purchase of a handgun by anyone convicted of a gun-related felony as a juvenile. And minors would be prohibited from possessing assault weapons.

Separately, GOP aides said any compromise juvenile crime bill would likely include a House-passed provision allowing the posting of the Ten Commandments in schools. Supporters claim that would help promote morality; critics say it is unconstitutional.

Any compromise is also expected to toughen prosecution of juvenile gun-related crimes, and provide additional federal funding for anti-crime programs.

Hyde has outlined his gun proposal to Rep. John Conyers of Michigan, the senior Democrat on his committee, as well as to Sen. Orrin Hatch, R–Utah, chairman of the Senate Judiciary Committee. It was not clear if any senior GOP leaders had yet turned their attention to the issue.

The gun control issue has been percolating in congress since last spring, when two students invaded their high school in Colorado and killed 12 fellow students and a teacher before taking their own lives.

The Senate passed a series of gun control provisions a few weeks later, but a slightly different set of proposals died in a House crossfire when Republicans complained the measures were too strong and some Democrats griped they were too weak.

Efforts at a compromise have moved fitfully since, and Hyde's proposal marked an attempt to find middle ground before lawmakers go home for the year.

The gun show issue is widely regarded as the hardest to resolve, given close votes in the House and the Senate.

Under Hyde's proposal, all gun show purchasers would be subject to a 24-hour check under the proposal. Those that hadn't been cleared by then would be subject to a wait of up to three additional business days.

Hyde's proposal defines a gun show as any gathering of five or more sellers.

The Senate-passed measure would give the government three days to complete the required background check. The House measure that was defeated called for one day, but extended that to other sales outside gun shows that now are covered by the three-day rule.

Current law regarding gun shows requires background checks only for sales by licensed dealers.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to inform the gentlewoman from California that we do not have a text of a bill yet, despite the Associate Press's somewhat premature remarks. The gentleman from Michigan (Mr. CONYERS) and I have been meeting for many hours with our staffs, and we are still negotiating, so any text would be premature. I would prefer releasing a text when we have one, a final one.

I rise actually to support the gentlewoman's motion, but first I want to commend the senior Senator from Utah, who is the chairman of the Senate Committee on the Judiciary and chairman of the Juvenile Justice Conference. And he has shown tremendous leadership on this issue and has done everything in his power to bring the Senate, the House, and the administration together and hammer out a proposal that can pass both Houses of Congress and be signed into law. He and his staff have put politics aside, rolled up their sleeves and sought a solution.

I also want to thank the Speaker of the House and the leadership of this House. I have had their constant support and cooperation in finding the appropriate balance of juvenile justice, enforcement, gun safety, and cultural provisions to respond to the horrific violence that plagues our society.

And, finally, I want to commend my colleague from Michigan, the ranking member of the House Committee on the Judiciary. I have had the pleasure of working closely with him over the last few months to resolve the differences in the House over this juvenile justice provision. It is worth noting that, after 4½ years, we came to a bipartisan agreement on juvenile justice legislation early this year. Unfortunately, that proposal is now wrapped up in a larger package of much more controversial items, including gun safety measures. I respect the courage of the gentleman from Michigan to seek a meaningful resolution to issues that others would rather exploit than solve.

Now, the gentlewoman's motion calls for background checks at gun shows without loopholes, no weakening of current law, and improved enforcement of current firearms laws. To the gentlewoman I say, consider me instructed. I can state unequivocally that I support each of these goals. Since the tragic school shooting at Columbine high school in April, the Committee on the Judiciary has been holding hearings and working on legislation to address the growing culture of youth violence. And the three goals stated in the gentlewoman's motion have been our guiding effort. And they were reflected in the legislation we brought to the House floor in June, legislation that she and many of her colleagues, unfortunately, did not support.

While I support these laudable objectives, I do not support using them as a Trojan horse for more invidious goals. I support mandatory background checks at gun shows without loopholes. I do not support eliminating gun shows. I agree we should not weaken current law. I do not agree that we should allow for a national registry of firearms.

But as I rise to support the motion, I want to make a few points that I think shed important light on the issues that the gentlewoman's motion addresses. Her motion directs that our conference report include a loophole-free system that ensures that no criminals or other prohibited purchasers obtain firearms from nonlicensed persons and federally licensed firearms dealers at gun shows.

Well, I hope the gentlewoman knows that current law already requires federally-licensed firearms dealers at gun shows to perform background checks prior to the sale of any firearm, and I trust the gentlewoman knows that H.R. 2122, the legislation the House considered on the floor back in June, that addressed gun shows, would have required that all vendors at gun shows, including nonlicensed vendors, perform background checks prior to the sale of any firearm.

I assume the gentlewoman knows that all of the persons on her list of prohibited purchasers, "murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers and batterers," are prevented under current law from lawfully purchasing a firearm. And does the gentlewoman know that the list of prohibited purchasers under current law is actually much longer than her list? All felons, not just the few she lists, are prohibited purchasers under current law.

Furthermore, an individual does not even have to be a felon to be prohibited, but merely needs to be under indictment for a felony to be prohibited. And the list also includes persons that have been dishonorably discharged, and persons who have denounced or renounced their U.S. citizenship. That is all under current law.

Now, I want to say that while I will vote for this motion, I am concerned about what the gentlewoman means when she calls for a loophole-free system. If by that she means mandatory background checks at gun shows prior to the sale of any firearm, with no exceptions and no loopholes, then I am with her all the way. If she means, however, to define gun shows to include every private gun transaction under the sun, then I am not with her. That would be a gross incursion of the liberties that law-abiding U.S. citizens enjoy and would represent an unprecedented degree of Big Brother.

And that is why I do not support the so-called Lautenberg gun show provision. It goes far beyond requiring mandatory background checks at gun shows. Permit me to list a few of its excesses. Its definition of a gun show is so broad that it could include a few family members or neighbors who gathered together to trade firearms. It imposed myriad new excessive regulations on gun show organizers, seemingly with the aim of driving them out of business, including criminal penalties for conduct of persons not within their control. It required federally licensed vendors to do the background checks for nonlicensed vendors at gun shows. That is for their competitors. And it would then impose new regulatory burdens on the federally licensed vendors, making it more difficult for them to stay in business.

And get this, it would further allow Federal ATF agents to search a gun show promoter or a federally licensed vendor without reasonable cause and without a warrant. And, finally, it created a new huge gun control bureaucracy with vast new authority. Indeed, the most oft repeated phrase in the Lautenberg provision is, "as shall be required by regulation from the Secretary of the Treasury."

This new gun control bureaucracy would make organizing and participating in a gun show so onerous and costly that it appears to have been designed to shut down gun shows altogether. One example is handing to every participant a copy of title 18's gun control regulations and statutes, plus a copy of the regulations. As such, it is my considered view that the Lautenberg amendment does not represent reasonable common ground as we continue to work toward reasonable gun control.

What is reasonable gun control? Well, how about a ban on importing large capacity ammunition clips; a requirement for the sale of safety devices with handguns; Juvenile Brady, prohibiting juveniles convicted of a violent offense from owning a firearm; prohibiting minors from possessing assault weapons; and, yes, mandatory background checks at gun shows before the sale of any firearm. This is what we propose.

The gentlewoman's motion also urges the conferees to, and I quote, "include provisions that aid in the enforcement of current laws against criminals who use guns." I hope no one misses the point that the motion is concerned about the enforcement of firearms laws already on the books. Let me say that I share that concern, because the administration has been derelict when it comes to firearms enforcement.

Consider the following: In 1992, there were 7,048 Federal prosecutions of Federal firearms violations. In 1998, there were only 3,807 such prosecutions. This is a reduction of nearly one-half. Over the last 3 years, the total number of prosecutions of gun criminals has been pitiful. During that period, there were only 38 prosecutions of juveniles in possession of a handgun, that is over 3 years, even though juvenile gun violence is way up. There were only 22 prosecutions for illegally transferring a handgun to a juvenile. There were only 17 prosecutions for possession or discharge of a firearm in a school zone. And, get this, only one Brady Act violation or background check prosecution in 3 years.

Now, some can argue that the numbers fail to point out the States are doing a better job. Well, even if the States are picking up some of the slack, it does not diminish the fact that the Federal Government has been prosecuting less. And less Federal prosecutions mean less prison time by gun criminals, because the Federal system is the toughest in the Nation.

I also wonder if the gentlewoman is aware that the McCollum amendment to H.R. 1501, which passed the House in June, included the armed criminal apprehension program. This program was precisely designed to, in the words of the motion, aid in the enforcement of current laws against criminals who use guns. The program in the McCollum amendment required the Justice Department to establish an armed criminal apprehension program in each U.S. Attorney's Office. Under the program, every U.S. Attorney would designate one or more Federal prosecutors to prosecute firearms offenses and coordinate with State and local authorities for more effective enforcement.

In conclusion, let me say I wholeheartedly agree that enforcement of current gun laws has become a national problem, even a national disgrace. I am glad the gentlewoman's motion makes the point and calls for improved enforcement efforts.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

Mr. CONYERS. Mr. Speaker, I begin my discussion by commending the gentlewoman from California. This motion to instruct is right on time. It tries to put together what the gentleman from Illinois (Mr. HYDE) and I are working on into a general picture that can lead to a resolution that will satisfy the majority of the Members of the House of Representatives and the American people.

□ 1845

Now, if we can accomplish this difficult goal, I think that we will have a successful conclusion to a serious problem that has been neglected for far too long.

May I also say to the gentleman from Illinois (Mr. HYDE) that negotiations have been in total good faith from the beginning. It is not out of order for me to let everybody know that we are meeting on this even as the motion to instruct is being resolved here on the floor; and these meetings will go on as long, as often, as frequently is necessary if between us and the forces that we represent we can hammer out a consensus that will lead us to a position that the majority of the Members of this House can repair. If that happens, I will be very personally gratified.

Now, these discussions are in good faith. They have been productive over the last 2 months. The possibility of reaching a bipartisan agreement on reasonable and commonsense gun safety legislation is good. It is positive. It is in that spirit that I join both the gentlewoman from California (Ms. LOFGREN) and the chairman of the committee in urging that the motion to instruct be adopted by as great a majority as is possible.

It is true that the descriptions of the compromises that the chairman and I are working on have been inaccurate and incomplete. But that is not news with the press. The media has not been a party to our meetings. They do not know what we have been talking about and what agreements have been reached. But let me tell my colleagues what, in my mind, are the kind of things that we should be looking for if we are going to resolve the question of commonsense gun safety legislation.

Would it not be wonderful that there would be no exemption of a substantial number of gun shows for events where guns are sold simply because other items are sold as well? I think that is reasonable, and I hope that we will include this in our thinking on both sides of the aisle.

Would it not be wonderful if proposals for independent check registrants that will invite fly-by-night background checkers who will consummate sales that are difficult to trace may be impossible, making the enforcement of our gun laws against dangerous criminals who use guns even more unlikely, eliminating sufficient recordkeeping requirements which might tempt fraud to enter into this system?

There should be, in my view, no exclusion of coverage of domestic violence offenders and mentally disturbed individuals from the background check requirement. And hopefully, unconstitutional provisions, the Ten Commandments proposal, for example, is something that probably does not materially fit into the notion of how we achieve commonsense gun safety in America.

So personally, my colleagues, I believe that these matters are resolvable. We are still confronted with the goal of coming to a conclusion and then going into conference. After all, the meetings are not going to solve the problem. The meetings are laying the groundwork for the conference committee to come to the agreements that the chairman and I are struggling toward.

There are over 35,000 gun-related deaths in the country, and the ease with which wrongdoers can obtain semiautomatic weapons and other firearms is a national outrage.

So what we seek is to meet the modest goals established in the Senate-passed bipartisan gun violence bill. I will continue to commit to do everything in my power to see that this is accomplished.

Again, I commend the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the wise comments of the chairman and ranking member. I am concerned, however, that despite all the good will and the coming together about this motion, we met last on August 3, we gave speeches to each other as conferees; and now it is September, midterms are almost here, and we still have not gotten anything into law.

So that is a concern, and it is shared by the gentlewoman from New York (Mrs. MCCARTHY).

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the motion to instruct the conferees on the Juvenile Justice Reform Act.

The gentlewoman from California (Ms. LOFGREN) and I offer this motion to help move the conference committee forward towards approval of effective juvenile justice legislation that will help save children's lives.

I will skip part of my written testimony mainly because of what I have already heard tonight. I think what is important to realize is why did we even start this journey. It all had to do with the shooting at Columbine.

We know the gun that was used in that particular shooting was bought at a gun show. No questions asked. That is why we are dealing with the gun show loophole. That is why we are here. That is what the American people want us to do.

Our job here is to listen to the American people. Our job here is certainly not to be on an emotional fever but certainly to say we are listening and we are trying to work something out.

But I have to say, people in this chamber seem to think that we might be able to get through some sort of a gun show amendment that is not going to close the loopholes. The American people are watching this. Being somewhat of a newer Member, I have a great deal of faith in the American people now knowing when there is a good bill and there is a bad bill, and they will judge us on that. And I think that is the important thing to remember.

Tomorrow, on the steps of this Capitol, the beginning of the yearlong procedure as far as a million women, mothers, grandmothers will be starting so they can be here next Mother's Day. They are going to be the ones that are going across this country saying that we have to do something.

I say to all of us, let us work together, let us put a good bill through, and let us not have the NRA write something up knowing that they do not want anything done.

Mr. Speaker, I rise in support of the motion to instruct the Conferees on the Juvenile Justice Reform Act. The Gentlewoman from California and I offer this motion to help move the

Conference Committee forward, toward approval of effective Juvenile Justice legislation that will help save children's lives.

The motion is simple and straightforward. It contains a 3-part instruction:

(1.) The Juvenile Justice legislation should include a loophole-free system that assures that no criminals or other prohibited purchasers obtain firearms from gun shows; (2.) The Juvenile Justice bill should not include provisions that weaken current gun safety law; (3.) The Juvenile Justice legislation should include provisions that aid in enforcement of current laws.

I urge all of my colleagues to support the motion to instruct. I believe it is fundamentally important that the House overwhelmingly support this balanced motion because the American people are looking to Congress for leadership. The American people want Congress to help make our school's safer.

If we are going to make our schools safer, we have to address the issue of easy access to guns. In every one of the tragic school shootings over the last two years, it was too simple for children to get a hold of guns. In Littleton, Colorado, Eric Harris was able to purchase a TEC–9 used in the Columbine High School shooting no questions asked at a gun show. The motion to instruct includes a provision requesting that the conferees close the deadly gun show loophole.

The motion to instruct also includes a provision that states we must NOT weaken current gun law. Before Members vote on the motion, I think it is important that we remember why we are having the debate over juvenile justice. As my colleagues know, legislation regarding juvenile justice stalled last year. And the Juvenile Justice bill was moving slowly this year until the shooting at Columbine High School caused the American people to stand-up and say that Congress must do something about kids and guns.

It would be a total disaster if Congress responds to the recent outbreak of school shootings by approving a Juvenile Justice bill that actually weakens our current gun safety laws. I would warn my colleagues that the American people will not be fooled by a juvenile justice bill that responds to the deaths in our schools with NRA-drafted proposals that do not truly address the problem of children's access to firearms.

We are fighting for children's lives here. Congress must approve a bill that truly protects our kids by keeping guns out of the hands of juveniles and criminals. I urge my colleagues to support the motion to instruct and show the American people that Congress is listening to their concerns.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me add my appreciation to the gentlewoman from California (Ms. LOFGREN) for this motion to instruct. It is constructive because it says to those of us who are conferees that, one, we still have a task to do and this is how we should do it.

In addition, let me frankly thank the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS). It tells us, I say to the gentleman from Illinois (Chairman HYDE) that we should not believe everything we read.

I am delighted that there are ongoing discussions regarding gun safety laws in America and that, in fact, even though there are ongoing discussions, those of us conferees will be included in those discussions, for we have a great concern about gun safety but, more importantly, gun violence that needs a response.

Needless to say, our Nation leads the world in firearm deaths. Particularly as it relates to deaths, the leading cause of death in 100,000 people are firearms.

We already heard many times before, particularly this morning as many of us read, a number of children who have died from gun violence since Columbine that 13 children die every day and that firearms are the fourth leading cause of deaths among children age 5 to 14.

I would like to just simply refer my colleagues to a series that was done, "America Under the Gun." I think it is worth noting some very important factors here that talk about the number of killings that we have had, the weapons used, the Uzi semiautomatic, a .40 caliber Glock semiautomatic, a .9 millimeter pistol Glock, a .357 Magnum revolver, a Tec DC–9 handgun, .22 Ruger, a .38 caliber Smith & Wesson revolver. A number of these that were used to do a series of killings across this Nation had an automatic ammunition clip.

At this point in time, Mr. Speaker, we do not have that provision nailed down in the conference. But I am glad that our chairman has indicated, along with my support and that of the gentlewoman from Colorado (Ms. DEGETTE) and Senator FEINSTEIN that we are going to discuss and get into this bill the prohibition on automatic clips. This is important because this is what we see as one of the main causes of deaths.

In addition, Mr. Speaker, I do not know how many of us know in addition to the loopholes in gun shows that in many States children can go unaccompanied into these gun shows. I would be looking for the chairman to work with him to at least do as much as we do for children going into R-rated movies where children under 17 cannot go into these movies of violence without an adult; but yet we allow children randomly to go into gun shows where we found that many of the perpetrators of violent crimes have gotten their guns.

This instruction emphasizes to us that we must not weaken gun safety laws. And as well, Mr. Chairman, it emphasizes to us that we must get down to our task.

I simply close, Mr. Chairman, by saying that although the Second Amendment stands strong, guns are not relics; guns can be regulated. We must regulate guns on behalf of our children. Let us get to the conference and do our job.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, the Chicago Tribune, September 22, 1999:

> Two Fenger High School students were injured Tuesday when a gunman opened fire on a crowd of students walking home, Chicago police said.
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> Authorities said between 6 and 12 shots were fired, sending the students scurrying for cover. Witnesses told the police the shooter was a 17-year-old male who had been expelled from the South Side High School a year ago.
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> The shooting near Fenger took place about 3 p.m. A large group of students walking south on Wallace began arguing with a smaller group of at least four people near the intersection.
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> The gunman, who was in the smaller group, allegedly pulled out a handgun and began firing into the other crowd of students. It was unclear whether the gunman intended to hit the two injured students or whether he knew them.
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> "It's crazy. It's just crazy out there," said Crystal Allen, Darrell Allen's mother, as she rushed into the hospital's emergency room. "Your kids can't even walk to school without being shot. It's a shame. They have metal detectors in the schools. But what happens when they walk outside?".

Conferees, please do something meaningful to keep guns from turning school yard brawls into injury and death.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I would like to thank the distinguished chairman of the Committee on the Judiciary for his courtesy in yielding me the time and also for his leadership on these most important issues.

I think perhaps, colleagues, the best thing we could do in this debate, which will certainly not be the final word, we will debate this issue many, many days this session and the next session of Congress, is to provide a little bit of background.

All of us talk about prosecution of violent crimes, prosecution of crimes involving firearms.

□ 1900

We also talk about providing the necessary resources to our Department of Justice to enforce those federal laws that relate to violent crime. I think it is important to place this debate in context, to look at the increases in the Clinton administration Department of Justice budget that had been provided by the Congress for the administration to carry out its mandate to enforce those Federal criminal laws including, but not limited to, those that relate to the use of firearms.

One does not have to see the small print on this chart to recognize that there has been a substantial increase just over the last 6 years of the Clinton administration in the billions of dollars that have been provided to the Department of Justice for its budget increasing from 9.63 billion to 14.82, well over a 50 and close to a 55 percent increase. One would expect to see not necessarily a 55 percent increase in the prosecution of the criminal use of firearm statutes during the same period of time, but perhaps leave something close to it. Certainly one would not expect to, given the rhetoric of the Clinton-Gore administration, expect to see even a modest decrease in the prosecution of criminal use of firearms during the last 6 years.

Unfortunately, Mr. Speaker, that is, in fact, what we see. We see a substantial decrease in the prosecution of the criminal use of firearms during each year from 1992 to 1998, nearly a 50 percent decrease.

So at the same time as we have increased the budget for the Department of Justice to prosecute violent crimes by over 50 percent, we have seen a 50 percent decrease in the actual prosecutions of these cases. Therefore, those of us on this side of the aisle serving on the conference committee on this piece of legislation are concerned that we, in fact, provide something more than simply more money for the Clinton administration to prosecute violent crime, and that is in fact one of the things that we are looking at. We are looking at, for example, programs that actually work, such as Project Exile in the Richmond, Virginia area which resulted over about a 2-year period in a 40 percent decrease in the incidents of violent crimes in that jurisdiction.

The way that this came about was very simple. An Assistant United States Attorney in Richmond called the local prosecutors and law enforcement officials into his office and said, "If you bring me the gun cases, I will prosecute them. If you build it; they will come. If you bring me those cases, they will be prosecuted; I guarantee you," he told them, "and I will seek maximum penalties under the federal laws." The fact of the matter is that he did just that. He developed the credibility with local law enforcement, and the results speak for themselves. That is what we need to be doing, Mr. Speaker.

Now I understand the gentlewoman from California, and I would presume that she agrees with us that what we ought to be looking at is more than simply providing more money to an administration that has received substantially more money to prosecute cases yet has not done so, that we ought to be looking at ways to prod the administration and future administrations to actually prosecute gun cases, to actually prosecute those who commit a felony every time they provide misleading or false information on the instant background check form. Rather than talk about so many tens, if not hundreds of thousands, of felons who have escaped, who are not able to purchase firearms because of the NICS system, let us talk also about those very, very few, .2 percent, that have actually been prosecuted for committing what amounts to about as close as one can get to an open and shut felony. They put false information on that form; the form says if they do so, they are subject to a 5-year penalty in the Federal penitentiary, and, in fact, those cases, if they were prosecuted, would send a very important message to the American people.

So in conclusion, and in support of what the chairman and us on this side of the aisle, those of us on this side of the aisle concerned with doing something that actually does more than just talk about these problems; what we are trying to do is to work with the conferees and present back to this body something that this body actually had a chance to vote on. Yet the vast majority of Democrats, even most of those who voted for the so-called Dingell amendment to tighten up on provision of background checks, national instant checks at gun shows, they turned around and then voted to kill the bill that had that provision in it.

What we are trying to do is to put politics aside and look at the substance of these issues, look at the substance of providing the guarantees insofar as we are able and the impetus for prosecuting these gun cases to provide the resources to the Department of Justice, that it needs to do so. None of us are interested in weakening current gun laws. That is a red herring. None of us are interested in doing that, and there is nothing in the bill that we are considering in the conference report that would do that.

So, Mr. Speaker, one really has to wonder when one looks at the language of the gentlewoman from California which provides for a loophole-free system, includes provisions that do not weaken current gun safety law; we are not in disagreement on those, and includes provisions that aid in the enforcement of current laws; we certainly support that. One has to wonder, since she disagrees with what we are saying what the agenda is. Is there a hidden agenda there? What is the purpose of this other than to provide a smokescreen for perhaps other legislative initiatives that the House has already voted down?

So, Mr. Speaker, I would urge my colleagues to vote against this motion to recommit with instructions, allow the flexibility to our conferees, as provided by the House and by the Senate, to work on these matters, bring this matter back to the House and to the Senate with measures that have some actual teeth in them, that have more than sound bites, that provide our law enforcement officials and our prosecutors at the national level and at U.S. Attorneys' offices across the country the tools that they need to actually get something done.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN), and I applaud her for her consistent leadership on this issue.

With approximately 13 young people dying each day since the Columbine massacre, almost 2,000 young people have been victims of gun violence, and yet as more and more children become statistics, this Congress continues to look the other way.

Since the beginning of this debate, opponents of tough gun safety measures have relied on the strategy of delay, delay, delay. This motion to instruct is a signal to the conference committee that delay is no longer acceptable. It tells the conferees that we cannot wait until another child falls victim to gun violence before we act.

This motion does three things.

First, it says that the bill should ensure that no criminals are able to purchase guns at gun shows; second, it says that a conference report should not weaken current law; and third, it says that we should work to strengthen enforcement of existing gun laws.

I cannot think of a single reason why anyone would oppose this motion to instruct. Please vote for the motion to instruct.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise today to add my voice to the debate on juvenile justice. Mr. Speaker, the gentlewoman from California (Ms. LOFGREN) has introduced this motion to instruct conferees. Since we approved the bill in the House on June 17, and the Senate on July 28, to date there has been no motion on the conference between the House and the Senate on this legislation. In the meantime, children across America die as a result of violent crime.

My colleague has instructed the conferees that would require a loophole-free system. People keep saying, "Well, what do you mean a loophole-free system?" We are talking about the fact that under a 24-hour gun check in a gun show people whose records are not clear in records like on post cards or index cards in little communities might get a gun because if one does not reveal it within 24 hours, they still get a gun. That is what we are talking about, loophole-free, loop-free situations.

Let me say this to my colleagues. Innocent children like those in Fort Worth, those in Columbine, and those across our country whose names unfortunately never reach the media because they die on the streets of this

Nation unnoticed are worried about what is happening with this gun control legislation. I encourage all of my colleagues who are here on this floor within my voice to vote in favor of the motion.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute to respond to the gentlewoman from Ohio (Mrs. JONES) who just spoke.

We are not delaying this. We are working as hard as we can. It is no easy matter to reconcile the left, the right, the center, the pro-gun, the anti-gun, the liberals, the conservatives. This a very difficult question.

The gentleman from Michigan (Mr. CONYERS) told us earlier that we have been meeting even today, and we are going to meet tomorrow. We are working very hard, and please do not beat us over the head that we are trying to delay this. We are moving with all deliberate speed, I can assure the gentlewoman from Ohio, and if she doubts it, ask Mr. CONYERS.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I Yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I do not mean to point a finger. What I want to say is the people of these United States want to hear from us. If I am part of the delay, I accept the delay. I am standing here saying let us get it on.

Mr. HYDE. I understand that, Mr. Speaker, and I am here to tell the gentlewoman we are getting it on as fast as we can, believe me.

Mrs. JONES of Ohio. With all deliberate speed.

Mr. HYDE. Yes, speed. Emphasize speed, but it takes deliberation, too. We cannot do this, as my colleagues know, with a snap of the fingers.

I know the gentlewoman has had vast experience in negotiating these matters, and I want to defer to her, but I want her to know we are trying as hard as we can. Believe me.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, while we haggle over tax breaks and F–22 bombers, 13 children are dying each day in this country as a result of gun violence. While we play politics with spending caps and budget priorities, 13 children will be killed by guns. So I ask who is taking care of our children?

Nearly 5 months after the tragedy at Columbine, we have done nothing to strengthen gun laws or to enact commonsense gun regulations, but while we have done nothing, 13 families every day are faced with burying a child. This is disgraceful that we have not passed gun safety legislation this Congress, and it would be even more disgraceful to pass a bill that actually weakened current gun laws.

This is not a game. We are talking about children's lives.

I urge my colleagues to support the Lofgren motion to instruct; and after that when we tighten gun control laws, then when we ask who is taking care of our children, the answer can be and will be:

We are.

But until then our children remain at risk.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from Illinois for yielding this time to me.

This is a motion that I rise today to support. As one of the conferees on H.R. 1501 and as the principle sponsor of the bill, I do very much want to support the gentlewoman's motion; but I want to take a few moments to speak on the motion and on the ongoing conference that is going on this bill.

First, let me address the first part of the motion, that the conference report include a, quote, loophole-free system that assures that no criminals or other prohibited purchasers obtain firearms from nonlicensed persons and federally licensed firearm dealers at gun shows, unquote.

□ 1915

I hope everybody knows that federally licensed firearm dealers now under current law are required to perform background checks prior to the sale of any firearm, whether they are making that sale in their own store or at a gun show. It does not make any difference. That is current law.

The law currently provides that it is a crime for these prohibited persons to possess a firearm of any kind. What we have been working long and hard on is a provision that will address the other sellers of guns at gun shows, ordinary citizens who do not have as their principal business the sale of guns.

I introduced a bill, H.R. 2122, to do just that, which was debated on this floor in June. Unfortunately, the bill was voted down largely because most of the Members on the gentlewoman's side of the aisle voted against it. Since that time, some of us on this side of the aisle have been working to come up with a new and different approach, one that attempts to address many of the concerns that Members of the gentlewoman's side of the aisle have expressed during the debate on H.R. 2122.

I must say that our inability to find common ground is caused by some of the Members, including perhaps the majority on the gentlewoman's side, taking an all-or-nothing approach. We really do need to find a way to compromise this issue.

There is nothing magical in the language that passed in the other body. In fact, we have heard from thousands of our constituents that the provisions of the bill passed there would reach far beyond what its proponents represent that it would do. I know that the gentlewoman and others on her side of the aisle appreciate that there almost always are a number of ways to write a law to reach the same end. All we are asking is that she encourage the conferees on her side of the aisle to be open to a different way to accomplish the goal that I believe we all share.

I must also express some confusion at the provision of the motion that states that we should achieve a, quote, "loophole-free system," unquote. I do not think anybody intends to construct a system with a loophole and I hope that the gentlewoman is not intending to use this provision to broaden the debate on the bill. Up to this point, we have been discussing ways to ensure that no prohibited purchaser can buy a gun at a gun show, that is, nobody who is a convicted felon or has any other disability that says they are not permitted to own a gun. I am committed and I have been committed to making that a reality, but I must say that if the gentlewoman seeks to use her motion to move the debate into regulating every private gun transaction, then we part company.

I believe that it is clear the American public does not support the Government regulating private firearms transactions any more than they already do.

The gun show issue is another story, and I agree with the gentlewoman on that; and I think we should reach a common ground to resolve this.

Finally, I must point out that the gentlewoman's motion speaks to only one small part of the bill. I think it is vitally important for Members to bear in mind this bill contains a number of very important provisions. Many of them have enjoyed bipartisan support for quite some time. It would be a shame if we did not allow these other provisions to become law because Members cannot agree on a single provision.

The underlying bill is the juvenile justice bill. It is a bill that was totally bipartisan when it came out of the Subcommittee on Crime and it is, I believe, totally bipartisan today, which deals with an effort to put consequences for juveniles who commit misdemeanor crimes, the lesser crimes than the ones with violence and guns, give them consequences early on because all of the experts say that without those consequences in the law, which are not there today for a variety of reasons, but principally because we have an overworked and understaffed juvenile court system in the States, without those consequences we see kids thinking they can get away with crime when they rob a store or they steal a car or they steal a radio out of a car or whatever, and later on then they think they can get away also with violent crime. They don't believe they are going to get punished.

I know that is a simple concept, but it is a valid concept; and it is one that all law enforcement and sociologists who deal with kids understand.

The underlying bill addresses that problem by providing a grant program to the States to allow them to improve their juvenile justice systems with more probation officers, more judges, more of all of those things they need, including diversion programs for kids, with only one caveat, and that is that every juvenile justice system in the Nation, every State, assure the United States Attorney General that they are going to punish a juvenile for the very first misdemeanor crime and every crime of a more serious nature thereafter with an increasingly greater punishment. That does not mean jail time. It does not mean lock-up time. It means community service or whatever, but some kind of punishment.

So I certainly support the motion the gentlewoman is offering, but I hope that Members on both sides will see it as a call to work more closely together to reach what I believe is a widely accepted goal and pass what is fundamentally a good bill and close the existing loophole in the gun show law.

Ms. LOFGREN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from California (Ms. LOFGREN) has 10 minutes remaining. The gentleman from Illinois (Mr. HYDE) has 5½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. McCARTHY) for purposes of a notification.

NOTICE OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mrs. McCARTHY of New York. Mr. Speaker, pursuant to clause 7 of rule XXII, I give notice of my intent to offer a motion to instruct conferees on H.R. 1501 tomorrow. The form of the motion is as follows:

Mrs. McCARTHY of New York moves that the managers on the part of the House at the conferees on the disagreeing votes on the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that, one, the committee of the conferees should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and, two, the committee of conference should meet every weekday in public session until the committee of conference agrees to recommended a substitute.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a Member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I rise in support of the motion to instruct. I think the motion to instruct is important to correct a deeply flawed bill, a bill that, in fact, left this House and weakened the Brady statute; therefore, has put lethal weapons, if it should be enacted, into the hands of criminals. Let me explain why.

During the past 5 years, the Brady instant-check system has prevented illegal gun purchases by more than 400,000 fugitives, convicted felons, drug addicts and others who cannot lawfully possess a firearm. If we pass this bill, we will be handing them a loaded weapon and inviting them to pull the trigger. That is because the House-passed bill denies the FBI the 3 days it needs to complete its background check on the very people most likely to have a criminal history, like a convicted rapist who traveled from Virginia to North Carolina several months ago for the purpose of buying a gun; or the man convicted of armed robbery and burglary in Georgia who drove to Missouri last March for the purpose of buying a gun; or the murderer in Texas; or the arsonist in New Jersey who went all the way to Mississippi last April for the purpose of buying a gun.

These are just a few of the thousands of criminals who tried to purchase handguns in the last 6 months and were stopped because a 3-day background check revealed their criminal history before the sale could be consummated.

If the House bill had been the law of the land 6 months ago, 9,000 of these people would have been walking the streets with a license to commit crime. I ask my colleagues to think about that before they vote. Think about the lives that could very well be destroyed because one of those 9,000 criminals got a hold of a weapon and pulled the trigger. Think about what we would have to say to the families of the victims if we allow the House bill, which weakens the Brady bill, to become law.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Lofgren motion to instruct for juvenile justice conference. Mr. Speaker, I find it hard to believe that despite the overwhelming desire by the American people for reasonable and common sense limitations on access to guns, this Congress has still not passed and sent to the President the Senate version of the juvenile justice bill.

The parents of America are concerned, and given the tragedies that have occurred across this Nation, they have a right to be. They are concerned about the proliferation of guns, of kids gaining access to guns without trigger locks, of guns being bought and sold at gun shows and flea markets without adequate background checks, and of the ability to buy guns anonymously over the Internet.

They are concerned, Mr. Speaker, because current U.S. law is inadequate to prevent guns from easily falling into the wrong hands. They are concerned and want action by this Congress. In fact, Mr. Speaker, they demand action by this Congress. I would urge all of my colleagues to support the Lofgren motion, which instructs the conferees to include a loophole-free system that assures murderers, rapists, child molesters, and other criminals do not gain access to guns, and instruct them not to weaken existing gun safety laws.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, within the last 6 months, America has witnessed shootings at Columbine High School, the Jewish Community Center in Los Angeles, hate crime shootings in Illinois and in Indiana and now most recently the shootings in Fort Worth, Texas. In each one of those shootings, guns were involved that were purchased at either gun shows or at flea markets. No surprise, last year in America 54,000 guns were confiscated in crimes that originated at gun shows. The Senate-passed legislation, mirrored on the Brady law, would simply apply the background check requirements at gun shows that we require at retail gun stores. This Congress has yet to do that. I urge the conferees to do what the Senate did, provide common sense, basic background requirements at gun shows that we apply to retail gun stores.

This is not, Mr. Speaker, about gun control. This is about crime prevention and about public safety.

Mr. HYDE. Mr. Speaker, may I ask how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) has 5½ minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has the right to close.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am looking forward to supporting this resolution. I will say it is a little distressful, and I searched for a word and I came up with distressful, to be unjustly criticized for foot dragging. I would presume to direct those who criticize us for lack of progress, I would direct them to their committee staff and to their ranking member for verification that no one has been delaying a solution.

I want a solution. I am in good faith. So is our staff. We have met time and time again. These are difficult, emotional issues; and they are not going to be solved easily. It seems to me by accusing us lopsidedly, one-sidedly, of foot dragging, my colleagues are injecting a distinctly political tone into an issue that deserves nonpolitical treatment.

There is a lot of hard work ahead, believe me. We are a long ways from agreement, but we are closer than we have ever been. I am committed to remaining at the negotiating table, and not get stampeded, as long as it takes to try and find reasonable, common ground.

If my colleagues really want a bill, and that is a question number one, do my colleagues really want a bill? Or are we to encounter gridlock and failure and say, see, these guys cannot govern; they really cannot run the House? There is that question, and I have tried to dispel it. I certainly do not think it animates the gentleman from Michigan (Mr. CONYERS) and his staff, because we have had excellent discussions in the best of good faith, and so I discount that.

There may be others who do not want a bill because they do not want the Republicans to have any success whatsoever. I would look upon this not as a Republican success but as congressional success that we can respond to the tragedies that have bloodied our country.

If we really do not want a bill, there are a couple of ways we can kill it.

□ 1930

One is to draw a bill that is empty and hollow and meaningless, and the other is at the opposite end of the spectrum: strengthen a bill to death.

Now, when we are negotiating, we have people who we have to appeal to differently on different issues. It is not easy. We have to get some democratic support. I do not think we have enough on our side to pass this.

Now, either they can kill it, or they can help us. But I ask my colleagues for their help. They certainly have mine. But to any of my colleagues who accuse us of foot-dragging, please talk to the staff, please talk to the ranking member. My democratic colleagues do not have to accept our statement that we are doing the best we can.

Now, tomorrow, the gentlewoman from New York (Mrs. MCCARTHY) is going to instruct us to meet every day in public. I will not object to that, but we do not get things solved with formal meetings. We talk, and we talk out, and we find out what we can agree on, what we cannot. We make trade-offs; we do the best we can; and we come up with a bill. Do we want a bill, or do we want an issue? I want a bill.

Mr. Speaker, I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from California (Ms. LOFGREN) has 5½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I am confident that this motion to instruct will receive support when we vote on it from both sides of the aisle, and that is a good thing, but it certainly does not solve the concern that brought me here today and has consumed our time here this evening.

As I think through the scenario of how we got to this point in time, I think back to earlier in the summer when we had almost a surprise, really, to some of us that the United States Senate was able to come together after the terrible tragedy in Colorado at Columbine High School and to come up with a set of modest, centrist measures that would make the availability of guns less so, in the hopes that the violence that beset the youngsters in Columbine and in other schools in other parts of our country would be diminished.

When this House took that measure up, and I believe it was something like 1 o'clock or 2 o'clock in the morning, we ended up with a measure, when all was said and done and the amendments concluded, that the NRA said vote "yes" on the bill, and handgun control urged us to vote "no" on the bill. We did not have a strong bill, as the Senate had done. So, we moved on to conference.

Now, the conference committee met just once, on August 3, and each member of the conference committee was permitted to make a statement, and I did as well, and then we left town, and the conference committee has not met again since.

Now, I understand that the chairman has, in fact, on many occasions supported centrist gun control measures. He voted for the Brady Bill; I was proud to be a part of the Hyde-Lofgren amendment on clips, and I am hopeful that we can get some sound things done. I realize that this is not easy, but it also needs to move apace, because it is now September 22; and when we talked in July, we were anxious to get a good measure that would be in place before school started. And now, as I mentioned, my two high school students are starting to fret about the mid-terms that are almost here; and we will be recessing soon if the target date is to be believed. And so unless we can pick up the pace, I am concerned that we will not achieve our goal of getting good, strong, solid, sensible gun control, gun safety measures adopted; and I want to do that.

I can assure the chairman, I want a bill. I want to be able to tell my children that we managed to get something done that might make them a little bit safer from gun violence. I want a bill.

Mr. Speaker, the chairman said, do we want to prove that the Republicans cannot run the House. Well, no. I think on September 22, without our appropriations done, that has already been proven. We do not need to prove it with a gun bill stalled in the conference committee and not brought to the floor. I want strong legislation. I will work on a bipartisan basis to get that done, but what I will not do is to stand silent if the measure comes back and there is actually less safety for the children of America than exists in current law. That I cannot do. That is what we were faced with that early morning in July when the House took up its measure.

It is not comfortable. It is not a delight to stand here and make motions to instruct and to be somewhat obstreperous; but I would rather do that than not come to a conclusion, than not to stand up for the mothers who I represent in this House. And when I go home and I am in the grocery store, the other mothers want to know how come we cannot get this done, something this simple. They cannot understand it. And I cannot really explain it to them, because I cannot understand it either.

So let us reach out across the aisle, let us work together, let us get this done. Let us make sure it is solid, that it is valid, that it is honest, it is true, it is tough, and it is done promptly. I would urge that we bring some of these discussions out into the open. There have been many discussions between the chairman and the ranking member, I understand, and I have no doubt that they are sincerely done and difficult discussions. But sometimes the light of day can help move things forward a bit.

So I am hopeful that we will be able to do that.

With that, Mr. Speaker, I am pleased at the participation of all of the Members of the House. I look forward to a very positive vote on this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed until tomorrow.

SENSE OF HOUSE IN SUPPORT OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 293), expressing the sense of the House of Representatives in support of "National Historically Black Colleges and Universities Week," and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. CUMMINGS. Mr. Speaker, reserving the right to object, under my reservation, I yield to the gentleman from California (Mr. OSE) to explain the bill.

Mr. OSE. Mr. Speaker, I thank the gentleman for yielding.

The purpose of this bill is to recognize the 105 historically black colleges across this country that have served not only the interests of the black community, but this country, in providing a sound and fruitful education for people of color over the past many years in this country. We want to make sure that we recognize those institutions during this particular week known as National Historically Black Colleges and Universities Week, and the purpose of this resolution is to memorialize that.

Mr. CUMMINGS. Mr. Speaker, further reserving the right to object, as ranking member of the Subcommittee on Civil Service, I have come to this House to support many resolutions. However, as a graduate of an historically black college; as a member of the Board of Regents of Morgan State University, as a father of a freshman at Howard University, and with five such universities and colleges in my home State of Maryland, I am especially pleased to endorse and support historically black colleges and universities.

Historically, black colleges and universities should be commended in their success in educating not only the privileged among us, but the disadvantaged among us also. HBCUs have performed a remarkable task. They have educated almost 40 percent of this country's black college graduates, they have graduated 75 percent of black Ph.D.s, 46 percent of all black business executives, 50 percent of black engineers, 80 percent of our Federal judges, and 85 percent of all black doctors.

In addition, they have educated an estimated 50 percent of the Nation's black attorneys and 75 percent of the black military officers. The historically black health professional schools have trained an estimated 40 percent of the Nation's black dentists, 50 percent of black pharmacists, and 75 percent of the Nation's black veterinarians. HBCUs can claim these significant success rates because they maintain a philosophy of high scholastic achievement and career goals as well as an enriching social and cultural environment.

Further, HBCU faculty are among the most scholared in our Nation's university system; and as role models provide quality educational and practical experience to HBCU students. HBCUs can also be credited with making the higher education financially attainable for those who otherwise would not be able to afford a higher education. This is extremely important because education is the key to the door of economic prosperity. That is why I commend Bill Gates, chairman of Microsoft, for pledging to spend $1 billion over the next 20 years to give college scholarships to thousands of academically talented, but financially needy minority students across the country. William Gray, III, President of the United Negro College Fund, will help administer the scholarship program.

The students in this program and in the HBCU system as a whole not only receive instruction that propels them into blossoming careers but also receive a mandate to serve as leaders in our country and in the world. In essence, these schools have an enduring commitment to educating youth, African-Americans and other people of color, and the disenfranchised, for leadership and service not only to our Nation, but to our global community.

As I have said, HBCUs open the door to opportunities and promote leadership and service. It should be noted, however, that these items do not become a reality if students are denied positions, promotions, or the chance to serve in certain capacities because of their race or ethnicity. HBCUs have produced congressional representatives, State legislators, writers, musicians, actors, activists, business leaders, lawyers and doctors, and this resolution recognizes not only historically black colleges and universities, but all of the people of color that they have educated.

It also recognizes all of those educators and administrators who have touched children and young people over and over again, and indeed, touched the future. Today, I am honored to pay tribute to these historic and great institutions that have fortified our Nation's heritage and our future in education.

Now it gives me great pleasure to yield to the distinguished gentleman from South Carolina (Mr. CLYBURN), who has had a history of consistently uplifting historically black colleges and universities not only in his home State of South Carolina, but throughout the country.

Mr. CLYBURN. Mr. Speaker, let me thank my friend from Maryland for yielding me this time. I want to also thank the leadership of this body for scheduling this resolution for debate, and the chairman and ranking member of this subcommittee for bringing this to the floor with their support.

Mr. Speaker, the 105 HBCUs located in our Nation are monuments and testimony to the farsightedness and creative genius of those who have great faith and confidence in the promise of this great Nation. I shudder to think of where I would be today had it not been for Morris College in Sumter, my hometown. My mother and father both attended that school. I and one of my brothers attended South Carolina State in Orangeburg. Another brother and sister-in-law are products of Claflin College in Orangeburg. One of my daughters attended Benedict in Columbia and many other relatives and friends are alumni of Allen in Columbia and Voorhees in Denmark.

□ 1945

All six of these historically black colleges and universities are located in the congressional district that I am proud to represent here in this body. I believe in these institutions, and consider them to be national treasures.

In fact, Mr. Speaker, last year these institutions were collectively placed on the list of our Nation's most endangered historic sites by the National Trust of Historic Preservation. That action was a great testimony, as great a testimony as can be given, to what we ought to be doing in this body to preserve and protect these schools and their campuses.

Mr. Speaker, I hope this resolution is the beginning of renewed interest in and support for these great institutions.

Mr. CUMMINGS. Reclaiming my time, Mr. Speaker, I yield to my distinguished colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has also been at the forefront of uplifting historically black colleges and universities throughout our country, and certainly doing a great job in her own State of Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership, and I thank the chairman for joining us today and being supportive. This is a compliment to all of us in this House, Republicans and Democrats, for it is a bipartisan salute.

I thank the gentleman from South Carolina (Mr. CLYBURN), who offered this legislation to acknowledge historically black colleges.

Mr. Speaker, it is important to note that there are 105 historically black colleges and universities in the United States. It is equally important to note that we stated there are colleges and universities. It means there are institutions who have undergraduate degrees and graduate degrees.

As noted by my colleague, the gentleman from Maryland, many of our lawyers, doctors, Ph.D.s, and scientists in the African-American community have come from historically black colleges.

I am particularly proud to come from a State with a number of historically black colleges, and if I might share the history of one, Texas Southern University, located in my district, it was founded, unfortunately, in the ashes of segregation. Heman Sweatt wanted to attend the University of Texas School of Law, but my State unfortunately in the late 1940s would not allow a black man to attend the State system. Yet, the law required that he be educated, so our school or our system in Texas devised, if you will, what some thought a second-class approach.

In the basement of the law school or some of the buildings on the University of Texas, Heman Sweatt was offered a law school education. But out of his persistence and determination, Texas Southern University, originally called Texas State College, was founded.

Many of the individuals who taught at that school are heroes themselves. I would like to note my father-in-law, Doctor, or Mr. Phillip Lee, I promoted him to doctor, but he is a hero to me because he was a Tuskegee airman. He brought that kind of quality and excellence to Texas Southern University.

Mr. Biggers, John Biggers, one of the most outstanding African-American artists in this Nation, was a teacher at Texas Southern University. Both my father-in-law and John Biggers were graduates of Hampton University.

These universities are think tanks for our communities. They were the origins of some of the civil rights activism, where they promoted and encouraged young people to have self-esteem. They promoted learning and intellect and theory and thought.

Many of us know Dr. Benjamin Mays of Morehouse. We are still reading his works. So many young men who graduated from Morehouse College can attribute their own self-dignity and humanity and intellect, such as Dr. Martin Luther King, from Dr. Benjamin Mays.

These are wonderful schools, and I am delighted that those of us who are members of the Black Caucus, as well as those who are Members of this House, Republicans and Democrats, have not forgotten them.

Might I also cite Oakwood College, of which I am a member of the board, in Huntsville, Alabama. It is a religious college but it is a historically black college, organized in the Seventh Day Adventist Church. It is a college that has educated religious leaders around this Nation. It has its own great history of civil rights activism, and it is a proud citizen or a proud asset of the great State of Alabama.

Might I say that in the course of my work here in the United States Congress as a member of the Committee on Science, I have been very gratified to offer amendments to enhance our historically black colleges, along with other colleges. We have promoted the sharing of laboratory equipment, used laboratory equipment from NASA and our laboratories around the country, our research laboratories. We have provided technical assistance to the laboratories or to the schools, as well. We have encouraged the Department of Energy to look for its research partners in historically black colleges.

We must remember that they are there, and that they are American treasures. As we remember that they are there, let me join my colleagues in promoting and asking and calling on the President to issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Just as I consider myself a preservationist on history in the United States of America, let us never forget the rich and rewarding part these historically black colleges all bring to the American history story, because in fact they started when times were bad. They are now here in times that are good. We should never forget from whence we have all come.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield to my colleague, the gentleman from Illinois (Mr. DAVIS), as he again is another person who has made historically black colleges and universities a major priority of his. He has synchronized his conscience with his conduct.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me.

I, too, rise in support of this resolution to recognize this week as National Black College Week.

I also want to take the opportunity to commend and congratulate my good friend, the gentleman from Maryland, for the outstanding work that he has done, not only on behalf of black colleges and universities, but on behalf of people throughout these United States of America.

For more than 150 years, the historically black colleges and universities have played a vital role in providing students with an exceptional education. These institutions have significantly increased educational access for thousands of economically and socially disadvantaged Americans, particularly young African Americans. HBCU students have gone on to be recognized as a strong influence for the common good, both on campus and in the communities where they are located.

I know firsthand the value of historical black colleges and universities, for I, along with three of my brothers, four of my sisters, four nephews, four nieces, and I guess a host of cousins all attended a historically black college, which is now the University of Arkansas at Pine Bluff.

In fact, three members of my staff across the street all graduated from historically black colleges and universities, Morehouse, Central State, and Fiske.

Mr. Speaker, this week is definitely a good week to recognize HBCUs and their contributions to society, but it is also a good time to recognize and pinpoint some of their needs. For many years, historically black colleges and universities as a whole have made ways when there were no ways, have had to make do, wondering how they were going to make it.

As a matter of fact, I recall the President of my university from time to time calling meetings of students to talk about whether or not we were going to be able to make it through the year. He was not only an educational genius, but a most compassionate man, President Lawrence Arnett Davis. We called him Prexie.

So many of us had very little money. I never will forget going to college with $20 in my pocket on my 16th birthday, wondering how I was going to make it. How would I do it? But because of the compassion of the individuals who were there, because of their recognition of me, because of their understanding, I was obviously able to attend, to graduate, and then to move on and become a Member of the most august body perhaps on the face of this Earth, the United States Congress.

So I will always have gratitude for the important role that these institutions have played, but I will also always pledge to do everything in my power to make sure that other young people who are uncertain about their future will have the opportunity to experience the offerings of these tremendous institutions.

Mr. CUMMINGS. Reclaiming my time, Mr. Speaker, I yield to the gentleman from Illinois (Mr. RUSH), who has also been a leader with regard to issues confronting our educational system throughout our country, but particularly in Illinois.

Mr. RUSH. Mr. Speaker, I want to commend the gentleman from Maryland for his efforts on behalf of the historically black colleges. I want to commend the chairman for his untiring efforts on this particular resolution.

I also want to commend the gentleman from South Carolina, Mr. CLYBURN, for his work, for his authorship of this particular resolution.

Mr. Speaker, I rise in strong support of House Resolution 293, a resolution which expresses the sense of this House of Representatives in support of National Historically Black Colleges and Universities Week, which began on September 19, 1999.

Historically black colleges and universities, HBCUs, are post-secondary academic institutions founded before 1964 whose educational missions have historically been the education of African Americans. Located in various regions of the United States, there are now about 105 HBCUs in existence.

HBCUs consist of a mixture of community and junior colleges, 4-year colleges and universities, and both public and private institutions. HBCUs enroll less than 20 percent of African-American undergrads, but HBCUs award one-third of all bachelor degrees and a significant number of the advanced degrees earned by African Americans throughout this Nation.

Since inception, HBCUs have stood poised as a catalyst for educational opportunity for generations of African Americans. These institutions were born of the belief that post-Civil War black freedmen should become immediately educated. These 105 institutions which were created for this purpose today continue to provide quality higher education and professional nurturing to a broad mixture of diverse individuals, including people of other ethnic backgrounds and racial origins.

Today I rise to commend these institutions and their faculties, their students and their administrators, those individuals who have created this initial goal of providing quality higher education to African Americans and others.

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Mr. Speaker, I just want to relate that I am a product of Albany, Georgia. When I was in the kindergarten going to my first school in Albany, Georgia, as a 5-year-old, I always approached school with a certain awe, because located directly across the street from the grade school where I entered into kindergarten was Albany State College.

I believe that Albany State College and my experience of watching and being involved in that environment have created a foundation that have helped shape my life and have made me the person that I am today. It created in me a yearning for education. It created in me a struggle and a strive for excellence.

I know that historically black colleges throughout this Nation have provided doctors and lawyers and engineers and professionals of all types. I want to commend these institutions because I know that the reason the 1st Congressional District of Illinois is an outstanding district, the reason that it is a productive district is because, in the 1st Congressional District, we have a number of HBCU graduates from all walks of life.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, it gives me great pleasure at this juncture to yield to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON), a lady who also has put on her priority list and made a major priority the lifting up of our historically black colleges and universities.

Mrs. CLAYTON. Mr. Speaker, I want to just commend the gentleman from Maryland (Mr. CUMMINGS) in his leadership and the gentleman from South Carolina (Mr. CLYBURN) for joining him and bringing this resolution and what it means to, not only the African-American community, but what it means to America itself to be able to be institutions that give young people an opportunity that would not have had an opportunity.

A mind is a terrible thing to waste is what the college fund now says. But, indeed, just think of the minds that have been turned on and the contributions that have been made.

I am also a graduate of a small historically black university, which is a small Presbyterian school in North Carolina. But I want to speak also, not only to the uniqueness in terms of speaking to people who may not have had the resources, but also the unique opportunity that they have to bridge between the educational institution that they have to offer and the community, our land grant colleges throughout the Nation, particularly 1890 land grant colleges that make the transition between community and education, again, the valuable services they do for agriculture and for land grant and development of communities.

So the community development, economic development, providing that kind of transitional university that makes a difference in the vitality and the survivability of our communities.

So not only do they educate us as individuals, as an adult, but they reach out in the community and provide that continuous transition.

Again, I want to thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership and the vision and having the country to recognize the value that these institutions played for the United States, not only for African-Americans.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, as I conclude, I first want to thank the other side and the gentleman from California (Mr. OSE) and certainly the gentleman from Florida (Mr. SCARBOROUGH), the chairman of our Subcommittee on Civil Service, and our chairman and our ranking member of the committee.

It does make me feel good to know that this is a bipartisan effort that we have all joined together to recognize these historically black colleges and universities.

The gentlewoman from North Carolina (Mrs. CLAYTON) said something that really I think hit home, and that is that a lot of times I think when we look at these historically black colleges and universities, we look at them for the benefit that they have brought to the African-American community. But the fact is that what these institutions have done, they have produced people who have gone out to become leaders and to make our entire society a better society and to make our world a better world. So it is the epitome of what can be done when people are given opportunity.

I have often said that one does have all the genetic ability one wants to have. One can have all the will one wants to have. But if one is not given the opportunity, one is not going to go anywhere fast.

So with that, I just want to just leave one note with us as I close. Mary McLeod Bethune founded that Bethune-Cookman College in Daytona Beach, Florida. She tells about how that college was started. I will be very brief, but I think this is very significant in her own words.

She says, "I went to Daytona Beach, a beautiful little village, shaded by great oaks and giant pines. I found a shabby four-room cottage, for which the owner wanted a rental of $11 a month. My total capital was a dollar and a half, but I talked him into trusting me until the end of the month for the rest. This was in September. A friend let me stay at her home, and I plunged into the job of creating something from nothing." Something from nothing. "I spoke at churches, and the ministers let me take up collections. I buttonholed every woman who would listen to me.

"On October 3, 1904," almost 100 years ago, "I opened the doors of my school, with an enrollment of five . . . girls . . . whose parents paid me fifty cents' weekly tuition. My own child was the only boy in the school. Though I hadn't a penny left, I considered cash money as the smallest part of my resources. I had faith in a living God, faith in myself, and a desire to serve.

"We burned logs and used charred splinters as pencils, and mashed elderberries for ink. I begged strangers for a broom and a lamp." I haunted the city dump and the trash piles behind hotels, retrieving discarded kitchenware, cracked dishes, broken chairs, pieces of old lumber. Everything scoured and mended. This was part of the training to salvage, to reconstruct, to make bricks," listen to what she said, "to make bricks without straw. As parents began to gradually leave their children overnight, I had to provide sleeping accommodations. I took corn sacks for mattresses. Then I picked Spanish moss trees, dried and cured it, and used it as a substitute for mattress hair.

"The school expanded fast. In less than 2 years I had 250 pupils." She goes on to tell how she built this school almost 100 years ago.

The fact is that, since that time, many, many people have graduated from that school and gone on. Their children and their children's children have done well and have graduated. So that is the history, and that is why I guess we see so much excitement from the members of the Congressional Black Caucus and others because these schools have, indeed, played a very significant role.

I want to thank again the gentleman from California (Mr. OSE) and the other side for joining.

Mr. OSE. Mr. Speaker, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from California.

Mr. OSE. Mr. Speaker, I rise in support of the resolution strongly. I want to commend the gentleman from South Carolina (Mr. CLYBURN) and the gentleman from Maryland (Mr. CUMMINGS) for this resolution in support of national historically black colleges and universities.

I do not believe I can match the eloquence of Ms. Bethune in her recitation of her early days, but three things have struck me this evening of particular importance, and I wanted to reinforce them.

Ms. Bethune said "something from nothing." What more telling comment about the story of America than something from nothing. How apt to this evening to have that shared with us, the story of the founding of Bethune-Cookman.

The gentleman from South Carolina (Mr. CLYBURN) talked earlier about the promise of this great Nation and that the promise of this great Nation is available for all, needs to be available for all.

In the initial comments tonight of the gentleman from Maryland (Mr. CUMMINGS), he hit on what that promise is. I think the first words out of his mouth were "education is the key." It remains the key. It is the key in my family. It is the key in his. It is the key in every family across this country. Get the education. Use one's mind. Use one's talents, whatever they may be, to make something from nothing.

I am sitting here getting fired up over this, frankly. Before we wrap up, one of the speakers spoke of the contributions of these 105 historically black colleges. I went and I checked, I did a little research as to how it affects this particular body. I went through the list of sponsors of the resolution, my curiosity being: I wonder how many of them went to these black colleges.

I just want to put that in the RECORD how this forum, how this body benefits from the past efforts and future efforts of these colleges and universities. The gentlewoman from California (Ms. WATERS) has an honorary degree from a number of these universities: Bishop State, Central State, Howard, Morgan State, Spelman College. There are others here.

The gentleman from Florida (Mr. HASTINGS) graduated from Fisk University. The gentleman from Georgia (Mr. LEWIS) graduated from Fisk University. The gentlewoman from Florida (Ms. BROWN), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Florida (Mrs. MEEK) have degrees from Florida A&M University. The gentleman from Maryland (Mr. CUMMINGS) has a degree from Howard.

The gentleman from Alabama (Mr. HILLIARD), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Florida (Mrs. MEEK), the gentleman from Maryland (Mr. WYNN) and again the gentlewoman from California (Ms. WATERS) have degrees from Howard.

The gentleman from Mississippi (Mr. THOMPSON) has a degree from Jackson State University. The gentlewoman from South Carolina (Mrs. CLAYTON), she has a degree from Johnson C. Smith University. The gentleman from Georgia (Mr. BISHOP), the gentleman from Alabama (Mr. HILLIARD), and the gentleman from New York (Mr. OWENS) have degrees from Morehouse College.

The gentleman from Illinois (Mr. JACKSON), the gentleman from New York (Mr. TOWNS), and the gentlewoman from California (Ms. WATERS) have degrees from North Carolina A&T State University.

The gentlewoman from California (Ms. LEE) serves on the board of trustees for Oakwood College. The gentleman from South Carolina (Mr. CLYBURN) has a degree from South Carolina State University. The gentleman from Louisiana (Mr. JEFFERSON) has a degree from Southern University A&M College. The gentlewoman from California (Ms. WATERS), as I said, has a degree from Spelman. The father-in-law of the gentlewoman from California (Ms. LEE) has a degree from Texas Southern University.

This is what America is all about, people taking their education and giving back. We have to go no further than the walls of this forum to find the positive benefit.

I thank the gentleman and his colleague for bringing this resolution forward. Something from nothing, we ought to put that on the face of this building, because it is so apt.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, I want to thank the gentleman from California (Mr. OSE) for what he just said, because I think that it sends the word out from this place that historically black colleges and universities have, indeed, made a tremendous contribution.

As the gentleman was talking, I could not help but think about my own history with a mother and father who never got out of elementary school because they were denied the very opportunities that I was given. But I will never forget going to Howard University and being embraced by the faculty there.

We have not talked a lot about the faculty and the administrators at these schools, but I can tell my colleagues, they are some very, very special people who look at each one of these children, not as a statistic, but as someone that is like their own child. They want to make sure that their children, that their children, and they see them as their children, are raised up to be the very best that they can be. That is not to say that that does not happen at other schools. But I can speak for Howard, and I ask speak for some other historically black colleges and universities.

The fact is that the gentleman from California is right. If we look just within the four walls of this chamber and look at all of those people who have been touched over and over again by historically black colleges and universities, it says a lot.

When I dropped my daughter off at Howard University a few weeks ago as she began her freshman year as a second-generation college-attending person, I said to her one thing. I said, Jennifer, I am excited about your possibilities. I think that, when we look at historically black colleges and universities, it is exciting, and we become excited about young people's possibilities because we know that they will be embraced. We know that they will be planted in soil that is firm and fertile so that they can grow and be the best that they can be. All of it boils down to opportunity.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 293

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education;

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition; and

Whereas Senate Resolution 178 would designate the week beginning September 19, 1999, as "National Historically Black Colleges and Universities Week": Now, therefore, be it

Resolved,

That the House of Representatives—

(1) supports the goals and ideas of "National Historically Black Colleges and Universities Week"; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EPA MUST ENSURE THAT ALL STATES LIVE BY THE SAME EMISSION STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. BALDACCI) is recognized for 5 minutes.

Mr. BALDACCI. Mr. Speaker, I rise to talk about clean air, grandfathered smokestacks in the Midwest, air transport of emissions, and smog in the Northeast.

It is an especially good day to raise this issue. The summer has come to an end and the ozone levels in Maine exceeded Federal standards a dozen days this summer. This did not happen at measuring stations and traffic clogged cities.

I am talking about Port Clyde. It is a fishing village at the tip of a peninsula that juts out from the Gulf of Maine and a good 2 hours from the interstate.

I am talking about the top of Cadillac Mountain. It is the crest of Acadia National Park, and there is not a smokestack in sight. Acadia National Park has had a pollution level this year on par with Philadelphia.

This is all being created by ozone. Ozone is created in a complex chemical reaction due to smokestacks emissions in the Midwest of exempted and grandfathered coal-fired generating plants. And as it travels through the weather patterns into the Northeast, along with the sun and the heat, the combination creates ozone. So as my colleagues may know, Maine is in the downwind of every State, and therein lies the problem. States upwind of the Northeast, which may be in attainment, contribute to the ozone pollution in our region.

With the clean air amendments that were passed in 1990, Congress acknowledged the phenomenon of pollution transport and the political and scientific difficulty of the problem. A mechanism to find a workable solution was created. These tools permitted the EPA to establish the ozone transport assessment group to recommend ways to reduce ozone transport in the Northeast.

From these recommendations, EPA may issue rules requiring States to tighten ozone control to prevent the transport of ozone. These are known as the State implementation plans, or SIP. In addition, individual States may petition the EPA to force States suspected of contributing to their problem to reduce the offending emissions.

I am proud to represent a State that has been a leader in the attempt to reduce ozone pollution, which may be more commonly known as smog. It rises when emissions from power plants and cars combine with heat and sunshine. In the Northeast, we have been reducing our emissions on an average between 2.5 and 2.6 pounds of emissions per megawatt hour, whereas in the Midwest it is still in excess of 6.6 pounds.

In the Northeast, we have complied with the regulations; we have made the investments. The industries have gone ahead and done what they were supposed to have done, and have been at a competitive disadvantage, but have followed the letter of the law. All we are asking for today, and tomorrow with a dear colleague to Members here in this body, and Members in the Senate that have completed a dear colleague, and signatures to the EPA, is to enforce the regulations which they already have on the books. We are not asking for any new laws. We are not asking for any new approaches. We are simply saying to adhere to the law that is there.

EPA deserves a pat on the back for the work that they have done in bringing this issue to the forefront. They have the administrative capabilities to implement and to finish the action which they started. As a matter of fact, today in a conversation in our office with the EPA, I was told that they have promulgated regulations, which I will submit for the record, which will take effect on November 30, 1999 and will allow for a 2- or 3-month window beyond that time period before they will require the States to have a plan to reduce their emissions so that we can reduce our ozone pollution, so that we can reduce the threat to respiratory asthmatics and others with health conditions not to mention the environmental conditions of our land and our watersheds and the infecting of our crops where we see that the continued pollution is causing tremendous economic and social and health costs to all of our citizens.

This is not just within Maine or within New England. We are looking at the New Jersey shore, an industrial park in Newark; we are looking at the Indiana Dunes National Lakeshore, a popular vacation spot on Lake Michigan; we are looking at the remote Door County in Wisconsin, a popular vacation get-away in the Midwest, which has been plagued with twice as many dirty days as Milwaukee; and the Great Smoky National Park South by Atlanta.

So this is a problem that is national in scope. The EPA has the tools to do the work. My colleague, the gentleman from Maine (Mr. ALLEN), has initiated legislation, and in working towards that effort, we are going to continue to put the full focus and force on EPA to do their work.

Mr. Speaker, I am providing for the RECORD the information regarding EPA's promulgation of a rule.

The EPA expects to promulgate a final rule based on this proposal on or before November 30, 1999, when the interim stay expires. To address the possibility of any delay of this final rulemaking, however, EPA is also taking comment on an extension of the interim final stay of the April 30 NFR in the event that EPA needs more time to complete the final rule. The EPA does not expect to need to promulgate such an extension, but if it were necessary, EPA anticipates that a two- or three-month extension should suffice. Providing for a possible extension, if necessary, ensures that the automatic trigger deadlines now in place will not become effective through a lapse in the stay before EPA completes this rulemaking. Under this schedule, the 3-year compliance schedule for source subject to an affirmative finding would still be triggered in time to ensure that the intended emissions reductions are achieved by the start of the 2003 ozone season, as described in the April 30 NFR.

INTRODUCTION OF THE "FIRST" ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, almost 2 years ago, the Congressional Caucus on Women's Issues held an important hearing on the subject of brain development from birth to age 3. One witness said something that day that really hit home with me. That witness was Dr. Edward Zigler, the sterling professor of psychology at Yale University, commonly known to all of us as the father of Head Start. Dr. Zigler said that there is nothing more important to a child's development than the bonding between the infant and parents during the first few months after birth.

I remember how I felt listening to Dr. Zigler that day, because I knew how few babies get that kind of start in life. If today's children are lucky enough to have both parents living at home, chances are that both work outside the home, and it is just too hard, if not impossible, for new parents to take time off from work without pay for very long after the birth of a new baby.

I decided right then and there that I would introduce a bill to provide paid family leave to all parents. First, I met with Dr. Zigler, however, and got his support. Since then I have spent 2 years meeting with parents, meeting with parent and child advocates, meeting with doctors, researchers, business and labor representatives, and meeting with my colleagues to figure out what is the best way to provide wage replacement as well as job protection for new parents.

What I learned is that there is not one best way to meet the needs of new parents. In fact, there are many different opportunities to provide this benefit. Some States are already providing income-protected leave for new parents through their temporary disability insurance plans, such as my State, California. Several other States are looking into using a surplus in their unemployment insurance funds for this purpose. Others would like to build on the existing Family and Medical Leave Act. That is why I have introduced the Family Income to Respond to Significant Transitions Insurance, or the FIRST Act, which is a companion bill to legislation of the same name introduced by Senator DODD in the other body.

The FIRST Act gives States an opportunity to create paid family leave programs for new parents as well as paid leave for other family needs. The FIRST Act does not tell States how to provide income-protected leave, but it helps them carry out the program of their choice by authorizing $400 million to share in the cost of providing wage replacement for new parents.

Mr. Speaker, the recent tragedies in our Nation's schools and communities compel me to ask the question, "Who is taking care of our children?" We all know that during those critical first months it should be the child's parents, the child's mom and the child's dad. But families are struggling to make ends meet, and our children are getting left behind.

Sure, the Family Medical Leave Act gives parents the right to take leave when a new baby joins the family. The fact is, however, that a recent study found that nearly two-thirds of the employees who need family and medical leave do not take it because they just cannot afford to give up that income. New parents must not be forced to choose between taking care of their child financially and taking care of their child physically and emotionally. With the FIRST bill we are taking the first step, the step, to answering the question, "Who is taking care of our children?" For new babies, the answer will be, "Their parents."

GENERAL LEAVE

Mr. DIAZ-BALART. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on House Resolution 293.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SALE OF AGRICULTURAL COMMODITIES TO TERRORIST STATES IS UNACCEPTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, a number of us have prepared a letter that we will be sending tomorrow, the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations; the gentleman from New Jersey (Mr. MENENDEZ); the gentlewoman from Florida (Ms. ROS-LEHTINEN); the gentleman from Florida (Mr. WEXLER); the gentleman from Florida (Mr. DEUTSCH); and the gentleman from Florida (Mr. MCCOLLUM). We are certain many others will sign tomorrow.

We have prepared a letter, and we are sending it to the Speaker tomorrow and it reads as follows: "Dear Mr. Speaker, we are deeply concerned about a controversial section of the Senate Agriculture Appropriations Bill which would effectively reverse a quarter century's worth of steadfast resistance to terrorism. Language inserted by Senator ASHCROFT would allow the direct sale of broadly defined agricultural commodities to terrorist States which have American blood on their hands.

"We would have thought that by now Members of Congress would understand the evil of appeasement and danger of conducting business as usual with terrorist governments. Americans continue to suffer attacks by terrorists and die worldwide, yet certain Members of Congress push for trade with and financing for terrorist States. Inclusion in the conference report of this language would underscore a basic lack of commitment to fight terrorism and open the door to broader unrestricted trade with terrorist States.

"The controversial Ashcroft language is not included in the House version of the bill. However, Senate conferees have rejected earnest efforts to compromise and, in doing so, have needlessly made this section increasingly controversial and unacceptable.

"Mr. Speaker, there is more to America than the drive to make money at any cost. Profit from business with terrorist governments is blood money and is simply not acceptable."

Now, according to the State Department's overview of State-sponsored terrorism, the 1998, the latest version available, Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria are the seven governments that the U.S. Secretary of State has designated as state sponsors of international terrorism. They would be the seven states to which, if this Senate language is passed, is accepted, we could start selling to, and financing would be permitted.

According to the State Department, and I read here, "Cuba maintains close ties to other state sponsors of terrorism and leftist insurgent groups and continues to provide safe haven to a number of international terrorists.

"Iran continues to plan and conduct terrorist attacks, including the assassination of dissidents abroad. It supports a variety of groups that use terrorism to pursue their goals, including several that opposed the Middle East Peace Process, by providing varying degrees of money, training, safe haven and weapons.

"Iraq provides safe haven to terrorists and rejectionist groups, and continues its efforts to rebuild its intelligence network, which it used previously to support international terrorism. The leader of the Abu Nidal organization may have relocated to Baghdad in late 1998."

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Libya harbors suspects in the bombing of the UTA Flight 772, although French authorities agreed to try the six in absentia. Several Middle Eastern terrorist groups continue to receive support from Libya, including the PIJ and the PFLP–GC.

North Korea, though not linked definitively to any act of international terrorism in the last couple of years, continues to provide safehaven to terrorists who highjacked a Japanese airliner to North Korea.

Sudan provides safehaven to some of the world's most violent terrorist groups, including Usama Bin Ladin's al-Qaida, and the Hezbollah, the PIJ, and the ANO and HAMAS.

The Sudanese Government also refuses to comply with the United Nations Security Council demands that it hand over for trial fugitives linked to the assassination attempt against the president of Egypt.

Syria continues to provide sanctuary and support for a number of terrorist groups that seek to disrupt the Middle East peace process.

These are the states which if that Senate language remains in the Committee on Agriculture conference report, if it is included in that conference report, will be eligible for American sales and financing from the United States.

I would remind my colleagues, Mr. Speaker, that it is unreasonable, I would say naive, to assume that there will not be a cost, a political cost, as well as an ethical cost, to be paid for helping terrorists states.

The American people are not naive. The American people are not stupid. The American people are going to reject authorization of American sales and American financing to terrorist states.

I wanted tonight, Mr. Speaker, to take this opportunity to inform my colleagues and the American people through C–SPAN of the urgency of the moment so that they will get in contact immediately with their Members of Congress here in the House and tell them, reject the Ashcroft language, reject the pro-terrorism language that Senator ASHCROFT included in the Senate agricultural appropriations bill, reject the pro-terrorist state language.

The House continues to insist in that rejection. The American people need to make their opinions heard right now.

U.S.-SRI LANKA RELATIONS

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to take this opportunity to talk about the growing relations between the United States and Sri Lanka, relations that I hope will be getting more attention in the near future.

In particular, I wanted to mention the upcoming visits of two distinguished Sri Lankan officials to Washington, D.C., next week.

At the beginning of this year, I formed a new bipartisan congressional caucus on Sri Lanka in an effort to promote increased dialogue between our two countries and to be a voice in Congress for the approximately 100,000 Americans of Sri Lankan descent.

Formerly known as Ceylon, Sri Lanka is an independent island-nation. Its territory comprises one of the largest islands in the Indian Ocean, about the size of West Virginia, lying approximately 20 miles southeast of the southernmost tip of India.

This South Asian nation of about 18 million people, a democracy where both the president and the prime minister are women, continues to work to strengthen its relations both with other developing nations and with major industrial powers like the United States.

To that end, the president of Sri Lanka, Mrs. Kumaratunga, will be in the United States within the next few days, September 24 to 28, to attend an annual International Monetary Fund/World Bank meeting in her capacity as the chairwoman of the Group of 24 of the IMF.

On Sunday, September 26, the President will host a reception here in Washington. The Group of 24 comprises a cross-section of countries in Asia, Africa, and Latin America. The Group of 24 seeks to address economic growth-related issues in the developing countries and to strengthen their financial and monetary situation.

Mr. Speaker, while I welcome the president coming to Washington for these important international meetings, I would like to see Sri Lanka's Head of State return to our Nation's capital for a State visit.

Earlier this year I wrote to President Clinton asking that he formally invite the president. The last presidential visit from Sri Lanka to the U.S. was in 1984. President Clinton did respond to my letter, although he did not commit to extending such an invitation. However, as South Asia continues to assume a growing importance in U.S. foreign policy considerations, I hope and I will continue to push for a State visit.

Mr. Speaker, next week Sri Lanka's Minister of Foreign Affairs, Mr. Kadirgamar, will be making an official visit to Washington. Our Sri Lankan Caucus will be setting up a briefing with our Members and our staff with the Foreign Minister tentatively scheduled for next Thursday. I look forward to a productive meeting that will expand the dialogue between our two nations.

Mr. Speaker, bilateral U.S.-Sri Lanka relations have always been strong since Sri Lanka won its independence from British colonial rule in 1948. In addition to our growing trade relations, the U.S. and Sri Lanka have a shared stake in promoting security, stability, and democracy in South Asia. Sri Lanka continues to work to promote tolerance among the various religious and ethnic communities that make up its population. It is a country that shares many of our values, and we have many common interests that must continue to be pursued.

Mr. Speaker, I hope next week's visit by Sri Lanka's president and foreign minister will contribute to this process of closer relations with the United States, and I urge my colleagues from both sides of the aisle to join me in continuing to work for closer ties between our two countries.

GUN VIOLENCE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am here tonight again because we still have not passed legislation to add direction to the issue of gun violence in America.

Given that we have been plagued by gun violence in our schools across the country, to the most recent shootings involving Jewish children in Los Angeles and members of a Baptist church in Ft. Worth, Texas, it is clear that there is an overwhelming need for gun legislation. We have an opportunity as a body to address this issue.

The juvenile justice bills from the House and Senate which are currently in conference committee can provide the American public with the action they deserve on this critical issue.

I urge my colleagues to support my bill, which would require child safety locks on handguns, a bill which would require all sellers at gun shows, flea markets, and other weapon markets to run an instant background check on every one of their purchasers, and a bill which would close the loophole in the Brady law which would prevent felons from acquiring guns. We should also raise the handgun purchase age from 18 to 21 to effectively protect our children.

Mr. Speaker, events around the country illustrate the need for these changes in our laws to be enacted. Thirteen children under the age of 19 are killed each day because of guns. In 1996 alone, 4,643 young people were killed by firearms. Guns cause one in four deaths of teenagers age 15 to 19. Firearms are the fourth leading cause of accidental death among children ages 5 to 14.

Each year gun violence is getting worse. From 1984 to 1994, the firearms homicide rate for 15- to 18-year-olds increased over 200 percent, while the nonfirearm homicide death rate decreased 12.8 percent.

How many more shootings, Mr. Speaker, must occur before this body will take substantive action? How many more children must be slaughtered by guns before we pass laws to protect them? Is it necessary for every congressional district within each State to experience some traumatic, violent event before we act on the issue of gun violence?

Gun violence affects all Americans regardless of age, class, religion, or socio-economic status. Many countries around the world do not have the same level of gun violence as the United States. This is a problem that has a clear solution, legislation to stem the tide of violence that has plagued us as a Nation.

Mr. Speaker, in my State of California alone, the number of incidents of gun violence over the course of 10 years is unacceptable.

In Berkeley, Kenzo Dix was gunned down by a 14-year-old schoolmate when he was accidentally shot when the two were playing with a pistol. In Los Angeles, a 14-year-old boy was accidentally shot in the head and killed by a friend showing off his father's handgun. In Oceanside, 4-year-old Christopher David Holt unintentionally shot and killed himself with a .357 Magnum revolver he discovered in a concealed compartment at the head of his grandfather's bed.

Of the 5,000 children who die each year because of guns, which averages out to 13 per day, nearly 500 deaths are accidental.

My child safety lock act, Mr. Speaker, which I introduced in the 105th and 106th Congress, would have prohibited any person from transferring or selling a firearm in the United States unless it is sold with a child safety lock. This bill and other legislation currently in the conference committee will address this issue.

We must have the ability to cross party lines, Mr. Speaker, forget our political and ideological differences, and pass legislation to avoid the continued senseless bloodshed and loss of innocent lives around our country.

I urge my colleagues to support legislation which will create a safer environment for all Americans and preserve the future of our children.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, two of us will be talking on the floor and maybe others will join us later on.

Mr. Speaker, according to FEMA, the route many take to visit Disney World in Orlando, Florida, is Interstate 95, and it was designed to withstand the 500-year flood and more.

When Hurricane Floyd, with its mighty wind and its rushing waters, swept through North Carolina, it caused Interstate 95 to close. Indeed, as this photo shows, and I will pass a couple of them so my colleagues can see it, Highway 301 split in two, washed away, left impassable.

In fact, initially more than 500 roads were impassable. Railroad tracks, and I think my colleagues will see that in this, railroad tracks were broken up and rendered unusable. Bridges were closed. Helicopters or boat, transportation mediums few in North Carolina, has been the only means of travel for many throughout the hurricane impacted areas.

Mr. Speaker, Hurricane Floyd left in its wake the worst flooding in the history of the State of North Carolina. And more rain fell yesterday. The people of North Carolina need help. They need help now. It is not charity they seek but a chance, a chance to recover, a chance to restore, a chance to rebuild, a chance to put their lives back on track. It is the kind of a chance that we as Americans afford each other when tragedy of this magnitude strikes.

At least 42 persons are known dead. Many more are unaccountable for, still missing. The Tar, Neuse, Cape Fear, and Lumber Rivers are all above flood stage. Even as the 20 inches of rain that fell begins to clear, the flooding remains. Dangerous and powerful currents are flowing, sweeping citizens away, like the family of four from Pinetops, like the 18-wheelers being driven along I–95, or like the sedan pushed in the pile of water, at least 4 feet of water, in Wilson, North Carolina.

Thousands and thousands of homes remain now underwater. Trees are down. Power remains out for nearly 50,000 households. Now, that is down from the more than 1.5 million that were initially without electricity. Water and sewage systems are in disrepair. Shelters are housing thousands of citizens.

Today the FEMA director said in North Carolina there are 35,000 homes affected. More than 100,000 hogs have been lost, 2.4 million chickens, 500 turkeys killed. Disease and contamination is a real and dangerous threat, as animals' carcasses clutter the roads.

Coffins dredged up by the flooding have been seen floating in Goldsboro and Wilson. Gasoline from flooded stations is now in the water. Industrial waste is mixing with the other toxic material, creating an unsafe and unsanitary health environment.

□ 2045

Yet among all this tragedy there are bright spots. The President released more than 520 million to FEMA to address immediate needs, then visit my district last Monday, and my colleagues joined me there, the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from North Carolina (Mr. PRICE). The President's visit brought hope even to those who were hopeless, and we appreciate the effort of FEMA to provide the ready made meals ready to eat, ice, blankets, water, temporary housing, grants and loans, and emergency generators. We also appreciate the hundreds and hundreds of individuals from around this country who are on the grounds helping us out. The private sector is also responding. Red Cross has opened more than 49 shelters in our State. The Salvation Army has 31 mobile kitchens.

Yet much more, much more help and support is needed from citizens around this country and from my colleagues right here. That is why, Mr. Speaker, I intend to join with Members of Congress on a bipartisan basis from other impacted areas to try to send a legislative package for further relief for the President to sign. As a part of that package, we need to update the law so that farmers and small business persons can be treated in a way that actually help them to recover. Actually more loans may not do that because many of them will indeed not survive.

Farmers and fishermen are among those who have been hit the hardest by Hurricane Floyd. Our loss already to date we know in North Carolina exceeds more than $1.3 billion. We will, therefore, need more resources, and that will also be a part of the legislative package.

Mr. Speaker, the people of North Carolina are resilient, and we will come back from the situation, but we will need the help of all America, and, Mr. Speaker, I urge America and my colleagues that in the spirit of North Carolina to work with us, and I thank Americans who have helped and respond to us, and I urge my colleagues to be responsive to the need.

NORTH CAROLINA NEEDS THE HELP OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I thank you for this opportunity, and, as my colleague from North Carolina (Mrs. CLAYTON) has just shared with us, I want to talk for a few minutes about some of the real damage that has affected not only my district, but my State, and the truth is some of this can be said for a number of other States and communities up and down the east coast.

I have here with me this evening three charts. The first one is a chart from Wilson County. That is somewhere over 100 to 110 homes there, what we would call mobile homes or trailer homes in North Carolina and across the country. But as you can see, the early stages, all of these homes are under water in some form, and all of them, all, had to be removed and spent their time in shelters.

As bad as this looks, in some places in eastern North Carolina tonight there are thousands of citizens of our State who went into shelters on Wednesday night, one week ago, fearing the worst from Hurricane Floyd, not realizing that a week later they would be there, and fears greater than they had ever anticipated have been realized. Not only have they been in shelters with people they did not know, they are in shelters with their children and with people who, many of whom have not had an opportunity for a bath in a week, but with the help of federal and State and the good graces of individuals they have been fed, they have been provided a place to stay, and as bad as the conditions are in some places, people are scrambling to help make it better with FEMA's help. And I must, this evening, pay tribute to Director Witt who, I think he and his people have just done an outstanding job in coordinating it.

They had no idea that a week later they would have, in some cases, no home to go home to, no jobs to accept when they went back because the businesses they worked for were gone. If they happen to be farmers, their farms are under water. All the crops this year are gone because in North Carolina we had a bad drought this summer, and what crops were left are now totally under water and gone.

If they happen to have been a tobacco farmer and were able to salvage something, those tobacco barns are under water, and what little tobacco they had in those barns, they are under water. Their tractors, all their equipment and in some cases their homes, their clothing, and the only thing many of them had when they left were the clothes on their back.

It is a tough situation, and in some cases places in my district are still under water, but in places east of us are even worse. There are whole houses under water, and the water has not yet subsided a week later.

This is an additional photograph taken also in Wilson County. As you can see, this was a commercial building, but behind it was supposed to have been farm land. It looks like a lake. I cannot tell you what kind of crops were in it because they are under water.

This is a photograph of one of the towns. I traveled on Monday with the President and a number of other people from the district and Secretaries to

Tarboro and over to Pitt County where the East Carolina University is, and today they are facing the brunt of it because the tidewaters have almost reached their high point.

And for those who would think that when we talk of hurricanes they think of the coastline of North Carolina which sticks out; they were talking about the coast. I remind folks that these are areas that have never been affected by flood, some of them not for 500 years that we know of. They are above the 500-year flood plain, and they are flooded.

Most of these people do not have flood insurance because there was no reason to have it. They have lost their businesses; in some cases, their homes; and as I said earlier, every single thing that they hold dear with their memories. Fortunately for most of them, they still are alive.

We have lost a lot of life. Tonight there will be more that will lose their life before it is over with, and we will find them when the waters go down.

But there are some good stories.

On Monday, some people were on a boat checking houses; and they heard someone tapping, a noise on a roof of a house. They crawled up on the house because the boat went right up to it. They knocked a hole in the roof of the house, and out crawled 11 people.

As water started to rise and rising so fast, the people in the house went up, and they kept going up, and they finally went up in the attic, and there was nowhere else to go; and they were trapped.

So there are stories of saving lives and heroism from all the groups you could think of from firemen, to rescue squads, to FEMA, to all groups. I will not try to list them this evening, but they deserve a great deal of credit; and as the gentlewoman from North Carolina (Mrs. CLAYTON) said, the people in North Carolina are not unlike the people anywhere in America. They are tough folks. They will bounce back, but they need help.

There is a reason we call them Tar Heels. They stick to it, and they get things done. They are tough people.

But we are going to need this Congress to take action on a disaster bill before we go home. Our farmers will not be able to plant next year if they do not get help. They have lost everything. Many of our business people will not be able to continue and provide jobs, and thousands and thousands of people have lost their home and everything they have.

I call on this Congress to take the action that we would take for anyone else in America. We have responded to world crises, it is now time to respond to those of us in North Carolina.

THE HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I want to say, first of all, after listening to my colleagues from North Carolina, that the rest of us in this Chamber feel deeply about the plight of so many people in North Carolina who have suffered greatly through Hurricane Floyd and the resulting floods. No area of the country, Mr. Speaker, has been hit as hard even though people all up and down the East coast have suffered from this tragedy, and I know that I and other colleagues of mine are determined to do what we can to make sure that North Carolinians get the kind of assistance that they need and deserve after this tragedy.

We are here tonight to talk about another situation that calls for action by this Congress, and that has to do with the high cost of prescription drugs for seniors in this country. Thirty-seven percent of our seniors in America have no coverage at all for their prescription drugs. To be sure, they are on Medicare, which is a Federal health care program; they are all on Medicare. But Medicare does not provide for prescription drug coverage; and so many people are struggling, trying to figure out how to pay the electric bill or the rent or buy food and still take the drugs that their doctors tell them they have to take.

I started hearing about this issue shortly after I was elected to Congress, and whenever I talk to seniors groups I might start out talking about Medicare reform or Social Security reform, but pretty soon we wound up talking about prescription drugs because it was a daily worry for so many people who thought that when they retired they would have enough money to make ends meet. But many of them do not.

I have had people write to me and say that between themselves and their husband they have $600 a month in prescription drug expenses and they only have $1300 or $1350 in a Social Security check. The math does not work; they cannot do it. I have had women write to me and say I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am, and we cannot both afford to take our medications.

So last year when the Democratic staff on the Committee on Government Reform and Oversight came to me and said we would like to do a study for you of some kind in your district to call attention to a problem or to deal with an issue that you think needs attention, I asked them to do a study on prescription drugs, and the results were astonishing.

What we found is that for the 5 or the 10, makes no difference, for the 5 most commonly prescribed prescription drugs for seniors, seniors, on average, pay twice as much for their medications as the pharmaceutical company's best customers. The best customers are HMOs, hospital chains, and yes, the Federal Government itself.

And let us take a look before turning to some of my colleagues who are here with me tonight, let us just take a look at the chart which shows a comparison between the average retail price that older Americans pay in my First District in Maine compared to the prices that the drug companies charge their most-favored customers. Whether you pick Zocor or Norvasc or Prilosec or Procardia XL or Zoloft, in any event, when you add those up, the average price differential in my district when this was taken last year is over 100 percent. Seniors are paying twice as much for their drugs as the drug company's best customers.

A subsequent study showed that seniors in Maine pay 72 percent more than citizens in Canada for the same drugs, same amount, same quantity, and they pay 102 percent more than Mexicans do for their medications, same drug, same quantity, same quality.

That study has now been replicated in a number of areas around the country, and with me tonight are the gentleman from Texas (Mr. TURNER) who has done a lot of work on this issue, been a leader on the prescription drug issue, and the gentlewoman from Florida (Mrs. THURMAN) who has had a study done in her district and is working hard to make sure that seniors get the kind of coverage they deserve.

□ 2100

Before turning over to the gentlewoman from Florida (Mrs. THURMAN), I would say as a result of these studies we all worked together and developed legislation called the Prescription Drug Fairness for Seniors Act, H.R. 664, which has 125 cosponsors in the House. This is a bill that creates no new Federal bureaucracy. It involves virtually no expense to the Federal Government, but it puts the Federal Government on the side of seniors on Medicare; in fact, all Medicare beneficiaries.

Basically, the Federal Government would negotiate reduced prices for seniors as a block. The legislation is very simple. It allows pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government. We think this would probably lead to price reductions for seniors in their prescription medication by up to 40 percent, at virtually no cost to the Federal Government, with no new Federal bureaucracy.

This is a bill that is simple, cost-free, but the opposition is unbelievable. We will get into the opposition and the big money opposition that is trying to stop this legislation.

I would now like to yield to the gentlewoman from Florida (Mrs. THURMAN), who has been working very hard to make sure that her constituents in Florida get the benefit of the kinds of reduced prices for seniors that we know we can achieve.

Mrs. THURMAN. Mr. Speaker, I would like to thank the gentleman from Maine (Mr. ALLEN), first of all, for yielding time but also for his leadership on this piece of legislation. I think many of us would like to kick ourselves because the idea is so easy that we did not think of it before he arrived here. It is so simple in the fact that we do this in other parts of our government already. We do it in the Veterans Administration. They actually go out and use their force of being large buyers for medicine and they are out there and they are actually contracting with the pharmaceutical companies a reduced price for veterans in this country because they have so many people that they can negotiate for; no different than an insurance company does, no different than an HMO does, no different than, quite frankly, in another part of our government that is already doing this in the State of Florida, Medicaid does it. No different.

It is just these are people that are covered by an insurance that the government actually has control over.

So when the gentleman from Maine (Mr. ALLEN) brought up this issue in Maine, some of us went to the committee and said we would like to look at those same issues within our districts. So we used the same medicines. We talked with chain stores. We talked with our private pharmacists and asked them to give us some ideas of what these costs were. Basically, we had the same kind of results.

Now, something, though, that I think is so important in this issue is these are drugs that are life sustaining. These are not drugs that are something that a person does not have to have. They are not vitamins. They are not these type of things. For many people these are life-sustaining. I mean, we are talking about cholesterol. We are talking high blood pressure. We are talking heart problems. All of these issues become so passionate to these folks, and it is not just about whether they can choose between food or not. These people are also doing some damage to themselves in the fact that they might, in fact, take only a half a pill for the day or they may take their prescription three times a week instead of five times a week. So what we end up doing by not having any kind of coverage at all is we are actually promoting sickness within the most vulnerable part of our population because without them taking this medicine, they become sick; they go into the hospitals, and the next thing we know we have Medicare even picking up a higher cost for these drugs and for these seniors.

So we did the exact same thing. Mine is even different from Maine, which actually astonishes me. The same drug companies, the same folks we are trying to cover, same drugs, same companies, whole thing and we have in some cases as much as a difference for those people who in fact get to be a preferred customer, who are those folks that happen to have insurance, actually end up with ours with Zocor was like $34.80 for their preferred customer and the average price for the senior that has no coverage is $103.19. That comes out to 197 percent difference in cost.

If we look at ulcer medicine, $59.10 for preferred customers compared to $115.71; high blood pressure, $59.71 as a preferred customer to $115.41, 93 percent difference; heart problems, $68.35, average price for seniors, $129.45; depression, $115.70 compared to $216.44 for the seniors. That is 87 percent. Overall, the price differential becomes 112 percent.

The gentleman from Maine (Mr. ALLEN) referred to an issue dealing with Mexico and Canada, but before I go into that, because those numbers are just as astonishing, I think the gentleman from Texas (Mr. TURNER) has some letters and some things that actually kind of sum up a lot of how these people are feeling, and then once they find out what is happening to them by the drug companies they are saying, wait a minute, why am I not a preferred customer? I am part of the 39 million people who are on Medicare. My government should use its full faith and credit to give me the same opportunity to have my government negotiate with pharmaceutical companies just like we give the opportunity for everybody else in this country.

This is such a passionate issue.

Mr. ALLEN. It should be a matter of some passionate concern for all of us because our seniors out there are not getting by, a great many of them.

Mr. Speaker, I yield now to the gentleman from Texas (Mr. TURNER), who has been battling away on this issue since the middle of last year and has really done yeoman's work as far as making sure that the people in his district and really around the country understand the effect that these high prices are having on seniors and what we need to do about it.

Mr. TURNER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Texas.

Mr. TURNER. Mr. Speaker, I really appreciate the leadership that the gentleman from Maine (Mr. ALLEN) and the gentlewoman from Florida (Mrs. THURMAN) have given to this issue. It seems like this is an issue that continues to gain momentum.

I know we have been talking about this issue for well over a year, when we first introduced the legislation in the 105th Congress and then we came back with the gentleman from Arkansas (Mr. BERRY), reintroduced it in the 106th, and it is good to know that we now have over 125 that have joined with us. I have full confidence that that number will continue to grow because this is not an issue that is hard to explain.

The American people and our senior citizens understand full well that the price of prescription drugs are too high.

I brought with me tonight a few letters that I have just received in just the last few weeks, a continuation of mail that all of us get about this subject, particularly from our senior citizens. It is an issue that hits real close to home. In fact, the first time that we introduced this legislation in the 105th Congress I went around to pharmacies all across my district and I went there because pharmacists have understood this problem for years. They have even fought the big drug manufacturers in court, with little success, I might add, trying to end the practice of price discrimination that was exhibited on the charts by my colleagues here tonight.

I met with a lady in Orange, Texas, that I will never forget. She became the subject of a newspaper article in the Houston Chronicle. Her name is Frances Staley, a lovely lady, 84 years old and blind. She came to my little meeting there at the pharmacy because that is where she trades and she heard I was coming to town. She just came by to say how much she appreciated the efforts we were making in the Congress to try to hold down the cost of prescription drugs. She spends most of her Social Security check every month on her prescription medication. She takes 14 different medicines. She told me that she really hoped that we could pass this bill. It would mean a lot to her.

This bill is not only for Mrs. Staley. It is for people like Joe and Billie O'Leary in Silsbee, who recently wrote me about the fact that they spend more than $400 a month on prescription medications. It is about folks like Archie and Lena Davidson of Vidor who came up to me in a town meeting that I had just in the month of August. I went around to 70 of my communities and at every stop I talked about this issue. These folks knew I was coming and they brought by a computer printout of their prescription drug bill that they had incurred at their local pharmacy since January. It is just shocking to look at the expenses that they have incurred; $3,526 for both Mr. and Mrs. Davidson since the first of the year. They said they really hoped that we could pass this bill.

Another couple that wrote me recently, Charles and Louise Ashford, spend $370 every month for 7 prescription drugs. They wrote a very long letter that really said a whole lot about the importance of this issue to our senior citizens. They wrote, and I want to read a part of their letter, most of the elderly have several ailments that require several prescriptions per month. The best and latest treatments for some ailments and diseases are priced out of the range for many of us on Medicare. Some treatments are available only for those who can afford it. I have found the problem is not that the older people want free medicine. They want medicine priced reasonably so they can afford it. What good is research and finding cures for diseases if a larger part of our population cannot afford the medicine for the cure? I feel our government has failed the elderly and those in bad health in this country for not capping the price of medicine. Some of the most wealthy people in the world are those owning pharmaceutical companies. They are allowed in the U.S.A to charge whatever for their medicine. That should be medicine that should be available at a reasonable price. We all know that the same medicines are cheaper in Canada and Mexico. Many of our elderly are widows whose husbands worked when wages were much lower than now and do not get much of a retirement check or Social Security. They write, I think some of our legislators have lost touch with reality if they are not aware of the high cost of medicine.

Mrs. O'Leary said in her letter that she and her husband are rather healthy. They do not take heart medicine, stroke medicine, cancer medicine but they still spend close to $100 every month for her medications and over $300 a month for her husband's. She wrote, the people who are having to pay the high costs are the ones least able to pay. Let us be fair to all. Please, she writes, try to cap the prices pharmaceutical companies are allowed to charge. Then we can all afford to pay for our own medicine.

Listen to the closing paragraph, which I think kind of says it all from our senior citizens. She writes, our generation worked hard. We, through our taxes and our efforts, helped pay for schools, public buildings, highways, bridges and helped pave the way for those now young. In the prime of our lives we fought in the wars for this country and to keep our country free. We believe our country is big enough, with all of the resources, to provide reasonable health care and affordable medicine for all.

That is the message that this Congress needs to hear, and I really do think that it is time for more of our colleagues to join with us to address this very, very serious problem.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentlewoman from Florida.

Mrs. THURMAN. I would say to the gentleman from Texas (Mr. TURNER), to go back to the letter, that kind of goes into this segment about what has happened with the U.S. and Canada and Mexico, and I know the gentleman from Maine (Mr. ALLEN) has a scenario that actually happened in his district and then we have, again, the studies that have been done for and showing the differences between Canada, Mexico and our districts, which are, again, I think, pretty profound in the differences. Maybe just a few of them, again, use the same drugs; Canada's price for Zocor was $46.00. Mexican price was $67.00, and Florida's price was $103.00. It goes down the same way all the way through there again. It is the same thing. We are paying more. We actually pay about 81 percent difference in Florida from Canada and about 79 percent difference from Mexico.

□ 2115

So we think that is interesting.

Mr. Speaker, it just seems to me that when we talk about this issue, because we have these border States, and people are very aware of what is going on in other countries and the cost of this medicine, it even makes it more profound, and as the gentleman has seen in his own district what is going on, again, it is just another example of what these folks are feeling.

The second thing that I would point out is that when she talks about the fact that we have enough money to do this, this is exactly what the gentleman from Maine (Mr. ALLEN) said, and what we have talked about in all of our meetings of this, this is budget-neutral. If we just did this, with no cost to the Federal Government, staying within the idea that we are trying to keep our budgets balanced, we are still talking 40 percent that could be reduced for these drugs without any kind of a benefit.

Mr. TURNER. Mr. Speaker, I have always thought that that was one of the best things about this piece of legislation, because it simply asks for fairness in drug pricing. It has no cost to the Federal Government. Ms. O'Leary referred to the fact that she felt we ought to cap drug prices. Well, actually, we do not even cap drug prices in this legislation. We simply say to the big drug manufacturers, it is time to stop the kind of discriminatory pricing practices that we have exhibited through these studies.

I have had many pharmacists tell me that they are really very proud of what we are trying to do because as most of us know, particularly those of us who live in rural areas, independent pharmacists are a dying breed. Many people wonder, why is the drugstore on the corner no longer there. Well, the reason is the subject we are talking about tonight, because the big drug manufacturers have put them in a very difficult financial position by charging the wholesalers they have to buy from higher prices than the big drug manufacturers charge the big HMOs and the big hospital chains; and that price discrimination has worked to the disadvantage of any individual who shops in a local pharmacy in their hometown. Mr. Speaker, 60 percent of all prescription drugs are purchased by senior citizens, so the bottom line is those least able to pay in our society are being asked by the big drug manufacturers to pay the highest prices of anyone.

I had an e-mail from a pharmacist just a few days ago. He said, "Dear Congressman TURNER, I am pleased to see you are making efforts to address the high cost of prescription medications for our senior citizens. Being a registered pharmacist for 20 years, and having parents in the targeted age group, I am very aware of this problem."

So our pharmacists know what has been going on, and our senior citizens are beginning to understand that it is the big drug manufacturers that are causing them to pay much higher prices than they should be paying for prescription drugs.

I yield to the gentleman from Maine (Mr. Allen).

Mr. ALLEN. Mr. Speaker, I appreciate the gentleman's comments, because I think they are completely accurate in terms of how we analyze this particular problem. We have been talking about the problem tonight and what our seniors are going through, and I thought it would be worthwhile to come back to the legislation just for a moment and talk about the Prescription Drug Fair necessary for seniors act, H.R. 664.

What we have done here is outlined the principal points of this legislation. It allows pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government. That may be a price that the Federal Government negotiates through the veterans administration or through Medicaid or some other program.

In other words, what it really does is give seniors the benefit of the same discount received by hospitals, big HMOs, and the Federal Government itself. As we have said, it does not increase Federal spending, it does not establish a new Federal bureaucracy, and it would reduce prescription drug prices for Medicare beneficiaries by as much as 40 percent.

So why is not everyone on this bill? That has to do with the nature of the pharmaceutical industry, with the role of money in politics, and we will get to that. But first, I think we could agree that there is another kind of proposal out there which is also needed, and I know all of us support, and that is a prescription drug benefit under Medicare. A discount is not enough; we need a benefit under Medicare as well, because even with this discount, there will be those who still struggle to pay for their prescription drugs.

What is then interesting about the pharmaceutical industry is it opposes, it opposes the discount approach; it opposes a prescription drug benefit under Medicare unless, they say, unless Medicare is changed dramatically, unless Medicare essentially is turned over to HMOs.

Let us talk for just a moment about this chart.

We have talked about seniors who can barely afford to buy their prescription drugs, some who cannot afford to buy their prescription drugs, some who take one pill out of three or skip whole weeks entirely when they seem to be feeling relatively good. No doctor would recommend that course of treatment.

On the other side of this struggle is the pharmaceutical industry. Now, the interesting thing about the pharmaceutical industry which claims that if this legislation passed they would not be able to do research and development at the same level and seniors would be hurt and new drugs would not be developed, is that when we look at all of the industries in this country, all of them, this is the single most profitable industry in the country.

In this Fortune 500 analysis, the pharmaceutical industry is first in return on revenues, first in return on assets, first in return on equity. In other words, to simplify it, no matter how we calculate profits, this is the most profitable industry in the country, and the problem we are talking about is real simple.

The most profitable industry in the country is charging the highest prices in the world to people who can least afford it. That is why we are here; that is why the system has got to change, and that is why we are doing everything we can to make sure that it does change.

Mr. TURNER. Mr. Speaker, if the gentleman will yield, I just want to follow up on the gentleman's comment about the big drug manufacturers' opposition to having any prescription drug coverage under the Medicare program. I think it is pretty apparent to those others who have studied this issue a little while why they have such strong opposition. They know that if we ever have a prescription drug coverage under Medicare, the Government is not going to pay those exorbitantly high prices that our senior citizens are having to pay today in their local pharmacies.

So they are afraid of any suggestion that there be any coverage for prescription drugs under Medicare, and the truth of the matter is, the problem that we have addressed in this legislation could be solved by the big drug manufacturers themselves. In fact, we know that most of our senior citizens understand that even the Government gets cheaper prices than they do. The Government is a big purchaser.

We buy prescription drugs for our veterans that are prescribed for them through the Veterans' Administration health care programs, and if we could just get those kind of prices for our senior citizens, we could see prices go down 30 and 40 percent. So the big drug companies know that their pricing practices over the last few years, which have gotten worse and worse and worse in terms of the discriminatory nature of them, has been the cause of the legislation we have brought forward. If they really did what is right, they could solve the problem themselves, because they are the ones that set these discriminatory prices, which has resulted in our seniors paying the highest prices of anyone.

Mr. ALLEN. Mr. Speaker, the gentleman is absolutely right. No one here created this price structure; the industry created this price structure. They have just decided that they are going to get whatever they can out of Canadians and Mexicans and HMOs and hospitals, and then they have decided that they would set prices so that the highest prices in the world are paid by seniors, especially those seniors who do not have any coverage for their prescription drugs, and that is 37 percent of all of the seniors in the country. And there is another 8 percent with really inadequate coverage.

Mrs. THURMAN. If the gentleman would yield, that probably is going down, or that number is going up, because we have now just seen over the past couple of years the draw-out of the Medicare Plus programs, which are the HMO, Medicare programs that, in fact, had some kind of a prescription drug benefit, and many of those are being taken out of a lot of counties these days across this country. So we could potentially see that number go up.

I think we ought to talk about this when we get into this opposition. We now have the facts out; we know that they are first in every possible way we can slice it, and then what happens to us is we get these comments being made to us: well, you know, if you do this, we are going to stop research, and we are going to stop people having a longer life because we won't have the research out there for this medicine, biotech. All of these folks are giving us these scare tactics. I think if either of the gentlemen can respond to this, or I certainly can, to kind of keep this going in a dialogue here, it is amazing what we found out with what happened in 1984 and what happened again in 1990 when some of these issues were brought up.

I yield to the gentleman from Texas, Mr. TURNER.

Mr. TURNER. Mr. Speaker, our Prescription Drug Task Force that we all serve on, we had a meeting a few months ago where we had a presentation from a gentleman who had done extensive research at a respected university regarding the pricing practices in other countries, and it was interesting to note that we in the United States were the only country in the entire developed world that does not have some restraint on pricing practices of big pharmaceutical companies.

Well, that being the case, I guess it should be no surprise to us that we in the United States are paying the highest prices of anyone in the world for prescription drugs. I think there is going to come a point in time, and I think it is coming sooner than later, that the American people are going to rise up and they are going to say, we are tired of it. We are tired of subsidizing the prescription drug purchases of everybody else in the world, and we want some prescription drug fairness.

So when we are looking at the data that clearly shows us that there is price discrimination worldwide working to our disadvantage and price discrimination within our own country, that is resulting in everyone at the retail pharmacy level paying the highest prices of anyone, I think it is time to wake up and for us to do something about it.

Mr. ALLEN. Mr. Speaker, we probably should talk for a moment about the nature of the opposition and what is happening right now.

Well, several things. People have probably noticed a set of television ads running all across this country featuring Flo. Flo is a bowler, and in these ads, she is urging us all to pay attention to what is going on in the debate on this issue and making it clear, as she said, that "I don't want big Government in my medicine cabinet."

Now, if we want to know who pays for Flo, it is some group called the Citizens for Better Medicare. Well, here is one, here is a full-page ad run in a local paper here in Washington, and Flo is featured in television ads. Citizens For a Better Medicare is delivering a message, and that message is, we want the right kind of Medicare reform, and only the right kind of Medicare reform.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield, do we know who is paying for these ads?

Mr. ALLEN. We do, Mr. Speaker. Guess who is paying for them? It turns out it is the pharmaceutical industry. Is that not surprising?

What has happened is the coalition, it is called Citizens for Better Medicare, it includes the National Association of Manufacturers, the United States Chamber of Commerce, the United Seniors Association, and the National Kidney Cancer Association. The executive director of this coalition, until just recently, was working for PRMA, the Pharmaceutical Research and Manufacturers of America. That is the industry association for the pharmaceutical industry.

In this recent story, a person named Martin Corey, who works for AARP, was criticizing these advertisements and I quote what he said in this article in The New York Times.

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He said, "This phony coalition, created and financed by the pharmaceutical industry, is what we have come to expect from drug companies over the last decade. Fundamentally, they are in favor of the status quo, which leaves millions of older Americans without drug coverage."

Now, I know that the gentlewoman from Florida (Mrs. THURMAN) has some points to make, but we really need to understand the role of money in politics. What the pharmaceutical industry is doing is taking this, and this is an industry that is near the top in lobbying contributions, it is near the top in campaign contributions, both money to candidates and soft money to the national parties. Now they are running up to a $30 million national media campaign basically to make sure that no discount approach is enacted and no Medicare prescription drug benefit is enacted by this Congress. This industry wants the status quo, or, alternatively, it wants to turn over Medicare to HMOs.

I say to the gentlewoman from Florida (Mrs. THURMAN), she was just pointing out that as recently as July 1, 340,000 people in Medicare HMO plans were simply dropped by the plans because it was not economically profitable to cover them, just dropped. Millions of other Americans who were in these Medicare managed care plans are having their prescription drug benefits cut arbitrarily because the company is not making enough money, so they cut the prescription drug benefits. That is not a system that works for our seniors, and that is why we need to change it.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. I absolutely agree, Mr. Speaker. I do want to go back to this issue, because it kinds of goes along with Flo and others out there, other kinds of ads we are hearing about research.

One of the things she mentioned in the very beginning was, I could not walk without pain, but thanks to new medicines, which gives us the connotation that there are not going to be any new medicines out there.

What we have found in some of this research was that in 1984 there was a piece of legislation called the Waxman-Hatch bill that in fact the pharmaceutical companies came in and said, you cannot do this because we are going to increase the availability of generic drugs, and if you do that, we are going to have more competition between brand name drugs, and we are going to have to cut research and development.

In those years, if I remember these correctly, it went from $4.1 billion to $4.4 billion in that period of time from 1984 to 1990. Then, in 1990, we did a rebate program. In the rebate program, again the pharmaceutical companies came up and said, oh, no, you cannot do that, cannot do that. We are not going to be able to have research and development.

Since 1990, we now went from $8.4 billion to $18.9 billion. But there is some more interesting information that has to go with that, and this cannot be overlooked. First of all, in the last four appropriations in the Congress for NIH, the funding in NIH has gone up more than any other budget in this country, by 5, 6, 7 percent, because we understand and believe there needs to be an investment in research. We understand that. We are not closing our eyes to the fact that we want good research in this country.

Now, who is the recipient of this research? Who is the one who gets the contract after we give NIH the money to do the research? Pharmaceutical companies, can Members imagine? So they are actually taking some of the government money we are giving them for research and using it.

The problem is, we never get any of that money back. No, they get a patent, and in that patent we extended it for 20 years, so we cannot even have any competition for these folks. So we have a pharmaceutical company that gets part of their funding from NIH.

I happen to have a huge university in my district, the University of Florida, a teaching hospital. They are wonderful. They do great research. They have had on-the-cusp engineering research kinds of things they have done in medicine. They, too, then are helpful to the pharmaceutical companies.

So it is not like they are having to come up with this research money on their own, they are actually getting help from their government, they are getting help from their university systems, both public and private, and they reap all of the benefit, and, according to the gentleman's chart over there, all of the profits.

Then they come to us and say, oh, you cannot do any of this. We are going to keep gouging the most vulnerable people. I do not get it. I do not know why our colleagues are not on this piece of legislation, because this is just perfect kinds of stuff that prove that over and over again it becomes a spin game and who is going to win.

I do not have $30 million to do an advertising campaign. The only voice that I have is the voice that was given to me as an elected official, and that is to bring this to the floor of the House to raise the consciousness level of this country and have them understand why this issue is so important, and the unfairness of what is going on in these price activities today.

Mr. TURNER. Mr. Speaker, if the gentleman will continue to yield, I thought the gentlewoman brought up a very important point when the gentlewoman mentioned the patent law.

I find it amusing to watch these ads featuring Flo that are paid for by the big pharmaceutical manufacturers, and Flo raises her finger and she says, I do not want government in my medicine chest. Well, the truth is, as the gentlewoman pointed out, government is in her medicine chest, because the laws of the United States protect those drug companies from competition because we, under law, grant them a 17-year-patent on their medicines that they are always up here fighting to get extended. That law guarantees them a monopoly over the drug that they have done the research to create and bring to the market.

Frankly, I think that is a good law, because the purpose of the patent law is to encourage the development of new drugs, new cures, and we have seen many of them in recent years. In fact, back when the Medicare program was first put in place in the mid sixties, nobody thought about covering prescription drugs because it was a very small part of our total health care costs. But today prescription drugs are a major part of all of our health care costs, and that is why the problem we are talking about tonight is such a serious one for senior citizens, particularly those who are on fixed incomes.

I think what I would like to do, if we had the millions of dollars that the big drug manufacturers have, I would like to put my constituent that I talked about earlier, Ms. Daley from Orange, Texas, on TV. She would tell a different story than Flo. Or the lady that I read the letter from just a few minutes ago, Ms. O'Leary, I believe she could handle herself in debating Flo.

She is the one that said in her letter, "What good is research and finding cures for diseases if a large part of our population cannot afford the medicine for the cure?" I think the senior citizens of the country get it. I really never have paid a whole lot of attention to those expensive ads that featured Flo, because I think the people out there watching those ads are smarter than that.

Mrs. THURMAN. If the gentleman will continue to yield, it is not just about seniors, Mr. Speaker. When we listen to the families of the seniors that are trying to put their kids through college or trying just to make a mortgage payment or have a car, who are having to help out, they do not want their parents sick. They do not want them to go without the medicine that is needed to keep their life sustained. They want their parents to be able to enjoy their grandchildren. They want them there. It is an important part of our whole family fabric in this country.

But we are denying everybody a chance, then, through the family structure to enjoy their parents' last time in their senior years. So it goes way beyond just the seniors.

I went to an editorial board meeting, just about this. It was very interesting, because the woman I talked to said to me, she said, I had this friend. She did not take her blood pressure medicine, and I asked her why. She said, my cat had to go to the veterinarian. As we got through the end of it, I found out it was her mother. She said, why didn't you call me? I would have gotten your medicine for you? But the mother was proud, did not want to take money. She was worried about her cat, so that was the decision she made. I know that may not be the choice that everybody would make, but certainly it was for her.

So here is a daughter who is now having to help out or wants to help out, it is not even a matter of having to, and not because of those reasons, necessarily, but they all go through something like this.

Mr. ALLEN. The people that we have been talking about tonight, our constituents, are real people. Flo is a fake. Flo is a TV ad. Flo is someone, a creation of the pharmaceutical industry. Flo means big bucks, and what Flo is trying to do is persuade people in this country that they do not want any government involvement in Medicare, which is a Federal health care program, if it is going to provide either a prescription drug benefit or a discount for seniors.

The gentleman from Texas (Mr. TURNER), was saying that, after all, the government is involved in her medicine cabinet. The gentleman mentioned one way, but there are some other ways. The Food and Drug Administration in this country is there to make sure that the drugs that are sold by the pharmaceutical industry are, number one, safe, and number two, effective; that is, they work. That is what the purpose of the Food and Drug Administration is.

We all want to make sure that continues, because if this industry were simply allowed to sell any drug, regardless of whether it had been tested and was assured to be safe or whether it was going to actually work, we would all be worse off.

If Flo were a real person, she is one of a minority. She is one of the 28 percent of the people in this country who have prescription drug coverage through a retirement plan, but the rest of the population does not. Thirty-seven percent have no coverage at all. 8 percent have some coverage under a MediGap policy, but those are really pretty ineffective and not very cost-effective. Then there is 17 percent who have some sort of coverage, or used to, under Medicare managed care, but as we have seen, managed care companies that serve Medicare beneficiaries are cutting back on the benefits, they are dropping the limits, increasing the co-pay, or they are just dropping people altogether.

The bottom line, this is about money. The industry is charging the highest prices in the world to people who can least afford it. This is an industry which made $26 billion last year, $26 billion. Now they are spending millions of dollars of that money to try to persuade people in this country that we should not have a discount on prescription drugs and that we should not have a benefit under Medicare. It is an outrage.

This system has to change. It is not sustainable. What our seniors are spending on prescription drugs is going up 15 percent a year. That is one reason the industry is so profitable. Yet, the industry is simply saying no to the kinds of changes that would make sure that people get the drugs, get the prescription drugs that their doctors tell them they have to take.

Mr. TURNER. If the gentleman will yield, Mr. Speaker, the point the gentleman makes about the big drug manufacturers and the involvement they already have with government is an important one, because we are all very proud of the fact that the FDA, the Food and Drug Administration, protects the prescription drugs that we purchase every day.

I think most of us in the last analysis would support the policy of granting a patent to our big drug manufacturers to encourage them to make the necessary financial investment to come up with new drugs and cure serious diseases.

But it just seems to me that in exchange for that protection under the patent law, that the big drug manufacturers owe us at least one thing back. That is, fairness in drug pricing. I am a firm believer in the free enterprise system. I believe that government ought to stay out of the business world as much as possible, because I believe in innovation and entrepreneurship.

But the truth is the free market system that we all believe in is not working in the drug industry. The reason it is not working is apparent to anyone who looks even glancingly at the problem, because it is our patent law that the people of the United States have put on the books to encourage the drug companies to develop new, innovative drugs that gives them a monopoly.

We all understand that the free market never works when there is a monopoly. So if we are going to protect the big drug companies and allow them to make the necessary investments to come up with new cures, what they owe us back is fairness in drug pricing.

I want to make it very clear, and oftentimes our bill, people who look at it in the big drug industry, they say, oh, you are fixing prices. You are trying to control prices. There is nothing in this legislation that controls prices. It simply requires fairness in pricing. We simply say that senior citizens ought to be getting as good a deal as the best customers of the big drug companies. That is what we mean by fairness. We want an end to the discriminatory pricing practices of the big drug companies.

So I do not know how long the big drug companies want to spend millions of dollars perpetuating a discriminatory pricing scheme that is working to the disadvantage of the most vulnerable segment of our population.

But I will tell the Members this, if they persist, if they persist, there is going to be some people in this Congress who are going to look real hard at the patent protections that they are given under current laws.

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There are people who are going to start asking some serious questions about the big multimillion dollar expenditures of the big drug companies on lobbying this Congress. There are some people who are going to start asking some questions about the substantial political contributions that those pharmaceutical companies are making.

I say that the best advice that I think we can give the big drug companies tonight is to listen to the senior citizens of this country. They are tired of being taken for a ride. They want fairness in drug pricing.

The drug manufacturers themselves have it within their power, without any legislation, to correct the problem, and I hope they will start down that road. Because if they do not get there, this Congress is going to help them get there.

Mr. ALLEN. Mr. Speaker, the gentleman from Texas (Mr. TURNER) says it well, and I want to thank him for his participation tonight and for his leadership on this issue along with the gentlewoman from Florida (Mrs. THURMAN) and so many others in this Congress who are working hard on this issue.

What is striking about where we are, to me, about this legislation is that a bill that creates no Federal bureaucracy and involves no significant Federal expense and would reduce prices for prescription drugs for seniors by as much as 40 percent has not one Republican cosponsor, not one.

Now, when we try to explain that, I drafted this legislation so that it would appeal to Members on the other side of the aisle, but not one has come over to support this legislation. When my colleagues ask why, they have to look at political contributions to the parties and candidates.

The pharmaceutical industry gives overwhelmingly to Republicans rather than Democrats. It gives to Democrats as well. My colleagues have to ask themselves whether or not it is the role of big money and politics that is shaping this debate.

I believe that we cannot leave this Congress without doing something about the high cost of prescription drugs. We need to do at least two things. One is to pass H.R. 664, the Prescription Drug Fairness For Seniors Act, and one is to get a benefit, coverage for prescription drugs under Medicare.

This country is big enough and strong enough and wealthy enough to take care of those seniors particularly who are having a very difficult time affording the drugs that their doctors tell them they have to take.

We can do better as a country. We can do much better. But to do better means that we cannot let the pharmaceutical industry dictate the results. We are not going to allow Medicare to be taken over by HMOs, and we are not going to allow the pricing of prescription drugs to continue solely at the determination of the pharmaceutical industry. There needs to be some countervailing market power.

All we are saying is that, just as the Federal Government buys toilet paper and automobiles and desks and lamps and tries to get the best deal for the taxpayer, it should try to negotiate a discount for those seniors who are already on a Federal health care plan called Medicare.

If we do that, if we do that, many more seniors all across this country will be able to sleep at night knowing that they can afford both their meals and their prescription drugs and their rent, and they may just, maybe, have a chance to live out their lives the way they thought they could, the way they thought they could when they figured out how much they would have for retirement, instead of living in a world where every trip to a doctor may mean another $100 a month in a prescription drug cost that they simply cannot handle.

This system does not work. It needs to change. I believe, in this Congress, it will be changed.

Mr. Speaker, I rise today in strong support for implementing legislation to substantially reduce the exorbitant prices of prescription drugs for Medicare beneficiaries. Our current Medicare program drastically fails to offer protection against the costs of most outpatient prescription drugs. H.R. 664, the Prescription Drug Fairness for Seniors Act of 1999 aims to create an affordable prescription drug benefit program what will expand the accessibility and autonomy of all Medicare patients. This bill will protect Medicare beneficiaries from discriminatory pricing by drug manufacturers and make prescription drugs available to Medicare beneficiaries at substantially reduced prices.

Currently, Medicare offers a very limited prescription drug benefit plan for the 39 million aged and disabled persons obtaining its services. Many of these beneficiaries have to supplement their Medicare health insurance program with private or public health insurance in order to cover the astronomical costs not met by Medicare. Unfortunately, most of these plans offer very little drug cost coverage, if any at all. Therefore, Medicare patients across the U.S. are forced to pay over half of their total drug expenses out-of-pocket as compared to 34 percent paid by the population as a whole. Due to these burdensome circumstances, patients are forced to spend more of their limited resources on drugs which hampers access to adequate medication needed to successfully treat conditions for many of these individuals.

In 1995, we found that persons with supplementary prescription drug coverage used 20.3 prescriptions per year compared to 15.3 for those individuals lacking supplementary coverage. The patients without supplementary coverage were forced to compromise their health because they could not afford to pay for the additional drugs that they needed. The quality and life of these individuals continues to deteriorate while we continued to limit their access to basic health necessities. H.R. 664 will tackle this problem by allowing our patients to purchase prescription drugs at a lower price.

Why should senior citizens have to continually compromise their health by being forced to decide which prescription drugs to buy and which drugs not to take, simply because of budgetary caps that limit their access to treat the health problems they struggle with? These patients cannot afford to pay these burdensome costs. We must work together to expand Medicare by making it more competitive, efficient, and accessible to the demanding needs of patients. By investing directly in Medicare, we choose to invest in the lives, health, and future of our patients. By denying them access to affordable prescription drugs, we deny these individuals the right to a healthy life which continues to deteriorate their well-being and quality of life.

The House Committee on Government Reform conducted several studies identifying the price differential for commonly used drugs by senior citizens on Medicare and those with insurance plans. These surveys found that drug manufacturers engaged in widespread price discrimination, forcing senior citizens and other individual purchasers to pay substantially more for prescription drugs than favored customers, such as large HMOs, insurance companies, and the federal government.

According to these reports, older Americans pay exorbitant prices for commonly used drugs for high blood pressure, ulcers, heart problems, and other serious conditions. The report reveals that the price differential between favored customers and senior citizens for the cholesterol drug Zocor (Zo-Kor) is 213%; while favored customers—corporate, governmental, and institutional customers—pay $34.80 for the drug, senior citizens in my Congressional District may pay an average of $109.00 for the same medication. The study reports similar findings for four other drugs investigated in the study: Norvase (Nor-Vask) (high blood pressure): $59.71 for favored customers and $129.19 for seniors; Prilosec (Prylow-Sec) (ulcers); $59.10 for favored customers and $127.30 for seniors; Procardia (Pro-car-dia) XL (heart problems): $68.35 for favored customers and $142.21 for seniors; and Zoloft (Zo-loft) (depression): $115.70 for favored customers and $235.09 for seniors.

If Medicare is not paying for these drugs, then the patient is left to pay out-of-pocket. Numerous patients are forced to gamble with their health when they cannot afford to pay for the drugs needed to treat their conditions. Every day, these patients have to live with the fear of having to encounter major medical problems because they were denied access to prescription drugs they could not afford to pay out of their pocket. Often times, senior citizens must choose between buying food or medicine. This is wrong.

Reports studying comparisons in prescription drug prices in the United States, Canada, and Mexico reveal that Americans pay much more for prescription drugs than our neighboring countries. In 1991, the General Accounting Office (GAO) revealed that prescription drugs in the U.S. were priced at 34 percent higher than the same pharmaceutical drugs in Canada. Studies administered on comparisons between the U.S. and Mexico also reveal that drug prices in Mexico are considerably lower than in the United States. In both Canada and Mexico, the government is one of the largest payers for prescription drugs which gives them significant power to establish prices as well as influence what drugs they will pay for.

Many Medicare patients have significant health care needs. They are forced to survive on very limited resources. They are entitled to medical treatments at affordable prices. H.R. 664 will benefit millions of patients each year. This bill will address many of the problems relating to prescription drugs and will ensure that patients have adequate access to their basic health needs. Let's stop gambling with the lives of Medicare patients and support this plan to strengthen and modernize Medicare by finally making prescription drugs available to Medicare beneficiaries at substantially reduced prices. It is a matter of life or death.

SOLVING PRESCRIPTION DRUG PROBLEM IS NO ROSE GARDEN

The SPEAKER pro tempore (Mr. KINGSTON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, I have been sitting here for the last hour listening to the previous speakers and their comments about prescription drugs. I need to tell my colleagues, they brought up some very valid points.

I think that the prescription drugs in this country are priced too high, and I think there are a lot of families in this country who suffer because they cannot afford those prescription drugs. But let me say to all of my colleagues who have also joined the previous speakers and listening to them in the last hour, do not let people promise you a rose garden.

How can one possibly get the Federal Government involved in anything and then honestly look at the American people and say it is not going to have any cost. There is a tremendous cost every time the government gets involved.

Now, what happens back here in Washington, D.C., as many of my colleagues know, programs often start on the promise that the cost will be a low cost. Take a look at almost any program my colleagues want to. The space program, it is a great program, but look at how the costs have just ballooned out of sight. Look at all the different social programs, the welfare programs.

Look at Social Security. Social Security started out with good intent. It was going to cost this much, and pretty soon it was this much, and pretty soon this much, and pretty soon this much.

So the only thing that I would add to the previous speakers' conversations is, let us look at the economics. We all agree there is a prescription problem out there. In fact, I would take issue with the one gentlemen I believe from Texas who made points that perhaps it was partisan warfare on this. I do not think so. I think, on both sides of the aisle, Members recognize there is a problem out there with the cost of affording prescription drugs. But I think on the Republican side of the aisle, there is a realization that somebody has got to pay for it.

Nothing is free. We have heard that saying since we were little, tiny kids. One does not get something for nothing. That is what my mom always used to tell me. I always used to say, "Mom, here is a great bargain; or, daddy, I can get this for free." My dad and mom would always say to me, "You do not get something for nothing. Somewhere somebody has got to pay."

It is just like our social programs. Every time one gives a dollar to somebody who is not working one has got to take that dollar from somebody who is working. So as we go together as a team to take a look at what we can do for the people of this country in lowering those prescription costs, getting the FDA to approve these drugs instead of sitting on a bureaucracy, almost a bureaucratic strike before they approve these drugs, as we begin to approach these challenges, let us not forget what the consequential costs will be to the future. Are we creating a new Federal program that will very soon balloon out of sight?

We have a history. The United States Congress has a long history of starting out program after program after program with good intent after good intent after good intent, and they never, ever, ever come anywhere close in their estimations of cost at the beginning of the program versus what the actual costs are once the program gets on its feet. Never anywhere close. I mean, it is just not close.

So, again, this is not the intent of my speech tonight, but I want to say, because I thought their comments were well made, and I think some of the problems my colleagues spoke about in the last hour, they hit the nail right on the head; but let us not promise the American people a rose garden. Let us be realistic about this. Let us talk about the economics of it. Let us talk about who is going to pay the bill. We need to consider that.

CLEMENCY FOR FALN

Mr. McINNIS. Mr. Speaker, I want to visit with my colleagues this evening about a couple of things. Many of the people in my district already know that I used to be a police officer. But for my colleagues that are not familiar with it, I used to be a police officer.

I have got some experience in the field of law enforcement. I know that the best way to stop crime is to have consequences for one's crime. If one commits a wrong, one has to pay a price. There is a price to pay if one decides to take behavior that is not normal or behavior that creates bad things in our society. We all know we have to have a price. As a police officer, I saw that every day.

Well, tonight I want to talk about a couple things that just smack right in the face of trying to bring civility and trying to cut down the crime rate in our society. We all know that for many, many, many years in this country, we have suffered unfairly at the hands of terrorism. It has happened right here in these House Chambers, right here where my colleagues are sitting.

Take a look right up there. Look up there on the roof. Do my colleagues know what is up there on the roof of the U.S. House of Representatives Chambers? There is a bullet hole right up there. My colleagues can see it right here.

I will show my colleagues something else. Look, I am not tearing up the desks in here, but I want to show my colleagues something. This is drawer. Do my colleagues know what is right there. It is a bullet hole. That is a bullet hole. A bullet shot in the House chambers.

Theoretically, this should be one of the safest places in the country. This is the people's House. That is a bullet hole.

Now, how did that bullet hole get there? Puerto Rican terrorists in March 1954. Puerto Rican terrorists. They were there, right there in the galleries, and they opened fire. They wounded at least five congressmen. They wounded a number of other people. But more than that, they broke that cloak of security that we thought we had in the people's House in Washington, D.C.

We have to have consequences for those Puerto Rican terrorists that did that. We have to have consequences for the next generation that followed in that terrorism group.

Well, what happened in the last couple of weeks? Our President, President of the United States, granted clemency for a number of Puerto Rican terrorists. What do I mean by clemency? It is kind of a fancy word. He let them go. He absolved them of their sins. It is kind of like going to confession except they did not really have to confess. All they had to say is, take me on my word. I am a person that should be trusted. I will not do it again. They were let free. There will be a price to pay for letting terrorists walk free.

Tonight let us talk a little bit about that organization. What is that organization? We are going to call it the FALN, F-A-L-N. What does it stand for? It is the acronym for Armed Services of National Liberation. That is the only time I am going to say that tonight because I am going to use the initials.

FALN. The easiest way we remember it as we go through our comments is that it is a Puerto Rican separatist group. Now, they really came to light here in 1954 here, as I said. I showed my colleagues the bullet hole right here. I showed them the bullet hole in the roof of the U.S. Capitol of the House Chambers.

Well they struck again. They struck again January 24, 1975 by attacking another icon of American history: New York City. As a result of their terrorist act, the 1975 bombing of the tavern in New York City where General George Washington bid farewell to his troops in 1738, and left four dead as a result of this, they quickly became the most feared domestic terrorist group in the United States. The most feared group in the United States.

This is the same group that, in the last week, the President of this country let them go. He gave them clemency. He said, "Okay, you have been absolved. You are free to go."

I have got a lot of comments about that, a lot of comments from the law enforcement community. My colleagues know how politicians sometimes say, look, I like to listen. I listen before I make my decisions. So, logically, if I have something dealing, for example, with prescription drugs, we talk to seniors who are having problems with prescription drugs. We talk to the pharmaceutical companies who are having troubles getting approval by the FDA. We talk to the FDA. We talk to the different parties.

How many law enforcement agencies were ever visited by the administration before they let these terrorists walk? Do my colleagues know what the answer is? Zero.

I am going to give my colleagues some statistics here in just a few minutes, statistics I think will stun them as to how this decision was made and why this decision was made.

Clearly, a decision of that kind of significance is not made without some reason, without some kind of purpose. There is something behind the decision of that kind of significance. We are going to explore that here in just a few minutes.

But let us talk a little bit more about the FALN. By the way, I give credit to the USA Today. They did an excellent article. Last week, on Tuesday, September 21, if my colleagues have a copy of the USA Today, take a look at it. Excellent article on this very issue.

In their heyday, the FALN members bombed public and commercial buildings, bombed public and commercial buildings. Do my colleagues know the fear that went through this country just a couple of years ago with McVeigh in Oklahoma City or the Unibomber?

Gosh, I hope not 20 years from now that some other president steps up there and says, "We ought to pardon this fellow that bombed Oklahoma City, or we ought to pardon the Unibomber out here. You know, 20 years is a long time to serve for a bombing."

There were people killed for these bombings. There was fear put in the hearts of everybody in this country, just like all of us now have fear about truck bombs. My colleagues know what it was like when a moving van drove up by one's house 1 or 2 weeks after Oklahoma City. It instilled fear in us. It is a fear that we should not have to live with in this country. The only way, the only way that we will move from that fear is to have consequences for the actions that drive that fear.

□ 2200

Let me go back. They robbed banks. This is the FALN, this is the organization of which the administration released, absolved, gave clemency to last week. This group, in their heyday, they bombed; they robbed banks; they held up armored cars and stole dynamite from a mining company in Colorado. That is my home State. They took weapons from the National Guard Armory in Wisconsin.

Let me quote Wayman Mullins. He is the author of a source book. Here is his book. Mr. Mullins' book, a source book, the sources, he has done a lot of research, a source book on domestic and international terrorism. He says this organization, of which these, many of these members were released last week, they were dangerous, dedicated, and committed. Dangerous, dedicated and committed. As a former cop, let me say that that is a very lethal combination. A very lethal combination. The FALN was a group that got involved in a lot of things.

I think we should have some examples. I am standing up here talking about bombings and armed car robberies and talking about other acts of terrorism in major cities, New York City, which put fear in the hearts of people throughout the country. Let me give my colleagues some specific examples so they will know exactly what these people who were released from prison last week because the President let them go, we all should have an idea of what they did, of what they were involved in.

Among the FALN actions: October 26, 1974, five bombings. Five bombings in downtown New York City. More than $1 million in damage. That was in 1974.

December 11, 1974, New York police were called to an upper East Side building to collect a dead body. The building was booby trapped. A police officer was injured and lost an eye.

January 24, again the FALN, January 24, 1975, Fraunces Tavern bombed, four killed, 54 injured, more than $300,000 in damage.

June 15, 1975, two bombs detonated in the Chicago Loop area.

February 1977, Merchandise Mart in Chicago bombed, millions in damages.

August 3, 1977, Mobile Oil employment office in New York bombed. One killed, several injured.

November, 1979, two Chicago military recruiting offices and an armory bombed.

March, 1980, FALN members seized at the Carter-Mondale campaign office in Chicago and the George Bush campaign office in Chicago destroying property and spray painting separatist slogans on all the walls.

December 31, 1982, four bombs detonated in New York outside police and Federal buildings. Does this sound like a replay of Oklahoma City? Maybe Oklahoma City was modeled after some of what these people had done. Let me repeat that. Four bombs detonated in New York outside police and Federal buildings. And, remember, this is the same group that called in a report of a dead body and booby trapped the building so that these police officers, and we all know cops, we all have some in our families, some that are our friends, to walk in this building and hopefully be hurt. That is exactly what the intent was of the FALN.

Now, they had a leader, their leader was Morales, William Morales. Morales escaped from a hospital in New York and fled to Mexico. Guess what he did in Mexico. Well, he killed a cop. Shot a police officer. Guess what Mr. Morales is now doing. Mr. Morales went to Cuba. What is he doing? He just heard the news. The news has gone to Cuba that the President of the United States has issued a pardon to the terrorists of the FALN. So what has Mr. Morales now done? He has applied for a pardon. He has now asked for clemency from the President of the United States.

If anyone were to have asked me a few weeks ago what the chances were of any of these people being granted clemency, I would have said none, zero, zip. That is not going to happen. Now, I do not know. Maybe this guy in Cuba is going to get to walk away from killing the cop, from leading this organization. It is disturbing. It is really disturbing.

Let us talk about a few of the people that have just walked. Edwin Cortes, born 1955, sentenced in October 1985, 14 years ago, 35 years for conspiracy, including the bombing of military training centers. Released by order of the administration.

Elizam Escobar, born 1948, sentenced in February 1981, 18 years ago, to 60 years for firearms violations. Released by order of the administration.

Ricardo Jimenez, born 1956, sentenced in February 1981 to 90 years, to 90 years. He served 19. Ordered released under the clemency by the President last week.

Robert Maldonado-Rivera, born 1936, sentenced in June 1989 to 5 years for his role in the 1983 heist of $7.1 million. Released in 1994. But the clemency that he got forgave his $100,000 dollar fine.

They not only let these people out of jail, but if they owed a fine, which they had not paid for the damage they had done, the millions in bombings and the money they had stolen from armored cars and so on, they do not even have to pay the money back any more. Take a regular citizen in our country who owes money to a bank in default. I wonder if they get to walk away from that? No, they do not get to walk away from it. But if an individual happens to be a terrorist with the FALN, then they can get this clemency.

Let us go on, and I will pick a couple more here. Juan Segarra-Palmer, born 1950, sentenced in October 1985, 14 years ago, 55 years in prison and a $500,000 fine for conspiracy, for bank robbery, for interstate transportation of stolen money in connection with the 1983 armored car heist. He will serve 5 more years, and he gets out of the medium-security prison.

Norman Ramirez-Talavera, born 1957, sentenced in June 1989 for 5 years for a 1983 armored car heist. He was released in 1994, but the clemency just worked out forgave a $50,000 fine.

Well, we will not go through all of them. Let me pick one or two others.

Luis Rosa, born 1960, sentenced in February 1981 to 75 years for conspiracy and firearms violations.

Carmen Valentin, born 1946, sentenced in February 1981 to 90 years for conspiracy and firearms violations.

So I think we all get an idea of what we are dealing with. We have a good idea of what these people are. They are not our neighbor next door. They are not regular Joe or regular Jane down the street. These are bad people and they did bad things and they hurt a lot of people.

I do not know if any of my colleagues have been watching TV in the last couple of weeks, but maybe they have seen the widow or some of the surviving family members of those people bombed in New York City. It reminded me of Oklahoma City. And I cannot for the life of me understand how a president can pardon those people. We should make them pay the price. What kind of message are we sending out there? What kind of message do we send to our young people? What kind of message do we send to the rest of the world?

Now, some of my colleagues may ask why I am bringing up all these points; that it seems so one-sided; that there must be some logical thinking behind this. The President must have had a profound reason why he would take such a dramatic step to release these hardened criminals well before they were supposed to be released. There must be some reasoning to it.

Well, I think before we go to what I think the reasoning is, we ought to talk a little more about these convicts. One of the things that the President quickly said after he found out he had created a firestorm in this country, after he found out some people were going to say we want accountability, Mr. President. It is true that the President has the right to grant clemency. That is under the constitution. We are not contesting this right. But the President owes it to the American people to explain to the American people why he is letting these Puerto Rican terrorists go.

Well, the answer came back, because they have held up their hand and promised that they will not commit any more violence; that they have renounced violence as a part of their life. It is amazing. I used to be a cop. It is amazing how many convicts and how many people we arrest that all of a sudden will find a new life; all of a sudden they would promise me, look, I am not going to do it any more. I have changed my ways. I have changed my life. Really, to determine whether that person is sincere or not we have to do some research. It is like anything else. What are the facts? What is the research? We have to look into the person's background.

Well, it has happened on a couple of these people. They tape recorded these convicts' conversations in jail. And what was interesting was that these convicts knew, they knew their conversations were being taped, so this was not anything secret. They were not secretly disclosing their thoughts about violence. They knew they were being tape recorded and they could have cared less. They wanted people to know. And I will give an example.

Jailhouse statements of some of the FALN members. In October 1995, for example, Luis Rosa, Alicia Rodriguez, and Carlos Torres told the Chicago Tribune they have nothing to be sorry for and they have no intention of ever renouncing an armed revolution.

Another FALN member granted clemency, Ricardo Jimenez, told the judge in his case, "We are going to fight. We are going to fight. Revolutionary justice will take care of you and everybody else." Now, does that sound like the average case that a president should let out of jail?

Well, what does the FBI think about all of this? What are their thoughts? Well, first of all, guess what has happened? We in the United States Congress think, as I stated earlier, that the people deserve an explanation of why the President and the administration took this action. We do not doubt that the President has the authority, as I mentioned earlier, under the Constitution to do this, but he owes an explanation to the American people. But guess what. The White House all of a sudden grabs a paper and says executive privilege. It is executive privilege.

Executive privilege used to be used by the presidents when we had a secret we were afraid our foreign enemies would find out about, like a military secret, or a secret military mission or something with the Central Intelligence Agency that the President, to protect those secrets, would say executive privilege. What secret is to be protected here of a national threat? None. But there may be some political intent that ought to be protected. But that is what the President has done. They have said executive privilege. They do not want there to be testimony to these Federal agencies. The President does not want them to go to the United States Congress, who are elected by the people of this country, and to testify about this.

Well, the FBI was able to speak, a top FBI official, and I am quoting from the Associated Press of September 22, that is today, this is hot off the wire, this happened yesterday on the Hill, so let me read a couple of things, "Federal Bureau of Investigation. A top FBI official told Congress he regards," he regards, and, remember, he is at the very top echelon of the FBI, "he regards Puerto Rican militants, freed in a grant of clemency by President Clinton as terrorists who continue to represent a threat to the United States of America."

Here is the agency that we charge with law enforcement, the agency that we charge with the priority investigation of terrorist acts. And what do they say to the President? Well, what they say I wish they could have had the opportunity to say before he released them. I wish the President would have called them and asked them, but he did not. They say, one of the top officials says, they continue to represent a threat to the United States of America.

The article goes on: "Gallagher," that is the gentleman's name, FBI, "Gallagher's testimony marked the first time that Federal law enforcement officials have testified on the issue. Also on hand were officials from the Justice Department and the Bureau of Prisons. They were barred." They were stopped. "They were barred from answering questions about clemency because of the White House executive privilege."

Do I think they should be out on the street? I think these are criminals and that they are terrorists and that they represent a threat to the United States, says Gallagher, the top FBI officer. Let me repeat that.

□ 2215

"Do I think they should be out on the street?"

That is the question.

"I think these are criminals, and they are terrorists, and that they represent a threat to the United States."

How much clearer can that information be?

As my colleagues know, we have to rely, and we have had some problems. We will talk about Waco and some other issues. We have had some problems with our law enforcement agencies, but we have got a lot of good cops out there, and we ought to rely on them, and it is not just the FBI that said do not do it, there are a lot of law enforcement agencies out there that said:

Mr. President, do not do this. These people remain a threat to our society. They remain a direct threat to the United States of America. Listen to us.

That is what happened. Signed the paper.

Let me go further:

The FBI was one of several law enforcement organizations opposed to the clemency. Asked about the continuing threat of the FALN and its sister group in Puerto Rico, Gallagher ticked off a handful of more recent bombings in Chicago and Puerto Rico believed to have been conducted by these very organizations.

Clinton's offer of clemency has come under fire from some who have accused him of making it to boost First Lady Hillary Rodham Clinton's popularity amongst New York's 1.3 million Puerto Ricans. Mrs. Clinton is considering a bid for the Senate from New York in 2000.

Oh, finally, finally we are beginning to look at maybe there is some kind of reason, some kind of profound thought behind such a ludicrous decision to let these terrorists back out on the street.

You know what I think the average Puerto Rican in New York, and I am not Puerto Rican, I am not from New York, but you know what I think the average hard-working Puerto Rican in New York thinks about this? They probably agree.

Now I may get some calls tonight from some angry people who do not agree with me. I expect that; that is part of my job. But I think there are a lot of American citizens out there, regardless of whether they are Puerto Rican, whether they are Irish or Scottish or African American or Hispanic, and there are a lot of ordinary Americans out there that do not think this is right. They think, if you are a criminal, if you are a terrorist, you ought to be in jail, and once we get you in jail, you ought to stay in jail. At least serve out the sentences that our justice system gave to you. That is what I think the average American out there thinks regardless of their ethnic background.

We are Americans. We all want a country with low crime. We do not want to have fear every time a truck pulls up that there is a bomb in the back of it. We want to be able to go into a Federal building, we like to go into the House of Representatives, without seeing a bullet hole in the roof, without seeing a bullet in the drawer. We all think a lot alike. Do not dare try and separate us based on ethnic background. Do not dare try and say because we are Hispanic American or Puerto Rican American or Irish American or African American, but for some reason just because of ethnic background we think these terrorists ought to walk. That drive by the administration is wrong; you are going down the wrong path.

Let me talk a little more about why and quote the Wall Street Journal, Friday, August 13, same subject to understand.

Remember earlier in the speech I talked about statistics? You know, do not just take SCOTT MCINNIS' word for it. Let us take a look at what the statistics say about how many, you know, about the clemency, how many times, for example, a logical question, how many times has the President during his tenure been asked to grant clemency for prisoners? And once we know how many times he has been asked, how many times of that, how many of those, did he actually grant?

You know, we measure. A lot of times we measure a good Governor, you know, on how many pardons they give. I mean you measure people. We have to have a tool of measurement.

Well, we have been kind of blessed in this case. We have got the tools of measurement. We have a darn good measurement out there.

To understand how rare it is, this is the Wall Street Journal, how rare it is for a President to commute a sentence or offer remission of a fine as Mr. Clinton did for 16 Puerto Rican terrorists this week, consider the numbers supplied by the office of the pardoned attorney. From the time he took office in January 1993 until April 2 of this year, the most recent report from the pardon office, Mr. Clinton received the request for 3,042 petitions. He received 3,042 petitions for clemency. Until Wednesday out of that 3,042 he granted three, three of those out of 3,042 in the 7 years or so that he has been in office.

Now the Wall Street Journal, and I quote again from the Wall Street Journal, September 8, 1999, and get a hold of this: This almost makes me my gut wrench. Listen to this:

The Puerto Ricans had not even submitted a clemency request, did not even submit a request, and they got to be No. 4 out of 3,042.

Now what fell out of the blue sky for this President all of a sudden to be interested in 16 Puerto Rican terrorists who had committed bombing crimes? I remember very well the language in the speech that the President made in Oklahoma City. It was a very compassionate speech. It was a good speech. He cared. Every American cared about the tragedy that occurred in Oklahoma City. And I remember the President talking to us in his State of the Union addresses about terrorism and the need to stop it: We must not tolerate terrorism coming from that President.

What happened? What fell out of the sky?

Well, I tell you what it points to. It points to a United States Senate race in the State of New York. He has a lot of interest in that race up there.

I read to you earlier, Associated Press, Hillary Clinton 1.3 or 1.4 Puerto Ricans in New York State.

What is going on here? Are politics so driven in this country? Is the winning of elective office so demanding in this country and so important in this country that we are willing to put at risk American lives by releasing these 16 terrorists? Somebody ought to answer that question. And you know somebody has answered that question.

I want to read you their answer.

Before I read you this answer, let me read one other thing that I think is important for us to consider out of the Wall Street Journal, Friday, August 13:

Mrs. Clinton of course hopes one day to take her place in the parade alongside New York's other pols which we would say explains in a nutshell why her husband has just granted clemency to these 16 Puerto Rican terrorists against the advice of the Justice Department, the FBI and the U.S. Attorneys Office that prosecuted the terrorists back in the early 1980's. All of these law enforcement agencies were consulted several years about the wisdom of releasing these 16 people. All advised against it.

Well, let me wrap it up with a letter.

I am going to read the letter verbatim. It is a couple pages long. I know that it requires some patience for you to listen to this. I mean I have been speaking for a while here. But it is important because I think it really addresses from the heart somebody who has experience in the atrocities that these terrorists have committed, somebody who understands that terrorism must have consequences, that the people that commit, that misbehave in our society, must be punished, and there must be punishment that means something. You cannot just slap them on the hand after they rob the bank and serve a few years and let them go, especially considering there were only 3,042 requests and only three got granted.

Well, let us read that letter. Who is it from? It is from the New York City Police Commissioner, Howard Safir, and as I said, I am reading the letter verbatim.

With last Friday's release of 11 of the 14 FALN terrorists President Clinton has committed an ill-advised and egregious error. He has broken the fundamental rule in addressing terrorism. He has broken the fundamental rule in addressing terrorism. Never negotiate deals with terrorists. Never negotiate deals with terrorists.

Now obviously, Mr. Speaker, when I repeat a sentence, that is mine, it is not repeated in the letter.

Mr. Clinton has sent the message that the lives of American citizens and of the heroic police officers who defend them are disposable. As the Police Commissioner of New York City, I represent 40,200 officers and take the responsibility for the safety of 7.4 million residents. I have become all too familiar with the violence that has been perpetrated by the members of the Puerto Rican separatist group known as the FALN and the manner in which my city and my officers have suffered at the their hands.

During a 9-year reign of terror the FALN was responsible for at least 150 bombings that killed six people and injured more than 70. The brunt of their viciousness, the brunt of their viciousness, was aimed at the people of New York City who endured more than 70 attacks and accounted for four of the deaths and 57 of the injuries. What others have termed a war of liberation, New Yorkers know that to be a war against the innocent. The targets of this organization included restaurants at lunch time, hotels, banks, and department stores.

While the passage of time may have faded the memory of some, I cannot share that perspective. I have seen the devastating consequences of these destructive acts. I have spoken with several victims of the attacks and their families, people like Joseph Connor whose father, Frank T. Connor, was killed in the bombing in the Fraunces Tavern. I know too well the permanent scars that are carried, the permanent scars that are carried by Detectives Rocco Pascarella, Richard Pastorella, and Anthony Semft. During a wave of terror that saw the FALN detonate four separate explosive devices across the city in the course of a single hour, these men suffered horrific injuries. Defending New York City from these terrorists cost these heroes, cost these heroes their hands and legs and left them permanently blinded and painfully maimed. No one can commute the life sentences, no one can commute the life sentences that the FALN imposed upon its victims.

Some argue that the felons to whom Mr. Clinton offered clemency are not personally responsible for their organization's violence. I cannot agree. The crimes for which these men and women were convicted included robbery, the plotting of bombs and the possession of dangerous weapons. One of the petitioners possessed a loaded firearm and more than 10 pounds of dynamite.

In a January, 1998 letter Ronnie L. Edelman, a deputy bureau chief from the Department of Justice, acknowledged that several of the petitioners offered clemency were arrested in 1980 for their involvement in 28 bombings, and in a recent letter to this newspaper former assistant U.S. Attorney Deborah Devaney recounted her experiences with the petitioners. A former federal prosecutor in Chicago who spent years bringing criminal cases against the FALN terrorists, Ms. Devaney describes capturing several of the petitioners in a van loaded with weapons and videotaping several others making bombs that they planed to use at military installations. I must question the unusual progression of events that surround this clemency offer.

□ 2230

"Mr. Clinton's offer to the FALN members represents only his fourth clemency grant out of more than 3,000 applications filed since 1993. It was extended before any of the 16 agreed to renounce violence. The President made his offer over the objections of the Federal Bureau of Investigation, the Bureau of Prisons and the U.S. attorneys in Illinois and Connecticut, the States where the 16 were convicted.

"In my 26 years as a Justice Department official, I never heard of a clemency report being delivered to the President over the strenuous objections of these agencies."

Let me repeat that. "In my 26 years as a Justice Department official, I never heard of a clemency report being delivered to the President over the strenuous objections of these agencies. The White House has tried to defend the President's decision, in part, as a response to the urgings of church leaders. In particular, the White House has invoked the name of Cardinal John O'Connor as a staunch supporter for the petitioners' release. This is all the more perplexing given that in letters and through his top aides the cardinal has said he never backed clemency for these terrorists.

"Mr. Clinton erred grievously in failing to follow the recommendations of his own Federal agencies, the House of Representatives, the 17,500 members of the International Association of Chiefs of Police, the 295,000 members of the Fraternal Order of Police and countless others who voiced their outrage at this decision. The United States must make clear that it will never again make deals with terrorists."

That was a letter read verbatim from the New York City Police Commissioner Howard Safir.

The question that needs to be answered, of which the White House has claimed executive privilege, is why these terrorists, why three out of 3,042 petitions being granted and now we go to the fourth, and why New York State?

Mr. President, if it does not have anything to do with that U.S. Senate race in New York State, you ought to waive your executive privilege, although I do not think it exists under these particular circumstances but regardless of that argument you ought to waive it and you ought to answer the American people. You ought to go to the American people. You do not hesitate one minute to have a press conference when you are touring foreign countries. Whenever you have something to say, you go right to the microphone. You are a good speaker. You are not afraid to address the American people. Certainly you have addressed them on a number of controversial issues. You ought to address them on this one. You ought to explain, because what we see on paper, what we saw walk out of that prison cell, what we now see on the streets of America, what we fear in the hearts of every American, is terrorism that exists today, and you have not answered it and you ought to answer it.

Mr. Speaker, I ask for a time check.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Colorado (Mr. MCINNIS) has 15 minutes remaining.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair and not to the President.

Mr. MCINNIS. Mr. Speaker, I would like to submit for the RECORD a document I have dated September 21, 1999, from the Wall Street Journal.

[From the Wall Street Journal, Sept. 21, 1999]

REVISITING WACO

The siege at Waco in 1993 is the sort of complicated mess that can end up on the doorstep of any White House. But the Clinton White House seems to operate under some unique genetic map, which instinctively triggers legal corner-cutting and then coverups. Waco is starting to sound, feel and smell familiar.

We all recall how Charles La Bella, Justice's investigator of the 1996 Clinton-Gore campaign funding scandals, was isolated and ushered out of the department after he called for an independent counsel to take over his job. Precisely the same thing has happened to a Waco prosecutor.

Bill Johnston, the assistant U.S. attorney in Texas, warned Attorney General Janet Reno that her own department might be involved in a coverup of the Waco disaster. Now we learn that the Justice Department then removed Mr. Johnston and his boss from the case on the pretext that there'd be an appearance of conflict of interest if they were called as witnesses. But it hasn't treated anyone else who is likely to become a witness this way.

Obviously, the six-year delay in the release of key details of Justice's final assault on Waco is a matter of extreme sensitivity for Washington Democrats who must figure out every six weeks or so how to survive inside the Clinton orbit. While Ms. Reno made a grand show of sending U.S. marshals across the street to seize evidence from the FBI's building, it's now clear that Justice lawyers preparing its defense in a civil suit filed by the families of dead Branch Davidians had the crucial information all along.

House Democrats meanwhile, led by Rep. Henry Waxman, claim that Republicans were informed back in 1995 of the pyrotechnic devices used at Waco, but in making that point they concede that Justice had the information too. Hill Democrats are clearly sensitive about any suggestion of their own complicity in a possible coverup.

Who can forget Rep. (now Senator) Charles Schumer's highly successful attempts to sidetrack the House hearings on Waco with discussions of the National Rifle Association's contacts with Republicans and alleged child abuse by David Koresh? Mr. Schumer's smoke did more than anything else to obscure realities we're now facing.

Webster Hubbell, the convicted felon from Little Rock, was Justice's point man with the White House on the Waco siege. He also is in a sensitive frame of mind. In his recent memoirs he obviously makes excuses for his role in approving the use of dangerous CS gas against the Branch Davidians. He even claims to have come up with a "solution" to the standoff hours before the final assault began, but was blocked from entering the FBI building until after the gas rounds were fired. Sure would be nice if former Senator John Danforth could establish the truth of this claim.

What precisely is at issue here? It is clearly in the public interest to have a full and complete historical record, in part to defuse conspiracy theorists who already believe the government is out to get them. More precisely, at issue in Senator Danforth's independent probe of Waco is whether and how law enforcement overreacted. The Branch Davidians were a particularly deranged sect, and four Bureau of Alcohol, Tobacco and Firearms agents were killed in the initial raid that started the seven-week siege. But we will probably never conclusively learn who or what started the fire that killed dozens of Mr. Koresh's followers that day.

In any event, law enforcement did learn an important lesson from Waco. No similar incident has occurred during the administration of FBI Director Louis Freeh. In 1996, for instance, a group of con artists in Montana named the Freemen were safely lured out of their armed standoff with the Feds through the use of more patient tactics.

But the unfinished business of Waco persists in the public mind: Was there a coverup? Is there something beyond the death of two dozen children to explain the extreme sensitivity of the FBI, the Justice Department and congress on the issue?

It is certainly interesting that one of Mr. Danforth's primary missions is to explore the implications of the 1878 "Posse Comitatus" law. It forbids use of the U.S. military in domestic law enforcement actions. The Texas Rangers seem to have uncovered evidence that members of the Army's elite Delta Force anti-terrorist unit were at Waco. The law provides for a Presidential wavier in case of emergencies: President Reagan signed a waiver, for example, to use Army units to quell prison riots. The White House claims no one ever asked President Clinton to sign a waiver for Waco. So Mr. Danforth has to determine, was Delta Force at Waco, and if so, on whose authority? Obviously it didn't move there on its own, and breaches of the military chain of command are a serious national issue.

Mr. Danforth will need a thorough investigation and candid report to still the drums of conspiracy. A sequel to an Emmy-award winning independent film on Waco, for example, will soon question the denial that the White House counsel's office ever considered a Posse Comitatus waiver. Indeed, Mr. Danforth may find himself plowing some of the same ground covered by Kenneth Starr. Lisa Foster, widow of the late White House Deputy Counsel Vincent Foster, told the FBI that her husband was deeply troubled by Waco and blamed himself for the death of the children there. A Waco file was inventoried in the contents of his office.

Mr. Danforth says he is reluctant to question President Clinton about the issue of a Presidential waiver from Posse Comitatus. That is understandable, given the fate of the last prosecutor to ask probing questions of the President. Yet considering the sorry credibility of the White House, the Justice Department and the FBI, he has a responsibility to make sure the record is straight and complete. Otherwise, we'll all be adding Waco as one more item in the high pile of Clinton contradictions from which we're all supposed to "move on."

WACO, WILL WE EVER KNOW THE TRUTH?

Mr. MCINNIS. Mr. Speaker, I want to wrap up my comments on another issue dealing with Waco. First of all, as I mentioned earlier, some who maybe have just come into the Chamber do not know this but I have a law enforcement background. I will say, the first thing that can happen to law enforcement is a bad cop, a bad decision. I do not know any profession in our society, well, I know some. Medical doctors, ambulance drivers, firemen, but the police officer really fits up there in that very top category of a respected profession.

People trust us. They trust police officers. That trust needs to be protected and it needs to be extended.

Mr. Speaker, I am going to take a minute to talk about what concerns me on Waco, Texas. We all agree that in Waco, Texas, there was a whacko down there, there was a nut down there and he is primarily responsible for the deaths of a lot of people. He was a sick man, and he was so perverted in his mind he led many others to their deaths if he did not execute them himself.

We have to put that aside and see what happened with our Justice Department and what happened at Waco, Texas. Did our own law enforcement agencies down at that particular situation, did they lie to us, the American people? Have they concealed something down in Waco, Texas? It appears they have.

I can remember just 2 or 3 weeks ago when statements were being made by the Justice Department and others, there were no military operations going on at Waco, Texas. In this country, unless it is waived by the President of the United States, we have a ban of using military forces for domestic situations like this. The President has the right to waive it. For example, I think, if history serves my mind right, President Ford waived it to allow the military to help in rescue operations in a flood and so on. In Waco, Texas, I saw tanks being driven, others may have seen it, driven right into the side of the building. Who is driving those tanks? Nonmilitary people are driving those tanks?

What are we doing? Ruby Ridge, one of the blackest eyes law enforcement has received in the history of this country. I resent what happened at Ruby Ridge because I like to think I was a good cop and I know there are a lot of good cops out there and Ruby Ridge put a black eye on law enforcement in this country.

We had a sniper up there who the State of Idaho even felt it was necessary they file State charges against him and the U.S. Justice Department preempted it and had the charges erased. Guess where that sniper shows up again? That sniper is back in Waco, Texas.

How did the law enforcement handle that? That is a question all of us ask. There is no question about whether or not the guy inside that building was a nut. He was a nut. The question is, how did you handle this? The response, it looks like, was a cover-up, a diversion and lies. That does not need to be done to the people you work for. In law enforcement, you work for the people. We are the good guys. You ought to be truthful with us. If you have got a bad cop, and I will say as a former cop if you are working with a bad cop you can stop it. You ought to stop it. You owe it to your career to stop it. You owe it to the very thoughts of law enforcement, to the ideals of law enforcement, to stop a bad cop. If you are out there and you are a cop or you are in the Justice Department or you are in the FBI and you know something that went on at Waco, Texas, and it has not been disclosed yet or it has been concealed, come forward now and let the American people know the whole story.

I have no doubt that the American people would have supported what happened down there had the whole story been told in the first place. They do not think that you are God. They do not think that you are perfect. They understand that there were problems in a very difficult situation, but do not lie to them. That is what happened.

We have an investigation by the Justice Department. Interesting, Justice Department investigating Justice Department. They call it an independent investigation. We have had a number of other independent investigations that have occurred in different areas. I hope it is truly independent, and I hope the Justice Department is willing to stand up and answer for what went on down there.

I want to submit one other thing for the RECORD. Having the time, I want to read this editorial, Tuesday, September 7, Wall Street Journal: "This being the age of Clinton, Louis Freeh is being set up as the fall guy for a cover-up of the disastrous Waco assault. Never mind that he did not take over the FBI until nearly 4 months after the assault and crucial decisions on how to investigate it. What matters is that he has been a politically independent thorn in the side of Mr. Clinton and Attorney General Janet Reno.

"Miss Reno originally became a media darling by claiming to take responsibility for the 1993 raid that killed about 80 Branch Davidians. In fact, double felon Webster Hubbell was the contact between Justice and the White House; Miss Reno was not even in Justice's crisis-management bunker during much of the assault day; she was out giving a speech.

"Now, a civil lawsuit has uncovered evidence of Justice Department deception, so we read stories quoting unnamed Reno aides that she is 'furious' that she was not told that at least two incendiary devices were used at Waco after all. Other stories question Mr. Freeh's handling of the matter. And in case anyone missed the buck-passing point, the Attorney General ostentatiously sent U.S. marshals to seize previously undisclosed audiotapes of the raid from FBI headquarters.

"President Clinton then added his spin, pointedly expressing confidence in Miss Reno on Saturday from Camp David while withholding it from Mr. Freeh. 'I think that with regard to the director, there is going to be an independent investigation,' he said.

"Maybe they should put Mr. Freeh's mugshot up at the post office.

"We have seen this kind of treatment before in Bill Clinton's Washington. Billy Dale got himself fired when the Friends of Bill wanted to take over the White House Travel Office, and was even indicted by Miss Reno's Justice hounds, though a jury quickly acquitted him.

"Linda Tripp found her personnel records leaked from the Pentagon. And Jean Lewis, who recommended action in Whitewater, had her deleted personal computer files unerased and broadcast in Congress.

"Mr. Freeh has now joined the target list because he has been a rare dissenter from the Reno pattern of politicized Justice. Along with Justice investigator Charles LaBella, he broke with Miss Reno to urge an independent counsel in the campaign-finance scandal.

"Congress recently discovered that Justice politicos had refused an FBI request to wiretape suspected Los Alamos spy Wen Ho Lee. And he knows the FBI opposed Mr. Clinton's outrageous recent grant of clemency to 16 Puerto Rican nationalists linked to a terrorist group.

"This is not to say Mr. Freeh has been entirely successful in rooting out the FBI's self-protective culture. The agency's lack of candor regarding its role at Ruby Ridge, Idaho, was a serious black mark. It is entirely possible that agents also sought to cover up the truth about Waco. But anyone actually concerned about the merits of the matter should consult two articles we published last week by officially-designated outside investigators.

"It was Miss Reno, actually we are entitled to presume Mr. Hubbell, who decided on an internal investigation of the role of Justice and the FBI. By contrast, Treasury Secretary Lloyd Bentsen chartered an independent investigation of the role played by his department through the Bureau of Alcohol, Tobacco and Firearms. See the August 30 article by sometimes special Prosecutor Henry Ruth who served on the ATF team.

"When Mr. Freeh arrived on the scene, was he supposed to overturn the Reno/Hubbell decision?

"At the first meeting of a panel of 10 experts appointed to make recommendations about future Wacos, Harvard psychiatrist Alan A. Stone wrote on August 31, 'We discovered that Justice had no intention of telling us what actually happened during the first raid.'

"Mr. Stone adds, 'because the Justice Department's published investigation was so inadequate, I sent a copy of my preliminary memorandum to the newly-appointed director of the FBI, Louis B. Freeh, hoping to break through the stonewall. Soon the crucial FBI actors were phoning me with some of the candid answers.'

"A House committee also sought to investigate, but Democrats, led by now Senator CHUCK SCHUMER, practiced up for impeachment hearings by turning the procedure into a circus. As the hearings wound up, Representative JOHN CONYERS said Republicans tried to implicate everyone 'but the butler.' Mr. SCHUMER complained of 'Monday morning quarterbacking,' and intoned 'if we did hearings on D-Day, we would end up court-martialing General Eisenhower.'

"As for Miss Reno, on Waco as on so much else, she has run the most politicized Justice Department since John Mitchell under Richard Nixon. She has sought to protect the White House at every turn, especially after meeting with the President on her reappointment at the outset of his second term. She has named special counsels for trivial cases against cabinet members but refused them on serious charges against the President and the vice president, despite the LaBella and Freeh recommendation.

"Indeed, she humilitated Mr. LaBella, sending her department a potent message about dissent from the Clinton political line. Now she is trying to do the same with Mr. Freeh. Meanwhile, she has flagrantly violated the Vacancy Act by leaving important positions filled with 'acting heads.'

"The result is a demoralized Justice Department that cannot be trusted to enforce the rule of law."

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"This problem will not be solved by an outside Waco investigator, assuming any serious person would even take the appointment from her. The only way Ms. Reno can begin restoring confidence in justice is to resign."

That is a Wall Street Journal editorial dated Tuesday, September 7.

My point here is this: it is time for us to weed out the bad cops. In our society, we want good cops. I used to be one of them. We respect them. But if we have a bad cop, we have to stand up; we have an obligation, we have a fiduciary duty to the American people, if we have a bad cop, get them out.

TAX RELIEF FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I thank the Speaker pro tempore, the gentleman from Georgia (Mr. KINGSTON), and I thank my colleague from Colorado for the comments that he made earlier this evening, and I welcome my colleague from Colorado to the House Committee on Ways and Means.

Mr. Speaker, I would note for our dedicated staff and those who join us tonight that I do not intend on taking much time; however, I thought it was important to come down and offer a perspective, based on the labors of my colleague from Colorado and others who serve on the House Committee on Ways and Means and, indeed, the work of this body and the other body, in attempting to restore to the American people tax relief and tax fairness.

Mr. Speaker, much has been made in the media from the punditocracy about how our President stands foursquare against tax relief for the American people, how he is poised to reject almost $800 billion in tax relief, and I think a couple of points are worth noting.

First of all, we should reaffirm in this place at this time that the money we are talking about does not belong to the United States Government, is not locked away in some secret account in some Federal vault; the revenue which runs this government, the money utilized to operate this Federal Government comes from the people, Mr. Speaker. And, by flourishing a veto pen, Mr. Speaker, the President of the United States, in essence, is once again adding to the tax burden of the American people; over the next 10 years, adding almost $1 trillion in taxes. To be technical about it, in excess of $790 billion in taxes, taxes that this body and the other body reduced; taxes that would have provided full deductibility of health insurance for small business, that would have put an end over the next 10 years to the death tax, that would have cut taxes across the board some 1 percent, that would have reduced the capital gains rate because Americans should not be punished for investing and succeeding.

We also note, Mr. Speaker, that in the news today, even as we discuss the domestic concerns that we have, there are international concerns as well. News comes from the other body of a General Accounting Office report showing that our President, Mr. Speaker, in three trips alone, has spent in excess of $70 million. Indeed, Mr. Speaker, one trip to the continent of Africa cost the American people some $40 million with staff attendance numbering in excess of 1,000, and with the money, Mr. Speaker, coming from accounts belonging to the Defense Department.

Here is the grand paradox: At a time when we are threatened with returning to the days of the hollow force which has haunted the Clinton administration and this Nation some 20 years ago, this administration is using money that could go to help our men and women in uniform for the arrival of Air Force One on another continent and for the ruffles and flourishes, in addition to the customary security, which no one would deny our Commander in Chief. But it seems to me, Mr. Speaker, to be once again a dereliction of duty and indeed, sadly, so often has this been the case, in recent weeks, the clemency granted to over one dozen Puerto Rican terrorists who were luke warm in their denunciation of violence, to the curious conduct in an election year with funds supplied by Communist China, and the curious transfer of technology by American firms to the People's Republic of China, to reports last week of, Mr. Speaker, what can only be called appeasement of the outlaw Nation of North Korea. Indeed, characterized by some in the press, and I hesitate to use the term, for it is strong, but I believe it is accurate, that this great Nation, our great Nation may have succumbed to nuclear blackmail.

Then we go down the list. The pilfering of 900 FBI files of political opponents; the sacking of dedicated civil servants at the White House Travel Office, and the despair and tragedy that met American citizens six years ago in Waco, Texas. It reaches a point, Mr. Speaker, when the American people say, is there no end? Is there no justice? Is there, in fact, a case to be made for one who would willingly commit perjury and obstruction of justice? For if one is derelict in small things, what happens when the greater questions arise? What happens with the greater questions of national security? What happens with the stewardship of the hard-earned dollars of the American men and women who offer their funds, freely and voluntarily, through taxation?

We believe, Mr. Speaker, in our common sense majority that there are four goals that confront us. One is to bolster and strengthen our national security. We have done so in this chamber by working, at long last, after a six-year absence, to regain the technological edge in terms of a missile defense system for this country, concurrently increasing salaries for our military personnel. We have also moved, Mr. Speaker, even as we try to improve the lot in life for those men and women in uniform, we also recognize that a national priority should be education. But, even as it is a national priority, Mr. Speaker, it remains a local concern. And, we in this common sense conservative majority in this chamber have passed two bills that reflect that. One has been nicknamed Ed Flex, educational flexibility in terms of block granting a piece of legislation endorsed by all 50 of the Nation's governors, whether they were Republican or Democrat, to provide flexibility at the State level and ultimately at the local level, so that we can return power to the people who are duly elected to local school boards, and more importantly, Mr. Speaker, to teachers who seek to educate those young people in their classrooms, in their individual communities day in and day out.

Secondly, Mr. Speaker, I was honored that our new Education Land Grant Act passed this House by unanimous vote, a procedure calling on the great work done by those who have gone before. Justice Smith Morrell of Vermont, to be specific, with the Morrell Land Grant Act of the 1860s, where we update that to apply that to public and secondary school for a conveyance procedure, a uniform procedure for the conveyance of Federal land, nonenvironmental sensitive Federal land, for the construction of new educational facilities. Again, a tool to empower local communities because we understand ultimately that people on the front lines at home understand how best to educate our children instead of the theories and the spending programs exercised by Washington bureaucrats. So those are two of our priorities.

The third, of course, is to strengthen Social Security and Medicare. I look to the work done by my colleagues on the Committee on Ways and Means, the chairman, the gentleman from Texas (Mr. ARCHER); the Subcommittee on Social Security chairman, the gentleman from Florida (Mr. SHAW), trying to work out a plan that will not only save Social Security for today's retirees, but for baby boomers who will age into that category, and more importantly, for the generations yet to come, generations who grow more skeptical about that program as years pass, and to put the emphasis on personalization of accounts, so that future retirees can have some discretion and some personalization of the way in which they would spend their pension funds.

We also will work on the Committee on Ways and Means of course to strengthen Medicare as we again seek to maximize choice and to offer prescription drugs to the truly needy among the elderly, rather than a government handout, characterized by one of my constituents as an effort to raise her Social Security premiums to pay prescription drug benefits for the likes of Ross Perot.

Finally, Mr. Speaker, we return to the topic that I mentioned at the outset and that is tax relief and tax fairness for all Americans. Again, make no mistake. With a veto of the tax bill, the President of the United States has, in essence, increased taxes on the American people in excess of $700 billion, close to $800 billion. I think it amounts to a $1 trillion mistake. But ultimately, Mr. Speaker, the American people will be the judge. We will continue to work in this chamber in a constructive way to defend the rights of Americans and to embrace the notion that the American people work hard for the money they earn, and that they should keep more of it and send less of it here to Washington.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. ARMEY) for today and the balance of the week on account of the death of his father.

Mr. DICKEY (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BALDACCI, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, September 23.

Mr. BURTON of Indiana, for 5 minutes, September 29.

Mr. DIAZ-BALART, for 5 minutes, today and September 23.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On September 21, 1999:

H.R. 1905. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2490. Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

On September 22, 1999:

H.R. 2587. Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Thursday, September 23, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4350. A letter from the Administrator, Agricultural Marketing Service, Department of

Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate [Docket No. FV99–924–1 FR] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4351. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order [DA–99–06] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4352. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Increased Assessment Rate [Docket No. FV99–948–1 FR] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4353. A communication from the President of the United States, transmitting his requests for FY 2000 budget amendments for the Departments of Commerce, Defense, Energy, State, and the Treasury, the General Services Administration, International Assistance Programs, the National Science Foundation, and the Office of Personnel Management, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106–129); to the Committee on Appropriations and ordered to be printed.

4354. A communication from the President of the United States, transmitting a request for resources to be used to fund construction projects in Europe; (H. Doc. No. 106–128); to the Committee on Appropriations and ordered to be printed.

4355. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7719] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4356. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—WIC Farmers' Market Nutrition Program: Legislative Changes From the William F. Goodling Child Nutrition Reauthorization Act of 1998 (RIN: 0584–AC80) received August 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4357. A letter from the Assistant General Counsel, Office of the Chief Financial Officer, Department of Education, transmitting the Department's final rule—Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; Direct Grant Programs; State Administered Programs; Definitions that Apply to Department Regulations; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; Protection of Human Subjects; Student Rights in Research, Experimental Programs and Testing; Family Educational Rights and Privacy—Received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4358. A letter from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement Act [CC Docket No. 97–213] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4359. A letter from the Associate Division Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement Act [CC Docket No. 97–213] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4360. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (St. Anne and Beaverville, Illinois) [MM Docket No. 98–64; RM–9272; RM–9358] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4361. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cedar Key, Florida) [MM Docket No. 99–72; RM–9323] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4362. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Broadcast Television National Ownership Rules; Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules [MM Docket No. 96–222, MM Docket No. 91–221, MM Docket No. 87–8]—received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4363. A letter from the Assistant Bureau Chief, Management, Federal Communications Commission, transmitting the Commission's final rule—International Settlement Rates Report and Order on Reconsideration and Order Lifting Stay [IB Docket No. 96–261, FCC 99–124] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4364. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (La Jara, Colorado; Westcliffe, Colorado; Carmel Valley, California; Nanakuli, Hawaii; Wahiawa, Hawaii; Hanapepe, Hawaii; Holualoa, Hawaii; Honokaa, Hawaii; Kihei, Hawaii; Kurtistown, Hawaii [MM Docket No. 99–106; RM–9509; MM Docket No. 99–110; RM–9513; MM Docket No. 99–171; RM–9574; MM Docket No. 99–172; RM–9575; MM Docket No. 99–173; RM–9576; MM Docket No. 99–175; RM–9578; MM Docket No. 99–176; RM–9579; MM Docket No. 99–177; RM–9580; MM Docket No. 99–178; RM–9581; MM Docket No. 99–179; RM–9582] Received September 7, 1999, pursuant to 5 to the Committee on Commerce.

4365. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Absence and Leave; Use of Restored Annual Leave (RIN: 3206–AI71) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4366. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Remove the American Peregrine Falcon from the Federal List of Endangered and Threatened Wildlife, and to Remove the Similarity of Appearance Provision for Free-Flying Peregrines in the Conterminous United States (RIN: 1018–AF04) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4367. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 990513131–9153–02; I.D. 051299B] (RIN: 0648–AM69) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4368. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 990513131–9131–01; I.D. 051299B] (RIN: 0648–AM69) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4369. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Catch Reporting [Docket No. 990618163–9163–01; I.D. 052799D] (RIN: 0648–AM81) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4370. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Atlantic Bluefin Tuna 1999 Quota and Effort Control Specifications [Docket No. 990217050–9147–02; I.D. 010799A] (RIN: 0648–AM27) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4371. A letter from the Acting Director, Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule—Final Policy on the National Wildlife Refuge System and Compensatory Mitigation under the Section 10/404 Program [1018–AF64] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4372. A letter from the Associate Chief Counsel, FHA, Department of Transportation, transmitting the Department's final rule—Commercial Driver Disqualification Provision [FHWA Docket No. FHWA–97–3103] (RIN: 2125–AE28) received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the legal description of the Class E Airspace; Cincinnati, OH [Airspace Docket No. 99–AGL–32] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay [CGD01–99–094] (RIN: 2115–AA97) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, NY [CGD01–99–153] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the

Department's final rule—Revocation of Class E Airspace, Lafayette, Aretz Airport, IN [Airspace Docket No. 99-AGL-36] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and Class E Airspace; Terre Haute, IN [Airspace Docket No. 99-AGL-35] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Escanaba, MI [Airspace Docket No. 99-AGL-34] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400, 757-200, 767-200 and 767-300 Series Airplanes [Docket No. 99-NM-111-AD; Amendment 39-11282; AD 99-18-16] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Establishment of a Balanced Measurement System [TD 8830] (RIN: 1545-AW80) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4381. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Relief Relating to Application of Nondiscrimination Rules for Certain Governmental Plans [Notice 99-40] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4382. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Marginal Production Rates [Notice 99-46] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4383. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to establish the basis for reimbursement for services provided by Working Capital Fund activities for USDA and other Federal entities, and for the recovery of all costs for service provided to any entity; to ensure adequate capitalization of the Fund; and to establish appropriate levels of operating reserves for the Fund; jointly to the Committees on Agriculture and Government Reform.

4384. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to permit the payment of medical expenses incurred by the U.S. Park Police in the performance of duty to be made directly by the National Park Service; jointly to the Committees on Resources and Government Reform.

4385. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to provide a temporary authority for the use of voluntary separation incentives to assist the U.S. Small Business Administration in transitioning its workforce; jointly to the Committees on Small Business and Government Reform.

4386. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1977 to restore food stamp eligibility to certain elderly aliens residing in the U.S. on August 22, 1996; jointly to the Committees on Ways and Means and Agriculture.

4387. A letter from the Acting Deputy General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to improve the operation of the United States Mint as a Performance Based Organization in the Department of the Treasury; jointly to the Committees on Banking and Financial Services, Government Reform, and the Judiciary.

4388. A letter from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation to restore Supplemental Security Income and related Medicaid benefits to certain disabled immigrants who lawfully enter the United States after August 22, 1986; jointly to the Committees on Ways and Means, the Judiciary, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COMBEST: Committee on Agriculture. Supplemental report on H.R. 2559. A bill to amend the Federal Crop Insurance Act of strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes (Rept. 106-300 Pt. 2).

Mr. GOSS: Committee on Rules. House Resolution 299. Resolution providing for consideration of the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research (Rept. 106-328). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself, Mr. Camp, Mr. Delahunt, Mr. Gejdenson, Mr. Bliley, Mr. Oberstar, Mr. Smith of New Jersey, Mr. Pomeroy, Mr. McGovern, Mr. Barrett of Wisconsin, Mr. English, Mr. Farr of California, Mr. Horn, Mr. Forbes, Mr. Ramstad, Mrs. Mink of Hawaii, Mrs. Johnson of Connecticut, Mr. Capuano, Mr. Frost, Mr. Porter, Mr. Barcia, Mr. Burton of Indiana, Mr. Underwood, Mr. Cooksey, Mr. Hastings of Florida, Mr. Barrett of Nebraska, Mr. Smith of Texas, Ms. Ros-Lehtinen, Mr. Greenwood, Mr. Ackerman, Mr. Berman, Mr. Davis of Florida, Mr. Stupak, Mr. Cardin, Ms. Eshoo, Mr. Lantos, and Mr. Blumenauer):

H.R. 2909. A bill to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Duncan, and Mr. Lipinski):

H.R. 2910. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes: to the Committee on Transportation and Infrastructure.

By Mr. BERRY (for himself, Mr. Ford, Mr. Gephardt, Mr. Tanner, Mr. Snyder, Mr. Thompson of Mississippi, Mr. John, Mr. Costello, Mr. Jefferson, Mr. Hutchinson, Mr. Dickey, and Mr. Cooksey):

H.R. 2911. A bill to provide economic development assistance and the planning and coordination needed to assist in development of the lower Mississippi Delta region; to the Committee on Banking and Financial Services.

By Mr. BARRETT of Wisconsin:

H.R. 2912. A bill to amend title XIX of the Social Security Act to eliminate the termination of additional Federal payments to States under the Medicaid Program for administrative costs related to certain outreach and eligibility determinations; to the Committee on Commerce.

By Ms. HOOLEY of Oregon:

H.R. 2913. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize grants to provide juvenile accountability coordinators to take a comprehensive approach to holding first- and second-time nonviolent juvenile offenders accountable for their actions; to the Committee on Education and the Workforce.

By Mr. MEEHAN (for himself and Mr. Hansen):

H.R. 2914. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to individuals under the age of 18; to the Committee on Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. McGovern, Mr. Murtha, and Ms. Eshoo):

H.R. 2915. A bill to protect students from commercial exploitation; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Mr. Weiner, Ms. Schakowsky, Ms. Lee, and Mr. Gutierrez):

H.R. 2916. A bill to amend title 18, United States Code, to require persons to obtain a State license before receiving a handgun or handgun ammunition; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. Weiner, Ms. Schakowsky, Ms. Lee, and Mr. Gutierrez):

H.R. 2917. A bill to condition certain justice assistance grants to the States on the implementation of handgun registration systems; to the Committee on the Judiciary.

By Mr. POMEROY:

H.R. 2918. A bill to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mrs. Jones of Ohio, Mr. Regula, Mr. Clyburn, Mr. Hobson, Mr. Crowley, Mr.

Chabot, Mr. Lucas of Kentucky, Mr. Boehner, Mr. Strickland, Mr. Gilchrest, and Mr. Hill of Indiana):

H.R. 2919. A bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; to the Committee on Resources.

By Mr. SMITH of Michigan (for himself and Ms. Baldwin):

H.R. 2920. A bill to permanently reenact chapter 12 of title 11 of the United States Code, relating to family farmers; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 2921. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to settlements by certain qualified businesses, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Duncan, Mr. Lipinski, Mr. Gilman, and Mr. Gejdenson):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mrs. Maloney of New York, Mr. Burton of Indiana, and Ms. Schakowsky):

H. Con. Res. 188. Concurrent resolution commending Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing to each other humanitarian assistance and rescue relief; to the Committee on International Relations.

By Mr. VISCLOSKY (for himself, Mr. Ney, Mr. Traficant, Mr. Regula, Mr. Murtha, Mr. Quinn, Mr. Gephardt, Mr. English, Mr. Bonior, Mr. Norwood, Mr. Dingell, Mr. Young of Florida, Mr. Matsui, Mr. Houghton, Mr. Levin, Mr. Callahan, Mr. Coyne, Mr. Kasich, Mr. Neal of Massachusetts, Mr. Wise, Mr. Klink, Mr. Mollohan, Mr. Aderholt, Mr. Strickland, Mr. Coburn, Mr. LaFalce, Mr. Skeen, Mr. Oberstar, Mr. Bachus, Ms. Stabenow, Mr. Peterson of Pennsylvania, Mr. Cardin, Mr. LaTourette, Mr. Conyers, Mr. Manzullo, Mr. Mascara, Mr. Foley, Mr. Doyle, Mr. McIntosh, Mr. Evans, Mr. Buyer, Ms. Kaptur, Mr. Burton of Indiana, Mr. Costello, Mr. Walsh, Mr. Brown of Ohio, Mr. Gekas, Mr. Frost, Mr. Ehrlich, Mr. Hall of Texas, Mr. Greenwood, Mr. Blagojevich, Mr. Horn, Mr. Lipinski, Mr. Cook, Mr. Cramer, Mr. Gutierrez, Mrs. Jones of Ohio, Mr. Pitts, Mr. Kucinich, Mrs. Chenoweth, Mr. Stupak, Mr. McHugh, Mr. Abercrombie, Mr. Cannon, Mr. Spratt, Mr. Shows, Mr. McGovern, Mr. Hinchey, Mr. Rahall, Mr. Riley, Mr. Hoeffel, Mr. Clyburn, Mr. DeFazio, Mr. Boyd, Mr. Weygand, Mr. Hilliard, Mr. Sandlin, Mr. Borski, Mr. Maloney of Connecticut, Mr. Cummings, Ms. Danner, Mr. Turner, Mr. Roemer, Ms. DeLauro, Mr. Pallone, Mr. Filner, Mr. Andrews, Mr. Barcia, Mr. Davis of Illinois, Mr. Capuano, Mrs. Thurman, Mr. Bishop, Mr. Sawyer, Mr. Jackson of Illinois, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Ms. Lee, Mr. Kildee, Mr. Green of Texas, Mr. Berry, Mr. Delahunt, Mr. Hayes, Mr. Holden, Mr. Rush, Mr. Lampson, Ms. Kilpatrick, Mr. Tierney, Ms. Schakowsky, Mr. Bilirakis, Mr. Wexler, Mr. McNulty, Mr. Vento, Mr. Minge, Mrs. Meek of Florida, and Mr. Faleomavaega):

H. Res. 298. A resolution calling on the President to abstain from renegotiating international agreements governing antidumping and countervailing measures; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mr. Davis of Illinois and Ms. Eshoo.

H.R. 163: Mr. Turner and Mr. Smith of New Jersey.

H.R. 274: Mr. Kasich.

H.R. 354: Mr. Bartlett of Maryland.

H.R. 360: Mrs. Morella, Mr. Rahall, Mr. Oberstar, and Mr. Frank of Massachusetts.

H.R. 385: Mr. Baldacci.

H.R. 405: Mr. Franks of New Jersey, Mr. Turner, Mr. Fletcher, Mr. Saxton, and Ms. Granger.

H.R. 406: Mr. Turner.

H.R. 488: Mr. Lipinski.

H.R. 505: Mr. Rangel and Mr. Pease.

H.R. 515: Mr. Meeks of New York.

H.R. 531: Mr. Strickland.

H.R. 750: Ms. Berkley.

H.R. 809: Mr. Costello and Mr. Cooksey.

H.R. 860: Mr. Baird.

H.R. 933: Mrs. Lowey.

H.R. 961: Ms. Eshoo, Ms. Eddie Bernice Johnson of Texas, Mrs. Christensen, Ms. Baldwin, Mrs. Jones of Ohio, Ms. Woolsey, Ms. McKinney, Ms. Norton, Ms. Velazquez, Ms. Berkley, Ms. Holley of Oregon, and Mrs. Napolitano.

H.R. 984: Mr. Camp, Mr. Barrett of Nebraska, Mr. Cummings, Mr. Royce, Mr. Ford, and Mr. Oxley.

H.R. 996: Mr. Matsui and Mr. Napolitano.

H.R. 1060: Mr. Pomeroy.

H.R. 1080: Mr. Barrett of Wisconsin.

H.R. 1082: Mr. Sisisky.

H.R. 1095: Mr. Klink, Mr. Pomeroy, Mrs. Lowey, and Mr. Lazio.

H.R. 1149: Mr. Olver.

H.R. 1168: Mr. Blumenauer, Ms. Sanchez, Ms. Slaughter and Mr. Borski.

H.R. 1244: Ms. Granger and Mr. Cook.

H.R. 1248: Ms. Dunn.

H.R. 1272: Mr. Tancredo.

H.R. 1283: Mr. Hill of Montana, Mr. Petri, Mr. Lucas of Oklahoma, Mr. Dickey, and Mr. Linder.

H.R. 1291: Ms. Ros-Lehtinen.

H.R. 1300: Mr. Bishop, Mr. Bilbray, and Mr. Ganske.

H.R. 1322: Mr. Coburn.

H.R. 1367: Ms. Woolsey.

H.R. 1399: Mr. Owens, Ms. Waters, and Mrs. Meek of Florida.

H.R. 1459: Mr. Graham and Mr. Hutchinson.

H.R. 1472: Ms. Lee.

H.R. 1483: Mr. Greenwood and Mr. Gekas.

H.R. 1547: Mr. Goode.

H.R. 1628: Mrs. Fowler.

H.R. 1644: Mr. Ehrlich.

H.R. 1824: Mrs. Jones of Ohio and Mr. Isakson.

H.R. 1832: Mrs. Clayton, Mr. Pallone, Mr. Gillmor, Mr. Stearns, and Mr. Upton.

H.R. 1840: Mr. Goodling.

H.R. 1871: Mr. Cannon and Mr. Menendez.

H.R. 1917: Ms. Granger.

H.R. 1926: Mr. Rogers, Mr. Lipinski, and Mr. Stearns.

H.R. 1932: Mrs. Jones of Ohio, Ms. McCarthy of Missouri, Ms. McKinney, Mrs. Meek of Florida, Mr. Pascrell, Mr. Sabo, Mr. Sanders, Mr. Spratt, and Ms. Velazquez.

H.R. 1933: Mr. Schaffer.

H.R. 2121: Ms. Eddie Bernice Johnson of Texas, Mr. Shays, Ms. Pelosi, Mr. Price of North Carolina, Mr. Lipinski, and Ms. Kaptur.

H.R. 2170: Mr. Ford, Ms. DeLauro, Mr. Dooley of California, Mr. Bryant, Mr. Clement, and Mr. Wamp.

H.R. 2232: Ms. Carson.

H.R. 2265: Mr. McDermott, Ms. Lee, Mr. Brady of Texas, Mr. Diaz-Balart, Mr. Mollohan, Mrs. Kelly, and Mr. McNulty.

H.R. 2294: Mrs. Meek of Florida.

H.R. 2372: Mr. Hilliard, Mr. Sandlin, Mr. Mascara, Mr. Knollenberg, Mr. Manzullo, Mr. Chabot, Mr. Armey, Mr. Herger, Mrs. Bono, Mr. Stump, Mr. Gary Miller of California, Mr. Rogers, Mr. Chambliss, Mr. Weller, and Mr. Wamp.

H.R. 2389: Mr. Frost and Mrs. Christensen.

H.R. 2418: Mr. Gordon, Mrs. Roukema, Mr. Wu, Mr. Latham, Mr. Bryant, Mr. Norwood, Ms. McKinney, Mr. Franks of New Jersey, and Mr. Spratt.

H.R. 2436: Mr. Norwood, Mr. Baker, and Mr. Talent.

H.R. 2453: Mr. English.

H.R. 2539: Mr. Dooley of California and Mr. George Miller of California.

H.R. 2556: Mr. Davis of Virginia, Mrs. Morella, and Mr. Moran of Virginia.

H.R. 2558: Mr. Pastor, Mr. Bartlett of Maryland, Mr. Salmon, Mr. Chabot, Mr. Pease, and Mr. Boucher.

H.R. 2564: Mr. McGovern and Mr. Goode.

H.R. 2595: Mr. Oberstar.

H.R. 2652: Ms. McKinney, Mr. LaFalce, Mr. Waxman, and Mr. McGovern.

H.R. 2662: Ms. Dunn, Mr. Hoekstra, and Mr. Smith of Washington.

H.R. 2672: Ms. DeLauro and Mr. Reyes.

H.R. 2687: Mr. Baird.

H.R. 2708: Mr. Gary Miller of California and Mr. Gutknecht.

H.R. 2713: Mr. Stark.

H.R. 2722: Mr. Lantos, Mr. Berman, Mr. Hinchey, Mr. Deutsch, Mr. Kucinich, Mr. Evans, Mr. Moakley, and Mr. Meehan.

H.R. 2743: Mr. Watts of Oklahoma, Mr. Leach, and Mr. Ford.

H.R. 2766: Mr. Borski.

H.R. 2774: Mr. Frank of Massachusetts.

H.R. 2786: Mr. Green of Texas.

H.R. 2870: Mr. Frank of Massachusetts, Mr. Engel, Mrs. Kelly, Mrs. Maloney of New York, and Mr. Doyle.

H.R. 2896: Mr. King.

H.R. 2899: Mrs. Mink of Hawaii and Mr. Hinchey.

H.R. 2901: Mr. Hayes.

H.R. 2905: Ms. Lee.

H.J. Res. 65: Mr. Rodriguez, Mr. Filner, Mr. Reyes, Mr. LaHood, Mr. Gibbons, Mr. Simpson, Mr. Everett, Mr. Snyder, and Mr. Stearns.

H. Con. Res. 30: Mr. Crane.

H. Con. Res. 46: Ms. Stabenow.

H. Con. Res. 62: Mr. Boyd, Mr. Lucas of Kentucky, Mr. Towns, Mr. Wise, Mr. Maloney of Connecticut, Mr. Nussle, Mr. Bentsen, Mr. Green of Texas, Mr. Smith of New Jersey, and Mr. Wu.

H. Con. Res. 89: Mr. Pomeroy, Mr. Houghton, Mr. Leach, Mr. Petri, and Mr. Barrett of Wisconsin.

H. Con. Res. 120: Mr. Metcalf.

H. Res. 238: Mr. Horn.

H. Res. 254: Mr. Lantos, Mr. Smith of Washington, Mrs. Biggert, Ms. Jackson-Lee of Texas, Mr. Filner, Mr. Evans, Mr. Brady of Pennsylvania, Mr. Andrews, Mr. Blagojevich, Mr. Souder, Mr. Berman, Ms. Eddie Bernice Johnson of Texas, Mr. Gutierrez, Mr. Frank of Massachusetts, Mr. Clay, Mr. Underwood, Ms. Lee, Mr. Wu, and Ms. Baldwin.

H. Res. 280: Mrs. Myrick and Mr. Petri.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

Offered by: Mr. Bilirakis

Amendment No. 3: Page 3, line 2, strike "by" and all that follows through "research" on line 3 and insert the following: "by conducting and supporting—

"'(1) research".

Page 4, line 3, strike "synthesizing and disseminating" and insert "the synthesis and dissemination of".

Page 4, line 7, strike "advancing" and insert "initiatives to advance".

Page 4, beginning on line 11, strike "shall undertake" and all that follows through "evaluations" on line 12 and insert the following: "shall conduct and support research and evaluations, and support demonstration projects,".

Page 4, line 25, strike "shall support" and all that follows through "activities" on page 5, line 4, and insert the following: "shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities".

Page 6, line 5, strike "made available under section 487" and insert "made available under section 487(d)(3) for the Agency".

Page 7, beginning on line 21, strike "that it uses".

Page 7, line 23, strike "that it uses".

Page 7, line 24, strike "behind health care practice" and insert "underlying health care practice".

Page 8, beginning on line 15, strike "Health Care Improvement Research Centers" and insert "health care improvement research centers".

Page 8, line 20, strike "Provider-based Research Networks" and insert "provider-based research networks".

Page 8, line 23, insert "evaluate and" before "promote quality improvement".

Page 13, beginning on line 7, strike "In carrying out 902(a), the Director" and insert "The Director".

Page 14, beginning on line 5, strike ", the needs" and all that follows through "and monitor" on line 8 and insert the following: ", including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, measure changes over time, and monitor".

Page 15, beginning on line 10, strike "shall support research, evaluations and initiatives to advance" and insert "shall conduct and support research, evaluations, and initiatives to advance".

Page 18, beginning on line 15, strike "clinical practice and health care technologies" and insert "health care practices and technologies".

Page 18, beginning on line 21, strike "health care practices and health care technologies" and insert "health care practices and technologies".

Page 19, line 1, strike "promoting education, training, and providing" and insert "promoting education and training and providing".

Page 19, beginning on line 2, strike "health care practice and health care technology assessment" and insert "health care practice and technology assessment".

Page 20, line 4, insert "health care" before "technologies".

Page 25, line 5, insert "National" before "Advisory Council".

Page 29, beginning on line 4, strike "the maximum rate of basic pay payable for GS–18 of the General Schedule" and insert the following: "the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council".

Page 43, line 2, insert "National" before "Advisory Council".

H.R. 2506

Offered by: Mr. Davis of Illinois

Amendment No. 4: Page 6, line 10, insert before the period the following: ", and with respect to the priority population involved, shall in addition take into consideration the extent to which the individuals who receive the training will maintain a continuing commitment to health services research regarding such population (taking into account demographic, socioeconomic, and other appropriate factors)".

H.R. 2506

Offered by: Mr. Davis of Illinois

Amendment No. 5: Page 7, after line 14, insert the following subsection:

"(g) Annual Report.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors, socioeconomic factors, and disease prevalence in priority populations.

H.R. 2506

Offered by: Mr. Davis of Illinois

Amendment No. 6: Page 21, line 6, insert after "agencies," the following: "minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions),".

H.R. 2506

Offered by: Mr. Thompson of California

Amendment No. 7: Page 21, after line 8, insert the following subsection:

"(d) Medical Examination of Certain Victims.—

"(1) In general.—In carrying out subsection (a), the Director shall promote evidence-based clinical practices for—

"(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

"(B) the training of health professionals on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

"(2) Certain considerations.—Evidence-based clinical practices promoted under paragraph (1) shall take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in such paragraph, and of other appropriate public and private entities (including medical societies, victim services organizations, sexual assault prevention organizations, and social services organizations).

H.R. 2506

Offered by: Mr. Thompson of California

Amendment No. 8: Page 46, after line 2, add the following section:

SEC. 4. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Director of the Agency for Health Research and Quality shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations;

(6) determines the manner in which the confidentiality of information on patients can be protected when information is transferred via electronic telemedicine networks; and

(7) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Director for responding to such issues.

H.R. 2506

Offered by: Mr. Tierney

Amendment No. 9: Page 12, after line 14, insert the following subparagraph:

"(C) The conduct of research on methods to reduce the costs to consumers of obtaining prescription drugs.

Page 12, line 15, strike "(C)" and insert "(D)".

H.R. 2506

Offered by: Mr. Tierney

Amendment No. 10: Page 13, after line 5, insert the following subsection:

"(d) Studies of Methods to Improve Access to Health Services.—The Director shall conduct, and shall provide scientific and technical support for private and public efforts to conduct, studies of the organization, delivery, and financing of health services in order to determine the cost and quality effects of various methods of substantially increasing the number of individuals in the United States who have access to health services.

H.R. 2506

OFFERED BY: MR. TIERNEY

AMENDMENT NO. 11: Page 13, after line 5, insert the following subsection:

"(d) STUDIES OF METHODS TO IMPROVE ACCESS TO HEALTH SERVICES.—The Director shall conduct, and shall provide scientific and technical support for private and public efforts to conduct, studies of the organization, delivery, and financing of health services in order to determine the cost and quality effects of various methods of substantially increasing the number of individuals in the United States who have access to health services. Such studies shall include a study to determine the impact of a single payer insurance coverage program on health expenditures in the United States during the fiscal years 2000 through 2007 compared to the projected impact of the current system on health expenditures in the United States during such period.

EXTENSIONS OF REMARKS

JUVENILE ACCOUNTABILITY CRIME PREVENTION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, today I am introducing the Juvenile Accountability and Crime Prevention Act of 1999. This act will provide communities with the ability to take a comprehensive approach to holding first and second time non-violent offenders accountable for their actions. Additionally, the bill allows communities—in a coordinated effort—to treat offenders on an individual basis, maximizing the chances that a juvenile will not re-offend.

The bill provides funding for Juvenile Accountability Coordinators who will:

Conduct an in-depth assessment of juvenile immediately upon arrest;

Contact the offender's parents or legal guardian, provide parents and guardians information on proceedings, needed services, and programs to help turn around the offender; and

Work with the juvenile, their parents, school officials, and law enforcement officials to develop an accountability plan for the juvenile. Failure of the juvenile to adhere to the plan would result in a referral back to juvenile court. Sanctions in the plan could include restitution to the victim, victim/offender mediation, community service, drug treatment and counseling, and a commitment to remain drug free.

In many localities, the courts are unable to provide swift accountability and individual attention to offenders. Sanctions specifically targeted to the individual juvenile which reflect the crime committed will decrease the likelihood of that juvenile re-offending. Additionally, bringing certain offenders out of the court system expedites the process and allows the courts to deal with more serious offenders.

This bill will help ensure that first and second time juvenile offenders don't fall through the cracks. Unlike other juvenile diversion programs, Juvenile Accountability Coordinators are with the juvenile every step of the way—from the time of arrest to the disposition of the case. They remain the focal point between parents, DAs, judges, schools, and the offender.

Should a second offense occur, coordinators provide consistency and detailed working knowledge of the offender and his or her circumstances.

This program has proven to be extremely successful on a smaller scale in Oregon. I would like to give other communities the opportunity to provide swift accountability and intervention to troubled young people.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BASS. Mr. Speaker, due to mechanical difficulties with my flight from my district I missed rollcall vote 428. Had I been present I would have voted "aye."

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to the amendment being offered by Congressmen BEREUTER and WICKER.

This amendment would bar legal permanent residents of the United States from being able to contribute to campaigns fot Federal offices.

Legal permanent residents of this country are here in the United States working, paying taxes, fighting in the military, and they have even sacrificed their lives for this country. Twenty percent of Congressional Medal of Honor winners from our Nation's past wars were either legal permanent residents or naturalized citizens. In 1997, about 7,500 new recruits of the U.S. Armed Forces were legal permanent residents and currently, at least 20,000 members of the U.S. Armed Forces are legal permanent residents.

Legal permanent residents are often here in the United States to be with their close family members, to take jobs that no qualified U.S. citizens filled after the job was advertised, or to escape persecution. Unlike U.S. citizens, legal permanent residents must reside in the United States or risk having their residency status revoked. Legal permanent residents often send their children, many of whom are U.S. citizens by virtue of their birth in this country, to our Nation's public schools. They often participate in community and civic activities. As the "citizens in training" of our country, they have a stake in the future of our country and this amendment seeks to unfairly and unconstitutionally shuts them out of the political process.

This amendment restricts the right of legal permanent residents to express their political views, a right which is guaranteed to them, and to us all, in the first amendment of our Constitution. Passage of this amendment will send a message to thousands of legal permanent residents that we as a nation want them to contribute to our economy, join our military, fight and die for our country but we do not want them to exercise their basic first amendment right.

The U.S. Supreme Court, in the landmark case *Buckley* v. *Valeo*, 424 U.S. 1 (1976), ruled that campaign contributions are speech protected by the first amendment to the U.S. Constitution. Nowhere in our Constitution does it state that the freedoms and protections provided in the Constitution apply to U.S. citizens only. The U.S. Supreme Court in *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886) affirmed this sentiment by stating that, ". . . the Constitution is not confined to the protections of citizens." Also, in the case of *Bridges* v. *Wixon*, the Supreme Court held that the "freedom of speech and press is accorded aliens residing in this country." A letter sent to every Member of Congress, signed by 100 Constitutional law professors who teach all across the United States, affirms that the Bereute-Wicker amendment is unconstitutional. It would be unconscionable and beyond the scope of power of this Congress to pass this amendment and rob a whole class of people of a constitutional right.

I have tried to understand what my colleagues, Misters BEREUTER and WICKER, hope to ahieve by introducing this amendment. Do they really believe that their amendment would keep foreign money out of Federal elections? I have read their amendment and I have analyzed what it would do the Federal election law. This amendment in no way makes it more difficult for foreign money to enter into the Federal electoral process.

Money from foreign sources is already illegal and this amendment does not change that fact. It has been expressed that we should pass this amendment to place a greater distance between foreign money and our Federal elections, that people who have not expressed a permanent allegiance to the United States should not have the opportunity to influence our Federal elections and that if permanent legal residents want a chance to express their voice in Federal elections they should just become U.S. citizens. These reasons are designed solely to be scare tactics and none of them hold any water.

If a foreign person wanted to illegally contribute money to a Federal election it is not necessary to find a legal permanent resident to be the conduit, any person, including any citizen could be used. There is no basis to assume that legal permanent residents are more likely to launder money from foreign sources than U.S. citizens. Therefore, how can the proponents of this amendment believe that it puts any greater distance between foreign money and federal elections? Permanent legal residents, by virtue of their legitimizing their

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

residency status, have expressed a permanent allegiance to the United States. They also express a permanent allegiance to the United States by volunteering to join our military and by sacrificing their lives in the defense of this country. To state that legal permanent residents should only be allowed to exercise their constitutional right of free speech when they become U.S. citizens displays a dangerous misunderstanding of constitutional law and overlooks the fact that many legal permanent residents are currently waiting for INS processing to become naturalized U.S. citizens.

This amendment will also have a discriminatory and embarrassing effect on the rights of U.S. citizens who are ethnic minorities. The amendment penalizes candidates who accept contributions from legal permanent residents. Therefore, in order to avoid violating the law, candidates will consider suspect any contribution contributed by a person with an ethnic or foreign sounding name. The contributor will likely be asked to verify his or her citizenship status. The prospect of having to endure humiliation such as this will make minorities more reluctant to participate in the political process. Considering that Asian-Americans and Hispanic-Americans already have low-voter turnout and political participation statistics, the effect this amendment will have is distressing. The effects will be particularly disastrous in those districts, like mine, that contain large minority populations. This amendment forces candidates to discriminate against people solely because of the way they look, because of a last name that is ethnic or foreign sounding, or because of their place of national origin. Any class of citizens having to prove their citizenship in order to exercise their basic first amendment right is an insult to all U.S. citizens.

This amendment which unconstitutionally denies legal permanent residents the protection of the first amendment right of free speech and which will cause a discriminatory and insulting effect on the rights of U.S. citizens who are ethnic minorities must be rejected. I urge my colleagues to vote against the Bereuter-Wicker amendment.

IN MEMORY OF PROFESSOR WILLIAM A. NIERING

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GEJDENSON. Mr. Speaker, I rise to express the sorrow felt by many across eastern Connecticut following the passing of Professor William A. Niering. Professor Niering was an extraordinary teacher, a pioneer in the modern environmental movement and a great American.

Professor Niering was a botanist by training and longtime professor at Connecticut College in New London, Connecticut. He was the first president of The Nature Conservancy. Founding in 1951, the Conservancy operates the largest system of private nature preserves in the world, including 1,500 in this country alone. As President of this organization, now one of the largest conservation groups in America, Professor Niering was an early leader of the modern environmental movement.

Perhaps more than his work on behalf of conserving natural resources across the country, Professor Niering will be remembered in southeastern Connecticut as a beloved teacher who was dedicated to his students. He had an easy-going style and the ability to make extremely complex scientific principles understandable and exciting.

I have submitted an editorial which appeared in The New London Day which vividly describes Professor Niering and his many contributions to his students, his community and his country. His legacy will endure through his efforts to safeguard the natural bounty that makes our nation unique in the world and through the countless students he taught.

[From the New London Day, Sept. 1, 1999]

PROFESSOR WILLIAM A. NIERING

Professor William A. Niering died Monday as he had lived his life: exciting Connecticut College students about the joy of learning and discovery, and exhorting them to reach to the fullest of their potentials and the best of their instincts.

Dr. Niering, a botanist, led an accomplished life, and was recognized internationally for his research and environmental activism. But in spite of that celebrity, nothing pleased him more than working with young people in science and conservation. He died just after giving a lecture to students on the subjects of good citizenship and environmental stewardship. That was his commitment, educator and good citizen to the end.

Connecticut College has a consistent history of producing scholarly academicians who are also outstanding teachers. Dr. Niering was among the best of these throughout the college's long history. It would therefore be most appropriate for the college to create a special scholarship in his name, for it was his service to young people that he cherished above all else. Countless people would want to help create that memorial.

Dr. Niering, who with his longtime Connecticut College colleague Richard Goodwin was active in natural conservation and environmental causes, was the first president of The Nature Conservancy. The organization is now one of the major environmental institutions in this country.

Dr. Niering wrote a field guide on plants and flowers for the Audubon Society and organized one of the first college environmental studies programs. He served not only as an adviser to high-powered national groups, but more important, he served the southeastern Connecticut community in myriad ways that protected and enhanced the environment. He always had time to help local groups with environmental issues.

Quiet, modest and sincere to a fault, Dr. Niering nonetheless could demonstrate outrage when he saw people doing intentional damage to the environment. He never talked down to people whose scientific knowledge and education were much less than his own. Naturally easygoing, he had a relaxed style when he spoke. He always managed to explain complicated topics in terms the average person could understand.

Legions of college students flocked to his courses, both for the excellence of his teaching and the engaging way in which he welcomed students and helped them flourish.

Dr. Claire L. Gaudiani, Connecticut College president, explained his values well when she said of Dr. Niering, "His generosity of spirit, his enthusiasm and his modesty were legendary."

The people of southeastern Connecticut join Dr. Niering's colleagues at the college in remembering this good and generous man whose life represented the best of what this country has to offer.

RECOGNIZING THE "SUITING UP FOR SUCCESS" PROJECT FOR STUDENTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Suiting Up for Success project, which is a professional attire drive that benefits successful Fresno City College welfare-to-work students.

In 1998, management consultant and human resource specialist, Sue McCombs of McCombs & Associates created "Suiting Up for Success", in response to the Central San Joaquin Valley communities double digit unemployment rates. "Suiting Up for Success" is a professional attire drive that benefits successful Fresno College welfare-to-work students that has approximately 1,000 students enrolled. Last year, 3,000 suits were collected. The 1999 goal is to collect 5,000 suits. All Fresno area business professionals are challenged to donate unwanted men's and women's suits, blouses, skirts, men's shirts, slacks and ties. Business attire collected is made available through a "professional closet" operated and maintained by Welfare-to-Work students. The only beneficiaries of the "Suiting Up for Success" campaign are successful Fresno City College Welfare Reform students (graduates).

The project goals are to increase awareness of the welfare reform initiative and its impact on business owners. To provide our employees the opportunity to support and participate in the local welfare reform initiative. And to support and encourage current Fresno City College welfare program participants.

Mr. Speaker, it is my pleasure to recognize the "Suiting Up for Success" project, as they reach out to students who are less fortunate to have professional attire. I urge my colleagues to join me in wishing "Suiting Up for Success" many more years of continued success.

IN RECOGNITION OF MS. ESTHER DON TANG AND MS. PATTI TANG CROWLEY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PASTOR. Mr. Speaker, I rise today to recognize Ms. Esther Don Tang and Ms. Patti Tang Crowley, this year's recipients of The Arthritis Foundation's Humanitarian Award.

In Tucson, Arizona, the names of this outstanding mother and daughter team are synonymous with community service, caring and activism. Between them, they have dedicated almost 100 years to meeting the needs to Tucson's children, minorities, elderly, chronically ill, and economically disadvantaged. Additionally, both women have worked diligently to improve educational opportunities and cultural enrichment in Southern Arizona.

To list their many memberships, awards, and recognitions of accomplishment would take several pages. Such a listing, although most impressive, would not truly convey the magnitude of their tenacity, positive attitude and goodwill toward others. Their wit, charm, and warmth are legendary and have been their greatest weapons in their fight to make life better for others. These ladies have earned the respect and admiration of all work for social justice and aiding those in need.

These women have shown what can be accomplished when compassion, empathy and kindness transcend the family unit and are shared with the community. I am proud that this mother-daughter team has been such an ambassador of caring for the Tucson, Pima County and Southern Arizona community.

I applaud The Arthritis Foundation for recognizing the outstanding efforts of these amazing women and for designating Ms. Esther Don Tang and Ms. Patti Tang Crowley as its 1999 Humanitarian Award recipients. In closing, I commend these ladies for all of their admirable accomplishments and especially their societal contributions.

HONORING THE COMMUNITY SERVICE OF JANE WHITAKER

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. ROGAN. Mr. Speaker, the foundation of every community is built by those who give of themselves to others. Today, I would like to pay tribute to one such worker who has served the community of Glendale, California for more than thirty years—Jane Whitaker.

Jane moved to Glendale in 1969 with her young family and immediately became an active member of the community. For three decades, she has set the standard in our community for service and sacrifice.

Jane has been an active member of the California Parent Teacher Association for many years. She was elected to the Glendale Unified School District Board of Education in 1981 and served until 1997. Three years of her tenure she lead the board as its president.

During her tenure on the Glendale School Board, Jane was instrumental in developing many innovative programs, including Glendale Healthy Kids, a collaborative effort between the school district, local hospitals and health care professionals to provide students with medical and dental care without cost.

In addition, Jane gave her time and her love to numerous community organizations including the YMCA, the Greater Glendale Child Care Council, the Presidents Advisory Council of Glendale and the Glendale Neighborhood Task Force.

Mr. Speaker, I am proud to call Glendale, California home. What makes Glendale so welcoming as a hometown is the caliber of its residents. Jane Whitaker proudly displays this tradition—with her deeds—and I ask my colleagues here today to join me in saluting her lifetime of service, dedication and commitment to our community.

TRIBUTE TO LABOR LEADER HENRY NICHOLAS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor labor leader Henry Nicholas. Henry Nicholas has emerged as a national spokesman in the struggle to preserve quality patient care and is regarded as one of the most influential African-American leaders in Pennsylvania.

Born in rural Fayette, MS, in 1936, Henry Nicholas is a man representative of vision, advocacy, and triumph. After leaving the Deep South while still a young man, Nicholas moved to New York City where he began working as a hospital orderly in 1957. Two years later Nicholas was organizing his coworkers into what was then Local 1199 of the Drug and Hospitals Employees Union. That same year, he played a key role in the strike of hospital union workers that resulted in union contracts for thousands of New York City hospital employees.

While he started as a union volunteer, in 1961 Nicholas was named a union organizer and quickly moved up the union ranks. Assistant director of the 1199 National Organizing Committee, Nicholas led successful hospital workers, organizing campaigns in Pittsburgh, Ohio, and Detroit. He also directed a 113-day hospital strike in Charleston, SC, which was regarded as a national landmark in the struggle for civil rights for African-Americans. As a direct result of that success, the National Union of Hospital and Health Care Employees was established and Nicholas was elected its first secretary-treasurer.

Two years after he arrived in Philadelphia with the task of organizing health care workers, he won contracts for over 5,000 employees working in the city's major health care institutions. In 1974, due to the success of the Nicholas' organizing efforts, District 1199C, the Philadelphia local of the national union, was officially chartered and Nicholas was elected president. Today 1199C represents more than 15,000 hospital and health care workers in 110 health care institutions in the greater Philadelphia area and five counties in southern New Jersey. As a result of the phenomenal growth of District 1199C, the union created a training and upgrading program for health care employees that has become a national model.

IN HONOR OF THE OUR LADY OF MOUNT CARMEL CHURCH PARISH ELEMENTARY SCHOOL'S 50TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Our Lady of Mount Carmel Church as it celebrates its 50th anniversary of the opening and building of the parish elementary school on September 22, 1999.

On September 6, 1949, Our Lady of Mount Carmel Church opened its doors to the Cleveland community under the leadership of its first pastor, Father Vincent Caruso, O.de M. Father Vincent Caruso, who on this day celebrates his 94th birthday, was born on September 22, 1905 in Italy. He was ordained as a Priest on September 24, 1927 in Orvieto, Italy. He then made the long journey across the Atlantic to the United States in 1927 and was assigned to Saint Rocco where he soon began to take on more responsibility at Our Lady of Mount Carmel. Father Vincent Caruso, realized the need for a Catholic School to teach children of the parish neighborhood about the Gospel and give them a solid education so that they may grow up to live and know their human dignity. Father Vincent Caruso continued his service to the community which culminated in the opening of the Our Lady of Mount Carmel School for elementary students on September 6, 1949.

Trinitarians Sister Mary Valentine Delfino was the first principal of the school and has continued teaching and serving children ever since. She has taught all grades from 1 to 7. Sister Valentine Delfino was also a principal and teacher at St. Marian's in Cleveland, at Mother of Divine Grace in Philadelphia, PA and at Saint Rocco's in Cleveland. She is presently the regional delegate for the Sisters of the Most Holy Trinity in the USA, residing at the Shrine of Our Lady of Lourdes in Euclid, OH.

My fellow colleagues, join me in honoring Father Vincent Caruso and Sister Mary Valentine Delfino for their leadership and dedication to the children and the families of the Cleveland area. Their piety, sincerity and devoted service to God and to the local parish enabled the expansion and development of Our Lady of Mount Carmel Parish Grade School which now celebrates its 50th Anniversary.

UKRAINE ON THE EVE OF ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SMITH of New Jersey. Mr. Speaker, Ukraine's presidential elections will be held in a little over a month, on October 31. These elections will be an important indicator in charting Ukraine's course over the next 4 years. The stakes are high. Will Ukraine continue to move—even if at a slow and inconsistent pace—in the direction of the supremacy of law over politics, a market economy, and integration with the Euro-Atlantic community? Or will Ukraine regress in the direction of the closed economic and political system that existed during Soviet times? Clearly, the outcome of the elections will have significant implications for United States policy toward Ukraine.

Despite the many internal and external positive changes that have occurred in Ukraine since its independence in 1991, including progress in creating a democratic, tolerant society and the significant role played in the stability and security of Europe, Ukraine still has a long way to go in building a sustainable democracy underpinned by the rule of law. Specifically, Ukraine needs to improve its judiciary and criminal justice system, reduce bureaucratic arbitrariness and rid itself of the stifling menace of corruption. Indeed, corruption is exacting a huge toll on Ukrainian institutions, eroding confidence in government and support for economic reforms, and discouraging domestic and foreign investment.

Mr. Speaker, I am concerned about reports of violations in the conduct of the election campaign, including in the signature-gathering process and inappropriate meddling by officials, especially on the local level. I am also troubled by governmental actions against the free media, including the recent seizure of bank accounts of STB independent television and the suspension of four independent television stations in Crimea. The harassment of the print and electronic media is inconsistent with OSCE commitments. It undermines Ukraine's overall positive reputation with respect to human rights and democracy, including its generally positive record in previous elections.

The Helsinki Commission, which I chair, was in the forefront of supporting respect for human rights and self-determination in Ukraine during the dark days of Soviet rule. We have viewed—and still view—Ukraine's independence as a milestone in Europe's history. However, in order to consolidate its independence and reinforce internal cohesion, Ukraine needs to speed its transition to democracy and market economy. It needs to work toward greater compliance with OSCE standards and norms. The OSCE Office for Project Coordination in Ukraine can be a useful tool to assist Ukraine in this regard and I hope that the Ukrainian government will take advantage of and benefit from the OSCE presence.

Despite frustrations with certain aspects of Ukraine's reality, it is important for both the Congress and the Executive Branch to continue to support an independent, democratic Ukraine, both in terms of policies designed to strengthen United States-Ukraine relations, as well as with assistance designed to genuinely strengthen democratic and free-market development. The key is to be patient, but persistent, in encouraging progress.

THANK YOU, HARRY MOSGROVE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. McINNIS. Mr. Speaker, I would like to pause a moment to recognize a man who has contributed a great deal to the community of Colorado. The man is Harry Mosgrove. Harry has been president and CEO of Copper Mountain Ski Resort since 1987. In the 12 years since he took this office Copper Mountain has enjoyed great success. The 1995–96 ski season was their best ever. They have also begun many programs, such as "West Fest", and building projects that have already enhanced the services Copper Mountain offers its guests. Perhaps his most significant contribution was to help Copper Mountain smoothly join with Intrawest, its new parent company. Now, after 18 successful years with Copper Mountain, Mr. Mosgrove has announced his retirement. He is getting ready to be a grandfather and is going to take the time for a well-deserved rest.

The important thing about Mr. Mosgrove, however, is that he didn't start at the top. In 1981 he came on to the team as manager of real estate. From there he moved to the positions of executive vice president and chief operating officer. He has also served as chairman of Colorado Ski Country USA. He will continue to be an active member of the executive committee and the board of directors as well.

Harry Mosgrove has been called a "guiding light" and has also been said to be "a man of great integrity and vision." Business and our communities as a whole could use more people with Harry Mosgrove's attributes. For all of these reasons, I am offering my congratulations to Harry Mosgrove on his retirement but, more than that, I am thanking him for all he has done throughout his years of service. I know that he will be missed at Copper Mountain and I wish him well.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BASS. Mr. Speaker due to mechanical difficulties with my flight from my district I missed rollcall vote 427. Had I been present I would have voted "aye."

INTRODUCTION OF H.R. 2898

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce legislation, H.R. 2898, which lowers the minimum age for individuals without children to be eligible for the earned income tax credit to 21 years-of-age.

The earned income tax credit was established in 1975 to provide cash aid to working parents with low incomes who care for dependent children. In 1994, this credit was extended to include low-income workers with no children.

Many workers today struggle to make a living wage. This credit provides these workers with a financial boost to help them in their struggles. It either reduces their tax liability, thus putting more money in their take-home pay, or it provides an actual cash benefit. This extra money is a great help for these taxpayers, and I fully support this credit.

However, it is extremely unfair to deprive someone in this financial situation the benefits of the earned income tax credit merely because he or she has not reached the age of 25.

But this is exactly what the current law does. A taxpayer who otherwise meets the income requirements of tax credit is not eligible if he or she is under the age of 25.

Congress justified this age requirement to prevent students, who are otherwise supported by their parents, from becoming eligible for the credit. However, by focusing on the age of these students, the age requirement is depriving thousands of young Americans who are truly struggling financially from receiving the credit.

In our inner cities and our rural areas, many young men and women do not have the luxury of going to college. After graduation, they must find jobs in order to support themselves. And, unfortunately, the jobs that one can get with only a high school diploma are not paying a living wage.

My bill corrects the problem of the earned income tax credit by simply reducing the minimum age requirement to 21 years of age.

I urge my colleagues to support our young workers by supporting H.R. 2898.

TRIBUTE TO JOHN W. BURKHART: CHAMPION FOR INCREASED EDUCATIONAL OPPORTUNITIES

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SOUDER. Mr. Speaker, it has been said that education is the great equalizer. No one can deny that an education unlocks the doors of opportunity. Few have unlocked and held open the doors of higher education more than John W. Burkhart of Indianapolis, Indiana. Burkhart, who died in Indianapolis last month, was a true pioneer in opening up access to higher education.

In 1960—five years before the Federal student loan program was established as part of the Federal Higher Education Act—John Burkhart organized USA Funds to privately guarantee student loans. USA Funds later became USA Group, which is now the nation's largest student loan guarantor and administrator. Through USA Funds' and USA Group's loan guarantees, students who would normally be unable to afford high education, can now receive a higher education on credit. The concept of "college on credit," pioneered by Burkhart and other visionaries like him, has spurred a substantial increase in the number of Americans with access to higher education. In 1965, only 1.5 million students entered institutions of higher education. That number increased to an impressive 2.2 million students by 1996. Certainly there are a variety of factors which contribute to such an increase, but the efforts of John Burkhart in fostering educational opportunity cannot be discounted.

Burkhart's vision helped pave the way for thousands of college students to improve the quality of their lives. Indeed, as domestic and global economic competition grow, America will greatly benefit from the increased rolls of highly educated Americans. John W. Burkhart not only unlocked the doors of opportunity to higher education for generations of Americans, but he also raised the expectation that future generations might also pass over the door's threshold.

A HALF-CENTURY OF "MOMENTS TO REMEMBER"

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mrs. JONES of Ohio. Mr. Speaker, the big 5–0 can be very traumatic for some, but others relish the nostalgia-filled meandering down memory lane. So it is for Brecksville Women's Club (BWC), as the ladies gather to celebrate the group's half-century milestone.

In the gold glow of post World War II, Brecksville Women's Club was born—an outgrowth of the Women's Committee of Brecksville Little Theater. Believing the community needed a cultural, philanthropic and social outlet for women in the area, 10 young women met on September 26, 1949 and founded the club. The years since then have proved it was a wise move.

In the golden glow of a half-century of "making members useful to society and helpful to each other", BWC will mark the Big One September 23. Fiftieth Anniversary Chairman Annette Gorris and committee have arranged for the organization to take over Swingos-on-the-Lake's entire restaurant that afternoon. The Four Lads will guide the BWC lassies in a reminiscent sail through "Moments to Remember."

"Although the celebration is a private party for members only, we are expecting recognition on the state and national levels" said President Joan Kules. "Governor Bob Taft has proclaimed Sunday, September 26 as Brecksville Women's Club Day. George Gintoli, CEO of Northcoast Behavioral Healthcare System (NBHS) is to present us with that proclamation and one from NBHS, where our members have volunteered for 50 years," she explained. At the beginning of this year Brecksville and Broadview Heights Mayors Jerry Hruby and Leo Bender issued proclamations naming "1999 Brecksville Women's Club's 50th Anniversary Year."

The formal presentations will be brief however and lighted-hearted merriment is expected to prevail as members recollect anecdotes about volunteering, fundraising, social gatherings and special events. Some are expected to appear in skits recalling humorous incidents chairmen have encountered in raising thousands of dollars to help hundreds of causes. Those attending will be asked to write a brief greeting to be put into a time capsule which will be opened by BWC in the year 2005.

When the club was founded late in '49, the world was on the verge of a new decade and now, 50 years later, the world is on the verge of a new century. Marian Huefner, BWC's second President, and Mary Hoffman, BWC's third president, recall some turbulent but fun times for the fledgling group which numbered 35 by the end of 1950–51. (Of course, Brecksville was only a village then—it would be 12 years later that it reached city status with a population of 5,000.)

In the 50's era when saddle shoes, poodle skirts and malt shakes were "it", the group often held social events with their husbands as guests. Marian, laughing, recalls being in charge of refreshments for one of these events, arriving at the party with her husband and not thinking about the desserts she left at home until it was refreshment time. Mary says she misses the camaraderie of the smaller membership when everybody knew everybody else. Today with a membership of 300 women from 35 Northeast Ohio communities and Florida, it is more difficult to know everyone. Both ladies treasure friendships they have made throughout the years and as charter members they will be awarded Lifetime Memberships at the celebration. The late Betty Hoffman, first president and founding leader, was awarded a Lifetime Membership when the Club marked its 30th anniversary in 1979. There are currently 19 past presidents on the active roster and 31 ladies who have belonged for 25 years or longer!

Since 1949, a chief money-making event has traditionally been a luncheon fashion show. At first these were in the form of garden parties with the members doing all the work. "There was no such thing as rain insurance and the weather was undependable," said Orah DeHamm, past president and a member for more than 40 years. She remembers scrambling into a member's home when the rain hit the backyard party.

These events were moved indoors, but "minor calamities" also happened that weren't weather related. "Old-timers" recall one such incident when the food committee members all plugged in their electric roasters and blew out the lights in St. Basil's Church Hall.

More often, the fashion fundraisers came off without a hitch. "One year we each roasted turkeys at home and combined the meat in a main dish salad," said Margaret Mansbery, a past president. "This was a lovely affair we held at Camp Cheerful's main auditorium in the Metro Parks." The fashion show fundraisers have been held at various places—the Holiday Inn, Landerhaven, Windham Hotel, etc. BWC's 50th major fundraiser is set for May 1, 2000 at the Hilton Hotel across from Summit Mall.

In the fall of 1973, a second fundraising event—the President's Ball—became a part of the club's activities. After 10 years the ball's popularity declined and since then a variety of money-making affairs have been staged such as card parties, holiday bazaars, Day at the Races and a Celebrity Fingerpainting Auction. Profits from the fundraiser go into the philanthropic fund and are distributed at the end of each club year. BWC has given away more than $150,000 to a variety of causes with the largest percentage to education in the form of scholarships and education awards.

In addition to monetary help, BWC purchased a washer and dryer for patients at the old Broadview Center, bought books for the library, obtained eyeglasses for needy students and provided for families who needed assistance during the Christmas season. When a fire damaged Brecksville Old Town Hall, the club gave $2,000 for kitchen repairs. It has purchased paintings for both Brecksville and Broadview Heights city halls.

In its first year, the club began helping the less fortunate, staging monthly parties at Hawthornden State Hospital (now Northcoast Behavioral Healthcare System). Former president Mary Ann Celebrezze has chaired this project for the last five years and each month she and her workers take Bingo games, prizes and refreshments to the facility for the mentally ill.

Ruth McMahon, a NBHS volunteer for many years, remembers that in the early days the parties were held in the evenings and in the segregated cottages—dancing and singing with the male patients and playing games with the female patients. "In those days it was not unusual for a female patient to strip naked," Ruth said. "We would just ignore her and a staff member would take over." Ruth also recalls one snowy evening the volunteer group came in the back entrance and the gate was closed they went to leave. There was nothing they could do but back up the steep hill to get off the grounds. Nowadays that gate is closed and the parties are in the afternoon with mixed groups.

Throughout the years, BWC members have served as nannies for the babies of unwed mothers at Marycrest School and helped with the mentally handicapped at the old Broadview Center.

"In the early '70s, BWC received a great deal of recognition from the Federation of Women's Clubs of Cleveland for its volunteer work and types of projects," said Cecile Clarenbach, a former president. "We won the first place award among 45 clubs numerous times over the years for our philanthropic events and volunteer efforts."

The Federation was dissolved in the early '90s with the decline of women's clubs making BWC rather unique for its longevity and healthy operations.

"We had baby-sitting service for our members in the '70s," said Rita Morris, another past president. "The cost of the baby-sitter was partly subsidized by the club so young mothers could attend the meetings," she explained. Nowadays, many of these members' children are grown. The group no longer prepares their own lunches and for the past seven years has considered St. Michael's Woodside Party Center as its headquarters.

Many friendships have been built up in participating in bowling, bridge, golfing, antiquing, special lunch outings, bus tours, Cleveland Orchestra Concert series, and theatrical productions. These and many more activities through the years will give those attending the "Moments to Remember" celebration a true sense of renewed sisterhood and commitment to BWC.

H.R. 2116, VETERANS MILLENNIUM HEALTH CARE ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PACKARD. Mr. Speaker, America's veterans are forgotten far too often. My colleagues and I are committed to protecting veterans' programs and ensuring that our nation honors its commitment to our men and women in the military. To do anything less would be to abandon the very principles that veterans fought so hard to preserve.

We are committed to securing our veterans' future and are working now to provide funding to honor our promise to them. Last week the House of Representatives approved the Veterans Administration/Housing and Urban Development Appropriations bill, which contained a $1.7 billion increase for veterans health care, totaling $196 billion.

Yesterday, Congress passed the Veterans Millennium Health Care Act, which expands veterans eligibility for care and dramatically improves the care provided to veterans in their homes. The expanded care includes geriatric evaluations, nursing home care, adult day health care, and other types of home health care. The act also requires the Veterans Administration to operate and maintain a national program of extended services.

The Veterans Millennium Health Care Act coupled with the funds provided in our annual veterans appropriations legislation, affirms our nation's appreciation for our aging veterans and our commitment to provide them with the health care they will need in the coming years. I thank my colleagues for supporting veterans by voting in favor of this crucial legislation.

MR. RAY ARVIZU, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE U.S. HCC

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PASTOR. Mr. Speaker, I rise today to recognize Mr. Ray Arvizu's recent election to Chair the Board of Directors for the U.S. Hispanic Chamber of Commerce (USHCC). I am confident that the experience, knowledge and passion Mr. Arvizu brings with him will ensure the continued growth and effectiveness of the USHCC.

For more than 15 years, Mr. Arvizu has pledged his time and talents to promote and elevate marketing to Hispanics. In recent years, Mr. Arvizu has guided his company, Arvizu Promotions and Marketing Events, in Phoenix, Arizona, onto the short list of Arizona's most successful ad agencies. From the beginning, hard work and dedication to be the best have been Mr. Arvizu's hallmark.

In addition to his professional accomplishments, Mr. Arvizu has been active within the Hispanic and local communities throughout his career. He currently serves on several distinguished boards, including: the Boys and Girls Club of Metropolitan Phoenix, Phoenix Chamber of Commerce, and the Grand Canyon Minority Council. He is also the Co-Chair of the National Community of Latino Leadership Forum and prior to his election to Chair the USHCC, Mr. Arvizu served as the Vice-Chair of the Chamber.

As the former Vice-Chair of the Chamber and successful businessman, Mr. Arvizu has demonstrated the foresight and creative energy which make him an asset in all his endeavors. Without a doubt, these traits will serve him well as he continues to fulfill the USHCC mission: To advocate, promote and facilitate the success of Hispanic businesses.

I wish him the best of luck as he leads the U.S. Hispanic Chamber of Commerce into the new millennium.

HONORING THE NATIONAL CHAMBER ORCHESTRA OF ARMENIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the National Chamber Orchestra of Armenia (NCOA) for their performances around the world and genuine cultural representation of their country.

The NCOA consists of 25 of the most accomplished instrumentalists in the young republic under the baton of Artistic Director and Principal Conductor Aram Gharabekian. They have been honored with great success in the past, such as representing Armenia in 1997 at the Cultural Capital of Europe Festival in Thessaloniki, Greece. And in December 1998, the orchestra released a compact disk through PolyGram/Germany presenting a synthesis of ancient and contemporary works of Armenian composers. At home, the NCOA performs every third week at the Komitas Chamber Music Hall in Yerevan. In addition, the orchestra performs around the globe and has toured Europe, South America, and the United States.

Conductor Gharabekian was born in the Old World in 1955 and moved to the United States as a youth. He received his Master's Degree in Music Composition from the New England Conservatory of Music in Boston and engaged in postgraduate studies at Mainz University in Germany. Maestro Gharabekian's numerous honors include the Lucien Wulsin Performance Award for the best concert aired on National Public Radio; the American Society of Composers' Award for adventuresome programming; the Harvard Music Association's "Best Performance Award," and the Boston Globe's "Best of the Year" designation.

Mr. Speaker, it is my pleasure to honor the achievements of the National Chamber Orchestra of Armenia, for being one of the leading instrumental groups of the Republic of Armenia and sharing such beautiful cultural music across the world. It is Principal Conductor Aram Gharabekian's exceptional leadership and devotion that has warranted this recognition, and has lead to the success of the orchestra. I ask my colleagues to join me in wishing the National Chamber Orchestra of Armenia and Conductor Gharabekian many more years of continued success.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BASS. Mr. Speaker, due to mechanical difficulties with my flight from my district I missed rollcall vote 429. Had I been present I would have voted "aye."

HONORING COAST GUARD VOLUNTEER JIM CLOUD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased to join the citizens of Crescent City in honoring Jim Cloud, who for 6 years served without pay as Crescent City Harbor's sole marine safety examiner for the U.S. Coast Guard.

During the August district work period, Jim was honored by his volunteer peers and the Coast Guard for his dedication to marine safety. Indeed, Jim was known for taking his job seriously and, as the Coast Guard said during the ceremony honoring him, Jim "contributed to the overall safety of more than 425 fishermen and 170 fishing vessels."

Crescent City Harbor is home to more than 25 percent of the fishing vessel fleet between the Oregon border and San Francisco Bay. The coastal waters fished by these vessels are treacherous and the weather ever-changing. As such, the role of the marine safety examiner is critical to ensuring that commercial vessels are seaworthy and prepared for any emergency.

For Jim, the work was a labor of love. Coming from a long family history of seamen, Jim joined the Brookings Coast Guard Auxiliary in the mid-1980's. During his tenure, he assisted the Coast Guard in search and rescues and teaching boating and safety classes.

But, in particular, his service as a marine safety examiner will always be remembered and appreciated. In conferring its Award of Operational Merit, the Coast Guard acknowledged that Jim's efforts "helped reduce the number of fishermen deaths, injuries, as well as property loss and environmental damage."

To which Jim replied "I feel good about doing my little part. It was a good deal for the harbor and a good deal for me."

Thank you, Jim, for a job well done.

TRAGEDY IN TAIWAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. HILLIARD. Mr. Speaker, today I rise in great sadness to recognize the enormous tragedy that has stricken the citizens of Taiwan. I extend condolences to the Ambassador and the numerous families that have been devastated by this earthquake. The people of this country have been great allies to the United States and their ongoing struggle for independence parallels the many perils experience by my people here in this country.

I have visited Taiwan on numerous occasions and have always been warmly received by both its government officials and private citizens, and believe that it is only right that I continue to carry the torch of friendship during their time of need. While the United States is currently recuperating from the aftermath of its own natural disaster, it is important that we share in Taiwan's grief. I have personally been in contact with the Ambassador and have pledged my full support toward helping them recover from this tragedy. I ask my colleagues in the House to follow my act of solidarity and pledge their support to our comrades in Taiwan.

THE HERMELIN BRAIN TUMOR CENTER—NEW HOPE FOR CANCER PATIENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. LANTOS. Mr. Speaker, this year in the United States some 20,000 new cases of primary brain tumors will be diagnosed, and more than 100,000 cases of cancer migrating to the brain from a different site will be found. Traditional treatment regimens of surgery, chemotherapy, and radiation have not stopped the natural progression of the disease in far too many cases, and new therapies are desperately needed.

Finding new treatments often means years of laboratory investigation, followed by both clinical trials and the examination of results, before such therapies can be deemed successful and made available to patients. Speeding up this process is of vital importance to innumerable cancer patients. With this in mind, friends and family of David B. Hermelin have pledged $10 million to launch a brain tumor research center at Henry Ford Hospital in Detroit.

Mr. Speaker, David Hermelin is the United States Ambassador to Norway, and earlier this year he was successfully treated for a brain tumor. Currently, he is undergoing therapy at the Henry Ford Hospital. The funds donated in his name will launch the Hermelin Brain Tumor Center, housed within the Department of Neurosurgery. The center will be directed by Mark L. Rosenblum, M.D., Chair of the Department of Neurosurgery, and by Tom Mikkelsen, M.D., of the Departments of Neurology and Neurosurgery.

"The center at Henry Ford Hospital is now positioned to make a significant impact on this disease," said Dr. Rosenblum. "With state-of-the-art technology for diagnosis and surgery, with continual ability to provide the most advanced surgery and treatments available, and with new discoveries from our research team, we are confident we will be able to change life-threatening brain tumors into a chronic, controllable disease like diabetes."

The Hermelin Brain Tumor Center will support three main areas of novel investigation to help control brain tumors: (1) antiinvasion therapy (which stops a tumor from invading healthy brain tissues), (2) gene therapy (which uses scientifically engineered viruses which recognize and kill cancer cells), and (3) antiangiogenesis (which stops a tumor from building its network of blood vessels, effectively starving it). In addition, the Center will sponsor annual brain tumor workshops focusing on each of these three areas of research. Brain tumor scientists from around the world will be invited to share their knowledge and compete for a research grant, thus providing new ways to share novel findings and to use these findings to fund research that will bring new treatments to patients in the most rapid possible manner.

Mr. Speaker, David Hermelin is an outstanding citizen of our Nation, and as United States Ambassador to Norway, he has made an important contribution to strengthening traditional good relations between our country and Norway. In addition, he is a leading philanthropist who has spearheaded major fundraising efforts which have garnered millions of dollars for academic, medical, civic, religious and charitable organizations. The Hermelin Brain Tumor Center is a fitting and unique recognition of his generous contributions. I invite my colleagues to join me in honoring Ambassador David Hermelin and recognizing the importance of the Hermelin Brain Tumor Center.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained in my district on September 21, 1999.

If I had been present for rollcall No. 427, I would have voted " yes" if I had been present for rollcall No. 428, I would have voted " yes" if I had been present for rollcall No. 429, I would have voted " yes"

RECOGNIZING ED HARRIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to recognize the hard work and tireless dedication of Principal Ed Harris to Edwardsville High School. He was recently named Illinois Principal of the Year by MetLife and the National Association of Secondary School Principals. School District Superintendent, Ed Hightower, praised the principal's work. "[Harris] has made positive changes at the High School and has proven quality leadership in this position"

Ed Harris will continue his outstanding work this year at Edwardsville High School. His goals for the year will include maintaining the safety of students and staff, and ensuring that the administrators are visible and available to students.

A principal like Mr. Harris shows us what a difference individual attention and caring can do for our schools and our children. I would like to thank him for his great contribution to the school and the community.

A TRIBUTE TO BOB REED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. LEWIS of California. Mr. Speaker, I would like today to recognize Bob Reed, who over the past 25 years has become a local institution as the "chairman of the bar" at one of the most pleasant eating establishments on Capitol Hill, the Monocle.

Nearly a generation of Members of Congress and others who toil on the Hill have found refuge in Bob's company. He is that rarest of personalities in this town: strictly nonpartisan and unopinionated, a sympathetic ear for anyone, regardless of their politics or philosophy. For 25 years, he has always met his guests on a positive note—even during those times when there wasn't much to be positive about.

Bob was raised in West Virginia and enlisted in the Navy during World War II. He has resided in Washington since 1951. Since joining the Monocle in September 1974, he has been a friend to me and many other Members of Congress from both parties.

Mr. Speaker, I'm sure you and my colleagues will join me in congratulating Bob Reed on his career milestone, and thank him for providing a quiet harbor from turbulent political seas.

COMMEMORATING THE RETIREMENT OF ROSA VERRETT WILSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DIXON. Mr. Speaker, I rise today to commemorate the retirement of Ms. Rosa Verrett Wilson from Southwest Administration of the County of Los Angeles. Ms. Wilson worked for the Southwest Administration for 18 years before her retirement on June 30, 1999. During her long tenure with Southwest Administration, she never received a complaint about her work. Prior to her work with Southwest, Ms. Wilson spent 15 years working with Blue Cross of Southern California and 12 years in fashion in Seattle, Washington.

Ms. Wilson's good works are an inspiration to us all. For 24 years, Rosa Wilson has been a member of Mount Moriah Church. She met her husband, Brother Jordan H. Wilson, at Mount Moriah and has served on many church auxiliaries and committees. She has been a Sunday School teacher for the Nursery and

Kindergarten Departments, a Vice-President of the Courtesy Committee, and a Program Chairperson for the California Baptist State Secretaries and Treasurers of the Los Angeles Area.

In 1987, Ms. Wilson, her husband, and their children, Carolyn Rence Wilson-Bowles and Keith Lamont Wilson, joined the Zoe Christian Fellowship of Los Angeles. Ms. Wilson is also a member of Alpha Christian Women Ministry. She has received several awards, including "Honored Mother of the Year" in 1983 and the "God's Woman Award" in 1994.

Rosa Wilson is also the founder of the Committed To Service Ministries at Southwest Administration. The group meets once a week to pray for the growth and success of the company and for healing. In addition, Ms. Wilson spends time visiting sick relative of co-workers and praying for their health.

I congratulate Ms. Wilson on her time with Southwest Administration and extend to her my best wishes as she begins an exciting new chapter in her life.

HONORING THE U.S. FOREST SERVICE LAW ENFORCEMENT DIVISION OF CLEVELAND NATIONAL FOREST IN SAN DIEGO COUNTY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. HUNTER. Mr. Speaker, I rise today to celebrate the accomplishments of our men and women of the U.S. Forest Service Law Enforcement division in the Cleveland National Forest in San Diego county's back country.

During the year 1996, twenty-two illegal immigrants died from exposure in the Cleveland National Forest. In 1997 nineteen died. Since 1996, Mr. Tommy LaNier, the Special Agent-in-Charge, of law enforcement for the forest and his team of dedicated officers have apprehended over 20,000 illegal aliens in the Cleveland Forest, potentially saving many immigrant's lives who could well have perished in hostile conditions.

The apprehension of illegals in the forest is also serving to pervent further ecological degradation to the forest. In addition, the strong law enforcement in the forest precludes portions of public lands from having to be closed to U.S. taxpaying families who want to visit our natural areas.

Foot trails in once pristine natural habitat have now been pounded into the forest floor by as many as 300 illegal entrants in a given day passing through the Cleveland National Forest. These illegal trails grow deeper and deeper by the day causing erosion and irreparable damage to the forest. Contamination of streams is a major concern and in 1997 over eleven tons of trash left by illegal aliens passing through the forest had to be collected.

It is interesting to note that the U.S. Forest Service, nationwide, has more acreage and more visitors per year than the National Park Service and the U.S. Fish and Wildlife Service combined. The U.S. Forest Service has twice the number of violations to respond to with less than than half the enforcement officers of the two previously mentioned agencies.

The Cleveland National Forest is unique in its locality; it lays continguous to the Southwest U.S.A./Mexico border. The enhanced efforts of the U.S. Border Patrol in the San Diego area have pushed thousands of illegal aliens, heading North into the interior cities of the U.S., into this forest. Our defense against this invasion is a dedicated group of five U.S. Forest Service Law Enforcement Officers who are on call 24 hours a day, seven days a week.

The rate of incidence of illegal aliens campfires rose from 855 fires in 1996 to 1,044 in 1997. Law Enforcement officers have the dual burden of apprehending these illegal aliens so as to prevent their camp fires from breaking loose and endangering not only the forest, but also the illegals hiding in the forest. Fire damage is not the illegal's only threat to the forest. Degradation of the forest from the uncontrolled massive gathering of firewood for cooking and nighttime warming fires by thousands of trespassers in devastating and will take centuries to mend.

Mr. Speaker, Tommy LaNier and the Law Enforcement officers of the U.S. Forest Service have set a standard to which all law enforcement specifically, and public servants in general, can aspire. The efforts of these dedicated officers make it possible for taxpaying American citizens, from all walks of life, to safely enjoy some of the most beautiful forest area in our great nation. I invite all Members to stand with me in saluting the law enforcement efforts in the Cleveland National Forest by Tommy LaNier and his team.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 424, the DOD Authorization Conference Report, I was held up in a traffic accident. Had I been present I would have voted "yes".

TRIBUTE TO GEORGE W. "WILL" GAHAGAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. FARR of California. Mr. Speaker, today I would like to note the passing of a prominent American citizen, George W. "Will" Gahagan, who died in Carmel, California on December 8, 1998 at the age of 86.

Will was a man of broad interests, and notable achievements. He was well-educated, graduating in 1949 from Dartmouth, and worked as a newspaper reporter, federal public relations officer and foreign press liaison officer at the 1945 inaugural United Nations conference in San Francisco. Will attended Harvard during his graduate years, and in 1957 received his master's degree from Stanford University. During his Dartmouth years he met the poet Robert Frost, who was on the faculty, and later founded the California Friends of Robert Frost, a non-profit organization that helped establish Frost Plaza in San Francisco, Mr. Frost's birthplace.

Will was an educator as much as he was a student. He taught English for 15 years at high schools, including Tularcitos, Junipero Serra High School and Santa Catalina School in Monterey. He also taught at an international school in Rome, His students benefited greatly from his tutelage and enthusiasm for learning.

Will's contributions to Monterey County were as far-reaching as his range of interests. He wrote a column "Word Wise" for the Monterey Herald, produced and hosted a foreign affairs television program in Salinas, and wrote a guidebook about the Monterey Peninsula. He worked with many local organizations including the Carmel Foundation, the World Affairs Council, the Carmel City Planning Commission and the Carmel Library. Will helped create the Dennis the Menace Playground in Monterey, and helped raise $250,000 for the Robinson Jeffers Tor House in Carmel. He was a member of the senior and super-senior national tennis teams, successfully competing in tournaments in Canada and Europe. Will has been inducted into the Dartmouth College Athletic Hall of Fame.

No list of accomplishments can represent the generosity of spirit, the vitality, and the intelligence that Will demonstrated every day. Will is to be remembered as an exemplary human being. He is survived by his wife Lorna; his sons Michael and Mark; his daughters Tappy and Lissa; his brother John; and, seven grandchildren. He will be sorely missed by all who had the privilege of knowing him.

TRIBUTE TO EARL REEDER

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Earl Reeder who is celebrating his 90th birthday this week. Earl was born on September 20, 1909, in Edgewood, IL., the son of Merrill and Myrtle (Hackney) Reeder. Earl is a lifelong Democrat and has dedicated over forty years of his life to public service. In celebration of his 90th birthday, a card shower was thrown for Earl and he has received well over a hundred birthday greetings; a testament to his popularity among his friends and neighbors.

Earl's career in public service has spanned over forty years and is a "public servant" in the true meaning of the term. He was made County Assessor in 1941 and resigned as Supervisor effective September 9, 1982. Earl was on the Board of Review in 1961 and again in 1972. Earl also served as a precinct committeeman from around 1963 till his retirement in 1982. Throughout his career, Earl was always committed to the people he served and the Democratic Party he supported.

Mr. Speaker, Earl's dedication to public service is evident and I am commending him now for a lifetime of work. Earl is still a man who is in good health, has an excellent sense of humor and enjoys watching basketball and baseball. I encourage all my colleagues to join me now in wishing Earl a happy 90th birthday and a long and healthy future.

PERSONAL EXPLANATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. McKEON. Mr. Speaker, I was not present for rollcall vote 418, on September 14, 1999. Please let the RECORD reflect that had I been present, I would have voted "aye."

WORLD STANDARDS DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mrs. MORELLA. Mr. Speaker, today, the United States observes "World Standards Day."

Since 1970, World Standards Day has raised awareness of the need for international standardization in an increasingly global economy.

Harmonized technical standards provide open export markets for U.S. products. According to the Department of Commerce, standards play a role in $150 billion worth of U.S. exports, and serve as a barrier to the export of between $20 billion and $40 billion worth of U.S. goods and services.

As other barriers to trade are torn down, non-harmonized technical standards are one of the last restraints on the free flow of international commerce.

World Standards Day is an example of how the public and private sectors can work together to ensure U.S. products and services are accepted in the global marketplace.

The co-chairs of the World Standards Day Committee are the American National Standards Institute (ANSI), a private institution, and the National Institute of Standards and Technology (NIST).

This type of public/private cooperation is crucial to ensure America's competitiveness in overseas markets.

Mr. Speaker, today, on World Standards Day, I ask the Congress to recognize the important role international standards pay in our economy and in our international competitiveness.

RECOGNITION OF THE ONE HUNDREDTH BIRTHDAY OF JOHN MAGNOTTE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BONIOR. Mr. Speaker, today I rise to recognize the 100 years of John Magnotte's life. John was born on September 22, 1899, in Detroit Michigan. Today John lives in the beautiful community of St. Clair Shores where he settled in the 1950's.

John married Dorothy Fraquelle in 1927, and raised three children, two sons and a daughter, while working for General Motors for 30 years. Though he has been a widower for the last 10 years, Mr. Magnotte is today surrounded by five generations of children, grandchildren, great grandchildren and even great-great grandchildren.

Mr. Magnotte is still very active in senior groups today, especially the St. Clair Shores Senior Cruisers Club. He is often found playing cards and socializing with the Cruisers, as well as the other senior groups in the area. He is always surrounded by friends and family and takes great pride in showing off the roses in his yard.

Besides his long life, we should recognize the experiences that John has acquired in his 100 years. He has lived through the administration of 18 different U.S. Presidents and the creation of five U.S. States. John went from the days of horse and buggy travel to witness space travel on television. Many of us can only dream of 100 years worth of visions and sights, a 100 years worth of character, a hundred years worth of emotions. John Magnotte's life is fit for framing, and should be cherished as a national treasure. I invite all of you to join me in honoring a true historian of the American Dream and wish John Magnotte a very happy one hundredth birthday.

IN HONOR OF REVEREND ALAN DAVIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the passing of Reverend Alan Davis, an activist who fought in the interests of justice for the poor and the oppressed without counting the costs. Reverend Alan Davis dedicated his life to helping the underprivileged.

Reverend Davis spent more than 23 years serving as a pastor at St. Phillip's Christian Church on E. 30th St. near one of the city's poorest housing projects. He led the church community in providing emergency food supplies and tutoring for area families. During this time he was also the executive director of the City Club where he brought in diverse philosophers and speakers from around the world to discuss issues important to the club. As City Club executive director, and as pastor at St. Phillip's, Reverend Davis devoted much of his time to the Volgograd Forum, a free speech forum similar to the City Club in Volgograd, Russia.

As a veteran of World War II and serving in the signal corps, Reverend Davis demonstrated his commitment to both God and country. From 1953 to 1961, Reverend Davis served at North Royalton Methodist Church and then moved on to Aldersgate Methodist Church in Warrensville until 1968. Since then he spent 23 years serving St. Phillip's Church in Cleveland.

His commitment also extended to serving society and defending the civil rights of all Americans. As a social activist he was associated with Dr. Martin Luther King, Jr. and affiliated with numerous programs to feed and house the poor. Reverend Davis soon went on to Yale University where he graduated with a bachelor's degree and then a graduate's degree from Yale Divinity School in 1953.

My fellow colleagues, join me in recognizing the passing of Reverend Alan Davis, a man who consistently and without pause adhered to the principles and values of God at the price of self-interest. Let us aspire in our own efforts to show such a commitment and passion to truth.

COMMEMORATING THE INDEPENDENCE OF THE REPUBLIC OF ARMENIA

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. ROGAN. Mr. Speaker, yesterday the people of Armenia celebrated the eighth anniversary of their republic—honoring a national referendum in support of a free and democratic Republic of Armenia. Less than 1 month ago, I had the honor and the privilege of visiting this proud nation and would like to share with my colleagues what I learned about this nation whose culture and tradition dates back some three millennia.

Perhaps the most inspirational lesson I brought back concerns a terrible experience endured not only by the Armenian people, but by the world—the atrocities committed at the hands of the Ottoman Turks in the first decades of this century. Despite a cultural and political annihilation—indeed a genocide—the Armenian people have flourished as a defining culture in the Caucasus, in the United States, and on the world stage.

This resilience is evident in the Republic's rise from former captive nation under the Soviet empire state to independent democracy. As I learned on my recent trip, the Armenian people—in the United States and Armenia—have united behind the cause of a prosperous community and a productive nation. Today, Armenia is leading the region in development of infrastructure, technology and education.

As we celebrate this independence, I reflect on my meeting with the President of Armenia, Robert Kocharian. Through his efforts and those of his Azerbaijani colleague, Heidar Aliev, the release of Armenian prisoners of war recently was secured. This is just one example of their work to end decades of bitter feuding in the region. President Kocharian also has guided his nation into a new era of education reform, of artistic rejuvenation and of economic development.

Mr. Speaker, our Nation is built upon a foundation of freedom, democracy, and independence. The Republic of Armenia, I am proud to report, follows this same tradition. The Armenian people have proven that the triumph of the human spirit—despite decades of war, of genocide, and of oppression—can not stifle the will of a people to make their world a better place to live. I am honored to represent one of the largest populations of ethnic Armenians outside Armenia, and I am deeply grateful for the opportunity to have visited their homeland.

As we move toward a new century, and look back on the successes of our past, I would ask my colleagues to join me in saluting the remarkable achievements in the Republic of Armenia. To the Armenian people we send our respect and admiration on the occasion of your nation's eighth anniversary of independence.

BAPTIST CHURCH TARGETED BY AZERBAIJAN AUTHORITIES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I rise today to highlight a disturbing incident involving governmental harassment of religious believers in Azerbaijan. We have received reports of religious liberty violations perpetrated by governmental authorities. As a participating State of the OSCE, Azerbaijan has committed to insuring the freedom of individuals to profess and practice their religion. These recent governmental actions are a clear violation of Azerbaijan's OSCE commitment to the freedom of thought, conscience, religion or belief.

On September 5th, government officials in Baku forced their way into a legally-registered church, Baku Baptist Church, and arrested sixty members of the religious group. The pastors of the church as well as a dozen foreigners were among those arrested and interrogated. The arrested Azeri religious believers were detained and asked to sign a statement affirming that they had attended an "illegal meeting" and promising not to attend the religious meetings in the future. Ultimately, two leaders of the church were sentenced to 15 days in prison on charges relating to resisting police. Likewise, then other foreign members of the religious group were charged with "engaging in religious propaganda" and "propagating against the Muslim faith," in violation of an Azeri law that forbids such activity. On September 8th, all ten foreigners were deported and more deportations are likely.

These events are alarming, Mr. Speaker. While there had been reports of governmental harassment in the past, especially of unregistered religious minority groups, these current events are especially problematic because the target of these actions was a legally registered religious group.

Mr. Speaker, these actions are in direct violation to Azerbaijan's OSCE commitments, including section 16 of the 1989 Vienna Concluding Document, which explicitly delineates the wide scope of activities protected, including the right to establish and maintain places of worship and granting them status under law to both profess and practice their faith. In the 1990 Copenhagen Concluding Document Article 9.1, Azerbaijan has reaffirmed "that everyone will have the right to freedom of expression, including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."

The actions by Azerbaijani officials clearly violate these commitments. I truly hope that these government actions are merely an aberration and will be dealt with accordingly and are not the signal of even more repression of religious believers in Azerbaijan.

I would like to commend to my colleagues the work of our Embassy in Baku on religious liberty. Embassy personnel have taken this recent incident very seriously and have followed the situation from the start. I urge those of my colleagues who interact with Azerbaijani Government officials to raise religious liberty issues in their discussions, stressing the essential role that religious liberty—and indeed human rights in general—play in maintaining a free, stable, and democratic civil society.

IN RECOGNITION OF 1999 LAWSUIT ABUSE AWARENESS WEEK IN THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GILLMOR. Mr. Speaker, I rise to call attention to an important designation this week in the state of Ohio. The week of Sunday, September 19 through Saturday, September 25, 1999, has been officially designated by Ohio Governor Bob Taft as lawsuit Abuse Awareness Week.

The 1999 Lawsuit Abuse Awareness Week campaign attempts to better educate citizens throughout the state of Ohio about the ongoing concerns of the legal problems in our judicial system. During this campaign, the Ohio Citizens Against Lawsuit Abuse (OCALA) has undertaken a public awareness campaign to voice the concerns about lawsuit abuse and draw attention to the impact it has on the state of Ohio. Citizens from across the state have assisted with the campaign to help OCALA spread its message.

Mr. Speaker, the overwhelming rise in lawsuit abuse is not a concern specific to the state of Ohio. Certainly, these problems carry both state and national implications, which affect all Americans. In recent years, our society has become more prone to litigation. In fact, some statistics show the number of lawsuits filed each year approaching 300,000. The sheer number of these lawsuits requires millions of dollars in expenses and thousands of hours from employees. These figures demonstrate that lawsuit abuse is a heavy burden that interferes with our continued economic growth.

As lawsuits continue to climb in number and scope, the impact on our standard of living is evident. Frivolous lawsuits result in higher operating costs for businesses, the withdrawal of products from the marketplace, and the potential decline in growth and overall expansion. Simple economics shows us that these costs are inevitably passed along to consumers and workers in the form of higher prices, lost opportunities, and fewer jobs.

Mr. Speaker, lawsuit abuse is a serious issue facing the United States. As such, it is important for groups like OCALA to be recognized for their efforts in curtailing this abuse. Dedication to change, like that shown by OCALA and other groups, will further the cause to end lawsuit abuse and bring about overall legal reform. I would urge my colleagues to stand and join me in recognizing the week of Sunday, September 19 through Saturday, September 25, 1999, as "Ohio Lawsuit Abuse Awareness Week."

HONORING HILMAR MOORE

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DELAY. Mr. Speaker, today I would like to honor a man whose dedication and commitment to his community should not go unnoticed. Today, September 22, 1999, marks the 50th anniversary of Hilmar Moore's continuous service as the mayor of Richmond, TX.

The mayor's term is a unique one in Texas and the Nation's history. Mayor Hilmar Moore was appointed to serve an unexpired term for Richmond, TX, on September 22, 1949. Since then he has unselfishly served for the advancement of the community. Mayor Moore has deep-seeded Texas roots. He is descended from several of Stephen F. Austin's original colonists who settled Texas. In fact, Mayor Moore is a life member of the Sons of the Republic of Texas. His family's strong commitment to community has lasted generations and many have served in State and local governments.

From 1970 to the present, the mayor has been and continues to be, a leader in the livestock community. He has served on the Texas & Southwestern Cattle Raisers Association as second vice president, first vice president, and president from 1974–76. He has served on the Beef industry Council of Meat Board as vice chairman from 1979–81 and as chairman from 1981–83. In 1983–84, Mayor Moore served as treasurer of the National Livestock and Meat Board and in 1984–85 as chairman-elect. Also, in 1985, he was named Trustee Emeritus of the Gulf Coast Conservation Association. Mayor Moore has received numerous awards and recognitions from the National Livestock and Meat Board Association, Texas Brahman Breeders Association, and the Golden Spur Award. Presently, along with his mayoral duties Hilmar Moore is the director of the King Ranch.

I wish to extend to Mayor Hilmar Moore my heartfelt congratulations and I know my colleagues here in the U.S. House of Representatives do so as well. It will be a pleasure to continue working with him for the improvement of the city of Richmond and the Fort Bend community.

JOHN NESPOLI HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. John L. Nespoli, who has been named Community Leaders of the Year by the Arthritis Foundation of Eastern Pennsylvania. I am proud to have been asked to participate in this event.

This prestigious award has been described by Arthritis Foundation Chairperson Deborah D. Hannon as an honor "presented to an individual who epitomizes the word 'leader' in both their personal and professional life. The recipient is someone who gives back to their community as a way of thanking them for achieving success in their own life."

John Nespoli is the president and chief executive officer of Mercy Health Partners and one of the senior vice presidents of Catholic Healthcare Partners, which makes him responsible for a $200 million health care system, including a tertiary referral center, community hospitals, skilled nursing facilities, home health care, physician group practice and managed care operations.

In addition, John serves on a large number of diverse community organizations. A native of Berwick, John is a dedicated professional with strong commitment to our region. He is the husband of the former Geri Kamps and the father of twins.

Mr. Speaker, I applaud the Arthritis Foundation for this year's choice for the "Community Leader of the Year" and am pleased to send my year very best wishes to John as he accepts this prestigious honor.

GEORGE NEAVOLL MAKES THOUGHTFUL CONTRIBUTION TO MAINE

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BALDACCI. Mr. Speaker, I rise today to pay tribute to George Neavoll, who edited the opinion pages of the Portland Press Herald and the Maine Sunday Telegram newspapers from 1991 until his retirement earlier this month. His readers, myself included, know that he leaves behind very large shoes to fill.

In the words of his colleagues, George Neavoll "set an unapologetically upbeat tone for the opinion pages, wrote extensively about the State's environment and worked to create a consciousness among Mainers that they live in the Atlantic Rim region."

During his time as editorial page editor, Mr. Neavoll championed many causes and highlighted problems in need of attention. From management of our fisheries and protection of our air, land, and water, to the return of passenger rail service in Maine and the need for improved East-West travel routes in our State, George Neavoll enhanced public discourse and made us think.

He also opened up the editorial board meetings to the public, and redesigned the editorial pages to provide more space for letters to the editor and more opportunity for local residents to submit columns.

Throughout his 30-year career in the newspaper business, Mr. Neavoll was recognized for his commitment to excellence numerous times. He received awards for writing, particularly in the areas of environmental protection and human rights. He received a Global Media Award from The Population Institute in 1996; a Human Rights Award from the Portland chapter of Amnesty International in 1995; and the first Portland Bias Crime Task Force's Diversity Bridge Building Award in 1995.

Although originally from Oregon, his obvious love for Maine and his concern for its people make George Neavoll a true Mainer. His impact on public policy, civic life and political dialogue will be remembered and appreciated for many years to come. I join his many friends and colleagues in offering George and his wife, Laney, best wishes for the future. They have made Maine a better place, and they richly deserve this opportunity to travel and spend time with their children.

A SPECIAL TRIBUTE TO THE BRADNER TOWN HALL AND OPERA HOUSE ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GILLMOR. Mr. Speaker, it is my distinct honor and privilege to rise today to pay special tribute to an outstanding community from Ohio's Fifth Congressional District. On Sunday, September 19, 1999, the Village of Bradner will celebrate the One-Hundredth Anniversary of the Bradner Town Hall and Opera House.

In the final year of the Nineteenth Century, the citizens of Bradner decided to take an enormous step—to solidify their position and build a town hall. The Village embarked on a venture to locate a site, procure the necessary funding and materials, and build a truly remarkable building. Their efforts, after concluding the necessary paperwork, votes, and administrative matters, were finalized in 1899 as F.K. Hewitt was hired to design and J.W. Stiger hired to build the Bradner Town Hall.

The Bradner Town Hall has long been the centerpiece of this wonderful community. This small, yet vibrant area holds the same inner-strength found throughout the Fifth Congressional District and throughout the state of Ohio. That strength and common bond is driven from the town hall. For one-hundred years, the Bradner Town Hall has served as the focal point for the community, the symbol of independence and freedom, and the source of the community's pride.

With all its beauty, the Bradner Town Hall symbolizes all that is good in our communities—strength, fortitude, grace, and resilience. The Bradner Town Hall and Opera House has housed the Village fire department, jail, and public utilities offices. It also contains an upstairs Opera House and a library. Throughout the many changes, its use as the governmental center of Bradner has remained constant as it is home to the mayor's office and village council chambers. After first opening the building one-hundred years ago, the Village of Bradner conducts official business in the town hall to this day.

Mr. Speaker, the individuality of the American culture and the freedom of the American spirit are embodied in our local communities and the town halls located in them. I would urge my colleagues to stand and join me in paying special tribute to the Bradner Town Hall on its One-Hundredth Anniversary.

HONORING BRUCE P. MARQUIS, HOUSTON INDEPENDENT SCHOOL DISTRICT CHIEF OF POLICE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Houston Independent School District "HISD" Police Chief Bruce P. Marquis for his outstanding contribution to the safety and well-being of our children attending HISD schools, which was recently highlighted in an article in the Wall Street Journal.

Since the day he took office in 1994, Chief Marquis has embraced a simple, guiding principle—to foster an environment, as he puts it, "for teaching and learning to take place." His work to make our Houston community schools safer for students and teachers has been nothing less than outstanding. Not only has he made our schools safer, but he has made our children feel safer. Chief Marquis is a strong believer in the concept that our children must feel secure in order to learn.

HISD officials made a forward-thinking decision 5 years ago when they created a new Police chief position for the schools and hired Bruce, who was distinguished by his extensive management experience and his background in law enforcement. A former agent in the FBI's Houston office, Bruce brought long-range vision and can-do pragmatism to the creation and management of HISD's police department. Only Texas and Florida State laws allow school districts to create their own police forces. Bruce has built the HISD police department from the ground up, expanding it into the largest in the state.

Since Chief Marquis took over, aggravated assaults in Houston schools have decreased by three-quarters, and weapons' violations are down by two-thirds. Chief Marquis' proactive and aggressive leadership became evident from the beginning of his tenure when he helped persuade the Texas Legislature to transfer authority over school police officers from principals to school police chiefs. Once that was done he made sure that HISD officers wore uniforms and badges, and that they carried guns just like community peace officers. Whether it's dealing with gang activity, drug deals or weapons, Marquis stations his officers throughout our schools to proactively stop problems before they start.

Other innovations Chief Marquis has helped institute include: HISD officers making arrests and keeping records, issuing citations for truancy and fighting, and jailing kids aged 17 and over for not paying fines. He went above and beyond duty when he extended his department's jurisdiction to include a shelter for battered women.

Chief Marquis's law enforcement credentials run deep. In addition to his 10 years with Houston's FBI office, he served as a former U.S. Air Force officer, chief of police at the Los Angeles Air Force Station, and security manager for the 1984 U.S. Olympic Games. Chief Marquis has put his experience and professionalism to good use for Houston's children. I am proud that my friends and constituents Bruce and his wife Traci Bransford-Marquis have chosen to share their spirit of giving with their community, and are teaching their two children those same values.

Mr. Speaker, I congratulate Chief Marquis for his contributions toward ensuring our children are safer. To protect our students in today's increasingly violent society, Chief Marquis has transformed a loose coalition of school security guards with essentially no law enforcement tools into a modern, efficient team of officers who, armed with a full range of police training and expertise, form a network of safety within our Houston school district.

I insert in the RECORD at this point The Wall Street Journal article on Bruce Marquis which appeared September 20, 1999.

[From the Wall Street Journal, Sept. 20, 1999]

READING, WRITING AND MIRANDA RIGHTS: COPS PATROL SCHOOLS

(By June Kronholz)

HOUSTON—Armed, trained in assault tactics, equipped with bulletproof vests and bomb-sniffing dogs, supported by and bomb-sniffing dogs, supported by 24-hour emergency dispatchers. Chief Bruce P. Marquis and his 177-member police department walk the country's highest-profile beat this fall.

They patrol public schools.

Schools are safer than they have been in years, the U.S. Department of Education reports. Crimes against kids while they're in school are down by 20% in three years; one-third fewer children were suspended for bringing a gun to school in 1998 than the year before. Education Secretary Richard Riley calls schools the safest place for a child to be.

But the gun rampage in Littleton, Colo., the deadliest in a three-year string of school shootings, is the flip side of that good news, and has sent school districts rushing to upgrade their security. Kids returned to school to find metal detectors, fences, dress codes, security cameras. And, in the Houston schools, one thing more: a police department.

Forget the days when the football coach doubled as security chief, checking the boys' room for idlers and cigarette smoke. The Houston Independent School District Police Department stations armed officers in the 58 middle schools and high schools and many of the 35 magnet and other alternative schools in its 312-square-mile jurisdiction. It patrols school neighborhoods with bicycles and a fleet of squad cars, fields gang and drug task forces and operates a crime-scene communications van.

Over and over on a recent, stifling-hot afternoon, a new Special Response Team practices skulking down an alley below window level, crouching behind a bullet-proof shield and then, with guns drawn, rushing a stairwell to overwhelm an imaginary gunman.

CHAIN OF COMMAND

There is a horse-mounted unit for traffic control. An investigations division handles crimes short of rape and murder. Dispatchers fielded 14,000 calls last year. And heading it all is a 47-year-old former FBI agent who holds a doctorate in education, earns $84,000 a year and has shaped his department down to the smallest details, including designing the uniforms and the department flag himself. Chief Marquis—so mindful of chain-of-command protocol that he and his longtime deputy address each other by their titles—offers this description of his job: "We exist for teaching and learning to take place."

Education is a local function in the U.S., so districts handle security in lots of different ways, and no one collects nation-wide information. Most districts, if they use any security at all, use armed local police, reasoning that because schools are part of the community, they should be protected by community police. But some districts use police just to patrol the halls, while others ask them to run safety and counseling programs as well. Some pay local police with school funds; others depend on the police force to pay the costs and handle the administration.

In Texas and Florida, state laws allow school districts to create their own police forces, and 82 of the 1,042 school districts in Texas have done just that. With a budget of about $12 million, the HISD police department is the largest in the State. But beyond that, Houston shows how the job of protecting school kids has expanded and become professionalized since the days when coaches patrolled the halls.

The starting salary for an HISD police officer is $28,000, only about $1,000 less than for Houston Police Department rookies. New hires must be graduates of a police-academy program, hold a police license and have 60 hours toward a college degree. By state law, officers receive at least 20 hours of training a year. Bike patrols and drug and gang specialists receive training beyond that. And the Special Response Team practices hostage rescues and school evacuations two days a month, including training with the Federal Bureau of Investigation.

SHAPING UP

That's a far cry from the department that Chief Marquis inherited in 1994—a "ragtag bunch" in mismatched uniforms, he says, who applied the decals to their squad cars themselves. Because Houston's schools use site-based management, giving principals control over some of the day-to-day details of running their schools, HISD policemen carried guns and wore uniforms in schools where principals favored them but didn't elsewhere.

Houston's superintendent, Rod Paige, says the school board decided to upgrade its policing when focus groups told it that middle-class parents, and particularly whites, were leaving the district because they viewed the schools as unsafe. Of Houston's 211,000 students, more than half are Hispanic, a third are African-American and three-quarters are poor. Big-city superintendents worry, says Dr. Paige, "that school districts so at odds demographically with the rest of the community" risk losing community support, especially financial support. And operating unsafe schools is one certain step on that path.

In the 1993–94 school year, HISD police reported 89 aggravated assaults, two murders, seven rapes and 244 cases of children carrying weapons to school. Hired mid-year, Chief Marquis already had been a U.S. Air Force officer, chief of police at the Los Angeles Air Force Station, security manager for the 1984 Olympic Games and a 10-year member of the FBI. The son of a San Francisco bus driver, he graduated from the University of Portland, earned a business degree from Pepperdine University in Los Angeles and got his doctorate from Texas Southern University in Houston. He expects to earn a second master's degree, in criminal-justice management, this spring, and after that is eyeing a program at Harvard.

Two years into his HISD job, Chief Marquis, a Democrat, ran for sheriff of heavily Republican Harris County and took a drubbing. But he moves easily in Houston's civic circles, from the YMCA to the rodeo, and entertains a steady stream of TV reporters who ask about the schools.

A typical Marquis day begins at 4 a.m. with a workout and allows for one cup of coffee, weekdays only. He does the cooking for his wife, a former Justice Department lawyer, and two small children, and sews a missing button on his daughter's dress before she leaves for preschool.

Still, the screen saver on his office computer declares "Always Forward." Vince Lombardi quotations hang framed on the wall ("What It Takes to Be No. 1"). And Chief Marquis delights in pushing the boundaries of his job description: He recently extended his department's jurisdiction to include a shelter for battered women, on whose board he sits, by reasoning that the children of the abused mothers probably attend Houston schools. "I'm not a status-quo kind of guy," he says.

BEARING ARMS

Indeed. Among his first changes, Chief Marquis helped persuade the Texas Legislature to put school police officers under the direction of school-police chiefs, taking them out of the orbit of principals. With that, HISD officers began wearing uniforms and badges—and carrying guns. Without guns, "they're not police officers," the chief says.

Where HISD police formerly backed up Houston police on calls in schools, now it's the other way around, with school police making the arrests and keeping the records, (although still using Houston police substations for bookings). Emergency dispatchers, who once routed 911 calls through the Houston police, now relay them directly to HISD. And four years ago, HISD police received the authority to issue citations: Disrupting school can bring a Class C citation that carriers a $400 municipal-court fine. Violating a 9:30 a.m. to 2:30 p.m. curfew—imposed by the city to keep kids off the street when they should be in school—can bring a $250 fine. And citations for fighting can start at $250 and soar to $1,300.

At age 17, moreover, a youngster can be sent to jail for not paying his fines. "That gets their attention," says HISD Capt. Al Barnes. More important, he adds, it helps keep fights off the school grounds and out of the classrooms.

With site-based management, Houston's schools can decide to use their detectors and security cameras, and they can opt for school uniforms and bans on trench coats. Milby High School is banning denim this year, and because of thefts and fires in the lockers, Austin High has bolted them shut, which means students all carry around their days' books and supplies.

RANDOM SEARCHES

But to add to the schools' precautions, Chief Marquis also issues hand-held metal detectors to his officers and next year, will add computers to link them with headquarters—a converted telephone-company building—and into the records bureau. Prompted by the Littleton shootings, HISD will begin twice-monthly drug and weapons searches this year, randomly picking out a school and then two classes in that school for searchers. More typically, though, his officers linger at front doors as school begins each morning, picking up on tensions or bad moods. They wander hallways, shooing stragglers into class. They direct traffic at dismissal, breaking up knots of loiterers who might, out of idleness, start trouble. And they listen for word of gang fights, drug deals and weapons.

That word usually gets out, Officer Marvin Lee says with reassuring certainty, because "the good kids outweigh the bad kids." Officer Lee has patrolled Lamar High, a middle-class school with 3,000 students, for 15 years, and he has a clear sense of his job: "It's stepping out little fires before they become big fires."

Across town, a little fire appears to be smoldering at Yates High as a skinny sophomore is brought into the tiny police office, accused of kicking an assistant principal who has reprimanded him for not wearing the regulation khaki pants. The parents have been called, and the teenager, clearly fearful of his stepfather, sits worried and resentful as Officer Ernest Lang outlines his strategy.

Officer Lang, who scored 33 touchdowns in his senior year at Yates in 1951 and is still known in Central Houston as "The Legend," plans to get the boy into the school ROTC program, and assigns a sleepy-looking senior nicknamed Wolf to serve as his mentor. An officer who knows the stepfather will look in at home from time to time, and a Baptist preacher who was tossed out of Yates 20 years ago but has returned as a counselor will work on the youngster's attitude. "We can reach him if we take the time." Officer Lang says easily. Then, as the parents arrive for a conference, he leans toward the youngster and warns: "Don't you act ugly now."

Juvenile crime has fallen nationwide in the past five years: In Houston's schools, aggravated assaults are down by three-quarters, and weapons' violations are down by two-thirds since Chief Marquis took his job. Dewey Cornell, a psychologist who studies youth violence at the University of Virginia in Charlottesville, credits better policing for part of the decline. But he also credits a strong economy, the calming of the cocaine wars, success in arresting gang leaders, a federal law that mandates expulsion for bringing guns to school, and the spread of character-education and conflict-mediation programs.

CHARACTER EDUCATION

Ten years ago, worried about what they saw as declining social and moral values, local business leaders raised $2 million to fund one of the country's early character-education programs in Houston's schools. The idea is to teach values such as honesty and self-discipline as part of every class, says Dot Woodson, who was a University of Houston basketball coach before coming to HISD to head the program. So, in a class on the Boston Tea Party, she tells teachers to ask kids, "What would make you so angry that you would want to rebel, and what are the appropriate ways to rebel?"

In a decade, Houston has trained 16,000 of its teachers in character education and bought or written character-education curricula for all its schools. Ten state legislatures (although not Texas's) now mandate that schools teach character education, and six others encourage it. "This is the place to spend money," Virginia's Dr. Cornell insists.

Certainly, compared with hiring policemen, character education is cheap. Security is barely a blip on the $1.2 billion budget of the Houston schools, but even so, the district sets aside $9 million. Chief Marquis says his spending, which comes from several budget pots, actually is at least a third more, and even that doesn't include what the schools individually spend on security hardware. Meanwhile, Houston's character-education program is still operating, in part, off its original $2 million grant.

With schools under huge pressure to raise standards and test scores, special-response teams and communications vans can seem like an extravagance—until they're needed, of course. Herbert Karpicke, principal of the 700-student High School for the Performing and Visual Arts, offers a tour while Chief Marquis is giving an interview in the school's video lab. Doors open onto a choir practice, a jazz band, a corps of ballerinas, dramatic soliloquies. Dr. Karpicke has persuaded the district to contribute $15 million toward a new, larger school, but he has to raise the other $15 million himself in the next five years, and he is wondering how.

Even this school—its hallways lined with cellos, its students hand-picked—has an armed HISD police officer at the front door, though. Chief Marquis concedes the benefits of violence-prevention programs: They're "a spoke in the wheel," he says. "But as long as problems from the community come onto the campuses, the police are necessary," he says, and that means armed, trained and equipped officers. He is lobbying to hire 40 more.

TRIBUTE TO REV. ROBERT TAYLOR

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to an individual who spent his life not just preaching about the needs of the poor, but by doing something in meaningful ways to help meet the needs of the poor. Rev. Robert Taylor was a priest, a licensed clinical social worker and what we commonly call a community activist.

Father Taylor was an Episcopal Priest for decades in Chicago, he was one of the 15 priests fined and sentenced to jail after they had led a prayer pilgrimage in Jackson, Mississippi to protest segregation in 1961. Father Taylor spent about three weeks in jail but breach of peace charges were dropped.

St. Leonard's is a halfway house located on Washington and Hoyne on the westside of Chicago, in the Henry Horner Housing Project area across the street from the Mile Square Community Health Center where I worked for a number of years. Father Taylor began working at St. Leonard's House in the 1950's with ex-convicts and also worked as a chaplain at Cook County Jail. by the end of the decade, he had helped to build St. Leonard's from a small service for only a handful of ex-convicts to a well-regarded refuge for men looking to rebuild their lives. In 1963, he was appointed executive director and led St. Leonard's House until 1970.

When he first got involved with St. Leonard's House, Father Taylor lived with his wife and children at the westside halfway house in the midst of what was usually called a ghetto. He opened himself up to ex-offenders and helped them to get jobs. "He was one of the greatest priests I've ever known," said Father Jones. "When he gave his heart and soul to the ex-prisoners they learned that people were not all down on them." Father Taylor later joined the Episcopal Diocese of Chicago in 1980, as the director of the Office of Pastoral Care, in 1987, he became director of program and mission for the diocese. For years he worked with his wife, also a social worker, and together they helped scores of people overcome alcohol and drug addictions.

When you give of yourself that is when you truly give. Robert Taylor, an advocate for the poor, truly gave of himself.

THE MAINTAIN UNITED STATES TRADE LAW RESOLUTION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. VISCLOSKY. Mr. Speaker, today, I, along with over 100 of my colleagues, introduced the Maintain United States Trade (MUST) Law Resolution. This resolution will send a clear message to our trading partners that the President and the Congress will maintain our antidumping and countervailing duty laws. This measure will put the House on record as opposing the renegotiation of these critical trade laws at the upcoming Seattle round of the World Trade Organization. These laws are the cornerstone of a free and fair open market policy, and represent one of the few means of redress for American producers and workers.

According to the U.S. International Trade Association, as of March 1, 1999, over 290 products from 59 different countries were under antidumping and countervailing duty orders. Following my statement are a list of over 120 of these products. Throughout the steel crisis, antidumping and countervailing duty laws have represented one of the few means of relief for American steel workers. These laws are far reaching and affect countless products throughout the United States. It is imperative that the administration uphold these important trade laws at the WTO Seattle Round.

The World Trade Organization's Ministerial Conference, to be held in Seattle from November 30 to December 3, 1999, will launch a new round of trade negotiations. These talks will focus on reshaping WTO rules regarding agriculture, services, and intellectual property. However, many foreign countries are seeking to expand the agenda in order to debate the WTO's antidumping and countervailing duty laws. The MUST Law Resolution will allow the Administration to attend the Seattle negotiations with a unified statement from the Congress declaring that the United States must not agree to reopen negotiations on any antidumping and countervailing duty laws.

The MUST Law Resolution will call upon the President to not participate in any international negotiation in which antidumping and antisubsidy rules are part of the negotiation agenda, refrain from submitting for congressional approval agreements that require changes to the current antidumping and countervailing duty laws and enforcement policies of the United States, and enforce the antidumping and countervailing duty laws vigorously in all pending and future cases.

We, as elected members of Congress, have the obligation to protect American producers and workers from unfair foreign trade practices. Consequently, I urge my colleagues to cosponsor and support this resolution to protect free and fair trade.

AGRICULTURAL PRODUCTS

Canned Pineapple Fruit, In Shell Pistachios, Fresh Kiwifruit, Fresh, Chilled and Frozen Pork, Fresh Cut Flowers, Frozen Concentrated Orange Juice, Red Raspberries, Preserved Mushrooms, Live Swine, Lamb Meat, Sugar, Pasta, Codfish, Honey, Garlic, Rice, Wool, Agricultural Tillage Tools, Freshwater Crawfish Tailmeat, Fresh and Chilled Atlantic Salmon, Fresh Atlantic Groundfish.

INDUSTRIAL PRODUCTS

Dry-cleaning Machinery, Carbon Steel Wire Rod, Barbed Wire and Barbless Wire Strand, Line and Pressure Pipe, Oil Country Tubular Goods, Iron Construction Castings, Malleable Cast Iron Pipe Fittings, Brass Sheet and Strip, Industrial Nitrocellulose, Stainless Wire Rod, New Steel Rails, Tapered Roller Bearings, Heavy Forged Hand Tools, Chrome-plated Lug Nuts, Tungsten Ore Concentrates, Compact Ductile Iron Waterworks Fittings, Helical Spring Lock Washers, Brake Rotors, Nitrile Rubber, Mechanical Transfer Presses, Drafting Machines and Parts Thereof, Gray Portland Cement and Cement Clinker, Gas Turbon Compressors, Extruded Rubber Thread, Low Fuming Brazing Copper Wire & Rod, Industrial Nitrocellulose, Industrial Phosphoric Acid, Professional Electric Cutting/sanding/grinding Tools, Collated Roofing Nails, Antifriction Bearings, Calcium Aluminate Cement & Cement Clinker, Large Newspaper Presses & Components, Industrial Belts, Industrial Phosphoric Acid, Pressure Sensitive Plastic Tape, Brass Fire Protection Products, Internal Combustion Industrial Forklift Trucks.

MANUFACTURING MATERIALS

Silicon Metal, Ferrosilicon, Silocomanganese, Elemental Sulphur, Pure and Alloy Magnesium, Potassium Permanganate, Chloropicrin, Barium Chloride, Manganese Metal, Sodium Thiosulfate, Sulfanilic Acid, Sebacic Acid, Furfuryl Alcohol, Glycine, Polyvinyl Alcohol, Sorbitol, Anhydrous Sodium Metasilicate, Granular Polytetrafluoroethylene Resin, Roller Chain Other than Bicycle, Methione, Synthetic, Melamine in Crystal Form, Calcium Hypochlorite, Benzyle P-hydrosybenzoate, Polyethylene Terephthalate (PET) Film, Aramid Fiber of PPD-T, Uranium, Titanium Sponge, Ferrovanadium and Nitrided Vanadium, Solid Urea, Animal Glue, Inedible Gelatin, Electrolyte Manganese Dioxide, Persulfates.

COMMERCIAL AND HOUSEHOLD GOODS

Melamine Institutional Dinnerware, Porcelain-on-steel Cooking Ware, Top-of-the-stove Stainless Steel Cooking Ware, Aspirin, Leather, Spun Acrylic Yarn, Paper Clips, Pencils, Cased, Textiles, Castor Oil Products, Cotton Shop Towels, Petroleum Wax Candles, Natural Bristle Paint Brushes and Brush Heads, Coumarin, Greig Polyester Cotton Print Cloth, Sparklers.

TECHNOLOGY AND ELECTRONICS

Color Television Receivers, Telephone Systems and Subassemblies, Drams of 1 Megabit & above, Multiangle Laser Light Scattering Instrument Semiconductors, 3.5 Prime; Microdisks & Media Thereof, Static Random Access Memory, Random-access Memory Chips, Memory Semiconductors, Video Random Access Memory, Color Picture Tubes, Defrost Timers, Cellular Mobile Telephones & Subassemblies, Supercomputers.

PERSONAL EXPLANATION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SPRATT. Mr. Chairman, I would like to ask that I might have a statement placed in the RECORD. On rollcall vote No. 430 on the bill H.R. 1402, I mistakenly voted "yes" when in fact I intended to vote "no" on this amendment.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 1999

SPEECH OF

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. VENTO. Mr. Speaker, I rise today in strong support of this important human rights bill that protects and provides hope to survivors of torture.

I join my colleagues in acknowledging the outstanding work of the center for Victims of torture (CVT) located in my home state of Minnesota. I had the honor or participating in a special event in Minnesota earlier this summer in celebration of the second United Nations International Day in Support of torture Victims by planting a tree that symbolizes the growth and healing that the CVT hopes to bring to survivors of torture.I commend the hard work and efforts of the CVT for treating these broken persons and injured spirits; trying to take away the living nightmares of these victims. They refer to this as "rising from the ashes," in terms of these broken spirits and broken bodies that are delivered to our shores and communities.

We must surely embrace these persons and give them protection fro religious and political persecution. We must be cognizant of the fact that they are going to need more than just refuge in this country. They need a helping hand.

According to the CVT, it is estimated that as many as 400,000 victims of torture now reside in the United States, with an estimated 12,000 to 15,000 residing in Minnesota. The Center's clients have come from around the world—52 percent from Africa, 25 percent from South and Southeast Asia, 11 percent from Latin America, six percent from the Middle East and three percent from Eastern Europe. An estimated two-thirds of CVT clients are seeking asylum from persecution at the time they first contact the Center.

Many torture survivors suffer from severe psychological effects such as fear, guilt, nightmares, flashbacks, anxiety and depression. The debilitating nature of torture makes it extremely difficult for survivors to hold steady jobs, study for new professions and careers, or acquire other skills needed for a successful integration into our nation's culture and economy. Congress should provide hope for these talented, educated and productive people who were purposefully disabled by their own governments.

In response to this human suffering, I was a cosponsor of the Torture Victims Relief Act that was enacted into law last Congress, and I continue to strongly support this legislation in the 106th Congress. This Reauthorization builds upon last year's success and provides an important first step in healing the wounds of government-inflicted torture on individuals, their families and their communities. Specifically, this bill authorizes $10 million for the next three years for grants to centers and programs that treat victims of torture in foreign countries and centers and programs in the United States that aid victims of torture. Such funds will cover the costs of supporting torture victims, including rehabilitation, social and legal services and research and training for health care providers. Furthermore, this legislation funds $5 million per year for the U.S. contribution to the UN Voluntary Fund to find new and innovative ways to support torture victims treatment programs and encourage the development of such programs. Finally, this bill provides training for foreign service officers to help them identify torture and its effects upon innocent civilians.

Torture is a crime against humanity. It is the single most effective weapon against democracy. As members of Congress, it is our responsibility to protect and shield the world from this strategic tool of repression. I urge all members to support this much needed Reauthorization which will respond to the evils of torture and its physical, social, emotional and spiritual consequences upon our communities.

INTRODUCTION OF THE INTERCOUNTRY ADOPTION ACT OF 1999, H.R. 2909

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to introduce today the "Intercountry Adoption Act of 1999" along with 36 of my colleagues. This is an important consumer measure that will protect American adoptive parents and the children from other nations they want to adopt.

This bipartisan bill provides the Executive Branch with the necessary authorities to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

The Hague Convention was developed in response to abuses in the intercountry adoption process, including illegal child trafficking.

The Hague Convention sets forth standards and procedures that can be recognized and followed by countries involved with intercountry adoptions. This legal framework provides protection to the adoptive children and their families by ensuring that agencies and individuals involved in the intercountry adoption process meet standards of competence, ethical behavior and financial soundness.

Americans are widely engaged in international adoptions. American adopted over 13,000 children international in 1997. By adopting the system developed by the Hague Convention, we can ensure that these adoptions are completed with a minimal risk of fraud, child abuse or illegal child trafficking.

Mr. Speaker, this bill adheres to two important principles. First, the legislation fully meets the requirements of the Hague Convention without attempting to reach beyond those requirements. Secondly, the bill does not override state laws on adoption except where it is absolutely necessary to conform with the Hague Convention.

Under our bill, the State Department will monitor intercountry adoption cases and liaise with foreign governments on behalf of adoptive parents. In addition, State will maintain a case registry to track all adoptions involving immigration of a child into the U.S. and all adoptions involving emigration from the U.S. to any other Convention country.

The bill also designates the Department of Health and Human Services with the responsibility of accrediting adoption service providers. In allows for HHS to designate one or more private, non-profit organizations to serve as accrediting entities. The bill also provides oversight authority and prescribes actions that can be taken by the Secretary of HHS should an accrediting agency or an accredited entity fail to comply with the standards.

My intention is to promptly move ahead with this legislation and the International Relations Committee plans to hold hearings on this legislation in the near future. I greatly appreciate the interest and assistance provided by my colleagues in crafting this bill. I look forward to working with House members as we move this bill forward.

INTRODUCTION OF THE INTERCOUNTRY ADOPTION OF 1999

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. CAMP. Mr. Speaker, I am very proud to join with my friend and colleague, the Chairman of the House International Relations Committee BENJAMIN GILMAN, in introducing the Intercountry Adoption Act of 1999, legislation to implement the Hague Convention on Intercountry Adoption. His leadership on this important issue is a testament to his concern for the safety and well-being of children looking forward to permanent and loving adoptive families.

More and more, American couples are looking abroad as they seek to expand their families through adoption. The United States adopts more children than any other country. We're the land of opportunity, in so many ways, and intercountry adoption is yet another example of that fact. As the world's leader in adopting children of other countries, we have a responsibility to ensure that intercountry adoption take place in a way that guarantees the children's safety and fully protects the rights of both the adoptive parents and the birth parents.

For that reason, the United States in 1994 signed the Hague Intercountry Adoption Convention, which establishes basic international procedures for concluding safe intercountry adoptions. We've heard too many stories about the small minority of unscrupulous agencies and individuals who have brided parents or foreign officials, deceived prospective adoptive parents about the costs of an adoption or actually who the child is that they are adopting, and even stories about the selling of children. Though such horror stories are a small minority, we need to ensure that international standards are in place so only competent and law-abiding agencies and individuals are involved in intercountry adoptions.

The Intercountry Adoption Act, which we are introducing today, implements the Hague Convention. The bill's first main provision would establish the State Department as a "Central Authority," to monitor intercountry adoptions and provide assistance to adoptive parents in dealing with officials in other countries.

Secondly, the bill calls for the Department of Health and Human Services to designate one or more private, non-profit organizations to serve as accrediting bodies which would then accredit U.S. adoption service providers in accordance with strict standards of ethics, competence, and financial soundness. These accredited agencies could then facilitate intercountry adoptions in other countries under the Hague Treaty.

Mr. Speaker, we can be proud of our success domestically, in increasing adoptions here in the U.S. and decreasing the time many of our children spend in foster care. Our 1997 legislation, the Adoption and Safe Families Act, has led to enormous increases in domestic adoptions. The Intercountry Adoption Act takes the next step, to ensure that international adoptions are safe, and that they are in the best interests of the child, the birth parents, and the adoptive parents. I look forward to working with Chairman GILMAN and other Members of Congress interested in international adoption, and I urge my colleagues to join us in supporting this important legislation.

PROTECTING CHILDREN IN INTERCOUNTRY ADOPTIONS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GEJDENSON. Mr. Speaker, I rise in support of the Inter-Country Adoption Act of 1999, bipartisan legislation that has been introduced today. This legislation, of which I am an original co-sponsor, seeks to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the "Hague Convention"), which the President transmitted to the Senate for its advice and consent on June 11, 1999.

For many years, children from across the world have found loving and nurturing homes here in the United States. American families have opened their arms to these needy children who might otherwise have remained orphans in their own countries. Likewise, while fewer in number, U.S. children are also placed with foreign nationals who seek to grow their families through adoption. And yet, amid the many shining examples of successful intercountry adoptions, there remain a substantial amount of cases where the results have not been as positive. For this reason, it is absolutely imperative that we take prompt action to ratify and implement the Hague Convention here in the United States—above all, to protect the rights of, and prevent abuses against, children, birth families and adoptive parents involved in inter-country adoptions. The Convention provides a legal framework whereby agencies and individuals would be required to meet internationally agreed upon standards of competence, financial soundness and ethical behavior.

The legislation before you today would also ensure that such adoptions are indeed in the children's best interests. Among other matters, it establishes a central point of contact for intercountry adoptions under the Convention, provides for minimum standards for agencies and other persons involved in facilitating intercountry adoptions, and includes stiff civil and criminal penalties for anyone involved in misconduct such as fraud relating to intercountry adoptions. Through these and other mechanisms, this bill would facilitate the Federal Government's efforts to assist U.S. citizens seeking to adopt children from abroad and residents of other Convention countries seeking to adopt children from the United States. At the same time, this bill seeks to achieve these objectives in a way that would not preempt state law except to the minimum extent necessary.

There is no reason why we should not take this important step towards safeguarding the rights of needy children, their birth parents and adoptive families. We must work together to strengthen international cooperation in adoption cases and do everything within our power to prevent abuses. I want to commend Chairman GILMAN for his work in introducing this legislation, the many members who worked together to fashion a bipartisan bill, and all members who have joined us as original cosponsors of this legislation.

Please join me in pledging your support for the Inter-Country Adoption Act of 1999.

HAGUE INTERCOUNTRY ADOPTION ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BLILEY. Mr. Speaker, I am a proud cosponsor of the Hague Intercountry Adoption Act introduced today on behalf of thousands of children and adoptive families. After months of work,this bill represents a bipartisan approach to address only the issues necessary to implement the Hague Convention on Intercountry Adoption. The future success of this bill dictates that we fulfill our obligations under the Hague Convention and leave all other matters for another time.

As an adoptive father, adoption is very close to my heart. My profound commitment to helping vulnerable children has been shown in legislation I have sponsored to promote adoption over the years. I am committed to helping children without parents in the U.S. and around the world join a loving home. The Hague Intercountry Adoption Act builds upon a foundation established by adoptive families in America. The willingness of many families to travel across the world to adopt orphaned children shows the true spirit of America.

Thousands of children worldwide are waiting helplessly for parents to read to them, to teach them how to tie shoe laces, to say bedtime prayers with them, and to eat ice-cream with them on a summer night. It is in the best interest for a child to be part of a loving family. Only as a last resort should intercountry adoption be a option. However, after all steps to place a child for adoption in their birth country are exhausted, intercountry adoption must be a viable and safe option for the children and adoptive parents. It takes a great deal of faith for one country to allow their children to be adopted by people from another country. As a result, officials in other countries are looking for accountability at a federal level to ensure the safety and rights of their children.

In the last year, I have met with several Members of the Russian Duma and the Director General of China Center on Adoption Affairs. I informed both delegations that the U.S. Congress places significant emphasis on the future of intercountry adoption. The Hague Intercountry Act specifically addresses the issue of a central authority in the U.S. State Department for other countries to contact in case there is a problem with an intercountry adoption.

Adoptive parents will benefit by an accreditation system required by all agencies who provide intercountry adoption services. A strong accreditation process will help prevent some people from taking advantage of vulnerable parents in the process of building a family through adoption. Adoptive parents in America deserve to know that their adoption agency has passed a vigorous and thorough accreditation standard.

Adoptive parents and government officials demand to know unethical behavior will not be tolerated. The Hague Intercountry Adoption Act provides for civil money penalties up to $25,000 for a first violation and up to $50,000 for each subsequent violation by unscrupulous individuals and agencies.

In order to ensure ethical behavior for all involved, the above-mentioned civil penalties apply to any individual who provides adoption services in the United States in connection with Convention adoptions without proper accreditation or approval. Additionally, if one provide false statements, improperly induces consent from a birth mother to relinquish her parental rights or violates the privacy provisions contained in Section 401, they will also be subject to fines of up to $25,000 and $50,000. Criminal penalties in the same amounts will also apply for violations. The strong enforcement provisions included in the Hague Intercountry Adoption Act are a necessary tool to ensure penalties go far beyond the cost of merely doing business.

Rarely does Congress have an opportunity to improve the lives of children and families. The Hague Intercountry Adoption Act gives the U.S. Congress an opportunity to stand-up and reaffirm our support for intercountry adoption.

INTRODUCTION OF THE INTERCOUNTRY ADOPTION ACT OF 1999

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DELAHUNT. Mr. Speaker, I am proud to join with Chairman GILMAN and over 30 of our colleagues in introducing the Intercountry Adoption Act of 1999.

This bipartisan legislation will implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the "Hague Convention"), which the President transmitted to the Senate for its advice and consent on June 11, 1999.

Prompt U.S. ratification and implementation of the Hague Convention is of enormous importance to many thousands of needy children throughout the world and the American families who adopt them. The Convention establishes a legal framework for protecting these children and families by ensuring that agencies and individuals involved in the intercountry adoption process meet standards of competence, financial soundness, and ethical behavior. It creates a structure to strengthen international cooperation in adoption cases, and to ease the burdens of what can be an expensive, time-consuming and stressful process.

As the adoptive parent of a child born overseas, I know what the Convention will mean to countless families like mine.

The Intercountry Adoption Act provides a blueprint that will enable the United States to carry out its obligations under the Convention, ensuring reciprocal recognition of adoptions by the United States and other Convention countries, eliminating much current paperwork connected with the legalization of documents, and creating legally enforceable safeguards for adoptive children and their families.

The bill designates the Department of State as the "central authority" for the United States, with responsibility for liaison with the central authorities of other Convention countries and the coordination of Convention activities by persons subject to U.S. jurisdiction.

The bill also assigns certain key functions to various domestic agencies, to be carried out in consultation with the Secretary of State. The Secretary of Health and Human Services is given responsibility for overseeing the accreditation and approval of organizations and individuals providing adoption services in the United States in connection with Convention adoptions. To the Attorney General are given various duties related to immigration, record keeping and privacy requirements.

This legislation is the culmination of many months of hard work, and is the result of extensive consultation with many parties, including the administration and the U.S. adoption community.

We have taken a "minimalist" approach to our task, deferring, wherever possible, to the state laws by which we have always regulated adoption in this country, and resisting attempts to use the bill as a vehicle for carrying out changes to domestic adoption practices at the federal level that are not required to bring our laws into compliance with the Convention.

Our goal throughout this process has been to put adoptive children first, through the prompt ratification and implementation of the Convention. We have done our utmost to steer clear of extraneous issues that might delay or derail that objective

The International Relations Committee and the Committee on Ways and Means will shortly begin consideration of this legislation, and it is my sincere hope that the bill will move forward expeditiously in the same spirit of cooperation that has enabled us to reach this milestone.

AMERICA'S SENIORS DESERVE FAIRNESS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. UNDERWOOD. Mr. Speaker, it is no secret that drug manufactures all across the nation have and continue to engage in the unfortunate practice of price discrimination. On the brunt end of this discrimination is our senior citizens, a constituency who by no means deserves this ill and insensitive treatment. Today, seniors who purchase their own prescription drugs are forced to pay twice as much for their drugs as the federal government and Health Maintenance Organizations (HMOs). This financial burden must be eliminated and this discrimination must come to an end. Fairness for our seniors can prevail by Congress addressing this situation now.

Price discrimination on the part of drug manufacturers in this country has brought devastating effects on older Americans. Acting on their vulnerability, drug manufacturers have taken advantage of older Americans while giving breaks to their most favored customers: the federal government and HMOs. The exorbitant cost of prescription drugs forces seniors to choose between buying food to feed themselves, paying the electric bill to warm their home in the brutal winter, and paying for the medications they so desperately need to stay healthy and well. It is not fair to put seniors, who have limited and fixed incomes, in a situation of having to choose between life's necessities. Allowing this discrimination and unfairness to continue is simply wrong and only exacerbates this situation.

Mr. Speaker, there is a solution to this problem. Legislation crafted by my colleagues, TOM ALLEN, JIM TURNER, and MARION BERRY, will reduce prescription drug prices for older Americans by over 40 percent without any significant cost to the federal government. I am a proud co-sponsor of this important legislation, H.R. 664, the Prescription Drug Fairness for Seniors Act, which relies on market forces to lower the costs of prescription drugs for seniors. The bill would allow pharmacists to purchase drugs for senior citizens at the same price the federal government purchases prescription drugs through the Department of Veterans Affairs, Medicaid, or other programs. My constituents, especially the seniors on Guam know all to well the dilemma of acquiring needed medication without sacrificing the other essential necessities of life, strongly support this legislation and have called upon me to urge my colleagues to do the same.

Mr. Speaker, I want to particularly thank my colleague, Congressman TOM ALLEN, for his diligent work in bringing this issue to our attention, of his work in sponsoring this legislation and for his unwavering commitment to older Americans. Mr. Speaker, I sincerely hope that the Prescription Drug Fairness for Seniors Act receives its due consideration and reaches the floor for passage as soon as possible. Our senior citizens deserve no less than affordable medication and a Congress that cares.

DEVASTATING EARTHQUAKE HITS TAIWAN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. LIPINSKI. Mr. Speaker, a devastating earthquake struck Taiwan earlier this week. The quake was centered 90 miles south of Taipei in Nantou county. Registering 7.6 on the Richter scale, the quake has claimed more than 1,800 lives and destroyed hundreds of homes. Thousands more are believed to be trapped in the rubble, and the death toll is expected to increase. Aftershocks continue to rumble through Taiwan.

The earthquake crippled Taiwan's infrastructure in the hardest hit areas. Phone, power and water lines were knocked out. Over 100,000 people were left homeless sleeping on blankets in makeshift shelter areas. Roads are barely usable as large gashes crisscross many of the main thoroughfares in central Taiwan making it extremely difficult for rescue workers to deliver aid.

I understand that a number of Americans may have family or friends in Taiwan. Many of them may be extremely worried due to the lack of information and the inability to contact them by phone. I call upon the U.S. Department of State and the Taipei Economic and Cultural Representative Office. Taiwan's de facto embassy in the U.S., to coordinate efforts to keep them informed of further developments and to provide all reasonable assistance in locating and determining the status of their family and friends.

The U.S. Agency for International Development, the lead U.S. agency for international humanitarian efforts, has activated a team of 100 search and rescue personnel and 106,000 pounds of equipment. They have also provided a general information number that can be reached at 1–800–USAID–RELIEF. I commend USAID for their swift and efficient response to this humanitarian disaster, and I am certain that they will continue to work closely with Taiwan to coordinate relief efforts.

USAID has indicated the transportation of relief goods to Taiwan is very difficult and inefficient at this time, so monetary donations are preferred. To that end, the Taipei Economic and Cultural Representative Office established the "Taiwan Earthquake Relief Fund" for individuals interested in providing support. Donations can be made to Riggs Bank, account number 17306006, 1913 Massachusetts Avenue, NW., Washington, DC, 20016.

The U.S. is not the sole nation involved in the search and rescue effort. The response from the international community has also been swift. Switzerland, Germany, Singapore, Japan and Russia have all sent personnel and equipment to Taiwan to assist with search and rescue efforts.

All the rescue teams are working non-stop to comb through the rubble in search of survivors. God bless them for their tireless and courageous efforts.

My thoughts and prayers are with them all in the aftermath of this tragic disaster.

U.S. CONGRESSIONAL LETTER CALLS FOR RELEASE OF POLITICAL PRISONERS IN INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DOOLITTLE. Mr. Speaker, last month several of my colleagues and I sent a letter to Indian Prime Minister Atal Bihari Vajpayee calling for the release of political prisoners in India. So far we have received no response.

According to Amnesty International, thousands of political prisoners are being held in illegal detention without charge or trial. Several Sikh political prisoners wrote a letter from the Nabha Security jail on the Sikh Nation's 300th anniversary in which they urged Sikhs to get involved in getting them released. Some of these Sikh political prisoners have been held since 1984. Fifteen years in illegal detention without charge or trials is the tactic of a police state, not of the democracy India claims to be.

Our letter reminds the Indian leader that if India is going to proclaim its democratic principles, it should release all political prisoners and bring the police who have committed atrocities against the Sikhs to justice. If it does not, we should be ready to take appropriate action to deprive India of the privileges that accrue to democratic and friendly countries.

If India continues to oppress its minorities and hold thousands of political prisoners without charge of trial, America should stop aid and trade to the repressive Indian regime. In addition, we should support self-determination for all the nations and peoples of South Asia. This is the way to ensure that all the people and nations of South Asia may live in freedom.

Mr. Speaker, I would like to place the Congressional letter to Prime Minister Vajpayee into the RECORD.

WASHINGTON, DC,
July 30, 1999.

Hon. ATAL BIHARI VAJPAYEE,
Prime Minister of India, Chanakyapuri, New Delhi, India.

DEAR MR. PRIME MINISTER: We are very disturbed by a recent Amnesty International report that thousands of political prisoners are being held in Indian prisons without charge or trial. In a democracy, there should not be political prisoners.

In addition, a group of political prisoners held at Nabha Security Jail wrote to the Sikhs earlier this year asking for help in getting them released. There are thousands of Sikh political prisoners being held in India. Some Sikh political prisoners have been held since 1984 without charge or trial. How can a country that proclaims its support for democratic principles continue to hold political prisoners?

Human-rights activist Jaswant Singh Khalra wrote a report showing that tens of thousands of Sikhs were abducted, tortured, murdered, and declared "unidentified," then their bodies were cremated. After Mr. Khalra published this report, he was kidnapped by the police and they killed him six weeks later, according to a witness. The police responsible for this act have never been punished, despite a court order. Neither has Swaran Singh Ghotna, the police officer responsible for the torture and murder of Akal Takht Jathedar Gurdev Singh Kaunke, who was torn in half.

Mr. Khalra's findings were confirmed by a recently-issued report from the Committee for Coordination on Disappearances in Punjab, which issued an "interim report" that identifies at least 838 cases of arbitrary execution and secret cremation. These are not the acts of a democratic country.

As members of the United States Congress, we will be watching with interest the actions that you take. If these kinds of acts continue, we will be forced to consider cutting off American aid and trade to India. We expect a democratic state like India to live up to the principles of democracy and the rule of law.

Sincerely,

Edolphus Towns, Dan Burton, William Jefferson, Roscoe Bartlett, John T. Doolittle, Jack Metcalf, Sam Farr, George Radanovich, Eni Faleomavaega, Bobby L. Rush, James Traficant, Wally Herger, Gary Condit, Lincoln Diaz-Balart, Peter King, J.C. Watts, Donald Payne, Cynthia McKinney, Brian P. Bilbray, Major R. Owens, Bernard Sanders, Richard Pombo, Albert R. Wynn, Carlos Romero-Barceló, James Rogan, Duke Cunningham, Ileana Ros-Lehtinen, David McIntosh, Collin C. Peterson.

THE INTERCOUNTRY ADOPTION ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. POMEROY. Mr. Speaker, I am delighted to join my colleagues from both sides of the aisle today in introducing the Intercountry Adoption Act. By providing for the implementation of the Hague Convention, this legislation will help unite American families with waiting children from around the world.

For years, American families have reached across cultural and national boundaries to embrace children through international adoption. In 1998 alone, almost 16,000 children were adopted by Americans from abroad. By signing the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, the United States and over 60 other nations recognized the importance of international adoption. The Hague Convention creates a structure to strengthen cooperation among nations in adoption and protects adoptive families from fraud and abuse.

Although the United States signed the Hague Convention in 1994, Congress has yet to ratify and implement the Convention. The Intercountry Adoption Act, by providing for the enactment of the Hague Convention, would strengthen the process that builds thousands of international adoptive families every year. Our legislation sends a strong signal that the United States is committed to providing permanent homes for its own children and for children all across the globe.

Mr. Speaker, the Hague Convention promotes cooperation among national governments, but its most significant impact is deeply personal. My own family was forever changed and enriched by the adoption of our two children from Korea. I am profoundly grateful to have Kathryn and Scott in my life. The legislation we introduce today will allow me to express my gratitude by aiding efforts to unite every waiting child in every nation with a "forever family."

SPANISH PEAKS WILDERNESS ACT OF 1999

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. MCINNIS. Mr. Speaker, thank you for the opportunity to make additional remarks regarding the bill H.R. 898, the Spanish Peaks Wilderness Act of 1999, which I had the pleasure of introducing and sponsoring in Congress this year.

This legislation will give permanent protection, in the form of wilderness, to the heart of the beautiful Spanish Peaks area in Colorado. The bill is cosponsored by several of my colleagues from Colorado, including Mr. SCHAFFER, whose district includes the portion of the Spanish Peaks within Las Animas County. I am also pleased to be joined by Mr. HEFLEY, Mr. TANCREDO, and Mr. MARK UDALL of Colorado. I greatly appreciate their assistance and support.

Also, across the Capitol, Senator ALLARD has introduced an identical companion bill. I would like to extend my appreciation to the Senator for his active support of this worthwhile legislation. I would also like to thank Chairman YOUNG and Subcommittee Chairwoman CHENOWETH for their work in the Committee on Resources to get this bill through committee quickly and onto the floor.

Finally, I would offer a note of appreciation and thanks to the former Members of Congress whose efforts made today's legislation possible. First, approximately 20 years ago, Senator William Armstrong of Colorado began this worthwhile process by proposing wilderness in Colorado, and in 1986, Senator Armstrong proposed protected status and management for the Spanish Peaks. His efforts set in place the foundation upon which today's bill is built. Second, I would like to thank the former Congressman from the Second District of Colorado, Mr. Skaggs. Together, he and I introduced this legislation in the 105th Congress, which passed the House but due to time constraints did not pass the Senate. The efforts by both of these individual legislators helped make this bill possible.

The mountains known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks for native Americans as well as some of Colorado's other early settlers.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks. The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free-standing dikes and ramps of volcanic materials radiating from the peaks. The lands covered by this bill are not only beautiful and part of a rich heritage, but also provide an excellent source of recreation. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service originally reviewed and recommended the Spanish Peaks area for possible wilderness designation in 1979. The process since then has involved several steps, and during that time, the Forest Service has been able to acquire most of the inholdings within Spanish Peaks area. So the way is now clear for Congress to finish the job and designate the Spanish Peaks area as part of the National Wilderness Preservation System.

The bill before the House would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revisions that will exclude some private lands. I would like to note that Senator ALLARD and I have made significant efforts to address local concerns about the wilderness designation, including: (1) adjusting the boundary slightly to exclude certain lands that are likely to have the capacity for mineral production; and (2) excluding from the wilderness a road used by locals for access to the beauty of the Spanish Peaks. Senator ALLARD and I did not act to introduce this bill until a local consensus was achieved on the wilderness designation.

The bill itself is very simple. It would just add the Spanish Peaks area to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of that act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, I close my statement by thanking all of my fellow members for your time and by urging all Members of the House to support of passage of H.R. 989.

STUDENT PRIVACY PROTECTION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, as kids get settled in to school this year, I want to make sure that they and their parents are aware of a disturbing trend taking place on campuses across the country.

Companies are increasingly entering the classroom to acquire hard-to-get information about the purchasing preferences and personal habits of young people. They are doing this because kids aged 4 through 12 are the hottest market group being targeted by retailers and others.

The problem is, kids do not always know if they are divulging personal information, and parents may not know that their children are spending part of their school day teaching companies how best to target young people.

That is why I am introducing legislation today that will protect student privacy and parents' rights to information about their children's education.

The legislation would prohibit schools from letting students participate in various forms of market research at school without their parent's written permission. My bill also would require a broad study of commercial involvement in the classroom.

I am proud to have the support of Consumers Union and the National Parent Teacher Association in this effort. The PTA has been a leader in supporting efforts to improve educational quality and Consumers Union has been a champion of consumer' privacy.

I strongly urge my colleagues to join me in supporting this important legislation.

Normally, we do not think of privacy and educational quality as issues that overlap. But the fact that both these groups are here today illustrates how market research in schools touches upon a range of issues that concern diverse groups.

As you know, there is a growing concern over privacy in this country, where Americans are becoming increasingly aware of the fact that the benefits of new technology can also lead to a loss of control over personal, medical and financial information.

I hear about this concern all the time. I support efforts by my colleagues to restore the privacy protections most of us have taken for granted.

Another major concern that nearly everyone in California and the Nation is talking about is the quality of our young children's education.

For good reason, most Americans believe that our schools are not doing enough to prepare kids for the difficult challenges that lie ahead.

Educational quality and privacy concerns come together when private companies seek out the hotly contested youth market. Kids aged 4 to 12 directly spent more than $24 billion and influenced their parents to spend $187 billion in 1997, according to a Texas A&M study.

The classroom is fast becoming a preferred site to learn about student purchasing preferences because, "That's where the kids are," says Alex Molnar, director of the Center for Analysis of Commercialism in Education at the University of Milwaukee, Wisconsin.

According to the promotional literature for ZapMe! Corporation, a company that offers free computers to schools, "Children in grades K–12 are arguably the toughest audience for marketers to reach and quite possibly the most valuable . . . Pinpoint targeting of such an elusive audience is made possible via the most revolutionary educational medium in the world, the ZapMe! Knowledge Network." James Twitchell, author of ADCULT USA, for advertisers, said that when it comes to kids in schools, "It doesn't get any better. These people have not bought cars. They have not chosen the kind of toothpaste they will use. This audience is Valhalla. It's the pot of gold at the end of the rainbow."

Students should go to school to learn, not to provide companies an edge in a hot market. But increasing numbers of companies are targeting schools as the best place to learn the purchasing preferences of young people. Unfortunately, they can do this today without the permission of parents, and sometimes without the knowledge of the students themselves.

Parents have a right to know how their children are spending their days at school. If parents do not want their children to be objects of market research firms while in school, they should have the right to say no. My bill gives parents that right.

By requiring parental consent for a student to contribute to any market research in school, students and parents will be able to retain more control over how the school day is spent and will be able to make an informed decision as to whether to reveal personal information that private companies otherwise might not be able to obtain.

Existing school privacy laws only protect official records and research funded by the Federal Department of Education. Current law leaves a loophole for companies to go into classrooms to get information directly from kids without parental consent. This information is then sold to advertisers and marketers, who use it to target students.

Consider these examples of the growing trend of using the classroom to solicit personal information from kids for market research:

Kids in a New Jersey elementary school filled out a 27-page booklet called "My All About Me Journal" as part of a marketing survey for a cable television channel.

Elementary school students in Kansas answered marketing questions over the school computer.

Students in a Massachusetts elementary school spent two days tasting cereal and answering an opinion poll.

The ZapMe! Corporation provides schools with free computers but then monitors students' web browsing habits, breaking the data down by age, sex and ZIP code.

Students in Honolulu schools divulge extensive buying habit information to the private company that runs its SmartCard system. The cards are used as student IDs as well as a means to purchase school supplies, concession stand items and school lunches. Promotional arrangements are also linked to the card.

It is clear that companies have a powerful incentive to go into class to solicit information from kids. My legislation will ensure that parents retain the ultimate authority to determine if they want their kids to participate in this type of activity at school and thereby help protect the parent-child relationship.

By raising the issue of commercialism in the classroom, my goal is not to usurp local decision-making by schools, but rather to protect parents and students and encourage an informed discussion of all of the costs and benefits of these arrangements.

NORTH CAROLINA HURRICANE FLOYD DISASTER RECOVERY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. TOWNS. Mr. Speaker, I rise today to salute the courage and tenacity of the citizens of my birthplace, the great State of North Carolina. They have endured, over the last few days, one of our Nation's worse natural disasters: Hurricane Floyd. I also want to lend my support to their recovery efforts.

As fellow Brooklynite Jackie Robinson once resonated, "a life means nothing except for the impact it has on others." At this moment, we must all reach out and lend a helping hand to North Carolina.

Although the impact of Hurricane Floyd was felt from the Bahamas to New England, North Carolina has shouldered the brunt of the storm. Governor Jim Hunt of North Carolina reported that at least 10,000 people are in shelters, an estimated 1,500 people are still stranded, and that preliminary property damage figures may exceed $1.3 billion. The Federal Emergency Management Agency (FEMA) has predicted that this could be the most challenging recovery effort in the organization's history. Unfortunately, it has become painfully clear that Hurricane Floyd, combined with Hurricane Dennis, is shaping up to be the worst disaster North Carolina has ever witnessed.

So today I rise to say that this is not just a North Carolina problem; this is a national problem. We must all work together to ensure that the citizens of the great Tar Heel state fully recover from this unforgettable event.

That is why I will join with Congresswoman EVA CLAYTON of North Carolina and other members of Congress to send a legislative package that will provide further relief to the Hurricane survivors. I have also called North Carolina Governor Jim Hunt's office, which recently organized the N.C. Hurricane Floyd Relief Fund, to determine what other immediate assistance is needed. As we speak, thousands of people urgently need bottled water, non-perishable foods, clothing and bedding. For those who want to lend a helping hand, the donation hotline number is 1–888–786–7601.

Mr. Speaker, let us all take a moment out of our busy lives to remember North Carolina. To the citizens of North Carolina, I want you to know that you have my unwavering support. May God bless you.

MIDDLESEX COUNTY AMERICAN HUNGARIAN DEMOCRATS' 25TH SILVER ANNIVERSARY DINNER DANCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PALLONE. Mr. Speaker, on Sunday, September 26th, the Middlesex County, NJ, American Hungarian Democratic Organization will be holding its twenty-fifth Silver Anniversary Dinner Dance at the Victorian Manor in Edison, NJ. I am proud to pay tribute to this exciting event and the great organization behind it.

The highlights of the event will include the presentation of the Anthony M. Yelencsis Memorial Citizen Award to Steve J. Yelencsis, brother of former Mayor Anthony M. Yelencsis of Edison, the founder of the Middlesex County American Hungarian Democratic Organization. The award will be presented by Anton Yelencsis, Tony's son.

The Anthony M. Yelencsis Memorial Scholarship Award is presented to high school graduates of Hungarian lineage who exhibit excellent scholastic achievements and other distinguished activities and service during their school years. This year, the award will be presented to Valentine S. Tarr by his uncle, Steven Tarr, the Chairperson of the Scholarship Committee.

In addition, the Distinguished Service Awards will be presented to Helen R. Gottlieb, Middlesex County and Edison Democratic Vice-Chairwoman by Dr. Thomas H. Paterniti, Edison Chairman, and to Edison Councilman William A. Kruczak by Edison Councilman Peter J. Barnes III for their contributions to the community and to the organization.

Mr. Speaker, the Hungarian-American community in Middlesex County is one of the largest in the Nation. The members of this community continue to make their mark on the community in numerous ways. When Hungarians left their homeland for the promise of America, particularly in response to the imposition of Communist tyranny, Middlesex County was one of the major areas that provided a home and a sense of hope for the future. The Hungarian immigrants and their sons and daughters, in turn, have contributed mightily to the growth and development of Central Jersey through their hard work and commitment to family and community.

While Hungarian-Americans have become an integral part of the larger American community, thoughts about the great Magyar motherland are still in their hearts and minds.

Fortunately, we live in very exciting and hopeful times for the development and renewal of the Hungarian society and the steady improvement of U.S.-Hungary ties. It's hard to believe for some, impossible to forget for others, that just a few years ago the people of Hungary were trapped by the harsh realities of the Cold War, which they did not create but which nonetheless dominated their existence.

Hungary was a leader among Central European nations in establishing a democratic system, before the fall of the Berlin Wall. In the last decade, Hungary has steadily transformed itself into an independent, democratic, market-oriented society, integrated into Europe and the international trading network, a member of NATO and a serious candidate for membership in the European Union. Unlike other areas of Europe where ancient hatreds have been allowed to fester, Hungary has worked to repair damaged relations with its neighbor Romania. Hungary, in particular among its neighbors, has shown an impressive degree of stability. Even during the Cold War, Hungary worked very hard against tough odds to establish itself as a society independent of Soviet domination in certain key political and economic spheres, and was granted Most Favored Nation status by the U.S. in 1978. Free and fair elections and a proliferation of political parties allow Hungarians of all viewpoints to participate in society. Even parties affiliated with former Communists maintain a commitment to maintaining integration with Western institutions.

A sister-city relationship has been established between New Brunswick, the county seat of Middlesex County, and Debrecen, Hungary, an arrangement to benefit the people of both communities. Developing business partnerships between New Jersey and Hungary will be good for business on both sides of the Atlantic, creating jobs and providing an increased flow of, and access to, goods and services. It's also good for peace and stability, removing the shadow of fear and suspicion that so often got in the way of U.S.-Hungarian relations during the bad old days of the Cold War.

I also want to pay special tribute to Hungary for its contributions to NATO in the operations in the former Yugoslavia, and in taking in refugees from those terrible conflicts. The instability in many of the surrounding lands will continue to test the ability of the new Hungarian democracy to be a force of stability. I am confident that democracy, civil and human rights and a healthy growing economy will triumph in Hungary, given the strong character, values and traditions of the Hungarian people and the help and support from the United States and other Western democracies.

To the leaders and members of the Middlesex County American Hungarian Democratic Organization, I say, Kosonom! (Thank you) and Egeszsegere! (To your health).

TRIBUTE TO LA AGENCIA DE ORCI AND ASOCIADOS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to a new business which is locating and office on my Congressional District. La Agencia de Orci and Asociados, is one of the most successful Hispanic owner and operated advertising agencies in the United States and I pay tribute to them for their vision and commitment to better serve the needs of the Hispanic/Latino and other communities.

Established in 1986, in Los Angeles, California, La Agencia de Orci and Asociados opened offices (today), in Chicago, Illinois at 401 N. Michigan Avenue to better provide service to its clients in the Midwest and throughout the Country. The people and the business community of Chicago, unique in their diversity, will greatly benefit from La Agencia's innovative marketing philosophies such as "Share of Heart." Acknowledged as 1998, Established Business of the Year by the Latin Business Association, La Agencia clients include Allstate Insurance, American Honda, Bell Atlantic, Hormel Foods, Ricosito Corn, Shell Oil and Washington Mutual.

This tribute is to recognize and honor the individuals who have demonstrated leadership, volunteerism and dedication. La Agencia de Orci Partners, Hector Orci and Norma Orci, founders and co-chairs, Roberto Orci, President, and Marlene Garcia, Executive Vice-President are committed to their industry leadership. La Agencia was instrumental in forming the Association of Hispanic Advertising Agencies (AHAA) with Hector Orci elected as its founding President. Actively engaged in building relationships with organizations in meaningful ways, La Agencia consistently develops solutions that make a positive difference for individuals and communities throughout our country.

La Agencia and their 83 agency associates actively participate in cultural and civic programs by providing award winning probono advertising to the United Way, Mexican American Legal Defense and Education Fund (MALDEF). The National Association of Elected and Appointed Officials (NALEO). Census 1990 and 2000, and the Children's Bureau of Southern California.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to La Agencia de Orci as they continue their extraordinary commitment to the community. They have earned and deserve our recognition, respect, and praise.

HONORING MR. JEROME COHEN, SOUTHTOWN COUNCIL 1999 AMERICAN CITIZEN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor a legendary Kansas Citizen and extraordinary friend, Mr. Jerome Cohen. This week Jerry Cohen will be recognized as the Southtown Council's 1999 American Citizen for his historic record of civic service and volunteerism. This philanthropy and devotion to our community is an extraordinary model for all of us to follow. It is often said that Jerry's life is the consummate 20th Century Horatio Alger's story. He created a successful business and then focused on charity and helping those most in need. This tribute acknowledges his amazing capacity to give and the monumental impact he continues to have in our community.

Annually, the Southtown Council nominates an outstanding leader whose efforts greatly serve the area. This year's beneficiary of their American Citizen award, Jerry Cohen, is no exception. Born to Lithuanian immigrant parents and equipped with a strong work ethic, Jerry Cohen built a prosperous modern copier and business machine enterprise. Our community recognizes his friendship and an amazing six decades worth of charitable support to organizations like the Mayor's Christmas Tree Fund, the Starlight Theatre, the Shriners, the Liberty Memorial, the Parks and Recreation Department, the American Humanics Foundation, and the Boy Scouts of America.

The Southtown Council was created by businesses, organizations, neighborhood associations to address the community concerns of Southtown Kansas City specifically from 47th to 75th Street and Prospect to Main Street. The Southtown Council has a 17 year record of philanthropy and is committed to the public development of South Kansas City. Mr. Cohen's involvement as a civic and business leader supports the Council's remarkable success and mission to preserve the priceless legacy not just of Southtown Kansas City but of the Greater Kansas City area as well.

I take great pride in knowing Jerry Cohen as a friend and mentor. Mr. Speaker, please join me today in congratulating Jerry Cohen as a model American Citizen.

THE DAKOTA WATER RESOURCES ACT OF 1999

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduce a revised version of the Dakota Water Resources Act of 1999. The bill I introduced today makes important changes to legislation I introduced earlier this year, H.R. 1137. In addition to technical clarifications, the vast majority of these changes represent the culmination of an agreement reached between the state of North Dakota and the Administration which lead to the Administration's support of the bill. I want to highlight the key items of agreement incorporated into the bill that I am introducing today.

First, this improved Dakota Water Resources Act provides $200 million in funding for statewide municipal, rural and industrial (MR&I) program, a $100 million reduction from H.R. 1137. Further, the bill clarifies that if a MR&I revolving loan fund is established, the funds will be treated as federal funds, therefore requiring compliance with federal laws such as the National Environmental Policy Act (NEPA). Additionally, the bill today removes the $40 million in authorized funding for the replacement of the Four Bears Bridge across an arm of Lake Sakakawea on the Ft. Berthold Indian Reservation contained in H.R. 1137.

The bill also includes a provision to ensure the interests of Canada are met. Prior to the construction of any water delivery system to deliver Missouri River water into the Hudson Bay Basin, the Secretary of Interior, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided.

Further, the State of North Dakota would be required to pay a pro-rata share of the operation, maintenance and replacement (OM&R) costs on existing principal supply works, including associated mitigation, based on a percentage of capacity use. Secondly, the state would pay 100 percent of OM&R on all new facilities with the exception of facilities required to meet treaty obligations or those for compliance with Reclamation law. Further, the state would be required to pay for all energy costs to authorized facilities.

Finally, the bill eliminates the provision in H.R. 1137 which linked the full funding of the Natural Resources Trust to the completion of the Red River Valley project.

Mr. Speaker, the Dakota Water Resources Act today represents a broad consensus among various interests across the state of North Dakota and the Administration. I believe that the changes made today further improve the bill and will ensure that we are able to meet North Dakota's future water needs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 23, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 28

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on Parkinson's disease research and treatment.
SH-216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine public ownership of the United States stock market issues.
SD-538

Commerce, Science, and Transportation
To hold hearings on the nomination of Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation; the nomination of Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation; and the nomination of Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board.
SR-253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the proposed fiscal year 2000 budget request for the General Services Administration and the Courthouse construction program.
SD-406

10:30 a.m.
Foreign Relations
To hold hearings to examine the disarray in the international community, focusing on facing Saddam's Iraq.
SD-419

2 p.m.
Judiciary
Youth Violence Subcommittee
To hold hearings to examine effective juvenile intervention programs.
SD-226

SEPTEMBER 29

9 a.m.
Small Business
Business meeting to consider proposed legislation regarding women owned businesses.
SR-428A

9:30 a.m.
Indian Affairs
To hold hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes.
SR-485

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on S. 1501, to improve motor carrier safety.
SR-253

Environment and Public Works
To hold hearings on pending calendar business.
SD-406

10 a.m.
Joint Economic Committee
To hold hearings on biotechnology issues.
SH-216

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.
SD-366

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine national technical information services issues.
SR-253

SEPTEMBER 30

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the Administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle.
SR-328A

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on S. 1130, to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.
SR-253

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.
SD-366

OCTOBER 6

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR-328A

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR-485

OCTOBER 7

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR-328A

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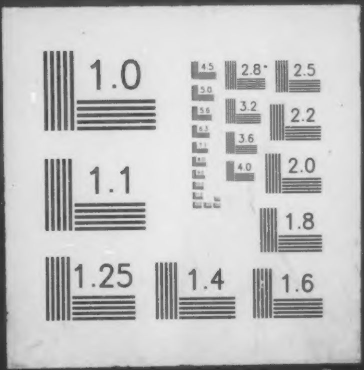
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